

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

Volume II  
TESTIMONY

BOOK 9

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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 9**

**GARROW  
GIBSON  
HEALEY  
HRUDA**

**LIND  
MAGNO  
MC CRARY**

**MESSINGER  
MOYS  
MURPHY**

**14 MARCH 1970**

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SUMMARY OF TESTIMONY

WITNESS: GARBOW, Christopher D. CPT

DATES OF TESTIMONY: 6, 7, 9 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: 174th Aviation Company.

1. ACTIONS ON THE 15TH.

He did not recall flying BARKER and other officers over the operational area on the 15th (pgs. 63, 64). Had he done so he thought he would have remembered it (pg.64).

2. THE ASSAULT ON MY LAI.

a. Actions in the early morning.

The witness flew 9.6 hours on 16 March and served as copilot on Lieutenant Colonel BARKER's C&C ship (pgs. 2-4). He did not see any incoming artillery rounds, nor could he recall seeing gunships strafe the area (pgs. 4, 5, 9). However, he remembered something said about there being no restrictions on doorgunners (pg. 44). They orbited overhead, watching the slicks make their approach (pg. 4). He did not follow the actual operation of the troops on the ground after the insertion (pgs. 5, 6). The witness heard over the radio that a Shark gunship killed two VC suspects and marked their location with smoke (pgs. 6, 8, 46). BARKER helped get troops into the area (pg. 12). A call was received that people were moving out of the village down Highway 521 (pgs. 8, 48).

(GARBOW)

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He did not remember BARKER making body count transmissions to the TOC (pg. 47). He could not remember receiving a transmission from Warlord Alpha leader about dead Vietnamese (pg. 74).

b. Actions at the second LZ.

While GARBOW did not remember BARKER arranging an artillery preparation for the second LZ, he did remember the insertion of B Company at an LZ to the northeast (pgs. 10, 49). He could not bring to mind a discussion of the number of lifts required for the insertion (pg. 49). In fact, the C&C ship dropped yellow smoke to mark the spot where the lead slick was to set down (pgs. 10, 51, 52). He did not remember whether the slicks made a go-round because the artillery prep was not lifted in time (pgs. 10, 11, 51). After this an O-23 reported finding a mortar tube on Hill 85. This later turned out to be only mortar rounds (pgs. 9, 10, 53, 59, 61).

c. Return for refueling.

GARBOW had only a hazy recollection of refueling at LZ Dottie (pg. 54). He did not know if he dropped BARKER off at the VIP pad or the refueling pump (pg. 55). He vaguely remembered BARKER saying that he would drop in to the TOC to bring those people up to date (pg. 55). Although he was not certain, he surmised that this occurred around 0830 (pg. 55). He did not recall seeing or talking with Warrant Officer COONEY, HENDERSON's C&C ship pilot, at the helipad (pg. 58). He did not remember shutting down the aircraft (pg. 59). If the aircraft was shut down they could have been on the ground for 20 to 30 minutes (pg. 59).

d. Further actions that morning.

(1) Generally.

He did not recall another C&C ship in the operational area segregating individuals from a large group (pg. 11). He did not remember any conversations between BARKER and higher headquarters (pg. 11). He did not see slicks from the 123d make an approach to Hill 85 (pg. 11). He did not recollect hearing casualty figures

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from the ground units (pg. 12). He did not recall the CG of the Americal Division coming into the area (pg. 13). He did not remember BARKER meeting with more senior officers of the division (pg. 27). He seemed to remember flying a reporter and a photographer from the My Lai (4) area to the vicinity of the second LZ (pg. 29). GARBOW could bring to mind no instance of BARKER being upset by information he received from the TOC (pg. 41).

(2) Medevac of wounded GI.

He did not remember making a medevac to LZ Dottie at 0930 (pgs. 16, 17). However, he did recall dusting off a Negro soldier who was wounded in the foot (pgs. 17, 18). He could not remember if BARKER was aboard the helicopter at this time (pg. 18). GARBOW made his approach from the east and landed in a rice paddy just south of the tree line on the edge of the village (pgs. 17, 18). The village was smoking at this time (pgs. 17, 21). After he landed he remembered seeing a pile of at least five bodies to his right front, 30 yards away (pgs. 19, 20, 39). The group was composed of women and children (pg. 20). These were the only bodies he saw (pg. 21). He did not see any other helicopters in the area as they took off (pg. 40).

e. Actions in the afternoon.

(1) On the beach.

He remembered landing on a beach east of Pinkville on the 16th (pgs. 24, 25). Swift Boats were offshore (pg. 25). A number of civilians were picked up and probably flown back to LZ Dottie (pg. 25).

(2) At LZ Dottie.

He did not recall seeing a lieutenant general at LZ Dottie in the afternoon (pg. 27).

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3. INQUIRIES AFTER THE ASSAULT.

He did not remember a conversation about a large number of casualties, and he did not hear about a dispute between air and ground personnel (pgs. 40, 41). GARBOW did not recollect BARKER saying or doing anything that made him think BARKER knew about Vietnamese casualties (pg. 80). He did not talk with BARKER about it and knew of no one who did (pg. 80). He could not remember BARKER ordering the ground forces to stop the shooting or killing (pg. 81). He heard nothing about an investigation of the operation (pg. 81). He did not feel that the casualties he saw warranted an investigation (pg. 82).

4. OTHER INFORMATION.

a. The witness described the layout of LZ Dottie (pgs. 13-15, 54).

b. He thought the operation on the 16th was his first experience in working in a C&C aircraft with a battalion commander conducting a combat assault (pg. 45).

c. After hearing LEWELLEN's tape the witness thought he remembered making a dustoff at BARKER's direction approximately a quarter mile west of the beach (pg. 50). This was on the 16th (pgs. 50, 74). He did not remember how many people he picked up (pg. 50).

d. He normally flew the C&C ship at an altitude between 1000 and 2000 feet (pg. 61).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-11	Miscellaneous Scene	Wit did not recall scene.	18
P-12	Miscellaneous Scene	Identified LIND's crew chief. However, soldier being evacuated	18, 22,
		did not look familiar.	23
P-13	Miscellaneous Scene	Wit could not specifically remember area.	29
P-17	Miscellaneous Scene	Wit could not specifically remember area.	29
P-28	Miscellaneous Scene	Terrain did not look familiar.	72
P-39C	Miscellaneous Scene	Wit could not specifically remember scene.	38
P-41C	Miscellaneous Scene	Did not look like same stack of bodies witness saw.	38
P-195	Miscellaneous Scene	Wit identified as photo of My Lai.	76
P-203	Miscellaneous Scene	Wit identified as LZ Uptight.	77
P-204	Miscellaneous Scene	Wit could not recognize area.	77
P-206	Miscellaneous Scene	Wit recognized as area of 2d LZ.	77
P-207	Miscellaneous Scene	Wit recognized as area of 2d LZ.	77

(The hearing reconvened at 1645 hours, 6 February 1970.)

LTC PATTERSON: The hearing will come to order.

RCDR: The following persons are present: Mr. MACCRATE, LTC PATTERSON, and MAJ LYNN.

Sir, the next witness is Captain Christopher D. GARBOW.

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

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

A. Christopher Dean GARBOW, , Hunter Army Airfield, Savannah, Georgia.

LTC PATTERSON: Captain GARBOW, have you read the preliminary information and instructions (Exhibit M-57)?

A. Yes, sir. I have.

Q. Do you understand them?

A. Yes, sir. I do.

Q. Do you have any questions concerning what is covered in those instructions?

A. No, sir. I do not.

Q. I'd like to introduce Mr. Robert MACCRATE on my left. Mr. MACCRATE is a lawyer from New York City who has consented to assist the Secretary of the Army and the Chief of Staff and specifically General PEERS in the conduct of the investigation of the Son My incident as it's now called. Mr. MACCRATE, of course, will ask you questions or can ask you questions just as I can.

Would you state for the record, Captain GARBOW, when you arrived in Vietnam and to which unit you were assigned?

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A. I first arrived in Vietnam at the 90th Replacement Battalion in Bien Hoa. I believe it was 14 February 1968, and I stayed at Bien Hoa awaiting transportation up to Danang where I was assigned to the 16th Group. I arrived at Danang on approximately 19 or 20 February, and was assigned further on down to the 14th Battalion and to Chu Lai on approximately 22 February 1968. I was further assigned down to the 174th Assault Helicopter Company in Duc Pho sometime around the 22nd. The 21st or 22nd I was assigned and arrived in Duc Pho at the 174th.

Q. When did you start to fly with the 174th?

A. The next day, sir. I believe this would be the 23rd if my memory serves me correctly. My flight records indicate that this is the first day I flew in Vietnam. I did fly the next day after reporting into Duc Pho.

Q. Do you recall the type of mission which you flew in the early part of your tour, the first 10 or 15 days?

A. Just standard policy, sir, to give each incoming pilot as many varied type missions as possible when he first comes into Vietnam to try to build up his experience. I flew such things as command and control, resupply, and just a general type mission, also some combat assaults.

Q. Have you checked your records for the amount of time you flew on 16 March 1968?

A. Yes, sir. I have.

Q. How much time did you fly?

A. 9.6 hours.

Q. Is there any indication in your record as to the type of mission you flew on 16 March?

A. No, sir. Other than the fact that it was termed combat such as all missions are in Vietnam.

Q. Was the entire period of 9.6 hours termed combat?

A. Yes, sir. I believe it was as far as the records show.

Q. Do you know Colonel Frank BARKER, or did you know Colonel Frank BARKER?

A. Yes, sir, I did. I worked with him several times in the capacity as pilot of his command and control helicopter. I really had no personal contact with him.

Q. How many times did you fly C&C with him?

A. Somewhere in the order of a half dozen times.

Q. Right after your arrival in country Task Force Barker participated in an operation north of the Song Tra Khuc River, the Quang Ngai River as you know it I presume, in an operation in and around Pinkville. Several American casualties were taken during this operation. Do you recall anything about this operation or hearing about it?

A. What was the date of this, sir?

Q. In the latter part of February.

A. No, sir, not really. There was some talk that prior to my arrival in the company itself there had been quite a bit of activity out there. The rest of the time I was in Vietnam this entire area was known as being a rather rough area, that is, enemy contact and mainly booby traps; heavily mined, booby traps, and this sort of thing.

Q. Did you fly with Colonel BARKER in and out of LZ Dottie?

A. Yes, sir. I did.

Q. Do you recall the specific operation of 16 March 1968 when Task Force Barker combat-assaulted into the My Lai - Pinkville area?

A. Yes, sir. I believe I do.

Q. Would you tell us what you recall of that operation on 16 March. What you were doing?

A. Yes, sir. To the best of my knowledge I've been able to piece together, I was serving in the capacity as "peter pilot"

or copilot for Colonel BARKER's command and control helicopter on that specific day. Do you want me to start from the beginning?

Q. Just what you recall now. Do you recall, on this operation that you flew C&C for Colonel BARKER on the 16th? What time of day did you pick him up?

A. No, sir, other than it would be early in the morning, very close to first light. Most operations of this sort start either right before daybreak or right at daybreak.

Q. Do you recall specifically picking him up?

A. Not that specific day, no, sir. I couldn't give you an exact time. I could say positively without a doubt before 8 o'clock.

Q. The company record indicates that your combat assault of a company, C/1/20, part of Task Force Barker, took place at 0730 hours in the morning just west of what is known as My Lai (4). Do you recall being on station in the command and control helicopter during this lift?

A. Yes, sir. I do.

Q. How do you recall it? What do you recall of it?

A. I can remember now being in the command and control helicopter, orbiting overhead, watching the slicks make their approach. I'm sure the gunships prepared the LZ, but I do not remember that. I do remember watching the aircraft, the slicks, approach with the troops to the LZ.

Q. Were there a large number of slicks or a small number of slicks?

A. For that type of operation, I guess it would be average. We never really flew formations of more than 10 ships. I can only recall one or two operations that we had that involved more than 10 aircraft.

Q. Was this a large formation or a small formation, or do you recall?

A. Somewhere around, I'd say, three Vee's of three, which would be nine aircraft, something along this order.

Q. Do you recall what direction they were approaching the AZ from?

A. No, sir. I do not specifically remember.

Q. Or their direction of landing?

A. No, sir. From what you told me earlier I know now, but I did not know that before you told me.

MR MACCRATE: Had you been on a combat assault mission before that day?

A. Yes, sir. I had. I believe my second day flying we had a small combat assault that was actually an extraction. This was my first combat assault.

Q. You had an extraction on about 24 February?

A. Yes, sir. That would be correct.

LTC PATTERSON: Do you recall seeing the artillery or being involved with the artillery for the first assault into the My Lai (4) area on 16 March?

A. No, sir. I cannot recall the artillery. I know there was artillery from what we talked about earlier, but prior to that I did not actually remember. I mean there obviously must have been artillery, an artillery prep, but I did not remember the actual fire.

MR MACCRATE: You have no personal recollection of this?

A. No, sir.

LTC PATTERSON: Well, after the slicks landed, do you recall what you saw or what you heard immediately thereafter as far as the C&C was concerned?

A. After the slicks left, I really didn't. I don't remember anything concerning the actual operation of the troops on

the ground that were airlifted in. I do remember one of the gunships, a shark gunship from the 174th, finding two Viet Cong suspects, at that time suspects. They were shot, and the shark gunship itself popped smoke and asked the infantry troops to move over and pick up some of the equipment that these two Viet Cong had on their person.

MR MACCRATE: Before we go on with the operation, can you recall who was flying with you that day?

A. When Colonel PATTERSON first asked me, sir, I could not. But through various other types of information, we've been able to find out it was Warrant Officer LIND that was flying with me that day.

Q. You have no specific recollection of talking with him or associating him with that day in any way?

A. No, sir. I've been trying to think of something.

Q. Had he been in country longer than you?

A. Yes, sir. He had. How much longer, I'm not really sure.

Q. I gather this was the first time that you'd actually flown in with an assault as the troops were landing or coming in?

A. You mean the first time I'd been in a command and control chopper during a combat assault?

Q. Yes. Do you remember being in that position before? You mentioned the extraction.

A. Yes, sir. I was actually in one of the ships that time, one of the slicks in the extraction. I can't remember if I'd been in a command and control helicopter prior to that date or not.

Q. Do you remember who was traveling with Colonel BARKER? Did he have several people traveling with him? Did he have a radio operator?

A. He usually had members of his normal staff that would

normally fly with him. I don't recall who was with him on that specific day. No, sir. His sergeant usually flew with him. On occasion he would bring along a small, portable FM radio, PRC-25, but I cannot recall on that date whether he did have one of those radios on board or if he did have other people on board. I'm sure he must have, but I cannot remember any specific people.

Q. Do you have any recollection of Colonel BARKER's driver, not being on the plane that day, but do you have any recollection of his driver?

A. No, sir. I don't. His driver always used to drive him up from the TOC.

Q. Because it's our information that on this particular day, his driver went on the operation. He was out winning his combat infantry badge that day, and therefore you wouldn't have seen him I assume around the command and control ship. I wonder if this might have occasioned any comment that you might associate with the day.

A. No, sir. I can't remember the specific driver. I'm sure if his normal driver was out he must have had another driver for that day. I really wouldn't think I would notice any difference.

Q. You have no recollection of whether he had one, two, or three people flying with him that day.

A. No, sir.

LTC PATTERSON: Did you usually, on the times you flew Colonel BARKER, go to LZ Dottie and shut down?

A. First thing in the morning, yes, sir. We would fly in, usually call up his TOC on their FM frequency, tell him that we were on the pad, and ask them if they wanted us to shut down or if they wanted us to keep it hot for an upcoming mission. We'd always call in though to make sure what they wanted us to do.

Q. Do you usually shut down?

A. Yes, sir. Usually I'd have to say we would. I can't really remember.

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Q. Colonel BARKER could have arrived this morning in an MP jeep, red light on it, perhaps being driven by an MP with an MP armband.

A. I don't know if I would remember that or not. I know definitely what a military police jeep looks like. Whether he arrived in one I just can't remember.

Q. You indicated that you recall the Sharks engaging a couple of Vietnamese and dropping smoke.

A. Well, going back up, sir, I remember hearing this on the radio. I actually did not see it.

Q. You heard it on the radio?

A. Yes, sir.

Q. You did not see it?

A. No, sir.

Q. What else do you recall as an initial impression of what you heard or saw immediately after the lift? Did you see any groups of people or large groups of people?

A. Yes, sir. We did after we received a radio call, or Colonel BARKER actually received a radio call. People were moving out of the city, the village, and moving down this Highway 521.

Q. Did you see them yourself?

A. I cannot recall, sir, if I did or not. I'm trying to get this straight in my own mind, and I cannot actually remember seeing these people.

MR MACCRATE: Would you have been tuned in on the same frequency that Colonel BARKER was on at all times?

A. Yes, sir. To the best of my knowledge our one FM radio onboard the aircraft which we used. Colonel BARKER was using the same one, so it would have been tuned to the same frequency.

Q. And with whom could he have spoken?

A. The frequency we were on was his command and control frequency to the best of my knowledge, and this would be the frequency that each one of his subordinate elements would be tuned to.

Q. So he could talk to his company commanders and they could speak back to the TOC at LZ Dottie?

A. Yes, sir. He did, of course, have an SOI with him. He could get a frequency of a specific platoon. He did have that capability.

Q. And when he got a platoon in that way, would you have been on that line with him, too?

A. Yes, sir. In fact we would have been the ones up in the front of the cockpit that would actually change the frequency for him.

Q. You would have done the switching?

A. Yes, sir.

LTC PATTERSON: Do you recall seeing any gunships firing early in the lift operation?

A. No, sir. I do not.

Q. Do you recall the second lift coming into the same LZ in the vicinity of My Lai (4)?

A. No, sir. I don't.

Q. Do you recall hearing anything with reference to any activities going on in the vicinity of Hill 85?

MR MACCRATE: Do you recall where Hill 85 is?

A. Yes, sir. Colonel PATTERSON already pointed it out to me on the map. I believe it was during this particular operation that Colonel PATTERSON reconfirmed what I thought, that they had found a mortar tube on top of this hill. As it turned out, it was actually mortar rounds on top of this hill.

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Q. But they thought they had found a mortar tube at first.

A. Yes, sir. This is from a radio call I'm sure. I later found out. I did not remember how they had disposed of these rounds. They had brought in an explosive ordnance detachment to blow the rounds in place.

Q. This was from the 123d Aviation Battalion?

A. Yes, sir. One of their O-23's is the aircraft that found the mortars.

LTC PATTERSON: Do you recall Colonel BARKER in your ship arranging for the artillery preparation for a second LZ?

A. No, sir. I do not actually recall this at all.

Q. Do you recall a second LZ being used in the lift, a combat assault going into a second LZ?

A. Yes, sir. I do. The second LZ was a little different from the first. It was a dry area as opposed to the wet rice paddy of the first LZ and it was further to the northeast. I remember this LZ because I do remember making the marking run and dropping yellow smoke on the LZ to mark the spot that we wanted the lead ship of the slicks to set down so the troops would get off in the right spot.

Q. Why do you remember that marking run?

A. I think the reason I remember it is because at the time I thought it was too low. I later through experience realized that this was not too low. It was a normal occurrence, but at the time I did think it was too low.

Q. Do you recall any difficulties with the slicks getting in on that particular lift to that particular LZ?

A. There was talk or it was mentioned that the artillery did not get lifted in time or it did not lift at the proper time, and the slicks had to make a go-around. I can remember this happening on two or three times in Vietnam, that slicks did

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have to make a go-around before they could go into the LZ because the artillery hadn't been cut off in time. But whether this was that particular day or not, I don't recall.

MR MACCRATE: Do you remember hearing Colonel BARKER and possibly one of the other unit commanders in conversation about that?

A. No, sir. Not specifically I don't.

Q. Do you remember any complaints about the artillery?

A. Whenever that does happen there are complaints. Whether it was on that specific day--

Q. (Interposing) But you don't remember any specific complaint?

A. No, sir.

LTC PATTERSON: Do you remember any episode involving another C&C ship in segregating individuals from a large group?

A. No, sir. I don't really. You told me about that. That's all I know about that.

Q. Do you remember hearing any higher headquarters contacting Colonel BARKER?

A. No, sir, not specifically. I'm sure they must have. I don't remember any specific radio calls.

Q. Do you remember seeing any of the Warlords, 123d slicks, making an approach to Hill 85?

A. No, sir. I do not.

Q. Do you remember going to refuel on the morning of the 16th?

A. No, sir, not that specific morning. Whenever we worked up in that area, we always refueled at LZ Dottie. I'm sure we must have, but I don't remember.

(GARROW)

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Q. Now, let's go back to your marking round. If you can picture yourself making the marking run, do you remember the actions of the ship after the marking run, where you went or what you did? Did you watch the landing?

A. I just can't remember, sir.

Q. Do you remember hearing any transmissions between Colonel BARKER and any of the ground elements, specifically Charlie 6 or Bravo 6?

A. Not right offhand, sir. I believe that he was concerned about the statement I made earlier, about the gunships shooting the two men and wanting them to come over and pick up the equipment. He was in on this conversation, trying to coordinate a little bit. That's the only specific one that I can remember.

Q. Do you remember hearing any casualty figures being sent up from the ground units?

A. No, sir, none whatsoever.

Q. Do you remember making any dustoff, medical evacuation, on 16 March?

A. I'm not really sure about this, sir. I remember flying into the Ky Ha medevac pad which is up at Chu Lai. I cannot remember on this specific day if I was flying with Mr. LIND or not, the day I'm talking about, going into the pad. The reason I remember this one day is that whoever was flying in let me fly back out. When I went to take off, I neglected to roll the throttle back up to operating RPM. When I pulled up on the collective to lift the aircraft back off its skids and get airborne, of course, we were still at flat idle, and the sound and light or low RPM warning came on. That sticks vividly in my mind because the pilot in command grabbed the control. It was simply something I overlooked on my part. But this is why I do remember that one specific instance. Now, if this was on 16 March, I really cannot remember if it was.

Q. Was anybody else in the ship with you?

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A. Other than the normal crew, sir, I cannot remember. We did bring someone in, a wounded GI.

Q. A GI?

A. I can't remember if there were one or more than one.

MR MACCRATE: Do you have any recollection of the commanding general of the Americal Division coming into the area that morning and hearing on the radio that he arrived at LZ Dottie?

A. No, sir. I do not. I don't remember any general officer coming in at all.

LTC PATTERSON: Did you usually land at the VIP pad there at Dottie?

A. I'm not sure which one you mean. If I remember correctly there was a refueling pad here. The road came up something like this. The TOC was down here, and the VIP or the pad we always landed at was right here, that being in a northerly direction.

Q. Well, let me show you Exhibit O-4, which is a schematic drawing of LZ Dottie. This is Route 1 over here.

A. Yes, sir.

Q. And the north orientation is as you have it there.

A. I don't remember.

Q. Can you point out the refueling pad?

A. If I'm not mistaken, the fueling pad was at the southern end.

MR MACCRATE: You have down here along Highway 1--

A. (Interposing) Penaprime area--

Q. (Interposing) An area where you would have the combat assault leaving from there. Then you have the command post up here on the hill. Can you place--

(GARROW)

A. (Interposing) This is not as I remember Dottie at all, sir. For one thing, when I was there, I don't recall any guns at all on the southern end of Dottie. There, of course, was a bunker line. I assume these are 105's or higher type calibers.

LTC PATTERSON: Well, they might not have been there exactly that day. What about the CP pad, two helipad areas?

A. I don't ever remember this helipad here.

Q. Where did you refuel at Dottie?

A. At this end.

Q. The southern end?

A. Now, I'm not sure exactly what the boundary of Dottie was. There was a raised-up area. I remember the pilots always complained about it because it was elevated, and especially heavy gunships. When they took off, there was about 2 or 3 feet of concertina wire over the edge of this elevated refueling area, and they were always afraid they were going to catch a skid on it when they took off. And, as I remember they finally did simply mowed the concertina wire down. And, as I remember, the refueling pad was at the end of the southernmost end of the LZ. I don't remember an FDC here. Now, there was a small, little shack here that the men that you worked with for resupply and who were working at Dottie stayed in during the inclement weather. They had a small radio in there, and you would call him when you were inbound. He would use his radio also to call the troops that you were taking a resupply of material, to alert them that you were on your way.

Q. Where did you land to pick up your resupply?

A. Well, if I can use this labeled FDC, if I can use this shack to mean the small, little shack the men stayed in, it was right on the edge of the refueling pad. In other words, this shack would have been somewhere right here. Later on, I believe it was after 16 March, they established a rearming point, cased rockets and minigun ammo for gunships, so they could rearm here instead of having to return all the way to Duc Pho, Quang Ngai, or to Chu Lai.

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MR MACCRATE: Do you remember the van of the 123d Aviation Battalion there at LZ Dottie?

A. The van?

Q. Yes.

A. What type van?

LTC PATTERSON: Probably a two and one-half ton truck with a regular van, a mobile van. It was not a removable van body. It was built onto the truck.

A. Like a signal van.

Q. That's correct.

A. No, sir. I do not remember that.

Q. We have reason to believe that on this day, 16 March, the rearming point was, in fact, set up.

A. I may have my dates wrong, though. On the other hand, they could have brought in ammo just for that specific date. But this rearming point that I am speaking of was set up to be a permanent type rearming point that was used not only by the 174th gunships, but by any other gunships that were supporting them.

Q. Well, we assumed that you, in fact, were in the C&C aircraft that day. What time would you, to make a 7:30 LZ time, have departed Duc Pho?

A. That's hard to say, sir. It would have been well in advance of the CA. You're talking about the LZ time or the PZ time?

Q. LZ time.

A. LZ time?

Q. Yes, 7:30. The PZ time would be somewhere about 7:15?

A. Yes, that's right. Well, I can't give an exact time,

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but it would be well in advance of that LZ time.

Q. Could you give it to me within one-half hour?

A. I would only be guessing, but I'd say it would be generally within 45 minutes to a half an hour, depending on how much prior coordination has to be done.

Q. Okay. Let's assume then you were to take off somewhere around 6:30 or 6:45 in the morning. Is that a reasonable assumption or a reasonable guess?

A. Yes.

Q. How much fuel did you carry onboard for a C&C mission, not in pounds, in time?

A. Time. For a C&C mission you could usually carry more than if you were on a lift mission. I wouldn't know exactly, 2 hours probably.

Q. Physically then, you would have had to refuel after approximately 2 hours of flight time?

A. Yes, sir, approximately.

Q. If you had flown your aircraft continuously from the time you took off at Duc Pho, what is the latest time that you could have refueled at LZ Dottie?

A. Somewhere around 8:30. Now, it's possible and it is sometimes done, that if the mission required, you would simply fly until your 20-minute warning light comes on. I can't remember this actually happening that day.

Q. Captain, we have reason to believe that Colonel BARKER, on 16 March, made a medevac pickup somewhere just to the west of Pinkville itself. The unit on the ground marked with smoke, and the C&C ship that Colonel BARKER was in flew in and picked up three wounded. Timewise, this was about 9:30 in the morning. Colonel BARKER decided that rather than him proceeding on to the medevac pad at the hospital, he would be dropped off at LZ Dottie for reasons of a meeting or for some other reason,

and the ship then and the crew would carry the medevac with the wounded on to the hospital and return to LZ Dottie. Do you recall any such incident?

A. Not specifically, sir. I'm trying to piece together information. I feel, myself, that this one medevac I spoke of earlier up to Ky Ha pad was with Mr. LIND. But I cannot actually remember. I can remember making dustoff pickups in that general area quite a few times.

Q. We have reason to believe that there was a dustoff requirement about 1030 in the morning 16 March which involved a colored soldier who was shot in the left foot, not seriously. It wasn't critical. He was alive and well, but he was shot. Do you recall?

A. Now that you mention that he was shot in the foot, I remember something of this, because he had to be carried on down. His foot was shot up but, like you say, not real bad. It wasn't nice to look at. The more I think about it, when I spoke to you earlier about landing to the south of the village in question - -

Q. (Interposing) Do you recall landing south of the village?

A. Yes, sir. I do. I do remember landing to the south.

Q. I'd like to just pursue this for a moment now. Do you recall making the approach for a dustoff or for the landing to the south, or thinking about the situation on the ground or thinking perhaps about going into somewhat of a hostile area?

A. I remember, the village was still smoking at this time.

Q. Was the village to your left or to your right after you were on the ground?

A. As I remember it would have been on the aircrafts, left side, although I'm not sure of this. It seems to me that we made our approach to the east.

Q. To the east?

A. It would have been into the rice paddy, just south of the tree line on the edge of the village.

Q. Do you remember when you touched down whether you were on hard sand, or, in fact, in the rice paddy?

A. It seems to me that we were in a rice paddy, but I'm not sure about that at all.

Q. Do you remember anyone being on board, any passengers? Was Colonel BARKER with you, for instance?

A. I tried to think about that too, sir, but I can't remember. Now that you mentioned this man being shot in the foot, I do remember that.

Q. Do you remember him being colored?

A. Yes, sir. It seems to me he was colored. Once again, I cannot be absolutely sure about that.

Q. You indicated that whoever you dusted-off there was being carried out to the aircraft?

A. Yes, sir.

Q. Did one man bring him out? Do you recall?

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

Q. I'd like to show you Exhibit P-11. You might want to take the photo out of the acetate.

(The witness did as requested.)

A. No, sir. It is my recollection that at this particular time we were in a shallow rice paddy with dikes around it. I'm not sure. Seeing this picture, I can't remember particularly seeing this. It appears to be a plowed field.

Q. I'd like to show you photograph P-12. I'd like you

to especially look at the crew chief.

A. Yes, sir. I think I recognize the outline of his face. He wore a clear plastic glass. I believe he has it on. I don't recall his name, but he was Mr. LIND's normal crew chief who normally did fly with Mr. LIND.

MR MACCRATE: Can you recognize Mr. LIND? It's a rather indistinct picture of the left-hand seat.

A. If you told me it was Mr. LIND knowing that, I could probably take his facial features.

Q. It is not inconsistent with - -

A. (Interposing) Right, sir. But if you just showed me this picture, I don't think I could say that is Mr. LIND.

Q. We recognize that it is not a very distinct image in the picture.

LTC PATTERSON: What do you recall, or do you recall seeing anything on the day that you dusted-off an individual south of the village?

A. I remember distinctly seeing bodies piled up.

Q. In what relation to your helicopter? Did you see them on your approach or after you were on the ground?

A. I think I initially saw them after we had actually set down. They would have been to the right front.

Q. If you landed to the east as you indicated, they would have been to the southeast of your position?

A. They would have been more in an easterly direction than south. They were in front of our aircraft but off to the right, to the south.

Q. Why do you remember seeing bodies? What makes you recall them?

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A. I guess it was because it was the first time I really seen any casualties, at least this number.

Q. What was the number?

A. I couldn't give you an exact figure, but I remember they were piled up. There were more than--gosh, I don't know. They were stacked up.

Q. Would you estimate how many? Can you make any kind of an estimate?

A. Actually, more than five. It would have had to have been more than five to be gathered in any kind of a stack at all. I remember seeing them because when we took off they weren't right on the side of the aircraft as I remember.

Q. Did you make any kind of determination in your mind as to their age or sex?

A. I remember seeing some women there and children. How many I don't know, or what I thought were women and children.

MR MACCRATE: How far ahead of the aircraft were these bodies when you were down on the ground?

A. I don't know, sir. I'm not very good on judging distance, somewhere in the neighborhood of 30 yards or something around this.

Q. About 100 feet away, maybe 200 feet?

A. Yes. I wouldn't say they were much over 100 feet. Now, once again I'm not positive at all, sir.

Q. And you say that you did take off in that direction and so whatever you saw you had an opportunity to observe closer as you took off?

LTC PATTERSON: Do you recall seeing any other bodies on your approach or departure, or while you were on the ground?

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A. No, sir. Those were the only bodies I saw.

MR MACCRATE: Was the village smoking badly at that time?

A. I don't know if I could really say how much smoke was coming out of the village. It was more than smoking. You would see if there were cooking fires going. There was quite a bit of smoke.

Q. Did you have a clear view over to the other side of the aircraft? If you were going out on the south side of the village heading east, and you were flying in the right seat, as you looked across the village, I realize it would be an obstructed view, but were you aware that there was smoke over on that side which obscured the end of the village?

A. No, sir. Of course the wind would have been the factor here, and I don't remember which way the smoke was blowing that day. The wind was blowing the smoke.

LTC PATTERSON: Well, let's analyze this a little bit from the technical aspect. Why did you decide to land to the east?

A. It would have been because of the wind.

Q. Would it always have been that case?

A. No, sir. In this case if the wind would have been out of the north, let's say, we probably would not have approached that way because of the trees.

Q. You don't remember the smoke, which way it was blowing?

A. No, sir. I don't.

Q. Do you remember on your approach on in to the dust-off that you had pretty good vision as far as your flight path was concerned?

A. Yes, sir. I don't remember the smoke being a factor in our visibility into that one landing area.

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Q. You don't remember it being a factor in setting up an approach into that landing area?

A. By that, of course, we could have used the smoke to determine wind direction. Like I say, I don't recall at all which way the smoke was blowing and if we did use it.

Q. How about the smoke from the smoke grenade that probably marked your touchdown point?

A. Yes, sir. This is what normally would be used both to mark the position for landing and to give you an indication of wind direction.

Q. Do you remember seeing that smoke?

A. I don't remember them throwing it or seeing it or anything.

Q. You'll notice photographs P-12.

A. Yes, sir. I see it.

Q. What is that object?

A. It appears to be a smoke grenade.

MR MACCRATE: Captain GARBOW, I assume you did have a chance to see the soldier that you were evacuating at that time and possibly if you saw him head-on you'd recognize him. This scene would have been taken presumably before you touched down as he was being moved on the ground prior to being brought out to the aircraft--

A. (Interposing) This is not the LZ area there.

Q. That is not the immediate LZ area but it would be, possibly, the individuals who carried him out to the aircraft and it would be the wounded soldier who was evacuated at this time.

A. No, sir. None of those faces look familiar at all.

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Q. Do you think you would be able to recognize the face of the individual whom you evacuated?

A. No, sir. I doubt it.

Q. So that this could be the individual, but you're just unable to identify him?

A. Yes, sir.

Q. I see.

A. I was looking also at the bandage trying to remember how his foot was bandaged. I can't remember, but it seems to me that he still had his boot on and the boot was ripped, but this could have been another case.

LTC PATTERSON: Did you fly with your doors on or off on your helicopters, Captain GARBOW, or was it a policy within your unit? Did you have a policy with reference to your doors?

A. The doors, if they were still attached to the aircraft, had to be locked with a safety and pin in the open position.

Q. That's the big doors?

A. Yes, sir, the big cargo doors. The doors you're talking about are--

Q. (Interposing) Either one.

A. On some of our aircraft on a CA we would take the small cargo doors off because it would facilitate the entry and exit of the infantry troops out of the aircraft. Mr. LIND's ship, if I'm not mistaken, was fairly new. He was proud of it, as was the crew chief, and would get very upset if somebody would bump into one of his doors or otherwise make it unusable.

Q. The small doors or the big doors you're talking about?

A. Well, anything really. Anything on the aircraft that happened to it.

Q. Can you tell me anything about the condition of the aircraft in P-12?

A. Yes, sir, the main cargo door is off from the aircraft. They're open. I believe you can make out the safety pin that does lock the door in an open position. The small cargo doors on both sides of the aircraft are on the aircraft and secured in a closed position.

Q. Can you indicate anything about the age of the aircraft?

A. It's a newer Delta model because of a roof-mounted PO tube. I don't see any painted over spots or anything on the aircraft. The exterior looks to be in good condition. One other thing I just noticed. It was a policy for us to paint the company numbers on the door, and on the tail boom we painted a white band, actually it was a three-colored band, white on both outsides and a blue band in the center. It was the identifying color of our aircraft. Now, it could be that this is a new ship and we had not had time to paint on the door. This is what makes me think it was a new--

Q. (Interposing) We would like for you to look at the condition of the gun mount on P-12. Can you tell about whether or not people have tramped across that gun mount?

A. Yes, sir. But that's not really an accurate judgment of the aircraft's age because the gun mount usually does not come with the aircraft. Sometimes you will get an aircraft that does have gun mounts on it.

Q. To fly 9.6 hours as you indicated you did on 16 March, you would have had to have been kept fairly busy. Do you recall any other landings in this area or perhaps over on the beach?

A. I recall one landing, sir, on the beach. Whether it was on this specific day or not, I don't actually recall.

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I have reason to believe that it was on this day because we had been operating along the beach directly about where that sign says My Lai, Pinkville, and along that general outer line.

Q. You're talking about to the east of Pinkville itself?

A. Yes, sir. The swift boats were offshore. It seems to me we landed, or if it was on this one day we did land, and picked up several civilians and loaded them onboard the aircraft. It was memorable because of the number of civilians, the number of people who were put onboard the aircraft. It was quite a few. It was probably something like 10 or 12, maybe even more, South Vietnamese, small children as well. So the weight factor wasn't as really bad as it would have been if you would try to load, say, 12 Americans onboard.

Q. Where did you take these people?

A. I do not recall, sir. I would assume we would have taken them to Dottie. It seems to me we took them to Dottie. I don't remember.

MR MACCRATE: Why were you evacuating the children?

A. I don't know the specific reason, sir. I can remember landing on the beach and picking them up. Now even if it was on this specific day, I can't even remember that.

Q. Had they been interrogated there? Was there an interpreter present? Do you remember any of the circumstances of who was with them, who brought them onto the aircraft, and who accompanied them?

A. I'm trying to think, sir. I honestly have to say that I don't remember.

Q. You just remember an unusually large group of Vietnamese with some children among them being lifted from the beach area.

A. And it was right on the beach. Yes, sir.

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Q. You have no picture of them at the other end getting off and dispersing or being led someplace by anyone in particular?

A. No, sir. I do not.

LTC PATTERSON: Do you know Mr. COONEY?

A. Yes, sir. I do know Mr. COONEY.

Q. Mr. COONEY indicates that he was flying Colonel HENDERSON on this day, the C&C for Colonel HENDERSON.

A. Yes, sir. Mr. COONEY was the standard pilot for command and control for the 11th Brigade CO. In fact, his aircraft was kept apart from the rest of our company aircraft although it was one of our company aircraft. His ship was fitted with a command console that would allow him to carry, I'm speaking of the brigade commander now, two FM radios with him so he could operate or listen to more than one frequency at a time. It was quite a hassle as I remember, because I was avionics detachment commander at the time. Whenever this ship had to go down for maintenance, it would be just about an all-night job trying to move this console to another ship so that the brigade commander would have his console for the next day's mission in a different ship.

Q. Do I understand that the 11th Brigade didn't have organic Huey's?

A. Yes, sir. They did. But I believe it was one of our ships that he actually flew.

Q. I'd like for you to think back now. On any of the times that you flew C&C for Colonel BARKER, do you recall being on the ground and talking to Mr. COONEY at any particular time?

A. No, sir. I do not.

Q. You don't recall landing your ship or landing the C&C ship that you were flying at any given time and seeing

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COONEY's ship, the brigade commander's ship, and something telling you that the brigade commander was where you were also?

A. No, sir. I don't remember this. You mentioned earlier there was some time during the day when all the C&C ships were there together. If this was the case I did, no doubt, see Mr. COONEY, but I do not remember.

Q. Do you recall at any time when you were flying Colonel BARKER on any one of the missions that you recall, Colonel BARKER meeting with or engaging in conversation with or going to meet somewhere any one of the more senior officers within the division?

A. No, sir. I recall nothing of this.

Q. Do you recall seeing a lieutenant general at any time in the afternoon of 16 March in the vicinity of LZ Dottie?

A. No, sir. I do not.

Q. When you flew C&C for Colonel BARKER, did you also perform other missions on the same day such as dustoff or resupply or anything along this regard, or were you strictly C&C?

A. Yes, sir. Occasionally, if one of his subordinate echelons out in the field needed something of an urgent nature-- I remember one particular case where an outfit needed some batteries for their PRC-25 radio, and we used the C&C ship for that mission. Several other times individuals would like to go from one point to another, and the C&C aircraft would go on missions, not particularly with Colonel BARKER on board. Perhaps his S3 would go along. It would still be a C&C type operation but without the actual commanding officer on-board.

Q. References these batteries, do you remember that mission?

A. I remember doing it. We also carried out such things as microphones that would be possibly damaged, things of this sort.

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Q. Do you remember where that mission was?

A. The batteries? It seems to me we did that one for the 1/6.

Q. I see. Not for Colonel BARKER.

A. No, sir. I think it was for the 1/6, down at the LZ. I looked up in my notes. I was trying to think of that colonel's name. It was Colonel FRANKLIN.

Q. We also have reason to believe that somewhere around 1130 in the morning, Major CALHOUN, with a southern accent, went onboard the C&C aircraft and took it down from Dottie down in the area of My Lai very briefly and turned around and came right back. Perhaps didn't even get all the way to My Lai or the operational area.

A. Did Major CALHOUN smoke cigars, sir, or do you know?

Q. I don't know.

A. I just said that because there was one of Colonel BARKER's subordinate officers did smoke cigars, and I think they were probably the worst smelling cigars I've ever smelled in my life. This is why I mentioned this. On occasion, this man when he took the aircraft would bring these cigars and it was sort of a running joke, you'd have to fly with your aircraft out of trim to keep the wind circulating through the cargo doors to keep the smell of cigar smoke down. This was simply a joke, it wasn't done in practice. Now whether this was the particular man, I have no way of recalling.

MR MACCRATE: We have some photographs here of people you will recognize. This will at least refresh your recollection as to how Major CALHOUN appeared. You would see him in fatigues.

A. Yes, sir. No, sir, the man I'm thinking of, I can't remember his facial features, but I can remember that he had more hair than that. Of course, he could have been wearing his hair longer in Vietnam.

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Q. Do you recognize anyone else on there?

A. I'm looking at Colonel HENDERSON, sir, but I don't think I would recognize him. I don't know. I remember flying one day in his command and control ship, the one with the command console. I remember flying for whoever was the brigade commander that day. This also was with Mr. LIND, that particular day's mission. I don't know if it was Colonel HENDERSON or not, sir.

MR MACCRATE: Do you remember Captain KOTOUC? He was the S2 of the task force.

A. His face looks familiar, sir, but I don't remember his name.

LTC PATTERSON: We have reason to believe that someone went in and picked up a couple of photographers and reporters or a photographer and a reporter, picked them up in the vicinity of My Lai (4) and moved them a short distance over into the vicinity of the second LZ area.

A. That sounds familiar. That sounds very familiar, sir.

Q. Do you remember the type of area where you landed, or if this were you do you remember that area? Dry or wet?

A. No, sir. I don't.

Q. Were there people around?

A. I don't remember, sir. Just the idea of picking up photographers or somebody of this nature does ring a bell.

MR MACCRATE: Well, I show you P-17 which is a photograph that we understand was taken by the photographer as he was lifted off the ground, and ask you if that looks like anything you recall having seen.

A. That could be so many places like I have landed in the past.

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Q. This would have been early in your tour now. Remember, it was in the first month.

A. Right, sir. You'll remember also from my records, sir, that I left the 174th in May. I got approximately, I don't know what my records would show, I think it was some 200 hours. And after that, I didn't get very many more hours at all. When I moved up as the battalion signal officer, I really didn't get as much experience as say a normal slick pilot would have gotten if he'd stayed with an assault helicopter company the whole time. I cannot say for sure. Let me say this, I don't recognize this specific area.

LTC PATTERSON: Perhaps on landing they might have been seated on a bank watching the approach. I will show you photograph P-13 which we believe is the area right along in here. This individual is the individual there. This one is this one and so on.

A. I am trying to find the other man holding the plotting chart. I don't see him.

Q. Well, he'd be back down over here. Orientation of the picture would be that these people on this dyke would be coming out this way.

A. It looks to me like this man is this man. No, that can't be right.

MR MACCRATE: The man with his elbows behind his head is located right there.

A. The helmet's on his knee. Yes, sir.

Q. Yes. Then the Vietnamese is next to him and then the man without his helmet and then the man closest to the camera in P-13 is the one to the extreme right. The others whose faces you cannot see have drawn back as the helicopter takes off.

A. Once again, I just do not remember the specific place.

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Q. Did you ever meet Captain MEDINA?

A. Never met him as to be introduced to him. I can remember a person talking on the radio with a Spanish accent. I'm sure it was Captain MEDINA since I've seen him on TV and interviews with various people on TV. This is the person that I'd seen in Vietnam. At that time I did not know his name was Captain MEDINA.

Q. Did you ever see that individual out on an operation that you can recall?

A. Yes, sir. I can remember working with him a few times.

Q. This individual has been indentified to us as Captain MEDINA, the one who is pointing at the camera or pointing at the liftoff.

A. I cannot specifically remember working with Captain MEDINA on that particular day.

Q. Do you have any recollection of the code names which was used on that day?

A. No, sir. But I remembered them when Colonel PATTERSON mentioned them. Coyote was the headquarters callsign.

Q. And the numbers would indicate the units of the task force.

A. Yes, sir. This was not the last time. Later on because I was battalion signal officer, I was in charge disseminating and making SOI. The callsign system was drastically changed. I can't remember what the month was. Of course, they were normally changed over a period of time simply to keep the enemy from associating numbers and names, call signs with people. A 6 was always the commanding officer. A 1 would be the S1, 2 the S2, and so on down the line. This was changed giving nonsense-type names usually two-letter--two-word callsigns with in most cases two digits. In other words the CO might be something like 98 so that the enemy could not know that 6 was going to be the CO. I do remember one

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other callsign that Colonel PATTERSON made me remember was the swiftboat's, Sane Drake. I believe that was the call sign.

Q. Do you remember the callsign of the brigade?

A. Brigade? You mentioned it earlier, sir, but I've forgotten it already.

MR MACCRATE: Do you remember the callsign of the commanding general of the Americal Division?

A. No, sir. I do not.

Q. Did you use a 1:50,000 map as you were flying or did you use a pictomap?

A. Usually 1:50,000 or 1:25,000. The normal type map we did use was the 1:50,000, I believe.

Q. I'd like to show you pictomap 1:25,000 (MAP-4). Are you comfortable with that map? You'll notice Route 1 is just off to the left edge of the map. At the very bottom there you see the Quang Ngai River, Song Tra Khuc.

A. Yes, sir.

Q. We're talking about Uptight to the north of the Quang Ngai River.

A. If I can find Uptight. I'm not sure. One of these two hills was Uptight.

Q. Okay. I'd like to go through the operation now in as much detail as we feel we know it and at least as far as you're concerned as an aviator and perhaps as the C & C pilot for Colonel BARKER, with the hopes that maybe the facts as I relate them to you, as we believe they occurred, can refresh your memory even more. We're attempting to pull information from you that we recognize is old, it's been some time ago. We have reason to believe the lift was a nine-ship lift and the 174th Aviation Dolphins were the lead, furnished the lead and furnished a goodly number of aircraft for the

nine-ship lift but not all of them. And on the morning of 16 March about 0645 hours, the slicks departed Duc Pho. It would be an assumption on my part, but it would seem that the C&C aircraft would have left prior to the slicks.

A. Yes, sir. It would have.

Q. And that if you were C&C, you would have been at LZ Dottie when the slicks arrived at LZ Dottie, somewhere in the vicinity of 0705, 0710, 0715 hours. The Dolphins were joined at LZ Dottie by some Rattlers and perhaps en route to Dottie by a Primo aircraft from the 11th Brigade.

A. Yes, sir. I remember one Primo did support us. They usually gave no more than one ship. They had two Hueys I believe.

Q. It's an assumption on my part, but it seems like you were in a place where you could have seen or at least recognized that the Dolphin aircraft arrived at the PZ. Probably you took off prior to the time that the Dolphins took off. It's an assumption on my part but because of the timing involved as we understand it from records the Dolphins probably did not shut down but went to flight idle.

A. Yes, sir. This would be standard procedure for that time frame.

Q. The artillery preparation for the LZ, first LZ, was fired out of LZ Uptight located at coordinates approximately 728851. The gun-target line was almost due south, a little southwest, into an area just to the west of what's identified on your map as the hamlet of My Lai (4).

A. Yes, sir.

Q. The slicks in Vee's of three, three Vee's, nine slicks, joined at altitude over somewhere in the vicinity of Route 1, southbound, linked up with the two Sharks which had been overhead, orbiting over Dottie waiting for the slicks to pull off. And the C&C aircraft would have been in the pre-operational area getting the artillery going and firing into the LZ area itself.

But the formation of slicks approached from the south to the west side of Hill 85 and landed in the open rice paddy immediately west of My Lai (4). It was preceded by the two gunships, one on each flank of the formation, suppression runs. The ships touched down and the doorgunners were firing, permission having been received from Colonel BARKER. There was no mark. The request for a mark or the information was relayed from Colonel BARKER to Dolphin lead, asking if he needed a mark, and Dolphin lead replied: "Negative mark required, I see the artillery."

A. I don't remember that actual request. Neither do I remember making a marking run.

Q. The slicks departed, cold LZ, and the Sharks made an orbit generally in a clockwise fashion. It started to make orbit and picked up a couple of VC suspects, males to the north of the village of My Lai. I show you an aerial photograph (P-1). We feel that the two Vietnamese were somewhere in the northern part, the open area just to the north, this being the LZ. They engaged them by doorguns, relatively low level in slow tight circles one of the ships, and marked with smoke in an attempt to get the ground troops that were securing the LZ out to police up the gear. The ground troops were holding at this time because the second lift was going to come in in a few moments and they were going to secure the LZ. The Sharks then went south and engaged a lone individual and had some trouble locating him, but it was to the south of the LZ in an area just across or to the south of Highway 521 in a tree line. While this was going on, the Warlords, Company B of the 123d, was on station, having arrived a little late, indicating at about the time LZ was going that they were going to be a little late into the area. They were only late by 3 or 4 minutes perhaps. But they had discovered something worth firing at on the northern--north-eastern edge of Hill 85 and were making gun runs, rocket and minigun passes, from northeast to southwest along the northern edge of 85. The second lift touched down about this time. Time was now about 0751 hours in the morning. And as they departed on the second touchdown, one of the Dolphins replied that there was some fire taken from one of the villages. Colonel BARKER questioned this indicating that it wasn't hot, then getting a confirmation. Right after the second lift went in when the activity of at least two people being segregated by the Warlord element somewhere to the southwest on 521 began.

So we have no reason to believe that Colonel BARKER or the C&C was anywhere where they could have seen this operation, but another C&C aircraft did become involved and did in fact pick up two Vietnamese males. The second LZ had been planned for a later time, which was moved up because of the availability of nine such aircraft for the lift, making insertion of C/1/20 west of My Lai a much quicker operation than originally planned because of the additional aircraft. We have reason to believe that Colonel BARKER cranked up the artillery out of LZ Uptight and started the LZ prep for the second LZ sometime right after 8 o'clock. In fact, the first rounds fell about 0811 hours in the morning. Colonel BARKER indicated a planned touchdown in the second LZ for 0815. The artillery did not get shut off in time, the ships did have to make a go-around, and for their final insertion Colonel BARKER's ship did make a marking run. We believe according to our evidence that the mark was yellow. Two lifts went into this particular LZ which was just to the southeast of Pinkville as we know it in a dry, open field, LZ cold. Right after the lift we have reason to believe that Colonel BARKER in his ship went back to LZ Dottie. Time wise, it was sometime after 0830 hours in the morning.

A. Low on fuel.

Q. Fuel was about exhausted and the ship would have returned for needed fuel. We know that Colonel BARKER was back airborne at 0855 hours in the morning which would have made this refueling operation at Dottie a quick operation, but not extraordinary so.

A. No, sir.

Q. There would not have been time to shut down. We also have reason to believe that while Colonel BARKER's ship was refueling, Colonel HENDERSON's aircraft came in and refueled, either behind or beside, and it is possible that Colonel BARKER and Colonel HENDERSON did see one another. At any rate at 0855 hours Colonel BARKER was again airborne and talking to his ground elements. The information concerning the landing of the Warlord element on top of Hill 85 and the mortar rounds was taking place at this time. In addition, Bravo 6 requested from Colonel BARKER permission to fire his mortars.

Bravo element was the second LZ element in close proximity to Pinkville and he desired to fire his mortars onto the peninsula to his east. Coyote 6 gave him permission to fire. Bravo also at this time had a requirement for a dustoff, and the dustoff requirement was just in the area immediately west of Pinkville proper. This dustoff was accomplished by a medevac ship, number 252. The swift boats were also engaged at this point in time off the coast and their mission was blocking any seaward movement. The mortar rounds found on Hill 85 were blown and there was considerable discussion over the air by several sources, Warlord, Coyote 6, Colonel BARKER, and the Sharks concerning the large number of evadees on 521 going to the southwest and also some coming out of the north-northeastern part of My Lai (4). The Sharks even identified these people to the effect that they were men, women, and children. The Sharks had gone off station at about 9 o'clock to refuel themselves. They were back on station at 0915 or 0920 when the call for a dustoff again came from Bravo 6 element. Colonel BARKER decided to make the dustoff himself in his own aircraft, and on a mark after the area was secured another dustoff was made from the immediate area of Pinkville by Colonel BARKER and his aircraft. We believe three wounded were brought aboard.

A. May I interrupt, sir?

Q. Yes.

A. Was Captain MEDINA in the immediate vicinity of that medevac?

Q. No. Captain MEDINA was the commander of the company in the My Lai (4) area. This medevac was made by Colonel BARKER in his aircraft while he was aboard. En route back or en route after departing from the dustoff, taking off from the dustoff site, Colonel BARKER decided to have the aircraft drop him off at Dottie and the aircraft proceed on with the wounded to the hospital, evac hospital. Colonel BARKER departed the aircraft at Dottie. We have reason to believe that at this point in time General KOSTER had arrived and was present at Dottie. His ship could have been refueling or it could have been shut down on the VIP pad. Colonel HENDERSON's aircraft we feel was also present at LZ Dottie at this time. However Colonel BARKER's

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C&C went on, deposited the wounded, came back, and requested instructions from the Task Force Barker TOC, Coyote 65. It received instructions to land and shut down.

A. Excuse me, sir. Was this dustoff that Colonel BARKER's aircraft made, the C&C aircraft, did they go in fact to the medical receiving station on Ky Ha pad at Chu Lai?

Q. We believe they did. The events after this time frame now put us about 0950, 10 o'clock in the morning when the C & C aircraft arrived back at Dottie. At about 1020 or very shortly thereafter there came a call for another dustoff. And a dustoff aircraft, the slick you saw in the picture, not a medevac ship was dispatched to the field from the TOC at LZ Dottie to pick up the wounded colored soldier with the shot left foot. This occurred somewhere in the vicinity of 1020 or 1030 hours.

A. Was this pickup to the south of My Lai (4)?

Q. We fell that that pickup was made from this area right here.

A. No, sir. I remember going in somewhere to the south of the village but I could not pinpoint it exactly - -

Q. (Interposing) Because of the orientation of the photographs that you looked at of the individuals coming out from the rear of the picture to the aircraft, from the southern edge of the village to the aircraft, with the aircraft facing to the left in the picture indicating facing to the east.

A. Yes, sir. I agree with that.

Q. The events after this time are a little hazy, but somewhere around 1130 Major CALHOUN went out and climbed in the airplane and took this short flight that I mentioned earlier. He got down almost to My Lai (4) and turned around and returned.

A. Without landing?

(GARROW)

Q. Returned to Dottie and landed.

A. He just flew out and came back.

Q. Right. Do you recall his landing there? We do not know whether he did or not.

A. No, sir. I was asking you to see if maybe this would jog something in my head, but I don't remember.

Q. Anything that I've covered here, do you seem to recall any of it?

A. Yes, sir, bits and pieces. I have to go on what I stated earlier. I don't think you mentioned anything new that we hadn't covered earlier.

MR MACCRATE: I'd like to show you four pictures that have been marked Exhibits 31C, 38C, 39C, and 41C, and ask you if in your flight on this day in Colonel BARKER's C&C you recall seeing any scenes such as these.

A. That particular scene, no, sir. Wasn't this publicized? I think I saw it somewhere.

Q. Which one are you looking at?

A. At 39C.

Q. Yes. I believe that has been.

A. I do not remember, sir. I'm trying to remember if 41C is the same stack of bodies that I remember seeing when we did come in and land south of My Lai. I don't think it is. It seems to me that the bodies I saw were orderly stacked, not just like they've been thrown in a pile like these appear. I don't think that's the same. It could be, though I don't think it is, to the best of my knowledge.

Q. Well, can you fix in relation to the road along the south side of the hamlet about how far south of the hamlet line you think you saw the pile of bodies?

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A. We landed, as I recall, fairly close to the tree line, somewhere in this general vicinity. As I stated earlier the bodies were to the right front of the aircraft so they would have to been, judging from the scale of this photograph, about halfway between the tree line of My Lai the south end of My Lai, and this small a hedgerow or whatever.

Q. The small tree line below the rice paddies.

A. Yes, sir. They were approximately equidistant from either side.

Q. Were they on a road or other pathway?

A. I can't recall. As I stated earlier I remembered landing in a rice paddy. Apparently I did not. They were not in water, they were on dry land.

Q. Well, there are rice paddies immediately adjacent to the area where you might have landed in various directions so that you could have found solid footing for the aircraft and at the same time been very close to a rice paddy.

LTC PATTERSON: Do you recall seeing any friendly forces when you made this medevac on which you saw these bodies to your front as you departed or do you recall overflying any friendly troops?

A. I remember troops in the area. Whether we overflew them or not I could not say, sir.

Q. On your departure do you recall the general flight path? You were light probably so there wasn't concern about power. I assume you were not flying.

A. I don't recall, sir, if I was flying or not.

Q. Do you recall clearing or any other aircraft in the area, any necessity to clear your flight path?

A. Not any other reason other than would be normal, just as you do all the time, really.

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Q. Well, do you recall seeing aircraft?

A. No, sir. I don't.

Q. Taking notice of any other helicopters in the area?

A. I don't remember any other aircraft in the area.

Q. Or after achieving some altitude do you recall looking down and seeing any friendly troops or helicopters anywhere else?

A. No, sir. I don't. It seems strange to me that this was the first time I'd actually seen casualties. I can't remember making any statement to that effect. I can't remember that evening talking about it as I think I probably would have. This bothers me a little bit that I can't remember that.

Q. Do you recall after anyone of the operations that you were involved in talking about casualties or large number of casualties or incidents that occurred?

A. Yes, sir. Simply I guess as a matter of pride, gunship and slick doorgunners when they did kill an enemy and it was confirmed to be an enemy, talked about it afterwards.

Q. Do you recall any conversation about large numbers of casualties not necessarily killed by the aircraft but killed by some other means?

A. No, sir, not on this specific evening. No, sir.

MR MACCRATE: Do you have any recollection of hearing any time during this day of an unusual incident between one of the OH-23's of the aero-scouts and the ground element? Any story of a helicopter pilot having had some sort of a dispute with the ground forces?

A. No, sir. Correct me if I'm wrong here, but I believe his name was Warrant Officer THOMPSON.

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Q. Well, I'm not asking you about what you've recently read. What I'm asking you to do is think back to anything you may have heard at that time as you were listening on the radio of the aircraft or anything that you may have heard after you got back to LZ Bronco that night about a warrant officer having complained about the action of the ground forces or having landed and having extracted civilians from in front of the ground forces?

A. No, sir, nothing at all. As I stated earlier, it seems odd to me that there would not have been any talk about that. I don't recall any talk along that nature at all, either of an incident such as you described or as pertaining to large amounts of civilian casualties. I do not recall any conversation whatsoever.

Q. Well, you're trying to think back and against what you heard in the meantime wonder why you didn't hear it at an earlier time. But I'd rather you try and think of that what you did hear and anything that may have been unusual at that time that possibly you wouldn't have connected with any large number of killings, but something that was unusual in the flight operations of the day.

A. No, sir. I recall nothing of that sort.

Q. Do you have any recollection of Colonel BARKER in the course of this operation being engaged in any sharp exchange in any sharp exchange with the TOC or anything of that sort, where he was talking to the TOC and getting some kind of report that may have upset him and asking for more information?

A. No, sir. I do not, and I've thought about this prior to today. I can remember nothing along those lines.

Q. Well, we do have a tape of some of the air traffic that day, of the communications, and I'm going to suggest Colonel PATTERSON sit down with you and let you hear the tape and see if any of this refreshes your recollection as to things you may have heard that are not caught on this particular tape but relate to what is on the tape. We will recess at this time.

(The hearing recessed at 1835 hours, 6 February 1970.)

(The hearing reconvened at 1130 hours, 7 February 1970.)

LTC PATTERSON: The hearing will come to order.

RCDR: The following named persons are present: LTC PATTERSON and MAJ LYNN.

Captain GARBOW, you are reminded you are still under oath.

Have you listened to the tape recording (Exhibit M-20)?

A. Yes, sir, I have.

Q. Did the tape recording help you to recall any of the activities of 16 March 1968?

A. Yes, sir, it did. It brought quite a few things to mind that happened that particular day.

Q. All right, would you start at the beginning. I instructed you to make notes with reference to information that could help you recall any of the events or people. Would you start at the beginning of your notes and indicate for the record what you think you recognized or what means something to you from the tape.

A. Yes, sir. To begin with, page 1, I recognized the voice of Helix 33 as being one of the Air Force pilots, piloting an O-2-type aircraft that we worked with at this period of time.

Q. Do you know Helix 33's name?

A. No, sir.

Q. Would you know it if you heard it?

A. I don't know, sir.

Q. Major GOLDEN?

A. No, sir, I'm not familiar with that name.

Q. All right.

A. And listening to the tape I've come to the conclusion in my mind that the Dolphin lead, aircraft commander, was Lieutenant MILLIKIN who was my platoon leader, that is the 1st Platoon leader of the 174th Assault Helicopter Company. I don't have a page number here, but I do remember hearing the parts of this conversation.

Q. What type of conversation?

A. I remember distinctly the Dolphin lead asking for a commo check there on page 1 and the aircraft called back.

Q. This is right at the beginning of the tape?

A. Yes, sir, it was. I remember also at this time I was in the Charlie-Charlie aircraft and we were airborne at this time.

Q. Did you know that Coyote 6 gave a time check?

A. Yes, sir. I believe he gave the time check as 0722.

Q. And you feel you were airborne at this time?

A. Yes, sir, I was.

Q. Do you recall where you were airborne at, were you over the My Lai operational area?

A. If we were not in the immediate vicinity of My Lai we were en route from Dottie. I couldn't give you an exact location, sir.

Q. Do you remember now taking off from Dottie or departing with Colonel BARKER from Dottie to the operational area?

A. No, sir, the actual takeoff I do not remember.

Q. Do you remember now whether or not you arrived at Dottie and shut down and waited for Colonel BARKER and then

cranked up again, or any of the activities, your activities of the early morning?

A. No, sir, this was a complete blank.

Q. What next do you recall?

A. The next thing I remember was Dolphin Lead asking-- I'm looking for the area where he said--here it is on page 3-- when Dolphin Lead said he was 3 minutes out at this time. Coyote 6, "Roger. No restrictions on doorgunners."

Q. Do you recall that specifically?

A. I remember something to this effect, saying there would be no restrictions on doorgunners.

Q. Do you recall now who might have been riding in your helicopter with you or with Colonel BARKER, other individuals?

A. No, sir. I've been trying to think of this, but I really cannot remember.

Q. What else?

A. The next thing I remember was on page 4 when Shark 6 made his first transmission on the tape. Shark 6, I remember the man's name, I can remember only his first name is Lanny. I have since been told his last name was MCCRARY.

Q. Would that be MCCRARY?

A. I'm sorry, MCCRARY.

Q. All right, Captain MCCRARY you identified as being Shark 6?

A. Yes, sir.

Q. What's the next thing you recall?

A. The next thing is that I recognized as hearing before the voice of Coyote 23. I've since been told that Coyote

23 was the PZ coordinator. In other words, he was the person to coordinate with the aircraft as to which infantry would get into which aircraft for which lift. I remember hearing his voice several times before as he did work in this role several times.

Q. What was his location?

A. His location was at LZ Dottie.

Q. Do you recall seeing the slicks at Dottie?

A. No, sir. I don't remember seeing them at Dottie, however I did make a small sketch which I believe will show the position of the C&C aircraft, the position that I observed the slicks approaching the LZ. I believe we were in approximately this location which would have been north of My Lai (4).

Q. I see. All right, you feel when the slicks were inbound to the LZ that the C&C ship, your ship, and Colonel BARKER, was to the north of My Lai (4)?

A. Yes, sir, I do. I've also come to the conclusion that this particular day was my first experience to work in a C&C aircraft with a battalion commander conducting a combat assault.

Q. How do you come to that conclusion?

A. It just seems to me that it was; I really can't give any strong basis for this conclusion.

Q. All right. Let's go back to the individual items that you recall.

A. On page 5, I seem to recall the radio call by Warlord Alpha lead that he was making a rocket run. His exact words were: "This is Warlord. We've got one rocket run in progress now. If you'll just stay where you are we'll go past you." I believe he was talking to one of the Shark aircraft who was working this area. The area was divided between the Warlords and the Shark aircraft, divided simply so they would not interfere with each other.

Q. Do you recall what was the general dividing area between the two?

A. The tape reminded me. I would not have known if I had not heard the tape, but the dividing line was the road referred to as 521.

Q. Do you recall, did the tape refresh your memory, or did it implant the fact that 521 was a boundary, do you recall that as being the boundary at the time?

A. I do not remember exactly that road 521 being the dividing line, however I do remember the Warlords working in a generally southerly direction of the village and the Sharks working north of the village. I do not remember the dividing line exactly.

Q. At the time do you recall any discussion over the air concerning coordination between the Warlords and the Sharks?

A. No, sir, I do not. Correction, I listened to that in the tape. On page 6 I remembered the statement by Shark 6, the actual radio call where he dropped some red smoke over the area where he had killed two "dinks," and I quote, "They got weapons, handgrenades and all the web gear in the world right out here in this rice paddy."

Q. That was, I believe, to the east of the LZ?

A. Yes, sir, it was to the east of the first LZ.

Q. Do you recall hearing that transmission?

A. Yes, sir, or a transmission to that effect.

Q. And you recalled earlier in your testimony seeing or hearing something about the smoke. Did you see the smoke or did you see the aircraft over the area?

A. I can't remember, sir. To the best of my knowledge, I did not see the red smoke nor the aircraft over the area.

Q. But you felt in previous testimony that this area was to the north of My Lai?

A. Yes, sir. I felt that it was.

Q. All right, what's the next item that you recall?

A. On pages 7 and 8 there is a radio transmission by Shark 6 referencing some ammo boxes. I recall, the tape actually refreshed my memory, I believe, I do remember hearing something about ammo boxes.

Q. If I'm correct, what you're referring to here is when the Shark 6 is indicating--these ammo boxes and this individual were due south of the LZ.

A. I do not remember them as to where they were.

Q. But the entry that you think you recall hearing, something about ammo boxes, indicates that this point was due south of the LZ.

A. Yes, sir.

Q. What next do you recall?

A. On page 8 there is a mention of number of KIA's, enemy KIA's.

Q. By whom?

A. The conversation was between Coyote 6 and Coyote 65, Coyote 6 being Colonel BARKER, Coyote 65 being his TOC radio operator. The mention was that he had a total of 15 enemy KIA's. I just noted this down because I don't remember hearing this transmission at all. On page 9 there is mention made of the call sign Rawhide 3. To the best of my knowledge I don't remember Rawhide 3. In fact I'm not even sure who Rawhide 3 is.

Q. This was when Rawhide 3 was talking to Coyote 6?

A. Yes, sir.

Q. This follows very closely with the other transmission which you do not recall, the 15 reported KIA's from Coyote 6 to Coyote 65. Is it possible that you would have turned down the FM volume on this as far as you were concerned and been talking air to air?

A. Yes, sir. There are several possibilities here. The aircraft commander and I could have been carrying on a conversation over intercom or we could have been talking on UHF. We could possibly have turned off completely the FM or turned it down to a level where it would not interfere with our conversation.

Q. These conversations took place after the second lift, I believe, or at least according to the transcription here they did.

A. May I back up a minute here, sir, and check my place. Yes, sir, that would be after the second sortie into the first LZ.

Q. I believe you indicated in your earlier testimony that you recall seeing large numbers of people on 521, is that correct?

A. Yes, sir, this is still a very hazy recollection on my part. I remember seeing people but I can't positively be sure that it was that day.

Q. I understand. You notice, though, that Rawhide 3, in the conversation that you do not recall, was talking about large numbers of people moving out to the southwest along 521.

A. Yes, sir, I do.

Q. What next do you recall? Captain GARBOW, you'll notice on page 9 the call from Dolphin Lead to Bravo 6 indicating that, "We'll have to wait until we return from this sortie and see how many people we can take and we'll make a determination then as to whether we'll make another sortie or not." There apparently was some discussion with regard to how many lifts was going to be required to put B/4/3 into the second LZ. Do you recall hearing any conversations in this light?

A. No, sir, I do not. Page 10 towards the bottom of the page references conversation between Warlord 6 and Rawhide 3, reference the Skeeter, the Skeeter being a term used to describe a small observation helicopter, the OH-23, as to some "dinks" that they had spotted. We talked about this earlier. The tape still did not refresh my memory. I still do not remember hearing anything of this sort.

Q. You'll notice there on page 10 that Coyote 6 was calling Charlie 6.

A. Yes, sir.

Q. Do you recall at any time having to switch the FM frequency to get on to the company frequency?

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

Q. Of course, I assume that he could have talked to Charlie 6 on the Barker command frequency.

A. Yes, sir, he could have. I'm not at all sure what was the procedure used this day.

Q. You'll notice also at the bottom of page 10 that Coyote 6 indicated the artillery had started for the second LZ and that the touchdown is scheduled for 0815.

A. Yes, sir. Now, I do not remember this actual conversation concerning the artillery. However, I seem to remember that during the artillery prep the C&C aircraft was out over the beach or over the peninsula area which would put it to the east of the second LZ.

Q. Would I be correct in assuming that it would be logical that you would or would not have seen the activities of Warlord and Skeeter with reference to the large group of people and the segregation process that was taking place to the southwest of My Lai (4) at this time? It would have been difficult for you to observe that in a position over the beach?

A. Yes, sir, both of these were happening at the same time. It definitely would have been difficult to have seen that from where we were.

Q. Do you recall about the altitude you were flying?

A. No, sir, but it was standard operating procedure to fly approximately in the neighborhood of 1,000 to 2,000 feet principally to avoid danger from small arms fire.

Q. Do you recall at any time going lower than that, getting down on the deck, so to speak, other than the marking run which you testified to earlier?

A. Other than the marking run, no, sir. Let me stop there and correct that. Upon hearing the tape I seem to remember something that might possibly have happened during that dustoff that Colonel BARKER took his command and control chopper into and picked up the dustoff himself. Do you want to skip back to that page, sir?

Q. Yes, go ahead. You're speaking of the dustoff that occurred over near the Pinkville area, I believe, the one that Colonel BARKER's ship went into?

A. Yes, sir.

Q. What do you recall about that?

A. I'm not sure at all if this was actually the day that this happened, but I do remember making a dustoff sometime during my tour in this area. I also drew a small sketch of this area. I believe the pickup point was approximately a quarter of a mile inland from the peninsula or beach area.

Q. Which would have been west?

A. Yes, sir. It seems to me our approach was towards the east. We made our pickup and then had to make a series or actually two low level cyclic turns, an S actually, to avoid some low trees after take off. Our departure was over to the east. I do not remember specifically what we picked up there. I believe it was a dustoff. I don't know how many people. I do know that this was the particular day that we made this dustoff.

Q. Generally, then, the approach and departure, as you recall it, was to the east?

A. Yes, sir.

Q. Which would have taken you out generally in the direction of the China Sea?

A. Yes, sir.

Q. Okay, let's go back now to the artillery prep for the second LZ, page 10 or 11, do you recall anything?

A. On page 12 there is a radio transmission from Dolphin lead stating that he had to make a go-around or the flight had to make a go around because the artillery was still shooting while they were on their approach into the LZ. As indicated in my first testimony I can't remember if this actually happened on this particular day. I remember times when the Slicks would have had to make a go-around on their approach into the LZ. I'm still not sure that this was the case on this particular day. It could very well have been.

Q. You'll notice the very next conversation there is an acknowledgement by Coyote 6 of the fact of the go-around. Also an indication that the artillery preparation was complete.

A. Yes, sir, I noted that.

Q. Then a question as to whether or not Dolphin wanted Coyote 6 to go in and mark.

A. Yes, sir, I remember that from the tape. Now there's a question in my mind there. In my earlier testimony I indicated that on this particular marking run it was rather low level and I had thought it was too low. This was simply because this was one of my first marking runs after I had gotten in country and later on I realized that marking runs were made very low, this was standard procedure. The thing that bothers me here is that there is a mention of violet smoke. If I may read direct from the transcript, Coyote 6 says: "This is Coyote 6. Roger. Out. Dolphin lead. Coyote 6. LZ marked. Over." Dolphin Lead replies: "This is Dolphin Lead. Roger. Identify marker." And the next few lines Dolphin Lead comes back and says, "Yellow." Now I distinctly remember yellow smoke. I do not remember violet smoke. There is another question in my mind here, the next sentence after this, he continues to say:

"Roger. The ones with rotating beacons on will take Six. The rest take seven. Go ahead and pop smoke." Now I can't place this in my mind as how this conversation came about because the only time you'd really talk about rotating beacons as to replace troops on board is when you were on a PZ and presumably here he is on his approach as he has just identified yellow smoke.

Q. Well, you have to make an assumption that the tape was running continuously.

A. Yes, sir, I realize this is probably what has happened that the man who was making this tape was simply activating the machine when he heard someone make a transmission. This is also evident by the fact that several beginnings of transmissions are cut short.

Q. So you would think then that Dolphin Lead-- "The ones with rotating beacons on will take six. The rest will take seven. Go ahead and pop smoke" --was made as he was approaching the PZ?

A. Yes, sir. I feel that the violet smoke was in the PZ and the yellow smoke in the LZ.

Q. So that would indicate a break in the tape or a break in the lapse of time here or some editing of the tape in this area?

A. Yes, sir, there had to be really because they were talking at the beginning of page 12 about having to make a go-around because the artillery was still shooting. It wasn't until later on that he said he identified violet smoke which indicates to me that the tape was edited, broken, or spliced back together or something of this nature. It just doesn't seem to fit the way it's written.

Q. You recall dropping yellow smoke?

A. Yes, sir, I do. I remember also, as I think about it more, our marking run would have been made from east to west at low levels. This corresponded to what I said earlier, that I thought we were orbiting over the beach to the east of the LZ.

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Q. I understand, okay.

A. The next thing I remember is also on page 12, down at the bottom where Warlord Alpha Lead reports to Coyote 6 that he has spotted a mortar position and ammo on top of hill 85. I remember a conversation to the effect that they found a mortar. It was later found out that it was not, in fact, a mortar, but, in fact, mortar rounds that they had found. I don't remember the exact conversation, but I do remember that there was mention of mortar and mortar rounds on this particular day.

Q. You'll notice Coyote 6 gave permission to go in and get them.

A. Yes, sir.

Q. Do you recall?

A. I do not remember that specific conversation nor that granting of permission, but I do remember that Warlord Alpha Lead did in fact go into Hill 85. I'd like to refer to my notes for a second. Still referring to these mortars, the actual conversation I'd like to refer to occurs on page 17 of the notes. This was when the EOD people were taken to Hill 85, and they blew the mortar rounds in position. I don't actually remember the EOD was taken to the hill nor do I remember exactly when this was, but I do remember seeing an explosion on top of Hill 85. It seems to me that this explosion was in fact the mortar rounds being blown in place.

Q. Do you recall anyone advising aircraft to stay away from the area or to give clearance?

A. No, sir, I do not. I heard this on the tape, but it did not bring to mind anything.

Q. It would appear, then, that your position was not in the proximity of 85 or you perhaps would have recalled having some action to fly away from Hill 85.

A. Yes, sir. On page 13, Coyote 6 makes a radio transmission back to his headquarters to the effect that he is coming into or returning to LZ Dottie to refuel. He also makes the statement that he'd stop down in the TOC and bring the TOC

up to date. I'm very hazy on this, but it seems to me I do remember either the conversation or the actual act itself, of going back to Dottie and refueling. I'm not sure about this at all, sir.

Q. Well, let's look at that for a moment. Was the refueling area in close proximity to the TOC?

A. It was within a couple hundred meters.

Q. Was there another pad closer to the Task Force Barker TOC?

A. Not to my knowledge, sir. I also drew a small sketch of LZ Dottie as I remember it, trying to get this particular point straight in my mind. As I remember, the refueling area was at the southernmost end of LZ Dottie. The gas pump and the bladder containing the fuel, in this case JP-4, was located just to the north of the refueling pad.

Q. The refueling pad was on the southeast corner?

A. Yes, sir. The VIP pad was directly north of the gas bladder, or the refueling point. The VIP pad was where we always landed whenever we were on a Charlie-Charlie mission, a resupply mission for Task Force Barker, the ship would normally land on the western edge of the refueling pad and this would be the loading and or unloading point for resupply. There is another pad directly across the road from the VIP pad leading to the west of the VIP pad. However, to the best of my knowledge, the pad was built after the day in question, March 16th.

Q. Okay, let's go back now to this hazy recall that you have about the refueling of your ship. Would you have dropped Colonel BARKER at the VIP pad and then hovered over to refueling and hovered back to the VIP pad, or would he have hopped off at the refueling dump?

A. This would have depended on the situation, sir. The normal procedure was, yes, to land at the VIP pad. His jeep was normally waiting for him, to take him back down to the TOC. At this time we would either hover to the refueling pad or in some cases it was necessary to actually fly, that is, to take

off and come back around and land at the refueling pad, depending actually on the wind conditions or the weight of the aircraft. The reason for this is that the area between the VIP pad and the refueling pad was unsuitable for a landing area, plus the fact of the gas being there, was not very safe to hover over this area. The road connecting the VIP pad and the refueling pad was too narrow, unsuitable for hovering.

Q. You can't seem to recall whether you dropped him, though, at the VIP pad and hovered down to refueling and then back up to the VIP pad?

A. No, sir, I cannot.

Q. You seem to recall him saying, though, that he'd drop down in the TOC and bring them up to date, or is this hazy?

A. This is hazy also, sir. This was normal procedure, this would have happened just about any time that we brought Colonel BARKER or actually any battalion commander back into this area where he would get off the command and control chopper and go into the TOC simply to keep them up to date. I don't actually remember on this day him saying that he was going to the TOC.

Q. And you do not recall a jeep being there, an MP jeep, perhaps?

A. No, sir, I do not.

Q. What's the next thing that you recall? I believe, by process of deduction, and physical evidence, technical evidence, in that the aircraft would have required some fuel, could you fix a time that this might have occurred?

A. Assuming, sir, that we took off somewhere in the time frame of 0630 in the morning, we would have needed fuel some time in the time frame of 0830. I could not pin down the exact time.

Q. I understand, all right.

A. There is a conversation on pages 14 and 15 between

the Shark 6 pilot and Coyote 6, and also Coyote 3 got into this conversation. I believe at this time Coyote 3 was at the TOC. In other words he would have been in the same physical location as Coyote 65. Shark 6's question in his mind was that he needed to refuel and rearm. He thought from the tape that he would have to return to Duc Pho. Or at least this is what I understand from the tape. And Coyote 6 informs him on page 15 that there is refueling and rearming capability at LZ Dottie.

Q. That's Coyote 3 that informs him of that.

A. Yes, sir. That was Coyote 3.

Q. Do you recall hearing any of this?

A. I want to say I do, but I'm afraid that what I am remembering is what is on the tape. I can't say that I do remember that. On page 15 there is a statement made and I quote, "792. Roger. Will do." The person making this statement is not identified. I was wondering if you had any further information on this, sir, as to who 792 is.

Q. No.

A. Do we know the number of the aircraft that was used for Charlie-Charlie that day?

Q. No.

A. The reason I ask is that I wondered if 792 was the Charlie-Charlie ship? I cannot remember myself if 792 was the aircraft I was flying that day.

Q. Was 792 an aircraft assigned to the 174th?

A. I cannot remember that either, sir.

Q. Does that call mean anything to you at all, or do you remember any--does it ring any bell, or does it make any sense to you?

A. No, sir, nothing more than the regular format, of course our formal callsign would have been Dolphin 792, if that

was the aircraft number. It is common terminology when you're in a hurry and somebody knows who is talking to simply give your number. On this particular day working as Charlie-Charlie our call would not necessarily include those numbers. We would simply be known as Charlie-Charlie and this would be our radio call.

Q. Would it have been the same if Colonel BARKER had not been aboard?

A. If Colonel BARKER had not been aboard the aircraft, chances are our callsign would have been Dolphin 792 or Possum 123, whatever the numbers would happen to be.

Q. Well, if we assume here that you are, in fact, re-fueling at this point in time on the tape, you'll notice the lack of any Coyote 6 transmissions.

A. Yes, sir.

Q. And the fact that the Sharks are apparently re-fueling or in the process of refueling. 792 could have been you inasmuch as Colonel BARKER was not aboard and was still in the TOC.

A. Yes, sir.

Q. But I recognize that's all assumption.

A. Yes, sir. The reason I ask is I myself quite commonly used the phrase, "will do," rather than it is printed in the statement as "we'll do."

Q. Which could have been possible on the transcription or--

A. (Interposing) This piece of conversation could very easily have been between two aircraft, the pilots knowing each other, perhaps on the refueling pad one aircraft, another aircraft moved so he could get into this call simply would be, "will do."

Q. You don't recall any such?

A. No, sir, I don't. That's why I asked you the question.

Q. Do you recall, perhaps, at about this time, that this little conversation, "792, will do," any other C&C aircraft inbound to refuel or in the fuel dump?

A. No, sir, I do not. During the entire period of that day I cannot remember seeing any other Charlie-Charlie type aircraft.

Q. We believe that about this time, as far as the time of the transmission that we're talking about, that it's possible Mr. COONEY's aircraft arrived in the dump and he was C&C for Colonel HENDERSON. And perhaps could even have joined you on the VIP pad awaiting Colonel BARKER's return.

A. It still doesn't ring any bell, sir. On page 16, reference the call sign Lobo 65, from my testimony yesterday, I was asked if I recognized a major and I was shown his picture. I did not recognize the major and still do not. I recognize this Lobo callsign and I linked to it the major I was thinking of at the time. The Lobo callsign, 65, was the callsign of the battalion, I believe it was 4/3 that was headquartered on an LZ to the west of Dottie. I believe this LZ was LZ Sue, but I'm not sure of the name, sir.

Q. So you know that Lobo 65 was the TOC of 4/3?

A. I'm almost positive, I may be wrong.

Q. We have reason to believe that the 4/3 did provide certain services in support of Task Force Barker. In the case to which you're referring here, the request was for a dustoff, and according to the way we understand it, Task Force Barker would have gone to the 4/3 in their request for a dustoff. So this in fact, what you've indicated, does seem to make sense.

A. The major that I did remember, the one I mentioned yesterday that smoked the cigars, his callsign was Lobo 3, his position being S3 of the 4/3. So this would simply clear up the question that we had yesterday of trying to identify this major with the cigar. To the best of my knowledge, this

particular major, Lobo 3, was not involved in this day's operations. Also on page 16, down at the bottom, a call made by Shark 6 Alpha, I do not remember the call itself, however I do remember something concerning a bunker and a "dink" located near a bunker.

Q. Do you remember anything about the decorations or the colors?

A. No, sir, I do not. I noticed that also on the tape. He was decorated as an ARVN with red scarf, et cetera, but I do not remember this. Page 17, this is the spot I spoke of earlier where the Warlord Alpha lead had thought he found mortar tubes and in fact they turned out later to be simply mortar rounds. I don't remember this exact conversation as taking place.

Q. Do you recognize that here is the first place that we see Coyote 6 after a period of absence?

A. Yes, sir.

Q. If in fact you did refuel in the vicinity of 0830, what time would you estimate Coyote 6 would have been back airborne?

A. Assuming that we did not shut down after the refueling process, we could have been airborne again in 10 minutes knowing for a fact that Coyote 6 did go down to the TOC and bring them up to date. This could have been done in a short period of time. Assuming that we refueled at 0830 we would have been airborne again approximately 0840 or 0845, somewhere in this time frame.

Q. If he had spend any time in the TOC and you had to do any waiting, for 5 or 10 minutes, it could have been some time a little later?

A. Yes, sir, it could have. If we had shut down the aircraft it could have been as much as 20 minutes or half an hour later.

Q. Did you notice on the tape whether or not in the

background of the callsign, the call is by Coyote 6 here, whether or not you could detect whether or not you were airborne?

A. No, sir, I don't remember. I'd have to listen to the tape again. If I did listen to the tape I could determine, I believe, from the sound of the rotor blades, whether he was airborne or not. Listening to the tape, this would appear on page 18, where in parenthesis Coyote 6 makes the call and I quote, "Wait, out." Listening to the tape it does not sound the same as his previous conversation or his previous statements. Therefore I don't believe that Coyote 6 actually made this statement, "Wait, out." I have no idea who made it, I just wanted to bring out the point that I don't think Coyote 6 made this statement. On page 19, the first call made by one of the pilots on board the Charlie-Charlie aircraft was made. I can definitely identify that voice as belonging to Warrant Officer LIND. There is no doubt in my mind.

Q. Do you recall him making this call?

A. No, sir. I do not recall the actual making of the call. Sir, I'd like to made a statement in regard to this. It seems like there was something on the tape that does not follow exactly the conversation at this particular point in time. In other words there is something more on the tape than what's on here. Than what's on the transcript. Nothing basic was really left out, but I had to listen to it twice to pick it up.

Q. I see.

A. I have made a note here also, on page 19, that the statement made by Coyote 6 to the effect that the ground troops had, "better hold off on your mortar fire until you get the dustoff in there, over." This statement rings a bell somehow, but I'm not positive on this, sir. Page 19 is simply a continuation of the conversation between Warlord Alpha Lead and Coyote 6 and Coyote 65 as to finally determining that these mortar tubes that they thought they had, actually turned out to be nothing more than mortar rounds.

Q. Do you recall that?

A. No, sir, I do not. As I stated earlier, all I

remember is that--something about a mortar was found on that hill and that someone, in this case I guess it was the EOD, I do not remember the EOD exactly, they did come in and blow it. I do remember seeing the explosion. This is all I can recall. On page 21 there is a little bit of confusion here as to coordinates between Coyote 3, Coyote 6, and Warlord Alpha lead. Something here is very familiar to me. I believe that Mr. LIND was flying the aircraft at this time. He asked me to write down these coordinates when we first heard them. That would have been when Coyote 3 calls Coyote 6 and first gives the coordinates over the air. Now these coordinates were given in the clear. It seems to me that Mr. LIND asked me to write down these coordinates. I did with a grease pencil on the windshield of the aircraft. I remember this because a little bit later Coyote 6 is trying to relay these coordinates to Warlord Alpha Lead. He has to call back to Coyote 65 to ask him to say again the coordinates. It seems to me that I had these coordinates written on my windshield. I was trying to tell Colonel BARKER on the intercom that I did have these coordinates, and he would not have to make his radio call. But I was unable to notify him of this. And he made his radio call anyway.

Q. Do you recall where you were or just where the aircraft was at this point in time?

A. We were trying to identify these coordinates, sir, as I recall.

Q. With a map?

A. I did not have a map myself. Colonel BARKER did have a map. It was standard procedure to carry a map on board.

Q. You don't recall where you were in relation to the beach or My Lai (4) or altitude?

A. Our altitude during this entire time, sir, would be, as I stated before, somewhere between 1,000 and 2,000 feet. I'm thinking now, sir, that I mentioned the map, that this map was in fact handled by another person other than Colonel BARKER. And when the first discussion of the coordinates came up, this person, whoever he might have been, handed the map to Colonel BARKER trying to indicate to Colonel BARKER where these

coordinates were, their exact location. This is the first time I've actually remembered someone else being in the aircraft, but now I'm sure that there was someone else in the aircraft other than Colonel BARKER, and the normal crew.

Q. Do you remember where Colonel BARKER was sitting?

A. Yes, sir, where he usually would sit. That would be on the left side of the aircraft and the furthest left position close to the cargo door.

Q. In the hammock seat or jump seat?

A. In the hammock seat. This was standard procedure to let the commander of his C&C aircraft sit on the left-hand side of the C&C aircraft partly due to the fact that the aircraft commander, the more experienced pilot on board, flew the aircraft from the left-hand side therefore he could coordinate much better with the colonel when they were flying orbits around a specific area.

Q. Do you recall sitting in the right seat?

A. Yes, sir, I was sitting in the right seat.

Q. When you looked back, or within this coordinate business, where was this individual sitting with regard to Colonel BARKER?

A. He would of had to have been sitting to the colonel's immediate right since Colonel BARKER did occupy the furthest left position possible in that seat.

Q. And were you trying to get this individual's attention?

A. This is all very hazy to me right now, sir. Normally the battalion commander who was flying in the C&C ship would be the only person who would have an aircraft crewman's type helmet. Therefore the only communication between himself and other members of the crew would simply be by normal voice means. I do not remember actually talking to this other individual. However, as I stated earlier, if I had tried to get

Colonel BARKER's attention, and it seemed to me that I did to tell him the coordinates, I would of had to turn around in my seat and either wave to or shout at this other individual if Colonel BARKER was busy doing something else as the transcript indicates that he was.

Q. Do you recall whether or not now this other individual might have had a radio of his own?

A. No, sir, I do not.

Q. Can you picture this individual in your mind, what he looked like?

A. No, sir, I can see him sitting there, but I do not think I could recognize him.

Q. How about his rank, was he an officer or an enlisted man?

A. I don't remember, sir. Circumstances, normally an officer did not fly with the battalion commander during this C&C type mission. The usual person that would accompany him would be his sergeant, sometimes a radio operator would accompany the colonel and bring radios with him. However on this specific day I cannot remember who this other person was. Many times the colonel would simply fly by himself. Other times, isolated cases, he would take another officer with him. For example, he might take up a company commander, take him up for an aerial recon and show this company commander from the air exactly what he wanted him to do rather than simply try to tell him on the ground what he wanted him to do.

Q. Do you recall flying any of those missions for Colonel BARKER?

A. Not offhand, no, sir, I don't.

Q. We have reason to believe one was flown on the afternoon of 15 March in which Colonel BARKER took up his company commanders, Captain MEDINA and Captain MICHLES, Captain RIGGS, perhaps Captain KOTOUC.

A. No, sir, I do not know specifically what I was doing on March 15th. I think I probably would have remembered an incident such as you describe with so many commissioned officers riding on the aircraft as this was not an every day occurrence.

Q. This individual that you recall working with Colonel BARKER on the 16th, on the map, on the coordinate business, do you remember seeing him before, did you know him?

A. Probably, sir, but as I stated earlier I don't remember the specific face of the individual if in fact he was Colonel BARKER's sergeant. No doubt I had flown him several times before and also seen him several times before. But I don't remember who this specific person was.

Q. Do you remember now who Colonel BARKER's sergeant major was?

A. No, sir. I do not.

Q. Did you know Captain KOTOUC?

A. Not by name, sir, I might recognize his face, but I do not recognize his name.

Q. You were shown Captain KOTOUC's picture in previous testimony and did not recognize it.

A. Yes, sir, I seem to remember he was a balding--yes, sir, I did not recognize him at that time. I still do not remember the name. I believe I said his face was familiar at that time, I'm not sure, exactly, what my previous testimony was. I'd have to see the picture again, sir.

Q. All right, let's go on for now and we'll come back to that perhaps. You remember here now that the tapes indicates there was some confusion about these coordinates?

A. Yes, sir. The confusion was that the coordinates given in the direction from the village was southwest. I found out later that it was not southwest, in fact. Amongst the confusion, I remember earlier writing down the coordinates and

trying to tell Colonel BARKER what the coordinates were, a lot of confusion here. I can't definitely say that I remember the confusion between whether this was southwest or some other direction from the village.

Q. Those actual coordinates put it to the north of the village of My Lai (4).

A. Something in there, sir, is very familiar, but I can't pin it down. Perhaps the problem is, in Vietnam, quite a bit it's very simple to mistake one spot on the ground for some other spot and very easy to give wrong coordinages.

Q. These originated from the TOC, where Coyote 3 was.

A. Yes, sir. It seems that Coyote 3 would have had to receive these coordinates from someone else or not actually coordinates, maybe the position, and plotted the coordinates on their map.

Q. The tape indicates he received these from whom?

A. Charlie 6 reports this. Like I say, sir, there is something very familiar here but I can't pin down whether or not I actually remember this conversation as to the confusion as to where these coordinates were.

Q. Do you recognize hearing Charlie 6 giving these coordinates or trying to give these coordinates to Coyote 6 and Coyote 3 coming in and Charlie 6 could not give them to Coyote 6?

A. It would have been in this time, sir, that I would have written these coordinates down on the windshield with a grease pencil. I do not remember who actually gave the coordinates the first time they were mentioned.

Q. You recall writing some coordinates down?

A. Yes, sir. I'm trying to find a specific spot in here when reference was made to mortar fire and the person making the call was wondering where the mortar fire was coming from. I cannot find it on the transcript at this time. I had

it--here it is, it's on the top of page 23. The call is from Sane Drank Delta Mike which I recall their call sign being Sane Drink instead of Sane Drank. I could be mistaken. In any case the call from Sane Drank Delta Mike and I quote: "This is Delta Mike. Do you have somebody firing a mortar here on the beach. Over." Coyote 6 returns and says: "This is Coyote 6. We have a mortar down in the beach area. He's going to fire. I don't think he's fired yet. Over." Delta Mike returns and says: "This is Delta Mike. I spotted two rounds looks like maybe sixty mike mike in the vicinity of coordinates 742785. Over." If possible, sir, I'd like to have a map to look at these coordinates.

Q. I show you Exhibit MAP-5, 1:50,000 scale, sheet 6739, 742785 are the coordinates.

A. Yes, sir, that corresponds to what I recall upon hearing the tape. I made a note that I remembered seeing these mortar rounds. There was quite a bit of concern on board the Charlie-Charlie ship as to where these mortar rounds were coming from regarding the fact that we were flying in the area and did not want to fly through the GT line of these mortar rounds.

Q. This would indicate that your position that this point in time was generally over the beach, generally in the area of the unit that had gone into the second LZ which was B/4/3.

A. Yes, sir. Now my general recollection here is that our position at this time would have been between the second LZ and the beach where the mortar rounds were impacting. As I recall I was the one that spotted these mortar rounds. I brought it both to the attention of Colonel BARKER and Mr. LIND. And Mr. LIND did a rather sharp move to bring the mortar rounds around to the left side of the aircraft where Colonel BARKER could see them. Now I notice in the tape there is none of this conversation. However this conversation could have been inside the aircraft on intercom and therefore it would not be on the tape. However it seems to me that Coyote 6 would have wanted to know where these mortar rounds were coming from. In fact he does make a statement, "Roger, I'll check it out." He then makes a call to Bravo 6 and asks him if he has begun to fire his mortars yet. This is the end of the conversation as far as the

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tape is concerned. The next thing that Coyote 6 says is, "Did your dustoff come in yet?" I assume he is still talking to Bravo 6.

Q. Bravo 6 you do not see or was not present on the tape and any conversation from Bravo 6--

A. (Interposing) No conversation from Bravo 6, sir.

Q. Do you recall Bravo 6 indicating whether or not his mortars were firing?

A. No, sir, I do not. There's something missing out of the tape here! This is understandable since the tape was being run at LZ Dottie which quite possibly would not have been within FM communication range of Bravo 6 which would clear up that problem. I do remember there was quite a bit of concern on board the aircraft as to where these mortar rounds were coming from.

Q. Do you remember how it was reconciled?

A. No, sir. I do not.

Q. You don't remember whether they were coming from the mortars or coming from the swift boats?

A. No, sir, I don't remember who was firing the mortar rounds.

Q. Back just prior to this time there was some conversation on the tape with regards to the Sharks indicating they were getting ready to leave the station.

A. Yes, sir. I made also a note, I believe this appeared on page 22. I noticed on the tape in the background it sounded like a doorgun was firing from the Shark 6 aircraft. This seemed unusual to me since he was making a statement that he planned to be leaving the area, that they would be firing the doorguns. That's what it sounded like to me.

Q. Might it have been the flap or the flap of the rotor blades?

A. No, sir, I don't believe so, it sounded on a much higher frequency than the flap the rotor blades would make.

Q. Could this firing that you thought you heard, could it have been caused for any other reason that you know of?

A. Yes, sir. It could have simply been the rotor flap of the aircraft. I don't think I'd be able to make a determination between the two.

Q. This dustoff request from Coyote 6 to Bravo 6, does that mean anything to you? Do you recall hearing or remembering--

A. (Interposing) I've been trying to think of this for the last 2 days, sir, as to whether or not I was actually making that dustoff.

Q. Now this dustoff here, time wise, would have been the dustoff that he had called for from Lobo 65, approximately or some time preceding this. Does this seem to fall into place all right?

A. Could I have a page number to refer to that?

Q. Page 16.

A. Yes, sir, that was the first dustoff, if I'm not mistaken.

Q. That's correct.

A. I misunderstood you, then, I was referring to the second dustoff.

Q. This dustoff on page 16, according to the log, occurred, or the requirement for it occurred, during the approximate period that you could have been refueling. The call originated from the TOC to Lobo, TOC to TOC. If in fact you were on the ground at Dottie at this time, you would have heard this, and the fact that Colonel BARKER did not know whether or not the dustoff had arrived some time later. We believe the time frame that this query was going on and the mortar rounds on the beach

and so on is somewhere shortly after 9 o'clock or 0915, 0920. It would be conceivable that in the interim period if you did go to refuel at 0830, 0835, 0915 would not have been an unreasonable time for a query as to whether or not the dustoff had come in especially if your ship had been off station.

A. Yes, sir. I believe as I indicated yesterday, I did not remember this first dustoff.

Q. Which would be entirely plausible inasmuch as while this occurred while you were off station, perhaps refueling or perhaps waiting for Colonel BARKER.

A. Yes, sir. This might also indicate that we had in fact shut down after refueling. If we had not shut down after refueling, kept the engine running, it was normal procedure to keep your radios turned down and in most cases expecting to take off immediately you would, of course, keep your helmet on, and therefore keeping yourself tuned on the same frequency that you were on, probably, when you landed. It is possible some times when you set down, you've been flying for a long time, your head hurts a little bit from pressure in the helmet, you will take a short break and take your helmet off. However, assuming that we didn't take our helmets off, if we were still keeping the engine hot, not hearing the transmission would indicate that we had, in fact, shut down for this period of time, say between 0830 and 9 o'clock awaiting for Colonel BARKER.

Q. Or could it have been, if you'll look back on page 19, you'll notice the transmission from Dustoff 252 to Coyote Bravo 6 apparently being on the Bravo or could have been on the Task Force Barker command net, but also could have been on the Bravo command frequency. You'll notice just up at the top of page 19, just prior to this transmission is when the Charlie-Charlie is involved indicating the Sharks are refueling and the indication that you're going to stay west of the mortar firing which--or the demolition of the mortars on 85. So it's entirely possible that even though you were airborne, the dustoff took place further to the east of your position and you did not hear the transmission or Coyote 6 did not hear the transmission of the dustoff doing in to make the pickup.

A. Yes, sir, that would sort of indicate that because I believe that Coyote 6 would remember if he had heard that transmission.

Q. Okay. I believe we were back over here on page 22 or 23.

A. Yes, sir. I do remember Sane Drank Delta Mike or Sane Drink Delta Mike, as the case may be, the swift boat, at any rate, saying that he did have one 81 Mike Mike if you needed it, Colonel BARKER needed it.

Q. Does the callsign News Boy India 20 mean anything?

A. No, sir, not on that particular day or any other particular day. I cannot remember hearing that callsign at all.

Q. It would appear, inasmuch as News Boy India 20 was talking to Sane Drank Delta Mike that it could be another swift boat.

A. Yes, sir, the tape would indicate that. I inferred that from the tape.

Q. What's the next thing you recall?

A. In my notes I have reference to a Charlie 81, I believe it appears on page 25. I was just going to ask who Charlie 81 was. I do not recall at this time ever hearing Charlie 81 call sign.

Q. We think Charlie 81 was the relay station at LZ Uptight, ground to ground relay.

A. Right, sir, I don't remember Charlie 81 at all.

Q. On page 24 the tape indicated some wounded.

A. Yes, sir.

Q. Now, this is the second dustoff.

A. The second dustoff, the one that Colonel BARKER made himself with his own Charlie-Charlie aircraft.

Q. The journal log indicates this event took place in the vicinity of 0920, 0925 hours in the morning.

A. I am trying to find that diagram that I showed you earlier, sir. I seem to have misplaced it.

Q. Well, we discussed it earlier and you indicated an approach to the east and a cyclic turn.

A. Yes, sir. In addition, concerning this particular dustoff, I stated yesterday in my testimony that I remembered making a dustoff at Ky Ha medevac pad and that the person, the aircraft commander I was flying with, had flown the aircraft in, made the approach for the dustoff to the medevac pad and he had allowed me to fly it out. I stated that I had neglected to run the throttle back up to operating RPM and attempted to lift the aircraft to a hover without doing so, as a result the engine rotor RPM was not sufficient to give us lift, therefore the low RPM warning light and audio came on. The AC, whoever it was, grabbed the controls, took them away from me and--simply a mistake on my part. Also I recall this same instance, whether it was the day, March 16 or not, I do link it with the same time that I did pull pitch accidentally. I remember that there were not enough stretchers provided by the medevac people for the wounded that we had on board I believe I stated yesterday I did not know how many wounded we had. I seem to remember now there were more than one. I could not state one, two, or three, but I do remember that there were not enough stretchers available. One man had to be handcarried.

Q. I'd like to take you back, now, to this approach that you recall making for your dustoff. As I understand it you made an approach downwind going to the west and then approached on final to the east.

A. Yes, sir, this is the way I remember it. Let me clear up a point here. I don't remember this as having taken place on this particular day.

Q. I understand that. Do you remember the color smoke

or identifying the positions, landing, or seeing the terrain, you apparently can visualize the terrain a bit.

A. Yes, sir, I can visualize the terrain. It was basically open to the west with a tree line to the north, or to the left of our aircraft as we approached. I remember that it was a low-type area, that the ground was either a rice paddy or a wet area. I shouldn't say that. I can't remember it being wet or dry. I can remember it being a rice paddy type or area. Immediately to the front of our aircraft, when we set down and made the pick up, there was a dike and some low trees therefore requiring us to go around these trees for our pick up. This is where I indicated the low level cyclic turn. Trying to remember the smoke--seems to me it was violet smoke or red smoke.

Q. You notice the tape indicates violet.

A. I better clarify that, that's where I remember it from, that it would be violet. I don't remember seeing violet that day.

Q. Would you recognize the terrain if you saw it again?

A. I think so, yes, sir.

Q. I'd like to show you photograph Exhibit P-28. Does that terrain look familiar?

A. Not as I remember it, sir, on this specific day.

Q. I'm not saying that that's the area. Notice there is violet smoke in that particular picture.

A. No, sir. I believe I see off in a distance a waterway of some sort. I cannot tell if it's a river or the area near the coastline.

Q. Then there's no way to determine direction, north or south or east or west?

A. No, sir, not to my knowledge.

Q. What's the next thing that you recall?

A. The next thing I remember, sir, was on page 26. Maybe I shouldn't say that I remember it. I note here on the tape the callsign Primo 687. Just for the record this Primo is not spelled P-r-e-m-o, it is P-r-i-m-o, this being the callsign of a Philippine beer, that's where the name came from. I don't remember the actual callsign being made at this particular time. Another thing, on page 26, the callsign--

Q. (Interposing) What is Primo 687, how do you know, what does this indicate?

A. Primo 687 was probably--I can't even say that. It was an aircraft from the 11th Brigade's organic aviation. Of course there was one Primo aircraft on the lift that morning to supplement the 174th.

Q. You don't know that for a fact, do you?

A. From what you told me. Also on page 27 I have reason to believe that the callsign there, and I quote: "We are heading on our way down the coast. You got any messages you want to pass--want us to pass on to Movements Control at An Khe?" This callsign is attributed to News Boy India 20 who I inferred was a swift boat. I have reason to believe this transmission was not made by a swift boat but was made by an aircraft. That's all I noticed there, I did not actually remember hearing that conversation or that statement.

Q. Is there anything else on the tape that you recall hearing?

A. Let me review my notes here rapidly, sir. No, sir, that's all I remember.

Q. I'd like to refer back to page 25, the top of page 25, you'll notice, and on the bottom of page 24, where some conversation between Coyote 65 and Coyote 6 with a reference to the pickup of these wounded and the cancellation of the dustoff requirement.

A. Yes, sir, I noted that.

Q. And the indication that Coyote 6 was going to pick them up themselves, and then Warlord Alpha Lead indicates to Coyote 6 that report of some dead Vietnamese, or as he calls them, "dinks," eight or nine "dinks," subsequently improved to ten to fifteen, and Coyote 6 was apparently rogering that and understanding that. Do you recall hearing anything like that?

A. No, sir, I don't. I don't recall that conversation regarding the dead "dinks" at all.

Q. You'll notice that, continuing on, he called Charlie 6 with reference to getting someone over there.

A. Yes, sir. I remember that's on the tape, but I was trying to recall whether I heard it that day or not. I simply cannot.

Q. You'll notice on page 26 the transmission from Coyote 6 indicating that he is going to jump off the chopper here at Dottie and his chopper, I'm quoting, "This chopper will go ahead north and take these wounded. Over." Coyote 65 answers, "Six-Five. Roger. Be advised Saber 6 is at our location."

A. Yes, sir, if I'm not mistaken Saber 6 was the call-sign of the Americal Division CO.

Q. CG?

A. Yes, sir. I don't actually remember hearing that conversation as to Coyote 6 jumping off the chopper at Dottie.

Q. Do you have any idea or do you recall making a drop off and going to Ky Ha?

A. No, sir, I do not.

Q. Do you have any recollection as to time that you saw or that you made this dustoff that you seem to recall?

A. No, sir. Other than the fact that this dustoff and I'm still not really positive that this one that I'm referring to was--with the low level cyclic turns--did in fact take place on this day.

Q. Do you recall this time that you made this pickup and the cyclic turns that it was a C&C operation?

A. No, sir. I cannot recall.

Q. The log from Task Force Barker indicates that Sabre 6 who was, in fact, General KOSTER, arrived at Task Force Barker at 0935 hours on the morning of 16 March.

A. Does that fit in with the time?

Q. Yes. You'll notice from page 27 a conversation between the Charlie-Charlie and Coyote 65.

A. Yes, sir. I could again identify that voice as definitely belonging to Mr. LIND.

Q. With the indication to "Come on into the pad and sit down and relax."

A. Yes, sir. But again I do not remember that exact conversation. As I said--

Q. (Interposing) Time wise, if we assume that the dropoff of Colonel BARKER occurred some time after 0935, then a trip to Ky Ha and back, what time would this have occurred for a normal aircraft, somewhere prior to 10 o'clock?

A. Yes, sir, we could have made that round trip within 25 minutes very easily.

Q. Then you recall in your previous testimony landing in dustoff somewhere south of My Lai (4).

A. Yes, sir.

Q. The log indicates that a dustoff was made by an aircraft of one soldier shot in the foot somewhere in the vicinity of 1020 and 1030 hours on the morning of 16 March. Would it have been possible, had you been the C&C, and in fact made the pickup of the wounded, three wounded, dropped Colonel BARKER off at Dottie, gone to Ky Ha returned, could you have made a dustoff at 1020 to 1030 hours south of My Lai (4)?

A. Yes, sir. We could have.

Q. Do you recall at any time going low-level, either in the vicinity of the beach area or in the vicinity of My Lai (4)?

A. I believe I mentioned in my testimony yesterday that I could recall at one time during my tour in Vietnam making a pickup along the beach in the general vicinity of Pinkville, the village known as Pinkville. I cannot get it straight in my mind that this was the same day or not, sir. The other time--

Q. (Interposing) Do you mean other than making this approach?

A. Yes.

Q. Any requirements by the commander aboard to go down for a closer look at anything?

A. The request to go down for a low look was a common request.

Q. Anything you can tie in specifically with Colonel BARKER?

A. No, sir.

Q. I'd like to show you photograph Exhibit P-195 and ask you if you can recognize that scene?

A. If I'm not mistaken, sir, this photograph contains the village known as My Lai (4). I'm not sure exactly which is the road referred to as Highway 521.

Q. Highway 521 is this road here. And this is the trail leading out of the southern edge of My Lai (4).

A. I'm oriented now.

Q. North is to the left of the photograph.

A. Yes, sir, that makes sense.

Q. Does that look to you as the village of My Lai (4) looked to you as you can recall it on the morning of 16 March?

A. I don't remember that much smoke, sir. As I stated in my testimony yesterday our pickup for the single dustoff was made in the approximate location just south of My Lai (4).

Q. I'd also like to show you photograph P-203, 204, 206, and 207, and ask you if you can identify any of the terrain features indicated therein.

A. This particular picture (P-203) looks like LZ Uptight. Can you tell me the direction this photograph is taken from?

Q. No, we have reason to believe that that is in fact LZ Uptight. How about P-204?

A. I'm trying to find an identifying landmark. Right now nothing makes too much sense.

Q. How about P-206?

A. Yes, sir, I think I can identify this. If I may refer to the map (Exhibit MAP-5) this picture would have been taken somewhere in this approximate location with this being the shoreline, peninsula, in this area. As to significant points on the ground, I could make a guess here that I think would be a rather educated guess, that this is part of the village commonly known as Pinkville. This would have been somewhere in the area of where the second LZ was located for that day.

Q. You'll notice some type of an explosion on the ground.

A. Yes, sir, I do, I can't identify it though.

Q. How about P-207?

A. This is the same area, coordinating this particular land feature with this land feature here on P-206, and

the violet smoke on the ground. I have no idea what that might be from. The explosions I don't know, I assume those to be artillery or mortar-type fire.

Q. Captain GARBOW, is there anything else that you can add to what we have been discussing, the incidents surrounding the C&C aircraft of 16 March 1968?

A. No, sir, I don't believe. I feel that if I could talk to Mr. LIND, together, the two of us might be able to remind each other of things that happened and possibly I might be able to recall something else if he would remind me of it.

Q. Okay. You are directed that you are not to discuss this testimony or events of 16 March 1968 or any recollection you have concerning 16 March 1968 or any testimony that you have discussed here in this inquiry with any other individual unless directed to do so by competent authority before a legally constituted administrative, judicial, or legislative body.

A. Yes, sir.

Q. Do you understand what I've said?

A. Yes, sir.

Q. You don't have any questions about that?

A. I don't know, sir. I understand from your statement that I'm not to discuss it with anyone which I will not do.

Q. Unless directed to do so. Unless directed by competent authority and that would be either before an administrative body or a judicial body, court of law, administrative body such as the Peers Inquiry, or a legislative body which would of course include any congressional or federal government activity. If an occasion arises where you have some question of a specific nature with reference as to whether or not you can discuss what you recall or the events that you recall, you can contact us here for clarification.

A. Yes, sir, I undersand.

Q. And also Captain GARBOW, you are subject to recall.

A. I understand that.

Q. Do you have anything you want to say at this time?

A. Nothing other than what I've already said, sir. I would just be repeating myself.

LTC PATTERSON: We appreciate your coming to Washington and assisting us and being as forthright and as honest as you have been. Your contribution on the inquiry has been immeasurable.

At this time this hearing will recess.

(The hearing recessed at 1310 hours, 7 February 1970.)

(The hearing reconvened at 1423 hours, 9 February 1970.)

LTC PATTERSON: The hearing will come to order.

RCDR: The following named persons are present: LTC PATTERSON and MAJ LYNN.

Sir, the hearing is recalling Captain GARBOW.

(CPT GARBOW was recalled to add additional information to his previous testimony and was reminded he remained under oath.)

LTC PATTERSON: Captain, as I understand it, you have thought or can think of nothing further that will benefit this investigation?

A. That is correct, sir, I don't think I can add anything to my previous testimony.

Q. Do you recall at any time discussing what you had seen when you were making the dustoff for Private First Class CARTER? I'm talking about the bodies that you had seen, discussing that with any individual.

A. No, sir, I can not.

Q. Did you feel that Colonel BARKER was aware that there were some casualties and some number of Vietnamese casualties in My Lai (4)?

A. I really couldn't say, sir. I don't remember him saying anything about it or making radio calls or anything of that nature. I personally felt that he would be made aware of it through his subordinate officers, but I have no direct knowledge of this, sir.

Q. You did not talk with Colonel BARKER about it?

A. No, sir, I did not.

Q. Did you hear anyone talking with Colonel BARKER about it?

A. No, sir, not to the best of my knowledge.

Q. Do you remember whether or not Mr. LIND talked to Colonel BARKER about what you had seen?

A. No, sir, I do not. He did not indicate to me that he had.

Q. After you made this dustoff and returned to LZ Dottie, we believe, or it is believed that Colonel BARKER then went back down to the operational area. Do you recall showing Colonel BARKER what you had seen or anything over the area, so that Colonel BARKER could have seen what you had seen?

A. I remember flying over this area several times during that day, but not for the specific purpose of showing Colonel BARKER the bodies I had seen.

Q. Do you recall looking down and seeing them again, or thinking about seeing them again?

A. No, sir. I just had that one time that I did see them, is all that I can remember.

Q. Do you recall anyone issuing any orders, or what might be construed as an order to the ground forces about stopping the shooting or stopping the killing, or, "What's going on?" or, "Get straightened out down there," or, "Watch what you are doing," or something to this effect?

A. No, sir, I don't.

Q. Do you recall hearing any talk about an investigation concerning the events that transpired at My Lai (4), Son My area on 16 March?

A. That day, sir?

Q. At any time?

A. Only when I first read about it in the papers, sir, when it hit the news.

Q. While you were in Vietnam you heard nothing?

A. No, sir.

Q. Did you personally report what you had seen to any individual?

A. No, sir, I did not.

Q. Can you tell me why you did not?

A. Well, the only thing I saw was the bodies. Like I say, it was probably the first time or one of the first times that I had ever seen any casualties at all, having been fairly soon after my arrival in Vietnam. After that time I saw bodies again. I don't think I ever made any reports or anything of that nature.

Q. But you indicated these bodies you had seen were some young children?

A. Yes, sir.

Q. Which could have, I assume, caused you some anguish of some sort, mental perhaps in recalling it as you did. Did it seem right or wrong?

A. Well, anyone's death, I simply assumed that they had been killed by the artillery prep earlier. As is the case with all artillery attacks on a village, there is prior notice given.

Q. You assume there was prior knowledge given?

A. Yes, sir. I am not aware of; I simply assume it.

Q. So in your mind, you wrote it off as one of the fortunes of war, so to speak?

A. Yes, sir. I did.

Q. And did not feel an investigation should be conducted as to how or why young children were killed?

A. No, sir. There wasn't any investigation warranted on just what I had seen. No, sir.

Q. Do you have anything else as to whether or not Colonel BARKER actually saw large numbers of dead?

A. No, sir, no direct knowledge at all that he did see them.

Q. I believe I asked this before, but will you just make sure; do you recall any radio transmissions made by your ship, or any ship with reference to killing?

A. No, sir, I do not.

Q. Before we adjourn I'd like to give you an opportunity to ask any questions or state any information that you might think might be pertinent to this inquiry.

A. Nothing more than what I have already said, sir.

Q. If you come across any documents, any physical evidence of any sort, letters, tapes, photos, or anything you think might be of pertinency, we'd appreciate you getting in touch with us. Additionally, if you should happen to think of anything that relates in any way with the purposes of this inquiry and/or events surrounding the Son My Village operation of 16 March 1968, we'd also appreciate your contacting us.

A. Yes, sir.

Q. Do you have any questions about the instructions you received earlier about discussing your testimony?

A. No, sir, I do not. I understand completely.

Q. If there is nothing further, this hearing is recessed.

(The hearing recessed at 1431 hours, 9 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: GIBSON, Glenn D., MAJ

DATE OF TESTIMONY: 10 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Commanding Officer, 174th Assault Helicopter Company, 14th Aviation Battalion. GIBSON was stationed at Duc Pho, Battalion headquarters at Chu Lai.

1. ASSAULT ON MY LAI.

The witness testified that he remembered nothing of the operation at My Lai on the date in question (pg. 3). Further, he did not recall hearing any rumors about anything out of the ordinary having happened there (pg. 10). He added upon questioning that he could not recall his unit being involved in any operation that had such a large body count as reported there (pg. 13). His personal flight records did show that he had flown to Chu Lai on 16 March 1968 (pg. 5).

2. INQUIRIES CONCERNING THE ASSAULT.

The witness testified that he did not recall ever being approached by Colonel HENDERSON concerning the events of 16 March 1968 (pgs. 8, 18, 19), nor did he recall any queries concerning the killing of civilians by gunships (pg. 9).

3. OTHER INFORMATION.

He suggested to the interrogators that the records of the 14th Aviation Battalion, which may have since been redesignated, might reveal the extent of his unit's involvement in the questioned operation, if any (pgs. 6, 16).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
R-2	Barker's combat action report	Shown to witness; not asked to identify.	5
M-6	Americal log	Shown to witness; not asked to identify.	22

SUMMARY OF RECALL TESTIMONY

WITNESS: GIBSON, Glenn D. MAJ

DATE OF TESTIMONY: 10 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Commander, 174th Assault Helicopter Company.

1. ATTENDANCE AT BRIEFINGS.

a. Generally.

The witness stated that when helicopters from his unit were going to be used in a lift, he would send anyone available to the ground unit's briefing; he did not necessarily go himself (pgs. 24, 25). He would preferably send someone who was going to be involved in the lift or the operations officer (pg. 25). Under normal circumstances if a lift involving a large number of helicopters was involved, the briefing for the operation would probably be attended by himself, the operations officer, or the lift leader (pg. 26).

b. Briefing of 15 March.

The witness stated that he recalled a change of command ceremony held at Duc Pho, but could not remember sending anyone to a briefing there or attending one himself on 15 March (pg. 26). He stated that Lieutenant PETERS was his operations officer and Mr. MAGNO was the assistant operations officer. Either of those or Lieutenant MILLIKIN may have attended the briefing prior to the operation (pgs. 26, 27).

c. Briefing of 16 March.

The witness testified that he could not recall the

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specific operation of 16 March (pg. 25). He added that he normally would have attended the evening briefing of the 11th Brigade, but he could not recall a briefing where a high number of casualties, such as we are involved with, was ever mentioned (pg. 30). He added that if he had not attended the brigade briefing, possibly Mr. BANEK, the intelligence officer, would have attended (pgs. 36, 37).

2. COORDINATION OF AVIATION UNITS.

The witness stated that he often talked with his lift leaders and other pilots about situations where artillery fire did not lift on time. This was not necessarily unusual (pgs. 30, 31). He noted that operations with Task Force Barker were somewhat less organized than the aviation people desired. He had mentioned this matter to staff sections within the aviation battalion (pg. 31). He testified that requests for helicopter support were normally coordinated through the aviation battalion, and noted that his people would first have been briefed by battalion on the requirements for a specific operation (pg. 32).

3. RULES OF ENGAGEMENT.

Concerning the rules of engagement for gunships, the witness said that there was always a team leader who had control over the gunships in the air. Only in unusual circumstances was anything engaged on the ground without prior permission from the ground commander. This situation might occur when there were no U.S. troops in an area and the helicopters received fire from the ground (pg. 38). There were several documents covering the rules of engagement including USARV regulations, 1st Aviation Brigade regulations, the aviation battalion's SOP, and his company's SOP (pg. 39).

4. KNOWLEDGE OF THE INCIDENT AND INVESTIGATIONS.

The witness stated that to the best of his knowledge Colonel HENDERSON never asked him to check with his pilots and make a report on an incident of the magnitude with which we are involved (pgs. 36, 37). The witness added that he could recall no report of an incident of this magnitude. However, he admitted that there was the possibility that someone mentioned the incident to him, but did it in such a way that he did not realize the seriousness of it. He did not recall

this having been done (pgs. 28, 30, 35, 41). The witness added that he had no knowledge of an investigation nor did he ever receive a request to take statements from his pilots (pgs. 35, 40).

5. OTHER INFORMATION.

a. Later incidents.

The witness stated that there was an incident in July concerning indiscriminate shooting by the Sharks. The witness added that he asked HENDERSON to contact the infantry troops and ask if they had any knowledge of this. He also requested his battalion to initiate a formal investigation of this report (pgs. 35, 36).

b. Exhibits.

Exhibits utilized by the witness are noted infra.



(The hearing reconvened at 1501 hours, 10 December 1969.)

IO: The hearing will come to order.

RCDR: The following named persons are present:  
LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL MILLER,  
COL FRANKLIN and MAJ COOP.

The next witness will be Major Glenn D. GIBSON.

(MAJ GIBSON, , United States Army, Headquarters, Sixth U.S. Army, Presidio, San Francisco, was called as a witness, was sworn, and testified as follows:)

IO: 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 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) possible suppression or withholding of information by any person who had a duty to report and to furnish information regarding 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.

A. Yes, sir.

IO: I have had made available to me and have reviewed prior official statements obtained in other official investigations of the My Lai incident, and that includes your statement which you made in the inspector general inquiry.

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APP T-15

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Your testimony will be taken under oath and a verbatim transcript will be prepared. A tape recording is being made in addition to the verbatim notes being 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 later become a matter of public knowledge.

There are several people in this room who may ask you questions: Mr. WEST on my right, Colonel MILLER on his right, and Colonel FRANKLIN have been designated from Department of the Army as my assistants, and they are authorized to ask questions. In addition, on my left is Mr. MACCRATE, and to your left is Mr. WALSH, who are serving as legal counsel to me and to the other members of the team. They, too, may ask questions. However, I have the responsibility of weighing the evidence and making the findings and recommendations.

You are not to discuss your testimony in this investigation with others, including other witnesses for this investigation, except in the performance of official duties, or as you might 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 and the effect of that order.

A. I am subject to that, sir. I have received that notification, sir, as a witness.

Q. That is to say there is no restriction whatsoever as to your giving testimony in this investigation, but the mere fact that you have given testimony in this investigation in no way releases you from the obligation which you have been placed under by the military judge.

A. I understand, sir.

Q. Do you have any questions?

A. No, sir.

(Specialist Six Arthur B. REID Jr., the appointed reporter, was duly sworn.)

Q. Major GIBSON, would you state your duty assignment on 16 March 1968?

A. Yes, sir. I was the commanding officer of the 174th Assault Helicopter Company, located at LZ Bronco, Duc Pho, Republic of Vietnam.

Q. What unit was the 174th Assault Helicopter Company assigned to?

A. To the 14th Aviation Battalion, sir.

Q. Where were your headquarters?

A. Chu Lai, sir.

Q. How long were you in command of this company?

A. I assumed command on the 2d day of February, 1968.

Q. How long did you remain in command?

A. Until the 17th day of September, 1968.

Q. On the 16th of March, did your unit participate in a helicopter assault landing in the area of My Lai (4)?

A. I don't remember the 16th of March as a specific date, sir. I am not aware of the exact activities of the aircraft in the company on that date. I do not remember a specific assault into that area on that date. If I may elaborate on that, sir. We supported Task Force Barker in conjunction with other units in the 14th Battalion. One of the helicopter companies was designated to supply some of the choppers to accomplish tasks for Task Force Barker. During that time frame it probably involved three or four helicopters, and their major assignment in the task force at that time was command and control aircraft, flying for the battalion commander and other people who required command and control aircraft, resupply aircraft, and any other specific types that they wanted on any appointed day. The mode of operation, as I recollect, in Task Force Barker, generally, was that all the aircraft assigned to the task force, aircraft

from all the companies, quite often were required to report to one of the landing zones. At that time, the task force commander utilized these aircraft to reposition troops and whatever he saw fit, including making small combat assaults with maybe a platoon or a company minus, taking them off fire bases and trying to position them for the day's activities. There was no preplanned, to my knowledge, any major combat assault planned for that day.

IO: Would you give me the combat action report?

RCDR: Yes, sir.

(The recorder did as directed.)

IO: I have here Exhibit R-2, subject: "Combat Action Report", prepared by the commanding officer of Task Force Barker, dated 28 March, and addressed to the commanding officer of the 11th Infantry Brigade. I refer this to you, specifically paragraphs 1, 2, 3, and 7 on the first page.

(The IO hands Exhibit R-2 to the witness.)

A. Yes, sir.

(The witness examines and hands Exhibit R-2 back to the IO.)

As I stated, they identified these as combat assaults and, in fact, they were small-scale combat assaults. As far as a major preplanned assault like the night before--in other words, two or three days, this type of operation they were not.

Q. In a situation like this, where they are going to have nine or ten lift ships and supporting gunships, how would they control that and organize it?

A. Usually in a lift that involved as many aircraft as you have mentioned, sir, you have, at least the day before, a briefing of the personnel involved here, the mobile personnel involved. Usually whoever is going to be the gunship flight commander, and also the lift ship commander usually get with the commander of the unit concerned, and they go down a preplanned operation of what you are going to do and how many ships this is going to take.

Q. Did you normally support the 11th Brigade?

A. Yes, sir. Normally we did. Our mission was a direct support or general support of the Americal Division. The fact that we were located in Duc Pho and with the brigade made it more economical and easier for us to support. We gave the majority of our support to the 11th. However, we did support other units in the Americal. This operation here was actually closer to other companies in the Americal Division. It was closer to Chu Lai than it was to Duc Pho. This is the reason that all the companies in the battalion, the 14th Battalion, support the task force.

Q. What I am trying to find out is who provided the helicopters to support this operation, and who was in charge of it? Would you have any idea?

A. I can't tell you names, sir. No, sir. I don't. I wasn't in charge of it, and I wasn't there, sir. I don't remember this assault at all or this operation at all. As I indicated, the commander, usually in the morning, went up and reported to one of the LZ's, and he was told what they were going to do. It might involve two or three lifts during the day in repositioning platoons and squads, taking out night patrols, and this type thing.

Q. Did you provide the gunships for this operation?

A. I don't even recall if our gunships were involved. They probably were or possibly could have been.

Q. Where were you?

A. I assume I was in the company area. I believe this date was a Saturday. Generally, on Saturday, the battalion commander has a staff meeting at Chu Lai. I checked my flight record for the 16th day of March. I made a flight to Chu Lai, so obviously I went there. I think this would substantiate the fact that I was at the battalion commander's meeting on the 16th of March in Chu Lai.

Q. Where would they have records as to what aircraft were assigned, who were the commanders of the lift ships, and who were the commanders of the gun elements?

A. We turn in a daily operational report, sir.

Q. Who is "we"?

A. The company, sir. They turn in a daily operational report to each company. This report indicated a number of aircraft, OPREP 5, sir. This indicates the number of aircraft flown in support, and a very brief detail of the day's operations. They went to the 14th Battalion on a daily basis. This report would probably indicate the number of aircraft that supported this particular operation. Whether the gunships supported it or not, it would give a very brief description of the operation. At company level it seems to me that this report is probably kept for 6 months. At battalion level it was compiled for the whole battalion. The records should be there.

Q. The 14th Battalion at Chu Lai?

A. Yes, sir.

Q. Were you present at the operational briefing?

A. No, sir.

Q. Were you present at the operational briefing which was reported to have been given on the afternoon of the 15th of March for this operation?

A. No, sir. I was not present for this briefing.

Q. Normally, if you had a lift of nine or ten ships, how many gunships would be assigned to work with them?

A. At least two, sir. One team. It depends on the distance you are moving. If you just went a short distance, two might be sufficient. If it is a longer distance, you might need more.

Q. What if it involves also a combat assault? That's what I am referring to.

A. It would be desirable to have two teams or four ships, sir.

Q. Two on each flank?

A. Yes, sir.

Q. What time did you return from Chu Lai on the 16th?

A. I cannot tell you the exact time, sir. In fact, my reasoning is right on that, sir. The only reason I went to Chu Lai was for two things; the battalion commander's meeting, and usually on the same day to visit anyone who might have been in the hospital there. This depends on how long the meeting was and how long my visit was.

Q. The pilot log does not indicate how long the flight time was, and the time of return?

A. Sir, it indicates the total time that we flew on that day.

Q. On the 17th, did you have any participation in this operation?

A. Again, I don't identify, sir. I don't remember, sir. I don't remember any particular event or anything in this time frame of the 16th or 17th or the 18th, which was another day. I do not recall ever being in a flight or leading a flight in a combat assault in the area that we are talking about. Later on, we moved troops out of the area west of there and assaulted in an area below and south of the Quang Ngai River into the hills west of Quang Ngai. That was at least a battalion lift. This is the only lift I remember participating in around that immediate area.

Q. Who normally were your flight leaders? You had a nine or ten ship, helicopter, combat assault lift.

A. It would be one of my commissioned officers that held the position of operations officer or platoon leader.

Q. As company commander, what would you do in those circumstances when you have nine or ten of your ships in a lift?

A. If it was nine or ten of my ships, generally I was the lift leader. That's the reason I am under the impression that it wasn't nine or ten of my ships. If it was a three or four ship operation, like they often run up there on the spur of the moment, I always made sure that we had a lieutenant in that area that could take over and run the lift.

Q. If you had a light company to put on the ground, of approximately 105 to 110 men, and you had 9 or 10 helicopters, how many lifts would it take to put them in?

A. Two lifts, sir.

Q. Did Colonel HENDERSON ever come to you in the time frame of the 16th or the 17th and ask from you a report as to what your gunships were doing? Did they shoot up any civilians, noncombatants, in the area of My Lai, and more specifically to the south and along the road south of My Lai (4)?

A. I do not remember any such a conversation. Surely, I would have if he put a direct question to me as you have here. I am sure I would have remembered it because I would have looked into the situation and probably asked some people. The records and operational report that evening indicated no such thing.

Q. What did your operational report indicate?

A. I don't remember exactly, sir, but it was a routine report. I would have remembered. Now, there is a possibility that in an informal discussion he could have mentioned something like this, but it wasn't emphasized as you put it: "Did they shoot up a village?", or something like this. Never do I recall him asking something like this.

Q. Did you ever check on such a thing within your personnel and gun commanders?

A. No, sir. That's the reason I am under the impression that I was never aware that he put such a question to me.

Q. Did you ever submit a report to him of the results of such checking that you may have done?

A. No, sir. Not to my knowledge.

Q. Are you aware of the area that we are interested in? We are talking about My Lai (4). This is the village indicated on the map, just to the north of Highway 521.

A. (The witness looks at the map of the My Lai area designated MAP-1.) Right.

Q. Did anybody ever ask you about your helicopters possibly shooting into civilians?

A. No, sir.

Q. Did you ever give a statement to that effect?

A. No, sir.

Q. Were you placed under oath? Did you ever submit a written statement?

A. No, sir.

Q. Colonel HENDERSON never talked to you?

A. Not on a formal basis, no, sir.

Q. If this had been on a formal basis, would you have recognized it?

A. I should hope so, sir.

Q. Did Colonel BARKER ever talk to you about it?

A. Not that I recall.

Q. Did any staff officers from those two headquarters ever talk to you about it?

A. Not to my knowledge.

Q. Do you recall seeing Colonel HENDERSON on either the night of the 16th or the evening of the 16th, late in the afternoon, or the 17th?

A. Again, I don't recall specific dates. I generally made a habit of attending the 11th Brigade's operational briefing which is held about 1600 every day. If I was in the area at that time, I was in the briefing. I generally saw the colonel on a daily basis.

Q. You would remember him particularly if he came to your headquarters to see you?

A. Yes, sir.

Q. Did you ever hear of any investigation being made of the activities which took place in My Lai on 16 March 1968?

A. I was not aware of any investigations, sir. I was never aware of any, sir.

Q. Did you ever hear of any rumors to the effect that something unusual occurred, perhaps a large number of non-combatants were killed in My Lai on 16 March?

A. No, sir.

Q. Did you have any reason to suspect that such had occurred?

A. No, sir.

Q. Did you ever hear anybody make a statement, generally, to the effect that they were not to talk about what happened in My Lai (4) on 16 March?

A. No, sir.

Q. Before coming here, have you talked to anybody concerning the events which transpired in that area?

A. I talked to the Department of the Army IG, Colonel WILSON, sir.

Q. Do I have your testimony on that?

A. Yes, sir.

Q. That is the only one to whom you talked?

A. Yes, sir.

Q. Since receiving your orders to report here, have you talked to anybody?

A. No, sir.

IO: Mr. MACCRATE, do you have any questions?

MR MACCRATE: No. I don't believe that I do.

IO: Any questions, Colonel MILLER?

COL MILLER: No.

COL FRANKLIN: What were the call signs of your outfit? What were you called?

A. The lift ships were called the Dolphins. The gunships were called the Sharks. This was an accepted call sign until the new ones came out. On a later date a new system came out.

Q. You have a very poor recollection of just a routine thing. It's our understanding that there were nine lift ships, Dolphins, and at least two Shark gunships involved in this. You're going to send up one of your officers in the Dolphin lead, and that is the console ship. How many slicks did you have flying a day, normally?

A. That was the next thing that I was going to point out. During this time frame we had been hit quite badly during the Tet and following Tet. The inventory of aircraft at the company was low. At one time we only had, I think, three gunships in the company. Out of the three, we never had more than two of them flying. Quite often it was only one for this time frame.

IO: Which time frame are you talking about?

A. I am talking about the March and later February time frame after Tet, and the six weeks or so following Tet.

Q. What date are you giving for Tet now?

A. The end of January, sir.

Q. So we are talking about roughly 45 days later?

A. About 6 weeks later, sir.

Q. What happened to your unit at Tet?

A. We were mortared on at least two nights. The second night was our first attack. As I recall, there were seven or eight aircraft rendered unflyable. They had major damage to them. Shortly after, in the space of 2 or 3 weeks, we lost possibly two gunships in the field. One was shot down supporting another mission that we had with the 10th Special Forces out of Danang. There were two ships in the Duc Pho area shot down. Our inventory of aircraft during the time frame that we are talking about here in the middle of March was low, and probably our lowest. It was about this time that we started getting new aircraft. It seems to me that about the middle of March we got our first brand new aircraft. It was an H-model. We had B-model lift ships. We were told that we would eventually get all H-models. I believe we flew down to Cam Ranh and picked up our first models sometime around the middle of March, so our aircraft inventory was quite low. During that period I would say that it was quite low, and I would say probably eight slick ships and probably one set of guns or two guns, maybe on the outside ten slicks and three guns.

Q. If you were that low and had to put all your helicopter assets in the helicopter assault mission on the 16th, it would appear that you would be fairly well fixed on that?

A. Yes, sir. If we did fly everything we had I would think I would remember it, but I do not remember that date as one specific date, or any event that happened that date. I have given it considerable thought, too.

COL FRANKLIN: As you answered a while ago to General PEERS' question, all your company was being utilized?

A. Yes, sir.

Q. One of the points on this "poop sheet" that you fill out is the enemy situation. You're going into the hottest area that Task Force Barker has been into. You anticipate hot LZ's. One of your pilots reports a hot LZ, and you get the biggest body count that Task Force Barker has gotten, which you supported, in both journal and radio

publicity. It is sort of difficult to understand why you don't remember anything about all this?

A. I agree with you 100 percent, sir, and I don't remember a large body count. I am talking about more than 20 people. In a general operation, two or three or even five is a large body count.

IO: You indicated that you normally attend the staff briefing for the 11th Brigade, and this was part of the report that was submitted by the 11th Brigade on the night of the 16th, and it was probably wrapped up on the 17th. It would seem to me that when you have a body count of 128, you should remember it?

A. Yes, sir. I would have remembered that, so either I wasn't at that briefing or something. It is a possibility that I might have missed that one. It might have been that I didn't get back from Chu Lai until after the briefing, but I do not recall that large a body count. Of course, we didn't send in the body count for the whole brigade.

Q. Do you recall what your report said that you did say?

A. It wasn't unusual, sir. This is what I say. As far as credit for enemy killed, this is determined by the person making the report who calls the brigade. They credit whatever the field commander says the aircraft kills. In other words, they credit the gunship with two, three, four kills in the operation today. A half a dozen would be a lot. I don't recall any report reflecting anything out of the ordinary.

Q. For the record, would you indicate, when you were absent, who would have been the logical one to have directed the operation of your company, and who would have received the reports coming in from your units in the field?

A. My operations officer, sir.

Q. Did your operations officer also serve as your executive officer?

A. No, sir.

Q. Did you have an executive officer?

A. Yes, sir.

Q. What was his name?

A. BOSWELL, sir. That was Captain BOSWELL, sir. The operations officer handled flight operations. The executive officer handled mostly company operations. If anything came up while I was gone, the flight operations officer would have taken action on it. If it was anything of any consequence at all, he would have called me. I wasn't that far out of communications with the company. I was constantly with it. If there was anything that he thought I should know, he would immediately get hold of me. I was at the battalion. In case I was at the battalion, he could get me on the hot line to battalion operations and immediately let me know.

Q. I think you can see the contradictions that we have here. All the indications that we have, at least up to the present time, is that your unit provided the lift and guns with you as the commander. With the unit being pulled down, as you indicated, in its available lift capability, and with a major operation such as this, even though you had to report to a battalion commander's meeting, I understand battalion commander's meetings don't normally last too long. With the interest and the magnitude and importance of this operation, it would appear that you should have far more knowledge of it than you profess to have?

A. Yes, sir. That's the reason I - - apparently the magnitude of the operation wasn't stressed to me as such.

Q. Do you know who the flight leader was that day?

A. I can't tell you precisely, sir. It had to be one of about four people.

Q. Would that have been indicated in your report that you submitted to battalion?

A. Not the flight leader. I don't believe so, sir.

Q. Not the flight leader?

A. I don't believe so. I don't believe they put the names of personnel on this report.

Q. Did you have to submit any kind of operational after action report?

A. Not other than the OPREP 5, sir.

Q. One thing about aviation that I have always noted, and I have had many aviation units assigned to me, is that if there is anything that they know, it is what is going on, and they've got records to show what is going on. At the present moment, all I am getting is that "I don't know." It would seem to me that there is some place that this information is available, and that is what I want to know?

A. There are records that are kept on the aircraft, sir. The crews are listed on the aircraft, by aircraft. Now, there is a 2408-12, and the crews are listed there. Those records are maintained, and this is where the crews are recorded. You could probably go to these records, if they are available, and find out what specific crews were on specific aircraft. Each mission chief told the crew what the assignment was, where they were to go, and this type thing. At the end of the day they completed it, and there is a section that the aircraft commander filled out to include passengers carried, cargo, and a general description of what he did that day. This was turned back in to operations. There is a possibility that these reports are still available in the company.

Q. I understand your aircraft log, and I understand this kind of report. But, I am talking about unit reports of where you submitted a report to your battalion, where the aircraft was assigned, who was in charge of these aircraft, what they were doing.

A. Sir, the battalion told us what to do with the aircraft. The aircraft were assigned from battalion. Maybe this is the problem here, sir. The battalion operations center received the missions from the Americal Division on a daily basis. They would, in turn, break down the missions and assign them to the companies. We, in turn, told them

the tail numbers assigned these missions, to include the crew. The battalion knew. They monitored the operation, and when a ship came back in off an operation, we called battalion on a direct line to the battalion operations center and told them the ship was back and the mission was completed. They constantly monitored the operation of each aircraft, so there was no reason for any report to be made to them. They knew what was going on.

Q. Who was your battalion commander?

A. Colonel CARSON.

Q. Lieutenant colonel?

A. Yes, sir.

Q. Where is he now?

A. I'm not sure. I am not sure of his assignment now, sir.

Q. Raymond CARSON?

A. I believe his first name is Ray. I don't believe it is Raymond, sir. He completed C&GS in July of last year, and I don't know what his assignment was after that.

IO: We ought to be able to track that down fairly easy.

MR WEST: Who was the executive officer of the battalion at this time?

A. I can't think of his name right now, sir. Lieutenant Colonel - - I can't quite recall.

Q. Let's try the operations officer in the battalion while you are thinking of the other one?

A. I knew you were going to ask me that. My mind just draws a blank on it. I can see his face.

Q. Try to think of it and give it to us at a later

time. Do you know Captain BOSWELL? Was it Captain BOSWELL, the executive officer?

A. Yes, sir.

Q. Do you know his initials?

A. George. I think his middle initial is an "E". I'm not sure.

Q. How about the operations officer at company?

A. Captain PETERS, P-E-T-E-R-S. His first name was Kenneth.

Q. Was it possible that some other company furnished the lift or gunships for this operation on the 16th?

A. Not only do I think it is possible, but I think it is likely that there were other ships involved.

Q. If I understood you correctly then, it's possible that another company furnished the lift and gunships, but that you might have had one or two aircraft--

A. (Interposing) Three or four.

Q. Three or four aircraft in it?

A. Yes, sir. Our gunship team might have been involved or could have been, but during this time, as I stated, the availability of our aircraft was such that, in the mode of operation, Task Force Barker had all the aircraft assigned to them. They pulled them in when they wanted to. You never really knew if they were going to or not. Any time during the day they might put out a call and move a unit.

Q. You made a statement - - could you give the companies in the 14th Battalion?

A. 176th was a Huey company. The 171st was a Huey company. Those were the two Huey assault companies.

Q. Where were they located?

A. In Chu Lai.

Q. Those two in Chu Lai, and your company in Duc Pho?

A. Yes, sir.

Q. Did you ever hear a report of a number of civilians killed by gunships at My Lai (4)?

A. No, sir.

Q. We have evidence that the gunships that supported the lift made a gun run on about 50 civilians on a road or trail leading out of My Lai (4). This occurred just before the troops moved into the hamlet, and killed an unknown number. They were described as Sharks.

A. This was never reported to me.

Q. Getting back to Colonel HENDERSON. The evidence shows that General YOUNG, the ADC of the division, directed Colonel HENDERSON to investigate a report of indiscriminate shootings of civilians at My Lai (4) on the morning of 16 March 1968. We have had testimony from Colonel HENDERSON, in the course of this investigation, that on the evening of the 17th he talked to you at Duc Pho, and in answer to a question he said: "I returned to Duc Pho and met with Major GIBSON, the commander of the 174th Aviation Battalion." Question. "174th"? Answer. "Yes, sir. This was the outfit that provided the gunships for this operation, the so-called Sharks. They call their gunships the Sharks. I asked him to survey all his pilots who participated in this operation, both the Dolphins' slicks and Sharks' gunships, and find out if any individual or pilot observed any wild shooting or killing of noncombatants, and advise me if there was any truth to this. I also informed him what the allegations were."

A. I do not recall any conversation like that.

Q. Subsequently, Colonel HENDERSON testified: "That night, following my staff meeting, I called Major GIBSON aside, who was the commander of the 174th, and asked him what he had found out from his pilots. He told me that he had talked to all the pilots that had been involved in that

operation, and not a single one of them observed any non-combatants being killed, nor were his gunships out of control, nor did they observe any troops on the ground."

A. I do not recall such a conversation as that, either.

Q. You realize that he is quoting you?

A. Yes, sir.

Q. You can understand our questioning you on this point?

A. I certainly can. And if the colonel had've presented it in such a way as he has presented it there, I would - - if he had - - I would have remembered it, undoubtedly.

Q. I'm sure you appreciate the seriousness and the fact that you are under oath?

A. Yes, sir. I certainly do.

Q. Can you think of anything else that would help us in determining exactly who provided this lift and gunship support during this operation?

A. I do believe that probably the operational records of the 14th Battalion would probably indicate - - there may still be remaining within the 174th a record or daily mission sheet record that we use. They may go back that far. I don't know if they have kept them that far or not. That would indicate what each pilot did and this type thing.

Q. Is the battalion still committed in Vietnam?

A. I believe they have been redesignated, but they are still in Chu Lai. There has been a reorganization there. I think it all comes under the Americal Division.

Q. It's organic?

A. Right. That is my impression in talking with persons that have recently come back.

Q. Has there been a change in the unit designation?

A. I don't know if it is still designated the 14th, or if it's still under the - - someone said that they formed an aviation group at Chu Lai with all of the Americal organic, plus the 14th Battalion. You see, the 14th Battalion, in addition to the two or three assault helicopter companies, had two Chinook helicopter companies. So, there were five companies there in the Americal battalion. In talking to someone that returned after I did, I believe they said that they combined the whole thing. It may all be organic to the brigade now, but the unit is still there, to the best of my knowledge, sir. I believe that their records might or should reflect something on this. Now, also Captain PETERS might be able to reflect something on this. He was the operations officer.

Q. Could we ask you where he is?

A. It seems like he was at Fort Monmouth the last thing I heard. I really don't know, sir.

IO: If I may refresh you on your previous testimony which I do not have with me, but as I recall, you indicated quite strongly that you thought he was, when you talked to Colonel WILSON, he was at Fort Meade.

A. Maybe it is Fort Meade.

Q. What is his first name?

A. Kenneth.

Q. And he is a captain today?

A. Yes, sir.

COL MILLER: Can you tell us what armament the slicks and the Dolphins had? How many rounds when they went on an assault?

A. The slicks were armed with two M-60 machineguns, door guns. The gunners usually carried four ammo canisters

of chain-link ammunition. The exact number of rounds, I don't know.

Q. Could you estimate?

A. I would estimate approximately 2000 rounds, or in excess of that maybe, on each side.

Q. This was a normal load. Any other armament?

A. Not on the slicks, sir.

Q. How about the Dolphins?

A. The Sharks?

Q. The Sharks, right.

A. There were two or three different configurations.

IO: This is plain data and I think we can get this. I think if we are going to ask, I think the question should be what kind of armament these particular Sharks had on them.

COL MILLER: Right, sir.

A. One more bit of information that might aid you. Someone that might know, and I don't believe this has been indicated before as you haven't asked, but the gun platoon leader at that time was a Captain NEUMANN. That's N-E-U-M-A-N-N. I believe his first name was Alfred.

MR WEST: Have you thought of the exec officer yet?

A. The lieutenant colonel that was there left shortly, and I am still trying to think of the operations officer.

IO: Do you have the names of your normal flight leaders?

A. Lieutenant KAUFMAN, K-A-U-F-M-A-N.

Q. What was his first name?

A. Leonard KAUFMAN, sir. He was a Signal Corps type. Wait. I have to retract something here. I made a mistake with the changeover in personnel there. The time that we are talking about, the gun platoon leader was a Captain MCCRARY. The Lieutenant that I mentioned, NEUMANN, was a slick platoon leader at that time. So, it was NEUMANN, KAUFMAN, MCCRARY, and a Lieutenant MILLIKIN. I believe his name is spelled M-I-L-L-I-K-I-N. His first name completely slips me.

MR WEST: How about MCCRARY?

A. Lanny, L-A-N-N-Y. Those were the three flight leaders that were designated, actually four.

IO: I'd like to refresh your memory. I'd like to come back to the log for the Americal Division for the 16th of March. I'd like to show you entry number 94, particularly starting with Operation Muscatine, and see if that doesn't help your memory?

(The IO hands Exhibit M-6 to the witness.)

A. I still can't remember this specific mission. No, sir. We have missions similar to this every day and sometimes twice a day.

Q. Wait a minute now. You say you have missions like that. When did you have a body count of 128?

A. I was about to make an exception. We never had a body count as high as that day, 128 or something like that.

Q. I believe that gave 128 for Task Force Barker?

A. Yes, sir. I grant that point, sir.

Q. Shouldn't that have stood out in one's memory?

A. It certainly would, sir.

Q. Are you sure you were not on leave, R&R or something like this during the period?

A. No, sir. I was not. If I wasn't at the battalion, I was at operations monitoring the operation on the radio.

Q. Did you hear anything on this radio transmission?

A. No, sir. I did not.

Q. There was much going on. I'd like to give you this opportunity to provide any additional testimony, to make a statement, or anything which, in your judgment, would contribute to the purpose for which this investigation was initiated?

A. I have no such statement, sir. Everything that I have given here today is to the best of my knowledge on this particular mission.

Q. If you have any documents, notes, memoranda, photos, or any other document or material which would contribute to the purposes of this investigation we would like to have them?

A. No, sir. I have no such documents.

IO: Are there any additional questions?

(Negative response)

The hearing will be recessed until 1700 hours.

(The hearing recessed at 1615 hours, 10 December 1969.)

(The hearing reconvened at 1831 hours, 10 February 1970.)

LTC PATTERSON: The hearing will come to order.

RCDR: The following persons are present: LTC PATTERSON and MAJ LYNN.

The hearing recalls Major Glenn D. GIBSON.

(MAJ GIBSON was recalled as a witness, was reminded he was still under oath, and testified as follows:)

LTC PATTERSON: Major GIBSON, the reason we recalled you back here is that since your testimony on or about 10 December 1969 before this inquiry, we have had an opportunity to talk with well over 300 different people concerning the Son My or My Lai incident of on or about 16 to 18 March 1968. Talking to that many people, we have ascertained a good many additional facts and we've seen some documents and studied them. In an attempt to clarify a few points to which you testified on or about 10 December, we've asked you to come back here. I'm going to ask you a few very specific questions. First, to provide somewhat of a feel for the 174th Aviation Company which you commanded on 16 March, can you explain why you as the commanding officer did not apparently attend the briefing conducted at LZ Dottie by Task Force Barker on 15 March 1968?

A. Well, I don't--I'm not familiar with specific dates or a specific operation. I can't tell you specifically why I didn't attend. However, I was--I will state that the--as I said before, we run a lot of operations which were considered minor as opposed to major operations on a day to day basis. We run these sometimes two or three times a day, and it was the accepted procedure to have a representative from the company, a designated representative, attend various briefings. Quite often this--if a briefing was going to be during the last portion of the day or the late evening in an area in reference to some kind of lift the next morning, then a pilot that had been flying in that area that day would attend the briefing and bring the information back. Of course, we would give him the information--all of our missions came down from the 14th Battalion. We would get the battalion notification and information pertaining to the lift from the battalion. Now the company representative, like I say, could be anyone. It could

have been anyone within the area that afternoon, but preferably a person who is going to be in a lift late the next day. Sometimes if the opportunity presents itself, we send specific people out depending on the mission and the difficulty of it, anticipated difficulty of the mission. This was an accepted procedure in the way we operated, and this is probably what happened on--on this particular occasion. Probably somebody that was working in the area that afternoon took the briefing on the next day's operation and brought it back. Or we could've--I could have dispatched the operations officer, platoon leader, or something like this up to take the briefing. I did not go to every briefing we had for every lift we had. If it was considered a major lift, battalion lift or something like this, I did attend.

Q. Well, the information that we now have, of course, indicates that this was, in fact, a true company lift of the three companies of Task Force Barker that were being combat assaulted. The entire battalion at Task Force Barker, three companies, was, in fact, to be involved in the operation. One was walking in position and two were being lifted in.

A. Right.

Q. Under the assumption that no one was in the area on 15 March in that there were no combat assaults by Task Force Barker on 15 March, as I have understood what you just said in testimony, you indicated you would've sent an operations officer and perhaps whoever was going to lift or to be the lead of the lift.

A. Yes, sir. Providing that we were notified and requested to do this. Now, battalion, 14th Battalion, was sent down the mission and told us that we were going to be lead lift for the mission tomorrow in this case. There were other cases like this. Again, not remembering this specific incident we are talking about here, I don't know, maybe--maybe you have evidence that shows that we were designated as the lead lift or to run this operation. I don't know; I don't remember.

Q. Okay. The 15th of March. On the 15th of March at 0930 hours in the morning, General LIPSCOMB had a change of command ceremony at Duc Pho and departed.

A. I remember such a ceremony, yes, sir.

Q. And it was later in the afternoon that this briefing was being conducted at LZ Dottie. The 174th, we believe, was designated by 14th Aviation Battalion as the lift company. Can you venture a guess or can you recall as to who on this particular day, change of command and new brigade commander, might have gone to LZ Dottie? Can you see that the--

A. (Interposing) I remember the 15th. This was the day that General LIPSCOMB left, because I remember the change of command ceremony that morning. He was on the other ramp on the helipad. I don't remember, I can't recall any association that day of sending anybody or directing anybody to go to a briefing or receiving a request to attend a briefing. But this is not unusual, because we had them--I mean they're very frequent, and it wouldn't be something that stands out in your mind.

Q. Who would have gone then?

A. Well, a--like I said, if it was a large lift, and depending on what was going on the next day, I would have gone. If it was considered a routine lift, and these happen continuously in that particular area up there, I would have either sent the operations officer or whoever else we would designate as lift lead the next day to lead the operation. Those would be the preferable people.

Q. Or?

A. Well, whoever--again, availability of the individual. Maybe the person that's going to be the lift lead is out on another mission. "Charlie" is doing something that day and isn't available at the briefing time.

Q. Would it be unusual for you to have sent your operations officer and the lift lead together?

A. No. That would have been desirable.

Q. Who was your operations officer?

A. At this time I believe that Lieutenant PETERS was.

Q. And what position did MAGNO hold?

A. Mr. MAGNO in March was in the gun platoon. That's the best I can recollect.

Q. Was he brought into operations at--

A. (Interposing) Yes. It's a possibility, let's see. Okay, the reason I believe he was in a gun platoon or I thought he was, is because during Tet he was involved in an operation at Quang Ngai. I very specifically remember him being involved, flying with the gun platoon on this operation. MAGNO was assigned as the assistant operations officer. Now, it was along about this time that this happened.

Q. Well, before--

A. (Interposing) I don't know, but he--you're right, he was designated as assistant operations officer for some time. No, I--at the same time, I can't recall exactly. He was either in a gun platoon or he had been in a gun platoon. I believe this is how it was. He had been in a gun platoon, and we made him assistant operations officer and he continued to support the gun platoon. That was his flying--the majority of his flying was done with the gun platoon.

Q. We have reason to believe that Lieutenant MILLIKIN was the lift lead on the 16th of March. Would it have been unusual, then, for Mr. MAGNO and Lieutenant MILLIKIN to have gone to that briefing?

A. No--No, sir, that would have been standard procedure.

Q. And you have no reason to believe that your absence or not going to that meeting was for any other reason than a prior commitment of some sort on your part?

A. No, sir.

Q. Nonavailability on your part?

A. It depended on the activities and what was going on, and again the routineness or the complicated--if complications are expected in relation to the lift. Since I don't remember, and I remember most lifts that anticipated complications of this type, I would consider that this must have been a routine lift. It was our standing procedure that either operations and the lift lead or both were representatives at these briefings.

Q. Was Mr. DOERSAM a member of the gun platoon, Sharks?

A. DOERSAM, yes, sir.

Q. He flew on the 16th of March in support of the Task Force Barker operation, and Captain MCCRARY flew the other Shark gunship. Those two individuals were the aircraft commanders.

A. Yes, sir.

Q. Mr. DOERSAM has testified--

A. (Interposing) DOERSAM or DORSMONE?

Q. DOERSAM has testified to essentially the following, and I quote:

"Q. Do you recall making any report to anyone about what you had seen?"

Prior to this he was discussing having seen some things on the ground and referring to large numbers of killed. He answered that question, and I quote:

"A. Well, I told Captain MCCRARY about it. He talked to our CO, Major GIBSON, I think. I know there was talk about it back at the company. I know I talked to Captain MCCRARY about it. I don't think I went any further than that."

A. My comment on his statement is I don't ever recall DOERSAM or Captain MCCRARY and, for that matter, anybody else in the company bringing to my attention any incident comparable to the one we're talking about. The fact is, I don't recall anybody or any discussion about DOERSAM seeing a lot of casualties up there today or anything like this. No one brought

anything of this nature to my attention during that time or during any other time.

Q. Captain MCCRARY did not discuss what he had seen with you?

A. Not to my recollection. If he did, it was on such a minor--it was in such a way that I didn't understand what he was saying to me. I don't remember him discussing anything. I don't recall at any time, at this time, during this time frame we're talking about here, or any other time over there, where anybody, Captain MCCRARY or anybody else, discussed operations on the ground that would indicate the thing we're talking about here, this incident.

Q. To your recollection, Mr. DOERSAM never talked to you about it?

A. No, sir.

Q. Captain MCCRARY never indicated to you that Mr. DOERSAM had reported something to him, Captain MCCRARY, and he was reporting on up the chain of command?

A. Not a--not in a way that I understood that this is what he was doing.

Q. I understand there were some card players in the 174th.

A. Sure.

Q. Do you recall any conversations over the card table with reference--

A. (Interposing) There was all kinds of conversations. If he heard anything such as scuttlebutt or rumors in the company, that's probably where he heard them.

Q. Did you hear any such--

A. (Interposing) I did not hear any such conversation at this time, at least none that would bring me to believe that

anything unusual had happened. Now, you hear--you know, they got into some deep stuff up there on these operations, or something like that, which I probably had already talked to the lift leader or somebody about, and probably already knew what had happened or attended the briefing at brigade. I had it nearly every day, the brigade briefing, and had a general idea of what had happened during the day's activities. By attending the briefing and putting in details--at no time did I ever get from a briefing or from any individual any indication that anything unusual or wrong had occurred. The fact is, I testified before, I don't ever recall a tentative brigade briefing where a casualty number as high as has been indicated in this incident was ever put out at the briefing.

Q. The indications we have are that on the 16th of March, Lieutenant MILLIKIN flew Dolphin lead, and that in that flight of nine aircraft there were aircraft from the Rattlers augmenting the 174th, perhaps even a Primo. The evidence that we have indicates that during the lift, which was, in fact, as you indicated, quite routine, both LZ's were cold. Two lifts went into each LZ. Near the first LZ on the second lift, there was some discussion about possibly receiving fire from one of the villages. It was the second lift into the first LZ, and the second LZ went cold, both lifts. The only operational problem as far as the lift elements of the 174th was concerned, or hitch in the operation, could possibly have been if the artillery did not get shut off for the second lift for the second LZ and the slicks had to make a go-around. The area in which they were working was, of course, reported to be a hostile area and was not one that you would call secure.

A. That's right.

Q. It was expected that the infantry forces on the ground were running into a formidable VC force. The fact that nine ships were involved augmented by the Rattlers in a hostile area with a go-around, all of these facts deny the fact that this was a normal, routine operation. Indeed, some of these things could, in fact, be called common by themselves, but when taken together perhaps it was not common. Do you recall hearing Lieutenant MILLIKIN or any of the lift pilots discuss their operations of 16 March?

A. Well, again, the procedures or the shortcomings on the operation, as you have indicated, are not what you call an

ideal lift, but these things often happened on lifts, and I have--I do recall talking to MILLIKIN and to the other lift lead, the other lieutenant, about such operations. They came back and briefed me on what had happened. Their comments were generally that everything went quite well, and maybe they had to make a go-around or something like this, which is a little unusual. But we sure don't like to make go-arounds and come back and land in the same area. There was complaining that the artillery didn't get shut off, and we had to make a "360" or something like this before landing. But again, this wasn't one isolated case. This happened quite often in the operations up in that area. Usually I took it up, we discussed it, and if no serious complications arose from this, the lift went on and was satisfactory, I would usually bring it up with the--if it involved the 11th Brigade people, I would bring it up with the aviation officer at brigade, Major SMITH, and discuss it with him informally, not complaining. In the Task Force Barker area I have made comments to my battalion, to the S3, about the operations being somewhat less organized than we desired it to be, not specifically about any one incident. It seemed that what you described happened more often there than with other units we supported, for some reason. But again, I don't specifically remember MILLIKIN coming back on this one operation and saying that. He probably did in his debriefing. If he went around, I'm sure he did bring it to my attention.

Q. You don't recall, and I thought perhaps you might recall because you had aircraft from other units in the formation, especially on a go-around and not being familiar with the tight turns, sleekness of the turns, air-speed on climbouts, and a host of other technical aspects, whether or not there was some additional concern? I am of the belief that these other aircraft augmenting the Dolphins were probably sandwiched in the middle of the formation, or perhaps even in the rear.

A. Well, we usually--when there were augmenting forces we used to put them in the rear. But during this time, as I said before, lifts using combined ships from two or three different companies or one or two companies were not unusual, and the basic formation that we used and the procedure we used was standard throughout the battalion. I don't think that this would cover the go-around. Now, of course, at a later date the people in the two or three ships from the 71st, these are the Rattlers, they would harass us a little bit about making

go-arounds on CA's or something like this, strictly a joking type thing rather than a procedure. They understood this operation and they flew quite often with us. I don't think that this would have made any big difference.

Q. Who would have made the decision as to how many gunships were required to support this lift?

A. This comes down on the instructions from battalion. They request--well, the total amount usually, I guess, is requested by the infantry. It goes through the division and comes down through the battalion; two teams, six teams, however many they desire. It comes to us, to the company, to support it for one team. The lead would find out if there was going to be another team from Rattler or from wherever else, who was going to support it. Then the two gun leaders--the two team leaders would get together before the lift.

Q. As I understand it, you go up and get a briefing.

A. Yes, that's it.

Q. You are assigned a mission first from battalion. You go up and get a briefing and you get the details.

A. Yes, sir.

Q. And the determination is made at that time as to which area you are going into specifically, how you are going to land, and an evaluation or an assessment is made of the type of situation that's going to confront you on your mission. This information is brought back in. I don't want to assume anything here, but did I gather from your testimony correctly that any decisions about whether you need additional gun support for this particular area and this specific mission is made by battalion?

A. Well, battalion consolidates the mission, and they--battalion looks the mission over, as well as I do, and tells you how many guns are available for it. Now, if I--if they came down with a number that was less than desirable for me for that mission, I would definitely bring out my point of it.

Q. This is a lot of area, supposedly. This was an area that was reported to be hot. In fact, in February, when they went in, the Task Force Barker personnel got into a very

serious engagement, and they rather expected to get into one on the 16th. This fact was presented at the briefing.

A. Right.

Q. This fact was, of course, known by the 174th people, and they knew what to expect in going into the area.

A. Let me say this. I don't know how many gun teams that were on this operation, but from the description of the operation that you have presented, I would say the minimum was two teams to operate with this. If there was any less than that, I would have definitely objected to it. Preferably, there should have been possibly three teams, but the gun situation throughout the battalion and the division wasn't real good at that time. I would estimate at that time the 174th was putting up three guns a day at the most. We had lost several in ground attacks on the installation there during Tet, and later on we were mortared.

Q. Your operations report on the 16th of March indicates that you did, in fact, have only three guns operational.

A. That's about right.

Q. All available evidence indicates there was only one gun team supporting this operation, and we have no evidence to indicate that any additional gunship support was requested.

A. I have no answer for that except the fact that there must have been some other indication that there were more guns. I almost remember as we talk here something about--I don't know whether it was this operation, but it had happened on operations up there, not frequently but occasionally, where the augmenting gun team or the other gun team, if we were going to have two, didn't show up for the operation. But generally, if this happened, when they told me about it or I knew about it, we made inquiries and wanted to know why they didn't show up. Possibly this happened here, I don't know. It seems strange to me that we flew an operation that you described here with only one team. I can't tell you why there was only one team.

Q. You have no recollection of receiving the information concerning the type of mission I described and, recognizing that you only had three guns available, making any requests

or going to battalion to get another gun team and being turned down--

A. (Interposing) No. That's the reason I--if I--in looking at this mission and briefing on this mission, if there had been only one gun team available, I believe I would've remembered it, because I would have done something about it. So it is not impossible that I was under the impression, or we were under the impression that there would be two teams. Obviously we couldn't support two teams. There would be a team from somebody else, from some other unit there.

Q. But you can't recall anything specific?

A. No, no specifics on it. I do, like you say, recall a couple of isolated cases, but again, I don't know when they happened. I can't tell you when they happened, where another gun team was supposed to show up, and when the operation was ready to go there was no other gun team there. I recall reporting back through battalion and asking why in the heck we didn't have the support we were running with or planned on.

Q. The lift in both LZ's was completed at 0827 hours. The first touch-down in the first LZ was at 0730 hours. The entire lift, then, took in the vicinity of 1 hour, approximately 1 hour. But the Sharks, a two-gun team stayed on station an additional period of time. They went somewhere to refuel, and they came back. They were on station and in the immediate area in support of the Task Force Barker operation for about another hour, maybe 1 hour and 20 minutes or so. You've indicated that you received no reports of any sort from the lift people. I've indicated that Mr. DOERSAM and Captain MCCRARY and their crew indicated they did, in fact, see something that was unusual during the time that they were on station after the slicks departed. You've indicated that you knew nothing of the reports from the slicks. Did you know of any type of reports from any member of the guns?

A. I recall no such report, nobody coming and bringing anything to my attention that would cause me to believe that anything unusual happened.

Q. Now, we're going to cover another subject here that I believe has been covered before. The 16th of March 1968 was a Saturday. The 17th of March was a Sunday. Before the briefing on the night of 18 March, Monday, Colonel HENDERSON had

received some reports to the effect that something had occurred on 16 March that required some investigation. Colonel HENDERSON has stated in testimony that he contacted you after the briefing on the night of 18 March and ordered you to survey your pilots with reference to "wild shooting" at My Lai, Son My, and the Pinkville area during the operations of 16 March. Do you recall him asking you this?

A. I do not. As I said before, I do not recall a conversation that involved what you say the colonel has testified to.

Q. Do you recall him at any time asking you on any occasion to check with your pilots as to any wild shooting?

A. No, I do not. Personally, I don't recall he and I talking about anything like this on any occasion during the whole period of time I was there.

Q. Did he ever ask you on any occasion to survey your aviators, your pilots, with reference to any incidents in which they might have been involved?

A. No. He never at any time presented me with a question of surveying my pilots with this intent.

Q. You hesitated, Major GIBSON. Is there something that you--

A. (Interposing) Well, no. There was an incident, the only incident that I remember in the whole year I was in Vietnam involving people from the 174th. There was a later incident, this was in July or something like this. You said did I at anytime have a discussion with Colonel HENDERSON over alleged operations. This has no bearing on this particular incident that we're talking about now. It was 4 or 5 months later and at that time, I believe, I do recall a conversation with Colonel HENDERSON. In fact, he ended up making a--I was requesting that he contact his people and find out what the situation was, and he did end up making a written statement for the investigation that occurred. This incident--

Q. (Interposing) Who made the written statement?

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A. Colonel HENDERSON. This is much later and has no bearing or nothing on this, what we're talking about here today.

Q. Was this discussion that you had with Colonel HENDERSON at this time, was this after a briefing?

A. More than likely it was, yes, sir.

Q. I guess what I'm trying to ascertain is could Colonel HENDERSON have confused this discussion that he had with you with the one that he seems to relate back to 18 March?

A. I wouldn't a--I don't know what he could do.

Q. The roughness of the conversation?

A. Well, the tables were turned so to speak. I was requesting the he--I had a report--I had received a report of an incident of much less magnitude than the one we're talking about here. I requested from him to contact the infantry that went in the area there and see what they could come up with. I requested our battalion to initiate a formal investigation on this and took statements from the infantry, and also Colonel HENDERSON provided a statement.

Q. Weren't the Sharks involved in some shooting?

A. Yes, it was, yes. If he's thinking of this conversation, it wouldn't seem likely. Because it was in July, I'm sure, it was well into the summer. It wasn't in the spring at all. I'm positive.

Q. Colonel HENDERSON also indicated in testimony that it was the day following the 18th or maybe even the 20th that you reported to him and gave him an oral reply that you had talked with all your pilots. None of them had seen, heard, or participated in any indiscriminate shooting. Do you recall making any such--

A. (Interposing) I do not recall making such statement.

Q. It's a question of time.

A. The point that I would like to make in reference to the conversation between Colonel HENDERSON and me--the recollection of such conversation is that if he would have come to me and explained that there was an alleged wild shooting or something like this during an operation, and how about checking each and every one of your pilots and let me know if they know anything about it, he wouldn't have had to wait until after some briefing for me to reply to him. I guarantee you that, and this is what makes it even more confusing in my mind. He wouldn't have had to wait until after some briefing and say, "Hey, what'd you find out?" because I would have found out that day and given him my reply.

Q. I want to be very sure now. I made it sound like it was a very formal direct type confrontation. It might not have been quite as formal as I've indicated. It might have been an offhand or a casual reference to a formal request. Do you have any recollections?

A. I don't recall that either. In fact I don't know--I'm sure the the colonel believes that he made such a statement or made some kind of request like this to me. If it was made to me, it was in such a casual and informal basis that I didn't understand what he was talking about. The reply portion of it, I just don't ever recall making a reply like that because I don't ever recall surveying each and every aviator in my company for such information. I know I didn't do this.

Q. Even the Sharks?

A. Even the Sharks.

Q. Not every aviator, but perhaps the gunships?

A. No, I don't. Now, the only other thing I can add to it, which adds to the confusion of the darn thing, is it possibly--now Colonel HENDERSON had just taken over. Of course, he had been the XO of the brigade and I knew him. I mean, we were recognizable acquaintances at this time. If I didn't attend the briefing, I had a representative. I had an intelligence officer and I don't recall who it was now. It was an extra duty. The XO, Captain BOSWELL, would go to the briefings. Very seldom was there not an aviation company representative at the briefing.

Q. BANEK was your intelligence officer?

A. Yes, Mr. BANEK, warrant officer. He was--I assume he was at that time. He was for a time. The only thing I can think of is the colonel asked this individual, maybe he was the one at the briefing and he asked him. This individual always came back and briefed me, and at no time was it made known to me that they wanted a survey. I don't recall. Well, I never--let's put it this way. I never surveyed the company under the conditions that we're discussing here, and I never made a reply saying I did.

Q. Could you give me a brief description of the rules of engagement as far as the Sharks are concerned?

A. We covered this constantly in briefings and with people going into the Sharks and into the gun platoon. Number 1 is that there was a team leader always appointed. He was the coordinator of the gun team and the ground force commander, either the battalion commander flying a Charlie-Charlie ship or our company commander or our platoon leader or what on the ground. He's the coordinator and leads the team, and both ships did what he desired. Always, with minor exceptions, obtain permission from the ground force commander whose area you are in before engaging anything on the ground. If there are friendly elements in the area or friendly personnel, non-military personnel in an area, you ascertain from this commander where their location is. And if there's any doubt--in other words, when your working with an infantry outfit that's in position in the field, you have a signal, a visual marking or something, where the boundaries are of this. And I ascertain what is off-limits or where you can't fire. The only other time you engage a target is if you are in an area where you are not in immediate contact with the ground force commander and you are engaged from the ground or somebody fires upon you, and you can specifically indentify the source of this fire. You are authorized to engage it in order to suppress it and move on out, not prolong engagement on it. These are basically the rules of engagement that we worked under and we stressed those all the time to all the people that worked with the gun platoon. I'd like to say there was one incident in the whole time I was there that might have been a violation, later on like I had indicated before in July. It was not too serious a violation, but it was in my opinion a violation.

Q. Did you have confidence in Captain MCCRARY?

A. I had.

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- Q. Did he and DOERSAM adhere to the rules of engagement.
- A. Yes, sir, they did, two very dependable people.
- Q. Did you have a company SOP in writing?
- A. Yes, sir.
- Q. Did it cover rules of engagement?
- A. Yes, sir. I believe that several documents covered rules for engagement starting with USARV or at least the brigade aviation SOP, 1st Aviation Brigade SOP. I know the battalion SOP contained it and I know our company SOP did.
- Q. Why do you suppose or how can you support or justify Mr. DOERSAM's testimony that he believed you to have been informed of something unusual in the vicinity of My Lai (4) on or about 16 March?
- A. I don't. I don't know why he believed that unless he had talked about it and he had assumed that I had heard about it or somebody had told me. But they--they did not. That's a fact.
- Q. Well, as I understand it, these card games took place in the unit at night?
- A. Yes, sir.
- Q. You were part of these card games?
- A. I quite often played in them, yes, sir.
- Q. Were there warrant officers involved?
- A. Sure.
- Q. Did Mr. DOERSAM play cards?
- A. I don't believe he did, he may have. I don't recall if he did or not.
- Q. Mr. BURTON?
- A. I think probably BURTON did, yes.

Q. You do not recall any conversation at any of the card games between any of the individuals I've mentioned and yourself concerning any such actions?

A. No, sir, I do not. There was more than one card game. Sometimes they play in the gun platoon. Quite often they played cards at night; bridge, poker, anything else.

Q. Well, I was wondering or trying to ascertain if perhaps this subject had not been brought up at a table at which you sat with some members of the gun platoon or other personnel?

A. That wouldn't have been unusual if something like this had been brought up, but I do not remember anything like that being brought up.

Q. Did you hear anything about any investigation?

A. I did not. Again, this goes back to the fact that I don't--I think that everyone that has been in Vietnam remembers Vietnam by incidents that happened, incidents out of the ordinary, other than routine, people caught going in hot CA's, people getting shot, losing aircraft, losing personnel, mortar attacks and so forth. You don't remember the days, or the month, or even hardly the year over there. I can tell you--I remember aircraft being shot at and crashes, this type of thing, and I could hardly tell you what day in July it happened. At the time of the My Lai incident that we're talking about here today, if something had been brought to my attention, an investigation, a newer investigation, anything that would have made it stand out as other than routine or other than an ordinary operation, I would remember it. I wouldn't remember the 16th of March, but I would have remembered this going on. I do not remember any investigation at all. To my knowledge no one ever came to my company, no one ever came to me, or to my knowledge anybody in the company, and asked any questions about this.

Q. Or made any statements or requests of any statements?

A. Right. Now the only--the only thing that could--I say this is to my knowledge, maybe when the people were out supporting the--flying Charlie-Charlie or something like this, somebody might have approached them. Probably they would have come and told me. Maybe they didn't, I don't know.

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But I at no time was ever approached formally or informally for that matter by someone coming in who says, "I'm investigating an alleged incident," explained it, and took statements from me or any of my people at that time. And I believe if--if this had happened I--I'm not saying I don't remember this. I don't believe--it didn't happen; it didn't happen. I would have remembered it because this is how you remember the events of Vietnam, not by days or months or anything like that, but--

Q. (Interposing) You would have remembered the event of an investigation?

A. Sure; yes.

Q. Well, I'll assure you, Major GIBSON, that had you or if you had heard the allegations concerning the My Lai incident, I would hope you would have remembered.

A. Well, I'll assure you, sir, that I would have remembered. This is the reason if--if anybody ever approached me on this subject it was at such a low key, not explained. Maybe someone said: "Anybody report anything unusual in the last week?", or something like this. No one ever came to me and said that, "On so and so operation the following allegations have been made. What do you know about it, and how about finding out something about it?" They did not at no time.

Q. Does the name Frank DAILEY, Specialist Frank DAILEY, mean anything to you?

A. DAILEY, DAILEY, DAILEY. No.

Q. Could he have been a crew chief in your unit? Could he have been a crew chief?

A. Could have been, but I don't--I think most of the crew chief's names I would have remembered.

Q. How about Mr. LIND?

A. Mr. LIND was a warrant officer, I think.

Q. Was he one of your C&C pilots?

A. He was for a time, yes, sir. I believe that he transferred down south. I think he extended in what....

Q. Down to the 335th?

A. Yes, down south, but he was an aircraft commander.

Q. He had a pretty new aircraft, did he not?

A. During the time he was there. We was getting in--

Q. (Interposing) In March?

A. As I explained before, we lost a large number of aircraft during the end of June, during the end of--

Q. (Interposing) Do you recall whether or not he had--

A. (Interposing) We started getting in H-models, new H-models, and he probably had a new H-model, yes, sir.

Q. We have reason to believe that Colonel BARKER's C&C aircraft on 16 March was flown by Mister LIND and Captain GARBOW.

A. Mr. GARBOW. Had a GARBOW, warrant officer, at that time had a Mr. GARBOW.

Q. You didn't have a Captain GARBOW in your unit?

A. No, sir, I didn't have any captain in my unit until the lieutenants--

Q. (Interposing) Well, perhaps he was a lieutenant at this time?

A. Mr. GARBOW was a warrant officer in Vietnam. I think-- I do believe that he applied for a commission, in fact I made a statement on it. In fact, I know I did. He probably is commissioned, but he was a W-2 at the time, possibly a W-1.

Q. Now, they've indicated that their crew chief was named DAILEY.

A. It's a possibility. The name I don't--

Q. (Interposing) I'd like to show you photograph P-12. I'd like you to take a look especially at that crew chief.

A. On this photo I don't recognize him, but the photo is not that good. He doesn't stand out as somebody that I know in this photo.

Q. Do you recall who the crew chief of Mr. LIND usually was. Mr. LIND indicated that he flew this ship with this crew chief for some time.

A. No, I don't. I couldn't match up the pilots and the crew chiefs. The crew chief usually flew on the right side of the airplane too. That guy is probably the gunner if it's from the 174th. The AC flew in the left seat, the crew chief on the right side, and the gunner on the left side generally, not always, but generally speaking.

Q. Can you identify the patch on that man's left shoulder?

A. It looks like a brigade patch, 1st Brigade patch, but I don't say that that's true.

Q. Is it a 23d Division patch?

A. I couldn't identify it as definitely any patch. The fact is, I can't tell you what the 23d Division--oh, you mean the 11th Brigade. 11th Brigade--

Q. (Interposing) 11th Brigade patch?

A. 11th Brigade had a--

Q. (Interposing) Blue with stars?

A. Yes, and had an arrow in it or something. No, that was the Americal that had blue with stars. 11th Brigade was our own patches too.

Q. Would you recognize the 11th Brigade or the Americal?

A. I can't make it out. It doesn't look like it. It doesn't look like it's blue with stars.

Q. Okay.

A. May I ask a question, sir?

Q. Yes, I was just going to say I'd like to give you an opportunity to ask any questions or make any statements that you'd like to make.

A. Okay, sir. First thing I ever heard about this incident that we're talking about here now, My Lai, I never heard the name My Lai until it broke in the news here in the fall. First thing I--inking that there was any unusual incident happened was when the Army inspector general investigator contacted me last summer and asked me questions. I came here and testified for his investigation. At that time, he didn't explain to me anything about what the incident was or anything like this. It just was obvious that something had happened. He did tell me where it was, identified the area, but even when I left his office, I wasn't under--I had no idea of the magnitude or anything of what was going on. I really didn't know--maybe American troops had been killed or what. Then I was--the next thing on this that I got was a letter from the judge advocate at Fort Benning, Colonel KENNEDY. It was indorsed for him by the defense counsel or the trial counsel, I guess, stating that I was not to discuss this with anybody. Well, the colonel that took my testimony at the IG told me that I was not to discuss this incident with anybody and all this, and I have not. This letter also directed me that I was not to discuss this with anyone, and I came here in December and appeared before the general. Of course at this time, the news had broke so I knew what they were talking about. But still, I had no recollection in Vietnam of any of this. And a--I saw more today, kind of what you're getting into on the thing and how you had tied in my company, the fact that we flew these people in there and probably brought them out at a later date. I had no--there weren't any allegations made against my company at all on this. And I still really don't --except I can see the investigation here is to determine if this incident was known by individuals in Vietnam and the information was suppressed or not investigated or something like this. Again, as I've stated over and over and over, during the time I was in Vietnam I heard nothing of this, I knew nothing about it. I don't--there was no investigation that involved my people to my knowledge. I do not believe that any of my people were involved in any wrongdoing in it. If they were, I was not aware of it, and if they were, somebody

(GIBSON)

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should have reported this to me, because I would have definitely taken action if I thought they were. As of a later date, there was a little minor violation of standing procedures involving a similar thing and action was taken. I wouldn't have stood for it. And if somebody from the 174th, my company at the time which I commanded, is responsible for something like this, I wonder why it wasn't brought to my attention while I was in Vietnam, not 2 years later. And it was not--and that's the emphatic point now. I realize what Colonel HENDERSON says. I don't know why Colonel HENDERSON thinks--I'm sure he believes that this conversation he discusses here took place. I don't remember it. It's either because it was at such a low key and was not explained to me in any detail, or he's mistaken. And I--the point that I wanted to make on it--since I don't remember any of this--only your statement about General LIPSCOMB retiring actually gets down to a definite period when this happened. I'd be willing to get into a room with people or Colonel HENDERSON or anybody else and discuss this. Perhaps this will bring back recollections to us, things that happened, but not talking to anybody about it. I think you will agree that it's hard to recollect and bring out specific incidents that happened over there unless it was something big that you remember.

Q. Well, you're not sure. General PEERS and those associated with this Inquiry have talked to some 350 people between late November and today. If something had not occurred there, or at least if there were no allegations that something did occur, we would've been wasting our time.

A. Yes, sir, I understand that.

Q. Whether or not you heard anything over there about it and whether or not it was made or the allegations were made known to the proper people or not is what we are attempting to--

A. (Interposing) Right, I understand that.

Q. It's a little difficult to understand that so many commanders of the units that directly involve you, Colonel HENDERSON, Colonel BARKER, and so on can be directly involved, and yet you have such a small recall.

A. Right.

Q. And any questions that we've asked you or any facts that we've attempted to obtain from you are for the specific purposes to which the Inquiry is addressed.

A. Yes, sir.

Q. The involvement of your unit in it has yet to be ascertained in specific detail and with any conclusiveness. General PEERS will make that determination. We are obtaining all the facts that we can. The Sharks and the Dolphins were present on that day.

A. Yes, sir.

Q. They were airborne. As both of us know, there's no place to see better than from the air.

A. Than from the air, that's right.

Q. Do you have anything to add?

A. No, sir, I can't think of anything.

Q. I'd just like to remind you about the direction that you received earlier about discussing your testimony.

A. Yes, sir, I understand that.

LTC PATTERSON: The hearing will recess.

(The hearing recessed at 1936 hours, 10 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: HEALY, Francis T. PFC

DATE OF TESTIMONY: 12 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Doorgunner, 174th Aviation Company.

1. BACKGROUND INFORMATION.

The witness usually flew on a Dolphin 203 with Specialist MAGNO as his crew chief (pg. 2). He flew daily on all types of missions with various pilots until about 12 April 1968 when he returned to the United States on emergency leave (pgs. 3, 4).

2. KNOWLEDGE OF THE 16 MARCH INCIDENT.

The witness thought he remembered the formation as described (pg. 7). His ship marked the first LZ with smoke (pg. 8). He thought that a lieutenant colonel and an interpreter were on board (pg. 11). He recalled that the colonel stated that the LZ would be hot and that his M-60 jammed when they approached the LZ (pg. 8). He did not see any people on the ground from his seat on the right side (pgs. 9, 10). The "colonel" and the crew chief sat on the left (pg. 10). He recalled medevac'ing a "colored guy" that "was shot in the leg", but did not remember where he was dropped off (pg. 12). He did not see any dead Vietnamese when they picked the man up, but said that it was a "hot area" (pg. 13). The witness also recalled landing on a beach but did not know what they did (pg. 19). He also recalled an incident where he saw a seven or eight NVA swimming across the Quang Ngai or the Son Ve River and firing at them (pg. 21). He recalled seeing a general's ship in the vicinity of LZ Dottie, but did not know whose it

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was (pg. 23). He did not recall reading or hearing of the incident, nor did he hear of any investigations (pgs. 24-26).



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(The hearing reconvened at 1400 hours, 12 February 1970.)

LTC PATTERSON: The hearing will come to order.

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

Sir, I have a document to enter into the record. It is a fact sheet. Subject: Attack at Kham Duc, Republic of Vietnam in May 1968. This is addressed to the Department of the Army. Review of the preliminary investigation into the My Lai incident (Peers Inquiry). It is dated 10 February 1970. The document is signed by Brigadier General Donnelly T. BOLTON, director of operations, ODCSOPS. The document has five inclosures. It is entered into the record and identified as Exhibit M-115. This document is confidential.

The next witness is Private First Class Francis T. HEALY.

(PFC HEALY was called as a witness, was sworn and testified as follows:)

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

WIT: PFC Francis Thomas HEALY, Company D, 18th Engineer Battalion, Fort Devens, Massachusetts. Social Security number

RCDR: United States Army?

A. Yes, sir.

LTC PATTERSON: HEALY, as I understand it, you have served in Vietnam?

A. Yes, sir.

Q. During what period of time, please?

A. April 1967 to April 1968.

(HEALY)

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Q. And during that period of time, what unit were you assigned to?

A. My last 5 months of duty in Vietnam I served in the 174th Aviation Company.

Q. The last 5 months?

A. Yes, sir.

Q. So you were assigned there when, November, December?

A. Yes, sir.

Q. What were your duties in the 174th Aviation Company?

A. Doorgunner, sir.

Q. Doorgunner?

A. Yes, sir.

Q. Was this per your own request?

A. Yes, sir.

Q. Did you fly on any one particular aircraft? With any one particular crew chief or were you rotated?

A. Well, our ship was Dolphin 203. It was a fairly new ship. I flew most of them. Sometimes I flew--once on Dolphin ship 999 25 and Dolphin 209 which was a new ship.

Q. And who was the crew chief or did you have several crew chiefs that you worked with?

A. Just one crew chief, Specialist MAGNO.

Q. How do you spell that name?

A. I don't have the slightest idea, sir. I believe he's ETS'd by now. He was a U.S.

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Q. And how about pilots on this ship? Did you fly with a particular pilot?

A. No, the majority of them. Just about everybody in the company.

Q. Were you familiar with a Mr. LIND?

A. Mr. LIND, yes, and Mr. HOLCOMBE, Mr. PATE.

Q. Did you fly with Mr. LIND on several occasions?

A. Yes.

Q. What type of mission did you fly with Mr. LIND?

A. Well, it's hard to say, sir, between resupply and Charlie Charlie's and CA's.

Q. You flew all types of missions?

A. Yes, sir.

Q. Do you have any way of knowing, HEALY, whether or not you flew on 16 March 1968?

A. I believe I did, sir.

Q. What makes you believe you did?

A. Because I flew everyday.

Q. Well, you have no records that indicate whether or not you flew?

A. I know I kind of got cut in on some flight pay.

Q. Well, March 1968 would have been just prior to your DEROS?

A. Yes, sir.

Q. When in April did you DEROS?

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A. The 19th.

Q. So the 16th would have been about the last month. You were under 30 days?

A. But, like I went home on emergency leave when my father died. So they moved my ETS up a month or my DEROS. I didn't know anything about it. I figured I had another month left and I flew up until about 7 days prior to leaving.

Q. When did you go home on emergency leave?

A. In June.

Q. Of 1968 or 1967?

A. Of 1968.

Q. Other than what you heard in the newspaper, and on the television, and in other forms of public communications media, have you heard or are you aware of an alleged incident that occurred on 16 March 1968 in the vicinity of what I believe was called by the troops as "Pinkville" or My Lai (4)?

A. Well, so far as flying goes, when I got on a ship, I didn't know what LZ, like they said we were going to the Son My Valley. It's the Son My Valley. It could have been any little village in there. But other than that, I didn't have an awareness of where I was going, if it was My Lai or Chu Lai.

Q. Did you hear anything about an operation, a particular operation within the last month or two of your tour there, after it occurred or something going on?

A. No, sir.

Q. Do you know General LIPSCOMB?

A. Yes, sir. I flew Charlie Charlie for him at least four or five times.

Q. On 15 March 1968, General LIPSCOMBE had a change of command ceremony, right there at the heliport. I think it

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was at the heliport on the lower end and there was a big formation. General LIBSCOMB departed and Colonel HENDERSON took over command of the 11th Brigade. This occurred about 0930 in the morning and General LIPSCOMB went away. Do you remember this ceremony?

A. No, I didn't see it, sir.

Q. Do you remember hearing about it or knowing that it was going on?

A. Well, I heard about it.

Q. You heard that he was leaving and this had occurred?

A. Well, I didn't know who was replacing him. I just knew that he was going.

Q. Do you know Colonel HENDERSON?

A. No, I don't, sir.

Q. Did you ever fly C&C for Colonel BARKER?

A. Could you tell me the LZ, sir, because just like I remember LZ Sue?

Q. LZ Dottie?

A. Yes, sir.

Q. Do you remember LZ Dottie?

A. Yes, sir.

Q. About two or three helipads there, refueling area in the southeast corner. Do you remember where LZ Dottie was?

A. Well, as you look up the flight line, I think it was straight north.

Q. Straight north?

A. Yes, sir.

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Q. You went across--do you remember Quang Ngai?

A. Yes, sir.

Q. Went right up Highway 1, the MSR. Dottie was just north, straight up Highway 1 coming off to the right or east of Highway 1. Do you remember flying C&C up there?

A. I think a couple of times. I think one time was for a Vietnamese movement. Sort of a large one. It was like an all day affair.

Q. What about the other one, do you remember that?

A. That's pretty hard. It's been almost 2 years now.

Q. Do you remember Colonel BARKER? Did you know him? Do you recognize the name?

A. I recognize the name, but if you brought him in this room right now, I wouldn't be able to recognize him.

Q. How about his face? Do you think you could recognize the face?

A. No, sir.

Q. The operation of 16 March 1968 consisted of a couple of combat assaults out of LZ Dottie and LZ Uptight. Do you remember LZ Uptight?

A. Yes, sir.

Q. Kind of a tight place to land up there?

A. It's like LP George.

Q. Dottie and Uptight were the LZ's. That's where they picked up the troops and they brought them out and down toward Quang Ngai. Over near the ocean was where they assaulted them in, along the China Sea and the Pinkville area. The town was right against the ocean. Are you familiar with a map? Have you read a map very much?

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A. Well, occasionally. I'm not great on it. I relied on the warrant officers to get me around.

Q. Well, on this morning these two combat assaults went into these two separate LZ's. The LZ's were prepped by artillery. There were gunships involved. The aero-scouts from the 123d Aviation Company, they used to operate with a little bubble helicopter.

A. A PRIMO?

Q. Well, you might have called them PRIMO. They were from Chu Lai. They operated. They had a bubble helicopter and a couple of B model Hueys. They were gunships. One stayed down low and one would be up high and they would work with this little bubble helicopter in the area. On this day, 16 March, these folks were involved and a pretty goodly number of the 174th aircraft were involved. Most of the operational aircraft for that day were out flying and there were some Rattlers from the 71st, maybe even a PRIMO Huey, too. There were about nine slicks involved throughout the lift, plus these scouts that I have told you about, the two B model gunships and the Sharks.

The gunships from the 174th and the combat assault went in about 0730 in the morning preceded by an artillery prep, and the gunships ran a suppression run. Then the slicks landed and flew, the nine of them, vees of three in trail. They landed to the north, which would have meant that some were off to the right side and they landed in an open paddy. They made two lifts into this LZ and then they worked and went over further or closer to the ocean. A little bit later they went into another LZ that was also prepped by artillery but no suppression runs. Two lifts went into the second LZ also. Do you recall seeing anything like this?

A. Yes, I think I remember a formation that way.

Q. What were you doing that day? Were you in the formation?

A. It's hard to say my position.

Q. The ship you were riding in, what do you think you were doing?

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A. Well, something like that we had two formations like a large sortie; our ship was going in to mark smoke for the LZ to come in.

Q. Do you remember them making a marking run?

A. Yes, I believe so.

Q. Which LZ?

A. I believe it was the first one.

Q. Why do you remember that?

A. Because when we came in for smoke, when we got to the LZ, the colonel said--whether it was going to be hot or cold and he said it was hot. As we came in through the flight was behind us and we were supposed to open up. I had a malfunction in my 60.

Q. Beautiful. That made you happy, I suppose?

A. It made me scared.

Q. And what makes you kind of think it was the first one?

A. Because like when we came in, the waiting when you're flying over there, you're waiting to see whether it's hot or cold, if you're going to fire or anything, or if it's just going to be real quiet. So we were waiting when we came in for the smoke, just like to tell the other formation whether it was going to be hot, we'd open up and then the rest of the formations fall in.

Q. What makes you think it was the first LZ as opposed to the second LZ?

A. For some reason, I think it was the first one, because I remember my gun jamming the first time.

Q. You only remember marking one?

A. I can't remember marking another one.

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Q. Do you remember who threw the smoke? Did you throw it or did the crew chief?

A. I think Specialist MAGNO threw it.

Q. Do you remember what color came out?

A. I couldn't remember at all, sir.

Q. Well, the facts of the matter are, HEALY, on this day that I've described, on these two LZ's, this little operation I have described, the C&C did in fact make one marking run. Only one and only on one LZ, but it was the second LZ and it was the one closer to the ocean. In fact, the ocean might have been involved in the approach or departure. It was that close. Did you usually, when you flew, did you usually have your headset on, helmet?

A. Yes, sir.

Q. What side of the aircraft do you recall you sat on? Did you sit on the left or behind the aircraft commander or on the right behind pilot?

A. Behind the "peter pilot."

Q. Behind the "peter pilot"?

A. Yes, sir.

Q. Right side?

A. Yes, sir.

Q. The crew chief always sat on the left?

A. Always.

Q. So this day you made the marking run, do you recall that you were sitting on the right side?

A. I always sat on the right side, sir.

Q. Always on the right side?

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A. Always.

Q. Did you see any people when you made this--if you can picture this marking run when your gun jammed, do you remember seeing any people?

A. No, sir.

Q. Did you have a target to shoot at?

A. No, sir.

Q. You were just going to suppress?

A. Yes, sir, because on the left side where Specialist MAGNO was, that's where the Colonel was or whoever was in charge of this run and he sits on the crew chief side where they play the show. It's the pilot's flight and the main man of the operation would be up there. He calls them the way he sees them.

Q. The aircraft commander is on the left, the crew chief's on the left, and the C&C man is on the left side. And you fellows on the right side are just to protect the right side, so to speak?

A. If you fly with a general, you just count the stars.

Q. Did you see anything on the ground when you made this marking run and your gun jammed?

A. No, like as soon as he said it was going to be hot, I squeezed and it jammed, and the malfunction I started taking care of and by that time--

Q. (Interposing) You were almost on the ground?

A. I was finished.

Q. Do you know how many people were aboard with you that day? Do you have any idea how many you had in the cargo compartment?

A. Well, there was one man that had the radios, PRC-25's, I think it was a colonel. I'm not sure of his rank.

Q. Lieutenant colonel or eagle colonel?

A. Lieutenant colonel and I'm not sure but there might have been an interpreter along.

Q. An interpreter?

A. There might have been. I'm not sure on that.

Q. Vietnamese type fellow?

A. Yes, sir.

Q. It sounds like I'm off the subject, but perhaps I'm not. When did you start to grow your mustache?

A. When, sir? It's very slow in growing. It's about 3 months along.

Q. Did you grow a mustache in Vietnam?

A. Yes, sir.

Q. Did you start one over there?

A. Yes, sir.

Q. When?

A. Well, there were a couple of attempts at this mustache. I started growing it when I was up in Chu Lai, but it's been off and on my face on numerous occasions.

Q. Do you recall making any medevacs?

A. We made a few.

Q. A few?

A. There was one with General LIPSCOMB and he went down personally to medevac this man out, that was shot and

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there was one more. I was talking to Major APICI and there was a colored guy and he was shot in the leg.

Q. There was one? Where was this at? Do you remember?

A. It's hard to remember what day it was on or where I was. All I can remember, like Major APICI asked me before if I was ever medevacing a Negro soldier. I just remember this guy when we brought him on the ship he was sweating.

Q. Where did he sit?

A. They brought him in on the right side and he sat in the jump seat right next to me.

Q. Right next to you?

(Witness nodded in the affirmative.)

Q. Was he hurt bad?

A. No, I believe it was just in the leg.

Q. Where did you take him? Do you remember where you dropped him off?

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

Q. When you went in and landed to pick this fellow up, did you see anything on the ground? Did you see the friendly troops?

A. Affirmative, sir, because they brought him over.

Q. They? How many of them?

A. I'm not quite sure. I think it was two.

Q. Could he walk?

A. He limped.

Q. What were they doing? Just supporting him?

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A. Yes, sir.

Q. And then they put him up into the ship?

A. Yes, sir.

Q. Do you remember seeing any Vietnamese on the ground?

A. No, sir.

Q. Do you remember seeing any dead VC or Vietnamese of any sort on the ground?

A. No, sir. When we came down, my main job was if we're just going to hit and run to watch out for the tail rotor and make sure that everything is out of the way.

Q. This area where you were going to pick up this colored soldier, was this a hot area? Was this going to be a hot area?

A. I believe so, sir.

Q. On your side of the ship as you were going in, do you remember what you saw off over there? Was it an open area? Was there a hedge row or a cluster of buildings or a village?

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

Q. Did you land in a rice paddy?

A. I really can't say. I think it was kind of in the brush.

Q. It was in an open area or was it, or was there some hedge stuff around?

A. I think there was just some hedge stuff.

Q. Do you remember seeing an officer on the ground helping this fellow?

A. No, I couldn't tell you if there was a officer or not, sir.

Q. You didn't see any dead people around?

A. I don't believe so, sir. It's pretty hard to remember like from CA's, different things and what not.

Q. Did you ever see many dead folks over there?

A. Affirmative, sir.

Q. Were they all soldiers or males, Vietnamese males?

A. Yes, sir, eveyone that was toting a rifle.

Q. Everyone that you saw was toting a rifle. You never saw--

A. (Interposing) I saw some that did look like they had something, but they didn't--like a hoe across their back running across a dike.

Q. When you flew your helicopter there, did you always have your sleeves down or did you roll them up?

A. I always had my flight gloves on.

Q. What about your visor?

A. Visor down also.

Q. Did you have a sun visor?

A. I had a clear one.

Q. How about the crew chief?

A. MAGNO? He used to wear goggles.

Q. He didn't wear a helmet?

A. He had a helmet also with a visor, but the majority of the time he wore a pair of goggles.

Q. Do you remember making any other medevac's with this colonel aboard, perhaps in the general area of where you made this marking run this day?

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A. No, I don't, sir.

Q. You only can remember a couple of medevac's during your whole tour?

A. Yes, sir.

Q. One with General LIPSCOMB and this colored soldier?

A. And one at LZ Gunslinger. I think it was Colonel BEERS.

Q. Would you recognize the colored soldier?

A. No, I wouldn't, sir.

Q. Did he talk to you at all while he was in the ship?

A. No, sir. He just sat there and sweated.

Q. Well, on 16 March, there was in fact a colored soldier evacuated, medevac'd by the C&C ship, which did not have Colonel BARKER or any of the other people on board. It occurred about 1025 or 1030 in the morning. This colored soldier was taken back to LZ Dottie and the helicopter sat down and nobody came out to get this fellow for a few minutes and everybody was kind of jawing and talking with this soldier. In fact, Mr. LIND may have even needled him a little bit about a million dollar wound.

A. I can't seem to remember that, sir.

Q. I would like to show you a couple of photographs, here. This is photograph Exhibit P-11. You'll notice that's a picture of a helicopter on the ground, a soldier being brought out to the helicopter.

A. Yes, sir.

Q. Does that look familiar to what you remember your medevac, or not?

A. It's really hard to say, sir.

Q. Did you wear a flak vest?

A. A chicken plate.

Q. For the record, a chicken plate is a chest protector which covers the chest area and is strapped on and used as a standard item of equipment for aviation personnel. I would like to show you photograph Exhibit P-12, HEALY. Can you recognize anybody or anything in that photograph?

A. It looks like the guy behind the gunner was a guy named SMITH.

Q. From the 174th?

A. It looks like him. All I can see is his nose and he had a nose like that.

Q. Does that look like you?

A. The only way I could tell if I could look on the side of the helmet. I had like, this side I had "New York" (indicating the left side).

Q. Was that man wearing a clear visor? Can you tell?

A. It looks that way, sir.

Q. Did he have a mustache?

A. It doesn't look like it, sir. His mouthpiece is in the way.

Q. He has a chicken plate chest protector, a helmet and gloves, but of course these items are standard with all gunners.

A. Yes, sir.

Q. You don't think that looks like you then, I take it?

A. I'm not too much on my own profile, sir. It could, like in this position, it could be anybody even you if you

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took off your rank and put on a standard issue of equipment in the aviation company.

Q. What side of the ship is that man on?

A. Left side.

Q. Could this be the man named SMITH sitting on the left side?

A. No, he wouldn't either; he was a gunner.

Q. You've indicated earlier that you never sat on the left side?

A. Never, sir. Specialist MAGNO was a real sticker on that.

Q. Does that look like Specialist MAGNO?

A. No. Specialist MAGNO was only about five foot two. He was short and very stocky.

Q. Did you ever fly with a man by the name of DAILEY?

A. Who?

Q. Frank DAILEY, crew chief.

A. I don't believe so.

Q. Did you know him?

A. I can't recall a man named DAILEY.

Q. Was it a BAILEY or a DAILEY or any name that sounded like that? Another fellow by the name of Frank?

A. I can't remember.

Q. Well, you'll notice that that is in fact the left side of the aircraft and you'll notice that the wounded individual is sitting on the which side?

A. The left.

Q. Would you think you were present when that photograph was taken there, to the best that you can recall?

A. It's hard to say really.

Q. What you've indicated earlier, it appeared that you weren't unless there is something about it that you can recall specifically there?

A. No, I can't seem to recall.

Q. We have reason to believe that Captain, or he may have been a warrant officer at this time, GARBOW and LIND were the pilots. Mr. LIND being the aircraft commander there and I believe--

A. (Interposing) GARBOW?

Q. G-A-R-B-O-W. He had been in country for about a month. A new fellow.

A. I can't recall a GARBOW.

Q. You remember Mr. LIND though?

A. Yes.

Q. Does that look like Mr. LIND's aircraft or can you tell?

A. Well, like I think Mr. LIND was in charge; he was short and skinny. I think he was the company procurer, like picking up stuff for the company. I don't think he was assigned to a regular ship.

Q. At any time that you were flying C&C with Mr. LIND, and I think you indicated that you had flown C&C with him a couple of times, do you ever recall getting down close to the ground? Low flying, looking down at the ground, seeing the troops, checking the area?

A. I couldn't say whether or not.

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Q. Do you ever recall landing right on the beach near the ocean?

A. I remember landing one time on a beach near the ocean. There was just like one hootch all by itself and they were surrounded by our troops.

Q. Why did you land there?

A. I can't remember the purpose.

Q. Did you bring something in or did you take something out or both?

A. It's hard to recall.

Q. Do you ever recall carrying a bunch of Vietnamese aboard, taking them out? Eight or so Vietnamese?

A. No, I can't.

Q. Do you recall, associated with this beach landing, do you recall bringing in any water or explosives, demolitions? This stuff would have come out of LZ Dottie.

A. I can't recall, sir.

Q. Are you familiar with C4?

A. Yes, sir.

Q. You knew when you were carrying that stuff aboard, I presume?

A. Well, when we had explosives, we wouldn't bang them around, scratch the floor, puncture the stuff.

Q. Any specific incidents?

(Witness gave a negative response.)

Q. At any time you were ever flying C&C, do you ever remember seeing a lot of dead VC or Vietnamese?

A. Yes, sir. One time, it was up in a bad part of Quang Ngai. It was right by either the Son Ve River or the Quang Ngai River. It was just up, like just before the mountains and that, and there was like a reinforced village back there, just a little further up and over to the left would be LP George. Down there this stuff really went up for grabs that day. There was a lot of NVA running around, swimming across the Quang Ngai River and a lot of ground movement in this fortified village.

Q. When was this? Do you remember?

A. No, I can't.

Q. Do you remember when Tet was going on? Tet started in early February 1968.

A. It could have been February, sir.

Q. Could it have been March?

A. No, it couldn't be March.

Q. It couldn't be March, why?

A. Because I think this is the day I got my first kill in a helicopter and I think about 2 weeks after that I crashed or 2 or 3 weeks.

Q. When did you crash?

A. March.

Q. Early part?

A. Late part, the 22d.

Q. Well, tell me about this day. Were these live people?

A. Yes, sir, for a while anyways, sir.

Q. There were all what? Males?

A. Yes, sir.

Q. Some females or what?

A. Well, like there was females right along the river bank and the majority of the people were swimming across the river with their ruck sacks and rifles on their backs. We didn't catch the majority of them. It was out of LZ Sue, I believe.

Q. You were flying out of LZ Sue that day?

A. I'm pretty sure it was LZ Sue. It was the Charlie Charlie with the colonel, I believe, or major also that used to be up there. A big Negro fellow. I don't remember his name but it was right up in there, because I remember after the Charlie Charlie was just circling around like on the left side and I looked down; I could see people swimming across the river. I kept on bringing it to the colonel's attention, that they were swimming across the river. The CA had just got dropped in on the far end of the village so I finally went down there and took a look and that's when we started--

Q. (Interposing) Did you shoot some of them?

A. Yes, sir.

Q. How many? Was there a lot of people? How many would you say were there?

A. Oh, in total I would say in the river there was about seven or eight.

Q. What river was this? Was it the Quang Ngai River?

A. Well, I'm confused now on the name of the river. It could have been either the Son Ve or the Quang Ngai River.

Q. This could have been near Son Ve though?

A. Yes, sir.

Q. Do you remember who the colonel was that you were flying with that day?

A. Well, all I can remember about the colonel was the view of his men; I don't think they were too happy with him.

Q. There was a big Negro major you say. Was he in the ship, too?

A. No, I think it was a sergeant major.

Q. Any other time that you recall seeing large numbers of dead as you were flying around?

A. Well, like this one really stuck in my head, because it was my first deal under fire.

Q. Were they shooting back at you?

A. We were getting fire from the banks.

Q. Was there any other time that you can recall seeing any dead on the ground?

A. Well, like in different spots, you know, you go down there for some reason, maybe you'll see them laying out--

Q. (Interposing) How about women and children? Do you ever remember seeing any women or children on the ground killed?

A. Not that I can remember.

Q. Do you recall ever seeing the Sharks engage anyone and go over to check them out?

A. Well, yes, sir.

Q. Often?

A. Well, that's hard to watch the Sharks, because they don't follow any sort of pattern. They just go where they please as long as they don't interfere with the take off of your flight, but you could hear them come over the radio and that they ran into some people running around and that they were taking a closer look for effectiveness. This is what they did.

Q. Do you ever recall hearing one of these colonels say anything or one of the C&C people saying anything about

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a lot of killings going on, "Stop the killing," or talking on the radio to someone?

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

Q. On 16 March, Colonel BARKER's C&C spent a little time at LZ Dottie, just kind of sitting around there and one of the times you were sitting there, General KOSTER came in. Do you know General KOSTER?

A. No, sir.

Q. Did you recognize him when you saw him or his ship?

A. I couldn't say, sir.

Q. The division commander, Americal Division. Two star general?

A. Well, I think I ran across him when I was in headquarters company up in Chu Lai before my 1049 (Personnel Action) to gunships.

Q. You don't recall seeing him around LZ Dottie anytime you were out flying?

A. I recall once, like there was a general's ship that did come in, but I couldn't tell you which general it was.

Q. Did you ever fly with Mr. COONEY?

A. I think a couple of times.

Q. On C&C?

A. It's hard to remember the name that would go with a C&C, or a resupply, or just a plain sortie.

Q. Did you ever spend any time at the athletic field there at Quang Ngai, right down town in Quang Ngai, waiting for one of the colonels?

A. I'm not sure if it was a colonel, but we dropped somebody down in Quang Ngai and it was a small place with a

long building. There was a barbed wire fence and there was a village right on the other side. The day we were down there was a big explosion in the village. That's all I remember. Another time we flew into Quang Ngai to bring some village officials up to Quang Ngai.

Q. Did you ever hear any talk among any of your fellow gunners and the crew chiefs in reference to a bunch of people getting shot up any kind of way by ground troops, or artillery, or gunships near Pinkville?

A. Well, I can't say it was Pinkville or anything, but if it was a hot CA, they'll come in and try to describe it to you if you were on supply or something. It's hard to say where they'd been or what it was like because from mouth to mouth it grows.

Q. You don't recall hearing anything about them talking about any big group of people killed over there?

A. No, sir. I just remember once before this aviation company up in Chu Lai when something like that happened.

Q. Right after this little event of 16 March that Task Force Barker was involved in, an article came out in a newspaper, the Americal Division, 11th Brigade put out, The Trident, something about a big operation where 128 VC were killed. Do you remember reading anything about that or thinking about it? Remember seeing part of it?

A. Well, I don't remember reading anything about it, because of the hours you worked. Get up in the morning and you flew. When you come back you had two machineguns to clean; you got to pull maintenance on your ship with the crew chief, clean it up. By nightfall you just walk over to the EM club and catch the movie.

Q. You don't have any idea who this individual might be in the picture here? This photograph Exhibit P-12, the crew chief?

A. Let me take another look. I don't think I can recognize him, sir. There is a little difference between flight platoons.

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- Q. This is a 2d Platoon ship. Were you in the 2d Platoon?
- A. I was in the 1st Platoon, sir.
- Q. This was a 1st Platoon ship, I beg your pardon. Both Mr. LIND and Lieutenant GARROW could have been in the 1st Platoon.
- A. You wouldn't have the number of this ship, would you? That would help out greatly.
- Q. You notice the doors on the thing, both the jump doors and the big doors. Do all the ships have those doors on?
- A. I think all the triple nickel.
- Q. You had to worry a lot about keeping those doors shut.
- A. Not really. When you pull the latch down, it would stay pretty secure, but on CA's or something like that, the troops had a habit of grabbing hold of the door and pulling themselves in.
- Q. On this day, this was a C&C ship. How about the big door? Was the big door always on?
- A. Yes, sir. It has a little cotter pin that holds it in place.
- Q. And then after refueling and fixing, that thing belonged to whom?
- A. Me.
- Q. The gunners?
- A. Yes, sir, we would refuel on the right side.
- Q. You don't ever recall anything about an investigation concerning any bad incident or shooting on or about 16 March, or before you left, March through April when you left?

A. No, I didn't, but if there was an investigation, I'd imagine it would be the officers first, then it would go on to the lower ranks.

Q. Can you tell what rank this fellow is here?

A. He doesn't look like he's wearing any.

Q. Does it look like he's wearing a mustache?

A. Well, it could be, but I couldn't say with his mouth piece.

Q. Does he have anything on the side of his helmet there that you can tell?

A. Well, it looks like it, right where the glass is, but I couldn't say if it is or not.

Q. That's not the way your helmet was marked, was it, or was it?

A. Well, mine was marked on the left side. I had a corney phrase on it, but like it could be a dent or a scratch or anything. Mine was done in magic marker.

Q. Is there anything in that picture that looks at all familiar to you?

A. Well, from the looks of all the patch marks on it, if they are patch marks, unless it's just a poor photograph. Well, on this guy's gun on the left side, he doesn't have a brass catcher. I can remember somebody who used to have a lot of messed up tail rotors and his name was STEWART, I believe.

Q. Does that look like STEWART there?

A. STEWART had a mustache. His first name was Freddy.

Q. Does that look anything like STEWART?

A. I couldn't really say.

Q. Apparently he's using a C ration can there.

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A. Yes, those biscuits and peanut butter.

Q. Does anybody use one of those?

A. That was standard.

Q. Was STEWART a crew chief?

A. Yes, sir.

Q. Do you remember any of the other crew chiefs that were in the company about March, who flew the newer ships?

A. Well, STEWART had a new ship. His was 209. Ours was 203, and FINN, Sergeant FINN was an E-5. I forget which one he had. I think he had triple nickel.

Q. Triple nickel wasn't a new ship.

A. No, it was pretty beat. I have photographs at home of the majority of the people in the platoon, slides. If you want me to send them in, I'll send them.

Q. We're interested in trying to get an identification on this particular individual here. If when you get home you look at them and see if you can recognize that man, and give Major APICI a call. We'd appreciate it.

A. Well, I'll send the slides down with this guy STEWART. Maybe you can do something with it if you want them.

Q. Is STEWART still in the service, do you know?

A. I really don't know. I think he's at Fort Rucker though, because he got back from Nam. He said he lived in Texas.

Q. Well, I've asked you a lot of questions, HEALY; I would like to give you a chance to ask any question that you have or make any statement that you would like with reference to what we have discussed.

A. Well, as far as this incident, I don't believe it myself, if that's any help. All I can say is my aviation company was squared away. We did a job; we did it good. We

didn't go over the fence to try and get anybody or anything like that. It was a good company and I was proud I was in it, and I just don't want to see nothing to bring it down.

Q. Well, if anything did happen, it might not have been the aviation company; it might have been the troops on the ground. It could have been a number of things that could have occurred, artillery, so that's what we are trying to ascertain. We are trying to find out what happened. Well, anything else that you like to say?

A. Well, I would like to be enlightened on how all this investigation started, how it has progressed, if it is possible.

Q. Well, that will all be announced in due time as soon as this thing is completed and I am sure you will hear about it. At this time we are not at liberty to discuss what happened or what we know or anything else. What we are attempting to do is try to find out this sort of thing. We thank you very much for making the trip down here. We appreciate the fact that you appeared here today. We appreciate your attempt to recall these facts for us.

A. Well, I'll send those slides down.

Q. That would be fine.

A. Of the company, if you would like them.

LTC PATTERSON: Yes, we would like that very much. This hearing will be adjourned.

(The hearing recessed at 1500 hours, 12 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: HRUDA, Kenneth R. CW2

DATE OF TESTIMONY: 21 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Pilot, First Platoon, 174th Aviation Company.

1. RECALL OF FLIGHT ACTIVITIES ON 16 MARCH 1968.

The witness stated that he copiloted the C&C ship for Lieutenant Colonel BARKER on the afternoon of 16 March (pg. 4). He recalled resupplying A Company with food and water that afternoon (pgs. 3, 6). He noted that he received non-automatic small arms fire south of the Diem Diem River, but that the area near the U.S. forces was quiet (pgs. 3, 17, 18, 21). He recalled BARKER and Major CALHOUN giving operational orders and an overlay to the A company commander, but he did not hear any of the conversation (pgs. 4, 6, 7, 15, 22). The witness believed that this was the last overlay for BARKER to distribute (pgs. 15, 16). The witness added that BARKER was rather cool during fire fights and allowed his company commanders control (pg. 18). He did not make an effort to get on the ground as much as other commanders (pg. 19).

2. RADIO TRANSMISSIONS MONITORED.

The witness stated that BARKER communicated with the ground with the aircraft radio (pg. 6). The witness monitored the transmissions, but he did not recall anything unusual (pg. 6). The witness asserted that his was the C&C ship that day, even though it was not so equipped (pg. 8). He added that BARKER had no PRC-25's with him that day (pg. 8).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-20	Transcript of Task Force Barker tape	Mentioned. Quoted.	11 12,13
P-27	Miscellaneous Scene	Shown to witness.	10
P-29	Miscellaneous Scene	Wit recognized a Rattler ship.	10
P-31	Miscellaneous Scene	Shown to witness.	25
P-32	Miscellaneous Scene	Shown to witness.	25
P-34	Miscellaneous Scene	Shown to witness.	25
P-39	Miscellaneous Scene	Shown to witness.	25
P-41	Miscellaneous Scene	Shown to witness.	25
P-203	Photo of ships leaving LZ Uptight	Shown to witness.	14
P-205	Photo of aircraft	Wit stated it was a 176th ship. Shown to witness.	10 14
P-206	Photo of Son My area	Wit did not recognize. Shown to witness.	10 14
P-207	Photo of Son My area	Wit did not recognize. Shown to witness.	10 14
MAP-1	Wall map	Utilized.	2,3, 17

(The hearing reconvened at 0900 hours, 21 February 1970.)

COL WILSON: The hearing will come to order.

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

The first witness is CW2 Kenneth R. HRUDA.

(CW2 Kenneth R. HRUDA was called as a witness, was sworn, and testified as follows:)

Please state your full name, grade, and Social Security number.

A. Kenneth R. HRUDA, CW2; Social Security number is

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

A. Warrant Officer, Aviation Section, Headquarters and Headquarters Battery, Division Artillery, 1st Armored Division, Fort Hood, Texas.

COL WILSON: Mr. HRUDA, the Peers Inquiry was directed by the Secretary of the Army and the Chief of Staff of the Army for the purpose of determining the facts and making recommendations concerning the My Lai (4) incident in March 1968. In conducting his investigation, General PEERS determined it was necessary to have a complete insight to the overall ground and air operations which took place in the B/4/3 operational area near the coast. He therefore appointed this interview team, interview team C, to interrogate personnel from B Company or personnel who supported B Company during this operation. Your testimony will be taken under oath. A verbatim transcript will be prepared, and a tape recording is also being made. Although the general classification of the report will be confidential, it's possible that the testimony may at some time be released to the public.

Colonel NOLL, who is coming in now, is also a member of the interview team.

I'd like you to give me your duty assignment on 16 March 1968.

(HRUDA)

A. I was a rotary wing aviator with the 1st Platoon of the 174th Aviation Company, 14th Battalion.

Q. Are you familiar with this operation? Do you recall this operation, the dates, and so forth?

A. I could not say exactly what day it is when I spoke with somebody here over the phone. I do recall supporting the company. I couldn't tell you exactly which company it was due to the fact that we were supporting the whole Task Force Barker operation with resupply, C&C, carrying the colonel around, and, you know, just in general. Few things stuck in my mind, but I still do remember one of the landings that was described to me over the phone.

Q. Let me just take that map (Exhibit MAP-1) behind you and give you a short rundown and sort of get the time picture squared away. Actually the task force was both at Dottie and Uptight.

A. Yes.

(The witness was oriented on the operation on MAP-1.)

Q. What we're interested in from you is whether or not you went into this area at that time, sometime in the morning, and whether you took demolitions in there by that bridge or in that village, and if so, what you saw.

A. Sir, I didn't fly into that position at all that day. I never resupplied that particular small area there. The resupply work I did that day was up in the yellow area up there. In fact, I didn't even fly down that way, because when we did take off to the south of that area after we--did take off to the south out of that area after we--I don't remember what we dropped off, probably just food, and maybe exchanged some personnel, but we did take off to the south. We did receive some heavy fire from that area. We immediately banked, and dropped down in the trees, and went back out over the troops we just resupplied, and then climbed out to the north. Due to the fact that we knew we had people operating to the south there, we just didn't return any fire, just got out of there as quickly as we could.

Q. You resupplied A Company then.

A. If that's who was up there, that's who we did. We landed, it seemed to me, right in there just south of that village (pointing to yellow area of MAP-1). As soon as we crossed the river, we started getting fire, and we banked and came right back up over them. When you talked to me about the bridge and the explosives in connection with the rice, it was this bridge up here across--that big long bridge across there, that we landed on.

Q. You're talking about the bridge over the--

A. (Interposing) 521.

Q. Me Dong River.

A. Yes.

Q. Up on the extreme north. It crosses over onto the Batangan Peninsula.

A. Yes, that was in support of probably an earlier operation in which some engineers were mopping up bunkers. There was this few, just a very few personnel in the area there.

Q. When you resupplied A Company down there, what did you take in to them?

A. I really cannot absolutely tell you for sure what I took to them, but there could have been some ammunition. If there was, it was very little. It would have been just light arms. I didn't carry heavy resupply of ammunition very often. No doubt it was probably just C-rations.

Q. Do you recall anything unusual happening up there in the A Company area aside from getting the fire south of the river?

A. No, it was all peaceful up there. They were still moving. It was the noonday meal. Primarily, it was water that we were bringing them, and operational orders for the next day. The colonel jumped out and talked with the company commander and gave him an overlay for the next day's operation. The water cans were distributed, and the old cans were picked up.

They said not to go too far south because they had a--they said there were probably a lot of enemy troops there. They were driving them up toward that way. We took off and found the troops.

Q. Well, which colonel are you talking about?

A. Colonel BARKER?

Q. Were you flying him?

A. Yes, I think I was that day.

Q. This is the first day of the operation, right, the 16th of March?

A. Yes.

Q. Do you recall pulling some casualties out about 0930?

A. No, I didn't--you see, there was a confusion--a little bit of confusion here. We had two ships working for the battalion. We were primarily the ash and trash ship, as it's commonly known in resupply, and the other ship was the C&C. The other ship got tangled up maybe pulling out these casualties. We picked up the colonel back at Dottie and flew him out to deliver these orders for this operation.

Q. What operation?

A. Down here. What they were doing--you know, this is something--this happened in the afternoon for the next day's operation, whatever they were going to do, how he was going to move his personnel around.

Q. But A Company was in position on that river, is that correct?

A. Well, I don't really know what they were doing there. All I know is we dropped off the colonel and the supplies and sat there for a few minutes till he came back, not really a few minutes, not more than two or three. He had a short conversation with someone I took to be the company commander, and I got him on board and took off. What they were doing there or what they were going to do, I couldn't tell you at all.

Q. You don't remember this date?

A. No, I do not. I remember the operation and the area, but I couldn't--one day over there is just like another day.

Q. Do you have any way of fixing that date?

A. No, I don't think so.

Q. Through records or events?

A. The records kept are just flight time. In fact, I don't really think there are any permanent records kept on who flew for what battalion on each day, which one of the aircraft flew for which battalion.

Q. They've had operations in this area before, BARKER had. In fact, he had two operations down there before, and I'm just trying to be sure that we're talking about the same operation.

A. Yes.

Q. As far as I can determine from the logs, A Company was in position in the area the morning of the 16th. In other words, they weren't moving at noon.

A. No. Well, there was no evidence of them moving when I landed.

Q. I thought you said it was--

A. (Interposing) I was saying they were not dug in. They were not in the perimeter position. They had set up an LZ, and they were more or less--they were not in a position where they were going to move anywhere, you know.

Q. Yes.

A. They didn't have their packs on, and they weren't standing around like they'd be ready to move. It'd take them about 5 minutes to gather up their goodies and go.

Q. Was this the morning that the large airlift went into the area, that the nine slicks were used to take the two companies into the objective area?

A. Yes. Well, I wasn't part of that.

Q. But you know this is the same day?

A. Let's put it this way. I knew there was a CA going into this area that day. When we do lift somebody like that, we try and give the people a ship or two on the side that's not part of the lift so that they can accomplish their administrative--anything they have administrative without breaking the ship away. Like if they had casualties or something like that or had lost an aircraft, they wouldn't have to break up this flight of ships. They could keep bringing the troops in while we went in and took care of evacuating people or getting our own crews out of a downed aircraft.

Q. Do you know what Colonel BARKER discussed with the company commander of A Company?

A. No, I don't know. All I really can tell you about the whole deal is what I monitor over the radios, the ones that he monitored.

Q. Well, what did you monitor?

A. There was nothing unusual at all coming over the radio as far as extravagant amounts of people; people being killed were light, in other words. There was no fantastic battle going on with rockets shooting through the air and all this. There was nothing really unusual about the operation that I could see at the time.

Q. When BARKER was on your aircraft, was he communicating with his ground forces at all?

A. Yes, he would have communicated through the aircraft radio.

Q. He didn't have a PRC-25 with him?

A. No, he didn't.

Q. He was by himself?

A. No, sir, I think the S3 was with him

Q. CALHOUN?

A. A little short major?

Q. Yes.

A. Yes. I remember him very well. Everytime something would happen on one side of the aircraft, he used to get up out of his seat and run to the other side of the aircraft and cause the whole aircraft to tip that way.

Q. Well, he was sort of a hazard, wasn't he?

A. He was really, I'll tell you. I finally cured him of it one day because he ran to the other side of the aircraft and I tilted the aircraft at almost a 90-degree-angle so he was looking straight down. He decided to get back in his seat.

Q. Did this major frequently fly with Colonel BARKER?

A. Almost every time a major, and occasionally the sergeant major, would come along, too.

Q. Well, how often did you fly these two? Did you do this very often, or did you fly--

A. (Interposing) Oh, probably at least 20 times, individual days, prior to my separation.

Q. Why didn't he use his C&C ship?

A. On this day, this was the C&C ship, but on the days that it would be the C&C ship, communication is not changed at all. He still operates with a helmet through the aircraft radio. There wasn't any special console or radios that went into the aircraft. The Task Force Barker operation is what you would call kind of a Mickey Mouse setup.

Q. Yes.

A. Because they didn't have any battalion--

Q. (Interposing) All right, I understand it. I remember now. There was no C&C ship. He had a helicopter, and I was told by his communicator that he usually had about three PRC-25's on there.

A. Yes.

Q. He'd communicate to his forces and with the artillery through these and use the aircraft for the air-ground net.

A. You know, he didn't carry those all the time with him. They were kind of loose around the area and hard to-- they didn't work too well on the aircraft.

Q. Well, what you're telling me, though, is that you frequently flew him in a ship which would be considered a command and control ship, even if it wasn't equipped that way?

A. Yes, well, it was called a C&C. Yes.

Q. Is that what it was called? It was called the C&C ship?

A. Yes.

Q. The day that you flew him into A Company, was the ship that you flew him in you referred to as "ash and trash" or was this considered the C&C ship?

A. Well, if having the colonel and the staff aboard constitutes a C&C ship, that was it. That was it, but it was not the one designated to do that mission that day.

Q. I see.

A. By the mission the morning I took off, that was not my plan.

Q. This C&C ship that was designated C&C ship was somewhere else at that time.

A. Yes. He got into an emergency resupply or some type of situation like this. The colonel needed to get out and get his orders out, and he was tied up. I don't know. He could have been tied up in an extensive resupply down there.

Q. The only reason I'm pulling these pictures out is some remote possibility that you might be able to fix this date. But I think you've already fixed it. I think we're talking about the 16th of March. This is the day that the nine slicks went into Dottie and picked up that group first, and then recovered to Uptight and picked up that group and took them into the Pinkville area. This is the day that you took Colonel BARKER to A Company.

A. I was wondering. Was it nine ships that did the whole deal, or did they split up and some of them get people at Uptight, some get people at Dottie, or did both go at the same time?

Q. We understand that the nine ships went to each location, and in two lifts moved each company in the same ships.

A. Yes, well--

Q. (Interposing) They didn't split.

A. It's impossible to get nine ships into Uptight. There's no way that you could land within 100 meters of that hill. We could get a maximum of five ships in there, you know, a real tight squeeze landing in the trash dump; it was great. There was just garbage and cans flying all over the place.

Q. What'd you say, five?

A. Five would be the maximum. We tried to keep it down to four. That way the flight would have to be split up.

COL WILSON: It may have been split up. I'm not sure I understand the term "split up," but what I'm saying is that the same nine aircraft worked both companies. As to whether when they worked from Uptight it was split, I can't answer that. Possibly the tape recording on this tape will--

A. (Interposing) Well, I definitely was not in the flight this time. I never landed troops in that area right there at anytime. I would say a nine-aircraft lift would be a battalion CA.

Q. I'm more concerned about this movement of Colonel BARKER to A Company. I show you Exhibit P-205. You stated that the last aircraft in this photograph was what?

A. That's a 176th aircraft by the tail boom. There's stripes of white and a red and a white.

Q. That's the 176th?

A. That's the battalion markings, the two white stripes with a colored stripe in the middle. The red one belongs to the 176th. Apparently that is a battalion lift, so there'd be aircraft from four battalions in that. This one is from the 176th out of Chu Lai.

Q. Those two photographs, P-206 and P-207, are the landing zone in the B Company area being struck by the gunships. Now there's another photograph which shows, we believe, the aircraft coming to LZ Dottie (Exhibit P-26). Now, I don't suppose there's anything you could recognize now. This P--

A. (Interposing) Well, I couldn't say for sure whether it was or was not Dottie really.

Q. But P-27 is supposed to be a photograph en route with C Company. As you know, the other was C Company. I'm not really asking you questions. I was just showing you these here to try to be sure that we've got this day. This is another photograph of the--now the--photograph P-29 shows two aircraft landing on the landing zone by C Company, and you'll notice on the nose of the aircraft is the insignia.

A. Yes, there's a Rattler aircraft.

Q. Yes.

A. Which would be 71st.

Q. And I think a dolphin is on the other.

A. It could be, but I don't know. We were the one company that complied with this, you know, fully with this striped tailboom number.

Q. Yes?

A. And before they even got a picture painted on the nose, they usually got a scratch in the tailboom, and the tailboom was just recently changed.

Q. There's no stripes on that one?

A. No stripes on it, no.

Q. According to a tape recording transcript, which is our Exhibit M-20, on the day of this operation there had to be a go-around in the B Company landing zone because the artillery didn't lift. It was a go-around. You may have heard about this. I don't know whether this is something that you'd talk about later or not.

A. Yes, I think I do remember them talking about that that night.

Q. Okay. And if you were in the communications that morning, this log--

A. (Interposing) If this was a battalion lift, there was no doubt one of the company commanders leading it.

Q. Yes.

A. It was probably the company commander of the 174th, if this is the CA I recall.

Q. Who was?

A. Major WHEAT.

Q. Well, I know our people have gone over the aviators pretty thoroughly, but I'll put his name down.

A. This was the day he did a real number on the whole

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formation that day. One thing you don't do is turn a sharp corner when something like that goes wrong. He turned real sharp and just about turned around 180 degrees and flew right back, straight back through his formation. The last aircraft couldn't hang on in the end.

Q. You mean on the go-around?

A. Yes.

Q. On the LZ go-around?

A. Yes.

Q. And that was Major WHEAT?

A. Major WHEAT. He made a sharp corner. This was-- for him, this happened occasionally. He used to joke about it and say anybody who stayed with me that time is a real aviator. And he was right.

Q. Okay. One communication is that at 0738 the second lift off completed. Now, that was the C Company group that went in. Then Dolphin Lead reported that on the second sortie into the first LZ he received fire coming out of one village. That's on the first LZ; we're still talking about C Company. Coyote 6 to Dolphin Lead, telling him he should touch down 0815. All right.

Dolphin Lead: "This is Lead. I had to make a go-around because the artillery was still shooting while I was on my approach and didn't want to land in there when it was going."

Coyote 6: "This is Coyote 6. Roger. Rounds complete. Now you want me to go in and mark now? Over."

Dolphin Lead: "That's affirm."

And then Coyote 6 goes back to Lead and says:

"LZ marked. Identify--"

Lead asks for identification of the marker. Dolphin Lead said yellow. And that's the sort of activity that was going on with the LZ that morning. We're talking about a time frame of about 0827. The reason that I brought this up is because there was some communication here about the second lift. Now this is a transmission from Dolphin Lead and it's assumed that Lead's talking to PZ control:

"The ships that have their rotating beacons on at this time only have five

people on board. Can you send one more pax after them?"

And there's a transmission from Dolphin Lead:

"Six. I can take seven on all the aircraft except three. It'll be six aircraft that will on... that will have seven on board."

And that's the last.

A. Was this the radio transmissions being taped?

Q. Yes.

A. I didn't know they did that.

LTC NOLL: It was an accident.

A. Oh. I was just saying, it's a good thing.

COL WILSON: Now, does this lend any information to what you were talking about, although it's difficult to follow because you don't get all of the transmissions here? I remember this particular thing about the number of people on these aircraft. I think this was at the time that they were going back up to Uptight.

A. Well, I don't know anything about it. I definitely was not in that lift.

Q. Yes.

A. I was just thinking, you know, like having those guys put the rotating beacons on to tell which aircraft needed people on. I like that idea. That'd be great.

Q. Well, we learn something every day, don't we?

A. That's the standard problem, though, where they'll get too few people on a couple or three aircraft, and it fouls up the whole schedule there. The fact that they were carrying seven per aircraft, they were probably at a low fuel state. We don't put seven people on board with a full load of fuel. They were probably down around 400 or 500 pounds.

Q. Well, at any rate, this is the day that they made that go-around that Major WHEAT almost peeled through the column?

A. Yes.

Q. Is that the day that you took Colonel BARKER into A Company?

A. Apparently it was.

Q. Now--

A. (Interposing) One thing does bother me. That morning on the first lift these pictures show the sky conditions being just a perfect, beautiful day. According to the people that were flying that lift, it was a lot of "scuz." There were low clouds and fog in the area that made this turn-around a little bit difficult. That must have been taken later in the morning.

Q. These are the--the turn-around area--this is the morning going from Uptight. This is photo P-203. This is going from Uptight. Now, that gives you a photograph at the time that the aircraft left Uptight by looking back on Uptight. This is in rear group. That's a pretty clear photograph.

A. Well, this must have been later in the morning.

Q. No, I don't think so, but I'm talking about P-204. Now, this P-205 was the column en route. That gives you an idea of the weather. And P-206 is the approach to the landing zone. And that's the gunships firing on the landing zone. That's P-207. So this gives you an idea of the weather in the B Company area at that time, along landing zone 2, if you want to call it that.

A. Yes.

Q. So it wasn't only--if you look back at this--look at this photo en route, it was a little hazy.

A. Yes, that's no problem to flying, though.

Q. P-205?

A. Right.

Q. Do you recall any--now, I'm not necessarily talking about heavy casualties on any communication that may have gone on between Colonel BARKER and his ground elements that morning. I'm interested in any communications that he may have had or anything he may have said. There are several things that happened that we don't really know--don't have a complete idea of them. There was a possibility that one unit was supposed to go back through a village to sweep it, to check the body count. There was a question of Shark 6 coming on and telling them not to do it. There was a question--not Shark 6--of Saber.

A. Saber? Who was Saber? Shark is the gunships.

Q. Shark is your gunships.

LTC NOLL: Americal.

COL WILSON: Americal--CG, Americal Division, coming in there and--

A. (Interposing) That must have made the area exciting.

Q. There were a lot of things that happened that were interesting and not just whether or not there was large fighting going on.

A. That's unusual right there.

Q. But I'm asking if you remember any communications at all that Colonel BARKER had with--

A. (Interposing) I wasn't on the net that morning. I was on the administrative tasks.

Q. Saber 6. When Colonel BARKER got off in that area, he did talk to this company commander, and he did give him an overlay.

A. Yes. That was his last overlay to distribute, and he was kind of anxious to get it out.

Q. What other overlays did he distribute?

A. He did distribute another overlay. It must have been with the regular C&C aircraft.

Q. Well, how do you know this was his last one?

A. Well, it was the last one in his hand. He said, "I'm through; I've got it done." You know, "We're straight for the day," as he would put it.

Q. What time was this?

A. This would have been in the afternoon, probably early afternoon. I know it wasn't late.

COL WILSON: Okay. Let's take a short recess.

(The hearing recessed at 0945 hours, 21 February 1970.)

(The hearing reconvened at 1002 hours, 21 February 1970.)

COL WILSON: The hearing will come to order.

(Persons present include LTG PEERS, COL WILSON, LTC NOLL, and MAJ THOMAS.)

(Addressing IO) We've used those to try to bring back the locations and so forth (referring to exhibit photographs). And Mr. HRUDA is certain that he took Colonel BARKER and Major CALHOUN into the A Company area north of the Diem Diem River on the 16th, early in the afternoon of the 16th. He recalls receiving fire for the first time in a month and a half from the south side of the river. They had to make a quick low-level exit to the north as they departed. Now he recalls also that Colonel BARKER had an overlay with him that he gave to, he believes, the company commander of A Company. I don't think they shut down but for a few minutes, so I'll let you take it from there, sir.

IO: If you would, show me where you landed north of Diem Diem River there.

(HRUDA)

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A. It was just about right in this area here (pointing to yellow area on MAP-1), somewhere in that. They had a big open field between--it was a good distance on one side from where I landed by the trees. They were close on the other side and hamlets around.

Q. What kind of fire did you pick up?

A. It was definitely small arms, nonautomatic.

Q. Yes.

A. But it must have been from at least a squad or larger size unit, because it came in just one big volley and, you know, all of a sudden. It then tapered off, and it was not accurate.

Q. Yes.

A. It was not tracer. It was just a lot of little pops going by the aircraft. It scared us.

Q. I know what you mean. Well, do you recall anything that transpired there on the ground? Did you stay on the ground, or did you take off and come back?

A. I stayed on the ground, and they were unloading supplies and water cans for the people on the ground there. The colonel got out and went over and talked to one of the men.

Q. Were you flying a C&C ship that day or a supply ship?

A. I was flying a supply ship, sir.

Q. Supply ship. Wonderful. Do you know why he didn't use his C&C?

A. No, I don't know exactly why. It's just the fact that the C&C was engaged in doing something else that was more important at the time. He had released it to--maybe it was resupplying the people down south there. I don't know. But he'd released it for them to do something else.

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Q. Well, that C&C ship, then, was probably the one that went with Captain KOTOUC to pick up those National Police and so on from Uptight.

COL WILSON: And we have a record of a LIND flying the C&C ship that day.

A. LIND? Dean LIND? Yes.

Q. This is whom we have on record flying.

A. Have you talked to him yet?

Q. I don't know, but this is what our records show. (Addressing IO) Mr. HRUDA said that frequently Colonel BARKER released his aircraft and then took another aircraft. I think he had--

A. (Interposing) Usually he didn't have to take another aircraft. This was an unusual thing.

Q. It was?

A. He was good at being able to plan ahead, and he didn't shake up easy. Like there could be something going on there. He didn't jump and run out there to find out what was going on. He just kind of sat back and let them do what they were going to do. You know, a lot of your commanders there, if they had a whole fire fight, they'd want to be right on top of the situation right now. But he more or less, I guess, just let the old company commanders just do whatever they were going to do rather than fly over them and harass them all the time.

IO: Did you fly with Colonel BARKER quite a bit?

A. Yes, sir, I did. I liked flying with Colonel BARKER.

Q. Yes. Did he go down to see his companies very often, get on the ground with them?

A. Not so much as, say, Colonel FRANKLIN just to the south.

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Q. Yes.

A. If they were on a operation, he would go down and see them, but he didn't make it a daily--you know, just every company has got to be seen, and they've got to have an overlay, and they've got to--I've got to talk to them all personally.

Q. So he gave them quite a bit of latitude then, I guess that's what you're saying?

A. Yes, he did. He didn't put orders out very often. Usually it was--I guess it was whatever they were going to do, when they were CA'd out there it was already planned out for maybe three or four days ahead, I guess.

COL WILSON: (Addressing IO) We went over the transcription of the tape with him to see if it would recall anything. This recalled to him that there was a go-around.

IO: What did you do that morning, do you recall?

A. No, sir, I don't really. I was definitely not a part of the CA.

Q. Yes.

A. I was designated an ash and trash ship, so I was probably just taking supplies out to, maybe, the battalion across the road there to the west.

Q. Yes. It appears that your company--you belonged to the 174th, didn't you?

A. That's correct.

Q. They provided two guns and nine slicks that morning.

A. No, sir, they didn't.

Q. Well, according to the record, they provided them, but in the lift, they pulled out about four of the slicks and those were substituted by the 176th and the 71st.

A. That's what I was going to say, because some of those aircraft have got 176th markings.

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- Q. That's right. Also, not only the 176th, which I think were called the Muskets?
- A. Oh, the gunships in the 176th? The Muskets?
- Q. Yes, the Muskets. And the other ones were called the--
- A. (Interposing) Rattlers.
- Q. Rattlers. Yes, that's right.
- A. Firebirds.
- Q. That's right.
- A. That's the gun under the Rattler.
- Q. The 71st.
- A. Yes.
- Q. The Rattlers of the 71st and the--
- A. (Interposing) The guns for the 71st were the Firebirds.
- Q. Yes. And what was the slicks for the 176th?
- A. The Minutemen.
- Q. Minutemen, that's what I'm thinking about, yes.
- A. That right there is unusual, that we supplied nine aircraft.
- Q. Yes.
- A. The fact that I flew that day, if we supplied nine aircraft, it's unusual that I wasn't in it. I'm not really sure what was going on there.

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Q. I think what they wanted to do is use you people that had been flying around in that area so that you could perform these tasks because you knew the territory. So they just pulled four of them out and put in these other aircraft because it was a routine kind of assault.

A. We had something like that. If there were six or more aircraft involved, they usually used the whole battalion of aircraft because everybody, you know, supporting the whole division, everybody has got ash and trash missions and liaison missions to do, even when there's a CA going on. It takes a real big operation to get everybody in on it.

COL WILSON: Our records show that your copilot that day was GARBBER.

A. No. I was copilot. He must have been the AC.

Q. I mean the AC. You flew 6.2 hours. Was that a normal day?

A. That was normal to heavy. Normal for the time, heavy for the whole year I was over there.

IO: Six hours of flying is an awful lot of flying.

A. Yes, well--

Q. (Interposing) Particularly in these short, short jumps. Before--

A. (Interposing) Two days before--

Q. (Interposing) It wasn't like in the highlands where you might get in an hour and a half.

A. Yes. Two days before, I flew 11.4 hours, approximately. It wasn't on that flight record that you asked me to do there. It gets confusing, you know, but looking over the flight records, it was a heavy period of flying. We did an awful lot.

Q. Well, that's all I need. All right. Thanks for coming in.

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(IO leaves the hearing room at this time.)

COL WILSON: Well, unless you can recall something regarding specifically what we're interested in, the meeting which took place between Colonel BARKER, Major CALHOUN, and the company commander of A Company--unless you recall something specific on that--

A. (Interposing) No. Like I say, I was sitting in the aircraft the whole time.

Q. Did CALHOUN get out of the aircraft with BARKER?

A. Yes. He always did. He always went with BARKER.

Q. And there was an overlay, and that's all you know about it?

A. Yes. In fact, I believe probably Major CALHOUN would be carrying it, too. I couldn't say for sure.

Q. You took them back to Dottie right after that? You didn't go down into the--

A. (Interposing) I cannot tell. I did not go. I took them out of the area.

Q. You didn't cross the river?

A. Just briefly.

Q. I mean, but you didn't cross it after?

A. No. I wouldn't know. I could have stopped by Uptight or gone straight back. I can't really tell you for sure. I did not go back in that area that day.

Q. Did you ever hear of an investigation or inquiry being conducted into this operation before you left Vietnam?

A. No, sir, I didn't.

Q. Did you ever hear of any unnecessary killing of civilians by either B/4/3 or C/1/20 on 16, 17, 18, 19 March?

A. No, sir, I never have.

Q. Were you or anyone that you know ever questioned on this operation prior to this hearing?

A. No, sir, I never have.

Q. Mr. HRUDA, do you have any further testimony or any further statements that might assist General PEERS in this investigation?

A. I don't know, really. One thing that's always bothered me is the pictures I saw in the newspaper of things like this. One picture, I remember, of some dead civilians or dead people laying on the ground that were lined up that reminded me of another picture that Colonel FRANKLIN had. It was the 4/3, you know, battalion that was operating below. One of his units was on loan there. He had on his bulletin board a picture of an operation that they had that was further south of this area. It looked very, very much similar to one of these pictures that was printed in the newspaper.

Q. Who is Colonel FRANKLIN?

A. He was the 4/3 commander, the battalion. I believe that was his name. Anyway, it looked like the picture in the newspaper was supposed to be this incident, but was different, a completely different operation that he had. People that he had happened to be in some tunnels that he blew. They were trying to get them out with CS, and it didn't work out. They had the people either blow the tunnels or smoked the tunnels out, and the VC had taken civilians in with them, apparently. I think there was something like 12 casualties on that.

Q. Well, what was the purpose of putting this photo on the bulletin board?

A. He just had photos of prisoners and things like that, part of the battalion information over there or something like that.

Q. Well, were these VC killed or what?

A. Yes. They were listed as--some of them were definitely VC. The women that were with them were listed as VC sympathizers. Obviously if they were in the tunnel, they must have been either VC sympathizers or--

Q. (Interposing) Hostages.

A. Yes, the people that--you know, the VC had stirred up such great fears of the American troops going into the area. They said that they must go into this or they're going to be killed instantly or something like that.

Q. If these people were in the tunnels, how was the photograph made?

A. This was after they pulled them out of the tunnel.

Q. Oh, I see.

A. According to him, they apparently died of suffocation from the smoke because they didn't really get burned. They just put some--I'm not sure how they did it. They said napalm was dropped in the entrance of the tunnel. They found weapons in the tunnel--

Q. (Interposing) Pull the oxygen out of there in a hurry.

A. I imagine it would. That's been bothering me for a long time.

Q. Well, there's no question about the photographs that you saw. They were taken by Mr. HAEBERLE. As to where they were taken and--

A. (Interposing) No, there's not. They look all--

Q. (Interposing) No, I mean the atrocity photographs that appeared in the magazine that you're talking about which were taken by Mr. HAEBERLE. There's no question about where they were taken or who actually the people are--

A. (Interposing) I never saw the magazine.

Q. I thought you mentioned that you saw--

A. (Interposing) This was in the newspaper.

Q. Oh. Well, I don't know which ones you saw, but the ones--the photographs that are used in this inquiry that were taken in My Lai (4), there's no question about where they were taken or who the people were. If there was such a photograph on the bulletin board of the 4/3 and if it was the same photograph, we'd be very interested in it. And I'll show you--

A. (Interposing) Well, it looked familiar, and it bothered me that they used something in the newspapers, a photograph of some other operation to kind of play up this My Lai deal.

Q. I just want to be sure that we're--that the photograph--this is P-41, which is a photograph of people along the trail. Is that--

A. (Interposing) No.

Q. That's not the photograph you're talking about. This is P-39, which is another photograph.

A. No.

Q. And this is P-34.

A. No, that wasn't it.

Q. Which is not the photograph you were referring to.

A. No.

Q. P-32 is not the photograph. There are some bodies along this trail here on P-31.

A. No. That's--

Q. (Interposing) Those are the photographs, I think, that--

A. (Interposing) That's not the one at all because

these people were just lined up heads pointing all the same way where they'd been dragged out of the tunnel, and they hadn't been shot. You could see that. They were lying, you know, close together lined up.

Q. I don't know. Do you remember the newspaper, the date of it?

A. No, I couldn't. It was at least a year ago.

Q. Well, we appreciate the information. I don't know that it does--

A. (Interposing) Probably it hasn't got anything to do with it, really.

Q. Well, anytime we find a photograph when we talked to people, we're always trying to relate to this particular one.

A. Well, it's--

Q. (Interposing) And that necessarily isn't an atrocity, what you described.

A. Well, you know, there are so many situations like that that happen all over that area and every other area.

Q. Do you have anything else, Mr. HRUDA?

A. No, sir, I don't.

Q. You're ordered not to discuss your testimony in this investigation with others, including other witnesses for the investigation, except in the performance of official duty or as you may be required to do before a competent judicial, legislative, or administrative body. And we appreciate your coming.

A. Thank you, sir.

Q. Thank you very much.

(The hearing recessed at 1020 hours, 21 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: LIND, Dean C.

DATE OF TESTIMONY: 9 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Pilot, First Platoon, 174th Assault Helicopter Company.

1. WITNESS' ACTIONS ON 16 MARCH 1968.

The witness recalled flying the C&C ship for Lieutenant Colonel BARKER (pg. 7). He arrived at LZ Dottie shortly before, or at the same time as the lift ships (pg. 8). He felt that the artillery prep was being controlled by the artillery officer in his ship (pgs. 9, 44). He recalled that some of the relatively heavy prep fell on the village in the area (pg. 10). He opined that there was some problem adjusting the fire (pgs. 10, 11). After recounting some of the early action of the Sharks engaging VC, the witness told of seeing many people moving down Highway 521 (pg. 14). Later, he recalled seeing quite a few bodies to the south of My Lai (4) and hearing some comment about these bodies over the radio (pgs. 15, 16). The witness recalled returning to LZ Dottie for refueling and stated that he believed BARKER went to the TOC while they were there (pg. 21). He recalled at My Lai (4) that there was some "havoc going on," but that any resistance which was met did not last long (pg. 24). The witness stated that in flying near My Lai (4) he noted the village was pretty much torn up and smoldering (pg. 39). At first the witness could not recall making a dustoff with his C&C ship that morning (pg. 25), but later in his interrogation he seemed to vaguely recall the dustoff of a slightly wounded, colored enlisted man (pgs. 26-29).

(LIND)

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Yet, he recalled seeing 15 to 20 bodies in the area where he landed (pg. 32). He noted most of the bodies were women and children, with but few men (pg.32). They were grouped together and, the witness opined, "there shouldn't have been that many" (pg.33). The witness remembered that the wounded man was flown, not to Ky Ha, but to LZ Dottie (pg. 35). He recalled speaking to CARTER and the crew at LZ Dottie about the number of bodies (pgs. 36, 37, 41).

## 2. WITNESS' ADDITIONAL RECALL AFTER HEARING TAPE OF RADIO TRANSMISSIONS.

The witness was given a transcript of the tape of radio transmissions monitored in the Task Force Barker TOC and allowed to listen to the tape of those transmissions (pgs. 49, 50). He affirmed that he flew the C&C ship of BARKER on 16 March 1968 (pg. 51). He again recalled BARKER leaving the ship, when it once returned to LZ Dottie (pg. 52). He noted that General KOSTER's ship was there when he returned to refuel (pgs. 53, 54). He also remembered an instance when his ship was to check some people at a certain location. They were given incorrect coordinates, but were able to find the designated area nevertheless (pgs. 59, 60). He also recalled a radio conversation of BARKER with someone of higher rank about "quite a few of them getting killed," but could not remember anything more specific (pgs. 62, 63). He testified further that he recalled a curt order to "stop the killing" (pg. 65).

## 3. THE WITNESS' KNOWLEDGE OF AN INVESTIGATION.

The witness could recall no rumors about an incident at My Lai (4). However, he recalled accusations of indiscriminate firing by the Sharks. He felt that there was some discussion with BARKER in the ship on 16 March about what they had seen (pg. 41). The topic was the necessity of the killing (pg. 41). He seemed to recall BARKER speaking personally to someone on the ground (pg. 45). He stated that someone in the Warlords also noted that there was too much killing in the area (pg. 46). The witness said that he did not notify anyone of the bodies he had seen, or of his opinion of the magnitude of the killing since he knew that BARKER and someone superior to him knew of it (pgs. 63, 65, 66).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-20	Transcript of Task Force Barker tape	Wit read.	49
M-57	Instructions to witness	Read by witness.	1
P-9	CARTER's dustoff	Wit could not positively identify	30
P-11	CARTER's dustoff	Wit could not positively identify	30
P-12	CARTER's dustoff	Wit recognized.	31
P-41	Miscellaneous Scene	Wit vaguely recalled.	40
P-42	BERNHARDT's photo as he departed My Lai (4) area	Wit could not recall.	42
P-45	Aerial photo	Wit oriented.	33
P-49 thru P-52	Photos of U.S. personnel	Wit thought the persons familiar.	11
P-195	Photo of My Lai (4)	Wit recognized.	11
P-198	Photos of U.S. personnel	Wit recognized BARKER, LIPSCOMB.	21
P-199	Photo of LTC BARKER	Wit recognized.	21
MAP-5	Map 6739 II (small scale)	Wit oriented.	3
		Utilized.	11

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(The hearing reconvened at 0810 hours, 9 February 1970.)

LTC PATTERSON: The hearing will come to order.

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

The next witness is Mr. Dean C. LIND.

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

Will you state your full name, occupation, and address?

A. Dean C. LIND. I just got out of the Army about a week ago, and I'm going to tour Europe. Then I'll be residing in Minnesota, Rural Route 1, Winthrop, Minnesota.

LTC PATTERSON: Mr. LIND, have you read the instructions, Exhibit M-57?

A. Yes, sir, I have.

Q. Do you understand those instructions?

A. Yes, sir, I believe so.

Q. Do you have any questions about them?

A. No, sir, I don't.

Q. As I understand it, you have not received any letters from the United States Army or any members thereof with reference to any trials or appearances before any tribunals of any sort?

A. No, sir, I haven't.

Q. Mr. LIND, would you state for the record the unit to which you were assigned in March, 1968, in the United States Army?

(LIND)

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A. I was assigned to the 174th Assault Helicopter Company at Duc Pho, Vietnam.

Q. When were you assigned to that unit?

A. I was assigned in November, 1967.

Q. And you stayed with that unit during your entire tour in Vietnam?

A. No, sir. I had previously been assigned to the 71st Assault Company at Chu Lai, and I was transferred.

Q. How long were you with the 71st prior to your transfer?

A. Four and one-half months, sir. I got there in July 1967.

Q. Then you were with the 174th from November 1967 until July 1968?

A. Right, sir, I extended. I went home in June. I left the 174th in June, and then I came home for a month, and I went down to the Delta then, to the 336th at Soc Trang.

Q. What were your duties in the 174th between November 1967 and June 1968?

A. I was a lift pilot of a slick ship all the time.

Q. You flew with the lift platoons?

A. Right, sir.

Q. With the same platoon?

A. Right, sir.

Q. That was the 2d Platoon or 1st Platoon?

A. I'm not sure. I believe it was the 2d Platoon.

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Q. Was Lieutenant MILLIKIN your platoon leader, or Captain NEUMANN?

A. Lieutenant MILLIKIN.

Q. That's the 1st Platoon, then.

A. Okay.

Q. Have you had an opportunity since we called you on the telephone to check your individual flight records?

A. Right, sir.

Q. To ascertain how much time you flew on or about 16 March?

A. I checked them, and I had 9.6 hours that day.

Q. Do you have any recollection of whom you flew with on the 16th of March?

A. Not positively, sir. I seem to remember after talking to you, I think I probably was flying C&C that day, I'm not positive at the moment. And it was very likely with Captain GARBOW.

Q. The record reflects that Captain GARBOW flew 9.6 hours on the 16th of March. I'd like to show you MAP-5, which is a 1:50,000 map of the area in which an assault by Task Force Barker was conducted on 16 March 1968.

(LTC PATTERSON oriented the witness on Exhibits MAP-5, P-1, and P-45.)

Do you feel comfortable with the map and the aerial photo now, sir?

A. Right.

Q. On the 15th of March, General LIPSCOMB, the commander of the 11th Infantry Brigade, departed in a change of command ceremony that occurred at about 0930 hours in the morning.

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A. Right.

Q. Colonel HENDERSON took over command of the brigade on the 15th of March. Do you recall--

A. (Interposing) I remember the change of command ceremony.

Q. Okay, time frame-wise this occurred on the 15th, and I tell you this in an effort to assist you in your recall of the events we are going to talk about. One of Colonel HENDERSON's first actions on the 15th was to get out and see what was going to occur on the next day, the 16th of March. It so happened that Task Force Barker, a composite organization consisting of three rifle companies, one from each of three battalions, had been put together in January and was operational, operating out of LZ Dottie up to the north.

A. Right, sir.

Q. LZ Dottie, as you recall, is just east of Route 1. The afternoon of 15 March, Colonel HENDERSON went to LZ Dottie and received a briefing on the operation that Task Force Barker was to conduct the next day. At a later time that afternoon, after Colonel HENDERSON had finally given his approval for the operation, Task Force Barker had an operational briefing for the units within Task Force Barker and the units that were to support the operation, especially the aviation units I'm referring to here. This briefing was late in the afternoon on 15 March. We have reason to believe that it was attended by Lieutenant MAGNO and Lieutenant MILLIKIN of the 174th. We also have evidence to believe either that evening or very early the next morning is when the 174th, the unit to which you were assigned, was briefed on the operations and the missions assigned.

A. That was probably the night--usually we had our briefings in the evening.

Q. With the 15th of March being the day of the change of command, do you have any recollection of any briefing, the night of the 15th especially?

(LIND)

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A. I remember the change of command. I know we didn't fly that morning. Most of us didn't, because we were watching the change of command. I remember that. I can't remember a briefing, though.

Q. The briefing probably would have consisted, in essence, of the following. Task Force Barker will conduct a combat assault mission into the vicinity of My Lai, Pinkville area. Two rifle companies will be assaulted into two LZ's. The third rifle company of Task Force Barker will walk into blocking positions to the north on the night and early morning of 16 March. A Company, the company designated to walk into position, will go into a blocking position just to the north of the Diem Diem River. C/1/20 will be combat assaulted, getting in at about 7:30 hours in the morning into an area just to the west of My Lai (4). B/4/3, subsequent to the assault of C/1/20, will be assaulted somewhere to the northeast of Pinkville, south of 521. The scheme of maneuver would be for C/1/20 to push to the east-northeast, B/4/3 to attack into Pinkville, My Lai (1), and these two units to join up and force the suspected Viet Cong, the 48th Local Force Battalion, against the blocking forces of A/3/1 north of the Diem Diem River.

A. We never called it Pinkville. I remember hearing-- we--

Q. (Interposing) What did you call it?

A. I can't remember names that well. I don't remember calling it anything. But I remember on the map that area was all nothing but stag trees sticking up. I remember that, that Pinkville area, and I remember something--

Q. (Interposing) Perhaps to assist in your recall, earlier than this, while General LIPSCOMB had command of the brigade, actually around 23 February, Task Force Barker had gone into this area and had gotten pretty badly chopped up.

A. Right. I remember hauling medevacs on that one.

Q. And one of the lieutenants heroically stayed in the area and received a DSC. They had taken quite a few casualties, and really hit them face to face. That was in February, and this was the next time that they were going into this area.

A. I can't say for sure, but I almost think I remember making--you said something about a smoke run. I almost think I remember making a smoke run in that area. I can't positively remember that area. If I made it in this one, I'd have had to have made it in that one.

Q. Well, let's wait until we get to it here. The assault was planned for 0730 hours in the morning as far as C/1/20 is concerned into the LZ just west of My Lai (4), and was to be preceded by an artillery prep and, of course, gunship suppression runs accompanying the slicks.

A. I remember a heavy artillery prep in that area, I'm sure mostly My Lai and also around this area called Pinkville. I know we had heavy artillery.

Q. Do you remember your actions on this morning of 16 March as far as early in the morning? Initially, I'd like to walk through the whole day.

A. I'm not sure I can remember that.

Q. We have reason to believe the slicks were scheduled to depart Duc Pho at 0645 hours. The guns, the Sharks, were to follow, and the slicks were to go to LZ Dottie and, as result of a late change, were to be augmented by Rattlers of the 71st Aviation Company and perhaps even a Premo, one of the Premo Hueys from the 11th Brigade. In addition, the aero-scout company, or B Company, 123d Aviation Battalion, was to operate as a screening force to the south of the operational area, generally from the Quang Ngai River north of Highway 521, and were called Warlords. On the morning of 16 March, indeed, the slicks from the 174th, the Dolphins, and the Rattlers were joined up at LZ Dottie so that they had a large number of slicks now, nine to be exact, as best we can determine. They made their first lift, full pitch, and were joined by the Sharks, flying in a formation, vees of three, nine slicks in trail, generally south out of LZ Dottie down along Highway 1. They then came into the operational area and made their touchdown at about 0730 hours. That artillery prep was fired as planned. Do you recall being

at LZ Dottie on 16 March early in the morning and seeing this number of slicks, or watching them come in, or any activities the first thing in the morning?

A. I'm trying to remember where it was that we would land, set down at LZ Dottie, probably right down, right along Highway 1, between Highway 1 and the fire support base.

Q. Do you recall the Task Force Barker TOC there at LZ Dottie?

A. No, sir, not right now I don't.

Q. Do you recall the van for B Company, 123d, where they operated?

A. Say again please?

Q. The van, where the aero-scouts, the Warlords, operated from there at LZ Dottie?

A. The van? I remember right here to the north was main headquarters, and right over here we had a little refueling area (indicating on Exhibit MAP-5). I remember that. I believe that's where the gunships were rearming, and I believe they just built that not too long before that because I almost think a lot of it was set up for this operation, if I'm not mistaken.

Q. As I understand it, the refueling pad was on the southeast corner of LZ Dottie?

A. Right, sir, I believe so.

Q. And the headquarters was just to the northeast of the refueling pad?

A. Right, it was. They'd built it up with, I believe, a Caterpillar or something.

Q. Was there a little helipad there by the headquarters?

A. There was a little helipad right down there, I guess, between the two for the C&C ship, sandbags. I remember that if I'm not mistaken--it's very cloudy in my mind, but if I did have C&C that day, I sort of remember something about we were up there, not too long before, but some time before the

slicks went up there, and I think the slicks shut down for a time, for a little while. There was some sort of briefing or something, and before the briefing was over, the C&C ship took off. If I'm not mistaken, we called in artillery, or Colonel BARKER did from the back seat, and we made the first pass.

Q. Do you recall shutting down at Dottie and waiting for Colonel BARKER, or did you just go to flight idle?

A. I don't recall any briefing. I almost think we just went to flight idle. I couldn't say for sure.

Q. Did you arrive prior to the slicks?

A. I don't think it was very long, maybe about the same time or not very much before.

Q. Then Colonel BARKER came aboard?

A. I think Colonel BARKER was aboard. I know he had an artillery--a man from the artillery branch that was along, and he was directing artillery.

Q. Do you remember what this man's name was?

A. If I'm not mistaken, I wonder if it was--maybe not. It almost seems like there was somebody else that was new. There were two people that were--I'm not sure about this. There might have been two people with artillery, and one of them was new, and the other one was maybe getting ready to leave or something, because it seems something like one was training the other, if that's the same thing. I'm not sure about that at all either.

Q. Well, do you remember the names of either one of the two men?

A. No, sir, not at all.

Q. Would you remember them if you heard them?

A. I probably wouldn't?

Q. Lieutenant VAZQUEZ?

A. I can't remember.

Q. Did you know Captain KOTOUC?

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A. The name sounds familiar, but I can't remember really offhand, no.

Q. So you feel that you arrived at Dottie, and Colonel BARKER and perhaps two other individuals came aboard. Then you took off. Did you take off prior to the slick ships taking off?

A. Right, sir, a fair amount of time, because I remember an artillery prep.

Q. Where were you when you observed the artillery prep?

A. We were just to the south. I believe we were making-- I think we went some over here for a while (indicating) and they had an artillery prep there. I'm not sure which came first and which came after positively.

Q. Well the first artillery prep went into the My Lai (4) area, this here (indicating).

A. Right. We were making figure 8's to the south.

Q. You were making figure 8's to the south in an easterly and westerly fashion, then, south of My Lai (4)?

A. Yes, sir.

Q. Now, was Colonel BARKER controlling the artillery prep?

A. I don't think so.

Q. Who was?

A. I believe it was one of the artillery FO's. I believe.

Q. In your ship?

A. Right, sir, in my ship.

Q. Do I understand your ship was the one that was controlling it?

A. Right, sir.

Q. Where was the artillery coming from?

A. Mostly from Uptight, I believe.

Q. That coincides with the facts as we know them. There were four tubes of 105 at LZ Uptight, and they did in fact fire the prep that day.

A. If I'm not mistaken, it was a pretty heavy prep too, I think. I'm not sure.

Q. Do you recall seeing any of the prep personally?

A. I might, just a little bit, I think. Which way was it? I almost remember a little bit the way they adjusted it. I can't remember for sure though.

Q. Do you recall whether or not the artillery went over the village, or did it stay in the open area?

A. I know they had some on the village. I think they had a little problem for a while. It seems to me there was something that I was kind of disgusted about, because even from what we learned in flight school, they weren't adjusting quite right, some of the stuff. I don't think the guy was too experienced, one of them anyway. I'm almost positive that they did afterwards--after adjusting a few minutes, they did get it on right. I'm sure they got it on the village.

Q. Did they put it directly on the village, or in the LZ area to the west of the village, or was it, as you say--

A. (Interposing) I think it was fairly much scattered out. I don't think they got a real good--I think they shot a lot of artillery, and I don't think they hit real solid right on the My Lai area. Quite a bit, I think.

Q. I'd like to ask you if you can identify or have ever seen that individual before. Perhaps if you put a helmet on him.

(LTC PATTERSON handed a picture of LT VAZQUEZ to the witness. The photo was not received in evidence.)

A. Looks pretty familiar, I'd say.

Q. Does he look like one of the men who was with Colonel BARKER?

A. It could have been that captain. I think so. I'm not sure if he was in the ship that day. His face looks familiar; I can't really say for sure then.

Q. That's Lieutenant VAZQUEZ. Let the record show that the witness was shown a picture of Lieutenant VAZQUEZ. I'd also like to ask you if you recognize any of the four individuals in that picture there?

(LTC PATTERSON hands the witness Exhibits P-49 through P-52.)

Do you recall seeing any of those individuals before or are their faces familiar?

A. The ones on the upper right and lower left look somewhat familiar, but I'm not sure at all who they are. Their faces look familiar. That's about all I can say.

Q. The upper right individual is Colonel HENDERSON and the lower left is Major MCKNIGHT. This individual is Major CALHOUN.

A. The name sounds familiar, again.

Q. The S3 of Task Force Barker. As I understand your testimony, there was some trouble getting the artillery in the proper area there?

A. I believe so, right, sir. It seems that way.

Q. I'd like to show you an aerial photograph, Exhibit P-195. Does that photograph look to you like the way My Lai (4) looked on the morning of 16 March?

A. Yes, sir, it does.

Q. That picture is reportedly taken as the slicks were inbound into the LZ. You'll notice artillery is shown on the village there, on the western edge.

A. I'm pretty sure that's the one. I'm pretty sure they had some problem adjusting. I kind of thought they did get some on there. I don't recall how much though.

Q. How long would you say the artillery prep was placed on there? In time, how long? Was it a short prep, or a long prep, or what?

A. For some reason it sticks in my mind that it took them quite a while, a fair amount of time on that prep. I'm not sure. Seems like they did, but I'm not positive. I think it was a pretty good prep.

Q. We have reason to believe that the slicks touched down at 0730 hours promptly on the LZ. Do you recall seeing them land?

A. No, sir, not really, not that I can remember.

Q. The slicks reportedly landed from south to north?

A. I remember landing at the village on the right side sometime, but that was later. I don't remember the landing.

Q. The gunships made their suppression runs just after the artillery cut off. Then the slicks touched down, and then the slicks departed. Do you remember seeing the slicks depart? There were, as I say, nine of them supposedly.

A. I can't really remember that, no. Maybe it's because I wasn't on an FM net. That might have been something why I can't remember that. I remember going in there later. It seems to me after the insertion we stayed around there for a while, and I believe we went back to LZ Dottie and stood by for a while.

Q. Well, we'll get back to that in a minute. But immediately after the lift at 0730, there was a little action by the gunships while they were waiting for the second lift to come in, the Sharks especially.

A. I remember something like that, but I can't remember all of it.

Q. They caught a couple of "dinks," I believe they called them, somewhere to the north of My Lai (4) in the open.

A. It seems to me they were kind of disgusted about nobody going after them or something. They were out there, and they had to get called back again, and they didn't like that too well. I remember something about that, but I don't remember exactly where it was.

Q. You don't recall seeing it? Do you recall hearing it?

A. I remember something about it, right, sir, because--

Q. (Interposing) We have testimony leading us to believe that this action occurred right up in here just to the north of My Lai (4). The Sharks engaged a couple and did, in fact, as you have just indicated, have a little trouble getting the infantry to move out. At the same time there was another action, and other reports coming in early. Do you recall any other reports immediately after the lift touchdown at the first LZ?

A. No, sir, not really. I remember later on in the day that the Warlords got into something. I know that was sometime after--I thought it was later on in the afternoon when they had--I believe it was down around Hill 85, wasn't it? They had found some mortars or something. I think it was down in that area. That was sometime after--maybe it was right afterwards, but it seems like it was later on that day.

Q. After this little engagement up here and still between the lifts--the slicks were returning to Dottie for the second lift--we have reason to believe the Sharks went right down into this area just south of the LZ.

A. There were some people moving along the trail, yeah.

Q. Do you remember seeing people moving down through there?

A. Yeah, a little bit. If I'm not mistaken, we even went down and looked at them a little bit, but I don't remember exactly. I don't think there was much they could do about it. I remember there was a lot of people moving--if I'm not mistaken there was people moving out of the village and down the trail, moving away from there.

Q. Moving towards the southwest?

A. I believe so, right.

Q. Down along 521?

A. Yes.

Q. This is still between the lifts, maybe 7:45 in the morning. The Sharks did, in fact, engage--find one lone VC suspect down there that was trying to skedaddle out through this hedgerow.

A. Yeah.

Q. And one of the Sharks was low engaging him. Simultaneously the Warlords were in gunruns on the north edge of Hill 85.

A. Yeah, I believe so. But later on in the afternoon is when they found the mortars on Hill 85, I think. It seems like it anyway. There was something going on on Hill 85 at that time, I remember that. But they found stuff later on. They kept looking there for quite a while there on Hill 85. Maybe it was later on in the morning.

Q. The records indicate that after these little gunruns that they made on the northern edge of Hill 85, there was some coordination problem with the Sharks just south of 85.

A. It seems they had gotten in the way, I think.

Q. And there was some trouble about: "I'm going to be going right by you. You stay north of 521, and we'll stay south of 521."

A. Yeah, I remember something like that.

Q. You remember something like that?

A. Yeah, they were a little bit disgusted with each other because one got in the other one's way.

Q. About this time the second lift arrived. They were put back in in the same LZ. Timewise about 0751 hours according to the log is when the second lift was completed.

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A. It seems I remember the Warlords going around Hill 85. I'm almost sure that we must have been up looking down on them--must have been on C&C, looking down at them. I can't remember the lifts too well, though. I remember the gunships going up and down, though.

Q. Do you remember whether or not you were at altitude during the little incidents we have just described, the Warlords' and the Sharks' activities?

A. I'm sure at one time we went down fairly low, maybe to 500 feet or so. Most of the time we were up probably 1,000 to 1,500, staying generally out of the way. But we went pretty close to the trail down here. That was 521. And I think we went over. We watched the Warlords some too, between the lifts, but most of the time we were probably up maybe about 1,000 feet or so, just staying pretty much out of the way, but still so we could see pretty good.

Q. The Warlords--the purpose of their gunruns is that they reported that they had a "dink" down there and were engaging him--one the Skeeter, the little H-23, found.

A. Yeah, I don't remember. I think I remember the 23 on the right. I never talked to the Warlords. I didn't know the Warlords personally that much. No, I don't.

Q. After the second lift went in at My Lai (4), there was some talk about the kills that had been achieved by both the gunships and C Company. Do you recall any numbers, kills that they had achieved, coming over the radio?

A. I remember something about--I don't remember about the gunships too much, but I think I landed once right down there just to the south of My Lai and remember looking at it from the right side. It seems like it was to the south of it, landing to the west generally. I remember there was a lot of people lying there, and somebody--I don't remember it over the radio. Maybe it was over the radio. I remember some comment about a lot of people or a lot of bodies lying around there after--it wasn't too long afterwards. No, they hadn't been in there very long, and there was quite a few bodies.

Q. Do you remember hearing anything come over the radio?

A. I sort of remember a little bit, but I couldn't say for sure.

Q. Timewise we are at about 8 o'clock and this is before any of your landings that you described. I believe it is anyway, because Colonel BARKER was getting ready to start the second LZ.

A. It was later on when I came back, I know that.

Q. There was some talk with reference to moving this LZ up in time, now, because the first unit, C Company, had been cleaned up in two lifts. They had been all inserted, and they still had the nine slicks, and they wanted to get the second unit on the ground right away. They had more aircraft than what they had originally intended. So the artillery prep started on the next LZ very shortly. However, in the time frame before it started, there were some conversations on the air between another C&C aircraft and Colonel BARKER and the Warlords with reference to some people down along the highway. Do you recall any call signs, or activities, or any other C&C aircraft with reference to the people on the highway, Route 521?

A. I can't remember. Was 66 in the area, the Americal commander? I'm not sure.

Q. Who?

A. The Americal Division commander.

Q. Was who?

A. I don't remember his name.

Q. You don't remember his call sign?

A. 66. It started with an R. I can't remember though. It seems like he was in the area sometime early during the lifts probably, but I don't remember how much. It seems like there was even an 11th Brigade C&C there, too, for a while. I don't think either one of them was there for--

Q. (Interposing) This action that I'm talking about, we have reason to believe it was the 11th Brigade C&C, Rawhide.

A. Rawhide, yeah.

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Q. Rawhide 3 was talking on the air, trying to get the Warlords to go down to look at some of these people, and this action was going on further on to the southwest. The Rawhide C&C flown by Mr. COONEY had found what they considered to be some military-age males in among these people, and the little Skeeter, the little H-23, went down there and tried to separate and segregate these four VC suspects. However, they were only able to get out two. Then the Rawhide C&C swooped on in and picked them up on board their own C&C. These fellows were stripped down, stripped to the waist. Do you recall anything about this, or hearing anything about it?

A. I think I remember a little bit, but I--

Q. (Interposing) Okay, just if you recall. If it doesn't mean anything to you why--

A. (Interposing) It doesn't mean anything to me.

Q. Okay. As I have indicated, about this time Colonel BARKER was probably concerned about getting the artillery cranked up and registered in, and starting the LZ prep on the second LZ. The artillery in fact did begin on or about 0810 hours or 0811 hours, and Coyote 6 notified Dolphin 3 that the lift would be planned for about 0815 hours, figure touchdown for 0815. Do you recall anything like that?

A. Not really, I don't. I'm sure that lift didn't take very long though. If I'm not mistaken, it was over quite early, the insertion, because it wasn't very--

Q. (Interposing) In fact, the Dolphins did come down and start their approach and something occurred.

A. Almost seems like something--I'm not sure, I don't think we received fire. Maybe we did. Something--I almost remember something about maybe a rocket or artillery or something. I don't think it--can't tell for sure.

Q. Well, the artillery didn't shut off in time.

A. Sounds possible.

Q. The slicks had to make a go-around.

- A. Yeah, that sounds--could be a good idea.
- Q. Do you recall this or not?
- A. I recall something about it. I don't recall receiving fire--anybody receiving fire. I do recall something. I think it was artillery, yeah.
- Q. As the slicks made their go-around and went out over the ocean, then the C&C bird, the one in which you possibly could have been flying Colonel BARKER, did something. Do you recall what you did? Dolphin called and said: "This is Dolphin Lead. Had to make a go-around because the artillery was still shooting when I was on my approach. Didn't want to land in there while it was going." Coyote 6 went back and said, "Roger. Rounds complete now."
- A. Well, I don't remember doing anything except maybe calling back when things were over, right after, you know. I don't recall anything else.
- Q. Coyote 6 asked if the Dolphins wanted the LZ marked.
- A. Yeah. Seems to me I sort of remember smoke if I'm not mistaken.
- Q. Dolphin said, "roger," he wanted a mark.
- A. It was past the LZ.
- Q. Pardon me?
- A. Past. It was past the city here. It was to--
- Q. (Interposing) To the southwest of the village. Do you remember making a marking run?
- A. I don't think we came to the south. I think they landed somewhere to the south, but it seems to me, I think we just quick-dropped down in there and gunships were--I don't believe we made a full approach like the slicks were doing. I think maybe just one from east to west probably.
- Q. You made a marking run?
- A. Right, I believe so.

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Q. Do you remember what color smoke you used?

A. Seems like red. I don't even know. I know we had more than one smoke. I'm sure.

Q. You're sure of that?

A. I can't say for sure.

Q. Captain GARBOW remembers the marking run. He remembers how you were fairly new at this time. He could have even remarked that he thought that you were excessively low. You subsequently learned, of course, that marking runs were--

A. (Interposing) I probably was a little excessively low. I usually was on marking runs.

Q. And he indicates, too, that the run was from east to west. Then at any rate the lift went on in there, and there was no particular problem. The LZ was cold, and they put in two lifts there, and the lift was complete at 0827 hours.

A. Then, if I'm not mistaken, there was--seems like after we got all through this, there wasn't anything going on for a while, at least as far as mistakes went, sir. If I'm not mistaken, we were done fairly early, and we went back, and the C&C that I was on--I'm not sure, I think the slicks went back to Duc Pho. I remember the C&C, for a good part of the day we didn't do too much. We were flying around for quite a few hours and right during the time of the lifts, and there was--

Q. (Interposing) This would have been, now, the lift and the time that you indicate here along in about 0715 until the time or completion of the second lift, according to the log, for B Company, which was 0827. Do you recall what you did then? Do you think you stayed in the area or did you go somewhere or do something?

A. We didn't do anything in particular. I think maybe we stayed in the area for a while. I don't remember anything outstanding at all.

Q. Do you remember going back to Dottie about this time and getting fuel?

A. Yeah, that's very possible. That's why I do remember something about going back for a while. Maybe we had to go back early or something. I'm not sure before our lift was completely over, I'm not--we went back sometime.

Q. Well, with the lift being over at 0827, you would have had about an hour and a half, wouldn't you, on your aircraft?

A. Maybe we refueled early or late, either one or the other. I'm not sure which one it was.

Q. Well, we think that you went back somewhere around 0830 or 0835 to LZ Dottie for refueling. Colonel BARKER indicated on the radio en route back there that he'd drop down in the TOC and bring them up to date. Do you recall anything about this?

A. No, not really.

Q. There was also some conversation about the number of casualties or the number of KIA's that C Company had achieved.

A. I can't seem to remember too much of the ground unit's conversations and all. I don't remember that.

Q. Do you remember any conversation about 84, 84 KIA's?

A. No, not really.

Q. Okay.

A. Maybe a little bit. I can't say for sure or not.

Q. Well, only if you can recall. Coyote 6 did say somewhere around 0830 that he was returning to Dottie to refuel and he would stop down in the TOC and bring Coyote 65 up to date with what had transpired. It's an assumption on our part, but it would seem plausible that you would have landed and dropped Colonel BARKER at the VIP pad or the pad near the TOC, and let him hop off. If this in fact were the case, if he did in fact get off to go to the TOC, then you would have hovered down to the refueling area and then back over to the VIP pad.

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A. We refueled. There were some gunships on there at the same time we refueled, if I'm not mistaken. I can't remember. We went up there so many days.

Q. Yes, I understand. Do you remember Colonel BARKER's face, and the way he looked?

A. He wasn't a very big man, if I'm not mistaken. He reminded me of a CO we had once in the 71st, I think, if I'm not mistaken, pretty mild and confident-speaking man.

Q. I'd like to show you Exhibit P-198. Do you recognize any of the individuals in there?

A. Colonel BARKER there (indicating).

Q. Colonel BARKER right in the center?

A. Yes.

Q. Do you recognize the gentleman on the left, your left?

A. Probably--the only general I remember from over there was General LIPSCOMB.

Q. That's General YOUNG. Here's another picture of Colonel BARKER. P-199.

A. (Examining Exhibit P-199) He was about 5-7 or 5-8, I'm not sure.

Q. I'd like for you to think if at this time now, which we believe was around 0830 or 0835, when you went back to refuel, whether or not Colonel BARKER did get off the aircraft and go to the TOC while you refueled? I'm sure there must have been some thoughts in your mind as to whether or not you should shut down at this point in time or put her in flight idle? Or did he indicate to you that he would only be a few minutes, and he wanted to go right back?

A. Seems like maybe he did indicate he'd be right back. I can't remember for sure again though. It seems kind of blank. I'm not sure.

Q. We have reason to believe that you were again airborne at 8:55 or 9 o'clock with Colonel BARKER aboard.

A. If I'm not mistaken, we flew pretty steady without shutting down for maybe 4 or 5 hours. Then there was a period in between there where we shut down for a while. I'm almost positive we did.

Q. Perhaps at this refueling it could have been that you might also have seen the other C&C flown by Mr. COONEY come in while you were waiting to pick up or waiting for Colonel BARKER to come back, perhaps Colonel HENDERSON getting off of his C&C or his C&C coming over to the VIP pad and parking next to yours, perhaps even shutting down.

A. That could be. I can't remember positively. It seems like maybe, but I'm not sure.

Q. At any rate you were airborne again about 9 o'clock, 8:55, and going back out over the area, returning to the operational area where there are now two companies on the ground with the third company in blocking position to the north. Do you recall what you did?

A. For some reason it seems like it was a tiring day after the first few hours. We just flew back and forth, and then maybe in the afternoon we resupplied. I don't-- maybe we did take Colonel BARKER in.

Q. Captain GARBOW seemed to think that you cruised around just generally over the entire area. Do you recall going down, or landing, or making any efforts to get down low to see what was going on at this time?

A. We may have. Quite frequently we went down low for passes just to look a little closer. I don't remember.

Q. Do you remember any conversations about Colonel BARKER asking the ground forces how they were coming or what they were doing?

A. We called down sometime, I know.

Q. It was about this time that the Warlords found the mortars on Hill 85. This was about 9 o'clock or 9:05, as you indicated you recalled earlier?

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A. Yeah, it could be then.

Q. Do you remember what action they took about those mortars they found up there?

A. Somebody went down there. I don't know who it was. I can't remember what--didn't we get an EOD team or something like that?

Q. Beg your pardon?

A. Did somebody pick up an EOD team out there or something.

Q. Later they did pick up an EOD team, yes.

A. If I'm not mistaken, did the Warlords drop some of their people in there too? I'm not sure about that. To secure the area a bit?

Q. Yes, they did in fact put some infantry in on the ground.

A. A little 23 followed them, and he looked at it pretty close before he flew out. I think he could have counted them, if I'm not mistaken. He was pretty--

Q. (Interposing) Do you recall seeing this or hearing this on the radio?

A. If I'm not mistaken, most of the time when they were doing that we were generally a little bit more north around My Lai. We did go back down. We didn't spend too much time around Hill 85, I don't think. I think most of that was taken care of by the Warlords, and they did most of that on their own.

Q. You think you were over My Lai at the time?

A. Most of the time. It seems like we were pretty much over the area. It got to be a boring day. I remember that--it was after the mortars--we were just generally flying around looking at the area. Everybody wanted to go and look was the main thing.

Q. How did My Lai (4) look to you at this point in time? Could you see any of the ground troops?

A. I can't remember. All I remember--I remember one time we went in there.

Q. Okay. That's a little bit later, I think. Do you remember whether or not the village was burning at this time?

A. There was quite a lot of havoc going on at this time, I think. I don't remember.

Q. A lot of what?

A. Havoc. People going around--I don't remember too much really what was happening. I know it didn't last too long. It wasn't too long that they were handling a lot of action. They had a lot for a while, and then it seems to me that maybe in a few hours it wasn't too much.

Q. How about at 0900?

A. Didn't they move some other place again afterwards? I'm not sure about that either.

Q. About 0920 in the morning a call came in for a dustoff over near My Lai (1), B Company's area, right over in there (indicating). Maybe even at this point in time there was a lieutenant killed over there and about three wounded.

A. At My Lai (1) they did. At My Lai (4) I don't think they had a real lot of resistance. If I'm not mistaken, they had some, but it was over within a little while. My Lai (1) was usually a pretty bad area.

Q. These wounded were wounded by booby traps?

A. Yes.

Q. Do you recall Colonel BARKER's actions upon hearing this? This was, in fact, the second request for a dustoff in B Company. One had been made while you were refueling by a regular medevac ship, but this incident here was about 0920 in the morning, 0925. Colonel BARKER took some specific action.

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A. I remember once upon a time, I thought it was further north, we had a medevac. One guy was hurt bad. I think that wasn't in that area. That was up further north that we had that medevac. This one here, I remember a little bit about it, or something about it. I don't know what it is. Medevac sounds familiar. That's about all it amounts to.

Q. The record, indicates that he did, in fact, make that medevac himself. A C&C ship went in there, made an approach in, landed through smoke, perhaps even landed up close to some trees, and had to make a pedal or a cyclic turn to come up flying generally to the east.

A. I can't remember specifically, no.

Q. However, we then think that after making this pickup, Colonel BARKER was advised by his TOC, Coyote 65, that Saber 6 was in the area. Does Saber 6 mean anything to you?

A. Saber 6 was the division commander then, I think. It must have been. He was around that day.

Q. Colonel BARKER decided to jump off at Dottie and let the C&C ship take the wounded on, to medevac on to the evac hospital themselves.

A. I can't remember that either.

Q. That's about 0935. We have reason to believe that the C&C did fly on up, probably to Ky Ha, and land. Do you remember anything that happened at Ky Ha?

A. I remember going up to Ky Ha one other time, and I remember that thing better than I remember this.

Q. Why do you remember that?

A. That was the first day I had my new helicopter, and the guy was in real bad shape. We had jump seats in the aircraft, and we never used the jump seats after that, because we just about had the boy fall out. At that time Colonel BARKER was along, I remember that. This time I remember something about going up there again, and this time we weren't quite so much in a rush. One other time was further north. This time I can't remember.

Q. This time they didn't have enough stretchers perhaps.

A. It could be. Yeah, I remember something was missing. What the heck was it? I can't remember why though. Did we have to leave a stretcher there or something? I can't remember that either.

Q. I don't know that there were any stretchers aboard. It would seem that you would have. Did you decide to let Captain GARBOW make the takeoff from Ky Ha?

A. I usually did let the pilot make the takeoff most any time at all unless it was something really important. That could be--let's see now.

Q. Captain GARBOW remembers this well, because he made an error.

A. That could be.

Q. Do you remember what he did?

A. I still remember something, but I can't remember what it was. It seems like there was some problem.

Q. He pulled pitch.

A. Did he leave somebody behind or something?

Q. No, he pulled pitch when your RPM was at flight idle.

A. Yeah, that could be. Yeah, I think--yeah, he did it to me once. There were a few others, one or two people that did it. Yeah, that could be.

Q. He testified he pulled pitch while you were at flight idle there, and, of course, the light, the audio came on. He remembers this well, because you mentioned something to the effect that it would do well to get the RPM back before attempting takeoff.

A. Yeah, that could be. I don't remember it specifically. I remember just that that sounds familiar, but that's about it.

Q. Then you went back down to Dottie. Now as I indicated, we have reason to believe that Colonel BARKER had gotten off at Dottie. When you came back into Dottie, it would seem to me here, you were a C&C without your commander. Do you remember going back, and checking, and seeing what you were supposed to do?

A. I can't remember that.

Q. We have reason to believe you called inbound and were told to sit and relax.

A. Yeah, I remember something. I know there was some time that--we were there for maybe an hour or some time, a period of time we sat down. I know that during the day--I don't know how long, maybe--

Q. (Interposing) This would have been somewhere just before 10 o'clock in the morning, or right at 10 o'clock, that you would have gone in and you were told to sit down and relax, which I would assume would mean you shut down.

A. Yeah.

Q. About 1020 hours a call came into the TOC for a dustoff to the south of My Lai (4).

A. That must have been the time. That sounds--seems like it, yeah.

Q. Perhaps someone even ran over to the ship and told you to get airborne.

A. They probably had to, yeah. Then this must have been when we came back there again, seems like.

Q. Now would you describe that dustoff or landing that you recall?

A. That one I think we landed down there, just to the south of My Lai (4) (indicating). I don't recall him being hurt very bad because I don't think there was really too much urgency in it. I think it was right here.

Q. Do you recall, was it more than one or just one?

A. I don't really recall.

Q. Do you recall anything about him, anything identifiable, where he was hurt, or rank, or anything like that?

A. No, not really. I remember dropping--I'm not sure if this is the same time or not. But if this is the one, we went from My Lai (4) back to LZ Dottie and dropped them off, and he was shot or had a gun wound in one foot.

Q. One foot?

A. Yeah. He would probably remember me because I made some--he wasn't hurt too bad, and it was almost kind of comical. I sort of winked at him, sort of like the gesture that it was a pretty good trick, you know. I think it was in the left foot. I'm not sure, it might have--I'm not sure of that.

Q. Why did you needle him like that?

A. Because he wasn't hurt real bad. He was almost smiling himself if that's the same one. He got into a jeep I believe, if I'm not mistaken.

Q. Do you remember anything about this fellow that would help us identify him?

A. He was an enlisted man.

Q. Enlisted man, okay. What else?

A. You said something to me on the phone about him being colored. It seems like maybe he was, but that might have been just from what you told me.

Q. From what I told you. Okay.

A. Yeah, because I'm not positive of that.

Q. Well, the record indicates that at 1020 hours a colored soldier by the name of CARTER was, in fact, shot in the left foot and evacuated from an area such as you have indicated there, just south of My Lai (4).

A. I would think he would probably remember me from--I'm not sure about that.

Q. I wish you'd explain why you think he would remember you?

A. Because he thought it was kind of funny, too. I was really surprised. Here's a guy shot in the foot, and he was pretty near smiling, and I kind of winked at him. I'm not sure, I almost think we talked. We shut down there or something, I think, and I almost think maybe I talked to him for a little bit. At least there wasn't much noise. It seems like we must have shut down because I almost think I remember it took a little while for the jeep to get there or something. It seems like we sat there long enough so we were sitting in the back compartment on the aircraft.

Q. With this fellow?

A. Well, I'm not sure with this fellow, but before he took off in the jeep, we were sitting in the back of the aircraft. We may have even talked to him some. I'm not sure of that.

Q. Do you remember any of the conversation other than the fact that at the time this was an easy, or something to the effect--

A. (Interposing) A good way to get out of there? No, not really. I don't remember anything said when he was getting into his jeep.

Q. I'd like to show you Exhibit P-9, and ask if you recognize that individual?

A. I couldn't say for sure if that's the guy.

Q. Couldn't say?

A. No, not at all.

Q. You don't know whether that's the same man that you evacuated.

A. I would tend to think that it probably was, but I can't say positively.

Q. I show you Exhibit P-11.

A. My Lai is on the other side.

Q. Beg your pardon?

A. My Lai is on the other side.

Q. Well, it seems, or other testimony had indicated the dustoff landed to the east. CARTER was carried from the southern edge of the village up to the ship.

A. Landing to the east, right.

Q. Landing to the east would have put it--

A. (Interposing) To the east, oh, yeah. No, I was thinking to the west--maybe to the east. I'm not sure about that. I don't really think so, maybe it was. I would tend to think we landed to the west, and they were on the other side of us, but maybe not.

Q. Well you will notice they are putting him in the left side of the ship?

A. Yeah, but I don't think so, because we landed closer than that to My Lai (4). I don't think you'd--maybe you might. There's trees on the other side over there, (indicating) but it seems we were right up against the trees pretty near My Lai (4). I think we landed to the west. They popped smoke, and they were standing away from the village, down there someplace, (indicating) and we landed right just to the south. They were on the opposite side of My Lai as we landed, I think. We came in from the left then maybe. It seems that I--for some reason I picture My Lai on my right side on our one stop there, and I was in the right seat.

Q. You were in the right seat?

A. It seems like I was. I wouldn't say that for sure either. That looks like me in the left seat there, doesn't it (indicating Exhibit P-11)? Maybe I was looking out the window on the left side. For some reason I always pictured myself on the other side.

Q. Does that look like your aircraft?

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A. I was trying to see myself, but I can't really tell for sure. It should be, but it looks like me even in the left seat. I would tend to think that. It almost looks familiar the way they are carrying him along. Maybe I was in the left side that day. Maybe we did land to the east. It does look familiar, right, them bringing him on the ship.

Q. I'd also like to show you Exhibit P-12.

A. Yeah, that's a little better. That's my ship for sure. That's Frank DAILY, the crew chief, there.

Q. Frank DAILY?

A. Right.

Q. How do you spell his name?

A. D-A-I-L-Y, I believe. He was a spec 4 then. He would remember almost better than I would, I think.

Q. Yes.

A. That's my ship. That's for sure.

Q. How can you identify it as your ship?

A. I can recognize the crew chief.

Q. You recognize the crew chief?

A. Yes. He was trying to grow a moustache, but you can just barely see it. I'm sure that's him. There weren't too many ships that had jump doors on them. Not too many of them had good ones except mine, because mine was pretty near brand new.

Q. Jump doors? You're talking about the small doors?

A. Right, the small doors in the front there.

Q. What do you recall seeing during this evac?

A. I remember sitting down there, and I guess they must have been on my left side. I was thinking it was on my right side, but I do picture it right on the southern side. I think it was my southern side. Right in there was--I remember that day there was a lot of bodies, and that's--I can't remember numbers for sure, but I know there was. I recall in my mind there was quite a few dead people lying around. That's--

Q. (Interposing) Would these be up front as you were setting on the ground?

A. I thought they were to my right. I can't--I remember picturing--I can see the place, and I can see the people.

Q. Do you remember talking to Captain GARBOW about it?

A. I may have. I remember there was some comment afterwards, but I'm not sure who it was. Maybe it was between Captain GARBOW or else my crew chief. We talked about it afterwards, something about there was quite a few people, more than--well, we didn't know that much about it. It seems to me I almost was thinking that maybe--well, I kind of disregarded it because of the thought of a lot of them may have gotten killed by artillery. That's what I was thinking. But I know there was more bodies than there seemed there should have been. I don't know why, but that sticks in my mind.

Q. Well, could you give us an estimate as to how many you think were there? Were there less than two or was there--

A. (Interposing) Fifteen or twenty, maybe more.

Q. Do you have any idea of their sex, or their age, or how they were dressed?

A. Seems like they were all pretty much--there was something wrong about it. It almost seems like maybe there were some--I'm sure there were some women. There was quite a few--fair number of men. It was mixed up. It almost seems like there were a few kids. I can't say for sure. It seems like there were a few. There was something about that that seemed like it was wrong. It didn't seem like it was quite right.

Q. How about the way they were lying there? Was there--

A. (Interposing) It looked like, if I'm not mistaken, it seemed like they were stacked up or something like--well, not stacked up, but they had been put together in one general area.

Q. You said something struck you wrong about this scene?

A. Well, at the time it just seemed like there were too many, and maybe it was, well, like there shouldn't have been that many. That was the main thing. I didn't really know where they all came from or why they should have killed that many. That was I don't recall if it was women, or kids, or what, really for sure. I think there were some, and if I'm not mistaken, it seemed like there shouldn't have been that many. Anyway it didn't seem like it--that's the way we saw it from our ship.

Q. I see. Now, if you can remember sitting there, you say you think they were off to your right?

A. I was thinking they were off to my right.

Q. Well, were they in front of the ship or--

A. (Interposing) They could have been in front of the ship instead.

Q. Or off to the right in front of the ship?

A. That's what I was thinking. I remember--I can't remember. I was thinking that it was off to the right front. Maybe we came in there again sometime, too, that might have been. But I remember they were right along the trail. I was thinking they were right on the other side of the trail, on the south part of My Lai. It seems that way. It was right along where this one came in to--we landed right in that general area where the one little trail comes in from the south and meets the one on the southern side of My Lai right along the woodline and goes east and west.

Q. There is a trail there along the southern part. Do you recall seeing it?

A. Right. There was a little trail there of some sort, some sort of a line going through from north to south.

Q. Now where were these bodies with relation to the north-south trail?

A. It seems to me they were right just about where they met at the tee, the north-south and the east-west, maybe a little bit more to the west, just a little bit, not too much. It was right around in the general area I think that most of the troops come back too, if I'm not mistaken.

Q. Was this little area secure where you were? Did they have any troops there around it?

A. Right. They had a fair number of troops around it. There was some anyway. I'm not sure if they had come back there or what.

Q. Do you recall seeing any officers on the ground at this time?

A. I remember seeing a lieutenant around or something, but I don't remember positively, or somebody that was in command around there or something. Maybe it was a staff sergeant or something like that, I'm not positive. There was somebody who was one of the ranking men in the company. I'm sure of that.

Q. You don't remember whether he was an officer or enlisted?

A. Not positively. I think he was an officer. I'm not sure.

Q. Was there anything identifiable about him that you can remember, the way he looked?

A. Not that I can remember, no.

Q. Then you indicated that you took off and took this fellow back to Dottie?

A. Right, I believe so.

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Q. And had to wait for some time for a vehicle to come out to get him?

A. Right, I think so.

Q. Why did you take him back to Dottie instead of--

A. (Interposing) They had a first aid station of some sort at Dottie. We brought him back there. He was there for--I think they wanted to look at him to see if they really had to bring him back up to Ky Ha or not.

Q. Do you recall some conversation then in reference to where to take him?

A. It seems to me that somebody told us, yeah, I think, to take him back to Dottie. I can't remember who it was. Maybe someone came up to the ship. Maybe I even talked to him, a lieutenant or whoever it was that was there. I can't remember positively.

Q. But you recall then shutting down at Dottie and sitting in the back seat?

A. I remember sitting in the back, right. I don't remember how long. We did shut down at that time. I'm sure of that.

Q. And you remember cranking up then sometime later. Did you eat at this time?

A. Yeah, it seems like it was getting about time to eat. I think we got some C-rations from them, if I'm not mistaken. I don't think we ate in the messhall after that time.

Q. Do you recall going back out?

A. I'm sure we were shut down for probably a good hour or so. There was one period when we had a fairly--some kind of break, but--did some action come on or something that we went out again or something? I don't remember.

Q. Do you remember taking anybody else up besides Colonel BARKER in the next trip, or instead of Colonel BARKER?

A. I can't remember.

Q. Do you recall, at any of the other times you were airborne during the day, hearing any conversation about this killing or excess killing?

A. I can't remember any conversations. I don't know.

Q. Well, you indicated earlier that you recall talking to someone about it or hearing something about a large number of dead, and apparently you commented to someone about it.

A. I think it was in the crew after we shut down that we maybe said--I don't believe that it was anything long. It was just something that sticks in my mind a little bit, that we did say something about there being quite a few people out there dead.

Q. Do you think CARTER was there, that is, the wounded fellow?

A. He may have been, yes.

Q. Do you recall saying anything to Colonel BARKER about it?

A. Maybe we even talked to CARTER about it. It seems--hmm!--sounds like Colonel BARKER. Yeah, maybe so. I'm not sure if we said it to him or not. It seems like somebody said something. There was some discussion about--I think about Colonel BARKER too, but I'm not positive.

Q. What makes you think there was some discussion with Colonel BARKER about it?

A. I really don't know. I just sort of remember that a little bit for some reason. Maybe there wasn't. I don't know for sure.

Q. But you recall talking to CARTER or the wounded man about things--you recall saying something to him, and you indicated earlier I think that he'd remember you.

A. That's what I was thinking, just by the gesture. I don't remember that we talked about anything else. We may have, I'm not positive. I don't recall how long after we sat down before the jeep came over. It was some time. We may have been talking to him.

Q. Rather than on the radio, you were talking to him?

A. Yeah, there wasn't anything on the radio. I'm sure of that, no conversation on the radio, at least that I can recall. I don't believe so.

Q. Do you recall what CARTER said about any of the killing, or what you had seen?

A. I can't really recall, no.

Q. Do you recall any radio transmissions any time during the day questioning the killing or saying anything about it?

A. Not specifically, sir.

Q. Do you recall hearing any other call signs, higher or lower, talking about it or questioning about it?

A. It seems like there was some conversation besides what we said, but I really don't recall what it was. I can't-- I keep trying, but I can't, I'm sorry. There was some discussion by somebody besides us, I believe. I'm positive of that, but I can't remember who at all.

Q. Do you recall what the substance of the conversation was? Was it a questioning or a directive to stop it or what?

A. There may have been a directive to stop it by Colonel BARKER. I'm not sure. There was something about--maybe Colonel BARKER went out there and talked to them or something. I'm not sure of that either. He may have gone out there. We may have brought him out there to talk to them.

Q. Do you recall any other landings in this area?

A. Not specifically in this area like this one unless there was--maybe this is the one, I'm not sure. There may very well have been, because we went in and out of there so many times generally over the period of time.

Q. Do you recall carrying Major CALHOUN out to the area?

A. That could be.

Q. And making a rather short trip, perhaps not even getting down that far, sort of now down all the way to the area, and turning around and coming right back?

A. I recall something about that, someone down there. It seems like we were called back. Colonel BARKER was ready to go or something and wanted to go down there, too, or something. I'm not sure. That sounds very familiar, but I just--

Q. (Interposing) How did the village of My Lai--if we go back to when you landed in there for this dustoff, did you see any more dead people down there anywhere else, during approach, departure, any low passes, or takeoff?

A. It seems like there might have been some more around in the village, but the only ones I recall seeing a real lot were the ones that we saw outside that I really saw.

Q. What makes you think there were some more in the village?

A. I'm not sure if there were.

Q. You don't recall seeing any?

A. No, not positively. All I recall seeing is what were at Son My.

Q. Is that the only time you saw any bodies in the area there?

A. Right. Now those are the only ones I can recall positively.

Q. If you had seen any more in large quantity, do you think you'd remember?

A. I'm not sure. For some reason just those in particular stand out. I remembered them even before you called me at all.

Q. Do you know whether or not the village was burning at this time? Was there a lot of smoke when you made your approach in there for that dustoff?

A. It seems like the village in the end was pretty well tore up. I don't know if it was all artillery or what, but it was hit pretty hard. I think that it was burning. I'm not positive of that at all.

Q. You don't recall any smoke?

A. It seems like there was smoke in there, yeah. Some that was--by the time we got back there again, I think it was pretty well just smoldering than anything else.

Q. You mean at the time you came back in to make this dustoff?

A. Right.

Q. Do you recall hearing anything about anything that might have occurred? Any killing of civilians, kids, or women, at any time after this thing? After this day, do you recall any rumors about it?

A. No, I don't.

Q. Do you recall anybody ever saying anything about it?

A. From what I remember after that day, there was really nothing too much, at least within our unit, that was ever mentioned that day. But after that I don't recall.

Q. This is what you referred to earlier, I presume, or do you recall it being mentioned after you got back to Duc Pho?

A. I think even after we got back to Duc Pho, some that day. After that day I don't believe it was mentioned too much. It seems like there was even something--there was a comment or two around the company, I believe, after we got back that day, and maybe the next day. Then it was pretty much forgotten after that.

Q. I'd like to show you a photo, Exhibit P-41. Can you identify that scene or recall having seen that scene?

A. It looks familiar. That may have been it. I'm not positive.

Q. Does that look like what you saw?

A. It looks like what I saw, right. I'm not positive. Maybe it's not the same thing. I'm not positive of that, but it does look--

Q. (Interposing) You'll notice there's a little barbed wire fence there?

A. Yeah, I noticed that too. Where was it?

Q. Do you remember seeing a barbed wire fence there along the trail as you landed?

A. It seems like the village should be out to the right of that trail. That should be the trail on the south side. I'm not sure. That's the way I remember seeing, or I think I remember seeing the people on the trail that was east-west on the south side. I'm not positive of that either. It does look kind of like what I saw there. That looks like it would be more like the north-south one.

Q. You don't recall--

A. (Interposing) It seems like it was right at the junction where it met the other one, somewhere near there. I was thinking it was more on the inside.

Q. You're trying to place it rather than recalling it specifically, I take it?

A. Yeah. I can't recall it specifically.

Q. Do you recall talking to a Major GIBSON about this, or to Lieutenant MILLIKIN?

A. We may have talked to Lieutenant MILLIKIN about it some.

Q. Do you recall it?

A. No, not specifically, no.

Q. Do you recall talking to anyone specifically about it?

A. No, not really. I remember talking to somebody, but I can't recall specifically who it was. I'm almost positive within the crew, that day, we said something about it. I don't know how much.

Q. You cannot recall specifically whether or not you discussed it with Colonel BARKER?

A. I'm almost positive Colonel BARKER was aware of it. Sometime during the day it came up. I don't recall who exactly brought it up to him or if we did or not. It seems like somebody--we had talked about it before, but we didn't really think to bring it up with him. I think there was some discussion maybe in the back seat, or the intercom, or something between Colonel BARKER and somebody who was flying with us. I'm not sure. There was some discussion about it. I think Colonel BARKER to--it wasn't brought up by us, I don't believe. It was brought up by the infantry people or one of the other ground units.

Q. What do you recall was the substance of that? Was it questioning, or was it a statement, or was it an accusation, or what?

A. I don't believe it was any accusation. I believe it was some question as to whether it was necessary or that sort of thing. I can't remember the results of it at all, or why, or what sort of decision was made on it, or anything. All I can recall is it seems like there was some sort of discussion on that.

Q. Do you recall hearing anything on the reasons for it, whether anybody said it was gunships that did it, or infantry that did it, or artillery that did it?

A. It seems like somebody said once something to the effect that--and this was different people though. It seemed like somebody said something about the Sharks, gunship team, maybe not using too much discretion on shooting some people. But the most of it that I remember was Colonel BARKER, I believe, that said something about it. I don't recall what it was or what decision he made on it as far as his units go. There wasn't too much said at any other level except between the slicks and the guns, I believe. I think it was some discussion afterwards. I think, as a matter of fact, nobody even talked to the guns about it. I think during one of our conversations in the hootch after or something, we said stuff like that maybe.

Q. Do you recall seeing or hearing Colonel BARKER or anyone talking about it with Colonel HENDERSON, the brigade commander?

A. I recall something, and I can't remember what it was. I recall somebody was--it was Colonel BARKER. Maybe it was Colonel HENDERSON. I'm not sure who it was that said it, but somebody was discussing it, and it seems like somebody said that somebody brought up some sort of reason, and I'm not sure if somebody else didn't think it was too good an idea or what it was.

Q. Is this while you were airborne or on the ground?

A. Seems like while we were airborne. I'm not sure.

Q. Do you recall hearing any type of radio communication that said, "What the hell is going on down there?", or "What's going on down there? Stop the killing."?

A. There may have been.

Q. You don't recall?

A. Not positively, no. It sounds familiar, but that's about all.

Q. Someone made another approach in there and landing into the My Lai area, and picked up a couple of individuals, and carried them from the My Lai (4) village area over to where B Company was operating near the Pinkville area. Do you recall making any trips like that? It was a photographer.

A. It seems like if anybody did it, we did it, not because we should have, but because it sounds like I think maybe I did it. I'm not positive. I sort of remember something vaguely in my mind about doing it, but I can't say positively.

Q. I'd like to show you photograph P-17. This is a photograph taken by the photographer on board a helicopter as he was departing the area. You'll notice that the rice is down because of the rotor wash. You'll notice some individuals that were sitting on the dike?

A. I can't recall it.

Q. All right. Do you recall hearing Saber 6 on the radio? Surely if Saber 6 would have called or talked to Coyote 6, you would recognize Saber 6 was the division commander?

A. It seems like I recall him in the area, and it seems like I recall him involved in that incident as far as the people getting killed, but I don't recall anything specific about it.

Q. Earlier in the day now--I'm going to take you back in the vicinity of 9 o'clock in the morning--shortly after you refueled and came right back on station, there was a call from Coyote 3 back at the TOC with reference to, and giving a set of coordinates in the clear, indicating some people that needed to be checked out. The indication was that this was southwest of the village, that the coordinates, which perhaps even Captain GARBOW wrote down on the windshield, proved not to be southwest, but more to the north of My Lai (4). There was some confusion there. Colonel BARKER couldn't quite get it sorted out whether the people they were talking about were, in fact, southwest or north. Do you recall anything like this?

A. I recall something about it, yes. I think they were referring to the people down on the trail again. The coordinates were wrong, yeah. It sounds like something--I remember something about it. I can't remember exactly what it was.

Q. Maybe even you and GARBOW recognized right away that the coordinates were wrong.

A. If I'm not mistaken, we told Colonel BARKER or somebody. Otherwise we went to a different area than he said. He said the coordinates, and we went ahead and went down. We knew where it was anyway.

Q. Do you recall who was with Colonel BARKER at this time? Did he have one passenger or more than one? We'd like very much to find out who was aboard with him that day. I take it you did not have a console on the aircraft?

A. No, we didn't.

Q. You were operating off of what, your FM?

A. Yeah.

Q. Did he have a PRC-25?

A. I believe so.

Q. Did he have it himself, or did somebody else have it?

A. I think somebody else had it, if I'm not mistaken. He was using the control box.

Q. He was using your radio? How was he doing that?

A. We had an extra cord, I believe. I'm not sure if it was on the right side or left side. I know he had at least one extra cord coming out of the control box.

Q. Do you remember which side he was sitting on?

A. When we adjusted artillery, I think he was sitting on the left side, and there were people that were--I think he was sitting on the left side, and there was two people, I think, that were trying to adjust artillery. They were sitting on the right side, looking out. He was sitting on the left side looking over their shoulder. Later on I think he was probably sitting on the left side.

Q. If he was sitting on the left side, where would you have been sitting?

A. I didn't really care where I sat. It didn't really make too much difference to me.

Q. You were aircraft commander, and you had a new man on board.

A. That was in the 174th. I think I was probably sitting on the left side, but there were lots of times after a person had been there 2 and 3 weeks, I'd let them fly left seat.

Q. Do you remember making any landings out in the field with any of the companies and talking to--Colonel BARKER getting off and talking to either of the company commanders that were operating out there?

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A. I can remember going out there, and I almost--it seems like I remember having Colonel BARKER going out, if I'm not mistaken, at My Lai (4), and talking to one of the people out there. Somebody talked to someone out there. If I'm not mistaken, we waited there for a little while, but I don't recall who it was for sure. I don't recall how long we stayed there or if we stayed on the ground or circled. I'm not sure about that either. Someone went out there and talked to those people for a while.

Q. In the air or on the ground?

A. Somebody, I think, went down on the ground and talked to them, if I'm not mistaken.

Q. Did you see any helicopters landing down there?

A. Maybe Colonel HENDERSON went down there.

Q. Beg your pardon?

A. Colonel HENDERSON might have gone down in there, but I'm not sure about that.

Q. Do you recall seeing any helicopters around there?

A. No, I can't positively.

Q. Either the H-23 or a gunship or slick?

A. No, sir, I'm sorry. About the only time I can recall specifically is that one time we went down, and I can remember seeing the place. It seems like we went in more, a number of times, but I can only--maybe it's just the same picture each time we went down there. That's the reason, but I can't recall more than one.

Q. You don't recall seeing Colonel BARKER and the company commander on the ground talking, or the company commander coming over to the ship talking to him at any time?

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A. I recall one time, almost, but there were so many times we were in just about the same situation. I can't remember specifically if this was the place where somebody came over or not.

Q. Do you know Captain MEDINA?

A. No, I can't remember him. I didn't know too many people from that unit.

Q. Do you recall hearing anything about an accusation being made by a helicopter pilot with reference to the events that transpired on 16 March in the vicinity of My Lai (4)?

A. Not positively. It seems like somebody--there was once upon a time, I'm not sure when or who it was. I think the first one that did say it was one of the helicopter pilots. Maybe it was one of the Warlords or something. I'm not sure, but somebody was snooping around a little bit and saw again that it didn't look right. There was too many people being killed, but I don't recall who it was, or really at all if it was a slick, or whatever it was. I'm not sure. Somebody, I think, said something about it, first on one of the helicopters.

Q. Do you recall hearing this down at your unit, or was it up at LZ Dottie where you heard it?

A. Seems to me I recall it when we were up in the area of My Lai or LZ Dottie, and it was somebody that was out around that area who said something about it. But it seems like somebody had said something about it there. Then somebody from one of the ground units at LZ Dottie or something did take some action on it, but I don't recall exactly what it was. I don't recall exactly who it was that said it, made any accusation.

Q. Do you remember any of your activities on the afternoon of 16 March? You said it was a boring day. You also flew 9.6 hours. We've taken you from a period of maybe 0645 through 1130 or so, which would have accounted for maybe half of the time that you flew that day. Do you recall what you did in the afternoon or the balance of the time?

A. Not really, no.

Q. Do you recall making any landings over along the beach?

A. It seems like we might have resupplied up on the beach or something, I'm not sure. I'm not really positive. I don't know. I remember one of the times we made an insertion into there, we did do some resupplying along there.

Q. Do you recall picking up any Vietnamese?

A. Yeah, that sounds--seems like we might have, yeah. I can't remember a specific landing though, pretty close to it though. I can't recall specifically or not.

Q. Captain GARBOW seemed to indicate that on this day you could have landed in there and picked up 8 to 10 Vietnamese men, women, and children and so on--landed right on the beach. It doesn't necessarily have to be this day that he recalls this incident.

A. I recall something about an incident, too. It seems like that was maybe--

Q. (Interposing) Do you remember where you took them?

A. One time I remember we went up to Chu Lai and dropped some off at a POW camp up there. I'm not sure if that was the day, or if this is at the same time at all. Maybe it was. I remember one time we took some up to Americal Division, right along Highway 1, and dropped some POW's off there by Chu Lai.

Q. The next day on the 17th of March--well, on the evening of the 16th, the companies laagered, B Company and C Company, in a RON position right here just south of the Diem Diem River (indicating). They were close to A Company, which was across the river. Of course, they were resupplied in there that evening. The next day C Company went south. B Company went out on the peninsula and south. Both companies worked down in this area and then came back up here where they laagered the night of the 18th. Do you recall flying that day?

A. Yeah, it seems to me we went back there the next day. We flew for them again, yeah. I'm not positive again. I remember one day positively though. I'm not sure if this is the same time again, but we did pick up some POW's. I think we picked them up around in this area, maybe not. I remember bringing some POW's in. There was only one time we ever did that, too, only one time I ever did that, that I took POW's up to the POW camp at Chu Lai.

Q. Were they all men?

A. I don't recall.

Q. The 18th--by the way, 17 March was a Sunday, not that that was anything in particular, unless you happen to be a religious young man, and I'm not aware of it. I don't know whether you are or not, but the 17th was a Sunday, if that can help fix time. On the 18th, Monday, C Company moved north across onto the island or in that vicinity. B Company went on north up into this area. And in the afternoon C/1/20 was extracted from there back to Dottie. Again they had very few aircraft at this time. They did it with perhaps two, three, or four slicks. It took them several trips. They completed the lift back about 1630 in the afternoon.

A. That again sounds familiar, like on the same general operation, but I can't remember any specifics.

Q. Well, Mr. LIND, we have a tape recording that was recorded on the morning of 16 March at Task Force Barker TOC at LZ Dottie. I would like to have you listen to that tape and see if any of the events or voices or call signs or any of the information that's on that tape sounds familiar to you or if it can help your recall any. I would appreciate, if you can identify voices or incidents, if you would write down the page number. After you've listened to it once or twice or how many times you'd like, I'd like to reconvene and discuss with you what you have heard, and see if this seems to be the general tone of conversation that you recall on the 16th. The tape time we believe runs from about 0715 in the morning until somewhere close to 10 o'clock in the morning. So not all that you recall is on tape. Some of the events that you recall are not on the tape because the tape was not running when these events occurred. So if you would, I'd

like for you to listen to that. Then I'll come back in when you are ready and discuss the tape with you a little bit.

A. Okay, sir.

Q. I'll give you a transcript (Exhibit M-20) to follow as well as the tape to listen to, and you can stop it, run it back, or what have you. The idea is to help you refresh your memory on that operation.

The hearing will recess at this time.

(The hearing recessed at 1025 hours, 9 February 1970.)

(The hearing reconvened at 1135 hours, 9 February 1970.)

LTC PATTERSON: The hearing will come to order.

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

LTC PATTERSON: Now that you have heard the tape, Mr. LIND, does the operation seem any more familiar to you?

A. Right, sir. Everything that was on the tape fits right into place. I can't think of much of anything else that wasn't said in the tape.

Q. Do you recall hearing what you have heard on the tape?

A. Right, very much so.

Q. Do you feel you were flying C&C that day, then?

A. Right, I'm sure I was.

Q. You're sure you were?

A. Yes.

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Q. Are there any specific transmissions that you heard on the tape that make you recall something that we haven't discussed?

A. No, not really, just a few things that popped into my mind during the operation. One thing was on page 3 about dropping smoke. I remember Colonel BARKER didn't hear about the smoke right away. I remember that, if I'm not mistaken, I even told him that Dolphin Lead said we should drop a smoke. I remember that in particular.

Q. Do you remember where? I think what you are indicating here is that Dolphin did not require a mark of the LZ?

A. Right. If I'm not mistaken, I think I even told Colonel BARKER about that, because Colonel BARKER didn't hear on the radio right away. I remember that in particular.

Q. The page number you are referring to is in the tape transcript, which is Exhibit M-20. What is the next thing that you recall?

A. I seem to remember pretty much the part about the Sharks going down, and the guy with the weapon south of the road, and the Warlords were going down to look at him, too. I remember them having problems as to who was to stay on which side of the road.

Q. Do you remember hearing this coordination problem?

A. Right.

Q. What's the next thing that you recall?

A. The next thing is on page 12, marking them with smoke. I think I remember something like they had the wrong-- Dolphin Lead identified the wrong color of smoke. That sounds-- I believe that's the way it was.

Q. Where he identified violet?

A. Right.

Q. And you feel that you dropped some other color?

A. After a while he says, "Tallyho, yellow!" I seem to remember something about a mistake in the identity of the smoke, right.

Q. Is there anything else that you recall?

A. Not a real lot. I remember artillery rounds. I'm positive of that, too, that they were a little bit off in cutting off the artillery.

Q. They were late in shutting off the artillery in the second LZ. Do you recall that?

A. Right.

Q. Do you recall--you'll notice on the tape there was a mention of Sane Drank Delta Mike?

A. Sane Drank. They were the ones that were working with the Warlords, I believe. It seems like they had an infantry unit, I believe, that was sort of organic to them and was working with them.

Q. Sane Drank Delta Mike were the swift boats working off shore.

A. Oh! That's right, yeah. I was trying to remember. I couldn't remember who News Boy India 20 was. Was that another one of the swift boats?

Q. Yes.

A. That's right. We worked with Sane Drank Delta Mike a couple times.

Q. Do you recall seeing the swift boats there that day?

A. I think so, right. I'm not positive, but it seems like, if I'm not mistaken, they even had a few people that were trying to go out. They chased them back in again or something. I can't remember exactly, because there was, I think, about two or three operations they were on. I do remember Coyote 6 bringing them back, and we dropped Coyote 6 off. It was Colonel HENDERSON, I believe, we brought back to the TOC. I remember that now, too.

Q. You remember dropping Colonel BARKER off?

A. Right, I believe so.

Q. Which time? When you went to refuel or when you were going to take the wounded up?

A. I believe it was when we refueled. There was one time when he was going to go back and tell 65 about it, and 65 said that I believe it was Colonel HENDERSON was there.

Q. What you are referring to is on page 13 and 14, is that correct (referring to Exhibit M-20)?

A. I believe so. I remember the time, too, when 65, I think, advised him that. I believe Colonel HENDERSON was there on the radio.

Q. That was Saber 6?

A. Right.

Q. They advised him of that, and that was over on page 26?

A. Right. I can't remember bringing the wounded.

Q. You'll notice from the tape that it appears like he did get off, and Saber 6 was at the location then, which the log states was about 0935, when Saber 6 arrived at LZ Dottie. The transmission here on page 26 indicates that the chopper will head north and take the wounded, the ones that had just been picked up there.

A. I can't remember the wounded though.

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Q. Do you remember dropping Colonel BARKER off there?

A. I remember Colonel BARKER being advised of Saber 6, his location. I remember that, right. I can't remember anything else.

Q. Why do you remember that, I wonder?

A. I don't know. I just remember they did say that. I don't know why. I can't picture anything. I just remember when we were coming in pretty near. If I'm not mistaken, we were coming in in a short while. That's maybe why I don't remember.

Q. Do you remember seeing General KOSTER or his ship there when you came in.

A. I might have seen his ship.

Q. Was there just one C&C ship, or could there have been two?

A. There could have been two, but I almost think there was just one. I'm not sure. I don't remember the wounded, not at that time.

Q. Do you remember landing? The time that you remember the Saber 6 being there, did you land and just stay there, or did you go refuel?

A. All I can remember is that Saber 6 was there.

Q. The reason I'm asking that is because there is some evidence to the effect that maybe at this point in time, 0935, when Colonel BARKER apparently got off the ship and the C&C went on north, that at that time there were two C&C's on the pad, or maybe only one. Maybe one was refueling, but there was definitely one. We think Colonel HENDERSON was there in his C&C with Mr. COONEY flying it. Then there was the general's ship. Of course, the general's ship could have dropped the general and then gone down and taken on fuel and been in the fuel dump while Colonel BARKER's C&C made his approach in there, but there were two C&C ships at Dottie.

A. Right, I sort of remember that the general's ship was there. I can't remember exactly about Colonel HENDERSON's ship though.

Q. Can you remember seeing if it was shut down or at idle?

A. The way it comes to mind, I think it was shut down. Saber 6 was shut--

Q. (Interposing) Did he have his ship distinctively marked?

A. He had an Americal patch in front, I know that. If I'm not mistaken, he had the inside fixed up some, too, special cushions on the seat. I think he had green cushions on the seat, I'm not sure. I can't remember really specifically. I really can't picture it real well in my mind.

Q. You'll notice over on page 27 there's a conversation about the Charlie-Charlie: "Roger. Sounds good."

A. I again, sir, remember the conversation, but I can't picture anything in my mind.

Q. Did you recognize the voice?

A. Not really, no. I guess it was probably me, but I couldn't really tell. I never have been able to recognize my voice.

Q. Could it have been Captain GARBOW?

A. It could have been.

Q. But you couldn't tell?

A. No, not really. I think it was probably myself.

Q. Did you habitually say, "Sounds good?"

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A. Yes, especially when somebody tells me I can go and sit down and relax. That always sounds good. I'm pretty sure I said that.

Q. There's another conversation with the Charlie-Charlie here. Did you pick that up?

A. Right. I was relaying. That's right here on page 19 (indicating Exhibit M-20). I'm pretty sure that was me.

Q. Do you recall that conversation? Do you recall something to that effect?

A. Yeah, I recall the conversation.

Q. You will notice that Coyote 6 says just before that, "We'll stay west of that," with reference to staying west of Hill 85 when they were going to blow the mortar rounds.

A. I couldn't remember. I was more, I think, interested with the conversation with the dustoff at that time. That's what I was thinking at the time. I think dustoff was having problems getting into the location where he was going to pick up the wounded.

Q. Was that a regular dustoff ship?

A. Right.

Q. A regular medical service company aircraft?

A. Right.

Q. Do you know who Lobo 65 is?

A. What page is that on?

Q. Page 16.

A. I know I should, but I can't.

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Q. Back on page 14 there's a conversation right at the top of the page with reference to Coyote 65 indicating that they'd have a vehicle out to pick Colonel BARKER up. Do you remember a vehicle at any time that you dumped Colonel BARKER off there at LZ Dottie, or do you remember a vehicle coming up?

A. Not really, except that one medevac we took.

Q. Do you remember what that vehicle looked like? Was it an aid jeep, or was it a regular jeep?

A. The medevac?

Q. Yes.

A. I sort of think maybe it was an aid jeep. It had a little cover on the back. I'm not sure, it may not have been. No, I remember a few times we brought people back there, and they had the aid jeep. But I can't remember for sure if they did at this time or not.

Q. Was it an MP jeep?

A. I can't remember, I'm sorry.

Q. Back on page 13, middle of the page, Coyote 6, after the discussion with reference to the artillery being late, is indicating he's heading back to refuel and asking Charlie 6 if he's had any contact down there yet. Do you recall hearing any of what transpired thereafter according to the tapes?

A. I recall the conversation somewhat. I can't--

Q. (Interposing) How about this number, 84 KIA?

A. It sounds familiar. I can't remember really specifically somebody coming across the radio and saying 84. The conversation I remember to some extent.

Q. Then down at the bottom of page 13 there, you said: "Returning to your location to refuel. I'll stop down at the TOC and bring you up to date." I think you indicated earlier you did recall something along this line.

A. Right.

Q. Timewise, you see, this occurred right after the second LZ, which was at 0827 hours. So this would have been 0830 or 0835 somewhere around that general area. Maybe Colonel BARKER went back to refuel, and went down to the TOC, and brought them up to date. The Sharks, as you noticed, also were running low on fuel about this time. Then after, on page 14, you'll notice there's no conversation between Coyote 6 and anyone. Page 17 in the middle of the page he comes back up, and if you noticed on the tape there was some background blade clap. But Coyote 6 again comes on the air in the middle of the page, which would indicate he was back from refueling or he's airborne again after refueling.

A. I remember the part about the mortar rounds. I remember conversation.

Q. Do you remember where you were in relation to the area? Where you can see it, get a good look at it?

A. I think we were probably closer to My Lai (4).

Q. Did you go down to take a look at this mortar business?

A. I think if we did, I know we didn't land there. I think we maybe had just gone down once or twice. We didn't look very much at Hill 85, I'm sure of that.

Q. Did you look much at My Lai (4)?

A. More at My Lai (4) than Hill 85 during this time.

Q. From a low level?

A. Probably about 1,000 feet. I don't recall going down real low.

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Q. You don't recall him ever saying let's go down and take a closer look?

A. Not that I can think of. He may have.

Q. Not that you can recall, though?

A. No.

Q. You will notice that in here, too, is where the Sharks have gone to refuel.

A. Yes.

Q. Timewise this would tie in pretty well with the Sharks. They would have been very low on fuel. Physically they would have had to go and refuel after about an hour and a half or an hour and 45 minutes. So this would have put this time period somewhere around 8:30 or 9 o'clock.

A. All right.

Q. We have had testimony to the effect that when Colonel BARKER went back to refuel at 0830 or 0845 right after the second lift, that Colonel HENDERSON in his ship also was arriving at LZ Dottie. In fact, after picking up these VC suspects and dropping them off at the IPW cage, they had hovered over to the VIP pad and refueling area. What we are trying to establish is whether or not Colonel BARKER did, in fact, see Colonel HENDERSON there and talk to him. Later on in the morning, about 0930 is when Colonel BARKER came back in there again. Colonel HENDERSON was still there, and General KOSTER was in the area. Any help that you can be on recalling either one of these two instances would be most beneficial.

A. I can't remember anything specifically. It does seem like there probably was--Colonel HENDERSON probably was there. I just can't remember specifically. I can't picture it in my mind.

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Q. You don't recall the two of them meeting on the pad or anything, or Colonel BARKER getting out and seeing him suddenly, and recognizing Colonel HENDERSON was there, or General KOSTER, or any one of the two meetings that Colonel BARKER could have had?

A. Not really, no.

Q. Do you ever recall seeing Colonel BARKER meet any of the higher-ranking officers or his superiors in the division, there in the vicinity of the pad, on any occasion that you flew in?

A. I remember one time. I can remember specifically-- I can't remember which pad it was--I remember one time when there were three of them there, and I think that was all, Colonel HENDERSON and Saber 6 and Colonel BARKER. That may have been the time, because I remember we had problems. We had to kind of hop, skip, and jump around the pads, because there wasn't hardly enough room. I remember one time we landed, and I think we were down by the VIP pad. Then Colonel HENDERSON came in with his C&C ship. But I can't remember exactly-- what time, place it at the right time, if it was on this day or not.

Q. We think there was another meeting, maybe on the 17th, probably the 18th. Now this occurred about 0930 in the morning. Colonel BARKER was at Dottie this time, and Colonel HENDERSON and General YOUNG came in in separate aircraft. In addition there were a couple of other officers from another aviation unit, the 123d, there.

A. I don't recall that at all.

Q. Okay. You will notice back here on the transcript this business at the top of the page 21 with reference to a mix-up out southwest and so on with these coordinates at My Lai?

A. I remember that.

Q. You remember that? What do you remember about that?

A. If I'm not mistaken I even told Coyote 6 that the coordinates had to be wrong, because it was in a different direction than was shown. I remember we--it could be that Captain GARROW did write it down, because one of us checked it right away, right after, and called it in.

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Q. Did you tell Colonel BARKER?

A. Seems like we did.

Q. Do you remember whether or not you used the intercom?

A. It was on intercom, I'm sure.

Q. It was. Do you remember anyone else back there talking about it or anyone else in the ship?

A. I'm sure there was somebody else in the ship, but I can't remember who it was. I just can't remember who else was in the ship at that time.

Q. You didn't have any jump seats aboard?

A. Not on board, sir. We had taken them out. We only used the one--

Q. (Interposing) You only used the hammock seat?

A. Right. We only used the jump seats, I think, the first day we had that aircraft.

Q. Do you recall on any of your trips over My Lai or over the beach area of 16 March, getting down low and seeing any of the ground troops or their locations, or recognizing that these were friendlies, or they were at a certain place, or tracing their progress?

A. I remember something about--that I think they went to go through the area and started to go back up here (indicating). Then they were just about to where those Sharks had those people on the other--on the opposite side of where we put the lift in. I think to the north side. They had some people they shot down. I remember that from the conversation that's in here. I remember that where they had gotten just about to the people, and they had come back again. They had to send somebody else up there to go up and police up the web gear and stuff. I remember that.

Q. To the north or to the south?

A. It seems like they went up. Somebody went up on the north side, too. They had some stuff up there that they had to pick up.

Q. Do you recall seeing them yourself?

A. I recall Sharks up there.

Q. You recall seeing the Sharks up there?

A. Yes.

Q. What were the Sharks doing when you recall seeing them?

A. Down low level along the ground mostly.

Q. Were they dropping smoke?

A. I believe, yeah. I'm not positive. I saw some smoke down there. I can't remember the exact kind.

Q. Is there anything else that you can remember that you may or may not have talked about, regardless of how insignificant you think it might be?

A. Not really. It almost seems like sometime during the day--I don't know, I think it was just in reference to direction. Somebody mentioned a little square down here (indicating). It's very prominent in that area.

Q. The little citadel outpost?

A. Right. I don't remember if people were heading in that direction or what. That's about all I can remember, I think, right now.

Q. There was a conversation on here with Warlord on page 24, bottom of the page, to the extent we've got somebody up in the area here, 8 or 9 "dinks," web gear and everything. Then later on it indicates 10 to 15, the next transmission. Do you recall hearing that?

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A. I remember something about the conversation with somebody just below Hill 85 or just to the north of it there. Warlord Alpha Lead said something I can't remember. I remember that conversation, but I can't remember with Warlord.

Q. You testified earlier, sir, that you recall hearing someone discussing all the people that were killed. Is this the type of thing that you are referring to, or was there something else?

A. This, I think, is probably what I was thinking of. I can't remember anything specifically that anybody said about it. I almost think somebody sometime during the day over the radio did say something about--there was something to the effect that there was quite a few of them getting killed or something. I don't really know.

Q. Different from this type transmission here?

A. I think so, right.

Q. I think you testified earlier that was the call sign of some higher unit, or did you indicate that was Colonel BARKER, or who, or do you remember?

A. There was some conversation, I think, about it over the radio with somebody of higher rank, but I don't remember specifically what it was. Or it was just something real big. I took it that way or something. I don't know.

Q. We have some testimony to the effect that there was an order given by Colonel HENDERSON, Rawhide 6--this would have been in the afternoon--to send C Company back into My Lai (4) to check the casualty count, the body count, and so on, and that this was countermanded on the air by Saber 6 saying negative. You don't recall this?

A. No, I don't really recall that. It almost seems like I recall something to that effect, but I can't think of it really, or I can't think of anything specifically at all.

Q. The hearing will recess at this time.

(The hearing recessed at 1210 hours, 9 February 1970.)

(The hearing reconvened at 1410 hours, 9 February 1970.)

LTC PATTERSON: The hearing will come to order.

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

I remind you that you remain under oath.

LTC PATTERSON: Mr. LIND, as I understand it, you can recall nothing further than what you testified earlier concerning the events of 16 March 1968?

A. Right, sir.

Q. Do you at any time recall notifying anyone concerning the bodies that you saw on the ground when you made the medical evacuation just south of My Lai (4)?

A. No, sir, I can't. I remember something about--I don't believe I really even considered telling anybody. I remember something about thinking about it and somewhere--or somebody else knew about it. I'm not sure if it was Colonel BARKER or who it was, but somebody knew and said something about it, and I think I sort of disregarded it. I'm not sure what action was taken or anything.

Q. You are not certain whether or not there was any radio conversation about it or whether it was person to person?

A. No, sir. I'm almost sure that somebody else, like one of the high-ranking people besides somebody who was out in the field, said something about it, but I don't recall myself saying anything to them at all. I don't know who it was or anything, but it seems like somebody else, like at TOC or something--not necessarily at TOC. I remember the conversation, but maybe in the aircraft or something when we picked up Colonel BARKER or somebody else. But somebody had said something about it, and I can't remember what it was. It seems like that. I'm not sure.

Q. Did you have the feeling that Colonel BARKER knew that there had been some killing in My Lai (4)?

A. I'm not sure he considered it killing, but it seemed like he knew what was happening there and why it was happening, or something like that. He was aware of a little bit of what was going on, yes.

Q. You recall having that feeling?

A. That feeling? Right. I'm not sure where I got it or anything, but I did have that feeling. It seems that way anyway.

Q. Do you recall making any radio transmission to the TOC or to anyone concerning what you had seen?

A. No, sir, I can't recall any transmission.

Q. Do you recall talking to Colonel BARKER about what you had seen?

A. No, sir, I don't. I sort of recall that. It almost seems like Colonel BARKER--I recall something about Colonel BARKER talking to somebody else about it or something. I'm not sure. Possibly I got into the conversation after that, but I'm almost positive I didn't bring the conversation up. It was something about it that before I had said anything, they already knew about it, which seems I had a feeling that sort of assured me that they were well aware of what was going on. It seems that way.

Q. Could it have been over the intercom?

A. I'm almost certain it was over the intercom before we even started up.

Q. Could he have been talking to the individuals within the aircraft, such as his artillery people there or whoever was with him?

A. That's what I sort of think it might have been, something like that. He was talking to somebody that was riding along with him. This is just maybe a feeling I have

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started to develop or something. I'm not sure, sort of a feeling that it might have been at Dottie before we started up one time in the back seat of the aircraft. That's just a sort of a feeling I have. I'm not sure.

Q. Do you recall taking Colonel BARKER or your ship over the area where you had seen the bodies and showing them, or Colonel BARKER seeing them?

A. No, sir. I don't recall anything that we did really for that specific purpose.

Q. Then you do not know whether or not Colonel BARKER did, in fact, see the bodies in the area where you had seen them?

A. No, sir.

Q. Do you recall Colonel BARKER issuing any orders or talking to anyone on the ground with reference to the casualties that were on the ground?

A. I can't recall any conversation.

Q. Any orders to stop the killing, or stop the shooting, or what's going on, or anything in this area?

A. It seems like he or somebody made some sort of a comment about it, but I don't recall that it was actually something that was cut and dried, so to speak, if you'll excuse the expression, such as "Stop the killing!" or so on, something I'm not sure, "Make sure your tactics aren't wrong," or something like that. More to that effect than that they were actually doing some killing out there. But it seems like there may have been something like that come across the radio. But I really can't remember at all.

Q. Did you ever report what you had seen to anyone?

A. No, sir, I didn't.

Q. Not to Major GIBSON?

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

Q. Or to the operations officers?

A. No, sir. It seems to me there was some conversation about it among the officers back in our company afterwards. It seems to me there was. I don't know if anybody else recalled it, but it seems that way to me.

Q. But you don't recall making any reports--

A. (Interposing) No, sir.

Q. Of any nature, official or unofficial?

A. No, sir, I don't.

Q. Can you tell me why you didn't?

A. Not exactly why, sir. It seems to me again like-- seemed like I sort of let it drop after what I think satisfied my feelings about it when--I think it was Colonel BARKER, I'm not sure, but somebody else, one of the people in the battalion was aware of what was happening.

Q. To the best of your knowledge, did you hear of any investigation at any time concerning what had transpired at My Lai (4) on 16 March?

A. No, sir, I didn't.

Q. Do you know of any effort by any individual to suppress any information about what had or might have transpired at My Lai (4) on 16 March?

A. No, sir, I don't.

Q. Sir, before you are dismissed, I'd like to give you an opportunity to state anything you would care to state, or ask any questions, or say anything at all that you think might be pertinent to the purposes of this inquiry.

A. I really can't think of anything. It's just a very unfortunate situation. That's about all.

Q. We'd like to thank you for your efforts in making the trip from Europe to come here and talk to us this morning. We appreciate your efforts at recall and your forthrightness and your honesty. Before we dismiss the hearing, I'd like to ask you to not discuss what has transpired here this morning and this afternoon, and any testimony that you have given or any facts that you have received concerning the Son My-My Lai (4) operation of 16 March 1968 with anyone, except a duly constituted administrative, judicial, or legislative body in an official capacity. This is only a request, because that's all we can make of you at this point in time. But we would appreciate it, and I'm sure you understand the sensitivity of what we are doing?

A. Yes, sir.

Q. Do you have any questions about what I have said?

A. No, sir. I hope I helped you some, and I wish I could help you more.

Q. Again, we appreciate it. If you have nothing further to add, this hearing is recessed.

(The hearing recessed at 1422 hours, 9 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: MAGNO, Michael O. 1LT

DATE OF TESTIMONY: 12 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assistant Operations Officer, 174th Aviation Company.

1. BRIEFING ATTENDED BY MAGNO.

Lieutenant MAGNO recalled flying to LZ Dottie on one occasion for a briefing given in a command tent by a lieutenant colonel whom he did not know (pgs. 5, 6). He did not know BARKER well and does not know if it was he who gave the briefing (pg. 11). A major and a captain whom he did not know were also there (pg. 6). MAGNO did not know CALHOUN or KOTOUC (pg. 11). MAGNO was to be used in an advisory capacity on the mission (pg. 5). More aircraft were needed for this operation than could be supplied by the 174th (pg. 8). He believed it was a search and destroy mission, but recalled nothing about an artillery prep (pgs. 7, 8, 10). He did not remember the unit or area involved and did not know if this was the My Lai operation (pgs. 5, 7). Perhaps MILLIKEN and PETERS were at this briefing (pg. 9). MAGNO returned to Duc Pho and helped plan the assault (pg. 12).

2. MAGNO's KNOWLEDGE OF THE MY LAI ASSAULT.

a. From participation.

Although the flight records indicate that he flew 1.3 hours on the day of the My Lai operation, he remembered none of the specifics of the operation as related to him by the Investigating Officer (pgs. 3, 4, 13-16). Because of this he did not believe he was part of the My Lai operation (pg. 16). The only mission he recalled in the

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Pinkville area involved an attack on military-age males attempting to cross the Song Tra Khuc River (pg. 12). This was probably not the My Lai operation (pg. 13).

b. In his capacity as Assistant S-3.

MAGNO did not recall any reports which came into operations concerning the 16 March operation, and did not know who participated in it (pgs. 18, 21). He never heard of a contact mission in the Pinkville area in which something unusual happened (pg. 20). He had no information concerning an investigation or coverup (pg. 22).

3. OTHER INFORMATION.

The platoon leaders in the 174th Aviation company on 16 March 1968 were as follows:

1-6 Lieutenant MILLIKEN  
 2-6 Captain NEUMAN  
 Shark 6- Captain MCCRARY  
 6 Alpha- Warrant Officer DOERSAM (pg. 21).

Lieutenant PETERS was the operations officer and Major GIBSON was the company commander (pg. 3).

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(The hearing reconvened at 1217 hours, 12 January 1970.)

LTC PATTERSON: The hearing will come to order.

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

The next witness is First Lieutenant Michael O. MAGNO.

(1LT MAGNO was called as a witness, was sworn, and testified as follows:)

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

A. Michael O. MAGNO, First Lieutenant, Infantry, Fort Wolters, Texas.

LTC PATTERSON: Before we proceed, Lieutenant MAGNO, there are several matters that I would like to explain to you. This investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the United States Army for the purpose of determining facts and making findings and recommendations concerning two main points:

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

This investigation is not being conducted to investigate all the facts and circumstances of what happened at My Lai (4). It is directed to those two specific purposes which I have just stated. Do you understand what I have just said?

A. Yes, sir.

Q. I have had made available to me and reviewed prior official statements, documents, and other data obtained in other official investigations into the My Lai incident.

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

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

You are ordered, herein, not to discuss your testimony in this investigation with others, including other witnesses for this investigation, except in the performance of official duty or as you may be required to do so for a competent judicial, administrative, or legislative body. Do you understand those directions?

A. Yes, sir.

Q. Have you received any notification from any military authority in reference to your participation in any trial and have you been cautioned not to discuss any information that you might have with anyone?

A. No, sir.

Q. You have received no such letters?

A. No, sir.

Q. Would you state your unit, organization, and assignment on 16 March 1968.

A. I was in the 174th Aviation Company. My assignment, I was assistant operations officer. On the day of flying, I flew 1.3 hours and to the best of my knowledge from what I can gather, I might have been on a combat assault lift that morning.

Q. You were in the 174th Aviation Company as assistant operations officer of that unit. The 174th is part of 14th Aviation Battalion?

A. Yes, sir.

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Q. Who was the operations officer?

A. Lieutenant PETERS.

Q. And the company commander?

A. I think at the time it was a Major GIBSON. I'm almost sure that's who it was at the time, sir.

Q. You have indicated that your records state that you flew on 16 March, is that correct?

A. Yes, sir.

Q. How did you determine that, Lieutenant MAGNO?

A. I was called by a major, and according to the 759's in the Department of the Army, I'd flown. Then, I checked my original 759's, my personal copies, and I flew on that day.

Q. The DA 759 is your individual flight record?

A. Yes, sir.

Q. What did your individual copy state?

A. It stated that I flew a UH-1D, combat mission, Duc Pho-Chu Lai-Duc Pho, 1.3 hours.

Q. What is the flying time between Duc Pho and Chu Lai?

A. Gee, right off hand, sir, about 25 minutes that I can think of.

Q. So if you flew from Duc Pho to Chu Lai and then returned as your record indicated, you would have logged a period of time. How much time do you think this would have taken you to fly in your Delta model?

A. Oh, maybe, sir, around 45 to 50 minutes on a round trip. Just turning around and coming back.

Q. And translated into decimals, as you stated you logged 1.3?

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A. That would be 75 minutes.

Q. So, there is a variance in time here between what it would take normally to fly round trip from Duc Pho to Chu Lai which you indicate would be 45 or 50 minutes and a 1.3 time which is equal to 75 minutes, which your form indicates.

A. Yes, sir.

Q. Do you have any record that indicates who might have flown on 16 March as far as your company is concerned?

A. I have no personal records on that, sir. I do know that the company does keep the "dash 12's," and I know that we had them for almost a year and a half when I was in operations, and they were turned in exactly every night. The crew chiefs would take them to operations and they were certified.

Q. What makes you think you might have flown on 16 March 1968?

A. Well, according to my records, sir.

Q. I mean in support to the My Lai (4) assault?

A. I guess that was our mission for the day, to put those people--probably the main mission was that we supported the 11th. I'm trying to piece the day together of course. I'm having a little problem with that because every day you have a combat assault it's just another one, from day to day. You do your mission and then head home.

Q. Do you recall, specifically, a briefing for the 174th Aviation Company on the night of 15 March concerning the operation in and around My Lai (4), or Pinkville as it is so sometimes called?

A. Would it be a briefing given to us?

Q. Yes, sir.

A. Where would the briefing have taken place? Our own briefing, yes. I couldn't tell you about that one. I did go to Dottie one day for a real important briefing as the assistant ops officer once, and I met with a colonel and

his major, his S3, and it was a fairly large lift, and I had gone as the assistant ops officer.

Q. You had gone up to Dottie?

A. Yes, with the flight leader.

Q. Would you tell us about that?

A. All I know was that there was a briefing at Dottie in the command tent. Of course, I listened to it and gave my ideas. The reason I was in operations was because I was an aircraft commander in both guns and slicks, and whenever we needed either a flight lead or a person who could fly either one as an aircraft commander I would just grab a pilot and bring him with me. So, they had sent me up as, in a way, an advisory capacity on this one lift. I'm not saying it's the lift of Pinkville. I just remember going up--I gave some suggestions but wasn't listened to as usual.

Q. Do you recall who sent you up for this briefing or who directed that you go?

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

Q. You remember going to the briefing?

A. Yes, sir.

Q. Do you remember what time of day this was?

A. I imagine it was probably around 1500 in the afternoon.

Q. Do you remember it or are you deducing?

A. No, I'm deducing.

Q. Well, we would like to make sure that we don't deduce too much and that we only recall.

A. Then we won't recall this.

Q. Do you recall the day you went to the briefing? Do you recall where you went when you landed at Dottie, specifically?

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A. Well, yes, sir, on this specific briefing I did go to the command tent.

Q. To a command tent?

A. Yes, sir.

Q. General purpose type, large type?

A. I think it was a little smaller; it wasn't a GP, medium. I think it was just a small regular tent with sandbags.

Q. Who was there?

A. A major who was S3 and a lieutenant colonel who was running things. There was a captain also there.

Q. Did you recognize or do you remember the names of any of these individuals?

A. No, sir.

Q. What do you recall of that briefing?

A. I recall that the colonel had planned the lift himself and had us coming in a different way than I thought we should come in, but the colonel, of course, had his idea, and we brought the lift in the way he wanted it.

Q. Which way did he want it brought in?

A. He said something about, "Don't land the helicopters backwards because when the men get out they'll get out of their helicopters backwards and go the wrong way," which I, of course, had never heard of.

Q. What did he mean "backwards"?

A. Say the aircraft would be heading south and we wanted to land the flight in north, he was afraid his men would get out of the aircraft and head north rather than out of the aircraft and south. I'm using this as an example because I can't specifically remember. He was afraid that his men, the infantry, would get out and head the wrong way towards the objective.

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Q. Do you remember the unit?

A. No, sir.

Q. What was the normal way that the units stationed at LZ Dottie would depart an aircraft: through the right or left door?

A. Both doors, sir. Everyone would depart from both doors as far as I can remember. We had trained the 11th Brigade, the 174th Aviation Company had trained the 11th, when we came into country on air-mobility tactics. We trained them at a place called Carantan, which was used as, I think, their base for a while.

Q. Do you recall the area that you were discussing and why you wanted to land a certain way?

A. No, sir, I don't.

Q. Had you gone to other briefings at LZ Dottie?

A. Right offhand, I don't think so, sir.

Q. But this one sticks in your mind?

A. It stuck in my mind for that statement that the colonel made, that I thought really didn't have anything to do with the way the lift should be run from a pilot's standpoint talking to a ground commander. But the ground commander wanted us to go in that way and of course we went in the way the ground commander wanted to put his infantry in.

Q. Was there an artillery preparation for this lift?

A. I think, sir, that we--gee, artillery prep--a lot of those areas up around Dottie, they didn't want us to prep it with artillery or our guns, and we of course didn't want to bring our guns--our slick ships in without gun cover, without preparation. But, we did do it on a couple of occasions in this area.

Q. But you don't recall anything specific?

(MAGNO)

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A. No, sir.

Q. Do you recall the number of sorties or the number of passengers that you were going to have to lift: in general terms, a large number or a small number?

A. No, I really don't know. I could tell you that if it was a combined lift, it was a large amount of people. We were using a couple of other companies. One other company was sending down a few ships. We were weak on aircraft availability at that time.

Q. Do you recall at this briefing that for this lift you were going to need additional ships?

A. I think so. From the battalion. We always got our ships from the battalion.

Q. Do you remember how many?

A. No, sir.

Q. Do you remember what unit you were to get them from?

A. I couldn't tell you what unit, sir, but I can tell you what units we could have got them from.

Q. What units could you have?

A. We could have got them from the 176th Aviation Company or the 71st Aviation Company.

Q. What was the nickname for the 176th?

A. The gunships were the Muskets and slick ships were the Minutemen. The 71st gunships were the Firebirds and the slick ships were the Rattlers.

Q. Do you recall that you did have to get reinforced, augmented, for this lift? For the briefing that you attended?

A. Yes, I think so, sir.

Q. Was it both in slicks and guns?

A. No, sir. I really can't tell you if it was both in slicks and guns. I know it would have been slicks. It would have been slicks.

Q. And how long do you recall this briefing lasted?

A. I remember going up there, sir, and we had to wait. The colonel was doing something else, and we had to wait about 20 minutes before we could see the colonel, and then we did see the colonel. I don't think the briefing lasted another 15 or 20 minutes. So, I would say maybe 40 minutes I was at LZ Dottie.

Q. Did you go up by yourself?

A. No, sir, I went with--I think I might have gone up with the operations officer, and he was going to be the flight lead that day.

Q. Who was that?

A. That was Lieutenant PETERS. I'm not too sure about that, sir. I'm getting it vaguely, and I think that's who it might have been.

Q. Could it have been Lieutenant MILLIKIN?

A. It could have been Lieutenant MILLIKIN?

Q. Why?

A. Why? Because he was inexperienced, and I might have gone to help him out with the lift. I flew with him on a couple of occasions because of that fact. He was a new platoon leader and really didn't have that much time. Although he had been made an AC, he would still fly in the right seat whenever flying with me.

Q. Would he have been the lead?

A. Yes, sir. He would have been the lead.

Q. What about Captain NEUMANN? Would he have gone with you?

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- A. No, I don't think I ever flew with Captain NEUMANN.
- Q. So you recall then that it would probably be either Lieutenant PETERS or Lieutenant MILLIKIN, perhaps?
- A. Yes, sir.
- Q. Do you remember the type of occasion that this briefing--what was the objective? Was it a rice denial? A search mission? Anything about the--
- A. (Interposing) The mission that I was filled in on, sir, was a search mission.
- Q. A search mission--period? Search and clear? Search and destroy?
- A. Back in 1968 we called them search and destroy, sir.
- Q. I would like to show you a picture of an officer and ask you if you have ever seen this individual before. Let the record reflect that I'm showing the witness Exhibit P-142. Can you identify that individual?
- A. Could I ask a question about it, sir?
- Q. Yes.
- A. Is he Negro?
- Q. No, he is not.
- A. No, sir, then I can't. Not right offhand.
- Q. Would the presence or absence of a mustache make any difference?
- A. No, sir, none at all.
- Q. Did you know Lieutenant Colonel BARKER?
- A. No, not--I had only seen him once in a while but nothing that I know that would reflect on him compared with other people who I worked with before. I knew the person flying the aircraft when Colonel BARKER was killed. I knew him fairly well. He was in my unit.

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Q. But Colonel BARKER himself?

A. No, sir. He doesn't even ring a bell.

Q. Then, if Colonel BARKER was the colonel that gave this briefing you would not recall--

A. (Interposing) I couldn't recall, sir. I really couldn't.

Q. Do you recall the approximate time frame, month, that you went to this briefing at LZ Dottie?

A. No, sir. But I have to tell you that it was between February and May, the time I ETS'd, when I did become operations officer, after Lieutenant JOHNSON.

Q. Lieutenant MAGNO, we have reason to believe that the lift of Task Force Barker into the Pinkville area, specifically My Lai (4), was flown by approximately nine slickships of the 174th reinforced by the 71st. We have reason to believe that four of those nine slicks were of the Rattlers, the 71st Aviation Company. Did you know Major CALHOUN? Does the name Major CALHOUN mean anything to you?

A. No, sir, not right offhand.

Q. Captain KOTOUC?

A. No, sir.

Q. Did you know any of the Task Force Barker personnel? Meet them on any occasion?

A. No, I didn't, sir.

Q. Did you know about Task Force Barker?

A. Yes, sir. I heard the name.

Q. Do you know where they were located?

A. No. I knew they were part of the 11th, though.

(MAGNO)

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Q. Can you tell us then what you did, Lieutenant MAGNO, after this particular briefing that you recall?

A. Well, on this particular briefing, sir, I went back to Duc Pho, and then helped the person that was briefed to plan the combat assault the next day.

Q. Do you recall any of the specifics regarding that?

A. No. Like I said earlier, there were many of those, and it was another routine day. If I could see a larger map of the whole area I might. It would help a little if I'm either wrong or right in this.

Q. I would like to show the witness map, 1:50,000, sheet number 6739-II which is Exhibit MAP-5. You'll notice that here is the Pinkville area. My Lai (4) is right here. Dottie was off to the east of Highway 1. The Song Tra Khuc River.

A. Were any military-age type males killed by gunships trying to get across this little river to the sea?

Q. Were there any?

A. Yes, sir.

Q. When?

A. During the lift.

Q. We have no evidence at this time.

A. No evidence at all?

Q. We have evidence that there were some VC, reported VC, killed by Shark gunships on this date.

A. If I could back--I can remember a lift in this area, sir, and there were some military-age males on the edge of the village, going towards the sea, that we engaged and killed with our gunships. Looking at this map it does look familiar, like that day, and I do remember real heavy contact on the day that this took place.

(MAGNO)

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Q. There was--there had been. The record indicates several operations in this area in one of which there was heavy contact, and the unit that was involved was Task Force Barker. Specifically, B Company, I believe, 4/3 in which the commander was wounded. The B Company commander was wounded. He subsequently received the Distinguished Service Cross for continuing to fight even while wounded. There was indeed heavy contact on this date, but this was not 16 March.

A. Okay. Maybe I'm thinking of another lift according to this heavy contact that I'm talking about.

Q. The best evidence that we have concerning the 16 March operation was the heavy contact was not reported.

A. Was not reported? Then I'm thinking of the lift that you just stated about the B Company commander that I can think of right at the present time, sir.

Q. I would like to run through just a little bit of the 16 March operation, as we now believe it occurred, and see if any of the incidents that I will tell you about make any sense or recall to see whether or not you can state yes, you were there or no, you don't believe you were.

A. Yes, sir.

Q. Take-off time for the slicks from Duc Pho was scheduled for 0645 hours on 16 March. The Rattler aircraft were to meet the 174th Dolphin slicks at LZ Dottie, the PZ. The operation was to be a multi-company insertion. Two companies of infantry were to be inserted into two separate LZ's, each company requiring two lifts of nine slicks. Staging for both companies and PZ for both companies was LZ Dottie. Both insertions were to be supported by artillery preparation. The first lift of C/1/20 went into My Lai, to the west of My Lai (4) as indicated on this aerial photograph, which is Exhibit P-1. The lift from LZ Dottie, which is off to the upper left-hand corner of the photograph, with the slicks landing to the north of this rice paddy area (indicating the west of My Lai (4)). Touchdown was at 0730 with a 3-minute arty prep and gunship suppression between arty and touchdown. The second lift after pickup of C/1/20 at Dottie went in and was reported, by

journal entry, completed at 0751 hours. The second insertion, the second company, B/4/3 was inserted over near the Pinkville area somewhere to the east of Hill 85, preceded by artillery prep which was not cut off in time to allow the slicks immediate entry into the LZ area. The slicks had to make a go-around. They did put in beginning on or about 0815 hours, 16 March, and the lift of B/4/3 was reported complete, by journal entry, at 1827 hours on 16 March. This operation included not only the aircraft of the 174th, the 71st, but also aircraft of B/173 Aviation, known as the aero-scouts. The aero-scout aircraft consisted of two gunships and an OH-23 observation helicopter. The aero-scout mission was screening to the south for the rifle companies on the ground. Do you recall anything, or recall being on the operation as I have described it thus far?

A. To the best of my knowledge, sir, not that operation. As I stated a couple of times earlier, a lift was a lift in those days.

Q. Significant happenings that day; early in the morning, according to journal entry, the Sharks engaged, in two incidents, suspected VC, carrying weapons, web gear and the like. One of these incidents occurred at 0740 hours in the morning somewhere to the northeast of the LZ area. The second incident occurred to the south lift of C/1/20, somewhere to the south of the LZ down near or on Highway 521, the northeast-southeast road south of My Lai (4). Do you recall any part of those incidents?

A. No, sir.

Q. Reportedly there was a large number of civilians or Vietnamese nationals of varying ages and sexes departing this area both to the east and to the southwest along Highway 521. On Hill 85 which is just off the south of this aerial photograph, somewhere in the vicinity of 0830 or 0900 in the morning, the aero-scouts discovered what they reported to be two mortar tubes, 60 millimeter, where they inserted their own organic rifle platoon and discovered, instead of two mortar tubes, 60 millimeter mortar rounds. Twenty was the initial report, subsequently changed to forty. Do you recall this incident?

A. No, sir.

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Q. We have had testimony to indicate that there were large numbers, in small groups and large groups, of dead Vietnamese in many areas in the immediate vicinity of My Lai (4), that were observed by aviators and personnel on the ground. Do you recall ever seeing or flying over this particular area and seeing dead Vietnamese of varying sexes and ages?

A. No, sir. I don't remember seeing them, but at the end of the day--

Q. (Interposing) The Sharks and the slicks departed and completed their two lifts--departed the area somewhere around--the slicks departed somewhere around 0830 and went back to LZ Dottie where they picked up some additional missions for the day, to wit: resupply, other administrative type missions. The Sharks remained on station until approximately 0850 to 0900 hours. Once they departed to go back to Dottie to refuel and rearm prior to proceeding back to Duc Pho. Does this make any sense or recall any part of your personal recall as being a part of this operation?

A. If I was flying a slick, sir, I would have returned directly back to Duc Pho to go back into the office after doing my mission with the slicks.

Q. Under the circumstances though, Lieutenant MAGNO, with your flight record indicating a flight from Duc Pho to Chu Lai to Duc Pho and your logging of 1.3 hours on that date, do you feel that you could have participated either as a Shark or as a slick pilot flying 1.3 hours in the accomplishment of this mission?

A. Yes, sir, I think I would be flying a slick and logging cross-country time. Because of Dottie being so close to Chu Lai, I would fly the mission and then head back because we would need the personnel flying on this mission.

Q. What time do you think, with a 0645 scheduled departure time from Duc Pho as these slicks had, how much time do you feel you would have logged to have completed the mission by 0827 hours as a slick pilot and then have returned to either Duc Pho or Dottie? How much time would you have logged?

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A. Between an hour and an hour thirty.

Q. Why do you state that?

A. I state that because that's exactly what it would take to do that mission, actual flight time, not counting ground time, lift-off to touchdown. If we shut down we would not log that 25-minute flight. We would combine it in the total flight and the number of missions.

Q. The indications are of course here, in this mission, that completing the touchdown at 0751, going back to Dottie and being airborne and lifting at LZ because of late artillery at 0815 that there wouldn't have been a shut-down between these time frames.

A. Yes, sir.

Q. Would flight time have continued to have been-- probably would have continued to be logged. Would it not?

A. It would have been continued to be logged, but it wouldn't have been monitored too closely as flight time should be monitored. Five to ten minutes wasn't that important to be logged in.

Q. What I'm thinking, Lieutenant MAGNO, is that if you took off, let's say you took off at 0700 from Duc Pho and got through with the mission at 0827. In a rather busy mission, there is 1.5 hours right there, plus the time to get back to Duc Pho, although our information has it that they went back to Dottie and refueled, and then back to Duc Pho. It appears to me that pilots who participated in this mission would have flown something greater than the 1.3 that you flew.

A. Probably, sir. Yes, sir.

Q. And whereas you do not recall any of the specifics of this mission, either the landing or the go-around or the engagement by the Sharks, would it be your guess that you were or were not a part of this operation?

A. According to the evidence, I would say I wasn't a part of the mission at My Lai.

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Q. Under the assumption that you were not--

A. (Interposing) Yes, sir.

Q. Can you relate any circumstances concerning this operation that you have personal knowledge of or had reported to you in your capacity as assistant operations officer?

A. As assistant operations officer, I would have been monitoring one of the radios, just the receiver, R-66 or something. Not R-66--48, the receiver, and we would keep it on the mission at all times.

Q. What frequency would you use?

A. We would use the ground commander's frequency. Of course, the slicks would be on the ground commander's frequency during the lift at all times, along with the command and control ship.

Q. This would be at the battalion level frequency on a particular operation?

A. By whom the lift would be run, yes, sir.

Q. Does this operation that I have just described sound like the operation that you heard at the briefing that you remember attending at Dottie? Can you tie the two together in any way?

A. No, sir, not really.

Q. Where was your normal place of duty there at Duc Pho? In what were you working? In the S1 or in the operations area?

A. In the operations as assistant S3.

Q. When the pilots came back in off a mission did they come into operations?

A. Yes, sir. They used to come into the office and check.

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Q. Check for what?

A. To see if I had any more missions.

Q. Did they also report after action information?

A. All the time, sir.

Q. Such as what?

A. Like, in a mission, if there was a lot of people being killed or something like that, they would say there is heavy contact or, "Jeez, they're killing a lot of people up there," "They've got a lot of VC," or something like that, just a statement.

Q. Do you recall any types of reports being given to you on 16 March 1968?

A. No, sir.

Q. Do you recall any individuals that reported any type of activities to you on 16 March 1968?

A. No, sir.

Q. Whose mission was it in the 174th to complete the OPREP 5?

A. It would either be the operations officer on duty, and I think--is that the one signed by the company commander, or is it signed by the operations officer every night?

Q. There does not seem to be a signature block on the OPREP 5 which is Exhibit R-3. I would like to have you look at it and see if this appears to be the Daily Operations Report 5 for the 174th Aviation Company, dated 16 March 1968.

(The witness studies Exhibit R-3.)

A. This would be filled out by the specialist in operations.

Q. Are you familiar with that type format for a report?

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A. Not exactly, only that I know when they would come in, the flight lead would bring in his information to me, like how many troops, and, of course, the guns would bring in their information of what they had used as a load.

Q. Could you tell me what kind of missions the 174th flew on 16 March, based on that report?

A. Got two lifts. It looks like a C&C and every time he landed, the pilot would log the number of people he had on board, and if he had of course six on board or so and so, he would log them in. CTC would be the combat movements.

Q. Well, first off, you had two lifts?

A. Yes, sir.

Q. And then what else?

A. I would say the C&C logged the number of times--

Q. (Interposing) That the C&C furnished?

A. Yes, sir, and of course gunships.

Q. How many gunships?

A. Two.

Q. How many slicks were involved?

A. It says nine for the lift on the top here. Number of Delta models, nine, number of Charlie models, two.

Q. Can you tell me from that form, Lieutenant MAGNO, what your operational status was with regard to aircraft on 16 March? How many D's and how many C's did you have operationally ready?

A. Twelve and three.

Q. Twelve slicks and three gunships?

(MAGNO)

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A. I'm not familiar with this, sir. I really can't make it out.

Q. You are not familiar with the completion of that report?

A. No, sir. There was another report that the operations officer used to make out every day and send out to battalion. We used to send it out by courier. I can't tell you what the report is.

Q. It is not the OPREP 5?

A. The OPREP was made out, but it seems like another one.

Q. You'll notice that it is a 14th Aviation Battalion form in the heading?

A. Yes, sir. It doesn't look like the one we used to make out. Maybe it is.

Q. Did you know or receive any information from anyone concerned in the 174th that any thing unusual occurred on this day?

A. No, sir.

Q. While, you were in Vietnam and in your function and duties during the time you were assigned to the 174th, you heard nothing about an operation into Pinkville that was a little unusual, other than the heavy contact operation that you explained earlier?

A. No, sir.

Q. Could you indicate during the time you were assistant operations officer who usually flew as Dolphin lead?

A. Yes, sir. It was the platoon leader in charge of the lift.

Q. And how many platoons did you have?

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A. Two lift platoons and one gun platoon.

Q. So the lift lead would normally be one of two individuals?

A. Yes, sir.

Q. Do you recall who were the platoon leaders on 16 March?

A. On 16 March, sir, it would have to be Lieutenant MILLIKIN, 1-6, and Captain NEUMANN, who was a 2-6, and Captain MCCRARY, if he was a captain then too, he was Shark 6.

Q. Who was Shark 6 Alpha?

A. Was Lieutenant MCCRARY 6, or was Captain WOODS 6 then? Maybe Captain WOODS left in February.

Q. I have reason to believe that Captain MCCRARY had just taken over the gun platoon.

A. He might have had a warrant officer named DOERSAM as 6 Alpha.

Q. That coincides with the information that we have.

A. Yes, sir.

Q. Can you identify any one individual, either in the 174th or the Rattlers, the 71st, that might have participated in this lift or did participate in this lift, that you can positively state participated?

A. No, sir.

Q. I would like very much to have you try to dig into your memory and see whether or not this briefing that you attended at LZ Dottie, and the incident that you related earlier in your testimony can be related to this operation in any way, or any of the facts that I now told you concerning the operation could have struck any chord as to whether or not you were in fact at that briefing.

A. No, sir. I've dug in, and it's just not coming.

Q. You have no information, then, of any investigation or any attempt to suppress an investigation or any incidents that occurred around or during the operation of 16 to 18 March?

A. No, sir.

LTC PATTERSON: Lieutenant MAGNO, I appreciate your coming into Washington, assisting us in trying to definitively and factually find out what occurred on 16 March 1968, and we appreciate your forthrightness and frankness and your honesty. If, at any time after you leave here, you recall anything that pertains to the subject of this inquiry as I have related them earlier to you, I would appreciate it if you would contact us with all due speed. The purposes of the investigation I have outlined to you, and you know what we are attempting to do. The participation of the 174th slicks and Sharks is important to ascertain the facts. The importance of the investigation and any information that may have transpired as an after action type report, or rumors within the 174th Aviation Company, or anywhere else while you were in Vietnam, could be pertinent to this inquiry. Should you hear of anything, or produce any documents, or come across any records or photos or tapes that could be applicable, we would appreciate getting them. Is there anything that you would like to say at this time before we adjourn Lieutenant MAGNO?

A. No, sir.

LTC PATTERSON: I would again like to remind you that you are not to talk about what you have learned here or what we have shown you and caution you against any divulgence except to the proper authorities, which I outlined earlier.

A. Yes, sir.

LTC PATTERSON: Thank you, Lieutenant MAGNO. The hearing is recessed.

(The hearing recessed at 1310 hours, 12 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: MCCRARY, Lanny J.

DATE OF TESTIMONY: 17 January 1970

PLACE OF TESTIMONY: Pentagon

IWNTSS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Gunship Platoon Leader, 174th Aviation Company.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

Any briefing the witness may have had on this operation did not stand out in his mind because he attended so many briefings while in Vietnam (pg. 3). He did not recall planning the prep (pg. 46).

2. THE ASSAULT ON MY LAI.

a. Approach into the first LZ.

On the day of the operation he was the gunship platoon leader assigned the mission of escorting the slicks and staying on station until released (pgs. 3, 4). His copilot was Mr. MESSINGER and Mr. DOERSAM was flying the other gunship (pg. 54). His doorgunner was VARGAS and his crew chief was FARGIER (pgs. 54, 55). He was certain they escorted the slicks "tight" because this was the only way they ever conducted their operations (pg. 7). The position of Hill 85 made it difficult to put down suppressing fire to the east of the flight (pgs. 8, 9). After making their suppressing run they used a race track pattern to escort the slicks to the ground (pg. 12). The LZ was cold (pg. 13).

b. Engaging VC with weapon.

After the slicks departed at approximately 0740

(MCCRARY)

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MCCRARY contacted the ground commander (pg. 14). He saw a large group of persons coming down the trail leading south from My Lai to Highway 521 (pgs. 14, 66). Among this group was a 6'2" VC with an M-1 slung across his shoulder (pgs. 14, 15). When he saw this individual MCCRARY made a tight turn and the VC was engaged by the right doorgunner (pgs. 15, 17). The man moved off the trail and went into a ditch (pgs. 15, 17, 75). MCCRARY continued to put suppressive fire into the area (pg. 15). The witness then notified the command party of what had happened and that he wanted them to police up the VC and the weapon (pgs. 16, 17). The witness popped red smoke to guide the infantry and stayed over the ditch to prevent the VC's escape (pgs. 16, 17, 22, 50). The command group itself proceeded toward the area and arrived in 10 to 15 minutes (pgs. 16, 19). The ground troops came due south and approached the tree line which is just south of Highway 521 (pg. 17). The witness identified this as the command group because he saw an RTO behind a man he thought was Charlie 6 (pg. 20).

b. Shooting of civilians by the infantry.

He saw a person come through the tree line and shoot a woman who was kneeling (pgs. 20, 68, 69). It is unclear from the testimony whether it was the person he assumed to be Charlie 6 (Medina) who did the shooting (pgs. 20, 68). As the infantry approached he believed that they shot three to six Vietnamese (pgs. 17, 21, 51, 55). At this point he was circling 150 to 200 feet above the ground (pg. 17). He allowed the possibility that some people were killed by his doorgunner as he engaged the VC with the weapon (pg. 62). The infantry policed the area, but did not find the VC (pg. 20). Those in the helicopter discussed the killings committed by the infantry because they considered it unusual (pgs. 20, 36). He recalled seeing other bodies along the trail some of which may have been military-age males (pgs. 30, 34). These bodies were 100 meters from the main intersection on Highway 521 (pg. 66). He recalled mentioning to his crew that he thought things had gotten out of hand on the ground (pg. 34).

c. Gunruns made by the Sharks.

The witness did not remember making gunruns on this particular mission and could recall no wild shooting with miniguns up and down the road (pgs. 9, 48, 50, 51, 55). He recalled a situation where Mr. DOERSAM broke off and was

bawled out for it by the witness (pg. 65). Perhaps this occurred on the 16th (pg. 65). During this period DOERSAM could have made a gunrun along the road, but MCCRARY did not see him make any such run and did not think him the type person to make a gunrun on noncombatants along a road (pgs. 65, 68).

d. Action by the Warlords.

At the time he saw these bodies along Highway 521 the Warlords were making gunruns to the south of Highway 521 which was to the east of the Shark's position (pgs. 21, 55). The Warlords were firing at VC to the south of Hill 85 and along its slope (pgs. 18, 25, 56). Their gunruns caused concern because they were made from east to west and the witness saw machinegun and rocket fire land near the Sharks (pgs. 22, 23, 56). The Warlords were doing a lot of shooting (pg. 25). He warned them to keep their fire away from the Sharks (pg. 56). He also told the Warlords that the Sharks were attempting to keep the VC with the weapon from escaping the area and that this was the reason the Sharks were in the Warlords area (pg. 49). Between the first and second lifts on the first LZ at approximately 0740 the Warlords discovered two mortar tubes on Hill 85 and later put in their organic infantry to deal with it (pgs. 31, 35).

e. The Sharks engage two VC.

Prior to escorting slicks to the second LZ (where B/4/3 was inserted) the Sharks engaged two persons with web gear and back packs in open rice paddies (pgs. 23, 24). He marked these people with smoke and coordinated with Lieutenant BROOKS who got to the location in 10 to 15 minutes and held up the web gear (pgs. 23, 24, 47). Although he was supposed to get the permission of the ground commander to engage targets on the ground he did not do so in this engagement or the one previous because he was able to immediately pinpoint the targets as enemy (pgs. 45, 46, 67). He did not recall turning in a body count for the VC he engaged (pgs. 47, 48).

f. Use of gunships to turn people back.

While the witness recalled instances of using gunship fire to turn back Vietnamese leaving an area, he did not recall doing so on this operation, nor did he recall being ordered to do so (pgs. 31, 67, 68, 70).

g. Participation of the Sharks at the insertion of B/4/3.

The site of the second LZ was east of Hill 85 and south of Highway 521 (pg. 38). At this insertion they had to make a second go-around because the artillery did not lift in time (pgs. 8, 38, 74). After the slicks landed the guns reconned in front of the troops to see what was happening, but the ground was wide open and they saw nothing (pg. 39). Since there was nothing unusual occurring in the area of B/4/3's insertion they returned to help C Company (pg. 71).

h. Observations during the operation.

(1) Visibility.

The visibility was good, but there was a lot of smoke coming from My Lai (4) which was blowing to the south (pgs. 58, 60). He saw hootches burning (pg. 59). When he returned from LZ Baldy between 1800 and 1900 that evening he recalled seeing smoke coming from the area of Highway 1 (pg. 60).

(2) Helicopter landings.

The witness did not recall seeing an H-23 on the 16th, and he did not see any helicopters land in the vicinity of My Lai (4) (pg. 57). He could not bring to mind seeing any medevacs (pg. 58). He did not recall seeing a C&C ship land to pick up two VC suspects, nor did he hear about it (pg. 29). He did not recollect an incident in which a C&C pilot asked gunships to evacuate people attempting to get out of the area (pg. 73).

(3) Bodies.

The witness saw between 30 and 40 bodies in My Lai (4) on the 16th (pg. 37). He recalled DOERSAM saying something about people being killed who should not have been (pg. 29). He saw approximately six bodies in the northwest corner of the village (pg. 30). He could not hear any shooting on the ground due to the noise from the helicopter (pg. 30).

(4) Transmissions during the day.

MCCRARY's radio was on the ground frequency, and he recalled overhearing a lot of activity over the net about people getting killed (pg. 27). He recalled overhearing someone whom he believed to be the division commander say, "What's going on down there", sometime during the morning (pgs. 27, 28, 33). This was connected with orders to stop the shooting (pgs. 33, 34).

i. Further participation of Sharks in the operation.

The witness thought they returned to LZ Dottie to refuel immediately after insertion at the second LZ which was approximately 0830 (pgs. 31, 32). He did not recall returning to station (pg. 33). While MCCRARY did not know if the Sharks participated in the operation at 1400 on 17 March, he was certain that they helped units in the My Lai area on 17 or 18 March (pg. 74).

3. INQUIRIES AFTER THE ASSAULT.

He was sure that the incident was discussed among the slick crews for a couple of days after the operation and then was quickly dropped (pg. 41). However, he could not recall any specific conversations (pg. 52). He did not remember GIBSON asking about what had happened at My Lai (pg. 53). He was never asked to put anything in writing or asked to make any statements concerning the incident, and he was never contacted by an investigating officer about it (pg. 53). He left for R&R on 18 March and was asked no questions about the operation after his return (pg. 54).

4. OTHER INFORMATION.

a. Broadcast concerning operation body count.

On the afternoon of the 16th he heard a report over Armed Forces Radio that the 11th Brigade had engaged and killed 109 VC in an operation northeast of Quang Ngai (pgs. 37, 51). He thought this was unbelievable because he had seen no more than 30 to 40 bodies (pgs. 37, 52).

b. Denial of gunrun incident.

The witness denied the occurrence of a gunrun made upon an individual in the road in which his wingman took the

lead and he followed up with a minigun and rocket attack (pgs. 46, 70).

c. Assessment of the Warlords.

He did not like the way the Warlords ran their operation on the 16th because they had made gunruns and rocket attacks in the direction of the Sharks (pg. 41). He considered the Warlords indiscriminate in their use of fire power, and he believed that when the Warlords were changed into an aero-scout unit they developed the attitude that "they should kill a lot of people" (pgs. 41, 42). This was a rumor he heard (pg. 42). He did not participate in many operations with the Warlords (pg. 42).

d. Incidents involving the Sharks.

He recalled no incident in which a Shark crew chief was killed in January of 1968, and he never heard of the Sharks being accused of employing fire power indiscriminately (pg. 43). Four days previous to the operation one of their men had been shot in the side (pg. 43). He did recall an incident in which a chemical NCO was shot between the eyes during a low-level mosquito spraying operation (pg. 45). At this time the gunships made a couple of gunruns over the area which tore up a few hootches and may have killed a few people (pg. 45). Perhaps this was discussed with Captain SCHOOLFIELD (pg. 45).

e. Discussion of the My Lai incident since the story broke in the press.

The witness discussed the operation with MESSINGER for about 10 minutes over the phone (pg. 6). They did not discuss the point of whether there was more than one gun with them (pg. 6). He also spoke with Major KRAUSE about it (pg. 62).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-46	11th Brigade Journal, 16-19 Mar 68	Wit asked questions about action reflected in log.	73,74
P-168	An aerial photo of the coast including My Lai area	Witness oriented on map.	71,72
P-176	P-1 as annotated by the witness	1-Place where they engaged individual with rifle.	75
		2-Place where individual disappeared into ditch.	76
		3-Place where individual reappeared with red smoke.	76
		4-Positions of ground forces at 0730.	77
		5-Position where person shot woman.	77
		6&7-Area between which soldiers shot Vietnamese.	77
		8-Position where they engaged two Vietnamese with web gear.	77
		9-Place where he saw 10-15 Vietnamese dead.	77

(The hearing reconvened at 1007 hours, 17 January 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Mr. Lanny J. MCCRARY.

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

Would you state your full name, occupation and residence?

A. I'm Lanny J. MCCRARY, I'm a merchandising representative for General Motors. I live at 4204 Emile, Amarillo, Texas.

MR WEST: For the record, were you a member of the United States Army on 16 March 1968?

A. Yes, I was.

Q. And when were you separated?

A. 31 March 1969.

Q. 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 for the purpose of determining facts and making findings and recommendations concerning:

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

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

Now, we're not trying to look into all facts and circumstances of what happened at My Lai. We're not directly concerned with possible criminal culpability of any individual, or things that took place that day.

We have had made available to us and I have reviewed official statements obtained in other investigations of the My Lai incident. As far as I know nobody ever questioned you?

A. Just over the phone briefly.

Q. Was that from this office or the CID?

A. That's from your office I believe.

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

We ask that you not discuss your testimony here today with others, including other witnesses who may appear here, except as you may be required by an administrative, judicial or legislative body. For example, there is a subcommittee of the House Armed Services Committee which is looking into the My Lai incident. They are calling some witnesses and you might be asked to appear over there. When we ask you not to discuss your testimony that doesn't apply to the House Armed Services Committee.

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

A. No, I haven't.

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

LTC PATTERSON: Yes, sir. You stated that you were in the 174th Aviation Company on 16 March 1968?

A. Yes, sir.

Q. Do you recall your specific duty assignment?

A. Yes I do, I was the gunship platoon leader and I was leading the gunships on that day.

Q. You're sure that you were leading the gunships on that day?

A. As well as I can remember I was.

Q. Have you searched your personal records and know how much time you flew on 16 March?

A. Yes I have. I flew 8.7 hours that day.

Q. Do you recall the particulars and specifics concerning the operation on 16 March?

A. No, as I told Major KRAUS I cannot remember the briefing or intelligence reports on anything like that, because we received one of these every day in one form or another and this one just does not stand out in my mind.

Q. This particular operation?

A. That's right.

Q. I am going to tell you some of circumstances as we best believe them to have occurred. The objective of this is to try to get you to recall some of the incidents that I will describe to you, if you were there participating in it. What I'm going to say is from an aviator to aviator. It will be in such detail, and times, and et cetera, that hopefully some of the things that you locked in your mind will become unlocked in our discussion. The objective therefore is to get you to recall, to get you to relate and perhaps to offer some information for us.

A. Before you begin I might have misunderstood the questions. There are some aspects of that day, of things that happened that I can't remember, but I thought you had reference to the briefing that we might have received before the operation of anything like that.

Q. Well, of course we're interested in all the aspects, because one of our purposes here is to determine the facts and circumstances of all that occurred prior to and subsequent to. As I understand you recall nothing before the briefing and nothing the actual day?

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A. No, I don't.

Q. We have reason to believe the briefing was conducted at the 174th. I have reason to feel that Lieutenant MAGNO took Lieutenant MILLIKINS to LZ Dottie on the afternoon of 15 March to Task Force Barker headquarters. They received the information concerning the operation and then came back and Lieutenant MILLIKINS probably conducted the briefing to the 174th. As I understand from previous testimony, this is the way that the 174th operated and that the Dolphin Lead would conduct the briefing, whoever the Dolphin Lead was that day. The briefing should have consisted of information that two companies of Task Force Barker were to be air-assaulted into the Pinkville area for a search mission. One company was to sweep east and one company was to sweep from the south-east to the northeast joining the other company with the third company being in a blocking position to the north.

Q. Do you have 1:50,000?

(LTC PATTERSON oriented the witness to the 1:50,000 Map, Exhibit MAP-5.)

Q. Now that we are oriented on the map. The briefing should have stated that the company had organic slicks that were to be available, however they were going to get augmented by the Rattlers, the 71st Aviation Company. I'm not sure at this time as to how many slicks were to be available. The lift was for these two units in the time frame 0730 to be preceded by an artillery prep and gunship suppression. And the Sharks, your team, was to escort the slicks and stay on station until released?

A. Right.

Q. The artillery was to come out of LZ Uptight only and the gun-target line was from Uptight to the LZ. Additionally B/123 Aviation Battalion, call sign Warlord, nicknamed aero-scouts, were to participate in this operation. The general concept was that they were to cover the southern flank, south of Highway 521. Do you have any recalls of the briefing or any of this yet?

A. Everything except the briefing. Sir, I don't know, it's 2 years ago, but I thought about this a lot. But the things that happened every day are the things that I really can't remember. Like I say, we got one of these briefings every day and unless something unusual was really said in the briefing, it just doesn't stand out in my mind.

Q. Lieutenant MILLIKINS give many briefings that you recall? He is an Iowa farm boy, he talks real slow and a little kid, real nice but--

A. (Interposing) Yes he did, because he was the 1st Platoon leader.

Q. And so his briefings were not unusual?

A. Right, they were not, the way that Major WHEAT-- this is the way it had been done in the 174th before--preferred the six platoon leaders to lead the assault, and we tried to alternate these as much as possible. The 1st Platoon would lead an assault one day, the 2d Platoon would lead an assault another day. So usually it was one of the two platoon leaders giving a briefing every day.

Q. The next morning, 16 March, you had three gunships up and six were flying at this time. This was based on a report that was given. The reason to believe your take off time--the slicks departure time from Duc Pho was to be 0645. The slicks were of course going to proceed to LZ Dottie. Sometime it was decided, and this was probably late in the evening between operations, between the battalion and your company and so on, four Rattlers were to augment the Dolphins, a total of nine slicks.

In your mission preparation, you probably determined that you were only going to have three gunneys up. The next morning the slicks departed on or about 0645 hours. The guns were a little later departing. They were going to meet the slicks after they departed at the PZ Dottie, and pick them up in the operational area as opposed to going to the PZ. Although it's possible, there is some question as to whether or not you proceeded all the way up to Dottie, orbiting Dottie and picked them up as they came off or whether you met the slicks as they came down Highway 1?

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A. As I remember we orbited Dottie for about 10 minutes and it also comes to mind that we also got one or two gunships from Chu Lai and met them at LZ Dottie too. This may not be the same day, but I remember--well maybe you better go on from here. This could be another time very easily, because we did not make a few lifts from LZ Dottie.

Q. Have you talked to Mr. MESSINGER?

A. Yes, I have.

Q. Recently?

A. Yes, I have.

Q. You discussed this operation with him?

A. Yes, I have.

Q. In detail?

A. Well, as much detail as could talk about 10 minutes over the telephone.

Q. Did you discuss this point as to whether or not there was more than one gun team with them?

A. No, we did not.

Q. Did you orbit Dottie or pick them up south of Dottie?

A. No, we did not.

Q. All right, it seems to be then, your recollection is you orbited Dottie for about 10 minutes waiting for those slicks to pull up?

A. Right.

Q. Do you recall that there were nine slicks?

A. No, I do not.

Q. The slicks, to the best information we have, took off and formed in vee's of three in trail and flew generally south along Highway 1 to the operational area. The artillery was firing the LZ prep beginning at about 0726 hours. If you can picture yourself leaving orbit and picking up the slicks, do you recall from where the artillery was being fired?

A. From Uptight.

Q. Was there any artillery coming out of Dottie?

A. I don't remember.

Q. You do remember artillery coming out of Uptight?

A. Yes.

Q. Okay, you picked up the slicks, did you escort them tight or did you precede them down to the area?

A. I don't remember, but I'm certain that we escorted them tight, because that's the only way we ever conducted our operations. We never preceded them to any LZ, that was one of our primary jobs, to escort the slicks.

Q. So you escorted them at altitude?

A. Right.

Q. How did you get into position for your planned mission of suppression of the LZ? And I would like for you now to put yourself there if you can, rather than telling me what is normal or standard operating procedure, to see if we can pin it down to this day. The information we have is that artillery was being fired out of Uptight and not out of Dottie. With the gun target line there it would seem logical to me that the slicks went down Highway 1 down probably south of Highway 521 to get into position to land to the north. We have reason to believe the slicks landed to the north. I am interested now from the time you escorted them, where you went, and how you got in position to complete your part of your mission of suppression?

A. I can't remember the actual path.

Q. Do you remember suppressing the LZ?

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A. I remember the two LZ's, because the artillery--I believe the slicks made a go-around, because the artillery did not lift in time.

Q. That is the day and that is correct with the information that we believe to be true that on the second LZ the artillery was late in cutting off and the slicks did have to make a go-around.

A. That was in this deserted area right here (indicating). I mean it was really beat up. It was scrub brushes--a village could possibly have been there, but it was nothing like across the highway where the houses, and trees, and rice paddies, and everything. This was a dry open area with hedgerows and a lot of rocks and things laying around. This was the second LZ.

Q. I don't want you to forget that operation of the LZ but I want you to go back to the first LZ. Using your map and this aerial photograph which shows My Lai (4), Hill 85, 521, Pinkville will be in this general direction (indicating). The first LZ was to the west of My Lai (4), looking at the terrain which you cannot see on the map very well, but looking at an aerial photograph, vertical, of that area you see again Highway 521 and Hill 85.

(LTC PATTERSON oriented the witness on Exhibits MAP-5 and P-1.)

Q. Do you recall the suppression of that LZ?

A. I do, because we had trouble with the hill.

Q. Okay, would you tell me about it?

A. As well as I can remember I think I said something to the flight leader on his approach that we weren't going to be able to give him much support to his right, because at the altitude that we approached; that the hill was in the way until very late on the approach.

Q. Into the first LZ now?

A. Right, in this area, I don't remember exactly where it was (indicating).

Q. So you were going to have trouble suppressing on the first--

A. (Interposing) On the right, yes, sir.

Q. On the right, which is to the east of the flight?

A. Right.

Q. Do you recall making your gunruns?

A. No, I do not.

Q. Do you recall who you had in your team, Shark team? Mr. BURTON, Mr. DOERSAM in the second ship and MESSINGER with you?

A. I remember Mr. MESSINGER, however some things that happened later on, and I cannot remember who was backing me up that day.

Q. For your information we have reason to believe that it was Mr. BURTON and Mr. DOERSAM and again, I tell you to see if you try to put this in the context. You weren't concerned about the suppression east of the LZ and the area of the village I presume, or along the hedge row to the west side of the village?

A. Right, because of the mountain.

Q. Because of the mountain of Hill 85, do you recall how many gunruns you made?

A. No, I do not.

Q. Do you recall the type of ordnance that you expended?

A. No, I do not.

Q. What would be the normal type of ordnance for suppression?

A. You mean the percent?

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Q. Type?

A. Well, we only had two systems, the miniguns and the M-5.

Q. What is the M-5?

A. The M-5 is the 40mm grenade launcher on the nose with 14 rockets.

Q. The 2.75?

A. Right.

Q. Thinking about your mission, that you were going to cover two LZ's with your ordnance load, do you recall any thoughts in your mind about how much ordnance you were going to expend on your first pass to this LZ, saving some for the next LZ, and some of course on station time after the lift-in?

A. Right, I don't remember discussing this in particular with my gun platoon, but in an operation like this it would be normal for me to say, one third, one third and one third. One third on one LZ, one third on the second LZ, and the third in reserve for observations and what have you.

Q. What's one third of your basic load of 2.75?

A. Well, it would be probably about four or five.

Q. Rockets. Okay, you carried how many?

A. Fourteen.

Q. What about your 7.62?

A. Well, that was always debatable anyway, because we usually just fired until they jammed up on us, because we had a lot of trouble with our system. Very seldom we find one gun if you understand what I mean. We kept constant discussion with the gunner because it's hard to know how much of that stuff you were shooting.

- Q. How many rounds did you carry as a normal rule?
- A. I believe 4,000.
- Q. You had 4,000 rounds? Is that per ship?
- A. Per ship, right.
- Q. You do not recall suppressing?
- A. No, I don't.
- Q. If you were to fly that mission today, and I recognize that we're removed in some time with this area, reported to be as quite hostile and you knew this from experience, this area was a bad area. Where would you suppress?
- A. I would along the edge of the village probably and the hedgerow.
- Q. Along this, generally north (indicating).
- A. Yes, definitely.
- Q. But along this general north, south hedgerow, just to the west side of the village?
- A. Right.
- Q. And what about this one?
- A. Well, in a situation like this we would say, put the rockets here and spray the whole area with the miniguns.
- Q. Put the rockets on the east side, or the west side of the LZ?
- A. Anything that's running parallel to the LZ on either side, targets of opportunity or likely locations of enemy, that's where we would put the rockets. Now the things that run parallel, it is awfully hard to shoot rockets, because you got to keep pretty straight altitude. And things like this couldn't be effective at all. And anything like this ditch, or hedgerow running across here, we would try to suppress that with the M-5, 40mm grenades, or the miniguns rather than try to change the altitude of the helicopter too much to fire rockets.

Q. You recall breaking or thinking about which way you would break after your suppressing run in order to pick up the slicks and escort them down to the ground?

A. We always use the same pattern. Every gunrun I ever made with the 174th, we always use the same one.

Q. Which one?

A. Race track.

Q. On both sides of the slicks?

A. Right, on both sides.

Q. You only had one gun team that day, how would you have accomplished it?

A. We would have put one on each side.

Q. Did you have to do this?

A. Did we have to do it?

Q. Do you recall instances where you had to do this? I recognize that this is not an excepted normal policy in the employment of gunships?

A. No, I can never remember doing it, simply for the fact that a gunship is really not effective unless its got someone behind it.

Q. But you don't recall in your mind ever having to do this on any operation while you were in the 174th?

A. Now that you mention BURTON's name, it's possible that we did it this day, it may sound funny, but I can remember --just talking about BURTON--on the radio with him with something of this kind. I can remember and if this is the day I'm talking about, I was on the right and he was on the left if that's what come to my mind, that's the picture I see.

Q. The reason I mentioned this is because it is unusual to do this. For one thing it's in violation of good sound gun tactics and anytime that you would have to do that it would lodge and say, "I've got to keep on the stick and protect the other guns as well as do the job of escorting those slicks".

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A. And you would have to make an awful long approach in the prep.

Q. And it would probably be that you were somewhere a little further back in the slicks.

A. I'd say you would have to be way back and fly at a very slow speed.

Q. Recognizing we got nine slicks in this formation too and this was also of some concern, because this is a pretty large operation. And the incident that you remember, that one being on the right and one being on the left does seem to ring some bells?

A. It does. In fact, I think I can hear Mr. MESSINGER talking about our slow air speed.

Q. I have reasons to believe that there was only one fire team on station in support of the lift. And at this initial insertion the initial LZ, that's all the guns that were in the area, because the Warlords, the aero-scouts, were late in getting into the area. You recall them calling and saying that we're not there yet. "We'll be there in about 15 minutes," because your concern for getting the slicks in and the long pass through, and the subsequent lift with the aero-scout machines in the area, that you had to threadpass through would have caused some coordination concern for a gunship platoon leader?

A. Right.

Q. Okay, when the slicks went in, the LZ was cold?

A. Right.

Q. And they departed?

A. Right.

Q. Do you recall the day? You remember what you did after the first lift went down on the first day?

A. I certainly do.

Q. Will you please tell us?

A. I don't remember where I came from or my exact movements after the slicks departed the area. The first thing I remember is approaching, maybe I was making another race track--they had left.

Q. The slicks had departed? You escorted them up to altitude?

A. I assume.

Q. All right.

A. Then I got in contact with the ground commander, I believe his call sign at that time might have been Lobo, I'm not sure what the call sign at that time was. I dropped down to altitude--

Q. (Interposing) Charlie 6?

A. Charlie 6?

Q. Does that ring a bell?

A. Okay, we always use all the call signs. We would say Lobo, Charlie 6 or whatever it was. I was flying a very low altitude, because I had noticed this long--I wouldn't even call it a road--I know how it is in Vietnam. A whole gang of people--

Q. (Interposing) On 521?

A. Right, a whole gang of them coming on the trail this was and down here (indicating)--

Q. (Interposing) Just so we can get this down. Coming down the trail leading south out of My Lai (4) and to 521 and they were all going to the southwest.

A. We dropped down to altitude about 150 feet, our observation--and the first thing I saw was a guy about 6-2 with a weapon.

Q. Do you recall where you saw him?

A. Right on the trail.

Q. The north, south trail of 521?

A. It was right at this location, Highway 521.

Q. You mean in this area, the junction of the north, south trail and 521 (indicating).

A. On the trail walking and had it slung over his shoulder.

Q. He had a weapon slung over his shoulder?

A. He had a weapon slung over his shoulder. It looked like an M-1 to me. I remember very well, because you just don't see this very often. You know when you conduct an operation you just don't see people with weapons that often, walking out in the open. I like to scared Mr. MESSINGER to death, because we were just 100 or 200 feet performing our observation, and I did a 90 degree pedal turn to the right and we fired on him.

Q. With what?

A. With our doorgunner's M-60's.

Q. Doorgunners?

A. Our doorgunner.

Q. You remember which one?

A. It would have been--I believe his name was FARGIER, David FARGIER, because I turned to the right and that's where the crew chief was.

Q. Because you were riding in the right seat?

A. Right, I was firing the rockets that day. We had a minigun system and I was flying. We engaged him--now then one of these two ditches or hedgerows in this location right here (indicating). I thought I would recognize it immediately when I saw it, but I don't, but I believe it's this one, because it seems to me it's much heavier vegetation. Okay, by the time we turned around and fired on it he had gotten to here (indicating) and was in the ditch and we continued to put suppression fire in that area.

Q. Your ship?

A. My ship, the other one was up above covering me like we always do. We always had one low and the other one high, following.

Q. BURTON and DOERSAM, were they the crew?

A. They were up there and I was performing observation. We had him in the ditch. And at this time I was not aware of what was actually going on over in the area of the village of My Lai. I reported what we had seen to Charlie 6.

Q. Right.

A. And we continued to put fire in the area, but we never saw him, so we told Charlie 6 what we had. As best as I can remember there was about 10 or 15 and I assumed that they were in the company commander's party, RTO, artillery observer, and whatever they might have had was in this area right here just southeast. To me this is the picture that I see.

Q. That's where Charlie 6 was, on the southwest corner of the village?

A. Anyway, he was west of the village and then in an open area, because I remember I could see everything and see what they were doing.

Q. Right.

A. I told them what I had seen and what I had. I cannot remember what he told me and anyway, that group of personnel themselves the one right here were the ones--

Q. (Interposing) Southwest of the village?

A. Were the ones that started towards the village and said they would check it out--which I remember was red smoke. I can almost swear it was red.

Q. Okay, go ahead?

A. Now then, the sequence of events here becomes a little dim to me again, because I'm not sure we actually left this location and went to another location while they were in route or just what. But as far as I can remember we stayed on station right there to make sure that the guy didn't get away.

Q. All right, sir.

A. They came down this little dike, or road, or trail, or whatever it may have--

Q. (Interposing) The ground troops came straight due south, right?

A. And when they approached here (indicating), this is the tree line right here.

Q. Just south of Highway 521.

A. Just a regular Vietnamese tree line with the trees about every 4 feet, right along here. Now here on the trail, we saw about three or four, five, half a dozen people killed.

Q. You saw them killed?

A. Right by the ground troops. We were just right in this area, circling about 150 or 200 feet.

Q. Okay, let's go back, right after you saw this individual with the weapon down along the trail junction, you proceeded down there and made a tight turn and your doorgunner-- you think you recall on the right side engaged this individual? The individual as I understand it, proceeded off the trail maybe 50 meters south of the road and into the ditch, tree line running generally north northwest or southwest. You notified the ground commander as you indicated?

A. Yes.

Q. You recall seeing them on the ground, the command party, the Charlie element around the southwest corner of My Lai (4)?

A. It seems to me it was right here (indicating).

Q. Okay, you told them that you had one that you had gotten, and that you wanted them to come down and confirm/or police up?

A. Right.

Q. Do you recall during this time or just prior to your engagement, discussing or coordinating with the Warlords element?

A. They arrived just about this time and they were working as well as I can remember, generally in this area over here (indicating).

Q. Pointing to the east of Hill 85 and south.

A. Do you have a map that shows the hill a little bit better than an aerial photo?

Q. No, I don't.

A. Well okay, it doesn't matter. They were generally east and northeast of the hill and I remember they came on station, and said that the Sharks here will be working such and such. While we were here (indicating) maintaining our position, because we did have a live one and we wanted to get it checked out. I remember we had some trouble with the Warlords, because I believe that they had some people here on the bottom of the hill, on the side of the hill, or someplace, and they were making their gunruns from east to west.

Q. They had found somebody there?

A. Well, as best as I can remember some locations or something like that.

Q. All right now, let's just hold off a minute, this was between the first and second lift into the LZ?

A. The slicks were going back and we were just happening to recon this area.

Q. Do you recall some conversation between you and Shark 6 and the Warlords's leader?

A. Very briefly, but I do remember.

(MR WEST entered the hearing.)

Q. After you coordinated with the Warlords--we'll go back to that particular activity in a moment. Do you recall seeing a ground element proceeding south from the area of the southwestern corner of My Lai to where you had engaged this individual and lost him in the ditch, south of Highway 521? Would you tell us about this please?

A. After I contacted him he said--told me something to the effect that the company had already moved into the village or into this area. He was out here with this party coordinating and directing activities. They continued down this way. We stayed on station observation so that he couldn't get away, waiting for the party to get there. The time period I don't know how long it took them to get there, probably within 10 or 15 minutes, which would be about a click later, I don't know.

Q. The scale of the aerial photo is 1 inch equals about 85 meters, so it wouldn't be quite a click then.

A. Well, anyway, and like I said, I remember some people were killed in this area.

Q. As you indicated earlier in your testimony, there were large numbers of Vietnamese, indigenous nationals, alongside of 521 proceeding westerly?

A. Right.

Q. You didn't have any problem segregating this one individual from these people?

A. Negative.

Q. He was moving away from the large group of people?

A. He was with them, when I say a large group I mean they weren't packed shoulder to shoulder--2 here and 10 meters behind them were 3 or 4 more, 5 meters behind them another--this guy was walking by himself. I whipped it around and my doorgunner had trouble spotting him right away. "There he is, don't you see him", but I could see where it would be hard for him to spot him right away, so this is when the guy made his departure from the trail and into the ditch.

Q. I see, to the south?

A. Right.

Q. Okay, then what happened when ground folks got down there?

A. As good infantrymen I guess, they were scattered out in a line.

Q. About how many of them?

A. It looked like 10 to me, not very many, not very many at all and they were coming this way (indicating) probably 10 or 15 meters in between them.

Q. Coming south?

A. Coming south, down this dike or trail and down through the paddies this way (indicating).

Q. I see.

A. Like I say, I observed some people that were killed, because it was unusual and we mentioned it to each other, like, "What's going on," or "What's the matter," you know, "What's the deal there." As one man got through the tree line to the south, and it was a little bit east of where--we were in this area and this is where the man was. I assumed that it was Charlie 6, because the RTO was right behind him, right in the tree line and just south of the tree line where we observed a woman killed. Because I remember mentioning it to--it was mentioned in the aircraft, "Look that guy just shot a woman."

Q. I see, okay.

A. Anyway, so this--

MR WEST: (Interposing) About where is that?

A. Right here (indicating) as best I can remember, just south of the tree line south of the highway, right in this area here somewhere. Anyway they went ahead, police the area--we didn't find the guy--there were several caves, and tunnels, and things. So we didn't find him at that location, so that is the sum total as to what happened right here in this general location.

Q. Were there any other people killed?

A. There were several along here (indicating), in this area and along 521.

Q. How were they killed? By the infantry?

A. Yes, sir.

Q. What were their actions? Were they just shooting people as they were going down through there?

A. Well, I don't know sir, it's hard to say. We talked about it when we got back that night and it's hard to judge, when you're in the air, what's going on on the ground. What they see or what is taking place and half a dozen--a dozen--I don't know, but there were bodies laying on the trail where they had shot them.

Q. You're pointing along 521 there just north of where you man was lost in the ditch?

A. Yes, sir.

Q. Was this in the same general location where you saw this officer, that you assumed to be Charlie G, that shot the woman or was it a little farther south, or north?

A. It was right there while they were approaching that area.

Q. I see. Now, when did the second lift of C Company come in with reference to time, to all of this?

A. I don't know.

Q. You don't recall?

A. I recall going ahead and making some more observations in this area over here (indicating). We engaged some more people east of the village.

Q. All right, let's go back to the Warlords activities at this time. While the infantry was coming south and to your recollection, what were the Warlord gunships doing?

A. They were going crazy. They were in this vicinity over here (indicating).

Q. East of 85, or northeast?

A. Anyway, they were in this location, and they had reported or stated something about some VC, or some bunkers, or something. Anyway, something on this hill that they were engaging with their rockets and M-60.

Q. Now, for timing and all of this let's go back. Did you orbit the area where your man was, waiting for the infantry to get down there?

A. Yes.

Q. And you recall, as you indicated earlier, marking it with red smoke?

A. Right.

Q. You remember red specifically?

A. That's the color that comes to my mind.

Q. I see. Okay, the Warlords were making their gun passes on something in the vicinity of Hill 85, and this caused you some concern, because of what?

A. Because they were making them from east to west and as you can see they were making those gunruns approximately like this (indicating). And I remember, I think, saying something to them to that effect, and as I remember they said something about we're supposed to take care of everything south of the highway.

Q. I see. Okay?

A. I proceeded to tell them that, "Look, we have somebody, an enemy with a weapon, and then we're going about our business."

Q. And you recall the Warlords saying that they were in their runs and they would keep out of your way or you would keep out of their way, is that--

A. (Interposing) I said something to them after they made about two passes, because they were firing their rockets directly or generally in our direction.

Q. Okay, then what happened? Where did you go after you had seen all of this?

A. We went north, I don't see it here, but to me there's another trail northeast of the village, or leading northwest, or north northwest.

LTC PATTERSON: This is sketch map and the scale here is about 5 inches equals 100 meters. (The sketch map was not entered into the record.) The area that you described on the aerial photo, as to where you got your kill was in this area?

A. No, it's in the other one.

Q. I'm sorry, right here.

A. Right.

Q. This trail, and this trail, and this is 521. Can you indicate where this northwestern portion is?

A. Well, like I say--let me tell you something else that I remember. I don't know if it happened immediately afterwards or some--but east of the village in this area somewhere, we also engaged two more people that were definitely enemy, back packs, web gear and everything. It seems to me like--that's that reason I was looking at this photo so closely. It was along in this area here someplace (indicating) and that would be right along in here, would it not or generally in here?

(Affirmative nod by LTC PATTERSON.)

I believe it was before the second lift that we saw these people that were killed and again, we coordinated not with Charlie 6, but somebody else in the area.

Q. A platoon leader?

A. It was a platoon leader and we continued to stay there. They were fairly close and didn't take too long for them to find the bodies that time.

Q. Now, when you say before the second lift are you talking about the second LZ?

A. The second LZ.

Q. Okay.

MR WEST: We've had considerable testimony on this point, however the location of the two VC killed we've had was out in here (indicating on the Exhibit MAP-5). The indication was the leader of the 2d Platoon, Lieutenant BROOKS, his platoon had the north half of the hamlet and moved through rather rapidly. They moved out into the rice paddies and found the two VC dead in there and picked up two weapons.

A. They had web gear and everything.

Q. Then he moved from there on up to Binh Tay.

A. Like I said, it was an open area to the east and kind of to the north of the village.

Q. We've had so many witnesses on that point, it does appear that it was north of My Lai (4) generally. The witness said out about 400 meters.

A. It was in the open.

Q. In the open, in the rice paddies?

A. In the open, in the rice paddies and we got them at a point where they just couldn't get to any cover and that's the reason--

Q. (Interposing) You recall how you marked them?

A. Smoke, I would assume. I wouldn't remember marking them exactly, but we stayed on station until we actually saw the ground troops walk right up to them and wave to us, in fact one of them gave us that (indicating thumbs-up signal). Because I was again flying real low making passes back and forth over the people to make sure that they were dead and would not get away. It did not take the ground troops but about 10 or 15 minutes again to get to that location, not very long at all.

Q. Did you have to mark these locations more than once or did one marking take care of it?

A. It seems to me like we marked it a couple of times, because I believe we marked it too early the first time the troops could have possibly have still been in the village--we marked it and they did not see it. We had to remark it and then when they got close to the area I remember them asking for some more specific instructions, because it was an open area and they couldn't see anything down in the grass. So I think we might have gone over and marked it again another time.

Q. Okay, do you recall monitoring any of the Warlords' reports about this time? Had they done any good where they were?

A. I recollect that the Warlords had done a lot of talking on the radio and they were in an area by themselves more or less. Where I was working in contact with the ground commander they were here (indicating), and more or less they took care of this all by themselves. They were just reporting what they found and they were doing an awful lot of shooting. I think they had a lot of people to the south of the hill and many they said were "di di'ing" out of the area and things like this and they were doing a lot of shooting.

Q. Okay, then you recall the second lift coming into the first LZ?

A. The first LZ I do not, we would have just picked them up and escorted them in without anything happening I'm sure.

Q. Do you recall seeing any groups of people evacuating the village in any other direction, other than the one you described earlier?

A. To the north.

Q. You're pointing now to--from My Lai--

A. (Interposing) To me I can see a trail here, I know it doesn't show on the map. It doesn't go very far west.

Q. The trail that you're pointing to there with the pencil is this one running into that little village, almost due north of the western edge of My Lai (4).

A. There were people leaving this direction too, now they might have been on a big dike or something--I remember them as being on a trail.

Q. Going north out of My Lai?

A. Right.

Q. Okay, did you observe any of the ground troops' reactions to these people or did you take any action, reference these people?

A. Again, now this does not stand out in my mind like the incident over here. I remember either this day or a day very similiar--the location very close to where a lot of people went to the north or northwest. We spent a bit of time in this area, because of the simple fact that they were moving to where the ground troops spent a lot of time trying to turn these people back.

Q. Let's go on to see if I can jog your memory a little bit here. Do you remember any C&C aircraft or any strange call signs or higher headquarters perhaps being involved with any of these people?

A. Yes.

Q. Would you tell us about it please?

A. I mentioned a name I believe it was General KOSTER, was it not? Anyway the division commander at that time--I forget his call sign, but at the time I recognized it.

Q. Well, would it be Rawhide?

A. No, Rawhide was a battalion sign, I believe.

Q. Would it be Coyote?

(The witness gave a negative response.)

Would it be Saber?

A. It wouldn't have been Rawhide or Coyote, Saber possibly, yes.

Q. Okay, what do you recall about that?

A. I can remember something to the effect--like, "What's going on down there?"

Q. Was this now before the second lift?

A. I don't remember.

Q. Okay, what do you recall about it?

A. Once these things start happening I kind of lost sequence, because it's 2 years earlier--while all these things were happening it might have been actually right before we got ready to leave. But I don't know, but I remember mentioning that "Big 6" was there and made some remark as to what's going on down there, because he just never talked on the radio.

Q. Why would he say--did you see anything strange going on down there?

A. Like I say, I saw people killed here and heard a lot of activity on the radio that day, about people getting killed and so many people running and things like this. We got six of them running and we killed them and, you know, things like that.

Q. What radio was this?

A. This was on the command radio. The ground troops--

Q. (Interposing) Charlie, you were monitoring that FM?

A. Always.

Q. I see, and you were also talking on the Task Force Barker command net?

A. Well, no, I wasn't. We were on the frequency that the ground troops were using, the command freq.

Q. This was a pretty good-size operation, or do you recall? There were two companies being lifted in, and there was a C&C aircraft undoubtedly controlling the whole operation.

A. That would have been battalion--yes, the battalion commander.

Q. Right, that's correct. Do you remember his call sign?

A. Like I said, I thought it was Lobo, maybe not. I believe for a long time the 1/20 was called Lobo, maybe that's what comes to my mind.

Q. C/1/20 was on the ground?

A. Right, but they would have used the battalion call sign, the company had no call sign.

Q. Okay, alright, Coyote 6 was the call sign of Task Force Barker and was, in fact, Colonel BARKER, and probably the C&C ship above.

A. As I remember, though, the division commander was there that day, maybe briefly, but he comes to my mind.

Q. You think this was in the morning?

A. I'm not sure. For him to have been there when I was there would have had to be in the morning.

Q. I see.

MR WEST: When did you pull out?

A. We went there--I say we weren't there over 3 hours, because after the activity here (indicating), nothing happened in the second LZ. When the second LZ was wide open, nobody was there when we put the troops in. Then I believe we probably came back over here (indicating) and aided these people some more.

Q. The records indicated that the second LZ was through at 0827 in the morning while the first LZ records indicates 0730. We're talking about an hour between completion and the start of the operation, and the completion of the second unit into the second LZ. Do you remember any C&C ship getting involved with the segregation of a couple of individuals, maybe not by your team, but by some other aircraft?

A. I don't understand your question?

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Q. Do you remember any C&C ship landing and picking up two individuals, VC suspects?

A. No, sir, I don't.

Q. You remember hearing any conversation about it at all?

A. No, I don't.

Q. Any conversation about anybody taking his clothes off and standing there stripped to the waist?

A. I don't remember that.

Q. You don't remember that?

A. No.

Q. Who was Shark 6 Alpha?

A. Shark 6 Alpha, that would have been the assistant platoon leader, probably would have been Mr. DOERSAM.

Q. You recall his talking on the radio and getting involved in this thing in any way?

A. I believe Mr. DOERSAM over VHF possibly said something to me to the effect like, "You know, something going on down there that shouldn't be going on," and things like this, or a whole lot of people being killed or something to the effect or something like this.

Q. What was your actions? How did this strike you?

A. Well, I more or less agreed with him.

Q. Well, what did you see other than the incident that you described to the south? What else did you see to support that statement?

A. We saw some bodies in this area here (indicating).

Q. The northwest corner of the village?

A. Right, and as best as I can remember--

Q. (Interposing) How many bodies?

A. I don't have any idea. When you're flying you pass over two or three, it might be six, I don't know.

Q. Well, we're talking in magnitude, 5, or are we talking 50?

A. Oh, no, I never saw 50 bodies--scattered out, like the 5 people out there, they were shot and they just laid where they were. I saw a whole lot of bodies in this area along here, too.

Q. Along 521.

A. And generally in this location (indicating), to the north of the trail.

Q. I got those down there, but these up here, how did they get shot?

A. I don't know. I don't recollect any ground troops-- I guess they probably might have already left the area at that time, or by the time that we got up, and started forming reconnaissance to the north and northwest and northeast.

Q. Could you hear a lot of shooting going on?

A. No, I don't remember any shooting, it's hard to hear shooting on the ground from in an aircraft.

Q. Other than the two engagements that you indicated, south of 521 and east of the LZ, over the northeast or the north of the village? Were there any other incidents that the Sharks fired their weapons that day?

A. Like I say, I can see the trail coming from this way, and we fired some--if this is the day I'm thinking about, there were a whole lot of people, especially military-age males, along the trail. Now, the trail running south does not register with

the trail running north-south. If it's not this day, then it's a day very similar and in a location very close to this one that this operation took place. We fired on a lot of people in this location trying to turn them back.

Q. Pointing to the northwest corner of the village.

A. Now, this may not be the day, I may be fouling you all up, I don't know.

Q. You recall the Warlords or hearing conversations about the Warlords putting people--their organic infantry into or onto Hill 85?

A. Right.

Q. Was this the same day that you engaged these people, as you recall the operation?

A. Yes, it is.

Q. Time-frame wise, with reference to your two incidents, when was this, this operation of the Warlords?

A. In between.

Q. In between the two shooting incidents?

A. Right. This would have been towards the end of our participation in this operation activity.

Q. Trying to turn these people at the northwest corner of the village?

A. Right, this was standard procedure, as far as almost every operation that I ever went on--we always reported what we saw. We had a lot of people moving out to the northwest, to the north, or something like this, and we always passed this information on to the ground commander. We'd say, 20 to 25 military-age males, and more than likely they would always tell us to try to get them to turn back.

Q. You recall leaving your station and going to refuel?

A. At Dottie? I think we refueled at Dottie. We probably reloaded, too, because we did have some 2.75's.

Q. You remember the approximate time?

A. No, I don't.

Q. Well, your knowledge of your aircraft and its physical-technical capabilities, what time would you have had to go and refuel?

A. Probably immediately after the second LZ--the second lift.

Q. How much fuel did you carry aboard?

A. One thousand pounds.

Q. And time?

A. An hour and a half--I can't remember.

Q. It should logically be somewhere between 90 and 135 minutes, so you would have left station somewhere at 0830 or 0845?

A. Right.

Q. To go refuel?

A. Right.

Q. And all of these things that you described happened between the time you arrived on station on or about 0730 in the morning, and 0845 in the morning?

A. Yes, they only could have happened then, because later on in the morning there just would not have been the activity that was going on outside of the village. I mean it's--most all of the operation--anytime they went into an area, they saw the troops were coming and things like this--a whole lot of activity for maybe an hour or an hour and a half--or hold off the activity until everybody got out of the air and the ground troops finished what they were doing, and then back to normal.

Q. Do you recall after refueling and rearming at Dottie going back on station?

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A. No, I don't.

Q. Did you?

A. I don't know if we did or not.

Q. What time would you have normally, if you had left the area--let's say 0845 at the outside to refuel and rearm at Dottie, what time could you have been back on station?

A. It would probably would have been about 45 minutes.

Q. At 9:30?

A. Probably so, 45 minutes to an hour, because that's about 12 or 13 clicks there, and with the refueling time, it would have probably taken an hour.

Q. Now, you pointed to some areas where you saw some dead on the ground, from 521 to the northwest corner of My Lai (4). Did you see at any time, any other dead that you can identify on that aerial photo, any other locations of dead?

A. No.

Q. You also mentioned that you recall hearing this call sign from--I think you described it as "Big 6"?

A. Yes.

Q. Do you recall that transmission?

A. Not verbatim, no. It seems to me as if it took place.

Q. I see, and what?

A. Something was said to the effect that, "What the hell is going on down there," or "What the devil is going on," you know, something like that.

Q. Did you hear any orders about stop the shooting, knock it off, or quit, or anything like that?

A. Yes, "What the hell's going on, what the devil's going on, calm down down there," or something like that.

Q. And you didn't think this was particularly strange after what you had seen?

A. Well, yes, I've already stated, I think, that the conversation that went on with me and my crew--that it had gotten out of hand a little bit as to what we had seen from the air on the ground, but again, maybe we didn't see that much. I saw this incident here, because it happened right there, and I was watching the whole time, that's all I had to look at. The other times we were outside of the perimeter, maybe checking out people and things like this, so we probably saw--I know that we saw some bodies, now the actual locations, I cannot pinpoint them for you. It seems there was some in this area (indicating) west of the village, but when we were flying over it I really had no idea of where I was at the time, you know.

Q. Did you see any groups, any large groups?

A. I saw no large groups of bodies, no, I did not.

Q. Do you recall any other radio transmission from anyone, either from your team or over the net which you were monitoring, which struck you as peculiar or significant, or that you can recall at all?

A. I just can't remember, it seems like it's there, but as far as--maybe it's the sequence of events that's got me screwed up, I don't know, but I hate to say, "Yes," and then not be able to tell you what they were. But I do remember there was an awful lot happening on the radio that day, much more than usual, if you know what I mean. Most of the time--I mean Fox-Mike would be quiet most of the time, because the elements would be going about their business and working and things like this. Most of the time the only conversations from Fox-Mike was from the battalion commander to Charlie-Charlie to the company commander. Today, like I said, we had so many people on the net, the Warlords were doing an awful lot of talking, they had some activity down in this area, they were conducting some kind of an operation.

Q. The record supports, Mr. MCCRARY, what you've indicated and time-wise, by that your engagement of this individual to the south, and the records show that this occurred, indeed, on or about 0740 hours in the morning.

A. Right after the first LZ.

Q. Between the first lift and the LZ, and the second lift and the first LZ. In time-wise it all seems to fit in as far as the lift and Hill 85, by the Warlords as far as their discovering--you recall what they discovered?

A. It was a bunker with--

Q. (Interposing) What about two mortar tubes?

A. Yes.

Q. 60mm mortar rounds, then?

A. Yes.

Q. Twenty?

A. Yes.

Q. Is that what it was?

A. Yes, mortar tubes, right, said they spotted them on a hill.

Q. You recall watching or seeing their ships go in there?

A. No. The aero-scouts? No, I didn't see them land.

Q. You recall hearing any more firing passes being made by the Warlords, other than the ones you described on or about 0740 hours, when you were down on Highway 521?

A. I remember when we were going ahead with our reconnaissance observation. There was activity down there almost all of the time, in this general location (indicating).

Q. You're pointing to Hill 85 and to the east?

A. Right, to me that's the only place that I remember seeing the Warlords, but I remember seeing them fire rockets, machineguns, and things like this. You are exactly right about the mortar tubes, that's exactly what it was, I remember that because they were awfully excited about it. But then later on, they seemed like they were engaged in firing at people in that particular area. I don't know, but I remember they were constantly making gunruns and shooting at things down in that area.

Q. I see. Do you recall talking between your aircraft and within your crew on the intercom net, I assume. You said there was a lot of conversation concerning what was going on on the ground as far as your crew and your other aircraft crew, relative to what was right or wrong. Do you recall any of these? Any of the sum substance of any of these transmissions?

A. I remember hearing when the comment was made, "Oh, my God, the guy just shot a woman," I remember that specifically, and at this time we were talking, "What the hell did those guys, you know, kill off those people for." And things like this, and I might add, we continued to talk about it later on in the day. I may get out of sequence, because evidently we went north for the remainder of the day, we did not get all of our flying time here.

Q. I see.

A. The whole battalion was low on gunships at the time, so frequently we had to send gunships up to LZ Baldy, supporting the 198th. Up in that area, and we did quite a lot of flying, and I don't know if that's where it was. But I remember coming back at the end of the day, about 1800 or 1900 in the evening, and coming back to Duc Pho.

Q. From Chu Lai, where Baldy is?

A. You know--Baldy is north of Chu Lai, but anyway, we were coming back from that area, and listening to the radio and hearing the reports that the 11th Light Infantry Brigade had killed, I think the figure was 109. The report over the radio--I'm not sure, that's the figure that comes to my mind.

Q. What radio was this, your FM?

A. Right, no, no, no UHF.

Q. UHF?

A. Right.

Q. You're talking about your low frequency radio, now, AFN on your low freq, ADF radio?

A. I'm sorry, I forgot, you are right, ADF.

Q. So you would listen to AFN on your low frequency radio?

A. Right.

Q. And you heard the report on AFN?

A. Right, that night, it said that the 11th Light Infantry Brigade had engaged and killed 109 Viet Cong in an operation. That just struck me--I just could not believe it, but I remember some conversation going on around the crew about, if they killed 109 people they would have had to kill everybody there, and I remember that that day.

Q. How many people do you think that you saw dead that day?

A. About 30, 40, like I say, anybody I would have seen killed would have been early in the day before any type of consolidation or gathering up could have been done. People I would have seen would have been people on trails, in rice paddies, moving out of the area and things like this. The actual thing that happened in the village, I really wasn't concerned with, because we had troops there, you see, and my job was to let them know what was happening on the perimeters, who was getting away, and what was happening on the outside, because, I mean, they were in the area themselves.

Q. Did you have the idea that the Warlords were doing a lot of engaging over there, east of 85?

A. Yes.

Q. Did you have any indications, or did you see anything about the ground units that were inserted over there, in any of their activities?

A. No, I did not, because like I say, as soon as we got through here we moved out, because they were wanting that area for themselves. I mean they didn't get to go on these things that often.

Q. Do you recall where the LZ was for this second insertion, second LZ?

A. It was east of Hill 85.

Q. And south of 521, then?

A. Right, like I say, the area that I remember was an old beat up area, I mean really bad shape. There weren't any hootches there at all. It was in an open area with a lot of hedgerows.

Q. I believe you indicated earlier that you recalled a go-around of the slicks. What made you think, or what made you remember that episode?

A. It doesn't happen--I mean I can't--I can remember another one, but it wasn't the artillery's fault that time, but I can only remember two go-arounds the whole year in Vietnam, it just doesn't occur that often.

Q. Did the thought strike you about the coordination between the slicks and the Warlords over in this area about the second LZ? Were the Warlords operating in the proximity of that LZ?

A. Yes, they were working east of the hill.

Q. And the Sharks didn't go over and suppress in that area then, in support of that lift?

A. Negative, well, wait a minute, I don't want to say something I don't want--by golly, we might have, but I don't remember it.

Q. Well, the reason I asked that, is because it would seem to me that, and logically, that if you did go over there, that there would have been additional confusion with the Warlords, or additional coordination required to put you over into their--

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A. (Interposing) I just don't remember helping them out. I don't know if we did.

Q. So your slicks would have gone in without your organic gunship support, to that LZ?

A. I think we picked them up west and came around and went into the LZ with them.

Q. Well, if you remember the go-around, then you too would have had to escort them on the go-around. Do you remember flying the go-around with them?

A. Yes, I think I do, because I can remember going, I can remember making observations in that area after the troops were on the ground.

Q. What kind of an observation?

A. Normal reconnaissance out in front of the troops to see what was happening. Was anybody down there?

Q. And then you proceeded back over here into the My Lai area?

A. Right, like I said, there was nothing in the area over there. It was a wide open area, and there weren't too many people over there, so to speak. We might have checked out one or two things on the trail maybe east or something, but we didn't find anything over here.

Q. Can you point out on the 1:50,000 map, or I can get you a 1:25,000 map, Pictomap. Are you familiar with those?

A. No, I better use this one.

Q. Do you know where the LZ was or is, for that second insertion?

A. Generally here (indicating).

Q. Could you give me a grid coordinate if you can?

A. 7378.

Q. 7378, in that general area, which is just to the south of Pinkville about 1 click, and then the Warlords that you recall on this go-around, do you recall in which direction the ships were landing into the LZ?

A. To the north.

Q. They were landing to the north, and they made their go-around in which direction?

A. This way (indicating).

Q. Turning to the east and came out over the coast?

A. Right.

Q. Where were the Warlords at this time?

A. I don't know.

Q. And when you reconned that area then, immediately after the second touchdown into this second LZ, you were reconning to the east of the LZ?

A. Primarily, yes.

Q. Because west of there we were then getting over to the Warlords' area.

A. Right, plus the troops were coming in that direction anyway and the Warlords had been working like I say.

Q. Hill 85 just to the west of the second LZ?

A. Right.

Q. I see. What do you recall about your on station time on the morning of 16 March that we haven't discussed? What other incidents, transmissions do you recall?

A. I can't remember anything else.

Q. When you got back down to Duc Pho that evening was anything said to you or to your people that you are aware of, or the next day, concerning this operation and what you had seen or what you had heard?

A. No.

Q. Did you hear anything more about this operation, discuss it with anyone?

A. I'm sure that it was around the company. Maybe for a day or two we talked about it, and probably the slick drivers-- we probably talked about it with them, but it was forgotten fairly quickly as far as I can remember and nothing ever big was said about it or mentioned.

Q. Did you talk about the Warlords and about their activities and about the way they conducted their part of the mission?

A. I'm sure we did, probably said they done it all wrong, because that was pretty standard procedure for us, because we didn't particularly care for the way the Warlords ran their operations and their business.

Q. Why?

A. Well, to me and probably to everybody they don't think anybody is as good as they are--that's what they're doing, but I think we mentioned the fact that they were making their gunruns towards us and shooting rockets not too far away from us, and I don't know--might have said something about killing the people, I don't remember anything about that.

Q. You recall ever discussing at any time before or after this particular operation that the Warlords were discriminate in the use of their firepower or were they indiscriminate?

A. Indiscriminate.

Q. Would you describe what you mean by that?

A. Well, it was our feelings and mine that--well, you would have to know something about the history of the 161st, I think that's what they were before they became attached to

the Americal Division. They were an admin company. They had--they might even had Charlie models--they had all B model aircraft, the old M-60's mounted on the side. They just didn't ever conduct many operations, or scrambles, or anything like this and then we made aero-scouts out of them. That just seemed to change the whole outlook and they really thought they should kill a whole lot of people.

Q. This was the rumor that you heard?

A. Right.

Q. Did you see them? Did you work with them in many operations?

A. No, not many, because when we were working--well, I take that back, because they always made them independent, because they were aero-scouts. They would come in on an operation maybe after the ground troops were already put in and then conduct their reconnaissance and things like this. In fact an operation occurred, just something that points out what we thought about them. Right after this like about a week, there was a big operation conducted west of Highway 1, where a Warlord H-13, which is what they tried to use as a LOH was shot down and three of the people were killed by a known .50 caliber position--they flew right up to it. I mean this is the kind of thing that we thought about the Warlords. They were probably just as good as we were.

Q. When you say indiscriminate the thought comes to mind about the employment of firepower for the helicopter gunships, which by virtue of the fact that it has a tremendous amount of firepower and acknowledged that the accuracy of a good bit of this firepower is not as more an aerial type of firepower as opposed to point targets, because of the dispersion area and the speed in which you engaged them. When you say indiscriminate the thought comes to mind that employment of the firepower was not controlled as it should be, is this what you mean?

A. Right, an aero-scout team--those are good weapons or however you want to put it, but I think you need to be trained to do this. And all of a sudden they came in and made these guys--they said, "You're now an aero-scout platoon, you're going to perform--go into all these free-fire zones and all this stuff. I think it just got away from them a little bit.

Q. Did you have many people while you were Shark 6? Did you have many of your crew or people shot by hostile fire?

A. About 4 days before, out of this village right here (indicating) a guy that took my place got shot in the side. I'd say no, not many.

Q. How about a crew chief? You recall a crew chief from the Sharks being shot in the January, February time frame, or a gunner?

A. That's when I was there.

Q. Yes?

A. No, I don't.

Q. You recall any accusations against the Sharks from within the unit or out of the unit concerning the indiscriminate use of your firepower?

A. Negative.

Q. Was it ever discussed with you by any of the commanders?

A. No, sir, it was not, not while I was in charge. Later on, before I came home they had a big incident that happened.

Q. When were you in charge of the Sharks? What were the inclusive time frame?

A. From about February 6 through May.

Q. 1968?

A. Yes, sir.

Q. You do not recall anyone from the company, the company commander, the executive officer, the operations officer talking to you about the indiscriminate use of firepower, or warning you concerning the rules of engagement?

A. No, I don't.

Q. Captain SCHOOLFIELD ever talk to you about it?

A. Captain SCHOOLFIELD, he was an infantryman. He was the brigade S3.

Q. How about the flight surgeon?

A. Let me think.

Q. You recall any incident which may have been discussed with you involving Captain SCHOOLFIELD?

A. Now that you are reminding me I can remember Captain SCHOOLFIELD. We call him Doc, but when you say captain I didn't recognize him. Yes, I don't remember the day or what had happened, but Captain SCHOOLFIELD liked to fly gunner. Maybe this ought to be off the record--probably against the rules, but he did on occasion fly doorgunner.

Q. For the Sharks or for the slicks?

A. For the slicks and flare ships and thing like this. When you said something--you said that I can remember something. I don't remember the exact conversation of what he said, but I remember discussing our employment of gunships one time or another.

Q. Would you tell us about what caused the discussion with the doctor and the flight surgeon concerning--

A. (Interposing) Like I say, I can't remember.

Q. Did it have anything to do with the employment of the sharks in the village?

A. In this village?

Q. No, a village, any village?

A. I can't remember, sir, can you refresh my memory if that would be possible, if somebody else said something--

Q. (Interposing) Well, no, it seems to have been an incident concerning the Sharks going out and--go ahead?

A. This might have been a time--I remember an incident now, this might have been the one that he was talking about. They were flying a spray mission--the company--the slicks. They had these things once a month or something like this. They'd load all this elaborate machinery up on a slick and go out and spray all the LZ's and things, mosquito spray or something, I don't know. Anyway, this one time they were spraying just south of Duc Pho and the guy that was running the machine got shot right between the eyes and I think that I--

Q. (Interposing) The guy that got shot between the eyes was he a Shark?

A. No, he was not. He was a chemical NCO or something that was running the machine out of the slick--they had to fly a real low level and spray these things. He got shot and I think that the gunships made a couple of gunruns and tore up a few hootches and things like this and they might have killed some people, I don't remember. Now this might have been when Doc talked to me about it, but if I remember correctly I think Doc talked to me about something that had happened when I was not there. I mean this happened--we usually flew primary one day, secondary the next and--

Q. (Interposing) What were the rules of engagement for the Sharks, when you employed them on 16 March?

A. The rules of engagement that day was the ground commander--

Q. (Interposing) Gave permission for you to fire?

A. That's the only way we ever worked on CA's. We reported what we saw to the ground commander and then--

Q. (Interposing) Was this the ground commander on the ground or the ground commander in the C&C ship?

A. No, on the ground.

Q. On the ground?

A. Well, sometimes when the battalion commander would get involved and he could see and everything, why he used to pass on instructions to us also.

Q. You recall getting permission to engage the individuals in the two instances that you related here?

A. I did not get permission for those.

Q. You just engaged?

A. Yes, I did. As well as I can remember I did.

Q. Why?

A. I guess the time element involved in being able to actually pinpoint them as being the enemy.

Q. Because of the way that the--

A. (Interposing) The weapons and the web gear and their activity.

Q. To the best of your recollection then, you only recall killing three individuals that day with the Sharks?

A. That's the only thing that really stands out in my mind, because this is what made it so different from every other day.

Q. Was the gun prep, suppression preparation of the LZ, was that a planned arrangement usually?

A. Always, yes.

Q. What about the planned prep for this LZ, you recall anything about planning the prep for this LZ?

A. No, I don't.

Q. Do you recall whether or not as Shark 6, Shark lead as you were on 16 March, your second ship, trail ship of the fire team taking over as lead at any time and engaging a target in which you perhaps then fell in on the tail and made a gunrun--rocket run?

A. I certainly don't, I--

Q. (Interposing) A rocket run or gunrun of any kind?

A. No, I don't.

- Q. You recall the ground troops arriving at either one of the two incidents that you described there, taking up the web gear and holding it up over their heads so you could see it?
- A. This one here (indicating).
- Q. That was there?
- A. Right.
- Q. The one to the northeast of the village?
- A. Right.
- Q. That's the one where they held the gear up?
- A. Right, because like I--we never found it.
- Q. You recall seeing that?
- A. Yes, as to show exactly what they had got or what they had on them.
- Q. Who turned in the body count that you would claim from this operation? Would you do that?
- A. I'm sure I would, yes.
- Q. To whom?
- A. To the S3.
- Q. The S3 of--
- A. (Interposing) My company.
- Q. Was?
- A. Lieutenant PETERS.
- Q. Lieutenant PETERS, okay. You would do at the conclusion of the day?
- A. Right.
- Q. You recall turning in this information?

A. No, I don't.

Q. You recall your second ship making any gunruns into the village perimeter or within the village perimeter proper?

A. I can't.

Q. You've indicated earlier sir, that you recall Mr. MESSINGER being with you, quite well. You recall why or what causes you to remember this other than the settling--

A. (Interposing) That's the only thing.

Q. Mr. MESSINGER was new at this time I--

A. (Interposing) He was new at the gun, right. He had just came over from the slicks.

Q. Slicks, yes. Had you flown with him before?

A. I flew with him several times when I first came in country. He had been there longer than I had.

Q. Did he engage with his ordnance?

A. On this day? I'm sure that he did. He was flying the miniguns....

(General PEERS entered the room.)

Q. He seems to recall engaging and making his first kill on the morning of 16 March.

A. Mr. MESSINGER?

Q. Right. He recalled making a gunrun from south to north within the confines of the limits of that village. He recalled the individual being sprawled face down on the trail after the gunrun and before the confirmation of this kill. When the ground troops got there they reported no body and in a subsequent pass, by your ship, no body was seen at that location, does that refresh your memory?

IO: You recall when the insertion was made generally

in this area, the pattern and the action of the gunships supporting?

A. Yes, sir, we've discussed that and I believe that we only had two gunships sir, that day, because the Warlords were supposed to help us. They were late coming from Chu Lai, therefore we had one ship on each side of the slicks as they went in, and as I remember nothing eventful happened on the insertion of the troops, in other words, a cold LZ.

Q. You just gave normal suppressive fire I take it?

A. Yes, sir, along the tree lines and the hedgerows.

Q. Now the Warlords and their aero-scout teams, they were working to the south, south of Highway 521?

A. When they came, yes, sir.

Q. Well, they were on station actually before you were, but they were south. They were clear down to the river and then subsequently came into the area, but they were probably outside of you because of the location of Hill 85. But you remember the time in here, when along about 0815 in the morning, about a half an hour after the insertion here or maybe even just a few minutes after the insertion, while the slicks were going back to pick up Bravo Company, where you and the Warlords were flying the same general area to the south of My Lai?

A. Yes, sir.

Q. Did you see them break off and move to the south?

A. As I remembered it sir, I told Colonel PATTERSON that we had this individual and we had him spotted, or trapped, or whatever. We were waiting for the ground troops and generally the Warlords were over here (indicating), and I told him, I remember some conversation back and forth about them saying, "Well, we're supposed to be south of the road", and my replying, "I realize that, but I've got this individual cornered here and I want to wait for some help."

Q. Did you have one of your gunships hover down in

there for quite a little while, right along that tree line?

A. Yes, sir, that was me, hovering right in there-- I don't remember ever hovering, I was circling probably quite low, but--

Q. (Interposing) Well, subsequent to that time now, you remember the patterns that you and the Warlords were flying they were somewhat conflicting, so the Warlords moved off and moved down south of Hill 85--

A. (Interposing) Until we got through here.

Q. Did you make any runs generally in this pattern around this little village here, back up the road in this manner?

A. Not that I remember, no, sir.

Q. Where were they making their runs and what were they shooting at?

A. They had spotted some mortars or something, and they--on the east end of Hill 85--

Q. (Interposing) Right in there (indicating). That is the northern part of Hill 85 you see, on this photo (Exhibit P-176), here is My Lai and you're seeing about that much of the top of Hill 85.

A. Right. Well, they were generally right in this location or something similar to that.

Q. You remember any one of your miniguns running wild and shooting up and down that road?

A. No, I do not. You mean in this area (indicating on the aerial photo)?

Q. Yes, or possibly a little bit further to the east.

A. Here?

Q. Yes.

A. No, I can remember making no gunruns, actual gunruns, except for the prep. I remember engaging the people, but they were not gunruns, because we engaged them with our doorgunners, the people here, this person here.

Q. You see any bodies on that road?

A. Yes, I did.

Q. How many did you see?

A. Half dozen or a dozen scattered out. I mean they weren't in one location or anything like that.

Q. How do you suppose those got killed?

A. Well, I told Colonel PATTERSON and to the best of my knowledge I saw the ground troops kill some people when they were coming towards this location to check out the personnel. I remember none of my--I'm not saying that it did not happen, because I just cannot remember, but I cannot remember us engaging or killing anyone, because we were just so--I remember I was so concerned with this one person with the weapon and that we did have him trapped, or we thought we had him trapped. We knew that he was the enemy and this was the first time that it ever happened to me where I had been so close to one that was carrying a gun and everything. But I remember making no gunruns or killing anybody else on the trail.

Q. Well, that's not exactly clear, that's a pretty good-size road--

A. (Interposing) Right, road--wide trail.

Q. You ever hear any talking in your company or in the sections back there or back at Duc Pho?

A. I just told Colonel PATTERSON, as I can remember, there was some conversation that day in the aircraft and possibly between Mr. DOERSAN and myself about the activities on the ground. Also later on in the day I stated that we heard on Armed Forces Radio that the 11th Brigade had engaged and killed, I believe the figure that they gave was 109 Viet Cong in an operation northeast of Quang Ngai.

I remember discussing it at that time, how unbelievable that really was that that many people were killed in that location. Then I can remember no specific conversation after we got back to the company in the next couple of days about the operation and I'm not sure, there was some small talk-- we did discuss it again, but I cannot remember anything in particular.

Q. Well, we have more than a few indications from some people in the unit and people out of the unit that was more than a little discussion going on in the bars and in the little club you had there, about this whole situation?

A. Like I say there possibly could have been, sir. I could have missed out on it or else I might even have partaken in it and conversed myself, but small talk I just don't remember.

Q. How long did you stay in this company with the Sharks and with the Dolphins?

A. I was there for a year.

Q. After that time?

A. Oh, I left in September.

Q. September?

A. Six months.

Q. All right, fine. And during this time your unit commander was Major GIBSON, is that correct?

A. Yes, sir, that's correct.

Q. Who was your immediate commander in charge of your gun platoon?

A. I was.

Q. You were the gun platoon leader?

A. Until May.

Q. Until May?

A. And then I became the S3.

Q. You became the S3? What was your rank at that time?

A. I was a first lieutenant up until the 1st of April and then I made captain in April, I believe.

Q. Now, did Major GIBSON ever come to you and ask you to tell him what happened and what the gunships did down there that day? Did he come to you and go to the others--to the command pilot of the other gunship and get a report from you on specifically what happened there that day?

A. Sir, I don't remember.

Q. Well, if he had asked you you would probably remember it wouldn't you?

A. It seems to me as if I would have, yes, sir.

Q. Were you ever asked to put anything down in writing?

A. Negative.

Q. Were you ever asked to make any statements?

A. Negative.

Q. Were you ever called before an investigation officer to make a statement of any variety?

A. Negative.

Q. By anybody either in your company or from the 11th Brigade?

A. No, sir, not that I can remember, no, sir. I would have remembered going before any--and I know I made no statement. Now, as to whether, in the course

of a beer some night, Major GIBSON had asked me something about, I don't know, but in the form of--

Q. (Interposing) If one was going to be made as it should be an official inquiry of what happened there that day and this should have been addressed to you, and this was on the 16th, about the time of the 18th, 19th or 20th along in about there?

A. I left to go on R&R on 18 March. I believe either the 18th or 19th. I believe my R&R started the 20th, so it would have had to been within a day or two after this.

Q. Well, when you came back from R&R did anybody ask you about what happened that day?

A. Not that I can remember.

Q. Who was your copilot that day?

A. Warrant Officer MESSINGER.

Q. MESSINGER?

A. Yes, sir.

Q. Who was flying the other ship? Do you remember?

A. Not from the conversation, it seems like it was Warrant Officer BURTON and Warrant Officer DOERSAM.

Q. Yes. Do you remember the names of your crew chief and your doorgunner?

A. I think the doorgunner was a kid named VARGAS.

Q. VARGAS?

A. I believe it was and I remember him because again, it's just some specific thing like when we were engaging the man with the weapon, I remember VARGAS firing and he was a Spanish fellow and you know, he would get kind of excited. Now he was the doorgunner on Specialist FARGIER's aircraft, but I don't remember if that was the aircraft we were flying that day.

Q. Well, FARGIER was the crew chief. It could have been the crew then and VARGAS the doorgunner?

A. Yes, sir.

LTC PATTERSON: Let the record reflect that General PEERS left the hearing. There's been some evidence Mr. MCCRARY that a helicopter did in fact engage groups of people along Highway 521. We'd like to have you dig deep into your recall--your memory and it could be of course that there were military-aged males there, we are trying to establish this fact. Or any groups of people there and do you recall at any time, lining up and making passes east to west, anywhere in the vicinity of 521?

A. No, I don't.

Q. Did you see any other gunships make any passes? The people that you saw dead along 521 or in the proximity of 521 south of My Lai (4), as I understand it you say there can be 10 to 15 dead bodies?

A. That's strictly an arbitrary figure.

Q. Well, it was an impression that you gained from observation. Your impression is that the people that you saw shot were shot by the ground troops as they were approaching 521, from the north, they are the ones that shot those people?

A. Yes.

Q. And you recall this because it was unusual or--

A. (Interposing) I did not understand why and it was just right in front of me.

Q. And at this time, this event, when this impression was made on your mind, was it the same time the Warlords were making their gunruns, as I understand, to the south of 521 over further east of your position?

A. As I remember it while we were here, they were here (indicating).

Q. Were any of their rockets or rounds fired from that gunrun, anywhere in the proximity of 521?

A. Yes, they were generally from east to west.

Q. Was that along 521?

A. Right, because we were here and I remember saying something to them, because they were coming close. Or at least they were shooting in our direction along the side of the hill, you know, in our direction.

Q. Along the side of the hill, are you talking about the northern edge of the hill?

A. Right, into the eastern end and--

Q. (Interposing) Did any of their rounds or rockets--

A. (Interposing) I thought there were some rockets in here.

Q. You're pointing to the northern slope of Hill 85. From the junction of the north, south trail out of My Lai (4), and 521 from that reference point, about how far was these rounds landing from you, or from that point, recognizing this is scaled 1 inch equals 85 meters?

A. About 100 meters to 150 meters.

Q. About 100 to 150 meters?

A. A couple, not a whole barrage.

Q. There were rockets?

A. Right, I didn't notice the machingun fire so much, but the rockets I saw go off.

Q. As I understand it now, correct me if I'm wrong, the helicopter gunships used some tracers?

A. Yes, they did.

Q. Why?

A. Well, you have to have it to zero in on the target.

Q. Okay, so if there had been machinegun fire would you have seen it?

A. I would have seen it, I wouldn't have necessarily remembered it, because it like I say, what I remember is the rockets going off.

Q. Do you recall how many passes the Warlords made or did they make one?

A. Yes, I believe they made more than one, it seemed like it to me, because it doesn't take but a few seconds to make one gunrun and it certainly seemed like longer than a few seconds to me.

Q. Do you recall the man in charge or the officer in charge of the Warlords, who were doing this? You remember his call sign by any chance or identifying to who you were talking to? Were you talking to the commanding officer of the Warlords, a gun team leader or who?

A. It seems like it was the commander.

Q. Why? What makes you say that?

A. Just seems like it, I don't know what makes me say that.

Q. Authoritative voice?

A. Right.

Q. Did you see the H-13 or H-23 during this time? Did you notice what that little machine was doing?

A. No, I did not.

Q. Did you see him at any time during the day?

A. Not that I can remember.

Q. Did you see any slicks or any aircraft, helicopters, land on the ground north of 521 in the area of the vicinity of My Lai (4)?

A. No.

Q. Recall any medevacs or dustoff?

A. No, I do not.

Q. You recall any evacutaion by helicopter?

A. No.

Q. Would you have noticed it if you had been there in that area?

A. Possibly not, I would have noticed it and whether I remember it as one thing or another, because it seems like in every operation a dustoff was needed for something. Whether it was a sprained ankle or something like this--no unusual occurrences for 30 minutes--an hour after an operation began, that a dustoff was there for one reason or another.

Q. Yes. Would you have recalled or would it have been in your memory if helicopters had landed in the proximity of any of these people that were moving out from the area?

A. Seems like it should.

Q. You do not recall it?

A. No, I do not.

Q. You recall seeing any of the friendly infantry forces moving north from My Lai (4) into this little village complex?

A. No.

Q. Did you see any infantry troops in this complex, ground forces, friendly forces?

A. I just don't know whether I did or not.

Q. How was the visibility?

A. Terrific.

Q. Was there any smoke?

A. Yes.

Q. From where?

A. Well, I remember specifically, because there was a lot of smoke.

Q. From where, My Lai (4)?

A. Right.

Q. Which way was the smoke blowing?

A. To the south, I believe.

Q. Towards where you were?

A. Right.

Q. It seems to me that you should recall this pretty well, because if there was a lot of smoke and we have reason to believe there was, you would have recalled where it was, because that would have influenced your flight path some.

A. No, not really.

Q. Wouldn't have?

A. No, I can never ever remember altering my flight path because of visibility in Vietnam period, for smoke or anything.

Q. Do you know what caused this smoke?

A. It would just be an assumption, burning rice and burning hootches.

Q. Did you see any hootches burning?

A. Yes.

Q. Well, when you saw flames then you saw hootches burning?

A. Right, but again let me add that this was nothing-- I mean on most operations I experienced this.

Q. You saw burning of hootches?

A. Right.

Q. Was the burning prolific, was there a lot of it?

A. There was a lot of smoke coming from this area.

Q. How about this area to the north?

A. I can't recollect.

Q. You said that when you came back from Baldy later that evening, 1800, 1900 hours give or take, do you recall flying back down over this area?

A. Well, we would come down Highway 1.

Q. Which is just to the west of us here?

A. Right.

Q. Do you recall looking over or seeing this area?

A. Smoke.

Q. Do you recall seeing smoke?

A. Right.

Q. Just around My Lai (4)?

A. Well, it's hard to say from Highway 1--

Q. (Interposing) Well, was there any smoke anywhere else besides here? Did it go down to the Quang Ngai River to the south?

A. I couldn't say where the smoke was coming from, but there was a lot of smoke east of where we were, because it was very obvious from the amount of smoke.

Q. And this was as you estimated somewhere late in the evening?

A. It would have to be for me to have flown 8.7 hours and I remember we were coming from up north somewhere.

Q. Was it getting dark?

A. Right, late in the afternoon.

Q. Do you have or do you know of any records from your unit or other unit or any physical evidence, photographs, that you have or know of? Letters, tape recordings, journals, any type of physical evidence concerning this operation?

A. It's possible--nah, it wouldn't be this. I kept a diary and I read it Friday and this day is missing, because I wanted to refresh my memory as much as I could. I was getting ready to go on R&R and I think I left to go on R&R on the 20th and the diary stopped on the 13th.

Q. I see. Did you pick it up after that, the 17th of March?

A. No, I did not.

Q. Or the 18th?

A. No.

Q. So, the first chance to....

A. I think I picked it up again in April.

Q. Any references to--in that diary--

A. (Interposing) The only possible place that I could have any records--it's not in the diary, because I checked it to see if it was. The only place that it could possibly be would be in a tape to my wife. I bought two cheap tape recorders, this is how we converse most of the time, I would tape and send her one and we sent tapes back and forth, but again I didn't go through all of this and she still has them all.

Q. Do you know of any pictures that were taken by any of the personnel of the 174th or anybody show you

any pictures?

A. No, they did not. If anybody had taken pictures it would have been Warrant Officer MESSINGER. He took pictures of everything, but whether he had his camera this day I do not know.

Q. Do you know of anyone outside of the 174th, any individual that might have letters, or tapes, or photos?

A. No, I don't.

Q. You know of the existence of any such exhibit?

A. No, I don't.

Q. Outside of Mr. MESSINGER, did you talk to anyone, any other individual concerning 16 March of the events that transpired on 16 March in the vicinity of My Lai (4)?

A. Major KRAUS.

Q. Major KRAUS and that's all?

A. I called Mr. MESSINGER, because I didn't want to have told Major KRAUS something and have it be a lie. When he called me just more or less caught me completely by surprise--completely off guard--I had done a lot thinking, so I called Warrant Officer MESSINGER to see if in reality he had been flying with me that day.

Q. I see.

A. And I told him to make no effort to cover it up that I called him or anything--I just wanted to clarify it in my mind.

COL FRANKLIN: Would you go over for my benefit just what you saw firing down on Hill 521 south--on Highway 521 south of My Lai there? What you saw the ground troops do?

A. They were coming from the north, generally from this direction.

Q. Yes.

A. In a line 10 or 15 meters apart and I probably saw them kill 4 or 5 people.

Q. Okay, but you saw more than that dead before the road?

A. Yes, I did.

Q. Our big problem is finding out how those people got killed Captain MCCRARY, that's what bothering us, can you shed any light on that?

A. I stated just the amount I said I saw get killed, I mean that's the ones that I can say I saw them shoot.

Q. You saw them shoot--

A. (Interposing) But it all happened within 5 or 10 minutes and it could have only--I can't say that we didn't kill some of them, because we did put some fire on the person with the weapon here.

Q. Yes.

A. And it's possible that the doorgunner hit a couple of other people, I can't say for certain that we did not.

Q. You saw some killed though by the ground troops?

A. Yes sir, I did.

Q. We have quite a bit of information Captain MCCRARY. We got other pilots who believe there were gunruns made by the Sharks. We've got evidence that an officer wrote his wife on the night of the 16th. Very strong feeling about the Sharks killing some civilians. We know pretty well what you were doing--a lot of evidence which you are unaware of, what you and the other people were doing. We know you fired--your people fired 13,500 rounds of machinegun ammunition for example. You are certainly not suspected of anything, but we do have to sort of account for these bodies which we have photos of, down on this road. Now you saw infantry shoot some of them?

A. Yes sir, I did.

Q. And you saw people dropped?

A. Yes sir, I did.

Q. Okay, the other bodies that you saw along the road about how far--were these bodies all together in that same area or were they sort of scattered out?

- A. I'd say within 200 meters.
- Q. You'd say within 200 meters?
- A. Yes, sir.
- Q. About how many infantry troops on line do you recall seeing?
- A. About 10 or 15.
- Q. About 10 or 15 soldiers?
- A. It could have been 7 or could have been 20.
- Q. Yes, I understand. You're seeing this all just ah--
- A. (Interposing) I felt bad. The most I ever saw probably at one glance was three or four I mean, because they were spread out coming in this direction (indicating).
- Q. Yes. Did you ever see a large group of people hit by gunships?
- A. Not in the open, no sir.
- Q. Not in the open, you haven't seen that. So you wouldn't be able to tell if people were killed by ground fire or killed by gunship--you realize of course the miniguns would do a very different job than ground automatic weapons--semi-automatic weapons might do?
- A. Sir, I--let me say this, if I had made gunruns on people on the road in the open like this and saw them die I would have remembered it. I'm just certain of it. I would've remembered it. I remember killing two people with the back packs and the guy with the weapons--in reality I would remember killing the people with the back packs.
- Q. How about your other gunship?
- A. Negative, no way, because as far as I can remember I was lead that day and he was behind me all day.
- LTC PATTERSON: He was responsive to you? He did what you told him to, he didn't operate independently?

A. Wait a minute, now this--something might have-- because this might have been the day when I really had to get on Mr. DOERSAM, because he broke off. Let me think here just a second.

Q. You just take your time.

A. This ah--because I know for a fact that this did happen once and I remember I very specifically, and in no uncertain terms told him where he was supposed to be. And he certainly wasn't there and that might have been this day, because I remember making a report to him and I said, "Where the hell are you", and he said, such and such a place, this and that. And I said well, you know, told him where he was supposed to be. I believe it might have been this day.

Q. Where were you at this time?

A. I remember west of the village. I don't know it's--to me it happened over here, but that's ah--and it might have been where we were--and spent all this time circling here (indicating) and that might have been when it happened. But I remember at least one instance and it could've been this day, when Mr. DOERSAM did break off and go out on a little activity of his own. It very easily could've been right here, because I remember bawling him out over the radio--over the VHF--

Q. (Interposing) What do you mean a little activity? What kind of activity?

A. Well, I don't--that's what I say, I don't remember. He might have I--

COL FRANKLIN: (Interposing) You said he might have, that doesn't mean he did, that means it's possible that he could have--

A. (Interposing) And again--like I say, he was gone I was here and if he had I might not've even seen it, that's why I'm--I'm not even certain that this is the day that this happened. I know in at least one instance that Mr. DOERSAM, he is an awful headstrong guy and he gets awfully excited, you know, about things like this. It's possible that he might have, but I did not see it and--

Q. (Interposing) You might have now--might have, meaning what?

A. Might have made a gunrun on the road, or he might have gone down and engaged them with his doorgunners, or something to this effect.

LTC PATTERSON: But now, you stated earlier though that these 10 or 15--and the number that you're not really sure of in that general area. People that were dead in that area where your man was were shot by infantry and you saw them shot.

Q. But did you see the bodies later?

A. Yes, I did.

Q. Where were they, on the road?

A. But, the bodies I saw, I can remember not a large amount of bodies down here. Like I say, 200 meters, 100 meters, 150 meters, 250 meters within this intersection here is where I remember seeing bodies--bodies up the road just back down this way, I don't remember seeing them.

Q. So, you don't remember seeing any bodies--all these bodies--point again on your--

A. (Interposing) I would say from here to here (indicating) just because this is where I was.

Q. Okay, let the record show that the witness indicated an area on Highway 521 approximately 100 meters to the east of the intersection of the main north, south road coming out of My Lai about 200 meters going to the west. Is that correct?

A. Right.

Q. Okay.

COL FRANKLIN: You remember now and I'm going to take you back to this morning and give you about the time limits you previously testified. What about the time just before the Dolphin came in with the second lift into the first LZ, while this activity--and your man in the ditch down there with the weapon--you were trying to get him, you recall any conversation with any brigade level concerning a lot of people on 521 "di di'ing" out or moving out--a lot of people evacuating the area?

A. I remember no conversation. Like I said, I already stated that there was a hell of a lot of people on this road or highway moving out.

Q. You people ever make firing passes? You have any kind of mission to keep people in an area?

A. Yes, sir, we did.

Q. Did you use machinegun fire to do that?

A. We would have used doorgunners.

Q. You did use doorgunners?

A. That's all we would have used. We--like I told Colonel PATTERSON in this area--I don't know maybe this is the habit that the particular infantry unit and the aviation company supporting them fell into, but the whole time that I was there, after the troops were put into an area, me as a gunship pilot, or before me Captain WOODS, we would observe movement in the area and tell them and say, "We got 20 military-aged males moving out the north side of the village." I mean telling them about things which they have no control over anyway if they were coming up from this way. They would always say, "Try to turn them back," or "Make them go back," you know, we would always go down low level and wave and even point to go back, and report this and sometimes they would say, "Fire in front of them."

Q. The ground commander?

A. The ground commander, because I mean, that's who we were working for.

Q. Would you fire without the ground commander telling you to do that?

A. On a CA never. I fired at the guy with the weapon.

Q. Okay that's--

A. (Interposing) I mean all three of them now, I've already testified that I did not receive permission to fire at those people.

Q. You were never told to herd people back or run them back in either. Do you recall being told by the ground commander anytime to do that?

A. Not this day, no.

Q. Not that day?

A. So much happened so quick, I mean, like this incident here, this took up a good I'd say, 30 to 45 minutes.

Q. Yes.

A. And by that time most of the people had already settled down and gone or evacuated the area.

Q. What was the name of that aircraft commander? How do you spell that, the other gunship, the other Shark?

A. D-O-E-R-S-A-M.

Q. How well did you know Mr. DOERSAM?

A. Very well.

Q. Was DOERSAM the kind of man, or anybody in that gunship that would make a pass on a road where it was very evident there were primarily noncombatants, or at least a lot of women and children?

A. I would like to think not, I can't say for certain.

Q. Why can't you say for certain?

A. He never did it before.

Q. He ever do it after?

A. He never did it after.

Q. Would this be the kind of thing that would shock you Captain MCCRARY?

A. Yes, I remember them shooting the people on the road. I remember the incident. The one that I remember the most is the guy coming through the tree line--taking about four steps down the tree line and shooting a woman. In my mind I remember it to this day, because it was unusual and it did shock me.

Q. Did you watch him the whole time?

A. No, because again we were circling and we were in constant movement.

Q. What exactly did you see of that incident?

A. It was a little bank.

A. Yes.

A. Trees beside the road and like a little bank, maybe 3 feet, so it came down to the rice paddy or whatever it might be down there below--came through the trees and turned to go towards the hedge line, of the ditch, or whatever it was. We had the man and I never saw the woman before but all of a sudden there she was and she was shot and she was dead. I assumed she was dead.

Q. You remember where she was when he shot her?

A. I think she was down, squatting down or kneeling or something.

Q. Did you see her move after he shot her?

A. No, I did not. Evidently she had been in one of the trees or up against one of the trees. I hadn't noticed her before or I can't even say if it was a woman.

Q. I would like for you to think real hard now and perhaps you can try to relive an incident here for me, a radio conversation where you were talking to a fellow with a southern accent, Coyote 3, the S3 of Task Force Barker, Major CALHOUN. Something about you might be down on fuel, this might be in the time frame of 0830 or a little after. And realizing that they've got refueling and rearming capabilities at Dottie set up now, which was a very recent set up, which meant that you could stay on station a little longer. Do you recall any discussion between yourself and this fellow with the southern accent, reference the refueling capabilities there at Dottie and rearming capabilities?

A. I can't remember anything specific, no, sir.

Q. And finally I'd like to just ask you a very pointed question concerning previous testimony we have and the purpose of this is for you to either refute it or to tell us it's true. We've had previous testimony that your ship engaged a Vietnamese somewhere in this area north of 521. That incident was separate and distinct from this incident which other testimony confirms your story here. There was another incident somewhere in this area north of 521, between 521 and My Lai (4). You recall engagements there?

A. I don't.

Q. We've had testimony to indicate that firing was accomplished in the village of My Lai (4), firing your second ship. Making a gunrun, spotting of an individual walking along the southern trail from west to east on the southeast corner of My Lai (4), turning up a small trail running north into the village proper. Your wingman taking him under fire, you falling in behind the wingman and engaging this individual on this trail with rockets and miniguns. The individual after you made your pass, your wingman came back around in a race track pattern and confirmed that indeed one man, military-aged male with weapon, was laying sprawled face down on that trail.

A. With weapon?

Q. Right. Without a weapon? You don't recall?

(COL WILSON entered the room.)

Q. And also a statement concerning large numbers of personnel evading or evacuating My Lai (4) Village area, to the northeast and your particular aircraft fired. Hovering in front of these people and motioning them back into the village of My Lai (4), do you recall any instances such as those?

A. I don't remember actually doing that, but we did that sometimes. Like I told you, that to motion them back and try to get them to go back. I don't remember this specific day.

LTC PATTERSON: Sir, that's all the questions I have.

COL WILSON: What I am concerned with primarily is what happened over the period and just in--not a lot of detail--as much detail as we've gone into in the My Lai (4). But what activity did you participate in in the area of the second combat assault over to the east, which won't be on that photograph (Exhibit P-176), and I'm speaking of B/4/3 operations. Can you describe any actions that you took over in that area?

A. I told Colonel PATTERSON that the best I can remember is we made a go-around, because the artillery was late.

Q. Right.

A. The assault itself was put into an open area or one that had been beaten up and torn down and everything before--it had some hedgerows and some large stones and things like this, but it was not a village, an actual working living in village. Nothing happened there that I can remember unusual, as I told him I think that we put the troops in and made some reconnaissance or observations around the area. Nothing really was going on and I think we went back over and helped Charlie out over in this area (indicating).

Q. You don't remember participating in any type of action over there in the B Company area then?

A. No, I don't.

Q. That day?

A. No, sir.

Q. The whole day? What about the following day? Were you on station in this area on 17 March?

A. Did B Company move south towards the Quang Ngai River the next day?

Q. Yes, both companies did. Now let me get something here, ah--just a minute. I show you Exhibit P-168, an aerial photograph of the general area of the coastal operations and includes of course My Lai (4).

(Colonel WILSON oriented the witness to Exhibit P-168.)

Now, just in general terms, describe what happened. B Company and C Company moved south, and, generally, this body of water here, this river running north, south, separated these two units, B Company on this side and C Company on this side. Had you recalled any actions on the 17th?

A. If it's the day--there's a hill here somewhere, not a tall one, but a hill--okay, I believe we scramble back up to that location the next day.

Q. The location that you're talking about is the Nui Ngang Hill?

A. Right.

LTC PATTERSON: Coordinates 728761 and it's N-U-I N-G-A-N-G.

A. If this is the day, and it probably is, because I cannot remember that many operations in this area. We were to scramble back up here, because I think the ground troops--of course, they had no back up on this side, and I think that we went up there to help them. They had a large number of people that were leaving the area, and we were trying to--I cannot--exactly why we went back up there. It seems like we did go up there on a scramble.

COL WILSON: You remember any action over here along the coastal area, specifically on this bridge that crosses in the general vicinity of 740787?

A. This one here (indicating)?

Q. Yes, it's a pretty long bridge--it's about the only one that crosses up there. This is just south of My Lai (1) near the Pinkville. Do you remember any actions, this action that occurred on the 16th or 17th or both days? Do you remember any actions around that area?

A. I'll tell you, sir, I think we did--in fact, I know we did some work for them.

Q. You don't recall what it was?

(Witness gave a negative response.)

Do you recall the day?

A. No, I don't, but I remember--the troops--in this particular situation, whether it was the next day--being in a tree line receiving fire from a village.

Q. From the bridge?

A. No, this is in the same area. I'm trying to relate this into the bridge.

Q. Over on the coastal area? Do you remember any evacuations going on in this area--dustoffs?

A. No, sir, I don't. I might add this, that the article that I read that was written about My Lai. One of the people involved in telling a story, I think it was the Charlie-Charlie pilot, that actually said that he had gone down and tried to help evacuate people that were trying to get out of the area. And two or three times he mentioned asking the gunships for help, and I don't remember anything like this. This was given in testimony, this was the story that one of the magazines came out with. He mentioned it two or three times, that he was going in and asking for our help, because there weren't any slicks in the area.

LTC PATTERSON: You've already established there were other gunships in the area?

A. Right, this is what I'm saying, that I don't even remember saying to anybody--probably they were from the same company, because I don't think the Charlie-Charlie was from my company that day, it might have been.

COL WILSON: Here's an entry in the 11th Brigade log, which is Exhibit M-46. The journal entry has at 1405 the afternoon of 17 March states that: "Task Force Barker TOC from Major CALHOUN, one company requested gunships because it was crossing an open area and received small arms fire. The aero-scout has only one available." And then in the action taken column,

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"Notified S3, no Sharks available." Were there any Sharks available at 1400 hours on 17 March to the operation that was going on down there?

A. I don't know, sir.

Q. Do you recall whether this operation was supported for 3 days down there, by Sharks?

A. I can almost say for certain that within 1 or 2 days after My Lai (4) was initiated, that we helped some units down in this location.

Q. But you don't recall any actions down in that area on the 17th, 18th, or 19th, except for that hill down there?

A. The hill is what stands out in my mind, because I remember the troops were coming up between or through the hill.

Q. Yes. Do you recall on the 17th and the 18th, observing many villages over in this area which were smoking and being burned?

A. No.

Q. About the time you were down there, over that hill mass in the south, down by what you called the Quang Ngai River, did you notice any villages burning at that time?

A. Not that I can remember.

Q. Either on the coast or down in the area near the hill.

A. Not that I can remember, no, sir.

Q. In fact, the only thing that you really remember about the area out of My Lai (4) was that go-around when the combat assault went in?

A. Yes, sir.

COL WILSON: I have no further questions. Thank you very much.

A. Thank you, sir.

LTC PATTERSON: I may take about another 10 minutes, and then I will be through. If you don't object, I would like to have you indicate on this photograph, which will be entered into an exhibit as a permanent part of the record, where these engagements that you previously described in your testimony occurred, to the best of your recollection. Do you recall, and I believe you testified that you did not specifically recall, the LZ or the preparation?

A. No.

Q. The first thing you recalled is the lone male individual with weapon--6-2, I believe you said in the vicinity of 521?

A. Right.

Q. Where did you first observe him?

A. Here (indicating).

Q. At the junction?

A. Possibly, yes.

Q. Mark position 1 Vietnamese male with weapon observed. Can you give me a time?

A. Approximately 0740.

Q. Early in the morning or soon after arrival on station or--

A. (Interposing) Soon after arrival on station.

Q. Did you engage him at this point?

A. Yes.

Q. Engaged with doorgunner. Okay. Then what did he do?

A. He went to the ditch.

Q. Somewhere in this vicinity?

A. Right. Where the tree line intersects with the ditch.

Q. Here?

A. Right.

Q. Position 1 is marked and identified as Vietnamese male with weapon observed soon after arrival on station. Engaged with doorgun only. The individual went through the tree line to the ditch, from position 1 to position 2, which is where he disappeared into the ditch.

A. Right.

Q. All right, and you marked him?

A. Wait a minute. We did not see him again until approximately right here, where the shrubbery started peeling out and it then just turned into a ditch without shrubbery. This is when we reported it. We saw him again, and we engaged him again, and this is when we dropped smoke.

Q. You engaged him where?

A. Oh, right in there.

Q. Right there. Position 2 marked on the map indicates where the Vietnamese male from position 1 disappeared in the ditch. Position 3 is where he reappeared--

A. (Interposing) Right.

Q. Vietnamese male engaged again?

A. Right.

Q. And marked. I believe you indicated you remember the color?

A. As best to me, red.

Q. Position 3 is marked as where the Vietnamese male reappeared, was engaged and marked with red smoke, okay? Does that indicate about all what you recall about this particular male? All right, ground elements you observed somewhere in the southeast corner. Would you indicate about where?

(The witness did as requested.)

Approximately? We'll mark this area approximate. This was soon after the lift, I assume? Position 4 is marked as friendly ground forces located here, right after insertion at 0730. These forces then moved from 4 down towards position 3, generally along this dike?

A. Right.

Q. And where did you see the incident with the officer and the woman?

A. Right here where the bottom of that circle is. I assumed it was the officer, I cannot say that it was.

Q. Position 5 is where an unknown individual with RTO behind him shot a woman, and arrow from 4 to 5 indicates the general and approximate movement of a body of approximately 10 soldiers.

I have marked on the aerial photo positions 6 and 7 and indicated that the U.S. soldiers that proceeded from position 4 to position 5 shot five Vietnamese, mixed sexes and ages, between 6 and 7.

Position 8 is marked as an approximate position area where Sharks engaged two Vietnamese males with web gear and weapons. Position 9 marked as a position where 10 to 15 Vietnamese dead, varied ages and sexes.

Let the record reflect that I inserted two additional arrows, one on the northeast corner of the village of My Lai (4), indicating and marked Vietnamese evac area. The second arrow is on Highway 521 to the southwest of My Lai (4), indicating the route of large numbers of Vietnamese evacuating the area. I would like for this aerial photo to be entered into evidence and marked as Exhibit P-176 and to be made a permanent part of this inquiry. Sir, would you be willing to sign your name in this upper left-hand corner?

(The witness did not object and did as requested.)

Mr. MCCRARY, is there anything else about My Lai (4) that you have that you think might be pertinent to this inquiry?

A. If I go home and do discover that there's a letter or possibly a tape that I sent my wife, mentioning anything about this operation, what should I do?

Q. I would like for you to contact us here or me specifically. I will give you my name, address, and phone number--any information, documents of any sort that might assist us in determining the facts concerning the My Lai operation and any investigations that occurred subsequent to the My Lai investigation. We would appreciate it if you would contact us. We will make arrangements in any way we can to preserve your personal property, but we would like to receive a copy of it if it will assist us in any manner. I'd like to give you this opportunity before we close to make any statements of any sort that you would like to, which will be a permanent part of the record.

A. I wish I could have been more help. I have no statement.

LTC PATTERSON: Mr. MCCRARY, on behalf of General PEERS, Department of the Army, and all of us concerned with the inquiry into this incident, we appreciate very much your time, the efforts that you've expended to come here to Washington to talk with us, your frankness, forthrightness, and honesty. Your contributions to this inquiry are immeasurable. We wish you a good safe trip home. The hearing is adjourned.

(The hearing recessed at 1350 hours, 17 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: MESSINGER, James N.

DATE OF TESTIMONY: 14 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: 3d Platoon (Sharks),  
174th Aviation Company, 4th Aviation Battalion.

1. RULES OF ENGAGEMENT.

In the vicinity of Duc Pho the rules of engagement became stricter with the passage of time and pacification of the area (pg. 7). When Warrant Officer MESSINGER DEROS'd, you could engage without requesting permission only when receiving ground to air fire (pg. 7).

The witness flew as a pilot during his tenure with the Sharks which began in February 1968. The pilot operated the miniguns, but he would never engage a target until told to by the aircraft commander (pg.7). However, he did not know of any restrictions placed on their supporting or suppressive fires during the My Lai (4) operation.

2. PREOPERATIONAL PLANS AND BRIEFINGS.

MESSINGER does not specifically recall the preoperational briefing on 15 March 1968, but he thinks there may have been one (pg. 13). He recalls that prior to the mission he was told that their primary area of responsibility would be north of Highway 521 (pg. 31).

3. ASSAULT ON MY LAI.

a. Escorting the lift ships.

MESSINGER flew a UH-1C gunship 6.3 hours on 16 March 1968 (pg. 14). Captain MCCRARY was the aircraft

commander (pg. 14). The slicks picked up the infantry at LZ Dottie (pg. 14). The gunships joined the slicks at Dottie to protect them during the trip to the LZ and the CA (pg. 18). Since it is established by the journal that touchdown at the LZ was at 0730 hours, the Sharks probably left Duc Pho at 0645 hours. They would have had to refuel by 0900 hours (pg. 19).

The witness cannot recall an artillery prep (pgs. 20, 25). He did recall there being two lifts (pg. 28). On the first lift he prepped a tree line west of the LZ (pgs. 15, 20). Four gunships (two gun teams) were covering the slicks (pg. 21). Only two ships were Sharks (pg. 22). They never received ground to air fire that day (pg. 66), nor did any of the Sharks report receiving fire during the operation (pg. 67). He did not remember how many gun runs they made (pg. 20). Since there was an inconsequential amount of fire, they began to fly low level reconnaissance orbiting My Lai (4) (pg. 15).

b. Engagements with the enemy.

A VC with web gear was spotted 150 meters north of Highway 521, but south of My Lai (4). Their doorgunner engaged and killed him. They saw the infantry converge on the spot and hold up the web gear for the gunship crew to see (pg. 17). MESSINGER believed that this occurred after complete insertion of C/1/20 (pg. 30). This was MESSINGER's first confirmed kill (pg. 10).

Flying east along the southern edge of My Lai (4), their wingman observed a VC with a weapon on a trail. The lead ship made a sharp roll and missed short with rockets (pgs. 16, 34). MESSINGER and MCCRARY followed up with a gun run (pgs. 16, 36) and killed the target in the south-east corner of My Lai (4) (pgs. 16, 38). They marked the spot with smoke so that the infantry could recover the weapon (pgs. 16, 38). There was no SOI utilized when marking with smoke (pg. 53).

Later, flying west to east MCCRARY saw a VC with a weapon on Highway 521 at a trail junction leading south from My Lai (4). They engaged him but did not receive a confirmed kill (pg. 18).

Eventually they flew east and reconned the area near the coast. There was no more enemy activity for the remainder of the day (pg. 18).

c. Exodus of Vietnamese from the village.

There were hundreds of Vietnamese exiting My Lai in all directions (pg. 17). Northeast of My Lai (4) many of the Vietnamese entering Highway 521 were military-age males.

MCCRARY attempted to drive the Vietnamese back toward the infantry by hovering at an altitude of about 10 feet and waving them back (pg. 62). They were unsuccessful in their efforts to coerce the civilians back (pg. 62). MESSINGER did not recall ever firing in front of the Vietnamese leaving the villages (pgs. 77, 78). There were two or three Vietnamese within 50 meters when a VC with a weapon was engaged near Highway 521. There was no other occasion where his aircraft could have accidentally killed civilians on that mission (pg. 49). MESSINGER never saw dead civilians on or adjacent to the road (pg. 50). He did not see large groups of dead Vietnamese nationals in and around My Lai (4) (pgs. 52, 80).

d. Miscellaneous.

(1) MESSINGER thinks that after refueling at 0900 hours they may have returned to My Lai (4), but he is not sure (pgs. 55, 60). If he returned it would have been at 0930-0945 hours (pg. 60).

(2) He never learned of a break-out or heard of a report regarding the mission or operation while in Vietnam (pg. 65).

(3) The witness did not remember the burning of My Lai (4) (pg. 57).

(4) The only dead he saw were the two VC his ship engaged and killed. Low altitude passes were made over the area (pg. 52).

(5) MESSINGER does not recall any comment over the radio regarding an excessive amount of killing (pg. 80).

4. INQUIRIES CONCERNING THE ASSAULT.

The witness was unaware that an investigation was conducted as a result of what occurred in My Lai (4) (pgs. 68,69). He never heard about or discussed anything regarding large numbers of civilians being killed on 16 March 1968 (pg.69).

He knew nothing of any efforts to suppress information regarding what occurred in My Lai (pg. 72).

5. OTHER INFORMATION.

a. In MESSINGER's opinion the Sharks were a professional unit with competent officers. They engaged only military targets (pgs. 69, 70).

b. Since My Lai (4) has been in the news, MESSINGER has discussed it with one person from his unit, MCCRARY (pg. 71).

c. The My Lai (4) area and eastward was extremely hostile during MESSINGER's tour in Vietnam (pg. 83).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-16	TF Barker log, 14-18 March	Used to refresh witness' memory.	44
P-1	Aerial photo of My Lai (4)	Wit identified My Lai (4).	14
P-110	Oblique Aerial photo of My Lai area	Wit used to orient himself.	39,40
P-159	P-1 as annotated by MESSINGER	1-VC with web gear evaded and killed.	31,82
		2-VC with weapon killed.	37,83
		3-VC with a weapon was seen.	37,83
		4-Bridge where indigenous Vietnamese were crossing to evade detention of the infantry.	62,63, 83
		Entered into record.	83
MAP-5	Picto Map 6339 II (small scale)		

(The hearing reconvened at 0945 hours, 14 January 1970.)

LTC PATTERSON: The hearing will come to order.

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

The next witness is CW2 James N. MESSINGER.

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

State your full name, grade, Social Security number, branch of service, organization, and station.

A. JAMES N. MESSINGER, Chief Warrant Officer, , Headquarters, Fort Wolters, Texas.

Q. Are you in the United States Army?

A. Yes.

LTC PATTERSON: Before we proceed with any questions, I would like to inform you of several matters.

First, I would like to explain to you the purpose of the investigation that we are conducting here. This investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the United States Army for the purpose of determining facts and making findings and recommendations concerning two main areas:

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

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

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

We have had made available to the inquiry and have reviewed prior official statements obtained in other official investigations of the My Lai incident.

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

Although the general classification of this report will be confidential, it is possible that testimony, or parts of it, may at some later time become a matter of public knowledge. Do you have any questions about anything that I have covered?

A. No, sir.

Q. You are ordered not to discuss your testimony in this investigation with others, including other witnesses for this investigation or any other individuals, except in the performance of official duties or as you may be required to do before a competent judicial, legislative, or administrative body. Do you understand that?

A. Yes, sir.

Q. Have you received any instructions from any military authorities concerning testifying or giving statements?

A. No, sir.

Q. You have received no letters or notification of any sort?

A. No, sir.

Q. You are not subject, then, to the order of the military judge in the court-martial cases of United States v. Calley or United States v. Mitchell?

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A. No, sir.

Q. With reference to the instructions that I indicated, should you at any time become subject to an order by a military judge concerning any trial with reference to your testimony, your testimony here today in no way affects that order. In other words, what you say here today does not prevent you from testifying, or any order that you receive would not, could not, prevent you from testifying here. If you have any questions concerning any future testimony or appearance before any judicial, legislative, or administrative body, contact us and we will clarify it for you immediately?

A. Yes, sir.

Q. Would you state your unit of assignment on 16 March 1968?

A. I was assigned to the 174th Aviation Company, the 3d Platoon, otherwise known as the Shark platoon.

Q. 14th Aviation Battalion?

A. That's correct, sir.

Q. When did you join that unit, Mr. MESSINGER?

A. The battalion or the company?

Q. The company?

A. I joined the company on the latter part of May, 1967.

Q. And you were with them until--

A. (Interposing) Approximately the middle of June, 1968.

Q. At that time you DEROS'd and came home?

A. Yes, sir.

(MESSINGER)

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Q. What was your duty position within the 174th during the period May 1967 to June 1968?

A. Well, sir, upon arrival I was strictly a helicopter pilot, probably a more proper term would be co-pilot. I was assigned to the 1st Platoon until February 1968, at which time I joined the 3d Platoon, the gun platoon.

Q. February you say?

A. Yes, sir, 1 February. And by that time I--

Q. (Interposing) I'm sorry, you said you were in the lift platoon?

A. Yes, sir.

Q. How much time did you log in the lift ships, which I believe were UH-1D's, is that correct?

A. That's correct, sir.

Q. How much time do you think you had logged?

A. I had logged just over 1,000 hours in the lifts before I went to the gunships.

Q. And after you joined the guns on 1 February, when did you become an aircraft commander of the UH-1C?

A. I was never an aircraft commander in the UH-1C, sir.

Q. You never did become one?

A. No, sir, and that was strictly by choice.

Q. Your duties, then, were a pilot rather than an aircraft commander?

A. Yes, sir. I was an aircraft commander in the lift platoon prior to going into the gun platoon, but due to the time I entered the gun platoon--I was expecting to DEROS within several months--I did not take an aircraft commander's job.

Q. Do you recall approximately how much time you flew UH-1C's?

A. Yes, sir, just slightly less than 190 hours.

Q. So your total tour was somewhere in the vicinity of 1,190 hours, or 1,200 hours?

A. 1,195 hours, yes, sir.

Q. That's quite a good bit of time for a tour in Vietnam.

A. At the time it was the average, more or less. When I arrived in Vietnam it was unusual for anybody to get over 1,000 hours, but due to the nature of our assignment, the area where we were, the flying increased rapidly while we were there.

Q. From the latter part of 1967 to the end of your tour in 1968, was there a lot of personnel turbulence within the 174th, as far as the pilots and aviators are concerned?

A. No, sir. I wouldn't expect that in an aviation unit to begin with. Because of the nature of our assignment, we have to work closely together. For instance, in the gunship you have a team leader and a wingman, and the wingman's responsibility is to cover the team leader, and vice versa. If you have friction, either in the aircraft or between the teams, you are not going to be able to perform your job.

Q. Then in the 174th, there wasn't a lot of switching back and forth and up and down of commanders?

A. No, sir. I only had two company commanders that I can recall.

Q. Who were they?

A. Major WHEAT was the company commander at the time I left. I don't recall the first one. He was only there a couple of months.

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Q. Could you recognize the name?

A. I might, sir.

Q. Major GIBSON?

A. Yes, sir.

Q. Do you recall who was in command of the unit the middle of March, 1968?

A. Major WHEAT was the company commander.

Q. You sure of that?

A. To the best of my knowledge, yes, sir.

Q. As I understand it, Mr. MESSINGER, you started flying the gunship, the Sharks, on 3 February. Did you start right away flying missions, or did you receive some type of training?

A. Well, it was standard procedure at the time to receive a checkout in the aircraft, specifically in regard to the weapons system and its use. I was checked out originally with the minigun system, as I would be in the copilot's seat firing that weapon.

Q. Copilot's seat is the left seat?

A. Left seat, yes, sir.

Q. Okay.

A. After this initial checkout, I had flying missions and would receive other checkouts along the way, the 40mm system and 2.75 rocket system.

Q. Do you recall when you became qualified as a gunner in the UH-1C?

A. No, sir. We didn't have a lot of time for training, and normally, you could expect to go out and fire the minigun one day--and the ride itself would probably take no more than one hour--and you could probably fly that same day. I am fairly certain that I was flying missions the next day.

(MESSINGER)

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Q. I see. There wasn't a formal signoff procedure then, I take it?

A. No, sir.

Q. What type of training as a gunship pilot did you receive concerning the rules of engagement?

A. Well, sir, that's a little difficult to answer, because the policies were always being changed while we were flying. For instance, in the immediate area around Duc Pho, when I first got there the entire area was considered hostile or unfriendly. We therefore had a very limited amount of training in the rules of engagement. In other words, if you could locate an enemy anywhere, you could engage him. By the time I left, we were almost completely restricted to firing only after requesting permission and it being approved. They did, however, permit us to engage targets that fired upon us.

Q. Who is they?

A. The commander. Now, I don't know where these orders originated from. This is the policy that was passed from the company commander to the platoon to ourselves.

Q. I see. These are ground commanders or air commanders? Could any air commander give you permission to fire on a ground target?

A. Normally, sir, we contacted the infantry commander that was responsible for the area that we were in.

Q. I see. Since you were the man on the trigger, so to speak, and under the control of your aircraft commander, as I understand it--how you as a crewman understood who you could fire on? When you could fire on them?

A. Of course, it was relatively easy for me being the pilot rather than the aircraft commander. I never fired unless the aircraft commander ordered me to do so, and not necessarily in order form.

He just said: "There's a target, we'll make a run on it." We got the permission normally from the unit to which we were assigned for the day. For instance, on a combat assault with a company, we would have the company commander's radio frequency, and any time during that operation we spotted what we thought was a target, we called the company commander and requested permission to fire.

Q. I see. Did you actually fly the gunrun, or did the aircraft commander fly the gunrun?

A. The aircraft commander flew the gunrun, sir.

Q. Always?

A. Yes, sir. The rockets are fired from the right seat, so in order to fire the rockets you have to be flying the aircraft.

Q. I see. So that any maneuvers of the aircraft to engage the target would be accomplished by the aircraft commander who would physically maneuver the aircraft?

A. Yes, sir.

Q. Would you engage your miniguns from the left seat when he said there was a target to engage?

A. Yes, sir.

Q. In the flying of your missions during February and March of 1968, when you were a new gunman, and which, as I understand, is somewhat different from a lift pilot, certainly there must have been some thoughts go through your mind about when to engage, and all of the ramifications of shooting. Do you recall any specific instance right after you became a Shark when some doubts came to your mind? You didn't know when to fire, if you should fire, if perhaps the aircraft commander's decision might not have been what you thought it should be?

A. I'd have to say no to that, sir. I was rather fortunate at the time, that while I served with them there was really not a whole lot happening.

The majority of my flight time in the gunships, we were normally engaged in suppressive fire while landing the lift ships. Other than that, we were called out to strike a specific target, and most of these occasions we were actually receiving fire from the positions that we were attacking, so that there was no question whether or not we should be attacking.

Q. What was going on here the end of January, 1968?

A. Yes, sir. The end of January we had a rather large offensive action in the Quang Ngai area, and, as a matter of fact, the NVA were attempting to overrun Quang Ngai.

Q. Was this Tet?

A. Right, but I was still in the lift platoon at the time, and I didn't join the guns until after the Tet affair, so things had calmed down considerably.

Q. Did you join the guns by your own choice, or were you assigned?

A. Yes, sir, my own choice.

Q. Do you remember the first time that you killed anybody by pulling the trigger?

A. Yes, sir.

Q. Tell me about it.

A. Well, as a matter of fact, it concerns My Lai, which we have been talking about, or which we are going to talk about.

Q. It does concern My Lai?

A. Yes, sir.

Q. Okay, well, let's hold off on it. That's the first time you killed anybody, in the My Lai affair of 16 March?

A. Yes, sir. Now this was the first confirmed and I can't even call it a confirmed kill, because normally our confirmation comes from the ground troops, and we did not receive it.

Q. Okay. After you joined the guns and before the My Lai affair of 16 March 1968, do you recall any crew chiefs, gunners of the Sharks getting shot?

A. No, sir, I don't. There were several instances in the guns while I was over there. I recall one crew chief being injured when a minigun blew up, and I'm not sure whether or not I was in the platoon at the time.

Q. Well, it has been reported that there was an incident somewhere in this time frame. A crew chief got shot by hostile fire and got pretty badly wounded--he lived, but he was pretty well chopped up. This was supposed to have angered the Sharks.

A. This was a gunship crew chief?

Q. Yes.

A. I don't recall it.

Q. You don't recall it? Okay, do you recall hearing or participating in any gunruns on villages in a hostile area other than My Lai prior to 16 March?

A. Yes, sir.

Q. Would you tell me about that, please?

A. The one that comes to mind immediately was a village we were called upon to attack in this area. It was actually east of Quang Ngai, south of the river.

Q. East of Quang Ngai and south of the Song Tra Khuc River?

A. Yes, sir. We called it the Quang Ngai River. I'm sure there were other times that we were called in, but this one comes to my mind because connected with the day, there was two or three fixed-wing aircraft spotted for us that day.

Q. These were Air Force aircraft?

A. No sir, they were Army observers.

Q. I see.

A. And we were called up and given a mission to attack this specific area. The fixed-wing observers were directing our fire to the village on the ground.

Q. Were there inhabitants in the village?

A. Yes, sir, I believe so. We didn't see an awful lot of people that day, as I remember, though. It was relatively empty for a village, if there were any people there at all.

Q. Do you recall seeing any people there?

A. I would hate to swear to it, sir. I believe there were people. I believe I saw people, but the events get mixed up after a couple of years.

Q. Well, the attack of a village--now correct me if I'm wrong, but a gunship pilot likes a positive point target rather than just spraying fire in an area. You want to have something positive and definitive, therefore it would seem to me that such a gunrun or such an attack would kind of stick out in pretty good shape. Do you recall any more specifics about the incident in this village?

A. No, sir. I remember the observer in the fixed-wing called us up, because he had spotted enemy troops in the area. He directed our fire to the west side of the village in a tree line or along a tree line in several hootches, and we made our attacks to that area. He released us at the end of the mission, as soon as the job was finished.

Q. Did you expend all of your ordnance?

A. Yes, sir, we did.

Q. You emptied out?

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A. Yes, sir. We refueled and rearmed at LZ Dottie, I believe, and called back LZ Dottie, which was just north of there--and after we refueled and rearmed we called the observer, and he said we weren't needed anymore.

Q. Was it a FAC?

A. Yes, sir.

Q. It was a FAC?

A. Yes, sir.

Q. Do you know what FAC is?

A. Forward aircraft controller.

Q. Is that the Air Force or Army?

A. I may be mistaken as to the correct terminology, sir, but we call it FAC. That's the easy way to tell what was there.

Q. I see. You don't remember his call sign, by any chance?

A. No, sir, I can't recall it, but I think if you had a list of the call signs...

Q. How about Helix?

A. No, sir, it wasn't Helix that day.

Q. It wasn't Helix?

A. No, sir.

Q. Helix was the call sign of the Air Force FAC that they used throughout the area.

A. It was like Black Ace or something like that. We worked primarily for the same group of people all the time, and we did work for Helix aircraft at times, but not that day.

Q. Let's move up to about 15 March. Do you recall attending a briefing for an operation to be conducted on 16 March in the area of My Lai (4), or Pinkville, as I believe it was called, in support of Task Force Barker? The operation to be conducted on 16 March was a pretty good-sized operation. It included the combat assault of a large number of infantry troops, to be carried by the slicks of the 174th, and included fire support of Task Force Barker with additional aircraft from the aero-scout company of the 123d Aviation Battalion. This My Lai (4) was reported to be a pretty hot area. American forces didn't go in there every day, and the briefing on this operation should have brought out these points plus others, I would think. Can you recall any of the briefing concerning this operation?

A. Yes, sir. As I remember, the operation was of some size, and, of course, naturally before any mission we had a briefing. Unless it was a major operation the briefing would primarily consist of the aircraft commanders or the platoon leaders being briefed and passing along the information the next day.

Q. In other words, the pilot didn't go to these briefings?

A. For an average, everyday operation the pilot wasn't needed at the briefing.

Q. Well, how about 15 March, can you recall attending a briefing for that?

A. I would say there was one. Yes, sir.

Q. Do you recall attending it?

A. No, sir, I couldn't say I was. I'm not sure I was at a briefing for that specific operation.

Q. I would like to show you Map Sheet 6739 II, 1:50,000. It is Exhibit MAP-5. It shows the general operational area of 16 March.

(LTC PATTERSON oriented the witness to the stated exhibit.)

Q. Do you recognize this aerial photo (Exhibit P-1) as being that of My Lai (4)?

(Witness takes Exhibit P-1 from LTC PATTERSON.)

A. Yes, sir, I do.

Q. The records indicate, Mr. MESSINGER, that you flew 6.3 hours on 16 March, is that correct?

A. Yes, sir, according to my copies of my records, it is.

Q. It also indicates that you flew a UH-1C, a gunship, that day?

A. That's correct.

Q. With map orientation that I have given you and a feel for this operation, do you recall flying in support of this operation?

A. Yes, sir, I do.

Q. Can you start from the beginning of your activities on 16 March at Duc Pho, your activities that you can recall, Mr. MESSINGER--from the time that you started your UH-1C. I believe it must have been at Duc Pho on the morning of 16 March, and will you run us right straight through your mission time on station?

A. Well, sir, the only thing I wouldn't be sure of to start out with is the times, and, of course, a lot of details would be out. Okay, we took off from Duc Pho and shortly after the slicks to allow them time to get up and land at the PZ and pick up the troops. We didn't have to be there until they were ready to take off. The slicks landed in the vicinity of LZ Dottie--

Q. (Interposing) Okay, just a moment now. Do you have a feel for about what time this was?

(MESSINGER)

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A. It was in the morning, that's the only thing I could say.

Q. Around noontime?

A. No, sir. I would say closer to 0700 or 0800 in the morning.

Q. 0700 or 0800 in the morning?

A. The slicks picked up their first load. We formed up alongside--it is normal for gunships to escort slicks--and took them over to the LZ, which is just west of My Lai (4) in a large rice paddy area. It was a good LZ, because there was plenty of flat, open ground for them to land in. I believe they landed in a flight of six, that would be vees of three in trail, and I was covering the left, west side, which would be the left side. We prepped the LZ, escorted in the second lift and--there I'm not sure just how many sorties they had to make. I do remember escorting twice.

After the troops were on the ground, we broke off and set up our normal reconnaissance for a relatively safe area. Now, if there was an extreme amount of fire coming out of an area like this, we would set up in a normal gunrun position and make our pass at the targets. Not too much was going on at the time, so we set up in a low-level, reconnaissance-type thing in and around My Lai (4). We flew circles around the village. We flew circles around the troops and spread out in the general area north of 521. We were basically north of the road and, I think, as you mentioned, the aero-scouts were down to the south of the road, so we just kind of circled the area, keeping an eye out for whatever was happening. Now, I recall three specific incidents in My Lai. I have been trying to remember the order in which they fell, and I'm not 100 percent sure, so let me just go over the three incidents that we had occur while we were flying. We were heading to the east, just south of My Lai--there's a path that shows up much better on your big map (indicating the wall map, Exhibit MAP-1). May I use this picture map?

Q. Yes.

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A. At the time we were flying number two. We were the lead ship. The platoon leader was in my aircraft that day.

Q. You were flying with Captain--

A. (Interposing) Captain MCCRARY.

Q. Captain MCCRARY.

A. But at the time, we were flying the second aircraft. We were flying parallel with this path which is along here.

Q. Which is along the south edge of the village.

A. The aircraft in the lead said something over the intercom about seeing somebody, he made an extremely sharp turn and rolled into the north, and fired a couple of rockets. There was a man running along this trail with a weapon, a rifle.

Q. You're talking about this trail (indicating on wall map), which is running to the south and then to the northeast on the southeast corner of the village?

A. Yes, sir. He was moving to the east quite rapidly. I'm not sure what the message was over the air, but we got enough of the message across to look out and see the man. They didn't have adequate time to set up an adequate run, and as they broke off we set up a good path and made our run in. This is the only man that I could possibly guarantee that I killed in Vietnam. As I say, most of the time there wasn't a whole lot happening, at least not what you could see. We set up our pass, I fired the miniguns, the man turned north up this small trail into the village and right where these trees are--

Q. (Interposing) The southeast corner of the village?

A. We lost sight of him as he turned up that trail, we fired the miniguns on up the trail, we broke off, and just as we flew over the top of the area the crew chief said, "You got him." We came back around on our second pass, and the lead ship confirmed the man was sprawled face down, apparently dead. We came back over, confirmed it, and left. Now, the reason I can't confirm this--we marked the location with smoke, because there was a weapon at that location. The ground troops at the time were to the west of this large trail here that runs south out of about the center of the village. We marked this area with smoke and we tried to keep in the general area

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where we could keep an eye on him, but we were unable to, due to the extensive activity along the north of My Lai. There were hundreds of people running out in all directions from My Lai and we were trying to keep them at least in towards the village. This was part of our mission, if we could, to control this exodus so that the ground troops could come in and question the people, or search them or whatever they needed to do. The ground troops were in this vicinity (indicating). They were moving somewhat slowly for some reason. We marked the area with smoke and were gone for a while. We came back to check it later, probably one-half hour later or so, but the man and the weapon were gone, so this was not a confirmed sighting. By the time that ground troops got there, there was nothing. Now the other incident that occurred was in this general area to the south of My Lai (4) over in the west side, just before you get to this major path, which is on the west side of the village. I would approximate it here (indicating).

Q. You're pointing now due south of My Lai approximately 300 meters.

A. Let me move that location. I would approximate it here, near this clump of trees. I recall the tree line being to the west. It was approximately here, almost the center of the village south.

Q. The area he is pointing to, for the record, is just north of Highway 521, and due south of My Lai. The area north would be about 150 meters.

A. At this site we spotted an enemy soldier. The reason we knew he was an enemy, he was carrying military web gear, and a pistol belt and shoulder harness. As I recall we were low level at the time and the doorgunners fired at this man. He fell down, apparently dead. We marked this area with smoke. The ground troops were west of My Lai and south moving towards the village, and they were able to break off a small unit. Five or six men came down to check out this position. I recall this specifically, because when the ground troops arrived at this point they took the web gear off the man and held it up so that we could see that they had found what we had sent them to. The third incident that occurred that day was along Highway 521. We call

it a highway; a large path is what it appeared to be. There was a man running from east to west just about due south where we had recently killed the man. At the time we were flying from west to east just north of that path so I was unable to see the man. The aircraft commander, Captain MCCRARY, made an extremely tight, short turn--the reason I can recall this is we darn near crashed when he did it--but he had spotted a man with a weapon walking along the path. At the time he was running. As soon as he heard the helicopter and saw us, he realized he ought to move. We spun around, the doorgun engaged the target, and the man headed off the path approximately here (indicating), which is where the path coming out of the center of My Lai runs to the south and joins 521. The man went into the trees and we continued to suppress when we could see him. He moved to the west along this tree line and we lost sight of him in the other tree line that runs southeast of 521. He broke out in the open for just a second and we got a few more shots at him. He went into the tree line. We lost sight of the man, but the crew felt that he was at least wounded. We marked this area with smoke, and again, the ground troops came down. I believe it was the same unit that was up here. They had a radiotelephone with them and we were in contact with them asking them to come over and check out this location. They moved into this area and were unable to find anything. Now after all of this, we spent some time flying around to the east, closer to the beach, checking over an area which had been hot the last few days. We didn't find anything more in the village or around there that day. Of course, once we ran low on fuel we returned to LZ Dottie, rearmed and refueled, and I believe we came back one more time with a load of fuel without firing anything, returned to Dottie for fuel, and then returned back to Duc Pho.

Q. Let me ask you some questions about some key points. As I understand it, you took off from Duc Pho separate from the slicks and joined up with them?

A. Yes, sir.

Q. Do you recall where you joined up with them?

A. LZ Dottie.

Q. You joined up with them as they were taking off from LZ Dottie?

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A. Yes, sir, we didn't--when I mentioned the time, I said 0700 or 0800. Normally a combat assault would have been earlier, but I feel it was little bit late in the morning. We didn't go in 0500 or 0600 like we normally went, because everybody was wide awake and fresh and everything, and we didn't allow the normal time intervals between the slicks and the guns. We were fairly close to them, so we had to orbit over LZ Dottie waiting for the slicks to pick up the troops.

Q. The journal indicates, and the records indicate, that the touchdown of the first lift was at 0730.

A. All right, sir.

Q. With that information and with that as a planning figure, what time would you then say that you took off from Duc Pho?

A. That was the touchdown time at the LZ?

Q. Right.

A. I would say we left Duc Pho at 0645.

Q. Okay.

A. Plus or minus.

Q. The range of your airborne time prior to your refueling then, with that 0645 or 0700 takeoff--would you have had to refuel and go off station?

A. I'd say no later than 0900.

Q. That would be right at the very limit, wouldn't it?

A. Well, allowing the 15 minutes, if we took off as late as 0700, we normally carry 2 hours of fuel. This left us with sufficient fuel, I mean ample fuel, to get back to our refueling point.

Q. Okay. Now as you flew down from Dottie with the slicks, do you recall how many slicks were in that formation?

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A. No, sir. I don't. As I stated, I believe there were six aircraft.

Q. The record indicates that there were nine, which I just bring up as a matter of recall. You stated that they landed to the north, in the LZ immediately to the north of My Lai (4)?

A. Yes, sir. Now by the map and by the picture, either one, I can't locate it in my mind the exact LZ. I had the impression that it was somewhat southwest of My Lai, but I don't see the area here that my mind recalls they landed in.

Q. We've had other testimony which indicates that the LZ was right in this open paddy area, just to the north of this little east-west tree line that came out from the stream (indicating west of My Lai).

A. Yes, sir.

Q. Does that look somewhat familiar?

A. Yes, sir. For some reason I had the impression that it was further south of that, but it was a large, open one like that one that you pointed to in the west.

Q. Do you recall any artillery being used on this operation?

A. No, sir, I don't. I don't recall it, but it could have been.

Q. And you indicated that you prepped?

A. Yes, sir.

Q. How many runs did you make, do you recall?

A. We were the lead ship.

Q. You were the lead ship?

A. Yes, sir, at this time I was flying with Captain MCCRARY. We should have made--

Q. (Interposing) No. Do you recall how many you made?

A. No, sir. I don't know if it was one or two.

Q. Do you recall what you suppressed, or where you suppressed?

A. Yes, sir. As I stated earlier I was flying on the left side which would be the west side of the slicks. There was either a tree line--yes, sir, I think it shows a small tree line here. I'm fairly certain there was a tree line there that I put my suppressive fire into.

Q. That small stream on this aerial photograph (Exhibit P-1). By the way, the scale is about 1 inch equals about 80 meters. So maybe about 200 meters there's a tree line running north and south and there are some trees as you can see on the aerial photograph there. That would have been a tree line generally running north and south here on this sketch?

A. Yes, sir.

Q. Okay, your ship--the lead ship then took the westernmost flank of the LZ.

A. Yes, sir, there was--as I recall we only had one team that day. No, there were four, at least four gunships on that lift. Myself, Captain MCCRARY, and our wingman were on the left side, the west side.

Q. You said there were four gunships?

A. Yes, sir.

Q. In addition to the gun that came from the aeroscouts?

A. There were four gunships covering the slicks when they went into the LZ, two on either side.

Q. Do you know who this other gun team was?

A. No, sir, I don't.

Q. What makes you so positive that there were two gun teams?

A. I seem to recall that there was. As we were flying along, I looked across and watched the other team flying in cover for the slicks.

Q. Who would have control of this other gun team? Who would have exercised the responsibility for giving them their mission?

A. One of the aircraft commanders in the gunships would have been delegated as the overall controller for the lift. In other words, if there were ten different companies that the gun teams came from, they would choose between Captain MCCRARY or whoever the senior aircraft commander was as to who would control the gunships overall. Now, if all four came from other companies, of course, Captain MCCRARY would control them. Now that I started on it, we had two Sharks, that was all we had up there. And the reason I know this is when we broke for recon around the area, there were only the two of us, nobody else from our company was there. So it would have probably been the Warlords that were going to be reconning, and they would help support the landing.

Q. That's a deduction?

A. Yes, sir.

Q. Did you at any time operate, other than at My Lai, with just one gun team?

A. Yes, sir.

Q. One ship on one flank and the other ship on the other flank?

A. No, sir, not that I can recall. When you are in a gunship, you make a pass and break off, you have absolutely no protection out to your side. Well you have some to the side from your door gunner, but in left-hand turns the door gunner is going to be back at an angle, it's going to be difficult for him to suppress any fire which would be coming in. That's why we always worked in pairs, so the wingman could cover when you break out into your run.

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Q. The records indicate that there were just two Sharks involved in this operation, and as I have indicated there were nine slicks. Four of the nine slicks came from the 71st Aviation Company and were called Rattlers. Do you recall what their gunships were called?

A. Yes, sir, the Firebirds.

Q. Do you recall having Firebirds on station? Certainly they would have used their own call signs.

A. No, sir. As I said, I'm certain as I can be that there were four gunships, but who the other two were I can't say.

Q. Do you recall the other aviation companies in the 14th Aviation Battalion besides the 174th and the 71st?

A. Yes, sir, the 176th.

Q. What was their call sign?

A. The Minutemen were the slick ships and the Muskets were the gunships.

Q. You don't recall talking to the Muskets on 16 March?

A. No, sir, I don't.

Q. Do you know what the call sign of the 123d aeroscout unit was?

A. I'm a little confused on the 123d. The scout platoon, the Warlords, used to be the 161st Aviation Company, which was in the 14th Battalion at the time I arrived in Vietnam. Their call sign when I arrived was--I can't think of the call sign now.

Q. The gunships you don't recall?

A. Neither one, they had slick ships and gunships. Sometime around the first part of 1968 or the latter part of 1967, the 161st was sent up to Chu Lai to a different base camp than they had previously used and were organic to the Americal Division.

Q. Could they have been called Scorpions?

A. Yes, sir.

Q. Do you recognize Scorpions?

A. Yes, sir.

Q. Could you have talked to Scorpions that day?

A. No, sir. At the time they were organic to Americal, and I'm fairly certain that the only call sign they used was Warlord.

Q. We have no other information, Mr. MESSINGER, that there was another gun team that day other than the Sharks. The Scorpions were in support of the aero-scout mission, generally to the south of the LZ. However that does not mean that they were not there, but I would like for you, as we go through it now, to think about it and think about flying around the area here. Certainly in tight turns, and low levels, with other gunship involved, there would have been a lot of concern, at least in your mind, and I'm sure Captain MCCRARY's mind, about midair?

A. Yes, sir.

Q. Try to recall any instances of ships that you were involved with.

A. This is why I said awhile back that the other aircraft of the 161st were working south of 521. At least this is my understanding from looking back, and we stayed north with the exception of this one man up here (indicating).

Q. Well, the one that you are talking about staying south, the 161st, that's really the 123d aero-scouts?

A. Yes, sir, if that's what they were.

Q. Well, I'm asking you. Our information was that it was Company B, the 123d Aviation Battalion. Could those gunships have supported that lift?

A. Yes, sir.

Q. You do not recall any conversation with Muskets or Firebirds?

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A. No, sir, I don't recall any conversations. However there could have been some that I've forgotten, or--

Q. (Interposing) What radio did the gunships use for air-to-air communications?

A. Normally, we used the VHF radio for gun communication. On a combat assault, there was always a UHF frequency which was assigned to be used between the slicks and the guns.

Q. You had another radio in a gunship?

A. And in addition we had the FM which was used for air-to-ground contact.

Q. You do not recall an artillery prep?

A. No, sir, I don't.

Q. The records indicate that a 3 to 5-minute artillery prep was placed in the area of the LZ, or in that general area. As you rolled in for suppression runs, there certainly was some coordination made somehow, with someone, regarding gunships being in the area, and the artillery being cut off. Do you recall this?

A. No, sir, I don't. That's why I didn't recall the artillery. On our normal operations--I'm relying primarily on the unit we supported prior to the 11th Brigade's arrival in Vietnam--we attempted to set up that on all combat assaults approximately 30 seconds prior to the touchdown of the slicks, the artillery would cut off. The gunships would make their suppressive fire as soon as the artillery had ended within 30 seconds of the touchdown of the slicks. So if there had been an artillery prep, it must have been cut off prior to our arrival, maybe as early as 2 minutes prior to our arrival.

Q. Is that a normal time to leave an LZ open without suppression--2 minutes?

A. No, sir.

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Q. How many gunruns would you make in 2 minutes?

A. If you had two aircraft on a gunrun you could make four passes. That's two from each aircraft.

Q. You have already described that you recall making a gunrun somewhere in the area of a tree line to the west of the LZ?

A. Yes, sir.

Q. You don't recall any gunruns on the west edge of the village?

A. No, sir, I don't. And I'm confused as to why there wasn't a gun team covering that, unless I'm mistaken in remembering where we were, because surely suppressive fire would have been used along the village. This would be one of the points where they would expect fire.

Q. From a gunman's point of view, which flank of that LZ would have been the most serious as far as coverage is concerned for protection for the slicks and the troops?

A. Your infantry unit is coming in and moving to the east, therefore their west flank is the exposed one. If they are receiving fire from the village, the infantry is going to attack that, whereas nobody is over on the west, and it's our job to protect that open flank. Now there should have been a prep alongside the village.

Q. As I understand it though, the purpose of a gunship suppression for combat assaults is primarily to protect the lift ships as they come in, until they get up to altitude?

A. Yes, sir.

Q. Now which is the most dangerous flank?

(MESSINGER)

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A. I don't think I'm qualified to say, sir.

Q. I'm a little curious, sir, as to why you recall specifically the west. Why does this ring loud and clear in your memory?

A. Well, primarily because we were flying on the slicks, and I recall looking across the aircraft towards the slicks' formation.

Q. I see.

A. This is also a consideration on touchdown, depending on what you're firing. For instance, firing the minigun, if I had been on the right side, I would have taken care to not let my fire wander to the left because that's where ships were.

Q. Were any firing passes made along the west flank after the infantry troops were on the ground?

A. Not to my recollection, sir.

Q. Could you have, or would it have been feasible to do so?

A. Yes, sir.

Q. Do you recall specifically now whether there was just your team between lifts, or do you recall if there was another team with you between the lifts?

A. Between lifts our mission is one of two choices, and I can't recall what we did that day. Either we escorted the aircraft back to the pickup zone or we continued to make our dry gun passes in the same area that we had been covering prior to that. We didn't break off until all the infantry units were on the ground.

Q. I see. Normally, though, in this type of operation, once the slicks got to a safe altitude with a partial element on the ground, the Sharks would have returned to protect the ground troops, because the slicks were now safe, at least until they reported descending again on a subsequent lift.

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A. Yes, sir. Normally we would continue to make dry runs where we were until all the sorties were complete.

Q. There were two lifts I believe you indicated.

A. To my recollection, yes, sir.

Q. That coincides with the records, Mr. MESSINGER. Do you recall going out anywhere? Is this when you went over to the east, to the southeast corner of the village, between lifts?

A. Between lifts?

Q. Yes.

A. No, sir. We stayed with--

Q. (Interposing) You stayed on the west side?

A. We either stayed here or we went with the slicks.

Q. Okay. Do you recall any engagement of any force of suspected VC at this point and time?

A. No, sir.

Q. This would have been somewhere around 0730, and the records indicate the lift was completed here at 0751 hours, so there would have been about a 20-minute period here. The second lift comes in on the ground, and I assume now that you would escort these slicks back in?

A. Yes, sir. Normally the slick commander, the lead aircraft, would give us a call approximately 5 minutes out from the LZ at which time we would break off our dry runs, come around and set up with the units.

Q. Do you remember what side you were on at this point in time?

A. I was still on the west side.

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Q. Was another gun team on the east side?

A. I can't say, sir.

Q. So after the slicks got on the ground and the lift into this LZ was completed, then you went and were flying to the east along the southern edge of the village?

A. Yes, sir. I'm fairly certain that we went to the east. Now we covered--let me use the 1:50,000 map (Exhibit MAP-5)--we covered an area during that period from the LZ, which was west of My Lai, all the way over to what the map shows to be My Khe (3).

Q. Which is just inland from the China Sea?

A. Yes, sir. And we went as far north as this river north of My Lai, the Diem Diem River.

Q. And far south as--

A. (Interposing) Well, actually we went out of our territory, and I'm certain that this was later after things had died down. We went over to the east here as far south as My Khe (3). You see the other gunships were working this southern area, and this is why I say we went there late.

Q. Well, this was not about 0751, this was sometime later. Well, let's try to put ourselves back about 0752 right after the second lift. Do you recall your specific actions then, right after the lift on the ground?

A. No, sir, not exactly. I believe we went to the southern side of My Lai first, as the troops were moving in from this direction.

Q. If you were on their left flank, you would have turned in which direction?

A. The left, sir.

(MESSINGER)

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Q. West?

A. Yes, sir.

Q. You would have turned around then to the east?

A. Yes, sir.

Q. To the southern edge of the village, or could it have been to the northern edge of the village?

A. It could have been either, however. I feel that we broke off the escort just to the northwest of My Lai and broke out to the west and swung around over the ground troops to the south.

Q. I see. That would put you heading east to the southern edge of My Lai (4)?

A. Yes, sir.

Q. Would this have been about the time that you saw this individual?

A. Well, sir, I feel that the man with the web gear was the one that we found first, because we were able to bring--some of the ground troops were able to break off and come down there. Then we spotted this other man here, and probably this one was the last.

Q. You think then your first engagement was after the complete insertion of the two lifts of C/1/20?

A. Yes, sir, I'm sure of that.

Q. It was somewhere to the south of My Lai (4) along the north-south trail that leads due south out of My Lai (4) to 521?

A. Yes, sir.

(MESSINGER)

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Q. Could you indicate the locations on the aerial photograph (Exhibit P-1) with the grease pencil? If you want to, you can use references to the sketch (Exhibit MAP-1), and I can help you orient it on the photograph.

A. You want the locations of all three?

Q. Yes. Put a circle where you think your first engagement was?

A. Okay, the first engagement was approximately here.

(Witness marks on the aerial photo, Exhibit P-1. This and subsequent markings are later transferred to a clean Exhibit P-1 which is then received in evidence with annotations as Exhibit P-159.)

Q. Do you recall any conversation between you or Captain MCCRARY and the Warlords concerning the coordination between the areas, or who was going to work where?

A. No, sir. I don't recall any conversation on that day while we were flying. However it's quite possible that there was some between the gunships. This point would have been brought out, and it was brought out in my briefing, that we would be staying north of this road along Highway 521.

Q. Was there a plan? What were you briefed on as you recall it?

A. Okay. Our primary plan was of course to escort the slicks, which we did, and suppress the tree line. Now this information was generally put out all the way into the area, in other words, as pilots, we would start in and the aircraft commander would say, "Well, suppress the tree line," or sometimes you would just suppress whatever you felt was a good hiding place for the enemy. So after we broke off then it was the team leader's decision that we would recon the area. In other words, hang around looking for trouble.

Q. Do you recall whether or not the Warlord gun team was having any action at this time?

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A. Well, sir, we were pretty busy for what we had going, and I don't recall any other incident in the area. Now, one point I would like to make while you are asking me about the gunships being in close proximity here. Part of the reason--and I saw very little when I possibly should have as with the man running down the trail or something like this--part of the pilot's responsibility, of course, is to keep an eye on what happens outside with other aircraft, as well as to the inside.

Q. That's why I thought this might have stuck in your memory, because at times there were all the slicks, your gun team, C&C aircraft, and probably a FAC. There were a good many aircraft up in the air.

A. Well, sir, I do recall the other aircraft working to the south. However, I don't recall anytime they were close enough that we had to concern ourselves with them.

Q. Do you recall going south of the road in this immediate area and engaging any VC?

A. Yes, sir, the one time that I mentioned earlier.

Q. We'll get to that one in a minute. But you think the first engagement then was this one here, and we will mark that number 1. Will you put a 1 in there?

(Witness does as requested.)

What did you state was there?

A. There was one man with web gear.

Q. He was in fact north of Highway 521, as you recall it?

A. Yes, sir.

Q. How did you make your pass on this individual?

(MESSINGER)

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A. Well, we were low-level, approximately 50 feet above the terrain. Someone in the aircraft spotted the man. We made turns around him, I believe right turns, and the doorgunner then used his doorgun to engage that man.

Q. Well, if you were flying east when you saw him and you made your turn to the right, you would turn to the south flying out to the north then into this man, from the south to the north?

A. Yes, sir. It was difficult to say, because we were making tight turns around him.

Q. He was engaged by doorgunners as opposed to a minigun?

A. Yes, sir. Miniguns are not too practical for low-level turning maneuvers such as this.

Q. Okay. Did you see web gear or weapons on this individual? You personally?

A. Yes, sir.

Q. Did you see the confirmed kill?

A. Yes, sir. I saw the ground troops go over and hold up the pistol belt that he was wearing.

Q. This was sometime later?

A. It was within 15 minutes.

Q. I see. After engaging the individual at point 1 on the aerial photograph, where did you go? I presume you marked it by smoke or some such thing?

A. Yes, sir, we did. We marked smoke and stayed in the general vicinity until the ground troops had arrived.

Q. Okay.

A. Now, the question is whether we went to the south or the north, and that I am unable to say. I feel that we probably would have spotted the man to the north, which is just on the south edge of My Lai (4). Because the lead aircraft was actively engaged here (indicating), and our wingman could not provide adequate cover and was probably doing something on his own, although keeping an eye on us at the same time. That would be, in fact, how we got into the wingman's position for this run on the other man.

Q. Then the number two aircraft of the gun team, the other gunship, is the one that spotted or initially reported the spotting of the activity in the southeast corner of My Lai that you described earlier? Who was flying that gunship, do you recall?

A. No, sir, I don't.

Q. You don't recall the crew?

A. No, sir.

Q. Would you tell us about this incident and how you first learned of it?

A. Well, sir, I recall falling in behind the number two aircraft, flying to the east just south of My Lai. Something was said over the radio to the effect that, "there's one there, there's a man there," or something, and the lead aircraft pivoted in tight and tried to fire a rocket. He did fire a rocket, but it was well short.

Q. Now pivoted in tight, did he turn to the north?

A. Yes, sir, he turned to the north.

Q. He was flying east and turned to the north on a tight turn and engaged whatever he saw here?

A. Yes, sir.

Q. Flying in which direction? Was he flying to the north?

A. Yes, sir, he was flying to the east, saw the man, a sharp turn to the north, and engaged the enemy.

Q. And continued to the north and then broke around east?

A. Yes, sir.

Q. Then your action as the number two gunship was what?

A. Well, let me bring out we were extremely close to this path, which is why the lead aircraft was ineffective in attacking the target. As soon as we saw the man, we swung out wide and set up a gunrun from approximately 300 feet above the ground. We climbed, turned out to the south, swung around, headed back to the north, and engaged the target.

Q. I see. So then your action was to gain altitude by turning your aircraft to the south and then turning north to fall in behind the wingman, cover his tail as well as to make your pass?

A. Yes, sir.

Q. You saw him fire?

A. Yes, sir.

Q. He fired rockets?

A. Yes, sir.

Q. Do you know whether he fired miniguns?

A. I don't recall the aircraft that was flying with us. It may have been a 40mm ship.

Q. I see. Do you recall what ordnance you expended, what weapons you fired on your pass?

A. Yes, sir. I fired miniguns. I don't believe the aircraft commander fired rockets.

Q. After your pass, the man now in Shark lead, the number one ship, did he come back around?

A. Yes, sir. He made this wild pass, broke around to the east, swung back around to set up a normal gunrun pattern to cover us, and attacked the target.

Q. Then he turned east, and I presume he turned south, and then turned to the west, and then to the north, then came back up and made another gunrun from south to north?

A. No, sir, he did not. He made a dry run because the enemy was apparently dead when he flew over.

Q. I see. So that was just two firing passes; one pass, two ships fired?

A. Yes, sir.

Q. Yours and the other?

A. Yes, sir.

Q. Now when was this individual identified as being a confirmed?

A. As being killed?

Q. Yes?

A. Yes, sir. I was unable to see the man so I didn't personally confirm him until my next trip around.

Q. You didn't see him when you were shooting at him?

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A. I saw him running to the east, along that trail (indicating). As we started our pass, he turned north up that small trail on the east side. Then I lost sight of him in the trees and we flew directly over the top of him, and I was unable to get a look through the trees. Our crew chief said he was dead. Then we broke to the east, back to the south, and came back up to the north to set up for another pass in the event that there was still something there.

Q. Would you mark on the aerial photograph (later Exhibit P-159) the area that you engaged this individual?

A. Yes, sir. There's a trail here, but the aerial photo doesn't show it very well. According to the picture up there (indicating the wall map, Exhibit MAP-1), it shows right here I believe.

Q. Okay. Would you put a 2 in there?

(The witness does as requested.)

Was that one individual armed or unarmed?

A. It was one man. He had a black shirt on and I believe black pants, and he was carrying his rifle over his shoulder, in approximately the slung position. I recall that, because it's rather unusual to see the enemy running with his rifle at the slung position and being chased. He should have been shooting back.

Q. He was running initially to the east and turned north and went up the trail?

A. Yes, sir.

Q. On your second pass behind the Shark lead, had the kill been confirmed?

A. Yes, sir.

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Q. Did you mark this individual then?

A. Yes, sir. We did.

Q. Who did?

A. The crew chief dropped a smoke--marked the area, and called the infantry troops and told them what we had, and told them how we had it marked.

Q. Then what were your actions? As I understand it, Mr. MESSINGER, this was your personal, first kill?

A. Yes, sir, that's true.

Q. You remember that pretty well, I presume?

A. Yes, sir, I do.

Q. Do you think the area that you have indicated is the spot?

A. Yes, sir. Of course on this photograph it's difficult to see that trail. It looks like the trail here, but on the large map, if I may, this small trail that runs to the north from the southeast corner is where the man was. He was right here under these trees on the path.

Q. That's about 25 meters from the edge of My Lai (4) proper?

A. Yes, sir. The man turned north up the path just as I started firing, and all I did was walk the tracers up the path. So I never knew that I actually hit him until we came back around.

Q. It was not over in this area (indicating)?

A. No, sir.

Q. Do you recall this area?

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A. I don't recall a distinct village in this area, no, sir.

Q. You will notice on the aerial photograph as well as on our sketch that there is a pretty evident L, and though it looks far here, it's really not too far?

A. Yes, sir. I'm sure that from the air or possibly just from the moments of excitement that this appears to be part of a larger village.

Q. Okay. I would like to show you photograph P-110.

(LTC PATTERSON hands Exhibit P-110 to the witness.)

Can you point to the location? That, by the way, is an oblique aerial photograph as you would probably see the village from the air.

A. Can I identify this?

Q. Can you indentify that as being an area that you are familiar with?

A. No, sir, I can't.

Q. Does that look like My Lai (4) to you?

A. No, sir. My Lai (4) is a rather large village.

Q. This is My Lai (4), Mr. MESSINGER.

A. This is My Lai (4)?

Q. Yes, it is. This is a recent photograph that was taken, and is, in fact, My Lai (4). You will notice the little subhamlet that's off to the south-east corner, which is joined by a trail from the south-east corner of My Lai running southeast into this little hamlet. You said you didn't believe any hootches were in it.

A. No, sir. I said it probably appeared to me to be part of a large complex.

Q. I see. Well, you will notice here that if I trace My Lai (4) proper on P-110, it's exactly like the area that I'm tracing on the vertical aerial photograph (later Exhibit P-159). This little area to the southeast is here (indicating).

A. Yes, sir.

Q. The point that you indicated on the vertical photograph which is point 2 is right here (indicating) on photograph P-110.

A. All right, sir.

Q. Does that give you any recollection as to what the area looked like in your passes, and are you still sure that the area that you have indicated on the aerial photograph is the area where you engaged this individual?

A. Yes, sir, that's the point.

Q. Fine. I have some aerial photographs of My Lai (4). At any time you would like to get oriented from the air rather than from a vertical photograph or a map, we have them available. If you are unsure of the area we could probably produce an air shot that would look closer to what you are used to in the air.

A. Well, sir, I'm really used to looking at a map, because that's what I flew with and what I was trained with. Aerial photographs don't tend to look like what I saw to me.

Q. Are you sure there was only one?

A. Yes, sir.

Q. What's the next engagement that the Sharks had that morning?

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A. Well, by elimination we only had the one left and it followed after this incident--

Q. (Interposing) Point 2?

A. Point 2. We broke off and reformed in the proper manner. In other words, we were now lead.

Q. You and Captain MCCRARY again assumed Shark lead?

A. That's correct.

Q. What was Captain MCCRARY's call sign, by the way?

A. Shark 6. Six, of course, is the standard call sign used by the commanders.

Q. Shark 6, in your aircraft; Captain MCCRARY, the aircraft commander, assumed the lead of the team. Then what occurred?

A. Well, sir, I would say that we turned to the east, flew around the general area east of My Lai, and swung down to the south and started back. No, that's incorrect. What I'm trying to do is get down to this third point where we engaged the other enemy. Now as I said earlier, we were flying from the west to the east when we spotted this man.

Q. Well, that's quite possible. You could have flown a large circle around My Lai (4) generally in a counterclockwise direction, and then come up along 521 and spotted this individual, which would have put it in this easterly heading.

A. That's entirely possible. However, I don't recall going west of My Lai, and by that I mean any further west than the LZ itself, because the activities in the area--of course, we were concerned with the ground troops south of My Lai, and the civilian activity was primarily up here to the north along the river.

There were hundreds and hundreds of people along all the trails heading towards the river, crossing the river, and to the northwest.

Q. The next thing you remember, you were flying east along Highway 521, generally to the southwest of My Lai (4)?

A. Yes, sir.

Q. Do you recall going south of Highway 521?

A. Yes, sir.

Q. And then getting into a position to fly east?

A. No, sir, we didn't. The times I recall being south is of course in this tree line, where I mentioned, where we finally lost sight of this individual, and later when we went over to the east.

Q. Would you mark on the vertical aerial photograph (later Exhibit P-159) there where you saw this individual and subsequently engaged him?

A. All right, sir. This man was--I can't say as to the position when he was first sighted. However, I first saw him at this point, south of My Lai where 521 and this trail joins, possibly slightly to the west of that junction. The man, when I saw him, was in the process of moving off the road into the tree line which is just south of 521.

Q. Would you mark it with a circle and identify it by the numeral 3?

A. This is the point where he entered the tree line. We had contact with him there, while he was running down to this point just to the southwest--

Q. (Interposing) Then Captain MCCRARY and yourself, in Shark lead, engaged?

A. Yes, sir, he was engaged by the doorgunners again.

Q. He was engaged with the doorgun rather than the main armament system?

A. Yes, sir.

Q. Which doorgunner engaged him, the right or the left?

A. I'm fairly--it was the right doorgun, sir.

Q. Which would have meant that you were orbiting to the south in a clockwise fashion?

A. Yes, sir, in clockwise fashion would be correct. Here again, we were using the tight turns over the top of the man with the doorgunner engaging him. The normal procedure here is to use right-hand turns, because that's where the aircraft commander sits and he can see what he is doing.

Q. How far off the road did you say this individual went?

A. Not more than 50 meters.

Q. Did the second Shark engage this individual also?

A. No, sir, he didn't

Q. It was just your ship?

A. Yes, sir.

Q. And I assume that there was no pass, as such, if it was just firing by a doorgunner?

A. That's true.

Q. And an unknown number of rounds, or do you happen to recall how long it took the doorgunner to get him?

A. I couldn't say as to the number of rounds. We did, however, chase and fire, not in a continuous manner of course, but that's a distance of approximately 50, maybe 75 yards that we were firing at him.

Q. What time of day do you imagine it was, Mr. MESSINGER?

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A. Well, sir, assuming we engaged the first target approximately 0800 hours, I would say no later than 0830.

Q. Then, as I understand it, you went off station for a little bit longer and went to refuel without any further shooting as far as the Sharks were concerned?

A. Yes, sir. We spent time around the village. Of course, we had to go. We went up to the north and tried to stop some of the people that were leaving the area, and there was no further incidents that day.

Q. How many kills were claimed by the 174th Aviation Company that day, do you recall?

A. No, sir. The aircraft commander is responsible for filling out the after mission report. I'm not even certain he claimed any kills, sir. The infantry confirmed one.

Q. Okay. The records show, Mr. MESSINGER, that at 0740 hours the 174th Aviation Company engaged three VC, results: three VC KIA. The location--may I have the Task Force Barker journal?

(The recorder hands Exhibit M-16 to LTC PATTERSON as requested.)

At coordinates 709788--

A. (Interposing) That's to the north of My Lai.

Q. The log also indicates--and I refer now to Exhibit M-16--that at 0755 hours, the Sharks engaged one VC, results: one VC KIA at coordinates 709788.

A. Would you repeat that first set of coordinates, sir?

Q. Of the two?

A. Yes, sir.

Q. 709788, the same coordinates as the second.

A. Okay. I made an error here and said that was north of My Lai. It's actually east or possibly southeast.

Q. Those are the only two instances. Four KIA were reported in the Task Force Barker journal as being killed by the Sharks. These areas don't agree with areas that you pointed out. Can you offer any explanation as to why that may be?

A. No, sir, I can't, other than point 2 was never located by the infantry as having been a KIA. As I said earlier, when we came back there later the man was gone and so was his weapon.

Q. I see.

A. Of course, in case number 3, when the infantry went over to check the area they found nothing.

Q. The times are interesting.

A. Yes, sir.

Q. Can you account as to the time variance? It would indicate that your first engagement occurred between the lifts.

A. Yes, sir.

Q. And the second engagement or the third engagement after the second lift of C/1/20. Do you recall, or is that possible?

A. It's entirely possible, sir. I don't recall breaking off between the lifts. But it would account for my problems in remembering how we could have gotten three contacts in such--after all the troops were in, to my mind it's logical that all of these enemy troops would have been moving about the same time and we couldn't have possibly sighted them at these locations.

Q. Do you recall any contact or sightings of any one of the three instances that is being described here being made by FAC?

A. No, sir.

Q. Do you recall any conversations with the Warlords, or Captain MCCRARY making any conversation with the Warlords with reference to sightings or Warlords' engagements?

A. No, sir, I don't recall any of those. Of course there could have been contacts, but engagements, I just don't feel that there were.

Q. Do you feel like you would have heard them if there had been air-to-air communications between you and the Warlords, or between the Sharks and the Warlords?

A. It would depend on what radio frequency I was monitoring at the time. Quite often, I would shut off some of the radios and listen to one while the aircraft commander was listening to another. Now normally, I would have been monitoring all three frequencies.

Q. Then as I understand it you are not really sure and positive as to the fact that one, or more, or any one of these engagements could have transpired between the two lifts that inserted C/1/20?

A. From the time suggested, and, of course, from the reports, obviously one was. However, I don't recall.

Q. I see. Did you see large numbers of civilians, Vietnamese nationals of various sexes and ages, on this morning on your first trip on station?

A. I would like to say, sir, that I saw a large number of people. As to their designation, I wouldn't say. I did not see a large number of children. This sticks in my mind, because in the area to the northeast of My Lai that we flew around for a while in an attempt to contain the people that were leaving, those were predominantly military-age males.

Q. You don't recall then, or you prefer not to say, whether or not there were women and children or men?

A. I did not see a large number of children. Now there were surely women and children out there, but--

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- Q. (Interposing) That you recall seeing?
- A. Yes, sir, to the northeast. The point sticks in my mind.that predominantly they were military-age men.
- Q. About what time was this that you saw these people?
- A. Well, this would be during our first trip on station.
- Q. At the beginning of it, or the end of your tour?
- A. I would say close to the end.
- Q. Would that have been in the 0830 to 0900 time frame.
- A. Yes, sir.
- Q. Did you see any other groups of indigenous Vietnamese nationals?
- A. What do you mean?
- Q. People on the ground.
- A. Other groups and--
- Q. (Interposing) Other than the ones that you described out to the northeast of the village?
- A. Yes, sir, there were people on 521 moving to the southwest.
- Q. A large group?
- A. I don't recall. There were less people coming out in this direction than to the north, obviously, because the ground troops were on that side.
- Q. I see. Did you see any along the north-south trail coming out of My Lai to 521?
- A. I don't recall any amount--anything that amounted to anything. As I said, this individual that we shot at, at the coordinates that we recall--
- Q. (Interposing) At point 1?

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A. Yes, sir, point 1. I don't recall any other people being in the area at the time.

Q. What about the people you saw on 521? About what time were these people going out to the southwest, the beginning or the ending of your tour?

A. From the time the first troops hit the ground, people start leaving.

Q. Yes.

A. Now we didn't get down in this southwest portion until towards the end of our time on station.

Q. And that's when you saw--

A. (Interposing) Yes, sir.

Q. The man that you have indicated at point 3, was he a part of a larger group of people?

A. No, sir, he was alone. However, while we were engaging him, there were two or three or possibly more civilians moving from east to west in that area--

Q. (Interposing) Along 521?

A. Yes, sir.

Q. And proximity of these people to this individual? Very close?

A. Well, within 50 meters. The point is they were on the trail approximately where we sighted him while we were pursuing him through the tree line off the trail.

Q. Were any of these people shot?

A. Not to my recollection, sir. I would like to mention one point. I was contacted by Captain MCCRARY when he was called by your office, and he asked me did I remember the crew chief saying, "Somebody just shot a woman." I said, "No, I don't remember." However, I feel that point should be mentioned.

Q. Yes, I do too. Did Captain MCCRARY or you discuss anything else?

A. No, sir, he wanted to discuss that specific incident with me.

Q. Did you discuss it in any more detail?

A. He asked me if I remembered when we spotted this man and he made the sharp turn, and I said, "Yes." He asked me if I remembered the crew chief or door-gunner--I forgot just which one he said--he asked me if the doorgunner was VARGAS that day and I said, "I don't know," and he said, "Do you remember him saying something to the effect, 'Hey, he just shot a woman'," indicating the ground troops moving into this area.

Q. Who shot the woman?

A. The ground troops supposedly shot someone while they were coming down to check out this area.

Q. This is not the crew chief that shot this woman?

A. No.

Q. Was there anything else that you and Captain MCCRARY discussed?

A. No, sir, that was the extent of it.

Q. The substance of your conversation was short, I take it?

A. Yes, sir.

Q. Do you feel that there were any of these other Vietnamese nationals shot by your ship that day?

A. No, sir, I'm certain of that. I recall all the times that the gunners fired.

Q. How can you be certain?

A. Well, when a doorgun goes off in back of the aircraft, you pretty well notice it.

Q. While engaging this man, the VC that you saw here (indicating) and identified at position 3, could any of the indigenous Vietnamese nationals alongside 521 have been accidentally shot by your gunner on that day in that incident?

A. When you say possibly, you are talking about a number of rounds coming out of a machinegun during--a machinegun ricochet, et cetera--I'd have to say yes, it would be possible. If there were people in the area, they could have been killed accidentally. However, the doorgunners only engaged the two targets that I commented on, at point 1 and 3.

Q. When you went down to confirm the individual at point 3 as I assume you did--

A. (Interposing) Well, we were approximately 30 to 50 feet above the ground firing at him. We lost sight of him in the trees and tried to find him, but we couldn't. We couldn't see anything at that time.

Q. Did you see any dead civilians?

A. Nationals along the road? No, sir, I didn't.

Q. Did you see any live, indigenous Vietnamese along the road?

A. Yes, sir. As I mentioned, there were several people about the time that we were finishing engaging here that came out of somewhere along 521.

Q. Did the thought strike you that you were firing in very close proximity to individuals who did not appear to be hostile, at least outwardly?

A. No, sir. We've given support to friendly troops as close as 20 feet using doorgunners--not that close surely using the rockets or the pilot with the miniguns. But with doorguns we have been closer than this would indicate here, and our crew gunners are quite experienced and perfectly capable of supplying support that close.

Q. As I understand it, then, you did not make any gunruns as such in the vicinity of, or parallel to, or on top of Highway 521?

A. No, sir.

Q. Are you sure of this, Mr. MESSINGER?

A. I'm certain in my own mind, sir.

Q. I presume, too, that you also marked this individual by smoke?

A. Yes, sir.

Q. Did you have any difficulty in getting the ground troops to any of the 3 locations that you have indicated to confirm your kills?

A. No, sir. As I said, the first incident at point 1 occurred early enough that they were able to break off and move to it. Also, it was across fairly open terrain where maybe they couldn't see the exact point, but they could see close enough that they didn't have to worry about coming under fire or walking into booby traps on the way. They came to this point fairly quickly and they came to point 3 quick, but point 2 we were unable to get a confirmation in any short amount of time, because the troops were moving through the village and apparently had to clear the way.

Q. This was happening pretty fast, I would gather, from the way you have indicated it to me here. There was a considerable amount of activity going on, and it was a rather hectic time period.

There were a lot of indigenous Vietnamese moving out to the northeast, and there were some along Highway 521, and you were engaging in the close proximity or right within the limits of the hamlet of My Lai (4). Did you have the idea that this was a little rushed--you were switching positions?

A. Well, sir, at the time it didn't seem like it was any burden. Of course being used to things happening fast was standard. However, when the troops started coming in and people started leaving, I got the impression that things weren't happening rapidly, because people were going everywhere.

Q. Did you see any large groups of dead Vietnamese nationals?

A. No, sir, I did not.

Q. Did you see any individual dead Vietnamese nationals other than those that you have described?

A. No, sir, I didn't.

Q. But you made a lot of low passes over this area?

A. Yes, sir.

Q. To the best of your recollection then you saw, as I understand it, the individual at point 2 and the individual at point 1, and those are the only two dead people you saw during your tour on station?

A. Yes, sir, that's correct.

Q. Who gave the permission for the Sharks to engage either position 1, 2, or 3?

A. I can't recall, sir, whether the radio calls were made at the time to request permission to fire, or whether we were authorized to fire at known enemy targets.

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Now, to the best of my recollection, at this time an enemy that was identifiable with a weapon or web gear was an open target for us anytime that we spotted it.

Q. So that you feel that you engaged these three targets without permission of the ground tactical commander?

A. I don't believe we did, sir. I think that a call was made concerning the sighting and we were told to go ahead and engage the target. However, in both 2 and 3, it happened so fast that I couldn't say whether anybody called or not. As I said, in point 2 we were the number two aircraft--the lead aircraft just spun his aircraft around and fired a couple of rockets and broke off. Point 3 we were headed down the road, saw a man, and just turned right around and engaged.

Q. You also indicated that you dropped smoke on each of these three locations and that you marked. What were the colors of smoke that were to signify certain events?

A. Well, we had no set procedure for a specific color of smoke to be used in a specific case. You just dropped the smoke and said: "We've marked it with yellow, red, blue smoke," or whatever it happened to be. I seem to recall using the red smoke on one of the 3 points, and I believe we dropped two smoke grenades on point 2. The first one had burned out, and the infantry called and asked if we would mark it again.

Q. Did you say what color smoke?

A. No, sir.

Q. Were any of these three individuals in a ditch or a hole or a bunker, or were they out in the open?

A. I'm glad you mentioned that. I left a point out on number 3. At this tree line there's a ditch. This tree line is actually--I don't know if it's in the ditch or right next to it, but you can't really see the ditch.

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You can see the depression to know that there's a trench-like or stream-like affair.

Q. Do you remember anything else? You said at point 3 he had web gear and a weapon. Do you recall him having anything else?

A. At point 3 all I saw was the weapon. I don't believe the man was wearing web gear, he might have been.

Q. Did he have any ammo boxes that you can recall?

A. No, sir, I can't recall. But the ammo boxes ring a bell somewhere, which may have been another whole different week or month or year.

Q. Do you recall an incident while you were on station of a separation of a couple of Vietnamese indigenous individuals from a large group? Those that were separated were reported to be military-aged males, and an aircraft came down after they were separated from the group and picked them up.

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

Q. The individuals might have been without shirts, might have been stripped to the waist.

A. There was a lift in this area, and I can't say for certain it was this day, or this particular incident. However, there was a case where we were using the elements from the 161st or the 123d aero-scout battalion. They had their own indigenous infantry and aircraft, and when sightings were reported they would fly in with five or six troops, drop down and pick up whatever was there, and take off. I feel that there were some that day.

Q. Do you recall, during your tour now, as I've got a picture now, you were on station somewhere around 0730 in the morning until you were about out of fuel, which would have been somewhere prior to 0900.

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A. Yes, sir. And here again, I think we refueled and came back for a second stay, but I don't recall.

Q. I see. Do you recall any other lifts by the Dolphins?

A. On this day?

Q. Yes?

A. No, sir. After the initial insertion, they were released.

Q. I see. You don't recall another lift or another element somewhere to the south of 521?

A. No, sir, I don't recall that at all.

Q. Preceded by an artillery prep?

A. I don't recall it. I feel bad that I don't remember it, but I don't recall it, sir.

Q. Do you recall any incident of the Warlords discovering a couple of mortar tubes on Hill 85?

A. I remember some discussion on the radio about Hill 85, but I don't remember anything coming of it.

Q. Do you recall, perhaps, that rather than mortar tubes, the report was changed to 60mm mortar rounds, 20?

A. No, sir, I don't.

Q. Do you recall seeing the Warlords insert the infantry elements in the proximity of Hill 85?

A. No, sir, I don't recall it. However, it is extremely possible.

Q. You recall nothing, then, about the Warlords putting their infantry on the ground during this time?

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A. No, sir. As far as I'm concerned, we were separate. I was involved with what we were doing and not paying a whole lot of attention, other than watching for other aircraft.

Q. Did you see a great many ditches around this area, around My Lai (4)?

A. Ditches, you mean--

Q. (Interposing) Well, what you and I, as laymen, would call a ditch, which would be a depression in the ground of some sort.

A. No, sir, I wouldn't say a ditch, sir.

Q. The individual over there around position 2, or where you marked position 2, did you notice a ditch in that area, or would you have thrown your smoke into a ditch by chance?

A. The man was lying on a trail that ran to the north. We attempted to drop the smoke on the man, which is to say, get it as close as you can. I don't see why it couldn't have been trenches on either side of the path, but I don't recall.

Q. I believe that in your testimony you indicated to the best of your recollection there was no firing done by the other gunships, the Warlords, in the area in the immediate vicinity of 521?

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

Q. You think you would have if they had fired?

A. I doubt it very much.

Q. You feel that your operational area was fairly well defined?

A. Yes, sir.

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Q. And the separation and coordination between the two gun teams was fairly well defined?

A. Yes, sir. Apparently it was set up well. I think I said I didn't notice any communications between the other aircraft, but we didn't have any problems with them that day.

Q. Did you see the OH-23, that was the scout, hovering low around the ground?

A. No, sir.

Q. Did you notice any smoke? How was the visibility in this time frame?

A. As I recall it was a perfectly clear day.

Q. Do you recall seeing any burning in the village of My Lai (4)?

A. No, sir, not that I can think of. However, it seems to me that there should have been.

Q. But you don't recall?

A. No, sir.

Q. Why should there have been?

A. As I've already stated, I felt that there was another team of guns prepping the east side of the LZ, and surely tracers would have set fire to something along the edge of the village.

Q. I see. It's quite important to us, Mr. MESSINGER, that we ascertain all who were involved on this day and the activities of those involved on this day. I want you to think now, to the best of your recollection, and I know you have already testified on this point, but I want to make very sure we are together on it. This was the day that you shot your first individual?

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A. Yes, sir.

Q. You thought him dead?

A. Well, as I said at the time, I saw him lying face down, spread out. I had to assume he was dead.

Q. And this made quite an impression on you?

A. Yes, sir.

Q. And yet you saw no other dead individuals?

A. No, sir.

Q. You are very positive about that now?

A. Yes, sir. I don't recall seeing any other than the three I have mentioned. I might point out that it would make a whole lot more impression since I was the one who actually pulled the trigger. This made more of an impression on my mind than any other possible--

Q. (Interposing) I understand, but there is considerable belief, by some parties, that there were a lot more dead people scattered around this area than the three you've indicated. You have, in fact, identified yourself as an eyewitness to the first 2 hours of what could be become a very large 2 hours in the days of the United States Army. It's hard for me, as an aviator, to really solve in my mind that if there are a lot of dead people there, that you wouldn't have seen them.

A. If there had been a lot of dead people lying around in the open, I would have seen them, I'm certain of that. Even if I hadn't paid any attention, somebody else out of the four of us in the aircraft would have said, "Hey, look at all the dead bodies down there," and I don't recall anything to that effect either.

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Q. There might not have been a large group. There might have been one or two. Do you recall seeing any others?

A. No, sir, I don't.

Q. I have to assume that you left station somewhere prior to 0900?

A. Yes, sir.

Q. And this is a deduction on my part. But based on the range of your particular aircraft, would you agree with me?

A. Yes, sir.

Q. You believe you went back to LZ Dottie?

A. Yes, sir.

Q. Refueled and rearmed?

A. Yes, sir.

Q. How long did it take you to do that?

A. I couldn't get too specific with it, but LZ Dottie was arranged in such a manner that at the most, three aircraft could refuel at one time. This would have slowed us had there been more aircraft. It normally took longer to refuel there, than say some other place, specifically Duc Pho, where we had it laid out the way we like it.

Q. Do you recall any other aircraft being there when you went back to refuel?

A. Yes, sir, I do.

Q. Whose aircraft were they?

A. That I couldn't say, sir, but I recall at least one other aircraft refueling within the time frame we were refueling. I would estimate our refueling and rearming operations--here again, it takes a lot at Dottie. The ordnance it takes to rearm the gunship is on the other side of this little hill from the refueling pad, so it takes a little more time to walk over and get your stuff and bring it back.

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If you parked close by, you can walk over and get it and then throw it on. I would say it took in the neighborhood of 15 minutes, and that's a long time.

Q. Fifteen minutes? Would this have been somewhere around 0915 in the morning?

A. Yes, sir.

Q. Then you think you came back down to this area?

A. That's what I'm not sure of. I recall rearming and refueling at Dottie. I'm not sure whether we called and were released and returned to Duc Pho or whether we came back and flew around for a period of time, less than a fuel load. I don't recall refueling more than once at Dottie that day.

Q. Do you have any recollection as to why you recall refueling and rearming at LZ Dottie?

A. Well, yes, sir. I recall mentioning the way it was laid out. It's a bad place to take a gunship into and come with it fully loaded.

Q. Were you aware at this time on this day that LZ Dottie did have refueling and rearming facilities?

A. Yes, sir.

Q. If we assume that you left My Lai (4) somewhere prior to or in the vicinity of 0900, what time do you estimate you would have been back over My Lai (4) if you did come back over the area?

A. (Interposing) Let me add this point, sir. I seem to recall eating lunch on time that day, which is somewhat unusual in the aviation company with the work we were doing. So we would have probably been back over My Lai, and here I will allow a little bit of room for refueling and rearming, since I'm not sure how long it took us. We should have been back over My Lai at 0945.

Q. Somewhere around 0930 or 0945?

A. In that general area.

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Q. What time did you eat lunch?

A. Well, as I said, I ate lunch on time that day to the best of my recollection, so we must have been back at Duc Pho on the ground and shut down no later than 1130.

Q. So, if you did come back over the area, you were there for a period of time less than the normal station time?

A. Yes, sir.

Q. Do you recall seeing anything as far as your specific kills, or checking them at that time to see whether or not they had retrieved the web gear from this point?

A. Depending on how the time would actually work out. If it was to be put on film and could be redone, I would say we probably did not return to the area after we refueled. The reason I say this is because after we killed this individual at point 2, we flew up to the north trying to contain these people. We returned back to the point, the man was gone, and we were there when the infantry troops arrived.

Q. At point 2?

A. Yes, sir. Perhaps we were not there when the infantry troops arrived physically on that point. However we did hear on the radio that they didn't find anything, obviously, because the man was gone when we checked it. We did--well we didn't return after--and we didn't go back to that point, because we already knew that the man was gone.

Q. So you feel that the infantry had at least arrived to the southeastern edge of the village sometime prior to 0900?

A. I feel that they arrived at the southeast of the village prior to our arrival at Duc Pho. I think that's as close as I can come.

Q. So it could have been sometime later, and you could have gotten it over the radio while en route to Duc Pho?

A. Yes, sir.

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Q. Now you say you spent a little time in between these three firing incidents trying to contain the evadees that were going out to the northeast edge of the village. You tried to keep them from escaping?

A. Yes, sir.

Q. How did you do this?

A. Well, we have several techniques that we used at various times. We come to within 10 feet and hover and get in front of them, waved to them to go back--

Q. (Interposing) Did you hover the helicopter towards them?

A. As I recall we had some contact with the ground troops concerning this. They were wanting us to turn them back, which is normal. We went in and tried, but we were unsuccessful. We went down to several individuals, stopped in front of them and waved and told them to go back and things like this, and they just continued on.

Q. Then did you give up on this mission?

A. This must have been getting pretty close to the time when we were due to refuel.

Q. So this was prior to 0900?

A. Yes, sir.

Q. Were there any incidents other than the four that you have described? I think for the purpose of the record if you will indicate by a 4 that this is the area that you recall seeing the evacuees or the indigenous Vietnamese?

A. Yes, sir. There was a bridge--it stands out a little clearer on the 1:50,000 here (Exhibit MAP-5)--that these people were trying to get across. The people were trying to get across the river and they were fairly spread out over this large, open rice paddy area to the northeast. There were people all through here.

Q. They were trying to get across the bridge here?

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A. Well, some of them were heading for the bridge and some was going to the river and trying to walk across there.

Q. If you mark 4 where you think they were.

A. This is the bridge I have in mind.

Q. If you want to refer to the sketch, I believe the bridge is shown here?

A. Well, the bridge on the 1:50,000, if you will, sir, is shown to be primarily north--

Q. (Interposing) Oh, due north. I see, that's the bridge across the Song Diem Diem River.

A. Perhaps I'm going too far away from it then. That's about a kilometer and a half, or 1,200 meters. I may be a little bit far on it. This is probably the bridge here, this small bridge just to the northeast, but this is the one I had in my mind from looking at the maps. I think I'm a little bit far away from the village on that one, so this one would probably be--

Q. (Interposing) The bridge on the aerial photograph would probably be it?

A. Yes, sir.

Q. This would be about 300 or 400 meters?

A. Yes, sir. The people would be coming generally to the northeast, in this direction. They weren't necessarily--I'm fairly sure there were people on this path where it goes to the bridge. However, the people from My Lai (4) were generally in the open going to this point, where the bridge crosses the river. Now there were other people, of course, out in here, just heading generally for the river.

Q. To the north of the village?

A. Yes, sir.

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Q. I see. Were there any other instances that you can recall now? You have described four. A man to the south of the village identified by web gear, and it was held up over the heads of the ground troops when they arrived at the scene, which as I understand was shortly after the insertion. The second incident was the one in the southeast corner of the village, laid face down and unconfirmed because he was gone at a later time. The third incident was the one just to the south, 50 meters off 521. The fourth incident you described as trying to keep the people from evading to the north and the northeast. Was there anything that the Sharks did that day that you can recall?

A. I don't feel there was anything of significance, but then this to the northeast didn't seem significant either, because we were unsuccessful in preventing anybody from leaving. We did, as I mentioned earlier, go over here to the east towards the My Khe area and just generally fly around that village. We had received some fire out of that village. We supported ground troops in that village prior to that date, so we went over to see if maybe somebody was still around.

Q. On this day?

A. Yes, sir.

Q. About what time frame do you think this would have occurred?

A. I would say--

Q. (Interposing) Before, after, or during any of the incidents which you described?

A. I would have to say it was after all of the incidents, because it would be useless for us to go way over there when we are trying to support ground troops in My Lai.

Q. Then it would have been towards the end of your time on station?

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A. Yes, sir.

Q. Subsequent to 16 March or on the afternoon of 16 March, do you recall discussing the events of the morning of 16 March with anyone?

A. Yes, sir.

Q. With whom?

A. Well, it's quite common practice when you finish a mission to sit around and tell war stories about it. As we already pointed out, my first, personal kill was an event to be remembered. Now I don't believe in going around telling everybody about it, but naturally we discussed it among the gun platoon and within the company.

Q. You had flown for a month behind the gun and hadn't got a kill yet?

A. Yes, sir.

Q. Did you talk about any of the other incidents that you took part in?

A. Yes, sir, I'm sure.

Q. Just what you can recall specifically.

A. Yes, sir, we did discuss, at least in the platoon, finding this man with web gear and trying to get the other one and trying to figure what happened to that man that we killed. It was kind of unusual for a dead man to get up and walk away.

Q. Do you recall whether or not any weapons were picked up by the ground forces?

A. No, sir, I don't recall what the final-- as a matter of fact, I don't recall hearing any report of My Lai (4) while I was in Vietnam.

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Q. I see.

A. I recall hearing that there were some VC, NVA, that type killed. There was some action up there which we already knew by just what we had seen.

Q. Was it hostile action?

A. Nobody shot at us.

Q. Did you have the feeling that you were in a hostile area?

A. I did, yes, sir, due to these incidents here.

Q. Did you take any fire that day?

A. No, sir.

Q. And you've indicated you went into a low hover in front of a whole bunch of people that were moving out to the north and didn't fire any shots that you can recall?

A. Yes, sir.

Q. Hostile?

A. I was only the pilot.

Q. I understand your position. I want your--

A. (Interposing) As I'm able to, I can make recommendations to the aircraft commander when I felt he wasn't doing right. I was definitely nervous of what he was doing, because I didn't feel--but luckily we didn't have any trouble.

Q. Did either of the Sharks, to your knowledge, recall receiving any fire?

A. No, sir.

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Q. And yet you had the impression that it was in a hostile area?

A. Yes, sir. This was the first time that I had actually seen enemy troops--physically seen them on the ground.

Q. I think you indicated they were what color?

A. What color clothes? The first I don't recall. The second and third points were in black outfits.

Q. I see. When you discussed the activities that occurred on the morning then, did you hear what the body count was by anybody?

A. I don't recall, sir. Somebody might have mentioned it, but body counts don't stick with me.

Q. Then you don't recall a large number of kills claimed?

A. No, sir. There may have been, seeing as I didn't think much of the idea walking around and counting all the dead bodies lying in the village. So I paid as little attention to it as possible.

Q. Were there dead bodies lying in the village?

A. I didn't see any.

Q. Did you discuss with any other individual your activities this day, other than with the immediate members of your platoon?

A. While in Vietnam or at any time?

Q. While in Vietnam?

A. Well, as I said, of course we discussed at least one incident in the company, and probably to my friends that I knew in other units.

(MESSINGER)

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Q. In your discussion with any individuals while you were in Vietnam, did you ever hear of or did you ever discuss a large body count during the operation of 16 March 1968?

A. I'm quite certain that I heard reports of large body counts. However, I didn't discuss them and I didn't attempt to associate them with anything. If I heard about a large body count, I just proceeded to forget it.

Q. Well, it would seem to me that it would be a bit strange to hear about a large body count in an operation that you participated in, in an area that you thought to be hostile, and when you went in you didn't take any fire nor hear of anyone taking any fire. So to come up with a large body count would seem strange to me and would ring some gongs in my head. It didn't seem to do that to you?

A. I wouldn't be amazed at a large body count in this instance.

Q. Why?

A. We spotted three enemy soldiers, and this is--of course, not having the time in the gunships--never having seen an enemy soldier before, I thought if you could catch three just flying around there, that there must be a bunch of them.

Q. Without firing? Without any of them firing?

A. Yes, sir. After it happened I felt that we must have really caught them by surprise or something, because as I stated, two of the individuals had weapons. They could have been firing.

Q. Did you hear or did you discuss at any time while in Vietnam with any individual the fact that an investigation was being made of an operation occurring sometime in the middle of March 1968?

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A. No, sir. The first I heard of it was on television.

Q. You discussed no such thing as large counts of civilian noncombatants, or any type of indigenous Vietnamese other than soldiers being killed on 16 March with any other individuals?

A. No, sir. Of course, anybody that's been to Vietnam has heard all the war stories in the bars about, well, you are a good gunship pilot if you can shoot at a woman carrying a baby and hit the baby without hitting the woman. I just disregarded these things as being hot air.

Q. Did you ever see the Sharks doing it?

A. No, sir.

Q. You would have remembered that?

A. Yes, sir. We only engaged targets that were military.

Q. I take it--

A. (Interposing) With the exception, if I may, sir, when we were called on a mission. For instance in the village we discussed, when the observers were directing our fire to a point.

Q. I take it you were pretty proud of the Sharks?

A. Yes, sir.

Q. Did you have the feeling that they were professionals?

A. Yes, sir. All gunship pilots at the time I joined the Sharks were aircraft commanders in slicks, and were supposed to have had a minimum of 200 hours flight time in Hueys.

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Q. Well qualified?

A. Yes, sir.

Q. Discriminate in the employment of firepower?

A. Yes, sir.

Q. Knowledgeable military officers?

A. Yes, sir.

Q. Good thinking people?

A. Yes, sir.

Q. Upon your return to the United States, did you discuss this operation, or any operation that could be compared in any terms of reference with civilians being killed or noncombatants being killed, or any of those times with any individual prior to the time that you talked to Captain MCCRARY?

A. Well, sir, I'll have to answer that in some general terms. People that find out that you're in the service, one of their first questions is, "Were there civilians killed?" To my knowledge, no. This is what I told everybody that asked me. I've discussed quite a few operations from my standpoint with people. The one that stands in my mind is making a gunrun on a .50 caliber position and that kind of thing. I discussed my one supposed KIA with people. But no, I haven't discussed any civilian noncombatant killings.

Q. Did you get any more kills while you were in Vietnam?

A. No, sir, I didn't.

Q. That was the only one?

A. Yes, sir.

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Q. Other than Captain MCCRARY, have you talked to any other officer or member of the military establishment or the government of the United States of this activity on this day?

A. Well, sir, here again, My Lai has been discussed all over Fort Wolters ever since the news media had put it on the television, radio, and newspapers. That's the only thing that's happened according to the news, so we have discussed it as to general terms, such as could that have happened?

Q. I see. Have you discussed it with anybody that was there or in your unit at this time?

A. No, sir, other than Captain MCCRARY.

Q. And he's the only one?

A. Yes, sir.

Q. That includes the 14th Aviation Battalion?

A. Yes, sir.

Q. Any of the Task Force Barker personnel?

A. Other than the personnel I met here, and what's been discussed along the lines of where were you stationed and were you at My Lai that day. That's the only thing, sir.

Q. Then, as I understand it, you know of no investigation having been conducted of this operation?

A. I know of an investigation conducted, yes, sir.

Q. What investigation?

A. The investigation that I've heard on television and read about in the newspaper that they were investigating the My Lai incident on 16 March 1968.

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Q. Who is they?

A. The military, I assume.

Q. When did you hear this?

A. Let's see. I guess I first heard it around November.

Q. You know of no efforts by any individual to suppress information concerning this operation while you were in Vietnam?

A. No, sir, I don't know why it would be suppressed. From my standpoint there's nothing to suppress.

LTC PATTERSON: We will take a short recess.

(The hearing recessed at 1227 hours, 14 January 1970.)

(The hearing reconvened at 1235 hours, 14 January 1970.)

LTC PATTERSON: The hearing will come to order.

(MR MESSINGER was reminded that he was still under oath and he testified as follows:)

RCDR: All persons who were present when the hearing recessed are again present, with the addition of COL FRANKLIN.

COL FRANKLIN: This gunship prep that you fired, was it planned?

A. Yes, sir.

Q. You knew before you made the insertion that you were going to make a prep?

A. Yes, sir.

(MESSINGER)

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Q. How did you happen to prep where you told us that you preped? Why did you pick that area?

A. Well, the surrounding area on the west side was all relatively open with the exception of the trees and stuff in the area that I was prepping. We tried to prep an area that contained concealment.

Q. You weren't given any guidance before, that you can recall, as to where the bad guys were going to be, so that's where you prepped?

A. No, sir. I remember some part of a briefing about there was a large amount of enemy troops within the area. However, the prep is always restricted to the LZ and relatively close, around an area that we're going to be concerned about.

Q. Right. Do you remember talking to Mr. MAGNO, or Lieutenant MAGNO. Perhaps could he have been the one that gave you the briefing for this operation?

A. That's possible, yes, sir.

Q. Lieutenant MILLIKAN?

A. I'm not sure as to whom the operations officer was at that time. It was his job or the company commander's to brief us.

Q. Colonel PATTERSON touched on this. This is known to be a fortified position. There's been at least two bloody fights in Task Force Barker. At least part of the company expected to run up against .50 calibers and mortars, and everybody else dug in along here. And it's a little hard for me to understand why you are prepping over here (indicating on the aerial photo, later Exhibit P-159) when they are going to be going through a village that has fortified positions in it. Now we had a pilot named BURTON who claims he was prepping on the west and he looked over and there was another gunship on the east, or on the other side of the slicks, on the village side, and they were prepping.

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Now just try to recollect a little bit here. I want to know if anybody fired into this village--at least fired along this hedge line here which would have been a very obvious, logical place to fire.

A. I don't know, sir. The best I can remember, I was on the west side firing, and I could be wrong. It seems likely to me that somebody would be covering that side.

Q. Now we're talking about a distance here of about 200 meters. Why can't one gunship fly here and one gunship fly here? This one could certainly cover this one, you're not in trail, and prep this area. Why couldn't both areas be prepped?

A. If you split a team, as you're prepping, the lift ships are making their approach, so you can't cover across the lift ships' formation, you're firing through your aircraft or in front of them.

Q. Of course there's at least one division I know of that used to have one gunship on either side of a lift, and that's not the most desirable way that it can be done. What do you know about that village being prepped, at least the western edge of that village being prepped? What can you say about that?

A. The only thing that I can say certainly is that it should have been prepped.

Q. What restricting instructions did you get about firing on the village of My Lai (4)?

A. I don't recall any restrictions, sir.

Q. No restrictions. You engaged that guy in the southeast corner. You made your pass I think from south to north. You fired. What did you fire, rockets or miniguns?

A. Miniguns.

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Q. Just miniguns. So you did fire in the village and this didn't appear to you to be--this doesn't recollect anything to you as far as being unusual--

A. (Interposing) No, sir. I don't believe there were any other people in the area--granted there could have been and there seemed like there would have been. I might point out the lead ship turned and fired two rockets and both of them fell short of that trail on the southeast side, and then as we rolled in my minigun fire was contained to the path. Granted, ricochets would come off, but the stream of fire was down the path.

Q. In the village?

A. Well, yes, sir, the path went through the village.

LTC PATTERSON: You're referring to the north-south trail.

A. What I'm saying is rather than just scattering bullets in a large area, I was concentrating fire on a path, so that a man standing--if you will refer to the large picture map--a man standing to the west of that big clump of trees probably wouldn't have been bothered by the fire.

Q. You think you're that good with those miniguns?

A. No, sir, I don't think I'm that good, but he wouldn't have been bothered. He shouldn't have been bothered. A man standing there wouldn't have been bothered by direct fire. Certainly a ricochet might cause him some problems.

Q. Well, do you think it's possible then that you were given instructions? If you weren't, don't say so. Were there no restrictions on firing in the village of My Lai (4)?

A. I don't recall any instructions with regard to firing in My Lai (4).

Q. Well, you normally would not fire in the villages, right? How about normally, when you are firing and he runs inside of the village. Can you engage him in the village?

A. Yes, sir.

Q. You are permitted to do that?

A. Yes, sir, to the best of my knowledge. I don't recall anyone saying you couldn't fire into the village if there was known enemy, if you had your targets confirmed.

Q. One man runs in a hut in a village, populated area, and the rules of engagement for the Sharks was such that you could engage?

A. Yes, sir, to the best of my knowledge.

Q. Do you really think it's possible to engage a man in the village with miniguns and rockets and not stand a very good possibility of ordnance falling other than where you're aiming it and hurting people inside of a village?

A. I think it's entirely possible that would be the case. When you're making a gunrun there's every chance of shrapnel, ricochets, or something like that injuring personnel in the area.

Q. Well, I'll tell you, you're going back to Vietnam. You had better get hold of your rules of engagement, because that is expressly forbidden. Now you saw a lot of people moving off to the north of My Lai (4), is that correct?

A. Yes, sir.

Q. How about to the south and southwest and down Highway 521?

(COL FRANKLIN departed the hearing.)

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A. Yes, sir. As I commented earlier in the day, as we flew by this area or sometime during the day, there was a large number of people alongside of 521 towards this village shown in the corner of the aerial photo.

Q. How about the problems with the CA?

A. At the time of the initial insertion I couldn't say where. I was concentrating on the prep and the slick ships.

Q. Within a half hour or after the CA?

A. Yes, sir. I would say that as soon as the lift ships touched the ground, people began leaving My Lai in all directions.

Q. In all directions, including the south and southwest?

A. With the exception of the west, because that's where the lift was.

Q. Were the people--there were people running down to the south and there were people down on 521?

A. Yes, sir.

Q. You mentioned earlier in your testimony that you were trying to keep the people in. How did you do that in a gunship?

A. Well, sir, normally you start off by firing low in front of them and hopefully this will give them the idea to go back, as we did in this case. We also came in almost to a hover and waved the people back, motioned them back. Sometimes we're authorized to fire in front of them.

Q. Did you fire in front of them on this particular mission?

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A. Not that I recall.

Q. Suppose they just keep going?

A. Unless the ground commander would give permission to engage them for some reason, you can't do anything about it. They just keep on going, which in most cases happens.

Q. Did the ground commander ever give you permission to engage a bunch of people on this mission?

A. No, sir. We didn't engage any unarmed personnel on this mission.

Q. This man you saw armed. What was he armed with?

A. It was a rifle.

Q. What distance were you from him?

A. No more than 50 feet.

Q. There's no doubt in your mind that he had a rifle?

A. Yes, sir.

Q. Do you recall at any time firing or making a pass on a group of people on 521?

A. Not a group of people, no, sir.

Q. How many people?

A. One, a man with a weapon.

Q. We had a captain come in here and tell us that he heard miniguns and a whole bunch of people going down 521. He heard miniguns firing and he looked around and saw 20 to 50 bodies. He was flying in a Warlord gunship.

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A. Well, I can't refute his testimony. I know I didn't do it. I only flew the minigun one day--as a matter of fact I remember the day well, because most of the time I didn't get to fire it. When you're hovering around at 50 feet, you just don't fire your miniguns.

Q. Well, somebody fired, in those two Sharks, about 13,500 rounds of machinegun ammunition?

A. That's understandable. We fired on the prep--two gunships plus my firing. I don't recall any other firing by the other ship, but they may have fired their guns at something.

Q. Would you have known if the other gunship was making a firing pass on 521?

A. Well, sir, normally I would say yes, but that particular day, due to the type work we were doing, we were split up at times. We got busy doing something and the other ship went off and did something else. But I think if he was making a gunrun down 521, surely we would have been with him.

Q. Do you think a Shark pilot would make a run on a road if it was very evident that most of the people were women and children, and fire on them?

A. No, sir, I don't. I don't feel anyone would do that in the Armed Forces.

Q. Do you have any idea why this captain would make that statement?

A. No, sir, I don't.

Q. As far as you're concerned, other than the prep, the gunships only engaged those three enemy of which you have spoken?

A. That's correct, sir.

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Q. I understand you don't recall seeing any large numbers of bodies around that area?

A. No, sir.

Q. And you left about 0900?

A. Yes, sir, probably to refuel. We left the area the first time 0900, and I'm uncertain as to whether or not we did come back. However, if we had come back, we would have been gone from there by 1100.

Q. Well, we have fairly well established that by the time you left station, there were bodies along 521. There were bodies here; there were a large number of bodies here perhaps; there were bodies all around inside of the village. Now you guys are flying gunships and supposed to be observant and looking. You didn't see any of these bodies?

A. No, I didn't, sir.

Q. Did anybody, any of your crew, over the intercom, comment about the bodies down there? Do you have any recollection of--

A. (Interposing) I don't recall it with the exception of the three incidents.

Q. Was My Lai (4) burning?

A. I'm not sure, sir. I couldn't say. It's not unusual to see fires in the village after a combat assault. You just took it as something that would be happening any day.

Q. Do you recall anybody coming in on any of your "pushes", any other helicopters, commenting on the large amount of killing going on?

A. No, sir, I don't.

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Q. Well, you and the Warlords were operating in the same area. How did you coordinate that?

A. That's the only instance I can remember something like that happening. It was my understanding that the Warlords would stay south of 521 and we would stay north of 521.

Q. Do you recall ever communicating in the air with the Warlords?

A. I don't recall. I didn't communicate with them. The aircraft commander may have.

Q. You wouldn't be monitoring that?

A. Yes, sir. As I brought up a few minutes ago, I may be listening to three radios, and I normally don't listen to the one that somebody is busy with. In other words, if the aircraft commander was talking to the Warlords it would not be important to me, because I would be more concerned with the other two frequencies that somebody may be trying to reach us on. You see what I'm getting at? He's talking on UHF. I'm going to listen to VHF and FM closely in case somebody else calls.

Q. For a CA, and you're going to be flying gun for a company in a CA, what's the average length of a briefing?

A. For the average briefing?

Q. Yes.

A. As a pilot, I'd say the average length of a briefing would be 5 to 10 minutes. For an aircraft commander, it would depend on the size of the operation. For a run-of-the-mill, daily combat assault it would be the same thing: call down, give us a mission sheet, go ahead and do it.

Q. Would you classify this, not knowing what you know now, but before this pretty well came out, as a run-of-the-mill operation?

(MESSINGER)

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A. With nine ships and the organization that was present--for instance, I don't recall hearing about the blocking company to the north while I was there. But I would say there should have been a briefing, probably a 30-minute briefing the night before, if it was organized that soon.

Q. The pilots wouldn't necessarily--

A. (Interposing) Yes, sir. It's my impression that there was a briefing, although I cannot recall it. When you're working with two or three different aviation units, and as you mentioned the Warlords were assigned an area and we were assigned an area, there would have been a briefing by the company commander or operations officer in our company the night before, probably about 30 minutes, covering what we were going to do and the enemy situation.

Q. So you thought there might well have been a briefing, but you don't recall what was in this briefing?

A. By deduction, there should have been a briefing. I don't recall because we got briefings regularly.

Q. Who would normally go to the ground unit briefing?

A. The aircraft commander of the lead slick aircraft, that's the only one I ever remember going to a ground commander's briefing unless it would be the company commander himself.

LTC PATTERSON: I would like to make the marks you made on the photo a matter of record and have you sign it.

(At this time the marks made on the original aerial photographs by MR MESSINGER are transposed to an identical aerial photograph and annotated by MR MESSINGER. The annotated photo was later entered into the record as Exhibit P-159.)

A. I have indicated on the aerial photograph (later Exhibit P-159) the Vietnamese with web gear engaged by my ship and thought to be dead, confirmed by ground troops. This is position 1.

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Position 2 on the aerial photograph is marked indicating a Vietnamese man with rifle engaged by both aircraft and thought to be killed, unconfirmed by ground troops, subsequent check by air indicated man had disappeared. Position 3 marked indicating Vietnamese man with rifle engaged by my aircraft, and approximately 50 meters further to the southwest a position is marked with an arrow from 3 to this position indicating that this position is where the man was lost sight of. Results of the engagement are unknown. Position 4 is marked with a large arrow as well as a numeral indicating many Vietnamese leaving the area of My Lai (4), mostly military-age males.

Q. It is indicated for the record that you are signing a statement that this aerial photograph has been prepared from memory at Washington, D.C., on 14 January 1970. The legend indicates the instances indicated by a circle, and this photo is entered as Exhibit P-159. Mr. MESSINGER, before we adjourn I would like to give you an opportunity to say anything that you feel may be pertinent to the purposes of our inquiry, or for that matter any statement that you would desire to make?

A. Well, I would like to say one thing, and that is it was my opinion that the area around My Lai (4), to include from My Lai to the coast, from what I refer to as the Quang Ngai River north to the peninsula, that that area was extremely hostile during the period that I served there.

Q. Would you consider that a free-fire zone?

A. No, sir. It wasn't a free-fire zone, but I'm reminded of an incident that took place sometime before. A marine received a Congressional Medal of Honor for rescuing four men off the beach which was east of My Lai. Also we had several contacts in the general area--companies that were mortared that we supported during both--normally, it was night operations, during a night attack, but we also supported ground troops east of My Lai in fire fights.

Q. Is there anything else you would like to say?

A. No, sir, I think that's all I have.

LTC PATTERSON: Well, we appreciate your coming in Mr. MESSINGER. You contributed greatly, as I'm sure you know, to the purposes of this inquiry in trying to sort out and piece together the facts and circumstances surrounding the incident

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of My Lai (4). I appreciate your coming up from your station and regret taking you away from your duties. If after you leave here, you ever recall anything else that we have not discussed that you think pertinent to the inquiry that we are conducting, or come across any documents, or photos, or letters that you might have written, or any type of physical evidence such as tape recordings and pictures, we would appreciate if you would let us know and get them to us by the most expeditious means. Do you have any such evidence that you know of now?

A. No, sir. I checked my letters home which my wife saves and there's no reference to the occurrence.

LTC PATTERSON: I want to remind you of, and I will read verbatim, the instructions that you will take with you when you leave through that door.

You are directed that you should not directly, or through others, discuss the My Lai incident, including any subsequent investigations, this one, and any reports, with any person who may have been connected with the incident in any way.

This does not apply, of course, if you are required to discuss the case in another administrative, quasi-judicial, judicial, or legislative proceeding, or for that matter as you may be required to do so in the performance of your official duties. Do you understand those instructions?

A. Yes, sir.

Q. You have no questions about what you can or cannot discuss in this case?

A. No, sir, I understand completely.

Q. If you have any questions be sure and contact us?

A. Yes, sir.

LTC PATTERSON: This hearing is adjourned.

(The hearing recessed at 1307 hours, 14 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: MOYS, Joseph C. CWO

DATE OF TESTIMONY: 8 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: 3d Platoon (Sharks),  
174th Helicopter Company, 14th Aviation Battalion.

1. RULES OF ENGAGEMENT AS PRACTICED BY THE SHARKS.

Mr. MOYS was assigned to the 3d platoon, 174th Helicopter company on about 1 January 1968. This was the company's gunship platoon colloquially referred to as "Sharks" (pg. 3). Their gunships had a large caricature of a shark's head and teeth on their noses (pg. 61). The Sharks normally were not to engage personnel without weapons. They would fire in front of people who were running or evading without weapons unless ground to air fire made this unduly dangerous (pg. 10). It was not uncommon for them to put the aircraft in front of the evading person and wave him back to the infantry (pg. 10). The Sharks were prohibited from shooting up a village if receiving sporadic fire unless they were in support of the infantry. It was permissible to fire in the village only when the enemy was physically located and separated from the populace (pg. 11). Smoke was quite often used to mark individuals they felt the infantry should apprehend (pg. 12). However, no SOI was followed regarding the utilization of smoke (pg. 12).

They would engage hootches only when the infantry would come under heavy fire from the village and there were apparently no civilians in the area. When unarmed people were seen in the open, this usually indicated there were no enemy around (pg. 17).

2. SHARK's SOP FOR COMBAT ASSAULTS.

a. Aircraft, armament and personnel.

The Shark platoon leader was Lieutenant McCRARY. Their gunships were UH-1 models. They had two to four minigun ships and two aircraft were armed with a 40mm gun. All ships were armed with 2.75 inch rockets. Their basic load was 250 rounds for the 40mm, 6000 rounds for the minigun ships and all ships carried 14 2.75 inch rockets (pg. 4). Each ship had an aircraft commander, a pilot and two doorgunners.

b. Procedures utilized by the 174th during combat assaults.

The slicks would pop red smoke if the LZ was hot (pg. 12). The slick flight leader's call sign was Dolphin Lead or Dolphin Six if in fact it was the 174th's commander (pg. 26).

The Sharks normally operated in a two ship fire team split so as to cover the flanks of the slick formation (pg. 22). In prepping a suspected hot LZ adjacent to a village, 360 degrees tangent to the LZ would be covered with suppressing fires (pg. 20). Normally, the treeline between the LZ and the village would be engaged with suppressing fires (pg. 16). There was no established SOP for gunruns. The situation determined the type of run made (pg. 14). While awaiting the second lift, their chief mission was to cover the infantry. They would fly a high and low ship pattern over the LZ (pg. 23). If no fire was received on the first lift, there was no reason to utilize suppressing fires for the second lift (pg. 26).

Although they had a UHF capability, they would normally be on the ground commander's FM frequency (pgs. 24, 25). Once the sweep was begun, the Sharks would fly cover to the infantry's front (pg. 24).

The normal lift was to cover the slicks coming in, cover the LZ, and remain on call for a short time (pgs. 27, 35). Scout and gunships from the 123d would normally come on station and replace the Sharks (pg. 27). The Sharks had the primary mission of protecting the slicks (pg. 27).

## 3. ASSAULT ON MY LAI.

MOYS could not identify 16 March 1968 as being any different from any other day or operation. He could not recall events in his memory as having occurred on 16 March (pg. 62). The general area as depicted by Exhibit P-45 did not stand out in his mind. After listening to the tape (Exhibit M-20), MOYS was still unable to remember if the four and one-half hours he flew that day was in support of C/1/20 or in support of units operating in the Que Son valley (pgs. 64-66).

However, the witness remembered engaging an individual evading one day who was unarmed. He was ordered to engage him so that he would not evade into a treeline (pgs. 38,39). MOYS' gunship killed the individual (pg. 39). This probably occurred west of Hill 85 (pg. 42). Otherwise anyone he engaged that day was carrying a weapon (pg. 38). MOYS also described killing two to five enemy soldiers northeast of the LZ in a trench network. They had trouble getting the infantry to police up the enemy equipment, (pgs. 47, 48). On this particular operation, MOYS recalled that it was the low ship that engaged the VC with weapons and his aircraft that killed the individual without a weapon (pg. 47).

MOYS never saw a large group of civilian bodies during his tour in Vietnam (pg. 53). If he had been at My Lai (4) and seen a large number of bodies, he knew that he would remember the incident (pgs. 52, 59). The witness did not recall any instance of the Sharks being vengeful and attacking a village or civilians (pg. 59).

An expenditure of 13,500 rounds of 7.62 ammunition and 35 rockets for a light fire team of two ships would be abnormal unless the infantry or slicks were under fire (pg.29).

## 4. INQUIRIES CONCERNING THE ASSAULT.

MOYS never heard any rumors concerning the 11th Brigade or TF Barker shooting or killing a large number of civilians (pg. 54). He never heard anything resembling Warrant Officer THOMPSON's allegations (pg. 55). The slick pilots did not mention any incidents around Pinkville (pg. 55). He was unaware of an investigation concerning the killing of non-combatants at My Lai (4) (pg. 55). The witness did not ever recall the flight surgeon, Captain SCHOOLFIELD, being upset with the Sharks (pg. 59). MOYS did not know if higher headquarters was notified when the Sharks accidentally killed civilians (pg. 61).

(MOYS)

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5. OTHER INFORMATION.

a. The witness served in Vietnam from July 1967 to June 1968. He began flying gunships for the Sharks on 1 January 1968 (pg. 6). He became an aircraft commander on about 1 March 1968 (pg. 8).

b. MOYS was proud of serving with the Sharks and was of the opinion that it was a very professional unit (pg.10).

c. Normally, there would not be a high degree of dispersion error when taking a target under fire (pg. 19).

d. Each Shark ship had its own call sign (pg. 21).

e. A gunship usually carried two and one half hours of fuel (pg. 26).

f. He discussed the My Lai (4) incident recently with Captain NEUMANN who initiated a call to MOYS (pg. 46). However, people who have queried him recently were told essentially what he told the Inquiry, to wit: "I don't remember the incident or anything that went on about it" (pg. 70).

g. MOYS first learned of the My Lai atrocities when it was brought out by the news media (pg. 68).

h. The 11th Brigade was extremely pacification-minded in comparison with other units (pgs. 54, 70).



(The hearing reconvened at 0845 hours, 8 January 1970.)

LTC PATTERSON: The hearing will come to order.

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

The next witness is Chief Warrant Officer Joseph C. MOYS.

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

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

A Joseph C. MOYS, Chief Warrant Officer, U.S. Army, I'm stationed at the United States Army Aviation School, Fort Rucker, Alabama.

LTC PATTERSON: Mr. MOYS, sit back and relax. I've got a few things I want to tell you before we proceed. This investigation was directed jointly by the Secretary of the Army and the Chief of Staff, United States Army, for the purpose of determining facts and making findings and recommendations concerning two 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 (4) incident of 16 March 1968, and

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

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

I have had made available to me and have reviewed prior official statements from many sources, obtained in other official investigations of the My Lai incident.

Your testimony before this hearing will be taken under oath, the oath that you just took. A verbatim transcript is being prepared. A tape recording is also being made, in addition to the verbatim notes being taken by the reporter.

Although the general classification of this report will be confidential, it is possible that the testimony, or parts of it, may later become a matter of public knowledge. Do you understand what I've just discussed?

A. Yes, sir.

Q. Do you understand the purpose of the inquiry?

A. Yes, sir.

Q. You are ordered herein not to discuss your testimony given in this room in this interrogation with anybody else, including other witnesses for this investigation, or any other person, except in the performance of official duty or as you may be required so to do before a competent judicial, legislative, or administrative body.

I think maybe I'll just deviate from my script here and explain. A competent judicial body is a court of law. A legislative body is before Congress. An administrative body is any other official investigative proceeding directed by any competent military authority.

In addition, you are cautioned that if you are subject to the order of the military judge in the general court-martial case United States v. Calley, your appearance here in no way changes the applicability and effect of that order.

Have you received a letter from any military judge or lawyer concerning instructions for you not to discuss at any time what you know about the incident? Have you received such a letter?

A: No, sir.

Q. Then that particular part of it doesn't pertain to you. Do you understand the directions and orders that I have just issued to you concerning your testimony?

A. Yes, sir.

Q. What was your assignment on or about 16 March 1968?

A. Do you mean the mission we had, sir, or what duty I was performing in my helicopter company at the time?

Q. What were your assigned duties insofar as your unit was concerned?

A. I was assigned to the 174th Helicopter Company and specifically the 3d Platoon, which were the Shark gunships.

Q. 174th Aviation Company was a part of which battalion?

A. 14th Aviation Battalion, in support of the Americal Division at that time.

Q. Where was the 174th Aviation Company itself physically located?

A. Duc Pho.

Q. From your recollection, what was the general type of mission that the 174th Helicopter Company flew in the early part of 1968? In support of whom?

A. Well, it could have been anybody in the I Corps area. We supported the Marines at times; we supported Special Forces; we were on call actually to anybody in the I Corps area, but specifically in the Americal Division.

Q. Were most of your missions, then, flown for the Americal Division?

A. Yes, sir.

Q. Any particular brigade within the Americal Division?

A. Not particularly, sir.

Q. Who was the platoon leader of the 3d Platoon of the 174th Aviation Company, which you have designated as Sharks?

A. I believe at that time it would have been Lieutenant MCCRARY.

I believe he made captain while he was still with us, and he probably now is out of the service.

Q. How many gunships did you have in the aviation company?

A. We were supposed to have eight, but we usually only carried about five or four.

Q. Would you designate for the record the model?

A. It's a UH-1 Charlie model.

Q. And the armament was a standard armament?

A. A standard minigun rocket and 40mm rocket.

Q. All of these ships were configured in the same manner?

A. We had, I believe, three to four minigun ships, and two 40mm ships, if we could keep them up. Usually one or two were down.

Q. For the record, would you indicate the caliber of the minigun?

A. 7.62.

Q. The rockets were what caliber?

A. 2.75-inch.

Q. Do you recall, Mr. MOYS, the basic load that you usually carried of the different armaments?

A. 40mm was about 250 rounds. Rockets were all the same on both ships, fourteen 2.75-inch rockets. The minigun was approximately 6,000 rounds, and the doorgunners usually carried about 1,000 rounds apiece with their M-60 type machineguns.

Q. The doorgunners? As I understand it, you carried the aircraft commander, the pilot, and two enlisted men?

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A. One of which was a crew chief and a doorgunner, but we usually referred to them both as doorgunners.

Q. And the crew chief usually sat on which side of the aircraft?

A. He was on the left side of the aircraft.

Q. And the aircraft commander?

A. On a minigun ship he would sit on the right-hand side, but in a 40mm ship he had the option of sitting on either side.

Q. And in an operation, had you developed any standard operating procedures insofar as gunruns and directions of turn in support of your gunruns?

A. We usually were very loose on that, depending on how the ground troops were situated. If we were supporting ground troops, usually it was just a racetrack pattern. We could break either left or right. Usually, we broke right because that was where the aircraft commander was sitting. He was usually the one that was on the controls flying, so he would break right, so he could see down below and so forth, and to clear himself to the right.

Q. And what was the general mission of the Sharks in support of the other platoons within the 174th Aviation Company?

A. We supported them on combat assaults. If they needed any missions where they were taking fire, a heavy amount--or even any mission that they might have needed support from us, we would go out and support them on their missions--long range reconnaissance patrols, picking up, dropping off. We would then be with them. Any time they called, that they might have needed us for medevacs or things like that, if they had time to call us, they would.

Q. When did you join the 174th?

A. About 1 July, I believe it was--1 July 1967 was about the first day I actually got in the company. I was in country 2 weeks before that.

Q. And from July 1967 until how long were you in the 174th?

A. 15 June 1968.

Q. And then you DEROS'd?

A. Yes, sir.

Q. So you were with the 174th the entire latter part of 1967 and throughout the first half of 1968?

A. Yes, sir, I was.

Q. How long had you flown gunships in the 174th?

A. I started flying gunships about 1 January.

Q. 1968?

A. Yes, sir.

Q. And the latter part of 1967, what were your duties?

A. I was a slick pilot the whole time, sir, with the 1st Platoon of the 174th.

Q. Why did you go to the gunships?

A. Well, at first, when I went to flight school and went through the subsystems and everything in flight school, I thought that was the only way to go. It was something that I wanted to do. When I got in country and saw that this was really war and people were actually dying, I felt that I would just fly the slicks and go through my whole tour, but we had it pretty bad up in the I Corps, and I wanted to go through also, see what the whole thing was about, what each mission of the 174th was like, so I went into gunships. And just for the fact that I was tired of, really, seeing people on the ground shooting at me, and couldn't do anything. Those two reasons, I believe, is why I went into it.

Q. Had you ever thought about killing people?

A. Had I thought about it before?

Q. Yes.

A. Before I went into guns?

Q. Yes.

A. Well, I felt that the gunship pilots never really talk of shooting anybody, they were only suppressing different areas. Actually seeing people on the ground that we were shooting at was probably only about 10 percent of the time we were shooting. We were just shooting an area for the ground troops, they were taking fire--or the slicks--we would shoot tree lines and so forth. To have actual people out in the open was not really the case. It would be unusual.

Q. Did you ever think about the time that you might have to engage somebody out in the open, or might be required to do so?

A. Yes, I did. But I believed, through everything I know, that was just part of the job. I didn't enjoy it at any time.

Q. You had reconciled in your own mind, though, that you were prepared to do it when and if you were called upon to do it, or it had to be done? Is that correct?

A. I didn't really know whether I could or not. When I went in, in fact, the first times that we actually engaged targets, I thought about it in my mind. We didn't actually see the people on the ground, but I realized what this armament load we had could do, and that was actually our mission at the time, to suppress the enemy.

Q. Do you recall the first time that you know that you shot a human being?

A. Yes, but I didn't actually see it. We had so much rain on the windshield, we were just shooting at an area, but the other ship that was going around on the race-track

was looking back, and they told me that I had hit somebody, that we were shooting at a general area. I didn't feel good about it. I felt about the same feeling as I did the last day I flew the gunships. There was no, I don't think--I heard one Navy man describe when he was shooting a ship, that it was exhilarating to know where his rounds were going, but as for myself, I just tried not to think about it.

Q. When was this?

A. This was about the first or second week that I had flown gunships.

Q. So, it would be mid-January 1968?

A. Yes.

Q. How many hours had you flown in the slicks before you went with the guns?

A. Approximately 725 to 750 hours.

Q. Were you an aircraft commander of a slick?

A. I was aircraft commander, also the 1st Platoon flight leader. At times I led the 174th Company on combat assaults off and on with our platoon.

Q. How long was it after you transitioned to the UH-1C's before you became an aircraft commander?

A. I can't place any specific date or month. I believe it was probably around 1 March or so, somewhere around in that area. It would have to be, because on 1 March, I remember one incident where I was actually flying as aircraft commander. That's why I'd have to say that.

Q. Did you have in the gun platoon during the time you were in it a large number of aircraft commanders, or were you short aircraft commanders?

A. We had--there was probably more than we needed at times, but it was like we'd have the right amount, but then they'd be breaking in new people and would let him go

out on some escort missions, escorting the alert team or something, getting into practice of leading the fire team and everything. Something where, more than likely, they would not get involved in any action, and the aircraft commander in the back would probably have been a fire team leader on number 2 ship. He would just sit back and let the other person--

Q. (Interposing) Was it normal practice, then, to put more than one aircraft commander in a Shark gunship?

A. I, wouldn't say it was normal, but it happened quite often.

Q. Why?

A. Well, just that the time that people would spend in country--it would let them have enough time in their aircraft to know what was going on, and they could fulfill an aircraft commander's mission.

Q. Was there also a balancing out of flying hours between the various individuals?

A. Yes, we tried very much so. Also, the reason that maybe some aircraft commanders would fly, we'd have enough people to fill five gunships in the platoon, and we would have only two gunships after a mortar attack or something. These two aircraft would have to be operated, and sometimes you could fit more than one aircraft commander in an aircraft.

Q. What was the normal number of Shark gunships that would accompany a combat assault?

A. I don't think we would put a normal--we had two very often, just two, and we had four. We made many, many lifts with just two gunships, because that's all we could put up, or that's all the ground troops would require. They'd just request two gunships for a lift.

Q. What is your personal evaluation of the combat efficiency of the Sharks after you had been in the Sharks for 2 months?

A. I don't know what other companies were like, but I was probably very proud of my outfit, just the attitude these people had on the job. They'd try to do good for the ground troops. Oftentimes, to give the ground troops the best support, we'd go in much closer than was ever required. Now, I wouldn't have done this, maybe, unless I had seen the other aircraft commanders that I was junior to do it, and know their attitude. This was something I was very proud of, that they would go out and let the enemy see our teeth and know we were giving the ground troops the best support that was possible. And we had oftentimes been commended by the ground troops for giving sometimes better support than other units.

Q. You would say, then, the Sharks were professionally oriented to accomplish their mission?

A. I think very much so, sir. I was very proud to be in the 174th, because I thought they were an extremely professional outfit, under the lead of Major WHEAT and now Lieutenant Colonel WHEAT. He was sometimes a little hard to get along with, but he was very professional and aviation-oriented and minded.

Q. Would you tell me your understanding of the rules of engagement for the Shark gunships?

A. For our gunships, we could only fire--let's say we were out on a combat assault, the ground troops were pushing forward. We would engage people who actually had weapons, enemies who had weapons. Now, people who were running or trying to get away from the ground troops, we would try to stop by using fire in front of them or even using our aircraft at times, if we weren't taking fire. We would actually drop down to the point of not trying to destroy human lives just because he was running away. We would actually put our aircraft down in front of him and wave him back. And at this time, we would get a lot of people to go back towards the ground troops to be interrogated and taken as VC or let go or whatever.

Q. If these people that you were trying to stop, or ones you suspected, were some distance from the ground forces and perhaps in an opposite direction, what action would you take?

A. We would call the ground troops, tell them that we had a military-age male escaping or evading. We would tell them what we had; they would try in every way to get that person. We'd at times have slicks in the area. We would drop a slick in, pick up some ground troops, fly over and pick them up. If there was no resort, if the ground troops were engaged in fire, they would probably tell us to not let this person get to another tree line. If there was just a lift, if they were just searching out, looking, they would probably just say, "Well, just let them go," because--

Q. (Interposing) How did you mark such people for the ground forces, or did you mark them?

A. Yes, we would drop smoke. We would say he's under our aircraft at this time. The low man usually was down to about 50 feet or even lower, or 100 feet when we were just on the scout missions like that. And oftentimes you could see him with a weapon or a web belt underneath. I would say, probably, every time that we would have to kill someone like this, they would find that he was a VC in fact. We just didn't go around shooting up people. As an example, we would fly to and from a mission with load, and we'd take one shot or two shots from a village. We didn't really stop, or we would stop and circle around, because our rules of engagement were such that we could not, unless supporting ground troops, or unless the area was a zone of fire that was known, we couldn't still shoot up the village. We'd have to see that person on the ground with a weapon in his hand before we could engage him. And even at times, if there was only one person in the middle of a village, we could not fire. In fact, as an example of that, without getting permission, later after I left we had two aircraft commanders that were grounded because they engaged people who had weapons. They were on their way back from another mission, and they were supposedly grounded for this reason.

Q. You stated that you flew in support of many forces, Marines, some in the Americal. Apparently you were in what might be considered a general support mission and flew for whomever in the area needed aviation support.

A. Americal was our prime. If these other units needed support, they went through Americal. They could get it through them, but we did support various units.

Q. I can foresee, in supporting many different units, some coordination and control problems between the gunship Sharks and the ground forces. For instance, you also stated in your testimony that you mark with smoke individuals that should be apprehended by ground forces. How would you determine what color smoke?

A. How did we determine what color? Well, we'd just throw whatever the crew chief or gunner had in his hand. He would throw down a smoke grenade if we used smoke grenades. Usually we weren't that far away from the ground troops that we couldn't just circle overhead and pinpoint that person. Usually, if we were that close, supporting the ground troops, there would probably be a Charlie-Charlie overhead. He would sometimes come over, look, see the person, and come down for a low pass to determine whether we should apprehend or take the time to herd this person, rather than go to another area where maybe there was five people. Oftentimes the Charlie-Charlie directed us to a specific area and said check that guy out. We'd go down and say no, they're just women or children or just old men or herding cattle or something, so we'd go someplace else.

Q. And as I understand it, the different colors of smoke had no significance?

A. Red did when, on an assault, as the slicks were going in and they were receiving fire, they would throw red smoke down. Red was usually the color that denoted that they were receiving fire from a specific place, if they so stated. But we could use red any other time, because when we were in slicks the red might have marked an LZ to come in to and drop whatever we had on board. The ground troops would throw a smoke out; we would say we see red; they would identify, "Yes, we have red out." Red, I believe, was the only real color that we used really specifically.

Q. Are you familiar with an SOI and what SOI means?

A. Yes.

Q. What is it?

A. Operational procedures. SOI is--SOP is standard operating procedures. SOI has something to do with frequencies and such, how to use radios.

Q. Signal operating instructions?

A. Yes, sir.

Q. What did this document have in it?

A. Well, it did have in--I know what you're getting at. It did have that yellow and red and so forth would be marked as different. But through supply channels, we had gotten away from that, because maybe the ground troops, the only color they could get was red at that time, so it was--everybody felt the same way. They couldn't just stock up on so many reds, so many greens, so many yellows. To go out, they couldn't do that. They'd just take so much smoke out. They might not have been able to get hold of any green smoke that day from supply.

Q. Then what we could say, I presume, from what you've said, is that the use of the signal operating instructions and the designation of smoke, different colored smoke for identification purposes, was not employed in the 174th?

A. No, not really, because except for red smoke, we never--

Q. (Interposing) Would you tell me what your standard operating procedure was for gunruns, for either suppression or engagement?

A. You mean altitudes, how low we would go?

Q. Where would you start your run, from what altitude, what air speed, and where would you break your run?

A. That's real hard to say. Again, it depended on the situation. If you had people or were actually taking fire or something, you'd probably break off about 500 feet. It depended on what kind of fire. You might even take it in a lot lower than that. Sometimes you made low-level gunruns. If you were down so low at the time, and you started taking fire, or you were directed in on a target that you couldn't hit any other way than being down low; a tunnel entrance, a bunker entrance, or something like that, it would do no good to make passes, a standard pass. I would say a standard pass would be starting about 1,000 feet, breaking off about 500 to 300 feet, two or three bursts of miniguns, and about two or three rockets a run, to conserve ammunition.

Q. Air speed?

A. Air speed, we'd start out about 80 knots and end up, maybe, 100 knots. That was standard, but oftentimes we'd make runs at 40 knots or even less, especially with a 40mm or minigun, which could be used that low.

Q. Then, as I understand it, Mr. MOYS, there was no real standard operating procedure for gunruns. It was based on the situation that you found each time you were involved?

A. Due to the changing situations, weather conditions, the way the slicks came in, and the way the ground troops needed the support--they might be in a horseshoe shape, and we could not make runs right into them or over the top of them or something. We had a standard when we used combat assaults with the slicks, we had standard runs we used. But after that, we tried to use the racetrack pattern if at all possible.

Q. We were discussing, I believe, the gunruns, and you stated there was a standard gunrun that you used when accompanying slicks on a combat assault. Would you tell me what that gunrun was?

A. That was the artillery--usually, when we were about 1,000 feet inbound, it would be about 2 minutes out, that was standard time. If we had artillery employed, it would be cut off. So to continue suppressive fire, we would then, at that time, begin our run, which would start right alongside a slick at about 1,000 feet, 80 knots. Then we would accelerate forward to get ahead of the slick, the first two gunships. If we had four, two would be on either side. They would break, and the other two would then, at that time, just about follow--we'd have it set up so they'd be right on the slicks coming down, and as they were breaking the other two should be, at that time, coming in so we had a racetrack pattern around, and then 1,000 feet wouldn't mean anything any more after about the first run. Because, to give the slicks the best support possible, we would have to break in a lot sooner, at a lot lower altitudes.

Q. Would you, on a gunrun, be flying at the same general altitude and down to the ground as the slicks were, or were you up above them?

A. Sometimes we would carry our runs right down, maybe 100 feet, run right down the tree lines on both sides and then break around. As we broke around, we would maybe go up to 200 feet of altitude. We stayed down for two reasons: one, it was part of our mission to suppress fire, but also, as a destroyer is supposed to do for an aircraft carrier, to take fire, because we were--that's what our job was, to take fire off the slicks, off the ground troops at that time. So we were using ourselves, at times, not only to suppress fire, but to draw fire away from the other aircraft. To get--if there was anybody on the ground, to have their head swiveling around or trying to shoot at two different things at once. So we would actually stay down low many times to give the slicks the best support that we could.

Q. What about the doorgunners firing on the slicks and the inside doorgunner on the gunship?

A. They were also--well, on the runs, they were firing, but the aircraft commanders would always brief. They knew they could not engage any human target unless there was no doubt in anyone's mind that he did have a weapon in his hand. Usually we would only have a doorgunner shoot a tree line, just as we were doing. We might assault a village, and we would fire only on one tree line. Usually, in every village in Vietnam, they had tree lines or something around the village. That's when we would use the suppressive the fire; or fire into the LZ itself, making sure it was not booby-trapped or mined or anything. The villages themselves, even though we broke right over the top of them, often-times we would just shoot back toward the tree line, shooting out in front of the slicks. We weren't concerned with targets, probably, any more than 200 meters away from the actual LZ at the time the slicks were dropping in.

Q. If you were going in on a gunrun in support of the slicks, and the slicks were landing next to a village, as I understand it, you'd fire on the tree line between where the slicks were landing and the village proper?

A. Yes, because, for one reason, if there was anybody shooting at the slicks, if there were several tree lines between that and the village, nobody could see down to the slicks anyhow, and vice versa. The only actual place good fire, or direct, point-blank fire could be coming from towards the slicks would be at an area such as this. Now, we have oftentimes shot at hillsides and high ground; maybe it would give a clearer field of fire down toward the slicks, putting a couple of rounds up there.

Q. Do I understand you correctly in that you would only fire at the tree lines and not at the hootches in the village?

A. We have, at times, shot at hootches and had houses on fire, but there was not civilians in the area and the ground troops were taking heavy fire from that village.

Q. In a normal gunrun on an assault into an area that was supposed to be hot, would you spray the village?

A. No, not if it was just supposed to be. If the area was supposedly hot, that means we would just, still again, shoot the LZ, shoot the tree lines, and maybe some high ground that was around. But the villages, they were not our targets. That was not our purpose or mission, to burn down villages.

Q. What if on your gunruns in support, again, of the combat assault slick lift, you saw civilians or what we might call noncombatants, nationals, Vietnamese nationals without weapons, in the proximity of where the slicks were going to land or where you would normally suppress the tree line?

A. If the slicks were not taking fire, the Charlie-Charlie would usually go in and mark the LZ. He'd say we have civilians over on the left side of the LZ. Don't fire on that side; just suppress the tree line on the other side, or just use minigun fire down the tree line, or something. So that would keep shrapnel and everything from traveling out away from the tree line. We were oftentimes told not to fire, or fire on the LZ proper, just where the LZ was going to be, just for that reason, because there were civilians around. Usually, if there are civilians out in the open, there probably aren't going to be any VC or NVA troops down there, because the civilians know what's going to happen if there is NVA. They see slicks coming in, they are going to be in their bunkers. They aren't going to be walking around. So we didn't fire, because we could usually be assured that there was not going to be any enemy fire coming back at the slicks.

Q. Mr. MOYS, if you are on a gunrun and you are coming to the bottom of your run and your altitude, let's say, is now about 200, 300 feet, and you're firing suppressing fire, what do you think the range dispersion error is in a minigun?

A. It would have to depend highly on the angle that the minigun was pointed. If we were on a break, the minigun would probably be pointing straight down. The dispersion on it from the vibration of the aircraft probably wouldn't be over, maybe, from center about 20 feet out.

Q. If you were firing off to a tree line, say to your flank, right flank, or a doorgunner on the right side of the aircraft was firing into a tree line from 200 to 300 feet altitude?

A. On a break?

Q. Still on a run?

A. We could change that amount of dispersion of fire by changing the degree of elevation on the minigun. If we wanted to spray a whole tree line running up and down, we would do so. If we picked out a specific bunker, and we wanted to keep somebody's head down that was right in that bunker, we could shoot right at that thing, the particular point.

Q. Let's say, as a hypothetical case, you were at 200 feet firing to your flank, to a tree line approximately 100 meters to your flank.

A. With a minigun?

Q. Or a doorgunner?

A. We couldn't do it with a minigun, really. You couldn't point a minigun directly to the front. A doorgunner would not really be concerned with the rear, because he would have another gunship back there, so he would only be looking straight down, out.

His best field of fire was just about straight out from the aircraft. If he tried to shoot too far out, he was taking a minigun's job, which didn't have to be done, plus his gun would more than likely jam because of the belt feeding and the wind would be catching. So he would usually be shooting straight down.

Q. The point I was trying to make, and I'd like your opinion, is there a considerable amount of dispersion error, range error specifically, in miniguns and doorguns?

A. I don't think so. If you wanted to put fire in a specific point at a low altitude like that, you would not get any more dispersion than, well, you'd put it right where you wanted it, really, as far as a minigun and doorgunners go. They could shoot within a 5 feet circle at 200 feet if they had to.

Q. When it's below the aircraft? When it's away from the aircraft?

A. Well, there would be a much wider dispersion then, but they would have no real reason to be shooting out that far unless there was a particular target out there.

Q. On a normal combat assault with the 174th, and let's say there's a large number of slicks involved, landing to the north on the west side of a village reported to be hostile, and only two gunships available, where would the Sharks place themselves for their suppressive runs accompanying the slicks? On the west side or the east side?

A. We are on the west side of the village. We are coming on the west side landing to the north, and this was the village that was supposed to be hostile. Where would the gunships place themselves?

Q. The village is on the east side of the LZ.

A. We would have a gunship on either side. Then we would change our pattern around. We would have one gunship going in on one side, one coming in on the other side, and we would be running a race-track like that.

Q. You'd split a team, then?

A. Not really. We would still be coming in behind each other, but not directly. We would be spaced out. So that way, just by pedal movement or minigun movement, we could still put fire on either side of the LZ. Our fire--just because this village is supposed to be hostile doesn't mean that the slicks won't receive fire from the front, back, or either side. So our main mission still would be to suppress right around the LZ itself and just the general area around the LZ itself, tree lines and so forth. That's the only thing we were concerned with. That's where any fire that would be coming would be the most accurate. To suppress the LZ proper in case, again, the LZ might be mined or something, some type of traps or even stakes or stumps or anything that we'd want to hit.

Q. Then you'd attempt to cover 360 degrees around the LZ?

A. Right. We were still trying to give the slicks the best support we could, and by only putting ourselves on one side and leaving 270 more degrees or so around the LZ itself uncovered--with the changing mission over there, it doesn't mean that just because on the briefing we got the night before or the next day all the bad guys were supposed to be in one village.

Q. Would the presence of an artillery preparation on the LZ change what you've just described?

A. Not really. The only reason it would usually change is if Charlie-Charlie would specifically come out and say, "Don't shoot in this particular area. There are civilians." Or, "Put a little more fire over here," because it's looking like a hillside. It looks like it had a bunker complex, and it's a bare hillside with trees, and brush.

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Q. Charlie-Charlie you refer to is the command and control ship?

A. Yes, sir.

Q. Who is he?

A. He would be most likely the battalion commander of the unit that we were supporting at that time.

Q. If it was a smaller unit, would it be the ground tactical commander who was airborne in a helicopter?

A. Yes, sir.

Q. Did each of the Shark aviators have his own call sign?

A. Yes, sir.

Q. What was your call sign?

A. Mine was Shark 1-3, sir.

Q. Did you always use Shark 1-3 when you were flying, or did you use, if you were the leader of the fire team, Shark lead?

A. We would use Shark lead sometimes, but we'd still use our call sign or whatever. As we were coming out we'd say, "This is Shark lead," or, "This is Shark 1-3, where do you want your fire?" and so forth. As we were getting information, we would call about 2 minutes out from the proposed--let's say a ground unit called us out. They needed us. We'd call about 2 minutes before so they could feed us information so that we could go, if at all possible, into action right away if they were really in a bad strait. So we would use our call sign. We'd use Shark lead sometimes. Right away, they knew that that person that was calling them would be the person they wanted to talk to. So on the ground, the ground commander did not always call you back by your number, because sometimes he was just too busy to really remember numbers. So he'd just say, "Shark" or "Shark lead."

Q. Now, just to sum up some of the things that we've said here; let me see if I have the idea, and when I'm through you correct me on anything that I say that is not correct.

A. Yes, sir.

Q. When supporting the combat assault of slicks, it was normal in the 174th to split a two-ship fire team, putting one ship on one flank, the other Shark on the other flank of the slick formation. During your suppression runs, which covered the entire 360 degrees of an LZ area, you suppressed any tree lines, the LZ itself, and any other areas from which you thought, as Sharks, the slicks might receive some hostile fire. Your runs, gunruns and suppression runs, would take you from approximately 1,000 feet down to ground level along the path or route of flight of the combat assault itself. As the slicks landed, you would break in a racetrack pattern to the outside of the formation, coming back around to escort the slicks out of the LZ until such time as they reached a safe altitude. Which would mean, then, that the gunships would be aware of the details of the terrain surrounding an operation having viewed it from low altitudes, not only immediately within the LZ area, but also adjacent areas in a 360 degree fan around the LZ. Is what I have said essentially correct?

A. Yes, sir, in general terms it would be.

Q. After the slicks had departed and went to pick up a subsequent lift, what would be the Sharks' mission while awaiting the return of the slicks for the second insertion?

A. We would at that time--let's say we had four gunships--

Q. (Interposing) Let's say we had two.

A. Okay, two gunships, sir. At that time, whoever was the fire team leader would stay down low; the other man would stay up high.

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And as low and high go, that could be anywhere from 50 or zero feet, practically, to 500. It depends on what type weapons, if they were using any against us at that time, or what type of suppression the ground troops needed, and the other person would be high enough that he could come in and cover the other person. Generally speaking, though, the person would be somewhere in between 100 and--100 and 300 feet, circling just about the LZ itself, because that's what we were concerned with, looking out over the other areas to see if there weren't other people trying to escape and evade, maybe people with weapons. Now, if the ground troops had enough people on the ground, let's say they took in a 15 or 10 ship--

Q. (Interposing) Let's say nine ships.

A. If we thought that there was no fire or any real danger, immediate danger, from enemy ground fire, we might range out a little bit, a little bit wider from the LZ itself, but our main concern at that time, then, were the ground troops on the ground. They were securing an LZ, probably for another lift. Now, if that was the only unit that was going to be lifted in, they would at that time begin sweeping, and we would remain some place out in front of them. And Charlie-Charlie--usually on any lift there was a command and control aircraft--he would be up 1,000 feet, and he would at that time look down for any people moving about that he would direct us to. But we were usually concerned right then with the ground troops who were on the ground.

Q. Well, let's take an example of a lift such as we've just discussed here. A second lift of this unit is coming in to complete the entire unit. The village is still the same. It's to the east of the LZ. There are just two gunships, and you know that there is going to be another unit inserted somewhere to the southeast, another company, infantry, rifle, ground force. And you know that the lift you're now covering is going to sweep to the east, and the other company that is going to be landed subsequently to the southeast is going to come up and join them. Where would your area of observation between lifts be? In front of the company that you've just inserted?

A. If they were beginning their sweep, then we would concern ourselves with somewhere out in front of the ground troops or, well, we could still circle the ground troops, being helicopters--and if the ground troops were moving very slow, we could circle an area around the ground troops themselves. If a second lift was coming, the slick leader would call us up and tell us he was so many minutes out, usually about 3 minutes out, giving us that while we were down looking around. We couldn't really watch him when he was coming back, so he would call us up and tell us 3 minutes out. We would at that time break off, tell the ground troops we were breaking off to pick up another slick lift, and we would at that time break and go and pick up the slick.

Q. Now, you've brought up a couple of things there I'm not sure I understand. You would tell the ground troops--you had communication with the troops on the ground?

A. Yes, through FM radio.

Q. Did you have communications with the command and control ship?

A. Yes, sir, usually through UHF, or we could also, since he was talking on FM--if there wasn't a lot of chatter going on, we could also reach him through FM.

Q. Well, the command and control ship is, let's say, a battalion command "push." The company, if it's a company on the ground, is on what "push"?

A. It would be on their own "push."

Q. Which frequency would the Shark guns be on? They only have the capability, I presume, of one FM?

A. Right, sir.

Q. Which one would you be on?

A. We'd be on the one that we were probably supporting at that time.

Q. The troops on the ground?

A. Yes, sir. Usually, though, when you had a big lift going in, and let's say there was three companies, all of them would probably be tuned up to one FM for working back and forth to each other. That was the frequency we would use. But they would have among themselves, maybe, their own frequency. I don't really know.

Q. There wasn't any standard procedure, then, in this regard?

A. We were given one FM frequency if we were going to use--if there was more than one company. After that time, if the companies were not working that close to each other, there would be three different companies on three different FM's. We'd have to change our FM radios if we wanted to go over here 200 meters away and talk to such and such company. We would probably have to come up on their company frequency.

Q. You also said you operated between lifts here with a high and low gunship in a two-Shark team?

A. Yes, sir.

Q. And you indicated that a low ship would be at approximately what altitude?

A. He could be anywhere from--like I said, sometimes we went down and put our aircraft right between a person and his best escape route and waved him back over, and he would finally get the idea and he would go back. Or we could be up about 200 feet if it was real dense. We couldn't really see too much down below, so we'd be a little bit higher.

Q. When a low ship went down to do this waving that you've indicated, I presume that you, the pilot, the aircraft commander--

A. (Interposing) The crew chief or gunner would do it.

Q. What would the high gun be doing? Would he be coming down with you?

A. He would drop maybe a little bit lower, but he would still be up around 300 to 500 feet or so.

Q. The second lift coming in now. The same LZ has called you that they're inbound. What was the usual call sign of the lead?

A. Dolphin lead. Or if it was actually the commander of the 174th, it would be Dolphin 6.

Q. Did he always use Dolphin 6?

A. I've heard--usually Dolphin 6, but I've heard flight leader, Dolphin lead.

Q. The second lift is inbound now. What are the Sharks going to do now? You've got troops on the ground, and the slicks are coming in, going to land on the same LZ, the same direction. What do the Sharks do now?

A. We'd break off and just follow the slicks in. If there hadn't been any fire in the first lead, we'd go around, and there was no real concern. The ground troops were on the ground, and they would set up a perimeter for the second lift coming in. We'd go back and just run a racetrack around the slicks.

Q. You'd be cold? You wouldn't be firing?

A. Right, if there was no fire received on the first lift, there was no reason to fire on the subsequent lift.

Q. What was the range of a UH-1C Shark insofar as time is concerned?

A. We stretched it pretty tight sometimes. I would say on the average we'd use about 1,000 pounds of fuel in, maybe, two and a half hours, sometimes up to three.

Q. But at two and a half hours, you'd be thinking very seriously about getting to a place to refuel?

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A. Yes, sir.

Q. And what would occur when the Sharks left station to refuel? Who would cover the ground forces? I presume that after the assault, after the lift in, the Sharks stay around the area for a period of time, do they?

A. Yes, we stay around if nothing is really happening. We would call after about 15 minutes if there's just a normal amount of people running around on the ground, civilians and so forth, and the ground troops are just on a standard push through a village. They are just looking around, poking in holes and everything. They're not really receiving any fire, so we'd call them up after about 15 minutes or tell them, "Do they need us any longer?"--or would wait until we were getting low on fuel. That would give us a good time to get back and refuel without really getting too low on fuel. So we'd call them up and ask them if they needed us any longer. Usually we'd call them up in sufficient time that we could get another--if we had more gunships on station--group up there if they needed the cover. If they were in action at that time, we would probably alert--long before we would get low on fuel--the other gunship team to hustle on, wherever we were. But standard operating procedure was to circle around for a while. The ground troops were on the ground. We would call and go, and usually, for the Americal or down in that area, they would call in their--they had scout ships, with gunships following scout ships. I believe it was the 123d. They were called. We were mostly to protect our slicks and the general LZ at the time. And then the scout ships would come in and we'd go home, and the scout ships and gunships would take over.

Q. You indicated to me earlier the basic load of ammunition that you carried on gunships. And you would expend some ammunition, as you've indicated, on suppression runs and escort. What would be a normal expenditure for the type of operations such as we've discussed, for the two gunships, or would there be such a thing.

A. I don't know. Normal, I guess, would be about three rockets.

Q. Per ship?

A. Yes, sir. And maybe about 20 to 50 rounds of 40mm, if we had it, and just 3 or 4, 10 bursts of the minigun. Whatever we felt would put some fire all around the LZ. And to save ammunition, if it was a standard lift that we weren't really expecting fire, or that we were expecting fire but were not at that time, we would try to conserve our ammunition as much as we could in case the slicks or ground troops really got into trouble as we landed. So we would not expend very much ammunition on the first run unless it was really required.

Q. Were you required to keep track of or report how much ammunition you expended?

A. Yes, sir, we were.

Q. What did you do with this report?

A. We would turn it in at the end of the day on our mission reports.

Q. Turn it in to whom?

A. Just company operations.

Q. Could you venture a guess of what the operations such as we've discussed, with two Sharks supporting a four-lift force into two LZ's--

A. (Interposing) Two different LZ's?

Q. Two different LZ's. Approximately, can you give me a guess as to how many 2.75 inch rockets and 7.62 millimeter bullets would be expended? What would you figure to be normal?

A. We could expend up to half our basic load. If we were going to expend ammunition, we would try to not shoot any more than half of what we had, to be ready for--and on 40mm it would probably only be about a fifth of what we had, because--

Q. (Interposing) Let's take it one at a time. You said 7.62, you carried how many rounds?

A. 6,000 rounds of minigun ammunition. We would probably expend about 1,000 rounds a ship.

Q. So that would be 2,000 rounds.

A. 2,000 to maybe even 4,000 rounds for both ships.

Q. And how many rockets?

A. 2.75 for both ships, we could get up to about half our load, which would be about 14 rockets.

Q. Would you say that an expenditure of 13,500 rounds of 7.62 and 35 rockets for a light fire team of two ships was normal?

A. Not normal for an average lift, no, I wouldn't say it was, unless the ground troops asked us to put more fire into different places, or we were then, at that time, taking some type of fire, sniper, one or two small arms fire. We would then, at that time, put more of our load into a specific point, a bunker complex, or a tree line or something. We'd put more fire into it as the slicks were coming in to give them better protection. Or sometimes the slicks would say they were receiving fire, but they might not really have been, and we would put a little bit more down in some field or tree line. But 35 rockets, we would have to go back and rearm.

Q. Okay, the normal operating procedure in the 174th with reference to flying of missions, when would you receive your briefing?

A. The night before.

Q. Who would give this briefing, usually?

A. Slick lead or whoever was going to be the leader of the slick.

Q. And how would this be accomplished? Would he call everybody together or just the leaders or--

A. (Interposing) No, everybody that was going to be involved with the lift the next day would be called into a briefing room. They would be given all the information they needed, frequencies. We'd have a big map on the wall. They would show them exactly where. We would have a tentative way of telling the slicks which way they were probably going to be assaulting that day.

The ground troops could have already--the day before, picked out through use of a recon ship or their Charlie-Charlie, command and control--given a briefing on exactly what the terrain looked like. Or as we were in-flight, they'd say this village looks best if you land to the north, east, west, or south. So we would land that way. But we would always have a tentative way to land.

How many, what each slick would be taking as far as number of people on board, how many times they would have to be used, how many lifts were going in, and so forth. What the area was supposedly like, a little bit of information.

Q. How long did these briefings usually last? Were they detailed, thorough, to your satisfaction? Did you feel when you left the briefing that you knew what was going to happen tomorrow, the next day?

A. Yes, we were going to take 10 ships and two gunships out to lift such and such company, battalion, or whatever; the location that we'd be picking them up; all the frequencies that we would need; the locations that we would be dropping them off. And as far as locations, we were always given coordinates. We'd know what coordinates we had to use.

Q. What kind of maps did you use in the Sharks?

A. The 1:50,000. I haven't seen a map for so long, it might have been 1:25,000.

Q. There was an operation on 16 March 1968 tabbed by the soldiers as Pinkville. Yet, the records show that Pinkville is tabbed Pinkville by the color of the village as it appears on a map, 1:50,000. The combat assault of this unit, Task Force Barker, consisted of the combat assault of two companies. The first of these companies was to assault to the west of a small hamlet that was somewhat west of Pinkville. We have testimony to believe that this assault was conducted on or about 0730 hours on the morning of 16 March, and it was preceded by a 3- to 5-minute artillery preparation. The lift was conducted by the 174th Aviation Company, consisting of nine slicks and two Sharks. There were some incidents that happened during that operation that I am going to tell you about with the hopes that you can recall this particular operation. But before I do, do you have any recollection in your mind of participating in this operation?

A. To say that there was nine slicks and two gunships and there was artillery and landing in that area-- we've done that so many times that I could never pick out a specific date. It would have to be something that would have to kind of stand out in my mind.

Q. Mr. MOYS, I'd like to show you Exhibit MAP-5, which is a 1:50,000 map, Sheet Number 6739 II, entitled "Quang Ngai." And for orientation, this is the Pinkville that we're referring to. (LTC PATTERSON pointed to Pinkville on map.) The area depicted on this map shows Quang Ngai City located here, Route 1, the Song Tra Khuc River (indicating). And I think in common terminology it was probably called something else. Do you recall? Did you call it the Quang Ngai River?

A. Yes, sir.

Q. The South China Sea. Task Force Barker operated in this general area during the period February, March 1968. 2d ARVN Division headquarters was located here at Quang Ngai. LZ Dottie was a fire support base in an LZ to the east of Route 1. There was another fire support base and LZ to the northwest of Pinkville. Do you recall the name of that by any chance?

A. No, sir, I thought it was Dottie but--

Q. (Interposing) LZ Uptight?

A. Uptight.

Q. Do you recall that?

A. Yes, sir.

Q. Artillery was located at both of these, Dottie and Uptight. There's a little hill quite identifiable because it sticks out by itself, called Hill 85. And a dirt road running from Pinkville to the southwest down towards Quang Ngai, Route 521. There is an ARVN RF/PF outpost indicated on the map as a square that was occupied. And this area from Quang Ngai River north 5 or 6 kilometers was generally considered to be an ARVN area of operations, specifically the 2d ARVN. Yet, I'm sure you recall something of the area as far as U.S. operations was concerned. Was it considered to be a hostile area?

A. Yes, sir, very much so. We used to take fire sometimes at nighttime, flying over, going back and forth to Chu Lai.

Q. Chu Lai is where in relation to the map?

A. It's to the north, sir, approximately 20 miles.

Q. And Duc Pho is to the south?

A. Yes, sir.

Q. Do you recognize the area I've pointed out on the map?

A. Yes, sir, very well, because that was our area of operations.

Q. I have here a photomap, 1:25,000, which is MAP-4. Because of the difference in scales you can see that it's twice the size of the 1:50,000. Again, the Quang Ngai River, the little RF/PF square outpost, Route 1 is off to the west edge, the China Sea off to the east. My Lai (4), the hamlet assaulted by C/1/20 on 16 March, is located here. Hill 85 is to the east-southeast about 1 kilometer. 521, a road, and a fairly main road, running between My Lai (4) and Hill 85

to the southwest. We have substantial testimony to believe that this particular operation that I'm hoping you will recall consisted of landing C/1/20 to the west of My Lai (4) in two lifts, generally in this area. With the pickup from LZ Dottie, which was the PZ, nine slicks landed to the north side of My Lai (4), supported by two Shark gunships. Subsequently, from the same PZ, LZ Dottie, the nine slicks inserted by combat assault B/4/3 to the southeast of My Lai (4). This operation was supported by artillery out of LZ Uptight. The aero-scout company, which is Company B, 123d Aviation Battalion, had been recently formed, were also involved in this operation with a screening mission to the south of Highway 521. The third rifle company of Task Force Barker, which was A/3/1, was located in a blocking position north of this little river, which is just 1,500 meters or so north of My Lai (4). The assault of B/4/3, which occurred somewhere between 0800 and 0830 hours on the morning of 16 March, probably required a go-around of the nine slicks because the artillery didn't shut off in time. LZ for C/1/20 landing to the west of the village was reported cold on the first lift. However, on the second lift in of C/1/20, a report apparently came in that some fire was received from one of the villages. We are also led to believe that there was a considerable number of civilians in the area, and they were viewed by the aviators that participated in this operation. What I've told you is based on previous testimony. Does what I've told you help refresh your memory? Can you recall this particular operation?

A. This particular day, this particular lift--it seems to me that maybe something's coming back--that maybe down here in the southern part, we might have expended around My Lai (4), dropped back to Chu Lai, refueled and rearmed. Then when we came back, some company that was along a river called us over because they were taking sniper fire and couldn't get across the river. Whether that was that particular day, I mean, we were involved in this thing so much--even when I was in slicks, I remember sometimes when I was flying slicks, that we came in on different assaults in here. All that I remember is one company up here near a river wanted us to put suppressive fire across the river, in a tree line. So we might have expended it there. And that's really all I can recall remembering.

Q. That's the river to the north of My Lai (4) that you're talking about?

A. Yes, sir.

Q. On this particular day, the records indicate that you refueled and rearmed at LZ Dottie.

A. That could be.

Q. You did not know--

A. (Interposing) I don't think we flew all the way to the--just, something's coming back, that we went to other than Duc Pho to rearm or refuel. So that might have meant that the ground troops needed us back again for some reason.

Q. Well, it would appear from what we know now that the ability for you to stay on station a little bit longer, such as you've described, was normal. The availability of refueling and rearming points at LZ Dottie was not known to the Sharks on this particular day, and they were surprised when they found out about it. They decided that they could refuel and rearm at Dottie and thereby stay on station, covering this operation a little bit longer than they normally would have if they had to fly down to Duc Pho.

A. I knew they had a rearming point at LZ Dottie. Whether I was flying that day in this operation and that this was the first day I found out, it might have been, but I have refueled and rearmed there several times.

Q. LZ Dottie was in being for some time, but the availability of rearming and refueling points at LZ Dottie was relatively new.

A. Yes, because the 123d began sending up Eagle flights over there and they used to....

Q. I'd like to show you Exhibit P-45, which is an oblique aerial photograph of My Lai (4) taken from the west looking to the east. I might also point out that this is a recent photograph, and the tracks that you see on the photograph were not in being on 16 March. The photograph was taken from approximately this point, looking to the easterly direction. (LTC PATTERSON pointed to point on the photograph.) There is the LZ used by the Dolphins

in the lower left-hand corner of the photograph. Do you recall it? Can you identify that village?

A. No, I can't tell. I just know the general area, but that particular village doesn't really stand out in my mind. This river along here looks more familiar than the actual village does, with the bridges going across and so forth.

Q. You notice that Highway 521 is in the upper right-hand corner, and of course Hill 85 would be off to the upper right-hand corner.

A. No, sir, it just does not really stand out in my mind as particularly remembering it.

Q. The records, your records indicate that you flew on that day, Mr. MOYS, and you flew as a Shark. We have every reason to believe that you participated in this operation, and are very interested in anything that you can recall on the morning of this operation that began on or about 0730 hours. And I am going to try to refresh your memory, and I would ask your indulgence and your attempts to recall whatever you can about this operation. Did you know Colonel BARKER?

A. Not personally, no, sir. I have heard this name mentioned some, just in normal, everyday operations.

Q. Do you remember what his call sign was?

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

Q. Would you know it if you heard it? Coyote?

A. It sounds familiar, sir, but to place Colonel BARKER and Coyote as the same, I couldn't remember.

Q. Do you know the call sign of B Company, 123d Aviation? Do you remember it?

A. Warlords, sir.

Q. Do you recall working with B Company of the 123d very often?

A. We never really worked with them. Usually when they came into the same area, we'd depart, because that would end our mission. Once in a while, now, B Company would be put in a specific place. If they were told to work in a specific place, and we were supposed to cover a different area, we would not actually be working with them, but in the same area. We could contact them, but we never really coordinated with them unless we said, "Well, look at something here," or they said, "There's somebody coming up your way." Usually though, the standard thing was, if the lift was a normal lift, we would cover the slicks coming in, cover the LZ, and then depart. And the scouts at that time would take over, and we would go back and carry on whatever other missions we had that day.

Q. On this particular operation, previous testimony has indicated that the Warlords were on station at the same time that the Sharks and the Dolphins were conducting the lift.

A. Yes, sir, that has happened before.

Q. I'm telling you this now, and I want you to try to remember and think about this day. Nine slicks, two Sharks, two gunships from the Warlords, and an OH-23 from the Warlords, C&C ships, four turn arounds for the slicks in the two LZs, one go-around, a considerable--in my view, looking at the map in the proximity of the area and in view of the things I've just described, that's quite a gaggle of helicopters in the air, and certainly it would seem to be something more than a normal combat assault. For this operation, the slicks had to be augmented by four slicks from the Rattlers, the 71st Aviation Company. This was not abnormal either, I know. But a nine slick lift for the 174th was, I believe, a little bit out of the ordinary, although not exceptional in itself. Is that correct?

A. I can't say it was really out of the ordinary. I could never say what an average was for our slicks going out. I would say it would probably be lower. It could be very well, indeed.

Q. I have reason to believe, too, that the coordination that was effected between the Sharks and the Warlords in this area was conducted air to air on that morning.

And it was decided, air to air, that the Warlords would work south of Highway 521 that you see on the map. The Sharks stayed to the north of Highway 521, between the lifts of C/1/20. I have also reason to believe that a considerable number of civilians, Vietnamese nationals, unidentified persons, were on Highway 521, some going to the northeast, some going to the southwest. This certainly would have been observed by the Sharks in their, as you have previously described, normal work on an LZ, such as I've indicated here in My Lai (4). I also have reason to believe that the Sharks did engage and did, in fact, claim some kills of some individuals with weapons and web gear, and had some difficulty in getting the ground troops over to police up the weapons and the web gear. They were using smoke to identify them. I also have some reason to believe that some Sharks stopped or separated from a group of individuals, civilians walking down the road, two Vietnamese nationals that were suspected of being VC. After separating them, the brigade commander of the 11th Brigade in his C & C ship came down and picked up these two individuals, and was concerned because he thought there might be three and you all, the Sharks, had only come up with two.

A. Something's coming back, but it seems to me I've started to remember a lift on the north, northwest side. It was maybe the place where we had these individuals we had found with weapons and web gear that were escaping and evading. They were down in trenches, holes, and everything. They were hauling out of the villages after we had landed and everything.

Q. That's correct.

A. That's the ones we tried to mark. I believe we engaged them with fire. We could not get the ground troops to come over. We wanted them especially to come over and get them, because they had weapons, the whole bit, and they probably would have papers or something. The people that--down on the south end, I can't really remember--I don't remember the slick coming in. I remember somebody telling us to go over and look at some people. We had one guy that--there

was several people, but we only picked out the one of them. The other ones got lost. I believe one man, he was moving fast when we came up on him. He threw a bunch of things which we did not identify. Again, at that time, we wanted the ground troops to come down and see if we could get them to identify those objects that were in the bushes at that time. We followed this man. He took a position in a herd of cattle, kind of driving cattle. I don't know whether this is the same operation. We followed this man. We decided, well, we can't do anything, but we circled around. We were at that time, I believe, in contact with somebody. I don't remember who, whether it was the ground troops, whether it was the Charlie-Charlie, but we were--this man, again, as soon as we kind of--one of our tactics was to kind of survey the guy. We'd break away, keep our eye on him, and this time, this guy just took for the nearest--as fast as he could, to get across to another tree line, evading, definitely evading, other than just a normal civilian. We went back, kept the guy out--he kept moving, would not stop even though we were firing in front of him, and I believe at this time we were told by someone to engage this person and not let him get to the tree line at that time, for a later time the ground troops would come down and identify the objects and the person. I believe that was the only people that we engaged that day--was people with weapons, and this one person who was, as they found later when they went down and investigated, that he was probably in all likelihood a VC or NVA troop, because he--just for those reasons, other than a normal civilian trying to get out every way he could--escape and evade the general area of combat.

Q. Do you remember these two or three individuals that were segregated from this group that were on the road?

A. I don't remember segregating any groups of people. There might have been more than one, but I believe this one was the only one that we actually engaged that did not actually have a weapon in his hand. But we had seen him running into the group of people--then we could not pick him out, then later moving out, hiding something, or discarding something which was--that no civilian would have any reason to do so. If he had a hoe or a rake or something, that would give us all the more reason not to even look at him.

Q. Do you recall engaging this individual?

A. Yes, sir, I did, sir, I recall this. It might not have been the particular incident, but we were told at this time, because this person was in all likelihood a VC soldier, we were told not to let him get to a specific tree line.

Q. And you did engage him, and you did shoot him?

A. If this is the particular incident. I'm not just trying to protect myself. We were told to keep firing in front of the person, and they'd try to get somebody down there. This has happened before, that the doorgunner gets a little excited and gets a little too close to the guy. I believe that it could have gone two ways: one, we intended to stop this person in any way we could from reaching the tree line, or; we were firing in front of him and the person was hit by the fire.

Q. You remember, though, seeing this fellow dead?

A. Yes, sir.

Q. I have here an aerial photograph, a vertical photograph of My Lai (4). I'd like to get you oriented on this. (The witness was shown Exhibit P-1.) The scale of this photograph, this is My Lai (4), is about 1 inch equals 85 meters. By referring to your map, I'd like to point out a few things to you as well as the oblique photograph that we previously referred to. Recalling and looking at this aerial photo, the oblique photo, P-45, you recall we were looking from west to east, here, and you recall something about the river. If you'll notice, first off, there's somewhat of a dike or tree line or something that runs generally from the north to the south of the village (indicating). You notice these two fields (indicating). Just to the east of that line on this aerial photograph you can see Route 521, and you'll notice that the stream that you identified here on P-45 is indicated here on this aerial photograph. The difference, of course, is that this one is oblique as you would see it from the air, about 1,500 feet, and this one is looking straight down on it, vertically. Are you oriented on that photograph, pretty well?

A. Yes, sir.

Q. Again, the LZ we talked about (indicating), could you recognize it? I know you may not recall it, but it's to the west of the village in the rice paddy in this area (indicating).

A. Sir, whether that was the particular LZ--apparently, from what else I've said, I recall facts that would probably put me there, but the actual LZ, I've seen so many I don't remember. We could have landed to the west or the east side of the village.

Q. I'm not trying to get you to identify the LZ. I want to try to have you recall what you were telling me a little bit earlier with the hopes that you can tell me about where these things took place. And I'm orienting you only from the LZ point, and telling you what we think we know about the landing, to try to fix these two incidents that you described earlier. Under the assumption that the slicks did land in this area, and landed to the north, and I might indicate the north on that aerial photograph is on the top. It's oriented properly. You described two incidents. One, you told me something about people to the northwest, and how you got them in an open field.

A. Well, not really open, sir, the area was--that's what I can't understand about it. As I remember, it was kind of a red clay area, little bit hilly, not--

Q. (Interposing) Not what?

A. Extremely high or anything, maybe 50 feet in elevation above the rice paddies or so.

Q. If under the assumption, now, that the landing was made in this area (indicating), and recognizing that we were talking about a scale of 1 inch equals 85 meters, the village itself is 400-450 meters, maybe 200 or 300 meters over to this creek line here (indicating). Perhaps the whole photograph is 1,500 meters in height, and maybe a couple of thousand meters in width. So, the area depicted on this photograph probably encompasses the operational area of the Sharks or the lift ships. Hill 85 which is identified on the map--you can begin to see just where the hill is here, the South China Sea being off to the right.

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Under the assumption, then, that this is your LZ (indicating), let's go back to the first incident which you described, somewhat up to the northwest of the village. The records that we have introduced into evidence, the journals of Task Force Barker, the 11th Brigade, and the Americal Division, indicate the Sharks did, in fact, get credit for two separate incidents of kills on this day, the two that you have just indicated.

A. The first incident, sir, I described, in my mind I saw taking place in kind of a red clay area, and not just a small area, but a larger area with a lot of trenches and everything interwoven into them. And I don't really see it in this part of the village. To me, this over here should have been not rice paddies (indicating), but other than rice paddies, just kind of open fields, maybe something like down in here (indicating).

Q. With scrub brush and tree lines?

A. Well, not really trees or anything, but it seems to me these people were escaping and evading that we saw with weapons.

Q. Let's concentrate, if you will, on the first incident, the one to the northwest.

A. That's what I'm trying to depict, sir. I remember engaging--maybe again it wasn't this particular day--

Q. (Interposing) Well, the incidents that you've described, the two to the northwest and the one to the southeast, are confirmed by journal entries. Study this map for a moment. Elevation on this map is indicated how? The map I'm referring to is 1:25,000, MAP-4. How is elevation depicted on this map, elevation above the ground?

A. By contour lines.

Q. Okay, if we look at My Lai (4), we don't see any contour lines. We see that Hill 85, which is to the south, is indicating 85 what?

A. 85 meters.

Q. Okay, and the only other hill in the elevation--

A. (Interposing) They weren't really--like I said, they probably only ranged--other than rice paddies, kind of brown clay protruding from the ground.

Q. Without elevation?

A. With some elevation. I said before 50 feet, but it might have been that much, 20 feet or so, but other than rice paddies.

Q. Can you tell about how far they would have been from the village, recognizing now that when you did this, the first lift was on the ground.

A. From the village itself? I could guess, maybe 200 or 300 meters from where the ground troops were themselves. It might have been even further, where the ground troops were sweeping, and they were sweeping in a different direction now, if I remember properly, and that's why we had a hard time getting them to come up to where we were, because they didn't want to break off.

Q. You would think, then, that it would be a couple hundred meters from the village to the northwest?

A. Well, not from the village itself, but from the ground troops. It might have been up in this area, in here some place (indicating). Or it could even have been over here somewhere or up in the next village. (Witness pointed to several directions, to the northwest.)

Q. On this operation the first lift secured the LZ. The second lift, which came in later, after this incident that you described, came in and they went on line, somewhere to the west edge of the village, and then moved on to proceed to the east through the village, two platoons abreast. So the plan was that they would, in fact, be on line and covering the entire village.

But at the time you engaged these two individuals to the northwest, the only troops that were on the ground, as I understand it, were probably those that were securing the LZ. The record indicates that this is when it occurred. Mr. MOYS, would you be willing to indicate, by pointing to an area that you think it might have been, an approximate area?

A. Well, I thought--this first incident I described apparently must be another incident, because I do not remember. I thought the ground troops at this time were already engaged in what they had been doing. I can't remember them being in the LZ itself and us out of it someplace. That could very well have happened, but the exact location of where these enemy troops were engaged or anything, I could not really point out. It could have been up here to the north (indicating). If there's a location or something--it just seems to me they were in kind of a red clay area and running down trench lines trying to get away. It might have been--if the ground troops were still on the ground, then it might have been in the north portion of the village, but if they swept right through the village, then there would be no reason why they wouldn't have gone right there, to that point. An instance I remember is that we had a hard time, it took us a long time to get anybody up into that area.

Q. The information that we have is that there were two individuals killed to the east of the first LZ. And they were marked by red smoke for the purpose of getting the ground troops over there to police up the gear.

A. There is--apparently, what it looks like on the ground here (indicating), kind of a red clay area, or a little bit higher elevation. If it was on the east side, that would indicate it could have been over in this area (indicating).

Q. That which you see there is a stream, the dark colored area. But that would indicate low and higher ground on either side of it. The indication is also that the Shark was trying to get--after he'd marked these two with red smoke--that nobody reacted to go over and get them at that particular point in time.

And the Shark indicated that he would go back over there as soon as the next lift is in and remark the location. And this does indicate, as you've said, that you were having some trouble getting someone to go over there and police up that gear.

A. Well, sir, also, we have had a lot of trouble like that before, a lot of times. Again, now that I look at this picture and the incidents I remember, I just can't really recall where they were. I just remember red clay, with the shrub brush and kind of geometric patterns around it, and that's where we singled these individuals out.

Q. Okay, what about the second incident, the man that started to run from the group of people and threw something into a paddy?

A. I believe he was also--it seems to me it was down here, next to this hill, over in this general area (indicating).

Q. On the east side of Hill 85?

A. Yes, sir.

Q. I believe we have indications that an individual was marked by white smoke and red smoke. You might have marked the stuff that he threw down with white smoke and the individual himself with red smoke.

A. It doesn't--I remember yellow smoke when we used to mark people, because it was easier for the ground troops to see than green or violet or something. Even red was, from a distance, kind of hard to pick up.

Q. But do you recall that it was south of the LZ, this incident where he threw the stuff down?

A. It would have been to the southeast, yes, sir.

Q. If you assume that the LZ was here (indicating), where would the southeast be? Recall now that there was a road and a considerable number of people, civilians, on that road?

A. Then it would have to be down in here (indicating).

Q. South of the road?

A. Yes, sir.

Q. But you just don't recall?

A. No, sir. Unless again I'm speaking of a different incident.

Q. The Shark is supposed to have marked the one to the east with white smoke indicating it was in a ditch. About this time the individuals were being segregated or separated from a large group of people on 521. And Rawhide 3 was attempting to get somebody to get them segregated so that they could pick them up. Does this help any?

A. Not really, sir.

Q. The one on the south end, right after that, we believe was marked with green smoke the second time it was marked. What happened here, with all the different color smokes: this one (indicating), the one to the south was marked with green smoke the second time, and it was about this time that the second LZ went in with a violet mark. The artillery had finally got shut off on that second LZ.

A. It seems to me that this incident that I am remembering in my mind that the second engagement, the second person we engaged, was much later after all the lifts were in. It was much later, as we were in our scouting capacity. Sir, do you know who the fire team leader was at that time--because these incidents that I remember right now--I can remember specifically who the fire team leader was.

Q. Who was the fire team leader?

A. It would have been Mr. BURTON.

Q. When was the last time you talked to Mr. BURTON?

A. I haven't seen him since this thing. I know we were together there, but I haven't seen him since My Lai has come out. I don't believe we've really sat down and discussed it. The only person I really discussed this thing with was, when it first came out, my old slick platoon leader called me and says, "Do you know anything about this?"

Q. Who is this?

A. This is Captain NEUMANN, sir. They thought he was the flight leader, and he couldn't remember--he couldn't remember anything unusual happening any specific day, and he wanted to know if anything really stuck out in my mind, any particular day, and I didn't--he was the first one that suggested I was around in the area at the time. That's what really got me to thinking really about it, whether I was there or not. These two specific incidents, I remember the people to the northeast and the person down to the south. Mr. BURTON was the fire team leader and I was the aircraft commander of the second ship.

Q. Are you friendly with Mr. BURTON? Do you know Mr. BURTON well?

A. I know him from over there. We haven't seen each other--

Q. (Interposing) Do you know where he is now?

A. Yes, sir, he's in Fort Rucker.

Q. Is that where you're stationed?

A. Yes, sir, I am, but I was in contact, and flew out of one area, and he was in another area. I lived off post, and he lived on post. So really, we didn't see each other as far as being real friends.

Q. Is there anyone else you've talked to about this besides Captain NEUMANN? You haven't discussed it with Mr. BURTON or any of the other Sharks?

A. I might have seen Mr. BURTON and said something about it when it first came out. But I wouldn't say I'm positive that I really haven't seen him in the last month or so to talk about it.

Q. The thing that strikes me here is that you described two incidents as we believe they happened. Two individuals killed by the Sharks northeast of the LZ, and trouble trying to get some ground elements over to police up the gear that the Sharks reported were on them; continually marking, having to remark to get somebody to move over to get that gear.

A. Yes, sir, I can remember Mr. BURTON as a fire team leader was really getting irate about the whole thing, because they would not respond to us. But that has happened a lot of times. They were just too busy with what they're doing, whatever it is, just to come over. They know if they're VC with weapons and KIA and no one else around in the area, then I suppose the ground troops feel their mission at the time, whatever it is, sweeping the village or engaging someone else in fire, would take prime importance, and they could get someone over there later.

Q. Do you recall engaging these two? Was it your ship?

A. No, I was probably number two man, so I would have been high man and I don't remember being the one to engage that time. But I believe, if it was the same day, the same instance, that in the second instance it was my aircraft that engaged the second individual.

Q. Under your command?

A. Yes, sir.

Q. What do you recall about the incident that you're thinking about, and don't concern yourself whether it was this day or not? What do you recall about that incident? Tell me about it.

A. It seemed to me that the day was kind of cloudy, dark, or other than sunny. The people were in red clay, trying to evade the area. We engaged these people.

Q. How many people would you say?

A. I'm recalling now more than two, but all we came up with on later count was two. We had engaged some people with weapons escaping and evading through these trenches--various networks of trench lines and so forth.

Q. Were there 20?

A. No, I would suppose about five, just what I recall in my mind, somewhere around five.

Q. Okay, then, go ahead.

A. That particular instance--

Q. (Interposing) You say the weather was kind of cloudy. Was it in the morning or the afternoon or--

A. (Interposing) I can't recall the time of day, no, sir.

Q. Do you recall it being in this general area, i.e., north of the Quang Ngai River (indicating)--

A. (Interposing) Yes, sir, because we had engaged-- we got in some helluva fight up here with VC in large units, up into 100 or so or more, and a lot of smaller units. As I said before in my testimony, this was a hot area. We would take fire quite often.

Q. Do you recall, with reference to the incident that you're now relating to me, that you fired on these people?

A. Yes, sir.

Q. And then what happened? Did you make another pass to see whether or not you got any? Did you make one final pass--

A. (Interposing) The number one man was down low. He had identified that he had KIA people with weapons. Then we searched around a little bit more to see if we could find anybody, and at that time I believe we were in contact with the ground troops, telling them what we had, and we were marking them with smoke. And it seemed to me we were marking them with yellow smoke. That could--there are hundreds and hundreds of smoke grenades we had thrown out, and seen smoke on the ground--no specific color really.

Q. Do you remember whether or not these individuals had any distinctive clothing on?

A. I believe that the two we really picked out and got looked like they had some type of NVA uniforms on, some type of blouse or coat. The two that I remember had other than black pajamas on. It's the reason why we picked them out, to go over and look at them, I believe, and then we identified. If I remember properly, they did have weapons, and some type of web gear.

Q. Did they have any colors?

A. No, in this area we had many times engaged people with blue bandanas on, if that means anything.

Q. How about a red scarf?

A. Something's in there about red, but it doesn't really come out. It might have been that I'd seen ARVN's with red colors on.

Q. You indicate that you are not sure whether this is the same incident or the same day. What makes you feel that?

A. The main thing is I feel I remember engaging two people up sort of to the northwest and--

Q. (Interposing) Northwest or northeast?

A. Northwest, sir, two people up to the northwest.

Q. Northwest of the village?

A. Yes, sir.

Q. And northeast of the LZ?

A. That could be, sir. Yes, sir, it would be northeast. But there was not open rice paddies, but in fact other than rice paddies, or non-irrigated type land with networks of little trench lines and bush lines and everything.

Q. And the one in the south you say you engaged. What makes you feel that's not the same incident?

A. That could be the same incident. I don't remember whether these two were on the same day or not, because when we engaged the one to the south, I do remember us almost running into the Warlords' 23 or whatever, I believe it was the 23 at the time. We were in the south and we were kind of getting close to each other's air zone of operations. They were staying more over toward the east with the other company I believe, cutting off escape routes between the village or whatever thing we were doing at that time, and the ocean. And we were running, almost running into each other. That's what leads me to believe that maybe the second incident was, could have been, southwest in open rice paddies across a highway. And a highway with a lot of people on it reminds me--or comes back, and I remember this person was in there, whoever, and broke out.

Q. Do you think you could fix that location on that aerial photograph?

A. Sir, in my mind it's down in here somewhere (indicating).

Q. That's pointing to the lower right-hand corner (P-1).

A. About Hill 85. That's what comes back into my memory.

Q. Hill 85 is significant in this operation on the 16th of March, because the records indicate that there were some mortar rounds found on that hill. It was originally reported to be two 60 millimeter mortar tubes and twenty-nine 60 millimeter rounds. And the Warlords were inserted later to police these weapons. But they were reported over the air to be in the vicinity of Hill 85. Do you recall any such incident or hearing it?

A. No, sir, it does strike--as remembering.

Q. Which one of the Sharks, when talking, would say that, "all of the gear in the world is on them"?

A. It sounds like Mr. BURTON.

Q. What would you call the individuals you engaged and shot? Would you call them VC? Would you call them NVA, or how would you identify them over the air? We've got a couple of what?

A. People with weapons.

Q. Would you say people?

A. Individuals with weapons.

Q. What was the slang expression you used to use?

A. We used to use "dinks."

Q. Okay. "We've got a couple of dinks with all the gear in the world on them." Who's that?

A. Everybody, I believe, in our platoon used "dinks," but "all the gear in the world" sounds like, maybe, an over-exaggeration, and maybe it could have been Mr. BURTON. But if you said it was me, it could have been me. I couldn't recall.

Q. Do you recall at any time on any of your operations in this area seeing any large numbers of dead Vietnamese lying about on the ground?

A. Sir, like I said in discussing this, most of the time we would not engage targets that we could actually see. So people, or actual bodies, that we could see on the ground--we would just shoot into bushes, where some guy was shooting from or just ran with his weapon. There was only several instances that I can remember actually seeing bodies on the ground. And this is what struck me. It was kind of routine, this mission, and to see large numbers of people on the ground from altitudes we would fly at, especially as they brought it out in the news, and close together, it would have stuck out. Because I can remember maybe seeing one or two people every now and then, through my tour over there, and it kind of stuck out. But to see large numbers as described in the press, in such a small area, if I would have seen them, they would have really stuck out in my mind.

Q. Well, you've indicated you remember seeing smaller groups of people?

A. That we have shot ourselves. Like during the Tet offensive, there was supposedly 1,200 people with weapons trying to overrun Quang Ngai City. We were engaging groups of people up to 100, 200, 300, all with weapons, helmets, and web gear, out in open fields, assaulting or shooting them off the barbed wire trying to overrun Quang Ngai airstrip. Other times, I can remember seeing maybe 10 or 15 NVA or VC dead out in the open.

Q. You can identify them as being VC or NVA by what or how?

A. Weapons, military-age males, the type of uniforms they had, web gear.

Q. To make such identification, you've got to be at pretty low altitude?

A. You could see a military-age male, just by the way he moves, from 1,000 feet. When I used to fly Charlie-Charlie, you were involved with this stuff; this was your life every day. You knew these people; you could tell who was a male and about how old he was, approximately how old he was, from 1,000 feet if the visibility was normal.

Q. Was it normal to see a lot of Vietnamese nationals, men, women, children, moving along roads and trails in this area during your tour?

A. This one particular trail, yes, sir. Not really completely usual, but I had seen them before, I think. I can't really say it's for sure. I might only have seen them two or three times.

Q. You don't recall any time in this area or along this trail (indicating) or to the north of this trail seeing any groups of dead Vietnamese that you would identify as women and children or old men not of military age?

A. My whole tour, sir, I can't ever remember seeing any groups of civilians. I had seen one or two or three dead civilians sometimes, which made us feel pretty lousy--from maybe our fire that we were--as we were prepping, and we tried very hard to stay away from that unless otherwise ordered to take under fire a village, but then there would be no civilians in it. This is the reason we'd get an order, if they were receiving fire from them. But to say that I saw more than maybe five civilians, actual civilians lying dead, I can't--nothing comes into my mind as seeing that many people unless they were otherwise enemy soldiers. Like I said, during the Tet offensive around there or up in Que Son Valley, we had seen large numbers of enemy bodies lying in fields and so forth. But this particular area, it just does not stand out in my mind that I had seen more than one or two, or any more than that, or anybody dead except enemy soldiers. We had really, like I said before, we had really got in some scraps with these people, blue bandana type. We had gotten up to maybe 30 or 40 in one day, but they were all with weapons and returning fire. But never in one group, like one here or one there, but never any large group of bodies at any place. And to me, if I was

there on that particular day, our mission required it, and we were out there for such a long time in the morning, more than likely we might have been out there all morning, and maybe not into the afternoon at all, but never have I really seen any groups of bodies.

Q. Subsequent to the 16th of March, or when you got back to your unit, or any time while you were in Vietnam, did you hear any talk or any accusations about any element of the 11th Brigade or Task Force Barker killing large numbers of civilians?

A. Sir, when the 11th Brigade got over there, they were so pacification-minded they used to not use the slick ships because they wanted to be out in the field. They used to practically walk everywhere. They were the ones that really put across to us and the slicks that we would not prep LZ's unless otherwise--absolutely, if it was a bad area. We would not even prep LZs, shoot up the tree lines or anything, the LZs themselves. We would go into some areas many, many times that we were very doubtful about, cold, absolutely cold. And this perturbed the slicks, because they're the ones that had to land there. And to me, from all the other units I've seen in Vietnam, they were extremely pacification-minded and watched out for the civilians and their property and everything. That's another thing why, when I read about this in the press, it just--I might have been there and didn't see any bodies then, but the way the 11th Brigade was as far as pacification or protecting the civilian interests and everything--that's why it struck me as being unusual.

Q. Did you hear while you were in Vietnam any rumors or any reports or any talk concerning an incident involving Task Force Barker or the 11th Brigade, involving the killing or shooting of numbers of civilians in this area?

A. No, sir.

Q. Did you ever hear any stories while you were in Vietnam concerning a helicopter pilot reporting incidents of killing noncombatants in an operation?

A. None, other than sometimes a slick pilot would make a remark if a civilian was killed on an artillery or maybe even a gunship prep, he might bring it up to us. But never any remarks by pilots that said this or that unit is--like, well, what's being brought out now is this massacre, never anything like that, no, any civilians actually being killed.

Q. You never heard anything about a Warlord aviator that had apparently seen some things that were not considered to be correct in the engagement of noncombatants?

A. If anything was brought out, it must not have been too sincere or deeply--any people from my unit, or else they didn't know enough about it to really make remarks about it.

Q. Do you recall flying for Task Force Barker specifically?

A. On various occasions, yes, sir.

Q. Task Force Barker was in existence only from late January to the 8th of April, 1968, and were operating generally in this area (indicating).

A. Flying for them, now, I've heard that name mentioned often, because the slick pilots, you hear, "Well, we were up with Task Force Barker."

Q. You don't recall hearing any slick pilots talk about any incidents around Pinkville?

A. No, sir, not anything that stuck in my mind, that they really had something to say. They might have come out with some comment, but if they would really have got violent about it or really been extremely disgusted about anything, I think it would probably have stuck in my mind. But I can't really think of any time.

Q. Did you ever hear of any incidents of any investigation being conducted concerning the killing of noncombatants?

A. No, sir. The gunships, now, sir--the slick pilots might have more knowledge about that, because they worked directly, they stayed sometimes with the ground troops. I mean they stayed there all day for command and control, or they'd resupply these people all day. But the gunship pilots kind of get away from that. They just go to coordinates or to a smoke area and not really remember the names of each specific

outfit they are supporting. They don't get into the personality of people or anything, what really goes on. You kind of get out of what you know in the slicks. You're very involved with the ground troops. You know just about day by day just exactly what they're doing and everything.

Q. After you joined the Sharks in January 1968, early in your association with the Sharks, did you lose many people, crews of the Sharks, from hostile fire?

A. No, sir. We've had people wounded, but very fortunately, I thought, we had no one killed the time that I was in the Sharks.

Q. Do you recall an incident in February 1968 where one of the Shark crew chiefs was shot? Wounded?

A. I remember several crew chiefs and gunners being wounded, yes. We had one, I don't remember, I believe it was in February, but it might have been in January also, that an aircraft was actually shot out of the air. One of the crew chiefs was wounded in the legs, near the crotch and everything. One of the doorgunners hurt his back pretty bad. This was way up southeast of Danang, north of the Que Son Valley.

Q. Were the Sharks angered by this? Was there a feeling of hostility about the VC because of this?

A. You mean, sir, as far as going out and getting vengeance or something like that?

Q. Yes.

A. Well, we were mad, but I don't think--that's one reason why I was proud to be in my unit is they didn't--they were really angry, but they still went out and kind of resolved to do the best job they can. Now, at any one time that people did go into it a little more than they had to, I can't tell. I can't speak for each person, but it never really showed up on any of the missions we performed--that they did a little more than they had to. Sometimes, now, the gunners, the crew chiefs and gunners, would be angered, and they'd just scream for blood, but they were not allowed to, because they could only fire on command by the aircraft commander. And I think the people up front were, like I said, an outstanding bunch of people and would not let things like this happen.

Q. To engage the individuals on the incidents that you described earlier, would the Sharks have engaged them on their own, or would they have called for permission to engage?

A. If there were no ground troops involved in the area?

Q. Well, let's assume--

A. (Interposing) That we had just been flying over and we spotted some people on the ground with weapons--

Q. (Interposing) Well, the incident that you describe, that you recall, of engaging these four or five individuals and getting one or two, the one to the south.

A. We would not have engaged somebody like that. If we were near the ground troops, if they operating on an assault, we saw people with weapons, evading, we would engage them and tell the ground troops about it. If the person did not have a weapon, but was highly suspect, like this person who we thought had a weapon or web gear or something, we would not--it was not our policy to engage such a person as this.

Q. Do you recall whether or not you requested permission to engage in the incident that you recall, which you described?

A. Yes, sir, I'm pretty sure we did. That was our policy, so I'd have to say, yes, we did.

Q. I want you to think very carefully, Mr. MOYS, before you answer this next question. Do you recall any rumors or any incidents in the Sharks concerning the shooting up of villages by any of the Sharks? Any bad talk or rumors concerning that fact? Three villages might be a number.

A. In the Sharks, as far as the people in the Sharks?

Q. Well, as far as the guns of the 174th?

A. We used to have the slicks highly irritated at us if we had engaged a village. They would call us bad names and everything. But if that was our mission, well, it's like they weren't in the aircraft and they weren't performing the duty at the time.

Q. Do you recall any incidents that caused some stirs or some rumblings in the unit?

A. I don't recall any specific time, no, sir.

Q. Do you recall any incident at any time?

A. The slick pilots, at times, would be highly irritated at us for having engaged a village. The ground troops would say shoot there and we'd shoot there and--

Q. (Interposing) What would they say?

A. The slick pilots?

Q. Right.

A. Well, I'll use the term. They used to call us "killers" many times, but it was not really on a heated basis or anything. It was just being a little bit angry.

Q. Do you know of any incidents while you were with the Sharks where the gunships, through your own knowledge or through rumor, had, in fact, engaged villages and killed any noncombatants?

A. Well, like I said, sir, sometimes when we were prepping an LZ or something, we had seen people. After we had broken off, and later during a ground troop sweep, when we were down observing, we had seen one, two individuals maybe.

Q. Did you participate in any of these actions?

A. Yes, sir.

Q. Do you recall any of them specifically?

A. The only one I really recall, that I can remember, a specific person was killed in an LZ prep down in the Song Bay River Valley.

Q. And not associated with the My Lai (4) area?

A. I don't recall any civilians having been killed, no, sir.

- Q. Do you recall any large revenge action taken by, or any accusations concerning the gunships of the 174th?
- A. Around the time of this incident, sir?
- Q. Any time you were in the Sharks.
- A. Any revenge done by the Sharks?
- Q. Because of a crew chief being shot or because of any anger or hostility felt by the gunship pilots in the 174th?
- A. I can only speak for myself, and just for the time I was out flying, no, sir, I don't--
- Q. (Interposing) Did you hear any talk, even when you weren't out flying, of anybody in the Sharks taking any such action?
- A. No, sir, I just don't remember. I know there was sometimes, when somebody would get wounded, a bad feeling among the people, that they wanted to--the crew chiefs used to jump in the aircrafts and they wanted to do something. Like I said, they wanted revenge for their person who was wounded or killed. But we would not let them. I can't remember any specific times when aircraft commanders or a Shark team that I was involved with went in and destroyed any village or house or engaged any number of civilians with revenge or anything like that in mind.
- Q. Who was the flight surgeon in the 174th?
- A. I don't recall his name, sir.
- Q. Would you know it if I mentioned it? Captain SCHOOLFIELD?
- A. Yes, sir.
- Q. Do you recall his ever being upset at you fellows?
- A. No, sir.

Q. Did Major WHEAT or any other officer within the 174th ever give you fellows a talking to concerning the control of your firepower?

A. We had had talks on that, yes, but that was--for any specific incident, I don't recall, no, sir. During the time that I was in the Sharks, I can't speak for the time before that--what went on, like in the 1st Platoon, between the 1st and the 3d Platoons. You didn't really, you hardly even knew the guys after they had been in there for a while, because you were out on your mission and they were out on theirs. What really went on before that, or after the time I was there-- I can't remember any specific incidents that we were chewed out or brought in on the carpet for any reason, no, sir.

Q. You've indicated that you, at times, have in fact killed civilians?

A. Through accident, yes, sir.

Q. Accidentally. What action did you take, or were you required to take, concerning the accidental killing of civilians?

A. If it was other than, let's say that--

Q. (Interposing) Did you report it?

A. Yes, sir. Well, I mean it wasn't there for us to report because there was enough people in the area. Like on this one combat assault that I recall, this woman was accidentally killed. Everybody knew about it. We were not really called out for it or anything, because the Charlie-Charlie knew about it. The slick lead and the gun platoon lead also knew about it, so each individual pilot was not spoken to. But I can't remember any incident that we engaged civilians or anything like that that we would have been called on the carpet for. Now, we have a standing policy that you would not engage anybody unless he was around the ground troops with weapons, or you had to call for permission. There was oftentimes when we took single fire going to and from missions or just a small amount of fire, but we could not stop and shoot on the village. We'd call up for permission;

we'd circle overhead. But the greatest majority of times, we would not get any permission to shoot, or they would say, "Stick around for a while if you have the time and see if you can pick out anybody."

Q. What I'm interested in, Mr. MOYS, is the procedure when you accidentally killed somebody, as undoubtedly has happened in Vietnam, what was the procedure within the 174th for reporting this and/or taking any corrective action or investigation?

A. The people that were involved, the aircraft commanders involved, would be briefed about it. I have never myself, I don't believe, actually been the aircraft commander--the fire team leader would usually be the one that was called out--that has actually killed what was considered an innocent, completely innocent civilian, a national. We had got talkings to about it.

Q. To the best of your knowledge, was it reported to higher channels or up through your chain of command?

A. I do not know, sir, what actions were taken from our commanding officer up. I do know that some of the other gunship companies had accidentally killed some civilians and this is where our briefing came out. They came down through us. There's one instance that they came down to us, and they wanted to know--

Q. (Interposing) Who's they?

A. Battalion, our battalion.

Q. 14th Aviation Battalion?

A. Yes, sir. They came down and wanted to know something about--someone had engaged some civilians. They wanted to know if it was us, at that time. But later they said it wasn't, because there wasn't any teeth on the aircraft. I mean our Shark's teeth were readily identifiable by anybody on the ground, and they would know it was not us, and that's the last we heard about it. But then we got another briefing about how to engage targets and everything. I remember sort of a flap about it. They came in and asked where you were that day

and everything. When exactly it was, I don't remember. They later identified it as not being us, and that's the last we heard about it. So that was something. That's the only time I remember they actually came down from battalion, were looking for some gunship pilots, and what our missions were that day.

Q. As I understand it, Mr. MOYS, you can recall nothing, then, that can positively associate you with flying on 16 March in the vicinity of My Lai (4)?

A. These two incidents that you've brought up, sir, sound familiar, but now, as I think about it, they could have been other incidents. But me actually being there that day, no, sir. It had to be a typical day. If there wasn't something unusual then I could not pick out a specific incident. I couldn't identify it to a day anyhow. But as far as--I suppose the main thing to identify that day would be a large number of civilian dead on the ground. And just--to me, I've never seen as many people as they brought out in the newspapers. I've never seen that many civilian personnel that have been killed for any reason.

Q. As I understand it, you can't, in any way, positively remember these incidents that you've described as being on 16 March?

A. No, sir.

Q. And I might just add for the record that I didn't bring them up, you did. Mr. MOYS, I'd like to ask you to think for a moment before you answer the next question. Do you recall or know of anything concerning this operation or events that were subsequent to it that pertained to the My Lai (4) investigation that we have not discussed?

A. Other than what I said, that I don't really know if I was there or not, or that we actually participated--myself actually participated in that incident, or that I saw or remember anything. Well, just what I've said all along, that's all I really know. I have nothing that I'm hiding, that I wouldn't want to bring out if it was true, even though it might make my outfit look bad or anything, because that's not--if it could be pinned down to several people or one outfit, I think, it would help the Army look--that's what I'm concerned about, the Army as a whole, because being in the Army I feel bad when people look at me and say, "Hmm, he's in the Army." That makes the whole--

Q. (Interposing) The only way that we can arrive at what did happen, or if anything did happen, is by getting all the information that we can. We must also be assured that if anything did happen, there has been no suppression of information. Do you have any information about any individuals that you think may know something about this operation?

A. Well, if Mr. BURTON, like I said, was on it, he might know something. I don't--I mean about this operation, he might recall more than I did, if he was actually, in fact, there. Captain NEUMANN, if he was the slick platoon leader, might know something that he could add. But I just cannot in my mind put myself--

Q. (Interposing) Anybody else that you know of? I understand about yourself. I'm looking for other people that you think might know, and your thoughts should be based on either conversations or first-hand knowledge?

A. No, sir.

Q. Who was the other slick platoon leader? Lieutenant MILLIKIN?

A. I know Lieutenant MILLIKIN. I don't know if he was the slick platoon leader at that time, but he was in the 2d Platoon.

Q. Was he a slick platoon leader any time during your tour?

A. I believe he was, yes, sir.

Q. You flew a considerable number of hours in Vietnam, I assume. And at least 6 months of your tour was with the Sharks.

A. Yes, sir.

Q. And I assume that you also talked on the radio once or twice.

A. Yes, sir, I did.

Q. Quite a few times?

A. Yes, sir.

Q. With the people that were Sharks?

A. Yes, sir.

Q. And heard and participated in discussions with the slicks, the Dolphins?

A. Over the air, sir?

Q. Right.

A. Yes, sir.

Q. Did you get to become quite familiar with the people and the way that they sounded on the air?

A. Yes, sir.

Q. I am going to ask you to listen to a tape recording, Mr. MOYS. I'll give you the call signs. I would like for you to identify the voices of people on this tape. I am not convinced, nor is it substantiated, that this tape was of the operation in My Lai (4) on 16 March. I am only interested in who the individuals are, by name, that you will hear on the tape. We'll recess at this time while you listen to the tape and make notes, and reconvene after you have listened to the tape. And you can tell me what you know at that time. The hearing will recess.

(The hearing recessed at 1140 hours, 8 January 1970.)

(During the recess, CW2 MOYS listened to a tape recording, a transcript of which had previously been received in evidence as Exhibit M-20.)

(The hearing reconvened at 1235 hours, 8 January 1970.)

LTC PATTERSON: The hearing will come to order. Mr. MOYS, you are reminded that you are still under oath.

You have just completed listening to a tape, which appears to be an action, date unknown, in which some Shark gunships and Dolphin slicks were involved on a combat assault. I asked you prior to the recess to listen to this tape and try to identify, by voice, any of the call signs and individuals on that tape. Have you been able to identify anyone?

A. Yes, sir. Shark 6, I believe, is definitely Captain MCCRARY, who was our Shark 6. The Dolphin lead in all probability would be Lieutenant MILLIKIN. Shark 6 Alpha,

I could not recognize who it was. I was not that familiar with his voice. The incident, the whole incident itself, does not sound totally familiar, but parts of it sound like I might have been there, but other parts sound like--I just can't remember. Again, it could be coincidental incidents, particular things happening at particular times, that maybe I'm recalling in my mind.

Q. If I were to mention names to you concerning who Shark 6 Alpha might be, would that be of any assistance to you?

A. It could be, yes, sir.

Q. I have a roster of officers assigned to the 174th in March of 1968. Would you peruse this roster and see if you can identify anyone in there that might be Shark 6 Alpha?

A. Yes, sir. (He examines the roster.) Yes, sir, it could be Chief Warrant Officer HALL, now that I think about it. But why they would be calling him Shark 6 Alpha, I'm not sure.

Q. What was Mr. HALL's usual call sign? Do you recall that?

A. I believe, sir, it was Shark 1 - 3. And it appears that Shark 6 Alpha is in the other aircraft, so any call that would be coming out over the air would probably use the person's call sign, whoever the aircraft commander was. That's why I do not understand why it was calling Shark 6 Alpha.

Q. Well, would it not be logical, though, to call oneself Shark 6 Alpha to designate to the station that you're talking to that the call is originating in the Shark Lead ship?

A. Yes, sir, it would, but from the gist I got from the tape, it seems that the other person is in the other aircraft, because he said something about, "I'll be over there as soon as I can," when Shark 6 was talking to him.

Q. Do you recognize the operation that the tape describes?

A. No, sir, not the total operation. It doesn't come into my mind as remembering being there, having taken part. There is a possibility. Like I said again, a lot of the parts sound familiar, but they don't all come into place.

Q. Your records indicate, specifically the DA Form 759, Individual Flight Record, that you flew four and one-half hours on 16 March 1968.

A. Yes, sir.

Q. Do you happen to recall where you might have flown four and one-half hours on 16 March 1968.

A. It's a possibility that I could have gone up to Chu Lai or been sent up to LZ Baldy.

Q. Where was LZ Baldy?

A. It was approximately 40 to 50 miles north of Chu Lai.

Q. How long would it have taken you to fly from Duc Pho to LZ Baldy?

A. Approximately an hour and a half.

Q. Were refueling facilities available at LZ Baldy?

A. Yes, sir, refueling and rearmament facilities. That's where they used to put us on standby for units that we supported out in the Que Son Valley.

Q. Records indicate, in Exhibit R-3, that only three UH-1C's were operationally ready on 16 March. We have identified the crews who logged time in the UH-1C's in the 174th Aviation Company on 16 March, and you are one of these individuals.

A. Yes, sir.

Q. We know that two Sharks participated in the operation conducted in the vicinity of My Lai (4) on 16 March. We do not know, of course, whether or not a standby ship, the third Shark, was left at Duc Pho, or flown somewhere else to take care of any maintenance problems that the operational Shark team might have had. You just stated that you could have gone to Chu Lai or LZ Baldy. Was it normal for a single gunship to fly by itself or perform an operational mission?

A. Sir, we would not have flown by ourselves. We would have gone up and mated up with another gunship from another outfit, and most likely it would have been from the 71st, the Firebirds. We had done that quite often.

Q. Are you familiar with the OPREP 5 report, company operations, submitted daily?

A. Is this our end of mission report, sir?

Q. It's the report the company submitted to higher headquarters of the unit's daily activities.

A. I've heard about it, sir, but I was not familiar as far as actually seeing it.

Q. Did you ever see one?

A. I don't believe so, sir.

Q. 71st Aviation Company did not furnish any gunships to the 174th on 16th of March according to their records.

A. Yes, sir. Well, if we were going up there, we would supply our aircraft to them for their use. That was their mission, to have ships on standby at Baldy, and sometimes they couldn't keep enough ships up to even keep a fire team up, so we had to augment them.

Q. Do you recall what ground unit was located at Baldy?

A. No, sir, there were so many of them going in and out. The 1st Air Cav used to be there, I think they were the ones that built up that base. The 1/31 and 2/31, I believe, had been there at one time. And we were supporting units of the Americal.

Q. Where was the 196th Brigade?

A. Yes, sir, that was probably the one we supported, the 196th. They were one time located at LZ Baldy and the Que Son Valley.

Q. Where was the 71st Aviation Company located?

A. They were located at Chu Lai, sir.

Q. Mr. MOYS, is there anything else, now that we've discussed this operation at My Lai, any other incidents that occurred that might have been similar in scope if not in quantity? Is there anything else that you can recall that might be pertinent to the purposes of this inquiry?

A. No, sir, I don't have any more information to add that I have not already discussed.

Q. To the best of your knowledge, you never heard or thought much about My Lai (4) or Pinkville or any alleged wrongdoing in this area while you were in Vietnam?

A. No, sir.

Q. When is the first time that any such activity came to your knowledge?

A. When it was brought out in the press, sir, and on TV.

Q. Have you ever been questioned or queried by any other individual other than myself concerning this incident?

A. Major KRAUS, I believe, from the same unit here, had called down and asked me some small bits of information about it.

Q. A couple of days ago?

A. Yes, sir.

Q. Anyone else?

A. Our PAO officer down in Fort Rucker, Alabama, had called me up, and he didn't really ask any information about it, but he had told me that there was some people from CBS who had my name for some reason and were trying to find out information, and these people had gone to my division commander--

Q. (Interposing) At Fort Rucker?

A. Yes, sir--had said he was a personal friend of mine and was with CBS. But it was just that, he was a personal friend of mine, and he did in fact try to get my name and address and try to reach me. And he told a colonel down there that he was an old friend, just wanted to talk over family talk. And this was the only other time that I've ever really been confronted with people asking me questions.

Q. Did this man from CBS ever talk to you about it?

A. No, sir.

Q. Did the colonel ever talk to you about it, ask you any questions?

A. My division commander never really asked me any questions. He just thought it was kind of interesting why people from CBS were trying to get hold of me, and I said it was probably something about the My Lai incident, because the major had been trying to get hold of me to tell me not to give them any information before--PAO major down there told me not to tell anybody, discuss any information about the incident.

Q. What does PAO mean?

A. Public Affairs Officer.

Q. What's the major's name? Do you recall?

A. No, I don't, sir.

Q. How about your colonel's name?

A. Colonel ANDERSON, sir.

Q. Do you know his first name?

A. No, I don't, sir.

Q. Lieutenant colonel or full colonel?

A. He's a lieutenant colonel: he's Rotary Wing Division commander.

Q. And is there any other individual, military or non-military, that in any official or non-official capacity has talked to you about this incident?

A. The only other person, sir, I might mention is Captain NEUMANN, who I've already mentioned before in this discussion. He was the only one that called me up and asked me if I knew anything about it, because he couldn't remember anything either. Somebody had called up from Washington and told him that they thought he was the slick platoon leader, but he couldn't recall the incident at all. So he was just asking me if I knew anything.

Q. And to the best of your knowledge, you've made no statements to any other individual?

A. No, sir. I have talked about it, well, like my roommate or something. When all of these people were trying to get hold of me, I just said, "I don't know why they're trying to get hold of me. I don't remember the incident or anything that went on about it." The only thing that I really had to say to anybody was that I couldn't recall the incident. The 11th Brigade was so pacification-minded that I couldn't believe they had part in this. And also, seeing so many bodies on the ground, someone would, in our company, have commented about it, at least in the gun platoon. And I don't recall anybody mentioning that many bodies.

Q. Mr. MOYS, I think I am about through with this interrogation. Is there anything else you want to say? I want to give you the opportunity to say anything that you would like pertaining to this inquiry, any information that you think might be pertinent or might be of value in any regard.

A. No, sir, I just wish I could give more information. I wish I could pinpoint where I was or whether I did take part in that operation, which is very conceivable in my mind, since I seem to recognize some of the facts. But again, I could have been somewhere else, maybe not even flying. Well, apparently I was flying that day.

Q. If at any time in the future you recall any incident that you can identify with My Lai (4) and/or 16 March or any of the activities that were subsequent to it that you think might be significant information to the task of this inquiry, I would appreciate your calling us or writing us so that we can get that information--any documents, letters, tapes, pictures, physical evidence, or recollections on your part. Will you do that?

A. Yes, sir.

Q. And finally, Mr. MOYS, you are officially directed that you should not directly or through others discuss the My Lai incident, including any subsequent investigations and reports, or any of the testimony that you have given here today or anything that transpired here today, with any person who may have been connected with the incident in any way, and, of course, any person outside of the military except properly constituted administrative, quasi-judicial, judicial proceedings, legislative proceedings, or as you may be required to do in the performance of official duties. If at any time any question comes up in your mind whether you should say anything or do anything, it can be readily clarified by contacting this office. Do you have any questions?

A. No, I don't sir.

Q. Do you understand those instructions?

A. Yes, I do.

LTC PATTERSON: This hearing is recessed.

(The hearing recessed at 1250 hours, 8 January 1970.)

(MOYS)

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SUMMARY OF TESTIMONY

WITNESS: MURPHY, William R. CW2

DATE OF TESTIMONY: 4 January 1970

PLACE OF TESTIMONY: Americal Division Headquarters,  
Chu Lai, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

DUTY ASSIGNMENT ON 16 MARCH 1968: Helicopter pilot,  
174th Aviation Company.

TESTIMONY.

MURPHY flew a gunship for the 174th, but had no recollection of the My Lai operation (pgs. 3-5). He was never questioned about it and knew of no investigation concerning it (pgs. 6, 7). He did not remember Major GIBSON calling the company together and mentioning an investigation (pg. 9). He could recall no talk among the members of the company concerning My Lai (pg. 11). He knows of no way that one could document who was flying what on the day of the operation (pg. 10). Most of the insertions for the 11th Brigade were cold (pgs. 7, 8).

(The hearing reconvened at 0830 hours, 4 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, and CDR DAVIS.

The next witness is Chief Warrant Officer William R. MURPHY.

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

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

A. My name is William Richard MURPHY; Chief Warrant Officer; Social Security number, ; organization, 123d Aviation Company; place of duty, Chu Lai, Republic of Vietnam.

IO: Before we proceed with any questioning, Mr. MURPHY, I shall inform you of certain 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 facts and making findings and recommendations concerning two matters:

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

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

Our investigation is not being conducted to investigate all of the facts and 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?

A. No, sir, I don't

Q. I have had made available to me and have reviewed prior statements obtained in other official investigations of the My Lai incident. To the best of my knowledge, I have seen no testimony that you have given.

A. No, sir, I have not.

Q. Your testimony will be taken under oath. A verbatim transcript will be prepared. A tape recording is also 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 at least parts of the testimony may in fact become a matter of public knowledge at a later date.

Aside from myself here this morning, I have on my right, Mr. MACCRATE. Mr. MACCRATE is a well-known civilian lawyer in the United States, and he has volunteered his service to the Secretary of the Army to assist me in the conduct of this investigation and also to provide legal counsel to me. In this sense, he may also direct some questions to you this morning.

You are ordered not to discuss your testimony in this investigation with others, including any other witnesses for this investigation, except as may be required in the performance of official duty or as you may be required to do so before a competent judicial, legislative, or administrative body. Have you been cited or made subject to the order of the military judge in the court-martial case of the United States v. Calley?

A. No, sir. I have not been contacted by anyone.

Q. Fine. If by chance you do become so involved at a later date, your appearance here before this investigative body will in no way change the applicability of that particular order.

A. Yes, sir.

Q. Do you have any questions at this time?

A. No, sir.

Q. Would you indicate what your duty assignment was on 16 March 1968?

A. Sir, on the 16th of March I was assigned to the 174th Aviation Company as a helicopter pilot. As to my specific duties that particular day, I don't recall what they were. I may have been flying, I might not have been

flying. The date doesn't stick in my mind one way or the other. So as to what I was specifically doing that day, I may have had the day off or may have been flying. I really don't know.

Q. How long had you been assigned to the 174th and how long after that did you remain with it?

A. I was assigned to the 174th in late June of 1967 and I remained with the 174th until early July of 1968. So approximately eight months, eight and a half months, or something like that during the period.

Q. Repeat those again.

A. Well, I'd been with the 174th approximately, I'm guessing now, eight and a half months. I haven't worked it out exactly month-wise how long I'd been with the 174th.

Q. What kind of helicopter did you normally fly?

A. From June, late June, when I first got to the unit until approximately the end of February, I believe, I flew a UH-1D slick. After about March 1st until the completion of my tour, I flew a UH-1C model, a gunship.

Q. A gunship?

A. Yes, sir.

Q. You don't know at the moment whether you participated in any operation on the 16th of March or not?

A. No, sir, I don't.

Q. Well, for your benefit let me review the operation as it took place. It may refresh your memory.

A. Yes, sir.

Q. You recall you were stationed at Duc Pho on this date. The 174th supported this operation, which was in the eastern portion of Son Tinh District, with two guns and nine slicks. The aircraft flew up to LZ Dottie and arrived there sometime before 7 o'clock in the morning.

A. Yes, sir.

(IO briefed the witness concerning the concept and execution of the 16 March operation, using Exhibit MAP-1.)

Q. Here they were picked up in two lifts. The first lift for C/1/20 picked them up and put them in an LZ to the west of My Lai (4), this being Hill 85. The LZ which had been prepped to the west of My Lai (4), the lift touched down at 0730. The lift ships then proceeded back to LZ Dottie, picked up the second lift and had them on the ground starting at 0747 and completed at 0750. So by 0750 all of C Company was on the ground. The gunships had continued, had worked providing support and suppressive fire. During the assault they remained in the area while the slicks returned, picked up the second lift and came back to provide suppressive fire in covering the area. On the completion of this operation the slicks went to--I'm not sure whether they returned to LZ Dottie or they went to Uptight, but they went to one of these two LZ's to pick up B/4/3. They then air assaulted south of My Lai (1), of the area commonly referred to as Pinkville and put them on the ground in two lifts taking roughly 40 minutes. So that the whole operation was on the ground in the neighborhood of 9 o'clock.

Does that recall anything to your mind?

A. Sir, that doesn't recall anything specific. We had a lot of CA's and so forth in this area and that particular one does not bring anything into my mind. We took a lot of sorties on a lot of different days out for Task Force Barker from LZ Dottie, Uptight, and so forth. That specific operation does not bring anything into my mind as we did many, many. I would guess, every week at the least, we would have an operation out in this general area here. That particular one does not bring anything back specifically to me.

Q. Well, I don't know about that. Frankly, in going over it, Task Force Barker had been in here (indicating on map) in this area in January. They came back again in February but this was a ground operation against this general area and they moved primarily in APC's. So here's a period of 2 months, so to speak, and this is the only operation that they conducted in this area?

A. Well, if that is the case I can recall one CA where I was flying the gunship as copilot, where we did enter into an area which I believe was right in here some place (witness indicating on map). I believe it was right in that vicinity. That particular one I can recall because I was attempting to shoot a tree line and I never did hit it. That's the reason I recall it. I was fairly new at that time. As far as the specific operation, I really don't recall this specific operation as laid out on the plan here.

Q. Do you remember working around a road, around a fairly well-outlined hamlet?

A. No, sir.

Q. Mr. MURPHY, I have here an aerial photo of the My Lai area. (IO oriented the witness to Exhibit P-1.)

A. Sir, I don't recall it. The area that I was just speaking of by Pinkville is over in here some place and there was a river along--we approached to the north, there was a river to the left, which would be this area right in here (indicating). I don't recall this one over in here. No, sir, I don't.

Q. How many guns did you have in the company at that time?

A. It varied. I believe the TO&E was eight. I believe we had about six or seven at that time. It used to vary with maintenance problems and so forth.

Q. Do you recall how many you normally had flying about that time out of your company?

A. We usually had about four flying, sir.

Q. Do you know the names of the other gunship pilots who were there at that time?

A. Yes, sir. Who were assigned to the company at that time?

Q. At that time.

A. Yes, sir, I think I know some of them. I may not recall every one of them, but I know some of them.

Q. It would be helpful if you could just think back and tell us who was flying gunships at that particular time.

A. That time of the year I know who was in the platoon. However, that particular day, as I said I don't recall that day and who was flying that day. But I can give you the names in the platoon.

Q. You had a gunship platoon?

A. Yes, sir.

Q. Well, just give us as many of those as you can recall.

A. The platoon leader was, I believe he was, still a lieutenant at that time, Lanny MCCRARY. We had a W-2 DOERSAM. We had a W-2 MCDANIEL. We had a W-2 MESSINGER, a W-2 HALL. We had a W-2 BURTON. We were W-1's. HALL, BURTON, and myself, were all W-1's at that time and W-2's now. W-2 MOYS.

Q. How do you spell MOYS?

A. M-O-Y-S and W-2 MILLER. That's all the ones I can think of at the moment. We also had a W-1 MAGNO. He is now a W-2 MAGNO. However, he was more or less, I can't recall-- he moved to operations from the gun platoon and I believe he was probably in operations at that time. I'm almost certain that he was working in operations and he didn't fly with us any longer. I don't recall for certain.

Q. Do you recall any others?

A. No, sir. I don't recall any others at that time that were in the platoon.

Q. You just had one officer assigned to the platoon?

A. As best I can remember there was just one man. He was the platoon leader. A lieutenant, I think. I'm not sure whether he was a lieutenant or captain. He made captain while he was in the platoon.

Q. Were you ever questioned by your commanding officer or know of any questioning that was conducted by your commanding officer concerning involvement in some gunship activity on the 16 of March in this particular area?

A. No, sir.

Q. Did you ever hear that an investigation was going on of what took place in My Lai (4) on the 16th of March, or did you ever hear of an investigation by anybody that was being conducted there?

A. No, sir, I did not.

Q. As you might think back, Mr. MURPHY. Did you notice any change in the attitude of any of the people within your platoon at that time or near that time?

A. No, sir.

Q. When your gunship supported assaults like this, if you had nine lift ships how many guns would you normally use?

A. We'd like to take four, sir, but maintenance and so forth may possibly restrict us to only two. We usually like to take four gunships if we could. It varied every day with every CA we had, whether the maintenance on the aircraft would permit four to go or whether it would be only two. We would always have a minimum of two. If the slicks were going to be covered at all, we would take two.

Q. How did the guns provide the support for the slicks?

A. In most cases, the gunships would form on the slicks. The slicks would be in a formation on the way into the LZ. The gunships would form on the slicks and we would be briefed, either beforehand or on the radio, whether the insertion would be with suppression or without suppression. And we would just fly more or less in formation to the rear and one aircraft on either side or two aircraft on either side. If we had four aircraft as the slicks came in we would come alongside them, break around, and attempt to observe anyone on the ground with weapons or any one that might be of danger to the aircraft.

Q. Was it normal to provide suppressive fire on the flanks of the LZ as the CA was taking place?

A. Ever since the 11th Brigade came to Vietnam in December of 1967, they used fewer and fewer. We fired much less than we had prior to that time. In fact, most of our insertions or CA's were cold. We didn't fire.

Prior to this time, before the 11th Brigade got there, we went in hot and gave suppressive fire. After the 11th Brigade came in, we mostly did not.

Q. You mean that the 11th Brigade would go into cold LZ's?

A. They would more often not shoot on their CA's and decide to go in cold. We would be there, and in case something happened we could go in and start shooting.

Q. When you would go back for a lift, would the guns normally accompany the lift aircraft back to the pick-up zone or would they stay in the area and provide observation?

A. They would normally stay in the area and provide observation for the infantry unit that was on the ground.

Q. How would you coordinate your flight patterns with, let's say, an aero-scout element that might be in the area which would also have guns?

A. We would usually be told. We would hear on the radio. We'd be told by one of the ground commanders that they were in the area. We would call them either on their frequency, UHF frequency, or we would call them on ours. We would contact them somehow on the radio and we would work something out. I recall one instance. The aero-scouts for the 123d Battalion were there and they covered one insertion. We went back and we stayed around the area and covered the first insertion. Then they covered the second insertions and so forth. They would generally take one area and we would take another area. They would use their aircraft to scout around, and we would use ours in another area.

Q. Do you know whether any records were kept in the 174th as to who was flying what aircraft on a particular day?

A. The only thing that I can think of, sir, would be the "dash 12," which is the aviators flight record. That was the only one I know of. That was the only record that was kept as far as I know. That was kept for time purposes, I assumed. The rest of it, we had a schedule that was put up. When that day was over, the schedule was taken and thrown away, and a new schedule was put up.

Q. Would those schedules be retained for file?

A. No, sir, I don't believe they were. In fact I'm certain they weren't. The emphasis was never to keep them on file. It was simply the platoon leader's way of putting out the word. He would put up on the wall who was flying what aircraft, what time, and so forth.

Q. This was published by the platoon leader and not by the company commander then?

A. By the platoon leader.

Q. Who was your company commander at that time?

A. Major WHEAT.

Q. Do you recall another major by the name of GIBSON?

A. Yes, sir. It was either Major WHEAT or Major GIBSON. I thought it was Major WHEAT. Possibly it could have been Major GIBSON by that time. Major GIBSON took over a few months before I left. I'm not certain which one it was. I'm not sure of the date.

MR MACCRATE: Would you have any recollection of Major GIBSON calling your company together and just speaking generally to the company about an operation that had taken place in the spring of 1968 and indicating that there was some sort of an investigation going on?

A. I don't recall it, no, sir.

IO: Can you think of any way at all besides talking to the individual members of the unit that we might find out who was the flight leader and who was flying the guns on that day?

A. Sir, the only record that I could think of that you possibly might go to is the "dash 12." I don't know how long they are kept on file. I'm not familiar with what's done with "dash 12's" once their usefulness is completed.

Q. But that is a personal record, isn't it?

A. No, sir it's not. That record comes in the log book of the aircraft. It is filled out by one of the crew members and it is turned in every night by the enlisted crew chief. He turns it in to the operation section.

Q. That is the aircraft log book then?

A. Yes, sir. The times are then taken from the "dash 12" and entered on the aviator's record. The aviator's records don't show which aircraft he was flying or anything else. Neither did the "dash 12" show who was the flight leader. It just showed who was the aviator in command and who was the pilot of that particular aircraft. So really at this time I can think of no way that you could have any official documentation of who was flying what.

Q. Unless you knew the number of the particular guns that were flying?

A. Unless you knew the tail numbers or unless you knew by some other means who was actually in command.

Q. From what we can gather of Task Force Barker, this operation was quite unusual. None of this comes to mind at all to you?

A. No, sir, it doesn't.

Q. Actually from LZ Dottie, the slicks and the initial lift flew generally southwest out of LZ Dottie and came in from the west along the Song Tra Khuc. Then they cut to the north alongside of Hill 85, so that they actually landed to the west of My Lai (4) in a northerly direction.

A. Sir, I recall, if I can tell you this--I don't remember this particular operation, but I was told about another operation in which--I think you are going to have to disregard that if Major WHEAT wasn't there. He lead an operation in this general vicinity up here and they got shot at and so forth. But it was Major WHEAT leading it. So if Major GIBSON was the CO, this would have happened before that. So, disregard that. I really don't recall this particular one. I can recall being at LZ Uptight on one occasion, two gunships shut down, with some slicks there picking up troops and so forth. But I don't recall whether it was this day or I don't recall who we were lifting or anything

else. We did this quite often, maybe not necessarily with Task Force Barker. I, just in my mind, thought we did it quite often for Task Force Barker as well as all the other battalions and so forth. But from what you say, this happened not very often with Task Force Barker. I had always had in my memory that it happened just as often with them as anyone else.

Q. You fellows in one of these gun platoons, as a matter of fact, within the helicopter company, you all lived pretty close together.

A. Yes, sir.

Q. And if something happens it is generally pretty well known throughout the unit?

A. Yes, sir.

Q. Particularly when you sit around in the evening and just shoot the breeze and talk about the day's activities, these are just normal events?

A. Yes.

Q. I know that I'm asking you to go back 22 months or so, and it is not always easy to recall these things. But do you recall sitting down in the evening sometime or at any other time and having some of these fellows describe people coming out of this village, or out of a village, and the gunships spotting them and taking action on them, and people moving down the road and taking action on them?

A. No, sir, I don't recall any particular event regarding that. This general area was thought to be generally a hot area, and I had flown up in that area when we had--I forget what we were up there for. We weren't doing any shooting. We were up there for some reason or another, a VR or something of this nature. And we observed many, many Vietnamese military-age males and so forth. It was suspected by us that they could be possibly VC or NVA. We called the battalion commander and so forth, or we called the battalion or the ground commander in charge. We might not have gotten hold of him particularly, but we called the TOC. No action was taken on them and we didn't shoot at them. No action was taken or anything else. We just observed them and said to

ourselves there is a lot of what we considered to be possible VC or NVA. We didn't do any shooting. I can recall that one particular occasion. But this area was thought to be a lot of VC sympathizers and so forth. I spent 8 months over here and didn't take a hit in an aircraft until I went to My Lai. This was in a slick a couple of months before and I took my first hit there. So, to me it seems like there was some around there. But every time you would go over My Lai and put in a CA the people would--there wouldn't be nobody. You wouldn't see anybody when you first got there. As soon as the slicks landed there would be many people all over everywhere, which is normal to me.

IO: Well, I wish you would keep your thinking cap on. We are going to be here for a while longer. If you have had any association with this, that which I have indicated to you this morning may bring something to mind. If you do recall anything that we have been talking about, if you recall any investigation or any discussion around the unit or anything that is along the line of questioning which we had this morning, I wish you would get in touch with us so that we can have you brought over to talk with you further.

(The hearing recessed at 0900 hours 4 January 1970.)