

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

Volume II
TESTIMONY

BOOK 16

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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 16

**JOHNSON, W.
KOTOUC
LEWELLEN**

**MARTIN, T.
SAMS
STEPHENS**

**TAIT
VAZQUEZ
WARREN**

14 MARCH 1970

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SUMMARY OF TESTIMONY

WITNESS: JOHNSON, William J., MSG

DATE OF TESTIMONY: 18 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Operations Sergeant,
Task Force Barker.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

JOHNSON was not present at the preoperational briefing (pg. 5); however, he believed it was held in BARKER's van (pg. 6). There was no operation order cut on this operation and to the best of his knowledge there was no written information about it (pg. 6). He recalled nothing being said about the burning of hootches or the killing of livestock (pg. 6).

2. ASSAULT ON MY LAI.

a. Knowledge of the operation itself.

He believed that the operation was proceeded by a three to five minute artillery prep, but he did not recall where it was placed (pg. 7). He believed the LZ was cold (pg. 8). He remembered the arrival at LZ Dottie of KOSTER followed by BARKER's briefing but he did not recollect the arrival of Colonel HENDERSON (pg. 10). He did not remember whether or not BARKER went out to the field to talk to MEDINA (pg. 11). He recalled neither HENDERSON's order to C Company to resweep My Lai (pgs. 12, 13), nor KOSTER's countermand of that order (pgs. 13, 16).

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b. Discussion relative to the operation overheard by JOHNSON.

JOHNSON kept the logs at the TOC and therefore was present at the TOC during the operation (pg. 8). He recalled no discussion concerning 69 people being killed by artillery (pg. 9). However, he agreed that this is a large number of dead for a three to five minute artillery prep (pg. 9). He remembered no conversation over the radio concerning an order to C Company to stop burning hootches and to stop killing people (pg. 10). He did recall WATKE talking to someone about the death of civilians (pgs. 11, 18). However, he could not remember to whom WATKE spoke or the content of the discussion (pgs. 11, 18). WATKE might have been talking to CALHOUN (pg. 18).

c. Knowledge of the operation.

JOHNSON did not recall anything concerning the action which took place around Hill 85 on the 17th (pg.20). He remembered nothing about casualties or an air evacuation due to boobytraps on the east side of Hill 85 (pg. 20). He did not hear anything about noncombatants being killed in the area of the Cu Lay villages (pg. 20).

3. INQUIRIES AFTER THE ASSAULT.

JOHNSON was unaware that HENDERSON talked to some of the personnel of C Company when they returned from the operation (pg. 22). He never heard anyone in the unit refer to civilian casualties after the unit returned (pg. 19). He never heard of an investigation being conducted nor was he ever questioned in conjunction with such an investigation (pg. 19). None of his men ever spoke to him about what went on at My Lai (pg. 23). He recalled no discussion concerning the disparity in the weapons to body count ratio or the VC casualty to American casualty ratio (pg. 21).

4. REPORTS OF INVESTIGATION.

He was never aware that an investigation was being made (pg. 23). If someone were taking statements and there was an investigation being conducted, it would have been difficult to do it without him knowing about it (pg.26). He never heard of any information coming from the Vietnamese or from VC propaganda which would have made him aware that a

large number of civilians had been killed in My Lai (pg. 23). He never saw HENDERSON's report of 24 April (pg. 24). He heard of no complaints from helicopter pilots or crews that ground troops had killed civilians (pg. 12). He did not recall BARKER coming to him to ask for JOHNSON's help or the help of JOHNSON's section in getting a report together (pg. 29).

6. OTHER INFORMATION.

a. The after action report.

He did not know if civilian casualties are normally included in an after action report (pg. 21). He could not remember if it was normal for after action reports to cover only one day of a three to four day operation (pg. 22).

b. Tape recording made of the My Lai operation.

A tape of the transmissions coming from Task Force Barker was made on the 16th by Captain LEWELLEN (pg. 18). This was not regular procedure at the TOC, and JOHNSON did not know who gave the authority to allow it (pg. 18). JOHNSON never heard the tape again (pg. 19). It covered only a portion of the day's operations (pg. 19).

c. Report of noncombatant casualties to 11th Brigade.

JOHNSON reported that 10 to 11 women and children were included in the VC body count because he understood that it was his duty to report all incidents (pg. 14). He did not recall this particular report (pg. 14).

d. Telephone conversations which JOHNSON has had since the My Lai story broke in the press.

The only people with whom he had spoken concerning My Lai since the news broke in the press was Captain LEWELLEN, the company commander of Headquarters Company and the night TOC duty officer, and SFC STEPHENS, the S2 sergeant (pg. 4).

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SUMMARY OF RECALL TESTIMONY

WITNESS: JOHNSON, William J.

DATE OF TESTIMONY: 9 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Operations Sergeant,
Task Force Barker.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness did not recall being present for BARKER's briefing of the company commanders on the 15th (pgs. 33, 34).

2. ASSAULT ON MY LAI.

a. Personnel in TOC during the course of the 16 March operation.

JOHNSON recalled the following personnel being in the TOC at the beginning of the operation: Major CALHOUN; Sergeant STEPHENS; VAZQUEZ's artillery sergeant; possibly Captain LEWELLEN; possibly JOHNSON's clerk, BLACKLEY, (pgs. 34, 35). CALHOUN and JOHNSON monitored the radios with the help of STEPHENS and LEWELLEN (pg. 36). He recalled hearing nothing abnormal over the net all day (pg. 58). The witness believed that Captain VAZQUEZ and Lieutenant WATKINS were in the command and control helicopter with BARKER (pg. 35). He recalled that during the day Colonel HENDERSON, Colonel LUPER, Major MCKNIGHT, Colonel MACLACHLAN, and Captain VAZQUEZ came into the TOC and that there was a lot of noise there (pgs. 43, 44). He did not recall Captain KOTOUC being in the TOC (pg. 46). He remembered that HENDERSON brought in two VC suspects (pg. 48). He recollected KOSTER coming to the TOC and being given a five to ten minute briefing by BARKER (pgs. 48-50). However, the witness did

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not remember any of the conversations held between any of the parties and failed to remember the content of BARKER's briefing (pgs. 45, 48, 50). No one asked JOHNSON any questions, and he paid more attention to the radio transmissions than the conversations of those around him (pgs. 46, 49). He could bring to mind no talk about a body count (pg. 40). He remembered General DOLEMAN's visit, but he did not relate it to the operation on the 16th and did not overhear what was said (pg. 51).

b. Log entries made during the day.

The log was JOHNSON's special concern, and the TOC clerk could not make entries into it without the approval of JOHNSON, STEPHENS, CALHOUN, or the TOC duty officer (pg. 46). He did not know why the brigade log had an entry that 30 to 40 VC had left the area, which his log did not reflect (pgs. 63, 64). He could not explain why the Task Force Barker log showed 69 KIA at one set of coordinates at 0840 and the 11th Brigade log showed 69 KIA by artillery at a different set of coordinates at 0935 (pg. 42). He was at a loss to explain the variations between the two logs (pg. 64). He could not explain B Company's entry that none of its body count included women and children and he did not know why the report was made (pg. 55). No one told him not to put body count entries into the log (pg. 57).

c. Body count reports.

As the witness recalled it the 69 KIA due to artillery body count was transmitted to the TOC directly from C Company via the relay at LZ Uptight (pg. 38). However, he was not sure who gave him the body count coordinates (pg. 41). He did not know who made the spot report to brigade of this body count (pg. 40). He did not recollect any of the specific body counts that came in; he could only remember the total (pg. 55). He did not know of any body count reports coming in after 0840 (pg. 58). He did not recollect receiving a body count of 310 from MEDINA (pg. 54). He could not bring to mind any discussion about body counts which might have occurred after HENDERSON arrived (pg. 41).

d. Awareness of other events surrounding the operation.

JOHNSON did not recollect a call from either Captain MOE or Specialist KUBERT of the 123d Aviation Battalion at 0830 that a message had been heard over the air-ground net that Shark gunships were making a gunrun on civilians (pg. 36). He recalled nothing concerning BARKER's return to the TOC at 0900 and could bring to mind none of the conversations that occurred (pgs. 39, 40). He did not know if it was he who made a spot report to brigade of 69 KIA's at 0935 in the morning (pg. 42). JOHNSON could not recall an order given by Colonel HENDERSON over the Task Force net at 0900 that he did not want any unnecessary killing done (pg. 45). He did not recall overhearing a report by MEDINA that an interrogation had revealed that 30 to 40 VC had left My Lai before the combat assault had been effected that morning (pg. 63). He could not bring to mind a transmission over the air-ground net at 1100: "If you shoot that man I am going to shoot you" (pg. 58). He remembered nothing about HENDERSON's order to resweep My Lai, CALHOUN's transmission of this order to MEDINA, MEDINA's argument about it, or KOSTER's countermand of the order (pgs. 55-57).

e. Conversation concerning the killing of civilians.

He recalled overhearing something about the killing of civilians when WATKE was in the TOC in the morning (pgs. 51, 52). He thought he saw WATKE in person because he did not hear it over the radio (pg. 51). He did not know to whom WATKE spoke, perhaps it was CALHOUN (pg. 52). He did not see WATKE talk to BARKER (pg. 54). He recalled nothing else of this conversation or what actions followed it (pg. 53). He did not hear BARKER transmit a message to CALHOUN (pg. 54).

3. INQUIRIES AFTER THE ASSAULT.

JOHNSON never heard anything about an investigation, and he did not remember telling Sergeant STEPHENS that an investigation was planned (pgs. 59, 60). Neither ROBERTS nor HAEBERLE mentioned what they had seen on the operation to him, and he received no information concerning the incident from any source within the PIO shop (pgs. 60, 62). He did not know that HAEBERLE and ROBERTS had been refused entry to the TOC by CALHOUN, but allowed in by BARKER (pg. 61). He recalled nothing derogatory about the operation said by

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Lieutenant JOHNSON when the latter returned from the field (pg. 61). He had no knowledge of a meeting between YOUNG, HENDERSON, BARKER, HOLLADAY, and WATKE at LZ Dottie on the 18th (pg. 61). JOHNSON did not recall teasing from Sergeant GERBERDING about women and children being in the body count, and he did not recall GERBERDING saying anything about the operation (pg. 62). GERBERDING never mentioned a folder of papers he was keeping in his desk (pg. 62).

(The hearing reconvened at 1424 hours, 18 December 1969.)

IO: The hearing will come to order.

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

The next witness is Master Sergeant JOHNSON.

(MSG JOHNSON was called as a witness, was sworn, and he testified in substance as follows:)

Sergeant JOHNSON, would you please state your full name, grade, Social Security number, branch of service, organization, and station?

A. My name, sir, is William Joseph JOHNSON, Master Sergeant, United States Army, Social Security number , Headquarters and Headquarters Company, United States Army Infantry School, School Brigade, Fort Benning, Georgia.

IO: Sergeant JOHNSON, before we proceed with any questions, Colonel MILLER of The Office of The Judge Advocate General has some matters to inform you on.

COL MILLER: Sergeant, this investigation was directed jointly by the Secretary of the Army and the Chief of Staff, United States Army for the purposes of determining facts and making findings and recommendations concerning two major areas:

(1) the adequacy of prior investigations, not this one, but prior investigations and inquiries into, and the subsequent reviews of these investigations and reports within the chain of command, of what we now commonly refer to as the My Lai incident of about 16 March of 1968, and

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

The investigation is not being conducted to investigate all of the facts and circumstances of what happened at My Lai. It is directed to those two purposes

which I just mentioned to you.

We have had made available to us and we have reviewed prior official statements from as many witnesses as possible. We have knowledge of what is in these statements.

Your testimony will be taken under oath, a verbatim transcript will be prepared, and we are also putting this on a tape recorder.

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

You see several people in this room. Several of us may ask you questions. In order that you know who we are I will explain this briefly.

First, in front of you is Lieutenant General PEERS, and he has the personal responsibility of weighing the evidence and making the findings and recommendations on this case. On his immediate left is Mr. MACCRATE, a civilian attorney who is an assistant and advisor to General PEERS, Mr. WEST, who is from the Office of the General Counsel of the Army, Colonel FRANKLIN, and myself, Colonel MILLER. Any one of us may ask you questions during the afternoon.

Sergeant, you are ordered not to discuss your testimony in this investigation with other people, including other witnesses for this investigation, except in the performance of your official duties or as you may be required so to do before another administrative body or before a judicial tribunal such as a court-martial.

Are you now subject to the order of the military judge in the general court-martial case of United States v. Calley? Have you received any instructions?

A. No, sir.

COL MILLER: In the event that you do, and you will know when you do, your appearance here will in no way affect the validity of that order. If you receive that order you are of course expected to obey it. I have nothing further.

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IO: Sergeant JOHNSON, what was your duty assignment on 16 March 1968?

A. Sir, my main duty assignment at that particular time was operations sergeant, TF Barker.

Q. How long had you been in that capacity?

A. I'd been there, sir, since the task force formed, which was, I believe, the first part of January.

Q. What were your duties before that time?

A. I was assistant operations sergeant of the 11th Brigade, sir.

Q. And after 16 March, how long did you remain as the operations sergeant at TF Barker?

A. Until 1200 hours, April the 9th, sir.

Q. What happened then?

A. We closed the task force, sir.

Q. That was when the task force was disestablished, is that right?

A. Yes, sir.

Q. And what did you become then?

A. I went back to the 11th Brigade, which is located at Duc Pho. Sergeant Major KIRKPATRICK went and took over one of the battalions and I slipped into his slot as the brigade operations sergeant.

Q. We have talked to several witnesses, Sergeant JOHNSON, who were present in the TOC and working in the TOC area with TF Barker. From them we have gained the impression that you were the one that had a great hand in the function at the TOC.

A. Yes, sir.

Q. The total reporting of the operations--and perhaps as well informed, if not better informed, than anybody else. We are pleased you can be with us today.

A. Yes, sir.

Q. After the news of the My Lai incident broke in the press in the latter part of September or early October, since that time have you talked to anybody concerning what transpired at My Lai and within TF Barker?

A. Sir, I talked to Captain DANIEL.

Q. I am referring specifically to people who were related to TF Barker or the 11th Brigade of the Americal Division.

A. Captain LEWELLEN who was the company commander of my headquarters company, who also was the night TOC duty officer.

Q. Captain LEWELLEN.

A. Yes, sir.

Q. He was the night--

A. (Interposing) TOC duty officer. It was the fact that he was more or less trying to piece things together, times, dates, and of course he and I being stationed at Fort Benning--wanted to know what happened to such and such individuals. It was more or less a general discussion. I would say that about the case, personally to my knowledge, Sergeant First Class STEPHENS, who was the S2 sergeant--

Q. (Interposing) STEPHENS?

A. Yes, sir, at TF Barker.

Q. And where is he located?

A. He's down with the Marksman Unit, Fort Benning, Georgia, sir.

Q. What is his first name?

A. Clinton.

Q. STEPHENS. Yes.

A. Other than that I don't recall, to be specific.

Q. Have you talked to, or have they talked with you, about such individuals as Captain MEDINA?

A. No, sir. I never spoke with Captain MEDINA.

Q. Lieutenant CALLEY?

A. No, sir. I haven't even spoken to Lieutenant CALLEY.

Q. Any people from the brigade staff, or the task force staff?

A. Well--

Q. (Interposing) Other than those you just mentioned?

A. Of course, everybody reads the papers and they knew that I was part of the task force--more or less what you call shop talk.

Q. But not with the individuals that were concerned with the operation?

A. No, sir.

Q. Going back to the evening and the afternoon before the operation which would take us to the 15th of March. Were you present during the briefing which was presented?

A. No, sir, I was not. The briefings--Colonel BARKER had a van next to the TOC which was his sleeping quarters. He held his briefings in this van with his commanders. It was just right outside the door of the TOC, sir.

Q. Did he have sufficient room in there to get the three company commanders and artillerymen, the support--aviation and so on in there?

A. I don't know how he, whether he, got them all in at one time, sir. I don't remember, but this was more or less where he held all his briefings. I might add, sir, that once a week we went to brigade headquarters which was located at Duc Pho. He received a briefing there then in turn when he got back he would hold a briefing.

Q. I am thinking specifically of the briefing of this operation on the morning of the 16th into the Son My Village area?

A. To the best of my knowledge it was held right in the van, sir.

Q. Was there an operation order cut on this operation?

A. No, sir.

Q. Were there forms of written directives of any type, overlays, or any instructions issued that you know of?

A. To the best of my knowledge, sir, I don't recall any written information at all.

Q. Do you recall, from just word around the TOC, what instructions were issued to Charlie Company, for example, as to what they were to do to the village of My Lai (4)?

A. No, sir. I did not hear the instructions for Charlie Company. Now I might say that, I'm trying to think of his name, Major CALHOUN who was the operations officer--I'm almost positive he planned the operation, sir--of course, in conjunction with Lieutenant Colonel BARKER. I'm sure that he was in this part of the briefing. This was done. The colonel had a map, and he more or less plotted his operation on the map and then would post it on the operations map. Then he would brief from his map he would have with him, unless we had some VIP's. Then he would've briefed them in the TOC. But, offhand, sir, I just don't recall any briefing I overheard there. I may have and as I go along I may recall it.

Q. Did he mention anything about having you--do you recall having heard or having mentioned anything concerning burning the hootches or killing the livestock?

A. No, sir. The first time I realized the livestock was killed was when the report was on the TV. Of course, this was a search and destroy operation. I believe that was the terminology used there, search and destroy the enemy, bunkers, and things of this nature.

Q. But destroying doesn't mean killing the livestock?

A. My opinion, sir? It does not, personally.

Q. Did you have an opportunity to talk to any of these men that evening before they went out on this operation the following day?

A. No, sir. I might mention I had many, many jobs, not necessarily just operations sergeant. I was responsible for the resupply of ammunition for the choppers. I was also the first sergeant and had to take care of the mess and the ammunition for the troops, unloading of the rations, and running the mess hall.

Q. First sergeant for what?

A. For the little headquarters group we had for the operation. There was a varying amount of people, I forget how many, somewhere in the neighborhood of about eight--and also building the perimeter. I was always outside, in many cases walking the perimeter, going around checking the bunkers. I talked to people all the time.

Q. I just wonder if you can recall on this evening before they went on this operation whether these men were reacting differently than they were on other operations?

A. Not to my knowledge, sir, I don't recall anything of that nature. They were always in good morale, in my opinion.

Q. Before we get into the next stage do you have any questions at this time?

(No response.)

Sergeant JOHNSON, moving on to the following day, would you recount to the best of your knowledge how the events transpired during that day?

A. Yes, sir. There was an artillery prep. I don't know exactly what time it started, but I think it lasted 3 to 5 minutes and, of course, then the troops were airlifted in. I recall--

Q. (Interposing) You recall where the preparatory fires were placed?

A. Offhand, no, sir. I don't. I don't recall the exact location. They were coming out of LZ Uptight, I believe, and I'm not sure whether the 155 battery at Dottie was firing or not, I don't recall. Of course we had a company in a blocking position.

Q. I refer you here, Sergeant JOHNSON, a blown-up map.

A. We have A Company there (indicating).

Q. Notice A/3/1 up to the north of the Diem Diem River and you notice LZ 1 where C/1/20 went in the area of My Lai (4) and then over near the coast LZ 2 where B/4/3 combat assault went into that area?

A. Of course I was operating the radios that morning--

Q. (Interposing) Who kept the logs in your TOC?

A. We had a work sheet there, we mark the times and events that happen right there in the area and it would be typed. Of course, myself, Major CALHOUN, Sergeant STEVENS were all qualified to do the same thing, sir.

Q. But normally you, as the operations sergeant, more or less ran the operations office. Is that correct?

A. Yes, sir, if I had to leave the TOC, Sergeant STEVENS or Major CALHOUN was right there at all times. I don't recall when the closing time for Charlie was in the LZ.

Q. What is the first thing that you remember about the operations that day after the second lift got on the ground and you might say the assault began?

A. I'm not sure whether the LZ was hot. I believe it was cold. It seemed like the gunships called in and said people were running out of the villages. I don't recall where. I don't believe the first lift received any fire at all, sir.

Q. Sergeant JOHNSON, I have here a document which

is the log for Task Force Barker for the 16th of March covering the period 0001 to 2400 hours on that same day. I would like this document entered into the record as an exhibit.

RCDR: Task Force Barker log for 16 March 1968 is entered into the record and marked as Exhibit M-14.

IO: I refer this document to you Sergeant JOHNSON, and ask you if you have ever seen this document (IO handed the document to the witness.)

A. Yes, sir.

Q. You might review this document Sergeant JOHNSON, to refresh your memory of some of these events. Does this help to refresh your memory of the events that--

A. (Interposing) It is much more on there that I had ever realized. One thing I have been trying to think sir, and I haven't been able to turn it over in my mind whether there was an MI team along with us--with this operation that day. I've been trying and trying and trying, I can't remember whether it was or not.

Q. We have indications that such a team went along.

A. I just say that I just couldn't remember, sir.

Q. Now then, you will notice that there are some rather small entries concerning the killing of a couple of VC's and so forth outside the village, but the first big entry comes in item number 16 on the second page. Then you will notice the next big item has to do with 69 VC KIA in item number 22. Do you remember any discussion concerning this large number of individuals having been killed this early in the operation?

A. No, sir. I was under the impression that these were killed by artillery, sir. The figure of 78 killed by artillery out of 128 which was reported killed in the operation--the figure of 78 sticks in my mind.

Q. For a 3- to 5-minute prep, does this sound like a logical report?

A. That's a lot of people. It sure is, sir.

Q. My question was, do you recall anybody questioning this at that time or not?

A. No, sir, I do not.

Q. Do you recall General KOSTER arriving?

A. Yes, sir. He was brought in the TOC I believe, sir, and given a briefing by Lieutenant Colonel BARKER.

Q. While he was there do you recall Colonel HENDERSON with a couple of VC suspects?

A. No, sir, I don't.

Q. Which later turned out to be PF's who sometime about a month previously had been captured by the VC and held in the village until that particular morning when they had an opportunity to escape?

A. I remember something along those lines, sir, but I just can't relate the facts exactly.

Q. Do you recall the task force commander returning to LZ Dottie?

A. Yes, sir, I believe he did return. I don't know how long he was out. I believe he returned and refueled.

Q. Do you know what Major CALHOUN did then?

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

Q. Were you aware of the fact that he was not in the TOC at the time?

A. No, sir. I'm trying to run it back through my mind. I notice the entry here where he departed to Charlie Company.

Q. Do you recall any conversation over the radio to the effect that Major CALHOUN had gone to tell Captain MEDINA to stop the killing and burning of hootches?

A. Sir, to the best of my knowledge I never recall a message coming over the radio. It was very possible that I was out of the TOC if it did come over, sir, but I don't recall that, I sure don't.

Q. Do you recall Colonel BARKER ever going out and landing on the ground to talk to Captain MEDINA?

A. No, sir, I don't.

Q. Did you see or were you aware of any report which had been made by the aero-scout unit which supported this operation from the 123d Aviation Battalion?

A. Sir, let me--I remember in the TOC there and I don't know who mentioned it, the name Major WATKE sticks in my mind, mentioned something to someone in the back of me that it was some civilians killed or something. I'm not sure exactly how it was phrased or anything of this nature and I don't believe, don't recall, who he was talking to. I say Major WATKE. That name is the only one that sticks in my mind. I wouldn't say for sure that it was him. I just don't remember, but I heard something behind my back. Some civilians were killed or something of this nature.

Q. Who was he talking to, do you know?

A. No, sir, I didn't know.

Q. Was Colonel BARKER in the TOC at the time?

A. I don't recall whether he was in the TOC. There was quite a few people there at that time.

Q. What time of the day was this?

A. It seemed like that this was in the morning hours at that time, if I'm not mistaken. Captain LEWELLEN might have been in there. I just don't know who was exactly present, sir.

Q. During the time such as this was Captain LEWELLEN, who had been running the night shift, would he normally be in the TOC during the day, during daylight hours?

A. Yes, sir, sometimes when we had an operation going on he remained over for awhile to help. In fact, if I'm not mistaken, he recorded this.

Q. Recorded what?

- A. The operation, on a small tape recorder.
- Q. Before it was transposed to the typewritten--
- A. (Interposing) Yes, sir.
- Q. Did you hear anything there about any of these helicopter pilots or crews complaining that the ground troops were killing civilians?
- A. No, sir. I did not. I was not where I could hear the transmission from the pilots, sir.
- Q. You were monitoring just the battalion task force net?
- A. The battalion net and of course we had a brigade net. I believe we had a secure voice and there was what we called a "free" radio at brigade.
- Q. Did you normally also keep radio contact with the artillery on LZ Uptight?
- A. Yes, sir. The artillery liaison was located in the TOC, and he kept direct contact with them.
- Q. This individual you are referring to, is his name Captain VAZQUEZ?
- A. Yes, sir.
- Q. He was in that capacity at that time?
- A. Yes, sir. I was trying to think of the artillery commander that was at LZ Uptight. His name was Captain GAMBLE.
- Q. Yes. Captain GAMBLE did have the battery--
- A. (Interposing) Delta Battery, sir.
- Q. That's right D/6/11. You recall, in the operation, after C/1/20 got past My Lai and proceeded on for about another 1,500 or 2,000 or more meters where they started laagering up for the night with B/4/3, this was in the time period of about 1500? Do you recall at that time receiving instructions from Colonel HENDERSON for Charlie Company to return to My Lai (4) to make a body count to include women, children, ages, sex, and how they were killed?

A. No, sir, I don't.

Q. Do you recall any instructions being passed over the radio by Major CALHOUN, to Captain MEDINA on this subject?

A. Something they said that somebody told them to do this, but I can't remember who gave them the instructions, sir. It seemed like something--like a squad or something, I'm not sure. I'm really not.

Q. Do you recall any discussion from the company on the ground to the effect that he was 2,000 or 3,000 meters beyond My Lai, that if he had to go back through this area he wouldn't be able to do that in time to get that done by dark and get back in the laager area?

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

Q. Do you recall that the division commander came in on the air and told them not to go back to My Lai (4)?

A. No, sir, I do not.

COL FRANKLIN: Sergeant JOHNSON, you mentioned Captain LEWELLEN. Do you think he was recording this? What was the net control? What was your call sign that morning?

A. Sir, I don't remember my particular call sign.

Q. What about Coyote 65, how's that?

A. Yes, sir, we had that sign.

Q. Would 65 be you?

A. Yes, sir.

Q. Were you on the radio that morning?

A. Yes, sir.

Q. When you listen to Coyote 65, you get the impression he really knows what's going on Sergeant JOHNSON. There was an awful lot of stuff going on. We will ask you later on to listen to a tape and see

if you can perhaps identify it. On this log, here about 1555, they reported that none of the VC body count were women and children, and Company C reports that approximately 10 to 11 were women and children. Why did they send in that report?

A. I don't recall, sir. They were sent in, because it's in the log. It had to be sent in. I may not have taken this particular report. I don't recall.

Q. You reported that to the 11th Brigade. Why did you report that to the 11th Brigade?

A. This was--they in turn kept a log in the brigade TOC in Duc Pho, sir. We had to report all actions down to the brigade headquarters itself.

Q. I mean, when women and children were hurt or innocent people hurt did you have to report that to brigade? Why did you have to? How did you know you had to report that to the brigade?

A. We reported all incidents, sir. I don't recall this particular one.

Q. Anytime a civilian was hurt did you report that to the brigade?

A. Yes, sir, we reported medevac and things of this nature.

Q. Why? You are the operations sergeant. You give the report. Why did you always report civilians getting hurt to the 11th Brigade?

A. We had to report everything, sir.

Q. Do you know Sergeant Lonnie WARREN?

A. Yes, sir, he was the MP provost sergeant.

Q. Was he a pretty good friend of yours? He is a fairly senior sergeant. Did you talk to him much?

A. Yes, sir, I knew Sergeant WARREN very well. He was at the TOC quite a bit; in fact, if I'm not mistaken

he was up on the hill the morning of the lift. He was controlling the choppers on the hill that morning.

Q. You remember talking to him the night of the 15th?

A. No, sir, not offhand.

Q. You remember talking to him about being real scared about him going in the operation the next day?

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

Q. Do you recall anybody being scared or anybody being nervous, or would you say it was just like always? Everybody around Dottie--say you walked around the perimeter of C Company, did they look like they always did every day?

A. Yes, sir, I said that, I didn't necessarily mean that I was out there that particular day, but I'm sure I was, and I didn't notice anything different really.

Q. That report coming in on that 69--that's 69 killed by artillery, could you communicate directly with the rifle companies in the field?

A. Yes, sir, this was a "free" radio. It could be switched over to that channel.

Q. Do you remember if you could reach them from Dottie, after the rifle company was on the ground, with relay? You could talk to them that morning?

A. I believe we could, sir.

Q. On this tape we don't seem to get them too clear.

That's all I have.

MR MACCRATE: Sergeant JOHNSON, I have here the testimony of Major CALHOUN and I would like to read you a little portion of it. This is uncorrected at the present time, but I think it is sufficiently clear. The portion that I am going to read, you can perhaps think about this and see if it doesn't refresh your recollection as to some

events in the afternoon about the time of that entry 39:

"A. I don't recall, sir, whether the call came to me from the brigade 3 to me as a task force 3 or whether it came from the brigade to commander-- to the battalion commander, but late in the afternoon I would at 1600 hours approximately, we received a call from brigade asking us what was the number of civilians hurt and if possible, try to determine how they were hurt, how they were killed or wounded, so Colonel BARKER was sitting there monitoring the operation with the radio at this time. He instructed me to contact Captain MEDINA who at this time could be contacted from the--I'm sure, from the task force headquarters and ask them to count the number of civilian casualties and determine how they were either killed or wounded. Captain MEDINA told me at that time that he was east of the village, out of that particular area; that he would have to retrace his steps going back to the village; that he thought that there were somewhere between 20 and 30 people who were killed. He felt mostly by artillery, but he would have to form his company and retrack, go back about three or four thousand--I don't know, but he had to go back some distance to the village. At that time the division commander must have been monitoring the conversation between myself and Captain MEDINA and he broke in and said he did not want the company to return to the village and he did not want them to return."

Now, can you take yourself back to the TOC that afternoon and with the benefit of this entry and the log and the report coming in--we didn't have this log, to help Major CALHOUN when he was testifying for us earlier. So that we have his recollection, plus the log at this time, and what I would like to ask you to do is see if you can recall what was going on in the TOC at that time, with a message apparently going out, both to Company B and Company C and what can you recall as what was the information there in the TOC about civilian casualties?

A. I'm just wondering after you read that, sir, whether I was in the TOC or not. I don't recall those messages, sir.

I'm sure it was possible, but I just don't recall them coming over the radio, sir. I've run this thing through my mind over and over and I just don't remember, sir.

Q. Now, if you will look at entry number 29, at 1140, Major CALHOUN departed LZ Dottie for Company C's location.

A. Yes, sir.

Q. And in his testimony Major CALHOUN stated that when he returned following this time frame, Colonel BARKER mentioned to him that he thought there had been some civilians hurt, probably with the artillery preparation that was put in, in support of the heli-assault and this had been reported--or civilians being hurt had been reported to him from the aero-scout company commander. That is after he got back to the ground.

"Q. Who is the aero-scout commander?

"A. Major WATKE, sir. Colonel BARKER told me about this also, he thought there was some burning. He told me also that the brigade headquarters and division headquarters were aware of this complain-tive report made by the aero-scout commander."

Now, this did refresh your recollection at an earlier time than that day? These are two events relating generally to the same subject of civilians being injured over a period of several hours time. There must have been some discussion in the TOC.

A. What I mentioned earlier, sir, that I did hear some-one mentioned which I thought--which I was not sure it was Major WATKE about some civilians being injured or killed.

Q. Did you hear--

A. (Interposing) I didn't recall who he was talking to.

Q. What did Major WATKE say about that? Did he indicate where he had gotten the information?

A. I'm sure it was Major WATKE. To my mind, sir, it seems that he was in the background there.

Q. Well, Major CALHOUN refers to Major WATKE bringing in such information.

A. Very possibly. He could have been talking to Major CALHOUN, sir.

Q. Do you have any recollection what Major WATKE was reporting with respect to the killing of civilians?

A. No, sir.

Q. Where he had gotten the information that he was providing?

A. No, sir. I don't know where the information was coming from. I certainly don't, unless it is probably from his own aero-scouts.

IO: We have been hopeful that you would have been able to fill in a number of these gaps, Sergeant JOHNSON. Major CALHOUN and Captain KOTOUC were of the opinion that you would be able to fill in a lot of these gaps, because you were the one that was operating the radios and running the log. But we haven't received an awful lot of information.

A. I've tried, sir. I've put this thing over in my mind. In fact it's going around right now.

MR MACCRATE: How much of the operation was taped that day?

A. Sir, I didn't, I don't know Captain LEWELLEN was in there. Of course, he was operating some radios, too, at the same time. One person just does not handle the transmission. He'd operated some I'm sure that morning.

Q. You indicated that the tape was made by Colonel BARKER of the operation that day.

A. Captain LEWELLEN.

Q. Was this a regular procedure in the TOC?

A. No, sir. I didn't even know who had given me the authority to do it.

Q. Did you ever hear that tape subsequent to that time?

A. No, sir, I didn't. I was in Captain DANIEL's office at Fort Benning and he did not have a copy of it there at the time I was up talking with him.

Q. Do you know if the whole day's operation was taped or only a portion of it?

A. I'm sure it would only be a portion, sir. I'm not--the whole thing---it would take quite a bit of tape I believe to record all of this I'm sure it was just--it was probably the initial part. As I mentioned to you earlier, I walked around through the area. I have never heard any one in the unit after they returned referring to civilians being killed. It's the truth, sir. I never heard of an investigation being conducted there. I never heard if one was conducted.

Q. No one ever questioned you in connection with--

A. (Interposing) No, sir, no one never talked to me. In fact, when it appeared in the paper or when I heard it on television I was lost. I didn't really believe it took place because I did know Colonel BARKER. After all I thought he was a dedicated man to the service--certainly Major CALHOUN-- a real fine officer and I just--I was never informed or brought into the picture if an investigation was conducted.

IO: Sergeant JOHNSON, was it usual in the task force that the company first sergeant would remain behind in Duc Pho?

A. No, sir. If I recall B/4/3's first sergeant, his company had to keep him out in the field because the man was going all the time in the field. The company commander at that time was Captain MICHLES who was later killed in an airplane crash, but, if I'm not mistaken, his first sergeant-- he was with him all the time. In fact, he was part of the command group in the field.

Q. Shifting over to B/4/3 as you know, the first day of their operation they moved up to the area of My Lai (1). The second day they moved down generally along the coast to the three villages which you see as Co Lay (1), Co Lay (2),

and Co Lay (3) and subsequently turned around and moved back up to the north where they laagered that evening. In this area of Co Lay did you hear at anytime of any women, children, and noncombatants being killed in that area?

A. No, sir. One thing that confused me about the operation, it's been referred to as Pinkville, which I always--I never refer--I thought that Pinkville was a separate operation which we conducted earlier. But I see now that--it's possible that it makes up that. I remember Major TRINKLE, who was a captain at that time. He was the CO of A/3/1. He fought all day there at Pinkville and was never able to get inside after tremendous air strikes and gunships and what have you. When we did get in that night he found nobody and I'm sure there were some VC killed there. I think--I recall in his statement that there was a tremendous tunnel complex in this area. Of course, it was heavily mined and booby trapped, but I don't recall how many troops he lost. I do know that it was something that went on for quite a while.

Q. The following day when C/1/3 moved south, east of Hill 85, do you see Hill 85? (Sergeant JOHNSON looking at a wall map identified as Exhibit M-1.) To the village of My Khe (3) and My Khe (1), and My Khe (2) down on the north bank of the river? Do you remember any of that activity?

A. No, sir, I don't.

Q. Do you remember running into a booby trap on the east side of Hill 85 and having to be air evac'd?

A. No, sir.

IO: May I have R-2?

Q. Sergeant JOHNSON, I have here a document which we have entered into evidence as Exhibit R-2, which is a combat action report from Task Force Barker to the 11th Brigade, dated 28th of March. Have you ever seen that document? (IO handed the document to the witness.)

A. Yes, sir. This is written by Colonel BARKER, sir.

- Q. Who typed it?
- A. I was trying to think who typed it, sir.
- Q. Did you have it typed within the TOC?
- A. Yes, sir. His name was BLAKELY, Specialist BLAKELY, I believe was his name, sir.
- Q. You remember his first name?
- A. No, sir, I do not.
- Q. You will notice in the statistics given in this report on page 3 and the top of page 4, quite a list of VC killed and quite a small number of weapons captured.
- A. Yes, sir.
- Q. Do you recall anybody discussing this small number of weapons captured as opposed to the number of people that had been killed?
- A. No, sir.
- Q. Or the fact that Charlie Company was reported to have killed in the neighborhood of about 100 people, and had in the area of My Lai (4) actually one man wounded? Was this ever a topic of discussion?
- A. No, sir. I never heard it written up as such.
- Q. In your log, item number 39 which is entered in the log that Charlie Company reports that approximately 10 to 11 women and children were killed either by artillery or gunships. They were not included in the body count. Would you normally, in an after action report such as you have in front of you, would you include the noncombatants that were killed?
- A. Really, I don't recall how, sir, but I would think it would be a matter of record. I wasn't involved in this report whatsoever, sir.
- Q. You notice that this does indicate 10 or 11 were killed and we have later indications that 20 and possibly 30?

A. Yes, sir.

Q. We know from this of course with the location here and the action taken that this information was forwarded to the 11th Brigade. Do you know of any reason why this information should not have been forwarded to Headquarters, the Americal Division?

A. No, sir, I don't. I reported straight from us to the 11th Brigade TOC. They in turn reported the information to the Americal Division. We had no direct reporting from us to division. It always went back to the TOC there and from there back to the Americal Division.

Q. We understand that. Were you aware that the commander of the 11th Brigade talked to some of these men from C/1/20 as they came back out of the operation?

A. No, sir, I was not.

Q. Referring back again to the combat action report you have, would you look back at the first page and look at paragraph 2, line one. You notice the time of this covered by this report?

A. Yes, sir.

Q. 0730 in the morning to 1800 that evening. Is this a normal situation to write a report in an operation that covers less than the operation itself, only cover this specific portion of it?

A. I don't recall, sir. Maybe Colonel BARKER was told to write such a report. I don't know, sir.

Q. You never heard any instructions issued concerning the report have you?

A. No, sir.

Q. Sergeant JOHNSON, you were in the task force headquarters at LZ Dottie?

A. Yes, sir.

Q. Did you ever hear any information that came in from the village chief from My Lai Village or from the hamlet chief or from the district chief of Son Tinh District, or from the province chief from Quang Ngai Province, or any ARVN or GVN sources to the effect that a large number of civilians were killed in the village of My Lai (4) on the 16th?

A. No, sir, I did not.

Q. Did you ever become aware that the VC were making propaganda about the killing of women and children of My Lai (4) on the 16th of March?

A. No, sir, I did not--I wasn't--until I read in the newspaper, sir.

Q. But you were aware of it when you were with the task force?

A. No, sir.

Q. While you were with the task force and later when you were down in the 11th Brigade as the operations sergeant, were you ever acquainted with the fact that an investigation was being made?

A. No, sir. I was not.

Q. Did any of your men ever talk to you about what went on in My Lai (4) on the 16th of March?

A. No, sir.

MR MACCRATE: Sergeant JOHNSON, when the task force disbanded and you moved to Duc Pho you were responsible for taking certain of the records, files of the task force to brigade headquarters, were you not?

A. Yes, sir.

Q. Do you recall what you transferred at that time from LZ Dottie to Bronco?

A. I recall the task force log, sir, and, I'm trying to recall any records we might have had, very possibly it may have been a file copy of the after action report, I'm sure.

Q. R-2?

A. Yes, sir. It is very possible it could have been. I don't recall whether--

Q. (Interposing) But documents of that sort, you were collecting together to take over to Duc Pho?

A. Yes, sir.

Q. Whatever was in headquarters at that time?

A. Yes, sir. I'm sure the S2 would carry these documents back.

Q. Where at Duc Pho did such documents come to rest?

A. They would be in the S3 admin section, sir.

Q. Did you have a safe at Dottie?

A. Yes, sir, a field safe.

Q. And were you responsible for moving that field safe from Dottie over to Duc Pho?

A. Right, sir. Of course, it was empty prior to going there, I'm sure. I was trying to think--a Master Sergeant BIDDIX was there with it and he more or less handled the movement back to Duc Pho. I remained there a couple of days, sir. When the task force broke up I remained there for a couple of days for the new unit that was coming in to see if they had any questions, sir.

IO: Who took over from Task Force Barker at LZ Dottie?

A. I believe that was the 4/3, sir, commanded by Lieutenant Colonel ADKINS I believe, sir.

Q. Sergeant JOHNSON, you were the operations sergeant of the brigade after the task force was disbanded?

A. Yes, sir. Sergeant Major KIRKPATRICK was, but I don't know exactly when he departed.

Q. I show you a report of investigation dated the 24th of April. At this time you had already taken over, according to your statements, as the operations sergeant. In the course of your duties did you have an opportunity to see this report?

A. No, sir, I didn't. I have never seen it, sir.

Q. I would like--

A. (Interposing) When I said that I took over, sir, Sergeant Major KIRKPATRICK--I don't recall the date he left, or when he left--this is probably--I don't recall exactly when he left--May or June--somewhere along in there, sir. He left to go to one of the battalions.

Q. In the interim you were the assistant?

A. I was the assistant, sir. Yes, sir.

Q. As the assistant did you see this report?

A. No, sir. I did not.

Q. Who did you have in the G3 operations that normally did the typing for Colonel HENDERSON?

A. I don't recall the names, sir.

Q. Did you have a Latin-type of individual there, Spanish, or a name of that descent, a typist in the G3 section?

A. I'm trying to think of the individual's name that went on emergency leave and didn't come back. He was--I can't remember his name.

Q. An individual, who when you were there as the deputy operations sergeant, or the assistant operations sergeant, had been used to a great extent by General LIPSCOMB?

A. Yes, sir. I'm trying to think of his name, I can't recall his name. He did go on emergency leave I remember. His wife had some problems there and he did not return.

Q. About what time did he go on emergency leave?

A. I don't remember offhand, sir. I haven't seen this before.

COL FRANKLIN: Sergeant JOHNSON, how many typists did you have on LZ Dottie?

A. On LZ Dottie, sir, we had one who worked during the day and one that was in there during the night.

Q. Did you directly supervise them? Anybody wanted something typed--did they go through you?

A. Not necessarily, sir. If Major CALHOUN or Colonel BARKER wanted something typed, they actually gave it right to them.

Q. If somebody was taking statements--the investigation were being conducted--would that be possible to be done without you knowing about it, let's say five or six or eight statements being taken?

A. I sure wouldn't think so, sir.

Q. This Spanish speaking typist--this question came up. His name was--was he a Puerto Rican, or Spanish?

A. Yes, sir. Now this one we're talking about was never with Task Force Barker.

Q. Yes, but later on in brigade in the S2 section, he was in the S2 section wasn't he?

A. Yes, sir. Yes, sir.

Q. But you can't remember when he went home on emergency leave? Was it after you took over, while you were still an assistant?

A. I'm still under the impression I was still the assistant. I'm not exactly sure.

Q. So, that would have been April or early May?

A. I wish I knew the exact date that Sergeant Major KIRKPATRICK left. I don't recall, sir.

Q. Well, you better just think about that a while. Let me ask you a question about getting back to the 15th of March. Now, there must have been a lot of talk around TOC, the commander, CALHOUN, you're talking about this operation, instructions going out to the units and by radio for the ones that aren't there, like C Company. Did you ever hear anybody talk about civilians in My Lai (4). There was going to be a problem of firing on them, or hurting them, or problems caused by those civilians being there?

A. No, sir. I did not.

Q. Did you have a problem with civilians in your normal operations of Task Force Barker--hurting civilians, or civilians getting in the way?

A. I can't recall. I was trying to go back to see if I could recall any certain incident.

Q. Let me put it this way, you ever recall Colonel BARKER being angry about the civilians being hurt, or getting the company commanders, talking to them and telling them to watch out for hurting civilians or getting on the radio and talking to somebody. Do you ever recall hearing about this at any time in Task Force Barker?

A. I've heard, I didn't hear, I know I've heard. I couldn't say or relate it to any specific individual who he said it to--but he was always concerned with civilians, sir.

Q. How do you know?

A. Well, I know that he would run a number of MEDCAPS in the various areas, when civilians would actually get wounded there and hurt--the village--I forget the name of it--I don't know the name of it--outside of Dottie there--allow them to come up and they'd be treated by the medics there. He has evacuated the civilians--I'm almost positive by his chopper, sir.

Q. Yes. How about the civilians in that orange area (indicating on MAP-1). What did you people in Task Force Barker think about them? About Pinkville, My Lai (4)?

A. It was said that that was VC controlled area, but I never heard anything really. It was possible VC sympathizers. I don't recall anything particular about it, sir.

Q. Were you excited about this operation Sergeant JOHNSON?

A. Yes, sir. I probably was.

Q. Why?

A. Well, I--it is just a normal tendency I guess, sir. I certainly wanted to do my portion of carrying the load of it, make sure the troops were resupplied and things of this nature, sir.

Q. But I mean before, on the night of 15 March did you have any apprehension or expectation, you really thought that this 16th was going to be different from most days?

A. I can't recall offhand, sir.

COL FRANKLIN: I have no more questions.

A. I'm thinking on that question, sir. May I think on it? Of course, I always thought about losing people. I think everyone does. I'm just trying to remember what transpired the night of the 15th. I really am.

IO: Where was Charlie Company in LZ Dottie with respect to the LZ, and with respect to where the TOC was located?

A. I believe, sir, I'm not sure whether they landed in the perimeter that night or not. It seemed like they were located in the area towards the road, the main highway. I'm not exactly sure, sir. Of course, I'm trying to figure how they moved out to go on top of the hill at LZ Dottie to load up on the choppers for the assault.

Q. I'm thinking about you and your job as one of the senior noncommissioned officers of the brigade, this is, of the task force, and moving around and talking to people. We have indications that you talked to some people. One of the individuals that talked to you indicated that he remembers pretty well what he talked to you about. This was--there can be no question about it as far as this company, this task force is concerned, this was going to be quite an operation. It seems to me there should have been quite a bit of excitement generated by it, so it would have been normal to have a degree of concern and excitement, but you don't remember anything about this?

A. I sure wish I had something to refresh my memory on that, sir.

Q. Let me ask you one more question. In your capacity as the operations sergeant of Task Force Barker you were pretty close to Colonel BARKER?

A. Yes, sir.

Q. Now in the month of May if he needed somebody to help him to get a report prepared and typed up and so forth, would it have been normal for him to come to you, your section down there, to have you help him and get this thing all put together?

A. I believe Sergeant Major KIRKPATRICK was there then, sir.

Q. I understand that.

A. I don't recall him coming to me for one.

Q. He never sought your assistance for getting a report prepared in about mid-April or mid-May? What was his job at that time?

A. He went back to the brigade. I believe he was the XO, sir. I believe he took over as XO.

Q. Yes.

MR MACCRATE: Did you ever see him do his own typing?

A. No, sir, I didn't.

Q. Did he have a typewriter so far as you know?

A. No, sir, not to my knowledge. I don't recall it, sir.

Q. So that if he wanted something typed he would normally bring it to you for typing?

A. He would possibly give it directly to the individual to type.

Q. Did you use 3-by-5 index cards in your TOC, or do you recall if you had little index 3-by-5 cards?

A. No, sir.

Q. You did not have them?

A. I don't believe I did, there may have been some there. I don't recall using them.

Q. Well, there was a suggestion made to us that Colonel BARKER provided some information on 3-by-5 cards or a card with respect to casualties and so far as you know such cards were not available at headquarters?

A. No, sir. I never did see them, I think the S2 might have kept this on the casualties, sir, the S2 sergeant-- I'm trying to think--seems like he had a book, sir, that he kept.

Q. Do you know if he used index cards in his operation?

A. No, sir, I don't. It's very possible he could, sir, very possible. It's been so long I--

IO: Sergeant JOHNSON, before we recess this investigation I remind you that you are directed that you should not directly, or through others, discuss the My Lai incident, including subsequent investigations and reports, with any person who may have been connected with the incident in any way.

This does not apply, of course, if you are required to discuss the case in another administrative, legislative, or judicial proceeding or as you may be required so to do in the performance of official duties.

Do you have any statements or do you have any information which you would like to give this investigation, which in your judgment, will assist this investigation in the purpose of determining the facts and circumstances surrounding the investigation and inquiries into the My Lai incident?

A. I'm sorry that I wasn't able to recall everything. Unfortunately it's been so long. Of course Sergeant STEPHENS in the TOC, Captain LEWELLEN, and it was even a possibility of Colonel BARKER's driver. He may have, you know, he may have said something to him that would never be told to us-- just through a normal conversation.

Q. What was Colonel BARKER's driver's name?

A. BEARDSLEE, SP4 BEARDSLEE. I'm not sure how to spell it, sir. I might ask--may I ask a question, sir?

Q. Yes.

A. Of course, like I say, I've read so much in the papers and of course, it's been confusing, however if anything could come to my mind I feel that you, your committee should know what--

IO: (Interposing) We would like very much to have you get in touch with--

A. (Interposing) Captain DANIEL.

Q. Colonel BREEN. Call direct into Colonel BREEN here, and he will arrange for you to get here. This includes anything that you consider significant that you might recall or any documents, maps, or any materials of any kind, notebooks, or anything that might pertain to the investigation would be helpful. We would like you to get in touch with Colonel BREEN.

A. I certainly will, sir.

Q. We would very much appreciate anything that you can provide to assist us.

A. I will do everything in my power, sir, if I think of anything. It may not seem like much to me. Maybe it will fill in a gap. I really don't know how important something is. Something bothers me if I don't remember anymore-- this is what bothers me. I'm sure things are going to, maybe, start coming back. I just don't know, sir.

Q. Well, if they start coming back we want to know about it.

A. You will, sir, and no one else, no one else. I appreciate the courtesy that have been shown me, sir. Of course, you know when somebody tells you you're going somewhere first thing you do, you get kind of shook up, but I have felt at ease.

Q. We appreciate that, what we have been attempting to do is to have you at ease so that you can feel free to talk and tell anything that you know.

A. I'm sure when you've completed the facts that you will know. I just wish that--what hurts me that people have

gone to other than the proper channels to make statements. Had they gone through the right channels we would have prevented a lot of this unnecessary hardships being placed on troops--unnecessary publicity. At the present, sir, I have nothing other than that.

IO: This hearing will recess for about 10 or 15 minutes.

(The hearing recessed at 1559 hours, 18 December 1969.)

(The hearing reconvened at 1505 hours, 9 February 1970.)

MR WEST: The hearing will come to order.

RCDR: The following persons are present: MR West, MR MACCRATE, MR WALSH, COL FRANKLIN, LTC BAUER, and MAJ LYNN.

Sir, the hearing recalls Mr. William J. JOHNSON.

(MR JOHNSON was recalled as a witness and testified as follows:)

RCDR: Mr. JOHNSON, I remind you that you remain under oath, before this hearing.

MR WEST: I'm Bland WEST, Mr. JOHNSON. I wasn't present when you appeared before us, before. I think perhaps you've been advised informally, since your appearance here, that we've gone through a great many witnesses. We've learned a great deal, about what went on during the Son My operation, and afterwards. We've talked to all the people who were with you in the Task Force Barker, TOC, and whom you worked with at Task Force Barker. We don't propose to take you back through your prior testimony, but there are a few points that we'd like to touch upon with you. There are substantial contradictions in the evidence. So we will be touching on certain points. The first thing I want to mention is the briefing of the company commanders by Colonel BARKER on the 15th, the day before the Son My operation began. There's a conflict in the evidence as to whether you were present at that briefing. Captain KOTOUC says that you were. Could you give us your recollection?

A. Sir, I don't remember being present at the briefing. I certainly don't.

Q. It took place in a briefing tent out in the TOC, and there were quite a few people there. Colonel HENDERSON was there, and he started the ball off; Major CALHOUN, Colonel Barker, and Lieutenant KOTOUC were there, the company commander, Captain GAMBLE. Do you recall that?

A. No, sir. I don't. I certainly do not. I presume this briefing took place in the van?

Q. No, we're told it took place in a tent, a briefing tent outside. You would remember whether there was a briefing tent there, wouldn't you?

A. No, not as such, sir. There was a tent there, but it was for the purpose of interrogation, if I'm not mistaken.

Q. We were advised that the briefing took place there. It may have been because there were too many to be in Colonel BARKER's van.

A. I definitely recall -- I'm almost positive I wasn't there, sir.

Q. Well, perhaps Captain KOTOUC was mistaken, then.

A. I feel sure I would remember that, at least.

Q. Now I direct your attention to the morning the operation began, on 16 March 1968. Can you tell us who was there in the TOC, as the operation began?

A. Well I was there, sir, Major CALHOUN, Sergeant STEPHENS, I can't think of the artillery sergeant's name, but I'm sure he was there.

Q. We don't know him. He worked for Captain VAZQUEZ?

A. Yes, sir, he worked for Captain VAZQUEZ, and I'm not sure whether Captain LEWELLEN was there at 0730 or not. He very possibly could have been.

Q. We were told he was there, and he was making a tape recording.

A. Yes, I knew he had the tapes here, but I'm not sure precisely where he was at 0730. And possibly the clerk, BLAKELEY.

Q. Your clerk?

A. Yes, sir.

Q. How do you spell that?

A. B-L-A-K-E-L-E-Y.

Q. Do you know his first name?

A. No, sir. I don't.

Q. Did he have a nickname?

A. Not to my knowledge.

Q. Who was out in the Charlie-Charlie ship with Colonel BARKER?

A. I believe Captain VAZQUEZ was with him.

Q. Yes.

A. Possibly a commo officer, I can't think of his name--

Q. Lieutenant WATKINS?

A. Lieutenant WATKINS.

Q. You're sure?

A. It seems like he was with him.

Q. How about HALL?

A. I'm not sure whether HALL was with him at that point or not, sir.

(IO enters the hearing room.)

Q. Did you have any radio operators in the TOC with you?

A. Myself, and Major CALHOUN.

Q. You actually didn't have any radio operators. You and Major CALHOUN monitored the radios?

A. Sergeant STEPHENS helped, sir.

Q. STEPHENS helped.

A. Of course Captain LEWELLEN was monitoring, too.

Q. All right. There were several significant transmissions that came in that morning, Mr. JOHNSON, that we know about. We'd like to get your recollection of them. For example, around 0830 in the morning, there was a call over from Bravo Company, of the 123d Aviation Battalion, their operations van. They had heard a message over the air-ground net that Shark gunships were making a gunrun on civilians. Specialist KUBERT, who was acting as operations NCO, either he or Captain MOE called over and reported this to your TOC. Do you recall receiving this information?

A. I don't recall a telephone call. I'm not saying it didn't happen. It very possibly could have happened. I honestly don't know. I can't say for sure, but it possibly could happen.

Q. This would have been around 0830 in the morning. Did Major CALHOUN mention this to you?

A. To the best of my recollection, sir, I just don't remember.

Q. Anything you recall of this could be very helpful.

A. Yes, sir. I've been sitting downstairs for about 2 hours studying, and I was told -- well, this is probably old stuff.

here -- to bring anything I had that pertained to the My Lai incident. So this is what I have.

Q. I notice you have a notebook with you. Were you making notes at the time, or were those notes made recently?

A. I was taking these down at the -- well, I've been making a couple here. I was a little concerned about what happened to me after the Task Force broke up, and just like -- I went into the hospital after that. And then, I got out after four or five days. I had an infection in the big toe of my right foot, I believe it was. And then, I was involved in going back and forth between -- to get a root canal removed. This was the only place I could get this done. And then, I was also involved with in-country training with the 4/21, which would take me away for a period of time. I don't have the specific dates. These are notes I made.

Q. And do you have any notes there pertaining to 16 March 1968?

A. Well, I was down listening to the tape, sir, and of course talking to Colonel MAHAFFEY. We got involved in trying to place the time frames, the possible time frames. What's bothering me is the fact that on the tape we did pick up 84 casualties by Colonel BARKER.

Q. That's right.

A. And then we had a 69 report, killed by artillery and gunships, and before that we had a total of 15. This amounted to seven by gunships, and I forget exactly how the other was.

Q. We received two reports from Charlie Company. The first was a report of one killed, that came in at 0735. Another was a report of 14, which came in at 0758, according to Task Force Barker log. There were six kills reported by Sharks.

A. Right, sir.

Q. Fifteen by Charlie Company, and then the next thing on it is Colonel BARKER's remark on the tape, about 84. Apparently he was talking to Captain MEDINA.

A. Apparently so, sir. What I was trying to get in my mind was that he was coming into the TOC, or somebody, to bring me up to date.

Q. That's right. What did he say there?

A. Well, I'm not sure he talked to me. This is what I'm trying to figure out.

Q. We're interested in how this figure 69 came into being, because this is something -- now this is part of your job. We figure if anybody knows, you do.

A. Right. Well, I've tried -- worked with Colonel MAHAFFEY -- and turned this figure over in my mind, and tried to figure out exactly what took place there. This is very possible, that Colonel BARKER came in and gave us the 84 count. We could have possibly gone back to C Company and said, "Does this include the 15 or so that you've already recorded?"

Q. If they said yes, that would make the 69?

A. Would make it 69, but somewhere in my mind, sir, it sticks that -- I don't know, it's not clear -- but it seems to me, that the 69 was reported by C Company.

Q. Did you communicate direct with Charlie Company on that?

A. Yes, sir, I'm sure we did. I know we called a dustoff in Bravo Company, and I'm almost positive -- even that we had relay stations to take care of --

Q. (Interposing) You had a problem with the hill mass, didn't you, between Dottie and the Son My area? Down there where they were? I think that's one reason you had the relay at Uptight

A. We had a relay there. We had a relay at Uptight. And, of course, you couldn't communicate on the ground, you could go through the relay station; but somehow or another my mind says that the 69 figure was reported by Charlie Company. There, again, is another possibility that --

Q. (Interposing) Well, the record doesn't seem to support it. It seems to have come out of conversation that you had with Colonel BARKER, when he got back.

A. I don't recall a conversation, but he says "he's coming into the TOC to bring us up to date," and I'd almost say that's what happened. He came in, brought us up to date.

Q. But you just can't remember?

A. I've tried everything I can to remember about it. I wish I could just --

Q. (Interposing) Who was there in the TOC with you when he came in? This would have been just a little bit after 0830, because he was in the air at 0830. "I'm coming in," he told you. "I'll stop down in the TOC and bring you up to date." And you said, "This is 65; roger. I'll have a vehicle out to meet you."

A. Right, sir, I had a vehicle; it did pick him up. It was a very short ways up there.

Q. Maybe it was 10 minutes later.

A. Well, it's not definite. I wish I could recall who was in there. Of course, I'm sure Major CALHOUN was still there. I'm trying to pinpoint the time that Colonel HENDERSON possibly could have been there.

Q. He came in about 0930, that was 50 minutes later.

A. That was later.

Q. Colonel BARKER was in there about 15 minutes. He took off again at 0855. He went up to the dustoff at Bravo Company's area. He was in there about 15 minutes. Do you recall that?

A. I'm sure Sergeant STEPHENS was there, and I was there.

Q. Well, more important is, what happened? You're in the middle of the operation, and he's returned from being in the middle

of the area. Among other things, he comes back in, I think that's something you'd remember vividly.

A. I should. I agree with you 100 percent, but honestly I'd be guessing if I told you that such-and-such a thing happened. I don't remember.

IO. Do you remember anything about that figure 84?

A. This is what we were discussing downstairs, that's what's bothering me. I don't know whether C Company was giving me the total of 84 to include anything that they had already reported.

Q. Well, let's draw this out a little bit further. You take the figure 84, and you take off the 1 and the 14; that leaves you with 69, doesn't it?

A. 69, yes, sir.

Q. And it was entered in the log at that time as 69 VC KIA?

A. Yes, sir.

Q. Do you remember any discussion with Sergeant GERBERDING or KIRKPATRICK concerning these 69 and how they got killed by artillery, and all that? I understand that there was quite a bit of discussion.

A. I'm sure there was a lot of guesses at the thing.

Q. When you got a report like this, whether it came from TOC or whether Colonel BARKER brought it in, I understand it was the subject of a spot report to brigade?

A. Yes, sir.

Q. Did you make such a report of this instance?

A. Well, I don't remember whether I made it, or someone from the TOC came in and made it. Sergeant STEPHENS might have, sir. I certainly don't recall who made the report.

Q. Well, let me show you the log entry. Now this is your log of Task Force Barker (Exhibit M-14). You probably looked at this entry the last time you were here: Item 22 at 0840, which is about the time -- maybe a few minutes after -- Colonel BARKER got back. Notice what it says there. Charlie Company's count of 69 VC KIA and some coordinates. Those coordinates are smack inside of the hamlet of My Lai (4). Do you remember receiving any information on the coordinates, and placing it?

A. I don't recall for sure, whether these coordinates were given by our Charlie Company commander.

Q. Why do you say that?

A. Well, I would think that he would be the one to do the reporting of the KIA. This is something I wish I could clear up in my own mind, how he arrived at the figure of 69.

Q. Well, if Colonel BARKER brought the information back, 69 VC were KIA in the hamlet there, that wouldn't pose any difficulty, would it? It would just make the entry the way it was. Do you remember any discussion at all when that entry was made in the log?

A. No, sir. I don't.

Q. Do you remember any discussion of this when Colonel HENDERSON came into the TOC?

A. Definitely, I don't recall that. I'm sure that some went on. I'm sure it did. Pointing at specific things, I don't remember trying to point out just quite a --

IO. (Interposing) I find this real amazing, Mr. JOHNSON, because if there's anybody in that Task Force Barker headquarters that was well-liked and well-respected, and knew what was going on it was Master Sergeant JOHNSON.

A. Yes, sir.

Q. And we've talked to all these people. We've discussed this with STEPHENS, and STEPHENS has a pretty good recollection of what went on. VAZQUEZ knows a little bit about what went on. Some of these other people know what went on, but you don't remember a thing.

A. Well, I'm trying to give you everything I know, sir. I have nothing to hold back, anything, but I don't like to, you know, guess at anything.

Q. Well, you were, as I say, well thought of and a well respected noncommissioned officer.

A. Yes, sir, I was well thought of there. I realize this, and it seems like I would have remembered some things, but truthfully --

Q. (Interposing) I don't see how you could miss them, to be very honest with you, because this is the biggest operation that not only Task Force Barker, but that the entire brigade had been in, and it's just unbelievable in the face of it.

A. I'm honest with myself, sir, that I was to hold nothing back from you or no one. I feel that I owe it to my honor, to my own country to say anything about this that I know.

MR WEST: Mr. JOHNSON, let me show you Exhibit M-46. I have it turned to the 11th Brigade log for 16 March 1968. If you'll look at entry 53, this also concerns the 69 KIA. You will notice there that, unlike the entry in the Task Force Barker log which you just looked at, this attributes the 69 KIA to artillery fire, and you will notice also that the coordinates are different. For your information, those coordinates place the artillery fire as falling about half a click north of My Lai (4). You will also notice the time difference. The entries were made at 0840 in the Task Force Barker log and at 0935, about 55 minutes later, in the 11th Brigade log. Now, something happened in between that time and this is what we want to know about.

A. Quite a bit of time lapsed, there. I don't know where. It seemed like we got this one, and we did notify brigade a couple minutes later. I don't think we waited around, unless the telephone line was busy.

- Q. You don't say--you recall making this spot report yourself?
- A. No, sir. I don't.
- Q. Do you remember talking to Sergeant KIRKPATRICK about it?
- A. I'm sure I talked to him sometime during the day, about it. I'm sure I did.
- Q. Now what makes you so sure? You just said you didn't make a spot report on it.
- A. I'm not sure if I made a spot report, but we talked back and forth on communications, over these things, but why the coordinates are different, I don't know sir.
- Q. Now those coordinates are half a click north of My Lai (4), and there wasn't any artillery fire in the area. The only artillery fire there all day long, in that area, was the prep which landed on the village. There's no question about this. We have photographs showing that they were firing on the village.
- A. Unless the coordinates was copied down wrong, at brigade.
- Q. Possibly.
- A. I don't know if that could be, but I surely don't know why there's a difference in the time.
- Q. Colonel BARKER came in a little after 0830, and he left about 15 minutes later, and he participated in the dustoff at Bravo company. They dropped him off at Dottie and took their wounded on, so he was back in the TOC very shortly after 0900 and remained there for sometime. And you had a series of visitors that day. Colonel HENDERSON came in, and with him was Major MCKNIGHT, Colonel LUPER, Colonel MACLACHLAN, the ALO. Captain VAZQUEZ was back by that time. He dropped off the helicopter after the dust-off. Now do you remember that congregation in the TOC?

A. Yes, sir.

Q. I wish you'd describe just what went on, and what you recall of the conversation that took place. This is a gathering right after this operation which was being pretty successful at this point.

A. A lot of people, I'm sure, were in there, like I mentioned before, there was a lot of noise inside the TOC, and I do remember someone mentioning something, about innocent civilians being killed. I do not recall who it was. I thought it was Major WATKE.

Q. Now, just wait a minute. We haven't got Major WATKE there. There were a lot of people there, but not Major WATKE. Remember now, this is in the morning. This is before 10 o'clock.

A. General KOSTER came in also. I don't recall exactly what time. I don't know whether he was there at this time.

Q. Let's get to that in a minute. Let's focus on some of the other people that were there. Major CALHOUN was there, of course. Colonel HENDERSON, Colonel LUPER, Major MCKNIGHT, Colonel MACLACHLAN. There were several discussions that took place. You say at this time you remember some discussion about innocent civilians?

A. Not at this time. I was thinking Major WATKE might have been there, at that time, sir.

Q. We want to know what happened at this time.

A. Well, I recall that Colonel BARKER would brief them, on the maps. This was away from the radios.

Q. Well, remember that Colonel HENDERSON has been out there circling over My Lai (4) at the same time as Colonel BARKER. They would have some things to talk about. They didn't necessarily have to be briefed, about what went on. There were other things to talk about. There was the 69 KIA, and reports of civilians being killed which they talked about. Before they arrived, do you remember Colonel HENDERSON coming on the task force net and giving an order.

"I don't want any unnecessary killing done." This was about 9 o'clock. This was before he came back. You were monitoring this. You must have heard the transmission.

A. It seems like I heard it. It seemed it might have come over.

Q. Now, did you hear it?

A. I don't want to guess at something I'm not sure of.

Q. I don't want you to either, this is a very vague way to answer. Now did you hear it or not? This is something that happened about 9 o'clock.

A. Sir, I can't honestly say that I remember it.

Q. Do you see what I mean when I say there was something for them to discuss, when they got together in the TOC?

A. Yes, that's right.

Q. The problem of the killings, the problem of the body count. I wish you would try your best now, to remember what was said, what the subject of discussion was. This is a very serious business. They certainly would have had some discussion. at that time.

A. I'm sure it went on. I'm sure they had a discussion, but as far as hearing it, I don't recall it. I certainly don't sir.

Q. Do you recall the people in the TOC?

A. I remember Colonel HENDERSON, Major MCKNIGHT, Colonel LUPER, and all of them. I'm sure you've heard they were with them.

Q. Who was talking to whom? CALHOUN was there?

A. I can't recall who was who, who was doing the talking.

Q. Well, was anybody talking, or just standing around?

A. Well, I'm sure they were talking. I don't think they were standing around.

Q. Did anybody ask you any questions?

A. Not to my knowledge, sir.

Q. Nobody talked to you about the body count?

A. Very possibly, they could have come and got it from me, something of this nature sir, I'd come back and give it to them. I can't pin it down to specific conversation.

MR MACCRATE: Mr. JOHNSON, was Captain KOTOUC in the TOC that morning, or was he out with Colonel BARKER?

A. I don't recall him being in the TOC, sir. He very possibly could have been, but I don't recall him being there.

Q. Do you know if he was out with Colonel BARKER? Did you see him come back, when Colonel BARKER came back?

A. No, sir. To specifically say where he was, I'd be guessing, sir.

LTC BAUER: Mr. JOHNSON, the journal is your baby, as the OP's Sergeant, is that right?

A. Yes, sir.

Q. You kind of look after that, as your domain. It's one of the things you're responsible for. Who would be the clerks that would be authorized to make entries in it?

A. We had the TOC clerk, sir.

Q. Did he just make any entry he heard?

A. Not unless it was a written entry by himself, Major CALHOUN, Sergeant STEPHENS, Colonel BARKER, or someone of that nature, sir.

Q. These would be the only people authorized to make this entry?

A. Right.

Q. Now on that specific entry of 69, the first one there in Exhibit M-14, you will notice the coordinates are not the same as the coordinates on Item 14, previously reported by C Company at the same location.

A. Which one is that, sir, the 69?

Q. Number 14 back there.

A. Yes, sir.

Q. Now do you think that one of the people would have entered that? Would it be yourself or Sergeant STEPHENS, Major CALHOUN, or Colonel BARKER? Would you assume this 69 occurred at the same place?

A. I don't believe so, sir.

Q. Neither do I.

A. No, sir. I don't believe so. I never assumed--well we would always ask for coordinates, sir.

Q. Somebody would have to give you those coordinates.

A. Yes, sir.

Q. The same thing, if someone would have to change it later on. They just wouldn't accidentally put those numbers in.

A. I don't see how it could be changed, sir, unless it was taken out.

Q. You have no knowledge of this?

A. No, sir. I do not. In fact I didn't even know it had been entered.

MR WEST: All right, Mr. JOHNSON, let's move to the arrival of General KOSTER. You told us when you were here last time that Colonel BARKER briefed General KOSTER. Could you tell us about this, please?

A. Well, this is a normal thing for Colonel BARKER to do, sir. When the General or Colonel HENDERSON arrived, they briefed him, bringing him up to date on the operation.

Q. You used the maps in the TOC there, to do the briefing?

A. Yes, sir. Most times, the maps in the TOC were used. However, in some cases he would have a map of the AO, and everything.

Q. Well, I'm talking about this briefing.

A. I'm sure that he briefed him at the TOC.

Q. Was Colonel HENDERSON there? Do you remember Colonel HENDERSON coming in with two VC suspects?

A. Yes, sir.

Q. So there were a whole lot of people there with him. He didn't leave for some time.

A. I'm trying to figure what time he got there, in the morning.

Q. He got there at 0935, according to your log.

A. That's right.

Q. You can check it. Colonel BARKER was back with the dustoff. They dropped him off. Colonel HENDERSON hadn't left yet.

A. I'm almost positive he was there with him.

Q. What was said?

A. Sir, I don't recall any conversation. I might-- I was quite a ways from where the briefing takes place, there in the TOC, not that I'm trying to evade any questions.

Q. This is not a very big place, there in the TOC?

A. No, sir. It's not.

Q. Of course not.

A. But with the radios going and everything, I paid more attention possibly to the radios, than anything. I didn't really go over and stand around when the General came in.

Q. I get a picture though, of Colonel BARKER, General KOSTER, Colonel HENDERSON around the map. Colonel BARKER briefed him.

A. I'm pretty sure that's what took place.

Q. Was anybody else present? How about Major CALHOUN?

A. I don't--I'm not sure whether he participated in the briefing or not, but I remember he would.

Q. But was he there?

A. To the best of my knowledge, he was, sir. I don't see any reason why he wouldn't.

Q. Well, I know that. I could reach that conclusion too, because that's his posted duty, but I'm asking whether he was there.

A. For me to pinpoint, to say, well, he was there at that particular time, when he may have been outside, or somewhere, I don't know.

Q. But you do have a picture of General KOSTER there being briefed, and Colonel HENDERSON with him?

A. I'm sure he was there.

Q. At this time, how about Colonel LUPER and some of the others, such as Major MCKNIGHT?

A. Well, actually I can't recall them coming around with Colonel HENDERSON, all the time. Major MCKNIGHT was with Colonel HENDERSON. They were together.

Q. How long did the briefing last?

A. Not too long, sir, 5 to 8 minutes, 5 to 10 minutes.

Q. Did you hear anything that was said?

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

IO: There is some indication, Mr. JOHNSON, that this briefing didn't, in fact, take place in the TOC. There is a possibility that Colonel HENDERSON and his group were briefed by Colonel BARKER in the TOC, and on the way out, when they were on their way to the helipad, General KOSTER came in. And he may have been briefed at the helipad, or on the hood of a jeep, or something of this nature, outside the TOC. Do you remember anything like that?

A. No, sir. I don't. I was almost positive General KOSTER was in the TOC.

Q. Why does this thing stand out in your mind so much?

A. Well, he was such a tall man, sir.

Q. He was in there quite often. It isn't as though this was the only time he ever came there.

A. No particular reason, sir. It stands out. This is the normal procedure--he comes, you give him a briefing.

Q. I understand the normal procedure, but that gets back to Mr. WEST's statement. We know what was normal, but what we're trying to find out is what went on at that specific time.

A. Well, sir, I wish I could come in here and take you every step through this task force. I wish I could, and I know it seems odd that I can't remember certain things, but I can say that I'm telling you everything I know.

MR WEST: That afternoon, Mr. JOHNSON, General KOSTER returned with General DOLEMAN, a three-star general, and there was another briefing back at Barker. Do you recall this?

A. Yes, sir. Colonel MAHAFFEY brought this out downstairs, and I do remember General KOSTER, General DOLEMAN. I didn't have it fixed in my mind that it was the 16th, but I do remember them being there.

Q. I think you'll find it in the log, there.

A. Well, I didn't have it in my mind.

Q. It was about 1630, 1645, something like that. Did you hear the briefing?

A. No, sir. I did not.

Q. Okay, let's go back a little earlier now, to the matter of Major WATKE. You mentioned a little while ago Major WATKE and the report of unnecessary killing. Will you go through that?

A. Yes, sir. This was in the morning. Again the TOC was very crowded. I remember I was at the radios, I heard them mention something about unnecessary killing going on. I say I think it was Major WATKE. It may not have been Major WATKE. It could have been, very possibly, someone else.

Q. Sergeant STEPHENS told us the same thing.

A. I just believe it was Major WATKE.

Q. We'd like to fix the time on this, a little better. This transmission came in, after Colonel BARKER had been in and out again.

A. Well, this wasn't the transmission I was talking about. This was somebody in the TOC.

Q. I thought you just said over the radio?

A. No, sir.

Q. Well, just go ahead and tell us what it was.

A. I said I was over at the radio.

Q. I see.

A. And over my shoulder I heard someone say about unnecessary killing of civilians.

Q. Oh, I see. Was Major WATKE there in person?

A. Well, I just believe it was him. I wasn't sure who it was. I don't recall whether he was actually in there. It just seemed like to me that he was.

Q. Your back was turned, you didn't see him, and you thought it was Major WATKE?

A. I turned around. I'm sure I did.

Q. You saw Major WATKE?

A. Yes. I know Major WATKE very well.

Q. Was he there when you heard this?

A. I don't remember.

Q. What was it you heard?

A. I heard something similiar to unnecessary killing of civilians.

Q. Who was he talking to?

A. I don't recall who he was talking to. In fact, I don't know. It very possibly could have been Major CALHOUN, or someone else. I'm sure it was in the morning hours.

Q. Was it before or after Major CALHOUN went out in the helicopter?

A. Well, this I didn't know. We were discussing this downstairs. Maybe he was talking to Major CALHOUN.

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Maybe this is the reason Major CALHOUN went out. I do know it was mentioned in the TOC.

Q. You thought it was in the morning? Is there any way you can fix the time?

(The hearing recessed at 1545 hours, 9 February 1970.)

(The hearing reconvened at 1546 hours, 9 February 1970.)

IO: The hearing will come to order.

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

IO: Let me just point out. You're an old soldier and you had a lot at stake there, and for somebody to come and say that there has been some unnecessary killing of women and children and so on--I can just imagine that your ears perked straight up, particularly since we know what you heard all morning, you see. So, there's not much question about that. You were in the TOC. An old time sergeant, and you know your business very well, and we know what information is coming over the radio, and you didn't have ear plugs in your ears, so you were hearing all this. And now we come down to someone coming up and saying that there had been some unnecessary killing of civilians. Now what was said?

A. Sir, that was all the part of the conversation that I remember. I remember hearing that. That's all I remember.

Q. And you are as callous as that? You didn't turn around to find out what was going on with unnecessary killing of civilians, which you know is in direct violation of everything that you've been taught?

A. Yes, sir.

Q. And you did nothing about it, even to find out what was said?

A. I don't recall what took place, sir. The only problem is my actions. I don't recall what took place.

Q. It seems highly improbable that you--

A. (Interposing) I realize that, sir. I would be just guessing.

MR WEST: Let me ask you once again, exactly what you heard?

A. Well, that's--It's like you are asking me to say word for word.

Q. What was it you heard?

A. I know it was somebody said that there was unnecessary killing of civilians.

Q. Well, did you see Major WATKE talking to Colonel BARKER?

A. No, sir.

Q. Did you hear Colonel BARKER transmit a message to Major CALHOUN about this time, on the command net?

A. No, sir. I heard nothing come over the command net in reference to this.

Q. Around noon, Captain MEDINA reported in a body count of 310. Did you receive that transmission?

A. No, sir. I did not.

Q. Did you hear it?

A. No, sir.

Q. Did anybody tell you about it?

A. No, sir.

Q. What body counts did you receive from Charlie Company if you remember?

A. I don't recall each individual one, sir. I don't recall the real or actual figure. It was a total for the entire operation.

Q. I want to ask you about one other entry in Exhibit M-14. In your log for that day, this came out at 1555, and it's item number 39. It says "Company B reports that none of VC body count reported by his unit were women and children. Company C reports approximately 10 or 11 women and children were killed either by artillery or gunships. These were not included in the body count". Look at that, toward the bottom of the page (handing the witness Exhibit M-14). Could you tell us about this entry?

A. I'm sure that someone put out the information, to check it out. I don't recall the particular incident. I remember that this was reported, but--that 10 or 11 was killed by gunships.

Q. Do you know why they made the report?

A. No, sir.

Q. It's not a normal sort of report to be made, or an entry? Somebody ask you for that information?

A. I don't recall, but I'm sure they did. Somebody had to.

Q. About 5 minutes later, about 1600 hours, the brigade called down and said, they wanted Charlie Company to go back into My Lai (4) and determine how the VC reported killed had been killed, and to make a count of the dead by age and sex and so forth, and how they were killed. Do you remember hearing this message come into brigade?

A. No, sir. I do not.

Q. Do you remember Major CALHOUN delivering that information to Captain MEDINA on the radio, and ordering him to put his company back into My Lai (4)?

IO: I think it might be wise to give him the whole context of this, so he can try to put the whole thing together.

MR WEST: Well, it started off with the message from brigade to Major CALHOUN to determine how those casualties, reported casualties were inflicted, the age, and sex, and so forth, of the casualties. They wanted a report broken down and Major CALHOUN got on the radio and talked to Captain MEDINA about it. Major CALHOUN was ordered to determine how many civilians had been killed or wounded in My Lai, and how they were killed or wounded. Major CALHOUN checked with Colonel BARKER, and then he got on the radio and ordered the unit to go back in My Lai (4) and get the information. Do you recall this?

A. I sure don't, sir. I don't say it didn't take place.

Q. Well, it never happened. Apparently, according to Major CALHOUN and Captain MEDINA, CALHOUN was talking to MEDINA and General KOSTER came on, and cut in on the frequency and countermanded the order.

A. I don't recall it, sir.

Q. Do you recall this?

A. No, sir.

Q. Wouldn't you think that this would have created a little stir in the TOC? Colonel BARKER's there. Major CALHOUN's there. He's relaying an order he got from brigade, and the division commander comes along and countermands it. You don't recall it?

A. No, sir.

IO: Do you or do you not remember hearing any discussion with Captain MEDINA and his pointing out that it was late in the afternoon and that he would have a hard time getting back to My Lai (4), and then getting back to the laager site before dark?

Or the fact that there were a lot of mines in between his location and My Lai (4) that he would have to go through?

A. No, sir. I don't remember any of that taking place. I don't say it did not take place. I don't recall any of it. I don't say that I was in the TOC during all this. I was out quite a bit, and I think this is why I missed a lot of it, running out to do various things.

LTC BAUER: During the morning, and you've got the log right there, there was a series of reports on casualties, VC's, and up to 0840, Charlie Company had killed 90 of them, and then it stopped right there. Now, we know, talking to people in Charlie Company, that there was a body count coming in much later than that.

Now, that log is yours. That journal belongs to you. For some reason this body count isn't being put on that log. You're running the show, and you've got a couple of clerks in there that do your work, but you're telling people what they are going to put in there, and what they are supposed to put in there when you're not around. When you come back in, you look at that journal everyday, and you make darn sure that those clerks are keeping it right. When you see entries in there that you don't understand, you find out why or you're not an OP's sergeant very long. So, we have gone over this on some of these entries in there that you don't recall. Can you recall why these entries on body count are not in there?

A. No, sir. I don't recall them coming in.

Q. Let me put it more bluntly. Did anyone tell you not to enter them?

A. No, sir.

Q. Did you have a radio in the TOC, that you went down on Charlie Company push?

A. Yes, sir. I am sure we did. We had a "free" radio.

Q. Did you monitor Charlie Company at all, that morning?

A. I'm almost positive we did, sir.

Q. Did you hear anything going on over that net, that was other than normal?

A. No, sir. I certainly didn't.

Q. Did you hear any other reports on body count after 0840? That's pretty early in the morning? There's a lot of shooting, and a lot of killing, that went on after that?

A. I never heard any, sir. No, sir. I agree with you. It didn't dawn on me until I was studying the tape, and it just stopped.

MR WEST: Why did everything stop?

A. I wished I had the answer, sir. I really don't know.

Q. The answer is probably in the conversation that took place, or that had taken place, in that TOC when Colonel BARKER came over the radio with Colonel HENDERSON. You still don't remember?

A. I certainly don't sir. I wish I could remember word for word, what anybody said.

Q. Let me ask you just one final thing and see if you remember. About 11 o'clock, Sergeant KIRKPATRICK in the brigade TOC monitored a message over the air-ground net and he heard this message: "If you shoot that man I am going to shoot you." Colonel HENDERSON called Task Force Barker to inquire concerning the reason for such shooting and what was going on. Did anybody call you and talk to you about that?

A. No, sir.

Q. Perhaps Colonel HENDERSON talked to Major CALHOUN or Captain LEWELLEN. Did you hear anything about that?

A. No, sir.

IO: What did you know about the conduct of an investigation

A. Sir, I never heard of an investigation being conducted.

Q. Well, I just take a little point, here. Here's one of your compatriots, Sergeant STEPHENS talking, and he said in response to a question.

"Q. Did you ever see or hear of any kind of investigation conducted on this operation by anyone and at anytime?

"A. I never saw an investigation. I don't know who conducted an investigation, but I do know that they said that there was an investigation being conducted. I believe Sergeant GERBERDING was the one that told me this. Also, I heard, while the task force was still intact, he, Sergeant JOHNSON said that they were going to conduct an investigation. I never heard any names of who was conducting the investigation or I never heard any results of any investigation."

Now that sticks out in his mind.

A. Yes, sir. He mentioned that to me not long ago and I told him, I said "Sergeant STEPHENS, I don't recall telling you that." I said, "I believe you got me and someone else mixed up. I was never called in on any type of investigation."

Q. But you were there?

A. I mean I never had knowledge that one was going on, sir.

Q. You were the senior noncommissioned officer in this Task Force Barker?

A. Yes, sir.

Q. And among other things, as the command sergeant major, you might enlighten yourself to--there were certain things going on which were part of an investigation of sorts, and you had no knowledge of it?

A. No, sir.

Q. Did you ever see Colonel HENDERSON stop people coming in, when Charlie Company came back in from the field, and talk to them.

A. No, sir. I did not. I don't say that he didn't do this. I don't say that he did not do it, but I never remember him doing it.

Q. Do you recall Specialist HAEBERLE and ROBERTS coming into the headquarters on the first day of the operation, late in the afternoon, trying to go into the TOC?

A. I made a note on PIO.

Q. Yes. Did you talk to them?

A. I don't recall talking to them, sir. That's the reason I brought these articles here. I am sure they were written by the brigade PIO.

Q. We'll go over these in just a little while.

A. I don't recall whether they were there or not. It seems like they were. It seems like they wanted transportation out to the field, or something. I am not sure of this, but it seems like this happened, but I never heard anything--

Q. (Interposing) They never came back to you and told you what they had seen out there?

A. No, sir, they did not.

Q. Do you know that Major CALHOUN wouldn't let them in the TOC, but Colonel BARKER sat down and talked to them?

A. I didn't know that Major CALHOUN wouldn't let them in the TOC.

Q. Did you know a lieutenant by the name of JOHNSON from the 52d MI Detachment?

A. I knew him, sir.

Q. What did he say when he came back in from the operation?

A. Sir, I don't recall what he said. I'm sure he said something, but I don't recall exactly what he said. I don't recall any derogatory remarks he made, or anything of this nature.

Q. On the morning of the 18th, this would be Monday morning, 2 days after the operation, General YOUNG came in at about 9 o'clock. Colonel HENDERSON came in about 9 o'clock. Colonel BARKER was there. The aviation officer, Colonel HOLLADAY was there and Major WATKE was there. They all conferred in Colonel BARKER's van. What do you know about that meeting?

A. Sir, I don't know any information. You mentioned earlier--that's the only time--I'm sure it took place, but I don't really know. I really don't.

Q. I just wish there was some way whereby you could recall what you must know, and have seen there, and have heard?

A. Sir, I wished--like I mentioned. I wish I could sit here, and go word for word, 'cause I'm--I owe it to my country. I'm not just saying this to be saying something. I'm saying it from my heart. I've learned a great lesson from this. I now got a notebook.

LTC BAUER: One further question. Either on the 16th, the day of the combat assault when they went in, or the next day, there has been some testimony that Captain MEDINA came in out of the field, to the TOC. Do you recall that at all?

A. No, I sure don't.

Let me talk about the PIO?

IO: Go ahead.

A. After we moved back to Duc Pho, I visited those people quite often over there, which was just a short ways across from my headquarters. At no time, did anyone ever approach me, and say anything about innocent civilians, or that they had photographs, or anything of this nature of what took place, there.

Q. Not even your old friend, Sergeant STONICH?

A. No, sir. No one at all. I'm just saying this, because they were just across the street, and I never heard anyone in that office mention anything or show me any photographs, or mention any photographs.

MR MACCRATE: Did you ever talk to Sergeant GERBERDING, once you got back to brigade?

A. Yes, sir. I talked to him quite often. Yes, sir.

Q. He never told you anything about an investigation?

A. Not to my memory, sir.

Q. He never told you about the papers, that he had in his desk?

A. No, sir.

Q. He never told you about the folder of papers, that he was holding?

A. No, sir. He sure didn't.

IO: Did he ever ride you, up there, like he did some other people from Task Force Barker, for turning in these body counts, that were women and children?

A. I'm sure he possibly did, but I don't recall it.

Q. If he did, you probably would remember it, wouldn't you?

A. It looks like I would, but I don't know specifically whether--GERBERDING was a fine and a straight individual.

Q. He seems to recall pretty vividly what took place there and what was coming over the radio.

A. Well,--

Q. (Interposing) And KIRKPATRICK. And they're not hearing near what you are hearing?

A. That's right, sir. I agree with you. I just wish I could go word for word from the time that thing started to the day it ended. It would do my heart good to sit down and go through the entire thing, because I know the amount of work that you put in it and everybody else, sir.

Q. Do you recall having heard one thing over the radio that was reported by Captain MEDINA, that he had a report from the interrogation there, that 30 or 40 VC had left before the combat assault was effected that morning?

A. No, sir. I did read it, but--

Q. (Interposing) That's what I want to point out to you. I wish you would look at that item again, and see if that's what it says?

(The IO handed the log of Task Force Barker to the witness.)

MR WEST: I'd like to ask one more question, Mr. JOHNSON. General PEERS, mentioned this report of the 30 to 40 VC having departed the hamlet of My Lai (4), before the operation got started. I refer you to Exhibit M-46, which is a log of the 11th Brigade for the days in question. Particularly, on the 16 March 1968 entry. Number 50 at 0915 in the morning which reads, "TFB TOC C/1/20 at 0900 hours at 716788," which puts it right in My Lai (4), "Vietnamese informed the interpreter that approximately 30 to 40 VC departed the area at 0700 hours, going east. C/1/20 will move eastward." There is no comparable item in the Task Force Barker log at any time on the 16th. According to the brigade log this report came from you, from your TOC, and was

received and entered at 1915. Do you have any recollection of this? Can you explain why that isn't in your log?

A. No, sir.

Q. Shouldn't it normally be in the log?

A. It should be in the log. Only possibility is that somebody took the message in the brigade.

Q. Made a spot report, but no log entry?

A. They didn't put it in the log journal.

IO: To your knowledge, did anybody go through your log after you got through with your work copy and straighten it out? And then did Captain LEWELLEN have it typed out? You'll notice that it is signed off by him as duty officer, that night.

A. Yes, sir. He signed off on it, as the duty officer at midnight, which you can see.

Q. You can see that there is quite a bit of variation between what's in that log and what's in the brigade log?

A. Yes, sir.

Q. They seem most irregular.

A. I don't know the reason why, sir. I really don't. I tried to keep a good log. This was my first time as an operation's sergeant. I was a training sergeant back at Schofield Barracks in the brigade, which was part of the operations section, but I don't know--I couldn't tell you why they differ, sir, because I could almost say that this is what was reported.

Q. Anybody else have any questions?

(Negative response was given by those present.)

Q. We thank you very much for coming in, Mr. JOHNSON, and I would again remind you that we have requested that you not discuss your testimony with others, and if you do by chance, have any recollection of some of these things that transpired while you were in the TOC, and elsewhere, we would appreciate it if you would get in touch with us, so we may take advantage of such information.

A. I thought about it since my last time, sir, and I'm not saying what I'm fixing to say just to be saying it. I've even prayed about it, because I feel that somewhere, something maybe will come to me that certainly would be beneficial to everyone, because I know how hard you and your members have worked, and I say if anybody is wrong, then they are wrong. If it's me or anyone, it should be known, so there is no coverup for it. I assure each member of the board that I have done my best to give you all the information that I have. I realize that it is very little. Maybe my memory is just not good, but to guess at something I don't think would be fair to General PEERS here or myself. If I knew exactly what went on, word for word and again, I appreciate the hospitality I have received here, and I wish that God speeds you all.

IO: We wish that you, too, have a little bit of divine guidance.

A. I am a layman, sir. I'm not suggesting this as a --

IO: (Interposing) The hearing will recess at this time.

(The hearing recessed at 1628 hours, 9 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: KOTOUC, Eugene M., CPT

DATE OF TESTIMONY: 6 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: Robert T. Allen, 1LT, QMC, requested military counsel, stationed at Fort Carson, Colorado

DUTY ASSIGNMENT ON 16 MARCH 1968: S2 Task Force Barker

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

Captain KOTOUC testified that when he arrived at the Americal Division he received an orientation that included the materials within Exhibits M-2, M-3, and M-4. He had seen the first two, but could not recall the latter; although, he was familiar with the material it covered (pgs. 54, 55). He considered the training given the troops on the handling of prisoners to be sufficient (pg. 55) and further noted that the treatment given PW's by U.S. forces was generally good (pg. 56). He was not familiar with MACV Directive 20-4 and did not believe that he had ever seen it at Task Force Barker or at the brigade (pg. 56).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

a. Intelligence briefing.

The witness in his position as the S2 of the task force, gave the preoperational intelligence briefing (pg. 3). The briefing was given to the commanders and other personnel from the task force (pg. 4). Lieutenant JOHNSON from the MI Detachment was also present (pg. 4). The information that was given out was that the area of operation had been extended to include the My Lai area; that the 48th Local Force Battalion was operating there; that their headquarters was probably in My Lai (4); that it consisted of the headquarters plus two companies, over 200 men; that

the persons living in the area were VC sympathizers, if not VC; that the members of that battalion were local personnel; and that heavy resistance could be expected, especially in the area where C Company was going to operate (pgs.4-7).

b. Civilian situation.

The intelligence gathered indicated that the civilians would leave the area to go to market at around 0700 and that few, if any, should be in the area (pg. 8). The witness did not recall from where the intelligence that the civilians would be out of the village came, specifically. It came primarily from his interrogations and other information which he and Lieutenant Colonel BARKER had received (pg. 62). According to the witness, consideration was given to the fact that some civilians would be remaining in the village (pg. 9). Defensive positions had been observed in the area (pg. 9).

c. BARKER's briefing.

(1) In his briefing on the evening of the 15th of March, BARKER told the commanders that he wanted the buildings knocked down, the hootches burned, and the defensive positions destroyed (pgs. 11, 49). Further, he stated that he wanted the livestock killed or run off (pg. 12). The witness stated that he did not consider this an illegal order (pg. 12). BARKER did not say to pollute wells (pg. 12).

(2) BARKER's orders did not apply to My Lai (4) in particular, but to the area of the operation in general (pg. 12). The purpose of the operation was to trap the 48th Local Force Battalion and there was no specific mention of civilians (pg. 15). The people in the area had in the past been told to leave the area and go to Quang Ngai City, and the plan during the operation was to move the civilians in the area down the road toward that city (pg. 19). BARKER had in the past told his men to be cautious of civilians (pg. 26).

(3) Present at the briefing were Major CALHOUN, the S3 sergeant, Captain VAZQUEZ, the company commanders, and the witness (pg. 13). Further, the witness noted that the briefings at the task force were far from formal, the task force being primarily "a one man show" (pgs. 10, 62,65). There was no written operation order or intelligence analysis (pg. 10).

d. MEDINA's briefing.

The witness was present when MEDINA instructed the men of C Company of the operation on the prior evening (pg. 49). Primarily he relayed the matters stated by BARKER (pg. 50). He told his men that the civilians would probably be out of the area. He then reminded them of what they had been through in the recent past, the booby traps and mine fields, and told them that they would be in some straight combat with the enemy (pg. 51). The witness opined that it was possible that MEDINA's men were so worked up that they might kill anything in sight, thinking that no civilians were in the area (pg. 51). The implication in the briefing was that the village in which they would operate would be vacant. Although MEDINA did mention that the Rules of Land Warfare existed, he did not mention civilians. The witness suggested that it probably never occurred to him (pg. 52).

e. The artillery preparation.

The artillery preparatory fire was to be on My Lai (4) and was to continue for four minutes. There would be approximately 100 rounds of 105 mm fire within that time frame (pg. 8). In answer to questions on the propriety of this action, the witness stated that although there was a chance that some civilians would be in the area, it was better to fire the preparatory fire and hope to kill elements of the 48th Battalion than take the risk of losing a large number of American lives (pg. 52). There was no intent to fire on noncombatants with this artillery barrage (pg. 52). Consideration was given to the fact that some may have remained (pg. 9).

3. ASSAULT ON MY LAI.

a. The landing.

The landing zone was some 500 to 1000 meters southwest of My Lai (4) (pg. 21). The witness was not sure, but thinks, that the landing was being screened by helicopter gunships (pg. 21). The witness was in the task force operations' center monitoring the radios during this time. At first he heard that the landing zone was "cold" but later, fire was apparently received by the troops (pg. 21). There was a report that some civilians were seen running out of the hamlet to the north (pg. 22). A report was heard to

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National Police usually did as they pleased (pg. 32), and that they were not under U.S. control (pg. 30). He noted that BARKER had stated that they should bring in prisoners (pg. 60).

4. INQUIRIES CONCERNING THE ASSAULT.

a. Indications that an investigation was necessary.

The witness did not recall any report of the number of civilians killed during the operation (pg. 39). There was some discussion about the ratio of the number killed to the number of weapons seized. The correlation, or lack of it, was mentioned (pg. 41). Also, where the usual kill ratio within the task force was thirty to one, this was sixty-four to one (pgs. 42, 43). However, the witness noted that many deaths were thought due to the artillery (pg. 43). The witness added that he was sometimes chided by his buddies about the large body count of the task force, being accused of using civilian deaths to drive up their totals. However, he considered this good-natured kidding and was sure that none of this ever reached HENDERSON (pg. 63).

b. Inquiries conducted.

The witness stated that he never heard of any investigation ever being conducted (pg. 38). He was never asked anything about the events of the day in question (pg. 43). He never heard that BARKER was told to investigate anything (pg. 45). Further, he stated that he was never aware, through any source, of any investigation in ARVN channels, and he never got any information of any atrocious behavior through his intelligence sources (pgs. 45-47). He did state that he had heard no word about keeping the My Lai operation under wraps (pg. 66). The witness was not familiar with the requirements of MACV Directive 20-4 (pg. 56).

c. Reports of Investigations.

The witness testified that he had never seen BARKER's combat action report (Exhibit R-2), nor HENDERSON's report or either of its inclosures (pgs. 40, 43-45).

6. OTHER INFORMATION.

a. Marijuana.

The witness stated that he had never heard any reports of the use of marijuana in the companies of Task Force Barker (pgs. 53, 65).

b. Recognition of photographs.

The witness did not recognize any of the photographs, Exhibits P-1 through P-42, except P-32 and P-33 which he had seen in the United States. He did recognize JOHNSON and MEDINA's interpreter, PHU, as well as his own interpreter in other of the photographs (pgs. 36-38).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
D-1	MACV Directive 20-4	Never seen.	56
M-2	MACV Card "Nine Rules"	Familiar with card.	54
M-3	MACV Card "Enemy in Your Hand"	Familiar with card.	55
M-5	TAN's Letter to KHIEN	Never seen.	47
P-2 thru P-25	Miscellaneous Scenes	Never seen.	37
P-26 thru P-42	Miscellaneous Scenes	Has seen P-32, P-33 in U.S.	37
R-1	HENDERSON's Report	Never seen.	43, 45
R-2	BARKER's Report	Never seen.	40

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SUMMARY OF RECALL TESTIMONY

WITNESS: KOTOUC, Eguene M. CPT

DATE OF TESTIMONY: 9 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: Failure to obey general regulations, dereliction of duty, participation in the planning of an operation in violation of the laws of war, suppression of information, conspiracy to suppress information, misprision of felonies, accessory after the fact of certain felonies and violations of the laws of war, murder, maiming, and aggravated assault with intent to inflict grievous bodily harm.

COUNSEL: William R. MACDONALD, CPT, JAGC, Robert T. ALLEN, 1LT, QMC, selected military counsel, stationed at Fort Carson, Colorado.

DUTY ASSIGNMENT ON 16 MARCH 1968: S2, Task Force Barker.

After having been warned of the offenses of which he was suspected, the witness chose to answer no questions and made no statement.

(The hearing reconvened at 1028 hours, 6 December 1969.)

IO: The hearing will come to order.

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

The next witness is Captain Eugene M. KOTOUC.

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

Captain KOTOUC, are you represented by counsel?

A. Yes, sir.

RCDR: Will counsel please state his name and address for the record?

IC: Lieutenant Ronald T. ALLEN, Headquarters, Troop Command, Fort Carson, Colorado.

RCDR: Will you please state your name, grade, Social Security number, and organization?

WIT: Captain Eugene M. KOTOUC, Headquarters, Troop Command, Fort Carson, Colorado.

IO: Captain KOTOUC, before we proceed with any questions, I shall inform you of several matters.

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

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

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

(KOTOUC)

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This investigation is not being conducted to investigate all the facts or circumstances of what happened at My Lai. It is directed at those specific purposes which I have just stated.

I have had made available to me and have reviewed prior official statements obtained from other official investigations of the My Lai incident.

Your testimony will be taken under oath and a

(KOTOUC)

1A

APP T-8

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

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

You will notice that there are several people in this room who will or may ask you questions. These individuals, aside from Mr. MACCRATE and Mr. WALSH, are my assistants and they are authorized to ask questions in my behalf. Mr. WALSH and Mr. MACCRATE are serving as civilian legal counselors to assist and help me in this matter. However, I have the responsibility of weighing the evidence and making the findings and recommendations to the Secretary of the Army and the Chief of Staff.

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

In addition, you are cautioned that if you are subject to the orders that are issued by the military judge in the general court-martial case of United States v. Calley, your appearance here in no way changes the applicability and the effect of that order.

Do you have any questions concerning what I have just covered?

A. No, sir, I do not.

Q. Colonel MILLER, do you have any legal guidance that you would like to give?

COL MILLER: Captain, at this time you are not suspected or accused of any offense with respect to the subject of the investigation. I notice that you do have counsel with you. If, during the investigation, you should become a suspect in any way, you will, of course, be given appropriate warnings pursuant to Article 31 of the Uniform Code of Military Justice. In the meantime, during the investigation or our

interrogations, you will be permitted to consult with your counsel.

IO: Captain KOTOUC, would you give me your duty assignment on 16 March 1968?

A. Yes, sir. I was S2, combat intelligence officer, Task Force Barker, and we were stationed at LZ Dottie, South Vietnam.

Q. How long had you been the S2 of the task force?

A. I arrived in Vietnam the first part of February-- the later part of February, sir. The exact date I do not recall; between 20 and 28 February, sir.

Q. Did you accompany the task force, not the task force, the brigade to South Vietnam?

A. No, sir. I was stationed with the 11th Brigade in Hawaii, and subsequently transferred. The brigade went overseas. I received DA orders, and I ended up back in my old unit.

Q. What had you been in the brigade prior to this time?

A. I was the company commander for B/1/20, and I was S2 for 1/20 prior to being transferred to a new location on Hawaii.

Q. With respect to the operation which took place in the Son Tinh area on 16 March, was there an intelligence briefing given to the commanders of this operation prior to the operation itself?

A. Yes, sir, there was.

Q. Who gave this briefing?

A. I gave the briefing.

Q. Where was it given?

A. At the TOC at Dottie, and also in an informal discussion between myself and Captain MEDINA and Captain

MICHLES.

Q. Was the company commander of A/3/1 present as well?

A. I do not recall, sir. I can not remember who he was. We had just lost one company commander.

Q. Were the other units that were to participate in the operation with the task force--were they also present--the unit commanders?

A. No, sir. Charlie Company and B/4/3 was there, but there was no representative from any helicopter units nor was there anyone there from artillery units on LZ Uptight.

Q. Were there any representatives from the 52d MI Detachment?

A. There was a Lieutenant JOHNSON, sir, who came up from an MI detachment. I do not recall the number, and I do not recall if he was there that day or not. I do not think so, but I can not recall.

Q. What information did you give to the commanders concerning the 48th Local Force Battalion and what they might expect from the battalion in this operational area?

A. Well, first thing was that the AO--

Q. (Interposing) May I? We have this being taken, and we would like you to keep your voice up and speak into the microphone so she can hear you. If you need the map as well, please do so.

A. The My Lai (4) is out of the AO of Task Force Barker, and it was necessary to request an AO extension. I think we got it from Quang Ngai, as I recall, from the advisory group down there, and also from Son Tinh where Colonel GAVIN, Major GAVIN then--I explained to the commanders at that time, after discussing with Colonel BARKER prior to talking to the company commanders, that the intelligence reports that I had received from brigade, Colonel BLACKLEDGE at the brigade, from prisoners that I had personally interrogated and there were other areas that we had gotten intelligence--Son Tinh for one; the indications were, I told Colonel BARKER, that the 48th

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were in the area down there--and the movement, personnel, so forth, that we had talked to, they were down there. And I told--

Q. (Interposing) May I interrupt. When you say down there--down where?

A. My Lai, sir. I'm sorry, in that general area.

Q. Do you see what I am getting at--whether you are referring to the whole area as My Lai or are you talking about My Lai (4)?

A. Well, sir, we talked about the area more than we talked about the specific village. We felt that the village of My Lai (4) was where the command group and at least two companies were. That was the indication we had from intelligence reports.

Q. What strength would you--did you indicate what this strength would be?

A. We had had an operation there sometime prior to this and we had killed quite a few Viet Cong. We considered those to be out of the 48th, and there also was one of the companies that was running about there all by itself.

Q. What do you call the company?

A. We had a designation for it. We had information that it was the 90th or 91st, something of that nature. It was a local company and sometimes they're hooked up with the 48th. The structure was never really cut and clear, I did not feel. We felt that because of where the command group was, the 48th Battalion, VC Battalion, had two companies there. We felt--we decided to have the operation begin at My Lai (4), sir. I informed the companies that they could expect heavy resistance from my experience in the area. That was about it, sir.

Q. Explain what you mean by "my experience in the area"?

A. I have been in the area. When I speak of area, I am not speaking of My Lai. I am speaking of the whole Pinkville area. And I have been out there--

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last.

Q. What do you normally consider the strength of a battalion, of a VC battalion?

A. Well, we run about 350, maybe 380.

Q. What did you expect the strength to be that they would encounter in My Lai (4), when you say the battalion headquarters and two companies?

A. The best I recall, it was over 200, sir.

Q. And you indicated to them that they could expect strong resistance?

A. I did, sir. I was very definite about that. Captain MEDINA had not had his company, Charlie Company, in that area that we call the Pinkville area. The other companies had been in there, the other two companies. And Captain MEDINA discussed it with me because I had personally been there. He was interested and concerned about the welfare of his men, and he expressed that to me. I told him that I had been there, and the resistance was very heavy there. There were heavy weapons used, rockets, and .51 caliber machineguns. I said that there was no reason for us to believe that they were not going to use it again, including mortars, sir.

Q. You gave him quite a strong picture as far as the enemy resistance that they would encounter.

A. Yes, sir, I did.

Q. Did you give him, in the briefing which you presented, did you indicate anything concerning the civilian population?

A. Yes, sir. The civilian population was always a concern of Colonel BARKER, as well as the staff and the commanders. The civilian population was known to be rather active sympathizers with the VC. The VC was a local unit. The VC came from the families. There were mothers, fathers and sons of the VC. The father was a VC, and the uncle was a VC. They were not people who came down from the north. In the civilian population area there were several markets,

large markets, where all the people would gather each day, where the people would go to get the provisions for that day. They had to go each day because they had no refrigeration or anything like that, and normally in the morning from the VC reports that I have heard, numerous reports from people that I have personally interrogated and talked to. The people would leave to go to the market in the morning, and they would leave about 7 o'clock in the morning or so and then they would return, depending how far it was. They would return after they bought the food that they had when they returned. Colonel BARKER had queried his staff about a preparation being fired in the area prior to the combat assault of the troop ships. It was a concensus of opinion that the best thing to do was to fire a prep prior to the assault, and Colonel BARKER said he did not want that fired. He wanted it fired with a very minimum of civilian personnel in the area. He was concerned about that. I recall very definitely that on that particular time we did, and the prep was fired from Uptight.

Q. Where was the prep to be fired?

A. To be fired?

Q. Yes.

A. It was to be fired at My Lai (4), at the village. Now, I cannot say for sure here, but it was cleared. All our fires were cleared. We had an artillery officer there who cleared all our fires, our H&I fires, each evening and called in coordinates for the next day.

Q. What was the size of the prep?

A. I think that it was about a 4-minute prep with a 105, and I think they fired over 100 rounds.

Q. 105?

A. Yes, sir.

Q. Artillery piece?

A. Yes, sir. And they reported to me that they had fired the prep. We asked them how many they fired, and they said 100-105, sir.

Q. Were you present at Uptight? Did you have a personal knowledge of the number of rounds fired?

A. No, sir. That is what was reported and what I recall.

Q. Is it a logical assumption that, because people go to market early in this area, all the civilians would be out of My Lai (4) by the time that the artillery prep would be fired?

A. Not all, sir. It couldn't have been all of them. I don't believe--

Q. (Interposing) Was any consideration being given to children, babies? Was any consideration given to pregnant women? Was any consideration given to old men who might be in the village, who would not be going to market?

A. I think that there was consideration given, sir. Yes, sir.

Q. Who gave it?

A. Colonel BARKER, I am sure, gave it some. And I know it passed my mind, and I think it passed everyone's mind.

Q. Were there defensive positions in this My Lai (4) area, bunkers?

A. I do not know, sir, because I never walked in My Lai (4) as I remember.

Q. I am speaking to you as the intelligence officer.

A. Yes, sir. There were bunker networks reported there, sir. They were observed from the air. There were tunnels. There were extensive defenses. It was a well prepared area, very well prepared.

Q. Where was the clearance obtained to put artillery fire on the village?

A. I do not know, sir.

Q. Where would it normally be obtained?

A. Brigade, sir.

Q. Was there any requirement to check with province or district?

A. We had an artillery officer, a captain, who did all this, and we never got into his work too much. I understand that occasionally we would call. I have heard him call Son Tinh and talk about fires in the area. What they talked about, I am not sure.

Q. You are not familiar, then, with the procedures for the clearance of artillery fire?

A. No, sir, I am not.

Q. Do you recall any other part of the intelligence briefing which you gave the commanders or which might have been given the commanders by Colonel BARKER?

A. No, but may I make a statement or try and clarify something? Our briefings were not conducted in--I do not know what kind of atmosphere you would call it. We did not just sit down and take our notebooks out, and Colonel BARKER would just start talking. Colonel BARKER would talk to us for 5 minutes. Then he would jump on the radio or something, and we would sit around, and pretty soon he would come back and talk again. And he would say: "KOTOUC, what do you think about this? What is up here?" And I'd say: "Here is the report." The company commanders would listen, then he would go outside, or go to his own hootch and get something, and come back in. So we never sat down and got anything formally. I never wrote a thing on paper, I never used a typewriter the whole time I was there. We had absolutely no administrative personnel. I do not know if he ever made a written order or after action report. I saw him writing what appeared to be one, one time, when he was working in his quarters. There was no such thing as just sitting down and giving anybody a briefing. This was not how the colonel wanted it, and it was not the way it was done.

Q. What you have just stated is that there was no operation order, there was no intelligence analysis, that were provided in any written form?

A. That is correct, sir, not that I know of. I made no intelligence in written form, sir.

Q. Were any instructions given concerning the destruction of the village?

A. Yes, sir, there were. Colonel BARKER said he wanted the area cleaned out, he wanted it neutralized, and he wanted the buildings knocked down. He wanted the hootches burned, and he wanted the tunnels filled in, and then he wanted the livestock and chickens run off, killed, or destroyed. Colonel BARKER did not say anything about killing any civilians, sir, nor did I. He wanted to neutralize the area.

Q. When did he give these instructions?

A. He told me this was what we wanted to do here. When it was, it was prior to the operation. As I recall, it was the night before, or early afternoon before, on 15 March.

Q. Had he obtained authority to do this?

A. I do not know, sir. I did not question his authority.

Q. You were his staff officer?

A. Yes, sir. I personally did not feel there was anything wrong with what he said, sir.

Q. How many civilians did you estimate at the time lived in that village, hamlet?

A. I do not recall that I did, sir.

Q. Were you familiar with the brigade orders and the division orders concerning the burning and/or destruction of a village or hamlet?

A. I am familiar with Colonel HENDERSON saying that when we get through down there, there would not be any 48th left, or any place for them to live.

Q. Specifically what did Colonel HENDERSON say?

A. To the best of my recall, he said that when we get through with that 48th Battalion, they won't be giving us any more trouble. We're going to do them in once and for all. I thought, personally, that was a real fine thing to say.

Q. Did he give any instructions to burn the village?

A. Not to my knowledge, sir.

Q. To destroy the area?

A. Not to my knowledge.

Q. Who had authority at the time to give an order or to approve a directive to burn a village or to destroy it?

A. (Witness consults with counsel.) In all honesty, I do not know, sir. I can not remember. I took orders from Colonel BARKER; the ones he gave I accepted as a legal order, and that is the way it was.

Q. You did not accept this as an illegal order?

A. No, sir, I didn't.

Q. I would like you to again state, to the best of your ability, what Colonel BARKER said that you would do with respect to that village, My Lai (4)?

A. Colonel BARKER said he wanted the defensive positions destroyed, the bunkers, and the trench work, and the tunnels, if we could find them. He wanted the hootches knocked down, and in a case where they could burn them to burn them up. He wanted the livestock and chickens to be run off, or else destroy them. Run them off and get them out of the area.

Q. Did he say anything about the wells, the water?

A. No, sir, he definitely did not. Colonel BARKER never did say anything about polluting wells, or to do anything with the wells, not to my knowledge. I never heard him say anything about that.

Q. Did he say anything about destruction of other villages in later parts of the operation?

A. He spoke in general terms, and frankly, the village My Lai (4) was not given a whole lot--we did not talk constantly about My Lai (4). The operation was not for My Lai (4) per se. It was for the area there. The reason we went to My Lai (4) was because that is where we thought the headquarters and the two battalions were.

They were to sweep through and move, and as my memory serves me, they moved through the north-northeast. There would be a blocking company up there. The idea was that anything that could be used in the defensive position or blocking position to give aid and cover was to be destroyed.

Q. What time of day on the 15th were those instructions issued?

A. The planning phase went all day, sir. There were different changes. Changes came up, small changes, discussions during that day, all day long. When he gave the final sit down, I do not have any idea. I do not recall--

Q. (Interposing) I am thinking about the specific point. When did he tell them to destroy the village, to put the artillery prep on it and to destroy the village?

IC: I am going to object. Captain KOTOUC has stated to the best of his memory what happened--

IO: (Interposing) You can counsel him, but I would prefer that you not enter into the discussion. You may counsel him at any time.

A. Frankly, sir, I can not remember.

Q. Who else was present, or do you recall anybody else being present when these orders or instructions were issued?

A. Major CALHOUN worked it up on the board, on the ops board. Where the LZ's were going to be, the placement of troops, normal S3 type. I don't know if the captain, I can not think of his name, an artillery captain, was normally there or close by, because we were in a TOC that was about 20 feet, normally 22 feet long, and the depth of it was 10 to 11 feet, I suppose, with a slanting ceiling. It was a very small TOC. Except for Colonel BARKER's radio--when Colonel BARKER talked to us, most of the time it would be inside that TOC. A Sergeant JOHNSON was normally in the TOC, he was the S3 sergeant there, and an artillery captain.

Q. The artillery captain, he was what you normally refer to as a liaison officer? He was not the battery commander from Uptight, then?

A. No, sir, he was our liaison with our artillery.

Q. Do you recall his name?

A. I am trying to think of it, but I do not. A Spanish name--I should know, but it just escapes me.

Q. Does the name VAZQUEZ mean anything to you?

A. Yes, sir, that is it.

Q. There is a possibility, then, that Captain VAZQUEZ was present when this was discussed?

A. Yes, sir. I'd say yes because his workshop sat right there. You could reach out and put your hand on him. That is where his shop was at. He had a little radio and shop in there. It is very difficult to recall. It is not the only operation we pulled.

Q. We understand this has been sometime ago, and it is very difficult when one operation runs into another. This is why we are trying to give you as much background and so forth and give you sufficient time, so that you can recall some of these details.

COL MILLER: When this briefing was given by Colonel BARKER, were the infantry company commanders there also?

A. Colonel BARKER would talk to Major CALHOUN or talk to myself. Then he would call the companies and talk to them and then they'd leave. And then we'd talk some more, we'd come back and talk some more. I do not want to give the impression that it was a haphazard thing. It is just the way it was done, and it worked out real fine for everybody.

Q. The point of my inquiry was--

A. (Interposing) I am sorry, sir, I can't say exactly who was there and what was said and when. I just do not know.

Q. Were, to the best of your knowledge, Captain MEDINA and Captain MICHLES, or any of the other commanders there when Colonel BARKER was giving these particular instructions?

A. Colonel BARKER always made a point to talk to the commanders concerning the operations and give them an abbreviated order or field order.

MR MACCRATE: Were the company commanders given to understand that they had a chance to encounter the 48th VC Battalion in and around My Lai? Were they given to understand that they had a chance to trap the 48th VC Battalion in My Lai and around there?

A. That was the hope of the whole thing, that we could get them into there, pinch them in, and do battle with them right there, and that MICHLES' company would be in a position where they could not get away if they ran. They would just take off, they would scatter to the winds. It was the whole picture that we could suck them in, pinch them in, and destroy them.

MR WEST: In the discussion of the plans, you planned to destroy the base of operations in and around My Lai (4). Could that have been given in such terms that the company commanders got the idea that this should include that part of the civilian population which supported the VC?

A. To do away with them, sir?

Q. Yes.

A. No, I do not believe so, sir. It certainly wasn't--

Q. (Interposing) I understand you testified this certainly was not said specifically.

A. Sir, I do not think it was inferred, sir.

Q. Included in the field order, were there instructions, specific instructions, to watch out for them the best you could, and to see that no harm came to noncombatant civilians. Was that discussed on the 15th?

A. Sir, I do not think it was referred to, sir.

COL WILSON: Did you go aboard a helicopter on the 15th with Colonel BARKER, Captain MEDINA, and Captain MICHLES, for a reconnaissance of this area?

A. I have to think, sir. We did it all the time.

Q. This would have been on the day before the operation, flying over the Pinkville complex?

A. I say that there was a real good chance that I did, because I went out practically every morning before an operation, and I am sure I must have gone with them. I do not know if it was with those people specifically. Sometimes Colonel BARKER would take up myself and the artillery liaison. Sometimes he would take up the commanders with him in his command ship. I am sure I went over that area that day. As I recall, when I talked to him, we were discussing the LZ and what cover it might afford the enemy. I am sure that I was on the chopper with him that day. Whether I was there with all those fellows, I cannot recall. Normally, we did not have that many at one time on one chopper.

Q. Was there any discussion at that time about artillery and ground concentration?

A. There was quite a bit of discussion and Colonel BARKER took quite a while, not quite a while, but he gave a lot of thought to the prep. He was trying to figure out the best places to fire his prep. I cannot tell what was going through his mind, but I am sure he was trying to figure out the best places to fire his prep. Because I know the conversation was made with Captain VAZQUEZ--was made with someone.

Q. You were with the task force, as I understand it, 2 weeks. Is that correct?

A. Sir, I'd say, frankly, the dates escape me.

IO: When did you come in country?

A. Third of February, sir, and I spent 10 days trying to get up north. I had to go to a school for another 6 days. It was probably 18 days. I am sure, in my own mind, that it was between 20 and 26-27 February 1968 when I arrived there.

COL WILSON: Did you have any previous background of intelligence in this particular area?

A. I was there in 1962 as an advisor to an ARVN unit. I was at Quang Ngai City, south of Quang Ngai and toward the mountains to the west, a place call Binh Trai, and also a place called Duc Pho, where the brigade was at this time. The advisor group was kind of loose and we traveled all over the area and went driving through the province. I had driven up there because, if I am not mistaken, I went swimming up there one day.

Q. Did you feel that you had adequate time from your arrival and your movement to this area to make an adequate intelligence assessment?

A. Well, I never made an intelligence assessment just on information of my own. I would also coordinate with the brigade, with Colonel BLACKLEDGE. I talked to him on numerous occasions. I also talked to the MI people on numerous occasions. I feel probably that I did.

Q. Once again, was the operation here at this time conceived by Task Force Barker or the 11th Brigade?

A. I think it was conceived by Colonel BARKER. I am not sure, but I think so.

MR WALSH: What were the circumstances under which Colonel HENDERSON said: "When we get through with the 48th, they won't give us any more trouble."

A. That was said on, as I recall, on 16 March when he came up there. I recall him saying it. I can only say that I hope that was the time, because I saw Colonel HENDERSON on numerous occasions. To the best of my knowledge, I remember him saying that they were going to do the 48th in. That was our job that day. We all thought that was our job that day, to do the 48th in. I think that Colonel HENDERSON, I am almost sure--

Q. (Interposing) Was it before the operation had commenced?

A. No, sir.

Q. Was it while the operation--

A. (Interposing) The operation had already been going on.

IO: Did Colonel HENDERSON come up to LZ Dottie to talk to the commanders in the task force prior to the operation beginning?

A. I do not recall him doing that, sir. I would not say he didn't, but I do not recall seeing him. I think General LIPSCOMB was about to leave. He was up there with General LIPSCOMB when he said good-bye. If they discussed it at that time, I do not know.

Q. I would like to qualify one matter on your counsel, although I do not expect your counsel to answer questions. At any time you so desire, you may seek guidance and assistance from the counsel, and he is free to provide it for you. I want that clarified because it was not my intention, lieutenant, to rule you out of this.

WIT: I would like to tell the people why I brought the counsel with me. The counsel works for me in an indirect capacity. I discussed the thing with him, and it was discussed with my commanding officer down there. I have never been to one of these before, and he said to take the counsel with me. So I brought my counsel with me.

IO: You are free to have him. This is your right.

Was any consideration give to the civilians who resided in My Lai (4) after the operation?

A. Yes, sir, I went out there--

Q. (Interposing) You went out there--where?

A. Out to the operation area, and talked to Captain MEDINA. There were civilians there. There were a bunch of civilians standing around, and he reported. It was a normal procedure for Colonel BARKER to send me out, sometimes during the operation, and sometimes after the operation, to talk to the civilians and try to gather what intelligence I could.

Q. We will come back to the civilians. But going back to the planning stages, the directive stages of the operation. Were there not any considerations given to the care and handling of the civilians? If the order of Colonel BARKER had just been issued to destroy the place, it would have been obvious that you were going to have--that there was going to be a refugee problem of considerable magnitude. Was any consideration given to that?

A. Yes, sir, there was. It was an SOP for the unit when civilians were present in the area, if a fight was going on, the civilians would be taken and moved down the road, in this case to Quang Ngai City. We told them to please get out of the area, and go down to Quang Ngai City. We had been telling those people for a long time to get out of there and live in Quang Ngai City where they had refugees places. It was a policy, and I personally saw it happen when they take the people and just move them through the lines and go down the road. Normally, with all the shooting, they were scared, and they would go on down the road. We did not appoint, and say: "You take civilians down the road." We did not do that.

Q. Were there any instructions issued by Colonel BARKER or Colonel CALHOUN, by your S5 or anybody, to take adequate provisions for marching these civilians out of the area, moving them down in an orderly fashion to Quang Ngai City, and assuring that they were adequately cared for?

A. There was not, because I brought it up myself. I wanted to know what kind of release point they wanted for the civilian population. And they said to do it like normally, and move them down the road.

Q. Were the civilians authorities at Quang Ngai City notified of this?

A. I do not know, sir. I did not notify them. I do not know if they were or not.

Q. How many people did you have on the intelligence staff?

A. One, a sergeant.

Q. Sergeant who?

A. His name escapes me, too. They had just the one sergeant on the intelligence staff, off and on. The brigade would send an MI lieutenant, and he'd be there for a few days, then he'd be gone a month.

Q. Did you also have some radio operator there, other people to handle your telephones, communications?

A. Well, we had one young man. I can not recall his name. He was a specialist four. He did our mail and such as that. And Sergeant JOHNSON. And we had a signal officer, a lieutenant. The lieutenant was a signal officer, and he had a sergeant and some linemen. I am sure he had, they changed constantly, two or three at the most. The majority of the radio traffic was handled by Major CALHOUN, personally. The majority of it was handled by Sergeant JOHNSON--handled the radio traffic. At night we had a captain, his name escapes me, also, who handled it at night along with the sergeant--24-hour type thing. We did not have any enlisted personnel of lower rank than master sergeant that used the radio.

Q. What were your relationships with the 52nd MI Detachment?

A. They gave me funds for--when they brought in explosives and things like that--pay off. I would go and talk to them about that, and they would give me my funds and I would sign for them. They handled some of the prisoners that we sent back. I think probably all of them, actually. I have been down and talked to the MI people at brigade headquarters, Duc Pho, on different occasions. I'd take the interpreter whom I had. But my interpreter, a Vietnamese boy, was paid through them somehow or other.

Q. The Vietnamese worked directly for you?

A. The Vietnamese interpreter was responsible to me.

Q. Coming down to the time of the operation, I would like you to tell us, to the best of your recollection, the reports that were coming back in from the combat assault of C/1/20.

A. The morning of the operation, I went to the TOC and listened to the radio to see how things were going. I guess everyone was there, like I said. They were always there because they wanted to find out how things were going. The LZ were marked--

Q. (Interposing) May I stop you here just to ask you another question? How far was the LZ from the village, and in what direction?

A. As I recall, 500, maybe 1,000 meters, it is very difficult to recall. I recall the LZ being south of the village, and maybe a little west.

Q. I can clarify this later on an aerial photo which I will be going to anyway. Proceed with your story.

A. The morning of the operation I went to the TOC to listen to the reports, and we had everybody tuned in so we could monitor the whole thing. They went in. As I recall, they had a "cold" LZ, and everyone was happy. That is what we wanted. But then, just right after that, they had a "hot" LZ, had some fire. I could hear it on the radio as they were talking about it.

Q. Could you tell over the radio whether it was friendly fire or hostile fire?

A. I recall that they said that they were receiving fire, so I assumed someone was shooting at our unit. They were talking about the gunships. I think that the gunships' job was to screen. I think it was a screening mission implied or given to the gunships, as well as targets of opportunity, which was normal.

Q. Are you referring to the gunships that escorted the combat assault?

A. I have thought about this an awful lot, and I believe the gunships were there prior to the assault. I do not know if they were what we would term as escort. I am sure they were in the area at the time the assault took place. I have been thinking about this, and it just strikes me that that is the way it was.

Q. Do you know who the flight leader was?

A. No, sir. I do not even know whom the gunships came from. I thought it was probably--I asked Major CALHOUN when I got here, and I did not get an answer out of him.

Q. Were you familiar with any aero-scouts being in the area of operation?

A. Aero-scouts? We had Skeeter, a little bubble, if that is what you mean. He would fly around and pick out targets of opportunity for us, pick out movement such as that, sir. Skeeter was there that day.

Q. Were you familiar with any operation away from the immediate area of My Lai (4) in the vicinity of Hill 85, southeast of there, having to do with some mortar rounds?

A. I remember Hill 85, and I remember we used to have a lot of trouble there. When we got mortar fire on one of our units, it always seemed that it was coming from Hill 85. I believe that day that there was something-- I do not know--One day they said that 40 mortars were on 85, and we thought they had caught the troops. It turned out to be 40 mortar rounds. If that was the same day or not, I do not know. But 85 was an enemy hill.

Q. Proceed with your story as far as after you had landed. I want to know what information you received back in the headquarters concerning the operation.

A. They were saying there was running--going out of the village. There was periodic firing on the radio. I do not know whose fire it was, just periodic fire, though. It was--they were moving in and replacing units. You could hear them say: "Move over; get over, you're too far right; too far left." You could hear things like that. It really wasn't a very exciting operation that morning.

Q. Were there any references to civilians leaving the village?

A. No, sir. They said there were people running out of the other end, in the northern part.

Q. Refresh your memory. I show you the log of the Americal Division. This is Exhibit M-6 which shows you the entries in their log from the brigade, which had been transmitted to them from Task Force Barker.

I would like you to review the log down to the items checked in red, to page three, please.

A. Some of them I recall, the general nature of them, yes. I have never seen this document, of course. From these entries I recall--I see something that I did not recall. Somehow I got it into my head that MICHLES was walking out there, was put out there and walking into an area. But, I do not know. I remembered, as I said, the gunships were talking about taking targets of opportunity and this is pretty well about what that is. The 69 count I noticed here, sir, item 28. At 0940 Charlie Company reported 69 VC killed in action as a result of artillery fire. There was a report but the numbers--I do not recall if 69 was the number or not. I assume it was. It is here. There was a report, but I was not aware that it was quite that early in the morning. But it may have been, sir. There is nothing there that I could dispute. I do recognize some of those things from the reports that were coming in. It also should be noted that there were a lot of reports coming in, and some of them were logged and some of them were not because of the nature of the report. I do not say they were covering any reports up, but the report was not important enough to log. They were asking for a different--what's that, what's this, where's that, where's this? They had nothing to do--

Q. (Interposing) Would you consider those reports to be definite reports, where they would give you positive information and so on.

A. They were not directed to us, so I do not recall. I think not because we tried to monitor the best we could all the radios and all the "pushes" that were being operated during that period.

Q. That figure of 69, or whatever the figure might be, did that seem an unusual number of VC to be killed by an artillery prep?

A. No, sir. And the reason I say no is because we had two companies there plus the headquarters. And we hoped we were going to catch them that morning. We were going to catch them flatfooted, so to speak, and I think everyone was rather elated that there were some gotten by artillery fire.

Q. Will you continue with your story, leading up to your going in to see Captain MEDINA?

A. We spent part of the day there at Dottie, I did, in and out of the TOC. I had a duty to do, and it seemed to be going along pretty much like the colonel wanted them to go. He was happy, so I--

Q. (Interposing) Was he in the TOC?

A. He was using the TOC. And he had a radio in his hootch where he could monitor. He could also break in and talk from his hootch, which was eight steps from the south end of the TOC.

Q. During this operation was he in the TOC or in his hootch? Was he airborne?

A. Sir, I think he was all three, at one time or other, during this period.

Q. Who controlled the combat assault?

A. Major CALHOUN, I guess, if I understood the question correctly. When the ships were on the ground, he would log the time and all that.

Q. Yes?

A. I do not know. I do not remember if--

Q. (Interposing) Normally, you have a commanding officer for the operations and you have a flight leader. The flight leader is from the aviation unit. My question is who was the commander of the operation that morning?

A. Sir, I think Colonel BARKER went out in his C&C. I think he did. To the best of my knowledge, he did.

Q. When were you with Captain MEDINA?

A. That was in the afternoon.

Q. What time in the afternoon?

A. It was after 1500, sir, sometime after 1500. It was light. It was 1500, 1530. As I recall, it was 1600. It was about the time we started to--for him to go to this defensive position.

Q. Had he linked up with B/4/3 at that time? Did you see Captain MICHLES?

A. No, I cannot remember seeing or talking to Captain MICHLES that day. Whether they had linked up, I was not aware of it. They may have, but I do not recall seeing MICHLES that day.

Q. This was sufficiently late in the afternoon. However, they had completely passed My Lai (4) and were pretty well either in or near the objective area. Had they stopped for the afternoon?

A. We were going to bunker our men in that area.

Q. Now then, tell me what else you can about the operation and the intelligence reports coming out of My Lai (4).

A. There was a report from Skeeter, from the helicopter pilot. The report, and I cannot quote it verbatim, was something about someone getting shot with a machinegun. "Looks like they are shooting them with a machinegun. Someone is going across the road and is getting shot with a machinegun." The helicopter pilot, whoever he was, said something like: "He doesn't have a

weapon," or words to that effect. Major CALHOUN got the report, and he got hold of both Captain MEDINA and Captain MICHLES, and I am sure he talked to both commanders, almost positive, and he told them: "Make sure we are not shooting anyone that is not necessary. Let's not be killing any civilians out there." They "rogered" the report.

Q. Did you hear them "roger" the report?

A. I heard MEDINA "roger" the report. That was the last I heard of anything like that going on.

Q. Did you hear any instructions being issued concerning burning of any houses, hootches, or the like?

A. No. Colonel BARKER, said something about being very cautious about the people in the area. We did not anticipate any, and he said something about that and he was, I think, I do not know if he talked on the radio or what he did, but I don't recall, "Don't burn anything down," or anything like that. I don't recall that being said.

Q. Did you ever hear Colonel HENDERSON instruct Colonel BARKER to stop burning, or Major CALHOUN or anybody issue instructions to stop burning the village?

A. No. If I did, I've forgotten it. I don't recall it at all.

Q. Did you get any intelligence reports from the interrogation of an old man conducted by Captain MEDINA and his interpreter?

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

Q. Intelligence to the fact that there had been about 40 VC in the village, but they had departed early in the morning?

A. Sir, I do not recall. I could well have, but I do not recall it. We got a lot of reports like that on a lot of operations.

Q. When you visited Captain MEDINA, northeast of My Lai (4), what report did he give you at that time?

A. I got off the ship and went over to talk to Captain MEDINA. There was some Vietnamese there, kind of sitting by themselves. There was a guard standing by them. These were all men between the ages of 30 and, maybe, 50. When they are old it is hard for me to tell how old they are, after they get past 40. I went over and asked them how things were going, and he said pretty good. He said: "Did you get that report about shooting that civilian?" I said that I had heard that. He said that he was concerned about it, what they thought or what's the opinion. And I said that when he had gone through the village--I asked him how it was, and he said it had been torn up pretty bad by rocket fire or artillery fire, he did not know which.

Q. What kind of bodies?

A. Just Vietnamese. And he asked me: "Do you know the colonel wanted me to go back in"? I said: "Yes, I had heard." When I said colonel, I meant Colonel HENDERSON. Colonel HENDERSON told MEDINA, I can't quote it but I can give you the substance, to go back in and go through the village because it was reported that there was somebody killed. I want you to go back in there and to start counting bodies, and I want you to start listing by male, and female. And he wanted the whole report, sir. General KOSTER--

Q. (Interposing) Who issued--did Colonel HENDERSON say that personally to him or was--

A. (Interposing) This was on our radio, sir. Colonel HENDERSON was in a helicopter. It came over the radio. I was not there. I did not see Colonel HENDERSON, but it came over the radio.

Q. But you are sure it was Colonel HENDERSON?

A. I am sure it was.

Q. Could it have been Colonel BARKER or Major CALHOUN?

A. No, not unless Major CALHOUN got in on it to confirm that we had heard it.

Q. But in all events, with respect to whether it came from anyone of those or anyone else, you heard them say to return, to make a count of civilian casualties, of all casualties, men, women, and children, all the details?

A. Right, sir. It was right on the air. There was no one passing notes around. It was right on the bloody air. And General KOSTER was there--

Q. (Interposing) Where?

A. In a helicopter, sir. And he, General KOSTER, said no because of the number of booby traps and the mines. There were still Charlies running around in the paddies, and they were still getting sniper fire. He just didn't feel it was in the best interest of the company to go in there. And he told them: "I just don't want you to go back through there. You have done a fine job so far. I don't want you to go back down there and subject yourselves to more danger for apparently no reason whatsoever, or very, very minor reasons." And I asked Ernie: "Well, did you go back?" And he said not after the general told him not to go back.

Q. And did he go back?

A. Not after he'd been told by the general not to go back.

Q. When was he given this order?

A. I am sorry, sir, I can not recall if it was the morning or the afternoon. He was told, and I know he was told, and I know that Colonel HENDERSON wanted him to go look--

Q. (Interposing) Did you hear Captain MEDINA or anyone else object to such an order to return to My Lai (4)?

A. I think that the concensus of opinion, by the moans and groans around the TOC, was, "My God. They're probably going to send him back in there again."

Q. I am not asking that. I am asking whether you heard Captain MEDINA or somebody object to going back in there?

A. No, and I did not hear anyone question the order.

Q. When you saw Captain MEDINA there, did he give you or did you ask for any account of civilian casualties?

A. I asked him about how many he thought he saw. I asked him that. I said: "How many are in there?" He said he didn't know, 20 to 25. He said that some of them were blown up pretty bad, I did not want to pick them up and start counting them. I think this was that day, and this is what he told me. He also told me at the time, which was very well publicized, about shooting that woman. He told me about that day. I'd like to tell the board that Captain MEDINA was upset because he shot the woman, because he felt afterward that it might have been a mistake. He was just upset about it, about shooting her.

Q. Could he have been upset about something else?

A. If there was something going on, I would have found out about it in my own mind. I talked to the troops out there. In fact, I think I gave one of them my pants because he lost his on some barbed wire.

Q. Who else did you talk to out there? Did you talk to Lieutenant CALLEY?

A. Sir, I do not even know Lieutenant CALLEY. I wouldn't know him if he walked into the room right now.

Q. Did you talk to anyone in the 1st Platoon that you know of?

A. I think not, sir. I did not know the men in the company. I did not know them real well. I did not sit around and visit with them. My main purpose, one of the main purposes of going out there, was to--Colonel BARKER always wanted to know what the defensive positions were going to be, and we would mark it on our maps. I took my map out there so Ernie could show me how he was going to put the company in for the night. We would write it on the map, and I would write it on my map. If the colonel had any instructions written, he would send them with me. That was my main purpose in going out there. In addition, he had some captives there, some prisoners, and he wanted me to come out with my interpreter and talk to them.

Q. Did you talk to them?

A. Yes, I talked to a few of them.

Q. Who was controlling the prisoners?

A. Well, they were controlled by Captain MEDINA's company. But there was a sergeant or somebody standing there with a gun on them so that they would not run away. Also, the National Police were out there.

Q. Who controlled the National Police?

A. Well, I took them out, but I did not control them. They just hitched a ride with me in the helicopter, and they wandered around there talking with different people. One of the National Policemen might have been senior, I do not know.

Q. When you have an attachment from the ARVN working with the unit, who was responsible?

A. Senior ARVN officers, sir.

Q. Is the ARVN responsible, or is a U.S. officer responsible?

A. It is my understanding that the senior ARVN is responsible for his personnel.

Q. Did you ever hear that point discussed?

A. I heard it discussed many times. I was an advisor for a year. Many times they told us: "You do not give ARVN orders."

Q. But, this is an entirely different situation than in an advisory capacity.

A. If there were ARVN's under Captain MEDINA's command, or Colonel BARKER's command, I do not know about it, sir.

Q. Was an American officer with them, or any American enlisted personnel?

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were under Colonel GAVIN's advisory staff, their conduct-- I know that the colonel had mentioned the conduct to Colonel GAVIN, and Colonel GAVIN talked to his superior about these things and the National Policemen. I will be completely honest. I do not know where they fit in on the structure. I did know that they always seemed to be around, and that the National Police who were out there that day came out of Son Tinh District.

Q. When you visited Captain MEDINA in the area of Pinkville, did he give you statistics as far as the operations results; enemy killed, weapons captured, and friendly killed?

A. I do not believe so. I did not go and ask him for the list. I do not know what he volunteered. He did mention that the artillery fire and the rocket fire had torn up some bodies. He told me that, and we were concerned, because my interpreter asked one of the Vietnamese there: "Where are the VC?" The guy had said that most of them had run out into the surrounding rice paddy area, and the rice at that time was very high. They could get down and hide in it without too much trouble. And Captain MEDINA asked me, at that time: "I am concerned about the safety of the troops for the evening and for overnight stay in this area, because we know there are a lot of them out there. We ran out a lot of them. We did not get those." So we considered primarily these specific questions, and what defensive measure might be taken to avoid attack that night on their positions.

Q. You indicated you talked to some other people there from the company.

A. I said hello to them. I do not know anyone else in that company, sir, except MEDINA. I knew his XO, who was at Chu Lai at that time, and the first sergeant. Lieutenant CALLEY, I do not recall.

Q. Was his first sergeant with Captain MEDINA that day, or do you recall?

A. I do not believe he was. It was normal for the first sergeant to remain either at LZ Dottie or up at Chu Lai

and handle the supply end, administrative end, of the company himself. I do not believe that Captain MEDINA had an administrative force there at LZ Dottie or an administrative section.

Q. Did you see or hear any discussion between Colonel HENDERSON and Colonel BARKER either that day, or the next day, or the following day, 16, 17, or 18, concerning civilian casualties in My Lai (4)?

A. No, sir, I did not. I can also state that when Colonel HENDERSON came out there, I normally left the TOC, because he wanted to talk to Colonel BARKER. If he wanted to talk to me, he told me to stay. I slipped out as a matter of courtesy.

Q. Did you see General YOUNG during that period? General YOUNG, the ADC of the Americal Division, did you see him at LZ Dottie during this period?

A. I saw the general come in occasionally. It must have been close to that period when General RYDER was the ADC. I think it was General RYDER who was very helpful in getting supplies. He came down once in a while and talked to Colonel BARKER. And General KOSTER came by on several occasions.

Q. I am talking about these particular days, 16, 17, and 18?

A. Sir, I do not recall whether they were or were not there during that period.

Q. You did not hear any conversation, possibly between Colonel BARKER and any other senior officers, concerning the killing of noncombatants in My Lai (4) area during this period?

A. No, sir, I did not.

(The hearing recessed at 1214 hours, 6 December 1969.)

(The hearing reconvened at 1336 hours, 6 December 1969.)

IO: The hearing will come to order.

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

(The witness, CPT KOTOUC, was recalled and reminded that he was still under oath.)

IO: Just before we recessed, Captain KOTOUC, we were discussing possible visits and/or discussions between Colonel BARKER with General YOUNG or General KOSTER, at LZ Dottie or elsewhere concerning any possible or unusual activities at My Lai (4). We had pretty well finished that. When this operation had terminated, did you receive any report from Lieutenant JOHNSON?

A. Sir, I have been thinking about it over the lunch hour, and Lieutenant JOHNSON, I honestly say that I cannot recall him being there. If he was there, the only possibility that I know of where JOHNSON might have been, might have been with MICHLES' company. Like I said before, I do not recall seeing him that day. Lieutenant JOHNSON did not make reports to me; he reported to his boss down at Duc Pho. I do not remember Lieutenant JOHNSON speaking to me concerning the operations.

Q. Who was the senior officer?

A. There was a senior officer. I met him once or twice. He was a captain down there.

Q. Could it have been Captain FLETCHER?

A. Sir, I know that name Captain FLETCHER, but I am not sure whether it was this man or not.

(The IO handed the witness Exhibits P-2 through P-25.)

IO: These photos were reported to have been taken by a specialist by the name of HAEBERLE, who was from the IO section, the information section, of the brigade. I will show you these photos and ask if you have seen any of these photos prior to the time you departed the brigade in South Vietnam.

A. (Witness examines photos.) No, sir, I have never seen any of these photos. This one here, I have not ever seen any of these before; I do not even recognize anyone here.

Q. These are photos that were taken by PIO section of the brigade, personnel from that section. Did they normally provide you with photos that they took in the course of an operation, provide such photos to the task force?

A. No, sir. In fact, I cannot recall one time when I was ever shown any photos. I can't recall that we had PIO coverage, so to speak, on any of the operations. I don't recall it ever being a policy there.

Q. Do you know whether the reporter and the photographer were there working under the direction of the brigade commander, or whether they were operating under the direction of the brigade and specifically the PIO section?

A. I do not know, sir. They weren't discussed in the planning to my knowledge.

Q. I will show you another set of photos which have been entered into the record as Exhibits P-26 through P-42, and I would ask if you have seen any of these photos prior to the time that you departed South Vietnam.

A. (Witness reviews photos.) I have seen these two photos, but I am sure it has been since I have been back in the States (referring to numbers 32 and 33). But I was not shown any photo while I was in Vietnam, in the brigade or elsewhere, for any kind of investigation or anything like that, sir. Possibly, I don't know whether you want me to say this or not, but I see a man here who resembles Lieutenant JOHNSON (referring to photo P-36). The soldier in the background (pointing to top figure in photograph).

MR WEST: The top figure in the photograph?

A. Yes, sir, top figure in photograph number P-36.

IO: Then neither of the sets of photos that we have shown you, the exhibits, none of these photos did you see in South Vietnam during the time you were there?

A. No, sir, I did not.

Q. Referring back to photo P-21, can you identify the Vietnamese in the picture?

A. The soldier, sir?

Q. Yes.

A. I can definitely state that it was my interpreter, that it was Captain MEDINA's interpreter. I knew Captain MEDINA's interpreter very well. He used to give me classes in Vietnamese. I recall an interpreter who worked out of the MI; I think it was from the MI. Lieutenant JOHNSON had him with him once in a while, and he somewhat resembles this man because of the glasses.

Q. Do you recall the name of Captain MEDINA's interpreter?

A. He came from Saigon. Sergeant--mine was MINH, PHO--I am sorry, sir.

COL WILSON: Could it have been PHU, spelled P-H-U?

A. Yes, sir, I think that was probably close.

IO: With respect to the investigation, did you ever hear of any investigation being initiated by Colonel HENDERSON or Colonel BARKER of the incident which took place at My Lai (4) on 16 March 1968?

A. No, sir, I haven't. There was no investigation conducted by anyone. I heard down there from friends of mine at brigade headquarters, when I went down there on different occasions. And they said that--they mentioned that there were some question about some acts of killing some civilians on this operation that day. This was in the course of having a beer with someone. We would discuss this. They were just rumors. They asked me if I knew about it, and I had not heard a thing about it myself. I knew that it was common knowledge within the brigade that there were some people that said, this is going to sound a little bit strange, I hope it is understood the way I mean it, we were getting our body count off civilians. And I say that because our body count was higher than any other unit in the brigade. I think that all the military personnel are aware of this. There is quite a bit of competition in the military. The body count in 1968 was part of that competition. I think that is pretty well established as true. I dismissed it by saying such things that if you get there and find Charlie, you would probably get a few yourself. It is just a matter of discussion. But I know that some-

one had mentioned it, and I have never been talked to. I was never--nor was anything done. We never discussed March 16 or anything that happened on that day.

Q. Did you ever see a piece of paper or a card which had a breakdown of the civilian casualties resulting from the My Lai (4) incident of 16 March 1968?

A. I do not recall anything, sir. The only time I have seen any casualties in writing, it was put on the casualty board in the TOC. I did not see any card. There was a log kept in my S2. The sergeant kept a log and he made the entries because he was in the TOC. He would listen to the information coming forward, and he would make these entries. Sometimes I would see the log, and sometimes I did not get to see the log. But I would come back before the log was sent forward, and if there was anything pertinent, they'd tell me. But, I do not recall anything about it myself.

Q. You made one statement that your log was sent forward. Sent forward to whom?

A. I guess, brigade. That is where we send them. I do not know what we did with them.

Q. Did you not retain file copies of your log?

A. I would like to say that the administration of Task Force Barker was less than satisfactory. I read the file over, and he would point out things on it that were important when he was in there.

Q. Did you keep an intelligence log and an operations log?

A. Not in a strict sense, no, sir.

Q. You at no time saw or prepared or have any knowledge whatsoever of some 3-by-5 cards which had a breakdown of the kind of information which Colonel HENDERSON had requested from Captain MEDINA when he ordered the company back through My Lai (4)?

A. I am trying to remember. Sir, the way we kept our records was--I am afraid I just cannot recall, sir. My sergeant would know.

IO: May I have the combat action report?

I have Exhibit R-2, which is a combat action report from Task Force Barker on 20 March. This has been entered into the record. I will show you it and ask you to review it.

Have you ever seen this report before?

A. No, this is the first--no, this is the first knowledge that an action report was made.

Q. Was your task force in the habit of making after action reports?

A. Colonel BARKER--I had observed Colonel BARKER writing what I thought might have been an after action report, because he was using onionskin paper and filling in positions and so forth. Colonel BARKER had never asked me to help with one, and I do not know if he turned them in or not, sir. He never asked me to cooperate in any type of after action report, none whatsoever. I was not aware if he turned one in or not.

Q. The only knowledge you have of any after action reports, then, would be only the fact that you saw him at one time preparing an after action report?

A. Yes, sir. He sat at his desk in his trailer.

Q. Would you know of any particular reason why this particular report was prepared? Had you heard any request to have such a report?

A. I heard none, sir. I was not asked for my opinions or recommendations.

Q. You will notice that this particular report, dated 28 March, in paragraph 2, covers the time period from 0730 in the morning to 1800 hours on the 16th. Do you know the first daylight hours in the operation?

A. Yes, sir, I'd say so.

Q. Do you know of any reason why there is no mention here of civilian casualties?

A. No, sir, I do not.

Q. You will notice page 3, paragraph 12, discusses friendly and enemy losses, and that there is no mention of any civilian casualties?

A. The 128 I recall as the figure being announced that night on the Armed Forces Network. And I remember it coming into the TOC, that 128. We were adding such casualties as they were reported by both companies in the field. I do not recall in my own mind, now, whether or not this was the total figure, or what kind of figure this was. I would not say positively that this would be a body count. I would not know. Now, why there is no civilians listed on there, I have no idea. I had nothing to do with the corroboration of the report.

Q. Did anybody in your headquarters attempt to analyze the ratio between enemy KIA of 128, and 3 weapons captured?

A. Yes, sir, this was given some thought. We had-- there were operations where we could only secure several weapons and no VC. There were operations when we could get VC and it was very difficult to find the weapons with them. If I may draw a comparison, after Colonel BARKER left the task force, for his job down in Duc Pho, an interim period before he came back with 4/3, I was left up at Dottie with Colonel ADKINS, who is commanding officer of 4/3. There was an operation during that time where there were well over 100 weapons of every type imaginable found, and there were 2 VC. Sir, the correlation between the number of weapons and bodies, so to speak, there just wasn't any logical explanation we could assume. We had had intelligence reports, and I believe these to be accurate and true, where the weapons were buried, dropped in rice paddies, put in rivers. The first thing Charlie did with his weapon was get rid of it if it did not look like he was going to be able to win. We tried to search out. There was probably 200 weapons or more in that area, but to find them is absolutely impossible. That place is heavily covered with vegetation. There were rice paddies. The rice was very high. The tunnels were

very deep and long, and it was difficult to find--there were a million and one places to hide something in that place. The only way we could do it, this was even discussed, was to go in there when there was an operation such as this, a clear and destroy operation, bring bulldozers in, and just bulldoze the whole area. To me it was logical but disappointing that we did not find any more weapons than we did. I saw weapons lying on the ground 2 or 3 weeks before that, and I saw them out of my helicopter. When we went to get them, they were gone.

Q. Well, with respect to 2 VC KIA and 100 weapons, I do not think that is a very good correlation. Because it is pretty obvious, it seems obvious, that they must have discovered a weapons cache. This is quite a bit different than individual weapons.

A. The thing that I am trying to point out, sir, is that it is the opinion of all the officers in Task Force Barker, the ones that I knew up there, they were just awfully lucky to get the weapons along with Charlie.

Q. But this disparity of the weapons issue, and the fact that reports were coming in that there were VC casualties, noncombative casualties, were never really put together and analyzed. Is that correct?

A. Yes, that is correct, sir. As far as I was concerned, the report from the helicopter that someone was shot down was never discussed with me after that day. In fact, it was not discussed too much in length that day.

Q. What was your normal ratio of enemy losses to friendly losses going against strong resistance?

A. We had--it is pretty high, sir. We had a lot; we used to keep it posted. I am trying to think what it was--30 or more to 1. I would like to be able to tell you exactly, but I cannot recall.

Q. This shows 2 to 120, or 1 to 64. This caused undue alarm in this operation, the friendly losses report in paragraph 2?

A. To me, it did not appear to be that bad, the ratio being, shall we say, unreasonable, considering the number of persons that were killed in the preparation prior to the operation during the firing of the artillery. It did not seem to be that bad. I can say that Colonel BARKER was elated, and he told me that. Of course, we were also thinking a positive frame of mind at the time, and we were happy our people weren't killed, mutilated, and wounded like they had been in the past.

Q. The exact reason why I asked you the question, you just stated, "Mutilated like had happened in the past," which would indicate that is normal.

A. Not in our operation, but I would say this is an estimate. Ninety percent of our casualties were by mines and booby traps, not from enemy fire. On some days--I know one day we lost quite a few men, and we never even saw one Vietnamese the whole day. But we lost people out of Captain MEDINA's company that day in the minefield. I was unfortunate to be out with them, with Colonel BARKER in a helicopter. These people were killed in action. This is part of our ratio, sir.

Q. Were you familiar with any other--let me rephrase that. After the filing of the combat after action report, were you familiar with any other investigation that may have been conducted--

A. (Interposing) With respect to March 16, sir?

Q. Yes.

A. Again, all I can say is that I was never contacted on an investigation. No one asked me my views, my opinions, or my knowledge. They just did not want to ask me. It was just never discussed.

Q. I have here Exhibit R-1, which refers to the investigation, dated 24 April, by Colonel HENDERSON, the brigade commander. I ask you to review this document.

A. I have never seen this report before, sir. I might point out that Colonel HENDERSON did not talk to me, as he left my name out of it.

Q. You are not included in paragraph 2 as being interviewed. Did you have any knowledge that such a report was being prepared?

A. No, sir, I did not.

Q. Did you have any knowledge that such an investigation as this was under way?

A. No, sir. The first thing I have known of any investigation was when it made the news media, which was a week and a half or so ago. I was somewhat shocked and dismayed by it.

Q. Do you consider that the report, as you see it, would be a proper kind of investigation that should be conducted in the event of an atrocity?

A. Sir, if I may say, I am not sure I am qualified to determine what senior officers are good and bad. I mean that in all honesty and sincerity. I do not mean to be facetious in any way. I do not know what I would have done in their place, had I had the information that was apparently available to them and not available to me at the time-- until now. I would have probably differed in some respects, but I do not know what I would have done. I would have sat down and talked to someone who knew what he was doing.

Q. I refer you to the first inclosure, dated 14 April. Have you ever seen this statement before?

A. This statement, itself, I have never seen. I have seen things that were similar to this, propaganda leaflets and so forth.

Q. Only this piece of paper here. I am not talking about that.

A. Sir, I have not seen this statement here before.

Q. Referring to Inclosure 2, this is a translation of the VC propaganda leaflet which was put out in the area. Have you seen this before?

A. Sir, I have not seen this particular one. If I had, I would have read the first two or three lines and dismissed it. There was always stuff lying on the roads and streets of this nature. We would bring it in, go over it. I do not recall specifically seeing this.

Q. I am referring to the second paragraph from the top of page 2, which refers to 500 people.

A. I never saw that before in my life, sir. I can say without any question, I have never seen that before in my life.

Q. Do you know of any other investigations that may have been made either by U.S. or ARVN forces of the incident of 16 March?

A. No, sir, I don't.

Q. To your knowledge, was Colonel BARKER directed to conduct a formal investigation?

A. Not to my knowledge.

Q. Do you have any knowledge of any investigation by Colonel TOAN, the commanding officer of the 2d ARVN Division?

A. I have no knowledge of that either, sir.

Q. Or by Colonel KHIEN, the province chief of Quang Ngai Province?

A. No, sir.

Q. Did you have any intelligence available to you from U.S. or ARVN forces which may have indicated that atrocities or something unusual had taken place in My Lai Village on 16 March 1968 other than what I have already stated, the initial report?

A. No, sir.

Q. You had no knowledge of any information coming from the ARVN?

A. No, sir, I do not.

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A. We would go down there and talk to Colonel GAVIN. He was the advisor down there and I must--like to state now that a lot of intelligence I received from Colonel BARKER, because Colonel BARKER talked to Major GAVIN, and he would come back and tell me. Occasionally, Major GAVIN would give me pieces of information. We would post those on our board and determine what they meant. A lot of information I got from Colonel BARKER himself, sir, what he received on his little trips around the area. Occasionally, Colonel BLACKLEDGE would call me on the phone or I would drop down to see him. He would give me information then.

Q. Captain KOTOUC, I show you here Exhibit M-5, which is a memorandum from the district chief of Son Tinh, to the province chief of Quang Ngai Province, and ask you if you have ever seen this report in English translation before?

A. I have never seen this before, sir.

Q. Going back to the operation and the reporting of the operation, do you know how many hamlets were burned during the course of the operation?

A. No, sir, I don't. I know there were some fires because when I went down over in the chopper, I noticed the smoke coming up from the ground. Some of the buildings in the area were not what you'd call related to other buildings, like a farm here, and maybe over here another farm or something like that. I can only give you an estimate, sir. I don't think it was a great many.

Q. Was this a part of your operating procedures? In the event they did this, that they would report?

A. They would report, the commanders of each company. They would report any action that they took in the destruction of the offensive positions, buildings, or anything else, or any of the facilities there that might aid the VC. Anything they destroyed was to be reported destroyed.

Q. Was anything reported to you during the course of this operation, 3 to 4 days, any additional villages and hamlets aside from My Lai (4) such as My Khe (1), My Khe (3), other villages to the southwest of Pinkville that were also burned?

A. No, sir, definitely not.

Q. Was there any account or estimate as to the number of animals in the My Lai area, My Lai(4) area and other areas, that were killed during this operation?

A. Not to my knowledge.

Q. Pigs, water buffalo, cattle--

A. (Interposing) Not to my memory there was not. I do not recall ever seeing a report on that--livestock, fowl, or animal.

Q. I would like to return to the period immediately preceding the operation and issuance of orders. You indicated that possibly you had been on board the aircraft the day before, or possibly 2 days before the operation, with the company commanders to make a recon.

A. There is a possibility of that.

Q. If you were to fly south of the area--to refresh your memory, would you recall discussion concerning exactly where the area was located? Would you recall such an incident in an aircraft?

A. Well, I recall going up the river, I recall that very well. Now, I hope this is the same one. I am not sure. I recall that because my map fell out the door. We circled around the general area of operations and we went up the peninsula, up north, and back down (pointing to map). This was just an overflight. We did look at a church down there.

Q. Church or pagoda?

A. Pagoda, I'm sorry, pagoda. And we flew back to Dottie in the course of our recons. I can definitely tell you that that was not it. I do not recall--what I am talking about is a later operation, with MICHLES. I do not recall--

Q. (Interposing) Do you recall any discussion prior to that time pointing out that that is going to be the LZ, and that is going to be here the artillery prep is going?

A. This is what we normally did, sir. This was a normal procedure for us. Now, whether it happened the day before or 2 days before, or whether it happened I do not remember. Although we did it on numerous occasions. This was SOP. We always went out to look in our own minds how things were set up. I have no reason to believe it was different before this operation. I can not recall specifically doing it.

Q. If you didn't conduct that flight, was it re-emphasized that the village was to be burned, animals killed--

A. (Interposing) I doubt very much if it was, sir. I would say so.

Q. You do not know if you were on board that airplane or not?

A. I don't know, sir. I just don't know.

Q. I'd like you to restate once more your interpretation of what orders were issued to Captain MEDINA with respect to the hamlet of My Lai (4).

A. Captain MEDINA was instructed to make an assault on My Lai (4), and there were other objectives in mind. I do not know how that was discussed. It was just a sweep operation. He was instructed to take the enemy under fire and do battle with him right there, as Colonel BARKER used to say all the time, and try to press him into a pincers operation if he could, which did not prove out to be fact. He told him to destroy such fortifications or other facilities, to include livestock, which might give aid and comfort to the enemy. It was not in my mind implied, in any way, shape, or form, that we would destroy the population, so to speak, or that area. It was a field order. It was given verbally, it was not handed down in writing. And Captain MEDINA gave the order to his troops after that.

Q. Did you hear Captain MEDINA issue those orders?

A. I did, sir. I was with Captain MEDINA. It was around the evening meal time, and we had our supper together. We were sitting right outside his tent that he used when he was at LZ Dottie, and we were sitting on a bunker. He asked to have the company brought in so he could give them his orders for tomorrow.

Q. The entire company?

A. He asked for the company to be brought in, the privates, the lieutenants, and everybody in between. The men gathered in a semicircle. I remember very well. I sat there on a sandbag next to the interpreter. Captain MEDINA gave the order to the company. Captain MEDINA picked up a shovel that was about five feet tall, leaned against the shovel, and gave the order. Captain MEDINA, in that order, told them precisely what Colonel BARKER had told him. He reemphasized to the men of the company that they had been through quite a bit of hell lately, minefields, sniper fires, and they had not engaged a main force body of enemy. He emphasized that everything pointed that they would. He wanted them to be particularly careful to take care of their buddies, to realize that it would probably be a pretty good combat engagement. He drew things on the ground with the shovel, showing where the LZ was, marking this and marking that, as land points and places that you would associate with where they were at so they would have an idea where they were at when they jumped out of the helicopter, which way they were headed, and which way they were supposed to move. He told them that he would be in his command group. He told them the signal was the same, the same "push" they use, the same frequency. And he told them to keep in mind that this was not going to be any picnic.

Q. From what Captain MEDINA had indicated to them, they were going to run into a sizable force there. Also, that the village would probably be free of noncombatants. Did he tell them that?

A. I left that out. He told them that the operation had been planned for sometime after 0700 hours, the air assault, that there would be a prep, and that there would be a gunship prep, that the people should probably be out to the market place, and that they would probably not encounter any civilians because the majority of the 48th Battalion was in that area, and people would probably scatter out and be gone. He did not infer, in any way, or excite his people to a degree that they might have done something. I sat through the whole thing, and I talked to him afterwards.

Q. Well, might not one, by process of deduction, a very simple deduction, if the whole village is to be gone and there is going to be a battalion there--that this unit might be worked up to a high state of mind whether the order was given or not--that thinking about this, when these men landed, they landed shooting, and they might have shot anything within sight or sound?

A. I will say, sir, that the frame of mind most of the people were in, there was a possibility that this could happen.

Q. Did you get a feel for the men? What kind of mental frame of mind were these men in?

A. They were nervous, sir. They were sitting around and punching each other, and he told them about the 48th and going down to the Pinkville area because that was their first trip there. They were nervous and they anticipated a fight, and they were shaking their heads. I would say that the company, the mental state, was not what I would find here back home in the states by any means. I think that they were--

Q. (Interposing) Was it a normal type of reaction that you get before an operation was initiated?

A. I think so, sir, normally what I would observe before operations. The people were keyed up, anticipating something, and they did not know what they were anticipating. They did not know what was going to happen, and they were checking their equipment and cleaning their rifles, putting oil on their rifles, checking ammunition, cleaning ammunition, drying their hand grenades. He told them how many hand grenades to draw, each one would carry, and the whole thing. I think that they were nervous about it. Captain MEDINA, himself was anticipating--somewhat--somewhat nervous. I was myself. I think what he was doing at the time, he wanted to emphasize to these young men, and most of them were pretty young, that they were going to do battle and they hadn't really done any battle up until this time. They had had a few snipers and some of this, but nothing where they had engaged a major force which he was certain, we were all certain, was going to be there.

Q. Did you hear him give any instructions to his company not to kill, wound, or otherwise damage or molest any civilians; children, women, old men, and other non-combatants?

A. He told them that rules of warfare existed, what we talked about in the land engagement. He told them to be very cautious and to do what was right. He did not say: "I do not want anybody shooting a civilian," or, "I don't want anybody here shooting a baby," or anything like that. It never dawned on me why don't you tell them that. I suppose it never dawned on him, either. It wasn't the type of company that would do that arbitrarily.

Q. But the impression, the implication was surely there that the civilians had vacated the village?

A. Yes, sir, it was. Because that was part of the planning, as I stated before, that Colonel BARKER and everyone discussed this matter. We thought that they all had been in Son Tinh or off to Quang Ngai which was a little ways away. I know Son Tinh was the place they went to most of the time.

Q. But you knew, and before that, that even though a great part of them may be gone, of other civilians, women, children, old men, and so forth, who would not be able to go to market?

A. I felt, in my mind, that there might be some there, yes, sir. But if I may say, that if it was either take the chance of "X" number of VC sympathizers as opposed to not having a prep in that area before taking a rifle company in, I certainly can tell you right now that you have to prep. That was my feeling, and I am sure it was everyone else's. Every operation we went into, we ran into civilians. I never went on an operation in RVN in my life where there weren't civilians out there. Whether they were friendly civilians or not, I do not know, sir.

Q. Did you shoot them? Did you habitually put artillery prep on them?

A. I would say that in the majority of our operations, we had preps.

Q. I am not talking about the majority of operations having preps. I understand that. I am asking whether it was normal to put preps on civilians and noncombatants in the villages?

A. Well, sir, we did not think we were doing that.

Q. Within this area of LZ Dottie, was there any indication of marijuana, opium, or any form of drugs?

A. There was one time. One time it was brought to my attention and Colonel BARKER's attention that this one company was moving in for a rest and to secure our area. And the other company was moving out. I don't even know which company it was. They had gone over to clean out the bunkers and to get the ammo put in the bunker around Dottie, and a sack of, as we say in our district, "yellow vegetable matter," which was assumed to be marijuana, was found. There was a little plastic bag of it found in one of the bunkers. I have never seen a U.S. soldier in Dottie knowingly smoking marijuana, nor did I talk to anyone at any time up there who appeared to be under the influence, except perhaps alcohol.

Q. You would say, then, that there would be a very small probability?

A. I would say that, yes. I honestly believe this. The men up there at Dottie--Task Force Barker is one of the finest units I have ever been in. The men up there realize what we are doing, and they realize that you had to have your head about you. If there was anyone there blowing "pot," I do not know about it.

Q. You do know, from what you indicated, though, that there was a reasonably good-sized plastic bag of what is commonly referred to as "green stuff."

A. Sir, I think it was marijuana in my own mind. It was never tested. We threw it away--is what we did with it. It also should be noted that there was no Vietnamese on Dottie other than interpreters and occasionally prisoners, when I would bring them in there as an initial interrogation point before we sent them forward to brigade or wherever else they were going to go. I did not allow Vietnamese on our LZ.

Q. Charlie Company first returned from the field sometime in the afternoon of the 18th, to LZ Dottie. Were you present at that time?

A. I do not know.

Q. Do you recall Colonel HENDERSON meeting the first lift coming in from C/1/20 and talking to a group of men?

A. No, sir, I do not recall, but that would not necessarily mean it was not true. I don't know. I know that colonel--that the colonel had a great deal of interest about our task force, and the general officers, they were down there quite a bit trying to help us out, because they knew we were working under somewhat adverse conditions.

Q. Did your task force have an SOP?

A. I am not going to be able to answer that right away. I don't know, sir. We had different things which we considered to be SOP's. We would go over trying to figure out what to do and the chain of command. I am sure there must have been something in writing as far as our SOP went. I couldn't say.

Q. Did brigade have an SOP?

A. I do not know, sir.

IO: I will show you three pocket-size cards and ask you if you have ever seen these, Exhibits M-2, M-3, and M-4. These are facsimiles of cards. Have you ever seen that card before?

A. Yes, sir, I remember this card. It was given to me at division headquarters when I came into the Americal Division (referring to M-2).

Q. Did all members of task force have copies of that card?

A. I assume that they did. They made a point of giving it to me, sir.

Q. Was there any periodic instruction on these cards on the return of the units to the fire base and during the rotation through the fire base?

A. Not to my knowledge; there may have been. There was some when they came in off patrol that they gave us. They talked to the men. Most of our men did not go off the base. There was nowhere to go.

Q. The question is whether or not there were any instructions in the context of those cards.

A. I received instructions at division. I do not know if instructions were given on the company level.

Q. Did you ever see that second card (M-3)?

A. Yes. This was the policy.

Q. Were these distributed to the men?

A. I assume that they were, sir.

Q. I show you another card (M-4).

A. I don't remember this one off hand. During the in-briefing section of the Americal Division, they gave us cards and instructions, and they had a little 5-day school there.

Q. When you arrived in country, you went to the reception station at Chu Lai where the Americal Division is?

A. I went from Saigon to Long Binh, from Long Binh to Chu Lai, reported to G1 at division, and they decided what my further orders would be. And they put me in the school, as I recall a 5-day school. At that time they gave classes on how to yell halt, stop, come here, and so forth in Vietnamese. They showed us movies and periodicals about how we were not over here to run their minds, and not to kill Vietnamese. We were over to establish democracy.

Q. In your opinion, when you were at the indoctrination course, at the Americal Division in Chu Lai, on the subject of handling PW's, the handling and treatment of non-combatants, women, children and old men, reporting atrocities and so forth, was this training sufficient?

A. It was not, by any stretch of the imagination, a primary curriculum of the school. It was given out, and it was given out in a sensible, intelligent manner.

Q. There is no question in your mind what you were supposed to do?

A. No, sir.

Q. This training was also given to all replacements arriving for the division?

A. I think in most cases. There was only officers in my class. I did not see enlisted personnel there and I think there were NCO's in our class. I don't recall having privates or PFC's in my class, but I assume that there were--

Q. (Interposing) Might not this be the normal case, that the senior NCO's and officers would be provided this course differently from the privates and the 11 Bravos?

A. Yes, sir, I think so. The school was up there in Chu Lai, and I think that everyone went there, probably.

Q. I show you another exhibit (D-1), which is MACV Regulation 20-4, entitled "Inspections, Investigations, War Crimes." I would ask not for you to read all the details, that is not necessary, but to review it to see if you have seen this document?

A. I don't recall reading this document, sir, nor having it read to me.

Q. Do you know whether this document was available in Headquarters, Task Force Barker?

A. No, I do not.

Q. Headquarters of 11th Brigade?

A. No, I do not know.

Q. Did you ever see any instructions which may have implemented instructions from this particular document from the Americal Division, from your brigade, or possibly the task force?

A. I do not recall ever seeing anything come down in writing on this subject. It was discussed on numerous occasions, particularly in my business, because I did interrogate prisoners. I can probably--the instructions were given to the troops, because they were the ones who caught the prisoners. I went out, and in most cases they fed them before I got there, or they had given them cans of food to bring back with them to the LZ. They always gave the prisoners cigarettes. I did not see any maltreatment, so I can assume that the instructions must have been put out to the troops because they treated the prisoners good. Even when they bound them, they would bind them and put them in the helicopter. I think there is an apparent reason for that.

They did not even bind them hard where it would cut their wrists.

MR MACCRATE: Captain KOTOUC, when General PEERS questioned you about the ratio of 128 kills to 3 weapons, you referred to a discussion that you recalled about bulldozing the whole area. Was this something that followed 16 March?

A. No, sir. I don't think that 16 March contributed to this directly. This was a thought, the commander's and mine, on how to bust through this area. We wanted to clear the area because it was a headache to everyone. We wanted to get the civilians out of there and interred in these camps that they had both at Son Tinh and--I don't recall. That was where Major WILLOUGHBY was at. And, it was our plan, and we worked at it very hard. Colonel BARKER worked at it very hard so we could take the civilians in there and be sure that they had rations and quarters, and then go in there and clean the area out so we could at least observe in there. Because there were so many old buildings and huts, villages and rivers--

Q. (Interposing) Was this the discussion before or after the operation?

A. I think that the discussion started before I even arrived there, because Colonel BARKER was talking to me about it just in a matter of conversation, getting my opinion and my ideas on it.

MR WEST: Captain KOTOUC, how about the men in the two companies which took part in the combat assault on My Lai (4)? Were they battle-experienced soldiers?

A. I would say that they were.

Q. Would you call them battle-hardened soldiers?

A. Although Charlie Company had not engaged in a major operation, they had been under fire. They had seen friends killed in other battles, and I think that they were, for the most part, well equipped to carry their mission out. Captain MICHLES' company had seen more action than Captain MEDINA's company. Captain MICHLES' company was an excellent company. They were very well led.

They were really a battle-hardened group. They had been in some pretty good ones.

Q. I believe that you testified that you know Captain MEDINA pretty well?

A. I met Captain MEDINA in Hawaii in 1966. He was a lieutenant when I first met him.

Q. How long did you know him in Hawaii?

A. I arrived in 1966, in August, about that time. I knew Captain MEDINA from that time until now.

Q. Do you know if he had a nickname during this period?

A. Do you mean "Mad Dog"? I read that in the papers, sir. We had a lot of nicknames for people. Captain MEDINA's nickname in Hawaii was "Mad Dog." I hope it is taken in the way it is meant. It was a name of respect from the troops. He was always pushing and staying with the company. If they stayed at night, he stayed. When they ate, he ate last. They just named him "Mad," and I don't think they meant to infer that he was insane or anything like that.

Q. I didn't take it that way--

A. (Interposing) I know, I just want to make it clear what I know.

Q. We had indications from previous testimony that this was referring, at least in part, to his competitive spirit?

A. Very strong, competitive--

Q. (Interposing) You said that was a fair appraisal?

A. I had Bravo Company and he had Charlie Company. I could never beat him. He was very competitive-minded.

Q. I was thinking of this. Were you thinking of this when you were speaking of body count? Was there a body count competition between the companies?

A. Sir, I don't think so, not--Barker Task Force was one body with one head, and that was Colonel BARKER. Everybody was from a different battalion and the companies-- there was no rivalry between the companies, because they were never together. If one was at Dottie, one would be in the field, and one would be at Uptight. Then they would switch. I don't believe so, sir.

Q. With respect to body count, do you have any information whether one company had a higher body count than another company? For example--

A. (Interposing) I would have to say Captain MICHLES' company probably had the most killed because they had been in the biggest engagements and more action. MEDINA's company, I know, had the most casualties.

Q. Do you have in your possession or retained records a roster from Headquarters, Task Force Barker?

A. No, sir, I don't. All my answers are from memory. I don't recall if there was ever--I did not make an officer's roster. I have never had one if they did make a roster.

Q. Was the actual number of people in the headquarters of the task force rather small?

A. Yes, sir, it was very small, smaller than any battalion.

Q. Would you help us list as man members--

A. (Interposing) I will be glad to help you in anything I can.

COL MILLER: You received instructions on the treatment of prisoners at the school in Chu Lai when you went to Vietnam. You said that other people had been instructed on the subject on a number of occasions. Do you recall who those people might have been, and under what circumstances?

A. Well, sir, not any formal presentation, an informal presentation. They talked to the men on the prisoners they captured, how to treat them, and to take it easy on them. They were prisoners, but don't be kicking them around like a dog, so to speak.

- Q. Was this your personal knowledge?
- A. I hate to say yes, but I hate to say no.
- Q. Were you so instructed?
- A. Yes, sir. I was instructed throughout my Army career, and then again in Vietnam.
- Q. I am talking about Vietnam.
- A. In Vietnam--
- Q. (Interposing) Specifically at what school there? Did the brigade commander--
- A. (Interposing) Colonel BARKER said that he wanted our prisoners brought in. Interrogate them, and find out if they were going to be of any value. Take it easy on them. That is what I did.
- Q. Did you normally interrogate prisoners who had been captured?
- A. I normally did, yes, sir.
- Q. Did you after the My Lai (4) incident?
- A. I interrogated--I probably did. I am sure we brought prisoners back to Dottie. I did interrogate in the field with respect to where the VC who had got away from us had gone, and also about the mines and booby traps. My interpreter worked with me, and they discovered a number of mines and booby traps. It was a very short interrogation.
- Q. Was this on the 16th?
- A. This was on the 16th.
- Q. Did you get any other unusual information from them concerning such things as killings?
- A. No, sir. The people I interrogated and questioned for the most part were very reluctant to talk. They would normally say that they didn't know or didn't remember. The bombs had been falling and their head hurt. This was pretty much of a standard answer.

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got in it and they lost 15 people.

Q. Did you brief the company commanders on the intelligence situation on 15 March?

A. I did, sir.

Q. Was Colonel BARKER there? Did he hear your briefing?

A. I don't recall if he did or not. Major CALHOUN and I shared a bunker, and we used to have some of our briefings in that bunker. Again, I must say that they were not formal briefings.

Q. Is it true that the entire concept, a great portion of the concept, and the assault on this particular village or hamlet, was based on the supposition that there would be a large number of civilians at market? This apparently came through intelligence channels. Now, can you remember or can you cite a reference or do you know a document which gave you this information?

A. No, sir. I can not cite any document, but it was through interrogation of people, people I had talked to. This was always--this was the part we were trying to figure out, how they moved in the area. They all came and went about the same time.

Q. Was this your--did this come from somewhere else besides your own assessments and evaluations?

A. I think so. If I recall, part of it came from Colonel BARKER. Information, I think, he received from his contacts or somewhere like that. It is very difficult for me to pin it down.

COL FRANKLIN: You said that Task Force Barker had a body count of civilians. Who was saying that and how often did you hear it?

A. I went down to brigade for something or other. I don't remember what it was. And I talked to friends around there. I had lunch with them before I went back up to Dottie. I was down to Duc Pho to brigade many times, and I talked to different friends down there. I do not remember who they were. I talked to everyone I could, just to see them. They mentioned that they didn't think that such a--I

don't know how to express it.

Q. Were these the kind of people that Colonel HENDERSON would deal with, who would express the same thing in front of him?

A. I doubt it. Most of my friends did not have anything to do with--they were junior in rank.

Q. Did you ever hear this expressed at Dottie by the people inside your TOC?

A. No, sir, I never did.

Q. Were your two major operations down along the Pinkville area?

A. Yes, sir, the major operations were there and on the peninsula up north.

Q. How, in your mind, did you explain the 30 to 1 body count when most of your casualties were from mines and booby traps. Who was killing these people, and what type operations?

A. The major operations, again, were down where you spoke of, sir. And there was sniper fire throughout the AO. And everyone once in a while--they would call in. It was usual to get two or three VC with weapons, and lose one ourselves occasionally. We used gunships quite extensively throughout the area.

Q. Then you believe this body count of 30 to 1?

A. I wish I could recall the ratio--

Q. (Interposing) 25 or whatever. High body count.

A. The ratio we considered acceptable.

Q. The companies would report to you on the body counts. Did you accept these? Did you ever confirm or check it out, go out yourself with Colonel BARKER, go out there after a battle or ambush and get out on the ground and check these things out?

A. In major operations, we normally went out at different intervals. If I got a report that Bravo Company

killed one, I did not go out to see it. No, sir.

Q. You accepted it. Was any effort made by anyone to verify this extremely high body count of 128 as reported by Task Force Barker?

A. No one went back in the village and counted them afterwards. How they were counted, I do not know.

Q. No chopper or anyone from Task Force Barker went out specifically, or came back with any count?

A. No, sir.

MR WALSH: Captain, you said this morning that you knew Colonel HENDERSON had directed MEDINA to sweep back through the village and make a body count of civilians broken down by men, women, and children. How did you know that?

A. It was on the radio, sir.

Q. You were listening to the radio?

A. Yes, sir. We monitor all radio frequencies at the TOC.

Q. Who was with you at the TOC at the time you heard that?

A. I am sure Sergeant JOHNSON was there.

Q. How about Major CALHOUN?

A. Major CALHOUN may have been there. I do not know if he went out in a helicopter that day. It was--sometimes Colonel BARKER made CALHOUN go to Uptight, and he would direct the operation from Uptight.

Q. You also said that General KOSTER had countermanded this order?

A. Yes, sir.

Q. You heard this, also?

A. Yes, sir, on the radio.

Q. Did this happen immediately after the order was given by Colonel HENDERSON?

A. I would say yes, sir, immediately.

Q. Had General KOSTER heard Colonel HENDERSON give this over the same channel?

A. He must have heard it because he countermanded it.

Q. You don't recall any intervening discussion involving any other people or between them from the time Colonel HENDERSON gave the order and General KOSTER countermanded it?

A. No, sir. It was just an order to be followed. There was no discussion or argument or asking them to please reconsider, no.

Q. You heard the two orders, one by Colonel HENDERSON and one by General KOSTER, and you can't recall the time gap between the two?

A. Again, I would say immediately thereafter. It was not a long time.

IO: Captain KOTOUC, what you said today, about your staff, and the way the staff functions. From them, your description of Colonel BARKER, are you--I get the distinct impression that it was pretty much a one-man show?

A. It was, sir.

Q. Did he permit the staff to function as a staff?

A. Yes, sir. Colonel BARKER did not ride your shoulders so to speak. He let you operate and he would talk to you. And he, Colonel BARKER, was a very strong commander, sir. And I respected him quite a great deal.

Q. Do you have any knowledge, direct knowledge, of the men of C/1/20, at the time of this operation, being under the influence of marijuana or any other drugs?

A. No, I do not, sir.

Q. Do you know of any other operations where these men may have been under the influence of marijuana or other drugs?

A. No, sir.

(KOTOUC)

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Q. Do you know of any of the men in the task force--when they have been under such influence?

A. No, sir, I do not.

Q. Did you ever hear an order or instruction being given not to discuss the My Lai--whatever took place at My Lai (4) on 16 March 1968?

A. I did not, sir.

Q. Prior to your coming here to this hearing, had you discussed this matter with anybody else in the task force?

A. I talked to Captain MEDINA, sir.

Q. When did you talk to Captain MEDINA?

A. On 24 November. I was in contact by telephone from my home to Captain MEDINA at Fort Benning, Georgia. The news had come out on around Friday or Saturday, 21 or 22, and I had thought about it all week long and all week-end long. I called up and I talked to Captain MEDINA, and my conversation was that I wanted to assure him that I was with him and I was a friend, and if he needed me for anything at all he could call on me. I told him that we were all behind him. If any trouble came forward, that I would be right with him. Mrs. MEDINA is a friend of my wife, and my wife was very upset about this whole thing. Again, on a Sunday, 30 November, I talked to Captain MEDINA again by telephone. And I informed Captain MEDINA that I had been called to come out here to testify before some type of board. I had no idea of the subject, other than it was probably related. I asked him if he was going to be in Washington at that time, and he said that he was not sure, but he understood that he might come up around Thursday. I want to make it clear now, that we did not collaborate in any way whatsoever. I called him strictly because he is a friend. And I thought that, at a time like that, he could use all the friends he could get.

Q. Did your friendship for Captain MEDINA have any influence on your judgment or your actions in this particular situation?

A. No, sir.

Q. Has it in any way influenced what you have had to say before this investigation?

A. Absolutely in no way, sir. There's no reason for it to.

COL FRANKLIN: Was it common for the brigade commander to talk to a company commander and give him orders, in the 11th Brigade?

A. I heard it done many times. Before Colonel HENDERSON took command, General LIPSCOMB did on many occasions. General LIPSCOMB himself landed in the middle of that dang minefield that day. This was not unusual.

Q. Before we recess, I would like to give you an opportunity to make any additional statement you would like to make or anything which in your judgment would prove beneficial to the purpose of this hearing.

A. In my honest opinion, I find it very difficult to believe some of these allegations. I think that the whole thing has to be looked at, and I'm sure that's what you gentlemen here are doing. I would like to tell you that Task Force Barker was a fine outfit, and we lost some good men; it's a shame that this had to come up like this. As far as I'm concerned, the operation was on, they were notified. Even the network in Saigon, and if anyone is covering up, that's a hell of a way to do it. If anybody wanted to know what was going on, why they were right there.

IO: What do you mean, they "put the operation on"?

A. The body count went over AFN. The body count itself, the operation, the location were given over the radio to the general public, Vietnamese and VC alike.

Q. Was this also broadcast by the Vietnamese station?

A. I don't know, sir. I assume they pick up a certain amount from our station. I just can't believe anyone tried to cover this up. And as far as your question on Captain MEDINA's nickname--I was there at one time in a minefield

when a man had his foot blown up, and we were carrying him to a helicopter. MEDINA was standing there, and the man

grabbed him and said: "I can't fight for you any more." I would say that that was indicative of the way his troops felt about him. I think he is a fine officer, and I'm sorry this thing came up.

IO: Do you have anything further to say?

A. No, sir.

IO: This hearing will recess.

(The hearing recessed at 1528 hours, 6 December 1969.)

(The hearing reconvened at 1818 hours, 9 February 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL MILLER, COL FRANKLIN, COL ARMSTRONG, LTC BAUER, and MAJ LYNN.

Sir, the hearing recalls Captain Eugene M. KOTOUC.

(CPT KOTOUC was recalled as witness, reminded that he was under oath, and he testified as follows:)

Are you represented by counsel?

A. I am.

RCDR: Would counsel please state their name, rank, Social Security number, organization, and station?

CPT MACDONALD: Yes, sir. I am Captain William R. MACDONALD, Judge Advocate General Corps, . I am presently stationed at Headquarters and Headquarters Company, U.S. Army Garrison, Fort Carson, Colorado.

LT ALLEN: Lieutenant Robert T. ALLEN, First Lieutenant, Social Security number , member of 43d General Support Group, Fort Carson, Colorado.

IO: Captain KOTOUC, since you last appeared before this inquiry in early December, we have had an opportunity to interrogate a large number of witnesses. At the present time, from the start of the investigation up to the moment, it will be in the neighborhood of about 350. In addition, we have collected a large number of documents pertaining to the operation of Task Force Barker, pertaining to the reporting and investigation of the incident, and other related documents. We've also been to South Vietnam and have been on the ground in the area which is commonly referred to as My Lai (4), and have personally walked through the village, and had an opportunity to see the site of the operation by C/1/20 first hand. While we were in South Vietnam, we also

had an opportunity to talk to quite a large group of Vietnamese, a total of approximately 30, including several of the individuals who worked in close connection with Task Force Barker. People of Son Tinh district, personnel Quang Ngai Province, 2d ARVN Division, and several other Vietnamese including three of the interpreters including your own, Sergeant HIEN, also Sergeant MINH, and Sergeant PHU. So, we do have a much better picture of what transpired in South Vietnam, in Son My Village area, in the time frame of 16-17 March 1968. Our purpose here is to call you back, having this information to fill in some of the gaps, and to ask you some questions concerning some of the previous testimony.

A. Yes, sir.

Q. Do you have any questions at this time? I'll add one thing that I might say. I don't know whether you've met all the people at this table or not. Have you met Mr. MACCRATE?

A. Yes, sir.

Q. Mr. WALSH, Mr. WEST, Colonel FRANKLIN, Colonel MILLER, you've met all of these individuals. We also have Colonel BAUER here. All of the people in military uniform are in the same category, having been designated as assistants by General WESTMORELAND, the Chief of Staff of the United States Army. Before Colonel MILLER addresses you and provides you instructions, do you have any questions you'd like to ask at this time?

A. No, sir. I'd like to be pardoned, I have a terrible cold, and I can't hear a thing.

COL MILLER: Captain, I'm aware that you are having a hard time hearing today. If at any time you don't hear me, please let me know and I'll speak up. When you appeared and testified at this investigation on 6 December of last year, you were accompanied by Lieutenant ALLEN as your counsel.

A. Yes, sir.

Q. You now have also Captain MACDONALD. Captain, you are a lawyer admitted to practice law in the state of Colorado?

CPT MACDONALD: Maryland.

Q. Are you satisfied with these two individuals now as your counsel?

CPT KOTOUC: I am, sir.

Q. At your prior appearance, you were also informed that you were not suspected of any offense subject to this investigation.

General PEERS just told you that we have now talked to many additional witnesses and examined many documents. All of this material has now been considered. As a result of the information now available, I hereby inform you that you are now suspected of having committed several offenses which are in violation of the Uniform Code of Military Justice. These suspected offenses relate to the Task Force Barker operations, including the so-called My Lai incident, of March 1968. We realize that this is a misnomer, but I think you do understand the time to which I am referring. Do you?

A. I understand.

Q. Task Force Barker's operations in the My Lai area on the 16th of March, and these suspected offenses, relate to that time period and immediately afterward. Some of them are directly relevant to the subject of this investigation. I shall, in just a moment, advise you of those things of which you are suspected and also inform you concerning your testimonial rights and your rights to counsel, to representation here. You are suspected of:

(1) Failure to obey a lawful general regulation concerning the reporting and investigation of alleged, or suspected war crimes.

(2) Dereliction of your duties in connection with the Task Force Barker operation of approximately 16-18 March 1968, and your actions related thereto, before, during, and after that operation.

A. What was the charge, sir?

(KOTOUC)

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Q. Dereliction of your duty pertaining to that operation, both in the preparation, execution, and after the operation was over.

(3) With the maiming of a Vietnamese national who was in your custody and control at the time. A lesser included offense of maiming is aggravated assault which, among other things, includes the intentional infliction of grievous bodily harm.

You are also suspected of participation in the planning, the implementation, and the subsequent execution of an operation which had as some of its purposes the unlawful and systematic destruction of private and public property, and the killing of civilians, in violation of the laws of war, including the Geneva Conventions of 1949. The acts of which you are suspected, if established, would constitute violations of the laws of war, and also of the Uniform Code of Military Justice.

You are also suspected of the suppression, and conspiracy to suppress, information concerning the investigation of acts which may have been committed by Task Force Barker troops during this operation into the My Lai area of 16-18 March 1968. Some of these acts which may have been committed by members of the task force include but they are not limited to: unlawful killing or murder of civilians, aggravated assault, rape, arson, and unlawful destruction of property. Those acts, if committed, may be violations of the laws of war, and also grave breaches under the terms of the Geneva Conventions of 1949, and also violations of the Uniform Code of Military Justice.

Action to withhold or to suppress information concerning, and the investigation of, such acts, or a conspiracy to withhold or suppress, may constitute the offense of misprision of felonies, or accessory after the fact, or both, as well as being in violation of existing regulations, Army regulations, directives of higher headquarters, dereliction of duties, and conduct unbecoming an officer.

You are also suspected of the offense of murder of at least one Vietnamese national who was in your care or

custody. Do you understand these offenses as I have related them, very generally?

A. Generally I understand, yes, sir.

Q. Counsel, do you understand?

CPT MACDONALD: Yes, sir.

LT ALLEN: Yes, sir.

Q. Before we go any further, I want now to move into an explanation of your right to counsel and your right with respect to testimony. You have, of course, the right to remain silent, to not answer any questions whatsoever. Any statement that you do make may be used in evidence against you in a criminal trial. You have the right to consult with counsel, and by counsel I mean a qualified lawyer. You have two of them present today. In addition to military counsel, you may, if you wish, retain civilian counsel at your own expense, and he may be present with you. We would appoint counsel. However I think you are satisfied with the counsel you have now.

A. I believe I am, sir.

Q. You have no further request for military counsel. You can have these counsel with you in this hearing. You can consult with them at any time, and they can consult with you at any time. If you want to have civilian counsel in addition, that is your privilege also. You have had made available to you, for a short time at least, a copy of the prior testimony which you gave before General PEERS in December. Have you had some opportunity to examine that?

CPT MACDONALD: Yes, sir. I have briefly.

Q. Lieutenant?

LT ALLEN: Yes, sir.

Q. If you decide that you wish to answer questions, you may nevertheless decide that there are certain questions

that you do not want to answer, and you may terminate the questioning by stating you have no further questions that you will answer, at any time. Do you understand your rights as I have gone through them so far?

A. I do, sir.

Q. Would you like to have me explain them any further?

A. I think not, sir.

Q. Captain, lieutenant, do you have any questions at this time?

CPT MACDONALD: No, sir.

LT ALLEN: No, sir.

Q. Since you have counsel, I won't go into that further. My next question is whether you are willing to make any statement or to answer any questions.

CPT MACDONALD: Could we beg your indulgence for a few minutes, General, to discuss a few of these things with Captain KOTOUC? I was only aware of the suspected maiming and the suspected murder investigation. We could slip out in the hall for just a few seconds.

IO: Certainly. The hearing will recess at this time.

(The hearing recessed at 1832 hours, 9 February 1970.)

(The hearing reconvened at 1834 hours, 9 February 1970.)

IO: The hearing will come to order.

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

COL MILLER: Captain, have you had an opportunity now to consult with counsel?

A. Yes, I have.

Q. Are you ready to answer my questions?

A. General PEERS, gentlemen, due to the wide variety of allegations covering an unspecific time and period when I was in Vietnam. I don't, under advice of counsel and in my own mind--I feel it best not to make any statements at this time.

Q. I might just ask, counsel, are you concerned about this covering a wide area or space in time? These are keyed to the incident of 16-18 March in one way or another in all cases.

CPT MACDONALD: Yes, sir. I'm concerned mainly, well, not mainly, but to a degree with dereliction of duty, the failure to obey regulations, to report war crimes. I did think at one time that Captain KOTOUC could give information, but I think with all these suspected offenses that we now have, my advice to him is--and I think it's his right, sir, to do--is to respectfully refuse to answer any questions at this time. I can give him no other advice as a lawyer.

Q. I understand your position. If it's just a question of being a little more specific with respect to the allegations--

CPT MACDONALD: (Interposing) I don't think any more specificity is necessary.

Q. For example the regulation to which we refer is essentially MACV Directive 20-4, which is binding upon all persons subject to MACV who are in Vietnam, including intelligence officers or anyone in combat. Those people are specifically concerned. If you wish to have time to look at the directive, I'd be glad to give you a little time.

CPT MACDONALD: I still believe, now of course, in the final analysis, Captain KOTOUC has to decide what he wants to do. I can only advise him. I do think, because of the seriousness of the offenses, plus the fact of the dereliction of duty--I suppose can be committed at any time over a period of days--that I think it would not be wise for him to talk about this period. I think anything--well, I'll just leave

it at that. My advice is, I think Lieutenant ALLEN agrees, that he should exercise his right to remain silent.

Q. That's what you wish to do?

CPT KOTOUC: They are my counsel, sir, and I am confident in my own mind that they are competent.

IO: Would you care to answer any, or to hear any, questions and then decide whether or not you would like to respond to them?

CPT KOTOUC: Well again, sir, I have got my counsel, and I have to listen to my counsel, or I might just as well not have them, sir.

IO: All right. Before we recess, I would like to again caution you of the fact that you have been ordered not to discuss your testimony, that which you have heard in this room, with others.

CPT KOTOUC: That's correct, sir. I respect that confidence.

Q. Including any individual, who may have or may appear as a witness before this inquiry.

A. Yes, sir.

CPT MACDONALD: Excuse me, sir. I just have one question. I came into this business somewhat late. Captain KOTOUC had appeared before you once before when nothing was pending, there were no suspected offenses. I came to Washington 3 weeks ago to appear before a Senate subcommittee--

LT ALLEN: (Interposing) House.

CPT MACDONALD: House subcommittee, I'm sorry. I think the Senate may call us in at some time. I want to know, are there any restrictions if we are recalled before the House of Representatives or the Senate?

IO: I have no right or authority to preclude Captain KOTOUC from testifying before any competent legislative body,

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which would include any of the committees or subcommittees of either the House or the Senate, and if you are so called, your previous testimony, your appearance here this afternoon, would in no way preclude or prevent you from appearing.

CPT KOTOUC: Yes, sir.

CPT MACDONALD: Thank you, sir, that answers my question.

IO: The hearing will recess at this time.

(The hearing recessed at 1840 hours, 9 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: LEWELLEN, Charles R., CPT

DATE OF TESTIMONY: 23 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assistant S3 for Task Force Barker.

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

a. LEWELLEN's connection with training.

Prior to becoming Assistant S3 for Task Force Barker, Captain LEWELLEN was operations officer for the Americal Division's training program given at the Americal Combat Center at Chu Lai (pgs. 38, 39). His job was primarily programming, scheduling, and inspecting training (pg. 40). He did not instruct (pg. 40).

b. Instruction given on the Rules of Land Warfare at the Combat Center.

Initially, training on the Geneva Conventions was given by JAG officers (pg. 37). However, it was later given by training center personnel (pg. 37). He did not recall any specific training dealing with noncombatants (pg. 37), but he thought this was covered in the instruction given on the rules of engagement (pg. 41). The pacification program was not discussed in the training given at the combat center (pg. 42). He did not recall individuals being taught that they had the right to protest an illegal order (pg. 38).

c. Documents used as training aids.

Cards covering the rules of land warfare were supposed to be in the possession of each soldier by the time he reached the combat center (pg. 38), and they were periodically checked to see if they had their cards (pg. 39). He did not know if the cards were used for instruction at the combat center (pg. 39). To his knowledge, no documents providing guidance in the investigation and reporting of war crimes were used or referred to in any of the instruction given in the Americal Division (pg. 43). He was not personally familiar with the MACV Card "Guide for Unit Commanders" (pgs. 39, 40). He did remember the MACV cards, "Enemy in Your Hands" and "Nine Rules" (pg.39).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

LEWELLEN did not attend the briefing on the 15th due to the fact that he worked nights as TOC duty officer and slept during the day (pg. 4). He did not recall any discussion concerning the forthcoming operation while TOC duty officer the night prior to the My Lai operation (pg.5).

3. ASSAULT ON MY LAI.

a. LEWELLEN's tape of the My Lai operation.

LEWELLEN remained in the TOC on the morning of the 16th and taped radio transmissions of the operation until approximately 1100 or 1200 hours (pg. 6). He made this tape because similar tapes made on his previous tour in Vietnam had proved to be good training aids (pg. 12). The tape was turned on only during the actual radio transmission (pg. 15). He did not know how many feet of tape he took (pg. 15). He was unable to get all of the transmissions on the tape due to the fact that he had to turn it over several times and rethread it (pg. 19). He did not know where the original tape is (pg. 18). Since his return from Vietnam, he had added a copy of the original tape to a longer tape, which included transmissions of similar operations (pgs. 18, 19). However, the copy presented to the committee is an absolute duplicate of that which was recorded in Vietnam (pg. 19).

b. LEWELLEN's knowledge of the operation from the tape.

LEWELLEN was unaware of any conversations which occurred during the operation other than those on the tape (pg. 9). In fact, aside from what is on the tape, he did not recall much about the operation (pg. 11). The tape indicated that there was an intensive artillery prep on the LZ prior to the first lift in (pg. 6). He recalls a report of 84 KIA's due to artillery (pg. 8), but did not remember the report of 69 KIA (pg. 10). The LZ was reported cold (pg. 6). However, the pilots reported receiving fire on the second lift which they returned (pg. 7). They claimed that they had killed many VC with weapons (pg. 7). The pilots made several requests of MEDINA to police up the equipment in the possession of the VC they had killed (pg. 9). LEWELLEN heard no radio transmissions from the helicopter pilots concerning the killing of civilians (pg. 16). He did not recall an order from BARKER to CALHOUN to overfly the area in his helicopter (pg. 11). He did not recall any instructions issued by either BARKER or CALHOUN to have the people on the ground stop the burning and the killing (pg. 11). He was unaware of C Company's report of 100 VC KIA (pg. 13). The tape indicates that HENDERSON arrived at LZ Dottie with two VC suspects (pg. 9). A 60 mm mortar and mortar rounds were found on Hill 85 (pg. 7).

c. That which he remembers of the operation through his own knowledge.

He recalled the arrival of KOSTER and HENDERSON on the morning of the 16th, but he did not get close enough to them to overhear their conversation (pg. 8). He did not recall WATKE or anybody connected with the aero-scout outfit complaining to BARKER about the unnecessary killing of civilians (pg. 16). He did not know if BARKER returned to the TOC before or after 1000 hours; however, he did not believe that BARKER was at the TOC when KOSTER arrived at 0935 hours (pgs. 27, 28). Shortly after the tape ran out, he went to bed because he had to work that night (pg. 10). He was not in the TOC on the afternoon of the 16th (pg. 12).

4. INQUIRIES AFTER THE ASSAULT.

He was unaware of any investigation of the My Lai incident (pg. 24). He heard nothing about a complaint from a helicopter pilot that there had been unnecessary

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killing (pg. 24). He heard nothing concerning a confrontation between a helicopter pilot and a ground element (pg. 24). He was never asked to write a statement concerning what he knew about the My Lai operation or make an oral statement under oath (pg. 25). He could recall not discussion concerning the disparity in the body count to weapons ratio (pgs. 12, 13). He was unfamiliar with any information received from the village chief at Song My (pg. 25), and did not see any VC propaganda on this subject, despite the fact that he is a collector of such propaganda (pg. 26). He never heard any rumors about the incident (pg. 26), and never spoke to MEDINA about it (pg. 27).

5. REPORTS OF INVESTIGATION.

In his capacity as night TOC duty officer, he had no occasion to see the Task Force Barker after action report dated 28 March (pg. 24). He was not familiar with this report (pg. 24).

6. OTHER INFORMATION.

a. The availability of radios within Task Force Barker.

The task force had a limited number of radios (pg. 31). There were only two VRC 46's in the TOC (pg. 46): one was on the brigade frequency and the other was on the task force frequency (pg. 46). There was a hot line directly from the TOC to Bronco which was tied into Bronco's switch (pg. 31). They were also tied in with 4/3 (pg. 31). Companies which could not be reached directly from the TOC were reached by going through the Uptight command push (pg. 31). He recalled that on the day of the operation there was no direct radio contact with Charlie Company (pg. 34). A relay was needed (pg. 34). He picked up no transmission from C Company while it was on the ground from the radio he was monitoring (pg. 29).

b. Preparation of after action reports within Task Force Barker.

LEWELLEN never prepared after action reports for the task force (pg. 30). Very little paper work was done by the task force (pg. 30). Operations orders were normally verbal (pg. 30).

c. Report of civilian casualties.

He did not consider the report of 10 to 11 civilian casualties abnormal (pg. 17). However, these would be reported (pg. 17). Civilian casualties were counted separately if they were definitely proven to be civilian (pg. 18). Otherwise, they were included in the VC body count (pg. 18).

d. Others to whom he had spoken since the story broke in the press.

The only person to whom LEWELLEN had spoken since the story broke in the press was Sergeant JOHNSON, the operations sergeant in the school brigade (pg. 4). They discussed the operation and tried to recall the facts (pg. 4). JOHNSON was not helpful to LEWELLEN in reconstructing the matter (pg. 4).

e. Those normally in the TOC.

Those who would have normally been in the TOC between 0800 and 1000 were: Sergeant JOHNSON; Major CALHOUN; a Negro E-4, who was a clerk typist; a Negro officer, who was the communications officer; and Sergeant STEPHENS, the S2 sergeant.

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
D-3	MACV Directive 525-18	Wit had never seen.	40
D-4	MACV Directive 95-4	This information was basically covered in Combat Center.	41
D-5	MACV Directive 525-4	This information was basically covered in Combat Center.	41
D-7	11th Brigade Reg 525-1	Wit saw after he was out of Combat Center.	42
M-4	MACV Card "Guide for Unit Commanders"	Wit did not recall seeing before.	40
M-16	TF Barker log, 14-18Mar	Wit informed he could use log to refresh memory. Wit could not recall item 22.	6,10
O-5	Communications sketch prepared by witness	Entered into evidence as an exhibit.	45
R-1	HENDERSON's report	Wit had never seen.	25
R-2	Combat After Action Report, 28 Mar	Wit had never seen.	24
M-2	MACV Card "Nine Rules"	Wit did not recall seeing before.	39
M-3	MACV Card, "Enemy in Your Hands"	Wit did not recall seeing before.	39

(The hearing reconvened at 1135 hours, 23
December 1969.)

IO: The hearing will come to order.

RCDR: The following named members are present: MR WEST,
MR MACCRATE, MR WALSH, COL MILLER, COL WILSON, MAJ ZYCHOWSKI,
and MAJ LYNN.

Sir, the next witness is Captain Charlie R.
LEWELLEN.

(CPT LEWELLEN, , U.S. Army, Headquarters
and Headquarters Company, School Brigade. United States Army
Infantry School, Fort Benning, Georgia.)

MR WEST: Captain LEWELLEN, General PEERS will be in in a
moment. Before we get to the questioning, Colonel MILLER
will give you some information as to the nature of the
hearing.

COL MILLER: Captain, this investigation was directed jointly
by the Chief of Staff of the Army and the Secretary of the
Army. It is for the purpose of determining facts and mak-
ing findings and recommendations in two major areas:

(1) the adequacy of prior investigations and
inquiries into, and the subsequent review and reports
within the chain of command, of what we now commonly
refer to as the My Lai incident of March 1968, and

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

The investigation is for these two principal pur-
poses. It is not being conducted to inquire into everything
that went on at My Lai during the period in question, although
we will get into many of the details.

We have had made available to us the statements of
many witnesses whose statements were taken in prior investi-
gations and other investigations into the My Lai incident.

Your testimony will be under oath and a verbatim
record will be maintained. In addition to the reporter, we
are also putting this on tape.

The general classification of the report will be
confidential. However, it is possible that some or all of
the testimony at some later time may become a matter of
public knowledge.

As you notice, there are a number of people here. I want to explain their purposes and their status. First, directly across from you is Mr. MACCRATE and on your left is Mr. WALSH. They are both civilian attorneys who have been made available by the Secretary of the Army and are advisors and counselors to General PEERS. General PEERS, who will be here shortly, is the investigating officer and he has the sole responsibility of weighing all of the evidence and making findings and recommendations in this case. On my immediate left is Mr. WEST who is from the Office of General Counsel, Department of the Army. On my right is Colonel WILSON. Now, any one of us may be asking you questions today. You now know at least generally who they are.

I have one other thing and that is in respect to discussing your testimony that you give here. You are ordered not to discuss your testimony given in this investigation with others, including other witnesses who may have been or that may be witnesses, except as you may be required to do so in performance of your official duties or as you may be required to do before a competent judicial or administrative or legislative body.

I do not believe you are now subject to the order of the military judge in the general court-martial case of United States v. Calley. Have you heard anything to that effect?

A. Yes, sir. I have been ordered by Captain DANIEL not to discuss my testimony.

(LTG PEERS entered the hearing at 1138 hours.)

Q. Have you received an official order?

A. No, sir, I have not.

Q. Your appearance before this committee in no way affects whatever instructions you received in respect to that case, except that your testimony here is authorized within the order of the military judge in that case. So, you can feel free to testify here. I have nothing further.

(COL MILLER left the hearing room.)

IO: Captain LEWELLEN, what was your duty assignment on the 16th of March 1968?

A. I was the assistant S3 for Task Force Barker.

Q. How long had you been in that capacity?

A. For approximately 5 days, sir.

Q. What was your job before then?

A. Before that, sir, I worked in the Americal combat center training replacements coming into the division.

Q. And how long had you been in that capacity?

A. Approximately 2 months. I helped them get the school off the ground, sir.

Q. I can see we may want to talk about that a little later on. How long did you stay as the assistant S3 of Task Force Barker?

A. Until the Task Force dissolved, sir, sometime in April. About April 6, I believe.

Q. Yes, and what did you do after that?

A. I went down and I had about 3 weeks of non-duty days and I assumed command of headquarters company, 11th Brigade.

Q. You then took over from Lieutenant GORE?

A. No, sir, Lieutenant GORE was my executive officer. I took over from Captain O'BRIEN, James O'BRIEN.

Q. Since the My Lai incident broke in the news sometime in late February or late September, October, did you discuss it with anybody from the task force or from the brigade or from the Americal Division concerning this operation?

- A. None, other than Sergeant JOHNSON, sir, the operations sergeant in the school brigade.
- Q. You did talk to him?
- A. Yes, sir.
- Q. What did you talk about?
- A. We discussed the operation. I tried to recall all the facts that I could.
- Q. Was he helpful to you in reconstructing this?
- A. No, sir, not really.
- Q. Aside from that you hadn't talked to any other individual from the Americal Division concerning this?
- A. Well, Lieutenant CALLEY was in my company. I had occasion to speak to him once, but we mostly reminisced about things that happened in the brigade. We didn't really get down to My Lai.
- Q. When did this take place?
- A. Sir, it was sometime in the later part of September or early October. I'm not for sure. I don't remember exactly.
- Q. Coming back to the operation itself, the orders for the operation were issued in the afternoon or evening of the 15th. Were you present while these orders were being issued?
- A. No, sir, I was not.
- Q. Where were you at the time?
- A. Sir, I worked as night TOC duty officer and mostly during the day I slept and I would get up around 1600 hours or thereabouts and shower and shave and clean up and get a bite to eat and come back down to the TOC and I would get a briefing, normally from Major CALHOUN as to locations of the units, and I normally would go on duty about 1800, normally around there.

Q. You didn't hear, then, the instructions given to the commanders by Colonel HENDERSON?

A. No, sir.

Q. Did you hear a briefing by the 2, or by the 3 or by Colonel BARKER himself?

A. No, sir, I did not.

Q. That evening when you were in the TOC, do you recall any discussions concerning the forthcoming operation?

A. No, sir, I do not.

Q. The following day, the 16th, Task Force Barker is going to tie into this operation, one of the largest, from what we had indicated, that they had conducted to date, and going into a hot area. What did you do?

A. Well, I continued on, sir, and we awakened Colonel BARKER earlier than normal and he got up and came on down and was waiting on his C&C ship. Major CALHOUN came in and Sergeant CONVERSE who was my operations sergeant, he and I went off duty. I don't recall where he went. I suppose to bed. I stayed up though and got my tape recorder and prepared to tape the operation.

Q. Did you also provide a copy of this tape to Colonel BARKER?

A. Yes, sir, I did.

Q. Did this tape become reproduced in several copies?

A. Yes, sir, it has.

Q. Well, at that time, not since it has been returned to the States.

A. At that time? No, sir. That was the only copy that I made for Colonel BARKER.

Q. Just one copy for Colonel BARKER?

A. Just one copy for Colonel BARKER. He asked me if I would make him a copy.

Q. So you were present with your tape recorder in the TOC during the early hours of this operation?

A. Yes, sir, from the time the operation kicked off until approximately 1100 or 1200 hours, sir.

IO: Let me have the log for Task Force Barker for the 16th of March?

(The recorder did as directed.)

IO: We have here Exhibit M-16 which may also assist you, on the 16th in recounting the activities which took place as they came into the TOC. What is the first thing that you remember about this operation?

A. Well, sir, the first thing that I remember is roughly the lift ships coming in.

Q. Coming in?

A. Coming in to LZ Dottie, sir.

Q. And then you undoubtedly remember lifting out the first lift of Charlie Company?

A. Yes.

Q. When they went in, do you recall the condition of the LZ?

A. Sir, the report of the LZ was cold.

Q. Yes, and what happened after that? The operation from there as you recall it.

A. If we can, let's back up a bit. There was one intensive artillery prep on this LZ.

Q. What do you call an intensive artillery prep?

A. There was quite a number of rounds. I don't remember the exact number of rounds that were fired. I believe that they hit it pretty good.

Q. To your recollection, how long did it last?

A. I don't recall, sir, how long it lasted. I'm not sure if the guns from LZ Dottie fired or not. I do know that the guns, the 105, from Uptight, fired and I have been trying to recall but I don't remember, sir, if the 175's or the 155's from Dottie fired or not. When the first lift of Charlie Company went in the LZ was cold and they returned and picked up the second lift of Charlie Company and went into the LZ. The slicks reported receiving fire on the second going in, if I remember right, and I have been listening to the tape quite often and they went to Uptight and picked up Bravo Company. On the tape it indicates that there was quite a bit of firing on the part of the gunships, both Sharks and Warlords. Several reports on this, sir, of "dinks" with weapons and numerous times they came back and reported that they had killed "dinks" with weapons and if I remember right, all the web gear in the world was reported by the pilots. Bravo Company was inserted. Somewhere in the operation Bravo had some wounded and Alpha had wounded. Alpha was in a blocking position to the north. Alpha I believe, was the first to report wounded from booby traps and a dustoff was called for that. Bravo had wounded and Colonel BARKER, this was later on in the operation I believe, Bravo had some wounded and Colonel BARKER went in to pick those people up. They came back and jumped off the chopper at Dottie and then the chopper continued on into Chu Lai. The aero-scouts, somewhere in the operation, sir, reported sighting mortars on the side of Hill 85 and they put their infantry platoon on this hill and reported to Colonel BARKER that they had two 60 mike-mike mortars and mortar rounds and they were taking them out. They were there for some time and they later reported that, "scratch the mortars." They did not have the mortars. My personal belief is, sir, that there were mortars on that hill and those people, in fact, took those mortars. I was an infantry platoon leader in the 1st Division and a 60 millimeter is a highly desirable piece of equipment for an infantry platoon who had no organic indirect fire support weapons and I personally, sir, have no proof, but I felt that they kept the two 60 mike-mikes and I think that the tape tends to back this up to an extent because later in the tape is the report to Warlord 6 or Warlord 6 comes on the air and states that, "Those are our people. They have mortar tubes and mortar rounds." They repeat this after they had given Colonel BARKER the negative on the mortars. I strongly believe that this is what happened to the mortars. I have no proof.

Q. Can you recall any other thing?

A. Well, Colonel BARKER'S talking back to the TOC. He gave us the count at one time of the VC's, "VC kill as six." Sergeant JOHNSON corrects him and gives seven. Shortly after that he gives him a count of 15 for Charlie Company.

Q. Fifteen or fourteen?

A. Fifteen, sir, and somewhere in that tape there is a report of 84 KIA's. What this report was, sir, I don't know. I understand that it was people they found that had been killed by artillery.

Q. The tape indicates 84?

A. 84, sir, it's not real prominent on the tape. If you listen to it, sir, you can hear 8-4 KIA's.

Q. Do you recall any other thing not only from that tape but what went on and what came back into the TOC?

A. No, I was mainly concerned, sir, with the air-ground frequency. We only had two VRC-47's in the TOC. One of those was on the brigade push. Occasionally they would go over to the 4/3's frequency. We would contact them on landline for dustoff and that sort of thing.

Q. Do you recall General KOSTER arriving that morning?

A. Yes, sir, I do, and in fact, on the tape I'm the one that told Colonel BARKER that Saber 6 was there, sir, at that location.

Q. Do you recall Colonel HENDERSON arriving shortly thereafter?

A. Yes, sir, I do.

Q. What transpired?

A. I don't know, sir, because I didn't get close to them to hear what was transpiring or what was going on, sir.

Q. Were you aware of the fact that Colonel HENDERSON had brought in two VC suspects?

A. Yes, sir, this is on the tape.

Q. How does this check out?

A. I don't know. I'm not aware that he actually brought these into Dottie. I do know that on the tape it indicates that they did go down and pick up some people that they had spotted and initially they had spotted three. They had gotten, I believe, Warlord over those people and reports the fact that he had them stripped down standing on the road and they can go in and pick them up at that time.

Q. Do you know whether or not it was reported to the TOC, at that time, the matter that the 11th Brigade had seen six to eight civilians at that time?

A. I do not know, sir.

Q. Did you hear any conversation between the aero-scouts and the ground elements? I'm talking about the guns in some of the aero-scout units talking to Captain MEDINA.

A. Yes, sir. Several times it appeared that they had killed several VC and that they had dropped smoke on their bodies and on some equipment that they were carrying and they were trying to get him to police it up because they were afraid that somebody would carry this equipment off. Several times they requested that they send somebody to pick this up and one time they called him and said that people he had sent out were within a hundred meters of these bodies but had turned and gone in an opposite direction.

Q. You're again giving me what is on the tape.

A. Yes, sir.

Q. I want to know about something that happened after that.

A. No, sir, I'm not aware of any conversations other than what is on the tape.

- Q. Were you present when the report came in of 69 KIA's?
- A. 69, sir?
- Q. 69 KIA's.
- A. May I look in this log a minute? I don't recall.
- Q. Look at item number 22 at 0840.
- A. Sir, I don't recall. I don't recall this.
- Q. Do you recall the figure 84 coming in?
- A. Yes, sir. I recall the figure 84. I heard this on the tape sir.
- Q. Does that cause you to wonder what or how hot this engagement was? 84 of them getting killed by any means. This report that we have here doesn't indicate they were killed by artillery. This just says they were VC KIA's.
- A. Listening to the tape, again sir, and from what I can recall of the incident, there was quite a bit of firing going on. The gunships appeared to be in it hot and heavy.
- Q. I take it that you never questioned getting 84 this early in the operation then?
- A. No, sir, I did not.
- Q. Now, after this tape runs out, do you recall any conversation between the Warlords and Captain MEDINA on the battalion push?
- A. No, sir, I don't. Shortly after the tape ran out I got a bite to eat and went on to bed, sir. I had to work that night.

Q. With a real hot action like that going on, you just walked away from it even though you had been up all night?

A. It had calmed down, sir, to a great extent at that time. Colonel BARKER had returned and it appeared to me that it was cooling off.

Q. How long did you stay there with Colonel BARKER?

A. Stay where, sir?

Q. In the TOC with Colonel BARKER.

A. Well, Colonel BARKER's hootch was about 15 meters from the bunk that I slept in.

Q. Do you recall a conversation between Colonel BARKER and Major CALHOUN about Major CALHOUN taking his chopper to go down and take a look at the area?

A. No, sir, I do not.

Q. Did you hear any instructions issued by Colonel BARKER or Major CALHOUN to tell the people on the ground there to stop burning and the killing that was going on?

A. No, sir, I do not.

Q. What else do you recall about this operation now, throughout the day?

A. Outside of what is on the tape, I really don't recall a whole lot about the operation. As I say, I just joined the task force and, of course, the indication which we got as far as the number of killed, I think, was in the nature of 121 and I felt real good that we had a successful operation, sir.

Q. What time did you come back on duty that day? Do you recall?

A. I don't recall, sir. It was around 1800 I would assume.

Q. What prompted you to make the tape?

A. Sir, this was my second tour in Vietnam. I had tapes that I had made during my first tour over there. I had deployed to Vietnam with the 198th Brigade. At the time there were not a great number of officers who had served in Vietnam with American units, and by using the tapes I had my first tour over there it was a great training aid, sir, in preparing the 198th and helping prepare the 1st Battalion, 52d Infantry particularly for combat in Vietnam and this was the reason I made the tape, sir.

Q. I take it you weren't present in the TOC that afternoon and heard any discussion over the radio that may have been passed back and forth from the division commander or the brigade commander and between the task force and Charlie Company.

A. Not in the afternoon. I was not there, sir.

Q. When the report of the 128 VC came in and was transmitted and indicated that they captured three individual weapons and three U.S.'s had been killed, how did you visualize this? Did you think this was a reasonable kind of figure to be submitting?

A. No, sir, the weapon situation is, I find is very funny in Vietnam because you can kill large numbers of VC and come up with a small amount of weapons. The three weapons did strike me as rather funny. Personally, I think there were more weapons captured than the three indicated and were kept by the troops.

Q. What other weapons are you talking about aside from the two possible mortars?

A. Individual weapons, sir, for trophies.

Q. Well, didn't the brigade and the task force have pretty good control of that?

A. They tried their very best, sir. Sometimes these people just wouldn't turn their weapons in.

Q. Did anybody raise any questions on these three? Really get out and try to make people explain why 128 and only 3 weapons? Or just accepting some report like that?

A. Not to my knowledge, sir.

Q. Were you aware of what the casualties were in Charlie Company?

A. I'm trying to recall sir. I don't recall whether Charlie Company requested a dustoff. As far as the actual number of casualties sir, I don't recall.

Q. Well, were you aware of Charlie's reporting somewhere in the neighborhood of 100 VC KIA and their casualties were one man shot in the foot by a self-inflicted wound, though?

A. Not to my knowledge, sir.

Q. Wouldn't it be quite miraculous if you could go through a battle such as this with the enemy supposed to be entrenched in bunkers and so forth and end up with one man with a wounded foot?

A. Yes, it would, but I have been in a battle also, sir, where we just about had the same lopsided casualty figures. I didn't think about it, sir.

Q. Can you tell why in this wrap-up at the end of the day, why these civilian casualties were not reported?

A. No, sir, I cannot.

MR MACCRATE: Captain LEWELLEN, you indicated that you made this tape for Colonel BARKER and then at another time you seemed to indicate that you made it for yourself to use for training purposes. Which was it?

A. I made the tape, sir, for myself. Colonel BARKER found out that I had the tape and asked me to make him a copy of the tape, sir.

Q. When did you make Colonel BARKER a copy?

A. It was either the night of the operation, the 16th, or the night of the 17th while I was on duty, sir. I used his tape recorder and my tape recorder.

Q. In an answer to a question by General PEERS, I thought you said there was only one copy of the tape.

A. I'm talking about an original and then a copy, sir.

Q. Well, how many more copies did you make before you left Vietnam?

A. Sir, to the best of my knowledge that was the only copy of the tape that I made in Vietnam, the one for Colonel BARKER.

Q. You gave one copy to Colonel BARKER and he sent that back to Mrs. BARKER?

A. Yes, sir.

Q. And what did you do with your copy?

A. I retained my copy, sir. It was on the small letter reels, and I was using a very cheap Fuchiti tape recorder and I just put the tape back in my footlocker.

Q. And where is your copy of the tape?

A. It's at home, sir.

Q. Have you at any time furnished it to an investigating officer?

A. Yes, sir, I have. I gave two copies of the tape to Captain DANIELS of the SJA at Fort Benning at his request.

Q. Did you give him your original tape or did you make copies of the tape that you gave to him?

A. Copies, sir, of my tape that I have at home.

Q. What period were you taping? Are you able to fix by reference, for example, to the long time span covered? Did you keep the tape on all the time.

A. No, sir, I did not, due to the very short amount of tape that I had. When the radio would come on the

microphone, there's an off-on switch and when the radio would crack on I put it on and when they would cut off their transmission I would cut it off. I was recording at one and seven-eighths inches per second.

Q. And how many feet did you take?

A. I don't recall, sir, how much tape is on one of those reels. I recorded both sides of two, sir.

Q. And how late in the morning did that carry you?

A. Well, we picked the operation up somewhere about 0700 hours and, as best I can recall, it goes through 1000, 1100, 1200 in the morning. I don't recall the exact period it ended.

Q. As you listened to the tape recently, do you recall what the indication recorded on the tape was?

A. Toward the end, I don't recall the very last that's on there, toward the end Colonel BARKER is coming back, and we will send a vehicle up for him, and he is advised that the general is there. LNO Primo 685 was, I believe the call sign that was coming with the LNO which was on up in the morning. I forget the time the courier flight left Bronco heading back but it was on up in the morning. This is toward the end as best I can remember.

Q. Do you recall who Warlord Alpha Lead was that day?

A. The man?

Q. Yes.

A. I think, sir, it was a Major WATKE. That is the name that sticks in my mind.

Q. Do you recall from whom the report came of 84 VC KIA?

A. No, sir, I don't. I just remember that figure. I have some notes in my briefcase that I just scribbled down. I listened to it and just wrote down coordinates, number of VC that they report killed and this sort of thing and the number 84 KIA's is in my notes, sir.

Q. Have you tried to make a transcript of the tape?

A. No, sir, not a transcript.

Q. Well, I think after the session it would be helpful if you have Captain LEWELLEN listen to the tape. I have nothing further.

IO: While you were there that morning, and as you got up to 11 or 12 o'clock, do you recall the Warlords coming back into LZ Dottie and one of them reporting to Colonel BARKER or Major WATKE reporting to Colonel BARKER?

A. It seems I remember them coming back in, sir. I don't remember. They landed several hundred or a hundred meters from the TOC on a little pad that we had in that area constructed for them. I don't recall.

Q. Do you recall Major WATKE or anybody connected with the aero-scout outfit complaining to Colonel BARKER about the unnecessary killing of civilians?

A. No, sir. I heard nothing of that.

MR WEST: In listening to the radio transmissions, did you hear any transmission from the helicopter pilot on this subject of the killing of civilians?

A. No, sir.

Q. What time did you leave the TOC?

A. Sometime between 11 and 12 o'clock to get chow, sir.

MR WEST: That's all I have.

COL WILSON: There is a report entered on your log number 39 at 1555, and this report includes the statement that Company C reports approximately 10 to 11 civilians, women and children, were killed by artillery and gunships. Now, was that type of report normally forwarded to brigade?

A. Yes, sir. The log indicates that it was forwarded to brigade. I wasn't there at the time, but if I had been duty officer, sir, I would have forwarded it to brigade. It's pertinent information.

Q. Was this an unusual report?

A. No, sir, I wouldn't say so.

Q. Do you have this type of report often?

A. The task force, I believe it was the task force, had an incident where some children were killed in the VIP program policing up the ammunition--we paid them for the ammunition that was brought in. Some 18 children were killed. That was turned in. I would think, yes, sir, it would be turned into brigade.

Q. Did this trigger any sort of an investigation when it was turned in?

A. That did, yes, sir.

Q. The children being killed. Is that the one that triggered the investigation?

A. I don't know, sir, if there was an investigation or not. This was something that happened on the road in the area of LZ Dottie sometime after the 16th.

Q. You normally report civilian casualties?

A. Yes, sir.

Q. Separately, not in the body count?

A. Well, if it's determined that they are definitely civilian. Sometimes that is rather hard to do. They are included in the VC body count, I'm sure, sir.

IO: Women and children?

A. Sir, I have been in fights where women and children were included as body counts, yes, sir. They were firing back at us.

Q. Babies?

A. No, sir, children 10 or 12 years old. This sort of thing.

Q. With respect to this tape that you have, Captain LEWELLEN, we would like to have that tape just for a while to make our own copy. We have a tape which is evidently the one you had made for Colonel BARKER. I'm not sure that we have everything tied in. We would like to have that tape from you. We'll make it and return it immediately.

A. Sir, I have a copy of that tape in my brief case at this time.

Q. Well, just to satisfy our own requirements I would prefer--I would like to have the copy you have and would like to have you produce the tape and we will check it against our tape for accuracy and clarity.

A. Yes, sir. I would like to clarify one point if I might, though. The original tape that I made in Vietnam, I don't know where this tape is. The only tape that I have is a tape that I had made and it contains the operations of my first tour in Vietnam also.

Q. You mean you cut and spliced?

A. I just recut it, sir. The small reels, I did away with them. They were small and hard to keep up with.

Q. But the portion of the operation is included within the larger tape?

A. Yes, sir.

Q. Would you have any other operations on there concerning Task Force Barker?

A. No, sir, that's the only one.

Q. I think we would still like to take it off the one that you have available that you have evidently made from your Japanese tapes.

MR WALSH: Captain, when did you make this copy from the Japanese tapes?

A. In 1968, sir.

Q. Where?

A. Fort Hood, Texas.

Q. And you disposed of the original tape?

A. Yes, sir, I moved approximately three times since then, sir. I have no idea where the original tapes are.

Q. And it's your testimony that the transmissions recorded on the copy that you now have is an absolute complete duplicate of the one that you brought back from Vietnam?

A. Yes, sir, they are.

MR WEST: When you made that original, just for clarification, did you leave out any transmissions?

A. I'm sure, sir, that there were some transmissions that did not get on that tape. I tried to get it as best I could with the equipment that I had and as close to all the transmissions as possible. Transmissions came in when I had to turn the tape over which took me approximately one minute to one minute and a half while I got it re-threaded.

COL FRANKLIN: Just for the sake of the record, Captain LEWELLEN, the 8-4 that you said you heard, you said you have to listen to pick it up. Is that correct?

A. As best I can remember, yes, sir.

Q. Okay, on our transcript we have 8 more KIA's. Could that have been? We'll run through it, but is this possible that 8 more KIA's could have been what you had written down as 8-4 KIA's?

A. It possibly is, sir.

MR MACCRATE: You indicated, Captain LEWELLEN, that you made this tape in Fort Hood in 1968. When did you arrive at Fort Hood?

A. I arrived in Fort Hood, sir, in 1966. It was 1967, sir, that I made this tape.

Q. The operation we are talking about didn't occur until 1968?

A. Right, sir, 1968.

Q. You'll have to go through this again. You made a tape at LZ Dottie on the 16th of March 1968. You made this, you testified, on small Japanese reels of tape and how many tapes did you make at that time? How many reels of tape?

A. Two, sir.

Q. And you brought these two reels back to the United States?

A. Right, sir.

Q. And you had those two reels of tape today?

A. No, sir, I do not.

Q. When did you dispose of the--

A. (Interposing) I don't know, sir. I don't remember.

Q. When did you last have them. That you can recall?

A. Let me think a little sir, I made copies of these tapes--not these tapes but other tapes that I had. I flew back to CONUS in October of 1968.

Q. And the original tapes at that time were in your gear?

A. Yes, sir. They came back in my hold baggage and we moved to Fort Benning. I had those tapes, sir, late 1968 to the best of my knowledge and included those tapes on this other big reel that I have of the tapes that I made in my first tour in Vietnam.

Q. In other words, you took the original tape and spliced it into earlier tapes. You spliced it so it was included on one long tape of earlier operations and of later operations?

A. No, I reproduced the tape on another tape, sir, with two recorders played it and put it on the big tape that I had.

Q. Where did you have these two recorders?

A. I had one that I brought back from my first tour and a small Sony that I brought back my second.

Q. You had these where in the United States when you were doing the recording?

A. In Columbus, Georgia, sir.

Q. And at Columbus, Georgia, and at Fort Benning you made this new tape?

A. Yes, sir.

Q. And when in time would you fix that?

A. In December, January of this year. December of last year and January of this year.

Q. December 1968, January 1969?

A. Yes, sir, somewhere in there.

Q. And you disposed of the original Japanese tape at that time?

A. No, I don't know where they are, sir, I might still have them. I don't know. I sure will go back and tear everything apart and find out.

Q. I understood you to say originally when you first told us about these tapes that you did have the original Japanese tapes, and that's why I'm particularly interested. That seemed to be your original recollection, and I wanted to come back to that and see if we can get those tapes.

A. Yes, sir. Well in Vietnam I had so many of the small letter tapes because my wife and I corresponded back and forth on the tape letter. I have disposed of some of the tapes and if this is one of them I don't know. I don't recall. There is a possibility, and I assure you that as soon as I get home I'll tear into everything that I own. If those original tapes are available, I'll sure as heck get them to you.

Q. Do you have any other tapes made in this period that you were assigned to Task Force Barker which began on or about the 10th of March 1968 and extended to the disbanding of Task Force Barker in April 1968?

A. The only thing, I taped off my radio a commentary by Radio Peking and some off the armed forces radio in Vietnam.

Q. Of this immediate period?

A. In this same time frame. When I was with the task force, sir.

Q. And it related to the task force?

A. No, it didn't relate to the task force.

IO: We would appreciate, Captain LEWELLEN, if you would look and see if you can find the two original tapes and if you find those we would like to have those. Short of that, we would like to have the reproduction you made of your current consolidation of that tape into your previous tapes.

IO: Anybody else have any questions on anything you have up to this time.

We'll take a recess at this time until 1330.

(The hearing recessed at 1232 hours, 23 December 1969.)

(The hearing reconvened at 1348 hours, 23 December 1969.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, MR WALSH, COL MILLER, COL WILSON, LTC PATTERSON, MAJ ZYCHOWSKI and MAJ LYNN.

Sir, the hearing recalls Captain LEWELLEN.

Captain LEWELLEN you are reminded that you remain under oath to this hearing.

IO: Before we leave this subject of the tape Captain LEWELLEN, we would definitely like you to search your belongings to see if you can find the original of that tape.

A. Yes, sir.

Q. If you find that, fine. If you can't, the next best thing we want is the one tape that you had made from it. We can then manufacture another one and then return the tape to you. We are not intending to take the entire tape into evidence. While we are on this subject, you were in the habit of sending tapes to your wife. You may be interested in listening to a few of those in this time period to see if in fact you had mentioned anything concerning the operation of Task Force Barker which might be of interest to this particular investigation.

A. Yes, sir.

Q. When you were in the TOC, not only this day but in subsequent days to this operation, was it ever called to your attention that livestock had been killed in this operation?

A. No, sir, it had not.

Q. Were you aware of any inquiry that was under way to investigate the action that took place at My Lai (4) on the 16th of March 1968.

A. No, sir. I knew of no such inquiry, sir, until this investigation started.

Q. Did you ever hear of a complaint or an allegation registered by a helicopter pilot to the effect that there was unnecessary killing of civilians?

A. No, sir.

Q. Did you ever hear of a confrontation between a helicopter element and a ground element?

A. No, sir.

Q. Captain LEWELLEN I have here a document which is entered into evidence as Exhibit R-2, the combat after action report from Task Force Barker, dated 28 March 1968. I ask if you have ever seen this report?

A. No, sir, I have not seen this report.

Q. I would suggest that you look at it in it's entirety. It may look a little different and I might say this has been reproduced on legal-size paper. The report itself is on standard size if you will note.

(Witness studies document.)

Had you seen this report in Task Force Barker?

A. No, sir, I had not seen this report in Task Force Barker, sir.

Q. Would it have been normal in the TOC for you as the night duty officer to have been familiar with this document if it had been prepared during the day?

A. No, sir, I don't think I would have had occasion or would have had a need to see this, really, in my position as night TOC duty officer.

Q. Did they try to keep each other pretty well informed in that TOC?

A. Yes, sir, we did. I received a very thorough briefing prior to taking over.

Q. Was there a lot of chatter back and forth concerning activities as they went on?

A. To a degree, yes, sir. Normally, when I took over everyone would clear out of the TOC and it would be myself, a sergeant, and the artillery personnel, normally the only ones that would come in there. Occasionally, one sergeant or two might drop in and have coffee with us but normally they cleared out and went over to their bunkers, Major CALHOUN and the S2 or whatever.

Q. On the matter of inquiries, were you ever asked to provide a statement concerning what you knew of My Lai (4) on the 16th of March?

A. No, sir, I was not.

Q. Did you ever prepare a written statement?

A. No, sir, I have not.

Q. Did you ever make any kind of an oral statement under oath?

A. No, sir, I have not.

Q. I show you here an inclosure to Exhibit R-1 which is a statement, a one-page statement, concerning information received from the village chief at Son My Village.

A. I knew nothing of this, sir.

(Witness studies document).

Q. Of this statement?

A. That's right, sir.

Q. Did you ever hear any of the information that may have come in relating to this?

A. No, sir, I did not.

Q. From the village chief, the hamlet chief, the province chief, or the district chief?

A. No, sir, I did not.

Q. I now turn you to the next inclosure which is a two-page bit of VC propaganda. This is the English translation of it. You'll notice that the first page follows very closely to normal VC propaganda but at the top of page two in the second paragraph, you will notice that it changes it's tone.

A. I never saw anything like that, sir.

Q. Were you aware of any propaganda that the VC were using to exploit anything that may have happened on the 16th of March 1968?

A. Sir, I was not. I might add, sir, that I am interested in leaflets and propaganda that the VC put out and I tried to collect one of every one that I would run across, and I knew of nothing like this and I would read the S2 sergeant's reports at night, and I never recalled reading anything like this or any mention of anything like this.

Q. Did you ever hear any rumors within the units of Task Force Barker to the effect that something unusual had taken place at My Lai (4)?

A. No, sir, I didn't hear anything about it. I had occasion to be with the troops almost daily, and this was all three companies that comprised the task force. Due to the fact that I would normally go up to chow and I would eat up in that area where the men ate their chow because there wasn't enough facilities for officers, so we would just sit down among the men. I never heard anything about My Lai (4), sir.

Q. Did you ever talk to Captain MEDINA?

A. Only in passing, sir, nothing specific.

Q. He never had reason to come to you to clear you on reports or information that may have reached the TOC?

A. No, sir, he did not.

MR MACCRATE: Captain LEWELLEN, who would have been in the TOC on 16 March between 0800 and 1000?

A. Who would have normally been in the TOC, sir?

Q. Well, who was in there during this period that you were there essentially making the tape, as I understand?

A. All right. There was Sergeant JOHNSON, Major CALHOUN, there was a colored boy I can't remember his name.

Q. A noncom?

A. A specialist, sir, SP4.

IO: What was he doing?

A. He was a clerk-typist, sir. He typed up the logs. The commo officer.

MR MACCRATE: Who was that?

A. Sir, he was a colored officer. I can't remember his name.

IO: Did he stay in the TOC?

A. The biggest part of the time, yes, sir. He was normally there during the day, and Sergeant STEPHENS, I believe, the S2 sergeant, was there and there was somebody in the artillery but I don't remember who that was.

MR MACCRATE: A sergeant in the artillery?

A. Someone, sir, I don't recall. Artillery representative. I don't know whether it was the LNO or a sergeant.

Q. Now, I was covering the period from 0800 to 1000. Did Colonel BARKER come back before or after 1000?

A. I don't know. Colonel BARKER and the general and a lot of people who were with the general were in there. There were people in and out of the TOC. It got so crowded in there at one time that I moved outside and used the radio on the colonel's jeep.

Q. I believe that the log indicates that General KOSTER arrived at 0935. Was Colonel BARKER there when General KOSTER arrived?

A. Sir, I don't believe he was. I'm not sure but I don't believe he was, sir.

Q. Messages received from a company in the field, into the TOC, an item of information during this period of time, the substance of that message that came in is then passed along to brigade. Perhaps, 10 minutes, 15 minutes, 45 minutes later. An entry in the log that that information had been passed along. Who would be the individual among this group that you have described who would first receive the transmission, secondly record that transmission, thirdly formulate the message that was to go to the brigade and finally, send the message to the brigade. I want to see if I can get the links.

A. It would have been Sergeant JOHNSON, sir, the operations sergeant. He was on the radio practically the entire day. He and Major CALHOUN were the two primary people that were on the radio in the TOC but mainly it was Sergeant JOHNSON. Sergeant JOHNSON would have probably been the one who passed it. He definitely would have been the one to receive it. Had he not passed it it would have been one of two people, probably either Major CALHOUN or the commo officer who I can't remember what his name was, sir.

Q. Now, if the information that was passed on to the brigade was different from the information that came in from the field, who would participate in deciding what information should go on to brigade?

A. It would have been, more than likely, sir, Sergeant JOHNSON and Major CALHOUN.

IO: If there was one other individual that worked hand in glove with Major CALHOUN wasn't it your S2, Captain KOTOUC?

A. I don't recall that KOTOUC was in there, sir, or if he was with the colonel. I have tried. I'm certain that for a period of time the artillery LO was with the colonel and I feel that Captain KOTOUC was but I don't remember who was in the helicopter with Colonel BARKER.

MR MACCRATE: Have you, since our morning session, listened to any part of the tape again?

A. Yes, sir, I have.

Q. Have you been able to determine who it was who gave the report "84 KIA"?

A. No, sir. Some of the transmission is blocked out, but I am extremely certain sir, that the figure is "84" and not "8 more" and there is an entry of the log of 69. We had already reported I believe, 15 killed and 15 from 84 is 69, sir.

Q. My question was not about the 84. My question was from whom did that transmission come?

A. I don't know, sir. It would only be an assumption on my part and that would be C Company.

IO: Do you recognize Captain MEDINA's voice on the radio?

A. I don't know if I would right now, sir. I don't think I would have because I didn't know MEDINA that well, sir, at that time. We picked up no transmission from Charlie Company while they were on the ground with the radio that I was monitoring that I can recall.

MR MACCRATE: Are the coordinates included in that report of 84?

A. No, sir, they were not.

IO: There is a variety of ways that the 84 could have come, isn't there? If you weren't talking directly to Charlie Company that could have been a relay from Charlie Company to the C&C ship and back into the TOC.

A. Sir, Colonel BARKER did not report this on the tape to the TOC as anyone having confirmed 84 bodies. It's only a small portion of the tape after Colonel BARKER is instructing whoever he is talking to, and I assume that it is C Company, "Dig deep and get them out of the holes."

Shortly after this, this bit about the 84 comes in and the colonel contacts 65 and says he is coming back in and will bring us up to date. I was more interested in taping off the radio than I was to what was actually transpiring in the TOC, sir.

MR MACCRATE: You indicated that you have collected VC propaganda leaflets. Have you brought those back as well?

A. Yes, sir.

Q. Have you recently examined them to determine whether you have any for this period of March and April 1968?

A. No, sir, I have not looked at them, sir.

Q. I think it would be helpful--I don't know the extent to which dates can be determined from the--if at the same time you are looking for these tapes, you determine that you have any VC propaganda leaflets from that time frame of March-April 1968.

COL MILLER: Did you ever prepare after action reports for Task Force Barker?

A. No, sir. Actually very little paper work went into Task Force Barker. Operation orders were normally verbal. We operated a great deal on verbal orders, sir.

Q. Do you know of anybody in the task force that ever prepared after action reports on any of the actions that the task force was in while it was organized?

A. Sir, to the best of my knowledge the only after action report is the one that is here.

COL WILSON: Back to the after action report, R-2 what does the report control symbol ADDF-GC1 mean? Do you know?

A. No, sir, I do not.

Q. Captain, would you be able to draw us a diagram, after the meeting here, of the communications system from the TOC to the units and to the aircraft and to the other operation centers? Can you do this? Any relay stations that you might have or did you have logistical nets and this sort of thing?

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A. No, sir, we were very limited on the radios. We only had two VRC-46's in the TOC. One was on brigade and one was on the task force frequency. Actually in the TOC, we had a VHF site up there. We had a hot line directly into the TOC at Bronco and we were tied into the switch at Bronco and we were also tied in with the 4/3. It was at an LZ across Highway 1, sir, and from there that is basically how we worked, sir. That's the best I can remember.

IO: Let me ask you a couple of questions about that, although I do want you to get with Colonel WILSON and sketch it as best you can. You did have the capability of going by relay at Uptight, did you not?

A. Uptight was on the command push.

Q. If you had to reach any of the companies and you couldn't reach them because of mass in between, you could go through Uptight?

A. Go through Uptight, right, sir.

Q. In addition, did Colonel BARKER have a radio in his van?

A. He only had a remote, sir. It was remoted off of the radio in the TOC.

Q. Did you hear any radio traffic that he had going through the TOC?

A. Yes, sir.

Q. Did you have a secure mode on your VRC-46?

A. No, sir, we did not.

Q. No secure mode?

A. Not that I can remember, sir.

Q. Wouldn't you have to do a lot of "overing" and waiting about 2 seconds before you transmitted?

A. I know what you are talking about, sir. Not that I remember, sir. I'm sure we didn't, sir.

Q. Have you ever flown with Colonel BARKER in his C&C ship?

A. Yes, I have.

Q. How many radios did he have in there and what kind?

A. All right, sir, he would use the radio in the aircraft. He normally carried a PRC-25.

Q. Just one?

A. When I was with him he only had one.

Q. Did he have a console of any kind?

A. I don't remember, sir, I just don't remember.

Q. Did he have a secure mode on his 25 or on one of his 25's in the aircraft?

A. I can't recall, sir, any secure mode on any of our radios.

COL WILSON: We'll ask you to sit down and sketch out a diagram of that, at least the best you can. One other question. Do you recall which engineer unit supported C Company of any member of that unit?

A. Sir, we had an engineer company at Dottie and we had a platoon of engineers from, I think it was C Company 26 Engineers down at Bronco, sir.

Q. You don't know the unit that supported C Company? That was supporting Task Force Barker right?

A. Yes, sir. They were supporting Task Force Barker. It would only be an assumption that it would have been the engineers from our organic engineer company.

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IO: Whose organic engineer company?

A. The 11th Brigade, sir.

Q. So, you had a platoon?

A. Only an engineer squad, sir.

Q. Only a squad for BARKER?

A. I believe that's right, sir. We really had no need for a larger number due to the fact that the engineer company was there and they did a great deal of the work for us improving the LZ Dottie.

LTC PATTERSON: I just have one thing that I would like to clarify. There were no transmissions to the companies from the TOC which would lead one to believe that you were dependent on an airborne relay.

A. If I might use the map here a minute. This mass prevented any contact in here, sir. It's fairly high and we just couldn't get it.

Q. Then you did have to depend upon airborne relay across the battalion commander's FM--You had no other means of communication with the ground companies except that C&C ship, airborne.

A. I can recall no contact with the companies other than with Bravo Company prior to leaving for Uptight.

Q. There must have been some consideration then when Colonel BARKER came back and landed. He was on the ground for a period of time because you were then out of communication.

A. We could relay, sir, through Uptight.

IO: Well, I remember my discussion with Captain MEDINA very well on that day and I asked him specifically if he had any trouble communicating with Dottie. "No, came through loud and clear. No problem." Did you go through Uptight? "No, didn't have to. We had good solid communication. We had it all day long." Those are almost exactly the words used by Captain MEDINA. It is conceivable that he may have been talking with the airborne relay and not recognizing it, which would seem a little strange to be talking to his task force commander and think that he was talking back to Task Force Barker when he knew his helicopter was flying around over head.

A. Sir, I recall no direct contacts with Charlie Company. Not on the radio that I was taping off of.

MR MACCRATE: What frequency would the company commander be using? Would it be the same frequency as from the command ship?

A. Well, it all depends, sir. We had a battalion command net, we had an air-ground frequency, and he had his company frequency. I was monitoring the air-ground radio that we had.

Q. Would the same rules apply, I would assume they would, if there was a land mass problem, for communications from Task Force Barker to the company as from the company to Task Force Barker?

A. Not necessarily, sir, because we were using VRC-46 radio with a two-niner-two antenna. The companies were using PRC-25 radios in all probability with short combat antenna's. They could have received probably with no problem at all but transmitting we would not have been able to receive them.

Q. Do you recall Sergeant STEPHENS' first name?

A. No, sir, I do not.

Q. Look at page five of Exhibit R-2 that is before you.

You'll see that under the indication "1 inclosure" the letters "AS" which could conceivably be the initials of someone typing the combat after action report. Does that in anyway refresh your recollection as to Sergeant STEPHENS first name?

A. No, sir, it does not and I just saw the man not too long ago, and I can't think of his first name.

Q. The "AS" very well might refer to something else. I am advised that it can be used as "as stated."

A. This is very true.

MR WEST: Did you make a statement to Captain DANIEL in connection with the Calley case?

A. No, sir. I have not made any formal sworn statement to him at all. I have talked to him quite a bit. We have listened to the tape that I have and he has asked me quite a few questions about the tape but I made no formal sworn statement.

Q. Have you provided him any information that we haven't covered here today?

A. No, sir.

IO Captain LEWELLEN, in closing we are trying to get down to all the facts and all the circumstances surrounding what really took place at My Lai (4) on this day and what happened in the investigating process, its adequacy, its efficiency of reports that were rendered, the reviews of the needed reports and investigations or inquiries, and we have thus far interviewed quite a few witnesses and have available to us quite a few documents. You have been with us here today now, and if after you leave here there is anything that comes to mind which refreshed your memory about any incident, situation that took place during this time frame which you think will be of assistance to us we would like to have you get in touch with this office.

Additionally, if you have any photos, any additional tapes, any maps, any documents, anything that might shed some light on this particular situation, we would like to have that.

Now, before we conclude this portion of the hearing, if you have any questions or anything that you would like to have or contribute to this particular hearing we'll give you the opportunity to so state.

A. The only thing that I would like to clarify, sir, is about the tapes. I think that we got this straightened out. My confusion was mainly with the tapes that I made the first time in Vietnam and not the tapes that were made during the My Lai incident. I'll do my best to find these tapes and get them to you right away.

IO: Anything else?

A. No, sir.

IO: This hearing will recess at this time.

(The hearing recessed at 1428 hours, 23 December 1969.)

(The hearing reconvened at 1430 hours, 23 December 1969.)

The following person is present; COL WILSON.

COL WILSON: Captain LEWELLEN, I want to remind you you are still under oath.

A. Yes, sir.

Q. General PEERS has directed me to continue the interrogation based on certain subjects that he wanted--some specific questions he wanted asked. One subject is the question of your function and your experience and your knowledge of the training which took place at, I believe you said Duc Pho, for the new replacement personnel coming into the division.

A. It was the Americal combat center located at Chu Lai. This was replacement personnel and not brigades deploying to Vietnam. We were training there, sir.

Q. I understand now. What I want you to do is describe for me what this facility was, how it operated, and the type of training that was given, specifically highlighting that training dealing with the handling of prisoners of civil noncombatants.

A. Sir, the training lasted approximately 7 days for replacements. It consisted normally of firing the M-16, the LAW, this sort of thing, mines and booby traps. We had training on the Geneva Convention that was given by--initially JAG officers did come down and give it and then later on they didn't come any more. It was given by our personnel. And I don't recall any specific training dealing with noncombatants.

Q. Were all personnel coming as replacements to the division required to go to this?

A. Yes, sir, they were.

Q. Officer and enlisted?

A. Officer and enlisted with the exception of field grade did not come, sir. Up to O-3.

Q. Do you know when the JAG officers stopped teaching the Geneva Convention portion of the course?

A. It didn't last very long, sir, because they said they didn't have the personnel to come down and do it.

Q. Do you remember the dates?

A. No, I do not.

Q. Do you remember who in this school instructed in this subject?

A. No, sir, I don't remember the names, it's been so long now.

Q. Did you ever instruct in that subject?

A. No, sir, I did not.

Q. Did you ever see the subject schedule or the lesson plan?

A. Yes, sir, but I can't remember just what was in it.

Q. Do you know if the rules for land warfare manual was referred to in this instruction?

A. Sir, I don't recall what the references were.

Q. Had you ever heard anyone at anytime during the instruction, or to your knowledge, had they ever been taught that the individual had to have a right to protest an illegal order?

A. I don't recall, sir, I don't believe so.

Q. Were you a member of the faculty there when the JAG officers did instruct in this course?

A. I was the operations officer, sir, and like I say, they only came down once or twice, to the best of my knowledge, and then they failed to come down any more.

Q. Do you know how we can get a copy of the lesson plan that was used during that period?

A. During that period of time, sir?

Q. Or later?

A. By writing the Americal combat center, they should be able to furnish you with a copy.

Q. Did the combat center have training aids to pass out which were published by MACV in the form of wallet-size cards?

A. Sir, the personnel processing in, they had those cards with them already when they got to us, or they were supposed to have cards with them.

Q. Where would they get them?

A. When they processed in country, sir, initial processing, this would be Bien Hoa or Cam Ranh Bay.

Q. They were supposed to be issued those cards at those two locations?

A. That's my understanding, sir.

Q. In processing?

A. Yes, sir.

Q. Were personnel ever checked to see if they had these cards?

A. Periodically people were spot checked.

Q. Are you familiar with the cards I'm referring to?

A. Yes, sir.

Q. Would you let me see your card?

A. I don't have them with me, sir, they're at home.

Q. Do you remember the title of these?

A. "Roger's Rangers" was one. There was one on handling of prisoners, the title, "Enemy in Your Hands" was I believe the title of the card. There were several cards and I just don't remember what the title of all the cards was.

Q. "Enemy in Your Hands" was one card published by MACV. Do you remember a card entitled "Nine Rules"?

A. Yes, sir.

Q. Do you still have one of these cards?

A. Yes, sir.

Q. Do you remember what those rules were?

A. No, I don't, sir. I haven't unpacked that stuff in almost a year.

Q. Do you know if these cards were ever used for instruction in the combat center?

A. Sir, I can't answer that, I don't know.

Q. Have you ever heard or seen a card entitled "Guidance for Commanders"?

A. Sir, the title is familiar but I can't place it.

Q. Let me show you a facsimile of that card and see if you recall it (Exhibit M-4 was handed to the witness).

A. I don't recall ever seeing this card, sir.

Q. Captain LEWELLEN has just been shown Exhibit M-4. As the operations officer of this center did you ever really sit down and go over the 7-day course on instruction in detail?

A. No, sir, I can't say I did.

Q. Was your job primarily scheduling, programming, or instructing?

A. Quite a bit of programming on it, sir, and scheduling, and scheduling of classes, but I instructed none.

Q. Did you happen to inspect training?

A. I inspected training, yes, sir.

Q. Do you recall if there were any MACV directives or regulations at the combat center?

A. Yes, sir, there were.

Q. Were Army aviators processed through this center?

A. I don't recall ever seeing an Army aviator there, sir.

Q. So in other words, the instruction that was conducted here was peculiar to ground operations?

A. Primarily, yes, sir. In fact, personnel in support type units were not required to attend the full course.

Q. I show you Exhibit D-3 entitled "Combat Operations: Conduct of Artillery, Mortar, and Naval Gunfire" which is MACV Directive 52-18. Have you ever seen this document? Exhibit D-3 was handed to the witness.

A. I have never seen this directive as such, sir. But the principles involved were adhered to by units that I've been associated with.

Q. Was any of this directive used for instructional purposes at the combat center?

A. No, sir. The only directive I saw was dealing with the M-16 rifle, sir, and a regulation 350 - something, I don't recall.

Q. You mean the only MACV Directive?

A. Yes, sir, this was in its very infancy and we were having a heck of a time getting publications and this sort of thing down there.

Q. This is Exhibit D-4, MACV Directive 95-4 "Air Operations." This is Exhibit D-5 entitled "Combat Operations" which is a publication of the Americal Division on 16 March. This was after the time you were in the combat center, is that correct?

A. Yes, sir, it was.

Q. Do you know if this document replaced similar documents or had you ever seen one entitled "Combat Operations: Rules of Engagement?"

A. Let me look this over for a minute, sir. I'm familiar with the text of this, sir, but as far as if it replaced a document, I don't know. Basically this was covered in the combat center.

Q. You say the rules of engagement were covered in the combat center?

A. Rules of engagement, yes, sir. I don't recall the extent we got into as far as noncombatants in villages. To the best of my recollection we covered this. Artillery fire not closer than 1,000 meters, not closer to a village or boundary line; artillery fire not closer than 1,000 meters to troops unless observed and this sort of thing.

Q. Do you relate pacification as a subject to be associated with rules of engagement?

A. Yes, sir, it goes hand-in-hand.

Q. Do you feel that pacification was covered in the combat center? The pacification program.

A. No, I do not, sir.

Q. Why do you say this?

A. I don't recall any great amount of time spent on pacification. The time that we had these people did not allow it.

Q. When again did you join the 11th Brigade?

A. I was assigned to the 11th Brigade, sir, on or about the 10th. And I joined the task force on the 11th, sir.

Q. This is what month?

A. March.

Q. I show you Exhibit D-7 which is the "Combat Operations: Rules of Engagement" published by the 11th Brigade on the 30th of January. Had you seen this document before (Exhibit D-7 was handed to the witness)?

A. I have seen this, sir, but it was after I assumed command of headquarters company of the 11th Brigade.

Q. What date was that?

A. 20 April, I believe, sir.

Q. During the period you were assistant S3 you didn't see this?

A. No, sir, I didn't. As I said, we didn't have a lot of regulations and equipment up there.

Q. I understand from what you say regarding training at the combat center that you were primarily interested in the tactical training of the soldier?

A. Yes, sir.

Q. For his own safety?

A. For his own safety, yes, sir, and a great deal of time was spent in teaching patrolling and patrolling techniques. And at the end of the training it was culminated with an actual ambush, or three ambushes. The class was divided into three groups and three ambushes were actually deployed in enemy held territory.

Q. Do you remember a Major COMEAU? Do you remember any of the JAG officers?

A. No, sir, I do not.

Q. Have you ever heard of any publication on war crimes, investigation of war crimes, reporting of war crimes?

A. I don't understand, sir.

Q. Have you ever seen a document which provides guidance in the investigation and reporting of war crimes?

A. No, sir, I haven't.

Q. Have you ever heard it referred to in any course of instruction in the Americal Division?

A. Not to my knowledge, sir, no.

Q. How many hours a day did the troops spend in training during the period that they were in the combat center?

A. They had a full day, sir, and several nights it went on into the night. We had a map exercise and a compass course, night compass course.

Q. Was this course of instruction primarily tactical work or was it classroom work?

A. Most of it was practical work, sir.

Q. Very few lectures?

A. Not many.

Q. Captain, do you have anything to add regarding the combat center that might be of assistance to us in determining the training which was administered there, aside from the possibility of getting the program of instruction which we may do.

A. At that particular time, sir, the combat center had just been organized. It was organized in late December of 1967 and we had trained the 82nd Airborne committee and what we referred to as packet companies, companies that were coming in to provide the Delta Company for the battalions. We trained these personnel plus regular flow of replacements. We had great turbulence as far as our instructors at that particular time and had great difficulty in procuring instructors. The majority of the instructors had come from the 196th Brigade and we were rotating at that time.

Q. What's the Delta Company?

A. For instance, sir, when the 198th Brigade deployed to Vietnam there was a Headquarters Company, Alpha, Bravo, Charlie, and Echo Company. And the Delta Company was an additional rifle company. Echo Company was a general support company.

Q. These packet companies which you referred to, these were strictly replacement groups, is that correct?

A. No, sir, they were troops that made up the Delta Company. They came with officers because this company was not in fact formed or was not in the brigades at that time.

Q. Did you train the entire brigade from the 82nd Division at one time?

A. I would say, sir, we trained at least 75 percent of them. We trained all the combat troops and there were support troops that went through also, the exact numbers I don't recall.

Q. What would you say was the average strength of the student body at this combat center?

A. Sir, we were starting on the average a class a day, in excess of 100 men.

Q. Every day of the week?

A. Every day of the week.

Q. Is this correct that you would normally have about 600 people there?

A. Yes, sir.

Q. Captain, I have one other thing that I want you to do and that is to the best of your ability, and in accordance with the symbols which I give you, to sketch a communications system which was in effect on the 16th of March from the top to higher and lower headquarters, to your support elements such as your artillery, your aviation, to your command and control ships, and anything else which you may or may not have had communications with. Now I'm speaking of radio communication and I'm also speaking of telephonic communication which we will show in two different legends. (The sketch was later prepared and admitted as Exhibit O-5.) I also want to show where it was necessary for you to relay, if it was necessary, in order to talk primarily to the deployed units in the Pinkville complex. Now do you have any questions on that?

A. No, sir, I don't.

Q. I also want to remind you before closing that we would appreciate any documents, tapes, photography, records, pertaining to this operation which you may come across when you return to your home station. If you would prefer, before you leave, we would be glad to give you a tape to take back with you to replace anything that you may have brought up here. However, I believe that the general asked that you send your record tape to us, isn't that correct?

A. Yes, sir.

Q. I want to remind you that I am acting on behalf of the general as an assistant investigating officer and that the warnings and charges to you which were made at the termination of the full hearing are still in effect.

A. Yes, sir.

Q. Do you have any questions?

A. No, sir, I do not.

Q. This hearing is recessed.

(The hearing recessed at 1510 hours, 23 December 1969).

(Following recess CPT LEWELLEN prepared a communications diagram for Task Force Barker which was received into evidence as Exhibit O-5.)

SUMMARY OF TESTIMONY

WITNESS: MARTIN, Thomas R. SP5

DATE OF TESTIMONY: 11 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Demolition Specialist, C/26 Engineer Battalion, attached to B/4/3.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness was not briefed on the operation by anyone from B/4/3 (pg. 2). His platoon sergeant at LZ Dottie told him that he would be with B/4/3 but did not know for how many days (pg. 3). On 15 March he was taken from Dottie over to LZ Uptight (pg. 3). A Specialist Four HARTMAN was his assistant and was with him (pg. 4). The witness stated that normally they carried ten pounds of TNT apiece and 50 blasting caps (pg.5). If the witness knew in advance that he needed 50 to 100 pounds of demolitions he would have the company commander divide it among the people in the unit (pg. 6). The witness was familiar with the name Pinkville and stated that the people in the unit considered it one of the roughest areas (pgs. 6, 7). The witness did not know anything about the enemy situation in the area nor did he know anything about destruction of food-stocks or the disposition of the inhabitants (pgs. 7, 8).

2. COMBAT ASSAULT.

a. Activities on 16 March.

(1) Landing and initial movement.

The witness was told to stay with the CP group (pg. 4). He did not recall which lift he went in on,

(MARTIN)

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nor did he recall if the company commander was on the same one (pg. 4). He stated that they landed in "some type of cornfield" and that there was a minefield nearby which killed two or three people including a lieutenant (pg. 6). The witness did not know what the various platoons were supposed to do (pg. 8). He recalled the doorgunners firing as they went in (pgs. 8, 9). He did not recall anyone firing as they got off the aircraft (pg. 9). He did not see the 81 mortar set up on or near the landing zone (pg. 9). The witness stated that it seemed they crossed a dirt trail but he could not recall for sure (pg. 10). He did not recall seeing a large gate over the road (pgs. 10, 11). He did recall the mine going off and stated that he did not know if the dustoff had a red cross on it (pg. 11). He was standing close enough to the second platoon at the time of the second explosion to be scratched on the neck (pg. 11). The witness stated that he heard that the word was passed down to step over the second mine which was marked, but someone did not get the word (pg. 12). The witness stated that after the second explosion they thought they were in "a complete minefield" which they then tried to get out of (pg. 13). Because he was "shook up" he did not notice any events surrounding the medevac after the second explosion (pg. 13). He did not recall hearing any firing going on to his right as the platoon moved (pgs. 13, 14).

(2) Movement into the laager position.

The witness stated that they moved slowly the rest of the day (pg. 14). He recalled linking up with another company in which there were two of his "buddies" Private First Class HEMMINGS and a Specialist Five (pgs. 14, 15). They reported to him that they had seen a fire fight that day (pg. 16). He did not recall if they told him they had used any demolitions that day, nor did he recall if they saw a "lot of bodies" in that area (pg. 16). He did not remember the National Police being present that night nor did he remember the mistreatment of any prisoners (pg. 22). He did not know of anyone being shot, nor did he hear of any suspects having their fingers cut off (pg. 23).

b. Activities on 17 March.

(1) The demolition activity at the bridge.

The witness stated that he recalled setting charges on mines which had previously been marked with toilet tissue (pgs. 25-27). He thought they were discovered with a mine detector (pg. 27). These were located right off the trail near the bridge (pg. 26). The witness stated that he was the last of the unit to cross the bridge (pg. 28). The witness stated that he set up three charges but only one exploded (pgs. 27, 28).

(2) Movement during the day.

The witness did not recall any demolitions coming in on a helicopter that day (pg. 29). He stated that he recalled blowing some bunkers by placing a pound of TNT on each bunker to cave it in (pg. 30). He described the make up of the bunkers (pgs. 30-33). He stated he did not see any bodies nor any fresh graves in the village where the bunkers were located (pg. 34). The witness described the use of TNT (pgs. 35-37). The witness stated that normally he was making the charge and his helper was the one putting them in the bunkers (pg. 38). He stated that he could see into each bunker (pg. 38). The witness stated that as they moved south he recalled some hootches burning (pg. 40). The only mines and boobytraps that he destroyed on the trip were the ones by the bridge (pgs. 40, 41). The only bunkers that he blew were in the first village (pg. 41).

(3) Activities in the night laager position.

The witness vaguely recalled the use of Vietnamese by the point team (pgs. 42, 43).

c. Activities on 18 March.

The witness recalled going into an area where they rounded up a number of civilians (pg. 44). He remained in the area of the CP and saw the medics coming in to treat the children (pg. 44). He saw ARVN or National Police

on the beach (pg. 44). He recalled the attack that night and stated that the proximity of the gunships frightened him (pg. 45). He also recalled a woman being brought in with a wounded leg (pg. 47). He stated that she was evacuated (pg. 47). The witness did not see any interrogations going on (pg. 47).

3. INQUIRIES CONCERNING THE ASSAULT.

The witness stated that he heard a rumor on 17 March 1968 that there was going to be an investigation because "so many people got killed" (pgs. 47, 48). He never heard of anyone being questioned, nor could he remember who told him the rumor (pg. 48). He did not recall hearing any rumors that civilians had been killed in the area during the operation (pg. 50). The rumor concerning an investigation indicated that civilians had been killed but he stated that "it wasn't positive" (pg. 51).

4. OTHER INFORMATION.

The witness stated that he did not know if marijuana was a problem in the company and he did not know if anyone used it on the operation (pg. 51).

(The hearing reconvened at 1407 hours, 11 February 1970.)

COL WILSON: The hearing will come to order.

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

The next witness is Specialist Five Thomas R. MARTIN.

(SP5 MARTIN was called as a witness, was sworn, and testified as follows:)

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

A. Specialist Five Thomas R. MARTIN,

State your branch of service, organization, and present duty station?

A. Army, 624th Military Police Company, Fort Devens, Massachusetts.

COL WILSON: Specialist MARTIN, have you discussed this operation with anybody from that unit since you left Vietnam?

A. No, sir.

Q. What was your assignment on 16 March 1968?

A. Well, sir, if it's the one I'm thinking of, it would have been--I was a demo man. I had to be a demo man. You see, I was assigned to the Engineers.

Q. Yes.

A. And I went out with the 1/20 as demo man on different jobs.

Q. Did you have a chance to read this information we handed you?

A. Yes, sir.

Q. Where did you take your demolition training?

A. Germany, sir.

Q. Did you receive any briefing on this operation prior to the time you went out there? Do you know what operation I'm talking about?

A. I think so, sir.

Q. It was a combat assault.

A. Right, sir.

Q. Airmobile.

A. I mean I can recall, I think, of one--I can recall of one time I was was with B/4/3.

Q. This morning, that morning, did you go in with them on the combat assault helicopters?

A. Yes, sir.

Q. From Uptight?

A. Yes, sir.

Q. Do you remember that morning shortly after 1100 the lieutenant and four men? The lieutenant was killed and four men wounded?

A. Right, sir.

Q. That's the operation I'm talking about.

A. Right, sir.

Q. Okay. Did you get any briefing on this operation before you went out there?

A. No, sir.

Q. Nobody told you where you were going or what you--

A. (Interposing) Just told me I would be with the company. They didn't know how many days.

Q. Who told you this?

A. My platoon sergeant.

Q. And where was he?

A. He was back at LZ--

Q. (Interposing) Dottie?

A. Yes, sir.

Q. Dottie?

A. Yes, sir.

Q. That's where he normally stayed?

A. Right, sir. Normally I was with--at Duc Pho, but you see, we were sent up here to determine--to do some construction work, building some buildings and things, bridges the task force needed. I was also demo, and was sent out on this mission.

Q. Did they take you from Dottie over to Uptight the day before or--

A. (Interposing) Right.

Q. One day before?

A. Right, sir.

Q. With whom did you bunk in over there? Did you stay with the company CP or what?

A. Well, sir, when I was in the field, I stayed with the company CP. I really don't recall who I stayed....

Q. That day when you went over there, did you check in with anybody when you got there? The first sergeant or--

A. (Interposing) I saw the first sergeant, but I don't remember who he was.

Q. Who was with you?

A. I had a helper, a Spec 4 HARTMAN.

Q. Did you receive any instructions from the first sergeant or anybody?

A. Well, sir, what we usually did was we'd just go along with the company. If they came up to something that was a job for one of us, we'd take the jobs as they came up. We didn't have no--I mean, we were just there in case they needed a demo man.

Q. Okay. You were told to stay with--who were you told to stay with, anybody?

A. I was to stay with the CP, sir.

Q. Bravo Company commander, is that what you're talking about?

A. Right, sir.

Q. Do you know which lift you went in on the next morning?

A. No, sir, I don't.

Q. Do you know if you went on the helicopter the company commander was on?

A. I don't think so, sir. I really don't recall back this far about what went on.

Q. I'm going to sit here and show you all kinds of things that will make you recall.

A. Okay, sir.

Q. I'm not going to go over the operation. I'll get you on this photograph in a little while and show you that. I'm not going over the whole thing, because we're interested primarily in what B Company did.

A. Right, sir.

Q. You didn't receive any instructions. How much demolition did you take in there?

A. Well, sir, usually we carried about 20 pounds, then if we needed more we'd call back for it.

Q. Twenty pounds each?

A. No, sir.

Q. Ten pounds apiece?

A. Right, sir. Sometimes it would be more, and sometimes less.

Q. Who carried the blasting caps?

A. Most of the times I did.

Q. How many caps did you take with you?

A. Usually 50, sir.

Q. Fifty caps?

A. Yes, sir?

Q. In a box?

A. Yes, sir.

Q. Are these electric detonators?

A. No, sir.

Q. You don't plan on using any electric caps out there at all?

A. No, sir. I don't.

Q. What's the matter, Specialist MARTIN? You don't want those around?

A. No, sir. I'm just shy of them.

Q. Do you as a rule try to get the people you're working with to carry any demolitions in addition to the 10 pounds that you carry?

A. Sometimes I do, if I know--if I know what I'm going for, and I know I'm going to need more demo, something like 50 or 100 pounds, I would go to the company commander. He would divide it up, and everybody would carry some.

Q. Did anybody tell you what you were going with B Company for?

A. I was standing in a company formation, and my platoon sergeant came up to me and said: "We've got a mission and you'll be going. They will tell you what to do when you get there."

Q. Do you remember landing that morning, on the 16th?

A. Right.

Q. Do you remember where you landed? Do you remember any particular terrain feature around there?

A. We landed in some type of cornfield, I think, and then we moved back around and then down here. That's where we hit the minefield and the mine. I think it was a mine. I know that two or three of them went off, and it was either the first or second one that killed the lieutenant.

Q. Yes. Do you know what area you went into?

A. No, I don't.

Q. Does the name Pinkville mean anything to you?

A. Right, sir, I heard--I mean everybody talked about the Pinkville.

Q. When did they talk about it, then or now?

A. Well, back then, sir.

Q. Why did they talk about it?

A. I know it was supposed to have been one of the roughest areas as far as they were concerned.

Q. Do you know who it belonged to, whose AO it was in?

A. No, sir, I don't.

Q. It wasn't Task Force Barker's. It was in the 2d ARNV Division's area. Do you know of anything that was stated back there at any time before you left the fire base about burning of houses, destruction of houses?

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

Q. Nothing said about demolition--

A. (Interposing) No, sir, not that I heard.

Q. How about destruction of tunnels and bunkers?

A. Well, sir, at the a--I did it. Every time I went out, there would be a tunnel or bunker to destroy. That was my mission.

Q. That was you normal mission. Is that right?

A. Yes, sir.

Q. That's what you did most of the time when you worked with these units?

A. Right, sir. If they wanted something--I mean if they wanted something completely destroyed, that's when they would call me. I would leave it closed off.

Q. Was anything said about the destruction of food-stocks?

A. No, sir.

Q. Was anything said about the disposition of the inhabitants of this area, what they were supposed to do with them?

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

Q. Do you know anything about the enemy situation down there?

A. No, sir.

Q. Do you know anything about what each of those platoons was supposed to do? Was there any one platoon that was supposed to do something that the other two weren't?

A. Not that I know of, sir.

Q. You went down that morning. The company went down in two lifts, nine helicopters in each lift, flying down over the South China Sea. Exhibit P-205 is a photograph of one of the flights. You came down from Uptight, which is up here (indicating on map), came out across the Diem Diem River, flew down to the Song Tra Khuc River on the south, you see here (indicating river on map), and then came back up. You have a landing zone right here (indicating area on map). You came down and back up to the landing zone. I'll show you that on the photo. Photographs P-206 and P-207 are proximities of your landing zone. Do you recognize that area?

A. It sure looks familiar.

Q. That's a graveyard in P-207. Do you remember landing in a graveyard?

A. No, sir.

Q. Do you remember landing near a graveyard?

A. No, sir. I don't recall that right off.

Q. Do you remember the doorgunners firing when you went in?

A. Right, sir.

Q. The doorgunners were firing?

A. Well, choppers were firing so--

Q. (Interposing) The choppers were firing?

- A. Well, it must have been the doorgunners.
- Q. It could have been gunships if it wasn't your aircraft. Was it your aircraft?
- A. I don't recall, sir.
- Q. Do you remember anybody firing when they got off the aircraft?
- A. No, sir. I don't recall anyone firing.
- Q. Do you remember seeing any fire when you went in?
- A. No, sir.
- Q. When you got in did you stay right there with the CP?
- A. Well, sir, after we got reorganized I did. I know we all got off the choppers, and we got down. Then after all the choppers had already moved out, then we started getting reorganized.
- Q. Then you stayed with the CP?
- A. Tried to, sir.
- Q. Did you see the 81 mortar anywhere?
- A. Right, sir.
- Q. Do you remember seeing--
- A. (Interposing) I seen a mortar.
- Q. Did you see it set up to fire or just--
- A. (Interposing) Right, sir, at a couple of different times.
- Q. It was set up on the landing zone or near the landing zone, is that right?
- A. I didn't see it there, sir.

Q. You didn't see it. When you moved off, did you move off with the CP?

A. I think so.

Q. How long did you stay on the landing zone before you started moving?

A. It wasn't too long, sir, as well as I can remember.

Q. According to our information, you moved north from the landing zone back toward Uptight. You could probably see Uptight.

A. Yes, sir.

Q. Do you remember crossing the trail, a dirt trail, and a ridge rose up from the field?

A. It seems that we did, sir, I can't say for sure.

Q. The time was 0815 when the first lift touched down, and at 0827 the last lift touched down. That's what the log says. Right before that there would have been a 3-minute artillery concentration or preparation, and then there should have been some gunship firing as shown in these photographs right here P-207 and P-206.

A. Well, sir, usually when you go in like this over there, you would have gunships out there.

Q. All right. The company should have been pretty well organized and on the ground, everybody, by 0830. At 0845 Lieutenant COCHRAN tripped that mine. So that's 15 minutes after the last lift came in. You couldn't have moved too far.

A. We hadn't moved too far, sir.

Q. Did you see that happen?

A. Yes, sir. I was--when he got hit, I wasn't too awfully far from him at the time.

Q. Do you remember crossing a trail, and there was a big gate in the road. It was sort of an arch, bamboo, big bamboo arch, and it had writing and stuff on top of it?

A. I don't remember, sir.

Q. Okay. But you do remember that mine going off?

A. Yes, sir, I do.

Q. Did you see the evacuation ship come in, the dust-off come in, and pick him up?

A. Right, sir.

Q. Did it have a red cross on it?

A. I'm not sure, sir. I can't say.

Q. All right. Then the logs shows that at 0930, which was 45 minutes later, the second mine went off.

A. As well as I can remember, sir, it wasn't that long.

Q. It doesn't seem like that long, does it?

A. No, sir, it doesn't.

Q. That's what the log shows. And at this time were there three men wounded?

A. Yes, sir. One of the men got into some--one or two was--mainly it was a--as a matter of fact, the reason that I remember it so well it was one of the--the only time that I even got a scratch.

Q. Where.

A. A little nick on the neck.

Q. Is that right?

A. Just a scratch, yes, sir.

Q. You must have been pretty close to the 2d Platoon because that's the platoon that took the casualties on both of those?

A. Well, sir, I tried to stay with the CP as much as possible but sometimes you would--you know, the 2d Platoon would find something, and you'd have to go with them. I'd try to get back with the CP as soon as possible.

Q. All right. By the time that second mine went off, had you been assigned any job at all as far as demolition goes?

A. No, sir, not as of yet.

Q. I heard, or somebody said, that this second mine was marked and that they passed the word down to step over it, and somebody didn't get the word. Is that what happened?

A. That's what I understood that happened, sir.

Q. That's what you heard?

A. Right, sir.

Q. You're about in the same boat I am. You don't know that, you just heard it?

A. That's right, sir, I couldn't swear to it. The only thing I know, the guy that had the mine sweeper detector, it really got next to him when he found out that the guy, after he had spotted the mine, had got hit by it.

Q. Yes, I imagine so. That wasn't his fault. That was the fault of the people not passing the word back.

A. True.

Q. Who was carrying the mine detector that day? Do you know?

A. I don't know, sir.

Q. Was it GUTHRIE?

A. I don't know, sir.

Q. Do you remember a man named GUTHRIE?

A. No, sir, I don't. I wasn't really familiar with the company.

Q. You didn't know anybody?

A. No, sir, not really.

Q. You don't remember any names from that company?

A. No, sir, I don't.

Q. I understand when that second mine was hit that there was a change in mission, and that they didn't sweep into that town after that?

A. You mean a change in direction?

Q. Yes.

A. We did go around.

Q. You did go around? You backed up and walked out?

A. They said it was a complete minefield, so we were trying to avoid it.

Q. To get out of it?

A. Right, sir.

Q. Did you see the helicopter come in and pick up those three people that were wounded the second time?

A. I was up there, sir.

Q. That was Colonel BARKER's command and control ship. Did you see the company commander talk to Colonel BARKER then?

A. No, sir, I didn't.

Q. Did you see anybody get off that helicopter?

A. No, sir. I was pretty well shook up myself at the time.

Q. You weren't paying much attention?

A. No, sir. All I tried to do was keep from stepping on one myself.

Q. I can't say I blame you. Well, did you hear any firing going on over on the coast, over to your right as the platoon moved out in a different direction from the way the company did, and moved over into the area you went to the next day?

- A. I couldn't say for sure, sir, it's been so long.
- Q. Do you remember seeing the mortar fire?
- A. I can't say this is the same mission, sir. I'm not saying that it is, but a little later on, maybe the next day or a little after that, we even got attacked--
- Q. (Interposing) Yes.
- A. If this was the same mission, with mortars.
- Q. Okay, we'll get to that. You probably had it, but you've got your days mixed up. Now, you didn't do much around there that day, just searched around and just held up?
- A. We moved slow.
- Q. Do you remember that afternoon another company coming in and linking up with you?
- A. Well, I remember the other company linking up with us, but I don't remember if it was that day or the next or what.
- Q. It was that day.
- A. All right, sir.
- Q. They came in. Did you see them come in with any ARVN soldiers?
- A. Seems like I did. The reason I remember this other company so well is because I had two more buddies with the company. They was from my company.
- Q. You had two more?
- A. Right, sir.
- Q. With C Company?
- A. Right, sir.
- Q. This is the photo P-66. Would those two friends be the two men in the background there?

(Hands photo to witness; witness examines photo).

A. Right, sir.

Q. Who are they? Would you identify them?

A. This here is HEMMING. This here is--I can't really recall his name offhand, but he is also a SP5.

Q. The two men in the rear of the photograph?

A. Right.

Q. Behind the two Vietnamese soldiers is--

A. (Interposing) PFC HEMMING.

Q. The one on the right is HEMMING.

A. And the other one is a SP5. I can't really recall his name.

Q. Those are the demolitionists?

A. Right.

Q. And you saw them when they came in?

A. Right, sir, I even talked to them.

Q. Did you sleep with them?

A. Well, sir, we were with different companies. We didn't stay together.

Q. You stayed in your companies that night?

A. Right, sir.

Q. What did they say? Did they say anything about that day's operation?

A. I recall hearing something about it. I can't remember for sure what it was. I mean about--something about that this was on television, but I couldn't say for sure.

Q. Did they say they did a lot of killing over there?

A. Yes, sir. They said there had been quite a bit, as well as I can recall. They were sort of excited.

- Q. Do you know if they did any demolition work over there?
- A. I don't recall them saying so.
- Q. Did they seem to be upset about anything?
- A. No, sir, not really upset.
- Q. Did they stay with the company commander that day?
- A. I really couldn't say, sir.
- Q. What did they talk about?
- A. Well, just normal stuff mostly.
- Q. Did they say they saw a lot of bodies over there?
- A. Well, they said that they saw a fire fight.
- Q. A fire fight?
- A. Yes.
- Q. Between whom?
- A. As well as I can remember--well, I really don't know, sir. The only thing I know is they asked what had we encountered that day.
- Q. Did they say they met resistance over there?
- A. I think so. I'm not sure, I'm not certain.
- Q. But they came in and you ran into them that day. Did you see them when they walked in, or did you see them later?
- A. I don't know if I seen them when they came or not, but I don't remember. If this was when we did join up--I mean, you know, I talked to both of them. As a matter of fact, I think they gave us a coke and then went on.
- Q. Gave you a what?
- A. Coke.

Q. Oh, coke?

A. Right, sir.

Q. Where did they get that?

A. Well, sir, most of the time we would carry them with us.

Q. What's that, in lieu of demolitions?

A. Sir?

Q. Is that in lieu of demolitions?

A. No, sir. Water gets pretty tight sometimes.

Q. You still carried 10 pounds in addition to the coke?

A. Right.

Q. When you ran into these two buddies of yours that day, did you see any ARVN soldiers come in there with that unit? Did you see any interpreters?

A. It seems to me there was. I couldn't say for sure.

Q. The same photo that you saw, P-66, do you recognize the two ARVN soldiers that are up in front of your buddies?

(Hands photo to witness; witness examines photo.)

A. No, sir. I don't recognize them.

Q. You've never seen them before, is that right?

A. No, sir. I wouldn't say that I've seen them.

Q. All right. This is photo P-18. Do you recognize anybody in that photograph?

(Hands photo to witness; witness examines photo.)

A. No, sir. I don't recognize anybody.

Q. All right. You didn't see any of those people?

- A. Not that I can recall.
- Q. Could you identify that area?
- A. No, sir.
- Q. How about P-19?
- (Hands photo to witness; witness examines photo.)
- A. I don't recognize any of the people.
- Q. How about P-20?
- (Hands photo to witness; witness examines photo.)
- A. I don't recognize them.
- Q. The man on the right is Sergeant MARSHALL. He was--
- A. (Interposing) He does look sort of familiar.
- Q. He was the squad leader for the security squad for the CP.
- A. He looks familiar, but I don't, I really didn't--
- Q. (Interposing) You don't recognize this area?
- A. Well, sir, about all of Vietnam over there looked about the same, really.
- Q. P-21, do you recognize either one of those two people in uniform?
- (Hands photo to witness; witness examines photo.)
- A. It looks familiar, but I....
- Q. The Vietnamese?
- A. No, sir. I guess they are Vietnamese.
- Q. Yes.
- A. I couldn't say for sure.

Q. P-22?

(Hand photo to witness; witness examines photo.)

A. It seems that I recognize seeing them talk to this one. I'm not sure.

Q. The old man?

A. Right, sir.

Q. The old Vietnamese man?

A. Yes, sir.

Q. Did you say you talked to him?

A. No, sir. It seems that I recognize him as--

Q. (Interposing) Did you see these two people talking to him?

A. This here sort of looks like a lieutenant that was an interpreter.

Q. All right. That one in the center, that's Lieutenant JOHNSON. He was in the MI, he was an interrogator, and this is his interpreter on his right.

A. Yes, sir.

Q. P-23?

(Hands photo to witness; witness examines photo.)

A. This is the same guy here.

Q. That's right, the same man, the one in the center with the papers in his hand.

A. Right, sir.

Q. Did you see those people out there that day, the interpreter and Lieutenant JOHNSON?

A. Yes, sir. I saw them out there.

Q. Did you see anybody else? Well, you don't know these from B Company.

A. No, sir, I'm not too familiar with them.

Q. Did you see anybody from the battalion out there, or from the task force headquarters? Do you know anybody from task force headquarters?

A. No, sir, not really.

Q. Okay. Did you have any demolition missions that day?

A. No, sir.

Q. Did you see any bodies that day?

A. No, sir. We didn't get up that far.

Q. Did you see any interrogations going on that day?

A. Well, I saw them talking to this old guy, this lieutenant and his interpreter talking to this old guy. That's about it.

Q. What were they doing to him?

A. They were trying to get him to answer some questions, and he wasn't too cooperative.

Q. You're talking about the photo P-22?

A. Right, sir.

Q. What did they do to him?

A. Well, sir, I didn't stay around here too long. I moved out. They moved me back as part of the perimeter. I didn't have a mission so I--so I moved out as they were talking to him, and moved back to help with the perimeter.

Q. Did they do anything to him?

A. Not that I can remember, sir.

Q. Did you hear that they did anything to him?

A. No, sir. I didn't hear anything about it. I think, but I'm not sure--I think that night they took some prisoners with us, I'm not sure.

Q. With you where?

A. While we went and set an LZ, I mean set up overnight, you know, not too far from this point. I think they had prisoners then. And the next morning the chopper came in, or either that night, I can't remember exactly which it was, and they put the prisoners on the chopper.

Q. Okay. This is photo P-208. Do you remember seeing any of those prisoners?

(Hands photo to witness; witness examines photo.)

A. Sir, they look familiar.

Q. That area looks familiar?

A. Right, sir, this looks like something like we set up in.

Q. That should be near the company CP that night?

A. Right, sir.

Q. Where did those prisoners go?

A. I think they put them on choppers, sir, and flew them in.

Q. In where?

A. Back to the LZ, I guess. I don't know exactly where they took them, sir.

Q. You didn't go with them?

A. No, sir.

Q. You stayed near this area?

A. Well, sir, I dug a foxhole back up in here somewhere that night.

Q. How about P-209, do you recognize that?

(Hands photo to witness; witness examines photo.)

Pull it over there.

A. No, sir, not right off I don't. Not right off I don't, sir.

Q. All right. But you do remember seeing these prisoners here?

A. Right, sir, I remember seeing them.

Q. Did you see any of those prisoners mistreated?

A. Well, sir, these interpreters were trying to make them talk.

Q. What were they doing to them?

A. Well, sir, I have--I'm not sure, but I have seen the National Police over there get pretty rough with them, get sticks and beat them on the kneecaps, things like this, sir.

Q. Were there any National Police in there with you that night?

A. I can't remember, sir.

Q. Did you see any mistreatment of prisoners that night?

A. Not that I can recall.

Q. That day?

A. Not that I recall.

Q. Wouldn't you recall?

A. I probably would, sir.

Q. Did you hear that they did anything to him?

A. No, sir. I didn't hear anything about it. I think, but I'm not sure--I think that night they took some prisoners with us, I'm not sure.

Q. With you where?

A. While we went and set an LZ, I mean set up overnight, you know, not too far from this point. I think they had prisoners then. And the next morning the chopper came in, or either that night, I can't remember exactly which it was, and they put the prisoners on the chopper.

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Q. Were there any National Police in there with you that night?

A. I can't remember, sir.

Q. Did you see any mistreatment of prisoners that night?

A. Not that I can recall.

Q. That day?

A. Not that I recall.

Q. Wouldn't you recall?

A. I probably would, sir.

- Q. Do you remember anybody getting shot?
- A. No, sir. I don't believe so.
- Q. Did you hear about any of the prisoners getting shot?
- A. No, sir.
- Q. Did you hear about any VC suspects getting shot?
- A. No, sir.
- Q. Did you hear about any of them getting their fingers cut off?
- A. No, sir, I never did.
- Q. Did you see a big fellow in there on that day with starch fatigues, a U.S. type, who had a big knife?
- A. No, sir. I would recall him.
- Q. They looked mighty clean, I understand?
- A. They probably would have, sir.
- Q. But nothing happened that night that you recall? You said something about leaving this area. Where did you go?
- A. That was the next day, sir.
- Q. Yes, it wasn't that night? You stayed there that night, didn't you?
- A. (Witness nodded in the affirmative.)
- Q. You guys didn't have any demolition requirements?
- A. Not that night, sir.
- Q. You still had your 10 pounds?
- A. Should have had, sir.

Q. Okay. What happened the next morning? You moved out for one thing, you moved out toward a river. I don't know whether you--you were in the center of the column and you moved back down to a trail and moved through a village. They had some firing down there on a bridge. You should have been moving forward about that time, I understand, to clear some mines.

Q. Well, sir, on this I don't--well, I remember something on the trail that had been marked for mines. The men that had the mine detector marked the mines, and myself and my officer and my helper blew the mines. They were on a trail, I believe, right before you get to a bridge.

Q. Okay, let's look at this. This is P-185 (handing photo to witness).

You were probably laagered somewhere in here. Your landing zone was right about in here. Do you see?

A. Right, sir.

Q. This is Pinkville.

A. Right, sir.

Q. You moved out of there and moved down to this road or trail, moved up the trail through this village down toward this bridge?

A. I think right in here is where the mines were at.

Q. Okay. You're talking about the west side of the bridge?

A. I think so, sir.

Q. All right. Now, at that bridge, on this side of the bridge, on the east side of the bridge, that morning at 0810 a man named TAYLOR tripped a booby trap or a mine.

A. I remember that.

Q. I don't know which it was. Do you know which it was?

- A. No, sir, I don't. A mine was a booby trap as far as I was concerned.
- Q. Okay. Anyway he tripped one, and he lost his foot.
- A. I think so, sir.
- Q. Now, of course, he was on the other side of the bridge?
- A. Yes, sir.
- Q. He's on the east side of the bridge?
- A. At the time what I had to do though, I went back there and set my charges. I had to wait until everybody got through in order for me to set my charges off. Then I set my charges off, and then I come on across. You know, lit my charges, and then I went across. After I got across, the charges went off.
- Q. What I want to know is whether you moved out with the CP until you got down to this road? Weren't you with the CP?
- A. I should have been.
- Q. The unit stopped somewhere around the time this mine went off over here?
- A. Well, sir, the mine was on one side, and as well as I can recall we stopped after we crossed the river.
- Q. Yes, but I'm talking about before you got across the river. This mine went off when TAYLOR was on the other side, before your unit ever got across the bridge. Then we understand that you were called forward, that somebody from the CP sent you up forward. They got a radio call from up front that there was some mines up there, and you crawled forward and went up there and marked them. Is that correct?
- A. We did not mark them.
- Q. You didn't mark them?
- A. When we went up there, they were marked.

Q. They were already marked?

A. Right. We set the charges, then we waited until everybody got across. Then we set the primers, but we did not mark them.

Q. Who marked them?

A. I don't know, sir.

Q. They were marked when you got there?

A. Right.

Q. They were marked on the west side, on your side, right?

A. Right, sir.

Q. The area you pointed to was back from the bridge. Is that correct?

A. Well, they wasn't--it was--it was right close to the bridge. I wouldn't say it was right alongside of the bridge. It wasn't very far from the bridge.

Q. Were they on the road or off the road?

A. Right on the side of the road, the trail.

Q. They were right on this side?

A. Right, sir.

Q. Where somebody had walked over them?

A. Right, sir.

Q. Were they antipersonnel mines or booby traps?

A. I don't know which they were, sir. I just blew them.

Q. I see. How many were there?

A. As well as I can remember, sir, it was three.

Q. Three?

A. Right, sir.

Q. How far apart were they spaced?

A. I'd say 25 to 50 meters.

Q. Twenty-five to fifty meters? All on one side or on either side?

A. I can't really remember.

Q. And these were marked. How were they marked when you got there?

A. Toilet tissue.

Q. You don't know who marked them?

A. No, sir, I don't.

Q. But somebody knew they were there because they marked them?

A. Right, sir, they--if I recall right, they had a mine detector to pick them up with.

Q. I'm not sure about that. I don't know how many mine detectors the company had, but I think the mine detector was on the other side of the river and it had been all night. They could have been marked the day before?

A. It's possible, sir. I don't know when they were marked. The only thing I know, I was told that there were mines up there and to blow them, and they were marked with white tissue paper. That's all I was told.

Q. You were told that?

A. Yes. When I got there, I saw them, saw the white tissue paper. I asked was that them. Somebody, I forget who it was, it seems, you know, they would always leave a man to show you in case you don't find them--I set the charges, me and my assistant set the charges, let everybody get through, lit the charges, and got out of the way. As well as I recall, though, there wasn't but one of them a mine, but it had three markings. I set up three charges, as well as I recall. Two of them was something else, which I didn't take time to find out.

Q. Did they detonate?

A. One of them did.

Q. Just one, the other two didn't?

A. Right, sir.

Q. Was any probing carried on, or was it just destroying them?

A. Right, sir. I couldn't see probing.

Q. All right. You waited until all the company got by?

A. Well, they said that was all of them.

Q. They moved over where? Were they clear of the other side of the bridge when you detonated the mines?

A. Well, sir, they would have been probably close, I would say. Because as well as I remember, my helper went across. He was ahead of me, and I went across behind him.

Q. You were the last one over?

A. Right, sir.

Q. What was on the other side of the bridge when you got over there? Was TAYLOR evacuated by that time? The man that had his foot blown off, he wasn't there, was he?

A. I can't say for sure, sir, but I do recall hearing about it.

Q. Yes.

A. I couldn't say for sure because he was gone.

Q. Were any mines on the other side?

A. Not that I seen except for the one that was blown up, sir.

Q. The one that was blown?

- A. Well, it was detonated.
- Q. And no more?
- A. Not that I can recall.
- Q. No more marked with tape?
- A. No, sir, not that I can recall.
- Q. Okay. Then what happened?
- A. We got--well, we got water, I think. After we got across, we got water.
- Q. How much demolition did you use on those mines back there?
- A. Well, sir, usually I'd use about a half a pound to a mine to be sure we blew them.
- Q. Well, that's three mines. That's three things.
- A. Right, sir.
- Q. So you're talking about the fact that you could have used up to 3 pounds?
- A. Right, sir.
- Q. Somebody told me that some demolition came in when that water came in. Would you know?
- A. I don't remember, sir, possibly. We got--about every time we needed it, we got it.
- Q. You don't know if any came in for that platoon?
- A. No, sir, I don't.
- Q. Was there much use of demolitions the first day on the other side of the river? Do you know?

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

Q. You didn't hear any? You didn't hear any explosions?

A. It seems like that along around--there was some vacant bunkers, I can't say for sure, then we pulled into this other little village. We stayed here during lunch hour. So we start to move out; the the CO told me to destroy the bunkers.

Q. Yes?

A. So we put a pound apiece in each bunker; got that job done. The only reason I remember this is because he wouldn't leave me no security.

Q. You had to stay there by yourself, then?

A. That's what he wanted me to do. And I didn't like that, not in a place like this. I mean....

Q. Did you destroy the bunkers?

A. Well, sir, I threw a pound of TNT into each one of them. It didn't really destroy them. It just caved them in.

Q. A pound of TNT caved them in?

A. Well, sir, they weren't that good of a bunker.

Q. Okay.

A. They weren't that good of a bunker, just a little place to get in more or less with little stones placed on top of them.

Q. They weren't much protection, then, were they?

A. No, sir, they weren't.

Q. One pound?

A. Right, sir, that's all it takes.

Q. Was this what you used all the way down that peninsula, a pound of TNT per bunker?

A. Well, sir, I never did see nothing, no big bunkers really.

Q. What was the top layer on these bunkers? How thick was it?

A. Well, sir, it was just more or less a hole dug in the ground with something over the top of it?

Q. Was there any dirt up there on top?

A. Not that much.

Q. Did it have any stringers across there to hold any weight?

A. Well, sir, I didn't go down into the bunkers, as well as I can remember. What I was doing, I was setting up the charge. This helper of mine was the one that put them in the hole. I really didn't get familiar with the bunkers.

Q. Now, you got into this village that you're talking about, where you had to blow those two bunkers. This is the one that I'm talking about, you know, the first village?

A. Right, sir.

Q. The company commander told you to blow those two bunkers?

A. Right.

Q. Well, did you see any--did you see this village well enough to know whether there had been some recent demolition of other bunkers in the area?

A. No, sir, I didn't. I didn't search through the village much myself.

Q. You didn't look around much?

A. No, sir.

Q. Did you see any bodies over there?

A. No, sir.

Q. You didn't go down in any of these bunkers?

A. No, sir.

Q. But there were two bunkers in that village, and only two bunkers that you blew?

A. Well, sir, I don't recall how many there were. I only recall blowing two of them.

Q. Yes.

A. I couldn't say for sure. It might have been more.

Q. Did you see any more besides these two that were still in condition to be used?

A. I don't recall, sir. It seems like I did, it seems like I might have blown more. I don't recall for sure.

Q. All right. Did the company commander tell you, when he told you to blow these two bunkers, did he tell you to be prepared to do anything else as far as destruction of tunnels and bunkers go?

A. Well, sir, I knew that I had to stay prepared to do this. I mean every time I would get to running short on demo, I would get him to call back for more.

Q. Did he get you some more?

A. Right, sir.

Q. How many times?

A. I don't recall, sir. But they were real good about it.

Q. What were you using, TNT or C4, composition C?

A. Well, I was probably using both of them, sir. Usually I did.

Q. All right. When you set your pound charge to go into the bunker, were you using TNT or C4?

A. I think it was TNT.

Q. You were just slapping a blasting cap in there with a fuse on it, and that was what you were doing?

A. Right, sir.

Q. Just a pound?

A. He would light them and go and toss them in.

Q. He'd light them and go toss them in? Did you talk to any of the people that were over there in that platoon, that stayed over there that night?

A. Well, sir, I was talking to them, but I don't remember who they were.

Q. What did they say? Did they say they'd used much explosives over there the day before?

A. They didn't say, sir.

Q. They didn't. How about firing, did they have a fire fight over there?

A. Well, sir, I recall hearing quite a bit of firing now.

Q. Yes. This is the day before I'm talking about? Or maybe it was the day you went over?

A. I can recall hearing quite a bit of firing now, sir.

Q. Did you see any gunships that morning you went over there?

A. Yes, sir, there was.

Q. Were they firing in the same village where you blew these bunkers?

A. I couldn't say for sure, sir. They were around this area here.

Q. Did you see them making a gunrun?

A. Yes, sir.

Q. And you didn't see any bodies over there?

A. No, sir.

Q. Did you see any fresh graves?

A. Not that I can recall.

Q. Were there any tunnels over there, or were all these bunkers?

A. I don't recall seeing any tunnels, sir. At the time, we were moving because of the firing situation. The only time we was stopped was when I blew these mines and ate lunch. Then we walked on down to--on down to a--if I recall right, we went through a graveyard there.

Q. It could have been?

A. We set in there overnight in that graveyard. We went all the way down to the water and turned around and started back, and that night we set up in the graveyard.

Q. What do you normally use to destroy a bunker?

A. Well, sir, it's all depending on the bunker.

Q. It also depends on whether you go in it or not, doesn't it?

A. Right, sir.

- Q. Haven't you got to size it up from the inside if you are going to blow it?
- A. Well, sir, that's the best, sir.
- Q. What other method do you use?
- A. Well, sir, sometimes you just put enough in there, you just put enough in there. You know it will do it.
- Q. In other words, overcharge it?
- A. Right, sir.
- Q. Well, what's an overcharge for a bunker?
- A. Well, sir, I'd say that 10 pounds will be an overcharge for an average bunker.
- Q. Ten pounds what?
- A. An average bunker, 10 pounds will be an overcharge if you set it up right.
- Q. Thrown down in the bunker?
- A. No, sir. Maybe pushed into a corner.
- Q. You must go into the bunker, though, to do it?
- A. Well, you would have to get down in the bunker, yes, sir.
- Q. How about caving in the entrance? That's a temporary thing, but what does it take for that?
- A. I couldn't really say, sir. A bunker like this one, it wouldn't take very much. The bunkers they had out there, they were just more or less little dirt hootches, a hole in the ground with a little hole dug under them. I mean, you got quite a shock from this TNT.
- Q. It's almost tamped if you got the charge in there?

A. If it's in there right, it's got to be tamped, sir. If it's right, that's when you get the most out of your charge.

Q. I was trying to think. It seems to me like there is a rule of thumb.

A. The only rule I remember, sir, is don't go back.

Q. It's a rule of thumb for tunnels, though, based on the depth; 1 pound TNT to every 1 linear foot at 10 foot depth. Did you ever hear a rule of thumb like that?

A. No, sir, I didn't.

Q. For each linear foot that you've got in length of tunnel at a 10-foot depth, take 1 pound of TNT, and I'm sure that's overcharged. You never heard that rule of thumb?

A. No, sir, I haven't.

Q. That's what they teach at the Engineer school, I think.

A. I went to a regular demo school.

Q. How did you normally blow these things up? Did you go in there and put the charge on the side, or did you try to bread a stringer, or what did you do?

A. Well, normally, sir, it wasn't--I didn't blow that many bunkers, blow them up. The few tunnels I blew, hootches sometimes....

Q. How did you blow the tunnels? Did you drop the roofs?

A. I'd go inside.

Q. Drop the roof?

A. Right, sir, cut it off.

Q. You cut the supports or beams across there, is that the way you did it?

A. Well, sir, sometimes you wouldn't even have any beams, only right in the front entrance, but usually you'd go back a little ways.

Q. Yes?

A. If you just drop it right in the front, they could open it too easy. If you go back a little ways, then usually you could jam it up.

Q. You put it there on the floor, on the deck?

A. Well, you could. If you've got one so hard, it would be best if you dig up in the side of the tunnel so you get a little tamp in there. Then you get a lot better....

Q. Then you would collapse it, right?

A. Yes, sir.

Q. How much charge are you talking about?

A. Well, again, sir, this would depend on the size of your tunnel.

Q. How much are you talking about for a 100-foot tunnel?

A. Well, sir, I really couldn't say.

Q. All right. Let me ask you this. How many tunnels did you run into that day, the 17th of March?

A. Not--the only thing I can remember, sir, is blowing one tunnel, but that was later, I do believe. I'm not even sure this was on the same mission. Really, I did very little demo work.

Q. On that day?

A. Even on this mission, very little.

Q. Who was doing it? I understand they were blowing bunkers all the way down that coast?

A. It must have been the other company.

Q. No, it was that company.

A. Wasn't blowing that many, sir, because I would have to have been the one that was doing it.

Q. No. They had a point group up there in the 1st Platoon that did a lot of demolition work.

A. Maybe so, sir.

Q. Let me ask you. When you went up to blow a bunker, like those two that you blew back there, you threw the 1 pound of explosives down in there? Were any procedures taken to see if anything was in that bunker before you did that?

A. Well, sir, I wasn't the one that was throwing the charge in there. I was making the charge and giving them to my helper.

Q. He was throwing them in there? Was he using any procedure to see if the--he's your helper, you're responsible for him. Was he using any procedure to see if there was anything in that bunker?

A. I--I think for sure he was, sir.

Q. Well, what's the normal procedure to use?

A. Usually you look, I mean you go up. The bunker is dug in, and more or less is just a hole with a little outlet for coming out of it, maybe a little dirt on it or something of that nature. It really wasn't the bunkers you usually see. You could see in them.

Q. From the outside, you could see in them?

A. Yes, sir.

Q. At any time when you were doing demolition missions, was it your responsibility to see that they were clear, or was that the Infantry's responsibility?

A. The Infantry's, sir. They would go in first and check them. Then they would come back and get me.

Q. The company commander told you to blow the bunkers, so you assumed it's clear?

A. Well, sir, I mean, most times I make sure it's clear. Most times I talk to the infantryman. I want to talk to the guy that has been in there to make sure that I wasn't going in there and get all booby trapped myself.

Q. You didn't plan to go in these two, did you?

A. No, sir.

Q. You moved on south, moved down the coast. What happened here? You can look at P-185. You came across the bridge, and this village was right here. You moved all the way down the coast here. You moved on the inside, and one platoon was out on the beach. You moved all the way down to the end here, all the way. Down there at the end you turned around and moved back up, and that's where you stayed in that graveyard that night.

A. That relates to this?

Q. That all relates to the operation. There's one picture of the beach that you were moving down on. This is P-211. There's the end, that's down at the end, P-212. Do you recognize that, all the way down?

A. It seems familiar, sir.

Q. Remember, you looked out across all this water. That's where the river comes into the sea.

A. I remember....

Q. Water, surrounded by water, a big village across there?

A. Right, sir.

Q. Was this village burned, do you know?

A. I don't think so, sir.

Q. How about going down? Were all those villages burned on the way down?

A. If I can remember right, some of the hootches were burning.

Q. As you passed?

A. Right. They set them on fire or something, but they were burning if I remember correctly.

Q. Were they burning all the way down, and how about coming back up?

A. Well, sir, they were still smoking when I was coming back up.

Q. Do you know if this was burning?

A. I don't know for sure, sir.

Q. P-212?

A. I don't know, sir.

Q. All right. You went back up there, and one time that day, about 1320, they reported two VC engaged and one VC killed. That's over on the beach. Did you know anything about that?

A. No, sir, I didn't.

Q. It was supposed to have been at 1000 that morning, mines and booby traps destroyed. Did you destroy those? It was reported.

A. I couldn't say for sure, sir, but it might have been that time of morning. The only mines and booby traps I destroyed, though, was the ones right here. They were the only ones I....

Q. On that bridge?

A. Right, sir. They were the only ones I saw.

Q. Do you ever remember destroying any others?

A. No, sir, I don't.

Q. Do you remember hearing any explosions going down there? Did you hear anybody up in front of you blowing up anything?

A. It seems like I did. I can't say for sure.

Q. But you did get a resupply of explosives, so you must have been using them for something?

A. Right, sir.

Q. Did the company commander tell you to blow up the bunkers going down there?

A. Right, sir.

Q. How many did you hit in each town, an average?

A. Well, sir, in this one village is the only bunkers that I blew that I can recall. I might be--

Q. (Interposing) Our information is that bunkers were blown up all the way down the beach, all the way down to the end.

A. Not by me they weren't, sir.

Q. When's the last time you saw HARTMAN?

A. He was with me.

Q. When was the last time you saw him?

A. You mean the last time?

Q. Yes.

A. Well, sir, he got shipped back here, out of our company.

Q. You haven't seen him since you left Vietnam?

A. No, sir.

Q. Well, your stories are straight. He said the same thing.

A. Well, there's no reason for me to lie.

Q. You don't remember blowing those booby traps on the side there, about halfway down the coast?

A. No, sir.

Q. Okay. So you came back up and you went into--let me ask you one question. Down at the end, down there where all that pretty water was, and that village where you could see right into the ocean there, look right into the sea, did you see a helicopter come there, down here in the area on P-212?

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

Q. Okay. You turned around and came back and went into a laager that night. Did anything happen up there that you can recall?

A. Up where, sir.

Q. In the laager area.

A. No, sir.

Q. Did you see any Vietnamese that day? In any of those villages, were they deserted or--

A. (Interposing) I don't really recall, sir.

Q. You don't remember. Do you remember anybody using any of the Vietnamese for point, putting them out in front?

A. Yes, sir.

Q. Were they--how many were used?

A. I couldn't say for sure, sir, I just vaguely recall this.

Q. But you do recall it?

A. Just vaguely, sort of in the background of my memory.

Q. Did you see any ARVN with you that day, ARVN soldiers; five, six, seven, eight, or nine?

A. I couldn't say. Again, it seems like there was, but I can't say for sure. For I do know once we left the beach here, I think where we stayed the last night, I do know we had ARVN's. I recall right after chow they took what chow was left, and we were sitting there laughing at them. An officer walked up the beach, and they brought a woman in that had been hit by artillery.

Q. Yes. You're ahead of me one day. Hold off. Did you ever see this person in this photograph P-210?

(Hands photo to witness; witness examines photo.)

A. I can't recall.

Q. The people that were being used the point, were they male or female?

A. As well as I remember, sir, they were male. I couldn't say for sure, because it has been about 2 years.

Q. Yes.

A. As well as I remember.

Q. All right. The next day you moved back up north and went up. Going back to P-185, you laagered down here, and you went back by the bridge. It was a platoon that stayed up there at that bridge that night, the 3d Platoon stayed up there. You picked them up and moved on to the coast. You went into this area where you rounded up a whole lot of civilians.

- A. Yes, sir. I remember that.
- Q. Right there on MAP-4.
- A. Yes, sir. We stayed there for quite a while.
- Q. Yes. What did you do there? Did you stay with the CP, or did you go along with the platoon?
- A. I stayed right in the area.
- Q. You stayed with the CP?
- A. I stayed in the area of the CP.
- Q. Did you see the medics come in?
- A. Yes, sir.
- Q. The medics came in for a MEDCAP?
- A. Doctored the children.
- Q. They doctored the children?
- A. Right, sir.
- Q. Did you see the interpreters and interrogators come in?
- A. I can't recall, sir.
- Q. But you said you saw ARVN up there or National Police, one or the other?
- A. I know I saw them on up the beach.
- Q. That's what I mean, up there in that area?
- A. Right, sir.
- Q. Did you see them interrogating anybody?

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

Q. You stayed there all that day. All those people came down and went through the medical processing, and I guess the MI people were picking them out and questioning them a lot?

A. I couldn't say, sir.

Q. That evening you had a mortar attack, about 1 o'clock in the morning. One man was killed and four wounded and dusted off. You had a "Spooky" all night flying overhead?

A. Yes, sir. I well remember these choppers coming that night, as I remember, a mortar hit one of the machine-gunners.

Q. Yes, MILUS.

A. I don't know who he was, but I remember that was one of the times I was the most scared in my life.

Q. You were scared that night?

A. You ain't said nothing. I was scared that night. I was scared.

Q. Did you have a foxhole?

A. Yes, sir.

Q. What were you afraid of?

A. Well, what scared me most was the gunships.

Q. They were close in, were they?

A. They were real close.

Q. Did they fire the miniguns that night?

A. Right, sir, and rockets. When they would come over, it looked like they were going to drop them right on top of me. It's a bad feeling.

Q. This man in P-215, did you ever see him?

(Hands photo to witness; witness examines photo.)

A. He looks familiar, he looks like the one that we had--they had, in other words. His wife came down the beach crying. I guess it was his wife.

Q. About what?

A. Well, we had him. They were living together.

Q. Did you see him get beat up?

A. No, sir.

Q. How about the next day?

A. No, sir.

Q. You didn't see anybody beat up any prisoners the next day, after that mortar attack?

A. Not that I recall, sir.

Q. This woman that was brought in, she was brought in on the 18th of March with her leg all cut open. Is that the one you were talking about?

A. Right.

Q. When was that, late in the day?

A. Just right after--

Q. (Interposing) Was that from an artillery round?

A. That's what they said it was from.

Q. I guess the Vietnamese were pretty mad about that?

A. They were. They were pretty excited.

- Q. Was this after the medics had left?
- A. Right, sir.
- Q. It was about dark, wasn't it, or was it?
- A. We had moved on up the beach a little ways.
- Q. Yes.
- A. Set up for the night, and it was--as a matter of fact, they brought her in right after chow. It made it pretty rough trying to hold chow down.
- Q. She was cut up, in pretty bad shape, wasn't she?
- A. She was. I know I walked over and took a look at it.
- Q. Her whole leg was open?
- A. Right.
- Q. They evacuated her, didn't they?
- A. Right, sir.
- Q. You don't remember seeing any interrogations going on?
- A. No, sir. I don't remember seeing any, nothing but this interpreter talking to this old man at first. Then he turned around and walked off.
- Q. Do you have any knowledge of any investigation or any inquiry being made into this operation?
- A. I heard something about there was going to be an investigation, sir.
- Q. What was the reason for it?
- A. So many people got killed, I heard.

Q. So many people got killed?

A. Right, sir.

Q. Did they tell you who got killed?

A. They didn't say, sir. To me, it was just a rumor that was going around.

Q. Where was that rumor going around; Uptight or fire base Dottie, or where did you first hear it?

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

Q. You did hear that there was going to be an investigation?

A. I heard a rumor about it, right, sir.

Q. Did you ever hear of anybody that was questioned about this?

A. No, sir.

Q. Do you know from whom you heard this?

A. No, sir. I couldn't say.

Q. Did you ever hear an order come down from anybody or being passed on by the company commander telling the platoons to stop the burning?

A. Right, sir.

Q. When was that? Do you remember when that was?

A. I think it was the same day. I couldn't say for sure. I think it was the same day that I blew these two bunkers.

Q. That would have been the morning of the second day?

A. I guess so.

Q. That was the 17th. The platoons were burning, going all the way down the beach that afternoon.

A. Well, sir, it seems that I heard the order some-time that day. I couldn't say exactly what time of day it was, but it seems I heard that order.

Q. You think you heard it the second day?

A. I think so, sir. I can't say for sure.

Q. The time when the burning stopped, we're reasonably sure it was after you started moving off toward that big area up there where MEDCAP was on the morning of the third day?

A. It might have been, sir. I couldn't say for sure, but I do--

Q. (Interposing) It could have come late the second day?

A. I think it did.

Q. How did you hear this, do you know?

A. Just people talking, you know, about stop burning or something like this.

Q. That's all that was said?

A. That's all that I heard.

Q. You can't place where you heard this?

A. No, sir. I can't, not for sure.

Q. The time, that's what I'm trying to fix.

A. It seems like--I can't say for sure, but it seems like it was the second day.

Q. Okay. Of course, there was burning, there is no doubt about the fact that there was burning all the way down the coast there.

A. I could be wrong, it seems like it was--

Q. (Interposing) But that was only halfway through the second day. It could have been on the way back?

A. It might have been, sir.

Q. But you say you think it was the second day?

A. I think, sir. I couldn't say for sure.

Q. Were you or anyone else ever questioned on this operation?

A. Me or anyone else?

Q. Yes?

A. Not that I know of.

Q. Do you have a camera?

A. No, sir. HOBBS had one.

Q. Who?

A. HOBBS had one.

Q. He had one with him?

A. I'm pretty sure he did, sir.

Q. Did you ever hear any rumors that civilians had been killed out in this area by B/4/3 or C/1/20 during this operation?

A. Not that I recall, sir.

Q. Did that rumor that you heard about an investigation indicate this?

A. Yes, sir. It was indicated, but it wasn't positive.

Q. Were you ever told not to discuss the possible unnecessary killings with anybody?

A. No, sir.

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

A. No, sir. I don't.

Q. Do you know if anybody was using it on this operation?

A. No, sir. I don't. I would be forced myself to turn him in.

Q. What?

A. I would be forced myself to turn a guy in if I caught him out there with it.

Q. All right. Do you know of any U.S. or ARVN torturing VC suspects or PW's on this operation?

A. Not that I can recall, sir.

Q. Well, you would recall something like that, wouldn't you?

A. It seems like I would, sir.

Q. You don't remember seeing a fellow out there in starched fatigues all dressed up with a EE-8 phone hung over his shoulder?

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

Q. Do you have any further testimony or any further things that might help General PEERS in his investigation?

A. No, sir, not that I can think of.

Q. Specialist MARTIN, you're ordered not to discuss your testimony with others, including other witnesses for this investigation, except in the performance of official duty or as you may be required so to do before a competent judicial or legislative body.

A. Right, sir. This means that I don't have to tell the company what this is all about, right?

Q. No, it doesn't mean that. It means that you can tell your company commander that you were called up here to General PEERS' inquiry and that you were ordered not to discuss your testimony.

A. Right, sir.

Q. If he wants any further information, you can tell him that he can call me.

A. Right, sir.

Q. But that's all you can tell him. You tell him what you came up here for was an operation in Vietnam that you participated in, and General PEERS is investigating it. You were called up here as a witness.

A. Right, sir.

Q. If he's got any questions in his mind about your being involved in it or anything, you tell him to call me if he's worried about it.

A. Right, sir.

COL WILSON: The hearing will recess at this time.

(The hearing recessed at 1518 hours, 11 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: SAMS, Worley L. SSG

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, 26th Engineers, attached to C Company.

The witness knew nothing about the 16 March operation of Task Force Barker (pg.5). While his men handled demolition assignments for Task Force Barker, he could not recall a specific mission in which he attached members of his squad to either C/1/20 or B/4/3 (pgs. 2-4).

(The hearing reconvened at 1630 hours, 23 January 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Staff Sergeant Worley L. SAMS.

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

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

A. Staff Sergeant Worley L. SAMS, , stationed at Bravo Company, 17th Engineers, Fort Hood, Texas, United States Army.

MR WEST: Sergeant SAMS, have you read our Exhibit M-57 which contains some instructions and information about the nature and purpose of this inquiry?

A. Yes, sir.

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

A. No, sir, I haven't.

Q. These orders concern the public discussion of the facts involved in what's now commonly referred to as the My Lai incident of 16 March 1968. The purpose of it is to prevent potential witnesses from public discussion of the case and to prevent any prejudice to the rights of the accused in those cases. As you noticed in the instructions in Exhibit M-57, we are quite anxious that the testimony you give here not be discussed publicly for the same reason. It may be that in your case it will not touch upon any facts that will be involved in those court-martial cases, but nevertheless, we are taking these precautions.

A. I understand, sir.

Q. Sergeant SAMS, would you tell us please what your duty assignment was on 16 March 1968?

A. I was a squad leader attached to Charlie Company, 26th Engineers, at Duc Pho.

Q. What was the size of the engineer unit attached to Task Force Barker?

A. I had my squad up there. We were supposed to be with Task Force Barker, building bunkers and the places they stayed.

Q. Were there any other engineers attached to Task Force Barker?

A. Not while my squad was up there, no, sir.

Q. Did your men handle any combat demolition assignments that Task Force Barker had?

A. Yes, sir, they did.

Q. Do you recall two men of your squad being attached to C/1/20 Infantry for an operation into the Son My area that began on 16 March 1968?

A. I don't remember the exact date, but I had the men go on demolition missions with the people.

Q. Our information is that Charlie Company, when it was CA'd into the Son My area, was put down near the hamlet designated My Lai (4) on Army maps. It was accompanied by two engineer demolition men who moved along with the company command group and performed the demolition during the morning in this hamlet of My Lai (4). We've been endeavoring to learn their names. Witnesses have told us that one man was a Negro, the other was white. The Negro had the nickname Hotshot, and the name of one of the men began with R. We've been told by witnesses that they performed various demolition functions such as blowing up bunkers, and after they got through My Lai, they demolished part of a house on the eastern edge of it. That is the sum total of our knowledge about these men. Could you think of who they might be.

A. One of them I know for certain is SP5 PLUMMER. And the other one I think was SP5 FOSTER. Now, I'm not certain. But PLUMMER, he took all my demolitions for me.

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My CO advised me that unless my whole squad moved out that I would not leave under no circumstances. So I had to stay there and send him out to do all that.

Q. You were handling construction work there, were you?

A. Yes, sir.

Q. Could you spell those names for us?

A. P-L-U-M-M-E-R.

Q. Do you happen to know his first name?

A. No, sir, I don't. We don't get on a first name basis too often.

Q. How about FOSTER?

A. F-O-S-T-E-R.

Q. First name there either?

A. No, sir.

Q. They're both SP5's?

A. Yes.

Q. Was either one black?

A. Yes, sir, SP5 PLUMMER was.

Q. Did you have another man whose name began with R?

A. Offhand, I can't think of one.

Q. We've also had some indications that you might have had one or two men with B/4/3 Infantry. That same day they went out on that same operation. They were CA'd into another area to the east of My Lai (4).

A. Sir, we had so many like that. For a while, they had these operations going on and people were just going out and coming back in. I can't remember who went out.

Q. How many men did you have available for this kind of duty?

A. I think 11 counting myself, sir. And we were busy building bunkers and places for people to stay, because when we moved into the area, it was just open. No one had ever been there.

Q. Was that your total squad, 11?

A. Yes, sir.

Q. How many of these men would be sent out on demolition assignments?

A. As many as I could spare.

Q. Were all of them qualified for this type of mission?

A. Yes.

Q. Do you suppose you could think of the names of all 11 of these men?

A. I've tried since they called me up this week. Those two are the only ones I remember.

MR WEST: We'll have a short recess.

(The hearing recessed at 1640 hours, 23 January 1970.)

(The hearing reconvened at 1702 hours, 23 January 1970.)

MR WEST: The hearing will come to order.

RCDR: All present when the hearing recessed are again present. Sergeant SAMS, I remind you you are still under oath.

MR WEST: Sergeant SAMS, we've just had an off-the-record session discussing names of former members of Charlie Company, 26th Engineers. You mentioned not only names of Spec 5 PLUMMER and Spec 5 FOSTER, but Private MALLEY, Private TATE, and also Spec 4 HARTMAN who was a demolition man in the 3d Platoon?

A. Yes, sir.

Q. Can you think of any other men of C Company of the 26th who were demolition men and regularly went out with infantry units of Task Force Barker?

A. They got one at Fort Hood now, but I've been sitting here trying to think of his name. He's a SP5, but I can't think of his name.

Q. Perhaps you'll recall it later. We'd appreciate knowing if it does come to mind. For the record, sergeant, do you recall anything at all about this Son My operation of Task Force Barker which began on 16 March 1968?

A. No, sir, I don't.

Q. You're acquainted with our purpose, and I'd like to ask if you can think of anything that might help us in our inquiry?

A. No, sir. Like I said before, the only time I knew about it was when it come out in the papers.

Q. Well, we appreciate your appearing here very much, Sergeant SAMS. You've given us some names which will be helpful and may help us to locate the two men of the 26th Engineer Battalion who participated in this Son My operation with C/1/20 Infantry on 16 March 1968. We thank you for coming. The hearing will be recessed.

(The hearing recessed at 1709 hours, 23 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: STEPHENS, Clinton D., SFC

DATE OF TESTIMONY: 7 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: S2 Intelligence Sergeant,
Task Force Barker.

1. PRIOR INTELLIGENCE OF THE MY LAI AREA.

a. Viet Cong in the area.

Intelligence which had been gathered indicated that the My Lai area was a rest and resupply area for the Viet Cong (pg. 5). They were in the area at most times, but left it at other times to operate elsewhere (pg. 7). U.S. forces had received mortar fire from that area and the enemy had been seen in the area during prior operations (pgs. 46, 48).

b. ARVN operations in the area.

The witness stated that the ARVN's never went into the My Lai area, although it was in the operational area of the 2d ARVN Division (pgs. 6, 7).

c. Civilians in the area.

The witness noted that civilians were known to be living in the area. During past operations in the area, they were seen moving down the road, Highway 521 (pg. 46). He could offer no reason for the apparent fact that no preparations were made for the handling of civilians during the 16 March operation (pg. 47). He did note that in the past when civilians were moving down the road in the face of an operation, enemy with weapons had been seen moving

with them. No fire had been directed at those persons at those times (pgs. 46, 48). As for civilians going to the market in the mornings, he recalled hearing some information to that effect, but could not connect it with the operation under investigation (pg. 51). Although civilians were known to be in the area, the main concern of Task Force Barker was to get the VC who were also known to be in the area (pg. 48).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

a. Plans.

(1) Prior operation planned for the area.

A prior operation had been planned for the area, but was cancelled the day before it was to begin, because of an intelligence report that the Viet Cong had left the area. The witness did not know the source of that information (pgs. 4,5). Shortly thereafter, the planning for the instant operation began (pg.5).

(2) Plans for the 16 March 1968 operation.

The witness was not sure who arranged for the extension of the area of operations for the planned sweep, but believed that it had to have been coordinated through division (pgs. 8, 9). He added that he thought that the AO extension was only to be for a period of a few days, but was not sure exactly how long (pgs. 9, 34). The operation of 16 March was to be slower and more deliberate than any previous ones; one company was to be in a blocking position and two others were to sweep (pg. 12). Also, the witness noted that Task Force Barker had gotten provisions for refueling and rearming helicopters at Landing Zone Dottie. In the past enemy had been able to evade due to the short amount of time that gunships had been able to remain over the area of contact (pgs. 12, 13). The operation was to have better artillery and gunship support than any in the past, and three companies were to be employed in the area. The witness allowed that Task Force Barker intended to find the enemy and destroy him and not let him evade as he had in the past (pg. 13). The witness could not account for the failure to make preparations to prepare for possible refugee civilians (pg. 47). The witness added that the intelligence showed that the enemy was in the area and had been for some time. The plan for the operation of 16 March was to go in and destroy them (pg. 49).

b. Orders and briefings.

(1) Operational orders.

The witness testified that he did not hear any of the operational orders, and noted that he did not hear any orders concerning the destruction of livestock or food (pg. 13). He added that the S2 had no written operations order and that he had no knowledge of the S3 having one (pg. 13).

(2) Lieutenant Colonel BARKER's briefing.

The witness stated that he was not present when Lieutenant Colonel BARKER briefed his company commanders on the 15th, but he believed that Major CALHOUN, the S3, and Captain KOTOUC, the S2, were there (pg. 10).

(3) Captain MEDINA's briefing.

The witness said that he did not attend the briefing of C Company by Captain MEDINA.

3. ASSAULT ON MY LAI.

a. Radio transmissions monitored at the Task Force Barker TOC.

(1) Radios monitored.

The witness testified that as S2 Sergeant, he monitored the radios in the TOC during the operation (pg. 11). He stated that there was no direct communication with the ground troops, but that BARKER, who was airborne, would relay messages to the TOC (pg. 11). The witness noted that the commander of the gunships, apparently Major WATKE, had a radio on the same frequency as BARKER, and his transmissions could be monitored in the TOC (pgs. 16, 31). He added that the operational aspects of the radio transmissions were handled by Major CALHOUN and Sergeant JOHNSON (pgs. 11, 12). The witness reiterated that the TOC could not hear ground troop transmissions (pg. 18).

(2) Reports of enemy activity.

On the morning of the 16th, the witness recalled hearing gunships reporting their spotting of enemy with weapons prior to C Company's landing (pg. 15). He

also recounted that the LZ employed by C Company became "hot" during the landing and that C Company received fire after they were on the ground (pgs. 15, 56, 57). Further, he recalled hearing the ground troops being directed to enemy dead to attempt to secure their weapons (pg. 16).

(3) Body count reported.

The witness testified that he could not remember a specific body count coming into the TOC on the morning of the 16th. He added that this would have been handled by Sergeant JOHNSON (pg. 22). He did recall that the personnel in the TOC were quite happy with the large body count, since they, of course, expected they were all enemy (pg. 24). The witness added that the feeling was that the large body count was not actually due to the artillery, but due to the men of the task force having caught the VC battalion unaware in the My Lai area (pg.25).

b. Reports of shooting at civilians.

The witness testified that he recalled in the midst of the action hearing what he believed to be a transmission from the gunship's commander to another ship that innocent civilians were being killed by the ground troops (pg. 17). No unit was mentioned (pg. 52). He noted that he recalled Major CALHOUN relaying this information to BARKER in his command ship and saying that it should be checked out (pgs. 17, 28, 29, 52). However, the witness added that he may have originally gotten this information when Major WATKE saw Major CALHOUN at LZ Dottie later in the day, though he did not hear their conversation (pgs. 18, 29), and did not recall any particular action as a result of that conversation (pg. 31). He recalled nothing else over the radio about innocent civilians being killed. The report that he had heard did not have a sense of urgency (pgs. 18, 30).

4. EARLY CESSATION OF THE MY LAI OPERATION.

The witness stated that he received the impression that the operation ceased being a major one and was cut short after these reports. He added that the personnel were moved out of the area quicker than he had assumed was the original intention (pg. 33). He averred that although the companies were still in the area, his impression was that the operation had ceased upon orders from brigade or division (pg. 34).

5. RUMORS AND OTHER INDICATIONS OF AN INCIDENT AT MY LAI.

a. Rumors.

The witness recounted hearing talk weeks later, after the dissolution of the task force, about burning and killing during the My Lai operation from the personnel in the brigade TOC where he was working at that time. They said that the PIO personnel had said there were a lot of civilians killed there, but there was not much elaboration on this comment according to the witness (pgs. 19, 28; 35). He added that he did know Specialists HAEBERLE and ROBERTS from the brigade PIO (pg. 19). Further, he added that he heard a Sergeant GERBERDING of the S2 shop at brigade mention that the task force had probably killed civilians (pg. 28). He noted that when he returned to brigade, he was often jokingly harassed about the task force having turned in a fake body count (pgs. 48, 56).

b. Other indications.

The witness could not account for the discrepancy between the report given to brigade that the bodies were found outside the village and the report given to the task force that they were within the village (pg. 22). The witness related an incident in the task force TOC which he believed to have been on 16 March when someone mentioned to Captain MEDINA that the body count included civilians. MEDINA replied that there were civilians killed by the artillery, but that they were not included in the body count (pgs. 32, 33). The witness told of a prior operation in which B Company operating with APC's had not recovered any weapons, although they had a rather large body count. The reason offered was that the commander did not want his men to take the time to recover them (pgs. 26, 27). He stated that he could recall no immediate talk of the high kill ratio coming out of the My Lai operation and added that he did not question the low weapons count, since there had been similar tallies (pgs. 25, 56). The witness did allow that he had never been upset about the veracity of any counts before, but that he was bothered by the reports on this operation (pg. 57).

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SUMMARY OF RECALL TESTIMONY

WITNESS: STEPHENS, Clinton D. SFC

DATE OF TESTIMONY: 7 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: S2 Intelligence Sergeant, Task Force Barker.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

a. Prior operation cancelled.

The witness recounted that an operation had been planned for the Son My area about a week prior to 16 March 1968. This operation was postponed because of intelligence that indicated the VC had left the area (pgs. 60,67,69). The witness recalled that the 2d ARVN Division was to have taken a minor part in that operation (pgs. 69, 70). The witness indicated that he believed that this intelligence came from Major GAVIN and the 2d ARVN Division (pg. 60).

b. Sources of intelligence.

The witness stated that BARKER visited the 2d ARVN Division quite frequently and was occasionally accompanied by Major CALHOUN and Captain KOTOUC (pgs. 61, 71). Lieutenant JOHNSON may have accompanied him on occasion (pg. 61). As pertains to the planning of the 16 March operation, KOTOUC, CALHOUN, and JOHNSON had several meetings with BARKER (pgs. 61, 62). The witness further noted that GAVIN took part in the prior planning of the operation, although he did not know what specific information he supplied (pg. 66). It was allowed by the witness that although there were several meetings of these persons, he did not believe that all of them were

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directly concerned with the operation (pg. 62). The witness recalled that either BARKER, CALHOUN, or KOTOUK arranged with GAVIN to have National Police accompany the U.S. forces on the 16 March operation (pgs. 73, 74).

c. Planning the 16 March operation.

The witness stated that BARKER bore the brunt of the planning of the operation and he imagined that CALHOUN helped somewhat, since they were quite close (pg. 70). He had no direct knowledge of any facet of the operation being planned at either brigade or division headquarters, although he was sure that, at least, permission had to be obtained through brigade (pg. 71). The witness added that he was not certain about the 16 March operation, but there was a period when all support from aviation had to be obtained through division (pgs. 71, 72). The witness classified the operation as a slow, thorough search instead of a sweep. However, he noted that they knew the enemy was there (pgs. 69, 70).

d. Overall plan for moving civilians out of the Son My area.

The witness stated that there had been discussions between BARKER and the 2d ARVN Division commander about moving civilians out of the Son My area. This plan also included the idea that a new trade market would be opened in this territory (pg. 62). The witness stated that he believed the plan was to move civilians to refugee camps in the Quang Ngai area. Then U.S. or ARVN forces would move into this area, occupy it, rid it of the enemy, and turn it back over to the civilians (pg. 65). The witness further mentioned that he recalled an objection from the 2d ARVN Division commander about the lack of available facilities for handling refugees (pg. 72).

e. Plans for handling civilians during the 16 March operation.

The witness did not recall any specific plan for the handling of civilians during the operation in issue. He stated that during past operations civilians had fled down Highway 521. Also, he noted that he heard that many would be going to market on the day of the operation (pg. 72). The witness asserted that although he did not hear the exact planning of the operation, he

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recalled overhearing a conversation between CALHOUN and BARKER concerning civilians. CALHOUN asked about handling civilians during the day of the operation and BARKER replied that the 16th was their market day and it was felt that they would not be in the area (pg. 74). He did not recollect the context of the conversation, but distinctly recalled BARKER saying that, "tomorrow is their market day" (pg. 75). The witness added that they were concerned about civilian casualties in Task Force Barker (pg. 75). The witness declared that he never heard of a plan to destroy the villages, although he was aware that some hamlets had been burned (pgs. 64, 69, 70).

2. VIET CONG OPERATIONS IN THE SON MY AREA.

The witness related that there was fish, rice, and other food production in that area. He stated that it was a known source of food and supplies for the VC (pgs. 62, 63). The 2d ARVN Division did not operate much in the Son My area, working more or less on a live and let live basis with the Viet Cong in that territory (pg. 62). The witness described that in the past VC had operated in this area and in the face of imminent attack mingled with the civilian population moving down Highway 521 toward Highway 1. Since U.S. troops were under orders not to harm the civilians, the Viet Cong had always been able to escape (pg. 65).

3. THE ASSAULT ON MY LAI.

a. Personnel in the Task Force Barker TOC.

On the day of the operation the witness, Sergeant JOHNSON, Major CALHOUN, Captain LEWELLEN, and Sergeant WARREN, were present in the TOC. The witness believed that the artillery liaison sergeant, Captain KOTOUC, the night duty sergeant who worked with Captain LEWELLEN, and an S3 clerk were also there. He stated that he was not sure whether Sergeant HALL or Lieutenant WATKINS, both of the communication section, were there (pg. 76). He noted further that in the command and control ship with Colonel BARKER were VAZQUEZ, the ALO, and, perhaps, Sergeant HALL or Lieutenant WATKINS (pg. 76). He added that KOTOUC may have been with BARKER on that morning (pg. 77). In the TOC CALHOUN and JOHNSON were handling the operational aspects of radio monitoring (pg. 77). He stated that although JOHNSON was responsible for the body counts, he

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(The hearing reconvened at 0920 hours, 7 January 1970.)

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

(The reporter, Specialist Four James L. THILL, was sworn.)

The next witness is Sergeant First Class Clinton D. STEPHENS.

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

State your full name, grade, Social Security number, branch of service, organization, and station.

A. Sergeant First Class Clinton Dale STEPHENS, United States Army Marksmanship Unit, Fort Benning, Georgia.

MR WEST: Sergeant STEPHENS, before we get into any questions I want to advise you of the nature and purpose of this inquiry. This investigation is directed jointly by the Secretary of the Army and the Army Chief of Staff for the purpose of determining facts and making findings and recommendations concerning:

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

(2) possible suppression or withholding of information by any person that had a duty to report what happened that day. In other words, was there any coverup.

This investigation is not being conducted to inquire into all the facts and circumstances of what happened at My Lai, but just really directed to those specific purposes. For example, we are not concerned with the culpability of any particular individual or anything he may have done that was wrong that day.

We have had made available to us and have re-

viewed prior statements obtained in other investigations of the My Lai incident; for example, the one that was conducted by the Inspector General of the Army under the direction of Colonel Wilson, who is also a member of the panel but who is not here.

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

The classification of the report will be confidential but it is possible that the testimony or parts of it may be made public. We have no control over that. We ask that you not discuss your testimony here today with other persons, including other witnesses for the investigation, unless you are required to do so in the course of proceedings of some other administrative, judicial, or legislative body. There is, for example, a subcommittee of the House Armed Services Committee which is looking into the My Lai incident, and they are calling some witnesses. Of course when we ask you not to discuss your testimony, that wouldn't apply to that or an appearance before that body.

Are you subject to the order issued by the military judge in the case of United States v. Calley not to discuss the testimony?

A. Am I familiar with it?

Q. Are you subject to it; have you received such an order?

A. No, sir.

Q. Should you receive an order from the judge, what we've asked you here today, not to discuss your testimony, would not apply or affect the applicability of that order at all. Any questions on this part?

A. No, sir.

(The hearing recessed at 0945 hours, 7 January 1970.)

(The hearing reconvened at 0950 hours, 7 January 1970.)

RCDR: All parties present when we recessed are again present.

MR WEST: What was your assignment, Sergeant STEPHENS, on 16 March 1968.

A. I was the S2 intelligence sergeant, sir.

Q. Of what outfit?

A. Task Force Barker.

Q. I understand that the headquarters detachment of Task Force Barker was rather small; there actually weren't very many people assigned.

A. Yes, sir.

Q. Do you recall who was assigned.

A. We had Colonel BARKER as commander, Major CALHOUN was the operations and exec, Master Sergeant JOHNSON was the operations sergeant at this time, Captain KOTOUC was the S2 officer. I was the S2 intelligence sergeant. They had a lieutenant, I don't remember his name, but a lieutenant in the commo section. He had one sergeant, and I don't remember how many men with him, but not very many, in the commo section. They worked the commo section. We had one engineer squad and we had--I don't believe it was a full MP squad. I don't know what an MP squad consists of, but it was one sergeant and a very few MPs, and we had one mess sergeant and I'd say three or four cooks. I don't know just how many.

Q. Did you have anybody else in your S2 section besides you and Captain KOTOUC?

A. No, sir.

Q. Just the two of you?

A. Yes, sir.

Q. Did you work the TOC?

A. I stayed in the TOC just about all the time. In our TOC we had a small room where we had the arty officer with

this task force. We had an arty officer, and I believe he had one sergeant and two lower grade with him. The back of the TOC had a small room on each side where the arty officer worked in one small room and over on the other side where we had set up an S2 office more or less. We had an OB map and we kept all the records and everything.

Q. There was a separate little room for the arty and a separate room for the S2?

A. The arty wasn't in a room actually. They had just put up a partition in front of the radio, more or less so that they could hear each others radio. It was a small TOC, and with both radios going they would have trouble hearing. They had just put up a partition where they're open on the side. The little room that I operated in was closed in and just had a small door.

Q. Was Captain VAZQUEZ the artillery liaison officer?

A. Yes, sir.

Q. When did you first hear of this planned CA against the hamlet My Lai (4)?

A. The operation, sir?

Q. Yes. Was it being planned for quite a while, do you recall?

A. Yes, sir. In fact it was planned once before. They had planned an operation in there. We knew that the task force was subject to come to an end and we had had several contacts in this area. And they had planned an operation sometime, I don't know just how long before, in the area. But they worked quite a bit with Major GAVIN, the advisor below. They received word that the enemy had moved out. They received word that they were in there. He had personnel working in there and I don't know how they got this word, but they had planned an operation in there and then he came up, I believe it was the day before the operation was to take place, and they called it off. With his source of information, and I don't know if it came from division or brigade or where, but anyway the operation was called off.

And then this more or less started this same operation up. I think it was just a continued tentative plan of more or less waiting for information as to when they would be back or something. And then I don't know how long, sir, it was not too long, I'd say a week or so, 3 weeks that this operation picked up and more or less started planning again.

Q. Was this Colonel GAVIN or Major GAVIN? He was the district advisor, or advisor to the district headquarters at Son Tinh.

A. Yes, sir.

Q. Where did the plan or idea for this operation originate? Did it come down to you from brigade or division or originate in Task Force Barker or was it suggested by GAVIN or what's your recollection on that.

A. Sir, I don't know where the complete plan for the operation came from. Maybe Major GAVIN did have something on that. I don't know, sir. I don't know on that. But it was more or less, what brought it on I believe is, like I said, is that they had had several contacts in this area. In fact the major contacts had been there. It was considered by the ARVN as a haven for the--well they said it was the 48th Battalion, but actually it was more units than the 48th Battalion. Alpha Company had a contact there one time and they thought it was the 48th Battalion, but they captured two that were wounded. It was a well organized unit that they were fighting. One died, though, before they brought him in, and they brought the other one in and he was wounded. They patched him up at the dispensary and sent him in. He turned out to be--I believe it was C-19 was the unit they said they were. What it was was a subordinate unit from the 48th Battalion. It was something that they used when they made a big move or something. But at a later time they captured another, or maybe the ARVN captured, but anyway an enemy was captured, and he said that they had been in this area. But then they had moved and went across Highway 1, and they had gone beside the Quang Ngai River. He showed them the area where they had been staying and everything. And they had went in there for a rest; he said that it was rest and resupply and all this and everything. Anyway, they

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company was and everything happened. This lieutenant told us that they sat on their tracks up there, they never did come in this area. They sat up on their tracks, and he said that they watched a five-man mortar crew with a mortar go across this open area in front of them, and they didn't even shoot at it. And he came up and apologized to the colonel for not helping them there. But that's as close as they ever came to that area that I know of. They just never went in.

Q. Now this area that My Lai (4) is in, I understand that this was outside the Americal Division area of operations.

A. South of it, yes, sir.

Q. Actually it was in the 2d ARVN Division?

A. Yes, sir.

Q. Is that right?

A. Yes, sir.

Q. Do you remember how the AO was extended down into there, so you could put on this operation? Did Task Force Barker arrange this or did GAVIN arrange this or what happened?

A. I'm sure for this particular operation, they had pulled operations in there before, they would go just south of the Americal's AO. That's what had happened a few times before, right in this general area it was. Well, it was just enemy infested at times, not all times--times it was and times it wasn't. But usually they would go just below the Americal AO and get an area through there. But when they would do this the enemy would then a lot of times, would be seen evading toward the river. And on this particular operation I'm sure that it extended all the way to the river because they--

Q. (Interposing) Are you talking about the Song Tra Khuc River? If you look back of you there is a map introduced in evidence as Exhibit MAP-1 and it actually shows the AO for this operation.

A. Yes, sir.

Q. Does that fit into your recollection?

A. Yes, sir. Usually, sir, when they pulled this operation in here, usually they would get an area right along through here that would come in, and on the one they coordinated with--

Q. (Interposing) Along grid line 79?

A. Around in here and this road right in here.

Q. Highway 521?

A. Yes, sir. And maybe it was a little farther down on this road, because right in here was where Bravo's action took place. And the tracks came up this road (indicating Highway 521 heading in the direction of Pinkville). Bravo Company that day was to come across here, and the ARVN was to come in and come up this way, and they never did.

Q. Do you remember the date of this action, approximately?

A. Which action is that, sir?

Q. The action you were just describing.

A. With Bravo Company?

Q. Yes, it was sometime prior to 16 March.

A. It was prior to that. It was the first major action in this area, sir. But for the operation that day, it extended all the way down. I didn't know the unit, we called it the Warlords, were to patrol this area south of this road (Highway 521). I remember they were using this as their boundary. They were patrolling this area, and a gunship would work with the units north of this road.

Q. We'll get into that little later. I take it you don't recall who arranged to have the AO extended?

A. No, sir. I don't know who that was coordinated with, sir.

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Q. You don't remember whether Colonel BARKER took care of this or brigade or remember them talking about that?

A. No, sir, I don't. I don't know who coordinated or got the AO extension. I'm sure the AO extension, if I recollect right, that an AO extension though had to go all the way to brigade and back up. It couldn't be coordinated only with the task force and the district headquarters. If I recollect it had to go through brigade and back to division, and division had to know that you were getting an AO extension and where it was.

Q. Well that's what we figured.

A. Yes, sir.

Q. Did you know how long the AO extension was for? Was it a matter of days or weeks?

A. No, sir. It was for days. I'm sure it was not for weeks, because normally they didn't stay in there more than 2 or 3 days at the most. Now, they stayed in there 2 or 3 days one time destroying a tunnel in this area, but normally they would go in this area and sweep through it and move back out, and I'm sure it was not for weeks. I don't know the exact time on it, sir.

Q. On this particular operation, which includes that combat assault on My Lai (4), do you recall how long that was planned for? We understand that the companies principally involved were C/1/20 and B/4/3.

A. Yes, sir.

Q. Do you remember how long they were to be in the field once it started?

A. I believe, sir, I don't know how long specific units were supposed to be in the field, sir. See, they had moved all three companies into this area for this operation. We had only three companies, and they had borrowed a company from 4/3. I believed it was A/4/3 that had come over to LZ Dottie for security while this operation was taking place. They were to be there 3 or 4 days as security, and one

of our companies was to be back for security at LZ Dottie at this time. And I don't know which unit it would be, sir.

Q. Were you present at the meeting of Colonel BARKER with the company commanders that was held prior to the operation? This would be equivalent to a battalion briefing.

A. No, sir.

Q. Do you remember this being held?

A. Yes, sir. This took place in his -- he had a van, sir, and this took place in his van. I was not in there.

Q. Do you remember a meeting of Captain MEDINA with his platoon leaders and platoon sergeants that day? Now this would be on the 15th, the day before the operation.

A. No, sir.

Q. This apparently took place at Landing Zone Dottie.

A. No, sir. I suppose, I'm pretty sure, I don't remember for sure, but I think his company was the security at LZ Dottie when this took place. They were more or less in a perimeter in bunkers, on the bunker lines. Sir, I did not see or attend or hear any of these meetings.

Q. Colonel BARKER's briefing of the company commanders, did Captain KOTOUC attend that? Do you recall?

A. I'm not sure, sir. I believe he did. I believe that him and Major CALHOUN attended this. Now, Major CALHOUN was not in there all the time I don't believe, but I believe he attended some of it, sir.

Q. Am I pronouncing Captain KOTOUC's name correctly?

A. I don't know, sir, "KOTOOSH" or "KOTOUK."

Q. He was here. I recall it was something like the way you pronounced it. How long did you work for Captain KOTOUC in the S2 section?

A. We had two or three different S2's. I would say about 2 months, sir.

Q. And this went on up to the time that the task force was dissolved on or around the 9th of April?

A. Yes, sir.

Q. On the 16th of March, 1968, were you on duty in the TOC intelligence section?

A. Yes, sir.

Q. Would you tell us how you operated there in the TOC when they had an operation like this going?

A. Well, actually as the intelligence, there wasn't much to do at that time. Mostly what we tried to do -- Sergeant JOHNSON, myself, and Major CALHOUN, and also we had a night shift. It was a sergeant, I don't remember his name, he was in the 3/1. And we had a captain. He later went back and took over headquarters company of the brigade. I don't remember his name. Anyway, at this time when the operation started, everything was working on the main channel, on one channel, on the task force channel, and you more or less just listened to the conversation between Colonel BARKER. Now, his company commanders, you couldn't hear them. He was more or less relaying information back to us about what was happening, but from the gunships--

Q. (Interposing) He'd be out in his helicopter?

A. Yes, sir. He was out in his chopper. And the gunships or the Warlords, that was the 173d, you could hear them.

Q. 123d, I think.

A. 123d. Well, every incident or what happened, everything that took place, we were trying to keep the brigade informed of what was happening as it took place.

Q. I take it then, that you and Sergeant JOHNSON and Major CALHOUN were really handling the operational side of things.

A. Yes, sir.

Q. You were helping out?

A. Yes, sir.

Q. I guess you were already worked up to the enemy situation pretty well; that was behind you?

A. Yes, sir, that was all -- it was all in the past then more or less.

Q. Let's go back a little bit. Was an effort made to get the ARVN to -- the 2d Division to help out in this operation?

A. Sir, I don't know.

Q. Was it Captain LEWELLEN that was on night duty at the TOC?

A. Yes, sir.

Q. What kind of an operation was this supposed to be? How was it characterized? We've had considerable information that it was a search and destroy operation as distinguished from search and clear. Is this your recollection?

A. Yes, sir. That's what it was supposed to be. Every time they'd gone in this area before they usually-- they carried two companies--would perform this operation in this area. And normally one would be set up as a blocking force and another would make its sweep. And this time, each and every time it was always, "enemy was observed evading and getting out." The arty FO's come in a lot of times, and they would try to put artillery on them. They would see them moving out, and a lot of times they would, well they would just evade our forces more or less. As they moved through they would, somehow they would move behind them. They would see them moving out behind them. This was supposed to have been a slower, I would say a slower, more thorough search than had been before, two companies making this search and sweep with one company blocking. Also, they had at this time--we were capable of refueling and rearming

gunships at LZ Dottie. Whereas before, we had lost a lot of enemy by not being able to support the gunships. The gunship had to go so far for rearming and refueling. Here they had coordinated and used the 123d and the 174th gunships in support. These two companies were more or less supposed to be a better operation. More thorough, a more thorough operation than the others were.

Q. What were the orders as regard to My Lai (4)? I take it this is regarded as something like a base for this VC battalion. Do you recall what the orders were about the hamlet? What was to be done?

A. No, sir. I didn't hear any of the orders that I recollect.

Q. We had a good bit of evidence that the orders were to go in and destroy the hamlet, kill the livestock, and destroy the food and so forth. Also, word was put out that this was a VC village or hamlet and anybody in it was VC or VC sympathizers. What's your recollection?

A. I never, sir, heard the order given. I'd never heard anything of this type. I never heard anything said like this, and, like I said, it was to be a more thorough, bigger operation. In fact, if they were there, which they felt that they were, they were to destroy, whereas before, they had evaded them and gotten away. But this time they had plenty of support. They had artillery, they had air, they had plenty of gunships, and they had three companies in the area, and that's just what they meant to do. If they were in there, they didn't intend for them to get away.

Q. They meant to come to grips with them?

A. Yes, sir, and to get it. As for destroying food, livestock, or destroying the villages or anything like this, I had never heard anything of that.

Q. Was there a written operations order on either the S3 side or the S2 side? Do you recall?

A. The S2 did not, sir. I don't remember seeing one, sir, on the S3. I don't remember if they did.

Q. We've not been able to locate one here.

A. I don't believe there was. I won't say there was not because a lot of orders were -- operation orders were -- every time the brigade put one out we'd get a copy. In fact we were handling some so I don't know if -- but I don't remember, sir.

Q. Did you have a regular liaison officer from brigade in your TOC, do you remember?

A. Yes, sir. You mean a liaison between -- he was our liaison for brigade.

Q. Yes, he may have belonged to you or brigade either one.

A. Yes, sir. He came up every morning and spent the day, and then he would go back in the afternoon and get in there and carry the information. He was more or less our briefing officer during the week for the brigade. He would brief the brigade as to what was happening.

Q. Down at Duc Pho?

A. Yes, sir, but I don't remember his name. He was a lieutenant. I believe he was in the chemical section. Yes, sir, he was in -- he was a lieutenant in the chemical section is all I remember.

Q. I hope you'll keep that in the back of your mind. Maybe you'll remember that. Do you recall if he was assigned to Task Force Barker or brigade?

A. He was assigned to the brigade chemical section sir, but he was more or less--

Q. (Interposing) That was a pretty common practice, I think, to use chemical officers for liaison officers. So, that's pretty logical.

A. Well, no, the other battalions didn't, sir.

Q. I mean other outfits.

A. All the battalions had a liaison that would go in the same -- in fact the helicopter that picked our liaison officer up picked the other battalion liaisons up on the way to Duc Pho. Each battalion had a liaison that went to brigade and posted their operations for the next day, what they were going to do and what took place that day in case they had missed something in the brigade. They gave us the chemical officer because they just didn't have anyone else.

Q. Would you tell us what you remember of the operation that day against My Lai (4)? I take it that you spent the morning in the TOC when this was going on?

A. That's right.

Q. What is your recollection of what happened; what you heard by way of radio traffic or anything else that comes to mind?

A. I don't remember. I know Sergeant WARREN was the sergeant there with the MP. That was Sergeant WARREN. I know he was the one that went out and brought the chopper, what they called the slicks, to pick up Charlie Company. I don't remember which company had gone in first. I don't know if Bravo or Charlie Company went in first.

Q. Charlie Company went in at 0730; it was the first.

A. C Company was the first. But then Charlie Company went in, by this time, already the gunships were--well they were seeing enemy evading, and they had killed some before Charlie Company got onto the ground. I remember the Warlords saying that they spotted some with weapons, and the 174th gunships would say that they had spotted some with weapons. When Charlie Company went in, the LZ was cold. But sometime during their landing, they received fire; it turned into a hot LZ. I don't know just when, but I know during their landing they received fire in that area and reported it as a hot LZ. Either the Warlords or the 174th killed, I don't remember how many, some enemy and said that they had weapons and had contacted Charlie Company. I remember Colonel BARKER was talking to them. I couldn't hear what Captain MEDINA was saying, but Colonel BARKER was talking to him and the gunships. You could hear the pilots talking,

telling them to move certain ways or a certain place. He would bring out about a bush here or a building there or something of this type. He would tell him in that area to move a platoon into this area and check it out, because there was two killed here or three or something like this. I don't remember the number on this but they had weapons, and that was what they wanted them to do; to move in and pick up the weapons. I know Captain MEDINA was moved into this area, but I don't know if he ever got into the area where the weapons were or even found the men. I don't know--I couldn't hear what he was saying. I know that they were directing him into this area.

Q. What could you hear of the Warlords' traffic?

A. That was most of what I can remember. All that you could hear of them was that they heard--they would tell them they spotted two or three or something here and they killed them and moved in there and that they had weapons and to move in and pick up the weapons.

Q. Who did you have communications with, with regard to the Warlords? Was it the bubbletop, low gun, high gun, or how did that go?

A. I don't know which one. It was a major. I assume he was their commander, whoever he was. He was their commander.

Q. Well, it was a Major WATKE. He was out there part of the time.

A. He was the one. Well, he was on our brigade channel, and the 174th commander would be on our channel, and I guess they had their own channel to talk to their people.

Q. Was that brigade or task force channel?

A. Task force, yes, sir. And somewhere, I don't remember just where, it may not even have come over the radio, but I'm sure it did, either Major CALHOUN or someone said they was killing innocent civilians. It came over the radio, and they said it was Major WATKE. I don't know if that's his name. Anyway, it was the major with the Warlords that said they were killing innocent civilians. So Major CALHOUN--

Q. (Interposing) Do you remember about what time this happened?

A. No, sir, I don't. In fact I can't even remember if it did come over the radio. I know that there was something said about it in the TOC and I'm sure that it came over the radio, because Major CALHOUN, if I remember correct, said, "Well, don't worry about that now." Maybe that was not his words but anyway told him -- went on to tell that he would get it taken care of, or that he would check on it. Anyway, he made the remark, if I am sure, to Colonel BARKER about it, and then they dropped it.

Q. Let's get this straight now. This was somebody in the Warlords to Major CALHOUN, who complained about the killing of innocent civilians?

A. It was from someone in the Warlords. Well, this could have not been from the major of the Warlords to our TOC--we might have been Coyote, whatever our call sign was at that time. But it may have been from Warlords to some of his personnel, some of his ships.

Q. But you could hear it?

A. Yes, sir. It came over; a Warlord personnel spoke. Major CALHOUN, if I'm correct, made the statement "not to worry about it now," or, "we'll take care of it," or something, and made the remark to Colonel BARKER for him to check on it because everything was happening. I'm sure that it was when a lot of the action was going on.

Q. During the operation?

A. Yes, sir, because there was so much traffic going on the net they didn't want to tie it up for this when other things were happening, too. But anyway, I may have been wrong, sir, because I remember this major being in the TOC later, so this major may have not put this over the radio. This may have come in when the major came back to LZ Dottie. He came up to the TOC and talked to Major CALHOUN; this may be where I got this from.

Q. We've had information that Major WATKE, some-time after lunch, did come around to talk about this. We had heard that he spoke to Colonel BARKER. It may have been Major CALHOUN, but I want to focus right now on what was going on on the radio traffic.

A. So this may have been where this came from. If I'm not mistaken it came over a radio, and then at that time it was dropped. It was dropped at that time because everything else was taking place. But I remember the major did come up to the TOC and was talking and Major CALHOUN and perhaps Colonel BARKER-- but I don't know what all went on. But he did talk to the major.

Q. Before we get into that we'll go back to the morning. Did you hear any more radio traffic about the killing of innocent civilians when the operation was going on?

A. No, sir. That's all that was ever said.

Q. Now we had an indication, in testimony, after the 1st and 2d Platoons of Charlie Company got into My Lai, there was a wholesale killing of the residents of the village; men, women, and children. We had a witness tell us that during the morning Captain MEDINA, on the ground, got on the radio with task force net and asked for permission to change the mission from search and destroy to search and clear. The idea was that he was disturbed about all the killing that was going on and apparently wanted to change the mission. The first time he asked this, he was refused, and then a little bit later the permission was granted. At this time he issued an order to his platoon to stop killing, and they did stop. Do you remember any radio traffic like this?

A. No, sir.

Q. You wouldn't have heard Captain MEDINA anyway?

A. No, sir.

Q. Do you remember hearing anything on the other end that might bear on this?

A. No, sir. It could have and I didn't hear it, but I don't remember anything.

Q. We've had other testimony that was not that detailed but was to the effect that Captain MEDINA had

received instructions or orders by radio to stop the killing and also stop the burning. Did you hear any of that traffic going out to Captain MEDINA?

A. No, sir. In fact, sir, the killing that they say was there and everything, there was nothing about this over the radio at all. In fact, no one back at the TOC or back at LZ Dottie knew anything about this because it was not reported as KIA. They were not reporting them as KIA. Well, the only thing that I ever knew about it and maybe someone else did, maybe they did go over the radio, but the only thing that I ever knew was just what you'd hear. I never heard about any burning or the killing or anything like this. I never heard anything about it at all until the task force broke up and went back to brigade, and they were talking about it back in brigade.

Q. About the civilians being killed?

A. That some civilians were killed.

Q. What did you hear?

A. Well, there it was--they were talking in the brigade, more or less in the brigade headquarters section. I worked around the TOC, S2 and 3, and they said that the PIO personnel that was up there for PIO said that there were a lot of civilians killed. They didn't elaborate on anything. They just said that there were a lot of civilians killed.

Q. Specialist ROBERTS and Sergeant HAEBERLE were with Charlie Company that morning in the hamlet, and as you probably noticed in an issue of Life magazine early in December, 1969, Sergeant HAEBERLE took some color photographs of people that were killed in My Lai (4). I imagine these reports that you heard about came from ROBERTS or HAEBERLE or the two of them. Did you know them at all?

A. Yes, sir. I knew them there at PIO, brigade PIO.

COL FRANKLIN: Let's see if you have a good memory. You're the intelligence sergeant. Did you spend most of your day of the 16th in the TOC?

A. Of that morning, yes, sir. In and out all day.

Q. Do you remember how many radio nets you had going that day in the TOC?

A. We had our brigade net, one on brigade. We had our task force nets 1, 2, and 3, and I believe artillery had two. I would say five radios including the artillery.

Q. Did you have an air-ground net? A net for aircraft: a special net. Did you have a net like that?

A. No, sir. They came up on our "push".

Q. Warlords and the others would be on a battalion "push"?

A. Yes, sir, and their commander.

Q. What about C and B Company? Were you able to talk to them or hear them transmitting in the TOC?

A. Just sometimes, sir. Once in a while I know that sometimes--Captain MICHLES, I don't believe that I ever did hear him because he was in, I guess, lower behind the hill. Captain MEDINA, if he moved out a little way from the hill, sometimes you could hear him.

Q. How did you communicate with these companies at night and during the day? How did you communicate if you didn't have a bird overhead? When Colonel BARKER came back to refuel how could you talk to these companies?

A. The Alpha Company had a relay set up at Uptight that was a relay station. When Colonel BARKER was not in the area they would come through this relay at Uptight back to Dottie.

Q. This was a word relay or electrical?

A. It was just a radio. Actually it was a mortar section.

Q. It was just a guy on the radio that says B Company says this, or Bravo 6 says this, or Charlie 6 wants this?

A. Yes, sir.

Q. You could get them through relay, but you couldn't get them direct?

A. No, sir.

Q. Early in the morning, who would take the report of enemy casualties normally, and pass them on to brigade?

A. Well, we all did. Sergeant JOHNSON, myself, and Major CALHOUN. We had to use a landline to brigade for this report. When the Warlords would say, they would come on a "push" and say they killed two with weapons and so forth, and 174 would say they killed two here, three there, we'd keep this. Then the companies would report to Colonel BARKER that they killed so many here, and we'd keep that and what unit and everything. I know in a couple of instances they would clarify this through Colonel BARKER if the traffic would slow down. We would never break in to ask them about it. This was mostly the way that it was kept. They did that and that, and then after things would slow down, they would go back through this and what they did.

Q. Do you remember being startled during--at any time during that morning, as an intelligence sergeant, by some of the intelligence you received?

A. No, sir, not that I remember.

Q. Do you remember getting a body count of 84, probably the highest body count you had ever heard? Colonel BARKER called it in?

A. Sir, I don't remember a body count of 84 being called in at one time. I know, I think, sir, what Colonel BARKER--I remember a body count. I don't remember if it was 84 or what it was. A lot of this was when Warlord would say they got two or three or so forth over here. Colonel BARKER would say he got so forth and so on. Then as we totaled these up, now sometimes the colonel would then, in talking to these different commanders, would take all this body count and call it in at one time.

Q. Call it in to whom?

(STEPHENS)

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A. Call it in to the TOC.

Q. Your TOC, not the brigade direct?

A. No, sir. He'd call it into the task force TOC? and sometime some of this had been reported before. The large body count, I would say this morning, if it was that morning, I don't remember, would come from a--from this area.

Q. Sergeant STEPHENS, I understand all during the morning of the 16th you were getting reports in from the Sharks and the Warlords. You received about 15 VC reported killed. We have the log and the tape, and then Colonel BARKER called in 84 killed by artillery. I don't know exactly what he called in. He was quite surprised on the radio himself, and he called back to the TOC and told them he was on his way back and would give you the word about what was going on. You deal with enemy casualties. Sergeant JOHNSON told us he subtracted 15 from the 84 that had been previously reported by the Sharks and the Warlords. That would be 69. At 0840 on your log, Company C has counted 69 VC KIA in the south part of My Lai. The action taken: 11th Brigade notified. Would that have been you that notified 11th Brigade?

A. Me or Sergeant JOHNSON, sir.

Q. When you gave enemy locations, did you give them in the clear? If you had enemy dead that were your body count, did you give those coordinates in the clear?

A. Yes, sir.

(COL FRANKLIN is looking at Exhibit M-16.)

Q. This is an aerial photo of the hamlet of My Lai; 1 inch equals 80 meters. The CA was about here. As I recall somewhere around here, in the village, was a count given to you of 84 KIA which you people changed, in your TOC, to 69. That report that went up to 11th Brigade was up here about 800 meters difference. Do you have any idea why the discrepancy in the reporting of the location of 69 bodies?

A. No, sir.

Q. One count has them inside the village, and the next has them outside the village. This was the report that the 11th Brigade and the Americal Division received. It was also 45 minutes later from the time that you people took this call in. But I'd just like to know, I want you to think hard, why the difference from in the village where BARKER gave it to you, to out here where you gave it to 11th Brigade or where the 11th Brigade recorded them?

A. Well, sir (looking at Exhibit P-1), did they get the S2 records? This is the log from task force. There is an S2 record that I kept, and it more or less carried a daily total, the unit that got it, the coordinates and everything, and was written up more or less in a log style in itself. It was kept in a notebook binder, and I was just wondering if the coordinates from the S2 record corresponded with the S3 log.

Q. We don't have any S2 records. Where were those records kept?

A. I kept these records and turned them into the brigade S2.

Q. You turned them into brigade S2?

A. Yes, sir.

Q. This is an S2 log?

A. This is an S2 record of this operation.

Q. You kept an S2 record of the operation?

A. Yes, sir, more or less in an INTSUM style.

Q. Did you keep your own notes; did you keep a lot of notes?

A. Yes, sir.

Q. Do you have any of your notes?

A. You mean my personal notes. No, I kept an S2 record; that's the one I was talking about that was turned in to the S2. So that could be where it came, sir. The S3 could reflect the coordinates, but if I called it in, I could have called in the coordinates that was given me and the coordinates that is down here, there could be a mistake there between S2 and S3 coordinates. If the brigade has different coordinates here I'm sure brigade put down points that was given to them and sent to Americal, and it could have just been a mistake made in the coordinates.

Q. But the facts that the coordinates are in the village on one hand and killed from artillery, as reported to you, and outside the village could have some significance. Now this report, you don't recall the feelings about suddenly an additional 69 or a total by 0840 in the morning, that is 9 or 10 minutes after touchdown, you killed 84 VC. What was going on in the TOC? What was the feeling in the TOC?

A. Actually, there was more a jubilant feeling that they had, sir. I remember the personnel that were in there, and there were several, were just sitting in the TOC listening to the radio, and it was a jubilant feeling about it that they had killed this many. Well, they were just hoping and they were not thinking something on this line.

Q. Who was on the artillery liaison? Who was monitoring that radio?

A. I believe Captain VAZQUEZ had gone with the colonel that morning, sir, so that would leave--he had a sergeant, Sergeant First Class DODY, or a spec 4--he had a spec 4 and a PFC that were working. I don't know which one was on the radio at that time.

Q. Do you recall how long the prep was, how many rounds were fired?

A. No, sir, I don't remember how many rounds or how long it was, but it was a big one.

Q. You weren't surprised by the 69 killed by artillery?

A. It would be by artillery, yes, sir. But them reporting that many, well what I thought and what everyone thought in the TOC was that they had really caught them in this village and everything. I never thought of it as artillery killing that many. Charlie Company is in the area, artillery is in the area, gunships in the area, and if they had really caught them it could be possible.

Q. Were you aware of the fact that there wasn't one man in Task Force Barker hurt by a grenade or a bullet or anything other than a booby trap on that day? Were you aware of that as intelligence sergeant?

A. I don't remember, sir, just what were the casualties on this. I don't remember, sir, if it was anyone killed this day or not, sir.

Q. But the point I'm making is you had 128 body count at the end of the day. You had nobody in your task force that was hurt by enemy action, other than booby traps. Was this fact known or discussed or did you know that?

A. Yes, sir. It was discussed. The brigade S2 sergeant talked to me about this, as to how they could kill so many enemy and no one lose anyone.

Q. The brigade S2 sergeant talked to you about that. Do you remember what his name was?

A. GERBERDING. G-E-R-B-E-R-D-I-N-G.

Q. Did you ever hear anyone else around this time or ever later on talk about--you already mentioned that around the brigade TOC, people talked about killing a lot of civilians, and now you mentioned Sergeant GERBERDING. Did you ever hear anyone else talk about this action, about a lot of civilians were killed or false body counts or very strange--no casualties in Task Force Barker with a high body count, and few weapons?

A. No, sir, it could have been. It was just never hardly anything said about it.

Q. Around the brigade TOC--you went from Task Force Barker up to brigade CP after dissolution at Task Force Barker?

A. Yes, sir. I was assigned to brigade.

Q. As what?

A. As the assistant intelligence sergeant. And when they formed Task Force Barker they pulled personnel from brigade headquarters to form headquarters of Task Force Barker.

Q. You heard this talk around brigade headquarters. Was that pretty common talk?

A. No, sir, nothing like that. Well, they would get to talking, someone would be talking and say, "Look at that body count that Task Force Barker had." And someone would say, "Well, a bunch of civilians," or words to that effect.

Q. They were talking about My Lai operation or the whole Task Force Barker?

A. I assume they were talking about My Lai.

Q. Did you ever hear any officers make statements like this?

A. No, sir.

Q. So this was the feeling at least from the people in the brigade TOC. Were they kidding or did there seem to be some truth in that? What was your impression? How did you take that? What was your feeling?

A. I didn't take it as civilians for the simple reason that on the first incident that Bravo Company was involved in this area; Lieutenant OLEY's tracks came back with holes in them, in the front of them, shot up, holes through the sides which nothing but a .50 caliber could have done, and one was hit with a B-40 or 57 recoilless rifle. They received fire from all around and his company was more or less surrounded, and he had one platoon that was completely cut off. Bravo Company got out of that, and I don't think they lost but two

men that day. And I don't think Bravo Company brought a weapon out either, sir.

Q, How many VC did they report killing?

A. They reported 60 something I believe it was. I believe it was 60, 50, 60. There were 60 some, sir. And all the men and all the officers and the commander said that this was, that this figure was low as to what was actually there. And they did not have any weapons for the simple reason that they could not pick them up. They could not get them.

Q. Why?

A. They were just in such a situation: they had a platoon that was cut off. They were out in the rice paddies, the enemy was in the area around. They were receiving this .50 caliber fire, small arms fire, mortar fire, and they had a platoon cut off. They went in to get this platoon, and at this time some of the men wanted to pick up the weapons. Then Captain MICHLES made the statement when he got back that he got on to the lieutenant and the lieutenant was talking about it, that he picked up a .50 caliber and was going to throw it on the track. The captain made him throw it down and told them they would get the weapons after they got the men out. And when they got to the men, well, they had moved in behind them, and they couldn't move out the way they went in. They had to get out, and this was in this same area.

Q. In that tremendous battle they only took two casualties?

A. I believe that it was two or three casualties and two or three wounded. They was talking about that, and they said, "Well, how can you kill all that and not get the weapons. Why don't you get the weapons?" And I've seen Captain MICHLES real carried away about it because people would--

Q. (Interposing) Who was talking to him about that, who was saying that?

A. The brigade--Sergeant GERBERDING made the statement to me, "How could you kill this many enemy and not get the weapons?"

Q. He made that about that action, then he made the same statement about the My Lai incident.

A. About that incident, yes, sir. And then after the incident, after the My Lai incident, this was after I was back in brigade, and he told me, I don't think it was anyone else talking, just me and him in the S2 section, and one day he told me that the PIO said that there were a lot, he didn't say many or anything, he said there were a lot of civilians killed.

Q. In My Lai (4)?

A. Yes, sir.

Q. Let me ask you about in the TOC and that thing you discussed about the civilians being killed. Would you go over that again? That's extremely important to us that you recollect whether there was a person that said this, or Major WATKE, or over the radio. Generally what time? Early in the operation or late in the day or what?

A. It was after Charlie Company was on the ground, but I think the report came before the major came up to the TOC, because it was while the operation was taking place. It was not late in the day, I don't think. I would say about mid-morning. And then--

Q. (Interposing) What was the content of this message that you remember?

A. That they're killing innocent civilians out here.

Q. Major CALHOUN, you remember, acknowledged that message?

A. I'm sure as I remember that Major CALHOUN was on the radio at this time and acknowledged that. Colonel BARKER may have heard this and come in and asked Major CALHOUN something about what he had said. He asked what he had said but Major CALHOUN said something to the colonel to the effect, "Check and see what's going on," or something.

Q. Did the colonel say that to CALHOUN?

A. No, sir. Major CALHOUN told the colonel that the Warlords said they were killing innocent civilians in this area and check what was going on, but it was not carried on very long. The net was clear.

Q. Do you recall Major WATKE coming up to the TOC after that? Any discussions about killing civilians?

A. Yes, sir. He came to the TOC, but now what was said I don't know.

Q. You don't know?

A. No, sir, I remember when he came in, he came in the front of the TOC. I don't remember if he talked to Sergeant JOHNSON or if he asked for Major CALHOUN or if he was there. But I remember him and Major CALHOUN talked. Now what was said I don't--what they said it was more or less their conversation.

Q. Did anything, any message, go out or something happen in that TOC as a followup to this, any messages go out or any directions or orders come from Major CALHOUN or Colonel BARKER to check something or stop something or to do something?

A. Sir, I can't say for sure. It seems that Major CALHOUN, when he got the report, in his talking with the colonel, real brief said something to check what they're doing or see what they're doing or words to this.

Q. In other words going back out?

A. He was out then.

Q. He was airborne?

A. Yes, sir.

Q. Wouldn't he monitor the same traffic?

A. Yes, sir, he would monitor it, sir. But in his chopper a lot of times he could miss things. A lot of times you would have to say things over to him again. I mean he

would hear you talk to him, and he'd have to come and ask you what you said. And that may have been what it was, that he called Major CALHOUN to know what they had said, or Major CALHOUN called him. But anyway, there was a brief contact between the colonel and the major.

Q. Killing civilians? Do you remember, is this a report that came in? Somebody just casual or did the guy seem excited or how did it strike you, this report or whatever it was? What was your feeling when you heard this report?

A. No, sir, it wasn't--the major just, from the Warlords, made the call. It came in something that these people are killing innocent civilians out here. It wasn't in a way that it was a big--nothing real big thing going on. He just said they're killing innocent civilians and he didn't--

Q. (Interposing) You're talking about CALHOUN talk-int to BARKER?

A. No, sir. I'm talking about the major from the Warlords calling Major CALHOUN on the initial report.

Q. Was the Warlord Alpha 3, Alpha Lead?

A. I don't know if he was Alpha Lead.

Q. Why do you say that it was a major calling?

A. I say that it is a major because he was the commander. It may not have been but I know it came from the Warlords, and I say it was the major because he was their commander.

Q. This is a very good deduction but it may not be correct. He may have been flying a low gun and had his FM radio on the bubble FM and couldn't have monitored your "push." But you don't really know his voice. You just assumed it was him because he was the leader?

A. Yes, sir.

Q. Do you recall if Colonel BARKER ever got on the ground at any time at MY Lai (4) this day?

A. Sir, not on his first tank of fuel. On the first time he went out he didn't then. But now after he came back and refueled and went out I don't know, sir. I don't remember if he was or not.

Q. Do you recall Major CALHOUN taking that chopper and flying out later in the afternoon?

A. I don't know if it was that--I believe it may have been that day or afternoon. After the major came back in--this was the Warlord major--came back in and came to the TOC, I'm not sure. Colonel BARKER--when Major CALHOUN called him, he could have went down to the ground. I'm not sure but when the major came back and came in the TOC--

Q. (Interposing) Which major?

A. The Warlord major, and was talking to Major CALHOUN. I believe the colonel came back in shortly after this. He was not there at that time, but I believe Colonel BARKER came in shortly after this. And I know the operation had ceased, there was no big operation any more. Now what was said and what actually happened, I don't know. They may have gone back out that afternoon.

Q. After they had talked, Colonel BARKER, Major WATKE, and Major CALHOUN, in the conversation did Colonel BARKER or CALHOUN come into the TOC and say, "Call B Company and tell them to do this or that," or give you any instructions?

A. I don't remember. I don't remember exactly what happened after this. It seems that brigade was up that afternoon, too. It was either that afternoon or the next morning that the brigade commander was up.

Q. Do you recall ever hearing General KOSTER being on your "push"? Did they ever mention that to you in your TOC?

A. That day, sir?

Q. Yes.

A. I don't remember that day, sir. He was up either that afternoon or the next morning, and it seems that when the

brigade commander came up he came up. He may have not come in- to the TOC. He came up and went to the field though. He was in the area, sir. I don't know if it was that afternoon or the next morning.

Q. Did you ever hear any discussion about Colonel HENDERSON or higher or brigade or somebody was concerned and wanted things checked into on the 16th?

A. Yes, sir. I know it was on the action of the 16th. The only thing that I do know, sir, is, like I said, there was never anything talked about or if there was I never knew anything about it. I never knew anything was going on or anything about this until someone, I don't remember just who, it could have been Major CALHOUN or Sergeant JOHNSON or someone I was talking to, said they were going to conduct an investigation of what took place out at My Lai that day, and that's just about all that I ever heard.

Q. That was within a few days or a day of this period.

A. Yes, very shortly, I don't know whether it was the next day, but very shortly.

Q. Do you remember hearing anything on the 16th about some civilians being killed by artillery and wanting to check into this?

A. Yes, sir. On this day, I believe it was that afternoon, Captain MEDINA was in the TOC and there was something about civilians. There was something about some talk that there was some civilians killed, and they were killed by artillery. Someone made the remark, "Is that where you get all this body count?" He said--I don't know if it's this operation that I've mixed up with another but it seems that Charlie Company--29 sticks in my mind from some operation as a body count, I don't know whether it was Charlie Company or one of the other companies. But the remark was made that artillery killed the civilians, killed some civilians, but none of them were counted in the body count.

Q. To whom did he say that? Who heard that?

A. I think it was Captain MEDINA that made that statement in the TOC, in general, sir.

Q. Who would say, "Captain, is that how you get your body count?" Would a sergeant say that or a field grade officer?

A. No, I think that it was me or Sergeant JOHNSON or maybe Captain KOTOUC or someone in the TOC. Captain MEDINA was in the TOC, and someone said something about the big body count or something. I know the remark was made that said that yes, there was a lot of civilians killed, but said the civilians were not counted in the body count.

Q. There was a remark made that a lot of civilians were killed, in the TOC?

A. Yes, sir. This was after the operation. Now, I don't know how long after the operation.

Q. But you never heard of Colonel HENDERSON being personally concerned or brigade calling down to check anything out or a message from the task force.

A. You mean while the operation was going on?

Q. Yes.

A. Well it seemed that Colonel HENDERSON came up that day, and I know the operation stopped. I didn't hear anything about it. I would just assume that someone had stopped it. But I didn't hear any message--

Q. (Interposing) What do you mean the operation stopped?

A. Well, it wasn't a big operation like it was. It was supposed to last a few days but it didn't. It didn't go on.

MR WEST: You mean the operation was cut off?

A. Yes, sir. The personnel were moved out of the area quicker than I assume that they were intended to be moved out.

COL FRANKLIN: About how long an operation was this supposed to have been?

A. Three or four days.

Q. Do you remember how long your AO extension was for?

A. No, sir, I don't.

Q. Well, we know that C Company was lifted out on the 18th, which would have been the 16th, 17th, and part of the 18th. So we know the operation went about two and a half days. Did you have the recollection that it was cut shorter than you thought it was going to be?

A. They stayed in this area, sir. I mean they stayed in this area, but I don't think that there was an operation going on.

Q. Well, they were moving around. They didn't stay in My Lai (4). They moved to the northeast and linked up with B Company?

A. Yes, sir.

Q. The next day they moved down past Hill 85 all the way to the south, down around the Song Tra Khuc River.

A. Yes, sir.

Q. And they moved up the next day to the north around Pinkville and were extracted.

A. I don't remember just how--what all took place, but the operation started that morning, and then it seemed, well, it was just not a big operation. What I mean, I don't know if it came to a complete standstill. Maybe they were still in the area. I don't remember just what they were doing, but I know that Colonel HENDERSON and maybe division came in and went out to this area where Charlie Company had operated. I don't know what they did, and I don't know what happened or anything about this.

Q. You mentioned brigade TOC people are talking about civilians killed and body counts and Sergeant GERBERDING has

called down and asked you about this. He talked to you about it later, that the PIO talked about civilians killed. I assume that other people--we've had other testimony that this was talked about around brigade. What did the people in the Task Force Barker headquarters think about this body count?

A. Sir, Sergeant GERBERDING didn't call me at any time to talk about this. Now this was talked after I returned to brigade headquarters.

Q. He never called you down to ask you about the 128?

A. No, sir. Sergeant GERBERDING didn't say anything at all until after I returned back to the brigade headquarters S2. Then, one time he was talking in the brigade S2 and something about people--I don't know how it come about--just talked about operations and different units and what they had done and everything. He brought it up that there was a lot of body count that Task Force Barker had accumulated over this period, and something about that they killed a lot of innocent civilians. He said they don't get the weapons, then he mentioned on this last operation which was the My Lai operation that the PIO had told him--I believe it was a Spec 4 or Spec 5 ROBERTS that told him that a lot of civilians were killed. The other personnel that would mention it, it was more or less--I don't think they were serious in what they were saying--personnel would be talking and say that Task Force Barker killed a lot of innocent civilians or Task Force Barker got a bunch of innocent civilians. Not in a serious--

Q. (Interposing) Sort of joking?

A. Yes, not in a serious way.

Q. What is Sergeant GERBERDING's first name; is he an E-8?

A. He's a sergeant major now.

Q. Do you know where he is?

A. He came back to Fort Polk, Louisiana.

Q. I'm going to show you an after action report made on the My Lai operation by Task Force Barker dated 28 March and marked Exhibit R-2. Have you ever seen that before?

A. I've seen parts of it, sir; not the complete report.

Q. What parts have you seen?

A. I believe this part here. I drew this part here. Of course, Colonel BARKER I think made -- or someone -- I know Colonel BARKER is the one who gave it to me. He had this drawn on a map, and then I made overlays of this. I believe it was this here. (Witness was referring to sketch map which is an inclosure to Exhibit R-2.)

Q. If you notice where you have the two companies land, you have C Company landing to the south and moving up. That's contrary to the information we have. They landed to the west of My Lai and moved east. Do you have any idea how that got -- this is not a correct sketch?

A. No, sir, I had nothing to do with making this chart. The only thing I did was to make reprints. I had nothing to do with making it.

Q. Did you frequently turn in combat action reports?

A. No, sir. On some other operations, I would draw overlays for this same--like this for Colonel BARKER. I would trace overlays for him, but I never made these. On all the operations and after action reports, I assume that's the same thing, I'd draw overlays after they had been drawn--

Q. (Interposing) Who typed these up? Who prepared these? Who wrote these after action reports for Task Force Barker?

A. I believe this was done at 11th Infantry, at brigade headquarters. I believe this information was sent to brigade headquarters. I believe they did this at brigade headquarters.

Q. Instead of Headquarters, Task Force Barker, 11th Infantry Brigade. Why do you think that?

A. Because, sir, we didn't have the capability of doing it. I mean we had a typewriter and everything but we just had one clerk and one typewriter. I would say I'm not sure -- that I never saw this. The only parts that I did see, I've seen this part and the friendly losses. This was more or less verified by my records because at the end of the day Sergeant JOHNSON and myself would verify records if he had missed something in his log. This one clerk, all he had was to keep the logs, and if he had something else to do he would miss sometimes or if these reports were misplaced. I tried to keep everything. At the end of the day he'd verify that he had everything. The enemy losses and friendly losses, I've seen those, I don't -- I would say that I verified -- they'd ask me for a report of enemy losses and personnel and friendly losses. And this I would say is the same thing and that I had in my records. (Witness indicated the overlay attached to Exhibit R-2 when stating, "I've seen this part.")

Q. You don't think Task Force Barker had the capability to physically make this combat action after report in this form?

A. They could, sir, they could.

Q. Who's they?

A. Well, our clerks, we had the personnel, sir. I didn't mean that we didn't have the personnel capable of writing this up.

Q. But I mean printing it.

A. I mean we had the one typewriter and the one clerk and I think the information would be written up at Task Force Barker, perhaps. I would say that this report was assembled and produced at brigade headquarters.

Q. Do you know what this report control symbol refers to, who that is, the first page of Exhibit R-2?

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

Q. Was that Task Force Barker's number?

RCDR: Before he answers that may we have a short recess?

(The hearing recessed at 1046 hours, 7 January 1970.)

(The hearing reconvened at 1050 hours, 7 January 1970.)

COL FRANKLIN: I'm going to ask you to go back a little bit to the morning of 16 March when Colonel BARKER came back to refuel. He probably got in about 0830 or 0900, probably about 0900. I think the report of 84 enemy KIA you received was logged in about 0840 and Colonel BARKER said, at that time, he was on the way back to bring you up to date. Do you recall when Colonel BARKER came in? He would obviously go right to the TOC. There was going to be a lot of questions on what's going on. Do you recall any of the conversations at that time between Colonel BARKER and anybody else inside the TOC?

A. Sir, I don't think he came in the TOC when he came in to refuel. He may have. I don't remember, but I know sometimes he would -- sometimes he'd just come in and go back. I don't remember if he came in the TOC this time.

Q. Colonel HENDERSON made a report of an investigation on the My Lai incident which is dated 24 April, and we found this in the safe at the S2 office of the 11th Brigade. Now, you worked in the S2? Did you have the combination to the safe?

A. No, sir.

Q. Did you ever go into the safe?

A. Yes, sir. I did have the combination to the safe. I did later when Sergeant GERBERDING went on leave.

Q. I want to show a report of an investigation dated 24 April which was found in the S2 safe and ask you if you've ever seen that before (Exhibit R-1)?

A. No, sir.

Q. What you are looking at now is a VC pro-paganda leaflet translation. Did you ever see that before? This is attached to Exhibit R-1.

A. No, sir. If I did see it then it would have been in Vietnamese. I never saw this before. All I ever saw was in the form of small leaflets and in Vietnamese.

Q. Did you ever see or hear any kind of investigation conducted on the operation by anyone and at any time?

A. I never saw any investigation or I was never in this area after this operation. I had been in this area before but I was never in this area after this operation. The only thing -- I don't know who conducted the investigation but I do know that they said there was an investigation being conducted.

Q. Who's they?

A. I believe Sergeant GERBERDING was the one that told me this. That they were conducting an investigation.

Q. This was after the dissolution of Task Force Barker?

A. After this, and also I heard this while Task Force Barker was still intact. He said they're going to conduct an investigation. I believe it was Sergeant JOHNSON that told me this. But that's all I ever heard, sir. I never heard any names of who was conducting the investigation or I never heard any results of any investigation. That was just about it.

Q. If Colonel BARKER had made an investigation and gotten sworn statements who would have typed them up?

A. You mean in the task force? It would have to be the clerk, sir. I don't remember his name. He was from brigade S1 section. He was a PFC, but I don't remember his name, sir. He would have typed it up. I believe if this was typed there I would have known something about it. I don't know anything about it.

Q. If there was a couple of statements being typed up from pilots and people in the company, and some of the officers, and this one clerk you had were, typing up the statements or the format, do you think its very reasonable that you would have known about this?

A. I would think so, sir.

Q. Were you on R&R, gone anywhere between March 16th and April -- say April 10th?

A. No, sir. I came home on leave the last part of April, but I was there until the task force was deactivated.

Q. You have good sources in the brigade TOC that know what's going on. Do you think if there had been a real serious investigation in the 11th Brigade, by Colonel HENDERSON or by anyone else on that operation, you would have heard about it?

A. Well, there was an investigation conducted, sir. But like I said, who conducted it and how it was conducted, I don't know. Now someone told me, in fact, I think I asked the question, "Who's investigating?", and they said this CID or MI from division came down to investigate. I know they were the ones that came down investigating one time with the 1/20, which had an incident where a woman was killed, and they came down and investigated that. I don't know who investigated it or even when the investigation took place. The only thing I know is that they were going to investigate.

Q. Who's they?

A. Well, I couldn't state a specific name, sir. Well, I hate to keep referring to Sergeant GERBERDING but it

was in the S2 section. I would say it was around Sergeant GERBERDING or maybe someone in the TOC, Captain HENDERSON. I believe he was working in the TOC. It would be someone there in the S3 or S2. And they were talking--it seems like the major that was in the brigade S2, that took over the brigade S2--we were talking one time and said they were conducting an investigation. I believe this was Sergeant GERBERDING that made this remark and said, "That will go on and on," and he said, "You'll probably hear from this in days to come," or words to that effect. He said, "They're conducting an investigation," and someone, I don't remember who, said, "Well, do you think it will amount to anything?" And Sergeant GERBERDING said, "Well, it probably will. You'll probably hear -- this will probably go on and on and it may be years or a few years, but probably in years to come you'll hear from this."

Q. Sergeant GERBERDING, that's G-E-R-B-E-R-D-I-N-G?

A. I believe that's right.

Q. I'm going to ask you just one more question, Sergeant STEPHENS. I'm going to show you a picture. Do you know who that is?

(The witness was shown an unidentified photograph.)

A. Well, I saw the boy this morning, sir. Actually, I don't know him.

Q. You don't recognize that face?

A. No.

Q. What about Major WATKE, does that name ring a bell?

A. Yes, sir.

Q. Who was Major WATKE?

A. He was the Warlord.

Q. That was the Warlord leader?

A. Yes, sir. He never looked like that. Every time I saw him, he had on jungle fatigues and that hat, an Australian hat or whatever they call it, bush hat.

LTC PATTERSON: Before, you mentioned a liaison officer that you had at Task Force Barker, a liaison to 11th Brigade, and then you stated that he was a chemical officer.

A. Yes, sir.

Q. If I mentioned a couple names--

A. (Interposing) REID, sir. Lieutenant REID.

Q. Joseph N.?

A. I don't remember his first name. It seems like he was sandy-headed or slightly redheaded.

Q. Lieutenant MYERS, did you know him? Lieutenants REID and MYERS were in the chemical section.

A. Whichever one it was he was pretty heavy built and chunky built, and had a flattop. He was either sandy, light blonde hair or reddish.

Q. Lieutenant REID is fine. I don't want to take the time here in open hearing but I would like to see you in a little while. You have mentioned several interesting facts about people in Task Force Barker. You seem to have a pretty good grasp on who was there. Perhaps you can furnish me some names of individuals who were S1 and S4. You mentioned the commo lieutenant and a commo sergeant, and you also mentioned an engineer squad.

A. Yes, sir.

Q. We think the engineer squad came from C Company, 26th Engineers. Does that ring a bell?

A. Whichever one was with 11th Infantry Brigade, sir.

Q. You don't remember the squad leader's name, or his squad, or his platoon?

A. No, sir.

Q. I'd like for you to think for a while as we are refreshing your memory. We are interested in the names of these people: the mess sergeant, the MP squad leader, and any other supporting personnel. You came up with Lieutenant REID's name and that's real fine. Are you aware of any documents other than the ones you mentioned, such as the S2 notebook and the TOC journal? Is there any other type of physical evidence that might have been present in the TOC the morning of 16 March?

A. You mean a tape recorder?

Q. Was there a tape recorder there?

A. Captain LEWELLEN made a tape of that operation.

Q. Did you hear that tape afterwards?

A. Yes, sir. This captain at Fort Benning played the tape to me there.

Q. You've heard the tape since My Lai (4)?

A. Yes, sir.

Q. Did you hear any reference on that tape to innocent civilians?

A. No, sir.

Q. I'd also like to discuss this journal that was kept in the TOC. I recognize that you said you had only one typist in the S2 and S3 section.

A. We didn't have any in the S2. It was just me and the captain. That was all that was in the S2. Actually, the S3 had two clerks. When they set up, they had Major CALHOUN, Sergeant JOHNSON, and two clerks. After we got the latrines and everything set up, they had one man, more or less, in charge

of driving the truck for the resupply choppers. So he did very little work in the TOC.

Q. How were the journal entries compiled? Was it a running account as the action was transpiring?

A. Yes, sir. A lot of times on the reports they would put it on a piece of paper, just a piece of paper notebook, and put the time. They might stack up for an hour if this clerk was busy and had to do something else. And then when he took and wrote the journal, normally, they would take a tablet like this and start out and write time and everything they did and write it out in longhand, and then he would just take the longhand and type it in the journal log.

Q. Was the typing done during the day and not in one sitting at night after everything had quieted down?

A. No, sir, during the day. I don't remember having to do any at night except in some of the operations when things -- when we couldn't get to it. But most of the time, when they would finish with a sheet like this, he would take this sheet and go over and type the journal.

Q. All entries are very neat in the journal (Exhibit M-16). All the times are in a nice chronological sequence. There are no delayed entries popping up later down the line or out of sequence.

A. You mean from the night action?

Q. No, I'm talking about the 16th of March. The journal entries items 1 through to the end of the journal. All the time sequences are all nice, and follow in track. At no time is there a delayed entry that was reported earlier or several people feeding information into the journal. It's all in one, nice track as if it were typed at a later time after everything was consolidated.

A. I would say that it was, sir. At this time, normally, most of the operations were the same way. Writing it in a longhand; I would say when an operation like this

takes place, normally they do. I don't know how this is kept. I never kept a log myself, very few times. Normally, Sergeant JOHNSON or Major CALHOUN would be there. Sometimes I would be there alone but not very often.

Q. You don't remember being there or making entries on the 16th?

A. No, sir. I made none on the 16th.

COL FRANKLIN: What you have described is the normal way it was done at Task Force Barker?

A. Yes, sir.

Q. You just accumulate handwritten entries on paper. Have you ever known it to be done any other way in combat when you have a lot of radios going other than writing it down on paper?

A. That is the only way it could be. A lot of the units, even in our brigade, they use what they call a spot report sheet. We didn't have them, we just wrote them on this.

Q. At brigade, after you were assigned there, didn't you write the spot reports and file them? Then the clerks there sort them out and put them in chronological order and type them in?

A. On the report he just puts them in, and then the clerk takes them.

Q. I want to ask you one more question. As S2, intelligence sergeant, were you aware that there were civilians around the Son My area?

A. That there were civilians. Yes, sir.

Q. Did you have any kind of figures or did you just base this on previous operations in the area?

A. The Son My area?

Q. I mean all of My Lai (1) through (5).

A. Well, actually, sir, the large population, largest civilian population, was not right in that area. There were a lot of civilians there. This was a good-size village but it was not open. There was a lot of people that lived -- I mean that you can't see or anything. In my opinion, from what I knew, the largest force of civilian personnel were out at An Ky, out on this peninsula.

Q. Did you know there were civilians in My Lai (4)?

A. Yes, sir, in that area.

Q. In the concept or instructions given by Colonel BARKER, what did he say? What instructions did he give concerning civilians specifically in My Lai (4), population control, or refugees?

A. Sir, I don't know. I didn't hear any of his orders.

Q. Did you hear anybody talk about that the control of civilians would be a problem in this operation on the 16th? Or did anybody talk about the problem with civilians?

A. Well, they always had been in this area. Every time they'd go into this area, this highway that comes back, Highway 521, the last time they were in there before this incident, when they went in, the civilian personnel just come down this road. Of course, there were some enemy in it, they could see them. They would move right along with them.

Q. You know this. Did Colonel BARKER know this?

A. Yes, sir.

Q. They all knew that?

A. Yes.

Q. I'm sort of struck with this recommendation that Colonel BARKER made in this after action report, Exhibit R-2. He says--this is the only recommendation he makes: "Operations conducted in an area where a large number of refugees will be generated should provide for civil affairs, PSYOPS, medical, intelligence, and police teams to be brought out in the area as early as practicable after the arrival of combat troops. This is to facilitate population control, medical care, and permit the sorting out of VC which have mingled with population for cover. The presence of these teams would free infantry personnel for combat operations." Do you know if there were any measures made for these PSYOPS, civil affairs, medical, intelligence, and police teams?

A. I don't know about the PSYOPS, sir. The medical usually set up a medical team to go out in the area. When they would go into a village normally--

Q. (Interposing) Not "usually," what did they do here?

A. There was none that went out that I knew of.

Q. Here is a battalion commander that in the recommendation, finds out from this operation, that he didn't have any. He didn't have adequate measures to care for the civilians, and yet you and everybody in the battalion knew, from the previous operation, that there were going to be a lot of civilians around. It was sort of strange, wouldn't you say? Or is it strange?

A. How do you mean, sir?

Q. The last time you had an operation you'd had a lot of civilians and refugees. Everybody knew that.

A. Yes, sir.

Q. Then you run an operation in there again and you have a lot of problems with civilians.

A. Well, sir, I don't know what problems they encountered, but I know every operation that would take place before, the civilian personnel would start moving out; they didn't stay there.

Q. How do you keep from hurting them with artillery, small arms, and gunships?

A. They just let them go.

Q. They didn't shoot at them?

A. They just let them go. In fact, one time there was two VC--they saw them--that were running with a group of civilians, and they let them go. They just didn't fire into them.

Q. Who's they?

A. The artillery, the gunships, or the personnel. In the same area when the gunships, not the gunships, but when the helicopters would come into the area, artillery would start firing. The civilian people would get up and just start moving.

Q. Let me ask you for your personal opinion. In the Son My area, in the area marked in orange on Exhibit MAP-1, the area of the My Lai incident, do you have the feeling that there was a concern in your task force for not hurting civilians? What was the real feeling? You mentioned several times that from brigade on down, people were talking about your body count and how you got civilians. The company commander even comes in. They joke about it in the TOC, about body count including civilians. What was the feeling in Task Force Barker about hurting civilians, particularly in an ARVN free-fire zone?

A. I don't think there was any intention, sir, of hurting any civilians. I know they had made remarks about Task Force Barker had killed civilians. In fact, it really got to Captain MEDINA. He got really hostile when someone would talk to him about his unit killing innocent civilians. The first time he was in there they reported 60 something. It was a big body count and he was real hostile about that, that they would say this. He knew better. He said the weapons were there; he could have brought them back if he would have just let his men pick them up and put them on the tracks--

Q. (Interposing) Captain MICHLES, you mean?

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A. No, sir.

LTC PATTERSON: One further question on this Sergeant GERBERDING. Would you know his first name if I gave it to you?

A. I might.

Q. Robert A.?

A. Yes, sir.

MR WEST: Sergeant STEPHENS, let's go back to the briefings that were held on the 15th of March, 1968, before the operation took place. Had your S2 developed information indicating that all the people--the civilians--would be out of My Lai (4) the next morning at 0730? They would be gone to market at the time this operation started? Do you remember anything to that effect?

A. Yes, sir. I don't know anything about the briefing, sir. I don't remember if anything was said about the operation. It was not said in a briefing way or an order or anything like this as I remember. But I do remember words being said about people being gone to market. I don't know if it was for this operation, but I do remember hearing this being said, and I don't remember when.

Q. I want to return to the report received during the morning of innocent civilians being killed in My Lai. During Major CALHOUN's testimony, Major CALHOUN said that he received a call from Colonel BARKER which came by radio and Major CALHOUN was in the chopper over the area at the time. Colonel BARKER told him to contact Captain MEDINA and tell him that there had been some reports of civilians being killed in the village and the village being burned, and tell Captain MEDINA to gain control of his unit and not let them get out of control. Stop the killing and stop the burning. Major CALHOUN estimated that this took place somewhere between 1000 and 1200 hours on the morning of 16 March 1968. Later Captain KOTOUC testified, apparently on this same point, but he didn't fix the time. But he was asked this question:

"Q. Now then, tell me what else you can about the operation and intelligence reports coming out of My Lai (4)."

Captain KOTOUC answered:

"A. There was a report from Skeeter, from a helicopter pilot, and the report, and I cannot quote it verbatim, the report was something about 'someone is getting shot with a machinegun. Someone is going across the road and is getting shot with a machinegun.' The helicopter pilot, whoever he was, said something about 'doesn't have a weapon' or words to that effect. Major CALHOUN got the report and he got a hold of Captain MEDINA and Captain MICHLES both and I'm sure he talked to both commanders, I'm almost positive, and he told them: 'Make sure we are not shooting anyone that is not necessary. Let's not be killing any civilians out there.' They rogered the report."

Does this call anything to your mind or refresh your recollection?

A. No, sir. The report that I remember is one that came in that could have been the Skeeter. I don't remember how the report came in, but the one I remember is the report came in over the radio that they are killing innocent civilians out there. It seems to me that Major CALHOUN got on the radio, and I thought he talked to Colonel BARKER. He could have talked to the two commanders.

COL FRANKLIN: How could he? I thought you couldn't talk to them?

A. From this time at the TOC he couldn't talk to--he could have been in an area where Captain MEDINA could have heard him. I don't know where he was at this time. But Captain MICHLES, I would say no. That's why I think that it was said to Colonel BARKER. I was under the impression that Colonel BARKER was in the area.

MR WEST: Well, if Colonel BARKER had his helicopter in the general area, then he could talk to Captain MEDINA and Captain MICHLES, I take it?

A. Yes, sir.

Q. We've been advised that on this same day, 16 March 1968, one platoon of B/4/3 operated right along the coastline, in and around the hamlet of Co Lay (1) or possibly Co Lay (2). Do you recall this?

A. On the small peninsula, sir?

Q. Yes.

A. Yes, sir. I don't remember if there was a platoon, but I know Bravo Company operated on this peninsula. I don't know how large a unit they had out there.

Q. Do you remember the casualty reports coming in from this area that day?

A. I don't--I believe this is the area where this lieutenant platoon leader, Bravo Company, got killed by artillery booby traps. But I don't remember if it was from this operation or another operation.

COL FRANKLIN: It was this operation, roster number 2, the XO of B Company that was killed on this operation.

A. Yes, sir, it was a platoon leader.

Q. He was acting as platoon leader.

A. I know they lost a platoon leader on that peninsula. I don't know if it was this operation or another, and how many was wounded, I don't know. The total loss I don't know.

Q. Do you remember hearing any reports of Vietnamese civilians being killed by American soldiers in Co Lay (1) or Co Lay (2) or subhamlets of those hamlets on that day?

A. No, sir. Not around My Khe (4) or Co Lay (1). Around this area, Bravo Company killed some enemy in this area. I believe it was on this operation. They killed some enemy in there. I don't know how many but some of them were--it seems that some of them that they killed were in tunnels.

MR WEST: I believe the log entry will show something around 38 VC KIA in this area at about this time.

A. I don't remember how many. I know they killed some in this area.

Q. We've had some other reports, largely from Vietnamese sources, that up to 90 Vietnamese noncombatants,

civilians, were killed by American soldiers in this area, or in this general area, around 16 March 1968. This is the basis for my question. Have you ever heard such a thing?

A. No, sir. The only--this was Bravo Company so I never heard anything about Bravo Company at all. The only--well this report that came in that I heard came over the air, was that they're killing innocent civilians, and it didn't specify who or where. That's all it said. Then after the major came in and talked to Major CALHOUN or Colonel BARKER, whichever one he talked to, I know he didn't say anything that could be heard by anyone else. I don't know who he was referring to or who he talked about after he came in. I don't know who he was talking about but there never was any unit designated or area--didn't even say what area.

Q. What was that again? What did he say?

A. The report that came in? To my understanding it was Major WATKE from the Warlords that made the report, it could have been someone else, that they are killing innocent civilians out here or killing civilians out here. But he didn't specify where or any unit. Well, it was taking place in that area.

Q. You didn't think that this was referring to the Bravo Company area?

A. I didn't know who. He didn't say who, sir.

COL FRANKLIN: Now we just have a little problem here Sergeant STEPHENS. You look at the Exhibit MAP-1, and see that on the right there is the landing zone of B/4/3. B Company is to the south of Pinkville. B Company is going to land there. They're the second lift to go in. That will put them in about 0830. B/4/3 then moves to the north or the northwest to link up with C Company. That's the plan or the concept as we understand it. Yet, within 2 hours after this landing, or less, they're over on that spit of land off to the east or right reporting all these VC--about 30 there. They report this by 1020 in the morning or an hour and 20 minutes after they landed. It's sort of hard for us to understand who went over there. Was it all of B Company or a platoon? You would be taking this report. Do you recall anything about that?

A. No, sir, I don't know if it would be a platoon or what size unit would go over there. When you get a report in it just says Bravo Company, and they would give coordinates and the unit. They wouldn't give the platoon or say who did it or anything. It seems--it just seems that in this area the first few killed were evading, that was their report, and after searching in the area, the majority were found hiding in holes and in tunnels. What unit or how large a unit it was I don't know, sir.

Q. You're the intelligence sergeant, and you get B Company's reports that they have killed 38. No weapons were captured and you had no casualties from enemy action other than booby traps. This doesn't bother anybody? It doesn't bother you or bother anybody in that TOC? Thirty-eight VC have been killed and there isn't a mark on one of your men. A lieutenant is killed and other people lost, but that was booby traps, not hostile action. No weapons have been captured, and C Company by 0840 in the morning had got 84 dead with three weapons. No casualties were reported taken by C Company. Did they just write these thing down in the TOC? Was everybody happy and jubilant? No questions were in the back of your minds as to what's going on in Task Force Barker or what kind of reports you're getting anyway?

A. I don't know, sir. They didn't have any weapons, but they had received fire. The landing zone which Charlie Company went in--the landing zone had turned hot, and they had received fire. On previous operations they had been in there, and they had killed, and they had got shot at. In fact, I believe it was the operation before this one that Lieutenant OLEY's tracks went into this same area. I believe it was Alpha Company, and they were trying to move in and get them in there and clean the village out. But they couldn't. This one time they captured two and wounded two men. One died, and they sent the other to division. At this same time no weapons were gotten this time. They just didn't get any weapons.

Q. Let's forget the weapons. Were there any casualties taken by friendly forces on these other operations?

A. Not heavy. This one time Alpha Company did take heavy casualties.

Q. B Company took heavy casualties, too, I believe. I was informed by your S3. They were surrounded and their tracks had to fight their way through. You saw holes inside the tracks? Is this correct?

A. Yes, sir.

Q. On this operation there wasn't one man in either company scratched other than by booby traps. As S2, don't you normally analyze how your people are hurt? Were you aware that you hadn't had any man hurt by hostile action on this operation?

A. Yes, sir, as far as friendly forces being hurt and enemy killed I remember the report that Bravo Company had in this area. I don't know just when but they were evading. The others I don't know about all of them or what, but some of them were found in holes.

Q. I'm not trying to give you a hard time, sergeant, but you understand we're trying to find out what went through your mind and the minds of other people. Try to recreate what was going on inside the TOC back there.

A. If you kill that many people, you like to have 50 or 60 weapons anyway, but, well, I just never questioned it, sir.

Q. Did you believe body counts from C and B Companies? Would you have bet your salary on those body counts being accurate?

A. On this operation, sir, I don't know. There was never any talk about this operation like it was with previous operations. Now, the previous operations I would have taken everything verbatim that was said because everybody was in earnest. But there was never any talk about this operation. I couldn't say. They had reported it that they had this and after I got back to brigade they harrassed me about this. Because of unit loyalty, I would say they killed them. I couldn't say if they did or didn't. Those were the reports given to me, so that's the way I sent them in.

LTC PATTERSON: You placed a lot of emphasis on the fact that the second lift into the LZ was hot.

A. I believe it was the second.

Q. Do you recall that specifically, or did you hear it on the tape that you heard?

A. No, I don't know that it was the second lift. I know sometime in the lift before it was completed that there was a hot LZ.

Q. You remember that report coming in to the TOC?

A. Yes, sir. Certain lifts were hot.

Q. The tape that we refer to, or the transmission which indicated that, also indicated that one of the slicks received fire coming out of one of the villages.

A. Not the LZ?

Q. Not necessarily, and my question is whether you recall or have the impression that My Lai (4) was hot.

A. It was reported sometime during the landing that one of the LZ's was a hot LZ.

Q. Were there any other reports of any fire from anyone else other than the slicks? Were there any reports of receiving hostile fire by the ground forces?

A. It seems Charlie Company right after they got on the ground reported receiving fire, but I don't remember where from. It seemed Charlie Company received fire right after they got on the ground and started moving. I don't remember everything about it.

MR WEST: Can you think of anything you'd like to add Sergeant STEPHENS? Do you have an overall characterization maybe of the action, or any comments you'd like to make.

A. No, sir. I probably got everything so mixed up now I don't know where to start.

Q. As a matter of fact you helped us a great deal and we very much appreciate your coming here. I know it's been a

lot of trouble, particularly at this time of year. You have helped and we are grateful. Thank you very much for coming.

(The hearing was recessed at 1215 hours, 7 January 1970.)

(The hearing reconvened at 0935 hours, 9 February 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL FRANKLIN, LTC BAUER, MAJ ZYCHOWSKI, and MAJ LYNN.

The next witness is Sergeant First Class STEPHENS.

(SFC STEPHENS was recalled, was reminded that he was still under oath, and testified as follows:)

IO: Sergeant STEPHENS, since you appeared before this inquiry on the 7th of January, we have talked to a great number of people. And we have also been able to assemble quite a few documents which pertain to the incident of 16 March 1968 in the area of Son My Village. So we know a great deal more today than we knew at the time that we talked to you. As a consequence we wanted to have you come back in to expand somewhat on some of the questions, and perhaps discuss other questions which were not brought out the last time that you provided testimony.

A. Yes, sir.

Q. We have here, of course, some different people than were here to hear your previous testimony. You know on my left, Mr. MACCRATE; he's a civilian attorney. Mr. MACCRATE has volunteered his services to the Secretary of the Army to assist in this inquiry and to also provide legal counsel for me and the other members of the investigation team. The second individual on my right is Mr. WALSH, also a civilian attorney, who is working with Mr. MACCRATE in carrying out this particular purpose. Do you have any questions at this time before we proceed with the questions?

A. No, sir.

Q. All right. I want Mr. WEST, here, to proceed with the questioning. You may be asked questions by any of the other individuals who are sitting here at the table.

A. All right, sir.

MR WEST: Sergeant STEPHENS, we were quite interested in your prior testimony about and your description of the planning of

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this operation when it was planned, I don't know exactly how that plan went, sir. I never was in any of the meetings or I never did go with Colonel BARKER to Quang Ngai when he visited this commander. But I know that it was planned earlier and then was cancelled because the--well all I ever knew was that the enemy was not there. They had moved out.

Q. Would you stop there for a moment? Now, do you remember who went with Colonel BARKER when he went down to Quang Ngai to confer on these plans?

A. Sir, I believe Major CALHOUN went one or two times, but I'm not sure. I believe he did. I believe that Captain KOTOUC went with him. I can't be sure, sir, as to who did go with him. A time or two I believe that the colonel went by himself. And also--well, I may be mixed up on something here, but I think some of the MI personnel were there a time or two from brigade intelligence.

Q. Could Lieutenant JOHNSON have been one of those?

A. He could have, I can't be sure. He could have been one of them.

Q. You remember Lieutenant JOHNSON, don't you?

A. Yes, he worked with the task force quite a bit in that area, sir.

Q. Can you tell us who was present at this time? Was Captain MCKNIGHT, and Captain KOTOUC, and Lieutenant JOHNSON?

A. At the time of the operation, sir?

Q. During the preplanning period.

A. Captain KOTOUC and Major CALHOUN were there all the time, but I don't say that they were in all the meetings, sir.

Q. No, I just mean present for duty, they were present with the task force?

A. Yes, sir. And Lieutenant JOHNSON was not with us all the time. He would come up and back.

Q. I understand.

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this village, and from there all the way back to Highway 1 and down to the river was something they called their delta. I guess it was real rich soil. They raised a lot of sugar cane, but mostly it was rice and fish in there. And let's see, the personnel in there--they knew, or this is what they felt, that it was a source of food and supplies for the VC. It was his territory, it was just regarded as his territory; and no one, no one messed with it. So, they felt that if they could deny him his source of supply, and that the people--instead of them (VC) coming in and taking it from the people, set them (the people) up a market place where they could market it. This was in the plans, but whatever happened to that plan I don't know. I don't know the details on it either.

Q. Then from your information, as I understand it, part of the plan was to get the people out of the area?

A. Yes, sir.

Q. The people who lived there, the population?

A. Yes, sir. That was in the plan because in the operations that they had had in that area before, there was the problem of the civilian personnel. A couple of times the operations they couldn't go--well, like they would want to, but they couldn't move in and do what they wanted to. They couldn't--sometimes the artillery was not called in, the gunships did not go in the way they were wanted because of the civilian population. I know Captain OLEY's tracks at one time in an operation in that area went into a village, it wasn't My Lai, it was right west of My Lai between My Lai (4) and Highway 1. Well, they went in, then they came back out. Also, they received a heavy volume of fire but they moved out. The word had been put out not to harm these people and the enemy had been seen. Well, they used the tactics of mingling with the civilian populace. When they would move in, the civilian populace had a tendency to move down this highway a....

Q. 521?

A. Yes, sir, 521, move down this highway back toward Highway 1. The enemy had been seen moving with them this way and the word had been put out not to harm the civilians. So they had let them go to keep from harming the civilians. And Lieutenant OLEY at one time, I heard him over the radio, a woman ran out of one of the villages and was running along one of the rice paddy dikes, and on his set that he was talking to his men

with or his other tracks, you could hear him over the task force net. He was hollering out, "Don't shoot her, don't shoot her, don't shoot her." But what had happened, he didn't see what she had done earlier. She had thrown some grenades and the track that was shooting at her had seen her do it. So they shot her and they killed her. She had grenades on her when they got to her. This is what the plan was if they were to move the civilians out. If they could move all the civilians out, I heard the colonel say this more than once, if they could get all the civilians out, then they could go in there and they could clean this completely out and deny the enemy any use of this territory. Then they would move in there and the plan was for the ARVN to move in and occupy this territory. That was also in the plan too.

Q. You are aware, I'm sure, that a good part of this area, a number of hamlets, had been more or less wiped out. Pinkville was one, for example, that had just been reduced to rubble?

A. Yes, sir.

Q. Was it planned to do the same thing with the other hamlets in this area? Was that part of the plan?

A. To destroy the hamlets, sir?

Q. Yes, reduce them to the same condition that the Pinkville was for example?

A. No, sir. This was never--well, I never heard anything about destroying the villages. It was to get the people out and then to move in and the ARVN--it seemed that the ARVN would not go in there, they would not go in. So Colonel BARKER felt we had always been in there, we would go in and we would clean it out, and then they would move in and occupy the area. But I never heard anything about destroying all the villages. I don't know if they planned for the people to return back to their village or hamlets whenever they came back, or what their plans were for this. I know it was discussed at one time of moving them. I don't know what this is, sir, there beside 521, the square area (indicating MAP-1).

IO: That's called the citadel.

A. In that area, I believe it was Major GAVIN that told us, at one time there was a market place in that area there and this was where they planned to set up a new market place again. I don't know if they planned for the people to live there or what they were going to do about that, sir.

MR WEST: Well, I was just going to ask you what the plan was as to what to do with the people? It was the desire to get them out, but what further planning was there as to what to do with the people, to your knowledge?

A. I think, sir, I can't say for sure, but it seems that I heard them talking about what they wanted to do. I know this is what the colonel wanted to do. I just heard him and the major talking now, I don't know what plan he put to the commander of the Vietnamese, but they wanted to move the people out of there, move all of the people out. And what they were going to do was to move them--I believe they had some--well, not concentration camps, but some areas where they moved civilian personnel to. I don't know what they called it.

IO: Were they refugee camps?

A. Yes, sir, in the Quang Ngai area. I remember the colonel talking that the ARVN commander said they couldn't do it because they had so many that were full, that they didn't have any room for them. But that was what he wanted to do: move them out and put them into a refugee camp until they could go in and clean this completely out. In other words, anything they saw out there would be enemy. There would be no doubt in anybody's mind that anything in the area would be enemy. They would go in and occupy it and stay there. How long they were going to stay or how long they would occupy it, I don't know, sir. But that is what they wanted to do and completely: we'll occupy it, show the people that we had gotten rid of the VC, that we had turned it back over to them, and then try to win the people over. I guess that is what the whole thing was about.

MR WEST: Do you know whether this type of operation was requested by the ARVN, the commander of the 2d ARVN Division, for example?

A. No, sir, I don't.

Q. You indicated that they would benefit by it, they would later move in and occupy the area?

A. Well, I don't know if that was what they had agreed on or not, but this is what the colonel wanted them to do. He wanted them to move in and occupy. As to whether they were going to or not, I don't know.

Q. At least during this planning period they were conferring with the ARVN commander?

A. That's what the colonel wanted them to do, yes, sir, to move the 2d ARVN Division into the area. As far as whether they agreed to move in, I do not know, sir.

Q. You indicated that Colonel GAVIN perhaps participated in the planning, at least to the extent of furnishing enemy intelligence. Do you know of any further participation he had in the plans?

A. No, sir. About all I know is that he did participate in it, sir. I know that he came up while the operation was being planned and everything. I know that he came up to LZ Dottie and he was involved, but I don't know what information he brought up or what was discussed.

Q. Do you remember when this was? Was it with relation to the operation that got off on the 16th of March?

A. Sir, I don't remember. I don't remember just how long--it wasn't too long before the actual operation, but I don't....

Q. Was it on the order of a week?

A. Well I'd say a week or longer, a week or more.

Q. Perhaps two weeks?

A. Well, I don't remember how long it was, but I would say it was a week or longer. I remember him coming up to the LZ Dottie and it was just before dark when he came up the the LZ.

IO: I think, just for the record it would be wise to indicate that we are referring to Major GAVIN at that time. He is now a lieutenant colonel, but at that time he was a major.

MR WEST: I believe you stated that as far as you are aware the ARVN troops were not to participate in the operation, is that right?

A. Yes, not to participate in the operation--you mean in the actual operation?

Q. Yes.

A. No, sir.

Q. Did the earlier plan call for a participation of ARVN troops to your knowledge? The one that was cancelled?

A. I don't think so, sir. Maybe it did. I don't know if it was this operation, one earlier, or it was the prior planning of this same operation, but the 2d ARVN was to do something across and west of Highway 1. I don't know if it was this operation or the prior planning or not, but I know in one of the operations the 2d ARVN was to--I don't remember if they were supposed to block or if they were going to make a sweep in that area or what it was, but they were supposed to do something across Highway 1. I don't remember which operation it was, sir. And I can't be sure if they were to participate in this operation.

Q. Now, in your prior testimony you indicated that the ultimate objective was to destroy the enemy in the area. Was this designated or described as a search and destroy mission?

A. Sir, you mean like a company? Well, a company on a search and destroy mission wouldn't go through the same procedure as a company designated to go to an area and participate in an operation. Is that what you mean, sir?

Q. Well this term search and destroy was used by many people talking to us describing the operation, and I was just wondering whether in the planning stage this was designated as such, a search and destroy operation?

A. Well, not in the terms of the way--like I say a company, a company that's out in the field, and they are moving in an area, they are searching. That would be a search and destroy mission. But at that time they are looking for something, I would say this operation was planned in the terms that

they know where he is and they are going after him. I don't know if I'm making myself clear as to what I mean.

Q. You mean there isn't any need to search, they knew where the enemy was. Is that the idea?

A. Well, that was the plan of the operation, yes, sir. It isn't like a company, which is just searching an area and looking for the enemy. This operation was planned in a way that, he's here and we'll drop in. And this was to turn into, I guess you would call it, a search and destroy; but it still wouldn't be in the way a unit out for an operation of search and destroy. Maybe I've got the wrong terminology of it, but this area was nothing but tunnels and holes. It was just like a beehive, the whole coast along the coastal peninsula and in this area also. And the enemy in previous operations had evaded by this means, by holes and tunnels. In fact they had gone in some tunnels and went for, well I don't know, for hours and hours and never come to the end of them and they would come out.

But after the initial landing and start of the operation, it was supposed to be a more slow and thorough search of the area than it had been before because before it had just been more or less a sweep through. We would never get anything that way and this time it was to be, as I said, a more thorough or slower search of the area and really search it out.

Q. Destroy the enemy as you found them?

A. Yes, sir.

Q. What about the destruction of bunkers, houses, tunnels, and so forth. Was this part of the planning?

A. The major tunnels and bunkers, sir. I don't think we destroyed all of them. All or any little tunnel that we came to, it would just almost be impossible. But in the Pinkville area they had destroyed a tunnel there before, and it came about the same way. The unit was just working in there and they found it. They found out how large it was and then they changed plans and moved equipment

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in to destroy it. Well, it would be the same thing here. If they found a major tunnel or something, then they would destroy it.

Q. Would you define your understanding of the term search and destroy as it is used in connection with an operation, to characterize an operation?

A. Well, yes, sir, it could be characterized as a search and destroy; and well, I guess that is what they call the operation then, sir, a search and destroy. And I figured it had such additional duties that were described such as you go in and search thoroughly.

Q. And first of all, primarily to destroy the enemy?

A. Yes, sir.

Q. And secondly to destroy the fighting bunkers, the installations that were used by the enemy?

A. Yes, and any equipment or supplies that he had that-- maybe I have the wrong idea of a search and destroy, but the initial plan, well, it could be called a search and destroy. But if the operation was planned in the idea that he is here, well, that's why they flew them in.

Q. You indicated that it was desired to get the population out of the area. I gather this was because they had interfered with operations in there in the past. Is that correct?

A. Yes, sir.

Q. Was it also planned to get rid of the habitations, the houses in which they lived?

A. No, sir.

Q. Was it a part of this plan to get the population out?

A. I never heard anything about it, sir, as to destroy any of the houses or anything. Several of the houses were destroyed. But as far as the plans to go in to destroy them, there was none, not to my knowledge.

Q. Well this was in fact done during the three days of the operation. Several hamlets were burned. This took place over a two or three day period, but you didn't hear of this being planned?

A. No, sir, it wasn't, not to my knowledge. The operation did not call for destruction, not a destruction of hamlets or buildings. It didn't call for that, that I know anything of, sir. Of course I was not in on the--I did not hear the order given. I don't know what was said or what the order consisted of; but as far as any of the plans that I knew anything of, it didn't call for this, no, sir.

Q. If you had to name one person, who would you say conceived this operation and who took the lead in planning it?

A. Well, I think Colonel BARKER was the--I don't know just what all he did, but I know he made several visits in reference to it. I don't know if all his visits that he made pertained to this operation; he visited the 2d ARVN commander a lot. But I would say that was his goal. His plan for this was to rid it of the VC. That was one thing that he did want to do because we had had some bad operations in that area and the word was, as I said before, it was a VC area. And I believe they were just VC dominated. No one else went there, no one else had been in there before our units went there. And, more or less, his desire was to clean this area out. I don't know if Colonel BARKER did all the planning or if it was higher headquarters that requested him to do this; it may have been that way. Higher headquarters may have requested that he do this. But as far as I know Colonel BARKER was the one. I know that the cleaning was his desire; that if he cleaned this area out and got the ARVN to move back in and occupy this area, it would be well worth his effort.

Q. To what extent did Major CALHOUN participate in the plan?

A. Well, Colonel BARKER worked closely with Major CALHOUN in everything they did. Just what Major CALHOUN said, I don't know. I never heard them talking. But as close as they were, I think Major CALHOUN would probably know what was going on, sir.

Q. Well, you did indicate that you believe that he went along on some of the trips down to the 2d ARVN Division with Colonel BARKER there in the planning stage?

A. Yes, sir, I believe he did. To the best of my knowledge he did go to the 2d ARVN with the colonel.

Q. Sergeant STEPHENS, are you aware of what extent to which this operation was approved by higher headquarters, brigade, division?

A. No, sir. As I said, I don't know. Maybe the order came down for him to move into this area or maybe he requested permission to move into this area. The only thing I ever heard anything about was, "Well, we're going back." I don't remember ever hearing him say, "Well, they want us to go back," or anything like that. I never heard that.

Q. Do you remember anything being done to obtain approval of brigade or division after the plan was formulated?

A. No, sir, I don't remember. I'm sure it was because this was not in our AO; and to go into another AO, you had to have permission. This I don't think could be worked between our task force commander and the 2d ARVN. Well, it was not a division policy; I don't believe that the colonel could do that. Before he could take the task force and move into another area, he would at least have to have permission from the brigade. He'd have to have permission at least that far and I'm sure that it was all the way through division to move to another area. How this was done or when it was done, sir, I don't know.

Q. All right. What about artillery and helicopters?

A. The 11th Brigade had the 174th. I know at one time, sir, gunship support had to be approved through division. And I don't know if this came out after this operation or before that, but I know at one time while I was there that before--well, the brigade couldn't say we're going to use our gunships for this operation. It would have to be from division because division would have to approve these gunships even though they were in support of the brigade. It would have to be approved from division that they would be used for an operation because division may want all the gunships north or something.

Q. What about the slicks?

A. This was the same way. The aviation was controlled by division. Now I don't know, sir, if it was at this time or not, but I know at one time before I left the 11th Brigade it

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was that way. You could make your plans, but they had to be approved by division because division may have another thing.

Q. How about arranging for TAC air support?

A. This I believe, sir, comes through division. Also Quang Ngai had a FAC in their area. I don't know if they could get this through him or not, sir. I don't know about that, sir.

IO: Well I think that they followed the normal procedure, very frankly. You had to do two things. If you wanted TAC air strikes you had to put them in for preplanning. Those had to be known the night before so that they could make the necessary coordination. But any time you got a unit in contact you could get TAC air support in a matter of minutes simply by calling an emergency.

A. Immediate, yes, sir. It would work the same way, yes, sir. Preplan the night before, or when you were in contact you could get an immediate.

MR WALSH: Sergeant, you described the difficulties that were encountered with civil population in earlier operations and also told that Colonel BARKER was concerned about that problem, control of the civil population, in the planning of this operation. I think you said one of the steps considered was an attempt to clear all of the civilian population out of this area so you could go in and really clean it out, and that this was not feasible because of the large number of people. Have I understood your testimony correctly in this respect?

A. Well, in moving the personnel out, at one time I know that the 2d ARVN commander--or it may have been a province commander, or whatever they have. Someone in Quang Ngai, anyway, felt that they did not have room to put the people in when they moved them out. I remember this being talked about, not as it was being discussed and I was there; but it was discussed in the TOC, just talking that they didn't have room to put the people. I remember that. Now, what else was planned and what alternatives, I don't know, sir.

Q. You don't recall any discussion Colonel BARKER or any of the others engaged in planning the operation had as to what measures should be taken with respect to either the control of the civilian population or safeguarding non-combatants in the area?

A. Well in previous operations, sir, most of the times, the civilian population would flee back down this Highway 521 to Highway 1. And also I don't know if this is exact or if this was the operation it pertained to, but anyway this was a market day or something and these people were supposed to be going to market. And they figured that they would be moving out of the area or that they would flee down in this area. And now, whether they did or not, sir, I don't know.

COL FRANKLIN: Do you know if Colonel BARKER explored the possibility of getting National Police to aid in the control of the civilian population in this operation?

A. There was some civilian police, sir, on one of the operations. I don't know if it was this operation. I think they had about 15 out there on one of the operations. It may have been this one. I know on one of the operations there was some civilian police.

Q. Do you recall any discussion in the planning stage about the problem of the VC intermingling with the civilians population and just what could be done about it?

A. No, sir, I didn't. Anything that I heard about the operation, sir, was just--well, maybe the major or the colonel or Captain KOTOUC or some of the company commanders may be in the area and they would be in the colonel's van. The only thing I would ever hear in any of the planning of the operations would be if they came inside just talking and maybe I'd hear something, but not in any of the planning or discussion of the operation, sir. I never heard any of this.

Q. What was the procedure for getting National Police for Task Force Barker?

A. I believe they contacted Major GAVIN to get this, sir.

Q. Who's they?

A. The colonel, sir, Colonel BARKER.

Q. Your shop, the S2 shop, didn't handle that?

A. I believe Major CALHOUN did, sir. It may have been Captain KOTOUC. Either Captain KOTOUC or Major CALHOUN, and I believe this was worked through Major GAVIN. Now Major GAVIN may not have furnished the National Police, but maybe he contacted whoever did. I don't know.

Q. Well we know that on this operation there were National Police used. Did you have a time limit you had to go in before to get them, or could you get them almost instantly if you ever needed them?

A. Sir, I don't remember any problem of ever having to get them, but the time it took to get them, I don't know. I don't think they ever had much of a problem getting them, no, sir.

Q. This business about this being a market day and everybody being out, who told you that? Where did you hear that?

A. The major and the colonel were talking in the TOC. As I said a while ago, I have never heard any discussion of the plan of the operation. But this would just be in the TOC and talking and I remember that the colonel, I believe it was the colonel for sure, that said it. Well anyway, it was one of the two, the major and the colonel were talking, and I believe Major CALHOUN said something about the civilians in the area or something to this word. I don't remember just how. And Colonel BARKER said something about the word that, "Well, tomorrow is their market day and they figure they'll be out." Now who he's referring to as to who is "they," sir, I don't know. And he said, "They figure that they'll be leaving early going to market."

Q. Was he talking about putting fire on that village, a prep, in conjunction with this?

A. There was a prep planned, yes, sir.

Q. This conversation you're talking about between Major CALHOUN and Colonel BARKER, were they discussing this in conjunction with the prep in the village? Were the two connected?

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A. I don't remember, sir. I don't know, sir. I don't remember if they were talking about artillery when they were talking about the civilians. I don't remember, sir.

Q. Why did Major CALHOUN hope all the civilians would be out? What was the reason for this? Why did he say that, and what was the point?

A. Well, sir, civilians in an area when an artillery prep is coming in is--well, there are going to be a lot of them hurt. And, well, this was not something that they wanted.

Q. They were talking then in connection with a prep then perhaps he was saying--

A. (Interposing) No, sir, I didn't hear them say and I don't want to say that I did hear them say about prep, sir. But the civilian population in this area--and it could have been not only from artillery but where two companies are going in and move into an area--well, they were concerned with the civilians, I guess, sir.

Q. They were concerned, then, with civilian casualties and this was said by Major CALHOUN. Did you get the impression that the civilians would be gone, so civilians wouldn't get hurt?

A. That the civilians would be out of the area by the time of the operation. I don't remember just what was the word that was said, sir, but I know that they were talking like this. I remember distinctly the words, "Tomorrow's their market day," or trade day or--I believe they called it their market day. I remember those words and this, I'm sure, came from the colonel. And as to what they were talking about or what they were referring to, I don't know, sir. At that time they could have been talking about an air strike on the village because I didn't know what they were talking about. I knew that whatever it was in connection with the operation. I knew that the operation was being planned, but as to why and what they were referring at that time, I don't know, sir.

IO: We'll take a recess at this time.

(The hearing recessed at 1130 hours, 9 February 1970.)

(The hearing reconvened at 1132 hours, 9 February 1970.)

IO: The hearing will come to order.

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

MR WEST: Sergeant STEPHENS, let's move to the day of the Son My operation, the morning of 16 March 1968. Your prior testimony indicates that you were on duty in the Task Force Barker TOC during that morning. Would you tell briefly who else was in the TOC during that morning?

A. I was there, sir; Sergeant JOHNSON, the operations sergeant; Major CALHOUN; Captain LEWELLEN; the sergeant from the MP's.

Q. WARREN?

A. WARREN, yes, sir, WARREN. The sergeant that worked with Captain LEWELLEN on the night duty, I don't remember his name. I'm sure the S3 clerk was there. I don't remember if Sergeant HALL, the commo sergeant, was there or not. The artillery sergeant, liaison sergeant, and I believe Captain KOTOUC was in the TOC at that time too, sir. And Lieutenant WATKINS, I believe was his name, I believe he was in there from the commo section. Lieutenant WATKINS was either in the TOC or he was with the colonel. I'm not sure where he was.

Q. Who was with Colonel BARKER in his C&C ship that morning at the outset.

A. Captain VAZQUEZ, the artillery liaison officer, was with him. I don't know if he carried anyone with him for commo at this time or not, sir. Sometimes he carried Sergeant HALL with him and, as I said, Lieutenant WATKINS may have been with him. I don't remember, sir, who else was with him.

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Q. You're not clear on where Captain KOTOUC was?

A. No, sir.

Q. Could he have been with Colonel BARKER early?

A. Captain KOTOUC and Lieutenant WATKINS went on an operation with him one time, sir, but I don't remember if it was this operation or not.

Q. All right. I understand that you and Major CALHOUN and Sergeant THOMPSON monitored the radios in the TOC that morning.

A. Sergeant JOHNSON?

Q. Sergeant JOHNSON. What did I say?

A. THOMPSON, sir.

Q. Sergeant JOHNSON, yes.

A. Yes, sir, we did. Everyone could hear the radio, sir, everyone could hear the radio. I didn't work on the radios. They were up on a table and I was sitting back in the back. Major CALHOUN and Sergeant JOHNSON were working at the table where the radios were.

Q. And they were handling the operational aspects of monitoring the radios?

A. Yes, sir, they were working on the radios and Captain LEWELLEN was at the end of the table. He had a tape recorder, he was making a tape.

Q. Now I want to ask you about your prior testimony concerning a transmission you heard coming over the aeroscout net which you indicated you thought was from Major WATKE, a statement that innocent civilians were being killed.

A. Yes, sir.

Q. This is quite significant and I wish you'd go over that again, please. Give us the details and fix the time.

A. Sir, I don't remember the exact time. It was on up in the morning though; it was before noon. And it was on up, well, at least midmorning, I'd say.

Q. Was it before or after Colonel BARKER came back the first time.

A. I believe it was after, sir. I'm pretty sure it was after. The reason that I'm so sure that it was on up in the morning was because the personnel had cleared out in the TOC. Normally they didn't, but I'd say four or five of us were working in the TOC at this time. And on this one morning we had more than normally is in the TOC. They had moved out because the action had more or less eased up. Not much was going on and everyone had moved out. But as best I remember, it came in on the radio that these people are--I don't want to say that it was killing civilians because that's not what I heard. It was something pertaining to civilians. Then Major CALHOUN, I believe, called the colonel--something about the people, check the people, or you might want to check. He didn't tell him to, he said, "You might want to check on the people, what they're doing." I don't remember just what was said. And that was all. There was no discussion went on about it or anything. Then later, Major WATKE came in and the reason I say it was Major WATKE, at that time I didn't know who. The reason I say it was Major WATKE is because later when he came in to his pad and landed down below our TOC, he came up to the TOC. When he came in the door, just as soon as he came in, I don't remember if he said something to Major CALHOUN or Major CALHOUN said something to him. But anyway they met right inside the door and then they moved away. I don't know--it seemed that Major WATKE asked him, "Were you the one that got my report, or "Were you the one that got that report about the civilians," or something. That's all I remember. I don't remember. I don't know if that's the exact words that were said but it was something about the report. And then they moved away and where they went I don't remember, sir. I don't know if the colonel was in at this time and they went to talk to him or--well, I don't remember what happened. I'm not clear as to what did happen, but I remember Major WATKE coming in the door and then him and Major CALHOUN moving away. I remember that.

Q. Did you hear the conversation that followed between?

A. No, sir, I didn't hear anything that was discussed. That's all that I do clearly remember is Major WATKE coming inside the TOC.

Q. All right. When you heard this transmission you believed to be Major WATKE, did Major CALHOUN hear this? Master Sergeant JOHNSON?

A. Well, I'm sure that it came over the radio, sir. Sergeant JOHNSON may have not, sir. As I say, this is on up later in the morning and he may not have been there at the radio at that time. But Major CALHOUN was there, yes, sir. He is the one that, if it's the same thing I remember and if I remember correct, called Colonel BARKER when the report came in. He called him and told him something-- "Check on what the people are doing," or "You might want to check on this," something to this word.

Q. All right. Let's go back a little earlier in the morning. Sometime earlier in the morning the 123d operations section received complaints from their pilots that Sharks were shooting up civilians around the area, similiar complaints. And they called over to the Task Force Barker TOC. Captain MOE or somebody else was in the operations section at the time, and relayed this information. Did you take any of these calls?

A. No, sir. That could have been the way that the report came in, sir. It could have come in that way over the--

Q. (Interposing) I'm not saying this in necessarily the same thing.

A. No, sir. This could have been the report that came in, but I know it was a report that came in to the TOC, sir. And I was sure that it came over the radio. It may not have, I can't be sure.

Q. Well, I'm not connecting the two events necessarily. I'm asking you, do you remember receiving any calls from the 123d that morning relaying information that they got from their radios that Sharks or others were killing civilians in the Charlie Company area.

A. No, sir, the only thing I remember of the Sharks was they were operating up to the north of this 521 and the 123d had the area from 521 down to the river. I remember hearing them talking that they killed one here, two there, or something. I remember one time the Sharks asked them to let them come across because they spotted some or had some running. But I didn't hear any calls like that, no, sir. We wouldn't hear this on our radios, I don't believe, because they're operating on the Warlord's net; and the gunships were up on our net, the task force net. Then to talk to their operations, they would be on their net. I don't think we would hear this.

Q. You were monitoring Colonel BARKER's transmissions that morning?

A. Yes, sir.

Q. Do you remember during the morning he made a transmission in which he said, "Higher says that there are excessive people being killed out there," or, "Too many people being killed"? He was talking to the company commanders. Do you remember this transmission?

A. No, sir.

Q. While this was going on, Sergeant STEPHENS, these reports had been coming in concerning 1 killed, 14 killed, 69 killed, and so forth. Did you have any discussions on the radio with Sergeant GERBERDING?

A. No, sir. On the radio, sir?

Q. Yes, or on the landline.

A. No, sir, not with Sergeant GERBERDING, sir. Our reports would go into the TOC. We had an S2 representative that worked in the TOC with the 3 and this would go in on the landline. Sergeant GERBERDING didn't work in there, sir.

Q. Well, I understand he was in there that particular morning in addition to Sergeant KIRKPATRICK's being in the TOC.

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And there was some question raised concerning the 69 that had been reported killed and how they were killed.

A. No, sir, not to my knowledge. You mean in reporting, sir, when they called up to the TOC and they were talking to them and they were--

Q. (Interposing) From LZ Dottie to the TOC at LZ Bronco, this calling in that 69 VC had been killed by artillery. There was quite a bit of discussion that went on between the TOC and Dottie to explain how these people had been killed.

A. No, sir, I don't remember any discussion going on between them as to how. Maybe it did later on, sir. I don't remember a discussion though, even at a later time, as to how it went on. But I know right at the time when the action was happening and the report--naturally when they reported to division, division wanted a thorough report. And so they would come back and want a thorough report, but you just can't give a thorough report as to how it's happening because it's being reported over the net and this net's tied up at that time. But I don't remember any discussion as to how it was happening or anything of that nature, no, sir.

Q. Well to make this point a little clearer, Task Force Barker log indicated that Charlie Company reported 69 VC KIA. I believe the time is at 0840 in the morning. The 11th Brigade log indicated at 0930 that 69 were reported killed by artillery. This is one of the things I'd like to see if we could clarify.

A. No, sir, I don't remember, I don't remember any discussion. The time lapse I can understand. I say understand, I could probably see where the time lapse would come is that this may have not been reported to LZ Dottie at 0830 when it actually happened. And I'm sure it was not reported actually when it did happen, but after it happened. Seldom it ever is right at the exact time when it does happen, so this could have been 10, it could have been 40 minutes later. Then the report could come in at 0830 we killed 69 in a certain place, then if this 0930--

Q. (Interposing) Well, I think you're missing the point. If you read item 22 which is entered in the log at 0840, it indicates that 69 were killed. It doesn't say how they were killed. At 0935 item number 53 in the brigade log indicates that 69 were killed by artillery. So not only is there a delay, but then there's the added statement that they were killed by

artillery which is not indicated in the Task Force Barker log. Do you remember any discussion about that when you were talking with GERBERDING, with Captain HENDERSON, or with Sergeant KIRKPATRICK?

A. No, sir, I don't. I don't remember any discussion with brigade that morning at all, sir. I don't remember anyone in the TOC discussing with brigade on that.

Q. Who would have been discussing the thing? Probably it wouldn't have been you, you were the intelligence sergeant.

A. Well, I would send the spot report. It could have been either me or Sergeant JOHNSON or Major CALHOUN that sent the spot report to brigade. The spot report would be received at brigade. It could be by the S2 clerk which worked in the TOC or it could have been--I believe Captain HENDERSON was working in the brigade TOC at that time and I don't think--

Q. (Interposing) But you want to recognize what we're talking about here, now.

A. Yes, sir.

Q. We're talking about a situation with Task Force Barker and the 11th Brigade and this is the biggest operation this brigade has been engaged in, certainly up to that time. You indicated previously that there were a large number of people in your TOC until the thing sort of quieted down and so on, and you can assume that there was a like number interested in this thing back in the 11th Brigade.

A. Yes, sir.

Q. So that's the situation that existed at that time.

A. Sir, the time lapse if they were killed at 0840-- I don't know who killed them, if Charlie Company killed them at 0840, it could have been 0940 before this report could come in, sir.

Q. It's already in. It's entered in the log at 0840 in the task force.

A. Yes, sir, but when the report would come in, the report may have been at 0930, sir, and they referred back at 0840. The time element would say at 40 minutes ago.

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Q. No, we're talking about the time the message came in. We're not talking about when it happened. We're talking about the time the message came in. The word got to Task Force Barker at 0840 that Charlie Company had killed 6⁰.

A. Yes, sir.

Q. That's clear, they don't start juggling the log back and forth. The entries go down in your worksheet just as they come in, and that's the way the log is maintained.

A. Yes, sir.

Q. Well, there's no use in going on too long on this if you didn't hear it and you don't know anything about it.

A. No, sir, I don't remember any discussion about it.

MR WEST: Sergeant STEPHENS, Colonel BARKER came back into the TOC after his first time out over the operational area, I believe somewhere around 0830. Do you recall when he first came in?

A. Sir, I don't remember him coming to the TOC the first time he came in. I don't. I was under the impression that he didn't come to the TOC; that he came in, refueled, and went back out.

Q. Well now at 0829 he, over the radio, talked to Sergeant JOHNSON. This is right at 0830 he said, "I'm returning to Dottie; I'll stop in the TOC and bring you up to date." Just before that point there had been communications back and forth. This incidently shows up on Captain LEWELLEN's tape. They had been discussing Charlie Company's casualty figures and Colonel BARKER received a figure of 84 from Charlie Company. It was right after this that he told Sergeant JOHNSON: "Returning to Dottie; I'll stop in the TOC and bring you up to date." I want you to think hard and see if you can remember his coming back into the TOC at that time and talking to Sergeant JOHNSON. Tell us what took place.

A. Sir, I don't know what took place. As I say, the first time I don't think he came in the TOC. The second time he came in maybe he did, but I don't remember. Maybe he did come in the TOC, sir, but I don't remember what was said or I don't remember what went on at that time. Maybe he did come

in the TOC but I don't remember this, sir. I don't remember anything.

Q. This would have been about an hour after the operation really got started. An hour had gone by and he came in just shortly after 0830; he had to refuel.

A. I don't remember anything that happened or anything that makes me remember what happened at that time.

Q. You remember his coming in the second time? After he went out he came back a second time. You'll remember they had a dustoff in Bravo Company and he went out in his C&C ship and made the dustoff himself. He came back and dropped off at Dottie. His C&C ship went on and took the wounded all the way. He came back in the TOC at that time. Do you remember that?

A. Yes, sir, I remember. I remember him being in the TOC. I remember him standing in the middle of the TOC backed up against a table like he was leaning against it. But I don't remember anything, sir. There's just nothing that makes me remember what was said or what was discussed, sir.

Q. Do you remember to whom he was talking?

A. No, sir.

Q. Along about this time do you remember Colonel HENDERSON, Colonel MACLACHLAN, and others who had been out with Colonel HENDERSON that morning, coming in?

A. I remember Colonel HENDERSON coming up, sir. I don't remember what time it was. Maybe that's why I don't remember Colonel BARKER or anything happening in the TOC that went on at that time. Well, it just don't make a picture of or make me remember anything that happened that morning except I do remember him standing there. I remember Colonel HENDERSON coming up. I don't remember who was with him. I believe Colonel HENDERSON came in the TOC. At one time I remember Colonel HENDERSON sitting there looking at the map and then they moved outside up on the side of the hill.

Q. Who are you talking about?

A. Colonel HENDERSON and--

Q. (Interposing) Colonel BARKER?

A. Colonel BARKER, but I don't remember who---

Q. (Interposing) Where was Major CALHOUN at this time?

A. Sir, I don't know.

Q. Did Major MCKNIGHT come in then? Colonel LUPER?

A. I don't remember, sir. I remember Major MCKNIGHT being up there on several occasions but I don't remember anything being done or said that causes me to remember what did take place, sir. You say them being there, I remember being there, but I don't remember it being this day.

IO: Do you remember an Air Force lieutenant colonel that you probably hadn't seen before that time, Sergeant STEPHENS, being with Colonel HENDERSON?

A. I can't say that it was that day, sir. I remember him coming up there. I believe he did only visit us up there one time. It may have been that day. I can't say, sir, if it was just this day or not.

Q. We're talking about Colonel MACLACHLAN, the ALO, who was with Colonel HENDERSON that morning.

A. Sir, I can't say yes or no.

MR WEST: Well this would have been during the period, say, 0930 to 0950, along in there, perhaps a little later. Do you remember a time when the TOC was getting pretty crowded with people. The operation was still going on and you were probably still getting good radio transmissions.

A. Yes, sir, I remember. As I said though, I'm not sure if it's this operation. I'm sure it was, yes, I remember some of the people coming in the TOC. Yes, I believe the operation had quieted down a lot though at this time.

Q. It would have by this time, yes. Can you recall some of the discussion that took place now when the visitors were there in the TOC?

A. No, sir. I remember when they came in, sir, they came outside the TOC and were there a long time. But I don't

think they stayed in the TOC very long, sir. I don't think so. In fact, all of them may have not come in because they was outside and they came inside for just--well, I just vaguely remember that they were there and then I know they went back outside. I don't know if some of them stayed there while--well, I don't know just what happened then, sir.

Q. Okay. Now, when you say "they", whom do you mean?

A. Well there'd be Colonel BARKER, and Colonel HENDERSON. I believe Major MCKNIGHT was with Colonel HENDERSON.

Q. Are you sure he was there?

A. No, sir, I'm not sure. I'm not sure who was there. I do know that Colonel HENDERSON was there. That's the only one that I definitely do remember being there, sir.

Q. Okay. Do you remember General KOSTER coming in? The log shows he came in at 0935.

A. Sir, I don't remember seeing General KOSTER that day. Now if he came there--

Q. (Interposing) The evidence is that he came there at 9:35. Shortly after this, he was briefed by Colonel BARKER. Were you present at this time?

A. No, sir. I remember the general coming to our area that morning but I don't think he came in the TOC. I don't think he ever came in the TOC. Maybe he came down off the hill down to the TOC area but I don't remember him coming in the TOC, no, sir.

IO: Is it possible that Colonel BARKER briefed him, but briefed him either up by the helipad or outside the TOC some place

A. Yes, sir.

MR WEST: Do you remember this, Sergeant STEPHENS?

A. No, sir, I don't.

IO: General DOLEMAN was a three-star general and the log indicates that they arrived at 1645, were briefed by Colonel BARKER, and departed at 1715?

(STEPHENS)

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A. I don't know if this took place. It could have, sir. I don't remember it taking place at the TOC. Now Colonel BARKER's briefings could have taken place in his van because he had a map and everything set up in his van. But I don't remember a three-star general being in the TOC, sir.

MR WEST: Let's go to the next afternoon, the 17th. Brigadier General YOUNG arrived during the afternoon. Can you tell us whom he visited then and what he did?

A. No, sir. I don't remember if he was visiting with Colonel BARKER or with someone else, sir. I don't remember what it could be. General YOUNG visited the task force quite often. He came down about three or four times a week. Many times he would just come and sit in the TOC, sit down and watch operations for a little while and talk to whoever was in there. Sometimes he would come and the colonel wouldn't be there. He would just sit down in the TOC.

Q. Do you remember his visiting there the first day of the operation, the 16th?

A. No, sir. I don't remember. I don't remember this date or anything special about the visits. I don't even remember him being there.

Q. Okay.

IO: Did you have any conversation with Specialist HAEBERLE and Specialist ROBERTS when they returned from the field that afternoon, the afternoon of the 16th, which should have been sometime along about 1600 or 1700. One was a PIO representative and the other was a photographer.

A. I don't remember ever talking to HAEBERLE up at LZ Dottie, sir. The only time I ever talked to him was at Bronco. But ROBERTS, I remember talking to him but I don't think it was about this. Maybe it has been, sir, but I don't remember exactly when it was that I did talk to him. I don't remember if it was this day or not.

Q. We know, for example, that HAEBERLE and ROBERTS wanted to come in the TOC and Major CALHOUN threw them out, so to speak, and subsequently they talked to Colonel BARKER.

A. Yes, sir.

Q. And I was just wondering if either of them had talked to you at that time?

A. No, sir.

Q. Or up at LZ Dottie?

A. No, sir. The only time I ever talked to either one of them, I remember I talked to ROBERTS up at LZ Dottie, one time. This was inside the TOC.

Q. Did either of them mention to you the fact that they had observed quite a few dead civilians, noncombatants?

A. No, sir. This must not have been the operation on the 16th when I talked to them. It must have been another one. There was another boy with ROBERTS, a short boy, but it must not have been this day, sir. I don't remember talking to HAEBERLE at all and I don't believe it was this time that I talked to ROBERTS. At the time I talked to him, no operation or anything was discussed.

Q. All right, there were a couple of other people that returned to LZ Dottie who had been in the area. Do you remember talking to your interpreter, Sergeant HIEN?

A. On the day of the operation, sir?

Q. Yes, the evening of the operation.

A. No, sir. Well, I probably did--

Q. (Interposing) Did he mention anything to you? Did anybody mention anything to you, anything about the National Police having executed some PW's?

A. Sir, I don't think he did. In fact, I would say, no one this day. I don't think it was at this time but it was later. I don't know if it was at this operation but anyway it was when they had the National Police out in the field.

Q. Well, we know that they had the National Police. They were picked up that day and taken to the laager area of Bravo and Charlie Company. We know that.

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A. This was on the landline. Sir, I don't think I ever talked to brigade over the radio.

Q. But on the landline, you were communicating back and forth with them?

A. Yes, sir.

Q. Do you recall receiving a call from Captain HENDERSON in the course of the morning operation, reporting on a confrontation that there had been between the aviation unit and the ground forces? Do you remember that call coming in to you?

A. No, sir. If Captain HENDERSON had called, sir, I am sure if I answered the telephone he would have asked for Major CALHOUN or one of the officers. He wouldn't--well, he never did, sir. I don't remember taking the call, no, sir.

Q. Did you get any such call from Sergeant KIRKPATRICK?

A. I don't remember him calling, sir. And again there, I think if either one of them had called, they would not have talked to me.

MR WALSH: Did you see Colonel BLACKLEDGE at all during the 16th?

A. I can't remember it for sure, sir, if I did or not.

Q. Did you have an impression that you did?

A. I know I remember him being up at LZ Dottie, sir, more than once. I would say two or three or four times, but I don't remember if this was one of the times.

Q. Was he the individual that you referred to as the brigade S2 that had a knife?

A. Yes, sir.

Q. Did he customarily wear it?

A. Well, sometimes, sir. Not all the time, no, sir.

Q. Could you describe it, the knife?

A. I don't know, sir. The handle and all, I suppose, was about this long (witness indicating).

Q. About 18 inches long?

A. Yes, sir, I would say about this long. It was about this thick (indicating), the best I remember. I believe it had a point something like that.

(Witness illustrates on a piece of paper.)

It came around like this (drawing), the best I remember and just--some called it his axe.

Q. It was worn on his belt with a case?

A. Yes, sir.

MR WEST: I just have one other question, Sergeant STEPHENS. Was Sergeant JOHNSON responsible for keeping track of body count such as this Son My operation?

A. No, sir. You mean any body count?

Q. Yes.

A. Well, Sergeant JOHNSON was the operations sergeant, sir. And the way he was responsible for the operation of the TOC, in that way, yes, sir. I worked with him and the log of reports. Normally he let me handle these as to all of the reports and everything. I kept it because he had--well, one man operating it had his hands full and normally I kept record of the killed. Then at the end of the day, especially on an operation like that, we would get together. We would see that he had everything I had and I would check to see if he had everything in his logs.

Q. One reason I asked, during this morning of the 16th, he was on the "push" talking about body count. That's all I have.

MR MACCRATE: Sergeant STEPHENS, did Sergeant GERBERDING ever speak to you about the envelope with papers that he kept in his desk that Colonel BLACKLEDGE gave to him.

A. No, sir.

Q. Did you ever have any recollection when you got back to brigade of a special envelope, close-hold papers that Sergeant GERBERDING had?

A. No, sir, I didn't know of any. He never said anything to me about it.

Q. He never shared that with you?

A. No, sir.

LTC BAUER: Did you talk to Captain KOTOUC at all before he went out in the field or when he got back that day on the 16th?

A. As to what happened, sir? Well, I mean, naturally I talked to him. We were there together, but you mean did I talk to him concerning the operation and what was going on at that time?

Q. That is right.

A. No, sir. There is nothing that I talked to anyone or it--there was never anything discussed about what went on out there. There just never was a discussion about anything that went on. I'm sure there was some discussion going on, but I was never a part of it.

Q. Did Captain KOTOUC talk to you about an allegation that had been made that Captain MEDINA had shot a woman out in the field?

A. Well, this Captain MEDINA was the one that said it himself.

Q. No, I'm talking about the 16th, the day of the operation.

A. Captain KOTOUC didn't tell me this. I was in the TOC when Captain MEDINA came in and told his version of what happened.

Q. On the 16th?

A. It happened on the 16th.

Q. I'm talking about what happened on the 16th. Did Captain MEDINA come in the TOC on the 16th?

A. I don't know, it was the 16th or the next day that he came in, sir. But it was either that evening or the next day, either the 16th or 17th that he came in, and someone, I don't know if it was Sergeant JOHNSON or who, made remarks, "What's this report that they are killing civilians," or some words to this effect. Captain MEDINA shook his head and said, "I can't understand it." The only thing he said he could figure that they were talking about was he was moving through the area and said there was a woman in a hole. He said he looked at the woman and she didn't move or anything and he turned and started on. Out of the corner of his eye, he saw her move. He said he just wheeled around and shot.

Q. We know the story on that. The point I'm trying to get at is the time on this. You say he came in earlier on the day Charlie Company made this CA out there or the following day?

A. The best I remember, sir, it was the 16th or 17th.

Q. Then his unit would have still been in the field, his company would have been in the field?

A. Well, his company could have been brought in, sir. I can't say that his company was in the field. I don't remember. I'm sure it was the 16th or 17th, I thought that he was in the TOC. I know, I remember that he had his pack and everything on him.

Q. Who else was in there at the time?

A. I believe Sergeant JOHNSON.

Q. Would there have been Major CALHOUN, Colonel BARKER, Colonel HENDERSON, or any of the officers of the brigade?

A. I don't think Colonel BARKER would have been there because I believe that's who he was waiting for.

Q. Okay now, to get back on that subject, we know that Captain KOTOUK had this information on the 16th and he in effect discussed it with Captain MEDINA. What I'm trying to find out is did he discuss it with anyone else? Did you hear any talk about it on the 16th?

A. Did he discuss him killing this civilian with anyone?

Q. Did you hear about it on the 16th, the day it happened?

A. No, sir, I can't say on the 16th. I know that is the day it happened when he was telling it in the TOC. I don't know but the day that it happened was the 16th. But then the day he was telling it in the TOC, I can't be sure.

Q. One further point, it's a completely different subject. Later on in April sometime, some Vietnamese children came up to the perimeter in LZ Uptight and passed a piece of VC propaganda over the fence. One of the troops was on the perimeter. Did you log that at all in your journal?

A. I don't know, sir, if it was logged in the journal or not. I don't remember that incident of children bringing this paper. The only incident I remember when they came up there, at Uptight, was with grown people and children and they came up the path up to the gate.

Q. Did they bring any papers with them?

A. Yes, sir. I'm sure they did but I don't remember what that was. I don't even recall what it was about. Well, maybe it wasn't that incident, it may have been another incident. One time they came up asking for protection. They were going to gather rice one time and they came up asking for protection to gather their rice or something from their property. But I don't remember what--that may have been another time. I don't remember if it was that time.

MR MACCRATE: Sergeant STEPHENS, I would like to show you Exhibit M-35. You see it is a Vietnamese paper and then there is an English translation on top of that. I ask you if this is something that you ever recall seeing before?

A. No, sir.

Q. Do you have any recollection of hearing that such a notice of VC propaganda, a piece that short, was delivered at LZ Uptight?

A. No, sir. The only piece of propaganda I ever saw, sir, was just small pieces of paper like this. I never saw a sheet. I never saw that much. In fact, I never saw more than one sheet. It would be, maybe, on both sides; but it would

just only be a small piece like this. I never saw this. I never saw anything that large, a piece of paper.

MR WEST: Thank you, Sergeant STEPHENS.

IO; The hearing will recess.

(The hearing recessed at 1225 hours, 9 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: TAIT, Howard D. SP4

DATE OF TESTIMONY: 27 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: C Company, 26th Engineers.

The witness went on one operation from LZ Dottie, but he did not think he was with Task Force Barker and thought that they walked out of the LZ (pgs. 2, 3). He believed the company with which he went was B/1/20 (pg. 10). He stayed out for a week on this operation, and he did not believe he was near a river (pg. 3). The operation was near the beach (pg. 6). He blew up tunnels, dud rounds and suspected boobytraps (pg. 3). He returned on a helicopter (pg. 7). The witness was excused when it was discovered that he had not accompanied the 16 March operation (pg. 11).

(The hearing reconvened at 1313 hours, 27 January 1970.)

COL WILSON: 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 Specialist Howard D. TAIT.

(SP4 TAIT was called as a witness, was sworn, and testified as follows:)

Please state your full name, grade, and Social Security account number.

A. Howard E. TAIT, E-4,

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

A. Army, A Company, 17th Engineer Battalion, 2d Armor, Fort Hood, Texas.

COL WILSON: Specialist TAIT, where were you on March 16, 1968?

A. As far as I remember, I was up in Quang Ngai or Duc Pho.

Q. What was your assignment?

A. If I was at Quang Ngai, I was attached to the infantry up there and went to the field some time. Whether or not this was in March, I don't know.

Q. Were you in Company C, 26th Engineer Battalion?

A. Yes, sir.

Q. Did you ever support Task Force Barker?

A. I was up there once, sir.

Q. Up where?

A. Task Force Barker.

Q. Whereabouts were you up there?

A. Landing Zone Dottie.

Q. You were at Dottie?

A. Yes, sir.

Q. Did you go on a combat assault with them?

A. I went to the field in that area, but I don't believe it was Task Force Barker, sir.

Q. Who do you think it was?

A. Just another operation. I don't think it was that particular operation.

Q. Were you up at the fire base with Task Force Barker, one of the fire bases up there?

A. No, sir. When I was up there the whole 1/20 Infantry was up there.

Q. It wasn't just C/1/20?

A. No, sir.

Q. But you were at Dottie?

A. Yes, sir.

Q. Let's see if we can fix this time. When did you get to Vietnam?

A. December 21, 1967.

Q. December 21, 1967?

A. Yes.

Q. Who did you come over with? Did you come over with C Company?

A. No, sir. I came over with the 11th Brigade.

Q. Okay. Is there anything about this particular operation you went on that you remember? What happened? Was it an airlift? Did you go in by helicopter?

A. No, sir. We walked out of Dottie.

Q. Well, what I want to know is were you ever on an operation that went out of Dottie or out of Uptight, that went in early one morning by helicopter?

A. No, sir, not that I remember. When I left on this operation, we walked right out of Dottie, right out the front gate.

Q. You walked right out of the front gate, and how long did you walk?

A. I guess we were out about something like a week, sir.

Q. Were you down on the river?

A. I don't think so, sir.

Q. Were you assigned to the engineers at that time?

A. Yes, sir.

Q. What did you do on this operation?

A. Demolition work.

Q. What kind of demolition work did you do?

A. Blowing up tunnels, or dud rounds, or any suspected booby traps.

Q. Did you take your demolitions with you or did you have them resupplied each day?

A. I took them with me when I first went out and called in for more when we found tunnels.

Q. What size charge did you use to blow a tunnel?

A. It was dependent on how big it was, sir. Normally, if it's just a small hole, about 30 pounds.

Q. Thirty pounds for a small hole?

A. Yes, sir.

Q. Is this mostly composition C or TNT?

A. Whichever was available, sir.

Q. Either one, it didn't make any difference?

A. TNT would be preferable. C-4 would be for cutting steel or something like that.

Q. You normally use about 30 pounds. If you were with the unit when they were moving in an offensive situation where they were clearing villages and things like this. How are you going to get all of that demolition in to take care of the tunnels or do you selectively blow tunnels?

A. Well, sir, I just blew what tunnels I was told to blow. If I had enough demolition, carrying it on me, I would blow it right there with what I had. If not, I would report that to the company commander and maybe call in.

Q. Call in for more demolition?

A. Yes, sir.

Q. If you take a pound, or a half a pound, or a quarter pound of TNT and wrap it with a pound or 2 pounds of composition demolition, what do you think you are going to accomplish by that? Are you going to demolish anything with that size charge?

A. A half a pound of TNT?

Q. A half a pound of TNT to detonate a pound or maybe 2 of composition C.

A. Well, sir. It depends on what you put it on.

Q. Just throwing it in a bunker.

A. It wouldn't blow up a bunker. If you were inside of it, it could kill you or sure mess you up.

Q. So if anybody uses that size charge or that amount of demolition to throw into a bunker, they are not destroying the bunker, are they?

A. Well, sir, you mean a bunker, a hole in the ground, a spider hole?

Q. Yes, I'm talking about a bunker--well, what about a spider hole?

A. Well, sir, a hole in the ground big enough for a man to get into, a two-pound charge won't destroy it, no.

Q. What about a bunker? You figure about 30 pounds is about average for the bunkers over there?

A. For the holes I've had experience with, yes, sir.

Q. Suppose the infantry is using a pound or two of explosives to throw into bunkers, is this going to accomplish anything?

A. Well, if there is anybody inside it, sir, but, like I say, it won't destroy a hole big enough for a man to get down into. If you are inside there and two pounds of explosives goes off, it's going to do something. If it doesn't kill you, I know it's going to cause some damage to you.

Q. Normally, as a rule, before you destroyed a bunker, did you search the bunker out or did you destroy it on the basis that staying out of it--

A. (Interposing) The bunkers were searched before I ever got to them, sir. That was the infantry's job.

Q. In other words, the infantry searched them out, and then you were called in to blow them?

A. Yes, sir.

Q. Did you just take your 30 pounds, and put it in there and put a charge on it, and detonate it?

A. After it was cleared, sir.

Q. Did you lower it in there by rope?

A. No, sir. I climb inside and just take whatever amount, a box or half a box, or whatever and take it in there, set it up, and light the time fuse, and get out.

Q. You used the fuse and not the detonator?

A. I never used an electrical system.

Q. When did you take your R&R?

A. I believe it was around October, sir. I know I had been in Vietnam 8 or 9 months when I took it.

Q. Do you ever remember going on an operation with the unit out on the coast, out on the South China Sea, by the beach?

A. I was on the beach before, sir.

Q. Was it during this one operation?

A. This is the one I was talking about blowing out the tunnels, sir.

Q. You were on the beach?

A. Yes, sir.

Q. You went out of Dottie?

A. Yes, sir.

Q. Do you have any idea how long you had been in country?

A. When I went on this operation?

Q. Yes.

A. I don't know, sir. I really don't know for sure.

Q. Can you relate it to Tet, the Tet Offensive?

A. I don't believe it was during that time, sir. If I recollect right, when the Tet Offensive was on, I was in base camp.

Q. Where was that?

A. Duc Pho. I believe Tet was around February or the end of January.

Q. End of January.

A. I'm pretty sure I was in the base camp then.

Q. Did this operation occur after that?

A. Yes.

Q. How long after that?

A. I don't know, sir.

Q. Do you remember when you left Dottie that morning, did you go with the unit you were attached to or did you go in on a single helicopter?

A. No. I walked right out the gate.

LTC NOLL: Do you remember what direction you walked? And did you ever get on any APC's after you were out? I mean you were out there for 7 days. You didn't walk for 7 days, did you?

A. Yes, sir, we did. I came back in on a helicopter. I walked out there, and I walked for whatever amount it was, approximately a week, and then came back in on a helicopter.

COL WILSON: You never sat down and went into a defensive position and stayed there?

A. Yes, sir. I mean I never walked continuously for a week. I mean--

Q. (Interposing) Did you stay anywhere in one place for a couple days or did you march every day?

A. We moved every day, sir.

Q. How many engineers were with you?

A. Myself and one other, sir.

Q. Who was the other man?

A. MIESELLE (phonetic), I don't know his first name or his rank. I believe he was a PFC. He was new in the country.

Q. Was it normal to keep any engineers up at Dottie or did they all come from Duc Pho?

A. I don't know, sir. It worked kind of funny. Sometimes our company would send a squad up there which, if I remember right, normally it was the third squad. We would go up, and we would stay there working on the messhall and other constructive work in base camp. And other times they had us go up there, and then we would go out in the field.

Q. That was third squad of what platoon?

A. 2d Platoon.

Q. Third squad of the 2d Platoon?

A. Yes, sir.

Q. That was your squad, right?

A. No, sir, I was in the second squad during this particular time. I had been in every squad in that platoon.

Q. But the third squad normally--

A. (Interposing) They were the ones that went up north more than anyone else.

Q. Went up to Dottie?

A. Yes, sir.

Q. Who was the squad leader of the third squad, 2d Platoon?

A. It was Sergeant DAVIS, Sergeant DENNY, it varied, sir. Like I say, they changed.

Q. That day you moved out of Dottie, did you go out before daybreak?

A. No, sir. It was into the morning about 9:00 or something like that.

Q. Do you remember whether this was a company-size operation or platoon?

A. We walked out as a company but I know that there were more companies out there. I don't know if it was a joint operation or what the deal was. But, now, coming out of Dottie, it was just one company.

Q. Did you stay with that company the whole time?

A. Yes, sir.

LTC NOLL: How did you get over to the coast? Do you know your route of march?

A. All I know is we walked out of Dottie, right out onto QL-1 and made a right, and went up the road for maybe 100 meters, and made a right back into the rice paddies.

COL WILSON: You moved out of the gate and hit QL-1 and made a right?

A. Yes, sir.

Q. Well, you either had to be moving away from the sea or you had to be moving north on QL-1.

A. We were going north on that road, sir.

Q. Okay, if you were going north on QL-1, and you turned to the right, you say?

A. Yes.

Q. And went out that way (indicating on Exhibit MAP-4)?

(Witness nods affirmatively.)

Well, I don't think this is the same operation. I can't get the time. I wish I would fix the time. Can you remember anything else? When is your birthday?

A. January 15, sir.

Q. January 15. Was this very long after your birthday?

A. Sir, I can't relate it to that. I don't remember.

Q. Is there anything you can relate it to? How about casualties? Did you lose any buddies around that time?

A. Well, while I was out I saw people die and I saw people wounded. Nobody I knew personally, but people I had talked to before.

Q. You don't know what company you were with?

A. Yes, sir, B Company.

Q. B Company of what?

A. Of the 1/20.

Q. You're sure of that?

A. Yes, sir, to the best of my knowledge, that is the way I remember it.

Q. MR. TAIT, I think this is a false alarm. You may have been in this area, but I don't think you were in the area during the time that we were interested in.

A. No, sir, I don't believe so either, because I don't think there was that much happening when I went out.

Q. I am not going to go any further with this. I would like this squad leader of the 2d Platoon you said was JENNINGS or BERRY, is that right?

A. No, sir, Sergeant DAVIS and Sergeant DENNY. They are the only two that I remember.

Q. Remember any more about them?

A. No, sir.

Q. The rest of their name, where they are now?

A. No, sir.

Q. Don't know any more than Sergeant DAVIS and Sergeant DENNY?

A. A Sergeant E-6 DAVIS and Sergeant E-5 DENNY. Those are the two I remember as squad leaders. Now whether or not they went to the field, I don't know.

COL WILSON: All right, Specialist TAIT, I think that is all that we need now. If anything else comes up, if we find out you were on the operation, we will call you back.

(The hearing recessed at 1331 hours, 27 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: VAZQUEZ, Dennie R.

DATE OF TESTIMONY: 20 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Liaison Officer with Task Force Barker, assigned from 6/11 Artillery.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

a. Briefing on the ground.

VAZQUEZ attended some of the briefing on the 15th (pgs. 5, 12). Someone gave an intelligence situation report in which the task force was told that the 48th VC Local Force Battalion was in the My Lai area and that all the civilians would be gone to market at 0700 (pgs. 8, 9). There is some confusion in the testimony but apparently Colonel HENDERSON addressed the meeting and told the company commanders to close aggressively with the VC so they could be destroyed once and for all (pgs. 5, 6). BARKER told the commanders that since the civilians would be gone to market, only VC sympathizers would be left in the village and thus they should clean it out (pg. 11). BARKER said not to stop the advance for artillery unless it was really necessary, because he wanted the ground troops to close vigorously with the enemy to prevent his escape (pg. 10). However, BARKER said nothing about destroying livestock or burning hootches (pgs. 10, 11). BARKER was against burning hootches (pg. 11).

b. The aerial recon with BARKER.

In addition to VAZQUEZ, those accompanying BARKER on the aerial recon were MICHLES, MEDINA, and GAMBLE (pg. 13). There was no intercom on the helicopter. Thus, all BARKER could do was tap VAZQUEZ on the shoulder, point to the ground, and tell him what he wanted him to do (pgs. 13,21).

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BARKER showed VAZQUEZ where the prep was to go, and VAZQUEZ plotted the position on his map (pg. 14). He thought he prepared an artillery overlay for this operation (pg. 8). He could recall nothing being said on that recon about "getting in and cleaning out" the village, nor could he remember unusual instructions being given the ground commanders (pg. 21).

c. The location of the artillery prep.

VAZQUEZ did remember that the artillery prep was to be centered on the LZ (pg. 16). However, when he was first asked to map the LZ's position, he could only approximate where it "should" have been. He could not remember its exact location (pg. 17). He recalled that BARKER wanted the artillery prep placed exactly on the "4" in "My Lai(4)", (Exhibit MAP-5) (pgs. 19, 20). BARKER wanted rounds to go into the tree line near the LZ (pg. 18). Therefore, the purpose of the prep was to clear the tree line and the area through which the troops would have to move (pg. 21).

2. THE ASSAULT ON MY LAI.

a. The artillery prep.

Four tubes of 105's were employed for eight minutes and fired about 100 rounds (pgs. 18, 19). The prep consisted of HE Quick and some WP (pg. 24). No VT rounds were employed because of the objection of helicopter pilots (pg. 24). The first round, a WP marking round, fell 1000 meters north of the village (pgs. 19, 21, 23). VAZQUEZ, who was aboard a helicopter with BARKER and CALHOUN (pg. 22), made one adjustment, which placed the artillery fire where BARKER wanted it, and then he fired for effect (pgs. 19, 21, 23, 25, 35). Only one shift fire was made because speed in adjustment was necessary, and because the commanders were applying pressure (pgs. 35, 52). For these reasons, VAZQUEZ was unable to concern himself with whether or not rounds fell into the village (pgs. 35, 53). VAZQUEZ stated that he understood the policy against firing into populated areas, even if they were VC controlled (pg. 50). However, he could not explain why so little concern was shown for firing the prep into My Lai (pg. 53). He was just carrying out instructions (pg. 53).

b. The artillery body count report.

The report of 69 enemy KIA due to artillery fire impressed VAZQUEZ as having been given remarkably early in the operation (pg. 31). Usually it took an entire day before he could get a report of KIA due to artillery (pg.31). At the time the report was given, he saw no bodies in the area of the artillery prep (pg. 27). He had initial doubts about the report and asked ALAUX who had made it (pg. 32), to get a verification from the company commanders (pgs. 25, 32). Within minutes, the report of 69 KIA was verified (pgs. 25, 32). VAZQUEZ had no idea of the method by which this verification was made (pg. 32). In his previous experience, there had never been as many as 69 KIA due to artillery (pg. 25). A combination of extremely unusual circumstances would be required to kill 69 people by artillery fire (pgs. 26, 33). He could recall no comparable KIA figure either before or after this operation (pgs. 33, 56). But he recalled no discussion about the validity of the figure (pg. 33). Because he saw rounds impacting within the village, he agreed that a possible explanation of the large body count is that persons were killed inside the village (pgs. 36).

c. VAZQUEZ's observations while over the area.

VAZQUEZ flew over the area with BARKER until about 0930 or 1000 (pg. 31). He did not notice the gunships firing and did not think they fired into the village itself (pg. 63). He knew they fired in the area around the LZ (pg. 63). Sometime after the artillery prep, he saw two or three groups of bodies along the road, which he thought were caused by gunships (pgs. 27, 28). He saw several fires in various sections of the village, but the whole village was not in flames (pg. 29).

d. Things he overheard while at the TOC.

After his flight with BARKER, he returned to the TOC which was his normal place of duty (pg. 31). He could not hear all the infantry transmissions because of a partition between the artillery section and the TOC, and because he was more concerned with artillery traffic than infantry traffic (pg. 31). He did not recall WATKE coming to the TOC in an excited fashion to talk to BARKER about a helicopter pilot's report concerning bodies in the My Lai area (pgs. 56, 57). He did not hear BARKER issue an

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order to stop the killings and burning (pg. 31). He could recall neither an order to MEDINA to resweep the village or KOSTER's countermand of that order (pg. 40).

e. Artillery support for the mission.

Aside from the artillery prep, he did not supply any artillery support for the My Lai operation (pg. 28). He could not recall providing any artillery support on the 17th (pg. 38). The artillery prep which was fired for B/4/3 on the 16th was in a bombed-out area in a cemetery in which there were no hootches (pgs. 38, 39). He had not placed artillery on the My Lai area for any previous operations there (pg. 35).

3. INQUIRIES CONCERNING THE ASSAULT.

a. Artillery incident investigation.

VAZQUEZ was unaware of a log entry estimating that 10 to 11 civilians had been killed by artillery fire in the My Lai operation (pg. 45). If he had had such a report, verified by the FO, he would have had to inform the artillery commanding officer or the S3 (pg. 46). He could not recall discussing with anyone whether an artillery incident investigation should be conducted (pg. 37). It never occurred to him that civilians had been killed by artillery in this operation (pgs. 37, 46).

b. VAZQUEZ's knowledge of BARKER's investigation.

(1) A helicopter pilot's report.

The first time VAZQUEZ heard civilian casualties discussed was several days after the operation (pg. 41). This was when an investigating officer came in (pg. 41). He did not know what was going on but discovered through the grapevine that civilian casualties were being investigated (pg. 41). He heard that a helicopter pilot had complained of excessive killing of civilians by gunships (pgs. 41, 47). There was no specific number attached to the civilian casualties (pg. 41). He did not recall WATKE's name being mentioned in relation to the helicopter pilot's complaint (pg. 57). No one seemed angry about the helicopter's report and there was no big flap about it (pgs. 57, 58). However, CALHOUN said something about a helicopter pilot making false accusations concerning

the operation and causing trouble (pg. 59). He did not speak to MEDINA or anyone else in C Company concerning the pilot's complaint. He cannot remember talking about it to ALAUX (pgs. 59,60).

(2) VAZQUEZ's knowledge of BARKER's investigation of the helicopter pilot's complaint.

VAZQUEZ learned, through the grapevine, that BARKER had private conversations with the company commanders over a two to ten day interval after the operation (pg.42). In relation to this, he overheard a conversation between BARKER and MEDINA in which BARKER told MEDINA to verify his casualty count (pg. 43). VAZQUEZ thought BARKER wanted MEDINA to get all his leaders together and make sure that he had been given an accurate report of the casualties (pg. 43). Nothing in this conversation concerned civilian casualties (pg. 44). VAZQUEZ knew of no one else who was called in reference to this investigation (pg. 42).

c. Other sources of information concerning an investigation.

(1) Statements made by VAZQUEZ.

VAZQUEZ was never put under oath, asked to sign a statement, or asked any questions concerning the My Lai incident (pg. 42). He was never asked any questions at any time (pg. 60). He did not know if ALAUX spoke to an investigating officer (pg. 61).

(2) Information by way of rumor which would lead him to suspect that an investigation was being carried out.

He heard no rumor that HENDERSON was conducting an investigation (pg. 44). He knew of no one signing a statement for an investigation (pg. 44). He heard no report that a large number of civilians had been killed in My Lai on the 16th or in Co Lay (pg. 47).

(3) Knowledge coming by way of VC propaganda.

He never heard any VC propaganda concerning the My Lai incident (pg. 48). Had there been such propaganda, he probably would have heard about it through his artillery liaison NCO at District Headquarters (pg. 48).

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4. REPORTS OF INVESTIGATION.

VAZQUEZ did not remember seeing or hearing about the Task Force Barker combat after action report (pg.47).

5. OTHER INFORMATION.

a. Artillery fire clearance procedure.

The clearance procedure was to call the liaison sergeant at District Headquarters and ask permission to fire (pg. 49). Despite the fact that My Lai was a free-fire zone, fire missions had to be cleared with the NCO in the event that South Vietnamese units were operating there (pg. 49). With enemy contact, a company commander could request fire in his operational area without clearance. This procedure applied both in the VC and GVN areas (pg. 49). Permission was requested from the District to fire on My Lai (pg. 63). However, VAZQUEZ did not know, at any time, whether or not there were people there (pgs. 63, 64).

b. Publicity about the operation.

VAZQUEZ could not recall speaking to any PIO officers concerning the artillery operations at My Lai (pg. 34). BARKER, in particular, and everyone in general, commented that the 11th Brigade was not getting enough publicity about its operations (pg. 34).

c. VAZQUEZ's contact with other individuals concerned in the My Lai.

VAZQUEZ had not been in contact with any of his friends from Task Force Barker concerning the My Lai incident (pg. 62).

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SUMMARY OF RECALL TESTIMONY

WITNESS: VAZQUEZ, Dennis R.

DATE OF TESTIMONY: 9 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Liaison Officer with Task Force Barker, assigned from 6/11 Artillery.

1. REOPERATIONAL PLANS AND BRIEFINGS.

VAZQUEZ did not recall any of the aviation support units being at the brigade briefing on the 15th, and did not remember Major WATKE being there (pg. 72). Colonel HENDERSON was still at the briefing when VAZQUEZ left (pg. 71). In his pep talk HENDERSON had stressed the need for aggressiveness in closing with the enemy (pg. 71). The witness believed that Lieutenant Colonel BARKER used the term "search and destroy" in his portion of the briefing (pg. 72). VAZQUEZ did not attend Captain MEDINA's company briefing (pg. 89).

2. ASSAULT ON MY LAI.

a. VAZQUEZ's observations while flying with BARKER.

The witness recalled that BARKER usually rode in the right seat in his command and control helicopter, but VAZQUEZ could not remember where BARKER sat on the 16th (pg. 72). VAZQUEZ thought he was strapped onto a bench across from BARKER (pg. 74). He moved around quite a bit, however, and was in position to note what was happening on the ground and to assess the artillery prep (pg. 74). Captain KOTOUC and Sergeant HALL might have also been with BARKER on the 16th, but VAZQUEZ was not certain of this (pg. 73). The radio system was set up in such a way that BARKER had to take off his helmet, with which he communicated with the pilot, in order to speak to his people on the ground via the PRC-25's, and this was a rather unsatisfactory

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means of communication (pg. 89). He saw HENDERSON's command and control ship circling the area at an altitude of 500 to 600 feet (pgs. 86, 87). He did not know that Colonel LUPER was with HENDERSON (pg. 85). VAZQUEZ did not remember HENDERSON landing to pick up VC suspects (pg. 87). He recalled BARKER telling MEDINA to pick up weapons from a couple of VC whom BARKER had marked with a flare; however, he could not remember the specific instructions which BARKER gave (pgs. 72, 87). BARKER had swooped low to the ground to mark the bodies and then had returned to his normal altitude of 1200 to 1600 feet (pgs. 76, 77, 87).

b. Receipt of artillery KIA report.

While above the area VAZQUEZ received a report from Lieutenant ALAUX over the artillery push that there were 69 artillery KIA's (pgs. 74-76, 79). He was positive this information was given to him while he was in the helicopter by ALAUX with whom he had no further traffic since artillery support was not requested (pgs. 76, 81, 82). This report came in extremely soon (pg. 75). It was received immediately after troops had scanned the area (pg. 74). The artillery prep landed right where it had been aimed, but VAZQUEZ did not see any bodies in that area (pgs. 75, 79). He believed he would have seen bodies had they been there (pg. 75). The witness agreed that the coordinates where the artillery KIA were reported were not in the artillery line of fire (pgs. 78, 79). To the best of his knowledge no rounds were fired at these coordinates (pg. 79). The brigade TOC got these coordinates from their own people on the ground (pg. 80). The witness never before or after knew of 69 KIA's due to artillery (pg. 82). After he got the report from ALAUX, VAZQUEZ passed the information along to BARKER to get his reaction (pgs. 79, 80). BARKER merely nodded and VAZQUEZ interpreted this as meaning that everything was all right (pg. 75). VAZQUEZ was pleased with the success the artillery had had (pg. 75). The only bodies he saw all day were 20-25 along the road to Quang Ngai which he saw after the operation at too great an altitude to determine their age and sex (pg. 77).

c. Information gained about the operation after returning to the TOC.

VAZQUEZ went to either the TOC or the messhall after returning to LZ Dottie (pg. 89). He did not see KOSTER come into the TOC at 0930 and knew nothing about HENDERSON bringing two VC suspects to LZ Dottie who turned out to be RF/PF's (pgs. 86, 88). He did not recall an intelligence report from

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MEDINA that 30-40 VC had departed My Lai before the assault (pgs. 75, 76). He recalled no discussion with BARKER, CALHOUN, or Sergeant Major JOHNSON about the reported number of artillery KIA's (pg. 86). Captain GAMBLE was at LZ Uptight for the operation, and VAZQUEZ did not recollect speaking to him about the artillery KIA's (pg. 94). He was unaware that MEDINA shot a woman, and did not hear BARKER or CALHOUN order the killings ceased (pg. 97). He kept abreast of tactical movements and thus probably knew of HENDERSON's order to C Company to resweep My Lai, but he did not know when this order was given (pg. 96). The witness remembered KOSTER saying something about it as well, but did not know what it was (pg. 91).

3. INQUIRIES AFTER THE ASSAULT.

The only unusual report he heard concerning the operation was that a helicopter pilot had made an allegation, the content of which the witness was uncertain (pgs. 84, 97). He heard this a couple of days after the operation, and recalled that BARKER was given orders to investigate about 10 days after the operation (pgs. 83, 97). He saw BARKER talk to a couple of company commanders, but Captain RIGGS was not one of them (pg. 84). BARKER never spoke to VAZQUEZ about it, and the witness did not know the investigation's outcome (pgs. 84, 85). He knew nothing about LUPER investigating the artillery prep as an artillery incident (pg. 85). He knew about YOUNG's meeting with HENDERSON, HOLLADAY, BARKER and WATKE at LZ Dottie, but he did not know with what the meeting was concerned (pg. 92).

4. OTHER INFORMATION.

a. Briefing of Lieutenant General DOLEMAN.

DOLEMAN was given a general briefing on the 16th which VAZQUEZ overheard (pg. 90). The general was told that there had been 128 KIA's, but the facts that 69 of these were due to artillery and that civilians had been killed were not mentioned (pgs. 90, 91).

b. Communication with BARKER in the air.

VAZQUEZ had no wide cord arrangement with BARKER while flying aboard the helicopter, they just shouted back and forth to one another (pgs. 94, 95).

(The hearing reconvened at 1310 hours,
20 December 1969.)

IO: The hearing will come to order.

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

The next witness is Mr. Dennis R. VAZQUEZ.

(Mr. VAZQUEZ was called as a witness, was sworn,
and testified as follows:)

IO: I would like the record to acknowledge
Change 1 to Headquarters, 11th Infantry Brigade
Regulation 525-1, dated 9 February 1968, which revised
paragraph 4f (2), which reads as follows:
"Commanders will exercise utmost care to insure
minimum noncombatant casualties and property damage".
I think it becomes quite clear that this changes
the word "maximum" to "minimum".

RCDR: This directive has been entered into the
record as Exhibit D-7.

Sir, the next witness is Mr. Dennis R. VAZQUEZ.

(MR VAZQUEZ was called as a witness, was
sworn, and testified in substance as follows:)

RCDR: Mr. VAZQUEZ, would you state your full
name, Social Security number, and address?

A. My full name is Dennis R. VAZQUEZ, Social
Security number . My address is Route
3, Williamsburg, Virginia.

IO: Mr. VAZQUEZ, before we proceed with any
questions I will ask Colonel MILLER from the Office
of The Judge Advocate General to advise you of certain
matters.

COL MILLER: Mr. VAZQUEZ, this investigation was
directed jointly by the Secretary of the Army and
the Chief of Staff, United States Army for the
purpose of determining facts and making findings
and recommendations concerning two major areas:

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

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

This investigation is not being conducted to investigate everything that happened at My Lai. It is directed to those two major areas which I just mentioned.

General PEERS and the rest of us who are assisting him have had made available to us, and we have reviewed, many of the statements made by many witnesses in other official investigation of the My Lai incident.

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

Although the general classification of the report will be confidential, there is a possibility that the testimony, or parts of it, will become a matter of public knowledge in due time.

You see a number of people in the room. I would like to explain to you who they are. First, is General PEERS, to your immediate front. He is the Investigating Officer, and he has the sole, final responsibility of weighing the evidence and making findings and recommendations in the case. To his immediate left is Mr. MACCRATE, and on your left is Mr. WALSH. They are both civilian attorneys and are serving as counsel and assistants to General PEERS. To General PEERS immediate right is Mr. WEST, who is an attorney from the office of the General Counsel, Department of the Army. You also have Colonel FRANKLIN, Lieutenant Colonel MAHAFFEY, and of course myself, Colonel MILLER. Any one of us may be asking you questions today.

I would also request that you not discuss the testimony which you give before this investigation with others, including other witnesses for this investigation, except as you may be required to do before a competent judicial, legislative, or administrative body.

You are not now subject to the order of the military judge in the case of United States v. Calley, so far as I know. Have you received any orders with respect to that case, as a witness?

A. No, sir. I have not received any information or orders about it.

Q. We don't know whether one will be forthcoming. In any event, that is a separate action, and your testimony here will in no way affect that order. If it is applicable, or if you do receive it, you should of course--

A. (Interposing) Well, I did make a recorded interview or statement to Colonel WILSON, who came down and took this information with the recorder.

Q. Yes, we are aware of that. That's one of the prior statements to which I referred. Do you have any questions?

A. No, sir.

(COL MILLER retired from inquiry room.)

IO: Mr. VAZQUEZ, what was your military duty assignment on 16 March 1968?

A. I was the artillery liaison officer with Task Force Barker, assigned there from the 6/11, and I was responsible for advising him and making plans for artillery fire support for his task force.

Q. How long had you been in that capacity?

A. Now, when you mention 16 March, I can't relate things to specific dates, such as the 16th, because I have not--I made no notes or anything while I was in Vietnam. However, I do know that I started in that capacity in January--some-time in January, and I was there until I believe it was sometime in April--it's about the closest that I can estimate the date.

Q. To whom were you assigned before January, or is that when you arrived in country?

A. I arrived in country in November 1967 and I was assigned to the brigade. In other words, I was still assigned, initially assigned, to the 6/11. I was assigned to that unit throughout my entire tour in Vietnam. However, initially, I was the brigade liaison officer with the brigade headquarters for a short period of time, I think it was about 6 or 8 weeks, before they had to form this task force, and I was assigned to it.

Q. You joined the task force, then, from the 6/11 when the task force was formed. Is that correct?

A. Yes, sir.

Q. And you stayed with them until the task force disbanded. Is that correct?

A. Yes, sir.

Q. What did you do after that?

A. After I was, in other words, after the task force was disbanded, I returned to Duc Pho and was reassigned to--in other words, was given another job or another mission. you might call it, with the 4/21.

Q. 4/21 or 5/21?

A. Yes, sir, I'm pretty sure it was 4/21, however, I may be wrong.

Q. I don't know the other battalions. I know the 1/20 and 4/3. I am not familiar with the 4/21.

A. Colonel ARMSTRONG was the battalion commander, and I was assigned this mission.

Q. Very good. Now, as we would understand it, Mr. VAZQUEZ, on the afternoon of the 15th preceding the operation, there were some events which transpired at LZ Dottie having to do with the briefing, orientation, and so forth, for the forthcoming operation. I would like for you to tell us as much as you can about the briefings and orders issued to the troops.

A. As I recall, the general, I forget his name, he was initially the brigade commander, and he was--we had been operating in this area of the Batangan Peninsula, and the previous contacts they had made with the VC battalion in that area, he had been dissatisfied with the way the troops had failed to close in with the VC and--however, at this particular time he was not--

Q. (Interposing) Are you referring to General LIPSCOMB?

A. General LIPSCOMB.

Q. Who had been in command of the brigade before Colonel HENDERSON?

A. Now, Colonel HENDERSON, he held this meeting--

Q. (Interposing) Wait a minute, you were talking about General LIPSCOMB and the previous operation first. Would you finish that please?

A. Well, General LIPSCOMB had told the colonel about this--the colonel, when he held his meeting--he had subsequently taken over the brigade. When he held his meeting he brought out the same point the general had brought out before: that he wanted them to go in there and really close with this battalion and try to eliminate them once and for all, because our troops took a lot of casualties previously.

Q. Was that a pretty much straightforward commanders' briefing?

A. He gave all the company commanders a pep talk--told them to make sure--in other words, don't sit back and call for artillery support and then wait for the VC to just take off. They wouldn't really accomplish what they wanted to do, which was, destroy them once and for all.

Q. What time of day did that take place?

A. I think it was--I really can't recall exactly what time. I imagine, I think it was sometime in the morning, because I know that after that talk, I went up with Colonel BARKER in a helicopter, and, also, since the battery commander had been there for the pep talk, he went up with us. Colonel BARKER had pointed out to me some targets on the map, and I went ahead and he showed them to me from the chopper. When we got back down I plotted them on the map.

Q. After Colonel HENDERSON talked to the commanders, Mr. VAZQUEZ, was there any issuance of orders, instructions, directives, and so forth to tell the troops what the situation was on the ground and what was expected of them by the task force commander and the staff?

A. Right, sir. If I remember correctly there were some overlays passed out. They were very brief orders as far as I can remember.

It wasn't really that detailed or an involved plan. They had been dealing with this VC battalion for so long that, more or less, everybody knew what was going on on a day to day basis, 24 hours a day, 7 days a week. So there was no need--

Q. (Interposing) To your recollection, was there an operation overlay that was used which provided the necessary details of the timing, the location and the scheme of operation?

A. I don't know if there was--it wasn't a detailed--I think it was just an overlay that had certain companies with the routes marked on it, or something like that--

Q. (Interposing) LZ's and objectives?

A. Right.

Q. Would it have looked something like you see on the blown-up map to your rear here (witness turning around and facing the rear looking at a large wall map) showing C/1/20 landing to the west of My Lai (4)?

A. Right, sir, I think it was--I may--the reason I'm so hesitant is because I went on so many of these operations in Vietnam. I'd say about 50 or maybe more, so I can't really give the specific things about each one.

Q. Well, one that was associated perhaps directly with your business. You are an artilleryman, right?

A. Yes, sir.

Q. Your business was associated between you and the artillery battery who was going to support this operation, the direct support battery, and any general artillery support that may have come into it. Was there an artillery overlay prepared?

A. To the best of my knowledge, I think that I prepared an overlay for this operation. I gave--I sent a copy to the battery commander, and I gave a copy to Major CAL--I showed a copy to the colonel for his approval, and when he approved it, I gave it to the S3.

Q. Let me ask you about these orders. Did the intelligence officer give a briefing on the situation, as to what they could expect in this area they were going into?

A. I don't recall if he did or if it was somebody else, but I know somebody gave a briefing. I don't recall who it was. It may have been the colonel himself or maybe the S3, but I know someone did give an intelligence situation.

Q. Did you hear anything in the intelligence briefing to the effect that by 7 o'clock in the morning, or about that time period, all the civilians would have gone to market, and everything in the area would be VC?

A. That's something that Major CALHOUN always considered--it's something that was--I considered it sort of peculiar that they said something like this.

Q. Did they state that?

A. Yes, sir, I'm pretty sure he did, because he always brought this fact out at all his operations. In other words, in most of these populated areas they always plan them for certain days of the week like Sundays or Saturdays, or whenever--and they got this information from the province advisor who always told them what they expected the villagers to do.

Q. What other intelligence was put out, do you recall? From the information on the enemy, what size force did they expect to encounter there?

A. Well, they expected a VC battalion, which was about--I would say roughly a reinforced U. S. type company, in other words, what they considered a VC battalion--around 200 to 300 troops or guerrillas.

Q. Did they expect to encounter those troops when they landed in My Lai (4)? Would they have been back in My Lai (1) or the area that people refer to as Pinkville, or where would they be?

A. The reason they went into My Lai (4) is because that's where they had received a lot of--in other words, they had previously not been very successful in going into that town, because they had received a lot of automatic weapons fire and small arms fire. Also, they had received mortar rounds and anti-tank rockets from that town--I should say, hamlet. This is why they expected it to be reinforced, and they expected resistance from the outer perimeter of the hamlet.

Q. From your impression of the briefing, what was the number of the enemy battalion?

A. I believe it was the 48th or 47th Battalion.

Q. 48th Local Force Battalion?

A. Yes, sir.

Q. Yes. Did they expect to find most of that battalion in the My Lai (4) area?

A. To the best of my knowledge, what they expected to find was--well, can I point it out on the map (Exhibit MAP-1)?

Q. Certainly.

A. Colonel BARKER had told me to make sure that the artillery preparation covered this area here (indicating on the wall map), because they expected automatic weapons in those bunkers.

So, he told me to make sure that area was completely covered by the preparation, and that's what I tried to do.

RCDR: For the sake of the record, could you describe that?

IO: I think that is all right. We are going to get down to that in the aerial photo. Now, Mr. VAZQUEZ, getting away from the intelligence aspect, what were the troops ordered to do?

A. I don't know what the troops were told to do. I do know what the company commanders were told to do.

Q. At that briefing, what did Colonel BARKER tell his unit commanders that he wanted them to do?

A. He told them to make sure that they got their troops in there aggressively, close in with the enemy, in other words, close in after the initial preparation. If they needed some support they could stop their advance if it was really necessary, but otherwise he wanted them to go full blast and close in before the enemy got a chance to move out--out of that village complex. It was a combination of air assault/combat assault. I think it was two of them, one to the east and another one on the western village, and he wanted those units to close in and encircle that VC battalion, because they expected him to be spread throughout the entire zone there.

Q. Did he say anything about destroying the bunkers and the hootches, killing the livestock and things of this nature?

A. No, sir. There is nothing to my knowledge that he mentioned that--those items. I don't recall him mentioning any livestock or anything like that.

Q. Did he mention something to the effect that all the people would have gone to market, and everyone who remained would be either VC or VC sympathizers, and go in and clean that place out?

A. Right, but I never heard Colonel BARKER tell anybody to burn a village, the reason being that I know for a fact that he was against burning the hootches, and so was the S3.

Q. Well, do you remember anything more about these orders?

A. No sir. That's about all I can recall on the orders. Now he--a lot of this meeting which he held which I attended was not necessarily where Colonel BARKER issued this final order. This was more or less a big pep-talk type of a meeting, and Colonel BARKER usually put out his own orders to each company commander individually. In other words, he was the only one that told them what to do.

Q. Well, isn't that rather--you mean he would tell this man, and then later on he would tell the other company commanders? Didn't he ever tell them collectively?

A. In a lot of cases that would have to be the case, because there were continuous operations 7 days a week. The only way that he could get company commanders together was to get them out of the field. In other words, they would--let's say, ah--for example, a company might be right here (indicating on the wall map) and one would be up here, or they only had--at the time when they started out with three companies, two would be operating and possibly one here, one at Dottie minus a platoon and a platoon here, or vice versa, and the only way he could talk to the company commander without pulling them back from their operating--I mean control of their units was to go out there and talk to them.

Q. That's what we might call fragmentary orders, right?

A. Right.

Q. Was that the situation this day? Was not Captain MEDINA there?

A Right, I think that they--

Q. (Interposing) Was Captain MICHLES there?

A. I think what they had done was send a chopper to pick up the company commanders from their field locations?

Q. We have a pretty good story of what transpired already, and I think you should know this. We know, for example, from previous testimony that Captain MEDINA was there, and Captain MICHLES was there. We are not sure whether the company commander of C/3/1 was there. We know that Captain GAMBLE was there.

A. That's right.

Q. So, we know a little bit about this, and so the question now is, what were the instructions that were issued to the unit commanders at that time?

A. Other than what I just mentioned, or what I have just explained was issued to them I--I don't remember anything else, because it--during the time the meeting was being held we still had operations and--in other words, artillery missions were being fired, and I could have been required to go out and get some missions prepared to be sent in, so I don't think that I was there throughout the entire briefing. The reason I didn't get everything that was said--now that you mention it, I'm pretty sure that I did not--I wasn't there at the time--the entire period of time.

Q. To reconstruct what you have indicated, there was an intelligence briefing, subsequent to which there were some orders issued to the unit commanders. You remember that they were told to move through that area aggressively, and that is just about the crux of the order?

A. Right.

Q. What happened after the orders were issued? Let me phrase it differently. Did you accompany Colonel BARKER and other unit commanders on an aerial reconnaissance?

A. I believe that one of the people there--I know for sure Captain GAMBLE was there, and Colonel BARKER told me he wanted me to go on a reconnaissance with him, and I went up. We got into the chopper, and I think he had Captain MICHLES, who was B Company commander, and he had Captain MEDINA. He might have had Captain KOTOUC, who was S2, but I'm not sure about him. I know he was with us on the operation, however, I'm not sure whether he was with us on that reconnaissance flight or whether he stayed back, but the ones I'm sure were there were Captain MICHLES, Captain MEDINA, Captain GAMBLE, and myself.

Q. Well, other people that we have been led to believe that normally flew with Colonel BARKER, and it's questionable whether they would have been along on this occasion, were his command sergeant major and a radio operator that he normally carried in the airplane with him, since he had such a unique radio setup in the aircraft. I don't know whether they were along that day or not; we have not determined it.

A. I don't think the radio operator was there because of the weight limitation, and he wanted to make sure he took his two company commanders--

Q. (Interposing) All right, tell me about this aerial recon. Where did you fly? What did you see?

A. We flew down from Dottie. I think we came down here (indicating on the wall map), and then we came down the highway, and he told the company commanders-- he pointed out where they were going to and which LZ they would use. He told them what times they would be placed on the LZ. I don't know a lot of what he--I couldn't listen to all he said, because he didn't have an intercom on the chopper, so he just had to more or less point to them because of the noise of the helicopter.

Q. Were the doors open or closed?

A. The doors were open.

Q. You're sure they were open?

A. Yes, sir, I'm pretty sure, because--I'm pretty sure--

Q. (Interposing) What side of the chopper were you on?

A. I don't remember that. I know one thing, I was close to a door, or I could have been sitting on the floor with my legs hanging out the chopper just looking, straight out at the ground.

Q. What was said about the location of the LZ and where the prep was to go into?

A. He told me where he wanted the prep. He pointed the locations to me on the ground, and I plotted them on my map and then, since Captain GAMBLE was going back to the barracks, I gave him a piece of paper with grid coordinates written down on it.

Q. What were these grid coordinates? Were they outlining the corners of a box or just the center of the prep area? Which was it?

A. These were--this is, ah--was more or less in this--

IO: (Interposing) Yes, just a minute here. Let me have a photo map please.

(RCDR provides IO with Exhibit P-1.)

Now, here is a photo focused on My Lai (4) (indicating to witness on photo map). Do you recognize that area?

A. Yes.

Q. All right. Now then, would you designate on this photo where, to the best of your recollection, the LZ was to be located for the first lift?

(Witness does as requested. Exhibit P-1 as annotated by MR VAZQUEZ was later admitted into evidence as Exhibit P-175.)

I might say one thing that would probably be very helpful for you, it isn't precise, but it is good enough for our purposes here. One inch equals about 100 meters or 100 yards.

A. I notice that the scale does not-- in other words, it is not uniform, because this (indicating) should be all the way down here.

Q. What do you mean by that?

A. It looks like there's some distortion in the photo--it doesn't coincide with the--

Q. (Interposing) There is My Lai (4) right there (indicating).

A. This is what I was thinking about here, sir, because the reason I recall--this bend here (indicating) is that I used it as my reference point. In other words, I measured after the first round which landed about here (indicating).

Q. You don't mean you put a round up there? A thousand meters above the village?

A. Right, sir. The reason could have been due to weather. In other words, we plotted the LZ over here (indicating).

Q. Over where?

A. Right about here (indicating).

Q. Yes. Put that on the map if you will. Remember, 1 inch equals about 100 yards, so if you want 200 meters from the village it's out about 2 inches, and so on.

A. I can't say exactly where it was, but it was roughly about--can I just write more or less a line?

Q. Oh, yes. Just draw a circle and say that's the LZ. That will be fine.

A. The LZ could possibly--I mean I'm sure it was somewhere in this goose egg here (indicating). I can't recall exactly where it was, but this is pretty close.

Q. Well, if you will, just identify it. (Witness did as requested.) Now, where was the artillery prep to go?

A. The prep was supposed to go right about the center of the LZ, with some other targets on the periphery of the LZ to cover those positions--suspected positions.

Q. Was the prep also to be on the village or part of the village?

A. This tree line here (indicating) was--I should say that they had received fire previously from that tree line.

Q. Now, understand what we are trying to do, Mr. VAZQUEZ. We are trying to reconstruct this event, and so we want to put down here the things just as they happened and not try to explain things or to justify things or anything else. All we want from you is, specifically, what did Colonel BARKER tell you to do and, frankly, nothing else.

A. Well, all I recall him telling me is to put the prep there (indicating).

Q. Just draw some X's and show me where the prep was to go, and then if the prep didn't go there and you put it somewhere else later, you can identify where you did, in fact, put the prep.

(At this point COL WILSON joined the hearing.)

A. Sir, that would be the center of the prep there (indicating).

Q. Show me the outer extremities of it if you will.

(The witness does as requested.)

A. It is something like that (indicating).

Q. You didn't put any of the artillery fire along, or hadn't planned putting any on the edge of the village?

A. I don't recall any there in the village, because the LZ was over in this location here (indicating).

Q. What was the purpose of the prep?

A. The prep was to--this is something that was always used--I mean nobody specifically gave it a purpose for this one operation.

Q. No, but if you are firing preparatory fires you have to fire them for a purpose.

A. Well, I mean that no one said that there was a purpose for this prep.

Q. Was it to make a lot of noise? Where it is in relation to--

A. (Interposing) In other words, it's something that you know from your training and experience--what the prep is for.

Q. Well, you tell me what that prep was for with respect to that LZ?

A. It's just to try to prepare the LZ for the landing of troops. In other words, so that they will not--if there happen to be any enemy there, they will be neutralized, or any booby traps, or this sort of thing.

Q. What about the other portion, you have covered roughly about one--

A. (Interposing) I don't know if this was the exact LZ, because I can't recall. I don't know exactly where it was. I don't have any notes, I didn't keep any maps of Vietnam or anything like this. In other words this thing I drew here is just a picture to show you where the LZ would probably be. In other words, it probably was located in there, to the best of my knowledge.

Q. I didn't ask you where it was "probably." If you recall, I ask you where you were told to put the prep, not where it "probably" should have gone.

A. I really can't pin point it down.

Q. Well, I'll be very honest with you, Mr. VAZQUEZ. We've had several people in here, and none of them have put the artillery prep there, people who were aboard the aircraft with you.

As a matter of fact, we've had some very affirmative statements to the effect that Colonel BARKER wanted the artillery put on the village. You were the man that was handling the artillery prep.

A. Well, he did not want it right on top of the village. He wanted it so it would cover this tree line here (indicating). This is what I can't--

Q. (Interposing) If you are going to cover that tree line you are not going to put your prep 150 meters out in the rice paddy, that is what I am getting at.

A. In other words, 100 meters from the tree line-- ah--you're going to cover that tree line.

Q. You really believe that? With positions dug in, machinegun emplacements that you were talking about? Show me the area that Colonel BARKER wanted you to cover with your artillery. That's all I'm really wanting.

A. All right, sir. He wanted to make sure that we covered this tree line here (indicating).

Q. All right, just draw something that will indicate the area that he wanted covered by the prep. (Witness did as requested.) He wanted to make sure that was covered, right?

A. Yes, sir. The LZ was not right next to the tree line. He did want to have the LZ softened up too, but he wanted to make sure some rounds came close to, in that tree line.

Q. How long a prep did you actually fire, or did you recommend?

A. It was approximately 10 minutes. I don't think he told me to cut it off before 10 minutes elapsed, because of the timing. So I say--I think the exact actual time was around 8 minutes.

Q. How many tubes were employed?

A. We had four tubes from Uptight. I had been trying to get these tubes from Dottie, which were the 155's, but I think there was some type of foulup and they couldn't fire because the helicopters didn't want them to fire or something. Anyway, we were only using these four tubes, to the best of my knowledge.

Q. Four tubes of 105's?

A. Right.

Q. You indicated 8 to 10 minutes that the prep was to go. How many rounds were to be put in there?

A. Just the maximum rate of fire. I think it was about 12 rounds a minute initially for the first minute or so, and then it was 11 rounds, and after the first minute or two they have to cut it down because of the heat in the tubes. I don't recall the exact number of rounds, but it was about 100.

Q. About 100 rounds went into the prep. What kind of ammunition was used?

A. First we used a "WP" marking round, which was quite short. It was way down here (indicating).

Q. Was that the one you indicated before, about 1000 meters north?

A. Right, sir.

Q. Northeast of the village?

A. Right. Then I had to give him a shift down here (indicating). Now, sir, if I may say this: I get a better idea on this map than I do from this one because of this 4. That's where Colonel BARKER wanted that thing, put right on that 4.

Q. My Lai (4) is right there, isn't it (indicating)?

A. Right. So I think this is not accurate here. I can better do it by pointing to this 4 on this map.

Q. Well, we can easily transpose it to this (issuing another map). We can put it on there very quickly, because that 4 is definitely close to the western side of the village. After all, this is a thousand meters across here (indicating).

A. So, this is not exactly what you--I might call that about 200 meters north-northwest of that southwest point. So--

Q. (Interposing) We'll get a new map for you now that you are better oriented. We will give you a better opportunity to plot it.

A. This looks like a better point there, sir (indicating).

Q. So, that was the center of the LZ, right?

A. Right, and he did want to cover that tree line. Sir, if I could look at that over there it may refresh my memory.

Q. Oh, yes, here's another one over here too. This is the same map.

RCDR: I have another one over here (handing the additional map to the witness).

A. This is the map that we used, and I can get a better picture of it here. I recall that one thing about him wanting it right on top of that 4. (Indicating the 4 in My Lai (4) on Exhibit MAP-5.)

IO: Well, we can plot that very well. Just plot that on here and then we can take off from there. Again now, Mr. VAZQUEZ, just indicate about where the artillery prep was to go in.

A. The artillery was centered right on the LZ and then would cover this tree line.

Q. Just draw a circle of whatever your artillery prep was to cover.

A. May I put some X's on there?

Q. Yes.

A. It would be a better way of doing it. It looks something like that (indicating).

Q. It was to clear the tree line and also to clear out the area the troops would have to move to. Would that be a proper supposition?

A. Yes, sir. That would be a good supposition.

Q. Now, you fired a marking round. The first marking went about 1,000 meters north, then you adjusted it?

A. Right, sir. I had to give them a pretty big shift to come in here (indicating) around where they wanted it.

Q. That's where the LZ was to be and where the prep was to go on this recon that you went on, right?

A. Right, sir.

Q. Good. Now, do you remember anything else said on that recon about getting in and cleaning that village out or anything of that nature?

A. No, sir. We had trouble communicating, and about the only thing the colonel could do was point to the ground and tap me on the shoulder at what he wanted me to do. That's the way he showed me what he wanted.

Q. But you didn't hear any unusual instructions to the ground troops?

A. No, sir. I always had my radio on the artillery fire direction net, and he had his radio on the task force command net. Sometimes I could hear him whisper. In other words, he tried to speak through his mike, but I couldn't hear what he was saying most of the time unless he tapped me on the shoulder and told me what he wanted.

Q. All right. So there wasn't anything that you remember about the recon then?

A. No, sir. That was about all.

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Q. You were around the LZ and around the TOC that night. What was the general attitude of the people. Did they feel they were really going to go in there and tie into something? Were they tightened up, pretty tight?

A. I imagine a lot of them were. I talked to some of the lower-ranking people, and they were more scared than anything else of going in there, but that's about all.

Q. Yes. Now, what did you do the next day, on the morning of the 16th?

A. Well, on the morning of the operation, I went up in the aircraft with the colonel, and I believe Major CALHOUN was there. He was the S3. I don't think Captain KOTOUC went on the first flight out. He probably went out with the colonel on a subsequent flight, because they had to come back and refuel every so many minutes. We went out there--

Q. (Interposing) Was Colonel LUPER along with you that day?

A. Colonel LUPER?

Q. Your battalion commander?

A. No, sir, he wasn't with us. Now I heard somebody, I think Colonel BARKER, talking to Colonel HENDERSON on the brigade command net; and I'm pretty sure Colonel HENDERSON was flying around, because I saw another chopper that came pretty close to us on many occasions.

Q. Colonel LUPER could have been aboard that chopper?

A. He could have been aboard that chopper, but I did not see him before the operation.

Q. Well, that would be pretty logical. He would be with the brigade commander. What happened then?

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A. We flew around for a few minutes and when it got to the time Colonel BARKER told me to start the prep and we started it. It landed about 1,000 meters short, we adjusted it in, and then just kept firing it. Now, this was not the first operation that morning. I think, if my memory serves me correctly, they landed to the east first and then this was a second LZ. We had another LZ around here somewhere (indicating).

Q. Yes.

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

Q. We have this information, but you go ahead and give up your impression of what happened.

A. Anyway, this one went in, and then this company went in, and then we went back and refueled the choppers and got the other company and we fired the prep and they went in. The troops landed and I heard--

Q. (Interposing) Well, just a minute now, your recollection is that the eastern prep for what was called LZ (2) was fired first and then LZ (1)?

A. Well, sir, I'm pretty sure it was, unless my memory has fouled up on me, but I think this was first and then we went to this one.

Q. Give me the log from Task Force BARKER (M-14)?

(RCDR does as requested.)

Q. I have here, Mr. VAZQUEZ, the log taken from the TOC of Task Force BARKER, the day of the 16th (Handing the document to the witness).

A. Right, sir.

Q. You will notice item number 10?

A. Right, sir. The first lift touched down at 0730 at LZ "cold" and then Company C killed one VC in the vicinity 713788.

Q. Well, the point is, you don't see any of--

A. (Interposing) I must have been wrong then, sir, because the log proved me wrong.

Q. Well, I can't very well expect that 21 months later you will remember to a gnat's eyebrow about this operation. That's the reason we are showing you this, to refresh your memory and try to bring all these events into focus.

A. The second touchdown 0747, the LZ "Hot."

Q. Well, now, let's come back to this prep for a few minutes.

A. Yes, sir.

Q. You indicated that this prep was to be about 8 minutes long, roughly 100 rounds or so of 105's. What kind of ammunition did you use? What kind of fuse?

A. The marking round was "WP" and we used "HE" and "WP."

Q. Did you use "WP" or did you use smoke for marking? Don't you have a special marking round?

A. No, sir. We can use either smoke or "WP." I don't know, sir, if it was "WP" or smoke, I know--

Q. (Interposing) You know you can see it.

A. I know it was a marking round that we could plainly see. We did mix some "WP" in with the prep with the "HE." The "WP" and smoke, we used fuze time. The "HE" used fuze quick for that prep.

Q. Did you use any "VT"?

A. No, sir. I don't recall using any "VT" rounds.

Q. All point detonation?

A. Right. I think the reason was that the choppers were against "VT" or time fuze.

Q. Did you have any trouble adjusting the prep that day?

A. No sir. After the first adjustment I think they came in right where they wanted it--right where Colonel BARKER--

Q. (Interposing) We have some indications, Mr. VAZQUEZ, that the prep was not on target.

A. Right, sir. The initial round was about 1000 meters north of the target area.

Q. Could that have been what they were referring to, that marking round that you used?

A. Right sir, that--

Q. (Interposing) That's hardly a prep though.

A. A lot of times the marking round will be short because of the ballistic characteristics of it, will be shorter than the "HE," but I took that into account when I made the adjustment.

Q. Now, if you will, look at item 22 in the log here.

A. Right, sir. Item number 22, that is a report that 69 VC are KIA in the vicinity of about 716788. Now this report I received from the FO on the ground. I think it might have been 67 or something like that, anyway, I don't think it was 69 exactly. He did tell that the artillery prep had killed 60 some VC on the radio. Initially, I sort of doubted him. I hadn't seen any people down there. But he said that the company commander had confirmed it, or had told him that this was so.

Q. Did you search for any greater detail as to how an artillery prep of 100 rounds could kill 69 VC?

A. To my recollection, I think I told him to re-check his figures with the company commander, because it was very unusual for a prep. Normally, we didn't get any KIA. In my previous experience there had not been even near that many.

Q. Well, it would had to have been a very unusual circumstance, wouldn't it, that you could kill 69? You would have had to catch them completely out in the open?

A. I think I told him to verify that figure, because I wanted to make sure before I reported it to my battalion.

Q. Did you raise any questions or express any doubts to Colonel BARKER, to whom you were the senior artillery liaison officer, that this is something that just doesn't take place, that you killed 69 with an artillery prep of this magnitude?

A. I think I told him that day that I had received that report. I had to scream at him because of the noise in the chopper. I think he checked. He called his company commander down there to verify it, because I don't think he thought that was an accurate figure.

Q. What altitude were you flying at Mr. VAZQUEZ?

A. Usually they fly at 1,200 feet.

Q. Yes. You are an artilleryman aren't you, and you normally take a pair of binoculars with you?

A. Yes, sir. I did normally take binoculars.

Q. Did you have them with you that day?

A. No, sir. I don't think I had binoculars that day.

Q. Why do you remember you didn't have them? You normally carry them. I find very few artillerymen that don't carry binoculars.

A. I think the main reason was since this unit was not TO&E, and we didn't have all the necessary equipment.

Q. Which unit?

A. Task Force BARKER.

Q. You didn't come to Vietnam with Task Force BARKER, though, did you?

A. No, sir. In that particular case I was an extra liaison officer, and I could not bring my TO&E equipment from brigade liaison. I had to try and get as much equipment as I could from S3. This was not a TO&E battalion.

Q. This is one of the first units that I have heard of in Vietnam short of equipment. One pair of binoculars.

A. Sir, I think Colonel BARKER had--

Q. (Interposing) Even at 1,000 feet or 1,200 feet you have a pretty good eyeball on the ground. You could see bodies on the ground, particularly in the rice paddies. Even as poor as my eyes are I can see them.

A. Yes, sir. You can see them, particularly if they are lying in the open and have black pajamas. You can easily see them.

Q. What else did you see on the ground then? Did you pick up 69 bodies in the artillery prep area?

A. Truthfully, sir, I did not see that many--any bodies that I could count.

Q. That would cause you a little doubt wouldn't it?

A. Right. Now, I did see, later on, bodies along this road here (indicating). I think they were caused by helicopter, which were sweeping throughout the whole area--

Q. (Interposing) Gunship support, so to speak?

A. Yes.

Q. Could you, on that map, identify the area where you saw these bodies?

A. Yes, sir.

Q. Use this and mark some of the areas where you saw some bodies.

(Witness does as requested.)

A. I saw a scattered number of bodies along this route here (indicating).

Q. All on the road or off the road?

A. They were on the road, the ones that I saw. I'd say I saw about two or three groups of bodies lying on the road.

Q. Did you see any bodies on this road and this major road leading from the village down to the highway (indicating).

A. No, not on this road. No, sir, I did not see any on that road.

Q. Did you provide any additional artillery support for this operation through the village?

A. No, sir. I don't recall any other missions that were fired that day, because we did not receive any fire here. However, I did see Colonel BARKER throw a marking round somewhere out here (indicating).

Q. Was this BARKER or HENDERSON?

A. I think Colonel HENDERSON threw one to show Colonel BARKER, and then Colonel BARKER threw one to show it to the company commander.

Q. Yes.

A. And I did see troops moving out in that direction.

Q. That would be up in this area somewhere (indicating).

A. They did kill--

Q. (Interposing) Put an X up there to identify it, will you, so we can get a general idea where it was.

A. At one of these narrow crossings here, he sent troops out here (indicating) to get those VC, and I think one or two had already been killed, and they had to go out there and pick up their weapons.

Q. Would you identify that down on the road, if you will please, in the area down on the road? (Witness does as requested.) Put it next to the road, right down here. Just put a brief description of whatever you saw. Well, I think we have it. When we are completed here, Mr. VAZQUEZ, I will ask Colonel WILSON to sit down with you and mark up the map with the identification. I think that it would make it a little easier for you and for us. I think we all can understand what we've got here.

Mr. MACCRATE was just asking me if I would clarify this point about seeing any bodies in the area of the artillery prep, and my recollection was that you indicated that you had not seen any bodies in that area subsequent to or after the prep. Is that correct?

A. I did not see any with my own eyes.

Q. All you had was the report that the artillery-- the only artillery up to this point, which you fired, was the prep of 100 rounds--

A. (Interposing) The only ones that I saw on this road is possibly, maybe, a couple of scattered bodies around here (indicating) that the helicopters had killed.

Q. Yes, I see. This is consistent with what we have heard. Now, later on did you see any bodies on this road or did you see any bodies out in here (indicating)?

A. I think there were some out here (indicating). Yes, sir. But I don't recall any on this road.

Q. Yes. All right. Was there anything else, now, that you can recall, Mr. VAZQUEZ, concerning this operation? Did you see any buildings burning?

A. I saw some smoke, but it's nothing that you--it wasn't the whole village, maybe just a couple of fires here and there.

Q. Was this a continuous process? You see a couple of fires now and a couple of fires later on?

A. I think it was more like that, a couple of fires here and a couple of fires over here.

Q. Now, when you got through and you were flying back over that village, how much of that village remained? I know what this area looks like up and down the coast. I am not talking about these old bombed-out shells they have. I am talking about the hootches and things that they have, where they lived. How many of those remained?

A. It's very hard for me to say, because the whole village looks like it's completely covered with green vegetation, or it did look like that at the time.

Q. Yes. There is another view of the village on the wall there (indicating). Of course, you recognize that you are looking at that from an oblique, looking from the west. Here is this point right here, looking across the village in this direction (indicating). You can see the trees and quite a bit of bamboo in there, but there is also quite a bit of area in between them, like here (indicating). This is also surrounded by trees, it has a cleared area, gardens and so forth in between.

A. No, I really couldn't--the only place where I could really see the actual detail inside the village was on the periphery of the village.

Q. Yes.

A. I really couldn't make out any detail on the inside, because--

Q. (Interposing) How did the periphery look?

A. It looked like it was pretty well torn up by smoke. There was still smoke coming out.

Q. Smoke wouldn't tear it up. Smoke would be the results of fire or something.

A. I can't recall anything that I noticed about the village when we left.

Q. Now, when Colonel BARKER returned to this village later on, did you accompany him again?

A. No, sir. Not on all his trips, because when he took some of these trips he went out to pick up wounded--he went down to take supplies or something like that.

Q. I am talking about the morning of this date. We have indications that he stayed out there until somewhere in the 9:30 to 10:00 time frame, and you were with him at that time.

A. Right, sir.

Q. When Major CALHOUN flew back out to this area, did you go back out with him on a short trip?

A. I can't recall going out with Major CALHOUN. I don't think that I flew back after they had found out there was no more resistance--

Q. (Interposing) After you got back to LZ Dottie, what would have been your normal place of duty?

A. My normal place of duty was in the TOC there.

Q. Now, when you were in that TOC did you hear an order issued to stop the killing and the burning, an order given by Colonel BARKER?

A. I don't recall that, sir. I don't recall that order given by him.

Q. Do you recall him talking to Major CALHOUN on the radio and telling him to pass this word down to Captain MEDINA?

A. No, sir. I don't recall that, because they had a sort of a little partition--artillery upon this side and the TOC was over here (indicating). I didn't hear all of the transmissions. I was more concerned with the artillery traffic on the radio than I was with the infantry traffic.

MR MACCRATE: Mr. VAZQUEZ, with respect to this report of 69 KIA, do you remember how long after the actual artillery prep that this information first came to you? You can see in the log when it is recorded there. I would be interested--

A. (Interposing) It seems to me it was too soon. The report came back too soon for me to--it's something very unusual for a report to come back so soon. Usually, it took all day before I could get a report. In other words, one man can't possibly cover the whole area. I have one man that made the report to me.

- Q. Do you know what his name was?
- A. Lieutenant--I can't recall his name. It's right on the tip of my tongue, but I can't recall it.
- Q. Lieutenant ALAUX, was he the one who gave you the report?
- A. Yes, sir.
- Q. And did you ask him to check back, or did Colonel BARKER ask him to check? Which one of you?
- A. I asked him: "Are you sure this is right?" He said that he would check it; in other words, verify it with the company commander.
- Q. Well, did you get any further information about it at that time?
- A. It was just a matter of minutes until it was verified.
- Q. Did he say how he verified it?
- A. He didn't say how. Usually they verify it by calling in the platoon leaders on the radio.
- Q. You have no knowledge how it was purportedly verified?
- A. No, sir. I have no idea.
- Q. Later on, was any report made with respect to 69 KIA by artillery?
- A. Would you repeat the question, please?
- Q. Well, later on, in connection with an after action report of some sort, was there any report made of 69 KIA by artillery of which you are aware?
- A. Well, I didn't make any report. Usually, I always just would call the battery commander and let him know so that he was aware of it. It wasn't really a report, it was just more or less an information type of thing that I gave him, and I would call my battalion and just let them know, more or less as information.

Q. But this would have been pretty big news to your artillery unit, would it not?

A. Right, sir.

Q. Were you ever aware of anything comparable by the artillery unit with which you were working?

A. I can't recall of any other, or anything else like this.

Q. Was there any talk about it later on?

A. Nothing out of the ordinary.

Q. Well, did you ever hear anyone say, "Well, you'd better not take that too seriously," or words to that effect?

A. No, sir.

Q. You don't remember any discussion about the validity of that figure of 69 KIA by artillery in the days or weeks immediately following the operation?

A. I can't--I know that there were various people who talked about it. I didn't believe it, but--

Q. (Interposing) Do you remember anything that was said or by whom it was said?

A. I was continuously in communication with everybody there, so--

Q. (Interposing) Was it ever said--

A. (Interposing) Everybody mentioned it, I imagine. It was just something not specific. You can't recall anything specifically.

Q. Well, do you remember anyone saying, "That's something you better not boast about," or something along those lines?

A. I imagine so. I can't recall anybody telling me that.

Q. You remember any of the PIO officers with the task force or the brigade?

A. No, sir. I think they were mad about this, because they didn't get enough publicity out of it. I think later on they got it. Right away they didn't get what they thought they should get; in other words, enough publicity.

Q. Who was this that didn't think they had gotten enough publicity?

A. Well, Colonel BARKER was one. He mentioned they should have given him more PIO, more publicity for the personnel.

Q. You're not talking about publicity for this operation. You're talking about the fact that he should have more PIO personnel assigned to the task force. I was asking you about whether any PIO officers that you can recall had talked to you about the artillery operations?

A. No, sir. I can't recall. I know that generally everybody commented that we weren't getting enough publicity with our operations.

Q. When you say "we," you're talking about the whole task force?

A. The whole task force.

MR MACCRATE: I have no further questions.

COL WILSON: If I recall correctly Mr. VAZQUEZ, didn't you say that you had seen automatic weapons firing from that northwest section of My Lai (4), or that you had seen firing positions?

A. On previous operations they had received fire from positions in that area.

Q. When were those operations?

A. I think they had had two operations in the same general area, one that had used tracks of a platoon of the cavalry, and they had swept around the entire village. Well, initially, they had used cavalry also, and they had been pretty well shot at.

(VAZQUEZ)

Q. Did you place any artillery on those positions for those previous operations?

A. For the previous ones?

Q. Yes.

A. No, sir. I hadn't planned them on those positions, because we didn't know about them. But after we had this experience, we did plan them there.

Q. What type of positions were those?

A. I don't know, sir. I think it was either AK-47 or crew-served weapons. I had no specific weapons, except automatic weapons.

COL FRANKLIN: Mr. VAZQUEZ, your first round was 1000 meters up here (indicating). Did you make one shift and go into fire for effect?

A. I think so, sir. I can't be very sure. I get it confused with all the other combat assaults, but I'm pretty sure that it was just one shift.

Q. Okay, your guns are up here (indicating). Would you agree that if you were very concerned about friendly troops or hitting in a village, and considering that this tree line would require very minute adjustment all along, in considering the tree line and your gun targets and your longest dispersion pattern, would you say it is a fair statement to say that you would only make one shift and fire for effect in a situation like this, that you really didn't give a damn if they went into the village or not?

A. I think that in this case we needed speed in the adjustment; in other words, to get on with the operation. And like you say, we didn't concern ourselves with the villages.

Q. Would you say as an artilleryman, Mr. VAZQUEZ, considering your gun-target line and considering your target right along in here (indicating)--

A. (Interposing) Here is the gun target area right here (indicating).

Q. Okay, if you were firing for effect, firing the maximum rate, would it be possible with 105 artillery to fire accurately right along here (indicating) without your normal dispersion pattern taking you up to 200 meters inside the village all along from north to south?

A. You get a different picture from this, but it's quite possible, sir.

Q. Not to get them in, or to get them in?

A. I mean it's possible not to get them in.

Q. When you were up in the air you were seeing those rounds impact, were you not?

A. Right, sir.

Q. Did you ever look out of the door of Colonel BARKER's side of the ship?

A. I had to change from door to door so I could look out the same door he did.

Q. Did you see any rounds impacting along here (indicating)?

A. There were rounds impacting right along in here (indicating).

Q. All along inside the village then. Now when you look it is very obvious why you got that 69 body count. You could see very clearly they weren't on the LZ. Would a possible logical explanation be that they were killed inside the village, where you could not see where the artillery landed?

A. Very possible, sir, but it seemed so quick to me, that was the reason I sort of doubted it. It just happened too quick.

IO: Would you just draw some indications, I don't care what symbol you use, to show about where in the village those artillery rounds impacted?

(Witness does as requested.)

MR WEST: Let the record show that he drew an arc on the photograph to show where the artillery rounds impacted.

COL FRANKLIN: Do you remember briefing your battalion commander on the day before on where these prep fires were going to go in?

A. I don't recall that, sir. I never talked with-- I think I talked to him, but it wasn't a formal briefing.

Q. Not briefing, but showing him. Do you recall, by chance, showing your battalion commander that your prep fires were going to come into there (indicating on the map), that area on the southwest corner, the broad area in the southwest portion of My Lai (4)?

A. Sir, I don't recall talking; in other words, I don't recall showing him that--that briefing at all.

COL MILLER: Sir, do you want to get into the clearance of fire, or shall we do that later?

IO: No, not now.

MR WALSH: Do you recall any discussion with anyone at the time about whether an artillery incident investigation would be conducted?

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

Q. It was never raised by anybody? Did it ever occur to you?

A. No, sir.

Q. Didn't it occur to you at the time that there were civilians killed in the operations by artillery?

A. No, sir. Just--I had just gone on the report-- a certain number of VC KIA.

Q. And your answer could be verified, and you got back confirmation that it was verified?

A. Yes, sir.

MR WALSH: I have no further questions.

IO: Mr. VAZQUEZ, when this operation was terminated in My Lai(4) it is our understanding that Charlie Company continued to move on to the northeast 2,000 meters. Meanwhile, B/4/3, which had landed generally in the area of LZ(2), had moved north, and overnight the two companies laagered together generally in the area of My Lai(1). The following day Charlie moved generally to the south, just east of Hill 85, and in the afternoon ended up in the general area of My Khe(3). Is that (3) or (2)?

A. That says (2) there (indicating).

Q. My Khe(2), and they subsequently retraced their steps and came back to this area, where they laagered. Bravo had moved down across the bridge here, down along the split through Co Lay(1), (2), and(3) and had moved back up and laagered somewhere in this area the night of the 17th. Charlie, on the next day, moved north and eventually moved across the river and was extracted that afternoon. On the 18th, Bravo moved on up back through My Lai and worked out in this area on the Batangan Peninsula. Now, my question--during this operation on the second day, do you recall providing any artillery fire support?

A. I couldn't tell you, truthfully, because I just can't pinpoint it. In other words, my memory cannot remember all of those facts.

Q. On the first day, coming back again, do you recall the artillery prep that you fired in support of B/4/3 for their landing?

A. Right, sir. I recall that prep.

Q. Was it out in an open area, or was it next to a village, or where was it?

A. It was out--I think it was right in an old bombed-out area, and I think the main part of it was in an old cemetery.

Q. Yes. The indication would be, from looking at the map, that it should be somewhere in this general area (indicating) near My Khe(3)?

A. Right.

Q. Somewhere in that general vicinity?

(VAZQUEZ)

A. To the best of my recollection, I think it was in the cemetery somewhere.

Q. Yes.

A. It was an old bombed-out village.

Q. Any of the artillery rounds go into that village?

A. You can't say it was a village. It was more or less like an old bombed-out place.

Q. People were living in there?

A. I didn't see anybody.

Q. Were there any hootches in there?

A. No, sir. I didn't see any hootches, any stone type of construction--bricks and stones. All you could see was more or less the foundation.

Q. Just the foundation of the shell, all bombed up, which is typical of the whole area of the coast from Binh Dinh on up through Quang Ngai. But my question is, aside from those, were there any hootches in the area that were temporary shelter for people who were living there?

A. I don't recall any hootches in that area. This looked completely deserted to me.

Q. Did you see any air strikes or gunships go to work in that area?

A. I don't recall that, sir. I don't think so. I don't think any gunships went in there with the exception of this shooting up or the requesting fire of the regular slicks.

Q. The combat assaults?

A. Right.

Q. Did you hear of any civilians being killed down in this area to the south of My Lai on either the 16th or the 17th or the 18th down south of My Lai(1) in the area Co Lay, My Khe, or in the area around in here (indicating)?

A. No, sir. I did not hear anything about any civilians being killed.

Q. Were you in the headquarters most of the afternoon of the 16th?

A. Right, sir.

Q. You were monitoring the battalion net along with the artillery net, right?

A. Right. Well, the battalion was in another location, but I always kept track of it. I tried to keep tabs of what was going on.

Q. Did you hear any conversation between Colonel BARKER or Major CALHOUN and Captain MEDINA along about 3:30 or 4:00 in the afternoon directing Charlie Company to go back into My Lai, to go in there to make a body count, to count the number of men, women, and children that may have been killed and determine their ages, their sex, and how they had been killed?

A. I can't recall that, sir. In other words, I don't know anything about that order.

Q. Either you were not listening or outside of the TOC at that time?

A. Right, sir.

Q. Did you hear the division commander come on the air and tell them not to send Charlie Company back into My Lai(4)?

A. No, sir. I did not.

Q. Did you have information as to the count of civilians casualties that was coming out of C/1/20 that afternoon or that evening, with their statistics in their SITREP?

A. No, sir. The only thing that I heard, they usually call in casualties or VC. As far as I could remember they didn't. In other words, everything they called in was VC. They didn't call in any civilians that I could recall that day.

Q. Well, we have reasonably conclusive evidence that there was quite a bit of discussion going on concerning the casualties at that particular time, unless they were talking on secure mode, which at that time we didn't have with the company.

A. There might have been talk between the commanders, but I don't recall any discussion over the radio about this.

Q. Well, that evening did you get a count of the number of civilians that had been killed?

A. No, sir. I didn't. I don't think they even discussed this thing about civilians until a couple of days later when they started--I know an investigating officer came in. I didn't know what was going on, but through the grapevine I found out that they were investigating the civilian casualties.

Q. Well, what did you hear?

A. Just that. The only thing that I heard was some helicopter pilot had complained about excessive killing of civilians by gunships and by the gunners from the helicopters.

Q. Only the helicopters? Did it include the ground troops?

A. No, sir. The only rumor I heard, and I talked to various people--and they didn't come and tell everybody what was going on. They just more or less--it was a command type of investigation that was going on. I did get some information through rumors and talking to other people that they were concerned about the helicopter gunships, that they had killed some civilians. I heard this a couple of days after the operation.

Q. How many civilians did they say they killed?

A. I don't recall any specific number, just the fact that they had killed an excessive number, that they had killed civilians.

Q. It was a helicopter pilot's complaint against a helicopter pilot?

A. That's the information I got.

Q. Who was investigating this?

A. I think there were instructions given to Colonel BARKER to do it. I didn't want to get involved in it, because it wasn't any of my business, but he called in all these company commanders and talked to them privately, in his own quarters.

Q. Did you see him talk to them?

A. No, sir. I do know that he, at various intervals, in a day or two, called them in, and they went out and talked --talked about the hootches, and I don't know what else.

Q. Well, a couple of days later the commanders were still in the field weren't they?

A. Right, sir. I think it was an interval of 2 to 10 days, something like that. It just elapsed over that period of time.

Q. Did anybody ever ask you any questions or interrogate you and ask you to make a signed statement or put you under oath or anything?

A. No, sir.

Q. You know anybody who was positively interrogated?

A. I know--

Q. (Interposing) You worked in the TOC; that's your home. For example, was Major CALHOUN interrogated?

A. I couldn't tell you, sir. In other words, if it was done it wasn't in my presence. I didn't know about it; he didn't tell me.

Q. Captain KOTOUC?

A. I don't think so.

Q. Captain LEWELLEN?

A. Not to the best of my knowledge, no, sir.

Q. Well, what you are telling us then is just what you heard through the rumor process, or the grapevine?

A. Right, sir. In other words, I sort of got the--well, I got the impression that something was going on out of the ordinary, and I knew that the company commanders were talking to Colonel BARKER about it, and he was questioning them about it. In other words, I didn't see anybody signing any statements, and I did not--

Q. (Interposing) Well, I'm very interested in this one thing you're telling me, that Colonel BARKER called in the company commanders to talk to them. Can you give me any of the specifics? When he called them in? Which ones he called?

A. I'm pretty sure he called in Captain MEDINA, because I know Captain MEDINA came in one day and he was--he went out and he came back--and they came back in--and I think the last thing he told him is that--he just happened to be walking past my radios there and I think I heard him tell Captain MEDINA to make sure and get a--and verify his count on the casualties.

Q. This was 2 to 10 days after the operation?

A. Right, sir.

Q. Verify the count? What does that mean to you?

A. I think what he wanted was to make sure he got an accurate count of VC; in other words, an accurate report of enemy KIA.

Q. But he is away from the operational area is what I'm referring to. How can he verify a body count when he and his troops are nowhere near the village?

A. I think what he wanted was to make sure that--in other words, Captain MEDINA had to get all his leaders together and make sure that each one gave him an accurate report of the casualties.

Q. Is that the way they made a body count at Task Force Barker?

A. Normally, that was the way, sir, because--in other words, the company commander normally had to follow a certain path. He couldn't be everywhere at the same time, so he had to get his report from his platoon leaders.

Q. Well, the general process of body count within MACV, as far as I know, is when you put your foot on him or when you buried him, you could count one?

A. Right, sir.

Q. But this doesn't quite seem to be that process we're talking about.

A. Well, I'm pretty sure they counted the bodies. However, each leader was given a responsibility to count his own.

Q. When you heard this conversation between Colonel BARKER and Captain MEDINA, was there anything said about civilian casualties?

A. No, sir. All I heard was: "Make sure you get an accurate body count," or "Verify that body count."

Q. Could this have been after the time that Charlie Company came back out of the operation on the afternoon of the 18th?

A. It might have been, sir. I can't really say for sure, but I think it was after they had come back to Dottie and he had gotten in.

IO: Give me R-2, will you?

(RCDR did as requested.)

Did you hear of anything else concerning this investigation? Do you know of anybody that prepared a signed statement?

A. I can't recall any investigating officer. There was no specific investigating officer that I can recall, in addition to Colonel BARKER. Is that what you mean, sir?

Q. Yes. You never heard that the brigade commander, Colonel HENDERSON, was conducting an investigation?

A. No, sir. I assumed that--because Colonel BARKER was doing it, it had been directed by Colonel HENDERSON.

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Q. I show you this log again of Task Force Barker and I call your attention to item number 39, at the bottom of the page. You will notice that that item has been reported to the 11th Brigade. Would you read that item?

A. "Company B reports that none of the amount of VC body count were women and children. Company C reports that approximately 10 to 11 women and children were killed, either by artillery or gunship. These were not included in the body count."

Q. Were you familiar with that entry?

A. I didn't normally look at this log. In other words, I don't recall it at all, sir.

Q. Well, it just depends on where the log is. I don't know how, Mr. VAZQUEZ, you worked in relation to the TOC, but normally the artillery liaison officer and the air liaison officer work almost as an integral part of the TOC, in the units that I have been associated with, so they know everything that is occurring on the intelligence side and the operational side.

A. You're right, sir.

Q. So, it would be a logical assumption that an artillery liaison officer would see a thing such as this and particularly if it is an artillery entry, or at least it would be called to his attention?

A. Sir, I don't recall that entry. It must have been an infantry originated type of report.

Q. Well, it really wouldn't make any difference how it originated. It is entered into the TOC log. That's what this is, a TOC log?

A. Yes, sir.

Q. If you had seen this, what would it have triggered?

A. It's strange that they reported it at this time and not reported it initially.

Q. What time in the afternoon is that, 1555?

A. In other words, it's already 1555, and they had initiated the operation early in the morning.

Q. Yes.

A. This comes back to the discussion that I was talking to you about, about the casualties and so forth being talked about over the air.

Q. Had that come to your attention, what would you, as an artillery officer, have been required to do?

A. I would have had to verify this with the FO.

Q. Well, if you did verify it, what would you do? Suppose it is a fact?

A. I would have had to report it to my artillery commanding officer or S3.

Q. And what would have happened then?

A. They should have initiated an incident investigation of their own.

Q. This is the way I would visualize that; that it would have automatically triggered an artillery report, right?

A. Right, sir.

Q. But to your knowledge you did not see this. You had no knowledge of the fact that any civilians had been killed by artillery or gunships or by any other means?

A. No, sir.

Q. I have here a combat after action report covering the first day of the operation. I would ask you to review that and see if you have seen that report before.

(IO handed the witness Exhibit R-2.)

A. I think this was prepared after the operation.

Q. Yes. It was prepared on 28 March?

A. Right, sir. I think each section would require that they submit on it.

Q. Did you contribute to that?

A. I don't recall anything, sir, that I contributed. In other words, I don't recall being asked to contribute to it.

Q. Have you seen the report?

A. No sir. I don't remember seeing this report. I don't recall this report.

Q. Mr. VAZQUEZ, in a TOC such as this, this small number of people of necessity have to live very close?

A. Right, sir.

Q. You know Captain LEWELLEN's business and he knows your business. You know a little bit of Captain KOTOUC's business, and you know a little bit about the operational business, and so on. Now, after this operation did you hear any information coming through the TOC to the headquarters, from the hamlet chief of My Lai Village, or the village chief, which indicated that something unusual had taken place at My Lai (4) on the 16th of March?

A. From the village chief?

Q. Yes.

A. Sir, I don't remember anything about the village chief.

Q. The district chief or the province chief or from any sources of ARVN or the government of South Vietnam?

A. No, sir.

Q. Did you hear any reports from any source later to the effect that on the 16th a large number of people, women and children, had been killed or lined up and killed in My Lai Village?

A. No, sir.

Q. And more of them out on the coastal area of perhaps one of the Co Lay villages?

A. No, sir, I didn't hear any. The only thing I heard was the fact that a helicopter pilot had complained to his commander, I believe it was, and they had investigated these helicopter gunships about this.

Q. Did you ever hear of any VC propaganda to the

effect that they were playing this up; that the Americans, contrary to all of their talk and so forth about protecting women and children, had gone into this area and killed 400 or so, and over along the coast they had killed an additional 90 in the area of Co Lay?

A. No, sir. I haven't heard anything about that propaganda.

Q. Did you hear any rumors or undercurrents within the task force before it broke up to the effect that something unusual had taken place there?

A. No, sir. After about a week or so everything just more or less quieted down and nothing else was said about this or about these helicopters. At least I didn't hear anything said about it, but I don't know what the outcome of the investigation was of these reports that the helicopter pilot made. I did not hear anything else about it.

Q. If this VC propaganda and this other information had proven true--let's say a small percentage of what they are talking about, let's say 100, 400, 500 were killed--would you have expected rumors and people talking about it and something of this nature going on? Do you think you would have been able--

A. (Interposing) I would have expected at least to hear something about it, because I did have my own man down at the district headquarters, which was an artillery liaison. These rumors and intelligence usually come from the district headquarters. I think if he had heard something, that he would have passed it on to me. In other words, something this big, definitely he would have passed it on.

Q. Who would have?

A. The sergeant I had down there. I forget what you call his name now. He was liaison sergeant with the district advisor.

Q. Yes. Let me have that report. (RCDR did as requested.) You had a liaison officer down there? Did he ever report anything like that to you?

A. No, sir. He didn't.

Q. Now this is a piece of VC propaganda that also came out of the district area, the district and province (Inclosure 2, Exhibit R-1). That is the same old VC line on the first page, but if you turn that page and look at the top of the second page--

A. (Interposing) Sir, I didn't hear any of this.

Q. What was your liaison officer to do then? Was he your liaison officer down there to clear fires, or was he down there for intelligence purposes as well?

A. He was not an officer. He was an NCO. His main purpose was to--if he received any target or any intelligence about VC he was to call me, and I would either tell Colonel BARKER or try to plan some fires on them or take some action about it. Also, he was down there to clear fires with the district chief and the district advisor, to clear artillery fires for me.

Q. What was the normal clearing procedure for fires out in the VC area?

A. This VC area with--let's see, they had Son Tinh, I believe was the southern district and Binh Son was the northern district. My AO responsibility was in the two districts--

Q. (Interposing) I'm talking about the eastern portion of Son Tinh District at the moment.

Q. Well, the procedure was to call my liaison sergeant and clear fires with him; however, with the exception of contact. With enemy contact a company commander made the decision whether this was a contact mission and then he could request fire without clearance in his own AO.

Q. Was there a difference between clearance of fires in the VC area and the controlled areas?

A. No, sir. Because, although it was a free-fire zone, we had to clear with him in the event there were South Vietnamese units in there, so that we had to clear with the district chief.

Q. Even if there had not been South Vietnamese units in there, would you have placed artillery in a populated area?

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A. This was really where Colonel BARKER had received fire from previously and that's why--

Q. (Interposing) Had he received it from within the village, in the area where you showed where the artillery fell within the village, 150 to 200 meters inside the village?

A. Right from this tree line here (indicating), is where he received fire.

Q. But you can walk that artillery right up and down that line. That is a pretty easy target for an artilleryman, isn't it?

A. Right, sir. Now, however, when they are under pressure of time you can't--

Q. (Interposing) This regulation makes no distinction in time. This regulation states that you will not fire in a populated area. It doesn't say whether you do it in a prep or a single round or whatever you do. It says, you don't do it. You minimize civilian casualties.

A. It is pretty hard for me to describe a combat assault.

Q. Well, I don't think you have to because you're speaking to people that are well familiar with combat assaults. For your information, Colonel FRANKLIN operated for quite a few months just to the south of you with the 173d Airborne Brigade, so he is quite familiar with combat assaults. It is not necessary to go through all of this. I understand them very well.

A. No, the thing that I was trying to emphasize was when they set a time schedule, the commanders would put a lot of pressure on that--on the companies, on the artillery--to be on time. In other words, they do want that combat assault to go according to schedule.

Q. That's true; your back-up plan is when your first shift is put on the ground, when you're going to get your air prep and all the other preps that go along with these plans. It is pretty difficult to play around and try to pick targets when they have these time schedules. In this instance, you had ample fire power to take care of that hedgerow along the edge of the village, and that's really what you're speaking of, isn't it?

A. Right, sir.

Q. Perhaps there were bunker emplacements or automatic weapons emplacements; however, you had ample firepower to take care of that. In terms of your 105's you put out a marking round and walk it right on down the line, and probably back at LZ Dottie you had some 155's and some heavy artillery. I notice that you didn't have any 8-inch, you only had 175's which you probably wouldn't use; but you could use your 155's and put it right on it.

A. They did not as I recall. I don't think they wanted to use the 155's for this operation--

Q. (Interposing) The inference that I got from all of this is the fact that although we're talking about here along the hedgerow, we really aren't too concerned about anything falling back into the village, because once you get around there, you fire for effect.

A. Very true. Well, this was considered an inhabited village, and they had gone in there before. They have had previous operations in there and then it was more or less following the same pattern with these operations, except that it came from different directions. I think one of them came down this road here with tracks and had a combat assault here (indicating).

Q. I understand that. That is not the point that I am really getting at. My point is why, in this circumstance, did we put artillery fire on a populated area? Here we have the policy. You say you understood the policy--am I not correct? Even in VC controlled areas the policy of the brigade was not to fire artillery in populated areas.

A. Sir, I don't know why this was done.

Q. You were carrying out instructions, is that what you're telling me?

A. Yes, sir, definitely; however--

Q. (Interposing) Why didn't those gunships work over those hedgerows instead of working on that road down there?

A. I think this is where they expected the VC to try to escape.

Q. Towards Quang Ngai? Towards the GVN-controlled area?

A. The gunships did work this entire area. They normally did operate that prep. They went in--I call it--

Q. (Interposing) They just serve as the escorts going in?

A. They call it neutralization or something--just opening up in the same area where the prep had been and then after. In other words, they had an artillery prep, gunship prep, and then the gunship came to screen this road here (indicating).

Q. How many people did you see on that road? You were up in the air for quite a while, until about 1000 in the morning. How many people did you see, civilians, coming out of the fields, coming out of the villages and all other places along the road down towards Quang Ngai?

A. Initially, not very many, and then I think after a couple of hours, or an hour or so, it was a whole mob of them.

Q. Was it an hour or so, or was this almost instantaneous? We have other indications there were crowds of people on the road by 0800 in the morning, up to 400 people moving southwest towards Quang Ngai.

A. I don't recall. I'll estimate only an hour or so, but initially there weren't that many. I saw just a scattered number of villagers going in that direction.

Q. Were these the ones the gunships were working on?

A. I don't think so, sir, because these came out after the gunships had worked the area.

Q. Wouldn't it be strange to see VC come out of the fields and head towards the GVN controlled area? Would you expect that or would you expect them to head back towards My Lai (1) to the northeast?

A. I think it would be strange; however, they could go in any direction. It's hard to say, I really don't know, sir. As long as they operated here we never did see any that tried to go up in this direction (indicating).

Q. On the road or to the northeast?

A. On the road. I never did see any trying to make an escape on this road to the east.

Q. I recognize, Mr. VAZQUEZ, that we are taxing your memory on what took place. But you, above all people, since Colonel BARKER is dead, were in a position where you could observe things; and you above all other people were present with the task force commander during the issuance of orders and the reconnaissance. You were with him when he was in his command and control helicopter the following morning over the battlefield. Very frankly, I don't get the same story out of you that I get out of other people. This story was pieced together bit by bit by people who can associate parts of it; so I would just wonder if you have a short memory, or whether a lot of this has passed out of your memory, or whether you are just not telling us the whole story?

A. I think that the biggest problem was the great number of combat operations that I participated in. This particular one was a little bit unusual at the time; however, this wasn't something that would stand out so much that I could pick out every little detail about it. It ran according to schedule, more or less. It was more or less an ordinary combat assault, compared to all the others, and I can't--I couldn't--you know, like if you ask me about any other combat assault, I could probably remember even less about them, because of the number of them.

Q. Well, that's true, but if I read this one correctly there was so much communication on the radio; there was so much talking to people in the TOC; there were so many people who were visiting in the TOC; and there was so much going on concerning this particular operation, that even under the circumstances and even recognizing that we're talking about 20 or 21 months ago, some of these events should stand out quite vividly in your mind.

A. Sir, they do, they do, specifically because so

many high-ranking officers visited the task force often, practically every day. So, all the operations that I was involved in with the task force do stand out, more than the other operations.

Q. Did you ever have an operation in which, for example, you as an artilleryman killed 69 by artillery fire?

A. No, sir.

Q. With one blast?

A. That was very unusual. I never saw that before, and I don't think I saw it again.

Q. I was there two and one half years and I never saw one, not 100 rounds of artillery killing 69 people and nobody out in the open. I never saw that. I never saw anything like that. That's why it seems to me that things like this and your being an artilleryman--

A. (Interposing) Especially when I did not see any bodies on the LZ.

Q. Well, this is what I mean, you see; but things should have started happening, the wheels should have started turning, and something should have been done.

MR MACCRATE: Mr. VAZQUEZ, did you know Major WATKE?

A. WATKE? I don't think so, sir.

Q. Do you remember who was with the 123d aeroscouts?

A. Right, sir. He was a chunky individual, tall. He used to come in about every so often and get together with Colonel BARKER and coordinate certain aspects of the operation. They had to have--

Q. (Interposing) Did you remember, in connection with this operation of about the 15th and 16th, these events that we have been reviewing, can you remember Major WATKE being around LZ Dottie or at the TOC talking with Colonel BARKER?

A. He might have come once or twice. I don't know how many times he came in, but I think he usually flew his own chopper, and he did not operate out of our TOC.

Q. You mentioned the discussion about the warrant officer pilot who had reported upon what he had observed in the course of his operation. Did you have any knowledge of such a report being made to Colonel BARKER?

A. I can't recall that I heard any report. No, sir.

Q. Well, can you remember on that afternoon then, that Major WATKE came into the TOC, perhaps somewhat excited, bringing in a message to this effect? Does that ring any bell with you?

A. He might have come in excited; however, they must have discussed it privately, because I did not overhear anything--any loud discussion about the bodies.

Q. But you do remember, at the time, that there was talk about one of the warrant officer pilots making this complaint?

A. A couple of days later I heard rumors about this warrant officer pilot.

Q. Was there any mention about Major WATKE in connection with this event, that he had been involved with respect to the complaint?

A. No, sir, I can't recall anything. I presume the warrant officer reported to him. He worked for him.

Q. Did you hear any criticism? Was anyone angry, annoyed in any way, or disturbed about this warrant officer making this report? Were there gripes about it? Was there unpleasantness or people talking about it? Is there anything that you can recall?

A. No, sir.

Q. Well, now, he was making a complaint about some of the other men around wasn't he? Was there anyone upset

about a complaint being made? If one unit is complaining about another, usually those who are being maligned get a little annoyed or angry. Do you remember any flap back and forth among different groups at the base?

A. No, sir. I think everybody got along pretty well.

Q. Yes, but at this particular time if a fellow is making a complaint--I know you may have a feeling that the base was a happy base, but this is something a little out of the ordinary isn't it, where a complaint comes in from one unit about another?

A. Well, I don't think that they made their feelings known to everybody about this.

Q. You heard rumors about it, you said. Wasn't anyone upset that this fellow had made a complaint and that there was an investigation going on? I just can't believe that you get a complaint and an investigation going and everyone is going to say, "This is fine, we like to be investigated." Wasn't there any griping around?

A. Not that I recall, sir. I did associate with and I practically lived with them 24 hours a day, but--

Q. (Interposing) You heard what was going on, you heard what talk was going around. Was this the aeroscout's complaint? What did the infantrymen think about it? You get any feeling of that? After all, you had been firing shots over there in the prep. Did anyone suggest that you were to blame for what he was talking about, or what was this pilot talking about?

A. No, sir.

Q. Was there any complaint coming from the infantrymen?

A. I don't recall any complaints.

Q. No grousing? You don't remember hearing something about any confrontation between a pilot and people in the infantry?

A. I heard some rumors about this pilot, and I

think that possibly Major CALHOUN made some remark about the pilot being wrong or something or another. That's all I heard.

Q. What do you remember Major CALHOUN saying about that?

A. I think all he said was this pilot was making false accusations about this operation or something like that.

Q. What did you understand that to be?

A. I didn't normally talk to him, and he didn't normally tell me everything.

Q. You were with Major CALHOUN a good share of the time weren't you? He was the fellow in the TOC, right there with you and you saw him many hours every day?

A. He didn't usually discuss his feelings with me--

Q. (Interposing) So this was unusual when he started talking about this?

A. Right, sir.

Q. It must to have been something pretty special to him then, wasn't it?

A. Yes, sir.

Q. Well, what did he say?

A. That's about all he said, that some helicopter pilot--

Q. (Interposing) Some helicopter pilot making trouble for us?

A. Right. I didn't even know who the pilot was and he didn't even tell me the name of the pilot and I didn't ask him.

Q. Well, in addition to Major CALHOUN, how about some of the others around? Did you ever hear Captain MEDINA say anything about this?

A. No, sir. I usually never talked to Captain MEDINA.

Q. Well, did you know some of the other officers, noncoms in Charlie Company?

A. No, sir.

Q. You used to see them around, didn't you?

A. Only when they were staying down, and I didn't--

Q. (Interposing) Well, they were rotating around, so you would see them frequently back there as they made their circle and came back to Dottie?

A. Right, sir. I didn't know any of them, and I didn't talk with any of them except Lieutenant ALAUX. He came in to see me every day in the base camp.

Q. You had an FO working right with you--a regular part of the operation?

A. This was Lieutenant ALAUX; he came and saw me just about every day.

Q. What did you hear from Lieutenant ALAUX about this pilot's complaint?

A. I don't recall anything that he told me about it.

Q. He wasn't upset about a complaint that possibly was against this group that he was working with?

A. No, sir. I can't recall any complaint that he made.

Q. No talk about this at all coming back from your liaison with the company?

A. No, sir. I can't recall any.

Q. Well, how about the investigation? Did anyone come and ask you any questions at any time?

A. No, sir.

Q. Did they ever ask Lieutenant ALAUX anything so far as you know?

A. I don't know, sir. If they did they probably told him not to discuss it with anybody else.

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Q. Well, were you aware that he was going to talk with an investigating officer?

A. I wasn't aware of it. No, sir.

Q. Do you know whether or not he did?

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

Q. You know anyone else other than Captain MEDINA who at any time talked with an investigator, or even in his case, was it with Lieutenant Colonel BARKER?

A. Right, sir.

Q. Do you know of anyone else who spoke to Colonel BARKER in this 2 to 10 day period following the operation in My Lai (4) we have been talking about?

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

Q. You said something earlier about the company commanders being called in one by one?

A. Right, sir.

Q. Did you have a recollection of each one being called in?

A. I think that he went out in his chopper and talked to the men in their field locations and this one specific time he talked with Captain MEDINA, I believe, because they were back from their operation and their mission was to protect the fire base.

Q. When did you return to the United States?

A. I returned in November 1968.

Q. And you left the service when?

A. April 1969.

Q. Have you at any time since this period, the spring of 1968, had any discussion that you can recall with any of those involved in this operation of 1968?

A. No, sir. No one has talked to me. I haven't

seen anybody that I was associated with in Vietnam. The only time this was brought back was when Colonel WILSON went down and talked to me.

Q. In the course of the last weeks or months have you had any telephone calls or correspondence?

A. Yes, sir. There was a JAG officer, a captain or a major, I didn't even write his name down, I don't remember who he was, that called me and told me that I might possibly be alerted to come down and testify at a court-martial. However, he didn't think it would be necessary.

Q. Well, have any of your friends from Task Force Barker telephoned you or written to you inquiring about your recollection of these things?

A. No, sir. No one has contacted me with the exception of the JAG major, I believe he was.

Q. This is someone who is participating in those proceedings down there?

A. He called from Fort Benning. I specifically remember that he called from Fort Benning. I can't remember his name. I think he was the prosecutor of that case.

MR MACCRATE: I have nothing further.

MR WEST: I have not been here all the time Mr. VAZQUEZ, that you talked about the matter of the gunships having a mission of blocking that little road to the south of the hamlet of My Lai (4). As I recall in your testimony given to Colonel WILSON, you spoke about seeing the choppers flying along the road to the south along My Lai (4)?

A. Right, sir. I saw a couple of choppers flying-- I guess suppressive fire is what we call it.

Q. Would you tell what gunships were these? Were they slicks?

A. I think there were two different types of gunships participating. The 123d had their own gunships, plus they had some additional escort gunships that were suppressing the LZ with rockets and machineguns in this area around the LZ (indicating on the map).

Q. You recall the markings on the gunships engaged in this mission along the road?

A. No, sir, I don't recall. However, they always tried to use them as a unit, and I think had assigned them specific missions, and this mission here was assigned to provisional gunships.

Q. Were you familiar with the gunships that were called Sharks?

A. Right, sir. The Sharks were down from Duc Pho. I don't believe they used Sharks in this operation. I don't recall seeing the Sharks.

MR WEST: That's all I had.

COL FRANKLIN: The gunships you say that made the preps, did they fire into My Lai Village?

A. I don't think they fired right into the village itself. I don't recall them firing. I know they fired right around the LZ, but I don't recall them having fired-- I know one of them came out here and started around here (indicating on the map). I don't remember them firing into the village.

Q. Did you have a population overlay that you got from the district for this area here in orange?

A. No, sir.

Q. Did you request permission from the district to fire on My Lai (4)?

A. For the prep, yes, sir.

Q. You made the statement that you thought that Major CALHOUN used to think that people would be leaving the village all the time, and you thought this was rather peculiar?

A. Right, sir.

Q. Did you know there were people in My Lai (4) when you were asking permission to fire on it?

A. No, sir. I didn't. I didn't know any people

were there.

Q. You didn't know there weren't any there, either, did you?

A. No, sir.

Q. Well, you're not really too sure if people were there or not. Was Major CALHOUN talking about the people being gone?

A. Right, sir. He always did get this information from the district, that the people would be gone. I always remembered him getting this information from district headquarters, and we planned the operation around that.

Q. But the clearance of firing you did, through district? You had no population overlay yourself. You had no way of checking for fire from Task Force Barker to know if you were going to fire into a populated area or not?

A. The only thing we had was from--initially we came up--we had been working in the brigade--I forget the brigade it was--he had given me certain areas where there were populations. There was certain areas where they knew there were populations for sure.

Q. Within this orange here (indicating)? I'm just talking about this around here, around My Lai (4).

A. No, sir. Not in this whole area. They normally had population along Highway 1, listed on that information sheet.

Q. Did the rifle companies have to clear mortar fire with you?

A. I had them do it, yes, sir. All indirect fire had to be cleared. Once or twice, I don't think that it was in this operation, they had violated my instructions. I couldn't instruct them to do it, but I asked Colonel BARKER to have all his company commanders clear indirect fire with me so I could clear it with the district headquarters--to get district clearance.

IO: What was really the purpose of clearing this with district? Once you got a clearance for the day and

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rifle companies?

A. No, sir.

COL FRANKLIN: No more questions.

IO: Are there any more questions?

(Negative response.)

Mr. VAZQUEZ, we are pleased that you came in to give us what information you could. We are going to continue this investigation and we are going to piece together what happened in this operation during the course of this inquiry. Accordingly, we will ask you to continue to think about this and things may come back to mind that you did not include in your discussion here this afternoon. If they do we would be very happy if you would get in touch with us, so that we can ask you to come back and that we may be informed. In addition, if you have any maps with some of this fire data on them, any notebooks, or any photographs which you took from the air, which may be of assistance to us in determining the facts and circumstances of these things of which I have been discussing, we will be appreciative if you make them available to us.

Before we close this hearing, if you have any statements that you would like to make or if you have anything that you think would be of assistance to us in arriving at our findings and conclusions, or if you have any questions, we would like to have them, if you would like to do so.

A. I have no comment, sir.

MR WEST: Mr. VAZQUEZ, we're asking you as a civilian witness not to disclose what took place during your attendance at the hearing. We are now gathering the evidence and we haven't yet reached any conclusions. Much of the testimony that we have received may have some bearing on possible court-martial trials arising out of this incident. For that reason it is important that testimony not be disclosed. I don't know if you have been contacted, but it is possible that you will be asked to appear before a congressional committee that is looking into the incident. If so, what I have just suggested to you--

A. (Interposing) I--
(

MR WEST: (Interposing) This doesn't restrict you in any way, if you mean that.

A. It is something that I would like to request. I made two sets of information. One time Colonel WILSON came down and got the information. Is there any way I can get a copy of this? All these different investigations--there is a possibility I forgot something I said in one investigation and meant something at another. This could be very confusing.

MR WEST: It will be a while before your testimony is transcribed, edited, and reproduced. At such time as it is ready, you are perfectly welcome to come in and read it. For the time being we're not releasing any transcripts to anybody. I'm sure you can appreciate the need for that.

A. Because, you know, I don't know if I hear things, but also say things; there is a possibility I could get some information and later on--might be influencing me....

MR WEST: Well, why don't we do this. If you are asked to appear before a congressional subcommittee, why don't you get in touch with us, and we will provide a transcript of your testimony. Would that help you?

A. Yes, sir.

IO: Under the rules we cannot release it to you, but we can make it available to you. Does anybody have anything else?

COL WILSON: Yes, I want to see you, Mr. VAZQUEZ.

IO: The hearing will recess until 1620 hours.

(The aerial photograph, Exhibit P-1, as annotated by MR VAZQUEZ was received and entered into evidence as Exhibit P-175.)

(The hearing recessed at 1610 hours, 20 December 1969.)

(The hearing came to order at 1330 hours, 9 February 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL FRANKLIN, LTC BAUER, MAJ ZYCHOWSKI and MAJ LYNN.

Sir, the hearing recalls Mr. Dennis R. VAZQUEZ.

(MR VAZQUEZ was recalled, reminded that he was still under oath, and testified as follows:)

IO: Mr. VAZQUEZ, since we last talked to you a few days before Christmas, we have had an opportunity to interrogate a large number of additional individuals, and we've also been able to gather quite a few documents which pertain to the incident in one way or another. We've also had an opportunity to go to South Vietnam and to take a look at the situation first hand. I've talked to quite a few of the Vietnamese, some associated with the incident, some with the ARVN and some with the government of South Vietnam. So we do have a much better appreciation of what went on and for this reason we felt it would be advisable to ask you to come back in. Based on this additional information we can talk to you a little bit further.

Mr. WEST, on my right, will lead the interrogation, so I'll turn the questions over to him unless you have any questions that you would like to ask at this time.

A. I do have some notes that I made before I came up here which I would like to use later on to clarify the information on 23 December.

Q. Fine, that would be very helpful, we'd appreciate it.

MR WEST: Perhaps, you'd go ahead and start out with that. This might answer some of the questions that we have.

(The witness examined a notebook which he had with him.)

A. The investigation previously asked, desired, information mainly pertaining to the My Lai operation of 16 March, I believe it was.

IO: 16 March 1968. That's right.

A. However, on several previous occasions operations had been conducted in that area which might not be the same type, but they had been somewhat--sure could have had a greater effect on that area. But I don't believe that any questions were asked.

MR WEST: We did know about two prior operations in February in the area. However, they did not involve Charlie Company except once they were in a blocking position. Did you have some particular comment about those operations that you wanted to tell us?

A. No, sir, not unless you have some questions that you'd like me to answer.

Q. I don't believe so.

IO: I think we have a pretty good picture of what took place in these operations.

A. Particularly thinking about effects of artillery on previous operations in that area, which on previous operations, one that I remember specifically, a tremendously heavy amount of artillery was utilized.

Q. Against My Lai (4) or against the area of Pinkville?

A. Well, Pinkville was some, but--concerned with the area around My Lai and in that vicinity.

Q. You're talking about the situation when Bravo Company had some of its elements pinned down and they had to use the APC's to extract them? Is that the situation you're talking about?

A. Right, sir.

Q. When Captain MICHLES' company was pinned down? Was it this time that the artillery was used?

A. Right, sir. In that particular instance a basic load was expended, a basic load for one battery.

Q. What would you consider to be a basic load?

A. I believe at that time it was around the vicinity of 600 rounds.

Q. Where was this artillery placed with respect to My Lai?

A. I really can't give a specific coordinate, but it was placed in the same general area that subsequent preps was placed.

Q. It conceivably could have been in that area because the operation where Bravo Company got tied down was somewhat to the northwest of My Lai (4), so in order to protect them, provide the suppressive fire, it could have been somewhat to the east of it.

A. There was one point, that I don't think I made clear, on what was the purpose for the preparation on the LZ. I think in most cases no specific purpose was given to me any time we went on a combat assault. However, this was always taken for granted that it was used to reduce the friendly casualties.

Q. Did you not have several purposes for your normal LZ prep, one would be to pin down any VC that were in the locality of the LZ, secondly, to possible explode any surface booby traps or mines?

A. Right, sir. I don't know how effective that particular point would be, but it would neutralize any enemy troops that might be there.

Q. On this operation did you not also have the requirement to put suppressive fire on bunkers along the roads, and so forth, and along the western portion of the village?

A. Yes, this was in addition to the normal uses. I think this is all I had. I thought I should make that clear.

Q. That's very helpful, we appreciate it.

MR WEST: Mr. VAZQUEZ, I wanted to ask you two or three questions about the briefing of the company commanders which took place on 15 March 1968 before the Son My assault started. In your prior testimony, you told us what Colonel BARKER said, and I wanted to ask if Colonel HENDERSON stayed throughout Colonel BARKER's part of the briefing? Do you recall that Colonel HENDERSON started out with some remarks, followed by, I believe, Major CALHOUN who gave a map orientation, and then Colonel BARKER talked to the company commanders? Did Colonel HENDERSON stay all through that?

A. I don't think I can remember that specific point because I think I was required to leave the briefing one time or another--to stay out.

Q. You indicated that you did leave. You probably didn't hear all of what Colonel BARKER said. Was Colonel HENDERSON still there when you left? Let's put it that way.

A. I think he was, sir.

Q. Was this in Colonel BARKER's van?

A. No, sir. They had it in a tent that was set up right besides the operations.

Q. Right near the TOC?

A. Yes. I can't say that--whether he did stay. It seems to me that he stayed though because if he had left everybody would have rushed off the pad.

Q. But it went right on?

A. Right, sir. I'm pretty sure he stayed because no choppers took off, or anything, until the whole thing was over.

Q. Do you remember Colonel HENDERSON using the term "search and destroy" in reference to the upcoming operation?

A. I don't think he used that term in his pep talk. I think he was mainly concerned with making sure we closed with the VC.

Q. You testified, you made that clear in your previous testimony, that Colonel HENDERSON said he wanted the 48th VC Battalion eliminated once and for all. How about Colonel BARKER? Did he used the term "search and destroy" when he was talking?

A. I think he used it. It would be conducting a search and destroy operation, but I'm not too sure.

Q. Do you recall whether the aviation support units were represented, the aero-scout companies, pilots from the 174th the Shark lead, and the Dolphin lead?

A. I can't be specific on that.

Q. Did you know Major WATKE?

A. I don't believe I ever talked to him, but I saw him a couple of times.

Q. Do you remember whether he was there?

A. I don't think so. I don't think he was there. I'm not sure.

Q. Mr. VAZQUEZ, we'll move to another subject. You were in Colonel BARKER's command and control ship that morning from the time the operation was started until approximately 10 o'clock. Who else was a passenger with you in the command and control ship?

A. Colonel BARKER was there.

MR MACCRATE: Did he sit to the right or to the left?

A. I can't answer that, sir.

IO: Where did he normally sit?

A. He normally did sit to the right, the right side of the ship.

Q. On the right?

A. Right.

Q. That meant that when you were flying, you would always have flown in a clockwise direction, making right turns as compared to left turns?

A. I can't be positive that he did sit--I'd say he normally did sit on the right side, but a lot of times he didn't. I can't be positive that he did sit on the right side.

Q. Did he normally take a radio operator with him to operate those radios? I understand he had three, and sometimes as many as four, PRC-25's on board?

A. He normally had a radio operator. However, I think this was his driver. However, in case of a combat assault, he usually took an officer or an NCO with him. I don't believe it was Major CALHOUN. I can't remember specifically who it was.

Q. Did you remember Major KOTOUC on board any time during the morning. I said Major KOTOUC. I mean Captain KOTOUC, the S2 of the Task Force.

A. I think he might have been the one there on the ship, yes sir.

Q. We know his driver wasn't on board that morning.

A. I'm sure his driver wasn't there. He was on the ground that day. I don't think it was an NCO either, S2 sergeant.

Q. How about your communications officer, the lieutenant that you had?

A. That's right, Lieutenant WATKINS. Once in a while he'd fly on these operations. I can't be sure that he was the one that was there.

MR WEST: Do you know Sergeant HALL?

A. Yes, he might have been on the chopper. I didn't pay too much attention.

Q. Can you tell us for sure?

A. No, sir.

MR MACCRATE: Did you sit next to BARKER?

A. Usually I did, sir.

Q. Did you sit in the seat that is on the perpendicular to his seat, or did you sit beside him?

A. Well, many times I just sat down on the floor so I could talk to him because we didn't have an intercom. On this particular occasion I think I was strapped to that bench on the outer side, in other words, opposite his location.

Q. On the opposite side?

A. Yes. I didn't stay there all the time. I continuously moved around the plane.

IO: When you were sitting opposite Colonel BARKER in the C&C you had a pretty good view of the ground. You could see everything that was going on, and you were in a position when you could make a good assessment of your artillery?

A. Yes.

Q. When did you receive word that 69 VC had been killed in action by artillery?

A. It was after the initial prep had been completed, and the ships went in, and I guess they spread out all over the area, and after that you received notification. I think they had an occasion where they had to send troops out, and after a scan through the area I received notification through a report, a notification through the radio.

Q. Who did you receive your report from?

A. It was the FO of Charlie Company.

Q. Who was that, Lieutenant ALAUX?

A. Right, sir.

Q. Do you remember exactly when you received it, just shortly after they got on the ground?

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A. It seemed like quite a short time, very short time.

Q. The landing was completed at 0747 or 0750 actually, and his report came in at '0840 as far as getting back to LZ Dottie.

A. Right, that seems quite a short time.

Q. While you were sitting in that jump seat or the opposite seat over there, did you see a lot of bodies in the area where the artillery had gone in?

A. No, sir, I didn't see bodies.

Q. You could see the ground fairly well. You were close enough. If there had been bodies, would you have seen them?

A. I'm pretty sure, sir, because just east of the village was wild rice and--

Q. (Interposing) You mean to the west of the village?

A. Yes.

Q. Did you ask Colonel BARKER what this was all about, this 69 being killed by artillery which you can't see?

A. I think I asked him what the situation was to verify with him. And all he did was he nodded to me that everything was okay. That's what I took it to mean.

Q. Did you think it was okay? You had received this report, 69 killed, you looked right down there where the artillery went in, you didn't see anything.

A. The only thing I thought at that time, I was pretty pleased with the artillery, the effects that it had achieved.

Q. Did you receive the intelligence report that morning that there had been 30 or 40 VC in My Lai (4), and they had departed before the combat assault?

A. Subsequent to the operation?

Q. Early in the morning of the operation Captain MEDINA reported to the effect that the VC had departed.

A. No, sir, I don't recall. That must have been after the operation for him to be able to make a report like that.

Q. When was it?

MR WEST: It is shown on the log as 0915 in the morning.

MR MACCRATE: We're asking you these questions about the report of 69 VC killed by artillery because after we talked to you we talked to Lieutenant ALAUX and others. Lieutenant ALAUX said he never made such a report. He didn't see any VC killed by artillery. Captain MEDINA indicated in his testimony he didn't see any bodies of persons he was sure were killed by artillery. Could it be that you're a little confused in your prior testimony and you didn't receive a report of 69 VC KIA until you got back to Task Force BARKER TOC?

A. No, sir, I'm not confused.

Q. This came to you over your radio while you were up overhead?

A. Yes.

Q. How about the altitudes that you were flying?

A. I would estimate around between 1,200 and 1,600 feet or so.

Q. And what time was this?

A. This is right after the initiation of the combat assault, between 0700 and 0800 in the morning.

Q. Did you get down low over the village where you could have a better chance to see some bodies?

A. No, sir, the only time we went down was when Colonel BARKER swooped down and off to the village to throw a flare, a little hand grenade.

Q. What was the occasion for this?

A. Somebody had pointed out to him that it was a VC with--a couple of VC with weapons trying to evade, and he went down there and marked them.

IO: He could see them up at the altitude you were flying?

A. Right.

Q. Did you see any of the other bodies?

A. The only bodies I saw were after the operation. We flew back over the area and saw bodies laying on the road that ran east to west.

Q. This road leading from Pinkville down to Quang Ngai?

A. Right.

Q. How many bodies did you see in this area?

A. I saw about 20 or 25.

Q. And how did you think those were killed?

A. You couldn't actually tell how those were killed. However, I would suspect that they had been killed by helicopter.

Q. How would you suspect that?

A. Because this was a helicopter area.

Q. Did you get down low enough to identify them?

A. No, sir.

Q. Did they look like some women and children?

A. No, sir, we couldn't tell what they were. We could tell that they were dressed as Vietnamese peasants.

Q. You never at any time made a low pass over them to check to see what the bodies looked like?

A. No.

MR WEST: Mr. VAZQUEZ, we spoke a little bit ago of 69 VC KIA as a result of artillery fire. The entry made in the brigade log, gives coordinates of where these VC were reportedly killed as a result of artillery fire. I wonder if you could, on the map over there, point out this location? The coordinates are 714794.

A. (Pointing to Exhibit MAP-1 on the wall behind him) About this location here.

Q. What is that position in relation to My Lai (4)?

A. It's more north than anything else. I'd say north-northeast.

Q. How far out of the village is it? Isn't that about half a click north of My Lai (4)?

A. Right, sir, about half a kilometer.

Q. Now, is that on the line of fire from Uptight to My Lai (4)?

A. Would you repeat that question?

Q. Well, is that on the line of fire from Uptight to My Lai (4)? Would it be on the trajectory?

A. I don't think so, sir, not unless--this map doesn't look very accurate. It's off a little bit.

Q. It would possibly be a little bit, as you look at it, to the left of the line of fire?

A. Right, sir, it looks like it's slightly--in other words, My Lai (4) would be approximately to the right of the line of fire.

Q. Okay, let me ask you about something else. You're the one who adjusted the fire, the artillery preparation on My Lai (4)?

A. Yes, sir.

Q. Where did it hit? It hit right on the mark, didn't it?

A. Right, sir, the preparation did.

Q. That's what I'm talking about. Now, did the preparation land up at that coordinate location that you just marked?

A. To the best of my knowledge we didn't fire any rounds up there.

Q. That's what I'm getting at. This is the location in the brigade log where 69 VC were killed by artillery. Is this what you reported?

A. No, sir, I did not send this report in. A report goes from myself to the firing battery, not to the infantry or operations center.

Q. But at any rate you didn't lay down any artillery fire at coordinates 714794?

A. No, sir.

COL FRANKLIN: You say you heard this on the radio while you were on the chopper. Is that right?

A. Right, sir, it was reported to me by the forward observer.

Q. You had a headset and you were monitoring the artillery push?

A. Right.

Q. You got this report over the artillery push?

A. Right.

Q. Did you turn that in to Colonel BARKER and tell him about this?

A. No, sir, I talked to him verbally.

Q. Did he know about the report at that time or were you the one that informed him?

A. I talked to him for a couple of reasons. To let him know and to see what his reaction was, and he said, he made me a sign to go through. In other words, everything's on time.

Q. Did you ever have any other discussions about this.

A. No, sir, never again. Just after I got the report, I mentioned it and told him about it, and he apparently already knew about it because he said, "Everything's going fine."

Q. Do you remember the number 69?

A. Yes, sir.

Q. It wasn't 84?

A. I'm sure it was 60 something, but it could have been 67, but that number stuck with me, 69, and I'm sure it wasn't 70, or 80, or 50.

LTC BAUER: When you got back to the TOC, did you have any work on deciding where the prep had landed? You've now established that the 69 KIA was by artillery, but did you try to find out where they were killed?

A. I don't recall trying to verify this location. You want to leave the frequencies open for any possible--

Q. (Interposing) I'm talking about when you got back to the TOC, people at Dottie didn't know where these people had been killed, the specific location on the ground, all they had were these numbers. They waited until you people got back on the ground before they called brigade to tell them where they had been killed and how many had been killed. Obviously, they had to get with somebody and get the coordinates.

A. I didn't point this out to them. They got this through their own people on the ground who had seen the casualties.

Q. You had no hand in coming up with this, you didn't check yourself to find out where they were killed?

A. No.

IO: Are you sure, Mr. VAZQUEZ, that this 69 isn't sort of a fallout of a report that had come in indicating that a total of 84 had been killed. We know that one report came in, according to the log, indicating this. We know there was another report indicating 14 additional ones had been killed. So if we take the 84 and subtract 15, we come to a figure of 69.

A. Sir, I don't think so because -- there's no question about it. He just came out and told me.

Q. You're sure, as you recall this whole thing, that this information was provided you by Lieutenant ALAUX?

A. Yes, sir.

Q. Probably the only one you were ever in contact with, plus the battery at Uptight.

A. Plus the battery and visual contact with Colonel BARKER.

MR MACCRATE: Mr. VAZQUEZ, I'm a little unclear as to why you're so certain about this. Some other things you seem to be less certain about. But you say no if's, and's, or but's about this. What was so significant to you about this one, about this number, and about from whom you got it, what you got, that you can state categorically? And then we ask about some other things, and you aren't nearly so clear about it. What's so special about this?

A. For one thing, it's a number that sticks with you-- to most people. I don't really know, sir. I guess that number stuck with me.

Q. Was something else going on at this time? You've heard the number 69 many times in your life, but you tell us now that you know this was sure, that this is what you heard at that time. Now we've been told by a man that he didn't send you that message, and you seem to be so clear about it.

A. I tell you, I'd rather just say that's what I -- in my original statement -- is what happened.

Q. You say you'd rather say no?

A. If I keep on thinking about your question you might even put it into my mind that it really didn't happen.

It might influence my thinking to such an extent that I might think it didn't even happen.

Q. Well, I don't want to influence your thinking, but what I really want to get is your full recollection I just don't want a piece of it.

A. This is what I recall, receiving that report from the forward observer.

Q. You recall nothing else, just that you received that?

A. Right, sir.

Q. Did you have any other communications with him that day?

A. I don't think there was very much more communication, because he didn't call for any fire.

Q. During your tour in Vietnam had you ever heard of 69 killed by your artillery?

A. No, sir, not on my operations.

Q. You didn't hear that, before that day, or after that day?

A. No, sir.

Q. And you didn't say anything more about it to Lieutenant ALAUX when you saw him again?

A. Sir, I don't believe I saw him until several days later.

Q. And by then you we knew it wasn't true.

A. Knew what wasn't true?

Q. That you ever thought that 69 were killed by artillery?

A. Sir, I did.

Q. You really felt that?

A. Yes.

Q. As an artillery officer, with what you saw, that's what you believed.

A. I did think so, sir.

Q. On what did you base that belief?

A. I based it on the report that I received.

Q. Someone told you. Even though you looked down, you knew where your artillery landed, but you didn't question it. Someone told it to you, so you believed it. Is that what you're telling us?

A. Yes, sir.

MR WEST: Mr. VAZQUEZ, you were asked several questions about whether any investigation was conducted after the My Lai incident. You spoke of Colonel BARKER having been told to conduct an investigation, and this took place about 10 days after the operation?

A. Right.

Q. I think this is the first we've heard. Could you tell us, if you know what he was suppose to be investigating?

A. I think I recall now, it was some accusation that had been made by a helicopter pilot and--

Q. (Interposing) What was the nature of the accusation?

A. I believe it was the helicopters strafing, or firing.

Q. The helicopter, that had been strafing?

A. Right, sir.

Q. What?

A. Strafing a village.

Q. When was this supposed to have occurred?

A. It was during the time of the operation. I can't recall what the exact accusation was. I don't even know what the accusation was, but I thought at the time that it had been made by a helicopter pilot.

IO: The accusation had been made, or the allegation--

A. (Interposing) Right.

Q. Against the helicopters, or did the pilot indicate that there had been some unnecessary killings?

A. I don't know if the accusation was against the helicopter pilot--the unnecessary killings, I don't--I'm not familiar with what the specific allegation was. I did hear someone comment, when I tried to find out what was going on, that the helicopter pilot made an allegation.

Q. Mr. VAZQUEZ, as I indicated to you in the beginning, we've talked an awful lot about this to you, and we know the story pretty much forward and backward. It's for this reason that we want to check with you on a few of these details as they came to us. So, I wish you would just think real hard on these now, because we can put together practically the entire incident from start to finish, including that which went on in radio transmissions, that which went on the ground, that which the helicopter pilot has done. So, we got pretty much of the story, and I think you ought to know that. We're not just asking you questions out of the blue.

MR WEST: You also testified that you saw Colonel BARKER call the company commanders at the scene. Do you recall this?

A. I think I saw him a couple of times talking to the company commander.

Q. You said that he called in the company commanders and talked to them privately in his van. I want to ask, was Captain RIGGS, one of the company commanders called in by Colonel BARKER?

A. Captain RIGGS? No, sir, I don't believe I ever saw him.

IO: Do you know Captain RIGGS?

A. Yes, sir.

MR WEST: Do you remember hearing anything of the outcome of this investigation by Colonel BARKER?

A. No, sir.

Q. Did he ever talk to you in connection with it?

A. No, sir.

Q. On or about this time, or perhaps a little later did Colonel LUPER investigate the artillery preparation on My Lai (4), as an artillery incident?

A. Not that I know about.

Q. Arising out of the fact that 69 persons had been killed by artillery?

A. I was never aware of that investigation.

Q. He didn't talk to you then?

A. No, sir.

MR MACCRATE: Do you know that Colonel LUPER was out there that same day?

A. The same day of the operation?

Q. Yes. While you were flying around, he was also flying around.

A. No sir, I didn't know he was out there because I did not see him.

Q. You didn't know he was flying with Colonel HENDERSON at that time?

A. I didn't have any knowledge that Colonel LUPER was with him.

Q. Are you sure you didn't know that Colonel LUPER was sitting right next to Colonel HENDERSON on that operation?

A. No, sir.

Q. Didn't see him at any time when you got back to LZ Dottie?

A. No, sir. He never contacted me, and I don't recall seeing him on the ground all day.

IO: Do you remember him along with several other officers after you and Colonel BARKER had returned to LZ Dottie? Colonel HENDERSON came on in to the TOC. He had with him Colonel MACLACHLAN, the ALO. He had with him Major MCNIGHT,

and he he also had with him Colonel LUPER?

A. Now, I'm sure I saw him the day prior to the operation.

Q. I'm talking about the morning of the operation when you went back to LZ Dottie about roughly 0830 in the morning. Is that about the right time, approximately 0830? And shortly thereafter General KOSTER came in, and Colonel BARKER talked to him. You should remember this because Colonel HENDERSON brought in with him two what were considered Viet Cong suspects. There was a rapid interrogation of them to find out what unit they came from and whether it was the 48th Local Force Battalion or not. They discovered that they weren't VC. They were in fact PF's that had been captured by the Viet Cong and had been held right in the village there. Now, do you remember those things?

A. No sir, I don't.

Q. This all took place that morning while you were there.

A. No, sir.

Q. Do you remember any discussion between Colonel BARKER and Major CALHOUN, or with Sergeant Major JOHNSON, or with anybody else concerning how these 69 had been killed?

A. No sir, I don't. I didn't remember any conversation with any of them.

MR WEST: You mentioned seeing Colonel HENDERSON that morning. You mean that you saw his Charlie-Charlie ship?

A. Right, sir. I think I did see his ship.

Q. While you were out over My Lai (4)?

(Witness gave an affirmative nod.)

Where was he in relation to Colonel BARKER's ship?

A. I think he was at a higher altitude. I'm sure of that. He was continuously going around--

Q. (Interposing) Circling over My Lai (4)?

A. Yes, sir.

Q. What altitude was he at?

A. It's hard for me to say. I'd say about--I believe about 500 to 600 feet in his Charlie-Charlie.

IO: Let me bring you back to a point now. You indicated that Colonel BARKER dropped down one time and put some smoke on something to the north of the village, right?

A. Right.

Q. Do you remember, right about that time after he put the smoke on, Colonel HENDERSON's C&C Ship was down on the ground making rather tight turns to direct some ground force units to those bodies?

A. The way I recall it happening, I think it was that somebody had thrown a smoke grenade to indicate to Colonel BARKER where these VC weapons were, and he went down and indicated it to his company commander.

Q. The company commander was at a considerable distance at that time. As a matter of fact, the company commander was south of My Lai at that time, or on the western side of it, and was going over there. Did you land or anything?

A. No, sir, we swooped down--

Q. (Interposing) Well, that's to mark the bodies up there. I understand all that, but then after that was completed, did you hear the conversation between Colonel HENDERSON and Colonel BARKER and Captain MEDINA, and instructions to get some people up there to pick up these weapons?

A. I don't recall. I did overhear Colonel BARKER telling them to get somebody up there.

Q. And what did he tell them to send? Did he tell them to send the whole platoon?

A. I can't recall. I don't recall that, sir, not in specific details.

MR WEST: Was he moving in low over the village of My Lai (4) at this time?

A. No, sir, he went down and took a high speed dive, threw them down, and took a real steep climb up back in.

IO: Why did he do that? Nobody was receiving any fire down there, everybody in the helicopter knew it. The gunships and so forth were not only flying low, they were at times hovering there. And yet I find that they stayed up 1,500 feet, make one swoop, and back at 1,500 feet again. Is this done so you can't see what is going on on the ground?

A. It's just a precaution of the Charlie-Charlie in case he draws fire.

Q. Well, there hasn't been a man on the ground wounded; hasn't been a man in a helicopter wounded; hasn't been any return fire, and yet we stay up at 1,500 feet, over this area.

MR WEST: Did he actually go back up that high at this time?

A. Yes, sir.

Q. Did you go to Bravo company area to affect a dust-off with Colonel BARKER? This took place about 0905. Were you in a helicopter?

A. I believe I was, sir.

Q. Do you remember coming back to LZ Dottie and Colonel BARKER getting out right after this?

A. I don't recall. I think he dropped me into the LZ and continued on in his Charlie-Charlie.

Q. No he didn't, he got out. He sent a message, "I'm coming back to Dottie, and I'll jump off, and Charlie-Charlie will go on." You don't remember this?

A. I don't recall what he did, sir.

Q. But you got out, at this time?

(Witness gave an affirmative nod.)

You remember seeing General KOSTER there?

A. I don't recall seeing General KOSTER.

Q. He came in at 0935, and you didn't see him? Did you go into the TOC after you got back?

A. I don't think I went directly to the TOC. I must've gone to the mess hall.

IO: When Colonel BARKER was flying around in that C&C ship of his, what form of earphones did he have? Did he use the regular telephone, or did he have a helmet on, or did he have to strap on, or--

A. (Interposing) He had a white, pilot-type helmet.

Q. And you take that and plug it into the cord leading out of the PRC-25?

A. No, sir, this was--I think what he did was, he plugged it into--he had a little box on the aircraft and he plugged it into that, and he talked to the aircraft and switched it to the ground company commanders.

Q. Well, how did he handle his PRC-25's that were communicating with his people?

A. Well, whenever somebody called him on another net, he would take off his helmet and use the PRC-25 because they were not connected to the aircraft antenna.

Q. That's sort of an unsatisfactory means of communication, isn't it?

A. Yes, sir.

Q. Putting his helmet on and off all morning long?

A. I thought it was, but that's what he used. He had a little box with about three or four radios in it with little whip antennas. But I'm pretty sure he had to take off his helmet to talk on another net.

Q. You didn't see any converters on his helmet or on the lines leading out of the PRC-25 that would allow him to plug his helmet set into the radios?

A. Sir, I don't believe they ever did get that thing hooked up like they wanted it.

Q. Well, I'm sure I want to come back to this. I have a few more questions. Were you present when Captain MEDINA briefed the men of C/1/20 on the afternoon of the 15th?

A. 15th, no, sir.

Q. There were several people there from the task force,

but you don't recall being there?

A. No, sir.

Q. On the afternoon of the 16th at 1645, General KOSTER arrived back in LZ Dottie and had a three-star Army general, who was briefed there by--

A. (Interposing) On the afternoon of the 16th?

Q. The 16th, do you recall him arriving there and a briefing being conducted?

A. Three-star general?

Q. Yes.

A. Sir, I don't recall seeing him, nor a briefing.

Q. This three-star general's name was DOLEMAN. He had been chief of staff.

A. Oh, I remember that, sir. Yes, sir, I remember that now.

Q. Were you present while he was being briefed?

A. Yes, sir. I was in the TOC while he was being briefed.

Q. Can you recall what was covered in the briefing?

A. Sir, he was briefed on the area of operations more or less. It was a general briefing, and I just happened to be standing there and overhearing the briefing. Generally, it was just the area of operation, and I think he wanted to know what type of equipment that they were finding and what tactics they were using. More or less a general briefing, and they mentioned the operation, and so forth.

Q. Well, they must've mentioned this operation pretty much in detail for you to remember. Remember now, this is the biggest operation that Task Force Barker had been into up to this time. They killed 128.

A. Right. I think they mentioned--they didn't go into details as to how they had done it, but they just mentioned that they had gone into that combat assault, and the three companies had obtained that many KIA's.

Q. Did they talk about the 69 killed by artillery? That ought to have been music to your ears for the artillery to have been that successful?

A. He didn't attribute it to the artillery. He just lumped them all into one category.

Q. Did they say anything at that time that a few civilians had been killed, getting caught in the crossfire? Killed by artillery or gunships?

A. I don't think they mentioned it, sir.

Q. Did you hear General KOSTER asking anything about Charlie Company returning to the area to verify the body count by age and sex, and to determine how they had been killed?

A. No, sir, I don't remember that.

Q. I wish you would think about this one, because this is quite important. We know that Charlie Company had been ordered back into the area sometime between 1500 and 1530, along in about that period. We also know that this order, which had been put out by Major CALHOUN, had been countermanded by the division commander based upon a discussion over the air, and all of this was heard in the TOC--between Captain MEDINA, General KOSTER and Major CALHOUN. Then all of a sudden, shortly thereafter, General KOSTER arrived at the TOC with General DOLEMAN. Was there not any discussion then as to why General KOSTER called this thing off, and there's no reason why they can't go back in at a later day, or anything of this nature?

A. It seem like he mentioned something about going back in, but I can't recall what--I don't think--I knew what he was talking about. In other words, to connect it--I don't recall exactly what he said except--

Q. (Interposing) Well, this is quite a rare occurrence for a division commander to countermand an order of a subordinate tactical commander. So this must have caused more than a little discussion there in the TOC that afternoon. It is a most unusual circumstance?

A. Sir, I don't recall any--I mean I didn't hear any--if I knew about this, nor the transmission that you mentioned.

Q. On the 17th, the following day, now the 16th is a

Saturday, the 17th is a Sunday, you recall in the afternoon, a new ADC General YOUNG coming in?

A. I'm pretty sure he came in. However, I don't recall what specific date it was. I know he came in after the operation one day, maybe a day or two after the operation.

Q. What did he talk about?

A. I think he was just briefed on what operations were going to be conducted and what was going in the AO.

Q. Did he tell you that that was pretty good shooting, getting 60 of them, just like shooting fish in a pickle barrel?

A. He might have said that, sir. I can't recall it, but he probably did--might have said that.

Q. You don't recall saying anything about your success in artillery?

A. I really don't recall that, sir, but it--sir, I can't recall that.

Q. Well now, let me give you another situation. On the following morning, this is Monday morning, the 18th, General YOUNG came to LZ Dottie from the division headquarters and Colonel HENDERSON was also there from Duc Pho. Colonel BARKER was also there, and the division aviation officer, Lieutenant Colonel HOLLADAY. The commander of Bravo Company of the 123d Aviation Battalion was there. The five of them conferred in Colonel BARKER's van. Do you recall that?

A. Sir, I do recall, especially since there was a colonel that I had not seen before.

Q. Who was that?

A. He was the aviation commander of the division.

Q. Yes, and you were privy. You were part of the headquarters. You know what's going on there, discussions going on between Colonel BARKER, and Major CALHOUN, and Sergeant JOHNSON, and Sergeant STEPHENS, and so on. What did you hear about this?

A. I didn't hear anything about it, sir. I think I was under the impression that it concerned--in other words, plowing out a runway for the choppers to have them sit down in.

Q. You already had a runway. You already had a big LZ at Dottie. Which runway are you talking about?

A. Well, I guess that runway had already been constructed at that time. Sir, I don't have any information as to what they had the meeting on.

Q. Well, I just have the idea Mr. VAZQUEZ, that you know an awfully lot more than you're telling. It would be impossible, frankly, to be around the TOC of Task Force Barker and know as little as you know.

A. Well, sir, I feel that I am telling you what information that I have, and that I can remember, to the best of my knowledge. A lot of things about Vietnam were not very pleasant.

Q. Are you trying to put these unpleasantries out of your mind so that we don't talk about them?

A. Well, in a way, I guess everybody does the same thing. As far as my information I have given you, I think it's all I know about what happened concerning this incident.

Q. We've heard from so many witnesses that there was a great deal of information available at LZ Dottie and various other places concerning what transpired. That's why I said, it's most unusual for you to have been there in this critical area, and not hear anything?

A. Well, I guess--you know--the rumors about the helicopter pilot's report and the subsequent investigation--I guess I didn't look into it, or it wasn't interesting enough to look into it, to get more information.

MR MACCRATE: Do you remember Captain GAMBLE?

A. Yes, sir.

Q. Where was he during this operation?

A. To the best of my knowledge, he was at Dottie. However I can't verify that he was.

Q. You remember talking to him about this operation?

A. Yes, sir. The day before we had flown over the area, and we didn't get much chance to discuss it, but we did exchange a few coordinates and so forth.

Q. I mean after you flew over. Did you talk to him?

A. No, sir, after we--

Q. (Interposing) Did he fly over it with you?

A. We both flew over with Colonel BARKER, and I believe we flew to Uptight, and he just took--

Q. (Interposing) Was he going to be at Uptight during the operation?

A. Yes, sir.

Q. And then he wasn't at Dottie he was at Uptight. After the operation did you talk about what had been done or what had not been done with him?

A. I don't recall talking to him subsequent to the operation, except maybe on the radio.

Q. Well, after which didn't you talk to him about the 69 allegedly killed by artillery?

A. I believe it was on the radio that I--

Q. (Interposing) But didn't you also talk to him about that in person?

A. I don't recall talking because I don't think he came back to Dottie. I might have talked--I think I may have talked to him at LZ Uptight.

Q. You have no recollection of any questions being raised about this?

A. No, sir,

LTC BAUER: Mr. VAZQUEZ, to get back to the subject the General brought up before, in communications. You know that if you are going to be the DIVARTY LNO in a battalion, you've got to be able to communicate with the old man when you're up in the air. Did you have a wide cord arrangement or anything like that?

A. No, sir.

Q. How did you talk to Colonel BARKER in the air?

A. It was strictly visual contact.

Q. You just had to shout back and forth?

A. Yes, sir.

Q. How did you keep track of what was going on on the ground?

A. Usually through my FO, and once in a while I would call and ask him to give me a rundown on what had happened. Once in a while, if it was something I wanted to ask Colonel BARKER, I would ask him, or he might tell me something about what was going on if he wanted me to do something.

Q. Back at Dottie where you live, who did you live with back there? Who did you bunk with?

A. I believe it was--at one time, I lived with a captain--I can't recall his name. He was assigned as a liaison officer.

Q. Did you bunk with Task Force Barker liaison?

A. Well, when we first got there--

Q. (Interposing) I'm talking about the time of the operation?

A. No, sir. About the time of the operation it was a lieutenant, who was a liaison officer I believe, from the task force to the brigade.

Q. Was he a chemical officer?

A. I think I had three roommates. One was a captain, I think it was captain, subsequently went to the brigade to a company commander's slot.

Q. LEWELLEN?

A. Right, LEWELLEN. I bunked with him for some period of time. I think this was during the operation while we were living in the same bunkers.

Q. To get back to the point that General PEERS made.

You're the Arty LNO as such, and disregarding the time you were up in the air, when you were devoid of communications with the ground elements, except what you're getting from the FO. When you get back to the TOC and you step out of that chopper, if you don't have radio comms, the first thing you've got to do is find out what's going on. When you're in the TOC during the day you have to keep abreast of things. Were you aware of anything that was going on that day? I mean when they changed orders from some of the companies-- stop doing what you're doing and go do something else-- were you aware of this?

A. I was aware--I kept abreast of the companies-- the center of mass. We have detached platoons, down there.

Q. Let's take a specific thing. Charlie Company was told to turn around and go back down through My Lai. Were you aware of this?

A. I'm pretty sure I was because we kept the situation map separate from the battalion map, and we had a little--

Q. (Interposing) I'm sure you're aware of it, too. You have to be if you are the Arty LNO. Do you remember when Charlie Company was told to turn around and go back to My Lai? This is a significant order. You're turning a unit around and moving them back the other way, this means you have to do a lot of work with the artillery. You're planning on them all moving to a NDP. Your night defensive fires, your homework, was all done. Here at the last minute someone changes that on you. You're going to have two elements out in the field, separated. You've got a lot of work to do. You don't get this kind of an order as just a matter of normal events. It means a lot of work for you and a lot of work for your recon party?

A. Right sir. I'm sure we are abreast of the situation. However, I can't say--give any specific time they were moving back.

Q. At this time I'm talking about the afternoon of the 16th. Just about everybody back in that TOC knew a great deal of what was going on out in the field. I'm talking about the specifics, things that were unusual, out of the ordinary. They'd heard reports, people had come in and told them things. The radios were literally alive with traffic. You're a key man in this task force. You've got to be in there and know what's going on. I'm talking about the unusual events. What were some of these events that you were aware of? One of

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them was that Charlie Company was turned around and sent back to My Lai, and then the division commander said, "No, turn around and go to where you were going." That's one thing. But there was some other events, people who were doing things, and I'm not talking about helicopter pilots. A lot of people on the task force, and everyone in that TOC, knew about it and were talking about it. What about MEDINA shooting a woman?

A. I wasn't aware of this incident until I read it in the papers.

Q. You were the only one in the TOC that wasn't aware of it. Did you hear of anything else going on in My Lai?

A. No, sir.

Q. Did you hear the brigade commander, the battalion commander, or Major CALHOUN telling these people to stop the killings, unnecessary killings, wild shooting? Now it's not a question that we're fishing to find out whether this was said. We know it was said and there were people all over that TOC that heard it. In fact you're one of the few people that didn't hear it.

A. I don't recall hearing it.

Q. You heard nothing unusual that day?

A. Well, just the normal operations--

Q. (Interposing) I know what the normal stuff is, and the normal is not hot and heavy. When you get messages and orders coming like they came in to Task Force Barker that day, you know something is wrong. These things are like a bell ringing, and if you heard them, you know it. Everyone else in the TOC knew it.

A. As I say, I was not aware of anything out of the ordinary. I mean out of the ordinary other than what I mentioned about this accusation of the helicopter pilot.

Q. When did you first hear about that?

A. I knew it about, maybe a day or two after the operation.

MR WEST: Mr. VAZQUEZ, can you think of anything that you would like to tell us that we haven't covered by questions?

(VAZQUEZ)

Anything that might help us in our investigation?

A. No, sir, I can't recall anything.

MR WEST: Thank you very much for coming in. You have helped us with the information that you have given us.

(The hearing recessed at 1500 hours, 9 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: WARREN, Louis R. SSG

DATE OF TESTIMONY: 21 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Detachment Commander, Military Police Squad, assigned to Task Force Barker.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

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The MP unit had extensive training on the handling of PW's and noncombatants as this type activity was one of their primary missions (pg. 3). However, there was confusion on the question of whether civil detainees should be considered PW's or innocent civilians (pg. 4). The MP policy was to accord all detained persons the rights of the Geneva Conventions (pg. 4). The witness had never before seen the MACV cards "Nine Rules" or "The Enemy in Your Hands" (pg. 4).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

Five or six days prior to the operation an intelligence report was received which said the 48th VC Battalion was in the area (pg. 9). Lieutenant Colonel BARKER felt that the VC were working south of his AO because the Americans had captured a company commander from the 48th VC Battalion who told them this (pgs. 15, 16). The witness recalled a conversation with BARKER prior to the 16 March operation in which BARKER stated that he could not send his troops into the Pinkville area because there were so many women and children there (pgs. 18, 20). There was no discussion about population control or the handling of refugees prior to the 16 March operation (pg. 20). However, the witness did have a discussion with BARKER about using National Police Field

(WARREN)

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SUM APP T-192

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Forces to screen refugees as they left the area (pgs. 23, 24). BARKER rejected the idea because he was afraid that the Americans would be unable to control the actions of the National Police Field Forces (pg. 25). WARREN did not know whether or not National Police accompanied the 16 March operation (pg. 26). He did not recall the briefing given the company commanders for this operation (pg. 29).

3. THE ASSAULT ON MY LAI.

The witness controlled the lifts in and out of LZ Dottie for the operation (pg. 27). WARREN did not recall any transmissions which came over the radio while he was in the TOC on the 16th (pg. 30). He knew nothing about two VC suspects who were brought back to LZ Dottie on the day of the operation (pgs. 30, 31).

4. INQUIRIES AFTER THE ASSAULT.

The witness had a discussion with Mr. COONEY, HENDERSON's pilot, about "hell being raised" as a result of the 16 March operation (pg. 32). WARREN was never questioned by anyone concerning it (pg. 32). He heard no complaint from the personnel at LZ Dottie about it (pg. 39). The witness never saw HENDERSON's report or its inclosures (pg. 41). No atrocities or rapes were ever reported to him (pg. 48).

5. OTHER INFORMATION.

a. Investigation of WARREN's unit.

There was an investigation of misappropriation of funds in the witness' platoon by the CID in July or August of 1968 (pgs. 32, 33). WARREN made a statement in connection with it (pg. 33). It involved the whereabouts of \$230.00 in MPC the MP's had collected in a raid in a village outside LZ Dottie (pg. 33). The witness told FARMER, the investigator, where the money had gone (pg. 33). Major PITTMAN and Captain VANONI, the platoon leader of the MP Detachment, were relieved over the incident (pg. 34).

b. Body count to weapons count disparity discussion.

The witness recalled General LIPSCOMB asking Sergeant HALL about the body count to weapons count disparity from

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
D-1	MACV Directive 20-4	The wit had not heard regulation before but knew as a matter of common sense that war crimes must be reported.	4,5
M-2	MACV Card "Nine Rules"	Wit had never seen before.	4
M-3	MACV Card "The Enemy in Your Hands"	Wit had never seen before.	4
P-147	Miscellaneous Scene	The wit did not recognize National Police in photo.	29,30
P-148	Miscellaneous Scene	The wit did not recognize National Police in photo.	29,30
P-149	Miscellaneous Scene	Photo shown to the witness.	29
P-150	Miscellaneous Scene	Photo shown to the witness.	29
P-151	Miscellaneous Scene	Photo shown to the witness.	29
R-1	HENDERSON's report	The witness had never seen before.	41

(The hearing reconvened at 0940 hours, 21 January, 1970.)

COL WILSON: The hearing will come to order..

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

The next witness is Staff Sergeant Lones R. WARREN.

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

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

A. Staff Sergeant Lones R. WARREN, , 7th Correctional Training Unit, Correctional Training Facility, Fort Riley, Kansas.

Q. Are you in the United States Army?

A. Yes, sir.

COL WILSON: Sergeant, before we proceed with any questions, I'd like to inform you of several matters.

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

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

(2) the possible suppression or withholding of information by anyone who had a duty to report and furnish information concerning this incident. In other words, we are interested in prior investigations, the reviews of those investigations, the processing of those investigations, and any suppression of information.

This investigation is not being conducted to investigate all the facts and circumstances of what happened at My Lai. It is directed to those specific purposes which I have just mentioned.

I've made available to me and have reviewed prior official statements obtained by other official investigators, to include your statement to the CID.

Your statement 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.

The general classification of the report will be confidential. It's possible that the testimony or parts of it may later become a matter of public knowledge.

There are several people that may ask you questions. On my left is Mr. WALSH who was designated by the Secretary of the Army to assist General PEERS in this investigation. On my right is Colonel NOLL who is a member of this board. This is Interview Team C. It is one of the three teams which General PEERS has to assist him in his investigation. We have no authority whatsoever in determining the findings or in making recommendations. This is within the purview of his office as being the investigating officer. We are merely here to assist him. He may come down here during this interrogation, and if so, he will probably ask you questions. Other members of this board may appear here during this investigation, and they may ask you questions.

Do you have any questions on anything I have covered?

A. Quite a few, sir, but they can hold until you are through with yours, though.

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

A. I was the detachment commander of the military police squad or detachment there at LZ Dottie.

Q. And you were assigned to what unit?

A. Task Force Barker.

Q. What was your parent unit?

A. The 11th MP Platoon, sir.

Q. Of the--

A. (Interposing) The 11th Brigade.

Q. Did your assignment to Task Force Barker place you under the control or operational control of Colonel BARKER, or did you still report to the provost marshal at 11th Brigade headquarters?

A. It was a twofold mission, sir. Number one priority was the military police mission for the entire Muscatine AO, and the second was to assist the task force in anyway I possibly could as far as their headquarters operations. They had a very skeleton headquarters. I had the most men up there; as a matter of fact, for the entire headquarters section.

Q. I believe you had eight or ten men. Is that correct?

A. Yes, sir. Originally, I went there with about 13, and they kept cutting me down. One time I had three.

Q. I'd like to ask a couple of questions on training. Were you with the 11th Brigade in Hawaii?

A. Yes, sir, just before they left.

Q. Do you recall any special training given to the members of the brigade in Hawaii concerning prisoners of war?

A. Well, as far as our two platoons, yes, sir, extensive. The reason behind it was that it was one of our primary missions. We controlled the escape and evasion program there at the PW cage; also, the treatment of prisoners and everything. Detaining them or setting up of their own POW cage. We went in there under the assumption that we would be a separate light brigade. See, we didn't know that we would be the Americal Division until--well, we had rumors, but we thought we was going to be separate until we were aboard the ship, so we had to have our own holding cage there and the whole smear.

Q. What about handling noncombatants? Was there any training on this?

A. As far as innocent civilians, yes, sir. I think the only thing that really threw us was the civil dependents, and the three classifications there. We didn't really know whether they was POW's or whether they were considered innocent civilians. Everybody, we was told--this has been a long time ago, and I have been thinking about it for 2 months, frankly, and everything that I can remember--we was told that everybody detained would be a detained person, and they had all the rights of the Geneva Convention. No problem there. In other words, you are not to mistreat them in any way, form, or fashion. This was firm on that. This is as far as the military police went. As far as the infantry units, I have no idea at all.

Q. I show you Exhibit M-2, entitled, "Nine Rules," and also M-3, entitled, "The Enemy in Your Hands." The front page is a facsimile of the back page of the card. Have you seen these two cards?

(The witness received and reviewed the documents.)

A. I don't believe so, sir. I think we packed up our cards and everything that we had. We had the Roger's Rangers' cards, the Geneva Convention card, and all these.

Q. You don't remember seeing these cards?

A. No, sir. Not to my knowledge, just from glancing over that. We were told about the same thing, that anybody we picked up, you know, treat them decently.

Q. I have Exhibit D-1, MACV Directive 20-4, entitled, "Inspection and Investigation of War Crimes," and I'm going to just refer you to Paragraph 5 under "Responsibilities," and it says;

"It is the responsibility of all military personnel having knowledge or receiving a report of an incident or an act thought to be a war crime to make such incident known to his commanding officer as soon as practicable. Personnel performing investigative, intelligence, police, photographic, graves registration, or medical functions, as well as those in contact with the enemy will, in the normal course of their duty, make every effort to detect the commission of war crimes and will report the essential facts to their commanding officer."

Have you ever heard this statement or had any training in this particular subject, the reporting of war crimes or the reporting of atrocities?

A. Not of war crimes itself, sir. It's just a common sense factor that anything that's called a crime you investigate it.

Q. In your particular field?

A. Yes, sir. The military police handle anything that's a crime, with the exception of, well, small--not exactly minor crimes, but command--there's no way in hell you can police a company in the field. In other words, that's going to be left up--I know you realize this, but this is the only way I can put it. It's got to be left up the unit commander, and then if there is some discrepancy, he has got two ways he can go. He can go to the military police or he can go to his immediate commander.

A lot of the things that happen over there--of course, everything is rumors. We had war stories flying around there like crazy. We had three line companies from three different battalions, and it was a little--you might say, competition as to who could tell the largest war story, so you got to take these things with a grain of salt because--let me retract that. Anyway, it's hard to know what in the hell really did happen. In the past 2 months I thought, well, a lot about this particular incident, and I don't even remember even discussing this particular thing. I swear I don't.

Q. Have you ever seen this directive, 20-4, before?

A. I don't think so, sir.

Q. Have you ever seen any MACV directives?

A. A few, sir, when they would get up to the task force, but we were right--just below our division headquarters. Our brigade was about 40 miles south, so division would go to brigade, and brigade would be under the impression a lot of times we had necessary directives and things like that, which we didn't. We were short on just about everything.

Q. You're referring to Task Force Barker?

A. Yes, sir. We were pretty well passed over.

Q. Sergeant, did you ever have any specific duties in the TOC?

A. Sir, do you know what a "go-fer" is?

Q. Right?

A. That was primarily my duty. It was just--the headquarters element consisted of one S3 sergeant, and he was also the first sergeant, or sergeant major of the task force. They had Sergeant STEPHENSON. He was the S2 sergeant; artillery liaison people, and I think they had only two of those and one got killed, Lieutenant PHILLIPS, our S2's. We must have had at least five. I don't know how many we had when we was up there.

Q. At different times?

A. Yes, sir. The whole headquarters--I'm not really sure, but it couldn't have been more than 30, because I was there when we first set the thing up. We pushed out our little bunkers there when we first went up to Dottie after the Koreans left it. I'd say of the 30, I had the majority of the people. It was a certain task around it when you are trying to supply three companies out in the field.

We had a lot of trouble when we had out CA's lift off, once. This was one of my duties. I set up the PZ, pick-up zone, and put the troops on the LZ and then pop smoke and bring the choppers in with their radios.

Also, on orders from Colonel BARKER, he told me, since I had to maintain a liaison with the different districts that was within my particular area of operations for policing, and Quang Ngai City started just about where my area ended, he asked me to establish a little intelligence liaison. What was happening was that Quang Ngai, which was right to our south there--this is an opinion. Evidently, they were sending in intelligence reports to division that they were going to have a meeting the next morning. And division, I take it for granted they were talking about it for 2 days, and they would send it clear down south to brigade, and brigade would send it to the task force.

By the time you got the thing, it was days old and this is something that should not have happened.

So he wanted to develop his own intelligence sources. He requested MI people from the 52d MI, but since I was there--I'd been up there on a little action the day after Tet. I escorted five tracks, four or five tracks, up to Quang Ngai, and I got to know some of the advisors in the CP group, when they were engaged--they said a little later--a couple of battalions out west of Quang Ngai City. The 48th battalion, which played a pretty major role, had supposedly come in from the northeast, so when I got to know those guys--we was under quite a bit of fire, and I got to know some of the--a couple of the majors and this one tall captain, REEVES or something. He took over Binh Son District later on. I just maintained good contact with them and when they had something--the PF's aren't too--they don't have very much initiative, and when they would get a good intelligence report they would always let us know. Colonel BARKER maintained that this was the only way we was going to actually be able to get in there and get going with the enemy in any way.

Q. What would you do specifically in the TOC? Did you bunk or pull a shift in there?

A. No, sir. A lot of times if we had a--what I mean by TOC is that this was our headquarters, just like an orderly room and all the different functions. For instance, we had a man at the gate in a little bunker dug down in the ground and these vietnamese children, "mama-sans," "papa-sans," the whole bit, would bring the artillery rounds, old mines, and stuff like this down to the gate. The S5 from the--we didn't have our own S5 from the 4/3 Infantry--he would come down. It was sort of a halfway point there. We would gather the stuff up and he would go down and pay them off. Of course, each one of these was a spot report. Anytime we had any police activity we turned it into our TOC there. They had the only direct communication to our brigade, and they in turn would pass it on to our headquarters down south. So just about everything we did was reported through spot reports.

Q. As the senior military policeman for Task Force Barker, did you work in the TOC?

A. No, sir. I had another function also as the headquarters platoon sergeant, which was just a title only. One of the things was to check the base out and if they needed more sandbags in the bunkers or something of this type. It was just a general "go-fer;" that's all in the hell you could call it.

Q. I understand that you were probably the--well, you were not the senior NCO there?

A. No, sir.

Q. But you had a key job or additional duty to secure the installation?

A. Yes, sir.

Q. In doing this job and all of your additional duties, and I am sure you had a number of them in that type of organization, did you have any particular place that you worked? Did you have a bunker which was a mutual communication to your police patrols, or did this go out of the TOC?

A. No, sir. When I first went there I only had one jeep and I had to use the TOC's radio. We stayed on their command push, and then later on I got a 25 in and I used that as a base station. I set up in a little hootch down there. It was an old marine-type thing. We sandbagged it in, and it had a little POW bunker in the back, as a holding point.

Q. So you had your own small headquarters there with a PRC-25?

A. Yes, sir. When I first got there, there was nothing there except for this big bunker. I think it used to be used as an artillery FO point or something. I am not really sure what it was.

Q. Will you give me an idea or your knowledge of the buildup for the operation which occurred on 16 March? You mentioned in previous testimony that they had been planning on this for several days.

A. Let me change that then, sir. We had picked up intelligence reports that the 48th Battalion had been down there. I picked them up at Quang Ngai City and also Son Tinh headquarters, that they were rotating back and forth. These were the--well, they come from PIC. I'm not sure what PIC's stands for. It looked pretty good.

The thing of it was--it was right below our AO there, and these people would operate--any time our ambushes got anybody, this always seemed to come, you know, from there or the Batangan Peninsula, which was on out. In other words, they rotate back and forth.

This particular intelligence report, as best as I can remember, said since the Americans had been in there before, they were rotating across Highway 1 and the railroad tracks. Now, to me, it sounded pretty good because we had went on another operation with A Company, I believe of the 4/3 Infantry, and picked up this colonel or high class infrastructure cat. They hit him in the head with an M-79 round and the thing didn't explode. It was just laying there.

It sounded good, because in that particular area both of them was right there together, and everything we could piece together they were still there. Using the same source of intelligence, and we had been there twice before and made pretty good strikes, so there was no reason to doubt it whatsoever?

Q. You say that you picked up this intelligence report on the 48th?

A. Yes, sir.

Q. Can you remember the day that you got this report?

A. No, sir. It was just, I'd say within 5 or 6 days that they were operating down in there again. To my knowledge, they never even moved, really, when you come right down to it. The biggest thing is that they were rotating back and forth and splitting into smaller elements so they wouldn't get caught in there again.

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of them, and this is the regular type, U.S. types, and they was dug in in bunkers there--the communications system, the whole bit. So we figured if we could ever get in there and really get someone to do us some good and point these people out, this would--we would make money on it. It would probably cut down on a lot of the activity in Quang Ngai.

When the guy went down there he didn't show us a damn thing. I went in there with him, with the 4/3 Infantry and we also had a company commander, a VC guy from the 48th battalion. I think he commanded the second company. He was wounded during Tet and he went to a safe-house and he lost his leg and had his knee cap shot. He admitted that the 48th had worked out of there, but, of course, this was after this My Lai thing had already happened. He said that all of the elements didn't stay there. They operated something similar to what our troops did, just small units and ambush-type things; sappers. They had enough sappers. We didn't know that at the present time, but still--he stated the same thing.

I talked to him through an interpreter for I guess about an hour, because I went up and picked him up at Quang Ngai, and he indicated that at least there was a headquarters element down there at all times--at all times. This is not--the only problem with it is this is not My Lai. This is the Son My area back up there where all these damn refugees hang out. Like I say, the colonel didn't want to go in. I know that for a fact, too. Colonel BARKER said, "Stay out of the place because there are too many civilians. Too many kids. You will never get them out of there."

Q. What was this that Colonel BARKER said?

A. Well, they was talking about surrounding the entire place with our line companies and screening these people coming out. The reason I was involved in this was because he asked me if we could get any kind of Vietnamese people from Quang Ngai City, like National Police, to screen these people and maybe pick out some of the infrastructure. We knew they was getting away because here's a thousand people running to the road, and when they suggested this, I think he gave it a lot of thought and then he came up to me later on and he said forget the whole thing, because if we do--I think this was even before the second time we went in there. If we

do this, we stand a chance--you can't call artillery in for one reason, when you get up in this built up area. You would have no support. If the 48th Battalion was in there, they would probably kick our tails. So that was the main reason we stayed out of the major complex there.

Q. What do you consider the major complex?

A. Son My. The entire village. My Lai is just a small--

Q. (Interposing) Hamlet?

A. Yes, sir. It's just a hamlet out there. All the people are back up by the coast there where this fishing village is. When you fly over the place you'll see--when I flew over the place you could see all of these boats. The people had two choices. They could either go along the little blue there where our AO went to the river running out to Highway 1, which a lot of them did the first time they went in there. The rest of them got in the boats, and we had swift boats out to check them out because there was just too many. It's a main fishing village here.

Q. What we are interested in now is the conversation you had with Colonel BARKER. As I understand, it was one before the operation of--there was one concerning refugees which was before the--I believe the first Task Force Barker operation down there was around the 12th. There may have been one on the 3rd, but the one of any size would have been on the 12th. Was this the time that Colonel BARKER said something about refugees?

A. Yes, sir. We had went into the An Tinh complex. I don't know if it's shown here (Pointing to Exhibit MAP-4). They killed a company commander that commanded the, if I'm not mistaken--here we go here (Indicating), up in here. Correction. An Tinh or Van Thien. One of the two. I think it's An Tinh.

Q. Give me the 1:25,000 map sheet.

(The recorder gives Colonel WILSON Exhibit MAP-4.)

This MAP-4, the 1:25,000 picto map is a little more detailed than the 1:50,000.

A. Either An Tinh (4) or An Tinh (1). It was one of the two.

Q. Which is out of the AO?

A. Yes, sir. It's not in this particular area (indicating).

They had ambushed a company commander up in here, and he had several names on him. If I'm not mistaken, he was a guy from the 44th Company, which was a parasite unit of the 48th, or at least was believed at that particular time. When they got him, naturally--from around this area here (indicating)--it sort of firmed up some of the thoughts that I am sure that the colonel had. That these people were in here tight and were operating right out of here. This is sort of a no-man's land. The ARVN didn't come up here, and we were not allowed to go down below there (indicating) Any time we engaged any of the people there or even saw any, we would always notice they would run down through here, but at least this is what the troops were telling, and I didn't have any reason to doubt it.

MR WALSH: Who had ambushed the company commander, the ARVN's?

A. No. The Americans. They got him one night. I was down there the next morning, because one of the villagers came up to me and turned in a spot report on rice. He said they had collected a lot of rice down there to turn over to the VC, which they had everything over here. They had their nuoc mam and all they needed was the rice from here.

COL WILSON: Pointing to the Pinkville area.

A. Yes, sir. This, for all practical purposes, this and Batangan over here (indicating) is where they were getting their fish to make their nuoc mam from, and going back out to the mountains, so it was quite a supply system. Up north in our own AO, they would round up entire battalions of labor workers. We had several reports on that. They killed a couple of policemen down in there, which is the way I got the information.

Q. The remark about this captured company commander, what did Colonel BARKER say about this? Did he say anything about this?

A. When I told him of what I got out of the guy--we didn't have an S2 as such at that particular time. I sort of had to double over as that, so when I interrogated the guy--of course, I had an interpreter and this made me God almighty up there. At least we could talk to him and this particular company commander--of course, this was later on. He was wounded when he attacked--

Q. (Interposing) Wait. You mean this was later on from the time the company commander was captured?

A. Excuse me, sir. This is two different ones. Now, there's two. We got two out of here. One of them was captured in Quang Ngai City and was later on shipped up to us, a Chieu Hoi. He was a Hoi Chanh. This particular one, he was dead.

Q. This man was dead?

A. Yes, sir, back up in this area (Pointing).

MR WALSH: What's your approximate date of that? Was this early in February?

A. To the best of my knowledge, yes, sir.

Q. That the company commander was ambushed?

A. Yes, sir.

Q. And that led Colonel BARKER to feel that they were operating south of your AO?

A. It sort of firmed it up, sir, this, with all the rest of the reports. It was a daily thing. Any time you walk down here (indicating), this was a no-man's land--you stood the chance of loosing an entire--we lost a whole platoon out there just by mines alone.

Q. Can you try to think of everything that you can remember talking to Colonel BARKER about that finally led Colonel BARKER to request an extension of the AO down to the Song Tra Khuc River in order to go into this Pinkville? Was there anything other than the company commander being ambushed here?

A. Yes, sir. The various intelligence reports that the 48th was working down there, and, as I said before, it was pretty well acknowledged that this was a safe area and so on because the ARVN wouldn't touch it. They wouldn't go past the road here (indicating). This is where our TOC--our forward TOC was on the first operation.

COL WILSON: You're pointing to Hill 101?

A. I believe it's Hill 108, sir.

Q. 108?

A. We had some artillery set up over here, if I'm not mistaken. It's been a long time.

Q. You mentioned that you had an interpreter. Was this interpreter assigned to you, or was this an interpreter you had for this particular operation?

A. This interpreter was assigned to us. We had put in a request to get one.

Q. What was his name?

A. Well, sir--

Q. (Interposing) Was he ARVN?

A. No, sir--

Q. (Interposing) Civilian?

A. Yes, sir. The main thing is that he could talk to these people. We kept him there on the base. Of course, I had people that worked on the base 24 hours a day and could keep an eye on him. The main thing is you didn't want a guy out of the village because--

Q. (Interposing) I'm interested in the specific conversation you had with Colonel BARKER regarding refugees and the movement of refugees in the My Lai (1) Village area, if I am correct, in that area? What was this conversation again about the movement of refugees that you mentioned earlier? When did this take place?

A. I am almost positive--maybe I have my dates mixed up. I can't even remember the second operation, really, to be honest with you, except that we lost one company commander down there. It could have been after the first operation, after 12 February. I'm not sure how long. B Company--I carried them up that night to Son Tinh by trucks. We used dump trucks and I escorted them up the road which was--quite frankly, they wouldn't let us have a CA in there. Why, I don't know. The Americal was pretty tight with their helicopters and the G3 for Air said a flat "no." We moved them by truck. The extension was already laid on. I coordinated with Major GAVIN to keep them there that night; myself and Captain MICHLES, who was the commanding officer of B Company. The next day they moved out with the tracks. The tracks, if I'm not mistaken came down the next morning. I'm not real sure. I went back up there that night. I can't remember whether Lieutenant OLEY--I'm sure he stayed up there, because we had another commitment to guard these bridges--

Q. (Interposing) I think you've given us a good concept of this particular operation, but what I am trying to get to is what happened. What was the discussion between you and Colonel BARKER regarding the movement of refugees in or out of the area?

A. He stated--I am sure this was after 12 February and after the first time we were in there. Due to so many--he flew over there and he saw the refugees over here (indicating)--I wouldn't call them refugees. They were the people that lived there and--

Q. (Interposing) You're pointing to the My Lai (1) area?

A. Yes, sir. Up around this particular area (indicating). He stated he couldn't very well take his troops in there for the main reason that there were so many villagers. You know, there was women and kids by the hundreds in the thing; and after 12 February, they moved out something like this along the river and cut across land and everything like this (indicating). No big problem, because we didn't lay a hand on them, and then again they would get into boats. They had boats all along this way (indicating).

Q. You're pointing to My Lai (1) again?

A. Yes, sir. For some reason, it seemed to me that they avoided this area down here (indicating).

Q. Down to the south and just north of the Nui Ngang Mountain or Hill 72.

A. Yes, so he didn't want to get involved in this whatsoever, and we set a block up here.

Q. On the river?

A. Yes, sir. I think it was the Song Diem Diem.

Q. The Song Diem Diem River? You blocked the river? As a rule, normally these operations used one company up here as a blocking force?

A. Yes, sir. I am pretty sure that was C/1/20; and to my knowledge, they never fired a shot. I mean, I don't know, but when the killing started--the shooting started down in here--

Q. (Interposing) You're pointing to this old French fort?

A. Yes, sir. I think it was just past that.

Q. Phu My (1)? And this was where Colonel BARKER talked to you about the refugees?

A. No, sir. This was back over here (indicating).

Q. You're pointing to My Lai (1)?

A. Yes, sir.

Q. There was a discussion about the refugees moving out of My Lai (1)?

A. Yes, sir.

Q. And what did he say? That you could not conduct an operation in My Lai (1) because of the people there?

A. Yes, sir. He would like to stay out of there as much as he could.

Q. When did he say this?

A. If I'm not mistaken, sir, it was after 12 February, after our first initial operation in the area.

Q. Did he say this to you in the TOC, or where was this statement made?

A. I think it was in his hootch, sir, because at that particular time, this is when he told me that he wouldn't need the National Police to monitor these people, because he would rather not get involved in this. There were too many people and we didn't have the troops to control them. I'm not sure what his reasons were to be honest with you.

Q. As I understand it, did he mean that he wouldn't conduct an operation against My Lai (1) because of the number of refugees that were coming out of there?

A. Yes, sir, or at least he didn't want my services or he didn't want the National Police. There was just too many. There was no way in the world I could handle it even with the whole 106th Company, which was based at Quang Ngai.

Q. Was there any discussion about population control or handling refugees prior to the operation on 16 March?

A. No, sir. Not to my knowledge.

MR WALSH: Could this discussion that you are remembering have been in connection with the planning of the operation on 16 March, and are you suggesting that the MP's or the National Police would go along to control the population?

A. Yes, sir.

Q. Did Colonel BARKER say, "No, I don't want it in there, because I've been over there and there are too many people around there and you couldn't possibly control them all"?

A. No, sir. He's the one that first brought it up to me. He felt that--and it was true, obviously true as far as I could determine--that the Viet Cong was moving out when they was in this area here. I mean, the infrastructure was up tight in here. I mean this place was--

Q. (Interposing) Pointing to the general vicinity of My Lai (1)?

A. Right. As far as we could determine, the infrastructure was--it was a headquarters company that was based there, and, of course, I base this on the 12 February activity; the number of field phones that we got out of there; the various documents and everything that was got out of there. They had a list of names, as far as I could remember, in the hundreds of people that supported the entire Viet Cong infrastructure in through here. So they were up tight.

We had names of some of the VC village chiefs that actually didn't live in the village, but sort of used it as a liaison between the villagers here (indicating) and the headquarters down in this particular area. So on 12 February they moved out, myself and Sergeant HALL and two warrant officers and two doorgunners. This Warrant Officer CARTER was killed later on. We flew some air evacuations out of there, three of them. We touched down in there three times. We were the only chopper in the air at that time, because they had a low overcast and they got in up here on this hill. We used that as the LZ.

Q. Pointing to Hill 108?

A. I am fairly sure this was the hill where we had our forward TOC. We started getting reports of casualties down in here. We extracted three people, I think, and made a couple of trips to Chu Lai to drop them off. The medevac couldn't get in. We couldn't get any gunships up.

Q. Were the casualties you are talking about civilian or military?

A. Military, sir.

Q. U.S.?

A. Yes, sir.

So, myself and HALL--I'd say it was a third of a headquarters company. So somebody had to go in there and get them out, so myself and HALL went up there and got them and brought them on the choppers. One come from the tracks, he died that same day, and the other one was a lieutenant. I knew the lieutenant before. I had seen him up there. There was quite a few more. I am not quite sure how many casualties they took.

We flew over the villages first. In other words, we had to sort of get Charlie's head down so we could get a half secured LZ, so we flew--I don't know which village it was. It was one of these, and the tracks were right in front of it. The infantry was over to the--I would say south, and we was flying west in here (indicating). The first time we went down, we went down with the tracks and--I'm not sure if it was here or over here (indicating)--it was somewhere along the road here. I didn't see a civilian in the area, really.

Q. How long was this after the operation got started?

A. This was about--I don't have any idea. They had been shooting quite a bit.

Q. Let me ask you this. During these previous operations now, did you observe civilians moving back along Road 521, back toward the Quang Ngai area? Were there large numbers of refugees that were moving out of these areas?

A. No, sir. The only ones I saw was--in that particular flight was when we flew--we cut around--I'm sure it was up around here (indicating). We had to fly low because of the overcast there, and it seemed like everybody and his dog took a pot shot at us running all the way back in here, and you could see all of these refugees. I'm not sure whether it was around in here or--

Q. (Interposing) You're pointing to the Song Diem Diem River?

A. Yes, sir. We saw quite a few of them.

Q. You mean the refugees were out by the river?

A. Yes, sir. They were "di-di'ing" out.

Q. Well, let's go back to your conversation with Colonel BARKER. He did not want any assistance on the handling of refugees or population control? Is that correct?

A. Yes, sir.

Q. And the My Lai (1) area was the area that he specifically referred to?

A. Yes, sir. That's where they all hung out.

MR WALSH: I am a little confused, sergeant. What was the discussion and when was the discussion that you had with Colonel BARKER with respect to getting help from the National Police and cordoning off the area. Was that in this time frame?

A. I'm not really sure, sir. I don't know whether it was before the second operation or the third operation. As I said before, I can't even remember the second. But the third I remember fairly well, because as I said before in the statement, due to the fortification and things in there I was going to hump a 90, carry a 90, recoilless rifle in there.

Q. There was a discussion that you had with Colonel BARKER then at some time with respect to--in addition to infantry blocking positions, an attempt would be made to cordon off the whole area--

A. (Interposing) Not exactly cordon, sir. You would use selected screening points, certain points along here (indicating). For instance, you would have to call in the Navy with swift boats, and around in this area (indicating) you would have to put your National Police out at different points just for screening. When I say control of the infrastructure--in case they can spot somebody, they can talk to them. We can't talk to them. Somebody comes up and starts jabbering, you know, and pointing over this way, I wouldn't have the slightest idea what he was talking about.

Q. Did you make a suggestion to him that by utilizing National Police you could do this and he indicated that it would be hopeless to try to--

A. (Interposing) No, sir. He first brought it up. He asked how many National Police could we get to assist us in this particular operation, as far as screening of the refugees that come out of the area.

Q. Did you make any inquiries to find out how many you could?

A. Yes, sir. I went down to Major GAVIN's shop, which they had some of the ones from--he referred me to Quang Ngai and--can I say something off the record?

The National Police Field Force is controlled, and I am sure you are well aware of this, by a civilian type agency. So when you get these type people, you have got to remember where in the hell they come from. We don't really like to get involved. The reason I know is, like I say, I worked with these people for 5 months in the south and--

Q. (Interposing) Well, my question was only did you speak to somebody about how many National Police you could get?

A. Yes, sir.

Q. Did you get an answer?

A. Yes, sir.

Q. How many--

A. (Interposing) He indicated that he had these people in training. It was the 106th Company at the time and if we could--if he could lay it on with his headquarters, we could have a whole company, but these people are--

Q. (Interposing) So you went to provience to try to lay it on?

A. Yes, sir.

Q. What answer did you get there?

A. Providence level said that they could foresee no problem, but firm it up first before they went ahead and made all these inquiries.

Q. All right. And you went back to Colonel BARKER and reported this to him?

A. I told him what they were. He didn't have the concept of the National Police Field Force.

Q. I see. You explained the concept and told him that if it were laid on and firmed up that you could get a substantial number of National Police to participate?

A. His one question was, "Are these the people"-- they've got a picture of this general blowing this guy's brains out in Saigon. My answer to that was, "Yes," and that's when he said "No."

Q. You answered that question, and he said he didn't want these people along?

A. No, sir. The main reason was control purposes. Sure, maybe we could control the people going out here, but who is going to control these people.

Q. And Colonel BARKER said this to you?

A. Yes. This was his main comment, and, quite frankly, I didn't want to have the job to control them. I am not really sure that I could or not. They have no advisors. They have never worked with Americans before, so it's a big--

Q. (Interposing) So as a result of this discussion with Colonel BARKER, he indicated he didn't want you to pursue any more the getting of a substantial number of National Police to set up and to screen the civilians in the course of the operation that he was planning?

A. Right, sir. He never brought it up again. I think this was the one question--

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Q. (Interposing) Did you know any of the Vietnamese police, and I include all groups in this statement, that worked in and around your general area of patrolling? You patrolled Highway 1 for some distance. Did you know any of those, or did you have a good chance to talk to them much, or did you coordinate with them, or anything like that?

A. Yes, sir, you had to coordinate with them. For one reason, they were a good intelligence source and, you know, these people come in and tell you the VC come in here last night--and as far as mining the road, which was one of the big things. They mined us to death up there. They would tell us the VC came here on the road last night, and as far as really getting down with them and knowing them, no, because nine times out of ten, frankly, you couldn't even find them.

Q. Would you remember any of the Vietnamese police that you had come into contact with over there?

A. Major GAVIN--

Q. (Interposing) These. You would remember then?

A. Yes, sir, I think so. The district police--they came out of the wood work, you know. You come down and you say I'd like to see one policeman and here comes the whole village and they are all policeman. There is no distinction.

Q. Did you see any Vietnamese policeman going on this operation in civilian clothes? I don't mean that they necessarily had to have gone in with the second lift. They could possibly have done that or have possibly gone in later.

A. I controlled the lifts in, off of LZ Dottie, off of the Warlord helipad, the 123d aviation helipad. This was just infantry troops. I'm not even sure how many lifts. I even got up to five lifts one time; and with nine birds, it would be impossible. I don't even know--I can't remember the first lift of Charlie Company that brought the birds in--Dolphins from the 174th aviation. They come from the south and I think we had a couple of ragtags from the north. Just choppers to make up for what the 174th didn't have.

Q. Sergeant, you mentioned before that you recall the figure 69 as a number of people killed by artillery. Could you tell me where you heard this and under what circumstances?

A. Thinking back on it, sir, if I'm not mistaken, the artillery liaison--they called it up to the chopper, and when I say they, I mean the companies on the ground. We monitored the command push for this particular operation. Also, we had another push on the air-ground net, so I could control the lift-off of the helicopters and--of course, everybody was anxious. We thought we was going in there and really get hit hard. This was my personal opinion. I think it was everybody elses opinion, too.

So it was either there or at that particular date or I read it in one of these newssheets. Have you seen the newssheet, sir? I can't really pinpoint which one. We were all anxious to see what was really going to happen?

Q. You said there was a radio report from someone that the artillery had killed a whole lot of people? You remember the number 69?

A. Yes, sir, I remember the number 69.

Q. You either heard it over the radio or you heard it later?

A. I told the investigator before, and after I made the statement there, since I read so much and heard so much, I went back and I kept some of these Americal News Sheets and was interested, because the first report--I was sitting there in Fort Gordon in school, and they said 700 refugees had been killed in My Lai, which was the first report of this. Right off the bat I took it with a grain of salt and didn't think anything about it. Not being too damn naive, where there is smoke there is a little bit of fire, most generally. It really shocked the hell out of me to be honest with you. I was really under the impression at this particular time that we had done a damn good job and--

Q. (Interposing) Were you on the radio at any time that day, operating any type radios?

A. No, sir.

Q. Besides the air requirement?

A. Just to direct the birds.

Q. Did you know Captain KOTOUC?

A. Yes, sir. One of our many S2's.

Q. Do you remember his activities on the day of this operation? Do you remember where he was? Do you remember if he was around Dottie?

A. Probably in the TOC, sir.

Q. Do you recall the briefing that was given to the company commanders prior to the operation?

A. No, sir. As far as Charlie Company went or any of the company commanders went, if he had a briefing, I wasn't included. This was just something between them. You got to remember I am a "go-fer." Unless they want something--

Q. (Interposing) A lot of people are in the TOC?

A. The Colonel wasn't really that type of guy. I was asked once before about this. That's the reason I bring it up. To really give a big pep talk. He's just not the type. He would just say, "You've got a job and okay, do it."

Q. There was a briefing held. Do you recall Colonel HENDERSON coming in on the 15th?

A. This was the day before--

Q. (Interposing) The day before the operation?

A. Sir, there was people in and out of that place like a--during the whole task force--mainly because we was the only unit in the whole brigade that was up against a unit or any force of any size. So the battalion kind of focused right on us.

Q. I want to show you some photographs of some Vietnamese; Exhibits P-147, P-148, P-149, P-150 and 51. Do you recognize any of these?

(The witness viewed the photographs.)

A. This one, TRONG. Maybe I've seen him, because of the uniform and so forth.

Q. Which number is that?

A. This is P-147, sir. I don't even know where, but--

MR WALSH: (Interposing) Do you remember a National Policeman from Son Tinh with a very pronounced scar on the side of his face? A long stitch mark that ran clear up to his ear?

A. No, sir, not to my knowledge. When you say National Police--I don't think these people were National Police. They aren't even dressed like National Police. Maybe some type of agent or auxiliary force, but--

Q. (Interposing) The two people on the top of what you are looking at there, P-147 and P-148, were National Police assigned to the Son Tinh District or sector headquarters outside, or just north of Quang Ngai at the time?

A. Yes, sir.

Q. You just don't recognize them?

A. No, sir. It's been almost 2 years now.

COL WILSON: You don't recall, then, any of the communication that came in the TOC that day? Do you recall anything particular that came in over the radio on 16 March?

A. No, sir, and I couldn't say I recall one statement. The main reason is because I listened to the radio 24 hours a day and to place a time, or a date.

Q. Let me see if this recalls anything. From Exhibit M-6, Americal Division Log entry 16 indicates that at 0805 on the morning of the 16th, a command and control ship detained two VC evading, or what should be two VC suspects. At 0945 the two VC detainees which I referred to earlier were determined to be ARVN, which had been captured by the VC the previous day. It's alleged that these two VC suspects were brought back to Dottie and that the determination that they ARVN probably came from Dottie. Do you recall this?

A. These two ARVN were picked up--

Q. (Interposing) No, they were two VC suspects. They were brought back and apparently they were fairly well-- I don't know if they had any clothes on at all and they were determined back there--at least the entry of 0945 states that they were shown to be ARVN that had been captured. This indicates on the 15th. It could have been before that. What I am trying to do is find out if you recall these two suspects being brought in by Colonel HENDERSON and turned over to someone at Dottie. And shortly after that an interrogation team determined that these people were not VC?

A. No, sir. I don't remember that particular incident. This happens quite frequently. In my particular case, since I had the Warlords working down below--these are body snatching people. They just pick up anybody. For what purpose, I don't know.

Q. This would have been Colonel HENDERSON bringing these people back?

A. It could have been, sir. There could have been 20 to 30 detainees brought in there that particular day. It was not unusual to have 20 brought in there at any particular time.

Q. What was the capacity that you could handle there, with that detainee center that you had?

A. Possibly five, sir, and maybe six. You're stretching it to say five, really, but as I said before, this was just to detain these people under guard until we could get transportation back to our main holding point at division headquarters. Now, why they used brigade--we used to use the Americal POW cage which was just up the road. Why they used brigade, I don't know. They felt--I think one of the reasons were--I think it was for intelligence purposes. The Americal would get hold of it and talk about 2 or 3 days, and send it down to brigade and back up to the task force. A waste of even minutes would be appreciative.

Q. You mentioned that you heard that there was a lot of hell being raised about the operation that took place during this period and that you had heard this after Colonel BARKER was killed. Where did you hear this?

A. When he asked the questions, I tried to impress on him that it had been a long time and I hadn't really thought about it. If I'm not mistaken it was--it could have come from Mr. COONEY, who was Colonel HENDERSON's pilot. He was with me when we picked up the wounded down in Pinkville the first time, and the other warrant officer had been killed. He was killed with the colonel, Colonel BARKER. We talked. That's the only place he had to come. The colonel would go down to the TOC, and, of course, he had to have some place to come, so he would come down to us when they shut the ship down.

Like I say, there is so many war stories going around, like A Company, Christ, you talk to any of the other companies about it or anybody that's back on sick call about it. You know for a fact just working around the TOC if anything major would have happened you would have at least known about it. I don't know--

Q. (Interposing) You did hear this discussion about hell being raised about the operation?

A. Yes, sir.

Q. Do you remember who you heard it from?

A. I'm not really sure, sir. I say Mr. COONEY, because I talked to Mr. COONEY. He was about the only contact with the brigade commander. I didn't even talk to the brigade commander.

Q. Did you ever hear about anybody ever being questioned about this operation? Anybody from brigade headquarters or by Colonel BARKER?

A. No, sir, I didn't.

Q. You don't know of anybody who was ever interrogated or interviewed concerning this operation?

A. As I said before, there is two ways you can do it, and one is to go through command on any major incident like this. Or ones that come through the military police, and it did not come through the military police whatsoever. There is some indication--we had an investigation of mismanagement. This was after I was down south around Chu Lai in August and September, or sometime around then. The CID from Cam Ranh Bay--a Chief Warrant Officer FARMER, I used to be an investigator for him in AWOL apprehension, came up there.

This was to investigate a mismanagement by the provost marshal, and he was subsequently relieved of duty along with a platoon leader who was a captain, Captain VANONI--it could have been--I didn't pay any attention to it.

Like I say, unless someone comes up to you and says, "Look, there has been a hundred civilians killed in My Lai," this is a complaint. This is something you can get your teeth in, but as far as rumors and anything like that, you don't pay any attention to them because it was the same way with the Vietnamese. The Vietnamese will bring you rumors where there are entire regiments plotted on your fire base which you know is--I would have never believed this, never.

Q. This CID investigation concerning mismanagement, concerned mismanagement within your own organization and your platoon?

A. Yes, sir. This was back at our brigade base camp.

Q. This was back in July?

A. July or August. I went to the field in the latter part of August, and they called me back in, in September or October. As a matter of fact, he took a statement from me and it was in--as far as I can remember, the statement was about two hundred and thirty something dollars that we picked up on a raid of MPC down in this little village outside of LZ Dottie. He wanted to know what happened to the money and at that time I told him that it was delivered on an MP property receipt back down into the provost marshal's office. It was properly signed for and he had the DA Form 19-31 there, and that was the only question as far as I know, but he talked to me a long time. One of the main reasons was, I guess, I was up there and I wasn't exactly involved in the operation down south with the exception of sending my reports down and him coming up and talking to me. Nobody wanted to come north.

Q. This FARMER, did he discuss the Pinkville operation?

A. I'm not sure, sir. Somebody that I talked with--

Q. (Interposing) Let me ask you this. FARMER was from where in Chu Lai?

A. No, sir. He was either from MACV in Saigon or Cam Ranh Bay. One of the two. I can tell you where he is at right now, though.

Q. Where?

A. Fort McPherson, Georgia. Like I say, again, I don't know if he did bring it up at that particular time or not.

Q. Were you ever a criminal investigator?

A. Provost marshal investigator, sir.

Q. You also mentioned that Major PITTMAN was relieved and the platoon leader?

A. Yes, sir.

Q. Who was the platoon leader?

A. Captain VANONI, sir. This was over alleged--

Q. (Interposing) Misappropriation of funds it sounds like?

A. Yes, sir. This is rumor. We heard that they had found quite a few piasters in his wall locker, something like 129,000, and weapons and things of this nature. I don't know if it had anything to do with this or not.

Q. The reason I bring up FARMER is to determine whether there is a possibility that you may have discussed this Pinkville operation with him?

A. Yes, sir, or he may have discussed it with me. I don't really don't know who, but someone told me there was being much hell raised. To be honest with you, the reason I thought there was being much hell raised is because of the lack of weapons, and I know for a fact there was much hell raised over that all three times. Why couldn't they get the weapons? What's the reason for the weapons not--

Q. (Interposing) You mean the three operations?

A. Yes, sir. When General LIPSCOMB came into the TOC the second time, Sergeant HALL had went back down there. He is the guy that rode the helicopter in with me the first time, and he asked me then if I'd been down there and I told him, "No, sir, not this particular time." He asked Sergeant HALL, "Did you see any bodies down there?" and he asked him if he saw any weapons, and Sergeant HALL--I'm not real sure what the answer was, whether he said, I think he stated that he had seen five or six bodies laying around there and he wasn't sure of the weapons.

Q. This is Colonel BARKER questioning--

A. (Interposing) No, sir. This is General LIPSCOMB.

Q. LIPSCOMB is questioning Sergeant HALL, the communication chief up there?

A. This was the second time when Major TRINKLE--

Q. (Interposing) The second operation along about the 26th of February?

A. Was hit. Yes, sir, about the 26th.

Q. And General LIPSCOMB was questioning him on the basis of how many VC casualties he saw and how many weapons were recovered. Was that his question?

A. Yes, sir. You could hear him over the radio a lot of times, about the lack of weapons. The first time I went in there, the only reason, to my knowledge, they didn't have weapons is because they just wasn't moving.

Q. They didn't close with the--

A. (Interposing) They didn't close. They had bodies. You could see them from the chopper as we picked the wounded up. We came off and we had to fire down into them to keep them off of us, and it sounded like World War III. You could see them laying there. We would fly over the villages there and you could see them laying there, and, of course, they was firing back and we didn't hang around too long, but we went down into the infantry, and the 4/3 Infantry had to take the lieutenant out. They had to bring him out. Again, it sounded like World War III and you couldn't even hear yourself think. Major GAVIN was with me at this particular time and he was firing down with the doorgunner into the tree line, and you could see them cutting from tree to tree over there. When they got this guy you could see some scared people, and, of course, I was scared, too. I was terrified. I don't think I took a breath the whole operation. These guys were just as scared as I was, and that scared me even more to know that they were up there.

Q. And you feel this had something to do with them not closing and getting these weapons?

A. That would be an opinion, sir.

Q. Did General LIPSCOMB seem to be disappointed when he questioned Sergeant HALL?

A. General LIPSCOMB is not the type person to get excited over anything. Now, maybe with the exception of you not doing something that you were supposed to have done. I've only seen the guy three or four times and again as a brigade commander. And here I am, a "go-fer." But I would say he did seem a little disappointed that no weapons or that just a few weapons were found. And especially when they had been calling back in and saying, "Do we have a mortar?" and then he says, "No. We don't have one in that particular area," and he then says "Okay. I'm going to take them away." This was Captain OLEY, a lieutenant then. When I first heard it, I didn't realize it was as bad as it was until I went in there with a helicopter and I was--Sergeant HALL took a hit through his jacket. You probably talked to him. It was a God darn hole through his jacket like this (indicating) that never touched him.

Q. What about this discussion or this strange feeling that you recognized between Major TANNER and Task Force Barker people?

A. How did I get involved in it?

A. What brought this to your mind? Why did you think it was strained?

A. Normally when a major or a colonel, or two majors that command different companies, when they get together they will at least talk. One particular day the Warlords brought up a lot of these detainees and, of course, they are boastful. They have got something to be boastful about. When things got hot they always inserted their "animals," their infantry, right on top of the enemy and it worked. I don't know how they got away with it. They had quite a record of weapons and everything, or at least did when I was over there. He brought all these prisoners in. I say Major TANNER, the commander of the Warlords. I'm not even sure what his name was. TANNER is just a name that I thought of at that particular time.

Q. Major WATKE?

A. Major TANNER was the only name at the time--it could have been if he was commanding at that present time. As a matter of fact, I can't remember what he looks like. I remember that Colonel BARKER was standing down by my jeep and the major walked up to check on the prisoners and whether they were good prisoners or IC's, or what they were going to do with them. Colonel BARKER turned away and walked off and didn't say anything to him. Colonel BARKER was a pretty friendly guy, especially when somebody had something that he could use, and he could use these people. They had helicopters and they had observation helicopters, and we had nothing. Anything we had we scrounged.

Q. At this time Colonel BARKER just turned and walked off?

A. Without a word.

Q. Was there any discussion or any statement made?

A. I don't think there was a word spoken, sir. Not one word.

Q. Was his walking away deliberate?

A. Sir, I don't know.

Q. It appeared that way?

A. Yes, sir, it appeared that way.

Q. You state you had this feeling, and I am just trying to find out if there was anything else that gave you this impression that there seemed to be some strained relations between the Warlords and the--

A. (Interposing) The Warlords, of course, when they would bring in prisoners. They had a curiosity, too, about the prisoners that they picked up and how they were turning out, and we tried to get some feedback to them. They would say, "Hey, look, I picked up six or seven snatches in one day. How did they look?" I would try to get them as much as I could. I even would call down to the POW cage and see if any determination had been made on them. The majority--it's probably the same all over Vietnam. It seemed to me that everybody was being turned loose.

Q. How does this fit in with this strained feeling?

A. They would come up there and they didn't--they pretty well voiced their opinions. They didn't particularly like working with the task force whatsoever. I'm not sure if this was before or after.

Q. That's what I am trying to determine? Are you talking about after 16 March and the Pinkville operation? I believe you stated before that it was after the Pinkville operation that there was a strained feeling between the CO of the Warlords and Task Force Barker. You say they just didn't seem to like to work with Task Force BARKER?

A. As a matter of fact, I don't think they worked with them after that. I don't know, but to my knowledge, no.

Q. Did you feel this all along, or at some point did this attitude seem to change?

A. When they first told us they were bringing the Warlords down there, this was a God sent. They had helicopters then. They could get to places we couldn't get to. We were running into those damn mines again and just wasting our time. We were taking a lot of unnecessary casualties. It was getting to everybody and even to the old man and he was unshakeable.

I remember one particular day when Charlie Company lost 17 people or something like that, those God damn mines, and it was the only time I saw him break his composure. He got mad as hell and then he calmed down. He told Major CALHOUN that things happen like that.

Q. When the Warlords first got down there, was there any strained relationship?

A. Yes, sir, because of the restrictions on their use. There were certain restrictions on how you could use them. In other words, you couldn't use their helicopters. Everyone thought, I believe, when they came down there that we could use their helicopters, maybe to lift off and maybe to keep from walking into these mines, which I am sure was on the colonel's mind and we found out that this wouldn't be the case. They would spot and if they run into a large--if

they drew fire from what they called Skeeters, the little 23 types, and they had the Scorpions, which were the pair of guns that accompanied them. And when the Skeeter would draw fire, the Scorpions would cover him until he could get out of the area. Then they would insert the "animals" into the suspected positions. They were elite people. They were from our own brigade. I knew a lot of them just by sight. They would tell us, "Your God damn infantry is not good," and this is common but nevertheless strained.

Q. But you think this was after the Pinkville operation?

A. I am sure this particular thing was after the Pinkville thing. It could have built up into that.

Q. When did the elements of the 123d first get down there?

A. I'm not even sure, sir. First we just used them on a field down there and finally I do remember 16 March, when I tried to get the--the engineers were paving the thing and I am sure they were just getting the thing in shape.

Q. Did you ever hear anything from any of the personnel who were at Dottie complaining about this operation on the 16 to 19 March, A, B, or C Company?

A. Just to the fact that any time anyone of the other companies were involved in an operation--for instance, all three companies had been in there as primary companies; in other words, the attack force. Each company had a turn at it and the only thing I even remember is--what could have been said is that is a crock of nonsense, or something of this type. They didn't believe each other or maybe they did, and they just said they didn't. That would be hard to say. I don't think I could really answer that.

MR WALSH: Sergeant, what date did you join the 11th Brigade in Hawaii?

A. I'm not sure of the exact date, sir. It was sometime in September.

Q. What time did you go to Vietnam?

A. December the 4th, sir.

Q. Do you recall when you joined Task Force Barker with your detachment?

A. Just shortly before the Tet Offensive, in the latter part of January.

Q. Is that when you moved up to Dottie?

A. Yes, sir.

Q. Did you have an informant net at Dottie?

A. Of what type, sir.

Q. Within the U.S. unit at Dottie?

A. Yes, sir. We would question people just as to the military offenses such as maybe black marketeering in various villages or illegal exchange of piasters and MPC.

Q. Did you have any specific individuals in the company that were working for you?

A. No, sir.

Q. Did you see Major GAVIN very often?

A. Yes, sir.

Q. How about Captain RODRIGUEZ?

A. Yes, sir, at first, and then I understand he was transferred, or I didn't see him any more. This lieutenant was there and I worked quite frequently with him.

Q. I think RODRIGUEZ was a lieutenant at the time?

A. No, sir. This was a tall slim guy. It was Major GAVIN, Captain RODRIGUEZ, and Lieutenant--a different one. It wasn't Captain RODRIGUEZ.

Q. What was the nature of your contact with him? In other words, why were you in touch with Major GAVIN and Captain RODRIGUEZ?

A. Their particular district was also in my area of operations for police activities and we had to maintain a good liaison. If anything came up in his AO he would be the first to know about it, in his district. Therefore, he could contact the military police at Dottie and we could send our investigators out or our police out.

Q. What was the nature of the contact when he would get in contact with you? What would be the nature of the-- what would it be? Would it be military intelligence? Would it be evidence of criminal activities by U.S. Forces? What were the kinds of things that he would contact you for?

A. Intelligence mostly, sir.

Q. VC propaganda?

A. Yes, sir. Anything that concerned the task force or could possibly concern the task force. I was used as the liaison man. I just carried it to the colonel or to Major CALHOUN.

Q. I'd like to show you a document which is a one page statement, dated April 14, 1968, which is an inclosure to Exhibit R-1, and ask you to read it and ask you if you ever saw this statement, or ever had any discussion with respect to matters in the statement with Major GAVIN or Captain RODRIGUEZ or anyone else?

(The witness received and reviewed the document.)

A. Shortly after the last operation in there the 4/3 Infantry took over and I was sent back down south. I have never seen that before.

Q. I'd like you to also take a look at another attachment to R-1 which is a translation of some VC propaganda. I think you can skim over the first page pretty quickly, because it is the usual sort of propaganda. But focus on the first full paragraph on the second page of this and see if you recall seeing that or something like that or ever having a discussion about it.

(The witness did as directed.)

A. One comment on it. This doesn't look right. One of the reasons is--an opinion from an MP standpoint. Any time something like that would happen and these people could firm it up, it would be front page news. It wouldn't be something like that. You'd read the whole bit.

Q. When you talk about those people are you referring to the VC?

A. Yes. They would make--the reason I say this is because I recovered a lot of propaganda in the south that was operating against the infrastructure. And any little incident that occurred where maybe a helicopter would engage somebody, boy, they would blow it up to enormous proportions and it would turn into hundreds. It was false, but nevertheless they would make it into something--one paragraph in this is just out of proportion, sir.

Q. How often did Major PITTMAN visit you at LZ Dottie?

A. I believe I can count them on one hand, sir.

Q. You were there from the period in late January until the first week in April or something like that. That would be a period of a little better than 2 months?

A. A total of about 3 months. I went back up there after I came back down. I was taken off, because of a conflict of personality. It was my fault. Some soldiers had H&I'd some rounds; some, harassment and interdiction rounds, M-79 rounds, that hit one of the outposts, the people's outposts. This is the way it came to me, through the villagers. So I went to this particular colonel who was commanding this and I would rather not bring his name up, because I will tell you in a minute. I told him that the H&I in friendly villages has got to stop and if it don't--I told him flat out, "It was murder." You just can't go on killing innocent civilians. He blew his cool literally and told me, "How about investigating it a little bit more before you make such a serious accusation." I went down and investigated it and come to find out the Vietnamese did it from the bridge. So here

I was standing there tripped, and he was dead right. So after then I was so damned ashamed to even face the guy. Major PIT-MAN came up and saw me and I agreed with him that it was time to go back down south. When Colonel BARKER came back up he brought me back up with him the same day, for what reason I don't know.

Q. The incident that you just described is an incident that took place around the beginning of April? Is that right?

A. Yes, sir. Sometime around there, but Colonel BARKER had already gone south and took over as assistant brigade commander. The task force had broken up and went back to their respective spots. I stayed because it was still my AO. There was no way in the world that I could get rid of it.

Q. Another Colonel was in charge of the unit?

A. Yes, sir. A different battalion. They took over both AO's. They used to be east of us and then they doubled their area of operation. Colonel BARKER commanded this a little later on. He was sent back up there.

Q. There were H&I artillery rounds?

A. No, sir. M-79. That's the little grenade launcher type or 40 millimeter type.

Q. And they had been fired from the perimeter of LZ Dottie?

A. No, sir. They had been fired from the bridge.

Q. The bridge is on Route 1?

A. Yes, sir. Just north of LZ Dottie as you are going towards Chu Lai, about 600 meters or somewhere around close.

Q. These had been fired by members of the infantry unit stationed at--

A. (Interposing) No, sir. Two villagers came up and complained and they said that a little boy had been wounded and something else. Anyway, it looked serious and I just jumped the gun. I went up there and I said how about--I was supposed to advise him if anything went wrong, you know, this is wrong and it is supposed to be corrected in an informal sort of way, and he welcomed this because he had to know himself. I went up there pretty hot under the collar and--I couldn't get rid of the POW's. The POW's were stacked up and I didn't have enough people to take care of them.

Q. You went up and you told him about this report that the villagers had given you?

A. No, sir. I didn't put it like that. I said--it was my fault. There was no doubt about that.

Q. Just tell us what happened now. Don't be embarrassed about it at all.

A. I went up there and, to the best of my knowledge, I said, "The people guarding the bridges"--it was a track unit or a troop unit of one platoon and I said, "H&I'd into the village last night and they wounded some civilians," and they were. I went out to see if any were dead in the morning. I told him if this continues, "When they fire into them like this--this is just flat out murder and these guys can be charged with murder." So he said--I am sure he said two or three other things beside that, but he said, "How about going out and investigating it first?"

Q. You went out and you investigated it and you talked to the villagers?

A. Yes, sir.

Q. With an interpreter?

A. Yes, sir.

Q. What did you find?

A. That the South Vietnamese H&I'd out there with M-79's. These were "rough cloths." These were--the village chiefs and all the hamlet chiefs were totally terrified of the Viet Cong. The bridges--on them we have bunkers and we had a joint commitment where we would guard them with the tracks and they would also have a place to stay at night. The Vietnamese troops would provide security for them. This particular time I checked the angle of the M-79 rounds out. This was one of the reasons that no report was made. I checked it out and the village chief and district chief had his own little police force, his own "rough puffs." He brought a lieutenant down there and the whole bit. From the angle of the M-79 rounds, one of them was a dud and the place where the fire was coming from was way out. The South Vietnamese had put an ambush out there that night and it was across the river out there where it curved back in there, and they had saw many VC with weapons and they opened up on them and they fired a round into the village.

Q. What was the approximate date that this incident happened and Major PITTMAN came up and you went back?

A. He came up and talked to the colonel.

Q. What is the approximate date? How long after Task Force Barker disbanded?

A. I'm not even sure, sir. I can't give you days. You don't even know Sundays over there, or months.

Q. The time that you were at LZ Dottie, did you ever have occasion to observe Vietnamese brought into you who bore physical evidence of mistreatment by the infantry troops?

A. Yes, sir.

Q. How many times?

A. It would be hard to say. Especially right after a mine incident when these guys would trip a mine. Once they hit a mine, of course. I've been in with a party that's tripped a mine and it's total terror and these guys were--the morale went to the bottom. You could tell from the way these guys would come in. We had a guy--

Q. (Interposing) I'd like you to try to give up what you remember and leave out the reason for the way the people may have acted. I think you can be assured that there are people on this board with a lot of experience who will guide civilians like me in things like that, but we would like to get just exactly what you remember as specifically as possible. My question is how many times did you observe detainees brought into you who had obviously been mistreated by the infantry?

A. I don't have the slightest idea.

Q. Was it quite common?

A. No, sir. You couldn't actually tell if they had been mistreated or not, because a lot of these people they brought in would run and hide. To get them out of the holes they would have to drag them out and this type of thing, and a lot of them would put up a resistance, and that is the reason their hands were tied up behind them.

Q. You've had some experience as a military policeman. You can tell what somebody looks like when they have been beat up?

A. Yes, sir.

Q. Did you ever feel that it was necessary to report to Major PITTMAN or report to Colonel BARKER that possible abuse of detainees had taken place by any of the troops?

A. Yes, sir.

Q. To whom did you report it?

A. Colonel BARKER, sir.

Q. What action did he take?

A. I don't have the slightest idea, sir. There was a couple of times, like I said, shortly after a mining incident. Again, I don't know the reasons behind it, but there was a couple brought in that was in bad or fairly bad shape. They were VC and they had the pistol belts and the whole bit. They were classified as CD unless they were engaged against American troops, but they caught the enemy and they had done them a job. What I mean by that is they had beat the hell out of them.

Q. Was this particular incident C/1/20?

A. I wouldn't have the slightest idea, sir. They come in from battalion, and, like I said, we had an over abundance of prisoners that we could possibly handle--of detainees. The only thing that happened is the grid coordinates were picked up and the capturing unit and possibly the circumstances, and we couldn't even get these POW's tagged and this was my main concern. At that particular time I tried to get them out to Duc Pho as fast as I could, but normally this was when the command and control chopper left that afternoon, and they carried them back down to the cage at that particular time.

Q. How many occasions did you go to Colonel BARKER and point out that you had received detainees who had been beaten up?

A. I don't know how many. Quite a few, sir.

Q. What did he say to you? Did he indicate to you that he was going to take any action about this?

A. Yes, sir. What action he took I wouldn't have the slightest idea, sir.

Q. Did he ever give you the indication that you shouldn't worry too much about that, or that he didn't appreciate getting reports like that?

A. No, sir. No problem like that at all.

Q. On how many of these occasions did you report to Major PITTMAN?

A. Frankly, it was him that reported them to me. He came up there one time and was talking about the POW's that was received from all over the whole area of operations for the brigade and that they were in bad shape. He told me from then on out I was to make a note of it. It's received in the POW cage when they go down there. He told me to start noting on their tags, the capturing tags, when they are brought in; fair shape, good shape, beat to hell, or whatever it might be. This was a problem. I mean it wasn't only a problem in the brigade, but all over. As a matter of fact, down south when I went to the field this was one hell of a problem.

Q. Are you aware, either at Task Force Barker or after you went down south, of any investigation that was ever being conducted of any individuals who were brought in in this condition?

A. No, sir, not to my knowledge. One thing that they cautioned me about before I went to the field--the person I picked the National Police Field Force up from, before I went to the field advised me that these people were Vietnamese and they had a Vietnamese disregard for their own Vietnamese. It

was common and when I was to use them to make damn sure I controlled them and these people are almost impossible to control. There is no way. We went out in the field one day and captured a guy that could probably give us more information than any person in the world. I got a grenade thrown on me from a hole and I lifted the lid on it--one of the "dinks" threw a grenade on me and while--we killed three in that particular area. I went back and they had shot him. This is the type thing. So I started using them and I couldn't control a large platoon of them, because they were all over the place. They were searchers and they could talk to them, and they had IPW teams with them, and this. One of our major problems was the treatment of POW's, because they say a CD or anyone who works for the VC is a VC, and there is no such thing as a CD to them. A CD is treated much worse than an actual POW would be. This is one of the problems you've got and there is no getting around it. Without firm control you are going to get taken.

Q. Were you ever given any instruction by Major PITTMAN or anyone else as to keeping your eyes open and reporting any evidence of the United States troops committing war crimes or atrocities?

A. I was told by the major prior to going up there--I wasn't thoroughly briefed and he wasn't really sure what my duties were going to entail, but he told me to watch everything that went on. For troops in the field this is impossible unless you send an MP along with each company. Again, you are defeating the purpose, but this has to come through command levels.

Q. Did you ever make any attempt to question any of the troops from time to time to determine whether, in the course of operations, people were unnecessarily shot and raped?

A. I would monitor the movements as much as I could.

Q. Did you ever have an occasion, when you reported to PITTMAN or to BARKER, when you believed the raping or atrocities had been committed by troops on an operation?

A. No, sir, because none was reported.

COL WILSON: What was the form of the report which you submitted to Major PITTMAN regarding the mistreatment of prisoners or detainees?

A. No form.

Q. This was verbal?

A. Yes, sir.

Q. Nothing in writing?

A. No, sir. The only writing we had, sir, was on the tag. If they come in--we get blamed for it if they come down to the cage, and here I am holding a beat up Vietnamese. So this was a CYA deal just to cover our own self.

Q. You kept no record of this at the cage?

A. When we first went up there we had no record whatsoever. The only record that was kept was in the TOC S2 log for prisoners coming in. I'm not sure what all they reported in there. I think it could have been something of the shape they were in then and the circumstances behind it and the whole bit. It was recorded at the TOC. We guarded them while they was there and transport them to Bronco when we could.

Q. You never did hear anything about Captain KOTOUC mistreating prisoners, or did you?

A. Right now, I can't even place Captain KOTOUC. I know the name.

Q. If you didn't hear anything about him, it's all right?

A. I didn't, sir.

MR WALSH: Did I understand you to say that you were the ground controller for the helicopters of C/1/20?

A. Yes, sir.

Q. You don't know who did this for Bravo Battery 4/3 Infantry?

A. Bravo went in by dump truck, sir. I carried them in there that night. One of the reasons was the overcast.

Q. When you refer to Bravo, you are talking about the February operation?

A. Right, February the 12th.

Q. On the March operation Bravo was operating out of Uptight I believe?

A. I'm not sure, sir. I think the only ones I lifted out of there was C/1/20.

COL WILSON: Sergeant, do you have any further testimony which may help us in determining any matters which I referred to earlier or any assistance we could get regarding previous investigations or anything relating to that which you might have additional information on?

A. I wish I did, sir. I really do. I feel responsible in a way for this God damn thing not being reported. I can't even remember of any investigation. Let's put it like this, and I am just talking from a news standpoint. They said a possible suppression of the investigation. This could have happened anywhere. What I mean is even the biggest investigation in the world conducted on LZ Dottie alone has got to go through division. Anything, we had had to go through brigade and then to division and I don't--they talk about Lieutenant CALLEY kicking a Vietnamese out of a helicopter. How in the hell could they pick up a prisoner and make a spot report on him and the prisoner not show up and somebody not suspect something or turn something in. To me at least--I recorded the prisoners. I knew when some were coming in and I recorded the number down, because we had to have the adequate number of personnel down to get them. And if there was one missing I would have known it unless it wasn't reported and they dropped him on the LZ up there. I can't visualize it. You look back on what you think was a really good task force and I really did--we lost a lot of really good people up there and something like this.

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Q. You are not a suspect. If you were a suspect you would have been advised. I am sure they know how the Judge Advocate General works and if they have any question of your suspicion you would have been warned, and no doubt would have had an Article 32 by this time. This is confidential material and your testimony here is confidential. It is confidential primarily because it is for the Secretary of the Army and it's not for your commanding officer, and, as I say again, judicial, legislative or administrative body. I'm not even going to advise you on the question of your appearance in the trial of the United States v. Calley, because I don't think it is pertinent to think you would be called in that. You are not to discuss this testimony.

A. Yes, sir.

COL WILSON: We appreciate very much your coming, and thank you very much for coming.

A. I'm sorry I couldn't help you more.

COL WILSON: The hearing will recess.

(The hearing recessed at 1157 hours, 21 January 1970.)

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