

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

Volume II  
TESTIMONY

BOOK 21

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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 2I

MCKENNEY  
MERCER  
MORENO  
SHIFLEY

ASKEW  
BRADDOCK  
BROOKS  
CARTER, D.

DUFF  
ESTERLING  
FIELDS, A.  
GUTHRIE

14 MARCH 1970

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SUMMARY OF TESTIMONY

WITNESS: MCKENNY, Willie J.

DATE OF TESTIMONY: 5 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

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

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness could recall no training in the legality of orders (pg. 2).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness stated his squad leader briefed him on the operation (pg. 3). There was nothing in the briefing concerning the destruction of hootches or of foodstocks (pgs. 3, 4).

3. THE COMBAT ASSAULT.

a. Activities on the 16th.

The witness went into the operational area on the first lift. The doorgunners were firing to clear the area (pgs. 5, 6), although the troops did not fire upon landing (pg. 6). On leaving the landing zone the troops moved on line until two mines were tripped, at which junction the troops moved around to the left of this suspected minefield (pgs. 7, 9). He recalled the first platoon, across a small river, reporting ten or eleven kills (pg. 8). Until the mines were tripped and the casualties taken, the witness

(MCKENNEY)

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felt they were to enter and search the large village, My Lai (1) (pg. 11). He recalled that the third platoon was on security around the CP (pgs. 10-12). Instead of searching that village, the company remained in an area near a small village until later in the afternoon (pg. 12). He recalled no unusual occurrences that day (pg. 14). He did hear that there was some interrogating of VC suspects (pgs. 14, 15). He saw the Vietnamese interrogators hook wires from a field telephone to sensitive parts of the suspect's bodies and shock them in an effort to get them to talk. The effort was unsuccessful (pgs. 14, 15). He heard of no other torture being used (pg. 15).

b. Activities on the 17th.

The next morning the third platoon led off out of the defensive position, followed by the mortar platoon with the command post (pg. 16). The witness crossed the bridge after the demolition men had been called up to check for mines (pg. 17). By the time the witness arrived across the bridge to the first platoon area, most of the firing had ceased, and TAYLOR had been medevac'd (pg. 17). He recalled that Lieutenant LEWIS and MUNDY then arrived on a helicopter with a MACV photographer who took a couple of pictures (pgs. 18, 19). The witness did not see the photographer after this (pgs. 19, 20). The witness observed an element of the second platoon firing at a VC who fell as if shot, but his body could not be located (pg. 21). The platoons split up and the witness moved with his group down the coast and then up the coast burning all hootches and villages as they moved back (pgs. 22, 23). He observed smoke in the area of the first platoon (pg. 24). He could recall nothing unusual about that night (pg. 25).

c. Activities on the 18th and 19th.

The witness recalled moving into an area and rounding up some Vietnamese. The third platoon joined them in the village (pg. 25). He recounted that a captured Viet Cong directed them to a cache, though it was empty (pgs. 26, 30). That night the company was assaulted, MILUS was killed, and two detainees were picked up (pg. 28). One of these was beaten and field telephone wires were utilized in questioning him. This was being done by first platoon members, ARVN's, and interpreters (pg. 29). He recalled

Sergeant LIAS swinging at this prisoner. Captain MICHLES, as well as two ARVN intelligence men, were present (pg. 30).

4. KNOWLEDGE OF AN INCIDENT.

The witness had no knowledge of the killing of civilians (pg. 31).

5. KNOWLEDGE OF AN INVESTIGATION.

The witness had no knowledge of an investigation from any source (pg. 31).

6. OTHER INFORMATION.

He opined that marijuana was not a problem in the company (pg. 32).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit had seen it, but did not carry it.	3
M-3	MACV Card "The Enemy in Your Hands"	Wit could not recall.	3
P-18	Miscellaneous Scene	Wit did not recognize.	13
P-19	Miscellaneous Scene	Wit did not recognize.	13
P-20	Miscellaneous Scene	Wit did not recognize.	13
P-21	Miscellaneous Scene	Witness recognized persons.	13
P-22	Miscellaneous Scene	Wit did not recall.	13
P-23	Miscellaneous Scene	Wit recalled.	13
P-66	Photo of ARVN's	Wit recalled one of them.	14
P-121	Photo of hootches	Wit recalled burning	22
P-208	Photo of prisoners	Wit recognized.	21
P-209	Photo of B/4/3 CP	Wit recognized area	22
P-212	Photo of peninsula	Wit recognized the area.	23
P-215	Photo of detainees	Witness possibly recognized.	26

(The hearing reconvened at 1421 hours, 5 February 1970.)

COL WILSON: The hearing will come to order.

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

The next witness will be Mr. Willie J. MCKENNEY.

(MR MCKENNEY was called as a witness, was sworn, and testified as follow:)

Please state your full name, occupation, and residence.

A. Willie James MCKENNEY, occupation is apprentice carpenter; my address is 20625 Northwest 28th Court, Miami, Florida.

COL WILSON: Mr. MCKENNEY, did you have an opportunity to read over the information we passed out to you? Do you understand it or have any questions?

A. Yes, and I have no questions.

Q. Have you discussed this operation with anyone prior to coming in here? I mean except for the last 24 hours?

A. No, sir.

Q. Nobody from your company has discussed this with you?

A. No, sir.

Q. Do you recall your assignment in B/4/3 on 16 March 1968?

A. Yes, I do.

Q. What was it?

A. We were at LZ Uptight.

Q. What was your duty?

- A. We had security guard that day for the CP.
- Q. You were in the 2d Platoon?
- A. Yes.
- Q. What squad?
- A. Second squad.
- Q. What was your job?
- A. Machinegunner.
- Q. Was this an M-60?
- A. Yes.
- Q. Did you say second squad?
- A. Right.
- Q. Was this machinegun part of the second squad or did it belong to a machinegun squad?
- A. We had the squad and we were attached.
- Q. You were attached to the second squad?
- A. Yes.
- Q. Did you always work with the second squad?
- A. Yes.
- Q. Who was the squad leader?
- A. Sergeant WATTS.
- Q. Do you recall having received any training at anytime, or heard anybody giving any instructions on the legality of orders, illegal versus legal orders?
- A. No. I don't believe so.

Q. Exhibit M-2 is entitled "Nine Rules." This is a facsimile of a wallet-sized form from MACV. Have you ever seen it?

A. I probably seen it, but I didn't have one.

Q. You didn't?

A. No.

Q. How about M-3, entitled "The Enemy in Your Hands."

A. I never had one of these either, I don't believe.  
No.

Q. Were you with the brigade in Hawaii?

A. Yes. I got there about 2 months before they moved out.

Q. In our sequence of questioning, we are going to try to follow the procedure of asking you first what you were told before you went on the operations and then we will get into what happened on the operations.

The first thing we are going to be concerned with is what instructions you got, and what you knew before you went out. Based on that, we will go back to the 15 March. The operations we are talking about took place on 15 through 19 March 1968. On 15 March you were back at Uptight. Do you recall how you got the information?

A. We were on LZ Uptight and they told us we were going out on a blocking force for Charlie Company. We got the information at LZ Uptight.

Q. Who gave it to you?

A. The squad leader.

Q. Your squad leader?

A. Yes. He comes down and passes it around.

Q. Was there anything said about the destruction of villages?

A. No.

Q. Anything said about the destruction of livestock?

A. No.

Q. How about food stock?

A. No, just a blocking force.

Q. You were supposed to be a blocking force?

A. Yes. If I remember correctly, that is what it was.

Q. There was nothing said about that?

A. That's right, that's all.

Q. Was there anything said about 2d Platoon sweeping the village?

A. If I remember, when we got off of the helicopter there were a couple of hootches there, but that was not considered a large village. We checked these couple of hootches out and by this time, that's when Lieutenant COCHRAN got it.

Q. Was there anything said about what the various platoons of the company were supposed to do?

A. Well, that I don't know. When the squad leader comes out he tells us what the 2d Platoon would do and what his squad would do.

Q. Was there any difference in the mission of the squads?

A. Not that I recall, because I don't know what the rest of the missions were for the rest of the platoons. The squads of 2d Platoon would be together.

Q. You don't remember anything else about what you were told? Were you told how long you were going to be out there, or what period of time the operation was going to be?

A. He usually tells us 3 to 4 days.

Q. Let's start on the day of the operations. Charlie Company went in there first and as you said you were supposed to be a blocking force for Charlie Company. So you knew Charlie Company was going in there.

A. They were already in there, before we got out there.

Q. They went in first, and then Bravo Company went in. My question now is when you came in for a landing that morning, do you recall whether there was any firing going in?

A. When the helicopters come in they always fire to clear the area and that is the only fire.

Q. Do you know if you were on the first or second lift?

A. I was on the first lift.

Q. The first lift?

A. Yes.

Q. Do you recall if your doorgunners were firing?

A. Yes, because I remember they were firing, because I was a gunner and I wanted to see for myself the way they were firing.

Q. You were interested?

A. Yes.

Q. They didn't have any trouble? They didn't have any jams?

A. No.

Q. They were firing?

A. Yes.

- Q. What were they firing at?
- A. They call it clearing the area. Like the first load, they clear the area and fire.
- Q. When you got off of the helicopter, was anybody firing?
- A. At us?
- Q. Yes.
- A. No.
- Q. Was anybody getting off of the helicopter coming out firing?
- A. No.
- Q. When you hit the ground, what happened? Did you set up a little perimeter there?
- A. Yes.
- Q. How long did you stay there before you moved off?
- A. Maybe 20 minutes at the most.
- Q. Then you moved off in a general northerly direction?
- A. Right.
- Q. Your helicopter should have landed with its nose facing Uptight?
- A. Yes.
- Q. Apparently you set down around--you were on the first lift and set down around 0815?
- A. I can't say what time it was.
- Q. This is according to the log, and the first booby trap was set off at 0745. How far were you from them when Lieutenant COCHRAN got killed?
- A. Fifteen or twenty meters.

Q. Do you recall whether the platoon moved in a column of two or all the squads were in line?

A. Before Lieutenant COCHRAN got killed?

Q. Yes.

A. No. We were spread out. It was a sweep.

Q. Abreast? Walking on line?

A. Yes, it was a sweep type.

Q. How long did you stay in that formation?

A. This is when Lieutenant COCHRAN got killed. We set up a small type of perimeter there and they called in the medevac for him. That is when we came back to where we started from and they started in a column to My Lai.

Q. That is when the second group got hit? What happened on that evacuation?

A. The same thing again. They called in a medevac and then Captain MICHLES pulled us out, because we protested that there was a minefield. We went around to the left of the position that we were in.

Q. Do you remember whether one of these helicopters that came in was marked with a red cross?

A. I don't believe the second one was a medevac. I know the first one was, I believe.

Q. The second one, do you know if Colonel BARKER was on that aircraft?

A. I don't know.

Q. Do you know where the 3d Platoon was?

A. Yes. The 3d Platoon set up security around the CP.

Q. What about the 1st Platoon?

A. They were across a little river. They were across on the other side of this river.

Q. Do you remember hearing any firing out there where the 1st Platoon was?

A. I don't really know, but they said they killed some people, but I didn't hear firing. It could have been.

Q. What was this you heard?

A. When they kill someone they report how many they kill.

Q. How many did you hear reported?

A. They kept reporting and maybe they got 10 or 11.

Q. How did you know this?

A. In our company we had a squad radio and we could hear.

Q. You could hear this on the radio?

A. Yes.

Q. Did you hear anything else on the radio?

A. I didn't personally hear it, but the word got around.

Q. You were not listening to a radio?

A. No, because the machinegun squad was out pulling security.

Q. Sounds like the 1st Platoon found a lot of action over there.

A. They got a lot of action.

Q. 1st Platoon had all of the action and the 2d Platoon took all of the casualties?

A. That is true, definitely.

Q. Do you recall a change or do you recall swapping places with the 3d Platoon, changing missions?

A. We joined them. We didn't change places.

Q. You joined the 3d Platoon?

A. Right.

Q. You moved over to the west. Did you ever think that your platoon was supposed to sweep Pinkville, My Lai (1), that big village?

A. No.

Q. You were right on the end of it when you took these casualties.

A. Right.

Q. Nobody ever said you were all going through that little village?

A. That is where we were going when all this happened.

Q. What makes you think that?

A. We were on line.

Q. You were on line going into that village then?

A. Where we were at the time Lieutenant COCHRAN got hit, it was maybe one or two hootches. That is all that I saw. I don't know there was a large village up ahead.

Q. Was Lieutenant COCHRAN hit right by a hedgerow or dike?

A. I believe the hedgerow was behind him because the hill was behind him like this.

LTC NOLL: You said that you changed directions after the second mine went off?

A. Right.

Q. Can you tell me what was said, how this change in direction came about? Had you--

A. (Interposing) Like I said, after these two mines went off we kept protesting about it, that it was a mine-field. Some of the guys said they were not going on and we took our stuff and went around to the left.

Q. Who did you tell this to?

A. To our squad leader, the platoon leader and platoon daddy. In turn they told Captain MICHLES, so he pulled us back out.

Q. Taking this from the beginning, a chopper came in, right?

A. Yes.

Q. And was your whole platoon on the first lift?

A. I don't remember.

Q. Did you wait until the second lift came in before you started going toward Pinkville?

A. Right.

Q. Do you know what direction you were going on the ground?

A. North.

Q. If you continued in this direction, would you have entered Pinkville? Was the village dead in front of you?

A. The village, the large village, was to our right.

Q. Do you think you would have gotten into this large village had you not suffered these casualties?

A. Yes.

Q. Did you have any instructions what to do after you got inside the village?

A. Set up security and search the village.

Q. Was it fixed in your mind that you were going to go into this village before the casualties occurred?

A. In my mind?

Q. Yes.

A. I'd say, yes.

Q. When the second group of people were wounded from the last mine, did you see a chopper come in and pick them up?

A. Yes.

Q. Did you see who was in it?

A. No.

Q. Do you know if Captain MICHLES was in the vicinity of the chopper?

A. Yes, because the chopper landed in the CP area.

Q. Do you know if there was any exchange between squad leaders and the platoon leaders with reference to the platoon's reluctance to go on this trail of mines that you were on? Was there any exchange between Captain MICHLES and the platoon leader?

A. Yes, definitely.

Q. When did you get the instructions to change directions? Before the chopper sat down?

A. No, afterwards.

Q. What were you told?

A. When the squad leader came around he said we were backing out of this area and going around by way of a trail.

Q. You said that you thought the 3d Platoon was providing security for the CP?

A. Right.

Q. How permanent was the CP? In other words, was it a moving CP or did they set up for an hour and then move someplace else?

A. Yes, on this type of operation, usually we set up if we are going to be in this area all day. It will be permanent at least for the day; it's not going to be a temporary CP.

Q. Was this a temporary type CP?

A. Yes, I would say so.

COL WILSON: Do you recall that day any ARVN interpreters coming in?

A. One could have, I don't know.

Q. Do you remember Charlie Company linking up with you?

A. Linking up with us that day?

Q. Yes, sometime that day?

A. No, I don't, because after we came around from this explosion we set up on the outskirts of a small village and we sat there until that afternoon sometime.

Q. You did what now? After all of those people were wounded you did what?

A. We set up on the outskirts of a village and we sat there quite a while.

Q. And then you moved off from there?

A. Yes.

Q. Do you recall this photo, Exhibit P-18? Do you recall anything about that photograph?

A. No. I didn't see this.

Q. How about this, P-19?

A. No.

Q. P-20?

A. This was all 3d Platoon here and I didn't see this.

Q. How about P-21, did you ever see any of those people?

A. I saw them, but I don't remember the names.

Q. P-22?

A. (Witness shakes head, indicating negative) This guy here, I don't remember.

Q. P-23?

A. Yes, I remember this one.

Q. Where is that?

A. In the same area where I think they were going through. They took all of the people out of the villages and crowded them around this tree and they were questioning them.

Q. Is that Captain MICHLES in that photograph on the left?

A. Yes.

Q. Who is that with him with the papers? Do you remember seeing that person?

A. I could have, but I didn't pay any attention to it.

Q. Here is P-66. These two Vietnamese soldiers, have you ever seen them before?

A. I only seen one of them.

Q. Which one?

A. This one (indicating).

Q. The one on the left?

A. I think so.

Q. Did you see any interrogations going on beside the one of Captain MICHLES?

A. Only one.

Q. Did you see an interrogation?

A. Yes.

Q. Where?

A. That is right after MILUS got killed.

Q. No, I mean that day?

A. No.

Q. You didn't see any that day?

A. I knew they had some going on, but I didn't see any.

Q. Do you recall any U.S. officers, not from Bravo Company, and interpreters coming in that day?

A. No.

Q. Did anything unusual happen after that afternoon? Do you remember Charlie Company coming in?

A. That night we were all together, yes. I remember that.

Q. Do you remember if they came in with any ARVN soldiers or not?

A. They did.

Q. How many?

A. I don't know, but usually two. But I don't know how many it was.

Q. You set up a defensive position. Did anything happen?

A. Not that I remember.

Q. Did you hear any interrogations or questioning going on that day?

A. Yes. There was questioning going on.

Q. What was going on, do you know?

A. They usually question if there is any VC in the area.

Q. Do you know of any unusual techniques used by the interrogators?

A. They hooked up these wires to the people and they turned this phone-type radio.

Q. And what happens?

A. It shocks them.

Q. Were they using that this day?

A. I think they were. I think so, after we set up for the night.

Q. Who was using this, American or Vietnamese?

- A. The Vietnamese soldiers.
- Q. Did you see this?
- A. Part of it.
- Q. You did see it?
- A. Yes.
- Q. Where were they hooking the wires?
- A. To the penis, to the ears.
- Q. To the sensitive locations?
- A. I think the penis is sensitive.
- Q. What happened to these guys when they cranked the crank? Did they holler?
- A. Yes, they hollered.
- Q. Did they talk after that?
- A. Same thing, they didn't talk.
- Q. Were they using any other techniques besides field telephones?
- A. No, not that I remember, because that was supposed to be the best thing.
- Q. You didn't hear of any of them getting shot?
- A. That evening in the perimeter?
- Q. Yes.
- A. No.
- Q. Did any of them get their fingers cut off?
- A. It could have happened and I didn't know about it.

Q. Did you hear about it?

A. No.

Q. The next morning, the 1st and 3d Platoon saddled up and went down to the bridge?

A. Yes.

Q. And there was action down there?

A. Yes.

Q. What platoon led off from the defensive position? Was it the 3d Platoon or the 2d Platoon?

A. 3d Platoon, I believe.

Q. 3d Platoon was first?

A. Yes.

Q. Followed by the CP?

A. Yes.

Q. The mortar platoon was mixed in with the CP?

A. Yes.

Q. You didn't see much of what was going on up there then?

A. No.

Q. Did you hear any firing?

A. Yes.

Q. Did you see any gunships?

A. No.

Q. Did you halt very long after the firing started, or were you moving?

A. We were moving.

Q. How long did you hold up when the firing started?

A. I don't think we did.

Q. Did you cross the bridge without any problem?

A. We crossed, but they were checking for mines.

Q. Still checking for mines?

A. Yes. And after we got across they found a mine and blew it up.

Q. Who was checking?

A. I think guys from the 3d Platoon, I don't really know. They had demolition guys.

Q. There were supposed to be two demolition engineers with the company. Did you see them?

A. Yes.

Q. I even think they were called forward to locate these mines. Let me ask this. Were the mines marked off, by the time you got there, with tissue paper?

A. Yes.

Q. You don't remember anything at the time you got there? Most of this activity around the bridge had stopped?

A. Yes, the 1st Platoon was sitting around. They had a perimeter.

Q. I guess TAYLOR had already been evacuated?

A. Yes.

Q. Did you see anything unusual over there? Did you see any bodies around or anything like that, fresh graves?

A. No.

Q. What was your platoon doing then? Did you stop for any length of time?

A. We stopped there and that is when Lieutenant LEWIS came in on a chopper with the photographer.

Q. Lieutenant LEWIS took the platoon over, didn't he? What did the photographer do?

A. Took a picture of him. I know he took a couple of pictures.

Q. What did this photographer look like?

A. Young, in his early 20's.

Q. Did he have on a soft hat or helmet?

A. A soft cap.

Q. Jungle or baseball?

A. Baseball type.

Q. Did he have any kind of insignia on?

A. I didn't pay that much attention.

Q. Was he wearing a jungle suit or fatigues?

A. Fatigues, I think.

Q. Did he have a MACV patch on?

A. Yes.

Q. Was it red?

A. That is the color of MACV, red and white.

- Q. Was it the camouflaged one?
- A. Yes, it was.
- Q. I think they call it subdued?
- A. Yes.
- Q. You do remember he had on a MACV patch?
- A. Yes.
- Q. Did he have anything else on his uniform, Stars and Stripes?
- A. Yes, he had Stars and Stripes on something like a name tag patch.
- Q. He did have that?
- A. Yes.
- Q. You remember seeing that?
- A. Right.
- Q. And he took two pictures?
- A. I don't know, I'd say two.
- Q. What happened to him after that? Did he go with your platoon?
- A. No. I don't think so. I don't know where he went after that. That is the last I remember seeing him.
- Q. Do you remember seeing Lieutenant MUNDY that day?
- A. Yes.
- Q. Did he come out there?
- A. Yes. He came out with the photographer.

- Q. You don't remember this photographer's name?
- A. No.
- Q. You don't remember how long he stayed out there? You didn't see him again, is what you said.
- A. That is right.
- Q. What else came on that chopper? Was there any ammunition?
- A. Water came in on the chopper and most likely, ammunition.
- Q. After the chopper left, did you move off then?
- A. Yes, the 2d Platoon moved toward the east, toward the water.
- Q. Your platoon moved down the coast in the sand?
- A. Right.
- Q. Hard walking?
- A. Definitely.
- Q. 2d Platoon reported, I guess it was the 2d Platoon, reported a VC killed. Two engaged and one killed. What happened there?
- A. They couldn't find him.
- Q. Where did you see these two?
- A. As we were on the beach they went up this sand pile and they fired upon them and he fell. But when they got there he wasn't there.
- Q. I thought it was reported that there were two downed there?
- A. It could have been.

- Q. What made them think this was a VC?
- A. I don't know.
- Q. Was he running away from them?
- A. I don't know, because a machinegunner--I am in the rear security and they had this other machinegunner up there. But he was not firing. I ran up front and I saw the guy when he fell, but when they got down there, he was not there. They reported them killed, but no body.
- Q. Were there any bodies on the trails?
- A. The guy that went up said there was and we didn't follow it. Three guys checked it out.
- Q. Did anything else happen?
- A. We went on down to the coast, down on the beach line.
- Q. All the way down to the end?
- A. Right.
- Q. A pretty hot day, wasn't it?
- A. Every day in Vietnam is hot.
- Q. Did you ever see these prisoners in Exhibit P-208? Do you remember those prisoners?
- A. Yes.
- Q. Do you know what happened to them?
- A. No.
- Q. Did they stay with you all night?
- A. I guess, I don't know really. The next morning we got up and moved out.
- Q. You didn't see them?

A. I didn't pay any attention to them.

Q. P-209, does that look like anything you have ever seen before?

A. That is the same area.

Q. That is where the CP was?

A. Yes.

Q. When you went down this, do you remember any ARVN being with you when you moved south on that beach?

A. No, not with the 2d Platoon.

Q. You didn't see any ARVN?

A. No. When we left we split up and all of the platoons split up.

Q. Did you burn any villages going down there?

A. We went through them and burned them.

Q. How many villages?

A. Villages or hootches?

Q. Both.

A. All of them.

Q. All the way down?

A. Yes, all the way down.

Q. This is P-121, do you remember that?

A. Yes. We burned all of them.

Q. Did you burn this? This was down at the extreme tip.

A. We stopped where these palm trees are. It's a large opening. We didn't go all the way down to the end. There is a large village down further.

Q. I think you are confusing that with the next day. This is the bridge right here (indicating on Exhibit MAP-4).

A. Right.

Q. And you moved down this coast. You moved right along the sea to the tip and came back here and went into a laager area.

A. Right, we burned all the way down. We came down first and we burned going up.

Q. You didn't going down?

A. No, we burned some hootches in here (indicating) that morning and we walked all the way down here. We started burning here and started burning going back up.

Q. Was there anywhere in this area other than this day where the order came down not to burn any more?

A. Right.

Q. When did you get that instruction?

A. I think that is when we laagered in.

Q. Not while you were on the march?

A. No, because when we walked all the way down that is when we started burning and moving back into the laager area. The village right there at the end we burned up.

Q. This is P-212 it was taken down at the end of the peninsula down there. Is that the one you are talking about?

A. Yes.

Q. Do you recognize it?

A. Yes. We burned all of this because there is another village and we didn't go beyond this point here. From here we burned back up. We didn't burn all of the hootches, some of the hootches we stripped.

LTC NOLL: What was the 1st Platoon doing?

A. I don't know.

Q. Do you know they were on your right?

A. They had to be because of the water.

Q. Were you in contact with them as you went south?

A. Yes.

Q. Did you see any smoke coming up from that area?

A. Right, smoke all over that day.

Q. What was the basis of burning some of the hootches? Why were some burned and some weren't?

A. They told us to burn the hootches and move out.

Q. Who told you to do this?

A. I guess the captain did, the squad leader told us.

Q. Did you get this instruction changed that morning or when?

A. That afternoon, when we got into this area.

Q. Was the instruction given out in a way so that one group was supposed to burn? Was it said, "This platoon will burn hootches and this platoon will pull security," or was everybody supposed to do it?

A. The 1st Platoon was to our right. They were pulling security to the right.

Q. What about within the platoon? Was any squad designated to do the burning or was everybody supposed to do it?

A. We set up security and our squad was two 60 gunners and I had three people to man the gun. They stayed in with the gun and the rest of the people were supposed to start burning.

Q. Now, back in that laager area that night, do you remember any choppers coming in with people? Did you have any detainees or prisoners or anything?

A. I think they had one or two. I don't remember people coming in on a chopper though.

Q. You don't remember anything unusual about that night?

A. No.

Q. You went on back and you started off the next morning and went by that bridge. You picked up the 3d Platoon. Do you remember finding the rice? They were supposed to have choppers come in and lift this rice out. You didn't see it yourself?

A. No.

Q. And picked up three men and moved up into a big village and rounded up some people?

A. Right.

Q. What did the 2d Platoon do that day?

A. We moved to the north of the village and pulled security and searched hootches.

Q. What were the 3d and 1st Platoons doing?

A. The 3d Platoon was to our east and they came into the village and that day we sat around and talked.

Q. How about sort of a lake up there, a fish pond?

A. It's right on the ocean.

Q. There was a big fish pond up there. I don't know if you recall this or not. You say you moved to the north side of the village, the whole platoon?

A. Right.

Q. Where did you spend the night?

A. We came back down toward the beach south of the village.

Q. Was the CP in the village during the day time?

A. Not in the area that we were in. They were down further probably by the village. They were not in the area we were in.

Q. Who else was in that area?

A. 3d Platoon was there, and the captive. The VC we got him hiding in a boat.

COL WILSON: It was reported that one VC was picked up. Is that the one you are talking about?

A. I suppose so.

Q. What did you do with him?

A. They asked him questions and the people in the village said he just came in. They said he was a VC. He said where a cache was, but they didn't find anything.

Q. Did you ever see that man on P-215?

A. That could be the man.

Q. You don't recognize him?

A. They all look alike to me.

Q. Did you see the medical team working that day?

A. Yes.

Q. Did you see any additional ARVN interpreters come in there?

A. No.

Q. Did you see any interrogations going on?

A. Yes.

Q. Who was asking them?

A. Lieutenant LEWIS, and then he turned them over to Captain MICHLES.

Q. I didn't think Lieutenant LEWIS or Captain MICHLES could speak Vietnamese.

A. They could have an interpreter.

Q. Did they have an interpreter?

A. I suppose so.

Q. The interpreter they had, did they have him before?

A. He was a friendly type. All of the guys talked to him.

Q. Did you see any unusual techniques being used by that interpreter?

A. Not that day.

Q. That night you had a mortar attack, and MILUS got killed. You had four or five casualties?

A. Right.

Q. Was there any small arms fire coming into the perimeter that night?

A. There could be, because there was so much going on.

Q. Before that, do you recall that afternoon or early that evening whether there was any friendly or enemy artillery fire out there?

A. I believe there was a couple of rounds. I'm not sure.

Q. Did you see a woman being brought in with her leg all ripped open?

A. That evening?

Q. That evening.

A. Yes, I did.

Q. Did you see her evacuated? Do you know what happened to her?

A. I know the medics were working on her.

Q. Do you recall the next morning whether there were any detainees or prisoners in the area?

A. After MILUS got killed?

Q. Yes.

A. Yes. There was.

Q. How many?

A. Two at the most. I definitely remember this one.

Q. Why?

A. They hooked this radio to him.

Q. That is the day they used the telephone, electrical shock?

A. Yes.

Q. Did they use it before that?

A. Yes.

Q. Did you see them using it before that?

A. Yes.

Q. And they used it before that day?

- A. Yes.
- Q. How many detainees did they have?
- A. I think two.
- Q. Did they use this system on both detainees?
- A. They could have, but I only saw it used on one.
- Q. Were they using anything beside that telephone?
- A. He was pretty well worked over, beaten.
- Q. What happened to him? Was he evacuated or turned loose or what?
- A. He was evacuated.
- Q. Both of them?
- A. Yes.
- Q. Or did one of them get away? At the time you saw him, did you see him using anything beside hooking this telephone to him?
- A. It was with the fist.
- Q. How about kicking them?
- A. Could have been.
- Q. Did you see them?
- A. No.
- Q. How many people were involved in it?
- A. Mostly it was the guys in the 1st Platoon.
- Q. This was with Bravo Company people?
- A. ARVN and interpreters, too.
- Q. Were they all down there around the VC?

- A. The ARVN stayed in the CP group, and he was in the CP group.
- Q. Was Captain MICHLES there?
- A. Yes.
- Q. Did you notice any strange officers there? Any military intelligence there?
- A. ARVN type?
- Q. One could have been U.S. or ARVN.
- A. There were ARVN there.
- Q. How many?
- A. I would say two of them.
- Q. You say it was the 1st Platoon working this guy over?
- A. Yes, and the ARVN.
- Q. Did you know Sergeant LIAS?
- A. I did.
- Q. Was he kicking this guy around?
- A. Yes. I saw him swing at him, but not kick him.
- Q. You don't know what happened to this prisoner?
- A. No. I think they took one out that morning. First Platoon took one VC out, and that is when he told them where this cache was. I don't know where they went. I don't know.
- LTC NOLL: On the morning of the 19th, you were evacuated and you were out in the early afternoon. Do you remember picking up any additional VC suspects this morning other than one you had in your position?
- A. No.
- Q. The people you were questioning, are those you kept overnight?

A. Yes.

Q. You don't know of any additional ones picked up on the morning of the 19th?

A. No.

COL WILSON: Mr. MCKENNEY, did you have any knowledge of an investigation or inquiry being made after that operation?

A. No.

Q. Were you questioned on this operation?

A. No.

Q. Did you have a camera?

A. No.

Q. Do you know of anybody in your--

A. (Interposing) No.

Q. Do you have any notebooks or anything that might have some information?

A. No.

Q. Did you ever hear of any civilians being killed?

A. Not until I read it in the papers recently.

Q. Were you ever told not to discuss this operation or anything that happened?

A. No.

Q. Aside from your description of what happened up there the last day, do you know of any suspects or PW's mistreated by U.S. or ARVN soldiers?

A. Repeat that.

Q. Do you know if any suspects or PW's were mistreated by U.S. or ARVN soldiers?

A. That day?

Q. No, except for that one day up there you told me about. Do you know of any other times of this operation this happened?

A. The first night?

Q. The first night they used the electrical system then. Is there any other time that you know of?

A. They beat them up, but did not use the electrical hook up.

Q. Where did they beat them up?

A. Hit them a couple times.

Q. Where was this?

A. This was the operation before that. It was not during that operation, no.

Q. Do you know if marijuana was a problem in the company?

A. What do you mean a problem? Did it make guys do things?

Q. Yes.

A. No.

Q. Unusual things?

A. No.

Q. Do you know if people in the company used it on operations?

A. Not on operations.

Q. Did you ever hear of an order being passed down at any time during the operation to stop burning or stop killing?

A. The only order we had was to stop burning.

Q. I know your normal procedure. I wonder if anything special came down?

A. No.

Q. Have you got any further testimony or further statements that might assist us?

A. No, nothing that I can testify right now.

Q. I advise you not to discuss your testimony in this case with others, including other witnesses except as you may be required to do before a competent judicial, legislative, or administrative body.

(The hearing was recessed at 1528 hours, 5 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: MERCER, Leon R.

DATE OF TESTIMONY: 9 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: RTO, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness went from Hawaii to Vietnam with the 11th Brigade (pg. 1). He did not recall ever having a class on the legality versus the illegality of orders (pg. 2). He did not recall a class on the Geneva Conventions (pg. 2). The witness had received a copy of the MACV card, "Nine Rules" (pg. 2). He did not see a copy of the card "The Enemy in Your Hands" (pg. 2).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness stated that he knew on 15 March that they were going to move out the following morning on an operation (pg. 2). He could not recall whether it was to be a search and clear or a search and destroy mission (pg. 2). He stated that if it was a friendly village they would just search it, but in an unfriendly area they would normally burn the place (pgs. 3, 4). They would not normally interfere with the old people who ran a village (pg. 4). If they encountered young people they would send them back for interrogation (pg. 4). The witness stated that the CP group carried two radios; one on the company net and one on battalion net (pg. 3). There would also be two radios in each platoon; one for the lieutenant and one for the sergeant (pg. 3).

(MERCER)

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SUM APP T-349

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## 3. COMBAT ASSAULT.

a. Activities on 16 March.(1) Landing and initial movement.

The witness stated that Captain MICHLES went on the first lift (pg. 5). The second platoon went on the same lift along with the CP group (pg. 5). The mortar platoon had not come out when they landed (pg. 5). The witness did not recall any firing when they went in and stated there was none until they later ran into a village (pg. 6). The doorgunners were not firing as they went in (pg. 6). They did not circle the area before landing because the Sharks had strafed the area as they came in (pg. 6). The witness did not recall an artillery preparation (pg. 6). He was informed of Exhibit M-20, the tape recording of communications indicating that there was a prep (pg. 7). He still did not recall any artillery prep (pg. 7). As soon as the second platoon landed it moved out (pg. 5). He stated that the rest of the helicopters were still coming in when the second platoon hit the mine (pg. 5). This occurred 50 to 75 meters from where the CP was located (pg. 5). The witness stated that Lieutenant COCHRAN had moved off to the right, crossing a trail, and was heading back towards LZ Uptight (pg. 10). The witness stated that a helicopter was right overhead when COCHRAN was wounded (pg. 11). This was the helicopter which took COCHRAN in (pg. 11). The second explosion occurred as the members of the platoon continued up the trail (pg. 12). The injured were evacuated by Colonel BARKER's helicopter (pg. 15). Colonel BARKER did not get off the helicopter when it came in (pg. 15). The first platoon had moved off towards the bridge (pg. 11). The second platoon was called back by MICHLES (pg. 12). The entire company began to move in the direction towards LZ Uptight (pg. 14). Shortly after that they hit a trail and turned towards the right (pg. 14).

(2) Movement through villages.

As the company was moving the witness recalled communication from the first platoon indicating that they had seen some people moving on the other side

(pg. 14). The witness did not recall whether they were supposed to cross the bridge or sweep the side they were on (pgs. 15, 16). He did not recall the activities of the first platoon that day (pg. 16). He recalled a report coming in of KIA and stated that MICHLES called back saying "Don't be killing innocent people" (pg. 17). The witness stated that they did not cross the bridge that day (pg. 18). He stated that he recalled making a transmission to the first platoon indicating that they should go back and search a village (pg. 19). He stated that they received a report indicating that sniper fire was received on the way to a village (pg. 20). A later report came in indicating that more people were killed and the witness stated that MICHLES wanted to know who they were killing (pg. 21). There was a request received for Sharks, to which MICHLES replied "You ought to be able to maneuver in there and get that sniper" (pg. 21). MICHLES told WILLINGHAM that if necessary he would go up and "show him how it was done" (pg. 21). The witness did not recall a message to battalion indicating that there were no women and children killed (pg. 21). The witness recalled crossing through a village and seeing some bodies, which were "puffed up" (pg. 22). He stated the people stood around the village while they searched it (pg. 23). The village was located a good distance from where the bodies were (pg.23).

(3) Presence of a photographer.

The witness recalled a photographer coming into B Company on the morning of 16 March (pg. 23). He stated that the photographer took pictures (pg. 24).

(4) Prisoners.

The witness stated that the prisoners depicted in Exhibit P-18 would have been taken prior to the link up with C Company because they were being guarded by HUFFMAN (pgs. 23, 24).

(5) Night laager position.

The witness stated that he replaced the RTO of the second platoon that night (pg. 27). He stayed with the second platoon for the remainder of the operation (pg. 28). He recalled that during the evening prisoners

were sent in on a helicopter (pg. 28). He stated that they laagered in a sandy spot in the middle of open rice paddies (pg. 31). He did not recall seeing any ARVN personnel (pg. 31). He recalled some activity in the rice paddy during the evening but could not recall if it was fired upon (pgs. 32, 33).

b. Activities on 17 March.

(1) Movement during the day.

The witness recalled that they joined up with the second platoon (pg. 18). He also recalled that Lieutenant LEWIS and a reporter came in that day (pg.29). The witness did not recall the order of march leading to the bridge but stated that the weapons platoon probably brought up the rear (pg. 35). He heard the mine going off when TAYLOR was wounded but did not see it because they were still on the trail with their vision blocked by hedgerows (pgs. 35, 36). He stated he recalled that MICHLES spoke with the first platoon and told them to check the bridge (pg. 36). He did not hear any firing start when the mine went off (pg. 37). The witness stated that as they crossed the bridge the mines were indicated with tissue paper (pg. 37). The witness stated that he heard "a lot of firing" which he thought was flushing a sniper out (pg. 38). That quieted off and then began again (pg. 38). He did not recall gunships coming in before they crossed the bridge (pg. 39). He stated that he saw bodies near the bridge (pg. 39). (These may be the same bodies the witness reported seeing on 16 March). The bodies were located close to the bridge to the right of the trail which led to the sea (pg. 39). He stated he saw four to five bodies most of whom were men, with one woman (pg. 40). He also stated that he saw a number of mounds in the area which he did not think were freshly dug graves because there were footprints on them (pgs. 40,41). The bodies were already swollen and turned black (pg. 42).

(2) Presence of a photographer.

The witness stated that a photographer or a reporter came in shortly after they crossed the bridge (pg. 43). Lieutenant MUNDY also came out that day but did not travel with them (pg. 44). The witness did not

know if MUNDY saw the bodies (pg. 44).

(3) Movement to the beach.

The witness stated that as they moved some sniper fire was received and when it stopped they continued their movement (pgs. 44, 45). As they neared the beach they saw some sampans which had been heading towards the beach but which turned and went back to open waters when the company came into site (pg. 45). He stated they encountered a young man who ran and was fired upon (pg. 45). They did not kill him and he went and hid in tall grass (pg. 45). After this incident they moved to the end of the beach (pg. 45). He stated that the first platoon burned the village, in which he had seen the bodies (pg. 45). He also stated that they encountered a small village with quite a few people in it (pgs. 45, 46). He described the location of the village as being on a finger point (pg. 46). When they left that village it was still standing and had not been burned (pg. 46). He stated that they saw a large fire over to the west as they were returning (pg. 47). This was to the left across the waterway (pg. 47). There was also a lot of shooting coming from that village (pg. 47). The unit headed back towards the bridge (pg. 48). The witness did not see any people in either of the villages that they passed through that day (pg. 48). He did recall one blind man who was encountered but was left alone (pgs. 48, 49).

(4) People fleeing in the river.

The witness described an incident in which a number of people swam across the river and evaded the CP group as well as the first and second platoons (pg. 49). The unit had been called back to the river from their laager area (pg. 50). There were 20 to 30 people who swam across the river (pgs. 50, 51). He stated that they were young people and were dressed in solid black (pg. 51).

(5) Night laager position.

The witness stated that he did not recall anything particular happening on the evening of 17 March (pg. 51).

c. Activities on 18 March.

(1) Movement of the unit.

The witness recalled encountering a large cache of rice because a sergeant told Lieutenant LEWIS that he was supposed to carry it (pgs. 51, 52). He stated that they also found some mortar rounds that had not been exploded (pg.52). As they moved north they encountered some people in the village (pg. 53). They were supposed to secure the beach line and "check out the sampans" (pg. 53). One platoon was on the shore line, one went up the middle, and one went up the side (pg. 53). They sent the people that they encountered back for MEDCAP and interrogation (pgs. 53, 54).

(2) Interrogation of the people.

The witness stated that Captain KOTOUC, carrying a land line phone came in with one Vietnamese and interrogated some people (pg. 56). He stated that one "messed his britches" (pg. 56). This was the only interrogation that he saw that day (pg. 57).

(3) Night laager position.

The witness described the perimeter of the laager position as having the second platoon on the left, the third platoon in the center, and then the first platoon (pg. 57). The back was towards the ocean (pg. 57). The witness recalled the mortar attack and the presence of Spooky (pg. 58). The witness did not recall any small arms fire during the mortar attack, but he stated that they returned some fire (pg. 59).

d. Activities on 19 March.

The witness stated that he saw the prisoners being interrogated and one being taken to the ocean (pg. 59).

4. INQUIRIES CONCERNING THE ASSAULT.

The witness was not questioned about the operation (pg. 62). He stated that he heard rumors that one company was "kicked out of Task Force Barker" because they had "more or less wiped out a village." He did not recall whether it was "C Company or D Company" (pg. 65). He had been told this one or two weeks after the operation by some members of the company (pgs. 65, 66). Sergeant MCCLOUD told him the same story (pg. 66). The witness was never told not to discuss the operation (pg. 66).

5. OTHER INFORMATION.

a. The witness reported that MICHLES stressed the fact to the platoon leaders that civilians were not to be harmed (pg. 33).

b. The witness reported that he had given four rolls of eight millimeter movie film to a man named "Willie BESS", who was in the company rear, to mail for him (pgs. 62, 64). The film contained some views of atrocities, and when the witness only received one roll back with half "blotted out", he presumed that Kodak had turned it over to the government (pg. 63).

c. The witness stated that "pot" was a problem in the company, but was not taken out on operations (pg. 69).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit had received one.	2
M-3	MACV Card "The Enemy in Your Hands"	Wit did not recall.	2
M-20	Transcript of TF Barker tape	Transmissions regarding the artillery prep were read to witness.	7
P-18	Miscellaneous Scene	Wit identified PLACEK and HOFFMAN guarding Vietnamese	23
P-19	Miscellaneous Scene	Wit recognized the people but did not know where he saw them.	24
P-20	Miscellaneous Scene	Wit did not recall artillery being fired into the LZ as they approached	7,8
		Wit recognized the man without a helmet and his interpreter, but did not know his name.	25
P-21	Miscellaneous Scene	Wit recognized the interrogators.	25
P-22	Miscellaneous Scene	Wit stated that he did not know where it was but that he was there.	26
P-26	Miscellaneous Scene	Wit identified himself on the extreme right, but did not know where it was taken.	26

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-52	Individual photo of CPT KOTOUC	Wit identified as the interrogator on 18 and 19 March.	56,60
P-168	Aerial photo, Son My village, coastal complex	Used to orient the witness.	8
P-206	Miscellaneous Scene	Wit recognized the area but could not recall fire in the LZ.	8
P-207	Miscellaneous Scene	Wit did not recall artillery being fired into the LZ as they came in.	7,8
P-208	Miscellaneous Scene	Wit recognized the prisoners and stated it was near the CP.	27,28
P-212	Miscellaneous Scene	Wit identified as the village which was on a finger of land.	46
MAP-4	Map 6739 II	Used to orient the witness.	8

(The hearing reconvened at 0930 hours, 9 February, 1970.)

COL WILSON: The hearing will come to order.

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

The next witness is Mr. Leon R. MERCER

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

RCDR: Please state your full name, occupation and residence?

A. My full name is Leon Randal MERCER. My occupation is heavy equipment operator. I'm living right now in Okeechobee, Florida. The address is Bluefield Road, Route 1.

COL WILSON: Mr. MERCER, did you have a chance to read Exhibit M-81?

A. Right.

COL WILSON: What was your job in B/4/3 on the 16th of March 1968?

A. I carried a radio for a long time.

Q. Which net was this?

A. I was just on the company net.

Q. Were you with the 11th Brigade in Hawaii?

A. Right, sir. I was sent over there. I don't remember the date I got sent over there. There was a whole bunch of us that got sent over there. They took all of us and put it in there and brought it up to strength. We took a lot of training over there and we were sent over there.

Q. During your military training, at any time did you recall ever getting a class on the subject of

legal versus illegal orders?

A. No, sir. I don't believe we did. I don't remember that.

Q. This class probably would have come through at a time when military justice was being taught or the Geneva Convention or something like that.

A. I don't remember that, sir.

Q. I have two exhibits. One Exhibit M-2 entitled, "Nine Rules." It's a MACV card, a wallet-sized card. Have you ever seen that? A facsimile copy.

A. I believe I have, sir. I believe we got one. Well, I'm pretty sure we got one before we got sent over. We had to get a lot of cards and some stuff like this. If this is the same one.

Q. Was this in Hawaii?

A. Yes, sir. Just before we got sent over to 'Nam.

Q. The next exhibit is Exhibit M-3 entitled "The Enemy In Your Hands." Have you ever seen that card?

A. I don't recall one like this.

Q. I want you to think back to the 15th of March. The operation that I'm talking about was during the period 16-19 March. Lieutenant COCHRAN was killed on the first day. MILUS was killed on the last night. That's the operation. Now, the day before that operation took place, I want you to think back and tell me who told you the operation was coming off and what was said?

A. Well, the only time we knew we was going on an operation that day was when we moved out. We would stay on the fire base maybe 2 or 3 days and they would fly us out. If I'm not mistaken, on this particular day, we knew it the night before when they told us to be ready to move out the following morning. We was going on a search and clear or search and destroy. I don't remember just which mission it was and what they named it.

We got CA'd out. We no sooner got off the choppers--

Q. (Interposing) Wait. I want to try to stick to the briefing. What else did they tell you? Who told you this?

A. That would come down--well at that time I was with the company commander. He just told us that we would be going out tomorrow on the operation and supposed to last maybe a couple or 3 days or something and get your gear ready.

Q. Was there anybody else there when he told you this?

A. There was what they called the CP group which was the medic, and two more, another RTO. Then there was a sergeant there who was in charge of us.

Q. You wouldn't have gotten this in any of the platoon leaders' meetings?

A. Oh, no, sir. We didn't have a platoon meeting like that because we was just around him and what information he wanted to tell us, that was what he told us.

Q. How many radios did you have in the CP?

A. In the field we had two: the company and the battalion net.

Q. No spares?

A. No, sir. We didn't carry no spares. There was normally two radios in each platoon: one for the lieutenant and one for the sergeant. The reason we didn't want to carry spares was actually we didn't have no place to carry them with everything else.

Q. Any instructions passed out about the destruction of villages, burning of houses and so forth?

A. Yes, sir. When we would go through a village they would tell us if it was search and destroy. When we went into a village if it was considered a friendly village we didn't bother nothing. We just searched it and go on.

If it was on search and destroy, which normally they would send us in there if the people wasn't friendly and expected something. Normally there wasn't anybody in there when we got in there except a few old people who couldn't walk. We would just go ahead and burn the places down like we were told and move on.

Q. What did you do with the old people?

A. Left them there.

Q. Do you recall if this particular operation-- what do you mean you left them there?

A. We left them there just like we found them. If they was outside around a well or something or in one of them hootches in the ground we would go in there and search that and leave them there. Maybe they would put them in the center and talk to them or try to find out something and we'd move on. If they was young or something we would have them sent back in to investigate or talk to them.

Q. This particular operation, you've given me I think normal procedure. For this particular operation, were any special instructions issued?

A. Not then. Like I say. He told us to get our gear together, that we was going to be CA'd. That was it.

Q. Did you know where you were going?

A. He would say something about--I'd catch something about telling one of the officers something like that, but I didn't know where we was going until we landed. You know there is going to be rumors around about where we was going but none of them was hardly accurate. I'd say that.

Q. But you didn't know what the enemy situation was down there?

A. We didn't know whether there was going to be a battalion or a company just a few or just go out and find what was there.

Q. Do you know what the other platoons were supposed to do?

A. Not really. He would tell them, "You go and take this area here." The other would be more or less like drawing a line and searching and find what you could find.

Q. All right. In regards to that operation that following day, what lift were you in?

A. I think we was in what we called the second sortie, I believe. That lift that we went in the whole-- the captain went out on the first lift and then we went out on the first lift. Lieutenant COCHRAN's platoon went out with us. He landed and then we landed.

Q. The CP and the 2d Platoon? Where was the mortar platoon?

A. They hadn't even come out yet.

Q. You are sure that Lieutenant COCHRAN was with you all?

A. He was with the platoon that landed with us. I'm pretty sure of that because they no sooner got on the ground when they started moving out. By that time the rest of the choppers had started coming in. They was jumping off. They hadn't even gotten time to get out of the way of the choppers before the first casualty took place. The platoon had just started to go out, move out. They had a little rise to go up, in other words, go down and come up and that's the way he chose to go. We heard a loud explosion. It didn't happen 50 to 75 meters from where the CP was at that time.

Q. Who secured the landing zone for the 2d Platoon?

A. They would always go in and prep the place. They would run the Sharks over it and get it ready for us. A lot of times if it was supposed to be a real hot LZ they kept Sharks over us all the time. In other words, a couple of platoons would land and they would secure the LZ.

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Q. So the 2d Platoon didn't stay there at all? It started movement as soon as it hit the ground?

A. Right. As soon as the men got off that lift, and the old man got down, we were going to move out to secure the LZ. That's the morning when the lieutenant got it.

LTC NOLL: Was the second lift on the ground when he was hit by the mine or stepped on the mine?

A. I know all his platoon was there and the other was just coming in to land. They just about had the whole company at that time in the choppers on the way there. They didn't have to go back and come again. All of us was in the air at the time.

COL WILSON: Was there any firing when you went in?

A. Not a bit.

Q. Did any develop while--

A. (Interposing) Not during that period. We didn't fire a shot. There wasn't a shot fired up until--well, the only thing we heard was that explosion and that was it. We didn't receive no fire and we didn't return none. There wasn't nobody there, actually. There wasn't anybody hardly until we got where old MILUS got killed. We ran into one village.

Q. The doorgunners weren't firing when you went in?

A. No, sir.

Q. Do you remember having to make a go-around?

A. Go-around? Do you mean circle it before we went in? No, sir. We didn't because when we took off the Sharks were circling the area and just before--when they seen us coming they started strafing the area. They didn't put out no fire on that landing.

LTC NOLL: Do you know if there was an artillery preparation?

A. No, sir. I don't know about that. In that place that we landed there was a trail running up through. It went across a creek and that's where one of our point men got his

foot blowed off. We landed there. I don't recall no fire, except that it was put in there before us. Just before we sit down there was a prep by the Sharks. The machinegunners on the other choppers were ready, but there wasn't any need for them. There wasn't any shots fired when we went in.

COL WILSON: Let me give you something from Exhibit M-20 which is a tape recording of a communication between the command elements that morning. Coyote is talking to Dolphin Lead. He says, "Artillery prep is started. Should go on schedule. You should touch down at 0815."

A. Did that come over battalion net?

Q. That is correct.

A. It was the other RTO then.

Q. That is correct. I'm trying to recall something to your mind. Dolphin Lead to Coyote 6 says later, the period of time I don't have: "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 while it was going." Coyote 6, "Roger, rounds complete."

A. That prep was on the day Lieutenant COCHRAN got killed? I don't remember no artillery fire, no prep on that LZ.

Q. Dolphin Lead to Coyote 6 a few minutes later, "This completes your lift for this morning. We only had one problem and that was that the artillery didn't get shut off in time." Coyote 6 affirmed and said it was a minute late cutting off.

A. I don't remember no prep being fired in there while we was landing.

Q. Do you remember the Sharks? Remember the gunships going in?

A. Oh, yes, sir. We could see them make their runs as we was coming through.

Q. These two photographs, Exhibits P-20 and P-207, show fire going into what is supposed to be close by or on your land-

ing zone. Do you recognize them?

A. This is the same LZ that we landed on?

Q. I don't know. I think from my information it was either the landing zone or close by the landing zone.

A. It could have been close by the landing zone because they prepped one area right over from us right shortly after we hit the ground.

Q. These photographs were taken in flight en route to the landing zone.

A. I don't remember them prepping the area before we landed.

Q. That is not necessarily a prep here. This could very well be rockets.

A. It could have come from the gunships.

Q. I'm not trying to pin you down as to whether there was a prep or not. What I'm trying to find out is, do you remember this area? Does this look familiar to you?

A. Well, that's hard for me to say. All of it looked the same to me.

Q. There's nothing there that looks--that you would remember? Do you remember the colored smoke on the ground when you came in that day? Marker?

A. There was some smoke coming up but I don't remember if it was this lavender or yellow or what. This water on this last picture, this P-206, I remember the water and all this, but the fire is what I can't place. I just can't recall any except the rate the gunships put out before we set down.

Q. Exhibit MAP-4. I'm going to point out where we think your landing zone was. This graveyard here. We think you landed in here somewhere and that Lieutenant COCHRAN was killed up here. Now, here is the bridge.

A. Well, we landed just I'd say about 500 to 600 meters

to the left of the bridge and there was a graveyard there. At that time, I don't remember because there was a trail coming up and there was some old barbed wire stuff they had laying out there. The choppers couldn't see it and set down for us to get off because if they didn't it would pull up in place. They could get as close as they could and that day we had to jump out of the choppers.

Q. There is one trail that shows on the map here that is 521, which is that main trail. It came in all the way across the area. This is the trail, part of which went over that bridge, and probably the trail that you would have followed going to the bridge the next day.

A. We went up a trail the next day.

Q. Now, is that the same trail you are talking about? Do you remember that trail you went up?

A. Right. I remember that trail.

Q. How far was the CP from the trail that day?

A. We landed just a few feet from the trail.

Q. And that is where the CP set up?

A. No, we didn't set up. When we landed we moved out just a little ways from where we landed. We moved up and there was some little old pines there. We were setting up there waiting for everybody to get there so we could start the operations.

Q. Well, the 2d Platoon had moved off by then?

A. Right. They was going to go out and secure--I know what they was going to do. They was going to secure the old man. Because I don't blame them. That's where--going up that little bank was where he got it. Actually by the time he started moving out everybody was coming in on the ground. Choppers was taking off and one of the sorties picked him up.

Q. Was Lieutenant COCHRAN killed on the south or on the north side of that trail?

A. I'd say we come in on the trail like this. The

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trail was running here.

Q. When you got off the helicopter you should have been heading due north back toward Uptight? Uptight was due north?

A. Right. That's the same way we landed. We landed and that's the way we got off. Lieutenant COCHRAN started off to the right and moved up forward.

Q. Did he cross the trail?

A. Right, sir. He was across that trail. He was headed back up towards Uptight.

Q. Now we want to fix this, as well as possible, and we'll go from this map to the aerial photograph. The same location on the aerial photograph which is Exhibit P-168. Go back to this map, here, just for general orientation.

(Colonel WILSON oriented the witness on Exhibit MAP-4 and Exhibit P-168.)

COL WILSON: The witness stated that the company commander's helicopter landed just south of the trail. Right by the trail, we believe it was 521, and the 2d Platoon moved off right away.

The sequence of events there according to the log, (referring to Exhibit M-16) the first lift touchdown was 0815. That would have been your lift. The second lift touchdown was at 0827. Two lifts. Lieutenant COCHRAN was wounded at 0845.

A. I don't know about the time there when we all landed.

Q. We're just trying to get the times fixed. This is what the log says. Somebody was reporting this information back to Task Force Barker.

A. I know after we was on the ground the captain would call back and tell that the sortie was complete, "Now starting operation," or something like that.

Q. That is the sequence of events. That takes you up to the time Lieutenant COCHRAN was killed, that's about 0845. 1st Platoon came in on the second lift, you say?

A. I believe it was the second or it could have been

another.

Q. Did you notice which way they went?

A. No, sir, I didn't.

Q. They went over toward the bridge and crossed the river.

A. Well, I know that, before the day ended, before we laagered in that night, they were headed towards the bridge. I don't know if as soon as they got off the choppers they started that way or not. I don't remember that because all that was told to them before they ever hit the ground.

Q. After Lieutenant COCHRAN was killed you don't remember what the 1st Platoon did?

A. No, sir.

Q. Do you remember anything else happening?

A. All I know there was a scramble to get over there and find out if he was really dead or what happened, before that platoon or the company CP moved he was evac'd.

Q. Pretty fast?

A. Yes. The chopper was just about right overhead of us. He set down and took him out. Then we got his personal belongings we brought over and I carried them. So that night when we got resupplied, I set it on a chopper on in.

LTC NOLL: Did they take all the wounded on that chopper or did they just take him?

A. Well at that time there really wasn't too many hurt that bad to have them evac'd that quick. I think somebody said one of them had just gotten a small fragment in the arm or something.

Q. One chopper you only had Lieutenant COCHRAN on it.

A. Right. As far as I can remember, just Lieutenant COCHRAN got on that chopper.

COL WILSON: About 45 minutes later a second mine was detonated. At that time there were three wounded.

A. I'm trying to think of the boys' names.

Q. I can give some names of people that were wounded that day, if that would help you any.

A. It would.

Q. On the 16th: COCHRAN, WILBURN, CANTU, HITCHMAN, TRAVERSA, SHIFLEY.

A. Right. That morning we about lost the whole platoon on that one little go up on that trail. As soon as that second mine detonated, the captain told me to call them. I called and he wanted to talk to them to tell them to come back out of there because it was heavily mined. After that second mine went off, that's why he terminated it. He wanted them back out of there. Come back just the same way they went in, the same steps. So they wouldn't set off another mine. That second detonated was when we called them up and told them to come out of there. That's when CANTU and all them--and they brought them right back out; if I'm not mistaken, somewhere generally the same way they went in, and put them on the next chopper.

Q. In conjunction with that order. This order came after the detonation of the second mine?

A. Right.

Q. How far did the platoon move from where Lieutenant WILLINGHAM--

A. (Interposing) The last man hadn't really got up over that little knoll.

Q. We're talking about a few feet or a few meters or what?

A. I don't really know how far they were spaced apart. I know that the last man hadn't gotten up over that little old hill over there. I think the point man or something had just passed it. I don't know if it was 10 meters, 20 meters or 30 meters.

Q. The period is pretty well fixed as far as the log goes. It was about 45 minutes from the time COCHRAN was killed until the next man tripped that mine.

A. I don't know how many meters. It didn't seem like just a few minutes in between. That's when he called them up and told them don't go no further, turn around and come back.

Q. Now, do you know if anybody talked to the company commander before he issued this order to double back?

A. No, sir, I don't.

Q. Do you know whether Colonel BARKER told him anything?

A. No, sir. If he did, he called him on the battalion net and at that time we was still sort of together. We were still pretty close together, because we didn't actually know what we was getting into right then. We stayed pretty close to him. As far as I know, he didn't get a call to tell them to come back out of that--tell the platoon to back up, go forward. He just took it on his own, as far as I knew, to tell them to come back out because he done that on several occasions. I know times that they'd come in and they'd lost men. It seemed like the further they go, the more it went. So he had them backtrack. Tell them to turn right around in the same track and walk in the same track right back out.

Q. This was not an unusual procedure?

A. No, sir. When we went to a place if he had any idea that it was heavily booby-trapped or mined, nobody went into it.

Q. We had an indication that the 2d Platoon may have had the mission of sweeping Pinkville, My Lai (1), and that when these mines were hit Colonel BARKER said, "Don't sweep Pinkville."

A. I never heard nothing about that. I know when they started in there and Lieutenant COCHRAN got killed he was still supposed to move out in the same direction. When that other explosion went off he told him to come out of there. Whether he was told to do that I don't know. As far as I know--

Q. (Interposing) Were there any communications, at that

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time, directed to the 3d Platoon? Was there any question of change in mission or replacing the 2d with the 3d Platoon to do whatever the 2d was supposed to do?

A. Let me think now. I want to make sure. I know when they started on up that way he told them to continue on their mission. When CANTU and those fellows got hit they was brought back the same, or generally the same way. They didn't go back into that same area towards the same direction. I called the sergeant up. I don't know whether they had a sergeant in that platoon at that time or not, the old man talked to him.

LTC NOLL: In what direction were they moving? Back toward My Lai (1)? Had they gone into Pinkville?

A. From these maps, I don't know. I know we headed back towards Uptight because that's the way the whole operation started. When we landed we was headed back toward Uptight and when we started moving that's the same way we moved. Before long we had shifted and turned and went back towards this ridge right here, up that trail. Later on, the 1st Platoon had called in that they had seen some people moving on the other side. A little further we went up in there we found a village that had a lot of people in it.

Q. Okay. There is a communication that was taped some time about 0930. Coyote 6 says, "Three WHA down there, is that correct?" He received the transmission, "Very weak. Say again," then, "Change batteries."

A. Right.

Q. Coyote 6 rogered whatever that transmission was: "I can come in and pick him up if you'll pop smoke for us and secure a place for us. Over." Coyote 6 subsequently said--or it was arranged that the mark would be violet smoke. He said, "Have the wounded sitting there." Coyote 65, do you know Coyote 65? Net control station for battalion.

A. I didn't have--

Q. (Interposing) He came in and asked, "Are you going in Bravo's area to pick up wounded?" Reply was, "This is Coyote 6, affirmative."

A. No. This other RTO could have been talking to them

or the captain could have been doing that because he talked mostly to the battalion net. Everytime something like this, somebody got injured, he more or less would tell them to stop and take the roster number, get them in and get them out and then we would continue.

Q. Well, you were close enough. I wondered if you heard any of these transmissions. Apparently Colonel BARKER came in there to pick up that last group.

A. Right. He picked up the last one because he was still in the air. I don't know if his chopper was the one that carried Lieutenant COCHRAN. There was one chopper right overhead, he come down and picked him up as soon as we called for it.

Q. The chopper that Colonel BARKER was on came in to pick up those last three. Did Colonel BARKER stop at any time to talk to Captain MICHLES?

A. No, sir. He never got off that chopper, that I recall, never did. He stayed on the chopper because as soon as he set down they put the boys in, and he went right back up.

Q. What about the communications from the 1st Platoon that morning? What do you recall?

A. I've been trying to think of what was said or where they were supposed to go and all that. I know that later on up in the day they called us, and said they had seen some activity up by this bridge. That's when he was told to be cautious it could be mined, booby-trapped. That whole trail could be since the men got hit in that little area there. To be real cautious and take your time. He told them that himself on the radio.

Q. All right. Now here's what happened. 1st Platoon moved out from that landing zone and went down that trail and went to the bridge. We know that much. Everything after that we have to kind of take according to what we think happened. Something happened at the bridge. I don't know what.

A. Right. At that time, I don't know whether we were supposed to go across the bridge, or were supposed to sweep this side of the bridge, or go on over. I don't know if he

called them. Anyway, we was told to go across the bridge and told to send a point man on across to make sure it was safe. Which that's their job. That's when this boy lost his foot. He seen it and stepped on it.

Q. Wrong day. You're on the second day. This is the first day the platoon was over there by itself. The 1st Platoon went off and left the company and stayed over there that night. Now, what I'm trying to find out is what was going on down there at the bridge. We understand Lieutenant WILLINGHAM called for gunships, artillery and finally got mortar fire down there. 81 mortar belonging to the company.

A. I lost a day there then, because I don't know what took place. I can't remember.

Q. You haven't lost a day. You just lost a platoon. The platoon wasn't with you all day. There should have been some communications, some heavy traffic, coming back from that 1st Platoon, that morning.

A. Should have been, right.

Q. There should have been a lot of firing going on over there. They should have asked for some mortar support, and they should have asked for some gunships.

A. I lost that platoon, then.

Q. Let me tell you what was reported. At least what was reported back to Task Force Barker. If it was reported to Task Force Barker it had to come over your radio.

A. That's right it had to come through me.

Q. At 0955 12 VC KIA were reported.

A. Before we crossed the bridge?

Q. This is the first day. As you all were still over there by Pinkville getting ready to link up with C Company and laager that night. At 0955, and this is about 25 minutes after that last mine went off. The 1st Platoon reported 12 VC KIA.

A. I must have lost that platoon from that day to the

next day. I just don't remember.

Q. Here's some more. At 1025 they reported 18 VC KIA.

A. I remember when they reported so many that we had crossed the bridge, and was going into a village, and they got shot at. I remember this. They were supposed to have been at that time temporarily halted by sniper fire.

Q. That could have happened, too. I'm talking about the 16th and you're talking about the 17th.

A. I don't recall no--

Q. (Interposing) The next report that came in at 1025 to 1045 was, "Steel helmets, uniforms, and web equipment." Then after that, that afternoon at 1420 there were 8 more VC reported KIA. That is a total of 38 for the day. With that many people reported KIA that's a sizable number to come from one platoon. It looks like you could remember that.

A. It is. That's why I'm trying--I remember most of that high count came in after we crossed the bridge, the whole company.

Q. That's the wrong day.

A. Maybe I got crossing the bridge mixed up, then.

Q. Do you remember this?

A. I remember all these KIA's because he called me and reported the first ones. The captain called him back up and asked him to make sure, don't be killing innocent people. Make sure they had something with them before they killed them.

Q. Now, this was after the first report of 12 VC KIA, right?

A. It was the first report. I know it was the first large report come over, because it was the only one that was reporting any KIA's.

Q. And why did Captain MICHLES tell him not to kill any innocent people?

A. Well, because from what I understand there was a village right up there and he got sniper fire or something going in there. I don't know if it was that 16th or 17th. I know it was the first time he reported any kills. He wanted to make sure that they was VC, and not just people running from him.

LTC NOLL: You mentioned some sniper fire. It wasn't clear in my mind where that sniper fire was?

A. Like I say, I remember these kills put in, but they were across that bridge when all this took place. We never was locked up with them. I remember that night. We wasn't even at the bridge, yet. We moved up to that bridge, it seemed like later that afternoon or early that morning, because we only had a short ways to go. There was--he sent him on up in there to secure the area and check it on out before we got there. He had done went into the village and had started back out from what he reported and the old man says, "You make sure you search that village good." He had a bad habit of just running in there and upsetting rice, taking a break, and coming back. He sent him back in there again. He reported sniper fire going up the trail he had just come up on. He did ask for gunships and the company commander says, "No, not for just one sniper."

Q. Do you know which day you are talking about this time?

A. I must be talking about the 17th.

Q. I'm trying to stay on the 16th.

A. I don't remember the 16th. I know that the day the killing took place, that sniper fire, was before we locked up with them. I do remember that now. If that happened on the 16th, that's the date that that took place. I know that was before we laagered with them because we only had a short piece to walk.

Q. You are talking about the day you linked up with the 1st Platoon?

A. Right.

Q. That's the second day. That's the 17th. Now,

other than that date, I'm talking about the time these kills were reported. The kills that are recorded are on the 16th not the 17th. So, that's the thing we're concentrating on right now: the day that those kills were reported and the relationship of what you remember in conjunction with those kills. If you do remember--

A. (Interposing) I remember the kills. I remember it happened on the other side of the bridge, but I can't remember whether we was with them. I know we wasn't with them at the time because we called them and told them to go back and make sure they searched the village.

LTC NOLL: You had two sets of instructions, then, you got when he reported the kills? He was told something about being careful not to kill civilians?

A. Right. That's right. He always told you that before you done any shooting. I don't care if you see them around. He made sure they was armed. If we went in there and if they were supposed to stop when you hollered at them, they was supposed to stop. Ninety-nine percent of them would stop. The ones that didn't, if you shot them, you would end up finding something on them.

Q. That was one set of instructions you got, be careful?

A. Right.

Q. The other set of instructions you got--

A. (Interposing) Was turn around and go back, right?

Q. Yes, that's what I'm questioning you on.

A. He did tell him that. He told him all that in the same transmission. He told them to go back, search the village, and be careful.

Q. Okay. Now he went back and I presume searched the village.

A. But before he searched the village the second time

was when he received that fire. He reported receiving sniper fire on his way back to the village. He had just left. I don't know how far he was from the village. I know he was told to go back. When he started back he received the sniper fire. That's when he told them, all the way around, make sure you know what you're shooting at.

Q. Is this what he told him the second time?

A. Right. He reported he didn't find anything in the village. He searched it too quick from what the captain said. He said he couldn't search it that fast. He wanted to send him back to make sure he searched it.

Q. Now, in 30 minutes time, he should have submitted another report? You don't remember that, either, or how many were killed?

A. No. I don't remember how many was killed. I know that's when they were supposed to have done all that killing in there and turned in that large amount for that day. Whether they killed them on the 16th or the 17th I don't recall, because so far it seems like I'm lost--

Q. (Interposing) We're not arguing with you on what day it is. I just want to get everything that you recall about the exchange of transmissions.

A. Right. I'd call him up myself, and that's when the company commander talked to him. A lot of times, he would tell me to tell him because he had something else. He was there plotting on the map and maybe he was talking to battalion. He would tell me to tell them to go back or something like this, but that day he did tell them to turn around and go back and search that village.

Q. Now, do you recall a second report from Lieutenant WILLINGHAM, an additional body count?

A. I know there was a short time there wasn't nothing reported. Then they come back with some more KIA's that they had killed going back to the village. That's right. There was some more killed when they started into the village. They killed some more and after they got in there they was supposed to kill some more.

Q. What was Captain MICHLES' reaction to this?

A. He wanted to know what they were killing. Did they find any rifles? Did they find anything on them? Now I say, he didn't want you killing something that wasn't supposed to be killed. I know that. He made sure everybody seen something before you killed them, unless we got shot at by snipers, which you can't see. You take it on your own to stop them.

Q. You had one report of receiving sniper fire?

A. Right. He was supposed to be pinned down temporarily. That's when he called for Sharks. He told him no. He didn't need them. He said, "You ought to be able to maneuver in there and get that sniper."

Q. What did he tell him to use? Did he tell him to set up his crew served weapons? Did he tell him to get in there?

A. Get in there and get him. He said if he had to he would go up there and show him how it was done. Lieutenant WILLINGHAM on several occasions wanted unnecessary stuff at that time.

Q. He had only been in country for 3 weeks?

A. Yeah. He--we won't go into that.

Q. Now. You may or may not have relayed the transmission to the company commander. Later on in the day, Captain MICHLES sent a message to the battalion that in the body count that had been reported there were no women and children?

A. There were. I'd say when he got into the village there were some women and children killed. I know that to be a fact, because I seen them.

Q. Do you recall the message to battalion that there had been no women or children killed?

A. No, because I walked--he was either in front of

me or behind me. He rotated up to walk in front whichever he wanted in front at the time. He wanted the speaker where he could hear it all the time. We had a small speaker mounted on our radio and he could hear whatever took place. He listened to it.

Q. When did you get into the village? You said when you got in you did see--

A. (Interposing) Right. When I went into it we were moving on up to the point of the village, moving on through that village up to another village. I don't know what day it was because I lost that platoon. I still can't recall that platoon--loosing it. When we started moving through it, I'd see--wait a minute I seen that coming back through there. We went up the shore line. When we come back we come back through that village when I seen all that.

Q. How many did you see?

A. I'd seen three. I know I could see shirts, they were swelled up. I could see puffed-up people behind a pile of dirt or something like this because it was right on the beach line, and they dig all kind of crap around it.

Q. When you all moved through the village what did you do, move right down a main trail and just keep right on going?

A. Well, he'd seen one like that, but it was narrow. If I recall right it was a narrow place. One was on the one side of the shoreline and one was the other.

Q. You're talking about platoons?

A. Right. The weapons platoon, most of the time, if it was just for a short ways, he would have them set up their mortars right there. Keep them from moving so far. He would set them up right there. When we need them they would support us, but we never needed them, hardly. We went all the way to the front of the village and started back. There wasn't no kills on up in the village because all of them people were right around in their hootches and everything. When we moved in they didn't run, they didn't do nothing. If I got the same village. I remember on that day we went a little further. There wasn't nothing in there. I mean we

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went through that village with the people in and then went up. If that's the same village there wasn't nothing except some people. We searched the hootches. They just more or less congregated in the middle of the little old place they got there when we got there. We didn't have to do no searching. You know, no hard searching or people running or nothing like that. They was all standing in there. I don't blame them.

Q. That stands out in your mind, people standing around?

A. Right.

Q. How far away were bodies?

A. If this is the same finger point that that's on, it was a pretty good ways up there. We wanted to get back across the river to laager that night, if I'm not mistaken. We wanted to get on up there and get back across that bridge before dark.

COL WILSON: I want to try and put you back on the first day and see if any of these photographs will bring anything back because you are in one of them. Maybe we can get the timing straightened out. Exhibit P-18?

A. That there is HUFFMAN. I know him real good.

Q. Who are those Vietnamese with him? Did you ever see them?

A. I'm sure I seen them. The whole place looks familiar. All this here looks familiar with him standing there. I know it's got to be PLACEK. After I left the old man he was with our platoon. He would take it on hisself to guard so that would keep him out of going out and search.

Q. Do you remember a photographer coming into B Company that morning?

A. Right. I remember him. He was supposedly taking notes and stuff.

Q. Well, was he taking pictures?

A. Yeah, he was taking pictures.

Q. Do you recognize any of these Vietnamese?

A. They all look familiar. I know I seen them. This guy here, he sticks in my mind for some reason.

Q. Why?

A. I don't know.

Q. The last man on the right?

A. Right, this one right here.

Q. Do you know whether these prisoners came in with C Company when they linked up, or did you have them before that?

A. We had to have them before that because he was guarding them.

Q. P-19?

A. These people, I do remember.

Q. What about them? Do you remember where they were?

A. I sure don't.

Q. Well, there somewhere in the proximity of your laager area on the first day.

A. Right. I don't remember exactly where they were, but I know the same with the picture back there--I seen the people before. I'd say I know I've been there. I remember the people, but I don't remember exactly what village it was in or where. I know I've seen these people because we had them herded up like that.

Q. You had them herded up for what purpose: interrogation or just moving them aside so you could search?

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A. We rounded them up to go through them, and see if they had any papers or anything on them. If they did, we would send them back. If they didn't, we didn't bother them.

Q. P-20?

A. I don't know what rank he is because he never wore any insignia, but I know him and his interpreter.

Q. You're talking about the man without the helmet on and the man standing next to him?

A. Right.

Q. MI type. It's Lieutenant JOHNSON.

A. I don't know. He never had no rank or nothing. He just come up.

Q. P-21?

A. I don't remember the boy, but I remember these two. They would always come out every time we went to what's supposed to be a bad area to find out something. They were always sent in to interrogate anybody.

Q. These are the interrogators?

A. Right.

Q. Do you remember seeing them there that day?

A. Well, they stayed with us one time for about 2 weeks, it seemed like, or a month. They would come back off and on.

Q. P-22?

A. Right. That's when we were out on business, and they wanted to find out where that cave was at, underground cave.

Q. You were out there?

A. I don't know where it was at, but it was supposed to be a cave. If that is the same man? It looks like the same man. Which they all do look like when they get old.

Q. This is the first day.

A. On that operation? This is the day that reporter was with us?

Q. Yes.

A. He slipped up on me and got a picture then because I don't know where that was at.

Q. P-23?

A. That's me right there.

Q. On the extreme right?

A. Right. I don't know where this area is at. I don't remember the area.

Q. Do you remember any of those Vietnamese people?

A. I've seen them all. I don't know what area we was in when we seen them or where we had them at.

Q. Did you ever see one of these interpreters in P-66? I should say ARVN soldiers.

A. They sent some out one time to do some interrogation. There was supposed to be some city police or something else with them. That was on that area where MILUS got killed at. Aren't these people on that area where MILUS got killed?

Q. That's the wrong day. P-208. Did you see these prisoners?

A. Oh, yeah.

Q. Where did they come from?

A. I remember seeing them all. The area I just can't recall. Wait a minute, this is where I left the company commander. I'm pretty sure. The 2d Platoon was supposed to be right over there. The other RTO got sick or hurt or something.

Q. You left--

A. (Interposing) If this is the same area that I'm thinking about. I don't know what they called if this is the same place? I left the company commander somewhere that looked just like it because they was digging a big foxhole. I had got my foxhole dug. The other RTO got sick, hurt or something, and I had to go over there and be the 2d Platoon's RTO.

Q. The 2d Platoon RTO?

A. Right.

Q. You wouldn't have had to go over there because the RTO was wounded?

(Witness shakes head in the negative.)

He wasn't wounded. Who was RTO of the 2d Platoon?

A. Well, he had a colored guy. What was his name?

Q. Was it any of those names I called out that were wounded the first day? It wasn't those?

A. No.

Q. He wasn't evacuated?

A. No.

Q. Could he have gotten sick because of what happened to the platoon leader?

A. I don't know.

Q. Do you remember becoming the 2d Platoon RTO?

A. Oh, yes. I stayed with the 2d Platoon there until I left to come home then. He put me over there. He said the other RTO didn't know what he was doing on the radio. He wanted me over there where he could keep up on what the 2d Platoon was doing and keep him--in other words, keep the radio and communications up with that platoon.

Q. So you left the company the first day? I mean, you left the company CP?

A. I had already left the company CP when this reporter was flown into us across that bridge. I left the company commander then, if I'm not mistaken.

Q. Wait a minute. You're not across the bridge yet. Let me tell you something. These photographs were taken on the first day. This is in the area where you had your laager. Where those prisoners were, P-208 and P-209.

A. Right.

Q. Now, there is another photographer that may have come in the same day. The photographer that I am talking about came in the first day. This photo, P-208, where the prisoners are, was very close to the company CP the first night. You can see that?

A. I believe that's right. Here it is.

Q. Do you know where these prisoners came from?

A. The area? I don't. I really don't.

Q. Was there any relation to these prisoners and the people I've shown you in other photographs?

A. I can't remember that.

Q. Do you know what happened to these prisoners?

A. We put them on a chopper and sent them in.

Q. That night?

A. Yeah. We sent them in on the resupply chopper.

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Q. What time?

A. It was in the afternoon. We always tried to get resupplied before dark. Everybody would be through eating.

Q. They didn't stay there that night?

A. No. We didn't keep none of them over night.

Q. That's the normal rule?

A. Right. If we caught one in the middle of the day instead of carrying him all day, he would call a chopper in and have him sent out, or they would bring out an interrogator to interrogate him, and we would leave him and move off. Most of the time they were all sent back. If the interrogator wasn't with, if he wasn't--a lot of times they were sent back.

Q. What about this P-209? See if you can recognize that?

A. Yeah. This right around here is where I left the company commander, around this big dome. Me and this sergeant who was with the artillery dug that foxhole right over on the side there. And that night is the night I left the company commander and went with the other platoon. That's the same night.

Q. Okay. You didn't go back to the company after that?

A. I went back once to pick up my supply.

Q. In other words, go back to the CP and carry the radio, no? What's this you're telling me about crossing the bridge with the company commander?

A. It seemed like to me I was with him when I crossed the bridge. No, it wasn't either because they brought in that reporter. I know they brought in a reporter and a new lieutenant.

Q. That's right, Lieutenant LEWIS.

A. Right.

Q. And you crossed the bridge?

A. Right. I was already with him then. I mean I was with the 2d Platoon when they crossed.

Q. Okay, but you didn't go across the bridge with the company commander?

A. No.

Q. At any time? At the time you crossed the bridge, you were with the 2d Platoon?

A. Right. When I went across there--when we crossed the bridge, they brought this Lieutenant LEWIS and a reporter in. He went with the 2d Platoon. We went down the beachline.

Q. We'll get to that in a minute.

A. Now, I'm straight. The picture put me straight on that. All these people here, had come out of all this area right here, didn't they?

Q. I don't know if they came out of there or not, but they're very close to these two photographs.

A. I'm pretty sure we had them with us in this area. Those sacks over their heads and these people right here, the way we had them, makes me believe they come out of this area right here.

Q. In other words, P-208 and P-209 are very close.

A. Right. As far as I recall they're pretty close.

Q. During that day at some time, C Company linked up with B Company, and they went into a laager that night?

A. Let me think.

Q. You may or may not have gotten involved with them. This did happen. The two companies stayed together that night. C Company came in.

A. They laagered in that same sandy--in other words, there was a big sandy spot around the grave or whatever it was supposed to be. If I'm not mistaken there was a large sandy place. I mean pretty clear. There was some hedgerows and some bamboo. On the other side there was open rice paddies. There was open rice paddies all around. This was a real small village. There wasn't nobody in there when we got there. If there had of been, the other platoon had already herded them up. I don't recall. For that's when I left the company commander, right there. I don't know whether they laagered--if they did, they laagered in that large area around us.

Q. But you didn't see them?

A. Not that I recall.

Q. Did you see any ARVN personnel in there that day?

A. I don't remember if we did or didn't.

Q. Did you see any National Police in there?

A. That's the ones I think that came in there--now, right up from here is where MILUS got killed. The night MILUS got killed, that's when them police came out and a different interpreter.

Q. It could be, but it's not near there.

A. That's the only National Police that I remember seeing.

Q. Do you remember seeing any ARVN's that first night? This is the night Lieutenant COCHRAN got killed.

A. Right, that night.

Q. The ARVN or Vietnamese National Police or military intelligence personnel, MI types?

A. No,--

Q. (Interposing) You went with the CP, maybe you didn't see them.

A. He might have come in on a resupply chopper. Again I didn't notice.

Q. It could have been--

A. (Interposing) Because that night I left the CP I don't recall seeing that other company.

Q. Did you see any interrogations going on there?

A. That's what I'm thinking of.

Q. Try to keep it on that day, if you can.

A. Yeah. If they did, I just can't remember. I just don't know.

Q. Did you hear about any interrogations going on that day?

A. I don't believe any went on in our company that day that I can recall.

Q. Did you hear any firing in the laager area that night?

A. No, I didn't. I was right beyond--right over, well, if this was laager I would have been right over here.

Q. Left of the photograph P-209?

A. Right. It was right behind the CP, and I didn't hear no firing myself.

Q. Nothing unusual happened that night?

A. Wait a minute. They had spotted--I don't know whether it was our platoon, that night when I joined. I don't remember if they had seen somebody, but they didn't call it in on the radio. Not to me. It seemed like to me there was some motion out there in that rice paddy that night. I don't know if they shot at it or not. I remember some activity out there in that rice paddy. They said it looked like it might be

Charlie coming in. Whether they fired at it or not, I don't know.

Q. Now, there is a couple of things I would like to try to fix on that day before we go to the next day. One is, you made a statement that Captain MICHLES always told the platoons to be careful about who they were shooting at.

A. Right.

Q. You mean everytime they reported a kill he would come back with this?

A. No, that was before. When we landed to go out, he would stress that point real heavy.

Q. Yes.

A. If anybody reported any kills he wanted to make sure what they had on them. Were they armed or what--just what were they doing. They would tell him, and then he would report it. I don't care what was happening, anybody that got a killed that day, he'd report it. I don't know if he was supposed to or not but he reported it. It would always come back reporting to us when I was carrying the radio. It would come back, "KIA running, armed," or something like this. The reason why he was killed or something.

Q. Well, whenever these kills were reported did he normally say anything over the radio about civilians?

A. Yes. He would stress--yes, he would. I don't know, he was always wanting to make sure that they were VC. I mean he would sit down at night, like right around this place right here. The platoon leaders would come up. He would call for the platoon leaders meeting. A lot of times, I'd say not a lot of times, but a few times, they would hold it right by the radio or he or Sergeant THOMPSON, who was with us at that time, would sit by the radio, and we would go eat or whatever we were going to do. Get a foxhole dug or something like this. There would be one man with the radio. A lot of times that's when he would have his meetings with the platoon leaders to tell them what we were going to do the next day or what's what. I noticed, time after time and time again, he told them to make sure you know what you're shooting. Be

careful. We don't want to kill innocent people. Way after all this, there was one killed after that, but it was just a pure accident. This is way on. This didn't happen in this area. This was way on up.

Q. I'm strictly talking about radio transmissions to the platoon, all the platoons, the whole company, he would stress that over the radio to make sure you knew what you were shooting. Be careful.

Q. And you do recall that Captain MICHLES turned Lieutenant WILLINGHAM down on his request for gunships?

A. Right, because he said he didn't need it. There wasn't enough fire coming out of there. There was just one sniper. He ought to have been able to get it by himself.

Q. And you do recall receiving these KIA reports?

A. Right. When he called me. I would answer. He would either report them to me or want to talk to the company commander, which I gave to him. The speaker was right beside my ear.

Q. You do recall these three reports being radioed in?

A. Right. I'd tell the company commander he'd just killed some more. He would call him back up and talk to himself on the exact number killed, what they found on them and stuff like this. In turn, he would turn around and get battalion net and call it in.

Q. One question. The 2d Platoon moved into this mine-field, back out, went around it?

A. Yeah. I don't remember which direction.

Q. What was the 3d Platoon doing at that time? Do you know?

(Witness shakes head in the negative.)

If you don't know, it's all right. I just wondered.

A. I lost that 1st Platoon that day. I don't remember that.

I know they had to back out of the area they started in where Lieutenant COCHRAN was killed. They backed out. I don't know whether it was this way, this way, or this way. I know they went around the area they run into the mines.

Q. Let's go on to the 17th. The 17th, the 1st Platoon was across the river and they laagered up there in the north. They started moving back down to the bridge. TAYLOR hit the mine. Now, we don't know exactly what the sequence of events was, but B Company moved back down to that trail and started moving toward the bridge. I think the 3d Platoon was leading and the 2d Platoon - -

A. (Interposing) The 1st Platoon had to be leading.

Q. The 1st Platoon was already over there. Leading down toward the bridge we believe was the 3d Platoon followed by the CP and the 2d Platoon with the mortars mixed in there somewhere. Is that correct?

A. Yes.

Q. Do you remember the order of march?

A. Not really, but I know the weapons platoon, I'm pretty sure, would fall in behind us, if all the platoons was together the weapons platoon brought the rear up.

Q. Okay. Now, do you remember the mine going off over there where TAYLOR was wounded?

A. Right.

Q. You heard it?

A. Right.

Q. Do you remember where your location was when that mine went off?

A. I know we wasn't along ways off. We was just about to see it. There was a vee in there. I couldn't see the bridge, itself. I could see some of the smoke coming from it.

Q. Were you moving through a village then on this trail?

Was there a hedgerow on each side?

A. There were some hedgerows, but I don't recall no village. If there was, it already had been burnt or tore up or something.

Q. Do you remember stopping for any length of time there?

A. We halted for them to check that bridge. He called up and wanted to make sure that bridge was safe before he moved the rest of the element across.

Q. Called the 1st Platoon?

A. Right. Because I was still monitoring the transmissions.

Q. This was after the explosion?

A. Well, he told them one time to check it before we got there. He told them he had already sent the point man across it.

Q. They were already over there?

A. Well, I know, but he told them - - he called them up and asked them whether the bridge was secured and they said, "Yes, I've already double checked." That's when, I guess, TAYLOR got it going back - - somewhere on the bridge he told them that day. He seen the mine, but he just couldn't stop himself.

Q. You were listening to this?

A. Right. I heard it on - - well, I didn't hear him say that because he didn't have a radio. This is the way it come down. Several of my friends was watching, that was right there. I know TAYLOR real good and I asked him, "Did he know what he stepped on?" and he said "He seen it but he already started into it and he couldn't stop himself." There wasn't no way to stop and his foot landed on it.

Q. Do you know if the point ever crossed the bridge that morning to check it out?

A. No, I don't.

Q. Or did they stay on the far side?

A. I don't know whether they come back across or not. I know before the whole element went across, before we got there, he wanted to make sure that bridge was safe for us to go across.

Q. The mine went off? Did any firing start then?

A. No.

Q. No firing?

A. No firing, because everybody just knew it had to be a booby trap, you know, a mine or something. It happened right on the bridge. Nobody else was up that way. We didn't know who it was, at the time, or how many had got hit, but we knew there was a mine explosion because of the way the smoke and the sound of it.

Q. How about EOD? Did you see any EOD men that morning? Engineer demolitionists attached to the company?

A. I don't know if it was on this same day or not, but we had a lot of them come out and blow up some tunnels in that same area.

Q. What?

A. We had some of them come out and blow up a bunch of tunnels that time. Right across the river was another company crossing that bridge. They was coming through a village they was supposed to be finding a lot of stuff over there: tunnels and so forth. When we moved along going to the bridge or coming back, I don't remember if it was going or coming, we seen that company across there because we traveled along the waterway right next to the water. We were on a trail, I believe going towards the bridge.

Q. Did you see any marked mines on the bridge, near the bridge, on the approaches on the bridge, with tissue paper?

A. Oh, yes. On one bridge, if that's the same bridge, there was tissue paper on the bridge.

Q. Marking the mines on the approaches?

A. I don't know if it was marking them or not, but when the mine went off it just halted things till we got him extracted. Tissue paper? You could find that laying on the bridges, on the roads, or anywhere out there.

Q. All right. That mine went off at 0810 that morning. That's when he was reported wounded. At 0845 the 1st Platoon reported receiving sniper fire.

A. Now, is that when I got ahead, got back?

Q. I think this what is you are talking about. This is what is in the journal.

A. I know that they were somewhere across that bridge when they received that sniper fire. Whether it was on the 16th or 17th, but I know right in there they was - -

Q. (Interposing) Well, there was some firing then?

A. I don't believe it was the day TAYLOR got killed, because TAYLOR was a point man.

Q. TAYLOR didn't get killed.

A. I mean, got his foot blown off.

Q. It was reported that his foot was blown off at 0810 and at 0845 you got sniper fire. Now, let's just assume that that is the same day because you know they got sniper fire over there.

A. Yeah.

Q. Do you recall the action? Do you recall that there was a lot of firing going on?

A. No, sir. Well, when they received that sniper fire you could hear it. I mean, it was close enough to hear what was going on. You could hear a lot of firing into that - - supposed to be flusing the sniper out - - and it just quieted off in a little while and then it started back up.

Q. Before you crossed that bridge while you were laying in there waiting, do you recall some gunships coming in?

A. No, I don't.

Q. You don't remember any gunships?

A. No. After that mine went off all I can remember on that day in other words about that mine, was that a chopper come in and took him out, and we went across that bridge.

Q. Okay. Then you went across the bridge. Is that when you saw the bodies?

A. Yeah.

Q. Let's go back in. How close to the bridge were these bodies?

A. It wasn't real close to the bridge. They were on up in there. I don't know how many feet or meters, just up in there a pretty good ways. I know that.

Q. Were they straight towards the sea from the bridge or were they towards the sea and then down to the right?

A. I don't remember if we made a turn or went straight. We did make a turn because we followed that trail. It was to the right of the trail. As you went up in it, it was to the right of the trail.

Q. This trail leading toward the sea?

A. Right, straight. We went off in there and more or less a fork in the trail. We took the one to the right. We went back up in there. That's where I seen these bodies.

Q. Were those bodies around hootches?

A. Some was and some was laying by a place going into the ground or something like that.

Q. Could you give us the figures again as to how many you saw?

A. Well, I think I seen four or five of them bodies laying out through there.

Q. All women and children?

A. No, no. They wasn't all women and children. I seen the majority of them was men. I seen one women. I know that because I just had to stop and look. Most of the bodies that I seen that day all, except for that one, was men. They wasn't old men. They wasn't what you would call farmers. I didn't look at their hands or nothing else. I just walked by them. I didn't want to handle them. When I walked by them I just looked at them. They wasn't farmers. They didn't look like farmers. They could have been, but they just - - mostly when you go into a village like that you find old people. Old people like this old man being interrogated back here.

Q. When you say back here you mean in these photographs?

A. The photographs. Right, sir.

Q. Did you see anything to indicate that these men were - - have any weapons or anything with them?

A. No, I didn't see nothing like no weapons or nothing like that. I just seen the bodies, some of the bodies. I don't know how many was supposed to have been there, but I saw some of them.

LTC NOLL: You mentioned mounds, also.

A. Right. They was - - some might have been that high (indicating approximately 24 inches). I don't know what they were used for or what purpose of them was. They were rounded over. It was nice and round. I don't know for what purpose they was for. It was all sand. That's when I seen the shirt had swollen up. That's when I took notice of some of them laying out there.

Q. Were these mounds beside hootches?

A. They would be away from hootches. Most of them with bodies beside them was away from the hootches. They was a few feet in front of or beside it.

Q. I realize you weren't with Captain MICHLES. At least I don't think you were with Captain MICHLES.

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A. No, I don't believe I was with the captain then. That's when that lieutenant come out and took over when we was coming back through there.

Q. You don't know if Captain MICHLES had any reaction?

A. No, sir, I don't.

COL WILSON: Did Captain MICHLES see these bodies?

A. I don't really know if he seen them or not.

LTC NOLL: Were these mounds that you saw, did you think they were fresh graves?

A. No, sir. I didn't think they were fresh graves because they just didn't look like a grave. They wasn't that long. There were some that would only be that long, (indicating approximately 3 feet) about that long and some a little longer. The average mound wouldn't be any longer than this table top from this end to that one right there.

Q. Did they look fresh?

A. No, sir. They really didn't look that fresh because there was some prints on them.

Q. Earlier you said something about people being in a group. Was there a group of people in this village?

A. Not in that village. Not alive anyway.

Q. In other words, you saw no people at all?

A. No, not in that village. When we went through it there was nobody in there except some bodies. That's when this lieutenant come in on a chopper and we went up to the river. Along the shoreline we did at one time receive sniper fire. There was a photographer with us at that time and he didn't know whether to stand up and take pictures or go blind.

Q. You said immediately after TAYLOR's foot was blown off there wasn't any firing?

A. Not that I remember. It was just more or less a hush and things stopped. We got him out and it started again. I don't remember no firing that took place except that loud explosion.

Q. You do recall some messages between Captain MICHLES and Lieutenant WILLINGHAM to the effect, "Get the bridge checked out"?

A. Right.

Q. By this you assumed the point group - -

A. (Interposing) Was checking the bridge.

Q. Check it out. To check it out they had to come back - -

A. (Interposing) He wanted to make sure it was safe for the rest of the element to go across.

Q. When you all moved through this village, what did you do? Move through or keep going?

A. That's when we were coming back. That's when I'd seen the bodies. We were coming back. We weren't searching it or nothing. The rest of them had supposedly searched, the 1st Platoon. I don't know. When I come through and seen the bodies we were just - -

Q. (Interposing) Going south?

A. Heading back towards the bridge.

Q. You don't know what day it was - -

A. (Interposing) I know the bodies had already swelled up and turned black. It could have been the day before we went across that bridge. It could have happened that morning. The bodies had swollen up and turned black. To me it looked like it had to happen the day before. Afa'in, with bodies it don't take long with that heat.

COL WILSON: There was only one woman in that group?

A. That I seen.

Q. What kinds of wounds did they have?

A. I didn't even check them. Like I said, we just went on through it, and I just glanced over and looked at them.

LTC NOLL: Do you know what the 3d Platoon and mortar platoon did that morning when you crossed that bridge?

A. Right after we got across the bridge, if I'm not bad mistaken, he had the mortar tubes set up. He had them set up right there where that lieutenant - - well, we didn't move there until right after this lieutenant come in to join us. This photographer, reporter come in, and we moved just a little ways.

Q. What time did Lieutenant MUNDY get out there with that photographer?

A. I don't know the time. It wasn't too long after this explosion. We had just went across the bridge. We had just started moving again and we got the call. I heard it over the company net. He didn't call battalion. He called company net that we was receiving a reporter and another lieutenant.

Q. Did you pass through this village?

A. Not right then, no. That was after we was coming back. We already went on up to the point, and were coming back. There was a small - - I mean it had already burnt down - - on up past this village all these people had been in. We went right on past there. That's when this lieutenant with this photographer - - we was going up this line. We just got shot at. He was so far it fell short, really. I called it in. He wanted me to call it in. I called it in and he says, "Can you find out where it's coming from? How many rounds have they fired at you?" Something like this. I let the lieutenant talk to him. He was nervous, green.

COL WILSON: Who was the platoon leader after Lieutenant COCHRAN was killed? Was it Sergeant LOVE?

A. That's right it was Sergeant LOVE.

Q. He had the platoon until Lieutenant LEWIS came out?

A. Right sir.

Q. I want to be sure that I understand this. Did Lieutenant LEWIS also see these bodies or was he there then?

A. He was with us then. I don't know if he seen the bodies or not. If he went the same way he had to see them because that's where we went in a line or column just going through the village.

Q. The executive officer, Lieutenant MUNDY, supposedly came out there that morning, too. Did you see him?

A. Right, sir. He came out there to tell - - I don't know exactly what he was supposed to come and tell this lieutenant that was with us. Really, I don't know what he did come out there for. I know he come in a chopper and he went right back out on the chopper. He didn't travel too far with us.

Q. Did Lieutenant MUNDY have an opportunity to see these bodies from where he was located?

A. I really couldn't say. I know he left. Whether he went off and went up in that village or not, I couldn't say. I really don't know.

Q. As you moved down the beach, there were supposed to be two VC engaged and one VC KIA. Do you remember this? That was reported at 1320, Task Force Barker.

A. As we was moving through the village?

Q. This was down south of the village less than a 1000 meters.

A. This was when we were going on up. We was running - - we're going along that - - I don't know if the other platoon shot anybody or not. From the radio - - there wasn't nobody that reported anything. Up until we started receiving some sniper fire, we reported that. After that it sort of quieted off and we continued down that end.

Q. Let's stop a minute. Let me show you what happened. The report was at 1320. We believe it was on the beach somewhere

over by the beach.

A. Well, now, we did encounter - - after the sniper fire had quit we started moving out again. These sampans were heading toward the beach. They seen us moving along the beach. They turned around and went back out to the open waters, well out of range. They looked like they were heading around the end of this, south to this other water down there. We kept going. Then we decided we wanted to get on this high rise so it would be easier walking. We went up on this high rise. There was a young man in the village. A real young man. We were going to catch him. We hollered at him. He started running just as fast as he could. We shot him, but he didn't stay there. We didn't kill him. There was some rice paddies and little old - - I guess they use it for the water supply or something fresh water. He hit that. It had tall grass around it and everything, and we couldn't find him. That's the village I saw that had already been burnt completely to the ground. They was just rebuilding the village when we went in there. This happened with the platoon I was in. That was the only one that I know of that had done any shooting after Lieutenant LEWIS had joined us.

Q. As you moved south could you move along the coast? Did you move through the villages?

A. No, sir. After we seen this guy we went down into the village and moved through it. Then we went right on to the end. After that, we got to the end. The whole company was there at the end. I noticed a picture a while ago that looked like it was taken right on the end.

Q. Did you all burn any villages or was that the 1st Platoon that was burning the villages?

A. That was 1st Platoon. They burned that village the people were laying in.

Q. How many people do you estimate were in there?

A. You mean dead?

Q. Yes.

A. I wouldn't have the slightest idea. At the far end of the village there were quite a few people at that point, that

finger point. There was quite a few people there. Mostly women and children and real old men. Right across there was some water dividing another place like this. There was a large number of people over there.

Q. Did you have any reason to believe that there were any dead down there?

A. No, sir. It was just a small finger. If anybody was dead out there you could have seen them. The only way they could dispose of the bodies was bury it real deep or throw it out to sea.

Q. Did you see any ARVN with the column that day?

A. Not with us.

Q. Did you ever see a woman that TAYLOR had used to run the point?

A. He would grab - - we all would, not just him. Any point man if we was going through a village we would grab the first person that would come up. If there was a booby trap they would not go down it. We won't go down it then.

Q. We have indications that TAYLOR had a woman using her for point the first day and the following morning. Then she was turned over to the ARVN who was with B Company, probably with the headquarters element. You never did see this?

A. No, I didn't see no ARVN that day.

Q. Do you recognize this village in Exhibit P-212?

A. Right. That is it in the finger. It was right on the end of that finger tip. Here is that waterway I was talking about and over there were my people.

Q. All right. Was this village burned, P-212?

A. Not when we left it. It was still standing. It was all intact.

Q. Were any people in there?

A. Right. There were some people in there. There was some women and children, if I'm not mistaken, in one or two of these hootches. We didn't even take time to even go through the hootches. We just went to the end of it. I don't know why or for what purpose we went to the end of it, turned around, and come right back.

Q. Did you see Colonel BARKER or Major CALHOUN come in down there?

A. There was a chopper supposed to land, but I don't know if it did or see if anybody got off of it.

Q. All right. You turned around and went back. At the time you were going down or the time you were going back, either one, did you look over to the west, which would have been across the river, and did you see any burning going on?

A. We sure did. There was a large fire over there. There was a lot of shooting going on over there at that time. Right after that somebody burnt that large village.

Q. What large village?

A. Well, it appeared to be a large village from the fire and stuff that was over there.

Q. Who burned it?

A. I guess there was another - -

Q. (Interposing) Across the river?

A. When we looked to the left, as I was going back, it would be on the left.

Q. Do you know which village it was?

A. No, sir. It was across the waterway I know that. I don't know what company it was. I know there was a large fire coming from over there. There was a lot of shooting that took place over there. We was coming back from this point here and after you get back up in here - -

Q. (Interposing) Let the record show that we are talking

about P-212. And you said you were coming back from this point.

A. We headed back toward this bridge. We were going back towards this. We were heading back in there. We had just gotten to the vegetation. It wasn't real thick. We hadn't even gotten to the village yet, where those bodies were. We looked off there and there was a lot of burning.

COL WILSON: This is across the river?

A. Right.

LTC NOLL: How about the 1st Platoon? Were those villages large that they burned?

A. Well, they were bigger than these. They was hootches that they were burning. They were standing up on poles and had nice tops on, stuff like that.

Q. What do you mean by a nice top?

A. Well, it was a better top than this. They put it closer together.

COL WILSON: The witness is referring to photo P-213.

A. It's a better top than this. They wove it closer together. They get up on the top and put it on. Then they hang this loose stuff on top of it and put it on the side drape it on the sides. They were just before putting mud to make a mud hootch. They would put mud around it. It would be a nice - - well, it is a nice place for them over there. It turned out to be a nice place for people to live in.

Q. Did you see any people in either of these two villages? Did you see any people other than down here at the point?

A. Not alive.

Q. You saw the one man you shot at?

A. Right. Right in there. There was a blind man in this one. A real old man. He was blind. The reason why I know that I walked down there. They had a new construction of a home there and there was an underground thing. I didn't want to go in. There was

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a string that he had a hold of and it was a cord he had tied there. I don't know if that was to enable him to go back down there or not. I don't know why. A blind man can't build a house. There was a construction of a home going up right beside that. I didn't go in to see if there was anymore in there or not because Lieutenant LEWIS didn't want me to pull that string to start with. I only know what that string was attached to. I pulled it and nothing happened.

Q. What happened to the old man, did he stay there?

A. That blind man?

Q. Yes.

A. We didn't even bother him. We reported that there was a disabled man there. They just said leave him. He wasn't even worth talking to.

LTC NOLL: Evidently you heard some shooting to the west. Was this the 1st Platoon or the other company?

A. It was the other company. After we had turned around and started back that was the other company because there was no firing that took place there.

Q. Do you know if the 1st Platoon ever engaged the boats out here in this stream to the west of Co Lay (1) or Co Lay (2)? Do you know if they ever engaged a boat anywhere along in here?

A. We all did at one time after we had crossed the river. This is after we had already gone back across there.

Q. You all engaged them?

A. Right. Not just the boat there were, oh, I don't know how many swimming across the river. We got called and told to go down there and investigate it. They was already hitting the water swimming down trying to get away from us.

Q. Who was involved in this, the 1st or 2d Platoons?

A. They was more or less the 1st and 2d and the CP group and they left a platoon back to secure the laager positions. We had already started to laager in and we got a

call to go down there, and we hustled down there. Now, this happened before, though, I was getting ready to fill the old man in. It happened before we went in there. There was a boat in that bunch we blew it up.

Q. Did that happen up here in the Song Diem Diem River or did it happen down here?

A. Well, it didn't happen down in this, back towards -- what I'm talking about it would be back up towards the bridge. It was back up this way. As far as I can recall, there wasn't no boats on this thing except them sampans that headed into us. That I can recall. It might have been the Diem Diem.

Q. In other words, when you were down here nothing like that had happened?

A. No.

Q. When you stopped at My Khe (4) you don't recall engaging any sampans?

A. We wanted to engage them. They seen us and turned around and went back. We wanted to see what was taking place. What they had in there they didn't want us to see, but they turned around before they ever got close to the shore line. They just went back.

Q. I don't blame them.

A. Well, if they had something to hide.

COL WILSON: You went back up to the -- laagered that night. Do you remember anybody coming in? Do you remember any ARVN or Vietnamese coming in? Anything unusual taking place that night? We understand the mortar platoon displaced, and laagered with you. The 3d Platoon stayed up there by the bridge.

A. I don't recall that. Coming back out, we had moved way up into here clear up past that river back up the river. That's when we engaged those people. That could have been before we went down there. At one time it was already after we had set up for laager. We got resupplied and we got a call to investigate that. We went down there. There must have been 20 or 30 of them

hit the water. They had just got in the water and got halfway across - -

Q. (Interposing) This is while you still were with the company commander?

A. Right. That took place before we went on down in there. That same company that I mentioned we seen as we moved up. Everything was heading towards this bridge to go on across and search. They had also supposed to have gone down there and checked on those people that we engaged that night. They had to move at night down there. It was dark.

Q. Are we talking about this operation?

A. Right. All that happened on the same operation.

Q. That was never reported.

A. Well, they didn't come up with no bodies, but we know there was kills because when you see - - when you shoot them in the head, they go to the bottom. There was some choppers flying over several days after that. They said some bodies had come back to the top of the water, but we couldn't report it. He called in and told them what happened. They said, "Well, then you actually can't prove you got any KIA's", and the captain says, "No." So there was nothing ever said about that but they was all - - you could tell they wasn't old people because they were moving and swimming too fast. They were dressed in solid black. Didn't even have no hats on or nothing.

Q. Now, as far as the laager goes that night, the 17th you didn't have anything in particular that you remember?

(Witness shakes head in the negative.)

All right. The morning of the 18th the company left and moved back north to the bridge. The 3d Platoon was supposed to have found 3,000 pounds of rice. Do you remember that?

A. I remember that.

Q. What happened? Anything in particular about that?

A. The reason why I remember it real good is because I shouldn't say this, but there was a sergeant who suckered a new lieutenant in there thinking we had to carry it.

Q. But there wasn't a lieutenant with that platoon.

A. Not with that platoon, no, but with the platoon I had joined there was.

Q. Oh, Lieutenant LEWIS. You're saying you got Lieutenant LEWIS to carry it.

A. Right.

Q. Is that what you mean?

A. Right. He got to thinking about it after he had already got saddled up and moving out, and he dropped it. That's the reason why I can remember that incident real good.

Q. That's quite a load, isn't it?

A. It is.

Q. Even for a lieutenant.

A. I mentioned it to him. I said, "Sir, do you really think we're supposed to carry this?" We moved down that beach line going - - when we started moving out after the rice was found we was moving up on the area where "Jug" got killed.

Q. That's right.

A. And we found some mortar rounds that hadn't exploded. So we detonated them.

Q. These mortar rounds that you found, were they found in the same vicinity that you found the rice?

A. Well, it was on up from it a good ways. They were laying right in the water line where it was washing off. They was laying up in there.

LTC NOLL: 81's?

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A. I don't know what they could have been. We found a couple up on that beach and exploded them.

COL WILSON: All right. You moved on up north to this village?

A. There were some people on up in that village. When we first went in there there wasn't nobody around there, but we kept going until we found all these people.

Q. And you remember what your platoon did that day? What part of the area you searched?

A. At the time we were still on that beach line. We were supposed to secure the beach line. Check out the sampans and stuff like that that was stopped along that side. We just kept going on up like that. It wasn't real wide so there had been a platoon on the shoreline, and one going up the middle, and one up the side.

Q. Three of them.

A. We were just stretched out across.

Q. You sent the people back.

A. Well, in that first village there wasn't anybody in it. We got close to the end. We found, and we didn't do nothing with those. They was already standing out there. They talked to a few, found a bunch of cut clothing and stuff like that. We just destroyed the clothing because it was parts of uniforms. Some of them looked like part of ours and other stuff. So we just destroyed it. Tried to find a large amount of rice which you couldn't. You could just find barrels of rice. We wouldn't even bother it. There wasn't no need in it. We turned around and laagered back in. I remember these city police. What it looked like was people that worked in the city around the direction of the people. They come out and some MI men and interrogated - - we did get one or two along there. There was two. They interrogated them and they told them there was supposed to be a tunnel with weapons and all that in there. They went up and never did find it, and they brought them on in.

Q. When you got back down to where you went into the laager that evening did you see a medical team down there?

Did you see a bunch of civilians, somewhere near there being processed by medics? They would have been right in the same area.

A. Right. They would have been in the first village we come up on.

Q. They would probably have been near where the MI people were.

A. Well, the MI people come out after we started to laager in to talk to those people.

Q. How many did they talk to?

A. We had two that I can remember. They was right in our -- where 2d Platoon was going to laager that night. There was a little mound of dirt piled up there. they didn't want everybody to see how they interrogated them.

Q. Why didn't they want anybody to see how they interrogated them? Did you see any interrogation before?

A. I'd seen this guy in the photgraph interrogate a few. This is the one you called Lieutenant JOHNSON I believe. He interrogated those people back there that HUFFMAN had. If I'm not mistaken.

Q. You are talking about this photo P-22: the person in the center with his helmet, back looking towards the camera?

A. Right. I'd seen him interrogate I don't know how many. That was while I was still with the company CP, though. He didn't come out on this operation to interrogate anybody.

Q. That's what I'm trying to determine. On the 18th, the people that were out there interrogating --

A. (Interposing) I had never seen him before up until that night. They interrogated tham and they left. I don't think they spent the night with us.

Q. On the 18th?

A. That's the night MILUS got killed.

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Q. That's right. The MI people that were out there that day - - was he out there that day?

A. No. I didn't see him.

Q. Do you know the MI person that was out there that day?

A. I don't know his name. I don't know if I would recognize him. They just wanted everybody beside the captain. They didn't want anybody around. Go back to your business, get away.

Q. Do you remember what this guy looked like?

A. I'm trying to place his face.

Q. Do you know if he carried a big knife like a bowie knife?

A. I know he carried something in a landline, a landline phone.

Q. The phone? Did he carry that with a strap over his shoulder or how did he carry it?

A. He just carried it with him just normal.

Q. This was an American?

A. right.

Q. He was in uniform?

A. Yes.

Q. Do you know what his grade was?

A. When them people come out you didn't know nothing about them. We didn't know what they were.

Q. Was there any Vietnamese with him?

A. There was one.

Q. Did you see him use this phone?

A. No. I didn't see him use it, but I heard he did. I didn't see him do it.

Q. Did you hear of him using it that day?

A. Not that day, but I heard he was known to do that.

Q. Did you ever see this person again?

A. No. I just seen him that day. I never seen him no more. I know shortly after they got done talking to them they had to carry one to the ocean. I heard that he messed his britches. I don't know by what.

Q. I show you Exhibit P-52. A face of an individual in the lower right corner, do you recall seeing him?

A. Yeah. That's him right there.

Q. The man in Exhibit P-52 was the one that was out there that day.

A. It looks just like him. He was bald-headed and looked just like that.

Q. With the EE-8 phones? I mean with the telephone?

A. Right,

Q. And the wire?

A. I just know that he had the phone. I don't know whether he had any wire or not.

Q. He had the phone? He was out there that day?

A. That looks exactly like the same man.

Q. And you heard that this guy that had to go out and clean his britches? Is he the one that interrogated him?

A. Right. He interrogated both of them. Him and that Vietnamese.

Q. Let the record show that the witness identified Captain KOTOUC in photo Exhibit P-52.

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A. That's the same man.

Q. Did you see anything else on interrogations going on that day, aside from that one?

A. No, that was all.

Q. You say there were only two people interrogated?

A. That's all I can remember. There were two people. There might have been a third one, but I don't recall the third one. I just know of two.

Q. Did you see Captain KOTOUC, the man you identified, at any other time during the operation except on that one day?

A. Just on that one day. I don't know if he spent 30 or 40 minutes or an hour. I just recall that one time that I seen him.

Q. All right, you went into a laager position that night. As we understand the formation, the 1st platoon was on the east, and the 2d platoon was in the center, and the 3d platoon was on the left.

A. Wait a minute. The 2d platoon was on the left, and the 3d platoon was in the center and the 1st platoon. We didn't have to worry about the back because of the ocean.

Q. Okay. let's take a look at the area that you were in basing it on direction. You were right in this area here. Your 1st platoon was facing more to the east. They joined there left flank with the--

A. (Interposing) 3d Platoon. Then we made it back--

Q. (Interposing) The 2d Platoon was facing west.

A. They headed like that then the 1st Platoon, 3d Platoon and 2d Platoon. By the time we got stretched out we linked back up to the beach line.

Q. We've got a pretty good account of that (referring to Exhibit M-46). At 0130 there was one killed. That was MILUS

and five wounded. Fifteen, sixteen mortar rounds at 0144. Request for dustoff and a light fire team. At 0244 the dustoff was complete. At 0250 requested a "Spooky." At 0350 "Spooky" was on station. At 0440 received another mortar round. Can you remember that?

A. Yes, sir.

Q. One round?

A. I sure do.

Q. Wasn't that kind of unusual?

A. No, sir.

Q. Why?

A. One night I know we only received one round. It killed one guy. We didn't get no more. There wasn't nothing, then. That night right there, this happened right when MILUS got killed. I don't know how many came in and everything got quiet. I mean it just quit. It just turned on and turned off. You could hear it coming. That's all that was shot was one round. They was a gunship on the way out. We got the gunships in there. They come in. The company commander had given them approximately where our perimeter was. They strafed that area around in there, and it was quiet the rest of the night. It was as quiet if nothing happened.

Q. But there was a round that came in at 0440?

A. Not too far from--

Q. (Interposing) That's 3 hours after the--

A. (Interposing) Well, we didn't know what was going to happen. We didn't know whether they was going to hit us all at once or just leave us alone after MILUS got it. The gunships were just about--well, I don't know if they had already gone or were still giving it a prep. I know there was a round come in because it landed not too far from where I was at.

Q. We don't have any record of the "Spooky" C-47 gunship going off station. It came on at 0350. It would appear that would have stayed on station at least for better than an

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hour. What seems to be unusual to me is that C-47 up there making all that noise on station that they would fire the mortar again.

A. That was just like the night before we moved up in there. We had one man killed. That happened the same way. We didn't have a "Spooky" there. That night the "Spooky" did come on which was that night there. We had thought they had already quit. Nothing else was going to happen. They opened the first time. That was just before MILUS got killed. They opened up one time and they quit. They opened up again and that's when the mortar round, and MILUS got killed. I don't know what killed him. I know they opened up one time. In just a few minutes there wasn't no firing. Then they come back again and MILUS got it. Where I was at and where Lieutenant LEWIS was at the shrapnel hit so close that you could practically see it. In fact, if there was a little daylight you could have seen it. It wasn't landing too far from us. It just fell short of our foxhole.

Q. Was there any small arms fire with that mortar attack?

A. Not that I can recall. I know that we returned some fire. I don't know if they knew what they was shooting at or not.

Q. All right. The next morning were there any prisoners there?

A. I don't recall if they kept the two prisoners or not.

Q. Did you see that man in photo P-215?

A. I don't know if I seen him or not. I may have had, but I don't recall seeing him. If he was there I might not have seen him. I don't know if the two stayed the night or not.

Q. You mentioned that one of these prisoners that was interrogated had to go wash his britches off.

A. Right. That was just what they said because they carried him out to the ocean.

Q. Was that the one who was interrogated by the MI?

A. Yes.

Q. Captain KOTOUC? Was this the man?

A. I didn't see his face. I saw him carry him down to the ocean and bring him back, but I didn't see his--I mean I didn't get close enough to really say that's the man.

Q. Did he have shorts on like that?

A. He had on shorts. Both of them had on shorts. I don't know if that's the same man or not.

LTC NOLL: What did you all do the 18th once you moved in with the 2d Platoon? Did they stay in the CP area or--they moved all the way up here to here?

A. That's when we were headed up towards--

Q. (Interposing) Yes.

A. The whole place moved up to this place. Then, when everybody sort of got out. The whole company moved into there and moved back out.

Q. Do you recall a MEDCAP up there that afternoon, a lot of people?

A. Yes.

Q. Did you help gather up the people?

A. That was part of the 2d Platoon's job. We moved up on the coast. We narrowed down and met in the village more or less because it was right at the end. We just come in like that and we brought the people.

Q. What did you do? Come down here and come back?

A. We didn't want to go over there. It was getting too open. We just more or less got to the green there. We used to cover over here, and kept on moving down until we come to that village. We stopped it. I don't know which platoon

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made a circle and come through it. In other words, they went behind and come back through it bringing a few of these people with them. All they done was just herded them up like that. They looked at them. We searched where they was at and left.

Q. Did you look at their hootches?

A. We went through them.

Q. You burned the day before, on the 17th.

A. That one village.

Q. Yes, that one village.

A. And that was it.

Q. Did you get orders not to burn the next day?

A. I don't know if we got--we didn't. The only order we got was just to search. They didn't tell us to burn nothing. They just said whatever you find if it's of importance, you know, like if you find pistol belts, canteen covers, anything like that, you can report that and that's it. The people in that village on the end were really friendly to us.

COL WILSON: The day you moved up there do you recall artillery marker rounds being fired?

A. Moving up to the end of that village where we found the people?

Q. Yes.

A. No, I don't. It could have been, but I don't recall any.

Q. Do you remember a woman being brought in with her leg all sliced up?

A. I don't know if it was a woman or what, but she had something wrong with her leg or foot. I know that. The medic went over. I don't know if they wrapped her up or did something for her or not.

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

(Witness shakes head in the negative.)

Do you remember an order to stop burning at any time during the operation?

A. No, sir.

Q. Were you or anyone you know ever questioned on this operation?

A. No, sir. There wasn't nothing ever said about any operation we went on.

Q. Did you have a camera?

A. Yes, sir. I had a motion picture camera.

Q. Did you take it with you?

A. That's right, sir.

Q. On this operation?

A. I carried it with me. I received it about a month after I got in 'Nam and I carried it with me throughout my tour over there.

Q. 8 millimeter?

A. Regular 8 millimeter.

Q. Do you have any photographs that we could ask you to let us borrow and possibly reproduce them?

A. Well, as far as I know, you all have them because I had them mailed and developed, and I have never received them. They never have been returned to me.

Q. When was this?

A. I had them mailed out when I was over in 'Nam to

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Kodak. I never received nothing off of it.

Q. So you didn't get them back?

A. No, sir. I have one roll of film and half of that has been blanked. That's it.

Q. On this operation?

A. I carried a roll and just took what I wanted to take. Half of it had been blotted out. I wanted to see it when I got back and see what it was. When I got home I found out I didn't have but one roll of film. I don't know where the others went. I heard nothing at all about it. I just assumed that Kodak had an agreement with you all to take film or something like that.

Q. What did you have on it?

A. I had a lot of cruel things on it.

Q. A lot of what?

A. Well, I had people that was maybe shot, one arm hanging or something.

Q. Was it on this operation?

A. No, it wasn't necessarily. Any operation we went on. When I got close to somebody that had been laid open or something, I wanted to take a picture of it. I took a picture of burning and everything.

Q. Do you have a record of this photography? Do you have any claim check?

A. No, sir.

Q. When you mailed it?

A. I had a boy in the back to mail them for me. He mailed them all. I would have them sent to my wife. She would send them to have them developed. She wrote--I asked her if she received the film and she never had received them. I don't even

know if they even left Vietnam. The boy, I asked him about it and he mailed them. He wrapped them up and mailed them for me. I don't know whether--

Q. (Interposing) Who was this?

A. He was a little colored guy.

Q. Was he in the company?

A. Right. He was in the rear. "Bess" is what we called him. That's all I know him as, "Bess." Willie, "Bess" or something like that.

Q. And he said he mailed them?

A. Right. The one I have got is not really worth even looking at because there's nothing hardly on them.

Q. If you get back and you can find anything that can identify the date and time that this was mailed, or if you have a claim check or anything like that we would like for you to call us back. You've got our number and pass it back to us if there is any way we can identify those.

A. I was really wanting them for my own use. If you feel down and out, just look at some of them. I wanted them to show to a couple of my friends and that was it. I never received them. I don't even know if they left Vietnam. I would just give him the money to mail it with. When I would come in I would ask him did he get a chance to mail it, and he said, "Yeah, I sent them home."

Q. How many were there?

A. I believe I had three rolls. Well, four counting the one I've got. I received one back. Of course, my wife got that one back. There's only a few feet of film on that you can see. The rest is just blotted-out.

Q. Well, you check when you get back and see if you can find a record of that. We'll go to Kodak.

A. It was a Kodak film. I just sent it back in the container. That's where I sent it to. Reel 8 millimeter.

Q. Do you have a reel camera?

A. It's a regular 8 millimeter movie camera.

Q. There are two types. One is the 8 millimeter roll film and the other is 8 millimeter packet. It works automatically.

A. Oh, no, it's not automatic.

Q. It was roll?

A. Yes.

Q. You have to take the film out, if it's half-finished and turn it? Right?

A. Yeah. When you take it out one side you have to turn it over.

Q. That's the roll. Did you ever hear any rumors that civilians had been killed unnecessarily by B/4/3 or C/1/20?

A. I heard about one company who got kicked out of Task Force Barker because they more or less wiped out a village.

Q. Which company was this?

A. I don't recall if it was C Company or Delta Company or which one. I think there was just two companies that was in Task Force Barker in the 11th Brigade. That's all I knew of anyway. That company--when I got back to Dottie one day I heard they kicked out because they wiped out a village.

Q. How long after this operation did you hear that?

A. Shortly after it. By the time we got back and everything, I guess it was about a week maybe two when we heard about it.

Q. And who told you this?

A. Some of the guys that was in the company. I didn't know them. I just walked up to them. We was talking and told them we had just got our pass. They said, "Well, we can't go." Why? "Well, we just got kicked out."

Q. This was people from the company you were talking to? They said they got kicked out?

A. They said they got kicked out of the task force because they supposedly had wiped out a village, murdered all the people.

Q. Did you know these men you were talking to?

A. Some of them I did, some of them I didn't.

Q. They weren't from B Company?

A. No. They wasn't from our company. Then the rumor also got around our company that they had got kicked out, too. It come from one of these sergeants, Sergeant MCCLOUD. We was talking and he mentioned something like that. After a while it just got common throughout the company.

Q. Sergeant MCCLOUD said they got kicked out?

A. Well, he said he had heard it. Well, I'd heard it before he told me. I heard several different times throughout the company that they got kicked out. I said "Yeah, I heard it too." I didn't hear no lieutenant tell me or nothing like that. It was when we would get together and start talking about the fire base or something like that. The captain never mentioned anything like that.

Q. Were you ever told not to discuss the possible unnecessary killing of civilians by Task Force Barker?

(Witness shakes head in the negative.)

Do you know, aside from what you said you heard about the telephone, do you know of any U.S. or ARVN torturing VC suspects or PW's on this operation?

A. On this same operation I know what I said--it looked like the city police. They carried some of them out behind a hootch and shot holes in their hands.

Q. How do you know?

A. I seen their hands. You could see them carry them

behind the hootch and you could hear the gunshots--pistols.

Q. How many?

A. I don't know if it was two or three or just that one. I know they carried one behind there. I seen him when they carried him behind there, and I seen him when they come back out. He was holding his hand and blood was coming from it. I heard some shots.

Q. Did you hear of anybody cutting fingers off?

A. I heard of that, but I never seen it.

Q. Where was that?

A. I heard that happened--some of that happened on this same operation.

Q. What date?

A. I don't know what date it was, but I heard it was in that--right, up down from where we laagered. It would have been right up from it. That's where I seen that one guy come from behind the hootch at.

Q. Your talking about the last day, right?

A. Right.

Q. How about the first day of the operation, did you--

A. (Interposing) I didn't even know they had an MI team out there or anybody else.

Q. This was done by the ARVN, you said?

A. Right. What they called the city--that's what I called the city police. They was dressed in white hats.

Q. National Police? Not ARVN soldiers, but National Police?

A. Right. They had maybe one or two ARVN's with them

and they were dressed in uniform. The others had white shirts and little old stripes on them. I seen them take them behind--well, it was the first hootch they come to in the village. They took one behind there and you could hear a couple of shots. They brought him back. I thought they killed him. They brought him back.

Q. What happened to him after they brought him back?

A. I don't know.

Q. Did you see any more done like that?

A. No. Just on that one occasion that I seen that.

Q. Anything else?

A. I heard them taking the knife and cutting their fingers off. I never seen that. I didn't see anybody that had been done that way. I heard that they were good at that. When they talked to somebody they normally said something.

Q. Who was doing this cutting? Was it an American?

A. No. It was that same bunch that doing all the interrogating. The National Police and them ARVN's were doing that. From what I understand, that happened to one guy that was in that village on that same operation. It was down from that beach where that happened.

LTC NOLL: Was this on the morning of the 19th or evening of the 18th?

A. I don't know which one it was. We were coming in through the village. We was coming up to go on way down there. That happened before MILUS got killed. We were coming into there and those people were out there in that first village. They had one or two there.

Q. That was the day before MILUS was killed? That would be the morning of the 18th?

A. Right. The next morning there was some of those same people there, but I didn't see anybody or hear nothing. I don't know what they done.

Q. Is this the same day that man had to go and wash his britches or was that the next morning?

A. The same day he had to wash them was the same night MILUS got killed. That happened before dark. About noon or somewhere, I'd say it was just before we got on in there and come back was when I seen these National Police and there ARVN's over there in the village.

Q. Do you know if marijuana was a big problem in the company?

A. No, but I know pot was. Well, that's the same thing. I wasn't thinking there.

Q. Was it a problem?

A. There was a few of the people would go down to the local--when they could and buy some of it.

Q. Did they take it out on operations?

A. No. That was mostly conducted around the fire bases.

COL WILSON: Do you have any further testimony, any further statements that might assist us in this investigation?

A. I don't know. If you have some more--I don't know if I could help you anymore or not.

Q. Nothing you can think of?

A. Not based on that particular operation, no.

COL WILSON: I request that you not discuss your testimony in this investigation with others, including other witnesses to the investigation except as you may be required to do so before a competent judicial or legislative body.

A. Yes, sir.

COL WILSON: The hearing will recess.

(The hearing recessed at 1205 hours, 9 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: MORENO, Arturo M.

DATE OF TESTIMONY: 6 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

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

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness had been instructed in the general treatment of prisoners while in basic training (pg. 2). They were told to put the civilians into two groups, male and female, while they searched the village (pg. 2). He did not recall any class discussing the legality versus the illegality of orders (pg. 3). Upon his arrival in Vietnam he went through a five day training period at Chu Lai (pg. 3). He did not recall any training on the handling of PW's there (pg. 3).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness stated that normally their squad leader would instruct them on an operation (pg. 4). He thought that his squad leader was probably Sergeant LOVE (pg. 5). He did not recall any information being given out concerning the destruction of villages, foodstocks, or livestock (pg.5). He thought they were told to expect many Viet Cong, but he did not know the name of the unit (pg. 6). He stated that it was to be a search and destroy operation (pg. 29). He said that in May or June of 1968 the term was changed from search and destroy to search and clear (pg. 29).

(MORENO)

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SUM APP T-334

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## 3. COMBAT ASSAULT.

a. Activities on 16 March.(1) Landing and initial movement.

The witness thought he was on the first lift (pg. 7). He did not recall the doorgunners firing when they went in (pg.7). He stated that he did not see anyone firing as they got off the helicopter (pg. 7). The company commander told them to move towards a cemetery (pg. 7). The second squad began the movement (pg. 7). They moved on line (pg. 8). They were going through on a trail when Lieutenant COCHRAN called them back to check something (pg. 8). As they went back, they moved to the left and COCHRAN proceeded up the trail where he hit a mine (pg. 8). After COCHRAN was evacuated, they began to move again, this time with a mine detector (pg. 11). They found a mine which they were jumping over (pg. 11). GUNTA did not jump "far enough" and hit the mine (pg. 11). He did not recall what type of helicopter took COCHRAN away (pg. 12). After the second group was evacuated they did not move (pg. 12). Sergeant LOVE took over the platoon and went and met with MICHLES in a village (pg. 12). The unit stayed around that village most of the day (pg. 12).

(2) Activities in the laager area.

The witness did not recall seeing any interpreters or interrogators that day (pg. 14). He did recall C Company coming in to laager near them (pg. 14). He did not talk with any members of the unit that night (pg. 14). He thought that MENDOZA and TRAVERSA shot a Viet Cong outside the perimeter that night (pg. 15). He was not sure that this was the same day, however, and stated that the Viet Cong was outlined in front of a fire started by the rockets of a spotter plane (pg. 15).

b. Activities on 17 March.(1) Movement towards the bridge.

The witness recalled crossing a bridge which had been marked for mines (pg. 16). He did not recall any fire prior to their crossing (pg. 16). He saw TAYLOR's weapon

as they crossed the bridge (pg. 17). He recalled the arrival of Lieutenant LEWIS but did not see his helicopter come in (pg. 17). He also recalled passing through a small deserted village (pg. 18). He did not see any bodies or new graves in the village (pg. 18). He also recalled the presence of a photographer who went with the platoon (pg. 19). He did not recall any special insignia or identification on the photographer (pg. 20). He recalled moving to the south, but did not recall if anyone was killed (pg. 22). He recalled burning one village but did not remember if it was on this operation (pgs. 22, 23).

(2) Activity in the night laager position.

The witness recalled digging in at one point to a graveyard which smelled bad (pg. 18).

c. Activities on 18 and 19 March.

The witness did not recall hearing about a rice cache being found (pg. 25). He did not indicate any knowledge of the presence of people on the beach during the day (pg. 25). He did recall an incident where a number of interrogators came in and questioned people on the beach by using wires (pg. 25). He noticed that one Vietnamese had to go wash his pants in the water (pg. 26). He thought this happened the day before MILUS was killed (pg. 26). He stated that it was Vietnamese interrogators who put the wires on the prisoner and there was one American with them (pgs. 26, 27). This was the only interrogation that he saw (pg. 28).

4. INQUIRIES CONCERNING THE ASSAULT.

The witness was not questioned on the operation while in Vietnam (pg. 29). He did not hear any rumors about civilians being killed unnecessarily on the operation (pg. 30). He was not told not to discuss the operation (pg. 30).

5. OTHER INFORMATION.

The witness did not think marijuana was a problem in the company but stated that "some of the boys did smoke it" (pg. 31). He did not know if they used it on operations (pg. 31).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-18	Miscellaneous Scene	Wit knew the man but could not name.	12
P-19	Miscellaneous Scene	Wit had seen the people previously.	13
P-21	Miscellaneous Scene	Wit recognized as interrogators.	13
P-206	Miscellaneous Scene	Wit did not recall the terrain.	8
P-207	Miscellaneous Scene	Wit stated that it resembled a graveyard, and not the place where COCHRAN was killed.	8
P-208	Miscellaneous Scene	Wit thought that he recalled one of the prisoners shown.	13
P-212	Miscellaneous Scene	Wit identified as a large village at the end of the peninsula.	24
P-215	Miscellaneous Scene	Wit identified him as a prisoner who had escaped.	28

(The hearing reconvened at 0905 hours, 6 February 1970.)

LTC NOLL: The hearing will come to order.

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

The first witness is Mr. Arturo M. MORENO.

(MR MORENO was called, sworn, and testified as follows:)

Please state your full name, occupation, and residence?

A. Arturo M. MORENO, 4503 Buena Vista Street, San Antonio, Texas. I work for Sears Roebuck Company.

LTC NOLL: Did you have a chance to read the information sheet (Exhibit M-81) you were provided?

A. Yes, sir.

Q. I should explain now that there are three people on this team. The team is headed by Colonel WILSON who will be here later this morning. Also on the team is Mr. WALSH, a civilian attorney who has volunteered to assist the Secretary of the Army in the investigation, and myself. What we will do is take the first sequence of questions and then we will recess until Colonel WILSON and Mr. WALSH get here. The first series of questions is related to training. What was your duty assignment on 16 March?

A. To the best of my knowledge, sir, we went on an operation.

Q. Well, the thing that I am looking for is your TOE position in the company.

A. My assignment?

Q. Yes.

A. I was a rifleman, ammo bearer at that time.

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- Q. What platoon and squad?
- A. 2d Platoon, second squad.
- Q. When did you join B Company?
- A. I joined it on, I don't recall the date.
- Q. February of 1968?
- A. Yes, sir.
- Q. You joined the company in country?
- A. I got in country the 17 of January, but to the company--I went to the unit in February.
- Q. I see. Where did you take your basic training?
- A. Fort Polk, Louisiana.
- Q. Prior to going to Vietnam, were you given any training on the handling of PW's, prisoners of war?
- A. Well, yes, sir, we did just a little. They told us this in basic training.
- Q. Generally, what did they tell you?
- A. The treatment, how to treat them, not to harass them too much and all that. Not to mistreat them and the proper way of searching them and all that.
- Q. Did they discuss the probability of civilians in an area of operation, noncombatants and did you receive any instructions on the handling of noncombatants?
- A. Yes, sir. What I recall is that they told us to take all the civilians out of the village and put them in separate groups, the women to one side and the men to the other side.
- Q. Was this in the States now before you went to Vietnam?
- A. Yes, in the States.

Q. Now, during your training in the States, did you ever have a class that might have been presented by a legal officer that might have been a part of the Geneva Convention class, and that discussed an issue of legal orders and illegal orders?

A. I don't recall, sir.

Q. When you arrived in country, did you go through an orientation week?

A. We went through, I think, it was a five-day training there at Chu Lai at the Americal Division.

Q. Any training on the handling of PW's there?

A. I don't recall, sir.

Q. Okay, fine.

A. I know we had cameras and--

Q. (Interposing) Still nothing on the legality of orders?

A. I don't recall that, sir.

Q. Now you realize that we are interested in a particular operation. The company went on the operation again on the 16th of March. I'm sure you were there. You probably remember Lieutenant COCHRAN was killed?

A. Yes, sir.

Q. Were you on that operation?

A. Yes, sir.

Q. When Colonel WILSON comes in, one of the first series of questions, the next series of questions will be related to the briefing you received prior to going on this operation. What he will ask you, everything you were told during this briefing.

We will recess now. You can spend some time and consider what you were told.

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(The hearing recessed at 0910 hours.)

(The hearing reconvened at 0935 hours.)

COL WILSON: Hearing come to order.

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

COL WILSON: Mr. MORENO, the next series of questions we are concerned with the briefing or information which you received at fire base Uptight before the operation which would probably have been on the 15th of March. Have you a good idea of the time period we are talking about?

A. Yes, sir, I know the time well, but I don't recall what we were told before we went out.

Q. Well, I want to be sure that you know the operation. Do you know the operation on the 16th of March?

A. I'm pretty sure I know which one we are talking about.

Q. Lieutenant COCHRAN got killed that day?

A. Yes, sir.

Q. Now back at the fire base, on the 15th, somebody should have put out some word that there was going to be an operation the next day. Did your squad have a meeting or anything?

A. Well, we always did before we went out, but I don't recall the words they told us.

Q. Who was your squad leader?

A. I think it was Sergeant REID. I don't remember the other sergeant.

Q. Which squad were you in?

A. Second squad. It was REID or LITTLE.

Q. How about SCHMIDT?

A. SCHMIDT?

Q. That's not correct?

A. No. Sergeant LOVE was with us too. I think he was walking about two or three men ahead of us.

Q. Who?

A. Sergeant LOVE. SCHMIDT was just a spec four at that time. He was a team leader. SCHMIDT was a team leader. The squad leader I'm sure it was either King LITTLE, LOVE or REID. They were the three Sergeants we had. I think it was Sergeant LOVE. After COCHRAN hit a mine and GUNTA hit another mine about 15 yards away.

Q. That's the next day. I want to stick to what you were told before you went in there, right now. We're not sure about squad leaders, but you don't remember the squad leader getting together and saying where you were going and how many days you were going to be out there and this kind of thing.

A. I know they told us, but I don't remember the words, sir.

Q. Do you know where you were going?

A. Yes, sir. I'm pretty sure. I know they told us because everytime just before we went out they told us how many days we were going to be out, where we were going, what to expect and all that.

Q. Any information given concerning the burning of hootches and destruction of villages?

A. I don't recall, sir.

Q. Anything said on the destruction of foodstock?

A. Foodstock?

Q. Livestock.

A. No, sir.

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Q. Anything stated concerning the disposition of the people who lived in that area?

A. No, sir. When we got there, I know we went to this village. We took all the people into one side, but we didn't get any orders for destruction of livestock or anything like that.

Q. Do you remember what the enemy situation was supposed to be down there?

A. The enemy situation? I know they told us there were a lot of Viet Cong in there because I think they killed a few there.

Q. Do you know what unit was supposed to be in there?

A. Task Force Barker.

Q. I mean the enemy unit?

A. No, sir, I don't.

Q. Do you know what the platoons of B Company were supposed to do, 1st 2d, and 3d Platoons?

A. We were on a blocking force.

Q. The company?

A. No. I think just the 2d Platoon or, let's see. I don't remember exactly that day what we did. I know we got off the choppers.

Q. Well, wait a minute. What about the squads, were there any statements made as to what the squads of the platoon were supposed to do? First, second, and third squads or first and second squad, whichever your organization may have been?

A. I know the CO told us to go to this--I think we were going to look for the Viet Cong. He told us to go to, I think it was the cemetery.

Q. The what?

A. To go through a cemetery, I guess it was a cemetery, because there were a lot of mounds.

Q. Was this the day before the operation?

A. No.

Q. But you weren't told anything about what each squad was going to do the day before the operation?

A. They told us, but I don't remember, sir.

Q. Okay. Let's get to the operation itself. Was there any fire as you came into the landing zone?

A. No, sir.

Q. Do you remember which lift you were on? There were two lifts that day.

A. I think it was the first one.

Q. Were the doorgunners firing when you came in?

A. I don't remember, sir.

Q. Did anybody get off the aircraft that you saw that were firing?

A. No, sir. Nobody fired. Not that I heard it. I didn't see any.

Q. When you got on the landing zone, you went into a perimeter, then you started moving out toward the north. What was this the company commander told you?

A. What, sir?

Q. You mentioned something earlier about the CO telling you to move through a graveyard or something?

A. It was something like a graveyard. I thought it was a graveyard, I don't know. He told us to move. My squad started moving first, the second squad. Then just as soon as we hit--well, it wasn't too far from where we made the landing when we started hitting the mines there.

Q. What's the graveyard got to do with it?

A. Nothing.

Q. You remembered it though.

A. But it had like hills, mounds of dirt, so I thought it was a graveyard. I'm not sure if it was a graveyard or not.

Q. This is photo Exhibit P-206 and P-207. Does either of those terrains seem familiar to you--taken from the air.

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

Q. Nothing familiar there?

A. That looks like a graveyard over here.

Q. Which one are you looking at, P-207?

A. P-207. But I don't think it was the place where COCHRAN was killed.

Q. No, I didn't say it was. I just wondered if the area looked familiar. According to the log, (Exhibit M-16) Lieutenant COCHRAN tripped a mine, a booby trap at 0845. Your touchdown, if you were on the first lift, was at 0815. The second lift came in at 0827. So we are talking about a period of about 0830 to 0845, which is the time he tripped that mine, during a period of about 15 minutes, from the time he the last aircraft set down until he hit the mine. So, apparently you didn't stay on the landing zone too long. You say you think the second squad lead off in the platoon, is that correct?

A. Yes, sir.

Q. Was the platoon in a squad column or were all the squads abreast?

A. We were going on line. It was a machinegun crew and Sergeant LITTLE. Then, Lieutenant COCHRAN called us back. We were going through the trail and he called us back so he said to check something. We turned around and started walking

this way and then COCHRAN and his RTO were coming behind on this side. He hit the mine right there, just where we were going. The first squad was going the other way because there were already some guys over in the front, CANTU and SMITH. I think they were wounded by the same booby traps.

Q. Well, I'm not sure I follow this. You left the landing zone and you said the machinegun element was in front?

A. Sergeant LITTLE was in front.

Q. Of what, the platoon or the squad?

A. Well, it wasn't--there were just four guys--no, five guys--four guys, he told us to go check something out.

Q. Were you with the squad?

A. With the machinegun crew in the second squad.

Q. And you left the squad?

A. No. See, four guys were walking through the trail. I think Sergeant LITTLE was in front when Lieutenant COCHRAN called him back and told him to take the machinegun, to go check--I don't know what it was to go check.

Q. Well, what was Sergeant LITTLE's job?

A. I don't remember if he was a squad leader or team leader, but he was a sergeant. At that time, I don't remember if he was team leader. I know after that he became a squad leader.

Q. You were up in front of Lieutenant COCHRAN, is that correct?

A. Yes, sir, we were in front.

Q. And COCHRAN was following you?

A. Following us. Then he told Sergeant LITTLE to take the machinegun crew and go check. He said to go check something out over there.

Q. Which direction did you go? If you were moving towards fire base Uptight you were moving due north. If you went off to the right or left I could tell you which direction you went.

A. Well, from where he hit the mine, we moved left. We just started moving left.

Q. You moved to the west then?

A. And he hit the mine. We were going through that trail so he went to the trail we were going at first. He hit the mine there. But I was waiting for the machine-gun crew to pass because I was supposed to walk behind the machinegunner and assistant. I was the ammo bearer. I was waiting for them and Lieutenant COCHRAN hit the mine right there.

Q. How far from you did he hit that mine?

A. I guess he was between 7 and 10 yards, something like that.

Q. Well, now we get a description that this village, the big village there, called Pinkville, My Lai (1), had sort of a hedgerow around it. It was near this hedgerow that he hit that mine.

A. No. There was a trail. There must have been, I guess a tree or two. It went on a little slope like that.

Q. Now you remember when you crossed that trail, was there a big gate over the trail with some Vietnamese writing on the top of it, sort of just--I don't know how to describe it except to describe it as a gate.

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

Q. Were you moving down a trail or crossing a trail?

A. No, moving down the trail.

Q. You were moving down the trail?

A. Yes, sir.

Q. After Lieutenant COCHRAN was hit, 0845, the next mine that was triggered was at 0930, this according to the log, 45 minutes later.

A. Yes, sir. After we evacuated the men, they told us, Captain MICHLES or whatever his name was, told us to keep on. So we got up and this time we had a mine detector. The mine detector detected a mine so we were jumping over the mine. We would take a big hop and jump over it. GUNTA, he came and didn't jump far enough and he hit the mine.

Q. So you all knew that mine was there?

A. Yes, sir.

Q. Now back to COCHRAN. Was Captain MICHLES up there?

A. No, he wasn't with us.

Q. He wasn't with you?

A. No, sir.

Q. You say he told you?

A. He radioed.

Q. You heard the radio communication?

A. No, sir. But they--

Q. (Interposing) Passed it down. Did you help load any of these casualties on the evacuation helicopter?

A. No, sir, I just--we moved COCHRAN, me and the medic and somebody else, we just put him like that to see if he was still alive. I didn't help them.

Q. You remember the helicopter coming in there?

A. The medevac?

Q. Yes.

A. Yes, I think I do.

Q. Do you know whether it was a medevac or whether it was Colonel BARKER's aircraft?

A. I'm not sure on that, sir. I know a chopper came and took--I think three guys. COCHRAN, CANTU and SMITH.

Q. Then what happened after the second group got hit? Did you see that chopper come in?

A. No, sir. I didn't see that one because we stayed down. I think we stayed down over there until they took everybody. Then, you know, everybody thought that the whole place was full of mines so we just stayed where we were. I don't remember seeing the chopper.

Q. What happened after they took those casualties out? Where did you go then?

A. Sergeant LOVE, I think, then took over the platoon.

Q. Yes.

A. He radioed Captain MICHLES. I think he told us to get out of there. We went and met him in a village. He was already in a village some place in there. He wasn't real far, but there was a village. I think where the flag is, something like that, some place in there. There was a small village there. We went over there. I think we built a perimeter in there or something. We ate there.

Q. You stayed around that village most of the day, I suppose?

A. I know we stayed there. I don't know how long, but I'm pretty sure that we ate there. We ate dinner.

Q. Show us the photographs, Exhibit P-18. Have you ever seen any of those people in the photograph, and do you know where it is?

A. I know this guy.

Q. You don't know his name?

A. I have forgotten it, but I know him.

Q. P-19. Did you ever see any of those people, Vietnamese?

(Witness nodded in the affirmative.)

Q. P-21. Did you ever see any of those two men in uniform?

A. They were interrogators or something like that.

Q. The man on the right is an interpreter, right?

A. I guess that's what--

Q. (Interposing) Interpreter or interrogator. P-22?

A. No.

Q. Did you ever see either one of these two Vietnamese in uniform, P-66?

A. I can't recall the face too well.

Q. Did you ever see these prisoners? This is P-208?

A. Yes. I think I remember that one.

Q. Where was that?

A. I remember the prisoner, but I don't know where it was.

Q. Why do you remember the prisoner?

A. Because I remember they caught a lot of suspects. I don't know if they were Viet Cong or not. I remember they caught them. I think they took them to Duc Pho or some place.

Q. When?

A. I don't recall, sir. I know a lot of times we caught a lot of prisoners and put a sand bag on top of their head.

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Q. You don't recognize that area?

A. The ground seems familiar.

Q. Can you see P-209 well enough to identify anything in there?

A. No, sir.

Q. You stayed in the area all that day. Did you see any interpreters or interrogators in there that day?

A. I don't remember, sir. I know a lot of times we brought in the interpreter and sometime they brought in an interrogator.

Q. Do you remember C Company coming in that night, linking up with you all, and staying there?

A. They stayed near us one time. I think it was the same operation.

Q. That is right, that was the night. Do you remember any ARVN coming in with them?

A. No, sir. I know C/1/20 stayed with us or near us one time.

Q. Did you talk to any of them that night?

A. No, sir, I didn't.

Q. Did you see any interrogations or questioning going on that night or late that afternoon, VC suspects, PW's?

A. We had one, but I don't know if he was on that day. It was when they brought in, I think, Lieutenant LEWIS, that replaced COCHRAN.

Q. That was the next day?

A. The next day? Well, I know that day they brought some in to interrogate.

Q. You don't remember seeing any on the 16th, the first day?

A. No, sir.

Q. You saw them when Lieutenant LEWIS came in?

A. Yes.

Q. Do you recall anything about that night when you went into your laager area, defensive positions?

A. Yes, sir. We were crossing the river. We were walking through a rice paddy. We had a lot of fire from one side; then I think from another side. I think we crossed the river. We got some more fire.

Q. That's the next day. I'm talking about that night where you laagered. C Company came in there. I wonder if you remember any small arms fire inside the perimeter or is there anything about that night--

A. (Interposing) I think that night MENDOZA killed a Viet Cong.

Q. MENDOZA? Where did he kill him?

A. There was a spotter plane firing rockets. There was a fire there. Then this Viet Cong came in front of the fire. We had a perimeter real close to there. MENDOZA saw him. I think MENDOZA and TRAVERSA shot him. He was a Viet Cong because he had some handgrenades.

Q. He wasn't reported?

A. I think it was. The next morning we had to go over there and drag him.

Q. Was this the same day? Was this the same day Lieutenant COCHRAN was killed?

A. I don't know if it was the same day. I know it was on the same operation. I don't know if it was the next day. I don't even remember where we slept that night.

Q. Well, let's go to the next day.

LTC NOLL: Before Lieutenant COCHRAN was killed, what was the objective of your platoon? You came off the helicopters.

You started moving in a direction. What were you moving towards?

A. We were going through what I think was a cemetery.

Q. All right.

A. I guess our objective was to--I didn't know nothing. They didn't tell me. Whenever they told me to move I moved. They told us to go through that trail, I guess, and look for the Viet Cong. I never did pay too much attention. When they told me to go some place, I just went.

Q. Were you near a village when Lieutenant COCHRAN was killed?

A. There was a village because after they told us to move out of there, we went to that village. Captain MICHLES was there with us. I'm not sure if there was another platoon there, either the 1st or the 3d. I think there was a village not too far away from there.

COL WILSON: The next day you moved out towards the bridge. Sergeant TAYLOR got his foot blown off. The 1st Platoon had been across the bridge all night. I don't know whether the 2d Platoon moved off first that morning or whether the 3d Platoon did. We believe the 3d Platoon did. There were some mines down there by the bridge, marked off with tissue paper.

A. Oh, yeah, yes, sir, I remember.

Q. Do you recall if there was any firing when you got to that area where those mines marked off by the bridge?

A. Crossing the bridge?

Q. Yes.

A. No, sir.

Q. Do you recall firing before that?

A. No, sir.

Q. You don't?

A. I know we crossed the bridge. I don't know if it was a Sergeant or not, but he got his legs blown off. His weapon was blown all to pieces.

Q. Was he still there when you crossed the bridge?

A. No, but the weapon was.

Q. Was it all torn up?

A. Yes, sir.

Q. That was Sergeant TAYLOR. You got across the bridge and saw his weapon had been all beat up from the blast?

A. If it is the same one I am talking about, the weapon was blown up.

Q. I'm sure we have had this information before that that weapon was pretty badly beaten up. What happened crossing the bridge? Was there any firing or did you just cross the bridge as you would any other bridge?

A. Yes. The only thing I remember is that while we were crossing they told us not to step on paper--toilet tissue--because there were mines under there. I don't remember where we went after that or what we did. But this is the same day we had a photographer with us.

Q. Well, this could be. That's coming up. I think it is. You got across the bridge. What did you do across--this was when--about this time, is when Lieutenant LEWIS came in. Do you remember him coming in?

A. Yes, sir.

Q. So I understand his helicopter may have set down in a small village over there. Did you see his helicopter come in?

A. No, sir.

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- Q. Did you do any moving around over there after you crossed the bridge or did you all just sit down and wait?
- A. When he came?
- Q. No, right before he came.
- A. I know when he came we were in a perimeter already.
- Q. You were?
- A. Yes, sir.
- Q. Did you get to move through a small village over there? Did you get to move around very much? Did you do any searching?
- A. I think it was a deserted village.
- Q. Did you see any bodies over there?
- A. No.
- Q. Did you see any new graves?
- A. No.
- Q. When Lieutenant LEWIS came in, who came in with him?
- A. I don't remember. I just saw him. They told us he was going to be our new lieutenant, our new platoon leader.
- Q. You were already in the perimeter. Where were you? Were you up on top of that sand dune?
- A. Sergeant LITTLE and I, I think were in a hole. We dug a hole. I think there was a graveyard there because we dug a hole and it started stinking real bad. We dug too deep and it started stinking real bad.
- Q. I want you to be sure of that. Where was this, up on top of the hill or was this down in the valley?
- A. It was close to the beach there.

- Q. It was?
- A. That was when I think MILUS got killed by a mortar round.
- Q. No.
- A. Then I'm not....
- Q. MILUS was killed the night of the 18th.
- A. Then I'm a day ahead, sir.
- Q. But you do remember Lieutenant LEWIS coming in?
- A. Yes, sir, I do.
- Q. And you said there was a photographer?
- A. On one of those days, there was a photographer.
- Q. Did he go with your platoon?
- A. He was with us.
- Q. How long did he stay with you?
- A. I don't remember. I know he took some pictures, but I don't remember when he left.
- Q. What did he take pictures of?
- A. One time he took a picture of, I guess the machinegunner. QUINTANILLA was a machinegunner at that time.
- Q. What was this fellow's name? Do you know, the photographer?
- A. I don't know.
- Q. What kind of uniform did he have on?
- A. I think he was wearing fatigues.
- Q. Fatigues. What kind of hat?

A. I don't remember, but I think it was a--

Q. (Interposing) Baseball cap? What kind of camera did he have?

A. I don't know, sir.

Q. How did you know he was a photographer?

A. Because he was taking pictures.

Q. Well, a lot of people come out and take pictures.

A. Over there?

Q. Sure, people always have cameras around. You can get a visitor anytime to take pictures.

A. He wasn't in our unit.

Q. He wasn't in B Company. Did he stay pretty close to Lieutenant LEWIS?

A. I don't know--one time he was walking. When he took the picture of the machinegunner, he was walking close to us, to the machinegunner.

Q. Did he have any special insignia or name tag on?

A. I don't know.

Q. Stars and Stripes?

A. I didn't know it.

Q. MACV patch?

A. I don't recall, sir.

Q. Did anybody say anything about him not going to be in country but a couple or 3 more days?

A. No, sir. I didn't hear the rumor.

Q. Did anybody say anything about where he came from?

- A. No, sir.
- Q. Come from Saigon, Chu Lai?
- A. At least I didn't get to hear it.
- Q. You don't remember anything else about it?
- A. No, sir.
- Q. You mentioned that there were VC killed.
- A. Yes, sir.
- Q. When was that? Was this the day that he was killed?
- A. No, sir.
- Q. You got this with another operation?
- A. I know it was during that operation, but I don't know if it was the 18th.
- Q. Well, the 2d Platoon or the company reported that the 2d Platoon engaged two VC and killed one. That was down while you were moving south on the beach, but it was after you left that area where you crossed the bridge and started moving south down the peninsula. You all moved south that day. It was a pretty long march.
- A. Oh, yes, I remember.
- Q. You went all the way down and about half way down there, it was reported that two VC were engaged and one was killed.
- A. That was the first squad, I think.
- Q. I don't know who it was. We believe it was the 2d Platoon. Is that the one you are talking about?
- A. No. I must have been--
- Q. (Interposing) Do you remember this particular incident?

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A. I think I do.

Q. Lieutenant LEWIS getting excited.

A. I don't remember if they killed anybody. We walked, I don't know how far, but it was real far through the sand.

Q. Walked through the sand on a hot day?

A. Yes. And there were some shots fired.

Q. But you didn't see it?

A. No, sir, I didn't. Then after that we came through a village. Nobody was there but somebody, I guess had just finished using it. There was still some fire burning.

Q. People who had been living there, had left?

A. Yes, sir.

Q. Did you all burn the village?

A. I don't recall.

Q. Okay. You moved south and went all the way down. I just wondered if you recall burning any villages on the way down there?

A. A lot of times on a search and destroy, but I don't remember if it was on--

Q. (Interposing) This was right along the beach, now you should remember this because it should have been scenic.

A. I'm not sure, but we could have burned it. I don't remember.

Q. Do you remember looking over and seeing any villages burning?

A. I know we burned one, but I don't remember which

operation that was. It was a long time ago. I don't think it was at My Lai.

Q. Do you remember some ARVN being with you that day? I think you said some interpreters came in with Lieutenant LEWIS.

A. That was near the coast?

Q. Yes, on the coast.

A. The interrogators came.

Q. They did?

A. I know, I think that man was the interrogator. I don't know how many young guys we had.

Q. Well, that was probably after you got up there in that village.

A. No, it wasn't in a village.

Q. It wasn't in the village on the beach?

A. That's when MILUS got killed.

Q. But you don't remember any except for the interpreter or interrogator? You don't remember any ARVN being with you?

A. What do you mean, Vietnamese?

Q. Vietnamese Army personnel in uniform.

A. There was a Vietnamese.

Q. Just one?

A. I don't remember if there were one or two.

Q. Did you see any National Police?

A. National Police, no.

Q. Do you remember--this is P-212--do you remember this area? Where is that? That's down at the end of the peninsula, isn't it?

A. That's when we walked the long march. (

Q. All the way down, right at the end.

A. Yes. I think this is a big village.

Q. Is that across the water?

A. Yes, sir.

Q. How long did you all stay down here?

A. We just checked them, and I think we came back.

Q. Were the people all gone from this village?

A. I think there were a few fishing or something.

Q. Was this in the 2d Platoon area or was it in the 1st Platoon area? Was the whole company together at this time?

A. Only the 2d Platoon.

Q. Can you tell who this is on the left?

A. No.

Q. Did you all burn this village?

A. I'm not sure, sir.

Q. Okay. You all turned around and went back up and laagered that night. Do you remember a helicopter coming in with Colonel BARKER or Major CALHOUN while you were down at this point, down at the end?

A. No, sir.

Q. You turned around, came back about half way up. You laagered that night, all except 3d Platoon which is up

there at the bridge. Do you remember anything unusual happening that night?

A. That night?

Q. Yes.

A. Well, I guess it was the same night when MILUS got killed.

Q. No, the night before. You don't remember anything unusual that night. The next day you got up and went north and passed that bridge again, where you came over, picked up the 3d Platoon. They had found about 3,000 pounds of rice up there that morning? I don't know whether you knew about this or not. You went on up to a big village up there and rounded up a whole bunch of people. A medical team was brought in there. I suppose there were some interpreters brought in too. I wonder if you recall what happened that day? This is the day MILUS got killed. There was a lot of searching going on, but I don't know what the 2d Platoon was doing?

A. I didn't hear about that, not rice.

Q. That's not important. What I was trying to do was find out what happened after you got up there in that village or after you got up there where all these people were rounded up. There were about a thousand people up there that were brought down to the beach. The medical team brought--took them over. There could have been some interrogations going on.

A. If it's the same day that this Vietnamese came and some other GI with him, I guess he was an interrogator. They had a lot of, you know, young guys. Not a lot of them, I don't know how many there were. They started to interrogate them, you know.

Q. Yes.

A. And I guess they had a battery of some type.

Q. Hooked up the wires?

A. Yes.

- Q. Was this done on the beach or was it done at the CP?
- A. I know it was close to the beach because one Vietnamese had to go wash his pants or something.
- Q. From that wire or from getting kicked around?
- A. I guess it was from the wire.
- Q. How did the wire do that? Did you see him getting beat up?
- A. To tell the truth, I saw them get beat up by the Vietnamese interrogator. I saw them, but I don't remember at that time.
- Q. Do you know whether this guy washed his pants-- do you know whether this was the day before MILUS was killed or the morning after?
- A. I think that was the morning--it was the day before.
- Q. The day before MILUS was killed?
- A. Because when we went and picked up all those people, I think they went back. Nobody stayed in the village that day. I think we received a mortar round on the same day. But I'm pretty sure it was the day before MILUS got killed.
- Q. Well, now there must have been a number of people being interrogated down there. Did you see the interpreters abusing the prisoners? Did you see them beating the prisoners on this day?
- A. I don't recall. I know they put the wires on them.
- Q. Who put the wire on them? Was it the Vietnamese?
- A. The Vietnamese.
- Q. Were any Americans with them?

- A. I'm pretty sure there was one.
- Q. Was it the one you saw the picture of earlier?
- A. It looked like him. I'm not sure. He looks like the one.
- Q. That would be photo P-22. Which one?
- A. He looks like this guy.
- Q. The one in the center facing the camera. Do you remember in photo P-21? Do you remember the Vietnamese on the right? You don't remember him?
- A. He's wearing glasses.
- Q. Yes.
- A. No.
- Q. You don't remember him?
- A. No.
- Q. And the wires were the only thing you saw?
- A. Yes, sir and the battery.
- Q. That's the only thing?
- A. You see, we were on a perimeter, we couldn't go away.
- Q. This was the day before, right?
- A. I'm pretty sure it was the day before MILUS got killed. I think MILUS got killed right early in the morning or at night or something like that or whether it was the day before.
- Q. Did you ever see this man, P-215?
- A. This one was the one that escaped from C/1/20?
- Q. Charlie Company?

A. Yes. Because when I first got to my unit, they had a prisoner, but I think he escaped.

Q. When you first got to what unit?

A. To my unit, Bravo Company.

Q. This photograph was taken on the day that MILUS was killed.

A. Then, I don't remember. It looks like the one when I first got to my unit. They had a prisoner that looked like him.

Q. Well, that night, you got some mortar fire. MILUS got killed. You had casualties. They were evacuated. The next day did you see any interrogations going on?

A. Not after that one I saw that day.

Q. That's all you saw?

A. Yes, sir.

Q. The next day you left about noon. Anything happen before that?

A. I don't remember where we went to.

Q. Do you have any knowledge of any investigations or inquiries being made on this operation, after this operation, while you were still in Vietnam?

A. No, sir.

Q. Did you ever remember receiving an order to stop burning?

A. The only thing I heard that I remember, that they told us to just search and clear or something. It used to be search and destroy. Then they changed it to search and clear.

Q. That was during the operation? It was some time right after the operation, I guess.

Q. You mean after you got back to the fire base?

A. No, no. I guess it was around May or June or August.

Q. This is a long time after that?

A. Yes.

Q. A couple or three months?

A. Oh, yes, they changed the term. The term from search and destroy to search and clear.

Q. Do you remember when you were told about this operation? It was supposed to be search and clear or search and destroy?

A. I'm pretty sure it was a search and destroy mission.

Q. Okay. Do you recall during this operation at any time an order being passed down to stop burning?

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

LTC NOLL: What does search and destroy mean to you?

A. Well, to me, my personal opinion is that like if they have, well, like what we did, well not always. To go search and if there is anything that might be an aid to the Viet Cong, destroy it. A lot of times we found parts of a mortar round or something like that, destroyed them or a lot of rice or something like that, aid to the Viet Cong. We found medical supply, not only on the operation, but some other operations.

COL WILSON: Were you or anyone you knew ever questioned on this operation before you left Vietnam?

A. I didn't hear it until I came home out of the service. Until I ETS'd.

Q. Did you have a camera?

A. Yes, I did, but I didn't take any pictures.

- Q. You didn't take any pictures?
- A. Not of killings or anybody dead or anything like that.
- Q. No, but did you take any pictures on this operation?
- A. No, sir.
- Q. Do you know anybody that did?
- A. I know someone had a camera, but I don't remember who it was. One of those instamatics. I carried a polaroid. I didn't have a chance to take pictures, not in My Lai.
- Q. Did you ever hear rumors that civilians had been killed unnecessarily either by C/1/20 or B/4/3 during this operation?
- A. Not during this operation.
- Q. That they had been killed during the operation?
- A. I just heard it. I read it in the paper.
- Q. But I'm talking about while you were in Vietnam?
- A. No, sir.
- Q. Were you ever told not to discuss this operation?
- A. No, sir.
- Q. Do you, aside from the electrical hookup which you referred to, do you know or did you see any U.S. or ARVN torturing VC suspects or PW's on this operation?
- A. Torturing, no, sir. Just the wires is all I saw. I didn't see any torturing.
- Q. That's all?
- A. Yes, sir.

Q. Do you know if marijuana was a problem in the company?

A. Well, I don't think so , but well, some of the boys did smoke it.

Q. On the operations?

A. I don't know about operations, but you know.

Q. Have you got any further testimony or anything that might assist us in this investigation?

A. Well, I just wanted to say that in my personal opinion, I wouldn't consider this a massacre. Because my personal opinion was that artillery must have killed some people. In My Lai, I don't think there is either one or two persons who are loyal to the U.S. or try to help the U.S. They all did the Viet Cong I'm pretty sure. That's my personal opinion about My Lai and Pinkville.

Q. Anything else?

A. No.

LTC NOLL: Did you hear anything about the 1st Platoon's operation on the first day of this operation? Remember the 1st Platoon went across and landed. You all went up here and got in to problems with the mines. The 1st Platoon went across. They reported considerable body count in My Khe (4), the village right across from the bridge that you crossed the next morning. Did you hear anything about their operation?

A. No, sir. The 1st Platoon?

Q. Lieutenant WILLINGHAM's Platoon. TAYLOR was in the platoon.

A. No, sir.

Q. Did you talk to any members of the 1st Platoon while you were in the field, about their operation the first day?

A. I don't remember who was in the 1st Platoon. Was Specialist NOLTON (phonetic) in the 1st Platoon? I talked to him that day, but I don't know if he was in the 1st Platoon or the 3d Platoon.

Q. What day? You wouldn't have seen him the first day?

A. It was either the first or second day. I don't know what platoon he was in, but I think--wasn't it was the first day when the CP was with one platoon.

Q. You talked to MILUS on this operation?

A. To MILUS?

Q. Yes, before he was killed?

A. No, sir.

Q. What about LITTLE, did you talk to him?

A. No.

Q. REID?

A. Sergeant REID?

Q. Terry REID, was he a Sergeant? Terrence REID?

A. I know we had a Sergeant, but I don't remember that operation.

COL WILSON: Mr. MORENO, I request you not to discuss your testimony in this investigation with others, including other witnesses for the investigation except as you may be required to do before a competent, judicial or legislative body.

(The hearing recessed at 1040 hours, 6 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: SHIFLEY, Johnny J.

DATE OF TESTIMONY: 4 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

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

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

SHIFLEY had a class in basic training at Fort Leonard Wood concerning the legality versus the illegality of orders (pg. 4). He knew that he did not have to obey an illegal order (pg. 4). He was issued the MACV cards "Nine Rules" and "The Enemy in Your Hands" in the Americal Combat Center in Vietnam (pgs. 4, 5).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

He did not remember being briefed for the 16 March operation (pg. 6). He did not recall any orders to destroy villages or burn houses (pg. 6). He could bring to mind no order to destroy animals or foodstocks (pg. 7). On search and destroy missions they usually gathered the inhabitants together, segregated the men and women and checked the men for ID cards (pg. 7). They received no special instructions regarding the inhabitants for this operation (pg. 7). The company considered the Pinkville area the worst of those in which they worked (pg. 7).

3. THE COMBAT ASSAULT.

a. Actions on the 16th.

SHIFLEY did not recall receiving fire either as

(SHIFLEY)

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they approached the landing zone or alighted from the helicopter (pg. 9). However, his doorgunner sprayed the area (pg. 12). He assumed there was some fire in the first platoon's area (pgs. 9, 10). He admitted that the fire could have come from C Company which was in the same direction as the first platoon (pg. 10). As they started north Lieutenant COCHRAN hit a mine on the side of a knoll (pgs. 10, 11). SHIFLEY thought COCHRAN was evacuated by a slick, but he did not know if it was Lieutenant Colonel BARKER's helicopter (pg. 13). Sergeant WOOD became the platoon leader (pgs. 13, 14). The platoon formed in single file and moved behind the point team which had a mine detector (pg. 13). The point team discovered a mine and passed back word about it, but two of the men did not receive the information and triggered the mine (pg.13). The witness was in front of the man who hit it, and he received a piece of shrapnel in the leg from it (pgs. 13, 15). He was dusted-off with the two others who had been wounded (pg. 15). He thought that it was BARKER's helicopter which took him back and that BARKER was aboard (pg.16). The witness did not return to the company for two and one-half weeks (pg. 19).

#### 4. INQUIRIES AFTER THE ASSAULT.

SHIFLEY had no knowledge of an investigation or inquiry being conducted after the operation (pg. 20). He was never questioned about it, and he knew of no one who was (pg.21). He did not hear any rumors about civilians being killed by anyone from B/4/3 or C/1/20 (pgs. 21, 23). He was never told not to discuss this operation (pg. 23).

#### 5. OTHER INFORMATION.

a. The first platoon usually did a lot of shooting on an operation (pg. 21). He recalled an incident where the first platoon used prisoners as point men to move across a dike and the prisoners detonated a mine which killed them (pg. 22).

b. While marijuana was used, it was not smoked on operations (pg. 24). SHIFLEY did not think it was used extensively (pg. 24).

c. He knew nothing about the torture or mistreatment of Vietnamese by B/4/3 (pg. 24).



(The hearing was reconvened at 1108 hours,  
4 February 1970.)

COL WILSON: Hearing will come to order.

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

The next witness is Mr. Johnny J. SHIFLEY.

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

Please state your full name, occupation, and  
residence.

A. Johnny J. SHIFLEY, 3018 Calhoun Street, Gary,  
Indiana, and I am a meat department manager in a grocery  
store.

COL WILSON: Did you have an opportunity to read the in-  
formation passed out to you (Exhibit M-81)?

A. No, sir.

Q. Let me brief you as to the nature and purpose  
for this inquiry.

This investigation was directed jointly by the  
Secretary of the Army and the Chief of Staff of the Army,  
for the purpose of determining certain facts and making  
recommendations and findings concerning the My Lai (4) incident  
of 16 March 1968. In conducting his investigation, General  
PEERS decided it was necessary to have an understanding of  
B Company 4/3 during 16-19 March.

He appointed interview team C which is this team  
to interrogate people from B Company to build a picture of  
what took place that day.

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

Although the general classification of the report  
will be confidential, it's quite possible that the testimony  
may become a matter of public interest at a later date.

(SHIFLEY)

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The interview will be based on a chronological sequence--we'll ask you questions on training and then some questions on the briefing that you received prior to the operation. Then questions on the 4 days of the operation and finish with some questions on anything that you may know about an investigation or an inquiry.

Q. What was your assignment on 16 March 1968?

A. I was a rifleman.

Q. Which platoon?

A. 2d Platoon.

Q. Which squad?

A. First squad.

Q. Of B/4/3?

A. Right.

Q. Who was your squad leader?

A. Give me a minute, because there was so many of them there, you know what I mean, they were going so fast I couldn't keep up with them.

Q. This is the operation that Lietutenant COCHRAN was killed on.

A. Right.

Q. So, we're talking about that operation and the squad leader that day. That would be Sergeant WOOD. Who was the platoon sergeant that day? He would have taken over the platoon after COCHRAN was killed?

A. Yeah, well Sergeant LOVE took over the platoon, but at the time I honestly couldn't say who it was--I don't think there--you know what I mean--because there wasn't a platoon sergeant of rank. I think it was Sergeant LOVE.

Q. Was Sergeant LOVE a specialist or was he an NCO?

A. He was an E-5. Some of them were doing two jobs.

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Q. How many squads did you have in the platoon that day, you know, was it two or three?

A. There was four. The way we worked it, you had first and second squad. There were two squads in a platoon and there was an A team and B team of each squad and weapons platoon was not classified as a weapons squad.

Q. So, you had four fire teams, one squad lead by Sergeant WOOD and the other squad by who?

A. Right, the weapon--it was really not classified as a weapons squad. It was just one gun with the first squad and one gun with the second squad.

Q. So, you had two squads, one squad lead by Sergeant WOOD and one squad lead by who?

A. Sergeant REID, I think.

Q. Who?

A. Sergeant REID.

Q. REID?

A. Yes, it was either Sergeant REID or--and I know these guys faces, but I can't think of their names.

Q. There is a roster (Exhibit M-24)--it's alphabetical--if you want to look at the--

A. (Interposing). Yeah, I'll check it over. As far as I can remember it was Sergeant REID.

COL WILSON: Let me see the cards?

(The RCDR did as requested.)

Q. Did you ever have a class of instruction that you can recall which would have probably been military justice or Geneva Convention which referred to the legality of orders, legal and illegal order, anything you ever recalled on that?

A. Basic training.

Q. What did they say?

A. The legality--well, they said, the way I interpret it, the way I have always felt when I was in the Army--legality of order--if your commander or your authority gives you a command that was justifiable, I mean, you know, you are to do it, but if you thought it was unjustifiable in the sense it was morally wrong then you could go against it and not do it, but I mean, what it would be like--somebody saying, "You go and kill so and so," you know what I mean, each person probably would interpret it--but that to me would be an unjustifiable order without cause.

Q. Where did you hear this?

A. Where did I hear what? That--I mean--not necessarily that, that's just my own idea, but I remember the class, but I don't remember every word from it, every detail.

Q. Where was it?

A. Fort Leonard Wood.

Q. Basic?

A. Basic training.

Q. You don't remember the subject of the class?

A. No, I imagine it would be something like--I don't know what you would call it. It was just a class.

Q. I got two exhibits here, Exhibit M-2, is a facsimile of a pocket card called "Nine Rules," have you ever seen that?

(COL WILSON handed the card to the witness.)

A. Yes.

Q. Were you ever issued one of those cards?

A. Yeah.

Q. Where?

A. In the Americal combat center in Vietnam and I think we had some before we went over from Fort Lewis, Washington. I was one of the first replacements.

Q. (Interposing) When did you join B Company?

A. It was on or about the middle of January, the 14th or 15th because I got in country on the 8th--by the time of the training and everything it was the 15th.

Q. You came directly from advanced individual training?

A. Right, after a 30-day leave.

Q. Thirty days? And you got this card both places?

A. I think I did, because these things were all around and I remember we even had them in our company, you know, up in the--

Q. (Interposing) B Company?

A. Yes, in the orderly room there, I mean, you know, they were there.

Q. Did you have one of these cards?

A. Not at all times, because in the field--one day you're wet and that's it.

Q. How about Exhibit M-3, did you ever see that one, called the "Enemy In Your Hands?"

A. Yes.

Q. Were you issued one of those cards?

A. Yes.

Q. Where?

A. Probably the same time as this one. (Indicating Exhibit M-2.)

Q. Mr. SHIFLEY, I want you to think back as thoroughly as you can and tell me what you were told on the 15th of March, prior to going on this operation. What you were going to do and

(SHIFLEY)

how were you going to do it and what the rest of the company was going to do and so forth?

A. Well, as far as I can remember, I wasn't--I mean like my squad leader or platoon sergeant--I can't even remember anybody telling me exactly what we are going to do. We just went and whatever they told us--you know--search the villages--we searched--I mean we had an idea if we were in the area and we were going in there and we knew what it was anyway, you know, just go in there and do your job and hope you got back out--cause--ah--the feeling--well, you don't want that. But like I say, I can't remember any incident where they said, like we are going to go to grid coordinates so and so and search this village. They would just say--scuttlebutt--just say, "Well, tomorrow we are going out, you know, to Pinkville--My Lai and we're gonna search the villages or search and destroy or whatever the thing was. I don't remember if any--like I say, you know, calling a meeting and briefing anybody.

Q. You don't remember a briefing?

A. No, I cannot honestly say that I don't remember a briefing, but I wasn't in the briefing, I could put it that way.

Q. Well, you got the word there was going to be an operation and you were going to get on a helicopter and you were going to go down towards Pinkville?

A. Right.

Q. Were there any instructions given concerning the destruction of villages or the burning of houses and so forth?

A. Not orally, there wasn't any--

Q. (Interposing) Nothing that you got?

A. No.

Q. Anything about the type of operation, whether a search and destroy, search and clear or anything like this?

A. I can't remember. Generally, everytime we went into that area, it was always searched and if it didn't look

right to tear it down--tear it apart, because I mean that is it.

Q. Did you consider this the worst area that you operated in, or medium or what?

A. I considered it the worst, sir.

Q. Was that consideration carried throughout the company?

A. Yes, sir, I would think it was, yes, sir.

Q. Do you know if there was any special instructions given for the destruction of food stocks?

A. No.

Q. Animals?

A. No.

Q. How about the disposition of the people in there, the natives and the inhabitants in the area?

A. How did we deal with them?

Q. Was there any special instructions on this?

A. No, not any special instructions.

Q. How did you normally deal with them?

A. Well, if you go in to search a village and as long as you go in--you have no fire--you have no fire or anything when you go in, you start searching the village. We generally rounded up all the people, put the men in one area and the women in one area; one squad to do the searching and half of the other squad may be up at the perimeter, you know, strung out, and the other squad would be watching the people and they'd check the men for ID's and what have you and some would go through the hootches and check the hootches out. Sometimes they wasn't--all of us weren't always neat about it, unless--I wouldn't say that, because the record shows that being neat won't keep you alive sometimes, but as far as purposely destroying stuff, food supplies--or other what might have you on the whole I wouldn't say anything--anybody had the intentions of doing it purposely or willingly all the time, but granted, I mean, naturally some time stuff would get turned over, but usually you--you'd usually stand there--

(SHIFLEY)

go in corn or whatever they'd have or potatoes--just might turn them over and see what's in it and the people can put it back; if there's a hand grenade in there fire the grenade instead of throwing out the potatoes.

Q. Do you know what the platoons of the company was supposed to do?

A. Not exactly. I couldn't say what their mission was, as I stated before--

Q. (Interposing). Do you know if the 2d Platoon was supposed to search Pinkville?

A. Well, now you are talking about the village?

Q. Yes?

A. Well, when you say Pinkville that's not one village, to me it's an area.

Q. I mean My Lai (1) and not Son My.

A. My Lai, okay.

Q. My Lai (1).

A. Well, as far as I knew if that is where we were at, I mean, now, you know, I can say fairly sure that that's where we was at, but when we went on these--I couldn't shown you on the map exactly where we was going until we got there, because like I said, I was only a PFC and rifleman but I didn't later on I got to know what was going on at the time. I honestly could say I was just going, because I'd only been there 2 months--there about 3, 4 or 5 months and you still dream, you know, of course afterwards it's all and well, because it keeps you alive. You sort of follow along in somebody else's foot steps.

Q. Well listen, is there anything that you can recall about the information given to you prior to going on the operation that was unusual or different from any other operation?

(No response.)

We are going to give you a run-down on the concept of the operation and what happened on the first day, more or less to get you oriented, and then we are going to go through each day and ask you questions.

(Map orientation of Exhibit MAP-4 by Colonel WILSON.)

When you went into the operation that day, do you remember receiving any fire as you approached the landing zone?

A. No, not on my left--that we come--I didn't--I can't recall any firing being on it.

Q. How about when you got off the helicopter?

A. When I got off our platoon wasn't under fire, but as I can remember, if I'm on the right operation, the 1st Platoon had some fire. At that time they were to our left and we weren't under any fire at the time that I can remember, you know, right after we unloaded, and then we formed up and moved out, but then 10 minutes after we moved out they got Lieutenant COCHRAN.

Q. Well, we'll probably use this aerial photograph (Exhibit P-168) here as we go through a couple of things and pin down the times which may help you in thinking back, but you said that you were on the second lift, or were you on the first lift?

A. I think it was the first lift, because as I remember we were spread out fairly large for securing the LZ.

Q. I got the impression that you went in after the 1st Platoon?

A. I thought the 1st Platoon went in with us, you know--1st and 2d Platoons went in at the same time.

Q. As you said you were about how far from the 1st Platoon when you began to move north?

A. I guess, as far as I can figure out, maybe 1,500 meters, 1,000 meters. It was within ear shot enough that you could distinguish the shot.

Q. Which direction was this fire? You were moving north, you were moving back up towards Uptight. Now, would the direction have been--

A. (Interposing) It would have been to my left.

Q. Coming from the west?

(SHIFLEY)

A. The 1st Platoon was to our left.

Q. The 1st Platoon was to your left?

A. I think so.

Q. You know C Company was over there too?

A. Yes.

Q. Look at that distance on that map there--from your landing zone C Company was about 1,800--almost 2,000 meters and they had been in there and probably firing?

A. Well, perhaps it was Charlie Company, but I think the firing was coming from there.

Q. The fire was coming from the west?

A. We fired with the 1st Platoon. Some of us was shooting at the next row.

Q. Could you see this 1st Platoon?

A. No, I could not.

Q. It was an assumption then that the fire was coming from the 1st Platoon?

A. Yes.

Q. Because the 1st Platoon was really moving to the east?

A. Where?

Q. Now, the 3d Platoon--I don't know exactly what the lift sequence was, but the 3d Platoon could have been there at that time. How far did you move from the position you were in when you got off the helicopter, when you went into a little perimeter and you began to move north? How far did you move when COCHRAN hit this mine?

A. Not very far. Not even a quarter of a mile, because I was--the perimeter of the LZ was here, I was over here (indicating on map). We formed up over here, and we started north and it was a rice--like you know, all right, and then--low land. It started getting a little hilly in here (indicating).

So, Lieutenant COCHRAN hit it on the side of, you know, a knoll. I was still in the rice paddy when he got hit. So, I'd say it was no more than 200 or 300 feet, or something.

Q. Do you remember crossing a trail?

A. There was a little path. I don't know if you would call it a trail. It was a path we were supposed to be following. He had two columns and a CP group in the middle and unfortunately he got it and everybody else around-- but you mean a major path?

Q. Yes.

A. I'd say a foot trail.

Q. You crossed it, I'm not talking about the one you followed.

A. Well yeah, I guess it might have been. It was on top of the rice paddy--at the edge of the rice--where the woods started.

Q. Well, this was the same road that you moved out on the next morning to go to the bridge you crossed, that road, right?

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

Q. Do you remember hearing any fire over towards the sea to your east that morning?

A. Well, as I said, I heard as we were moving out just before--

Q. (Interposing) But this was to the west, I mean over to the east.

A. Where I thought the 1st Platoon was--

Q. (Interposing) Yes, where the 1st Platoon went, down towards the sea?

A. Okay, that's when I heard the firing, it was to my left.

Q. I was wondering about that fire, did you hear any fire on the right?

A. Maybe there was, but the biggest thing I can remember is the fire from the left.

Q. You can normally tell if it was in-coming, did you remember any in-coming--just small arms fire--

A. (Interposing) It was small arms fire, it wasn't no pings.

Q. Were any of the doorgunners firing when you come in?

A. Yeah.

Q. They were?

A. They were spraying as I can remember. I was next to that gun and my ears were ringing when we got off and when we come in the doorgunner, he was just spraying the immediate area of the wood line, because I'm pretty sure we were the first lift in, because he was just spraying the area, you know, the gunners.

Q. I'm going to ask Mr. WALSH to brief you on the photograph here and give you a little run-down on this area and watch this photograph on the table carefully, because I think you might be able to picture the operation a little better.

(Photo orientation of Exhibit P-168 by Mr. WALSH.)

At the time that Lieutenant COCHRAN was hit, do you recall seeing the people who were casualties at the time he was hit? Do you recall seeing him evacuated?

(No response.)

Do you recall the type of aircraft that evacuated him?

A. A regular slick.

Q. It was a regular slick?

A. I think so, I'm not sure.

Q. No markings on it?

A. No.

Q. Do you know if this was Colonel BARKER's aircraft? Did you see him?

A. No, I wasn't that close. When he got hit I was almost at the end of the column and I got a piece of shrapnel-- just a little piece and it scared me to death and then I--I was hit in the stomach, but it wasn't anything serious--just cut the skin a little. So, we were still in the rice paddy further down and I remember this guy GUNTA and he came up and said, "What happened?" And after that we were laying there and one of the senior medics came over from the company CP to give help, because there was quite a few wounded and hurt. When the chopper come in I was to the left and in the back of it more or less, because I was still laying in the paddy, I didn't want to get up. And then the chopper left and then we formed up and this time we went into a single file and we had a mine detector and they were detecting and they picked up something. This was a big gripe even until the time I got out and I extended and I was one of the last guys that--you know what I mean--to leave, but the mine detector, the point men they picked something on the knoll like as we went up the hill and they kept passing the word back--you know--to bypass it, because we didn't have time to check it out or anything. So, the word supposedly kept coming back and it never got back to the two guys in front of me. Fortunately, the guy in front of me missed it and I missed it and then, like I said, the guy behind me, well then he hit it and as far as I know today, it was a 105, and it blew off both legs.

Q. Both legs?

A. He was behind me. And God help me, miraculously, I only took another little piece. I just got another little bitty-- it's all gone away, the scar. And the guy from behind him from what I understand lost a kidney, but his was up--like this (indicating with hands) and I guess the blast went back down from the thing--just a little bit come over, because some of the guys up front said they could hear some of the stuff going over.

Q. The time we had on that at least as far as the log (Exhibit M-16) goes was that the booby trap which killed Lieutenant COCHRAN was detonated at 0845 and the next group, when that booby trap or mine whatever it was, tripped, it was 0930--

A. (Interposing) Yeah, the period of time the evacuation came in and the platoon--after Lieutenant COCHRAN was killed that left Sergeant WOOD, I'm sure. He was in command. He was the platoon leader, because he was an E-5 and he wasn't--he was a shaky type of guy anyway, but he was the only one there so,

after we got the wounded evacuated out he formed it up because it certainly didn't do any good walking in two columns as Lieutenant COCHRAN had us doing, because there was 6 or 7 or maybe 8 guys evacuated where in this incident right after we started moving again there was only two, I mean it's bad, but you know what I mean?

Q. Yes.

A. A single file is better than a double, but from the time the helicopters came in and picked up the wounded and then after we moved out--and that's where the time elapsed.

Q. Let me get your order of march from the landing zone up to the time that Lieutenant COCHRAN was killed. Which squad was on the left and which squad was on the right? You were broken down into two elements?

A. Right. The second, the first squad was on the left and the second squad was to the right of me, because I was in the first squad and the second squad was to my right.

Q. And then when you moved into a single column after Lieutenant COCHRAN was killed which squad was leading?

A. The second squad was still leading because I was still towards the end of the first squad and we had two point men up front, they belonged to our squad.

Q. Okay, the second squad led, where was the 3d Platoon?

A. After that--all that--honestly, I couldn't say until that day was about over, I can't really remember where anybody was at or too much of what was going on because I'll be honest with you, you know what I mean. I just didn't--I guess you could say I just went along in a daze, because I--

Q. You had a couple of close calls?

A. Yes, sir, I did, but thank God I'm alive.

Q. Well then, after the second group was wounded, which we calculated according to the log there was three wounded. Did the helicopter that evacuated these--was this a dustoff or was it another slick?

A. The second time?

Q. The second time, the second group that was evacuated?

(SHIFLEY)

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A. This is when I was dusted-off.

Q. You were dusted-off?

A. I was dusted-off on the second one. I remember, wait a minute, I remember when the first one went off. Let me think. Okay, because man, I tell you I haven't remembered none of this until I got this telegram. After Lieutenant COCHRAN was dusted-off we moved out and I told you that GUNTA hit the thing--it was not bad, get what I mean, but I had a piece, you know, broke the skin enough to bring the blood and it came over my leg and the medic said, "You go in too," and with that I went in--because it wasn't--

Q. (Interposing). You were one of the three men then?

A. Right. And as you questioned earlier about the slicks there was--when we went in--because I know it was pretty, you know what I mean, because he was right there, laying with me, and the other guy--I felt like an ass because I thought I wasn't hurt that bad, but you can't argue with the medics that it was, anyway, it was a plain slick and I don't know if it was Colonel BARKER, but it was a ranking officer in the chopper and there was a colored man in there too, and if he was a medic I don't know. I don't know if he was a medic, because after they put Charlie--he was tore up pretty bad in the legs--Charlie GUNTA, he was tore up pretty bad and there wasn't anybody on the chopper, you know what I mean, to give him any assistance while going with the thing.

MR WALSH: Did the ranking officer have any kind of peculiar kind of helmet on?

A. Had on a helmet with a--

Q. (Interposing) Did the commander have a particular color?

A. White, it might have been white. I don't know for sure, because usually I--I imagine most of them were white, except for the pilots, they had all kinds of designs or something on them. I couldn't say for sure it was Colonel BARKER at the time, but I don't know if you like my idea or not, but I guess not it may--probably was Colonel BARKER, because it wasn't a medevac chopper and as far as I know, we always--it was a thing in the company that whenever we was in an operation--within a velle, you know, you could holler at them.

Q. He was normally very close to the ground?

A. Yeah. The men thought very highly of him for this, because on occasion, when we were in a laager position he'd fly in and walk around with the men, because I know, I had a--well one of my numerous friends told me that one of the guys in one of the companies--he had a--we were on an operation, I don't know what it was--just a rumor--his wife had a baby and Colonel BARKER brought the message out personally to him or something like this and the men thought very highly of Colonel BARKER.

Q. Did he normally fly at a pretty low altitude over operations?

A. Yes.

Q. Did you see him on the ground?

A. I don't know if it was him, but I seen, you know, choppers with markings with some action or something and the choppers would be right around there. You know what I mean as far as the company and the idea that he wasn't--you know what I mean--he was there with his men. I mean when you are in the infantry you know, when you are beating the bush and you're a private or PFC--even up to the drafted sergeant--no offense, but your regards for higher-ups, I mean you know, pencil pushers, but Colonel BARKER though was okay, because he cared for his men, that's my opinion.

Q. Did you know Colonel HENDERSON?

A. I knew who he was. I did not know him personally. I was not there really long enough to get to know him, because when--I didn't--actually, I heard his name, but I never seen him, January then. They had joined Task Force--Colonel BARKER had come out, you know, until the Task Force BARKER broke up and we went back working with brigade and battalion then I--

COL WILSON: (Interposing) Colonel BARKER, in his helicopter normally had from three to four PRC-25's and probably one or two people monitoring these radios. Did you by any chance, notice a number of radios in the chopper?

A. No, I honestly couldn't say. It was packed--there were three of us in there and the thing was packed up, but you know what I mean, it didn't seem like much room, because GUNTA was laying down straight and me and Peewee--I don't remember the guy's name, he was in one corner and I was in the other corner and I had a hold of Chuck's hand, because you know, the colonel, man, he had Chuck's other hand, so I couldn't say there was two radios. I didn't even know where my weapon went. It was on the chopper. Fortunately, it got back to the company area. Somebody put it on the chopper.

Q. We carry the following personnel killed or wounded that day: COCHRAN, WILBURN, CANTU, HITCHMAN, TRAVERSA, SHIFLEY, HACHEN, and GUNTA.

A. Right.

Q. So you and who were the other two on the aircraft?  
You---

A. GUNTA and a guy named--

Q. (Interposing) WILBURN, CANTU, HITCHMAN, TRAVERSA, SHIFLEY, HACHEN and GUNTA.

A. This guy was a big guy from Montana and he had previously been wounded in another operation and this was his first day back, because I remember we told him to stay last man so he would be safe and he got it worse than anybody, I mean in the second incident. But all of them, I know, all of the names very well, except this one here (indicating).

Q. HACHEN. This information came from the 11th Brigade log, right? The morning report which is Exhibit R-4 shows CANTU, WILBURN, GUNTA, HITCHMAN, SHIFLEY, TRAVERSA and no such name as HACHEN.

A. And the man, Peewee, his name wasn't there. Let me look on here (looking at Exhibit M-24).

Q. Go ahead.

A. Because I know, I'm sure that wasn't his name, HACHEN, because I didn't even think I ever heard of HACHEN.

(SHIFLEY)

RCDR: Colonel MILLER and I surmise that this name could very well have been entered and listed on the log, yet he didn't go to the hospital and it was not listed in the morning report.

Q. HACHEN?

RCDR: Yes, could very well have been entered into and could have been listed in the log, yet not in the morning report.

Q. He is on the log though.

RCDR: Yes. He is on the log.

Q. Was he on the first lift or second lift when he was wounded? You don't know?

A. It might have been a fairly new man.

Q. We got a man named BLEACHER, that's--

A. (Interposing) BLEACHER.

Q. BLEACHER, is this the guy you're talking about?

A. That's it, you know, we just called him Peewee, because he was a peewee.

Q. Did you get that on the record?

(Affirmative nod by the reporter.)

Q. BLEACHER was a man--so, on your helicopter was yourself, BLEACHER and GUNTA?

A. Right.

Q. And all the rest were on the first helicopter?

A. Right. That HACHEN, if he was in the company he was fairly new or he didn't come back after he was wounded again or transferred or something, because I don't even remember the name at all. I don't think I heard the name, but perhaps he could be-- he was a new man.

Q. So, you were evacuated according to the log, you were probably taken out. Well, the booby trap was tripped at 0930 and the log shows the evacuation about the same time.

LTC NOLL: Same time.

COL WILSON: You were evacuated about that time?

A. Yeah, because I went into Chu Lai.

Q. Now did you get back into the operation?

A. That's why after you said the trail and after the trap and then, you know, I thought of GUNTA, because I knew I had been lifted off. That's when I went and after--I didn't get back to the company for maybe two and a half weeks, because I spent 3 days in Chu Lai and about a week in Qui Nhon and then 2 days getting back and about a day and a half in the rear.

Q. How come they didn't give you a purple heart?

A. They did. They presented it to me in the hospital.

Q. Yes?

A. Yes, and then sent it home.

LTC NOLL: Do you recall Captain MICHLES coming over to the chopper when you were loaded?

A. No, sir. I don't remember Captain MICHLES. The last I knew of Captain MICHLES on the morning--because SWEENEY, the senior aid man had run over from the CP and I guess the CP was somewhere behind us sir--somewhere around they'd--I remember him hollering, he was close enough, I could hear him holler, because the man--he would scream over the radio and he was close enough he didn't need the radio and after the chopper come in because of the noise and everybody, it was--there was no leadership, because after Lieutenant COCHRAN went that was the only officer we had and the rest of the NCO's were all volunteers or draftees. None of them had, you know what I mean, prior experience or anything when it happens that fast, you know like that. What I mean--everybody gets a little shaky, because when you lose, you know, you have that many men evacuated off in a matter of an hour and you get a little shaky and sometime you just don't--you just forget about things.

Q. Well now, there's one other question I have concerning this particular time period and I will tell you what some of the testimony has been to see if it might bring something back to your mind. It's possible that we believe what

some of the testimony indicates either that 2d or 3d Platoon was supposed to sweep through My Lai (1) and that when COCHRON--and I don't know when you hit the mine the second time or when you all hit the mine the first time--but right in that time frame that Colonel BARKER was supposed to have told MICHLES not to sweep through the area, because I suppose he felt there were too many mines in there and he told him to stay out.

A. Yeah.

Q. Do you know of anything--

A. (Interposing) I didn't hear of anything--hearsay, but not as far as hearing--

Q. (Interposing) Well, what hearsay did you hear?

A. When I got back to the company, you know, naturally, I wanted to know what happened afterwards.

Q. Yes?

A. The two point men that day--we were thick as fleas, because we went out together and they filled me in on what happened afterwards and because you know, they--I, because there was not that many of them left so, they said that that night, you know, after we hit it, they formed up and pulled back out and they went with Captain MICHLES--the CP group-- They just made a bigger CP group, because there couldn't have-- know what I mean, I don't know what they done.

Q. You don't know if there was a change in the orders, about not sweeping the village?

A. No, I couldn't say so, because the only thing I remember afterwards when the second thing went off which is just hearsay, some skuttlebutt--talking and stuff.

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

A. No.

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Q. While you were in Vietnam?

A. No.

Q. You say you extended over there?

A. Yes, but I was in the rear the last portion of my time so I didn't mind.

Q. Were you or anyone ever questioned about this operation?

A. No.

Q. No one you knew?

Q. Did you ever hear any rumors that civilians had been unnecessarily killed by either B/4/3 or C/1/20 on 16 March 1968?

A. No sir, I didn't. I have heard a lot of war stories, but I never heard of any mass killings or any unjustifiable killings in my company and I didn't hear anything of Charlie Company until I got home and I heard about it on TV from guys that weren't even there and in turn to me--that makes me resentful, because I was with those guys and if something would have happened I would have been there. If I wouldn't have been there I would have been there later and I surely would have heard about it and I would testify until I turned blue in the face, I didn't see anybody in my company or in my platoon do anything that was not according to the laws of the Geneva Convention or however you want to say it.

Q. Did you hear any scuttlebutt about the 1st Platoon operating across the river that day?

A. Not that I can remember.

Q. Nothing about an excessive amount of firing?

A. The 1st Platoon was always good at shooting at ghosts. They used to shoot up a lot of stuff. Not at people or nothing. They just--they'd get a few rounds and they'd start laying in fire all over instead of trying to figure out what it was or where it was coming from, but I don't know--no, that is not the same operation. I don't--well, you don't want to hear this.

Q. Yes, what?

A. Okay, you want to know, the 1st Platoon--all right, I can't say what operation, it might have been an operation afterwards or before that, but we were on--we were right on the coast and there was an island out there and there was a big long wide bridge, it wasn't a foot bridge, you know, path. It was real big. All right, they were out on that island, 1st Platoon alone and the next day or a couple days later or something they were supposed to come back, so Captain MICHLES called and told them and said, "Don't come across that thing until you cleared it." I think they had a couple of engineers, very seldom but maybe we had them that day so they waited and waited and the engineers didn't do it or something--somehow something didn't happen so there was four Vietnamese in the groups--four Vietnamese walking across the thing you see--so I don't know who said to do it or what, but they took the four "gooks" and turned them around and said, "We'll follow you back." Naturally, they stayed far enough away and--but when the "gooks" got blown away, the "gooks," they said when they come across they were walking like this (zig-zag) they were not going straight. They were walking funny. That's why they suspected, you know. In the first place it would be like suicide to go through there, because they had been in there for a day or two, you get what I mean, from the rest of them and naturally they could set in there and mine the road. So, the next morning from what we heard they turned the prisoners around, you know, the guys that were walking across and made them go back, you know, using them as point because if they come through there, well they knew it. Okay, if they didn't, they shouldn't have been there. If they come through there, the Vietnamese, they let the people know the stuff is there. As it happened, they didn't. As it happened they hit it.

Q. Was this after or before?

A. I can't really say. I think it was after that happened, after I was wounded and on a later operation, but I can't say for sure. It may have been the first week I was in the country, I can't remember.

Q. These people were blown up on the bridge?

A. Yes.

Q. They mined the bridge?

A. No, it wasn't a bridge--well--there was a bridge. It was like a levee.

Q. A dike?

A. Yes, it was as wide as this table or wider (pointing) and it went out of this (indicating on MAP-3) so the water could run through. It reminded me of this (indicating on MAP-3). If this is the village I'm thinking of, it was always rundown.

Q. It was the causeway probably?

A. Right, the causeway. This must have been the bridge and this was like a levee and they supposedly boarded up the concrete part, the mine or whatever it was detonated there. They hit it. The ones that were alive were evacuated. They were dusted-off and the engineers--I don't know if they went on out there or not. We never depended on them too much.

Q. Do you remember any of the engineers that worked with your unit?

A. No, I honestly can't say--I can't remember names or even what they looked like. I remember one of them was a little chubby guy and he was following me one day and he was in our platoon. He had this mine, it must have been his very first day in the field and he had all of his stuff over him and he was dropping it and he was supposed to be up front. We had one of our men up front protecting him with a mine detector. But, then again I'm not saying all of these guys were a waste, just like in the infantry we had some sorry people in our outfit once in awhile.

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

A. No, because it was--nobody told us not to discuss anything.

Q. You never heard anything about this?

A. No.

Q. A lot of killing or unnecessary killing on this operation?

A. No, as long as I was in Vietnam--I was from January of 1968 to March of 1969. All of the time I was over there I never heard of any mass murders or any discrepancies of any kind towards--or even the battalion or anything when we were in that area. Naturally, during the summer we slowly phased out of the area. I guess they figured they lost too many guys.

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

A. Some did it. I wouldn't say a problem, because in my platoon--let me see. I know there was one or two that used it and one of them--he is dead anyway, but the other one--they used it when they come into base. They used it then, but they wouldn't smoke it in the bunkers. They would get away into the village. I heard when you are state-side and have training and everything, it's just like my parents. They think everybody in Vietnam smokes pot. But when I got over there I found the men were a great bunch of guys and the infantry--they didn't want to do anything to jeopardize their lives, because if they didn't have their stuff together--it only took a split second because you didn't get much sleep anyway. Even in the fire bases, the infantry had to pull bunker guard and pull patrol and KP too, while the rest of the people manned the guns or whatever they had to do. Personally, I don't think it was extensively used. Naturally, there are going to be some to do it anyways.

Q. Did you ever hear of any U.S. or ARVN individuals torturing VC suspects or prisoners of war?

A. I have heard nothing about my company, not my personnel. I have heard old stories. I heard stateside where they take them up in a helicopter and throw them out and stuff like that.

Q. I'm talking about confining it within this area?

A. No.

Q. And also in this operation.

A. This operation, as it was, I didn't have much time.

Q. Did you ever hear of it?

A. No, I've heard and seen guys slap people around, but sometimes it was justified, because if you are searching through a lady's hootch and sometimes they get a little hateful and resentful, which I can't blame them, I wouldn't want anybody to come into my house and tear it apart, but all and all, I think the time I was in the field with Bravo Company and the men I served with, I think they did their job very well.

Q. Do you have any further statements or testimony that may help us with investigation?

A. Not that I can think of, unless you got any more questions. I can't think of any specifics to bring out.

Q. Did you have a camera?

A. Yes.

Q. Did you have or know of anybody that had a camera on this operation?

A. I had one.

Q. Yes, but, your time in there was limited?

A. Yes. Michael SMITH had one, he's dead. I don't know his name, but I know his nickname, we called him--he was from Alabama. He had one too, a little Kodak.

Q. JONES?

A. David JONES. There probably were others, but I couldn't say, because at times whenever you could keep one working and you could get film--guys were going into the rear whenever they could and come out and sell it for double the price.

Q. Mr. SHIFLEY, I'd like to request that you not discuss your testimony in this case with others, including other witness, except as you may be required to do so before a competent judicial, administrative or legislative body.

(The hearing adjourned at 1216 hours, 4 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: ASKEW, Walter A.

DATE OF TESTIMONY: 28 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

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

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

Mr. ASKEW had never seen the MACV cards "Nine Rules" and "The Enemy in Your Hands" (pg. 4).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

Sergeant BRADDOCK was ASKEW's squad leader and Sergeant MCCLOUD was the third platoon leader (pg. 3). He was briefed by his squad leader on 15 March. There were no special or unusual instructions given for the 16-19 March operation. Everyone expected heavy resistance when they were told that they were going into Pinkville (pgs. 4-7).

3. B/4/3 COMBAT OPERATIONS, 16-19 MARCH 1968.

a. 16 March.

The witness landed on the LZ in the second lift. The doorgunners were firing as sniper fire was being received by the troops already on the ground from the village (pg. 7). Lieutenant COCHRAN had been killed prior to the second lift's insertion (pg. 8). While on the LZ they returned the sniper fire from the adjacent village (pg. 8). However, the witness stated that the

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in-coming fire was actually coming from C/1/20 (pg. 9). The second platoon moved off the LZ first, followed by the third platoon (pgs. 20, 21). He saw a helicopter evacuate some of the wounded, but he did not know if it was a C&C ship (pg. 10). The first platoon crossed a bridge while the remainder of B/4/3 remained in the general area (pg.10). At about 1630 or 1700 hours C/1/20 joined B/4/3 and the two companies set up their night defensive positions (pg. 11) in a nearby village (pg. 19). ASKEW noticed several uniformed interpreters in the area that night (pg. 12). They had several detainees, but he did not know which company had picked them up (pgs. 12, 13). He believed that a helicopter evacuated the detainees the next morning (pg. 14). ASKEW had no knowledge of VC suspects being shot in the laager position that night (pg. 19). He recalled a helicopter flew in a hot meal at the laager position. He did not know if he saw Lieutenant JOHNSON and Sergeant MINH on 16 March or if it was 17 March (pg. 17). Later on 16 March he saw an old man, who had been wounded when they fired into the village, west of the bridge which the first platoon crossed (pgs. 18, 19).

b. 17 March.

B/4/3, minus the first platoon, moved toward the bridge on 17 March 1968. However, before reaching the bridge, they heard firing in the vicinity of the bridge (pg. 21). They halted for 20 to 30 minutes (pg. 21). Two gunships came on station and strafed the area close to the first platoon's positions on the east side of the bridge (pgs. 21, 22). After crossing the bridge, TAYLOR, who was wounded, was evacuated by a helicopter which ASKEW saw land (pg. 23). He did not see any bodies there (pg.23). Around 1300 ASKEW saw a helicopter land and a Stars and Stripes photographer joined B/4/3. The photographer remained with the first platoon. He was wearing a soft cap, and he carried a camera (pgs. 24, 25, 27). The chopper also brought in Lieutenant MUNDY and supplies (pgs. 25, 26). The third platoon stayed in the vicinity of the bridge to secure the mortar while the rest of B/4/3 moved south (pgs. 26-28). Before the company moved south, ASKEW had a conversation with Amos WILLIAMS, a member of the first platoon. WILLIAMS told him that the

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5. OTHER INFORMATION.

a. ASKEW had not discussed this operation with anyone in B/4/3 since returning from Vietnam (pg. 2).

b. The witness stated that marijuana was smoked prior to operations and that he had used it to set up his "nerve". However, he testified that marijuana was not used on the 16-19 March operation because B/4/3 was on the move (pgs. 48, 49).

c. He never heard of any incident where members of B/4/3 molested women (pg. 50).



(The hearing reconvened at 1335 hours, 28 January 1970.)

COL WILSON: The hearing will come to order.

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

The next witness is Mr. Walter A. ASKEW.

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

RCDR: Please state your name, occupation, and residence.

A. Walter Adam ASKEW, 2611 Bolling Road, Southeast, Washington D.C. My occupation is student.

COL WILSON: Mr. ASKEW, the Peers Inquiry was directed jointly by the Secretary of the Army and the Chief of Staff of the Army for the purpose of determining facts and making recommendations concerning the My Lai (4) incident of March 16, 1968. In conducting his investigation General PEERS determined that it was necessary to have a complete insight into B/4/3 ground and air operations on 16, 17, 18, and 19 March 1968. He therefore appointed this interview team C, to assist him in developing the operations conducted by B Company during that time period. You may expect General PEERS or other members of his board to come in here and ask questions. It's quite possible as he goes around to his interview teams. In that case, if there is anybody that you are concerned as to their identity, I'll tell you who they are.

Your testimony will be taken under oath. A verbatim transcript will be made. A tape recording is also being made in addition to the reporter's transcript.

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

During the interview the board will use a chronological sequence of questioning. The first questions

will be concerned primarily with training which was received right before or after arrival in the Republic of Vietnam. The next questions will be concerned with the briefing that was given just before the combat assault down in Pinkville. The next series of questions will be concerned with the operations which were conducted on 16, 17, 18, and 19 March. The final questions will be to ask if you have any knowledge of an investigation or inquiry which was ever conducted in Vietnam on this operation. Have you got any questions about what I've covered?

A. No questions.

COL WILSON: Have you discussed this operation with anyone who was in your unit since you've come back from Vietnam?

A. No, I haven't.

Q. What was your assignment on 16 March 1968?

A. The operation?

Q. Yes, what was your duty assignment?

A. I was a rifleman.

Q. With what squad?

A. Third squad.

Q. Of what platoon?

A. Third Platoon.

Q. The 3d Platoon had three squads?

A. Right.

Q. Some of the platoons had personnel shortages and only had two, but you had three squads?

A. Right. We were short of men, but we always did have three squads.

Q. Who was your squad leader?

A. BRADDOCK, Sergeant BRADDOCK.

Q. Platoon leader?

A. Sergeant WILLIAMS.

Q. WILLIAMS?

A. No, I think he got killed. Sergeant WEBSTER.

LTC NOLL: WILLIAMS stepped on a mine, didn't he?

A. Let me see, Sergeant WILLIAMS got killed the same day Sergeant WATSON got killed, so we didn't really have a platoon leader, but an acting platoon leader, an E-5.

COL WILSON: How about Sergeant MCCLLOUD? Do you remember Sergeant MCCLLOUD?

A. That's who it was.

(MR WALSH entered the hearing.)

Q. Mr. ASKEW, I didn't inform you of what the interview team consisted of. There are three people on this interview team. Major THOMAS is the recorder. He maintains all of the documents. The people on the board are myself, Mr. WALSH on my right who is a civilian attorney who has volunteered his services to the Secretary of the Army to assist General PEERS, and Lieutenant Colonel NOLL on my left. The three of us have the authority to question you.

Now, Sergeant MCCLLOUD was your platoon leader?

A. Right.

Q. What was the disposition of the machineguns in the platoon? Did you have a machinegunner attached to your squad?

A. We had two machineguns. One machinegun to two squads. We had two machineguns in each platoon and divided up in different squads.

Q. Different squads at different times?

A. Right. It all depended on where the lieutenant wanted the machinegun.

Q. Exhibit M-2 is a facsimile of a MACV card entitled "Nine Rules." Have you ever seen that card?

A. No, I've never seen this.

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

A. No, I've never seen this card before.

Q. Mr. ASKEW, what I'd like to do now is to ask you to describe the briefing you received or the information you received about this time about the assault prior to going on the combat assault. As much as you can remember about it. I recognize it was 2 years ago. Then we'll tell you what we know about the task force and what it did the first day and days later and review from our standpoint what we're aware of. Before we do that we want to get an idea of the type of briefing you had, whether it was a squad leader briefing, or whether your platoon leader briefed you, or, if you can remember back this far, what you were told about the operation, prior to giving you what we know about it. If you would begin and let us know whatever you were told and who told you.

A. The operation of March 16, 17, 18?

Q. Yes. Now is there any question in your mind about which operation this was?

A. No. Well really, when we'd go on an operation, say like we're moving out the next day and we're going to Pinkville, that was our area of operation, our AO, we didn't get a briefing, just like they said we're moving out tomorrow at a certain time, going to Pinkville. We didn't ever know if it was a search and destroy or what type of operation it was. All we knew is we were moving out, going to Pinkville.

Q. Knew what time you were going and going by helicopter and so forth?

A. We knew what time we were going to leave by chopper and what time we were supposed to be ready to move out.

Q. Let me ask you some specific questions on this one, then. Who briefed you? Was it the squad leader or platoon leader?

A. Well, the CO, he would brief the lieutenant and the lieutenant would tell--told the platoon leaders to break it down into squads and the squad leaders would say, "We're moving out tomorrow to Pinkville, have your equipment ready." That's all.

Q. Did he ever use a map?

A. The lieutenant used a map, once he got into the area. We didn't use a map.

Q. The squad leader used a map when he told you where you were going?

A. You mean show us?

Q. Yes.

A. No.

Q. Did he have a map?

A. Right, he had a map.

Q. Where did the squad leader usually tell you you were moving out the next morning? Was this in a bunker or out in the open or anything?

A. Well, he'd come out to the bunker or if he'd catch individuals moving around the fire base, for example like, ordinarily, like once they get the word everybody knows we're moving out.

Q. Well, did he get the whole squad together or did he do it individually?

A. Well, like, if he go from bunker to bunker the whole squad would be together like breaking theirs down,

maybe four, three men in a bunker, come by and tell us we're moving out and he sent a squad leader up to tell us.

Q. There's no specific instructions on this operation which were any different from any other operation that you went on?

A. No, not to my knowledge.

Q. You don't remember whether it was described as search and clear or search and destroy?

A. Well, the way the operation went, it was like search and clear.

Q. No, I mean as far as the briefing goes.

A. Oh, no briefing on it.

Q. Now, how many times had you been into the Pinkville area before?

A. Quite a few times, went in January and February.

Q. Did the fact that you were going into Pinkville impress you as an operation which would be any different from any other operation you were going to run?

A. Well, like that was our operation. Well, that was our first area of operation when we got to Vietnam. We didn't know anything about Pinkville, about Vietnam, really when we first got over there because when we first got over there we took a few days operation right around the fire base. Then we went on a 6-day operation. After that, our area of operation was for Task Force Barker and that was our area of operation.

Q. Did the Batangan Peninsula area mean anything to you, the Batangan Peninsula, operations out there?

A. No.

Q. Did the squad leaders say anything about the enemy situation down there?

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A. Well, like we knew before this operation every time we went in there we got hit pretty bad. We already knew that. Every time we went into Pinkville that's what we expected.

Q. So when you're going into the Pinkville area you know what to think? You know what's coming up?

A. Yes.

Q. Were there any special instructions concerning your squad, that your squad was supposed to do that the rest of the platoon wasn't supposed to do, or the platoon was supposed to land and move all together?

A. Moved out together. We had no special instructions.

Q. Didn't have any special mission or anything? Okay. Let's take the operation itself now. Let me ask a couple of questions before we start on the map orientation. Do you remember which lift you were in? You were with the first group of helicopters that went out or the second group?

A. Second lift.

Q. Second lift?

A. Yes.

Q. Did you notice whether there was any firing or not when you landed?

A. There was firing because the first lift that went in there got hit pretty bad so when we got in we got sniper fire, too.

Q. Where was this fire coming from?

A. The village.

Q. Did you see any gunships?

A. No.

Q. I am going to give you the concept and what basically happened from the standpoint of the task force. When I give you this Mr. WALSH will take the photograph and give you a more detailed orientation.

(The witness was given an orientation on Exhibit MAP-4 and aerial photo Exhibit P-168.)

Do you recall when you hit the landing zone and your platoon moved out what the order of march was in the company? Was the 3d Platoon the first platoon to move out or was the 2d Platoon the first platoon to move out?

A. 2d Platoon. That's when Lieutenant COCHRAN got killed. Like I say, we had fire coming from the village. After we came in, Lieutenant COCHRAN already had got killed. We were held up for maybe 15 or 20 minutes. We hit a hole and we didn't see them, but we were firing into the village. After that we stayed around that village for maybe an hour, as I recall. Then when we moved out, I think 3d Platoon moved out first.

Q. From the landing zone, you mean, or from the village?

A. The landing zone, like I say, the landing zone is right by the village. Where Lieutenant COCHRAN got killed. He got killed in a rice paddy. That's where we jumped out of the choppers, in the rice paddy, coming in on the second lift.

Q. How far from the landing zone, from where you landed, was Lieutenant COCHRAN killed?

A. About 25 feet. In a cemetery. He was going through a cemetery. The cemetery was right off the rice paddy going up a hill. And we got off right in the rice paddy, got all wet because we were firing at somebody. They say it was coming from Charlie Company as they were coming from the village. But we didn't know.

Q. This firing, about how far away do you think it was?

A. Well, at the proper time and the situation it looks like it could have been close and then after you think about it it could have been far.

Q. Could you see the village where the firing was coming from?

A. We saw the village, but we didn't actually see any fire. We heard fire and it sounded pretty close. We got off, hit the rice paddies, full of water. We tried to move out of the rice paddies and we hit a big hole about 25 meters from the village. I recall the fire from the village because we wasn't really in a fire fight because they was all pinned-down. The fire was coming from Charlie Company.

Q. Did your whole platoon open fire on the village?

A. No, maybe half of them, because I don't think the third lift had got in.

Q. There weren't but two. I don't think there were but two lifts in. Usually got both companies in with two lifts.

A. I know like our platoon, about half of them were firing.

Q. When you left the landing zone and moved north, do you recall crossing a fairly good trail?

A. Right.

Q. Do you remember a gate over the road?

A. Right.

Q. Now how far were you from that gate when Lieutenant COCHRAN was killed?

A. From where Lieutenant COCHRAN got killed?

Q. Yes. About how far were you from the gate?

A. About 200 meters or more.

Q. Which side of the road were you on when he was killed?

A. On the right side of the road.

Q. And you just held up for a while. Do you remember the helicopter coming in and picking up the casualties?

A. Yes.

Q. Do you remember the helicopter that came in first? Was it a medevac chopper? You had two groups of casualties. You had COCHRAN and some wounded, and in about 40 minutes you had some more. Do you remember either one of these helicopters coming in being a command and control ship from Colonel BARKER's headquarters?

A. Command and control ship?

Q. Command and control ship. Did you see Colonel BARKER out there?

A. I never saw Colonel BARKER.

Q. Did you see the casualties being evacuated?

A. I saw one chopper come out, but I didn't see who was on the chopper. I wasn't in a situation to see who was on the chopper. I wasn't that close when the chopper came in.

Q. Okay, what did you all do the rest of the day?

A. Well, we moved out. The 1st Platoon went across this bridge. We stayed across the bridge, and we held up for the night there. The next morning 1st Platoon came back across.

Q. Do you remember when C Company came in? Do you remember when you all linked up with C Company?

A. We linked up with C Company, I think it was the second lift.

Q. No, you remember you said you laagered with them. I'm not talking about the 1st Platoon now.

A. You mean the whole company?

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Q. When B Company linked up with C Company?

A. We didn't actually, well, like we saw them, but they was like across the road.

Q. C Company was?

A. Right. We didn't actually--oh, yes, we did.

Q. Yes, you're thinking about the platoon?

A. Yes, we did, right in the rice paddy.

Q. Do you remember what time you all--

A. (Interposing) Laagered?

Q. Yes, with C Company. Do you remember what time they came in?

A. They came in about 4:30 or 5, because they didn't have enough time to dig foxholes. It got dark.

Q. And you had already been there?

A. Yes.

Q. Okay, now. Do you recall whether C Company had some ARVN soldiers or National Police with them?

A. No, because, like, I didn't see the CP group. The only guys I saw were setting up their positions.

Q. You didn't see the whole company, then? You just saw parts of it?

A. Right. I didn't see the whole company as a whole.

Q. Did you see any ARVN or National Police there that day?

A. What about interpreters?

Q. Did you see interpreters?

- A. There were a couple of interpreters.
- Q. Did they come in with C Company or were they with B Company?
- A. Each company had an interpreter.
- Q. How many did you see that day?
- A. Both companies?
- Q. Yes.
- A. Quite a few because like we got more interpreters-- I guess there were seven or eight.
- Q. They had on uniforms?
- A. Yes.
- Q. Did you see any National Police? Do you recognize anybody in that photograph (Exhibit P-18) and also that area?
- A. I recognize that guy.
- Q. Who is that?
- A. HUFFMAN.
- Q. P-18 shows HUFFMAN. He's the only U.S. type there.
- A. He's guarding the prisoners, I remember that.
- Q. Do you recognize any of these people, these Vietnamese?
- A. Well these were the people that he was guarding.
- Q. Where did they come from?
- A. Out of the village, out of the village that-- I bet we picked them up in the village coming through this area.

Q. In other words, these people were picked up by B Company?

A. Yes.

Q. Do you recognize this area here?

A. Yes, this is where we met up with Charlie Company.

Q. Why do you recognize that area?

A. Terrain features.

Q. Did you see these people at the time you linked up with Charlie Company? Was that the first time you saw them?

A. Come to think of it I believe it was.

Q. What I was going to ask you is had you seen them before?

A. Before we linked up with Charlie Company, to tell you the truth I really can't remember now, if we already had them out there of if Charlie Company brought them out. I can't remember now.

Q. This is what we're trying to find out, if they came out there with C Company or not.

A. But I think B Company--because like if Charlie Company had any we wouldn't guard them.

Q. HUFFMAN wouldn't be their guard?

A. No, it would be someone from Charlie Company.

Q. Unless there was a provision for one of the companies to evacuate the VC suspects. Well, do you recognize this piece of terrain here as being anything specific?

A. The only thing I remember about this terrain feature is where we laagered for the night.

Q. You remember that?

A. Right.

Q. Do you know what happened to these people? Did you see them?

A. At night we tied them up.

Q. They stayed there that night?

A. Yes.

Q. Did you see them there the next morning?

A. When we first got up, but then after that I think a chopper came and got them.

Q. The next day?

A. The next day. They didn't go along with us, not too far anyway.

Q. Do you recognize anything in this photograph, Exhibit P-19?

A. Nothing that I can remember.

Q. Do you recognize anything in P-20?

A. That's the mortar platoon. We aren't normally too close.

Q. They're people from the mortar platoon. You don't recognize that area or that hootch or anything like that?

A. No.

Q. How about P-21, that man in uniform?

A. He's in the 1st Platoon.

Q. You think this man on the left is in 1st Platoon?

- A. I think so.
- Q. I'll show you another picture of him, P-22.
- A. I think he was a captain and he was--I know he was an officer, but like he had something to do with MACV.
- Q. Was he an intelligence officer?
- A. Yes, that's what he was.
- Q. He was an interrogator?
- A. Yes, he was an interrogator.
- Q. Do you recognize this man with him?
- A. That's the man who was with him.
- Q. A Vietnamese interrogator?
- A. Right.
- Q. Interpreter.
- A. Right, I remember him.
- Q. Did you by any chance see this old man?
- A. No.
- Q. Man on the left is--
- A. (Interposing) Captain MICHLES.
- Q. Do you recognize any of the Vietnamese in this picture?
- A. I recognize old "papa san." I think I remember that situation.
- Q. What was going on there, do you recall (P-23)?
- A. I think they was checking the ID's.

Q. Where was this?

A. Pinkville.

Q. We know it was in that area.

A. You want to know the specific--

Q. (Interposing) We're trying to find out if this was before you got to the laager area or after you got to the laager area or--

A. (Interposing) It would have to be before.

Q. It was before? Do you recognize--looks like an interpreter--this Vietnamese here?

A. Right.

Q. Was he with your unit?

A. He wasn't. I think he came along with--

Q. (Interposing) The same one that was with the intelligence officer that you pointed out. This man in the center, this Vietnamese in the center looking towards the camera, you pointed to him. Did you ever see him?

A. I recognize him.

Q. Anything in particular?

A. No, just his face looks familiar.

Q. This is P-66. Have you ever seen this man on the extreme left?

A. This one here?

Q. Yes.

A. No.

Q. The officer which you identified in those two photographs is Lieutenant JOHNSON and it was his interpreter

with him. His interpreter was named MINH, Sergeant MINH. When C Company came in, I was just trying to determine if you had much contact with them or if you saw whether they came in with any Vietnamese or ARVN or anything like that?

A. No, because we was already set up in position and like, when they came in, only guys we saw were the ones that were setting in a position close by our position. Like I say, I didn't see the CP group come in. If they had any interpreters they would be in the CP group.

Q. All right, you stayed there that night. Did any helicopters come in, bring you any hot rations or anything like that?

A. We had a hot meal.

Q. You had a hot meal?

A. Yes.

Q. Did they bring anybody in with them? Do you remember seeing this Lieutenant JOHNSON out there?

A. I don't know how he came out there. I didn't see him get off the chopper.

Q. Well he could have come in any time during the day.

A. No, I didn't see him that day.

Q. You didn't see that interpreter with him?

A. I believe it was the next day when I saw him.

Q. Did you see anybody that you didn't know come in that day before you linked up with C Company?

A. It was either Lieutenant JOHNSON or the interpreter. They either came in the day we got with Charlie Company or the next day. They possibly came in the same day with Charlie Company.

Q. You stayed around this area up there most of the day, then laagered there that night. Was this right outside of the little village?

A. Right. Outside the village.

Q. Were there any casualties that day? Were there Vietnamese casualties in this area? Anybody get wounded, from a Vietnamese standpoint?

A. Well, the only one I know was an old "papa san" got hit in the legs.

Q. What happened to him?

A. I think we left him there.

Q. You mean the platoon left him there?

A. We moved out, the whole company moved out.

Q. Where was he wounded, on the landing zone or--

A. (Interposing) Right. See, when I told you we came off the landing zone to the rice paddies we heard fire. We fired into the village and "papa san" got hit.

Q. In the village?

A. Yes.

Q. Did you see him?

A. Yes.

Q. How far was he?

A. When we was firing?

Q. No, when you saw him.

A. I walked up to him.

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LTC NOLL: When you were lifted into the area did the platoon come in as a unit or was it split between the first and second lifts?

A. It was split, but it wasn't split in a large amount. It was split in a small amount.

Q. Five of your platoon already on the ground when your group came in?

A. Right, but not that many.

Q. Do you know what other platoon came in with you? In other words, I'm sure what was left of your platoon didn't fill up those nine choppers.

A. No, the 2d Platoon. No, it had to be 1st Platoon because the 2d Platoon was already lifted in.

Q. Did the 1st Platoon move out of the LZ behind you?

A. No, they moved out before us.

Q. The 2d Platoon moved out first?

A. No, 2d Platoon, they were the only ones that had the casualties, so they didn't move out first.

Q. Well they didn't get the casualties until they got away from the LZ. We're just trying to find out how they moved to a different location.

A. Are you talking about--

Q. (Interposing) I'm talking about getting out of the LZ. Only getting away from the LZ.

A. Getting away from the LZ, who moved out first?

Q. Yes.

A. 2d Platoon.

Q. Then what platoon followed them?

A. 3d Platoon.

COL WILSON: All right. You stayed there overnight; nothing eventful happened and started moving out the next morning. Do you know what--whether it was the 1st Platoon ahead of you or was your platoon in the front as you moved towards the bridge?

A. We moved toward the bridge first.

Q. As you moved down the road, do you remember when you passed under that thing over the road?

A. Yes.

Q. Do you remember it being there? Had you passed under it when the firing started on the other side of the river?

A. Yes, because, like, when the firing started we jumped into a building and that was on the other side.

Q. Did you hear firing going on over there?

A. Right, but we didn't know what it was all about.

Q. How long did you halt there before you moved out?

A. About 20 or 30 minutes.

Q. And then did the fire seem to taper off or stop or did it continue?

A. I guess it went on for about 5 or 10 minutes.

Q. Did you see any gunships come in that day?

A. Yes.

Q. Do you know how many?

A. Two.

Q. Did you all start moving before or after the gunships came in?

A. After the gunships. Well we moved up a little bit and then we stopped because the 1st Platoon was firing, I think. One buddy of mine in the 1st Platoon said the gunships were going to hit them.

Q. You mean the gunships came in close?

A. Yes.

Q. Who told you that?

A. Amos WILLIAMS.

Q. WILLIAMS?

A. Yes.

MR WALSH: Where does he live now?

A. Florida.

Q. Do you have his address?

A. I have it, but it's at home.

Q. We've had a little difficulty locating various people.

A. (Interposing) I have a few addresses.

Q. It would be very helpful.

A. One lives in Baltimore.

COL WILSON: I want you to contact the witness section before you go, find out which addresses you have and see if we've got them.

You moved on after the gunships stopped their firing or made their firing passes?

A. Yes.

Q. When you got down there to the bridge and crossed the bridge, was TAYLOR already evacuated or was he still there?

A. TAYLOR, yes. TAYLOR was the guy who lost his toes. After the gunships, I think was evacuated.

Q. Did you see a helicopter come in and pick him up?

A. Yes, I saw that.

Q. Now, he was gone when you got there, is that right?

A. TAYLOR?

Q. Yes.

A. No.

Q. He was still there?

A. Like after the gunships--

Q. (Interposing) You mean after you crossed the bridge, TAYLOR was still there?

A. Yes, he was there.

Q. He was there?

A. Yes.

Q. Was there still any firing going on when you crossed the bridge? Did you see any bodies?

A. No bodies. We didn't really know what it was all about. It was 1st Platoon that was firing. We didn't see any dead bodies.

Q. When you crossed the bridge and got on the other side of the river, did you all halt again or did you keep moving?

A. I think we came back and set up for the night alongside the village. I remember like, myself and PARKER,

we set a tripflare on the bridge. I remember we stayed close by the bridge that night.

Q. Now, the company crossed the bridge. Do you remember seeing a helicopter come in, bringing some supplies?

A. Not at that particular time. You're talking about the day that TAYLOR stepped on the mine? What happened there is that the 1st Platoon crossed the bridge, and I think like they stayed across the bridge. We stayed on the other side of the bridge. The next morning they came back across and then we went back across the bridge.

Q. Did you see a helicopter come in after the firing was over, after you got on the other side of the river?

A. Right.

Q. That brought in some supplies or anything like that, or brought in maybe a couple of people?

A. It brought in a photographer.

Q. Did he have a MACV insignia on?

A. I think so. He was from that paper.

Q. Stars and Stripes?

A. Stars and Stripes.

Q. Do you know what time he came in?

A. I believe it was about 1 or 2 in the evening (afternoon).

Q. Did you talk to him?

A. I think he was with 1st Platoon.

Q. And you didn't have a chance to talk--how did you know he was a photographer?

A. Word got around.

Q. Did he have on a uniform?

A. Well he had on jungle--

Q. (Interposing) Jungle outfit? Had a weapon with him? What kind of a helmet was he wearing, headgear?

A. I don't think it was a steel pot.

Q. A soft cap of some kind? Is there anything else that could be identified? Did he have on crests? Was he wearing "U.S. Army"? Did he have a grade rating, or name tag?

A. I think he was a specialist five. I don't know his name.

Q. Don't remember his name?

A. A signal patch. All I know is he was a photographer. I saw him when he got off the chopper. I didn't know who he was. He had this camera.

Q. What kind of camera did he have, 35 millimeter or did he have a big speed graphic?

A. I can't remember the size. I knew it was a camera.

Q. Did you see anybody else with a camera? Did you have one?

A. No, only the guys in the company had a little "104."

Q. Did you know anybody that had one that day?

A. Amos WILLIAMS, he always carried one.

Q. Did anybody come in with that photographer?

A. I know water came in with the chopper, and our XO came in, Lieutenant MUNDY.

Q. Lieutenant MUNDY came in with the photographer?

A. I think so because like Captain MICHLES was going on R&R or something like that. I know he stayed one day out there.

Q. Who?

A. Lieutenant MUNDY.

Q. All right. That chopper came in and brought the various things: the XO, and the photographer, and the water. Did they bring any demolition out there? Did you see any demolition?

A. At this particular time?

Q. Yes.

A. They brought some mortar for the mortar platoon.

Q. Brought some what?

A. Some mortar rounds.

Q. All right. The company moved south that day. Now it could be that you stayed up there, I'm not saying you didn't. But the company moved south and they went all the way down to the end of--crossed the bridge and went all the way down to the tip down there.

A. We stayed there quite a while.

Q. Did you stay there all day that day?

A. Not all day, but like--because like after a while the photographer came, he left and we were still--when the chopper came in we stayed and 1st Platoon moved out.

Q. You were with weapons platoon?

A. Right.

Q. And you saw the mortar go into position over here?

A. Right.

Q. And you stayed there with the mortar?

A. Secure the mortar.

Q. The whole platoon stayed there?

A. 3d Platoon. 1st Platoon moved out.

Q. Okay, the company went on south, now from what we understand the photographer went with the company. Did the photographer stay there with you all or--

A. (Interposing) No, he went with the 1st Platoon, went with the 1st Platoon.

Q. Stayed with the 1st Platoon?

A. Right, because we didn't get anybody to take pictures in our platoon.

Q. The company came back and established a laager position here and you established an ambush up here?

A. Right.

Q. Did a helicopter come in there that evening?

A. Yes.

Q. How did the photographer get back to your location?

A. I think he didn't come back to our position. I think they picked him up.

Q. Brought him to the company?

A. Right.

Q. Did the helicopter come into your location that night?

A. No, the only chopper that came into our location was when they got off and the water got off.

Q. That was that day, earlier that day? You didn't get any rations that night from the chopper?

A. No, we already had rations.

Q. Did you see any smoke either over across the river to the east or down to your south where those villages are?

A. That was 1st Platoon. They were doing a thing down there.

Q. They were what?

A. They were firing.

Q. You could hear firing going on down there?

A. Yes. They were doing a thing, but I don't know where it was.

Q. Now, it was the 1st and the 2nd Platoon?

A. Right.

Q. And the company headquarters group?

A. Yes. The 3d and the weapons platoon--

Q. (Interposing) Up here by the bridge.

A. Right.

Q. Could you see smoke coming up from the coast?

A. Yes, we saw smoke.

Q. How about over across the river here to the west? Did you see any smoke over in this area?

A. There was smoke all around the whole thing.

Q. And you heard firing over here, down in B Company area?

A. Well, 1st and 2d Platoons hadn't even moved out of the area?

MR WALSH: When you got across the bridge and linked up with 1st Platoon, did you take a break in there and have a chance to talk to people or--

A. (Interposing) I think they came back the next morning.

Q. No, no. I'm talking about the second day. Across the bridge the first time after TAYLOR got wounded, did the company take a break and get a chance to talk to any people from the 1st Platoon?

A. Yeah. I saw them before the (inaudible).

Q. Did they tell you about their operations the day before?

A. Well, they would say when they went across the bridge there were no mines on the bridge, but when they came back there were, like, five mines on the bridge.

Q. Did they say they had killed a lot of VC the day before over there?

A. Like you said, they had killed some.

Q. They killed a lot of people anyway over there. I know you weren't there, I just want to know what you heard when you went over there. What can you remember about that?

A. Well I remember like, I was talking to Amos, he told me that when they went across the bridge there was no mines or nothing, but he said when he came back there was a lot of mines. TAYLOR got hit. They killed some people.

Q. Are you talking about right after TAYLOR got wounded or the day before when they went out?

A. After TAYLOR got wounded, I think it was.

Q. He didn't say anything about the day before, when they first moved into the village?

A. I think a lot of people got killed.

Q. This is not a surprise to us, as you can imagine. I'd like to know what you heard.

A. Well, like I say about 60 people got killed.

Q. About 60?

A. Yes.

Q. Do you remember if you heard that number 60 at that time or some other time?

A. At that time.

Q. Did they explain how they had gotten killed?

A. TNT.

Q. TNT mostly?

A. Machineguns.

Q. Machinegun mostly or some of both?

A. All kinds, grenades, TNT, C4.

Q. Can you tell me anything about what the men's attitudes were about it? Did this bother them at all or was this what their orders were to do and did a good job of it?

A. I guess it was orders, like every time we do something we get orders.

Q. But none of the men were telling you this in the way that they felt badly about it.

A. No, none of them felt bad about it.

Q. Then after TAYLOR got killed--I'm sorry, TAYLOR hit the mine and there was all the firing then, did they get any more people then or were they all gone from the day before.

A. I don't think they got any that I can remember the day that TAYLOR got killed.

Q. All right now, after you set up there around the bridge and the other platoons moved out, weren't you a little curious to go look and see the village, see what had happened to it?

A. We didn't go.

Q. You didn't?

A. Our platoon, we never did go.

Q. You just stayed right around the bridge.

A. For the night we moved up, we moved the opposite way.

Q. I know, but as I understand it there was the little village that had been burned the day before that wasn't very far away from the end of the bridge. I just wondered if anybody from your platoon moved around the area there to take a look at things? You just stayed right at the edge of the bridge? Did you see any bodies at all anywhere?

A. No.

Q. Do you remember, in the afternoon, HUFFMAN bringing in a wounded woman or somebody bringing in a wounded woman, calling for a dustoff for her?

A. I think I remember it.

Q. What do you remember about it, had she come up or how had she been found?

A. I don't know the facts behind the situation, but I do remember a woman being brought, somebody brought her in, but I don't know how.

Q. Do you know how she got hurt?

A. Somebody brought her in. I don't know how she got hurt. I think I remember somebody bringing a woman in.

Q. Do you remember if she was dusted-off?

A. More than likely she was. She probably was dusted-off because Captain MICHLES was--

Q. (Interposing) Was Captain MICHLES with your group?

A. No, he was with the 1st and 2d Platoons.

Q. Did you see any civilians around the area while you were sitting around this day, other than the wounded woman?

A. We saw a few because, like there was a lot of little boats and things, sampans.

Q. People out in the ocean in the Sampans?

A. They weren't out, but they were close on the water.

Q. But there were a few around there? Do you remember if some of them brought this wounded woman in?

A. I can't remember. I don't know how she got there.

Q. You don't remember anything else about that day that sticks out in your mind at all?

A. Not that I can remember.

LTC NOLL: I'm trying to fix a little better in my mind just where the platoon, your platoon, spent the day, right off the end of the bridge there?

A. Our position was like maybe 15 meters from the bridge. Harry PARKER, myself and two others, our position was like right out about 15 meters from the bridge. We set a trip-flare on the bridge.

Q. Did you have a fairly tight perimeter?

A. Right. We didn't like the enemy at all and we had a pretty tight perimeter.

Q. Was there any reason that you all did not go into the village where the buildings had been, where the other platoon operated the previous day? Was there any particular reason given for not going into the village?

A. No, they didn't give us a reason. They gave us no reason, like whatever happened over there, whatever happened, we were over there, we'd just get up and go over there and just look around for curiosity. We'd just go if they told us we had to go. But it was like about 200 meters from us.

Q. Were your squads put in so that one squad was looking to the north and another squad looking to the south in your perimeter?

A. Well, in the perimeter we were looking all four ways.

Q. Did you hear any demolitions going off from the company that was moving south, that portion of the company moving south?

A. I think they had a lot of TNT and a lot of C4.

Q. Did you hear any talk about the results of the use of TNT or results of the use of the C4?

A. Like I was telling him about C4.

Q. Was that the 17th or the 16th?

A. It had to be the 16th. The 18th we got mortared and the 19th--

COL WILSON: You crossed the bridge on the 17th.

A. Well, it had to be the 16th.

Q. Did you see any fresh graves over there?

A. I didn't see any fresh graves.

Q. We've had reports that there were VC KIA. We had information releases on kills during this operation. The 1st Platoon leader reported somewhere between 20 and 40 KIA's depending on which report you read. What happened to these people? Have you got any idea what happened to the bodies?

A. I didn't see any. We didn't even go in that direction, before or after. We didn't go in there. Our platoon

didn't. I don't know what they did with the bodies. That's the only thing I know. What I heard.

Q. Were there any activities that night?

A. No, it was kind of quiet really, just down by the bridge. Nothing happened that night.

Q. All right, what happened on the 18th? The company came back up?

A. Yes, we moved out as a whole company. That whole day I believe we gathered up something like 400 people over there.

Q. When you moved out you moved out to the north?

A. Right, down by--

Q. (Interposing) On Exhibit MAP-4, there's the bridge, you moved up the coast?

A. Right. We were close by the China Sea. In that whole area we gathered something like 400 people. It took us all day. We gathered a whole lot of people up.

Q. When you moved up you moved into a village called Ky Xuyen (1) which is indicated on the map?

A. Yes, we moved into a whole lot of them.

Q. Or you moved into that area?

A. Yes.

Q. And then you crossed this sandy area here?

A. Right.

Q. Now where did your platoon go when it got up here? Did it stay on the coast or did it move into the villages?

A. We were on the coast most of the time. We came in like we came in from the coast because there were a lot of

dead fish and boats coming out of the first village that we went into. We gathered up all the people, like the whole company, we gathered about 400 people up, a whole lot of people, everybody that could walk. We left the crippled behind.

Q. Did you notice anything or any helicopters come in with anything unusual on your move from the bridge after you had joined the company?

A. That particular day more interpreters came in and I think Colonel BARKER was out there.

Q. Well these interpreters that came in, when did they join you, after you left the bridge?

A. Yes, the day I'm talking about now.

Q. You mean up in the village?

A. Right. Because we had a whole lot of interpreters because like I guess they had planned an operation.

Q. Did you see any of them that came up with the rest of the company when they joined you at the bridge? Were any strangers in that group that you hadn't seen before?

A. Just our interpreters that had been along with the company.

Q. No strangers?

A. No.

Q. Did you see any ARVN with them aside from the interpreters that you referred to?

A. When you say ARVN you mean--

Q. (Interposing) I mean military Vietnamese.

A. Interpreters.

Q. Yes, well--

A. (Interposing) Just the interpreters would be along on a regular operation. But like I say, you know, that particular day we gathered all the people up they had more interpreters, so more interpreters came. I think Colonel BARKER came out that day, too.

Q. You swept those villages up and rounded up a bunch of people and some helicopters came in bringing more interpreters. Did you see any medics come in with the helicopters?

A. Any medics, no, we just had our regular medics.

Q. All right now, these interpreters, when you saw them, were they interviewing the people there? What were they doing?

A. They were with Captain MICHLES and all like they was, you know--

Q. (Interposing) Were there any U.S. personnel with the Vietnamese interrogators, interpreters?

A. I don't know.

Q. Did you see any of the interpreters interrogating Vietnamese that had been rounded up?

A. Captain MICHLES would ask, was asking questions, they was just talking, he was translating.

Q. Captain MICHLES was doing all this?

A. No, whatever Captain MICHLES wanted to know, they had interpreters there.

Q. Did you see any unusual techniques being used?

A. Not that particular day.

Q. Did you see any used at all during this operation?

A. Techniques?

Q. Force. Were any of the Vietnamese being forced to do anything that--

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LTC NOLL: Did you all search this area or did you just round up the people, some of the people?

A. We rounded up everybody we saw that was able to walk. We just left the crippled and real sick behind.

Q. Did you search any of the villages?

A. Yes, we go inside of hootches and gathered people outside.

MR WALSH: Did you blow any bunkers while you were searching that third day?

A. No.

Q. In other words it was a different kind of operation, that third day, than it was the previous day?

A. We were burning hootches, but like the third day we didn't burn. It took us the whole day to gather up all the people and bring them back to our destination.

LTC NOLL: Did that strike you as odd?

A. No, not really, because like whatever we have to do, it changes, changes all the time. Do this and do that.

MR WALSH: Well it's not much of a search and destroy operation if you're walking around and just collect all the people and bringing them down to--

A. (Interposing) See like we don't know, like I told him we don't know what type of operation. The CO and lieutenant, maybe they know, but once we get out there, they say burn the hootches.

Q. On the third day you got some kind of an order there would be no more burning hootches.

A. Right.

Q. And you didn't worry about checking out the bunkers and blowing them during the course of that day?

A. No. I remember only one incident. We didn't blow any bunkers. We were gathering people up. I guess he was a Viet Cong. He tried to get away. I know my platoon and myself and two more guys, we saw him. We shot into the bunkers and threw some CS gas in behind him. He disappeared. We didn't get him. That's the only incident I know about that day.

LTC NOLL: Let me go back to the 17th a moment. Did you destroy any mines on the 17th, find any mines and destroy them?

A. No, I think we found a large tunnel. They called in demolition and it was blown. I think it was a three-level tunnel.

Q. Do you recall finding any rice at any time?

A. We used to find rice a lot. I can't remember if we found any that day or not.

COL WILSON: This three-story tunnel you're talking about, was this in the first village across the bridge? Is that where you're talking about where this tunnel was?

A. I think it was after we crossed the bridge. I think it was the same day that we were burning the hootches.

Q. Was it in the village where all the firing was going on?

A. Where the firing was going on?

Q. Yes. You know the village that was taken under attack.

A. No.

Q. It wasn't that village? Which one was it?

A. It wasn't really a village, like it was a village, but it wasn't standing any more, you know, old rundown hootches and stuff, like somebody just found a tunnel and blew it.

Q. This demolition you say was brought in for that purpose?

A. Right.

Q. Was anybody brought in to do this job or--

A. (Interposing) No.

Q. Your B Company people do it?

A. They called demolition in.

Q. Engineer demolition team?

A. Right.

Q. They came in and--

A. (Interposing) EOD

Q. Was this something that happened while you were up there with the mortar platoon, the rest of the company was gone or what?

A. No.

Q. Was the whole company there?

A. Yes, because we was all around. It was the same day this guy sat on a mine.

Q. You're not talking about TAYLOR?

A. No, not TAYLOR. This particular day we blew the tunnel it might be on a different operation.

Q. I think you might have it mixed up.

A. It was in Pinkville but it might have been a different operation.

Q. What happened that night?

A. After we gathered all the people we laagered in and got our positions. It was 2 o'clock that morning we got the mortar. We got mortared and then we received fire, they

was trying to ground attack. Captain MICHLES called in gunships, artillery, and the Navy was right out there in the water, but I don't think they was firing.

Q. You got mortared pretty bad?

A. We got mortared pretty bad. And I guess we got about like maybe two mortars because we didn't know what was going on and an hour and a half later two more came in and that was the last one.

Q. You mean you had two different volleys of mortar fire?

A. One round came in an hour and a half later.

Q. Into the perimeter?

A. Right. But no one didn't get hit--

Q. (Interposing) From the second time?

A. Right.

Q. All your casualties were from the first?

A. Yes.

Q. MILUS was killed and you had some casualties?

A. Right.

Q. Did you see an old Vietnamese or Vietnamese woman brought in that day with a leg badly wounded, before night?

A. Before night, that's when we had all the people. I couldn't remember that.

Q. Anything else happen that night unusual besides the mortar action?

A. Just mortar and sniper fire.

LTC NOLL: How many people were detained in this position and questioned, roughly?

A. Altogether no more than about 20.

COL WILSON: Do you have any knowledge of an investigation or inquiry being conducted on this operation while you were still in Vietnam?

A. On this particular operation?

Q. Yes.

A. Yeah. Like I was saying, this guy got beaten up, they electrocuted him shot, something like that. That's the only interrogation I remember.

Q. No, I mean after the operation, I'm speaking from a U.S. standpoint. Did you ever hear or do you know of anybody conducting an investigation on this whole operation that I was talking about, include B and C Company both. Anybody ever ask any questions about it?

A. Well I know one interrogation was going on when we were at Uptight.

Q. Were Americans being questioned by Americans?

A. Yes, two intelligence officers came up to Uptight.

Q. What were their questions?

A. Well like they didn't get around to us.

Q. What questions were they asking?

A. I guess they was trying to find out what went on in the operation.

Q. You say they were intelligenece officers?

A. Right.

Q. What kind of questions were they asking, do you know?

A. The only thing we could gather that they was trying to find out what went on on this operation.

Q. When was this?

A. This was on Uptight.

Q. How long after the operation?

A. I can't remember, I guess I'd say roughly between 2 and 3 days, 2, 3, 4 days.

Q. What rank were they?

A. I think one was a lieutenant.

Q. Was it this officer that you identified in the photograph?

A. No.

Q. Two or three days after the operation? Who did they talk to?

A. I guess they talked to the CO, CP group of 1st Platoon. They didn't get around to 3d Platoon. I don't know if they talked to anyone or not.

Q. Do you know--

A. (Interposing) We saw them come in on the choppers that day. I was about in the space where the choppers come in from Uptight.

Q. How long were they there?

A. I guess a couple hours.

Q. They didn't stay there over night?

A. No.

Q. You're sure they're intelligence officers?

A. What we gathered, you know, like it was intelligence officers, came with a brief case.

Q. We've got to try to get as much information as we can on this. Can you describe anything further about these people?

A. That's all the information we got on them.

Q. Did you see them?

A. Yes.

Q. Did they have any special insignia on?

A. I can't remember that.

Q. Did they talk to anybody besides B Company personnel?

A. I don't know. The way Uptight is, we were down to the bottom of the hill, at least our squad was down the bottom. We just saw them when they got off the chopper.

MR WALSH: Had you ever seen them before?

A. No.

Q. Did you know Major CALHOUN?

A. I never saw Major CALHOUN.

Q. You wouldn't know who he was?

A. No, but he was kind of young, and tall.

Q. You didn't think they were from Task Force Barker?

A. No, I know they weren't from Task Force Barker.

Q. Do you know what unit they were from?

A. No, like I say, the information we got on them, they said they were intelligence investigators or something.

Q. Could they have been talking about finding out information about the enemy that you picked up on the operation?

A. Possibly.

Q. You heard that they were trying to pick up information on the activities of American troops?

A. All I know is they were trying to find out information about what went on on the operation. I don't know what standpoint they were covering.

COL WILSON: Now you saw this was 2 or 3 days after you came back?

A. I believe it was the same operation.

Q. Do you think that date's pretty accurate, anything happen that you could remember that day or the day before, the day after--

A. (Interposing) No, not really. If I'm correct, it was after the same operation, I think I know two guys came up, I think it was after this operation.

Q. You're not sure, though, whether it was after this operation?

A. I couldn't say definitely, but I know two guys came up after an operation. I'm trying to think if it was this operation.

Q. Can you fix the apparent time that these people came up there in conjunction with casualties received? Was TAYLOR still there or was MILUS still there or had they become casualties?

A. I think MILUS was dead.

Q. You think he had already been killed?

A. That's what I'm thinking. MILUS was dead. I don't know, I couldn't say for definite whether it was after this operation or after another operation.

Q. In other words, if MILUS were dead it would have been after this operation?

A. Yes.

Q. Do you ever remember going back down into that area again after this operation?

A. No. I think that was our last operation--

Q. (Interposing) Down there?

A. In Pinkville period.

Q. So would that fix it any better?

A. I couldn't say for definite.

Q. You were at Uptight?

A. I know we were at Uptight.

Q. You had just come out of Pinkville, and some intelligence officers did come asking some questions?

A. Right.

Q. They didn't talk to you?

A. No.

Q. You don't know who they talked to?

A. No.

Q. You can't give me the name of anybody they talked to?

A. No.

Q. But you don't think it was the 3d Platoon?

A. No, it wasn't the 3d Platoon.

Q. So it must have been people in the 1st and 2d?

A. If he talked to any of the guys.

- Q. Or company headquarters, mortar platoon?
- A. Right. Amos could tell you if he talked to anybody. He would remember.
- Q. You said WILLIAMS was where?
- A. In Florida.
- Q. That's right. We'll get him. You say you didn't take a camera?
- A. No.
- Q. Did you ever hear any rumors that civilians or noncombatants had been unnecessarily killed by Task Force Barker on this operation before you left Vietnam, before all this stuff hit the paper and the press?
- A. No.
- Q. Didn't hear anything about that?
- A. No.
- Q. Never heard any rumors to that effect? C Company killed a bunch of people, this sort of thing?
- A. People got killed. It wasn't like they say in the papers, I didn't hear that anyway.
- Q. Were you ever told not to discuss this operation?
- A. No.
- Q. Was there any marijuana problem in B Company?
- A. Yes, more than likely.
- Q. You don't know?
- A. Yes, well, you know. There was probably some marijuana.

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SUMMARY OF TESTIMONY

WITNESS: BRADDOCK, James A.

DATE OF TESTIMONY: 23 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Squad Leader, Third Platoon, B/4/3.

1. BACKGROUND INFORMATION.

The witness was with the 11th Brigade in Hawaii for six months before they left for Vietnam (pgs. 2, 3). He remained with B/4/3 for 13 months after he arrived in Vietnam (pg. 3).

2. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness was trained in Hawaii to separate male prisoners from female prisoners and received a general orientation on the treatment of civilians from Captain MICHLES (pg. 3). MICHLES told them they would be responsible for the killings, beating, and anything "of that nature" that they did to civilians (pg. 3). This class was given to the company at least one month before they left Hawaii (pg. 3). The witness did not recall anything being mentioned on the legality of orders (pg. 4). He did not recall receiving any training after they arrived in Vietnam (pg. 4). The witness stated that if they were on an operation and Vietnamese started to run, they would holler "Dung Lai" and if the person did not stop they would fire to kill (pgs. 4, 5). He could not recall ever being told they were supposed to fire a warning shot and he stated that the number of times they were to holler "Dung Lai" was left to the discretion of the individual (pg. 5). The witness recalled receiving a Geneva Conventions

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card before they left Hawaii (pgs. 10, 11). He stated that he had seen Exhibit M-2 previously, but he did not recall Exhibit M-3 (pg. 11).

3. PREOPERATIONAL PLANS AND BRIEFINGS.

Sergeant MCCLOUD, the acting platoon leader, gave the platoon a briefing and informed them that they were going on a search and destroy mission (pg. 5). The witness recalled that the villagers had been warned to move out of the area and they were supposed to go in and bomb the area (pg. 5). He stated that the general practice was to destroy large quantities of food which they found (pg. 5). Often they would bag the food and fly it out to be given to orphanages (pg. 6). They would usually destroy food which was "obviously concealed" but would leave food alone that had been left out in plain sight (pg. 6). He did not recall being told anything particular to do with the food or the animals on this operation (pg. 6). They were told that at the conclusion of their operation the ARVN's would move in and set up a base camp (pg. 7). The witness indicated that they were to round up inhabitants of the villages and move them out (pg. 7). They would put all of the villagers into a platoon pool and pass them back to their platoon leader who would in turn pass them back to the company (pg. 8). The witness recalled that they were told a specific enemy unit would be in the area of battalion size (pg. 8). The witness stated that he was a little more nervous going on this operation than normally because of the trouble that they had had in the Pinkville area, which they had found to be heavily mined and in which they had lost a majority of their people (pg. 9). The plans for the operation called for the platoon of the witness to clear a certain section of the village (pg. 9). The three regular rifle platoons were each to clear a section of the village and the weapons platoon was to accompany the CP for security (pg. 9). By "section" the witness was referring to the various islands that composed My Lai (pg. 9). He stated that he did not recall what section each of the three platoons had, but he did recall that his squad was supposed to sweep through the village with the command group (pg. 10). The witness described his platoon as being organized into two squads, each of which had a permanent machinegun section composed of a machinegunner and an assistant gunner (pg. 12). In his squad the machine-

gunner was named MAHR assisted by George NAVARRE (pg. 12). Generally people worked in teams. The witness worked with ASKEW, and PARKER took a new boy in the squad around (pg.13). David SCHINDLER was the assistant squad leader (pg. 13). Other members of the squad were Tommy L. BROOKS, Vincent INGALLS, Frank L. WATTS, Harry PARKER, and Walter ASKEW (pgs. 12, 13). The squad had worked together in Hawaii and remained together until the witness went into the hospital and INGALLS lost his eye (pg. 14). When these things happened people became discouraged and were not willing to go back to the field again (pg. 14).

4. ASSAULT ON MY LAI.

a. Activities on 16 March 1968.

(1) The landing and initial movements.

The witness did not recall which lift he was in nor did he remember which aircraft in the "V" he was in (pg. 15). He did recall that as they approached the landing zone the doorgunners were firing a great deal (pg. 15). They did not begin to fire until they had been fired upon from the woodline which was 300 meters to the west (pgs. 15, 16). The aircraft landed facing north and the witness exited from the left-hand door (pgs. 15, 16). Enemy fire was coming from the west (pg. 16). The witness stated that possibly the fire could have been coming from the C Company operation but he thought it was too accurate to be accidental (pg. 16). The treeline, which was about 300 meters to the west (pgs. 27, 28), was fired upon by gunships (pgs. 16, 17). The group began moving towards the treeline, and Lieutenant COCHRAN was killed, so the unit returned to the rice paddies again (pg. 17). When they were 50 meters from the village they received fire from it (pg.17). They returned the fire, got into the village, rounded up the people, put them in a central point, and began to search for rifles (pg. 17). The company commander and the CP group then moved in (pg. 17). The witness felt that most of the day was spent searching for rifles and interrogating the prisoners (pg. 17). Although the witness was not sure of

which village they went into he stated that it was the one near where Lieutenant COCHRAN was killed (pg. 26). After spending the day there, they moved out, and met up with Charlie Company for a night laager (pg. 17).

b. Activity at the laager position.

At approximately 1630 hours the group moved not more than 150 meters into a laager position to the north or northeast of the village complex they had been in (pgs. 28, 29). He remembered being on the perimeter of the platoon that night and facing in an easterly direction (pg. 29). He recalled the pagoda being in the laager position but did not remember seeing any National Police there (pg. 30). He did not see a "big captain" who wore a bowie knife interrogate any detainees nor did he hear anything about a captain cutting off the finger of a VC suspect (pgs. 30, 31). He recalled talking to an NCO from Charlie Company and learning that they had killed 34 VC that day (pg. 31).

c. Activities on 17 March.

The witness recalled moving out slowly on a main trail on the morning of 17 March (pg. 32). The second platoon was in front of his platoon (pg. 32). He stated that they were walking on the trail about 50 meters from the bridge when they began to receive fire (pg. 33). The point element was in the middle of the bridge at this time and the witness stated that he could see TAYLOR trying to get off the bridge (pg. 33). He said that he called his machinegunner up and they watched the people scampering around in the village (pg. 33). It was difficult to see how many because of the brush (pg. 34). The witness stated that he was surprised that the heavy volume of fire directed towards the people on the bridge did not hit them (pg. 34). The burst lasted about two minutes and when they began moving again they heard an explosion and received word that TAYLOR had had his foot blown off (pg. 34). His platoon remained on the other side of the bridge while the second platoon, the CP group, and the weapons platoon went across (pg. 35). He could not hear any firing on the other side of the bridge, and when they crossed over and entered the village, they found it deserted (pg. 35).

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The witness recalled the gunships making a run before they crossed the bridge (pgs. 37-40). Prior to crossing the bridge they had seen the medevac ship come in to get TAYLOR (pg. 35). They began to search as they walked in a southerly direction (pg. 36). There were houses from the edge of the bridge spread out for 200 meters or so (pg. 36). They did not go any further south that day (pg. 36). They saw a dead woman (pg. 37). Because of the mines and booby traps the unit was hesitant to conduct the search operation that they were ordered to make in the village (pgs. 41, 42). He did not recall hearing a number of demolitions, although he thought that the caves and bunkers in the area looked as though they had been blown up (pg. 42). They did not burn the villages because they had been told not to (pg. 43). They did not rejoin the rest of the company on the 17th but stayed in the area at the end of the bridge and set up an ambush there that night (pg. 44). He recalled a Vietnamese woman being medevac'd with gunshot wounds in her foot and head that afternoon (pg. 44). He did not hear of any people being raped (pg. 46).

d. Activities on 18 March.

The witness stated that on the 18th they traveled to the extreme northern tip of the peninsula, gathering up civilians and moving them south (pg. 46). When the civilians were all at the central collecting point, the National Police began to interrogate them (pg. 46). This direction to move south had been given to Sergeant MCCLLOUD the night before when he flew back on Colonel BARKER's chopper to the main laager area (pg. 47). Colonel BARKER was not on his helicopter when it came in carrying their rations (pg. 47). The witness recalled moving over sand dunes (pgs. 48, 49). He estimated that they rounded up approximately 500 people who were gathered down on the beach (pg. 50). He did not see a medical team come in, but felt that this was because once they dropped their prisoners off they did not stay in the area (pg. 51). They laagered in that area that night, and he stated that he was approximately 30 meters away from MILUS when he was killed (pgs. 51, 52). He was facing north on the perimeter and he saw small arms fire coming in (pg. 52). He stated that the small arms fire was 300 meters

away (pg. 53).

e. Activities on 19 March.

The witness thought that they returned to the firebase at 0800 on 19 March (pg. 53). He did not recall seeing any National Police or ARVN's in the area interrogating detainees (pg. 53). He did hear that the ARVN's tortured prisoners of war by hooking a land line up to them and passing electricity through it (pg. 54). He was told this by Steve MILLER (pg. 54). The only other incident of mistreatment of a prisoner that he heard of on the entire operation was when the interpreter who was with Lieutenant JOHNSON slapped a woman on the first day (pg. 55). The witness was 10 yards away from them when this happened (pgs. 55, 56). The witness stated that approximately one month after returning from the operation he heard stories indicating that the point team had blown up a number of bunkers (pg. 56). He had also heard a total body count of 42 for the operation but this was not connected to any estimate of the number of people killed in the bunkers (pgs. 56, 57).

5. INQUIRIES CONCERNING THE ASSAULT.

Upon the return of the witness to LZ Dottie neither he nor anyone in his company was questioned about the operation (pg. 57). He did hear that a senior officer had talked to his company commander about something to do with the large body count (pg. 57). He stated that the company commander was "a little ticked off" about this because they had run into a hard core VC battalion (pg. 57). The witness also heard that an investigation was being conducted into the operation of Charlie Company because of a helicopters report of unnecessary shooting (pg. 58). This was the result of rumor (pg. 59). No one ever told the people in his squad not to discuss the operation because it was being investigated (pg. 59).

6. OTHER INFORMATION.

The witness stated that there was a change in the method of operation for the company after this particular incident (pg. 60). This was because that the company began to "fold up" in the sense that the people who came with them

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began to put in for transfers, go on sick call, and become disgruntled with working in the field (pg. 60). He stated that this was because TAYLOR and MILUS were both very popular and their friends lost interest in working in the field (pgs. 60, 61).

b. The witness stated that marijuana was used in the company and got to be a problem after awhile (pg. 63). He stated that it was free and easy to get a hold of and that some of their replacements continually smoked it (pg. 63). He felt that they smoked on operations but he could never catch them (pg. 63). He said that a number of people were moved out of the company because of it (pg. 64). He stated that out of 120 people in the company he would estimate that 10 smoked it all of the time and that 80 percent were trying to get it (pg. 64).

c. In discussing the tactics of the first platoon the witness stated that HOOTON, who was on the point team, told him that they had blown up some bunkers (pgs. 64, 65). They had crawled into the bunkers first and asked the people to come out but when they did not see anyone they blew them up (pg. 65). These people formed a constant point team because they did not like their platoon sergeant or their platoon leader (pg. 65). Their platoon leader was Lieutenant WILLINGHAM (pg. 65) who was new in the field but was regarded as a "flop" (pg. 66).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit had one but he did not know where he got it.	11
M-3	MACV Card "The Enemy in Your Hands"	Wit did not recall.	11
P-20	Miscellaneous Scene	Wit identified HOUGHTON with the pole, and the man on the right as HOOTON. It was taken in the village that they went to.	19,20
P-21	Miscellaneous Scene	Wit identified LT JOHNSON's interpreter.	22
P-22	Miscellaneous Scene	Wit identified LT JOHNSON and his interpreter.	22
P-23	Miscellaneous Scene	Wit identified MICHLES, MERCER with the transmitter and HATCH in the front left.	23,24
P-28	Color photo	Wit stated it was taken looking east	25
P-168	Aerial photo, Son My village, coastal area	Used to orient the witness.	16
P-190	Annotated P-168	Wit marked the following:	
		1-LZ	27
		2-The village.	28

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-190	Annotated P-168	3-The laager area.	30
(cont)		4-The spot where fired upon on 17 Mar.	38
		5-The gunship run.	40
		7-The location of a women's body.	43
		8-Villagers moved to a central collection point.	53
MAP-4	Map 6739 II	Shown to witness.	10
MAP-5	Map 6739 II (small scale)	Identified as the type used in Vietnam.	19

(The hearing reconvened at 1000 hours, 23 January 1970.)

COL WILSON: The hearing will come to order.

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

RCDR: The next witness is Mr. James A. BRADDOCK.

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

RCDR: Please state your name, occupation and residence?

A. James Allen BRADDOCK, 107 Rancocas Blvd. Mount Holly, New Jersey. I am a printer.

COL WILSON: Mr. BRADDOCK, before we proceed I have a couple of matters I would like to orient you on.

The Peers Inquiry was directed by the Secretary of the Army and the Chief of Staff of the Army for the purpose of making findings and determining facts and circumstances involving the My Lai incident of 16 March 1968.

In conducting this investigation General PEERS determined that it was necessary to have a complete insight to the B/4/3 ground and air operations from the period 16, to 19 March 1968. He therefore appointed this board which is referred to as Interview Team C to question personnel of B Company and prepare a complete description of that unit's operation during this period. You can expect General PEERS or any other members of the panel to come in here at any time.

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

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

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During this interview the board will follow a chronological sequence of questioning. The first series of questions will be concerned with training just prior to and after arrival in Vietnam. Second, will inquire into the briefing prior to the combat assaults and; the third, concerning the operation on 16 to 19 March. The final questions will concern any knowledge that you may have on prior investigations, or inquiries concerning this particular operation.

Now, this board has no authority to reach findings or conclusions, or to make recommendations. It's strictly a collection agency for General PEERS. He is the investigating officer and he will come up with the conclusions and findings on his report. There are three members of this board, Mr. WALSH, a civilian attorney on my right who has volunteered his services to the Secretary of the Army to assist General PEERS. And Colonel NOLL on my left is a member of the board and I'm a member of the board. If at any time anyone else comes in here and starts asking you questions, if there's any question in your mind as to whether they have that authority I will inform you of that. All persons here, the three that I've named have the authority to ask you questions. Have you any questions on what I have just covered?

A. No.

Q. What was your assignment in March 1968?

A. I was a squad leader, sir.

Q. In which platoon?

A. The 3d Platoon, sir, B/4/3.

Q. And at that time assigned to Task Force Barker.

A. Yes, sir.

Q. Were you with the 11th Brigade in Hawaii?

A. Yes, sir.

Q. How long?

A. Six months before we departed, sir.

Q. How long did you stay with B/4/3 after you arrived in Vietnam?

A. Thirteen months, sir.

Q. The entire period?

A. Yes, sir.

Q. Did you receive any specific training prior to departure on the handling of PW's or civilian noncombatants?

A. No, sir, just the tactical portion, just separating the male and female, and the leaders or chiefs, and putting them in one section, but as far as the treatment themselves--I'm wrong, we got an orientation, we did receive one orientation on the treatment of civilians.

Q. Who gave you that?

A. Our company commander, Captain MICHLES.

Q. What did he tell you?

A. He told us at the time we could be held responsible for the killings, beatings, et cetera, and anything of that nature.

Q. Did he give this to the whole company?

A. Yes sir, it was a company class.

Q. This was right before leaving Hawaii?

A. Within at least a month before we left.

Q. Could this have been part of the Geneva Convention lecture?

A. Yes, sir. I believe it was.

Q. Do you remember whether you had signed a sheet to show that you attended that?

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

Q. But it was given by the company commander?

A. Yes, sir.

Q. Did he mention anything on the legality of orders?

A. I don't recall, sir.

Q. He was just talking about how you could be held responsible for the mistreatment of prisoners, is that what you say?

A. Yes, sir.

Q. How about after you arrived in Vietnam, were you given any training in these subjects?

A. I don't believe so, sir, I don't recall.

Q. Were you given any training in the engagement of the Vietnamese in combat operations. When you were authorized to fire on them and so forth?

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

Q. If you go on a combat operation, and move, and some Vietnamese start running away from you, what do you do?

A. Our general practice was, if the Vietnamese started to run we would usually holler and if he continued to run we would fire.

Q. What would you holler?

A. "Dung lai."

Q. And when you fired would you fire to kill?

A. Yes, sir, I guess you could fire to kill.

Q. Did you ever hear anybody say anything about a warning shot?

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

Q. How many times were you suppose to holler "Dung lai"?

A. That was left to the discretion of the individual.

Q. How about reporting of the mistreatment of noncombatants or PW's, were you ever told how to do this, or what to do?

A. No, sir.

Q. All right, let's go to the period right prior to the combat assault on 16 March, down in the Pinkville area. I'm interested in what you were told, where, and by whom on that mission. In other words, to the best of your knowledge would you recall what type of briefing you received prior to the combat assault?

A. Well, the briefing was given to us by our acting platoon leader, Sergeant MCCLLOUD, and he instructed us that it would be a search and destroy mission. If I recall correctly the villagers had been warned for quite awhile that they would have to move out of the area. And that we were suppose to go in and burn the area.

Q. You said the civilians had been moved out?

A. Had been warned to move out of the area.

Q. And you were told that you were to burn the villages--and what about the food stock?

A. The general practice was that if we found large quantities, to destroy the food stock. But there was nothing mentioned specifically on what to do. It was just general knowledge, what we were to do.

Q. In other words, as a procedure you always would destroy food stocks if there was a large quantity?

A. Usually we would bag it up and bring the helicopters in to fly it out, and give it to orphanages.

Q. You would evacuate it then. If it was a large stock would you destroy all of it? If you had a village that could use it would you destroy all of the food stock?

A. No, sir, ordinarily if we found foodstock and obviously concealed provisions, where they wouldn't want us to find them, we would destroy that. If it was well-concealed, but if it was left in the village in plain sight of us we would leave it alone.

Q. In other words, you're talking about caches of foodstock that were obviously for the VC?

A. Well, we thought it was for the VC.

Q. You couldn't tell. You just had to make an estimate?

A. Yes, sir.

Q. In this particular operation there was nothing specifically said about what to do with the foodstock?

A. No, sir, not as I recall.

Q. Just normal procedure?

A. Yes, sir.

Q. How about animals? What was the normal procedure for the livestock?

A. There was no normal procedure. We had water buffalo that had been killed, but that was because--for instance where they run at the GI's. And as far as I know the majority of the animals killed were water buffalo.

Q. Then the destruction of food stock in large quantities did not apply to animals in the normal procedures of B Company?

A. No, no sir, it's very hard to hide an animal such as a water buffalo or a pig and they were usually left out in plain view.

Q. On this operation was there anything stated definitely about the livestock?

A. Not that I recall.

Q. What about the destruction of villages, were you told that all villages in the area should be destroyed?

A. No, sir, just a general warning order that we were going to land in the Pinkville and that it was to be burnt and the villagers were supposed to be moved out.

Q. I thought you said they had been warned to move out before this?

A. Yes, sir, they had been warned, that was supposedly-- from my understanding from Sergeant MCCLOUD. And at the conclusion of our operation the ARVN's would be moved in to set up their base camp.

Q. You were told this?

A. Yes, sir.

Q. And as you stated, am I correct? You were to round up the inhabitants of these villages and move them out?

A. Yes, sir.

Q. What procedures were you to follow? Who were you to turn them over to?

A. I had no idea, sir.

Q. You're the squad leader, who were you supposed to turn yours over to?

A. Well, when we did collect the villagers, and my squad got the group, they put them in a platoon pool and moved them out to where the National Police and ARVN police--

Q. (Interposing) Well, you just passed them back to your platoon leader and he passed them back to the company?

A. Yes, sir.

Q. Did you normally have somebody escort them back?

A. Yes sir, we had the entire platoon--as we got them we would put them back in the platoons.

Q. What were you told concerning the enemy situation in the area?

A. If I remember correctly we were given a unit--a specific enemy unit would be in the area and there was no doubt in my mind that they were out there, because we had a lot of trouble in that area for quite awhile.

Q. What size force did you think you were going to encounter?

A. A battalion size force, sir.

Q. Did this operation appear to be any different from any other operation or the briefing for it?

A. Nothing sir.

Q. Nothing unusual about the briefing and nothing unusual about the techniques or tactics?

A. No, sir.

Q. You weren't any more nervous about going on this operation than you had been by going on any other operation?

- A. A little bit more nervous, sir.
- Q. Why?
- A. Because of the trouble that we'd always had in that area.
- Q. Did the name Pinkville carry some meaning to you?
- A. Yes, sir.
- Q. What was that meaning?
- A. Well, it was a heavily mined area and since we lost the majority of our people there with mines, we were naturally afraid of them.
- Q. What type of casualties did you expect to have down in this area, mine or contact?
- A. The contact we were also looking to, but the mines were what we were really afraid of.
- Q. How, can you describe to me as best you can recall what the platoons of the company were supposed to do on landing?
- A. Upon landing I believe my platoon had this certain section of the village that it was suppose to clear. When we went to clear that section, the other three straight-leg platoons--well, the other three regular rifle platoons were supposed to all have little sections of the village to move into and secure. And the weapons platoon was to accompany our company CP as CP security as far as we were--where the company CP was suppose to be I don't know.
- Q. You said to move into a village?
- A. Well, My Lai, sir, is broken down into different sections. There'd be maybe 10 huts and then one of the rice paddies--one of the sort of an island and then across the rice paddy possibly 50 to 100 yards would be another section and it all came under My Lai.

Q. I'm going to give you a run down on the map in a little while on what the plan was. I'm trying to get your understanding of the plan first. We do have a good knowledge of how that area was organized and what the name of it is and so forth. But right now I'm interested in what you mean by two straight-leg platoons and your platoon, what's the difference?

A. What I meant to say was that we had three rifle platoons and a weapons platoon. The three rifle platoons were supposed to move in their own sections, take that and secure it. While the weapons platoon stayed with the company CP and CP security and as far as I know the CP would move with one of the other platoons.

Q. You remember what the 1st Platoon was to do?

A. I don't know which village or which section they were supposed to go into. I just know what the 3d Platoon was to do in there at that time, and the 2d Platoon.

Q. What was your squad supposed to do?

A. Well, the squad was suppose to sweep through the village with the command. We were supposed to move into the village and either secure or search, one or the other.

COL WILSON: Give me the Map. Exhibit MAP-4.

(LTC NOLL did as requested.)

Q. I want to be sure that we are talking about the same operation. Which fire base were you on?

A. Uptight.

Q. Okay, I have one other question before we proceed to the operation. Do you recall receiving any wallet-size card which was published by the Military Assistance Command in Vietnam with the red insignia of MACV on the front of the card?

A. I don't recall, sir. We had a Geneva Convention card that we received.

Q. Did you get the Geneva Convention card before you left Hawaii?

A. Yes, sir.

Q. Have you got that card with you?

A. I don't believe so, sir.

Q. Well, the card that I was referring to is Exhibit M-2, entitled, "Nine Rules." This is a facsimile of the MACV card. Would you look at it and see if you have ever seen it?

(COL WILSON handed the witness Exhibit M-2.)

A. I believe I have seen this, sir.

Q. Did you ever have one?

A. I think so sir. It's hard to say, because things were being destroyed.

Q. You don't remember where you got the card?

A. No, sir, I don't remember where I got it.

Q. The other one is Exhibit M-3, which is entitled, "The Enemy In Your Hands." Have you ever seen this card. It's a facsimile?

(COL WILSON handed the witness Exhibit M-3.)

A. I don't recall this card at all, sir.

Q. You see that it has some English translations on it?

A. Yes, sir.

LTC NOLL: One question on organization. How was your platoon organized, regular three squads or--

A. (Interposing) No sir, we had two squads of machine-guns assigned to the squad. And by that time we had lost so many people out of the squad by that time.

Q. You were in the 3d Platoon that was organized that way, what about the 2d Platoon? Do you know?

A. I believe the entire company was organized that way, sir.

COL WILSON: Was this machinegun part of your squad or was it attached to your squad?

A. It was part of the squad, sir.

MR WALSH: You had two squads and a machinegun section, is that what you call it?

A. No, sir, the machinegun was part of the squad itself. It had a machinegunner and assistant gunner.

Q. In each of the two squads?

A. Yes, sir.

Q. Can you recall the name of the individuals in the platoon and the squad they were in on this operation? In your squad?

A. In my squad itself, my machinegunner was Michael MAHR, his assistant gunner was George NAVARRE. Then we had Harry PARKER, Walter ASKEW and the other men I can't recall, sir.

Q. Were these people organized in teams of two men each for the purpose of searching places throughout the hamlet areas?

A. When we got into the area itself, yes, sir.

Q. Could you tell us--I assumed the assistant machine-gunner and the machinegunner worked together?

A. Yes, sir, we used them as security.

Q. Were ASKEW and PARKER working together? Do you recall?

A. On this particular mission I worked with ASKEW and we had a new boy in our squad. I can't recall his name, but I think PARKER took him around.

Q. Does that account for everybody in your squad now?

A. No, sir, there were others that I can't recall. David SCHINDLER, sir he was my assistant squad leader. Would you like for me to pick out the entire squad?

COL WILSON: Yes.

A. Tommy L. BROOKS, Vincent INGALLS and Frank L. WATTS, sir.

Q. W-A-T-T-S?

A. Yes, sir. I believe that's it, sir.

MR WALSH: Who did SCHINDLER work with on this operation?

A. I don't recall, sir.

Q. How about BROOKS, do you remember who he worked with?

A. I believe BROOKS was with ASKEW.

Q. With ASKEW?

A. And myself, sir.

Q. The three of you stayed together?

A. Yes, sir.

Q. How about WATTS?

A. I don't know who he worked with, sir.

Q. INGALLS?

A.. I have no idea, sir.

Q. Were any of these people that you mentioned possibly not along on this operation? Or can you recall all of these people as being on this operation?

A. They were all in this operation, sir.

MR WALSH: That's all I have.

LTC NOLL: Looking back on your experience in Vietnam did you feel your training was adequate?

A. Yes, sir, it could have been better.

Q. Judging from the morning report you experienced quite a bit of personnel turbulence. In other words, gains and losses. What about your particular squad? How long had you been able to work with these people?

A. Naturally we were in Hawaii together and we stayed together until--just after that when the squads started to disintergrate. I went into the hospital and Vince INGALLS lost his eye. People got discouraged and started going on sick call and when I came back a lot of the people weren't going back to the field again.

Q. The period you're talking about now is after March?

A. Yes, sir.

Q. Did you get a lot of new people in your squad after you arrived in Vietnam?

A. Yes, sir, I don't believe I got--I think I had one.

Q. Just one?

A. Yes, sir.

Q. In other words, your squad was rather stable?

A. Yes, sir.

LTC NOLL: I don't have anything else.

COL WILSON: Do you recall as you approached your landing zone one of your doorgunners firing a lot?

A. Yes, sir, they were.

Q. Which lift were you in? Do you recall that?

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

Q. Which aircraft in the vee were you in?

A. I don't recall that either, sir.

Q. Were you sitting by one of the doorgunners or on the inboard of the aircraft?

A. I believe I was the last man in the chopper, sir.

Q. What does that mean?

A. I was sitting on the end.

Q. On the end?

A. Yes, sir.

Q. Which door did you get out as you faced the front of the helicopter?

A. The left-hand door.

Q. How long had the doorgunners been firing before you landed?

A. They didn't start firing until we were picking up fire.

Q. Did you receive fire as you approached?

A. Yes, sir.

Q. Where was the fire coming from?

A. From the woodline approximately 300 meters to the west.

Q. And do you remember the directions of the nose of your aircraft when you landed?

A. I believe it was north, sir.

Q. And the fire was coming from the west?

A. Yes, sir.

Q. Was there any action being taken to neutralize this fire?

A. We had gunships, I forget whether they were there when we arrived or whether they were called in, but there were gunships.

Q. Could this fire have been coming from the C Company operations over to the west, about 1,000 or 1,200 meters?

A. Possibly could have, sir, but the fire seemed very accurate at the time, sir. We thought it was possibly VC. When someone would pose as a target we would get sniper fire and when the target came down--in other words when he would stop posing as a target then they would stop the firing.

(COL WILSON oriented the witness to the aerial photo, Exhibit P-168.)

Q. We are reasonably sure that you flew over the South China Sea and came up from the south like this.

A. When the gunships started to fire we began moving and Lieutenant COCHRAN was killed. So we went back into the rice paddies again. We stayed off the dikes and my platoon moved into--were moving up on a small village where possibly a dozen huts were. I think we were about 50 meters from the village when we received fire from the village, so we returned fire and we got into the village. We rounded up the people and put them in the central point and began searching for a rifle. We were pretty sure the rifle was still in the village and that took most of the day, just the searching. Then I believe the Company Commander and the CP Group moved up with us. It was the same thing, just searching for the rifle and interrogating the prisoners. Then we let them go and we moved out and met up with Charlie Company and laagered in with them. That was the first day. That's all that happened the first day.

MR WALSH: Do you remember anything about the laager area with Charlie Company?

A. It was a graveyard, sir.

Q. Was any water nearby?

A. Not that I recall, sir. There was a small pagoda.

Q. A small pagoda? Well, other people have mentioned that.

COL WILSON: Do you recall the area you searched this first day, was it to the east?

A. It was either the north or the northwest sir, from where we landed.

Q. I see. In the company formation was the platoon to the east or was it to the west of the 2d Platoon?

A. It was to the west, sir.

Q. Do you recall as you moved north from your LZ you did move north didn't you or did you?

A. The way I have it oriented now, sir. The ships landed pointing in the northerly direction. We came out and broke up. We started going up just a little bit like up and left to a village in that area (indicating).

Q. You're talking about northwest?

A. Yes, sir.

Q. All right, do you remember crossing a dike of any significance?

A. No, sir, they were just small, average dikes.

MR WALSH: Do you remember going through a gate on the trail where Lieutenant COCHRAN was killed?

A. No, sir, we were still in the rice paddy when he was killed.

Q. Were you in the first lift or the second lift?

A. I don't recall sir, I believe I might have been on the second, but I'm not really sure of that.

Q. Were you nearby when Lieutenant COCHRAN got killed?

A. Yes, sir.

Q. About how far away when he was killed?

A. Approximately 150 meters.

Q. Was there a large number of troops around the area where the Lieutenant COCHRAN was killed?

A. Yes, sir.

COL WILSON: What type map did you use over there? Did you use 1:25,000 or 1:50,000?

A. It's been so long, sir, I don't know.

Q. Have you ever seen this thing (Exhibit MAP-5)?

A. Yes, sir, I believe that's the type of map, whehter it's 1:25,000 or 1:50,000, I don't know. This is what we used.

Q. Maybe that will help you to recall. That's that graveyard that shows up on this one here (indicating).

A. Then we must to have landed in here sir (indicating).

(COL WILSON oriented the witness to Exhibit MAP-5.)

Q. You say your platoon moved towards the village. Do you remember any of these little houses around here? Does this bring anything to mind using that in conjunction--

A. (Interposing) I'm not sure, sir, as close as I can get, the 2d Platoon was moving into this village and we were moving and went up into here (indicating).

Q. You're pointing to My Lai (5). Well, let me do this. Give me those photographs.

(The RCDR did as requested.)

Q. I am going to turn to some photographs here and if you see any that you recognize, either the people or the place, I would like for you to stop me. Photograph Exhibit P-20?

A. I recognize the man.

Q. Who is the man with the pole?

A. HOUGHTON, sir.

Q. Who is the man bending over?

A. I don't recognize him.

Q. The man with the helmet on the extreme right?

A. It looks like Don HOOTON. But it can't be, he was in the 1st Platoon.

Q. How about these two men standing about in the center here?

A. No, sir.

Q. Do you know where that location is, that place?

A. Yes, sir.

Q. Where is it?

A. That was in the village that we went into.

Q. That was in the village that you went into?

A. Yes, sir. That's the CP Group. HOUGHTON was a member of the weapons platoon, CP security.

MR WALSH: You said the village you went into. You mean the laager area or the first village that you searched as you got out of the choppers and moved north?

A. That was the first village that we assaulted.

Q. You stayed there for a while I take it?

A. We stayed there all day, sir.

COL WILSON: Well, how far is this from where Lieutenant COCHRAN was killed?

A. 200, possibly 250 meters, maybe 300 west.

Q. West?

A. West.

MR WALSH: You remember a chopper bringing in a photographer in that area?

A. No, sir.

Q. Do you remember seeing a photographer that day around?

A. Not that day at all, sir.

COL WILSON: Have you ever seen these two people in the center rear (Exhibit P-20). The one with the helmet on and the one with the helmet off standing by, talking to this woman and looking down at the ground?

A. That's a poor photo, sir, I can't distinguish it.

Q. Exhibit P-20 is the village that your platoon moved into the first--

A. (Interposing) I'm pretty sure of it sir, because I recognize that hootch.

Q. You recognize that hootch?

A. Yes, sir.

Q. Were the rest of the hootches in the village similiar to this?

A. No, sir.

Q. Did you have more permanent structures?

A. I remember that, because someone was chopping it down. Someone found a knife and they were chopping it down.

Q. Found a what? A machete?

A. Not quite a machete, but something for cutting.

Q. You're talking about some U.S. soldier who was cutting it down?

A. Yes, sir.

Q. How about Exhibit P-21?

- A. It looks like Mr. JOHNSON's interpreter.
- Q. Who is Mr. JOHNSON?
- A. Mr. JOHNSON was the MI that was out there.
- Q. Do you recognize this person here?
- A. I recognize him sir, but I don't know his name.
- Q. How did you remember JOHNSON's name? Did you know him?
- A. Yes, sir.
- Q. Do you know the name of that interpreter?
- A. No, sir.
- Q. Do you recognize anybody else in that?
- A. Just the GI's face and I don't recall his name, sir.
- Q. Exhibit P-22?
- A. That's Mr. JOHNSON and his interpreter, sir.
- Q. This is JOHNSON, here?
- A. Yes, sir.
- Q. Do you remember this location?
- A. No, sir.
- Q. You remember the old man?
- A. No, I don't recall him either, the old man.
- Q. You saw Mr. JOHNSON there that day then, is that correct?
- A. Yes, sir.

Q. Did you see him when he came in? Do you know how he got there?

A. No, sir, I don't know how. If he came--when he came up with our platoon he was with the CP group. I believe he came up with the company commander.

Q. Do you know how long he stayed with the company?

A. No, sir.

Q. Exhibit P-23?

A. That is Captain MICHLES. I remember this man (pointing to the U.S. standing to the right). I was in the hospital with him, but I can't recall his name.

Q. Which man are you talking about?

A. This man, sir.

Q. The man on the extreme right with the transmitter on his pack.

MR WALSH: Was he an RTO?

A. I believe he was part of the weapons platoon, sir, but the weapons platoon and the CP group moved together so much that they started taking over functions as a CP group, and he'd been carrying the radio. I think he was carrying the radio when he was here.

Q. Would it be COVINGTON?

A. No sir, I know the man's name. If I could see the company roster I could tell. MERCER, sir.

Q. MERCER and what was his job? Do you recall?

A. As I say, he was part of the weapons platoon, but he had been carrying the weapons for the CO.

Q. Do you recognize any Vietnamese in this photograph?

A. No, sir.

Q. Do you know if he acted as an FO for the 81 mortar?

A. No, sir, I don't believe he did.

Q. Do you recognize any of those pictures?

A. It looks like a man named Larry HATCH, I can't be sure sir, but the other two I can't seem to remember.

Q. You think this man in the front left is Larry HATCH?

A. I wouldn't swear by it, but it looks somewhat like him.

Q. Exhibit P-28, does this area look familiar to you in any way?

(Negative response by the witness.)

Exhibit P-28, color photo, you see some water back here in the back?

A. Yes, sir.

Q. Very bright--it's probably sand here.

A. That's a graveyard, sir.

Q. And a couple of roads, small village probably a helicopter coming in here. Do you recognize this graveyard?

A. No, sir.

Q. You recognize anything in this area?

A. No, sir.

Q. Do you know what river this is, you can only see a small part of it?

A. I imagine it's the river that separates Pinkville from the mainland or one village from the mainland.

Q. Then you think you're looking east?

A. Yes, sir.

Q. Instead of north?

A. Yes, sir.

Q. You got two bodies of water.

MR WALSH: Can you tell us if that's the graveyard that you remember from the laager area or is it not the graveyard you remember from the laager area?

A. Well, the only thing that I can remember sir, is it looks like there's a pagoda here and that's about it.

Q. Was the pagoda in the middle of a graveyard?

A. No, sir, it was on the edge of the graveyard, I'd say the southern edge.

Q. If you landed somewhere in this vicinity (pointing to the south of 521), and you move northwest, you have to cross this road?

A. I don't remember crossing it, sir.

Q. I'm talking about a trail now. I'm not really talking about a road.

A. Well, there was a trail--a well used trail.

Q. That's what we're talking about.

A. It skirted the village, I believe.

Q. Now, where Lieutenant COCHRAN was killed he was across the trail, he had to be across that. I'm not talking about a macadam road, but a dirt surfaced road and there was a gate here, that seemed to be fairly clear in some people's minds. Reasonably near where he was wounded, you may not have seen the gate?

A. They were either approaching the gate or they had just gone through it. It was in a little open area when the booby trap went off, they were moving into the woodland.

Q. What I'm trying to do is fix--we would like to try to determine which--in some way, which of these villages you moved into?

A. If you pick the village that Lieutenant COCHRAN was killed in sir, then I can pick it.

Q. According to our information Lieutenant COCHRAN wasn't killed in the village, he was killed--

A. (Interposing) As we were approaching the village.

Q. It's generally somewhere in this area (indicating), right?

A. Well, if he was killed here, sir, then we were in here. We were moving up this way.

Q. You mean this is the village that you're talking about?

A. Possibly.

MR WALSH: And you stayed there all day?

A. Yes, sir.

Q. Did you laager there or did you move out to laager?

A. Well, we moved just a short distance and everyone was very surprised, because we moved just a short distance and dug in.

Q. Then do you remember this river?

A. No, I don't remember it, sir. I'm not saying it wasn't there. I'm saying I don't recall.

Q. How large was this village? Was it about this size?

A. It seemed to be about one dozen huts.

COL WILSON: I think this is good enough to put down. Let's put down the LZ generally--we'll make point 1 the LZ. Now what we want to determine is the movements of the squad or the platoon, and I think we'd better stick to the squad basis. Were you with the platoon the entire day?

(The witness annotated Exhibit P-168, which was later entered into evidence as Exhibit P-190.)

A. Just when we were searching, sir. In other words, we were all spread out through the village.

Q. Now that's point 2 that village right in there. What happened at the village?

A. Before we reached the village we got sniper fire coming from the village, so we returned fire and proceeded to move into the village. We got the people right away and started searching for the rifle.

Q. Start searching for what rifle?

A. By our way of thinking sir, if there was fire coming out of the village there was probably a rifle in the village. It didn't seem like he could sneak out of the back of the village the way it was open.

Q. You also said that when you landed you were receiving fire and you said you were receiving it from a tree line?

A. Yes, sir.

Q. And the tree line was to the west of the LZ?

A. Yes, sir.

Q. I think you said 300 meters didn't you?

A. It seemed about 300 meters, approximately 300 meters west.

Q. Now at point 2, did you receive your sniper fire before Lieutenant COCHRAN hit that mine?

A. No, sir, after he hit the mine.

Q. Now let's put point 2, "Received rifle from the village."

A. We weren't searching the entire day, just sloughing off, and bumping around, and sitting in the trees. Mr. JOHNSON and his interpreter were interrogating people.

Q. We are still on point 2. "Joined by Lieutenant JOHNSON." How many people do you estimate he interrogated at that location?

A. I don't know sir. I'd walk by and he'd be interrogating, I don't how many he was interrogating somebody. Then I would go out in the back of the village and stay back there for awhile, then come back again. He might be interrogating, I don't how many he was interrogating.

COL WILSON: Point 1, on the photo map designates the LZ platoon received rifle fire approximately 300 meters to the west. Platoon moved to the north northwest to a village designated as point 2. Received rifle fire from the village. Searched the village. Joined by Lieutenant JOHNSON who interrogated the villagers. And you remained at this village all day?

A. Yes, sir.

Q. You remember what time you departed?

A. Possibly 1630 or somewhere in that area I believe, sir about 1630 in the afternoon.

Q. And you moved how far?

A. Just a short distance, no more than say 150 meters.

Q. Which direction?

A. North sir, or northeast.

Q. Were you in the rice paddies again or were you in a village complex, or what?

A. No, sir, we swung out--we went out quite aways and secured. We were in the rice paddies, but I believe we drew back--they were rice paddies, but they were dry.

Q. You weren't in the village complex? You weren't near a bunch of houses?

A. No, sir, we were very close to the houses.

LTC NOLL: Did you and C Company ever join in a night defensive position, in other words, were you tied-in with one another?

A. Yes sir, we were.

Q. Was your platoon in contact with C Company?

A. I believe we had them tied-in, as a matter of fact I think we were, because one of their NCO's came over and talked to me.

Q. Were you on the perimeter of the platoon that night.

A. Yes, sir.

Q. Do you remember which direction of the perimeter your platoon was facing on security?

A. I believe we had the easterly section.

Q. Were you securing from the east or were you facing the east?

A. We were facing the east.

Q. Well, it's almost the same thing. If you said you moved 100 or 150 meters northeast from point 2, that would put you about right out in here (indicating)?

A. One thing I do remember about the laager position sir, was the pagoda.

Q. While he is drawing that, let me go over the morning report for 16 March to refresh your memory a little bit. There were several casualties on the 16th, Lieutenant COCHRAN, WILBURN, and CANTU, HITCHMAN, TRAVERSA, SHIFLEY, HOSKINS and GUNTA. All of these people were not wounded at the same time that Lieutenant JOCHRAN was killed, but they were wounded that day. Do you recall this?

A. I think I recall. That was after they moved in the wood line, I believe.

Q. Okay, point 3. Night defensive positions 16 March.

MR WALSH: When you were in the laager position that night did you see any National Police interrogating prisoners?

A. No, sir, I don't even remember seeing National Police in the laager position.

Q. Did you see a captain interrogating any detainees?

A. No, sir.

Q. Did you know or did you see a big captain that was a sharp dresser? He wore a pistol and a big Bowie knife.

A. No, sir, I don't remember seeing him at all during the entire mission.

Q. Did you ever hear anything about any detainees being shot either National Police or anybody else in the laager area, at that time?

A. No sir, as a matter of fact I heard no shots at all.

Q. Did you ever hear anything about a U.S. captain cutting the finger off a VC suspect in the laager area that night?

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

Q. Is there anything else that happened during the first day of this operation that sticks out in your mind? That you think would be at all helpful to us?

A. Well, when we were tying-in I was talking to that NCO from Charlie Company and I was asking him if they took many casualties. I forget his answer. Then I asked him if they killed anybody that day and he said they killed 34.

Q. Killed how many?

A. Thirty-four.

Q. Did he say whether they were VC or women and children, or anything like that?

A. No, sir.

Q. He just told you that they killed 34?

A. Yes, sir.

Q. Do you remember what his name was?

A. No, sir. I think he was a heavy set boy with a handlebar.

Q. By the handlebar you mean mustache?

A. Yes, sir.

Q. You remember if he was a black soldier or Caucasian?

A. He was a Caucasian.

Q. You remember what his grade was?

A. I believe he was an E-5.

Q. Other than that you don't have any recollection, the first day, of anything out of the ordinary that might be helpful to us in this investigation?

A. No, sir.

LTC NOLL: Did it seem to you that you completed your mission for this first day. In other words, you only searched one village? Did you expect to do more than that when you went out there?

A. No, sir.

Q. This was just exactly what you were expected to do?

A. Yes, sir.

COL WILSON: Did you burn any villages that day? That village you were in, was that destroyed?

A. I don't think so, sir. As a matter of fact I'm pretty sure it wasn't. We were so close before, we settled down for the night--there were people going back into the village to get straw to lay on the ground so we would have something to lay on.

Q. All right, let's go to the 17th. What happened the following morning?

A. Well, we started out--I don't know what time we started out--we were moving pretty slowly--we were on a main trail and--

MR WALSH: (Interposing) What was the organization of the company as you moved? Do you remember?

A. I really don't know, sir.

Q. You remember if you were at the head of the column or in the rear or--

Q. (Interposing) When we got hit, we got hit at the bridge, my platoon was second.

Q. There was one platoon in front of you?

A. Yes, sir, the 2d Platoon.

Q. Was the CP group in front of you?

A. No, sir.

Q. You said the 1st Platoon was in front of you--was the 1st Platoon--do you recall seeing them on the first day?

A. When we started to receive fire.

Q. Where were you at that point? Were you on the bridge?

A. No, sir. I believe we were winding around and we were walking down a trail headed towards the bridge. We were in an area in there I think, about 50 meters. We were on the river itself and 50 meters more we would have been at the bridge.

Q. Could you see people on the bridge?

A. No, sir.

Q. All right, was the element that was receiving the fire on the other side of the bridge or was it on your side of the bridge?

A. They were in the middle of the bridge, because when we started to receive fire that's when everybody was in position getting ready to fire and I saw, I think it was TAYLOR, trying to get off the bridge and they were firing.

Q. And you could see TAYLOR on the bridge?

A. Yes, sir, at that time I could.

Q. Did you see anybody besides TAYLOR on the bridge?

A. Well, the platoon was stretched out along the bridge and he was initial point man.

Q. Okay, then what happened when you noted them receiving fire?

A. I called my machinegunner up and we were watching the people over in the village.

Q. Could you see the people?

A. Yes, they were scampering around over there.

Q. On the other side of the water?

A. Yes, sir.

Q. A lot of them?

A. It looked like quite a few, sir, but it was hard to tell, because they ducked behind the brush.

Q. Was there a lot of firing going on?

A. They put up a real heavy volume. It surprised us all concerning the position the men were in they didn't get hit.

COL WILSON: Who put out a heavy volume?

A. The fire that was coming from the village was very heavy. It was automatic weapons fire.

MR WALSH: From the village and directed to you?

A. At the people on the bridge.

Q. But you weren't receiving any fire?

A. No, sir.

Q. Okay, were you returning fire or firing across the river?

A. No, sir.

Q. Now how long did this keep?

A. This was a very short period of time, the burst lasted, I'd say no more than 2 minutes and then when we started moving again. We heard the explosion and the word came back that TAYLOR had his foot blown off and then we pushed rapidly into the village.

Q. Had you crossed the bridge?

A. Yes, sir.

Q. Were you the last platoon to cross the bridge?

A. No, sir, the 2d Platoon--no sir, we were the last platoon, they held us back to secure the other end of the bridge while the 2d Platoon and the CP group and the weapons platoon went across.

Q. How long did you stay on the other side of the bridge pulling security?

A. My guess would be about an hour, sir.

Q. Could you hear any firing from across the bridge while you were the security element on the west side of the bridge?

A. No, sir.

Q. It was quieter over there?

A. Yes, sir.

Q. Okay, now what happened when you crossed the bridge?

A. When we got across the first thing I saw was TAYLOR's foot. It was laying on the side of the trail. We went in and the village was deserted and we were told to head south. We went down south for about 200 meters.

Q. Just a minute, did you see a medevac ship come in to get TAYLOR?

A. Yes, sir.

Q. Was that before you crossed the bridge?

A. Yes, sir.

Q. About how long after the medevac ship went out did you cross the bridge?

A. Forty-five minutes I believe, sir.

Q. Did you see the other platoons when you got across the bridge?

A. We saw the weapons platoon, sir.

Q. That's all?

- A. They were securing the other end of the bridge.
- Q. The 1st and 2d Platoons were already moving out of there?
- A. Yes, sir.
- Q. What orders did you get at the time and from whom?
- A. We were to--the acting platoon leader, Sergeant MCCLOUD had us start moving south. We went down about 200 meters and checked the houses. He was a little afraid to walk further, because they had mines all over there.
- Q. Were the houses about 200 meters south of the bridge?
- A. No, sir. The houses were--there were houses as soon as we got across the bridge--they were extended--not like a typical village where they were packed close together. These were spread out and they were spread out quite a bit, so we didn't even bother checking all the way into the houses. We came around back to the bridge again and then we stayed there until dark. Then the weapons platoon moved out and we set up an ambush at the bridge.
- Q. So you didn't go south during the day at all?
- A. Just that 200 meters or so.
- Q. Were all the hootches burned?
- A. No, sir.
- Q. Before you went south that day?
- A. No, sir.
- Q. They were still unburned?
- A. They were still unburned. Some of the pots had been kicked over, et cetera, but nothing else.
- Q. Did you see anybody?
- A. Once, sir.
- Q. VC or civilian?

A. We saw--we were checking out positions for the ambush and we were up in the sand and we found a woman up there. She'd been dead all day and that was the only thing I saw.

Q. Did she have any clothes on?

A. Yes, sir. When the men came up they had some new people that had never seen bodies and wanted to go up and see. They were talking about it and we decided that she had a big gaping hole in her neck, it was from a regular weapon. But it was nothing we carried so we thought it might have been a helicopter.

Q. Now, while you were on the other side of the bridge did you see any gunships making any runs?

A. Yes, sir.

Q. From what direction did they come and how many runs did they make?

A. I think they came from the west, sir, and it's hard to tell then, because the ships come in separately.

Q. Did they come over your head?

A. Yes, sir.

Q. They were coming from the west and where were they firing?

A. They were firing at the bank sir, along the river, but the firing was coming from the bank itself--the enemy and they were firing into the bank and right along the beach itself.

Q. Was it just to the south of the bridge or just to the north of the bridge, do you recall that?

A. When I saw them firing they were firing just to the north of the bridge.

Q. Just to the north of the bridge? How many helicopters and how many gunruns did they make, you remember?

A. I don't remember the gunruns, but they usually flew in groups of two's and three's.

Q. You don't remember whether there were two or three?

A. No, sir.

Q. You don't remember how many runs they made?

A. No, sir.

Q. Was it over pretty quick?

A. Yes, sir, the whole thing was over--it seemed like it was just started and then it was over.

COL WILSON: Let's start getting this down. Moving to the bridge--what route did you follow when you came down?

A. I believe we hit the trail, sir, and followed the trail all the way down.

Q. This is what you designate as point 4. What happened there?

A. While the point team was still on the bridge we received a heavy volume of fire from the village or the banks along the village.

Q. Did the point team or you receive it?

A. The point team, the people that were on the bridge at the time.

LTC NOLL: Would this be in the 1st Platoon?

A. Yes, sir.

COL WILSON: You were on the bridge?

A. Yes, sir.

Q. You received a heavy volume of fire?

A. Yes, sir, very heavy.

Q. You observed this?

A. Well, we could hear the bullets cracking and see the tracers.

Q. At this point what else happened? You mentioned that TAYLOR was wounded. Was this after the fire started?

A. It was after the fire had ceased, sir, when we started moving off the bridge again.

Q. Okay, let's just put it at this point 4. TAYLOR wounded after the fire ceased. He was wounded on the bridge?

A. No, sir. He was off the bridge.

Q. He was off the bridge?

(No response.)

LTC NOLL: He was on the east side of the bridge?

A. Yes, sir, he had just stepped off.

MR WALSH: You clearly remember seeing TAYLOR run across the bridge before he hit the booby trap?

A. Yes, sir.

Q. You didn't see anybody except TAYLOR?

A. Well, TAYLOR was the only one that I could pick out of the group. He was a big man.

LTC NOLL: After the fire had ceased?

A. Yes, sir.

COL WILSON: Is there anything else that occurred here where TAYLOR got wounded before the gunships came in?

A. Yes, the medevac.

Q. The medevac picked him up. How long after he was wounded?

A. Possibly 15 minutes.

COL WILSON: Put medevac on point 4 too.

(LTC NOLL did as requested.)

Q. Okay, the next thing was the gunrun?

A. No, sir. The gunrun came before the medevac I believe.

Q. The gunrun did come before the medevac?

A. I think so.

Q. The gunrun is over here. So we'll have to put this as another point.

(LTC NOLL indicated point 5 as requested by COL WILSON.)

Q. Now at point 5. Where would you say the impact area was from the gunrun?

A. When we got off the bridge we had the palm trees. And right as we were getting from under the trees they were blown off their base with rockets. I'd say right about the end of the bridge, the eastern edge of the bridge or in that immediate area, around the bridge.

Q. Well, wasn't that very close to where TAYLOR was?

A. Yes sir. We were along the river right down in here--the ships were coming very low.

Q. This is Exhibit P-185.

A. They were coming very low over us and firing down--there isn't much else they can do, because people had been down on the bridge anyway and the impact area was right in here (indicating). Then the firing ceased and we went across the bridge and then TAYLOR lost his foot.

Q. So actually, the direction of flight was over your head and the impact area was generally over in this area?

A. Yes, sir.

Q. You don't remember how many?

A. No, sir.

Q. Had the firing from the village stopped before the gun passes were--

A. (Interposing) No, sir.

Q. Kind of surprised about that, the firing just started and it seems the gunships are making a run already. Did it stop after the gunships made their run?

A. Yes, sir, it usually does.

Q. Were they firing miniguns?

A. The gunships, sir? Yes, they were firing rockets and miniguns.

Q. Rockets and miniguns? Okay, put that down. Rockets and minigun fire.

A. And the door gunners were firing the machineguns.

Q. Did it seem to be a very effective fire? Did it look like it was going into the area where the fire was coming from?

A. Yes, sir.

Q. From your position right here (indicating) did you have pretty good observation of what was going on there? Was this high ground?

A. I think it was a mud flat, sir.

Q. Right in here (indicating)?

A. I think the whole thing was a mud flat, I believe.

Q. How far could you see beyond this bridge (indicating) as far as this area here?

A. It was fairly open. You could see between the trees, there wasn't much underbrush in the village.

Q. When you moved down here, did you conduct search operations?

A. We were supposed to sir, but no one did.

Q. Why?

- A. Because of mines and booby traps.
- Q. You mean you didn't search any of the huts?
- A. Just looked in--a cursory glance.
- Q. Were there any tunnels or bunkers out in this area?
- A. Yes, sir.
- Q. Did you search any of those?
- A. Just looked into them, sir.
- Q. You mean from the top?
- A. They had them built into the sand dunes and they were just looked into.
- Q. Could you see anything?
- A. No, sir, somewhere or other the caves were falling in. I think some of them might have been blown up.
- Q. You mean blown up that day?
- A. I think so, sir.
- MR WALSH: Did you hear a lot of demolitions?
- A. No, sir. I think I heard one explosion while we were directly across the bridge.
- Q. Did any of the places look like they were blown up? Did you see any civilians wounded or killed?
- A. No, sir.
- Q. None at all?
- A. I saw no casualties other than that dead woman.
- Q. Where did you see that dead woman?

A. At the bridge here (indicating), that we saw in the sand dune, right in here, sir. She was right off from the bridge.

Q. About how far from the end of the bridge?

A. She was in the sand dune, so it would be about the distance between the end of the bridge and this sand dune--I don't know how far that is.

COL WILSON: Let's put that down as point 7. Observed one dead woman.

(LTC NOLL did as requested.)

MR WALSH: Was it your impression that the woman had been killed by rifle fire, machinegun fire that night?

A. No, sir, seeing that the hole was so big. We don't carry anything that big. So we thought it might have been the gunships coming in.

LTC NOLL: Did you destroy any of the shelters or bunkers that were intact during the day?

A. No, sir

Q. Did you burn any of the villages?

A. No, sir. We were told not to.

Q. You were told not to?

A. Yes, sir.

Q. When were you told not to?

A. That day when we got over in the village, sir.

Q. But you were told to burn them before you went out?

A. Sergeant MCCLOUD told us not to, when we got over there. Because we were going to set up an ambush over there that night, so he didn't want to mess the village up.

Q. Did you have a platoon leader or was Sergeant MCCLOUD the platoon leader?

A. Sergeant MCCLOUD was the platoon leader.

MR WALSH: You didn't go down and join the rest of the company at any time during the 17th? You stayed in the area at the end of the bridge and set up an ambush there that night?

A. Yes, sir.

Q. How did you get chow?

A. They flew it down to us, sir. We were with the weapons platoon a little earlier I believe, sir.

Q. Were the 81 mortars set there?

A. I think they did set one up, sir. I don't think they stayed all night. I think we were by ourselves. We at least moved away from them, so we had our own perimeter.

COL WILSON: In other words, you weren't securing the mortars then? The mortars weren't in your perimeter?

A. I don't think they were, sir.

MR WALSH: Late in the afternoon do you remember a Vietnamese woman with gunshot wounds in her foot and head. She was brought to the bridge and someone requested a dustoff for her?

A. No, sir. I don't remember that. Yes, I do sir, the GI's were carrying her and someone was making comments about it.

Q. What were the comments?

A. They were laughing at the guys that were carrying her. I think it was HOUGHTON and they were laughing about his good looking girlfriend, and what a good looking doll she was.

Q. Where had he found her?

A. I have no idea, sir.

Q. Was he in the 3d Platoon?

A. He was in the weapons platoon, sir.

COL WILSON: What time of day was this?

A. I have no idea, sir.

MR WALSH: How many civilians did you see around the areas that day?

A. After we had crossed the bridge, sir?

Q. That's right.

A. I saw none.

Q. None at all?

A. None.

Q. Did anybody tell you that they had seen any?

A. No, sir.

Q. I take it that your platoon that day, after you got across the bridge, didn't have much to do all day, is that a fair statement?

A. Yes, sir.

Q. You could get a little sleep or wash?

A. Yes, sir, washed up and got some sleep.

Q. Inside the hootches?

A. No, sir. We stayed where there was more shade--a lot of shade down on the river. We would wash and then we would sleep for a little while.

Q. Did you ever hear that any of the people in the platoon might have found a girl or two inside of the hootches?

A. I'd be willing to say that no one did, sir.

Q. You're pretty sure of that; if they had you'd know about it?

A. Yes, sir, a lot of people had big mouths.

Q. Did anybody in the platoon ever find any booby traps during the day?

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

MR WALSH: That's all I have on the 17th.

COL WILSON: You remained there overnight?

A. Yes, sir.

COL WILSON: Okay, let's put at the end of point 5. RON. Now, what happened on the morning of the 18th?

A. When we got up, sir, we went to the extreme northern tip of the peninsula and starting gathering civilians and moving them down south. As we go, we would pick up more and more. When we got them down to the central collecting point the National Police were waiting for them.

Q. From the beginning or early in the morning of the 18th, when did you contact the company again?

A. We had no contact with them in the morning, we didn't see them again until we got back with the civilians that we had collected.

Q. You moved out of here (indicating) is that correct?

A. As far as I know, sir, we were the only ones that moved in that direction.

LTC NOLL: Where did you turn the civilians over to the company?

A. We had a collection point at the same coordinates that MILUS was killed.

MR WALSH: Do you recall waiting at the bridge until they moved up to you or did you move up by yourself?

A. We moved up by ourselves.

COL WILSON: Were you directed to move out, or did you have communications that told you to or was this just something that was planned the day before?

A. We knew about it the night before.

Q. You knew you were going to move out that next morning?

A. How they got the word back was probably radio transmission--there was a helicopter flying back between our platoon and back to the company, so when Sergeant MCCLOUD--I forget whether he flew back to talk to them then or what.

Q. You remember that when the helicopter brought in your supplies and rations that night whether he had already stopped at the other laager area?

A. Yes, it was, sir. It was Colonel BARKER's chopper, the colonel was back with the company then.

Q. It was Colonel BARKER's chopper and in other words, you recall the ration helicopter came in and it was Colonel BARKER's helicopter?

A. Yes, sir.

Q. He went to the laager area of B Company and while he was there the chopper came up and dropped off your rations, is that what you recall?

A. Yes, sir.

Q. And then returned to the laager area?

A. Yes, sir.

MR WALSH: Was Colonel BARKER on the chopper when he--do you remember seeing him?

A. No, sir.

COL WILSON: He stayed in the B Company laager?

A. Yes, sir.

Q. Is that what you heard?

A. Yes, sir.

Q. Okay, now you left your laager area that morning. Do you remember what time?

A. No, sir.

Q. And you moved to the end of the--what you refer to as the peninsula?

A. Yes, sir.

Q. Using Exhibit MAP-4, do you recall whether you moved all the way towards the end of the peak of land out here?

A. We moved out just below an old French fort. There were heavy French bunkers that were up there, and there was a village just below it. We started gathering there.

Q. Do you recall a fish pond, a large fish pond as you moved north?

A. No, I don't sir.

Q. You recall moving over some sand dunes?

A. Yes, sir.

Q. A couple hundred meters, I guess, of sand dunes?

A. Yes, sir.

Q. How far beyond those sand dunes did you go?

A. I believe sir, everyone was complaining, because we had to walk such a distance on this short period of time. We usually traveled 1,000 meters and we had to travel at least 1,000 meters and back again to the company. There was a fishing village, I would imagine it would be right in here.

Q. You're pointing to an area called An Binh? Let me ask you one question, as you moved north do you remember a second bridge here (indicating), which was demolished on your left?

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

Q. You don't recall it?

A. No, sir.

Q. And you don't recall the fish pond?

A. No, sir. The terrain got pretty thick, the further we moved up and it's very easy to miss.

Q. You moved out and you rounded up these people? What did you do with them?

A. We started moving them out. Down to the collection point with the company.

Q. Where was the collecting point, do you recall?

A. Not exactly sir, just where MILUS was killed.

Q. Where MILUS was killed?

A. Yes, sir.

Q. If I showed you a 1:50,000 sheet (Exhibit MAP-5) would this clarify things from the time you moved from the bridge here, north and east. There's a major village out here--there were supposedly a demolished bridge, sand dunes, fish ponds and houses along the coast?

A. We didn't follow the coast always.

Q. You didn't?

A. No, sir.

Q. Could you see the water?

A. No, sir, not at all times, we couldn't.

Q. These sand dunes were right--generally in this area. Did anything occur in your movement to the north that you can recall?

A. One chopper was firing.

Q. Where was that, do you remember?

A. Not exactly, sir.

Q. When you crossed these sand dunes, do you remember a village on the other side?

A. No, sir, I don't.

MR WALSH: You remember if the hootches were burned or had been burned recently when you came up that way north?

A. I didn't see any houses at all, sir, not until we left the coast and went inland, we started going through some villages.

Q. Were they burning?

A. No, sir, they were completely intact.

Q. Is there anything you can recall that day taking place on a location basis out in this area?

A. No, sir, those little villages all look alike when you get into them.

Q. But you say you do recall MILUS getting killed?

A. Yes, sir, that was that night.

Q. Nothing during the day? How many villagers did you round up that day?

A. I have no idea sir, I imagine it was at least 500.

Q. Five hundred? Do you remember where the collection point was? Was it down on the beach?

A. It was down on the beach--we had passed the area. It possibly could be over here sir, it was so sandy there.

Q. You mean you passed the collection point going and came back to it, is that what you mean?

A. Yes, sir.

Q. Did you move inland in the vicinity of that collection point or had you already gone in there by that time, because that was on the coast?

A. The collection point was right on the beach. They had the villagers all sitting on the beach. There was a fishing village right there and so we came back and turned our prisoners in. Then we went to our night positions.

Q. Was that very far from the collection point?

A. No, sir, they were right next to each other.

Q. And you set up a perimeter that night?

A. Yes, sir.

Q. You remember a medical team coming in, giving medicine?

A. No, sir. Once we dropped our prisoners off we went back to our position and we didn't see them at all.

Q. You didn't have any idea why all the people were being rounded up?

A. Well, they would either be rounded up for interrogation or just making arrangements to move them out, because as I understood it there was a mission that we were supposed to perform and get the people together and move them out.

Q. How far were you from MILUS when he was killed?

A. About 30 meters.

Q. Thirty meters?

A. Yes, sir.

- Q. Were you on security watch or were you--
- A. (Interposing) Yes, sir, I was on watch when the round came in.
- Q. Did you see where the rounds came from?
- A. Only small arms fire, sir.
- Q. You saw small arms fire?
- A. Yes, sir.
- Q. Which direction were you facing in the perimeter?
- A. I was facing north.
- Q. You were facing north and you were still in the dunes?
- A. Yes, sir.
- Q. Was the sea to your rear?
- A. No, sir, the sea was to my right.
- Q. The sea was to your right and you were facing north? Did the firing begin before the mortar rounds came in or--
- A. (Interposing) Yes, sir.
- Q. In other words, there was small arms fire?
- A. Yes, sir, the small arms started and then it seemed in a matter of seconds the mortar rounds hit. So apparently they dropped them in the tubes and started to fire to cover it. The first round hit behind me and then the second hit right in MILUS's hole, and they kept moving the fire down the sand dunes.
- Q. Did it appear that the position was very far from--

A. (Interposing) The small arms fire seemed no more than 300 meters. This was our laager position--I think the small arms fire was coming from over in here, over in this thicket here. It seems to be where the fire was coming from, right in this area. It started to widen a little bit and there were a lot of trees there so they could have been dropping their mortars over from the woods and covering with small arms right down on the beach from us.

Q. Did you hear of a patrol going out and finding that mortar position that next day?

A. Yes, sir.

COL WILSON: Number 8 right here. On 8. Cannot recall location. Moved approximately 500 villagers to the collecting point, was approximately 50 meters from MILUS when killed. Recalls small arms fire preceding mortar attack. Do you remember what time on the 19th you left and went back to the fire base?

(Exhibit P-190 was entered into evidence.)

A. I believe it was around 0700 or 0800.

Q. Do you recall which fire base you went to?

A. I think we went back to Dottie, sir.

MR WALSH: Before you left to go back to Dottie, do you recall seeing any National Police, ARVN's interrogating detainees?

A. No, sir, the Vietnamese--the ARVN's were with us and we were giving them food and they were joking around.

Q. How long had they been with you?

A. I have no idea. The first time I saw them was in the morning.

Q. Just the morning?

A. You mean were they with us just in the morning?

- Q. Yes.
- A. Yes, sir.
- Q. You ever see or hear about any of the ARVN's torturing PW's?
- A. Yes, sir.
- Q. Well, did you see it?
- A. No, sir.
- Q. What did you hear about it?
- A. I heard that they hooked a land line up to him and shot some electricity through it.
- Q. Through his testicles?
- A. Yes, sir.
- Q. Did you hear of any other forms of persuasion that they were using that morning?
- A. That's the only one I know of.
- Q. But you didn't see it yourself?
- A. No, sir.
- Q. You remember who told you about it?
- A. Steve MILLER, sir.
- Q. Do you remember his squad?
- A. No, sir, he was in the weapons platoon. He had been a member of my squad before we left Hawaii.
- Q. Did you either see or hear about any other instances of mistreatment of PW's or civilians during the course of this operation?

A. No, sir, other than an interpreter smacked some lady.

Q. That was the 1st day, how did that happen? When did that happen?

A. The 1st day.

Q. On the 1st day.

A. Yes, sir.

Q. Was that in the laager area of B Company?

A. No sir, that was when we were searching the village.

Q. This was the interpreter that was with Lieutenant JOHNSON?

A. Yes, sir.

Q. He slapped her?

A. Yes, sir.

Q. Was anything more than that done or did he do any other physical damage other than slap her.

A. I don't think so sir, they told us to leave the area anyway.

Q. After you observed them slapping the woman?

A. Well, no matter when you went up there, they wanted to keep the GI's away from them.

Q. But on this occasion you were close enough to Lieutenant JOHNSON and the interpreter to see the interpreter slap her?

A. Yes, sir.

Q. How far away were you from them?

A. Ten yards, sir.

Q. Did you hear at any time--did you hear about any method of operation, or way in which members of the 1st Platoon were checking bunkers which resulted in a lot of people being killed during the second day?

A. I heard about it a month later.

Q. What did you hear?

A. I heard that they called in the bunkers for them to come out, and if they didn't they threw explosives in there.

Q. Did you hear this about any particular element of the 1st Platoon?

A. The point team, sir.

Q. Did you ever hear anything about anybody other than the point team?

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

Q. And you didn't hear about this until a month after this operation?

A. Yes, sir.

Q. Did you hear at the same time or at any other time any estimate as to how many civilians had been killed as a result of this?

A. Forty-two is what I heard.

Q. You heard 42?

A. Not 42 civilians--that's where the company had gotten a body count on the operation.

Q. All right, my question was directed more to an estimate of the number of civilians who might have been killed in the bunkers as a result of the point team dropping explosives?

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

Q. You heard that they had followed this practice, but you didn't hear any estimate of the number of people killed doing it?

A. No, sir.

Q. After you got extracted back to Dottie did you hear anything about an investigation being conducted into the operation of Task Force Barker at this time?

A. No, sir.

Q. Did anyone ever question you about your activities during the operation?

A. No, sir.

Q. Did you ever hear about anybody in the company being questioned about the operation?

A. No, sir. The only thing I heard was that one of our commanding officers had talked to the company commander and that's all I heard.

Q. When you say you heard one of the senior officers had talked to your company commander, what did you understand the conversation was about?

A. Actually what it pointed to was some combat we had had before, where a large body count was accumulated. I believe it was General LIPSCOMB. He came in and commented to the company commander that the body count looked a little unreal and the company commander was a little ticked-off about it, because there was really--we had run into a hard-core VC battalion.

Q. What I'm trying to get to is what you heard about the company commander being spoken to about this operation?

A. I believe it was sort of all combined.

Q. All right now, when did you hear about the company having claimed a body count of 42?

A. I never heard it, sir. I never even knew the company to really turn in a body count. I never saw a report or heard anything of any official numbers.

Q. Did you see or know about any VC the company killed that day?

A. No, sir.

Q. Or any day during the operation?

A. I heard just before the operation was over--the following morning, before we lifted off, that they had caught six snipers or had killed six snipers.

Q. At your perimeter?

A. No, sir, the snipers sort of had a little base camp set up and the information they had gotten off of one of the prisoners led them to this base camp.

Q. Who went in there?

A. I don't know, sir.

Q. Was it your company?

A. I think so, sir.

Q. Did you ever hear anything about an investigation being conducted into the operation of C Company during this operation?

A. Yes, sir.

Q. What did you hear?

A. That one of the helicopter pilots had reported that they were doing unnecessary shooting, that's the last I heard of it.

Q. You remember who you heard that from?

A. No, sir, the rumor just flashed around the company.

Q. Did Captain MICHLES or anyone ever tell you or the people in your squad not to talk about it, or not to tell war stories about this operation. That it was being investigated?

A. No, sir.

Q. Can you think of anything that we haven't asked you that might be of help to us in this investigation. That you haven't told us already?

A. No, I can't think of anything else, sir.

LTC NOLL: For your mode of operation at the end of the day's operation, were you ever gathered together and briefed on what happened that day and what was going to be done the next day?

A. My unit sir, no, sir.

COL WILSON: Did you have a camera?

A. Yes, sir, but I never took any film.

Q. You never took any of any operation?

A. No, sir.

Q. Do you know anybody that did?

A. Not at that time, sir.

Q. Do you have any sort of documents, or tape recordings, or letters, or anything which would recall, or which would be pertinent to this particular operation and this investigation?

A. I don't believe so, sir.

Q. Well, if you get back and if you find out, and if you run across anything like photographs or anything like that, would you give us a ring and we will try to make arrangements to get the copies of it, and give them back to you. Anything that can give us a better insight into what happened during this period.

A. No sir, I'm very sure. I was very careful not to write any war stories.

Q. Sometimes people write letters after they come out of the field that may help fix times and dates. Was there any change of techniques, or methods of operation, or tactics of B Company after this operation?

A. Well, the whole company started to fold up. People were starting to get--older people we brought with us, and we were slowly losing them and people just got disgusted before they left for the field. Went on sick call, came back with profiles, put in for transfers.

Q. Was Captain MICHLES still there when all this was going on?

A. Yes, sir.

Q. What was the reason for this?

A. At this time when we went into My Lai we were a new unit and by that time everybody was disgusted with the field--

Q. (Interposing) In other words, the situation under which you were working, where everybody was disgruntled about it? Is that what you mean?

A. Yes, sir.

Q. Did this operation have anything to do with it?

A. I doubt it, sir, unless it was the wounded we took. TAYLOR was a very popular man and so was MILUS and I know the group that MILUS used to hang around with all the time--as soon as we went back they started going on sick call, didn't want to go to the field anymore. And the point team disbanded after TAYLOR lost his foot.

Q. Did they get another point team together? What did they do?

A. No sir. The original point team were volunteers anyway and after they folded up they couldn't find anybody who wanted to go back to being on the point team.

Q. What about the tactics, were there any changes in tactics or was there anymore restraint on B Company personnel than there had been before, or less restraint--your freedom of action about the same as far as squad leaders was concerned?

A. No sir, it was about--different types of tactics were brought in. In other words, the company was getting so small by then, we were working more on squad level and platoon level, rather than going out on long missions for the company.

Q. No change in rules as far as you're concerned as engaging the enemy and so forth?

A. No, sir.

Q. No change in rules in how to sweep the villages?

A. No, sir.

Q. No change in rules of burning?

A. No, sir.

Q. Destruction of food stocks?

A. No, sir.

Q. Same procedures?

A. Yes sir, no change.

Q. Did this operation, after you came off of it, appear to be any different from any other operation that you've conducted?

A. Other than the people that were lost. To me it was actually kind of a quiet thing. As I said, I saw one body the whole time and that was that woman. Ordinarily we'd go out and get in a little hot fire fight and get a few body counts, but this one was actually pretty quiet.

Q. But you 'id lose an abnormal number of personnel on this operation, or was it the key people that was lost?

A. I think it was more the key people, because not too long before we had lost quite a few people. I know we lost a lot of our senior NCO's.

Q. Back at the time you were at this bridge. Had these gunships made one, or two, or how many passes--flying passes? Would you have expected to find some bodies as a result of those passes?

A. Yes, sir, ordinarily--well no, I can't actually say that sir, because weapons are such a funny thing. You can drop a big bomb in the middle of a city and walk in and find two dead bodies. And that's the way our weapons are. Sometimes they are very effective when you think they wouldn't be, and sometimes when they should be, they weren't.

Q. Do you know if there was any search made to find any bodies as a result of those flying passes?

A. Well, the normal search patterns, we had them. We would go in and search for weapons and food caches and if there were bodies we would find them then.

Q. This area was searched then, right after that time?

A. Yes, sir.

LTC NOLL: On the 17th you spent time in the area across the bridge when the rest of the company was working south, would it be reasonable to expect you to hear the demolition charges going off?

A. Yes, sir.

Q. Did you hear any?

A. One, sir.

Q. Just one?

A. And everybody paid attention to that because of the mines--we were more concerned about mines and we thought maybe somebody else had gotten it, that's as far as I can remember.

Q. Demolitions were set off two grid squares away, 2,000 meters, would you hear that?

A. Unless you yourself were firing your weapons, you would hear it.

COL WILSON: Do you know if there was any use of marijuana in B Company?

A. Yes, sir, there was.

Q. Was it a problem?

A. It got to be after awhile, sir.

Q. Was it a problem before or after this operation?

A. Well, I would say it was about the same--the people that we began to have problems with were using it before and some just started. And it became more and more free and easy to get hold of and then we had some of our replacements constantly smoking it all the time.

Q. Your replacements?

A. The replacements which we were getting in.

Q. Did they smoke on operations?

A. I was pretty sure some of them did, I could never catch them, but I was pretty sure a lot of them were.

Q. Would you allow this in your squad?

A. Well, I had trouble with a couple of people and we had a talk. I told them I would have to turn them in unless they stopped it.

Q. On operations?

A. No, not on operations, in base camp.

Q. And it did become a problem?

A. Yes, sir, we had some people that were moved out of the company because of it.

Q. You did? How were they moved? Administratively or by court-martial?

A. They were transferred to other units--you really couldn't catch them, but you knew that they were.

Q. Did you have any details on these marijuana users? Do you know where they were getting it?

A. You can get it anywhere over there.

Q. You know about how many we're talking about, out of a company strength of about 120 men?

A. Out of 120 I'd say there were 10 that smoked all the time and probably 80 percent were at least trying it while they were over there.

Q. Are there any other narcotics being used by personnel in the unit?

A. I didn't see any, sir.

Q. Do you have any further testimony or any further statements that might assist us in the investigation?

A. Maybe sir, since you asked if I had heard about the tactics the 1st Platoon used. When I heard about it a friend of mine was on the point team and we were talking

about it and he denied it--as far as he just said they blew up some bunkers. But as far as he knew that's all they did. They called in and asked the people to come out and they didn't see anyone, so they blew up the bunkers.

Q. Who was that?

A. Donald HOOTON.

Q. Was this point group a pretty rough crowd?

A. They had a reputation of being really wild, they didn't like taking orders from the NCO's and officers. They were constantly goofing off, and messing around, and horsing around mostly. They weren't goofing off, but everybody just thought they were crazy because they were the only people in the company that would volunteer for a point team.

Q. What was their longevity? Did that point team change personnel very often?

A. No, sir.

Q. It seems kind of odd doesn't it?

A. They liked it, sir. They didn't like the platoon leader and they didn't like the platoon sergeant they had.

Q. They didn't all come from the same platoon?

A. Yes, sir.

Q. They did? Who was the platoon leader at that time?

A. Well, Lieutenant SPRAGGINS had been the platoon leader, that's when it was actually part of the 1st Platoon. Then Lieutenant WILLINGHAM came in and he didn't have any confidence to trust himself. And he stayed away from the 1st Platoon as much as possible.

Q. As I recall Lieutenant WILLINGHAM hadn't been there very long?

A. No, sir.

Q. Is this normal, for personnel in a unit like that to have a green lieutenant to come in and didn't have any respect for him initially?

A. Well, he posed the image of the type of man that you wouldn't want to go into combat with. Whether he had 2 years or 2 weeks.

Q. How about these replacement officers that came in?

A. Well, they varied, some were good and some were bad.

Q. Well, just because a guy's replacement is without combat experience--does a man look at him right away and say that they don't trust him?

A. Well, we thought he was sort of a flop.

Q. You mean WILLINGHAM. Now I'm speaking as a whole?

A. He isn't the kind of a guy that you want to go to the bar and drink with.

Q. What about the others?

A. The other replacements, sir?

Q. Yes?

A. Most of them were pretty good people. The majority of them were pretty good people.

COL WILSON: How many officers were in the field--the company commander and two platoon leaders and the battery commander?

A. We had our company commander and at that time, we went out to My Lai we had a Lieutenant WILLINGHAM and Lieutenant COCHRAN and we had a platoon FO.

Q. I am going to request you not to discuss your testimony in this investigation with others, including other witnesses, except as you may be required to do so before a competent judicial, legislative or administrative body. You understand what I mean by that?

A. Yes, sir.

Q. You are not to discuss it, but if you are called before a Congressional committee or before another board of this type, the warning isn't in effect. It is just that we don't want you to discuss it with other witnesses or anybody who is going to appear before this board, or the press, or the public, it's just a private matter, okay?

A. Yes, sir.

COL WILSON: The hearing will recess.

(The hearing recessed at 1232 hours, 23 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: BROOKS, Tommy L.

DATE OF TESTIMONY: 29 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT 16-19 MARCH 1968: Grenadier, Second Squad,  
Third Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness came from Hawaii with the 11th Brigade (pg. 2). He did not recall any training being given on the legality of orders and he did not recall Exhibits M-2 and M-3 (pg. 2).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness could not recall being briefed on the operation by his squad leader, who would normally pass down instructions from the platoon leader (pgs. 3, 4). Most of the operations of the unit were search and destroy, and the witness stated that normal procedures were to be used on the operation (pgs. 4, 5). The witness recalled being told the area was a VC stronghold (pg. 5). They were to gather the villagers and search the village (pg. 5).

3. ASSAULT OPERATIONS.

a. Activities on 16 March.

The witness recalled Lieutenant COCHRAN triggering the mine and saw a slick evacuate him (pgs. 6, 7). A medevac took the others out (pg. 7). The witness did not recall any other activities that day (pgs. 6-8).

(BROOKS)

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b. Activities on 17 March.

The witness did not recall TAYLOR hitting a booby trap or any other activity that day, other than finding rice in a deserted village, which they sent out (pgs. 10, 11).

c. Activities on 18 March.

The witness remembered rounding up a number of Vietnamese, but did not recall any medics coming in (pgs. 12, 13). He remembered ARVN soldiers being present that night along with two detainees (pgs. 13, 14). He stated that at 2000 hours, while on guard, they were hit by mortars (pg. 14). The flash was 250 meters away (pg. 15). The casualties were evacuated and "Spookie" and gunships came in (pg. 15).

4. INQUIRIES CONCERNING THE ASSAULT.

The witness knew nothing about any investigation, and heard no rumors concerning the unnecessary killing of civilians (pg. 17).

5. OTHER INFORMATION.

The witness did not know of a marijuana problem in the unit (pg. 17).



(The hearing reconvened at 1645 hours, 29 January 1970.)

COL WILSON: The hearing will come to order.

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

The next witness is Mr. Tommy L. BROOKS.

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

Will you please state your full name, occupation, and residence?

A. Tommy Lee BROOKS, 149 Bright Street, Jersey City, New Jersey.

RCDR: And your occupation?

A. Driver for a trucking company.

COL WILSON: Mr. BROOKS, have you discussed this operation with anybody in your company since coming over from Vietnam?

A. No, I haven't.

Q. You read Exhibit M-81 which we gave you with the information for witnesses on the procedures that we will use for the interview. You understand that this is an interview team which is part of the Peers Inquiry. The team is composed of myself, Mr. WALSH who is the civilian attorney appointed by the Secretary of the Army to assist General PEERS, and Colonel NOLL who is a member of the team. The three of us have the authority to question you for General PEERS. Major THOMAS is the recorder for this interview team. Any member of General PEERS' team also has the authority to ask questions. If there are any questions in your mind, ask and I'll identify them to you.

What was your duty assignment on 16 March 1968?

A. I can't remember where I was that exact date, but during the month of March I was a grenadier.

Q. You were in the 3d Platoon?

A. Yes.

Q. Do you remember which squad?

A. I think it was the second squad, I'm not sure.

Q. Who was your squad leader, remember?

A. Sergeant BRADDOCK, I believe.

Q. Do you recall being given any training anytime in your military service which was concerned with the legality of orders?

A. No, sir.

Q. That is, legal and illegal orders, or anything on that subject as to whether every order you received, whether you could question as to whether or not it was legal?

A. No.

Q. I'll show you Exhibit M-2 which is titled, "Nine Rules." It's a MACV card. That's a facsimile, front and back. Have you ever seen that card?

A. No, I haven't seen a card like this one.

Q. Exhibit M-3 is titled, "Enemy in Your Hands." Have you ever seen that card?

A. No, I'm not sure, but only thing I could remember was the languages. English language was translated into Vietnamese.

Q. And did you remember the card?

A. No, I don't know the card.

Q. Were you at the 11th Brigade prior to its coming from Hawaii?

A. Yes, from Hawaii.

Q. Do you recall from the information sheet that we gave you outlining the chronological sequence of questioning?

The first series of questions concerning the operation would be concerned with the briefing that you received prior to the combat assault. Now before asking you any questions on that, I want you to be sure that it's clear in your mind which operation we're talking about. Do you remember the operation that took place on 16 March?

A. No, I can't remember it.

Q. Do you remember when Sergeant TAYLOR, Sergeant MILUS, or Lieutenant COCHRAN were wounded or killed?

A. Yes, yes. Yes, I remember it.

Q. Do you remember that operation?

A. Yes.

Q. Then that's the one we're talking about. I know you went through a lot of operations, and I just want to be sure that it's clear in your mind which one we're talking about. You were at LZ Uptight?

A. Yes.

Q. On 15 March or early in the morning of 16 March, you should have gotten either a briefing or field order, some information that you were going to go on a mission, a combat assault operation of the 16th. Do you recall who told you about it?

A. No, I can't recall. No, I can't recall that I saw anything about it.

Q. I'm speaking of such things as somebody's got to say, "We're going down into Pinkville, we're going to take 3 days' rations, or 1 day's rations, we're to take ammunition, we've got to have this, and be sure and take your sleeping bag, or don't take your sleeping bag," and this sort of thing. Who told you about this? Regular preoperational briefing?

A. If anybody told us about an interview, it had to be my squad leader, but I can't remember him telling me about it.

Q. Normally though, he's the one who gives it to you?

- A. Yes, he gets it from the platoon leader.
- Q. And he passes instructions down to his squad?
- A. Yes, sir.
- Q. And you don't remember any instructions on this operation?
- A. No, not this particular one.
- Q. Do you remember, recall, anything being discussed about the destruction of villages, the type operation this was supposed to be?
- A. No, but mostly on our operations we would search and destroy.
- Q. You think this was a search and destroy operation?
- A. Well, yes, we always did away with it.
- Q. Destroyed?
- A. Yes.
- Q. Was there anything special stated about the procedure to be used in this particular operation?
- A. No.
- Q. How about animals?
- A. Not as far as I know of.
- Q. Any special instructions on what to do with the natives of these villages?
- A. No.
- Q. Just normal procedures?
- A. No.

Q. Nothing special?

A. Yes.

Q. Do you understand or were you told what the enemy situation was in this area?

A. Yes, it was supposed to be a VC stronghold or something. We knew there was plenty of VC there from a briefing, you know.

Q. Previous operations?

A. Yes. We were there before.

Q. There were no special instructions on villagers, natives, people, what to do with them?

A. Well, it was this, to separate the villagers, put them all in one place and then search the village.

Q. Do you know what your squad was supposed to do with reference to the other squads in the platoon?

A. No, sir.

Q. Did you have a machinegun attached to your squad?

A. Yes.

Q. Do you know who the gunner was?

A. I believe it was Sergeant MAHR.

Q. Sergeant MAHR?

A. Yes, M-A-H-R. I'm not sure, but I believe it was.

Q. All right. Now, can you remember anything else about the briefing, or instructions you got?

A. No.

Q. Now, what weapon were you armed with?

A. A grenade launcher. A .45, also.

Q. Did you have ammunition for the grenade launcher?

A. Yes, sir.

Q. Let's go to the operation. I'll give you a short rundown on what we think happened, and then we'll start through each day, and see if you've got any additional information that you could provide us.

(COL Wilson oriented the witness on the operation using MAP-4.)

Now, from your standpoint, do you recall when you went in, if there was any firing on the ground?

A. No, I can't remember. There was a Lieutenant COCHRAN hit.

Q. Let me get a couple more questions on the landing zone. You didn't hear any firing on the landing zone?

A. I can't recall it.

Q. Do you remember moving out to the north? Now this was before COCHRAN got it. Do you remember moving north with your platoon, when you left the landing zone?

A. No.

Q. Do you remember crossing the trail before COCHRAN was hit? Do you remember a big gate over a trail that had some writing across it, Vietnamese writing across the top of it?

A. No.

Q. Do you remember where Lieutenant COCHRAN was killed?

A. Yes, I remember.

Q. How far were you from him when he triggered this mine?

- A. About 50 meters, I guess.
- Q. Did you see the evacuation ship come in to pick him up?
- A. Yes, I did.
- Q. Was it a dustoff or was it a slick?
- A. It was a slick.
- Q. Did you see the other group when they hit the mine.
- A. No, I didn't see them.
- Q. Did you hear the explosion?
- A. Yes, I heard the explosion.
- Q. Did you see the evacuation ship come in and pick up those casualties?
- A. Yes.
- Q. Was this a marked hospital ship, with a red cross?
- A. Yes, with a red cross, sir.
- Q. It had a red cross on it. Do you recall what happened after that? Did you stay there or did you search any villages, or what happened?
- A. No, I can't remember anything after that.
- Q. You don't remember searching?
- A. No.
- Q. Do you remember linking up with Charlie Company that night? Do you remember Charlie Company coming in? Setting up a laager position?
- A. No.
- Q. Do you remember any ARVN coming in, or National Police, or U.S. Military Intelligence interrogators? Do you

remember seeing any of them around the perimeter that night or that afternoon?

A. No, not that I recall.

Q. About that evening. Was there any firing or did you hear any small arms fire inside the perimeter? Or outside?

A. No.

Q. There was nothing that you can recall that happened that night that you would remember?

A. No. Like I said, normally I can remember, but then I was wounded in October.

Q. Well, at about the same time or possibly right before he had been mined, did you hear any firing going on over there toward the sea?

A. No.

Q. Did you see Colonel BARKER come into the position?

A. No, I didn't.

Q. At any time did you think that you were getting sniper fire from the village?

A. No. As I can remember, I know most every time we went to that village we always got sniper fire, but I can't remember that particular morning.

Q. Did you see anybody from Charlie Company staying in that laager position?

A. No.

Q. The next day you moved to the coast, toward the sea. Do you remember that?

A. That's the road?

Q. That's your laager position. You moved on that road toward the sea right over the bridge down there.

A. I was in the laager close to the water, but I don't know what day it was on.

Q. Do you remember hearing some firing down there and coming to a halt on the trail? Stopping and holding up?

A. No, sir. No, I can't remember it.

Q. This was about what time, about 0810? This is where TAYLOR hit that booby trap, apparently on the bridge. Maybe you don't remember TAYLOR, Sergeant TAYLOR?

A. No, I can't remember it.

Q. He hit the booby trap, then they got some sniper fire. That was the report. Do you remember firing over a river into an area on the other side of the river, or do you remember your platoon firing like that?

A. No, not close to a river.

Q. Do you remember crossing a concrete bridge?

A. No.

Q. With some mines marked on the other side?

A. Mines marked?

Q. Taped off, so you won't step on them.

A. No.

Q. Well, our reports indicate the 3d Platoon crossed over and with the 81 mortars stayed in this general vicinity out there by the ocean (indicating on MAP-4).

A. No, if they were there, I can't remember.

Q. The rest of Bravo Company moved over, joined the 1st Platoon and moved south while the 3d Platoon stayed up there by the bridge in that general area. The company moved south and didn't join you again that day. You all stayed up there by yourself.

A. On a hilltop, or something, or what?

Q. No, you're right there by the bridge, or I'd say within 150 meters of the bridge. You set up a night position that night and stayed there. I don't think you had a hot meal that night. Helicopters allegedly came back with some chow, C rations, probably.

A. No, the only time I can remember joining the weapons platoon is on top of a hill or something.

Q. On top of a hill?

A. Yes.

Q. Then you say the mortar platoon wasn't there that night?

A. I'm not saying they weren't there.

Q. You don't remember them being there?

A. No.

Q. Do you recall the day you crossed the bridge? Do you recall moving north and putting a cordon across that spit of land?

A. No.

Q. Possibly 500 meters north?

A. No.

Q. Bravo Company moved south, all the way down. You may have heard someone talking about it. It's a pretty long walk. They came back up and went into laager position. You stayed by yourself. Do you remember that day seeing anybody come in in a helicopter? Specifically, any Vietnamese interpreters?

A. No, they came in so much, I can't remember what day it was that he came in.

Q. I don't think you got a hot meal that night. You could have gotten a resupply, possibly of ammunition and explosives, and you could have gotten some rations in. But anyway, on the 18th, it was reported that 3,000 pounds of rice was found up there near where you were. It was at 0755 hours. That was probably before the rest of the company got up there.

A. Yes, I remember finding a lot of rice, and I remember a bridge that was in front of the place where we found the rice.

Q. How was it? Where was it?

A. In a basket.

Q. More than one basket or one basket?

A. Baskets all over the place.

Q. Baskets of rice around there. Was it in the village or was it out?

A. Yes, in a deserted village.

Q. Was it hidden or right out in the open?

A. No, it was in the open, kind of concealed.

Q. What?

A. Kind of concealed, but not a good job.

Q. Was there an attempt to conceal it?

A. Yes.

Q. Was it in a house?

A. Some of it was. Some of it was in back of the house.

Q. Do you know what happened to the rice?

A. Yes, I think we bagged it up or something, and we shipped it out, and the helicopter came in and took it out.

Q. They came in to evacuate it?

A. Yes.

Q. The company got together. I don't know exactly what the formation was, but they moved from the bridge position where you were. They moved on to the north on up the spit right by the ocean there and into a village, a fairly large village, up in that area, and started to round up a bunch of Vietnamese from out on the coastal area. More than maybe 500 to 600 and up to 1,000 Vietnamese were rounded up up there and brought back to the beach. Do you remember that?

A. I remember that.

Q. A whole bunch of Vietnamese. A couple of villages up back in there. These people were brought back to the beach. Do you remember rounding these people up?

A. Yes.

Q. You remember taking them back to the beach?

A. Not that night, I don't think.

Q. What happened to them when you rounded them up? This would have been during the day.

A. We put them in one location, and after we had four of them together, you know, four of the Vietnamese together, we saw one or two farmers. This was about 500 meters away.

Q. Yes?

A. Then that night we got hit.

Q. Did you see the medical teams in there that day with these Vietnamese you sent down there?

A. I can't remember that.

Q. Do you remember the helicopters coming in bringing some medics? Medical equipment? These people being treated for whatever problems they had? What was called a MEDCAP? Did you know about that?

A. No, I can't remember medics coming in. I noticed some helicopters coming in that day.

Q. You got through rounding these people up, and toward dark, as it got later that day, did you come back and set up a perimeter?

A. Yes.

Q. Do you remember seeing any Vietnamese in that perimeter, ARVN, any strangers, military interpreters, interrogators?

A. Yes, of course, we had captured one or two. One or two was with us that day.

Q. Are these detainees or are these ARVN personnel?

A. Detainees.

Q. How many detainees did you have that night?

A. I could remember two, I believe.

Q. Two?

A. One or two.

Q. Where were they? Were they in your platoon or were they somewhere else?

A. They were with the CP.

Q. They were with the CP? Did you see any ARVN soldiers up there with the CP?

A. Oh, yes, we kept one or two with us all the time, as interpreters.

Q. Did you know any of the ARVN soldiers?

A. Yes, I knew some, but I didn't--

Q. (Interposing) By name?

A. No, I didn't know them by name, I know them by face.

Q. Were there some in the area that night?

A. Yes. At least one or two there, I'm sure, interpreters.

Q. Did you see any strange U.S. types that you didn't know, who weren't in Bravo Company, there?

A. Strange?

Q. Well, I mean soldiers or officers that had come in, who you didn't know?

A. No, I never--

Q. (Interposing) People that weren't assigned to Bravo Company?

A. No, I can't remember.

Q. Later that night, you all got hit. How many rounds did you get?

A. I was on guard the time we got hit. This must have been around 1900 or 2000, I guess. After that we got small arms fire.

Q. Did you see the muzzle blasts, or--

A. (Interposing) Muzzle flash, yes.

Q. How far was it?

A. About 200 meters, maybe 250.

Q. And the small arms fire came in after the mortar rounds?

A. Right.

Q. And evacuation ships came in and got the casualties?

A. Oh, yes, sure.

- Q. How far was MILUS from you?
- A. Oh, MILUS was 25 to 30 feet.
- Q. Feet?
- A. I said meters, didn't I?
- Q. No.
- A. Twenty-five or thirty meters. I was on this side of the perimeter; he was on the other side.
- Q. The helicopters came in and took the casualties out. Now earlier that day, did you see the artillery coming into those villages?
- A. No, I can't remember no artillery.
- Q. Did you hear of an old woman with her leg off? Wounded, being evacuated?
- A. No.
- Q. After the mortar fire, do you recall aircraft flying around?
- A. Oh, yes, there were flares up all night.
- Q. Aircraft, or from your mortars?
- A. No, not from the mortars. It was from the aircraft.
- Q. Was this fixed-wing or helicopter?
- A. I think it was fixed-wing. I think it was "Snoopy, Snoopy"--
- Q. (Interposing) "Spooky"?
- A. Yes, "Spooky."
- Q. Did anything else occur that night that you can recall?
- A. I remember gunships coming in also.

Q. A lot of firing?

A. Yes, a lot of firing.

Q. Do you recall any detainees, any--it was only two that you recall being there--do you remember if they were mistreated or not?

A. No they weren't mistreated.

Q. They were not?

A. No.

MR WALSH: Did you hear anything about the 1st Platoon action the first day?

A. No.

Q. Did you hear any talk about what their body count was?

A. No, I can't remember.

Q. Do you remember seeing any bodies on this operation?

A. Yes, I saw some bodies, at least one, that was MILUS.

Q. All right. Do you remember anyone hearing of a Vietnamese woman?

A. No.

COL WILSON: Do you remember getting an order any time during the day, it would have been on the 18th, I guess, to stop the burning? Stop burning the villages?

A. No, I can't remember.

Q. Do you remember any time seeing any Navy ships being out there on the water?

A. No, I heard some talking about their ships being out there, but I didn't specifically see them.

Q. Did you hear anything that they had brought in some Vietnamese in sampans?

A. No, I can't remember. I'm not sure, sir.

Q. Do you have any knowledge of any investigations or any inquiries that were conducted on this operation prior to the time that you left Vietnam?

A. No.

Q. Nobody asked you any questions?

A. No.

Q. Did they ask anybody you know any questions?

A. No.

Q. You didn't see anybody back at Dottie or Uptight questioning people about this operation?

A. No.

Q. Did you ever hear any rumors that civilians had been unnecessarily killed by any of B/4/3 or C/1/20?

A. No.

Q. Were you ever told to not discuss at any time U.S. or ARVN personnel torturing VC suspects or prisoners of war?

A. No.

Q. Do you know if there was any marijuana problem in B/4/3?

A. Not that I know of.

Q. Mr. BROOKS, have you any further testimony or any statements to make that might assist us in this investigation?

A. No, I think that I said everything that I know.

Q. No further statements? I request that you not discuss your testimony in this investigation with others,

including other witnesses, except that which you may be required to do before a competent judicial or legislative body. Any questions on that?

A. No.

COL WILSON: We appreciate your coming. The hearing will recess.

(The hearing recessed at 1713 hours, 29 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: CARTER, David S.

DATE OF TESTIMONY: 17 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Platoon leader, 3d Platoon, (Hospitalized), B/4/3.

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

Mr. CARTER could not recall specifically any classes on the Rules of Land Warfare or the Geneva Conventions in Hawaii. However, the battalion may have received a class prior to embarkation (pgs. 7, 8). In Vietnam, they received training on the proper handling of PW's. Prisoners were to be tagged and blindfolded prior to being sent back for interrogation (pg. 8). Civilians were gathered together during a sweep and searched. After completing the sweep, they were freed. However, it was common practice for them to accompany the unit during a sweep (pgs. 12, 13).

If a woman or a nonmilitary-age male ran, no action was taken. However, if a military-age male ran, a warning shot was fired and "halt" was hollered before shooting him (pg. 14). B/4/3 personnel were very familiar with this procedure (pg. 15).

B/4/3 reconned by fire in uninhabited areas if the company commander acquiesced (pg. 16). Captain MICHLES was adamant that B/4/3 troops were not to shoot innocent civilians (pg. 22). CARTER cannot remember seeing any document entitled "Rules of Engagement" (pg. 11). It was not unusual to receive orders to burn villages in the Batangan Peninsula or "Pinkville" areas (pgs. 17, 18, 19). The first time they operated in the peninsula they were instructed to kill the animals and throw them into the wells (pg. 21).

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by the witness (pg. 29).

c. Marijuana usage was widespread in B/4/3. CARTER did not think there was any connection between marijuana usage and war crimes (pg. 39).

d. Although CARTER did not think WILLINGHAM was a good platoon leader, the witness did not believe that WILLINGHAM was capable of murdering innocent civilians (pgs. 26, 41).



(The hearing reconvened at 0912 hours, 17 January 1970.)

COL WILSON: The hearing will come to order.

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

The first witness is Mr. David S. CARTER.

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

RCDR: Please state your full name, occupation, and residence.

A. David Stokes CARTER. I'm a student at the University of California, Riverside, and my residence is 4212 Eldorado, Riverside, California 92501.

COL WILSON: Mr. CARTER, before proceeding with any questions I would like to inform you of several matters. The Peers Inquiry was directed by the Secretary of the Army and the Chief of Staff of the Army for the purpose of determining facts and making recommendations concerning the My Lai (4) incident of 16 March 1968.

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

General PEERS may be expected to come in at any time during this interview, or any of his group.

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

(CARTER)

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APP T-173

Although the general classification of the report will be confidential, it is quite possible that the testimony in the future may become a matter of public record.

During this interview the board will follow a chronological sequence of questions. The first series of questions will be concerned with training just prior to and after arrival in Vietnam. The second concerns the briefing just prior to the combat assault, and the next series will be concerned with the operations. The final questions will be concerned with any investigations or inquiries into the task force operation during that period.

We recognize that you were in the hospital during this period, and we will design our questioning with that in mind. First, I would like to ask, where did you lose your arm?

A. I lost my arm on a hill known as 74, which is about 2 kilometers south of LZ Uptight. On this map it appears to be grid 733824.

COL WILSON: The witness referred to Exhibit MAP-4. What date was this?

A. 19 July 1968.

Q. When you went to the hospital, just prior to 16 March, you did rejoin the company after you came out of the hospital?

A. Yes, sir.

Q. How long were you in the hospital?

A. I was in the hospital, to the best of my knowledge, about 2 weeks.

Q. What was the purpose of that?

A. Shortly before, either the 14th or 15th, we were moving off a hill, and I slipped going down this hill, and in trying to keep from falling down, I grabbed a limb and wrenched a muscle in my back. I stayed in

the field for about another 8 hours before I was finally evacuated to the hospital.

Q. What was your assignment at the time you went to the hospital?

A. At the time I went to the hospital my assignment as platoon leader--to be a platoon leader of the 3d Platoon, B/4/3, 11th Brigade, Americal.

Q. Which was part of Task Force Barker at the time?

A. Which was a part of Task Force Barker. However, during that operation we were not under the command of Task Force Barker. We were back under our original command, the 4/3 command.

Q. Which operation are you referring to?

A. I'm referring to an operation that was a battalion sweep.

Q. If it's out of the Pinkville complex--

A. (Interposing) Yes, well out of the Pinkville complex.

Q. Now, when you returned to the unit, to the company, 2 weeks after you left the hospital, did you go back to the same assignment as platoon leader?

A. No, I didn't. When I came back we had a replacement. Lieutenant LEWIS had arrived while I had been in the hospital. He had my platoon in the interim and there was about five--this is very fuzzy, somewhere in the neighborhood of a week from the time I came back and the time I left to go on R&R. I went on R&R, and when I came back from R&R I took over the 2d Platoon of the same company, which was in poor shape.

Q. What do you mean it was in poor shape?

A. They had a bunch of replacements. They didn't have any discipline at all in the platoon. They weren't even bothering to carry some of the really essential supplies. I remember one particular time--I don't remember this specifically. It was told to me as hearsay. They had to borrow claymores before they went out on ambush, and for a platoon in Vietnam, this is sorry shape. It's ridiculous.

COL WILSON: Let me have the morning reports for B Company. I'm going to refer to Exhibit R-4. The morning report of 15 March shows that you were attached to 2d Surgical Hospital, Chu Lai. The morning report of 11 March carries Second Lieutenant LEWIS attached as of that date, EDCSA 9 March. On the 21st of March, the morning report indicated that you arrived back at that unit. That's not very long.

A. That's not 2 weeks. It seemed like 2 weeks to me.

Q. It attaches you. The entry is, "Attached personnel arrived, attached from USARV Patient Casualty Company pending EDCSA." And then on 26 March the morning report picks you up as present, assigned.

A. The difference may have been due to--I had a profile when I got out of the hospital, and I was going to go back out to the field and Colonel BARKER would not let me go out there, in the field. I got it waived in a couple of days after I came back. That may have been part of that figure. I don't completely understand morning reports. I was a platoon leader.

Q. Now, as I understand it, Lieutenant LEWIS did not take over your platoon prior to your going to the hospital.

A. No. He didn't.

Q. And although the morning report picks him up as present on 11 March, you didn't meet him before going to the hospital?

A. I didn't. He must have stayed back to the rear or something.

Q. We have you returning from R&R, Tokyo for 5 days, here on 17 April, and then you took over the 2d Platoon. Mr. CARTER, before you depart from Washington I'm going to ask Major THOMAS to give you a good debriefing on witnesses, personnel that you remember. We've got a roster. We're having a very difficult time locating people. You may be able to give us an idea of the location, where we might be able to find some of these people.

A. The only person that I know specifically, and I don't have his address with me, is Lieutenant MUNDY.

Q. Lieutenant MUNDY? But you do have his address?

A. I do have his address, and I'll be more than happy to get it to you.

Q. You can have our phone number and call us. Usually, we can find the officers easier than we can the enlisted men, because they have better records or less records. We have so many addresses for the enlisted men once they are discharged. At any rate, we'll give you a debriefing on witnesses to see if we can possibly move a little faster on locations. What was the normal procedure that Captain MICHLES used for the preliminary briefing of his company prior to an operation?

A. He briefed the platoon leaders. He usually got them all together and told them what was happening. Gave us all the current poop. Where we were going, who was going to do what. It was no formal, five paragraph field order, but it was--just about everything was in there.

Q. Did you normally, when you moved out on a battalion operation or a task force operation as opposed to a company or a platoon operation, know how long you were going to be in the field?

A. No, we didn't. We were told a certain estimate. One day in February we were told not to take any bedrolls. We were only going to go out for the afternoon, and we were out for 6 days.

Q. What did you do for bedrolls?

A. Later on, about the fourth day, they were flown in to us. The 1st Platoon did not go out. They went back to Dottie and picked up all our stuff and brought it out to us.

Q. So, normally if you were going to stay out, you would take your bedrolls. Is that correct?

A. Yes, sir. February is the chilly part of the year.

Q. Would you say as a rule, when you went on the task force operation, and I'm speaking of two or more companies, that you did normally take bedrolls.

A. If you were going to stay out for a couple of days, yes, you took bedrolls.

Q. Was there any SOP in Bravo Company on wearing of flak jackets?

A. There was for a while. For a short period of time Captain MICHLES wrote an SOP, or that apparently came down from task force. I'm not sure, but for a while it was mandatory that everyone wear flak jackets. This was for a certain period. Then after that, if you didn't want them you could turn them back in.

Q. Do you remember when this was effective?

A. Yes, I do. It came into effect between the time I was in the hospital and the time I went on R&R.

Q. It would have been from the time you went to the hospital, or somewhere in that period.

A. Somewhere in that period. It became effective during that period.

Q. Were you with the 11th Brigade in Hawaii?

A. Yes, I was.

Q. You were with B Company at that time?

A. Yes, sir.

Q. You went through Vietnam with B company?

A. Yes, sir.

Q. Was the company given any specific training in Hawaii in reference to handling prisoners of war, disposition of noncombatants, such as that?

A. If there were, I wasn't present for them. I was only present for about 2 months in Hawaii before I shipped over to Vietnam. During that time I went on two major training operations, and due to my responsibilities as the junior lieutenant in the company, I had a bunch of other stuff to do in which I had to leave my platoon and go some place else. Quite often I wasn't with my platoon in certain areas of training. I don't remember, however, rules of war and how to handle prisoners of war and this sort of thing. They taught us that in OCS. We had tags to tag our prisoners with once we got over there.

Q. I was thinking more of the training that might have been given the company.

A. I don't remember any training of that type.

Q. Do you recall, at any time, a judge advocate officer coming down and giving you a lecture on rules of land warfare, Geneva Convention, legality of orders, prisoners, et cetera?

A. I don't remember specifically, but that's not really very good, because things were in such a mess. I was up sometimes 20 hours a day, running around doing things, inspecting weapons, packing things, inspecting things, teaching classes, preparing for classes.

Q. Did you ever give a class on rules of land warfare?

A. I don't remember giving a class on rules of land warfare.

Q. How about Geneva Convention?

A. I never gave a class on the Geneva Convention. I believe we did, yes, I believe we did. It may have been--it was 2 weeks before we got over there. They got the whole battalion together in an auditorium. That may have been it. I remember there was also some stuff about venereal disease and use of drugs. I think it was a 2-hour block.

Q. Given by somebody outside the battalion?

A. Yes, given by somebody outside the battalion.

Q. What about after you arrived in Vietnam? Was any training specifically directed towards these subjects?

A. Yes, there was. There was some at Carantan fire base. Every unit that went out as a company went through this certain set of training. One of the things that was covered completely there was how to handle prisoners.

Q. Did you consider this pretty good training?

A. If nothing else, it gave the men an idea what to expect and what to do in a case like this.

Q. What was the policy on tagging PW's? Did the platoon leaders do it or squad leaders?

A. The battalion PW's, as far as I am concerned, when we--in my platoon at least, when we took a prisoner or a suspected VC or something like this, we tagged him. If it was in a hard area, for instance Pinkville, we would put a bag over his head. Although Captain MICHLES was adamant about this, that we do this with all prisoners, I didn't like to. The reason was that there are innocent people out there in the country. So generally, if it was in a hard area, Pinkville for instance, we bound them and put a sandbag over their head and put them in a chopper. After that I believe there was some interrogation in task force, but I don't know. I had no connection with that. All I have is hearsay. They went to the MP's to the ARVN's.

Q. Did you have a regular set of tags that you carried with you to tag the prisoners?

A. Yes, we did. We had the regular tags. There were two tags we had to fill out for each prisoner of war.

Q. You used the term hard area. Was the normal AO of Task Force Barker considered a hard area?

A. No, not the whole thing. It was certain areas that were considered a hard area. Every time we went near it we took casualties. The peninsula and--although the Pinkville was not directly within the task force AO it very probably was an extension. Just about anything south of the river there is a hard area.

COL WILSON: Let me have the VACV card exhibits.

(The recorder did as directed.)

The first Exhibit is M-2. It's a facsimile of a MACV wallet sized card entitled, "Nine Rules." Have you ever seen this card? You'll find the back of it on the next page.

A. Yes.

Q. Where did you see this card?

A. I believe that the first time I saw it was shortly after we arrived in country. I'm not sure. I may have seen it in Hawaii.

Q. Did you have one of these cards?

A. I had one of those cards.

Q. Was the card issued to your troops?

A. The cards were issued to our troops.

Q. How?

A. Through the company level, I believe.

Q. Pardon?

A. No. Somebody brought them down to the platoon sergeants. The platoon sergeants passed them out.

Q. The next exhibit is M-3 and is entitled, "The Enemy in Your Hands," two pages, the facsimile of the card. Have you seen this exhibit? It is another wallet sized card.

A. I don't remember specifically seeing that card.

Q. You don't remember that card. This is the one that had some translations on it.

A. That's what I was looking at.

Q. But you don't remember seeing that?

A. It seems to me, if I had those translations I would have remembered them, because I could have used them at one time or another.

Q. The next card is for official use only. It is Exhibit M-4, and it is entitled, "Guidance for Commanders in Vietnam." It is by General WESTMORELAND. Have you ever seen this card?

A. I don't remember seeing it.

LTC NOLL: I have a question on the training. I understand that the unit went through an orientation period when it first arrived in Vietnam. What about an officer like Lieutenant LEWIS, did he receive an orientation at battalion or brigade level before he was assigned down?

A. I would have no way of knowing. I never asked him. He did not come over with us. I have no way of knowing. I can't remember having asked him.

Q. What about the enlisted replacements? Were they required to go into a school at a fire support base?

A. Yes. They would go through some school, I believe at Chu Lai, before they came in. I believe it was at Chu Lai. I may be wrong on that.

Q. Do you have any idea how long they were in country before they were assigned to your company?

A. Usually about a week.

COL WILSON: Were you ever told or did you ever read a document which may have been entitled, "Rules of Engagement"?

A. Rules of Engagement. It sure sounds familiar.

Q. I don't know whether this document would have filtered down to the company level or not.

A. I remember something about it. One of the lieutenants in the company was talking about it. I believe it was Lieutenant COCHRAN who was talking about it at LZ Carantan.

Q. You mean this was when you first got over there?

A. When we first got over there. He was talking about rules of engagement, and he was involved with a class or something in some way.

Q. Did you ever see a document on this?

A. I don't remember.

Q. Did you have any indirect fire weapons in your platoon?

A. Well, I tried, but they took them away from us. I tried to get a 60 mortar one time. That was taken away from us.

Q. Will you describe to me your understanding as to what you were to do in a combat situation as a platoon leader when you approached a village?

A. When you approached a village. That's a very nebulous question. It depends entirely on the circumstances of the village.

Q. Let's put the village in the Pinkville area, and let's say you conducted a combat assault in the proximity--

A. (Interposing) Okay. The combat assault, the first thing that had to be done was to consolidate the platoon and get them in one area, and usually in the direction you were to go. You would move out always on line, essentially always on line, and sweep the sector. If you were shot at, you shoot back. If somebody was hurt, get a medic over to him and keep on moving until your sector was swept.

Q. In a situation where you conducted a combat assault into an open area, and the platoons possibly moved out in different directions, and a platoon was going to sweep the village, what would normally be done with noncombatants? And this again is in a hard area?

A. The noncombatants were to be gathered up, usually by a platoon sergeant and a couple of men, and they would send them over. They would gather them up and keep them consolidated.

Q. And then what would you eventually do with them?

A. Keep them there until the village or the area was thoroughly searched, and disband them when we left the area.

Q. Let them go?

A. Let them go.

Q. At any time when you operated, and I assume you did operate in the Pinkville area or south of the river, were there instructions given to move the noncombatants, or the inhabitants of the areas, back out of the area, or were they just rounded up and allowed to go back into their village?

A. No, they weren't. In none of our assaults did we ever get any direct fire that I was in, and now there were some that I heard about while I was in the hospital there and on R&R that they did get some direct fire. Somewhere across a bridge, somewhere where Major TRINKLE was wounded, and in instances like this, they had direct fire. Sweeping through a village like this, however, it was a good thing to keep them with us, because they were Charlie's people and Charlie wasn't going to shoot his own people. So we kept them with us. In the general vicinity. We didn't have them in line with the troops.

COL WILSON: We'll take a short recess.

(The hearing recessed at 0950 hours, 17 January 1970.)

(The hearing reconvened at 0953 hours, 17 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present. Mr. WALSH is also present.

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

A. Yes, sir.

COL WILSON: In this situation, say you are confronted by a number of Vietnamese running from your platoon. What actions are to be taken?

A. It depends if they are male or female, and if you can discern that they are male and they are obviously military age, if they can be running and are big enough, shoot. If they are not military age or women, you do not shoot.

Q. Is there any sequence of action taken before you shoot?

A. Yes, a warning and a shot over the head.

Q. What do you mean warning?

A. You holler "dung lai," or "dung lay," or something like that. I don't remember the expression.

Q. The Vietnamese words you said mean what?

A. Stop, as far as I know. This may not be accurate. I've forgotten what the actual words were that were used, but at the time I thought it meant stop.

Q. You have described to me what seems to be the sequence of action you'd have taken. Would you go through them one more time in sequence?

A. We would come through a village and we would see a couple of figures break out across the rice paddies, 300 yards ahead of us. You hollered at them and told them to stop. If they were military-aged males, if you can discern they are males, you shoot at them.

Q. You said something about a warning.

A. I mentioned the warning.

Q. Is that to stop?

A. Yes, to stop.

Q. And then if they continued to run you fired at them?

A. Yes, we fired at them if we could discern that they were males. In other words, we don't shoot at the women.

Q. At what distance in black pajamas can you tell a male from a female?

A. You can tell from a good distance, because they run differently. Probably up to 250 or 300 meters you should be able to discern the difference between male and female with some accuracy and some reliability.

Q. Did you ever hear that warning shots should be fired?

A. Yes, I mentioned that. You hollered "stop" and then the warning shot.

Q. I didn't know when you said warning you meant a warning shot.

A. When I refer to warning, it's "Stop!" and "bang" over the head.

Q. All right. Now, do you feel that the people of B Company knew this?

A. Yes. I know they knew it.

Q. How often were they told?

A. Captain MICHLES passed it down a half a dozen times.

Q. Did he ever get up in front of the company as a group and tell them what to do in these situations?

A. Yes.

Q. Have you ever seen, while with operations in Bravo Company, any indiscriminate firing?

A. Only when we were being shot at.

Q. You only took someone under fire when you were taken under fire, is that correct?

A. Indiscriminate fire. I assume your referring--in-discriminate firing, I think, would be firing in a fire fight. I wouldn't say indiscriminate firing would be shooting civilians when there is a male to be shot at, or shooting civilians when there was no male to be shot at. Indiscriminate is spraying the area.

Q. That's right. Sometimes referred to as reconnaissance by fire.

A. We used a reconnaissance by fire when we had some contact before. Although it was a different company, in a different unit the day I was hit, we used reconnaissance by fire.

Q. The day you were hit. Now, that's when you lost your arm?

A. Yes, sir.

Q. That day you were using reconnaissance by fire?

A. That day we were using reconnaissance by fire. They had been throwing rounds at us and tried an assault in broad daylight on us at the hill we were on. We knew that they were in there, and we knew that they were "gooks." We knew they were in there, and we were shooting by reconnaissance by fire. Occasionally, we used reconnaissance by fire in abandoned areas. A lot of areas in between Highway 1 and the coast area, Pinkville, where there is very little inhabitation or anything. And we go into an area like this quite often. We used reconnaissance by fire. It was a routine thing, but I cleared it with the CO first. We did this in an area where there was no civilian population.

Q. How would you know which of these were inhabited and which of these areas were not inhabited?

A. Well, I was in that area probably for a total of five and one half months, and I knew every trail.

Q. Wait a minute. I'm talking about Pinkville.

A. Pinkville, okay. Down there, I wasn't down there too many times. I wouldn't know. We did recon by fire, though, as we were moving through the village.

Q. If you were conducting a combat assault in the Pinkville area, and you moved across this bit of land over there (indicating) that runs up into Pinkville, and you approached the village, would you use reconnaissance by fire?

A. If it was an uninhabited area.

Q. Was B Company ever told at any time, or did you ever receive any instructions to burn any village?

A. Yes.

Q. Where were they? When was this?

A. February.

Q. Was this village to be burned--was this Pinkville itself, My Lai (1)?

A. My Lai (1) and My Lai (2) are on this bit of land. This area in the first half of grid square--in the first half of the left half of grid square 7380 (Exhibit MAP-4). Also slightly below it.

Q. The witness referred to a complex of houses which was northwest of My Lai (1) or Pinkville. Now, what about Pinkville itself? Were you ever told to burn that?

A. No, we weren't. Just a minute. From my recollections, the other platoon on this operation here had the job of sweeping this area here, and we were sweeping this area over in here (indicating on MAP-4).

Q. I'm going to ask you at the end of the questioning period to sit down with Colonel NOLL and a map and sketch this operation for me. Right now I'm just interested in the burning part. You were told in February, then, to burn this area of these villages up there, which apparently are part of the Pinkville or My Lai (1). Were you told to burn any other village?

A. Yes, sir. We were told to burn the section up here. Right at the tip. My platoon was to sweep up and burn it. We started and got about halfway through and got the order to stop burning.

Q. This is an area still on MAP-4, north of My Lai (1). How were these instructions given?

A. Through the CO.

Q. And what did he say?

A. "Burn it."

Q. Well, did he say, "Totally demolish it"?

A. It's been a long time. I can't remember the exact words, but I can remember--I do remember the words, not the words, but the meaning of the operation. From what I understood from him, I was supposed to sweep through here, gather up the civilians, and torch everything off.

Q. Now, these villages were inhabited then?

A. Yes, sir. They were inhabited.

Q. Were you given any instructions regarding food stocks?

A. I don't remember any specific instruction regarding food stocks. It was SOP in an area like this. We were supposed to spread the rice around and destroy the food stocks. I don't remember specifically any animals in the area. I do up in the peninsula, in which case they were shot.

Q. In an area like this, now how do we separate what we're talking about. We're referring to the Pinkville area in one place, and then we're talking about the peninsula area in another place. Was the peninsula area and the Pinkville area considered the same?

A. Well, the peninsula area wasn't inhabited as much as Pinkville was, but then we took more casualties in the peninsula area than we did down in Pinkville. Although both of them were considered hotter than hell.

Q. But it was normal in the peninsula area. If I'm incorrect correct me. It was normal in the peninsula area and in the Pinkville area, and I'm referring now to My Lai (1) which is where you described this operation, to destroy livestock and villages?

A. Not SOP all the time. If the decision was made and we were ordered to burn the village, we went ahead and destroyed the livestock.

Q. In the number of operations that you conducted in this area, you said it wasn't SOP all the time, was this done more often than not?

A. Well, your talking about such a small number of times that I was really down in Pinkville. Both times I was down there, one time we burned, and we did not burn the second time. We did not tear up the second time. Peninsula, the first time we burned it, and one other time we burned this one particular village I'm thinking about that was in the area.

Q. When you went into the village on the peninsula, when you went on the operation, were you told to go out and burn that village?

A. Yes, sir. As a matter of fact, the first time I burned this particular village that my platoon and another platoon that I had with me were searching, I called the CO and asked him specifically, "It was searched, secured, we've got the civilians gathered up, everything. Do you want us to burn it?" "Yes, torch it off." I hate to throw anything like that on a dead man, but that's the truth.

Q. It's necessary that we get the truth on this thing. You don't know if you are reflecting on your commander anyhow, because he may have been told to do this. He's following instructions. What we are trying to determine is the normal procedures and normal operations, specifically in the Pinkville area. Now, let me ask you about operations further west of the Pinkville itself, back down road 521, for example, which I am sure you are familiar with.

A. I'm not that familiar with it.

Q. Well, you remember Hill 85, don't you?

A. I remember seeing it, yes.

Q. Do you remember the old French fort here?

A. No, I was never down that far.

Q. Let's say back in this area, away from the coast, would the same type procedures hold? We're still in what the people seem to refer to, at least in Task Force Barker, as the Pinkville complex.

A. I wouldn't refer that to Pinkville. Pinkville is right next to that stint of land. That short little peninsula that sticks up.

Q. That's the village itself?

A. Yes, that's what I refer to as Pinkville. I was not on this operation either. My platoon was on Uptight, but I do remember some burning going on down there. I'll say this-- I remember sitting at Uptight and watching burning down in that area, and I didn't know my platoon--the rest of my company was out. I didn't know if it was my company or another company doing it, because it was a combined operation. I believe with C/1/20, I'm not sure. I have it down, a note like that, in letters talking about it, because I remember the operation because a sergeant in our platoon got hit in the buttocks by a bullet. The bullet lodged between his wallet and the seat of his pants and burned. That's why it caused so much pain. I remember the operation, writing my folks about it and telling them they were with C/1/20.

Q. This was south of the river?

A. Yes, sir. This was fairly early--

Q. (Interposing) You said you were sitting at Uptight and you could see the burning?

A. Yes, sir. You could see the whole area. It was at night, or it was at dusk.

Q. Yes. But now at Uptight, where did this man get wounded, or was the man in C Company that you were talking about?

A. No. My platoon was on Uptight, but the rest of my company was down south on this operation. My platoon--we had been out for the last 5 days in row. It was during the time I was the only platoon leader, lieutenant type, in the company. I had been out for about a week, and they decided to send the other two out, and the company commander was with them.

Q. And this was down south of the river?

A. This was south of the river. I don't know that my company was south of the river. I don't know exactly where they were. They were--somebody was in the general vicinity, and there was some burning going on.

Q. This was at night that you saw this?

A. At dusk.

Q. Did you have any photographs of this?

A. No, I don't. There wasn't enough light to take photographs.

Q. What? In these areas that you referred to earlier, where you were instructed to burn the villages? Were you instructed to do anything about the water? To contaminate the water or anything like that?

A. Well, we were instructed to kill the animals and throw them down a well. Now, this really, in fact, is a waste of time, because Charlie or the civilians would fish the animals up, and dry them to eat them, and in a couple of days the water would be clean again. But that's what we were instructed to do one time. The first time we went into the peninsula that's what we were instructed to do.

Q. And you received this instruction from the Company commander?

A. Yes.

Q. And you conducted--prior to going to the hospital in March, you described a combat assault, or you were lifted into an area.

A. Yes, sir.

Q. Now, how many times can you recall, prior to March, or the middle of March, were you lifted into the area south of the Diem Diem River?

A. Just once.

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A. No, I believe I heard--things I heard, I believe, that was when MILUS was killed. Lieutenant COCHRAN was killed there. There was another individual in the same proximity of MILUS that was also killed. I heard the stories about them, but I don't remember any other particular rumors about what had happened. Lieutenant COCHRAN and I were very close.

Q. Did you know Lieutenant WILLINGHAM?

A. Well, not very well. I didn't like him. He was a great XO, but a lousy platoon leader.

Q. In what respect was he lousy?

A. Very by the bookish and very, very rigid. Well, I'm going to start throwing names. He was like Colonel ADKINS was, as opposed to Colonel BARKER. Colonel ADKINS was--by everyone above him--he was doing a wonderful job. He always kept his ass covered. Everybody below him stank. He was the lowest man on the totem pole as far as I'm concerned. I hated him. I just literally hated him, because he caused unnecessary deaths. WILLINGHAM wasn't all that bad. He was just very bookish in as much as how exactly--to give an example he was trying to keep 100 percent alert on his ambushes. Keeping 100 percent alerts on ambushes is sheer suicide, and you have claymores and daisy chain claymores. You need one man awake to operate those claymores and two men somewhere else for security and the rest can lie there and sleep, and you switch guards. This is what is necessary, and if you can get daisy chain claymores, you can get fantastic firepower instantaneously. It's the best ambush you can get. He insisted on trying to keep a 100 percent alert. He tried to keep, I forget what it was, some ridiculous amount of ammo. I didn't have that much contact with him, but his men didn't have--well, he could read a map you know. He knows what to do, but he wasn't a very good platoon leader.

Q. Do you feel that he may not have had complete control of his unit?

A. No, I mentioned that he had complete control of his unit, and it was probably pretty good control of the unit. I've got to hand it to him for that. But like I say,

he would have made a good XO, you know, someone like him, yes. But as a combat platoon leader, I don't know how to describe him. It was something he missed, something that he was lacking.

Q. But you never heard anything about this operation on 16 March, either involving Charlie Company or B Company?

A. I didn't hear this.

Q. You never heard anything about rounding up civilians and shooting them?

A. No, I never heard anything about rounding up civilians.

Q. How about raping and abusing Vietnamese women? Was this a problem from time to time in the unit?

A. One time it was. A couple of individuals in my unit started to molest a girl. I had to step in to stop them, but other than that, I mean, pardon the expression, there wasn't anything rapable out there.

Q. Well, we've heard considerable testimony that other people might have had different ideas on that score, and I just wondered if this was something that had to be watched for?

A. Well, this was always something you had to watch for when there was an attractive girl around, and this did happen one time up in the peninsula. A couple of the men started playing around a little bit, harassing the girl. They weren't sexually assaulting her.

Q. You never heard any rumors about rapes being committed?

A. GI's threw out some rumors. I heard so many rumors, and I don't give a bit of credence on any of them.

Q. What rumors did you hear?

A. That's like asking how many cars did I see between Riverside and L.A. There is no way that I could possibly tell you with any accuracy at all. You always heard rumors about GI's raping girls. That's a flat statement. Another flat statement, 99.9 percent of them were false.

LTC NOLL: In March and early April, what was the area of operation for B/4/3?

A. Between the time I was in the hospital and the time I went on R&R, B/4/3 was in this general area here, which includes grid squares 7186, 7185, 7184, 7284, 7283, and 7383.

Q. To your knowledge there was never an operation around 1 April, some 30 K's to the west?

A. Thirty kilometers in April.

Q. The 1st of April.

A. Not around April. Not that I remember.

Q. When an operation was terminated, when there was a number of VC body count, was there any discussion concerning the success of the operations?

A. Yes, quite a bit. One operation, right after we got to Dottie, it should be--we got to Dottie the day after Specialist GLEGHORN was killed, the day or the day after that. I don't remember specifically. There was an operation, Specialist GLEGHORN was the first KIA we had in our company, and so he left our platoon sitting around talking. They had an operation similar to this general area, referring to just northwest of the big square old French fort, down here (indicating). They had an operation down there in which there was stiff fire fighting, and they had, at night, they had to be withdrawn with tracks and pulled back out. But there was quite a bit of discussion about the kills and what happened. Everybody was very exuberant about the whole operation.

COL WILSON: The witness is still referring to MAP-4.

LTC NOLL: This is Exhibit M-14, Task Force Barker log for 16 March. B/4/3 at 0955 reported 12 VC killed. Bravo Company at 1025 reported 18 VC killed, and Bravo Company at 1420 reported 8 VC killed. A total of 38. After you returned to the company did you hear any discussion concerning this?

A. I don't specifically remember any discussion. I probably heard some, but I don't specifically remember any discussion. I'm sorry, that's how it is.

COL WILSON: Well, would this number of kills have stimulated any discussion?

A. Yes. It would have most definitely. Yes, sir.

Q. We're talking about a total of 38 VC KIA in one day.

A. Yes, sir. That would have stimulated, but like I explained to the attorney who was in here, I mean, I came back and I heard that Lieutenant COCHRAN was killed. MILUS was killed and one another man was killed. I was very fond of Lieutenant COCHRAN. He and I were good buddies. MILUS was killed.

Q. Who?

A. MILUS, he was a black. He was in the 1st Platoon, and he was like the spirit leader of all the blacks in the company. He was a mean son of a bitch. Big, ugly, and mean.

Q. This number of 38, one day's VC kills for B Company, no weapons captured, is this normal?

A. It depends on how they are killed. Charlie needs his weapons very badly. If you get in a fire fight, and you kill a bunch of "gooks" in a line, and you finally move into the line, and the ones that are left don't have time to drag out the bodies, they will grab those weapons, because they need them bad. Charlie will take the weapons before they take bodies, and they usually take bodies when they can.

Q. What were the procedures for body count in B Company?

A. You mean go into an area. Usually, we were somewhat split up and you know, "How many have you got over there." "I've got three over here." "Seven over here."

Q. Was this transmitted by radio or voice?

A. Radio.

Q. In other words, you usually got your report from your squad leader?

A. That may not have been transmitted by radio. That may have been transmitted by voice very easily, although maybe by little squad radios. We had those. From me to the company was always radio, or essentially radio.

Q. You transmitted yours by radio. You got yours from whom?

A. Squad leaders, and from what I saw myself.

Q. Would you normally, as platoon leader, see most of the kills?

A. Normally, as platoon leader, I would see some of the kills. I can't cover my whole platoon's ground.

Q. Was there any situation that you recall where you reported noncombatants, either wounded or killed, as a separate report, aside from a body count?

A. Yes, sir. I don't know whether it was one of my machinegunners or one of 2d Platoon's machinegunners, they reported an old man got shot in the leg, and they carried him in to where we were and medevac'd him. I remember a CA just south of Uptight, just after Uptight had been abandoned. There was a lady that was killed. No, she was wounded. Wounded bad though. She was medevac'd. Yes, she was medevac'd. I know there were more instances. I just can't think of them.

Q. My question is really, did you report these or did you evacuate them?

A. Well, we had to report them to evacuate them.

Q. You reported them. In other words, you called the company commander.

Q. Yes, that was standard operating procedure on evacuation. I would call in to get us a medevac, but we didn't have radios to reach Chu Lai.

Q. Your procedure then, as you described to me, was to evacuate the Vietnamese, medevac--

A. (Interposing) Wounded, yes. We wouldn't evacuate them if they were dead, and we didn't bust our ass to evacuate them. We wouldn't have--I don't remember any specific time where we were offered the option of evacuating under fire, but we wouldn't do this. In other words, I believe they were routine evacs.

Q. When you mentioned Lieutenant LEWIS, do you know where Lieutenant LEWIS lives?

A. He's dead, sir.

Q. Was he killed after this?

A. Yes. He was killed after this.

Q. Lieutenant COCHRAN was killed.

A. LIEUTENANT'S SPRAGGINS and ROSS were wounded--they were wounded before this.

Q. Yes, I remember SPRAGGINS was. I don't remember--

A. (Interposing) ROSS was wounded before SPRAGGINS. No, Lieutenant SPRAGGINS was wounded right after the operation of February. In fact, he was wounded on the way back in, if I can remember correctly. Sniper fire. The fool, he always advertised his presence as a platoon leader.

Q. Do you recall where anyone is presently living? Do you know any of the people?

A. Lieutenant MUNDY.

Q. What's his address?

A. I don't have the specific number, but he lives in San Diego, California, and this will be one of the things I send.

Q. Well, we've got his name I believe on the roster. Was he in the company at the time?

A. He was not in the company at that time. He was XO of the company, but he was not in the field at that time.

Q. Oh, he wasn't?

A. No, sir.

Q. Anybody else?

A. That I remember there. I got these addresses I have here from "Pop," or Sergeant DAHNER.

Q. Did you see Sergeant DAHNER?

A. Yes, sir.

Q. While he was still here in town?

A. No, not while he was still here. I saw him over Christmas vacation. My wife and I went for a ride down the coast and stopped in to see him at Fort Ord.

Q. Do you have any knowledge of an investigation or an inquiry being made on the operation that took place in March by Task Force Barker?

A. No, sir.

Q. Did you ever see a field grade officer from other than Task Force Barker questioning individuals of B Company at any time?

A. No, sir.

Q. Did you ever hear of anybody in B Company who was questioned under oath in an investigative procedure?

A. Other than court-martials in the Lieutenant ROSS incident?

Q. What was the Lieutenant ROSS incident?

A. Someone threatened to kill, or threatened Lieutenant ROSS with his life, before we were attached to Task Force Barker. We were on LZ Sue, and there were court-martial-type investigations being started for that.

Q. That's the only case that you know of where people were questioned in an investigation or inquiry?

A. As far as I know, that's the only specific one I know.

Q. Did you know a man named EBINGER?

A. Yes.

Q. What was your opinion of EBINGER?

A. Biggest God damn dud the human race has ever produced.

Q. Who produced?

A. The human race ever produced.

Q. EBINGER wrote a letter to the President. Are you aware of that?

A. I heard something from "Pop" that he wrote a letter. A letter of some sort.

Q. In that letter he alleged that there were rapes going on. Do you have reason--

A. (Interposing) I have very good reason to doubt the veracity of this statement, because he was never out in the field long enough to know.

Q. EBINGER reference is Exhibit M-45. I have no intention of using this exhibit or letting you see it. I just wanted to question you on the allegation of his letter. Had you ever heard that civilians had been killed unnecessarily by B/4/3 or C/1/20 during this time period?

A. I heard general rumors concerning the 1st Platoon.

Q. The 1st Platoon of B Company?

A. Yes, sir.

Q. What type of rumors do you mean?

A. That they killed civilians unnecessarily. Both in connection with this operation I mentioned in which Lieutenant ROSS was wounded. That was right after we arrived at LZ Dottie. Lieutenant ROSS was wounded down near the old French fort. I heard some reference to that. I also heard some rumors in reference to when Specialist GLEGHORN was killed. I heard some rumors that they killed some civilians unnecessarily.

Q. Let me ask you once more, ROSS's assignment was what?

A. Second Platoon.

Q. GLEGHORN was what?

A. GLEGHORN was a rifleman in my platoon, 3d Platoon.

Q. When he was killed?

A. When he was killed he was a rifleman in my platoon.

Q. The rumors that you heard concern the 1st Platoon on this operation.

A. The 1st Platoon, yes, sir.

Q. In the 16, 17, 18 March time frame.

A. Oh, this was not 16, 17, 18 March.

Q. It wasn't?

A. No, sir. This was earlier. You can check for Specialist GLEGHORN, but it was the day that Specialist GLEGHORN was killed in February, early February.

Q. What you're saying, the rumors you heard about the 1st Platoon and the 2d Platoon--

A. (Interposing) No, the rumors I heard about concerned the 1st Platoon.

Q. Only the 1st Platoon?

A. Only the 1st Platoon.

Q. All right. The rumors that you heard concerned only the 1st Platoon, and this was on the operation that Specialist GLEGHORN was killed. Is that correct?

A. Yes, sir.

COL WILSON: We refer to Exhibit R-4. GLEGHORN, Jerry W., is carried as deceased on the 7th of February morning report. Do you know if GLEGHORN was killed in the field, or did he die in the hospital?

A. Killed in the field.

Q. Usually they entered that as "dead on arrival." I'm surprised they didn't do it here.

A. He was dead at the time he got to the hospital. He was shot in the heart.

Q. "From duty to deceased of wounds, from small arms fire, 1030 hours."

A. That sounds reasonable. I wrote a report up on that, that I turned in to Colonel BARKER, either Colonel BARKER or Major CALHOUN, and it should be around somewhere.

Q. All right. This operation that occurred on 7 February. You said the rumors you heard, was that the following day?

A. No, sir, the same day. Almost immediately afterwards.

Q. Almost immediately after that, the 1st Platoon unnecessarily killed civilians?

A. Yes, sir.

Q. That's the rumor? It sounds like a reprisal of some sort.

A. It sounds like a reprisal.

Q. Do you think that if this occurred, it would have been because of GLEGHORN's death? Was this in a village?

A. Yes, sir.

Q. Could you give me the coordinates of the village?

A. Yes, sir.

COL WILSON: We'll take a recess.

(The hearing recessed at 1056 hours, 17 January 1970.)

(The hearing reconvened at 1105 hours, 17 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: Present is Colonel WILSON and Major THOMAS.

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

Q. The location where Specialist GLEGHORN was killed was north of Monastery Hill.

A. That is correct.

Q. Which puts you considerably out of the area of operations of the Pinkville complex.

A. It was still the Task Force Barker AO. The Muscatine AO.

Q. This was the 1st Platoon that allegedly did this. Who was platoon leader at that time?

A. Lieutenant SPRAGGINS.

Q. I have a copy of Special Order 34 provided by Mr. CARTER, with check marks by the names of all the men in his platoon. Mr. CARTER, I also ask if you can indicate on this document the squads that these people were in.

A. I can make an attempt. I can give you at least a few of them.

Q. What I would like for you to do is to just put a 1, 2, or 3, if you know it, by the man's name. If you don't know it, it's all right, just don't put anything, and then we will accept this as an exhibit. After he has done this you can enter this as an exhibit.

RCDR: This document was later received in evidence as Exhibit M-47.

COL WILSON: Mr. CARTER, I believe you had two squads in your platoon?

A. Yes, sir.

Q. Suppose you take time right now to put those numbers in. Special Order 34 has been marked. You have by MCCLLOUD 1 (SL).

A. He was a squad leader. The same as Sergeant WEBSTER there.

Q. Now, WILLIAMS, Maurice C.P. Was he your RTO or what?

A. He was my platoon sergeant.

Q. Who was your RTO?

A. HATCH, SP4 HATCH.

Q. Did you have another RTO?

A. I was having RTO problems at that time. HATCH took over as RTO the day before this happened.

Q. You didn't have two RTO's did you?

A. Yes, quite often. Whenever I got hold of two radios. But whoever carried my radio was usually the same guy, although various people switched off on the radio.

Q. My question is this: did you have a radio for the company net and a radio for the platoon net?

A. No, the radio for my platoon net was my little squad radio which I carried. The second radio was just used, like if your in contact, you have one radio to the CO and one to the helicopter. One to the CO. One to the dustoff. One to the CO. One to artillery. Something like this.

Q. As far as your normal operations are concerned, as to what you are supposed to have, you had a radio which put you in contact with the company commander, which was a company net. You didn't have any other radios as normal procedure?

A. As a normal procedure we tried to have two radios. Men's lives depended on radios.

Q. That was so you could talk directly to whom?

A. The company commander. The prime radio was to talk to the company commander. The second radio was to talk to the helicopters, artillery, or dustoff.

Q. Did you have any artillery individuals attached to the unit?

A. We didn't have any permanently attached. Quite often the FO would come out.

Q. When you had this extra radio and you wanted to talk to the artillery, did you have the authority to call in a contact mission?

A. No, sir. I didn't have the authority to call a contact mission, but once it was approved and on the way I would adjust with that radio. If the FO was to come out with us, if the 81's had their own net, and we were using the mortar--some mortars, then they would switch off that net and keep the traffic off the company net. We would use the other radio for that.

Q. When you had mortar observers, or artillery FO's, of course they had their own communication.

A. Sometimes they did. Quite often--they always had their own communications. Sometimes company commanders say, "Hey, I want your radio. Don't take it away." They got another radio and used his.

COL WILSON: Major THOMAS, I am going to give you Special Order 34 for the exhibit. I want you to make a copy of this and return the special order back to the witness and give Major APICI a copy.

RCDR: Yes, sir.

COL WILSON: Mr. CARTER, do you know if there was ever a problem with marijuana in B Company?

A. Yes, sir. I think there was a problem with marijuana in B Company.

Q. Was it serious?

A. It was prevalent. I don't consider it a serious problem, but it was prevalent.

Q. Do you believe that any of the troops used marijuana prior to going on operations?

A. Not prior to going on operations.

Q. Or during operations?

A. Out in the field? Maybe after they had set up. I caught a whiff of it here and there out in the field, if you're set up for the night defensive position, and you're going to stay in that place all night.

Q. Do you believe, that marijuana had anything to do with the situation that occurred, or the rumors that you heard about unnecessary killing by the 1st Platoon?

A. I don't believe that the two are connected at all. First, they wouldn't be using it at that particular time. At least I don't think they would be using it. Second of all, I just don't know about the effects. Everybody I saw that was stoned--they used to go around and check bunkers every once in a while. Anything that would smell suspicious. At least they're awake. The men were awake and alert.

Q. Mr. CARTER, we'll terminate the question portion of the interview, except to ask if you have any further testimony or statement that you want to make that might give us an insight into what happened on 16, 17, 18 March 1968?

A. I don't remember anything else. Oh, except for one thing. The area east of LZ Uptight. There were a lot of

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A. I doubt it. I really doubt it. I don't think it could have happened without me hearing some pretty strong rumors.

Q. Do you think Lieutenant WILLINGHAM was capable of doing anything like this?

A. No.

Q. Do you think that the officers that you knew in the units there would have condoned such a thing?

A. No. They kept saying don't do it.

Q. What about Lieutenant CALLEY? Did you ever meet him?

A. I never met Lieutenant CALLEY.

Q. Did you know Captain MEDINA?

A. I knew him by sight. I don't remember specifically ever talking to him.

Q. You know what this is described as, the operation that took place down there, and also your operation that you described taking place up north of My Lai (1), Pinkville itself. We would call a denial operation.

A. A denial operation. That means you deny the enemy his resources.

Q. Have you ever heard any of these operations referred to as that?

A. No, I have never heard of them as denial operations, but the concept was there. Burning villages, kill the animals, deny Charlie his food source--destroy the food.

Q. Was the term "search and destroy," "search and clear" used very much in B Company?

A. Search was. "Search and destroy," "search and clear." There is no real particular distinction. Search the village.

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Q. Before terminating, I would like to remind you that there are two things that I request you do. One is to sit down with Colonel NOLL and fill out a map, and describe as best you can what happened. If we can, refer it to the map; if not, a description. Second, when you get done with the map, Major THOMAS will give you an address and an envelope for the material we asked you for earlier. If you would mail it to me I would appreciate it. If you have a problem getting this stuff reproduced, you can send it to us and we'll reproduce it and send it back to you.

A. There is a library across--five blocks from me.

COL WILSON: You have the address, addressed to your attention, so that it will come back to you.

RCDR: Yes, sir.

COL WILSON: I request that you do not discuss your testimony in this investigation with others, including other witnesses for the investigation, except as you may be required to do so before competent judicial or legislative body. In addition, you are cautioned that if you are subject to the order issued by the military judge in the present court-martial case United States v. Calley your appearance here in no way changes the applicability and effect of that order. You are not, and I doubt that you will be, but this is a standard caution. We appreciate your coming.

COL WILSON: The hearing will recess.

(The hearing recessed at 1130 hours, 17 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: DUFF, Edward E.

DATE OF TESTIMONY: 2 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Forward Observer from the weapons platoon working with the Third Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness, who was with the brigade in Hawaii prior to going to Vietnam, had received training in the handling of prisoners of war (pg. 3). He stated they were told not to harm noncombatants, and were to return them to headquarters for questioning (pg. 3). He recalled lectures being given on the Geneva Conventions (pg. 3). The witness had not seen Exhibit M-2 previously (pg. 3). He stated that he had seen literature with the translations of Exhibit M-3, but he had not seen the card (pg. 4). He did not recall any lectures being given on the requirement of obeying illegal orders (pg. 3).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness stated that he recalled being told they were to search and destroy all of the enemy in Pinkville (pgs. 4, 5). He stated that the area was supposed to be heavily occupied by the enemy (pg. 5). This was their first search and destroy mission (pg. 5). He stated that Captain MICHLES gave the final briefing to the company before they left the pick-up zone (pg. 5). He could not recall who was the platoon leader at the time, but he thought that it might have been Lieutenant CARTER (pg. 7). The witness did not recall being told on this operation to do anything with foodstuffs or livestock (pg. 7). He stated that normally when they came

across a large cache of food they would bag it and send it to the rear (pgs. 7, 8). The witness did not recall any special instructions given to the squads, nor did he recall what the platoons in the company were supposed to do (pg. 8). He did not know what enemy force was supposed to be in the area (pg. 8).

3. ASSAULT ACTIVITIES.

a. Activities on 16 March.

(1) Landing and initial movement.

The witness did not recall which lift he went in on, but stated that he thought they were either the last or the next to the last platoon to get in (pg. 9). He stated that he thought everyone spread out when they landed and he thought he recalled seeing gunships, although he did not see them fire (pgs. 9, 10). He recalled Lieutenant COCHRAN being killed after they had started their movement to the left (pg. 10). He did not think they had gotten as far as the dirt road when COCHRAN hit the mine (pg. 11). He stated that they were from 150 to 200 meters south (pg. 11). After the explosion everyone stopped in place and the witness thought he could remember a medevac chopper coming in (pgs. 11, 12). The witness stated that an E5 took over for COCHRAN and when trying to regroup, the platoon hit another mine (pg. 12). Everyone waited 15 to 20 minutes and then the platoons got together and kind of "cooled it for the day" (pg. 12).

(2) Movement of the unit.

The witness stated that they crossed Highway 521 on their way to the village where they were planning to search (pg. 13). He stated that they went through one village and rounded up the civilians (pg. 14). He stated that there were not too many present in the village and there was no interpreter present at that time (pg. 14). Originally, the witness stated, the second platoon was not supposed to rejoin the third platoon until the laager position, but after the explosions their orders were changed and they joined them (pgs. 14, 15). The civilians they rounded up were only kept while the village was searched (pgs. 15, 16). The witness stated for the most part they only saw women and children (pg. 16). He recalled moving to the laager area at approximately 1500 hours and stated that C Company met up with them. The laager was northwest of the village (pg. 16). He did not see any detainees in the night laager area, nor did he discuss the operation with

members of C Company (pg. 16). The witness identified various people guarding prisoners (See Exhibit List infra) (pg. 17). The witness found it difficult to distinguish between the various days in the operation. He did not recall anything unusual happening on the evening of 16 March (pg. 19).

b. Activities on 17 March.

The witness did not see TAYLOR being wounded by the mine explosion at the bridge (pg. 20). He stated that he recalled gunships coming in and hitting the village on the other side of the bridge, but he thought that the second platoon had crossed first (pg. 20). The witness stated that they laid down fire for the second platoon to support them in getting across the bridge (pg. 21). He stated that he thought TAYLOR was patched up by a medic (pg. 21). He could not recall what the first platoon was doing as they were separated by the river (pg. 21). He stated the second platoon swept the village and searched it while his platoon went down the peninsula (pg. 22). He did not recall destroying any mines as they moved out, nor did he recall seeing any smoke (pg. 23). He did not recall any rifle fire or demolitions to the right of his platoon (pg. 23). He did not think that the mortar platoon fired any missions that day and he did not see any Navy Swift Boats (pg. 24).

c. Activities on 18 March.

The witness stated that he recalled the first platoon having a machinegunner killed in the mortar attack that occurred that night (pg. 25). He did not recall much which happened during the day (pg. 25). He stated that one day they went up and searched the peninsula (pg. 25). He did not recall any small arms fire during the attack that night, nor did he recall any detainees being held in their laager position (pgs. 25, 26).

4. OTHER INFORMATION.

a. The witness stated that Robert GELDMEYER usually took a number of photographs on the operations they had gone on (pg. 33).

b. The witness never saw any marijuana being used by members of the company (pg. 34).



(The hearing reconvened at 0937 hours, 29 January 1970.)

COL WILSON: The hearing will come to order.

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

The first witness is Mr. Edward E. DUFF.

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

Please state your full name, occupation, and residence.

A. Edward Everett DUFF. I work at Dana Corportation, factory work. I live at Ossian, Indiana.

COL WILSON: Mr. DUFF, were you given a copy of the general information sheet? Did you have a chance to read that?

A. Yes, I did.

Q. Do you have any question on this?

A. No.

(The sheet read by Mr. DUFF, a one-page document entitled, "General Information for Witnesses Appearing Before Interview Team C," was received in evidence and entered as Exhibit M-81.)

COL WILSON: Mr. DUFF, let me, before we start, introduce Interview Team C. This team is composed of three persons, myself, Colonel NOLL, and Mr. WALSH. Mr. WALSH is a civilian attorney appointed by the Secretary of the Army to assist General PEERS. We are assisting General PEERS by interviewing witnesses, but any conclusions or recommendations made on this report are his responsibility. We have no prerogative on that particular item. Major THOMAS is our recorder. The three of us have the authority to question you. General PEERS or other members of General PEERS' board may come in here from time to time and question you. If so, I will identify them if you desire, but I want to emphasize that the report, and the conclusions, and recommendations, and

(DUFF)

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findings are his sole responsibility.

Have you discussed this operation with anyone since you left Vietnam, that was assigned to the unit?

(MR WALSH entered the hearing.)

A. No, I haven't seen anyone since I left Vietnam. I came back before the rest of the unit did. I was wounded in June, and I left in June, and the rest of the company came back in November, I believe. I haven't seen anyone in the unit since.

Q. What was your assignment in March of 1968?

A. Pinkville, I guess, was the biggest operation, the way I understand.

Q. I want to go back to the sequence of questioning. The first questions I'm going to ask you will be really concerning training. The next series will be concerning the briefing prior to the assault, and the next will be the operation. That sequence, we're going to try to follow it. What was your duty assignment in the company of 16 March?

A. I was forward observer.

Q. An FO?

A. Right.

Q. Were you assigned to the weapons platoon?

A. I was assigned to the 3d Platoon, and I was with the mortar platoon. But I was assigned to the 3d.

Q. You were an FO with the 3d Platoon from the weapons platoon, B/4/3?

A. Right.

Q. Now, you were with the brigade before it went to Vietnam?

A. Yes, I was in Hawaii with it.

Q. Were you given any specific instructions on handling noncombatants or prisoners of war?

A. Well, yes, I'd say so.

Q. Do you remember what you were told to do with them?

A. Well, we were not supposed to do any harm to non-combatants. If we wanted to question them, we were just supposed to send them back in to headquarters.

Q. How about Geneva Convention? Do you remember getting any lectures on that?

A. Yes.

Q. Did you get a card?

A. Right.

Q. Did you ever receive any information from anyone on the illegality of orders or the requirement to obey illegal orders?

A. Well, I don't know about orders. We were just supposed to go by--I don't know what they mean, "obey illegal orders," because we understand orders are supposed to come from higher, and I guess we're supposed to follow orders.

Q. You never did get any information or instructions on what to do in case you received an order which you considered not legal?

A. Not that I remember.

COL WILSON: Let me see those cards.

(The recorder did as directed.)

Q. I have Exhibit M-2 entitled "Nine Rules." It is a facsimile of a MACV card. It is front and back there. Have you seen this card?

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

Q. Exhibit M-3 is a facsimile of another MACV card. It is entitled "The Enemy in Your Hands." Have you seen that card?

A. I don't know about the card. The only thing I remember, I think we had literature that gave the English translations, but I don't remember the cards. The only thing I remember is the piece of paper.

Q. This is a wallet-size card. If you were given it, you were probably told to keep it in your wallet, both of them.

A. No, I haven't had one.

Q. Mr. DUFF, the next series of questions will be concerned with the briefing which you received prior to going on this combat assault. I want to be sure that you understand that the operation that we are referring to is an operation that took place in Pinkville, and you had about 15 or 16 casualties on this operation. One was Lieutenant COCHRAN; another one was Sergeant TAYLOR. Do these names mean anything to you?

A. Lieutenant COCHRAN, the platoon's 81 mortar squad leader. I think he may have been with the 2d Platoon because he was switched over because one of the other lieutenants was hurt, was wounded, and they pulled him out.

Q. Does this fix the period of time? Do you recall this particular operation that these people were wounded and killed on?

A. Right.

Q. That's the operation we are referring to. You were probably given some sort of instructions, or briefing, or order prior to this operation which took place or began on the 16th of March. I would like for you to tell me to the best of your recollection what you were told?

A. The best I remember we were told to search and destroy all the enemy in Pinkville, and we had a combat assault. They flew us in. I guess 2 or 3 hours we was there.

Q. You're ahead of me now. I'm trying to figure out what you were told. Here's what I'm going to do. When we get through with this phase of the questioning, we are going to give you a briefing on what we know happened and then try to fill in what is missing with additional information you may have. Right now, before we tell you anything which we know, I'm anxious to know what you were told? What was going to happen on 16, 17, 18, and 19 March. What you were told, not what happened. What was going to happen?

A. We were supposed to search and destroy it.

Q. Was this a normal mission for B Company?

A. Well, this was supposed to be heavily enemy-occupied. Most of the time we search and just search more or less.

Q. Search and clear?

A. Right.

Q. How many times did you have a search and destroy operation?

A. Well, I think that was the only time, really. I don't know. I think that was probably about the only orders we were given to search and destroy.

Q. Who briefed you? Who told you you were going on this combat assault?

A. Actually, old MICHLES gave the final briefing before we left.

Q. That was where, at the pickup zone?

A. Right.

Q. Who briefed you before that? Who told you what was going to happen before that?

A. I think he was the only one that told us what we were going to do there. I think the colonel flew in and gave him the orders.

Q. I mean who is your squad leader?

A. I didn't have a squad leader. FO's just had a platoon leader.

Q. What about the platoon leader, did he get the squad leaders together? You just went down to the pickup zone and the company commander said: "Get on the aircraft. I'm not going to tell you which one to get on. Get on the aircraft." You got some information to take so many rations, or so much ammunition, or you're going to be doing this or that. Now, who gave it to you?

A. It must have been the lieutenant, then.

Q. Who was the platoon leader?

A. Well, we had two. I can look through here and tell you.

(The witness is looking through the company roster.)

LTC NOLL: It might well be that a platoon sergeant was acting platoon leader.

A. The 3d Platoon they got--Lieutenant LEWIS was afterwards. We had a second lieutenant, Dave something.

COL WILSON: How about a platoon sergeant?

A. We had a platoon sergeant, MCCLLOUD, that took over after the 2d Platoon leader was wounded. Then the 1st Platoon leader was wounded.

Q. No, I'm telling how the E-6, platoon sergeant, took over for the platoon leader until we got another lieutenant in. I don't believe the platoon leader at the time was David--

LTC NOLL: (Interposing) CARTER?

A. CARTER, right.

COL WILSON: He's not on that list?

A. No.

Q. Do you think Lieutenant CARTER was platoon leader at the time this operation took place?

A. Right.

Q. Do you recall this briefing at all? Is there anything that you remember about anything concerning burning of houses or the destruction of villages when you say "search and destroy"?

A. Well, the way I understand search and destroy is just search and destroy all the enemy, and I believe that is the orders we got when we went to Pinkville. As far as destroying personal property like that, I don't think that's search and destroy. I don't believe anyone else would take orders like that.

Q. In these search and destroy missions, do you mean that when you go into these areas you're supposed to destroy the installations, the houses, and so forth?

A. No.

Q. It doesn't mean that?

(Witness shakes head in the negative.)

How about the food stocks? What do you do with the food stocks?

A. Well, we bagged it, got sandbags. I know we had so much rice that we bagged it up and sent it back in. They'd pick it up on choppers and pull it back.

Q. What were you told to do? Were you told to do anything on this operation about food stocks or livestock?

A. Not as I recall.

Q. Nothing mentioned?

A. (Shaking head in the negative) Just when we would get a heavy cache, we would bag it up and send it back in.

Q. That is normal procedure?

A. Right.

Q. What about disposition of inhabitants? Was there anything stated about techniques peculiar to this operation which were not conducted on other operations?

A. I don't think so, sir.

Q. Do you remember whether there was any special instructions given to any of the squad leaders as to what the squad was supposed to do?

A. No.

Q. Do you know what the platoons in the company were supposed to do, 1st, 2d, and 3d Platoons?

(Witness shakes head in negative.)

When the company commander briefed you at that pick-up zone on the morning of the 16th, what did he say?

A. The only orders I remember, you know, we were supposed to search and destroy. That's about it. We were supposed to be a little more cautious in this area than we had been previously because this area, you know, was supposed to be one of the highly occupied with VC.

Q. Did you know what enemy force was supposed to be in the area?

A. No, I don't.

Q. You say you were wounded in June?

A. In June.

Q. What type wound?

A. My lung was punctured.

Q. Gunshot wound, shrapnel, mine?

A. Shrapnel.

Q. Well, I'm going to, at this point, review the operation as we know it from documents. Then we'll go through each day of the operation and give you indications of what we think happened, and see if you can enlarge upon it. During this process, after I orient you on the task force concept and what had happened on the first day, Mr. WALSH will take an aerial photograph and give you a more detailed orientation. He just returned, and a couple photographs he took are here which are also helpful. I don't think your platoon got down this far.

(COL WILSON oriented the witness on the map.)

Do you remember which lift you were on?

A. No, I don't.

Q. Do you remember if there was any firing as you approached the landing zone or after you got off the aircraft?

A. Well, after we had landed I don't think we had any firing, but it was just a short time afterwards that we got in the minefield there, the 2d Platoon did.

Q. Was there any small arms fire at that time?

A. I don't recall any.

Q. Was anyone firing when they left the aircraft?

A. No.

Q. Did you see any gunships? Did you start to say something?

A. I don't know if I've got the operation mixed up or not. It seemed like when we first landed there might have been firing because I remember everybody spread out around the area. There was just a small village, maybe two or three huts or something, right on the other side of the LZ either at this operation or at the next one. I don't know. I think we was next to the last or the last platoon to get in, the 3d Platoon.

Q. You think you were the last platoon?

(Witness nods in the affirmative.)

Did you see any gunships?

A. Yes, I think they had gunships.

Q. Could you see them firing?

A. No.

Q. All right. In the first day, we've got certain actions that we think took place, and as I hit one of these actions, the three of us will ask you any questions that we have on those. The first one was at 0815. The combat assault came in generally in this area. Remember this is the same photograph that you saw. This is the peninsula out here, this is Pinkville. Here is the road. The landing zone was generally in this area. The last lift touched down at 0827. The first booby trap was tripped with one killed and four wounded at 0845. That was generally in this area. The second booby trap was tripped at 0930 with three wounded. It was generally in this area. We only show one symbol for it, but it was generally in this area. There is a little difference in the distance, and there was a difference in the time. Do you remember this?

A. I remember a couple of booby traps, yes.

Q. There were two different groups of people hit.

MR WALSH: Do you remember Lieutenant COCHRAN got killed?

A. Yes.

Q. We think that was the first one. Do you remember seeing it?

A. Well, you see, we had already started out to the left.

Q. The 2d Platoon was to your right?

A. Right.

Q. Do you remember crossing the road, a dirt road?

A. No, I don't think we got up that far.

Q. When Lieutenant COCHRAN hit the mine, did you hear the explosion?

A. Right.

Q. Did you see it, see it explode, or see any of the people get hit?

A. Well, we seen the smoke from it because we was only maybe 500--maybe 150, 200 meters south. We just separated. 3d Platoon was going on an operation. This is the way the operation was set up. Then Lieutenant COCHRAN hit it. I believe he was the first.

Q. Do you remember what Lieutenant COCHRAN was doing at the time he hit it? What was the 2d Platoon--what was their objective?

A. I guess they was going to push off to the side. We were going to push up and meet them.

Q. Do you remember if Lieutenant COCHRAN and his platoon were trying to go through a hedge or a rise around--

A. (Interposing) There was more like a rise around there, yes.

Q. We've heard some testimony that there was kind of a built-up hedge or something that kind of surrounded the main Pinkville area, and the 2d Platoon was supposed to go in and search it. When they tried to go through the hedge, Lieutenant COCHRAN got hit.

(Witness nods in the affirmative.)

When Lieutenant COCHRAN hit that mine, we understand that it was around 0845. Did everybody just stop in place for a while?

A. Right.

Q. Do you remember seeing a medevac chopper coming in?

A. Yes, I think there was a medevac chopper.

Q. Can you remember it?

A. I think I can, yes.

Q. Can you remember if it had a red cross on it or could it have been another--just a slick command ship?

A. I don't remember.

Q. Now, do you remember the second mine going off?

A. That was Lieutenant COCHRAN and his RTO hit, and then I think it was an E-5 took over. He was trying to regroup his platoon and hit another mine.

Q. Had you moved out by the time the second mine went off or were you still holding where you were?

A. We were still holding.

Q. What happened when the second mine went off?

A. I guess there was a little more fear. The second mine went off, and I think we sat there for about 15 or 20 minutes trying to get things back to normal. Then we all-- I think the weapons platoon, and the 2d Platoon, and the 3d Platoon, and the CO all got together. Instead of going through Pinkville, we went around by the 3d Platoon. The 2d Platoon went with him, and all more or less got together and went out to this side and just kind of "cooled it" for the day.

Q. By the side? You mean looking to the north and moving up to the northwest a little bit?

A. Right.

Q. Do you remember Colonel BARKER's ship coming in?

A. I think he come in just before or after we grouped up with C Company because he came into the laager position. I think that's when Colonel BARKER came in, but that was late in the afternoon.

(MR WALSH withdrew from the hearing.)

LTC NOLL: I would like to find out, concentrate on this time when the two mine explosions occurred. We've got an idea that they're about 45 minutes apart. Is this the way you recall it? Do you recall how much time?

A. I don't think there was that much time between them because we just hadn't moved any.

Q. The thing that happened, the medevac ship came in and got out Lieutenant COCHRAN and the four other people that were wounded. That ship had left, I'm assuming, before the second explosion had occurred.

(Witness nods in the affirmative.)

Did you think that you were still back in the LZ when Lieutenant COCHRAN was wounded?

A. No.

Q. When we talk about crossing that road, we're talking about crossing that trail, Route 521. Had you crossed that?

A. Yes, we were up going to the village.

Q. What was the mission of the 3d Platoon that day? In other words, what were you planning to do?

A. Well, the whole company was just going to search. If there was any action, we was supposed to destroy the enemy.

Q. You were told you were going to this particular hamlet. Or were you told that?

A. Well, whenever I went on an operation, we was told the hamlet where we was going, but I don't remember which one.

Q. Do you recall how the second group of people that were wounded were evacuated?

A. We went through one village to the left. It was a small--the outskirts of Pinkville or something like that. I don't remember exactly what village it was.

Q. Did you collect the inhabitants of that village in one group?

A. Yes, we rounded up--on the operation, we rounded up I don't know how many civilians.

Q. I'm talking about this morning, on the day of the 16th.

A. The way I recall it, there wasn't that many people in the first village that we went to. We went to search; we rounded up all civilians, but I don't think there was that many there.

Q. Was there any interpreter there to question them?

A. Not at that time. He came in later.

Q. When did he come in?

A. I think he came in with Colonel BARKER. He came in the lower area there. I think 3d Platoon went down, which would be south on the map, went down to the bigger part, little island there. The 3d Platoon went that way. I think when we had them all rounded up, we had an interpreter come in. The interpreters didn't stay in the field with us. They just flew in as we needed them.

COL WILSON: There is one question I want to ask. You mentioned that the 2d and 3d Platoons sort of got together. Was there a change in instructions to the 2d Platoon that you know, change in orders?

A. Yes. You see, they weren't going to meet until the evening in the laager position. Then after the 2d Platoon you know, got pretty well beat right there in the first bit of the operation, they just grouped with us. After we went through that one village, we set up, not a perimeter, a blocking force for C Company until C Company came.

Q. This was when both platoons were together?

A. Right.

Q. The 2d Platoon, you understand, did receive a change in orders?

A. Oh, yeah, definitely.

Q. They joined you at that time. Otherwise, they would have been--what were they supposed to do?

A. They were going straight on through the village.

Q. Pinkville?

A. Yes.

Q. They were going into Pinkville?

A. Right.

Q. One platoon?

A. Well, the way we were spread out, the 1st Platoon went off.

Q. I understand.

A. I think that's when Larry got hit, with the 1st Platoon over on the other side of the bridge. We was going--there was a village off this way. We were going out and up, and the 2d Platoon was going straight up to the first village there. We was going more or less on the outside to a smaller--

Q. (Interposing) The village that you all moved over to and searched, how many huts were in this village?

A. Well, I don't really recall, but I know there wasn't no 20 people there, 20 civilians.

(COL WILSON withdrew from the hearing.)

LTC NOLL: What happened to the people that you rounded up? How long did you keep them? When were they released?

A. Well, they probably didn't take maybe 30 or 45 minutes to search the village, maybe a little longer. Mostly

there was--I think there was one man in the whole group. Most every village we went to there was just women and small kids, and I think that's about all there was except for maybe one or two old men. I recall maybe one man, and he was pretty old, and we just kept them there, you know, just long enough to search the village, and we released them.

Q. Where was your laager area that evening with respect to that village? Did you move right outside the village?

A. Let's see, we moved north and then we moved out. You see, we moved on outside the village. Then C Company met up with us. I guess it was late afternoon, 2 or 3 o'clock in the afternoon. Then we moved, I think we moved to the west. So it would be northwest from the village, and this was to the wide open space. It was pretty clear there.

Q. Did you talk to any members from C Company?

A. Yes, I had friends I was with in C Company.

Q. Did they discuss their operation?

A. No, I don't remember. They just said they had been through a village and was pushing towards us. That's the only thing I know.

Q. Did you see any detainees in your night laager position?

A. I don't think so, the first night, no.

Q. Did you hear of anyone, any detainees in the area that night?

(Witness shakes head in the negative.)

Do you recognize anybody in this photo, P-18?

A. This is HUFFMAN. Right, Cecil HUFFMAN; he was in mortar platoon.

Q. Are these the people that you rounded up that day?

A. That's got to be on the lower village, on the lower part of the map there. That's the only place we picked up any men that I can remember on that operation, and these here were held. This was the second day, I'm pretty sure, where we laagered that night, either the second or the third day. You can see right--it's real sandy because I know we dug in. There wasn't nothing to digging in on the area on the beach, and we had an interpreter fly in. I guess it was a Thai or something.

Q. So you don't recognize the terrain, or do you recognize that terrain? In other words, can you identify on the map where this location is?

A. The only place I'd have to say would be on the lower part. You see the first village we come in.

Q. Did you see HUFFMAN there with the prisoners?

A. Yes, I remember him with the prisoners because he and TREGARTHEN would be the ones that took care of the prisoners.

Q. Do you know who took this picture?

A. No, I don't have any idea.

Q. P-19?

A. This would be just before you go across the bridge.

Q. On what day? Do you know who this is?

A. That must be the interpreter there.

Q. He believes the boy in uniform in P-19 is the interpreter. P-20?

A. That's HOOTON, and that's--he was a sergeant who went back to supply.

Q. The man with the bar is Dan HOOTON. MARSHALL?

A. Right, this would be QUINTANILLA right here looking down.

- Q. The man without a helmet looking down is who?
- A. QUINTANILLA. He was wounded later on. I think he got both legs blown off.
- Q. Do you recognize anyone in P-21?
- A. No, it's just the interpreter there.
- Q. Did you ever see him before?
- A. I don't remember. They all look about alike to me.
- Q. P-22?
- A. No, I don't know anyone there.
- Q. P-23?
- A. That is Captain MICHLES there.
- Q. What about this terrain, do you recognize that (referring to MAP-1)?
- A. This would have to be somewhere in close to the Pinkville area. This looks like that may be that main trail coming through or whatever, and this is the coastline here.
- Q. You're identifying the trail as Route 521?
- A. Right.
- Q. And the water at the top of the picture as the coastline?
- A. (Nods in the affirmative) Or it could be the river there.
- Q. P-66?
- A. I don't know anyone there.
- Q. In the evening you company joined with C Company. Did you go over to C Company's area?

A. I don't think I went over there. I talked to them. They passed by us and come through what we set up there, more or less a perimeter. They come through us, and they passed right by me. I knew quite a few guys in C Company.

Q. Did you hear any reports of the body count for the day?

A. No.

Q. Did you hear any report on what the 1st Platoon was doing across the concrete bridge?

A. Our 1st Platoon?

Q. Your 1st Platoon.

A. Either the first time or the second time we went in, Larry, he was an E-4 at the time but he made sergeant-- before he went in or right after anyway they had a prisoner there, I believe. There was a mine right across the bridge. Anyway, he got his foot blowed off, and they pulled him out. But just before that, I believe, he made sergeant. He was an E-4 squad leader before.

Q. On the 16th, did you hear any rifle fire or any mortar fire or machinegun fire coming from the direction of the 1st Platoon's operation?

A. I don't know. It's hard to distinguish days between the 16th, 17th, and 18th. There was probably gunfire, probably.

Q. Was there any discussion in the company area that night regarding the body count reported by the 1st Platoon?

A. No.

Q. Did anything unusual happen the evening of the 16th?

(Witness shakes head in the negative.)

Now, would you describe your actions on the 17th, the following day, the 17th, in the field?

A. The 3d Platoon went on the big part, more or less, on the peninsula there, because I know after we got down so far there wasn't much down that way. After we got down there, we kind of slipped up, you know, about--I think it was one of the squads moved on farther ahead, and then come back and met with the rest of us, and we turned and went back.

Q. All right. Did you move out of your night laager position back to Route 521 and over to the bridge leading to the spit of land on the 17th?

A. Yes, I think so, because I believe that's where the 2d Platoon come through the village where the 1st Platoon had been.

Q. Did you hear the explosion, the mine explosion at the bridge?

A. When?

Q. When TAYLOR lost his foot.

A. Yes, probably. I think so.

Q. Where were you when that occurred? Did you see him?

A. No, I didn't see him.

Q. Did you see him being evacuated? Did you see a medevac chopper come in?

A. Yes, I guess that's what come in.

Q. Do you recall any gunships in that area that morning right after this happened?

A. I don't know. I get the operations kind of mixed up because I know one gunship came in. The 2d Platoon came across the bridge, some gunships came in and hit the village on the other side there, and the 3d Platoon moved up to help support the 2d until they crossed the bridge after the gunships come in. That was--I'd say that was the same day.

Q. The order of march to the bridge, was it the 3d Platoon behind the 2d Platoon? What was the order of march?

A. Yes, the 2d Platoon was first. After this, they couldn't cross the bridge, and we had to move up and support the 2d to get across the bridge.

Q. How did you support them?

A. Well, see, the gunships were already firing in. So we more or less just pulled up along this side of the river, and we layed down fire for the 2d until they got across.

Q. Did you deploy off the road along the bank?

A. Yes, because there was one little hootch that had a man that was wounded in it where we stopped. I know there was me and the platoon leader, and the RTO had stopped by. And he was in there, whatever they got there, whatever you want to call it.

Q. Was this on the west side or was it on the east side of the stream?

A. It would be on the west side.

Q. Do you know what happened to the man that was wounded?

A. I know the medic patched him up. I don't think they brought a chopper in for him.

Q. What was the 1st Platoon doing while you were supporting the 2d Platoon crossing the bridge?

A. I don't remember because we were separated that night, I guess, because the 1st Platoon stayed on the other side of the river.

Q. You mentioned gunships, I believe. Were they firing into the village, making a pass and firing into the village across the bridge?

A. Yes.

Q. Once the company crossed the bridge, did they sweep this village and clear it?

A. The 2d Platoon swept that village, and that's when we separated. You see, we went over, the 2d Platoon set up a laager for us in support of us, and we went across, and, you see, the weapons platoon--the mortar platoon, they stayed with the 2d Platoon because the 2d Platoon was short because they had all that wounded. So the weapons platoon and the CO stayed with the 2d Platoon, and they searched this village.

Q. You say the weapons platoon, the 2d Platoon, and the CO. You're talking about Captain MICHLES?

A. Right.

Q. They stayed and searched the village, is that right?

A. That's right.

Q. And what did your platoon do?

A. We went on down the peninsula there or whatever it is, whatever you want to call it, the wide strip of land.

Q. Do you know what the formation was going south, whether anyone was on the right or left of the platoon?

A. No.

Q. Did you go down on the beach side?

A. I don't remember. I don't think so. We didn't go all the way down the coast. We got down so far and there wasn't anything on that side that amounted to anything, so we turned around and pushed back up.

Q. What time frame are you talking about now? How much time did you spend going south?

A. It was about all day. I mean to get back.

Q. Did you see the 1st Platoon any time during the day?

A. I believe this is the time we laagered up in that area where the 1st Platoon laagered at before. I think that's the night we got mortared there.

Q. Your days are a little bit off. Let me ask you a couple of other things. Do you recall engaging two VC south of the bridge on that spit of land?

A. The only thing I can remember is there was a boat, or a sampan, or something. That's the only thing I can remember. We had come up in there by a sampan.

Q. Were they engaged?

A. I don't remember.

Q. Do you recall destroying any mines as you moved south?

(Witness shakes head in the negative.)

Do you recall any smoke that day as you went south?

A. Do you mean while we were down on that lower end down there?

Q. Yes.

(Witness shakes head in the negative.)

Burning of the village?

A. No.

Q. Do you recall any rifle fire or demolitions to the right of your platoon?

A. I don't recall any because it all seemed so peaceful down there to me compared--

Q. (Interposing) Did you see any people there that day?

A. Just the ones in the sampan there is the only ones I seen.

Q. Did you get a chance to talk to members of the 2d Platoon that swept the village?

A. No.

Q. Just across from the bridge?

A. If--I didn't talk to them, but if that's what I recall, they took some prisoners in there. When we got back to the laager position, they flew in an interpreter. It seems like there was a Thai that came there, a Thai for the interpreter.

Q. Did the mortar platoon fire any missions that day?

A. No.

Q. Did you see any Navy swift boats?

A. No. We was over there a couple of times. I don't know if I've got the operations mixed up or what.

Q. What about after this operation, did you see any members of the 2d Platoon that went in the village and swept it?

A. I think after this village was where they separated our company. They sent the 3d Platoon up to Uptight, and they took the rest of the company to Dottie. The 3d Platoon, if this is the operation I remember, the 3d Platoon was the only one that was left with full strength. 1st and 2d Platoons were down about 13 or 14 men apiece, something like that.

Q. How was your platoon organized on this operation? Did you have three squads?

A. Right.

Q. What about the other two platoons? Do you recall how they were organized?

A. They were probably the same.

(LTC NOLL oriented the witness on Exhibit P-168.)

Q. Can you describe the activities of the 18th as you remember them? That is your third day in the field. This is the date that you probably moved a lot of people.

A. The only thing I remember, if this is the day we got mortared--I don't know. The 1st Platoon had a lot of casualties that night. Their machinegunner was killed, I know for a fact, and this would have been at night. I don't know how many rounds of mortar we got or anything. I know we got quite a few injured, and we called in, I think, it was a plane in support of us that laid machinegun fire around the outer perimeter.

Q. Okay, what did you do during the daylight hours before evening? Do you recall?

A. (Shaking head in the negative) I know at the time, that night, I know a sergeant was in charge. Because I know Lieutenant CARTER. I think he went to the 2d Platoon either the day before or so because Sergeant MCCLLOUD was in charge of us that night.

Q. Lieutenant CARTER did not come to the field with you on this operation. He went into the hospital 2 days before from hurting his back. He came back and went to the 2d Platoon then because they left Sergeant MCCLLOUD in charge. Do you recall searching that upper peninsula and rounding up a lot of people?

A. This must have been the fourth day. I don't know if there was 4 days there or not. I know one day we went up and searched the peninsula out there. Lieutenant LEWIS was there when we got back, but that must have been the second time we were in there.

Q. You moved north, we believe, the third day you were in the field. You assembled most of the inhabitants in the upper part of that strip of land for a MEDCAP. It was that evening you got mortared.

A. Yes, I remember that evening.

Q. Was there any small arms fire that accompanied the mortar attack?

A. That night?

Q. Yes.

A. Yes. I know the machinegun had fired quite a number of times before we got the mortar attack, and we had fired back. We had fired the machinegun.

Q. Do you recall any detainees in the position?

A. That night?

Q. That night.

A. It was earlier, but they must have already took them out or something because they weren't held overnight that I can remember.

Q. Do you recall them being interrogated?

A. Yes.

Q. Did you see them being interrogated?

A. No.

Q. Did you hear any reports of the interrogation?

A. No.

Q. How they are treated?

(Witness shakes head in the negative.)

At any time during this operation, did you see any mistreatment of detainees by U.S., ARVN, or National Police?

A. Well, when they interrogate them, the ARVN's or whoever it is--I don't know if they would be mistreating them or not. I don't know how they would have to do it to get questions and answers, but they do kind of smack the prisoners around a little bit. As far as U.S. troops, I don't remember any.

LTC NOLL: The hearing will be recessed.

(The hearing recessed at 1057 hours, 29 January 1970.)

(The hearing reconvened at 1122 hours, 29 January 1970.)

COL WILSON: The hearing will come to order.

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

COL WILSON: Mr. DUFF, did you normally work in close conjunction with the radios as forward observer?

A. Right.

Q. Do you have your own radio or do you use one of the platoon's?

A. We used the lieutenant platoon leader's radio.

Q. How many PRC-25's were in that platoon, do you know?

A. Two.

Q. You said the 3d Platoon laid down a base of fire on the second day during the 2d Platoon crossing. Was this done from the west side of the river?

A. Right.

Q. And what type of fire was it?

A. Well, the squads were spread out along the bank area, and I think they fired a few rounds of machinegun. But I think most of it was M-16.

Q. Were all squads on line, or just one or two squads?

A. I think probably all of them were on line. I'm not sure.

Q. There must have been some fire control there to keep from hitting the 2d Platoon that was across the bridge.

A. Well, I was back with my platoon leader, and they was behind us. It would be Sergeant MCCLLOUD. We were back-- there was a wounded man on this side of the river there, the bridge, and the medic that was attending him, he was back there.

Q. Who was the wounded man, a Vietnamese man?

A. Right.

Q. Was he evacuated?

A. No, I don't think so.

Q. Well, did you hear any communication concerning firing?

A. No.

LTC NOLL: What was this fire supposed to suppress? Why was it necessary, do you know?

A. We were trying to distract, I guess, the enemy for the 2d Platoon. Because they were going off the bridge there, and we were just trying to get a base of fire down so they could get across.

COL WILSON: Was there any fire coming from that village?

A. Yes. The 2d Platoon couldn't cross because of the small arms fire.

Q. What about the requirement to put some mortar fire on the village?

A. Well, as I recall, gunships were called in on the village.

Q. How many ships?

A. I think there was two or three--two I think.

Q. How many passes did they make?

A. I don't have any idea.

Q. And was this firing by the platoon done before or after the gunships had made there passes?

A. Before.

Q. Well, if it was before then, the 2d Platoon crossed while the gunships were making their passes. I mean the 2d Platoon crossed while the gunships were making their passes?

A. I don't know if it was before or after, but on the other side of the bridge there was a little gully, and the 2d Platoon was over in there when we crossed. I'm not sure whether they went across before the gunships came in or right after they were there. We didn't move across until they had already left.

Q. The gunships?

A. Right.

Q. This photograph P-18, when did you think this was taken?

A. I thought it was on the second day because we come up on a village that quite a few people was in it. There was quite a number of men in it, and we kind of separated the men and women. The weapons platoon was holding them in, and the 3d Platoon rounded them up, I guess, and we were searching the village.

Q. This was on the second day?

A. That's the best I recall, sir.

LTC NOLL: As I understood it, one of the reason why you said the second day is because on the first day you didn't find any men, is that right?

A. The 3d Platoon didn't, I know. I'm pretty sure they didn't.

Q. Where do you think this was? This would have been on the other side or the east side of the river. Where do you think it was?

A. I don't know exactly.

Q. What about P-20? Do you remember that photograph? Do you remember where that was?

A. I don't remember where it's at. That's the weapons platoon there.

Q. Do you remember these two?

A. I think this one is QUINTANILLA from the 2d Platoon.

Q. That is the man without the helmet on?

A. Right.

Q. What about these two in P-21?

A. I don't know.

Q. Did you ever hear a transmission over the radio to stop killing the civilians, that probably had come over on the 16th of March?

A. No.

Q. Did you ever hear of a body count figure given?

(Witness shakes head in the negative.)

Any questions on a body count?

A. No.

Q. Did you ever hear an order about stop burning hootches?

(Witness shakes head in the negative.)

Did you ever hear Captain MICHLES giving an order the first day to stop firing the mortar?

A. No, I don't remember the mortar being fired. The only thing I remember, they were setting the mortar up when the 2d Platoon hit those mines. I don't remember them ever firing.

Q. Were you back there with it?

A. No, we was--I seen them setting up. You see, we were over to the left.

Q. They could have fired without your knowledge?

A. Well, we weren't that far away. I guess they could have, but I just don't remember it.

Q. Sergeant VANN said they fired. The FO of the 1st Platoon said they fired.

A. I didn't hear it myself. Sergeant VANN ought to know.

Q. Did you ask him about the countermortar fire up in the village?

A. No, sir, I did not.

COL WILSON: Do you know if there was countermortar fire on the night of the 18th after you received the incoming rounds? Did our 81's fire back?

A. I think they might have fired a couple of rounds before the ship got in there, that airplane. I know they started to call in artillery, but they wouldn't give us artillery fire.

Q. They wouldn't?

A. I guess because of the airplane.

Q. Do you recall the artillery marker rounds being fired that afternoon before dark?

A. There were usually marker rounds in the afternoon.

Q. Did you see a woman with a leg shot up, a Vietnamese woman being brought out? Did you see her?

A. No.

Q. Did you see when they evacuated her? Did you hear about her? The question is whether or not she was hit by the artillery markers?

A. The only one I remember that day was when the 1st Platoon picked someone up in that first village, and that was on the first day.

Q. How do you know what the 1st Platoon had the first day?

A. They said they had a woman prisoner. That's what I heard.

Q. You heard this. Did you see her?

A. No.

Q. What did you hear about her?

A. I don't know. I guess it came over the radio. I don't know.

Q. This was a radio transmission?

A. I'm not going to say it was. I'm not sure. I know they had a women there. Where we got the information from--

Q. (Interposing) Was that woman with him the next morning when you crossed?

A. I don't know.

Q. Did you ever see any U.S. or ARVN soldiers torturing detainees or PW's on this operation?

A. I didn't see any.

Q. Did you hear anything about it?

A. Well, I heard that night that the ARVN's or whoever came in there to question were slapping the prisoners around.

Q. What night was that?

A. It must have been the night we were all laagered together there, when the 1st Platoon got mortared there. Well, we all got mortared. The 1st Platoon got all the wounded.

Q. That was up there north of the village?

(Witness nods in the affirmative,)

You heard there were some ARVN with you that night?

A. They flew them in, but I think they took them back out. I don't know if they stayed there overnight or not.

Q. Did you see any interrogations going on?

A. No.

Q. Did you hear anything else about torturing?

A. No.

Q. Were you or anyone you know questioned on this operation as to what happened?

A. No, I was never questioned, and I don't know of anyone else.

Q. Did you take a camera with you?

A. No, not on that operation.

Q. Do you know anybody that did?

A. I don't know unless Robert GELDMEYER. He's from Wisconsin. He usually had a little 104 that he carried with him all the time.

Q. Did you see a photographer on that operation, MACV?

A. Well, the way I understand it, I heard they was with the 2d Platoon but didn't stay but a short time. I don't know.

Q. What else did you hear about him? Did you hear anything else about him?

A. No.

Q. Did you see him?

A. No, I don't think so.

LTC NOLL: What day was this?

A. I think this was the second day.

COL WILSON: Do you have any photographs that were taken during this period?

A. No.

Q. Any documents that might help fix times, and dates, and places?

A. No, all the pictures I had in Vietnam they kept over there. I got hit, and I never got my pictures back. I didn't have any of this area anyway.

Q. They are probably decorating somebody's bunker.

A. Probably.

Q. Did you ever hear any rumors about some civilians being killed unnecessarily by B Company or C Company on this operation until this broke?

A. No, not until this broke.

Q. Do you know if any marijuana was used by B Company?

A. I never think I seen any marijuana. I don't know. I don't know how they would react.

Q. Do you have any further testimony or statements that might assist us?

A. I don't know of any.

Q. No more?

A. No.

Q. Do you recall being visited by Colonel BARKER on this operation?

A. I think he come out the first night with C Company when we laagered together.

Q. Did you see him?

A. I'm pretty sure he was out there.

Q. Do you know of any discussion that took place between Colonel BARKER and Captain MICHLES?

A. No.

COL WILSON: Mr. DUFF, I request that you not discuss your testimony in this investigation with others including other witnesses that may be called or that have been called except as you may be required to do so before a legislative or judicial body in which case we have no holds on the testimony. We would like to keep this on a confidential basis and not have you talk to anybody about it. Thank you very much for coming; we appreciate it.

The hearing will be recessed.

(The hearing recessed at 1140 hours, 29 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: ESTERLING, Ronald J.

DATE OF TESTIMONY: 29 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

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

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness stated that when the unit came into Duc Pho they had classes concerning what they should shoot at in the field (pg. 2). They were told that anyone who evaded them should be told to stop and if he did not, they had permission to shoot at him, if he was a military-age male (pg. 2). They were told to refrain from shooting at women and children unless they were firing back (pg. 2). He did not remember having a class on the legality of orders but stated he knew they did not have to obey an illegal order (pg. 3). The witness did not recall seeing either Exhibits M-2 or M-3, but stated that while in Hawaii he was instructed on the "Nine Rules" (pg. 3).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness could not recall who had given them a briefing, although he stated that usually the company commander passed the word down to the platoon leaders and squad leaders, who would inform the men (pgs. 4, 5). He said that sometimes there was a company formation in which the company commander would give the whole unit the information (pg. 5). The witness recalled that this was their first search and destroy mission because they were entering

(ESTERLING)

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a "tight community" of Viet Cong sympathizers (pg. 6). He believed he was told this by the platoon leader on the morning of 16 March (pg. 6). He distinguished this from a search and clear mission in that they were to destroy anything that would be of assistance to the Viet Cong (pg. 6). He did not recall any orders being given concerning the destruction of hootches or concerning animals and food-stocks (pg. 7). He stated they were told to gather up the civilians and have them watched while they searched the villages (pg. 7). Usually, they would leave the villagers where they found them and not move them out into a separate group (pg. 7). He stated that they were told there was a battalion-size force of Viet Cong in the area where they were going (pg. 8). He said that the men in the unit would be more afraid going into the Pinkville area because of the number of mines located there (pg. 8). He did not think that the company was "all psyched up" for the operation but stated that they were nervous (pg. 50). The witness mentioned that they had previous operations in the Pinkville area although he was not sure of the dates (pgs. 9, 10).

3. COMBAT ASSAULT.

a. Activities on 16 March.

(1) The landing and initial activity.

The witness recalled that approximately nine slicks came in to pick them up at LZ Uptight (pg. 5). He was not sure if he was on the first or second lift (pg. 17). The witness did not recall being fired at when they landed (pg.11). When they got off the helicopters they set up security and Lieutenant COCHRAN stepped on a mine (pg. 11). The witness stated they waited for the dustoff to come in (pg. 11). He stated he was approximately 50 meters west of COCHRAN when it happened and he thought that both COCHRAN and the second group were dustedoff by a medevac ship (pgs. 13, 14). He stated that shortly after landing the unit had to take cover because they thought that they were receiving fire (pg.11). Fifteen minutes later, they found out that it was fire coming from Charlie Company (pgs.11,12). They were told not to return the fire (pg. 12).

(2) Movement into the village.

The witness stated that part of their platoon moved north while the remainder held rear security (pg.12). The two groups then joined and the whole platoon went and searched the village directly west of them (pg. 12). He stated that they searched both villages and that it took most of the morning (pg. 13). He did not recall if gunships were firing in support of them that day (pg. 15). He did hear some shooting coming from the first platoon's area (pg. 14). When the unit left the landing zone to search the village on line (pg. 15), the second platoon was located to their right (pg. 17). After searching the village, he recalled that they went back and set up security to eat lunch (pg. 17). He stated that a number of the houses were either burnt down or blown up, he thought by air strikes or artillery (pg. 17). They found approximately six military-age men that they kept with them all night in their laager position (pg. 18). He could not recall what was done with these six the next day (pg. 18). He did not recall burning any of the villages that day, because most of the hootches they found were in ruins (pg. 37).

(3) The night laager position.

The witness stated they laagered in the village using the hedgerows as their perimeter (pg. 16). The six prisoners were put into a hootch and were guarded all night long (pg. 18). He identified Exhibit P-18 as a photograph of the prisoners being guarded by HUFFMAN (pg. 18). During the night the mortars fired white phosphorous and some live rounds but he did not hear any small arms fire on the perimeter (pg. 21).

(4) Information concerning the activities of the first platoon and C/1/20.

During the evening when they passed members of C/1/20, the witness stated that one man who was resting by the road told him that they had shot everybody in the village they had searched (pg. 22). He was told that the men raped women and then shot them (pg. 22). He did not know the person who told him this (pg. 22). He also heard rumors that the first platoon had done something similar

(pg. 22). In talking to members of the first platoon, he was informed that they had killed approximately 30 people in the village which they went through on 16 March (pg.23). He stated that most of the people were killed because they refused to stop (pg. 24). The witness stated that he recalled hearing machinegun and M-16 fire that day and he recalled commenting that "they're doing a lot of shooting over there" (pg. 33). At the time he did not know that it was the first platoon that was located in the village (pg. 34). The witness stated that when he later saw the area he thought it was unusual that there were no bodies, but he felt that they had been gathered up by the civilians (pg. 35). He did not question anyone from the first platoon on this but recalled discussing it with a friend, Larry HATCH (pg. 35). He did not know specifically in which village the people had been killed (pg. 36). He did not recall hearing anything about the first platoon using dynamite (pg. 37).

b. Activities on 17 March.

(1) Initial movements.

The witness stated that he recalled crossing the bridge into the area that the first platoon was operating in (pg. 25). He recalled TAYLOR being wounded as he crossed the bridge (pg. 25). He did not recall who crossed the bridge first, but stated that possibly his platoon did (pg. 26). They had not reached the bridge when TAYLOR was wounded, but they could see the smoke in the air after the explosion (pg. 26). They could also hear the M-60 machinegun fire on the other side of the bridge (pg. 26). He did not recall any gunships in the area (pg. 27). He recalled that when they crossed the bridge, they noticed that there were many mines marked and he stated that the bridge was later blown up but he did not know by whom (pgs. 27, 28). They had the equipment to do it themselves, because GUTHRIE carried demolition equipment (pg. 28). When they crossed the bridge the platoon set up security next to the bridge to the south (pg. 29). He recalled that Lieutenant LEWIS came in that afternoon to take over the second platoon (pgs. 29, 30).

(2) Night laager position.

The witness recalled a helicopter coming in but they could not see it from their area (pg. 30). He did not remember seeing a MACV photographer (pg. 30). He stated that they located a dead woman and buried her close to the sea on high ground (pg. 31). This was the only body that he saw (pg. 31). He stated that he thought the platoon left the rest of the company and worked their way down the peninsula, and eventually set up a blocking force clear across the peninsula (pg. 31). They maintained this position that night and did not join the rest of the company (pg. 32). They did not do any searching prior to setting up this ambush position (pg. 32). He did not recall any contact during the night (pg. 38).

c. Activities on 18 March.

(1) Movement.

The witness stated that he thought that the company moved over to the end of the peninsula that day (pg. 39). He remembered finding rice one time but he was not sure that it was on this operation (pg. 39). They moved into the villages up to the north and rounded up a large number of people, sending them back to the beach (pg. 40). He stated that his platoon brought in the last group of people (pg. 40). He did not know what was done with the people, but he thought that they were being questioned (pg. 40). He did not go down to the end of the beach where they were being held (pg. 40). He did not see any helicopters with medical personnel coming in but he did think that the first platoon had a VC suspect (pgs. 41, 42).

(2) Night laager position.

The witness stated that they laagered on the beach that night on the northern part of the perimeter (pgs. 40, 41). He recalled seeing seven or eight ARVN personnel in the chow line, but did not know when they had arrived (pg. 42). The first platoon set up on the beach and faced to the northeast (pg. 33), and had one machinegun set up pointing north (pg. 43). His platoon faced to the northwest and the second platoon faced west and circled down around to the beach (pg. 43). He thought that there was either

one or two Vietnamese males detained in the perimeter that night (pg. 44). He did not see a wounded woman being evacuated (pg. 44). He recalled being mortared during the night and stated that MILUS was killed (pg. 53). He saw a dustoff come in that night and pick up the wounded, but he could not recall if they were escorted by gunships (pg. 54). He did recall that there were gunships which fired for quite a while (pg. 54). When they were mortared he did not recall any in-coming small arms fire (pg. 54). He stated that the mortar position was approximately 50 to 100 meters away from the perimeter (pg. 55). The artillery returned fire that night (pg. 55). He stated that he did see some ground-to-air fire from the northwest (pg. 53).

d. Activities on 19 March.

At approximately 0900 hours in the morning, he remembered a platoon going off to the village and searching for something (pgs. 47, 48). He recalled that the mortar position was also found the next day (pg. 55). During the day he noticed that a detainee was beaten and had to go down to the sea to wash out his shorts (pg. 46). He could not see the individuals that were doing this because it happened far down the beach (pg. 47). He did not see the man being kicked (pg. 48). He recalled that a field telephone was used on the person (pg. 48).

4. INQUIRIES CONCERNING THE ASSAULT.

The witness did not report anything to his officers because he felt that "nothing was being hid from them" (pg. 49). He stated that MICHLES or anyone else on the beach could have seen the man being beaten (pgs. 39-50). He did not hear of anyone in the company reporting this to the IG (pg. 50). He was not questioned by any officers and did not know that there was an investigation being conducted (pg. 51).

5. OTHER INFORMATION.

The witness stated that he never saw anyone in the unit using marijuana (pg. 52).



(The hearing reconvened at 1417 hours, 29 January 1970.)

COL WILSON: The hearing will come to order.

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

The next witness is Mr. Ronald J. ESTERLING.

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

Please state your full name, occupation and residence.

A. Ronald J. ESTERLING, fabric repairman at Firestone Tire and Rubber Company, address, 1496 Ertle Drive, Barbarton, Ohio.

COL WILSON: Mr. ESTERLING, we gave you a document which is marked Exhibit M-81 which you read prior to convening the board here. Do you have any questions on that?

A. No, I don't.

Q. It stated that this is Team C and what we are looking for. This team consists of three people, Lieutenant Colonel NOLL, myself, and Mr. WALSH, who is a civilian attorney designated by the Secretary of the Army to assist General PEERS. He'll probably be in later this afternoon. Major THOMAS is our recorder. And this information that I passed out to you earlier indicated, we're going to use a chronological sequence to develop our questioning. So could you give me your duty assignment in B/4/3 on 16 March 1968?

A. On 16 March 1968, I was machinegunner for the third squad, 3d Platoon, B Company.

Q. Have you discussed this operation with anyone prior to coming to this hearing since you've been back from Vietnam?

A. Yes, I've discussed it with my family.

Q. But nobody that was with you on the operation?

(ESTERLING)

A. No, the operation, I haven't seen at all.

Q. Who was your squad leader?

A. Squad leader was, I believe it was Sergeant JORDON at the time.

Q. Now was he the machinegun squad leader or the rifle squad leader?

A. Well, we had a machinegun attached to each squad. There wasn't any machinegun squad leader. They were attached to the squad, so he was a squad leader of the platoon.

Q. You believe it was JORDON?

A. I believe so; I'm not positive; I believe so.

Q. Who was your platoon leader?

A. Our platoon leader wasn't out there. I think it was Sergeant MCCLLOUD who was taking the place of the platoon leader on that day.

Q. Do you recall having received any training prior to going to Vietnam or after arrival there concerning the legality of orders?

A. It was--we did have classes on--let's see; the first base we landed on over there was next to Duc Pho. I can't remember the name right offhand. We had classes there concerning what we should shoot at in the field and what we shouldn't shoot at, what our orders would be concerning that.

Q. What did they say?

A. They said that anyone who was evading us in any way when you hollered at them to stop. If they wouldn't stop, and if it looked like a military-aged male that we had permission to shoot at him and stop him. But they told us to refrain from shooting any women or children or anything of this nature unless they were shooting back at us.

Q. Really what my question is, were you ever told--did anybody ever instruct you that there are some orders which are legal and some which are not legal, and you did not have to comply with orders which were not legal? Did you ever have such a class?

A. Well, such a class as that case, I can't remember having a class but I knew--I was familiar with that order myself.

Q. Where did you get this information?

A. Well, just through a period of history. I mean where an incorrect order was given that I thought was completely unjust and I wouldn't follow it out. I knew I had the authority to not follow it out and take the consequences if I was right or wrong.

Q. Well, did you learn this in the service or did you know this?

A. No, just what I knew--

Q. (Interposing) Such a course of instruction was never given to you?

A. I can't recall any.

Q. Exhibit M-2 is a MACV card entitled, "Nine Rules." Have you ever seen that; it's a facsimile, front and back?

A. I do not recall seeing this card, but I remember hearing these statements being made before.

Q. Where did you hear them?

A. In Hawaii before we went over to Vietnam.

Q. Exhibit M-3 is entitled, "Enemy in Your Hands," another MACV card. Have you ever seen that one?

A. No, I haven't.

Q. Do you know which operation we're concerned with? The 16th of March, do you remember that date?

A. I remember that date. At the time, I didn't know what date it was, but I do remember a little bit of what happened that day, not a whole lot.

Q. What we're going to do is to ask you what you were briefed on, and what you were told before this operation started. Then we're going to orient you on the area and tell you what we have determined, from the standpoint primarily of documents, as to what happened. We're going to ask you to fill in the things that we don't know. All right, now, the first thing is the day before the operation, you should have been briefed or given an order or in some way been told what was going to happen the next day. I'd like to know who told you what was going to happen and what they said.

A. I don't think I can remember who said what was going to happen the next day or what they said; I couldn't say.

Q. Well, you had a squad leader and an acting platoon leader. Did either one of them tell you?

A. I don't know. It could have been, I really don't know. I can't remember who gave it. It might not have been even given the day before.

Q. You left pretty early that morning; it could have been given the next morning.

A. It could have been given that morning.

Q. Quite possibly, if you recall that; do you recall that?

A. I don't recall it being that morning, but I would say it was in the morning more than the night before.

Q. Somebody would have to tell you how long you were going to be out, whether to take rations or not, how much ammunition to take, what helicopter you were going to get aboard, and what time you were going to leave. All this information, somebody had to put it out.

A. It was put out to us. It always was each time before. It was always put out how long approximately we're supposed to be out, and how much rations we were supposed to take each time. It was always told to us.

Q. Who told you?

A. Well, usually the company commander passed the word down to the platoon leaders, platoon sergeants, and squad leaders. It was usually done that way, but I can't remember specifically who it was that told us. Sometimes we had a company formation, and the CO would tell us all this information himself to make sure that everybody heard. When it wasn't available, we had to move out early or something, he'd pass it along through the platoon.

Q. Now this is the operation you recall that Lieutenant COCHRAN was killed on.

A. Yes.

Q. And it was the--it could have been the day before, it could have been that morning, there should have been some information put out. I'm trying every way I know how to find out whether the squad leaders briefed this, whether the platoon leaders, or whether the company commander did.

A. I can't remember which one it would have been. I'm trying to remember which base camp we left from that morning. I believe it was LZ Uptight.

Q. You were up at Uptight.

A. Yeah.

Q. About nine slicks came in there.

A. Nine of them that day?

Q. Two lifts should have been needed to get B Company into the area. The last lift cleared about 0847.

A. I can't remember, that morning, who gave the order.

Q. Okay. What orders were given concerning destruction of villages and houses and so forth?

A. Well, as much as I can recall, this was our first search and destroy mission as it was put out to us. We'd never been on a search and destroy mission before.

Q. Okay. What type missions had you been on before?

A. Well, we went on search and clear missions before. We went through the villages this day it was supposed to have been a tight community of Viet Cong sympathizers.

Q. Right, that's correct. Let me ask you a question about this search and destroy while we're on it. The first on you'd been on?

A. That's the first one they called search and destroy, yeah.

Q. And was this put out to the company or was it put out by the squad leaders, the platoon leaders, or what?

A. I would think it would be by the platoon leaders that morning, search and destroy.

Q. Okay, you were told you were going on a search and destroy mission. Now the search and destroy mission, had you had any briefings on this, the difference in the search and clear and search and destroy?

A. Yeah, well; let's see.

Q. What did it mean to you?

A. Well the only difference I knew that we were going to go through those villages and search them as we normally did and anything that would have been any aid to the Viet Cong, we're going to destroy it.

Q. Now, were there any instructions passed out to the squads or was any instruction given as to the method of destroying these villages. I'm speaking primarily right now of villages, houses.

A. As far as destruction of anything, it was usually left up to--usually got those orders from the platoon leader or squad leader.

Q. Well, was it put out before you went in to the area?

A. No, I can't remember it being put out how we were going to destroy anything.

Q. What about foodstock, anything definite stated about foodstock in there?

A. I can't remember any big supply of anything abnormal to the civilians themselves.

Q. Nothing said about the method of destruction and so forth?

A. Well, we usually burned any big supply of foodstock.

Q. How about animals?

A. Animals, nothing to do with them.

Q. What orders were given concerning the villagers, inhabitants? Any special instructions on these people?

A. Yeah, we were supposed to gather everybody out of the village. Get everyone out of the village and get them all together in a group and have them watched. Get everybody out of the village so we could clear it of anybody we thought might be in there as Viet Cong. We were told to search the tunnels, search everything, and get everybody out.

Q. Is this different from any other operation you'd been on from the standpoint of what you're supposed to do with the villagers?

A. Well, most operations we didn't always get the villagers in a group. We'd just go through and search it and leave them where they're at. Not always, sometimes we did, sometimes we didn't.

Q. So you had done this before, you had rounded them up before.

A. That's right. We had rounded them up before in groups.

Q. Did you know you were going into Pinkville?

A. Yes, that's what we called it, Pinkville.

Q. Did this have any impression on you? Did you think about - - did this mean anything different from going on any other operations?

A. Well, everybody was more scared going down to Pinkville because it was loaded with land mines. quite a few of them. Everybody was afraid of that. We lost more men down there on mines. Also we had more enemy contact in Pinkville and naturally everybody was nervous about the operation that day.

Q. What about the Batangan Peninsula? Did you have any similiar idea about the Batangan Peninsula that you did about Pinkville? Was it about the same or was it a more favorable area to operate in from the standpoint of casualties?

A. There both - -well it was the first time we'd gone on the peninsula, we didn't really know. But it wasn't quite as bad as going through Pinkville.

Q. It wasn't?

A. Except well - - no I can't say that. We did get hit on the peninsula too. We got hit bad there one time.

Q. Well, the - - did the briefing or information you got prior to leaving give you any idea of what the enemy situation was down there? What the enemy force size was or anything like this? Thinking from the standpoint of what you were told, not what you knew.

A. Well, let's see, down at Pinkville I think they had suspected I'm not sure but I think they suspected at least a battalion-size force of Viet Cong. There was supposed to have been a large force down there. We ran into, had contact with them quite a few times.

Q. B Company did?

A. B Company and A Company and C Company of the task force.

Q. Did B Company - - were you with B Company the last time they were down there?

A. No, I wasn't myself. I think it was just two of the platoons that went out the last time.

Q. What was the other platoon doing, sitting on Uptight?

A. No, it was on Dottie.

Q. Security?

A. Yes, security on Dottie.

Q. Which platoon was that, do you know?

A. 3d Platoon.

Q. 3d Platoon remained at Uptight. Now which - -

A. LZ Dottie.

Q. I'm sorry, Dottie. For which operation was it, the operation in early February or late February ?

A. I couldn't be sure on the date. I wouldn't know. I never really kept track of the days or months very well.

Q. Do you remember any of the people that were wounded or killed on the operation when you stayed on Uptight?

A. Well, the platoon leader, 2d Platoon, was shot in the shoulder.

Q. Is that CARTER?

A. No, sir, that was - - he wasn't well, he left that day. He was a short fellow. I can't remember his name.

Q. ROSS?

A. Lieutenant ROSS was shot.

Q. He was shot on that operation? That's the operation he was shot on?

A. Yeah.

Q. Do you remember what the platoons of B Company were supposed to do? 1st, 2d, 3d Platoon after they hit the ground?

A. On that day?

Q. Yes.

A. They set up security right away, we weren't going anywhere.

Q. Move out?

A. Not right away. You always got to set up your security first, before you move out.

Q. Then what?

A. Well, then that's when Lieutenant COCHRAN stepped on the mine. We had to wait awhile for dustoff to come in for him and a few other fellows, then after - -

Q. (Interposing) But I mean do you know what the briefing said they were going to do?

A. Well, yeah, we were to move into the village, a few villages there in Pinkville and search them.

Q. The whole company or just one of the platoons?

A. Well, we had the whole company.

Q. Let's see, Lieutenant ROSS was attached to the 2d Surgical Hospital on the 12th of February according to the morning reports, Exhibit R-4. So the 12th, mid-February would have been the time that you were at Uptight and the rest of the company - - at Dottie.

A. Yeah.

Q. Do you remember what the squads in the platoons were supposed to do? Was one squad supposed to just lead off or another one follow or were any instructions given on what's going to happen when you left the landing zone.

A. I can't remember any order given before we hit the landing zone on what each squad was going to do. I imagine there were, they usually were given to us. I can't remember specifically.

Q. Do you recall whether there was anything said about one platoon leaving the company, going off by itself?

A. It seemed to me like - - well I recall the 1st Platoon was off, it seemed like it was off by itself. I didn't see it much that day.

Q. Did you know that before you went in or after you got there?

A. It was after I got there. I didn't know they'd be off by themselves before we went in.

Q. Would you recall, the operation as you remember it.  
(COL WILSON orients witness on the maps and aerial photos.)

A. You mean from when we - -

Q. (Interposing) You landed and what did you do? Was there any fire when you landed?

A. No, I don't recall being fired at, at all that day. Oh you mean ground fire, burning. I can't remember any, no. And then we got off the helicopters and set up the security there. It wasn't too long after we landed when the company - - well the CP group was always around in the middle anyway, and it wasn't too long after Lieutenant COCHRAN stepped on the mine. We had to wait for dustoff to come in. The whole time we were holding our security in place. When we landed we had to take cover too, because we thought we were getting shot at. We found out later, well about 15 minutes or so, it was Charlie Company from over in the other direction. Some of their bullets were coming our direction unintentionally

and that was stopped shortly.

Q. How did you find this out? Somebody tell you this or was it a radio transmission?

A. It was passed down through the platoon. It was just done by shouting. If the CO's close enough he'll tell you to quite shooting over that way. If anybody fired back at them, to get down, it was our own men.

Q. Well now when this firing was coming and it was coming from the west, if it was C Company--

A. (Interposing) Yeah.

Q. When this firing was coming from the west, did your company take any action to fire back?

A. No.

Q. You didn't?

A. No, we didn't fire back. We could see them over there.

Q. Well, then you didn't think it was enemy fire at first.

A. We didn't think it was enemy--well some thought it was and they told them not to fire, they were going to. Because it was out of M-16 range, it would have taken machine-guns. Before they got that set up they told them not to fire, wait and find out for sure. Well, I didn't know who was going to be over there, but I guess the others knew that there were other companies somewhere in the area, said to hold their fire until they found out for sure.

Q. Well did you stay low or did you move on off?

A. Well, we stayed low there for quite a while. Then part of our platoon moved up to the village, north, while part of us held rear security and searched the village. It was almost in front of us, north of us there. Then they came back and the rest of us, the whole platoon went over and searched the village that was just directly west of us, just a little

ways, not too far. But there was a gap in between both of them, the one we searched north and the one that was west. There was a little gap between them, in area of the village. We searched both of them. It took most of the morning, I believe. And after we got through searching the villages there, I can't recall much more of what we did that day until we met up with Charlie Company. They would have crossed over. We met that day sometime in the late afternoon. I can't recall too much that happened in between.

Q. Okay, let me ask you a question. Do you remember a big gate over the road there, over that trail that had some writing on it?

A. There was a lot--

Q. (Interposing) To the right as you crossed that trail going up north. Maybe you were past it. Where were you located when Lieutenant COCHRAN hit the mine?

A. Just west of him about 50 meters, in the rice paddies.

Q. And did you see the helicopter evacuate him?

A. Yeah, a dustoff came in. Then it came in again for the next one that was stepped on.

Q. How long--do you think that the time that we have up here--0845 to 0930, is the approximate period of time, we're talking about 45 minutes between those two mines or booby traps?

A. I would say so because when he stepped on the first mine we had to wait a while for the dustoff to get there. Well, it only seems like it took a long time, maybe it didn't. But it was at least, I'd say 15 minutes before it got there. After it was all done then someone stepped on one again after that.

Q. Now the second group that was dusted off, do you remember the helicopter that picked them up?

A. The same one came back for them I believe.

Q. We have indications that Colonel BARKER's command

and control ship picked them up.

A. You say do I--

Q. (Interposing) No, we have indications. Did you see this ship?

A. Yeah, he came back twice, dustoff did.

Q. Was it marked as an evacuation ship?

A. Yeah, it had a big red cross on it.

Q. Both times?

A. Both times, right. So because of this right here we spent quite a while on the ground without moving from our security when we first landed.

Q. What did you hear? Did you hear anything going on over there in the 1st Platoon area?

A. There was some shooting going on over there. I didn't know that they were going to leave us. I didn't know it was them over there at first but I found out later.

Q. Did you see any gunships?

A. Yeah, they were flying in support of us that day.

Q. Did you see them fire?

A. I can't recall the gunships firing. We had the bubble gunships too, the ones with just the 60 machineguns on it.

Q. You mean the bubble was flying around?

A. Yes, sir.

Q. When C Company linked up with you that day--or first, do you remember the order of march within the platoon after you left the landing zone. Do you remember which squad was first, which was second and which was third?

A. No, we got on line then and went through on line.

Q. Abreast?

A. Abreast. Because the village wasn't that far away, we wanted to sweep through the village, with our rear security abreast behind us and the line in front.

Q. Did you think you were going to sweep Pinkville or what? You know Pinkville is the village of My Lai (1).

A. Yeah.

Q. The one over the coast, close to the coast.

A. Well, I thought Pinkville village was the whole area that was pink on the map.

(Colonel WILSON oriented Mr. ESTERLING on the map of the Pinkville area.)

Q. My question is, did you think you were going to sweep through Pinkville?

A. Well, I don't remember if we were going through it or not, I can't remember. But we couldn't have landed that far away from where they got wounded though.

Q. Well the wounded--the people that were wounded, were wounded, right on the edge of the Pinkville, My Lai (1).

A. Well, that's where we landed then.

Q. Yes, not too far from there.

A. Yeah, right.

Q. From the time you landed until you got your first wounded was only a few minutes, probably about 10 or 15 minutes. From the time all the company closed in there.

A. It wasn't long at all.

Q. So you sort of stayed around in that area that afternoon and just searched that one village. It wouldn't have

been Pinkville, but it was a village that you searched?

A. Yeah, right. Well, from where he was wounded, on the map it would have been--well, almost directly west from it, where our platoon was, the 3d Platoon.

Q. Could you give us an idea, from that photograph, what village it is that you swept?

A. Well, I could tell easier from right here, could you tell me where Lieutenant COCHRAN was killed.

Q. Right there, right at this hedgerow.

A. Okay, right, there's a hedgerow there. Well, if he was killed right there our platoon searched--it must have been just these few right up in here. See those two little black dots there.

Q. These two?

A. Yeah, we searched those first, then we came right over here, must have been this group of villages right here.

LTC NOLL: Where did you spend the night in relation to this village, this small group of buildings.

A. Well, it would have been north of there. I remember the laager position real well, but it was the first time we laagered in this spot. It was in a village that we laagered that night. We laagered right in the village along the --made the hedgerows our perimeter, what we used for a perimeter that night.

COL WILSON: You did stay in the village that night?

A. We stayed--our hedgerows were the perimeter that night, for around the village.

Q. Where's C Company?

A. With C Company, yeah. I wasn't aware the 1st Platoon wasn't with us that night. I didn't know that.

LTC NOLL: What lift were you on, do you recall?

A. I can't remember which lift. I don't believe it was the first one. It might not have been. I can't say for sure which, if we were on the first or the second.

Q. You moved out--platoon moved out on line, the 2d Platoon was on your right.

A. Yeah, they would have been on our right, but they didn't go with us in the direction we were going.

Q. Were they moving on line or were they in column?

A. I couldn't say which way the 2d Platoon was moving.

COL WILSON: Was any part of your perimeter on the water that night?

A. Not that night, no.

Q. I mean on the river there, the stream that came down there. It could have been, at that time of year, a dry stream-bed.

A. No, I don't think so, not that night.

LTC NOLL: You searched one village?

A. I searched one village. I remember--well, let's see, after we got through searching that village I remember now that we went back over to--well, it must have been just about the area of Pinkville there, where we set up a laager--not a laager, we set up security and ate lunch at noon. Let's see, after that now, I can't remember where we went through but I do remember going through a lot of--well where the air strikes or artillery, one of the two, had gone through, where a lot of houses were burnt down and blown up. Went through some of the villages to see what we could find.

COL WILSON: Is that--was that the first day?

A. That's the first day, yeah. I remember that now. I don't remember finding anything that day though.

Q. What did you do with the people in the village?

A. We found about--I think it was about six military-age men that we kept, the rest we let go. We had them that night, we kept them with us all night. As a matter of fact, my squad guarded them all night, my position on the line. We put them in a hut there and we had them guarded all night long.

LTC NOLL: Did anybody come along to interrogate?

A. I believe they were interrogated before they gave them to us to keep all night. Then the next morning, I can't remember if they took them in right there or took them with us that day, I can't remember for sure. I would imagine they took them in for interrogation, sir, because they were all young healthy men, about six of them.

COL WILSON: Were they abused, did you see the--what their condition was? Wounded or hurt or beat up or any?

A. No, they weren't, not in any way.

Q. Do you recognize Photo P-18?

A. Yeah.

Q. All right, number one, where is that?

A. This is the night we laagered with Charlie Company.

Q. And who's guarding the prisoners?

A. That's HUFFMAN.

Q. I mean apparently guarding the prisoners? Are those the prisoners you were talking about?

A. This fellow here looks awful familiar.

Q. The second man from the left?

A. Yeah, but I was looking for another face I had real familiar. This guy looks like--if I could see his face he looks familiar but I--

Q. (Interposing) The man in white with his back turned?

A. Yeah, there's another one I remember real well because he was young, healthy, and real strong. I don't remember keeping the--we might have kept the boys, I can't remember if we kept them or not.

Q. The two boys on the right?

A. Yeah, I don't remember keeping them.

Q. But this was in the laager area. What's HUFFMAN doing, guarding them? I thought you said your platoon had them.

A. Well, they had them during the day but they gave them to us that night to watch.

Q. The 3d Platoon?

A. Yeah, the 3d Platoon. We didn't get them until that night.

Q. Do you recognize--this is P-19. Do you recognize any of the Vietnamese in that photograph?

A. No, I wouldn't recognize any of those.

Q. Do you recognize the location of those people, P-20?

A. I can't recognize the location.

Q. P-21?

A. No.

Q. P-22?

A. I remember that old man, right there.

Q. You remember this old man?

A. Yeah.

Q. What do you remember about him?

A. I can't remember anything except he always kept saying--we couldn't understand what he was saying but he kept saying he didn't do anything, that's what he tried to get across that there was nothing wrong with him. I remember this fellow was--

Q. (Interposing) The man in the center with the helmet on?

A. Yeah, he was from battalion I believe, came out with the interpreter. I don't remember explicitly what his job was.

Q. Did you see--do you remember seeing him that day?

A. I can't remember that day but I remember seeing him. I can't remember that day.

Q. But you remember this old man that day?

A. I can't say that day but I remember seeing that man.

Q. Anything happen to that old man?

A. Not that I know of.

Q. He just kept walking around?

A. Well, they let him go eventually or took him in, one of the two.

Q. Did you pick him up in the village?

A. I didn't pick him up myself.

Q. Did you see him in the village?

A. I've seen him in the village before, yes.

Q. You don't remember anything else.

A. No, I can't remember much about him.

Q. This photograph here, you recognize any of the Vietnamese?

A. I can't remember them.

Q. You see Captain MICHLES on the left. Can you tell what he's doing, or do you know where he is?

A. Well, he's looking at their ID cards, apparently, checking their ID's.

Q. Where do you think this location is?

A. It's probably on that operation. I remember--I think I remember that picture being taken. It was put in one of the--I think it was the brigade newspaper or something they put out.

Q. Who took the picture?

A. I don't know who took the picture.

Q. Do you recognize this Vietnamese with Captain MICHLES?

A. I can't remember that one, no.

Q. How about this Vietnamese here on the left; did you ever see him?

A. No, I don't recognize him.

Q. That's photo P-66. Did you observe at any time or any time during the night, did you hear any firing inside the perimeter?

A. Well, mortars were firing. They fired white phosphorus and some live rounds. They expected an attack that night and they kept--

Q. (Interposing) They fired flares or WP?

A. WP.

Q. But did you hear any small arms fire in the perimeter?

A. Not that night, I don't think.

Q. Anything else on the first day you can recall?

A. Yeah, I can recall we all, well, walking past Charlie Company that day. That's what really got me about that day more than anything. I walked past a few of their fellows there. They were sitting down resting and one fellow said he didn't feel too good and I asked him why. He said, "Because of what we did today." I asked him what they did. He says, "Well most of the guys over there, they went through and shot just about everybody over in that village." He said, "I just don't feel good." He said some of the guys over there raped women then shot them after they raped them. That's one thing I distinctly remember about that day that I thought was really awful. I couldn't believe it. The guys sitting there said they couldn't believe it themselves. They said they couldn't believe some of the guys that had done it and they were just sick about it.

Q. Who told you this?

A. I never saw the fellow before in my life. I probably wouldn't even recognize him. It was just some people in Charlie Company.

Q. How long did you talk to them?

A. Just walked by them, that's what they told me.

Q. You don't know what platoon they were in?

A. I wouldn't have any idea.

Q. Did you ever hear anybody in B Company say anything like that?

A. Yeah, I've heard guys in our company say things like that, too.

Q. On this operation?

A. On that operation.

Q. Okay, we'll get to that. Maybe we'd better get to that right now. What was it?

A. Well, I heard the 1st Platoon had done something of the same nature that day. That's just what I heard and that's about all.

Q. When did you hear that?

A. On that day.

Q. The first day?

A. Yes.

Q. What did the 1st Platoon do?

A. They said they went through and killed about--well, they killed a lot of people in the village they went through that day. It seems like they said they killed about 40 people over there. They said shooting a lot of people.

Q. Anything else?

A. No, I can't remember anything else they said they did except some of them were bragging about it that day; some of them seemed to enjoy it.

Q. And you heard this the first day; did you hear it that night or when did you hear it?

A. Sometime that day. Come to think of it, it couldn't have been that day because we weren't ever with them. Must have been the second day we were with them.

Q. Who told you that?

A. Well, nobody specifically, just that was going down through the whole company about what they had done.

Q. Was it going around through the whole company?

A. Yes.

Q. How many people did you hear were killed?

A. I heard about 40, 40 some.

Q. Did you hear anything else? Hear about any rapes?

A. Not from the 1st Platoon, I didn't.

Q. What did you hear--what do you mean? Where did you hear it?

A. Well, just from what I said before about Charlie Company.

Q. About C Company?

A. Yeah, that's when. Some of the others, that's the only thing I heard about that.

Q. Did you get any details on these 40 people killed as to how they were killed, whether they were killed by explosives or small arms fire?

A. They said they went through the village and they yelled at people to stop as they were coming through. So a lot of them, I guess, were leaving and if they didn't stop, they shot them, no matter what it was.

Q. Any more information?

A. That's all I know about that.

Q. Okay. You stayed in the laager area that night?

A. Yes.

Q. Nothing of any significance happened?

A. No.

Q. You didn't hear any--did you see any National Police or ARVN come in with C Company when they joined you that day?

A. I can't recall.

Q. You don't recall?

A. No, I don't recall any ARVN coming in.

Q. Interpreters, interrogators?

A. We always had--just about always had an interpreter with us.

Q. Do you know who the interpreter was?

A. No, I don't remember by name.

Q. You didn't hear of any mistreatment of detainees that night?

A. No.

Q. Or shooting?

A. No.

Q. Okay. You got up the next day and moved out toward the bridge, right, or did anything happen before you moved to the bridge?

A. Well, the next morning, I remember--I can't remember too much about what we did the next morning except moving out. I don't remember exactly which direction we went the next morning.

Q. You don't remember which direction you went the next morning?

A. Well, naturally we wouldn't have gone back in the direction we came from. I imagine it would have been north or it seemed like we went up along--I can't remember if we crossed the bridge over--I think we crossed the bridge the next morning over where 1st Platoon had been. We went over there. A man got wounded on the bridge that morning, too.

Q. Okay. This is what we think.

A. Yeah, the man--

Q. (Interposing) TAYLOR?

A. TAYLOR, right. Moved across the bridge that morning and our platoon set up security on the other side of the bridge.

Q. Now let me ask you a question. While you were moving down toward the bridge, did you move down that same trail? Did you move down that trail through the village?

A. I don't remember exactly which trail we did take over to there. We had to come back almost--

Q. (Interposing) You had to come back south.

A. South, yeah, had to come back south to get to the bridge. Let's see, yeah, we did come back across the bridge this morning; that's where we would have gone to. Because we did cross that bridge that morning.

Q. Who crossed the bridge first, 2d Platoon? 3d Platoon?

A. I can't remember for sure. We weren't last going across so--I know that because we set up security while the others came across. We might have been first across. I can't remember for sure.

Q. Do you remember seeing TAYLOR when he was wounded?

A. No, I didn't see him. We hadn't reached the bridge yet.

Q. How far were you from the bridge when he was wounded?

A. I don't know. I could see the smoke go up in the air when the explosion.

Q. Hear any firing after that?

A. I can't recall. Well, let's see, yeah, I did too. There was an M-60 machinegun going after that; it was firing on the other side of the bridge. MILUS was firing, the colored boy that got killed.

Q. What was he doing?

A. Well, all I know is from what other people said. He was firing over there. I didn't see him.

Q. Are you talking about the second day?

A. The second day, yeah.

Q. What did you hear about it?

A. Just that he was firing at something he had seen over there. I don't know if he really did or not, thought he had seen somebody over there.

Q. Did you see the gunships?

A. The second day I don't--they might have been out there in the morning but if they were they didn't stay all day, I don't think. I don't remember if they were or not.

Q. Don't you remember any gunships?

A. I don't recall them, sir, being around.

Q. Now when you moved down to that bridge, do you remember covering the movement of a unit going across?

A. It's just vague, it was either--we were either covering the movement of another platoon or I was either over there first and our platoon had covered the rest of our platoon coming over. I can't remember what it was exactly. If I had to say, I'd say we were over there first more than anything, I believe.

Q. You think you were on the other side of the bridge before the 2d Platoon?

A. I think so. Yeah, because I remember telling them on the other side of the bridge to watch their step because it had blown part of the bridge on the other side. They weren't sure if the bridge was completely cleared on both sides of it. He had cleared a path through the middle on the end of it and made sure everybody stayed on it.

Q. Did you see any mines marked?

A. Yeah, there were some marked on the other side of the bridge that morning.

Q. They hadn't been blown?

A. They blew up after we got across.

Q. You remember them blowing?

A. Yes.

Q. Who blew them?

A. I don't know who blew them for sure.

Q. Did you see a helicopter come in with some demolitions and engineers?

A. I can't remember. I don't think they would have had to blow them. We blew a lot of them ourselves. We carried the equipment to do it ourselves.

Q. Who carried demolitions in your platoon?

A. GUTHRIE.

Q. Was he your demolitions man in the platoon?

A. Demolitions man, yeah.

Q. Was he in the third squad or which squad was he in?

A. No, he wasn't in my squad.

Q. Did you have a point group in the 3d Platoon or was that just the 1st Platoon?

A. No, we didn't have a point group, just the 1st Platoon.

Q. Squad that was in the point furnished it?

A. Yeah, and you rotated within your squad.

Q. You don't remember seeing the mines detonated?

A. Well, let's see. I was right on the other side of the bridge so if they were, I had to have seen them.

Q. I just wondered--you don't remember who did it?

A. I don't remember who did it, no.

Q. Did you do any firing into that village before or after you crossed the bridge?

A. No, we couldn't have. The other platoon was on the other side.

Q. They were in there?

A. Yeah, we couldn't fire over there. They were holding it down when we came across.

Q. Were you the gunner?

A. Yeah, I was a machinegunner.

Q. Who was the ammo bearer?

A. Well, lets see, it changed a few times, I think EVANS was at that time.

Q. EVANS?

A. EVANS, I believe, I can't remember for sure.

Q. Did you have anybody else in your section?

A. Gunner--

Q. (Interposing) You have an assistant gunner?

A. Gunner and assistant gunner.

Q. Who was your assistant gunner?

A. EVANS, assistant gunner and ammo bearer.

Q. Oh, you didn't have an ammo bearer and assistant gunner?

A. No, we usually distributed it out through the platoon, the whole platoon.

Q. Anything else you recall about crossing the bridge and the action that took place there that we haven't asked?

A. Well, when we crossed the bridge our platoon set up security right next to the bridge that night--I mean that day because I was just down a ways from the bridge. I was just south of the bridge and on the other side a little bit where I set up the machinegun and watch the others. I remember Lieutenant LEWIS came in that afternoon.

Q. Which platoon did he take over?

A. 2d on that day.

Q. What time did he come in?

A. It was in the morning before noon sometime.

Q. Who came in with him?

A. I can't remember who it was came with him right now. I don't remember who--

Q. (Interposing) Did you see a MACV photographer come in there?

A. Might have. I don't know, I can't remember.

Q. Had on soft hat, either jungle hat or baseball cap.

A. I can't remember a soft cap being--it would seem like I'd remember one if he did have one.

Q. Have a MACV insignia on it?

A. I can't remember that, no.

Q. Do you remember an interpreter coming in with--that time, with the company commander?

A. No. Well, a helicopter came in but, see, we were on our position and we weren't about to go back and see who all is coming in.

Q. Did you see the helicopter?

A. No, not from our position. There were a lot of trees around that area.

Q. Now let's look at this aerial photograph. As you can see from this photograph your bridge is no more, at least it's lost part of its span. We'll introduce this aerial photograph of the crossing south of My Lai (1). This is exhibit P-185.

(Witness oriented on Exhibit P-185.)

The witness described on the exhibit the location of where his machinegun was and the fact that they located a dead woman. Was it that evening?

A. That evening.

Q. And buried her over close to the sea. Did you bury her up on that high ground?

A. On the high ground there, that's where she lay, there was a lot of sand.

Q. Was this the only body you saw?

A. That's the only one I saw.

Q. Did you see any evidence of other bodies?

A. Not at all, no.

Q. And what happened the rest of the day there. Anything eventful?

A. Well, I believe our platoon left the rest of the company. We went north, down this way. We walked down that part of the peninsula, it was our platoon alone. And I think--well set up a blocking force is what we were doing. We didn't search anything, we just set up a blocking force across the peninsula from the ocean clear into the--this body of water here.

Q. Okay, they referred to this as an ambush that night that you all set up.

A. No.

Q. That's what the log says.

A. Oh, okay.

LTC NOLL: How far did you go, a matter of 100 yards, 200 yards?

A. No, about--I'd say 500 at least, it was quite a ways over, it wasn't a real short distance.

Q. Do you remember the 81 section being in your position this day?

A. Not with us that day. Well, we set up the blocking force that day. We didn't join the rest of the company that night either. Our platoon laager by themselves back, way back in this area before the bridge.

COL WILSON: You mean you moved out and set up a blocking position and you came back and they called it an ambush that night.

A. Yeah, I guess you could have called it an ambush.

Q. But you moved that day. Did you do any searching, did you search any of the houses in the area?

A. I don't remember doing any searching that day, no. We just moved down and set up.

Q. Anything else happen that day that you can recall?

A. No, not too much. We got our supplies in after the rest of the company got theirs. We weren't sure if we were going to get them that night or not. I can't remember if the helicopter dropped them off. I think somebody might have carried them down to us cause it was late. I don't remember if the helicopter brought them down or not, almost didn't get any. This is when we came back to this area that night, around the bridge and set up.

Q. Now did anything happen that night that you recall?

A. I don't think we made any contact that night, not that I can recall, no.

MR WALSH: When you came across the bridge that morning was the 1st Platoon in the area on the other side of the bridge when you got there?

A. I believe they were still in the area they were assigned, yeah.

Q. Did you talk to any of the members of the 1st Platoon?

A. No. They were making a point real clear that morning. They wanted everybody to keep spread out and not bunch up. This was because, it being a mined area and so we didn't get a chance to talk to anybody in the 1st Platoon right away when we got over.

Q. Well, how did you hear about the shooting up of the village the day before by the 1st Platoon?

A. It must not have been the day before. It had to be after we got over there. It might have been even the third day because--well, he felt the same as I did, how terrible he felt about what was said to have been going on from our company and their company.

Q. Well whether it was the first day or the second day, I'd like you to think real hard and tell us everything that you can remember hearing about it. How it was done and any details you remember.

A. There's not many details I can remember about it. It was just hearsay through the whole company. In other words, I mean there's no evidence, I mean it was just all hearsay.

Q. Well, I understand.

A. I don't know of any--anything other they said, that they went over and they shot all the people.

Q. Now was this shooting done by machineguns or by individual weapons.

A. Well we heard machinegun and M-16 that day. This is the first day I'm talking about. We heard M-16 and machineguns. A lot of it that day because I remember commenting about they're doing a lot of shooting over there, whoever was over there.

Q. This after--before you crossed the bridge?

A. This is the first day, yeah, before we crossed the bridge.

Q. Well, you could hear shooting over there?

A. The first day?

Q. The first day.

A. Yeah. I didn't know at the time who was over there but it had to be somebody from us.

Q. Now, did you ever hear anything about--anybody tell you that MILUS might have gone kind of wild on--with the machinegun?

A. Well, I remember people bragging about how he-- the only thing I remember about it, he held it with one hand and fed the ammunition with his hand and shooting it through the village. This was the second morning I remember him talking about this. Who he shot on the second morning that's-- this is what I remember.

Q. Do you remember this particular aspect?

A. Yeah, I remember talking about how he held the gun with one hand and fed the ammo with the other with it strapped around his shoulder.

Q. He was talking then about how he fired into the village on the second morning before you crossed the bridge?

A. Yeah, the second morning.

Q. That's after TAYLOR got wounded?

A. Right.

Q. Now focusing on the stories you heard that more than 40 people had been killed, was it your understanding that all of those had been killed by the 1st Platoon firing into the village or did you also hear that some of the men had been killed as they came out of bunkers or in bunkers with demolition? Did he say anything about that at all?

A. No. The only thing that--they were shooting at most everybody that was leaving the village. I didn't hear of them spotting anyone they thought was enemy or anything like that.

Q. They were all mostly women and children and old men?

A. Well, that's what it normally was, yeah. I don't know if there were any military there or not.

Q. Did it strike you as odd that all these people had been killed the day before and there weren't any bodies around that area?

A. Well, it is odd, but that's--well, that number especially but one thing about Vietnam was you know you've shot people in a village from a distance before that--when you go in to find them it's awful hard to find them. They were able to--people hiding the bodies or themselves if they had been wounded real well. For some reason it's hard to find them once they had been killed. The civilians themselves gathered the bodies up as soon as they can and put them where we can't find them. It's real hard to find them in any incident.

Q. Did you know Terry REED?

A. The name is real familiar. I can't place--REED--I think I can picture who it was.

Q. Did you ever talk to him about this?

A. No, I can't say I talked to him about it.

Q. Did you ever question anybody in the 1st Platoon about what had been done that first day?

A. No, I didn't question anybody. I remember I really felt lousy about it myself because I was there and the things that they said had gone on I didn't think was the type of things we should be doing. I thought--I talked it over with my buddy. I thought we should turn in as a conscientious objector about this type of war being fought. I didn't see where something like this should be going on. I remember talking that over, but, well, we just didn't agree with what had been said had been done. I didn't know what had been done for sure.

Q. Who was the buddy you talked it over with?

A. Larry HATCH. He was about the best friend I had over there.

Q. Do you know where he is now?

A. Well he's--I imagine home. He's from Gilson, Illinois. That's where he's living now.

Q. We're very interested in running down exactly what happened there. We've got some pretty good indications that what you heard is pretty close to right, and any suggestions or information you can give us to help us pin down exactly what the facts and circumstances were, we'd very much like to get. Can you think of anybody that you know who was there, 1st Platoon, who you know felt the same way you did about it?

A. Not the 1st Platoon. Usually in the field you don't get a chance to talk to your platoon too much unless in the chow line and then not very much either.

Q. I think you said that right at the entrance to the bridge, perhaps on the north side of the trail on the approach to the bridge, there were a few houses, but not very many. About how far away was this village or collection of hootches where you understood the 40 people had been killed?

A. Well, as far as I understand of where those people were being killed, I didn't know what village it was specifically. It might not have been that one right inside the village. I really don't know that because I really don't--right now I don't know where the 1st Platoon went that day on the other side of there. I really don't know. But that village you're speaking of, it's--I'd say the closest hootch was about 50 meters from the bridge at the most.

Q. There were only a few hootches there?

A. Yeah, not many.

Q. And they had been burned when you got across?

A. Yeah, they were mostly all gone then.

Q. Did you see any more hootches being burned that day, the second day you were across the bridge?

A. No, not that day because we were in a blocking position most of the day and we didn't do any destruction that day.

Q. You don't recall whether you had said the 3d Platoon or 2d Platoon did any burning of hootches on the first day?

A. I don't recall burning any on that day, the first day. We searched--well, the couple there I showed you first and a few to the west. We didn't do anything to them. There wasn't much there to find so we went back. The rest of the area that we searched had already been bombed out mostly. There wasn't much of anything to destroy, just search the ruins was about it.

Q. Did you hear anything about the 1st Platoon using dynamite?

A. No.

Q. I'm not sure that I--I may have misunderstood you. Did you say that after you crossed the bridge, they were going to blow the bridge?

A. No, we didn't blow it.

COL WILSON: Do you recall any strangers joining the unit that day, either in the evening or coming back with--before they left or do you recall anybody coming in, engineers, Vietnamese, interpreters, interrogators, photographers?

A. All I can remember is Lieutenant LEWIS coming in one day. I know there was at least two of them. I know him and someone else; there might have been more than just two, I can't remember. Are you speaking of the second day?

Q. Yes.

A. I can't remember any more, because actually I couldn't say who did come in, if they did. And we didn't get to see the company the rest of the day either.

Q. Did the helicopter come up and bring some chow that night, that evening?

A. I'm just trying to remember if they did or somebody had to bring it to us. 'Cause I remember there was a discussion on it. We weren't sure if we were going to get it or not. I know we did get it. I can't remember which it was. It might have been; the helicopter might have come and dropped it off. More than likely it did because it was a ways down there to the other platoon and it was pretty dark when it did come.

Q. Nothing eventful happened that night?

A. No, I can't think of anything.

LTC NOLL: I've got a picture of some movements on the 17th, at least I think certain platoons moved certain directions. I'm trying to pin down the times as much as possible. You crossed and I believe that the 2d Platoon or the 1st Platoon moved south while you were still on this location (indicating on Exhibit P-168).

A. Yes.

Q. We have one log entry that indicates at 1040 your platoon and the 81mm mortar section were here. Then later on--I won't say later on--you indicate that you moved north approximately 500 meters and cordoned off the end of the strip of land. There's a log entry that indicates that you came back to this general area to spend the night, and there's a log entry that indicates the mortar section spent the night with the rest of the company.

A. Right.

Q. All the company down south and only your platoon up north?

A. Right.

Q. I don't know how much of this you can confirm actually took place, but I would be interested in the time of day that you believe you moved north to cordon off, set a cordon across this strip of land.

A. Well, I can't give a time. We had never been up there. We didn't move up in a hurry, which naturally we couldn't

do. After we got up to the end, we must have sat there for about an hour or so before we ate lunch. We ate lunch up there that day. We always waited until noon before we ate. Everybody took turns eating about that time, so I'd say it had to be in the morning, possibly 10 o'clock.

Q. Would it be reasonable for the mortar section to move up and down that--

A. (Interposing) Not by themselves, it wouldn't. If we left them there by themselves they might have brought up the rear security for the rest of the company. They might have stayed and watched the bridge and made sure nobody came across. Might have thought on the other hand, they'd take care of the bridge and they'd sweep the rest of the peninsula south.

COL WILSON: All right, now the next day was the 18th, and B Company came back. Do you remember them coming back from the south, the rest of the company? You all moved north up the spit of land there.

A. I think we moved almost all the way to the end of the peninsula that day.

Q. Moved on up there just--did you notice when B Company joined you? Did you notice whether there were any National Police, Vietnamese, ARVN personnel with them?

A. I can't remember.

Q. Did you notice whether they had any detainees, any Vietnamese civilians with them?

A. I can't remember them bringing any with them, no.

Q. Do you remember anything about a rice cache?

LTC NOLL: That would be just south of the bridge.

COL WILSON: 3,000 pounds.

A. I remember a time we did find rice but I can't remember it being--I can't place it with that time. I can't remember for sure.

Q. Okay. You moved on up into the--do you remember moving into the villages up there in the north?

A. Yes.

Q. Going up into the village and what happened--rounded up a bunch of people?

A. Rounded up an awful lot of people that day.

Q. Your job would be move through the village and send people back to the beach or what?

A. Yeah, we gathered everything that could walk, we gathered up and took them in.

Q. All right. Did you send them back to the group under guard or did you just tell them to move back?

A. They just told them to move back. They just--well, they just pushed them back like a herd of cattle practically, that's about all that was to it.

Q. Okay, what was going on back there, do you know?

A. You mean--

Q. (Interposing) Back at the beach, back where they were all going?

A. Well, we brought in the last of them. Our platoon came in last with a lot of them. I don't know what was--I imagine they were questioning all of them. I'm not sure if they took them out of there or let them go or what. Well, we herded them all down there and I remember they went all down the rest of the beach; I didn't go down all the way to the end where they were going. I don't know what they did down there with them.

Q. Where did--did you ever get back down there, or where did you go?

A. We stayed on the--well, we were almost on the northern part of the perimeter that night so we stopped.

Q. You were on the northern part of the perimeter; you never did get back to the beach?

A. We--well, let's see. We came back to the beach. All the people were there and they kept on going all the way--they went down the beach further from where we laagered that night. Where we stopped on the beach was just about where we set up our perimeter that night. Myself, most of our platoon, we didn't go down the rest of the way. People just kept on going. The rest of the company was having them go all the way down to where most of the rest of the people were that they had gathered up already.

Q. Are you saying that the 3d Platoon remained nearly in the area of the laager position for the night?

A. Well, just about where we stopped. It wasn't down the beach very far where the people stopped either.

Q. That's where the laager was?

A. Well, we brought all these people down here and we were heading them, I'd say approximately to this area. We came out on the beach just north of the laager position, right out on the beach. We stopped right about here. They were on the beach just a little bit down here. Some of the company was down there with them. We stayed up here, I remember they set us up. In a little bit we set up our laager position that night.

Q. Did any helicopters come in that day with medical personnel?

A. I can't remember them coming in, no.

Q. Did you see those people you herded down there getting any medical treatment?

A. No, as a matter of fact, I don't know what they did with them.

Q. Did you see--did you all get a VC suspect, pick up a VC suspect around there?

A. Yeah, I remember they had one.

Q. Who had one, the 3d Platoon?

A. I think 1st Platoon.

Q. 1st Platoon. Did you see any interrogators or interpreters come in?

A. No, I don't remember any coming in.

Q. Did you see any ARVN personnel in there?

A. Well, the third night we did have ARVN in there with us. I remember them being there the third night. I remember seeing them in the chow line.

Q. How many?

A. They must have had--there must have been about seven or eight of them. I can't remember for sure, but I remember they were there. They might have been with us the whole operation, I'm not sure but I remember seeing them that night. They had their own--they had their own radios and things, too.

Q. Did you see where they were with reference to the perimeter? Where they were located, what they were doing?

A. For that night?

Q. Yes.

A. I don't know where they set them up at. I doubt they would have put them on the perimeter; they usually don't. They might have, I don't know. Our platoon--well, say this is our laager position, this is the beach. This is where we set up at (indicating on Exhibit P-168).

Q. Set up south of the fish pond, that's right. The general laager area was down in this area somewhere.

A. Okay, the 1st Platoon had part along the beach.

Q. 1st Platoon was along the beach?

A. 1st Platoon had part along the beach and then going north here, they had the perimeter going north a little ways. I

think we had one machinegun set up going north, too, along with the 1st Platoon. Then our platoon started coming down the west side here.

Q. You were facing more or less to the northwest?

A. Yeah, I guess that would be. Our platoon had one machinegun on the end and the rest of it was facing this way, down along the side. Then down along here somewhere the 2d Platoon joined in. I don't know how it was, but I imagine they came around to the beach here and joined up with the 1st Platoon.

Q. They were facing more to the east, 2d Platoon?

A. Yeah.

LTC NOLL: 2d Platoon was west.

COL WILSON: I'm sorry, to the west. Facing more to the west and then back along the beach. This is north right here.

A. Oh, this is north. They'd been facing more west, we'd been--

Q. (Interposing) Let's run through that again. Your platoon was from the beach to the northeast, facing the northeast. Correction, that's the 1st Platoon from the beach facing the northeast.

A. 1st Platoon.

Q. Your platoon was facing more or less to the north.

A. Northwest.

Q. Northwest?

A. Right.

Q. And then the 2d Platoon was facing the west in that direction and coming back around down to the beach.

A. Yeah. I'm not sure if the CP group had some of the beach that night or not, they might have. I really don't know

what the 2d Platoon covered up to the 1st Platoon there, I'm not sure 'cause I didn't get down that area.

Q. What about the ARVN personnel, do you know where they were?

A. No, I don't know where they stayed. It wasn't up on our end. We were up here and they had stayed down there somewhere; it wasn't up in our end of the perimeter.

Q. Did you see them that night? Did you see them anymore after you saw them in the chow line?

A. No, because I went back to my position facing the north west. Had to dig my foxhole out.

Q. Did you see any Vietnamese detained inside the perimeter?

A. Yeah, I think we had one I know of; there might have been two.

Q. Male or female?

A. Male, young man.

Q. Did you see any artillery fire that day?

A. I can't recall artillery that day, no.

Q. Did you see a wounded woman brought in with a leg all shot up?

A. No.

Q. Did you hear of any detainees being mistreated that day?

A. The third day?

Q. Yes.

A. Yes.

Q. What did you hear?

A. Well, I heard that the one man they were mistreating, they hit him. I saw two fellows hit him in the stomach.

Q. Who was this man? Is this the one you're talking about earlier? Is this the detainee that was in the perimeter?

A. Yes, this is the same one that was in the perimeter. I saw--they were more or less down on the other end there and they were--I couldn't recognize who was down there. A few people would hit him in the stomach and were hitting him around. They would tell him what to do and naturally he wouldn't know what they were saying. He didn't do it so they hit him to make him do it or something like that.

Q. Was it part of the command group or who was doing this?

A. I couldn't say who it was because it was down on the other end of the perimeter. I'd never seen some of the-- I think, well, the reason they were doing it was because we got hit that night and they--a few guys got killed and they were just taking it out on him. That's what they were more or less doing.

Q. When did you see this going on?

A. The third day.

Q. That's when you were hit then?

A. We were hit the--well, let's see; it was the last day out. What ever day that was.

Q. Are you talking about the day you were lifted out?

A. Yeah.

Q. What about the night before that, the day when you set up your perimeter, you know, when one man was in there. Did you see him being mistreated that day?

A. Not that day, no.

Q. Did you see anybody being mistreated that day?

A. No.

Q. The time you're talking about this guy was mistreated was the following day after you had got some mortar rounds in?

A. Yeah, the next day, yeah.

Q. Was he the only detainee you all had that following day?

A. That's the only one I can remember, there might have been two of them, I can't remember. I remember he was dressed in white that day. He had a white shirt and white shorts on.

Q. What else did they tell you?

A. That's all I know. I know that they, that - - I saw him go out to the ocean to wash his shorts out. They mistreated him so bad he messed in his own shorts. He went out there and washing them out himself. I remember seeing him to that.

Q. Did they do anything else to him? Kick him around, beat him up?

A. No, I can't think of anything else they'd done.

Q. And was this - - could you tell, was this part of B Company that did this or was it somebody - -

A. (Interposing) This was our company that was there, yeah.

Q. B Company personnel?

A. Yeah, because we were laagered there by ourselves.

Q. It wasn't by yourself, don't forget you had some ARVN in there, you had some - - had people around. I'm just trying to find out if you know that these were B Company personnel.

A. Well, what I'm saying is somebody from whoever was out there that day. I don't know if it was our company or not. I can't say that for sure.

Q. You don't know that?

A. No.

Q. You didn't recognize the individuals that were doing this except that he was down - - was he down toward the command CP area?

A. No, he was below that a ways too.

Q. Well, you're talking about - - sounds to me like you're talking about in the 2d Platoon area.

A. Yeah, down around that area, that's where - -

Q. (Interposing) Down at the far end of the beach?

A. Yeah, right.

Q. So he's down in the 2d Platoon area?

A. Down in that area.

LTC NOLL: What do you mean by the far end of the beach. Are you talking about going back towards the bridge or talking about going out towards the point.

A. Toward the bridge.

COL WILSON: Toward the bridge, to the west?

A. Right.

LTC NOLL: What time of day was this?

A. It'd been in the morning.

Q. Do you have any knowledge of a VC suspect being picked up around 1030 on the 19th?

A. I can't remember. They might have. I can't remember which platoon it was right now. One of them went out that day to the village and I thought they were searching for a round that didn't go off. I don't remember if they brought anybody back with them or not. They weren't gone a real long time.

Q. What time did they go out?

A. I don't know any specific time, it wasn't - - I'd say around 8:30 or 9 o'clock in the morning.

MR WALSH: You say you could see somebody beating this detainee down the beach?

A. Yeah.

Q. About how far away were you?

A. Lets see, it would be about - - probably about 100 meters down at the other end of the beach.

Q. Did you hear about any other interrogation techniques such as involved using a knife?

A. No, I never heard anything about that.

Q. How about using a field telephone?

A. I've heard of that, yeah.

Q. Did you see that done of this operation about the same time that you saw the person being beaten?

A. No, I didn't see it done, but I remember them using the phone. I think, I remember saying, I think that's what made him mess his pants that day, using the field telephone. I think that's - - I didn't see him use the phone but I think that's what it was used as far as - - I'd forgotten about that. I guess they'd put it on and - -

Q. You heard about that, you didn't see that yourself?

A. I heard about it, but I didn't see it, no, but I heard about it.

Q. How about kicking the fellow, did you hear or see that, on the ground kicking.

A. No, I didn't see it.

Q. Did you ever give any consideration to reporting any of the things that you had heard or seen?

A. Yeah, I gave it consideration. I don't know why I never said anything about it, I thought about telling somebody about it because I didn't think it was right. It made me feel sick to know that things like this had happened.

Q. Who did you consider talking to?

A. Well, I thought I'd just write home to my parents and tell them how the war was going on over here.

Q. Give any thoughts of talking to any of the officers in the company about it?

A. No, I didn't.

Q. How about your squad leaders?

A. No. I think the only one I talked it over with was a buddy of mine, HATCH. We both thought the same way.

Q. I wonder why you didn't consider talking to one of the officers in the company or one of the officers in the task force or brigade. What can you tell me about that? Why didn't you consider that to be a feasible thing to do?

A. Well, I guess I just let it go when I shouldn't have. I didn't know that this was the way war was supposed to be fought. I knew - - I thought the company commander knew the these things were going on. I thought the platoon leader - - it was all general knowledge through the whole company and I didn't see any sense in talking it over with the company. And these guys were supposed to be going, I just didn't tell anybody about it. I probably should have.

Q. What gave you the impression that the officers knew about it?

A. Well, nothing was being hid from them.

Q. I can see what you mean by the - -

A. (Interposing) Yes, I mean like you're talking about the incident of a detainee being beaten that morning. He could have stood up and see that that happened.

Q. Are you talking about MICHLES now.

A. Captain MICHLES, yes, or anybody could have. I mean nobody was hiding. It was an open beach.

Q. How about the - - like you'd heard about the 1st Platoon's activities on the first day. I know you didn't have firsthand knowledge of that but Captain MICHLES wasn't there in that area where the 1st Platoon was.

A. No. I don't know why I didn't say anything about it. I thought about it but I never did. There's no reason for not saying anything about it.

Q. Did you get any instruction in the course of your training about the IG, the Inspector General, what his function is, how it's possible for a soldier to go to the IG and tell him things that he's concerned about and have it investigated without his commander being necessarily involved?

A. Yeah. I know you could go to the IG, yeah, right.

Q. In the time you were in Vietnam did you ever hear of anybody going to the IG about anything?

A. Just for things in the states. Nothing overseas in Vietnam. I never heard anything about that.

Q. You never heard of any soldier in your company or in any other company going to the IG and telling the IG that things were being done that he didn't think were right?

A. Not over in Vietnam, no.

LTC NOLL: Is there any evidence that the company was psyched up for this operation?

A. No. If they were anything they were more nervous about going on the operation.

Q. This was simply laid out that you were going back into that area?

A. Going back into the area, right. There might have been some people, personally, that way from the first time but the part

of the company that was out there, I don't know. Overall I don't think the company was in that state of mind.

COL WILSON: Do you have any knowledge of an investigation or inquiry that was made of this operation while you were still in Vietnam?

A. No, none at all.

Q. Anybody ever question you or anybody you know about the operation? Back at Uptight or Dottie? Any officers come out there and ask some questions about it?

A. Nobody.

Q. Did you ever hear any rumors - - well you did mention already that you heard C Company talking about killing a bunch of people over in that village.

A. Yes.

Q. Civilians or - -

A. (Interposing) Yeah, just by the few people I walked by, myself.

Q. Yeah, did you hear any more about that later, after you got back to the fire base, after the exercise, after the operation was over?

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

Q. Just that one time in the field is the last time you heard of it?

A. Yes.

Q. Did you run into C Company personnel anymore before Task Force Barker was disestablished?

A. We might have run into them exchanging fire bases. I don't recall having an operation in the field with them after that. There might have, I don't remember.

Q. But you didn't hear any more about it from anybody?

A. No.

Q. Did you hear any rumors after that about B or C Company being involved any, other than what you heard. From anybody, did you hear anything on this subject?

A. No.

Q. Were you ever told not to discuss this subject of killing a bunch of people?

A. From the time that that happened the next time I remember it being brought up at all was when I saw the front page of the newspaper.

Q. When you got here back here in the states? Do you know if there was any problem of marijuana in your unit?

A. I guess some people said that there was. I had never seen anybody using it. They warned everybody against using it. They told them - - well, they just told them they couldn't use it. They weren't allowed to have it there. But I don't know if this had an influence on anybody over there or not. I know some guys - I've heard people talk like they wanted to get ahold of it, but I've never seen anybody with it myself.

Q. You don't know whether it was ever taken out on operations or anything?

A. No, I wouldn't know. I don't think there was any. I didn't know anybody in our platoon ever used it, in the 3d Platoon.

Q. Did you have a camera on this operation?

A. No, not on that one.

Q. Did you know anybody that did?

A. No, I don't think so.

Q. And you didn't see a photographer?

A. No, I didn't see any?

Q. And you've described all you know about any people

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tortured or mistreated, the one man there in the perimeter?

A. Yeah, that's all I ever saw.

Q. You didn't hear anything else besides that on mistreatment of detainees?

A. No.

MR WALSH: Do you remember receiving an order as you were moving out on your third day, as you were moving up to the area where you rounded up all the people, do you remember receiving an order to stop the burning of hootches? That was a change in the operation from what the company had been doing the previous day.

A. Well, now you said it, I think there was because we didn't touch anything. We didn't even damage anything that day, we just went through and gathered all the people. We searched but that's about all. We didn't do anything that day.

Q. You don't remember this order being passed?

A. I can't remember the order.

COL WILSON: Do you have any further testimony that might help us in the case?

A. No, that's about all I can remember about it, except for the night we got hit on the beach, that's real clear in my mind. I mean I think it was the third night we got mortared.

Q. Right, that's when you had those casualties.

A. Yeah.

Q. MILUS was killed.

A. MILUS was killed and another fellow died after he got taken in.

Q. Who was that that died later?

A. I can't think of his name. I helped carry him away

over to where the helicopter was. He hadn't been with us too long. He came over as a replacement.

Q. HARTSON, MOSFORD?

A. MOSSFORD, yes, he was killed. And a few others were wounded too, I don't remember which ones they were.

Q. And did you see the dustoff come in that night and pick them up?

A. Yeah.

Q. Do you remember if they were escorted or not by gunships?

A. I don't remember if they were escorted or not but I remember the gunships were there that night. They fired for quite a while. They kept coming back over the area and firing and tracers were going up and down too at the same time.

Q. They were firing back?

A. They were firing back.

Q. Returning fire?

A. Returning fire.

Q. At the time you got the mortar fire was any small arms fire coming in?

A. You mean coming in with mortar fire?

Q. Yeah.

A. No, it was just mortar fire by itself. We returned fire. I think we returned fire and they might have fired a few shots back but that was about all. They took off pretty fast. I was looking right at it when it went off.

Q. How far away was it?

A. It wasn't more than about 50 meters from the perimeter.

Q. 50 meters?

A. It wasn't too far. 50 no more than 100. It wasn't far at all.

Q. Do you know whether they found that mortar position the next day?

A. They found where they set it up at. It was easy for them to get because they were - - well they build what they call mounds over there and they just sneak up from one to the other until they got up pretty close and set it up.

LTC NOLL: The artillery return fire that night?

A. Yeah, the artillery returned fire. They bombed it out pretty good.

COL WILSON: This fire you talked about that night, the air-ground fire, was that from fixed-wing aircraft or helicopter?

A. Helicopter gunship.

Q. And you say that there was a ground-to-air fire also?

A. Yeah. They fired back at them a few times. You could see their tracers going up at them.

Q. Where was their fire coming from? Extreme east, central part of the peninsula?

A. Northwest.

Q. Northwest?

A. Northwest, straight up the peninsula where we came from that day.

Q. Well, you came from the south.

A. No, we came from the northwest. We came from up here.

Q. Oh, I see, after you - - you mean while you were searching?

A. Yeah, where we were searching.

Q. The area where you searched is where the fire came from?

MR WALSH: It would be the northeast.

COL WILSON: Northeast.

A. It came from that direction.

MR WALSH: Going back to the second day when you stayed around the bridge area when the other platoons went south. Do you remember sometime during the day somebody finding or bringing in a wounded woman, requesting a dustoff for her?

A. I can't remember if it was on that operation but I remember one operation a woman came in. I can't place it with that one though. I can't remember.

Q. Do you remember if it was HOOTON who found her?

A. No, I wouldn't know.

LTC NOLL: On the second day when the rest of the company was working south, did you hear any rifle fire or demolitions coming from the south that day?

A. I couldn't say for sure.

COL WILSON: Mr. ESTERLING, I'd like to request that you do not discuss your testimony in this investigation with others including other witnesses except as you may be required to do so before a competent judicial or legislative body. And we appreciate your coming, we appreciate you help.

The hearing will be recessed.

(The hearing recessed at 1625 hours, 29 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: FIELDS, Alfred

DATE OF TESTIMONY: 30 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

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

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness recalled training in the handling of prisoners, but none on the legality of orders (pgs. 4, 5). The former was given in both Hawaii and Vietnam (pgs. 4, 5). He could not specifically recall receiving any information on the reporting of mistreatment of prisoners and noncombatants (pg. 5).

2. OPERATIONAL PLANS AND BRIEFINGS.

a. General plan of the operation.

The witness testified that an officer told them that they would be going on a combat assault. However, after getting into the field the witness received word that the purpose of the mission was changed to search and destroy. The witness felt the change was ordered by Lieutenant Colonel BARKER, although he received the order from his platoon sergeant (pg. 6). The word was to destroy everything; hootches, livestock, foodstuffs (pg. 7). This change came after the company had received casualties (pg. 7). The witness asserted that when the order came down he understood it to mean that people were also to be killed. No one questioned this (pg. 8). They were told that VC were in the area (pg. 8).

(FIELDS)

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the unit searched and burned a few hootches in the area (pg. 26). He saw no bodies in that area (pgs. 26, 27). He could recall no helicopters coming in that day (pgs. 28, 29). He heard that the first platoon had done a lot of killing and "destroyed instead of searched" (pg. 29).

c. Activities on 18 and 19 March.

The witness recalled rounding up Vietnamese in the villages near the beach (pgs. 33, 34). He remembered ARVN's interrogating some of the civilians (pg. 34). He could recall no detainees or ARVN's in the night laager position (pg. 35). He stated that in a conversation with MILUS, the latter had told him of setting up a machinegun and shooting several Vietnamese in a village (pgs. 30, 37). MILUS indicated that he was ordered to shoot anything that moved (pg. 31). Most of the rumors of the first platoon that day involved MILUS' actions (pgs. 31, 32). He recalled the mortar attack and receiving small arms fire that night (pg. 36). MILUS was killed by a mortar round (pg. 36). The witness recounted a medevac picking up wounded and having to use its lights to locate the wounded (pg. 36). The next morning the witness heard of detainees being beaten (pg. 37).

4. KNOWLEDGE OF AN INCIDENT.

The witness told of hearing about a lieutenant using the wires of a field telephone to interrogate detainees. He also heard of C Company going into a village and killing people for no reason (pg. 41). One of the men in B Company, EBINGER, complained of the wholesale killing to officers, but to no avail. He threatened to write his congressman (pgs. 43, 44).

5. OTHER INFORMATION.

a. Use of marijuana.

The witness testified that quite a few troops smoked marijuana, but it was not a problem (pg. 42).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit had seen.	4
M-3	MACV Card "The Enemy in Your Hands"	Wit had not seen.	4
M-81	Instructions to witness	Read by witness.	1
P-18	Miscellaneous Scene	Wit recognized.	15
P-20	Miscellaneous Scene	Wit recognized a GI but not the ARVN.	16
P-22	Miscellaneous Scene	Wit recognized a GI.	17
		Wit did not recognize lieutenant.	40
P-23	Miscellaneous Scene	Wit recognized none of the Vietnamese.	17
P-66	Photo of ARVN's	Wit did not recognize.	17

(The hearing reconvened at 1100 hours, 30 January 1970.)

COL WILSON: The hearing will come to order.

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

The next witness is Mr. Alfred FIELDS.

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

Please state your full name, occupation, and residence.

A. Alfred FIELDS, Toledo, Ohio, and occupation is county laborer.

COL WILSON: Mr. FIELDS, was there another FIELDS in B Company besides you?

A. No, sir. I think the other FIELDS was in A Company.

Q. You don't know of a Franklin FIELDS?

A. No, sir.

Q. Mr. FIELDS, did you have a chance to read the information that was handed out to you (Exhibit M-81)?

A. Yes, sir.

Q. Did you read the section where it explained what this interview team was and how we intend to go about the questions?

A. Yes, sir.

Q. All right. First, let me say that there are three members of this team: Mr. WALSH, who is a civilian attorney designated by the Secretary of the Army to assist General PEERS; Colonel NOLL; and myself. We have authority from General PEERS to conduct the interviews. There may be other members from

General PEERS' board that will walk in here and ask questions, it's possible, in which case if there's a question in your mind I'll identify them. This team has no authority to make findings or recommendations; it's strictly within the prerogative of General PEERS. We merely interrogate and interview people for him. Have you discussed this operation with anyone from Task Force Barker since you returned from Vietnam?

A. Do you mean here or at home?

Q. Since you got back from Vietnam, anywhere in the States.

A. At home.

Q. With someone from the company?

A. Oh, no.

Q. Nobody from the unit?

A. No.

Q. What was your assignment on 16 March 1968?

A. I didn't hear the question, sir.

Q. Your duty assignment. Which platoon were you in?

A. 3d Platoon.

Q. Do you remember the squad?

A. First squad, I think it was.

Q. Do you remember your squad leader?

A. SGT HATTAWAY.

Q. SGT HATTAWAY?

A. Yes, sir.

Q. Do you know which operation we're interested in?

A. My Lai.

Q. My Lai, right. Do you remember this operation?

A. Not too much of it. Only thing I remember about it is something about Pinkville.

Q. Do you remember when MILUS was killed?

A. Yes, sir.

Q. That's the operation we're talking about. Lieutenant COCHRAN was killed?

A. Yes, sir.

Q. That's the operation. You've got the time fixed in your mind?

A. Yes.

Q. That's the main thing, cause you've been into this area more than once, probably.

A. Yes, sir.

Q. We're talking about 16 March. All right, at that time your squad leader was Sergeant HATTAWAY?

A. Yes, sir.

Q. Did you have a platoon leader or an acting platoon leader?

A. Yes, sir, but I don't remember his name.

Q. McCLOUD?

A. No, sir.

Q. You don't remember him?

A. I remember him, but I don't think--

Q. (Interposing) You don't think he was acting platoon leader?

A. No, sir.

Q. All right. I want to show you a couple of exhibits. Exhibit M-2 is entitled, "Nine Rules." It's a facsimile of a MACV card, front and back. Have you ever seen that exhibit?

A. Yes, sir.

Q. Where'd you see it?

A. In Chu Lai.

Q. Did you have one, or did you just see it?

A. I didn't have one. I saw it.

Q. The next exhibit is M-3. It's entitled, "The Enemy In Your Hands," a facsimile. Have you seen that?

A. No, sir.

Q. You haven't seen that one?

A. No, sir.

Q. Do you recall ever receiving instructions on the treatment of noncombatants and prisoners or the mistreatment of them and the consequences of such treatment?

A. Yes, sir, we had received instructions.

Q. Do you remember where you got that instruction?

A. Right after we got into Vietnam they took us to someplace like a training center before we went out in the field, and they told us how we were supposed to treat the enemy and so forth.

Q. Did you go to Vietnam with the 11th Brigade?

A. Yes, sir.

Q. Back in Hawaii, was anything said concerning the legality of orders: whether an order to mistreat a prisoner was a legal order, anything to that effect?

A. No, sir.

Q. You don't remember anything like that?

A. No, sir.

Q. But you did receive some training on how you were supposed to treat prisoners after you got into Vietnam?

A. Yes, sir.

Q. What type of training was this? What did they say?

A. They told us how we were supposed to, you know, try and talk to them, or if you couldn't talk to them, to hold them there until somebody could come and translate, you know.

Q. Yes.

A. Or take them to our CO or something like this. And they said not to beat on them and stuff like kick them around, push them around.

Q. And this was at the training center after you got there?

A. Yes, sir.

Q. Anybody ever say anything about reporting the mistreatment of prisoners or noncombatants or detainees?

A. They might have, sir.

Q. All right, let's go to the day of the 15th of March, possibly the morning of the 16th of March, just prior to the combat assault, when Lieutenant COCHRAN and several men were wounded that morning, and think if you can as to who briefed you or who told you that this operation was coming off and what you were told about it, what you were supposed to do, and so forth. You were back at fire base Uptight.

A. It was a lieutenant. I can picture his face, but I can't picture his name. I can't quite recall, sir, but anyway, he's the one who briefed us on it.

Q. You say you were briefed by an officer?

A. Yes, sir.

Q. What were you told?

A. That we had a combat assault to go out on.

Q. Did they give you the times and the equipment you were supposed to take and this sort of thing?

A. Yes, sir, equipment, and they told us what to have ready for it.

Q. What orders were you given regarding the destruction of houses and village hootches and villages in this area?

A. Well, the orders that--if I'm not mistaken, the orders that they gave us when we first went in there was try and gather up all the people, and I think after a few of our people got hurt, then we came down with search and destroy. They said to destroy everything that was in there, just burn the hootches and stuff like that.

Q. Now, you say you weren't told this, search and destroy was not the mission when you left the fire base?

A. Yes, sir.

Q. Now, who changed this mission? Do you remember?

A. I think we had a colonel by the name of Colonel ADKINS at that time. It--it was Colonel BARKER who changed it.

Q. Did you hear anything that he said, or how did you know that he changed it?

A. No, I didn't hear anything that he said, but it came back down, and I think the platoon leader told the platoon sergeant, and the platoon sergeant told us.

Q. Who was your platoon sergeant?

A. I don't remember--but he's dead now, anyway, the one that I had.

- Q. Do you remember what time this was?
- A. I don't remember the exact time.
- Q. And then you were told to destroy everything?
- A. Yes.
- Q. When you say everything, do you mean houses--
- A. (Interposing) Hootches, houses, and anything like that, you know, anything that they had on (inaudible--1 to 3 words).
- Q. What about foodstock?
- A. They said destroy that, too.
- Q. How about livestock?
- A. Also.
- Q. And the platoon sergeant told you this?
- A. Yes, sir.
- Q. Did he tell your squad this, or how did he get the information out?
- A. I think he told the whole squad at that time.
- Q. Did he talk to the platoon or just a squad?
- A. The whole platoon.
- Q. Was this after the--you mentioned that this was after you received casualties?
- A. Yes, sir.
- Q. There was nothing said in the briefing back at the fire base about the destruction of houses and livestock and so forth?
- A. No, sir.

Q. What about inhabitants? Was anything said about what you were to do with people of the village after this order was changed? You said before that they were supposed to be gathered up. How about when this order was changed? Any specific instructions?

A. Well, what they had told me, they said destroy everything. When it come down with us to destroy, not search and destroy, they said just destroy everything, people, too.

Q. You understood that to mean people, too?

A. Yes.

Q. Did anybody elaborate on these instructions? Did your squad leader say anything?

A. No, he didn't say anything.

Q. Anybody question this order to kill people?

A. No.

Q. Well, before you left, what was the enemy situation as it was depicted by the person who briefed you?

A. What was that again, sir?

Q. What was the enemy situation that you understood in the area? What were you told about the enemy?

A. The way that they told us, that the enemy was supposedly still in there and we was supposed to go in there and get them out, and that was it. And they said gather up all the people, they told us to gather up all the people, and that was what we were supposed to do.

Q. Yes. Were you told what enemy unit was in there?

A. Only thing they told us was VC was supposed to be in there.

Q. Had you been in this area before?

A. Yes, sir.

Q. Was there anything in your mind when you left the fire base that morning about going into an operation in Pinkville area that was different from an operation somewhere else in your normal AO?

A. No, sir.

Q. You didn't think anything about it?

A. Well, I thought about not coming back. That was the only thing.

Q. Do you do that everytime you go out of the fire base in the morning? Do you have the same feeling about the other places you'd go to?

A. No, sir, just that one.

Q. There was a difference, then.

A. Yes, sir.

Q. There was a difference in the name "Pinkville" as to other areas that you operated in?

A. Yes, sir.

Q. What's the difference?

A. There, it's more booby traps in that area and more people get hurt every time we go over there: somebody gets hurt over in that area. In other areas we might go into, we might spend 2 or 3 days and come back, something like that; nobody would get hurt, but as soon as we'd go over there somebody'd get hurt.

Q. This was common knowledge throughout the unit, is that correct?

A. Yes, sir.

Q. Do you know what your platoon was supposed to do after it landed?

A. Not exactly, sir.

Q. Do you know what the 1st and 2d Platoons were supposed to do?

A. I think they were supposed to go in and search.

Q. Do you know where?

A. In the villages.

Q. And the 3d Platoon was supposed to do what?

A. I'm not sure, but I think the 3d Platoon was supposed to be a blocking force.

Q. How about your squad. Was it given any special mission?

A. No, sir, not that I recall.

Q. Let's go to the operation itself which took place on the morning of the 16th. Did you receive any fire prior to landing? Your helicopter?

A. Umm, I think so.

Q. Did you receive any fire after landing?

A. Yes, sir.

Q. From where?

A. From--well, after we had landed, it came from out of the brush somewhere.

Q. You couldn't see where it was coming from?

A. No, sir.

Q. We'll get a photograph in a few minutes and maybe you can give us the direction it came from. How far did it sound like the fire was?

A. Oh, 50 to 60 meters.

- Q. Meters?
- A. Yes, sir.
- Q. Do you recall if you were on the first or the second lift going in?
- A. I was on the second lift.
- Q. Second lift?
- A. Yes, sir.
- Q. Were your doorgunners firing?
- A. Yes, sir.
- Q. They were?
- A. Yes, sir. They usually did fire before we'd go in.
- Q. But you got troops on the ground now if you're on the second lift.
- A. Yes, sir. Well, they'd usually know, when we'd go in, they'd usually be in a certain place so the gunners would fire around instead of whatever position we were in.
- Q. Were you firing when you left the aircraft?
- A. No, sir.
- Q. Was anybody?
- A. No, sir, just the doorgunners.
- Q. You seen any gunships?
- A. There was two of them.
- Q. What were they doing?
- A. They were firing rockets.
- Q. Where?
- A. In front of us. In front of our positions.

Q. Mr. FIELDS, we're going to take a chart or a map orientation. It'll take a few minutes, I think we'll just concern B Company, We'll take a few minutes and orient you on B Company, and then walk through the 4 days of the operation.

(Witness was given a map orientation.)

MR WALSH: I'd like to take you back to the briefing for a minute, and ask you to say, state again, just what you recall about what your instructions were about people that you might encounter in the village.

A. Well, the instructions that they gave us were just to go in and search out the people and, you know, get them in with us, and somebody could, you know, come in and talk to them. And that's all that, you know, we got.

Q. And as far as the VC that were supposed to be in there, was there any instructions about firing when you went in?

A. No. They said don't fire unless you were fired upon.

Q. Were these basically the same instructions that you had been given on other operations, or was there anything different about this mission that you recall?

A. They were the same instructions.

Q. You don't recall anything out of the ordinary about this mission in the way of briefing, than the briefing that you got in previous missions?

A. No, sir.

COL WILSON: Mr. FIELDS, I'm going to walk you through the incidents that happened as we know them, and we'll try to ask you if you have any additional knowledge on the occurrences. Now, the things that I'll bring to your attention will be the things that we have documented evidence on. We have either journal entries, or, not testimony at this stage, but this is all written documents from various sources. Okay, the combat assault, the first lift touched down at 0815. Now, this photograph that you're looking at is the same one Mr. WALSH used a minute ago. That's the Pinkville, right. You recognize this now, don't you.

A. Yes, sir.

Q. Okay. The second lift touched down at 0827. Same place. The first casualty was Lieutenant COCHRAN killed and four wounded, and that was at 0845. It was shortly after you got off the helicopter, especially if you were on the second lift. And it was in an area which was across that trail that Mr. WALSH pointed out. Now, do you remember when you landed, which direction this fire was coming from? We believe the helicopter's approached from the south and were heading north when they dropped you off.

A. I think it was coming in the same way as the arrow there (indicating). I think it was coming from the front there.

Q. Coming from the front?

A. Yes, sir.

Q. Do you recall when Lieutenant COCHRAN was wounded?

A. Yes, sir.

Q. I mean, was killed? Were you close to him?

A. No, sir.

Q. Did you see him?

A. No, sir.

Q. Where were you? In which direction from his location? Was he off to your right or left or what?

A. I think he was off to my right.

Q. When you left that landing zone, do you remember the platoon formation?

A. No I don't, sir.

Q. Do you remember the squad formation?

A. I think we were in sixes or sevens, something like that.

Q. Were you in a column, or were you on line?

A. In a line.

Q. You were in a line, everybody moving abreast.

A. Yes, sir.

Q. Do you know if you were the squad on the left or the right or the center squad, or what was your squad position?

A. I think we were in the middle.

Q. You think you were in the middle.

A. Yes, sir.

Q. All right. There was one group wounded. They were evacuated. Do you remember seeing the dustoff come in and pick them up? This would have been the group where Lieutenant COCHRAN was killed.

A. No, sir.

Q. All right, the next group hit a booby trap at 0930 in the general vicinity of where--within a few meters, maybe 100, and 150, of the location where the first boobytrap was tripped--or land mine. Three wounded there? Do you remember this?

A. Yes, sir.

Q. Do you remember the aircraft coming in and picking these people up--the evacuation?

A. Yes, sir.

Q. Do you remember the type aircraft it was?

A. I think it was a dustoff ship.

Q. Red Cross markings?

A. Red Cross, yes, sir.

Q. The 1st Platoon had moved across the bridge. Did you hear any firing going on out there toward the ocean?

A. No, sir.

Q. Let's see the photographs. What did the 3d Platoon do the rest of the day after the casualties were evacuated?

A. I'm not too sure, exactly, you know, what they did, sir. We stopped or walked in or stayed in one position or what, exactly.

Q. Do you remember sweeping any villages that day?

A. Yes, sir, I think we went through one.

Q. Was it burned?

A. No, sir.

Q. Now, this would have been the time after you had received the order to destroy everything.

A. Yes, sir. But I don't think that we burned it, that one.

Q. Do you remember C Company coming in that night or that afternoon?

A. Yes.

Q. You do remember that.

A. Yes, sir.

Q. You do remember seeing them.

A. Yes, sir.

Q. Let me show you some photographs here. P-18. Do you recognize anything about that photograph?

A. Yes, sir.

Q. What?

A. I think that the people they had there were--I think that we were supposed to march these people somewhere, but I don't know exactly where.

- Q. You mean the Vietnamese in the photograph?
- A. Yes, sir.
- Q. Who's the soldier with them?
- A. That looks like spec 4--I don't know what his name is, but I think he's a spec 4 or either a buck sergeant.
- Q. Yes. Well, what platoon was he in?
- A. Second Platoon.
- Q. No, he was in the weapons platoon. His name is HUFFMAN, but what was he doing guarding these prisoners? Do you know?
- A. No, sir.
- Q. Do you recognize this area?
- A. Yes, sir.
- Q. Where is it?
- A. It looks like it's out around the area of Uptight, somewhere up in there.
- Q. P-20. Do you remember seeing any?
- A. No, sir.
- Q. You don't know any of the people in that photo?
- A. I've seen this guy.
- Q. The man on the extreme left taking his helmet off?
- A. Yes, sir.
- Q. Did you see him on this operation?
- A. If that's the same guy, sir.
- Q. How about the Vietnamese soldier?
- A. No, I don't think I've seen him.

- Q. P-22? What do you know about that photo?
- A. Nothing, except the guy that's in the picture.
- Q. Who? The one in the center? Who is he?
- A. I don't know what his name is. I never knew too many of them.
- Q. Did you see him on this operation?
- A. I think so.
- Q. Where?
- A. In--I think it was around the Pinkville area.
- Q. Huh?
- A. I think it was around the Pinkville area, I'm not sure.
- Q. That's the center man in the photograph.
- A. Yes, sir.
- Q. This photograph, P-23, show Captain MICHLES on the left and some Vietnamese. Do you recognize any of the Vietnamese in that photograph?
- A. No, sir.
- Q. Did you ever see this man on the left in P-66?
- A. No, sir.
- Q. The one next to him?
- A. I don't think so.
- Q. Did you see, when C Compnay came in the laager area that afternoon, did you see some ARVN soldiers with them?
- A. Yes, sir, I think they had the ARVN soldier KIM and --I can't think of the other one's name.

- Q. Who's KIM?
- A. KIM. K-I-M?
- Q. Who's KIM?
- A. ARVN soldier, all I know. He was the interpreter.
- Q. For whom?
- A. For C Company's captain.
- Q. Could that be PHU?
- A. Kim PHU? It might have been--
- Q. (Interposing) Sergeant PHU?
- A. No.
- Q. But it was the C Company commander's interpreter?
- A. Yes, sir.
- Q. That last photograph I showed you is a photograph of him. Look again at P-66, the man on the left.
- A. No, I still don't know him.
- Q. But you do know Captain MEDINA or the C Company commander's interpreter?
- A. No, I don't know him personally. It was one named KIM. I remember him, and he was with C Company.
- Q. Yes.
- A. At least I thought he was. He carried a dog with him all the time.
- MR. WALSH: What was his name?
- A. KIM.
- Q. KIM?
- A. KIN or KIM, something like that.

Q H-I-E-N, HIEN? Could it be HIEN?

A. No, they called him KIM.

Q. KIM?

A. KIM or KIN.

Q. KIN?

COL WILSON: But you saw some ARVN soldiers come in there? And you say this man who normally took a dog with him.

A. Yes, sir. He usually carried a dog with him. Because he had been with our unit once before, too.

Q. And he was there that day?

A. Yes, sir.

Q. Does he normally go by himself, or is he normally with a U.S. uniformed individual?

A. He's normally with a U.S. in uniform.

Q. Uniformed individual. He's an officer or an enlisted man in the U.S. forces, U.S. Army. Or does he go by himself?

A. No, he usually goes out with the unit when they go out.

Q. But he came in with C Company. He wasn't with the unit that morning when you went on the combat assault?

A. No, he come in with C Company.

Q. Do you know the 2d ARVN Division patch?

A. No, I don't.

Q. Do you remember any distinctive insignia that was being worn by these ARVN soldiers?

A. No, sir.

Q. Do you know if any of these ARVN soldiers were National Police, or were there National Police in the group with C Company?

A. No, sir.

- Q. And you said you saw--did you say how many ARVN soldiers came in with C Company?
- A. I didn't say how many came in. I only said that I seen one.
- Q. Just the one, that's all?
- A. Yes, sir.
- Q. You didn't see any more than that?
- A. There might have been some more, but I didn't see any more.
- Q. When C Company came in, did they come in with any detainees?
- A. I'm not sure, but I think they did.
- Q. Was this group that you saw in the photographs being guarded, did C Company bring these people in or did B Company round them up?
- A. Well, I think C Company brought in some of them.
- Q. And brought them in?
- A. Yes, sir.
- Q. Did you see any of them evacuated?
- A. No, sir. I don't recall.
- Q. Did you see any of them being interrogated?
- A. Yes, I think that they had a guy out to interrogate some.
- Q. Was he Vietnamese or American?
- A. Vietnamese.
- Q. Was there an American with him?
- A. Yes, sir.

Q. Do you remember what the rank of the American was?

A. I think he was a captain.

Q. Think what?

A. I think he was a captain.

Q. What did he look like?

A. All I remember is he was a tall, white male--

Q. (Interposing) Tall?

A. Yes, sir.

Q. Did he have any special type of clothing on?

A. I didn't pay that much attention to him.

Q. Did he have a large knife?

A. I don't know, sir.

Q. While these interrogations were going on, did you see any mistreatment of the detainees?

A. No, sir.

Q. How many did you see interrogated?

A. Well, I only seen one, sir.

Q. They didn't beat him up or mistreat him?

A. Not that I know of.

Q. Did you hear of any mistreatment of detainees that day?

A. Yes, sir. I heard--it was through the company.

Q. Was it that day?

A. Yes, sir.

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COL WILSON: All right, the 17th the company moved across the bridge over toward the sea. Now, at that time, there was some commotion down there on the bridge, some firing and some action. Do you recall this?

A. Yes, sir.

Q. Sergeant TAYLOR tripped a mine?

A. Yes, sir.

Q. Where was your platoon when this happened?

A. If I'm not mistaken, I think that our platoon was behind somewhere, almost behind on over on the side, because when we heard the firing going on when he hit that mine, I think we were supposed to go across the bridge, at the same time the Viet Cong were on the other side. After TAYLOR had got hit, they came back instead of going all the way across the bridge. And when we come down and run into the road we met, you know, they had some women and in this hootch, so we took them out to see if they would go across the bridge, and they took off and started running. They ended up getting blown up because the whole bridge was boobytrapped. And when they ran across and we found out the bridge was boobytrapped, we started getting sniper fire from the other side.

Q. As I understand it, you say that nobody was across the bridge?

A. I don't think so. I think TAYLOR was on his way across the bridge when this happened.

LTC NOLL: What was the order of march from your laager area to the bridge? Do you recall if the order of march was 2d Platoon, 3d Platoon; 2d Platoon, command group, 3d Platoon.

A. I think it was the 1st Platoon that went first, then the 3d Platoon second, then the 2d Platoon.

COL WILSON: See, the thing about the--the 1st Platoon was across and had been across and stayed over there that night. TAYLOR was wounded coming back to the bridge to secure the bridge for the 2d and 3d Platoons to cross. They were on the other side of the river.

A. The one I am probably thinking of was another, because there was something or other operation that was similar to that.

Q. But TAYLOR was wounded on this one.

A. Maybe I got TAYLOR mixed up with some other guy that got wounded on another operation.

Q. What about these Vietnamese that you say you got ahold of and they ran off and got--it's not very common for Vietnamese to run over mines, is it?

A. No, it's not, but like I said, we were supposed to be going across this bridge, and they just took off and started running and when they did they hit the mines, so I guess the women knew what was there.

Q. Well, where were the mines. Were they on the bridge or on the approaches?

A. On the approaches to the bridge, and they had one in the middle of it.

Q. Was the bridge damaged?

A. No, not that much. Just knocked one-half of it out, but you could still get across.

Q. What about the firing over there? Was there any firing coming from across the river?

A. I'd say on the right over there, out of the brush or something.

Q. Did any of the platoons on this side of the river return the fire?

A. Yes.

Q. How was it done? Did you all move up on line or what?

A. We moved up on line, got down and fired right across. Then another platoon went to go across the bridge, we fired at them so they could get across.

Q. You covered their crossing?

A. Yes, sir.

Q. What about gunships?

A. Well, I don't think had--

Q. (Interposing) You don't remember any gunships?

A. No, sir.

Q. What happened when you got on the other side, anything?

A. Yeah, we had to search that area out because I recall a few hootches and stuff over there. They started burning those, the ones that were there, but (inaudible).

Q. Did you see any bodies?

A. No.

Q. How long did the search take before you moved--if you moved?

A. About 2 or 3 hours.

Q. 2 or 3 hours?

A. Yes, sir.

Q. How many house did you squad search?

A. We had searched quite a few; I don't remember the exact number.

Q. How do you all usually search houses?

A. We usually go in by squads and search.

Q. You mean one squad goes in a hootch?

A. Not the whole squad, just one squad goes into a certain area, you know, two or three hootches close, and split up and go into the hootches.

Q. How do you split up?

A. Well, it would be like a two-man team. One man might say outside, another man might go in and search around.

- Q. Who did you normally work with?
- A. Well, the man I was normally working with--whoever didn't have anybody to go in with.
- Q. Do you normally work with the same guy all the time?
- A. No, sometimes I'd even go in by myself.
- Q. That's not a very good idea.
- A. There was always somebody out around the area when I went in.
- Q. You didn't see any bodies. Did you hear of any people being killed over there?
- A. I don't think so.
- Q. No talk?
- A. There might have been some, but I don't know.
- Q. What did you do after that, after you got through searching? Did you stay there or did you move out?
- A. I think we laagered there.
- Q. Right around that same area?
- A. Yes, sir.
- Q. Did you move off and come back, or did you stay right there.
- A. We moved off.
- Q. Came back before dark?
- A. Yes, sir.
- Q. How far out did you go?
- A. We wasn't that far away from it.

Q. Well, while you were over there, do you remember seeing any ARVN or Vietnamese soldiers with B Company that day come across the bridge?

A. No, sir.

Q. Did you see any strangers, intelligence people, or photographers, or Stars and Stripes personnel?

A. Not that I know of.

Q. Did you see that sergeant that you knew that was with B Company? Did you see him again that day?

A. Yes, I did.

Q. So he was over--so he crossed the bridge that day.

A. Yes, sir.

Q. Did you see any helicopters come in bringing in supplies or personnel?

A. No, sir.

Q. Did you see Colonel BARKER that day?

A. No, sir.

Q. You moved out then moved back into a laager position that night. Did a helicopter come in and bring you anything?

A. I don't think so.

Q. What weapon were you armed with?

A. M-16.

Q. Did you need a resupply of ammo?

A. Not that I know of.

Q. You don't remember a helicopter coming in that day.

A. No, sir.

Q. Rations. Did you have rations with you?

A. Yes, sir.

Q. Don't recall anything happening that afternoon of any importance?

A. No, sir, not that I recall.

Q. All right, you stayed there that night. B Company moved off. The rest of the company went south. Anything happen that night?

A. Not in that particular area that I know of.

MR WALSH: Did you see anything unusual after you got across the bridge?

A. Not that I can recall.

Q. Did you talk with anybody from the 1st Platoon after you got across the bridge about what had been done the day before?

A. No, sir.

Q. Did you hear that they had killed a lot of people?

A. Yeah, I heard something like that.

Q. What did you hear?

A. From what they were saying, they just went through a village. They searched and destroyed. Actually, they destroyed instead of searched.

Q. Did you see any bodies down there?

A. No.

Q. How many people did they kill the day before that?

A. That I don't know.

Q. Did anybody you talked to give you any number or estimate?

A. No.

Q. When they went through the village, how were the people killed? Machineguns? Small arms?

A. From what I was told, it was from small arms--I mean it was mainly machineguns, but they also said it was small arms too.

Q. Did you hear that MILUS had set up a machinegun and fired at everything that moved around the village when they moved into it?

A. Yes, sir.

Q. Did you talk to MILUS about it?

A. Yes, I think we had set up and we were getting ready to eat chow and I asked him about it, and he told me he didn't think nothing could kill him. That same night a mortar round came in and killed him. He said something like-- he said he didn't think nothing could kill him. And he was talking about how he had killed these people. And that same night a mortar round came in and went directly into his hole and killed him.

Q. I'd like you to--of course, he's not here, so we can't talk to him, but since you had a conversation with him, I'd like to try to recall just as best you can how he described how he had killed the people on that first day.

A. Well, the only thing I tell you he just told me he killed a lot of people.

Q. Did he tell you where he was when he killed them?

A. No, sir.

Q. Was he inside the village, or was he outside the village? Do you remember that?

A. I don't know for sure if it was inside or outside, but I think it was on the inside.

Q. He didn't say how many altogether?

A. No, it was quite a few, but he didn't say how many.

Q. Did he tell you whether the platoon leader or anybody had gotten angry with him as a result of it?

A. No, sir.

Q. Did he tell you whether he had been ordered to kill everybody in the village before they moved in or when they moved in?

A. From the way people were talking, from what I heard, they said somebody told him--he had an order in other words, to kill anything that moved, and he was the type of guy that liked to pull the trigger anyway. I guess when he moved he started firing, killing them.

Q. So he followed orders.

A. Yes, sir.

Q. And he did a good job of it.

A. I don't know about a good job, kids and stuff.

Q. We've had some indications that he had some help, that there were some other people who fired at anything that moved too. Did you hear anything about whether he was the only one, or whether there were other people in his squad or else were in the 1st Platoon who--

A. (Interposing) Well, the only one I heard was him, because everyone was running around there and talking about it, MILUS did this, MILUS did that.

Q. How about people coming out of bunkers and being shot as they come out of bunkers by the 1st Platoon that first day? Did you hear anything about that?

A. No, sir.

Q. Hear anything about using grenades or dynamite on the bunkers?

A. I heard something about throwing grenades in there.

Q. Hear about any people being killed that way?

A. Well, they had been killed that way. Tell them to come out and they don't come out and you're not going in there to get them, so you throw in a grenade in there.

Q. Is that something that you know generally from operations or did you hear somebody talking about it?

A. Well, this is something generally from operations.

Q. How about the 1st Platoon operations on the first day? Did you hear anything specific about that?

A. No, sir.

Q. The only thing you heard was talking to MILUS and people talking about MILUS on the first day?

A. Yes, sir.

LTC NOLL: Do you recall where the 81 millimeter mortar was located the second day, the day you crossed the river?

A. No, sir.

Q. Did you hear of the 1st Platoon killing anybody on the second day of the operation, the day that you spent most of the day around the bridge?

A. I'm not sure, sir.

COL WILSON: You said that when you talked to MILUS that day you sat down to eat with him.

A. Yes, sir.

Q. What time was that?

A. That was during--well, it was just about almost dark, pretty close to that time.

Q. You're sure it was the evening meal?

A. Yes, sir. I remember that one because the lieutenant that I had sat me on a position where if I hadn't changed my position I would have been killed. That's why I remember that.

Q. MILUS was with you then?

A. No, he wasn't with me. I mean we were all together in our laager position, and when we went to chow I was talking to him in the chow line, and I told him I'd heard about what he'd done, and that's when he told me that nothing could stop him from trying to kill these civilians.

Q. This was the day that you crossed the bridge?

A. No, sir. This was the night before--

LTC NOLL: After the MEDCAP.

COL WILSON: This is not the second day then, it's the--Okay.

MR WALSH: This is the night MILUS was killed.

A. Yes.

COL WILSON: Let's go up to the 18th. You stayed there in the position. Now I'm talking about the time that you stayed in the position up by the bridge. This is the date I'm talking about. Remember you stayed up there by the bridge. The day you crossed, you stayed up in that general area. Remember that?

A. Yes, sir.

Q. And the company went off?

A. Yes, sir.

Q. Now, the next morning, the company came back, your platoon should have followed in with the company and moved up to the north. Do you recall that?

A. Yes, sir.

Q. Moved out into a village up there. Whole bunch of Vietnamese civilians in that area. Remember this? Rounding up a whole bunch of civilians and moving them down toward the beach?

A. Yes, sir.

Q. You do remember that?

A. Yes, sir.

Q. Searching the village out? Do you remember anything in particular about searching those villages?

- A. If it's the same thing I'm thinking of, there was nothing in particular I can think of.
- Q. Do you remember medical personnel coming in there?
- A. No, sir.
- Q. You don't remember these people that you sent back being treated by medics?
- A. No, sir.
- Q. Remember any helicopters coming in?
- A. No, sir.
- Q. No additional personnel being brought in, then?
- A. Not that I can remember.
- Q. Remember seeing any ARVN?
- A. No, sir.
- Q. Military intelligence personnel?
- A. Would this be inside the village or where?
- Q. Yes, it would be anywhere in there during that day.
- A. I think there was some ARVN's in there that day.
- Q. Do you remember where you saw them? What they were doing?
- A. I think that after we rounded these people up, they went into a hootch and they had them in there and asked them questions.
- Q. What happened?
- A. They would ask'em and send them back out.
- Q. You didn't see what they were doing in there.

A. No, sir.

Q. All right. When you got through that day, you went into a laager that night, right?

A. Yes, sir.

Q. Established a perimeter position?

A. Yes, sir.

Q. At that time did you see any ARVN personnel inside the laager area?

A. No, sir.

Q. Any military--any strangers, not members of B Company?

A. Not that I can recall.

Q. Did you hear of any ARVN or interpreters being in the area that night?

A. No, sir.

Q. Did you hear of any interrogations going on? Any mistreatment of Vietnamese detainees?

A. No, sir.

Q. Later that night, you received a mortar attack. MILUS was killed and several men wounded. Remember how many rounds came in?

A. One or two.

Q. Did you see where the mortar was firing from?

A. Yes, from the village.

Q. How far?

A. It was a pretty good ways. It was still a good distance from us.

Q. Any small arms?

A. Yeah, there was some firing 50 or 60 meters away from us.

Q. Did you all return the fire?

A. Yes, sir.

Q. How far was MILUS from you when he was killed?

A. About 25 meters.

Q. You remember the helicopters coming in to evacuate the wounded and MILUS?

A. Yes, sir. They came in that night because they had to have lights to see where it was, where the wounded were.

Q. Had to what?

A. I think they came in during the night, because I remember something about where they had to have their lights. They had to turn their lights on, and they didn't want to turn them on because we were getting fired on.

Q. What about artillery? Did you hear any artillery fire that day? Either that afternoon or that night?

A. No, I didn't.

Q. How about gunship fire or air to ground fire. Did you hear any that day or that night after you received mortar fire?

A. I don't remember sir.

Q. Anything else occur that night after the mortar attack?

A. No, sir, not that I remember.

LTC NOLL: Do you remember where your platoon was located in reference to the other two platoons in the night defensive position that night? Were you facing north, east, or west? You were along the seacoast. Did you have your backs to the sea?

A. No, ours--my side was to the sea.

Q. 1st Platoon on your right?

A. Yeah, I think so. Yeah.

COL WILSON: Now, you did receive a hot meal that night, right? This was the night you talked to MILUS?

A. Yes, sir.

Q. The next morning, did you see any detainees being interrogated?

A. (Inaudible-one word), sir.

Q. Did you see any of them being mistreated?

A. No, sir.

Q. Did you hear--

A. (Interposing) Yes, I heard about it.

Q. What happened? What did you hear?

A. That they beat somebody, but I didn't know exactly who they were talking about.

Q. Beat him?

A. Yes.

Q. How?

A. With their hands.

Q. Did you see any of the detainees?

A. I saw a few of them. I think we had--I'm not sure, but I think we had three or four.

Q. Did you see all of them, or how many did you see.

A. Just two of them. This was the same night one of them got away.

Q. One guy got away?

A. Yes.

Q. These people that you saw the next day, did they look like they'd been beat up?

A. No.

MR WALSH: Who did you hear had done the beating on the prisoners?

A. I didn't hear. I just heard that somebody beat them.

Q. Were there ARVN's around there that morning?

A. I think so.

Q. How many?

A. Two.

Q. This interpreter named KIM, did he stay with B Company through the rest of the operation after he joined up with C Company?

A. I couldn't say.

Q. Do you remember seeing him the next day.

A. (Inaudible) remember seeing him the next day, because (inaudible).

Q. When did he leave? Did he leave the first day?

A. I think so.

Q. And you didn't see him again the rest of the operation?

A. No, sir.

Q. Do you remember seeing another interpreter with Captain MICHLES during the second and third day.

A. No, sir.

Q. Remember seeing an American, maybe a Spec 4 or 5 who talked Vietnamese interrogating any of the--

A. (Interposing) Yes, sir.

Q. Did you see him cutting the backs of their hands with a knife and putting salt in them?

A. No, sir.

Q. But you indicated you do remember seeing an American interpreter.

A. Yes, sir.

Q. When did you see him?

A. I don't know exactly what day it was, but I do remember seeing him.

Q. Remember seeing him interrogate any prisoners?

A. Yes, sir.

Q. Hitting them a little bit?

A. Slapped them around a little.

Q. Use any other means of torture?

A. No, sir.

Q. Remember hearing anything about anybody using field telephones to interrogate prisoners on this operation?

A. Yes, sir.

Q. Who was doing that?

A. Well, I don't know his name, but he was a lieutenant.

Q. Lieutenant?

A. Yes, sir. He'd run the wire around one's tongue and....

Q. Touch the wires to parts of their bodies and give it a crank or two?

A. Yes, sir.

Q. Have you ever seen this lieutenant before?

A. Yes, sir.

Q. Military intelligence lieutenant?

A. I don't know if he was or not?

Q. Did he have an interpreter who wore dark glasses with him?

A. Not that I know of.

Q. Is that the lieutenant in the middle, photograph P-22?

A. No, that's not him.

Q. That's not the guy?

A. No.

Q. Ever see that fellow before?

A. This one here?

Q. No, the fellow in the middle.

A. Yeah, I think I have seen him. His face looks familiar.

Q. Are you sure that's not the lieutenant who was interrogating the people? Or didn't you see the lieutenant who was interrogating the people?

A. Well, I didn't see the lieutenant actually.

Q. You just heard that a lieutenant was interrogating people with a field telephone, but you didn't see it?

A. No.

Q. Okay. So, as far as you're concerned, it could have been that lieutenant or anybody else because you never saw it.

A. Yeah, I never seen him.

LTC NOLL: Did you ever see the lieutenant who did this afterwards?

A. I might have seen him, but I don't know.

COL WILSON: Do you have any knowledge of an investigation or an inquiry conducted in Vietnam on this operation? Anybody ever ask you any questions?

A. Not about that, no, sir.

Q. About that operation? Never did? Anybody ever ask anybody you know questions about the operation.

A. No, sir.

Q. Did you have a camera?

A. Not while I was in 'Nam.

Q. Do you know anybody who had one on this operation?

A. I think Sergeant WHITTAKER had a camera, but I don't think they were taking any pictures.

Q. Did you hear any rumors that the civilians had been unnecessarily killed on this operation by either C or B Company?

A. I heard something about it.

Q. What did you hear?

A. That a whole bunch of people had gotten killed by C Company, and they said that C Company just went in there and killed them for nothing. That's what I heard.

Q. When did you hear this?

A. I don't know exactly when.

Q. Was it while you were on the operation or after you got back to the fire base.

A. I'm not sure.

Q. Did anybody ever tell you not to say anything about that?

A. No, not that I know of.

Q. Nobody ever told you to keep quiet about this operation in any way?

A. No, sir. I thought everybody knew about it.

Q. About the operation or about the killing?

A. About the operation.

Q. Didn't know about the operation. I'm talking about what occurred on the operation.

A. Oh.

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

A. It's not a problem, but there's quite a few that--

Q. (Interposing) Used it?

A. Yes, sir.

Q. How about on operations?

A. Not on operations. Just--

Q. (Interposing) Don't go along with that?

A. Oh, no!

MR WALSH: Sounds pretty dangerous to me, but I wasn't there.

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SUMMARY OF TESTIMONY

WITNESS: GUTHRIE, Jimmie W.

DATE OF TESTIMONY: 2 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: EOD, Third Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

GUTHRIE was never given any instruction on the legality versus the illegality of orders (pg. 11). He did not recall seeing or being issued the MACV cards "Nine Rules" or "The Enemy in Your Hands" (pg. 15).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

He could not remember if the briefing was given by a squad leader or a lieutenant (pgs. 12, 13). He recalled no orders given to destroy livestock or burn hootches (pg. 13). They were told to expect a hot LZ (pg. 14).

3. THE COMBAT ASSAULT.

a. Actions on the 16th.

GUTHRIE came in on the first lift (pg. 15). He did not recall firing by his helicopter (pg. 16). They received some fire from the west which they returned despite their inability to see a target (pgs. 16, 17). Perhaps the firing they heard came from C Company's area (pgs. 16, 17). As they moved north Lieutenant COCHRAN was killed (pg. 18). The witness did not remember seeing the helicopter

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which evacuated either COCHRAN's body or the later casualties (pg. 18). After this, they swept through the village (pg. 19). He did not recall destroying the village or hearing any fire inside it (pgs. 22, 23). He did not hear that MILUS set up a machinegun and shot everything in the village that moved (pg. 47). He saw C Company that night at the laager site (pg. 20). He did not see any ARVN military with them, and he did not hear any firing in the area that night (pg. 20). Eight or nine Vietnamese were kept in the perimeter, but he did not see anything unusual happen (pg.21).

b. Actions on the 17th.

GUTHRIE remembered TAYLOR being wounded by a mine on the morning of the 17th (pg. 23). At the time the witness was moving toward the bridge to disarm it (pgs. 23, 24, 28). They received sniper fire a few minutes after the mine exploded (pgs. 25, 27). At that time the witness was about halfway across the bridge (pg. 29). The fire was returned in an exchange that lasted five or ten minutes (pgs. 25, 27, 28). A gunship came in and made one or two north-south passes (pgs. 28, 29). Some charges were set off by other EOD men on the other side of the bridge along a trail in order to detonate mines or booby traps in the area (pgs. 30, 31). The witness returned to the third platoon (pg. 32). The platoon went across the bridge, set up a perimeter and waited for about two hours (pg. 33). He did not recall moving south, and he thought that their laager site that night was in the area of the bridge (pg. 34). He did not remember any detainees staying in the area that night (pg. 36). While he recalled a resupply helicopter, he did not think that it brought in a resupply of demolitions (pg. 36).

c. Actions on the 18th.

He did not recall B Company rejoining his platoon on the 18th, nor did he remember seeing any Navy ships or Vietnamese military personnel (pg. 39). He recalled finding the body of a woman that morning who was buried by some of the men in the platoon (pgd. 37, 38). He recalled moving north to a large village where they spent most of the day rounding up residents (pgs. 39-41). He did not remember a MEDCAP team (pg. 40), nor did he recall a wounded woman being brought in (pg. 44). He did not see any interpreters or MI personnel at the village (pg. 40). That night they received an order to fire M-79 rounds outside the perimeter

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every 30 minutes (pg. 44). Later they received a mortar attack and MILUS was killed (pgs. 40, 43). The next morning he went out of the perimeter and the EOD men with him blew up a dud 81 mm round and two 105 rounds (pgs. 40, 42, 43).

d. Observations during the operation.

Except for the woman he saw on the 18th, he saw no bodies and no fresh graves (pg. 45). He did not hear about anyone in the first platoon shooting up the village on the 16th (pg. 47). He did not see or hear about Vietnamese being tortured by U.S. or ARVN military personnel, but he saw a captain question some Vietnamese (pg. 46).

4. INQUIRIES AFTER THE ASSAULT.

GUTHRIE did not know that an investigation was made of the operation (pg. 45). He knew of no one who was questioned about it (pg. 45). He heard no rumors that civilians had been unnecessarily killed by either B or C Company (pgs. 45, 46). He did not know that there was a large body count on this operation (pg. 45). He was never told not to discuss the unnecessary killing of civilians by Task Force Barker (pg. 46).

5. OTHER INFORMATION.

a. Four or five pounds of TNT were needed to blow up a normal-size bunker (pg. 5). A normal-size bunker was 10 feet deep, four to six feet wide, and four feet high (pg. 5). Since the purpose was to cave the bunkers in, the charges would be placed on top of them (pg. 6). Usually EOD personnel were called when people wanted bunkers blown up (pg. 8). He was the only man in B Company trained in EOD (pg. 27).

b. While marijuana was used, he doubted it was used during the operations (pgs. 46, 47). Captain MICHLES told the company about the adverse effects of marijuana (pg. 47).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit had not seen before.	15
M-3	MACV Card "The Enemy in Your Hands"	Wit had not seen before.	15
P-18	Miscellaneous Scene	Man he saw captain talking to.	21
P-19	Miscellaneous Scene	Wit did not see the group.	21
P-20	Miscellaneous Scene	Wit did not recall seeing this location	21
P-21	Miscellaneous Scene	Wit did not recall seeing people before	22
P-22	Miscellaneous Scene	Looks like old man in P-18.	22
P-23	Miscellaneous Scene	Identified only CPT MICHLES.	22
P-208	Miscellaneous Scene	Wit saw Vietnamese near perimeter of village.	19
P-209	Miscellaneous Scene	Wit did not recognize anything in photo.	20
P-214	Miscellaneous Scene	Wit did not recognize anyone.	45

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(The hearing reconvened at 1007 hours, 2 February 1970.)

COL WILSON: The hearing will come to order.

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

The first witness is Mr. Jimmie W. GUTHRIE.

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

Please state your full name, occupation, and residence.

A. My name is Jimmie W. GUTHRIE. I live in Alamogordo, New Mexico, and I'm a computer operator.

COL WILSON: Mr. GUTHRIE, we gave you our Exhibit M-81 which is our general information for witnesses appearing before Interview Team C. Have you read that?

A. Yes, sir, I have.

Q. Do you have any questions on that?

A. No, sir, I don't.

Q. I would just like to emphasize that this is an interview team of General PEERS' committee and that we are designated to investigate primarily the witnesses from B/4/3. We have no authority to make findings and recommendations. This is his prerogative. It is possible that other members of his team may come in here and ask you questions during this interview. If so, I'll identify them to you. There are three members of this team. Mr. WALSH is a civilian attorney. He is at another interrogation, and he may come back down in a short while. He has been appointed by the Secretary of the Army to assist General PEERS. Colonel NOLL and myself are on this board. All three of us have authority to question you. Major THOMAS is the recorder. Have you discussed this operation with anyone from your unit since you came back from Vietnam?

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A. No, sir, I haven't. I didn't even know this thing happened while I was there. I thought it happened after I got out. This is when I heard about it.

Q. What was your assignment in March of 1968?

A. EOD.

Q. Ordnance disposal?

(Nod is in the affirmative.)

Was that a TOE job or was this an additional duty?

A. This was in with the company. They asked for volunteers and I went to school in Hawaii for EOD men. I volunteered for it.

Q. What was your job?

A. This was still with the company?

Q. This was, I think, an additional capability. Didn't your MOS call for something besides EOD?

A. Right, 11 Bravo.

Q. What is that?

A. An infantryman.

Q. And how many demolitionists did they have in a squad when they sent you all to this school in Hawaii.

A. Well, in the company, sir, there was just about 10 of us.

Q. Did it break out so many per platoon?

A. The only ones I know, sir, came out of our company.

Q. And how long was this school?

A. About 2 months.

Q. This was concerned with ordnance disposal and demolition?

A. Right.

Q. Was this run by the brigade or division or by some other installation?

A. I don't know that, sir. There were servicemen out there. I don't know if they was run by the brigade or what.

Q. What was the primary purpose of this course, destruction of mines and booby traps?

A. I believe so, sir. They never did say. They said they probably would need some EOD men.

Q. Did this also include instructions on the destruction of bunkers and field installations?

A. Yes, sir, it did.

Q. In that particular type of instruction, did they give you a set of procedures to go through when you were in a hamlet that you hadn't been in before or was strange to you, and you were instructed to demolish the underground installations, tunnels, abutments, or whatever you want to call them. Was there a procedure in which you were instructed as to how this was to be done?

A. Not exactly, sir. The only thing they would say was: "Here's a hole, I want you to blow it." The platoon would go in, clear the area, make sure there was no civilians or anybody around, and I would just go in and blow it.

Q. In other words you were instructed--it was not your responsibility to see that the thing was cleared?

A. No, sir, not at the time. The only time I made sure it was cleared was before I detonated it.

Q. What did you do then, just holler: "Fire in the hole"?

A. Well, I would walk around, check all my charges I set, look down and make sure nobody was there, and then I'd yell: "Fire in the hole."

Q. Let's deal with a bunker, which most of the buildings have. They check that bunker and you are going to destroy it. Do you go down in there and place these charges or are they placed on top?

A. Inside.

Q. How far inside?

A. Well, that depends how far it goes in, sir. You've got to start from the back and work out.

Q. You have to go all the way through it?

A. Just about if you're going to destroy it completely.

Q. Before you go down into that bunker, is the platoon supposed to clear it?

A. They had a couple of men volunteer as tunnel rats.

Q. Who were they?

A. One of them was FIELDS and another was a new guy. I can't remember his name. He was brought in.

Q. FIELDS was a tunnel rat.

A. When they could get him to go in.

Q. If you just had two of them and one was reluctant to go in there, there wasn't much clearing done, was there?

A. I don't know. We never had much trouble. You'd probably pick up a couple more now and then who would get the urge to go down in there and see what it's like. That's where you usually pick them up, just curiosity.

Q. All right. They say, "Here's a hole; blow it." You assume by that the thing is cleared and go into it. You have to if you put your charges down in there?

A. That's right, sir.

Q. You go in there and set your charges and detonate it, right?

A. Right.

Q. For a normal-size bunker how much demolitions are we talking about?

A. Demolition team?

Q. No, how much demolitions were you putting in there?

A. It all depends on what size hole you got.

Q. The average size.

A. Usually about 4 or 5 pounds.

Q. 4 or 5 pounds?

A. Of TNT.

Q. Could you give me the dimensions of the hole that could be demolished by 4 or 5 pounds of TNT?

A. I sure couldn't.

Q. Could you give me the dimensions of an average-size bunker.

A. Oh, I figure about 10 feet deep, anywhere from 4 to 6 feet wide, and 4 feet high.

Q. 4 feet high. Four to 6 feet wide and 10 feet under the surface. Is that what you mean by deep?

A. Right, sir.

Q. 10 feet from the top of the surface, from the surface of the ground, is the top of the bunker.

A. Right, this is top inside.

Q. Then you've got another 4 or 5 feet which is the height of the bunker.

A. Right.

Q. Then you've got a width of what?

A. 4 feet inside. 4 to 6 feet inside.

Q. You can't get many people in there.

A. No, you can't. Mostly just the civilians that live in that house.

Q. You can demolish that with about 4 or 5 pounds of TNT?

A. Pretty well, so you can't get inside of it anyway. I don't know what it does for damage in the inside. I never have been able to get back inside of one.

Q. Where do you place these charges? What are you doing, sealing off the entrance?

A. Just cave it in is what we're trying to do. Planted them mostly in the side and in the top, and then get one on top.

Q. You put charges on top?

A. If I can. If you could get them to mount up there, you usually put one up there.

Q. Now, normally you would go into the back. You say you'd work from the back.

A. You would go as far as you could to the back and start back there, about--leave a couple feet from the end because you're not going to blow that end anyway. It was pretty well covered up.

Q. And put your charges on the floor?

A. No, I put them on the wall.

Q. Halfway up?

A. About that.

Q. And just work out from there.

A. Right.

Q. What would you do in the entrance? What would you do there, anything?

A. No, not exactly. I'd say about another 3 or 4 feet inside there you set the last charge. You string your wire on out or you've got a time fuse for it. We usually used electric blasting caps or something like that.

Q. Now, how many times do you get this requirement. We hear about people running around with one-half pound of TNT and some composition C wrapped around it and a blasting cap in it, and throwing these down in the bunkers. Where does that fall?

A. I don't know. I never run across that.

Q. I was going to say have you ever seen them do that, throwing something in a bunker. What could it be, a frag grenade, right? You didn't have any concussion grenades, did you?

A. Yes, sir, we had those. I guess it wasn't either. Concussion grenades, are you talking about when they hit the ground?

Q. I mean the ones that were explosive and no--

A. (Interposing) Not that I know of.

Q. This is what it sounded like, they were wrapping TNT. But normally this wasn't done, was it. Did you ever see it?

A. I never run across it. I never did.

Q. So when they wanted to blow a bunker they would have to call one of the EOD people. Now, was this a pretty big project in these hamlets. Would they go in there and blow most of these bunkers?

A. I think I might have blown one.

Q. One bunker?

A. One bunker, and mostly I blew mines.

Q. And this one bunker that you blew, where was that?

A. That's a good question.

Q. You don't remember?

A. I don't remember at all. It was on the outside of a village, just as we come in.

Q. Well, normally when you went in, your particular job in this particular field was the destruction of mines and bombs and things like this. It doesn't take much of a charge, does it?

A. No, it don't. Just enough to break the casing of it.

Q. You don't have to carry a heavy load of demolitions with you, do you?

A. No, I usually carried about 10 or 15 pounds.

Q. Did you have one of these little demolition bags?

A. No, I had to scrounge mine up. I had to use a claymore bag mostly and my pack.

Q. And where did you carry your detonators?

A. In my pocket, my shirt pocket.

Q. In a little, wooden box?

A. Right.

Q. A little, red, wooden box.

A. Yes, I guess it would be red, kind of light colored.

Q. And you say you primarily used electric detonation.

A. Right, sir.

Q. Did you have a blasting machine with you?

A. No, sir. Where I got my electricity from was from either a battery off a radio or from a detonator off a claymore mine.

Q. Those machines are something else to carry. As I understand it, B Company at any rate as a rule didn't normally go in and just really eliminate bunkers?

A. No, and as far as I know that's the only one we destroyed.

Q. If there were any explosives being thrown in the bunkers, it was for casualty-producing purposes or to clear them?

A. If there was something down in there and they couldn't get it out, they always would try to get it out the best way that they could. After that I don't know. If they would throw a charge in it, they would more or less come out.

Q. Was it normal procedure? Was there any instructions given about these? Were you supposed to holler anything first?

A. Yes, you'd usually holler quite a bit. Some of the guys knew the Vietnamese language and tried to get them out of there. If they know there are civilians down there, they would get them out. But if they know there are VC down there, they won't go down after them. They'll get them out somehow and destroy the bunker.

Q. Well, they're not really destroying the bunker, they're throwing a handgrenade.

A. No, not that way.

Q. How did they destroy it?

A. They blew it.

Q. Well, you only did that once.

A. I'm saying that if they knew there was VC in there, and after they would get them out, we would go back in there and destroy it and see if they had anything hidden down in there.

LTC NOLL: What was the nature of the average bunker of a home? Was it down in the ground a couple of feet or was it just sandbags?

A. Some of them were down in the ground with heavy logs and dirt. Some of them were down in the ground just a little bit with logs. They were pretty thick.

COL WILSON: What was your platoon, your squad assignment?

A. On this day?

Q. On 16 March.

A. I'm not sure. I don't even know where I was that day.

Q. You were in the 3d Platoon, weren't you. You don't know which squad?

A. I wasn't really assigned to any squad. I was just up there by the lieutenant. I'd stay behind the FO.

Q. You were in the headquarters group. Okay, let's be sure that we've got this operation fixed in your mind before we go to any questions on it. This day that we're talking about, when the operation took place, was the day that Lieutenant COCHRAN was killed. Do you remember that?

A. Yes, sir, I do, very well.

Q. All right. That is the day we are talking about. That is the operation we are talking about. Later on in that operation, MILUS was killed. TAYLOR was wounded. Now this ought to fix the time.

A. I remember the day well when Lieutenant COCHRAN was killed.

Q. One question before I get to this briefing. Were you ever given a class at any time which was concerned with the legal aspects of official orders, as to whether there was a type order which didn't have to be obeyed because it was illegal? Did you ever hear of anything like this?

A. No, sir.

Q. It might have come connected with the Geneva Convention or something like that.

A. I heard that quite often but nothing to the other effect.

Q. Nothing about the illegality of orders.

A. No, not that I can recall.

Q. On the 15th of March, which was the day before the combat assault, who told you and what did they say about this operation being conducted for the next day?

A. Well, if anybody would have told us, it probably would have been Lieutenant LEWIS. I don't remember exactly what he said.

Q. You had a period there where you had an NCO running the platoon, too.

A. Well, I don't recall that because 3d Platoon never did lose anybody until we lost Lieutenant LEWIS. As I can recall, we had another lieutenant that came over with us. I can't remember his name.

LTC NOLL: Lieutenant CARTER?

A. Right, sir, Lieutenant CARTER. As far as I know, he never had left the platoon.

COL WILSON: Now, you've got to remember one thing, we're talking about a period of 3 or 4 days at the most. People disappear for 4 or 5 days and you may not even realize they're gone. I imagine he could go on R&R and you might not even know about it.

A. That's possible.

Q. At the time this operation took place, you didn't have an officer as platoon leader as far as we've been able to determine. But you think the platoon leader normally briefed. Did he normally brief the whole platoon or did he brief the squad leaders?

A. Well, I'm sure that he did if he told us about it, because he was pretty good about getting us all together and briefing us at one time and asking questions.

Q. You don't remember anybody saying: "Well, we're going to leave in the morning. We're going to have nine helicopters out here. You'll take helicopter so and so. We'll be on the second lift. We'll take 2-days rations," or words to this effect?

A. I can remember this I think.

Q. Who told you?

A. One lieutenant, but I sure couldn't tell you who. He was the one that usually told us what we were going to do, how we were going to do it, and what we were going to do after we got there.

Q. The squad leaders don't do this?

A. Yes, sir, they do. If the lieutenant doesn't talk to us all at one time, he would just call in the platoon sergeants and squad leaders and talk to them. They'll come back out and tell us.

Q. Now, on this particular time you don't remember what was--

A. (Interposing) What was said about it? No, I sure don't. I don't know if he brought us all in or the squad leaders went up and talked to him and came back out. Usually if the lieutenant could get us all together, he would just as soon get us all together and ask us questions about it.

Q. This particular operation was an operation which included the entire task force, a lot of helicopters on it. I'm just trying to figure out how I can recall this briefing to you. I'm trying to find out what you were told before you went in there, as opposed to what happened after you got in there. I want to separate this because we are going to review a few things that happened. Let me ask you some specific questions. Were there any orders given concerning the destruction of the hootches and food stock?

A. No, sir, not that I recall. The artillery pretty well took care of that.

Q. What artillery?

A. The fire support.

Q. What, burning hootches?

A. As I can recall there wasn't anything left after the fire strike, after the white phosphorous got through.

Q. Did you see any white phosphorous?

A. I'm almost sure they fired some from off the hill.

Q. In other words, you received no specific orders about--the platoon received no specific orders about burning the houses?

A. No, sir, not that I can recall.

Q. How about the destruction of livestock?

A. No, sir, we never did touch any livestock.

Q. You never did?

A. Not that I can recall.

Q. What was the normal procedure when you went into what might be considered a hostile area on the destruction of houses and so forth?

A. Well, usually we didn't bother the houses. We didn't hurt anything except for shelter for the other people. We didn't destroy them unless we just had to, and as far as I know we never did destroy any. At least I don't know anything about it if they did. It's possible they did some. Some of the people could have destroyed them.

Q. Did you know what the enemy situation was in this area or what they told you it was?

A. Yes, sir. They told us we were going to get dropped into a hot LZ, and we'd receive fire as soon as we touched ground or before. We did receive fire, but it wasn't much.

Q. They told you you were going into a hot LZ?

A. Yes, sir.

Q. What was supposed to be there?

A. They really didn't say that I can recall, just that we were going to be dropped into a hot LZ. There probably would be VC there I assumed.

Q. Do you know what the platoons of the company, what each platoon was supposed to do? Did anybody tell you about that?

A. No, they didn't.

Q. Do you know what each of the squads in your platoon was supposed to do?

A. Well, sir--

Q. (Interposing) I don't know that they had any assignment like that.

A. Well, usually you would just get down and get all your different squads, and they had different little areas to

go to. When we would get there we would get organized, and the platoon would tell you which direction to go. That's the way it usually worked.

Q. This is Exhibit M-2 and is entitled "Nine Rules." It is a facsimile. Have you ever seen this card?

A. I don't think so, sir. I might have at one time, but I couldn't recall it.

Q. This is Exhibit M-3, another facsimile of a card. Have you ever seen that card entitled "The Enemy in Your Hands"?

A. I remember seeing some kind of card, but I can't remember if that's the one or not.

Q. You don't remember if you were issued these cards?

A. No, sir, I can't recall if we were. I remember seeing some kind of card that was issued, but I can't say if these are the ones or not. As a matter of fact, I don't know what the cards were that were issued to us, but I do remember seeing something like it. It could have been the one.

Q. We're going into the operation now, and I want to ask a couple of questions before we show you some photographs. Did you receive any fire prior to landing?

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

Q. Were you on the first lift or the second lift?

A. I believe it was on the second lift. I'm not sure, either the first or the second lift. I know there were still some more choppers to come in after we did.

Q. There were only two lifts.

A. It must have been the first one.

Q. Were your doorgunners firing as you approached the landing zone?

A. I don't believe ours was. They could have been. We weren't on the outside chopper, we were on the inside. I

don't believe he was firing. Of course, he could have been. I just never noticed it.

Q. Did you receive fire after you hit the ground?

A. Yes, sir, we did. I think it was after a little bit and we received some fire.

Q. Which direction was it coming from do you know?

A. Facing Uptight on a hill coming from our right.

Q. That's from the sea.

A. Sea, right, going towards Uptight Lieutenant COCHRAN was killed on the right side, so it had to be on the left side.

Q. The fire was from the left?

A. Right.

Q. That was coming from the west. C Company was doing an awful lot of firing over there. Do you suppose that this could have been C Company's fire?

A. Well, I don't know, sir. There was a company over there and came to us later. I don't know if this was C Company or not.

Q. I'll show you how this operation developed, and we'll get a photo out and record some details.

(Colonel WILSON oriented the witness using Exhibit MAP-4 and P-168.)

This is the same photograph you have just been oriented on. These are the activities that have been recorded to have taken place. The first lift touched down at 0815. The second lift touched down at 0827. Photo P-206 shows a rocket going into the landing zone. P-207 shows more rockets landing in what was to be the landing zone. Do you recall seeing this particular area? Did you see that from the air? Do you remember that being the landing zone?

A. No, sir, I sure don't. It don't look like it at all really. Where I recall we landed, it was just flat rice paddy, no water, no nothing. There wasn't all this other stuff in here. This photograph appears to be a graveyard.

Q. Now, you said that the firing was coming from the west back over in here, and some 1,200 to 1,400 meters from your landing zone was C Company's operation. Do you recall whether there was any--this firing that you heard, whether there was any incoming fire in your direction? You can normally tell if that stuff is popping around you. Do you recall?

A. No, sir, I don't. I know that we returned fire back there.

Q. But did you see anything to fire at?

A. No, sir, I didn't.

Q. Okay, you hopped off the helicopter. You said shortly after that you received fire?

A. Yes.

Q. Fire was returned in that direction. Was it returned by the 1st Platoon, 2d Platoon, or what?

A. 1st Platoon did fire.

Q. Then you moved north and Lieutenant COCHRAN was hit by a mine?

A. Yes, he was hit by a mine.

Q. We have indicated that this booby trap was tripped at 0845 that morning, and there were four wounded with him in addition to him. Then at 0930, which is 45 minutes later, a second booby trap was tripped and three were wounded.

A. Now, this is still in the same area.

Q. From what we have been able to determine it was probably within 100 or 200 meters.

A. Okay.

Q. Now, there were two helicopters that came in to evacuate these people. Did you see either one of them?

A. If I'd seen any one of them it probably would have been Lieutenant COCHRAN. I'm not sure if I did or not.

Q. He was in the first group?

A. He was in the first group.

Q. Possibly one of these helicopters could have been the command and control ship that belonged to Colonel BARKER. You don't know if this was?

A. No, I don't, sir. I wouldn't know if I'd seen it unless somebody told me.

Q. Well, this ship, of course, wouldn't have medical markings on it.

A. I don't know if he was the one that came in or not, sir.

Q. In the meantime the 1st Platoon moved on down the trail that you crossed and moved on down toward the east and was crossing that bridge. They reported at 0955 that 12 VC were killed, and they conducted their operations after that. Now, what I'm interested in is what in your particular area occurred after these wounded were evacuated. After these two booby traps were detonated or mines, whichever they may be, probably mines, what happened after that? Did you go over there? Did you do any ordnance disposal or anything at that time?

A. No, sir, I didn't.

Q. Did you stay with the platoon leader?

A. Not exactly with the platoon leader. I was out in front of him a little ways. We started on our sweep, I believe, after we took care of Lieutenant COCHRAN and his

men. We started to sweep out a ways. I'm sure we must have stopped long enough, if there was a chopper to come in, to set up a perimeter for it. We did start our sweep.

Q. Where did you go? Do you know?

A. Right straight through the village, sweeping on sort of an angle. We didn't go right directly into it.

Q. Well, did you set up a command post or something that day, later that day?

A. We set up an outside perimeter and stayed there for a while.

Q. Outside the village?

A. No, this was after we swept through, I believe.

Q. Did anything happen in the village?

A. Not that I know of. They picked up a few civilians. I believe there were civilians in there and I think we questioned them. That was about it.

Q. I show you Exhibit P-208. Did you ever see those people?

A. I think I did, sir.

Q. Where was that?

A. I believe it was just on the edge of the village. I'm not sure. I believe I did see them.

Q. Right in the area of the perimeter?

A. They were inside the perimeter when I'd seen them.

Q. What happened to those people?

A. I think they brought a chopper in and took them out. I was on the other side. I come over here to pick up

some rations, and I'd seen some people. I don't know if these were the ones or not.

Q. Were these by the company headquarters?

A. I believe it was. I'm not real sure. It was close to the area anyway. I'd seen them when I was going up that way.

Q. What about P-209? Do you recognize anything in that photograph?

A. No, sir, I don't recall it except it might be where the CP was set up at.

Q. Did you see any ARVN's or Vietnamese National Police come into the company that day?

A. No, sir.

Q. Did you see C Company when they linked up?

A. Yes, sir.

Q. Did you talk to any of them?

A. I might have passed a few words what their mission was on the other side. That was about all. I'm sure we talked to them. We always do when we see some of the other companies out there. We usually, when passing through, talk to them a little bit.

Q. Did you see any ARVN with C Company, Vietnamese military?

A. No, sir, I didn't. I only seen a few of them.

Q. You didn't see any that day?

A. No, sir, I didn't.

Q. Did you hear any firing in the area that night?

A. Not that I can recall.

Q. Did anything unusual happen that night that you can remember?

A. No, sir. We had a few civilians with us we wouldn't release until the morning.

Q. Where were they, inside the defensive position?

A. No, we had them down there. They were down in the area we were set in at, eight or nine of them down there.

Q. Who was with them?

A. The only one that was down there with them was the ones that set up a perimeter around this area, around the whole CP group.

Q. They were inside the perimeter then?

A. Right.

Q. How many were there?

A. Eight or nine.

Q. Do you remember seeing any VC? P-18?

A. I think I remember seeing this old fellow back here.

Q. The old man facing the camera in the center. He's the one you are talking about?

A. He might have been one of them. The captain was talking to that one back there if that's the one I'm thinking of. I saw him. That's possible.

Q. What about this group? P-19?

A. No.

Q. Did you ever see this location, P-20?

A. I don't recall. This must have been where the 81's were set up at I guess. That's the weapons.

Q. What about these two people in the center back part of the photograph; the one without the helmet standing and talking to the lady on the ground? Did you ever see those people before?

A. I don't think so.

Q. How about these two? Did you ever see those military personnel before, P-21?

A. No, sir, not that I can recall.

Q. P-22?

A. That man, I'm sure I've seen that man, but I can't recall the other two.

Q. You say in P-22 photograph the old man is the same as the old man in P-18?

A. He's got a beard. It looks like him. I'm not sure it is though.

Q. P-23?

A. All I know there is the captain.

Q. MICHLES is on the left. Have you ever seen either of these two Vietnamese soldiers before?

A. No, sir, I haven't seen them. If they were in the same uniform, that's the thing. If they were in the same uniform, I probably would recognize them.

LTC NOLL: Did you ever destroy any food? Did you destroy that village that day when you swept it?

A. I don't think we destroyed anything in it that day.

COL WILSON: Did you hear any firing or explosives in there?

A. While we was inside, sir?

Q. Yes.

A. I don't believe we heard any firing while we was inside the village.

LTC NOLL: Was that a pretty slow day?

A. You mean enemy-wise?

Q. Yes, what you did?

A. Yes, it was. There wasn't much activity at all that day where we went.

COL WILSON: The next morning the 1st Platoon had one man wounded on a booby trap down there by the bridge. That was reported at 0810.

A. It was a mine, sir, is what it was. They called it in and asked me to come across the bridge. As I was approaching the bridge, he must have stepped on it or something or played around with it, and it went off. He's the one that found it and reported it, and he's the one that detonated it.

Q. Who?

A. The fellow that found it. I can't remember his name.

Q. TAYLOR?

A. TAYLOR.

Q. TAYLOR was wounded.

A. Right. From what I understand, he's the one that found it.

Q. You mean he found it before he was wounded?

A. From what I could find out, he did. They called us over. They had me come over or start to come over.

Q. And that's when it detonated?

A. That's right.

Q. And he was messing around with it?

A. He must have been.

LTC NOLL: Did he lose his balance?

A. I don't know, sir. I was just coming across the bridge or just approaching it when it went off.

COL WILSON: Where was that mine?

A. Right below the bridge.

Q. Off--

A. (Interposing) It was off to the side just a little bit.

Q. Was it on an incline or something where somebody could fall off on it?

A. I don't believe it was. I think it was just buried in the sand.

Q. And how long had you been on the way up there? How long had you received the word to go forward when you heard the explosion?

A. Oh, about 10 minutes maybe, maybe not that long.

Q. How long did it take you to get there?

A. Quite a while. We received fire going across the bridge. This after--you see, when I approached the bridge--

Q. (Interposing) He stepped on it?

A. He had done stepped on it. I went ahead and was going across the bridge, and I received sniper fire going across the bridge.

Q. You did? Was anybody with you?

A. Yes, sir, I think there was two men with me--crossed with me.

Q. Where were they from?

A. They were from the same company, B Company.

Q. I mean were they from your platoon or 1st Platoon or what?

A. They was from the 3d Platoon.

Q. Had this been the first sniper fire that they received or what?

A. This morning, this was the first sniper fire we received. I don't know about the 1st Platoon.

Q. How did you get across the bridge under fire?

A. Ran.

Q. Did your people return fire or was fire returned from the other side of the bridge?

A. I believe the two boys behind me started firing as we was going across, and the 1st Platoon returned fire, too.

Q. Which was on the other side.

A. Yes.

Q. What about the 3d Platoon? Was it in any position or was it still back on the road?

A. I believe they was in position to fire. I don't know whether they fired or not.

Q. You said it took you a while to get up there. If the platoon was up there in a position to fire, they must have been fairly close to the bridge.

A. This was before we went across the bridge. We set up before we went across the bridge.

Q. You got to the bridge and waited?

A. Waited until they got into position. There was sure no cover going across that bridge.

Q. Yes, but I was under the impression that you moved forward from the platoon and started across the bridge when you got sniper fire.

A. No. Now I was up to the bridge, approaching the bridge, when I believe TAYLOR stepped on the mine. I moved across the bridge after we had some men set up across the river bank.

Q. Did the firing start after he stepped on the mine or when you started across the bridge?

A. When he stepped on the mine, I think, just a little after he stepped on the mine.

Q. So the firing started as a result of that mine going off?

A. It must have been. I believe that must have been what they was waiting for. They had a few other times when somebody stepped on a mine and we received sniper fire at the same time.

LTC NOLL: The enemy fire had started at the same time he stepped on the mine?

A. I think it was just a little after. It started just the instant that he did step on the mine.

Q. Was there any response as far as the 1st Platoon firing before the sniper fire started, or did they wait until there was sniper fire before they started firing?

A. I believe they waited, and I don't believe they just fired because the mine went off. The reason, I think, it had to wait a while was because there was no sniper fire at all until I got up on the bridge.

Q. What was the order of march approaching the bridge? What platoon was in the lead?

A. I believe B Company was in the lead going to the bridge.

Q. It would be B Company. What platoon was in front? You had one platoon across the river, you've got two platoons approaching. Was the 2d Platoon behind the 3d Platoon?

A. They must have been because I believe we was the first ones there, sir.

COL WILSON: Well this wouldn't make sense. If there were 10 men trained in EOD, wouldn't the 1st Platoon have had an EOD man over there?

A. Well, actually there was only one in the company, and that was me.

Q. (Interposing) You were the only man in the company EOD trained at this time, right?

A. Right, sir. Now 1st Platoon did do some of their own demolitions. In fact, all of the platoons did, but I done most all of it though. Usually the captain would call me up to blow up these mines or these bombs. If he found them, he would call me instead of having somebody else do it.

LTC NOLL: Let me ask you now what was the time interval between the time TAYLOR was wounded until the sniper fire started?

A. A few minutes I believe.

Q. Did the sniper fire resume? I'm assuming that once you all returned fire that the sniper fire was silenced. Did it resume a second time or was that it?

A. Well, when we returned fire, they was still firing, sir.

Q. You didn't fire all morning and then finally succeeded in silencing the fire. I'm kind of curious--

A. (Interposing) They didn't fire all morning. As we were firing, they were firing too I guess.

Q. How long did this exchange of fire last?

A. About 5 or 10 minutes at the most. It didn't last long.

Q. Were there gunships on station at this time or did they come in later?

A. There was a gunship there. I don't know if he come in as we was firing or after we quit firing. One was there because he was firing, too.

Q. Had the medevac ship come in to take out TAYLOR?

A. Yes, sir, he was flying in.

COL WILSON: When you got there, he was flying in?

A. Yes, I believe he was. I wasn't paying too much attention to it. I know there was one there though.

LTC NOLL: We've got the big events fixed, but I don't say we have a real precise picture of what happened there. I think you are one of the few people we have had that was really right there on the spot after TAYLOR stepped on this mine that would be able to take us through this step by step. Now, would you try to do that please and I'll try not to interrupt you?

A. Now, this was approaching the bridge?

Q. Let's take it from the time TAYLOR stepped on the mine. What your platoon location was, and what you remember.

A. I remember the 1st Platoon called Lieutenant LEWIS and requested him for me to come over and blow the mine. He sent word back to me to come forward which I did. He told me that they had mines over by the 1st Platoon across the bridge. As we approached the bridge, I'm sure I asked the lieutenant to set up some men along the bank just in case we did receive sniper fire going across the bridge, and he did. After he had them set up, I was going across the bridge. The mine went off before I started on the bridge though. The mine went off as

I started across the bridge, got about halfway, I believe, a little over or a little less than that. We received sniper fire and the two men behind me jumped off right alongside the water. I went on over in where TAYLOR was at, and the 1st Platoon was returning fire. The 3d Platoon was too, I believe. The men behind me was returning fire as they was coming across the bridge. Now, where TAYLOR was at they must have drug him back off by the lieutenant, because he wasn't there when I jumped in there.

Q. I would guess that the medevac chopper was not there at this time frame.

A. I'm sure he would have had to come in after the fire.

Q. Did you destroy any mines at this time? Did it take some time to search the bridge out for mines as you moved to mark it?

A. The only thing we come across was some mines on the other side after we come across. At this time we had a few other EOD's. Now, where these come from I don't know. I didn't even know they was in the company, and they set some charges on the other side. They must have been called in by battalion or somebody.

Q. Was that before the company crossed or after the company crossed?

A. I believe it was there at the time they was setting the charges.

Q. What can you tell us about the gunships?

A. Well, the only thing I can tell you about that is that he was firing over our heads. He was on the side, north side I believe, firing south. He made a couple of passes.

Q. One or two passes?

A. I believe it was one. It could have been two. They usually run around two, but I don't recall a second one.

Q. You didn't assist in loading TAYLOR on the chopper?

A. No, sir, I didn't.

COL WILSON: What about these extra EOD personnel? Where did they come from?

A. I have no idea, sir.

Q. How did they get in there?

A. I don't know that either, sir. They must have been in with somebody else because I didn't notice them until they was coming back.

Q. I don't know how they would have gotten in there.

A. I'm sure there was two EOD's. I'm sure they set those charges off over there.

Q. Where were they from?

A. I don't know, sir. I know they wasn't from B Company. In fact, I know they wasn't. They must have been called in from somewhere else. I'm sure they set the charges off because they was using C4. I usually didn't have that because it's pretty hard to get a hold of.

Q. You mean they exploded the other mines, in the area?

A. On the other side.

Q. On the other side where TAYLOR was?

A. No, sir, this is on the side I come across from.

Q. There were mines on the west side also?

A. I believe so, sir. They had charges set over there. Now, if there was mines under there when they set those off, it's pretty hard to tell. It could have been just small mines.

Q. They just had charges set, to explode the mines?

A. I don't believe so. They had them--they wasn't just in an area. It was along the trail. Alongside of the trail. They was spaced--there was a pretty good distance in between.

Q. The charges?

A. Yes, sir, and they had some up by the bridge which they could have been just demolishing the ground checking for it. They were setting charges across there.

Q. Oh, you mean they could have been just placing these charges out for detonation of mines and booby traps in the area.

A. That's right, sir.

Q. Was that normally done?

A. I don't know, sir. I never done it. This is the first time I ever seen it done.

Q. But these were on the west side of the bridge. On the other side of the bridge, who got rid of those extra mines over there? Who demolished those?

A. As far as I know, there were no more over there. I didn't see any charges over there that I know of.

Q. We've had people say that there were other mines within the same area where TAYLOR was wounded that were marked with tape.

A. That's possible. Like I say, I didn't see them or I didn't hear any explosions over there.

Q. Why would they have done that? Why would they have marked these mines?

A. It's possible that the 1st Platoon did.

Q. All right. When you got over there, what did you do? The mine had already been detonated.

A. The only idea when we got over there was to return fire for a while, and after that there wasn't nothing left. I went back across the bridge.

Q. You did go back to your platoon then?

A. I went back across the bridge.

Q. So you didn't go over there to look and see if there were any more mines?

A. No, sir.

Q. Now where did these EOD personnel--were they engineer crews?

A. They must have been.

Q. You don't get composition C as a rule?

A. No, sir.

Q. Did you see them detonate these charges that they placed along the trail on the west side of the bridge?

A. I don't believe I did. I saw some charges. I don't recall them detonating them off when I was around anyway.

Q. Were these charges linked together with firing cord or detonating cord or what?

A. No, sir, they had time fuses.

Q. On each charge?

(The witness nodded in the affirmative.)

And you went back to the platoon and you crossed over when your platoon crossed?

A. Yes, sir. We were sent back across the bridge after the platoon went over to set up a perimeter on that side of the bridge.

Q. You're talking about the east side towards the ocean.

A. No, this is after we went across the bridge, sir. The whole platoon--a few men, I guess a squad, went back across to the west side and set up a perimeter over there.

Q. For how long?

A. A couple of hours. We was there for a while.

Q. Did you go back with them? Were you on the west side of the bridge to set up the perimeter?

(The witness nodded in the affirmative.)

LTC NOLL: In how long did all this take place?

A. You mean setting up the perimeter and going across the bridge?

(Mr. WALSH entered the hearing.)

Q. Yes. Let's take how much time elapsed from the time TAYLOR was hurt until the time you went back to set up a perimeter on the west side of the bridge?

A. Well, I'm pretty sure the snipers were gone. We went back across the bridge. When I was back across there they had these--I believe they had these charges on the ground and then the 3d Platoon went on across. Now, coming back I don't know if those charges were already blown or not. I'm sure they must have been, sir. I don't recall seeing them coming back across. And we, the squad, set up a perimeter right there along the river bed. I'd estimate 1 hour and 45, I guess, something like that.

Q. You stayed there 2 hours?

A. Approximately 2 hours.

Q. That would have made it about 10 o'clock in the morning.

A. Somewhere around there. I know we moved out the first thing that morning toward the 1st Platoon.

Q. Where was the 81 millimeter mortar set up?

A. I don't know, sir.

Q. What did you do when you moved out to west of the bridge?

A. Moving out, sir?

Q. Yes, you said you didn't stay there.

A. I believe we went back across and set up a perimeter, or moved down and set up a perimeter. I know we stayed over there I'm sure that night.

Q. What did the rest of the platoon do while your squad was on the west side of the bridge, do you know?

A. No, sir, I sure don't unless they was setting up a perimeter. I believe we set the perimeter right there. I'm not positive.

COL WILSON: The log shows at 0810 that TAYLOR was wounded and at 0845 you received sniper fire. That's not necessarily all the facts but that's the way it was recorded, which puts the sniper fire received after TAYLOR was wounded. It could have been a phase of the earlier sniper fire. There was a reasonable conclusion drawn that there were four or five mortar rounds fired the first day on the other side of that bridge. About three or four of these were duds. I wonder if it is possible that any of these so-called booby traps and mines could have been one of those mortar duds somebody was fooling with?

A. It could have been. I don't believe it was. Of course, I don't know. I wasn't there.

Q. From an EOD standpoint, a mortar round dud, how easy is it to detonate?

A. I don't know. I never messed with the stuff. I don't recall ever being told about it. I'm sure we did. I

believe they are not too dangerous. They are dangerous, but they are not real sensitive.

Q. The company minus moved south that day, went all the way down to the Tra Khuc River down on the south. Did you stay with the platoon or did you go down with the company?

A. I stayed with the platoon. I always stayed with the 3d Platoon.

Q. Well, do you remember what you did that day after the action that morning?

A. Set up a perimeter, I believe, sir.

Q. Stayed right there?

A. I believe we did. I know we did move up north on the same day or the following day.

Q. That day, do you recall B Company moving off south, you staying there, or what?

A. We stayed there. I'm sure we didn't move.

Q. Did anything happen that day at all that you can recall?

A. No, sir, not that I can recall. Are you referring to that side of the bridge?

Q. Yes.

A. No, sir. I know we did booby trap the area.

Q. You booby trapped it?

A. Well, set up flares and things like this.

Q. That's for the night laager?

A. Yes.

Q. Now, what about that night. Did anything occur that night?

- A. No, sir, not that I recall.
- Q. Did you have any detainees in that area that night?
- A. Not that I recall, sir.
- Q. Do you remember a helicopter coming in late that day bringing in--
- A. (Interposing) I believe there was a chopper coming in with supplies on it.
- Q. What kind of supplies?
- A. Rations.
- Q. Did you need any more explosives by that time?
- A. I don't believe I did, sir, because I don't recall ever asking for any more. I usually don't get explosives off the chopper anyway. I usually wait until we get back in unless I just have to have some.
- Q. Did anybody else in the company carry explosives besides yourself?
- A. No one carried them in the company.
- Q. You normally wouldn't carry enough if you had to blow more than one bunker.
- A. I used to carry enough--I carried quite a bit about 10 or 15 pounds. It goes quite a ways. Like I only blew one bunker and usually what I did blow was mines and bombs. It don't take much.
- Q. Couldn't you almost do that with a detonating cap?
- A. Not a bomb.
- Q. How about a mine?
- A. You can with a mine. It don't take much to set off a mine.

Q. Actually you could fire on it.

A. I believe you could.

Q. You don't recall anything about that day after that morning.

(The witness shakes head in the negative.)

LTC NOLL: While you were in that position did you go to the village, it would be right to the east where the 3d Platoon was the night before, to look around?

A. This was across the bridge where we set up a perimeter, sir?

Q. Yes.

A. I don't recall seeing a village around there. There was one we passed through on the west side, I guess maybe 200 meters off away from the bridge. There was a couple of hootches there.

Q. This action in the morning with snipers, did the company sweep that area and turn up any bodies?

A. Not that morning. I believe we found a woman the next morning. It looked like she had been out there quite a while.

Q. Did you bury her?

A. Yes, we did.

Q. Did she have a neck wound?

A. I don't recall, sir. She didn't smell too good. I didn't get too close to her. She was still in a hammock or something they carried her in. Whoever carried her, I guess after she died or they got in a hurry or something they must have just left her there. This must have been when the 1st Platoon came over there I guess. But she had been laying there for a long time.

COL WILSON: Who buried her?

A. A few men in the platoon, sir. I don't know exactly who they were.

Q. Did you see her?

A. Yes, sir, I did see her.

Q. Do you remember the type wound she had?

A. No, sir, I didn't even notice the wound at all.

Q. Do you remember the next morning anybody finding a cache of rice, about 3,000 pounds?

A. No, sir, I don't believe we did. Oh, yes, sir, I do. I sure do. I believe they found some rice buried. It was buried. Somewhere they found some rice. I believe it was buried. I believe it was rice, and I think we bagged it up and shipped it out.

Q. What kind of bags did you put in it?

A. Sandbags, I believe, that's what we used.

Q. Was this rice underground somewhere or was it in a bunker or what?

A. Well, it was just buried in the sand with plastic all around, what we found.

Q. That was reported at 0755, pretty early in the morning, when it was found. I guess it was before that time that B Company came on back from the south. They laagered down there that night. They came on back from the south, and you joined them moving north. Do you recall this?

A. B Company coming from the south?

Q. Yes.

A. No, sir, because B Company was there where they found the rice.

Q. Well, they would have joined you by that time. I'm not--

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A. (Interposing) You've got me lost now because I'm with B Company.

Q. Yes, I know. You remember that you stayed up there by yourself that night, the platoon, while B Company was in the south. B Company came back and started moving north.

A. I don't recall them hitching up with us.

Q. You don't remember going up toward the big village that day?

A. No, sir. The next morning, I'm sure we moved out towards the north on the east side of the river there. I don't recall hitching up with the rest of the company.

Q. Did you see any ARVN or Vietnamese military that day?

A. No, sir, I didn't, not that I know of.

Q. Did you see any Navy ships out there that day?

A. I'd seen some, but I don't recall if it was that day or not.

Q. How about the day before?

A. No, sir, I know I didn't see any then.

Q. What happened after you moved up there and started moving into these villages up in the northern part?

A. We never did run across any villages.

Q. You didn't?

A. Not that I recall. It's just a sandbar all the way down there. There were some villages on the west side over there, but we never did cross to them. There was a village, I believe, almost all the way to the top up there. I don't know if it was on our side or on the other side. I think there was a breaking point in there somewhere and the ocean come up. We never did go up quite that far, I believe.

Q. Where was MILUS killed?

A. He was killed when we set up that perimeter that night. That's when the whole company was there, but I'm sure they didn't meet up with us, the 3d Platoon. I think they met somewhere along the way up there on the other side of the river. I don't recall them moving up with us that night. He was killed on that sandbar the night we set up the perimeter.

Q. Do you recall rounding up a whole bunch of civilians that day out of the villages?

A. Yes, sir, I do.

Q. Do you recall a MEDCAP, a medical team coming in there?

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

Q. You don't recall that. Do you recall any interpreters or any MI personnel coming in there?

A. No, sir, those EOD's were there. That's the only thing that I can recall.

Q. The EOD's were with them again?

A. Yes, sir.

Q. What did they do, did they stay with them.

A. They was there the next morning, because they went out there and blowed some rounds that was fired in.

Q. Fired in where?

A. We received some mortars that night and the next morning.

Q. That's the next day then?

A. Yes, sir. They went out and blowed some 105 rounds, duds. I think they blowed one or two of them.

Q. Now, let's go back here to the day you moved up there, the day you moved up that sandbar. Do you remember mortar fire or any artillery rounds being fired into that village, into that area?

A. No, sir, I don't.

Q. You don't. Did you get any ordnance disposal that day at all?

A. No, sir.

Q. What did you do that day, did you stay with the platoon CP or what?

A. I stayed with the platoon, but I went out with them to gather up people.

Q. Did you go through villages or did you stay down on the beach?

A. I went through villages.

Q. Did anything unusual occur?

A. No, sir, not at that time. I don't remember receiving fire or anything that day.

Q. You spent most of the day rounding up people and sending them back to the company?

A. Yes, sir.

Q. And what happened--what time did you go back to join the company again, back at what was to be the night defensive position?

A. After we got through rounding up all the people that was in the village, it must have been in the afternoon, I guess.

Q. And you moved in and set a night defensive position.

A. Yes, sir.

Q. At that time were these EOD people with B Company?

A. Yes, sir, I believe they were.

Q. Did you talk to any of them?

- A. No, sir, I never did talk to them.
- Q. Were they the same ones that were with them the first day?
- A. They must have been because I don't recall any choppers coming in with them.
- Q. All right, now, I want to find out what I can about this detonation of 105 rounds. Where were these rounds?
- A. Well, they were between us and the village.
- Q. Who knew where they were?
- A. The search party that went out.
- Q. They spotted them?
- A. Yes, sir, I believe they must have spotted them.
- Q. This EOD team went out there?
- A. Yes, sir, there was two of them and myself went out. I think we had a couple of men with us.
- Q. You went out?
- A. Yes, sir.
- Q. Well, how many rounds did you detonate?
- A. None, sir.
- Q. Did you find any?
- A. Yes, sir, I think we found an 81 round.
- Q. Whose was it?
- A. It was ours.
- Q. From the night before?
- A. From the night that we received the mortars.

- Q. After you got the attack.
- A. Yes.
- Q. And what did you do with that?
- A. The EOD's that was with us blew it, sir.
- Q. So you all went out as one team?
- A. Yes, sir.
- Q. Then what else did you find?
- A. We found--I believe it was one or two 105 rounds which somebody else had located. We did find an 81 round.
- Q. And what about the 105's, did you blow those.
- A. Yes, sir.
- Q. Now, there was a total of three people in this group, you and the other two EOD personnel.
- A. Yes, sir, plus the men we took out with us.
- Q. How many was that?
- A. I think it was three or four of them went out with us.
- Q. All right. The night that you received that mortar attack, was there anything unusual about that attack that you can recall? We know they got between five and six rounds and MILUS was killed and so forth.
- A. The only thing I recall unusual is the captain asked us to fire an M-79 round every 30 minutes.
- Q. In what direction?
- A. In the directions from which the perimeter was set up, west, south and north.
- Q. Outside the perimeter area?

A. Yes.

Q. And how often were these 79's supposed to be fired?

A. Every 30 minutes, sir.

Q. One from each platoon or just--

A. (Interposing) One from each position that had an M-79.

Q. Were there any flares that night?

A. Not during the firing we was doing, not before the attack. The only flares I recall was after the attack, and they had a "Puff the Magic Dragon" flying around. He was dropping flares.

Q. Why do you think it was unusual to fire that M-79 after you received an attack like this?

A. This was before, sir.

Q. This was before you got that attack that he said to fire the M-79's every 30 minutes?

A. Yes.

Q. What time did you start this fire?

A. I'm sure it must have been after dark, sundown.

Q. And you don't recall whether there was any artillery fire placed in there before that attack, single rounds?

A. Well, if there would have been anything, it would have just been a bearing on setting up the perimeter at night. If they fired some artillery out there, it might be marking rounds. They would have been the only thing fired.

Q. Do you remember a woman being brought in that had a very badly wounded leg and was evacuated?

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

Q. This is P-214. Does that photo look familiar to you in any way?

A. No, sir, it sure doesn't.

Q. Beginning with the 16th of March through the 18th, 19th of March, did you see any bodies except the woman that you found up there on the hill?

A. No, sir, not that I recall. I haven't seen any bodies at all.

Q. Did you see any new graves the 17th or the 18th?

A. No, sir.

Q. Do you have any knowledge of an investigation or inquiry being made on this operation while you were in Vietnam?

A. No, sir, I didn't know this incident happened until I got a telegram the other day. I thought this happened after we left.

Q. Was there anybody in your unit that you know of that was questioned about this time about this operation?

A. Not until I received the telegram.

Q. I mean in Vietnam while you were still--

A. (Interposing) Oh, no, sir. Not that I recall.

Q. Did you ever hear any rumors that civilians had been killed unnecessarily by B Company or C Company on this operation?

A. No, sir.

Q. Did you hear anybody talking about a large body count on this operation, a large number of people being killed?

A. No, sir, I didn't hear anything about the body count or anything like this.

Q. Nothing about excessive kills?

A. No, sir.

Q. Were you ever told not to discuss the possible unnecessary killing of civilians by Task Force Barker?

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

Q. Do you know of, or at any time on this operation did you see, Vietnamese being tortured or mistreated by U.S. or ARVN military personnel?

A. No, sir. I know they had some there, but I didn't see them mistreating them or anything. They were asking questions of them.

Q. Who was asking them questions?

A. Well, the captain was talking to one of them or trying to talk to one of them. That's the only one I seen, that old man there.

Q. And as I recall your testimony, you said you didn't see any ARVN military personnel in there.

A. That's right. It's just what I said, the captain was talking to them. Well, they could have been there, sir, but I didn't notice them.

Q. Did you hear of any mistreatment?

A. No, sir.

Q. Do you know if marijuana was a problem in B Company?

A. I don't think it was a problem. They pretty well kept it under control. If it did bother the men, they left it alone.

Q. Do you think marijuana was used before operations?

A. I don't know, sir.

Q. During operations?

A. I doubt it. It was probably used after we returned to the fire base or something. I think it was used then. I never even seen anybody using it myself. I heard the captain talk about it a few times.

Q. You did?

A. Right, sir.

Q. What did he say?

A. He just told us about it, what kind of damage it can do to you and after effects on it.

Q. Mr. GUTHRIE, have you got any further testimony, any further statements, or anything that might assist us in this investigation?

A. No, sir, not that I can recall.

MR WALSH: Mr. GUTHRIE, on the second day as you moved down across the bridge and joined up with the 1st Platoon, do you remember having any discussion with anybody in the 1st Platoon or anybody in the company about how the 1st Platoon shot up the village there the day before?

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

Q. You didn't hear anything about MILUS setting up a machinegun, and shooting everything that moved in the village?

A. No, sir. The only time I seen him use the machinegun is when we received that sniper fire.

Q. You could see it. Were you across the bridge at that time?

A. Yes, sir, I was over with the 1st Platoon at this time.

A. And I suppose you already described for Colonel WILSON and Colonel NOLL what you did at that time. Did you hear anything, either at the time you joined up with the rest of the company or later, with respect to the people in the 1st Platoon maybe blowing bunkers with demolitions or shooting into some hootches that might have had some people in them?

A. No, sir, not that I know of. The 1st Platoon usually don't carry any explosives at all. If they do carry it, it's very few, just enough to blow their own mines if they run across them. That would be about it.

Q. Do you know on occasion if they ever got special supplies, demolitions, if they ran into an area with a lot of bunkers to blow?

A. No, sir. If they do, they usually contacted me to see if I had anything if they called in something like this.

Q. Was anyone in the front element, the 1st Platoon, pretty good at demolitions?

A. If it would have been anybody, it would have been TAYLOR.

Q. How about HOOTON?

A. I'm not sure. I know HOOTON messed with it before. I don't know if he was real good with it.

Q. Do you know if there was an exceptionally large amount of demolitions used in this operation?

A. Well, I didn't use much. I don't know if the 1st Platoon--I don't think they had any or they called me over, but there was two more EOD men that used them. I don't know how much they used. I know that they were using C4.

Q. Were they from the 1st Platoon?

A. No, they must have been with the CP.

Q. What were their names?

A. I have no idea. I talked to them a little bit, but I sure don't know their names.

COL WILSON: You can give us no further information whatsoever on these EOD personnel?

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

Q. The type of patch they had on, their uniforms, the unit they were assigned to?

A. If they did come in, sir, they would come in off of LZ Dottie, if they would have come in from anywhere else besides Uptight.

Q. Did you ever see them back there at Dottie?

A. No, sir.

Q. Did you ever see the engineers at Dottie?

A. Not that I recall.

Q. You have no further testimony at this time?

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

Q. No further statements?

A. No, sir.

Q. Did you have a camera?

A. Yes, sir.

Q. Did you have it with you this day?

A. I probably did. I always carried it with me.

Q. Where do you keep your photographs?

A. In a photograph book.

Q. When you get back, would you look through that book and see if you can identify any photographs that were taken during this period?

A. Yes, sir, I sure will.

Q. And if you do, would you mail them to us so that we can reproduce them and send them back to you. These photographs here we got from CONGLETON. These were slides, 35 millimeter. We sure would appreciate getting copies of them.

If you can mail them in, we'll give you an envelope before you leave with our address on it. All you'll have to do is put them in there. Major THOMAS will get them back to you. We're trying to build up anything we can. Some of these are very helpful when you talk to a witness on something that happened 2 years ago, anything you can do to fix this in his mind is a great asset.

A. Well, I'll look through it and see if I can find anything for you.

Q. I would greatly appreciate it. Do you know of anybody else that had a camera on this operation?

A. No, sir, I sure don't. I'm sure there was somebody else there, but I sure can't tell you who it was, unless it would be NAVARRE. He carried one with him.

Q. We need those photographs if you've got any; also, in conjunction with that, any documents that might help fix time and place. Sometimes people keep diaries, sometimes letters, tape recordings, and stuff like that, anything of that nature. And in conjunction with this photography, if you do have photographs, when you go to mail them in as soon as you find out that you have these photographs, would you call us collect and let us know that you've got them on the way?

A. I sure will.

Q. You've got our phone number, I think. You've been talking to people up here. Who have you been talking to, MACHUSICK?

A. Yes, MACHUSICK.

Q. Just tell MACHUSICK that you've got some photographs and you would like to mail them in. He'll pass it to me. You could talk to me but I'm usually involved in this. It would just take up time. We can usually get these things reproduced in a period of a couple of days. It shouldn't take much longer.

A. If I got the negatives, do you want those or the pictures?

Q. Actually it probably would be--if you could identify the--are you talking about 35 millimeter or photographs? You're talking about photographs. It would probably be best if you sent the negative because that way we know what the sequence of the prints is.

A. I usually always keep the negatives.

Q. We can use either one. We try to, whenever possible, work them in sequence. If we know what the sequence of photography was, that would locate the guy that took the pictures.

A. Well, I will look through them and see if I can find them.

COL WILSON: I would appreciate it. We're interested in your pictures of 15, 16, 17, 18, 19, and 20 March, about the time COCHRAN was killed and 3 to 5 days after that. That's the period we are talking about. We sure appreciate your coming in.

The hearing will recess.

(The hearing recessed at 1206 hours, 2 February 1970.)