

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

Volume II
TESTIMONY

BOOK 26

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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 26

BUNNING
FIELDS, D.
GARZA
GONZALEZ

HODGES
HUTSON
HUTTO
LACROIX

LAMARTINA
MOSS
PARTSCH

14 MARCH 1970

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SUMMARY OF TESTIMONY

WITNESS: BUNNING, Dennis M.

DATE OF TESTIMONY: 16 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Rifleman, 1st Squad,
2d Platoon, C/1/20.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

Although BUNNING received no training regarding the handling of PW's and noncombatants, he attended a lecture type briefing on the subject (pgs. 65, 66). This took place either in Vietnam or Hawaii (pg. 66). The witness recalled being given cards containing the same information as the MACV cards "Nine Rules" and "The Enemy in Your Hands" (pgs. 66, 67). He was not certain that he received those exact cards (pgs. 66, 67).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

a. MEDINA's order to kill everyone in My Lai.

BUNNING was not incountry at the time of the mine-field incident, but was told about it on his return (pg. 3). He did not recall the memorial service which preceded MEDINA's briefing on the 15th (pg. 3). MEDINA stated that the company was going on a search and destroy operation into My Lai (4) (pgs. 4, 30). They had taken a lot of casualties in this area and could not even return fire because it was not within their AO (pg. 30). MEDINA said that this would be an opportunity to avenge the recent losses in this area of operations (pgs. 4, 30, 31). MEDINA ordered the men to kill everyone in the village (pgs. 4, 30). They were to kill or destroy everything there (pgs. 10, 31). MEDINA described the village as a VC stronghold (pgs. 4, 30), and told the men to expect quite a fight (pg. 30). MEDINA said that the orders to

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kill everyone had not come from higher authority (pgs. 4, 5, 30). The orders from above had been merely to kill the enemy (pgs. 4, 5, 30). However, MEDINA told the company to take this opportunity for revenge and kill everyone (pgs. 4, 5, 30). The men were to go in shooting all the way (pg. 5). Although the operation was planned to take place at the time when most of the women would be at market, BUNNING did not recall MEDINA excluding women and children from the "kill everyone" order (pg. 10). BUNNING was under the impression that MEDINA was going beyond the order given him by higher headquarters (pg. 5). He believed that most of the other men had the same understanding of the order he did or they would not have gone in shooting (pg. 7). BUNNING was not shocked the next day because he saw exactly what he thought had been ordered (pg. 7). Some of the men were shocked (pgs. 7, 8). The witness understood the "kill everyone" order to extend to all the places the company was to go on this operation (pg. 6). The company never before had been ordered to go into a village and kill everybody (pg. 10).

b. Other information given out at the briefing.

BUNNING was under the impression that the operation would last three days and that they were to search and destroy everything from My Lai to the ocean (pgs. 5, 30). MEDINA said My Lai would be prepped by artillery before they went in (pg. 5). Although MEDINA did not give an order against it, he did not say that raping would be all right (pg. 31). He did not say anything about it at all (pg. 31). At a briefing given by BROOKS, BUCHANON, or HODGES after MEDINA's it was explained to BUNNING that the boundary between the 1st and 2d platoons would be the center of the village (pgs. 6, 56, 57). The third platoon was to follow behind setting the village afire and making a body count (pg. 13). He did not remember BUCHANON bringing beer around after the briefing (pg. 7).

3. ASSAULT ON MY LAI.

a. Attack on the village of My Lai.

(1) Action after insertion.

BUNNING came in on the second lift (pg. 58). After the platoon got on line it moved toward the northwestern part of My Lai (pgs. 12, 58). They were on the outer edge of the village (pg. 58). Five or six men and women in the field in front of the platoon were shot individually as the

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platoon moved forward (pgs. 13, 14, 58, 59). HODGES, his squad leader, told BUNNING that he too would have to fire at these people. When he refused he was moved next to GONZALEZ on the extreme left flank of the platoon (pgs. 12, 14, 59). GONZALEZ, did not do much shooting (pg. 16).

(2) Actions on entering the village.

As the platoon came into the village the men were firing at everything they saw, including the animals (pg. 15). Everyone was participating in this (pg. 16). They did not then nor at any time during the operation, receive any hostile fire (pgs. 16, 17). As they started moving through the village three children between the ages of seven and nine came running out of the hedgerow with their hands out yelling "chop, chop" which meant they wanted food. They were killed by the Americans (pgs. 14, 59). BUNNING did not know who shot them (pg. 59). He witnessed this from a distance of 30 to 40 feet (pg. 59).

(3) Killing of group by SCHIEL's squad.

BUNNING saw a squad leader named SCHIEL and five or six of his men take a Vietnamese family of eight to ten from a hootch and shoot them with an M-60 and M-16's (pgs. 16, 18, 59). The group was composed of men, women, and children who ranged in age between 4 and 50 (pgs. 16, 17, 59). These persons did not have any weapons and did not put up any resistance (pg. 17). Prior to killing these people SCHIEL told them several times, "I don't want to do it, but I have to because we were ordered to do it" (pgs. 16, 59). SCHIEL was trying to make rank, and he probably killed these people because he felt he was under orders to do so (pg. 16).

(4) Movement through the village.

As they moved through the village they methodically killed all the people and animals they saw because this is what they had been told to do (pg. 17). The men were under good control from their platoon and squad leaders (pg. 15). They did not take the time to search hootches, bunkers, and tunnels or to burn the village since these were the jobs of the third platoon (pgs. 17, 18). About h three-quarters of the way through the village they saw a young male attempting to escape. BUNNING and HODGES both fired at the man, but it was HODGES who brought him down (pgs. 9, 60). This was the only time BUNNING fired all day (pg. 19).

b. Attack on the village of Binh Tay.(1) Recovery of weapons from two VC.

When they reached the end of My Lai they received word that two VC with weapons had been shot to the north of the village by gunships (pg. 60). The platoon moved to the north and in the rice paddies they found two military-age males dressed in black with webgear and weapons, one of which was a carbine (pgs. 11, 20, 21). After finding these bodies and retrieving the weapons, the platoon was ordered to search the village of Binh Tay (pgs. 11, 21, 60).

(2) ROSCHEVITZ kills a group of Vietnamese.

As the platoon moved into the village they gathered the people together into a group (pgs. 22, 60). ROSCHEVITZ, who had not had an opportunity to fire his M-79 because it did not work well at close range, wanted to try out the effect of his M-79 on one of these groups (pgs. 22, 61). This group was composed of 20 men, women, and children who were sitting down and huddled together (pgs. 22, 24, 61). At a distance of 80 to 100 feet ROSCHEVITZ fired several rounds at these people which killed or wounded most of them (pgs. 22, 61). Those who were not killed were finished off by other soldiers with rifles (pgs. 23, 61). BUNNING did not know who these soldiers were (pg. 23). Since ROSCHEVITZ was standing on a slight hill between the witness and the Vietnamese, BUNNING's view of the target was obscured (pg. 24). However, he saw ROSCHEVITZ fire and heard the rounds go off (pgs. 24, 25). He did not know if BROOKS, BUCHANON, or SCHIEL saw this (pgs. 23, 25).

(3) Rapes in Binh Tay witnessed by BUNNING.

BUNNING saw HODGES take a girl into a hootch and rape her (pgs. 26, 32, 62). He went to the door of the hootch where this was taking place and was able to observe the rape (pg. 32). Perhaps GONZALEZ and MACBREEN saw this also (pg. 27). He witnessed a second rape in which three soldiers, two of whom may have been DELGADO and RODRIGUEZ, had simultaneous relations with a woman (pgs. 26, 27, 62). BUNNING believed that the woman involved was the same person raped by HODGES (pg. 26). As they made their way through the village he saw several girls grabbed by soldiers with whom they were forced to have relations (pg. 28).

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In two instances the men shot the girls when they were done (pg. 28). He had a good view of these rapes, but not as close as that involving HODGES (pg. 37). Even after the order to stop the killing came the raping continued (pg. 33). From the point where the order was given until they were out of the village he saw a couple of rapes (pg. 62). However, he witnessed these at a distance (pg. 63). In all he saw approximately seven rapes, some of which were done by Caucasians and some by Spanish Americans (pg. 31). BROOKS would not have tolerated this, and thus it was done behind his back (pg. 32). The witness knew nothing about a rape involving TORRES and JOLLY (pg. 35).

(4) The order to stop the killing.

As they moved through Binh Tay they killed everyone they saw (pg. 22). The organization of the platoon was not as good in Binh Tay as it had been in My Lai (pg. 22). About halfway through the village BROOKS received an order from MEDINA to stop the killing (pgs. 28, 62). This order did not make sense to BUNNING because they had killed so many people already. Perhaps MEDINA felt that they had killed all the people he thought they could get away with (pg. 28). After the order came they moved through the rest of the village without killing anyone (pg. 35). They gathered up a group of about 30 people and began moving them toward My Lai (4) (pgs. 36, 62). The platoon received an order from MEDINA to return to My Lai (4) immediately and BROOKS ordered these people to be released (pgs. 36, 63).

(5) Break for lunch.

After releasing these people the platoon went to the northeast corner of My Lai where they married up with the rest of the company and had lunch (pgs. 21, 37, 63). He saw a burning hootch with bodies under it near the place where they ate (pg. 36). He estimated that this took place at 1300 hours (pg. 63). He did not recall seeing any helicopters land during this time (pg. 64). He did not get over to the 1st platoon's area (pg. 37).

c. Actions following My Lai.

After lunch the company moved east to a graveyard where it joined B/4/3 for the night position (pgs. 39, 64). He did not observe any bodies along the route of march (pg. 64). There were a couple of National Police at the

laager site, but he did not see them kill any VC suspects (pgs. 39, 40). On the 17th the company burned the villages through which it proceeded and CALLEY's platoon hit a mine returning from a mission on a hill (pg. 41). On the 18th two persons hit a mine and were medevac'd (pg. 41).

4. INQUIRIES AFTER THE ASSAULT.

The company was extracted on the 18th, but BUNNING did not recall HENDERSON at LZ Dottie asking questions about the operation (pgs. 41, 42). He was never questioned about the My Lai incident by anyone (pgs. 42, 44). MEDINA gathered the men together at LZ Dottie and told them that there was going to be an investigation and the less they said the better it would be (pgs. 43, 44). He told them not to write home (pg. 55). BERNHARDT threatened to write his congressman, but was warned not to do so (pg. 52). This did not take place at the briefing (pg. 52). It would have been unwise for him to do so (pg. 52). BUNNING believed that it was MEDINA's influence which kept the men from discussing My Lai or writing home about it, and that it was MEDINA's influence which kept talk from getting around about it (pgs. 54, 55). Except at the briefing given by MEDINA, he was never told to keep quiet about the operation (pg. 44). He heard some rumors about an investigation, but on 20 March he was hospitalized for malaria and did not return for a month (pg. 42).

5. OTHER INFORMATION.

a. Rape in C Company.

Rape was quite common in C Company (pg. 33). At first BUNNING had stopped several people in the act of rape, but his life was threatened so he gave up trying to prevent it from occurring (pg. 33). BROOKS nearly ended it, but BROOKS could not control what the men did in the field (pg. 34). BUCHANON also tried to stop it, but HODGES made no attempt to do so (pg. 35).

b. Attitude toward Vietnamese.

Most of the men did not consider the Vietnamese human, and killing them was just like killing an old dog (pgs. 45, 46). One exception to this was a hippie named GAFOLO who tried to make friends with the villagers (pgs. 45, 65). However, the kind acts of GAFOLO and a few others could not override the bad acts of the rest (pg. 45).

c. Use of marijuana in C Company.

While marijuana was widely used in the company, it played no part whatsoever in this operation (pgs. 49, 50).

d. BUNNING's assessment of MEDINA.

MEDINA was "the best CO," BUNNING had ever seen (pgs. 54, 55). MEDINA knew his job and knew how to get things done (pg. 55). He took good care of the men, and he never gave anyone a tongue-lashing unless they deserved it (pg. 55). C Company was a very rough outfit and it took a strong man to command it (pg. 56).

e. Operations after My Lai.

After My Lai the company engaged in search and destroy missions as it had previously (pg. 49).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit was issued this card or a card like it.	66
M-3	MACV Card "Enemy in Your Hands."	Wit was issued this or a card like it.	66
P-1	Aerial photo of My Lai	The witness was oriented on map.	10,11
		1-Position of LZ.	57
		2-Place where he saw three children shot.	59
		3-Place where he saw SCHIELS kill group of 10.	60
		4-Place where two VC with weapons were found.	60
		5-Place where ROSCHEVITZ fired M-79 into group.	61
		6-Place in Binh Tay where they received orders to stop killing people.	62
		8-Place where they ate lunch.	63
P-8	Miscellaneous Scene	Wit recognized MEDINA.	64

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-14	Miscellaneous Scene	Wit recognized DUSTIN.	64
P-170	P-1 as annotated by the witness	Admitted into evidence.	65

(The hearing reconvened at 1030 hours, 16 January 1970.)

MR WEST: The hearing will come to order.

RCDR: The following named persons are present: MR WEST, MAJ ZYCHOWSKI, and MAJ COOP.

The next witness is Mr. Dennis M. BUNNING.

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

Will you state your full name, occupation and residence?

A. Dennis Martin BUNNING, I am a rancher thereabouts raising poultry and chickens.

RCDR: What is your address, please?

A. Star Route, Raymond, California.

MR WEST: Mr. BUNNING, before we get into any questions, I want to give you some information about the nature and purpose of this inquiry.

This investigation was directed 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:

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

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

We are not attempting to inquire into all aspects of what happened at My Lai, for example, we are not directly concerned with the possible criminal culpability of anybody for the things they did there that day that may have been wrong.

We have had made available to us and have reviewed prior official statements obtained in other investigations of the My Lai incident, for example as you know, we have a copy of the statement which you gave the CID agent.

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

The general classification of our report will be confidential, however, it is possible that later on, the testimony, or parts of it, may become a matter of public knowledge.

We request that you not discuss your testimony with others, including other witnesses in this investigation, except as you may be asked or required to do in connection with any administrative, or judicial, or legislative hearing or proceedings. For example, there is a subcommittee of the House Armed Services Committee which is taking some testimony about the My Lai incident and when we ask you not to discuss it, this of course doesn't apply to them, because they have an official legitimate reason for inquiring into it.

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

A. No.

Q. In case you later receive it, it will be an order to the effect that you should not discuss the facts regarding the My Lai incident which might come up later in the court-martial trial for CALLEY. In order to help insure that the accused will really get a fair trial, I request that you not discuss your testimony with anyone. Should you be asked to be a witness for one of the cases this would not prevent you from doing so, I'm sure you appreciate that.

MR WEST: For the record, Mr. BUNNING, were you a member of the United States Army on 16 March 1968?

A. Yes, sir.

Q. When were you discharged?

A. It was either the 14th or the 15th of January, 1969.

Q. What was your grade and assignment on 16 March 1968?

A. I was a PFC, a rifleman.

Q. And what platoon and so forth?

A. 2d Platoon, C/1/20.

Q. At that time was Charlie Company a part of Task Force Barker?

A. Right.

Q. Mr. BUNNING, when did you first hear of the planned assault on My Lai (4)?

A. I believe it was a briefing the day before--was a briefing from Captain MEDINA.

Q. Was this when he got the company together late in the afternoon?

A. At LZ Dottie, right.

Q. Do you recall a memorial service being held for some men of the company at some time before this briefing?

A. No.

Q. You remember there had been some men of the company hurt, and killed in a minefield. There were two or three men killed, I believe. There was a memorial service some time before this briefing?

A. It's possible.

Q. Some of our witnesses have remembered and some haven't.

A. It's possible, I was gone for 10 days, I don't remember the exact dates now, whether I was in country or not, and I know during the time I was gone our company was in a minefield incident. So it was during this time, because they told me when I got back that they had lost 16 men, 2 wounded and a couple killed in the minefield while I was gone.

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Q. We have evidence that the company felt very bad about this.

A. About the loss of the people?

Q. About the loss of the people, and also there had been a ceremony for the men--a memorial ceremony.

A. A formal one?

Q. Yes, they had a chaplain in and a great difference in the testimony as to just when it occurred. Some men put it on the same afternoon, a little before Captain MEDINA's briefing, others said no, it was a day, a week--

A. (Interposing) Well, I was there at that time and if it was real informal, it's possible that I may have forgotten about it, because I did not go to it myself.

Q. Can you tell us what Captain MEDINA told the company during the briefing about the next day's operation, as best as you remember it?

A. As I already stated in the CID information here-- he was telling us, we was going on a search and destroy operation and to that effect, you know, and in this Pinkville area and--that we were to go in there and kill, you know, everything that's in there--to be a VC stronghold--being it was out of our normal area of operation and we were under special operation, that we could go in there. He said this was the time we was going to go in there and clean up the place, because we operate right across the river from them all the time, and, "I've lost quite a few men there," you know, got wounded and some killed there--like--course, too he said, beings as our company was going to be the one to go through the main portion of this village--was that we was going to go and kill everyone in these villages. He did state that this order did not come from higher to actually kill everyone. The order was more or less stated to kill or take, you know, the enemy, but he stated that this was, you know, sort of a revenge thing. This was going to be our chance to get back on the Viet Cong and that we was going to kill them off.

Q. Did you get the impression that he was going beyond the order of higher headquarters?

A. Right to--certainly agree it was, yes, because he stated that it wasn't truly directed exactly as this. He put

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it in so many words, you know, that the orders were not directly, go in and kill everybody, but they were to go in, you know, and that it was going to be a fighting zone, you know, because they believe we was going to have opposition there and this--and that we were going to go right straight through it, you know, shooting all the way.

Q. Did he say anything about the men recently killed in the minefield?

A. Yes, he said--

Q. (Interposing) Would this have had a bearing on the operation?

A. Well, it may--I don't know whether you would call it directly or indirectly, but he did say that due to our recent losses that we were going to get even for these losses at this village.

Q. Did he say anything about artillery preparation?

A. Yes, there was--the place was to be prepped with artillery before we were to go in there.

Q. Did he indicate whether the preparation would be on the village or the landing zone, or just where?

A. I really can't recall that to be exact, but my best knowledge and impression--it was to be the whole area.

Q. Did Captain MEDINA give you any indication how long the operation was to last?

A. The complete operation was to last--it was a 3-day operation. It was to start at this My Lai (4), and then go all the way to the ocean and work in that area, you know, and on the third day we was to be lifted back out.

Q. Then was it your impression that it was to be search and destroy all the way through, to level all the villages?

A. This was in the beginning, yes, but on the second and third day, there was nobody there.

Q. Yes, I understand that things didn't work out just right.

A. Yeah.

Q. Was that to apply or just to--

A. (Interposing) That was the impression.

Q. It didn't just apply to My Lai (4) but to other places too?

A. Yes, it applied to everything, you know, and--

Q. (Interposing) In the area of operation?

A. Right.

Q. Do you know whether there was to be a meeting of the platoon leaders, platoon sergeants or whether there was one after the briefing.

A. You mean before the operation?

Q. Yes, that same evening at LZ Dottie?

A. Yes sir, I'm quite sure there was to my knowledge, because as I recall we got briefed by either the platoon leaders or sergeants or squad leaders, or somebody. We got rebriefed that night, or either that night or early the next morning. I'm not sure of the exact times, because we have so many operations, but we were rebriefed and retold of the operation and in these briefings most it consisted of time of departure and flights and where you were to be and all of this.

Q. Your platoon leader was Lieutenant BROOKS?

A. Right.

Q. So he did brief you somewhat after--

A. (Interposing) Well, I don't know for sure whether it was him or Sergeant BUCHANON or HODGES, you know, one of them, because when we have so many briefings you know, you can't recall--swear which one of them was, but I know that day or that next morning we were rebriefed by one of them.

Q. What was the mood of the men in your platoon after the briefing, how did they feel about the next days operation, what did they say?

A. You mean were some of them ready to go and do it or some wondering whether they should do it, is that what you mean?

Q. Did they have the same understanding of the orders that you had, for example?

A. I would believe they did. I mean the operation wouldn't go off as it did, if they didn't.

Q. Can you remember anything they said, at the time, that indicated this?

A. Well, nobody made much comment, because you know, we was pulling guard and all, and we tried to get as much sleep as we can. After the briefing and eating you would feel like getting some sleep. So, I am not one to sit up and talk. I go to bed. When I get my chance, I sleep.

Q. Did Sergeant BUCHANON bring around some beer that evening?

A. I don't really know. We have beer rations, you know, every so often, but myself, I don't drink beer and I wouldn't have the slightest idea whether he did or not. I don't say I don't drink beer, I mean to say I'm not a beer drinker. I drink a can now and then. So he may or he may not have brought some around. It's, you get it, you know, supposed to get it every couple of days, K-rations, two or three cans per meal or something.

Q. Would you say that the men were keyed up for a real fight the next day, or--

A. (Interposing) Well, you know, you've got real aggressive ones that were out for blood, you know, and you've got the ones that are not so much, you know. And there were a few that were, I believe--that didn't really think it was going to happen the way it did. I mean, I wasn't especially shocked the next day, because I knew this is what they were going to do. I mean, that's what they said they were going to do, so I expected it. But it looked to me as if some of them, you know, really--from where I was at--I can't see very many people really. But from the reactions I got, they didn't all really expect that this was going to happen at this scale, this large of a scale or this hard, you know. But I mean there was several of them that was, you know, what you might consider anxious to go do something, you know, like this.

Q. Well, we've had some witnesses in before who said that they really didn't understand it this way.

A. Well, it's possible that there were some that were confused.

Q. They hadn't expected what happened.

A. Yeah, 'cause it appeared to me, you know, that when we did get in there, that some guys didn't know what they were really in-- you know, I mean they didn't realize that this really was happening.

Q. Did you ever see anyone go right to work?

A. Yeah, you've always got the aggressive few that are aggressive in one thing or another.

Q. Going back to the briefing, did Captain MEDINA draw a map to indicate the platoon missions?

A. I believe that if he did at all, it was real informal. All this came to the platoon leaders, 'cause he wouldn't draw a map. We've all got our maps, you know.

Q. We had one or two witnesses who said he got down and he scratched out something in the dirt, I suppose outlining the platoon areas.

A. This is possible, but he wouldn't have elaborated on it or gone to any great length, not that I can recall myself anyhow. Sometimes he has, you know, gone, come right out and really tell the people quite a bit, you know, 'cause he was good in this way, I mean he generally let you know what was gonna happen. But most of the real technical fine points of showing where were gonna exactly be, as I recall, came from our platoon briefings, either platoon or squad, whichever we did get that night.

MAJ ZYCHOWSKI: Mr. BUNNING, what squad were you a member of?

A. First squad.

Q. Do you recall who your squad leader was?

A. Sergeant HODGES.

Q. I understand that this was your first search and destroy mission. Is this correct?

A. My first search and destroy mission?

Q. Yes.

A. You mean this mission was first in this area, yes, but the first mission we had of the search and destroy in our--

Q. (Interposing) Had you been on previous search and destroy missions prior to this time.

A. Three months worth of them.

Q. Did anybody have any questions between the two, search and clear and search and destroy? Was this question brought up at this briefing?

A. You mean to exactly what we were to do. I don't recall whether it exactly was brought out in that form. I mean, it may have been questioned, exactly what we were to do, because it was a little different from our normal operations, being that MEDINA said that we're gonna kill everybody in there. I can't recall the exact questions that came up, but they could have been a question or two, you know, for somebody asking, in other words to definitely confirm that this is what he wanted done. But we went on lots of search and destroy missions. That's what they call every time out in the field is a search and destroy mission.

Q. Just for clarification, what is your definition of search and destroy and search and clear?

A. Well, we never had any different stipulation. We never, to my knowledge, nothing was ever considered a search and clear mission. Everything was search and destroy, and you didn't--to me it didn't mean what it was supposed to mean, 'cause all we did was go out through there and look in the huts and look all over and see if we could find anything and just search and all really. And destroy was to mean anything that didn't belong to the Vietnamese, anything that was military, we was to destroy, or take back, or report it, or anything like this. Clear to my knowledge was always smeared together. We didn't say, okay we're going to this village and search and clear, and we're going to this village and search and destroy. To me it was one mission or operation, was the same as the other one. I mean, there was nothing stipulating the difference of clearing and destroying.

Q. At this briefing was it brought out that the villagers would be there? I am referring now to women and children?

(BUNNING)

A. Well, this is a big question that when the CID man was out he tried to press and get definite answers, and I really can't swear to it, whether he said they will or will not be there. I mean most of the women are always gone. They go to market and everything else in the morning, and this is common fact. To my knowledge he did not say that the women and children will be out of the area and we are killing only men, that is all that is going to be there. This was not stipulated. He just said we're killing everything in these villages.

MR WEST: Going back to the search and destroy missions. Had the company ever before had orders to go in and kill everybody?

A. No.

Q. You had no other occurrences like My Lai then, where a lot of people were killed?

A. On no large scale, no. There have been missions when we're in places, where we were getting shot and stuff, and they have killed civilians, or Viet Cong sympathizers.

Q. I was thinking if you were ever aware that the company was or had a deliberate plan to go in and wipe out everybody?

A. No. There never was before or after.

Q. Mr. BUNNING, we'll put in front of you an enlargement of an aerial photograph of the little hamlet of My Lai (4). My Lai (4) and the surrounding area (placing Exhibit P-1 before witness). You'll notice the center of the photograph. This is the village of My Lai (4) (indicating). You will find it there on the map. Notice the stream line that comes around there like this (indicating). You'll notice the trail running south of the center of the village down to 521 that's it right here, see?

A. Right.

Q. And the landing zone is west of the village. Our testimony is that 2d Platoon got on line with the 1st which was on the left.

A. Where was the landing zone at exactly--

Q. (Interposing) It was right in here (indicating); the rice paddy.

This is west. The photograph is oriented so that this is north. The scale is 1 inch equals about 80 meters. Over there is the east towards the sea, toward the China Sea.

A. That looks right.

Q. 2d Platoon would be on the left; the 1st Platoon over here.

A. Right.

Q. Does this look familiar to you now?

A. I was looking for a village or a cut right off here (indicating) to the left.

Q. The platoon moved from My Lai (4) out into the field to pick up a couple of VC.

A. We had moved through here (indicating), to begin with.

Q. That's right after they went up in here to pick up weapons.

A. Yep.

Q. Here's the little subhamlet of Binh Tay (indicating), where the platoon came later on.

A. How far is that in meters?

Q. That would be about 400 and some.

A. That's right. Actually, we had gone to here and then we back tracked back from here (indicating) and gone out in this area right here. Where those two men were shot, I believe, was right in this area right here. And from there we went back in that village.

Q. At this stage we just want to get you oriented on the map and then we'll go through it. Does this look familiar to you now?

A. Yes.

Q. Would you tell us please then, Mr. BUNNING, what you remember of the events that occurred after you were CA'd into the landing zone there (indicating) and got out of the

helicopter.

A. Well, first of all we were lining-up right here and then we moved up more or less on line.

Q. Would you show us on the photograph just about how the platoon lined up before you moved into the village?

A. We had the 2d Platoon here and we stretched just about from here and I couldn't see the other end, so I couldn't say how far 1st Platoon was to the other end of the village, but they were to cover the right flank of the village and we were to cover the left flank of the village.

(Witness marked the photograph as he talked.)

Q. Initially, did the line formed by the 2d Platoon extend out into the rice paddy for any distance?

A. This rice paddy? (indicating)?

Q. No, to the north.

A. This way?

Q. Yes.

A. No. We were right --

Q. (Interposing) You were facing the village?

A. Right and we were right here (indicating), on the edge of it. We were in a little bit of rice paddy right here because we're not up far enough--because we had a little bit right in front of us here.

Q. If I remember your prior testimony correctly, you were over on the left flank.

A. The complete left flank. Right at the beginning, when we were on this line I may have been in between two or three men. And then as we started to move into the village, HODGES wanted a little more activity out of me, and I told him, "I wasn't going to shoot any of these women and kids." Therefore he gave me the complete left flank. And I was completely on the left, which through the whole operation, was along this little trail (indicating) on the outside of the village and where I would be on the trail and go in and out, like this a little bit along the

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village (indicating a zigzag). But through this whole operation except for maybe this first 50 feet or 100 feet I was, or after that, I was completely, on the left flank.

Q. Go ahead and describe then what happened after the 2d Platoon got on line there.

A. Well, as I have said in our other statement there from CID that we started moving, we didn't really start, everybody was on a rough line and there was some men and women and I don't believe any children at the time-- men and women mostly was out in this area (indicating) in these fields here.

Q. The field right in the north west corner of My Lai (4)?

A. Right. Right in front of us and some maybe to the left of us a little bit, and so they just started shooting at these people, and knocking them over.

Q. The men of the platoon?

A. Right, the men of our platoon then, and I don't really recall whether our platoon started shooting first or whether 1st Platoon over here (indicating) started shooting first. It was all about the same time, you know, because we was all getting up on line and that was what the plan was. After we got on line, get ready to move through, we're moving through and killing everything in front of us.

Q. What was the 3d Platoon to do?

A. The 3d Platoon would stay in the rear for a while and then after we had gone through were following us, not real close though, but behind us. They were to come through and according to the briefing they were to count bodies and burn the village.

Q. You know that we've been told before that they were to burn the village, this seems pretty settled. But this is the first time that we've been told that they had a mission of counting bodies. Do you remember this clearly?

A. Yes, definitely was clear, I cannot say it was MEDINA or the other, but it was clearly told, at least in a briefing that I was in, that they were to take a body count and burn the village. They may not have been told this, I mean that may be just what MEDINA told the platoon leaders

and what we were told.

Q. This could have come then from Lieutenant BROOKS or Sergeant BUCHANON--

A. (Interposing) Or Sergeant HODGES because you know, it was the chain of command, you know everything comes down.

Q. All right, please go ahead.

A. Well after everybody started shooting here, that's when we started moving forward and that was probably, I think as I can recall, when HODGES thought that I wasn't doing any shooting as of yet. And he assigned me to his left flank or to the left flank and--

Q. (Interposing) How many people were shot initially, these were Vietnamese civilians weren't they?

A. Well, nobody is a civilian in areas like this, I hate to call them civilians.

Q. Vietnamese who were in the village?

A. They were Vietnamese in the village and all of our knowledge after being through the war, they definitely are VC supporters.

Q. What were they, men or women?

A. Both, but I don't recall any children right at this first incident. There was possible five or six killed initially right here (indicating). And then we started moving through the village, and as you can see this first part here is not quite so heavily dense as later on, and so I could see fairly well from the left flank, and we got in maybe 100 yards or so and 3 kids--I believe it was 3 come--children you know they were anywhere from 7 to 9 years old or something. They came running out through a hedgerow and they had their hands out hollering "chop chop" which means they want food, and some of our guys here come running out and shot them down. And then we continued on through. I mean, because that was the mission theoretically--was to kill everybody as we went through the village.

Q. Well, when you say this stuff going on, what do you mean?

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A. They were shooting everybody we was coming to, and all the animals.

Q. Where was Lieutenant BROOKS and Sergeant BUCHANON?

A. I didn't have visible sight of them here, I may have seen them twice through the whole thing, where we would kind of hold up and make sure that everyone was still on line so nobody was--that we weren't shooting each other. And I believe to my knowledge from what I could see, he stayed well in the middle of our platoon line.

Q. I suppose that was to maintain control.

A. Yeah, I mean its normal procedure and that's where they generally are, I mean I have no idea of them being anyplace else.

Q. Was the platoon kept under good control during this time?

A. From a platoon-size element? You mean did BROOKS have control of his men?

Q. Yes, and Sergeant BUCHANON and Sergeant HODGES. Were the men running around on their own, or were they--

A. (Interposing) No, they were well-organized or controlled under squad size because BROOKS, he can't see what I'm doing out here or what this man out here is doing (indicating), but through squad leaders and through the little radios we have, it was controlled and you can see a line as we were moving through here. You can maintain a pretty much line.

Q. How about HODGES, what was he doing?

A. Well he was controlling us most of the time, telling us what to do and stuff like this and he was doing some shooting there, too.

Q. I was thinking mostly about supervision and whether he were issuing orders to the squads and--

A. (Interposing) Well I'm not any--he's not an over-directive person. I mean, he doesn't say do that, you do that, shoot that person there. I mean, it's pretty well went through, I

mean, everybody knew what they was going to do anyhow and there were--well I think that GONZALES was right next to me, if not he was right over--because I generally worked right next to him or with him. Other than him and I it's possible--you know, I couldn't keep visible contact with everyone else all the time. I don't believe he was doing much shooting, at least I didn't see him doing much shooting. Other than that, most everybody was shooting.

Q. You told the CID agent about an incident involving SCHIEL and some other members. What squad was SCHIEL in?

A. SCHIEL was a squad leader, and I believe its second squad, but I never could keep them straight, which squads were which, and I believe it was second squad, but he was a squad leader.

Q. Will you tell us about that?

A. We was quite a ways in the village, I'm not really sure how far, a third of the way in, or something like this. But he had not yet, to my knowledge, shot anybody yet, because him and several other members of his squad were in front of a pretty good size hootch or huts, and they had maybe eight or nine people there. Men, women, and kids and they all--most of them came out of that hut probably one family or group there, and he was there mostly in front, and he said that he didn't want to do it. He said, you know, "I don't want to do it, but I have to because we were ordered to do it," and he said that about twice, and then he started shooting, and so did everybody else in a little group, there of five or six men, and they shot those people down. And that was the first time that SCHIEL had shot to my knowledge. Because he was, well a guy that--actually he was, you know, trying to make rank and trying to do what he was supposed to do. And being that we were told to do it, and in a position where he was, he couldn't very well say well I'm not going to do it, because, well pretty soon he'd knock him out of squad leader position, and put him back down at the bottom. So, he finally did start doing it and that was the only time that at the present time, that I ever did see him shoot into a bunch of people.

Q. And up to this time had the platoon received any hostile fire?

A. Well, later I heard that somebody said they did, but to my knowledge, I never heard of any, or knew of any during the

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whole operation.

Q. These people that SCHIEL and his men shot, did they put up any resistance?

A. No, nobody put up any resistance, except for one that I saw run, I wouldn't really call it resistance, but other than that nobody put up any resistance. They'd just stand there.

Q. Did they have weapons?

A. No, none of them in the village--the two that we went out to check that the helicopter shot down, they both had a weapon.

Q. Now this group of people, how many were there?

A. In this group where SCHIEL was, anywhere from 8 to 10, 8, or 9, or 10 people.

Q. And what were their ages and sexes?

A. Well, anywhere from 4, 5 years old to 50 or 60 years old and every sex, male, female and kids.

Q. A little later on I'll ask you to get with Major ZYCHOWSKI and mark a photograph like this and locate approximately where this group was as well as the other important point that you mentioned. But, we won't stop for that now. Could you tell us then, what happened after this particular incident, after the platoon moved along?

A. This was no particular incident really, I mean that it was going on all the time, but that was the time that I noted that SCHIEL did start shooting right there. We just kept on moving through the village, and more of the same. I mean they was shooting all the people that were there to be shot, and the animals.

Q. I get the impression that they were just methodically killing everything they came to, every person, every animal--

A. (Interposing) That's what we were told, and that's what they were doing.

Q. They didn't take time to burn anything?

A. No, we did not in this village, we went right

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straight through it, because we were not supposed to, because the other was to come through and do all the burning, so to my knowledge--

Q. (Interposing) Did they take time to search the hootches, bunkers and tunnels and that kind of thing?

A. Not really.

Q. Or was it a pretty fast moving operation?

A. It was relatively fast and anyplace there we suspected, or anything, you know, we were heavily loaded with grenades, anything we suspected or bunkers most every bunker or anything, a grenade was thrown in. So to be sure that there was nobody left to pop up and start shooting us from behind, or start shooting the other people.

Q. Going back to SCHIEL and this little group they killed, what was used to kill them, what weapons were employed?

A. Most everybody that was shooting had M-16's except for one M-60 machinegun that was used.

Q. Do you remember who was using the M-60?

A. No, I don't, because later on we had special machinegun groups attached to certain squads, but at this time we really didn't, we just had machineguns, you know and--

Q. (Interposing) And maybe a fire team in the squad?

A. Yeah, would be assigned to carry a machinegun, and being it wasn't our squad I don't know. In fact during this operation I don't even think our squad had an M-60.

Q. How many squads were in the 2d Platoon at that time?

A. We operated almost all the time with four squads, and there was four there.

Q. Are you sure? At this time the 1st Platoon only had two squads.

A. The 1st Platoon? 'Cause they'd lost some men, let's see--

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Q. (Interposing) Were you counting the weapons squad when you said four?

A. Right, but the weapons squad it's more or less-- later on I know weapons squad had a machinegun attached to them. But we had a--we had SCHIEL, I don't know LACROIX was squad leader later, I don't know if he was squad leader then. To my knowledge, I'm almost sure we was organized in four squads. Its possible that they may call it only three squads, being machineguns are shoved into a squad.

Q. Do you remember seeing GARZA that day?

A. I can't swear that I remember seeing him for definite, I believe he was there. I mean, I had no contact, or any particular thing, to make me remember he was definitely there. He was our medic, I'm quite sure he was there.

Q. Will you please continue with the platoon as they moved through My Lai (4).

A. Well, we continued moving through and then at a point, close to three-quarters of the way through, somebody hollered that there was somebody running off to the left. And this was at a time, when I had just walked into a hedge-row, and I was walking completely on the left. I had complete visibility so when they hollered, Sergeant HODGES and I ran out to the outside, so we could see. And approximately 100 meters away or thereabouts we saw a man, a young man, at least he appeared to be young, in the twenties or something, running away from us. And HODGES started shooting at him, and hollered for me to shoot at him and get him. I put my gun on automatic and I shot a whole clip at him. While I did all the brass went in HODGES' face and he couldn't shoot any more, and I missed the guy and then HODGES, he drew a good bead the next time and knocked him down, and then we went on back in the village and continued on.

And that was the only time I shot at anybody other than animals. I shot some animals, but I do that at home all the time anyhow, that wasn't anything that I didn't believe was morally right or wrong. But that right there was the only time I shot at any person and I missed him, because he was still running good when I was through shooting.

Q. Did the platoon move all the way through killing everybody they came across?

A. Right, and we stopped, at least I stopped, being I was on the left flank, cause see, I run out of village before anybody else does. And I stopped in this area someplace right here (indicating), and everybody else goes to the end of the village. And then, right at that time, or in fact, it may have been even just before we got to the end of the village, or the end of the tree line here, (indicating), there wasn't very much village at the end that I recall-- they said that the helicopters had knocked down two guys over here (indicating), with weapons so we-- as soon as we made the the end of the village we made sure we made the end, we moved right on over to check those out.

Q. That's to the north, out in the rice paddy there (indicating)?

A. Right, it was to the north and 200, 300 meters out, to my knowledge. It was quite a ways, it could have even been up to 300, 400 meters out.

(The hearing recessed at 1117 hours, 16 January 1970.)

(The hearing reconvened at 1135 hours, 16 January 1970.)

IO: The hearing will come to order.

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

Mr. BUNNING you are reminded that you are under oath.

MR WEST: At the time we recessed, Mr. BUNNING, I believe you were discussing the mission of the platoon, which was to move out into rice paddy to the north and possibly recover the weapons of two VC that had been killed by gunships. Would you go ahead and tell us what the platoon did?

A. We went out towards the north in the direction towards where the bodies were said to be, and I always walk point. That's where I'm at, right out in front in, you know, not a line but a file formation, and they were radioing from the gunships telling us where these bodies were. And so we just kept going that way, and you know, the rice is three foot high, and you can't see too good, and the gunships kept circling around, and dropped a couple smoke grenades pointing the place. And I saw exactly from where the smoke grenades

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were, where the bodies were, so finally we made it to where the bodies, and each one of them had a weapon which--I don't know exactly what kind of weapon. I think one of them may have been a carbine, but the other one was not, and they were both in pretty good order, and a lot of weapons we kept aren't in too good a shape, but these were in pretty good shape. From there--

Q. (Interposing) What were the VC?

A. You mean how old?

Q. Men, women?

A. Well, they were both men and were--both appeared to be military age, you know like 20 or 21 years old. Just young men.

Q. How were they dressed? Any web equipment or uniform at all?

A. Yeah, they did. One of them had something that was, I believe it was even a pistol belt, you know, with a couple clips of ammo on it, and no big military packs or anything like this. And I believe one of them was carrying a little bit of rice. And they wore just plain black like all the other people dress.

Q. Go ahead and tell us what the platoon did next.

A. From there we--being they definitely came out of this village, which was right directly, which would be back to the left, which is--

Q. (Interposing) To the north or northwest?

A. From where the people were lying it would be back to the west, and so beings they came out of that village, we were told to go on into the village and check out that village, which according to the map and things here appears to be this village here, because it was a fairly good size village (indicating Binh Tay, subhamlet north of the northwest corner of My Lai (4)). Well, we moved into there, and beings our original orders were to kill everybody in our operation, they continued--I mean especially being that we'd just got, you know, two enemy out of this village. They definitely had just come running out of this village and these other people that were still back here were, you know, they knew they had just come out, because they come right out of it.

So we continued and started to go through this village killing everybody that was there.

Q. You told the CID agent what happened to a group of people who were assembled there. Do you remember that?

A. Yes, we weren't very far in the village, and it's really hard to say the exact figure on it, you know, there was quite a few people, around 20, or in that neighborhood, of people that were grouped together and--

Q. (Interposing) They'd been gathered up by the platoon?

A. Well, not really by the platoon, because when we got in here in this village, nothing was near as well organized as when we went through the first village. Nobody had a particular formation any more, at least that I saw. We were still pretty well on the left, our first squad was, you know, but people were pretty well milling around. And we weren't going through this village as dead fast, you know, I mean, we was tearing up the hootches and were looking for stuff, being we just got two guys come right out of there. We knew we had something going here, at least thought we did.

But anyhow as we were--some of us were searching and tearing apart hootches and all, and several men got, you know, 2 or 3 huts, here probably (indicating) 20 people or thereabouts, you know, put them all in one group. And then one guy, he hadn't had much practice or chance to shoot a 79, being 79's don't work good at point-blank range, and that's what most all our fighting was in this area, you know. So he got back and shot a few rounds into this group of people, which would wound most of them, and kill a few of them--

Q. (Interposing) An M-79, that's substantially a rifle grenade--

A. (Interposing) Right, it's and M-79 grenade launcher which shoots a small grenade.

IO: This is the one you normally refer to as a 40 millimeter grenade.

A. Right, that's what it's considered, they have them also on the gunships, but they're a little different, because they got more powder in them. They got a better gun up there to hold them and--

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Q. (Interposing) Who fired the M-79?

A. ROSCHEVITZ, and then after he shot, I don't know the exact amount, he shot a couple rounds, or three rounds, or something into the group, then everybody that was standing right around there, that was grouping these people together-- several men went ahead and finished killing everybody there. I really--all I noticed was how ROSCHEVITZ climbed up on a little hill there to shoot at these people so he could get his right range and where he wanted it--

Q. (Interposing) Who was this?

A. ROSCHEVITZ, with the 79, but I don't know really who--some of the other guys were standing around there, but I was over a little further away, going through some hootches while--when they finished shooting all them people off.

Q. So you don't know who finished them off.

A. No, but they were some members of our platoon, I don't know which squad.

Q. Where was Lieutenant BROOKS at that time?

A. I believe he was further, already past these people because as we started in this village, beings we come from this side (indicating), he pretty well stayed to the right-hand side at first and worked across, to my knowledge. And these people were gathered probably, right over here (indicating) because we worked to get over on the left flank again, and I believe, some of them were our squad that were in on it, and then there were some from the squad next to us, and--

Q. (Interposing) That would have been SCHIEL's squad?

A. I'm not sure now whether it is or not in this formation, because I know we was still on the left and at the time I'm not sure whether SCHIEL was there or not. But there was members, maybe even a third squad there too, because I mean, when you go in there and people are going through villages, and hootches, and stuff, nobody stays exactly perfect. But anyhow, I don't to my knowledge, know whether Lieutenant BROOKS or Sergeant BUCHANON or the headquarters section visibly saw this or not.

Q. I was going to ask you about Sergeant BUCHANON.

A. Well, Sergeant BUCHANON generally, you know, and the medic-- this here headquarters section in either company-size, or platoon-size, generally stays together, you know, I mean you've got the RTO and the platoon leader and platoon sergeant and then the medic which is generally in this little group.

Q. Do you remember FIELDS, he was Lieutenant BROOKS' RTO on the company push?

A. Well we had a lot of RTO's, he may have been at the time--

Q. (Interposing) He was here yesterday and said he was, he carried a PRC-25.

A. Well, he did at one, time, I don't know when, you know, I mean we have so many RTOs.

Q. Well he described this incident. His recollection was the group was sitting down when ROSCHEVITZ--

A. (Interposing) They were 'cause--they were put together, you know, in a group and they were all huddled down or huddled together. You know, I mean, I wasn't standing right there watching them shoot into it, you know, because ROSCHEVITZ running around, he was, you might say, running the show of this thing, because he said he wanted to use the 79 and that's all. I mean I wasn't in visible plain sight of even seeing ROSCHEVITZ even hitting the people with the 79. All I know is, from what he said, and how he said it happened, you know, when later on from when he hit it, how he shot it in there, I mean you could hear the 79 rounds going off. He said his first one was, I believe, high and he missed, and after that he said the next couple made it, you know, right in the group.

Q. Well, from where you were could you see the people when he was firing on them, and when the others were firing on them?

A. No, I could not, because I'd already moved over further into the hootch, I mean he had them there, and he was standing on the hill and the hill's not much bigger than this table, you know, just a little mound maybe ten feet high at the most, it could be a bunker.

Q. Did you see him firing?

A. Yes, I saw him firing from the hill.

Q. But you couldn't see the target?

A. No, but he said he was shooting into it, and I mean, he made it plain that he was.

Q. Did he tell you about it later?

A. Yeah, he said so.

Q. I asked where Lieutenant BROOKS was, because FIELDS said that he could see the group and I assume that Lieutenant BROOKS was probably somewhere close by.

A. He probably could have been.

Q. But you don't remember?

A. No, because not here, in fact once we move in here 'cause, you see, Lieutenant BROOKS, when we was going to the two dead bodies, he was right behind. Well I was there, and maybe one other guy and then Lieutenant BROOKS was there, being we had two dead bodies out there, that we knew was there, and the gunship said, that they had guns. You know, he wanted to be right there when we got there, but after that he hardly ever walked that close to the front of the formation, and on other operations he has been maybe three men behind me. I walked point for seven months over there, and I walked point actually, until I became squad leader, and after that, then I only walked point on night operations, because most everybody would actually get lost, and well, Lieutenant BROOKS liked the way I walked. He'd show me a map, show me grids, where we was going, night or day, he'd just say just take me there, you know, and I would--

Q. (Interposing) You could read the map?

A. Oh, yeah, and he'd just show me over here (indicating), and we wanted to go there and very seldom--he'd never even say anything, we may be going 2 or 3 clicks, and even up to 4, 5 clicks.

And one night operation, I think 4 clicks, and the only thing, when we got about half way, he told me I was getting a little too close to a village, and they were liable to hear us. So we had to go out a little farther, in the rice paddy, to get around it, but he was pretty good on that, you know. And he would just tell me take us there, that's where we want to go, and once in awhile we would hold up to make sure that everyone was caught but--

Q. (Interposing) Would you tell us what happened after the group was shot?

A. Well, right at or in that time there, was several people raping several women in this area and--

Q. You described one rape incident on the CID statement, would you go through that please?

A. Okay, I really don't know who it was, if that's the one you're referring to. There was three guys on--

Q. You mentioned HODGES.

A. Sergeant HODGES took one girl there, and drug her into a compartment, like in a hootch there, you know, and hootches don't have doors or nothing, and you could see, and he raped one girl inside there. And then there was three other guys and one girl all at one time, as I stated in there too. And there was--

Q. (Interposing) You don't know who they were though?

A. No, I can't really say, like I stated in there, I names one or two names, it could possibly have been them, but I can't definitely say, because the chances of bringing in somebody that never raped anybody are too great, you know, to say I'm sure, or I believe that this person did it.

Q. I couldn't tell from your CID statement whether the girl that HODGES raped--

A. (Interposing) Had been previously raped?

Q. Was it the same girl who was with the three soldiers.

A. I believe it is, to my knowledge, you know, what I keep remembering. I can't remember which one comes first, you know I mean---

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Q. (Interposing) Well you indicate that, in your statement to the CID.

MR WEST: You said this: "First, I observed a Mexican-American having sexual intercourse with a Vietnamese girl about 18 years old. She was only wearing a blouse that was unbuttoned. When he finished, the girl got up to get away, and HODGES grabbed her."

A. It may be even related when I said that--that one Mexican-American--it may have been the time all three of them were on this girl. I'm not sure.

Q. On that part of it you said this. "Either before or after HODGES raped her I saw three U.S. soldiers with her."

A. It's possible that those three could even be at the same time I saw the one because as it was, I think that one of them started, and the other two got into the action all at the same time.

Q. I see. You said further. "One was having normal sexual intercourse, while the other had his penis in her mouth, at the same time, she was fondling the penis of the third man"?

A. Right.

Q. You also said that: "Two of them may have been DELGADO and RODRIGUEZ"?

A. Yes. This is when I got thinking afterwards. I hate to say yes, I know these are the men because--

Q. (Interposing) I think you made it clear that you are not certain.

A. Right. Because there is too great a possibility that one of them isn't and you can't--I mean, one of them may, and one of them may not, or they both may.

Q. You also indicated that MCBREEN and Leonard GONZALEZ may have seen HODGES?

A. It's possible, because I know, we were all in the same area there. I stayed pretty close to GONZALEZ throughout this operation except for the last time when we were

getting ready to move out, because whenever I am walking point we have a certain formation to follow and GONZALEZ ended up on the end. But when we was going through a village or something, GONZALEZ and I were pretty good friends and he would, if possible, you know--we would be next to each other.

Q. Now, you said to the CID agent that you observed several rapes?

A. Right. There were--

Q. (Interposing) Can you describe any others that took place there in Binh Tay?

A. Well, as far as any particular detail, you know. A guy would just grab one of the girls there and in one or two incidents they shot the girls when they got done. And when we were about halfway through the village, is when we got word to quit killing people.

Q. How did you hear about this?

A. As close as I can remember, it came to Lieutenant BROOKS over the company net and he told us.

Q. Did he yell to everybody? Do you remember what his words were?

A. Not exactly. He said something to the effect that Captain MEDINA says that that's enough shooting now. We have to quit now. To me it didn't make any sense. I couldn't figure out why we had to quit right now, when MEDINA said we were going to go right through. All I could ever figure out was, he figured he got away with as much as he probably thought we were going to get away with, or something like this, 'cause, you know, we had already killed quite a few people and beings the original orders were not to actually kill everybody there from BARKER--Colonel BARKER'S orders were not to--he didn't say go in and kill everybody, you know. At least that's the way the orders came down to us, that he didn't say it.

Q. When you say this, are you basing this on something Captain MEDINA said the day before?

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A. Basing, which part is that?

Q. You said earlier that Captain MEDINA had said that higher authority hadn't exactly said to kill everybody and you just now mentioned Colonel BARKER's name?

A. Well, Colonel BARKER was one step up from Captain MEDINA.

Q. Well, it's your assumption then that this came from Colonel BARKER?

A. Not to kill everybody you mean?

Q. Right?

A. You mean to just go through on a regular search and destroy, and take only the enemy, and to this effect?

Q. Well, when you spoke of higher authority you meant Colonel BARKER?

A. Right.

Q. It was your assumption then that it was Colonel BARKER? You didn't actually know, did you, that he had issued the orders?

A. I am almost sure it is. I mean, he issued the orders for the operation which he got, no doubt from higher up, because he was our task force leader.

Q. Was he present at the briefing?

A. No. MEDINA went to him.

Q. What information you got, I take it, came from Captain MEDINA?

A. Right. That was the highest any of our direct information came from.

IO: What specifically did Captain MEDINA say with respect to the village?

A. On the briefing?

Q. Yes?

A. Well, like I already said earlier--

Q. (Interposing) I'd like to hear it anyway?

A. Right. He said in there, to the effect that we were to go into this village, and it was a Viet Cong stronghold, you know, and we all knew it was out of our area of operation. And we lost a lot of casualties, and had a lot of people killed just across from it, and we never could even fire upon this place. But like earlier, we would be right next to it, and get shot, and all we could do was get up and run. We couldn't even shoot back because it was out of our AO. But, anyhow he said that we were to go in there, and it was going to be a 3-day operation, and we were to kill everybody in there in this operation. And he says that the orders actually come from higher up, you know, and we are not to actually kill everybody, but just enemy and such in this order. He says that we are going to destroy--I believe he said, also said from higher up, you know that destroying something about the houses and something, that came from higher up, to a degree of enemy buildings and or enemy bunkers and stuff like this.

Also, 'cause the way he put it to us, it was saying that this definitely was going to be--in other words, we were going in here and we were going to have a fight; is one thing that he did claim too, which I really didn't bring out before. He did make it quite plain that we were to run into enemy forces, which to my belief, we never did see any, or receive any fire that I know of. The two people that ran never shot at us that I know of. Anyhow, he said that we were going to go in there and kill everybody in this village, and in this area, and the operation. And he said, that this was our chance, and we were going to do it now, to get revenge on all the people we previously lost.

Q. He said that in just those words, huh?

A. In those words to that effect. Now, I won't say that those were his exact words, but they did mean that we were going to get revenge on the--he didn't call them civilians. I mean, it was known and pretty well figured that these are enemy supporters or enemy in this area. Anybody can see that when a bunch of guys with rifles run out of a village and are carrying rice, they know them villagers that are back there, know that they just left with their rice. It may be forced upon these villagers, now, and this is possible, although I've seen them before when I knew it

wasn't. We chased as many as 30 guys out of one little village and everybody ran out with weapons and everything and you know this many--the villagers just played dumb and we can't speak Vietnamese. But, anyhow he stated in those words that we were going to get revenge for the recent losses that we had taken in this area of operations.

MR MACCRATE: Did he also make it appear that anything you wanted to do to the villagers, such as raping them or otherwise was perfectly all right?

A. No. This was never said to be all right or anything like that. You mean, did MEDINA say this and--

Q. (Interposing) Yes?

A. No. He didn't to my knowledge. He didn't say for us to go ahead and rape the girls if we wanted to, or nothing. He never stipulated don't rape them, but he never said go ahead. We were to kill everything and destroy everything and that was it.

MR WALSH: Could as many as seven rapes have taken place in that village north of the main village that you described?

A. That would sound like about the right number. I think that would be just about right.

Q. All of the rapes that you observed, were they by Negro soldiers or were there white soldiers involved also?

A. I am quite sure that some were by white and some were by Spanish-American. Several were done by those. I wouldn't say several, but some. I know in one incident, there was at least two of them involved in that one. Like I say, I don't know exactly which one was involved where, but I would say that it was all three types of people.

MR WEST: Did you have a good view of this initial rape incident that you describe?

A. Well, relatively good. It was enough to make you sick and not stand there and look. You mean--it was 30 feet away if that's what you mean.

Q. You could see through the door of the hootch?

A. On Sergeant HODGES?

Q. Yes.

A. Yes. I never stayed there--you could see him raping the girl. He got her on the ground and all this, but I never stayed there and watched him for 2 or 3 minutes or nothing.

Q. What I was getting at was did you have the same kind of view of other incidents of rape?

A. Yes. There were--maybe not quite as close. In fact, when HODGES was in there I even went inside. The hootch was in one part, and it went into another back part almost, and it's not real visible from the outside. But I did go into the first part and I had to ask him a question on what we were doing or something--I forget what the question was, but I did go to the door or in part way and I could see him plainly and I asked him some question which I really don't remember. It was something to the effect of our operations going through there.

MR MACCRATE: What was Lieutenant BROOKS doing all this time?

A. In this village that we were in?

Q. During all these rapes? Was he just going around and patting everyone on the back?

A. No. In fact, Lieutenant BROOKS was a real good man, and these rapes almost had to be done behind his back, because he was one man that didn't tolerate it.

Q. The way you described it, it wasn't behind anyone's back. It just doesn't make sense to me that if anyone was trying to stop it that he didn't know what was going on?

A. Well, here is one thing. You can't stop it. I mean when we first got over there--I mean these aren't the only rapes. You guys all know that. When we first got over there--I am strictly against molesting any women, or girl, or female sex. I mean it's not my nature and when we first got over there--the first 3 weeks or so we were at Qui Nhon receiving all our stuff, so it was a month after, before we ever got in the field, and probably another month later, and then people just started raping girls, you know.

Q. You told us yourself, a few minutes ago that the order was passed and then it all stopped. Why didn't Lieutenant BROOKS pass the order himself if he was so concerned about this situation?

A. To stop what?

Q. To stop the raping?

A. No, to stop the killing. The raping still went on.

Q. The raping still went on after the order?

A. Yes. To stop the killing, but anyhow earlier, after we had been in the field a month or so, and after we had been over there a couple of months, raping did start. And being that I am against it, and I was the biggest guy in the company--ROSCHEVITZ had about 5 or 6 pounds on me, but other than that--I've lost--from over there I've lost 25 pounds. I lost 15 from malaria, and 15 or so from getting shot, and I have gained some back--but anyway I was the biggest guy in the company and when these guys first started raping the girls--these were young girls. Some were 15 and 16 years old you know, and some were down as low as 13, and maybe 12. I'd go up to a guy, 'cause I am bigger than him, you know, and say, "You leave that girl alone." Well, this goes good for a couple of weeks, and everyday or so, I would be pulling off two or three guys, and telling them, "You leave that girl alone." After a couple of weeks of this I had about 5 guys come to me and they says, "Look BUNNING"--everybody goes by last names--they said, "Look BUNNING, you leave us alone or we are going to kill you."

Now, what can you do with a fact like this? What can Lieutenant BROOKS do when those people are out there raping. All that they got to do is shoot him. We had a pretty rough bunch in the company. Our men were, and what can a person do? People threatened to write back to their Congressmen about stuff, and other people would threaten them, you know. Just about anything. People wanted to complain because our conditions were even bad, and they have been threatened that you don't write your Congressman nothing. You don't ever write to your Congressman, you know. What can you really do? I mean, we're sent over there, and nobody really wants to go over there, and here is all this stuff going on. I am against it all.

All that I know to date is that, I killed one girl over there which definitely was an enemy, and it was in a night operation when we went out there. In fact, we didn't even know what we were shooting at. Me and another guy was out there and we were just shooting at everything that run from us. It was a night operation, where nobody is allowed out at night, and they were definitely enemy, and that is the only person I ever killed that I know of, and I don't shoot my gun over there, or my weapon, until I have to. When we are shot at and stuff like this, but when you are shot at you never see where you're getting shot from. You never see them, but what can you do when you know that these guys are going to kill you? Do you press the issue?

Lieutenant BROOKS tried at the very beginning when he first took over the platoon, and he almost stopped rapes completely, you know, and I thought he was going to be able to make it and--for quite awhile I would say that there was none of it going on because he was a good man and well, you can't control everybody all the time. You set up your headquarters here, and Lieutenant BROOKS stays back here with his headquarters section and one squad. The other two or three squads go out there and operate. He has no control over them. The squad leader is the only one that has control over them. What they rape and do out there is only among the squad. He never even knows what happens, so--there was other officers--we had one or two other officers--we even had one CO and he was dead against it. I mean, he said that he would prosecute them if he caught anybody raping and this slowed it down a whole bunch, but what can you do?

I can't say whether BROOKS saw or did not see anybody raped during this time. But he was a man that was against it, and he himself never took part and I know that, or at least I know for a fact that I never seen him taking part. And to me, he was really a good man, because he tried to stop it, and I don't know why he really slacked off, or whether he saw that it was useless, or whether somebody threatened him, too. I mean, what are you going to do if five people come up to you and say if you don't do this, we are going to kill you? What can you do? You can't shoot them all, and if you do, then you go to jail for that, and all we are over there for is for 12 months, and to get back home.

MR WEST: I take it that Sergeant HODGES wasn't making any effort to stop it?

A. No. He kind of liked it himself. No, he wouldn't stop it. Then, Sergeant BUCHANON on the other hand--sometimes has done it that I know of--not raped. Stopped it I mean. He's never raped that I've seen myself or know of, but he wasn't a man that was all for it, and I've seen him at times stop men, and at other times I've seen him let them go ahead.

Q. Do you remember seeing a rape incident involving a man named TORRES and another man named Joe T. JOLLY? This was supposed to have happened in this (indicating) 2d Platoon area.

A. It couldn't have happened here. There was no time down in here that I know of. (Pointing to the aerial photograph, of My Lai (4) TORRES is another Spanish-American and he may have even been one of them in that three. I don't know. It's possible.

Q. Joe T. JOLLY, as I remember is the FO?

A. Yes. The mortar FO.

Q. You knew him?

A. To a degree. Right.

Q. Do you remember seeing him involved in a rape?

A. I can't definitely say in this village, I did. No. In fact, even out of this village, I never had a lot of contact with him, because he stays with headquarters again.

Q. Now, we've gone over the rape incidents pretty well. Let's go back to the point where Lieutenant BROOKS received the orders to stop the killing. Could you describe what happened after that with the platoon?

A. After that, we were halfway through the village.

Q. This was Binh Tay?

A. Right. We were about halfway through it, so we just continued through it and we didn't kill anybody else then and--I don't even know. There may have been one or two people killed. I know that one person went down a bunker

and wouldn't come out and somebody threw a grenade in, so I don't know what happened to him when somebody threw a grenade. A bunker, they consider their little bomb shelter. I don't know if it is the proper word for it or not. What they actually are is bomb shelters. They are not a fortified bunker position.

Q. Not a fighting bunker position?

A. No. Right. They are bomb shelters and then run in there for protection and--anyhow, we just continued through the village and got all the people together, who came back to the front part of the village heading through My Lai (4).

Q. The south part of the village?

A. Right. There at that time we had somewhere around 30 or more people grouped together, and as I recall it BROOKS called back up MEDINA again, and confirmed for us to come back over here and we turned those people loose and we went back over there (indicating on Exhibit P-1).

Q. A problem we've had is trying to determine just where the platoon went after it moved back to south from Binh Tay and whether you went into My Lai (4) again?

A. As I recall it, the only possible place we could have been in right here, back in that position being--

Q. (Interposing) Indicating the northeast corner of My Lai (4)?

A. Right. Being due to the fact here that I remember eating lunch right next to a hootch burning, with dead bodies in it, and I don't think--it's possible that that could have taken place before we went out here (indicating), but I don't think it did, but it is possible, so I can't really stipulate that. To my knowledge I would almost state that we went back to this corner again and ate lunch there.

Q. We've had testimony that you did eat lunch back at My Lai (4) someplace.

A. It would be this corner (indicating). I can't remember if we ate lunch before or after we came back, but I do know that the hootches were burning and we didn't set

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them on fire. So it would have to be when we came back, 'cause it was a pretty good smell of the bodies burning up.

MR WEST: We will have a short recess.

(The hearing recessed at 1208 hours, 16 January 1970.)

(The hearing reconvened at 1217 hours, 16 January 1970.)

MR WEST: The following persons are present: MR WEST, MAJ ZYCHOWSKI, and MAJ COOP.

Mr. BUNNING, you are reminded you are still under oath.

A. Yes, sir.

MR WEST: Your recollection is that you ate lunch about on the northeast corner of My Lai (4) (indicating).

A. I know we ate lunch there and whether it was before or after, I am not sure of.

Q. Did you move to the south at all and down in perhaps the 1st Platoon area or anywhere in that area?

A. No. When I ate lunch I was still completely over here (indicating) which would be on the north of the western end of it and we never moved. I was never once in the 1st Platoon's area. We never moved through it, even when we moved out.

Q. When the platoon came back from Binh Tay, did you do anymore or did the platoon go through anymore of My Lai (4)?

A. As far as I can remember we came right back on the trail and walked right to the corner of this thing (indicating).

Q. Did you set up a perimeter?

A. Right. We set up a perimeter guard right here (indicating) on the end. I believe we was here and another platoon was here. Most likely the 3d Platoon was back at the rear or the back half of the perimeter.

Q. Were you visited at My Lai (4) that morning by any officers of the task force or the brigade or the division?

A. Out in the field?

Q. Yes? Did you see any visiting officers that morning at all?

A. No. Not that I can remember. I believe there was some in the air, but none on the ground that I know of.

Q. When you say in the air, do you mean in helicopters?

A. Right. It would have to be a helicopter because I don't remember any small planes on this one.

Q. Did you know Colonel BEERS, Lieutenant Colonel BEERS who was the commander of the 1/20, the battalion commander?

A. I have met with him, but I don't know--

Q. (Interposing) You know him when you see him?

A. I did then, but I couldn't swear that I could recognize him now.

Q. I understand. You knew him by sight. Did you see him there that day or the day following?

A. No. Well, that's really hard to remember. He has landed in the field several times. I don't definitely recall that he did land on this operation, and I can't say that he didn't land, but I don't recall seeing him.

Q. But, you have seen him land before and visit Charlie Company?

A. He doesn't visit Charlie Company because Charlie Company doesn't like him. He visits the CO, MEDINA or whoever the CO is, and tells him about our operation orders, because for some reason or another--

Q. (Interposing) Did this happen during the time that Charlie Company was with Task Force Barker?

A. You mean that we did not like him?

Q. No. When he came to visit, was this during the time when the company was with Task Force Barker?

A. I don't think so because, we were not under his direct control anymore, and I don't think he did.

Q. You don't recall him appearing that time?

A. No.

Q. Do you recall what Charlie Company did for the rest of that day, the 16th?

A. Well, as I remember we moved--that's west?

Q. East?

A. We moved east and as far as I know we just moved out here several hundred meters and set up. I don't remember going through any more villages. I know there was no more killings or any of this, but we moved several hundred meters east and possibly even south. I might recognize it on a bigger map?

MR WEST: Let the record indicate that the witness is examining Exhibit MAP-4.

A. I believe that it would be almost directly east.

Q. We have had evidence that the company moved to the east and joined up with Bravo at the 4/3 and laagered for the night around the graveyard?

A. Right.

Q. Does that fit into your recollection?

A. Yes, but I can't remember for sure whether we did have them on our perimeter or not. I can't say for sure if we did or not. You know when you set up a perimeter, you make a pretty big perimeter as it is, but it was in a graveyard and looking in the map I am quite sure it was to the east and maybe to the south just a little bit. It was in that direction.

Q. That afternoon or that evening, did you see any National Police?

A. Yes. We had--what's considered National Police. We had Vietnamese soldier interpreters, and we had somebody that was popular force. I don't know if you call them

the National Police or not, but they were Popular Force. We had one or two of them with us. Afterwards, they were--well, we took men and held them in the form of captive to become our point men and as I remember--being as I walked point I was in charge of one, see, and I had to shove this guy out in front of me. As I recall they told me to make sure that this Vietnamese soldier did not get to him because he would kill him--that he would kill the guy we had, see. At one place, or one time I seen him and one of them walk up to one of the other ones, and was talking to him and got quite mad and had to be almost literally separated, so that he wouldn't beat this guy up. They can talk their language, and they start asking them information, and we don't know what they are saying or nothing, but by beating them, they get a little more information and what they want so we--we did have--I don't know whether they were police or Popular Forces or what they were, but we had several different kinds with us, but we did have--whether it was that night or the next day I can't remember for sure, but we did have them there.

Q. Did you see any of the prisoners killed by any of these men? Did you see that or hear about?

A. One of the prisoners killed by a South Vietnamese soldier?

Q. Yes? National Police, or Popular Force, or what?

A. No. I didn't. We wouldn't let him get near ours because he might do it.

Q. You never heard this?

A. No, not that he killed one.

Q. Along in the afternoon, did you see any visiting officers from Task Force Barker?

A. I can't really say whether I did or didn't. It's possible.

Q. Did you know Captain KOTOUC? He was the S2 of Task Force Barker?

A. I did not know him. His name is familiar, but I don't know him.

Q. Do you recall the events of the next 2 days; the 17th and 18th?

A. Mostly the next day when we moved almost to the south and, I believe a little bit eastward. There was some big water out there and it was quite wide. We moved from there to here, and through these next villages (indicating), and there wasn't anybody in them. There wasn't even anybody in there, or any animals, or anything so we went from--we overnighted and went up to here, to the water and sometime during while we were here or going to here (indicating) Lieutenant CALLEY took his platoon over to one of the hills in the area to see if we could have an overnight position on it. And all I know is they went up one way and came down the wrong way because they ran into a mine coming down and that is just what I heard.

Q. How about the little villages that you went through? Anything happen to them?

A. Well, we burned them as we went through them. They were all burned, wherever we went through.

Q. Is that where you spent the night?

A. As I recall we went to the water and almost back tracked. There was some talk that we were going to spend it in the same position, and I don't swear that we didn't. It should be logged in the army book. All of our positions are. I know we did go quite a ways back in the same direction.

Q. Do you recall what happened the next day?

A. The next day the main thing we did was to walk out and get picked up and I recall as we walked out in my squad we lost two guys from one mine which was GONZALEZ and TREVINO. They didn't die to my knowledge, but they was just wounded.

Q. They were medevac'd out I take it?

A. Right.

Q. Now, when you were lifted out by helicopter, where were you taken?

A. I believe it was back to Dottie. I mean, we get picked up and taken so many times. I believe it was Dottie.

We were there not more than a day, and we went back out in the field, and I got malaria the next day while we was in the field.

Q. Do you remember whether, when you got out of the helicopter at Landing Zone Dottie--you and other, were you met by a colonel who talked to you briefly about what happened at My Lai (4)? Do you remember anything like that?

A. We were met by somebody. There always is on an operation like this, but he didn't talk to us. He may have talked to MEDINA and the uppers but I didn't talk to him or know that he was milling among the people.

Q. We've had evidence that the brigade commander, Colonel HENDERSON, got the men together in a group when they came back and asked them some questions about what had happened that morning in My Lai (4). Were you present at such a group?

A. Not that I can remember. I mean, I'm not saying I wasn't because it could have even been a company formation.

Q. No. This was a group of men coming back.

A. I don't remember talking to anybody.

Q. Did you ever know that there was an investigation about what happened at My Lai (4) that morning?

A. Yes. I heard about it, but it was mostly rumors because on the 20th, I went to the hospital with malaria and didn't come back for a month. That was just 2 days after we completed the operation and to the effect of anybody coming around and talking to anybody, I wasn't really available.

Q. Captain MEDINA told us that shortly after the operation, on 16 March, he called the company together and told them there was an investigation going on, and that while it was going on they should not talk about what happened at My Lai (4)?

A. I was present. So, that would have to be the 18th, or the 19th, or even the 20th, because I believe the morning of the 20th is when we left for the field.

Q. But, this was after you got back from the field or could have this been before when MEDINA talked to the company?

A. It could even have been before--I don't think it's possible, because we had a half way formation or a meeting there, before we were lifted out, and I remember him saying something--in fact, I am not sure he was addressing the company or a few, but I remember him talking, and saying something at the LZ, where we was getting picked up.

Q. We've had one witness indicate that he assembled the company in the field and told them about the investigation. Most of the witnesses said that this took place at Landing Zone Dottie, but they are not sure.

A. I believe it took place at Dottie, but I can't say for sure one way or the other.

Q. You think hard and see if you can remember what he told the company?

The hearing will be recessed.

(The hearing recessed at 1235 hours, 16 January 1970.)

(The hearing reconvened at 1236 hours, 16 January 1970.)

MR WEST: The hearing will come to order.

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

You are reminded that you are still under oath.

A. Excuse me?

RCDR: You are reminded that you are still under oath.

A. Oh, right.

MR WEST: I had asked you Mr. BUNNING if you could recall as best you can what Captain MEDINA told the company?

A. Right, the briefing as far as I can remember, was at Dottie was not a real lengthy one, but it was like an informal briefing. He did say in effect that there would be some type of investigation probably. Just like you stated a minute ago, he said that we weren't supposed to say too much if anybody asked questions to kind of put it down, to this effect, from what he was telling us. In other words, the less we tell them and the less said the better off everybody is.

Q. Afterwards did anybody ever talk to you and ask you any questions about it?

A. No, like I say, I was in the hospital for 30 days right after and to my knowledge, from what I asked other guys when I got back from the hospital--from what they had said there was an informal type of investigation, and somebody did ask some people some questions and there was nobody definitely saying, "Well they asked me questions and I told them this". I was just concerned a little bit about what did come of it, but from what they said, nothing did come of it.

Q. Are you sure that someone told you that somebody asked him questions? I ask this because up to now we have not been able to find anybody in the company who was asked any questions by anybody about what happened at My Lai (4).

A. Like I say, it's possible, and it's possible too that a guy who was asked questions doesn't want to admit it. I know I wasn't there, like I say, when I came back, nobody that I talked to said that he was asked questions. He said that there was an investigation and this was all I got and I didn't talk to but two or three guys. You have your own few, your own little group, so it's possible that there really never was an investigation either formal or informal where they did ask the people.

Q. Apart from this did anyone ever tell you to keep quiet about what happened at My Lai (4)?

A. Other than this possible formation?

Q. Other than the briefing by Captain MEDINA?

A. No, not that I know of.

Q. I want to ask you some general questions, if I may Mr. BUNNING. What was the attitude of the men of Charlie Company towards the Vietnamese people. Now, in a way you've given some information on this. Telling how some of the men treated the Vietnamese women in the villages that you came to, but in general how did the men of Charlie Company feel toward the Vietnamese? Did they like them or dislike them?

A. Well, in my opinion most of them didn't want to be there in the first place and after seeing their buddies get knocked down, and all this, very few of them had any like or desire for them at all. And then there was a few, we had-- which most people always cussed, which is considered the hippy class and that's the only place I ever seen a hippy in the good, because a hippy is still a non-violent man over there too, a hippy. I myself have nothing to do with the hippies, but that is one thing that I did notice over there, that the people who were put in the hippy class. There the guys that got all the long hair, and all this kind of stuff, generalized into the hippy class. Most of them were pretty well peace-loving people. They weren't violent, well, I can remember one guy. I know I could recognize his name on the list, it starts with a D. Anyway he was from these people and when we went into a village this man would go in and set down right with the people. Everybody else would be going through tearing everything apart, and this guy wasn't for this stuff, and he would go in, and he would sit down, and he would try to communicate with these villagers, and be friendly, and there were several other ones.

I even did it to a certain degree, and mainly not to be friendly, or anything, just to learn their ways, to see what they were doing, and how they do everything. Because in certain ways they were friendly and they would show you how they grind their rice, and how everything worked, and they would be quite nice, but this doesn't last long. Not when you got four or five guys being friendly, and talking in four or five different hootches, and here on the other side, you've got these real aggressive guys that are beating guys trying to question them, and guys are raping women and stuff like this. You can't be nice and bad and still come out on top. The bad is always going to override the nice, no matter how nice you are. A little bit of bad is all it takes. I would say generally that more of the people, most of them in our company, had no good for Vietnamese. The fact is some of them considered--they didn't even consider them human, almost.

Q. That was one thing that I was trying to figure out.

A. That is not a majority that doesn't consider them human. In my opinion that would be a minority, but then it breaks to where the people--that the Vietnamese are no good to them because, well, any man that goes over there, like most of them, there put over there. Very few of them ask to go over there and you've got one thing on your mind and that's to get back home. You've got 12 months and you're home. You've got to live for 12 months and that's it. You got to live for 12 months or get a nice wound. Most people--you consider yourself generally first and so yourself is worth more than other people's lives, you think. I would rather see a Vietnamese die than me die if I had to make a choice, although it is a poor choice to make but human nature, nobody wants to die or be killed.

Q. Let me ask you the question in another way? You say that some of the members in the company considered the killing of Vietnamese just not the same as killing an American. It wasn't as bad as killing an American.

A. I would say, yes, to that degree. I didn't see it overly shown, that the Vietnamese were plain nothing, but it was there, and some considered them that way as plain nothing. Killing a Vietnamese was just killing an old dog or something.

Q. In other words perhaps a man that was back home who wouldn't be able to kill an American could kill--

A. (Interposing) Yeah, but still any person--just like when I killed that girl. I'd been over there quite awhile before I killed her, and she is the only one that I knew I killed. Because there was one guy on one side of the hootch shooting and I was on the other side. And it was pitch dark and I saw an object running and we were hollering "halt," "dung lai" and all this kind of stuff. And we could even hear a radio before we got there and sounded like they were transmitting messages and everything, and to begin with at night there is supposed to be no movement out there at all, in these free-fire zones. Anything out there is free game, but we came in on this hootch and almost had it surrounded and on them, except that one guy bumped into a water trough or something inside there, and it made

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a little bit of noise, and this girl came walking out to us. I was point and as soon as I saw her coming, everybody was out and it was pitch dark, and she came out of a little room walking to us, and it was pitch dark, and you could see her and she couldn't see us. She got that close to me--with- in 2 feet of me. I could have reached out and touched her, and she got out there, and everybody was on the ground, and she was standing out there looking over the top of us, and she starting talking Vietnamese, and she talked for maybe 15 or 20 seconds. It seemed like a long time--not too long, but she said quite a few words, and all of sudden you could just see it, because I could see it. I was twisted like this. Her face wasn't 3 feet away from me, hardly. We weren't really laying. We were in a real low squatting place where we could still move if necessary, and all the time I had the gun pointed on her, because I didn't know what she was going to do.

But anyhow, all of sudden she just froze, and she sensed that something was wrong, and she just turned and ran and I wasn't quick enough. I couldn't grab her and knock her down. She ran right into the hootch which was only 50 feet away from us, sir, 75 at the most. It wasn't very far, we were right on it almost, and she ran right into it just screaming and hollering and through the sides of this you could see these men jumping up, and you could see that these were young men, active, and they jumped up, and everything, ran out the back. Well, I ran to the right, and came around to the left, and when we got back out there we just started shooting, and I saw an object up there. It was pitch dark. It wasn't but 40 or 50 feet away from me, and you could see something moving, and I just went like that twice, and I don't know even which time I got here, when I hit her. I didn't even know it was a female at the time. We just saw somebody running out of there that we definitely knew was enemy, and so then we turned on our flashlights after that.

Meantime, I was back at the beginning with MCBREEN. He was trying to get the red lens out of the flashlight, to get the white lens in, because we had the red lens to read our map to get out where we were headed for and a red lens doesn't do too good when you're trying to shine it on somebody. He didn't get his light on until after the shooting was really done. And the rest of them all got out in a little tunnel out in the back underneath the hedgerow. This whole house--we walked around it one and a half times before

we found our way into it. It had a hedgerow growing around it, and the hedgerow was almost 100 foot from the house at almost all points, and it was completely enclosed by hedgerow. You couldn't even get through and of course at night you can't see really good, and at the end where they got out--we finally got to the front and you had to zigzag to get in. You just didn't walk in and so we knew we were getting into something hot probably, because they had it pretty well figured which house to be in, which was safe for their cover. When we came to the front like that, and they ran right out the back, and there's a little tunnel where they got down, and the other side they knocked up some brush, and off they go and gone they are. Just like that, and the only one we got was that one girl, and that's the only person that I know of that I killed over there. But like I was saying you were saying that the guy can kill one and not think nothing of it. It didn't bother me at all that I killed her because I guess, probably in my mind, that I had done right because--

Q. (Interposing) Well, it was in the heat of an operation.

A. Yeah. We're over there fighting a war, and that was enemy, and that was who was killing us, so in killing just the supporters, and she was a young girl, 21, 22 years, by just killing supporters and stuff in the My Lai incident, that's something else to me. That takes somebody--a lot of guys like I say like SCHIEL and all these other guys. They're looking for rank. Somebody higher tells them to do something. The more they do, the more they think they're going to get, and me, I'm the other way around. I had 2 years to serve and I didn't care whether I came out an E-1, and when HODGES told me to shoot them I just literally told him, "I'm not going to do it."

Q. Did the men understand about obligations to protect prisoners of war and noncombatants? Do you remember any instruction on this point in the company?

A. Well, we don't get this instruction before every operation, but we get this instruction back here in the states and we--most of us went over there, and we got most of the special training. Most everybody now that goes over there, at least I understand, they've got a week of training--over there, they've got a week of training, before they're assigned to a company, but we went over there as a whole unit, but we were told all this. I don't know whose briefings--I think it came from higher. I think that everybody takes a week to

go through, they just kind of took us around and gave us in one day when we first got over there.

Q. I wanted to ask you a few more general questions. After My Lai (4) did the missions given the company change any or were they about the same they were before?

A. The same. You couldn't tell any difference, it was just an operation out in the field, and you had certain grid coordinates, and your operation to go through certain grid coordinates, and end up on top of this little hill at another grid coordinate, and all operations are just the same. Most everything is like you said before, search and destroy, search and clear. All of ours as far as I know, were search and destroy operations. There wasn't things destroyed all the time, because there was nothing to destroy-- just considered destroyed.

Q. You were searching for VC primarily?

A. Yeah, right. On several operations we were sent into special places where we did make contact with the NVA, but other than that we were in these areas--our primary fighting was VC and that's who we were looking for.

Q. The newspapers in November had some stories about the possibility that some of the men in Charlie Company in My Lai (4) that morning were under the influence of marijuana.

A. Yea, I read that in that paper.

Q. Did you know anything of this?

A. There was quite a bit of that used. Now, I would not say in my opinion, because I never touched it, but there was quite a bit of it used, and on this operation nobody to my knowledge was touching it. Nobody was under enough influence that it did effect them one way or another. The guys that did use it used it all the time anyhow or quite often. They tried clamping down on it, but what can they do. You've got to have 75 percent of the people trying to stop it, instead of 30 percent of the people trying to stop it. They don't know who is doing it, or who is not doing it. You've got your own little clans. Nobody is going to squeal, because you've got your own life to think about. They used it. They call it "dieng cai dau" over there, or pot, or whatever it is. I don't know whether it was true marijuana that they were getting, but this is what the Vietnamese sold to them and they used it quite widely as far as

I know all the time, I was over there except maybe for the first couple of months. It wasn't hard to get, just learning what to say, to who, and they would get it for you.

Q. But in your opinion it played no part in that action?

A. It played none whatsoever, that I could at all judge, because they didn't have an exceptionally big blow-out before the thing and everybody get high or drunk, or nothing on it, because most of the time they can't get enough of either one of them. They can get enough pot but they can't get enough beer. Most of them will mix it and it gets them pretty high. They had no big thing going before this operation.

Q. I was going to ask you three questions about My Lai. The first was, "What happened?", the second was, "Why did it happen?" Those two questions I think you have pretty well answered already. In your opinion, I take it, what happened was ordered. The men carried out their orders. I think you're aware Mr. BUNNING that this incident did not become widely known until November 1969. As a matter of fact by a man named RIDENHOUR who I don't believe had been in the company but who knew a number of men in the company. He wrote a letter to the Secretary of Defense, and a number of people in the Congress, and as a result of that, an investigation was started in April 1969. In fact the investigating officer was Colonel WILSON, who is here with us, and he is heading up another interrogation team, and it's been under investigation ever since then. But it was not reported officially in the way many events in the battlefield were reported. Do you have any idea why this was?

A. Why it was not reported?

Q. Yes.

A. Why events occurred or why the operation was not reported?

Q. The killing of civilians.

A. I've got a news article right at home written by The Army Times or one of the Army papers that just said that we went through there and killed 128 enemy. That was what

was reported. Somebody said the reporter was on the ground. The CID man I believe did but I didn't know of any on the ground.

Q. That's right, a man named ROBERTS from the PIO detachment from brigade.

A. He probably went with Captain MEDINA or with one of the headquarters sections. I didn't even know that he was on the ground. I was told that there was a newsman because we were told that we were going to have a newsman. I was told that there was one in the helicopters above us, and I was told that the thing originates in all the stories he writes. I know that you probably have a file where they wrote things like 128 killed and so many weapons and stuff, and from what I gathered that originated from just what he was told. Was ROBERTS the one that wrote this?

Q. Yes.

A. He was on the ground?

Q. He was with--

A. (Interposing) It was my opinion that he was in the air.

Q. No, he was with MEDINA's command group most of the time. Early, right after the landing, he went out with some men of the 3d Platoon down south to Highway 2 and then he came back and moved generally with Captain MEDINA and the command group. There was a photographer named HAEBERLE with him.

A. You see, what it would be then probably, when they came through, all they would see is the bodies. Most of the hootches would be burned, and you don't even see half the bodies when the hootches are burning. And they probably wrote what they were told, that this was enemy controlled and that these were probably all enemy. That could be put over quite easily.

Q. Apart from that, do you have any opinion why the word about this didn't get out?

A. Through them or through us?

Q. Through official channels or through the men of the company?

A. Through the men of the company, as general as I can get it, the people were told not to say or write your Congressman or anything on this kind of stuff. Because, I believe at the time BERNHARDT who worked with RIDENHOUR over there, to get this thing started--that's where RIDENHOUR got his information. I believe he was going to try to write a Congressman or something because he definitely was against all this, but he was warned not to from what I gather, and not in a company briefing or anything, it just got around. It was not safe writing home to Congressman or anybody and they know who write to Congressman. They'll get back to him and chances of getting knocked off is too easy, because I've had them at least five guys come to me and just plain told me, "Leave us alone or we'll kill you."

I've seen another guy over there, talk to HANSEN, a guy that was our squad leader over there at first. We only had like another week left in the field. This guy takes his gun, takes it off safety, points it right at this head and says: "You just leave me alone or I'll kill you right now". Just like that, from here to the wall over there-- 20 or 30 feet away. And I'm sitting right in the direct line of fire, if he misses he's going to get me, because we're right on a thing. This is the thing. You get somebody that will get a gun up on a guy and say: "Get off my back, I'm killing you." What are you going to do.

Q. Did you know a man named RAYNOR who came into the company after My Lai (4)? He was a sergeant.

A. He didn't come into our platoon did he? Do you have what platoon he came in? The name does sound familiar, but I don't think he was in our platoon.

Q. No, I don't believe so either.

A. We had a couple--

Q. (Interposing) He may have been in the 1st Platoon.

A. We had a couple of sergeants come in, I know, we starting getting our replacements around the 22nd or 23rd because on the CID company roster they had all the first replacements listed as being present. At least they were on the list as being in the company on the 16th which they were not, which were all of our first replacements and they came from what I understood, a day or two after I left because I left the 20th.

Q. RAYNOR had an experience somewhat like this. He said he was threatened. He said he found no discipline--

A. What was he trying to do?

Q. He was trying to establish a little discipline.

A. I guarantee you, you won't establish no discipline if you're not fair, that is for sure. You can ask some of the members, the guys, when I became squad leader, under me. Because we had a good squad going, and I was fair to my men, because I believe in being fair, and every man in my squad would tell you so. Because I didn't give nobody a bunch of dirty details in a row and something that was real bad came up, I did it myself. You have to earn respect.

Q. You had a squad in the 2nd Platoon did you?

A. About the last month and a half or so, I was over. I made squad leader finally. I was still an E-4. Still was when I got out, but the rank was pretty poor in lots of situations. I never bucked for rank because I'm not interested in it. They pay you so little that it doesn't matter if they pay you another 50 or 60 dollars a month. It's so little to begin with. That they might as not even pay you, but anyway this could happen. I don't know if he was what we called "instamatics" or not, and if he was I know of no "instamatics"; one that goes to NCO school and comes right over there wearing stripes. I know of no "instamatics" that ever got respect from anybody because, like Lieutenant BROOKS when he came and took over our platoon he said, "All right men, you guys know the ropes, I don't, teach me." We get these "instamatics" they come in there--we've been there 5 or 6 months, breaking our backs. We get an "instamatic" who has been in Vietnam for 2 weeks and he knows it all. He's going to tell us how to do it, and if this man, that you're talking about is an "instamatic" and is this way, he will not get respect, or discipline, or anything from his men.

Q. This man was on his third tour in Vietnam. He came in--

A. (Interposing) Yeah, his third tour as infantry or third tour as what?

Q. Yes, third tour in Vietnam in the infantry. He liked the infantry.

A. I don't see how anybody could last that long in the infantry.

Q. The platoon that he came into and I don't believe it was the 2d Platoon--

A. (Interposing) It wasn't because I would recognize him if he was.

Q. He said there was just no discipline, and when he tried to impose some discipline--

A. (Interposing) You've got to win the men's confidence, that's first and you've got to prove yourself a man, before you get it from any of them that I knew of.

Q. Maybe that was the problem. He said in effect he was threatened.

A. I wouldn't doubt, because it is possible, because nobody comes in--well, we've had a couple of "instamatics" as it was, and all an "instamatic" would do was to bounce around from squad to squad, because they could not find a home in any squad, because nobody in the squad will put up with them. Finally, they just break them down and make them team leaders and put somebody else as squad leader, and here you got a PFC or an E-4 as a squad leader, and an "instamatic" E-5 pulling the job of a team leader. Because for one thing they are not qualified and some of them you get are "gung ho" and "hotheaded" and everything else. And they know it all or at least they think they do, and I for one don't threatened to kill anybody, but I for one being as big as I was flat told people where to go. If I didn't like what they told me to do I told them I didn't like it. In fact they even told Lieutenant BROOKS one time. It's quite a lengthy story so I won't say it. I really respected Lieutenant BROOKS. He really was a good man.

Q. Let me ask you this, now, the men didn't talk about what happened in My Lai (4), the word got around that they didn't talk, do you think in back of this was Captain MEDINA's influence? That people did what he told them to do?

A. Yeah, one thing you've got to admit, I don't know how well you know MEDINA yet or not, for a CO I haven't yet

seen a better man than him. That man looked out for his men, and he did his men right. If you did wrong, I mean to tell you you knew it and you knew it but good. He's a mean man in that respect, but he did his men right and what he did he probably felt was right. He told the men not to write home because he probably didn't want anything to get started from it, really. But probably, most of the influence would have come from him not to write, although I wouldn't say the threat of being killed came from him.

Q. I gather that you weren't around Captain MEDINA at any time during this operation against My Lai (4) --

A. (Interposing) I never saw him until we got to our overnight position.

Q. Did you hear any reports that he had killed people during the operation?

A. No, I don't know what he did, or nothing. I really don't have any knowledge of what he did, and I've got none of what Lieutenant CALLEY did and his platoon because they were over there on our complete left flank. I was as far away from CALLEY and his platoon as I could be, and then when we went to our own village, we were over there by ourselves.

Q. I see you had a high opinion of Captain MEDINA as a company commander?

A. Yeah, I got my tail chewed out real good by him one time, and I mean to tell you, I remember it today. But as a company commander, this man may have done wrong, and no doubt he had done wrong, telling us to kill all these people, but for a man and for an officer-- and I really don't have much use for the Army--I kind of hate to say it in front of all these Army people here, but anyhow, he was one heck of a good man. He really was. He knew his stuff as far as that came, and he knew how to get things done, and he never did his men, either as a whole or as an individual, wrong unless he deserved it. I don't think there was a man in the company, that doesn't shake when he walks up to talk to you, because you just know he's a mean man. You picture him as--but it takes this to maintain control really, and maintain respect and everything else, because he had it.

There were a few people no doubt that hated him. You've always got this but--

Q. (Interposing) Are you telling me that Charlie Company was a pretty rough outfit and it took a strong man to command it?

A. Definitely, yeah, it was especially after I talked to everybody else, after I got out of the hospital even, when I had malaria and got shot and was in the hospital. Everyone else that I talked to, you know they--and the way their men acted. I talked to them and they said they never had one rape incident in the whole platoon. None of the men were vulgar, or rough, or anything like this and it surprised me quite a bit, and I don't know why our guys were, really. Why our company would be so bad or whatever you want to call it, over everybody else.

Q. I think we have just about finished the primary part of the interrogation. I wish after lunch you'd get with Major ZYCHOWSKI if you would and he'll go through the map again with you and perhaps we can mark up a photograph to indicate the path that the platoon followed and note some of the places where the principle events occurred. He'll also ask you some questions about training, a few documents. Before we recess is there anything that you can think of that you know that might help us in our inquiry which we haven't covered in the questioning?

A. No, I really can't--unless you've got another question. We've pretty well discussed everything.

Q. After you go back home, if you come across any letters that you wrote at the time describing things that might have happened, that might throw some more light on the events of that day or anything to do with an investigation or a coverup, we would appreciate hearing from you. Apart from that I want to thank you very much for coming. I know it was a lot of trouble for you. It's difficult for you in view of your business in accordance to time.

A. If the chickens had gone out--if they had, I would not have been able to come.

MR WEST: All right. We thank you.

A. Okay, thank you.

MR WEST: The hearing will be recessed.

(The hearing recessed at 1308 hours, 16 January 1970.)

(The hearing reconvened at 1325 hours, 16 January 1970.)

MAJ ZYCHOWSKI: Hearing will come to order.

RCDR: The following named person is present: MAJ ZYCHOWSKI.

Q. Mr BUNNING, I remind you that you are still under oath.

A. Yes.

Q. Mr. BUNNING, before you is an aerial photograph of My Lai (4) and the surrounding areas (Exhibit P-1).

A. Yes.

Q. I would like to have you tell me and designate on the map the approximate locations of the landing zone where you landed.

(Witness indicates the position on the photo.)

Number 1 will be the approximate area of the landing zone.

(MAJ ZYCHOWSKI marks the location of Exhibit P-1 which is later received in evidence with annotations as Exhibit P-170.)

A. From the landing zone we moved on a rough line from a trench or a little hedgerow.

Q. You went through the trench line or hedgerow here (indicating)?

A. It's both; it's vegetation and also a small trench like thing.

Q. At the briefing, were you shown the boundaries that would be between the 1st and 2d Platoons?

A. No, there is no real boundary and it was not in the original briefing. It was in the smaller size briefing of the platoon or squad.

(BUNNING)

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- Q. In other words, the village of My Lai was split in the center between the two platoons?
- A. Right.
- Q. If I recall, you were on the second lift?
- A. That's correct, I believe it was on the second lift.
- Q. From the landing zone you went up to the northwestern part of My Lai (4), is that correct?
- A. Right. We were on the left and the 1st Platoon was on our right.
- Q. Where did you go?
- A. Up here, and at the very beginning I was one or two men from the end (indicating).
- Q. You were down on the outer edge of the village?
- A. Right.
- Q. How far down did you go?
- A. (Indicating) Approximately right here.
- Q. You followed the trail?
- A. Yes.
- Q. You zigzagged all the way through the area?
- A. Yes.
- Q. Starting from the northwestern part of the corner where you first entered the village, would you explain some of the things that you had seen?
- A. Well, like we said previously--
- Q. (Interposing) I'm concerned about your route and the things you saw as you went through the village.
- A. As we started moving through the village or right as we--just before we really moved, there were five or six people shot.

- Q. Where would that be?
- A. That would be in mostly here and here (indicating). It was right before we got into the village.
- Q. Was this a group?
- A. No, single people working in their fields.
- Q. People scattered throughout the area?
- A. Yes.
- Q. Continue on.
- A. And we moved on in, and that is when Sergeant HODGES told me that I had to start shooting, and that is when I told him that I would not, and I was assigned here (indicating) to the complete left flank. And from there I was on the complete edge of the village all of the way. This is when a couple of kids, three kids come running out hollering, "chop chop," and were shot down.
- Q. You saw them shot?
- A. Yes, they were about 30 or 40 feet from the front of the man who shot them.
- Q. Did you see who shot them?
- A. No.
- Q. (Marking Exhibit P-170) Number 2 will be the approximate area where Mr. BUNNING saw the three children shot.
- A. We moved on and there were several more killings. And then we went on, and people being shot, and we were probably right in this area here (indicating), when I heard and saw SCHIEL say, "I don't want to shoot them, I don't want to shoot them, but I have to, because we are ordered to," and that was about in this location here (indicating).
- Q. Approximately, how many were killed in this area?
- A. About 9 or 10 men, women, and children were killed.

Q. (Marking Exhibit P-170) Point number 3 will be the approximate location where Mr. BUNNING saw the 9 or 10, men, women, and children shot.

A. We continued moving on from there (indicating) and it was probably in this location about here (indicating) where somebody hollered that somebody was getting away to the left. And that is when Sergeant HODGES and I ran out to see and so we could get a clear view, and we saw a man, and Sergeant HODGES was shooting and he told me to shoot, and I shot a clip on full automatic, and after that HODGES shot him, and knocked him down.

Q. Would you continue from there, Mr. BUNNING?

A. From there we continued on to the end of the village (indicating).

Q. This is now at the northern edge of the village?

A. Right. From there we got word that gunships had shot down these two people to our north.

Q. Other than points 2, and 3, did you see any other groups of bodies, people that were killed?

A. Not really groups of people, but there were random killings, between point 2 and 3, and quite a few more 15 or 20 more, between point 3 and the end of the village.

Q. These were scattered?

A. Right, scattered people that I saw shot, and there were none in big groups, or piles.

Q. At the end of the village then, you proceeded where?

A. At the end of the village--that is when we got the word that the gunships had knocked down to enemy with weapons to our north--and from there we went north 300 or 400 meters to approximate there (indicating). There was some hedgerow or some trees, I think it would be this area right here (indicating).

Q. (Marking P-170) Number 4 will be the approximate area where the two VC with weapons were found.

A. From there we went west, into this other village, here (indicating).

Q. This village is north of My Lai (4) then?

A. Yes, and we went into right into the side here or on this front part (indicating).

Q. As you were going into the village, what happened?

A. As we first moved in, first of all they started putting groups of people together, some of the guys did, and that is when ROSCHEVITZ shot with the M-79 into the group of quite a few people, it was about 20 people.

Q. Were these people grouped together?

A. Yes, they were grouped.

Q. Who gathered them there, do you recall?

A. Mostly everybody gathered them there together, but ROSCHEVITZ was going to see how his M-79 was going to work on people, or how effective it would be if he shot into the group at a close distance. After he shot a couple of rounds into them, everybody else that was there killed them off.

Q. How far away was he from the point where he fired his M-79 to the place from the group was setting?

A. I'd say from 80 to 100 feet.

Q. Do you know if these were men, women and children?

A. Right, men, women and children.

Q. (Marking Exhibit P-170) Point 5 will be the approximate location where Mr. BUNNING observed ROSCHEVITZ fire a M-79 into a group of people.

A. At point 5 is where HODGES and the other rape took place also.

Q. (Indicating) This is where you observed the people being raped then, is that correct?

A. Yes.

Q. Could you explain who these were again?

A. One was Sergeant HODGES and where he took the girl inside the little hootch and the other was the three men to one girl at one time.

From here (indicating) we moved north in a northerly direction through the village. The whole village lies north and from here (indicating) we moved to the western side a little bit, at least I did, because I was still mostly on the left-hand flank.

Q. As you were going northward toward the center of the village, what happened?

A. Well, we received word to cease firing, to quit killing all of the people.

Q. This is where you received the order to stop the killing?

A. Right.

Q. Who gave this order?

A. It came to us from Lieutenant BROOKS, but was of Captain MEDINA.

Q. (Marking Exhibit P-170) Point 6 will be the approximate area where Mr. BUNNING heard the order to stop the killing.

A. From here (indicating) I was still on the outside of the village as we circled it and we continued around the village. And just collecting up the people that were left in the village and holding them all as we went. And I went to approximately here, and from here (indicating) to the end of the village we started back to the front, and we went this approximate route here (indicating).

Q. Prior to leaving the village, did you observe anything else?

A. Yes. From point 6 to the end of the village just before we left the village, I don't recall the exact location I saw a couple more rapes, also.

Q. You couldn't give the approximate area where this happened then?

(BUNNING)

A. No, not close enough, to really say.

Q. In other words, from point 6 until you exited, you did observe a couple more rapes then?

A. Right.

Q. What happened at the end of the village?

A. When we got to the end of the village to my knowledge Lieutenant BROOKS said to turn loose these people, which was approximately 30 and then at that time we turned these people loose and we continued, and we started to go back to the northeast corner of My Lai (4).

I believe this is the time we ate and so we stayed here while we ate.

Q. While you were eating, did you set up a perimeter?

A. Right, we always do that when we stop and we had a perimeter here with our platoon being on the northern corner at the end of My Lai (4).

Q. The northern corner of My Lai (4)?

A. Right.

Q. (Marking Exhibit P-170) Point 8 will be the approximate location where you ate lunch, is that right?

A. Right.

Q. Approximately what time did you eat lunch there, Mr. BUNNING?

A. I cannot recall the exact time, but it would be a late lunch. It would be 1 o'clock.

Q. While you were at this northern corner of My Lai, did you marry up with the other company?

A. Yes, I know we joined back with part of our company, I don't know which companies it was, since I was on this corner way over here (indicating).

Q. After you ate lunch, where did you go?

A. Well, after we ate lunch, we moved in an easterly direction for several hundred meters where we made our overnight position.

Q. As you left the village of My Lai (4), did you observe any other bodies, groups?

A. No, that route we took out of there, I did not observe any more bodies.

Q. While you were eating lunch here or before, or any time, did you observe any helicopters landing in the east side of the village?

A. I cannot remember. I stated to the CID, I said I don't, but I really cannot recall any helicopters landing.

Q. Mr. BUNNING, is there anything else that you can recall that you perhaps forgot and can recall now of any other incidents that occurred that you have not already told us about?

A. No, that is all that I can think of as what happened. I cannot think of anything else that is important.

Q. I showed you a number of pictures prior to our plotting your route on this map. Am I correct in saying that other than the one picture of Captain MEDINA you cannot identify any other photos and associate them with some part of the map?

A. No, because most everybody in these photos here were not in my platoon and I cannot identify them as definite places.

Q. You cannot identify any other photographs other than the one of Captain MEDINA (Exhibit P-8)?

A. I recognize DUSTIN on photograph P-14.

Q. There is nothing else then that you can tell us that sticks in your mind?

A. No, that is about it.

Q. Mr. BUNNING, if the photograph and the route that you have taken and the events that you have listed here are correct, I'd appreciate it if you would sign your name at the top left-hand corner.

(Witness signs the aerial photo)

A. Right.

Q. The photograph that Mr. BUNNING has just signed is entered as Exhibit P-170.

Mr. BUNNING, you had mentioned in your prior testimony that you remember a person's name starting with a G. I show you a roster here (indicating) of C/1/20. Would you look through this roster and see if you can identify that person?

A. Yes, this man is right here (indicating), GARFOLO.

Q. Would you explain who GARFOLO was?

A. The man who I mentioned before, who was the hippie and he was a real good guy, and when we went into the villages, and all he would do is talk to the villagers and try to make friends with all of them.

Q. Mr. BUNNING, if I recall correctly, you joined the unit in Hawaii?

A. Yes.

Q. You mentioned something about training in your prior testimony. I would like to get a little more information. Did you receive any training on the prisoners of war and the handling of noncombatants?

A. It was not really a training course, because when I joined the unit, it was getting ready to move to Vietnam right then, but during the small briefing or briefings, we were told--it was either in Hawaii--we were told quite extensively on mistreatment and how to handle prisoners and all of this properly.

Q. You did receive training in handling PW's and noncombatants?

A. Not training, but a briefing on how to handle them.

Q. This would be a lecture type class?

A. Yes, a lecture type class.

Q. Did you also receive this training when you arrived in Vietnam?

A. Like I said, it was either Hawaii or Vietnam.

Q. Mr. BUNNING, I show you Exhibit M-2 which is a Xerox copy of a card which is entitled "Nine Rules" and I ask you to look at it and tell me if you have ever seen or received one of these cards?

A. We received the card. We received a card like this or stating the same thing. I'm not sure whether it was exactly this card or not, but we did receive a card stating the same thing. I'm not sure whether it was exactly this card or not, but we did receive a card stating the same thing.

Q. Was there any further discussion on these cards after you received them?

A. Well, the only instructions that I recall, we were told this is the way we were to conduct ourselves over there. We were also told that we are in a foreign country and we are a guest over there and it was all explained quite well to us.

Q. I further show you a copy of an Exhibit M-3 which is entitled the "Enemy in your Hands" and again would like you to tell me whether you have seen or received this type of a card?

A. Yes, I do recall receiving a card with this on it. Although, at the time, I do not recall these phrases being on it, but we had a card or copy of such a thing, stating these things.

Q. You are talking about the key phrases that would be on the back of the card that were in English and Vietnamese?

A. That's correct.

Q. Did you ever receive any other card or instruction about key phrases such as the ones listed here?

A. Not to the best of my knowledge, I never had any. We had quite a hard time learning them all. However, we were told the major ones like "dung lai" for halt and we were told a couple of other ones which I cannot recall at this time.

Q. You did receive a card similar to this?

A. Yes, it may not have been this one, but we did have a card stating this information.

Q. Mr. BUNNING, this concludes this portion of the interview. Is there anything else you can recall that might be of some assistance to General PEERS?

A. No, not really. We have pretty well covered it as far as I know. I cannot think of anything else important other than what was already discussed.

MAJ ZYCHOWSKI: We appreciate your coming here today and the information that you have given to us.

The hearing will be recessed.

(The hearing recessed at 1426 hours, 16 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: FIELDS, Dean PV2

DATE OF TESTIMONY: 15 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: BROOKS' RTO.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

He did not remember a memorial service preceding MEDINA's briefing, and he recalled little of the briefing itself (pgs. 3, 4). He knew he was supposed to destroy everything in the village, but he could not remember who told him to do this (pg. 5). Looking back he believed this meant to kill the civilians, but he did not think this at the time of the briefing (pgs. 5, 6). He recollected no platoon briefing or briefing of platoon leaders (pgs. 4, 6). The men looked forward to the My Lai operation because they felt they would see some action (pg. 5).

2. ASSAULT ON MY LAI.

a. Action in the hamlet.

(1) Entry into the village.

FIELDS arrived on the last lift (pg. 6). His helicopter received no hostile fire (pg. 6). The platoon formed a line on the outskirts of the village and waited for the order to move forward (pg. 6). There was no enemy fire at this time (pg. 6). As FIELDS understood it at this point, the platoon's mission was to kill everything in the village and destroy all VC supplies (pg. 7). The men moved through the outskirts of the village from west to east (pg. 7).

(2) Observations in the village.

As the platoon moved through the village hootches were burned and residents were shot on sight (pg. 8). They killed all civilians they saw from the onset of their entry into the village regardless of the person's age or sex (pgs. 8, 9, 25). The men were not out of control, they were just doing an efficient job (pg. 26). They acted as if they were under orders to do this (pg. 20). He saw old women shot holding babies (pg. 9). He saw a five or six month old baby shot and an old man placed against a wall so that bayonets could be thrown at him (pg. 9). A group of 20-25 people were put in a circle and shot down (pg. 9). In total his platoon killed between 75 and 100 people (pg. 9). No prisoners were taken until the end of the mission (pg. 8). The platoon was in My Lai between 30 and 45 minutes (pg. 17).

(3) Attitude of the men at this point.

The men seemed to enjoy doing this and appeared to be "having a ball" (pgs. 20, 21, 23). FIELDS thought they enjoyed it because they hated the VC due to the fact that the VC were the cause of their being in Vietnam (pg. 21). He thought somebody higher up wanted this done and he did not think that anyone would get in trouble over it (pgs. 22, 23). BROOKS saw the same things he saw, but BROOKS did not shoot anybody (pgs. 24, 25).

b. Actions in Binh Tay.

In response to a call over the radio the platoon moved into an open area in the northwest section of the village where a helicopter pilot had popped red smoke to mark the position of two dead VC with weapons (pgs. 10, 12). While in Binh Tay they checked out hootches and killed lots of livestock (pgs. 11, 14). A group of 15-20 men, women, and children were rounded up (pg. 13). He thought they were going to be left alone, but, as they started to leave, RASCHEVITZ fired two M-79 rounds into the group (pg. 13). The first shot missed the people but the second round exploded in their midst (pg. 13). A couple of soldiers were ordered to put the rest of the people out of their misery with their M-16's (pgs. 13, 29). FIELDS did not know who gave the order to do this, but looked upon it as an act of mercy (pgs. 13, 29). BROOKS was there (pg. 13). He did not recall an order to stop shooting civilians coming in over the radio about this time, but knew that they freed

detainees after this (pg. 16). They let a group of 15 to 20 people go when the platoon left Binh Tay (pg. 14). He thought the killing was unnecessary, but only felt bad about killing the children (pgs.19,23). The platoon was in Binh Tay for an hour (pg. 32).

c. Action after leaving Binh Tay.

FIELDS recalled checking out VC with weapons after leaving Binh Tay (pg. 14). They returned to My Lai where he saw two large circles of old women and children lying dead (pg. 15). This was on the left side of a trail that went around the village (pg. 15). He did not see any National Police at the laager site (pg. 18).

d. Knowledge of rapes taking place during the operation.

DELGADO and RODRIGUEZ told him they had raped a girl (pg. 27). He later saw the girl alive (pg. 26). He witnessed the rape of a girl by JOLLY and TORRES (pg. 30). JOLLY held the girl while TORRES raped her and TORRES returned the favor by assisting JOLLY (pg. 31). The girl struggled throughout (pg. 31). BUCHANON was nearby, but FIELDS did not know if he saw it (pg. 31). This rape occurred after they had returned to My Lai from Binh Tay (pg. 32). He knew nothing about HODGES raping a girl (pg. 31). Rapes were not common on their operations (pg.31).

3. INQUIRIES AFTER THE ASSAULT.

FIELDS did not see Colonel HENDERSON after the extraction (pg. 18). He recalled WESTMORELAND's letter being read and being told that there would be an investigation, but could not remember who said this (pg. 18). He was never told to keep quiet and was never asked questions about the incident (pg. 19). He knew of no one in the company who was questioned (pg. 19). He did not know why the incident was not reported (pg. 21).

4. OTHER INFORMATION.

a. Radio transmissions.

The body count was not reported over the radio, however, the capture of the VC weapons was transmitted (pgs. 16, 17).

b. Assessment of officers.

BROOKS was a nice officer who was only strict when necessary (pg. 26). MEDINA was a good officer who took care of the men (pg. 28). He did not know Lieutenant Colonel BARKER (pg. 28).

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(The hearing reconvened at 1022 hours, 15 January 1970.)

MR WEST: The hearing will come to order.

RCDR: The following named persons are present: MR WEST, MAJ ZYCHOWSKI, and MAJ COOP.

The next witness is Private E-2 Dean FIELDS Jr.

(PVT FIELDS was called as a witness, was sworn, and testified as follows:)

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

A. Private Dean FIELDS, Jr., , Headquarters and Headquarters Company, 2d Brigade, 1st Armored Division, Fort Hood, Texas, U.S. Army.

MR WEST: Private FIELDS, before we get into any questions, I want to tell you something about this inquiry and what it is about.

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:

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

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

We are not inquiring into all facts and circumstances of what happened at My Lai. For example, we are not directly concerned about possible criminal culpability of any individual, something he did that day that may have been wrong.

We have had made available to us and have reviewed prior official statements of other investigations of

the My Lai incident, and we have talked to many of the members of C/1/20.

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

The general classification of our report will be confidential. However it is possible that the testimony, or parts of it, may later become a matter of public knowledge.

You are directed not to discuss your testimony with others, including other witnesses, except as you are required so to do in the performance of your official duties, or as you may be required to do before a competent administrative, judicial, or legislative body. For example, there is a subcommittee of the House Armed Services Committee questioning some people about the My Lai incident. Some people who appear here are being called for that subcommittee. Of course, our direction to you not to discuss your testimony would not apply if you are called before a congressional subcommittee.

Have you received an order from the military judge in the case of the United States v. Calley? He has issued an order in which he has directed witnesses and potential witnesses in that case not to discuss this testimony. Have you received such an order?

A. Yes.

Q. It is permissible within the limits of that order, here today, to give your testimony. This has been worked out with Judge KENNEDY. At the same time, your appearance here does not affect that order. They are both compatible. Now, do you have any questions up to this point?

A. No, I don't.

Q. Private FIELDS, what was your duty assignment on 16 March 1968?

A. My duty assignment? You mean the job that I held?

(FIELDS)

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Q. Yes?

A. I was RTO for Lieutenant CALLEY.

Q. What was Lieutenant CALLEY's duty at that time?

A. You mean who he was in charge of?

Q. Yes? Lieutenant CALLEY, C-A-L-L-E-Y?

A. He was in charge of the 2d Platoon, I think.

Q. The fact is, on 16 March 1968, he was the platoon leader of the 1st Platoon. When did you first hear of the planned assault on My Lai (4)?

A. It was the day before we went on the mission.

Q. It was on 15 March 1968?

A. Yes.

Q. Do you remember a memorial service being held for some men of the company who had been killed about this time?

A. No, I don't.

Q. How did you hear of the assault on My Lai (4)? Was this in a briefing by the company commander?

A. We were all called together, and we sat on something like bleachers, and we were told about this. We were supposed to make an assault on the village.

Q. Who told you?

A. Captain MEDINA.

Q. Can you tell us just what Captain MEDINA said?

A. No, I can't remember.

Q. You mean you don't remember anything he said?

A. No, I don't.

Q. Did he tell you about what the plan was for the operation? What the platoons were supposed to do, or what the men were supposed to do?

A. If I remember right, we were told that it was a suspected VC village. That's about all I can remember that he said.

Q. Do you remember whether he told you what kind of operation it was?

A. No.

Q. Do you remember his orders as to what each platoon was supposed to do, or what the men were supposed to do?

A. No, I don't.

Q. Did your platoon leader give you a briefing afterwards?

A. No. When we got to the village, it was when we got to the village.

Q. Well, let's stick to the 15th. How about your platoon sergeant, did he come around and talk to you?

A. Not that I can recollect, no.

Q. You were an RTO at this time?

A. Yes.

Q. What other operation had you been on before this?

A. Just regular patrols, around the LZ Dottie area.

Q. What was your job on these other operations?

A. RTO.

Q. For whom?

A. I can't remember whether they were CALLEY or BROOKS.

Q. What kind of radio did you carry?

A. PRC-25.

Q. Is that the one you carried in the company "push"?

A. Yes.

Q. Now, let's go to the next day. First of all, before we do that, do you remember that evening at LZ Dottie after the briefing by Captain MEDINA?

A. Yes, sir.

Q. Can you tell us what the attitude of the men was?

A. I guess they more or less looked forward to going to My Lai (4).

Q. Why was this?

A. Well, quite a few times when we did go out, we didn't make any contact with any of the VC, and I guess they thought that going through My Lai (4), they would see a little bit of action.

Q. Why did they think this?

A. I guess because they were told that it was supposed to be a suspected VC village.

Q. I wish you would think hard, Private FIELDS, and see if you can recall anything that Captain MEDINA said. This was the time when the orders were given to the company and everybody was told what to do.

A. I know we were--they were supposed to destroy everything in the village, but I can't remember who told us, or at what time we were told, that we were supposed to do this.

Q. What did you understand "this" to mean?

A. Well, at the time, I didn't know exactly what it meant until we got into the village, and everybody started shooting these civilians in there. I guess it meant to kill the civilians and everything that lived in there.

Q. But you didn't understand that that was the way it was to be ahead of time?

A. No.

Q. Do you remember anything being said about how long the operation was supposed to last?

A. No, I don't.

Q. Do you remember whether your platoon leader went to a meeting of the platoon leaders and platoon sergeants afterwards with Captain MEDINA?

A. No, I can't remember if there was a meeting or not.

Q. Now, let's go to the next day, the 16th, the first thing in the morning. Charlie Company was lifted into an area just west of My Lai (4) that morning. Do you remember what lift you were in?

A. It was either the second or the third lift. I don't know exactly which one it was.

Q. But you remember it wasn't the first lift?

A. Right.

Q. Can you tell us, to the best of your memory, when you came in on the lift and approached the LZ if anything happened? For example, was your helicopter taken under fire?

A. There wasn't any fire. We didn't receive any fire.

Q. Would you tell us what you did after you landed?

A. Well, as we got off the chopper, we all made, more or less, a line along the outskirts of the village, and waited for our leaders to tell us when to move into the village.

Q. At this time was there any enemy fire?

A. No.

Q. Can you tell us what happened next?

A. You mean as we went into the village?

Q. Whatever happened after you formed up in a line? What did your platoon do next?

A. Well, after we were landed, we were there for a few minutes, and we were told to go ahead and start going through the village.

Q. What was the platoon's mission at this point?

A.. We were supposed to destroy everything, and not leave anything alive. We weren't supposed to leave any kind of supplies for the VC.

Q. Why do you say this? Were these some orders given that morning, or does this go back to Captain MEDINA's order the night before?

A. Well, these orders were given--I can't remember who they were given by.

Q. Do you remember any of the radio traffic that morning after you got on the ground?

A. The only radio traffic that I can remember is when he was called and was told when to enter the village. And call and tell us where his location was at the time.

Q. By that you mean the platoon leader would report his position?

A. Yes, they always report.

Q. How was this done? Did the platoon leader report himself, or did he have you do it?

A. He does.

(At this point, COL FRANKLIN and LTC MAHAFFEY joined the hearing.)

Q. Private FIELDS, in front of you is a large aerial photograph with the hamlet of My Lai right here in the center. You will notice the map to your left is a 1:25,000 scale map which has been admitted into evidence as MAP-4.

(FIELDS)

(MR WEST oriented the witness to the map.)

Could you indicate to us the movements of the platoon as you started through the village?

A. Well, you say the ocean was on the east. Okay, we moved through the village from west to east, towards the ocean.

Q. Do you remember what part of the village your platoon went through?

A. Let's see. The far end corner down here, our platoon went through.

Q. Can you tell us what happened there as your platoon started moving through My Lai (4). For example, were the men firing as they moved--what you might call a reconnaissance by fire, or holding their fire until they saw a target? Just what did they do?

A. Well, they didn't just fire as they went through the village. They waited until they seen a target, and then they fired at it.

Q. Did they burn any houses as they went along?

A. Some of the hootches were burned.

Q. What happened when they came upon Vietnamese residents of the hamlet?

A. If the Vietnamese were outside of their hootch, they were shot. If they weren't outside, they were inside. The men went inside to check them out, and they went in there--that's where they were killed, inside the hootch.

Q. Did you take any prisoners?

A. Not until about the end of the mission.

Q. Then in the first part of it, based on your testimony, they were killing all the civilians that they came across?

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A. Yes.

Q. Did it make any difference as to age or sex?

A. No, it didn't make any difference at all.

Q. Could you describe what you saw in the way of people being killed? Do you remember any particular instances?

A. I don't know; there were several. One, I guess he was not more than 5 or 6 months old. He was shot with an M-60, and old women were shot along with the babies who they were holding. It didn't really make any difference how old they were or how young they were; they were shot.

Q. Would you describe some other instances, or give other examples?

A. There was one old man that they put against the wall, and was throwing a bayonet at him.

Q. Do you know who was doing this?

A. I can't remember who it was.

Q. Did you see any groups of people killed?

A. Yes.

Q. Would you describe this please?

A. It was about a group of about 20 or 25 people, women and children--mostly women and children, and I guess they were just put in a circle and shot down.

Q. Do you remember where SCHIEL was at this time?

A. No, I can't remember where he was.

Q. Do you remember who did the shooting at this bunch?

A. No.

Q. You can't remember any names?

(The witness gave a negative response.)

As I understand it, the platoon went to the northwest part of the hamlet. Would you take the grease pencil and mark off the route the platoon initially went through.

(The witness did as requested. The annotated photograph was later discarded because it was felt to be of no further value.)

Could you give us an estimate of how many people, or the total number of people, you think were killed in this area (indicating) of the hamlet by the 2d Platoon? This includes not only those you saw killed, but bodies you saw.

A. Seventy-five to one hundred.

Q. Can you tell us what the platoon did after this?

A. Well, after we went through the village, we went to a certain area which was out in an open--more or less like a rice paddy, and there was red smoke. So we went over to where the red smoke was at. There was two Viet Cong which had been shot down by choppers, and we just recovered the weapons and went on ahead.

Q. Did the lieutenant take the weapons?

A. Yes.

Q. Where did the platoon proceed after this?

A. It was more or less like a peninsula portion of the village; it wasn't right onto the village.

Q. I'll direct your attention to the wooded area, where there are some houses, directly north of the northwest corner of My Lai (4). This is a little subhamlet called Binh Tay. Now, did the platoon do anything up in this little subhamlet?

A. Not that I can remember, no.

Q. Do you remember what the platoon did next?

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A. We just went through this little portion. There weren't very many houses. One of the hootches was burned, and there was one woman that was shot.

Q. Do you remember seeing Sergeant BUCHANON there?

A. I don't know.

Q. Do you remember seeing ROSCHEVITZ there?

A. Yes, ROSCHEVITZ was there.

Q. Could you tell us what ROSCHEVITZ did?

A. Well, we all just stood around and waited for other orders until we moved out.

Q. You were the RTO for the platoon leader?

A. Yes, I was.

Q. When you came upon this little subhamlet, or this little group of houses, just what did the platoon do? Did they move through it as they did at the northwest corner of My Lai (4)?

A. More or less the same way. We just went into a portion of the village, checked out the hootches, and the civilians was there--was a woman and a kid.

Q. Private FIELDS, we've had several witnesses who have told us their stories on this and have indicated that a good bit more happened. I wish you would think hard, and remember all you can about what the platoon did in this little place.

A. I can't remember anything else that we did in that portion of the village. We did kill some cows.

Q. And you were with the platoon leader? Who else was around you at the time?

A. ROSCHEVITZ and WRIGHT.

Q. Can you think of any other names?

A. There were some Puerto Ricans, but I can't think of their names.

Q. Was the lieutenant in control of the platoon? Did he know what the platoon was doing at the time?

A. I guess he did.

Q. How did the platoon know to go out into the rice paddy to pick up the weapons? Did something come in over the radio?

A. I think we were given a call over the PRC-25, saying that the choppers had killed two of the Viet Cong, and we were supposed to proceed to the location where the smoke was.

Q. Did you also get orders over the company "push" to go up to this other little group of houses?

A. I can't remember if there was or not.

Q. While you were in there, do you remember a group of 10 to 20 Vietnamese civilians being brought together, and what happened to them?

A. I can remember a group that we were near--of civilian people. They weren't shot. They were let go. They were released.

Q. You have no recollection of a group being killed before that time?

A. I seen groups that had already been killed.

Q. In this place? Now, the other evidence that we have--the place you are talking about is the little subhamlet of Binh Tay, which shows on your aerial photograph directly north of the northwest corner of My Lai (4). The other evidence is that the group, from 10 to 20 Vietnamese people, were rounded up there, and they were all shot and killed. ROSCHEVITZ fired several M-79 rounds into the group, and then they were finished off with M-16's?

A. Oh, yes, I remember that now.

Q. Well now, you describe it. I don't want to suggest anything to you?

A. Well, they were gathered together, and they were all sitting down, more or less like a circle.

Q. How many were there?

A. Counting women and children there were about 15 or 20 of them, and I guess they were going to be left alone, you know. But as we started to leave, ROSCHEVITZ did shoot a M-79 at them. The first one missed them, if I'm not mistaken. The second one hit one in the center of them, and I can't remember who the person was with the M-16. He was told to more or less go ahead and kill them because they had been wounded, and no sense to leave them lying there and suffering.

Q. Do you remember where GARZA was at this time?

A. I think he was on up ahead of us. We were, more or less, like the tail end of our platoon.

Q. Do you remember where BUNNING was?

A. I can't remember who BUNNING was.

Q. Where was Sergeant BUCHANON?

A. I think he was with us.

Q. Did he give the order to finish them off?

A. I don't know if he did or not.

Q. Was the lieutenant there?

A. I'm pretty sure he was. Yes, because I usually stay right next to the lieutenant in case he gets a call.

Q. So anything you saw, he could have seen?

A. Yes.

Q. Do you remember a call coming from Captain MEDINA sometime after this group was finished off?

A. No, I can't remember that at all.

Q. What did the platoon do after this? Were you still in this little place called Binh Tay.

A. This right in here (indicating)?

Q. Yes. Did you keep on shooting up the place, or what did you do?

A. There was a portion that we went through that we did do some shooting. I think most of that was just at the livestock that they had there. I can't remember if they killed anybody, but I know we did shoot quite a bit of the livestock they had.

Q. Did you take any prisoners or detain any civilians from there? I'm not talking about the group that was shot.

A. There was one group that we had. They were let go.

Q. About how many in that group?

A. About 15 or 20 of them.

Q. Do you recall which direction they went?

A. We went back up through this village, the way that we came, and then we made a turn. I think they went north, how far I don't know.

Q. What did the platoon do next, after you finished up in this little place called Binh Tay?

A. I think it was after that we went over and checked out those VC. I think it was after that.

Q. After that you checked out some VC? Where was this?

A. We were in a big, open rice paddy area where they were found.

Q. What happened after that?

A. I can't remember what we did after that.

Q. Well, do you remember returning to My Lai (4), or did you go to some other place?

A. Yeah, we did. We came back down--I think on the outskirts--more or less, like a little path, or something on the outside of the village by the rice paddy. That's where I saw several big round circles of people lying there dead.

Q. Could you describe that a little more closely. How many groups, how many in each, what they looked like, ages and sex?

A. There were two groups of people. Most of them were old women, and there were a few men, not many. The men were fairly old too, and little children, and it was-- I would say from 6 months on up to about a year or 2 years old, and they were all dead, just lying there.

Q. Could you tell us generally what part of the hamlet that was in? Was it about in the center of the village as you would move through it, before you got to the center, or after it?

A. There was a rice paddy area. I guess it was about 75 meters wide. There was a trail on one side that went down. It was on the left-hand side of the trail that these groups of people were at.

Q. Is this back in the section that your platoon had gone through, or was this forward of that, to the east?

A. This was a different section because our platoon didn't--well, except for that one--didn't go around and kill that many people in groups; just that one group.

Q. What did the platoon do next?

A. We met up with someone from another company?

Q. What time of day was this?

A. It was somewhere around noon.

Q. Do you remember if you broke out your C-rations and had lunch?

A. There was a small portion that we went through in that village. We waited there for a while. I don't know if we ate our C-rations there or after we come back through the village.

Q. All right. Let me ask you something else. Do you remember the platoon leader receiving an order to stop the shooting?

A. I can't remember if he got an order to stop the shooting of the civilians or not, but we did stop shooting. All the rest of the civilians that we met were let go.

Q. After that time?

A. Yes.

Q. While you were in the little hamlet up there north of My Lai (4), do you remember if the lieutenant got a call from Captain MEDINA?

A. The only call that I can remember, I think, is the one where we were told to go check out the Vietnamese that were killed by the chopper. That's the only one that I can remember.

Q. Did you see any visiting officers that morning, or anybody from Task Force Barker or the brigade or the division?

A. No.

LTC MAHAFFEY: When you saw this first group killed, were you or Lieutenant BROOKS reporting body counts or kills over the radio to Captain MEDINA?

A. Not that I can remember, no.

Q. Did you at any time during the day?

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A. No.

Q. Did you report policing up the weapons?

A. Yes. There was a call he made saying that he recovered an AK and a carbine and so many Chicom rounds.

Q. Who made that call?

A. The platoon leader.

Q. But he did not report any kills?

A. Not that I can remember.

Q. When you were going through the northwestern part of the village, did you see Sergeant BUCHANON?

A. We more or less followed a few feet behind the platoon as they went through.

Q. Who is we?

A. Me and the platoon leader. I'm pretty sure BUCHANON was with us, and they went through and just made sure that nobody shot each other. We just stayed a few feet behind them.

Q. About how long do you think it took you to get through that part of the village?

A. I'd say between 30 to 45 minutes.

Q. Who did you say reported the weapons?

A. Our platoon leader.

Q. Now that we have talked about this thing, do you remember the name of your platoon leader?

A. Yes, It was Lieutenant BROOKS.

Q. All the other evidence that we have indicates that it was Lieutenant BROOKS. Lieutenant CALLEY had the

1st Platoon at that particular time. The 1st Platoon had the south part of My Lai (4), and apparently just about covered all--or swept through all of the hamlet except the corner up there where the 2d Platoon went through. You mentioned, joining up with another company. Our evidence is that company was Bravo, and they were 4/3. When in the laager area, did you see any National Police?

A. No, I didn't.

Q. Do you recall what Charlie Company did the next 2 days, the 17th and the 18th?

A. No. I can't remember what we did.

Q. Do you remember being lifted out by helicopter and taken back to LZ Dottie?

A. No.

Q. Some of the men of the company were met by the brigade commander, Colonel HENDERSON, and he talked to them a little while. Were you in a group that was met by Colonel HENDERSON?

A. No. I don't think so.

Q. While you were in the field, or afterwards, do you recall Captain MEDINA getting the company together and telling the company that an investigation was being made of what had occurred at My Lai (4) on the morning of 16 March 1968?

A. Yes. I can remember someone saying that, but I don't know who it was. Also, I remember that we were sent a letter saying that the job that we did was well done, or something like that.

Q. Yes. The last thing you referred to, I think, was a commendation or congratulatory message from General WESTMORELAND. But let's go back to the other thing. You don't recall who told you about an investigation?

A. No, I don't.

Q. Were you told anything else at this time?

A. No.

Q. Did anyone tell you to keep quite about what happened in My Lai (4) that morning?

A. No.

Q. Did anybody ever come and ask you questions about it?

A. No.

Q. You never talked to an investigator about what happened at My Lai (4)?

A. Not until--

Q. (Interposing) While you were in Vietnam?

A. No.

Q. Do you know anyone else in the company who was questioned about what happened in My Lai (4)?

A. No, I don't.

Q. How did the men of the platoon feel about what had happened there that morning? Did they talk it over afterwards?

A. I didn't feel like it was necessary. I guess they more or less enjoyed it. They were having themselves a ball when they did it.

Q. You mean up to the time they got orders to stop?

A. Yes.

Q. Did you ever see anything like this before?

A. Never.

Q. Did you see anything like it since?

A. No.

Q. One of the things we're trying to determine is just why this unusual event happened, because it was unusual for American soldiers to go in and kill a number of civilians, including women and little children and babies. I'm sure you have thought about this. Would you give us your opinion as to why it happened?

A. Well, I think that the reason why they wanted to go through there and kill everybody was because they said it was a VC village, a stronghold. It was supposed to have been a supply point with food, and they wanted to, more or less, cut this off from the VC. So, by killing them, I guess they thought that's what they were doing: more or less cutting off the food and killing the livestock.

Q. I get the impression from what you tell us that the men went in there and were doing what they were ordered to do. Is that your feeling about it?

A. Yes.

Q. Did it occur to you that this might be something that could be called a war crime?

A. No.

Q. The killing of women and children, more or less, helpless noncombants?

A. No, it didn't.

Q. Well, how did you and the other members of the platoon regard these people, these Vietnamese, that you came across?

A. What did we think of them?

Q. Well, for example, did you regard them as friendlies, enemies--

A. (Interposing) More or less VC sympathizers.

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Q. I think you must realize that this incident was not widely known until quite recently. The fact is, it was not reported to Headquarters, Department of the Army, until about 13 months after it happened. Do you have any idea why it was not reported?

A. No.

COL FRANKLIN: FIELDS, you made the statement that the men sort of enjoyed it, they were having a ball. What do you mean by that?

A. Well, they didn't look like they hated to do it; and after they left one hootch, they went to another hootch expecting to find some more they could kill. I know for a fact that they didn't hate to do it.

Q. How do you know that for a fact?

A. I don't know, it's just the way they acted--that they--you more or less knew it.

Q. Was this a couple of individuals mostly, or would you say generally the whole platoon?

A. No. That's the whole platoon.

Q. Well, what was it that they enjoyed? Just killing, or the fact that they were killing VC and VC sympathizers?

A. I guess the fact that they were killing VC sympathizers.

Q. Did your company hate the VC?

A. I guess everybody hated VC that was over there.

Q. How about you personally?

A. Yeah, I hate them.

Q. Why do you hate them?

A. If it wasn't for them, we wouldn't have been over there.

Q. How come you don't wear your combat badge, FIELDS?

A. Well, I was notified that I was coming down here about a day before, and this is my only greens. I never had my winter greens ready. These pants aren't even altered yet, and I didn't have a chance to do it. I was in the CID's office until about 8:30 that night, and everything had closed. I didn't get a chance to pick my uniform up.

Q. What's your rank, PFC or private?

A. Private.

Q. What did you get busted for?

A. For driving on post without a registration.

Q. You say this never happened again in Vietnam. Why did it happen at My Lai? That's what we are trying to understand? Why didn't Charlie Company do this the next day, for example, when you went to the south? Why did it just happen at My Lai--to kill all these VC and VC sympathizers? You were at other places where there were VC sympathizers?

A. I don't know why.

Q. Did you have the feeling, personally, that someone higher up wanted you to do this?

A. I guess so, or we wouldn't have done it.

Q. Did you think that afterwards or at the time it was happening? You saw this happening. Did you think that people were going to get into a lot of trouble for this?

A. No. I didn't think they were going to get into any trouble for it.

Q. Well, normally if you just kill a kid, you'd get in trouble over it in C Company, wouldn't you? A GI goes out and shoots a child; wouldn't he get into trouble?

A. Yes, he did.

Q. Why did you think this was different?

A. Well, I thought that if it wasn't to be done, we wouldn't have done it. Somebody up higher had to have wanted it done, or we wouldn't have went through that killing. I mean the lieutenant wouldn't go out and give an order to go out, and give something that--to kill anything in the village unless they got the orders from higher up.

Q. Did you hear of any men getting sick when they saw these people getting shot? Or did soldiers ever tell you later on that they thought it was bad, what the company had done in My Lai? Did you ever hear any of that?

A. No, I didn't.

Q. How about you personally? Did you ever dream about it?

A. No. I keep looking back at it.

Q. How do you feel when you look back? What's your personal feeling?

A. Well, killing old women and the old men that were there, I didn't feel too bad about that. But the little kids, they were 6 months old. How could they harm you? I don't think it was very right to kill the little kids, but the older people, the VC sympathizers, they helped them out. It didn't bother me if they killed them, but the little kids...

COL FRANKLIN: That's all I have, sir.

MR WEST: Private FIELDS, I think you could help us again if you would go back to the statement that the men of the company seemed to be enjoying what they were doing when they were killing these Vietnamese people; that they were having a ball. This impression must have been gained from the way they were acting and the things that they said. Can you remember anything that was said to indicate that they enjoyed what they were doing? Do you remember anything that anybody said after they had killed somebody?

A. (Interposing) I can't remember what they said, but any man that didn't like to do it wouldn't stand a person up against the wall and throw bayonets at him.

Q. Would you tell us a little more about that? This has been mentioned by somebody else. Just what do you recall, about that incident?

A. I don't know. They come up on this old man, and instead of shooting him, they were just throwing bayonets at him to see if they could stick it in him. They more or less enjoyed doing it, or they wouldn't do it on their own free will.

Q. Do you recall any other incidents like this that possibly have given you the impression that the men enjoyed their work?

A. No.

Q. I'll give you an example. We had testimony that a man in the 1st Platoon shot a little boy with a .45 caliber pistol, and the impact of the bullet threw the child clear over backwards, and then he turned around and said, "Did you see me shoot that little son of a bitch." This is the kind of thing that I thought might have stuck in your mind. This, of course, a remark like that tends to indicate that the man enjoyed what he was doing. I thought this might help you to remember, perhaps, a similar one in your platoon. I take it that Lieutenant BROOKS was with you all this time, and he saw what you saw?

(Witness gave affirmative nod.)

Do you remember him supervising the movements of the men through My Lai (4) as they moved through this first part of it, telling them what to do?

A. He'd always tell them to make sure they more or less stayed on line, not to drop back or to go ahead of anybody else, because the danger of shooting somebody -- and they shoot back, or they might shoot up ahead.

Q. For example, was he directing the men to search the hootches, bunkers, holes in the ground, and wells?

A. Yes. We were always told to check out the tunnels that the Vietnamese use, I guess, whenever the village was bombed or something, you know. We searched them -- underneath the fire places, in the hootches, and wherever, any other places where somebody could hide.

Q. Do you remember seeing Lieutenant BROOKS shoot anybody?

A. No.

Q. You're quite sure?

(Witness gave an affirmative nod.)

LTC MAHAFFEY: When did you first see killings take place. Was it in the northwest portion of My Lai (4)?

A. As we first went into the village, no sooner than we got into the village, then there were a few hootches. That's when I first seen the killings of the civilian people.

Q. You testified earlier that you saw somewhere between 75 or 100. Do you recall about how many might have been in that northwest portion of the village?

A. No. I can't remember how many was in there -- that particular portion that we went through, no.

Q. A lot?

A. It was quite a few.

Q. Then the other group, where you saw the individual fire the M-79, was located in that small subhamlet to the north of My Lai (4)?

(Witness gave an affirmative nod.)

When the killings were going on, was it your impression that the platoon was out of control, or were they just doing a good, efficient job of accomplishing what they were supposed to be doing?

A. They were doing a good job, and they were doing it, more or less, because they were told. But they did it -- was not right, and they weren't out of control.

Q. What kind of a platoon leader was Lieutenant BROOKS?

A. He was the type of guy that, more or less, got along with everybody.

Q. Pretty nice guy?

A. Yes. He didn't give you any hard time unless you did something to deserve it.

Q. Was he strict?

A. When it comes to being strict, yes. Most of the times, you just go right up to him and talk to him and tell him your problem. He would try to help you out.

Q. Did he get along with his squad leaders and Sergeant BUCHANON?

(Witness gave an affirmative nod.)

COL FRANKLIN: Was there any rapes that took place on 16 March that you know of?

A. There was one that I was told about, and I seen the young civilian girl that they were supposed to have had an intercourse with. But I don't know whether they did it or not.

Q. Was she alive or dead?

A. She was alive; she walked away from it.

Q. Who told you?

A. There was two Puerto Ricans; I can't think of their names.

MR WEST: DELGADO and RODRIGUEZ?

A. I'm pretty sure. I think so.

COL FRANKLIN: And they said that they had an intercourse with this girl?

A. Yes.

Q. Did they think it was funny?

A. I guess so. They enjoyed it, or they wouldn't have had it.

Q. How about the rest of the platoon? What did they think about it?

A. They didn't say anything.

Q. What did you think about it?

A. Not much.

Q. Do you remember the 81mm FO? Have you heard of JOLLY, Joe T. JOLLY?

A. I think I remember him, yes.

Q. Did you hear many stories about rapes in C Company? Was this very uncommon, or do you remember hearing about women being raped on other occasions?

A. It was a village right outside of Dottie that-- I guess we went through the village several times. It was this big path and the village was on the left-hand side. There was one in there. That's the only one that I can remember.

Q. There was one in there?

A. Yes.

Q. How do you know that? You saw it?

A. Yes.

Q. When was this? What month?

A. I can't remember when it was.

Q. Did the platoon leader see it?

A. I don't know if he did or not.

Q. What would Captain MEDINA have done to you if you were reported by your platoon leader that you raped a woman? What would Captain MEDINA do to you?

A. I haven't the slightest idea what he would do.

Q. You really wouldn't be too worried?

A. I'd be worried about it, but I don't know what he would do.

Q. Do you think he would take a pretty strong view against it? What do you think? You knew Captain MEDINA, didn't you?

A. Yes.

Q. What type of man was he?

A. He was a pretty good guy.

Q. What do you mean a good guy?

A. Well, he wanted his men to be treated right. For instance, we came in out of the field, and the cooks had some sloppy food, the first good, hot meal that we had. He told them to throw the garbage away. He wanted us to have something good to eat, so he more or less liked to take care of the men.

Q. Did you know Colonel BARKER, the battalion commander, task force commander?

A. I don't think so.

Q. Did you ever see many field grade officers down there in Charlie Company: battalion commanders, brigade commanders, and people like that?

A. No.

Q. How long were you in the rifle platoon?

A. How long was I with 1/20?

Q. Yes.

A. About five and one-half months.

Q. Do you recall ever seeing any battalion commanders down at the platoon or the company during that time?

A. I can't recall ever seeing one.

Q. You don't recall ever seeing one. When you were up here (indicating) and the M-79 was fired into those people, who gave the order? Who said, "Go ahead and finish them off, put them out of their misery"?

A. I can't remember who it was.

Q. But somebody did say that?

A. Yes.

Q. Did everybody start shooting or just a couple?

A. I think it was just a couple of them started shooting.

Q. Did you consider this as an act of mercy?

A. I guess so.

Q. Are you Regular Army?

A. Yes.

COL FRANKLIN: That's all I have, sir.

MR WEST: Let me ask you about a couple of allegations? Do you remember Joe T. JOLLY, and TORRES, and HUTTO?

A. HUTTO?

Q. Yes? What about Joe T. JOLLY? JOLLY actually was a mortar man?

A. Yes, but he was the FO.

Q. FO?

A. That's right. He was the mortar FO.

Q. TORRES, remember him?

A. If I seen him, I would.

Q. We had a witness in here who was a member of the 3d Platoon. He described this incident as happening when the platoon was about in the middle of the village of My Lai (4). He said they came to the doorway of a hut and heard some GI's talking inside the hut, and a little later on in his statement he said: "I saw TORRES and Joe T. JOLLY inside of the hut. There was a Vietnamese girl in the hut, and she was lying on the bed, and TORRES was having an intercourse with her. The girl was crying and fighting and resisting TORRES' sexual advances. Part of the time JOLLY was standing beside the bed and holding the girl down. He was holding the girl by her hands. There was no doubt in my mind that the girl was being forced to have intercourse. In a few minute TORRES got up off the girl. After TORRES finished, JOLLY took out his penis and got on top of the girl and he started having intercourse. The girl was still fighting and resisting." He went on to say that there were some other men of the platoon who came up, and they were standing around. Do you remember this incident?

A. Yes, I do.

Q. What can you recall about it? Was this about what happened?

A. That's about what happened, yes.

Q. Was anybody else involved in there?

A. Not that I can remember, no.

Q. Where was Sergeant BUCHANON at this time?

A. He was outside the hootch.

Q. He could see what you could see?

A. I don't think so.

Q. Did he know what was going on?

A. I don't know if he did or not.

Q. Another witness described a similar incident that occurred in Binh Tay when you were up there, this little sub-hamlet north of My Lai (4). The witness said: "There I witnessed more killings of men, women, and children; also observed several rapes. One was committed by HODGES. First, I observed a Mexican American having sexual intercourse with a Vietnamese girl about 18 years old. She was only wearing a blouse, and it was unbuttoned. When he finished, the girl got up to get away and HODGES grabbed her. HODGES took her inside a small hut and raped her. I saw this through the open front of the hut. MCBREEN and GONZALEZ may have seen this. Either before or after HODGES raped her, I saw three U.S. soldiers with him." Do you recall this incident?

A. No.

Q. Do you remember other instances of rape that took place that morning?

A. No, I don't.

Q. Was it fairly common occurrence that when the company was on operations, went through a village, that the men would have intercourse with the Vietnamese women?

A. No.

MAJ ZYCHOWSKI: In reference to the rape that Mr. WEST mentioned, when did this occur? Was this after the people stopped the firing, or when did it actually take place?

A. In My Lai (4)?

Q. When was it supposed to have taken place?

A. It was after the sweep was made through the village that the rape occurred of the civilian Vietnamese girl.

Q. What you saw occurred after you came from the subhamlet of Binh Tay to the village of My Lai (4), is this correct?

(Witness gave an affirmative nod.)

Where did you exit My Lai (4)?

A. Where did we exit?

Q. Yes.

A. I can't remember where we exited My Lai (4).

Q. As far as you can recall, you returned to the northwest portion of My Lai (4) to about where you exited the first time?

A. I think so.

Q. And you don't recall where you exited this time?

A. Yes, sir.

MAJ ZYCHOWSKI: I have no further questions.

LTC MAHAFFEY: Can you estimate how long the platoon might have been in that small subhamlet of Binh Tay?

A. I guess about an hour.

MR WEST: Did you know FRITTS, MAKEY, SIMPSON, and Charles WEST?

A. If I see them, I would probably remember them. But by name, I don't.

Q. You don't remember FRITTS, MAKEY, or SIMPSON?

A. No.

Q. Private FIELDS, I would like to give you an opportunity to tell us anything you can think of that might be helpful to us in this inquiry that we haven't already discussed.

Can you think of anything that you would like to tell us, anything at all, opinions, or whatever might come to mind?

A. I can't think of anything.

Q. All right. If you should recall something which you believe would be helpful to us, if you should find some photographs or maps which might throw some light on what happened here at My Lai (4) that day, we would appreciate it if you would get in touch with us.

Thank you very much for coming, and we are grateful. The hearing will be recessed.

(The hearing recessed at 1256 hours, 15 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: GARZA, George A.

DATE OF TESTIMONY: 6 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Medic, 2d Platoon
C/1/20.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

a. Memorial service.

The witness recalled a memorial service being held prior to the operation, but did not recall exactly how long before the operation it was held (pg. 4). He believed that the service was held by a Catholic chaplain, a captain (pg. 6).

b. MEDINA's briefing.

Captain MEDINA told the men of his company that this would be the roughest assault that they had been on, and told them to expect a battalion or more of Viet Cong (pgs. 4, 5). He explained that they would have 15 minutes of artillery and gunship fire prior to the landing and that the 2d Platoon would have the left flank after the landing (pg. 5). He further explained that there was nothing in the village but VC and VC sympathizers and that they were to destroy all food, crops, and livestock (pgs. 6, 7). The witness added that the impression that he gained was that there would be no noncombatants in the village and that everything and everybody was to be destroyed (pg. 7). The witness asserted that there was never any order given to kill everybody (pgs. 18, 19, 20), although the indication was that all in the village were VC or VC sympathizers (pg. 19).

c. Impressions of the men and their morale.

The witness noted that all the men were scared by the information that they had received at the briefing (pg. 5). They were under the impression that they would be outnumbered by approximately three to one and that the operation would last for some 10 to 15 days (pgs. 12, 26, 27). The witness stated that the men were very scared when they hit the village since they expected to hit some strong resistance (pg. 21).

2. THE ASSAULT ON MY LAI.

a. The landing.

The witness stated that he could recall no firing when he landed. The platoons lined up and the order came to move out; people started firing and the firing continued to grow in intensity (pg. 8).

b. The assault.

(1) The witness testified that he moved out with Lieutenant BROOKS, the 2d platoon leader (pg. 7). He moved around from squad to squad, staying to the rear of the platoon as they moved through the village (pg. 8). He saw grenades being thrown into bunkers and people being shot; there was a lot of firing going on (pg. 8). He noted that everyone started firing, nobody asked any questions (pgs. 8, 12). He added that there were no orders to kill anyone, except VC; but that everyone was jumpy, some began firing (pg. 18). He noted that everyone was ready for resistance when they reached the village, and when there was none they saw an opportunity for revenge (pg. 21).

(2) The witness testified that he saw anywhere from 20 to 40 bodies of children, women, and elderly men in the village (pg. 13). He stated that he did not recall the 2d platoon doing any burning, but believed that the burning was done by the 3d platoon.

(3) The witness testified that the platoon moved to a village or subhamlet to the north of My Lai (4) and some Vietnamese were shot there (pgs. 8, 45). About 10 people were killed there before the cease-fire order was received from Lieutenant BROOKS (pgs. 10, 15, 45). Men in the subhamlet were killing pigs and ducks (pg. 11). He stated that when the cease fire order came down, the platoon then herded 50 to 60 people up and told them to

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move out. These people moved off to the west-southwest (pgs. 11, 15, 45). The witness opined that the cease-fire order came down after CARTER was wounded (the log indicates that this would have been 1020 hours)(pg. 16).

(4) The witness stated that his platoon then moved back into My Lai (4) which had been fired by the 3d platoon. The hootches were burning when he got there, and he saw bodies lying everywhere, including some in the hootches that had burned (pgs. 8, 11, 12).

(5) The witness stated that no one in his platoon was injured, but that he did put a bandage on a young Vietnamese boy (pgs. 12, 13).

(6) The witness testified that although he was not sure of the date, it might have been 16 March when he saw some National Police shoot some detainees whom they were interrogating (pg. 22). He stated that they were shot inside the perimeter which had been set up and the company commander was upset, because he was afraid some U.S. forces might be hurt by the shots (pg. 22). He noted that he did not know Captain KOTOUC (pg. 22).

c. Early termination of the operation.

The witness stated that everyone imagined that the operation was going to be a rather lengthy one, although no one had given them a particular schedule (pgs. 12, 26, 27). He explained that the men had griped about being sent on a ten day operation that would be extended for a longer period. Captain MEDINA then quit telling them the planned length of the operation, telling them that they could not then complain (pg. 26). However, the witness stated that everyone had the impression that this would be a lengthy operation, about 15 days (pg. 26). He stated that he took 18 magazines of ammunition, although he normally carried only three, and that he doubled his medical supplies for the mission (pg. 12). He testified that when they were taken in from the field early, rumor had it that a helicopter pilot had complained of the events in the village and they were to be questioned when they returned (pg. 26).

3. INQUIRIES CONCERNING THE ASSAULT.

a. Inquiries.

(1) The witness testified that upon the return of

the men to Landing Zone Dottie they were met by a field grade officer (whom he was unable to identify from Exhibits P-49 thru P-51, P-53 and P-142 or by name) (pgs. 23-25,35). This officer questioned them asking if they saw anything that should not have happened (pg. 23). The witness stated that the men replied in the negative; he believed they replied thus since they were under the opinion that they had wiped out a Viet Cong stronghold (pgs. 25, 34). He noted that this officer did not question any men individually (p. 25). The witness stated that this was the only time he was ever questioned in Vietnam (pg. 28).

(2) He noted that in his opinion had there been an investigation that actually attempted to discover the truth, it could have been done (pg. 33).

b. Rumors.

There were rumors, according to the witness, that a helicopter pilot had reported the events at My Lai and an investigation was being conducted as a result of his report (pg. 26).

c. Instructions to refrain from talking about the incident.

The witness recalled a meeting where MEDINA told them not to talk about the incident (pg. 28). He further stated that the word was passed not to talk about the incident to anyone, but this was changed to state that they could talk to legitimate personnel, such as an investigating officer (pgs. 27, 28). The witness noted that no one cared to talk much about the incident even among themselves (pg.32).

d. Appearance of a coverup.

The witness stated that he had read an account of the assault in the division paper which stated that the unit killed 128 Viet Cong and took few casualties. He opined that this was a coverup (pg. 32, 33).

4. OTHER INFORMATION.

a. Exhibits.

Exhibits employed in the interrogation are listed infra.

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b. Attitude of the men of C/1/20 towards Vietnamese.

The witness recounted that the company, when it arrived in Vietnam felt that the Vietnamese were all right, but that the feeling wore off after awhile (pg. 30). He noted that the Americans thought they were better than the Vietnamese, but that there was no general dislike for them (pgs. 30, 31).

c. Attitude of the Vietnamese for the peasants.

The witness opined that the National Police and the Vietnamese interpreters who were there probably were no more concerned about the killings than the Americans appeared to be. He did note that Sergeant PHU left the company soon after the incident at My Lai (pgs. 33, 34).

d. Opinion of Captain MEDINA.

The witness stated that he felt MEDINA was a very good officer (pg. 18).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-16	Miscellaneous Scene	Burning house as in My Lai (4).	41
P-33	Miscellaneous Scene	Recognized by the witness.	41
P-38	Miscellaneous Scene	Trial in My Lai recognized by wit.	41
P-41	Miscellaneous Scene	Wit had seen in Life Magazine .	41
P-49- P-51, P-53	Photos of officers	Not recognized by witness.	25, 35
P-61	Miscellaneous Scene	Member of third platoon recognized by the witness.	41, 42
P-64	Miscellaneous Scene	Wit recognized SMITH and DELPOME.	42
P-66	Miscellaneous Scene	PHU, artillery RTO, MAKEY, recognized by the witness.	42, 43
P-125	Miscellaneous Scene	Burning hootches recognized by wit.	43
P-126	Aerial photo	SMALL and others in 3d platoon recognized by the witness.	43
P-142	LTC BARKER	Not recognized.	35
P-143	Aerial photo	Marked by the witness.	36-40
MAP-1	Wall map	Shown to witness.	6
MAP-4	Map 6739 II	Shown to witness.	9

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(The hearing was reconvened at 1401 hours,
6 January 1970.)

MR WEST: The hearing will come to order.

(The court reporter PFC Dennis G. BULL, was sworn.)

The following persons are present: MR WEST and
MAJ ZYCHOWSKI and MAJ COOP.

The next witness will be Mr. George A. GARZA.

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

Please state your full name, occupation, and
residence.

A. George A. GARZA, student. I live in San Antonio,
Texas. Do you want my home address also?

RCDR: Please.

A. 1035 Stevens.

RCDR: What's the name of the town?

A. San Antonio.

RCDR: Thank you.

MR WEST: Mr. GARZA, before we proceed to any questions, I
want to advise you of the nature and purpose for this inquiry.

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 things:

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

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

Our investigation is not being conducted to inquire into all facts and circumstances of what happened at My Lai. It is directed to those specific purposes which I have just stated. For example, we are not concerned with the individual culpability of any person who may have done something wrong.

We have had made available to us and have reviewed the prior official statements obtained in other official investigations of the My Lai incident. For example, I have here a copy of statements which you gave Mr. THOMPSON, CID, back in September, while you were at Fort Sam Houston.

A. I believe it was in October.

Q. Was it?

A. It was in October.

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

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

We request that you not discuss the testimony in this investigation with others, including other witnesses for this investigation, except as you may be required so to do before a competent judicial, legislative, or administrative body. There is, for example, the subcommittee of the House Armed Services Committee which is making some inquiry into this. Some of the people who talk to us are going before that subcommittee. And when I request that you not discuss your testimony, it has no application to that subcommittee.

Do you recall whether you are subject to an order issued by the military judge in a general court-martial case of the United States v. Calley which asks certain people who are witnesses or may be witnesses not to discuss the case?

A. Tell me--with the press?

Q. Yes.

A. Something to that effect.

Q. You did receive an order?

A. No, I did not receive any mail--you know, to that effect. I have heard through the news that we are not supposed to.

Q. In the event you are or become subject to the order issued by the military judge, I want to advise you that your appearance here in no way changes the application of that order, and, by the same token, this activity of our investigating group is permissible within the terms of that order. We do have information that notification was mailed to you on the 26th of November, 1969. It was mailed to you at your Fort Sam Houston address, and perhaps it didn't reach you. It was to notify you not to discuss or disclose to anyone any information or evidence that you may possess concerning the alledged offenses charged in the My Lai (4). So you are among those?

A. Yes, I am.

Q. Do you have any questions on what I have just told you?

A. No.

Q. Mr. GARZA, for the record, I understand you were a member of the United States Army on 16 March 1968?

A. Yes, sir.

Q. Would you tell us your grade and duty assignment at that time?

A. At the time I was a SP4 medic for 2d Platoon, C/1/20.

Q. At that time, was Charlie Company a part of Task Force Barker?

A. Yes, sir, it was.

Q. When did you first hear of the planned operations against My Lai (4)?

A. It was the night before that the company commander, Captain MEDINA, gave us a briefing on the operation.

Q. Do you recall a memorial ceremony being held shortly before that briefing?

A. Yes, sir.

Q. Could you fix the time of that in reference to the briefing?

A. Well, it was--I know we were in Task Force Barker when we had the service. And it was, I couldn't give you a date on that.

Q. The information that we have on this is quite conflicting, and several witnesses have told us it was the same afternoon, just before the briefing. Others have put it the day before, or some days before, or weeks before. This is why I ask you.

A. It's not the kind of thing, I guess, you would remember very easily.

Q. As I understand it, the memorial ceremony was for some members of the company who had been killed in a minefield?

A. Right.

Q. What did Captain MEDINA tell the company during the briefing, as you recall it?

A. You are talking about the briefing before the My Lai (4) assault?

Q. Yes.

A. Let's see. To the best of my knowledge, he was-- he informed us it was going to be a--going to be one of the roughest we had ever had, that we were going to run into a battalion or so of the Viet Cong. I believe it was the 47th, or something like that. The 48th.

Q. 47?

A. 47. Well, up to that time the company had been having--you know, had not been running into that much resistance in the way of an actual assault. We were to be face to face. So I figured, personally, it scared me, it scared me a lot. And I believe everybody else was really feeling they were going to get into it this time. And he goes on to saying about, you know, the odds, and whom we were going to be fighting against. And he mentioned what time we were supposed to combat assault into the area, and what was supposed to happen. Fifteen minutes of artillery and gunships, and we were supposed to land with the first wave. And we were supposed to land on the east side of the village, I believe. And let's see--well--

Q. (Interposing) 2d Platoon had the--

A. (Interposing) Left flank.

Q. Yes. The left flank. Actually, the landing zone was west of the hamlet.

A. To the west?

Q. Yes. And you were to move east. So you would have had the north sector of the village, moving from west to east.

A. Well, I thought I remember pushing toward the ocean.

Q. That is right. We will show you a map in a little bit. Well, you might look at (Exhibit) MAP-1 on the wall there (indicating). You will notice My Lai (4), and the landing zone to the left, there, which would be to the left of the village. And you notice there a landing zone spot which points to the east toward the China Sea (MAJ ZYCHOWSKI indicating).

A. That is the village, right?

Q. Yes.

A. We landed there?

Q. That is west of the village, and you moved east toward the sea. Does that fit in with your recollection?

A. I have my directions mixed up, but that is right. I remember we pushed toward the ocean specifically, right.

Q. Going back briefly, let me just touch back on this ceremony a moment. Do you remember the chaplain who conducted that ceremony?

A. No, sir. I believe it was a Catholic chaplain. I'm not sure, though. It was a captain, I think.

Q. Yes. Some people said it was a captain chaplain, and other people have said he was a major. But nobody can remember his name. Did Captain MEDINA tell you what kind of a mission it was?

A. Well, he--had been hit before in that area across the river. Okay, so everybody had kind of a grudge against them. Also, he said this was all the VC area, VC controlled, and everything there was VC. So he says when we hit the village to destroy all food, crops, and houses. Just level everything. So, kill all the--you know, the cattle and chickens and everything. Then he went on to tell us about the time we would get there, and who was on the first wave, and so on and so forth.

Q. Did you get the impression that all the people who would be left in the village would be the enemy, so to speak, were VC or VC sympathizers?

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A. Well, the way I interpreted it was that everything was VC, everybody and everything. It was touchy because usually, when you go through a village, everybody is considered. But I think this was about the first time that we were all told don't worry, there are no noncombatants, they are all VC, they are either sympathizers or helpers who are giving their food away, whoever it is they would help them in whatever they want. That is why they kept harping about the food, destroy the food. So that is why we had to kill all the cattle and everything.

Q. Do you recall, or do you happen to remember, whether there was a meeting of platoon leaders and platoon sergeants with Captain MEDINA, either before or after the company briefing?

A. Well, I can't swear that I remember it exactly, but I'll say this. The meeting was in the evening before dark, and I think--well, he usually does. He always says--like you know, well, let's talk to the platoon leaders and the platoon sergeants now. And he goes into the deeper information that he's got to give them. But I cannot swear that I remember him having a meeting.

Q. Does that usually happen after a company briefing or before? Do you recall?

A. Well, this was--I don't know. He usually talks to them before. A lot of times, the platoon leaders will go to his tent or his CP area, and they will sit there, and shoot the bull, and talk--you know. In other words, he lets them know that the day--you know, before, what is going to happen the next day, where they are to go, and what they are to do.

MR WEST: Do you have any questions?

MAJ ZYCHOWSKI: No.

MR WEST: Moving to the next day now, Mr. GARZA, the morning of the 16th. As I understand it, you proceeded in with the headquarters section of the platoon, with Lieutenant BROOKS?

A. Yes, sir.

Q. Tell us what you did and what you saw after you landed there and got out of the helicopter in the landing zone.

A. Well, let's see. When we landed there was--I cannot recall any firing going on. We jumped out of the choppers, and I was lost for a while, and found out where we were supposed to go. And I went over there. And then everybody was lining up, the 1st and 2d Platoon, and it was real quiet. It was early in the morning. Then they gave the order to move out. Well, right away, we started moving. And shots started going off, and started gradually growing more and more, the volume of the firing and so forth. I fell back to the back of the platoon where--well, I was moving around a lot. I was moving from one squad to another. I would be with the platoon sergeant, Sergeant BUCHANON, but I was never really up front. I was in the rear, and I would walk around like that. As we went through the village, there were grenades thrown in bunkers, and people being shot. Then we pushed on through the village, and there was a lot of shooting going on. They just started shooting as we went along, and everybody running was being shot at. We pushed on through the end of the village. I cannot remember if we had gone through it, or sometime in the middle of it, there were supposed to be two VC off to our left flank. So our platoon moved off to the left flank, we swept on around, and we got these two VC. We captured a carbine, and an M-1, Garand. Then we moved into a little village, and there was more firing, and killing more people. And all of this happened, I don't know, I don't really know how long it took, a half-hour, one hour, or two hours. But after we pushed into the other village, we swept back through My Lai (4), and we were walking. At that time we came behind the 3d Platoon which had already burned the village. And we walked through the village, which was burned, and we pushed on with the rest of the company through this open field which was toward the ocean.

Q. We had talked to a man in your platoon yesterday, I believe. I got the impression from him, as the platoon moved through its sector of the hamlet, that the squad which was on the left pulled out and went out into the rice paddy to recover these weapons, and the remainder of the platoon stayed in the hamlet.

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A. That is about right.

Q. I got the impression from you that the whole platoon pulled out?

A. Well, I don't know. I remember I was with the platoon leader. Lieutenant BROOKS was the first one to the bodies.

Q. You were told that Lieutenant BROOKS went out--

A. (Interposing) Right. I was with Lieutenant BROOKS, and I don't really remember.

Q. The question is whether the whole platoon went out or just one squad.

A. Right. Just one squad.

Q. But, otherwise, the description of the events was about the same. And out in the rice paddy there were two dead VC. You picked up weapons and went onto another hamlet or subhamlet.

A. Right. They call it My Lai (5) on the map.

Q. Yes. I am a little puzzled on that. Our map shows My Lai (5) a little farther on to the east, and there is a subhamlet right directly north of My Lai (4).

A. I don't know how far we walked. It was a clear rice field where we crossed. I don't know--100 yards or so that we had to go.

Q. I will show you a blown-up photograph of My Lai (4), an air photograph of My Lai (4) and the vicinity, (Exhibit P-1) and also a map, 1:25,000 scale, which has been introduced into evidence as Exhibit MAP-4. You will notice on the map, that is My Lai (4) here, and this is the same here (indicating). Here is a stream line that runs around (indicating)--

A. (Interposing) The ocean should be over here then, right?

Q. That's right. Now, here is a trail running south out of the hamlet to Highway 521. You can see the same thing on the map here (indicating). This is the landing zone, and this is the north sector, the 2d Platoon's sector. Now I think the question is whether this little hamlet was here, or over here. This is actually My Lai (5).

A. Well, I'll tell you then to the best of my knowledge. We lined up all along in here. Okay, we pushed through here.

Q. Indicating the north sector of the hamlet.

A. Right. North sector of the hamlet. I remember coming out here in this little pathway. I stood there for awhile, you know, and there was another squad there. The other squads were still in the village.

Q. That is a path along the north edge of the hamlet?

A. Right, and I remember swinging out and back. Now, I know we didn't go to this village because we would have had to have gone straight to it, and then to have come back to My Lai (4), I mean (5). We would have had to walk back, and it wasn't that far. So I am almost sure, I guess it was right in there (indicating). This little one right here (Indicating), because, as we walked back through the village, some more people were shot. And then--

Q. (Interposing) We had some testimony there were about 10 Vietnamese killed in this hamlet--

A. (Interposing) That is about right.

Q. Which is directly north of My Lai (4).

A. Okay. And then I remember--

Q. (Interposing) I forgot to mention that the scale of the photograph is 1 inch equals about 100 meters.

A. That is pretty far, isn't it?

Q. Three or four hundred meters from the--

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A. (Interposing) Right, because we swung out like this (indicating). Then we pulled back into the village, and went through the village. I stayed out here (indicating) on the outer edge.

Q. Indicating a hamlet about 400 meters north of the northwest corner of My lai (4).

A. Now, I didn't go deep into the village. I went just to the outer edge, and I killed a pig on the trail here (indicating). And we were shooting at some ducks that were in a pond here, and then the platoon leader said that that's enough, to round the people up and push them out. So we rounded everybody up. And I remember there was an open field somewhere, and we just pointed to them and said "di di," to go ahead and take off, they left. I don't remember 50 or 60. It was a large group of people, and we told them to get out, to move away. And they started walking. Once they were walking away, maybe 100 meters, 200 meters away, we walked back toward My Lai (4). That is when we walked back through it.

Q. This group of people left the little hamlet and went into a southwest direction, would you say?

A. I guess so, sir.

Q. Which was north?

A. Right. It was west for sure, west-southwest.

Q. Then you returned to My Lai (4). About where did you enter?

A. I don't remember sir. I just remember--I remember we went back through it because there were a lot of burning huts.

Q. I believe you indicated at this time the 3d Platoon had moved through and had burned--

A. (Interposing) Right.

Q. What did you see when you got back into My Lai (4) in the way of Vietnamese civilians, either dead or alive?

A. Well, there were a lot of them dead. There were a lot of bodies lying everywhere. Also, a lot of them were still in the houses that burned down. And that is about it. There were just a lot of bodies lying around and, like I said, some were still lying in the houses that were burned.

Q. As I remember--as I read your statement to Mr. THOMPSON, the CID agent, the 2d Platoon, as it moved into My Lai (4), started firing at the outset, kept up a heavy volume of fire, and just shot at any person they saw in the hamlets. Is that a correct impression?

A. Yes, I say so. It started--it started off slowly, and then the volume increased. Nobody was asking questions, they were just shooting.

Q. Was there any enemy resistance?

A. There were sniper rounds going off--you know. The word was being passed that we were being fired at from over here (indicating), and this and that. And choppers would send down word there were VC running in this direction over here. I mean, the volume that we expected, no. From what we were told, we were told we were supposed to be outnumbered three to one. So, like myself, I only carried three or four magazines, and that day, for the only time when I was in the field, I was carrying 18. I doubled up on my medical supplies. And it really turned out to be nothing, what everybody expected to be something. It was one-sided.

Q. It was nothing at all, or very light?

A. Very light. Very light.

Q. Did you have any wounded to treat?

A. Yes, sir. I put a bandage on a little boy, but he is the only one I treated.

Q. Any member of the platoon get hurt?

A. Sir?

Q. Any member of the platoon--

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A. (Interposing) Not in my platoon. No, sir. I believe there was one boy in the first. I think it was CARTER.

Q. Before you moved out into the rice paddy and went up to the other hamlet, how many dead Vietnamese people did you see?

A. They were being killed along--you know, where they were running. And they were throwing grenades into the houses. As far as seeing them laying around outside, I would say 30, 20, 30, or 40.

Q. What were their ages and sexes?

A. They were old men, women, and children.

Q. Did the 2d Platoon do any burning as they went along? Did they take time to do that?

A. We weren't supposed to, and I cannot remember anybody doing it. I don't know if they ever did or not. But I know it was the 3d Platoon's job to burn the village, I believe, and that is the way that I understood it. We just pushed right on through.

Q. You stayed pretty close to Lieutenant BROOKS during this time?

A. No, sir, not really. I was with JOLLY for a while. He is the radiotelephone operator.

Q. As the aid man, you would move around?

A. Yes, sir. I was a little bit everywhere.

Q. Did you see Sergeant BUCHANON?

A. Yes, sir. Every once in a while; I didn't stay with him. I talked to him there for a while, and we stopped at a hut and sat down for a while, or something like--you know, we dropped by and talked. And we would walk off. And I would cut off in another direction or something.

Q. Could you describe your movements, then, after you came back to the village from the excursion out into the rice paddy, and out in the other hamlet?

A. Well, like I said, we came back through the village, My Lai (4). And I recall a hill being on the right, and that is what I recall. Anyway, I recall walking through a large, dried, rice paddy field. It was very long, about 1,000 meters, I guess, a click or two, or it seemed that way, because I know everybody was worried about--you know, getting pinned down or sniped at. And I remember walking on through that to--through some other villages, and they were empty. There was no living soul or animal in those villages, and then we hit the coast.

Q. I think you are getting into the next day now.

A. Am I?

Q. The 17th.

A. That is something that happened with Mr. THOMPSON and me. I couldn't remember when we spent the night, whether it was the next day or when we got through--

Q. (Interposing) I was trying to stay with My Lai (4) for the moment.

A. I see.

Q. I gather that after you returned to the village, and the 3d Platoon had already moved through. Did you move around through My Lai (4) to any extent after that time?

A. No, sir. No, sir. I didn't. I stayed on the outer edge up in here (indicating), the north side of the village.

Q. Do you remember later on a 2d Platoon forming a perimeter at the east end of the hamlet, around noon?

A. I remember us forming a perimeter, but I couldn't tell you when it was.

Q. Did you hear, during the morning, words come down through Lieutenant BROOKS to stop the killing?

A. Yes, sir. In my opinion, that happened back when we were in that other little hamlet. Now, --

Q. (Interposing) I see you are still over there.

A. Well, I took it for granted it came from him. I don't know. He just said: "That's enough; cut it out." So everybody said: "Let's stop," and that was it. And that is when we herded the people up, and moved them out. That is when I heard--you know, no unnecessary shooting is what was passed.

Q. You talked to a Mr. THOMPSON. You said this: "After 2d Platoon went to My Lai (5) and returned, sometime during this period, Captain MEDINA had gone to the village and saw what was going on. Anyway, he gave orders to knock it off. I heard Lieutenant BROOKS say for the 2d Platoon to knock it off." And by this you meant stop the killing?

A. Right.

Q. Do you recall this?

A. Yes, sir.

Q. Would you have anyway to fix the time of this?

A. No, sir. I'm afraid not. I don't know how long we stayed in My Lai (4). It was--

Q. (Interposing) Approximately midmorning?

A. I think we stopped for lunch over here (indicating) in this other little village. But--

Q. (Interposing) It was sometime before--

A. (Interposing) The late morning, between 10 and 12, something like that.

Q. Do you remember the incident in which CARTER shot himself in the foot?

A. Yes, sir. I heard that somebody started saying--you know, what was passed around, that somebody got shot in the 1st Platoon. So I went over, and when I was there he was already bandaged up. He already had a bandage on his foot, and I saw it was CARTER. So I talked to some of the medics, and some guy said: "Well, he was shot in the foot by his .45." So that's all that I heard, and I went back to my platoon at My Lai (4) at that time.

Q. Did you stay there until he was dusted-off?

A. No, sir. I don't think I did. I don't really remember. I think I just stayed there long enough, you know, to find out what happened, and what was going on. And I went back to my platoon.

Q. The log of Task Force Barker indicates that CARTER shot himself about 10:20 in the morning. That's the time he shot himself, or the time he was dusted-off. It was the approximate time. In reference to that time, do you recall when the order to knock it off was given? Before or after the CARTER incident?

A. Well, it must have been before, because when Lieutenant BROOKS and the rest of us came back to the village, everybody else was gone. Most of them anyway, I think. I believe we were still in the village. We hadn't left the village when he got shot.

Q. Yes.

A. So that means we got there, to the village later.

Q. It was after this that you went over to --

A. (Interposing) Right. Around 11 or 11:30, or something like that.

Q. I get the impression that the 2d Platoon didn't really sweep entirely through its sector of My Lai (4)?

A. I don't know, sir. I didn't go all the way through it. I don't think I did.

Q. It sounds as if you were diverted perhaps halfway through, and went to the other hamlet?

A. Well, if it's like you say, the one squad went, then the other squads stayed there, or else they went through. I don't know, because when you-- we are weaving in and out of houses and huts, and down trails, and break out into the open, and come back in --

Q. (Interposing) Right.

A. You don't know where you are.

Q. Do you have any recollection of how many people went with you when you and Lieutenant BROOKS went out to pick up the weapons, and then went into the other hamlet?

A. No, sir. I thought it was the whole platoon, but I guess it wasn't.

Q. Well, it could well have been. We're not sure.

A. I don't know how many there were.

Q. Were you visited by any officer from Task Force Barker, the brigade, or division during the morning of 16 March?

A. No. You mean--was he out in the field?

Q. Yes, while you were in My Lai (4).

A. 16 March? No, sir. Not that I recall. I didn't see any with my platoon. The only people whom I saw weren't with the company were those photographers. And those were the ones who I know were there.

Q. Had you gotten to know Captain MEDINA well at this time?

A. I got to know him better later on, sir.

Q. What kind of an officer was he?

A. In my opinion, a very good officer.

Q. Were you in a position to tell whether he had control of the company on that morning in My Lai (4)?

A. Well, he was back behind with the 3d Platoon. So, the 1st and 2d were a quarter to halfway through the village, I believe, before he went in. The only kind of control he would have would be through the radio.

Q. I see. Some people feel that things got out of control that morning, that things were done that he hadn't expected or ordered, and that he was taken by surprise by the killings that went on. Did you have such an impression?

A. Yes, sir, I do. There was never any orders given to kill people, you know, other than the VC. In my opinion, I think it was that everybody was real jumpy and real jittery in the beginning, and a couple of "gooks" were popping up their heads here and there and running. And like I say, in my opinion, I feel everybody was looking at it this way. Let's get some before they get us. So we started firing, you know. Everybody started firing at anybody who was running. They just started growing and growing, and pretty soon they were just walking in and killing everybody they saw. Whether they were running or not, they were being shot.

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Q. We've had some witnesses who thought that the company was ordered to do this?

A. No, sir. I have to argue that point, because--

Q. (Interposing) Well, your impressions are important to us. What you saw and heard, and what you understood.

A. I never heard anybody say anything about, you know, killing the people. I say they said kill the cattle, and that is what was being done. At the same time, nobody ever said, nobody ever came out and said kill everybody you see no matter what they are. No.

Q. Well, was it indicated to you that they expected that practically everybody in there would be VC, or VC sympathizers?

A. Yes, sir. That was said.

Q. I assume, it would be understood they were not talking about babies?

A. Well (laughing), I mean, that is a technicality because -- I mean if the whole village is -- they said they were all VC or VC sympathizers. I pictured the women, you know, the husbands, and brothers, and so forth were VC. Some women were VC. They were nurses. They took care of them. Kids who were old enough to carry a rifle might have cleaned them, might have hid them, could have set mines, or could have done anything. Now, if you mean a baby, I say--okay. A helpless baby, yes, that is too small to do anything. But what's going to happen 5 years later, 3 years from then when the kid grows up and he's big enough to handle something. I mean--

Q. (Interposing) Well, do you think perhaps there is a feeling in some of the men that babies were fair game, too, since they might grow up to be VC?

A. I don't know, sir. I can't speak for them, because I, myself, did not do any shooting at the people. I killed cattle and a pig. But myself, personally, I couldn't do it. Maybe I was using the excuse of being a medic, or maybe if I were infantry I may not have done it anyway, I don't know. I can't say that. All I can say is that when I was there, I couldn't do it. I couldn't pull a trigger at one just standing there.

Q. There were others like that who couldn't do it, even though they were ordered to.

A. Ordered?

Q. Or some who could.

A. Who ordered them? I never heard it ordered.

Q. We've had testimony pertaining to 1st Platoon, on the other side of the village, where such things took place. Some men were like you, they couldn't bring themselves to do it, to shoot people. Others did, according to the evidence that we've received.

A. I have heard some guys saying it was stupid, you know. They were doing it--I don't know. I feel it was something that just happened on the spur of the moment. Something that was--I don't know.

Q. Well, it is quite possible it was a product of a combination of circumstances.

A. I feel that emotions were so high at the time, and I don't know, because in my opinion, I feel like--well, Charlie Company was hurt. I mean we were kicked around, sniped at, and guys were getting bumped off. And we never got anything. I think, in my opinion, I think we only got, during my whole time out in the field, just before we got out, we got one or two. Two snipers whom we killed for sure. And we had been sniped at for six and one-half months out there.

Q. Yes.

A. And guys were getting killed, and hitting mines and stuff. I think--well, guys were scared when we hit the village. But I think they were ready for it if we would have met some real resistance. I think they would--

Q. (Interposing) They were built up to--

A. (Interposing) I think the company wouldn't you know, wouldn't have been halted by VC if they--

Q. (Interposing) They would have put up a real good fight if they--

A. (Interposing) I think so, sir.

Q. If they would have encountered real resistance.

A. And when there wasn't any--I don't know. It was their--I don't know, like it was their chance to get even, and not lose anybody.

Q. They went through with it even though they didn't encounter the resistance they had expected?

A. Right.

Q. Later that day, the 16th, did you see any National Police?

A. I can't recall if it was the same time. I remember we had--I know--I may be talking about another time we were out in the field, but this is what I remember. One time we had about three or four of them, little green hats with pistols and carbines, and that there was some captured. I don't think it was the same time, because--

Q. (Interposing) Let me give you a bit of background. We've had considerable evidence, and I think it pretty well established that after Charlie Company left My Lai (4) they moved to the east, and perhaps a little to the north, and joined up with

B/4/3 and set up for the night around a graveyard. Some National Police had joined by this time, and they were questioning some VC suspects.

A. Did anybody say they were robbed? I mean like monks? Because I remember that one time we captured 12 or so, and these guys were monks. They looked like monks, anyway. They really--you know, like a monk. Some were dressed as Vietnamese villagers.

Q. We have not had any testimony like that. Did you see the same National Police questioning some VC suspects on the 16th of March?

A. I can't remember. I remember one time that some of them were--it might have been the same day, but the one that is clearest in my mind is that these policemen took about two or three of them out there and shot them before anybody started talking. And I remember the company commander got mad because these police were just shooting, you know, they were shooting inside the perimeter. We had men outside, and he was mad that someone might get hurt, you know. And I can't remember if it was the same time or not. I distinctly remember capturing some prisoners when we hit the coast, and Captain MEDINA had what turned out to be a platoon leader, a young kid, and a girl. And the boy may have been 16 or 17.

Q. Right. That took place on the next day, the 17th, I believe.

A. Right.

Q. Going back to the 16th, and where you saw the National Police. Do you remember, or did you know Lieutenant (sic) KOTOUC of the S2 of Task Force Barker?

A. No, sir.

Q. Do you recall being lifted out by helicopter the next day, the 18th, and being taken back to Task Force Barker?

A. Yes, sir.

Q. I want to direct your attention to the part of your statement to Mr. THOMPSON where you mention being met at LZ Dottie by a field grade officer. And he asked you, asked the group some questions. Do you recall that?

A. Yes, sir.

Q. Would you tell us about that, please?

A. Let's see, it was--I remember Sergeant BUCHANON. I think he was in the chopper with me and a few other guys, and we were met by a field grade officer and another officer. And they asked us: "Did you see anything that"--how did he say that?

Q. I believe you used the term "inhumane" when you were speaking to Mr. THOMPSON.

A. Well,--

Q. (Interposing) What does he mean "inhumane acts"? Did he, for example, ask if there was any killing of noncombatants?

A. Right, and most of us said no. Well, we all said no. Well, he asked us--it was a tricky way he said it. He says: "Did you see anything unordinary or" --I--because I remember I said no. He said: "Did you see anything that shouldn't have happened?" And I said no.

Q. I wish you would try to recall the exact words. This is rather an important part of our inquiry.

A. Well, --

Q. (Interposing) We are concerned with the adequacy of the investigation that was made afterwards. This is part of it. Before you answer that, let me ask you if you were acquainted with Colonel HENDERSON, the brigade commander?

A. Well, I knew of him, sir.

Q. He became the brigade commander on the 15th, which was before the operation. He had been with the brigade for a long time.

A. I believe he was XO.

Q. Yes. He was the executive officer before, and other times he acted as a brigade commander. He had been there a long time. Was he one of the officers who met you at LZ Dottie?

A. Let's see, he would have been a lieutenant colonel, wouldn't he?

Q. I'm not sure. I think he was a full colonel at the time.

A. A full colonel? No, I think it was a major to whom I talked at the time. I believe it was a major.

Q. Did you know Lieutenant Colonel BARKER, of Task Force Barker?

A. I've seen him. I didn't know him.

Q. Was he there at the landing zone?

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

Q. Did you know Major CALHOUN?

A. Major CALHOUN?

Q. He was the S3 and executive officer of Task Force Barker.

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A. I can't place any of these faces.

Q. At any rate, you didn't know the individual?

A. No, sir.

Q. Now, do you remember just what the officer who questioned you said to you?

A. Well, I know he didn't say: "Did you see any civilians killed?" Because I remember him saying something real tricky, like: "Did you see something-- anything unordinary or unnatural or--"

Q. Out of the ordinary?

A. Something like that. And I remember saying no, because at the time we said: "Whoa, we killed a bunch of VC," you know. And everybody said: "No, no. We didn't; we didn't." And he said: "Okay." And he moved off, and he was waiting for the next chopper to come in. Now, as far as someone else saying something else, I don't know.

Q. Did he pick out anybody and ask them--ask any individual questions?

A. No, sir. When we landed--it's a real, real, little landing zone. One chopper landed, and we walked down the hill. He was there, right at the bottom of the hill a little bit, and he kind of said: "Come on over here." So we all, the whole group, just went over there and he just said: "Did anybody see anything unusual." And everybody said: "No, no." He said okay and walked on.

Q. Here are photographs of five officers. Three of them are field grade, Exhibits P-49, P-50, and P-51. You can see the names there, also. I realize that the person would appear quite different, due to the circumstances, than they do in these photographs.

A. Right.

Q. And I ask you if you recognize any of these?

A. The first impression, no. I don't recognize any of them.

Q. We don't have the photograph of Lieutenant Colonel BARKER. Did you hear later on, about this time, that there was--the events of 16 March 1968 at My Lai (4) were under investigation?

A. Well, when we went out there, they told us this was supposed to be a 10-day, or 15-day, or whatever it is operation. And I remember them saying we are going in, and everybody said: "Whoa, what happened?" You know. "Why are we going in so fast?" And then--and people were saying, well, there's something about a chopper pilot who was complaining about what happened back in the village, and that there was an investigation. They were going to ask you questions when you get back and that's--that is when we landed and the officers were there.

Q. I meant to ask you a question about what your understanding was as to the length of the operation. We had another medic tell us, I don't know whether it was LEE or FLORES, he thought the company was going to be out a month. So he made arrangements for extra medical supplies. Your understanding was what? About 10 or 15 days?

A. Well, see, -- let me explain this sir. When we first got there, Captain MEDINA would say we are going out about 10 days. So everybody goes out, and he says well--Colonel, I forgot his name, he was with the 1/20, he would always come up with staying an extra week, 4 days or whatever. And everybody was complaining, see. So then the company commander would say: "Okay, wait. I'm not going to tell you how long we're going to stay out." He said that we're going out, and we're coming back when we come back and that way nobody could complain. And so that is the same impression that we had when we left that day.

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He says that we are going out, and we'll be gone more than 2 weeks or a week, you know. Anyway, we pictured time--you know, a good deal of 15 days or 16 days or whatever it is. And then, I know that those 3 days were too soon, that we came back in too soon. We were supposed to sweep the whole area, all along in there (Indicating).

Q. Was this a familiar way of operating for Charlie Company, to go out and stay a week or 2 weeks, 3 weeks at a time maybe, and sweep an area, work though an area?

A. When we were with the 1/20 we'd go out and--like I say, when we first started we'd averaged 15, 16 18 days or 20 days. Then, as we went on, we started going longer and longer, 30 days and so forth, I believe. Then we left the 1/20, and went to Task Force Barker. Since there were three companies in the task force, we had a much easier operation. Because I think we were operating out of Dottie and Uptight, and when we were on Uptight they would send one platoon. One would stay on the hill, and I think two would go out in different directions. They'd go together, or one would go out and two stay on, see. So we'd only go out for--well, we'd go out stay, maybe, for 10 days, and come back. That's when we were exchanging with another company. I think that was company to company. We'd stay out for 10 days. Then they stopped that, and we'd go out for just a day. I think the whole platoon would take off in the morning, and come back that evening.

Q. Did anyone ever tell you to keep quiet about what happened in My Lai (4), and not talk about it?

A. Well, they said: "Don't talk to anybody." But the word was passed not to talk to just anybody. Don't talk, discuss it. They said if officers--you know, legitimate personnel question you about it, well--you know.

Q. Like an investigating officer?

A. Like an investigating -- what I mean, don't go discussing it all over Vietnam, you know. Just don't tell anybody.

Q. Do you remember a meeting of the company in which Captain MEDINA told you to --

A. Yes, sir. I think it was later on, yes. I don't remember where it was, but I remember it was--

Q. (Interposing) We had testimony that he did assemble the company, and he said: "I take responsibility for what happened," and then went on as you said, suggesting that the men not gossip or talk about it unless they were questioned by an investigating officer.

RCDR: Sir, may we have a short recess?

MR WEST: Yes. Hearing will be recessed.

(The hearing recessed at 1509 hours, 6 January 1970.)

(The hearing reconvened at 1513 hours, 6 January 1970.)

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

MR WEST: Has anybody ever questioned you about the My Lai (4) incident?

A. In Vietnam, sir?

Q. In Vietnam.

A. The only time I was ever talked to was when we got off the ships. They asked if anything ever happened. That was the last I heard until it started up again.

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Q. You mean this time at LZ Dottie?

A. Yes, sir. When we landed on the hill, right.

Q. It's been suggested in some quarters, and I think primarily the press, during the day at My Lai (4), in the morning, some of the men may have been under the influence of marijuana. Do you know of any such thing?

A. No, sir.

Q. Was there a marijuana problem in the company?

A. It was used. I mean--

Q. (Interposing) Of any significance?

A. Oh, you know, one or two guys used it a lot. But no one used it out in the field that I know. It was--

Q. (Interposing) As a medic, you would notice this, I take it?

A. I would notice it? You mean if a guy is really under the influence?

Q. Yes.

A. Yes, sir.

Q. What was the general attitude of the men of Charlie Company towards the Vietnamese people? I may have asked you this question already.

A. You have. Well, as you know, the company-- the whole brigade was brought over from Hawaii. So the whole brigade was new. There was, I believe, we had only one man in my company who was a veteran, you might say. He had been to Vietnam before.

So, like every GI who goes overseas, in my opinion, you know, he thinks the kids are great, and everybody else is great and--you know. And they are willing to help. But after you have been there a few months, they start getting on your nerves. And you get tired of the kids bugging you and everything. And those kids have the quickest hands of anyone I have ever seen. And they'll steal you blind if you aren't looking. And it just got to the point where you wouldn't want to help them any more, because it cost more trouble to help them than it would to--so some guys--you know. I mean, that's an individual thing, I believe. Some guys really liked the kids a lot, really--you know, and did things for them. I personally didn't care for them, and I just didn't do anything to help them in any way.

Q. Well, what I was really getting at, was there possibly a general feeling of resentment towards the Vietnamese people, or dislike?

A. Well, sir, there's a lot of dislike over there. There is a dislike for a lot of things. A lot of guys hated being over there. Some may have blamed the people. As far as a general dislike of the people, I'd say no. Generally, everybody--you know, got along with them, I mean--and went in the village and brought things for them and stuff like that.

Q. The real purpose of the question would be to ask you whether you thought that the attitude of the men toward the Vietnamese people played any part in the killing that took place that morning at My Lai (4)?

A. No, sir. I believe that--I think everybody doing a lot of the shooting was just--they were seeing VC, and that is all they were seeing. That's my opinion. That's what they saw.

Q. There has been some suggestion that some men just didn't regard the Vietnamese people as being--their lives having the same value as American lives, for example.

They sort of had the attitude it didn't really count to kill a dink, so to speak. Was there any of that in the company, in your opinion?

A. Well, in the general opinion, I think of, of the American people living that way. I feel that you go to a country that is primitive in its ways, I mean over there. The only people who are anything are people with money. And, well, my personal opinion was that was it, because everybody you talked to--the officers were officers because they had money, and they bought their place, they bought their position. So I mean, naturally, you--when you look at people who live like they do, everybody--well, yes. You--you'd put them under you, I guess you might say. Well, you felt that you were better than they were. I think it was the general opinion of most of the people in the company, and it is the opinion of most of the men overseas. I mean--you know. Deep down, I feel there is a -- just a way of life wherever you go. Everybody thinks they are better than anybody else. So--

Q. (Interposing) You are aware, I'm sure, that this incident of My Lai (4) was not generally known in this country until quite recently.

A. Yes, sir,

Q. As a matter of fact, it wasn't known by Department of the Army until a former soldier named RIDENHOUR wrote a letter to the Secretary of Defense which he received in April. An investigation was started later in the month by the Inspector General of the Army, and the result is Department of the Army knew nothing of this incident for over a year after it happened. This, of course, was because it was not reported through normal channels. Other things which happen on the battlefield are reported. Do you have any opinion as to why this incident was not reported?

A. Well, in my opinion, it's because of-- it's like any army, they don't want to publicize things that would do it harm, the country, or the Army, or whatever it may be. You are always reading about the awards and medals, the number of kills and--you know. Then they'll say in little headlines, you may read something about so many guys killed overseas, you know. And I feel that's a-- there are a lot of things covered up. And another thing, guys, when guys come back from overseas, they don't want to talk about it. It's over; that's it. You know. You go over there, and you got one thing on you mind. You are going to put in 1 year and get back.

Q. Was there a tendency on the part of the company not to talk about this because you felt bad about it, or felt ashamed? Do you think that might have had a part in it?

A. Well, I had a--I had a feeling of disgust. I know I had a knot in my stomach when it was going on, but I didn't say anything. Maybe I should have, but I didn't. I mean, who was I going to talk to, you know. Nobody--I mean it was a thing that everybody wanted to forget. It happened and that was it. You know. Nobody ever talked about it anymore or nothing.

Q. Do you remember reading a story in the division paper about this combat assault?

A. You mean about the 128 kills that we got for the village?

Q. Yes.

A. I remember it was 128. I don't remember exactly how the story went, but it was--I just remember they publicized that so and so Task Force Barker--you know. So and so companies assaulted My Lai (4), killing 128 VC with light casualties or one casualty, something like that, something to that effect.

Q. They didn't write a story about a lot of the women and children being killed, did they?

A. Of course not.

Q. Does this strike you as a coverup, or perhaps what you mentioned earlier of this talking about publicizing a favorable thing and not the unfavorable?

A. Yes, sir. It was a coverup, I feel, because-- I mean, in my opinion, if a man like the chopper pilot that complained first, if, I mean, if it really wouldn't have been a pilot--if the officer or whoever was, you know, covering the investigation really wanted to find out, they would have found out. I mean--

Q. (Interposing) I was about to ask you that. If an investigation, active investigation had been conducted right after My Lai (4), an officer came around asking questions, would they have found out exactly what went on in My Lai (4) that day? Would the men have talked? Would they have told them?

A. I think at first they would. I mean if-- you know. Had been conducted in a--

Q. (Interposing) In a serious and thorough investigation?

A. That's right. That's exactly what I was trying to say, right, to really get down to the heart of it. Yes, I think it would have been discovered. But--I mean--you know, it was covered. I think it was covered up from the word go when it first started. Even the Vietnamese people who were there--I mean--you know. The police, the interpreters were--I mean, if they themselves don't care that much about their own people's lives--I mean even the high official Vietnamese frowned on the peasants. I mean, to them life is nothing. So, to the American soldier, I guess it is even less. It doesn't amount to anything.

Q. Did you know Sergeant PHU, the interpreter?

A. Yes, sir.

Q. Do you remember what his attitude was toward My Lai (4)?

A. I wasn't with him, you know, when all of this was going on. I knew PHU. I liked him a lot. I think everybody in the company liked him. He was an intelligent man. I mean, in this respect, I think everybody respected him, you know, because of him. I know that after that happened he wasn't with us anymore. I believe he was pulled out. I mean, you know. I imagine he complained. If I would have been him, I would have.

MAJ ZYCHOWSKI: When you went back to LZ Dottie and landed, a field grade officer was there to ask you if anything unusual took place. Did I understand you correctly that, when this was asked, the feeling was: "Oh, boy, we got a lot of VC"? Would you explain that a little more?

A. Okay. When--well, when he asked us, I said no, and everybody else said no. Now, the reason I said no was because I didn't want to--I mean--you know. I felt they were wrong, and somebody might have gotten in trouble when, if I would have said yes, you know. And so we said--I said no and--I don't know, it's--there's a lot of emotion there. There--we were glad that it was not as bad as everybody thought it was going to be. And you were--we got out of the field sooner, and in my opinion, emotions were running differently. And, well, everybody was feeling that they--that they wiped out a VC stronghold. In other words, we did enough damage there that supposedly we wouldn't have any trouble from that area. You know. Because you taught them--you know, what happened or something to that effect that--I don't know, that VC would think twice about working in that area. That is what I felt.

Q. You mentioned this field grade officer questioning you or asking the questions, and you looked at the photographs of several of the people to whom we have talked. Would you have known Colonel BARKER if you had seen him?

A. I don't think so, sir.

Q. In other words, you don't really know if the field grade officer that you mentioned could have been Colonel BARKER or not?

A. I couldn't--no, sir. I couldn't swear to that. I couldn't recognize him at all.

Q. Did you see, at any time, or do you recall at any time, while you were at My Lai (4) on the 16th, a chopper or several choppers land in that vicinity?

A. I did not. No, sir.

RCDR: I have an exhibit to introduce into the record. This is a photograph of Lieutenant Colonel BARKER, dated 18 May 1962. It will be admitted as Exhibit P-142.

MR WEST: Mr. GARZA, I show you Exhibit P-142, which is a photograph of Lieutenant Colonel BARKER. I ask you, do you recognize this man?

A. No, sir, I don't. I don't recognize him.

Q. Does he resemble the field grade officer who spoke to you and others that night at LZ Dottie, or that afternoon?

A. No, sir. The only thing I really remember is that that field grade officer, he was bald, that his hairline had receded.

Q. Mr. GARZA, have I shown you a photograph that has been admitted into evidence as Exhibit P-53? (Witness looks at the photograph.) This officer has a receding hairline.

A. I still couldn't identify him, sir.

Q. All right, thank you.

Mr. GARZA, this completes the bulk of our interrogation. I would appreciate it if you would stay on with Major ZYCHOWSKI for a little while longer and look at some photographs and go over some other matters with him, and I'll leave the interrogation. Before I do, I want to ask you if there is anything you would like to tell us additionally that comes to mind that might help us in our inquiry. Any statement you would like to make?

A. No, sir. I believe you covered it thoroughly enough.

Q. All right. We very much appreciate your coming, and we know it's a lot of trouble to you and a great inconvenience. You have been very helpful and made a real contribution to our effort. We thank you very much.

A. Yes, sir.

MR WEST: The hearing will be recessed.

(The hearing recessed at 1532 hours, 6 January 1970.)

(The hearing reconvened at 1611 hours, 6 January 1970.)

MAJ ZYCHOWSKI: Hearing will come to order. MAJ ZYCHOWSKI is present.

Mr. GARZA, I would like to remind you again that you are still under oath.

A. Yes, sir.

Q. Would you show me here on this aerial photo of My Lai (4), Exhibit P-1, the general area where you landed?

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A. (Indicating) It was on the northwestern edge of the village. I would say somewhere in this area right here.

Q. Let the record show the witness has pointed to point 1, which is the northwestern portion of My Lai (4), and is the approximate area of the landing zone.

(MAJ ZYCHOWSKI marks point 1 on aerial photo, Exhibit P-1. The annotated photo is later received in evidence as Exhibit P-143.)

Mr. GARZA, would you again state what platoon you were with at this time?

A. The 2d Platoon medic.

Q. Mr. GARZA, would you show on the map the boundary between the 1st and the 2d Platoons?

A. Let's see if I can remember that (indicating a boundary).

Q. Mr. GARZA, after you landed, would you show on the map how the squads went on line?

A. (Indicating) Well, the squads lined up, first man to the northern edge of the village, and they were spaced. Every 5 meters was a man, and I do not recall what order the squads were in. I believe it was one, two, and three.

Q. Mr. GARZA, would you trace on the map (Exhibit P-143) the route which you took going through the village?

A. (Indicating) Yes. I started at the center of our sector, and walked behind the platoon through the village. I was walking on the northern edge, in the middle, and I was walking around. I was following little trails and paths, cutting through these little yards. Eventually, I broke out onto this clearing. I broke out in the northern clearing.

Q. Let the record show that Mr. GARZA is pointing to the north center of the village of My Lai (4). Mr. GARZA, as you went through the village here (indicating), did you observe any large number of bodies?

A. Most of the bodies were scattered out. The only one that I can recollect is this house that had five or six people together. They were relatively in a close area in front of the house.

Q. Could you point to the general area of this house on the map?

A. There is no way, sir, of pointing it out.

Q. As you exited the village. Will you continue from there?

A. Well, to the best of my recollection, I believe I walked along the outer edge of the village for a little ways. Then I took off with Lieutenant BROOKS, platoon leader of the 2d Platoon, and cut across the field to another village. And we made a semi-moon or half-circle to the village.

Q. Why did you leave My Lai (4) and go to the other subhamlet?

A. Lieutenant BROOKS got word there were two VC out in the middle of the field. We saw the bodies lying 10 or 15 meters apart. And they took off of them a carbine, an M-1 Garand, and some American gear.

Q. Would you show on the map the general vicinity where these two VC were found?

(Witness indicates on Exhibit P-143.)

(Marking the spot on P-143) Let the record show that area in which the two VC bodies were found is shown on the map as point 2. Mr. GARZA, would you continue from that area?

A. From the bodies, we cut on into this little village (indicating) in front of us a couple of meters. At the village there were a few more people killed. And then we got word to stop the killing, or the unnecessary killing, and to come on back to My Lai (4). After we were in this other little village for a while, we had lunch there. We swung back, and went through My Lai (4) again, or a portion of it.

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Q. Could you show on the map the approximate area in which you were located when you received the order to stop the shooting or killing? Which was it?

A. That's a good question. Well, all Lieutenant BROOKS said was to knock it off.

Q. Could you show us on the map where you were?

(Witness indicates on P-143.)

Let the record show point 3 as the approximate location where Mr. GARZA was located when he heard the order to stop the shooting (so marking). What else took place in this hamlet?

A. After we were there for--to the best of my recollection, we had lunch there. Then we rounded up the people, and some squads went out. I was with the platoon leader, and we rounded up people, 40 to 50, and took them outside of the village. We pointed to a western direction, and told them to walk and keep on walking, and not to come back. After that, we were on our way out then, and we walked back to My Lai (4).

Q. Mr. GARZA, while in the village, did you observe any dead bodies?

A. Yes, sir. There was one group of about six or seven people, and in a group they were shot.

Q. Could you point at the map and the approximate location where you saw these bodies?

A. On the outer edge of the village, at the approximate location in the southeastern part of the hamlet.

Q. Mr. GARZA, did you see these people being shot?

A. Yes, sir.

Q. Do you know who did shoot these people?

A. I don't know his rank.

Q. Whatever you can recall.

A. ROSCHEVITZ, and he shot an M-79 into the group. Then I don't remember who finished them off. Somebody shot them, then, after that, the ones who were still alive.

Q. Did the order to stop the shooting come after you saw these bodies, or did it occur after?

A. The order came after the people were killed.

Q. Would you now show on the map the route you took from the hamlet back to My Lai (4)?

(Witness indicates on P-143.)

When you got back to My Lai (4), what happened then, Mr. GARZA?

A. We walked through the village, a portion of it, and I saw houses that were burned and bodies lying around. There were bodies inside the burning hootches, and we exited on the northwestern side of the village.

Q. When you got on the northern side of the village, what happened then?

A. We then walked on across these open fields (indicating). There was a hill on the right side as we were walking toward the coast, and I remember, as we broke out of the village, looking at this long, open field. Personally, I was worried about being mortared from the VC on the hill.

Q. When you exited the village, did you spend any time at all at the outer edge of it?

A. No, sir. I believe we walked just right on through it, and kept on walking.

Q. The company was not assembled out there in any fashion?

A. I don't remember, sir. I don't remember. They may have been, because--I don't remember walking across that. I don't remember walking across that by ourselves. The squad must have assembled with the rest of the company (indicating).

Q. Let the record show that point 4 on this photo is the approximate area or location in which Mr. GARZA observed the six dead bodies in a group (so marking). Mr. GARZA, at this time I would like to show you some photos, and would you please tell me what you recognize? Mr. GARZA, I show you Exhibit P-14. What do you recognize in this photo?

A. The man as being one of the members of the platoon I was in.

Q. Do you know his name?

A. No, sir. I cannot recall it.

Q. I show you Exhibit P-16. What do you recognize in this photo?

A. The burning houses resemble other burning houses in the village of My Lai (4). As far as remembering seeing the body there, no, I can't.

Q. P-33?

A. The same picture as the last one.

Q. What do you recognize in photo P-38?

A. That looks like the trail on which we broke out when we broke out to get to those VC bodies. However, I do not recall, definitely.

Q. What do you recognize in photo P-41?

A. I recognize seeing this in one of the leading magazines.

Q. Life magazine?

A. I believe that is what it was. I did not actually see this myself.

Q. P-60?

A. I recognize the individual as being a member of the company. I believe he was in the 3d Platoon. However, I do not remember his name.

Q. Do you remember this as being in My Lai (4)?

A. Well, we--there were other villages in which we burned hootches.

Q. You cannot specifically state that is My Lai (4), then?

A. No, sir. I cannot.

Q. What do you recognize in photo P-64?

A. I recognize the first two individuals. The colored boy's name, I believe, is SMITH (indicating).

Q. Let the record show that SMITH is the individual on the right.

A. And the one behind, his name was DELPOME (indicating).

Q. The individual listed there as the second from the front, or in the center. What do you recognize in photo P-66?

A. (Indicating) I recognize PHU, the Vietnamese interpreter, on the left.

Q. PHU is the individual on the left?

A. (Indicating) I recognize the radiotelephone operator walking toward the center of the picture.

Q. Do you know his name?

A. He was radio telephone operator for artillery, and I do not remember his name.

Q. Do you recognize anyone else in the picture?

A. (Indicating) The colored boy in the back was in my platoon, I believe.

Q. Do you know his name?

A. MAKEY. The colored boy in the background, on the right. I recognize him as being a member of my platoon (indicating).

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Q. Do you know his name?

A. I do not recall it.

Q. The individual that Mr. GARZA indicated is located in the left back towards the left center. Do you recognize the individual on the far left (indicating)?

A. The other colored boy? No, I do not.

Q. What do you recognize in P-125?

A. I picked that out because--a scene of a burning village, and as far as the location, I could not point it out.

Q. You cannot say this is My Lai (4)?

A. No, sir. Again, we burned other hootches.

Q. How about P-126?

A. Oh, I recognize all four of the men as being members of the 3d Platoon. The one in the center (indicating), without a shirt is SMAIL. And I recognize the other men, but I do not recall their names.

Q. Do you recognize the location or area?

A. It strikes me as being the area that we dug in on at the coast the second day.

Q. On the evening of the 16th?

A. I'm sorry, I don't know.

Q. Mr. GARZA, from the photos that you have just observed, is it my understanding that you could not give the approximate location of any of these photos?

A. That's correct, sir.

Q. Mr. GARZA, at this time would you please sign your name at the top left portion of the photo? (Mr. GARZA signs photo as requested.)

(GARZA)

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The aerial photograph that Mr. GARZA has just signed is entered into the record as Exhibit P-143. The hearing will be recessed.

(The hearing recessed at 1702 hours, 6 January 1970.)

(The hearing reconvened at 1754 hours, 6 January 1970.)

MR WEST: The hearing will come to order.

RCDR: The following person is present: MR WEST.

MR WEST: Mr. GARZA, I've just one more matter that I wanted to ask you about. I received a message from General PEERS in Vietnam, relating that he had interrogated a returned VC who had stated that he was present in Binh Tay Hamlet on the morning of 16 March, and that he had observed 15 U.S. troops assemble and shoot 16 civilians, and then burn houses and return to My Lai (4). He stated there were also some reports of rapes, and that was the end of the message. This hamlet of Binh Tay is a little hamlet above My Lai (4) which figured in your earlier testimony as being the place where you went with Lieutenant BROOKS, and other members of the platoon, on the morning of 16 March 1968. Does this fit in with your recollection of events there?

A. Well, there were people who were killed there, as I stated before. I don't think it was that many. I personally thought it was eight, seven or eight, something like this, who were killed in that village.

Q. I see. Did you hear any reports of any women being raped in the hamlet that morning?

A. No, sir. I was with the platoon leader. I don't know anything about that.

Q. The report, if it's correct, seems to indicate a group of civilians were brought together and then shot down. Were you aware of anything like that occurring at Binh Tay Hamlet?

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A. Yes, sir. But the way it happened, there was a group of them, and a man shot an M-79 into them. Some of the guys were going to go finish them off, and I didn't stay to watch. I went on around the corner.

Q. If I remember your testimony, you also stated that other people were assembled and then released?

A. Yes, sir.

Q. And sent on their way out to a general southwesterly direction.

A. Yes, sir.

Q. Do you recall anything else that occurred there that might be of assistance to us?

A. Well, that these people were killed before the order came to cease fire. And once we had that order, that's when we rounded the people up and moved them out.

Q. The circumstances which you describe seem to me to indicate that Lieutenant BROOKS and the others were acting in compliance with orders in killing these civilians, both there and previously in My Lai (4).

A. No, sir. As far as I'm concerned, I never heard any orders to that effect. In my personal opinion, I believe it was something that was spontaneous. It first started when we hit the village, and it carried on. And by the time we hit this other little village, just about everybody was sick and tired of it themselves. When the order came to cease fire, everything stopped. Nobody attempted anything else or anything like this.

Q. All right, thank you, Mr. GARZA.

A. Thank you.

Q. This hearing will be recessed.

(The hearing recessed at 1801 hours, 6 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: GONZALEZ, Leonard R. SP4

DATE OF TESTIMONY: 21 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Grenadier, 2d Squad,
2d Platoon, C/1/20.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

GONZALEZ had received instruction that the killing of civilians "for the fun of it" was immoral (pg. 10). However, he thought that a company commander's order had to be obeyed no matter what it was (pg. 10).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

Prior to the briefing there was a memorial service for those from the company who had been killed (pg. 4). At his briefing on the night of 15 March MEDINA told the company that the village was supporting the VC and that he wanted them to kill anything and everything they saw (pgs. 4, 5, 33). He said all the villagers were supporting the VC and the place had to be cleared out (pg. 7). MEDINA termed the operation an opportunity to get revenge (pgs. 5, 8). The men hated the VC and were anxious to fight them (pg. 8). Destruction of the livestock was included in the "kill everything" order (pg. 7). GONZALEZ did not learn about the order to burn the village until the assault (pg. 7). Because GONZALEZ was confused about MEDINA's order to kill "anything and everything", he asked his squad leader and Sergeant BUCHANON what it meant (pgs. 5, 6). They told him that it meant to shoot anything he saw moving (pg. 5). He thus understood the purpose of the mission to be the total destruction of the village and the consequent deprivation of its resources to the VC (pg. 33). Although the men did not discuss the mission among themselves, he believed that they had the same understanding of the order he did (pgs. 7, 8). Other-

wise they would not have behaved as they did on the following morning (pg. 8). He thought these orders came from higher headquarters (pg. 7). The men were happy about the chance to see their enemy out in the open, but were scared (pg. 9).

3. ASSAULT ON MY LAI.

a. Actions in My Lai (4).

As his group got out of the helicopter they came on line and began moving toward the village (pg. 12). His squad was on or near the end (pg. 12). There was no firing at this time, all was quiet (pg. 12). They did not encounter any VC that day (pg. 32). An old man without a weapon was shot by the soldiers (pg. 13). They came upon a hootch with between 10 and 15 women and girls in it (pgs. 13, 14). These people were moved outside and the back of the hootch was checked to make sure there were no American soldiers behind it (pg. 13). A shot was fired which struck a baby in the head (pg. 13). Then the others opened up on these people (pg. 13). There were no men in the group (pg. 14). On moving out again they began burning the village by order of the squad leader (pg. 14). As GONZALEZ moved he fired his M-79 at a man in the rice paddy who he thought had a weapon (pgs. 14, 15). He came across a wounded young girl whom he treated and left (pg. 15). He heard a shot behind him and discovered that she had been killed (pg. 15). They went all the way through the village before moving to another hamlet (pg. 15). However, he did not get to the 1st platoon's sector in the southern part of My Lai and did not see a ditch with bodies in it (pg. 38). During his time in the village he did not see or hear of anyone who appeared to have been killed by artillery fire (pg. 38).

b. Actions in Binh Tay.

(1) Movement into the village.

After going through My Lai they moved to Binh Tay (pg. 15). On their way they picked up two weapons (pg. 18). As they came into the village a 16 year old girl was observed running around without any pants on (pg. 19). The soldiers raped her (pg. 19). GONZALEZ did not know if HODGES was involved in this, but some of his squad members were (pg. 19). There was more disorder in Binh Tay than there had been in My Lai (pg. 32).

(2) ROSCHEVITZ kills a group with his M-79.

He saw a group of naked bodies which appeared to have been shot by a shotgun round from an M-79 (pg. 20). He was told that ROSCHEVITZ had shot the Vietnamese with his M-79 (pg. 20). ROSCHEVITZ did not dispute this and was the only person there other than GONZALEZ who had an M-79 (pg. 20). There were about 10 persons in the group ROSCHEVITZ killed (pg. 24). All were women and girls (pg. 25). Their bodies were naked and were piled up (pg.24). GONZALEZ heard that ROSCHEVITZ had forced these women to undress and had killed them when they refused to have intercourse with him (pg. 20). This was the only killing he saw in Binh Tay (pg. 21). The men were doing more raping than killing (pg. 21).

(3) Order to stop firing.

The witness recalled getting word to stop the firing near the time they were leaving Binh Tay (pgs. 22, 25). This order came from MEDINA (pg. 11). There was no more killing after this (pg. 25). GONZALEZ did not recall gathering up a group of civilians as they moved out of the village (pg. 22).

c. Actions after leaving Binh Tay.

Although it is possible that they had lunch in My Lai, GONZALEZ thought they went through another subhamlet, which they burned after finding it deserted, and had lunch at a base camp (pgs. 22-24). He saw ARVN soldiers at the laager site that night, but knew nothing about a VC suspect being shot (pgs. 26, 27). On the 17th they moved south toward the river burning villages, and on the 18th he was wounded by a boobytrap, medevac'd, and hospitalized (pgs. 27, 28, 33).

4. INQUIRIES AFTER THE ASSAULT.

He did not recall seeing any visiting officers while the company was on the operation (pg. 26). His wounds hospitalized him for three months and he was returned to the states (pg. 28). He never spoke to an investigation officer and he did not know if anyone else from the company did (pg.29).

5. OTHER INFORMATION.

a. Raping.

The men of C Company committed numerous rapes on their operations (pg. 16). The witness recalled a particular instance where 13 soldiers had intercourse with a Vietnamese woman (pg. 16). HUTTO, HUTSON, MOWER, and ROSCHEVITZ were frequent participants in such acts (pgs. 17, 18). He did not think MEDINA knew of this practice, but was not sure if BUCHANON or BROOKS knew (pg. 17).

b. Use of marijuana.

Some people used marijuana, but he did not observe anyone who appeared to be under its influence on the morning of the 16th (pgs. 29-31, 39).

c. Purpose of the killing.

The "massacre" was the result of revenge (pg. 32). The men of the company felt the villagers to be VC supporters (pg. 32). The men in his platoon were under control (pg.32).

d. Body counts.

There were a number of occasions where C Company had a high body count, but recovered few weapons (pg. 37). He saw approximately 84 dead at My Lai and none appeared to be VC (pg. 37). Thus, he felt that C Company's body count of 84 was made up of civilians (pg. 37).

e. Letters.

He wrote letters to his family explaining what he saw and said he would try to find them for the committee (pg. 34).

(The hearing reconvened at 1402 hours, 21 January 1970.)

MR WEST: The hearing will come to order.

RCDR: The following persons are present: MR WEST, COL FRANKLIN and MAJ LYNN.

The next witness is Specialist Four Leonard R. GONZALEZ.

(SP4 GONZALEZ was called as a witness, was sworn, and testified as follows:)

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

A. Specialist Leonard R. GONZALEZ, , L Troop, 1/3 Armored Calvary, Fort Lewis, Washington.

RCDR: Are you in the United States Army?

A. United States Army.

MR WEST: Specialist GONZALEZ, before we start in with any questions I want to tell you something about the nature and purpose of this inquiry. This investigation was directed 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:

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

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

We are not attempting to inquire into all facts and circumstances as to what happened at My Lai. For example we are not directly concerned with whether any person committed any offenses there, that day.

We have had made available to us and I have reviewed prior statements obtained in other official investigations into

the My Lai incident. Have you made any statements about the incident prior to this?

A. No, sir.

Q. Your testimony will be taken under oath. A tape recording is being made and the reporter is also taking verbatim notes.

Now, the general classification of our report will be confidential, but it is possible that the testimony or parts of it may later become a matter of public knowledge.

You are directed not to discuss your testimony before us today with other persons, including other witnesses, or people who may be witnesses here, except as you may be required to do so before a competent judicial, legislative, or administrative body. For example, there is a subcommittee of the House Armed Services Committee, which is inquiring into the My Lai incident, and they are calling witnesses, and if you should be called over before that body, my direction that you do not discuss your testimony, of course, has no application to that subcommittee. Do you have any questions on this so far?

A. The last part. You say that if they call me to testify for them, I don't have to do it. Is this what you're saying?

Q. No, I wanted to be sure that you understood, that when we tell you not to discuss your testimony with others, this doesn't apply to any subcommittee of Congress.

A. Oh, I see.

Q. We couldn't direct you not to discuss something before the Congress. The purpose is to avoid publicity, as to the events of that morning at My Lai (4). As you know, there are certain people who have been charged with violations of the uniform code and may be court-martialled. It is important that the publicity be kept at a minimum, in order to protect their rights, and have a fair trial. That is the reason for not discussing your testimony, because some of this is going-- a good bit of your testimony, presumably will concern what happened at My Lai (4), on the morning of 16 March 1968.

A. Yes, sir.

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- Q. Specialist GONAZALEZ, would you tell us your grade and your assignment on 16 March 1968?
- A. My grade? My rank at that time?
- Q. Yes, and what your job was.
- A. I was PFC and my job was grenadier. Grenadier the main part.
- Q. You carried an M-79?
- A. An M-79.
- Q. What squad?
- A. 2d squad.
- Q. And your squad leader's name? Remember?
- A. No, sir.
- Q. How about SCHIEL?
- A. It sounds familiar.
- Q. What platoon were you in?
- A. I can't say. It might have been 2d. I don't know.
- Q. Who was your platoon leader?
- A. I can't remember, sir.
- Q. You were in C/1/20 weren't you?
- A. Right.
- Q. Do you remember, at this time, that Charlie Company was attached to Task Force Barker?
- A. Right, sir.
- Q. Do you know the company commanders name?
- A. Captain MEDINA.

- Q. Do you know the name of the Task Force commander?
- A. No, sir.
- Q. Do you remember the combat assault against My Lai (4), on 16 March?
- A. Yes, sir, I do.
- Q. When did you first hear about the planned assault upon My Lai (4)?
- A. I heard it that night the 15th. That night we were planning on taking a village that was supposed to be helping the Viet Cong--supporting them. Actually saying what happened, we didn't find out until the following morning, right before we went.
- Q. Was this at a briefing given to the company, by Captain MEDINA?
- A. Right, sir.
- Q. Do you remember a memorial service being held for the company sometime before this briefing?
- A. Right, sir, there was.
- Q. Do you know the occasion for it?
- A. That was for the men that--for this mission we were going to have. It was supposed to be a pretty big one there besides the men that we lost.
- Q. How were the men lost? Do you remember that?
- A. Mostly by mines, booby traps.
- Q. By a minefield?
- A. A minefield right.
- Q. Do you remember the mine field incident? Were you with the company then?
- A. Right, sir. We couldn't get out, sir.

Q. We have been told that quite a few men had been lost, wounded, and some killed.

A. Right, sir.

Q. Do you remember when this memorial service was, in relation to the briefing by Captain MEDINA? We understand it was some time before, but we are not sure just when?

A. I think it was--I can't say, but I think it was earlier in the morning, right before.

Q. The same day?

A. The same day. Right, early in the morning.

Q. Going now to Captain MEDINA's briefing, can you tell us just what exactly he told the company as best as you can remember?

A. Well, he said that we had--we did lose a lot of men and we did lose a lot of good men, and we have to help ourselves out, because everybody was in a dungeon. We were able to do something about it. He said something about when we go--when we attack the village. First he said--he said, this village that we're attacking is supporting the VC and to take revenge. We want to kill everything, and anything we see. The rest I can't say. I can't remember, but that one part right there. I was confused. I didn't understand what he meant by that. I couldn't see--I know it was wrong by saying that, but at that time, everybody felt in that position. We had to do something, because anytime we went out there we didn't have no chance. We just, like I said, just that last statement that he said. That last one. I was confused and I had to ask my platoon daddy, and down the line to my squad leader. I didn't understand the statement.

Q. I see. What did they say when you asked them, what Captain MEDINA meant?

A. Well, they said--they turned around and asked me "What do you think by 'Kill anything and everything' meant?" and I said, "Well, I guess it means everything. Whatever you see you shoot it. Don't leave nothing standing, or any part of it." That's what I got out of it. Anything you see moving you shoot it.

Q. What did they say to that?

A. They said, "Well, that's just what he meant."

Q. Who all did you talk to. Did you talk to your squad leader?

A. Yes, I talked to my squad leader and then I talked to Sergeant BUCHANON, because him and me, we always kid around to each other.

Q. You got along pretty well?

A. Sometimes. When we did, he was able to talk freely to me.

Q. Do you remember what his words were? How he advised you?

A. That I can't remember. I can't say.

Q. It doesn't have to be exactly. What did you understand from him?

A. From him he just said, you know, after I understood what we were supposed to do, I asked if this--if that is what they want and he said, "Yes, that's all," and we just left it as that.

Q. Going back to Captain MEDINA now, did he say how long the operation was to last?

A. He did but I really can't say. He said we would be going through a couple of villages and shouldn't be--we just sweep right across and shouldn't take very long.

Q. Did he say anything about higher headquarters?

A. No, sir. The only thing that he said about higher headquarters was that we were assigned to, to attack this village. The only thing that he said about higher headquarters was that we were going to attack this village, but two companies was going to help us out.

Q. So you understood that the orders had come from higher headquarters. Is that the idea?

A. It had to come from some place. It just can't come out of the blue sky, like that.

Q. If I remember you said the company was assigned the mission.

A. Right, sir.

Q. Was anything said about the enemy strength in My Lai (4) that you recall?

A. He didn't say too much about the enemy strength, because all he said is the villagers there are supporting the VC and we have to clean them out. That's all he said.

Q. Was anything said, specifically about maybe killing all the livestock burning houses?

A. Well, the livestock that is included in the phrase I understood. For the burning, we didn't hear that until we started our attack.

Q. After Captain MEDINA finished talking did you get any briefing from your platoon leader, or the platoon sergeant, or squad leader? Did they give you any additional instructions or orders?

A. Just like they said--well, they told us where we were going to land, where to set up, when you get off the choppers--I mean the helicopters.

Q. But they didn't give you further instructions about what to do in the village?

A. No, sir, this is just sense because the phrase that they told us covered everything--to me, covered everything.

Q. Did you stay with members of your squad that evening?

A. Right.

Q. Did you talk it over about the mission the next day? Discuss it some?

A. I didn't discuss none of it. The only thing we discussed--the mission itself we never discussed--it just

that the flak jackets that we had was no good for us. I mean not for a ground pounder.

Q. The flak jackets?

A. Yes, the flak jackets because you walk so much. They help you from fragments.

Q. Too heavy, were they?

A. Too heavy.

Q. Do you know whether the other members of the squad felt like you did about the next day?

A. The following day, yes.

Q. I mean that night? Did they have the same understanding of the orders that you did, for example?

A. I think they did. I'm pretty sure, because if they didn't they wouldn't have did what they did.

COL FRANKLIN: You mentioned that you had gone out before and you hadn't had a chance--Captain MEDINA talked about revenge?

A. Right, sir.

Q. Did your squad--did your platoon really hate the VC at this time?

A. Everybody did, sir.

Q. Why?

A. Because, everytime we went on a mission, somebody got hit especially on a booby trap or a mine. You can't fight booby traps. You want to see them to fight them and to really feel that you are doing something out there you'd rather, you know, see them. You have got to see them, to say that you are really doing something.

This kind of war up here in Vietnam is a war that I have never seen in my whole life. It is tricky. Like they say--well, to me I can't tell a Viet Cong from a Vietnamese, or the town people, or the VC's--or when I was there they had some Red Koreans, I can't tell from them either, you know. I don't know--they say you are supposed to look at them and their height. If you get them at one person at a time they still look small to you, you know.

Q. Did you have the feeling--say you feel sort of happy for the first time that you were going to be able to see these people for real, and the men in your platoon were sort of happy that Captain MEDINA had said this?

A. Yes, sir, we were.

Q. You were happy?

A. We were happy.

Q. Why?

A. Because we were able to see what we were doing. Actually see them and not playing around in the bushes or something where we can't see. Something we could really go out there and say we did something.

Q. Were you sort of afraid for this day or were you ready eager to go.

Q. No, I was afraid. Every mission that I went out there I felt the same way--scared. It's something that you have to do. You are ordered to do it and this. We can't say, "Well, let's go," you know, "This is our chance for tomorrow." Everybody even myself, I was really scared, and even as soon as we got off of the choppers I was still scared.

Q. Did you hear anybody say around Dottie that night that they weren't going to kill everybody? They thought that that was an illegal order.

A. I heard people say. I can't tell who but I heard it said, but you hear that lots of times, until it actually happens, and you find out that the ones that did say it are the ones who are doing it.

Q. Have you ever heard about illegal or immoral orders in your training--in your basic training?

A. Yes, sir.

Q. What did they tell you?

A. Well, they say if--well immoral, by killing civilian people just for the fun of it, it would be like here in the stateside. That's--to me is immoral. It's a life no matter what it is.

Q. Let me put it this way. Do you feel, and the men in your squad feel that they had to obey Captain MEDINA and those orders?

A. I think so. Yes, sir.

Q. They thought they had to obey them?

A. Right, sir.

Q. What do you feel right now? Do you feel that if a company commander gives you an order no matter what it is you have to obey it?

A. Yes, sir, it's a direct order, sir.

Q. Okay, GONZALEZ, thank you.

MR WEST: Do you remember BERNHARDT?

A. BERNHARDT, sir? The name sure sounds familiar, sir.

Q. I think he was in another squad. He was in your platoon. We have had testimony indicating that BERNHARDT was one who didn't agree with killing everybody. I thought perhaps he might have been one that spoke.

A. I can't really say. I can't recall that.

Q. Well fine, let's go to the next morning.

A. I don't know if you want to hear this.

Q. We would like to hear anything you have to say.

A. All right. Okay, after we got the word, by saying kill everything and anything--after we went through the three villages everybody did get sick. I mean--then Captain MEDINA said, we will stop killing. In fact, I think he even got sick himself, but that was after we went through three villages.

Q. After it was all over?

A. Right, and then the following village that we went to I guess they must have got the word because we couldn't find nobody.

Q. Okay, we'll work up to that Specialist GONZALEZ. Now, we have put in front of you a blown up aerial photograph of My Lai (4), and the vicinity (Exhibit P-1). This is the little hamlet of My Lai (4) in the center of the photograph. It is oriented that this is north the top of the photograph and that's east towards the China Sea. You'll notice over here (indicating), on your left is a map with the scale 1:25,000. This map has been entered into evidence as Exhibit MAP-4. If you'll notice here on the map, this is My Lai (4). You notice a stream line coming around here is the same as in the photograph. Also, notice on the map, a trail leading directly south through the center of the village that goes down and joins Highway 521. Here you see the same thing on the photograph. Now, the landing zone where you came in was west of My Lai (4) out here, in the rice paddy.

Do you recall that?

A. For a minute I thought it was over here (indicating). It was--it has to be here because the village was on the side right.

Q. Now, do you recall the plan how the 2d Platoon was to move through My Lai (4)?

A. On a line, straight across.

Q. And which side of the village were you on? On the left or the right?

A. We were on the left.

Q. Could you tell us now, Specialist GONZALEZ, just what happened after you got out of the helicopter that morning? Just as you remember it.

A. We jumped out of the helicopters and then we lined up on a line going across through here. Like this (indicating on P-1), I don't know, but the squad that I was in we lined up across like here until we got the word to move out.

Q. Were you on the left or the right of the platoon?

A. I was on the left of the platoon. I think our squad was the last--

Q. (Interposing) Was BUNNING near you? BUNNING told us that he was the last man on the left. He was practically out in the rice paddy.

A. He might have been. I can't say. He was more-- well, my squad was close to the end, I know. When we came up at the first point going up this way we were out in a field, a rice paddy, and I had to come into one of these-- first side. One of the little shacks, or homes--we call it.

Q. Hootches?

A. Hootches, right. When we came around like this we had to come in.

Q. Come in out of the rice field into the hamlet.

A. Right, into the village itself.

Q. Okay, well, would you tell us what it was like just before you moved in. Were you getting any hostile fire for example? Anybody shooting at you?

A. Nobody was shooting. To me it was awful quiet. I heard firing on this side, but from where I was there was nothing going on. The only thing--okay we started moving. We saw a man.

Q. Did you get some orders to move in?

A. Yes, we got some orders to move out so we started moving out. We--well, right before we moved out there was a man standing right here with no weapon (northwest corner of the village). It's like a little path--small path. This man was standing right there. He didn't have no weapon and somebody shot him and he fell. Then when they told us to move out--I can't say again but somebody else shot him again to make sure. Then we start moving out and the squad itself the whole line of Charlie Company, you heard a lot of firing, hand-grenades going off and all this. What they started up here I don't know what happened. Like I say I was more out in the field--rice paddy itself.

Q. Were the men on line or were they firing as they moved forward?

A. No, we didn't hear firing until we came in so what happened is--okay, we were in the rice paddy and then we checked out this little, like a cornfield or something. Real high thing. We checked that out. I think it had to be these hootch right here. We came in. We told all the women and children to move out of their hut. They line them right in front of them. I had the M-79. I can't actually fire upon them because at that close range all you do is make a hole in them and you are really not doing nothing. So, I stood--they came around that hootch and one of the guys called to find out if there was any GI's on the other side of the hootch--to move out of the way and nobody answered. I guess there weren't. There was no answer. So, what they did is, I was standing there and I had to look twice, you know, I really didn't understand what was happening but the orders was--to say to kill everything, anything, so that everybody figures that means to do it. So, the first shot hit a baby in the head and I turned around and got sick, because that is the first time I ever--well, I killed persons before, but not actually seeing the damage what it did, you know.

Q. It was in combat, I take it.

A. Right, it was in combat. You can't really tell, but like this just standing there. The first shot was from a 16, M-16 rifle. Hit the baby in the head. From then on before the people realized what happened they opened up and I can't say--somebody asked me if I feel all right. I said "Yes, I be all right. I mean really, I don't, but I'll be all right." Okay from then on--

Q. (Interposing) Do you remember ROSCHEVITZ, about that time?

A. Yes, sir, he was a grenadier at that time too.

Q. Do you remember what he was doing, what he said?

A. I know what he was doing but I can't say what he said.

Q. What was he doing?

A. He was raping the young girls, before he killed them.

Q. Go ahead.

A. So we started moving out.

Q. About how many people were there? The Vietnamese that were standing there who were shot?

A. From the women and children, I would say about 10, 15.

Q. Were there any men in this group?

A. In that group, no. Then we started going out and by the time we start moving out again we got the word to set fire to everyplace we go.

Q. So that came after this incident.

A. Right, like I say I don't know what happened on this side.

Q. Did the order come from Lieutenant BROOKS do you remember, or did it come from your squad leader?

A. I got it from my squad leader.

Q. I think that was Sergeant HODGES.

A. So we started moving out. Then I saw a man it looked like he had a weapon, I couldn't tell it just looked like it. And to able--to at least hit him, I figure, I might as well shoot my grenade and to me it looked like I hit him. I can't say--

Q. (Interposing) Was he out in the rice paddy?

A. Right, in the rice paddy. Okay, then we--I just shot one round then we kept on going and then I saw this girl. I would say about maybe 14, or 13, or like that. She was close to the rice paddy, but in the village really moaning, and I had to do something. Well to me I can't see it. So I, you know, she was moaning--

MR WEST: Just wait a minute now, before you say anything. You know you don't have to say--tell us anything, that would incriminate you. Do you understand that?

A. Really, I understand that. Like you swear--

Q. (Interposing) I'm not sure what you are going to say, you understand. Even if you have sworn to tell the truth, you don't have to say anything, that would incriminate you.

A. Oh, yes, I understand that. Well, this girl, she was suffering from her wound. Okay, I know that--I got my handkerchief out. I put water on the handkerchief and try to help her as best I can. Then I got here, away from-- tried to move her away from the rice paddy. I did this. I tried to make her comfortable best as I can. I couldn't do too much, because she was really bleeding. I just looked and I say--I kind of tell her I can't do too much so I just kept on my way and when I turned around--that rice paddy, I heard a shot. I turned around and somebody shot her again. Then we just kept on going and after we had this swept we came around and took this one (indicating).

Q. Do you remember how far you went through My Lai (4), before you turned and headed out across the rice paddy to the other little hamlet? Did you go all the way through or part way through?

A. We went about--we went all the way. We went all the way before we decided to come back this way.

Q. Okay, before we leave My Lai (4), I asked you about ROSCHEVITZ, and you mentioned the rape. Now, could you tell what you know about that?

A. We went into this village over here.

Q. I understand about that. That place is called Binh Tay. But was there any rape incident back further?

A. There was a lot of raping but I didn't see it. I know there was raping, because anytime we ever did go into a village there's always raping.

Q. Tell me were there incidents of rape during the advance through My Lai (4)?

A. Well, through the squad that I was in we do not rape.

Q. I was wondering whether this took place as the platoon was moving through My Lai (4), or afterwards?

A. More likely if--more likely, like I say, we wouldn't do anything. We just went straight through but like I know through other villages that we went through--while we are sweeping, is when they're doing it and then whoever stays behind. There is always a couple of guys staying behind to watch for whoever is around and then they run up and catch up with the rest of the outfit.

COL FRANKLIN: You say that raping was common when you went into the villages?

A. Right, sir.

Q. Did you personally witness this or were you told about it?

A. I witness--well, I didn't witness--

Q. (Interposing) Other times?

A. Other times, this is what happened. I know that this is what happened, because they told me and in one instance we got the word that 13 guys got one. One squad got one girl--one lady. Then they told me to go in there. I said "No, I won't." They said, "It's right there, ready for you." I said "No, I won't." So what I did is I went inside and she really looked bad. The only thing that I could do, like I say, I don't like the scene, I don't dig it--I mean, I'm sorry, dig it--I just can't see it. So the only thing that I could do for the lady, is like, I got the canteen. I wiped her. She was awful perspiring. I wiped her forehead. I tried to help her up. She got scared of me. I was part of them. I tried to tell her that I don't

have nothing to do with it. I helped her to her feet. I took her to the well got some water from the well. "Drink this."

Then another squad heard about--another guy from another squad heard about the 13 guys did their thing with this woman, were going to try her out and I told them to leave her alone and then at that time I just walked off. I said, "Forget it." I don't want to kill my own men. I tried to tell her, "Get out of here, go." She was in a little well and she was going to run. I told her, "Go ahead," but like, after 13 guys got to her it's kind of hard to walk. I think it would be, but, I'd try. That's the only thing that I could do.

Q. Did that happen a lot or once in a while or what in Charlie Company?

A. With Charlie Company to me they do that practically--almost, well, they try to do it in every village they go through.

Q. How about if Captain MEDINA found out about it?

A. I don't know. I think there would be a lot of trouble.

Q. You don't think he knew about it?

A. I don't think so.

MR WEST: How about Lieutenant BROOKS, did he know what was going on?

A. I can't say. He might, he might not. I can't really say.

Q. How about Sergeant BUCHANON?

A. The same thing. He might. He might not. I can't say, because, like you--take one squad say, it's a small village one squad would go from the back, one goes to the front and the other one is going through. Now, the one that is going through their having their fun. The first sergeant or the lieutenant whoever is around, he usually stays with one part of a machine gun group. I know one who was really doing a lot of--besides grenadier ROSCHEVITZ. There was another gunner who was doing

just as bad as he was.

Q. Do you remember the names of HUTTO, HUTSON, MOWER? Were you talking about one of those?

A. That is the group who was doing that, sir.

Q. Okay, let's move to the point now where you went out into the rice paddy. Other people have told us you initially moved out in the rice paddy to pick up a couple of weapons.

A. I think they found two weapons some place around this area. I'm not sure.

MR WEST: Indicating a point out in the rice paddy about 500 meters north of My Lai (4).

A. It's about there, because when we came out here that's when they found it.

Q. Okay, now BUNNING told us that the platoon moved out into the rice paddy and he was on point. Lieutenant BROOKS was behind him. You probably were right in there pretty close.

A. Like I say my squad was all over. I can't really say where. A lot of times the squad divides.

Q. You do remember going out and picking up a few weapons?

A. I saw them pick up two weapons.

Q. All right. Will you tell us what the platoon did next?

A. Well after--on the other village. I can't say what happened over here, because they were scattered all over the place. My squad came across here--or the guys that I was with.

Q. And that little subhamlet is know as Binh Tay. Tell us what your platoon did at Binh Tay?

A. When we came around I came around this way close to around this side.

Q. You swung around toward the west side.

A. Right. There was this young girl that was running all over the place. And I told "mama-san" sitting there, I told, "Mama-san, Please give her some pants," you know. She finally understood and she told me, "Thank you; fine," I guess that would say, thank you.

Q. You say to give her some pants, I don't understand.

A. Pants. Her pajamas. She was running around without any on.

Q. How old was she?

A. About maybe 16. So, that first hootch right here some guys were doing their thing with her--this chick. I mean this Vietnamese.

Q. Was it this girl, that you talked to the "mama-san" about?

A. Right, I try to tell her--so we came back around sweeping out the area. We got all confused. We didn't know where the heck we were. We didn't even know where the rest of the company was because we were all around here.

Q. Where was HODGES at this time? Was he with the girl?

A. He might have. I can't say. Like when a girl is being raped guys move in quickly to get some of the action but I can't see it. I just don't dig--I mean, I just don't like it that way. But anyway we came around--

Q. (Interposing) Was your squad involved in this rape, at his time? Members of your squad this time?

A. I think some of them, right.

Q. You don't remember who they were?

A. No, I can't say. But, we came around--and when we were coming back out from the burning, and shooting, and everything. We were coming out this same girl that I told "mama-san" to put the pants on her pants was off again. Somebody

had did their thing again and she was walking with one of the GI's off with us, because I think she figured as long as she stays close to them they won't kill her. Now, when we were walking out here I would say in here someplace. A little hootch there because it was right before we came out.

MR WEST: Indicating a spot in the east-central part of the hamlet.

A. That's where I saw a whole bunch of naked bodies on top of each other and I went up to look just to be curious, and it really looked sickening. They had holes all over the place.

Q. Do you know what happened to them?

A. Right, it was my partner ROS--I can't pronounce his name.

Q. ROSCHEVITZ?

A. ROSCHEVITZ, yeah, had shot his M-79 with the shotgun shell. There are, you know, the M-79 has two kinds of rounds. You've got your straight one and then you've got your shotgun for in the bushes. He used that one round.

Q. It gave you more dispersion?

A. Right, to hit the people. The way I understood it is that he forced all these people to undress and told them to do his thing with her--with him. They wouldn't do it so he shot them and I just left that as that. You can't do nothing about it.

Q. Did you hear this from ROSCHEVITZ?

A. Well, ROSCHEVITZ was right there when I was there and the other guys told me and even ROSCHEVITZ he didn't disagree with it. And he was the only one around me with an M-79 besides me and by the holes, it looked like a splatter from a shotgun round.

Q. Did you observe any other rapes in the hamlet besides the one you mentioned? The 16 year old girl.

A. Well, when we were there by Uptight. A couple of villages around there.

Q. No, that morning.

A. No, just this one over here and the one he tried but they wouldn't put out.

Q. Now, you mentioned a minute ago something about shooting and burning. Could you tell us just how the platoon was operating in Binh Tay? You know, what other people were doing. Were they shooting? Did they kill some people as they came across? Were they setting fire to the hootches?

A. Well, like, my squad, when we went through it seems like we weren't shooting nobody. We got tired of it I guess. You could say, because like on this one we really did a job on this one but over here we kind of slacked off.

Q. You did a job on My Lai (4) but slacked off in Binh Tay?

A. Right, because it was a bloody mess, because over here live people were burned to death--everything and these people in there fox holes or where they sleep--

Q. Bunkers?

A. Well, not bunkers like for bombing or something like that they've got their own beds underneath.

Q. Bombshelter. Holes?

A. Yeah, a hole in the bottom of the ground. Some of the guys would holler. I know one guy he would holler, and I don't know if he heard any voice but I was about 20 yards from him--20 meters--yards I would say, and I couldn't hear if anybody said anything from in here but all he did is throw a hand grenade down in there. But like, over here (Binh Tay), it was a little different, actually I would say they were doing more raping, than killing, than anything else.

Q. Well, did you observe any more killing besides the group that ROSCHEVITZ had taken care of?

A. No, not through the part that I went through.

Q. While you were in Binh Tay do you remember getting any orders to stop the shooting?

A. I can't remember. Sometime during this, coming out--probably coming out. More likely is when they said, stop killing everybody. We got tired of it. Just quit.

Q. We have had some testimony that Lieutenant BROOKS got the word over his radio and he passed the word on, to stop the shooting.

A. They did say stop the shooting. They did, but-- I got it from guys around to stop everything.

Q. What happened after that?

A. Well, after that we came out. We start falling out this way (indicating).

Q. All right. Before you left the hamlet do you remember any civilians getting gathered together into a group?

A. No, sir.

Q. We have had other testimony that after the shooting stopped quite a number of Vietnamese residents were gathered together 40 or 50, and they went off to the southwest. You don't remember that?

A. I didn't see nobody. I can't say but I know I didn't see them when we come out.

Q. Go ahead and tell us what the platoon did after that.

A. Okay, then we supposed to go to another village. I can't remember which one it was.

Q. Did you go back to My Lai (4)?

A. No.

Q. We have had some testimony that they went back to My Lai (4) and had lunch there before moving out.

A. No, we just--as soon as we covered this one we went straight to the next one.

Q. On the aerial photograph there is a subhamlet, that is almost due east of Binh Tay and is northeast of My

Lai (4) about 600 meters, and the name of it is Binh Dong. Is this the next hamlet you went into? Would you say?

A. I couldn't say, sir. I know we went to another village after we walked all this rice paddy and we went to the following village. We didn't see nobody. The place was cleared. They must have got the word that we were shooting at everything and the only thing we did was burn the hootches. There was nothing there.

Q. But you're not sure which one?

A. I can't say, no.

Q. All right. There is Binh Dong which is the location which I have described and immediately south of Binh Dong about 300 or 400 meters is another subhamlet called Trung Hoa. All right. What happened after that?

A. Well, after that we started moving out--wait a minute. We did--we had a base camp. I think right here. Right in here because it was next to a river or a creek or something.

Q. Do you remember a graveyard?

A. I can't say, sir, but I know we put base camp right here (indicating).

Q. That's some 700-800 meters from My Lai (4), would it be?

A. Yes, sir.

Q. Do you remember where you broke for chow then?

A. I think it would be right there (indicating base camp).

COL FRANKLIN: Are you sure that you didn't go back--I want you to think now, Specialist GONZALEZ, and try to remember--you didn't even have a map or a photo on the operation. I doubt if you ever saw one did you?

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

Q. Are you pretty sure though that you moved directly from that little hamlet in the north Binh Tay and moved--didn't

go back to My Lai (4) for lunch and then gone to that hamlet?

A. We might have. I don't think we did.

Q. You just say what you think. That's what we've got you here for.

A. Well, okay. I--we didn't.

Q. Back in Binh Tay you say those bodies. All of them had their clothes off?

A. Right, sir.

Q. About how many were there?

A. Too many to count, sir.

Q. In this part over here, the ones ROSCHEVITZ killed?

A. Maybe eight or nine persons. Maybe ten, I can't say, sir.

Q. What were their ages and sexes?

A. I would say the ages would probably--maybe 16-I don't know maybe probably 30, 35.

Q. They were all naked and piled up?

A. Right.

Q. How many bodies do you think you saw? I know you're estimating. There's no way of really knowing. But total on this operation, how many bodies do you think you saw?

A. In the whole thing?

Q. In the whole thing.

A. Just a straight number I can't say. I can't say, sir.

Q. You say a lot of people were sick. If a lot of people were sick who was doing all the killing? The ones that were sick were doing the killing?

A. Right, sir.

Q. People actually killing, who were sick? Did they throw up?

A. I did, sir. I know--maybe the sick feeling, because they have to do it. They have to shoot people this way you will get a sick feeling. You could see it in the person but other people can show more like myself, I have to show more, and I have to "cough-a-roff," then actually without being sick--without it. When I get sick it has to be when I "cough-a-roff." People can be sick without ever doing it.

Q. When this order came--what was the phrase you used, "cough it up"?

A. "Roff" that's vomit. It's an easier way to say it.

Q. Now when the command came to stop the killing--stop the killing or stop the shooting?

A. Stop the--they just say stop firing.

Q. Was there any more killing done after that command?

A. No, no, sir. They said stop firing. The only time you shot at anybody if you see anybody running. More likely they would have a weapon on them.

Q. You didn't have any live people left kids or anything after that?

A. No, no, sir.

MR WEST: You mentioned the people that ROSCHEVITZ had had their clothes off. Were there any men in this group? Do you remember?

A. I can't say. I can't say, because I figure, to me, I figure they wouldn't be, because he's a person who would more like to enjoy himself and if he can't he will shoot them and I figure--and I think they were all women. I'm pretty sure they were all women, because he wouldn't ask a man to take off his clothes.

Q. Did you see any visiting officers that morning, from Task Force Barker, or brigade, or division? Did anybody come in on a helicopter?

A. No, sir.

Q. Later on now after you had laagered in there at night did you see any members of the National Police?

A. There were Viet--well, what do you call them?

Q. Prisoners?

A. No, well, they had some soldiers in Vietnam.

Q. ARVN's?

A. They call them ARVN's, right. I can't say how many there were, but they did have them and they were some place. I can't remember too sure but they might have been around here. They were discussing with Captain MEDINA and all the officers.

Q. Do you remember the other officers, who were there?

A. Well, I know, like Lieutenant CALLEY he was there, because I heard it on newspaper--Lieutenant CALLEY. I couldn't recognize the name. When I was waiting in the room upstairs I saw his picture and I recognized his picture. Now I know he was there.

Q. Would you know Captain MICHLES?

A. No, sir.

Q. Captain KOTOUC the S2 of Task Force Barker?

A. No, sir. Usually I try to just remember, like my platoon daddy--sergeant, and my platoon officer, and the CO.

Q. Did you see anything happen there around the ARVN soldiers? Did you see any incident take place there that you remember? Anything unusual?

A. No, sir, I can't really say.

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Q. Well, we've had considerable testimony that at least two VC prisoners were shot while they were being interrogated. Do you know anything of that?

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

Q. Did you later on perhaps hear anything about civilians being killed by members of Bravo Company towards the coast that same day?

A. No, sir.

Q. There have been reports of this killing of Vietnamese civilians about like they had in My Lai (4), at a little hamlet over by the coast.

A. I never heard, no, sir.

Q. Do you remember where Charlie Company went the next day? The 17th?

A. We went, the 17th, we moved out straight across. Well, we end up close to this big river.

Q. You moved south to the river?

A. Right, we went straight all the way through.

Q. We understand that you came back and retraced your steps?

A. Right, sir.

Q. Before you spent your second night in the field.

A. Right, sir.

Q. Do you remember being out that third day?

A. No, sir, that's the day I got hit, sir. Before we left this area, I told one of the medic's there. I can't say his name.

Q. GARZA?

A. Right, I told him that if I get hit I want my picture taken. If I die, don't take it. So he said, "Well,

how do you know you won't get hit." The third day, the 18th, is when I got hit going out to--for the choppers to pick us up.

Q. You hit a booby trap?

A. We don't know who triggered off the booby trap, me or TREVINO.

Q. We talked to TREVINO yesterday.

A. But me and TREVINO got hit the same time.

Q. If I remember correctly he thought that you had.

A. He did because he was splattered all over the place. He was over, like a little hill.

Q. He showed us the scar on his right arm, and you were what? Wounded in the foot?

A. Both legs, foot, and just a couple of fragments on my right arm.

Q. Were you medevac'd out, right away?

A. Right, sir.

Q. Where did you go?

A. I don't know really. Someplace close to--by Chu Lai I think. I can't say.

Q. Did you go from there to Japan and then back to the States?

A. From Chu Lai I went to Qui Nhon and then from there we went to Japan. We stopped at the Phillipines first and then to Japan.

Q. Then you moved back to the states, did you?

A. Right, sir, to San Francisco.

Q. How long were you hospitalized?

A. Counting with Japan I would say about 3 months.

Q. Tell me this, Specialist GONZALEZ, before you left Vietnam did anybody come around and talk to you about what had happened at My Lai (4), that day? Say maybe he was an investigating officer?

A. While I was leaving--

Q. While you were in the hospital before you left?

A. No, sir. Nobody, sir.

Q. Do you know whether any member of your company was approached by an investigating officer and asked any questions about what had happened at My Lai (4)?

A. No, sir.

Q. Did anyone ever tell you to keep quiet about what happened there that day?

A. No, sir.

Q. Did you have another tour in Vietnam?

A. No, sir, I wanted to go back but I couldn't get out of 3d Cav.

Q. I want to ask you some general questions now. The first one; the newspapers in November had a story that some of the men of Charlie Company when they went into My Lai (4), that day were under the influence of marijuana. Do you know of any such thing?

A. Some were. It kind of relaxes you.

Q. How about the night before, on the 15th in the bunkers while you waiting for the next day?

A. I don't think so.

Q. Any pot smoking going on that day?

A. Well, with the group I was with nobody was.

Q. How about the next morning?

A. Well, with the group I was with, no.

Q. You think it could be, some other squad?

A. Somebody else could have been.

Q. To your knowledge was it a practice of some members of Charlie Company to get a little high on pot before going into combat?

A. No, sir.

Q. The first question that I asked you you did indicate that there could have been some there?

A. Right, there could have been but the first questions you asked, you said every time we would go into combat.

Q. I wanted to know if it was a practice of some men in the Company?

A. Well, yes. Some persons, yes.

Q. That's what people are concerned about, you know. That when some people went into combat they were under the influence of marijuana and weren't quite themselves.

A. I can't say it was marijuana, because the way I understand, between marijuana and dope is two different things. Dope is just like you're drinking alcohol and you really know what's going on. You just kind of makes you relax. Stops your nerves.

Q. With marijuana?

A. No, with dope you know what's going on.

Q. How about marijuana?

A. Marijuana I never tried myself but I understand that it's more--right off the bat you're up in the sky. You are not as if you are drinking liquor. Your more funny. You're reacting different. You do some crazy things. Absolutely--you think something is wrong with this guy. He's

not acting right. This is what I understand with marijuana. You can tell whether he is higher than with regular dope.

Q. Would you think a man who was under the influence of marijuana would find it easier to kill people the way the platoon did that morning in My Lai. Would it make him-- would it put him in that kind of killing frame of mind?

A. I don't think so. If he were on marijuana probably so, but I really doubt it very much. I really doubt it. I think a person if he was on marijuana, to go through a--that village and a man that is high with marijuana I don't think he could actually just--something had to irritate him very much before he would do it. Now, these people were just standing there. I can't see them to just have something in them to do it.

Q. Do you think if you were under the influence of marijuana it would be feeling happy. A good frame on mind. He wouldn't be thinking of killing people?

A. Right. Because when your on it--like I say marijuana I know nothing about it. Pot, you are more friendly of course, you're relaxed, you are not as scared if you die, or don't die, or whatever, it is if you get hit so what.

Q. You are not concerned?

A. Right, sir.

Q. You didn't observe anybody that you thought was under the influence of marijuana, that morning?

A. No, sir.

Q. I want to talk to you about three questions which call for your opinion. These are questions that, you know, a lot of people have been asking. Some of the people who were at My Lai have asked themselves these questions. The first one is, what really happened at My Lai (4) on 16 March 1968?

A. What actually happened?

Q. Yes.

A. That day it was just a massacre. Just plain right out, wiping out people.

Q. This is helpful to us. You were there and you saw part of it. Was it your impression that in your platoon, your platoon leader, platoon sergeant, the squad leaders were in control of the platoon all right? They had the men under control and direction?

A. Yes, sir.

Q. It has been suggested by some people that things just got out of control and certain members of the company did all the killing in the confusion and the disorder.

A. No, they were pretty uptight. Exactly giving commands to everybody. The only time, like, like I say is on this hill. Binh Tay it was more scattered around. Nobody could really tell to be in charge.

Q. There was a little disorder then?

A. Right, sir.

Q. You may have already answered my second question but the second was why did it happen?

A. For revenge. To me we figured the Vietnamese --the Viet Cong were there with their supporters. That's what we understood. We figured that they were there to meet us. When we were sweeping out the area we didn't see nothing but the civilian people.

Q. You didn't really find any VC?

A. No.

Q. Over in the other platoon--the 1st Platoon's area we have evidence of several people, that Captain MEDINA had one or more Vietnamese people that he found there and questioned them. They learned that there were 35 to 40 VC in the hamlet that night but they left early

that morning before the combat assault which fits in with what you just said, you didn't see any VC.

A. Right, sir.

Q. So, it is possible that they left early before the company came in. Some people--I'll state that a little differently. It has been suggested that the orders were given the way they were so this little hamlet would be wiped out as a base for the VC. What was desired--what part of the mission was to level the village?

A. Wipe it out.

Q. Wipe it out so nobody could live there any more and support the VC.

A. Right, sir.

Q. Did you have this same impression?

A. It had to be. When you get the command or the orders saying to wipe--kill everything--anything, and everything that's what it is. You're just wiping it right off the map. You kill everything no matter what it is. If the trees were alive we would probably shoot them too.

Q. Now, in the next few days you mentioned that at least one other village was burned. Were more villages, more little hamlets burned, as you went through? You were out about 3 days all together.

A. We burned all. Binh Tay, we didn't but the rest we did.

Q. Now, I think you realize this, Specialist GONZALEZ, that the events there that morning at My Lai and the little subhamlets were not known to the American people back home here until about two months ago, in November.

A. My family did, sir.

Q. Did you write home about this?

A. I wrote home about it, because I wanted them to know what is happening over here. I can't see keeping it from the people. I am in the service. I know that a lot of things could fall upon me, but at the same time when I was in Nam--other areas to me, actually tell myself what are we doing here. I can't say. I still don't know--but actually what happened during this attack, here. It was so far out for me that you hear a lot of people--like the radios, newspapers, you hear a lot of things that you don't hear. You think well these guys--you hear like, I was in the hospital you hear some of the radios saying not too many--real light casualties on American people. Now to me that can't be. Can't be if my unit almost got wiped out just on these mines. Other units has to be the same way. The only way, they could actually, really get wiped out of the Army--United States Army man, or serviceman, is they got to be tied up someplace. A real good base camp. Secure, very secure, but on this episode here, I wanted to--what happened to my parents. I wrote to my mother and my wife saying what happened during this time, that we did here, and the time I got hit, because to me I can't see letting the people think that we're doing things right, here.

Q. Did you write these letters while you were in the hospital?

A. Right, sir. Every time I went to a mission. I tried to explain the best way that I can to my wife exactly what we did. Sometimes she don't understand it. Sometimes I can't put it in words, I have to draw it before she'll understand. I can't write to good so I draw it. Try to have her figure out what it was.

Q. Do you have another language, besides English? Do you speak Spanish?

A. Well, between my Spanish and my English, there's a little--I don't know it's half and half. Now, I was born, raised in the states. Now I was born in Tempe, Arizona and I was brought up in California. In between the time that I was going to school, I missed something. I don't know what it is. I'm still trying to figure out what it is, because I'm hesitating on English language and I'm hesitating on Spanish language.

Q. Well, I think that's not uncommon. Some people speak Spanish very fluently but don't write it well. Do you write well in Spanish or English?

A. I write better in English, than Spanish.

Q. Does your wife keep your letters?

A. I don't think so. While I was in 'Nam I think she did but as soon as I got back I think she threw them away.

Q. I wonder if your parents, kept your letters?

A. I don't think so.

Q. What you wrote at the time would be very valuable to us. We've had several of the witnesses who brought in letters, because you write what you remember at the time. Now, it's almost 2 years. I know it must be difficult to remember. Some of the letters that were written at the time are very helpful to us. You suppose you could check out the possibility if your wife and your parents kept your letters?

A. I could check on it, yes, sir.

Q. We would be very grateful if you would. I think you can appreciate the importance of this. What happened at My Lai (4) is unusual in the history of the Army.

A. I realize that it is.

Q. Actually what you wrote, the accounts you wrote would be very significant in the reconstructing of events and things that happened. So we would appreciate very much if you would make a search to find your letters.

A. All right, I'll do that.

Q. Major COOP will talk to you about it.

A. Yes, sir.

MR WEST: You've made a very valuable contribution to our

hearing today. The things you've told us, your recollection was really very good. Many of the things that you told us we've heard before but there are other accounts that we haven't heard.

A. Like I say I was only there with the unit, 3 months, but like myself, if I go through a place and see it again I remember it. Faces too but never names.

Q. When did you join Charlie company?

A. I join it a week--no, let see, Charlie left December the 1st. I went out with the advance party.

Q. You came over with the brigade did you?

A. Right, well, I came over with the advance party.

Q. Yes, Charlie was the first company called over from Hawaii?

A. Right.

Q. You were with the company then?

A. Well, when I left my AIT I was assigned to--Hawaii. I suppose to stay there about 6 months, or something like that for jungle training then Charlie needed men so I was attached to them. I stayed one week until I left for Vietnam on advance party.

Q. Did you participate in all the actions with Charlie company up until the time you were wounded?

A. Actually killing as many people as the rest of the platoon or company was doing, no.

Q. No, I just meant if you were there and went out in the field everytime.

A. Yes, I went on everyone of them.

Q. We have had indications that on quite a few

occasions when Charlie company went out in the field and seen some action they would come up with some bodycount but almost no weapons.

A. That's true.

Q. I have wondered whether this is an indication that the company was in their body count of VC was maybe counting some people that really weren't VC. Like women and children.

A. It could be because more--the way I see it we count some but actually we can't say they really weren't. I mean like I--like I say it's hard to tell. Anybody can put black pajamas on.

Q. Sure, I understand. I guess what I'm really getting at is that if Charlie company in making up it's body count did regularly count everybody they killed whether they were men, women or children. Did they regard everybody and count them as VC?

A. I can't say, sir. They might. I can't say because like I say--I just was a PFC and--

Q. (Interposing) I understand, but I thought maybe you might have gotten a feel for that. For example out of the operation that day at My Lai (4) Charlie company reported about 84 VC killed.

A. I don't think so. In fact I don't think at all --any VC's were there.

Q. Well, what would you conclude then these 84 were?

A. Civilian people.

Q. Well, did you yourself see that many killed?

A. I would say about that, right.

Q. And did you get over in the 1st Platoon sector of My Lai (4), at all?

A. We got in--you could see about halfway into My Lai (4).

Q. Did you get way down to the southern part of My Lai (4)?

A. No.

Q. Did you see a bunch of bodies in a ditch generally down in the 1st Platoon sector?

A. Not in a ditch, no.

Q. These would maybe be 50 or 60 people?

A. No, the only time I ever saw any bodies would be in hootches or just right off in the bushes or just right there out in the open.

Q. You just saw the two groups killed that you described for us. One of them in Binh Tay and one down in My Lai (4).

A. Right. Right, sir.

Q. Did you hear about any enemy VC being killed by artillery fire?

A. No, sir.

Q. Do you have any thoughts or opinion on this?

A. No, none.

Q. Didn't you observe any dead people that you were told or understood to be killed by artillery?

A. No, sir, none at all.

COL FRANKLIN: How many times have you been wounded, GONZALEZ?

A. One time. The reason why this cluster is I borrowed it and I didn't want to mess up--his ribbon.

Q. Up in Binh Tay did you see those people killed or did you see them after they had been killed?

A. The ones that were piled up, after.

Q. You didn't see who killed them?

A. No, but--I didn't see them killed but I know who --they told me who did.

Q. They told you but you didn't actually see it?

A. No.

Q. Did you ever see anybody in the whole day that looked like they were taking pot or that you knew were taking pot during the whole day?

A. No, sir.

MR WEST: Specialist GONZALEZ, we are very grateful to you for coming here today. You've helped us a great deal. You given us much valuable information. Before we close the hearing is there anything that you would like to say, any statements that you would like to make, or anything?

A. None at all, sir.

MR WEST: If you find the letters that we talked about, or anything else that you would think would help us we would very much like to hear from you. Thank you very much.

The hearing will be recessed.

(The hearing recessed at 1547 hours, 21 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: HODGES, Kenneth L. SSG

DATE OF TESTIMONY: 29 December 1969

PLACE OF TESTIMONY: Headquarters, MACV, Saigon, Republic of Vietnam.

WITNESS SUSPECTED OF: Rape, wrongful destruction of property, and willful killing of unarmed civilians.

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Squad leader, 1st Squad, 2d Platoon, C/1/20.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

a. MEDINA's briefing.

The witness testified that Captain MEDINA told his men that they were to go into the village and seek out the Viet Cong. They were told that there were no friendlies in the village, and that all persons in the area were Viet Cong sympathizers. All the civilians had been warned to get out of the area, and MEDINA further assured his men that he had been told from higher up that there would be no civilians in the village (pg. 6).

MEDINA told his men that the 48th VC Regiment was in the area (pg. 7). They were to fire, if fired upon, but the witness stated that there were no instructions to destroy bunkers, burn hootches, destroy crops or kill the livestock (pg. 8).

b. Standard operating procedure for treatment of Vietnamese.

The witness stated that they were to go through the village, search the hootches, etc., for weapons, and were to check the identification of the people and be on the alert for military-age males (pg. 7). If the initial interrogation showed that the person was not a VC, he would be left alone.

Otherwise, he would be taken for further interrogation. The decision as to the ultimate handling of these persons was to be with the platoon leader (pgs. 10, 11).

c. Morale of the troops.

The witness stated that he felt the general opinion of the men was that they wanted to go into the area and look for the VC. He recounted that the men had been in few fire fights, and that their only casualty had been via a boobytrap (pgs. 8, 9).

2. ASSAULT ON MY LAI.

a. Movement through My Lai.

The witness testified that the 2d Platoon went in on the first lift and moved out as soon as the helicopters left (pgs. 12, 30). He stated that his squad was diverted to the north of My Lai to pick up two dead VC killed by helicopters and marked by smoke. (pg. 15). Later, he testified, his platoon was diverted to a small hamlet to the north of My Lai (4), and therefore, he stated, he did not see anything happening out of the ordinary at the village concerned (pgs. 17, 18). He did note that when his outfit returned to My Lai (4), they saw bodies that appeared to have been killed by small arms fire and added that he did not see any artillery craters in the area (pgs. 14, 18, 19, 22). He testified that during his movement through My Lai (4) he radioed his platoon leader concerning all the bodies he saw. He at first thought gunships had done the firing, but later opined that someone had gone through and done the shooting (pgs. 42-44). He asserted that he never received a request to breakdown the bodies shot into categories, and added that he did not recall volunteering the information (pgs. 44, 46). He testified further that he did not see any dead livestock, except for some pigs. He noted that his squad did not have the duty to destroy the food supply (pgs. 24, 25). The bodies seen were of elderly men, children, and women, a total of about 30 to 40 bodies in all (pgs. 29, 30). He noted that he had seen Captain MEDINA in the center of the village around ten or eleven o'clock (pg. 26). The witness stated that he recalled the cease fire order, saying that it did not affect his squad. He added that he never heard any explanation for this order being given (pg. 36).

b. Later actions of the operation.

The witness stated that after leaving My Lai (4), the company moved to the northwest through My Lai (5) (pg. 30). He noted that National Police would be along to interrogate detainees, although he stated he did not recall seeing any of them at the night laager position (pgs. 9, 32). Although there was burning of hootches at My Lai (4), he stated that he saw no burning on the following days (pgs. 22, 33).

c. Prisoners.

The witness recounted that when his platoon had moved to the north on the 16th, they had encountered one suspect who was sent back to the platoon leader. He stated that he did not recall the disposition of the prisoner (pg. 28).

3. INQUIRIES CONCERNING THE ASSAULT.

The witness stated that he did not recall anyone questioning the men on their return to Landing Zone Dottie (pg. 35). He further noted that he did not recall Captain MEDINA calling the company together and telling them of an investigation (pg. 35). He added that he was never questioned about the assault while he was with the battalion (pg. 39).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-2 thru P-25	Miscellaneous Scenes	None recognized by the witness.	13
P-26	Miscellaneous Scene	LZ Dottie recognized by the witness.	28
P-27 thru P-42	Miscellaneous Scenes	Not recognized by the witness.	28
P-56 thru P-70	Miscellaneous Scenes	Not recognized by the witness.	28
P-161	Aerial photo of the My Lai (4) area	Marked by witness.	2,13-17,19,23,26,29,45
MAP-4	Map 6739 II	Shown to witness.	13,28

(The hearing reconvened at 1431 hours, 29 December 1969, at Headquarters, MACV, Republic of Vietnam.)

IO: The hearing will come to order.

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

Sir, the next witness is Sergeant Kenneth L. HODGES.

(SSG HODGES was called as a witness, was sworn, and testified as follows:)

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

A. Kenneth L. HODGES, Staff Sergeant E-6, Company A, 5th Battalion, 60th Infantry, 3d Brigade, 9th Infantry Division, Ro Khien, South Vietnam.

IO: Sergeant HODGES, before we begin any questioning, I'll ask Commander DAVIS to advise you concerning certain matters.

CDR DAVIS: Sergeant HODGES, information has been made available that causes you to be made a suspect of the following offenses under the Uniform Code of Military Justice:

(1) rape, on March 16, 1968, in violation of Article 120 of the Uniform Code;

(2) wrongful destruction of property, in violation of Article 109; and

(3) willful killing of unarmed civilians, in violation of Article 118, Uniform Code of Military Justice.

Now before any questions are asked of you, you must have an understanding of your rights:

(1) you have the right to remain silent,

(2) any statement you make may be used as evidence against you in a criminal trial, and

(HODGES)

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(3) you have the right to consult with counsel, a qualified lawyer, and to have such counsel present with you during your questioning. You may retain counsel at your own expense or counsel will be appointed for you at no expense to you. Inasmuch as you are subject to the Uniform Code of Military Justice, appointed counsel may be military counsel of your own selection if he is reasonably available.

Even if you decide to answer questions now, without having counsel, you may stop answering questions at any time. You may also request counsel at any time during the questioning.

Now, do you understand this?

A. I understand, sir.

Q. And do you have any questions or want any further explanation?

A. No, sir. The explanation is satisfactory.

Q. Do you want counsel?

A. At this time, no, sir.

Q. All right. Do you want to make a statement and answer questions?

A. I'll answer questions, but I don't wish to make a statement, sir.

Q. All right.

IO: Sergeant HODGES, this investigation was directed jointly by the Secretary of the Army, Secretary RESOR, and by the Chief of Staff of the United States Army for the purpose of determining the facts and making findings concerning two things:

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

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

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

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

A. Yes, sir.

Q. Your testimony this afternoon will be taken under oath. A verbatim transcript will be prepared. A tape recording is being made in addition to the verbatim notes which are being taken by the reporter.

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

Now, here with me today are several other people who may ask you questions. On my immediate left is Mr. MACCRATE, and on my right is Mr. WALSH. Mr. MACCRATE and Mr. WALSH have volunteered their services to the Secretary of the Army to serve as assistants to me and also to provide legal counsel to me in the conduct of this investigation. And they, too, will have the authority to ask questions of you this afternoon.

However, I should point out to you that in the final analysis, I have the responsibility of weighing the evidence and making the final findings and recommendations.

In closing I would say that you are directed not to discuss your testimony with others except in the performance of official duty or as you may be required to do so before a competent judicial, legislative, or administrative body. I make this statement so that in the event you must appear in a trial by court-martial, or as a witness, or in the event you may be called before an investigating committee of the Congress, these would be allowed. But I do not expect that you would go around talking about this investigation with members of your command or other people outside of official duties.

Do you have any questions on what I have indicated to you?

A. No questions at all, sir.

Q. Okay, fine. Would you state your assignment as of 16 March 1968.

A. My assignment as of 16 March 1968 was with C/1/20, 11th Brigade, Americal Division. At that time I was a squad leader in the 2d Platoon of that company.

Q. What squad did you have?

A. I had the first squad, sir.

Q. First squad? First squad of the 2d Platoon?

A. That's affirmative.

Q. And how long had you been with Charlie Company?

A. I had been with Charlie Company since approximately October of 1966.

Q. Did you deploy overseas with Charlie Company?

A. I deployed overseas with Charlie Company.

Q. And how long after the 16th of March did you remain with Charlie Company or the 11th Brigade?

A. I remained with Charlie Company until approximately 27 November 1968 when I redeployed back to the States.

Q. Since the time that the My Lai incident has become a matter of public knowledge through the press and through television and radio and so forth, which took place in, let's say, the latter part of September or October, have you had any conversation with any people of the task force, of the 11th Brigade, or of the Americal Division concerning the incident which took place there at that time?

A. I have not, sir.

Q. Now, I would like to tell you, before we get into an expansion of the questions, Sergeant HODGES, that up to the present time, we have talked to over 40 people who have in one way or another associated with the incident, so we have a pretty good idea about what took place at My Lai and during the investigation.

A. Yes, sir.

Q. And we have also read your statement, so the main point that I'm bringing out is we are not completely uninformed about the situation.

A. I understand, sir.

Q. Now, I'd like to take you back, Sergeant HODGES, to the day before the operation itself, to the 15th of March 1968, and the briefings and instructions which you may have received. First, were you present when a briefing was given by the brigade commander to the units that were going to be involved?

A. I was not present for a briefing by the brigade commander, no, sir.

Q. Do you recall on that day, had there been a memorial service for one of the members of the command which had been killed a few days prior to that?

A. At the present, I can't remember. There was a ceremony, sir, I--vaguely I can remember it, but I don't recall exactly.

Q. All right. This would have been at LZ Dottie.

A. I don't recall.

Q. Were you present when the S2 and the S3 of the task force issued their instructions?

A. I was not present then, sir.

Q. The task force commander's briefing, Colonel BARKER, were you present then?

A. I was not present then either, sir.

Q. Now then, we'll come down to C/1/20. As a squad leader, what instructions were you issued either by the company commander or by your platoon leader?

A. By the company commander, we were issued instructions that we would go into the village--we would be air assaulted into the village the next morning early, approximately 0600, giving an approximate time, and we was to go into the village to seek out the VC that were in there; that there would be no friendlies, or as they said at that time, no civilians, in the area, which the company commander said he had been notified by higher of this; and that there were--the personnel in that village, in My Lai (4), (5), and (6) were either VC or VC sympathizers; they would be carrying weapons, or packs, or would be hiding the VC, and we were to go in and seek these personnel out and more or less find these personnel out. And that was it.

Q. Now, let's come back to the intelligence aspect of it for just a minute. Do you remember anything being said to the effect that all the civilians from the village would be gone by 7 o'clock in the morning and probably off to market?

A. They said that all the civilians had been warned to get out of the area. There would be no civilians in the village whatsoever.

Q. All right.

A. There was no mention that they would be gone to market, or they would be out, or any other. They said there would be none in there. They had been notified to leave the area.

Q. Well your impression was then that when you went in, there wouldn't be any civilians there and the only thing you would encounter would be VC, is that correct?

A. VC or VC sympathizers. That's correct.

Q. Well, what is a VC sympathizer? I have a little difficulty here.

A. A VC sympathizer, in my opinion, would be someone

that is hiding the VC, feeding him, giving him rice, giving him money, or giving him information as to where the American troops are and other troops that are operating in that area.

Q. Yes. Would this include small children as VC sympathizers?

A. I wouldn't know exactly how to answer that, sir. I wouldn't like to make a comment on it.

Q. Yes. What were you told about the enemy that you might encounter there? Who were they and in what strength?

A. They said it would be part or all of the 48th VC Regiment that was in the area.

Q. Regiment or battalion?

A. Regiment.

Q. Regiment?

A. Yes, sir.

Q. Yes. Now, with respect to what you were told to do: what specifically, you as a squad leader, were you told to do by either Captain MEDINA or your platoon leader, whom I believe was Lieutenant BROOKS, wasn't it?

A. That's affirmative.

Q. Yes. What did they tell you to do?

A. What we were told to do was, initially after we touched down we were told to get up on line and sweep through the village and seek out all these personnel in the village and question them, check their ID for authorized ID, their age, and things of this nature.

Q. Well--

A. (Interposing) To search the village, to search their hootches, to search the bunkers inside to see if they were hiding weapons or anything of that nature.

Q. Did it go along with this that you were to

engage any VC--any armed VC that were opposing you?

A. It was stated that if we was fired on--it is a known fact that if you are fired on, you will return fire if you are sure that you are engaged by the enemy and not by some friendly troops. If you are sure you've been engaged by the enemy, you would return fire.

Q. Did you receive any instructions to destroy all the bunkers, burn all the hootches, destroy all the crops, and kill all the livestock?

A. I was given no instructions as to that, no, sir.

Q. What do you think the general feeling of the men were in your squad and in your platoon that night? How did they feel about going on this thing the next day?

A. The night before?

Q. That's right.

A. In my opinion they wanted to go back, they wanted to go into the area, they were eager to go into the area to see what it was really like since we had other units that were--had been into the area and had close contact with the VC. They wanted to go in to see what it was really like and, I guess, to see if there were really VC dug in and the bunkers and tunnel systems they said were in that area.

Q. Do you think they were eager or were they really tensed up?

A. None of them seemed really tensed up to the point that they were afraid. That was the general feeling that I got from my squad and the members of the platoon.

Q. Prior to this action, how many engagements had you had where you really were involved in a prolonged fire fight?

A. In a prolonged fire fight, I couldn't give an exact number. I'd say approximately three different occasions, I would say, sir.

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Q. All right. How many casualties had you had in your squad?

A. Within my squad?

Q. Yes.

A. Casualties--one that I can think of.

Q. How was he--

A. (Interposing) That was from the enemy. We had one other casualty that shot himself.

Q. How was he wounded?

A. The one that was wounded by the enemy?

Q. Yes.

A. He stepped on a booby trap, sir.

Q. By a mine? By a booby trap?

A. By a mine--by a booby trap, yes, sir.

Q. I see.

MR MACCRATE: Sergeant HODGES, what did you understand you were to do with these people after you sought out the personnel, found them, and examined their identification? What did you understand from your instructions on the night of 15 March that you were to do with them after you examined them?

A. Well, we were told that we would have National Police along with us and they--it was my opinion that they were going to question the people as to what activity was going on in that area, or they knew the people, or knew some of their families, or knew more about who should have been in there, been in the village. It was my opinion that they were going to question them.

Q. And after questioning them, then what?

A. After they questioned them, if they had questioned them?

Q. Yes.

A. I don't know what would have taken place after that. When I went through the village, I never did get a chance to round up any people or to question any because as we went in, we moved through the area, and we were diverted to the north. We were sweeping toward the east. We were diverted to the north where the choppers had killed two VC with weapons.

Q. What did you understand your instructions to be if you had encountered people? I'm trying to--

A. (Interposing) If we had encountered people?

Q. If you had encountered them. Now I understand that on your particular flank, you were not encountering a great many people; but what did you understand your instructions to be?

A. To question the people--not to question the people, but ask for their ID, round them up, and get them over to the CP where the National Police were being held--where they were--the group they were with, I mean.

Q. Well, were you told there would be some sort of collection point to which you could refer--

A. (Interposing) Not any particular--

Q. (Interposing) What were you told in this regard?

A. I was not told there would be a collection point. If we caught any people that we thought were suspicious or acting suspicious, they were of age, military-age, and did not have ID, then they would be carried over. A "mama-san," if she looked like she was hiding something, we were to take her over to the National Police and have him search her. Or "papa-san," we would search him to see if he had anything. To search their hootches and see if they had anything in them that were of a criminal nature, that is, something that could harm us, weapons, hand grenades, things of this nature.

Q. What were your instructions so far as what was to happen to these people after interrogation as you understood it?

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A. I don't know what was to happen to them after they was questioned. If they were found to be VC, in my opinion, they would be evacuated out back to some place and interrogated later. If they had been found not to be VC, they would have been left there.

IO: What was your normal SOP, Sergeant HODGES, when you encountered civilians? Would you send them to the company CP or would you send them to your platoon leader and he in turn send them to the company CP?

A. We would send them--the squad leaders would gather the people and send them, or take them themselves, or send a reliable representative to the platoon leader.

Q. To the platoon leader and then the platoon leader was supposed to--

A. (Interposing) And then he would make a decision whether they should be taken up to the company CP.

Q. Now you mentioned the National Police a couple of times. Up until such time as you reached the laager site that night, did you see any National Police that day?

A. That morning before I got on the chopper I saw some. During the operation I didn't see any.

Q. You saw them at LZ Dottie?

A. Yes, sir.

Q. But you didn't see them at My Lai (4)?

A. Not until we laagered up that night, no, sir.

Q. Now then, coming down to the morning of the operation itself, would you describe the entry into the operation and until such time as you physically started going through the village?

A. Well, we secured all our gear, moved down to the chopper pad, boarded the choppers--after a slight delay

we boarded the choppers, and we were en route to our LZ where we would land at that time.

Q. Which lift were you in?

A. I was in the first lift.

Q. First lift?

A. Yes, sir.

Q. How much of the 2d Platoon was on the first lift?

A. To my knowledge, I believe all of it was. I can't say for sure.

Q. Yes. And what did you do after you landed?

A. After we landed I got my squad moving up on line to the position they were supposed to be in for the sweep.

Q. And how long did you wait there?

A. Once we landed, we started to move out at that time. As soon as the choppers had taken off, I moved my people up on line, and we started getting up on line with the rest of the platoon, with the rest of the other element on our--to our right that was forming up with us which was the 1st Platoon.

Q. Well, are you really sure that you went in with the first lift that day?

A. Yes, sir.

Q. Well, if you did go in with the first lift, then after you reached the dike, or the hedgerow, did you have to pause there or to wait there until the second lift came in?

A. Not that I can remember--

Q. (Interposing) The remainder of the 2d Platoon and the 3d Platoon?

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A. Not that I can remember because there were, to my knowledge, approximately 14 slicks that came in and that took care of all of the 1st and most of the 2d and the CP element.

Q. Well, you may be relying upon your recollection, but to the best of our knowledge and all the testimony that we have, it was either nine or ten slicks. Basically, it's nine slicks that lifted the elements in, you see, which wouldn't have brought in both the 1st and 2d Platoon and the command and control group of the company.

A. This is something--the best I can recall, sir.

Q. I want you to know that we recognize that we're asking you to recollect things that took place nearly 2 years ago, 20, 21 months ago. So I'm not asking you to be able to describe everything down to the last detail, because we're just not made that way. So we're asking you to describe things to the best of your recollection.

A. Yes, sir.

Q. Now, I have here an aerial photo (Exhibit P-1), Sergeant HODGES, of My Lai (4). May I also have this map over here please?

(Recorder hands map, Exhibit MAP-4, to the IO.)

Let me orient you just a little bit here.

(IO orients witness on map and aerial photo by reference to key terrain features.)

Now, may I have a marking pencil?

(Recorder hands marking pencil to IO.)

Would you indicate on this map where the LZ was located and where your squad first took up its position?

A. The LZ was in this area in here, sir.

Q. Would you just identify that by putting LZ on it please?

(Witness marks on the aerial photograph which is later received in evidence as Exhibit P-161.)

And would you then indicate where, in moving through the village, your squad deployed?

A. My squad was along this edge here, and we deployed--we were moving through this area, approximately through this area here, and down through this area here.

Q. Would you indicate this with the number 1? Let the record so indicate that the number 1 is the area of deployment of the first squad of the 2d platoon.

(Witness does as requested.)

Now then, would you describe what took place after you started moving through the village?

A. Well, we were sweeping to the east after we landed. In this area in here (indicating on photo) we encountered hootches with people laying outside them, and people inside the hootches that appeared to have been hit with rockets or 79 rounds or--the trees looked like they had been hit with small arms of some type. And the people were laying around and they were--most of them were dead. And they were pretty bruised up, parts gone from their bodies, arms and legs.

Q. Now you indicated a--could some of them been killed by artillery?

A. I doubt if any of them could have been killed by artillery, because in this area I didn't see any artillery craters.

Q. Yes. You indicated gunships?

A. Yes, sir.

Q. Could some of them also have been killed by small arms?

A. Small arms from the gunships because they do carry 7.62 on their miniguns.

Q. How many gunships did you see that day?

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A. I can't recall. I know there was two. I don't recall if there was more.

Q. How far did you get in there?

A. We were in to, I would say, to approximately, within this area and we were diverted--

Q. (Interposing) Mark this with the number 2, please?

(Witness does as requested.)

You had advanced from point 1 to point 2, and at that time you were diverted?

A. Yes, sir.

Q. And to where were you diverted?

A. The whole platoon was diverted, and I was--

Q. (Interposing) The entire platoon?

A. The entire platoon was diverted to the north, up in this direction, this area (indicating area on the photo). I'd say approximately in this area here. I'll mark it with a 3.

(Witness marks area with number 3.)

Now in this area is where we found two VC that had weapons or we found weapons on them, an M-1 carbine and an M-1 Garand.

Q. Yes.

A. They had been killed by helicopter from the aero-scouts.

Q. Did you notice one helicopter circling around there quite a little bit to maintain contact and to provide directions to your platoon to locate those individuals?

A. Yes, I did.

Q. Yes.

A. They dropped smoke in the area and told us that we were to move toward that smoke, that there were two enemy out there.

Q. What time of the morning was this now? As you indicated previously, Sergeant HODGES, you remember this as 6 o'clock when you started on the operation, and that is probably very correct as far as your immediate participation. The first landing on the LZ, in accordance with all the records we have, took place at 0730, so--

A. (Interposing) As I said we gathered at the LZ approximately this time, but I guess this was the set time we was supposed to be there. Actual lift off was not stated.

Q. Right. But after you had organized, by lifts and so forth, at the LZ and by the time you took off--the designated time was 0730 and the artillery prep lifted a minute or so before, so the touchdown was at 0730. Now, accepting that as a fact, and we have records and many people that participated in it which would establish it as 0730, let's say you put down here at 0730, or the first lift put down at 0730, what time was it approximately that you reached point 3?

A. Approximately, I'd say 45 minutes to an hour.

Q. At 0815 or 0830?

A. At 0815 or 0830.

Q. Would you so indicate at point 3, please?

(Witness did as requested.)

All right, fine. Now, from that point on, describe the remainder of the actions of your squad?

A. After we--actually it was the whole platoon moving in this area as I said before.

Q. Yes.

A. We secured the weapons, took the weapons, checked them for other equipment, such as documents, hand

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grenades, and this nature. I don't remember if there were any found. I was not the first one at the location. Then we moved on from this location into this village, and we searched this village. We got word from the CO to move on into this village and search it out for the possible VC that were hiding in there, or VC suspects.

Q. You moved across the river and then you moved up into what shows on the map as My Lai (5)?

A. Negative. I believe that is a village that is not shown on there, sir. It was not My Lai (5).

Q. Now I don't know.

A. My Lai (5), this being directly north, My Lai (5) was northeast.

Q. Yes. We will refer to the map. Here is My Lai (4) (indicating area on map). You see, right there. And it goes right up to the stream, right?

A. Yes, sir.

Q. And just across the stream, My Lai (5).

A. Yes, sir.

Q. Here is My Lai (6) over here, right on the bend over here.

A. It was not My Lai (5) that we moved into; it was another village which I don't believe is named. This is the one that I took that village to be.

Q. Yes. Frankly, this is the only village that is here, and it does get somewhat confused in names.

A. It was a slightly smaller village. I don't believe it was located on a map. From the previous questions I've had, I've looked at the map, and I did not see it on there. However, there was a small village. It was not My Lai (5) though that we moved into.

Q. Well, what happened in this village? I would ask you to mark this with the number 4 and tell me what

transpired in this subvillage or hamlet.

(The witness marked as requested.)

A. In this village, or this area, we searched the hootches and the bunkers that were inside there for weapons or hand grenades or any kind of documents that we could find or that might have been in there. We searched the hedgerows dividing the different hootches and the hedgerows around the village for weapons that might have been hidden in them.

Q. Did your entire platoon come up into this village?

A. The entire platoon came up into the village to the best of my recollection.

Q. And how many VC did you encounter there?

A. In this village?

Q. Yes.

A. We only encountered one suspect in there.

Q. What did you do to him?

A. He was sent back to the platoon CP and to the platoon leader. What took place with him after then, I do not know.

Q. How long did you spend in that village?

A. Approximately an hour and a half, I'd say. Possibly two hours; I cannot say exactly.

Q. Well, we will come back to this village in a minute. Tell me now what your squad and the platoon did next?

A. After leaving this village?

Q. Yes.

A. After leaving this village, we came back and joined up with the rest of the company which was still

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in My Lai at the time--which was in My Lai (4) at the time.

Q. All right. And what did you do then?

A. We continued to sweep along the northern edge of My Lai (4) until we--

Q. (Interposing) That's your squad?

A. My squad along with the rest of the platoon.

Q. Yes. How many squads did you have in your platoon?

A. In the platoon we had three.

Q. Three?

A. Rifle squads with two machineguns attached to a squad.

Q. Yes. What was the strength of your squad?

A. The strength of my squad, I can't remember exactly. I believe it was seven or eight, I'm not sure.

Q. It wasn't a full squad then? It was a reduced-strength squad? A couple of real light fire teams?

A. Yes, sir.

Q. And what time did you reach the end of the village?

A. We reached approximately, not exactly the end, from what I can recall. It was approximately somewhere in this area.

Q. Put a number on that if you will please. It will be number 5.

(The witness did as requested.)

A. In this area we got the word to break for chow. We started to put out security and tie in with

the other squad and the other platoon who was behind us, the 3d Platoon, and we had visual contact with them.

Q. Where did you put out your security? Indicate it with a line or whatever you would like and mark it with a number 6?

A. Yes, sir. Just approximately around here, spread out around this area.

(Witness marked the security area with a line and numbered it 6 as requested.)

Q. Well, if you had lunch there, it would be fairly close to noontime, wouldn't it?

A. Fairly close to noontime. That's right, sir.

Q. Maybe what, 11, 1130, 12 o'clock?

A. Right around 12. Between 12 and 1230, I'd say.

Q. Yes. So then if you left here at, let's say at 8, you came up in here 0815, 0830, for an hour and a half or so. That would put back on line at around 10 o'clock approximately?

A. Yes, sir. And from here we moved on slowly checking the hootches and these bunkers that were in the area.

Q. All right. Now tell me what you saw going through here? And I mean I want you to now go through this village--

A. (Interposing) Through this area here?

Q. No. Right straight through here (indicating area on photo). And right there, I'd like you to put an X. Now then, start with number 7, and anything you saw going through there you describe it, 7, 8, 9, or whatever numbers you use?

A. I can't give any exact location of all this, sir.

Q. No, I understand that.

A. In this--all in this area there were hootches. There was something, seems like a grave or something in this area and rice paddies around it, seems like it was not part of the village.

Q. Where did you first see a dead person?

A. It was in this area here.

Q. Would you so mark it and put down--that would be a number 7 then, wouldn't it?

A. Yes, sir.

(Witness marked location with the number 7.)

Q. Yes. Just one person?

A. I can't recall if it was one or--I can't recall if it was one, but I know there was dead there. Possibly it was more than one, but I know that was the first place I saw them.

Q. Well, now I just want you to be as accurate as you can, and for our purposes I'd like you to take a walk through that village. And as you go through, where you saw something, just mark it and describe it so that we can get a pretty good idea about what your squad saw, for example, you see, and what they participated in?

A. I see. Well, it was in this area that I first saw the dead. They were in this area, and they were laying outside the hootches. I can't say how many there were.

Q. One, two, three?

A. Possibly three. I can't say how many exactly, I can't remember.

Q. Yes. Okay.

A. And we moved on--after coming back we moved on through--

Q. (Interposing) Now, did you run it right up

in here (indicating area on photo), right up in here, in this area? Did you run across a building that you would take as a temple or pagoda?

A. I saw one off to my right but it was--

Q. (Interposing) How far off to your right, would you say?

A. Not more than 50 to 75 meters.

Q. Yes. I might say on this Sergeant HODGES, and I should have told you this before, but 1 inch equals about 100 meters.

A. Yes, sir.

Q. So a half an inch off there would be about 50 meters.

A. It was approximately in that area I saw a building. It was painted white with the usual red stuff. A pagoda or a temple? It could have been. I didn't get close to that building. I just only saw it from a distance, from the distance I was standing.

Q. Okay. Continue your progress through the village then, if you will.

A. I moved on, after returning from this village, moved on through the village and in this area I saw personnel--saw hootches, and there were people dead in these areas.

Q. Who burned those hootches?

A. We--my squad set fire to several of those hootches.

Q. Who killed the people?

A. The people were dead when we moved up into that area.

Q. What were they dead from?

A. From--in my opinion, from what I saw they were killed probably from small arms, the miniguns, or from the doorgunners on the helicopters, or possibly from someone that had been into that area before my squad came into

that area. It didn't appear to have been by artillery or by rockets for then they would have parts gone from their bodies then, sir.

Q. Did you see anybody in your squad kill anybody?

A. I didn't see anyone in my squad kill anybody. Members in my squad fired at an individual that was running, but I saw no one killed. No one in my squad kill anyone.

Q. Well, mark now with the number 8 where you saw the next set of bodies and indicate for the record about how many you think were there.

A. It was in this area, all along this area, up to, I'd say, at least to around here.

Q. Yes.

A. Including this area here where I saw them, I would say between 20 and 30. I couldn't give you an accurate count.

Q. And after you passed through that area and went to your, you might say, assembly point where you put out outposts and your security guards and such, did you see any between there and--

A. (Interposing) Between there and this area?

Q. Yes. Would you indicate that by a number 9, please?

(The witness did as requested.)

At any time, Sergeant HODGES, did you have an assembly or roundup of people to send to your platoon leader or to the--

A. (Interposing) As we were moving through this area?

Q. Yes.

A. At any time I did not, no, sir.

Q. You didn't gather together a group of--

A. (Interposing) I never saw a group of people to gather up. The only group of people that I saw really was in this location, which I sent two individuals over there.

Q. Yes.

A. At least I later on I found out that the platoon leader said, "No, they couldn't be." He didn't think they were even good suspects, and he sent them back.

Q. Yes. So to the best of your knowledge, there wasn't anybody here in this hamlet which we have marked by the number 4, that was injured?

A. No, sir.

Q. Now after the gunships that were escorting the lift into the LZ, after they had departed, did you see any other gunships or helicopters around the area?

A. I can't remember if there were or not.

MR MACCRATE: Referring to the areas you have identified with the numbers 7, 8, and 9, had any other units who were components of Charlie Company moved through that area ahead of your platoon?

A. To my knowledge, no there hadn't. I really wouldn't know, but to the best of my knowledge I don't think that they had.

Q. Your orders were to examine the hootches in that area, and you were proceeding through on the assumption that you were the first members of Charlie Company to move through that particular section of the village?

A. That's right, sir.

MR WALSH: Sergeant, were any of your people given the job of cutting down corn or other food supplies?

A. No, sir.

Q. How about shooting livestock?

- A. No, sir.
- Q. Did any of them do it?
- A. Any of the people within my squad?
- Q. That's right.
- A. I saw none of them do it.
- Q. Did you see any dead animals?
- A. I saw some, yes, sir.
- Q. Lots?
- A. In the area I went through--"a lot" meaning what, sir?
- Q. Well was it more--it wasn't an isolated animal a--
- A. (Interposing) I saw animals dead and I couldn't say how many.
- Q. What kind?
- A. Pigs. That was all that was in that area that I saw.
- IO: Did you see any water buffalo or Brahma cattle that had been killed?
- A. No, sir.
- Q. Any chickens or fowl of any kind?
- A. Not that I recall, no, sir. I did not.
- Q. During the course of this operation, up to this point, had you seen Captain MEDINA?
- A. I saw him once in this area where you spoke of the temple or pagoda. He was coming down a small trail and then he cut off on another trail. This was the only time that I saw him until we had our night defense position set up.
- Q. Pretty much in the center of the village then,

would that be a--

A. (Interposing) His position?

Q. At that time.

A. Yes, sir, more or less in the center.

Q. Let's see if we can reconstruct the time. Put a number down there about where you think you saw Captain MEDINA and about the time you think you saw him?

A. I can't recall the time. It was after we had come back--

Q. (Interposing) We had sort of figured it out that maybe you got started back in here at about 10 or 1015. Number 10, along in about that area.

(Witness marks area where he saw Captain MEDINA with the number 10.)

Could it possibly have been over about in here?

A. No, sir. That I can remember. It was up in this area immediately after we had joined back with the rest of the--

Q. (Interposing) Yes. Let the record show that it's at number 10 that Sergeant HODGES saw Captain MEDINA at sometime in the period 10 to 11 o'clock. Would that be accurate?

A. To the best of my knowledge, I would say about, yes, sir.

Q. Okay. Now I would like to ask you one other point. While you were doing all this, where was the 3d Platoon?

A. The 3d Platoon was to the rear except when we were over here, and they were still following up behind the first, and then we came back, and they were still to our rear.

Q. They were still to your rear?

(HODGES)

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A. To the best of my knowledge.

Q. How did you maintain contact with them?

A. With the 3d Platoon?

Q. Yes.

A. They were--I was behind my squad and I would look back--call the--first I'd call the platoon leader and establish the fact where the 3d Platoon was. He said they would remain there throughout the operation or until we swept through the village and he said they would--

Q. (Interposing) What would you call this, visual contact?

A. I didn't have--

Q. (Interposing) You did have radio--

A. (Interposing) More or less, radio contact. I did not have visual contact until we broke for chow and then I saw some of the people in back behind us at that time.

Q. Did you see the 3d Platoon or the elements of the 3d Platoon following behind you?

A. The elements--

Q. Killing any livestock or taking repressive action against civilians or anything of this nature?

A. The only time that I saw them was after we broke for chow, and there were a couple of people back behind us then. I saw none of them kill anyone or any animals or anything.

Q. Yes. I have here, Sergeant HODGES, three sets of pictures which have been entered into the record as exhibits. I would ask if you would go through this first set of pictures, which are identified as Exhibits P-2 through P-25, and see if you recognize any of the scenes that are in these pictures?

(Witness examines pictures.)

A. If these were any of the scenes that I witnessed?

Q. Yes. I know that you will recognize some of the people. I recognize that.

Let the record show that Sergeant HODGES reviewed Exhibits P-2 through P-25 and does not recognize any of the scenes depicted therein. Sergeant HODGES, I show you photos P-26 through P-42 and would ask that you look at these and see if you recognize any of the scenes in these photos.

(Witness examines photos.)

A. This one.

Q. Does it have a number on it down at the bottom?

A. Twenty-six.

Q. Yes, P-26. Is that LZ Dottie?

A. Just outside of the perimeter there, sir.

Q. That's the pick-up zone at LZ Dottie?

A. I recognize it as such.

Q. Let the record show that Sergeant HODGES reviewed Exhibits P-26 through P-42 and does not recognize any of the scenes portrayed therein with the exception of 26, which--

A. (Interposing) I identified as being the landing zone at LZ Dottie where we were picked up. Just outside the perimeter actually.

Q. The pick-up zone?

A. Yes, sir.

Q. Sergeant HODGES, I now have here Exhibits P-56 through P-70. I would ask that you review each of these to see if you could identify the scenes.

(Witness examines photos.)

Let the record show that Sergeant HODGES reviewed the Exhibits P-56 through P-70 and does not recognize any of the scenes portrayed therein.

Sergeant HODGES, I'd like now to bring you back to your tour through the village where you indicated during the early part you saw seven bodies which you have indicated by the figure 7. After you went out on the side trip up to the village to the north and you'd returned, you indicated that you'd seen somewhere between, perhaps, 20 and 30 bodies which you indicated by a figure 8.

A. Yes, sir.

Q. And also subsequently, as I recall, the figure you'd indicated you saw maybe three or such a number of bodies which you identified as being near your figure 9?

A. That's right.

Q. Now, could you tell me who these people were?

A. They were Vietnamese, sir.

Q. Were they armed soldiers?

A. I did not see any arms on them, sir.

Q. No. What were they? Were they women, children, old men, or what were they?

A. They were--the personnel that I saw were a combination of all three.

Q. All right.

A. Most were men and women.

Q. None of them armed?

A. Old men and women. I did not see any arms on them when I saw them.

Q. Did you see any children or babies or anything?

A. I saw some. I can't recall how many, but there were some.

Q. But all told, you saw then somewhere between 30 and 40 noncombatants that had been killed in your tour through the village?

A. From the best that I can recall, yes, sir.

Q. All right.

MR WALSH: Sergeant, I wonder if the picture at LZ Dottie might have refreshed your recollection at all whether you were on the first or second lift? That picture was taken by someone on the second lift and may or may not have been taken as the choppers were coming in to pick up the first lift or taking off with the first lift. I just wonder whether, after having seen the photograph, you might recall the scene there.

A. To the best I can recall, I just remember the area. I saw one bunker that I knew, and I knew the area as being the landing zone. Which lift it was that I was on, I still believe that it was the first.

Q. All right.

Would you describe your actions and the actions of your squad and platoon after your noon break?

A. After the noon break, we resumed our sweep. What I can picture from here would be northwest on through My Lai (5)--

Q. (Interposing) Northwest?

A. Correction, northeast on through My Lai (5) and then through My Lai (6), sir; that afternoon still searching hootches, bunkers, and things of that nature.

Q. Did you go through My Lai (5) or did you continue directly on (referring to photo)? Here is My Lai (4). Did you continue on to this general area up in here where you laagered for the night?

A. To the best I can remember, we swept through another village which I believe was My Lai (5). I can't really recall at this time.

Q. Yes.

A. We swept through another village, which at

that time I assumed was My Lai (5) and on to--we didn't laager up until about, I'd say, about 4 that afternoon.

Q. Yes.

A. That was the approximate time that we got in to our laager location with another element.

Q. When you moved to the east, did you in your squad or your platoon--to the best of your recollection, did you assemble any VC suspects or detainees?

A. After we continued our sweep, to the best I can recall, no, sir.

Q. Yes. Was there any incident of any importance you can think of that happened that afternoon before you reached the laager site?

A. Not that I can recall.

Q. Did you encounter any VC or see any additional men, women, or children during this time?

A. I did see some additional men, women, and children. And one of the other elements rounded up a couple, one or two people, I don't remember which, and said they looked like possible suspects. This was from another element in the platoon, and they were taken over to the CP. I don't know what happened to them after that.

Q. Did you see any more dead women or children?

A. After we moved on from our noon break, no, sir.

Q. Yes. When you reached your laager site, do you recall marrying up with another unit?

A. Yes, sir.

Q. What unit was that?

A. That was B/4/3 to my best recollection.

Q. Yes. And you reached there sometime about midafternoon then?

A. Yes, sir.

Q. What happened there?

A. We set up our night defense. We received resupply and dug foxholes, emplacements for the night, and set out security.

Q. Did you see any National Policemen there?

A. At that time, I can't recall.

Q. Do you recall seeing Captain MEDINA there?

A. That night, yes, sir.

Q. Yes.

A. I remember that they were there the next morning. Evidently they were there that night at the laager site, but I can't remember them being there.

Q. You are referring to the National Police and/or ARVN soldiers that were there, aren't you?

A. Yes, sir.

Q. How many of them do you think were there that you saw?

A. I would say at least seven.

Q. Seven? Was there anything else of any import that you can recall during the night of the 16th?

A. No, sir, not that I can recall.

Q. Did you see these National Policemen or anybody else interrogate some Viet Cong suspects there?

A. No.

Q. What did you do on the 17th?

A. On the 17th we, the best I can recall, we swept to the south from our laager position. We swept south.

Q. That would be from somewhere here east of My Lai (1) down southeast of Hill 85 in this fashion?

A. Yes, sir.

Q. And you recall whether any of these villages here like My Khe (1) or My Khe (2) were burned?

A. From what I can recall, no, sir.

Q. How far back to the north had you returned before you laagered in for the night on the 17th?

A. We continued to sweep to the south and did not return to the north that I recall. We laagered in the area of a village. I don't remember which it was-- on the edge of a village more or less, an abandoned village.

Q. Yes.

A. There were hootches still there, but there was no one in it. Not exactly completely empty, the whole village wasn't. There were one or two "mama-sans" or "papa-sans" still there. I don't remember exactly how many.

Q. When you were moving north on the 18th, do you recall that a chopper came in to talk with the company commander, or were you with the company command group at the time?

A. I was never with the command group. I was always with the platoon. At times he was in the general area I was in, and I saw him, but never with him.

Q. Did you see a chopper come in about noontime or thereabouts?

A. To what I can recall, I don't remember, sir.

Q. Yes.

A. I don't recall at all.

Q. Can you recall what happened after that?

A. After the 18th?

Q. No. Well, I brought you up to about noon-time on the 18th.

A. On the 18th. I'm not sure where we were. As far as I can remember, we continued to move south on the morning of the 18th. We moved south to this area, and then the morning of the 19th we moved on further north.

Q. You don't recall having been picked up at about 1400 to 1600 on the afternoon of the 18th and moved back to LZ Dottie?

A. I'm not sure which day it is now that we were picked up. I know the operation lasted 4 days from the 16th. I think it was 4 days. On the fourth day we got picked up. It was--that I can recall.

Q. Why do you say it was 4 days?

A. This is what I can recall.

Q. All right. Well, before you were picked up, did Captain MEDINA assemble a group and talk to them?

A. The company?

Q. Yes.

A. Not that I can recall.

Q. Do you ever recall him assembling the group in the field or elsewhere?

A. He had a--my platoon was the last one to move up in that area. We encountered two casualties moving up to catch up with the rest of the company since we had been out on a mission where one suspect was supposed to show us a cache of some weapons, which we never found; and we moved back--moved back to get with the company, which was already then headed towards the PZ, and we moved back and had two casualties. They were dusted-off, and then we moved on and connected with the company and waited for the slicks to arrive.

Q. Well, either in the field, or back at LZ Dottie, or elsewhere on the 18th, or after that time,

were you ever present when Captain MEDINA indicated to the people that the situation in My Lai (4) on the 16th was being investigated and, since it was being investigated, that he suggested that everybody just keep quiet about it?

A. That I can recall, I don't remember, sir.

Q. What kind of a helicopter moved you from the PZ back to LZ Dottie?

A. To the best I can recall, it was a slick, sir.

Q. It was a slick? Could it have been a CH-47? If it had been a 47, would you have remembered?

A. The chances are that I would, sir, because we rarely were taken picked up by CH-47's. I can't remember. To the best that I can remember, it was slicks.

Q. Yes. When you arrived back at LZ Dottie, were you interrogated by anybody, or was a group assembled and talked to by the commander?

A. Not that I can recall, no, sir.

Q. You don't recall Colonel HENDERSON then?

A. I recall seeing him there, but having talked with him as a group, I can't remember. I don't remember a group being called and talked to. I can't remember anything of that nature happening as we came back.

Q. Yes. Now I'm not talking about speaking to individual soldiers, calling them off and setting them down and talking to them. I am talking about him addressing a group of people and then asking, perhaps, some individual questions?

A. No, sir. I can't remember an incident of that kind.

Q. All right.

MR MACCRATE: I would like to back up for one question, Sergeant HODGES, to the time that you passed through the

village on 16 March and had reached the east end of the village. Do you recall at or about that time receiving any command to affect the operation generally?

A. I don't believe I understand you what you are getting at?

Q. Well do you recall the word being passed from your platoon leader about what you were to do at the time?

A. Not other than break for chow. This word came down.

Q. But so far as your operation was concerned and the way it was being conducted?

A. I don't recall anything.

Q. Do you remember any order being passed about ceasing fire or something like this?

A. I heard the command being passed to cease firing.

Q. And how did this affect the operation of your particular platoon and what you were doing up to that time?

A. Of my squad, I would say it affected them only in that they had fired very little, and they weren't firing at that particular time.

Q. Well, to whom did you understand the order to be directed?

A. To everybody that was in the company, in my opinion, to cease firing, for what reason I do not know.

Q. You didn't hear any explanation of the order, any amplification?

A. No, sir.

Q. Did you hear anything about a helicopter pilot landing in the area at or about that time?

A. No, sir, not that I can recall.

Q. Did you at any time see a helicopter coming down in the area east of the village of My Lai (4)?

A. At anytime during the day?

Q. Yes.

A. No, sir.

Q. You indicated that it was your recollection that the operation lasted for 4 days. Were there any particular events that you have in mind today that tended to divide this operation in such a way that you thought it lasted for 4 days?

A. Not anything particularly outstanding. It's just the first day we moved through the village, and we rang up with another unit. The next day we swept south, and we rang up near a village where I had a particular discussion with the lieutenant, something about the position I was set up in, more or less a joke as to where I would set up or something. It was a personal joke between him and I. And the next day we moved south and to the coast and then moved back. And then the next day we moved on further north, and then we had these suspects that said they knew where some weapons were hid, and they led us around in more or less of a circle, and the company commander--the platoon leader got word to move on and join back up with the company which was being picked up sometime that afternoon. And we moved back to a location which he gave him over the radio. And we moved on back to that location and was picked up.

Q. Now you indicated that two casualties had been dusted-off. Can you identify those casualties by name?

A. One I can identify by name was TREVINO. I can't recall the other at the present. All I remember is that we had traveled--passed through this area. They were the last two individuals in the file. We were traveling in three files. They were the last two in that file, and one took the booby trap and both got shrapnel. I can't remember who the other individual was at this time.

IO: This doesn't have anything to do with MEADLO?

A. No, sir, MEADLO was in another platoon, and it happened somewhere in the vicinity of Hill 85. That I recall someone saying over the radio.

MR WALSH: Sergeant, did you take any hostile fires at this spot or at any time during this operation?

A. That I can recall of my squad itself, I don't ever recall it receiving any fire.

Q. Did you observe any other squad or anybody else in the operation?

A. I observed--most of the time I observed the people in the squad to my right or left. As we first went through, it was the squad to my right. I was the last element on the left-hand side moving through. I don't recall them receiving any, however, they could have been during the commotion--not the commotion, but more or less the activity of the day. I don't recall.

IO: You know when you're being fired at though, don't you?

A. Yes, sir. I know the crack of incoming. Yes, sir.

Q. It doesn't leave much doubt in anybody's mind?

A. No doubt at all. I don't remember hearing any. There was none that was fired directly at me.

Q. All right.

A. Or directly at my squad that I can recall.

MR MACCRATE: You indicated that when you started through the village that you were on the extreme left flank?

A. Yes, sir.

Q. Did you mean also to indicate that later on in the day your squad moved to a position further to the right as you moved through? Or did you at all times have the--

A. (Interposing) We maintained the left flank throughout the sweep that day, and the next day we were involved, more or less. I don't remember the position at that time, sir.

Q. I was thinking of the first day.

A. The first day we were always on the left.

IO: In that formation did you have all three squads on line or two up and one back?

A. All three on line, sir.

Q. All three on line. Sergeant HODGES, after this operation was concluded and until such time as you departed from the battalion, did anybody ever ask for a statement from you concerning what happened in My Lai or this area on or about the 16th?

A. Up until today?

Q. Yes.

A. On the 24th I was called up for an interview.

Q. No, I'm talking about--

A. (Interposing) You mean while I was in the battalion?

Q. That's right.

A. No, sir. While I was in the battalion I was never called upon for a statement.

Q. Nobody ever asked you any questions then?

A. No one ever questioned me.

Q. You never made a written statement or gave any testimony under oath?

A. No, sir.

Q. All right. Now for just a minute, Sergeant HODGES, I would like to ask a question--and this is a matter of opinion and a little philosophy. I don't think you probably ever saw anything like this before, where you saw 30 to 40 women and children killed. I am sure that it made quite an impression on your mind. The question I would like to address to you now is: can you tell me what, just what caused this? What in your opinion caused this? What caused 30, 40, or more women and children to be killed?

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A. As I said, sir, the ones that I saw, some of them that I saw was by possibly helicopter and 5-inch rocket and minigun fire. Others could have been small arms. What could have caused it I--

Q. (Interposing) I'm not talking about whether it was caused by a minigun, or a helicopter, or whether it was caused by rifle fire. I'm just asking what caused Charlie Company to do this thing this day? What was it? You were there during all of the orders; you were there and you knew the attitude of the people. What caused it?

A. I really couldn't say, sir. I would--I couldn't say about the attitude of the company.

Q. All right. Even recognizing that you might not have, then, can you think of any reason why this thing remained under cover, that nothing was said about it until it was finally called to light in the spring of this year, a year later?

A. I can't think of any other than the fact that we received a letter--or that I heard--I don't know for sure--that it was a letter of recognition from General WESTMORELAND for an outstanding job or something to that effect. I never saw the letter. I supposed it was published in the paper or it was published to the effect that he had written a letter to the division. I never saw one. Why it was covered up or why it never was uncovered, I really couldn't say.

Q. Do you think that getting a commendation, when you personally knew that 30 or 40 noncombatants and comparatively innocent women and children had been killed--

A. (Interposing) I do not know that they were innocent. I know that they were women and children and men. I do not know that they were innocent for, as I said before, VC sympathizers or VC. I do not know which. I say they were Vietnamese. VC's, in my opinion, are the same as Vietnamese until he is armed with a weapon or until you find something on him that makes a disbeliever of you, that he is not an innocent Vietnamese.

Q. Well, just because you suspect somebody of being a VC is no reason to execute them or to kill them?

A. No, I don't believe I said that. I said I did not know these people were innocent. I just--it's not--it doesn't give you a reason, no, sir, to execute people because of your disbelief of what has or has not been proved. No, sir, it does not give you a right. No, sir.

MR MACCRATE: In the statement you gave a few days ago when you were questioned by the CID, I believe you related to MEADLO's injuries or a wound he received a discussion after the operation concerning people killed. Do I recall correctly that you did have something in mind about some discussions that may have taken place among members of your--

A. (Interposing) The discussion among members of the company or members of the 1st Platoon? This is only what I heard from the people. It was heard that MEADLO said, "I've received my punishment," and made reference to Lieutenant CALLEY, that you would receive yours later, for killing all these people. This is all that I heard. I also heard numerous other things which probably had been made or commented on, but they were just numerous things--discussions going on within the company. As with an organization, there is always a number doing and saying one thing, somebody saying another, and some others, they are not saying anything.

Q. Could you tell us about any of these comments that you recall?

A. This is the only one that is outstanding that I can really recall--him saying this--MEADLO making this statement--or the individual that was talking to me said that MEADLO made the statement.

IO: Did you ever hear reference to a ditch with a large number of dead noncombatants in it?

A. To the best that I recall, there was no reference to a ditch with noncombatants in it. No, sir.

Q. Did you ever hear anybody give an estimate about of noncombatants that might have been killed in My Lai (4) on that day?

A. An estimate from an official source, no, sir.

Q. No, no. I'm talking about what you hear in the company and so forth from talking to the men.

A. I never heard of an estimate.

Q. Do you ever remember anybody, Lieutenant BROOKS, or anybody asking you how many VC you'd killed and to report this during the course of the operation in My Lai (4)?

A. During the course of operation, any time that I know--

Q. (Interposing) Just in the village of My Lai (4).

A. I fired on an individual that was running, and I reported it to him. This was approximately noontime. I asked permission to go check him out because he was running. I hollered halt. He continued to run. I fired a warning shot and then fired at him after he didn't stop. And I think I hit him. He went down, and I asked permission to check him out. This is the only one that I reported. I was not asked to report or I would not ask for a report from other individuals. It was our policy if you had fired on an individual, you reported it. If you had seen any number of people that were dead, you would call in and tell them.

Q. Did you report these people--

A. (Interposing) That I saw?

Q. These 30 or 40?

A. Yes, sir.

Q. How did you report them?

A. I reported as I continued on my sweep of this area. While I was sweeping this area, I called in that I had encountered hootches with several people that had been killed. They said, "What do you think it was from?" I said, "The first one, from possibly a gunship or something of this nature." When I got to the farther end, I said, "Somebody has evidently been in this area before--could possible have been in here before, but I don't know, for these seem like they have been shot with small arms." He said, "Okay, I'll report this to higher."

Q. Were you reporting these as VC or noncombatants?

A. I was just reporting that I had seen personnel that were killed or were dead in this area, not necessarily VC.

Q. You made no reference to women and children?

A. I don't recall whether it was after--whether it was women and children or not. I just reported they were a number of people over here that were dead. Their hootches were blown apart, and the last instance where I saw approximately three hootches with the people laying outside, I made a mention of this. There was about five people that were killed with small arms. They were all men and women. There were no children. I made a reference to this. The men and women and that is all I heard from this.

MR MACCRATE: Did you have a helmet radio?

A. Yes, sir.

Q. You yourself would call in this information?

A. Yes.

Q. And with whom were you speaking?

A. Platoon leader.

Q. Did you also communicate with the company commander?

A. No, sir.

Q. Just with the platoon leader?

A. Right, sir.

Q. What was your SOP with respect to reporting bodies and KIA's? You had established procedures, didn't you, that you follow when you found bodies? What were you to report?

A. We would just report finding them, what condition were they in, were they--what did you find on them, what equipment, or, if it was asked, how they was killed, or did you engage them, or things of this nature.

Q. So that the information that was expected of you did include whether you found weapons on them and information that disclosed whether or not they were non-combatants?

A. Possibly, yes. I mean, possibly it would determine whether they were noncombatants or not if they were found with weapons. Whether there were weapons found on them or not, this was reported. And this would probably determine whether they were noncombatants or not.

Q. How were you given these instructions. Do you recall?

A. This is more or less something that is established as a unit operates. You report your findings as you are searching an area. Whatever you find as you search an area. Something that is out of the ordinary. If you see a "mama-san" chewing betel nut, you wouldn't call in and report this. Something that is outstanding. If you see a marker that you think might be marking an area that is booby trapped or something, you would report this.

Q. It was this kind of report that you were making as you walked through the village and found these things you told us about?

A. Yes, sir.

IO: Sergeant HODGES, in your SOP didn't you distinguish between combatants and noncombatants? Did you report babies that were killed as being VC?

A. This was the only time that I had encountered an area, or been on an operation where I had actually seen people that were dead or people that were killed, and I just reported the findings. I can't remember exactly whether I said--stated that they were women and children or not. I don't remember what I did at the time.

Q. Well, certainly when you walk through a village or move through a village and you have no opposition, nobody firing at you, and to report 30 to 40 killed without identifying them as noncombatants and so forth, don't you think that's just a little bit out of the ordinary?

A. It is, yes, sir.

Q. Not a little bit, but very well out of the ordinary?

A. Yes, sir.

MR WALSH: Sergeant, the record may be clear on this, but I'd just like you to go through one more time and tell me the areas from which you reported seeing dead bodies.

A. The areas?

Q. The areas which you moved in here (indicating on the aerial photo), were there many?

A. Approximately, I couldn't make an estimate on it. I can't remember how many in there. I don't remember how many was in there. I can't remember the exact number that was in these or be able to give an estimate--

Q. (Interposing) Now, just a minute. Let's take it one at a time. When you went through the northwestern part of the village, initially, I believe, your first testimony was that there was some, but not a great number, in there. Is that correct?

A. Yes, sir.

Q. You didn't report any from here?

A. There was none. I saw none killed or none dead.

Q. And you moved back down into My Lai (4) and from that point until the time you got to the end of the village, can you recall approximately how many dead bodies you saw?

A. From a--

IO: (Interposing) Let me interpose for just a minute. Between here and here (indicating area on photo), in the vicinity of 8, he indicated 20 to 30 those are the figures that come in my mind.

A. Yes, sir.

MR WALSH: Okay.

IO: And then he still has another area between 8 and--

A. (Interposing) Between 8 there was approximately 20 to 30. Between 9 and where we broke for chow, there was 3 hootches and, to the best that I can recall, approximately 5 in that area.

MR WALSH: Sergeant, at any time after your initial reports, did you receive a request from Lieutenant BROOKS or anyone else for a specific breakdown as to how many of the dead bodies you had reported were women and children?

A. That I can remember, no sir. I can't remember being given such a request.

Q. All right. I served in an infantry company myself one time, and I find it amazing that you apparently recall nothing about any discussions with anybody else in the company after this operation with respect to the activities of the 1st Platoon. And I would like to urge you to recall for us, if you can, any of these. We recognize that it may be complete hearsay, that it may have been completely unfounded, but we would very much like to hear any rumors that you heard or anything that people told you at that time. What other people may have done or what--

A. (Interposing) I believe I said I recall discussions among people. As to the nature of exactly what they said or who these people were they were--like I said, there were discussions. I don't recall each discussion. At the time we moved back to LZ Dottie, we were getting our equipment ready to move out on another operation. I can remember discussions where it was said that people were shot or machineguns were trained on groups of people, and they were killed--things of this nature. Some of the people were reliable and some of them weren't. At the time we were getting ready to move out on another operation. There was very little time really to, to really discuss too much with too many individuals. Being that I was a squad leader, I had a squad to take care of plus go the CP and get information on what to take out on the next operation, or where we were going, and when we were moving. There was discussions.

Q. Now was that discussion only with respect to the 1st Platoon or did you hear something about the people in the 3d Platoon, also?

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A. I heard some reference to the 1st Platoon. The 3d Platoon, some of the individuals were talking about them. They come up and say what they saw.

Q. Say what they saw on the ground, you mean, or what they saw people do?

A. What they saw on the ground, more or less, as I can recall. It was what they saw on the ground.

Q. Now within the 1st Platoon what individuals do you recall these people having talked about?

A. The people having been talked about?

Q. That's right.

A. The people having been talked about were CARTER, MEADLO, Lieutenant CALLEY. There were a couple more individuals I can't remember the names of, but these were the more common ones. An individual accidentally shooting himself in the leg, the individual making a statement about Lieutenant CALLEY, and Lieutenant CALLEY rounding up these people and shooting people himself, and other people with machineguns shooting people. I can't remember at the time who the people were on the machineguns at the time.

MR MACCRATE: In these discussions, do you remember any reference being made, any complaints that had been made by one of the aviation groups that had been operating with you that day?

A. Not that I can recall.

Q. Any annoyances expressed with the aero-scouts or anything of that sort?

A. I can't remember any.

IO: Sergeant HODGES, before we terminate here, I'd like to give you an opportunity to make any statement, to add any information, or for that matter to ask any question which in your judgment would assist us in this investigation which we are trying to conduct.

A. To the best of my knowledge, I have answered the questions sir, as correct as I can. I don't have any questions that I would like to ask at the present. As far as comments, I have made--those that I have made--the com-

ments that I have made have mostly been in reference to what I saw or things that--orders that I received, or that I remember that I can recall, or statements being made by other people, and discussions which involved other people and which involved, more or less, other people involved from 1st Platoon that were saying things about what happened, some individuals from in my platoon, for instance, about things that happened. But I don't have any other statement or comments to make.

Q. All right. I'd like to ask this, Sergeant HODGES: We have as you know an extremely important investigation--

A. (Interposing) Yes, sir, I realize that.

Q. Which we are conducting into this incident; and I would say for the benefit of the brigade and the task force and for the benefit of the Army, as you think over this situation, as you recall these facts now that are being called to mind and perhaps added to a little bit by what we have talked here about, if anything comes to mind to add anything to that which you have stated here, we would be very happy to hear it.

A. Yes, sir.

Q. And we would be most appreciative if you'd get in touch with us. In a similar sense, if you personally have any documents, any pictures, photographs, maps, or any other material which may contribute to what we're doing, or know where we might find such things, we'd appreciate hearing from you.

A. If I come across any, I will let you know, sir.

IO: All right.

(The aerial photograph annotated by SGT HODGES was received and entered into evidence as Exhibit P-161.)

(The hearing recessed at 1617 hours, 29 December 1969.)

SUMMARY OF TESTIMONY

WITNESS: HUTSON, Max D., PVT

DATE OF TESTIMONY: 30 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: Murder, assault with intent to murder and rape.

COUNSEL: None

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

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

The witness had never seen Exhibits M-2 and M-3, the MACV instruction cards (pg. 36). He received some training on handling PW's, but apparently he received no instruction regarding illegal orders since he thought that he was compelled to obey all orders (pg. 35).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

a. Memorial service.

HUTSON could not recall the exact date of the memorial service (pg. 7).

b. MEDINA's operational briefing.

The witness did not have good recall of the contents of Captain MEDINA's preoperational briefing (pg. 6). MEDINA did get the company together and told them that there was a suspected enemy battalion in the My Lai area (pg. 6). HUTSON felt that they were going to run into something big (pg. 7). The men of C/1/20 thought that the entire village was VC (pg. 8). HUTSON could not recall any orders to kill livestock and burn the hootches (pg. 8). The connotation given "Viet Cong" did not include women and children. They

did not expect to find women and children (pg. 9). He did not recall MEDINA saying to kill everybody (pg. 28).

3. ASSAULT ON MY LAI.

a. Duties and actions.

HUTSON was the gunner of a machinegun team consisting of himself, WRIGHT, and HUTTO (pg. 5). Sergeant BUCHANON was his platoon sergeant and Lieutenant BROOKS was his platoon leader (pg. 5).

C/1/20 was on line. HUTSON was on the left flank during the initial assault and sweep of My Lai (4). Firing could be heard on his right. He thought they had made contact (pg. 11). He saw movement on his right and fired. He found he had killed a woman coming out of a tunnel (pgs. 11, 26, 27); he did not look for a weapon (pg. 11). They were not under fire (pgs. 11, 12).

In the village, HUTSON found a weapon, canteen, and pistol belt on one of their targets (pg. 12). After sweeping the village and killing the VC with a weapon, his platoon swung back around. At that time, the other troops were beginning to burn the village (pg. 14). The second platoon swept back through and began to burn hootches (pgs. 17, 18). He saw CALLEY shoot a woman evading (pg. 30). He remembered laagering in a graveyard on 16 March (pg. 20). He did not know of any senior officers visiting them at My Lai on 16 March (pg. 24).

b. Atrocities in My Lai (4).

HUTSON saw at least ten Vietnamese dead. He estimated that they killed 75 Vietnamese (pg. 14). He saw CROSSLEY walk up to a woman and a child and shoot them down (pg. 15). He remembered WRIGHT killing an old man dressed in white with a cane (pg. 31).

In the southeast corner of My Lai (4) while going back through the village, HUTSON participated, with HUTTO, WRIGHT, ROSCHEVITZ, BROWN, TORRES, SIMPSON, SCHIEL, CROSSLEY, MAKEY, DELGADO, LAMARTINA, RODRIGUEZ, CALLEY, and CALLEY's RTO, in firing into a group of about 10 Vietnamese with his machinegun (pgs. 15, 17, 18, 26). He shot a man there (pgs. 18, 19).

HUTSON did not see anyone left alive in the village (pg. 24). When the people were shot down, he regarded them as enemy (pg. 25). The Vietnamese were killed as a response to orders (pg. 16). HUTSON did not remember orders coming down to stop the shooting (pgs. 22, 29). They never received any hostile fire (pg. 28). He could not satisfactorily explain why they kept shooting the Vietnamese even though they were not resisting and were apparently unarmed.

4. INQUIRIES CONCERNING THE ASSAULT.

No one ever interrogated HUTSON regarding My Lai (4) (pg. 21). He did not remember MEDINA warning the company not to talk about it (pg. 22). No one ever told him to keep quiet about My Lai (pg. 22).

5. OTHER INFORMATION.

a. On 17 March, he caught a man and a women and sent them back for interrogation (pg. 20).

b. HUTSON never knew of anyone having marijuana in the company (pg. 23).

c. MEDINA was the best commander he ever had (pg. 23).

d. The witness did not know he was suspected of rape (pg. 27) and, further, he denied it (pg. 28).

e. HUTSON was of the opinion that MEDINA was ordered to wipe out the village (pg. 31).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit had never seen.	36
M-3	MACV Card, "Enemy in Your Hands"	Wit had never seen.	36
P-3	Miscellaneous Scenes	Identified PHU.	38
P-13	Miscellaneous Scenes	Identified MARONEY.	38
P-16	Miscellaneous Scenes	Recalls this scene and identified as My Lai (4).	39
P-57	Photo of My Lai operation	Identified LOPEZ.	41, 42
P-60	Photo of My Lai operation	Identified GRIMES.	42
P-64	Photo of My Lai operation	Identified SMITH.	
P-123	Color prints of SMAIL's slides.	Choppers coming in to pick up C/1/20 for CA into My Lai (4).	43
P-126	Color prints of SMAIL's slides	Identified SMITH, SCHIEL, and GRIMES.	44

(The hearing reconvened at 1445 hours, 30 December 1969.)

MR WEST: The hearing will come to order.

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

The next witness is PVT Max D. HUTSON.

(PVT HUTSON was called as a witness, was sworn, and testified as follows:)

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

A. Max Dean HUTSON, Private, Company A,
ISB, TSB, Fort Benning, Georgia.

COL MILLER: Fort Benning?

A. Right, sir.

MR WEST: Private HUTSON, before we get into any questions, Colonel MILLER will give you some information about the nature and the purpose of the inquiry here today, and also advise you of your testimonial rights.

COL MILLER: I'll talk slowly, and if you have any questions, you be sure and ask them. I'll try to explain everything clearly, but there still may be questions. Don't hesitate to ask.

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 coming up with findings and recommendations in two major areas:

(1) the adequacy of previous investigations and inquiries into, and subsequent reports and the reviews within the chain of command, of what is now commonly called the My Lai incident of March 1968. In other words, what investigations, and what reports, and what reviews were made immediately after the My Lai incident, and were they adequate, and

(2) the possible suppression or withholding of information by any person who had a duty to report any information

that may have been available to them concerning this My Lai incident.

Those are our two major purposes. It is not our primary purpose to investigate everything that happened in the village of My Lai, or around My Lai, on March 16th of 1968. However, we are calling many people and asking them questions, and we do go into that.

We have obtained, and we have read statements by many witnesses whose statements were given in other investigations that had been made; for example, the IG and the CID investigations into the My Lai incident. You have already been placed under oath, and any testimony that you give here will be under oath. A verbatim record is being made of the proceedings by the reporter and, in addition to that, we have a tape recorder.

The overall classification of this report is confidential. However, there is at least a possibility that some or all of this testimony may become public knowledge at some later time.

I believe you are under the order issued by the military judge in the case of the United States v. Calley in respect to testimony, are you not? Have you received a letter from the trial counsel?

A. Yes.

Q. You are ordered not to discuss the testimony that you give in this investigation with other people, including other witnesses in this investigation, unless you are required so to do in the performance of your official duty, or if you are required to discuss it before a competent judicial, administrative, or legislative body. For example, if you were called as a witness in the Calley case, subject to your rights against testifying, you could give testimony there. If you have a question on that, you can seek advice on it.

In addition, you are advised that the order that was issued in the Calley case still applies to you even after you have finished your testimony here. You may be wondering whether this order will preclude you from testifying before us today. In fact, it does not. The military judge has ruled your testimony before this body is within the limits of his order, and you can testify as you otherwise want to.

I told you a few minutes ago what the purpose of the investigation was, and I also told you that we had read statements by many other witnesses, and we have also read statements

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you have made. I want to advise you that at this time you are suspected of the offenses of murder, of assault with intent to commit murder, and with the offense of rape. Before we ask you any further questions, I shall advise you about your right to testify or remain silent and your right to counsel. I would like to have you listen to this very carefully.

First of all, you have the right to remain silent and to answer no questions whatsoever.

Any statement you do make can be used as evidence against you in a criminal trial.

You also have the right to consult with counsel, and by counsel I mean a qualified lawyer, and to have that counsel present with you in this hearing if you decide to testify. You can retain civilian counsel at your own expense or military counsel will be appointed for you at no expense to you. In fact, if you wish to hire a civilian counsel at your own expense and have military counsel appointed, you have this right also. You can have them both here. Inasmuch as you are subject to the Uniform Code of Military Justice, appointed counsel may be military counsel of your own selection if such counsel is reasonably available. Now, if you have no particular counsel of choice and you wish to have military counsel, we will provide counsel for you.

After I am done, if you decide that you wish to go ahead and answer questions without having any counsel present, you may do so. If you decide to do that, you may stop answering questions at any time or you may decide not to answer a particular question, and you may stop at any time and request that counsel be made available to you. If you decide that you do want counsel, he can be present, you can consult with him here, and he may consult with you. Now, do you understand what I told you so far?

A. Yes, sir.

Q. Would you like to have me go over any of it again?

A. No. I've got it.

Q. I have two more questions. The first is do you want counsel?

A. No. I don't have nothing to hide.

Q. Do you want to make any statements at this time?

A. No.

Q. You wish to answer no questions, is that correct?

A. I'll answer them.

Q. You are willing to have us ask you questions, and you will answer them?

A. Yes.

Q. If you decide to do this, I want you to recall that you can decline to answer any question that you don't want to answer, or you can stop at any time if you don't want to be questioned further. Or you can say you would like to have counsel appointed. You can do this at any time. Do you understand that?

A. Yes, sir.

Q. And understanding that, you are still willing to answer questions without having counsel, is that right?

A. Correct.

MR WEST: We'll have a short recess.

(The hearing recessed at 1455 hours, 30 December 1969.)

(The hearing was reconvened at 1458 hours, 30 December 1969.)

MR WEST: The hearing will come to order.

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

(The witness was reminded he was still under oath, and he testified as follows:)

MR WEST: Private HUTSON, what was your assignment on the 16th of March 1968?

A. My assignment?

Q. What were your duties?

A. Machinegunner.

Q. What outfit?

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A. Platoon? What do you mean?

Q. Platoon, company.

A. C/1/20, 2d Platoon.

Q. And at this time, was Charlie Company attached to Task Force Barker?

A. Yes, sir.

Q. And that, in turn, under the 11th Brigade, Americal Division?

A. Yes, sir.

Q. Who was your squad leader?

A. Well, I can't remember, sir.

Q. How about your assistant gunner and ammunition bearer? Do you remember their names?

A. My assistant gunner was WRIGHT, I think it was WRIGHT.

Q. How about HUTTO? Do you know a man named HUTTO?

A. Right he was my ammo bearer if I remember right. If I remember right, he was my ammo bearer.

Q. How about your platoon sergeant? Do you recall his name?

A. Sergeant BUCHANON, I think it was.

Q. Your platoon leader was Lieutenant BROOKS?

A. Right.

Q. Do you recall being briefed by Captain MEDINA on the evening of the 15th before this operation that was going into My Lai?

A. Yes, sir.

Q. Would you tell us what Captain MEDINA told you during the briefing?

A. Well, he got the company together, and he told us that there was a suspected battalion of NVA or Viet Cong in that area. He gave us the points of origin on the map. That's about it.

Q. What did he tell you to expect in the My Lai (4) area when you moved in?

A. What do you mean, sir?

Q. Well, did he indicate strength, maybe, of the enemy?

A. Well, he said suspected battalion, I guess.

Q. All right. What were his orders? What did he tell you to do when you went into this hamlet?

A. He said that there was supposed to have been -- that the village was Viet Cong held or something.

Q. What did he tell you about the people that were living in the village?

A. He said that they was -- I guess most of them were VC, I guess.

Q. Did he talk about the people in the village? The people that lived there?

A. I don't think so.

Q. Do you remember a memorial service in the company about this time? The company was called together, and a memorial service was held?

A. We had one, but I don't remember if it was the same time as this or not. We had one. We had one guy who was killed, and one was wounded, I think.

Q. I was wondering if one was held just before the briefing. We have had some testimony that there was.

A. I remember that we had one, but I can't remember if it was right before that.

Q. Okay. Now, in the weeks before 16 March, had the company suffered any casualties during this period? What was the combat experience of Charlie Company in the weeks preceding?

A. Well, we got caught in a minefield one time. I think we lost 18 people and caught a little sniper fire. That's about it.

Q. Had you been able to come to grips with Charlie up to this time? Actually pin him down and get in a fire fight with him?

A. No, sir.

Q. How was it? He just kept fading away, and you never really got to him?

A. Right. He would, you know, hit and run. You wouldn't see him for a while, and pretty soon he would pop up again.

Q. You were just taking losses, and you weren't getting any of him? Is that the idea?

(Witness nods in the affirmative.)

How did the company feel after they were briefed there by Captain MEDINA on the 15th? Were they ready for a fight, or were they scared? Just how was it?

A. I don't know how the rest of them felt. I felt that we, you know, was going to run into something big. I guess everybody felt the same way I did. You had to be sharp, you know.

Q. You felt that you were really going to be in for a big fight?

A. Right.

Q. Was your mission characterized something like search and destroy or search and clear? Did you hear any talk like that?

A. No, sir. I didn't.

Q. Anything said about killing the livestock, burning the hootches, that kind of thing?

A. No, sir.

Q. Do you remember talking to Mr. GRAHAM from the CID back in October? Giving him a statement?

A. Yes, sir.

Q. I have a copy of it here. He quotes you as saying that Captain MEDINA told you that My Lai (4) was a suspected VC stronghold. That he, meaning Captain MEDINA, had orders to kill everybody that was in the village. You "did not expect to find anybody in the village, and when we did, we did as ordered."

Does this sound like what you told Mr. GRAHAM when you gave him this statement at Fort Benning?

A. That I had stated that? Yes, sir. I guess.

Q. Well, that's all right. Make up your own mind. He has you down there as telling him that Captain MEDINA briefed you. He said he had orders to kill everybody in the village, that the orders had come down from another headquarters.

A. Right. I said that he had told us that there. I don't know. I supposed that brigade told him from some other source that there was a suspected battalion of VC or NVA there, see. That's what everybody thought that they was. That that was what there was in there. That the village was all Viet Cong.

Q. Well, when you say the village was all Viet Cong, does this include maybe women and children, old men -- the works?

A. No.

Q. Well, did you understand that perhaps in the village there would be women and children?

A. No, sir.

Q. Not males of military age but just regular Vietnamese people in there, families, little children --

A. (Interposing) No, sir. We didn't know it.

Q. Had you been led to believe that all those people would be out perhaps?

A. If you know anything about it -- anytime, I suppose-- before each operation of any unit, when they have got a report of any sized enemy unit in the area, they'll use artillery or something on it. So you figure that the people will be gone, or hiding, or something. After the gunships lift and you land, the people is gonna be gone.

Q. I see. You figured that preparation then before you landed would probably make all the people pull out, so you didn't really expect to find any women or children and old men there?

A. No, sir.

Q. Private HUTSON, we have got a big aerial photograph here which shows the little hamlet of My Lai in the center (Exhibit P-1). The way this is oriented: this is north. The China Sea is over here. This is west. This is south. That is Hill 85 down there.

Q. If you'll refer to the 1:25,000 map here, which is Exhibit MAP-4 you'll see My Lai here and a stream going up here and the village. Here is 521 down here. Hill 85 is down at the foot of the map down here.

Does this look kind of familiar to you now?

A. Just looking at the picture it don't.

Q. How about the map?

A. I can't remember if we carried a map like this. I think it was like that one there (MAP-5) the one that I had.

Q. You're referring to MAP-5 on the wall there, 1:50,000?

A. Right.

Q. If you look in the back, there is even a larger scale map that shows the AO's with My Lai (4) marked there. Do you notice the LZ to the left there, or west of the hamlet?

A. Right.

Q. Do you recall if this is where the LZ was, approximately?

A. Yes, it was LZ Dottie, I think.

Q. That's where you took off from, Landing Zone Dottie. But the landing zone for the operation there was west of My Lai (4).

A. Oh, I see, yes.

Q. Colonel PATTERSON will point it out. There is My Lai (4).

A. I thought you meant where we left from. I see what you mean. Yeah.

Q. On the morning of the 16th, after you came in by helicopter, can you tell us what you and your gun team did?

A. We unloaded, and we got on a line from here. I can't tell which way we came in.

Q. All right. Referring to the aerial photograph, the landing zone which you can see up there on the map is right to the west of the little hamlet. This is My Lai (4), and you are in the 2d Platoon. The 2d Platoon had the north half of the hamlet. You formed on a line with the 1st Platoon, and then moved in to the east through the hamlet. Does that fit in with your recollection?

A. Right. Well, I was clear on the left side. I suppose over here, I guess.

Q. That's right.

A. Me and my two people was on the left.

Q. Yes, this is what we heard. You had a machinegun, an M-60?

A. Right.

Q. And you were on the left flank there, out towards the edge of the village, the hamlet?

(Witness nods in the affirmative.)

Okay, can you tell us what happened there when you got started through the hamlet?

A. After we got on line I could hear firing from my right flank. One of the other platoons, I guess. This was before we started going through. So, you know, I suppose I figured they had made contact with them, the enemy, and just about that time my two people was behind me. I saw; I don't know, a blur, I guess, in my eye. I was noticing this from my right, you know, and I caught a blur or something. I spun around and opened up. I couldn't tell who it was at the time, but I shot a woman.

Q. I see, what was she doing?

A. She was coming out of a tunnel. Kind of just bopping out of the tunnel, you know. I couldn't tell who it was.

Q. Did you check her out afterwards to find a weapon?

A. No, sir. I didn't.

Q. Did you get any hostile fire at this time?

A. No, sir. After we was through the village, I guess. We went pushing east, I suppose --

Q. (Interposing) I am thinking right at this time were you under fire?

A. No, sir.

Q. Okay, what happened next?

A. We started walking through.

Q. I see. Were you firing? Was this what you might call reconnaissance by fire?

A. No, sir.

Q. Were you firing as you went? Were you firing into bushes and tree lines? Anything that was suspicious?

A. No, sir.

Q. Or were you waiting for targets before you fired?

A. Right.

O. Okay, go right ahead.

A. That's about it. We got a weapon, one M-1, I think, and a canteen, and a pistol belt off of one.

Q. Well, just go right ahead and move through the village and tell us what happened and what have you.

A. That was about it.

Q. You mean you just walked on through, and you didn't see anything?

A. No, nothing happened.

Q. Well, did you see any Vietnamese people in there as you moved through?

A. No, not then. Later on I did. Coming back I seen some dead ones. Dead people.

Q. I see. How about as you went along? Did you, or other members of the platoon, did you burn the houses as you went along?

A. No, not then. Like I said, I guess what we done after we got through, we come back and swung back around to one corner or something. I don't know. I heard people yelling, "Burn the village!" or something.

Q. How about as the platoon moved along? Did they pick up civilians and bring them along with them? What was done about civilians that you ran across? I'm not talking about you necessarily, but the whole platoon.

A. I don't know, sir. I didn't gather any people up. Like getting them in a big bunch?

Q. You know, moving them ahead maybe and gathering up a bunch and moving them ahead. We have had some testimony that they were just shot down. Everybody was moving forward firing and killing anybody they saw.

A. No, sir, we didn't --

Q. (Interposing) As far as you're concerned, it didn't work that way. You were right over to the left flank?

A. I guess what they was doing or trying to do was they had us on there, you know, sort of to guard the left flank, I suppose, on the paddy. That's where we found that one. I guess he was a VC. He had a weapon on him.

Q. Who was that now?

A. I guess we were out of the village.

Q. Let's just stick to the village for the moment. Go ahead and tell us what you did and what you saw there.

A. After we got through we swung back around.

Q. About how long did it take you? Do you mean after you got clear to the east end of the village? How long did it take you, do you recall?

A. No, I can't estimate how long it took. It's been a long time.

Q. All right. What happened after you got through?

A. Well, we come back around. Some of the hootches were already on fire. People were yelling, "Burn the village!" and stuff, and everybody started burning the village.

Q. Okay, what else?

A. Well, I don't know. We just started moving out, and that's where we found--that's where a gunship had got a VC, I guess. They popped smoke on him so we could find it.

Q. How about in the village there. Did you see any dead or wounded Vietnamese people in the village?

A. Right.

Q. About how many did you see?

A. I don't know. There were a few. Over 10, I guess.

Q. When you were talking to Mr. GRAHAM, he asked you the question:

"Q. How many persons would you estimate were killed in My Lai (4) on that particular operation?"

And you said:

"A. Maybe 75."

A. I don't know, I just estimated. I don't know for sure.

Q. Well, we would like to know what you saw. What your recollection is.

A. I didn't know whether you meant how many I seen or how many I estimated was killed altogether.

Q. I see. Then this 75, maybe, would be your estimate for the overall?

A. Right, but I didn't see that many.

Q. I see. You yourself didn't see that many, but you did talk to other people and got some idea of the total. Right?

A. Just estimating.

Q. Now, Mr. GRAHAM also asked you this question:

"Q. Did you see any groups of Vietnamese that had apparently been shot?"

And you answered:

"A. After we had gone through the village and come out to a little grove of trees, I saw a group of about 10 dead Vietnamese. They were up close to a hootch."

And Mr. GRAHAM said:

"Q. Do you know who had shot this group?"

And you answered:

"A. They were in our platoon area. So I guess we all did."

Do you remember this?

A. That's what I said, yeah.

Q. Is this right?

(Witness nods in the affirmative.)

Now, do you remember about CROSSLEY? What happened about him?

A. Yeah, he was a squad leader, I think, the second squad.

Q. Well, when you were talking to Mr. GRAHAM you said: "There was a big guy in the 2d Platoon; he caught malaria, and I took his place. CROSSLEY was his name. I saw him shoot one child and one woman. The child was not a baby, but I don't know how old it was."

A. Well, when I said I took his place, that was after that. I took his squad over after that.

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Q. Going on, Mr. GRAHAM said:

"Q. Where did this occur?"

And you said:

"A. It was off to the right of me. Our gun was covering the paddy to the left. The child was in a hootch with a woman. CROSSLEY just walked up to the hootch and sprayed them with his M-16."

Is that correct?

A. That's right.

Q. Is this the way you recall it?

A. Right.

Q. Can you think of anything else about that incident that you can tell us?

A. No, sir.

Q. Apparently, there were several groups of people, Vietnamese people, killed there at My Lai (4) on the 16th of March. Can you tell us who was responsible for these killings?

A. You mean like what, sir?

Q. A bunch of people shot down.

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

Q. You don't know who was responsible for it. Was this done in response to orders?

A. I don't know, sir, whether it was or not.

Q. Mr. GRAHAM asked you a question something like this. He said:

"Q. There were several mass executions that day at My Lai (4). Who was responsible for these executions?"

He has you down answering him like this:

"A. I think the responsibility started higher up. I would say probably the battalion commander and on up. I'm sure that that is where the order had originated. I am sure Captain MEDINA would not take it on his own to go in there and kill all of those people."

Did you say this to Mr. GRAHAM?

A. Right. When I said that I meant like when he got the order the night before we went in. He just ain't gonna say let's go over to this village and do this and do this. You figure it had to come from division or brigade or some-where. The order had to start somewhere.

Q. But there were a bunch of Vietnamese killed in there, and you think it was in response to orders?

A. Right, I guess.

Q. You told Mr. GRAHAM about you participating in the shooting of a bunch of people. Can you describe that for us?

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A. That I?

Q. Yes.

A. No. I said I shot one woman.

Q. All right, we'll go back to your statement with Mr. GRAHAM again. At one point he said:

"Q. I'm still trying to determine who actually shot the groups of old men, women, and children. Will you tell who did this?"

And he had your answer down as saying:

"A. The group that I saw was the group that we wiped out. I think it was on the southeast edge of the village after we had swept through the village. I believe the third and second squad of the 2d Platoon were there. I was on a M-60 machinegun. We all fired into the group. As far as I know, the whole group was killed.

"Q. Was your machinegun set up or just hand-carried?"

"A. Just hand-carried."

This is what I was interested in. Can you tell us about that incident?

A. No, sir.

Q. You mean that that didn't occur?

A. I guess this was after we got out of the village, I guess.

Q. The way he has you describing it, you said, "I think it was on the southeast edge of the village after we had swept through the village."

Now, the southeast edge of the village would be down in here (indicating) or on the map around in here (indicating). You did say that after you got through the village, you turned around and went back in?

A. Right.

Q. Could this instance have taken place at that time?

A. Well, I said when we come back through, we started burning the hootches.

Q. How about this instance of wiping out some people? Could that have happened at that time?

A. I don't know, sir.

Q. Is this statement incorrect then or is it correct? Did you participate in the shooting of a group of Vietnamese people?

A. No, sir. I didn't.

Q. This seems to say so. You made an additional statement later that same day and Mr. GRAHAM said toward the end of your statement. He said this:

"Q. You said earlier that in addition to the woman, you shot a man. What were the circumstances surrounding the incident?

"A. When I answered that question, the man I was referring to was one of the group of people that I was involved in shooting that I previously explained.

"Q. Do you recall the ages of any of this group?

"A. They were mostly older people, both male and female. There were maybe a couple of kids in the group.

"Q. Do you recall how they were dressed?

"A. No. They were all dressed about the same. Shirts and pants. Men and women alike.

"Q. In addition to what you have added to your statement this morning, do you have anything further to add or to delete?

"A. Only that when we shot the group, also present were HUTTO, WRIGHT, ROSCHEVITZ, BROWN, M. C., JR., TORRES, SIMPSON, SCHIEL, CROSSLEY, MAKEY, DELGADO, LAMARTINA, and RODRIGUEZ. CALLEY was also there with his RTO. I would further like to clarify the part where I said I shot the woman and the man. I shot the woman as she came out of

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the tunnel, but when I referred to the man, I was talking about one of the group that I shot along with the other men that I have just named."

Now, does this refresh your memory?

A. Yes, sir, a little bit.

Q. All right, can you tell us about it?

A. What it was they had, I don't know how many people it was. They was standing up and everybody was firing at them.

Q. Would you give us an estimate of how many?

A. No, sir. I don't know how many there was.

Q. Well, let's say 10, 20, 30?

A. I guess 10. It might have been over 10 I guess.

Q. Was this something that sticks in your mind? Can you see it now?

A. What do you mean?

Q. Do you remember it clearly?

A. Not all that clear. I can remember a little bit.

Q. You think it was about 10 people?

A. It wasn't over 10, I guess.

Q. What were they? Men, women, children?

A. It was old men and old ladies, I guess.

Q. How about children?

A. I can't remember, sir.

Q. Do you remember seeing a bunch of bodies in a ditch anywhere around the east end of the village?

A. No, sir. I don't.

Q. Private HUTSON, can you remember what the company did the rest of that day? I think they moved on east of the village and proceeded on a ways. Can you remember that?

A. I believe we set up that night in a graveyard, I guess.

Q. That's right. Do you remember meeting up with B/4/3?

A. No, sir. I don't.

Q. Can you tell us what happened on the next day, the 17th, with Charlie Company?

A. The next day?

Q. Yes, the following day.

A. I believe we hit the coast, I believe. I can't remember exactly what we done.

Q. We understood that you moved south down through some other little hamlets like My Khe (3) and My Khe (1) and down to My Khe (2), somewhere in that vicinity. You see the mouth of the Song Tra Khuc River? Do you see where that symbol says aero-scouts on MAP-1? The lower part of the AO?

A. Right.

Q. It may be that that's where you hit the coast and saw the water. Do you recall the incidents of that day? Did you run into any VC? Anything unusual happen?

A. We caught a man and a woman and sent them back for interrogation.

Q. Right, we have had other testimony on that.

A. I guess they was medics or something.

Q. Anything else of an unusual nature occur that day?

A. No, sir.

Q. How about the next day? Our information was that the company was extracted on the next day, taken out by helicopter back to Landing Zone Dottie. Do you recall this?

A. No, sir. I don't.

Q. Do you remember going back to Dottie?

A. No, sir. I can't remember what we done.

Q. Well, later on then, almost right away, there was an investigation conducted of the incident of My Lai (4), and we understand that what was being looked into was the fact that so many Vietnamese civilians were killed there, men, women, and children. Can you remember anybody talking to you about this at the time?

A. No, sir.

Q. Anyone told you that maybe he was the investigating officer and wanted to ask you questions?

A. No, sir, I don't.

Q. Did you know Colonel HENDERSON, the brigade commander?

A. No, sir. I remember Colonel BARKER--Frank BARKER.

Q. Did Frank BARKER ever talk to you about My Lai (4)?

A. No, sir, he was killed in June. I left in June, too.

Q. You mean right after the thing?

A. No, sir.

Q. Nobody talked to you at all?

(Witness indicates negative.)

Do you remember Captain MEDINA bringing the company together and saying that there was an investigation going on of what happened at My Lai (4), and while this was going on you had better not talk about it? It's best not to talk about it. Do you remember that?

A. No, sir.

Q. Did anybody ever tell you to keep quiet about what happened at My Lai (4) that day?

A. No, sir.

Q. Going back a little bit, when you first got through the village there, do you remember breaking for chow around noon on the 16th?

A. No, sir. I don't believe we ate until later on that day.

Q. We have had some testimony that after the 1st and 2d Platoons got through, they formed up a perimeter and then they had chow before moving on. But I wanted to ask you another question. Around this time after you had gotten through the hamlet, did any orders come down to stop the shooting? Do you remember anything like that?

A. No, sir. I don't.

Q. Up until the time you left now after this operation, what kind of missions did Charlie Company have? Was it about the same as before or any different?

A. No, it was different. We got in one place, they called it sniper's alley, I guess. That's all we got was sniper fire every day. We had a bunch of guys wounded.

Q. Was this up north or was it around this vicinity.

A. It was further north, I believe. Con Chieu, I believe.

Q. During November when the first newspaper publicity started about the My Lai incident, Pinkville, there was some

talk in the papers to the effect that perhaps some of the men of Charlie Company, when they moved into My Lai (4) and killed a lot of Vietnamese, were under the influence of marijuana. Did you ever hear anything like this about such a thing?

A. No, sir, I never did. To tell you the truth, I never did touch it. I like to drink, but I never did smoke.

Q. Was marijuana a problem in the company at all to your knowledge?

A. I never did know anybody as having any.

Q. What kind of a company commander was Captain MEDINA?

A. What kind?

Q. Was he a good company commander, or a bad one, or what is your opinion?

A. I felt that he's the best I had, I think. I've been in a little over 3 years. He got us a lot of things, I guess, some of the other commanders wouldn't have done. I remember one time he was calling in a resupply the night before, you know, and he was talking to one of the supply people back in the rear. He told him he wanted some milk out for his people. The guy came back over and said, "We don't have any back here." He said, "You had better get some or I'm gonna have you out here." So, I thought he is the best I'd had.

Q. During the day there at My Lai (4) that morning, was it your impression that he had things under control? Or were you in a position to tell?

A. I don't know, sir. I couldn't really tell.

Q. Now, we have had some testimony that some people felt that things sort of got out of control that morning. That that perhaps was the reason why so many civilians got shot and killed.

A. Well, I don't know. Like I said, I heard everybody yelling when we swung back around, "Burn the village."

Q. Well, did you see--you said you saw quite a few bodies. Did you see any Vietnamese that were left alive

after you got through the hamlet?

A. No, sir.

Q. Were they all killed?

A. The ones that I seen.

Q. During that morning now at My Lai (4), at anytime did any officer come in to visit the company like Colonel BARKER, Colonel HENDERSON, or anyone senior to Captain MEDINA? Did you have any visitors from Task Force Barker or from the brigade?

A. No.

Q. You didn't see anybody?

A. No.

Q. The company was just out there by itself?

A. I suppose that he had contact with them. I don't know.

Q. I understand, radio communications.

A. Yeah.

Q. Nobody came in and got on the ground?

A. No, sir. I didn't see anybody.

Q. Did it strike you as unusual that at My Lai (4) so many Vietnamese were killed?

A. I guess after it was over.

Q. You didn't think much about it at the time?

A. No, sir. I mean by listening to the radio and the papers--

Q. (Interposing) I don't mean recently. I mean way back at the time, now?

A. No.

Q. Did everybody talk about it later as something unusual? Have you figured out how many were killed?

A. No, sir. I can't remember it.

Q. Now, when you described when you and the others of this group fired on this bunch of people and killed them, why was this now? Why did everybody do this, just shoot them down?

A. Well, I don't know, sir.

Q. Well, there must have been a reason. I would like to hear it from you. I don't want to suggest it.

A. I don't know why, sir.

Q. Perhaps because this was what everybody else was doing or something like that? Earlier now, you indicated that this is what was ordered. Is that the answer? Did you regard them as VC? As the enemy?

A. I guess, sir.

Q. You just can't recall?

A. No.

Q. Well, you don't need to answer the question if you don't want to.

A. I said I don't know why. I figured they were VC. I don't know.

COL MILLER: Were you the squad leader of the weapons squad?

A. I don't know whether I was the squad leader or not. I guess I was senior, I suppose.

Q. Were there two M-60 machineguns. Two teams, in other words, in a squad?

A. Right.

Q. Was that about everything that was in the squad?

A. Right. There was six men, I guess.

Q. Now, were you, WRIGHT, and HUTTO one team? If this isn't the way you recall it, then say so. I'm trying to piece this together.

A. Right, we were in one team.

Q. How about HUTTO, MOWER, and TORRES?

A. Yeah.

Q. Who was ROTGER?

A. ROTGER?

Q. Do you remember a man named ROTGER?

A. ROTGER.

Q. Who was he?

A. He was killed. I believe, we got caught in an old minefield or a booby-trapped area or something. He had both his legs blown off.

Q. Later?

A. No, this was before.

Q. I'm going to cover some things that have already been covered. As I understand, you personally shot a woman who was coming out of an entrenchment or a hole. You turned on her suddenly and fired at her.

A. Right.

Q. Then you fired into a group of people who were being fired at by a number of other soldiers at that time. Is that all?

A. Right. Like I said, when I shot this woman, we had just started going into the village so I figured--

Q. (Interposing) You were still expecting enemy to pop up here?

A. Right. When you have been in the field for 4 months, your first reaction is to fire. You don't know who it is. Like I said, I couldn't tell it was a woman until after I got upon her. I didn't know whether he, or her, had a gun, or whoever it was. I figured they could have fired at me, see.

Q. Is there any reason why you didn't report any of these things that were going on after this was over with?

A. What do you mean, sir?

Q. Well, to your company commander or to anybody else. You thought there were some things, unnecessary killings.

A. No, sir. I didn't.

Q. One of the offenses that I told you you were suspected of was the offense of rape. Were you aware of that before today.

A. What do you mean, sir?

Q. That somebody has indicated that you raped somebody in My Lai on the 16th of March?

A. No, sir.

Q. Did you hear me advise you of that?

A. Yes, sir.

Q. You have never heard it before?

A. Heard what?

Q. That somebody had accused you of rape.

A. No, sir.

Q. I read from the statement from a man named Varnado SIMPSON. Do you know him?

A. I believe he was in the 3d Platoon.

Q. He was asked:

"Q. Did you see anyone else killed?

"A. Yes, I saw WRIGHT, HUTTO, HUTSON, ROTGER, and MOWER go into a hut where they raped a 17 or 18-year-old girl and then shot her in the head."

Do you recall any incident like this?

A. No, sir. I don't recall who ROTGER was, but ROTGER was killed before we went there.

Q. This is ROTGER.

A. I don't remember him at all.

Q. Again I'm going back to something you have answered before. Did you ever hear Captain MEDINA specifically telling you to kill anybody or to kill everybody, either way?

A. No, sir.

Q. At one point in your testimony, I believe you didn't expect to find anybody in this village?

A. Right. When we got briefed, I said that he had stated there was an estimated battalion-size enemy force there.

Q. So anybody then, would mean anybody other than, perhaps, people who are able to shoot back at you. That's what you expected to find in there?

A. Right.

Q. And how many people did you see who were shooting back at you?

A. I didn't see a one, sir.

Q. Do you know why you and the other people kept shooting at these people who weren't shooting back at you?

A. No, sir.

- Q. Did this seem to be the thing to do?
- A. I don't know, sir.
- Q. Did anybody ever tell you to stop shooting?
- A. No, sir.
- Q. Did you ever tell anybody else to stop shooting?
- A. No, sir, I didn't.
- Q. Did there seem to be any good reason why you didn't keep shooting?
- A. Why I didn't shoot?
- Q. Why did they keep on shooting? There was nobody shooting back at you and nobody has got any guns.
- A. I don't know, sir.
- Q. Did it seem to be the right thing to do at the time? Is that the way you felt?
- A. I don't know. Like I said everybody else was firing so I did too.
- Q. No sergeant, no officer ever told you to stop?
- A. No, sir.
- Q. Did you see any sergeant or officer during this fight?
- A. I seen Captain MEDINA after we got out of the area.
- Q. Did you see any sergeants while you were going through My Lai?
- A. I seen Sergeant BUCHANON, I believe.
- Q. Did he tell you to stop?
- A. No, sir.

Q. How about Lieutenant CALLEY?

A. Did I see him? Not as we was going through. I seen him later.

MR WEST: When did you see Lieutenant CALLEY?

A. I guess after we started moving.

A. In your statement on 28 October 1969 at Fort Benning, Mr. GRAHAM asked you this question:

"Q. Did you see CALLEY shoot anyone?"

You answered:

"A. Yes, I saw him shoot a woman who I think was going down a tunnel.

"Q. Whereabouts in the village did this take place?

"A. I think it was around the center of the village."

Does this refresh your memory any?

A. Right. I don't know whether she had her back to him or was running or not. You see, you can't really tell. They wore the same kind of clothes.

Q. I'm not passing judgment on him. Was this right, that you saw him shoot a woman?

A. Yes.

Q. Do you remember how she was dressed?

A. No, sir. I can't remember.

Q. How far away were you?

A. I couldn't really tell. I don't remember.

Q. Now, did you see a village elder, or a village monk, or priest get killed?

A. No, sir. I can't remember.

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Q. Well, now in October when you talked to Mr. GRAHAM, he asked you this question.

A. Yeah, I did. He was on a cane or something. He was walking on a cane and he had his arm bandaged up or something. I don't know what he was. He was wearing white clothes, I believe.

Q. Who shot him?

A. WRIGHT did, I think.

Q. You told Mr. GRAHAM that WRIGHT shot him with a 45. Is that correct?

A. Right.

Q. How many prisoners were taken in My Lai (4)?

A. I don't know, sir.

Q. Did you know of any?

A. No, sir.

Q. Is there anything else you would like to tell us about what happened at My Lai (4) on the 16th of March that might help us in any way in our inquiry?

A. The only thing I've got is that from reading the papers and watching TV and the radio, they're trying to blame, I guess, Lieutenant CALLEY, I don't know, for these murders. The way I see it, it should start with where the orders come from--division and then come down. I know, like I said in my statement, I know Captain MEDINA wouldn't take it on his own just to go into some village. I know there had to be orders come down from either brigade or division or Saigon or somewhere, I don't know.

Q. We're trying very hard to find out if that was the case. Now, is this just your own conclusion, the way you got things figured out?

A. Right.

Q. You don't have any actual evidence?

A. No, sir.

Q. If you ever do get any proof of this or anything else that you think would help us, we would sure appreciate hearing from you?

A. Pictures you mean? I don't have any pictures.

Q. Pictures, notes, or anything that might help.

A. The only pictures I seen was the ones Mr. GRAHAM showed me when he questioned me.

Q. Do you know anybody that took any photographs during the operation at My Lai (4)?

A. No, sir. Just the ones that been announced in Life magazine and a couple of the other magazines.

MR WEST: We are going to recess in just a moment, and after that Colonel PATTERSON would like to show you a few documents and pictures, perhaps, to finish up. The rest of us will drop out. Thank you very much for coming. We appreciate your help.

The hearing will be recessed.

(The hearing recessed at 1602 hours, 30 December 1969.)

(The hearing reconvened at 1605 hours, 30 December 1969.)

LTC PATTERSON: The hearing will come to order. The following named person is present: LTC PATTERSON.

I would like to remind you, Private HUTSON, that you are still under oath.

A. Yes, sir.

Q. I would also like to add that the instructions given to you by Colonel MILLER, the legal officer, still apply here. Your right to counsel and your right to refuse to answer questions and all the rest of the instructions

apply. Do you have any questions on that, or do you want that repeated before we go on?

A. No, sir. I understand.

Q. What I would like to do is to pick up some of the more technical aspects of what we have been talking about here and try to get a feel for how you were trained, and where you were, and what the company was doing on about 16 March 1968.

How long had you been in C Company prior to the 16th of March? When did you join the unit?

A. Well, I returned from Vietnam from the 173d Airborne Brigade and got in Hawaii in June--the 15th, I think.

Q. 1967?

A. Right. We left from Hawaii on the 30th of November, 1967. We got in country on the 1st of December.

Q. You were in the advance party?

A. Right.

Q. Did you undergo some training with C Company in Hawaii between the period June and the time you left?

A. Right.

Q. What kind of training was this? Tell me as much of it as you can recall.

A. It was all field training mostly. We trained--if you have ever been over there, they've got these Kahuku Mountains. That's where we worked at all the time. We spent 3 or 4 days out of the week up there, and then we would come back and have an inspection on Saturday.

Q. Was it all of a tactical nature or did you have some classes?

A. No, it was mostly unit training.

Q. Was there any individual training conducted? For instance where they might have put you all in one place and had you sit down in the field and give you such things as care and cleaning of your M-16 or machinegun, or patrolling, formations, show you any films?

A. No, we didn't see no films. We usually cleaned our weapons in the company area, and he would tell us what was happening. Like one time we had an FTX.

Q. Field training exercise?

A. Right. I believe there was a battalion against a battalion. One played the aggressors. Like that.

Q. This was probably a training test at the end of the cycle?

A. Right.

Q. Now, I would like for you to think back on that training period. Did you receive or do you recall any training concerning the handling of prisoners of war, detainees, civilian noncombatants, or training along the lines of the Geneva Convention and the rules of war?

A. No, sir, I can't remember it there, but I remember in AIT we had it.

Q. What did you have in AIT? What do you remember about that type training?

A. It was six steps: search--I can't remember them now.

Q. Okay, let's take prisoners of war. What do you recall concerning the training for handling of prisoners of war?

A. Well, the only thing I can remember is search them and see if they had anything on them like documents.

Q. Do you tag them?

A. I can't remember. You keep them apart I guess. Keep them separated.

Q. Then what do you do with them once you as an individual soldier capture them?

A. If I would capture one?

Q. Yes. What do you recall as far as the training goes that your instructions were once you captured a prisoner of war. What do you do with him then? Well, if you don't remember then, what I was getting at was do you remember whether or not you were supposed to turn them in, or whether they were left there, or evacuated out, or turned over to someone else?

A. You would search him, and tie him up, and call for a chopper or something.

Q. How about noncombatants, civilians?

A. The way we worked it, if they didn't have an ID card, they would be taken back and questioned.

Q. Do you recall any training on the legality of orders from officers. Whether or not you as a soldier had to obey all orders of an officer regardless of what you thought? Do you recall any training along these lines?

A. No, sir. But the knowledge I got since being in the Army is if you are given an order, it's supposed to be carried out.

Q. Blind faith without any regard to any common sense on your part whether or--

A. (Interposing) Yeah, well, you can think that your not supposed to do this, that it's wrong. Still he is the commanding officer.

Q. Do you recall any training about any action that you could take if you thought an order was not correct?

A. The only thing I know is to go through the chain of command.

Q. How about this term rules of engagement, does that mean anything to you?

A. Engagement like engaging fire or something?

Q. Yes, what training had you received concerning the apprehension or the catching of suspected enemy? What should you do as a soldier?

A. You mean like I caught the enemy what should I do?

Q. Yes, was there anything you were supposed to say to them, or did you run up and tackle them, or did you lasso them, or was there any training given to you as to how you captured individuals?

A. No, sir, not that I remember.

Q. Did you have any training in Vietnam once the advance party arrived, the main body of the battalion arrived? Did you have any training or was there any training in Vietnam?

A. No, the only thing we done was--I can't remember.

Q. All right. I would like to show you a card, Exhibit M-2, entitled, "Nine Rules." Have you ever seen it?

A. No, sir.

Q. You have never seen it?

A. No, sir.

Q. I would like to show you Exhibit M-3, a card entitled, "The Enemy in Your Hands," and I would like to ask you if you have ever seen this card.

A. No, sir.

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Q. They were never issued to you to your knowledge?

A. No, sir.

Q. What does "Dung Lai" mean to you?

A. I don't know, sir.

Q. I noticed that during the earlier interrogation, you had a little trouble getting oriented with the aerial photo and the 1:25,000 map. Would a 1:50,000 map assist you in orienting yourself on the aerial photo?

A. That's the type I carried there.

Q. Would that assist you? Could you use that map to orient yourself on that aerial photo any better?

A. I don't think so, sir.

Q. You don't feel, then, that you could indicate any places or events that occurred during your stay in My Lai (4) on that aerial photo?

A. No, sir.

Q. I would like to show you some photographs some of which you have probably seen before. I'm not interested as to whether or not you have seen them before in magazines, newspapers, or prior investigations. I am interested, however, if you can identify places, persons, or things in these photographs to any specific date or at any specific place. I would like to give you these photographs and have you go through them placing in a pile those you think that you can tell me something about. Put the others to one side in another stack.

Would you be willing to do that?

A. Yes, sir.

Q. I will give to the witness Exhibits P-2 through P-42, P-56 through P-70, P-73 through P-120, and P-123 through P-129 and we will recess while he looks through them.

(The hearing recessed at 1617 hours, 30 December 1969.)

(The hearing reconvened at 1632 hours, 30 December 1969.)

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LTC PATTERSON: The hearing will come to order. The following named person is present: LTC PATTERSON.

I remind you that you are still under oath.

Looking at P-3. What do you see in P-3 that makes you think you recognize it?

A. He was an ARVN interpreter with our company.

Q. Do you know his name?

A. I believe it was Staff Sergeant PHU.

Q. Let the record show that the witness is pointing to the individual in soldier's clothing on the left of the photo.

Do you recognize the Vietnamese in the photo?

A. No, I don't.

Q. Exhibit P-13?

A. This is the mortar platoon or part of it. There is the artillery FO.

Q. Do you recall his name?

A. No. I don't know his name. That is Sergeant MARONEY.

Q. The second one on the right?

A. The platoon sergeant.

Q. The platoon sergeant of the mortar platoon.

A. And there is Sergeant PHU.

Q. Sergeant PHU, the third on the right.

A. That is all I can recognize.

Q. Do you see this man back here in the rear?

A. I don't know him.

- Q. What does he have in front of him?
- A. I would say a plot board for a mortar. I don't see the tube.
- Q. Are you an old mortar man?
- A. No.
- Q. You don't recognize anybody else in the picture?
- A. No, I sort of know this guy, but I don't know his name. I think he was a SP 5 but I don't remember his name.
- Q. The man in the very rear. Would you know the name of the artillery FO if I gave you a couple of names? Would you recognize it?
- A. He was a lieutenant.
- Q. ALAUX?
- A. I can't remember.
- Q. P-16. What do you recognize about this?
- A. It's My Lai (4).
- Q. Do you remember seeing that particular scene?
- A. Right.
- Q. Where was this scene and do you recall about what time of day you saw it?
- A. I guess it was in the afternoon.
- Q. Before or after your lunch?
- A. Before, but I can't remember what part of the village it was in, but I remember seeing it in My Lai (4).
- Q. Just for your information, one of the individuals that was supposedly with you there also recognized that picture.

A. Who was that?

Q. HUTTO. HUTTO seemed to indicate that this was not in your sector but that it was after you got through the village and came back around, as you indicated during your testimony. That is what he said. Do you recall any such thing?

A. I can't remember. I remember seeing it, but I don't remember where it was in the village.

Q. Do you recognize or know anything about the dead there?

A. No, just that I had seen it.

Q. You don't have any idea who shot them?

A. No.

Q. Photo P-66?

A. Sergeant PHU.

Q. The man on the left is Sergeant PHU?

A. The interpreter. This man right here; his name is WYATT.

Q. The one in the background on the far right; his name is WYATT.

A. That is it.

Q. How about this man?

A. No.

Q. What is this here on his pocket?

A. It looks like a stripe, sir, a little metal pin stripe.

Q. Worn by a U.S.?

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A. No.

Q. Who wore things like that?

A. An ARVN sometimes. I never seen it before.

Q. Do you know who this individual is? The man in the center rear of the photograph?

A. No, I don't recognize him.

Q. How about this fellow with the radio on his back?

A. He looks like the company commander's RTO. I'm not for sure though.

Q. Would you know his name?

A. No.

Q. Does the name STANLEY mean anything to you?

A. I remember the name STANLEY.

Q. Would you recognize him?

A. If I'd seen a picture of him.

Q. Is this STANLEY here?

A. Right, he was a soul brother. From here I can't tell. He was colored.

Q. Let the record reflect that in P-66, Sergeant PHU is in the left foreground. The man in the left rear background was identified as WYATT.

Q. Photo P-60?

A. He was one of those squad leaders in the 3d Platoon, GRIMES.

Q. The picture showing one soldier is identified as GRIMES. And you said his duty position was what?

A. He was a squad leader. What squad I don't know, but he was in the 3d Platoon.

Q. P-14? How about that picture? Do you recognize that one?

A. Right, I know him. I don't know his name. I've seen him, but I don't know his name.

Q. Not the same man in the previous picture?

A. GRIMES? No.

Q. P-57, showing a man bending over some crops.

A. That is Sergeant LOPEZ.

Q. That is Sergeant LOPEZ.

A. A platoon sergeant. An E-7 now.

Q. How about P-64?

A. That is SMITH.

Q. Right foreground, SMITH.

A. Right, that guy there I knew because I recognize the picture, but I don't know what his name was.

Q. Do you recognize anybody else?

A. No.

Q. Can you identify that field, that rice paddy?

A. No, I can't.

Q. You did identify this building in P-16 as being in My Lai (4)?

A. Right.

Q. P-123?

A. This was a picture of our choppers coming in to take us out for the air assault to My Lai.

Q. Are you sure it is on the 16th of March?

A. Right.

Q. How can you tell?

A. I remember the old building, the church back there.

Q. Could it have been on the 18th of March, the 20th of March?

A. It could have, but this is the only time we ever went out.

Q. Private HUTSON, I'm not saying that all these pictures were taken on the 16th of March.

A. This could be some other unit.

Q. Really then, all you can say is that that is Dottie?

A. Right.

Q. You can recognize it as Dottie, but you can't recognize it as being on the 16th of March?

A. No.

Q. P-124?

A. That is the same one.

Q. What can you say about that?

A. That looks like when he's picking us up.

Q. You can recognize it as Dottie?

A. Right.

Q. P-126?

A. This man's name here was SMITH. This was Sergeant SCHIEL, and this guy here, I don't remember who he is. His name is GRIMES. That's when we were digging in.

Q. Do you recognize that area? Could you state that that is a particular area?

A. Yeah, I'm pretty sure.

Q. Where would you say that that was?

A. Well, it was after we left My Lai (4).

Q. On the night of the 16th?

A. Yeah, I'm pretty sure.

Q. Do you recall what was around your bivouac area?

A. That is it. A rice paddy. That is where we stayed.

Q. Were you close to a river or a stream on any side?

A. I can't remember.

Q. But you think that this was your bivouac on the night of the 16th of March 1968?

A. Right.

Q. The man on the left with some type of an implement striking the ground is SMITH. The second from the left, SCHIEL. The third from the left is unidentified. The man on the far right standing with hands on hips is GRIMES. P-128. What do you know about that one?

A. That is Sergeant SCHIEL again and this man here I don't know.

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Q. The man standing in the center with the rifle and helmet is Sergeant SCHIEL. The man on the right is unidentified.

And those were all that you could recognize out of those photos?

(Witness nods in the affirmative.)

You didn't recognize any of those black and white photos?

A. No.

Q. You cannot identify any of the scenes from those photos that you have recognized with an aerial photo, is that correct?

A. Right.

Q. You couldn't pin them on the ground?

A. No, sir.

Q. HUTSON, do you have anything you would like to add for the record before you are released? Anything at all?

A. No, sir.

Q. If you have nothing to add, Private HUTSON, then your appearance before the Peers' Inquiry is going to be terminated here very shortly. We want to thank you for your cooperation and your efforts in helping us resolve this thing and try to make some sense out of it. We appreciate your willingness to assist us.

Before we depart, I would like to caution you that you recall what you have been instructed by the military judge in the case United States v. Calley and also caution you with the admonition you received at the outset of the interrogation. You are not to discuss what you have discussed here before this inquiry with any individual except those that are duly constituted judicial bodies, such as the trial of the United States v. Calley, or legal, administrative, or legislative bodies, and only then as directed by duly competent authority.

Do you have any questions about this? Is there any doubt in your mind as to the instructions before you depart here?

A. No, sir.

Q. If at any time you decide you want counsel, either of your choice, civilian or military counsel, then, of course, you would discuss what you know with them under a privileged communication. However, under no circumstances to the press, or to your buddies, or other witnesses, or wife, or mother, or any of those type people.

Do you understand that?

A. Yes, sir.

Q. Do you have any questions?

A. I just want to know if I'm going to be a witness in this trial?

Q. I can't answer that.

Is there anything else?

A. No, sir.

LTC PATTERSON: This hearing is recessed.

(The hearing recessed at 1650 hours, 30 December 1969.)

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FOR OFFICIAL USE ONLY

SUMMARY OF TESTIMONY

WITNESS: HUTTO, Charles E., SGT

DATE OF TESTIMONY: 30 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: Murder, assault with intent to commit murder, and rape.

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Machinegunner, Weapons Squad, Second Platoon, C/1/20.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness testified that he had previously seen Exhibit M-2, "Nine Rules" in Vietnam but does not remember being given one (pg. 29). He does not know where he saw it but he did read it and stated that he also had instructions on it (pg. 29). Exhibit M-3, "The Enemy in Your Hands" was never seen by the witness (pg. 29). He was with C Company eight months prior to coming with it to Vietnam and did receive training prior to deployment (pg. 30). They were instructed to handle prisoners by tying them up, trying to find out information, treating them with respect, and tagging them with a prisoner of war tag. He never used such a tag (pg. 30), nor did he see anyone else do so (pg. 31). In Hawaii, he was trained not to harass or hurt noncombatants and was briefly trained in the Rules of Land Warfare and the Geneva Conventions (pg. 31). He stated that if an officer's order was doubted, every man knew that he should try to find out why the order was given (pg. 32). He stated he had in-country training for two weeks in the Duc Pho area. The training was given by an outside unit (pg. 32). There was no instructions in handling PW's or noncombatants (pg. 33). In Hawaii, and in Vietnam, he was told to yell at a running Vietnamese and if he did not stop, then shoot to wound (pg. 33). He stated that this was done in My Lai (4), but only some of the people stopped running (pg. 34).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

Witness attended Captain MEDINA's briefing on 15 March and remembered MEDINA telling the unit that it was their chance to get back for "your buddies that had been killed" (pgs. 5, 7, 9). The unit had suffered casualties from booby traps and land mines (pg. 5), and had been in a few fire-fights, but nothing "real big" (pg. 6). He recalled the memorial service for WEBER but did not recall when it was held (pg. 6). MEDINA told them to go through the village on line; destroying all food and killing animals (pg. 6), but nothing was said about burning hootches (pg. 7). The men were told that everyone in the village was a VC sympathizer and was communist. He said MEDINA did not give an order to kill the people but this is what everyone assumed they were to do (pg. 21). In the village, there was no order to fire passed directly to him (pg. 23).

3. ASSAULT ON MY LAI.

a. Landing and subsequent activity.

The witness stated that they landed to the western side of the village (pg. 35), not more than 100 meters away (pg. 36). He was in the first lift and landed facing towards the northwestern corner of the village (pg. 36). He did not recall a hedgerow (pgs. 35, 37). This location of the landing is indicated as point #1 on Exhibit P-130 (pg. 37). He recalled setting up a perimeter while the other choppers landed (pg. 10).

b. Movement into and through the village.

The witness stated that he was in the second platoon (pg. 35). Lieutenant BROOKS was his platoon leader and the platoon sergeant was Sergeant BUCHANON (pg. 10). He did not recall which squad he worked with (pg. 35), but named the members of the weapons squad as being MOWER, the assistant gunner, TORRES, the ammunition bearer, ROCHEVITZ, and HUTSON, the squad leader (pgs. 9, 10, 11). When everyone was landed, he recalled that the first and second platoons moved through My Lai on line with the second platoon to the northern half of the hamlet (pg. 10). His squad was on the left flank of the platoon, and he could see no one further to his left (pgs. 37, 40). They proceeded into the village on a trail (pg. 37), on which they remained as they went through the village (pg. 39). They cut off it to go straight through the village (pg. 39) from which location they could see the outside edge of the village about 100 meters away (pg. 39).

They moved through the village on line (pgs. 10, 40). He stated that a lot of people started running. Down the line someone started to fire and everyone joined in (pg. 10). They were not receiving hostile fire and heard no order to fire (pg. 11). He stated that he fired his M-60 at people who were running (pg. 11). He, TORRES, and MOWER switched firing the M-60 all through the village (pg. 12).

c. Shooting and raping of civilians.

Prior to reaching a clearing halfway through the village, he had not seen many people killed (pg. 12); and at the clearing there were 10 to 15 people, some of whom were shot (pg. 13). He saw TORRES open fire with the M-60 (pg. 13). He fired an M-16 (pg. 14). MOWER shot one or two people with a .45 (pg. 14). ROSCHEVITZ fired an M-79 into a group of people sitting in the clearing, but missed. He fired again, hit the group and killed them (pg. 14). TORRES and JOLLY raped a girl (pgs. 13, 16). He stated that he never did see a ditch with bodies in it (pg. 15), although, he later stated that while they ate outside of the village, there was a ditch near the woodline (pgs. 43, 48, 49).

d. Activities after passing through the village.

When they reached the eastern edge of the village, they set up a perimeter, and ate chow (pg. 15). They had not moved across the paddies yet, but had stopped in a thick woodline (pg. 43). After eating lunch, he stated that following trails they moved back towards the village in a southerly direction (pgs. 43, 48), making a right turn around its eastern side not going all the way through, just to the rice paddies (pg. 47). He appeared to be confused as to the location of the first platoon but thought that the right flank of his platoon joined up with the first (pg. 45). He did not know for sure where the rest of his platoon was (pg. 46). In any event, they went approximately 100 meters from the east side of the village to the south (pg. 48). He did not recall moving through My Khe (3), (1), or (2) (pgs. 17, 18), but did recall being airlifted out on the 18th back to LZ Dottie (pg. 18).

4. INQUIRIES CONCERNING THE ASSAULT.

The witness was not present at the time Colonel HENDERSON spoke to some of the men from the unit at LZ Dottie (pg. 18). MEDINA told them that there was an investigation going on and that they should not talk about

it, but he never did see anyone making an investigation and he stated that no one specifically told him to keep quiet about the incident (pg. 18). He never reported what happened in the village because he was a SP4 and felt that this was up to the NCO's. However, he did state that JOLLY was his NCO and, as a participant, he did not expect JOLLY to report it (pg. 25).

5. OTHER INFORMATION.

a. The witness did not feel that the men were under the influence of marijuana during the operation and did not recall if there was a problem of men going into combat while under its influence (pg. 18).

b. He never made a report on a body count and did not remember a system for it, although he stated the best way to prove they killed a VC was either to take his unit patch or his clothes. He stated that there were precautions taken to be sure there was actually a VC killed. He did not know what the body count that day was (pg. 19).

c. He feels there were many innocent people killed, and felt there was a lack of communication throughout the whole company as they moved through (pg. 19). He stated that at first there was some control but then the line got staggered. At one point, they were almost shooting into each other (pg. 20). He did not know where the platoon leader and platoon sergeant were while the platoon moved through the hamlet (pg. 20). He did not talk to anyone who felt sorry for what had happened afterwards. He stated that most men were mad at the Vietnamese (pg. 26), because of the casualties that they had (pg. 27). He felt that those Vietnamese capable of informing them had not warned them about an ambush being ahead and that the people did not care about them (pg. 27). He was referring to VC sympathizers when he mentioned this because he had "good friends among the Vietnamese" and did not dislike them. He felt that the other soldiers felt the same way he did (pg. 27).

d. The witness identified a number of photos in addition to marking locations on Exhibit P-130 (See Exhibit list, infra).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit had seen card but did not get one.	29,30
M-3	MACV Card "Enemy in Your Hands"	Wit never saw.	29,30
P-16	Miscellaneous Scene	Wit recognized the area as being seen on return to the village.	47
P-26	Miscellaneous Scene	Wit states it was not LZ Dottie.	49
P-33	Miscellaneous Scene	Wit recognized the area as being seen on return to the village.	49
P-34	Miscellaneous Scene	Wit recognized the the area as being seen on return to the village.	49
P-61	Miscellaneous Scene	Rice paddy outside My Lai (4).	49
P-64	Miscellaneous Scene	Wit recognized but could not locate.	50
P-123	Miscellaneous Scene	Identified as being at LZ Dottie.	50
P-124	Miscellaneous Scene	Identified as being at LZ Dottie.	50
P-126	Miscellaneous Scene	Identified as night laager area on 16 March. Wit identified SMAIL.	50
P-127	Miscellaneous Scene	Identified as re-supply chopper.	51
P-130	Aerial photograph annotated by witness	Wit was orientated to it. Point #1 indicates where he landed.	34 37

(The hearing reconvened at 1035 hours,
30 December 1969.)

MR WEST: The hearing will come to order.

RCDR: The following persons are present: MR WEST,
COL MILLER, MAJ ZYCHOWSKI, and MAJ COOP.

The next witness is Sergeant Charles E. HUTTO.

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

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

A. Charles Edward HUTTO, Sergeant E-5,
Headquarters and Headquarters Company, 3d AIT Brigade, Fort
Lewis, Washington.

MR WEST: Sergeant HUTTO, before we get into any questions,
Colonel MILLER will give you some information about the
nature and purpose of this inquiry and also will advise
you as to your testimony rights.

COL MILLER: Sergeant, this investigation was directed
by the Chief of Staff of the United States Army and the
Secretary of the Army. It is for the purpose of determining
facts and making findings and recommendations concerning
two major things:

(1) the adequacy of prior investigations and
inquiries into, and then the reports and reviews within
the chain of command of what we now call the My Lai
incident of March 1968, and

(2) the possible suppression or withholding
of information by persons who may have had a duty to
report anything they knew about the My Lai incident.

Our principal purpose is not to find out
everything that went on there. It is for those two things:

investigating the reporting on one hand; and suppression on the other hand. As a practical matter, we do get into quite a bit about what actually happened at My Lai.

We have read the statements of many witnesses, including yours, that were given in other official investigations into the My Lai incident. We have them available.

Your testimony today will be under oath. We are making a verbatim transcript. In addition to the reporter there is also a tape recorder recording what we say.

The classification of our report is generally confidential. However, there is at least a possibility that some or all of the testimony that is given here may some day become a matter of public knowledge.

With respect to discussion of what you have to say here, you are ordered to not discuss your testimony given in this investigation with others, including other witnesses before this investigation, unless you are required to do so in the performance of your official duty, or if you may be required to do so by competent administrative, judicial, or legislative forum.

Now I know that you are under the order of the military judge in the case of the United States v. Calley. Certainly, if you were called, this is one of the forums where you can testify, obviously.

Your testimony here is not in violation of the order of the military judge. The fact that you may testify here does not relieve you of the responsibility for complying with the military judge's order at a later time.

Do you have any questions about these things that I have gone through so far? If you do, feel free to ask questions.

A. No.

COL MILLER: I told you the general purpose of the investigation. I also told you we had looked at some of the prior statements made by other witnesses. We've also read your prior statements. Before we proceed any further, I want to advise you that at this time you are suspected of several offenses which you may have committed in this My Lai operation. The first of these is the offense of murder. The second is assault with intent to commit murder. And the third is the offense of rape.

Before we do ask any questions, I want to be certain that you understand your rights with respect to giving testimony and second, your right to counsel. Certainly you need not make any statement whatsoever. You have a right to remain silent. Any statement you do make may be used against you in evidence in a criminal trial.

You have the right to consult with counsel. By counsel I mean a qualified lawyer. If you decide that you would like to, you may have counsel present with you in this hearing. You may retain counsel at your own expense and by this I mean a civilian lawyer. Or military counsel will be appointed for you at no expense to you inasmuch as you are in the military and subject to the Code. If possible, if you have counsel of your own selection, we would make him available if he is reasonably available to us, or otherwise appoint other counsel. If you decide that you want counsel, you may have counsel with you present at this hearing and consult with him at any time.

Of course, you still have the right to make no statement, if you wish. Even if you do decide right now to go ahead and answer questions without having any counsel with you, you can certainly stop answering questions at any time or you can refuse to answer any question that you may wish not to answer concerning this My Lai incident.

You may ask for counsel at any time during the questioning. Do you have any question about what I've told you so far?

A. No, sir.

Q. About your right not to testify or your right to counsel? Would you like me to explain it any further?

A. No, sir,

Q. Do you understand the offenses of which you are suspected?

A. Yes, sir.

Q. My first question is: Do you want counsel?

A. No, sir.

Q. My second question is: are you willing to make a statement, answer our questions at this time?

A. I'll answer any questions.

Q. I remind you that at any time, if you wish to have counsel, you are certainly free to do so. And anything you do say can be used against you.

MR WEST: Let's have a short recess.

(The hearing recessed at 1043 hours,
30 December 1969.)

(The hearing reconvened at 1045 hours,
30 December 1969.)

MR WEST: The hearing will come to order.

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

MR WEST: Sergeant HUTTO, what was your assignment on 16 March 1968?

A. I was a machinegun team member.

Q. What was the unit?

A. C/1/20.

Q. At this time, was Charlie Company attached to Task Force Barker in South Vietnam?

A. Yes.

Q. Do you recall the operation that Charlie Company participated in against the hamlet of My Lai (4)?

A. Yes, sir.

Q. On the day before, the 15th of March, we received evidence that Captain MEDINA briefed the company pretty thoroughly on the next day's operation. Could you tell us about this, what he told the company?

A. Well, as to what I remember hearing at the briefing, this is what I remember hearing: that he told everyone in the whole company that this would be your chance to get back for your buddies that had been killed. That's all I remember.

Q. Before this time, had the company suffered quite a few casualties?

A. Quite a few.

Q. Would you tell us about this?

A. Well, those mostly from booby traps and land mines, there was no way of fighting back.

Q. Had the company been able to come to grips with the Viet Cong during this period before 16 March?

A. I don't understand.

Q. Well, had you really been able to find the Viet Cong and pin them down and have a real fire fight with them?

A. Yes, we did have a few fire fights. We got caught in one crossfire. Nothing real big.

Q. Do you remember a memorial service for WEBER?

A. Yes, sir.

Q. Do you recall when this was in relation to your briefing with Captain MEDINA?

A. No, I can't recall when it was.

Q. Did anybody besides Captain MEDINA talk to the company that evening? The night before the operation?

A. Not that I know of.

Q. Did Captain MEDINA tell you what kind of mission this was? What each of you were to do?

A. It was a search and destroy mission.

Q. What did he tell you about what you were to do in the village?

A. Well, to what I can remember, he said just go through the village on line and destroy all the food, kill all the animals, and this way the Viet Cong wouldn't have anything to come back to.

Q. How about the hootches? Did he say what was to be done with them?

A. No, he didn't say at that time, but the houses were burned in the process of moving troops.

Q. What was said about the people that lived there in My Lai (4), the Vietnamese?

A. Well, we heard that they was all sympathizers of the Viet Cong and they was all Communists.

Q. Did he say anything specifically about what to do about them?

A. No. All he said was, "This would be your chance to get back."

Q. He didn't say anything about rounding up the civilians or taking them away to a refugee center?

A. I don't remember him saying that.

Q. What impression did the company get from this briefing regarding the people in My Lai (4)?

A. The impression I got was that whenever we moved through a village, anything that runs, shoot. That's the impression the company had.

Q. What would you say was the mood of the company that night after the briefing? Were they ready for a fight, were they apprehensive?

A. They was ready. The morale was low.

Q. We've had some statements to the effect that Captain MEDINA gave the company a pep talk or inflamed the men. Was it that kind of talk he gave the company as you recall?

A. Yes.

MR WEST: Colonel MILLER, do you have any questions at this point?

COL MILLER: Did Captain MEDINA specifically tell you to kill all the people in the village? I say you, I'm talking about his briefing to the company?

A. No, he didn't say it like that. Kind of a roundabout way.

Q. What did you talk about that evening after the briefing? "What did the old man say? What does he mean?" Was there any talk in the company of that sort?

A. Well, I guess the whole company understood that everything in this village was Communist, and since he had said this, they thought that anything that ran from us was a Communist.

Q. Did he leave you with the impression that you would find anything other than VC?

A. We heard that this was a heavily fortified village.

Q. You said this was a search and destroy mission. What other kinds of missions did you have?

A. Just search and clear.

Q. In your mind, what is the difference?

A. Well, search and clear is just going through a village and checking it out for weapons, to check and see if there is any Viet Cong in the village. Search and destroy is just to go through a village and destroy everything.

Q. Did anybody ever explain to you the technical difference in a course or a briefing?

A. I don't recall.

Q. Were you specifically told by Captain MEDINA to kill all the animals at this briefing?

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A. Yes.

Q. To burn?

A. Well, at that briefing I don't recall him saying about the village, just kill the animals and destroy all the food.

Q. How about destroy all the people?

A. No. All he said in the briefing was this would be your chance to get back.

Q. Did you expect to have a pretty hard fight that day?

A. Yes.

Q. Did you expect to find women, children, and old men in the village in any numbers?

A. No.

MR WEST: Who were the other members of the weapons squad? Can you name them?

A. Well, there was MOORE, WRIGHT --

Q. Is that M-O-W-E-R?

A. Something like that. And there was TORRES, HUTSON --

Q. Is that H-U-T-S-O-N?

A. Yes.

Q. Was there a man named ROSCHEVITZ?

A. ROSCHEVITZ. I don't remember if he was in the squad at that time or not.

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- Q. Who was the squad leader?
- A. HUTSON.
- Q. Is that HUDSON or HUTSON?
- A. HUTSON.
- Q. Who was your platoon leader?
- A. Lieutenant BROOKS.
- Q. Platoon sergeant?
- A. Sergeant BUCHANON.
- Q. Can you describe for us what your squad did the next day, after you hit the landing zone?
- A. Well, we set up a perimeter while everyone else was getting off the choppers. And we just waited there until we got the word to move out on line.
- Q. As I understand it, the 1st and 2d Platoons were moved through My Lai (4) on line with the 2d Platoon on the left, or the north, taking the north half of the hamlet. Is this your recollection of the way it worked?
- A. Yes.
- Q. Would you go ahead and describe what the weapons squad did while this was going on?
- A. Well, we was on line going through the village and a lot of the people started running and somewhere down the line someone started to fire and then everyone did.
- Q. You're talking about Vietnamese people running from you?
- A. Yes.
- Q. Were you receiving any hostile fire?

A. No, not at that time.

Q. When you were on the outskirts of the village did an order come down from the company or the platoon leader about what you were to do?

A. No, I didn't hear the order, but it had to be an order for this, to start firing at the Vietnamese. It could have originated from just one man firing at a Vietnamese running, but I don't know the truth about that.

Q. Then you opened up and started firing at the Vietnamese. All right, go ahead and describe what happened.

A. Well, it was like that all the way through. People running, getting in their tunnels, and as we went through we just started destroying everything.

Q. Did the platoon set fire to the hootches that you went through at this time or was the platoon more concerned about the people and the animals and destroying the food?

A. Well, I think the company was more concerned with destroying the food and killing the animals at this time because we were looking through to see if there was any VC or anything like that.

Q. Can you describe what your squad did now, the weapons squad? As I take it, there was you, and MOWER, and TORRES, the three of you. TORRES was the ammunition bearer, MOWER was your assistant gunner?

A. Right.

Q. Could you describe what the three of you did and what you saw as you went through?

A. As we got to the edge of the village before we was on the inside of the village, people started firing and everyone opened up.

Q. Were you firing your machinegun?

A. Yes, but at people that was running, for just a few minutes.

- Q. Was this an M-60?
- A. M-60.
- Q. It was hand-held at the time?
- A. Right.
- Q. Okay, go ahead.
- A. And after a few minutes I changed off with my ammo bearer. He took the M-60 and I took his M-16, and it was like that all the way through the village. We just kept changing off, the assistant machine-gunner and myself.
- Q. You took turns operating the machinegun?
- A. Yes.
- Q. So MOWER fired it part of the time, TORRES fired it part of the time, and you fired it part of the time?
- A. Right.
- Q. I believe you stated in a prior statement about halfway through the village you came on a little clearing?
- A. Right.
- Q. Up to that time had you seen many people killed, Vietnamese killed?
- A. There wasn't many at that time.
- Q. How about your squad, did you account for many up to that time?
- A. No.
- Q. Okay, can you tell us what happened in the little clearing in the village?

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A. Just before we approached this clearing, I changed off with my ammo bearer, TORRES, and there was a lot of commotion--

Q. (Interposing) Well, would you describe the Vietnamese people over there, where they were, what they consisted of?

A. Well, there was some small groups, some shot.

Q. About how many Vietnamese were there?

A. Just scattered through there in this little clearing, I would say somewhere in the teens.

Q. You previously indicated there was about 10 or 15, does that sound about right?

A. Yes.

Q. What kind of people were they?

A. The ones I seen was mostly men and women.

Q. Any children?

A. I don't recall seeing any children.

Q. All right, what happened? What did TORRES do, for example?

A. Well, TORRES, he went ahead of us. Everyone was just rushing, trying to see if they could find caches of weapons. I came across TORRES, and as I said before, I seen him rape this girl.

Q. Before that occurred though, in your prior statement that you made at Fort Lewis, Washington to Mr. THOMPSON of CID, you were talking about the 10 or 15 people in the clearing. And you said that TORRES opened up with a machinegun. Is this correct?

A. Yes.

Q. Do you mean he shot the people with a machinegun?

A. Yes.

Q. What happened after that? Were you armed at this time?

A. Yes, I was. I was armed with an M-16.

Q. Did you do any shooting?

A. Yes, I did.

Q. What did you do?

A. Well, I did like everyone else.

Q. Would you care to explain that? You don't have to answer the question, if you don't want to.

A. Well, all I'll say is I done like everyone else.

Q. What about MOWER? Did he shoot at any of these people?

A. Yes.

Q. In your statement to Mr. THOMPSON you said apparently MOWER shot one or two of them with a .45.

A. Right.

Q. You also described to Mr. THOMPSON a group of seven or eight Vietnamese people consisting of men, women, and children sitting in a group in a clearing and they were fired upon by, how do you pronounce it, ROSCHEVITZ, who was armed with an M-79. Could you describe that incident please?

A. Well, I'll tell it just like I seen it. He fired an M-79 into this group and missed, and the second M-79--fired a round and hit the group and killed them. I guess it did.

Q. Were they all killed by the M-79 round?

A. Yes, to what I can recall.

Q. Did you see any other people killed in the village?

A. No.

Q. About how many dead people, dead Vietnamese, did you see altogether in My Lai that morning?

A. I'd say about 20 to 25.

Q. Now you had indicated to Mr. THOMPSON there was perhaps 30 to 50. Does that refresh your memory any, or was it a smaller figure?

A. Well, it was somewhere around--I didn't count every person that I came across. I couldn't give an actual count.

Q. Did you hear anything about or see a ditch with a number of dead people in it?

A. I never heard of this ditch, until I found out up there at Fort Lewis.

Q. Did you stick pretty well with the north half of the village as you moved through?

A. Yes.

Q. Can you recall how long it took the platoon to move through its sector of My Lai (4) and come out on the east end of the hamlet?

A. I'd say it took most of the morning.

Q. What did the platoon do after it reached the east edge? Do you recall setting up a perimeter in the rice paddy?

A. We set up a perimeter around the edge of the village and ate chow.

Q. Did you see a helicopter land at this time?

A. No, I didn't. I heard a helicopter, but I didn't see one land.

Q. Around the time when you reached the east edge of the village, perhaps before chow, did you hear some orders come down to stop the shooting? Perhaps stop burning?

A. No, I never did hear those orders.

Q. Let's go back to this incident about TORRES. You mentioned that TORRES had raped someone. Can you describe this incident?

A. Well, just that he forced this woman.

Q. Where was this taking place?

A. Somewhere around the clearing.

Q. In the middle of the village?

A. Yes.

Q. Do you recall the account of this incident that you gave to Mr. THOMPSON, the CID agent?

A. I don't understand.

Q. Well, we have a statement which you signed that was taken by Mr. THOMPSON of the CID, a statement you gave on the 18th of November, 1969, in which you described this incident. You spoke of TORRES and Joe T. JOLLY having this girl inside a hut, and TORRES had intercourse with her, and following that JOLLY had intercourse with her. You saw this incident, but you didn't participate in it?

A. No, I didn't.

Q. This is the incident that you mentioned earlier?

A. Right.

Q. Do you know what happened to this girl?

A. No, I don't know. I didn't know at that time. I found out at Fort Lewis what happened to her, that she was killed.

Q. You didn't know this while you were in Vietnam?

A. No.

Q. During this movement through My Lai 4, did you actually encounter any VC resistance at all, take any fire?

A. I don't recall any during the time we were going through the village. I know we ran across one NVA that somebody had killed. We got his carbine.

Q. Did the platoon suffer any casualties?

A. The only one I heard of was CARTER, shot himself in the foot.

Q. Was he in your platoon?

A. No.

Q. Sergeant HUTTO, do you remember the remainder of this operation, the rest of the day on the 16th, the 17th, the 18th? Do you remember what the company did?

A. No, I don't remember.

Q. Our information is that after going through the hamlet of My Lai (4) the company continued to move to the east and then laagered for the night some little distance east of My Lai (4), then the next day moved south down through the little hamlets of My Khe (3), My Khe (1), My Khe (2). There was one platoon going up on Hill 85 to check out the place and a guy named MEADLO stepped on a mine and lost a foot. Do you recall that?

A. I remember hearing about him stepping on the mine.

Q. Do you remember the movement now, going south moving through these little hamlets, My Khe (3), My Khe (1), and My Khe (2)?

A. No.

Q. We've had indications that Charlie Company did move through these places and burned the hootches and encountered very few, if any, VC. The company spent a second night in the field and moved back to the north and was lifted out

the afternoon of the 18th and taken back to Landing Zone Dottie. Do you recall that?

A. Yes.

Q. They were extracted and taken back to Dottie. Now, we've also had testimony that Colonel HENDERSON, the brigade commander, met some of the men in the company as they were being brought back to Dottie and talked to them about the action at My Lai (4), and asked some questions about the killing of Vietnamese. Were you present at this time?

A. No.

Q. Now Captain MEDINA told us that shortly after the incident of My Lai (4), he got the company together and told them that there was an investigation going on, and it would be better that they didn't talk about the incident so long as there was an investigation. Did you hear this?

A. Yes, I did hear something about that. But I never did see anyone come around.

Q. Did anyone specifically tell you to keep quiet about the incident?

A. No.

Q. In November there were some press reports, press speculation that the men of Charlie Company may have been under the influence of marijuana during the operation at My Lai (4). Do you know of any such thing?

A. No.

Q. Was there a marijuana problem in the company? I don't mean just casual smoking of marijuana, but was there a problem, perhaps men going into combat while under the influence?

A. I don't recall.

Q. What kind of assignments did Charlie Company draw after My Lai? Any change in their type of missions they were given?

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A. Well, just mostly search and clear.

Q. About like it had been before?

A. Yes.

Q. How long did you stay with Charlie Company after My Lai?

A. Four or five months.

Q. I have some general questions to ask you. One of them is, can you tell us how a body count was made in your platoon, how you reported the VC killed, for example? Was there any system for it that you remember?

A. No, I never did make a report on this.

Q. In some outfits they have a rule that you can't count a VC KIA unless you can actually touch him. They do that so there won't be inflated reports.

A. We were told the best way to prove that you did kill a VC was either to take his unit patch off or his clothes.

Q. There were some precautions taken to be sure that there actually was VC killed before it was reported?

A. Yes.

Q. Did you know what body count was reported that day at My Lai?

A. No.

Q. Now I want to ask you three other questions, Sergeant HUTTO. This calls for your opinion. It will be helpful to this inquiry to have your thoughts on these questions. The first one is: What do you think really happened at My Lai (4) on the 16th of March. What caused to happen what did happen?

A. Well, I would say there was a lot of innocent people killed. There was a lack of communication about the whole company moving through.

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Q. We have had some other testimony to indicate that things got out of control. Is that about what you had in mind?

A. Yes.

Q. Could you explain maybe in a little more detail about how things got out of control? You mentioned, I believe, that when the platoon first moved into the hamlet, firing started. You mean there was no control over the firing?

A. At first there was some control. The line, I guess, got staggered, and one time we was almost shooting into each other.

Q. Do you know where the platoon leader and platoon sergeant were while the platoon moved through the hamlet?

A. No, I don't.

Q. Now, we've talked to the platoon sergeant of the 1st Platoon, and he stayed pretty well to the rear according to his testimony. Squad leaders were up front while the platoon sergeant stayed to the rear. Did your platoon sergeant operate that way? Do you recall?

A. That's the way we did most of the time.

Q. How about the platoon leader, Lieutenant BROOKS?

A. He did the same thing.

Q. Did he stay to the rear or did he go out to the front?

A. I don't remember seeing him going out to the front.

Q. The next question of this sort is: Why, would you say, in your opinion, why did all this killing of innocent people take place? This seems to everyone a very unusual thing.

A. I don't know.

Q. Well, you have given us some clues that it was your impression, and perhaps the opinion of most of the company, that everyone in the village was a Communist. We got the impression that Captain MEDINA wanted them all killed. These were the orders. Is this correct?

A. It wasn't a direct order that he gave, but that's what everyone assumed.

Q. Now is this a possible factor, that Charlie Company moved into My Lai (4) expecting strong resistance, getting into a tough fire fight, so they went in firing and moved ahead, and even though they didn't encounter any resistance they just kept shooting all the way through the village?

A. Right.

Q. My last question has to do with the fact that this incident was not recorded right away, was not widely known, the fact that apparently little was known or nothing was known about it outside the Americal Division until early this year. In fact, it was about a year after the the thing happened before Department of the Army and Department of Defense knew anything about it. Can you explain why this incident was not recorded? Do you have any theories about this?

A. No, I don't.

Q. We've had some indications that a number of the men afterwards felt remorse over what had happened, were ashamed of it, didn't want to talk about it. Is that a valid idea? Were you aware of any of this? Other men we've talked to said, no, they didn't think that was right. What do you think?

A. I don't think that's right.

Q. Did the men of the company talk to themselves about it, about what happened that day?

A. I don't recall.

MR WEST: Colonel MILLER?

COL MILLER: Did you actually go into the village at all?

A. Right.

Q. How far in would you estimate?

A. Anywhere from 100 to 150 meters.

Q. From the north edge?

A. Right.

Q. Was MOWER with you all the time?

A. No, he wasn't.

Q. Was he part of your team?

A. Right.

Q. And TORRES was part of your team?

A. Right.

Q. Were you a PFC at the time?

A. SP4.

Q. In your prior testimony, you said, in effect, that an order came down to kill everything, to kill the people. Do you remember making that statement. This is the way it reads: "An order came down from the company to destroy all the food, kill all the animals, and kill all the people. I don't recall who told me about this, and I guess it came from higher headquarters." My question is this, do you recall the circumstances about this order?

A. Right. As we entered the village an order like this had to come down, and that's when the firing started. But I didn't hear the orders. It had to be an order.

Q. I don't mean to put words in your mouth, but I wonder if this is what happened. All of a sudden you heard this firing. You figured, well, they're firing for some reason, and you started firing. Is that about what happened?

A. No, I wouldn't say that.

Q. Did somebody pass this on to you, that they told us to start killing everybody? What I'm getting at is this, can you remember somebody actually passing the word down, maybe by word of mouth from one man to another one, or did this shooting start rather spontaneously and you assumed, and perhaps other people assumed, well, we're supposed to do this, somebody said to do it, so we're doing it?

A. Right.

Q. But you never heard an order passed directly yourself? Did you talk to anyone later who had heard such an order?

A. No, I didn't.

Q. The evening before, after this briefing, did you expect your company would probably be shooting women, children, old men?

A. No.

Q. As you entered the village, did you have the idea that you might be doing this?

A. No.

Q. You said that you did shoot some people and you saw others. When do you think this reaction first came about?

A. I'd say just as soon as we entered the village.

Q. After you entered the village, from that time until you came out of the village, did you see your platoon leader?

A. I don't recall seeing him anywhere.

Q. Did you see your platoon sergeant?

A. Yes, at one time.

Q. Was this after all of the killing had taken place?

A. Right.

Q. While you were going through the village, did you see any other sergeants?

A. No, I don't recall seeing any other sergeants.

Q. Did you see any other NCO's?

A. Just this one, JOLLY.

Q. Did you see anybody who tried to stop any of your fellow soldiers from shooting or killing people?

A. No.

Q. Did everybody seem to join in on this?

A. Well, the whole company was firing.

Q. The whole company or the platoon are you talking about?

A. The whole company, not just one platoon.

Q. The 3d Platoon is someplace behind the 1st and the 2d Platoons, apparently to sweep through later. And if they started firing into the village the 1st and 2d Platoons would be in front of them. I'm not trying to trap you here. I just wonder if you heard a lot of shooting. You assumed everybody on line was shooting?

A. That's what I thought.

Q. Now did this seem to you the right thing to do after you got into the fight?

A. No.

Q. But you kept it up? Others kept it up?

A. Yes.

Q. Even assuming for a moment that an order came down at one point, you saw two soldiers in the process of raping somebody, and you apparently didn't try to stop that. You didn't report that either. Now was there anybody else in authority there who tried to stop this?

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A. I don't recall any faces, but there was other men there.

Q. Nobody tried to stop it?

A. No.

Q. Do you have any idea why nobody tried to stop this?

A. No.

Q. Did you ever report it?

A. No, I didn't.

Q. Would you mind telling me why?

A. I guess because it was left up to the NCO's, which there was one.

Q. You were a SP4?

A. Yes.

Q. One of your team members was involved in this? Who was this NCO that you're referring to?

A. JOLLY.

Q. He was a participant in that. You didn't expect him to report it?

A. No.

Q. What I'm wondering is this, there have been a lot of civilians killed right in the middle of a fire fight or supposed fire fight, and soldiers take time out to rape somebody and nobody reports it. I wonder whether this was a feeling of loyalty to your fellow soldiers that you're not going to be the person who squeals on them or whether it was a feeling of self-protection: "Well, I was in the middle of this. If I say anything I'm going to be in the soup too." Or whether it was a feeling of, let's say, shame, and there was just a general agreement by not talking at all or talking together to the effect, "Let's not say anything about it, and maybe it will go away and nobody will ask us." I don't know.

Some of you who were there might be able to tell us. I'm interested in the individual and group reaction. If you could tell us something about this, it would help.

A. Really, there's nothing I can say about that. It's just that no one felt good towards the Vietnamese.

Q. Did you talk to anybody who felt sorry for what happened afterwards?

A. No.

MR WEST: What kind of a company commander was Captain MEDINA?

A. He was a real good company commander.

Q. Do you think he had the company under his control at all times?

A. Well, at that time, I don't think he did.

Q. As a matter of fact wasn't the village of My Lai (4) broken up pretty well by trees, groups of bushes, garden plots, so that it was pretty hard to see very far?

A. Right. There was a lot of underbrush.

Q. What was Captain MEDINA's attitude towards the Vietnamese people?

A. I guess you could say he felt like everyone else.

Q. How did everyone else feel?

A. I can't answer that. I don't know how he felt.

Q. I think maybe I know what you're getting at, but I'd like to hear it in your own words, how the men in the company felt towards the Vietnamese people.

A. I guess you can say most men was mad at the Vietnamese.

Q. Why was this?

A. Because of the casualties we had. Every time we'd get into a fire fight, there'd be Vietnamese there. They wouldn't say anything about the ambush ahead. They didn't care about us.

Q. You're talking about all the Vietnamese, women, children, old men?

A. In this area.

Q. And it wasn't true all over?

A. No.

COL FRANKLIN: I'd like to make this very clear. I think we put words in your mouth you don't mean. When you talk of Vietnamese, are you talking about all South Vietnamese people or VC and VC sympathizers? When you say Vietnamese, what do you mean?

A. VC and VC sympathizers.

Q. So you don't mean the soldiers disliked the Vietnamese?

A. I had a lot of friends. I don't dislike the Vietnamese.

Q. How about the soldiers in your company as far as all the Vietnamese? How do they feel?

A. I guess you could say they felt the same way as I do.

COL FRANKLIN: Okay, thank you.

MR WEST: I'll recess for about 1 minute.

(The hearing recessed at 1149 hours, 30 December 1969.)

(The hearing reconvened at 1150 hours, 30 December 1969.)

MR WEST: The hearing will come to order.

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

MR WEST: Sergeant HUTTO, this completes your primary interrogation, but before we recess, I want to give you an opportunity to make any statement or add anything else that you'd like to add or say anything you'd like to say at this time that you think might help us.

A. No, just one thing: I don't dislike all Vietnamese people. I had a lot of good friends over there. I guess the only ones I dislike are the sympathizers, the Viet Cong, and the NVA.

Q. Anything else?

A. No, sir.

MR WEST: We're going to recess in a moment and after this Colonel WILSON would like to show you some photographs and documents and ask you some further questions in detail.

COL WILSON: Sir, I'd like to introduce these exhibits. There is an aerial photograph with an overprint by Sergeant OLSEN.

RCDR: This will be entered into evidence and marked as Exhibit P-122.

COL WILSON: I have several additional photographs, color prints received by CID from Sergeant SMAIL.

RCDR: These will be identified as Exhibits P-123 through P-129.

COL WILSON: That's all I have, sir.

MR WEST: The hearing will be recessed.

(The hearing recessed at 1153 hours, 30 December 1969.)

(The hearing reconvened at 1203 hours, 30 December 1969.)

COL WILSON: The hearing will come to order.

RCDR: The following person is present: COL WILSON.

COL WILSON: Sergeant HUTTO, I want to remind you you are still under oath. The purpose of this part of the interrogation is to identify a couple of documents and go through a series of ground and aerial photography to see if you can identify them and then sometime during the period walk back through, from an aerial photograph standpoint, the hamlet of My Lai(4) and see if we can recall locations and so forth.

I'd like to show you Exhibit M-2, which is entitled "Nine Rules." It's a pocket-size card. Have you ever seen this document?

A. Yes, sir, I have.

Q. Where did you see it?

A. In Vietnam. But I don't remember being given one.

Q. But you saw it?

A. Yes, sir.

Q. Where did you see it?

A. I can't recall.

Q. Did you ever read it?

A. Yes, sir.

Q. Did anybody ever stand up in an instructional-type situation and go over these nine rules. A couple of them are: "Remember we are guests here," "Treat women with politeness and respect," "Make personal friends among the soldiers and common people."

A. Yes, I've heard of that.

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

A. No, I've never seen it, sir.

Q. This one has Vietnamese translated into English there.

A. No, I've never seen it.

Q. Were you with C Company prior to coming to Vietnam? If I ask you a question that you have been asked previously, tell me. How long were you with C Company before you came over?

A. About 8 months.

Q. Did you receive any training, prior to deployment, which was oriented specifically toward Vietnam?

A. Yes.

Q. What kind of training did you get?

A. Something similar to the first card.

Q. The first card is entitled "Nine Rules" and the second card is entitled "The Enemy in Your Hands." What did they tell you to do with prisoners?

A. To capture a prisoner you should tie him up and make sure he doesn't get away, try to find out all the information you can, treat him with respect.

Q. Was there any specific information as to how to tag prisoners or whether to tag prisoners, what to do with them?

A. Yes.

Q. How were you to tag prisoners?

A. By using a prisoner of war tag.

Q. Did you ever use this tag?

A. No.

Q. Did you see anyone else use it?

A. No, I never did.

Q. Were you given any training in handling noncombatants?

A. Yes, I think we were given some.

Q. What were you told to do?

A. Just to try not to harass the people or hurt them.

Q. Was this training given in Hawaii?

A. Yes.

Q. Were you ever given any training in the rules of land warfare or Geneva Convention?

A. Yes.

Q. What did this training consist of?

A. What I would do if I was captured, try to escape as soon as possible.

Q. Were you ever given any training, which may have been on a legal basis, concerning the legality of orders?

A. Yes.

Q. What were you told?

A. That if you was told to do something by an officer, you should do it.

Q. You should do it?

A. Right.

Q. No matter what the order?

A. That's all I can recall.

Q. Don't say anything you don't recall. I don't want to put words in your mouth.

A. But every man knows that if an officer gives an order which he doubts, he should do something about it, such as try to find out why he wants to give an order like this.

Q. Were you ever told this?

A. No, I was never told this.

Q. When you got to Vietnam, were you given any further training before initiating your operations?

A. Yes.

Q. How long was this training?

A. About a week, 2 weeks.

Q. Where was it? That would be in the Duc Pho area?

A. Yes.

Q. Who gave you this training?

A. The Vietnamese forces and some American forces.

. It wasn't your company?

A. No.

Q. It wasn't your battalion? It was an outside unit?

A. Yes.

Q. At that time, was there any classroom-type instruction on handling POW's or noncombatants?

A. No, there wasn't.

Q. Geneva Convention? Have you ever heard of the rules of engagement?

A. I don't know, sir.

Q. Have you ever been told what to do if Vietnamese in an assault situation or in search and clear, search and destroy, if a Vietnamese runs from you?

A. Yes.

Q. What do you do?

A. You would yell, and if he didn't stop you would fire, and if he still didn't stop you would fire again.

Q. Fire to kill him or fire to wound him?

A. Wound him.

Q. Well, that basically is correct, but where did you learn this?

A. In Hawaii.

Q. You did learn it in Hawaii?

A. It was in Hawaii and in Vietnam.

Q. Do you remember when you got this, in your advanced individual training?

A. Yes, sir, it was in AIT.

Q. Did you remember that, if you don't --

A. (Interposing) I don't remember.

Q. Now you say you got this both in Hawaii and in Vietnam?

A. Yes.

Q. You've heard about this procedure? Was this a classroom type?

A. No, it was outside.

Q. Your whole company was involved with this?

A. Right.

Q. Was there any deviation from these instructions given to you prior to going into My Lai (4), or were you supposed to use this procedure?

A. Right. You were supposed to use this procedure, but I never heard anything about that. Well, before My Lai everyone was talking, if you seen a Vietnamese running from you, the same thing was done there.

Q. The same thing that was done in My Lai (4)?

A. Yes.

Q. What happened, were the people paying attention to the direction to stop or did they keep running?

A. They kept running.

Q. Did any of them stop?

A. Some of them stopped.

Q. All right, let's get an orientation on the aerial photograph in front of you.

(COL WILSON orients witness on aerial photograph which, following annotation by the witness, is entered into evidence as Exhibit P-130.)

The witness has been oriented on the aerial photograph.

The first thing I am going to ask you to do is go through a series of photographs and separate them into two piles. I'm interested in whether or not you can identify the place or the people. If you can identify either one even remotely, set it in one pile, and those photographs that mean nothing to you, set in another pile. I don't care whether you saw these photographs in LIFE magazine or not. I'm interested in whether you can identify people or places, not whether you saw them before in some other place. So we'll break now and let you associate these photographs.

(Witness studies photographs.)

COL WILSON: The witness has gone through all the available photography and has selected those photographs which he can identify.

Sergeant HUTTO, what I am going to do now is ask you if you can recall -- to walk through the 16th of March, from the time you landed, and see if we can locate anything in particular in the village that you recall, or relate it to these photographs. Now, do you remember where the landing zone was?

A. It was on the western side.

Q. It was on the western side of the village? Do you recall this hedgerow going out east-west, a line of trees?

A. I don't remember that hedgerow.

Q. What squad were you in? Which platoon?

A. Second platoon.

Q. And which squad did you work with?

A. I don't remember.

Q. Do you remember when you got off the helicopter, do you remember a well on the landing zone?

A. No. This type well?

Q. Yes. The type well as shown on photo 65, do you remember that?

A. I remember seeing those poles.

Q. Was this near your landing area or some distance?

A. Some distance away.

Q. When you landed how far did you have to go to get into the village?

A. No more than 100 meters.

Q. Were you in the first lift or the second?

A. First.

Q. Do you remember whether your gunner was firing or not as you approached the landing zone?

A. No.

Q. Do you know which direction your aircraft was facing when you landed?

A. It was facing towards the northern edge of the village, northwestern edge.

Q. You mean the northwest corner of the village?

A. Yes.

Q. Did you get out of the right or the left door as you faced the forward portion of the aircraft?

A. Right side.

Q. So that you had to move directly from the door to the village?

A. Yes.

Q. Did you say whether you remembered this hedgerow or not?

A. I don't remember that.

Q. But you say you were about 100 meters from the village when you landed, about up in here?

A. Yes.

Q. Point 1. When you left the helicopter and moved to the edge of the village, is there anything in particular that you remember?

A. As soon as we got to the village, we hit this trail. It was on the outside of the village, or I was.

Q. Do you recall whether you were on the left or the right flank of the platoon or in the center?

A. On the left flank.

Q. Was there anybody further to your left? Could you see any troops to the left as you moved along that trail?

A. No.

Q. And were you in the village the entire period?

A. Not the entire period because we walked down a trail and then went inside the village.

- Q. This was which squad, do you remember?
- A. I don't remember.
- Q. But it was the 2d Platoon?
- A. Right.
- Q. Did you hold up at all before you moved into the village while the platoon moved on line?
- A. Right. We put up a perimeter while the rest of the people were coming in.
- Q. Was this in the direction of the village or away from the village?
- A. In the direction of the village.
- Q. You established a perimeter?
- A. We established a perimeter on the outskirts of the village. The rest of the company was around the rice paddy, and our platoon was closest to the village.
- Q. Which way were you facing?
- A. Towards the village.
- Q. You mean you were facing east?
- A. Towards the village. I would say it's a little bit further up.
- Q. Now when your squad moved off, it moved around this route here, is that correct?
- A. Yes, generally around in that direction.
- Q. You don't remember the squad leader?
- A. No.

Q. But you believe you were on the left flank?

A. Yes.

Q. Now when you moved down this trail, did you ever break from the trail and go out into the paddies?

A. No, we stayed on this trail. We stayed on a little ways, and then we went into the village. There was a clearing. We could see a good bit.

Q. Did you cut back here in other words and cut across this clearing and go back into the village?

A. I don't remember cutting across this clearing.

Q. Did you follow the trail?

A. I think we cut back a little ways and around this clearing.

Q. But you did go up to the trail on the extreme outside of the village?

A. Yes.

Q. You moved up here and hit the trail and then cut back around through here on this side. Where did you go from there?

A. From there we just kept on going straight through the village.

Q. Straight through the village. Could you see the outside edge of the village at any time? How far were you from the outside edge?

A. Yes, we could see the outside edge.

Q. About how far was it?

A. At times I would say it was about 100 meters.

Q. That far?

A. Yes.

Q. Could you see any people to your left?

A. No.

Q. No other soldiers to your left?

A. There was no one to our left.

Q. But you stayed in the village?

A. In the woodland.

Q. But you were 100 meters from the edge. Were you 100 meters from this trail that goes along the edge of the village?

A. Anywhere between 100 meters.

Q. Was your squad in a column or on line?

A. On line.

Q. What kind of front did you have, how many meters?

A. Anywhere from 75 to 100 meters.

Q. You were going through the outside of the village?

A. Anywhere from 100 meters on, just according to where you get through it.

Q. Well, we'll just generally give you a general direction here. Do you recall anything as you moved through the village that you could recognize as a landmark?

A. No, there isn't.

Q. Now when you moved on through, do you recall sometime that morning a helicopter landing? Do you know that CARTER was wounded? Do you recall this?

A. Yes, I heard it.

Q. Did you see it?

A. No.

Q. Did you see the helicopter come in to evacuate him?

A. No.

Q. You didn't see it from the air or the ground?

A. No.

Q. Is there anything in particular that you recall on a time basis that day that would make you remember the time?

A. It was during chow.

Q. What time was that?

A. Sometime just before chow.

Q. What happened?

A. That he shot himself.

Q. CARTER?

A. Right.

Q. How long after he shot himself did you find out about it?

A. Within 15 minutes.

Q. How did you find out?

A. We heard it on the radio, that's how the word got to us.

Q. You heard it on the company net?

A. I didn't hear it, but it would go from one man to another.

Q. At the time that you found this out, you were eating?

A. Right.

Q. The log shows that Sergeant CARTER was wounded at 1020 in the morning. Is this about right?

A. Something like that.

Q. Now where were you when you found out about it with relation to the proximity in the village, halfway, three-quarters of the way, all the way through?

A. All the way through.

Q. You had gone all the way through by the time CARTER was wounded? We'll just generally put you through here like this. Did you wind up on the edge of the village, or did you move out into the rice paddies?

A. On the edge of the village.

Q. You stopped on the edge?

A. Yes.

Q. Now you were here when you heard CARTER was wounded. Do you think you were farther back? Do you think you were back in here?

A. Back in here someplace.

Q. You stopped to eat back here not out here in the paddies?

A. Right. It was a thick woodline, I know that. It would have to be up in here somewhere.

Q. You didn't move across some open paddies to get to that thick woodline?

A. No.

Q. You stopped in the village to eat?

A. Right.

Q. Right about here?

A. There was a little ditch just on the other side of this woodline.

Q. What about that ditch, anything?

A. No.

Q. Now you moved on out after you ate. Where did you go? Did you go beyond the village?

A. No, we moved back in towards the village.

Q. Back down towards the south?

A. Right.

Q. What did you do that for?

A. Well, we was moving to another location. We made a right turn around the eastern side of the village and followed trails.

Q. Are you sure you did this? You were going right in front of the 1st Platoon?

A. Well, during all this chow, there wasn't any more fire.

Q. When did the firing stop, before chow?

A. Just before.

Q. When did it stop?

A. I guess it stopped somewhere on the eastern side of the village.

Q. Why?

A. I don't know.

Q. Were you conducting reconnaissance by fire?

A. Right.

Q. Where did you start that?

A. Right back here, the first engagement on the northwest of the village.

Q. That would be at the perimeter area?

A. Right. From the perimeter.

Q. Do you really believe you turned south?

A. Right.

Q. Where was the 1st Platoon?

A. The 1st Platoon was back up in the village.

Q. You moved in front of the 1st Platoon?

A. We was gathering up to move south.

Q. Going back through the village?

A. Not all the way back.

Q. Do you understand that the 1st Platoon was moving along here and the 2d Platoon is moving along here. Now if you cut back like this you're going right back into the 1st Platoon, and I don't understand the reason for it. If you did it, I can't understand the reason for it. I can't imagine two platoons walking into each other. Whether the firing had stopped or not there would be no possible reason for it. I don't want to sway you, but I can't understand turning south when you've got a platoon that has already established a perimeter down there.

A. We had established a perimeter all through here.

Q. Well, you've established a perimeter right in the middle of the 1st Platoon.

A. I think --

Q. (Interposing) In other words, you established contact with the 1st Platoon and put a perimeter out here.

A. Right.

Q. I'm sure that's right, because we have other testimony that about the time you stopped to eat, that a perimeter was established, and that would have been the 1st and the 2d Platoons. So I think I'm following you a little bit now. You don't mean the whole platoon moved south. You mean you moved south, or your squad moved south, or do you?

A. Well, we set a perimeter once we got to the edge of the village. And so the right flank of the platoon joined up with the 1st Platoon and made up the perimeter there.

Q. In that general area? Let's run your perimeter -- the other part of the platoon would probably have been up in here, and you would probably have come around like this.

I think it would be best to confine it to that squad. You say that squad established a perimeter around here like this, is that right?

A. Right.

Q. Your squad? This would be the second perimeter, right? And this would be the one for your squad?

A. For the whole platoon.

Q. Unless you actually know where the rest of the platoon was, I don't want to put it in here.

A. I don't know where the rest of the platoon was.

Q. Let me ask you this, do you know how many squads were in the platoon that day?

A. Three squads.

Q. Were there three squads on line and one squad in support?

A. I don't remember that.

Q. From what you told me, you were the left-flank squad, but you never saw anybody to your left?

A. No.

Q. You were the left-flank squad. Now if you were still the left-flank squad that means the right-flank squad is going to be extended down here. Where is the 1st Platoon going to be? You've taken over the 1st Platoon area.

A. We set up a perimeter through here, and I remember, after we got through with chow, we moved back through the village.

Q. Did you go all the way through?

A. No, not all the way through, just a little ways through and formed up and went across the rice paddy.

Q. This is an approximation of where the perimeter is in here. Somewhere in that area. Now you say you formed up and went back and went out into the rice paddies?

A. Right.

Q. Was there anything of significance that happened after you got out into the rice paddies?

A. No, I don't remember.

Q. Did you see a helicopter land?

A. I don't remember seeing a helicopter land.

Q. Okay, let's look at these photographs. Photo number P-16, what do you identify in that photograph?

A. That's when we moved back to the village. We could see this.

Q. This is after you have reached the outskirts of the village and come back through the village?

A. Right.

Q. Do you remember the approximate location of where this was?

A. Well, the reason why I remember this is because we moved back through the village, and I hadn't seen these hootches before, and this was in another platoon's sector.

Q. You would have moved back in the south area then? Is this on the east side of the village? It must have been. If you had already cleared the village and then went back into it, you didn't go very far back or did you? How far back did you go?

A. About 200 to 300 meters.

Q. That would put you back almost on the other side of the village. The village is hardly a quarter of a mile long, somewhere around 400 meters and occupied less than half a grid square.

A. That must have been within 100 meters then.

Q. One hundred meters from the east side of the town. Somewhere in the center or to the south?

A. Somewhere to the south.

Q. Approximately right in here. You came back in, came back down this way, and you were in about 100 meters, about right in there. Would you say this was in another platoon area? I don't know how you'd determine that. If it were in another platoon area, then it would have to be south. There was no platoon to the north. How do you know this was in another platoon area?

A. I didn't see this. It could have been on our platoon's right flank.

Q. Do you think that the approximate area of this photograph is right here? Somewhere around this area, 100 meters back in from the edge of the village and in the center (a mark was made on the aerial photograph P-130). Now is there anything that you remember after moving out into the paddies?

A. We followed the woodline to the ditch, and we followed it.

Q. Which direction?

A. South.

Q. You went south?

A. Yes.

Q. You went down toward Hill 85. Anything significant about the ditch?

A. No.

Q. Let's look at photo 26. Do you recognize anything in that photo?

A. That looks like where we was getting lifted out.

Q. Where would that be, LZ Dottie? This is a better photograph.

A. That was Dottie.

Q. Was this the 16th of March?

A. That wasn't Dottie.

Q. Why? You don't think that's Dottie?

A. No.

Q. What about photo number 33, this is the same photo as the one you identified earlier which was photo number 16?

A. Right.

Q. Photo number 34?

A. The same hootch.

Q. Photo 61?

A. That looks like where we was going across the rice paddy.

Q. Do you think this is on the outside of My Lai?

A. Yes.

Q. Do you think it's out in here somewhere?

- A. That's what it looks like.
- Q. It doesn't look like the landing zone?
- A. No.
- Q. Well, do you think that photo is out in this area, out in the rice paddies, or do you think you could identify it clear enough so you could put it on the photo?
- A. No.
- Q. What about number 64?
- A. I remember going across the rice paddy, tall rice.
- Q. You couldn't locate that photo?
- A. No.
- Q. How about number 123?
- A. This was at Dottie.
- Q. 123 was at Dottie?
- A. Yes.
- Q. 124?
- A. The same.
- Q. 124 is at Dottie. What about 126?
- A. This is where we set up the perimeter that night.
- Q. This was after you joined up with the company?
- A. Right.
- Q. This is the evening of the 16th?
- A. Right.
- Q. The evening of the day that you conducted the combat assault?

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A. Right.

Q. Who are these people, do you know?

A. I know this is Sergeant SMAIL.

Q. The man in the center is Sergeant SMAIL?

A. I know these but I don't know the names.

Q. What are they doing?

A. Digging a foxhole.

Q. And this was for your night laager. What about photo 127?

A. That was the resupply chopper.

Q. And where was it coming?

A. It landed on the inside of the perimeter.

Q. Is this during the evening?

A. Right.

Q. I see, this was when you were getting ready to laager that evening, is that right? The first day, the 16th? Is there anything else that you can recall that should go on this photograph that you can fix the location of?

A. There's nothing else that I can remember.

Q. Now this is prepared from memory, Washington D.C., 30 December 1969. Would you sign that please?

(The witness signed the copy of the aerial photograph, which was entered into evidence as Exhibit P-130.)

Sergeant, have you got any further statements or testimony that you would like to offer?

A. No, no more.

Q. I want to remind you that you are not to discuss the questions and answers or the matters that have been discussed at this hearing unless you may have to do so in accordance with law. Now if you are called to a Congressional hearing or something like that, I'm just warning you this does not apply. And if you have to appear in court, at a court-martial, this warning does not apply. You are just not to discuss this unless it's on official business. And if you have any questions on it, call us back here. You are definitely not to discuss it in public or with the press. And I think we will want to ask you some questions on the roster. This hearing is recessed.

(The hearing recessed at 1338 hours, 30 December 1969.)

SUMMARY OF TESTIMONY

WITNESS: LACROIX, Lawrence C. SGT

DATE OF TESTIMONY: 22 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: Murder

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Squad Leader, Third Squad, Second Platoon, C/1/20.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness was briefed by Captain MEDINA on the afternoon of 15 March (pg. 6). MEDINA did not say how long the operation was going to last, but he told him that their AO had been extended to include the area of Pinkville for the operation and he estimated they would be there for three or four days (pgs. 6, 7). He told them that the 48th VC Battalion and North Vietnamese Regulars were there. They were to be airlifted to the rice paddies surrounding My Lai (4) and they were to destroy the village and everything that offered resistance to them (pgs. 6, 7). He drew a picture in the sand indicating the locations of the platoons and the squads, and told them how they would move through the village. The witness did not recall a statement by MEDINA that all the people would be VC sympathizers, but this is what the witness thought because the villagers allowed the VC to remain in the area (pg. 7). He did not specifically recall MEDINA mentioning the burning of houses, but he did think they were supposed to destroy the village so that it would be of no use to the VC. They were also told that the National Police and ARVN soldiers would be operating to the south and that all detainees would be turned over to that ARVN battalion (pg. 8). MEDINA told them that they would co-locate with Bravo Company for a night camp and that Bravo Company would

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be operating on the peninsula (pg. 9). He believed that MEDINA got the idea of revenge across to the company (pg. 11). The witness attended a memorial service and he felt that the mood created in the men was that of quitting not of revenge, which was a feeling that came across them when a friend was actually shot (pg. 10). He felt the dominant mood or feeling in the company was that of extreme fear because they expected a stiff fight (pg. 11). He stated that the attitude of the men in the company toward the Vietnamese was one of extreme hatred, dislike, distrust, and very little sympathy and pity (pg. 38). He would not personally sacrifice a GI for any Vietnamese, and he stated that some of the soldiers could have felt that killing thousands of "gooks" would not bother anyone (pg. 38).

2. THE ASSAULT ON MY LAI.

a. The landing zone.

The witness originally declined to answer questions on what the squad did immediately after they got out of the helicopters on the landing zone (pgs. 11, 12). He did state that the landing zone was located on the southwestern side of the village (pg. 14).

b. Initial movement.

The witness agreed there was much reconnaissance by fire from the time they hit the LZ. He stated that it died down about midway through the village, probably because the villagers had ceased running around and they had finally gotten some control (pg. 33). He mentioned that the first half of his time in the village was spent on the ground crawling (pg. 33). About halfway into the village on the northern border, they received radio communication from a helicopter to Lieutenant BROOKS indicating that there were some VC that were shot off to the north, and that they should pick up the weapons (pg. 12). They were told to move toward that direction and the helicopter guided them, possibly by popped smoke to guide them (pg. 13). They then received word to turn toward a small, unnamed village, which he agreed was 500 to 600 meters to the north of My Lai (4) (pg. 13). He stated that he thought that MEDINA made the decision to move into the village and search it (pg. 13).

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transmissions between Lieutenant Colonel BARKER and Captain MEDINA (pg. 26). Although it was unusual for him to have a radio, he stated that it was a "new toy" for him (pg. 27). He stated that he knew the call signs within the company, but that he could no longer recall any of them (pg. 29).

e. Activity after meeting in My Lai village.

The witness stated that they linked up again and began moving to My Lai (5) where they found very few people and nothing else (pg. 19). He could not recall if the village was burned before they left it, but he did not believe it was (pg. 20). He did not recall making it through My Lai (6) because they were behind schedule to link up with Bravo Company (pg. 20). He stated they laagered in a graveyard to the south (pg. 20). He stated that he thought that during the evening while in the night laager area Lieutenant Colonel BARKER told MEDINA over the radio that he did not want the ARVN's along with the company any more (pg. 34).

3. INVESTIGATION CONCERNING THE ASSAULT.

The witness stated that during the afternoon of 18 March he was lifted out of the area and returned to Landing Zone Dottie (pg. 34). He was not met by a field grade officer nor was he questioned about the morning of the 16th in My Lai (4) (pg. 34). He stated that MEDINA called the company together and stated that they were not to discuss the activities, but they could talk with the investigating officers if they were questioned (pg. 34). The witness was never questioned by anyone nor to his knowledge were any other members of the company (pgs. 34, 35). The witness stated that if the investigation had been conducted, the men would have told the story of what had happened (pg. 35). He did not know why it was not investigated but felt that because the incident passed through channels it took a long time and "unfortunately the press media got a hold of it" (pg. 26).

4. OTHER INFORMATION.

a. The witness stated that MEDINA was a former NCO and was a hard man to get along with (pgs. 15, 16). He said MEDINA was the best commanding officer he had worked

with. He did not think MEDINA would be easy with the Vietnamese but he stated that MEDINA was hard with his own men and would be hard with just about anybody (pg. 16). He felt that if there was any raping done by men in the unit, MEDINA would have had the man court-martialed (pg. 16).

b. The witness stated he would not condone raping, but he stated that he believed one person had participated a couple of times but the person was no longer living (pg. 17). He stated that the men in his squad, while operating with him, did their job and did not have time to play games with women (pg. 17). He stated that he knew many instances where girls were raped by members of Charlie Company but he could not say whether officers or NCOs were present or could control the men (pg. 45). He stated that he did not see this happening very often in his platoon and stated that he felt it was because of the fact that they had a job to do (pg. 45). He said he had heard rumors of other squads in the second platoon engaging in this type of activity (pg. 45). He had not heard of an incident in which someone was threatened to be killed if he did not stop interfering with the men forcing their attentions on girls (pg. 46).

c. The witness stated that all he had heard of Bravo Company's activity near the seacoast was a few weeks after the operation when he received a report that certain members of Bravo Company were under investigation for supposedly doing things in another village similar to those that supposedly had happened in My Lai (pg. 21).

d. The witness stated that he could not definitely point out any individual or group under the influence of marijuana but felt that there were "quite a few" (pg. 41). He stated that an individual in the unit named ROTGER smoked marijuana and used heroin while in Hawaii but that MEDINA tried to reform him. He stated that ROTGER came over one night and awakened him, reporting that they were being attacked by "15 wild, pink elephants" (pg. 41). He did not feel that marijuana was a significant factor in what had happened that morning, but he also stated that a number of witnesses were probably afraid to talk about marijuana to the investigation (pg. 42). He said that marijuana led to hallucinating and indulging in fantasies (pg. 42). He did feel that an individual who had been using marijuana could "come down

instantaneously" if it were necessary (pg. 43). He felt that the use of marijuana did impair the squad that day and reduce their effectiveness but that this was also an everyday thing (pg. 43). He stated that the officers were doing as much as possible to control this within the company but he could not recall any charges being brought against people except for a man named GRUVER who was later court-martialed in Chu Lai and DOUGHERTY who was arrested for sales (pg. 44). He did not know anything about officers using marijuana (pg. 44).

e. The witness discussed Lieutenant BROOKS and the fact that when BROOKS first came in he was a young second lieutenant who did not know anything (pg. 46). He said that BROOKS eventually "let up a little bit" and became "one of the guys" (pg. 47). BROOKS initially could not read a map and frequently lost the squad, but when he learned how to run the platoon he was good "for a while" (pg. 47). He stated that BROOKS then started to let up too much on marijuana (pg. 48). He stated that when BROOKS was assigned to A/1/52 he was described as "the most outstanding platoon leader they had ever seen" (pg. 48).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-1	Aerial photo of the My Lay (4) area	Used to orient the witness.	11
P-39 and P-41	Miscellaneous Scene	Witness stated that the rice in the background was a different color implying that the photos would have been taken at two different times of the year.	48
P-59	Miscellaneous Scene	Witness identified as possibly being BARKER's driver.	40
MAP-4	Map 6739 II	Used to orient the witness.	11

(The hearing reconvened at 1445 hours, 22 January 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Sergeant Lawrence C. LACROIX.

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

For the record, will you state your full name, grade, Social Security number, branch of service, organization, and station.

A. Lawrence Charles LACROIX, Sergeant E-5, Social Security account number , United States Army, currently stationed with Company C, 75th Infantry, Fort Carson, Colorado.

MR WEST: Sergeant LACROIX, before we get into any questions, Colonel MILLER will advise you concerning the nature and purpose of this inquiry and discuss your testimonial rights.

COL MILLER: Sergeant, the investigation now being conducted was directed jointly by the Secretary of the Army and the Chief of Staff of the Army for the purpose of inquiring into and making finding and recommendations concerning two major areas of interest:

(1) the adequacy of prior investigations and prior inquiries that my have been made within the chain of command, in what we now call the My Lai incident of March 1968. Along with the investigations and inquiries, we're also to look into the reports that may have been made, and the reviews of those reports. To put it another way, to investigate the investigations and the reports that were made at the time, and

(2) to determine whether there was a possible suppression or withholding of information by any person who had a duty to report this information concerning the My Lai incident.

General PEERS has been appointed as the investigating officer and we are all his assistants in the making of this investigation. The investigation is primarily for the two purposes which I have just mentioned. It is not our primary purpose to determine exactly what happened at My Lai on 16 to 18 March. However, in our investigation we do get into many of these details in order to determine, among other things, what information there was available within the chain of command that might have caused them to want to investigate. But the details of what went on are secondary to those two primary purposes.

We've had made available to us and we have read prior statements made by many witnesses in this case. These have consisted primarily of statements made by witnesses in the Inspector General's investigation which was run last spring and last summer, the CID investigation which was and is going on, and to a lesser degree any other statements that may have been made by these witnesses. Among others we have read your statement which you made to Colonel WILSON last summer.

Your testimony will be taken under oath. A verbatim transcript will be prepared. In addition to the reporter we also have a tape recorder. This is a backup more than anything else.

The general classification of our report is confidential; however, it is certainly possible that some or all of the testimony that is given at this investigation may at some time become a matter of public knowledge and public record.

I believe you are subject to the order of the military judge in the general court-martial case of the United States v. Calley. Did you not receive a letter from the trial counsel?

A. Yes, sir, I did.

Q. I'll get to that in just a moment. In the meantime, you are ordered not to discuss your testimony in this investigation with others, including other witnesses for the investigation, except as you may be required to do in the performance of your official duty or before a competent administrative, legislative, or judicial body. This board is an example of an administrative board. This limitation would certainly not limit you from

discussing the case in any way with your counsel, that you either have or may have in the future. It's directed to discussing in public, with the news media, and except as you are required to, whatever you've discussed with us today.

Your appearance and your testimony before this hearing is not in violation of the order of the military judge in the Calley case. In other words, you can testify here and not be violating his order. However, his order does stand, and the fact that you appear here today does not relieve you from the applicability of that order any place else. Now do you understand the things I've gone through so far?

A. Yes, sir, I do.

Q. Would you like to have me explain them any more?

A. No, sir.

Q. I told you that we have reviewed statements of other witnesses and we had also read your statement. I want to be very certain now that you understand your testimonial rights. I noted that after you had testified for a while before Colonel WILSON, he determined that there may be some reason to suspect that you might have been guilty of the offense of murder, and he advised you of your testimonial rights at the IG investigation, including your right to counsel.

I understand that at the pretrial investigation in the Calley case you also were advised of your testimonial rights. You were also advised that the government, at least the counsel for the government, had no evidence against you. As I understand it, you did not request counsel, but you did not further testify at that time.

A. Yes.

Q. I have reviewed many of the statements and except for your own testimony I have no evidence of commission of any offense by you, with one possible exception and I'll tell you in general terms what that is.

One of the members of your platoon who had appeared here was asked if he knew you, and he said, in effect, that he knew you were doing some searching. He said: "I remember--I think he shot a kid, I'm not sure, I can't say for a fact that I seen him, but I think I just remember that."

On the basis of this, of course, I wish to advise you that with respect to the My Lai incident, we do at least have a suspicion that you may have committed this offense of murder. You have, by your own admission, used civilians as, shall I say, mine detectors, which is a violation of the rules of war.

I've noted that there are a number of areas in which your testimony before the IG was at considerable variance with the testimony of other witnesses who have appeared before us. The reason for this I don't know at the moment. In any event, with respect to the My Lai incident, and the matters concerning which we will question you today if you give us the opportunity, you do have these rights.

First of all, you have the right to remain silent, say nothing at all. Any statement you do make may be used as evidence against you in a criminal trial. You have the right to consult with counsel, and by counsel I mean a qualified lawyer, and if you wish, to have such counsel present with you in the hearing. This counsel could be a civilian lawyer whom you retain and employ at your own expense. Alternatively, it could be a military counsel who would be appointed for you. If there was counsel of choice who was reasonably available, that counsel would be made available. If you wanted to do so you could employ civilian counsel of your own choice and we would make military counsel available to you, and they could both be here. If you elected to have counsel, you certainly would be given the opportunity to consult with him here at any time, or he with you, or outside of this hearing, as far as that's concerned.

If you decide that you do want to answer questions today without counsel, you nevertheless have the right to refuse to answer any particular question, or you may request counsel at any time during the hearing. In short, you may decide not to answer any questions, you may request counsel at any time, and you may request questions stopped at any time. Do you understand all of this?

A. Yes, sir, I do.

Q. Would you like to have me go into this any further?

A. No, sir.

Q. I have two more questions. The first one is, do you want to have counsel made available to you at this time, or do you wish to retain civilian counsel?

A. No, sir.

Q. Are you willing to answer questions or to make a statement?

A. Some of them, sir.

Q. As I understand it you said some of them?

A. Yes.

Q. If you have questions again, at any time with respect to counsel, or feel the need for counsel, or wish to stop answering questions, please let us know. If I see any reason to warn you further of your rights, I certainly will do that, too.

A. Thank you, sir.

Q. Have you got a military counsel or civilian counsel at this time?

A. I have civilian counsel.

MR WEST: The hearing will be recessed.

(The hearing recessed at 1455 hours, 22 January 1970.)

(The hearing reconvened at 1500 hours, 22 January 1970.)

MR WEST: The hearing will come to order.

RCDR: All present when the hearing recessed are again present. I remind you that you are under oath, sergeant.

MR WEST: Sergeant LACROIX, when did you first hear of the planned assault on My Lai (4)?

A. I heard rumors of it for about 3 days prior to the actual assault, but we did not get the order until 15 March.

Q. I meant to ask you initially, would you tell us what your position was, what your duty assignment was on 16 March 1968, and your outfit?

A. I was the third squad leader of 2d Platoon, C/1/20.

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

A. Yes, sir. It was.

Q. When did you receive your orders for the assault on My Lai (4)?

A. On the afternoon of 15 March.

Q. Who gave you the orders?

A. Our commanding officer, Captain MEDINA.

Q. Did he say anything about how long the operation was going to last?

A. No, sir.

Q. What did Captain MEDINA tell the company about the operation, what were his orders to the company, as best you remember?

A. As I remember it, he gathered us all together on the side of a bunker and he started off by telling us we were going to go into Pinkville, that our AO had been extended to include the area of the Pinkville for this operation. And he

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said he was not sure how long we were going to be there, he estimated 3 or 4 days and then he proceeded to tell us that it was heavily infested with Viet Cong and North Vietnamese regulars, which we knew, and that our initial mission was to be airlifted in to the rice paddies surrounding My Lai (4), and we'd start a sweep of My Lai (4) and destroy the village and anything that could have been used by the Viet Cong such as cornstacks, homes, bunkers, and destroy any and everything that offered resistance to us. He proceeded to draw a picture, a type of map on the sand in front of us and explained where each platoon would be, each squad of each platoon, and how we would move through the village as a company. And that's generally what he told us.

Q. Did he describe the enemy strength in any detail? Did he talk about the people who might be in My Lai (4)?

A. The only strength report that he gave us, as I remember, was that it was the 48th Viet Cong battalion, and aside from that he made no mention of anybody or anything else we might find.

Q. Well, we've had several witnesses tell us, and I don't believe I heard you mention this, that when Charlie Company got into My Lai (4), the people who would be there would be VC or VC sympathizers. Do you recall such a statement?

A. I couldn't swear to it. No, sir. My two cents for what it's worth, he probably did say it, as I believe they were. We had received fire from this village before, therefore the villagers themselves must have sympathized with the Viet Cong, if they allowed them to use their village.

Q. Was this operation now limited to the hamlet of My Lai (4) or was Charlie Company to proceed from this hamlet to others?

A. It was to proceed to other hamlets.

Q. Then the orders applied to other hamlets that Charlie Company was to move against, as well as My Lai (4)?

A. Yes.

Q. I don't recall, did you mention whether Captain MEDINA said anything about burning of houses?

A. Specifically, I couldn't state that he did say we were going to burn houses, but he said we were going to destroy them, so they would become no possible use to the Viet Cong. And two things I forgot to mention. In his original order he did tell us there would be National Police, ARVN soldiers, and I guess what you would call the Vietnamese militia from the villages around the area. There would be certain individuals of that type going with us on the operation.

And he also said that the ARVN unit that was located to our south, and to whom this AO belonged originally would be in a blocking force on the edge of the AO and that any civilians we did take as detainees would be turned over to the ARVN's with us and that they would be sent to this ARVN battalion and relocated in a village somewhere along Highway 1.

Q. Sergeant LACROIX, are you certain that it was in connection with this operation that Captain MEDINA made that statement?

A. It's been a long time, I won't swear that those were his exact words or anything else, but I remember him talking about the ARVN battalion a lot, and I remember other statements about relocation of individuals, civilians, and I do remember relocating them.

Q. Okay. Was there anything in Captain MEDINA's remarks that indicated that Charlie Company's mission had been passed down from higher headquarters, assigned from higher headquarters?

A. Yes, in just the general way he gave the picture, to include the other company that would be operating with us. The air support we would have. The fire support we would have. It had to be coordinated through higher headquarters.

Q. When you say the other company, are you thinking of B/4/3?

A. Yes, sir.

Q. Did he tell members of Charlie Company what Bravo would be doing?

A. Sketchily, he said that Bravo Company would be working on the peninsula and we'd come up around them and we'd form a colocation base camp-patrol base in between the villages on My Lai (5) and (6), I believe he said, in that area.

Q. He told you that that evening at Landing Zone Dottie?

A. Yes, sir.

Q. Do you remember a memorial service being held sometime prior to the briefing? This would have been a service for some men of the company who had been killed.

A. Yes, sir. There was.

Q. Do you remember when this took place?

A. Not exactly, sir.

Q. With relation to the briefing?

A. I'm not sure, sir. I believe it was right before the briefing, right prior to it.

Q. The same day?

A. I believe so, sir, very possible.

Q. We've had several witnesses tell us that, others have felt it was some little time before. We understand there were at least two memorial services, possibly within a period of a month. There was one for WEBER, who was the first man in the company to get killed, and one for Bobby WILSON whom the second service was held for. Do you remember the names of the others?

A. The one I attended, at least if my memory serves me, was for a member of my squad that was killed, Gus ROTGER.

Q. Was it for any other soldiers, at the same time?

A. I believe it was for WEBER at the same time.

Q. Do you think the memorial service had any effect on the mood and attitude of the men, with relation to the upcoming operation?

A. No more than on any other operation, sir. Can I clarify that?

Q. Sure, any time you want to.

A. The policy of the United States Army in Vietnam is to hold memorial services for those individuals who are killed in action whenever possible. I've attended quite a few in my time in Vietnam and I've never--it didn't put me in that much more of a mood any other time, than it did previous to My Lai. So I'm just trying to say I don't think that was the deciding factor, what mood we were in.

Q. Well, it's been indicated to us that Charlie Company, in the weeks preceding the operation against My Lai (4), had its troubles with booby traps, mines, and snipers. They lost quite a few men, without being able to come to grips with Charlie. Possibly there was a mood building up in the company, they were eager to come to grips with Charlie, get back at him for what he had been doing to the company. Some people have thought that the memorial service ahead of time tended to heighten that feeling, impress on them the things the company had suffered. This is why I asked the question.

A. If anything, sir, I think it would have lowered that feeling to most people, because it gives them a feeling of coming closer to God and they're locked in prayer. They have a deep feeling for the people that they've lost and most people at that time feel like they want to quit. They don't want it any more, their friends are getting killed, rather than revenge. That's an immediate feeling when the individual is shot or killed.

Q. Did Captain MEDINA talk about the operation being an opportunity to get revenge on the Viet Cong battalions in there? Perhaps not using that word, but did he get this idea across to the company?

A. I believe so, sir.

Q. What was your mood and that of the other men of the company, to the best of your recollection, after the briefing? Thinking of the day coming up, the next day?

A. Scared.

Q. Was there any other dominant mood or feeling about this upcoming operation?

A. Just extreme fear, I think. I don't relish the thought of going into a village where there are known bunker lines, known Viet Cong. Where we had been shot at from before, mortared from before.

Q. Everybody expected a stiff fight, I take it?

A. Definitely, sir.

Q. Let's move to the next day, then, Sergeant LACROIX. You have before you now an enlarged aerial photograph of My Lai (4) and vicinity (Exhibit P-1). It's oriented so that the top of the photograph is to the north, and you remember that off to the east is the China Sea. The scale of the photograph is approximately 1 inch equals 80 meters. To your left is a 1:25,000 scale map which has been admitted into evidence as Exhibit MAP-4. You'll notice My Lai (4) here in the center, the stream line moving around; you can see the same thing on the photograph. Notice the trail running south of the center of the village joining Highway 521; you can see the same thing on the photograph. The landing zone was in the rice paddies to the west of My Lai (4). Do these look familiar to you?

A. Yes, sir.

Q. Could you describe to us what you saw, what your squad did after you got out of the helicopters there on the landing zone?

A. I refuse to answer that, sir.

Q. All right. We understand that the 2d Platoon was assigned to the left or northern sector of My Lai (4), and was to sweep through the hamlet from west to east. Other witnesses have told us that the platoon did not go entirely through My Lai (4), but at some point within the hamlet moved out into the rice paddies north of the hamlet in order to recover weapons of two VC that were killed out in the rice paddies by a gunship. Do you recall this incident?

A. Yes, sir, I do.

Q. Could you describe the action of the platoon moving out to recover the weapons?

A. We had been sweeping the village, as you said, from west to east, on the northern sector, and, right in here (indicating) the village curves, where I believe the first squad, 2d Platoon, came out of the village and they stayed in that general area. The rest of us swept up and we got on kind of a line formation here, and moved toward this small clump of trees up here. Then we received directions from the gunship as to exactly which rice paddy the Viet Cong was located in.

Q. All right, for the record Sergeant LACROIX has indicated that the platoon left My Lai (4) approximately in the center of the north edge of the hamlet, where the tree line makes an arc on the northern border of the hamlet they proceeded north approximately 400 meters to a clump of trees. At this point was there a radio communication with the helicopter overheard?

A. Definitely, sir.

Q. Who was in the communication, Lieutenant BROOKS?

A. Yes, sir. It was.

Q. Could you describe what happened from then on?

A. Well, we had received word from the commanding officer to move to this location and to pick up the VC weapons, and any load bearing equipment that they had, and grenades. We moved in a platoon in column formation, three columns, and we were told to move directly toward that

clump of trees, and when we got there that the ship would provide us directions on exactly where the VC could be located. We got there and we were told they were about 50 meters to the west, and we were just constantly in communication until we were about 20 meters right in front of them. We finally came out in front of them and picked up the weapons, load bearing equipment, and at that time--

Q. (Interposing) They didn't pop any smoke for you?

A. I believe they did, and that was when we first started locating the general area we were to walk to, which clump of trees. And from there he was just giving us pinpointed directions until we were about 20 feet in front of them, but they were in the rice paddies, and in full grown rice it's hard to find anything. We also received word that we should move toward this small unnamed village from our commanding officer. I don't know its name.

Q. At this point that little hamlet lay to your north and to the northwest of you. And you are referring to the subhamlet directly north of the northwest corner of My Lai (4), maybe 500 meters, 500 or 600 meters, is that right?

A. Yes, sir.

Q. The correct name of this subhamlet is Binh Tay.

LTC PATTERSON: What kind of helicopter was it, Sergeant LACROIX?

A. I believe the initial contact was made with a gunship, but the one we were working with was not a gunship. I believe it was just a Huey.

Q. It was a Huey?

A. Yes, sir.

Q. And do you recall the callsign?

A. No, sir. I don't; it was a long time ago. Aside from that, he gave us word that when these two Viet Cong were spotted moving towards us, that there were also a few spotted running into and out of this smaller village. And at that time, I believe it was Captain MEDINA made the decision to move into that village and search it out.

Q. There were, in fact, how many dead VC there, where the weapons and gear were picked up?

A. There were two. There were a few dead individuals when we got to the village.

Q. To the village, but down here with--

A. (Interposing) The weapons, there were two.

Q. And they were in a rice paddy of some sort, or were they lying on dry ground, in a ditch, or what?

A. In a rice paddy, about dead center of one.

Q. Do you remember the kind of weapons that you picked up?

A. A .30 caliber M-1, and I believe the other one was a SKS, I'm not sure about the second one, I know for a fact that it was a .30 caliber M-1, because Lieutenant BROOKS was carrying it, and he was shooting ducks in a pond with it.

MR WEST: Going back to My Lai (4), did the 2d Platoon ever get back into My Lai (4) and complete the sweep through the hamlet, through My Lai (4)?

A. No, sir. It did not.

Q. We have had evidence that the 1st Platoon, somewhere midway through the village, spread out and was actually covering the whole village, north to south. Were you aware of this, or did you hear of this?

A. I hadn't heard it before, and I don't think it was possible. One reason is I don't think a platoon could cover 500 meters in a village. And the other thing is that the platoon, 1st Platoon--the landing zone itself was located a little bit on the southern western side, and as we walked through we met like this (indicating with hands), and as they came through they came out of the edge of the village about the same time that my squad did. And that's when we started our sweep up north, and, as far as I know, they stayed on the edge of that village for a while. I think they broke for lunch there while we were working.

Q. I see. Well, you actually didn't move from west to east, you moved in more of a northeast direction, I take it.

A. More than from a straight west to east.

Q. Well, is it your understanding, then, that the 1st Platoon took more or less the same--moved in the same direction through the village from the southwest corner angling up to the northeast?

A. More or less, sir. It was more or less a curving operation like this (indicating); with everybody involved, it's hard to describe.

Q. You moved east and then swung somewhat to the north?

A. Yes, sir. They did wind up on the northeast corner of the village and struck off for My Lai (5).

Q. All right, let's get back to the little subhamlet of Binh Tay. Could you describe the platoon's operations in this little subhamlet?

A. I think I'll refuse to answer that one.

Q. I'll ask you at least one other question about it, and you can answer or not, as you wish. While the 2d Platoon was in Binh Tay, did you hear any orders received to cease fire or reduce the fire or anything of that nature? Stop the killing or stop the shooting? This order would have come from Captain MEDINA.

A. I think I'll refuse to answer that one, too.

Q. During the morning of 16 March 1968, did you see any visiting officers from Task Force Barker or brigade or division?

A. No, sir. I didn't.

Q. What kind of an officer was Captain MEDINA?

A. Captain MEDINA used to be a noncommissioned officer of the United States Army. He was trained in how to handle men as a noncommissioned officer, and later trained

to be an officer. He was very hard, a hard man to just get along with. And when he said something, you damn well did it. And you knew you were in a lot of trouble if you goofed off. The best commanding officer I ever met, ever had the privilege to work with.

Q. There are a few other things I would like to ask you about him, which you can answer or not, as you wish. We've had some testimony that he was pretty rough in the handling of prisoners, Viet Cong or Viet Cong sympathizers or whatever they were. Do you have any knowledge of this?

A. Factual knowledge, no, but I don't think he'd be easy with them. He was hard with just about anybody he knew. He was hard with his own men, but he was good, real good.

Q. He was here; he told us about questioning some VC suspects on the second day of the operation when you were down near the Song Tra Khuc River, to the south. He stood this man up against a tree and fired his M-16 above his head and kept coming closer and closer. After each shot he'd ask the man if he was ready to talk. Finally he got so close that he decided he did want to talk. This was an example. Are you aware of any other things of this nature about Captain MEDINA?

A. No, sir, not directly. If he said he did it, I guess he did it. But I never seen it. Of course, I'm usually busy with my own squad, their operations. I don't have time to watch the captain.

Q. Do you know what his attitude was toward the men taking the women as they went through a village, raping them if necessary, to have the women?

A. I'm not really sure what his attitude was, but I'm pretty sure, depending on the circumstances, he would have either had him court-martialed, or done something to him himself. I don't think he would have said, "Sure, it's fine, go ahead, rape anybody you want to."

Q. Well, we've had some indications that it was the practice of quite a few men in the company, and this ran

through several of the squads. Any time they moved through a hamlet, village, be it to search and clear or whatever the operation was, sweeping through, it was pretty common practice to take time out, grab one or more of the women and have intercourse with them, whether it be rape or not. Some indications are that the company officers did nothing at all about it.

A. I wouldn't condone it, and I don't think most of them would have. I know for a fact of one who did; in fact, I believe he participated a couple times. He's no longer with the living, so it's none of my business. And I know for a fact that the men in my squad, while operating with me, did their job, and they didn't have time to play games with the women. And I think, especially through this operation, there was a feeling of most men--as I said earlier, we were scared, we knew there was something bigger, and the fact that we hadn't hit it when we first got into the village didn't mean we weren't going to hit it in 10 minutes. Most people were fairly well on their toes throughout the whole operation.

Q. Did the platoon burn the hamlet of My Lai and Binh Tay before you left?

A. I don't believe so. There may have been a few buildings burning, but I know that the northern edge of the village where we came out was not burning. I can't really recall the southern edge, because we were pressed for time and trying to catch up to the company.

Q. We've had some testimony that before the 2d Platoon left the hamlet of Binh Tay, they rounded up 50 or 60 people, Vietnamese people, sent them off to the southwest. Do you recall anything of this nature, whether these figures are accurate?

A. I'd say that the figures are definitely not accurate. It was about 100 to 125 people rounded up in this small village alone. And probably another 300 from the village of My Lai (4), and they were all sent to the southwest with the ARVN group that was working with us. A few of them led them over, and, from what I understood, they were going to be taken in by this ARVN battalion and relocated along Highway 1.

Q. You know, Sergeant LACROIX, this is rather remarkable. I've personally talked with over 60 members of Charlie Company, including quite a few members of the 2d Platoon. You're the first person who has ever told us that 200 or 300 people were gathered up in My Lai (4) and sent off anywhere with anybody.

A. I'd say very definitely--

Q. (Interposing) Are you sure it was this same operation?

A. I'm very positive it was this same operation. We were sweeping the village. When we initially hit it, there was a lot of movement, a lot of anxieties, a lot of people running all over the place, and rounds ringing all over. I know I was crawling half the time. But through the later half of the village things started settling down. We were moving them into groups, and they were formed along the northern edge. Some of them were detained by us and later moved to our collocation patrol base, where they were questioned by the National Police, the ARVN, the interpreters. Some were sent immediately back to this relocation center.

Q. Perhaps we're apart only in numbers, here.

A. I may be mistaken on the numbers; it was just a good guess.

Q. The scene has been drawn for us by many witnesses-- these are not only people of Charlie Company, but others were there who observed from helicopters--gunship pilots, aero-scout pilots, and those in command and control helicopters--in that there was, as soon as the combat assault began, a general exodus of people from this whole area, a number of refugees streaming out of the area, moving down 521 toward Quang Ngai City. There was that large exodus from the area. There were smaller, much smaller groups of people, small groups, two, three, one, scattered, running in different directions. But the evidence is overwhelming that Charlie company, except for the group that you rounded up in Binh Tay and sent off to the northwest, Charlie company didn't detain any Vietnamese people in any substantial numbers. Or any at all until after the firing stopped on the eastern end of My Lai (4), when they did take into custody a few people.

A. I'm not trying to differ with you, sir.

Q. That's the picture that's been painted for us.

A. And call me a liar, but I remember, in fact, I believe--

Q. (Interposing) We're groping for the facts.

A. I believe that was the first time I had seen Captain MEDINA since the initial assault began was when we left Binh Tay with this large group we had. We came back down to meet the company at the northeastern edge of the village. We were to proceed through My Lai (5) and My Lai (6), and as we met the company, I remember asking Captain MEDINA myself, "What shall I do with all these people?" And he said, "Put them with that group there, we're going to move them southwest, we're going to have them relocated, they're going to join the ARVN's." And I remember seeing a whole herd walk around the corner.

Q. Yes. Well, we've been given a somewhat different picture, as I indicated, of the group you separated from a group earlier, and they went on to the southwest. But this is not far off. If I understand you, then, the group of Vietnamese detainees you had with you joined with another group down there where Captain MEDINA was.

A. Yes, sir.

Q. And they moved off to the west, around the corner of the hamlet to the southwest. Okay, can you tell us what happened after this, now?

A. We linked with the company again and began moving to My Lai (5) and up to our colocation patrol base.

Q. What happened in My Lai (5)?

A. Just about nothing, the buildings were old and not being used; it appeared that way. We searched, we didn't find anything, very few people, and what we did find we moved on to our patrol base.

Q. Was the hamlet burned before the company left it?

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Q. We're reasonably familiar with what Charlie Company did the next few days. They moved into the south with the 1st Platoon, going up on Hill 85 where MEADLO stepped on a mine and lost a foot, Lieutenant CALLEY was injured by fragments at the same time. Then the company proper moved on down to the water and back up again, laagering in for the night in a graveyard. What is your recollection of this day, the 17th? Did the company burn the hamlets that it came through on that day, for example?

A. No, sir. Most of the hamlets we came through were totally deserted. They looked very well lived in, but the people had up and left. And we were again pressed for time. It's a long way down to the sea and then coming back up to that graveyard to get back into artillery range. And we did finally laager in that graveyard, that's where I found a cache of mines that we blew up later that morning.

Q. You know we've had several witnesses tell us that you burned these hamlets as you moved through, about three of them. But I take it you don't recall this?

A. I don't recall it. I may be mistaken, there are quite a few villages in the entire AO that we have burned--

Q. (Interposing) Do you recall anything of interest in particular that happened that day that might have some bearing on our investigation here that I haven't asked you about, perhaps?

A. Not really, other than you did ask me about how Captain MEDINA treated prisoners, and I believe they did pick up a Viet Cong nurse or two, or something like this, and a few Viet Cong down on the southern edge of the water. I was in a security position; I don't know what happened. That's about the only interesting thing that happened that day.

LTC PATTERSON: Back on the incident out in the paddy there, to police up these weapons. Can you give me a fix on about what time that was? If the operation started about 0730, sat down at 0730 in the morning there, was it right away, or was it at some later time?

A. It was at some later time, sir. I remember

that, I'd say at a guess, maybe 1000, 1030--

Q. (Interposing) In the morning?

A. Yes. We moved down there, recovered the weapons, went through Binh Tay, and when we hit the other side of Binh Tay we broke for lunch at the edge of it. So I can't really fix the specific time. It was at least that late in the day, though, I imagine, unless we ate at 1000. I wasn't watching the watch.

Q. Again, we have reason to believe that it happened much earlier than that, somewhere a little after 0800, maybe 0830, about an hour--

A. (Interposing) I don't see how, because we did go through at least a good half of the village anyway. And then again, we went through Binh Tay, and after Binh Tay we ate lunch. Just a guess, but I know it had to be a little while longer. I believe they were killed earlier by the gunships, because as I said, it wasn't the gunships that directed us to them.

Q. It was not?

A. No. It was a Huey, not a gun.

Q. What is a Huey?

A. A Huey is a UH-1B, like a Charlie-Charlie ship; it's got a pilot and a copilot, and it has two doorgunners. A gunship is laid in with rocket launchers, miniguns on the front.

Q. Right on the side there, and the front, that you can see?

A. Right.

Q. This ship that was directing you was not one of those?

A. No, sir. I'm almost positive it wasn't, because the gunships were being used elsewhere or refueling at all times. They couldn't just wait around to show us something over here, to stick around while we had to find it for them.

They don't have the capability to stay in the air that long.

Q. Did you see any other kind of helicopters in your travels that morning?

A. I believe there was a--I can't remember the name of it, a little bubble chopper, looks like a mosquito.

Q. What was it doing?

A. I'm not sure, sir. It was flying around. In fact, I believe it landed.

Q. Did you see it land?

A. I believe so. If I recall correctly, in fact, I think one of its blades hit the top of a tree, as it was coming down.

Q. Where was that at?

A. It was out in the rice paddies as we were walking toward them. He landed behind us.

Q. Was this after lunch or before lunch?

A. Before lunch.

Q. Before lunch, before you went into the village?

A. Before we went into Binh Tay.

Q. Any other helicopters land that you saw?

A. Not that I saw.

Q. I think you indicated earlier that you crawled part of the way through this morning.

A. Definitely.

Q. Why.

A. Well, there were a lot of rounds flying around from all directions, and I wasn't going to stand up to see

who was shooting them. I'd just as soon stay low and find out later. It was very hectic. A lot of people make it sound like we didn't receive any fire at all as we went through the village. Maybe some other people didn't, and maybe the fire I was receiving was coming from somebody in front of me or to my side or something else, but I can definitely remember the rounds whistling and the explosions from grenades.

Q. Now I'm referring to your previous statement here, this was taken by the IG. You indicated there that some transmissions about a helicopter pilot saying something to the effect of seeing something on the ground. Do you recall any transmissions that the helicopter pilots made concerning what they did see?

A. Yes, sir. I remember him saying that it did appear as a blood bath from where he--"From up here it looks like a blood bath. What the hell are you doing down there?"

Q. Who was he talking to?

A. I'm not sure who he was speaking to at the time, I was a little busy.

Q. It was on your radio, though?

A. Well, my radio. I had an RTO in my squad who carried a radio, and I was not right there. I caught it, I was standing next to him and I was listening to it, but I had other things to do, and I didn't catch every word he said, and I don't remember word for word.

Q. What net were you monitoring?

A. I was monitoring the company net.

Q. So it's only an assumption, I suppose, that it was on the company net.

A. Well, it came over on the company net. It didn't come over on battalion net, because I wouldn't have been listening to it. Most everything was oriented to the company net, because the platoon leader only carries one radio, because we are separated so much, so spread out, they wanted

everyone to have contact with the gunships, the helicopter pilots and everybody else involved.

Q. Do you recall what the answer was, what anybody said back to the helicopter pilot?

A. No, I don't.

Q. Did you talk to the helicopters that morning?

A. Yes. I talked to the one that was guiding us to the two Viet Cong.

Q. Were you leading the troops that were going out to those two dead VC in the paddy?

A. No. I wasn't leading them, Lieutenant BROOKS was there along with the platoon sergeant. I did have my own squad. I was closest at the time, and he pointed from up in the air. He said, "The squad to your right is about 50 meters away." And I talked to him, I said, "Well, which direction should I move?" And he finally told me, and I moved in that direction.

Q. Did you have any other conversations?

A. One other as we were going through Binh Tay, he saw a man running, and he said he wasn't sure if he had a weapon or not. And told us where, and again it was my squad that was closest, and we went hunting. And, in fact, I believe it was someone in Sergeant SCHIEL's squad that finally caught up with him and shot him. He was carrying LB equipment with grenades, everything else, but they didn't find a weapon.

Q. Do you recall anything else that the helicopter pilots said, that you overheard in this transmission about a blood bath?

A. No, sir, not really.

MR WEST: Do you remember hearing any transmissions between Colonel BARKER and Captain MEDINA over the radio?

A. No, sir.

Q. Anytime during the morning?

A. No. I would imagine those would be the transmissions that would come over the battalion net.

Q. Were you using a speaker on the radio?

A. Yes. We had a speaker.

Q. So you could stand off a little distance and still hear it?

A. Yes, sir.

Q. Who was your RTO?

A. I really don't remember, sir. It was one of those one day things. I had gotten the radio, and can't remember who I gave it to, I believe it was MOSS, I'm not sure. MOSS, TORRES, somebody.

Q. Carrying the radio?

A. I believe so, I'm not sure. After we came in from this operation, and we had started on that second operation, I received another man, and he became my RTO permanently.

LTC PATTERSON: You've got a pretty good recall about this radio, was this strange for you to have a radio?

A. Yes, very strange.

Q. Squad leaders don't usually have--

A. (Interposing) At the time they didn't, we used these small squad radios, which are about as worthless as a lot of things the Army comes out with now. PRC-4 and PRC-9.

Q. Go ahead, sergeant.

A. Well, the-- It was more or less a present, that's what it amounted to.

Q. Right.

A. A new toy for me.

Q. And being as how it was a unique experience, the call signs of some of the folks you heard transmitting back and forth there--were you familiar with them?

A. Quite familiar. At other times I had taken, such as like the JOLLY, who was the 81 millimeter FO, he carries a radio, and most times that's how I've worked things. That JOLLY would be with me, with my squad, he liked to move with us. And I'd use his radio when I needed something. And Captain MEDINA had a thing about sending me out on my own. He like to see me out there tromping the hills, 500 meters, 5,000 meters away from the company, picking out LZ's and getting set up to accept resupplies.

MR WEST: By yourself?

A. Well, with my squad, that's all, split my platoon, so they wouldn't have to worry about being on a hill at a certain time to accept resupplies coming in, more C-rations and things like this. I could go up with my squad, pick out a good landing zone, set up security, and accept the resupplies. Quite a few times we didn't know who was lost, him or me.

Q. Do you recall hearing any stations on your little radio there that seemed rather strange to be coming on the Charlie Company net?

A. No, not really. There were a lot of stations floating around that I didn't know of. But--

Q. (Interposing) Callsigns you didn't recognize?

A. Callsigns I didn't recognize, but that's more or less customary, because I'm not fully briefed on which helicopters are going to be out there, if it's a helicopter, or who's going to be calling us. And then, I didn't know everybody's call sign at battalion level, things like this, task force level.

Q. But there were some strange call signs other than Charlie Company that appeared on the net?

A. Yes, sir.

Q. Do you remember any of the--do you know numbers now, and what they signify?

A. Right, sir.

Q. Did you hear any specific numbers of any type people?

A. No, sir. I did not. Not that I can remember. See, we had nicknames for each other on call signs instead of the straight out numbers, probably because of the monotony of saying--like my call sign was 2-3, 2d Platoon, third squad. And people, they'd call me on the phone, say "deuce-tres." This is a little nick name they had. Our second squad of the 2d Platoon is "double deuce." And--

Q. (Interposing) I'm talking about the strange stations, though.

A. Strange stations? I just don't remember their numbers that long, and I've heard so many in Vietnam that you could rattle off 10,000, it wouldn't make any difference.

COL MILLER: During your movement through My Lai (4), which is the principal village where you made your attack, and to the north, where were you most of the time in relation to Lieutenant BROOKS? Do you know?

A. I was to his right. He was slightly behind me and to my left.

Q. When you went to the north of the village which we referred to as Binh Tay, did you see him up in that area?

A. Yes. He was there.

Q. I believe you said that your radio did have a speaker.

A. Yes. It did.

Q. How about Lieutenant BROOKS' radio, do you know?

A. It also had a speaker.

Q. They were on that day?

A. Probably. Most definitely, I'd say, almost always during the day the speakers were on.

Q. What did you do with the equipment, ammunition, supplies that you captured?

A. It was dependent upon where we captured it and other things. What we had captured and accumulated through My Lai, most of it was destroyed in My Lai. And in Binh Tay some of it was destroyed, some of it we toted back to Captain MEDINA. I believe he sent it out on a helicopter, I'm not sure.

Q. Did you report back to him what had been captured or destroyed or both?

A. Not always, sir. There's a lot of traffic on the stations, a lot of people talking to everybody else, and everybody was busy doing something. It was always reported to one place or another, such as I might have reported it to Lieutenant BROOKS. What he did with the information, I'm not sure.

Q. Do you know how many weapons were captured that day?

A. Totally, altogether, no. I'm not sure.

Q. How many do you know of?

A. About six.

Q. What do you mean by weapons, now?

A. I mean bullet launching weapons.

Q. Grenades?

A. Grenades, quite a few. I can think of four different occasions in Binh Tay alone, we had killed Viet Cong that were wearing load bearing equipment to include grenades.

Q. Do you know whether that was reported to the company or not?

A. I imagine it was. I know I didn't report it.

Q. The reason I ask is that for this whole operation, I think, three weapons were reported as captured and ten grenades. What happened to this equipment?

A. A lot of this is dependent on where you find it, too. You happen to kick something over in a hootch, and there underneath an urn or something is five grenades. I'm not really dumb enough to reach in, pull them out, and take them back as captured grenades. For the simple fact that I can drop a grenade in and blow them off and nobody gets them, and I don't have to worry about blowing myself up at the same time.

Q. I am conjecturing a little bit, but I assume that the company and the higher headquarters would be interested in knowing what did you find, what did you capture. For example, if they got 50 grenades, certainly you're not going to carry them around with you, enemy grenades. Weapons and ammunition you might well bring back, I'm aware of that. It appears that very little was reported to them that day, and you've reported finding more than the company found on the whole operation.

A. All I can say is this is personally what I saw. And these were reported at least to Lieutenant BROOKS. Now, if Lieutenant BROOKS did or did not report them to Captain MEDINA, and Captain MEDINA did or did not report them to the task force, Colonel BARKER, I don't know. But if I would have called Captain MEDINA on the radio to tell him I just found two grenades, I probably would have been a private right now, wondering when I'm going to get out of jail.

Q. In your prior testimony, that which you gave to Colonel WILSON, you mentioned something about ARVN in My Lai (4) doing a lot of shooting. Did some ARVN come in with you on the landing at the LZ and move through My Lai (4) with you?

A. Yes.

Q. Do you know how many?

A. No, I have no idea of a total number. I'd seen them floating around here and there, in between. I

was sure some of them were interpreters, some of them were ARVN troops. I remember the National Police being there, Popular Forces, or militia. And as a matter of fact, in some of those pictures you can see the ARVN while going through the village.

Q. Are you sure that was on this operation?

A. Very sure.

Q. You stated before, something about the medical care that was given to people that day--they were bandaging wounds and so on. This is somewhat different from most of the other testimony we've received. Do you have any comments on that?

A. I did see some medical treatment being given. Not everybody was given medical treatment, I'm fully aware of that, but there was some given, especially when we reached this night laager position. There were quite a few people being given medical treatment.

Q. How about during the morning when you were going through My Lai (4)?

A. I'm not positive, sir, as I said, we were--the lead platoon couldn't take time to worry about a wounded person. That sounds very cruel, but that's what we had a trailing platoon for, to--like we couldn't take time to burn the villages. We walked through, searching it, and we'd have never got from one end to the other without getting ripped to pieces.

Q. Who was supposed to do that?

A. I believe the 3d Platoon was in the rear, and the headquarters, although I'm not sure who all was back there. I believe that was their function.

Q. Did you have any engineers with you?

A. With my platoon?

Q. Yes.

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

Q. Any demolition men?

A. I don't think so. We did have demolitions with us, and I have been trained in how to use it. I was blowing up a lot of things, tunnels here and there.

Q. Do you recall when the shooting--let me rephrase that. Apparently there was a lot of reconnaissance by fire from the moment that you hit the LZ and went in--you didn't know what you were going to hit. Do you remember when the shooting died down considerably?

A. As an estimate, I'd say midway through the village.

Q. Do you know what caused it to die down, at that time?

A. I don't know for sure what happened, what caused it to die down, but I believe it was probably because the villagers had ceased to run amuck and go crazy, and we had finally gotten some control. As we initially started through the village we had a small group running here, another group popping up from behind bushes. Somebody else takes off, running right in front of you. And then all of a sudden a bullet came whining over your head, and you didn't know which end was up. That's why I said I spent the first half of my time in the village on the ground, crawling, I wasn't about to look up to see what was happening.

Q. Did it appear that these villagers were running to attack or running to get away?

A. That was the impossible thing. You can't say they are running to attack or running to get away. Some of them were probably--I'd say most were trying to get away, but if somebody pounced up from the rear of you for some unexplainable reason, he may have been hiding in a spider hole or a tunnel, and all of a sudden he comes up and he's running from your rear, coming at you, you don't know what to expect. Now, he may be trying to get away, but he's still running towards you. And as I said, when we went into the village we expected the worst.

Q. In your prior testimony you mentioned, I think, it was a radio communication between Captain

MEDINA and Colonel BARKER about not wanting ARVN any more. Was that during the morning on this operation, do you recall?

A. If I recall, it was during the evening in the night laager. I know I heard him speaking of it then, that way. I'm not sure if he told him anything previous to that or not.

Q. Did it appear to you that the American troops were well under the control of their leaders as they went through My Lai?

A. Very well.

MR WEST: We spoke a little earlier of Charlie company being lifted out on the afternoon of the 18th and going back to Landing Zone Dottie. And I asked you whether you were met by a field grade officer, and were questioned about the morning of 16 March 1968 in My Lai (4), and as I remember, your answer was, "No," you were not met by anybody.

A. That's correct.

Q. And you indicated in response to the question, that Captain MEDINA had gotten the company together and talked about an investigation of the events of 16 March 1968 at My Lai (4). Would you tell us again what Captain MEDINA said at that time?

A. I'm not really positive what his words were, but if I remember correctly, it was that there was going to be an investigation about My Lai. We were expected not to discuss it with anyone or go down to the NCO Club and get drunk and start telling war stories about it. And that the only people we should talk to about it were the investigating officers, if they so questioned us.

Q. Okay, anything else?

A. That's about all that I can remember.

Q. Anybody ever talk to you, say he was investigating the incident?

A. No, sir.

Q. To your knowledge, did any investigating officer ever question any other member of the company about events at My Lai (4) that morning?

A. To my knowledge, no, sir.

Q. Do you think that if a formal investigation had been conducted, if somebody had come in from brigade or division and taken statements from everybody, the whole story would have come out at that time?

A. It depends on what you mean by the whole story, sir. As it has been blown up out of proportion now, yes, it probably would have.

Q. Well, would the men have told just what they knew, what they saw that day, what happened as they understood it?

A. Yes. They probably would have told. I'm not sure anything would have come of it, if it had been investigated in that manner.

Q. Could you explain that?

A. I'm not sure--that without the press getting ahold of it, the press media, as far as I'm concerned, is really distorting what has happened there--that it would have been blown up to such proportions as would warrant an investigation by the Army Chief of Staff. And having half of the people in Washington worry about it. And people walking around calling me and a few other people in Charlie Company murderers and killers. I think it would have been handled by the United States Army instead of by the press, which I think is very poor.

Q. Well, I think you're aware that what happened that morning at My Lai, whatever it was, did not become known back here in the United States, or widely known at all, in fact, until some time in November, 1969. The fact is that the events of that morning were not known in the Headquarters, Department of the Army, until April, 1969, after a letter from Ron RIDENHOUR was received by the Secretary of Defense. There were a lot of Vietnamese residents of My Lai (4), civilians--whether they were VC, VC suspects, VC sympathizers, whatever they were--there were a lot of people killed there that day. A

lot of women and children killed. This is a rather unusual event in the history of the Army. And yet, it was not reported in the usual manner, through channels. I don't know whether you're aware of this or not, but do you have any opinion as to why it wasn't reported in the usual manner?

A. I couldn't even try to give an opinion as to why it wasn't reported in the normal manner, if there was an investigation at that time, which I'm not sure of, because I was never approached. But if there was, I would imagine that it would have been reported through normal channels, and it would have been handled by the United States Army. I was trying to say earlier, as I see it right now, it was not reported through normal channels. Or it took such a long time, and unfortunately the press media got ahold of it, and the people that were involved have been crucified by the press. Whether they are guilty or not is still yet to be proven. As this country originally once stood, a man was innocent until proven guilty, but that's not the case here any more.

Q. Let me ask you another question, which also calls for an opinion. We'd be very interested in your views. You were there, saw a good part of it. In your opinion, what happened at My Lai (4) on 16 March 1968?

A. In my opinion, we destroyed a Viet Cong stronghold, bunker lines, tunnel complexes, a village, all of their food and supplies. And in my opinion, it was at the time a very successful operation, in that sense alone. On later operations, as I said earlier, and with other units when we went back in, they had rebuilt their bunker lines and reinforced it with concrete. And there wasn't any way we were going to get in there. But that's an opinion, my own. I don't condone what allegedly happened there. I don't think it's right to stand women and children up there and shoot them down, if that's what did happen. But I didn't see it, and I would venture to say it didn't happen.

Q. Well, in your observation, did the men of the company think they were doing what they were supposed to do, what they were ordered to do, going in there?

A. I believe they all thought they were doing what they were instructed to do, what their job was. It was not uncommon to burn a village. It was not uncommon to destroy the inhabitants' animals and anything else we could find to destroy, to keep it from going to the Viet Cong. It is not uncommon to relocate villages to an area where we can control them. This area was so far away and so secluded from our base camp that we couldn't go in there every day and offer them medical assistance and food, and help to grow their rice and other things, and make them a more or less responsible South Vietnamese community instead of a run-amuck bunch of VC, which is, in my opinion, what they were.

Q. Were you familiar with the officially reported body count for this operation?

A. What was said over the radios and things like this, no. I'm not certain what the actual body count was at the time. In later days and in reports, I believe it was 128.

Q. Did you hear any body count figures over your radio that day?

A. I believe one. I believe that was a body count of 25.

Q. Do you remember what the platoon was?

A. Not exactly, but I'm pretty sure it was 3d Platoon--either 3d or 1st, I believe.

Q. Our information--well, 128 was the officially reported VC KIA for the day's operation. Of that total, about 90 were attributed to Charlie Company and about 38 to Bravo Company. In your opinion, would the 90 figure have been about right for Charlie Company? Were you in any position to judge?

A. Other than the fact of the position of my own squad and what it had accomplished, I would be in no position to judge what the entire company had done. But basing it on that fact, I would say that would be close.

Q. What was the attitude of the men in Charlie company toward the Vietnamese people in general?

A. I'd say a combination of extreme hatred, dislike, distrust, and a little bit of sympathy and pity. Very little.

Q. Well, I guess the real purpose in my asking this question is to ask your opinion of whether it was a prevalent attitude in the company, that the life of a Vietnamese person wasn't worth as much as the life of an American.

A. I'd say that's very definitely true. In fact, it's a belief of mine. I don't think there is a Vietnamese that I would sacrifice a GI, that I worked with, for. It's just a personal opinion, but I don't--I'm not as close to a Vietnamese, and there's no way I can be as close as I am to a United States soldier, especially the ones that I'm operating with at the time.

Q. Well, do you think that perhaps some of the men of Charlie Company had the feeling it didn't mean the same thing to kill a Vietnamese as to kill an American?

A. I'd say, yes. I'd say you'd find that in any group of soldiers in Vietnam, especially a front line company. Some of them are going to feel that a South Vietnamese is a "dink," and a "dink" is a "gook," and a "gook" don't make no difference. And it's just the way that they feel, you know. They could go around killing thousands of them, and no one would ever care.

Q. Well, one reason for asking this type of question is that there is strong evidence that there were a number of instances in which children and babies were killed by American soldiers in My Lai (4) that morning. It seems a little difficult to find an explanation for that. Perhaps it lies in the type of attitude we've just been discussing. Would you care to give us your opinion on that, Sergeant LACROIX?

A. I don't know. I think I'm a fairly good sergeant in the United States Army, and I think I'm fairly normal as far as American young manhood goes, and I don't really think that I could deliberately take a sight on a 2-year-old child and blow it away. I could care less if the child were South Vietnamese or

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A. Yes, I believe that's what he was, driver or something of this nature. He wanted to go out on an infantry operation once, and he went along with our platoon.

Q. Sergeant LACROIX, I show you a photograph which has been admitted into evidence as Exhibit P-59. Do you recognize the individual in that photograph?

A. No, sir. I don't recognize him. I can't see his face, but I can tell you he would definitely not be a member of our company, because he's not wearing a rucksack. He's wearing a combat field pack. Our company was wearing rucksacks; they always have.

Q. Well, he's been identified by witnesses as Colonel BARKER's driver.

A. There's a good possibility of that, sir.

Q. You were telling us about the activities of the attached ARVN's of various types, National Police, Popular Forces, and so forth. Do you know whether there was any considerable number of them attached to the 3d Platoon, the drag platoon, that day?

A. I don't know the numbers that were attached anywhere, sir, but I would imagine that's where they would be attached, more than likely, for reasons of control and other purposes like that.

Q. Getting back to Colonel BARKER's driver, it's our understanding that he had come along for the day, but stayed largely with Captain MEDINA's command group.

A. In the beginning of the operation, in the morning, I imagine that he did, but that night he was with our platoon in our--helping us make our defensive position.

Q. Oh, I see--when you laagered for the night with Bravo Company. In November there were newspaper stories to the effect that some members of the company, Charlie Company, going through My Lai (4) that morning, 16 March 1968, may have been under the influence of marijuana. Do you know anything of this?

A. I wondered when you were going to get to that. I could not definitely point out any individual or group of individuals who were under the influence, but I'm certain there were quite a few. Marijuana is probably one of the worst things going against the GI right now in Vietnam. It's readily available; you can buy a pack of ten of them down in the village for a dollar. And it's used by at least 50 percent of the people in Vietnam. Not the front line troops. I think they use a little less, because you find it has a tendency to slow you down, your reaction time.

And as a matter of fact, one individual, Gus ROTGER, who was killed in this mine incident, well, previous to this he did smoke marijuana. As a matter of fact, he was on heroin in Hawaii, and Captain MEDINA got him off of it and accepted him back in the company, tried to reform him. And while we were in Vietnam he was still up on something, you know, and one night on defense perimeter, on a normal night he came over and got me up, thought we were being attacked by about 15 wild pink elephants.

And this is what, to me, marijuana has a tendency to do to some people. They hallucinate. They don't really understand what's happening. They're slow. They're rebellious, and there were probably some people that were on it at that time. It does have a tendency to take away your fears, I'm told. I could have used a good tranquilizer. I know that.

Also, there's one individual who was interviewed by the press, and I know that he had been asked "Marijuana?" And he said, "Yes, I used it, I used it when I went through the village." And they asked him if it was a widespread thing, and he said, "Well, I imagine quite a few people do use it." He said, "Do you mean quite a few people used it when they went through this village?" And he kept trying to say, "I can't say for everybody else, I'm just trying to speak for myself." And the way the press blew it up-- to believe that everybody involved was on marijuana. I'm certain that's not true.

Q. Well, I've asked almost every man I've talked to from Charlie Company this question, and a number of persons who were attached to the company, not actually part of the company. Very few have knowledge or profess to

know anything about this. Few believe that marijuana was any significant factor there that morning.

A. A significant factor, I don't believe it was, either. It was definitely there someplace. I think a lot of your witnesses were probably scared, because--just speaking about marijuana sometimes, right away a man says, "Well, he must use it if he talks about it." Which is not always true, but it has a tendency to scare people to not want to speak about marijuana. Unfortunately, it's there; there's nothing we can do about it, really.

Q. Well, you had a squad of men, of course, and you were looking out after them. I'm sure you would think of such things. Would you say there were members of the company who regularly used marijuana before going into combat?

A. There were members of the company who would regularly use marijuana before going to the bathroom. They regularly used it, at all times, any time of the day or night. And I think that was one of the first things we had going for us prior to my leaving Charlie Company, because it was getting extremely bad in night defensive positions. Anybody would just come up and start smoking marijuana, and you'd smell it from some place, and you'd go over there, and nobody had anything. And then you'd smell it from another direction, and somebody over there would be--it was a fairly widespread thing.

Q. Would this tend to cause sleeping on post?

A. Not so much sleeping on post as hallucinating. A person tends to forget that he's actually on a guard post, and starts looking at the stars and thinking about things that he has no business thinking about on a guard post.

Q. Indulging in fantasies?

A. Indulging in fantasies, daydreaming, or night dreaming, and it's not very good.

Q. This would seem to militate against the kind of control you need over your men in combat, then. If you had men in your squad, for example, and you were trying to control their movements through a hamlet--

A. (Interposing) At times it would go against you, but one of the amazing things about marijuana is that an individual who is flying high as a kite can come down almost instantaneously if need be. It's just his will almost, and although he still feels high, he feels a little giddy and a little bit in fantasy, he can still function quite well. I've seen, just as an example, one of the NCO's in my company, at present, who was recently caught for sales and possession of narcotics. He can sit there and walk into the CO's office with a straight face and talk to him like a very intelligent individual all day long, and he may have been up on anything 10 minutes earlier, almost anything. It's weird, I guess you could say.

Q. CARTER told us that he was smoking a joint when a photograph was taken by HAEBERLE, and he was being helped out to the dustoff helicopter. And there is a photograph that we have, that shows him apparently smoking a cigarette and he said "No, that's a joint."

A. It's very possible.

Q. In your opinion, however, was the functioning of your squad there in My Lai (4) impaired by the use of marijuana? I'm not naming any individuals, just trying to--

A. (Interposing) Yes, it was impaired, no more than any other day or any other operation, but yes, it was impaired as to the capabilities we would have if no one had used marijuana.

Q. It reduced their effectiveness.

A. It reduced their effectiveness, but it wasn't the fact that on particular operation their effectiveness was reduced. It was an everyday thing. I don't know of anybody who has taken or did take marijuana for any particular operation, because they wanted to be hopped up for it. I do know of quite a few individuals who would take it on a daily basis, or an hourly basis, or any other basis they could get it.

Q. An individual proposition.

A. It's an individual thing and they like to be high, I guess.

Q. At this time were the officers making any particular effort to control this in the company?

A. As much as I feel could be expected from any one officer or group of officers. Anyone caught with it would be brought to trial, because it's against the Uniform Code of Military Justice. It is against the laws of the United States. And any time that they could take time to speak about it they would denounce it, tell them not to use it. They would. But there are some people that are just going to use it, period; not too much that you can say to them that's going to make them stop. If you tell them that if they smoke one joint tomorrow they're going to be dead, they'd probably still smoke it. And they'd probably say "Well, if I smoke three of four, I guess I won't be dead." People are just weird when it comes to narcotics and drugs.

Q. Do you recall whether, along about this time, men of the company were being court-martialed and punished for using marijuana? Do you recall any instances of charges being brought?

A. Not directly, no. I can't recall any charges. The only real people I recall on narcotics were GRUVER, who was later court-martialed, I believe, in Chu Lai when he was in division work. And DOHERTY was arrested for sales. A few other people that had at one time been in the company and later got in trouble.

Q. Do you know anything about any officers using marijuana in the company?

A. No, I don't. I guess there's always that possibility. I'm never that sure about anybody, but I never saw one sitting around and smoking.

Q. Well, I asked the question partly, because I had no intention of confining the questions to enlisted men. I've touched on the matter of the alleged pattern of conduct in Charlie Company of raping women in Vietnamese villages on operations. It may not be strictly accurate in a technical sense to use the term rape without exception. I'm talking about the practice of men in the company, during a search and clear operation or other operations in the field, when they went through a Vietnamese village, to have intercourse with women they came upon in the village. We've had a number of witnesses indicate to us that Charlie Company,

after it got into Vietnam, began to engage in this type of activity to where it was almost standard procedure. We asked one witness if this sort of thing occurred after the company had gone through a village or hamlet, was resting, regrouping, and the witness said, "No, this usually took place during the sweep." With some people in the company, they looked forward to this as part of the operation. Would you care to comment on this? This is gotten from testimony.

A. There are, I know, many instances in which girls were, in a sense, raped, by members of Charlie Company. As to whether the officers were present or could control them or whether even the NCO's were present and could control them, or whether it was the officers or NCO's participating, I'm not that sure. As a platoon, I didn't see it that much in our platoon; very rarely, because there were quite a few of us that were very, I think, businesslike about what we were doing. And rather than take the time out to fulfill our sexual needs, as it might be, most of us had the thought in mind that we better get from one end of the village to the other end of village. Get it all searched, and worry about other things when we were on our own time. And you can spend the five dollars and go downtown, or the three, depending on which one you go to.

Q. Well, are you familiar with the general reputation of the 1st and 3d Platoons, now, for engaging in this type of activity, behavior?

A. On rumor alone; I'd never actually seen them. We were a very unique company in that fact that we very rarely operated as a whole company while stationed on our LZ's, such as Dottie and Uptight. It would be one platoon going out and searching a village in a day, and maybe another platoon sending an ambush out at night. And the other one gets a couple days off here, and next time it's us that gets a few days off. When we did go out as an actual company, we'd work as separate platoons in a company. It was very distinct that way. But upon rumors alone, yes; 1st and 3d were doing a lot of it. Of course, I heard a lot of rumors about other squads within 2d Platoon doing a lot of it.

Q. A man in another squad in the 2d Platoon told us that when Charlie Company first came into Vietnam and this ac-

tivity started, that he was strongly opposed to it. He would stop, he would go in and stop men from forcing their attentions on some Vietnamese girl or woman, forcibly. He was big enough to do it. After a while, about five men of the squad or the platoons visited him and let him know in no uncertain terms that if he didn't stop interfering with them they were going to kill him. Did you ever hear this story?

A. Not until right now. I heard lot of threats of killing people in Vietnam, myself included quite a few times. When you've got to push people, and you've got to push them hard, they're going to start hating you. And that was part of my job. But I don't really think anybody in the company would have killed him, or me, or anyone else.

Q. He told us that he was convinced, and he quit bothering them after that.

A. There's that possibility, He might have been convinced. They might have been definitely serious. It's the first I've heard of it. I stopped men quite a few times, and no one has ever approached me. Most times, I guess, when I stop them, I give them a reason other than just, you know, it's wrong. I tell them "Look, we've got more important things to do." And usually that tends to satisfy them and they can say, "Well, he's a nice guy and he'll let me do it later;" which I won't because we're always going to have more important things to do, and I do feel it is wrong.

Q. What about the attitude of Lieutenant BROOKS toward the men of the company raping Vietnamese women? We were told that when he first took command of the platoon that he bore down on this pretty hard and just about stopped it, but after a while he let up, didn't make any effort to control it. Do you have any opinion on this?

A. I hate to talk against Lieutenant BROOKS. He's not alive, he can't defend himself. He did bear down quite hard when he first took over on that and quite a few other things. He struck me when he first came in as a young second lieutenant who didn't know anything. He was trying to push himself onto the men a little too hard. We were really sore at the fact that we had lost Lieutenant SWENSON when he was one of the best lieutenants--excuse me, Lieutenant JENSEN--one of the best platoon leaders any of

us had ever seen, and it wasn't really his fault that a man had been shot accidentally. Just one of those things.

Q. He was relieved because of that?

A. Yes. There was a man accidentally shot in our platoon, hit in the stomach, later died. And it was blamed on the officer present, and actually he wasn't even right there. It was just one of those things. A guy pointing a weapon the wrong way and it went off. But Lieutenant BROOKS did eventually let up a little bit, he wasn't pushing anybody quite so hard, and I think it was that too many people in Vietnam get to know each other too well. He was, in a lot people's eyes, wasn't even an officer any more. He was just one of the guys. And I think that quite a few them, if they had been smoking marijuana, would have offered him a cigarette, a joint of marijuana. One of the reasons I was very happy when he was infused to another unit was because he was a good platoon leader and I hated to see him go down the tubes like that. I was kind of glad, myself, when I was infused to another unit.

Q. I don't think I quite understand you. I got the impression you were saying he was not a good platoon leader.

A. He was a very good platoon leader, but he had a lot to learn when he first came to it. He couldn't read a map. He was horrible with a map. He had us lost the first time we went anywhere. But when he eventually learned how to run the platoon he ran it real good for a while. Then he started going downhill again. He started letting up too much. I guess I'm old fashioned, but I've always believed an officer should be an officer and should be hard. I believe in the old Army way, the noncommissioned officer, the NCO walks up and he hits a private up side the head, and he learns something. That's the only way you can teach him. And today's Army, say the wrong thing to him, he has you thrown in jail.

Q. Why do you suppose Lieutenant BROOKS let up?

A. I don't know. You would have had to ask him that.

Q. Well, the witness who told us about his letting up on the matter of rape didn't know. He didn't know why, but he noticed it.

A. I noticed it myself. I couldn't explain why. He also let up on marijuana, which he cracked down on to begin with. Whether it was because he was just getting too familiar with the men or maybe his feelings changed after a while, I don't know. But when he was infused he was sent to A/1/52, and when I was infused I was put in C/1/52, and I saw quite a lot of Lieutenant BROOKS, and he was back to his old self again and, really, from what even the men say, he was the most outstanding platoon leader they had ever seen.

Q. How was he killed, do you know?

A. He hit a mine. He had extended in Vietnam; in fact I extended to stay with him, but I didn't have enough time left in country to put the paper work in. And then when I got back to the States they told me there was no way I could get back that soon. He came home once, extended, and came home then. And then about 6 months later he extended again, came home for a short leave, went back. Was back 2 weeks, and hit a mine, in late July, I believe.

Q. Sergeant LACROIX, you've been very helpful to us. You've given us a great deal of valuable information. We appreciate it very much. You looked at some of the photographs which have been admitted into evidence. Tell me, in looking at Photograph Number P-39 and P-41, did you notice anything unusual about those two? Now these photographs were supposed to have been taken by Ron HAEBERLE, a photographer. I think he was a sergeant at that time with the PIO detachment of the 11th Brigade. These were taken the same day, at or in the vicinity of My Lai (4).

A. As I said earlier, while going over Life Magazine to myself where these two pictures did occur. I at the time saw something that just didn't set with me and I kept looking at it. And eventually figured out that it was the grass in the background. The rice on picture 41 is green as it should have been that time of year with the rains, and the grass or rice in picture 39 is brown and appears to be ready for harvest.

Just by looking at them I would say they would have had to have been taken at two different times of the year, or at least within a few weeks separation of each other. Whether they were or not I can't say, I'm not that much of a specialist on it, but it appears that way to me, because the photographs, the rice itself, differs so much.

Q. Thank you, no one else has noticed this and we'll look into it. Sergeant LACROIX, can you think of anything else to tell us that might help us in our investigation? Is there any statement you'd like to make to go on the record? We'd be glad to receive anything you have in mind.

A. No. I don't have anything.

Q. Should you later recall anything that you think might help us, or come across any letters that you wrote home at the time, find any notes, maps, photographs, we'd appreciate hearing from you. You've been very helpful to us and we thank you. The hearing will recess.

(The hearing recessed at 1700 hours, 22 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: LAMARTINA, Salvatore

DATE OF TESTIMONY: 7 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Team Leader, 3d Squad, 2d Platoon, C/1/20.

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

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The witness did not recall receiving any training in the handling of prisoners of war or noncombatants (pg.36). He received a copy of Exhibit M-2, "Nine Rules" (pg.37) but did not receive a copy of Exhibit M-3, "Enemy in Your Hands" (pgs. 37, 38). He did receive a small brown book which had many language references in it (pg. 38). Some of the training that he initially received was on boobytraps (pg. 38). He was told that when they had a large number of people they should gather them up and set them in one bunch. If they ran from him, they were to holler "Stop" and fire a warning shot, and if they kept running, shoot to wound (pg. 38). While in Hawaii, he was taught the difference between search and clear, which meant you do not fire unless fired upon, and search and destroy which meant "you go in shooting" (pg. 28). My Lai (4) was his only search and destroy mission (pg. 28).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness attended Captain MEDINA's briefing on 15 March (pg. 3). It was held in a large mortar pit which was big enough to hold the entire company (pg. 3). He was not sure if they had maps or not, but felt that they knew where they were going because they had been there before (pg. 4). MEDINA told them it was a search and destroy

mission and that they had to "kill everything that was alive." Although he was not sure if those were MEDINA's exact words, this was the impression that he got (pg. 4) and he felt that the other men understood the briefing in the same way (pg. 5). The platoon leaders had their own briefing after this (pgs. 4, 6). Usually, the platoon leaders would go with the CO to the CP and then return to brief the squad leaders who in turn briefed the squad (pg. 6). The platoon leader told them the direction they would be going in and what lift they would be on. He told them to carry as much ammunition as they wanted as they might be there over night (pg. 6). He told them that if there were any children left alone to "pick them up and drag them along with us" (pg. 7). The witness expected women to be in the village for the wives would be with the regiment (pg. 27), but did not expect children to be there (pg. 7). He thought that his squad leader, Sergeant LACROIX, may have attended the squad leaders' briefing (pgs. 10, 11). He recalled a memorial service being held for WEBER on LZ Dottie but was not sure when (pg. 8). He stated that he was more nervous going into this operation than prior ones but did not have revenge in mind (pgs. 9, 10). He felt that he got along with the Vietnamese in the village near the base camp and he thought that they were "pretty good people" (pg. 26). The Vietnamese in the Pinkville area were VC sympathizers and he felt that they were "out for blood" and felt that he should get to them first (pg. 27).

3. ASSAULT ON MY LAI.

a. Landing and initial position.

He went in on the second lift, landing approximately 40 meters from the edge of the village (pg. 11). He got out of the left-hand side of the helicopter and had to wait for it to take off before he could move (pg. 11). They formed a perimeter around the LZ and they remained there for about five minutes then pushed through directly into the village (pg. 12). They were supposed to move on line (pg. 12). To his left was the second squad under Sergeant SCHIEL. His squad was along the edge of the village and Sergeant SCHIEL's was out in the rice paddies (pg. 13). He heard quite a bit of firing as they went in and his squad began to fire because they were told to (pg. 15). It generally slacked off and half way through they were told to stop firing (pg. 15).

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and that the investigation was dropped when it was found out that they had done nothing wrong (pgs. 28, 29).

5. OTHER INFORMATION

a. He felt that Captain MEDINA was one of the best company commanders that he had had. MEDINA believed in getting the job done. He felt that MEDINA had control of the company during the operation (pg. 17).

b. He felt that Lieutenant BROOKS was a younger officer who looked up to the older people. He felt BROOKS knew what he was doing and was good with a map (pg. 18).

c. The witness felt that the people in the My Lai area had been warned because he heard that leaflets had been dropped (pg. 23). He felt that dropping leaflets would only tell the VC to leave (pg. 23). He did not believe the leaflets were dropped (pg. 24).

d. There was no marijuana problem in Charlie Company to his knowledge. He did not know if anybody was on marijuana when they went into My Lai (4) (pg. 29).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit thought he received one in Vietnam.	37
M-3	MACV Card "Enemy in Your Hands"	Wit did not get one.	38
P-5	Miscellaneous Scene	Wit thought it was SIMONE pulling out a plant.	30
P-6 thru P-12	Miscellaneous Scene	Wit did not know where the CARTER activities were located.	31
P-13	Miscellaneous Scene	Wit identified MARONEY and JENSEN	31
P-16	Miscellaneous Scene	Wit recalls passing by location.	31,32
P-17	Miscellaneous Scene	Wit identified as the same photo of Sergeant MARONEY.	32
P-19	Miscellaneous Scene	Wit identified PHU	32
P-24	Miscellaneous Scene	Wit identified himself picking corn.	32
P-25	Miscellaneous Scene	Wit identified GRIMES.	32
P-37	Miscellaneous Scene	Photo of man in well. Wit stated it could be the well he threw a pig into.	33
P-56	Miscellaneous Scene	Wit identified WIDMER.	33

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-58	Miscellaneous Scene	Wit identified PHU.	33
P-60	Miscellaneous Scene	Wit stated it was either GRIMES or LT LACROSS.	33,34
P-64	Miscellaneous Scene	Wit identified SMITH.	34
P-66	Miscellaneous Scene	Wit identified MACKEY in center rear and MURRAY on the right.	34,35
P-69	Miscellaneous Scene	Wit identified "Pete" who pre- viously shot his finger.	35
P-126	Miscellaneous Scene	Wit identified GRIMES on the right and SMAIL as the third man from the right. The location was where he saw the National Police with prisoners.	35,36

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(The hearing reconvened at 0850 hours, 7 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named persons are present: COL WILSON, MAJ ZYCHOWSKI and MAJ COOP.

The next witness is Mr. Salvatore LAMARTINA.

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

Will you please state your full name, occupation, and address?

A. Salvatore LAMARTINA. I'm not doing anything right now. I'm going to be a student at Southeastern College next month, and I live at 1132 Herring Drive, Arabi, Louisiana.

COL WILSON: Mr. LAMARTINA, 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, United States Army for the purpose of determining facts and making findings and recommendations concerning two matters:

(1) the adequacy of prior investigations and inquiries into, and subsequent reviews and reports within the chain of command, of what is now commonly referred to as the My Lai incident of 16 March 1968. Previous investigations and inquiries are primarily what this particular one is about, and

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

This investigation is not being conducted to investigate all facts and circumstances of what happened at My Lai. It is directed at those two specific purposes which I have just stated. I have made available to me and have reviewed prior official statements obtained in other official investigations of the My Lai incident, to include your CID statement.

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

Although the general classification of the report will be confidential, it is possible that the testimony or parts of the testimony may later become a matter of public knowledge. Do you understand?

A. Yes, sir.

Q. In other words, we are trying to find out if any previous investigations had been made, and, if they had been made, why didn't they come to the attention of the proper authorities, and if anybody tried to suppress any information. That's primarily what this investigation is about. In order to reach these findings or recommendations we have to know as much as possible about what occurred in My Lai (4). Since you were there a number of questions will be directed to what happened at My Lai (4) before and shortly after. I'll ask you specific questions in order to cover the points and try to move through in a reasonable time frame. So the questions will be specific, and there will be general questions at first. Later, after I finish with those questions, we'll take an aerial photograph and try to plot the areas of My Lai (4) which you went through. I think when you see the photograph, and you are oriented on it fairly well, based on time and distance, we can fairly accurately see where your squad, platoon, or just yourself moved through the village.

A. I was asked those questions once before in Texas, by the CID.

Q. I know. I have your statement here. There are some questions that I'll ask you that are not on this statement, and there may be some repetition, but we want to be sure that we have covered everything.

A. I also got a letter from somebody down in--

Q. (Interposing) The judge, the military judge? If you have been advised by the military judge that you are not to discuss this case, it is not pertinent to this investigation, because this is an administrative body established by a branch of the U.S. Government which is authorized to conduct this investigation.

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You may also be called by a legislative body. There is a legislative committee, part of a House Armed Services Committee, which is also conducting an investigation. They are calling some of the witnesses whom we interrogate. I don't know if you will be called for that or not, but the military judge's order does not affect either this investigation or a legislative investigation, and I'll go over this at the end of the interview.

What was your assignment in March 1968?

A. That's when I was going through My Lai (4). I was a team leader of the 2d Platoon, third squad.

Q. Third squad, 2d Platoon. Which company?

A. C/1/20, 11th Infantry Brigade.

Q. Task Force Barker?

A. Yes, sir.

Q. When did you first hear of the planned assault on My Lai (4)?

A. I think it was the day before we went on it.

Q. Do you remember the time of day?

A. No, sir. Sometimes I think in the morning, or just past noon. We had it up in the mortar pit.

Q. Had it up where?

A. In the mortar pit.

Q. Was that large enough for the whole company?

A. Yes, sir. It's a pretty big mortar pit. All the sandbags are covered all over the bunker and everything.

Q. Was the briefing given while the company was in a circular formation, or were they out in front of the briefer?

A. They were out in front of Captain MEDINA.

Q. Captain MEDINA did all the briefing?

A. Yes, sir, he did. And the platoon leaders did their own briefing after that to their own platoons.

Q. Now, let me ask you about Captain MEDINA's briefing first. Did he use a map or any type of training aid to show what was going to occur?

A. I don't remember. I believe he did. I think we all had maps.

Q. Did you have a map?

A. I don't know if I had a map that day, but I did know where we were going, because we had been there once before.

Q. What did Captain MEDINA tell you to do?

A. He told them we had a search and destroy mission, and when we went through we had to kill everything that was alive.

Q. He said those words?

A. I wouldn't know if those were his exact words.

Q. That's the impression you got?

A. Yes, sir.

Q. Did you ever hear of that type of mission being given before?

A. I wouldn't know if he gave it out to the unit before, but I heard it before.

Q. Was it normal to call the unit together before an operation of this type?

A. He usually calls the unit together every time we are at base camp, when we are at LZ Dottie. If we were going on some similarly big mission, if it was search and clear, or search and destroy, he called his people together and let them know what was going on.

Q. Did he, at that time, say which platoon would be on the right and which platoon would be on the left and so forth?

A. I don't remember if he did, but my platoon leader, I think, told us.

Q. And he said to destroy the town, did he? Or did he not?

A. That's all he told us, that it was a search and destroy mission. What confused me is that he said it was the same place we went before, Pinkville, when we were on patrol 1 day with my platoon. And across from it, there's supposed to be a little lake. And when we landed, it looked like a whole completely different place. I didn't know if we were in the wrong place or not.

Q. Oh, he said you were going into Pinkville?

A. Pinkville. I wouldn't even know if My Lai (4) is Pinkville.

Q. We'll get a map and photograph and go over it.

A. It was My Lai (4), I believe.

Q. Captain MEDINA said kill everything living in the town?

A. That's the way I took it.

Q. Do you feel that is the way other men in your squad understood his briefing?

A. Yes, sir.

Q. What did your platoon leader tell you? You said your platoon leader briefed you after Captain MEDINA. Was this immediately after Captain MEDINA briefed you, or was there a break?

A. It was more or less a break.

Q. Could your platoon leader have gone to Captain MEDINA, could he have gone to his bunker for further briefing?

A. I don't know. I guess Captain MEDINA stayed in the company CP.

Q. I'm trying to determine if there was a time period between the time Captain MEDINA and the platoon leaders briefed the platoon. Was there a time gap in there? Do you remember?

A. I don't remember. I believe there was, because we didn't leave until the next day. And usually, when something like that breaks up, usually the platoon leaders go with the CO to the CP.

Q. This is the usual thing, though?

A. Usual thing.

Q. Did this happen before?

A. Yes.

Q. Then the company is briefed, and the platoon leaders go with the CO. Then the platoon leader comes back and briefs the platoon. Is that the normal sequence of events? The platoon leaders brief the squad leaders, and the squad leaders brief the squads?

A. Yes.

Q. That's normal procedure. What did the platoon leader say?

A. He told us what direction we would be coming in and what lift we would be on.

Q. How much ammo to carry?

A. No. Usually we carried as much as we wanted. He told us to bring enough so that we wouldn't run out, we might be there overnight.

Q. Rations. What did he say about rations?

- A. We got, I think, it was three meals.
- Q. Did he say there would be rations coming in?
- A. He didn't say.
- Q. Did he indicate how long you'd be in the field?
- A. He never estimated, usually 4 or 5 days. I can't remember if we came right back out or not.
- Q. Did he say anything about taking any prisoners or killing all the people?
- A. Well, he did say something about if there were any children left alone, pick them up and drag them along with us.
- Q. Did he say this in the base or after you got in the town?
- A. Well, it had to be before, because there wasn't any time to do any talking once we landed.
- Q. What did you understand about the enemy situation there?
- A. The way they talked, that we were going to get heavy fire when we first landed, and it would be constant. Just push the people through.
- Q. What did you think was going to be in that town?
- A. I think it was a regiment of VC or RVN.
- Q. Did the question of children ever come up? Did you expect any children and women to be there?
- A. I expected women to be there, older women, maybe doctors and medics whom they didn't have with them. I didn't expect any children to be there.
- Q. Why didn't the question of children come up at this briefing, do you know?

A. Because it was just more or less a regular village, you know, we were just going along. This happened about a week before. We were going on what you call a regular search and clear, and we got hit from a certain village. And we didn't know what it was. And during the process of getting hit, you know, they stopped firing. And we were down, and you'd see a couple of kids running back and forth in the village. And so we expected it was more or less VC sympathizers who were there. But I don't really know if that was the same village we went into, because we went in from a different direction. Because when I saw that village there was a little river crossing, a little bridge we had to cross. We had a guy killed there, our first man killed. Then, when we landed, I didn't see it no more.

Q. WEBER?

A. WEBER, yes.

Q. Was there ever a memorial service held for WEBER?

A. I believe there was.

Q. Where?

A. This was on LZ Dottie.

Q. When?

A. I think it was in between the time that he got killed and My Lai (4), or it might have been after. I don't remember. I think it was two people who were. That's just WEBER. I don't--

Q. (Interposing) WILSON?

A. I don't remember. I don't remember when we hit that minefield. I don't remember what day it was, if it was before or after. There was one.

Q. Do you recall 15 March very well? The briefing you got from the company commander, the platoon leaders, the operation you were going on on 16 March, and so on?

A. No, not that well.

Q. Would you remember if there was a memorial service held that day?

A. No, sir. I just knew there was one held for WEBER, but I don't remember what day. It could have been that day, and right after that we had that meeting.

Q. How did you feel about this operation? Were you keyed-up on this operation more than others? Did you feel any fear or revenge? What was your feeling?

A. More or less, just go through there and do a job. But I couldn't see just running around and killing people. At first, I thought there was going to be a lot of trouble when I got in there. But, after I got in there, it was about 5 or 7 minutes after I was in there, nobody had shot at me, so I didn't see any reason for shooting at other people.

Q. I mean before you went in, say the night of 15 March, how did you feel about this operation? Did this appear to be different from any other operation?

A. It felt like it was going to be one of the biggest ones I've been through. And the way they talked, he stated that some people might not come back.

Q. Did you feel keyed-up over this operation?

A. We already lost one man.

Q. I'm talking about before?

A. Before we lost WEBER and all?

Q. Well, no. Before you went into the village, before you went into My Lai (4), there was no difference in your mental attitude in my Lai (4) than there was in any other operation that you went into?

A. No, sir. It was just I was a little more nervous in that one. I was--

Q. (Interposing) No revenge in mind, or anything like that?

A. No, sir.

Q. You were a fire team leader. Do you recall, after Captain MEDINA briefed, you probably went somewhere. And it's possible the platoon leaders may have gone with him for a briefing.

A. It's possible.

Q. Do you recall if the squad leaders went with him?

A. No, they didn't.

Q. They did not?

A. They did not.

Q. Who was your squad leader?

A. Sergeant LACROIX.

Q. Did Sergeant LACROIX go back to his bunker with you or something?

A. Yes. Myself and he walked back.

Q. You walked back, and you stayed with LACROIX until the platoon leaders came?

A. Well, I walked back with him. I don't know how-- the platoon leader goes to his bunk, he usually sends somebody around to call on his squad leaders.

Q. The platoon leader's briefing was given in the platoon leader's bunker. And did you attend that briefing?

A. No, sir.

Q. But LACROIX did?

A. Yes, sir.

Q. And you don't feel that LACROIX went with Captain MEDINA after he briefed the company?

A. Well, he could have been up there during the time prior that he had the briefing to the time the incident happened, because he was more or less a "brown nose." He had to run up there and get his points.

Q. What about Sergeant LACROIX? Did he give the squad a briefing after he got back from the platoon leader's briefing?

A. I imagine he did, but I don't remember what he said. I believe he was the one who told them when we hit the ground what direction we would be facing, where we were supposed to go in. He's the one who usually--he's the one who showed us on the map where we were located.

Q. Well, you said, I believe, in a previous statement, that you were in the second lift?

A. Yes, I believe I was.

Q. How far, at the time your aircraft landed, how far were you from the edge of the village?

A. I'd say about 100 feet, maybe less than that.

Q. 100 feet or 100 meters?

A. 100 meters. No, I would say less than that. I'd say maybe 40 meters.

Q. 40 meters. From which door did you get out, do you recall?

A. I'm sorry. I don't remember.

Q. Did you have to go around the aircraft to get to the village, or did you get out of the door and go straight to the village?

a. I believe I got out on the left-hand side of the aircraft, because I believe I had to wait for it to lift up before I could move.

Q. And then the members of that aircraft moved toward the village, is that correct? Or did you move somewhere else?

A. We stayed in an immediate circle until everybody landed. Then we moved through.

Q. But you got off at that landing site. Did you move to a perimeter, or did you stay right where you were after you got off the aircraft?

A. We moved out of the way so the next lift could drop. We moved to make a perimeter around which the choppers could land.

Q. Do you remember--possibly we can see this on the photograph--but do you remember which direction you were facing? Were you facing away from the village or towards the village?

A. I think facing--I think the village was to my left, my left front.

Q. When did you leave that position and move towards the village. How long were you there?

A. Approximately 5 minutes.

Q. And then the squad moved over towards the village, or did it go somewhere else?

A. Then we pushed through.

Q. You went directly into the village?

A. Directly into the village.

Q. Was there any buildup on a line of platoons and fire teams before moving into the village?

A. We were supposed to go in on line, but that was a complete wreck after we went through.

Q. Well, did you go on line before you moved off?

A. Well, when we hit the ground and made our perimeter, I guess that was our line. We just got up and moved through.

Q. Where was your squad in relation to the other squads in the platoon?

A. I don't remember. All I know is who was on our left; second squad. Sergeant SCHIEL was in charge of them.

Q. And your squad was which squad now, the third?

A. Third squad.

Q. And SCHIEL was on your left?

A. I believe he--I don't know if he had another squad on the other side of them, but I know he was almost out of the village when he landed.

Q. He was moving along the rice paddies?

A. Yes, sir. As I walked, I could more or less see the rice paddies when we passed a house.

Q. In other words, as you moved along through the village, to your left was about the edge of the village?

A. Yes, sir.

Q. How many bodies did you see in this village?

A. Oh, I was standing--in the position I was, it wasn't that many, because I was on the edge of the village. We more or less pushed through. I don't know if any of them ran out. There were quite a few who got out of the village, because we all gathered up, say, about 500 meters out of that village. And they ran out of the village, afraid they'd get killed.

Q. I didn't get that last remark. Ran out of the village what?

A. They were afraid they'd get killed, so they all, most of them, ran out of the village.

Q. Ran toward the sea, towards the east. Is that in the opposite direction from which you were moving? Is that what you are talking about?

A. The opposite direction. Well, they--we were moving up this way, they were moving this way, but they went over this way after they got out. I believe I heard this. I didn't see it with my own eyes, that a helicopter came down and picked a whole bunch of them up. One of these guys who was patrolling, I believe, he got killed.

Q. Did you move all the way through the village, or did you deviate and go off to the north at any time?

A. I don't remember the north, but I did go into another village.

Q. Your platoon moved off in another direction?

A. To another village.

Q. We'll plot that later. Now, you didn't say how many bodies you saw. Do you remember what you saw, not what you heard?

A. I could say it's about 20 to 25.

Q. 20 to 25. How many people did you see wounded?

A. I couldn't say.

Q. When you started into the village, was there a lot of firing going on?

A. In the beginning. But when we got to about halfway or something, somebody said cease firing. I think it was cease fire before that, but by the time it got to everybody it was about halfway through the village.

Q. You got an instruction to cease fire about halfway through the village. Was the procedure of reconnaissance by fire used initially?

A. I wouldn't know. My squad, as we went in, we started firing as soon as we went in because this was told to us. I don't know if any other platoons or squads did it.

Q. But you heard a lot of firing?

A. Quite a bit. In the beginning, when we first went in, there was a lot of firing. But it gradually slacked off.

Q. How about the gunships? Did you see the gunships anywhere?

A. No, sir. I think they--they came in on every lift. That's the only time I saw them, security for the helicopters. I heard and also saw the body the gunship shot down, shot one of the enemy and found a weapon. I think there were two of them there. They had weapons.

Q. Did your platoon recover these weapons?

A. Yes. I think Lieutenant BROOKS got one of them.

Q. Is this when the platoon moved away from the village, when these weapons--

A. (Interposing) To the other village?

Q. To the other village, at the time these weapons were recovered?

A. We went through the village and burned it down, started to burn it down.

Q. What do you mean you started?

A. Well, my platoon leader told us to stop.

Q. He said stop. Where? Where did he say stop?

A. I don't think he even wanted anybody to burn it, but we went in with the notion we thought we were. He said no, we were just searching and clearing.

Q. Do you know if he received instructions on this?

A. I wouldn't know.

Q. What about cease fire? Where did you get these instructions?

A. They were just hollered on through all the other people.

Q. Where were you at that time?

A. I don't remember. I think it might have been by that well. Somebody showed me a picture once before of a body in a well. I explained to them that, to my knowledge, I never saw any body in there. I did kill a pig, and I threw the pig in the well to make the water dirty so it wouldn't be drunk. I didn't see a body in there at the time.

Q. Do you remember if you were in My Lai (4), or were you in this other village when you received instructions to stop and cease fire?

A. I believe it was in My Lai (4).

Q. You do?

A. I couldn't say who gave the word. Once it came out from the CO, then everybody starts hollering cease fire.

Q. When you were in My Lai (4), did you see any officers from Task Force Barker, brigade, or division land. Did you see any helicopters land?

A. Just the ones I was on and the people after me.

Q. But not after the assault started? You didn't see any helicopters come in for a landing?

A. If there were any high ranking officers, they were with headquarters platoon. I believe there was a photographer with them, too.

Q. Did you ever see the photographer that day?

A. No, sir.

Q. What kind of company commander was Captain MEDINA?

A. The way I felt?

Q. Yes. What I'm asking for is your opinion.

A. I felt that he was one of the best I had.

Q. Pretty good officer as well as company commander?

A. Yes, sir. He believes in getting the job done.

Q. Do you think he had control of the company during this operation?

A. I believe so. He left it in the hands of the platoon. I believe he had control of it.

Q. How about Lieutenant BROOKS?

A. To me, he was more or less a younger officer. He looked up to older people because he was a younger officer.

Q. Did he seem to know what he was doing?

A. Yes, sir. He was real good with a map.

Q. Did you see any National Police in that town at any time that day?

A. I don't believe so.

MAJ ZYCHOWSKI: When you went through this other village here, did a squad go, two squads, or the entire platoon go through the village with Lieutenant BROOKS?

A. It was the entire platoon.

Q. Entire platoon. Now, this was en route to the village. Is this where you also saw the two VC who were killed?

A. It was right when we came on the other side of the village. I came out on the other side of the village here.

Q. When you say village, now, is this My Lai (4)?

A. I believe My Lai (4). The one we assaulted through.

Q. When you got to this other village, did you notice any bodies lying there? Did you see any dead bodies?

A. I think there were a couple dead bodies.

Q. When you were there, was there any shooting before you went into the village?

A. I don't remember if there was shooting before or after. I know there were some dead bodies.

Q. Is this where Lieutenant BROOKS, or someone else, told you to stop the shooting or the burning? In the village, here?

A. Yes, sir.

COL WILSON: What did he say, "stop the shooting," or "stop the burning"?

A. He said, he passed it down: "Don't burn any hootches down. We're just checking this village out."

Q. What happened that afternoon, do you remember?

A. No, sir. Like I say, I don't remember if we came in or not. There are different portions of times I was over there that seem like it was--it did happen the same time. I don't remember. I remember something about being on a beach, but I don't know if that happened at that instance or some other time. When we went on the beach, like he said, those civilian police, I remember seeing some civilian police there. It was right along the beach. I don't know if that was it. One night before that, we ended up in a graveyard. I don't remember if that's the same instance.

COL WILSON: We will take about a 5 minute break. The hearing will recess.

(The hearing recessed at 0925 hours, 7 January 1970.)

(The hearing reconvened at 0930 hours, 7 January 1970.)

COL WILSON: The hearing will come to order.

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

COL WILSON: Now, on the afternoon of 16 March, you don't recall exactly what took place. Do you recall where you stayed that night, or what happened?

A. No, sir, I don't.

Q. Did you see anything unusual after you left that second village, before you went into bivouac or laagered?

A. No, sir. I don't remember. I think we went on another mission. It was at LZ Black, right below an ARVN base camp. I don't remember if it was, but the funny thing, I think it was--because the biggest combat assault we ever had was the one when we went to LZ Black. And I think it was right after LZ Dottie.

Q. Well, I'm still talking about the time frame of 16 and 17 March, during that period?

A. I don't recall where we were during that period.

Q. You don't recall 17 to 18 March? Did you hear anything about killings or unnecessary killings over at Co Lay (2) over on the coast, near where you were operating during this same time?

A. No, sir. What just came to my mind, I believe instead of going to LZ Black we did come back to Dottie. Because there was supposed to be some kind of investigation on what we did. And as I told you, this pilot, this warrant officer, who came down and picked up these people--

Q. (Interposing) Yes?

A. He--I think he was filing a complaint. This is what I heard about it, and they pulled us back to LZ Dottie. We stayed there for about 8 or 9 days, you know, and nothing else was said about it.

They let us go back out in the field. Somebody said that we got some kind of letter or recommendation from General WESTMORELAND, that we did a good job. I don't know if that was just bringing our morale back up or something.

Q. Well, let's pursue this a little bit. You came back to Dottie. Did you stay at Dottie for any unusual period of time, longer than you would normally stay at Dottie?

A. No, we usually stay a week.

Q. You usually stayed a week. Well, did you stay a week this time?

A. I believe it was a little over a week. That was the best part about working with this task force. We might go out for 4 days, and then come in for a week. That's something we don't usually do.

Q. That was a little unusual then. You usually stayed out longer than that?

A. Sometimes we stayed out for 30 days and came in for 2 days and went back out again. That's why I liked the guy we had over us. I don't remember his name. He got killed.

Q. Do you remember the name Task Force Barker?

A. That's right, Colonel BARKER. It started a lot of trouble that Colonel BEERS wanted all of the points, you know, and Colonel BARKER was getting them. And it was a big rivalry. And when we did go back to Colonel BEERS, he put us to work.

Q. Did you ever see Colonel BARKER out in the field at this time, during this time frame? At My Lai (4) or back when you were extracted or taken back to Dottie?

A. He was on Dottie with us.

Q. But when you were brought back out of the Pinkville operation, did you see Colonel BARKER or Colonel HENDERSON, or any senior officers at the landing zone when you came back in?

A. No, sir.

Q. When you got off the helicopter?

A. No, sir.

Q. Did anybody ask you any questions?

A. No, sir.

Q. But you heard there was an investigation?

A. Yes, sir.

Q. Where did you hear this?

A. I don't remember. More or less through the grapevine.

Q. Did you get it before you left the operational area, or did you get it after you got back to Task Force Barker? I mean after you came back to LZ Dottie, or where?

A. It was after.

Q. When you got back. So you didn't feel, at the time you were withdrawn or extracted from the operation, you didn't think this was because of an investigation?

A. No, sir.

Q. But you thought when you got back to the landing zone there was something said about an investigation?

A. No, sir. I didn't know until maybe half a day after we were back.

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Q. Half a day after you were back. And what did you think? Did you think that you had been pulled out because of an investigation?

A. Yes, sir. To my knowledge, I thought we were in the wrong village. That's why they pulled us out. Like the CO got messed up on his map or something. He usually doesn't, but anybody can make a mistake. That's why I thought we were pulled back.

Q. Why do you think you were in the wrong village?

A. Because the other two times we were there, there was this little river in front of us. And the time we landed there, somebody said that the only way we'd get across to that village is from that little bridge laying on the opposite side there. And there was a river on the other side. I didn't see any river when we landed.

Q. I think you mentioned earlier that the people in this area had been warned. Did you say that?

A. Somebody said they dropped leaflets down there. They had been warned, told that we were coming in there.

Q. Who told you this?

A. I don't remember that, either.

Q. Where did you hear this? Did you hear this before you went in or after you came out?

A. Before. I couldn't understand why they said that. In other words, if you drop leaflets and tell them that we are coming through to do some damage, they wouldn't hold the VC's there. They would leave, too.

Q. Probably either leave or reinforce?

A. Yes. They said they dropped leaflets, but I don't believe they did.

Q. But you don't remember who said this?

A. Not too often do you get something from the horse's mouth.

Q. You don't remember anything about Co Lay (2), or of killings over on the coast?

A. No.

Q. Were you ever questioned at any time by anyone concerning this operation? In an investigative capacity?

A. Just by CID.

Q. I mean while you were still in Vietnam?

A. No, I wasn't.

Q. Do you know if anyone in your platoon was ever questioned?

A. I don't believe there was, because, like I said, they said they were holding us for investigation. Nobody said anything; they just let us go.

Q. They said they were holding you for investigation?

A. To investigate what we did.

Q. Who said this?

A. I could just say somebody in my squad, you know. You hear something from somebody and pass it on to another.

Q. Where was this said?

A. Where were we?

Q. Yes.

A. LZ Dottie.

Q. After you came out of My Lai (4), you thought you were staying there because you were going to be questioned by somebody for an investigation?

A. I didn't think they'd question us. I thought they'd just more or less question officers.

Q. You thought that the unit was being held for questioning, or someone in the unit was to be questioned. Did Captain MEDINA ever get up in front of the company and say anything about an investigation? Did he ever get up and say, or did anyone tell you, not to talk about this incident?

A. While I was in Vietnam, no.

Q. Nobody told you this?

A. No, sir.

Q. LACROIX didn't say anything?

A. No, sir.

Q. Sergeant BUCHANON?

A. No, sir.

Q. Lieutenant BROOKS?

A. No, sir.

Q. Sergeant HOBCHIED?

A. No, sir.

Q. Captain MEDINA?

A. No, sir.

Q. Lieutenant STORMS?

A. No, sir.

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

A. Just that village, or the Vietnamese in general?

Q. Let's take the Vietnamese in general first.

A. I don't know the attitude towards the whole company. I can tell you my attitude. You know I--

Q. (Interposing) What's your attitude?

A. I thought they were pretty good people, because they didn't have anything that we had, you know. And they're not as smart as American people, because they don't have the equipment to learn. I got along with the people in the village pretty good. I used to sneak off base camp all the time and go downtown.

Q. What downtown?

A. From LZ Dottie, I forgot the name of the village. It's that little village right outside of Dottie.

Q. Do you speak French?

A. No, sir.

Q. Most people from New Orleans speak French.

A. My mother speaks French. I don't.

Q. What was the opinion with reference to My Lai (4), or Pinkville?

A. What happened?

Q. No. I mean, what was your attitude towards those people? I said first we'd talk about the Vietnamese as a whole, and now I'm talking about the Pinkville area.

A. Well, I thought they were out for blood, to get us. So I figured, you know, like they say, get them before they get you.

Q. In other words, you figured everybody in this particular area was VC, VC dominated, VC sympathizers, or VC controlled. Would you say that these people were VC sympathizers or VC dominated?

A. I believe they were VC sympathizers.

Q. Were you given any definite information by the company commander before you went in there as to the background of this area, the type of people who were there, their attitudes, their sympathies? Was this covered in the briefing?

A. He said they were--these people--I don't remember if it was the 3d Regiment, or something like that, but it was in there. These people were supporting the people when they came in. Several of them had wives who were living there, and that's why they came in.

Q. What do you think happened on 16 March at My Lai (4)? What do you think caused all this killing?

A. I wouldn't know, just search and destroy.

Q. You mean that term itself caused the killing?

A. I think so.

Q. You never had a mission before that you were told to search and destroy?

A. Myself and my unit, we've never been on any other search and destroy.

Q. Did you ever go on one after that?

A. No, sir. Never did before, either.

Q. Does the term search and destroy mean this to you, or was it the preliminary briefings that were conducted, or what was it that caused this enormous amount of firing and killing?

A. It was told to us that it was search and destroy. They said search and destroy was not like search and clear. Search and clear, you don't fire unless you're fired upon. Search and destroy, you go in shooting.

Q. They said this at the briefing, or were you trained in this at some other time? Were you trained somewhere else in this?

A. I was trained to learn that when I was in Hawaii.

Q. You were trained in Hawaii in this, these two different concepts of how you operate?

A. Yes, sir.

Q. Why do you think this was not reported?

A. Reported?

Q. The incident.

A. It was reported, because, like I said, the investigation came right after. The reason I thought it quit was that somebody got all excited and thought we were doing wrong, so they just dropped it when they found out we weren't.

Q. So you think there was an investigation conducted, but that the investigation concluded that there was nobody wrong?

A. Yes, sir.

Q. That was your opinion?

A. Yes, sir.

Q. Do you feel that most of the men in the unit felt that way?

A. The men in my squad, yes.

Q. Was there any marijuana problem in C Company?

A. Not to my knowledge.

Q. Marijuana abuse problem? Well, do you know if anybody was on marijuana when you went into My Lai (4)?

A. No, sir.

Q. Do you remember what C Company did, what type of operations they conducted after My Lai (4)? Did they conduct the same thing they had done before, or were they moved to another area, or what?

A. I don't remember, sir. It could have been that we went to LZ Black then.

MAJ ZYCHOWSKI: When you were briefed initially on 15 March, did this also include the hamlet north of My Lai?

A. Not to my knowledge.

Q. When you left the hamlet of My Lai (4), what diverted you? Who told you to go up there?

A. I don't know how far up we went. My platoon leader did say we were moving over to this village.

Q. The platoon leader just told you you were going up there?

A. He didn't give a reason why or anything. But the way I looked at it, when he said go up that way, I figured we were going that way, and another platoon was going this way, more or less spread out.

COL WILSON: Mr. LAMARTINA, I'm going to get a photograph and a map (Exhibits P-1 and MAP-4) and put you through an orientation. Then I want you to look at some ground photographs, and we'll conduct the interview from there.

(COL WILSON and MR LAMARTINA went through a period of map orientation.)

The first thing we'll do is go through the photographs. If I ask you a question--I may skip some photographs if I've got enough information on them. We'll take ground photographs first, and then we'll see if we can't figure out where you went through the village. Do you know where the location in photograph P-3 is?

A. No, I don't. I wasn't anywhere around. If I saw it, I put it down. But I don't have it.

Q. Who is this in photo P-5?

A. The only reason I picked that is it looks something like me. No, that's not the one I thought that was SIMONE.

Q. You think this is SIMONE? SIMONE was in the 1st Platoon, wasn't he?

A. Yes, he was.

Q. What was SIMONE doing?

A. I wouldn't even know. Looks like he's trying to pull out a plant.

Q. Did you know Sergeant LOPEZ?

A. Yes. He was my squad leader in Hawaii.

Q. That couldn't be Sergeant LOPEZ, could it?

A. I don't think so. Sergeant LOPEZ was like one of the biggest chickens I ever ran across in my life.

Q. Photographs P-6, P-7, P-8, P-9, P-10, P-11, and P-12 all are activities concerning CARTER. The main question I would ask on these photographs is do you know where this was located?

A. No, sir. That would be to my right, and I would be all the way to the left.

Q. On photograph P-13, do you know where that was located?

A. No, sir. All I remember is I was lying against one of those dikes like that, too.

Q. Do you know the people in this photograph?

A. Well, that's Sergeant MARONEY there. And that's Lieutenant JENSEN.

Q. The first man is Lieutenant JENSEN; the second man is Sergeant MARONEY. Who is Lieutenant JENSEN?

A. I think he was in charge of the mortar platoon.

Q. Photograph P-16, what do you recall about that one?

A. I remember passing by there. I think there's a road right off on a trail on the side there, when I walked back through. I think it's when we came from that other village. I don't remember when, but I did

pass through. Most of us didn't see this stuff, because we didn't burn anything down in that village. We went through, pushed through. I think it was the mortar platoon and headquarters that did all the burning. I do recall going through the village once we had done all this, and this picture looks very familiar.

Q. Do you know where that location is?

A. No, sir. Towards the front of the village.

Q. P-17, do you know where that location is?

A. That's the same snapshot of Sergeant MARONEY.

Q. Yes. What do you know about photo P-19?

A. That's Sergeant PHU.

Q. You don't know any Vietnamese in there, civilians?

A. No, sir.

Q. P-24, do you think it is you?

A. Yes, because I remember picking some corn. And he's got his gear set up like I carried mine.

Q. P-25?

A. I don't remember his name, but I know he's Mexican. He went to the NCO academy right after that, sometime after that. I think if it was mentioned I'd know. I could verify it for us.

Q. GRIMES?

A. GRIMES, that's it.

Q. Was he a squad leader?

A. He was a squad leader at the time. I think he was just PFC; just that nobody else wanted to be in charge. He was out to make some rank.

Q. He looks like a big man?

A. Quite big.

Q. P-33 is the same as the former photo where the bodies are burning. P-36 is CARTER again, no questions on that one. P-37 is a man in a well. What do you know about that one?

A. That could be the well that I threw the pig in, but there wasn't a man in it when I threw the pig in. And the pig would be floating, and I don't see it in there. I don't think you have any snapshots of the 2d Platoon.

Q. P-56?

A. That's WIDMER up there.

Q. In the back is WIDMER. Can you tell who that is in the front? What's he doing?

A. It looks like he's throwing a grenade, if that's what it is.

Q. P-58?

A. The only one I know is Sergeant PHU.

Q. You don't know these two men in the front?

A. No, they hadn't been in my platoon.

Q. P-60?

A. I think that's Lieutenant LACROSS.

Q. You think that's Lieutenant LACROSS?

- A. Could be, or it could be GRIMES again.
- Q. GRIMES, or Lieutenant LACROSS. He was a big man.
- A. I don't remember if Lieutenant LACROSS was that big.
- Q. Do you know the location of photo P-64?
- A. No. All I know is him, but I don't remember his name.
- Q. The man in the front of the column is who?
- A. I don't remember his name.
- Q. SMITH?
- A. SMITH.
- Q. Is it SMITH, Gerald SMITH?
- A. Yes, it's SMITH. I don't know his first name.
- Q. How about the second man?
- A. I don't know. I think it might be somebody who is from New York or something.
- Q. Was the grass about this height on the landing zone when you went in?
- A. I don't remember. I don't think it was this wet.
- Q. Photo P-66, what do you know about that photo?
- A. I know MACKEY.

Q. MACKEY is the man in the center rear.

A. And this is MURRAY.

Q. MURRAY is on the right.

A. That's it.

Q. Was MACKEY in your platoon?

A. He switched around quite often. They sort of just moved him around a lot.

Q. P-69?

A. That looks like that guy I told you about, I don't remember his name, from New York. He used to hang around with SIMONE, and he used to hang around with ROTGER until he got killed. I know his first name is Pete.

Q. P-69 was Pete?

A. It describes him. I know he shot his finger when we first got over there.

Q. P-126?

A. GRIMES on the right. That's SMAIL.

Q. The third man from the right is SMAIL. Who is the one on the left?

A. I don't know.

Q. Where was that?

A. That was that location where I told you I remember seeing those police. I believe that was it.

Q. What police?

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Q. I have two documents, Exhibits M-2 and M-3. M-2 is entitled "Nine Rules," and M-3 is entitled "Enemy in Your Hands." These are facsimile copies, front and back. Would you look at those and tell me if you have ever seen those documents, M-2 and M-3?

A. I've seen this one.

Q. Which one is that, M-2?

A. M-2. I think I was given a little card like this.

Q. With a red MACV insignia on the front of it?

A. Yes. I think I was going to Vietnam.

Q. Before you got to Vietnam you got this?

A. No, I believe it was after.

Q. After you got into Vietnam. The title of that one is: "Nine Rules," M-2. Do you remember where you got that card? Did you get it right when you got in country? Have you still got it in your wallet?

A. No. It might have been even before, because I didn't have it too long after I was there. It might have been given to me when I was ready to come over, because we went over as a unit. I remember the first one, we were all guests here. I think they issued these cards out three or four times when I was over there.

Q. How about M-3? Did you see that one there, did you ever get that one? Look at the front page of M-3. I think that's the one that has the translations on it, isn't it?

A. Key phrases in English.

Q. Yes, do you remember those?

A. I got a little book like that, a white book, pamphlet.

Q. But no cards?

A. No, it was a brown book, a little, brown, hard-covered book. It had all the languages in it, most of the language, in case you wanted to learn it.

Q. Did you ever receive any training after you got to Vietnam in methods of handling prisoners of war and noncombatants?

A. I don't remember. I know I went through some kind of phase on mines and--

Q. (Interposing) Booby traps?

A. Booby traps and all. That could have been included with it.

Q. Were you ever told what to do in a combat situation when you had a large number of people, Vietnamese, around? What were the rules of engagement? What were you told to do?

A. Try to gather them up, and let them sit down in one bunch.

Q. Suppose they ran from you?

A. If it was My Lai (4) holler, "stop", and fire one shot in the air. And, if they didn't stop, shoot them.

Q. In other words, you told them to stop, gave them a warning shot if they didn't, and then fired--shot them if they kept running?

A. Shoot to wound.

Q. Shoot to wound after the warning shot?

A. I was told never to run after them.

Q. Don't run after them?

A. They could be leading you into something, so I never did.

Q. Did you see many people running in My Lai (4)?

A. No, sir. There were a lot of people out of the village when we went through. We didn't see anybody run. Most of them just stayed in the house.

Q. Mr. LAMARTINA, do you have any further statements to make, any further testimony?

A. No, sir.

Q. We appreciate your coming in. I'd like to ask that if you run across any documents, photographs, notebooks, or anything that might assist us in this investigation when you get home, that you drop us a line or get the telephone number downstairs and call us. I request that you not discuss your testimony in this investigation with others, including other witnesses for the investigation, except as you may be required so to do before competent judicial, legislative, or administrative bodies. In addition, you are cautioned that, if you are subject to the order issued by the military judge in the general court-martial case of the United States v. Calley, your appearance here in no way changes the applicability of that order. This is considered within the context of that order. But whatever that order states, this investigation doesn't change it. Do you have any questions?

A. No, sir.

COL WILSON: This hearing is recessed.

(The hearing recessed at 1038 hours, 7 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: MOSS, Tommy L.

DATE OF TESTIMONY: 5 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Rifleman, 3d Squad,
2d Platoon, C/1/20.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

MOSS underwent BCT at Fort Gordon where he learned that prisoners were to be treated in accordance with the Geneva Conventions (pg. 37). The enemy was to be captured, if possible, and turned over to the proper authorities for interrogation (pg. 37). There were three steps in the engagement of a fleeing enemy: (1) one shouted "Dung Lai" meaning "stop", twice; (2) if the person did not stop one would shoot over his head; and (3) if he still failed to halt one fired to wound (pg. 38). He received no training of this type with C/1/20 in Hawaii (pg. 39). However, at Duc Pho he was instructed to respect the customs and traditions of the Vietnamese and the importance of taking prisoners alive (pg. 39). He believed he was issued cards similar to "Nine Rules" and "The Enemy in Your Hands" before leaving Hawaii and understood he was to keep these cards on his person at all times (pg. 40). He did not recall ever being asked to deviate from the instructions on this card (pg. 40).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

Prior to the My Lai operation the company had encountered sniper fire and enemy minefields (pgs. 4, 5). There was a memorial service for those killed in the minefield approximately two to three hours prior to Captain MEDINA's briefing (pg. 5). MEDINA explained that this operation would be different from the others because heavy contact could be

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expected (pg. 4). He said that nothing, including civilians, should be left alive in the village and that hootches were to be burned (pgs. 5, 6). "This is a chance to get back at the VC for the lives we have lost" MEDINA continued (pg. 7). To a question whether his order included little babies and children MEDINA replied that they were as much VC as the grownups (pg. 7). There was no separate platoon briefing (pg. 6). Generally, the company looked upon the operation as an opportunity for revenge (pg. 6).

3. THE ASSAULT ON MY LAI.

a. The company sweeps the village.

(1) Actions by second platoon.

The company received no resistance or hostile fire as it began its advance on My Lai (pg. 9). In fact the people acted friendly (pgs. 9, 20). However, the Americans advanced directing fire at specific targets (pg. 9). Although there were not very many Vietnamese killed until they reached the center of the village (pg. 22), some of his friends were shooting old men, women and children (pgs. 8, 10). As they advanced they burned hootches and destroyed livestock (pgs. 8, 11). The first incident he recalled was a baby shot in the back (pg. 8). Vietnamese were grouped together and shot in place (pgs. 10, 12). The largest group he saw killed like this had 20 to 25 people in it (pgs. 15, 17). Some Americans beat and tortured people (pg. 10). Vietnamese were hit with fists and rifles and some persons were bayoneted in the backs (pg. 22). The witness recalled seeing bodies under burning straw in the village center (pg. 43). Those who acted friendly were killed along with the rest (pg. 22). In fact, with all but a few of its members participating, his platoon shot just about every civilian they saw (pgs. 12, 23). Women comprised the largest number of those shot of the 100 to 150 people MOSS estimated his platoon killed (pgs. 11, 12). He heard that a woman was raped by a member of the second platoon, but he did not actually see it (pg. 23). He could not recall seeing a ditch with bodies in it (pgs. 17, 18).

(2) Observations made by MOSS of activities in the first platoon area.

There was some confusion in the operation, and the first and second platoons became somewhat intermingled (pg. 25). Near the center of the village he saw a group of

Vietnamese being questioned by the first platoon (pgs. 11, 12). When he returned later they were dead (pgs. 11, 17). The bodies were in a pile on the trail in the middle of the village (pg. 17). There were about 25 to 30 old men and women, young girls and babies in this pile (pg. 18). They had been shot by small arms fire (pg. 18).

(3) Persons MOSS observed shooting.

MOSS did not know if Sergeant LACROIX participated in the shooting (pg. 27). LACROIX was attempting to keep up with the squad and he was doing some of the searching (pgs. 10, 29). Sergeant BUCHANON was behind the platoon (pg. 10). MOSS recalled that he, BERNHARDT, and BUNNING did not shoot anyone (pg. 27).

(4) The platoon captures some weapons.

About 1000 hours personnel from the platoon accompanied BROOKS into a rice paddy in pursuit of VC who had been spotted by a helicopter (pgs. 13, 26). Only two weapons were captured: an M-1; and a carbine (pg. 26).

b. The landing of the helicopter.

MOSS saw a bubble type helicopter land in a rice paddy before noon (pgs. 14, 15). He did not know what the pilot was doing, but someone said he was trying to stop what was happening (pg. 15).

c. The order comes to stop the shooting.

At approximately 1030 MOSS saw BROOKS passing along an order to stop firing which BROOKS said was given to him by MEDINA (pgs. 12, 13). By the time this order was received the platoon was on the other side of the village (pg. 14). They set up a perimeter and had lunch (pgs. 13, 14).

d. Actions after leaving My Lai.

After leaving the village the company moved perhaps 1500 to 2000 meters where a perimeter was set up for the night (pg. 19). He saw National Police interrogating some persons whom they later killed (pg. 19). He thought he saw BARKER during the afternoon (pg. 18). On the 17th MEADLO lost his foot on Hill 85 (pg. 28). The company moved almost due south, passed through several hamlets, and captured a nurse at the mouth of the Song Tra Khuc River (pgs. 27, 28).

On the 18th they were extracted (pg. 28).

4. INQUIRIES AFTER THE ASSAULT.

MOSS did not see HENDERSON at LZ Dottie (pg. 28). He was told by a friend that an investigation was being conducted and no one was to say anything (pgs. 28, 33). MOSS thought this word was passed through his squad leader (pg. 33). MEDINA addressed the company and said he took responsibility for what had happened (pg. 29). He told the company that an investigation was going on and that it would be better if the company did not discuss the incident among themselves while the investigation was continuing (pg. 29). Apart from this no one told MOSS to be quiet about it (pg. 29). He did not know why the incident was not reported, but felt it cannot be classified as a coverup since everyone in the company knew about it (pgs. 32, 33). However, the men did not discuss it much, at least in MOSS' squad. BERNHARDT did say something about writing his congressman (pg. 31). He knew nothing about a similiar incident at Co Lay or anywhere else (pg. 29).

5. OTHER INFORMATION.

a. Assessment of his officers.

MOSS thought MEDINA was one of the best officers the company had (pg. 20). He believed that BROOKS had control of his platoon on the 16th. (pg. 20). He did not know KOTOUK (pg. 19).

b. MOSS' opinion on the cause of the incident.

Some of the men liked the Vietnamese people, but their attitude changed, especially towards those in their AO, as the company began taking casualties (pgs. 30, 32). The company was just getting even for the lives they had lost in the same area (pg. 32).

c. Marijuana.

He knew nothing about a significant use of marijuana within the company (pg. 30). He never heard about the men of the company going into combat under its influence (pgs. 30, 31).

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d. Miscellaneous.

(1) After My Lai the company went into rice protecting operations (pg. 30).

(2) He did not know anything about a citation to his unit after the operation (pg. 34).

(3) MOSS had not spoken with anyone from the newspapers (pg. 24).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M+2	MACV Card "Nine Rules"	Wit had been issued card in Hawaii.	39
M-3	MACV Card "Enemy in Your Hands"	Wit thought he was issued this card.	40
P-1	Aerial Photo of My Lai	Wit recognized the area.	8
P-3	Miscellaneous Scenes	Wit identified persons in photo.	53
P-4	Miscellaneous Scenes	Wit identified the medic CAPEZZA.	41
P-6	Miscellaneous Scenes	Wit identified a medic named "Mex".	42
P-7	Miscellaneous Scenes	Wit identified a medic named "Mex".	42
P-8	Miscellaneous Scenes	Wit identified persons in photo.	43
P-9	Miscellaneous Scenes	Wit identified persons in photo.	43
P-10	Miscellaneous Scenes	Wit identified persons in photo.	43
P-12	Miscellaneous Scenes	Wit identified persons in photo.	43
P-13	Miscellaneous Scenes	Wit identified persons in photo.	44
P-14	Miscellaneous Scenes	Wit identified persons in photo.	44
P-15	Miscellaneous Scenes	Wit identified persons in photo.	44
P-16	Miscellaneous Scenes	Wit recalled seeing scene.	45
P-17	Miscellaneous Scenes	Wit identified persons in photo.	45
P-19	Miscellaneous Scenes	Wit saw group when people were alive and after they had been killed.	54
P-21	Miscellaneous Scenes	Wit identified persons in photo.	46

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-22	Miscellaneous Scenes	Wit identified persons in photo.	46
P-23	Miscellaneous Scenes	Wit identified persons in photo.	47
P-24	Miscellaneous Scenes	Wit identified persons in photo.	47
P-26	Miscellaneous Scenes	Wit identified persons in photo.	47
P-33	Miscellaneous Scenes	Wit identified scene.	48
P-34	Miscellaneous Scenes	Wit did not see scene.	49
P-36	Miscellaneous Scenes	Wit identified persons in photo.	49
P-39	Miscellaneous Scenes	Wit saw this group of people shot.	49
P-41	Miscellaneous Scenes	Wit thought he saw this scene.	50
P-56	Miscellaneous Scenes	Wit identified persons in photo.	50
P-57	Miscellaneous Scenes	Wit identified persons in photo.	51
P-58	Miscellaneous Scenes	Wit identified persons in photo.	51
P-63	Miscellaneous Scenes	Wit did not recognize anyone in photo.	51
P-64	Miscellaneous Scenes	Wit identified persons in photo.	51
P-65	Miscellaneous Scenes	Wit identified scene.	53
P-66	Miscellaneous Scenes	Wit identified persons in photo.	52
P-67	Miscellaneous Scenes	Wit identified persons in photo.	52
P-68	Miscellaneous Scenes	Wit identified persons in photo.	53

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-69	Miscellaneous Scene	Wit identified persons in photo.	53
P-126	Miscellaneous Scene	Wit identified persons in photo.	54
P-128	Miscellaneous Scene	Wit identified persons in photo.	53

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(The hearing reconvened at 1130 hours, 5
January 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Mr. Tommy L. MOSS.

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

Will you state your full name, occupation, and
residence?

A. My name is Tommy L. MOSS. My occupation is working
in a drapery corporation, and I am a packer. My residence
is 380 Carl Avenue, Spartanburg, South Carolina.

MR WEST: Mr. MOSS, before we proceed with any questions, I
want to advise you about the nature of this inquest.

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 a duty to report and
furnish information concerning this incident. In other
words, whether there has been any coverup.

This investigation is not being conducted to look
into all the facts and circumstances of what happened at My
Lai. It is directed to those specific purposes which I've
just stated. For example, we are not concerned with the
culpability of any particular individual who might have
done something wrong.

We've had made available to us and have reviewed
prior official statements obtained in other investigations
of the My Lai incident. For example, we have a copy of the
statement which you made to a CID agent on 25 October 1969.

That was Mr. GRAHAM, I believe. Do you recall that statement?

A. Yes, I do.

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

Although the general classification of any report that we prepare after this will be confidential, it is possible that the testimony or parts of it may later become a matter of public knowledge.

I request that you not discuss your testimony in this investigation with others, including other witnesses for this investigation, except as you may be required so to do before a competent judicial, legislative, or administrative body.

For example, there is a special subcommittee of the House Armed Services Committee which is inquiring into the My Lai incident, and they are asking some people to come before them as witnesses. So I request that you not discuss your testimony, and this, of course, would not apply to them. In addition, let me ask you, are you subject to the orders of the military judge in the case of the United States v. Calley? Have you received any letter?

A. Yes, I have.

Q. Which asked you not to discuss your testimony?

A. Yes, sir.

Q. Fine. I want to advise you that this order from the military judge does not apply to this particular proceeding. We have discussed that with him and he understands, and it is his ruling that this order does not, for example, extend to this hearing. Also, our request to you doesn't affect that order from Judge KENNEDY in any way. Do you have any questions about this part of it?

A. No.

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

- A. That's correct.
- Q. What was your grade?
- A. My grade at that time was E-3.
- Q. And what was your duty assignment at this time?
- A. My duty assignment was rifleman.
- Q. What organization?
- A. C/1/20.
- Q. And Charlie Company at that time was attached to Task Force Barker?
- A. That's correct.
- Q. What platoon were you in?
- A. I was in the 2d Platoon.
- Q. Third squad?
- A. Third squad.
- Q. Who was your squad leader?
- A. At that time Sergeant LACROIX was my squad leader.
- Q. LACROIX?
- A. Yes.
- Q. When did you first hear of the planned assault on the village of My Lai (4)?
- A. This incident took place on--what day was that?
- Q. 16 March 1968.
- A. 16 March 1968. We were given the command on the eve of the 15th of the operation, of the task--of My Lai (4).
- Q. Are you speaking of Colonel HENDERSON?
- A. No, I'm speaking of Captain MEDINA.

Q. Well, I understand he gave the company a briefing on that evening at LZ Dottie. You were present, weren't you?

A. Yes, I was.

Q. Can you tell us what Captain MEDINA told the company at that time?

A. At that time, Captain MEDINA told the company that we were going out on a combat operation which wasn't going to be like the other operations, because this operation was going to be a search and destroy.

Q. Did he say anything about the enemy situation?

A. He said there would be heavy contact with the enemy.

Q. Up to this time, had the company had any heavy contact with enemy before?

A. None whatsoever. Not any heavy contact. We had sniper fire, or maybe they were shooting rockets or something like that. Other than that, we didn't have any heavy contact before that.

Q. Remember the company getting into a minefield shortly before this?

A. Yes. I do.

Q. Could you tell us about that briefly?

A. Two of our platoons were out on--we were working on separate operations. Two of our platoons were operating north of my platoon, and my platoon was operating by itself. We were going to help--I don't know what--it was one battalion of the 198th or 196th. We were supposed to be a blocking force for them. And on the way to set up a blocking force, the 1st and 3d Platoons ran into a minefield, and later on my platoon ran into a minefield also.

Q. Did you suffer some casualties?

A. Casualties were heavy.

Q. Remember how many?

A. I think we had almost, just about 13 casualties.

Q. Anybody killed?

A. There was--I don't recall. There were three guys, three or four guys killed.

Q. Do you remember a memorial service being held for the company before Captain MEDINA's briefing?

A. Yes, we did. We had a memorial service before that.

Q. Do you remember how long it was before the briefing?

A. Maybe about--I'd estimate from 2 to 3 hours.

Q. It was the same afternoon?

A. Yes, it was the same afternoon.

Q. Do you remember who conducted the service?

A. I don't remember who conducted the service.

Q. At the briefing, did Captain MEDINA give your platoon an assignment?

A. After the briefing?

Q. Well, during the briefing?

A. Not as I can recall. He spoke to the company in general.

Q. You were in the 2d Platoon?

A. Yes, I was.

Q. Tell me the squad again. Which squad?

A. I was in the third squad.

Q. Did Captain MEDINA say anything about what the company should do in the village?

A. He said that there wasn't going to be anything left alive in the village; kill animals, civilians also.

Q. Had you ever heard any orders like this before?

A. Not to my knowledge. I never heard any orders like that before.

Q. You're sure he said to kill the people in the village?

A. That was the order given.

Q. Was anything said about burning hootches?

A. Yes, he did.

Q. What was the mood of the men in the company after the briefing? How did they feel about it?

A. Well, to me, as in my company, it seemed like it was a chance to get revenge, or something like that, for the lives we had lost.

Q. Do you think that was a pretty general feeling throughout the company?

A. To me it seemed that way.

Q. Would you say they were ready for a fight, or some of them were afraid, or just how was it?

A. Well, too many people didn't say too much about it, but, I mean, some of the people, you know, who were around me, you could tell they were ready for a fight.

Q. Well, let's see. Your platoon leader was Lieutenant BROOKS, I believe.

A. Yes, it was.

Q. Did he give your platoon a separate briefing afterwards?

A. On the same afternoon? I don't think--not as I can recall.

Q. How about Sergeant COWAN, your platoon sergeant. Do you remember him?

A. Yes, I do. I don't remember him saying anything.

COL FRANKLIN: Just talk a little bit more, a little more in detail about Captain MEDINA saying to kill everybody and kill all the civilians; the impression that had on you, how he said it, and why you remember all that. That's sort of a strange order, isn't it?

A. Well, to me at the time it seemed strange, but I guess it didn't really throw me that much, what he was doing, what he was saying at that time.

Q. Well, how did he express to you--how did he say it, not his exact words, but what did he say again? Would you just repeat it?

A. Well, as he said, what he said was--the main thing that I guess, you know, that made everybody feel towards it was that he said a statement like: "This is a chance to get back at the VC for the lives that we have lost."

Q. But did he ever just flat say: "Kill everybody there." Or is that just the impression you got?

A. I remember someone asking him did he mean the little babies and things like that. And he said they were just as much VC as the grownups were.

Q. Oh, you remember somebody asking him a question?

A. Yes, I do. But I don't recall who asked it. Somebody did ask him that question.

Q. They asked the question if they should kill--what was the question--how was the question phrased that they asked?

A. It was--they asked him should they kill the little babies and children and things like that. And he said they were just as much VC as the grownups were, the older people.

Q. Are you sure about this, MOSS? I mean really, do you remember it?

A. Yes, I do.

MR WEST: On the next day, Mr. MOSS, could you tell us just what you did and what you saw after you landed from the helicopter, and just what happened after that? You recall on

the morning of the 16th that the company was lifted in by helicopter, and they landed in a rice paddy west of the little hamlet. Do you recall this?

A. Yes, I do.

Q. Could you tell us what happened after you got out of the helicopter?

A. Well, we got out of the helicopter and we--let's see, I can't see what direction we were going.

Q. All right, I'll show you an aerial photograph of My Lai (4) and a map that goes along with it. You notice this aerial photograph, Exhibit P-1, is on a scale of 1 inch equals about 100 meters. This is north, and over there toward the east is the China Sea. I show you also a 1:25,000 scale map which has been introduced in evidence as Exhibit MAP-4. You notice on the map, here's the little hamlet of My Lai (4). Here's the stream line. It shows up on the photograph here. You see this little trail leading south from the hamlet going down to this Highway 521. That's the same thing here. The landing zone was west of the hamlet in this rice paddy. Does this look familiar to you now?

A. Yes, I do.

Q. Are you used to looking at aerial photographs?

A. No, I'm not used to it.

Q. Well, could you just tell us what you did, and what your squad and platoon did, after you got out of the helicopter?

A. Well, after my squad and my platoon got out of the helicopter, we were on the left side, the left-hand side. The 1st Platoon was in the middle, and the 3d Platoon was on the right, I think, if I can recall. We went straight to the village, and there was a lot of shooting and killing going on. And we ended up on the other side, and at that time, we stopped.

Q. Okay, could you go back now, and could you take us through the village step by step and tell us what you saw?

A. Well, I saw some of my friends shoot women, children, and babies, and after that they started burning as they were going through.

Q. Now, when the platoon first moved into the hamlet, were they firing their weapons. Did they start in, say, firing as they moved, or was it sort of a reconnaissance by fire?

A. As they moved, they fired.

Q. Just firing into bushes and trees, or were they waiting for a specific target?

A. They were shooting at specific targets.

Q. Can you recall the first incident in which you saw anybody shot there in the hamlet?

A. The first incident I recall was the baby falling on the ground.

Q. What happened there?

A. Someone shot it in the back.

Q. Do you know who that was?

A. No, I don't.

Q. Up to this time, or after you landed in the helicopter, did you at anytime receive any hostile fire?

A. Not as I remember. No hostile fire.

Q. Do you remember any?

A. There was some, but I don't remember any at this particular time.

Q. As you moved through the village, was there any resistance at all that morning?

A. No, the people appeared to be very friendly, like they were praising Americans.

Q. They acted very friendly, did they?

A. Yes, they did.

Q. Did any member of your platoon get wounded that morning?

A. No.

Q. Didn't suffer any casualties at all?

A. No, not in my platoon.

Q. Mr. MOSS, it would help us a great deal if you could just tell us what happened as you recall it as you moved through the village, just step by step. We are endeavoring to put together now, almost 2 years after it happened, exactly what took place there that morning. We're not so much interested in who killed somebody as we are in what happened.

A. As we moved through the village, guys were shooting old women, children, and men. Some of them were putting them in bunches and shooting them at the same time. Some of them were beating them, torturing them.

Q. Had you ever seen anything like this before?

A. Not until I saw that. I had never seen anything like that before.

Q. What did you think at the time? Had you expected anything like this?

A. No, I did not.

Q. Did you see Sergeant BUCHANON during this time?

A. Sergeant BUCHANON was--I think was behind the whole platoon.

Q. And your squad leader was Sergeant LACROIX?

A. Yes.

Q. What did he do during this time?

A. I think he was mostly keeping up with the men from my squad.

Q. Was your squad deployed moving forward, or were they just searching out?

A. Some of them were searching out, and some were moving forward.

Q. What about the livestock, the food? Did the squad take time to kill the livestock or destroy any of the food? Do you remember?

A. I don't remember destroying the food, but I remember we shot some livestock, because I know I shot them, too.

Q. These people you saw killed, could you describe them? Are you talking about Vietnamese residents of the hamlet, the people who lived there?

A. Yes, I guess. They were in the hamlet and things like that, so I guess they were living there.

Q. All right. Could you describe them by, you know, sex and age?

A. Well, some of them were young. I'd say there were some young people about--I remember seeing about five or six girls. They looked to be no more than about 15 years old. And the rest of them were mostly old people and little babies.

Q. What was the proportion of men and women would you say?

A. The greater proportion was women in this village.

Q. Do you remember seeing any of the people rounded up and taken off to some other area during the morning?

A. I think I remember that. They had a bunch of people they were questioning. Later on, we came back through the village, and we passed through the side where I saw that they were questioning these people. And when we passed through that side, they were dead.

Q. Do you remember where this group of people was when they were being questioned? What part of the village?

A. It looked like to me--well, we were on the left, and it looked like they were right in the center.

Q. This is somewhere in the middle of the village?

A. Yes, right in the middle.

Q. Do you know who had these people in charge? Was it part of your platoon or--

A. (Interposing) I think it was the 1st Platoon.

Q. The 1st Platoon?

A. The 1st Platoon, right.

Q. Do you remember your platoon gathering up any people like that and maybe taking them off someplace?

A. I remember some guys had some Vietnamese people in our platoon, but I don't think they--they didn't take them anywhere, because I know somebody started shooting, and all of a sudden, I looked over there and all of them were dead.

Q. Well, as you saw things that morning, I get the picture that your platoon moved through the left side of the village, that would be the north side, and they just shot every civilian they saw. Is that right?

A. Just about.

Q. Could you estimate the number of people who were killed by your platoon as you moved through, based on what you saw?

A. Estimated by my platoon, I would say about 100 to 150 people.

Q. Did you see Lieutenant BROOKS during the morning as you moved through My Lai (4)?

A. I saw Lieutenant BROOKS about, maybe twice during the morning. The last time I saw Lieutenant BROOKS was, I think, when Captain MEDINA called up on the radio, and I was standing right by him when he said: "Stop all the shooting."

Q. And Lieutenant BROOKS passed the order?

A. Yes.

Q. Do you remember what he said?

A. He said: "Captain MEDINA says to stop the shooting."

Q. This is what Lieutenant BROOKS said?

A. Yes.

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Q. To whom did he say this?

A. Well, he passed it on to the squad leaders. I think I recall he hollered it out, because all of us were close to each other, so I think he hollered it out. Because the time before that he had shot a VC, or, I know he had captured a weapon right before that, so that's why he said it then. Because he and some other guys in our platoon, they was--this helicopter pilot spotted some VC. And Lieutenant BROOKS and some more guys went out to run the guy down and get the weapon.

Q. They picked up some weapons?

A. Yes, they did.

Q. Was it one or more than one weapon?

A. I think it was three, three weapons. Because I know one of my friends shot the VC with a weapon.

Q. Now, how did you know that Captain MEDINA had given this order? Was it something that Lieutenant BROOKS said?

A. Yes, he said that Captain MEDINA said it, but I didn't actually hear Captain MEDINA say it.

Q. But Lieutenant BROOKS said: "Captain MEDINA says stop the shooting," or words to that effect. Do you suppose you could fix the approximate time of this.

A. No, I couldn't say.

Q. The first lift landed in the landing zone about 0730, and apparently the 1st and 2d Platoons started through My Lai (4) somewhere around 8 o'clock, if that helps you any.

A. I'd say it was getting along between, I'd say, about 1000 or 1030, something like that. Because I know, later on, after that we set up for lunch. So it had to be in between that time.

Q. Sometime after that you had lunch?

A. Yes, we did.

Q. I'm not sure that you've mentioned it, but about where were you in the village at the time when Captain MEDINA gave the order to stop the killing?

A. To me we were out like--we weren't in the main part of the village. We were like way on the side.

Q. Out on the far end?

A. We were still going the same way, but we were like way over to the left.

Q. You were on the left edge of the village?

A. Yes, there were about maybe two or three hamlets over there where we were at, located at. It was like-- because we had to go over something like a causeway; because we had to go over something like that to get where we were located at.

Q. You hadn't gone all the way through the village yet?

A. I think we were just right at the end. Because when we came back across and went down a trail, we were right at the end.

Q. Did you work your way back into the village again after this, or did you stay?

A. We went around and we passed through one part of the village, I know that. Because we passed through one part of the village, mostly like at the end, because we went through it, and it was maybe 5 or 10 minutes, and we were out on the outskirts of the village.

Q. Do you remember the platoon setting a perimeter after going through the village?

A. I don't know what platoon it was, but one of the platoons did.

Q. Did you see a helicopter land out in the rice paddy at about this time. Around noon, or just before noon?

A. It was a pretty good while before noon that a helicopter landed.

Q. At this time you were out on the edge of the village, and you could see out in the rice paddy?

A. At this time, when this helicopter landed, we were out on this side I was talking about, and we could see the helicopter land.

Q. What kind of helicopter was it, do you know?

A. It was one of the bubble types.

Q. One of the bubble types?

A. Yes, it was.

Q. Do you know what the pilot was doing?

A. No, I don't know.

Q. Did you hear anything about what he was doing?

A. Somebody said that the pilot was trying to stop what was going on.

Q. Did you ever see a large bunch of people who were shot down at any time?

A. The only large group I saw was the one that my platoon shot, the one I told you.

Q. I'm not sure of what you're speaking now. Could you describe it again, please.

A. Well, I said that my platoon--

Q. (Interposing) Was this the bunch that was rounded up by your platoon?

A. Yes, it was.

Q. You said they didn't take them anyplace. They shot them there?

A. Right. They shot them right there.

Q. You saw this?

A. Yes, I did.

Q. Do you know who did the shooting?

A. Not as I recall, who was doing the shooting. There were about three or four guys over there who did shoot. I don't know who they were.

Q. Well, one of the reasons I asked this question is we're trying to locate witnesses who saw and know about things of this nature. It would, of course, involve them in an apparent commission of an offense. That's about the primary reason I asked you. Well, could you give us the name of anybody else who saw this particular incident? You saw it; was anybody with you at the time? A friend of yours who saw the same thing?

A. Somebody was with me, but I can't think who it would be.

Q. Who were some of the other members of the third squad?

A. Some other members were LAMARTINA, DELGADO, and ROSCHEVITZ.

Q. Who was the first one you mentioned?

A. I said DELGADO, ROSCHEVITZ, LAMARTINA, and there was somebody else in our squad, I think. We had just about a full squad at that time.

Q. A small squad?

A. We had a full squad.

Q. Oh, a full squad.

A. Just about, at that time.

Q. Well, we'll ask you later on.

A. SIMPSON. Let's see, who else? I can't think of anybody else.

Q. Does that help you remember anybody else who might have seen the same thing that you did, or know the spot they were shot down?

A. Well, I think some of them were watching it.

Q. Did you give me a figure on how many was in this bunch this time?

A. It looked like maybe 20 to 25 people.

Q. Did you see anything else like this afterwards?

A. From my platoon?

Q. Well, anywhere in My Lai (4)?

A. I didn't actually see it, but I remember the 1st Platoon had a bunch of people just like this also. I didn't actually see them get killed, but I know they got killed.

Q. Did you see the bodies afterwards, or were you just told about this?

A. I saw the bodies.

Q. Would you describe what you saw?

A. Well, they were all lying up on top of each other. You could see the blood and everything.

Q. What part of the village was this in?

A. It was on sort of like a road.

Q. Well, was it in the middle of the village, the beginning, or the end?

A. It was in the middle.

Q. Well, exactly, was it in a clearing, or was it on a trail?

A. It was just like on a trail, but, well, we call them roads, because it looked more like a road. I mean, it was wide enough to be a road.

Q. Did you see anything else like this?

A. No, I didn't.

Q. Did you see a ditch with bodies in it later on?

A. I can't recall.

Q. Going back to the pile of bodies over in the 1st Platoon area; it was on a road, was it?

A. Yes, sort of like a road.

Q. About how many people were in the pile of bodies?

A. Well, maybe about 25 or 30 people. They were all piled up on each other, so you couldn't tell.

Q. Could you tell how they had been killed?

A. Of bullet wounds.

Q. Small-arms fire?

A. Yes.

Q. And again, what were the ages and sexes?

A. They were old women. There were some young girls, I think. There were babies and old men.

Q. What proportion?

A. Well I don't--let's see. I didn't too particularly look at it. I don't--

Q. (Interposing) You don't really know?

A. No, really, I don't.

Q. Did you see any visiting officers that morning from Task Force Barker, the brigade headquarters, or division?

A. After this all occurred?

Q. Well, anytime during the morning or during the afternoon of the same day.

A. I think it was on the same afternoon that--oh, maybe the next, but I think it was on the same afternoon. Colonel BARKER came out.

Q. Well, let me ask you this. Do you remember what the company did the rest of that day, the 16th, after they left the village?

A. We moved, I think we moved about, we didn't move too far from--maybe about--yeah, we moved about, maybe 1,500 to 2,000 meters from this place. We set up a perimeter and we stayed there--well they went out--we went out searching some other places, but we mostly stayed there the rest of the time.

Q. During that afternoon, did you see any Vietnamese National Police?

A. Yes, I did. We had some with us.

Q. What were they doing?

A. Well, they were--the ones I saw were--they had some people they were interrogating, but after they got through interrogating, they were killed, too.

Q. Did you see them shoot any of these suspects?

A. I didn't see them shoot them, but--I was standing quite a distance from them--but they--we were sitting down eating or something, and we heard some shots. They weren't too far from us, and we didn't see the people anymore.

Q. Did you see any officers around at this time, either from Charlie Company, or Bravo Company, or Task Force Barker?

A. Any officer, what do you mean, around--

Q. (Interposing) With the Vietnamese police at this time, around where the interrogation was going on?

A. I know there was somebody over there, but I don't know who was over there.

Q. Did you know Captain KOTOUC, S2 of Task Force Barker?

A. No, I did not.

Q. How well did you know Captain MEDINA?

A. Well, I joined the company in December, and I got to know him pretty well.

Q. What kind of an officer was he?

A. To me, he was one of the best officers we had.

Q. From what you observed, do you think he had control of the company that morning in My Lai (4)? Well, perhaps you can't express an opinion on that. I don't know whether you--did you see him at all that morning?

A. I remember we--we came back through the village, and he was coming through the village. That's the only time I remember seeing him. Other than that I didn't see him.

Q. How about Lieutenant BROOKS, did he have control of the platoon that morning as it moved through?

A. To me, he did.

COL FRANKLIN: When Captain MEDINA called and you heard that call to stop the shooting or stop the killing, were you out--was it all open around you there? Were you in an open area, or were you inside the building?

A. Well, I wasn't standing too far from Lieutenant BROOKS and his radiotelephone operator.

Q. Yes.

A. So, we was--like, this is the edge of where we were. We were standing right on the edge of this hootch when he said that.

Q. Could you see rice paddies, open rice paddies, all around you?

A. Yes, I could.

Q. Do you recall going off through some open rice paddies just before that to pick up those weapons?

A. I didn't go out with them, but we saw--I saw the guys who went out because--

Q. (Interposing) Oh, you saw who went out?

A. Yes.

Q. Did most of the platoon go?

A. No, they didn't.

Q. Was most of the platoon over on the side there watching them? Did you look out over rice paddies? Was it all open when you were looking where they went?

A. It was sort of like an open field.

Q. You said the Vietnamese acted friendly. What do you mean they acted friendly when you came in?

A. The Vietnamese?

Q. In the village, they acted friendly toward you.

A. You've seen Vietnamese people when they do their hands like this (placing palms together and bowing)?

Q. Yes.

A. To me, it's like they were praising the American people. And they were bowing and everything. That's what I mean, acting friendly.

Q. You mean they were doing--okay, you tell us they were bowing down and putting their hands together. At the same time all the 2d Platoon are shooting and going around killing and beating. I don't understand how the two things can be happening at the same time.

A. They weren't happening at the same time. I said, when we first entered the--

Q. (Interposing) When you first entered?

A. We met the people and everything. It was--well, they had heard the shooting in the beginning of it. So the rest of the people, they were bowing down like I said they were.

Q. Oh, these were right in the outskirts of the village when you went in?

A. No, this is right almost in the center, where we were.

Q. In the center of the village?

A. Yes. I would say--from my point of view, I would say we were in the center.

Q. Had a lot of Vietnamese already been killed before you got to the center?

A. On my side? Not too many on my side.

Q. Not too many? So, when suddenly you saw these people, what distances were these people who were acting friendly from the riflemen?

A. They were as far, as close as myself and you are right now.

Q. And what happened to these people?

A. They were shot.

Q. They were all shot. And this was a whole lot of people who were acting friendly?

A. Yes, it was.

Q. You say you saw some beating and torturing. Would you just describe that a little more, what you saw.

A. I saw guys standing them up, hitting them, and things like that.

Q. Hitting them with what?

A. Their fists; rifles.

Q. Did you see anything worse than that? I mean, you say torturing. What do you mean by torturing?

A. I saw some guys had bayonets, sticking them in the back, and things like that. Sticking them and all that.

Q. You saw them sticking bayonets in backs?

A. Yes, I did.

Q. And this, nearly all of this you're talking about, was in the 2d Platoon?

A. From the point of view I had, that's what I saw.

Q. Your 2d Platoon is what you said. Now, you say you saw about 100 to 150 dead?

A. Yes, I did.

Q. Was that in the 2d Platoon area?

A. Yes, it was.

Q. That's just in the 2d--then you think most of this 100 to--

A. (Interposing) I mean the 2d Platoon area was in one spot. But some of these people where I seen--it--well, in other words, I remember one of the platoons, I think the 1st Platoon, got over in another--somewhere, something like that, and well. I would say that was our area, but I can't say my platoon killed all of them.

Q. Were most of the men in the 2d Platoon shooting down everybody they saw?

A. All except for a few guys I know.

Q. All except for a few guys were doing this?

A. Yes.

Q. Were most of them involved in this beating and bayoneting?

A. Not most of them.

Q. Not most of them were involved in that?

A. No.

Q. Were any of them doing any raping?

A. I remember hearing somebody did get raped, and somebody from our platoon did it. Somebody did it, but I didn't actually see it.

Q. You didn't see any of that?

A. No, but I did hear afterwards somebody did it.

Q. Since this came out in the newspapers and all that--you're from South Carolina, right?

A. Yes, I am.

Q. Has anybody been coming to see you from newspapers or any organizations?

A. Not other than the man who he said is the only person I ever talked to, other than you.

MR WEST: Mr. GRAHAM?

A. Yes, that's who I'm speaking of.

COL FRANKLIN: You didn't--did you talk to anybody and tell them you were going to come up here and testify in this inquiry?

A. No, I didn't

Q. You didn't talk to anybody at all?

A. No, I didn't.

Q. You must have talked to somebody. You just didn't leave your job, did you?

A. Oh, I talked to my employer, but I didn't tell him where I was going.

Q. You didn't tell him where you were going?

A. No, I didn't. I told him I was going out of town on important business.

Q. Nobody came down to see you, say, from New York, or somewhere like that?

A. No, they didn't.

Q. No, they didn't. Okay, thanks, Mr. MOSS.

COL PATTERSON: Mr. MOSS, would you help me a little bit to try to understand. I got the idea, now, that your platoon and some members of it wandered off and got into the 1st Platoon area. And some 1st Platoon people wandered off and apparently came into the 2d Platoon area.

A. Yes, that's what I said.

Q. I'm a little confused as to the type of control that you were exercising that morning to keep from shooting each other.

A. I often think about that myself, how so many guys in the company didn't get shot by their own people, because they were shooting across each other like that.

Q. Well, the thing that kind of plagues me is this. Mr. WEST asked about Lieutenant BROOKS having control, and then I hear these other things, crossing back and forth, and then going through, and then coming back. What was the purpose of all this? Why were you all crossing back and forth, or coming back?

A. I don't--I don't know, but to me, Lieutenant BROOKS had control of his platoon.

Q. Okay. Well, I presume, then, that he directed you to come back into the village. Once you'd gone out, you came back in to see the bodies. Is that what everybody was doing?

A. No, we--we had to. We were, like I said, we were on this little side over here to ourselves. So the only way we could get back across was to come back through that village.

Q. Why did you go back across?

A. Well, I don't know. I mean, you'll have to ask Lieutenant BROOKS about that. I didn't give the order.

Q. He told you to go back through there?

A. We came back through. Well, my squad leader said we were coming back through that way.

Q. Okay, did your squad leader give you a--try to tell you to keep on line as you were going through there.

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A. Yes, he did.

Q. This weapons business, when you went out--some members of the platoon went out and captured some weapons. Was that later in the day or first thing in the morning?

A. That was, I'd say, about maybe, about 10 o'clock or something like that, when they captured the weapons.

Q. Do you remember hearing about this fellow who got shot in the foot?

A. Yes, I remember hearing about it.

Q. With relation to when that happened, was this weapons business after or before that?

A. I can't actually say, because I don't remember this guy. Only thing I remember is seeing--I don't even remember seeing a dustoff coming in to get this guy out.

Q. How about this order to stop the shooting, or whatever the order was that Lieutenant BROOKS put out after receiving the radio call. Was this before or after? Do you recall this?

A. Before they captured the weapons, or what?

Q. No. Before or after the man was shot?

A. Well, I don't know.

Q. You don't recall the time?

A. No, I don't recall the difference between them.

Q. Do you remember what kind of weapons they picked up? Did you see the weapons?

A. It was a M-1 and a carbine.

Q. Just two weapons?

A. Just two weapons.

MR WEST: Do you remember what Sergeant LACROIX was doing at this time?

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A. I think Sergeant LACROIX--what time are you speaking of?

Q. Well, during the morning. Was he participating in the shooting?

A. I don't recall that he was participating in the shooting or not. I know he was doing some searching. I think I remember he did. I remember--I think he shot a baby. I'm not sure. I can't say for a fact that I saw him, but I think I just remember that.

Q. You did say a moment ago that some of the members of the platoon didn't shoot anybody?

A. Yes, I did.

Q. Could you name some of those?

A. Let's see, BERNHARDT, a guy named BUNNY (BUNNING), and I can't think of who else, and myself. I didn't shoot anyone.

Q. BUNNY?

A. I don't know his name, but that was the nickname they called him. He was a tall guy, real tall guy, real heavy. But I know these particular persons, they didn't shoot anybody. Because I know BERNHARDT was running around, I mean, because I mean myself and he talked during the time, after this, and they had a little conflict about him, about he was going to write his Congressman.

Q. Well, we'll get to that in a minute. Do you remember what the company did on the two following days, the 17th and the 18th?

A. The 17th?

Q. It's been indicated to us that the company, on the 17th, moved from where they'd laagered for the night just almost due south. They went through several hamlets and finally came down to the mouth of the Song Tra Khuc River.

A. Yes, I think that's where we captured a nurse.

Q. Yes. And do you remember anything else of significance happening during that day? We've had some evidence that two or three little hamlets were burned. Well, did you hear about MEADLO losing his foot on Hill 85?

A. Yes, that's what I was getting ready to say.

Q. That was in the 1st Platoon, wasn't it?

A. Yes, it was.

Q. Now, when you moved out on that day, did you go by My Lai (4), go close to it at all?

A. Not that I think. No, I don't think we went close to it. We was like a long way from it.

Q. Yes, okay. How about the following day, the 18th. You remember anything in particular happening that day?

A. The 18th? I think that's the day we got lifted out.

Q. That's right. Lifted out back to LZ Dottie.

A. Yes, LZ Dottie.

Q. Colonel HENDERSON, the brigade commander, told us that on that afternoon, when the company was lifted out, he met some of the men as they came back and talked to them, asking them about killing civilians at My Lai (4). Were you present at such a meeting?

A. No, I wasn't.

Q. Did anybody ever tell you that there was an investigation being made of the killings that morning?

A. Yes, I did--I heard that.

Q. How did you hear this?

A. I heard one of my friends say that there was an investigation being made, and nobody was to say anything about it.

Q. I see. Do you remember the company being called together by Captain MEDINA and just talking about this? This would have been a little later.

A. Yes, I do.

Q. Do you remember what he said?

A. I think he said that what happened was his responsibility. Something like that he was saying.

Q. Did he say anything about not talking about it?

A. Yes, he did. He said not to mention anything about it.

Q. Captain MEDINA also came to see us, and he said that he told the company that there was an investigation going on, and it'd be better not to talk about the incident to each other while the investigation was continuing. Was this about right?

A. Yes.

Q. Apart from this, did anybody ever tell you to keep quiet about what happened that morning at My Lai (4)?

A. No. After that, I guess everybody just forgot all about it, because we didn't hear anything else about it, that much.

Q. Did any investigating officer ever come talk to you?

A. No, he didn't.

Q. Did you ever hear about anything similar happening in a little place called Co Lay (2), over on the coast, about the same time? Any rumors about any similar thing happening?

A. No, I didn't.

Q. Did you ever hear of anything like My Lai (4) at any other place?

A. No, not that I know.

Q. What was the attitude of the men in Charlie Company toward the Vietnamese people?

A. Well, some of the guys like the Vietnamese people, but later on, as we started losing people, their attitude changed, too.

Q. Was that toward all the Vietnamese people? Or just those in the VC area, the controlled area?

A. Well, people in the--I'd say the Vietnamese people in the areas we were working in.

Q. What kind of assignments did Charlie Company have after My Lai (4). Was it about the same, or anything different about it?

A. After My Lai (4), we had an operation that was-- Captain MEDINA explained it that we would be watching the people gather rice during the day and running patrols at night protecting them.

Q. You were protecting the rice harvest?

A. Yes, that's what we were doing.

Q. The newspapers in November had a story that perhaps some of the men in the company, Charlie Company, were under the influence of marijuana that morning at My Lai (4). Do you know anything about this?

A. No, I can't say anything about that.

Q. Do you know whether it's true or not, or had you ever heard anything like this?

A. No, I can't say. I don't know anything about that.

Q. Was there a marijuana problem in the company that you know of? I don't mean just casual smoking, but was there any significant amount of marijuana smoking in the company?

A. Not to me there wasn't.

Q. Did you ever hear of any men going into combat under the influence of "pot"?

A. In my company? None that I can think of.

Q. You mentioned a while ago that you and BERNHARDT talked about the deaths at My Lai (4). Could you tell us about this, please?

A. Well, I didn't say too much about it. I know BERNHARDT said it wasn't right, what we did. It just wasn't right.

Q. You said something about his writing his Congressman?

A. Yes, I remember he did.

Q. Did he talk about this?

A. Yes, he did say something about that. But I know later on he didn't say too much about it.

Q. Did you and the other men of the company talk about the incident later on, discuss it at all?

A. Well, we didn't talk about it later on. As new guys came to our company, they would bring it up, and tell the guys what happened in our company.

Q. How would you explain what happened that morning at My Lai (4)? It's a most unusual thing. Could you explain just what happened and why, just your opinion?

A. I wouldn't say it was a massacre as the news reports would see it, but it was almost just about like that.

Q. Well, I take it that you'd never seen anything like this before?

A. No, I haven't, until then.

Q. What, in your opinion, caused it? What caused the men of the platoon, and the men of the 1st Platoon, to kill all these civilians?

A. Well, I guess, to me it was like maybe my company thought they owed the Vietnamese--the VC people something, because everywhere we were working, it was stated that it was supposed to be--I can't think of this battalion of VC's that was supposed to be operating--

Q. (Interposing) 48th?

A. Yes, that's what we were supposed to be in contact with, them. And to me it seemed like, for the lives we had lost, this was a chance to get even.

Q. But, of course, there was no resistance there that morning. I gather that--it is our information--well, we've had no indication that any members of the 48th VC Battalion were in the hamlet that morning.

A. Unless these were the two guys who had the weapons.

Q. Yes, but right in the village itself.

A. No, they were in the outskirts, over to the side.

Q. But you feel then that perhaps the company was just getting even with the VC, the 48th VC Battalion, killing all these people?

A. To me it was getting even for the lives we had lost in that same area, because that whole area was mined and booby trapped.

Q. I think you're aware that this incident was not widely known until recently. The fact is that no report of this reached Department of the Army until about April of this year, of 1969. A man named RIDENHOUR wrote a letter to the Secretary of Defense and several members of Congress, and the investigation started in the latter part of April 1969. Could you give us your opinion as to why the events there at My Lai (4) were not reported?

A. No, I could not.

Q. As they normally would be, you know.

A. No. I don't know how combat procedures go about reporting incidents and things that happened like that. I don't know anything about that.

Q. Of course, one of the things we're looking into is whether there's a coverup, an effort to keep this quiet. Do you know anything about such a thing?

A. No, they said we'd just remain quiet, and I can't say that they were covering something up.

Q. Was there a tendency on the part of the men, perhaps, not to talk about it because they were ashamed or thought it was wrong?

A. I heard some guys mention it, but too many people didn't talk about it.

COL FRANKLIN: You said: "They said don't talk about it, and this other guy told you one time that there was an investigation, so you weren't to say anything about it." I believe you said that.

A. That's correct.

Q. Was this a buddy? Explain how this conversation came about, what he said, what you thought.

A. I'm not sure. I think it came from--I think this was passed down through my squad leader, I'm not sure. But he said an investigation was going on about what occurred at My Lai (4), and that, you know, don't say anything about it. So I didn't think anything much about it myself. I mean, one person, you just don't say anything anyway. So I didn't say anything about it.

Q. What was your impression? Why did your squad leader tell you that?

A. Well, I mean, I don't know.

Q. What did you think? You thought something at that time.

A. Well, I can't say that they were trying to cover something up, myself, because everybody knew what went on in the company, so to me there wasn't. Maybe they were trying to hide it from the public or something like that. But I can't actually say they were trying to cover it up.

Q. Inside the company they weren't trying to cover it up. But you heard that a couple times, and you didn't wonder about it? Why not talk about it? How about some of the soldiers; didn't they have conversations about this? The squad leader gave you the order. Didn't some of the soldiers say anything? What did the soldiers think?

A. Well, nobody said too much about it. No, there wasn't anything to say about it because, I guess, the guys didn't want to even talk about it. I know there wasn't anything said in my squad about it afterwards.

Q. After that?

A. No. There wasn't anything said.

Q. Did you ever hear anything about a citation for your outfit for this operation? An award?

A. No, I can't recall that.

Q. Never heard anything about that?

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

Q. Okay, thank you very much.

MR WEST: Mr. MOSS, we've finished with the main part of the interrogation, but, if you would please, I'd appreciate it if you would get together with Colonel PATTERSON later, and he'll show you some photographs and maybe ask you a few questions about training and some other points. But, right now, can you think of anything you might like to tell us that might help us with our inquiry, any statement you'd like to add?

A. I think I've said all that's important to me. I don't think there's anything else to say.

Q. All right. If you should think of something else, or if back home you find some, maybe some letters you wrote home in which you told about things that you haven't recalled this morning, anything else that you think of that would help us, we'd appreciate hearing from you. We're trying to get to the bottom of what happened. We very much appreciate your coming. We realize it's been an inconvenience to you, and we're grateful to you. You've helped us here in our investigation. Thank you very much.

MR WEST: The hearing will be recessed.

(The hearing recessed at 1245 hours, 5 January 1970.)

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(The hearing was reconvened at 1437 hours, 5 January 1970.)

LTC PATTERSON: The hearing will come to order. Lieutenant Colonel PATTERSON is present.

Mr. MOSS, I would like to remind you that the oath that you took earlier in the open session still applies here, and the instructions that you received from Mr. WEST still apply to this particular portion of the hearing.

Before we continue, do you have any questions about those instructions?

A. No, I don't.

Q. The purpose of this part of the interrogation is to try to fix specific times and specific details concerning:

(1) the training that you received as a soldier, and

(2) from photographs that we have in our possession, to see if we can fix them with a place or position on the aerial photograph, Exhibit P-1, that you have to your front.

First, as you have indicated in your testimony before Mr. WEST in the opening period, you joined C/1/20 in December of 1967. Is that correct?

A. That is correct.

Q. Did you join them in Hawaii or in Vietnam?

A. I joined them in Hawaii.

Q. Then it was the early part of December?

A. It was the latter part of November.

Q. I understand that it was November 1967 as opposed to December?

A. Yes, it was.

Q. From what unit did you come, or from where did you come when you joined C/1/20?

A. I came from A Company. I forget what battalion, but it was in Hawaii undergoing training, just starting out.

Q. Was A Company part of the 11th Brigade, do you recall?

A. Yes, it was. It later joined the other units in Vietnam, later on in April.

Q. When did you join this unit in Hawaii? When did you get to Hawaii?

A. I got to Hawaii about the 23rd or 21st of November.

Q. You went into this company whose name you don't remember. You must have been there a very short period of time, and then you transferred into C Company?

A. Yes.

Q. Where were you in October 1967?

A. October, I was on leave.

Q. September?

A. September, I was at Fort Polk, Louisiana.

Q. Is this where you took your basic training?

A. That's where I took AIT.

Q. At any of these places, either Fort Polk, Hawaii, or with C/1/20, do you remember any of the training that transpired during your stay with any one of those units?

A. Yes, I recall a lot of the training.

Q. I'm specifically interested in the training you received concerning the Geneva Convention, which dealt with the treatment of prisoners of war or detainees, training with reference to noncombatants, rules of engagement, and what you, as an individual soldier, received as far as your instructions were concerned from your military superiors. Do you recall this training?

A. Yes, I do.

Q. Can you tell me about it, and where you received it please?

A. I recall some of my basic training which was at Fort Gordon, Georgia. They told us how you should treat prisoners of war and the way that you should be treated as a prisoner of war.

Q. We are primarily interested in how you treat prisoners of war. In this case, do you recall what this training was and what you gained from it? What were your instructions for the treatment of prisoners of war?

A. I don't quite remember what the rules covered, but it was my understanding, it was my concept of the rules that you should take care of prisoners in accordance with the Geneva Convention.

Q. Which means what?

A. That a prisoner of war should be treated--they shouldn't be shot or killed, or something like that. They should be interrogated. They don't have to give anything but their name, rank, and serial number.

Q. Do you recall any training, and this probably wouldn't have been in basic training, with reference to rules engagement? How to apprehend or capture individuals?

A. Yes, I do.

Q. How do you do that?

A. When you capture a person--

Q. (Interposing) First, how do you capture them?

A. You engage them under combat, which might be with weapons or it might be physical combat.

Q. Do you recall any instructions with specific reference to Vietnamese, any words or actions that you should take as a soldier to capture or to apprehend a Vietnamese?

A. I was taught that the Vietnamese should be turned over to the proper authorities.

- Q. Any words that you recall using to capture them?
- A. "Dung lai."
- Q. Which means what?
- A. Stop.
- Q. What was the next step?
- A. I can't think of the word.
- Q. Suppose this fellow didn't stop when you hollered "dung lai"?
- A. You called it out again.
- Q. In other words, you tried it twice.
- A. Right, and then I would fire a shot over his head; a warning shot. If that didn't stop him I used other means.
- Q. What were the other means?
- A. I would fire to bring him down. I would try to wound him.
- Q. So your three steps were; (1) you hollered "dung lai" twice, (2) then, if he didn't stop, you fired a shot over his head. If that didn't work you, (3) fired to wound. These are the instructions that you understood?
- A. Yes, sir.
- Q. Do you recall where you received those instructions?
- A. I was taught them in AIT.
- Q. In AIT, which was at Fort Polk, Louisiana?
- A. Yes, it was.
- Q. Did you receive any type of training along these lines in Hawaii or with C/1/20?

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A. No, I didn't, because when I got to C/1/20 they were ready to ship over to Vietnam.

Q. How about after you arrived in Vietnam, Mr. MOSS? The unit and C/1/20 underwent some training before they started actually engaging in operations in the field.

A. Yes. Most of these things were first aid, how to search hootches, how to watch out for booby traps, and things like this.

Q. Did you receive any instruction at all about the customs and traditions of the Vietnamese, and how you should respect them, or how to engage them, and how it was important to have a live Vietnamese for intelligence purposes as opposed to a dead one who couldn't talk?

A. Yes, we did.

Q. Where?

A. At Duc Pho.

Q. At the training center at Duc Pho?

A. Yes, we did.

Q. And this must have been during the time period of December or early January 1968?

A. Yes, it was.

Q. I would like to show you two exhibits that have been entered into evidence in this inquiry. The first of these is Exhibit M-2, a card entitled "Nine Rules." I ask you if you have ever seen or been issued that particular card?

A. Yes, I have.

Q. Where did you see it?

A. A card like this was issued to us after we were in Vietnam.

Q. After you arrived in Vietnam?

A. No, I think it was before we left Hawaii, along with a handbook with Vietnamese language.

Q. In Hawaii?

A. Yes, we did.

Q. Was this with C/1/20, or before you joined C/1/20?

A. This was with C/1/20.

Q. Do you recall what you were supposed to do with this card?

A. We were supposed to keep it on us at all times.

Q. The second one I would like you to look at is Exhibit M-3. It is another card entitled "The Enemy in Your Hands." Have you ever seen or been issued that card?

A. I don't recall if we were issued one or not, but I think we were. I'm pretty sure we were.

Q. Do you recall being issued cards or a packet of information in Hawaii before you left?

A. Yes, we were. Geneva Convention cards, and so on and so forth.

Q. What was the Geneva Convention card, do you recall? Was it a separate card?

A. Yes, it was.

Q. What was the purpose of that card?

A. It mostly stated things that we should do as a soldier.

Q. I would like for you to think a little about this next question. You think you have seen this card, Exhibit M-3, and the card, Exhibit M-2. Do you recall anyone at anytime asking you to deviate from the instructions on either of these two cards?

A. No, I do not.

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Q. Well, Mr. MOSS, I have a series of photographs here, and I would like you to see if you can identify places depicted in these photographs either by name or by area for me verbally, or by using the aerial photograph; if you can identify or can name any of the individuals in the photographs; or if you can state that you recall seeing personally any of the scenes in these photographs. I would like you to separate the ones that you do not recognize or know nothing about. I'm not interested in whether or not you saw them in Time magazine, Life, or the newspapers, either in Vietnam or here. I'm interested in your recollection of these scenes and people in any way that you think you can recall. There is a series of them, and we will recess the hearing while you look at them and separate them for me. After you have finished these series of photos, we will reconvene the hearing and discuss them one photograph at a time. Do you understand what you are to do?

A. Yes, I do.

LTC PATTERSON: The hearing will recess at this time.

(The hearing recessed at 1450 hours, 5 January 1970.)

(The hearing reconvened at 1452 hours, 5 January 1970)

LTC PATTERSON: The hearing will come to order. LTC PATTERSON is present.

The same instructions apply, Mr. MOSS, regarding your oath. Do you have any questions about that?

A. No, I don't

Q. The first photo that you picked out as being able to identify is P-4. Can you tell me what you identify about that photograph?

A. This is the medic, CAPEZZA.

Q. On the right, standing?

A. Yes.

Q. Did you see that particular scene?

A. No, I didn't.

Q. Do you recognize anybody else in the picture?

A. No, I don't.

Q. P-6?

A. This is CARTER.

Q. You recognize CARTER, lying down?

A. And this is the medic named--"MEX" is what they called him.

Q. With the rope on his back, and the joker on his helmet. You say they called him "MEX"? Short for Mexican?

A. Yes.

Q. Anybody else you recognize in this picture?

A. No.

Q. P-7?

A. This is CARTER.

Q. Sitting on the left?

A. Yes.

Q. How about the man on the right with the rope?

A. No.

Q. Is that "MEX"?

A. I think that is "MEX" right here.

With the rope on his back?

Right.

P-8?

A. CARTER (sitting). I think this is the medic CAPEZZA. Captain MEDINA (standing in the rear); MURRAY to his right, Lieutenant ALAUX's radiotelephone operator.

Q. You don't know his name?

A. No. I think that is Sergeant PHU, or the other guy who was with us.

Q. Sergeant MINH?

A. Yes, Sergeant MINH.

Q. Starting from the right is CARTER, CAPEZZA, MEDINA, MURRAY, and the artillery radiotelephone operator. Do you recognize that gentleman?

A. He was from the engineers. No, he was in the 1st Platoon. I don't know his name.

Q. P-9?

A. WIDMER, CARTER, and DELPOME. Not DELPOME--

Q. (Interposing) MAURO?

A. Yes, MAURO.

Q. P-10?

A. CARTER (lying down). This is the medic, CAPEZZA. It looks like BERNHARDT. I'm not sure if BERNHARDT was over there. BERNHARDT, CAPEZZA, and CARTER. I don't know the guy right here.

Q. P-12?

A. That looks like Captain MEDINA and CARTER right there.

Q. Which one looks like Captain MEDINA?

A. That is Captain MEDINA.

Q. Are you sure?

A. I think--yes, that is Captain MEDINA.

Q. It wouldn't be CAPEZZA. If you are not sure--

A. (Interposing) I'm not sure. To me, from the side, it looks like Captain MEDINA.

Q. And who is the man standing with the insect repellent in his helmet?

A. I don't know.

Q. Who is this gentleman here?

A. It looks like BERNHARDT.

Q. P-13?

A. Sergeant MARONEY (second from the left), Lieutenant ALAUX (farthest from the right), and PHU (third from the right). Sergeant MARONEY's radiotelephone operator, I think. I don't know his name. That's Sergeant FAGAN (to the rear with the clipboard).

Q. P-14?

A. I can't think of his name right now.

Q. DUSTIN?

A. Yes.

Q. You don't recognize the scene?

A. No, I don't.

Q. P-15?

A. From the back, that looks like GRIMES.

Q. What is this hanging around his neck there?

A. It looks like a claymore bag.

Q. It's not a medical kit?

A. No, that's not a medical kit.

Q. We have had other testimony that that is Sergeant CAPEZZA.

- A. That looks like GRIMES to me. It may be CAPEZZA.
- Q. Do you recognize the scene?
- A. I have seen scenes like that.
- Q. Can you identify that as being in My Lai (4)?
- A. Yes, it was.
- Q. P-15 was in My Lai (4)?
- A. Yes, it was.
- Q. Do you remember where it was?
- A. No, I can't say where it was.
- Q. P-16?
- A. I remember seeing a scene just like this.
- Q. Do you remember seeing the dead under the straw there?
- A. Yes.
- Q. Was the straw there when you saw them?
- A. I think the straw was burning, and the bodies, too.
- Q. Do you recall where this was in relation to time or place?
- A. To me, it was in the center of the village, around 11:30, or something like that.
- Q. Looking at My Lai (4) on the photo, could you tell me where it may have been?
- A. No, I can't.
- Q. P-17?
- A. This was the medic, CAPEZZA (facing to the left). That's MURRAY. MARONEY, there's PHU, Lieutenant ALAUX. I

don't know who the rest of the people were.

Q. Can you identify this man here?

A. That is Captain MEDINA.

Q. How about this man walking into the hootch back here?

A. To me, it looks like MAURO. I don't know.

Q. Do you recall seeing that scene?

A. No, I don't recall seeing it.

Q. How about that hootch, that building?

A. No.

Q. P-21?

A. That's the guy who worked with PHU.

Q. Sergeant MINH, on the right?

A. Yes.

Q. Did you know Lieutenant JOHNSON from the MI, Military Intelligence?

A. I remember seeing him, but not that much.

Q. Do you recognize the little Vietnamese boy?

A. No.

Q. P-22?

A. That is Sergeant MINH (on the left).

Q. How about the Vietnamese man?

A. He looks like a man I saw, or somebody similar to him.

Q. Why do you say that, Mr. MOSS; would you mind telling me. What makes this man distinctive in your mind?

- A. He is not distinctive, but I remember seeing a man with hair on his chin like that.
- Q. A little goatee?
- A. Yes.
- Q. How about the towel, or the way he has his head wrapped?
- A. No, most of them have them.
- Q. Most of them wear white pants?
- A. Yes, most of them do.
- Q. P-23?
- A. That is Sergeant MINH (center). I don't know who the rest are.
- Q. What is this on the man on the right?
- A. That is a radio, but I don't know who radiotelephone operator was.
- Q. It must have been a radiotelephone operator then?
- A. Yes.
- Q. Do you remember seeing any of the Vietnamese in that picture?
- A. No.
- Q. P-24?
- A. That is Sergeant LOPEZ.
- Q. P-26?
- A. That was when we were getting ready to take off from LZ Dottie. That is the flight area.
- Q. That is Dottie?

A. The choppers are coming in.

Q. Can you recognize that as being the day of March 16th?

A. That's the only day that I ever knew that we were down there.

Q. But you can't really say. It could have been taken last week, could it not?

A. Yes, it could, with another company.

Q. You don't recognize the aircraft or any people in it?

A. No, I don't.

Q. You just recognize it as being Dottie?

A. Right.

Q. P-33?

A. It looks like a scene when I was going through the village. That is almost the same picture that I showed you before.

Q. Right. It is the same picture taken in a different time frame, I guess. The fire is a little more advanced.

A. At a different angle, too, because the people lying over in this part--

Q. (Interposing) This is the one that you said was somewhere in the center of the village?

A. Yes, sir.

Q. P-34?

A. This could have been typical of the children I saw lying-- I saw a lot of kids lying like that.

Q. But you didn't see this particular scene?

A. I can't say that I remember that particular scene, but it does look familiar to me.

Q. P-36?

A. There is CARTER, and there is the medic. I don't know who the other guy is.

Q. The medic, CAPEZZA?

A. Yes.

Q. P-39?

A. I remember seeing some people lying out just like this..

Q. You think you saw this particular group of people?

A. I might have seen this baby and this old lady. I think I did.

Q. There is another baby over there, apparently, and the basket is still loaded.

A. Yes, that's why I think I saw it. It does look familiar to me.

Q. Did you see these people shot?

A. I think I did. I can't actually say that I saw them shot.

Q. Do you happen to recall where this might have occurred. Was this in the center or on the edge?

A. I think it was on one of the trails inside of the village.

Q. P-41?

A. It looks like that path I was talking about earlier. I'd seen a lot of people lying there just like that.

Q. Is this the group of people that the 3d Platoon shot?

A. I don't know if it was actually a group from the 3d Platoon, but it looks like I saw these people lying out, just like this.

Q. You think you saw this scene?

A. I can't say actually that it was that scene, but to me it was a group just like this.

Q. What is this along this trail?

A. A fence.

Q. Where did they have fences at My Lai (4)?

A. Around all the hootches and things like that. I think they had fences. I'm not sure. I know on the outskirts of the village they had a fence out like that.

Q. On the outskirts of the village?

A. Yes.

Q. Did they have fences inside of the village?

A. I think there were.

Q. Can you identify what that object is on the right-hand side of the picture?

A. No, I can't say.

Q. You can't tell me anymore about where this was in relation to being in the center, the east side, or the south side?

A. No.

Q. P-56?

A. This right here is WIDMER (on the right).

Q. What is the man in the foreground doing?

A. It looks like he is throwing a grenade, dropping it or something.

- Q. P-57?
- A. That is Sergeant LOPEZ.
- Q. Did you see him destroying crops like this?
- A. No, I didn't.
- Q. Do you recognize this man in the background?
- A. No, I can't.
- Q. P-58?
- A. That is GRIMES.
- Q. Do you recognize that scene?
- A. No, I don't recognize that scene.
- Q. Did you know GRIMES well?
- A. No, but I knew who he was.
- Q. What platoon was he in?
- A. At the time, I think he was in the 3d Platoon.
- Q. Do you know what he did in the 3d Platoon?
- A. No. I don't know if he was a squad leader. I think he was a squad leader.
- Q. P-63?
- A. This must be a mistake, because I don't recognize anybody in there.
- Q. P-64?
- A. It looks like LACROIX.
- Q. The second from the left, Sergeant LACROIX?
- A. Yes. At first, I thought that was me, but it is not because I never wore a ring.

- Q. Do you recognize that scene?
- A. It looks like an open field across a rice paddy.
- Q. Who carried a LAW in your platoon?
- A. A lot of guys in that operation. Just about everybody. I think everybody had one at that time.
- Q. You don't recognize the first man?
- A. No.
- Q. You don't recognize the scene?
- A. No.
- Q. P-66?
- A. That is Sergeant PHU, right there (left foreground). There is somebody's radiotelephone operator. These two guys are engineers.
- Q. They are engineers?
- A. Yes.
- Q. Do you remember the engineer unit that was with you that day?
- A. No, I don't.
- Q. Do you recognize the Vietnamese man and the two little children?
- A. No.
- Q. How about the locality?
- A. No.
- Q. P-67?
- A. That is Sergeant PHU.
- Q. How about the Vietnamese man and the little children?

A. To me, those are the same people who are in the picture over there.

Q. But you don't recognize them?

A. No.

Q. P-68?

A. This is a guy in the 1st Platoon, I think.

Q. Do you remember his name?

A. No.

Q. Do you recognize the scene, the locality?

A. No.

Q. P-69?

A. It looks like an Indian who was in our platoon. His nationality is Indian.

Q. He had a tatoo of a devil on his arm. Does that help you recall his name?

A. No.

Q. P-65?

A. To me, it looks like after the operation, maybe when the lift came in.

Q. Can you positively identify that as being 16 March?

A. No.

Q. P-3?

A. That is Sergeant PHU.

Q. P-128?

A. No, that's SMAIL (foreground). That looks like Y.O. SMITH in the back.

Q. Do you recognize that scene?

A. No.

Q. P-126?

A. This is GRIMES; SMAIL. I know these two guys, but I don't know their names. They are digging in for the night.

Q. Is this the same SMITH as in the other picture you just saw, in P-128?

A. No, this is SMAIL.

Q. Who is the second from the right?

A. I don't know these two guys.

Q. Can you identify P-126 as being in the vicinity of My Lai (4)?

A. It was about 2,000 meters from it.

Q. Can you positively identify that as being in that spot?

A. Yes, it was in that location.

Q. Then you say that P-126 is in the location that you spent your first night?

A. Yes, it was.

Q. P-19?

A. I remember seeing this group of people. I saw them twice.

Q. Could you tell me about it?

A. I saw them once when they were alive, and once when they were dead.

Q. Where was this?

A. By a big dirt mound or something. Once when they were alive, and once when they were dead.

- Q. Where was this?
- A. By a big dirt mound or something.
- Q. Was that a root cellar?
- A. I don't know what it was.
- Q. Do you know what a root cellar is?
- A. No, what is it?
- Q. That's where the Vietnamese store their roots and plants.
- A. I remember seeing it because there was a dirt mound ~~there~~.
- Q. Do you recognize that as being in My Lai (4)?
- A. Yes, I do.
- Q. You saw this group once alive and once dead?
- A. Right.
- Q. Do you recall where?
- A. They were lying in the same place.
- Q. Where in My Lai (4)? In the center of the village?
- A. More over to the side of the village.
- Q. What side? 1st Platoon's side?
- A. The 2d Platoon's side. I think they were over on our side.
- Q. 2d Platoon?
- A. Yes, it was.
- Q. Do you recognize this man back here in the upper left-hand corner?
- A. No, I don't.

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LTC PATTERSON: If you have nothing to add, Mr. MOSS, I believe that will terminate the inquiry. Again, I would like to reiterate that we appreciate your coming up here and taking time away from your business. We appreciate your forthrightness and willingness to assist us in this investigation. Finally, I would like to again remind you of the request that you do not discuss this testimony or what has transpired here today with anyone unless directed by an official inquiry of a legislative, administrative, or judicial nature.

A. Yes.

LTC PATTERSON: Thank you very much, Mr. MOSS.

The hearing will be terminated at this time.

(The hearing recessed at 1520 hours, 5 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: PARTSCH, Thomas R.

DATE OF TESTIMONY: 30 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: 2d Squad, 2d Platoon, C/1/20.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

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The witness recalled receiving instructions on the treatment of PW's and noncombatants, and he knew that a person who was not resisting and was willing to submit to capture was not to be harmed (pg. 41). At no time did he feel that that which he witnessed at My Lai was a war crime or that it should have been reported (pg. 41).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

On the night preceding the operation MEDINA told the men that they were going into the area from which they had received fire on previous occasions (pg. 2). MEDINA declared that the people had been warned to leave the village and that anyone who was left was to be considered VC (pgs. 3, 4). MEDINA ordered the destruction of the village and everything in it (pg. 4). PARTSCH felt that this included the killing of all the Vietnamese in the village since everyone left in My Lai was supposed to be VC (pg. 4). MEDINA said that there was going to be a lot of resistance (pg. 2). He also stated that this was an opportunity to get revenge for those from the company who had been hit in the area (pg. 2). PARTSCH did not remember MEDINA saying how long the operation was to last (pg. 3).

3. THE ASSAULT ON MY LAI.

a. Movement through the village.

After they landed, C/1/20 came on line and began pushing forward (pgs. 5, 6). They shot animals and people as they encountered them (pg. 6). The witness saw no resistance at all (pg. 8). Many people screamed and put their hands in the air, but were shot anyway (pg. 6). Women and children were also shot down (pgs. 8, 9). PARTSCH did not shoot anyone or do any burning (pgs. 7, 24). As they went through the village they searched tunnels into which they threw grenades (pg. 7). They tossed dead animals into wells, but they did not set fires because this was the job of the weapons platoon (pg. 7). PARTSCH did not feel that anyone had control of the platoon as the squads and platoons became intermixed and everyone seemed to be moving on his own (pg. 7). He did not see an incident where ROSCHEVITZ killed a group of eight to eleven people. He did not see ROSCHEVITZ during the operation (pgs. 7, 11).

b. Actions in Binh Tay.

The witness remembered moving out to police up the dead VC with the weapons, but he did not realize that they ever left My Lai and moved into Binh Tay (pgs. 9, 11, 20). He did not see ROSCHEVITZ kill a group of 15 to 16 women and children in a clearing in Binh Tay (pgs. 10, 11). He was close enough to BROOKS to overhear MEDINA say over the radio, "What the hell is going on over there" (pg. 14). BROOKS then had the witness move away from the vicinity of the radio (pgs. 12, 14). The witness heard BROOKS tell the squad leaders to get their men together and stop the firing (pg. 13). The order he heard was to "stop the firing", not to "stop the killing" (pg. 15). The platoon was to gather people up and have them leave the village (pg. 13). Up to this time they had methodically killed every Vietnamese they had encountered (pg. 13). The policy was changed at this time (pg. 27). Later on the company found out through the grapevine that the killing was stopped because a helicopter pilot flying overhead saw a group of people shot and radioed back what he saw (pg. 28). After the break at 1000 hours they gathered a group of between 50 and 75 people and forced them to leave the hamlet (pgs. 13, 20). He did not see any instances of rape involving HODGES while in Binh Tay (pg. 12). However,

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he saw the machinegun crew of HUTSON, HUTTO and WRIGHT rape some young women (pgs. 11, 12).

c. Bodies observed in the village.

The witness saw approximately 100 bodies in the village that day (pg. 8). These people were in small groups (pg. 15). He saw no large groups of bodies (pg. 15). BROOKS sent back a body count over the radio that included all the women and children they had killed (pg. 18). Over the radio BROOKS described the dead as "VC" (pg. 18). PARTSCH did not recall the total count for the platoon (pg. 19).

d. Presence of BARKER.

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E7
Approximately an hour and a half into the mission the witness saw a person in a helicopter wearing a white helmet, whom he identified as BARKER (pgs. 9, 16). As BARKER was flying no higher than tree top level. PARTSCH surmised that BARKER could have seen the bodies and burning in the village (pgs. 10, 16). It did not strike the witness as unusual that BARKER was on the company push that day (pgs. 17, 18). He did not see any visiting officers land in a helicopter on the 16th (pg. 20).

e. Further actions on the 16th.

The witness recalled the chow break as occurring at 1300 (pgs. 21, 22). PARTSCH did not know what they did after going through My Lai (pg. 22). He remembered no more killing, but there was some burning (pg. 25). Some suspects were stopped by firing over their heads (pg. 26). While he recalled National Police being with them, he did not see them interrogate VC suspects (pgs. 24, 25).

f. Actions on the 17th and 18th.

On the 17th they went through some deserted villages and captured four VC and a nurse with documents (pg. 28). He recalled doing no more burning in these villages, but he was contradicted in this by his diary (pg. 29). On the 18th he saw MEDINA fire progressively closer shots over a suspect's head to make him talk (pg. 30).

This man took them to a tunnel, but they did not find anything there (pg. 30).

4. INQUIRIES AFTER THE ASSAULT.

The witness could not recall the names of anyone who returned to LZ Dottie aboard his flight (pg. 48). His diary had an entry stating that MEDINA held a meeting with the platoon leaders who in turn met with the squad leaders (pg. 39). The squad leaders told the men there was going to be an investigation of MEDINA and what had happened on the operation and they were not to say anything (pgs. 30, 32). His squad leader said not to let anyone outside the platoon hear about it and that they would be better off not to talk about it (pg. 36). His diary stated that there was a general at the LZ asking questions at the time of their return (pgs. 30, 32). Neither the general nor anyone else asked questions of PARTSCH at the LZ (pg. 33). He observed this general from a distance of 20 to 25 feet (pgs. 43, 48). The general was tall with a medium build and gray hair (pg. 34). He wore a soft green cap, an OD scarf, and a pistol belt with a .45 (pg. 48). The man had one star and was in his 50's (pgs. 33, 48). There were two officers with the general, one of whom the witness identified as BARKER (pgs. 34, 43, 49). BARKER was probably a head shorter than the general (pg. 49). On being shown two pictures of officers the witness identified General YOUNG as the general he saw (pgs. 50, 51). Neither YOUNG nor the officers with him questioned anyone while the witness was there (pg. 43). PARTSCH did not recollect seeing Colonel HENDERSON at LZ Dottie at this time (pg. 34). He did not remember MEDINA getting the company together as a group to tell them there was going to be an investigation (pg. 35). Other than his squad leader no one told him to keep quiet about the operation (pgs. 35, 36). However, MEDINA talked BERNHARDT out of writing his congressman (pgs. 32, 33). The witness never spoke to an investigating officer and knew of no one who did (pg. 35). He heard no mention of an investigation after the 18th (pg. 35). PARTSCH did not know why information about the incident was not received before November 1969 (pg. 40).

5. OTHER INFORMATION.

a. Raping policy within C Company.

The witness stated that BROOKS, SCHIEL, and BUCHANON knew about the rapes C Company committed in the Vietnamese villages, but they did nothing about it (pg.19). MEDINA ordered the men to leave women alone and PARTSCH never saw MEDINA mistreat any female Vietnamese (pgs. 20, 43). The witness cited an instance where BROOKS had waited in line with the rest of the men to enjoy a woman who was discovered while the company was on patrol near a village (pgs. 37, 38). This probably was not rape because he heard no screaming from the woman, who may have been a willing participant (pg. 48). He heard that CALLEY, too, had engaged in similar activity (pg. 38). BUCHANON stated the following in regard to rapes: "They got to get it some place, they might as well get it in the village" (pg. 19). To those involved in rapes it did not matter whether or not the village was friendly (pg. 36). Many of the men involved in rapes were the same people who liked to rough up old men (pg. 36).

b. Attitude of C/1/20 toward the Vietnamese.

C Company considered itself a hardcore group and would destroy property or ransack a village at will (pg. 52). The platoon leaders saw this but did nothing to prevent it (pg. 53). When CALLEY was PARTSCH's platoon leader, CALLEY joined the men in this type activity. The witness stated that CALLEY was not a very good platoon leader, because he behaved no differently than the men (pg. 53).

c. Reasons for the My Lai incident.

PARTSCH did not believe that the men killed because they felt themselves under orders to do so (pg.38). Some men, like CROSSLEY, did it to see what it would be like to kill people (pgs. 38, 39). Some did it to see people die (pg. 38). Others killed for revenge (pg. 39). He could think of no other possible motivation (pg. 40).

d. Miscellaneous.

(1) BERNHARDT stated that what they did in the village was wrong and should have been stopped (pg. 27).

(2) The witness never heard of a similar incident occurring in B/4/3's area (pg. 36).

(3) PARTSCH recalled no other instance of noncombatants being killed (pg. 45).

(4) He knew of no one who was under the influence of marijuana on the day of the operation, and he recalled no instances of men going into combat while high on marijuana (pg. 42).

(5) The witness once saw MEDINA prevent the men from beating a PW (pg. 43).

(6) PARTSCH never entertained any ideas of writing his congressman about the My Lai affair (pg. 40).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-85	Entries from PARTSCH's diary for 15-18 Mar 68	Document entered into evidence.	47
M-86	Entries from PARTSCH's diary for 29 Feb and 3 May 68	Document entered into evidence.	47
P-198	Picture of YOUNG, BARKER and an MP.	Document entered into evidence.	51
P-199	Picture of YOUNG & BARKER	Document entered into evidence.	51
P-200	Pictures of LEWIS, DIONNE, YOUNG and BARKER	Document entered into evidence.	52

(The hearing was reconvened at 1400 hours, 30 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 Mr. Thomas R. PARTSCH.

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

Please state your full name, occupation, and address.

A. Thomas Richard PARTSCH. I'm unemployed right now. I live at 647 Lindon Avenue, Johnstown, Pennsylvania.

MR WEST: Mr. PARTSCH, have you looked at Exhibit M-57 which has information about the nature and purpose of this inquiry?

A. Yes, I have.

Q. Have you received an order in the court-martial cases of the United States v. Calley or the United States v. Mitchell? This would have been an order from the military judge having to do with discussing facts concerning My Lai.

A. Yes, I have.

Q. I ask you this in order to advise you that it is within the scope of that order for you to come here and testify. Also the fact that you are here, and give testimony, and are asked not to discuss it does not affect the applicability of that order in any way.

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

A. Yes, I was.

Q. Would you tell us your grade, your duty assignment, and your place of duty?

A. I was an SP4. It was in South Vietnam.

- Q. And the organization?
- A. 11th Brigade, Americal Division.
- Q. What company were you in?
- A. C/1/20.
- Q. At that time was C/1/20 part of Task Force Barker?
- A. Yes, it was.
- Q. When did you first hear of the planned combat assault upon My Lai (4)?
- A. The night before.
- Q. Was this on the occasion of the briefing of the company by Captain MEDINA?
- A. Yes, it was.
- Q. Can you tell us to the best that you can recall what Captain MEDINA told the company that evening?
- A. He said that we have a big mission for the next day, that we were going to go to an area where we were before that we got fire from, and that when we go in we were supposed to expect resistance when we went in. He said that this would be a good time to--we hadn't seen much action, much combat, and he said this might be the big one we'd have. And another he said, you can take revenge out for the other guys that had been hit, because we did have some guys hit in that area a couple of weeks before.
- Q. Was he perhaps referring, among other things, to the company getting into a minefield a short time before this?
- A. Yes, and in another area two or three of our guys got shot. We had a mission before that.
- Q. Did you know Sergeant COX who got killed 2 or 3 days before this?
- A. I know the name, but I didn't know him personally.

Q. Did you come over from Hawaii with C/1/20?

A. Yes, with the advance party.

Q. We've had other evidence which indicated up to this time Charlie Company had suffered quite a few casualties from sniper fire and getting into a minefield, booby traps, but had never really come to grips with--gotten in a real big fire fight.

A. No, we hadn't.

Q. At this time they were getting pretty frustrated.

A. Yes, some of the guys....

Q. Did Captain MEDINA say how long this operation was to last?

A. I don't recall how long it was going to take. I think he just said a day, I think. I don't remember if he said we were going to stay out that night.

Q. Actually the mission took 3 days for Charlie Company.

A. Yes.

Q. I wondered if he mentioned anything about that at the time. It is quite possible that he didn't--that they weren't sure how long they were going to stay.

A. Yes. I don't remember him saying how long.

Q. Do you remember him saying anything about the orders from higher headquarters?

A. He said something about the village, that they sent a helicopter in to tell the people that the company was coming in the next day and, if they had nothing to do with the VC, to leave the village because the company was coming in to destroy the village.

Q. Did he say anything about the people who remained behind?

A. He said if anybody was left they were considered VC's, and our orders were to destroy the village and everything in it.

Q. Did you take this to include the people, the Vietnamese people, that were left in the village?

A. Yes, he said everything. All the people that were left were supposed to be VC.

Q. If I remember, if I understand you correctly, you were in the 2d Platoon.

A. Yes.

Q. And were you in Sergeant SCHIEL's squad?

A. Yes, I was.

Q. Was that the second squad?

A. Yes.

Q. After the briefing by Captain MEDINA did you talk it over with the other men in the squad? What I'm wondering is did they get the same impression of the orders as you did, that everybody in the village would be VC?

A. They did say they couldn't wait until they got there. We might be able to get into a real good fire fight, you know. A lot of guys were anxious to get into some action.

Q. Did they get the same impression, that everybody there would be VC and that--

A. (Interposing) Yeah, I think they did.

Q. When he said destroy everything, that included the people?

A. Yes.

(MR WALSH and COL FRANKLIN entered the hearing.)

Q. I believe in your statement to the CID agent you made the statement, "Everything was to be destroyed, and this

would include all people, livestock, and the burning of the village." Let's go to the next morning now, Mr. PARTSCH, the helicopter lift into the landing zone. You have in front of you now an enlarged vertical aerial photograph which shows the hamlet of My Lai (4) in the center and the surrounding vicinity. This is Exhibit P-1. The photograph is oriented so this is to the north. On your right is to the east in the direction of the China Sea. The scale of the map is 1 inch equals about 80 meters. You'll notice on your left is a map with the scale 1:25,000 which has been admitted into evidence as Exhibit MAP-4.

(MR WEST oriented the witness on P-1 and MAP-4.)

Could you tell us, does this look familiar to you?

A. Yes, this map here (Exhibit MAP-4). I did see a map.

Q. You may notice on the walls behind you, to your right on the wall, the right rear, is a sketch made by the Engineer Corp of My Lai (4) (later received in evidence as Exhibit MAP-8) in which they have placed the buildings, many of which are now in a state of destruction. You can see buildings, wells, and other features of the hamlet, along with the vegetation indicated and cultivated area.

To your left on the far wall is a larger artist's sketch of the hamlet of My Lai (4) (not received in evidence). And to your left rear is a sketch of a little subhamlet of Binh Tay (not received in evidence) which lies directly north of the northwest corner of My Lai (4) about 400 meters. If you refer back to P-1 you see Binh Tay right here (indicating). I show you this because the 2d Platoon, we know from prior testimony, after going through the northwest corner of My Lai (4), moved up into Binh Tay. All right, Mr. PARTSCH, can you tell us what you remember of the events that occurred after you got out of the helicopter on the landing zone on the morning of 16 March 1968?

A. Well, when we landed it was already secured and after the second lift came in everybody was there. The platoon leaders and squad leaders lined everybody up in line, and we were supposed to move through on line.

Q. Your platoon leader was?

A. Lieutenant BROOKS.

Q. And your platoon sergeant?

A. Sergeant BUCHANON.

Q. Okay.

A. We got on line. I was in the far left-hand--

Q. (Interposing) What was your particular duty?

A. I was a grenade launcher.

Q. You had an M-79?

A. Yes. And they said to start pushing through. We started to go in there. We didn't see any people. Our platoon didn't anyhow, and after we got into the village, there was some little hamlets, hootches, and some of the animals. They started to shoot the animals, and we got up a little further, and the people started coming out, and they started to shoot them. A lot of the people were putting their hands up and yelling, and the guys still shot them down.

Q. Now as your platoon moved through, would you say they were under the control and supervision of the platoon leader and the NCO's?

A. No, I don't think the platoon was in control of the platoon leader, really, not even a squad leader, because by the time we got in a little further everyone started to get mixed up and go their own way.

Q. At the outset at least they started out under control?

A. We started out under control. As we got in a little further some of the guys in the first squad were over in the third squad area and the second squad. They started to get mixed up a little bit.

Q. How were they operating as they went through? Were they searching the hootches?

A. Yes, we searched the tunnels. They threw grenades in the tunnels as they passed them, and as you passed--if a well was there you would throw a dead animal down it or something.

Q. Did they take time to set any fires?

A. Not at the time, no. The weapons squad was behind us. As they went through they were supposed to burn the village.

Q. How about the 3d Platoon? Was that also their mission?

A. I'm not sure.

Q. Anyway, it wasn't the 2d Platoon mission. You didn't take time to burn I gather?

A. No, I didn't burn any of the village.

Q. Did you see any groups of people that were shot down? People who were huddled together and shot down? There was one incident with 8 to 11 people. ROSCHEVITZ was the leader, shooting at them. Did you see this?

A. No, I didn't.

Q. Please go ahead. You were at the point where the squads were getting a little disorganized. Were they still continuing to search and kill people as they saw them?

A. Yes, they started to move all the way up. Sometimes the lieutenant--we'd got a call from the CO to try to keep the guys more in line. Some of them were getting ahead of the line, and some of them were falling back. We tried to stay on line as best we could.

Q. You say the CO. Did you mean MEDINA?

A. Yes, and he got the platoon leader, who radioed to his squad leaders to try to keep the guys in line. They did it for a while then they started going back again, mixing up.

- Q. About how far into My Lai (4) did the platoon go?
- A. I'm not really sure. As you walk in there you get a little mixed up. I remember walking sometime on a trail. I don't know, it must be this trail (indicating). We were on this section of the village.
- Q. There was a trail along the edge of My Lai (4).
- A. And I was somewhere around in this section here (indicating) as we moved through along the trail, because I was moving through the rice paddies.
- Q. We've had testimony indicating that the platoon covered the northwest corner and pushed about halfway through and left My Lai (4) at a point about midway on the north boundary or border of the village, the hamlet. During the time you were in My Lai (4) itself, how many dead Vietnamese people did you see?
- A. I don't remember going to this village at all, but I remember seeing a good many people being killed. I don't remember if we walked back through or not. It seemed like it was all one village after a while, but I remember seeing approximately 100 people.
- Q. Now, up to this time had the platoon encountered any resistance at all? Any hostile fire?
- A. I don't know, but a helicopter was circling, and he radioed down to tell us there was a VC running--there were two with weapons.
- Q. Before that, after you landed and started through My Lai?
- A. No, no resistance.
- Q. Any of the civilians--they appeared to be civilians anyway--that were shot down, did you see them offer any resistance at all?
- A. No.
- Q. Did the people include women and children?

A. Yes, they did.

Q. Would you go on and tell us now about the helicopter and the two VC?

A. Right. We radioed out, and we went out there and saw--I don't know who shot them down, if the helicopter shot them down--

Q. (Interposing) Well, the evidence we have is that two VC were killed by gunship fire, and they were out in the rice paddy north and a little east of My Lai (4), 400 or 500 meters out. We have evidence that the first squad led the way. The whole platoon went out. First squad led the way, and Lieutenant BROOKS was about the second man in the column. The others were spread out. Did you see the dead VC and any weapons?

A. Yes, I saw the dead VC, and I saw the weapons also.

Q. Do you remember a helicopter overhead?

A. Yes, I do.

Q. Was there any markings on the helicopter?

A. No, I don't remember.

Q. Did you notice any helicopters that day that had a shark painted on the nose?

A. Some of the helicopters did have designs written on them, but I don't remember.

Q. You stated to the CID agent that you had seen Colonel BARKER's helicopter that day. Had you seen it earlier?

A. Well, when we went through this village I was pretty close to the radio, and we could hear the CO and them talking. We heard that Colonel BARKER was flying around, and every time we used to see him he always wore a white helmet. He used to sit right near the edge where the gun guys used to sit, the machinegunner, and we did see a helicopter with a guy with a white hat.

Q. I see. He was down low enough to see the white helmet?

A. He always used to fly pretty low down.

Q. At what altitude would you say?

A. A little higher than tree line.

Q. Just about the treetops?

A. Yes.

Q. When did you first see him that morning? For example, when you formed on line before moving into My Lai (4)?

A. No, we was in a little bit further.

Q. Was it about the time you first began to see some Vietnamese people in there?

A. No, I think it was a little after we'd seen the people. We were in the village for a fairly long time. It was a little distance.

Q. This was before you went to pick up the weapons?

A. Yes.

Q. After you picked up the weapons, do you recall what the platoon did next?

A. I don't know whether we came back to this village or went around a little bit. We came back with the weapons. We took a break.

Q. Well, you said that it all seemed like one--

A. (Interposing) One village, yes.

Q. We have an abundance of evidence that after the platoon picked up the two weapons, they moved off to the north-west into this little subhamlet which is called Binh Tay, and they continued to operate as they had in My Lai (4). To jog your memory, do you remember seeing a group of about 15

to 16 people mostly, if not all, women and children, girls, assembled in a little clearing here and something happening to these people?

A. I don't remember that.

Q. Did you know ROSCHEVITZ? He was also a grenadier in the first squad, I think.

A. Yes, he was heavy set, yes.

Q. Do you remember anything about ROSCHEVITZ and this little group of people in Binh Tay?

A. I didn't see him all during the operation until we set up.

Q. We've had a good bit of testimony that a number of men in the 2d Platoon had a practice when they went into a hamlet with Vietnamese women that they would have intercourse with the women. They were raped if necessary.

A. Yes, sir.

Q. Did you see any rapes there that morning either back in My Lai (4) or up in Binh Tay?

A. Yes, I did.

Q. Would you tell us about that, please?

A. As we went through we come across some of the hootches. There was some young women setting there. One or two had a little child with them. You know, they used to hold the little kids, and a couple of guys would go over there, take the little babies off, and give them to the littler kids funning around. They forced them into a hootch or on the small porch that they had and rape them.

Q. How many instances of this did you see?

A. I only remember the one instance.

Q. Do you remember who was involved?

A. A machinegun squad.

Q. Was this HUTSON, HUTTO?

A. Yes, it was them. That crew, yes.

Q. I've forgotten who the third man was. Let's see, was HUTSON the machinegunner, HUTTO the assistant, and an ammunition bearer I think. Was that CROSSLEY?

A. No. I can't think of him either, but they weren't considered machinegunner, assistant, and ammo bearer. They used to take turns. Whoever was carrying the gun at the time was the machinegunner. They changed.

Q. WRIGHT?

A. WRIGHT, yes, sir.

Q. How about in this other little place of Binh Tay? Did you see any instances of rape involving Sergeant HODGES and several men who raped a girl here?

A. No, I don't remember any.

Q. We've had evidence that as many as seven rapes occurred up in this hamlet.

A. No, I don't remember Sergeant HODGES.

Q. Do you remember any other men involved in rapes?

A. Well, I don't know. Two or three guys did it, but that's what they used to do.

Q. Did you hear an order to stop the killing during the morning?

A. Yes.

Q. Where were you at that time with relation to Lieutenant BROOKS?

A. I was close to him.

Q. Did you hear him give the order?

A. Yeah.

Q. Do you remember what he said?

A. He told the squad leaders to get their men together and stop firing, and I think he said gather the people up. We were supposed to tell them to leave the village, because we did stop in a road. I don't know which way it went but we were on this road, and there was a group of people. Maybe 50 people was in the group. We told them to leave the village, to go to another village.

Q. We've had testimony that the order came in while the platoon was here in Binh Tay, and after that the platoon didn't kill any more people. Up until that time they methodically killed every Vietnamese person they came upon.

A. Yes.

Q. When the order came in they stopped. I want to check something with you. Our evidence is up till this point the platoon hadn't taken any prisoners or detained anybody?

A. No, they didn't.

Q. After that then the platoon rounded up people and sent them away off somewhere outside the area.

A. Yes.

Q. We've had other evidence indicating that the order came while they were in Binh Tay here (indicating), and they rounded up 50, 60, 70 people and sent them off somewhere in a southwest direction. Does this fit in with your recollection?

A. Yes, but I don't remember--

Q. (Interposing) I understand.

A. But I remember when we got the order to stop, we did send a group of people down a road. It had a sign on top of it. As you come out of the village it was like writing on the top, what the name of the hamlet was. We sent them up that way.

Q. This is Mr. WALSH who visited My Lai and the vicinity just recently.

A. Yes.

MR WALSH: I wonder, Mr. PARTSCH, you mentioned earlier about a radio transmission early in the operation when Colonel BARKER was overhead. I wonder if you can recall any of those transmissions?

A. I don't remember what he was saying. Sometimes there was a lot of static on it. Sometimes we couldn't get clear reception with our radio and the helicopter.

Q. Could you hear the transmission that came through before the order to stop killing was given?

A. I remember Captain MEDINA calling the lieutenant and asking him, "What in the hell is going on over there?" That's all he said because he told me to get away from the radio after that. He talked to the captain after that. I remember when he said that, but I don't know what he was referring to.

Q. In other words you heard a transmission from Captain MEDINA saying, "What the hell is going on over there?" and at that point Lieutenant BROOKS told you to get away from the radio?

A. Yes. Well, all that they tell you is to move away from the radio when they're talking to the CO.

Q. You didn't hear what Lieutenant BROOKS' reply was?

A. No, I didn't.

Q. Was it immediately thereafter that Lieutenant BROOKS passed the word to stop killing people?

A. I don't know if that was--

MR WEST: (Interposing) Could that have been when the squads were disorganized earlier?

A. It might have been that transmission, but he said that the helicopter might have seen better and they might have relayed down. The guys were disorganized, that may have-- I don't remember.

MR WALSH: Do you remember at any time shortly before receiving the orders to stop killing people? Did you see any group of maybe 10 or 15 women and children dead in a group?

A. I can remember seeing small groups of people being dead, but I don't remember seeing large groups.

COL FRANKLIN: Did you ever hear the command "Stop killing!" or "Stop firing!"

A. "Stop firing!" I don't recall "Stop killing!"

Q. You don't recall. You only recall "Stop firing!" which to you meant "Stop killing!" You don't recall hearing that. You say Colonel BARKER used to wear a white helmet?

A. Yes.

Q. And he would sit in which seat of the chopper?

A. The left side.

Q. The men could identify--white hats are fairly rare.

A. Yes, sir.

Q. And he was flying low, treetop level. Do you have a recollection of seeing him one time or off and on during the operation?

A. Just one time we'd seen him.

Q. Okay. How far had you gotten when you say you saw him flying around?

A. Maybe an hour or an hour and a half as we went through the village.

Q. You had already been through the village?

A. I don't know if we were through the whole village or not, but about an hour and a half after we started.

Q. Were there an awful lot of dead people by that time? How many dead people had you seen by that time, in an hour and a half?

A. Well, I don't remember at that time. I don't remember it as an hour that we went through. I just remember for the whole day.

Q. Well, if Colonel BARKER was flying at treetop level after that hour or hour and a half, in your opinion could he have seen--so far as the terrain would permit him, could he have seen pretty well what Charlie Company had done that morning?

A. Possibly, yes.

Q. What do you mean, "Possibly, yes"?

A. I mean I think he could have seen the whole company walking through and seen what people were in the village. I think he could have seen.

Q. Say an hour or hour and a half after you got in there, were things burning?

A. Some of our guys did burn some. I don't remember.

Q. Was there some burning in the village? Was a hut somewhere, at that time, on fire?

A. Yes, I think there was.

Q. You were a grenadier?

A. Yes.

Q. You're an American, and you're a soldier, you're a rifleman. You're going through and you see an awful lot of things that you have never seen before. You've got a lieutenant colonel as a battalion commander flying over and seeing this. Does that seem unusual to you? Give you a feeling of guilt?

A. No.

Q. What did you think or did you think anything?

A. Well, as we went through, I was with Sergeant BERNHARDT for awhile as we went through the village, and he always was saying that this was wrong, that we haven't seen any young guys as we went through. He was talking to me, and I said: "Yeah, that's all you do see is old men and women. Every time we go through a village that's all we see." And he says: "What are we doing this for. It should have been stopped right away when we didn't see any young guys through this village."

Q. What I mean is supposing you were raping a women and Colonel BARKER came by and saw you. Would this bother you at all? Would you get into trouble?

A. Possibly, yes, by him.

Q. Possibly. Did you realize at this time that you were killing a lot of innocent people or did you think about this?

A. At the time--

Q. (Interposing) How about you, personally. Did you have the idea that this was very different than you thought before and that a lot of people were getting killed. Did you have that idea at the time Colonel BARKER was flying over you?

A. No.

Q. You did not, so you really didn't think too much of Colonel BARKER flying over you one way or the other.

A. No.

Q. You were near the radio. You say Colonel BARKER got on your company "push."

A. Yes.

Q. That was not unusual for him to get on your company "push"?

A. No, sometimes he did get on our company "push."

Q. When you were near that radio was Lieutenant BROOKS sending back any body count figures at that time?

A. Yes. He told the guys to keep count.

Q. So these figures would have been going back on the company "push" and Colonel BARKER heard them?

A. Yes.

Q. Did you see any guys keeping count? Did anybody yell over to the squad leader or yell, "We just got 10 or 15"?

A. Yes.

Q. What did you think of that?

A. The transmission on the radio says VC count and they were counting everything that they shot, I mean, women, children. They wanted a body count of VC. I presume that meant men, but they were counting the children and the women that they killed.

Q. You actually heard the count coming in to Lieutenant BROOKS?

A. Yes, some of the guys would come over. After we were over by the building, they were coming around and saying, "I killed 10 or 5," or whatever they dished out.

Q. What kind of body count did the 2d Platoon have do you remember?

A. I don't remember what the total count was.

Q. These reports were going right into Captain MEDINA when you got them?

A. Yes.

Q. Do you ever recall any report of enemy activity at all to Lieutenant BROOKS that, "We've got VC here," "We got people with weapons," "We got people running"? Did he ever give any call like that to Captain MEDINA?

A. I don't recall.

MR WEST: Going back to this business of men raping women, Mr. PARTSCH, did Lieutenant BROOKS know that this sort of thing went on?

A. Yes.

Q. Did he do anything about it?

A. No.

Q. How about Sergeant SCHIEL, your squad leader?

A. No, he didn't say anything about it either.

Q. How about Sergeant BUCHANON?

A. Sometimes he would say, "It's not all right," and then sometimes he would say, "They've got to get it someplace." He says, "They might as well get it in the village."

Q. How about Captain MEDINA? Did you know what his attitude was towards this?

A. No, I don't know. Not at this incident, but before he said that he didn't want the guys messing with the women. He said they was supposed to leave them alone as we went through the villages.

Q. Mr. PARTSCH, during the morning did you see any visiting officers come in, say, land in helicopters and observe the operation? Anybody from Task Force Barker, brigade, or division?

A. No, I didn't.

Q. Can you recall what the platoon did after they rounded up the people and sent them off to the southwest? You indicated that you didn't really think you'd gone into another hamlet or subhamlet to the north called Binh Tay. Did it seem that you were in the same village all the time?

A. Yes, I thought we were in the same village.

Q. Well, could you describe what happened then, after you turned the people loose?

A. The whole company was supposed to regroup, back to where Captain MEDINA was. So all the platoons were supposed to come together.

Q. Do you remember what time this was?

A. I have it in my diary.

Q. Do you have your diary with you?

A. Yes, I do.

Q. Would you like to consult that and refresh your memory?

(The witness reviewed his diary.)

A. It was approximately 1000. I think. I have written in here, "We are supposed to push through two more villages, and it's about 1000, and we're taking a rest before going in." That was after the cease fire.

Q. Yes, we have had some indication that you broke for chow somewhere in the northeast corner of My Lai (4). I'm not sure if this is right. You'll notice that there is a subhamlet northeast of My Lai (4) that extends--part of it is north of the river and part lies to the south. It is called Binh Dong. This area here (indicating), it is possible that the platoon moved over there. Do you have any recollection at all of this?

A. I think we might have went over there when we stopped for chow. I have in here we stopped for chow about 1300.

COL FRANKLIN: About what time?

A. About 1 p.m.

MR WEST: Did you have a break around 1000 and then you went on? Is that it?

A. Yes, and it says in here, "We didn't do much after chow; we just sat around." So we usually do take breaks in the villages. So we stopped. We don't stop out in the open. We stay in the villages and after that--

Q. (Interposing) Well, let me ask this, after you turned the group of 50 to 60 people loose, do you remember walking across rice paddies for some distance, perhaps crossing a stream or a dry stream bed?

A. I don't remember crossing a river.

Q. Well, do you remember walking across a sandy place perhaps? You know there's sand in this stream bed that you see here.

A. Yes. I don't remember a stream bed at all. We did walk through some rice paddies, but I don't know how far it was.

Q. You read from your diary that you were supposed to go through two other villages. Do you remember that?

A. That day, no. I don't think that day we went through.

Q. Well, what I was really trying to find is whether you went through any more inhabited places, you know, where there were houses and people there. This would have been after the cease fire?

A. It must have been the next day. I remember walking through. I don't know if it was that afternoon or the next morning that we were walking through a village that was destroyed before, long before that. The houses were torn down and just maybe the mud places were there.

Q. Well, this Binh Dong which I mentioned earlier, which lies to the northeast and east of My Lai (4), this was an inhabited subhamlet. There was people living there. It goes all the way down through here. I think your recollection perhaps applies to the next day because Charlie Company was out 3 days. Well, let me put it in a little broader terms. Can you recall what your platoon did the rest of that day, the rest of the 16th after you were all through with this My Lai (4) area?

A. I don't remember doing anything at all. We set down. We'd go to a hootch or two. Maybe two or three would just sit there. Sometimes we would play cards. I can't remember.

Q. I think you indicated in your diary that you had lunch at 1300. Was this in another little hamlet some place? Many of our witnesses remembered where they had lunch. They sat down by a house. Some sat up against a levy. Some were in a rice paddy. Some were under a tree. Do you remember where you had lunch in relation to where Lieutenant BROOKS was? Sergeant SCHIEL?

A. I think it was--if I remember it was all in a grassy area and, you know, shady. It was in the afternoon and fairly a nice place. I think it was near a trail. I think this is the place. I can't remember. Sometimes I get mixed up with days but we set. One squad would take one side, so the whole squad would be together at one time.

Q. You set up a perimeter?

A. Yes.

Q. Well, you may have been along the east of My Lai. (4) then because we know the platoon set up perimeters around in here. The 3d Platoon we know formed a perimeter around in here (indicating). I think possibly that the 2d Platoon set up a perimeter down in here. At any rate do you remember where you laagered in for the night?

A. Most of them were in the rice paddy. It was right around here (indicating).

Q. It was considerably to the east. You moved off to the east here, and do you remember joining up with B/4/3 Infantry?

A. Yes. Two companies set up in front of a village, in rice paddies.

Q. Let me ask you this, Mr. PARTSCH, you evidently have put an account of that day's action in your diary, and you have it with you. Do you think it would be helpful to us if you would just read your diary to us as you have it down for the day? Now, if you have any personal things in it just leave those out.

A. Yes, it's not a real good diary. I just wrote when I had time, or in the evening, about what we did in the day time. Not all of it is in here, but I could read some of it to you.

Q. Does your diary cover the events of the morning of the 16th pretty well?

A. I started out in the morning. I don't remember when I wrote it.

COL FRANKLIN: Excuse me. Maybe you can start on the 15th. Do you have anything about the order.

A. Yes.

Q. Why don't you start with that.

MR WEST: Start on the 15th and if you'll read that not too fast so the reporter can get it.

A. March 15 is just a general date. I have for the 15th I just have:

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"I have details to do. Had meeting whole company. Said we are going to really hit something tomorrow. Going to hit four places and it's a hot place."

And that's all I have down for that. For the 16th:

"Got up at 0530, and we left 0715. We had nine choppers, two lifts. We started to move slowly through the village shooting everything in sight, children, men, women, and animals. Some was sickening. There was legs shot off--"

Q. Are you reading all that part?

A. Yes, this is all I have in here.

"Their legs were shot off, and they were still moving. They were just hanging there. I think their bodies were made of rubber. I didn't fire a single round yet and didn't kill anybody, not even a chicken. I couldn't. We are now supposed to push through two more villages. It is about 1000 hours and we are taking a rest before going in."

I may have missed something in there.

Q. That's all right. I understand. I think you are one of a few people that did make a record.

A. "We also got two weapons, one M-1 and a carbine. Our final destination is the Pinkville. Supposed to be cement bunkers. We killed about 100 people. After a while they said not to kill woman and children. It was pitiful seeing all those dead bodies lying there. Still couldn't look at them. Stop for chow about 1300 and didn't do much after that. We are now setting up for the night. Two companies are with us. We set up in part of a village and rice paddies. We had to dig foxholes. Area is pretty level and our mortars are out with us. They are serving hot chow tonight. The names of the villages are My Lai (4), (5), (6). Am now pulling guard for the night, one and a half hours. I am with the first squad, and the sky is a little cloudy but it is warm out."

That's where I ended up with. That's when I was pulling guard. It was in the middle of the night.

Q. Do you remember late that afternoon any National Police that were perhaps questioning some VC suspects?

A. Yeah, there was police with us. We did--after they said to stop shooting, I think that was the day we took some prisoners with us after--men.

Q. Did you see the National Police interrogating any VC suspects?

A. That day I don't remember. The next day I have-- Sunday the 17th, I have in here--

Q. (Interposing) Before you get to that let me go back to something else that you read from your diary. You remembered naming My Lai (4), (5), (6). Now, you'll notice on the photograph that what the map has as My Lai (5) is actually the upper part of Binh Dong, and My Lai (6) lies to the east of that and is off the photograph. I believe the place where you laagered in for the night is near My Lai (6). Does this refresh your memory any about going through any of these hamlets perhaps? This upper part of Binh Dong which the map has called My Lai (5) and another hamlet over here My Lai (6).

A. Well, then this village was here (indicating)--this village we must have stopped for chow then. This is where we spent most of the day if this is--yes.

Q. Well, while you were in there we really have a question as to whether anything happened at this place such as happened at My Lai (4). When you went in there did you see any dead people for example? Did you burn hootches where you had lunch?

A. I don't remember seeing any dead people in this village.

Q. Anything burning?

A. Yes, I do remember--I think there was something burning, and I don't know if the lieutenant or our sergeant said, "Who set that fire--who set that building on fire?" Because after that we were told not to burn anything. I do--something similar to that that day. Somebody did set a hootch on fire. Threw their cigarette butt up there or something. You know not just lighting it. Nobody answered.

Q. Was anything said about the possibility that other men of the company had been in there before you?

A. I don't remember that, no.

Q. You had been pretty busy, and it could have taken you quite a while.

A. I don't know if that's when we met the company or not. That may have been where we met up with the company and they had been in there before we came in.

Q. Well, it is possible that some part of the 1st Platoon had been in there before you and before the cease fire, but you don't remember anything about that?

A. No, I don't.

COL FRANKLIN: Mr. PARTSCH, you are a particularly valuable witness because you kept a diary and also because you wrote in your diary that you did not participate in this. What you have to say might perhaps carry more weight than others. I think you are also probably a very sensitive person. We appreciate your coming in and these questions that we've been asking you are very important to us. I want you to just try and think for that reason on this 1000 break that you had taken. This was after "Stop firing!" correct?

A. Yes, I think--yes, it was.

Q. Okay. Now, if you saw any women or children or anybody killed, this would probably have an impression on you. Did you see anybody firing their weapons or hear any firing after the "Stop firing!"

A. I can't recall hearing any.

Q. Okay. After lunch do you recall any firing from the time you ate lunch until the time you reached your laager position?

A. Yes, I think I did hear--we saw--I don't know if it was our platoon. I think they'd seen some guys running out of the village, and they were shooting over their heads. Because we were told to take prisoners after that, they told us to stop firing and take men prisoners, military-age prisoners. So I think we seen a few running, and they shot over their heads. We caught up with them, and we took them with us.

Q. Well, there seemed to be quite a change here. You go in and every man, woman, and child that is seen is killed. Things are burning. Then there is sort of a new policy in the afternoon. People are even getting chewed out for burning something. You're told to take prisoners! So, is this

correct? Was there a real change in the way the company was operating?

A. Yes, there was.

Q. And this change came when? After the break that you wrote about in your diary at 1000 or after lunch?

A. I think it was after the break.

Q. After the break, so this was sometime after 1000? Did you carry a watch with you when you went out?

A. No, I didn't have a watch.

Q. How did you happen to know that it was 1000.

A. I don't remember if I had a watch. Someone had a watch.

COL FRANKLIN: Well, we'll give you the benefit of the doubt. You wrote 1000 in your diary. Somebody told you what time it was. Okay, you've gone through this and you mentioned in your diary it was sickening, it was terrible. Then you were told, "Stop the shooting, no more burnings, take prisoners." Did you think or have an impression at the time why the change? Did you go through any thinking at the time, why everything was changed?

A. I said: "What did we go through here in the first place for. If it was wrong why didn't they stop it sooner." I was a good friend of BERNHARDT's, and we used to talk to him, and he always used to say: "We should have stopped as soon as we went in there. If we would have seen that there was no military people, we should have been stopped right away." But he said every time he would say something to Sergeant BUCHANON or the lieutenant they would ignore him, because we did go and do something he was always against it.

Q. Sergeant BERNHARDT?

A. Yes.

Q. He was always against what you were doing?

A. Yes.

Q. You say they should have stopped it? Who's they?

A. Our captain, I think, and the lieutenants, they was right up on the line, and they could have seen who was there, if there was military-age people or just old people. I think they could have called back Captain MEDINA and told him that there's no military-age people there. They were all women and children.

Q. Did you think that maybe Colonel BARKER was flying over and ordered it stopped or did that ever cross your mind?

A. Later on we got the word through the grapevine that it was stopped because a helicopter pilot was flying around and he saw a group of people getting shot and he radioed back and that's all. That's the word we got when we were in the village.

Q. Did you ever write about any rapes at any time in C Company in your diary, you recall?

A. I think I may have written--I haven't read this for--

Q. (Interposing) You think maybe after this you might just go through it and just you read it. We'll leave the major here, and when you come to a part with a date, with the names of some rapes, you might read it so we can put it on our record.

A. Right.

MR WEST: Mr PARTSCH, you remember the events of the next day, the 17th, now referring to Exhibit MAP-4. Perhaps you know that Charlie Company, the 1st Platoon went up on Hill 85. At this point one of the men stepped on a mine and lost most of his foot, and Lieutenant CALLEY suffered some facial wounds. The company as a whole went all the way down to the Diem Diem River and then back up and laagered for the night up around here (indicating). You remember the events that day, what you did as you came upon any hamlets?

A. As we went through I think we were on line. We were suppose to search everything. I think that this is the day we went through some of the villages and they were deserted, but we did find some prisoners and we took them.

Q. How about these hamlets that you came to, did you burn them?

A. No, most of them were already burned. I think little bomb shelters were the only thing left.

Q. Did you find any Vietnamese people there?

A. Yes--a nurse.

Q. And two men?

A. Yes.

Q. You have that day covered in your diary?

A. Yes.

Q. Would you read it please?

A. "We didn't go to the Pinkville. We went to My Lai (2), (3), (4). We burned as we pushed." The rest of it I don't remember.

Q. We have evidence that actually you burned two or three hamlets as you were going south.

A. I don't have it in very good English:

"We burn as we pushed. We got four VC and a nurse, had documents on them. Yesterday we took 14 VC."

That was the 16th, we took 16 VC.

"We pushed as far as the coast to the sea. There was a village along the coast also, a lot of sailboats."

They were on the far side from where we were.

"We stayed there for about an hour, went back up about 2 meters and set up camp--it's in a graveyard."

Q. About 2 kilometers?

A. Yes.

Q. Is that it for the day?

A. Yes.

Q. Would you say then from the entry in your diary that you probably did burn some hamlets as you went through.

A. Yes.

Q. We have other evidence on it. You remember the events of the next day now, the 18th? This is the day that you were lifted out in the afternoon and taken back to LZ Dottie. Is that covered in your diary?

A. Yes, sir.

Q. Would you read those entries?

A. This is Monday.

"We moved back to another area. One VC said that he would take us to a tunnel. He took us all over, and we didn't find any."

I think that was the one that we interrogated--Captain MEDINA--I think he said that he would show us the tunnel where we could find weapons, and we didn't find anything.

Q. You remember seeing Captain MEDINA fire close a prisoner's head in order to make him talk?

A. Yes.

Q. Is this the one?

A. Yes, I think that's the one he got the information from. After that we met up with the other platoons. We must've split that day, because we searched different areas.

"As we were going two guys hit mines; their flak jackets save them, none hurt bad."

TREVINO and GONZALEZ they are the two names in there.

"We got with the company and CA's out to Dottie. There is a lot of fuss about what happened at the village, and a general was asking questions. There's going to be an investigation on MEDINA. We are not suppose to say anything. I didn't think it was right, but we did it. At least I can say I didn't kill anybody."

Q. Let's go back a bit. Would you read the part again after starting with the 18th? Would you read it again?

A. "We moved back to another area. One VC said that he would take us to a tunnel. He took us all over, and we didn't find anything. After that we met up with the other platoons. As we were going, two guys hit mines; their flak jackets save them."

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Our platoon was the one that took the guy over to the tunnel. I do remember it we went there--

Q. (Interposing) Did you find anything?

A. No, nothing. When we came back he was put in the front of our lines as the point man. But as we went through, he walked one way and the guys followed--let me see, about four guys followed him, and TREVINO and them came back last, and they didn't go where we went. That's how they hit it.

Q. Yes, we talked to TREVINO and GONZALEZ the same day. What followed this?

A. We got with the company and CA'd out to Dottie.

Q. Okay, now you mentioned being talked to by a general?

A. Well, no, he was there, and when we landed in on top of Dottie, it was a general standing there and--

Q. (Interposing) Did you recognize the general?

A. No, but his uniform had a star on it.

Q. How many stars? Was it one or two?

A. I don't remember that, but there was two other guys standing there, and I don't recall who they even were. So this--

Q. (Interposing) You remember what kind of helicopter you went back in?

A. The regular ones.

Q. Was it a Huey?

A. Huey, yes.

Q. How many were with you?

A. Six of us in the helicopter.

Q. When you got out of the helicopter there at Dottie, did somebody talk to you?

A. No one talked to me.

Q. I don't mean individually. I mean--

A. (Interposing) No, no--

Q. (Interposing) You went off to your bunkers?`

A. We went down to eat chow, and when we came back we went to our bunkers.

Q. Would you read the part again after you CA's in. It's interesting, what you said about the investigation?

A. "There was a lot of fuss about what happened at the village, a general asking questions. There is going to be an investigation about MEDINA. We are not suppose to say anything."

Q. All right. Let's stop right there. How did you know there was a lot of fuss about what happened?

A. Well, after we got there this one--I mean the platoon guys had a meeting with--it was Captain MEDINA. Then after that, they got with each squad leader and the squad leaders came back after a while and said, "There may be an investigation on this mission, and we were told not to say anything."

Q. And that was the 18th, right after you got back?

A. Yes, that day, yes.

Q. All right, and how did you learn that MEDINA was in trouble?

A. BERNHARDT was going to report this--saying that it was wrong, because he went to Captain MEDINA and said he was going to write his congressman and say what happened at the village. Captain MEDINA talked him out of that, saying that it would cause us all a lot of trouble and to leave it alone.

Q. Are you sure that BERNHARDT went to MEDINA or did MEDINA seek him out?

A. Well, let me see. I think he went to the platoon leader or something and then the platoon leader relayed it to Captain--I think the captain--

Q. (Interposing) Did BERNHARDT talk to BROOKS?

A. Yes--

Q. (Interposing) BROOKS to Captain MEDINA?

A. Captain MEDINA, yes.

Q. And what did Captain MEDINA--

A. (Interposing) Told him that he don't think he should--

Q. (Interposing) Talk to BERNHARDT?

A. Yes.

Q. Now, you mentioned about the general. What was that again? Was the general asking questions?

A. Asking questions--I don't remember--I didn't get asked any questions and I don't--the other guys--

Q. (Interposing) Would you read that answer again?

A. "There was a lot of fuss about what happened at the village. The general was asking questions."

As we did come off the chopper some of the guys were over there talking to three guys standing over there, but I don't know who they were, but I just went down for chow after that.

Q. Can you think whether it was one or two stars on that uniform? How about the helmet, remember--

A. I think he had a cap on.

Q. You think it was one or two stars?

A. I think it was one star.

Q. Let me ask it this way, do you know any of the general officers in the Americal Division? General LIPSCOMB was gone by this time. Had you known him?

A. I would not have known any of the generals.

Q. Could you recognize this general? Could you recognize a photograph of this general officer, you think?

A. I don't think I could.

Q. You remember anything about his appearance, brunette or blond, tall or short?

A. I think he was a tall guy, and he was a medium built guy. I think he was taller than the other guys standing beside him.

Q. You remember whether he was dark or fair?

A. He was a tall guy. He was middle aged, not an old guy. I think he had like gray hair, so he must to have been in the fifties maybe. So he was a fairly old man.

Q. Do you remember the color of the eyes?

A. I don't walk right past him. Every time we see an officer--

Q. (Interposing) Look the other way? Well, at any rate, you made your entry about the general asking questions. What were the three people doing. They were talking to another soldier? Do you remember the other two people you said were there? Were they officers?

A. Yes. I think one was Colonel BARKER. And I don't know who the other one was.

Q. You knew Colonel BARKER by sight?

A. Yes, I did.

Q. Did you notice the white helmet this time?

A. I don't remember.

Q. Did you know Colonel HENDERSON, the brigade commander?

A. I remember the name, but I don't remember seeing him.

Q. He's a rather tall man. He, of course, would have been wearing a colonel's insignia, not a star.

A. I don't remember.

Q. Well, I think we asked about Colonel HENDERSON, because he testified he did meet some of the men coming back. He asked them about what happened. He asked them as a group, and he singled out some individuals. Nobody would tell him anything. All right. Did you read all the entries of the 18th?

A. Yes.

Q. Did Captain MEDINA ever get the company together as a group and talk to them about the fact that there was going to be an investigation of what happened at My Lai (4)?

A. I don't recall.

Q. Did any investigating officer ever come to talk to you?

A. No.

Q. Do you know whether any member of the company was talked to by anybody about what happened at My Lai (4)?

A. I don't recall. If they did, I didn't hear about it.

Q. Did you ever hear what happened as a result of an investigation?

A. After that it was never mentioned. After this happened I never heard it until it was in the paper.

Q. Do you remember any other entries in your diary about what had happened that day?

A. I don't think there is anything else.

Q. Did anyone ever tell you to keep quiet about the incident other than your squad leader?

A. No, no one else.

Q. What did he tell you exactly?

A. He got the whole squad together and he said that they just had a meeting--well, first of all he told us the routine for the next day and mentioned about the mission we were on. "Don't talk about it to anybody outside the platoon or any other companies." He said, "If you do talk to them about it in your own group," he says, "don't let anybody else hear about it." Then he said, "Better off, don't talk about it at all; just forget about it."

Q. Did he say why?

A. I don't remember if he said why.

Q. Did you ever hear of anything similar happening involving Bravo Company on the 16th and 17th. Now they had an area over near the sea.

A. Yes, they were like a blocking force. But I didn't hear nothing.

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

A. Some of them they felt sorry for them, but there was a lot of them in there that didn't care. I mean, they'd kick an old man, no matter whether it's a friendly village or not. If they go into the village, they'd like to rough them up, the old guys. Most of them, they'd just go after the old guys and go after the women.

Q. Did the officers know this was going on?

A. Yes, our platoon leader did.

Q. Did they have the same attitude?

A. Yes. Sometimes they'd have the women, too.

Q. The officers?

A. Yes.

- Q. Are you talking about Lieutenant BROOKS?
- A. Yes, I am. Lieutenant CALLEY was also my platoon leader when I first went over to Vietnam.
- Q. Did he have the women too?
- A. Yes, when we first went in the villages.
- Q. Do you know this of your own knowledge or did somebody tell you?
- A. I know where the village was, close to Dottie.
- Q. Could you tell me of an instance.
- A. All right. This was about Lieutenant BROOKS. We were still at Dottie. I don't remember when, but it was in a village behind Dottie. It was close to Dottie. It wasn't too far away. It was like in the rear of Dottie on a mountain part.
- Q. Are you talking about an incident of rape or just having a woman?
- A. No, this is just a general incident. I mean we were on just general patrol and someone suggested, "Let's go into that village and have some fun." They went in and everybody just split up and they went in. Some would go down to this hootch and all that. Chase the women around and all that.
- Q. Well, did you see Lieutenant BROOKS with the woman?
- A. Yes.
- Q. Well, would you tell us about that?
- A. There was a hootch down the road, and we were on the top of hill, and somebody came up from the hootch and said, "There's a good one down there, and everybody's taking turns." So one of the guys went down, and then the lieutenant came over, and he went down into the hootch.

Q. He took his turn with the women along with all the others?

A. Yes.

Q. What about Lieutenant CALLEY? Any similar incident involving him?

A. I don't remember where, in what village, but I do remember an incident where he--I didn't see it, but we knew where he was and what he was doing, but I don't remember where the village is.

Q. I know, Mr. PARTSCH, you've thought about this a good deal, the My Lai incident. If you had to describe it in a few words what would you say happened at My Lai (4) that morning on 16 March 1968?

A. Well, I know that everything was murdered. I mean people were killed in there, but I was there with the guys, and I can't--I don't know if you can put it as a massacre. As we went through there, I don't think the guys realized what they did until after, when it hit them, but even I--I wrote this in the evening. As you went through the day I don't think the guys realized what they were doing. I mean until--maybe some of them didn't. They were having a ball, but some of the guys were just like in a daze.

Q. Well, we've had some witnesses tell us they were just carrying out orders. Is that your impression?

A. No, I don't think--you don't have to take an order. I know I refused to do it already. If you didn't want to shoot the person, you didn't have to.

Q. I know there were others who didn't participate. Yet others said they thought they had to do it. They were under orders. I guess what we're really trying to get at is what motivated them to do what they did--kill the women, children, and old men.

A. No, this is just some of the guys saying--they wanted to see how it was to shoot a person. How a person dies and get the reaction of it.

Q. Did you hear CROSSLEY say anything about this?

A. Yes, I was by him, and we were near a hootch. I think the lieutenant was there also. A machinegunner was near the side of the village, and this old man came out of the hootch, and CROSSLEY took his 16 and shot at him as the man come out, and he shot him in the arm but he couldn't shoot him again. His wife--the old man's wife come out and she was yelling and screaming and holding the man, and they went back into the hootch. I asked CROSSLEY why he shot him, and he said he didn't know. I said, "Why didn't you finish the job?" And he said he couldn't. He said he couldn't pull the trigger. After he was done I was standing right beside him, and I saw him, and he was shaking.

Q. I believe you said to the CID agent that CROSSLEY stated that he wanted to see if he could shoot a person.

A. Yes.

Q. Is that right?

A. Yes.

Q. Do you think any of the men were motivated by desire to get revenge against the VC? Do you think this entered into it?

A. Maybe, maybe the Vietnamese in general. Some of the guys didn't--some close buddies, and they had rotten attitudes, and other guys were just rotten. I mean they could have been rotten over here.

Q. Now, is it possible that for some of them it was just a case that they could get away with killing, which is something that maybe they wanted to do and now--at home they had certain inhibitions. There was some restraints on them which weren't present here on the battlefield. Do you think this was perhaps why?

A. I think for a few of the guys, yes.

Q. Here they could kill and get away with it?

A. And get away with it, yes.

Q. Can you think of any other possible motivation?

A. No.

Q. I think you realize that we talked about how your squad leader spoke to your squad. You realize that this incident was not known back in this country until rather recently.

A. A couple of weeks maybe or later some of the guys got news clippings from back home saying that 11th Brigade, 1/20, killed 215 VC's or a number of them. It was just a small article.

Q. Was it 128 VC?

A. Something like that, yeah.

Q. The official report was 128.

A. That was the 11th Brigade, and some of the parents sent it. That's the only thing.

Q. I mean that the knowledge that a lot of old men, women, and children were killed there. This wasn't known until recently. Do you have any idea why this was not reported officially, why the word didn't get out?

A. No, I don't know why it didn't.

Q. Did you have some thoughts about--you know, you mentioned about BERNHARDT. He was going to write his congressman.

A. Yes.

Q. Did you have any thoughts about doing anything similar or did you know of anybody else who did?

A. No, I didn't have any thoughts about writing, and I don't recall any other guys.

Q. Did it occur to you at the time that this was a war crime and that it should have been reported?

A. No.

Q. Do you remember getting any instructions in your training about how to treat prisoners and noncombatants even if the person was a VC, that if he's not resisting and will submit to capture you're not supposed to harm him?

A. Yes, sir.

Q. Do you remember the training? I suppose the other men knew? There were also instructions that you should report any incidents in which helpless noncombatants--civilians were killed.

(The hearing recessed at 1535 hours, 30 January 1970.)

(The hearing reconvened at 1537 hours, 30 January 1970.)

MR WEST: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present. Mr. PARTSCH, you are reminded that you are still under oath.

MR WEST: Let's change the subject. In November there were some newspaper reports to the effect that some of the men in Charlie Company may have been under the influence of marijuana that day at My Lai (4), on 16 March. Do you know anything about such a thing?

A. On that day? No, I don't recall them being under it.

Q. Was there a marijuana problem in the company?

A. No. They used to smoke pot. It's not exactly the same. But, I know they used to smoke the stuff. It used to get a guy high.

Q. Do you know of any instances where a man would go into combat when he was high on pot?

A. I can't recall.

Q. With regard to the entries in your diary, Mr. PARTSCH, can you tell us if those entries were made day by day?

A. On the 15th, all of it was written in the evening.

Q. In the evening of the 15th?

A. Yes. On the 16th, part of it was written on the break at 1000, and part of it was written in the evening on guard. I don't have the time, but it was late at night. And on Sunday the 17th part of it was written in afternoon, and the rest of it was written in the evening when we stopped. The 19th--well, that's not being considered.

Q. I'm sorry. I didn't understand about the 18th.

A. Oh, the 18th. I missed the 18th. The 18th part of it was written when the two guys got mined. We had to stop for a little while, and I wrote a little bit in there. And the rest of it was written in the evening.

Q. If it is agreeable with you, Mr. PARTSCH, we will make a Xerox copy of these entries in your diary for the 15th, 16th, and 17th, and 18th of March 1968 and return the original to you. Is that all right?

A. Yes.

MR WALSH: Just a couple of questions, Mr. PARTSCH. When the VC nurse was captured did you observe her with Captain MEDINA at all?

A. No, I can't--I can just remember him with the one guy.

Q. Did you ever observe Captain MEDINA mistreat any female Vietnamese?

A. No, he never mistreated any.

Q. Do you have any impression of Captain MEDINA's attitude toward the Vietnamese?

A. I think it was that he did have a good impression of them. I can remember an incident where we did bring prisoners in. He wouldn't let nobody beat them up. Like somebody would come over and kick them and stuff like that. He'd always tell them to leave them alone, that they were prisoners and they weren't supposed to hit them or nothing like that.

Q. Now, when you saw the general at LZ Dottie and the other two officers, how far away were you at the closest point you came to them?

A. Twenty to twenty-five feet.

Q. And were they at that time questioning anybody?

A. When I came in, no. They were standing over there, but as we were walking down, some of the guys were in there talking.

Q. In other words, when you first came in some of you were just standing there?

A. Yes. I think I was on the first lift when we came back, and that's why. I think Captain MEDINA was on the first lift, I'm not sure. But, I think I was on the first lift, and that's why there was nobody over there.

Q. Well, the three officers were standing over there?

A. Yes, they were standing on the side on the landing zone.

Q. You say when you left that more than one chopper came in the same time that you did?

A. Yes, I think there was four choppers that came in.

Q. Do you think they were all slicks?

A. Yes, I think they all were.

Q. Do you remember if there were any big ones-- groups?

A. I don't remember any.

Q. Now, you got off the chopper and you walked past the general and Colonel BARKER and the other officer.

A. Yes.

Q. And then did they walk toward any other group that got off?

A. No, they stood there. I don't know if it was an officer or not that went over to talk to them.

Q. Now, is that the only person that you saw get off and go over to talk to the general and the other two officers?

A. Yes, because I was down further after that.

Q. I take it from your diary that from seeing that scene that they were asking questions of whoever it was that went over from your group to them?

A. Yes.

Q. And you don't recall any other reasons for making that entry in your diary other than that one individual went over to that group?

A. No.

Q. Do you recall or is it possible that you heard comments from other people that prompted that entry in your diary or are you pretty sure that it was your own observation of the general being there?

A. It could have been. I could have heard someone say it and then I could have wrote it down.

MR WEST: I'm not entirely clear about the question. Were there a number of men in the group that were questioned?

A. When I came off the chopper? No, when I came down I think I was on the first chopper, like. I was close to the road that was going to the main camp, and as I was going down there were three guys going over to where the three men were.

Q. I see. Okay, these three men went over to where they were?

A. Yes.

MR WALSH: Mr. PARTSCH, I noticed that you have another notebook.

A. Yes.

Q. Do you have anything in there that would pertain to My Lai(4)?

A. No, this ends back on the 19th of March. And I continued this one on the 20th of March.

MR WEST: Up to this point have you ever experienced anything like this?

A. No.

Q. Did you ever experience it later, where women and children were--

A. (Interposing) Where there were a lot of people killed?

Q. Well, where women and children, noncombatants were killed?

A. No, I don't remember any other time.

Q. Do you know of any similar instances where maybe one or two people were killed? See, once in a while someone in Vietnam has tried to kill prisoners.

A. I think it was on LZ Dottie for lunch. There was down in the valley on a trail--there were some people there

with animals. I don't know who shot them. They were running, and somebody yelled to shoot over their heads into the group of people standing there. And they hit somebody. We didn't know at the time what it was. And then we went down, and it was a woman that got hit. And we called medevac in right away to try to save her.

Q. Well, was there some thought that they might be VC?

A. Yes, that's why they were shot down. Because they were running after they seen us at the top of the hill, and they dropped their tools and started running down the hill.

Q. Can you think of anything else you can tell us at this time that would help in this investigation, any statements that you would like to make? You know what our general purposes are.

A. Nothing else that I can think of.

Q. We are most grateful to you for coming. I know it has been a lot of trouble and time. You have given us a lot of valuable information, and we are grateful to you. If you don't mind, Major ZYCHOWSKI will stay with you for a few more questions. We are very grateful to you for coming. Thank you very much. The hearing will recess.

(The hearing recessed at 1550 hours, 30 January 1970.)

(The hearing reconvened at 1745 hours, 30 January 1970.)

MAJ ZYCHOWSKI: The hearing will come to order. Mr. PARTSCH, I remind you that you are still under oath.

Mr. PARTSCH, during the previous testimony that you have given, you read from your diary to Mr. WEST. Prior to this interview I had you read from your diary to Specialist BROCKMAN who has in turned typed this on legal sized paper. It pertains to the days of March 15, 16, 17, and 18. These are the dates that you indicated from your

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diary that were the dates that pertain to the My Lai (4) incident and the days following. I show you these pages and request that you look them over, make any corrections that you so desire. Please initial any corrections that you do make. If it is correct I request that you in turn sign your name at the bottom of the page.

(MAJ ZYCHOWSKI handed the witness the document.)

A. Everything is correct on the two pages.

(The witness signed the document, Thomas R.

PARTSCH.)

A. Mr. PARTSCH, also during the previous interview, Colonel FRANKLIN requested that you read through your diary to see if you could come across any incidents that you recorded where Vietnamese women were raped. You indicated to me that you found two dates in your diary. They were 29 February, and 3 May 1968. Again, you read this to Specialist BROCKMANN who in turn has typed it. I request that you read both pages for it's correctness. If there are any errors, please make the necessary corrections and initial them. I again request that you sign your name to the top of the second page.

(MAJ ZYCHOWSKI handed the witness the document.)

A. These pages are correct.

(The witness signed the document, Thomas R.

PARTSCH.)

Q. The typed copy extracted from Mr. PARTSCH's diary for the dates 15, 16, 17, and 18 March 1968 and signed by him is entered into the record as Exhibit M-85.

The typed copy for the dates 29 February and 3 May 1968 extracted from Mr. PARTSCH's diary dated and signed by him are entered in the record as Exhibit M-86.

Mr. PARTSCH, you indicated there was one incident where you recalled Lieutenant BROOKS being involved with a Vietnamese woman. The impression that I had was that Lieutenant BROOKS was also involved in the rapes. Could you

clarify this? Was this a rape? Did you see it? Would you explain the circumstances surrounding this?

A. I was near the hootch that they were in. It may not have been a rape, because many guys had come out and they said the girl enjoyed it, and she kept egging them on. So it may not have been an actual rape. It may have been a willing thing to the girl.

Q. In other words, as the GI's came back they said she enjoyed it, and this is when Lieutenant BROOKS went on down there?

A. Yes.

Q. But you did not see it or hear any screaming?

A. I did not see it, and I did not hear any screaming.

Q. Also during your previous testimony you indicated that when you landed at LZ Dottie, you saw a general and several other officers there. Prior to this interview, I gave you a company roster and requested that you try to refresh your memory and perhaps recall the individuals that flew with you in the chopper to LZ Dottie. Do you recall anybody that accompanied you from the field to LZ Dottie?

A. No, I can't remember the names of anybody.

Q. You can't remember anybody at all?

A. No, not his name.

Q. As I recall from your previous testimony, you mentioned that you walked about 20 feet away from the general and the other officers. Is this correct?

A. Yes.

Q. I wonder if you could describe a little more in detail as to the dress of the general?

A. He had a soft cap on. I think he had one of those scarfs on, an OD color, green, and he had a pistol belt on with a .45. Sort of a tall man in maybe his fifties.

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Q. But he had a pistol belt on you say and a .45. Is this correct?

A. Yes.

Q. You indicated that Lieutenant Colonel BARKER was with him. Is this correct?

A. Yes.

Q. Could you give a comparison between heights of Lieutenant Colonel BARKER and the general that you saw? Was the general taller or smaller?

A. The general was taller. Colonel BARKER was maybe a head shorter than the general.

Q. About a head shorter than the general?

A. Yes.

Q. Could you give some description or anything about the third person that was there?

A. No, I can't recall anything about him.

Q. Mr. PARTSCH, do you have any photographs of the My Lai (4) incident?

A. No, I don't.

Q. Do you recall anyone with a camera who took pictures during this combat assault?

A. No, I don't.

Q. Do you know anybody who may have pictures that relate to My Lai (4)?

A. No.

Q. Mr. PARTSCH, again I would like to state that we appreciate your coming here today. When you go home, should you come across any document or pictures, or if you

should recall some of the personnel that accompanied you in the helicopter to Dottie, we would sincerely appreciate you giving us a call.

A. All right.

Q. The hearing is recessed.

(The hearing recessed at 1755 hours, 30 January 1970.)

(The hearing reconvened at 1925 hours, 30 January 1970.)

MAJ ZYCHOWSKI: The hearing will come to order. I remind you that you are still under oath.

Mr. PARTSCH, you indicated that when you landed at LZ Dottie that there was a general and two other officers that met some of the personnel that were debarking from the choppers. I show you now two pictures of officers and ask you if you can identify either one of these two as being the person you saw on LZ Dottie on that particular date?

A. I think it is this one.

Q. Can you positively identify him as being the person that you saw?

A. I can't swear to it, but he looks familiar to me.

Q. In other words, you're not positive but there is a resemblance from this picture to the person that you saw at LZ Dottie. It's possible, but you are not positive?

A. It's possible, yes.

Q. This picture that you identified is the picture of Brigadier General YOUNG. Mr. PARTSCH I show you a photograph which is described as being Brigadier General YOUNG on the left of the photograph and to his left is Lieutenant Colonel BARKER and on the extreme right is a picture of a military policeman. I show you this photograph and ask you if General YOUNG looks like the general that met you at LZ Dottie?

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A. Yes, I think that's the man who was there.

Q. It looks like the man?

A. Yes.

Q. Can you positively identify him?

A. No, I can't say positive.

Q. This photograph will be entered into the record as Exhibit P-198.

Q. Mr. PARTSCH, I show you another photograph which shows a helicopter in the background and two personnel with their feet on the bumper of a jeep. Do you recognize the person here as meeting you at LZ Dottie?

A. Yes, he looks the same.

Q. Which one?

A. The one with the white hair.

Q. The man with the white hair in the center of the photograph is identified as Brigadier General YOUNG and to his left is Lieutenant Colonel BARKER. This photograph is entered into the record as Exhibit P-199.

Q. Mr. PARTSCH, I show you another photograph which has four people in it and ask you to look at it. Is there a person here who resembles the one that met you at LZ Dottie?

A. Yes, him, the man on the right.

Q. The man on the right is the second person from the right of the photograph who is identified as Brigadier General YOUNG. Again you feel that this is the person who resembles the one that you saw? Is this correct?

A. Yes.

Q. Can you positively identify him?

A. No, I cannot.

Q. On the left of this photograph is Chaplain Lieutenant Colonel William LEWIS, the Americal Division Chaplain in March 1968. To his left and to the center of the photograph is Lieutenant Colonel Patrick H. DIONNE, the Information Officer, Americal Division. To his left is Brigadier General YOUNG, and to his left or the first person on the right of the photograph is Lieutenant Colonel Frank BARKER. This photograph is entered into the record as Exhibit P-200.

Q. Mr. PARTSCH, of these photographs that I have shown you then, the person that you have picked as the general that met you at LZ Dottie is Brigadier General YOUNG. Is this correct?

A. Yes.

Q. There is a possibility that he could be the person but you are not positive?

A. Yes.

Q. Mr. PARTSCH, what type of company was C/1/20?

A. It was considered a hard core company. They'd go into the villages--if they didn't like a person or something they'd push him away or something. If they wanted to upset the rice baskets, cut down their trees, rip a hootch down, or anything like that, they'd do it. No feeling.

Q. In other words, if they didn't like a person--are you referring to in this case a Vietnamese person?

A. Yes, or if they didn't like where they were going or had a bad attitude that day, they'd just ransack a village.

Q. Did the officers see this?

A. Yes, the platoon leaders did see this.

Q. The platoon leaders did see it?

A. Yes.

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Q. What did they think of this?

A. They didn't say anything about it. When Lieutenant CALLEY was my platoon leader he never stopped the men from doing any ransacking of the villages, or messing with the women, or nothing. He just let them go.

Q. How about Lieutenant BROOKS?

A. Lieutenant BROOKS was most of the time the same way. Sometimes if he saw a higher officer or Captain MEDINA was near, he would tell the guys to cut it out, but otherwise he would let them go also.

Q. With the men doing all these acts, would you say that the officers, in this case the platoon leaders, had control of their men?

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

Q. Mr. PARTSCH, you indicated that the officers saw the men doing these acts, and you stated that they had no control over their men. Could you explain this?

A. They could have stopped their men, but the lieutenants never did. They would just let them go on. If he would have told them to stop they would have done it behind his back anyway. Sometimes Lieutenant CALLEY would also do the same stuff. He would rough up the villagers. He would destroy the village the same way they did--the regular way the platoon would. To me Lieutenant CALLEY wasn't a very good platoon leader. He would do the same things as the other guys would do.

Q. Mr. PARTSCH, is there anything else that you would like to add to what you have previously testified to?

A. No, I don't think so.

Q. Again, Mr. PARTSCH, I thank you. The hearing is recessed.

(The hearing recessed at 1943 hours, 30 January 1970.)