

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

Volume II  
TESTIMONY

BOOK 8

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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 8

SABRE  
STAFFA  
THOMPSON  
WALKER, G.

WATKE  
WILSON, C.  
WITHAM  
BOSWELL

BURTON  
COONEY  
DOERSAM

14 MARCH 1970

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SUMMARY OF TESTIMONY

WITNESS: SABRE, Randolph E.

DATE OF TESTIMONY: 16 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Captain, Flight Platoon Leader, Aero-Scout Company, 123d Aviation Battalion.

1. JOB DESCRIPTION.

a. Background information.

On 16 March 1968 the witness was a captain and the flight platoon leader of the aero-scout company (pg. 2). The witness arrived in Vietnam 5 February 1968 and left wounded in September 1968. He had been there for the training cycle and the first operation that the company went on (pg. 3). The company was organized in two platoons, a service platoon and a flight platoon. The flight platoon was large, consisting of all the aircraft in the company and the infantry section.

b. His duties and responsibilities.

Because of the size of the platoon, he delegated responsibility to the various section leaders. The gun section leader, a lieutenant, was responsible for eight gunships (pg. 3). Another lieutenant was in charge of the three slicks and of the observation helicopters (pg. 3). The witness had the responsibility of making sure that the aircraft required for a day's mission were on hand and to be sure that crews were scheduled to fly the aircraft. He would also insure that the infantry was present and briefed on the mission. He stated that Major WATKE handled the infantry portion of the platoon through the section leader (pg. 4). The whole infantry platoon could not be lifted at once because they only had three slicks, which was one under full strength (pg. 4).

2. ACTIVITIES ON 16 MARCH 1968.

a. Preoperational briefings.

On 15 March 1968, the witness accompanied Major WATKE to LZ Dottie for a Task Force Barker briefing (pg.18). The witness stated that Colonel BARKER gave some figures on kills made in the AO on previous operations, and told them where the artillery prep was going to be fired (pg.18). The witness made a copy onto a map (pg. 19). The artillery was going to fire on certain hamlets which he felt were deserted (pg. 19), because from previous operations the buildings had been damaged and he did not think that people lived in that area (pg. 20). He believed that their assignment was not to block people coming from that section but to prevent people coming from Pinkville (pg. 20). The witness was not sure that BARKER gave the briefing and he recognized the name of Major CALHOUN but "could not put a face with it" (pg. 21). The witness did not know if the company commanders were present. He did not recall Colonel HENDERSON being present and felt that if HENDERSON had been there he would have said nothing, letting BARKER give the briefing (pg. 23). A warrant officer from the 174th was present and the witness recalled that the gunships were to suppress an area with machineguns and rocket fire (pg. 21). He did not recall how many gunships would be provided by the 174th (pg. 22). The witness recalled that their particular mission was to orbit with gunships, observation aircraft, and the slicks with the infantry (pg. 4). If there was an exodus from the area, they were to act as a blocking force (pg. 4). They had a secondary mission to support the unit with reconnaissance (pg. 5).

b. His recollection of activity in the My Lai (4) area.

(1) His participation.

The rest of the company, including his aircraft went to LZ Dottie where they stood-by for a mission which would utilize the infantry slicks (pg. 5). The witness did not recall specifically the operation, but felt that My Lai (4) was a very small area for the reconnaissance team to spend their time in. They would check in with the ground commander and recon areas that he requested (pg. 6). The rest of the time they would perform their regular missions in other parts of the AO (pg. 6).

(2) Mortar rounds on Hill 85.

The witness did recall the location of mortar rounds on Hill 85 and he led the flight in, which landed on top of the hill (pg. 6). He knew that two aircraft were utilized, perhaps three (pg. 6). They discovered that there were approximately 30 to 40 81mm rounds and they arranged for an EOD man to destroy it. They completed the mission and returned to LZ Dottie (pg. 7). He did not recall any events of tactical significance on the ground. He did not recall civilians moving nor did he remember seeing American troops on the ground (pg. 7). They probably flew at approximately 1000 feet (pg. 8).

(3) Transmission from Rawhide 6.

The witness stated they could hear Colonel HENDERSON communicate with their operations van over one of their radios. He could not recall if Rawhide 6 was HENDERSON's call sign (pg. 23). The witness believed he heard a transmission which said "I don't want any unnecessary killings" and he felt it could be from Rawhide 6, but he could not clearly recall (pg. 24).

3. EVENTS AT LZ DOTTIE ON 16 MARCH 1968.

a. The van at LZ Dottie.

When the witness returned to LZ Dottie from his part of the operation, he went to the van where he normally would be when aircraft returned from a mission (pg. 8). He possibly did not remain in the van all day, but would go back to listen to Major WATKE debrief pilots. He played horseshoes in the area, but was present when THOMPSON returned to the van (pg. 8). He thought BROWN was present (pgs. 8, 11), and did not specifically remember Mr. MILLIANS being around (pg. 11). The witness did not recall if COLBURN or ANDREOTTA came with THOMPSON (pg. 11). THOMPSON was upset and indicated that some civilians were being killed in the My Lai area (pg. 8). THOMPSON, who was normally calm, was excited when he made the report. The witness did not recollect any specifics of THOMPSON's discussion with WATKE (pg. 9). The incident did not make an impression on the witness (pg. 10), because he felt that the artillery preparation or gunships had killed a few women and children (pg. 10). The witness stated he may have been asked to leave the van because he did not recall any statements

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regarding a captain killing a woman, a sergeant firing into a ditch, or THOMPSON talking with a lieutenant (pg.10).

b. Further discussions of the incident.

Sometime after THOMPSON reported to the van, the witness learned of THOMPSON's rescue of women and children from either a cave or a ditch (pgs. 8, 9). He felt that the action was something that THOMPSON deserved to be decorated for (pg. 9). The witness did not recall any further discussion in the company of the incident nor did he remember any conversations with pilots about it (pgs.11, 13). He stated it was possible he was on TDY in Vung Tau checking on another aircraft (pg. 13).

c. WATKE's report to BARKER.

He felt that WATKE reported the incident to Colonel BARKER and possibly THOMPSON accompanied him (pg. 10). He did not recall any investigations concerning the incident but remembered WATKE making a statement that they had done their part in the incident, that it was reported, and that he did not want idle chatter about the incident (pg. 25). The witness did not know what WATKE had reported nor did he recall anything as a result of any investigation (pgs. 25, 26).

d. The G2 briefing.

The witness did not specifically recall a G2 briefing but did remember WATKE standing up and telling the company to "knock it off" (pg. 12). He did not recall WATKE assembling the company to discuss the subject (pg. 12).

e. WATKE and HOLLADAY.

The witness recalled one day when WATKE did not fly with him, and flew off with Colonel HOLLADAY (pg. 14). He did not recall an incident where General YOUNG, Colonel HENDERSON, Colonel BARKER, Colonel HOLLADAY, and Major WATKE met at LZ Dottie (pg. 14). He stated that WATKE and HOLLADAY landed on a helipad near the unit area, but if the others had come they would have landed up near the CP (pg. 14). The witness stated it was not in WATKE's nature to discuss a meeting of this type, if WATKE felt he had made a proper report to Colonel BARKER (pg. 14).

4. OTHER INFORMATION.

a. The witness felt Major WATKE was a brave and competent commanding officer who had the ability to get along with his superiors (pg. 14). He cited the example of General YOUNG and WATKE organizing the aero-scout company and how WATKE convinced YOUNG of the need for infantrymen (pg. 15). The witness also made reference to WATKE's ability to have Colonel HOLLADAY cooperate with the company (pg. 15). He described WATKE as diplomatic, but not necessarily tactful. WATKE had "the courage of his convictions" and would stand up to his superior officers (pg. 15). The witness also discussed a crash that WATKE was in (pgs. 15-17). He stated that Colonel HOLLADAY determined that the aircraft was shot down and did not crash from engine failure (pg. 17). He felt that WATKE was recommended for the Silver Star in that he disregarded his own life while the aircraft was in flames and ordered the rescuers to help the crew members out first (pg. 16).

b. The witness felt that Captain LIVINGSTON was an inexperienced officer, but of good material (pg. 17).

c. The witness stated he had the impression that the Sharks were "trigger happy" gunships. This was from a rumor he heard of their being reprimanded for strafing an area they were not supposed to, but he did not have any personal experience or knowledge of the incident (pg.22).



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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
R-1	Aerial photo of the My Lai (4) area	Used to orient the witness.	5

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(The hearing reconvened at 1700 hours, 16 January 1970.)

MR WEST: The hearing will come to order.

RCDR: The following named persons are present: MR WEST, COL FRANKLIN, and MAJ COOP, recorder.

The next witness is Mr. Randolph E. SABRE.

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

Please state your name, occupation, and residence?

A. Randolph E. SABRE, present occupation is patient at the Veterans Hospital, Denver Colorado. My address is 5541 West Louisana, Denver, Colorado.

MR WEST: Before we get into any questions I want to tell you about the nature and purpose of this inquiry.

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

(1) the adequacy of prior investigations into what has become known 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 furnish information concerning this incident; in other words, whether there was a coverup of some kind.

We are not inquiring into all the facts and circumstances surrounding the My Lai incident. For example, we are not directly interested in the possible commission of criminal offenses by persons who were there that day.

We have had made available to us and we have reviewed prior official statements obtained in other investigations of the My Lai incident. As far as I know you have not made any statements.

A. Yes, I did. I made a statement today to the CID.

Q. Fine. We weren't aware of that.

A. It was just accomplished. I think I signed the statement at 1130 this morning.

Q. Thank you. 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. We ask that you not discuss your testimony here today with anyone, including other witnesses who may come before us, except as you may be required to do before a competent administrative, judicial or legislative body. For example, there is a subcommittee of the House Armed Services Committee which is looking into the My Lai incident and they are calling witnesses. Our request to you not to discuss your testimony of course does not apply to that body.

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

A. No, I have not.

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

A. Yes, sir, I was.

Q. When were you separated?

A. On 5 September 1969.

Q. Going back to 16 March 1968, what was your grade then, and your duty assignment?

A. I was a captain and I was the flight platoon leader of the aero-scout company of the 123d Aviation Battalion.

MR WEST: Colonel FRANKLIN, will you lead the interrogation?

COL FRANKLIN: Yes, sir.

Q. You were the platoon leader of which platoon?

A. The company was organized in two platoons, a Service Platoon and a flight platoon. The flight platoon consisted of all the aircraft in the company and the infantry section that we had. It was a rather large platoon. That's the way the company was organized.

Q. When did you get to Vietnam?

A. The 5th of February, give or take a day. I don't remember the exact date, but it was somewhere about that.

Q. And you left Vietnam wounded, I assume. What month?

A. September 1968.

Q. So as of this time, 16 March, you had had a relatively short period in the aero-scout company?

A. Yes, sir. The company was just organized in February. I was there for the training cycle and the first operation that the company went on.

Q. As platoon leader of the flight platoon, you call it--

A. (Interposing) Right.

Q. Would you explain just what your duties entailed?

A. Well, there were very broad general command responsibilities in the flight platoon. However, being that it was so large and was working under a new concept, I delegated a lot of responsibility to the various section leaders, for example, to the gun section leader, who had eight gunships. I had a lieutenant who was in charge of those. The slick aircraft that we had--I think at the time we only had three--and the observation helicopters that we had, I also had a lieutenant that was in charge of these aircraft.

My responsibility was to be sure that we had the number of aircraft that were required for the mission the next day, be sure that the crews were scheduled to fly these aircraft, and to see that our infantry was there and knew what the mission was going to be that day. Now I must admit that the infantry portion of the platoon--I didn't exercise too much control over them. Major WATKE, the company commander handled that through the section leader of the infantry section.

Q. Those three slicks you had, I assume that was below your authorized strength?

A. Yes, we were authorized four and at the time I think we had three. I don't believe we came up to the full strength of four until a couple of months after that.

Q. You could not lift your whole infantry platoon then, in one lift?

A. No, sir. We couldn't.

Q. Did you fly on 16 March 1968?

A. Yes, sir, I did.

Q. Would you just tell us where you flew and what you did--what that flying consisted of on that day?

A. Well, to the best of my knowledge, this particular operation that we were briefed about was going to take place on the 16th of March, and was the first operation where we as an aero-scout company were going to work with and support another infantry unit that was working on the ground. Our mission was going to be to take off at a pre-designated time and arrive at a predesignated orbiting point with our gunships, observation aircraft, and our slicks loaded with our organic infantry people and orbit this point while this other element was being put in on the ground--while they made their combat assault. Should there be any type of exodus from the area that they were going into, we were to put our infantry on the ground as a blocking force and either turn the people back or capture the people that were leaving the village.

This did not occur--this exodus during that operation didn't occur, so the company minus the recon element which consisted of two gunships and an observation helicopter went back to LZ Dottie where they were staging from.

The recon went down to a lower altitude and reported in via radio with the ground commander on the ground. This was the second portion of our mission: to support this unit with reconnaissance support for the time that they were on this operation. I don't know exactly how the check-in went, but normally the way it went, one gunship pilot would call in to the ground commander and establish contact with him and find out where they wanted the recon to be performed. As I said, the rest of the company, which included my aircraft, went to LZ Dottie and we landed, shut down our aircraft, and was standing by for any type of mission that might come up where we could utilize our infantry. We had operations vans at LZ Dottie where we had tactical maps, radios, our operations officer, and operations specialist. Major WATKE and myself would hang out there when we were at LZ Dottie to coordinate our activities, so if they called for the infantry we could react immediately. I was in the operations van when the recon element came back from the mission.

Q. Before coming back now, to help refresh your memory a little, you had some mechanical trouble with one of the H-23's, so you went down with only one LOH. Do you remember how many gunships you took down with you?

A. No, sir, I don't know. I don't remember.

Q. Okay, there was the LOH and the two guns, the high and the low gun, on station south of Highway 521.

A. I don't see how it was Highway 521.

(COL FRANKLIN oriented the witness on Exhibit P-1).

Q. I wish you would discuss chronologically, after you landed and went to the van, what transpired, particularly as to any radio communications or any information you had on that.

Major WATKE, for your information, was airborne at this time and probably would not have been in the van with you initially until about 0830 or 0900.

A. Well, I can't remember any radio transmissions of any significance. I can't remember any of them. I can't give you any information that you asked for.

Q. What happened to you? You were in the van--when did you take off and what did the company do?

A. Well, on the telephone when I originally talked about appearing here, Colonel PATTERSON told me that we went later that day on an operation that he mentioned. I remember the operation that we went on. I remember that operation in some detail. However, I did not know prior to that time that that operation occurred the same day. I didn't remember that.

Q. Lots of people don't. Don't worry about it.

A. I don't remember what time of day this occurred, but sometime--well, that little village of My Lai (4) was a very small area for an airborne reconnaissance team to spend their entire time doing, so what they would do is they would check in with that guy on the ground periodically and recon what he wanted recon'd. Then, the rest of the time we were performing our regular aero-scout type missions in other parts of the Task Force Barker AO. Sometime during one of these recons--I don't remember which one it was that day--if this mission did take place that day, they thought they saw some mortar tubes up on this Hill 85--very distinguishable hill up there. You couldn't miss it. Major WATKE decided to put our infantry section in on top of that mountain, so we took off and landed them right on top of that mountain. They didn't scale the mountain. We landed right on the top. I remember that very explicitly, because I think I was leading the flight. I went in and I couldn't find a place to land, because there was so many foxholes, bunkers, and so forth up there. I had to go around. The other two aircraft came in and landed, or I know one aircraft came in--I don't remember whether all three aircraft were utilized, but I know there was at least one aircraft behind me and he came in and found a place to land.

I came back around and now I don't remember whether I landed up there and put my infantry on the ground. But anyway, we did have infantry up there and they discovered that there weren't any mortar tubes, but there were extensive stock-piles of mortar rounds. I think they were 81mm rounds and there were somewhere in the neighborhood of 30 or 40 of them up there. Well, we arranged to get an EOD man to come up. We picked him up and took him up on top of that mountain-- by we, I don't mean me. But one of our aircraft picked him up and took him up on top of the mountain and he set the charge to destroy these mortar rounds. Our elements were picked up and, as far as I know, they were returned to Dottie. But I don't think--that was kind of late in the afternoon for us to go back to our home base.

Q. This was early in the morning, as I remember, and these were 60mm mortars. There were about 40 of them and this would have probably been completed about 9:00. Do you recall anything when you were flying out there? You were the ranking man, you normally wanted to know the results of the artillery fire and generally what's going on on the ground. Do you recall anything about what you saw as you were flying out there as to any refugees or people? Do you recall what the tactical situation was on the ground at this time?

A. Flying out to Hill 85?

Q. Yes.

A. Well, first of all, to answer your question about artillery, it was our procedure for our gunships to always know about artillery that was being fired in the area. Whenever they would tell us to come into an area, or direct us to an area, the artillery had already been cleared. It was not my specific responsibility to clear artillery as long as our gunships had already done so. To answer your question about the witnessing and tactical significance of events on the ground there, no, I do not remember any civilians moving. I don't remember seeing any American troops on the ground. I don't remember anything along those lines.



Q. If you had infantry aboard, you would probably fly pretty high coming in, would you not?

A. Yes, sir, it was normal for us to get up above 1,000 feet and in the distance from Dottie to this point right here (indicating) there is adequate distance to get to that altitude.

Q. Okay, you went with that operation and there was nothing unusual, so you came back to Dottie? I assume you would go up to the van, then, at this time?

A. Yes, at least to check in. Now I don't want to say that I just camped in that van all day long, but I would have come back into the van after that operation. I was always up at the van when some of our aircraft returned from a mission, if for nothing else than to listen to them being debriefed by our operations officer and Major WATKE. However, we had horseshoes out there that we used to pass the time, because we spent part of the time just waiting there for something to happen. So there were times during the day I'm sure I was playing horseshoes; but like I said, those times I always went up to the van.

Q. Well, in the van that day, what transpired that you recall?

A. Well, of course the thing that stands out in my mind, after the publicity that has been made of it, is when the reconnaissance element that THOMPSON was on returned to LZ Dottie and came up to the van. Now, I think that BROWN also was one of the gunship aircraft commanders. I couldn't swear to it, but I'm pretty sure I can remember his being a little upset about what he thought had happened out there. I can specifically remember THOMPSON being upset. He came back and indicated that there were some civilians being killed out there. I don't remember whether he told us at that specific time, but sometime in the future I learned that he had landed his helicopter out there where this infantry unit was operating. I don't know if "rescue" was the proper term, but there were women and some children that were in a situation that he felt required that he land, get out of his aircraft and go get these people before they got injured.

If the infantry unit on the ground was having trouble catching them or they were evading the infantry and THOMPSON saw them from the air, he landed, got out of his aircraft, and led them out of wherever they were hiding. I thought it was a cave that they were in, it might have been a ditch, but anyway, it was something that we felt he deserved to be decorated for: to go in and lead these people out where the other infantry wouldn't go in. Like I say, I'm not completely sure right now whether this is the case or whether it was done in a ditch or whether it was done in a hootch, but it was something to where the infantry units on the ground were going to throw a hand grenade in to get them to come out, and he prevented that. He got out, and went in himself, and led these people out. Like I say, it was just something that we felt that he deserved to be decorated for.

Q. What were the conditions and circumstances in which you saw THOMPSON?

A. Let's see, I was up at the van--

Q. (Interposing) Yes?

A. It was a couple of hundred yards, maybe, from where we parked the aircraft to the van. He came up there and was just not his normal, cool self. He is a rather cool individual, calm I should say. Even under fire he never seems to get excited, but he was upset about what was going on out there, I don't know, except that he said that there had been some civilians killed out there.

Q. What do you mean some civilians killed? You say he was upset. Now, what we would really like to know is some of the details of what he said, as best as you can recollect?

A. I don't think I can recollect any more specifically than what I have said. I couldn't be sure of myself if I did.

Q. Was he talking to Major WATKE?

A. Yes, sir, I think he was.

Q. Did this make much of an impression on you?

A. At the time to be completely frank, no. However, this was really out of my hands. He was talking to WATKE and, to the best of my knowledge, I think he and WATKE went up to talk to Colonel BARKER. Now, I know Major WATKE did and I think THOMPSON went with him, about this incident. I know nothing about what transpired there; but, of course, at the time I had no idea of the magnitude that's been indicated of what occurred there. What I thought was that there had been a couple of women and children killed, which is not uncommon in Vietnam. Many times in artillery preparations there are people that are in places they are not supposed to be. Sometimes when you go into an LZ--well, it's common to have an air prep before you go in on a CA. The gunships strafe tree line areas and so forth, and this didn't impress me as being anything real serious.

Q. Do you recall being there the whole time THOMPSON was talking to Major WATKE?

A. No, I don't specifically remember it.

Q. We've had witnesses come in here and say he was so upset he was almost physically sick; that he used figures up to 150 dead; that he saw a captain kill a woman and he saw a sergeant firing into a ditch filled with bodies; that he talked to a lieutenant who was going to throw a grenade into a bunker with some women and children; that he had his door-gunner and crew chief actually train their machine guns on American troops to cover him. He's apparently discussing all these things in the van and you don't recall any particular impression?

A. No, I don't remember any particular impression. Maybe I was asked to leave the van. I don't remember--that could be possible. I don't remember his saying what you're telling now, though. If he had told me and if I had overheard those things, I think I would be impressed.

Q. Were you the senior captain in the company?

A. At that time I don't remember whether Clyde WILSON had been promoted to major yet. If he hadn't been promoted on the 16th, he was the ranking captain. If he had already been promoted, then I was the ranking captain.

Q. What did you hear subsequently from Mr. THOMPSON? Or, do you think it was Mr. BROWN? Could it have been Mr. BAKER?

A. I think it was Mr. BROWN.

Q. You think it was Mr. BROWN? Was Mr. MILLIANS around anywhere?

A. I don't specifically remember his being around. He may have been.

Q. Do you recall if any of Mr. THOMPSON's crew, COLBURN, or ANDREOTTA, were up there?

A. I can't be positive, but I think they may have come up there with THOMPSON.

Q. Okay. During this day did anything else transpire relative to this event of which we are speaking?

A. Not that I can remember.

Q. Okay. Subsequent to this, what did you hear? Whom did you speak to about this incident?

A. Of course when I read about this in the magazines and the newspaper, I discussed this with my wife. The first contact that I had to discuss what happened out there was from military personnel when I was called from the Pentagon this week. I think it was Monday. No, it was last Saturday morning. Excuse me, it was last Saturday morning I was called. Since that time I haven't discussed this incident. With the exception of the CID people today and last night, I haven't discussed with anybody.

Q. Do you recall any talk in the company about what THOMPSON, primarily, had to say? Was there talk among the pilots or the crews? Was it well known throughout the company or forgotten the next day?

A. No, I don't think it was forgotten the next day. I'm going to have to frankly say that I can't remember anything else that happened in relation to this incident. I don't specifically remember being involved in any conversation where there were ill feelings among any of our pilots.

Q. Yes.

A. Well, I don't remember now. I might have talked to BROWN or he might have talked to me. He talked to me about several things during the time he was over there. We were in a rather close relationship. I don't remember THOMPSON coming to me and talking about it. I don't remember Major WATKE talking anything over with me about it.

Q. Weren't you the platoon leader of all these people?

A. Yes.

Q. Do you recall a briefing by a briefer from G2 within perhaps a week after this concerning the results of this Task Force Barker operation?

A. No, I don't. I should have been there, but I don't remember.

Q. Well, let me help you recollect. Do you recall a time when the company was being briefed and a figure of 120 VC or civil defenders was given by the briefing officer? There was a considerable murmur among the officers and men of the company and comments like, "Women and children; are you counting all of them?" Do you recall Major WATKE having to silence them?

A. You know, I kind of do remember. Was this the briefing that a representative from G2 came down to our company and gave?

Q. From the information that we have, yes, from G2. If you have any other information we would like to hear it.

A. I don't know--I mean you'd think I would remember a stranger coming down to brief us, but I can't remember that this man came down here. Now, I can remember Major WATKE standing up and telling the company, at ease. No, I can't specifically say that it was this briefing, but I can remember his saying this--standing up one time telling the company to knock it off.

Q. Can you recall Major WATKE subsequently assembling the company to discuss this subject?

A. No.

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Q. Well, to your knowledge, was this a widely discussed thing, was this talked about, were there any feelings from the company one way or another about what happened on 16 March? Was this on the pilots' minds? Did it come up in the mess halls? Your bar at Chu Lai?

A. To the best of my knowledge, I was never involved in any conversations on this matter or I think that I would remember. If it was talked about and the feelings that was in our company--if what you just said is true--I think it must be evident--I don't specifically remember the feelings being very strong about the incident that happened; evidently they were.

Q. We think they were.

A. Evidently, I guess so, from what you just said.

Q. We've had witnesses to come in here, Mr. SABRE, that talked about hearing the pilots talking in the bar. We know your company commander had to call everybody together. We have reason to believe he had to silence them one time when they were briefed, when they were talking about killing women and children and perhaps MAJOR WATKE was embarrassed. We know from Major WATKE that he did get the company together and told them not to discuss this thing at a subsequent time, because he thought it was not good that there were rumors going around about this. He cautioned them about the investigation and it wasn't doing any good.

A. Let me clarify something. I'm afraid I'm giving you the impression that I didn't know what was going on. Some of this, like this briefing that I can't remember and this meeting that Major WATKE had, I don't know what the dates of those are; but somewhere shortly after the 16th of March I went TDY for 10 days to Vung Tau to get checked out in another aircraft. I could've been gone from the company during that time. So I can't remember, but I may not have been there.

Q. You were down to --

A. (Interposing) Vung Tau.

Q. Checking out the OH-6?

A. Yes.

Q. You were changing over the 13's?

(SABRE)

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A. We weren't changing over. We had rumors that we were going to get them and we got quotas to get pilots qualified in them. As it turned out, it was quite a long time after that before we got them.

Q. Well, would you have been at LZ Dottie in the 2 days following this operation? Among other things, Major WATKE and Colonel HOLLADAY flew down to Dottie? Do you recall being at Dottie at this time?

A. I remember one day that we went out and Major WATKE stayed back. I think it was the first day that we had ever gone out that he didn't come with us. And he did fly with Colonel HOLLADAY that day, but I don't specifically remember what it was for.

Q. You don't recall Dottie, General YOUNG coming in, Colonel HENDERSON's coming in, and Colonel BARKER's being there and Major WATKE and Colonel HOLLADAY? You don't recall an incident of this type?

A. No, because where we were located, I remember one day Major WATKE's coming in and landing on a helipad with Colonel HOLLADAY. The other people that you're referring to wouldn't have landed at our helipad where we operated. They would have landed up on top of the hill by the CP. You know, it would be very common for Major WATKE to have asked everybody to leave the van to talk to THOMPSON over this matter. It would've also been his nature not to discuss this big powwow that you've talking about with us if he had made what he felt was a proper report to Colonel BARKER. He wouldn't have started passing scuttlebutt to us, he wasn't that type of guy.

Q. You say, "pass the scuttlebutt." You were in the chain of command, one of the platoon leaders. This affected one of your men. Wouldn't he pass on things to you that affected your people?

A. No, I don't think he would have passed on anything like that.

Q. What kind of CO was Major WATKE?

A. I couldn't praise him enough. There was no question about his feelings towards his men and there was no question of his bravery. There was no question of his ability, and he had a gift of getting along with superior officers that I've never experienced in any other officer.

Q. What do you mean by getting along with superiors?

A. Well, almost anything he wanted in forming the aero-scout company, he could get General YOUNG's okay on it. He could have the brigade commander come in screaming to General YOUNG that he couldn't afford to give us 10 men and Major WATKE could go up and convince General YOUNG that we needed the men. Of course, this happened before I got there, but General YOUNG and Major WATKE organized the aero-scout company. He could talk to Colonel HOLLADAY and get Colonel HOLLADAY's support on things that maybe he hadn't wanted to support. In order for us to operate, we had to operate as a composite group. It was not uncommon for other commanders to try to use our gunships for some reason, and forget about the rest of the company. This is a very bitter struggle that we had over there all the time. He could get Colonel HOLLADAY aside very easily and have him pass the information.

Q. Major WATKE wanted to get along with his superior officers and tried to get along. Would you say he was a tactful, diplomatic officer?

A. He was diplomatic, but sometimes he wasn't exactly tactful. That's why I say he had a gift to stand up to a superior officer and sometimes get his way with the superior officer. It's kind of hard to explain, but if he felt strongly enough about something he wouldn't back down.

Q. In other words, he had the courage of his convictions?

A. Oh, very good. Like I said I don't know anybody that has more of this quality stronger than he did.

Q. Under what conditions did he crash? Do you recall that?

A. Yes, I do recall it very distinctly. It was questionable at the time as to whether he was shot down by enemy fire or whether he had a mechanical failure in the aircraft. To this day right now I'm not convinced that he was shot down; however, that was a determination made by me. I don't know whether anybody on that aircraft is convinced of what really happened.



Q. Was he decorated for that?

A. Yes, he was.

Q. What did he receive?

A. Well, now wait a minute, I don't know whether he received an award. He was submitted for an award. He was submitted for a Silver Star.

Q. For what? What were the conditions? What did he do to--

A. (Interposing) The way this aircraft crashed, he got trapped in the aircraft when it was on fire. There were other people in the aircraft, too. The other gunship that was above landed immediately, and we got over there in a remarkably short time from LZ Dottie.

Q. You brought the animals over in about 15 minutes?

A. I'm talking about a minute after he crashed we were over there. Now there may have been an animal or two on the aircraft but we went over there. The four crewmen that I know were on the aircraft and our enlisted corpsmen got out to try to help get the rest of these guys out of the burning aircraft and this thing was really burning. I don't mean a little fire. It was really burning. WATKE wouldn't let them try to get him out because he didn't think they could get him out. He was tangled up in his seat so badly he told them to leave him alone, to go get the other guys out of the aircraft. They got the rest of the guys out of the aircraft and they came to get him again and by the statements--I didn't hear him say this, but this is by the statements that were made. He told them to leave him alone, the aircraft was going to explode, and to get out of the way. They disregarded him and finally jerked him out of the aircraft. It was the consensus of opinion between Clyde WILSON, myself and also Colonel HOLLADAY was very much in favor of it to recommend him for a Silver Star for disregarding his own life.

Q. You are aware the Silver Star is for gallantry in action? Was there any armed enemy or--

A. (Interposing) Evidently there was, because the verdict was that he'd been shot down. I'm sure it wasn't a friendly person that shot him down.

Q. I thought you said that you weren't sure if he was shot down or if it was an engine failure?

A. I am going by the determination that was made. I didn't make the determination.

Q. Who did?

A. I guess it was Colonel HOLLADAY.

Q. How did he determine this?

A. We put our infantry on the ground to try to determine to see if they could find any evidence of any enemy forces in the area. The only thing they could come up with was some bunkers or foxholes on this hill that he had flown over, but there was a hill immediately behind him. Before a determination was made on what the cause of the accident was, Colonel HOLLADAY talked to the people that were on that aircraft. I think the aircraft commander's name was WITKOWSKI. I don't remember the two enlisted men, but the three of them said that they had enemy fire. In fact, as I remember, one of the enlisted men said he returned fire with his machine gun. WATKE did know--

Q. (Interposing) You didn't set that helicopter on fire with your own gunships did you? Did you fire into it?

A. No, sir. Very distinctly, no.

Q. Do you know Captain LIVINGSTON?

A. Yes.

Q. What is your opinion of Captain LIVINGSTON?

A. I think he was a good officer. He was one of the few commissioned officers we had. We had a number of warrant officers and not many commissioned officers. He was a young inexperienced officer, but of good material. I'm sure that he will be a fine officer.

Q. Did he ever talk to you about this incident?

A. No.

Q. He never mentioned anything to you at all about whether the gunships fired on roads and fired on civilian bodies? People never talked to you about that?

(Negative response by the witness.)

Where were you briefed on this operation of 16 March, Mr. SABRE?

A. I'm trying to remember. You see, we established something and I don't remember whether it was prior to this operation--I think it was--where we would meet in the company, the people that were flying on a mission that day. Prior to take off, we received a briefing on that day's operation. As I remember, it was the first operation. I'm sure that we received a briefing the night of the 15th, but we also probably had a briefing at our home base at Ky Ha prior to take off on the 16th.

Q. Did you fly with Major WATKE to Dottie on the 15th to get a briefing with Task Force BARKER?

A. I think I did.

Q. You've had a lot of operations, but would you just try to recollect what you heard?

A. I can't be sure what I'm going to say. I don't want to confuse it with another operation.

Q. That's all right, say it.

A. Well, this part of Task Force Barker's AO was a VC stronghold. Colonel BARKER gave us some figures on the people and the kills that they had got in that area on previous operations. They were in the hundreds. This particular operation he told us all about it. He told us where the artillery preparation was going to be fired. Then this company was going to go in there; and I think, if I remember the operation was not supposed to terminate there. I think they were supposed to go a good deal further, but I don't remember any more details about that. If this is the operation that I'm thinking about, when I learned about the artillery prep. It was relatively open terrain and they really didn't have anything to fire the artillery prep on. They had singled out a couple of hamlets that they were going to fire the prep on and I didn't personally see why they were going to do that.

Q. This is very important. What do you mean "singled out a few hamlets they were going to fire a prep on?"

A. Well, I don't know specifically, but it just seemed to me that there was some little villages there--the closest ones to the LZ that they were going to fire on with artillery before they went in.

Q. You're pretty sure of that? I feel confident that you've got the right operation. Do you recall it's being said that they were going to pound the hamlet near the LZ. A village consisting of many hamlets. We frequently call many hamlets, villages. But do you recall their saying that they were going to fire on a hamlet?

A. No, I don't remember them saying the hamlet. I saw where it was when they gave us the overlay and we put the "goose eggs" on our map of where the artillery was going to be fired.

Q. Did you receive an overlay?

A. We didn't get an overlay. I copied one on our map.

Q. Well, you copied one and you remember that the artillery prep from the "goose eggs" you had drawn on a hamlet?

A. Yes, because I thought at the time I couldn't see much sense to it--in firing because I--I better not say this.

Q. Well, say it.

A. I thought that the place they were going to fire on was a deserted hamlet, that there wasn't anybody there. That's why I couldn't understand why they were going to fire into the hamlet or why they were going to fire into this group of hootches.

Q. We happen to know that this was the LZ here (indicating) where they put down C Company. This was a three-company operation which was going to run for several days. They landed 250 meters to the west of My Lai (4) here (indicating). Do you recall that the artillery prep was to the east where the LZ was?

A. I don't remember those details.

Q. Do you recall that there was more than one hamlet that was going to be prepped?

A. I've got to say no. I think there were two, but I definitely can't say this specifically.

Q. What made you think the hamlet was empty? Why would you think that a hamlet was empty? How would you have any knowledge about it's being empty?

A. Well, you usually see people there; if it is not empty there would be people around there. I thought that the majority of this area out here was unoccupied for the length of time we had been there. We hadn't been in there very long, but all of those villages in there have been gone through, buildings had been damaged, and I had no idea that many people even lived in that area.

Q. Was anything said about control of civilians? You had no idea, but your mission was to check all the people that ran out, right?

A. Right.

Q. Well, if there is nobody in there doesn't it seem like a illogical mission to you?

A. No, it didn't, until yesterday when I was talking to the CID. I was under the impression that we were going to try to block off the people coming out of the Pinkville, but this wasn't specifically the My Lai thing. I'm not convinced today that that's the villages that we were going to try to do it to. I seem to remember that it was this area down here that we we were going to try to do it to. I seem to remember that it was this area down here that we were going to try to stop them from leaving, because there were just not a whole lot of ways out of that village.

Q. Well, we are reasonably sure that the mission for the Warlords on 16 March was to screen to the south of My Lai (4) here (indicating), initially south of the highway to pick up anything that would be taking off to the south, primarily the 48th VC Battalion. Does that outfit sound familiar?

A. Yes, sir.

Q. What kind of impression did you receive from this briefing you heard? Did you think that there was going to be a fight?

A. Yes, sir, I anticipated that we were going to get into some deep stuff, because of the past experience that they had had. This is what Colonel BARKER was telling us. We had been in there once or twice before, into that area, and we got 250. In fact I think 250 or 300 were killed in there.

Q. Were the other commanders around the area or was this sort of an informal thing?

A. Well, as I remember, it was rather informal. In fact, I'm not positive that Colonel BARKER gave us the briefing, but I think he did.

Q. Could it have been Major CALHOUN? Do you know Major CALHOUN, the S3?

A. Yes, sir. I know the name, but I can't put a face with it.

Q. Were there any other officers around? Company commanders from rifle companies?

A. I don't know.

Q. How about a Dolphin? You wouldn't have the Dolphins from the 174th, would you?

A. You know I think there was part of the Dolphins. I think the briefing that I got, a warrant officer took a briefing for the Dolphin company.

Q. Would you know this warrant officer?

A. I don't think so. You know I think, talking about the 174th, I'm pretty sure that I remember also in the briefing that the gunships from the 174th were going to suppress an area out there, too, with machineguns and rocket fire. But I don't specifically remember what area that was.

Q. That's correct?

A. That's correct.

Q. But you don't recall what area they were going to suppress?

A. No, I don't.

Q. Do you recall how many gunships would be provided by the 174th?

A. No, but my feeling is it couldn't have been too many, because we always had the impression that that company didn't keep a large availability of aircraft.

Q. Well, that was true. Why did you have that impression?

A. Well, many times we were--I stated earlier how they were always trying to split our company up. We usually had to cover missions that should have been covered by the Dolphins, or the 174th.

Q. They were trying to take your guns for that? What did you think of the Sharks?

A. I didn't think too much of them. They had been reprimanded at one time for strafing a place they weren't suppose to strafe.

Q. Do you remember the details about that?

A. This was a rumor. In fact, that was a rumor that I heard. I had the impression that they were trigger-happy gunships.

Q. Is this a general feeling among the Warlord pilots?

A. Yes, sir. I think so.

Q. It appeared to be?

(The witness nodded head in the affirmative.)

Do you have any personal experience or knowledge of the Sharks being trigger happy?

A. No.

Q. Getting back to this briefing you attended, do you recall Colonel HENDERSON, the brigade commander, talking to you as a group?

A. No, I don't remember him. The impression I have of Colonel HENDERSON is that had he been there, I don't know if he would have said anything. He would have let Colonel BARKER give the briefing.

Q. Did Colonel HENDERSON talk on your frequency frequently?

A. No, not on our frequency. But we heard him communicate in our operations van, because we usually have one radio tuned in on the ground. It wasn't uncommon to hear him talk on it.

Q. Do you recall his call sign?

A. No, I don't.

Q. What about Rawhide 6? Does that ring any bells?

A. Well, that was a call sign over there. I can't say that was his.

Q. That was his. Do you recall any transmission on the morning of the 16th by Rawhide 6 or Coyote 6 that you monitored?

A. No, I don't. I can't specifically remember any.

Q. Do you recall a transmission from Coyote 6 or Rawhide 6 to "Stop the killings?" or "Stop the unnecessary killings?"

A. Well, I seem to. I mean that's not strange to me. I think maybe I did hear that; but I couldn't say which one it came from, which one of the two people made that transmission.

Q. Would that be an unusual transmission?

A. Yes, sir. I'm not trying to make an excuse, but we were pretty new in this area. I don't know if that was the verbatim transmission made or a transmission something like, "Let's not have any needless killings." I don't know what it was. Or "Stop the burnings," or something to slow down something or caution the troops so far as the treatment of property and/or people.



Q. How about, "I don't want any unnecessary killings"?

A. That very definitely could be what he said. That sounds more logical to me now.

Q. You don't remember whether that would be Rawhide 6 or Coyote 6?

A. I would say it was Rawhide 6.

Q. Could you give any idea of the time you might have heard this?

A. No, sir. In fact, I wouldn't even have remembered that if you hadn't have brought that up. I can't tell you specifically; yes, that's what was said. I seem to remember that transmission being given, but I don't know what time of day it was.

Q. You're not sure who gave this talk on the 15th? Was this sort of a go-go talk, or a matter-of-fact briefing, or just technical details on your part in this mission?

A. I don't think it was a go-go, "let's charge" type briefing. I didn't get that impression from it. Colonel BARKER was quite a guy. He was by far the best infantry commander we ever worked with over there. I'm sure that his way, no, I'm using the wrong words. Here again, his nature was to give a briefing short rather, not to get over-excited about it like, "Man, we're going to get some VC" He would tell you the facts: "We've gotten large kills in that area before, we expect large kills again tomorrow, or we expect enemy in there." He was the type of guy to say that.

Q. Do you recall anything about "really fixing once and for all" anything or anybody or any unit, about this being a big operation? What was the mission of Task Force BARKER on this operation?

A. On this specific operation right here?

Q. On this specific operation.

A. No, I can't recall. I could assume what it was and I'm sure I was told that day, but I can't remember what I was told.

Q. Do you recall anything about the 48th VC Battalion, something to the effect that: "We're going to get them this time. We know they're in there and we've had a lot of trouble in this area. We're going to take care of these guys and destroy them once and for all"?

A. This is like that radio transmission you're talking about. I seem to think I heard that said, but I can't tell you, "Yes, that's what was said in that bunker there." But, I think that was what he told us.

Q. Do you recall an expression, "If we get one shot from that hamlet, we're are going to level it," and the chaplain saying something?

A. No, sir, I do not.

Q. You don't recall that? Do you recall anything at all about an investigation concerning My Lai (4) conducted by anybody in the Americal Division? Do you recall any talk of it by the ARVN, the district chief, or anyone using the term "investigation" in relation to what happened?

A. No, I seem to remember WATKE making a statement that we had done our part in this incident; that we had reported it to the proper people and he didn't want it talked around like idle chatter. What I'm trying to say is that it was out of our hands. He had gone to the proper people the proper way and he didn't want this thing thrown around in the bars between the people.

Q. You said he had reported this incident. Do you have any idea of the magnitude of what he reported?

A. No, I don't, sir.

Q. Do you recall anything that was done as a result of this investigation?

A. No.

Q. Do you recall a citation for this operation from General WESTMORELAND, 128 VC killed?

A. Here again, I seem to remember that. I seem to remember that that also brought quite a reaction in our company to the comments of, "How many of those were women and children?"

Q. Do you recall a little more about the circumstances when you heard this, who was around, and how was it spoken?

A. No, I don't remember how we got the word of that.

Q. Mr. SABRE, we really appreciate your coming out here from Denver, particularly dragging that cast around.

A. I hope I have given you something that you can use.

MR WEST: You've been helpful and we are very grateful for your coming.

COL FRANKLIN: Do you have anything you would like to add, or say?

A. No.

MR WEST: The hearing will recess.

(The hearing recessed at 1809 hours, 16 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: STAFFA, William J. CPT

DATE OF TESTIMONY: 13 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Platoon Leader,  
Company A, 123d Aviation Battalion.

1. INFORMATION CIRCULATING IN THE 123d AVIATION BATTALION.

a. Rumors.

The witness testified that he was not flying on 16 March 1968 (pg. 3). He stated that the impression he had was that there was a lack of communication between the air and ground troops (pgs. 3, 4). Some 40 to 50 civilians were in a ditch which was caught in a crossfire and the ground troops would not stop firing, even after Mr. THOMPSON had warned them of the civilians' predicament (pg. 4). The witness understood that there was a threat to the ground troops that they would be fired upon if they did not stop the shooting (pg. 4).

b. Statements of Mr. THOMPSON.

The witness stated that he had heard THOMPSON himself griping about the infantry troops, but heard nothing of his complaining that his report had gone unheeded by command (pg. 5).

c. Statements of enlisted men.

The witness asserted that he had never heard anything of these matters from the enlisted men of THOMPSON's section, or from anyone (pg. 5).

d. Information from Major WATKE.

The witness stated that he did not know whether or not Major WATKE called a meeting of the company and told them to stop the rumors since there was an investigation (pg. 6).

2. SUBSEQUENT CONVERSATIONS WITH INVOLVED PERSONNEL.

a. Discussion with THOMPSON.

The witness stated that he had seen THOMPSON at Fort Rucker and they spoke of the events only as much as were public. The witness noted that he had the impression that THOMPSON was extremely angry at the ground troops for their failure to cease fire (pg. 6).

b. Discussion with others.

The witness related that he had heard from someone about THOMPSON's exploits and that he was given an award for his actions (pg. 7). The witness added that he had spoken with a Captain STINSON (pg. 8).

3. INVESTIGATIONS CONCERNING THE INCIDENT.

The witness stated that he had never heard anything about an investigation being conducted (pg. 10).

(The hearing reconvened at 1540 hours, 13 January 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Captain William J. STAFFA.

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

RCDR: Captain STAFFA, for the record, will you please state your full name, grade, Social Security number, branch of service, organization and station?

A. William J. STAFFA, Captain, USAR, stationed at the USARV Transient Detachment, RVN.

RCDR: Thank you.

IO: Captain STAFFA, before we proceed with the questions, I shall advise you concerning these matters.

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

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

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

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

I have had made available to me and have reviewed prior official statements obtained in other official investigations of the My Lai incident. To the best of my knowledge, I have not seen any statement of testimony which has been taken from you.

A. No, sir, you haven't.

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.

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

Now there are several people at the table here besides myself. On my left is Mr. MACCRATE, who is a civilian attorney, who has volunteered his services to the Secretary of the Army to assist me, and also to provide legal counsel to me. On my right, the far right, is Colonel FRANKLIN, and on my immediate right is Lieutenant Colonel PATTERSON. They have been assigned by the Office of the Chief of Staff of the Army to assist me in this investigation. All of these individuals may address questions to you this afternoon. We have other investigative teams as well that are working on this particular problem. I should advise you, however, that I have the responsibility of weighing the evidence and making the findings and the recommendations.

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

To the best of my knowledge, you have not been cited by the military judge in the court-martial case of the United States v. Calley. Is that correct?

A. Yes, sir.

Q. Would you state your duty assignment as of 16 March 1968?

A. As of 16 March, sir, my official duty assignment was a platoon leader at Company A, 123d Aviation Battalion. I was transferred to Company B approximately the third week of March, and in this intermediate period, on the 16th of March, I was sort of hanging back and forth between the two companies trying to learn what my next job would be.

Q. How long did you remain with the aero-scout company, or B/123?

A. 8 months and a week, approximately.

Q. Since the My Lai incident has become a matter of public knowledge, that was about the latter part of September or early October 1969, have you had any conversations with any people from your battalion or from the Americal Division concerning what transpired at that time?

A. Yes, sir, just casually mentioning we saw this in the paper. We saw that in the paper. I haven't seen too many of them, just a couple.

Q. Who have you seen?

A. Sorry. I've seen Captain Dennis STINSON, who was in Company A. He was also the assistant division aviation officer, one of the assistant division aviation officers; and I saw Mr. Hugh THOMPSON at Fort Rucker.

Q. What did you and THOMPSON talk about?

A. Well, sir, THOMPSON told me that he had been instructed not to discuss the case with anybody, so I didn't press that.

Q. I take it from what you've indicated that you were not flying on the 16th with either Alfa or Bravo Company.

A. No, sir. I was not flying that day.

Q. When you did begin to fly with Bravo Company, what type of aircraft did you handle?

A. Originally H-23, sir, and then we replaced it with OH-6s, and flew gunships too, which was the UH-1B.

Q. What did you hear, or did you hear anything, concerning what might have transpired at My Lai (4) on 16 March?

A. Well, originally, sir, I heard it as a--what I heard was a gripe, the usual lack of communication between the scout team, or whoever was up in the aircraft and the people on the ground. My impression of what actually went



on was that somehow or another, some civilians, or some non-military anyway, got caught between the crossfire of some kind, and Mr. THOMPSON was aware of it and tried to make the people on the ground aware of it, but he was highly unsuccessful for a good period of time. And so, well, I don't know exactly what made them stop, I heard several rumors, but they were not--I had heard that there was a veiled threat between the air people and the ground people. If they didn't stop shooting, they were going to get fired upon, but I don't know where this rumor cropped up. I just remember hearing it at the club one night, I think. The impression I got was that these civilians were located in a ditch or a depression. Unfortunately the axis of the ditch was parallel to the line of fire rather than being 90 degrees to it and there was fire going into the ditch, and this was what I understood Mr. THOMPSON had originally noticed.

Q. Had there been information concerning killing of civilians?

A. Yes, sir, children is what the original statement was, and I believe that Mr. THOMPSON actually went down and picked up a small child that had been wounded. In fact, I believe he was cited for this action, and that's all, I just heard that he had. There were civilians, women and children, trapped in what appeared to be a crossfire.

Q. Did you have any idea of the order of magnitude of the number of women and children and so forth that were killed?

A. Well, sir, I understood it was--I didn't realize it was as great as apparently it seems to have been, what is alleged anyway. I didn't think it was that serious. I understood that there were some civilians on the order of I'd say 40 or 50, from my impression, that had taken refuge in this ditch, and unfortunately they were not quite hidden, covered.

Q. Were you aware of any report that THOMPSON may have made to anybody?

A. No, sir, but I wouldn't have been, as I wasn't in the chain of command at the time. Captain LLOYD was his section leader at that particular time.

Q. Yes.

A. I just heard him, I'd say, griping about it later on.

Q. Who was he griping to?

A. Well, just a general bull session, the pilots in the company.

Q. Yes, and what was he griping about?

A. Well, the griping was that he had seen people fired upon, and after several radio calls he couldn't get them to stop. That was mainly what he was griping about.

Q. Was he, do you recall, and I recognize that I'm asking you to go back around 20 months or so to dig out facts and figures in the back of your head, but was he griping because he had reported this thing and nothing was being done about it?

A. I don't recall, sir. I wouldn't know. His initial gripe was against the infantry troops, that they did not respond when he had made it plain that he had been in contact with them, and he had gotten a reply from them and they had not quit firing.

Q. How well known was this throughout the company?

A. What, sir? The incident or--

Q. (Interposing) The incident, yes.

A. Well I'm sure that the people in the company knew, but there was never really a whole lot of discussion about it.

Q. Was there any talk about it among the enlisted personnel?

A. No, sir, not that I know of. Like I said, at that particular time I wouldn't have had any contact with them. However, I took that section a week later and I never heard a mention of it from any enlisted personnel, or for that matter from anyone.

Q. Did you ever hear the company commander, Major WATKE, assemble the unit in the mess hall or in some appropriate place and tell them to stop passing all these rumors around, that this matter was going to be properly investigated and these rumors would do no good?

A. No, sir. I didn't. Immediately after I took a section I flew for about a week and I went down to Vung Tau for about a week for transition, so it could have happened while I was gone. I never heard of it but if I did, I don't remember it.

Q. Were you ever aware that an investigation was under way within the Americal Division or any element of the Americal Division?

A. No, sir. I was not.

Q. I wish you'd think a little bit more on your discussion with THOMPSON and find out what he said and what he was really irritated about.

A. Well, sir, my impression was, and it still is-- because like I said, the only time I saw Mr. THOMPSON, I asked him if it had to do with the My Lai incident. As a matter of fact, he called me about it. I was at Fort Benning, it must have been somewhere around July or August, and he wanted to know that name of his crew chief on a certain particular day, which was a kind of hard thing for me to figure out. After about an hour of description and stuff I thought of the guy's name. But he still wouldn't tell me why he wanted to know. It didn't take much for me to figure it out, but I saw him at Fort Rucker and he--I just asked him if he'd been up here, and he said yes and that he wasn't going to talk about it, other than what was common knowledge. My impression still, from what he said from the first time I ever heard of it, was that the worst, the maddest he was around me was that he had made known to these people what was going on and they had not done anything about it.

Q. Well, he told you about these people in the ditch, evidently?

A. Yes, sir.

Q. What about a confrontation that he had with some Americans?

(STAFFA)

A. Yes, sir, I heard. Now he didn't tell, I don't know if he told me this or someone else did, but I understood it that he called these people and, I don't know how many times, told them that they were firing upon friendlies and that they should cease fire and get this thing straightened out. They replied with some negative transmission. Anyway, it didn't cease and then finally he, I don't know exactly how he got them to. I understood or I heard a rumor, that he had told them that he was going to fire upon them if they didn't stop shooting civilians. I don't know if that's true, if there's any substance to that. That was the impression I had. Finally he landed and picked up the child and evacuated this child. I understand he was under fire at the time, but I didn't write the citation. I didn't read the eyewitness report. So I don't know.

Q. Who would have prepared the citation?

A. Well, sir, Major SABRE, Captain GIBBS, Captain MOE, possibly Captain FLYNN, Major WATKE. Lieutenant LLOYD would be the next one down the line. I don't think he did it.

Q. Did THOMPSON join your unit subsequently? What unit did you command in the--

A. (Interposing) I was the scout section commander, which is an extraordinarily weird TO&E. This particular company consists of an infantry platoon and a weapons platoon, which is all helicopters. This section was about the same size as a platoon in a normal assault helicopter company. It called for, I believe it called for a lieutenant. They had made the company out of resources of the division. It was a messed-up situation.

Q. You were a lieutenant at the time?

A. Yes, sir.

MR MACCRATE: How long after March 1968 did you remain with the aero-scouts?

A. I rotated on 24 November.

MR MACCRATE: I have nothing further.

LTC PATTERSON: You mentioned the assistant aviation officer that you talked to.

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A. Yes, sir; Captain STINSON.

IO: Could you spell his name, please?

A. S-T-I-N-S-O-N, his name is Dennis L. He's a student at the University of Alabama.

Q. Would you tell us the substance of your discussion with him?

A. Yes, sir, I'll tell you. My discussion with him was simply what we've been reading in the papers. Well we talk to each other on the phone occasionally. He's a real good friend and the conversation ran like, "Did you read this in the paper?" But at the time, he was a platoon leader in A Company of the 123d. I don't think he would have had much contact with this particular--

Q. (Interposing) Did he indicate that he knew anything about this situation?

A. No, sir.

Q. Do you know who was assistant aviation officer at the time?

A. Possibly Major TENNANT, sir, T-E-N-N-A-N-T. He's a rotary wing safety officer at Fort Rucker, I believe, one of the rotary wing safety officers, Department of Tactics, I believe. I have a list of everybody I could think of that had anything to do with the company at that time. I don't know if I have any names you don't have or not.

Q. Well, I'm sure Colonel PATTERSON would like to sit down with you and go over this list.

LTC PATTERSON: Do you know who flew on the afternoon of 16 March?

A. Sir, there's only several people that could have flown. I don't know if there was a slick was flying, but--

Q. (Interposing) The LOH?

A. Oh, the LOH, sir?

Q. Yes, scouts.

A. That'd be Mr. THOMPSON, flying an H-23 at the time.

Q. On the afternoon?

A. Oh, the afternoon, sir. No, sir, I couldn't tell you. The only other scout pilots were Captain LLOYD and Mr. GAULTIER, and Mr. KELLENBENZ.

Q. Did you all live together, all of the scout pilots?

A. No, sir. All the lieutenants lived in one hootch, and warrant officers lived in the next three or four hootches. The platoon or section leaders were all in one hootch.

Q. And did you and Captain LLOYD talk about this thing?

A. No, sir.

IO: Do you remember a time when Mr. THOMPSON clipped a tree with his rotor blades?

A. No, sir. I don't, because we've all clipped trees with rotor blades. I don't know of any particular incident.

Q. Well I understand that it was rather unusual for anybody to clip a tree, and this knocked off the air cap on the end of his rotor blade and he was able to fly it out and get it back to Chu Lai, and it caused a certain amount of raillery within the company.

A. No, sir, but I knocked the cap off a rotor blade once and I don't know if Mr. THOMPSON told you that or someone else did. But I did and I got a little bit of raillery from Colonel HOLLADAY who happened to be there at the time.

Q. Yes.

A. I had hovered down into a yard and there was no way out except straight up, and an H-23 with three people in it and two machine guns didn't go up too fast. A fellow ran out the front of a hootch with an AK-47 and there was about a 20 foot wide gap in the trees. I tried to go under them. I made it out until the last tree. However, it didn't hurt the aircraft, the maintenance officer screwed it back on in about 5 minutes.

Q. It was a common practice that anybody who did such a thing got hurrahed a little bit, huh?

A. Oh, yes, sir. I don't think it would be too unusual. We had a few of those kind of incidents.

Q. Can you think of anything else that might have transpired in the company that would be of assistance to us in this investigation?

A. No, sir. I don't think so. Within about 3 months of this, there was large turnover in the company as far as pilots went and I assuredly never would have heard anything about it after that, I believe.

Q. You had no information concerning any investigation being conducted?

A. No, sir. As I said, about a week later I took this section from Captain LLOYD and nobody ever--to my knowledge, I don't remember if they did. I think I would remember it. Nobody ever came and asked me anything about it.

Q. Before we recess the hearing, I'd like to tell you that we are trying to put this together and we intend to put it together. So what information we might have imparted to you this afternoon, if this refreshes your memory in any way in the future, we'd like you to get in touch with this office so we can have the benefit of this additional information. Also, if you know of any documents, any maps, photos, aerial photos, or otherwise which might be of assistance to us, we'd like to have those. At this time, do you have any questions?

A. No, sir. I don't.

Q. Would you like to make any statement of any variety?

A. No, sir, other than I can furnish the colonel a list of people. No problem at all. In fact I have it in my pocket.

IO: Fine. This hearing will recess at this time.

(The hearing recessed at 1605 hours, 13 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: THOMPSON, Hugh C., Jr., CW2

DATES OF TESTIMONY: 3-5, 22 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: Kenneth JOHNSON, CPT, JAGC, appointed military counsel, stationed at Headquarters Military District of Washington.

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

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

Upon arrival in the country, he received some cards and was told to read them (pg. 40). He believed Exhibits M-2 and M-3 to be the cards that he was given (pg. 41).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

He was briefed on the evening of 15 March 1968, and told that the area of the operation would be around My Lai. They were going to be a blocking force and a screening element to the south (pg. 5).

3. ASSAULT ON MY LAI.

a. Arrival in the area and initial events.

On 16 March 1968, he left straight from Chu Lai for the area, using a pattern to avoid the artillery fire. His arrival was at the same time as the infantry, who were put into the west of My Lai (4) (pgs. 5,33). Gunships escorting the "slicks" were observed "shooting it up pretty good" (pg. 34). A Viet Cong was seen departing the area with a weapon, and COLBURN opened fire but missed, he believed as the VC went into a tree line while heading towards Hill 85 (pgs. 5,6,29,30,33,54,88,94). Some 40

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mortar rounds were then spotted on Hill 85, and a small infantry unit was called in to destroy them (pgs. 6, 55). He then spent some time flying recon in the area (pgs. 14, 34, 89) and returning to LZ Dottie for fuel, as he only had enough for approximately two hours flying time (pgs. 34, 95). He also, at some time during the morning, fired in front of two fleeing people as requested by radio, and stopped them for either Colonel HENDERSON or Lieutenant Colonel BARKER (pg. 102).

b. Observation of the wounded in the road and Captain MEDINA.

At approximately 0915 hours, while working to the south of My Lai (4), he spotted five wounded Vietnamese and he asked his gunship to get some help for them (pg. 6). Possibly the gunship passed along a different message (pg. 87). He hovered until the people got close to where they had popped smoke, and saw one person nudge a wounded woman, step back, and shoot her (pgs. 7, 14). The helicopter was about 15 feet in the air (pg. 97), and he could see subdued captain's bars on the helmet of the person who fired (pg. 28). He saw the captain later, at LZ Dottie but did not know his name and does not know whether he could identify him now or not (pg. 28). He returned to the other wounded, where he had popped smoke and they were then dead also (pg. 15). He did not see web gear or weapons near these people (pg. 87). (See also pages 17, 29, 34, 35, 45, 52, 56, 67,-69, 84, 86).

c. Observation of the bodies in the ditch and the talk with the sergeant who pointed his weapon at the ditch.

He then started to recon the area east of the village and while flying over a ditch, the crew chief reported seeing a "bunch of bodies" in the ditch (pg. 7). It was about 0930 hours (pg 34). The ditch was 50-100 meters southeast of the village (pg. 9), with trees covering both ends, and along the west side (pg. 10). He landed and told a "colored sergeant" that there were wounded in that ditch and asked if the sergeant could help. The sergeant replied that the only way that he could help them was to kill them (pg. 10). THOMPSON thought he was joking. As he left in his helicopter, one of his crew members, either COLBURN or ANDREOTTA, reported that the sergeant was shooting into the ditch. As he turned, he could see the sergeant pointing his weapon towards the ditch (pg. 10). The sergeant was the only one standing there (pg. 20). (See also pages 17-20, 22, 27, 46, 57, 59, 61, 62). A later return to the ditch at about 1045 hours, to rescue some of the people revealed that there were some wounded still in the ditch (pg. 15). A boy was

taken from the ditch and carried to the hospital at Quang Ngai (pg. 15,35,45,94).

d. The people in the bunker and the talk with CALLEY.

He continued flying recon over the village and saw a bunker, and a crew member told him that there were children in the bunker and that the Americans were approaching it (pg. 10). He landed in a field shaped like a horseshoe, got out, and talked with a lieutenant, telling him that there were noncombatants in the bunker and asking if the lieutenant could get them out (pg. 11). The lieutenant replied that the only way to do that was "with a grenade" and so THOMPSON, while having his men cover him, walked toward the bunker and motioned for Mr. MILLIANS, who was his low gun cover, and asked him to come in and evacuate these civilians. MILLIANS landed outside the horseshoe-shaped area and in two trips evacuated the people to the vicinity of Hoa My (pg. 11). At no time, did CALLEY threaten him with a weapon (pg. 52). (See also pages 12, 18, 19, 28, 34, 45, 51, 60-62, 70, 77-79, 81, 82, 85).

e. Further action in the area.

After leaving the area of the bunker and taking the wounded boy from the ditch to Quang Ngai, he returned to LZ Dottie at about 1200 hours (pg. 34). The afternoon was spent with more recons in the area and in the area south of Hill 85. The next day was also spent on recons in the area (pg. 16).

4. INQUIRIES CONCERNING THE ASSAULT.

a. Incident is reported to Major WATKE.

Upon his return from carrying the wounded boy to the hospital, he reported to WATKE, his commanding officer (pg. 15). This was at about 1200 hours on 16 March 1968 (pg. 38). THOMPSON did not remember his exact words (pg.38), but felt that he reported the ditch containing more than 50 to 100 bodies (pg. 39), and thought that he told WATKE of all of the incidents that he observed (pg. 75). WATKE indicated that he would check into it (pg. 15) and seemed to be concerned (pg. 74). The meeting took place either in the unit's radio van (pg. 72) or just outside of it (pg. 76). He did not clearly remember who else was present (pg. 75). Possibly it was ANDREOTTA and COLBURN (pg. 75), or perhaps it was some of the other pilots (pg.75),

but he did not remember who (pg. 77), nor did he think that he said that he would report it even if it cost him his wings (pgs. 72,77).

b. Discussion of the incident with Colonel HENDERSON.

THOMPSON stated that on 17 March 1968, he was told by WATKE that "the colonel wanted to see me" (pg. 16). Major WILSON may have been the one who told him to report to the colonel (pg. 93). He does not know the name of the colonel, but he believed it was a "full colonel" (pgs. 16, 37). When he was shown the photographs of five officers (which were Exhibits P-49 thru P-53), he was unable to identify HENDERSON's picture (pgs. 41, 42), which was one of the photos (pg. 47). He did not talk to General YOUNG, or to Lieutenant Colonel BARKER (pg. 16). He spoke with the colonel in the command post at LZ Dottie (pg. 16), and the conversation took about 20 to 30 minutes (pgs. 16, 19, 92). The colonel took notes on what he said (pgs. 17, 93). He was not placed under oath and no one else was present (pg. 17). THOMPSON told the colonel about seeing a captain shoot the Vietnamese girl, about the bodies in the ditch, and the sergeant's statement, about landing and talking with the lieutenant, although he did not give his exact words with the lieutenant and about the other wounded people (pgs. 17,18,45-47,92). He also mentioned how he evacuated the people from the bunker (pg. 18). THOMPSON felt that his crew chief was waiting outside (pgs.17,37) but he was not sure if it was COLBURN or ANDREOTTA (pgs. 37, 90, 93). It could be have been Mr. CULVERHOUSE (pgs. 90, 91). After he was finished, the colonel called in the other person (pg. 37), and THOMPSON walked back alone (pg. 93). This was the last time that THOMPSON was interviewed about the matter until he spoke with the IG in Washington (pg. 40).

c. Discussion of the incident with other personnel.

The witness spoke in detail of the incident with Captain CRESWELL at the officer's club a few days after the incident (pgs. 39, 97, 98). He did not talk with anyone else (pgs. 39, 98), other than perhaps some pilots (pg. 39), or in the hootches (pg. 98).

5. OTHER INFORMATION.

a. THOMPSON stated that he saw the village was burning (pgs. 10, 20) while he flew over it, and that it was burning when he arrived on the scene, which he felt was from the artillery prep (pg. 30).

b. He stated that after he put smoke on the wounded individuals on the road, the gunships did not go in and fire on them (pg. 37).

c. THOMPSON explained how the radio communications operated between his ship, the low gunship, the high gunship, and the ground and related this to incidents that took place (pgs. 78-81, 83, 84, 87).

d. In the discussion of the tape recording made in the Task Force Barker TOC, and later transcribed (Exhibit M-20), THOMPSON stated that he did not think that the wounded along the road were combatants, although the transmission from BARKER to MEDINA indicated that there was web equipment in the area (pg. 87). He felt that the statement, "dinks...that we got," referred to the fleeing Viet Cong who was fired at earlier (pg. 88), or else that it was a broken transmission (pg. 89). The tape also mentions popping smoke at 0915 hours, when THOMPSON could have been refueling (pg. 95), but he stated that he could have refueled earlier (pg. 96).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit was given a copy in RVN and told to read it.	
			40
M-3	MACV Card "Enemy in Your Hands"	Wit was given a copy in RVN and told to read it.	
			41
M-20	Transcript of TF Barker tape	Tape had been heard previously.	86
O-1	THOMPSON's sketch	Shows location of people on road.	24
P-1	Aerial Photo	Used in description.	21
P-1A	Copy of Aerial Photo	He identified and marked:	
		1-Tree line to which VC ran to.	
			54
		2-Bodies lying in road.	
			56
		3-Location of CPT MEDINA.	
			57
		4-Bodies in ditch.	
			58
		5-Where helicopter landed near bunker.	
			59,61
		6-Bunker with Vietnamese.	
			60

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
		7-Wounded persons.	66
		8-Is photo P-32 location.	67
		9-Wounded woman in road.	66
P-2 thru P-42	Miscellaneous Scenes	Identified P-32 as a picture of a woman lying on the south side of Highway 521.	64,65, 67
P-45	Oblique photo	Not recognized.	57
P-46	Oblique photo	Located tree line.	58
P-49 thru P-53	Photos of five officers	Identified all except HENDERSON.	41,42, 47
MAP-1	Wall Map	Used for demonstration.	46
MAP-2	Picto Map	Marked:	
		1-Wounded girl.	23
		2-Wounded people in road.	24

SUMMARY OF TESTIMONY

WITNESS: THOMPSON, Hugh C., Jr., CW2

DATE OF TESTIMONY: 6 January 1970

PLACE OF TESTIMONY: Vietnam

WITNESS SUSPECTED OF: N/A

COUNSEL: None

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

The witness identified various aircraft from photographs (see Exhibit list, infra) and stated that at 1330 hours, 16 March 1968, his helicopter blade hit a tree (pg. 108). He landed to the east of the highway to check it and spoke with either Captain MEDINA, or Lieutenant CALLEY (pgs. 110, 111). He states that the log entry for 1535 hours was of another H-123 (pg. 109).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-16	Task Force Barker log with mention of an aircraft incident.	Wit stated he recalls hitting a tree, but no serious damage involved.	
		When he landed he spoke with either a Captain or a Lieutenant. Possibly there was another H-123.	109-111
P-1B	Annotated aerial photo of My Lai (prepared at Chu Lai, 4 Jan 70)	Entered into record	108
P-11-12	Photo of aircraft	Identified as not a dustoff ship.	104
P-29	Photo of aircraft	Identified as possibly a Rattler ship from 71st Aviation Co.	105
P-26	Photo of aircraft	Wit identified three Rattle ships from circles and possible Rattler heads.	106
P-27	Photo of aircraft	Not identified.	106
P-65	Photo of aircraft	Rattler ship clearly identified as behind a Dolphin from 174th Aviation	105, 106
P-71	Photo of aircraft	Taken at LZ Dottie and identified as a "176th ship" because of tail band and "Minuteman."	106





SUMMARY OF TESTIMONY

WITNESS: THOMPSON, Hugh C. 1LT

DATE OF TESTIMONY: 10 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

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

1. DISCUSSIONS OF THE INCIDENT WITH OTHER PEOPLE.

The witness recalled discussing the incident at My Lai with Warrant Officers MILLIANS, CULVERHOUSE and BROWN but did not remember whether it was back at the hootch or whether it was out on the flight line (pg. 115). He knew they talked somewhere about it and felt that BROWN mentioned that he also disagreed with what happened (pg. 115).

2. DISCUSSION WITH MAJOR WATKE.

a. Facts which he reported.

The witness talked to WATKE for 15 to 20 minutes (pg. 124). He had returned to LZ Dottie after bringing the boy to Quang Ngai Hospital (pg. 123). He did not recall if he refueled before or after talking with WATKE and did not remember if he ate before or after seeing him (pg. 124). He stated it would have been difficult for him to eat his lunch and to be back in the air in order to have his aircraft accident by 1330 hours (pg. 124). He stated that after the aircraft accident they returned to LZ Dottie and he possibly saw Major WATKE at that time (pg. 125). In any event, when he did see him he stated that he told him "everything and possibly more at that time" (pg. 113). He thought he told WATKE about the ditch, about asking the colored individual to help the people in the ditch, about talking to the lieutenant near the bunker site, and about the large number of noncombatants

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that were killed (pg. 114). He thought he gave the figure 100 to 125 to Major WATKE but does not know for sure (pg. 115). He stated he had no hesitation in talking to the major (pg. 115). He was not sure if the words "murder" or "unnecessary killing" were used (pg. 117). He stated that the conversation with the lieutenant on the ground was only part of what he told WATKE. He stated he also mentioned something about the hat with "California" written on it (pg. 118).

b. Other people present.

The witness did not know whether he and Major WATKE stayed in the van or went outside, but felt that they stayed inside. He stated that Captain MOE should have been there along with the radio operator, Specialist KUBERT (pg. 116). He normally gave KUBERT a run down of their activities for the log, and stated that on this mission he was trying to clarify the distinction between their picking up mortar rounds, instead of mortar tubes as everyone thought (pgs. 116, 117).

c. Major WATKE's reaction.

The witness stated, in response to a question asking if he felt he had been given the treatment, the attention, and the follow-through that he was entitled to as an officer reporting a serious incident, that after he spoke with Major WATKE, he spoke with a colonel, so that he thought someone was looking into it (pg. 128). He had the impression that WATKE was going to do something about it, but could not remember what had been said (pg. 129). The witness stated he had no feedback on the investigation (pg. 128). After the day he spoke to the colonel, he did not discuss it with anyone (pg. 128).

3. DISCUSSION WITH COLONEL HENDERSON.

The witness stated that either Major WATKE or Major WILSON saw him go up to meet with Colonel HENDERSON, or possibly walked him up the hill at LZ Dottie to show him where to go (pg. 125). The witness stated he remembered talking to a colonel on the 16th or 17th at LZ Dottie but did not think it was Colonel HENDERSON (pg. 119). When asked about ANDREOTTA speaking with the colonel at a time when ANDREOTTA had blood on his fatigues, he stated that the blood would have come from the ditch (pg. 119). The witness stated that he spoke with a short heavy-set full colonel. However the photograph of

Colonel HENDERSON did not look familiar. Nor did HENDERSON look familiar when seen by the witness on his first appearance before the board (pg. 120). The witness mentioned seeing a water tower or a lookout tower west of the helipad and stated he entered a tent near to this tower (pg. 121). It is possible he is talking about different days and different situations (pg. 121). The witness was shown a number of photographs of various officers whom he identified (See Exhibit list infra).

4. DISCUSSIONS WITH CRESWELL.

The witness stated it was not in an official capacity that he spoke with Chaplain CRESWELL (pg. 118). He stated it was at the officers club although he used to visit CRESWELL in the chapel to discuss his confirmation (pg. 129). He did not recall jumping in a jeep and driving straight over there on the day of the incident (pg. 129). He recalled telling CRESWELL about the bodies, about the ditch, about the colored sergeant, and about the bunker (pg. 131). He stated CRESWELL mentioned something about seeing his "boss" but that he never heard anything more (pg. 132). After mention of it, the witness recalled going to the chaplain's office but did not know when it was (pg. 132).

5. DISCUSSION WITH COLONEL HOLLADAY.

The witness did not recall going to division headquarters but stated he did seem to be familiar with how it was laid out (pg. 133). He did not recall visiting the headquarters with Colonel HOLLADAY (pg. 133). He did not remember a conversation with either General KOSTER, General YOUNG, or Colonel PARSON (pgs. 133, 134).

6. CONFRONTATION ON THE GROUND.

The witness discussed having his gunners stand on alert to protect him, although they had not heard any enemy fire. He stated that he did not think it "feasible" that one Americal should fire on another, but, in any event, he did not want to "get shot up" (pgs. 126,127).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-49 and P-50	Photos of HENDERSON and CALHOUN.	Wit stated it was not CALHOUN that he spoke with but was possibly HENDERSON.	123
P-53	Miscellaneous photo	Witness identified as being of Colonel BLACKLEDGE.	122
P-199 and P-200	Miscellaneous photos	Witness said it was neither officer.	122
P-223	Photo of Colonel LUPER	Wit said he did not speak with him.	122
P-224	Miscellaneous photo	Wit stated that it was possible he spoke with this individual.	123

(The hearing reconvened at 1315 hours, 3 December 1969.)

IO: The hearing will come to order.

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

The next witness is Mr. Hugh C. THOMPSON.

(CW2 Hugh C. THOMPSON, Jr., , Aviation Warrant Officer Branch, Fort Rucker, Alabama, was called as a witness, was sworn, and testified as follows:)

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

This investigation was directed jointly by the Secretary of the Army and the Chief of Staff, United States Army, for the purpose of determining facts and making 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 to furnish information concerning this incident.

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

I have had made available to me and have reviewed prior official statements obtained in other official investigations of the My Lai incident. Here I will say I have read your interrogation by the inspector general, Colonel WILSON, Office of the Inspector General.

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

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

There are several people in this room who may ask you some questions. These individuals are my assistants and they are authorized to ask questions in my name. However, I have the responsibility of weighing the evidence and making the findings and recommendations.

You are directed to not 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 or administrative body.

Do you have any questions at this time?

A. Yes, sir. I know you're aware of me being--not supposed to talk to anybody about this. I presume this kind of supersedes this.

IO: You're thinking of the orders of Colonel KENNEDY, the military judge?

A. I feel, sir, that this would overrule that, but I just want to make sure that--that is not supposed to apply to this.

MR WEST: I think if you get into the part about not making any statements--

IO: (Interposing) Well, he's already indicated that Mr. THOMPSON will be essentially under the same instructions not to discuss your testimony with others except for official duty or as you may be required to do so before a competent judicial or administrative body. And looking at the other one, it is, really, advising you to the same effect; that you will not make any statements except before a competent judicial or quasi-judicial body, and this is a competent quasi-judicial body.

A. Yes. I knew it was, but I just wanted to make sure about that, sir.

IO: Colonel MILLER, are there any points you would like to raise at this time?

COL MILLER: No, sir.

Q. Mr. THOMPSON, what was your duty assignment on the 16th of March, 1968?

A. Flying scout helicopter, sir.

Q. What unit were you attached to or assigned to?

A. 123d Aviation Battalion, aero-scout company.

Q. Where was this located and who did you normally support?

A. Our home base was at Ky Ha heliport at Chu Lai, and our staging area was at LZ Dottie. We were working for the 11th Brigade, sir.

Q. And how long had you been working for the 11th Brigade?

A. Almost ever since the unit has been formed, sir. We formed, I think it was in February, so we had been working that area almost all the time.

Q. Yes. Would you habitually stay overnight at Dottie, or would you go back to Chu Lai or to Duc Pho?

A. We would go to Chu Lai, sir.

Q. Chu Lai?

A. Yes, sir.

Q. How far was Chu Lai to the north?

A. About 20 or 25 miles.

Q. How much flight experience had you had?

A. I'd say about 600 hours, sir.

Q. How much time had you spent in South Vietnam prior to 16 March?

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A. I got in South Vietnam on the 30th of December 1967, sir.

Q. You had been there approximately two and one half months, is that correct?

A. Yes, sir.

Q. Had you been to South Vietnam before that time?

A. No, sir.

Q. And you were flying all the time after you arrived in country?

A. Yes, sir.

Q. I would remind you again that I am familiar with the interview that has been conducted by Colonel WILSON from the IG.

A. Yes, sir.

Q. I would like to now discuss the events which transpired on the 16th and 17th in the area of My Lai (4) and Son My operation.

A. Yes, sir.

Q. We have to the rear of you a map (Exhibit MAP-1) which has been entered in evidence. If you would care to speak from that, this would be fine.

A. Yes, sir.

Q. If you would care to look it over, because this scale is quite different from the normal one you look at.

A. Yes, sir.

Q. If you would care to stand up and look at it, that would be fine.

(Witness moved to front of Exhibit MAP-1.)

MR WEST: Mr. THOMPSON, if you don't mind my suggesting, speak to the reporter. Be sure he hears you. The rest of us will hear you fine.

A. We'll start over here first (indicating). This was our staging area LZ Dottie. Now, we got a briefing the night before, of the mission we were going on which was down around My Lai (indicating). That morning I don't even believe we stopped at Dottie. We just left straight from Chu Lai. I think the first team did. I'm not positive we stopped there (indicating LZ Dottie on Exhibit MAP-1) or not. We had to come in here (indicating to an area west of My Lai (4) on Exhibit MAP-1), and we were going to be a blocking force and a screening element to the south (indicating) because they had infantry going in around this operation (indicating an area west of My Lai (4) on Exhibit MAP-1), and they had to be -- I don't know the exact time, early in the morning. But they had artillery stuff coming in. I'm pretty sure we came down (indicating a vertical line running north to south and west of My Lai (4) on Exhibit MAP-1) and then straight across from Chu Lai because we wouldn't want to get hit by the artillery. They were bringing the slicks in. Right when we got into the area the slicks were there because the artillery stopped. We were there at the same time, the way it was planned. They started putting the infantry in somewhere over here (indicating an area slightly west of My Lai (4) on Exhibit MAP-1) so we were staying out of their way because they had gun escorts with them. Just as soon as we just got into the area, I saw a Viet Cong departing the vicinity of My Lai south (indicating), and when he did, he had a weapon, running. So I told my crew chief, you know, to get him. I had a new gunner that day, and he missed him, so I told the guns that were following me that the guy had a weapon and that he had gone into a tree line which is not shown, but there is a tree line right through here (indicating). He went into this tree line like he was making for Hill 85 further south (indicating), and they rode in then and shot a couple -- made a couple of gun runs through there. We couldn't get a confirmed kill on him because we could never find the body. So we started checking this area out in here (indicating south of My Lai (4) on Exhibit MAP-1), and up on Hill 85. The ships that had escorted the infantry were working out on this side of the road here (indicating north of Highway 521 on Exhibit MAP-1). They were down

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pretty low so we decided to just wait back in here (indicating south of My Lai (4) on Exhibit MAP-1) so we wouldn't get near the line of fire. It wasn't too long after that until I spotted some mortar rounds on Hill 85. I think the count came to about 40-something, but I'm not sure.

Q. Mortar rounds?

A. Yes, sir.

Q. Being fired on My Lai?

A. They weren't being fired, sir. They had just been left by somebody.

Q. Yes.

A. So we worked around this area for a little while (indicating Hill 85) until the gunships got out of the way and we had our infantry -- we had a small infantry unit with us, about a platoon-size force, and they had sent for them because they wanted to gather up these mortars and detonators so that Charlie wouldn't get them. And I started working over back in this way (indicating) because the infantry had then gotten into the hills right around there (indicating). There was a bunch of wounded Vietnamese--

MR WEST: (Interposing) Mr. THOMPSON, when you point a place out on the map, would you add some words of description like west of My Lai (4), or something like that?

A. Yes.

MR WEST: Thank you.

A. I'm sorry, sir.

I started working to the south of My Lai (4), to the north of the road, the main highway through there, and I spotted about five wounded Vietnamese. I told my gunship that the wounded were on the ground and to see if he could get some help for them. He rogered and said okay, and said he'd try, and a few minutes later he radioed back that help was on its way or something like that, or to that effect. So I went around and popped smoke where these individuals were lying. And then I just continued to recon on around

here. When I saw the people getting real close to where one of the smokes were, I hovered over there and they walked up to the person, nudged him once, stepped back and shot him. I don't know why. They could have thought they had had a hand grenade or something. Instead of reconning on around--

Q. (Interposing) Where were these, to the south part of the village, hamlet?

A. Yes, sir. There was one girl to the southwest before you got to the main highway. There was another woman about due south of the village, and there was about three lying on the road that I could tell were still alive because they were still moving.

Q. Are you referring to Highway 521?

A. 521, yes, sir.

Q. Would you point out what you consider to be the village?

A. This area right in here, sir. This area right here that says My Lai (4).

MR. WEST: Let the record show that he has pointed to what has been identified as My Lai (4) on the map.

A. These were further to the east, these buildings (indicating), because there was a church right there (indicating) or some sort of synagogue or should be because there was one out this road (indicating).

Q. You mean synagogue or pagoda?

A. A building you could go into. It would be a church. It wasn't just a statue. And no buildings. The next building was up in here (indicating) where the operations were. Right in here (indicating). And I started reconning the area east of the village and I flew across a ditch and the crew chief said, "There's a bunch of bodies in that ditch."

Q. What time was this now?

A. I don't know the time, sir. I believe I told Colonel WILSON things were happening out there fast that

day, and our other light scout should have relieved me, but we didn't bring but one with us that day because our aircraft were down for maintenance, and I stayed out there until noontime. But I know I had to go back and refuel at least once. I'd stay out there for two gun teams because I could stay twice as long as the gun teams could, and then we'd go back and refuel and come back out.

Q. What kind of aircraft were the gunships?

A. Bravo model Huey's.

Q. Bravo model Huey's?

A. Yes, sir. We had real weak Bravo models.

Q. And you were flying what?

A. A 23, sir, OH-23.

Q. OH-23?

A. Yes, sir.

Q. And you were performing the function of scout or the recon element while they were providing you with the gun protection, is that right?

A. There was two different gunships there. There was our gunships which already was flying cover on me. If I got in trouble, they got me out of trouble.

Q. Yes.

A. And the other gunships brought the slicks in which were operating as a gun team.

Q. Yes, but they were escorting the slicks?

A. Yes, sir.

Q. Supporting the slicks for the combat assault, is that correct?

A. The other gun team, not my gun team.

Q. How many teams from your unit were in this operation?

A. There was two different gun teams, but there was only one team at a time.

Q. One at a time?

A. Yes, sir.

Q. All right. I think it would be desirable if we could get an approximate time that you first saw these bodies in a ditch.

A. I would say around 1000. There are a couple of other things that make me think I only refueled one time, sir. I know when I left it was right about noontime because when we got back we knocked off for chow. I was almost out of fuel then. In fact, I was worried about getting back to Dottie because I had to go to Quang Ngai first, and I had already refueled the first time when I saw, you know, the building up of the bodies.

Q. Could you point out the specific spot on that map where you saw the ditch?

A. No, sir.

Q. With respect to the village?

A. It was to the east of the village, possibly a little south.

Q. Southeast of the village?

A. Yes, sir.

Q. And how -- approximately how far would you say?

A. Fifty or 100 meters I would say, sir. I have been asked this before, sir, and they keep talking about how far something is, like you do on the ground, because it doesn't take you very long to get there at all. You're not walking. It was to the east and south of the village. There was a tree line in this ditch.

Q. Alongside of it?

A. Yes, sir.

Q. On which side was the tree line?

A. There was tree covering on both ends and trees were on the west side along where -- it wasn't a thick tree line, because it kind of -- it came thick from both ends of it and kind of got real thin.

Q. Were they trees or were they sort of low bushes?

A. They looked like trees to me, sir. I associate them with trees. When I saw the bodies in the ditch I came back around and saw that some of them were still alive. So I sat down on the ground then and talked to -- I'm pretty sure it was a sergeant, colored sergeant -- and I told them there was women and kids over there that were wounded -- could he help them or could they help them? And he made some remark to the effect that the only way he could help them was to kill them. And I thought he was joking. I didn't take him seriously. I said, "Why don't you see if you can help them," and I took off again. And as I took off my crew chief said that the guy was shooting into the ditch. As I turned around I could see a guy holding a weapon pointing towards the ditch.

Q. What was the name of your crew chief?

A. Well, the same crew chief and gunner. I don't remember which one was flying on which side. I think the one on the right side was COLBURN and the one on the left side would be ANDREOTTA. No, wait a minute, COLBURN was on the left side that day because ANDREOTTA was the one who held the kid, and the kid was on my right.

Q. That last answer -- he was the one that what?

A. Held the kid, sir. And after that we were still flying recon over the village. The village was smoking pretty good. You couldn't get right over it. And we came around somewhere to the east of the village, and I saw this bunker and either the crew chief or the gunner said that there was a bunch of kids in the bunker, and the Americans were approaching it. There was a little open area, field,

shaped sort of like a horseshoe, so I set down in the middle of that horseshoe, got out of the aircraft and talked with this lieutenant, and told him that there was some women and kids in that bunker over there, and could he get them out. He said the only way to get them out was with a hand grenade. I told him to just hold your men right where they are and I'll get the kids out. And I walked over towards the bunker, motioned for them to come out, and they came out. But there was more than women and kids. There was a couple--one or two--old men in there. I'd say about two or three women and then some kids. I got back in the aircraft, didn't take off, just put my helmet on or just plugged my helmet up and I called Mr. MILLIANS who was flying the low gun cover and told him what I had and asked him if he'd come in and get them out of this immediate area back into an area that had not so much firing going on. And he came in and picked up half of them.

Q. Was he able to land in the same horseshoe-shaped area?

A. No, he landed outside the horseshoe-shaped area. He landed behind me.

Q. Yes.

A. And I walked the people to him. He could only take about half of them, and flew them out going back to Highway 521. He flew them, I would say, back up to the vicinity of Hoa My (indicating vicinity coordinates 7078, MAP-1) because there was a road going off 521 about where he let them out. He came back and got the rest of them and took them up there also. I followed them back. That's how I know where he landed.

Q. How many people did you pick up all told?

A. I received the DFC that day, and it was written up. Sixteen, I don't remember today. You know how many people--

Q. (Interposing) Did you receive a DFC that same day or for that day?

A. For the day.



Q. For the day. For lifting out or assisting in the rescue of those 16 people?

A. And the kid I carried to the hospital, sir.

Q. I don't think we've gotten that far with your story, yet.

A. No, sir.

Q. Now, let me come back here again. Tell me a little more about your discussion with the lieutenant? Did you ever identify the lieutenant?

A. Yes, sir.

Q. Who was he?

A. Lieutenant CALLEY.

Q. Did you know at the time it was Lieutenant CALLEY?

A. No, sir.

Q. When did you learn it was Lieutenant CALLEY?

A. When I was in Washington. When was it? June, sir (speaking to Colonel WILSON)?

(Col WILSON nodded in the affirmative.)

MR WEST: Let the record reflect he is addressing Colonel WILSON.

Q. How did you identify him?

A. In a lineup, sir.

Q. This was the officer that you talked to on the ground, and this is the officer who you just related this story about?

A. Yes, sir. As I said before, sir, I didn't see this officer do any shooting.

Q. But he did make the statement to the effect the only way he could possibly get them out was to--

A. (Interposing) It was something to that effect. I didn't know whether he said throw a hand grenade or toss it, but it was to the effect that that was the only way he could get them out was with a hand grenade.

IO: We'll take a short recess.

(The hearing recessed at 1344 hours, 3 December 1969.)

(The hearing reconvened at 1347 hours, 3 December 1969.)

IO: The hearing will come to order.

RCDR: All parties to the hearing who were present when the hearing recessed were again present.

A: Do you want me to go back to the first person who I called over there to send medical aid to the wounded?

IO: Yes.

A. When I got over to that one girl it was southwest of My Lai and after I had called for medical assistance for the wounded Vietnamese, the person who came up there and shot that girl was a captain. I know that.

Q. And what time was that? Was it prior to the time you had gone into pick up the people from the dugout, or bunker?

A. Yes, sir.

Q. Approximately what time was that?

A. I'd say right around 10 o'clock sir, give or take an hour, I guess. The only thing I can associate these times to is about lunch time when I got back to Dottie, and this was happening real fast, I popped smoke when I saw the ditch and when I saw the bunker and when I went back to the ditch. After I got the kids out and medevac'd -- not medevac'd them, but just got them out of the area.

Q. You're confusing me a little bit.

A. I'm sorry, sir.

Q. What -- let's go over your story again. What was the first thing you did there after you left Hill 85 where they blew up the mortar rounds, or took care of the mortar rounds?

A. Reconning the area, sir, around My Lai (4) because these infantry had gotten there by then. I was going to screen for them. You know if I get shot at I can move a lot easier than they can, and also I might be able to direct them to where I received fire. After flying around about 10 or 15 minutes, something like that, I hadn't received any fire so I started just flying around, and I don't know whether it was myself or one of my crew chiefs or gunner that saw the wounded. So we started flying over the wounded. And I told the gunship who I was talking to, to see if he could call the other gunship to call the ground unit and get them to send some medics over to help these wounded.

Q. That was quite early 'in the morning then?

A. I'd say it was around 1000, sir.

Q. Around 1000?

A. Yes, sir.

Q. Yes.

A. And when the guy came up, like I said, he nudged the woman, stepped back and shot her.

Q. Did he just step back or did he walk away from her? What was your position with respect to him? How well could you see him?

A. As well as I can see you, sir. Real well. I guess I was about half again as long as this room and about 8 or 10 feet in the air sitting at a hover. What's that, about 50 feet? Something like that.

Q. Yes.

A. And when he shot that one, we started going back to where I'd popped other smoke, and those wounded people were dead then also. And I don't know whether they died of their original wounds or whether they had more wounds in them. I didn't stop down and look at them. And that's when we went over and saw the ditch, and the sergeant -- oh, I can't say that. The sergeant was aiming a weapon into the ditch and rounds were being fired. And then we went to the bunker, got those out, and I asked my crew if they'd like to go back over and check the ditch out and see if anybody was still alive. And they said they would. We went back over and sat down next to the ditch and got out. I stood next to the helicopter with an M-60 and they went down into the ditch and came back up a few minutes later and brought out a little kid. He had a scratch on his arm which could have been a round or it could have just been a scratch. I asked them if there were any more and they said yes, there was more, but they was hurt worse than he was. So we could only carry one with us, so we put him in the helicopter and carried him to the hospital at Quang Ngai.

Q. Quang Ngai?

A. Yes, sir. And then we went back to Dottie. Apparently I'd said something over the radio about things being pretty bad out there because when I got back I remember I talked to my CO about it.

Q. Who was your CO?

A. Major WATKE.

Q. Major WATKE?

A. Yes, sir.

Q. Yes.

A. And he said he'd check into it or something to that effect. And then the next day I had to go--

Q. (Interposing) Did you talk to anybody else about it the remainder of the afternoon? Or what did you do in the afternoon?

A. We had more recons after lunch in this area (indicating My Lai area on Exhibit MAP-1). We got over on this side (indicating an area south of Hill 85 on Exhibit MAP-1) in the afternoon. This side meaning south of Hill 85. I'm sure that I talked to some of the other pilots about it, and I feel sure my crew chief and gunner also did. Then I went back to Chu Lai. The next day we came down there for, you know, some more recon work, and Major WATKE told me the colonel wanted to see me. So I went up there and told him, I guess, about what I've told you all.

Q. When you say the colonel wanted to see you, which colonel?

A. A bird colonel -- full colonel.

Q. Did you talk to anybody before that, at all? Had you talked at all with the lieutenant colonel who commanded the task force? Colonel BARKER?

A. No, sir. I think the only colonel I talked to was a full colonel.

Q. Did you talk to General YOUNG?

A. I never talked to him.

Q. You never talked to him?

A. No, sir.

Q. All right. Proceed with your story about what you told the colonel?

A. The same thing that I've just told you. He asked me, you know, what went on or what did I see.

Q. How long were you with the colonel?

A. I'd say about 20 or 30 minutes, sir.

Q. Where did he interrogate you?

A. It was in their command post, I guess you'd call it, at Dottie. I don't know what they called it. It's

right by one of the towers. I think they considered it the command post.

Q. Did he take your statement down in writing for you to sign?

A. He took -- he didn't take anything I said down, but he made notes on it. I can't remember if I signed anything or not, sir.

Q. Were you placed under oath?

A. No, sir, I don't believe so.

Q. Was anybody else present during this time?

A. No, sir.

Q. Only you.

A. My crew chief was waiting outside, sir.

Q. Was Major WATKE present?

A. No, sir, he was down at the shed.

Q. And what time was this in the day?

A. I feel it was between 10 and 12 in the morning and I think it was the next day.

Q. That would make it the 17th then?

A. Yes, sir.

Q. I'd like you to think as hard as you can on this one.

A. Yes, sir.

Q. As to the length of time you were there, and, specifically, what you told him?

A. I told him that I had seen the captain shoot the Vietnamese girl. I told him about the ditches and the bodies in the ditch.

Q. How many bodies did you tell him were in the ditch?

A. I think I said about 100, sir. Between 75 and 100. There was a bunch of people there. I told him about the sergeant saying the only way he could help them was to shoot them. And I told him about -- I didn't tell him what my direct words were with the lieutenant or I didn't even know he was a lieutenant at that time. I didn't tell him my direct words, what my words were with Lieutenant CALLEY, but I did tell him I sat down and told him to stop his men. I told him that when I sat down over there I talked with the man who appeared to be in charge, and that I told him that I had spotted some Vietnamese kids in the bunker, and he said, "No, you're kidding," and that the only way he could get them out was with a hand grenade. So I told him to just stop his men and I'd get them out of there without killing them.

Q. Did you indicate to him that you had in fact picked up and evacuated these individuals to the southwest along Highway 521?

A. I can't remember telling him that, sir, but, I mean, it was a lot fresher in my mind then than it is now. I know I also told him about getting the kid out of the ditch.

Q. Did you also tell him about the other wounded you had seen, aside from the girl?

A. Yes, sir.

Q. How were you marking those individuals?

A. Dropping smoke beside them, sir; smoke grenades.

Q. Smoke grenades?

A. Yes. Before I'd pop smoke, I'd hover down right close to them to make sure they didn't have any weapons or web gear that I could see. And I didn't see any webbing out there.

Q. I would like you to repeat what you told the colonel at that particular interrogation.

A. As best I can remember, sir, the same thing I just said.

Q. Well, repeat the items if you will so that I can have them firm in mind.

A. Right, sir. I told him about seeing the wounded Vietnamese. I told him that a captain had come over and shot one of them; told him about seeing the bodies in the ditch; told him about what I said to Lieutenant CALLEY; -- I didn't tell him what I'd told my crew chiefs -- I told him about how I had gotten the people out of the bunker; told him that I hadn't seen -- I don't remember the number -- but I told him I hadn't seen very many that were draft-age out there that were shot or dead.

Q. And would you repeat the length of time you stayed with the colonel to go into the detail of this story?

A. I'd say about 20 or 30 minutes. It wasn't very long I know.

Q. But it was long enough that you were able to get across the details to the extent you have indicated to us?

A. We didn't have any maps or reference things there. He was more or less asking me the questions and I was telling him, you know, answering his questions.

Q. How did you feel at this particular time?

A. I felt like there'd been a massacre because the reason--I told him something else, you know. He asked me something about how did the bodies get in the ditch. And I told him I didn't know. I said, "But I don't think the Americans are going to take a bunch of dead bodies and throw them in a ditch, or they might even do that, but they're not going to put live bodies in a ditch with dead ones, and the Vietnamese are not all going to huddle in the ditch." And that's the part that did not make sense to me: how the bodies got in the ditch.

Q. Aside from the one individual that you saw pointing a weapon at the ditch--

A. (Interposing) Yes, sir.



Q. Did you see anybody else being pushed into the ditch?

A. No, sir.

Q. Shooting into the ditch or otherwise?

A. No, sir. He was standing there. I saw him with the weapon, as I turned away I heard a weapon behind me shoot. And I couldn't say it was him. My crew chief, one of them, said, "He is shooting into the ditch." I don't know which one it was. It could have been the one who's dead now. You will just have to check with the other one.

Q. How far was it from this ditch over to the bunker, approximately, where you located the children and it also included some old men in there?

A. The last time before an investigation, we looked on a map and figured out about how far it would be, you know, by looking on a smaller scale map that shows some things a little more plain. And I think we came up with something like 150 meters or something like that. I can't swear to that, but I think it was about that far is all.

Q. How much of the village of My Lai (4) was burning when you were operating through it and over it?

A. I think the entire village had been smoked pretty bad, sir.

Q. Yes.

A. Sir, this village does not look like it does right there, sir (indicating), because there's -- we were flying all around this area (indicating), and I remember there was villages that are not on this map right on the outskirts because there was a main group of hootches (indicating) and then there was some hootches set out away from them. And the main concentration of them, I'd say, just about completely destroyed, sir.

IO: We'll take a short recess.

(The hearing recessed at 1409 hours, 3 December 1969.)

(The hearing reconvened at 1410 hours, 3 December 1969.)

IO: The hearing will come to order.

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

IO: I would like to enter into the record as an exhibit an aerial photo, marked confidential, reputed to be the village of My Lai (4).

RCDR: The aerial photograph is entered in the record and marked Exhibit P-1.

IO: Mr. Thompson, can you identify this village?

(Exhibit P-1 handed to witness.)

A. It looks like My Lai. According to the land marks it looks like My Lai, sir, but I was more familiar with the area looking at it from the other side coming into it.

Q. You are looking at it from the south area instead of the north area.

A. Yes, sir. You turn it upside down and it loses all perspective on the pictures when it turns the other way. I guess this road (indicating) came into My Lai like that (indicating) and that road (indicating) went out that way (indicating), and the village is shaped the same way (indicating).

Q. That road to the top front of you (indicating), is that 521?

A. It should be, yes, sir. There was a tree line right there (indicating) running down by it. So this action, assuming this is My Lai, we need the picture that goes over here (indicating). I'm pretty sure the ditch was over in this section. Unless it was right in this tree line (indicating) which is not plain enough to tell.

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COL WILSON: Which direction are you pointing?

A. Oh, to the east. That could be the ditch right here on the northeast side--

IO: (Interposing) Your recollection of the ditch previously was that it was on the southeast side. Wasn't it?

A. No, sir.

Q. Northeast?

A. Yes, sir. Yes, sir. On that side, the right side.

Q. But you're pointing north now?

A. This is northeast of the village, sir.

Q. Previously, I thought you said southeast where the ditch was located from the village.

A. No, sir, not unless I made a mistake in my words, sir. There was an open field on the eastern side of the ditch and then there was some trees, and then the bunker was further east than that I'm pretty sure, sir.

Q. Yes. Now, on this aerial photo, can you point out the approximate location where you saw the wounded? I believe you indicated five wounded to the southwest of the village.

A. According to this picture and that map (pointing to Exhibit MAP-1), the--

COL WILSON: (Interposing) This is pictomap supplement, sheet 6739 II N, series L8020.

MR WEST: A Corps of Engineers map?

COL WILSON: Corps of Engineers map.

IO: Picto supplement.

RCDR: This map is entered into the record and marked as Exhibit MAP-2.

A. I'd say the girl was at coordinates 715787, I guess.

COL WILSON: Would you point to that?

A. I would estimate the girl to be right in there, sir (indicating), and that's about due south according to this map rather than southwest. This map shows that that's a stream (indicating) and the best I can associate this one is that it's a tree line.

IO: That road (indicating), and that road (indicating) and that road (indicating), and this road (indicating) which you can see here very plainly -- this one. See right here (indicating). That's an oblique photo. It's a little difficult to operate from.

COL WILSON: Will you number the point where you say the girl is point number 1.

A. Just number it?

Q. Yes.

A. Yes, sir. I have it numbered -- well, I'll make it bigger.

Q. And would you locate the general location where the other wounded were located.

A. On the road.

Q. Where you saw the ones on the road?

A. Yes, sir, I saw them on the road, too. And I saw another one about 50 meters to the east of where the woman was. I would guess 50 meters.

(Witness marked on Exhibit MAP-2.)

COL WILSON: Would you mark that number 2?

A. This will probably be more than 50 meters when you figure out coordinates, but I'll put about where I think they were in relationship to the village.

Q. Did you see any additional bodies or wounded individuals in that vicinity?

A. Yes, sir. I saw some dead ones. No more wounded. There was two places where I popped smoke, and then I popped smoke on the road.

MR WEST: Have you located the ditch yet on that map?

IO: Not on the air photo, but can you locate it on the map?

A. No, sir, because this map as far as I can figure it is showing this tree line (indicating), the tree line between My Lai (4) and highway 521, the map shows it to be a waterway, and the map shows it continuing on eastward where in the picture it shows it stops, or the tree line stops. The ditch could possibly be on this photograph, but I hadn't got anything to use as a reference to the east of the photograph, sir.

IO: I have a document which I would like to enter into the record as an exhibit. It's a sketch from memory, 12 June 1969, not to scale, of the general My Lai area, I believe prepared by Warrant Officer THOMPSON.

RCDR: This sketch, believed to be prepared by Warrant Officer THOMPSON, is entered into the record and marked as Exhibit 0-1.

(Document so marked.)

IO: I'll show you this sketch which you made at that time to refresh your memory.

(Exhibit 0-1 handed to witness.)

A. Yes, sir, I remember making this.

Q. This is your sketch?

A. Yes, sir.

IO: The hearing will recess.

(The hearing recessed at 1424 hours, 3 December 1969.)

(The hearing reconvened at 0833 hours, 4 December 1969.)

IO: The hearing will come to order.

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

Mr. Hugh C. THOMPSON is recalled.

(CW2 THOMPSON was recalled, reminded of his oath, and testified as follows:)

IO: Mr. THOMPSON, when we recessed yesterday, we were in the process of trying to write on the map where you saw the captain with the body, and also where the additional bodies were located.

A. Yes, sir.

Q. You had plotted them on this map which we have as an exhibit as point 1 and point 2.

A. Yes, sir.

Q. Would you like to take a look at those two to refresh yourself?

(Witness looked at Exhibit MAP-2.)

A. All right, sir.

Q. Do those still appear accurate?

A. Yes, sir.

Q. I will say at the present time we are attempting to obtain a vertical photo of this area which we believe we'll have in either sometime later this morning or later this afternoon.

A. Yes, sir.

Q. At that time, with the assistance of one of these officers who are assisting me, I would like them to work with you to replot this on a vertical, so that we can get the best solution out of it we possibly can.

A. Yes, sir.

Q. Now, in your testimony, you also indicated that you had seen a ditch with a large number of bodies in it, and that subsequently you landed your aircraft and one of your crew members picked up a small child from the ditch, and you subsequently flew the child out. Can you plot to the nearest point possible -- will you also plot that on this map, please?

A. No, sir. There is no reference on this that I, except My Lai (4), that I could give you, sir.

Q. Yes.

A. And my previous testimony was just an estimate of how far it was, sir.

Q. Let's pin this down if you can. Either you were somewhat confused as to where it was located or I misheard you. On one occasion I heard you say it was southeast of the village.

A. Yes, sir, but there is no reference on that map that, you know, I could put because it doesn't show any tree line, it shows -- it does show a waterway to the southeast and there was water in part of the ditch. That could be it.

Q. I'm not expecting that you're going to put down that exact ditch. But if you would plot the approximate location, that's all I'm expecting you to plot at the moment.

A. All right, sir.



(Witness marked on Exhibit MAP-2.)

Q. You also indicated you had spotted a bunker in which several children had entered, and you subsequently landed and were able to extract the children and the other people from the bunker and have them flown out. Would you mark that location to the best of your recollection? And again I will refer you to the sketch which you made previously which we entered into evidence yesterday.

(Exhibit O-1 handed to the witness.)

A. Yes, sir. The bunker is further to the east than where the ditch was so I'll just put it right in here.

(Witness marks on Exhibit MAP-2)

COL MILLER: For the record, would you identify how you're marking them?

A. I'm drawing a line pointing to a mark on the map. At the end of the line is the ditch and at the end of the other line is the bunker.

IO: Were you ever able to identify the captain that you saw at point number 1?

A. This was brought up before, and I knew he was a captain. I knew that he had black captain's bars on his helmet, and whether I could identify him now, I don't know, sir.

Q. Did you ever see him after that?

A. Yes, sir.

Q. Did you see any name of any identification on him?

A. The captain's bars, sir, is how I recognized him. I didn't know his name because we're attached over there, and I didn't notice his name. All he ever said was, "How are you doing?", turned around, and walked off. I'm pretty sure, to the best of my knowledge, it was the following day I saw him.

Q. Where did you see him?

A. At Dottie.

Q. LZ Dottie?

A. Yes, sir.

Q. What did the SOI, this is a Signal Operating Instruction, or the SOP indicate on the use of smoke? Did you ever see the SOP they used for the task force or for the brigade, or were you briefed on the use of smoke?

A. No, sir. Our unit's policy was the only time we would drop smoke is because -- well, you'd tell your gunship why you were dropping your smoke. Like on some missions, you know, you would have some suspects hiding, and if they were going to bring a slick in to evacuate them, and if they weren't sure of the location, you'd just pop some smoke real close by and then you'd tell them what color you popped. A lot of times you wouldn't even tell them because there was no need to. You're talking with the gunship and he's talking with the slick, so he knows what you're doing. I remember something was brought up that day about somebody having asked, "Who was popping the smoke?" And I told the gunship: "Yes, that's my smoke. I'm popping it; I got wounded people down there." Something to this effect.

Q. Was this clear, that you were popping the smoke to identify wounded individuals?

A. That's what I told them. There could be a break in the communications. I can't swear to that.

Q. Would you also use smoke to mark an enemy dead, for example, one who had a weapon, for someone to go over and get the weapon?

A. Yes, sir, but I didn't see any weapons that day, sir.

Q. You didn't see any weapons?

A. I saw one weapon. As I said before, when we initially went into the area, a Viet Cong was leaving the city, running across the Highway 521 and made it to the tree line be-

fore we could shoot him. We shot at him, but missed him. And that's the only weapon I saw held by an enemy that day.

Q. So you used smoke, then, identifying it by color, and you used this to identify enemy dead with a weapon to be picked up or identify a wounded to be picked up.

A. Yes, sir. When I told them, they knew it was wounded people because I don't sit around in my aircraft and hover 3 feet off the ground if I've got somebody wounded down there with a weapon because I know it doesn't take long for him to pull a grenade and let go, and it doesn't take long for him to roll over.

Q. Right.

A. You can't let yourself get lax over there. You might get killed real easy.

Q. Did you see the artillery prep? We spoke of this yesterday, too, and you had indicated you were arriving on the scene just as the slicks started to go in, as I recall, on their first insertion. The first flight.

A. Yes, sir. I remember, you know, seeing the smoking of the village, and I can't say I actually saw the burst of artillery rounds as they hit the ground. But I remember when we got there, the village was smoking pretty good where you could tell, you know, that the artillery had been there. Because I think they prepped it for about 15 minutes, something like that.

Q. That would be an assumption on your part, wouldn't it? If you didn't see the artillery prep?

A. Yes, sir, it would be an assumption, but the village was burning, and there was smoke coming from the village.

Q. Yes, but are you sure that you arrived at the time of the first insertion, or could you have arrived after one unit had been put on the ground and were actually seeing the second unit on the ground?

A. I could have arrived at that time, sir.

Q. Can you recall about the time you arrived on the scene?

A. I thought it was about 0700, but I don't know. You need to talk with someone who was in, you know, one of the command ships, like our slick or one of our guns because they're the ones that call back coordinates and give times. If I'd mark something I'd just say, "I'm over it now," and I didn't even carry a map in the helicopter.

Q. Who was--

A. (Interposing) I take that back. I did carry a survival map.

Q. Who was the controlling element in your aeroscout flight that you had?

A. It would be the lead gunship. And at one time during the day it was a Mr. BAKER. And the other time it could have either been a Mr. BROWN or a Mr. MILLIANS was there because he's the one who evacuated the people out of the bunker area.

Q. That was later on in the morning, wasn't it?

A. Yes, sir. You know they switch off, and it's kind of hard remembering who was out there at that time. Major WATKE was flying with Mr. BAKER, I think, that day. I'm not sure of that. I think Major WATKE was out there the first lift, but I'm not sure whether he was in a gun or in a slick. I don't remember even if we had our slicks out there. I think our slicks were back at Dottie. They usually stayed at Dottie until we were ready -- until we needed them. We'd load up our infantry and out they would come to check it out. When I found the mortar rounds, it took them, you know, 15 or 20 minutes to get out there. So they weren't orbiting overhead at that time.

IO: We'll take a short administrative break.

(The hearing recessed at 0850 hours, 4 December 1969.)

(The hearing reconvened at 0852 hours, 4 December 1969.)

IO: The hearing will come to order.

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

Q. Mr. THOMPSON, what we'd like to do is have a brief review of the things you did and the approximate time you did them, in order, from the time you arrived in the morning when you saw the individual running with the weapon. As I recall, you went to Hill 85, and you had some other action. Can you go down those? Don't go into details, just what you did and the approximate times,

We will take an administrative break while he is preparing this.

(The hearing recessed at 0855 hours, 4 December 1969.)

(The hearing reconvened at 0856 hours, 4 December 1969.)

IO: The hearing will come to order.

RCDR: All persons who were present when the hearing recessed were again present.

A. I can't say just how accurate it is. I'm just using four or five estimates to base this on. By the time I arrived back at Dottie after the operation, it was right at lunch time, and assuming we arrived in the area about 0630 in the morning, and go from that.

Q. May I ask why you say you arrived in the area at 0630? The operation started at 0730. Did you arrive an hour earlier and sit down at LZ Dottie? As I recall you said you flew directly into the operational area?

A. Yes, sir, I said I believed we flew directly into the operational area. I thought the operation was supposed

to start at 0630. I thought we had left Chu Lai at 0600. We could have left at 0700. It goes back a year and a half. I think if I knew exactly what time we got there I could give a better, more accurate account. I wasn't running the show. As I said before, they were covering me. They were the command and control ship in a sense. I didn't pay any attention to the time.

Q. We'll try and verify these times.

A. The operation started at 0730?

Q. The first lift of Charlie Company was supposed to be put on the ground at 0730.

A. Okay, sir. Let me just go back over and change the times.

(Pause)

Okay, I got it, sir. Assuming that we arrived at 0730 in the morning. The lifts were coming in. Whether it was the first lift, second lift, or however many there were, I don't know. The gunship escorts were working out. By that I mean suppressing the area. So my team elected to stay on the south side of Road 521, and we worked the south side, a couple miles south, I guess, about a mile south of Hill 85 and all the way out to the coast. Patrolling the roads, seeing if we could see anybody moving.

Q. Remember, don't go into detail. All I want now is to try to fix the times when these major events occurred, such as when you took the one individual under fire, when you saw the mortar rounds on Hill 85, and had the action, and in that form.

A. When we arrived, the first thing is we came down the road and I saw the Viet Cong running from the village. I saw him about the time he crossed the highway, I guess. This was approximately 0730. We spent approximately 15 minutes on him, trying to get him. The gunships hit the tree line he had gone into. By that time we noticed the other gun team or the gunships that were escorting the slicks in,

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they were shooting it up pretty good. And they were lower than our gunships and they were getting -- well, after their passes, they would drop down real low, I guess, to see what they had. So I entered the area north of the road, and based upon how much fuel I had, until about 0930. We went back and refueled. I had to because I hadn't that much fuel. I'd say we left the area about 0830 to 0845, went back to Dottie, refueled, came back down. It had to be pretty soon when I got back in the area, approximately 0930 when I ran across the ditch. Either my crew chief or gunner spotted it first. I came back and hovered over it, saw that there were bodies in it alive. So I set down just to the east of the ditch, and I talked to the sergeant about it, and he said he'd take care of it. I must have stayed on the ground 5 or 10 minutes talking to him. I'd say from 0945 until 1000 hours we were just reconning the village because the other gunships had moved out. We could get to the village and the immediate area around. It was about 1000 hours when my crew chief spotted the kids in the bunker. So I called the ship and told them I was going to set down here because I saw friendlies approaching the bunker. That's when I set down and talked to the lieutenant, CALLEY, and I guess I was there about from 1000 to 1030. And from 1030 to 1045 just reconning the village and seeing all what was around. Went back to the ditch after about 1045, stayed there until about 1100 when ANDREOTTA went down and got the boy out. It took until about 1115 to get to the hospital. Stayed on the ground about 30 or 45 minutes there. So that put us back at Dottie about 1200 or 1215.

Q. The one action you did not provide a time for was when you saw the captain, and the girl, and the wounded on the road.

A. Well, I'll put the time I arrived back in the area to about 0915 or something. It was right before this because I had marked the wounded before I marked the ditch.

Q. Yes.

A. And that's when I got a little upset when I found what had happened to the wounded. I could have already sat down and told him about the ditch. I'm not sure in which order this stuff came in, sir. I know there was a reason in

mind to go back and check the ditch to see if anybody was still alive in the ditch because people who were wounded before then -- I went back to check them out later and they were dead at that time -- when I went back the second time to check the wounded out. I can't say how they died.

Q. So you're not sure if you went to the ditch first and then saw the wounded, or whether you saw the wounded and then went to the ditch?

A. No, sir, I'm not sure of that. I thought I saw the wounded outside of the ditch first.

Q. The three or four on the road and the one girl -- are those the ones we're referring to?

A. Yes, sir.

Q. And where the captain came up and took action?

A. Yes, sir.

The best that I can remember, I saw the wounded before the ditch.

Q. That would put it, then, from about 0915 or thereabouts?

A. Yes, sir.

Q. I think that about wraps it up. We will ask you, however -- as far as marking the places when we get the air photo and a large scale drawing -- we will ask you to plot it.

A. I'll do my best, sir. When you're hovering down on the ground below a lot of the trees, do a couple of fast turns and a lot of times you get messed up on your direction, and especially distances.

Q. Aside from the situation where you saw the captain, did you see where an individual was killed either purposefully or otherwise? It's quite immaterial which; did you see anybody else kill anybody or shoot anybody?



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A. Just as I mentioned awhile ago, the sergeant appeared to be shooting into the ditch, and I was told he was shooting into the ditch. I heard a weapon. I just got a glimpse and I saw him pointing into the ditch, but I saw it.

Q. Did you mark these wounded with smoke grenades? Did you see anybody going into these areas to grenade them, to fire weapons at them, or otherwise?

A. I saw them going towards them, but I didn't stay around. I saw the captain coming over that way. To the best of my knowledge she (the wounded woman) was in a rice field, as I said before, and the smoke had gone out by the time they got there. And they wanted me to come over, and I'd gone back and popped more smoke on her. But the others, I just saw the people starting to go over to help them, and I didn't stay there. I just flew around the area.

Q. But they were wounded when you saw them, and when you saw them later they were dead? Is that correct?

A. Yes, sir, but I can't say whether they died of their original wounds or not.

Q. Yes, I understand that. But you did not see anybody shoot them?

A. No, sir.

Q. Did you see any gunships work over these people you had marked with smoke?

A. I saw a pair of gunships working out in the immediate area of where the dead and wounded were. Now when they started getting down as low as they were getting, that's when we elected -- when we say that -- to get out of the area. That's when we went out to the ocean and stayed on the south side of the road.

Q. When you had put smoke on these wounded people, did any of the gunships come in to finish them off so to speak?

A. Sir, I wouldn't go into the area until the gunships left, sir.

Q. But you didn't see -- after you put smoke on them, you saw no action by gunships on those individuals?

A. There was none, sir.

Q. Coming back to your meeting with Colonel HENDERSON. Was anybody in the room with you besides Colonel HENDERSON?

A. To the best of my knowledge, sir, there wasn't. I'm not sure it was Colonel HENDERSON I talked to. I just assumed that because when I was first asked this, something made me remember it was a full colonel. The more I get to thinking about it, sir, the more I say, was it a full colonel or was it a light colonel? I'm almost positive it was a full colonel. To the best of my knowledge, there wasn't anybody else in the room. Even my crew chief stayed outside.

Q. Did the colonel, after he finished talking with you, did he ever talk to your crew chief or your other gunner that morning?

A. Yes, sir, because both of us had gone up there, and I went in first and the other stayed outside. I can't remember if both of them went with me or what, but I remember one of them walked up there with me.

Q. Who would that have been?

A. Either COLBURN or ANDREOTTA, sir. I think it was COLBURN, but I'm not sure. It was probably both of them, but I'm not sure, sir.

Q. Would you again indicate specifically what you told Colonel HENDERSON. You indicated yesterday that you fairly well reviewed with him what you had done and what you had seen that morning.

A. Yes, sir.

Q. The previous morning?

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A. Yes, sir. The day of the insertion. Yes, sir.

Q. And about what time of day was this interview? Was it in the morning or the afternoon?

A. It was in the morning, I believe. I don't remember how early morning because I can't remember if I'd gone out on a mission and then came back, and Major WATKE told me that they wanted to see me up there. I can't say whether, say, 8 or 11 o'clock.

Q. When did you first report this?

A. When I got back off the mission. Well, I suppose word had gotten back over the radio, because I remember one time I tried to get a medevac ship out there. I remember that. I told them to call and see if they could get a medevac out for these people. I don't remember the reply that came back. But then I asked for medics to come over and help them. So at that time they might have known something. I know the gunships, one of the gunships, my gunship, made a real low pass so he could see the dead. When I got back I don't remember if I went to Major WATKE first or he asked me what went on out there. I said something either during the operation or immediately after the operation, after I had evacuated the kid to Quang Ngai hospital.

Q. That would be about noon on the 16th?

A. Noon or before, sir.

Q. Yes. And do you recall what you told him?

A. No, sir. I don't remember my exact words. I thought something was wrong. It kind of made me suspicious, you know. The only thing that made it give me a second thought was how so many bodies got in the ditch. And I still don't know how they got there or why they were there. I have thought of every way they could have possibly gotten there, and I couldn't come up with anything, you know, that I could understand.

Q. How many bodies would you estimate were in the ditch again?

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A. Between 50 and 100. I mean, that's a wide gap.

Q. Yes, I understand. So you reported that to Major WATKE?

A. I think at that time, sir, I gave a higher number than that, but I'm not sure.

Q. Did you talk to anybody after you went back to Chu Lai? You flew that afternoon providing cover to the east of there, which you indicated yesterday.

A. Say again, sir.

Q. On the afternoon of the 16th after you had gone back to LZ Dottie to eat and to refuel and so forth, that afternoon, you flew your aero-scout operation to the east of My Lai village supporting the operation?

A. Yes, sir.

Q. And from there you evidently -- did you go back to Chu Lai that night?

A. Yes, sir, I went back to Chu Lai.

Q. Did you talk to anybody there?

A. I probably did, sir, but I mean I don't remember who it was. I talked to some of the other pilots. I think we were at the club and the chaplain was there at the time, and me and somebody was talking, and he asked what had happened. But I didn't talk to anybody official about it.

Q. But you had reported it to Major WATKE, your commanding officer?

A. Yes, sir.

Q. When you came back the following day to LZ Dottie, were you talked to by Colonel BARKER or by General YOUNG or by anybody?

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A. I didn't talk to any generals, sir.

Q. The only person you talked to that day was the colonel?

A. Yes, sir, the colonel.

Q. Subsequent to this time, let's say in the latter part of March or April and so on, did anybody ever contact you to obtain a statement?

A. No, sir.

Q. To interview you?

A. The next person to talk to me, to the best of my knowledge, was the IG in Washington.

Q. And this was when? Approximately June of this year?

A. Yes, sir. I believe it was in June.

Q. But nobody contacted you while you were in South Vietnam?

A. No, sir.

Q. I am going to show you some cards which are issued in South Vietnam. I'd like to ascertain whether you have seen these?

A. Yes, sir.

Q. Here is a copy, this is Exhibit M-2, of a card which was issued by MACV, front side on page 1 and the back side on page 2.

A. These things -- I've seen something that resembles this an awful lot, sir. We got a bunch of cards when we first got into country, and they said, "Read them," and we read them. So I would venture to say this is one of the cards.

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Q. And I show you a card, a comparable card, actually a folding card, the front and back, and this is inside (indicating). This is Exhibit M-3. This is the card, "Know Your Enemy."

A. Yes, sir, this appears to be another of the cards I had. I think I still got mine home somewhere, but I'm not sure.

IO: Do you have anything you'd like to bring up?

MR WEST: Just a moment.

IO: We'll take a short recess.

(The hearing recessed at 0918 hours, 4 December 1969.)

(The hearing reconvened at 0920 hours, 4 December 1969.)

IO: The hearing will come to order.

RCDR: All parties to the hearing who were present when the hearing recessed are again present.

MR WEST: Mr. THOMPSON, I have some black and white photographs of officers whom I will identify for the record a little later. I have them partially covered so that no names are evident. Would you take a look at these and see if you see or recognize any one among them?

A. Yes, sir.

(Pause)

I recognize all of them except one, sir.

Q. All right, could you identify them starting at the left as you look at them. For the record, there are five photographs laid out on the table and the witness is examining them.

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A. The one on my left is Major CALHOUN. I'm not sure about the next one. The third and center one is a Major MCKNIGHT, I believe. The next one, that would be the fourth one, is Captain -- I don't know how to pronounce his name. I know his face.

Q. Can you approximate his name?

A. It was KOTOUC or something like that.

Q. It starts with a K?

A. Yes, sir, it sounds like a K. He's sitting right outside, sir. And the last one is a colonel, light colonel. BLACKLEDGE, or something like that. I call him "Blackie."

Q. When did you get acquainted with these officers?

A. Yesterday, sir.

Q. Did you know any of them in Vietnam?

A. As far as knowing them, no, sir. I'd probably seen them, you know, where they worked. I knew they were in the general area, sir.

Q. How about the second one from the left? You didn't identify him. Do you ever recall seeing him before?

A. I could take a wild guess who he is, but I can't say I can identify him -- whether I've seen him before, sir. I can't answer that.

Q. All right. Thank you.

A. Yes, sir.

MR WEST: I'll identify the photographs for the record a little later. (Photographs later marked and entered into evidence as Exhibits P-49 thru P-53.)

IO: Before we close this session, Mr. THOMPSON, I'd

like you to think back to anything you think is pertinent to the situation at My Lai, and the reporting of it, or the investigating of it that you would consider pertinent to this case. Anything you would like to say or enter into the record.

A. No, sir. I have told you what I saw and what action I took. And that was the last I heard about it until I read -- I think it was a magazine telling about each unit in the Americal. They got to the 11th Brigade and that was their biggest battle. I sort of laughed over that.

Could you identify those witnesses, sir.

MR WEST: I know who they are.

A. I just thought, sir, they would go on the record with my testimony.

MR WEST: It will. I don't think it's necessary to identify them now. You were correct in each one of those that you identified.

(Witness nodded in the affirmative.)

IO: When you talked to Colonel HENDERSON in the interview, can you give me your general impression of the interview? Whether you were telling him or whether you were answering questions, or whether he was distraught -- the general nature of the interview?

A. He seemed interested, sir.

Q. Did he ask you what happened? Was he asking questions, or how did this all come out?

A. I think he asked me, you know, like what I had seen, and he asked me questions pertaining to a couple of things. You know, it's been a long time, sir, since I was in there, you know. It didn't strike a real great impression on my mind, sir, what I said back then, exactly, you know.



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MR WEST: You probably answered this before, but how long did you spend with him?

A. I think it was about 20 to 30 minutes, sir.

Q. You went over it pretty thoroughly with him, did you?

A. What I had seen.

Q. Did he ask you questions about the kind of dead people that you had seen?

A. I believe that I said that I didn't see but two or three draft-age males dead. But I can't just -- it was a lot fresher on my mind about how many draft-age persons I saw, but, still, it was fresh on my mind so I feel sure that I probably would have mentioned that to him. But I can't swear that I did.

Q. Was he the only officer that interviewed you on the 17th of March?

A. Yes, sir.

Q. All--

A. (Interposing) I can't swear it was Colonel HENDERSON. I was just assuming that it was Colonel HENDERSON.

MR WEST: All right, I understand.

IO: Let's go over these things again, specifically, what you told him. Did you tell him about the situation with the captain on the ground and the other wounded around the area?

A. I know I told him about the captain. He said, "Do you know who he is?" and I said, "I don't know. How many captains did you have out there today?" I told him I didn't

know the man's name, "But I don't know how many captains you had out there that day, but you probably didn't have a lot of them."

Q. Did you tell him about the other wounded that were near there that you had marked with smoke, and that you had seen? The ones you had marked with smoke and then called for help to provide medical assistance, and when you came back they were dead?

A. I can't swear to that, but I think I did.

Q. Yes. Did you tell him about the ditch with the bodies in it?

A. Yes, sir.

Q. Did you tell him about how many bodies you thought were in the ditch?

A. Yes, sir.

Q. Did you tell him that you had returned to the ditch to pick up the one boy at a later time?

A. Yes, sir.

Q. Did you also tell him about the bunker?

A. Yes, sir.

Q. Did you tell him about your conversation with the people near the bunker?

A. No, sir. I didn't tell him my conversation completely. I told him part of it.

Q. Yes. But did you tell him the fact that you had -- that they had indicated to you that the only way to get them out was to grenade them out?

A. Yes, sir. I can't say that. I feel sure I did, but I can't remember my exact words to this man, sir. But I know that it upset me quite a bit that day. You know, it

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didn't upset me, it just kind of teed me off, I guess you'd put it. But I know good and well I'd mentioned it to him.

Q. Did you mention to him about your discussion with the sergeant at the ditch?

A. I feel that I did, sir.

Q. Yes. What frame of mind were you in when you talked to him? Did you consider yourself emotionally upset at this point of time? Distraught? Do you think you were clear in presenting the picture?

A. I think I presented it the best I could at that time. I'd say I was upset, or, you know, disturbed or something.

Q. Were you crying?

A. Oh, no. I wasn't crying, sir.

Q. Do you have any additional information you would like to enter into the record?

A. No, sir.

IO: Mr. WEST?

(MR WEST shakes head in the negative.)

Colonel MILLER?

COL MILLER: When you talked to this officer on the 17th, do you recall whether you told him about the sergeant apparently shooting into the ditch and what you saw, to the best of your recollection?

A. To the best, you know, in my mind I feel sure I did, sir. There were just a few things, you know, that were key things. If I ain't forgot about them now, I don't think I would have forgot about them the very next day, sir.

Q. Now, you mentioned that you did not tell him about what you had said to this lieutenant on the ground near the bunker. Is there any reason you did not discuss that with this officer?

A. Yes, sir. I didn't want to say my exact words to him.

Q. Was it something unusual that was said or done?

A. Yes, sir. I look back on it now -- it was unusual.

Q. If you will tell us about it.

A. I'd rather not, sir.

Q. Do you feel that what transpired has anything to do with this investigation?

A. Yes, sir.

IO: We will recess temporarily.

(Photographs of persons shown to witness were identified for the reporter by MR WEST as, from left to right, photograph 1: MAJ Charles C. CALHOUN; photograph 2: COL Oran K. HENDERSON; photograph 3: MAJ Robert N. MCKNIGHT; photograph 4: CPT Eugene M. KOTOUC; photograph 5: LTC Richard K. BLACKLEDGE. These photographs were later marked and entered into evidence as Exhibits P-49 thru P-53, respectively.)

(The hearing recessed at 0935 hours, 4 December 1969.)

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(The hearing reconvened at 0855 hours, 5 December 1969.)

IO: The hearing will come to order.

RCDR: We have two additional reporters who will be sworn.  
(SP4 Viola L. PARRISH, and PV2 James HOLLAND, reporters, were sworn.)

RCDR: The next witness is Chief Warrant Officer Hugh C. THOMPSON.

(MR THOMPSON was recalled as a witness, was reminded of his oath, and testified as follows:)

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

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

A. Yes, sir.

RCDR: Are you represented by counsel?

A. Yes, sir.

RCDR: Counsel, will you please state your name, Social Security number, and organization.

IC: Captain Kenneth JOHNSON, Social Security number 474-50-2203, JAGC Office, MDW.

RCDR: Thank you.

IO: Do you wish to issue any instructions necessary for counsel (speaking to COL MILLER)?

COL MILLER: Yes, sir, and also pick up on my questioning.

Q. Mr. THOMPSON, yesterday I asked you if at your 17 March 1968 meeting with either Colonel HENDERSON or

Lieutenant Colonel BARKER at LZ Dottie, you told all that transpired between you and the officer you saw near the bunker near My Lai (4) on 16 March 1968. You said that you had not related all of what was said, and you said, also, you did not want to relate part of what transpired, although you said it might have some value in our investigation. At that point we recessed and you were provided with counsel, Captain JOHNSON, who is present with you this morning. Now, is this substantially correct according to your recollection?

A. No, sir. I said it wouldn't have anything to do with this.

Q. All right. Our recollection is a little different on that, but you did say, however, that there were certain things that you did not want to relate without talking to counsel. Is that correct?

A. Yes, sir.

Q. Have you now had time to talk to your counsel?

A. Yes, sir.

Q. And are you now ready to proceed?

A. Yes, sir.

Q. Will you now at this time be willing to relate to us those things that transpired between you and the lieutenant on the 16th, that were not related to the officer who questioned you on the 17th of March 1968 at LZ Dottie.

(Witness and counsel conferred.)

A. I landed to talk at that time to what I took to be an officer to tell him that there was women and kids hidden in a bunker that friendlies were approaching. And I asked them if there was any way they could get them out, and he said something to the effect the only way he could get them out was with a hand grenade. I told him he had just better stop his troops right there, that I could get them out without using any hand grenades, I thought. As to the exact words that transpired, I do not remember. From one article I read in the paper, which is strictly hearsay, he was supposed to have either told his men, "Well, that helicopter pilot is awful mad, but I don't give a damn because

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he's not running the operation or show." As to my exact words to him, I do not know, sir.

Q. Could you tell us what happened as you best recollect, not from the newspapers, but from the time itself?

A. I just did, sir. I told him to stop his troops after he told me the only way he could get them out, and he stopped them. My crew chief and gunner were outside the aircraft also, and I walked across a rice paddy towards the tree line the bunker was in. I got, oh, I would say within 10 or 15 meters of the tree line and motioned for them to come out. As they came out, I gathered them in a little group, and I called for my low gunship and said: "I got some people down here. Can you come in and take them out for me and get them out of this area?"

Q. And that's all that happened? There were no other words or actions?

A. To the best of my knowledge today, sir, there was no words that I can recall between myself and the man who appeared to be the lieutenant.

Q. Any other actions taken?

A. The gunship came in. The one ship came in, took half of them out, went and dropped them off, and then came back and got the rest of them. And I didn't say anything else to the lieutenant to the best of my knowledge today, sir.

IO: May I ask what is the difference between what you said before and what you related this morning? I find nothing new in what you said.

A. Sir, part of the reason I wanted counsel is that I had misunderstood the question.

Q. I think the question was, "What did you say to the lieutenant?", after we identified him as Lieutenant CALLEY.

A. Yes, sir.

Q. And you had indicated what he had said, and subsequent action which is identical with what came up here. Subsequent to that time, we had taken you back to what you had said to Colonel HENDERSON at the time Colonel HENDERSON interrogated you. Did you tell Colonel HENDERSON that you told the lieutenant to stop his troops, that you would go and get the people out of the bunker?

A. I believe I did, sir, but this is approaching 2 years now, so I know if I remembered now that I would have done it then because it was either the next day or the day after when I was interviewed by the colonel, I believe.

Q. Was there any form of altercation or argument between you and Lieutenant CALLEY or anybody else there other than the fact that when you said that you could get them out, the women and children, and the only way to get them out was by hand grenades. Was there anything -- were there any threats or anything else on the part of anybody that you know of?

A. When I got out of the helicopter, I told my crew chief and gunner to make sure I was covered real close.

Q. From that, I take it, you expected -- you were being covered real close. Were you inferring for protection against VC or protection against something that might have been done to you from the U.S. side?

A. I was worried about getting shot, sir, because when I walked over to where the women and children were if the enemy would have started shooting I would have been in a crossfire from the friendly troops because I was between where the enemy was supposed to have been and where our friendly troops were, sir.

Q. Were you afraid of getting shot by our own forces or by the enemy? What I'm trying to get is when you said this to your doorgunners, were they protecting, would they be covering you from the friendly or the enemy side? Or both?

A. They were covering me from both sides, sir. But I'm not saying they were covering me from our troops. Charlie could have been behind our troops also, sir.



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MR WEST: Did Lieutenant CALLEY threaten you with his M-16 or any other way at this time?

A. No, sir.

Q. Did he point his M-16 at you?

A. No, sir, I didn't have any weapons pointed at me. He might have been standing with the -- he didn't have it thrown over his shoulder. I mean, I'm sure he had it in his hand. But it wasn't trained on myself, sir.

Q. Was this PFC COLBURN covering you with his M-60?

A. Yes, sir. Both my crew chief and my gunner both had M-60's.

IO: I'd like to have you repeat: when you located the body, or one wounded individual to the south of the village, and you called in to get somebody over to provide medical assistance, and a captain came upon the scene, you had been hovering in the immediate vicinity. How far back did you actually -- how far away did you actually move your helicopter?

A. I'd say about 50 to 100 feet. I don't--

Q. (Interposing) Yes. Did you have clear vision of what was going on on the ground?

A. Yes, sir.

Q. Did you hover your helicopter in such an attitude, and such a position and location that you at all times could see what was taking place?

A. Yes, sir. At that particular time I was.

Q. Would you repeat again what took place at that time?

A. The captain walked out that way, and he had a couple people behind him--

Q. (Interposing) Do you recall whether any of those people had radios on their backs? You can normally spot them from their antenna.

A. I know, sir. I realize that, sir. To the best of my knowledge today, sir, I couldn't say they did, and I couldn't say they didn't. I mean that's where a radio operator should have been, but whether he was there, I don't know, and I couldn't answer that because, you know, letting knowledge of how something was supposed to have been is more than what I actually saw, sir.

Q. Well, tell me actually what transpired or what you saw, what you think transpired with respect to Captain MEDINA and the individual on the ground?

A. He walked, the captain -- and I'm not saying it was Captain MEDINA -- walked up to her, nudged the wounded person, and stepped back about 4 or 5 paces. I don't know whether he backed straight up or sideways, if you understand what I mean, then shot some rounds into her body. The body was moving though, you know, like you could tell it was alive.

Q. You don't know whether he just backed -- you are unable to say whether he just backed up or turned to walk away?

A. No, sir.

Q. Warrant Officer THOMPSON, since our last session we have obtained a copy of an aerial photo of the My Lai (4) area which has been entered as an Exhibit P-1 into the record. This copy we will call Exhibit P-1A.

A. Yes, sir.

Q. I'd like you to look at this aerial photo -- let me get that out of there (moving some items from in front of the witness and placing Exhibit P-1A in front of the witness). Orient yourself. This is My Lai (4) Village (indicating).

I'm going to ask you to mark several things on this map following your activities subsequent to your arrival on the scene. Do you recognize this as being the village of My Lai?

Q. May we have a pencil for him to mark the map?

(A pencil was handed to the witness.)

Would it help to have a map at the same time?

(Witness nodded in the affirmative.)

Here's the map.

A. It doesn't show the (indicating)--

Q. (Interposing) That is the Hill 85 which you have been referring to. My Lai (4) here (indicating), Hill 85 here (indicating) coming off from it.

A. I haven't got any depth perception.

Q. You can see it from the terraces there and the land form (indicating).

A. This looks like My Lai (4) to me, sir.

Q. All right. What was the first thing you did in the morning? As I recall south of the village, or the hamlet, you had picked up an individual running out of the town?

A. Yes, sir.

Q. Who went into a tree line?

A. Yes, sir.

Q. Would you indicate where that is located?

A. How do you want me to indicate it.

Q. Mark it with a number 1 and tell the reporter what you are doing.

A. Marking on the map number 1 to indicate the tree line, to the best of my knowledge, the Viet Cong with the weapon ran into.

Q. Would you mark a circle around it, please?

A. Yes, sir.

Q. And that was approximately what time? Put the time along side of it.

A. Approximately 0730 hours, sir (marking on P-1).

Q. Good. What was the next action that you had?

A. Tell the gunships that I didn't get the suspect, and they said they would roll in on it.

Q. And what did you do after that?

A. I climbed up to some altitude so the gunships could work out and I wouldn't be, you know, in their line of fire.

Q. All right.

A. And right about that time the gun -- and that was the gun that I presume escorted the slicks in -- was working out along this trail leading into My Lai (indicating), and in the area of the -- between My Lai and the Highway 521. So we started reconning south of the highway, Hill 85.

Q. Yes. Now, what was the next major activity you had? As I recall, it was working on the destruction of some mortar rounds -- spotting some mortar rounds on top of Hill 85.

A. Yes, sir, we spotted approximately 40 mortar rounds, called back to find out what they wanted to do with them. I don't recall how long it was before they came back and said, you know, sent our Animals in, our infantry in. That was their call sign, Animal.

Q. All right. That was on -- you left the scene and where did you go next?

A. We just continued a recon and they brought our slick out--

Q. (Interposing) Forget about that. We've got that. Where was the next action that you took with respect to My Lai (4)?

A. On the south of the highway, sir. It was just a general recon. I'm basing this on how much fuel I had and basing it on when I went to Quang Ngai hospital. So that's where I'm getting all my times from.

Q. I think, in your record, the next thing you did was to mark the wounded south of the village of My Lai. Is that correct?

A. Yes, sir.

Q. Would you indicate the location where you marked the wounded south of the village?

A. There is more than one location, sir. Do you want me to use different numbers or the same number just for wounded personnel?

Q. No, mark the first -- mark with your number 2 where the incident with respect to the captain took place.

A. Yes, sir. I can't tell what rice paddy he was in, sir. It was between the road and the village.

Q. Can you pick up the road where you had indicated you had seen three or four bodies lying on the road?

A. Yes, sir.

Q. Would you so mark that?

A. Mark it with a number 2, sir?

Q. Yes (witness so marked). Now, would you put a circle around it?

A. Yes, sir (so marking).

Q. Now, those are Highway 521?

A. Yes, sir.

Q. On the major road?

A. Yes, sir.

Q. Can you give the approximate location where the captain was? Remember, this is the LZ over here (indicating). This is the LZ area.

A. Yes, sir.

Q. And the troops were moving through the village to the east?

A. Yes, sir, to the best of my knowledge.

Q. Well, put that down as the number 3 then.

A. That's just an approximate location.

Q. Generally to the southwest of the village then?

A. South-southwest.

Q. Roughly about how far would you estimate that to be? A hundred meters or so from the village?

A. Between 100 and 200 meters I'd say, sir.

Q. Now, what was your next activity?

A. Spotting the wounded and dead in the ditch, sir.

Q. The wounded in the ditch. Can you pick up the ditch that you are referring to?

A. Not yet, sir.

Q. I show you this photo which is an enlargement of a particular oblique photo of the My Lai (4) area, and I would ask if you could orient yourself on this photo. This was taken from the west looking to the east. And I would like this entered into the record as an exhibit.

RCDR: This oblique photo looking west to east of My Lai (4) is entered into the record and marked as Exhibit P-45.

Q. To orient you, quite obviously, this location here (indicating) is this spot here (indicating) on the map. So you would be looking generally from there (indicating) to there (indicating).

A. Yes, sir.

COL MILLER: Let the record show that General PEERS indicated they were looking from the west to the east of My Lai Village.

Q. Do you recognize the village from that angle?

A. No, sir.

Q. I have another aerial photo, oblique taken immediately to the east of My Lai (4) which I would like to enter into the record as an exhibit.

RCDR: This photograph, oblique photograph, is entered into the record and marked as Exhibit P-46.

Q. Do you recognize this location?

A. Sir, is this tree line along here (indicating) or do you know, sir?

Q. I would not take it to be there. I'll ask you first if you recognize it?

IO: I'd like to take a brief administrative recess.

(The hearing recessed at 0925 hours, 5 December 1969.)

(The hearing reconvened at 0931 hours, 5 December 1969.)

IO: The hearing will come to order.

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

Q. To the best of your knowledge and recollection, would you mark what you think is the location of where you saw the bodies in the ditch?

A. Yes, sir. To the best of my knowledge I marked where it was. I marked it with a number 4.

IO: The record will show that he is putting a number 4 on the map where, to the best of his knowledge and recollection, the ditch was located in which he saw the bodies.

A. From my recollection I can't tell exactly where. I feel that it was there.

Q. Right. And after landing there and having a short discussion with a sergeant, as I recall, it was a sergeant was it not? A colored sergeant?

A. Yes, sir.

Q. Or a colored soldier?

A. A colored soldier, sir.

Q. You departed the area?

A. Yes, sir.

Q. You then -- the next major observation as I recall is that you spotted a bunker that women and children were in?

A. Yes, sir.

Q. And you subsequently landed and talked to a lieutenant?

A. Well, I assumed he was a lieutenant. He was too young to be a sergeant, but he looked like he was in charge of things.

Q. But you subsequently identified him as Lieutenant Calley?

A. Yes, sir.

Q. Would you mark the location of the bunker with a number 5 and with a number 6 the location of where you set your helicopter down?

A. Yes, sir. Let me look at this map. You say this photograph is taken from east to west, right (referring to Exhibit P-46)?



Q. This photograph would be taken from this direction (indicating) where you just see the edge of the village (indicating). You see there (indicating)? This is the end of the village you see there (indicating), and this is taken generally from south-southeast across the point of that little angle (indicating).

A. Yes, sir. Sir, when I set my helicopter down and had a conversation with the lieutenant and got the Vietnamese out, I remember there was trees on my left that stopped right about even with my helicopter or slightly in front of them. The trees on my right went further behind the helicopter, and I don't know how far. I know I was sitting on something of a horseshoe shape, not all the way up in it, but just right at the opening, and the gunship set down -- he set in an open field. The tree line had stopped on both sides where he sat down. And looking at this now, there are two possible places that I can't be positive. I'm going to give a number 5 as where I sat down, and a number 6 where the bunker was. Is that all right, sir?

Q. All right.

A. And another thing, when the gunship had set down I remember there was a group of trees, you know, back, but he was in a pretty large rice paddy so that's, you know, what I'm using -- this on.

Q. Is that point there (indicating), this point here?

A. Yes, sir. I'm just trying to get across as I said before, my numbers, refer to the best of my knowledge.

I have a question here, sir, concerning the map. Is this point right here (indicating on Exhibit P-46) on this map -- picture, excuse me?

Q. Well, it certainly is not shown very clearly on this picture because this generally is the area (indicating), but many of the trees -- because of the bombing that has been going on in this area, many of the trees have been knocked down and denuded. This generally is that area (indicating). Here's the horseshoe right there, you can see it. But it doesn't show up as clearly as this (indicating).

A. Yes, sir.

Q. This looks like it's pretty heavy bamboo. This would be roughly 100 meters from the village (indicating), this being roughly another 100 meters beyond it (indicating), 150, 200 meters (indicating).

A. I'm going to have to stay, to the best of my knowledge, with the numbers I have.

Q. Would you like to state for a matter of record whether or not this is very clear to you as far as identifying the spots?

A. No, sir, it's not clear.

Q. If you were on the ground or if you were flying in the area that you might do a better job in locating?

A. Yes, sir. If I was there I feel sure I could, you know, within a few passes around, I could spot everything that was talked about. As I said there was other spots -- I was sitting in something of a horseshoe, the way I took it, and my number 5 indicating where I put the aircraft down, according to this picture doesn't look like too big of a horseshoe. There is another spot that does look like a larger horseshoe, so--it's been a long time, sir.

Q. You landed twice at the ditch as I recall?

A. Yes, sir. At the ditch I landed once. I landed in the same area as the ditch, but it wasn't far, 15 or 20 meters, from the ditch because there was no Americans or anybody except for the Vietnamese or Viet Cong in the ditch. So I did set a little bit to the east of actually the ditch where I talked to the colored soldier, sir.

Q. Would you mark down the approximate time on points 2 and 3 that you had the discussion with the captain, or not discussion, where you marked the body for the captain? Number 3, south of the village.

A. Yes, sir. Wait just a second please.

(THOMPSON)

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APP T-3

(Witness marked on Exhibit P-1.)

I have it marked, sir.

Q. Would you mark the approximate time when you landed at the bunker?

A. Yes, sir. Let me back up. Which time did you want me to mark the ditch?

Q. The first time.

A. All right, sir.

Q. You returned to the ditch a second time. Would you also indicate the approximate time that you returned to the ditch?

A. Yes, sir. This will be indicated as a time under the time--

Q. Correct. It is entered in the record, is it not? The ditch will have two time markings on it. One, the first time he landed and the second, the second time he landed -- at which time he picked up a boy from the ditch. Is that correct, a child from the ditch?

A. Yes, sir.

Q. Would you repeat the times that you have marked on the map?

A. Yes, sir. The times are strictly by figuring out what time I believe I arrived there by memory, how much fuel I had on board, and what time or the approximate time I got back to LZ Dottie, sir. When I first saw the bodies on the road and the body the captain came out to was approximately 0915 hours.

Q. What number is that?

A. Number 2 and number 3 on the picture. Number 4 being the first time over the ditch would be 0930 hours. Five and six would be the landing of the helicopter at the bunker location. I later landed at the ditch at approximately 1045 hours.

COL WILSON: What number is that?

A. Back to number 4, sir. We used the same number on that one, sir.

Q. When you were flying, did you hear a report of an aircraft being damaged and being forced down?

A. No, sir.

Q. When you landed, did you at any time inspect your aircraft, checking your rotors?

A. I remember down in that area, sir, but I don't remember if this was the same day. It wasn't during the morning, but I do remember going down in that area and checking my aircraft for damage, sir. But I don't think this was the same day.

Q. When you either landed at the bunker and had the discussion with Lieutenant CALLEY, or when you landed to pick up the child out of the bunker, out of the ditch--

A. (Interposing) Yes, sir.

Q. Did you inspect your aircraft at that time?

A. No, sir. I didn't shut it down. It stayed running. If you want to check, you don't check with your aircraft running.

Q. Yes. When you landed to pick up the child out of the ditch, did you see any other Americans nearby?

A. No, sir, not that I recall, sir.

Q. When you were with the captain down at point number 3, you'd indicated that you saw some people that were with him.

A. Yes, sir.

Q. How far away would you say they were?

A. As best I can remember when they were walking out there they were just about 5 to 10 feet behind him, sir.

Q. Were they still there when you saw the action with respect to the girl?

A. Yes, sir.

IO: Mr. WEST, do you have any questions you would like--

MR WEST: (Interposing) I don't believe I do, sir.

COL WILSON: I think we should have him sign a statement prepared from memory, sign it, and put the date.

IO: Mr. THOMPSON, did you see the color photos and the photos in a recent issue of Life magazine?

A. Yes, sir.

IO: May I have the photos?

RCDR: Yes, sir (handing a group of photographs to the IO).

Q. I would like you to look at these photos to refresh your memory to see -- my question in asking is to see if you had seen any of these bodies or can identify any of these bodies as those that you marked on the map.

(Exhibits P-2 thru P-25 shown to the witness.)

A. There is a picture that's been printed, it's not in this book -- I thought it was -- that I can identify. But I can't these.

IO: May I have the photos?

RCDR: Yes, sir.

IO: I will also show you black and white reproductions of the color photos also reported to have been taken by Sergeant HAEBERLE, some of which appeared with the color version in Life magazine, which I just showed you. These are Exhibits P-26 through P-42. I would like you to look at these photos and while you are doing so, we will take a short recess.

(THOMPSON)

(The hearing recessed at 0954 hours, 5 December 1969.)

(The hearing reconvened at 1010 hours, 5 December 1969.)

IO: The hearing will come to order.

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

IO: Mr. THOMPSON, before we took the recess, I had given you two sets of photos, Exhibits P-2 through P-25 and P-26 through P-42. You had indicated that someplace there was a photo which you would perhaps recognize. Do you recognize any of these photos?

A. The ones P-2 through P-25--

Q. (Interposing) The question I was asking, if you recognize any of the bodies in any of the photos in connection with the bodies and the situations which you have identified in the aerial photo this morning.

A. Yes, sir, I do.

Q. Would you so indicate.

A. It was in the one labeled P-26 through P-42, and the picture has number 32 on it. It is a picture of a woman crouched over in a slumped forward kneeling position, sir.

Q. And which individual is this, to the best of your recollection?

A. She was lying on the south side of Route 521, sir.

Q. Is that one of the bodies you labeled number 2 on Highway 521?

A. No, sir, there was other bodies on the road. She was not on the road; she was off the road, sir.

(THOMPSON)

Q. The ones you marked on the road, were they the wounded you had marked with smoke?

A. One of them was, sir.

Q. One of them was?

A. Yes, sir.

Q. Would you again -- taking the large aerial photo -- would you mark with successive numbers the other areas where you had put smoke on wounded individuals?

A. Yes, sir. The last number, I believe was 7 (marking on P-1).

COL WILSON: What was number 7?

A. A wounded person.

Q. Did you mark that individual with smoke?

A. Yes, sir.

Q. Yes.

A. I can't be sure of the location, sir. And I put 8 on Road 521, sir.

Q. You also marked that one with smoke?

A. I'm pretty sure I did, sir. I'm not positive. It was not hard to find. She was laying right on the main highway. I'm pretty sure I did mark it with smoke, but--

Q. (Interposing) The other two you identified, they were all dead. Is that correct?

A. Number 8 was dead after awhile too, sir.

Q. Yes, I understand that. But when you marked with smoke the one on the road, this body was alive?

A. Yes, sir.

Q. Did you mark any other spots with smoke?

A. No, sir.

Q. Did you listen in on the conversation that transmitted the message to the commanding officer of Charlie Company to get some people there to provide medical assistance to the wounded?

A. No, sir.

Q. Did you give any indication that these individuals may have weapons?

A. No, sir.

Q. Could you identify any other locations which you marked with smoke?

A. No, sir. I remember popping smoke about three or four times. They were all, to the best of my knowledge, to the south of the village to the road, to include on the road. And did you want me to mark where this woman was?

Q. The next number will identify the location of the woman or the individual in photograph Exhibit P-32.

A. This will be indicated by the number 9, and it's just an approximate location.

IC: Just for verification on these pictures--

IO: (Interposing) I didn't ask him if he recognized the photographs. I'm only interested if he recognizes any of the individuals or the activities that were taking place in a place where he had indicated on the map.

A. No, sir. Colonel RODGERS would know what I'm talking about, I believe.

COL WILSON: WILSON?

A. Excuse me, Colonel WILSON. I had discussed something with him before. One of the pictures pertains to it, but I couldn't say these were the individuals, and I haven't marked it on the map so--

IO: (Interposing) Then under those circumstances, you'd better clarify it.



A. It has been asked of me before. I don't remember the way it was put, but why I didn't think there wasn't that many Charlies there, or something of this nature, and I stated that it didn't make too much sense; people sitting down and taking smoke breaks with their steelpots off in a hot area. One of your photographs shows people sitting down without their field packs in relaxed positions, sir.

Q. Can you identify that specific group, and can you identify it by time?

A. No, sir.

Q. Then it could become quite irrelevant.

A. I just wanted, you know--

Q. (Interposing) Yes. I think it would prejudice the pictures, and, therefore, unless you can identify the exact situation and time and place--

A. (Interposing) Sir, I couldn't do that.

Q. Because that well could be occurring, let's say, at lunch break, or something on this order.

A. Yes, sir.

IO: Do you have anything you would like to ask, Colonel MILLER?

COL MILLER: No.

IO: I have one other requirement, I would like you to get together with Colonel WILSON -- and it will become part of the record inclusive with your testimony along with this annotated aerial photo -- but I would like you with Colonel WILSON to make out a signal diagram of your communications which you used in transmitting between yourself, your guns, and other people. Colonel WILSON can assist you in making a diagram. So this will be understandable.

A. On that day?

Q. Only that day.

A. I can't do it, sir. I -- let me explain briefly why. My aircraft had one radio usually. One of our aircraft had two radios, and I don't remember if I was in an aircraft that day that had the two radios. I think I was in one that had only one radio, but I'm not sure, sir.

COL WILSON: Then we'll make two diagrams.

IO: Why make two diagrams?

COL WILSON: Then we'll know what his communications system was in whichever aircraft he was flying. There are only two aircraft he flies. If you don't want it, sir, we don't have to have it.

Q. You could only communicate with your supporting guns? Is that correct?

A. If I was in the aircraft that only had a Fox Mike radio, FM frequency radio, I would always stay on the low gunship frequency. The low gun UHF frequency and the high gun's UHF frequency would be the same so they could talk from gun to gun. The high gun frequency, Fox Mike, was on the command net usually, or whoever they told him to switch off to. And I'm almost certain that is how it was that day, but I couldn't swear to it, sir. Because I don't remember talking to anybody on the ground, and I don't remember being able to talk to both gunships, just one gunship.

Q. Under those circumstances, I see no need for making a diagram as long as you were communicating only with your lower gunship. That is the key point.

A. Yes, sir, that's all.

Q. You did not communicate with the ground?

A. Not to my knowledge, no, sir.

Q. I see no reason, under those circumstances, for a diagram. I think we are through with your testimony, Mr. THOMPSON. Do you have anything more that you would like to add or that you would like to change or clarify in any of the testimony that you have given in the past 3 days?

A. The only thing I would like to say, sir, is that I did not see Lieutenant CALLEY shoot anybody. That's all I have, sir.

IO: This hearing will recess.

(The hearing recessed at 1022 hours, 5 December 1969.)

(The hearing reconvened at 1023 hours,  
22 December 1969.)

IO: The hearing will come to order.

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

Sir, Lieutenant Colonel DOMBROWSKY has to  
be sworn. (Lieutenant Colonel Albert J. DOMBROWSKY, Jr.,  
was duly sworn.)

Sir, we have one exhibit to enter.

Map Sheet Number 6739-II as annotated 1:500,000  
is entered into the record as Exhibit MAP-5.

Sir, the hearing is recalling Mr. Hugh C.  
THOMPSON.

(Chief Warrant Officer Hugh C. THOMPSON, Jr., was recalled  
as a witness, advised that he was still under oath and  
testified as follows:)

RCDR: Will counsel please state his name, rank and  
Social Security number?

IC: Kenneth JOHNSON, Captain, Social Security  
number is 474-50-2203, Headquarters, MDW.

RCDR: Thank you.

IO: Colonel MILLER, do you have any instructions  
that you want to issue at this time?

COL MILLER: I just want to be sure that you still understand  
what your testimonial rights are. I explained them to you  
before. Would you like me to explain them to you again?

A. No, sir.

COL MILLER: Do you have any questions, Mr. THOMPSON?

A. No, sir.

(THOMPSON)

IO: Mr. THOMPSON, since you last appeared before us we have talked to several other witnesses and we wanted to get you back here to try to clarify a few points and to reinforce some of the points we went over before.

One of the points that I would like elaborated upon is your discussion with your commanding officer when you returned to LZ Dottie at about 1130 or so on the morning of the 16th after you had taken the boy to the hospital in Quang Ngai. Try to give us exactly what you told him and the flavor of what you told him at that time.

A. Sir, I can't really remember what I told him. I would assume I told him what I thought. He said he would check into it. I mean I can't say that he said that, but the following day I was told that some colonel wanted to see me. I can't remember exactly what I told him, sir.

Q. Do you recall the circumstances under which you were talking to him at the chopper pad, or was it away from there, or where was it?

A. I'm pretty sure it was in a van. We had a radio type van sitting in a two-ton truck. That was the operations center and I'm pretty sure it was in there, but I'm not positive.

Q. We have the impression that when you returned to LZ Dottie you were pretty perturbed and angry in a way.

A. I didn't understand some of the things I saw. I didn't understand why they happened.

Q. We have some testimony to the effect that you were going to make sure this was reported and you were going to report it even if it cost you your wings. Do you remember making a statement such as this in your helicopter or to others?

A. No, sir. No, sir. Not about that. I went to see Major WATKE and he was the only one I talked to about it. The next day I talked to the colonel.

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Q. No. I'm talking about before you talked to Major WATKE. Actually I'm talking about a vocal inter-course with your crew on the intercom.

A. I could have said it, but I don't remember, sir.

Q. Well, at one point in our discussion with you we started to discuss what you told the individual on the ground near the bunker. At that time, if you recall, we recessed and gave you an opportunity to seek counsel.

A. Yes, sir.

Q. I think we would like to go into a little depth in what actually did take place on the ground there between yourself and the person later identified as Lieutenant CALLEY and what instructions you gave to your crew and what, if any, instructions you gave to the gunships.

A. It was one of my crew who initially spotted the children in the bunker. We were just going to, you know, sit down, and I asked the crew if they wanted to and we decided to sit down there and see couldn't we help them out and let the friendlies know there was some children in the bunker. We sat down and I got out of the aircraft. I just told my crew to cover me and I went up and told this individual on the ground that we spotted these kids in the bunker at the tree line and I asked him if there was anyway that he could get them out. He made a statement and I can't remember his exact words. It was something like the only way he could get them out was with a hand grenade. At that time I just wanted him to hold his troops right there. I thought I could get them out, you know an easier way and I walked over and motioned for them to come out. I went back to the aircraft because there were more in there than I thought, and I called for Mr. MILLIANS and asked him if he would sit down and evacuate them out of there. He came in and made two lifts.

Q. Was your ship on the ground when MILLIANS landed the first time?

A. Yes, sir.

Q. As I remember the description that you gave, you landed fairly well up into this U-shaped area and MILLIANS landed to the rear of you?

A. As best as I can remember, yes, sir.

Q. Now, when MILLIANS departed with the first load, did you leave at that time or did you stay on the ground until MILLIANS came back the second time?

A. I stayed on the ground.

Q. With U.S. troops or with your crew? He was not gone too long was he?

A. No, sir.

Q. He only moved them a kilometer or a kilometer and a half as I recall?

A. He wasn't gone very long. I'd say 5 minutes.

Q. You stayed on the ground then until Mr. MILLIANS picked up all of these people and then you likewise lifted up and took off?

A. Yes, sir.

Q. Do you recall, at any time before this incident or during this incident or after this incident - - you indicated something to the effect that if they shoot up these people, I am going to shoot them up?

A. No, sir. I can't remember what all was said.

Q. Coming back to your discussion with Major WATKE, what did he say to you?

A. He seemed real concerned, but I can't remember what he said to me.

Q. Did he ask you or did he question you, to your recollection, concerning the bodies in the ditch or the fact that you had seen a colored individual point a weapon in there and your crew had seen this individual firing into the bodies in the ditch?

A. I can't remember what all he talked about. I feel sure I told him that. I couldn't swear to it. I just feel that I told him everything that I told you.

IO: Does anybody have any questions up to this point?

MR WEST: Mr. THOMPSON, who went with you to see Major WATKE? We have been endeavoring to figure this out for quite some time without much luck. Could it have been Mr. COLBURN or I guess it was Specialist COLBURN and Mr. CULVERHOUSE?

IO: Now we're talking about Major WATKE now.

A. I don't remember if Mr. CULVERHOUSE went or not, sir. I think Mr. COLBURN did and I think Mr. ANDREOTTA did-- Specialist COLBURN and Specialist ANDREOTTA. I think they did. I'm pretty sure that Specialist COLBURN went with me the following day to see the colonel.

MR WEST: But just focusing on Major WATKE, you think it was your crew chief and COLBURN who went with you?

A. I think so, sir, but I'm not sure. A bunch of us were out there.

Q. It's been indicated in some other testimony that it was the aircraft commanders of your two gunships.

A. That would be Mr. BROWN and Mr. MILLIANS, I believe. I know Mr. BROWN was there at some time during the day. I don't remember if he was out there when Mr. MILLIANS was there or not. I don't even remember who Mr. CULVERHOUSE was flying with.

Q. Well, let's go at it again now. Are you telling me now that perhaps Mr. MILLIANS and Mr. BROWN went with you to see Major WATKE?

A. I can't say who went with me, sir.

Q. But two people did?

A. I can't say that.

Q. But somebody went with you?



A. It seemed like there was somebody else around when I was talking to him.

Q. By that you mean somebody that was with you when you saw these things going on at My Lai (4)?

A. Yes, sir, I believe so. The colonel wanted to see--

IO: (Interposing) We're not talking about the colonel. We are talking about Major WATKE. Major WATKE and that's all. We're not talking about later. We're talking about noontime on the 16th.

A. I can't say who was there. The only way I can say that possibly Mr. COLBURN was with me is because his name got brought into it because the colonel wanted to see him also the best as I can remember, sir. I would think that he talked to Major WATKE also.

Q. What we are trying to do, Mr. THOMPSON, is to reconstruct the situation that existed at the time you returned to LZ Dottie and we know that you talked to Major WATKE. If you can just put yourself back in the situation where you had gone through this situation back at My Lai, you picked up this boy and you dropped him off at the hospital. You came back into LZ Dottie to refuel and rearm. Now, did you go to see Major WATKE? This is the background that I am giving you in order to put you into the frame of mind where you are telling the story to Major WATKE.

A. I believe I went to see him, sir. I went over to the van where we operated. That's why I can't say who all was there because this is where everybody went. That's where the soda was kept and there were a lot of people around the van all the time, and I don't remember whether I went outside with him or whether I talked to him right there with everybody standing around.

MR WEST: We talked to COLBURN the other day and he recalled the sequence of events, perhaps more clearly than you. He told us that you were angry about what happened and were very concerned. You said that you were going to report it to Major WATKE and you were going to see that something was done about it even if it cost you your wings, and then after you got on the ground you did go to see

Major WATKE. He stated you went off and he assumed that you had gone to see Major WATKE at this time. It is to help develop the sequence of events and what might have gone on so that we can develop some further information about what you told Major WATKE. This is an important part of the inquiry. Perhaps if you don't recall now, think about it and perhaps it will come to you later. I take it you're not now sure who was with you?

A. No, sir. I don't remember anything about wings because I cherish my wings kind of highly.

IO: You must have been pretty angry then?

A. I didn't say that I said that, sir.

MR WEST: Well, it would have taken something rather strong if you had said something like that.

A. Yes, sir.

Q. Let's go back a little now to the time when you saw the children in the bunker and you saw the troops on the ground and you set down. We've had testimony, and this again is a very important point--we've had testimony indicating that you communicated with this individual on the ground, who appeared to be in charge of the troops, through your radio channels and possibly through the high gunship and that there were some messages between you and the man on the ground and back to you.

We would like you to think about that and tell us if this is correct, what message you sent to the man on the ground and what the reply was?

Let me make this statement before you answer. In your prior testimony you seemed concerned at this point about the area we were getting into, and you called for counsel and I want to assure you that you are not suspected of having done anything wrong in this particular episode. In fact what you did appears to be commendatory. You shouldn't be concerned about that aspect of things.

We would like you to recall, as best you can, what passed between you and the man on the ground while you were still in the air and before you landed.

A. I don't want to give you all the impression that I am trying to hold anything back, but I don't remember talking to Lieutenant CALLEY over the radio or even directly. I think I could have told him that the people were in the bunker if I could have talked to him, and then I don't believe I would have set down.

Q. Did you have radio communications with the individual that you later determined was Lieutenant CALLEY?

A. Normally I would not have had radio contact with him.

Q. Could you communicate with him through your high gunship?

A. I could communicate with my low gun and the low gun would talk to the high gun. There is a tape recording somewhere and I know at times the high gun was on the command frequency. I don't know whether Lieutenant CALLEY's unit was on the command net or what they were on.

Q. Was there any way that you could communicate with Lieutenant CALLEY on your radio or your gunship's radio, either one of them?

A. Yes, sir.

Q. Would you explain that please?

A. Everybody tunes their radio to the same frequency. That's the best way I can explain it. We would have to all be on the same frequency. The gunship would have to be on the same frequency so if I started to receive fire the gunship would like to know about it because he is the one covering me, but whether we switched over, I cannot remember.

Q. I thought there might be a problem with different types of radios.

A. The scout that I was flying did have two radios in it, a UHF and a FM. But the UHF -- we only had about one aircraft that the UHF worked and we had limited capabilities with our radios.

Q. In any event, you don't recall communicating with Lieutenant CALLEY by a radio before you landed?

A. No, sir.

Q. Now, did you, during this time before you landed, make a report of what you were observing on the ground and your concern about the people in the bunker?

A. Yes, sir. I had to because my gunship that was covering me had to know why I was sitting down.

Q. Then you did feel that you did tell him, the pilot, what you were about to do and why you were doing it?

A. I told him that I was going to set down to let the Americans know there was some kids in the bunker.

Q. Now, at this time or any time before, perhaps, did you or had you used your radio to report to anyone that you had seen what you had seen in the ditch and the other things you had seen involving civilians killed or wounded?

A. I could have told my gunship. I know he made a pass over the ditch to see the ditch.

Q. Was this Mr. MILLIANS?

A. Yes, sir. I know he said he had seen the ditch.

Q. You had seen a good bit up to this time. You had seen wounded on the ground; you popped smoke; you had seen other bodies on the ground, apparently civilians, and you had seen the people in the ditch when you had landed there once?

A. Yes, sir.

Q. Is it your recollection that you related some of this over the radio?

A. I would have had to relate some of this because I am not going to sit down on the ground without telling the aircraft that is covering me what I am doing, and I had already set down on the ground near to the bunker to talk to the colored sergeant about the ditch.

Q. Before that time you would have explained what you were doing to your gunship?

A. Yes.

IO: Let me ask one question, if I may interpose. Who is in command of that flight of three aircraft? Is it the low aircraft or the high aircraft?

A. The high gun is usually considered the lead.

Q. He would be considered the Warlord Lead?

A. Yes, sir.

MR WEST: So, then it would have been your duty to report your movements to him, particularly if you are going to land?

A. Yes, sir. They wouldn't think too highly if I was just to set down and not let them know what I was doing.

Q. Do you know whether, when you made such a report to the lead gunship this could have been -- your transmission could have been heard by others, for example in the command net of Task Force Barker?

A. I would not normally talk to the lead gun ship. I would talk to low gun and the low gun would relay it to the high gun.

Now, if the task force was on our frequency or we were on theirs, which I can't remember if that was the case.

Of course, I heard a tape and I remember that Alpha Lead was on the tape and I can't remember if I was on the tape. Now, if I was on the tape that means that all of us were on the command push, but I don't remember if I was up the command push or whether it was just being relayed.

Q. At any rate your radio capability was such that the word could have gone out and been heard in the command net?

A. If we were all on the same frequency, yes, sir.

Q. That's all I have.

IO: Colonel MILLER?

COL MILLER: Mr. THOMPSON, I think you said before that it was

quite unusual that you would land your helicopter as you did the second time near the bunker and out in an open area possibly with enemy nearby. Am I correct in that understanding?

A. It wasn't an everyday thing, but it had happened before, sir.

Q. I know that you don't recall a lot of things that happened, but do you think you tried to contact somebody on the ground before you sat down and you finally sat down because you were not able to establish any contact with anyone on the ground either directly or indirectly?

A. I tried to contact the ground through my gunships because when I was popping smoke for the friendlies I had told my gunship that -- I mean popping smoke for the wounded, I told my gunship that there was wounded down here and see couldn't they get a dustoff or a medic, so I know that they tried to call. Eventually they came over to the wounded so somebody had to talk to them.

Q. Now, let's move on to the bunker area where you subsequently landed. Do you think you would have tried to contact somebody on the ground when you saw the troops coming closer and nothing had happened so you felt you had to interfere? Again, I'm not trying to put words in your mouth.

A. I didn't try to interfere, sir. I just wanted to sit down and tell the Americans that there were some children in the bunker. It wasn't my intention to interfere in their operation.

Q. By interfere I mean to come in and see if somebody on the ground knew about it. Were you worried about these women and children?

A. Well, sir--

Q. (Interposing) I am just trying to get your mental attitude of things that would come to my mind, to ask you what I would think about?

A. I was worried about everybody, I guess.

IO: I think that we should interpose here, too, in that in your previous discussion you had indicated that you were concerned, particularly after seeing a large number of women and children in the ditch and the other bodies there, you had expressed concern over these children and I believe also that an old man was introduced into the discussion.

In other words, I am interested in the immediacy of the situation. You see something and you think that something has to be done and what your feelings were in that respect. Is that why you went down?

IC: May we have a moment, sir?

COL MILLER: Certainly.

(The individual counsel confers with the witness.)

A. When we had spotted the individuals in the bunker I was concerned for them, I guess. I was concerned for the Americans. I was concerned for everybody. I wanted to make sure that the Americans knew that they were there because before then I had seen some wounded and I had seen some dead bodies that I just couldn't place in my mind how they died. I didn't know how they died. I still don't know. If there is anyway I can help these that were still alive I was going to try to.

Q. I can see your concern and perhaps there might have been somebody in the bunker with a gun and perhaps the Americans would want to have been protected against them and also the people in the bunker were probably, at least partly, innocent civilians. Was it sort of a mixture of these concerns then that made you get down immediately?

A. It wasn't for the concern that there was any weapons in that bunker. No. I wouldn't just go sitting down facing Charlie. They could have had a .50 sitting in that bunker. It was just how I felt. I felt that there wasn't.

Q. Enough so you were willing to go across this open space up to the bunker yourself?

A. I didn't go all the way up to the bunker, sir.

Q. You just went part way?

A. I motioned for them to come out and they came out.

COL FRANKLIN: Mr. THOMPSON, a lot of this stuff we ask you seems so self-evident to you. You think everybody knows it because you're a pilot. We're trying to get this on the record and I am sure that these communication things are very pertinent.

You had an FM radio, and correct me if I am wrong. You talked to the low gun and you are both on the same push and this is a company push. The low gun probably goes up on the UHF to the high gun. They have a UHF that is working, right?

A. Yes, sir.

Q. We know that the high gun had their FM on the battalion push. We know that. And they had two radios, so when they are UHF they are talking to the ground of the battalion push. Now, the ground troops on the ground are on the battalion push and that's the company. We know that Warlord Alfa Lead was on the battalion push and that was the high gun. Is that correct?

A. Yes, sir. It should be.

Q. Okay. So when you're flying you've got a little button you push for intercom on your one radio, your FM, right?

A. I think it was on the trigger. The first indent was the intercom and the other was the radio.

Q. Okay. So you are talking and you pull it a little bit and you are on the intercom and a little more to transmit. Okay. You are the scout and you're flying around and you are talking all the time to your low gun and or your crew, "Look over there to your left. We've got some bodies over there," or "Watch me, I'm going to go down by that building." Are you keeping a running monologue like most pilots talking back and forth in abbreviated conversation with your low gun?

A. I let them know what I'm doing and they let me know where to go.



Q. Okay. Now, if you see four bodies over there and you saw the ditch, you would probably transmit this to your low gun?

A. Yes, sir.

Q. You would probably give him a running account of all the things you see on the ground? That would be MILLIANS, right?

A. During one part of the day it was Mr. MILLIANS, yes, sir.

Q. Okay, because you were alternating guns, right. Now, the worst thing you could do is to come down on the bunker and you see advancing troops, you would normally go to your low gun and say, "Listen, there are people in the bunker down there. Go to the high gun and tell him to tell those guys on the ground to watch out for those people." Isn't that the normal way you would do it?

A. Yes, sir.

Q. Okay. Well, you did it different this time. Why did you do it different?

A. I might have tried to call, sir. I don't know if I did or not.

Q. You may have tried to get this word through?

A. Yes, sir. I can't remember if I did or not. I know I called previously for help and at that time, you know, I couldn't understand why an individual got shot.

Q. So you had called previously about what you considered innocent people being shot, noncombatants, and it still kept going on. Is that true?

A. Just one time it happened, sir. It's when this captain walked up and I radioed to him that I was popping smoke for wounded and he walked up and stepped back and shot the girl. Later the captain had stated an incident similar to that and it was 100 percent legal because he was doing it for the reason he gave, but at that particular time I know what I called for and I know what I got and that was the only thing I could think about.

Q. You said that you were going to pop smoke for wounded. We know that somewhere around 0930, Warlord Alpha 3 was saying on the battalion push -- excuse me. Warlord Alpha Lead was talking on the battalion push and saying that all these bodies around with weapons and webbing -- you couldn't hear this -- and that someone ought to come and get them and he was going to pop smoke to mark them. Now, do you believe that the word that you were popping smoke to mark wounded had gotten up to Warlord Alpha Lead? Were there other people popping smoke around there?

A. No, sir. Not that I recall.

Q. You were the only one popping smoke?

A. As best as I can remember, sir. Yes.

MR WALSH: Mr. THOMPSON, when you had your conversation with the infantry leader on the ground, do you recall there being any distinctive marking on the helmet of this person?

A. I'm pretty sure he had "California" written on it.

MR MACCRATE: Mr. THOMPSON, you have indicated that you have listened rather recently to a tape. Can you tell us where you did that?

IC: Sir, the reason for the hesitation is the circumstances under which he listened to the tape are such that he cannot recall whether he was asked to keep the contents of the discussion confidential. Now, I wonder if I could ask Colonel MILLER whether the permission for Mr. THOMPSON's testimony here is broad enough to encompass this sort of information? We want to be certain that Mr. THOMPSON is not violating the court order, the protective order, which was issued in the Calley case.

COL MILLER: Let's put it this way. We have determined, and the judge in the Calley case has also ruled, that testimony here is not in violation of the order which he has issued to all the witnesses in the Calley case.

IC: This question doesn't relate to the testimony of Mr. THOMPSON or that Mr. THOMPSON would give at subsequent trials. It's not that sort of thing. It's more of a mechanical question. I just wonder if the understanding that you have

with the attorneys in that case and the judge would give you an indication of whether they feel this is also appropriate for testimony here?

COL MILLER: I feel that it is an appropriate item to be revealed here.

IC: Sir, I have one more question. Have the prosecution and also the defense offered to make available to this board any of this evidence which it has -- real evidence or anything like that?

COL MILLER: Not that I know of, and I don't think we have requested any, have we?

MR WEST: Well, yes. We have the Article 32 investigation available to us.

IO: Furthermore, you should know that we also have available to us all the CID interrogations. There is nothing that we cannot have made available to us.

A. It was the prosecution attorney who had the tape when I heard it, sir.

MR MACCRATE: Do you recall in that tape, I believe we are speaking about the same tape -- I have before me a transcription of the tape (Exhibit M-20). Do you recall Warlord Alpha Lead stating the following: "Roger. It's just below Hill 85. Just to the north of the Hill 85 where we first got them, just to the south of your first LZ along the road there. There's about 10 or 15 'dinks' all spread out over the field that we got when they were di-di'ing to the south. The gunship shot them. We'd like to know if there is somebody in the area to pick up this gear 'cause right now we are just keeping people from stealing." Then Charlie 6 comes in, which would be Lieutenant Colonel BARKER. "This is Charlie 6. I'll get somebody down there." Warlord Alpha Lead, "Roger."

IO: Charlie 6 would be MEDINA.

MR MACCRATE: Excuse me. Coyote 6 comes in later. Captain MEDINA would be Charlie 6. "I'll get somebody down there." Alpha lead, "Roger." Then Coyote 6 comes on. "Charlie 6,

this is Coyote 6. Over. Coyote 6, Warlord has got some people that he wants you to check out just to the south of your LZ. Contact him and send some people down there. There is some VC there with web equipment, and so on, that have been killed, over." Warlord Alpha Lead comes on, "Roger, we are over the area at this time. You have us in sight. We are just at the north base of a hill along the road. We'll be off your frequency for the next 10 minutes. We'll be popping smoke at the different locations where these bodies are." Then, Warlord Alpha again says, "The bodies that we got before, they've got web gear, weapons and everything and it is probably a good idea to get it off them before someone comes up and uses them." Then further, Warlord Alpha Lead is recorded as saying, "We'll be popping smoke on the different bodies in the area," and that's right about at the end of all that comes through on the tape, on this subject. But relating it to the period where you were coming up from Hill 85 to the south of the road and what you saw along the road. Are you able to tie yourself into the observation that seems here to being passed along by Warlord Alpha Lead relating to things that you have a recollection of today. I think Colonel FRANKLIN, a few moments ago, was asking you about this same time frame.

A. No, sir. I don't remember that, about what you were just reading. I remember bodies along the road, but I don't remember any weapons.

Q. The bodies that you remember were noncombatants? At least there were no webbing or weapons.

A. I didn't see any webbing or weapons.

IO: I think the point here is that in your mind you were indicating wounded noncombatants and you were transmitting it to your low gun and then to the high gun, and the high gun was giving it to the ground, but they were giving a different story?

A. Yes, sir, if that came from the high gun.

Q. I'm not sure that it came from the high gun. It could have conceivably come from the low gun, but if Warlord Lead was your high gun--

A. (Interposing) I don't--it was messed up. That's the best I can remember, sir.

MR MACCRATE: They could have also been talking about something different?

A. Yes, sir. A couple of times we got something to the effect that might make somebody believe that they shot them. Our guns only opened up one time and it was right when we were first in the area, and we did shoot at one Viet Cong running with a weapon. That was the only time the guns opened up that whole morning, sir. We couldn't confirm the body or the kill. He went right into the tree line and I tried to shoot him, and my gunners missed. They could be associating it close to something else, like we could have shot him.

Q. It does say that, "There are about 10 or 15 'dinks' all spread out over the field that we got," and as you point out--

A. (Interposing) "That we got" could be that one individual running earlier in the morning.

Q. But then it goes on "When they were 'di-di'ing' to the south, the gunship shot them. "So it seems to be talking about someone else. Almost in the same sense. It is unclear.

IO: For the record and to clarify the pronunciation of the "di-di'ing" as referred to earlier, it should be "di-di".

The meaning of this term, which is used by most of the combat troops, is the fact that they are moving out of the area or running out of the area. It is quite a common term throughout most of the area and South Vietnam, not only in this area, but throughout practically all the areas. Particularly all the aviation units use this term quite frequently.

MR MACCRATE: So that the "di-di'ing" would have referred to the people on the ground that were running out of the area. Would that be your understanding of the translation?

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A. Would you go over that again?

Q. "There's about 10 to 15 'dinks' all spread out over the field that we got when they were 'di-di'ing' to the south. The gunships shot them."

A. "That we got," and "the gunships shot them". That doesn't make sense. It sounds like to me that they are saying that they shot them and they turn right around and say in the same sentence that the gunships shot them. It sounds like a broken transmission or something.

Q. But this doesn't relate itself to you from any observations that you were making?

A. Just that there were bodies in the road and there were bodies in the field and there was also wounded.

IO: At this time, Mr. THOMPSON, we are talking about 0955. You indicated that you were north of Hill 85, just to the north of Hill 85. Were you still at that time working south of Highway 521? I'm sorry. That's 0915 instead of 0955. It was shortly after this I believe that you got involved in the mortar round incident on top or on Hill 85?

A. If it was around the time of the mortar incident, it would have been south of the hill, south of the highway.

Q. I bring this point up because in some point in time in the morning, after the landing of C/1/20 and after the gunships which supported that combat assault had left the area, Major WATKE had asked permission to move the area or the zone of responsibility that you had south of the highway to include My Lai (4) hamlet area.

A. After the gunships left we did move up into the area of My Lai (4), sir.

Q. All right. When you returned to LZ Dottie about noontime or shortly before, did you at that time and after you talked to Major WATKE talk to Colonel BARKER at all?

A. Not that same day, I don't believe.

Q. I'm talking about Colonel BARKER who was the task force commander. He was a lieutenant colonel?

A. Not that I remember, sir.

Q. Now, in your mind, the following day you were asked to report up to a colonel by Major WATKE, and give him your story. I'll ask some more details about this, but first I should tell you that piecing everything together and we have come to a reasonably firm conclusion that this took place on the 18th instead of the 17th which you remember. The time as far as you are concerned is quite incidental, but we do have on the log the fact that a meeting took place prior to your going up, and all the participants in the meeting, including Colonel HENDERSON, were there and subsequent to that meeting on the 18th Major WATKE had come down and asked you to go up and talk to Colonel HENDERSON. Now, was it Major WATKE that asked you to come up and talk to Colonel HENDERSON?

A. I think it was.

Q. Who went with you at that time? We can place this conversation reasonably accurately in Colonel BARKER's van, which we would be led to believe was covered over with protection and dug-in so that you may have even had to walk down a step or two to get into it. In your previous testimony you give quite an account of the discussion with Colonel HENDERSON.

A. Either COLBURN or ANDREOTTA, sir. I thought there was one of the gunship pilots, but I don't remember whether one of them went up there or not, sir. Somebody waited outside and I think it was COLBURN, but I'm not sure.

Q. Could the other individual have been Mr. CULVERHOUSE?

A. Yes.

Q. He was Mr. MILLIANS' copilot?

A. Yes, sir. It could have, sir.

Q. You be thinking about that and if it does come to mind--

A. (Interposing) It seems like CULVERHOUSE was there now that you mentioned his name, but I can't see why he would go rather than the AC because the AC is the one that saw it.

Q. That may be so, but remember we are talking about 2 days later and maybe Mr. MILLIANS was not there. This is why we are trying to piece this together. Sometimes logic in this business doesn't quite fit together. We do have some indications that Mr. CULVERHOUSE might have been one of the individuals that went up with you to report to Colonel HENDERSON.

Now, forgetting about who may have accompanied you, and coming back to the discussion with Colonel HENDERSON, what did you tell him?

A. I feel, sir, and believe, that I told him everything that I had seen. Like I said before, I can't see why I wouldn't. Everything was a lot fresher on my mind then than it is now. Actually, you know, our conversation--I can't recall what all was said. I'm not even sure it was Colonel HENDERSON I talked to.

Q. But you did talk to a colonel.

A. Yes, sir.

Q. Did he indicate that he was conducting an investigation?

A. I guess so, sir. I wouldn't have gone up there to talk to him and answer questions if he wasn't.

Q. Necessarily again, that's very logical, but--

A. (Interposing) I can't remember his words, sir.

Q. You had told this story once before to Major WATKE and now you are reporting basically the same situation and circumstances to the colonel. Did you feel that you were giving more to the colonel than you gave to Major WATKE or that



you had given more to Major WATKE than you were giving to the colonel?

A. Not that I recall, sir.

Q. To your recollection you gave him the whole story?

A. Yes, sir.

Q. Would you state again how long you think you were with the colonel in the van?

A. Twenty or thirty minutes, I guess. It could have been a lot longer. You are asking me to go back almost 2 years and I can't be real specific.

Q. Yes, but having gone through this real traumatic experience, some of these things stick very vividly in people's minds and their feelings. What you have indicated, nobody is questioning your integrity at all. This is not the purpose of it. As a matter of fact, you felt so strongly about this thing that you did report it to Major WATKE, and as a result of this you triggered off the thing. You talked to a colonel and this is why from our point of view it is important, even if you can't remember your exact words, we would like to get a feel from you of what you were giving him; if you were giving him the whole story or parts of it or what?

A. I believe that I told him everything.

IO: That's what we are interested in. Up to this particular point, in the discussion with Colonel HENDERSON, do you have any questions?

MR MACCRATE: No.

IO: Mr. WEST?

MR WEST: Was this a bird colonel?

A. I believe it was, sir. Yes, sir, but as you recall, the last time I was here I couldn't identify him.

Q. Do you know Major Clyde WILSON?

A. Yes, sir.

Q. We've had one witness who told us he thought Major Clyde WILSON took you to see the colonel, whereas other testimony indicated it was Major WATKE. Could you resolve that?

A. I don't remember whether anybody walked up the hill with me beside--I'm pretty sure my crew chief did. I felt another pilot and it would have possibly been Mr. CULVERHOUSE, but I don't remember if it was Major WATKE or Major WILSON that told me to go up there. One of them might have even walked up there with me.

IO: Do you remember walking back with them?

A. I walked back by myself. I was the first one to go in, and I didn't wait around. I don't remember walking back with anyone.

Q. You don't know for sure when you left whether Mr. COLBURN or whoever was there went in to see the colonel?

A. Somebody else did.

Q. You saw somebody else go in?

A. It seems like I was talking with one of them afterwards. I thought it was COLBURN. It might have been ANDREOTTA. I don't know.

Q. When you were with the colonel, did he have anybody recording this or writing it down?

A. I believe he was writing, you know, taking notes. There wasn't anybody else in there as far as I can remember.

MR MACCRATE: One point concerning your observation of what took place during your period out at My Lai (4). You indicated that you had a recollection that ANDREOTTA carried the child as you went over to Quang Ngai. We have actually had testimony that Mr. COLBURN was on the right-hand side of the plane at one point. Now, you indicated that you thought, at

least when you were going over to the hospital, that ANDREOTTA was on that side. Sometimes do they change sides in the course of the operation. Or was there one side that the crew chief would ordinarily be on?

A. The crew chief is usually on the left. I thought that ANDREOTTA was the one that actually carried the kid. I think that COLBURN was on that right-hand side to start out with because he missed that one Viet Cong when he was running. I thought it was COLBURN. We called him "One Shot" after that.

IO: May I set something straight for the record? You may be doing COLBURN an injustice because there are some indications that other people went into the area where you were shooting and picked up a weapon.

A. Is that right? I couldn't see how a guy could shoot so much and come so close and that guy wouldn't fall. The rounds were going between his legs. I thought it was COLBURN, sir. I thought about that since I had been up here, you know. How can one of them be on one side one time and on the other the next? We could have gone back to refuel and they could have swapped.

MR MACCRATE: Actually before you took the child over to Quang Ngai, they had both been out of the aircraft and the testimony which we have had indicates that ANDREOTTA handed up the child to COLBURN and they climbed back into the aircraft, so there would have been an opportunity for them to change positions right there I would suppose?

A. Yes, sir. It would have been possible. It might have been COLBURN that actually carried the child.

Q. It was Mr. COLBURN's testimony that he was the one that actually received the child so might it have been possible that he carried the child back or handed the child later to ANDREOTTA?

A. The kid was on my right.

COL FRANKLIN: Did you feel at the time that this happened

that some innocent or noncombatants had been killed unnecessarily? Did you feel this strongly?

A. Yes. I felt that some people had gotten killed that shouldn't have.

Q. Okay. Regardless of what you said, do you feel in your own mind, and you know how you talk and everything--do you feel, regardless of the words you used and the incident, that you conveyed this thought and this idea to the senior officers you spoke with--Major WATKE and Colonel HENDERSON?

A. Yes.

Q. How much fuel did you carry in your aircraft? How long did you fly?

A. About 2 hours or 2 hours and 15 minutes.

Q. Okay. So if you took off at about 0700 or 0715. About 0915 in the morning you would be back gassing up. Is this correct?

A. Yes.

Q. Did you have any other scouts to relieve you as the gunships did?

A. The gunships could only stay out there about, I'd say, an hour to an hour and one half, sir. It seems like one time I noticed that a gun came out to replace the guns that we originally went on station with and I stayed there through two sets of gunships. So it was about 2 hours and 15 minutes or so. That day I think our other scout had maintenance trouble and didn't come with us.

Q. So at 0915 you could have been gassing up? I'm getting to this tape of the Warlord Alpha Lead transmission about the smoke about 0915. At 0915, do you think you would have been on station or en route to gas up or gassing up?

A. I didn't bring my times with me. They are on the record I believe, sir. I have gone back over the

time we got into the area and the time that I went back to Dottie after I had gone to Quang Ngai and I just pieced the times together as best I could and I believe I did have a break around 9 o'clock.

Q. Back at Dottie?

A. Yes, sir. Between 0845 and 0900 I think I was back refueling. I meant to bring those things. That's the only way I could now come up with the approximate fuel and the approximate time back to Dottie. It was around lunch time. That's the only way I could come about these times at all.

MR WALSH: Mr. THOMPSON, after you finished talking to the colonel, do you recall reporting to Major WATKE?

A. No, sir. I don't recall it. I feel I did go in, sir. He was my CO and he did want to be informed on what was going on.

Q. You don't recall it, but you would normally have reported back and had a little conversation about what you had told the colonel and what the colonel had asked you?

A. Yes.

Q. With respect to the shooting of the woman. We've had some testimony indicating that the rest of the people with you observed that the captain had come over and nudged the woman and then walked maybe 10 paces away and turned around and shot. We've also had some testimony that the captain walked up to the woman, kicked her or nudged her with his foot and turned her over and then at point-blank range fired on automatic fire. Do you have a clearer recollection of that incident?

A. It seems like he stepped back a little ways from the body of the woman. I can't remember whether he turned around and started walking away or just stepped back.

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Q. Can you tell us approximately how far away from the woman he was when he fired?

A. About 5 to 10 feet, sir. I'm not really positive on how far he went back. If he thought that the woman had a hand grenade--if I was on the ground and I thought she had a hand grenade in her webbing, I would have shot her, too.

Q. How far away from the captain and the woman were you at the time?

A. I wasn't very far.

Q. About how high in the air was the helicopter from the ground?

A. Ten or fifteen feet I guess. I was just up there hovering.

IO: You indicated that you had some logs or personal papers and so forth with the times of where you had been that morning. Do you still have those papers?

A. The ones that I just made up that last time I was up here?

Q. These were not official logs like your pilot's log and so forth?

A. No, sir. You all just asked me to try to get these times down and I had written the times down based on fuel consumption.

Q. Now, to go on. Do you remember talking to anybody else about this other than Major WATKE and Colonel HENDERSON or a full colonel? Anybody in your unit or anybody associated with the Americal Division or anybody?

A. Captain GREENWALL.

Q. GREENWALL or CRESWELL?

A. CRESWELL.

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Q. When did you talk to him?

A. At the officer's club a couple of days after or maybe even the same day.

Q. Did you go into detail with him of what you had done and what you had seen?

A. Yes, sir, I believe so. Nobody had said, "Don't say anything about it," as I recall. We were just sitting up there and having a drink.

Q. Was he a Catholic or a Protestant chaplain?

A. Episcopalian, sir.

Q. Does he normally associate with your unit?

A. He was the DIVARTY chaplain, sir and I was in DIVARTY before I had gone to the 123d.

Q. In his responsibilities for the DIVARTY, did he also take care of the aviation battalion?

A. Yes, sir, I believe he did.

Q. Did he tell you anything or say anything to you that you recall?

A. He seemed concerned about it. I think, you know, he asked me if anything had been done. But I don't remember whether he did or not. I don't remember whether I told him that I talked to the colonel or not.

Q. Aside from Chaplain CRESWELL, did you talk to anybody else? Did you talk to the IG or the division chaplain?

A. Not that I remember, sir. We talked about it in the hootches, but I can't remember talking to anybody else. I can't remember if anybody was around Chaplain CRESWELL when we talked.

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Q. What was the attitude of the men in your company about this situation?

A. They didn't think too highly of it, sir.

Q. Were they disgruntled or really irritated or how did they feel?

A. The ones who were out there, I guess felt as I did. They did know what they had seen, you know, that a lot of it could have been avoided, I guess.

Q. Did you have the feeling that this thing was going to be checked into and that justice was going to be done?

A. Yes, sir. That's what I assumed when I went up to see the colonel.

Q. Do you recall a meeting that was held by the company commanders in which this matter was discussed?

A. No, sir.

Q. Do you recall a meeting in which they discussed this situation and it was indicated that this matter was under investigation and let's not have any loose talk around the outfit?

A. Where was this supposed to have taken place? Apparently you have an idea that a meeting did occur.

Q. It would have probably been in your immediate barracks area in Chu Lai, conceivably in your mess hall or in the club. I don't know enough about the physical makeup of your organization to be able to tell you specifically.

A. It sort of rings a bell, but I can't pinpoint it, sir.

Q. Were there getting to be a lot of pretty wild rumors around the company or when you go over to have a



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can of beer, for example, or go to the bar to have a drink or around the general bull sessions?

A. I'm sure we talked about it for awhile. I guess it just died and got over with. I don't remember hearing anything about it after I came back from R&R.

Q. When did you go on R&R?

A. About the 5th of April.

Q. And you probably got back around the 12th or 13th then?

A. It was around the 10th because I was on R&R on the 15th of April. It must have been the 10th.

MR MACCRATE: Had you been scheduled for R&R?

A. Yes, sir.

Q. In speaking with Chaplain CRESWELL, do you have any recollection of his referring to the division chaplain?

A. He could have, sir.

Q. Did he name or does the name Chaplain Francis LEWIS ring a bell with you?

A. No, sir.

MR MACCRATE: I have nothing else.

MR WEST: Do you remember Task Force Barker breaking up about the time you left on R&R?

A. No, sir. We still worked out of Dottie. I don't remember it breaking up. I know that we changed to the west side of Highway 1 because we lost an aircraft about a couple of days before I went on R&R.

A. You mean you supported a different unit?

A. I didn't know the units we supported half the time.

IO: You say you lost an aircraft, Mr. THOMPSON. Did you lose the crew too?

A. The crew chief and gunner. That's when ANDREOTTA got killed. Lieutenant LLOYD got his ankles messed up real bad in the crash.

Q. I was thinking about any of the pilots that might have been connected with the My Lai (4) incident that might have been killed.

A. ANDREOTTA, sir.

Q. We understand about ANDREOTTA.

A. BERRY was the section leader. I don't remember whether he was out there at all that day. He could have been out there on station. I don't think nobody else was out there in a scout besides me.

Q. As an aero-scout pilot, who did you report directly to within your unit? Who was your next senior commander?

A. Lieutenant LLOYD.

Q. And what was his official capacity?

A. Section leader of the scouts, sir.

Q. Scout section leader?

A. Yes, sir.

IO: Colonel MILLER?

COL MILLER: No, sir.

IO: Mr. THOMPSON, you've had some time since we last talked to you and up to the present time to think this situation over and you know what you told us before. If you have any additional information which has come to mind in this interim period, we would appreciate very much your

giving it to us.

A. One thing that I don't remember whether I mentioned it or not. Sometime during the day, I said I only fired one time. I fired another time to stop some suspects from moving out of the area to the west of My Lai (4) on the highway because there was a slick--I heard that either Colonel HENDERSON or Colonel BARKER had two people "di-di'ing" and it came down to my radio to stop them. So I just fired once in front of them and they did stop and pick them up.

Q. Well, that ties that incident in because we did hear about some aircraft that put down suppressive fire in front of them and had stopped them and they were subsequently picked up. So that ties in that very nicely.

Can you think of any other thing that might be helpful to us?

A. No, sir.

IO: We say to you again that if any of this does come to mind, or if you locate any materials, maps, photos, memoranda, logs or anything else that might be of assistance to what we are trying to do here, we would like very much to have it.

A. I am still trying to get in touch with any letters that I might have written to my wife at that time. I don't know whether these things would be helpful or not.

Q. It would be helpful if you would scan those letters and see if there were any during that period in which you might have sent some word home to your wife concerning this.

Does anybody else have any questions?

MR MACCRATE: Do you have any recollection of when you first heard you were being recommended for a commendation in respect to events in My Lai (4)?

A. It wasn't very long after that.

Q. Do you recall who told you?

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- A. No, sir. I wrote up my crew chief and gunner.
- Q. Was it before or after you wrote them up?
- A. I don't remember.
- Q. Do you remember anything about the presentation?
- A. No, sir.
- Q. Where it took place?
- A. At Fort Rucker, sir.
- Q. After you returned to the United States?
- A. Yes, sir. I had the orders before or had seen the orders. They had called me once before and said that I had to go to an awards and decorations ceremony and I said, "Just mail it to me." The next time they called me they said I would go out and stand in front of everybody.
- Q. At Rucker?
- A. Yes, sir.
- Q. When did you leave Vietnam?
- A. August the 26th, 1968.
- IO: This hearing is recessed at this time.

(The hearing recessed at 1211 hours, 22 December 1969.)

(The hearing reconvened at 0945 hours,  
6 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present:  
LTG PEERS, MR MACCRATE, MR WALSH, and CDR DAVIS.

The hearing recalls Mr. Hugh C. THOMPSON.

(CW2 THOMPSON was recalled and testified as  
follows:)

Mr. THOMPSON, I remind you that you remain under  
oath before this hearing.

A. Yes, sir.

IO: I would like at this time to enter into the record  
a series of seven photographs taken by John H. SMAIL, squad  
leader, first squad, 3d Platoon, C/1/20.

RCDR: These photographs are entered into the record,  
and will be numbered P-123 through P-129.

IO: Mr. THOMPSON, the purpose of getting you back in  
here this morning is to identify aircraft which may have  
participated in this operation aside from those which were  
assigned to the 174th Aviation Company.

A. Yes, sir.

Q. We would like you to look at these photographs  
which we have isolated. See if you can identify aircraft,  
by markings which belonged to other units. We would ask  
that in doing so you also tell us the number of the photo  
and the unit to which the aircraft is assigned.

A. Yes, sir.

(The photos were passed to Mr. THOMPSON and he  
identified them as follows.)

Photos P-11 and P-12, I can't identify. It's not a  
dustoff ship.

Q. You would expect it to be a dustoff ship, would  
you not?

A. They carried the wounded, but that is not the dustoff ship.

Q. I recognize that, but normally a dustoff ship would be used for the evacuation of wounded and casualties.

A. Normally. Whichever one was the closer there; they probably just tagged the closest one.

Q. All right.

A. This second ship in picture P-29 is a Rattler ship. I believe the Rattlers are the 71st assault helicopters.

Q. How do you identify that as an aircraft of the 71st Aviation Company?

A. That is a Rattler insignia on the nose of it, on the chin of it, sir.

Q. Does it appear to you that that aircraft is one of the aircraft used in the combat assault?

A. If these pictures are taken of the combat assault, it would appear that way, sir, because there was another one that showed it in the air, right here, touching down (referring to photo). I assumed it was touching down. It could be coming in for extraction. In photo P-65 you can't tell if it is the same formation or not, but the ship is behind another ship. You can see them right here in photo P-65.

Q. You cannot see any tail numbers or anything to further identify the aircraft?

A. No, sir. The aircraft number would be on the vertical stabilizer and also on the door, right in here (indicating). But, you can't see it on picture 11.

Q. In photo P-29 and photo P-65, can you identify the insignia on the craft ahead of the craft that has the Rattler insignia on it?

A. In photo P-65 you can, but you can't in photo P-29, sir. This is blue right here (indicating). Now in the color picture which is the color reproduction of photo P-29, you can see some blue right there and you can see a white spot which could be the white spot visible as the mouth on photo P-65. But to positively identify it--I couldn't see it

in photo P-29 because it doesn't show that much. This one (indicating photo P-65) you can see, yes, sir.

Q. Is this a Dolphin aircraft?

A. Yes, sir.

Q. But the one behind it is a Rattler aircraft?

A. Yes, sir.

Q. And the Dolphin is from the 174th?

A. Yes, sir. The Dolphins are the slicks, and the Sharks are the gunships.

Q. Do you recognize any of the aircraft in the two photos you have before you?

A. No, sir, not in photo P-27.

Q. How about photo P-26?

A. It looks like there are three Rattler ships there. Sir, you can see a circle on the nose of this center one, and you can see something black or dark going up through it. That could be the head of the Rattler, but I couldn't say that it was.

Q. It appears that there are two additional ships with the same type of marking?

A. There are three ships in that second V that have the same marking on them. But I can't say that it is the Rattler.

Q. We have here now photo P-71.

A. This was taken at Dottie. I think there is a clearer picture of this somewhere, isn't there? Maybe it is that one. I think that is a 176th ship.

Q. What makes you think that's a 176th ship?

A. Most of theirs have the band around the tail. See that little bit of white there on the tail boom, it is a picture of a minuteman. They haven't got the stripe, but they have got the minuteman standing back there.

Q. Here is photo P-72.

A. You can see the minuteman in this one. That's what it looks like to me. I don't know whether you noticed any of the aircraft at Chu Lai coming out of the VIP pad. They still have a minuteman back there on the stabilizer. The door of that one has got numbers printed on it. The 174th and 176th, I think, have the numbers printed in black right there on some of the aircraft. I can't make out what the numbers are there.

Q. Where on the ship do they have the numbers, just forward of the door?

A. Actually on the door, sir.

Q. On the pilot's door or on the back door?

A. Pilot's and copilot's door. Not all of their aircraft do, but some of them do that I've seen. I think the 174th--See the stripes around this tail boom and that tail boom? They are different colors. These are, I think, red and yellow or red and orange or something. I don't know where they came up with that color combination. I think before they came to Chu Lai it used to be a group designation.

Q. You identify, not positively, but you would identify this one aircraft as an aircraft of the 176th because of the minuteman insignia on the tail boom?

A. Yes, sir.

Q. How many additional aircraft would you identify as being from the 176th?

A. That would be the only one that I could, because that's the only one that shows anything white on the tail, sir.

Q. I have here photograph P-73. Would you see if you can identify the organization to which that aircraft is assigned?

A. This is a color print and it looks like there is some blue arching up, so I would guess it would be a Dolphin ship. That's 174th.



Q. I have here, Mr. THOMPSON, an aerial photograph of the My Lai (4) area which together you and I had prepared based upon the information and the observations taken during our low-level flight of the My Lai area. I'd like you to verify this aerial photo for the record and indicate if that's in agreement with the flight recording. Also, this photo indicates, by a second number 2, reverification of the location of the ditch area.

A. Yes, sir. This was prepared by me, to the best of my memory, at Chu Lai, Vietnam, 4 January 1970, following observation of the site of My Lai (4) on January 1 and January 4, 1970. The purpose of the January 4 flight was to relocate or try to be more exact as to the particular location of the ditch. That's why the two number 2's appear on the map.

Q. I would like this aerial photo, which has been authenticated by Chief Warrant Officer THOMPSON, entered into the record as an exhibit properly identified.

(The aerial photo was marked and entered into the record as Exhibit P-1B.)

A. One thing. It says, "Meeting in discussion with lieutenant" as item number 6. At that time it was an assumption on my part he was a lieutenant, sir.

Q. At the particular time when you made this flight, you knew that it was Lieutenant CALLEY, didn't you?

A. Well, yes, sir.

Q. So from that point of view, is this correct?

A. Yes, sir.

Q. Chief Warrant Officer THOMPSON, I have here the log of Task Force Barker. You will notice that the log, which is identified as Exhibit M-16, shows that at 1330 on the afternoon of the 16th an aircraft from the 123d hit some brush. The log entry reads, "Chopper is flying, no injuries were indicated." To the best of our knowledge, the only H-23 in the area on that date was the aircraft in which you were flying. Do you have any recollection of this incident?

A. I remember hitting a tree out there one day, sir, and damaging the blade cap. But looking on down here, I don't see any other entry where they sent for a maintenance ship.

(Witness reviewed the log.)

Q. How long did you remain on the ground?

A. The time I hit the tree, sir, it was just about 5 to 10 minutes. I just cut the aircraft down and waited until the blades quit. I more than likely helped slow them down. I then saw that the only damage that was done that I could see was just to the cap. I knew that it was safe enough to fly back to Dottie, and I did that in about 10 minutes at the most.

Q. With respect to My Lai (4), approximately where did this incident take place?

A. I can't remember if it happened the same day. I'd say it happened to the northeast. All I remember is that it happened on the east side of the highway. I can't remember it happening the same day, sir.

Q. If we can believe the log, certainly there was an aircraft that did hit something. That was reported by the unit on the ground back to the headquarters of Task Force Barker.

A. Oh, that's right. This is not our log.

Q. So there should be no indication in here of calling for a maintenance ship. That should more properly have been done through the communication of the 123d Aviation.

A. But we kept a log, something of this nature, too. But there was another H-23 flying that day, sir. It was down here at 1535, (reading from log) "B-135 spotted homemade antenna, vicinity 794848. Engaged with rockets." If you check on the map, that is going to be right about on a cliff at the water. It was about the third or fourth day after we had known about the antenna that I finally went up, hovered over it, jerked the thing off, and took it back. I wasn't out there when they fired the rocket. So it had to be another H-23 that day.

Q. There is a possibility that another H-23 did join later on in the morning. As I recall, they started off with your ship as the only H-23. They had another H-23 in route, but something happened to it and it had to return to Chu Lai. It is possible, therefore, that later on in the day this aircraft or another aircraft joined in the operation.

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A. This 1330 entry would have probably been the first mission of the afternoon. This is 1535, so that would be the next mission. That would be another one of the H-23 pilots. Can I look at this to see if it's--

Q. (Interposing) Yes.

A. Yes, sir, it's the same antenna that I was speaking of.

Q. Northeast of My Lai (1), or what we refer to as Pinkville.

A. Yes, sir. That's where the antenna was. I finally went up a couple of days after that and jerked the thing off because they never could destroy it with rockets. So there was another H-23 out there in the afternoon.

Q. Sometime during this operation, as I would reconstruct what you're indicating, you did hit some brush with your main rotor?

A. It was a tree, bamboo, about half the size of your wrist.

Q. As I would recall, this is the only one that had taken place there for some time and that--

A. (Interposing) Yes, sir. That had to be me, I guess, because I don't remember anybody else hitting in the brush. I do remember hitting a tree out there and it was in this general area. I can't remember where. It was the same day. It had to be pretty close in there because I set down where the friendlies were.

Q. Well, that would verify this because they did report the fact that you had hit some brush. You had to be close to them. Otherwise they wouldn't be able to report it. You must have been fairly near the command group.

A. Yes, sir, when I set down they were right there.

Q. Do you remember talking to anybody at that time?

A. Yes, sir. I talked with somebody but I can't be positive who it was. It seems like it was a captain, but I'm not sure.

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Q. Did you recognize him as the captain that you had seen earlier in the morning?

A. I can't remember whether it was the captain--it was somebody that I had seen and I didn't particularly want to talk to him very much. But I don't remember whether it was a captain or lieutenant or who it was. I remember there was just a bad feeling I guess I had.

Q. Would this be the individual that you saw shoot the young woman?

A. Well, I would say it would be one of three people, sir.

Q. Who would they be?

A. It would be the captain, lieutenant, or the colored sergeant. The guy I talked to wasn't colored so that puts it down to the captain or the lieutenant. They are the only ones I had ill feelings against at that particular time, sir.

Q. You might think for a moment to see if you can recollect a little bit more whether it was a captain or a lieutenant. Do you recall this area being anywhere near the ditch or near the bunker area?

A. I was trying to think, sir. It seems like there were some trees to the west of me, west of where I set down at that time. But I can't remember how close it was to My Lai.

Q. Before we release you to return you to the States, do you have any additional information, Mr. THOMPSON, that you'd like to provide at this time?

A. No, sir. Not that I can think of.

Q. We would again ask you to continue to think about this to see if you can recollect any more details. This morning may be somewhat helpful. If any of these details do come to mind, we would like you to contact us in Washington so that we can arrange to obtain information from you.

A. Yes, sir.

Q. The hearing will recess at this time.

(The hearing recessed at 1104 hours, 6 January 1970.)

(The hearing reconvened at 1315 hours, 10 February 1970.)

IO: The hearing will come to order.

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

Sir, the hearing recalls First Lieutenant Hugh C. THOMPSON.

(1LT THOMPSON was recalled as a witness and testified as follows:)

RCDR: Lieutenant THOMPSON, you are reminded that you remain under oath before this hearing.

A. Yes, sir.

IO: Mr. THOMPSON, as you know, since we talked to you sometime ago we've made a trip to South Vietnam and we saw a great deal out there, and we talked to a lot of people out there. Since we've returned we've talked to quite a few additional people. At the present time we've talked to approximately 350 people, so we have a pretty good idea about what has gone on with respect to the operation, the recording of it, and the investigation of it. But even so, we thought it would be wise to call you back to try to fill in some gaps which we may have, and also to again go over certain parts of your testimony based upon the additional information which we may now have. Before we proceed, I would ask if you have any questions?

A. No, sir.

Q. We'll have Colonel FRANKLIN handle the questioning this afternoon. I might say that besides Colonel FRANKLIN, any of the people at the table may address questions to you.

A. Yes, sir.

COL FRANKLIN: Lieutenant THOMPSON, first of all I'd like to reassure you. I see you are without your normal counsel.

A. Yes, sir.

Q. Is this by your own decision?

A. Well, I called him last night, sir, to let him know I was going to be here. That's when I suppose he called to get in touch with you. He's tied up in court today, but he said it would be okay to come on over here.

Q. You're willing to talk without counsel?

A. Yes, sir.

Q. I'd like to reassure you, Lieutenant THOMPSON, that nobody suspects you of anything.

A. Yes, sir.

Q. On the contrary. You've come through this event like perhaps we wish that some others had. So I want you to speak very frankly. Just because of the rank on this board, don't feel you have to hesitate over what words you should use. We want you to sort of reproduce something for us now that you've been over a lot of times, but it's particularly important. That is: what you told Major WATKE, not Colonel HENDERSON, Major WATKE about noon on 16 March 1968. Now you came back. You had a morning probably unlike any you ever had in your life, and you had seen and experienced an awful lot of things. We certainly understand this. You came back about 1100 or 1200, perhaps even earlier than that, between perhaps 1115 and 1130. You were extremely angry. I understand you have a temper, and don't feel bad about it. This is not a criticism. This should make you speak more freely. So I want you to just think, Lieutenant THOMPSON, and try to reestablish in your mind and tell us what you can recollect telling Major WATKE.

A. Well, sir, I remember going in and talking to him, but I can't remember what I said. I feel sure that I told him everything and possibly more at that time because it was a lot more clear in my mind then than it is now. I feel that I told him everything that I've told you. Something was mentioned about the hat with "California" written on it, but what was mentioned about the hard hat, the helmet, with "California" written on it, I don't remember, sir.

Q. Okay. You went to see Major WATKE and you were upset, right?

A. Yes, sir. I guess I could say I was upset.

Q. Did you throw your helmet down on the flight line?

A. I don't remember that, sir.

Q. You went to see Major WATKE. You say you told him everything. Can you expand on that? What "everything" is? All the details?

A. Like I say, I don't remember what I told him, but I feel that I told him about the ditch and about asking the colored individual if we could help the people in the ditch out. I would say I told him about talking with the individual who I thought was a lieutenant next to the bunker site. But I can't swear I talked to him about that because I don't remember what I said to him.

Q. Is there any doubt in your mind that you conveyed to Major WATKE that there were a large number of dead women, children and noncombatants?

A. To the best of my knowledge, I believe I told him that. I can't see why I would go in and see him if, I wasn't going to say something about that.

Q. Are you convinced in your own mind that a lot of noncombatants had been killed needlessly?

A. I'm convinced in my mind that a bunch of non-combatants were killed, and I don't know how they got killed, sir. That was my whole thought of the time then, how the people got in the ditch. It just didn't make sense to me as to how those people would get in that ditch.

Q. And you're quite sure that that's one thing you did include is the people in the ditch?

A. I would feel that it would be, sir.

Q. Do you have any idea about a number which you might have given Major WATKE?

A. It seemed like a 100 to 125 was mentioned some-time. Now whether it was with Major WATKE or when I talked to the colonel, I don't remember.

Q. You know this yourself better than anybody else, Lieutenant THOMPSON. You were a warrant officer, and feeling as strongly as you would at this time, and think carefully, do you feel you'd have any hesitation at all about talking to a major, a field grade officer, company commander, and saying exactly what was on your mind?

A. No, sir, I'd just start with "sir" and end with "sir".

Q. That's all my questions on that subject.

IO: Well, I would like to ask a little bit. When you first came in from taking the boy to Quang Ngai, to the hospital, when you came back to LZ Dottie and you set down at the helipad there, were you and some of the other pilots talking about things before you went up to see Major WATKE? You perhaps, and CULVERHOUSE, and LIVINGSTON, and maybe ANDREOTTA, and COLBURN were all talking to somebody else with the other crews, Mr. MILLIANS and BAKER, and BROWN, and all these people that you'd been flying with that morning?

A. Danny MILLIANS, and CULVERHOUSE and BROWN and I talked about it, but don't remember when, sir. I don't remember whether it was back at the hootch just "BS'ing" or whether it was out on that line. Sir, I don't remember getting back to that.

Q. Yes, we have some indications that when you came in you talked this over with some of the people that you'd been with when you all sat down there, before you went up to see Major WATKE, just talking about the operation and what you'd seen down there and so on.

A. We talked something about it, I believe, sir. You know, it came up in a conversation, because I remember BROWN said he didn't agree with this either, what went on. I think it was BROWN. I'm not sure.



Q. Well, we know that all those people had a good eyeful of it, MILLIANS and CULVERHOUSE perhaps more than most people. Now when you went up to see Major WATKE, who else was in the van there with him?

A. I don't know, sir. I don't know whether we stayed in the van or went outside. I think we stayed in it in that case. Captain MOE should have been there, I would think, if he was down there that day because he was sort of the operations officer. And there was a specialist who ran the radio, but I don't remember his name.

COL FRANKLIN: KUBERT, Specialist KUBERT?

A. Yes, sir, K-U-B-E-R-T. Yes, sir, and he should have been there. To actually remember, you know, everybody that was there, I don't seem--

IO: (Interposing) When you would get back from a trip like this, would you give KUBERT a rundown on what you had done and whom you had seen? Did you prepare a log of any form?

A. We had a log, sir. We would go back in after the mission if we got a couple of KIA's, and we would call them in when we got them. Then we'd go back and sometimes he'd ask questions about them, if he didn't get everything then he'd make sure. He'd say well is this where it happened and what it was. But this would--

Q. (Interposing) Well, think about that day now when you came back in. You hadn't had a great deal of activity, but you had had two things aside from the killing or the dead civilians. One is that you'd taken a VC under fire on the north slope of Hill 85 and you weren't sure whether you killed him or not. You also located the mortar rounds on top of Hill 85. I think that is correct, isn't it?

A. Yes.

Q. Did you report this to KUPERT and tell him anything else? As far as I know you were the only aero-scout that was flying that day. You had flown all morning.

A. Yes, sir, I believe I was the only one that was flying. Somebody had to get it straight about the mortars because at first we called them mortars rather than mortar rounds and everybody thought they were tubes. I can't remember whether that was taken care of while we were out there or after we got back and refueled one time or so. I know they sent a team out and exploded the mortar rounds.

Q. Mr. MACCRATE?

MR MACCRATE: I have no questions.

LTC BAUER: Lieutenant THOMPSON, I know you've gone over this quite a bit and you've answered some questions about some specifics that you discussed with Major WATKE when you got back. I'm just wondering whether you recall any particular words that might have been used. I'm thinking of specifics like "murder" or "unnecessary killing," things of this nature.

A. It seems, to the best of my knowledge, that I would've said that I couldn't understand how those people got in the ditch. I don't know. I've been on a lot of operations, and if you go in a village on one side, the civilians are going to be heading out the opposite end you're coming in from. Of course, you're going to have VC mixing in with them. But it just didn't, still doesn't, seem feasible that they're all going to hide in a open ditch like that. It doesn't seem feasible that if they had gotten killed by artillery that the Americans would have drug all the bodies down in there and put live ones in with the dead ones. If they had gotten killed by the infantry, it didn't make sense that they would, you know, drag the bodies into the ditch or throw them in there.

Q. Do you think that anybody could have left that meeting believing that the principal topic of your conversation was this confrontation you'd had with the lieutenant on the ground? Was this the primary thrust of your report?

A. Well, at the time, sir, I wasn't too happy about,

you know, his remarks that he made, sir, that the only way that he would get them out was with a hand grenade.

Q. Do you think that most of your conversation was devoted to that, or did you cover the entire spectrum of all these events?

A. I feel I covered almost everything although it could have been just with the lieutenant. I just can't remember. I know something was mentioned about the hat with "California" written on it.

COL FRANKLIN: To help you recollect a little bit, it was probably Captain LLOYD, Captain MOE, Captain SABRE, and SP5 KUBERT. Those are four people that, at least, heard part of what you had to say to Major WATKE.

A. I don't see how Captain LLOYD would have heard me. If he had heard me, why wasn't he flying?

Q. Well Captain LLOYD brought down an H-23. You had an aircraft that wouldn't fly. He didn't bring it down until later in the day.

A. He could have been there that afternoon.

Q. I want to ask you another tough question here, Lieutenant THOMPSON. You talked to Major WATKE. You talked to Colonel HENDERSON. You talked to Chaplain CRESWELL. Now who else did you talk to about this in an official capacity, not in your hootch back there, but go to see like a chaplain or an IG or a commander?

A. Nobody I remember. When I talked to Chaplain CRESWELL, it wasn't really official.

Q. You jumped in a jeep when you came back to Chu Lai. You took a jeep that you used to eat chow in. You took off and you were mad, and you had met some of these warrants in that hootch that you led to believe that you were going to see somebody. They don't know if you did or not. Do you recall that?

A. Not that I can remember, sir.

Q. You don't recall just jumping in a jeep back at the headquarters and taking off saying you're going to go talk to somebody, make sure that this is known, what happened, what you had seen?

A. I could have gone back over to my, you know, the unit I was assigned to. But I don't remember just jumping in a jeep and driving off, sir. I could have gone back over to the unit I was assigned to.

Q. Specialist COLBURN seems pretty sure that on the 16th that he and ANDREOTTA went up somewhere on Dottie and talked to a colonel, and COLBURN remembers this because ANDREOTTA still had blood on his fatigues. Can you tell us anything about this? What you know about this?

A. I remember going up and talking to what I thought was a colonel, sir. I still don't think it was Colonel HENDERSON.

Q. On the 16th? That's the day it happened.

A. To the best of my knowledge I went to talk to one person at Dottie. I don't remember if it was the 16th or the 17th.

Q. Well, we know on the 18th that you did talk to Colonel HENDERSON, and you've already given quite a bit of testimony on that. How about on the 16th? This is the day it happened, the day you talked to Major WATKE, ANDREOTTA got blood on his fatigues. Do you recall--

A. (Interposing) Blood on his fatigues?

Q. Do you think he might have got it from that little boy, holding him?

A. He could have got it while he was in the ditch, but that would be the only place. We went somewhere and I don't remember whether all three of us went or they, you know, told us to go see this man. I haven't said, you know, that it was the 18th I went to see the colonel, sir. I went to see somebody beside a water tower or a lookout tower or whatever it was.

Q. What's that? Somebody beside what?

A. Well, the place where we went to talk with this officer that we talked to. And I thought it was a short, heavy-set full bull. Anyway, when I got back here and I saw a picture, and I saw Colonel HENDERSON, it just didn't ring a bell. I talked to him, but, you know, he says it was. I guess he would remember more than I would.

Q. Well was that the only colonel or lieutenant colonel that you talked to?

A. To the best I can remember, it was, sir.

Q. Do you recall COLBURN or ANDREOTTA talking to anybody that you didn't talk to?

A. No, sir, not that I can remember. I thought just one of them went up with me when I went. It could have been both of them.

Q. I'm going to get a photo here in a minute and show it to you, Lieutenant THOMPSON.

A. Yes, sir.

Q. Do you have any questions on this, Mr. MACCRATE?

MR MACCRATE: Not on this aspect.

IO: Well, I want to wait here till we come down to this because we have gone into this other discussion with HENDERSON. We might have a link with where it took place and the events that transpired there. Now it seems to me that we have another possibility, that we have another individual coming in here, perhaps even on the 16th.

A. The first time I was here before your board we had our pictures taken and Colonel HENDERSON was there. He was downstairs and I was in the same room with him for about, I don't know, 5 or 10 minutes. And I didn't know who he was. I didn't recognize him. I saw his picture, you know, saw what Colonel HENDERSON looked like and I didn't

remember his face. And it could have well been that he was the man I talked to.

Q. Well it seems to me we have that fairly well established that it was Colonel HENDERSON. Everybody indicates that you talked to Colonel HENDERSON and I think, if I'm not mistaken, you described it by what you said, and the fact that he had taken notes down in a notebook.

A. It seemed like it was on a pad like this, sir (pointing to yellow legal-size pad). Was the IG ever there, or who was the IG at that time, sir, do you know?

Q. The IG would not have been a full colonel. The IG was a lieutenant colonel. We will have his picture. I can't recall the name of the individual who was the IG, but we do have pictures of Colonel BARKER, and we do have pictures of other individuals. We can make these available to see if you can pick out any of them. You said that to the best of your recollection, you talked to them near the water tower?

A. Yes, sir. You walk up from the helipad, and it was on the way to the POL and the rearm point. That's all to the west of it. There was a water tower--probably not a water tower. Maybe it was a lookout tower or something. There wasn't even a lookout tower was there? There was something right next to the place I went to. I thought it was in a tent, not a van.

Q. Well you could be actually talking about different days and different situations too.

A. Yes, sir, I could be.

COL FRANKLIN: I want to show you these pictures. Mr. CULVERHOUSE talked to us and he says he thought he talked to a lieutenant colonel and he said it was either at an artillery TOC or an FDC. Does that ring any bells?

A. When I was in there talking to him, sir, there wasn't anybody in there but myself and him to the best of my knowledge. It was in the area of where their command post was, sir.

Q. Were there any radios in there?

A. I was just trying to think, sir. There was something on the left side, I think, 'cause I walked in and he had one of these field tables and that's where we sat. It seemed like there were some of these radios though, but somebody else would have to have been in there. I can't remember anybody else being in there to operate the radio.

Q. I'm going to show you a picture here, Lieutenant THOMPSON, marked P-53, and I'd like to know if you've ever seen this officer before, particularly with respect to the man you talked to.

A. I know who this is. I know who he is, but I don't think he's the one I talked to, as I would have recognized him when I saw him here before, sir.

IO: Who was that?

MR WALSH: P-53.

A. Colonel BLACKLEDGE, I guess.

COL FRANKLIN: I'm going to show you two color photos, P-199 and P-200. I'd like you to take a look at these, Lieutenant THOMPSON, and see if either one of those officers--

A. No, sir, they're not familiar.

Q. Let the record show that it's not the officers shown in P-199 and P-200. I'm going to show you two more pictures, one marked P--these photos have not been entered. I'd like to enter these. Could you give me an identification number for this first photo?

RCDR: Yes, sir, the first photo will be P-223.

Q. The second photo?

RCDR: P-224.

(Photographs of COL LUPER and COL PARSON were received into evidence and marked as Exhibits P-223 and P-224, respectively.)

A. It's not 223, sir. Colonel LUPER.

Q. You know Colonel LUPER?

A. Yes, sir. I worked for Colonel LUPER quite a bit, sir.

Q. It wasn't Colonel LUPER you talked to?

A. No, sir. He was battalion commander of the 6/11 and I used to fly him all the time when I was with DIVARTY. I don't think it was Colonel HENDERSON, sir.

Q. You don't think it was Colonel HENDERSON?

A. Well, that was Colonel HENDERSON you just showed me.

Q. No, that's not Colonel HENDERSON.

A. Oh, I thought it was, excuse me.

Q. You say it's not this colonel right on P-224? Here, take another look at that picture. There's certainly some resemblance, but it's not Colonel HENDERSON.

A. I can't say that it wasn't.

Q. Okay, I'm going to show you a few more pictures, P-49 and P-50.

A. I guess now the one on the right is Colonel HENDERSON, sir. It wasn't Major CALHOUN.

Q. Well, is the one on the right, is that the officer to whom you spoke about the events of 16 March?

A. I can't say whether it is or it isn't, sir.

IO: On this 16th business, I'd like to just come back a little bit. What time did you get in there, to LZ Dottie, Lieutenant THOMPSON? You took a boy to the Quang Ngai hospital, then you came on up to Dottie. You obviously had to refuel.

A. Yes, sir, I was about out of gas. It seemed like it was around lunch time, sir.



Q. All right. So among other things you refueled.

A. Yes, sir. I had to refuel. I don't remember if I landed before I refueled or I went straight to the refuel point. Most of the time you would go straight to the refueling point.

Q. Well, either one way or the other. Then you talked to Major WATKE?

A. Yes, sir.

Q. How long did you talk to Major WATKE?

A. It was 15 or 20 minutes, 30. I don't know the time element there. I wasn't keeping a watch on it and I don't--

Q. (Interposing) Well, I understand that.

A. It could have been a lot longer than that.

Q. But then did you eat lunch there? You say it's before lunch. You must have some--I mean you either had a pain in your stomach or you ate something.

A. I don't remember whether I ate before I went to see him or afterwards.

Q. Before you went to see whom?

A. Major WATKE.

Q. But you put all that together now and just look what you've done in the time you've been there. The next time we pick you up is when you're down east of My Lai (4) and your helicopter clipped a tree. How long you had been flying before that I don't know, but it seems to me unlikely that you went up to talk to anybody aside from doing what you'd already done on that day. We know that in the morning of the 18th, you and COLBURN and CULVERHOUSE went up to see Colonel HENDERSON.

A. It doesn't seem like I'd had any time to eat my can of C's and gotten back out there by 1330.

Q. Unless you did a lot of double-timing around there. Being as mad as you were and talking to the people down there at the pad, it just seems unlikely to me that you'd have done all these things. I'm not trying to talk you out of the fact that you did do this, but it just appears to me that it just doesn't appear logical. But you remember you got in there, whether you fueled or not, but you finally got set down at Dottie and you talked to some folks for a little while, and then you went up to see Major WATKE. Well, this is quite a bit of elapsed time right there. Now you ought to remember if you went to see somebody after that. You'd probably remember that.

A. It was Major WATKE or Major WILSON or somebody, who saw me either go up there or one of them might have walked up there with me to show me where to go.

Q. The word we have, on the 18th, exactly what happened, Major WATKE walked down off the hill and he collected you three. He knew you had all flown together because he had flown that morning and you and COLBURN and CULVERHOUSE were there.

A. It doesn't seem like there'd be enough time to see anybody then on the 16th unless we went to see somebody after we came back. I remember after we had the blade strike we had to bring the aircraft back.

COL FRANKLIN: For the record, back to where?

A. Dottie, sir. Mr. YOUNG brought down a blade kit for it and I think he flew the aircraft back or I flew the aircraft back. I don't know whether they had to change a blade on it or just check it out at maintenance. Now if after I came back from that at 1330 and saw anybody, I can't remember. I don't remember when I saw this person.

Q. One more question. Captain LLOYD associates this with the blade strike, but as mad as you were, do you think that you would have eaten lunch and not gone up to see Major WATKE at your first convenience, which would have been about 1115 or 1130, Lieutenant THOMPSON? Do you think you would

have gassed up, eaten, and gone out on another mission before you talked to Major WATKE?

A. If they had a mission ready to go, sir, and I was the only 23 flyable, I'd have to go. That could have been when I threw a helmet, down if I did. It seems so foolish to hit a tree. You get mad at yourself and you do things like that. I could have gone back out on another mission, because the time is getting real close to be back out there. When they called in that blade strike it was 1330, I believe the report said.

Q. That would have given you almost six to six and a half hours of almost continuous flying other than two re-fueling stops.

A. Plus the time we were on the ground at Quang Ngai.

Q. What were your feelings toward the feedback that you got when you talked to Major WATKE? Did what you expect and what you thought was going to happen or should happen, did it happen?

A. I remember I went to talk with someone, I really don't know how I felt then. One of my main questions is how the people got in the ditch.

IO: Well you pretty well surmised that, didn't you? Why did you go over and land in front of the American forces then to protect the women and children and perhaps the old man that was in the bunker?

A. I landed to let them know they were in there, sir. I just guess we were kind of concerned about them a little bit.

Q. I guess you were concerned enough about them that you had your gunners standing on the alert, didn't you?

A. My gunners were always on the alert, sir.

Q. Yes, but I mean to protect you, if need be?

A. Yes, they were protecting me.

Q. Well. There wasn't any enemy fire, was there, at that time?

A. I hadn't seen any right then, sir, but they could always start up.

Q. If there had been any enemy out there, you probably wouldn't have put that chopper down, would you?

A. That wasn't the first time I set down, sir.

Q. I didn't say that. I said if there'd been enemy out there firing and there was crossfire between the American forces, you wouldn't have put that chopper down out there and risked yourself and the chopper and COLBURN and ANDREOTTA? And also you'd risk a heavy gunship and its crew.

A. I felt safe enough, sir. We had enough people on the ground in case anything broke out. I can't say that my gunners and crew chief were covering me against Americans. That seems kind of bad, sir.

Q. Well, but I'm just talking about facts.

A. I wouldn't want to get shot by anybody, sir. It doesn't seem feasible that one American should be afraid of another one.

Q. What's that again?

A. I said it wouldn't be feasible or ethical that one American should be worried about another American shooting him.

Q. Well, it probably seems unlikely, but the fact remains you weren't wanting to get shot up out there either.

A. Yes, sir, I wouldn't want to get shot up.

COL FRANKLIN: What I'm getting at: you knew pretty well what had taken place out there. We don't want to fool around on this. You'd seen an awful lot of dead people.

There wasn't much doubt in your mind as to what had happened. You'd seen an awful lot of that. You'd gone back and you'd told your commander. You've had some leadership training. You're an officer now, and you're taught and trained to think about taking care of people's problems. That's what leadership's all about. Do you feel that you were given the treatment and the attention and the follow-through and the feedback that you were entitled to as a pilot-officer going in there and reporting something very serious? I'd like your frank opinion.

A. Well, Major WATKE talked to me, sir. Sometime after that, fairly soon, to the best I can remember, I was talking to a colonel, so I think somebody was looking into it, yes, sir.

Q. Well how about the next couple weeks or months. Did you hear anything about it?

A. No, sir.

Q. Did that seem strange to you?

A. Well I saw an article in a magazine, I think it was after I got back from R&R, I'm not sure, about the biggest battles of each of the brigades of the division. I believe that My Lai was written up as the 11th Brigade's biggest battle. I didn't see anything else after that. I believe I didn't talk to anybody. I didn't think too much about it after that day.

Q. Well, when you read this article, did you think that was a bunch of baloney, or did you think that--

A. (Interposing) I thought it could have been a pretty good farce, sir.

Q. With your knowledge, then, you never got any feedback on what the result of this investigation, or even if there was one, other than you talked to a colonel?

A. I can't remember anybody coming back to me and telling me what the outcome of the investigation was, sir. I'm not saying they didn't come back, but I can't remember if they came back to me.

Q. I have no further questions.

IO: I don't think you've completely responded to Colonel FRANKLIN's question, Lieutenant THOMPSON. Now just think back a minute. We're not asking when you got to see a colonel, but when you went up to see Major WATKE in the van and you talked to him. The question is whether you thought at that moment, and from what he said to you, and from the impression that he gave you, whether or not your allegation was going to receive proper treatment. Now I'm not talking about 2 days later. I'm talking about right then, if you felt that he was going to do something about it?

A. Yes, sir, I'd have to say that I thought that he was going to do something about it because I can't remember what was said, sir.

Q. All right, now we've also talked to other people who said when you got back to Chu Lai that you had the impression that what you told Major WATKE was not going to be adequately handled, and as a consequence you felt obliged to go tell somebody else.

A. I can't remember going and telling anybody else, sir.

Q. Well, when did you talk to Major CRESWELL?

A. I thought it was at the club, at the officers club, sir.

Q. He seemed to remember, as I recall, about halfway through his testimony that you came over to his office. You sat down and had quite a lengthy discussion with him. Now this isn't to say you didn't talk about it with him later or mention it to him.

A. I used to go over to the chapel and talk to him every now and then because we fixed our confirmation places because he's the same denomination I am. But I don't remember jumping out of the helicopter and jumping in the jeep and running straight over there, sir.

Q. Well it made quite an impression on the other fellows because they had to walk.

(Memo for the record dated 1 January 1970,  
subject: "Low Level Reconnaissance to Identify Sites  
Previously

(THOMPSON)

Indicated by CWO THOMPSON" and addendum thereto, dated 8 January 1970, is entered into the record and marked as Exhibit M-110.)

IO: Now let me review a few things without fixing the date or the place, but just a few things that you told Major CRESWELL that stuck in his mind:

"THOMPSON told me that he flew a slick, (chopper without guns) for a combat assault on a small village called My Lai. On a later return to the My Lai area he had seen a large number of bodies in excess of 160. Upon making passes over the area it seemed to THOMPSON that most of the bodies were women and children. He told me that he saw a bunch of bodies in a ditch with a moving infant. At that time he saw an American Negro walking toward the ditch. Upon a return pass the soldier was walking away from the ditch and the infant was no longer moving. It was his impression that the child had been killed. He also saw a group of civilians in a bunker and landed between them and the American troops. At that time the American troops were firing at the civilians. He saw no return fire of the civilians and believed to be women and children. When he landed he evacuated them. He was told by an American officer to leave the area and THOMPSON refused to do this and ordered his door gunner to train his weapon on the officer until he had a load of civilians on the aircraft. He further stated that the American troops opened fire again after his lift-off. I believe that THOMPSON made two trips to the bunkers. This is the only information I had on the operation."

Now this is a statement that was made by Major CRESWELL to the CID, and he had made a comparable statement to us.

A. That's not right, sir. I've never flown a slick in my life.

Q. Well, I understand that. I don't think he knows the difference between a slick and an H-23.

A. I don't remember. I remember there was a body, a baby or infant in the ditch and later it was dead.

(THOMPSON)

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As far as the Americans shooting and I set down in the middle of them, I can't go along with that, sir. And telling my gunner to train his weapon on, or shoot the Americans, I can't say that I said that either.

Q. He didn't say to shoot them. He said--

A. (Interposing) It doesn't make sense to see the Americans shooting into the bunker, into a treeline and sit down in the middle of them, so they weren't shooting into them. One time, or the time that I--

Q. (Interposing) Well, there may be some--we get a cross feed here between what you say you saw and exactly the way you told it. But he's telling it the way he heard it so there will be--and this is also 2 years later. So the story probably isn't exactly correct. But the point is that you gave Chaplain CRESWELL quite a bit of detail. You talked about 160 bodies in the ditch. You talked about the confrontation, and so you had given Major CRESWELL quite a bit to think about.

A. I talked to him, sir, about the bodies and the ditch and I talked about a colored sergeant and something about a bunker. But no one asked anything about the Americans firing and I don't remember that I stated before what our conversation was on the ground.

Q. Well, going back to Major CRESWELL, he says:

"It was, I'm willing to lay odds, on the 16th, the day of the operation--no later than the 17th--when Mr. THOMPSON came to see me. He said he had flown in and he came in and sat down very upset. He was terribly upset and wanted to know what to do from that point on."

And he says, when he was asked to be a little more specific and tell us what you told him:

"Q. Well, first let me rephrase that. Did he come to your office or was this the initial discussion, a rather casual discussion.

"A. He came to my office."

And he went on to say basically the same story that I repeated from his story to CID.



A. I remember talking to him but he said something about seeing his boss or something like that but whether he ever did anything I don't know.

Q. We know the story from then on, yes.

A. I remember going to his office but I don't know whether it was that day or not or within the next day.

Q. He seemed to remember that you came in to him very early. Also the indications are that when you got out of that chopper you charged out of there and got in the jeep and took off. You indicated to people that you weren't going to get satisfaction so you were going to discuss it with someone else. I believe I'm repeating that story correctly, am I not? You see, we're not asking you questions about what people ought to do and so on, we're asking what happened.

COL FRANKLIN: Does this embarrass you, Lieutenant THOMPSON, that you'd do this? Does this seem like a bad thing to you?

A. The whole thing, even being associated with it seemed to be a bad thing to me, sir.

Q. To me it seems a normal thing. An upset young man who had seen something who goes to see a chaplain. That's what chaplains are for. Why does this embarrass you? Apparently it does.

A. I went to see the chaplain a lot of times, went up to the club and drank together and I started confirmation classes. I just wonder where he got where I talked to him or when I talked to him mixed up with the time I was over there for confirmation class. I don't know. I've gone to people's offices to talk to them and you wait 2 years later and ask somebody what they talked about on this particular day. I couldn't say.

IO: Yes, but remember, lieutenant, you're talking to a chaplain and you're telling him a story the likes of which he never heard before in his life and probably will never hear again, ever. He remembers every bit of it and the time and the place, the whole setting and everything. He can't forget that. You were probably so irritated and irked and mad that you can't remember much, but he remembers it.

A. I don't remember being that upset, sir.

(THOMPSON)

Q. Well, your friends think you were.

MR MACCRATE: We have been told by some of the NCOs who worked in division headquarters they recall Colonel HOLLADAY coming in to division headquarters. He had a warrant officer with him. Colonel HOLLADAY was with this warrant officer and apparently the warrant officer wanted to see the division commander. They don't indicate whether or not any such meeting was ever arranged, and they don't indicate whether this may have resulted in a visit to one of the ADCs instead of to the division commander, if in fact there was a visit to any of the general officers there. But we do have the description of a situation at or about this time in which it would be reasonable for us to think that you might be the warrant officer. Do you have any recollection of such a visit to division headquarters?

A. I don't remember going to division headquarters. I don't know, the way you stated it or something, it seems like I went to division headquarters sometime, because I know how the building was laid out on the inside just by walking in the front door. But I can't remember going up there or talking to anybody.

Q. Do you have any association with Colonel HOLLADAY, being with him at a place, possibly in that building. You know there's a central little area where there are two clerk's desks for an aide and a clerk.

A. Yes, going in the right.

Q. Well when you get in beyond that, the commanding general is back in the right-hand corner. Come in through the parade grounds in the far corner to the right and there's one ADC by the door on the left and another ADC beyond that door. Then there's an area in the middle of the building where you have a clerk and an aide to take care of the chief of staff, and one of the ADCs.

A. I sort of remember going to battalion headquarters sometime. I can't remember what I went there for, but I can't remember going talking to anybody in the headshed.

Q. You can't recall that if you were in the division headquarters that it led to meeting or conversation with either General KOSTER or with General YOUNG or possibly with Colonel PARSON, the chief of staff?

A. I could have sir, but I can't remember, sir.

IO: Well, we want to thank you for coming in again  
Lieutenant THOMPSON.

Before we recess this hearing I would again like to caution that you have been directed not to discuss your testimony here with others.

A. Yes, sir.

Q. You have been over this before so I'm sure you're familiar with the instructions.

A. Yes, sir. I also got a general order the other week saying I can't talk about Sergeant MITCHELL?

Q. Well is this from the military judge in the case of Sergeant MITCHELL?

A. Yes, sir.

Q. The hearing will recess at this time.

(The hearing recessed at 1423 hours, 10 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: WALKER, Gerald S. CPT

DATE OF TESTIMONY: 3 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Aero-scout, B Company, 123d Aviation Battalion.

1. KNOWLEDGE OF THE OPERATION.

The witness allowed that either Mr. BAKER or Mr. MILLIANS would have flown as leader on 16 March, since they were the senior aircraft commanders (pg. 3). He could not state the number of gunships flying that day (pg. 4). These would rotate on the ground in covering the operation (pgs. 4, 5).

2. KNOWLEDGE OF REPORT AND INVESTIGATION.

a. The original report.

When the aero-scouts returned on the afternoon of 16 March, the pilots seemed upset and disgusted (pg. 7). He recalled the pilots' discussion and the relating of Warrant Officer THOMPSON's having saved women and children from a bunker which was about to be destroyed by ground troops (pg. 8). The witness recalled that a gunship flew the endangered Vietnamese from the area (pgs. 8, 9).

b. Initial reaction.

The witness' initial reaction, as well as that of Captain WILSON and Major WATKE, was to talk their men back into the "right frame of mind" for flying (pgs. 11, 12).

(WALKER)

1

SUM APP T-308

After the men filed their mission reports, talk of the incident died off (pg. 17). Until an investigation occurred the men wanted to keep the incident quiet (pg. 17).

c. Knowledge of an investigation.

(1) He recalled that either Major WATKE or Captain WILSON said that they were going to report the incident to Colonel HOLLADAY (pgs. 11, 12, 14). The witness admitted he had no personal knowledge of this report having been made (pg. 15). He recalled WATKE mentioning at the briefing that the matter was under investigation (pg. 15). The witness felt that the Task Force Barker commander knew of the incident on the afternoon of 16 March (pg. 18).

(2) The witness declared that neither he nor, to his knowledge, any members of his section were ever contacted to make a statement (pg. 18). He was not upset, however, since he figured that the ground unit was under investigation, not the aviation unit (pg. 19). However, he knew nothing of WATKE's attempting to squelch rumors of the incident (pg. 24).

3. OTHER INFORMATION.

The witness felt that Task Force Barker was a fine unit and he enjoyed working with it (pg. 19). He knew of no animosity between personnel of the 123d and 14th Aviation Brigades (pg. 20). He did note, however, that the 174th went to extremes in chasing down and attempting to kill Vietnamese trying to evade (pg. 20).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-57	Instructions to witness	Read by witness.	1
P-1	Aerial photo	Shown to witness.	6

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(The hearing reconvened at 1145 hours, 3 February 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 Captain Gerald S. WALKER.

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

State your full name, grade, Social Security number, branch of service, organization, and station.

A. Gerald Simon WALKER, Captain, United States Army, Headquarters and Service Company, Consignment Regiment, Fort Rucker, Alabama.

MR WEST: Captain WALKER, have you read Exhibit M-57, which describes the nature and purpose of this inquiry?

A. Yes, sir.

Q. Do you have any questions about it?

A. No, sir.

Q. Colonel PATTERSON, will you lead the interrogation, please?

LTC PATTERSON: Captain WALKER, will you tell us the unit to which you were assigned on 16 March 1968?

A. Yes, sir, I was assigned to B Company, aero-scout division, 123d Aviation Battalion.

Q. And what was your assigned duty within B Company?

A. I was the section leader for the gun platoon, sir.

Q. Have you had an opportunity to check your individual flight record?

(WALKER)

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A. Yes, sir, I have.

Q. Did you fly on the 16th of March 1968?

A. No, sir, I did not.

Q. I understand that on or about 21 January 1970, you were interviewed by the CID, Mr. James MERCER?

A. Yes, sir.

Q. Have you talked with any other individual with reference to the events surrounding My Lai (4)?

A. No, sir, not--actually, to that period of time, there was a phone call from here, I believe, prior to my talking to Mr. MERCER.

Q. You have not discussed the events with any member of the Americal Division?

A. No, sir, I haven't run across anybody that was assigned with me from that unit at that time. I talked to some in Vietnam, but other than that, no, sir.

Q. You've indicated or indicate in the CID statement that you recall the 16th of March 1968 with some clarity.

A. I recall the incident, sir; the exact date of it, I'm not positive.

Q. Do you recall participating in a briefing concerning this operation estimated to be on or about 15 March 1968?

A. Sir, I can recall a briefing, but I can't recall what was stated in the briefing.

Q. Do you recall there was a briefing on the 15th?

A. Yes, sir, I believe there was one.

Q. Do you recall who gave the briefing?

(WALKER)

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A. Exactly, no, sir. Major WATKE normally gave the briefing of what we were going to do either the next day, or we would hold a briefing the morning of the operation and he would brief in the morning.

Q. As the gun section leader, what responsibility did you perform with reference to the scheduling of your aviators for missions?

A. Sir, the scheduling of aviators, I normally--I had myself a chart and scheduled them for a day's flying trying to keep their hours down as little as possible during the month. My aviators were highly qualified. They had been on missions by themselves before, so there was no problem having a flight leader for the gunships.

Q. Do you recall who was lead for the gunships, Company B, 123d on 16 March, or who was scheduled for that duty?

A. Sir, I don't recall exactly who it was, but I have an idea who it might have been.

Q. Who was that, please?

A. Mr. Scott BAKER could possibly have been the flight leader, and a Mr. Danny MILLIANS. They were the senior advisors, warrant officers at that time.

Q. What makes you seem to recall these two individuals as being the individuals that would have flown?

A. There were the aircraft commanders, sir, and they were the senior aircraft commanders in the platoon. It had to be one of them or one of my senior aircraft commanders who would have been the flight lead for the day.

Q. Do you recall how many ships you anticipated flying that day on 16 March?

A. Exactly, no, sir. We normally had two, and occasionally we had three or four. On this particular day, I couldn't say exactly how many we had.

(WALKER)

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Q. Do you know of any records that were maintained in Company B, 123d Aviation Company, which would indicate who and how many gunships flew on 16 March 1968?

A. Sir, I believe there was a log book that was kept in our operations van, but that log book may have been destroyed afterwards. It was something that Major WATKE wanted to keep for a historical report, but an exact log of who flew, no, sir. What occurred was we assigned the ships, assigned the pilots to the ships. It was written on a board in chalk, and it was erased the next day. There was no other records, as far as I know.

Q. We have had some difficulty in trying to establish how many gunships flew in support of the Warlord mission on 16 March and who indeed were members of the crew on 16 March. Do you know of any way or any recall that you may have that can assist us in this regard?

A. Well, the way our operations went, sir, if there would have been three ships, then all three of them would have flown at one time during that day, so all of the pilots that were on the ships would have been out to observe the operation.

Q. Let me just clarify what you mean by that. Do you mean simultaneously flying or rotating on station?

A. Rotating, sir.

Q. What was the procedure for this?

A. We had two gunships and a recon ship. The recon ship and the two gunships went out to cover the operation. If we had only three guns, then one of them would be sitting on the ground from after they had flown until the gunship had come close to running out of fuel and they came back to the area. They took the ship that was on the ground, and he joined the mission, and one of the other ships stayed on the ground so that they would get a break.

Q. As I understand what you have just said, they wouldn't rotate in the air, then?

A. No, sir.

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Q. They would rotate on the ground?

A. The only time they would rotate in the air would be if there was something that was occurring where it was mandatory for them to be on station.

Q. Who would make that decision?

A. The operations, sir.

Q. The operations at LZ Dottie or--

A. (Interposing) At LZ Dottie, sir.

Q. Who was running the operations at LZ Dottie during this period of time?

A. Sir, I believe it was Major WATKE, but I couldn't swear to it at this time. He was normally in the operations van. He had a captain that assisted him there, but I can't recall his name.

Q. Do you recall whether or not Major WATKE was going to fly on the 16th of March?

A. No, sir, I do not.

Q. What do you recall, as far as the mission is concerned, of the briefing given on 15 March?

A. Sir, I don't recall anything about the briefing, nothing whatsoever.

Q. Do you recall the planned operation, how it was to progress, and what was to transpire?

A. No, sir, I do not.

Q. You feel that you were present at the briefing, though?

A. Sir, I believe I was. There were several times that I didn't fly when I attended briefings. I can't recall whether I was there or not, exactly.

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Q. What evidence is available to us indicates the mission of 16 March was to be a combat assault being conducted by Task Force Barker in an area in the vicinity of Pinkville, My Lai (4), an operational area north of the Tra Khuc River, generally operating as far north as the Diem Diem River. Task Force Barker was located at LZ Dottie. The fire support LZ was just to the east of Highway 1 and north of the operational area. At this time LZ Uptight was also operational and had artillery. The briefing probably would have included the scheme of maneuver of Task Force Barker and the mission assigned to the aero-scouts, your unit. The briefing probably indicated there would be two rifle companies assaulting by air, a chopper combat assault. The third rifle company of Task Force Barker would be walking into position, blocking position just north of the Diem Diem River. And at 7:30 in the morning, after an artillery prep, one of the rifle companies from LZ Dottie would be inserted somewhere in the vicinity of My Lai (4), a little hamlet to the west of Pinkville itself. The aero-scout mission, which also began at approximately 7:30 in the morning, probably consisted of a screening type mission in an area south of Highway 521 covering the area south of 521 including Hill 85 to the Quang Ngai River or the Tra Khuc River. A second LZ was planned for the insertion of the second rifle company, and we are under the assumption that in the briefing on the 15th of March there was some doubt as to the exact LZ time for the second LZ based upon the availability of helicopters the next morning. Both LZ's were to be prepped by artillery, both were to have a gunship suppression, and the lift was being supported aviation wise by the 174th Aviation Company, augmented as necessary. Does this recall any briefing to you?

A. No, sir, it doesn't.

Q. The 16th of March at 0730 hours in the morning, the troops did, in fact, land in an area just to the west of My Lai (4) here on the aerial photograph (Exhibit P-1) that you have, and was preceded by an artillery prep and gunship suppression. The aero-scouts were just a bit late getting on station, according to the information, and did, in fact, get into their AO south of 521 very shortly, though, after 0730 hours in the morning. You don't recall anything about the briefing?

(WALKER)

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A. No, sir, nothing whatsoever.

Q. As I understand it from the CID statement, you stayed at Chu Lai, your home base, on 16 March?

A. Yes, sir. Ky Ha, which is part of Chu Lai.

Q. And I believe you indicated in your statement that you were present in the afternoon of 16 March when the aero-scouts, your unit, returned from the operational area?

A. Yes, sir.

Q. Would you indicate or tell us what occurred at that time?

A. When the aircraft came in, sir, I met them at the flight line. I talked to some of the personnel as they got out of the aircraft, and they all seemed quite upset. In fact, some of them seemed disgusted.

Q. Could you tell us whom you talked to?

A. Sir, I believe I talked to Warrant Officer THOMPSON. They all came in about the same time. Normally the OH-23 came over the hill first and landed first, and I was between the operations area right at the flight line. As they came out of the aircraft I talked to individuals, and I was pretty sure that it was Warrant Officer THOMPSON that I talked to.

Q. Were you there to meet them, or did you just happen to be there?

A. Normally, I would go out to the flight line, if I didn't fly that day, and meet them.

Q. And you think you talked to Mr. THOMPSON?

A. Yes, sir.

Q. Okay, what do you recall Mr. THOMPSON saying?

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A. Sir, what I recall is not only what Mr. THOMPSON said, but the aviators as they got out of the aircraft came over, and the group discussing what occurred. The gist of what I can recall is that there was a bunker that had women and children in it, and the Warrant Officer THOMPSON recognized that there were women and children in the bunker and flew over to where the infantry was and talked to a leader on the ground. He landed his aircraft and talked to him. He told the platoon leader, or whoever it was he talked to on the ground, that there was nothing but women and children in the bunker, and that they didn't need to blow the bunkers or such. And I believe that the answer he got in return was that they would clear the bunker the same way they cleared any other bunker. I believe Warrant Officer THOMPSON further stated that, "No, you won't." This is what I got from the conversation of the pilots. And then he flew over to the bunkers, and I don't know whether he landed or if he got them out of there some way by coaxing them, but he got them out of the bunkers, and they were taken from the area. Now, I don't believe that he flew them himself. I believe that one of my gunships would have to have flown them out. From the reports on TV, I don't see how he could have.

Q. Well, going back to that afternoon when you recall hearing all this, can you remember specifically talking to THOMPSON that afternoon?

A. Yes, sir, I believe it was THOMPSON that I was talking to. I believe Lieutenant LIVINGSTON was also around there, and I believe Mr. BAKER, and I'm almost positive that I was talking to Mr. THOMPSON.

Q. What time of day do you think this was, Captain WALKER?

A. Sir, I believe it was just about an hour or so before sunset. It may have been a little earlier.

Q. Do you recall hearing how these people got moved out of the area?

A. At that time, sir, I understood that one of my gunships flew them out. Now, it was a little confusing at that time, but I could see how THOMPSON could have flown them out.

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Q. You didn't hear which one of your gunships?

A. No, sir.

Q. Was Mr. THOMPSON excited?

A. Yes, sir, somewhat.

Q. What was the general attitude about the rest of the aviators?

A. They were all upset to a degree, sir; it wasn't actually anger, but it was close to it.

Q. Did Mr. THOMPSON, as you recall, come back with the gunships?

A. Yes, sir, I believe he did. Our procedure normally was when we completed an operation, we all flew back together. The reason being if the 23 went down, we could give him cover on the way back.

Q. Did you know a Captain LLOYD?

A. Yes, sir, I did.

Q. Did you see him at this first group meeting?

A. I don't recall seeing him, sir. He may have been there.

Q. Do you recall Mr. THOMPSON indicating that he had any trouble with his helicopter that day?

A. No, sir.

Q. Do you recall hearing any information concerning a blade strike?

A. No, sir.

Q. We've had some indication that Mr. THOMPSON did have a blade strike about 1345 hours in the afternoon on 16

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March, and that his ship was cleared for a one-time flight to Dottie back to home base Chu Lai, and that Captain LLOYD flew the scout ship in the afternoon. Does this help refresh your memory any?

A. No, sir, it doesn't. I'm almost positive I talked to Warrant Officer THOMPSON. Now, if he would have come back early he might have come down to the flight line to meet the aircraft as they came in also.

Q. Do you recall what other individuals were present at this gathering other than BAKER, THOMPSON, and yourself?

A. Lieutenant REUTNER may have been there. I don't believe he flew that day, but I believe he also met them at the flight line. There was another lieutenant that also flew the scout ships. I don't recall whether he was flying them at that time or started flying them later on. He may have been there also.

Q. Do you recall whether Mr. MILLIANS was there, or Mr. MANSELL?

A. Mr. MANSELL. I believe he was there, yes, sir.

Q. Mr. CULVERHOUSE?

A. He would have been flying one of the slicks, I believe, sir.

Q. You don't remember Mr. MILLIANS?

A. Specifically, no, sir. I believe all the pilots of all the gunships were around that area, and we were all discussing this thing.

Q. Was Major WILSON there?

A. I don't recall, sir.

Q. What about Major WATKE?

A. I believe Major WATKE was there.



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Q. He was part of this gathering discussing this?

A. He wasn't actually part of the gathering, no, sir. I think you have the wrong picture. After they came off the aircraft and moving toward the operations to fill out their after action reports, we were discussing it as we went up that way. I believe Major WATKE was there. I believe he tried to quiet some of the people down to try to keep it within our own group, and he informed, I believe, one of the people that he was going to talk to, I believe, Colonel HOLLADAY, about it.

Q. Do you recall this, or what makes you think this?

A. I recall it was either Major WATKE or Major WILSON. I believe he was a captain at that time. They were interested in trying to console the people. Trying to get them back in the right frame of mind again, and as we were moving towards the operations, I know that someone mentioned, "Well, let's keep it here, and we'll report it to the commander," or Major WATKE would report it to the battalion commander.

Q. And the talk that you indicated was being discussed was that THOMPSON had tried and subsequently did get some people out of a bunker? Women and children?

A. Yes, sir.

Q. And that was all?

A. This is all that I can recall, yes, sir.

Q. Do you recall hearing any other incidents discussed as you walked to operations?

A. No, sir, I didn't.

Q. Was there any talk about casualties?

A. No, sir.

Q. All right, would you tell us--just tell us what occurred when you all finally reached operations?

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A. Well, when they reached operations, sir, they went in and filled out their after action reports, and from there they broke up, went back to our hootch, and, I believe, shortly after that, they went to chow. But there wasn't much discussion of what occurred, other than what I just told you.

Q. You being the gun section leader, did you discuss it with your people that had flown?

A. Normally, sir, I tried to determine what had happened during that day. This time I don't recall whether I asked them what occurred or not. I don't recall hearing anything other than the incident I discussed.

Q. Did you go into operations with them as they filed their after action reports?

A. I'm not certain.

Q. Did you see Major WATKE go into operations?

A. I'm not certain or that, either, sir. I'm sure that he was there with the group when we went up towards operations.

Q. What about Major WILSON? Did you see him anywhere along the line?

A. He may have been there, but I don't recall seeing him.

Q. What were your actions with regards to the reports you received from your gun people?

A. My reaction at that time, sir, was again to try and talk to them, get them back in the right frame of mind. As far as completely going over the incident, I did not.

COL FRANKLIN: Let me interrupt there. You've used that phrase several times, "get them back in the right frame of mind." Let's get it straight what these things are that they are talking about when they came back. You are an officer and in command of them, and they are extremely upset; they're throwing helmets on the ground, and, at least to your recollection, there has been a confrontation, right?

A. Yes, sir.

Q. Between American forces. Now, you were so interested, you couldn't even tell us how they took these people out of that bunker out there. It made such a little impression on you. What is getting people "in the proper frame of mind"? Just what kind of frame of mind is that?

A. Well, sir, when they came off the aircraft, one of them mentioned he couldn't understand why they were in Vietnam when incidents like this occurred. Now, the incident, as far as I could tell at that time, was the infantry perhaps wanted to move up towards these bunkers with women and children in them. The other incidents, I don't recall, sir.

Q. Did you know your people had given instructions to lay their machineguns, their M-60's, on these American troops?

A. I had heard after it occurred that this may have happened, sir.

Q. WALKER, I don't mean to vent any anger on you, but frankly, what you're saying and the tone of what you're saying is what we have heard from so many people. We have yet to have a man who said, "I was vitally concerned about this and I wanted to know what happened. I was concerned about my subordinates and my duties and my obligations to really go into this." This is all water under the bridge, and you don't stand alone, by any means, but listening to people talking the same way you do day after day, where was the man, where was the officer who would take enough interest and concern for what Warrant Officer THOMPSON had to say to track this thing down? Then perhaps none of us would be here now. But it is not personally directed, and I mean that, WALKER. It's just hard for me to understand when you've got these people coming off a flight line, how this doesn't have an emotional effect on you. You've got a pilot who asks why he is in Vietnam when things like this are happening. "Just take it easy; forget about it."

A. No, sir, it wasn't a "take it easy, forget about it" thing. I believe Major WATKE was there. I believe this is why I think he knew about now. He said it was going to be investigated.

Q. Taking the big weight off of Lieutenant WALKER's shoulder, then?

A. At that time, yes, sir, it seemed to be. Well, the most I could do was report it to Major WATKE.

LTC PATTERSON: Did you, in fact, talk to Major WATKE about it at any time?

A. Major WATKE was there, sir. I did not.

Q. You were a gun section leader?

A. Yes, sir.

Q. One of the key leaders in this organization, and as I understand it, then, you never personally talked to your aviators about it, and then went to Major WATKE and talked to him about it?

A. No, sir, because Major WATKE knew about it.

Q. Did he indicate to you personally that he knew about it?

A. Well, I told Warrant Officer THOMPSON, I believe, or my pilot. Sir, he had to know about it. He was there as we were going into operations.

Q. But the question, Captain WALKER, is did you talk to your people about it and get the story from your gun people, not from THOMPSON who is in another section, but from your people?

A. No, sir, I did not.

Q. Or did you, then, at any time talk to Major WATKE about what the people had said?

A. No, sir, because I didn't talk to my people.

Q. You indicated in the CID statement that Major WATKE had said on the flight line that he was going to report this to Colonel HOLLADAY?

A. Yes, sir.

Q. Do you recall that?

A. I recall that statement being made, sir.

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Q. By Major WATKE?

A. I believe it was Major WATKE, as best I can recall, sir.

Q. Do you, from first hand knowledge, know that Major WATKE went to see Colonel HOLLADAY?

A. No, sir, I do not know.

Q. Did you make any effort to ascertain from anyone that he had gone to see Colonel HOLLADAY?

A. No, sir.

Q. Do you know that he reported it to Colonel HOLLADAY?

A. No, sir, I do not.

Q. Then, as far as you're concerned, the matter was dropped at the flight line, as far as you know of any information concerning it?

A. As far as I know, sir. Major WATKE made the statement that he was going to report it, so I felt that he was going to report it.

Q. Did Major WATKE ever call his section leaders together or the unit together and explain to them or to you that he had, in fact, reported it, or that he had not, or the status of the situation that had been reported?

A. Sir, I believe he did at one time call us together and tell us it was being investigated.

Q. What do you recall of this meeting?

A. It was, I believe, at one of the briefings, and I think he stated that he had reported it and that it was under investigation.

Q. Is that all he said, or did he say any more, or did he tell any more at this particular meeting?

A. No, sir, I don't.

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Q. Did you live with your gun people in the same hootch?

A. I lived with the officers, sir, Lieutenant LIVINGSTON, Lieutenant LLOYD.

Q. As I understand your testimony, you indicated earlier that some of the officers had participated in the operation that you just mentioned?

A. Yes, sir, I'm pretty sure they were there.

Q. Was there talk in your hootch concerning what had occurred?

A. No, sir.

Q. You never heard LIVINGSTON say anything about it?

A. Sir, he may have said something, but I don't recall it.

Q. By any other officers involved?

A. No, sir, the only two that would have been there were LIVINGSTON and LLOYD. I don't believe that REUTNER was there.

Q. Well, LLOYD wasn't--was he in your section?

A. He was in my hootch, sir, but he wasn't in my section. He was in the south section.

Q. As I understand it, then, once you all had reached the operations building, the conversation with reference to what had occurred in the operation of 16 March was forgotten.

A. Not forgotten, no, sir.

Q. Not talked about, perhaps?

A. Not talked about. Everybody had assumed that Major WATKE was going to report the incident. There was nothing else that they could do. If they talked about it, then it

would get over to A Company. This was something that they, that we all were interested in keeping down until it had been investigated.

Q. Why?

A. Why? Because it was something that isn't normal in Army operations. It was something that the people felt, or at least my impression of the way it occurred was they felt it shouldn't have happened. It's kind of hard to explain exactly, sir.

Q. Indeed, if something happened that shouldn't have happened, it would seem to me that we would want to pursue it to make sure that either it did or didn't, rather than quiet it down.

A. Yes, sir, this is why Major WATKE told everybody that he was going to have it investigated, and I'm almost certain that he passed this on to Colonel HOLLADAY.

Q. Why are you so certain?

A. Well, sir, like I mentioned before, I'm sure there was a briefing later on where he stated it was under investigation.

Q. Then as I also understand, I'm not trying to put words in your mouth, but once you had left the conversation on the flight line or the operational vicinity, the only other conversation you heard about any activity concerning the 16 March 1968 operation was probably at a briefing, which you seem to recall Major WATKE mentioning?

A. Yes, sir.

Q. You never heard any more conversation about it?

A. No, sir.

Q. Did you ever hear any kind of information concerning any type of an investigation?

A. No, sir.

Q. Were you contacted or any of your people contacted to your knowledge to make any statements, verbal or written?

A. No, sir. I believe before the people even got out of the field an investigation of some type had already been initiated, because I believe they had called back to inform them that something had occurred. I was not in the operations when it occurred, but I understand that the Task Force Barker commander had been informed of the incident, but I don't know exactly what occurred, sir, because I wasn't there.

Q. This is before they came back, on 16 March?

A. Before they came back, yes, sir.

Q. Were your people directly involved in this thing, your gun people?

A. Yes, sir, they were supporting.

Q. You heard there was going to be an investigation?

A. Yes, sir.

Q. And this was in the afternoon or early evening of 16 March?

A. Yes, sir.

Q. You also indicated that you heard again from Major WATKE at a later time, and yet no one ever contacted your people to your knowledge or you, to arrange for your people to make any statements?

A. To my knowledge, no, sir.

Q. What kind of an investigation did you consider there would be?

A. Well, the investigation, as far as I could see, would be done with the infantry troops to find out what was happening.



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Q. And you didn't consider that your people might be required or should be required to indicate what they saw?

A. At that time, no, sir. It didn't occur to me.

Q. What was the general relationship between B Company, 123d and Task Force Barker subsequent to the 16th of March operation?

A. I believe we had worked with them previously, sir, on other operations. Our primary area was south of Chu Lai out in this area (indicating). We worked to the west and to the east of Highway 1.

Q. Did you fly in support of Task Force Barker yourself subsequent to 16 March?

A. Yes, sir, I believe I did. The exact operation, I don't recall, but I believe I've flown.

Q. Were you functioning as Warlord Alpha Lead?

A. Yes, sir.

Q. Were the relations between you during the time you flew for Task Force Barker in good shape? Did you get along well? Did they get along well? Was there any discussion about it?

A. Yes, sir. I felt that Task Force Barker was a fine outfit to work with. We never had any difficulty understanding each other, and we had no problems between air and ground. If they wanted support in a particular area, there was no difficulty in getting it where they wanted that support.

Q. Do you recall any reports from any of your people concerning any of their engagements on the 16th of March?

A. No, sir.

Q. Do you recall any reports of ground fire or taking any hits on the 16th of March in any of your ships?

A. No, sir.

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Q. Do you recall hearing anything about the other gun elements that might have been involved on the 16th of March operation?

A. No, sir.

Q. Do you know the gun elements involved?

A. I believe it was the 174th.

Q. How would you describe the relations between B Company, the 123d, and the gun teams of the 14th Aviation Battalion?

A. The 174th in particular I knew, well, several months before I knew the platoon leader down there. We were pretty good friends, but as far as working with them, we very seldom had a chance to work with them. I believe their operations were entirely different from ours.

Q. Their method of engagement?

A. Also different, sir.

COL FRANKLIN: You say their method of engagement was also different. Different in what way?

A. Sir, the 174th was an outfit, their gunships when they went out on a mission, if they saw someone running, normally they would get him. This is the way they operated.

Q. Why do you say that?

A. I have flown with them in support with them, sir, before. This is why I like the concept of the aero-scout company, because you had a 23 down there to determine what you were shooting at.

Q. Are you saying that the gun Sharks killed noncombatants?

A. No, sir. I'm saying that they went to extremes, perhaps, to chase down a man to find out. They may have possibly shot noncombatants.

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Q. Do you ever recall any strong feelings voiced in your company about the Sharks?

A. There was a dislike for them, sir, but nothing too strong, because we didn't work with them that often.

Q. How about on the night of 16 March? What did LIVINGSTON have to say about the Sharks?

A. Sir, LIVINGSTON was a quiet person and said very little.

Q. He wrote his wife that night and had some extremely strong terms.

A. Yes, sir, but he didn't discuss them with me.

Q. This not wanting the word out, would you go into that again? This is somewhat abnormal. You mentioned to Colonel PATTERSON that it was hard to explain. It is hard to explain. It's a hard question: why, when you just had this thing reported to you, and your people are so upset about a confrontation between your people and another American unit over something that really approaches being the guts of what we stand for, this big concern about not wanting it to get out, not wanting this to get out? I don't understand.

A. Sir, I'm not sure that I understand the question. I mentioned that our people were upset. We tried to console them somewhat and explain to them that it was under investigation. Major WATKE was there, as best as I can recall, and he stated he would have an investigation.

Q. How can you console people when you don't find out in elaborate detail what happened?

A. You do the best you can, sir, with what you got. Now, I didn't go into detail with the people, because Major WATKE was going to have it investigated, and I didn't want to bring it up too much to get it spread around the company.

Q. Why? You, as--in the chain of command talking to these people as to what happened; how does that get it spread around the company?

A. I tried to keep it quiet, sir, between our group, to keep it within the gun group. They knew what had happened. I still don't know what occurred.

Q. But you're the leader.

A. Yes, sir.

Q. Why don't you know what occurred?

A. It's my own fault, sir.

Q. Okay, conceding all these things, it's going to be investigated. The term "follow through." What does that mean to you in respect to this specific incident we are talking about?

A. Follow through, sir?

Q. Right.

A. Check and make sure it is being done.

Q. As I understand your testimony, there was never any follow through on your part.

A. Sir, it didn't seem right for me to follow through and check Major WATKE and see if he had done what he said he was going to do.

Q. How about a man in your platoon that was short on his pay or missed his R&R? Did that ever happen in your gun section?

A. No, sir.

Q. Did you ever have any kind of personal problems ever in your section about people wanting to go on compassionate leave, any personal problems at all?

A. No, sir.

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Q. You had a very unusual crew. But suppose that you had, and you took this up with Major WATKE, and a period of time elapsed which was more than you supposed was necessary to come to a decision or solution to this problem. Would you hesitate to take it up again with Major WATKE?

A. No, sir, I wouldn't.

Q. Why is that so different from a problem where your people have been involved in a confrontation, probably one of the rare times this has happened in any war?

A. Sir, it just didn't seem to me that I should be going back to tell Major WATKE "go on with an investigation." I stated later that he said there was an investigation being done, but this was a couple of days later.

Q. It didn't seem right for you at any time just to go back and directly say, "Sir, about this investigation on the 16th of March incident, have you heard anything? I would like to tell my people what's happened."

A. No, sir, it didn't.

LTC PATTERSON: We have had some testimony to the fact that a lieutenant came to B Company, 123d, and was giving a mandatory class shortly after this incident. The lieutenant was from outside of B Company, 123d. The class is reported to have taken place in the mess hall or wherever the company could gather. Do you recall any mandatory training of this type in the evening?

A. No, sir, I do not.

Q. Reportedly, at this training one of the enlisted men hollered out rather rudely, I would imagine from what we heard, something to the effect, "What about the women and the children?" Does this ring any bell?

A. No, sir, it doesn't. There were times where I may not have been to one of these meetings because I was on standby. If I wasn't flying I was on standby, and I would stay near the operations.

Q. We also have had testimony that Major WATKE then stood up and admonished the young man. This you do not recall?

A. I do not recall it, sir, no.

COL FRANKLIN: Do you recall Major WATKE getting the company together because rumors continued to float and this subject continued to be discussed, and telling them to knock it off?

A. No, sir, I don't recall him doing that, either.

Q. Do you recall hearing about it?

A. No, sir.

Q. Did Major WATKE ever call you in as one of his subordinate leaders and talk to you about this?

A. No, sir, Major WATKE never called me in while I was over there under his command, and he had a Captain GIBBS who was taking over the gun platoon who had just got in, and he was going to go over. I worked with Major WATKE as his XO temporarily when the 123d was being organized. Other than that, I very seldom talked to Major WATKE.

LTC PATTERSON: Didn't you have meetings? Major WATKE never had the scout section leader in and the gun section leader in to sit there and discuss operational matters or administrative matters?

A. No, sir.

Q. As a command group type thing?

A. We had a briefing before every operation, but there was no meetings as such.

Q. As I understand the briefings, though, all personnel, pilots, were warrant officers?

A. Yes, sir. All the pilots that were going to fly that day, the evening before or the morning of the operation they would form in front of the operations hootch, and he would explain what was going to happen that particular day.

Q. Would you tell how the chain of command worked in Company B, 123d Aviation Battalion?

A. The chain of command, sir, if you wanted to see Major WATKE or somebody, the man would come to me, and I would see Major WATKE. But we never had, as I can recall, we never had a man that needed to see Major WATKE for anything.

Q. What about the normal everyday functioning of Company B of the 123d and the passing out of information from the commander down to the subordinates? Did any information come from Major WATKE down through you to the warrant officers in your section?

A. Not to the warrant officers, no, sir.

COL FRANKLIN: This is an incredible thing. Here you've got a newly organized company. Even the concept of operation of the company is new. They are brought together from different outfits. You are operating under a new concept; and you don't have daily contact between leaders and subordinate leaders to discuss and improve and change tactics? I never heard of an organization like this before.

A. Sir, what occurred was we normally would go out into an operational area. While we were at LZ Dottie I would be up at the operations van; normally Major WATKE would be there. If he wasn't there one of his officers would be out there. Anything that occurred during that operation--once whenever the aircraft landed you went to the operations van and discussed the operation with Major WATKE or his representative. The unit was newly organized. We didn't have that much problems initially. Our gunships techniques, we were the 161st Platoon so we had no problems doing what we were doing. As far as I can see, sir, it was a smooth operation.

Q. You just picked up these scouts and started operating with them and you never developed any techniques?

A. We had a practice period, sir, when we went out and practiced.

Q. After that you were so good that there was never any need to modify it, change, or pass out experience?

A. Yes, sir. Well, all it was was a matter of "Today we'll do it this way." That's all there was to it.

Q. That's a remarkable organization, Captain WALKER.

LTC PATTERSON: Do you have anything else with reference to the incident of 16 March or any period thereafter, 17 March, 18 March? Do you have any information concerning an investigation or reports that we have not discussed?

A. No, sir.

Q. Did Colonel HOLLADAY come down and ever talk to the unit or did you see him down there talking to any of your people?

A. I had seen Colonel HOLLADAY down, sir, but who he discussed things with or what they talked about, I do not know. He was in the company area. The way Ky Ha was set up we were on one side of the track, Colonel HOLLADAY and the EM on the other side. So when he came down to our side it was unusual. He very seldom came over.

COL FRANKLIN: Your battalion commander very seldom came down to one of his principal companies?

A. Yes, sir. It was unusual to see him there. He may have come down while we were in the field. We were out in the field 8 hours a day.

Q. How about on you tactical operations; was he watching through a blind observing?

A. I believe he came out with us 1 day. In fact he flew in one of my gunships placed with one of my people and flew out on that to see how the operation was but he never came out other--at the most he had been out to LZ Dottie twice.

Q. Does this strike you as rather surprising?

A. Yes, sir. In a way it did since we were just newly organized, but I didn't question him.

Q. Well, that's understandable.

LTC PATTERSON: Do you recall any awards or decorations being awarded or given for operations on or about 16 March 1968?



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A. Sir, the only award that I know of is the one that they had on TV that Warrant Officer THOMPSON had got. I don't know who submitted him or what. After the operation was over I did not know that anybody had been submitted for an award for that period.

Q. You did not put in any of your people for awards for this particular day or 17 March or 18 March?

A. No, I did not.

Q. Would you have thought if one of your people, your gun people, had landed in this area that a consideration might be made concerning whether or not he should receive some type of an award?

A. Yes, sir.

Q. Especially after you heard that Mr. THOMPSON had received an award?

A. I didn't hear that Mr. THOMPSON received an award, sir, until just when this incident came up on television. I left Vietnam shortly after this incident about 20 days.

COL FRANKLIN: So the period that you are talking about is from January to April? This period you know?

A. As far as the aero-scouts, yes, sir. The 161st gun platoon that I was in back in August; I was with the 161st until it became the aero-scouts.

Q. Then you were with the aero-scout company for about 4 months?

A. Yes, sir, until the 8th of April.

Q. What happened on the 8th of April?

A. I was wounded and sent to Japan, sir.

Q. Where were you wounded?

A. In my hand.

Q. Where were you flying?

A. Quang Ngai, sir. Southwest of Quang Ngai.

(WALKER)

LTC PATTERSON: We would like to give you an opportunity to say anything you would like to say at this time. Any statement that you would like to make?

A. It's hard for me to recall exact people, incidents exactly, extremely hard to picture faces in my mind. There was a warrant officer that I keep thinking was there but I couldn't recall his name. That's all I have, sir.

Q. You can't recall his name. Can you see his face in your mind?

A. Well there was a Mr. CARBELL but he left, I think, just prior to this going on.

Q. Do you remember whether this man was a gun man?

A. He was a gunship man, sir, definitely gunship. I think his name was William CARBELL but I believe he left shortly prior to this.

Q. So, that's the only--

A. (Interposing) I've been trying to tie him into this because he was the type individual that got extremely upset.

Q. Is there anything else?

A. That's all I have, sir.

LTC PATTERSON: We thank you for making the trip up here. We appreciate your intensive recall and if there is nothing further this hearing will recess at this time.

(The hearing recessed at 1250 hours, 3 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: WATKE, Frederick W.J., MAJ

DATES OF TESTIMONY: 8,10-12,19 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: Richard F. LOCKE, CPT, JAGC, Litigation Division, Office of the Judge Advocate General, Washington, D.C.

DUTY ASSIGNMENT ON 16 MARCH 1968: Company Commander, B Company, 123d Aviation Battalion(aero-scout), Americal Division, USARV.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

a. Staging of the briefing.

Major WATKE was present at the entire briefing for the My Lai operation (pgs. 3, 66). Also present were, BARKER, an intelligence officer (KOTOUC), an intelligence sergeant, a representative from the aviation unit (probably from the 174th), all the company commanders except for the CO of A Company, and, perhaps, Major CALHOUN (pgs. 3,4, 59,60).

b. Plan of the operation.

The operation was planned around the fact that two previous contacts had been broken off in the area of My Lai (4) (pgs. 5, 61). Intelligence reported a company of VC in the village (pg. 62). BARKER felt that by landing closer to the village the VC would be surprised (pgs. 5, 61). Thus, the plan established the LZ 300 meters from the village (pg. 7). The artillery prep was placed on the edge of the village (pg. 8), in order to explode mines and to force the VC below ground (pg. 7). It was expected that the troops would have to fight from the LZ through the village (pg. 62).

c. Instructions given relative to the destruction of the village.

While it was stated that the village was hostile (pgs. 5, 62, 63), the impression was not given that everyone in the village was VC (pg. 63). No instructions were given to destroy buildings, livestock, or noncombatants (pgs. 8, 65). WATKE never heard anything like, "level the place" (pg. 65). No information was distributed concerning treatment of noncombatants in the area, but WATKE assumed that SOP would govern (pg. 6). He recalled nothing being said about noncombatants being at market at the time of the operation (pgs. 6, 63).

d. General aspects of the briefing.

Nothing special was said about smoke, thus, WATKE assumed that it would be used for all purposes as usual (pg. 46). He thought the briefing was routine and professional (pgs. 8, 66). WATKE did not go on the aerial recon with BARKER because he knew the area quite well and his mission, which was to screen personnel flowing out of the village to the south of Highway 521, was not complex (pgs. 32, 66).

2. ASSAULT ON MY LAI.

a. WATKE's personal knowledge of the assault.

(1) The artillery prep.

WATKE was airborne at the onset of the My Lai operation. His helicopter was on station in time to see the artillery prep started and completed (pg. 11). He saw the prep go into the village and the LZ (pg. 11). The prep consisted of only point detonated HE shells (pg. 33), and lasted about five minutes (pg. 11).

(2) Refugees.

WATKE saw hundreds of people moving to the southwest along Highway 521 (pgs. 12, 39). He believed they were moving toward Quang Ngai (pg. 39). He did not see these people on the road prior to the prep (pg. 40). Some people were also observed moving south (pg. 12).

b. WATKE's observations in My Lai.

WATKE's team did not overfly the landing of the first lift because the LZ did not appear to be hot (pg. 15). He returned to LZ Dottie after the second lift (pg. 16). While over the area, WATKE was unable to observe fires in My Lai (pg. 41). He did not see a stack of bodies (pg. 150). He saw nothing noteworthy during his overflight of the area (pg. 69). He did not know of a run made by gunships on civilians along Highway 521 (pg. 79). From the time he left station, he had no personal knowledge of what took place in My Lai (pg. 17).

3. INQUIRIES CONCERNING THE ASSAULT.

a. THOMPSON's report.

(1) WATKE's knowledge of the operation between the time of his return to LZ Dottie and the reception of THOMPSON's report.

On returning to LZ Dottie, WATKE heard a transmission reporting that a number of casualties had resulted from the artillery prep (pgs. 17, 34, 73). At his TOC, he learned that some problems existed between his helicopter pilots and the people on the ground (pgs. 18, 69). He did not learn that a landing had taken place in front of U.S. troops until THOMPSON returned from Quang Ngai with the story (pgs. 70, 71).

(2) THOMPSON's report to WATKE.

a. The main story.

About 1100, THOMPSON and two others, probably Mr. MILLIANS and Mr. POTEETE, came to WATKE's van (pg. 74). THOMPSON, a very forthright person, seemed deeply concerned (pgs. 28, 152), and acted as spokesman for the group (pg. 20). He complained that needless civilian casualties had been caused from indiscriminate firing by the ground forces (pg. 20). WATKE understood THOMPSON to say that unarmed women and children were attempting to evade U.S. soldiers who were advancing with fire (pgs. 47, 75). THOMPSON had seen a group of such persons take refuge in a hootch and attempted to bring this information to the attention of the ground commander via his low gunship (pg. 75). Unsuccessful in this, THOMPSON landed to request

the fire not be directed in the area of the refugees (pgs. 47,75). THOMPSON assured this person, who was wearing a helmet marked "California", that he would insure the safety of the U.S. soldiers from these people (pg. 75). When the ground commander refused to stop firing in the area, THOMPSON stated that he was going to remove the people and would return any fire from his fellow servicemen (pg. 75). MILLIANS landed his gunship and the people were evacuated to a safer area (pg. 76). A small boy was taken to the hospital at Quang Ngai (pg. 76).

b. Other aspects of THOMPSON's report.

All those with THOMPSON confirmed what he had said (pg. 84) and WATKE could recall no conflict in their story (pg. 85). WATKE did not remember being told: (1) that civilians had been indiscriminately killed by ground troops (pg. 77); (2) that 120 civilians had been killed (pg. 85); (3) that a large number of civilian casualties were contained in a ditch (pgs. 20, 150); (4) that a "colored" sergeant had been observed firing into the ditch (pgs. 20, 78); (5) that a captain had been observed shooting a woman (pgs. 22, 77); (6) how many people were extracted (pg. 48); or (7) that the child taken to Quang Ngai had been extracted from a ditch full of bodies (pg. 78). MILLIANS told WATKE that his purpose in landing was to get the civilians out (pg. 50).

(3) WATKE's immediate reaction to THOMPSON's story.

THOMPSON did not appear to be emotionally disturbed or incoherent (pg. 21). He was normal (pg. 21) and returned to the operation after making his report (pg. 35). WATKE thought it abnormal and dangerous for a gunship to land to extract civilians (pg. 20). Thus, the fact that his people had landed made WATKE think things had been awfully bad in My Lai (pg. 26). Despite his attempts to down-play what they had seen, his people insisted that there had been excess firing resulting in noncombatant casualties (pg. 80). WATKE, however, at this time was more concerned about the confrontation for two reasons: (1) he was not positive that his people had really seen what they thought they had seen; and (2) he was not positive that there were as many casualties as were being reported (pgs. 76, 148). In addition, his people's lack of combat experience gave less weight to

their story (pg. 31).

(4) WATKE relates THOMPSON's story to BARKER.

Within a half hour of THOMPSON's report, WATKE went to BARKER (pgs. 21,22). He relayed THOMPSON's report of indiscriminate firing in My Lai and told BARKER about the confrontation (pg. 23). BARKER did not question WATKE too closely about the matter (pg. 105), but seemed quite concerned (pg. 23). He ordered Major CALHOUN, who was above the area in a helicopter, to check the ground to see if anything abnormal was going on and to stop it if there was (pgs. 23, 30, 90). BARKER further instructed CALHOUN to return with the helicopter so that he (BARKER) could overfly the area (pg. 90). BARKER took off and WATKE was not sure whether he discussed the matter with BARKER again that day (pgs. 31, 92). WATKE did not recall discussing the weapons to body count ratio at this meeting (pg. 117).

(5) WATKE's investigation of THOMPSON's report.

WATKE did not overfly My Lai to investigate THOMPSON's report because he felt that only BARKER had the power to stop any excess firing (pg. 153). Further, he felt that the only civilians involved were those whom THOMPSON had rescued from the hootch (pg. 48). He did not make a further check of THOMPSON's story because he felt he had discharged his duty by reporting it to BARKER (pg. 102). He might have spoken to some members of the crew about it but he did not remember what was said (pg. 85), nor did he record anything they said (pg. 93). He thought the matter was being followed through because his subsequent meetings with General YOUNG indicated command emphasis had been placed on the incident's investigation (pg. 102).

b. Meeting with HOLLADAY.

WATKE reported THOMPSON's story to Lieutenant Colonel HOLLADAY about 2000 on the 16th because he was afraid that BARKER would report the confrontation to HENDERSON, and WATKE did not want HOLLADAY to find out about the incident second-hand (pgs. 23,90). No one else was present (pg. 99). He told HOLLADAY essentially what he had told BARKER (pg. 99). WATKE, who placed major emphasis on the confrontation (pg. 102), found that HOLLADAY was more concerned about the noncombatant casualties

(pg. 101). From what WATKE told him, HOLLADAY believed that civilians had been needlessly killed (pg. 101). HOLLADAY discussed the ramifications of the story with WATKE and asked him if he would retell it at division (pg. 101). WATKE replied that he would (pg. 101). HOLLADAY informed WATKE that his career could be jeopardized if the story proved untrue (pg. 104). HOLLADAY and WATKE discussed: (1) the disparity in the body count to weapons ratio (pg. 102); (2) that the confrontation had been the result of excess firing on the ground (pg. 103); and (3) the effect of the story on the lower command level (pg. 104). WATKE did not recall telling HOLLADAY about a "colored" sergeant shooting into a body-filled ditch (pg. 162).

c. Meeting of WATKE, HOLLADAY, and YOUNG.

On the morning of the 17th, WATKE and HOLLADAY had a 30 minute meeting with YOUNG in his office (pgs. 24, 25, 107). WATKE repeated THOMPSON's allegations after which he was questioned by the general (pg. 108). YOUNG was more concerned with what had happened on the ground than the confrontation (pg. 109). WATKE did not recall the number of casualties discussed at this meeting, but thought it was around 25 (pg. 155). He did not remember saying anything which would have given YOUNG the impression that My Lai had been a hotly contested action with civilians caught in the crossfire (pg. 166). The general did not take notes at the meeting and it was not recorded (pg. 108).

d. Meeting of WATKE, HOLLADAY, BARKER, HENDERSON and YOUNG.

(1) Later events on the 17th.

WATKE originally thought the meeting of HOLLADAY, BARKER, HENDERSON, YOUNG and himself took place on the 17th. However, through letters kept by his wife of his daily correspondence to her, he discovered that the meeting took place on the 18th (pg. 142). On the afternoon of the 17th, WATKE and HOLLADAY traveled to Duc Pho for a meeting with HENDERSON concerning air-ground coordination (pg. 142). What most impressed him about this meeting was that the My Lai incident was not even discussed (pg. 143).



(2) Meeting on the 18th.

At LZ Dottie at 0900 on the 18th, WATKE, HOLLADAY, BARKER, HENDERSON and YOUNG had a 30 minute meeting in BARKER's van to discuss the incident (pgs. 112, 115). WATKE told the group of the excess firing and the confrontation (pg. 26). He thought he must have presented essentially the same account he had previously because had he not done so one of those who had heard it before would have interrupted him and this did not occur (pg. 167). WATKE did not recall the number of noncombatant casualties he reported or if he reported that a captain had killed a woman (pg. 114).

(3) BARKER's report.

BARKER then gave a short update report as to what he had discovered concerning the incident (pg. 121). He had nothing much to add (pg. 121). He did not accept or deny the allegation (pg. 121).

(4) YOUNG orders HENDERSON to investigate the allegation.

YOUNG instructed HENDERSON to investigate the incident (pgs. 25, 112). HENDERSON was not given a deadline by which to have a report ready, but YOUNG wanted it as soon as possible (pg. 114). The investigation was to determine whether or not there had been needless killing of noncombatants (pg. 113). The confrontation was not part of it (pg. 113). The investigation was to be detailed (pg. 113). WATKE did not remember whether or not HENDERSON was instructed to take sworn statements (pg. 114). However, WATKE was not sworn when he was interviewed.

(5) Other discussion of the incident at the meeting.

WATKE did not recall a suggestion made at this meeting to investigate his men for having threatened to shoot other American soldiers (pg. 135). He did remember YOUNG saying that only the five of them knew of this incident (pg. 114). He was not sure what was meant by this, but thought that YOUNG merely intended to keep the matter quiet pending the investigation (pg. 115).

(6) HENDERSON interviews WATKE.

Immediately after the meeting, HENDERSON conducted a short examination of WATKE during which he asked WATKE two questions which WATKE cannot now remember (pgs. 26, 122). No record was made of this meeting and no one else was present (pg. 27).

(7) HENDERSON interviews THOMPSON.

WATKE was asked to send THOMPSON and two others (perhaps pilots) to see HENDERSON (pg. 122). THOMPSON spent about 10-15 minutes with HENDERSON. WATKE was not sure if THOMPSON could have told his story and been properly questioned in this length of time (pgs. 27, 124). THOMPSON visited WATKE after this interview and stated that he had merely reiterated his story to HENDERSON (pg. 123).

4. REPORTS OF INVESTIGATION.

About three weeks after the incident, BARKER informed WATKE that the person with the helmet marked "California" had not been found and that nothing had been found to substantiate THOMPSON's allegations (pgs. 29, 117, 134). Approximately a month after the incident, HOLLADAY informed WATKE by letter that a report had been rendered and that its results were inconclusive (pgs. 41, 133, 134). No one was found to have committed a crime (pg. 41). However, the commanding general was reimpresing the rules of engagement on everyone (pgs. 29, 128). To WATKE's knowledge, HOLLADAY was never questioned by the IG, the SJA, or anyone else from division (pg. 79). On 17 April 1968, WATKE was wounded, and on 21 April he was medevac'd to Japan (pg. 127). Thus, he had no further knowledge of any reports concerning the investigation (pg. 127).

5. OTHER INFORMATION.

a. Significance of the failure to request air support.

In WATKE's experience, whenever there was heavy contact resulting in a large body count, there was always a request for gunships (pgs. 129, 130). Gunships would be requested, even if not needed, to give the troops an emotional lift (pg. 130). This did not occur on 16 March. Once the gunships from Duc Pho were released they were not brought back (pgs. 129, 130).

b. WATKE requests his unit not discuss the incident.

On the evening of either the 17th or 18th, WATKE assembled his company and asked it not to discuss the incident (pg. 57). He explained to them that it was being looked into and there was concern (pg. 175). He did not give his people a lot of details as to what had happened (pg. 175). He assured them that it was being investigated (pg. 92). He thought his men asked him about the results of the investigation a couple of times and he felt "sheepish" because he was unable to give them an answer (pg. 137).

c. WATKE's destruction of mortar rounds on the 16th.

Sometime on the morning of the 16th, a report came in that mortar rounds had been observed in a fox hole on top of Hill 85 (pg. 97). WATKE received permission to destroy them and flew in his infantry platoon to do so (pg. 97). WATKE thought this operation caused him to be absent from the TOC for two hours (pg. 98).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
D-5	Americal Reg 525-4	Wit never saw before.	128
M-6	Americal Log	Wit questioned from log. Wit referred to Items 19 and 42 of log.	37,38, 42,96.
		Wit referred to entry in log, indicated Item 19 not totally correct.	158
M-7	WESTMORELAND's letter to KOSTER	Wit thought letter inappropriate under the circumstances.	131, 132, 136
M-10	WATKE's ltr to his wife, 16 March	Ltr entered into record.	139
M-11	WATKE's ltr to his wife, 17 March	Ltr entered into record.	139
M-12	WATKE's ltr to his wife, 18 March	Ltr entered into record.	139
P-1C	Aerial Phot of My Lai	Wit asked to identify areas of operation on photo. Wit marked place where artillery prep was to be.	7,64
R-1	HENDERSON's Report	Wit never saw it before.	132

SUMMARY OF RECALL TESTIMONY

WITNESS: WATKE, Frederic W. MAJ

DATE OF TESTIMONY: 10 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: (1) Failure to obey a lawful regulation concerning the reporting of war crimes; (2) Dereliction of duty in not reporting all facts and allegations known to him concerning the action of Task Force Barker at My Lai on 16 March 1968; and (3) Withholding of information during previous testimony before the Peers Inquiry.

DUTY ASSIGNMENT ON 16 MARCH 1968: Company Commander, B Company (aero-scout), 123d Aviation Battalion, Americal Division.

1. THE ASSAULT ON MY LAI.

During the time he was at My Lai on the 16th he flew approximately 1500 meters from the village at an altitude of 300 feet (pg. 185). He did not specifically recall flying over the village (pgs. 185, 203). Generally, he flew immediately behind the H-23 and approximately 200 feet above it (pg. 191). From hearing LEWELLYN's tape the witness understood the Sharks must have left the area about 0930 (pg. 192). Until this time he was flying south of Highway 521, and he did not recollect going north to My Lai (pg. 192). He did not fly over the troops or go over My Lai during the operation (pg. 199). Because of the concern among the helicopter pilots as to where the artillery would land, WATKE paid close attention to the initial incoming rounds (pgs. 201, 202). All the rounds he saw landed near the LZ (pg. 201). This was where they were plotted to hit (pg. 201). He did not see any long rounds (pg. 202). WATKE was under the impression that 20 to 25 people were killed as a result of the artillery fire (pg. 200). He did not recall seeing any dead bodies on the ground (pgs. 185, 190, 191, 195, 244). He did not see 10 to 15 bodies lying along the road, and he knew nothing about the Sharks making passes over the road and killing

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people with their miniguns (pg. 194). Perhaps the reason he failed to see any bodies on the ground during the operation was due to the fact that he was participating in the operation of removing the mortar rounds from Hill 85 (pg. 199). He did not recall a gunship hovering over a tree line and did not recall flying with Mr. MILLIANS when such an event occurred (pg. 186). He saw some smoke coming out of My Lai, but it did not strike him as unusual for this type of operation (pg. 185). While he was flying, several passes were made over the road to screen VC suspects (pg. 193). He recalled THOMPSON landing to pick up suspects who were later taken back by HENDERSON on the C&C ship (pg. 193). He was airborne at 0915, but saw and heard nothing concerning a captain shooting a woman (pg. 185). Although smoke was probably used that day, he did not recall the aero-scout marking wounded with it during the time he was flying (pgs. 192, 193); however, he did remember THOMPSON attempting to identify some wounded people (pg. 193).

2. INQUIRIES AFTER THE ASSAULT.

a. THOMPSON's oral report.

(1) WATKE's knowledge of the operation from the time he returned until the reception of the information.

The witness was unaware of any allegations of improper American activity in the operation until he spoke with THOMPSON (pg. 246). He had not received such information through a telephone call to Task Force Barker prior to THOMPSON's report (pg. 246). However, before THOMPSON returned, WATKE knew THOMPSON had landed and spoken to someone (pgs. 183, 246). WATKE did not know to whom THOMPSON spoke or the content of the conversation (pg. 183). WATKE addressed questions to Mr. BAKER, the Warlord Alpha leader, but was unable to get satisfactory answers (pgs. 183, 246). Except for THOMPSON's landing he knew of nothing unusual occurring in the operation (pgs. 184, 191). He knew nothing about a captain shooting a woman at approximately 0915 (pg. 190). He did not recall either BARKER or HENDERSON being on the radio all day (pgs. 188, 189). He did not hear a transmission on the air-ground net such as "if you shoot that man I'm going to shoot you " (pg. 204). He did not know that the ground troops had killed 90 VC, nor did he get any body count during the day (pg. 198). However, after he returned to his van he heard that 20 to 25 people had been killed by artillery (pgs. 198, 200, 201). He believed this report was made by the H-23 pilot, but he

could not relate it to any event (pgs. 200, 203). He thought the units on the ground were making progress because they were not receiving enemy fire (pgs. 197,198).

(2) THOMPSON's report to WATKE.

When THOMPSON returned to Quang Ngai he approached WATKE at the van and said, "I've got something serious to talk to you about. I saw out there what's going on." (pg. 205). WATKE had not seen THOMPSON on the flight line previous to this conversation at the van (pg. 206). WATKE had THOMPSON step outside (pg. 206). THOMPSON was sincere and determined, but he had his senses about him and was not loud or in a state of shock (pg. 205). THOMPSON was the spokesman for the group of three pilots who met with WATKE (pg. 206). THOMPSON told him of seeing dead women, children, and old men in the village (pgs. 206, 216). There was a distinct lack of military-age males (pg. 206). WATKE understood that these people had no weapons and that they could not be construed as hostile (pg. 206). As he interpreted it, the shooting of these people was unnecessary (pg. 206). WATKE asked THOMPSON about the confrontation and was told that THOMPSON had noticed the ground troops reconning by fire into an area in which there were unarmed civilians (pg. 207). People were being killed by this fire (pg. 207). THOMPSON told the ground troops that if they would refrain from firing into the area he would insure their safety (pgs. 207, 245). The person to whom THOMPSON spoke told THOMPSON that he would not change his method of fire and maneuver (pg. 207). Thompson replied, "If I get shot while I'm out in front of you then I'm going to shoot back" (pg. 245). In WATKE's opinion the essence of the confrontation was "not the talk but the threat" (pg. 245). The witness did not recall hearing the rank of the person to whom THOMPSON spoke (pg. 223). He did not remember being told about a ditch full of bodies, a sergeant or anyone else shooting into a ditch full of bodies, a confrontation with a Negro soldier, or a captain shooting a woman (pgs. 207, 222, 246, 249). He did not recall hearing that the person to whom THOMPSON had spoken on the ground had said, in reference to the persons THOMPSON was trying to protect, "The only way to get them is to throw grenades in there" (pg. 249). He did not recollect hearing that the gunships had landed to extract the civilians (pg. 248). WATKE remembered THOMPSON saying that he had taken a boy who had been wounded and maimed from a group of about 20 dead and wounded and had flown the boy to Quang

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Ngai (pgs. 207, 208). WATKE did not know that this boy had been in a ditch (pg. 208). He knew of no occasions of point blank fire into a group of civilians (pg. 246). He never had the impression that more than 20 to 30 people had been killed (pgs. 206, 236, 247, 250). He never placed the number killed in the hundreds (pg. 218). He believed that the 20 to 30 he knew had been killed were scattered about in small groups, the largest being at the place where the boy was picked up (pg. 236).

(3) WATKE's reaction to THOMPSON's story.

WATKE had the feeling that THOMPSON was sure of everything he said (pg. 206). WATKE was convinced by his people's story and he believed that civilians had been killed in My Lai (pgs. 223, 231). He thought his men had correctly related what they had seen (pg. 223). However, at the time of this meeting he felt THOMPSON and the others had over dramatized what they had seen (pg. 223). He believed that he had enough information and details to take the story to his superiors (pg. 223).

(4) WATKE's meeting with BARKER.

After talking to THOMPSON, WATKE went to see BARKER at the TOC (pg. 210). He gave BARKER the content of THOMPSON's story, but perhaps not "in all its length" (pgs. 210, 211). WATKE did not recall if his emphasis was on the confrontation or the killing of civilians (pgs. 210, 212). However, both topics were covered (pg. 212). BARKER contacted CALHOUN, who had the helicopter, and told CALHOUN to return to the TOC so that he could go over the area (pgs. 211, 213, 228). BARKER went up to the helicopter pad to await the return of the helicopter (pg. 213). WATKE remembered BARKER issuing instructions to CALHOUN to stop the shooting (pg. 213). However, the word "killing" was not used (pg. 213). WATKE was impressed by the fact that BARKER did not react to his story by a refutation or an expression of disbelief (pg. 213).

(5) WATKE's action after the meeting with BARKER.

When WATKE returned from his meeting with BARKER the rest of his afternoon was spent in discussing the allegations (pg. 222). He did not recall if these discussions occurred on the flight line (pg. 222). He could not bring to mind to whom he spoke or any of the details in relation to the killings (pgs. 222, 224).



b. Meeting with HOLLADAY.

There were two reasons why he took THOMPSON's allegations to HOLLADAY: (1) he expected repercussions; and (2) he felt that they were too serious to be kept to himself (pg. 224). He thought this matter over a great deal (pg. 225). He went to see HOLLADAY on the night of 16 March somewhere between 2000 and 2200 (pg. 225). The witness stated he was convinced that he told HOLLADAY everything THOMPSON had told him (pg. 243). In fact, he gave the same story everytime he told it, and everyone knew that killings had taken place in My Lai (pgs. 243,244).

c. Meeting of YOUNG, HOLLADAY, and WATKE.

When HOLLADAY and WATKE went to division headquarters on the 17th they had hoped to see KOSTER (pgs. 239, 240). Since KOSTER was not available, they saw YOUNG as YOUNG was the general officer who basically monitored the actions of the 123d Aviation Battalion (pg. 240). PARSON was not informed of the nature of their visit in detail, however, he was told it was important (pgs. 240, 241). WATKE did not recollect HOLLADAY ever saying that he had informed PARSON of the discussion with YOUNG or the incident at My Lai (pgs. 232, 241). WATKE told YOUNG the same story he told HOLLADAY (pgs. 214, 243).

d. Second meeting with BARKER.

WATKE recalled that he spoke to BARKER again within a day and possibly prior to the meeting on the 18th (pg. 221). BARKER said that a smaller number of persons had been killed in the area than had been reported (pg. 226). WATKE had the impression that BARKER had been on the ground at My Lai and had spoken with people whom WATKE assumed to be primarily officers (pg. 226). BARKER said that there was a justifiable reason for the death of the persons in the village (pg. 226). These persons were victims of artillery and/or firing into the area by people who did not know they were there (pg. 226). BARKER said that those killed were killed accidentally and that he had found nothing to indicate that large numbers were killed (pgs. 226, 227). In regard to the confrontation BARKER had been unable to locate anyone with markings on his helmet matching those THOMPSON had noticed on the ground soldier to whom he had spoken (pg.227). No one admitted to having spoken with THOMPSON (pg. 227). WATKE did not believe BARKER's explanation because he felt

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that BARKER had the authority to line people up, if necessary, to find the person to whom THOMPSON had spoken (pgs. 227, 228). To WATKE's mind all BARKER did was go into the area and stop the reconning by fire and killing (pg. 228). WATKE never spoke to CALHOUN about the actions in the field on the 16th (pg. 225).

e. Meeting of YOUNG, HENDERSON, BARKER, HOLLADAY, and WATKE.

When they arrived at BARKER's van on the morning of the 18th, YOUNG had WATKE tell his story (pg. 237). WATKE told the same story he had previously told everyone else and said nothing about a crossfire (pgs. 214, 215). YOUNG was there while WATKE told his story (pg. 215). After being read YOUNG's statement that YOUNG was never informed by WATKE that THOMPSON had observed noncombatant bodies, the witness reiterated that he had told the same story to this meeting that he had previously related to HOLLADAY and YOUNG and this included the portion about the dead noncombatants (pg. 214). In recounting THOMPSON's allegations for the group, WATKE used the words "indiscriminate", "indiscriminate shooting", "needless", and "unnecessary" (pg. 247). He could not bring to mind if the word "murder" was used (pg. 247). YOUNG told HENDERSON to investigate the killing of civilians and the confrontation and to render a report (pg. 215). This was not to be an Article 32 investigation, but a formal investigation (pg. 236). As WATKE recalled it YOUNG's exact words were, "The commanding general has instructed me to have you conduct a formal investigation. You are investigating it for him in his name, on these charges. You will render a report to him" (pgs. 236, 237). The reference to the commanding general caused WATKE to assume that YOUNG had informed KOSTER of THOMPSON's allegations prior to this meeting (pgs. 232, 237).

f. HENDERSON's interview of WATKE.

At the conclusion of this meeting HENDERSON spoke with WATKE in the van for about two minutes (pgs. 238, 244). The essence of the discussion, as WATKE recalled it, was "I want to talk to your people. Make them available. I want to see them" (pg. 238). WATKE was not placed under oath, nor did he make a statement (pg. 244). No indication was given that a sworn statement would be requested from the aviators (pg. 238). WATKE went back to his van and sent

THOMPSON and two other pilots to see HENDERSON (pg. 238). The men went up as a group, but returned individually (pgs. 244, 245). From his conversation with THOMPSON after THOMPSON's return WATKE was under the impression that his people had not made a sworn statement (pg. 244). WATKE did not recall BARKER talking to THOMPSON or any other of his personnel (pg. 227).

g. WATKE's actions after the 18th.

When WATKE returned to the unit, he told them that there was a formal investigation in progress (pg. 221). He realized that his unit felt that the body count from the My Lai operation consisted of many women and children (pg. 220). He did not get statements from his people because he thought that, since the story had gone up to higher authority and an investigation was being conducted, the burden was on someone else (pg. 217). He did nothing to hold back his personnel from the investigations (pg. 217).

3. WATKE'S IMPRESSION THAT THE MY LAI INCIDENT WAS COVEREDUP.

At the time of the 18 March meeting at LZ Dottie WATKE felt that something would come of his allegations and he had the firm belief that there would be a good investigation because YOUNG seemed sincere when he told HENDERSON to investigate the incident (pgs. 230, 231). After a week to ten days had gone by and neither he nor any of his men had been questioned regarding the allegations, he came to the conclusion that there would be no positive findings (pgs. 230, 234, 235). He thought it would have been most difficult for any investigator to put the facts together without questioning his people and thus he expected the men to be called in by the investigator (pgs. 232, 235). To his knowledge none of his people went to division headquarters to discuss the matter, and he had no knowledge of HENDERSON conducting an investigation (pgs. 238, 239). He thought that the body count was either wrong or that it included a great number of innocent women and children (pg. 242). He thought that the appropriate action would be the relief of both the battalion and company commanders (pg. 247). From all this he felt there was a coverup, and he shared this thought with HOLLADAY (pgs. 230, 231, 235). He had the impression that HOLLADAY, too, believed there had been needless killing at My Lai, and that HOLLADAY, too, felt there was a coverup (pg. 231). WATKE and HOLLADAY

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discussed this several times, but HOLLADAY never mentioned any report that had come into headquarters (pg. 238). He did not recall HOLLADAY mentioning a half-hearted report of investigation made by HENDERSON (pg. 234). WATKE heard nothing concerning VC propaganda on the matter and knew nothing about a letter from TOAN stating that a large number of civilians had been killed (pg. 241). WATKE crashed and was hospitalized on April 17th (pgs. 242, 243). WATKE felt blocked off on this matter and saw only two possible alternatives: (1) let the matter die; or (2) take it to higher headquarters (pg. 232). Prior to going above division authority the next logical step was to take it to KOSTER even though he felt that KOSTER knew about it from YOUNG's directive to HENDERSON at the meeting on the 18th (pg. 232). However, WATKE never discussed the matter with KOSTER (pg. 239). The witness stated that he did not have the nerve to take it any higher (pg. 232). He thought about getting his men together to document his feeling that there was a coverup, but stated that he never had enough "heart" to do it (pg. 235).

#### 4. OTHER INFORMATION.

##### a. Discussion with HOLLADAY concerning the 24 March document "The Safeguarding of Noncombatants".

Just prior to the time WATKE was wounded HOLLADAY mentioned a letter dealing with the treatment of civilians which the witness identified as the 24 March document entitled "The Safeguarding of Noncombatants" (pg. 234). He never saw the document (pg. 233). At the time of this discussion he "knew" that nothing was to come of the allegations (pg. 233). HOLLADAY said, "At least you'll have that much satisfaction, that the letter was written on the treatment of civilians" (pg. 233).

##### b. Pilot's reports.

He had his people render in-house after action reports intended to be used educationally as lessons learned (pg. 242). It was WATKE's intent that these reports would later become a part of the unit history (pg. 242). He did not recall a report made out by Specialist KUBERT which listed 100 to 150 civilians killed in My Lai (pg. 242). He did not recall a complaint made by Mr. LLOYD on 16 March as part of LLOYD's mission report (pgs. 217, 218). He remembered one report concerning general observances made at My Lai which he forwarded (pg. 218).

c. Discussion of operational tactics.

There were frequent discussions among the persons in WATKE's command concerning operational tactics (pg.196). He never had such discussions with members of the 174th (pg. 196). When he was not flying on an operation he would keep track of it by having the upper gunship keep him informed (pg. 197).

d. Discussion with persons involved in the incident since the last time WATKE was before the Inquiry.

Since the last time he was before the Inquiry, the witness had spoken with LLOYD, HOLLADAY, and GIBSON (pg. 184). The My Lai operation was not discussed (pg.184). He was never told by anyone what to say before the inquiry (pg. 184).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-10	WATKE's ltr to his wife, 16 Mar 68	Document handed to witness.	229
M-9	Americal letter, 24 Mar 68.	Witness had not read before.	233,234

(WATKE)

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(The hearing reconvened at 0905 hours, 8 December 1969.)

IO: The hearing will come to order.

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

The next witness is Major Frederic W. WATKE.

(MAJ Frederic William John WATKE, U.S. Army, , Headquarters, Department of the Army, DCSOPS, Washington, D.C., was called as a witness, was sworn, and testified as follows:)

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

This investigation was directed jointly by the Secretary of the Army and the Chief of Staff, United States Army, for the purpose of determining facts and making recommendations for 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) possible suppression or withholding of information by any person who had a duty to report and furnish information concerning this incident.

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

I have had made available to me and have reviewed prior official statements obtained in other official investigations of the My Lai incident, and I might say that this includes your previous statements.

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 taken by the reporter.

Although the general classification of this report will be confidential, it is possible that testimony or parts of it may later become a matter of public knowledge. There are several people in this room who may ask you some questions. These individuals are my assistants, and they are authorized to ask questions in my behalf. In addition to the military people and Mr. WEST, from Department of the Army, we have with us Mr. MACCRATE and Mr. WALSH who are here as legal counsels, and they too may ask you questions from time to time. I have the responsibility of weighing the evidence and making the findings and recommendations.

You are ordered not to discuss your testimony in this investigation with others, including other witnesses before this investigation, except in the performance of official duties or as you may be required so to do before a competent judicial or administrative body. In addition, you are cautioned that if you are subject to the order issued by the military judge in the general court-martial case of United States v. Calley, your appearance here in no way changes the applicability and effect of the order.

Do you have any questions of me at this time?

A. No, sir.

IO: Colonel MILLER do you have any?

(COL MILLER responds negatively.)

Major WATKE, would you give your duty assignment as of 16 March 1968?

A. Sir, I was the company commander of Company B, or the aero-scout company, as it was known in Vietnam, part of the 123d Aviation Battalion, Americal Division, USARV.

Q. By what name did the aero-scouts go in this operation? What were they called?



A. Their call sign was Warlord.

Q. Warlord?

A. Yes.

Q. Would you briefly explain the number of the battalion?

A. 123d Aviation Battalion.

Q. Was it the organic battalion of the Americal Division?

A. Yes sir, it was organized in country and had an A Company and a B Company. B Company was provisionally organized as a mini-air-cavalry troop and had the basic organization of the air cavalry troop. However, it had a few aircraft less in each of the subordinate organizations.

Q. What did you have in terms of ground troops?

A. Thirty infantrymen--three squads of 10 men each.

Q. A light infantry platoon then?

A. Yes, sir.

Q. Did you attend the briefings on the 14th or 15th of March, 1968, for the operation to be conducted on the 16th in the Song My area?

A. Yes, sir. At LZ Dottie I attended one, I believe on the 15th of March. I was aware of it prior to then, unofficially talking with battalion personnel, because the unit was based normally during the day at LZ Dottie and I was frequently at the TOC, TF Barker. I knew it was coming, but I did not officially attend the briefing.

Q. How many aero-scout flights or teams did you have?

A. Theoretically, I had four. However, because of the availability, the most I ever had on the field at any one time was three and normally two.

Q. With respect to the briefing on 15 March, who was present at the briefing? I would like for you to describe the briefing in general terms and then we can ask some more questions.

A. There was a representative from the aviation battalion--14th Aviation Battalion I believe, or perhaps even two out of the 174th who was stationed at Duc Pho. They were to conduct the lifts.

Q. Was Major GIBSON present?

A. For names I absolutely can't remember. There was an artillery representative at the briefing.

Q. Do you recall who that was? Was he a captain or was he a lieutenant?

A. As I recall he was reasonably tall, I just don't remember. I think he was a battery commander, but I can't swear to it. Colonel BARKER was there. There were several other people from within the TOC--the S2 sergeant, he was there. There was a ground representative, in fact there was several, but once again I cannot recall. As I recall there was one unit commander who was not there. His unit was still closing and I don't know if it was in Uptight or whether he was closing into Dottie. The unit that had been in Uptight was about to move over the ground to a blocking position. It seems to me that that was the individual who was not present. The briefing was conducted-- a rather thorough briefing--

Q. (Interposing) When you say from Uptight, would that have been A/3/1?

A. Yes, sir.

Q. Which was north of the river in the Pinkville area?

A. Yes, sir, it was up in that area in green (indicating on the wall map). I was there of course. I just don't recall anybody else.

Q. Do you recall the instructions that were issued?

A. Yes sir, they ran through--they gave a brief rundown on the past operations in the area and then they went right into the procedures which would be followed in the airlift: the LZ's, preparation, basic scheme of maneuver. They had anticipated quite an operation because of past experience in the area. Colonel BARKER several times had mentioned to me the forthcoming opera-

tion--was looking forward to it and was hoping to get more people down in there than he had in the past because the two previous contacts were heavy and as they broke they never really reached their objective. This time they were hoping to surprise them and hoping that they were going to move in closer to the objective--they hoped by the element of surprise--to get into the objective. They were hopeful that they had good intelligence.

Q. Did you hear the intelligence briefing which was given at that time?

A. Yes, sir.

Q. What was the information given concerning the village and what they could expect when they arrived in the village the following morning?

A. As I recall, sir, the center of interest really was My Lai (1). This is where they thought the headquarters itself was located, but all of the surrounding area was hostile. My Lai (4) was as far as they had ever advanced before into the objective area. The contact had always been broken and they expected the area could be hot all the way in, but they were going in close enough this time. They were hoping they could advance--

Q. (Interposing) Would you point out to me the village of My Lai (1), please (standing by Exhibit MAP-1).

A. Yes, sir, it is the village right here.

Q. With respect to My Lai (4) itself, what was the indication of what they could expect to find there?

A. I don't know if they really expected to find anything other than the possibility that the enemy may be there and they would have contact almost from the time they got out of the airplanes.

Q. Did they indicate about what strength they might encounter there?

A. I don't recall the strength, sir. They expected to have a battalion that day, but how much of that battalion would be at the landing zone--I don't recall specifically, sir.

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Q. In your judgment then, recognizing that we're asking you to recall something that took place over a year and a half ago, could this have been interpreted to mean that when they landed they were immediately going to encounter battalion headquarters and major elements of the battalion in My Lai (4)?

A. Yes, sir, it could have. I interpreted that it was possible. Within that area anywhere they could encounter the force. They had waged battles in that same area before.

Q. What was the information given out to the troops about civilian noncombatants in My Lai (4)?

A. I don't recall that they specially mentioned what to do with them. It was always standard procedure, the treatment of civilians--

Q. (Interposing) Was anything said with respect to civilians being gone to market by the time the operation was initiated?

A. I don't recall so, sir. I know they wanted to specifically control the flow of personnel--take a cursory look at the personnel as they were flowing out of the area, because they thought the enemy would attempt to exfiltrate along with the civilians.

Q. Do you know what arrangements were made in controlling the flow or the screening of such personnel?

A. Yes, sir, I had the mission of screening to the south which is the area they had thought the people would most likely exit from. There were swift boats that were out in the sea itself which were looking for possible exfiltration from north-northeast of My Lai (1), as the peninsula moves up to quite a flow that would cross onto the Batangan Peninsula itself. They were specifically looking at that area--blocking positions situated to the north to prevent them from coming across the river and of course the troops were landing in the east. In effect, we would have a loose cordon at least.

Q. Aside from your screening of the area, were any arrangements made by the task force, specifically by C/1/20, to screen the noncombatants that may be fleeing the area?

A. I don't recall that being discussed at the meeting, sir.

Q. How far from the village was the LZ planned to be located?

A. About 300 meters I would say, sir. It was relatively close, sir, because there are a lot of tree lines in the whole area. An area that would accommodate up to 10 helicopters was rather sparse. They wanted to get in near the village right away and as I recall they landed rather close. They landed these intentionally to get some cover themselves.

IO: May I have one of the aerial photos please?

(Recorder hands IO Exhibit P-1. MAJ WATKE later annotates the photo, which, as annotated, is then admitted as P-1C.)

Q. Major WATKE, I have here an aerial photo of the My Lai (4) area. Do you recognize this as the area of My Lai (4)? This is the village and this is My Lai (5) south of Road 521 (indicating on the photo to MAJ WATKE).

A. They landed on the west side, sir, and whether they landed up in this area (indicating) I can't be sure. They came into this area right in here. They may have been further along this way.

MR WEST: Let the record state that he pointed to an area immediately west of the village of My Lai (4).

IO: Do you recall any discussion concerning the timing, the size, and the location of the artillery prep?

A. The prep was going in and around the LZ itself. Some of it was going in to somewhat try to offset any mines that would be in the LZ itself, and around the periphery as a minimum to put the people down into their holes, if they were there, and of course to kill them as well. That's the primary purpose.

Q. Was there any statement made at that time concerning placing the artillery prep on My Lai (4) or parts of it?

A. No, sir, not specifically. It was not designed to hit the village, but the edge of the village had to be hit, sir. There was no special emphasis placed on the fact that they were doing it. It was a tactical necessity. I just didn't think anything unusual of it at the time. From past experience I would have done the same thing. I definitely would not allow my aircraft to go into the area without some protection.

Q. Did you hear any discussion concerning the burning of the hootches and destruction of the bunkers, killing the livestock, and so on in My Lai (4)?

A. No, sir. I didn't. The bunkers are normally always destroyed as time permits as they go through, but I don't recall the subject was addressed in destroying the buildings or maiming the livestock.

Q. Do you recall anything else of significance on the afternoon or the evening of the 15th relating to this operation?

A. No, sir. I thought it was a routine--it was a routine day for me as I recall--the briefing was routine. It was a routine briefing. I didn't walk away with any special thing on my mind.

Q. How was this briefing organized? Was it quite systematic?

A. It started out with the S2 and proceeded with the S3 and then the colonel. The most significant thing I recall from the whole thing was the real anticipation that they were really going to have a body of enemy out there. They were just convinced that there was a battalion in that area and they were going to get in there before the battalion extricated itself.

Q. Does anybody at this time have any questions of Major WATKE on just this evening?

COL FRANKLIN: Sir, we have been querying on the concept of the operation, of specific orders given at the meeting. Do you think it might be good for Major WATKE to be a little more specific on the orders on the concept of the operation?

IO: Yes, I think it might be helpful. To the best of your recollection, by using the large map to your rear, Major WATKE, could you outline the initial phase of the operation that was given during the briefing?

A. A/3/1 was moving out of LZ Uptight, starting out in either dark or first light, and they were moving to the north to set themselves in a blocking position just north of the Song Diem Diem River, down close to the river as I recall. On the reconnaissance they pointed out, they initially were intending to go to the high ground, but because of some bushes they just didn't get the observation that they desired. So they moved right down onto the riverbed itself. This way they would also be in position to gather the people if they came across the river, organize them, interrogate them, and move the suspects out for further interrogation. As the operation itself had been planned, C/1/20 was to go to an LZ just west of LZ Dottie--

Q. (Interposing) LZ Dottie.

A. I'm sorry, sir, into the LZ Number 1 which is this number here. They would be escorted by gunships coming from the same unit that the preponderance of the lift ships had come from, the 174th at Duc Pho. Following the result of this landing the people who did get in were not required to be reinforced--

Q. (Interposing) I'm only asking about the orders this time.

A. C/1/20 was landing in here and B Company was landing in here. B/4/3 was landing in this area right over here. It was rather significant that this is an area where they dried salt. It looked similar to a rice paddy and they bring in the sea water. They actually let it evaporate, then they break it up into salt. After it is dried they use it for cattle and personnel. This was the concept of the--

IO: (Interposing) What was Charlie to do after they arrived at the LZ?

A. Once it was there it was to reorganize itself and proceed towards My Lai (1).

IO: I believe that is satisfactory at the present time.

(The witness resumed seat at the conference table.)

At one point you mentioned that Alpha Company was moving to the north. I believe the record states that it was moving to the south. Let the record state that A/3/1 was moving to the south from Uptight. Now then, I would like to take you to the following morning and have you recount the activities of your unit the following morning.

A. Yes, sir. We received our normal briefing back at Chu Lai which was my permanent base of operations. We departed from there somewhere in the time frame say of 6 o'clock in the morning and proceeded to LZ Dottie which is our forward base of operations.

Q. You did land?

A. We moved down and refueled, sir, and from there we moved out into the operation area. Our mission was to screen--

Q. (Interposing) How many teams did you employ on your screening initially?

A. One team, sir, one LOH-23 helicopter and two gunships.

Q. Which teams? Can you give the name of the pilot flying the LOH and the gunships which supported him?

A. Sir, I was in the low gunship and I believe Mr. BAKER was in the high gunship. I'm not positive of that, but I think he was. To the best of my knowledge, Mr. THOMPSON was in a low ship. Further on that, I think that on that morning, initially, we only had the one LOH. We had two programmed to go down, but the pilot went out and found a deficiency in the helicopter and it was estimated to come down about 2 hours later. We went on down and refueled and as I recall we didn't even wait any



longer. We confirmed that the operation was still set with no delays and we proceeded out to the south and we were the first unit into the operational area. We commenced to screen, but we did stay south on the road which generally ran from the southwest to the northeast. It runs just to the south of My Lai (4) into My Lai (1). The purpose was the artillery--we stayed--I would say a comfortable distance to the south until the artillery went in to insure that it was put in where it was intended. Then we closed it up a little bit.

Q. Were you on station in time to see the artillery prep started and completed?

A. Yes, sir.

Q. Did the artillery prep go into the LZ area or into the village?

A. Well, it went on both, sir.

Q. How large a prep would you think it was in terms of numbers of rounds, time--

A. (Interposing) Well, I know it came from six tubes, sir. I don't recall.

Q. How do you know it came from six tubes?

A. Well, there were six tubes up on the LZ and unless one of the tubes was down--the entire battery was firing in preparation. When I say I know--I presumed six tubes were firing--all of them were operational--all of them were firing the preparation.

Q. How long did the preparatory firing last, approximately?

A. I would say perhaps up to 5 minutes.

Q. And what time did the first assault units touch down?

A. Once again, sir, I don't recall. It was well after daylight. I recall somewhere between 7:00 and 7:30 in the morning.

Q. Would you explain your activities during the subsequent period after the first assault period, after the units reached the area?

A. Yes, sir, the gunships had escorted the troop helicopters into the area and observed some people--VC moving out towards the road from the area between My Lai (4) (standing by the wall map). Somewhere in this area right in through here, they saw several people moving down toward the road. They said they had identified them with weapons, and they broke off as they were escorting the troop carriers back out of the LZ. They broke off, went in, and engaged those two. They reported they had two people they had killed. They were right by the road--one I recall was right on the road--neither one had a weapon on him, but they pointed out where the weapons were in relation to the bodies. They relayed through somebody on the ground where to pick these up and make sure they don't bypass them since they weren't with the bodies. Then they left their stations and we proceeded to close it in somewhat more and we continued to screen, basically using the road as our guide. There was a considerable number of people who were moving out of the whole general area. They were moving principally to the southwest towards Quang Ngai and we were looking at those departing.

Q. Would you indicate for the sake of the record down the road?

A. Yes, sir, they were moving to the southwest on Highway 521. There were also a number moving to the south, but it was not a significant number. Later on in the morning there were a fair number of people who were moving out of the general area of My Lai (1) on up into this area, because we left this area between the two lifts that were coming in and we went up and took a look in here, because we visually could see this area from the air, immediately north of My Lai (1) in the area of 7480.

COL MILLER: Let the record also show the site that he first reported was immediately south of My Lai (4).

IO: Major WATKE, some previous testimony has indicated a situation quite similar to that which you have been discussing about two individuals with weapons and also some actions to get people over to pick up the weapons. However, whereas you indicated that they were south of the village and on the road or near the road, the other indications were that these individuals were northeast of the village approximately 300 or 400 meters northeast of My Lai (4).

A. Sir, I didn't physically see the bodies. As I recall the road was a point of reference and I still understand that it was down--it was always my understanding that it was down on this road. We also--prior to the lift going in, the low ship picked up one person that was running with a weapon and we attempted to take care of him. We cut off our firing at him because he moved into the bushes at the very base of Hill 85. Whether we got him I don't know. We could never confirm it. Mr. THOMPSON attempted to engage him and I picked up the fire from him. I visually saw him. We couldn't confirm he was down and dead.

Q. Did you have any other activities in about this time frame with respect to Hill 85 itself?

A. I conducted several operations on Hill 85, but this was some days prior to this operation. We had found some Chicom mortar rounds concealed up in the bunkers and upon observing we put in the troops and we destroyed the mortar rounds. This had nothing to do with this operation.

Q. About what time would you say this action took place with respect to this one individual Warrant Officer THOMPSON had picked up running and going into the tree line? You indicated your other guns worked that area over.

A. Sir, it happened prior to the artillery preparation as I recall. At the time I can't really place the whole day as to 7:30 or 8 o'clock type of time frame.

Q. May I ask why he was coming out of this area prior to the artillery preparation?

A. Because of our presence, sir. If we catch them when they are moving, then they will move to a more secure area. That was the only reason why anybody moved prior to the preparation. The preponderance of the people that were moving on the road moved as a result of the artillery preparation.

Q. Do you know the routes which were followed by the assault helicopter lift and its escorting gunships from LZ Dottie to the LZ?

A. As I recall they basically came in from the west--whether it was west-northwest--as a result of this artillery coming out of this hill, they came in an area such as this into the landing. We would have only altered that to take advantage of the wind which I recall was not overly significant at the time, because of the location so close to the sea.

Q. Some of the previous testimony indicated that the liftships departed LZ Dottie in a southwest direction with the objective of, on one hand, deception, to swing around generally in the area of Quang Ngai City and the Song Tra Khuc River and coming in from the south so that the enemy would be misled as to the true intent, and, second, with their arrival time exactly at the given time in the order, so that the enemy would not have an opportunity to escape from the village.

A. I don't recall the deception of the liftships, sir. I don't recall that we had any problems in trying to orient ourselves with the incoming aircraft. That would have been a problem to us in our search. We were reconning down through this area. If they were coming in from the south then this would present a problem to my people to try to orient themselves. I think they stayed to the north of the road and this would have been the practical thing to do. Now whether they came in from the west-southwest that would be--I just don't recall a conflict of airspace with the--

Q. (Interposing) It is not so much of a conflict of airspace that I am concerned about. I am concerned about the fact that they had, at least mentally, a deception plan of some form so as not to give prior warning to the enemy on where the operation was to take place, and yet your aero-scouts were arriving in the air before the operation--

A. (Interposing) Yes, sir, we arrived in the area prior to the preparation fire.

Q. Was this normal procedure?

A. We tried, we always tried to get in there to coincide with it. We wanted to be there to see who was going to move. It's never very long for the people to hide their weapons and move out with the civilians.

Q. Your presence with your aero-scout teams, would this have given away the operation?

A. I don't think so, sir. We operated from LZ Dottie for over 30 days. We were averaging every other day, in this whole area from the Batangan Peninsula down. We had on several occasions permission from the advisor to move down in here. We have been in this area prior to that and I don't think our ships would be giving away anything. We were probably as routine in that area as any number of VC units that might be moving through the area.

Q. I would like for you to think a minute, whether this was before the operation or after the combat assault, this one individual who was running.

A. It could have been after the screening down there. I didn't treat it as really anything significant.

Q. Continue your activity with the aero-scout teams.

A. We stayed to the south. We never did go up over the troops initially because the decision was made shortly after the first lift, when the LZ was not hot, and the troops were able to reorganize and handle themselves. The decision was made to go with the second lift as planned into the second LZ. As such we had to extend ourselves really to the south to make room for the artillery to come in. While doing that I went ahead and made one run up into here because I personally felt that this was as bad an area--a route for the enemy to get out of to the south. We did run around up in here and took a look at this area--looked over a few people who were moving out in the sampans that were coming across, and then we moved back south again and stayed south for the assault landing in the second LZ.

Q. What time did you arrive back in the area of My Lai (4)?

A. Sir, I never did go back in My Lai (4). I went off station after the second lift. Our fuel was running low and I pulled off station and I reported that I felt that continuation of our mission down here was rather futile. Since there were no guns--they had been released--I recommended that our unit go up and start screening and reconning for the troops themselves who were moving on the objective. This was bought and we went back and refueled--

Q. (Interposing) Did your entire flight of three return?

A. As I recall two gunships replaced our two. The gunships run about 1 hour and 20 minutes on fuel and the LOH runs better than 2 hours. We pulled two gunships out to join the LOH that was already in the area, and we briefed them as to the new mission, and then I proceeded back to LZ Dottie to refuel.

Q. Did the LOH at that time return with you to LZ Dottie?

A. I don't recall. No, sir, I don't think so. This is not absolutely clear in my mind. We are not--well, not routinely, but when the situation presented itself, when we only had one LOH--we pull the guns out and leave them until he had to refuel, and both the two pair would come home together. As I recall this is what happened this morning, we left the LOH there, and he just pulled up while we briefed and then he would go back down low on the ground and continue with the other two new guns. This was an easy briefing because it was a new mission. We just had to reorient and make sure they had the frequency to contact the troops.

Q. Do you recall, were you the pilot in your aircraft that morning?

A. I was on the left-hand side, so, sir, I was in fact the copilot.

Q. You were the copilot. Who was the pilot?

A. The best as I recall it was Mr. BROWN. I am not absolutely sure of that, sir, but I flew with three or four different gun people.

Q. Who was piloting the other gunship?

A. I believe Mr. BAKER was.

Q. When you were flying, which of the gunships had the communications with the LOH?

A. I did, sir. The low ship and the high ship would have communications with my TOC and normally would have it with the ground units. We had a peculiar problem with communications in that the LOH-23's have very limited radio control.

Q. When you left station the other gunships left with you?

A. Yes, sir.

Q. So, you brought in two additional guns? Do you recall the names of the pilots of these gunships?

A. I recall a Mr. MILLIANS and Mr. POTEETE. I believe they had gone to flight school together. Mr. POTEETE was wounded and sent home for 6 months and was back. He joined my unit specifically because he and Mr. MILLIANS were such close friends.

Q. From the time you left station then with the gunships, you have no personal knowledge of what took place in the operation area, is that correct?

A. Yes, sir, the only transmission that I recall hearing was, I just remembered it, and that was when they got over the area they reported that there were a number of people who were wounded and perhaps dead from artillery. I can remember that. That is the only transmission that even comes back to my memory and I didn't place all that much significance even in that. It was just a reported item and one of the first ones that came out from the ships. I went on and refueled. By the time I finished refueling and got

back to my TOC there were several other messages that had come in that related to problems between my people and the advancing ground troops.

Q. What time did Mr. THOMPSON and his LOH return to Dottie to refuel along with the guns?

A. It must have been 2 hours and 15 minutes after he had initially gone on station. I would say it would have been 9:30 or so.

Q. Do you recall seeing him at that time?

A. No, sir, when I saw him was when he came up.

Q. Just answer that question.

A. No, sir.

Q. When did you next see him?

A. Sir, I saw him--he and Mr. MILLIANS and one of the enlisted men came up to me and wanted to talk to me. They were all concerned--

Q. (Interposing) What time was it?

A. I place it somewhere around 11 o'clock or maybe a little later in the morning. They had come back and felt that there was indiscriminate shooting in the area and there were people who had been wounded needlessly out there. They didn't think it was right and they felt compelled to tell somebody, and they didn't know who to go to. I was their commander so they came and told me.

Q. Can you tell us specifically what they told you?

A. Sir, I recall that they were in communication--they had told the people on the ground that they had seen some people moving ahead of them into what I thought was hootches, and they were predominantly women and children, and that they were there and that they asked them to hold back their fire in that area and they would screen for them and insure that this area remained safe,



and if it became hostile they were prepared to support. They would pay particular attention to that area. And the person on the ground responded this basically: "Sorry that they were in there." They had their job to do and this was part of it. They continued to shoot in the area and at this time Mr. THOMPSON landed and talked to the individual on the ground and told him that he was going into the area up there and that they had better not shoot him, because if they did, then the guns would shoot back at them. This, to me, was the most disturbing thing that occurred.

Q. He did indicate that then?

A. This is what I was told when they came up to me. A portion of this came over the air, by the way, but at the time I couldn't place really what was going on on the ground. But I was aware there was a little conflict and their guns were landing. I knew this before they ever came back to me, that he had landed--that a gun landed to move some people. They went ahead and proceeded to evacuate some of the personnel to safer areas and they moved one child to Quang Ngai City.

Q. Was this a normal procedure, for your guns to land?

A. No, sir. This is very abnormal. I would never have permitted it.

Q. Did they indicate how many landings were made by the guns?

A. As I recall, one landing was made.

Q. How many people did they remove?

A. I'm not sure, sir, but six would be--in my estimation probably six. But I don't recall.

Q. What else did Mr. THOMPSON or Mr. MILLIANS or whoever was in the group tell you at that time?

A. I think that is basically what I was told, sir.

Q. Was there any reference made in this discussion to a ditch which contained a large number of bodies?

A. No, sir, not to my knowledge. I'm trying to identify the individual that he talked to. There was no name. This was always a problem. He identified the individual as having a distinct marking on his helmet as I recall--had something to do either with the word "California"--and this I relayed in my briefing to Colonel BARKER, because there was no nametag on this individual. But as to a lot of people in the ditch, I don't recall.

Q. Did he recount to you or anybody about somebody firing into the ditch?

A. No, sir. The reason I say this, sir, in my mind, after I had talked with them, I was left with the impression that it was just in their minds. Maybe there was a little shooting in the area that wasn't called for. That was the only impression that I went to Colonel BARKER on. Had he told me about a lot of people in a ditch and shooting at that time, then this would have been a completely different picture in my mind.

Q. Did he tell you where he picked up the young boy or the young child which he flew out of the area?

A. With the relationship on the ground, no, sir. It was 300 meters or so in front of the advancing troops on the ground. I don't recall that I even asked him that in the debriefing.

Q. Was there any indication of the marking of the the wounded by smoke to get medical assistance? Was any additional information given to you by Mr. MILLIANS or other members of the crew?

A. No, sir, they all basically--Mr. THOMPSON generally spoke for them because he was the most informed. He was the one who did the talking with the person on the ground. Mr. MILLIANS, as I recall, his only act was to go down and assist in the moving of the people. There were more people there than was possible to move with the helicopter. He went down--he was moved enough to go down and also pick up people. This was a very abnormal and extremely dangerous thing to do with a gunship.

Q. What was your subsequent action?

A. Well, sir, I contemplated this for a while, I would say maybe 15 minutes or so, wondering what to do about it. I had somewhat mixed emotions on it. I personally felt at the time that maybe it wasn't all that bad. I thought they may be overplaying what they had seen. I was debating whether I should really go in and tell the colonel this because I wasn't too sure that there was anything overly significant about it, and I made the decision. I was compelled to. My people brought it to me, and I could not resolve the problem for them to their satisfaction so I went to Colonel BARKER to bring it to his level. It was his troops; plus I was concerned more that my people had entered into a heated argument, so to speak, with the ground troops, and this is an untenable situation. You just can't have this going on.

Q. How did Mr. THOMPSON act at this time? Was he emotionally disturbed?

A. I would say no, sir, but the fact that he came up to me--he was really--this really bothered him--he was determined about it.

Q. Was he coherent?

A. Yes, sir.

Q. Normal?

A. Yes, sir, I would say normal. He was basically just very firm in what he was saying. He had to say it and I think he must have thought about this for some time and they must have discussed it a while before they came up.

Q. (Interposing) I would like to know whether he told you this or not. Did he tell you that he observed a captain shoot a woman on the ground?

A. No, sir. There was never any mention of rank. Apparently the individual that he spoke to did not have his rank on, and this was not overly abnormal for the people out there not to display their rank. I personally had thought he had talked to the company commander simply because in communication between the air and the ground the normal person to speak to is no less than the company commander, because one of his radios is on the battalion frequency and this is normally the frequency in which we communicate with the ground forces. I had always kind of just assumed that the company commander was the man that he spoke to, and I think I left this impression with Colonel BARKER. However the investigation said that it couldn't tie the distinctive marking at all to the company commander. To this specific question you asked sir, no, sir.

Q. Mr. THOMPSON had no communications with the company commander as I understand your communications system?

A. No, sir. On the helicopter he had only one frequency and that was to the high ship.

Q. Did you recall who during that period was flying the low gun?

A. Mr. MILLIANS was the one that landed. I initially think he was. It would be extremely abnormal for the high ship to come down to land and the low ship not to. The high ship sees very little of anything. His relation to the ground is 1,000 feet. It is most difficult to observe a person carrying a weapon unless he is holding it way out (indicating), but if one is carrying one near it is impossible to tell. The low ship at 200 feet can pick up some things.

Q. When did you inform Colonel BARKER of this incident?

A. Fifteen to thirty minutes after I finished my talk with THOMPSON. I left almost right away--

Q. (Interposing) That would be about what time? .

A. Almost noontime, sir.

Q. And what did you tell him?

A. I related to him in effect what Mr. THOMPSON had told me, that there was indiscriminate firing out there, and basically stressed the point that my people and his people are really at odds and this just couldn't continue. I just couldn't put my people out there without some resolution that things were straightened out. And then the fact that there was indiscriminate shooting and wounding. And he called for his helicopter and went out into the area and looked into it. He seemed to be quite concerned about the entire matter.

Q. Did you hear him issue instructions subsequent to that time?

A. He issued--as I recall Major CALHOUN was up, and he called him and instructed Major CALHOUN to, in effect, look--to have him check on the ground, and if anything abnormal was going on. What specific order was given, sir, I just don't recall. Then he left to move to the helipad which is some 2 minutes maybe from the TOC, and I walked on back down to my TOC. I didn't see him again for perhaps an hour.

Q. Subsequent to that time when you reported to Colonel BARKER, what is the next incident having to do with the reporting of the incident?

A. That evening, sir, I reported it to my battalion commander, Colonel HOLLADAY.

Q. And what did you tell him?

A. I told him what had transpired--what was alleged by Mr. THOMPSON, and I was telling him so that he didn't hear it through the other commands. I still didn't at the time put all that much significance in the allegation. Personally, I didn't think that it was that much to it, but I told him because I didn't want someone to come back and surprise him that I was out charging people and creating incidents which weren't founded, and he wouldn't be able to at least

halfway come to my defense. At the conclusion of my little story to him, he asked me if I realized what I was doing, and he told me I had better make sure if I was going to stand on it. I thought about it for a while and I said, "Yes, I stand on what I said." The first thing in the morning we went to division and I relayed the same piece of information to General YOUNG who was the assistant division commander.

Q. Did you ever interrogate Mr. THOMPSON, Mr. MILLIANS, Mr. BAKER, or any of the people who observed this to any greater extent?

A. Only at the time when they explained to me what happened, to get a clear picture of what happened, and beyond that, no, sir. Perhaps a day later we talked more about it and I explained to them what was going on and the thing was being looked into--the situation was being corrected if there was anything to the allegation. It satisfied them at the time and it satisfied me at the time.

Q. But you never interrogated him as far as making an official statement?

A. No, sir, I did not.

Q. Did you recognize at the time the consequence of the allegation if it had proven true?

A. I imagine I did, sir, the only thing--I never in my mind envisioned what had transpired on the ground would be anything like this since the--stated in the papers and so on. I never suspected an allegation that people had been just rounded up and just shot. It never entered my mind. If Mr. THOMPSON had not alleged this--the worst thing that I knew had happened was some indiscriminate recon by firing, that is, clearing the area to the point that they were wounding people, and that is the worst that I thought had happened. I personally felt probably that somebody had been on the ground a little bit too long and ought to be moved up to staff somewhere--just been out-- too many of the troops had been wounded and killed--coming down with some degree of fatigue.

Q. After you reported to Colonel HOLLADAY what was the next action that took place?

A. The briefing at division, sir.

Q. You proceeded to division headquarters?

A. Yes, sir.

Q. At Chu Lai?

A. Yes, sir.

Q. And this was reported to whom?

A. General YOUNG, sir. As I recall, right in his own office.

Q. That same evening?

A. I am not absolutely positive. I think it was early the next morning, sir. It could have been. It just seems to me that I could see daylight outside the window; there was some light. And by the time I told Colonel HOLLADAY, it was pretty dark. I know I didn't get in until just about dark.

Q. Could you give the date?

A. It was the morning of the 17th, and after that I proceeded to LZ Dottie and I rejoined my troops. Shortly after I got down there, I received the word that I was to meet General YOUNG and Colonel HENDERSON up at the LZ Dottie TOC. He wanted to see us together. Colonel HOLLADAY and General YOUNG came into the--

Q. (Interposing) Was Colonel HOLLADAY accompanying General Young at that time?

A. I'm almost sure that they came in the same helicopter, yes, sir.

Q. Still the morning of the 17th, all right.

A. As I recall, General YOUNG asked me first to tell Colonel HENDERSON exactly what I had told him--to relate my story to him. Following that--

Q. (Interposing) Was General YOUNG present when you talked to Colonel HENDERSON?

A. Yes, sir, we were in one of the van trucks.

Q. Was Colonel HOLLADAY?

A. Yes, sir, Colonel HOLLADAY, Colonel HENDERSON, Colonel BARKER, General YOUNG, myself, the five of us.

Q. Will you give the substance of what you told them at that time?

A. Basically the same thing, sir. The indiscriminate firing, the needless and excessive amount of recon by firing beyond what was necessary to offset the firing which was being received, which was very minimal, and it was such that my people landed--this is the thing that really disturbed me so much. If it was bad enough for my people to go out and land on the ground out in front of troops, it had to be awfully bad in my mind. Those pilots just don't do that.

Q. After you related this story to General YOUNG, Colonel HENDERSON, and the others, what happened then?

A. General YOUNG had instructed Colonel HENDERSON--told him that he was to conduct an investigation and to render a report to the division on his findings. Basically, the meeting adjourned and I stayed to be the first one to talk to Colonel HENDERSON. I stayed in there and we spoke for about 2 minutes and he asked, as I recall, that three people be sent up. I thought I sent up three pilots, the three aircraft commanders, Mr. THOMPSON, Mr. MILLIANS, and Mr. BAKER. As I recall I thought I sent up three people to be interrogated--they were questioned.

Q. When you were being interrogated by Colonel HENDERSON was a stenographer to--

A. (Interposing) No, sir, just himself and myself.

Q. Were you placed under oath?

A. I'm trying to think and to the best of my knowledge I don't believe so.



Q. Was there any means to record this such as a tape recorder or anything else that said specifically what you said and the instruction which he gave you?

A. No, sir, not to my knowledge. I don't recall. There was nobody else in the van, sir. I am sure in my mind the colonel took some notes. Immediately following the breakup of the meeting between General YOUNG, I never left the van. I stayed inside and the door was closed. He asked me some more questions.

Q. I would like for you to recall the individuals that you sent up to talk to Colonel HENDERSON. Could the crew chief of the LOH and/or the doorgunner have been among those you sent up?

A. They could have, sir, but I just don't recall. I know that I sent out Mr. THOMPSON and the best I can recall there was the three aircraft commanders who were out there. There could have been an enlisted man, but I just honestly cannot recall.

IO: I think you can sit down, Major WATKE.

(MAJ WATKE sits down.)

To your recollection, how long was Mr. THOMPSON with Colonel HENDERSON?

A. I hate to even guess, sir. It wasn't all that long--10 or 15 minutes perhaps.

Q. He was not just in and out. Would he have been in there long enough to have told his story?

A. I think so. He was gone enough. When I left I went to my van, rounded up the people, and sent them up there. As I recall, they filtered back in. There was some time elapsed in there--if he went in immediately upon getting up to the TOC, I just don't recall. But he seemed satisfied at the time as I recall.

Q. Did Colonel HENDERSON inform you that he was conducting an investigation?

A. Well, sir, I was there when he was told to conduct an investigation.

Q. You knew firsthand? You didn't have to be informed?

A. Yes, sir.

Q. Do you know if Colonel HENDERSON informed Mr. THOMPSON that he was conducting an investigation?

A. No, sir, because I told them, when I sent them up, that he was investigating the allegation and that he wanted to speak to them.

Q. You indicated to him that he was conducting the investigation?

A. Yes, sir.

Q. This would have been understood by Mr. THOMPSON and any other people that went in there?

A. Yes, sir. He was looking a little nervous going before the colonel.

Q. What was Mr. THOMPSON'S condition that morning? Did he have complete control of his faculties?

A. I have known Mr. THOMPSON--he is an outright forthright individual and he tells you, and if he feels bad he is the type that will tell you that something is wrong. He rarely holds back whether you like to hear what he is saying or not. He will express it.

Q. What was the next activity that took place which had anything to do with this? To your recollection what is the thing that you remember next as far as the investigation, or witnesses, or reports, or anything of this nature.

A. Sometime after that I believe Colonel BARKER told me--I don't recall any time frame. They were unable to find anybody belonging to this stenciled, marked helmet. And the other thing, maybe in 3 weeks the results had been submitted, and they found nothing with any substance. The general was reimpresing on everybody's mind the rules of engagement.

Q. Who told you?

A. Colonel HOLLADAY.

Q. It was Colonel HOLLADAY, your battalion commander?

A. Yes, sir.

Q. Were you ever queried by anybody at a later date from division on this matter, either the division commander, the assistant division commander, the SJA, the IG, or anybody from the division?

A. No, sir. General YOUNG perhaps could have said something. I saw General YOUNG perhaps every third or fourth day. He would come through to check how things were going, and resolved my problems if I had any. I don't really recall that he did mention anything important other than the fact that it may have been continuing or something to that effect.

IO: We will take a 10-minute recess at this time.

(The hearing recessed at 1025 hours, 8 December 1969.)

(The hearing reconvened at 1047 hours, 8 December 1969.)

IO: The hearing will come to order.

RCDR: All persons who were present when the hearing recessed are again present except MR WEST.

IO: Major WATKE would you recount once more the times and the individuals to whom you reported this incident, starting with your initial report to Colonel BARKER?

A. Yes, sir, I reported to Colonel BARKER approximately 30 minutes after I was informed of it by Mr. THOMPSON. I would have to put this in the time frame of 11 to 12 o'clock in the day on the 16th of March. That evening I reported to Colonel HOLLADAY, the battalion commander of the 123d. I would estimate that this was approximately 8 o'clock or thereabouts. It was after dark I'm sure. It was up in his hootch. As I recall he and I went up to division, and in the presence of General YOUNG I once again stated the case. I think this was sometime around 7 o'clock in the morning. I left and went down to the LZ Dottie and received the information that the general was coming down and wanted to speak to us at 9 o'clock. At that time five people were present.

Q. And I believe there was one other time when you reported it and that was with Colonel HENDERSON?

A. Yes, sir, the five people. I didn't report to Colonel HENDERSON separately at all. The only time I saw Colonel HENDERSON was when I was relating my story in the presence of General YOUNG.

Q. But you subsequently discussed it with Colonel HENDERSON?

A. Yes, sir, and I was questioned immediately following the meeting with General YOUNG.

Q. That would have been somewhere between 9 and 10 o'clock on the morning of the 17th?

A. Yes, sir, the morning of the 17th.

Q. When you reported this to Colonel BARKER, how was this information passed to the units on the ground?

A. Colonel BARKER relayed to the ship which Major CALHOUN was in to pass the message--I do not know, sir--if anything unusual was going on out there, let's stop it. Then he shortly thereafter departed in the helicopter which Major CALHOUN came back in and went out to the field. Whether he landed, I do not know, but he spoke to the units on the ground and returned later to the LZ.

Q. What did you do the remainder of the afternoon?

A. We basically continued the mission on into the afternoon. I went back to the job.

Q. Did Colonel BARKER ever talk to you that afternoon or subsequently about what he had found out there?

A. Not to my recollection, sir. I'm not sure whether I saw Colonel BARKER again that same day. I may have, but I don't recall there was any discussion of anything about the operation.

Q. I was thinking that because the seriousness of that operation was such, that your gunships would land in such a precarious situation to do this, you may have followed up to question Colonel BARKER as to actually what had transpired?

A. I don't recall, sir. I know that he took these steps and was looking into it, but I don't recall that we spoke again that same day as to any outcome. I know that the people ceased the firing, the excessive firing, and things went along rather smoothly. I was satisfied, at least for the time being, that everything was back to normal, and really I guess I have to say this again. My people had been operating in this configuration as an air cavalry troop for approximately 2 months. Other than my gun pilot people, they had come from flying in brigades. In other words, they had been doing principally administrative flying, and this was probably only the third time that we had, in fact, supported ground troops right in line. They were out reconning for company-size units on the ground, and what they were seeing, I felt that they might be overportraying it simply because their exposure had not been that extensive before. I just didn't think that it was all that serious in my own mind, but they were so concerned that as a result I took the steps I felt was necessary to--

Q. (Interposing) Going back a bit to the sequence of events when you were present at the briefing on the 15th of March, was Colonel HENDERSON there?

A. I don't believe so, no, sir.

Q. Did you see Colonel HENDERSON that afternoon?

A. Not to my recollection.

Q. Do you recall him talking to the unit commanders prior to the operation, or to the troops?

A. No, sir. I personally didn't see him.

Q. Prior to the operation, approximately on the afternoon of the 15th, did you go on a reconnaissance with Colonel BARKER?

A. No, sir.

Q. Did you conduct a reconnaissance of any kind?

A. I knew the area--yes, sir, my people had been--this was not an unfamiliar area to us--the people knew it and they knew the scheme of maneuver.

Q. It wasn't necessary for you to conduct a reconnaissance?

A. No, sir, I didn't feel that it was. I was not putting in troops. Had I been putting them on the ground, I am sure I would have spent a little bit more time looking at the LZ, but I knew where the LZ was, basically. I could have landed to the west of My Lai (4) without ever going out, and I could have landed in the salt flats without ever having gone out.

Q. What did you say your mission was during the early operation prior to the combat assault?

A. Well really, prior to the combat assault, just to get on station, sir.

Q. And during the combat assault?

A. It was to screen to the south and prevent exfiltration of the VC to the south.

Q. Would it be correct to say that your general mission was to screen south of Highway 521 generally down to the Song Tra Khuc River?

A. Yes, sir.

Q. And subsequent to the combat assault your mission became somewhat more inclusive, to scout and screen throughout the entire area of My Lai (4)?

A. Yes, sir. I requested that our mission be changed somewhat because we were not getting anything and we weren't--I felt that we had done as much as we could do, and I recommended that we move where we could be of better service and could still watch to the south.

Q. You indicated that you saw the artillery prep going in?

A. Yes, sir.

Q. Did you see any white phosphorus?

A. As I recall, HE, sir.

Q. Did you see any white phosphorus?

A. I don't recall, sir. I wouldn't say that there wasn't any. My biggest concern was to see where it was landing as opposed to what it was doing.

Q. If there had been any white phosphorus, would you recognize it?

A. I would recognize it, yes, sir.

Q. Do you recall whether the HE was point-detonated or whether they were airburst?

A. I am sure they were point-detonated, sir, particularly those in the LZ. It wouldn't do any good to have air in the LZ, and concussion on the ground would set off any booby traps there might be.

Q. Mr. MACCRATE did you have any questions you would like to ask Major WATKE.

Let the record indicate that Mr. WEST rejoined the hearing.

MR MACCRATE: Major WATKE, earlier in your testimony you referred to remembering one message that I gather you monitored over the radio which was to the effect that there was a number of dead from artillery. This one message stood out in your mind. Do you recall it?

A. Yes, sir, wounded and dead.

Q. Was this something that you heard while you were still on the mission or was it after you returned to LZ Dottie?

A. It was right prior to landing on the refueling or right after we picked up off the refueling pad and moved the helicopter down to the staging area that I heard this. It wasn't relayed as a point of significance. It was just a statement of fact. I attempted to always have my people say what they saw, because if they didn't we had no idea what was going on. The only way to get a picture painted for you was to have people say what's going on. This was as significant an item as a number of civilians moving down a trail would be significant and number of bunkers in an area--

Q. (Interposing) Was this after you personally left the area of operation?

A. Yes, sir.

Q. And you had gone back to refueling?

A. Yes, sir, I--

Q. (Interposing) And you were refueling at LZ Dottie?

A. Yes, sir, but we refuel at a different location than where we parked our airplanes. None of my people had been over My Lai (4) or over the LZ prior to the new gun team coming out on the station. We had been screening up until that point.

Q. I believe you stated a few minutes ago that the people had ceased the indiscriminate firing. How had you satisfied yourself that the indiscriminate firing had ceased?



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A. Well, they no longer were reconning by fire, but were firing only when they were receiving fire--sniper fire. Prior to that time they were basically advancing with fire. That's the two types of techniques.

Q. But this information you had as to developments in the course of the operation was information that came to you after you returned to LZ Dottie?

A. Yes, sir.

Q. And you were monitoring at that point?

A. Yes, sir. All this was basically the second landing.

Q. After Mr. THOMPSON talked with you on the morning of the 16th just around noontime, did he go back out to the operation?

A. I am quite sure he did, yes, sir. I think I had one more crew come down in that time frame--late morning, however, he still went on station once again.

Q. And did you speak to him later after he had been out a second time?

A. I don't recall, sir. I think I probably did but what the subject would be--I was just trying to ease his mind, trying to get this subject basically out of his mind. Somebody had assumed the requirement--that they were taking some action, and I felt that there wasn't reason to talk about it. I believe I mentioned to all my people that I didn't want it discussed in the barracks. It was being investigated, and I told them that I would tell them the results of the investigation and that it was in competent hands. It wouldn't do any good to start a lot of talk among the troops because nobody knew the facts.

MR MACCRATE: That's all I have.

MR WEST: Major WATKE, I think it would be helpful if you would go back again over the missions you had in and around My Lai (4) on the morning of the 16th of March. Would you specify what those missions were; who was flying them; which helicopter and this sort of thing? Let's take the period prior to and during the artillery preparation first.

A. Once we determined that the operation was in fact going to take place as planned and there were no delays, we moved out on station to the south of Route 521. We arrived in the area--

Q. (Interposing) Who participated in that mission?

A. As I recall Mr. THOMPSON was in the H-23, the low ship, LOH. I was in the low gunship which flew at 200 feet, and with me I believe was Mr. BROWN.

Q. Would that have been Captain LIVINGSTON?

A. No, sir. Captain LIVINGSTON was not an AC. I was not an AC, although I have flown both sides.

Q. By AC what do you mean?

A. Aircraft commander. In the high ship I believe it was Mr. BAKER and another pilot. I don't know him by name. Both of the gunships always were flown with two pilots. We arrived prior to the start of the artillery preparation, how many minutes prior to that I don't know. Not too many because there wasn't a great deal of value to be gained out there. I am sure I asked them to be there by the time it started. I personally believe that this is when we receive the most information and know what was going on and pick up most of the people who were moving with weapons. Our concern at that time was not to get too close because the artillery could in fact be off some, and since they were firing from the north to the south long rounds could endanger us. But once the first round went off, we moved out and tightened in and took a look. We basically used the road because it was such an ideal mark for identification. We stayed

just to the south of the road in screening and we did pick up one individual moving. I thought it was before the artillery, but I wouldn't swear to it. We never confirmed that we had a kill, but the low ship and myself engaged.

Q. All right.

IO: Major WATKE, I have here Exhibit M-6, a true copy of the log of the Americal Division. I will refer you to item 9 (handing the exhibit to MAJ WATKE). Did you indicate that the aero-scouts engaged two VC with weapons?

A. No, sir, I think this is erroneous. These are the two which were probably attributed to the Sharks in the 174th. We didn't get any weapons that day. I know that we did not report engaging two--killing two and getting two weapons, but the other gunships did. They were escorting the troops. They didn't get the weapons themselves, but I can recall them giving instructions as to where they were in relation to the two people they had killed.

Q. Do you know who was controlling there to gather their weapons?

A. I would imagine that he was speaking to the RTO--no, it wouldn't be to the RTO--I'm sure he would speak to the senior officer present on the ground.

Q. Did you hear any radio transmission directing that these weapons be picked up?

A. No, sir, but I am almost sure that I remember the roger. They were not really on it. This is why I say he made reference to the--trying to give relationship to the people right on the road--what direction and the distance. He didn't have to see the area as long as he was in his sweep coming up there.

Q. But that necessarily wasn't the road to the south. It could have been any road.

A. Well, it might have been, but for some reason I think I saw one of the bodies, that's the only thing.

Q. I refer you to item 19 (Americal Division log) which states that at 0855 elements of the aero-scouts found 20 60mm rounds?

A. Not that day, sir.

Q. Were you on station at that time?

A. No, sir, probably not, but I still don't recall. The only mortar rounds that I recall was off of Hill 85. I don't think it was the same day at all.

Q. Do you recall that morning using any elements of your ground force?

A. No, sir, that's what I don't recall. We used ground forces in conjunction with the mortar rounds. We blew them up and then we pulled them off. I just don't think it was the same day, sir.

Q. I refer you to item 42, (Americal Division log). This increases the number of 60mm mortar from 20 to 40?

A. This is the number that we reported we destroyed.

Q. You can't tie that to the activity that morning?

A. No, sir. We picked up one demolition man to go out and help set the charges, but I just can't relate the two incidents on the same day.

MR WEST: You testified, I believe, that on the mission during the morning you went in actually to support the troops on the ground and then went off station sometime during this period. Would you again state when you went off station with reference to where the troops were at that time?

A. Physically on the ground, sir, I am not sure that I can say, but I can say both lifts had been completed and that the troops landed close enough to My Lai (4) that in the time frame that had expired, they certainly would have been into the town. I recall monitoring frequencies or physically seeing troops moving to the south of what was the tree area.

Q. Would you fix the time of this?

A. I can only estimate the time, sir. I would say in the vicinity of 0815. I relate this to the fuel exhaust time on the helicopter more than anything else.

Q. This was about the time you went off station?

A. Yes, sir.

Q. When you went off station, did another helicopter and another pilot take up the position of the low gunship?

A. Yes, sir.

Q. Who was the pilot?

A. I believe Mr. MILLIANS was the senior pilot in command on that aircraft.

Q. Would Captain LIVINGSTON have been in that aircraft?

A. He could have, yes, sir.

Q. Before you went off station and while you were still working generally to the south of My Lai (4) hamlet, did you see any refugees on Highway 521? This was after the artillery preparation.

A. Yes, sir, this had really alerted the people that something was transpiring.

Q. In what numbers?

A. I would say sir, in hundreds.

Q. Which way were they moving?

A. Normally, sir, to the southwest towards Quang Ngai, but I doubt if they got that far.

Q. Could you fix the time when you sighted them first?

A. A few minutes after the artillery preparation the people started to flow. They were making every effort to be seen. This is pretty standard for them. They felt safe if people saw them.

Q. Where was the main body of the refugees, when you first sighted them, with reference to My Lai (4) hamlet?

A. (Standing by the wall map) Generally, sir, I would say this end of the built-up area all the way back some 500 meters. Due east of the city of My Lai (4) hamlet-- the hamlet of My Lai (4) where it intercepts Highway 521. General exfiltration to the road, and then on the road the preponderance of the people moved to the south-west towards the city of Quang Ngai.

Q. Did you see this group being taken under attack by the gunships?

A. I overheard when they called that they had two of them with weapons. I heard that transmission. Shortly after that, the call went in that they had killed the two of them and they relayed the location of the weapons.

Q. This was not an indication that a large number was being taken under attack?

A. No, sir.

IO: Colonel MILLER.

COL MILLER: Did you see any people on the road walking around before the artillery preparation?

A. No, sir.

Q. Such as people going to the market?

A. No, sir.

Q. As soon as the preparation was over they started coming out from all over the place?

A. Yes, sir.

Q. When you were in a helicopter how could you tell an indiscriminate amount or a lower amount of shooting?

A. You can hear it in a low ship and see the dust rising from the bullets. The low ship flies right over the people.

Q. Did you at any time see any fires in My Lai? Were any of the buildings burning?

A. I can't say no, I just don't recall.

COL MILLER: That's all I have, sir.

COL WILSON: Do you remember if Colonel HENDERSON interviewed the individuals individually or in a group? Do you know about this?

A. I recall that they told me that it was individually, and I further recall they all came down one at a time which made me believe they were called in individually, spoke to him and were released, and then he called another one in.

Q. You mentioned that Colonel BARKER talked to you later about the helmet with "California" written on it.

A. I think later they were unable to find that helmet.

Q. This was the same day?

A. Yes, sir.

Q. You said that Colonel HOLLADAY stated to you the investigation was completed at some time? When was this?

A. I believe it was close to a month after it happened that they had--the report had been rendered and the result was rather inconclusive. No one was found to have committed a crime.

Q. This would have been mid-April?

A. Or a little earlier.

Q. In the report that is attributed to the aeroscouts, where two VC with weapons were taken under attack, the weapons were captured. Those coordinates on the log are some 800 meters south of Highway 521. Did C Company ever move this far south?

A. Not to my knowledge.

Q. I mean that morning?

A. But we would have already picked up our own weapons. If we are in a relatively open area and we shoot a couple of people, oftentimes if it seemed safe, the LOH just landed and brought them in.

COL WILSON: No further questions.

COL FRANKLIN: Major WATKE, previously you said something and you didn't pursue it. You said you had the feeling that someone had been down there too long and combat fatigue was a way of explaining it. Of whom were you speaking?

A. I was thinking of the person in command, whoever he was.

Q. Of that company?

A. In my own mind, yes, sir.

Q. You are an infantryman. You have spent a lot of time at LZ Dottie. You undoubtedly know who that is.

A. I didn't know the company commander really. I couldn't recall his name. I just didn't personally--

Q. (Interposing) When you made the statement he might have combat fatigue, that's a rather unusual statement to make. You obviously had a thought process to make you think this?

A. I knew the history of the unit. This was the entire area down south of Binh Son. From the river that runs to the south of Chu Lai all the way to Duc Pho, you have great difficulty in finding anything larger than a small squad of enemy. Most of the contacts are less than 10 people. The area is filled with booby traps and mines.



If you are in a unit for 6 months, you would lose more people than you get. You would have a morale problem. There is a great deal of the area that the troops were not entering because they had previously done this and came into an excessive number of mines and booby traps. I just feel that if a person gets that exposure day after day it works on him mentally. In a situation like that, if he is drawing fire, even if it is sniper fire, he is much more apt to retaliate in kind and perhaps do it excessively. I thought that this may very well be what had taken place that day and in his mind he wasn't doing a thing wrong, but in the eyes of my pilot--his limited exposure to this--it was significant. There was a conflict of rationale, that's all. In my mind if this was the case, he might very well go to the staff or somewhere like that. Not that he is a bad soldier. It is just that he has seen too many of his own men wounded and killed.

Q. From the briefing that you heard and the manner which Captain KOTOUC presented the enemy intelligence, from your conversation and feelings around Dottie, would you say that it is unusual for these people to be reconning by fire after what they had been told to expect? You as an infantryman, do you think this would have been unusual?

A. No, sir. I think that once I was well established on the ground, I don't believe I would be reconning any longer by fire, but I certainly wouldn't get out of the helicopter, knowing the area, without shooting. I just think that would be asking too much of the people not to protect themselves. I think mentally that is what they were doing. The gunships fired when they went in because the area was potentially hot. The artillery was firing the preparation for the same reason, and I think one would be foolish not to get out and at least size up the area or shoot.

Q. Captain KOTOUC'S presentation of the enemy information--the way the people were talking around there, were they going to get into a brawl? Paint a picture of the feeling, particularly of some of the rifle company soldiers if you happened to see them around the rifle company. What was the feeling of the next morning's operation? How were the people acting?

A. I can't say I know how they were. I know it was portrayed to me. I expected we were going to have something really going. In my mind this was going to be the biggest thing we had done. I thought this was our biggest contribution as a unit. We definitely were going to get in there and find something and really have a good day. At least twice prior to this, BARKER himself had mentioned this forthcoming operation and had given me a thorough background for it. He was convinced that we really were going in. The last contact had produced a substantial number and he was going to go in there and clean out that battalion and finish them up. He felt sure where they were and with the time and the element of surprise he was going to bag them. He convinced me.

MR WALSH: What is the maximum time that the LOH could have been up that morning? He was on station with you before the artillery preparation?

A. True fuel operating time is about 2 hours and 45 minutes. People have been known to get 3 hours when there is no place to land.

Q. Could Mr. THOMPSON have been going back to refuel--going back a second time, or did he report to you the first time he came back?

A. I believe it was the second time.

Q. The event of him landing, removing civilians from the area, and taking the child to the hospital, this would have occurred after he had once refueled and gone back again?

A. Yes, because he came back from Quang Ngai and directly to the base. He had never done this before. All I know is that he was taking somebody to Quang Ngai.

Q. Later in the day you were monitoring conversations in the TOC?

A. Yes, sir.

Q. Do you recall hearing any orders given to Charlie Company by Colonel HENDERSON during the course of the day?

A. I don't recall speaking to Colonel HENDERSON that day.

Q. Do you recall if General KOSTER was in the area that day.

A. I don't recall, sir, but he normally routinely made a habit of appearing over every operation in the division if nothing more than to find out how it was going and to let people know that he was there.

MR WALSH: I have nothing further.

IO: Major WATKE, I would like for you to explain for the record exactly why you were so concerned about the gunship landing at this particular time and in this situation?

A. The most disturbing thing about the whole activity was, in my mind, the conflict that was developing between someone on the ground and my people. I was out to protect these people. Here I had people on station out there who were telling these same people that if things don't go right, we are going to shoot you. That was my biggest concern. I wanted to find out why, and I didn't know what was really going on. I couldn't tell by the radio conversation, and my conversation out to them was not getting satisfactory answers. If I just allow my ships to go and land, sir, in relatively confined areas, you are just asking for it to be shot up and your people killed.

Q. Would you explain why you were so concerned about gunships?

A. A gunship is basically the same aircraft as a slick in that it is the same size, but the armament that is carried aboard makes it immobile. It has a great deal of trouble getting off the ground. It is overweight and overgrossed, and the aircraft can just barely get up off the ground. In order to get flying, it takes quite a run to get altitude. Not only are you vulnerable when you are sitting on the ground, but when you are taking off. You are covering a great deal of ground getting to a safe altitude. The gunship has the mission to engage and kill by aerial fire and that's its only mission. Only in extreme conditions would I allow it to go down on the ground. I don't even allow it to go on the ground and pick up my own friends. I would rather have them stay for the few minutes it takes to get in a troop carrier that can be protected by the gunship. I have ships that can do those other things.

Q. Would you explain how the aero-scouts use smoke and for what purpose?

A. We dropped it to mark foxholes. If we saw them we marked people, enemy, almost anything. I felt that it was not SOP for red smoke for this and green smoke for that, but the verbal communication between this ship and the other one. If he threw smoke, he identified why he threw smoke. We had problems getting certain colors of smoke, for example.

Q. Who would normally transmit this information to the ground commander?

A. It would be one of the gunships, sir.

Q. One of the gunships? He would pick up the information from the LOH and then relay it to the ground commander, is that correct?

A. Yes, sir. Normally, if he was receiving fire, for example, all he did was pull on the smoke. And the pins were brought together so that there would be no obstruction, no difficulty in getting the smoke. He would just throw it and ask if you see any fire breaking right? They would never say the color of smoke. The person up above, challenging him, would say he saw a certain color, and at that point he would have to get around, visually look back, and say, "Yes, roger green," or "roger red," whichever the color might be.

Q. Would he make any attempt to differentiate the colors of smoke if he saw a weapon, or a wounded noncombatant?

A. I don't think so. I didn't go by the SOP of colors. Time is so essential in one getting away for the enemy, if that's what it is, one can't be concerned about whether he's pulling the green smoke that sits on the right or the yellow that sits on the left-hand side. He has to reach, grab, and throw, and then back on the gun again. I never push the SOP.

Q. Once he popped the smoke he would then identify--

A. (Interposing) He would always identify why the smoke was dropped, and anytime smoke came up a person would pick it up right away and in his mind the first question would be: "What is it?"

Q. So if he was marking a wounded noncombatant with smoke, perhaps he would cite the color and say: "A wounded noncombatant."

A. (Interposing) A wounded person, yes, sir.

Q. All right. I would like for you to just think real hard for a minute and I would like for you to see if you can recall everything that Warrant Officer THOMPSON said which you in turn had repeated.

A. He recalled that there was a great deal of reconning by fire going on in the area and that he personally saw people moving into a hootch. They had no weapons. They were not military-age males. They weren't suspects in his mind. He relayed this to the gun, told them to tell the people down there to hold off their fire from this area, that we would stay over it, we would keep this area in sight; that there were people down there; and that their firing would in fact endanger them. The response that came back as he related it to me was to the effect that we've got our job to do and we're going to continue this--this modus operandi. He then landed to talk to the people about this and apparently ended up with the same response and at that point in time he told them he was going out himself and they had better not shoot him. At that point and time he went out. I'm not clear in my mind at all as to the time interval between landing the first time and he and the gun landing the second time. But I know there were two distinct landings. I couldn't place either one of these on the ground. I just don't know the relationship to either the roads or the villages where the landings happened. I do know they were ahead of the troops. This information came back to me prior to his ever coming back and reporting it. This is one of the reports that came in and this is really what alerted me. The problem was between the ground troops and my own men, and they were landing in front of the troops, which is unusual to say the least, sir.

Q. Do you know where he picked up the child that he subsequently took to Quang Ngai hospital?

A. I don't know--an area on the ground, sir.

Q. How was it with that allegation and the severity of it that you didn't go down and really go into details of what took place?

A. I really didn't think that there were really that many people in the area. I personally thought that they landed by the hootch and took those people in the hootch, and I had no idea nor did they impress on me that there were more people involved. The other thing that I thought was that the people were wounded from the artillery and this did not make a lasting impression on my mind. This was an unavoidable happening.

Q. Yet, you see, at the present time, and I would take it during all this time, you knew very little about the incident.

A. Until he came to me, yes, sir.

Q. You have told us very little about the incident?

A. Yes, sir.

Q. So you weren't enough concerned about this that you would go into depth and find out where it took place and who was involved in it. For example, where the one gunship landed and whether two trips were made or exactly what was involved in the incident?

A. Well, I recall, sir, there was one gunship that landed, one LOH, and one ship that never landed. Beyond the fact that--

Q. (Interposing) Are you sure of this?

A. Yes, sir.

Q. How many people were extracted?

A. I can't give you any exact number. It was one load as I recall it. I think that maybe 18 months ago it was clear in my mind how many people. Today I can't say.

Q. Would you put nine people aboard a gunship that was already heavily loaded?

A. No, sir. I wouldn't say that it isn't impossible to put nine. I can only go back to an incident where I was

evacuating a village and I called for a number of Chinooks to evacuate 250 and one Chinook appeared and it was getting dark. I got quite concerned, but I put 250 in that one Chinook and flew it out. So it wouldn't alarm me to say that you can stick nine Vietnamese aboard a gunship even with all the armament aboard. I wouldn't do it, but what they did...

Q. At that particular time who was relaying from the LOH to the ground?

A. Normally it would have been the low ship. The high ship always communicated back with my TOC and the other ship was monitoring the battalion frequency. I was never able to monitor what was going on from ground unit to ground unit because of the terrain.

Q. If Mr. THOMPSON got out of his helicopter at the site by the hootch or wherever it may have been by these people, he would have to return to his helicopter to communicate with his low gunship, would he not?

A. Yes, sir.

Q. I have nothing further to ask you at this time concerning your discussion with Warrant Officer THOMPSON, with what he told you, but I would like for you to keep your thinking cap on and see if it ever comes back--what he told you. I would like for you to let us know, and I would be very happy to have you reenter as a witness in this hearing.

MR MACCRATE: When Warrant Officer THOMPSON first reported to you back at LZ Dottie on the morning of the 16th of March, who else was present at the time. You may have told us, but I missed that point?

A. I know that there were more, and I am almost sure in my mind there were probably Mr. MILLIANS and I can't be too sure, but probably one of the pilots from one of the other ships. But I know there was more than one who came up and spoke to me and it wouldn't have been an enlisted man. They rarely came up in a matter like that. It would be the officers that would relay the information.

Q. Would you have any recollection of any discussion



with Mr. MILLIANS at this time?

A. If I remember, I centered almost all my attention on Mr. THOMPSON, because he was the one who spoke to the man on the ground. I may be remiss in this, but my concern was over the pilot and the man on the ground. Because until I read in the paper, I had no idea that there were a significant number of people killed.

Q. You knew at this time that Mr. MILLIANS had landed his gunship?

A. Yes, sir. This--

Q. (Interposing) This was a rather unusual thing for one to do, was it not?

A. Yes, sir.

Q. And did you question him about the wisdom of this act?

A. Yes, sir. I did cover that in a point with him.

Q. And what did he tell you by way of explanation?

A. The people were there; they were wounded, and they needed to be out of the area, and he did it. I wouldn't be afraid to say that I told him never to do that again.

Q. Well, did you tell him that?

A. Well, I don't recall whether I did or not, but if it was alleged that I said this, I wouldn't have any qualms about it. I probably did say it.

Q. You have no recollection at this time as to--

A. (Interposing) I did in fact say that.

Q. Did Mr. MILLIANS attempt to justify what he had done?

A. Yes, sir, he felt compassion for the people. He was told there were more of them down there. The LOH couldn't get them, and he took it upon himself to do this and I'm sure I didn't approve of it.

Q. Did he indicate that he regarded the situation as being something out of the ordinary?

A. Yes, sir. They had talked after they had gotten back. By the time they came up to me they all felt that there was something going on that was not right, and there was too much firing. The people were exposed to this fire and they shouldn't have been.

Q. Subsequently did you send Mr. MILLIANS to speak with Colonel HENDERSON or with anyone involved in this subsequent investigation?

A. As I recall I thought the three people that I sent up were Mr. THOMPSON, Mr. MILLIANS, and one of the other AC. I think it was Mr. BAKER. That's the three as I recall I sent up there. I wouldn't swear to this. This is just thinking back as to who would have been the key people to relay their rationale and what they said and why they said it.

MR MACCRATE: I have no further questions.

MR WEST: You, at one time, spoke of sniper fire in the hamlet while the troops were moving through. Was this based on radio traffic or did you see or hear any firing in My Lai (4)?

A. I personally didn't. I didn't hear any firing, but while I was out I was on a separate mission. My people weren't reporting any significant firing at all. They continued their mission. I don't recall that they had a specific target engagement.

Q. Going back again, to the report that Mr. THOMPSON made to you. He was told by someone in the gunship that the people on the ground said: "We have our job to do now." Who would have been talking to the ground and relayed this message to Mr. THOMPSON?

A. It would have been the low gunship.

Q. What individual?

A. This could be the aircraft commander, but he oftentimes is not the man that manipulates the radio.

Q. Could you give any name, who it might have been who actually handled the radio?

A. No, sir, I can't, I'm sorry.

Q. Would that have been in Mr. BAKER's ship or MILLIAN's?

A. It would have been in MILLIAN's ship.

IO: Could that have been Lieutenant or Captain LIVINGSTON at the time?

A. Yes, sir, it could have been.

IO: We will take a short recess.

(The hearing recessed at 1159 hours, 8 December 1969.)

(The hearing reconvened at 1215 hours, 8 December 1969.)

IO: The hearing will come to order.

RCDR: All persons who were present when the hearing recessed are again present except Mr. WEST.

IO: Major WATKE, who was monitoring your radio in your TOC or whatever base you had during this operation?

A. By name, I don't recall, sir. I always had an officer in there who was my operations officer or the aircraft platoon leader. Captain MOE was probably the officer in the van that day.

COL MILLER: What was his job?

A. He was the company operations officer.

IO: Would he have maintained a log of critical items of conversation?

A. Yes, sir, we maintained a log. We attempted to write down all of the significant activities that were reported.

Q. Do you know what happened to these logs? Did you have to turn them in to higher headquarters?

A. No, sir, we did not turn them in.

IO: I think this completes our questioning for the moment Major WATKE.

I would like to give you an opportunity to make any additional statement that you would like to, or submit any additional information which in your judgment will assist us in the purpose of this investigation.

A. The only thing I can say, if it sheds any light. In my mind, and I think in the minds of many people, nobody suspected that what went on in this operation would be anything similar to what is being alleged now as a result of the investigations by the IG. I certainly did not relate any more to higher headquarters than what I have said here. I don't know in my own mind what really went on on the ground. That is all, sir.

IO. Since you are in the immediate vicinity, in this building, we may at a later date call you back for some additional testimony or clarification. I would like to state at this time that it is important that you provide us any documents, tapes, photos, or information you may have regarding any inquiries, investigations, or any such thing relating to you or anyone who may have knowledge of this particular incident which we have under investigation. I might also ask the executive officer, Colonel BREEN, for assistance from you, possibly in assisting in locating additional witnesses who may know of this incident or investigation.

The hearing will recess until 1400.

(The hearing recessed at 1219 hours, 8 December 1969.)

(The hearing reconvened at 0910 hours, 10 December 1969.)

IO: The hearing will come to order.

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

Sir, the board is recalling Major Frederic W. WATKE.

(MAJ WATKE was recalled as a witness, was reminded that he was still under oath, and testified as follows:)

IO: Major WATKE, I would first like to reread to you the purpose of this investigation. Specifically, it states that this investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the 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 to furnish information concerning this incident. Do you have any questions concerning those two purposes of this investigation?

A. No, sir.

IO: Now we have heard your testimony. We have also heard the testimony from other witnesses. Your testimony is at considerable variance with information given by other individuals. This could be possibly caused by a lapse of memory on your part. It could be caused by the fact that you are not giving us the true facts or may be falsifying your testimony. For this reason, I'm calling this to your attention.

(WATKE)

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APP T-10

We are going to recall you as a witness, but we are going to give you sufficient time to think this over and determine in your mind whether you desire to seek counsel in reappearing before this investigation.

A. Well, sir, I thought about it for 18 months, I guess, sir. And what I gave you the day before yesterday, sir, as I recall it, is the facts. I did not lie. I don't regret anything I said, sir. If I said something that was wrong, I'm not knowingly or willfully holding anything back.

Q. Well, Colonel MILLER, would you give him any additional legal guidance which may be necessary?

COL MILLER: In view of what you just have been told, I want to be very certain you do understand what your rights are with respect to this investigation.

First, you do have the right to remain silent.

Second, any statement that you do make may be used against you as evidence in a criminal trial.

Third, you have the right to consult with counsel, a qualified lawyer, and to have such counsel present with you during your questioning. You can retain such 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 present, you may stop answering questions at any time. However, the general indicated he wishes to give you time to consider this matter. If you decide to answer further questions you may request counsel at any time during the questioning. Do you understand this matter?

A. Yes.

Q. Do you have any questions?

A. No.

IO: I think in fairness to you, we should point out that the areas we are most interested in are the information which was reported to you concerning the My Lai incident; that which you passed on to your senior commander; that which you may have passed on to the division; and that which you may have given in a subsequent conference at LZ Dottie.

A. Yes, sir.

Q. Now, do you have any questions concerning the primary areas of interest we are concerned with?

A. No, sir.

Q. I would like you to think this one over. I would like you to be available at about 1500 this afternoon. If you do not consider yourself ready at that time, we will delay until such time as you are ready. But we will get in touch with you about 1500. It could be conceivably at 1600. It would be in the 1500-1600 time frame, when we would want you to appear before this group.

The hearing will be recessed.

(The hearing was recessed at 0917 hours, 10 December 1969.)

(The hearing reconvened at 0946 hours, 11 December 1969.)

IO: The hearing will come to order.

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

(PFC James D. CHRISTIAN, the appointed reporter, was duly sworn.)

The next witness is Major Frederick W. WATKE.

(MAJ WATKE was recalled as a witness, was reminded that he was still under oath, and testified as follows:)

Major WATKE, are you represented by counsel?

A. Yes, sir.

RCDR: Will counsel state his name for the record?

IC: Captain Richard F. LOCKE, Litigation Division, Office of The Judge Advocate General, Washington, D.C.

IO: Colonel MILLER, do you have any instructions that you would like to give to Major WATKE?

COL MILLER: Major WATKE, you were informed yesterday of your testimonial rights and right to counsel. I notice that you now have counsel. Have you had ample opportunity to consult with him?

A. I believe so.

Q. Do you have any further explanation that you would like to have of your rights at this time?

A. No, sir. I think I understand you.

Q. Do you wish to make a statement?

A. Simply to the fact that the captain is here hopefully to assist me in making a clearer explanation of what transpired that day so you will understand it.



Q. We intend to ask questions this morning to give you an opportunity to clarify.

A. Yes, sir.

Q. Are you aware that you can consult with your counsel at any time?

A. Yes, sir.

Q. Individual counsel, are you ready to proceed?

IC: Yes, sir.

IO: Before we proceed with the questioning, I would like to assist you in your thinking about whom you are talking to. We have purposely brought into this investigation team some people who are experienced in combat operations so that they would have a feel for about how you should act and react having been provided certain information under certain conditions. I am referring to combat conditions with infantry units, aviation units, and so on. Now, this isn't to say that this is exactly the way things are operated in Task Force Barker, or the 11th Brigade, or the Americal Division, or in I Corps, for that matter, but generally speaking, with the guidance which was issued by MACV, we would know the things that should stick in your mind, which are really the important things as far as the command is concerned.

What I am going to do is to go through your testimony and ask questions within the context of the testimony as it was presented at the last hearing. I would like to go back to the briefing given by the Task Force Barker staff on the afternoon of 15 March. I believe you were present there?

A. Yes, sir.

Q. Who else was there?

A. Colonel BARKER was present. The intelligence sergeant, whose name I don't recall, but I frequently saw him and he worked almost daily in the TOC--he was there. To some degree he was kind of my point of contact. That's the reason I recollect his presence. There was an intelligence officer or an officer gave the intelligence picture, I

assume he was the S2. I had no reason to believe he was not.

Q. Was his name Captain KOTOUC?

A. Sir, I don't know. The only names that I can remember from the task force distinctly is Major CALHOUN and Colonel BARKER.

Q. Was CALHOUN present?

A. I believe he was, sir, but again I can't be positive. I am quite sure that he was.

Q. Was his operations sergeant present?

A. I don't recall, sir.

Q. Who else was present.

A. There was a representative from the aviation unit that was going to conduct the lift.

Q. Who was that?

A. Once again I am not sure, but the more I try to think about it, it wasn't the commander. I met the commander one time before that. And whether it was before this operation or after I don't recall, but it seems to me that we discussed in the meeting aspects of the aviation sites--airspace for one thing--the thing that is always to be considered. So, it was resolved--I just think that it wasn't the commander. I believe there were representatives--

Q. (Interposing) Do you recall whether this individual, to refresh your memory, was from the 174th Aviation Company from Duc Pho, or whether he was another officer from another unit of the battalion at Chu Lai?

A. I can't be sure, no, sir. The lift was principally coming out of Duc Pho then. I'm only surmising now. It was probably the operations officer or his assistant out of that unit. This was more frequently the case when I was in the 196th. Normally, unless it was a very large lift, the operations officer or his assistant from the 71st Aviation Company which was also a member of the 14th Battalion would come for the briefings and for the coordina-

tions, and not the S3 or the representatives from the battalion.

Q. They did not make it a practice in this division when you were having an operation of nine or possibly ten slicks and the supporting guns, and possibly going into a hot LZ, to have the flight leader there?

A. They might have the flight leader. Once again I almost have to go back to my experience with the 196th, which is still the same. Most of the assets were coming from a given company. The battalion, many times, did not furnish a representative simply because all the assets belonged to that commander and he would be the senior man, the aviation man, present. This was the case in point on the 16th of March. That is, the preponderance, if not all, of the aircraft came from Duc Pho and nothing would have been abnormal in my mind that the representative was from Duc Pho, which I think he was.

Q. To your knowledge who else was present?

A. I believe I was introduced to several ground personnel. My recollection is not clear whether it was the company commander or whether it was a platoon leader representing him, but I'm sure there was an introduction before the briefing took place where I met a number of people. Another thing that sticks in my mind is that one of the units was not represented and there was a reason for it. It seems to me they were still closing on an area. That's as much as I can recall.

Q. As far as the commanders, that generally follows. How about artillery representation?

A. I'm sure there was one there because the artillery was discussed and the fact that there would be a preparation. I'm sure that there was one, but whether he was a battery commander or the liaison officer I can't be sure.

Q. Can you think of anybody else who was there, who may have knowledge of this briefing?

A. No, sir, I can't.

Q. All right. Now, you were there when the S2 gave the intelligence briefing of the area?

A. Yes, sir.

Q. I want to focus on the hamlet of My Lai (4). What did he say concerning My Lai (4) and what they could expect when they landed the following morning?

A. Again, sir, I was briefed several times on this operation. It was discussed because I was cohabitating. How much of this was actually given at that meeting and how much of what I am about to say might have been alluded to or mentioned even prior to this, I am not absolutely sure, but there had been two previous operations in the general area of the My Lai complex (4) or (5) or (1). On both of those occasions the operation commenced at quite a distance from My Lai (1), that is from generally the southwest and northwest, converging on My Lai (1). Heavy contact resulted in both of these operations. Neither one was successful in obtaining My Lai (1) while the unit was still in contact. They had always been stopped short of there, and My Lai (4), as best as I can recall, was the point at which the contact had broken off. At least it was one of the areas of the perimeter of these previous contacts where the enemy just disappeared and faded away, and they lost contact with them. They felt that it was hostile--that at that point in time they would make contact with the enemy again. I don't recall that they specifically said, "We're going to have contact at that point," but it was very logical to expect that. They were very apt to be in contact in the very beginning. But the essence or the criticalness of getting to the objective was such that they felt that they couldn't start any further away, or that they would never contact them that day. They wanted to entrap the enemy. This was the tactical significance of the operation as well as the intelligence picture as I recall it.

Q. That is what I am asking you about, the intelligence picture. What did the intelligence officer tell them about what they could expect in My Lai (4) immediately when they landed on the morning of 16 March?

A. I don't recall that he said anything about a given size unit that they would encounter, but the possibility of encountering an enemy force was very possible.

Q. A squad is an enemy force. A regiment is another one. I want to get from you your mental picture of what he has painted for them when they went in there the

following morning.

A. I can't recall the size of the unit, sir. It seems to me probably a company if I had to pin--I don't recall that someone said that there is a company in My Lai (4), but certainly I don't think that they would have made any great stress of the fact that you would encounter a squad in My Lai (4), and as I recall there was a battalion out there thought to be in the entire complex. I don't think that they expected to meet that entire battalion in My Lai (4). A company is the size force that they were apt to encounter in that location.

Q. I take it from what you said that there was nothing then stated by the S2 which would cause really undue alarm as far as, "Boy, we are really going to have a contact here and this is going to be a head-knocker," you know?

A. Well, sir, if 100 men get out of a helicopter and a VC company would be right there it would be a head-knocker. Sir, I don't mean to construe that they didn't anticipate. They could have anticipated a battle right there. They felt that there could be enough enemy at that location that that would be a hell of a fight right there. That was construed. I did get that out of the briefing, yes, sir.

Q. This is what I am trying to find out. I recognize that you can't remember the exact words and so forth, but I want to find out what was the picture painted? What was the attitude of these men when they went in?

A. The attitude was, sir, that they would likely, from the point when the battle started, they were apt to have a battle right off the bat.

Q. They may have to fight their way from the LZ right into the village?

A. Yes, sir. Yes, sir, all the way to the objective which was in the vicinity of My Lai (1).

Q. What did they say about the inhabitants of the village, the intelligence officer?

A. The general feeling was that they were sympathetic

to the VC, that they were apt to be the VC's families.

Q. Was there anything said about the civilians being gone to market?

A. I don't recall the subject in my mind, that it was discussed. I just don't recall that being the topic of the conversation. I'm sorry.

Q. Do you recall Colonel BARKER discussing this point with the S3 and with the S2 to establish the time that the operation would be initiated in order that the people would have evacuated the village and gone to the market and fields by that time? Now these are the crucial things that I am talking about that should stick in people's minds.

A. Honestly, I can't say. I know that they anticipated me being able to look--they expected some people to exfiltrate out of the area of operation and one of my primary missions was to insure in my mind and insure them that the VC weren't walking out with them. Whether or not they expected most of the people to be gone from the area at the time of the operation, I don't recall, sir. I'm sorry.

Q. Was there any statement or inference to the effect that everything they ran into in that village was going to be VC?

A. No, sir.

Q. You never gained that impression?

A. No, sir.

Q. You have fairly well established the location of the LZ. What was said about the artillery prep?

A. Each of the LZ's would be--

Q. (Interposing) I am only talking about My Lai (4).

A. There would be a preparation in advance of the landing of the troops.

Q. Do you know specifically where the artillery

preparation was to be placed?

A. No more specifically than I can positively put my finger on the LZ. It was in the LZ and the immediate proximity of the LZ as opposed to being in the village of My Lai (4).

Q. Did you ever hear any instructions to place the artillery prep on My Lai (4)?

A. No, sir, not to my recollection, no, sir. I do not recall.

Q. Between the exact landing site of the LZ and the village, and to include the edge of the village?

A. Well, on the map, sir, the pictorial photograph, there is a wood line off of the LZ. I can't say that I know that it was discussed, that "we're going to hit that," but I'm sure that this was in the plan, to hit that tree line that was immediately east of the landing zone itself. The reason I say it is not specific. I would have assumed that they would for the safety of the men and the helicopters and all, that they would hit that tree line, because if the enemy was there it seems to me that they would be in that tree line.

IO: Let me have that photo, will you?

(Recorder hands photo to IO.)

I show you the marked photo (later admitted as Exhibit P-1C) that you have prepared explaining the LZ. Which tree line are you referring to?

A. It would be this line along here, sir. They came right along and landed in this tree line.

Q. Would you mark the general area of where you thought the artillery preparation was to be placed and where it was placed?

A. Principally, in this area. I think they landed probably over in this area.

MR WEST: For the record, would you describe where you are

pointing?

A. From circle number one to the center of the LZ which would logically be one-half inch further to the east.

IO: To the east, that would be maybe 50 to 75 meters.

A. And that portion of the tree line would be immediately east of that.

Q. Would you indicate by a circle to outline the general area where the artillery was to go in?

COL MILLER: He is indicating the northwest corner of the village.

IO: You will so mark that. Identify it on the photo, please, with the number 4.

(Witness does as requested.)

Q. With respect to the operational aspects of the operation, did you hear any instructions given concerning the destruction of bunkers, the destruction of hootches, the killing of livestock?

A. No, sir. I'm sure that--I have to qualify this in the same way, sir. I am sure that they were going to destroy the bunkers and all, but I do not recall that instructions were given that all of the buildings would be destroyed and the livestock would be destroyed.

Q. Did you ever hear any instructions such as, "We'll level this place"?

A. No, sir.

Q. Was there any emphasis given as far as the killing of the noncombatants, killing all the people in the area?

A. No, sir.

Q. Were there any specific instructions given concerning the treatment and handling of noncombatants, or any preparations made for handling them?



A. I don't recall, sir. I just don't recall. I have been briefed several times on this and it would be easy for me to read in and say yes, but I can't say, sir. I would like to say that I thought this briefing of this operation was really significantly no different than any other number of briefings that I attended; that something would stand out in my mind such as, "We're going to level the town," or "We're going to get rid of everything," and that type of thing.

Q. Was this a well organized briefing?

A. It was a very typical briefing that I have been exposed to previously. The briefing was professional in my exposure to briefings in Vietnam. There was nothing slipshod about it. Everybody was sincere. The operation was discussed in a professional manner.

IO: Are there any questions from anyone?

COL MILLER: Do you know if you were there during the entire briefing? Did you go with the group when the briefing started? Did you stay until the meeting broke up?

A. After the official portion of the briefing we were released. Some people stayed to discuss the official aspect of their parts. I would imagine that some people stayed and talked with Colonel BARKER, his immediate people, to discuss something that was maybe not in the operation, their other problems relative to their command.

Q. You felt that you were there for what was essentially the briefing?

A. Yes, I believe that I was briefed on the entire operation.

IO: Did you accompany Colonel BARKER on the air reconnaissance of the area?

A. No, sir. I don't ever remember flying with Colonel BARKER.

Q. Do you remember Colonel BARKER and his unit commanders and perhaps the artillery commander leaving in Colonel BARKER's C&C ship to make a reconnaissance of the

area that afternoon?

A. I can't recall it clearly, sir. I wouldn't say that it wasn't done. It may very well have been done--

Q. (Interposing) I am only asking if you saw it or if you had any knowledge of it. Make no suppositions in these statements; I only want what you know.

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

COL WILSON: In relating this operation to a previous operation of this type, combat assault through the villages, have you ever heard the statement that the inhabitants are to be annihilated or the people are to be killed? Have you ever heard the statement, "There are no friendlies in this area"?

A. I have heard such things as don't trust anybody, alluding to the fact that any and all could be hostile, but I never, to my knowledge, have been to a briefing where someone has said, "Everybody is the enemy". No, sir.

Q. In which case if you had heard this you would have remembered it?

A. I'm sure, yes, sir.

Q. Does this mean that you did not hear this at this briefing?

A. Yes, sir. I walked away with no second thoughts about this operation. There is nothing that stands in my mind as having been different than any number of others.

Q. That is all I have.

COL FRANKLIN: Does the name Captain Gregg NEUMANN mean anything to you?

A. No, not specifically.

Q. Could NEUMANN have been the Dolphin leader at this briefing?

A. He may have been, sir, it just doesn't ring a

bell now. I can't even remember the names of the people in my unit, my own people.

IO: Passing on to a new area, you flew in the morning with Mr. MILLIANS in the low gunship?

A. I'm not sure of that. I thought it was Mr. BROWN.

Q. But you flew in the--

A. (Interposing) Yes, sir. I flew in the low gunship on the first flight of the day on this operation.

Q. Do you know whether Mr. MILLIANS went back out after you came in on either one of the gunships?

A. Mr. MILLIANS was out at the time that the aircraft landed on the ground, sir. This was on the next flight. He would have had to--I would have to have gotten out and another pilot gotten in and this did occur on occasions, but I cannot remember that I got out and Mr. MILLIANS--in other words, if Mr. MILLIANS flew with me, then we came back and another individual got in. I cannot clearly remember that.

Q. It could be possible then, that if Mr. MILLIANS had been flying the low gunship which you were in, then he likewise could have taken on a new copilot or a different copilot and returned to the scene?

A. Yes, sir, almost every day we took one extra pilot. I would go down, but I would not commit myself to have to fly in an aircraft. There was always an extra pilot who would fly when I did not, because there were meetings that I would attend, and there would be operations that I did not desire to take part in. My presence was unnecessary, and as a result I didn't want to be obligated to have to go on something when something more pressing--

Q. (Interposing) Well wouldn't you say that normally you would remember people and things if there was really something that would take place, an incident that stands out in your mind, then you remember practically everything about it. As I recall, in your testimony, when you were flying with whomever you were flying, during the

time that you were in the air there wasn't anything particular that was any different than any other time?

A. No, sir.

Q. As I recall the only thing that you really saw was the one man evading south of Highway 521, who was taken under fire.

A. Yes, sir.

Q. Am I correct in that?

A. Yes, sir.

Q. Up to the time you went off station there wasn't really anything that would cause you to remember the whole incident?

A. No, sir.

Q. Later on in the morning, Mr. THOMPSON and other people came to see you. I am not addressing myself to that point. I am addressing myself to the interim period from the time you got on the ground until they got back in, reportedly in your testimony at about 1100 or about that time. When you were there, I would assume around the LZ in Dottie and perhaps in the TOC thereabouts, what did you see or what did you hear concerning this operation or concerning your ships or concerning noncombatants being killed and/or concerning the burning of My Lai (4)?

A. I was in the vicinity of my own TOC. I either heard over the radio or the other officer who was in the van brought it to my attention that something was going on out there. It was probably the landing of the helicopters, but something different was transpiring. I wanted to find out. I could not hear transmission to the ground. I could only hear at times a question being asked, but no response coming back simply because of the terrain obstructions. I remember asking, trying to find out from the high gunship, what was going on out there and I was getting such things as, "Well, he is landing," and then he would try to get things. I was getting incomplete answers, and I was not satisfied.

Q. Did you hear the transmission between the low

gun and the high gun?

A. I don't think so, only the high gun, sir, because of the same thing, mass clearance, and as a result of only hearing one side of the transmissions, I was trying to get the story back. And of course he was trying to get the story--

Q. (Interposing) No, no, just think a minute now. This is quite an important point as to whether you could hear what was going on between the low gun and the high gun and the transmissions from your flight there to the ground elements and also the transmissions from your high gun on the task force frequency back to LZ Dottie. I don't think at the moment that it would have been a hill mass problem because the ground elements had good radio contact between the ground and LZ Dottie, and this is the reason why I am asking you about it. You normally had better communications than the ground elements. So this would indicate that if you are tuned on their frequency you would have no problem hearing. My question is whether you could hear the conversation between the low gun and high gun and their transmissions to the ground units and back to the task force?

A. The answer is, I should have been able to.

Q. You recall how many radios you had in your operation center?

A. Initially I had a FM radio and I acquired a UHF radio.

Q. On the 16th?

A. I don't recall on the 16th. I don't recall that I was really deficient in radios. I probably did have both, sir. I can't place the time when I acquired this other radio. It wasn't too terribly long after I got the van, and we definitely had the van in place when this operation took place. I don't know whether I was hearing the low gun or not, sir. I know that I was getting incomplete information back. I didn't know for sure what was going on or really why something was going on. I never knew why the aircraft was landing. I don't recall that I ever knew the gun landed until after I was addressed with the problem on the ground by the crew, but I recall that I knew an airplane landed out

there and I never was satisfied as to why and what was transpiring.

Q. The reason I ask you these questions very frankly is that although in my own ship and in the TOC I had perhaps more sophisticated radios than you had, there were very few times that I couldn't tune in and hear what was going on between the helicopters, the gunships, and the slicks, and so forth in the air, so that anytime I wanted I could have the entire story.

A. I rarely could hear my LOH on the ground, over at my TOC.

Q. What kind of set did he have to communicate with the low guns?

A. When he had both radios in the LOH, the FM and the UHF, UHF was the principal communications between ship to ship and the FM was designed to communicate from the ship to the unit on the ground.

Q. Yes, but your LOH normally did not carry your FM?

A. There were some that were not properly configured. We had no choice but to use the one and only radio that always was in place in the aircraft--the air to air radio.

Q. In all fairness, Mr. THOMPSON indicated in his testimony that he had communication with the low gunship.

A. That would have been true, sir. He would have first been communicating with the air, not with the ground. His protection was from the gunship.

Q. All right. So you were getting rather distorted information? Is that the picture you are trying to--

A. (Interposing) I was aware that something was going on and I didn't know why. I was trying to piece it together. I didn't really know that this was all that bad, but when a ship lands you want to know why, because it's not the normal thing when someone is landing. I also knew that he was carrying someone back to the hospital at Quang Ngai. I knew that before he ever landed on the ground, but I didn't really know that it was somebody way out in front

of the troops. In other words, I really wasn't aware until they came to me of the problem that had transpired between somebody on the ground and Mr. THOMPSON.

Q. Did you hear or do you know of any radio transmission from Task Force Barker at about 10 o'clock in the morning telling them, "Stop burning," and "It's been reported that there were some noncombatants being killed down there," and, "Cease and desist immediately"?

A. I don't recall burning--it doesn't particularly ring a bell with me, sir. But at 10 o'clock in the morning I don't--

Q. (Interposing) About that time, sometime in the morning before--

A. (Interposing) Before I talked to Colonel BARKER myself, I don't recall any transmissions like that.

Q. You did not tell him anything of this sort, then?

A. No, sir, not until I personally brought the problem to him after it was brought to me by Mr. THOMPSON, which was at that time later in the morning.

Q. Could his TOC have likewise been monitoring the communication from within your aero-scout flight and have known basically what was going on?

A. Not on the UHF, sir. The FM they might have. Well, they did monitor on a not infrequent basis my FM, just to know what I was doing and what was going on and so on, but whether or not that would have been done on a day that they were themselves conducting a combat assault operation, I don't know. They might have been able to, but they might not have been able to. But whether they were or not, I just don't know, sir.

Q. They did have the capability to, though?

A. Yes, sir, and they at times did monitor my FM.

Q. Do you remember anything else now before your aeroscout team returned to LZ Dottie?

A. Just that one comment that I made earlier in

yesterday's transcript to the effect that they had reported that there were people who had been wounded, and as I recall, by artillery. They conjectured that these people were wounded by artillery or perhaps gunships.

Q. Who conjectured?

A. The person who transmitted this, which was one of my aircraft, undoubtedly the high ship. He just reported that fact that there were people, no given number, but there were a number of people on the ground who were wounded or dead, as I recall, from artillery, and maybe they said gunships.

Q. If they had said gunships, you would have remembered that since gunships were part of your own business?

A. There was a prep also. The ships accompanied the aircraft and they fired live, so that they could as easily have hit some people as the artillery.

Q. You are talking about the gunships, the Sharks that normally accompanied the Dolphins in their air assault.

A. Yes, sir. But it didn't come over that it was a massive number or anything. I just recall the transmission at that time and I didn't put any great significance to it. It just happened.

Q. Your aero-scout flight came back in to LZ Dottie. Did the crew members come to you or did you go to them?

A. No, sir. They came to me and I'm sure it was just off to the side of the van, as much as I recall. They asked to talk to me.

Q. Your van?

A. Yes, sir, my TOC, and rather than coming in and addressing it to the NCO or the specialist that was in there, I walked off to the side and they explained to me their problem out there.

Q. Now here is where I want you to really put your thinking cap on, because right about this point we have got



to get things straightened out as to what they told you. I am going to be very frank with you. We have some indications of what was told to you. We also have some indications of what you told other people, but they are not consistent with what you are indicating. And it is for this reason I suggested that you get counsel, because this is the crux of the entire investigation, right here. I therefore ask you to go over in absolute detail exactly what Mr. THOMPSON and the other people told you. May I first ask who were the other people that were with Warrant Officer THOMPSON at that time and what time was it?

A. Shortly after they returned, I would imagine. It was in the time frame of 11 o'clock. I think the people that came up were the pilots.

Q. Who would this have been?

A. Well, Mr. THOMPSON, definitely. He is the one I vividly remember talking to. I am not positive of the rest, but I would say Mr. MILLIANS and possibly the other aircraft commander, whoever was flying the other gunship, but I do not recall there was an enlisted man who came forward at all. It may have been, but I just don't recall. There was more than one person who came up.

Q. How many, all told?

A. The number three, for some reason, seems to stay in my mind.

Q. Could it have been Warrant Officer POTEETE?

A. Mr. MILLIANS and Mr. POTEETE very frequently flew in the same crew, because they were very close friends to one another.

Q. So, it is possible, but you don't remember, right?

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

Q. Could it have been the crew chief on Mr. THOMPSON's LOH or could it have been the doorgunner?

A. It could have been. Sir, I just don't recall.

Q. Now then, disregarding the people who were present, I want to know what you were told, specifically.

A. As I recall they said that they flew over the area and the ground unit was doing a certain amount of reconning by fire. They were advancing with fire and there were people unarmed, all unarmed, principally women and children, who were attempting to evade the advance of the friendly forces. And a group had taken refuge, as I recall in a hootch, somewhat in front of the troops, but apparently just a little out to the flank. Mr. THOMPSON, as I recall, made an effort through the low gunship to bring this information to the force on the ground and they were unsuccessful in establishing this communication, and it was for this reason that he made the first landing. And that was in the vicinity of the troops, and he spoke to an individual, and this individual did not have a nametag on, and as I recall did not have rank, but did have a distinctive marking on his helmet, and that this marking had something to do with California. But it was at the time something that if one went out, there wouldn't be a question of it-- it wasn't something that perhaps one in every hundred had. It was just a very distinctive marking. He brought it to their attention that there were people over in that area and that he did not want them to fire over there, and that he would stay over the area and insure that they received no trouble from them, or if there was fire received, he would suppress this fire. He would protect them, in other words, from that area. And the individual indicated that he was not going to withhold his fire from any given area; that he felt it was necessary to continue the operation as it had been going; and that it was unfortunate if there were innocent people over there, but this is the way it was going to be. And at that time Mr. THOMPSON stated that he told them that he then was going over to this area, and that he would move the people, and that if he was shot at--

Q. (Interposing) Was Mr. THOMPSON in the air or on the ground at this time?

A. This was on the ground. This was supposedly face to face. He was going to go over there and move those people; and if he was shot, that is, they shot at him, he would have his people shoot back. And he apparently proceeded to do that very thing--go over and move the people. And one other gunship, Mr. MILLIANS in the low gunship, also landed and moved some people, and they moved them to a

more secure area, and I do not know how many meters this was, but it was away from the path on which the friendlies were to proceed to the objective. And there was a child, sex I'm not sure of, that was wounded. They took that child to the hospital in Quang Ngai City. They then proceeded home, and it was shortly thereafter they physically came and related this story to me.

Q. Did you ever get a description or draw a diagram of the village where this was taking place so that you would at least have a visualization of what was going on?

A. No, sir. There was no sketch map as I recall.

Q. Where was this with respect to the hamlet?

A. Again, I am honestly not sure, sir. I think that it was up in this area--up in the southeastern side of it, but I am not positive, sir.

Q. Can you explain why at that time you didn't sit down and go into this thing in detail enough to know where it was taking place? You indicated in your testimony great consternation at the fact that they were having a confrontation?

A. Yes, sir. It wasn't to me that--the thing that disturbed me at the time, and what I was upset about, is that I had my people who were so mad at another group of people, that they couldn't reach some resolve, but one had to threaten the other one with his life, virtually, but the concern wasn't--

Q. (Interposing) I understand that, my--

A. (Interposing) The point on the ground wasn't relevant to me. I didn't see where--it could have happened anywhere, but the fact that it happened was my concern--not where. The physical geographical location of this to me didn't--

Q. (Interposing) Do you think you had enough detail about this situation to go ahead and start talking to your senior officer and superior officers about this situation without having the details that you should have had, that one would normally expect to report something.

A. Yes, sir. Because I did that.

Q. The knowledge you have is quite different from the fact in many cases.

A. Sir, I am not knowingly holding back any facts. I am not knowingly altering any facts.

Q. To illustrate, all the indications we have at the present time are that Mr. MILLIANS or one of the gunships made two trips to evacuate these individuals, and from the bunker situation that you are talking about Mr. THOMPSON evacuated nobody.

A. I am not vividly aware that the gunships made two landings. I am aware that a gunship landed and it is conceivable that it did it twice. I just--

Q. (Interposing) Did they tell you about any other indiscriminate firing, aside from this particular location, where they saw people shot, or didn't see but had indications that noncombatants had been killed indiscriminately?

A. They had seen people? Yes, they had seen--

Q. (Interposing) Did you find out where they were?

A. Well, I had always thought that they were from the artillery.

Q. When they mentioned being shot indiscriminately, would that be from the artillery?

A. I don't recall them saying that they indiscriminately shot--I don't recall that anybody allegedly or purposely took a bead on a given person and shot them. I just don't recall that being alleged as part of the story. There was the advance with the firing.

Q. Was there any indication that you gathered concerning another situation where Mr. THOMPSON's LOH hovered over a wounded woman until help could arrive and at that time he was calling medical assistance. Then he backed off his helicopter and observed what was going on and saw a captain kill a woman either purposely or in self-protection?

A. No, sir. I do not recall that. I might recall something about trying to get medical evacuation. The

particulars of it I don't recall, the rank of captain specifically mentioned, or seeing the rank of captain on anybody. I always in my mind envisioned that who he talked to on the ground was a captain, but I--

Q. (Interposing) These things become very relevant because in other people's minds one of the major points that you reported was this captain killing the woman.

A. Honest to God, sir, I do not recall that. I honestly do not recall. I thought about this--

Q. (Interposing) Now, I bring you to another situation. I'll bring you to a situation of a ditch that had large numbers of bodies in it. Did Mr. THOMPSON tell you about another discussion he had with a colored noncommissioned officer?

A. No, sir. I only remember that Mr. THOMPSON landed one time--had one discussion with a person. That's all I remember, sir. I just don't remember.

Q. Did he or anybody else tell you they saw a colored soldier shoot into this ditch?

A. I don't recall it.

Q. Did Mr. THOMPSON tell you that before he went to the area of the bunkers that you are referring to, that the women and children were going into, that he landed alongside of this ditch?

A. I just don't recall a ditch. I just don't recall a ditch, sir.

Q. Did he tell you that after the incident at the bunker and after flying around for a short while he again landed at the ditch and either he or members of his crew went to the ditch and extricated a small child which they flew to Quang Ngai Hospital?

A. I don't recall the ditch. I know that they took a child to the Quang Ngai Hospital, but I do not recall a ditch. I don't recall just where they picked up the child. I recall a hootch and I know he took a child to the hospital, but I just don't recall a colored sergeant being a person of description, and I do not recall a ditch as such. I do know that it was reported that there was a number of people

out there who had been shot or otherwise wounded.

Q. What was the figure that stands out in your mind?

A. I don't know if there was a number to truly associate with, but it was more than 20. It was a significant number, maybe 50 or something like that. I know they were impressed by the number of people, but--

Q. (Interposing) Were you not impressed with the figure of 20 or 50?

A. Yes, sir. But I didn't know how many were or were not as a result of contact. At the time there were reports coming back of body counts of VC killed, and I didn't at the time ever consider that these were all civilians.

Q. Did you ever receive or did anybody ever report to you some people being shot up in the area to the southwest of My Lai (4), and popping smoke to call in medical assistance?

A. No, sir.

Q. Did anybody ever tell you of a gun run made on civilians on the road, perhaps either Highway 521 or one of the major roads leading out of My Lai (4) to Highway 521?

A. A gun run, no, sir.

Q. Gunships making a firing run?

A. When I was still up and when the lift was going in, the gunships came in--not mine, the ones that were escorting the slicks. They reported observing two VC. They engaged them, and reported that they had killed them. They gave the location of the weapons in relation to the bodies, but as specifically a gun run on people on the highway, no, sir, I don't recall.

Q. Your testimony with respect to the two is quite consistent. I find no question there. It might not be in the exact location where you understood it was and where it most likely took place, but that part is clear. That did transpire.

A. (Interposing) I don't recall, sir, the gunships, any gunships making a gun run on people on the road.

Q. How long did this conversation last?

A. With Mr. THOMPSON?

Q. And the group?

A. Fifteen or twenty minutes perhaps, sir. It was more than just a few words.

Q. Did you get the impression from what they told you that there was some indiscriminate killing of some non-combatants going on?

A. I got the impression, sir, there were people being wounded as a result of the firing and that in their opinion this firing was unnecessary, and they were emphatic about this.

Q. Did you make any attempt to clarify this to a degree?

A. First, I think I tried to dissuade them or something. It was probably not as bad as they thought. But they were insistent that it was as they saw it.

Q. It was not as bad or as bad?

A. I personally thought that they were overdramatizing what they saw, that it wasn't as bad as that. I think I tried to show them or tell them and they were emphatic in that it was as they told me it was. I was unable to convince them that it was any less. Then it became significant to me that something may very well have been--

Q. (Interposing) You were impressed to the point that you felt--

A. (Interposing) That I had to go up and tell them and have them go out and see if this was the case.

Q. I will ask you one question and then I will ask other individuals if they have any questions concerning this incident that they would like to address to you. What was your next action after they told you?

A. I went to Task Force Barker and spoke with Colonel BARKER himself.

Q. How long did you talk to Colonel BARKER?

A. Not too long, sir. Certainly not more than 5 minutes.

Q. Did you talk to other members of his staff?

A. No, sir. As I recall some other members might have overheard us. As I recall we went to the side of the TOC and I addressed this question to him specifically and intended it to be to him only. However, somebody else might have overheard it. But it wasn't intended for anybody else to overhear it.

MR MACCRATE: Major WATKE, you said Mr. THOMPSON came to your TOC and you stepped outside to speak with him. I want you to go back to that moment in time when he comes to your TOC. Who is in your TOC at that time?

A. Every day I brought down one enlisted man, one of two. I had two enlisted that came down and they generally were always in the TOC. I routinely brought one other officer down with me, my operations officer, and on occasion my--Major SABRE was the platoon leader of the aircraft, of the aero-scout platoon. Within this platoon all of the aircraft were assigned. One of those two were always down there and they were routinely in the TOC. There could be crews. Frequently there were pilots of the other crews who were sitting up there. They would monitor and would know what was going on so that when it was their turn to go out, it was relatively easy to brief them, and when they went on station with the ground orientation, they would be aware of the situation.

Q. So this incomplete communication that you had been hearing had been shared by all of these people, is that correct?

A. Everybody who was in the vicinity of the TOC. Yes, sir. Nobody there would have more information than what I had gotten.

Q. And so they had heard about the landing of the aircraft, these unusual circumstances, and I understand that you felt they were unusual?

A. I would always be concerned as to why an airplane was landing out in that area, and they would have heard the same thing.

(WATKE)

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Q. You already had a report that a LOH had left station and gone down to Quang Ngai with a wounded child?

A. This was one of the last incidents that took place while they were on station, the flying of the person to Quang Ngai. The reported landing on the ground was reported and I was aware of that before I was aware of the helicopter flight to Quang Ngai.

Q. You were aware that a gunship had gone down and landed and everyone in the TOC was aware of this fact?

A. I'm sure they were.

Q. Mr. THOMPSON came to the door of the TOC?

A. He came to the door of the TOC and asked to speak to me. He said he had something he wanted to say that he didn't want everybody else in there to be aware of at that time. It was for this reason I stepped to the side and spoke to him as opposed to him walking up and saying--

Q. (Interposing) Are you sure it was Mr. THOMPSON who wanted to go outside, or did you feel he was so excited that you didn't want him in the TOC? Which way was it? Was it your decision to go outside, or was Mr. THOMPSON asking you to come outside?

A. I think he asked me. Now that you raised the question I am not positive I can assuredly say one way or the other.

Q. Would you describe for us the physical dimensions of your van in which you had your TOC located?

A. I would say the dimensions of a standard two and one-half ton. The bed is totally enclosed by metal and glass. I would say that it is approximately 12 feet long and approximately 7 to 8 feet wide.

Q. So it is a rather crowded area?

A. Yes, sir. We had the maps mounted in there, the radios in the front portion of it. It was a relatively small area. We had a cooler also in there which also restricted--

Q. (Interposing) Mr. THOMPSON indicated there were

other people with him who wanted to speak to you?

A. He said a subject he wanted to--and I wanted to speak with him on what had transpired.

Q. Now, you said that you went outside. Where did you go outside? If this is a conversation that lasted 15 or 20 minutes, as you suggested, did you remain standing? Did you sit on the ground? Lean against something?

A. There was a parapet which was constructed around LZ Dottie and my van was just inside this parapet so that when you come out of my van, 10 feet away was this wall, mounded dirt. And as I recall we just stepped over to this mound of dirt and I believe--I think I stood--maybe a couple of them hunched down along the bank of dirt, but we were not very far from the van. We were just to the right rear of it.

Q. Then did you conduct an interrogation, or were they pouring out information to you? How did it proceed?

A. They told me their stories and their observations out there. I only half believed them at first. I thought they were overdramatizing what was going on.

Q. You say you questioned them. Did you try to get out the information or did you try to tell them that they hadn't seen what they were telling you they had seen?

A. I wanted to be sure.

Q. How did you try to assure yourself? Did you direct any questions to them that you can recall today as to location, as to people present, as to the communications you had heard and what they meant?

A. I know that I had resolved why they had landed on the ground. I had resolved what they had seen. I challenged what they had seen or what they thought they had seen. They were sure that it had occurred. I wanted to insure that when they got back and were talking to each other before they got to me that they hadn't surmised more than had actually transpired.

Q. But did it occur to you that if you wanted to find out to whom they had spoken, you would have to have some idea as to the location of where they had landed?

A. This is where the point of the distinctive marking of the helmet came out because there was no name and he didn't know who he had spoken to, and I remember I attempted to find this out.

Q. Well, did you attempt to find out where in the village it had taken place so that you could relate it to--

A. (Interposing) It wouldn't have occurred in the village. It would have to be on the periphery. This is the reason why I say, though I am not sure, that it was down in that southwest corner.

Q. The southeast corner?

A. The southeast corner. I am sure I did some of this.

Q. But you did question with respect to where they had landed?

A. I would imagine so, but I just don't today vividly recall where it was, as well as some of the other questions that the general asked me.

Q. Did you ask any questions as to the circumstances in which the child was found?

A. I don't know.

Q. Was the child described to you as found with other bodies? In what circumstances, was the child taken from the people who were with the child?

A. Sir, I don't know. I can't answer it, I don't know. I can't be assured regardless of whether I said the negative or the positive.

Q. You have no recollection of any--

A. (Interposing) I'm sorry--

Q. (Interposing)...of any questions that you asked. Did you ask Mr. MILLIANS to confirm in any way what Mr. THOMPSON had said?

A. I had confirmation, yes, but they all verified to the extent that they could, that this is the way it was.

There was no conflict that I can recall at all between what one was saying and another.

Q. And you questioned all three of them?

A. I remember Mr. THOMPSON was forthright with almost all of the information and the other ones confirmed it--con-  
curred.

Q. Did you ask him to bring the other members of their crews to see you at this time?

A. No, at that time I did not. I think that later on in the day I went down and spoke with some people. At some later date I spoke to almost all of the company about this.

Q. You said later in the day you did speak with other members of the crews of various aircraft?

A. As I recall sometime after I left Colonel BARKER that I did in fact--down on the pad, which is where the helicopter is parked, or maintained, and I spoke with some people.

Q. And who were those people?

A. They would have to have been crew members.

Q. Can you identify for us any of those crew members?

A. No, sir. I can't.

Q. Were they the crew members who flew with Warrant Officer THOMPSON, or with Mr. MILLIANS, or with the high gun-ship?

A. I would imagine it was with both.

Q. But you spoke with each of the crews?

A. As I recall, I spoke with several people down there in the vicinity of several different airplanes.

Q. Did you make any notes of these conversations?

A. No.

Q. You made no notes, even temporary notes, at that time of such conversations?

A. I don't recall that I made any.

Q. Do you have any recollections in talking with the gun crews what they told you?

A. No, I don't. It wasn't conflicting--it wasn't one of them that said, "No this didn't happen", nor did anyone bring out anything beyond what had already been brought out.

MR MACCRATE: I have no further questions.

MR WEST: Major WATKE, with regard to the report of Mr. THOMPSON and the others as to the killings they had seen of civilians of which they were concerned, was the figure 120 mentioned?

A. I don't recall so, sir. The figure that was turned in by the division for the operation was in the vicinity of 120.

Q. I understand that.

A. I can't associate a number with their report. I'm sorry I can't.

Q. We have received indications in reporting to others what was told you at this time, the figure of 120 may have been used to indicate the magnitude of killing civilians at that time. This is the reason for my questions.

A. I don't recall. I just can't recall that. I find it most difficult to sit here right now and feel that I wouldn't have been concerned--more concerned. Obviously I was concerned as I took it to two different people to initiate the thing, but I just can't believe that I can sit back now and say I wasn't impressed. If someone said 120 people were killed or that they were in a ditch--a large number of people had been shot, I just can't believe--and I can't recall that I relayed this to--that was the story in fact--I relayed to-- I may have, but I honestly do not recall--

Q. (Interposing) I believe you did testify that the order of magnitude of the civilians killed was possibly 50.

A. Yes, sir. To take a number, I chose that number.

MR WEST: That's all I have.

IO: Did you pick a number out of the air or was this--

A. (Interposing) Sir, I am just trying to relate a probable number.

Q. This is an order of magnitude that you fixed in your mind?

A. Yes, sir.

IO: We will take an administrative break.

(The hearing recessed at 1117 hours, 11 December 1969.)

(The hearing reconvened at 1122 hours, 11 December 1969.)

IO: The hearing will come to order.

RCDR: All persons who were present when the hearing recessed are again present except Mr. WEST.

IO: Do you have any questions Colonel WILSON?

COL WILSON: How many combat assault operations did you individually support in Vietnam as an individual participant?

A. In both tours?

Q. The second tour, this particular tour--this particular one.

A. As the aviation officer of the 196th I was in on the planning and the execution--none when I was in the 196th. I was the aviation officer and as such I physically didn't take anybody in, or fly gun support. As for the aero-scouts, I believe that this was probably our third operation where we were tied to the ground in a ground scheme of maneuver where either the troops were air-landed or perhaps they may have started out on the ground. But for a significant number of ground troops, we have gone out on a couple of occasions when a platoon had engagements. We'd support that, assist them in rounding up the people that were in the engagement,

or assist them in getting clear out of the danger.

Q. Before this operation would you say there were three?

A. Certainly no more than three.

Q. During the entire period that you function--

A. (Interposing) We organized in January and this was in March. I would say that we had not done more than three missions where they were of battalion size. Most of our missions had been in the reconnaissance role in support of an AO--to go into an area where there were no ground forces and reconnoiter, and attempt to locate numbers of VC.

Q. After March how many operations of this type until you departed?

A. I think two. I was lost on the second.

Q. We are talking about a total of five before you were shot down, is that correct?

A. Yes, sir.

Q. Over a period of how many months?

A. That would have been over 4 months.

Q. Do any of these five operations stand out in your mind better than others prior to the development of the interest in My Lai (4)?

A. No, My Lai has always stood out because of the subsequent actions at that time.

Q. This operation did stand out in your mind always?

A. Well, certainly portions of it vividly. The fact that they came to me; fact that there was needless wounding of people; and the fact that I carried this to the ground commander. I thought this was very significant. I challenged an infantry lieutenant colonel's command of his operation in the field and then I subsequently had to go before the general and tell him the story. That was impressive on me. I don't forget that.

COL WILSON: That's all I have, sir.

COL FRANKLIN: I think you said a couple of times, Major WATKE, that this action was routine. You've got a whole battalion-size force involved. You've got fire support, you've got swift boats, you have scouts, gunships, and your blue platoon which you might have to commit. Would it not be fair to say that you are either airborne or with that battalion commander or right next to a radio following him. I'm talking about the battalion or task force "push". You are instantly available to react to your battalion commander. This job would also entail you personally running it. Is this a true statement?

A. I would say yes, sir. Yes, I think that was true. However, I wasn't personally and I didn't have an obligation to be next to Colonel BARKER all the time. I had what communications I had and my people were responsive.

Q. Next to Colonel BARKER, airborne, or by a radio which had a battalion command net on it, would you say you had an obligation to be doing one of these three?

A. Yes.

Q. Then you would be following this situation as it developed constantly?

A. As well as I could, yes, sir.

Q. How about your infantry platoon? Could that have been committed by someone else in the company other than by you?

A. It could have been directed to be committed by somebody higher, yes, sir. I could have been directed by Colonel BARKER. I was supporting Colonel BARKER. He could have in that day--he had my force at his disposal and he could have committed my---

Q. (Interposing) If you were doing all these things that means that you would be familiar with the ground situation as it developed. Did you hear these reports of noncombatants wounded or killed and the high body count of VC being killed? Did you monitor these reports from the--

A. (Interposing) There were reports. I don't recall reports of civilians wounded. There were periodic reports of body counts.



Q. You mentioned several times that THOMPSON was talking about these people being wounded and you stay away from the word kill. Did he specify being wounded? It is kind of strange that you don't use the word kill.

A. No. I suppose he may have. I may have put the words "wounded and dead" where I said wounded, but from the air it is hard to confirm the difference between a wounded and a dead person because the person is lying there. He could be wounded or he could be dead.

Q. Your primary concern you stated was the fact that you had this confrontation between two friendly units and this is a very embarrassing thing for a commander, extremely disturbing. However, if you could resolve this with Colonel BARKER, why go to your higher commander? How did BARKER react to this when you told him, and then why did you have to take it to a higher commander and bring it to his attention if you could have resolved it down at Task Force Barker level?

A. First thing, Colonel BARKER didn't get indignant when I brought it to his attention. His first action was to call out and, as best as I can recall, Major CALHOUN was airborne, and he told Major CALHOUN in effect to look into this. But he also asked him to bring the helicopter back. He then departed in the helicopter and went out to the field. The answer why I took it to Colonel HOLLADAY was that I thought it significant to bring this to the attention of Colonel BARKER. He would probably take it to his brigade commander, and the fact that I challenged the modus operandi would be uncommon and he would in fact--then through channels say, "What's the big idea of him thinking that he has the prerogative of telling one of my people.." So I anticipated that there might be a comment come down through that would arrive at Colonel HOLLADAY, and I wanted him to be aware of the fact that I had approached Colonel BARKER with this entire situation.

Q. You are telling us this modus operandi--you mean the way he was shooting up people in there then, not so much as--

A. (Interposing) Well, both. Both, and the fact that this had transpired between one of my people and the personnel on the ground.

(WATKE)

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Q. The point I'm trying to make is the point of confrontation, you could have resolved that with Colonel BARKER and there was no need to go further. However, there was a need to go further if innocent people were being killed, is that correct?

A. I don't think that is the only reason I took it to the colonel. I could have foreseen that both incidents could have gone through and back to Colonel HOLLADAY.

Q. Did Colonel BARKER seem indignant or shocked or dismayed or did he seem to get upset? Did he seem to stop and give this his full attention?

A. Yes, he did issue instructions on the radio, and then he himself departed. Yes, he did take immediate steps.

Q. Did he say he was going to look into this and see what was going on and check this out right away or--

A. (Interposing) I don't recall his exact words, but he was interested enough to get in the helicopter and to go out and to look into it. Whether he said, "I'll let you know about it," or not, whether those words were used, I don't know.

Q. Did he ever subsequently talk to you about it?

A. I recall that I was informed by someone, I'm not sure who, probably Colonel BARKER, that they could not locate the individual to whom Mr. THOMPSON had talked, and as a result they couldn't resolve it, nobody confessed to the fact that there was a big disagreement out there.

Q. What about the 50 people out there? Was that ever discussed by Colonel BARKER?

A. He never found that there was an undue number of people that had been killed and wounded that shouldn't have been.

Q. Did he tell you that?

A. Specifically that, no.

Q. If you were in this Task Force Barker TOC all the time you were talking to these people, was this discussed

(MR WEST entered the hearing.)

with you subsequently or with these people, what happened, and were noncombatants being killed? This was a big action. It's a continuous conversation going on in the TOC with you and them when you're in combat. You're talking about your operations.

A. Basically, and I can't say this as a definite thing, I believe that he confirmed that they were VC. His understanding was that an undue number of people were not-- or innocent people were killed, but a preponderance of the people that were killed out there were VC.

Q. As a commander then, your people have brought you a complaint. Would you then go back to them and relay this information?

A. Yes. I know I assured them the thing was under-- was being investigated, and that if there was substance to it at all that it would be taken care of.

IO: Let's clarify one point here, now. We might be getting ahead of ourselves. I think Colonel FRANKLIN is still relating to what you told Colonel BARKER and what happened that afternoon, not what may have transpired the following day or any day subsequent thereto, but only what took place that afternoon. That is all we're talking about.

A. In answer to that, I can't say with all assurance that Colonel BARKER did in fact talk to me again that day. I think he did. I just don't recall any vivid conversations with him that day.

Q. Well, I would like to ask a question here. Evidently, this situation made quite an impression upon your mind, and the fact that you would take it to a commander made an impression upon your mind, and you already had in mind that you had to report to your own commander, which to my view makes sense. But did you not go back to Colonel BARKER that afternoon and find out what it was, so that you knew what you would be reporting to your commander?

A. Well, this is why I say I can't, in my mind, picture my conversation with Colonel BARKER. As I recall I think he informed me that the personnel out there that were seen by my people were, in fact, predominately VC, but I, sir, I can't sit and swear that that took place. But I--

Q. (Interposing) You don't recall that he did say that? You are not certain whether you even saw him that afternoon or not, is that correct?

A. I am not absolutely positive that I saw him that afternoon. I'm sure I got an answer.

Q. Based upon your concern about the greenness of these flight personnel of yours, and that it might have been that things weren't really the way they were seeing it and reporting it, and the fact that you then got something that said, "Well they were VC", did you ever go back to them and question them in detail as to what happened and get it down on a piece of paper, or anything so that you knew what happened?

A. No, sir. I never did get it down on paper.

Q. Did you ever go back to them and talk to them in detail, because what has just been established is the fact that your crews tell you one thing, and a commander has told you, "No. It isn't that way". Would it not appear logical that you would want to recheck with your crews to find out, establish in your own mind, whether they are misreporting, whether they are green or something of this nature?

A. I know I discussed it with my people again. I spoke to my people with reference to this subject. Just exactly what and how it was discussed I'm not sure, sir. I know that I did not document on paper or on tape this operation, or the interrogation or statements having to do with this. I was instructed--

Q. (Interposing) We'll go ahead of this time frame. What else did they tell you then? Did you ever establish in your mind what they actually saw and what they participated in there on the ground?

A. I never questioned that they saw people on the ground. I don't think that I ever resolved in my mind that they saw as many as they felt they saw. At the same time, I never resolved in my mind that they were all VC either.

Q. Did you ever get any more from them than what you have given here this morning?

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

MR WALSH: Major, going back to this period prior to 11 o'clock when you were in the TOC and you had incomplete radio communications, is that a fair description? Is this normal that you would not have radio communication with your ships in the air?

A. Well, yes, I was frustrated more than once because I couldn't find out what was going on, not just on this operation. When I first went down, I didn't have a UHF radio. There just wasn't one. And as a result of this, it was a major endeavor to go and get a UHF radio, and hopefully this would resolve some of my problems. But when you're not airborne and a contact starts running down one VC and that report comes over, "We're receiving fire," that's the type of report that you hear. Immediately you want to know what, why, and everything else. Well, you are talking to people who are taking all of the action. They don't have time to tell you what, why, where and everything else because they are completely in that activity. So, you sit frustrated all this time trying to find out. And that was the situation that day. There were these very sketchy reports coming over, and you're sitting there desperately trying to get answers, and they're coming back at you telling you to wait, to wait.

Q. All right, when you got a transmission from them that one of your ships had landed, that was an extremely unusual event, correct?

A. Yes, I thought it was.

Q. And you did ask why?

A. Yes, I probably got the answer, "Wait, I'll find out."

Q. You got nothing more than that?

A. As I recall, no I did not. I didn't know that much. I knew he was taking someone to the hospital, but I didn't know--

Q. (Interposing) I'll come to that in just a minute. Well, when you got the word that one of the ships was taking someone to a hospital, does normally the pilot in the air have to get permission to leave his station to go to something like this? Who is in control in this operation?

A. Overall, Task Force Barker was that day in charge of everybody in that area as such and I was next-in-command of my people. They were coming off station at that time. THOMPSON had this individual, and I think he took it upon himself that he had the person and he just picked up and started going. A report came in that he was taking someone to the hospital.

Q. Did you get on the radio and ask him why?

A. Yes, and--

Q. (Interposing) And during this entire time you learned nothing about these events that subsequently were discussed among the three pilots?

A. I knew very little at all while I was on the ground. While I was in the van and they were airborne, I knew very little of what was transpiring.

Q. As you think back on it, doesn't it seem odd that you didn't at that time direct them to report to you when they got back on the ground?

A. Well they did come up to me shortly after.

Q. Apparently not by your direction did they come to see you.

A. Well, I can't answer the question.

MR WALSH: I have no further questions.

COL FRANKLIN: You've got a mission, and you've got the mission screen to the south. You've got a big problem going on. Your people, they're under your command. They're not Task Force Barker. They're having some problems down there. You are not sure what they are. They're starting to leave station, which means abort the mission. You are 7 minutes flying time from there. Why don't you get an airplane and fly down there and see what's going on?

A. Because the gunships first of all weren't screening any longer. They were over the troops themselves. The troops didn't have any firing mission, or a mission that they were saying, "Don't go away. Don't go away," or

anything else, so when the ships left there wasn't anybody who was screaming for assistance or help.

Q. But the best way to find out what was going on and get it squared away was to go down there yourself in one of your airplanes.

A. I suppose so, sir.

IO: For the sake of the record would it not be quite normal when your flight out there was getting near the end of their gas capability, fuel capability, that they would simply notify the task force commander that they were leaving station?

A. They would request permission to leave. They would be generally just told, "We're leaving because of the fuel."

Q. Is it possible that some other activity was going on that morning that you were directly involved in, that had consumed quite a bit of your time away from your TOC and away from your communications?

A. Yes, sir. I think you are leading up to the mortars.

Q. I am leading up to mortars.

A. Yes, sir. I flew on that. I honestly, as I stated in my testimony, I cannot correlate both operations taking place on the same day.

IO: May I have the log of the Americal Division?

(Recorder hands log, Exhibit M-6, to IO.)

I am going to refresh your memory again on item number 19 and 42 which increases the number of rounds from one number to another. This is the log of the Americal Division, Exhibit M-6.

A. I remember the operation of finding and destroying forty 60 millimeter mortar rounds. It was on Hill 85.

Q. If this appears in the log of the Americal Division--

A. (Interposing) It probably occurred that day.

Q. It is very logical to assume that it did take place on that day?

A. Yes, sir.

Q. This has also been brought out in additional testimony that it did take place that morning. So it's not only the log that confirms this. Now, what actually happened during this mortar rounds incident?

A. There was a report made to the effect that they found and observed mortar rounds in an old foxhole or some type of a defensive hole within an old ARVN camp at the top of Hill 85. The report came in. I requested and got permission to go ahead and go in. Initially, I was to go in and remove them.

Q. Go in with whom?

A. My infantrymen, my 22 infantrymen, which I subsequently did, and I flew one of the troop ships, too, I believe, in the first wave. I put the first troops in because of the problem of picking an area in which to land because the ground was extremely rough and there were some old shelter tops which I didn't want to land on. So I went in first and I picked and selected an area in which to let off the infantrymen. We stayed airborne through the period of time they set charges and then blew. They stayed on until they were blown. We checked to make sure that they were all destroyed, and then we went in and commenced to pick them up. I think at that time I reverted that time to the last ship. I went and picked up the last group of infantrymen.

Q. Did you have guns with you?

A. Yes, sir.

Q. Referring again to the time indicated in the Americal Division report on the 19th, if this operation was conducted and with your recollection of time that it took to initiate the operation, to get the ground force alerted, to get them in the chopper, to get your guns airborne, to go to the area, to accomplish the task which you have just outlined, to return to LZ Dottie, and



to get back to your TOC, how much time would elapse?

A. Perhaps 2 hours, sir. It didn't take us very long to--I'd say 2 hours.

Q. Even 2 hours, frankly, seems to my view somewhat excessive.

A. I can't place the time. I know of an incident--

Q. (Interposing) I'm not talking about an incident I'm talking--

A. (Interposing) I'm trying to relate the reaction time, sir. There was an operation that Task Force Barker in their monitoring of radio communications--for example they timed me one day when a report came in that they had observed some VC on another hill almost a given number of miles away, but in a different direction. From the time that report came in until the infantry was back on the ground at LZ Dottie, 47 minutes had elapsed. It may have been done in less than 2 hours. We have conducted complete combat assaults, engagements, and extractions in less than 2 hours.

Q. This makes sense to me because that's your business. These people, particularly when you are right in the middle of a combat operation, these people are sitting right alongside the helicopter ready to go.

A. They always were. When I went down my infantry, from the time I was reported down until they reported to me, was 6 minutes. They are very fast.

Q. So, it would be fair to say then that maybe it was somewhere, because of the flight time which is comparatively short, maybe 10 kilometers, that it may have been somewhere between an hour and 2 hours that you possibly were absent from your TOC, and absent from control or monitoring of the other activities?

A. Yes, sir. My attention was to this and I was out on it. Yes, sir.

Q. Would that not be some cause for you not to be completely up to date on what was transpiring?

A. Yes, sir. It could be.

Q. But the fact remains that when these crews returned to LZ Dottie, you did discuss the matter in depth with them?

A. Yes, sir. I did with Mr. THOMPSON.

Q. Mr. THOMPSON and the other members?

A. Yes, sir. I did.

Q. As I recall in your testimony there was nothing of prime interest for the remainder of the afternoon?

A. That's right, sir.

Q. What was your next action or reaction as far as reporting this is concerned?

A. I reported to Colonel HOLLADAY that evening back at my base camp at Chu Lai in his hootch.

Q. At what time?

A. It was after dark, sir. I would say 8 or 9 o'clock in the evening perhaps. I know it was in the evening, well after dark.

Q. Was it getting fairly late in the evening?

A. Nine o'clock perhaps.

Q. Was anybody else present when you reported this to your battalion commander?

A. No, sir. At the time I didn't know what to do. I wasn't positive that I had to tell him, but I did. I did relate that. There was not another person in the room.

Q. I think you were proper in relating it to him. What did you tell him?

A. In essence, the very same thing I told Colonel BARKER, what I previously, to the best of my knowledge, what I previously told you here, sir.

Q. How long did you talk to him?

A. It was a fair length of time, sir. From that it

went on to some just general discussions about this type of thing, asking me if I was aware of the significance of what I was saying. It was a good--he probably gave me as much attention then as he's ever given me.

Q. Was the fact that you had a confrontation of such tremendous significance?

A. Well, for some reason, sir, it was to me. He dwelt more time on the other aspects of it, the wounded and all, than I did.

Q. Why did he do that?

A. I don't know, sir. Maybe he put more stock in it than I did. He asked me one time, did I realize the significance of this. Maybe I didn't.

Q. Did you recognize that what you were reporting then, the troop confrontation, when you were talking about civilians being killed and so forth, that you were in fact reporting an atrocity? When you mentioned indiscriminate killing or shooting of civilians, no matter whether it is one individual or what it is, it is an atrocity. Is this not correct?

A. Yes, sir. But I'm not sure that I fully--I'm not sure in my mind whether I really realized that at that time.

Q. How much depth did you get into with Colonel HOLLADAY concerning the killing and wounding of noncombatants and so forth?

A. As completely as I did with Colonel BARKER, sir.

Q. You indicated that he exhibited much more interest in this. There must have been considerable discussion was there not, from this aspect?

A. Yes, sir. The thing is that I don't recall that I said any more or less to either one. That's my point. I don't think I held anything back from either one of them, or realized it.

Q. What I am trying to do is to get the impression which you conveyed to Colonel HOLLADAY and to people subsequent.

A. Well, Colonel HOLLADAY believed that there were people needlessly killed out there. He did get that conveyance definitely from what I had told him and he felt compelled, he said, if I was going to remain with that story, then he was going to take it up to the division in the morning, that I would have to relate that same story in the morning. He asked me if I was prepared to do that and I said, "Yes, sir. I was."

Q. Then you discussed this with Colonel HOLLADAY in very considerable depth considering the time that you indicated that you remained with him.

A. Yes, sir.

Q. I have heard the term "agonized" which may not be a descriptive term, but you really talked over all the various aspects of the situation, the implications, and the ramifications of what you have seen and what you would be reporting and what this might lead into?

A. Yes, sir. He did. He pointed out to me what it might lead into. He asked me if I was aware of what I was saying, or the implication of what I was saying. I said yes at the time, but I--the answer is definitely no. I had no idea I would be sitting here today in this.

Q. Even though Colonel HOLLADAY placed his greatest emphasis at that time upon the civilians being killed and/or wounded, as far as you're concerned, the thing was still impressing upon you was the fact that there had been a confrontation?

A. Yes, sir. I think that's right. Yes, sir.

Q. Did not the questions of Colonel HOLLADAY, and what he had to say, and the implication of reporting civilians killed unnecessarily make a rather deep impression upon you?

A. I'm sure it did.

Q. We're soldiers. This is our business. We've been given all kind of instructions about the care and the handling of civilians. We have been admonished many, many times by all commanders throughout the chain of command not to kill civilians, to handle them properly, to treat women kindly, and all of this kind of instructions and regulations

and requirements. Yet we get down to a point of a large number of civilians fired upon indiscriminately or unnecessarily, and it doesn't make an impression?

A. Well it makes an impression sir, but at that point in time it wasn't proven that this had in fact taken place. The confrontation had. I don't know why I said that, but it has always concerned me. It was a concern to me that people might have killed, also innocent people killed, but it hadn't been proven that innocent people had in fact been killed. One of the topics we discussed so much was why weren't there more weapons if they killed all that number of VC? That's always been a question in my mind, too. Why weren't there more weapons.

Q. Well, would this not then lead back to your-- this report came out immediately. Would this not lead back to your conversation with THOMPSON and the others to cause you to look into this thing further?

A. I thought that at the time I had done as much as I could do in my capacity and all. I had confronted the ground commander as soon as I really became aware of it and it was his people, his area, and his battle. He did move out right away to look into this.

Q. I agree with you to that extent, that you did the proper thing in reporting to Colonel BARKER immediately. You did the proper thing exactly in reporting to your commanding officer. But we all have obligations as soldiers to follow through within our command.

A. Sir, I thought it was being followed through. General YOUNG came down and looked into it. It wasn't lacking, in my mind, command emphasis. I had no reason to believe that they weren't taking steps.

Q. All right, I would ask the other members of the team if you have questions concerning this discussion with Colonel HOLLADAY that you would like to address to Major WATKE?

MR MACCRATE: You say that this conversation with Colonel HOLLADAY lasted for some period of time. Do you have any recollection of about what time it ended?

A. Not really, sir. The decision was made that we would go in the morning to division. That may have some tie-in to it.

Q. Did you consider going to division that very night? Was this discussed by you?

A. It may have been. Yes, sir, but there wasn't any question when I left. I knew I was going to the division in the morning with this. There wasn't any doubt towards considering any longer that it was going higher. That decision had been made and whether or not it was toyed with, whether we should at this moment go forward, whether we should delay it until morning, I'm not absolutely sure. But I know when I left that night to go home to go to bed, that in the morning the colonel and I were going up to division headquarters.

Q. In your discussion with Colonel HOLLADAY, did you talk about why there had been the confrontation?

A. I'm sure the reason for the confrontation was the obvious difference of what was needed and what was excess. What was beyond what was necessary versus what was felt to be necessary.

Q. What was the nature of that excess?

A. The amount of firing that was being conducted by the troops on the ground. That unarmed personnel--unarmed women and children--

Q: (Interposing) So, it was the firing on civilians which was the very reason for this confrontation. Is that correct?

A. Yes, sir.

Q. And you talked with Colonel HOLLADAY about that?

A. Yes, sir.

MR MACCRATE: I have no further questions.

MR WEST: For possible amplification, Major WATKE, you stated that Colonel HOLLADAY talked to you about the implications of the killing of civilians. What did he say on this point, if you recall?

A. I think basically it was that my charge was quite something and if it proved to be false, there was always that question that it wasn't a fact, that I would just basically

be ruined. I sat there and accused people of needlessly killing people and I certainly wouldn't be asked to perform another mission for anybody again, because I was definitely hurting a number of people, or would hurt them, if this proved to be true. There were going to be other people who would suffer, and I could expect to suffer in turn if I was wrong.

Q. Did he discuss the implications of your revelations, if they prove to be true, or action was taken on them based on the conclusions of this?

A. I'm not sure I understand, sir.

Q. Well, you stated the implications if the story proved to be false. What about the implications of your having told a true story?

A. Nothing would happen to me, but there would be other people who would certainly pay the price for this action.

Q. What did he say about that? Do you recall? Did you discuss the effect on the division? Do you remember parts of what was said?

A. I don't recall, sir. It would be a black day, no doubt about that.

Q. Did he discuss the effect upon those in command?

A. Yes, at the lower command. I don't recall that it was discussed what impact this would have at division-level command.

Q. But he did say that he would have to take it to General YOUNG?

A. Well, at the time that we left that night, I don't believe we resolved to what general we were going. But we were going to see a general officer in the morning. I'm sure that General KOSTER's name had been mentioned, but it was--we were going in the morning to see one of the generals and General YOUNG was Colonel HOLLADAY's senior officer. It was logical that he was the man to whom he would first address the problem.

Q. Did he state that this would be a matter of concern to General YOUNG or General KOSTER?

A. Yes, sir. No doubt that people would respond to this.

Q. We're speaking of the possibly unnecessary killings.

A. Yes, sir. I don't know if that is the whole aspect of it, but there was possible concern to them that I had a confrontation.

IO: Anybody else?

COL MILLER: You have mentioned several times your charge and your accusations. Were you making any charges or allegations yourself or merely relaying the information?

A. I was relaying, but they were my people.

Q. In other words, have you checked into this enough so that you feel quite sure that the information you are repeating happened?

A. I'm sure I must've had enough--there must've been doubt in my--enough assurity in my mind to look at it that I had reason to bring it to his attention.

Q. You said that you gave essentially the same information to Colonel BARKER as you did your battalion commander. Would you state again briefly what BARKER's reaction seemed to be. Was he more concerned about confrontation or possible killings?

A. As I recall there was very little conversation between Colonel BARKER and me. He as much as said, "We'll look into it," and "bam," as soon as possible he left to go out.

IO: Did you have the feeling at the time that you talked to Colonel BARKER that he might have already had quite a bit of information concerning this subject?

A. I don't know that I gathered that at the time. I thought somewhat about it--particular reaction. I did have the impression that he was concerned, because he immediately took steps to go out and look at it. He didn't on the other hand go out and say, "What are you basing all this on?" He didn't delve into me as to who said it, where, what, like you are doing to me right now. He said--



Q. (Interposing) If you came to somebody cold, would it not be quite logical, and I can tell you, if somebody came to me, I would want to know all the facts and figures and all the details down to the last comma.

A. He did not query me in that respect. As I say, after thinking later about it, he may have. I don't know that he did, sir. He never acknowledged that he did.

Q. Does anybody have any questions concerning the discussion with Colonel HOLLADAY?

MR WEST: He didn't quite finish his sentence. He may have what?

A. He may have been aware of it, but I didn't have any knowledge to the fact that he did.

MR WEST: He may have had some knowledge of the incident already and he was not surprised. Is that the idea?

A. I wouldn't say that he wasn't surprised, sir. His response was immediate. He did take some immediate acts.

IO: My question would be, what is he going to act upon? At that point of time, what could he act upon, unless he knew where it was, what it was with respect to where the hootch was, the people involved, and where all these other killed or wounded people were? How could he act if he didn't know where it was?

A. He knew it was in the vicinity of My Lai (4). Maybe he just didn't challenge me at that time.

Q. This is what I am trying to get a feel for. You recognize that we can't--we're trying to get things from you, because Colonel BARKER isn't here to provide testimony.

A. Colonel BARKER at no time came back and drilled me for any detail at all in this.

Q. In your discussion with Colonel HOLLADAY, did you indicate to him that it had been reported to you that a large number of bodies were in a location?

A. Sir, I just can't--I just cannot recall that, sir. I remember this given number of artillery that I saw. That was--I can't recall. I think there was perhaps a number given to that, but it wasn't anything mammoth. I cannot

recall anybody telling me about a large body, or large number of people at any one specific locale. I just cannot remember that. I'm not doubting, or saying that it didn't--I just absolutely cannot bring it back to memory.

Q. Did you ever recall telling him about the incident of a colored soldier shooting into a ditch or into an area where there were some bodies?

A. I can't remember that either, I don't know if it mentally--or a mental block or what, I just can't remember.

IO: Do you have any more questions at this time on this point?

(No response.)

You indicated that you had a long session with Colonel HOLLADAY and that you knew subsequently that you and Colonel HOLLADAY were going to report to division headquarters.

A. Yes, sir.

Q. Would you now explain your next step?

A. I retired for the evening, and I didn't discuss it further with anybody, and the next morning we went to division headquarters and I relayed the story in the presence of Colonel HOLLADAY to General YOUNG who was the assistant division commander.

Q. Was anybody else present at that discussion?

A. I don't recall that, sir. We were in his office, I recall that. But I don't recall that anybody else was in the room.

Q. How long were you there?

A. Perhaps 30 minutes.

Q. But you did spend 30 minutes describing what had been related to you?

A. Yes, sir. I told my story almost complete, and then the general questioned me about certain aspects of it, and I don't recall now whether he said all right to me and

released me, or whether he held me for a little while. But I was subsequently released and I left and went down to LZ Dottie. But I don't remember how I got there. I flew, I know that, but I don't know whether I went by myself in an airplane or just what airplane took me down there.

Q. Did you recall any of the questions that were addressed to you by General YOUNG?

A. I think it was clarification, sir. I don't specifically remember any. It was clarification of specific things that I had stated as to probably who--

Q. (Interposing) Did he, too, point out the implications to you of what you might be reporting?

A. Not in that respect. He indicated that this was a very serious thing. He took a great deal of interest in it, but he didn't warn me.

Q. Was General KOSTER present that day?

A. No, sir. I never have talked to General KOSTER.

Q. Do you know whether or not he was present in the headquarters at that time?

A. I can't say, sir. I don't know if he was physically there or not.

Q. Was there any recording? Was there any written statements, or anything taken at that time?

A. No, sir. Not to my recollection.

MR WEST: Did he take notes?

A. I don't know whether he took notes or not.

Q. Comparing his reaction to the story as compared with that of Colonel HOLLADAY, did he place the same emphasis on the killing of the civilians as Colonel HOLLADAY did or was there a different reaction?

A. I'm not sure I can define his reaction. He definitely was concerned. There wasn't any doubt about this. I don't recall that he was challenging me, but I left with the idea that he certainly was concerned enough with the problem.

He never questioned it.

Q. You can't say that he gave one aspect more emphasis than the other, that is, the confrontation over the civilian killing or vice versa?

A. I don't know if he took a great deal of interest in the confrontation. I think his concern was what had transpired on the ground. The fact the killing of people....

MR WEST: Thank you, that's all.

MR MACCRATE: How did he express that concern to you?

A. I just can't remember the words. I know that I was impressed by--really at the time everybody up there was concerned about the incident. Nobody lacked a responsive reaction to it. They had a sincere concern that this might have happened.

IO: When you say everybody up there, who is everybody up there?

A. I mean, sir, when I brought it to the attention of Colonel BARKER, of my own commander, of General YOUNG. All of these people took due note of it and were concerned.

Q. To put it in a different terminology or phraseology, were there any other people in the headquarters at that time who were aware of this?

A. Not to my knowledge, sir. I don't believe there was anybody else in the room and I did not relate it to anybody else at division headquarters that day or any other day.

MR MACCRATE: Did General YOUNG, in his conversation at this headquarters, indicate any knowledge of the operation of the prior day?

A. No, sir.

Q. Did he ask you to describe for him the operation of the prior day?

A. Maybe I misunderstood the other one. He was aware that the operation had taken place on the previous day.

Q. An operation had taken place?

A. Yes, sir. But I don't recall that I spent any great amount of detail into tactical movements that day and so forth with the general.

Q. Did he inquire about the number of KIA that had been reported?

A. I can't remember that, sir, because I can't place the number myself.

Q. There had been reports that had been made to headquarters by that time, had they not, about the operation?

A. Sir, not an after action report, but every day every unit made a SITREP and that would at least have been a preliminary report of the day's operation.

Q. Based upon that did he address any questions to you about what had occurred at My Lai (4) the day before?

A. Well, I'm sure that he did, sir, but I can't remember specific questions. I don't remember whether we just discussed body count or just what.

Q. Did he raise any questions about the disparity between body count and weapons?

A. I don't remember, sir. I know that was raised before, but it's just been so long. I know that Colonel HOLLADAY did because he and I discussed that several times after that operation, and I don't remember in that office that day that particular subject was raised. I just can't answer it.

Q. Had you discussed it the night before with Colonel HOLLADAY?

A. Yes, sir.

Q. The disparity between KIA?

A. He was wondering how many of the VC KIA were civilian KIA and so on.

Q. And a small number of weapons had been noticed at that time?

A. Yes, sir.

Q. So this preceded your discussion the next morning with General YOUNG?

A. Yes, sir. Also the fact that there was a high body count and there was no great cry to division for additional assets such as tac air and so on. This, that night, was discussed with Colonel HOLLADAY.

IO: How would Colonel HOLLADAY have had information concerning the operational results which were reported, et cetera, at the time you talked to him.

A. That evening, sir.

A. Yes.

A. Well, he would have heard it from the evening briefing that was conducted at division. I'm not sure of the time, sir. I think 5 o'clock or somewhere in the latter part of the afternoon there was a daily briefing that was given to General KOSTER or the senior general present. And at that time they would surely report the results of actions all over the brigade. And they had a set time at which they had to submit a situation report, and included KIA, friendly losses, enemy losses, weapons captured, specific movements of units--

Q. (Interposing) Did you ever attend any of these briefings?

A. One.

Q. Was it only a senior officer or did it have other ADC's and key staff officers?

A. Yes, sir. The day I was there, now I am not sure, there was another general officer. Whether both assistant division commanders were there, I can't be sure. There was another general officer there and normally the G2, the G3, and G4, all of them were present or their representatives.

Q. So, this could have meant that General YOUNG was fairly well familiar with all the details of the operation possibly given to him by the briefers from the G2 and G3?

A. Yes, sir.

Q. Would this be normal in a large headquarters?

(WATKE)

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A. Yes, sir.

IO: Does anybody else have any questions concerning the discussion with General YOUNG?

(No response.)

May I ask you to continue your story, Major WATKE, and indicate what happened next?

A. Yes, sir. I proceeded to LZ Dottie and some short time after I arrived at LZ Dottie I received a call, and I'm not sure whether it was from division or whether it was from my own battalion. I was told to await the arrival of General YOUNG and Colonel HOLLADAY, and we were going to have a meeting at LZ Dottie. The time 9 o'clock sticks in my mind. Whether that meeting actually transpired at 9 o'clock I don't know, but I think that was the time I was told it was going to be. Upon arrival of the general, General YOUNG, Colonel HENDERSON, the 11th Brigade commanding officer, Colonel BARKER, Colonel HOLLADAY and myself had a meeting inside of Colonel BARKER'S little van in which he slept and had a table and chair, and at that time it started right off almost immediately. General YOUNG asked me to relate the story that I had relayed to him for the benefit of Colonel HENDERSON, and I did. To my recollection nobody challenged me that this story was significantly different than any other story that had been related. So, at that time everybody to whom I had told the story was again present, except for Colonel HENDERSON. That was the only person who was hearing this story for the very first time from me.

Q. You were more or less repeating your story for Colonel BARKER, Colonel HOLLADAY, and General YOUNG. The only new recipient was Colonel HENDERSON?

A. Yes, sir. Colonel HOLLADAY had heard this for the third time. Nobody voiced any violent, in fact any, really, objections to anything different than what I said before to this effect, and at the conclusion of my story there was a little, there was some, conversation going on. Then General YOUNG directed Colonel HENDERSON to conduct an investigation into this alleged--

Q. (Interposing) Do you recall the exact words that he used?

A. I don't know if he said investigation or inquiry,

but he--I left with the complete understanding in my mind that Colonel HENDERSON was told to conduct an investigation and report it to division.

Q. In your mind what would this investigation entail?

A. Well, principally at that point of time it was reference to the unnecessary shooting and wounding and killing of civilians. He wasn't investigating the confrontation between my personnel and somebody on the ground. At this point in time it was relative to the needless, the unnecessary, shooting of civilians.

Q. In other words, as it came down the emphasis really was upon the unnecessary killings and/or wounding of civilians, noncombatants?

A. Yes, sir.

Q. Did, in your interpretation of what was said and the way it was said, did this mean a cursory investigation or an investigation in depth?

A. Well, sir. I don't know what was done, but I expected that the colonel would go out--

Q. (Interposing) I am not asking you what was done. I am only asking you what was said and how it was said.

A. Fairly detailed.

Q. You felt that it would be a fairly detailed investigation?

A. Yes, sir.

Q. Were any instructions issued at that time concerning getting statements from people? To make sure that it was under oath?

A. I don't recall whether it was an Article 32 investigation or not. I don't recall that he specifically said, "You conduct an Article 32 investigation into this." I was not sworn in. At the conclusion of this meeting there were questions asked of me by Colonel HENDERSON in private, after the general--



Q. (Interposing) Before we get to that I want to-- were there any additional statements made by Colonel BARKER, or Colonel HOLLADAY, or General YOUNG to add to or to amplify what you had indicated?

A. I don't recall anybody's conversation. I know that the subject was discussed and probably everybody had something to say. Nobody had come out at that time and said, "Well you're mistaken. You're wrong."

Q. There was no contradiction to the story you had given?

A. No, sir. Colonel BARKER didn't come out and say, "Your allegations are wrong." He didn't at the same time say that they were right either.

Q. At that time, to the best of your recollection, did you give any order of magnitude as to the number of civilians you thought had been reported to you as being indiscriminately killed or wounded?

A. I can't recall. I can't recall the number, but I only go to the fact to say that--yes, I'm sure that I did because I think that General YOUNG, for instance, would have insured that I gave as complete a story to Colonel HENDERSON as I gave to him. And I think that Colonel HOLLADAY would have assured the same thing because at that point in time everybody was--

Q. (Interposing) But it was not one or two people that we are talking about. We are talking in the order or magnitude of a comparatively large number of people. I don't want to put words in your mouth, not at all.

A. Yes, sir. If it was true, there was more than one person who was killed as a result of this.

Q. Did it come up in this conversation about the captain--a captain killing a woman on the ground?

A. No, sir. I just can't remember ever--

Q. (Interposing) Do you remember a statement to the effect that only the five of us here know about this?

A. Yes, sir.

Q. Who made the statement?

A. General YOUNG.

Q. What did that mean to you?

A. I'm not sure what it meant. Obviously, if this was a true allegation there were more than the five of us who knew that it transpired. There were a number of people on the ground who knew that it had taken place. I don't know, sir, what, I'm not sure I ever analyzed for sure what he meant by that statement. But one is that for the time being this was not to be discussed and carried on with other people. Basically let's do the investigation, and pending the results of the investigation, then it can be put out to additional people. But let's not start a big thing going when in fact, at this point in time, we're not sure.

Q. You didn't interpret it to mean "Well, this is a coverup, don't mention it to anybody, only the five of us know it"?

A. At the time, this didn't enter my mind at that time.

MR MACCRATE: How long did the meeting of the five of you in Colonel BARKER's quarters last?

A. Well, sir, I'm not sure, perhaps 30 minutes. It was a significant amount of time that I related my story and everyone had their say--what they wanted to say. It wasn't cut short to my recollection.

MR MACCRATE: Was there a discussion of what had taken place the day before, or was there a discussion of what should now be done? What were the five of you discussing?

A. I think most of it was about what was to be done as I recall. My recollection is that almost right after it started, that General YOUNG said, "Major WATKE has a story that I want him to tell to you." He directed this to Colonel HENDERSON, and he said, "Tell your story; tell him what you told me," and I related this. At the conclusion of that there was a discussion. I think the majority of the discussion was what could be done about this.

Q. What was Colonel HENDERSON's reaction when you

were telling your story?

A. Somewhat of disbelief.

Q. Did he say that he didn't believe you?

A. He didn't say that he didn't believe me. I'm not sure now. I got somewhat the idea that he certainly hadn't accepted this as fact.

Q. Had he heard anything about it before?

A. He didn't indicate that he did. He didn't leave me with the impression, at least, that the story had been told to him before.

Q. Did he say anything to Colonel BARKER at that time?

A. I don't remember, sir.

Q. Did he ask Colonel BARKER for any information during the conversation?

A. I'm sure he did, but I don't remember. I could easily say something, but I don't remember.

Q. Did he seek to check your story out by asking Colonel BARKER?

A. I'm sure he turned around and said, "What do you know about this," but as to what words transpired--

Q. (Interposing) Do you have any recollection what Colonel BARKER said at that time?

A. Colonel BARKER certainly didn't say, "Yes, I've looked into that and there's truth to it." He didn't accept the fact that my allegation was in fact valid. On the other hand he never said, "Well, he's wrong."

Q. Hadn't Colonel BARKER, the day before, left to go out to investigate as you understood it?

A. This is the point that I'm not sure of. He may have said that, "I went out." He went out there I'm sure, but I'm not positive what he said.

Q. What did he tell you he saw when he went out there?

A. Well, he couldn't find the individual for one, and he didn't find evidence of the fact there had been a lot of people killed needlessly.

Q. Did he say a lot of people had been killed, but not needlessly? Was he drawing that distinction?

A. He didn't acknowledge that there was a number of civilians.

Q. Was there a figure of over a hundred mentioned in this meeting?

A. Only the number of VC KIA. I just can't put a number into my story.

Q. But there was in this conversation a disparity between VC KIA and weapons mentioned. Was this part of the discussion between the five of you?

A. I don't remember that it was.

Q. Now you say the main thrust of the discussion was as to what to do now, as I understood you a little earlier. After you had told your story, there had been some reaction from Colonel BARKER. Then it was a matter of what to do now?

A. Yes, sir, the culmination was--

Q. (Interposing) Before we come to the culmination, were various suggestions made as to what might be done?

A. I'm not sure if alternatives were discussed or not. Whether Colonel BARKER did or not--I just couldn't--

Q. (Interposing) Did Colonel HENDERSON make any suggestions?

A. Colonel HENDERSON spoke, but what exactly he said, I don't remember.

Q. You don't remember whether or not he made a suggestion as to what should be done?

A. Again, I can't say this for sure. I think

that he had made the recommendation that Colonel BARKER look into this. It may have been the general--I can't remember this for sure--if the general then said, "No, I want you to look into this and render a report."

Q. Was there any reference to the fact that Colonel HENDERSON had only taken command the day before, or 2 days before at that time, on the 15th of March?

A. Again, I kind of heard a little something, but I don't know what, in there, and the fact that he was new, that he would still be objective about this. It wasn't one of a member of his command that he had had for any length of time.

Q. He wasn't new was he? He--

A. (Interposing) He was the deputy, but it wasn't his brigade prior to 2 days before that.

Q. But he had been the deputy immediately prior, and he had taken the command on the 15th, is that correct?

A. As I understand it, sir.

Q. Do you have any recollection of anything that General YOUNG said to Colonel HENDERSON with respect to the desirability of some one of the five who were there at that time making the investigation?

A. I don't understand the question.

Q. Well, did General YOUNG make it clear that he wanted someone who was there, present, to make the investigation, rather than someone who had not as yet been brought into the matter?

A. Well, sir, he directed it--in my mind he told Colonel HENDERSON to conduct the investigation or an inquiry, to look into this and report.

Q. I understand that that was the ultimate directive?

A. As opposed to someone outside, sir, I don't recall.

Q. Did anyone raise the question of the possibility of having someone other than either Colonel BARKER or Colonel

HENDERSON conduct this investigation?

A. I don't recall.

Q. You don't have any recollection of any mention being made as to the desirability of having someone other than either Colonel BARKER or Colonel HENDERSON making the investigation?

A. No, sir. I don't have any recollection of it.

Q. When General YOUNG gave his instructions directing Colonel HENDERSON to make this investigation, did he indicate within what time period the investigation was to be made and report provided?

A. I don't recall a given number of days. I know that they wanted the answer just as quickly as possible.

Q. He indicated urgency did he?

A. Yes, sir. But as far as saying by a given date or day, I know that it was imperative that they wanted the answer. They wanted at least a preliminary response to the credibility of it and they wanted it right soon.

Q. You say that it was imperative. Was the nature of that imperative mentioned?

A. I don't recall there was.

Q. I am just trying to get the feel of why you say it was imperative?

A. Maybe, the word imperative was a poor choice. In other words, he relayed the fact that this isn't something to do when you've got time to do it. This is something I want you to put your--the bulk of your effort into and get me an answer, and get it as quickly as you can.

Q. In addition to giving instructions to Colonel HENDERSON, did General YOUNG give any instructions at the same time to any of the others present?

A. The only thing that he said to me, I don't know if he said it in that room or if it wasn't. I didn't see him immediately, but I know I was told by him at some time that

the operation was to continue along the same lines. I was to continue to operate from there. The operation continued as normal.

Q. Was anything said about your talking with any of those under your command?

A. I'm not sure if something was said or not. I endeavored to quiet this thing within my own company for fear that all we would get would be a great deal of untruth floating around within the command. This was going to be investigated, and if at that time something was wrong, we could tell--that is, the story they tell was one that was factual and so on, but just too many stories can get started, and I didn't want that to happen. So I purposely, within my own company, asked them not to even carry it--don't carry it beyond the company and don't harbor it in the billets, mulling it over and over again. Let it go. We'll have an answer shortly. I didn't try to kill it. I tried to abate it for a while until we knew.

IO: Could this, in your mind, have been interpreted as a coverup?

A. I didn't--I don't know, sir. Somebody might have interpreted it as that, but I thought I qualified it well enough with the people by the fact that it was being investigated, I wanted them to know that--

Q. (Interposing) You wanted to suppress this until such time the facts became known, is that a reasonably close analysis of your point?

A. Yes, sir.

MR MACCRATE: Did you remain with Colonel HENDERSON after the others left?

A. Yes, sir. He only asked me a couple of questions.

IO: Do you have any additional questions while all of these five people were together?

MR WALSH: Major, do you recall in that discussion whether Colonel BARKER would have said, "When I first heard this, yesterday, I directed the company to sweep back through the area and the order was countermanded by General KOSTER"?

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

Q. BARKER or HENDERSON or anyone said nothing about any sweep back through the area to check on these reports that you initially gave Colonel BARKER?

A. Well it was my recollection that the units didn't leave right away. It's always in my memory that the units stayed in there until at least the next day, this would have been the day of the 17th, for the specific purpose or opportunity to look in the area. As to the question, I don't remember in there the discussion of somebody countermanding another persons's wish.

Q. Was there any recollection as to anything that BARKER would have said as to the action you said that he took when you spoke to him on the previous day?

A. I think that he somehow gave an up-to-date report. He acknowledged the fact that he knew about it, that I had in fact told him about it the previous day, and I think he relayed the information he had about the matter at that time. It wasn't anything extensive. It wasn't a denial or acceptance of the allegation.

IO: Did he mention at that time that these people had been reported, 20 to 30 had been killed by artillery, or crossfire, or gunship action?

A. He gave some explanation for either not having seen that group, or some immediate response to it, sir.

IO: I would like to take an executive break for about three minutes. I would like to excuse you and your counsel for about three minutes.

(The hearing recessed at 1256 hours, 11 December 1969.)

(The hearing reconvened at 1300 hours, 11 December 1969.)

IO: This hearing will come to order.

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

Major WATKE, you are reminded that you are still under oath.

(WATKE)

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IO: We are going to recess now. We are going to reconvene at about 1345 to 1400 hours, but we will not be calling you back until about 1415 hours. We can excuse you at this time, and we will expect you to stand by and be available to start at about 1415 hours.

(The hearing recessed at 1306 hours, 11 December 1969.)

(The hearing reconvened at 1425 hours, 11 December 1969.)

IO: The hearing will come to order.

RCDR: All parties present before the hearing recessed are again present.

Sir, the board recalls Major WATKE.

(The witness was reminded that he was still under oath and testified as follows:)

IO: Now, just before we recessed we got up to the point of a discussion with you and another four individuals, including Colonel BARKER. Would you explain what happened after that?

A. Yes, sir. General YOUNG, Colonel BARKER, and Colonel HOLLADAY left. Colonel HENDERSON asked me to remain and I did so. He asked me about two questions, but I don't recall either question, but they were very brief. He also asked me if I would send up the pilots. I sent up three people, but I am not sure if he specified each and every one that he wanted or whether he just asked me to send up some of the crew. I sent up three people, one of whom was a Mr. THOMPSON. And I've always in my mind thought it was the commander of the other two gunships. However, I have previously spoken to Mr. THOMPSON, and he indicated it was his gunner and crew chief, but I don't recall that.

Q. But there were three individuals involved?

A. Yes, sir. There were three people. I recall they came to my van the previous day.

Q. Were they the same three people?

(WATKE)

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A. I'm not sure, but that is what I've always thought. It would have been the same three people. I can't be sure of that because if Colonel HENDERSON asked for specific people, very likely they would be, might have been different.

Q. What was the nature of the questions that Colonel HENDERSON put to you?

A. Sir, I don't recall. They didn't seem to me that they would be involved questions. I just don't recall the questions, but I remember they were just a couple. That is all.

Q. How long did you remain there with Colonel HENDERSON?

A. Just a minute or so that those questions took, sir. I left the room and went down and called for the people, and I remember that I spoke to them very briefly and told them to go up and to tell it as it was and don't be afraid to answer the questions.

Q. Warrant Officer THOMPSON went up. Did they all go up together or did they go individually or how did this happen?

A. I didn't specifically see it, sir, but as I recall they came back separately. I don't even know for a fact that all of them went in to see Colonel HENDERSON. But they went up together. My recollection is, Mr. THOMPSON came back alone to me and, briefly, I debriefed him or he briefed me on what had transpired. Beyond that, sir, I'm not sure.

Q. What did he indicate to you that he had told Colonel HENDERSON?

A. That he had verified to him that what was said to him earlier was in fact what he saw. He just reaffirmed, I guess, just what happened. I assume he must have explained it. I don't think that it was a long, great length of time that had expired.

Q. How long would you estimate he was in there before he--

A. (Interposing) Before I saw him again, sir? It was a good 15 minutes before he came back. I really can't

put a very definite time on it. I can't say whether he was physically in the presence of the colonel for a long or a short period. Definitely not. It could not have been more than 10 minutes, but whether it was a shorter period I don't know.

Q. In your judgment would he have had time to have told Colonel HENDERSON what he had told you?

A. I don't know if he could have expressed it and been properly queried in that length of time.

Q. But Colonel HENDERSON already had quite a bit of the information?

A. I assume that I relayed a good bit already in the story and that all he may have wanted was some additional answers to some relevant facts that I had given.

Q. Did you ever get a report from any other of the individuals that they had talked to Colonel HENDERSON?

A. Not that I can be sure of. I'm not sure in my mind if they in fact spoke to him. I am unclear to that really.

Q. Was there anything else concerning the meeting with Colonel HENDERSON that stands out in your mind, either concerning your discussion with him or concerning what you know of Warrant Officer THOMPSON's or the other people's discussion with Colonel HENDERSON?

A. Not that comes to mind.

Q. Did he give any specific instructions to you or others that you know of that you were to keep this quiet until this investigation was completed or anything of this nature?

A. I don't think so, sir. I have to go back. It probably sounds bad, but my instructions to my people were basically not to discuss it until the facts were presented and some more definite conclusions were drawn. If he did it just may have fitted in with what I did say. I just don't recall. I don't recall any instructions that he gave them specifically.

Q. When this discussion was completed, what happened then?

A. I stayed on the LZ the rest of the day. We continued, as best as I recall, to fly that day in support of the operation. There was nothing. We provided no major support to the troops that day. Nor did we flush out or make contact with any size force. We had returned that evening. Normally we would leave the area within the time frame of 1800 or 1830 and return to Chu Lai.

Q. That late in the evening?

A. Yes, sir. We would stay out and sometimes come in and actually land 15 or 20 minutes before dark. I did not like to get in too much after 1630 or so, because by that time you were pressing to try to get anybody to support you. Too often it would take somebody an hour to really react. I didn't venture too far out after 1630.

Q. On a different operational situation. During this period of 16 March to the 17th and the 18th and part, I believe, of the 19th, and recognizing that on the 17th and through the 18th, or part of the 18th, C/1/20 moved to the south from My Lai (1) down to the area of the Song Tra Khuc River and Bravo Company had proceeded across the bridge to the beach area just south of My Lai (1) and then had proceeded down, generally, along the coast to the villages of Co Lay (1) and Co Lay (2) and Co Lay (3), did you hear of any reports of civilians being killed in this particular area?

A. I don't recall any, sir. I don't think I flew in support of that. I don't personally recall what we did on the 18th or so. I don't recall supporting that operation at all, really, after the first day.

Q. Well the record will indicate, as I have indicated, two companies paralleled each other, one generally along the coast throughout those villages, and the other about a kilometer or a kilometer and a half inland pressing to the south until they reached the mouth of the river or riverbank. Subsequently they came back north and laagered somewhere between the south and My Lai(1) in independent laager areas on the 17th. On the 18th they proceeded on further to the north.

A. In answer to the question, no, sir, I don't recall.

Q. But you didn't have any information available to you of any unusual activity or killing or wounding of civilians

along this area?

A. No, sir. I thought this had really been resolved shortly after Colonel BARKER left in his helicopter the first day around the 16th. I never had any reports of similar observations from any of my people.

Q. You indicated that you had some subsequent discussions with Colonel HOLLADAY concerning this situation and the report to headquarters: the investigation, the ratio of enemy KIA, weapons captured in action, friendly KIA, and so forth. Can you give us the approximate time and the substance of those discussions?

A. A short time after this had taken place, I was--I was perhaps--in a couple of days, he wanted to know how I was getting along with any of the commanders in the southern portion of the division area. I never felt that anybody was unduly pressing me nor did I feel that anybody was hesitant to call upon me to do something for them. That was one time that he inquired about that. There was a time much later--he one time informed me, and I can't place it, but I think it was in April sometime and probably closer to the middle third, perhaps, in April, when he informed me that a report had been submitted and that General KOSTER had a commander's conference and verbally addressed the subject of rules of engagement and treatment of civilians. It was a complete verbal rehash of the SOP, and he said this ought to make you at least a little happier. I never saw that document, this letter, supposedly published on the matter. I think it was near the time that I was evacuated out.

Q. When were you evacuated out?

A. I was shot down on the 17th of April. I spent 3 or 4 days in intensive care in Chu Lai, and then I evacuated to Japan. Then I arrived back in the States on the 6th of May, not to return to Vietnam.

Q. You did not return?

A. No, sir.

Q. I'm glad that you brought that up. From your discussion of your assignment with the 196th--

A. (Interposing) That preceded that. I came in country in July--

the 4th of July, 1967, and I was the brigade aviation officer for the 196th, one of the parent units, or one of the units of the Americal, until I believe the 4th day of January when I was transferred to the 123d. And on the 12th of February I activated, organized, and trained the aero-scout company.

Q. You took over a staff job, so to speak, until you got your own command, is that correct?

A. Yes, sir.

Q. What was this time you were shot down again?

A. 17th of April, sir.

Q. You spent how many days?

A. I was there for 5 or 6 days and I got to Japan. I arrived in Japan I believe on the 30th of April--no, it must have been before that. It was on a Friday I remember, anyway, when I arrived in Japan. The following Tuesday morning they operated on me and the following Saturday they evacuated me to the States, and I definitely know on the 6th of May I arrived at Fort Benning, Georgia.

Q. Was your condition in the hospital at Chu Lai such that you could not have visitors?

A. I do not recall seeing anybody there for 2 days. My commander saw me on the first day. I told him I had a little bit of discomfort and all, and the next I recall is lying in the intensive care ward and talking to him. This must have been at least the next day. I recall Colonel GELLING, the 196th commander, came to visit me sometime while I was in the hospital. Then there was one day when I was taken out of the intensive care ward and put into a regular hospital bed, and a number of my people came by to say hello. The following day I was evacuated to Qui Nhon and then to Japan.

Q. If the report had been submitted on the 24th of April, would you have seen it? Even if it had been made available to you, would you have been there to see it?

A. I don't think so, sir. I could probably by letter, but I think I was already en route to Japan. I can backtrack

almost to determine that.

Q. When did Colonel HOLLADAY or whoever it was tell you that this thing had been looked into?

A. I never thought there was a total conclusion to the investigation. I was never aware of a final determination that was made.

Q. Were you aware of any interim report?

A. Not a report, no, sir. I just remember that there was a letter written. I recall that I was told there was a letter written on the subject of rules of engagement or subject similar to that, and that the same subject was addressed by the general at a commander's conference. I had always attributed that to be one of the responses to the allegation. I always then thought that there might be some credibility to it, because of this.

Q. Did you see the instructions that were put out by the Americal Division on this subject?

A. I don't know, sir.

Q. Well you're saying a letter or something took up this particular subject?

A. No, sir. I never saw that document.

Q. I have here Exhibit D-5, dated 16 March 1968, which was the Americal Division's "Rules of Engagement." I would ask if you have seen this document?

(Handed the document to the witness.)

Paragraph 9 states, "Implementing instructions and SOP's will be developed by major subordinate commanders to provide for control, coordination, and clearance of fires." Did you ever see the implementing instructions of this document prepared by your battalion?

A. To that document, no, sir. But I had--we didn't have a written SOP. We had an SOP under which we fired and that was covered. I covered this subject with my people several times because I was in a position where it was easy, in my opinion, to shoot people. I was afraid that my own

people, myself included, would get to a point where we could rationalize that we're shooting VC. We worked out on peripheral areas and we would get shot at. Then in the returning of this fire, there were some times when you could shoot at others, and maybe in the process you could in your mind justify it--the shooting of these people. It's a fine point because you don't know. I instructed my people that if they really thought that they had a VC, then there was legality enough to engage it. If they doubted it, then don't. They had to be the judge. They were the people that were there.

Q. Certainly babies and small children would not be considered as VC?

A. No, sir. In all the time I was there I didn't have that body count overall. And in all the time I was operational I hardly averaged a VC a day. I think my people were trying to, at least attempting to abide by the rules.

Q. I'd like to come back again, Major WATKE, to your discussion with Colonel HOLLADAY. You spoke of the fact that you did have some discussion, and then you indicated that there was some indication that something was being done, at least something was put out by the Americal Division, and General KOSTER discussed this particular matter with his commanders and staff at one of his staff meetings. Was there anything else discussed with Colonel HOLLADAY that is germane to this particular matter of investigation having to do with suspicion as to the body count ratio, enemy KIA to weapons, and things of this particular category?

A. Well he was all--well he suspicioned body count just as a general rule, and he always, as I recall, he also suspicioned this one. I think primarily from--because in all the other contacts when we were around, the 196th was the one that most often had a more active AO than the others. When there was a contact there was just a tempo of radio traffic that was going on, almost a panic request for air support. The assets of the division just kind of flowed to this contact.

Q. Now you are telling me about a feeling of contact?

A. Yes, sir. Yes, sir, and an urgency to get everything to the troops. I just didn't have the same feeling in this operation. To my recollection there was no contact there. Once the gunships from Duc Pho were released they were not



brought back. Almost the first thing the ground troops ask for if they get a contact is gunships. Even if they don't help them there seems to be the mental satisfaction that they are there. It gives them some degree of emotional support or some mental satisfaction that somebody else is there with them.

Q. Did he ever discuss this with you or did you ever discuss with him the possibility or the suspicion that it might be a coverup operation or a tendency to suppress the facts in this particular incident?

A. I can't vividly remember this, but there was a discussion they were awfully slow in giving any conclusive information on the subject. This may very likely have been one of the topics. I just can't vividly remember that. But a month had elapsed and nobody had come down and said you're wrong, and no one had come down and said we found your charges were founded. It was quite a time that elapsed.

Q. Would it be fair to say that even though he might not have suspected anything, he wasn't very happy about the situation?

A. I don't think anybody was very happy. I would have just liked to have an answer to my people. I don't think my people forgot this, and I wasn't responsive to them.

Q. You are a commander--or were a commander at that time. Now, Mr. MACCRATE, do you have some questions you would like to ask?

MR MACCRATE: Not at the moment.

COL FRANKLIN: How many battalions did you operate with when you were the commander of the company, generally speaking?

A. I had operated on one operation with two battalions in the 198th area, principally west of Chu Lai. That was a two-battalion operation, the numbers of which I'm not sure. But it was two, and they had three at the time. And I worked with the 4/3 west of the highway, and I was down on one operation again with the 1/20 down in Mo Duc. We were stationed down in Mo Duc for that operation.

Q. I'm not trying to tie that down. I'm trying to get an idea of how many battalions you operated with. How

did your people like operating with Task Force Barker--the kind of coordination made--the way they took care of your guys on Dottie as compared to other battalions. What was the impression that you and your people had of Task Force Barker?

A. I think we had good rapport. I think we were developing very good. I think you couldn't ask for--that any battalion was more considerate of me. If I had a communications problem, the commo sergeant was down as soon as he heard about it, like mine was the most important radio on the whole base. He would leave you with this impression. My people, a couple of weeks before I left, started eating every day with--they were fed by the artillery battery, the composite battery. They had no reason to do that. They said they could cook for 40 people as well as for their own. I think that rapport was excellent.

Q. (Interposing) Did you and your company consider Task Force Barker an "uptight," "strac," professional outfit?

A. Yes. I think everybody had a little question as a result of this operation. Prior to that, no question about it. After that the rapport was still good. I thought if they were really disgruntled over this, were really impatient for an answer, they didn't express this nor did they express it later.

COL FRANKLIN: Thank you.

IO: Major WATKE, I have here a message which has been entered into the evidence of this hearing as Exhibit M-7. I show you this message Exhibit M-7. A clean copy is written on the second page. Would you look at this please?

(Handed the exhibit to the witness.)

A. Yes, sir. Colonel HOLLADAY showed this to me.

Q. In light of the situation as you knew it, or how you might have felt, how did you and how did your command react to this message?

A. Well, I thought it was kind of inappropriate, under the circumstances of what we had alleged. The teamwork definitely wasn't an appropriate term to call it. We thought

that we were overaggressive. It wasn't received too well, sir. Colonel HOLLADAY thought it had more meaning than all that.

Q. What do you mean by that?

A. He made some comment to me about the fact--what was the ulterior motive of a cable of this sort under the circumstances.

Q. Well, COMUSMACV, then General WESTMORELAND, had a habit, whenever there was a noteworthy action, of sending a letter commending the personnel involved. But to have received such a message, which is understandable--it's the feeling that you have receiving a message such as that when you and perhaps others might have had doubts as to who these people were that might have been reported. This is the reaction that I am seeking to obtain.

A. Well, no one was proud of the operation, sir. No one was taking any credit for it, for a job well done.

Q. Message or no message?

A. Yes, sir.

Q. I want to clarify one point, Major WATKE, but before I do that I have here Exhibit R-1, a Letter of Transmittal for the Report of Investigation to the Commanding General of the Americal Division. I would ask you to scan this document to see: one, if you have ever seen this document, or two, if you were informed of the general contents of the document, perhaps before the document might have even arrived at the headquarters (handing the document to MAJ WATKE).

A. I have never seen the document, sir. I never saw the document, sir. He spoke to more people than he has indicated. He spoke to some of my people if this is in relation to the investigation.

Q. I refer you to the two inclosures. The first inclosure to that document, the inclosure on which you have "statement" at the top, I would ask you if you have ever seen that document or if you had any information that is included in that particular document available to you?

A. I have never seen this document. I have never even

known of the existence of this document. I was never aware of any people who were gathered up in any numbers and just shot down. The first awareness I had to that was the publication of information in the newspaper in the States, just recently.

Q. That's fine. I am concerned whether or not you heard anybody had reported the killing of civilians to other people?

A. I was never where the ARVN were.

Q. I refer you to the second inclosure. This inclosure is an English translation of the VC propaganda leaflet. I would ask you to scan that, in particular the second paragraph of the top of page 2. (Witness does as requested.)

A. I have never seen this document.

Q. Have you read the second paragraph?

A. I am just finishing it, sir.

Q. Were you ever aware that the VC might have been citing this for propaganda, even printed propaganda, slogans, or any other symbolism?

A. No, sir. I never had any awareness of this operation by anybody.

Q. Were you aware that an initial informal report had been submitted to the Americal Division a few days after the My Lai incident?

A. I wasn't apprised of that, sir.

Q. You were not informed?

A. No, sir.

Q. I'll come back to your testimony on prior interrogation which was repeated. You said that Colonel HOLLADAY told you that the investigation was completed at some time. "When was this?" Your response was, "I believe it was close to a month after it happened that they had the report--that a report had been rendered, and the results were inconclusive, none was found to have committed a crime."

A. Well, I think that I--my recollection of this paper, but it wasn't a report and I didn't recall that it was a directive. I thought a letter was prepared about a month, at the end of this month, corresponding with the verbal--the commander's conference that the general conducted.

Q. You will note that this report is based upon the allegation made in the statement at Inclosure 1, which is dated the 14th of April. So this phase of the investigation started somewhat later, about a month after the incident. Since this report was not submitted until subsequent to your departure, it is quite apparent that you would not have seen the report itself, although the investigation was going on. There may have been information coming into the headquarters via command channels. That is one possibility. Another possibility is that the preliminary report of investigation was made by Colonel HENDERSON as a result of the direction that you had heard in the van that day, which would have been the morning of the 17th. This is why I am trying to tie this down just a little tighter because you had made the statement, and Colonel HENDERSON had indicated that something was received that was inconclusive.

A. This may have been a report that he rendered, sir, as a result of the meeting in the van which certainly isn't very in-depth, sir. I was never apprised of this, the results of it. I was informed, I'm sure by, I think, Colonel BARKER, that they never did locate the individual who was wearing the helmet, and at some time frame his observations out there didn't lend him to believe there was an undue killing of personnel.

Q. Colonel BARKER told you this?

A. At some time, sir. I don't recall whether it was a day later or even that same day or whether it was several days later. I know that at the time, when I think a bit, the investigation was still going on. This was just an interim, and when they got down to investigate they were finding a little bit more, because at the time no one had come out and said, "You are all wrong." No one ever came back and told me or told me to tell my people: "They didn't know what the hell they were talking about."

Q. Just to clarify in your mind--the fact that this

did not include your people, it would not be necessary in this investigation to have contacted your people. I am not saying that it would not have been desirable, but this having started on the 14th and a preliminary report having been provided, this doesn't necessarily relate to former inquiry, if I make my point clear.

A. Yes, sir.

MR MACCRATE: Major WATKE, when the five of you were assembled at LZ Dottie on the morning of the 17th of March, was there a suggestion at any time, by anyone in that group, that your men should be investigated for having threatened to shoot other American soldiers?

A. I don't recall, sir.

Q. This question never came up?

A. As such to investigate my people? No, sir. Not in that manner.

Q. There was no thought here that your people should be investigated for anything they had done on the 16th?

A. No, sir. I don't recollect any.

Q. The investigation was directed rather to what the members of the ground forces had been doing, is that correct?

A. Yes, sir. I think that in an investigation they would certainly have had to question my people and determine the credibility of their statements.

Q. But your people had taken a very unusual action, had they not?

A. In reporting this and all, sir?

Q. Well, in threatening to shoot other American soldiers?

A. Well, this has always been my great concern.

Q. But no one there assembled at that time, in the

circumstances, felt at all concerned about what they had done?

A. It didn't seem to me that it was brought up as a strong point at all at that meeting.

MR MACCRATE: Thank you.

COL MILLER: You said that after this telegram came out people didn't seem to be too happy about it?

A. I'm speaking now of myself and Colonel HOLLADAY. I wouldn't even swear that I even showed this telegram to the troops.

COL MILLER: That's all I have.

COL WILSON: I was under the impression that the communication regarding U.S. forces firing on each other was between Mr. THOMPSON and his pilots of his gunships. Was there ever an open transmission of this type? Was there anything? Would this communication go from THOMPSON to the ground commander down there, or to anybody on the ground?

A. Well, this was the point. It was between THOMPSON and the person he was talking to on the ground. I can't tell you now if it went over the air, if THOMPSON, when he got back in the helicopter, put it out over the air and instructed the people, "If I get shot,"--I don't know, but the link was finding this individual on the ground.

Q. He did say this to the individual on the ground? It wasn't just a comment to this pilot?

A. It was indicated to me that he did. He was instructing his people that if he was shot at, they were going to shoot back.

IO: Was he talking to his crew chief and his gunner or was he talking to his gunships?

A. I always thought he meant both.

Q. If he did this, to his gunships, he could have only communicated over the UHF?

A. Yes, sir, and I'm not sure that the transmission ever went over the radio.

MR WALSH: Before you were shot down did any of your people ever ask you the results of the investigation?

A. I can't answer it definitely. I think they did. Yes. I think shortly after. Maybe within the time frame of several days. It couldn't have been more than once or twice. I always felt a little sheepish about it. I'm sure that they had it in mind.

Q. Did you make any inquiries of Colonel HOLLADAY or others when the report was coming down?

A. Only one time when Colonel BARKER had informed me of the status there. I don't know if that was as a result --or if he just--I never did go to division. I never went beyond Colonel HOLLADAY. I may very well have asked Colonel HOLLADAY if he heard anything on it. I am regretful that I never pursued it with the vim and vigor--

MR WALSH: (Interposing) I have no other questions.

IO: Major WATKE, you have been very helpful today in helping to clear up a lot for us, and we appreciate it very much. I would like to inform you again: if you have any further recollections of the incident, or documents, maps, photos, memorandums, and any other material which in your judgment will assist us in coming to some valid findings and recommendations for the purposes of this hearing, we would appreciate it very much if you would come forward with it. Thank you very much.

(The aerial photograph, Exhibit P-1, which was annotated by MAJ WATKE was received and entered into evidence as Exhibit P-1C.)

(The hearing recessed at 1525 hours, 11 December 1969.)



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(The hearing was called to order at 1121 hours, 12 December 1969.)

IO: This hearing will come to order.

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

The next witnesses will be Lieutenant Colonel HOLLADAY and Major WATKE.

Colonel HOLLADAY; Major WATKE. I remind you that you remain under oath to this board.

IO: Colonel HOLLADAY and Major WATKE, we have recalled you together for the express purpose of trying to establish times, dates and places. When you (speaking to LTC HOLLADAY) departed we were quite satisfied with your explanation of times and dates. And when you (speaking to MAJ WATKE) departed we were quite satisfied with times and dates and places. If you recall, however, we had asked both of you if you could think of anything else that might shed light upon it, to improve our investigation, whether it would be a thought, or whether it would be a piece of paper, or whatever it might be, would you please so indicate. This has been the case. Major WATKE has provided copies of letters which he wrote to his family which provide some detail as to what he did on these days. So my purpose in getting you together is to see if we can't resolve this problem which is really germane to what we are trying to do here, to get this sequence of events established. What happened at various times and places? Now, both of you, in your testimony, have indicated that you had talked together the night of the 16th. That fact is quite well established and corroborated by both of your testimonies. Both of you indicated that you subsequently, the following morning, went to see General YOUNG at division headquarters and reported the incident to him, or reported to him the information which had been provided, with Major WATKE doing the primary talking to describe the incident. The indication, then, is that Major WATKE went on his way and ended up at LZ Dottie and that some time subsequent to that, in the morning, the word was issued to you (LTC HOLLADAY), and General YOUNG, Colonel HENDERSON, Colonel BARKER, and you Major WATKE, the five of you were to assemble at LZ Dottie. The times and circumstances here are all consistent

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as far as the testimony, but these letters would indicate something different happened, not serious. It is just a question of time. I would like to ask (speaking to MAJ WATKE) would you have any objection to having these letters entered in this hearing as testimony?

MAJ WATKE: No, sir, not if I can eventually get them back sometime, sir.

IO: Well, as a matter of fact we can have true copies made of them and give them back to you immediately. It's not the letters I'm interested in.

MAJ WATKE: Yes, sir, they can be entered.

IO: I would ask you to take a close look at this because there are only certain parts of those letters that I'm interested in. If there are any parts that you would like to have deleted which are not germane to the issue we can do this.

MAJ WATKE: It is not necessary to do this.

IO: I have three letters from Major WATKE to his family dated 16 March 1968, 17 March 1968, and 18 March 1968. I would like to have these letters entered into the record as exhibits.

RCDR: Major WATKE's letter of 16 March 1968 is identified as Exhibit M-10. Major WATKE's letter of 17 March 1968 is identified as Exhibit M-11. Major WATKE's letter of 18 March 1968 is identified as M-12.

COL MILLER: Let the record reflect also that the originals will be withdrawn and copies substituted therefore.

IO: Add to the record that the exhibits will include either the originals or facsimiles of the envelopes as well.

MAJ WATKE: As long as they are needed you may have them.

IO: I have not studied these letters in detail, but I would not ask you to subject anything that is personal between your wife and yourself to the scrutiny of the American public.

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MAJ WATKE: Well, sir, my wife has always said that my letters to her could be read over the radio.

IO: Colonel HOLLADAY, I have the letter of the 17th. I show you a copy of the exhibit dated the 17th (Exhibit M-11). Would you read this please?

(The witness did as directed.)

I here also show you a copy of a letter dated on the 18th (Exhibit M-12).

(The witness examined the document.)

Do these letters help to refresh anybody's memory so as to straighten out these events? I think the critical point is whether this meeting took place on the 17th or the 18th. Now obviously, if you flew down together to Duc Pho on the 17th, as it is indicated in the letter, you probably didn't have the meeting that day and probably held the meeting the following day as it is indicated on the letter of the 18th.

MAJ WATKE: I can remember the meeting at Duc Pho, not so much what was discussed in the meeting, but as we left-- that my particular allegations that I had talked about were never discussed down there. They never asked a question. They never implied that they had any awareness that anything had happened on the 16th. The comment was made, by either myself or the colonel (HOLLADAY), that if they knew it, it was sure coldblooded that they didn't, just didn't bring it up to us to ask questions and challenge us, or anything to this effect.

IO: Do you remember those circumstances, Colonel HOLLADAY?

LTC HOLLADAY: I remember the day that we flew to Duc Pho together. Didn't we (talking to MAJ WATKE) have to go through a couple of helicopters before we could find one that would run? And that was the day that you did not wear a "chicken board." This is the same trip--the one that I remember.

MAJ WATKE: The only one that we had I think, sir (talking to LTC HOLLADAY).

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(HOLLADAY)

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LTC HOLLADAY: We were going to Duc Pho and in this instance we couldn't get one helicopter started. It had a bad battery, and another one had something else wrong with it; and as I recall, we finally got a third helicopter and went down. And I remember telling you (MAJ WATKE) to wear a "chicken board" from now on for that part of the trip. I can't remember any of the events that occurred afterwards down there, nothing significant. We talked to Colonel HENDERSON. I can't remember the guts of that conversation at all.

IO: According to the letter, the indication, the object of the conversation was not the previous day's activities or anything of this nature but what is stated here: to talk to the brigade commander, reference "my (WATKE's) unit and its capabilities."

MAJ WATKE: I had felt that I could more efficiently be utilized and this was a result of previous talks with the colonel (LTC HOLLADAY). We went down to explain what assets I really had and how I might be more fully employed. That was really the theme of the conversation.

IO: If we reconstruct the times then, assuming this did happen, that you did go down on the 17th, this would mean that you talked on Saturday night together, which would be the night of the 16th. I believe that's consistent with the testimony that you gave and you gave. Late in the evening sometime, they are not exact times but somewhere between 2100 and midnight, the two of you discussed in considerable depth what had transpired during the operation and what had been reported. This was your report and you (to WATKE) were cautioned. You cautioned him (to HOLLADAY) and so forth about the gravity of what he was saying. Then according to your testimony, you "agonized" or something.

LTC HOLLADAY: Yes, sir.

IO: The following morning the two of you reported to General YOUNG to report this incident, sometime following which you went to church, Major WATKE?

MAJ WATKE: Yes, sir.

IO: I don't know what time. What is your faith?

MAJ WATKE: Roman Catholic.

IO: What time was the service normally held? It doesn't make much difference. You were late.

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MAJ WATKE: I don't really recall, sir.

IO: It would indicate that after the church services, and perhaps later in the morning or shortly after lunch, the two of you flew to Duc Pho to talk to Colonel HENDERSON, the brigade commander, and after returning you talked to your new troops. Then it was the following day, the morning of the 18th, that the meeting was called to be held at LZ Dottie, which is consistent with everything that is put down here in the letters.

MAJ WATKE: I think that's right, sir, because I have never been able to recall how I got to Duc Pho on the 17th, and I was stating that yesterday in my testimony. I knew I didn't drive down; I flew. But I couldn't remember how I got there. It was because I never went down to LZ Dottie on the 17th.

IO: I believe you meant by what you just stated that you didn't know how you got to LZ Dottie not to Duc Pho.

MAJ WATKE: To LZ Dottie. I have no reason to believe--I believe that everything in the letters was as it occurred.

IO: Other than the 17th, everything that, time-wise, you gentlemen have said meshes together very well. But this particular point, dropping out the 17th for this activity, this creates the problem.

The hearing will be recessed.

(The hearing recessed at 1141 hours, 12 December 1969.)

(The hearing reconvened at 1147 hours, 12 December 1969.)

IO: The hearing will come to order.

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

IO: Would there be anything flying down to Duc Pho on Sunday the 17th which would stand out in your mind?

MAJ WATKE: Well, getting the airplane. When one broke down we went to another one, and there was difficulty in finding out which one to go to, and I remember that the colonel was typically--he became rather vociferous about getting someone

out there to find the other airplane, and when the second one didn't work it was pretty hilarious. But we did get one, and we went down. It was a pretty, sunshiny Sunday. The reason we had trouble getting the people was that it was Sunday. All the people weren't on the line and working as hard as they normally would on other days.

IO: Well there might be some other things that you might have, if you think about it. The thought came to your mind that you went down to talk about the 123d aer scout unit, and you did talk about the organization, the capability, and how it might be better used, and the thought came to your mind, "I wonder why it is that they don't know anything about it or what might have transpired." Now my point is that you and Colonel HOLLADAY had talked this one over at considerable length the night before, and it seems that in flying in the airplane together there might have been some communication back and forth which on the particular day you might have discussed as you were flying back to Chu Lai. Has anything such as this come to mind?

MAJ WATKE: Well, I don't remember if it was in the airplane or walking back for the plane, but I was expecting to be dressed down rather harshly by somebody in either Task Force Barker or one of the ground units for my allegations, and I didn't expect the people to just accept what I said at face value. People would resist. Every time I told the story I waited for someone to pounce back on me. When we went down to Duc Pho, at least mentally, I didn't express myself in words, I expected them to bring up this subject, and I would once again have to defend myself and my allegation. It just never was mentioned down there as I recall. They didn't say anything. Why didn't they? They didn't know, or why didn't they know or it was--

MR MACCRATE: (Interposing) Who would have been those at Duc Pho at that time who you saw and who--

MAJ WATKE: (Interposing) Colonel HENDERSON.

MR MACCRATE: Who in addition to Colonel HENDERSON?

MAJ WATKE: Colonel GREEN was there. We sat in the office that was up on a hill. There was the TOC as you walked up the road of the 11th Brigade, which was kind of walking towards the east; on the left-hand side was the TOC building,

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semi-underground, on the right-hand side was the S3's office. The S2 was in an office just adjacent to his. I'm not positive of that. If you continued on to the east, the road bent around to the right, and I believe that, at least when the general had the brigade, he lived in a building that was up a number of steps, and off to the left of this was an office. And it was in that room that we had our discussion.

IO: Would you call that a briefing room?

MAJ WATKE: No, sir. It's just more his office, sir, just a desk and one or two couches, and we sat around it and there was a minimum of four of us in the room.

MR WEST: According to the sequence of events set out in your letters, then, at this time you had talked to General YOUNG. The previous day, 16th, you had talked to Colonel BARKER--

MAJ WATKE: (Interposing) Colonel BARKER.

MR WEST: Before going to Colonel HOLLADAY? Presumably the knowledge of this incident--complaint going to Task Force Barker, would have been through Colonel BARKER. Is that a fair assumption?

MAJ WATKE: It was known at both the infantry battalion level and at the division level. That afternoon obviously they did not express at brigade level that they were aware of this incident at that time, which I thought was rather--

MR WEST: (Interposing) You had not reported it to brigade? You talked to Colonel BARKER and then you talked to Colonel HOLLADAY?

MAJ WATKE: No, sir, I never have. I thought--well I don't know what I thought at the time really. But now that I think of it, it would have been out of place for us to directly go to the brigade. Well, it wouldn't have been actually incorrect, but BARKER knew. His boss (COL HENDERSON), not mine--

MR WEST: (Interposing) Going back to your meeting with General YOUNG, would he have indicated at the end of this conference that he wanted to think about this, that he would get in touch with you later, or anything of that nature, indicating

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possibly that he was not going to take immediate action?

LTC HOLLADAY: No, not as I remember, sir.

IO: Did he say anything about wanting to pass this on to General KOSTER and talk it over with General KOSTER?

LTC HOLLADAY: No, sir. As I recall it, he made the arrangements. Here again, it was through his aide or the chief of staff, that morning, the 17th, to have the meeting at LZ Dottie with Colonel BARKER and Colonel HENDERSON later on that morning (17th). I've got to say that in spite of reading here what's in these letters, which refer to it as the 18th.

IO: This is exactly what he said. It's not verbatim. Until such time as these letters arrived on the scene with a different sequence of events, I had it firmly fixed in my mind that it took place on the morning of the 17th. But this would indicate quite to the contrary.

MAJ WATKE: All I can say, sir, is that I would have never changed my testimony had it not been for these. But I--there is no reason to believe that what I wrote isn't in fact what transpired, for it was written the day of the happening and I just consider it being more factual than my memory.

MR WEST: It was your habit to sit down every evening and write a letter?

MAJ WATKE: Yes, sir, my wife has a diary, a 300 and something page diary, of my tour in Vietnam. I am sure, it's in my mind now that this is the sequence of events. No reason to infer that this is not, in fact, what did take place.

MR WEST: Was Colonel HENDERSON present at the Duc Pho meeting?

MAJ WATKE: Yes, sir, it was in his office, I'm sure it was.

LTC HOLLADAY: We had been having some trouble with the aero-scout company. It was a newly-organized unit and Fred (MAJ WATKE) didn't think they were being utilized properly. We set this meeting up with Colonel HENDERSON.

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(HOLLADAY)

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MR WEST: This was an experimental company?

LTC HOLLADAY: No, sir, it's not experimental, it is sort of a mini-air-cav troop.

MR WEST: Okay.

MR WALSH: In the second paragraph of your letter of the 18th you refer to an operation that you were conducting that morning and as a reference thereto--

MAJ WATKE: (Interposing) This morning we snatched a suspect?

MR WALSH: Yes. "And we are conducting a combined operation with an infantry company this afternoon." That would indicate--

MAJ WATKE: (Interposing) That was with the 4/3 across the highway.

MR. WALSH: Were you flying that morning?

MAJ WATKE: Yes, sir.

MR WALSH: It seems to be a little inconsistent with the meeting at 9 a.m. but--

MAJ WATKE: (Interposing) Well this is the thing, the 9 a.m. meeting came to me in a phone call. I wasn't aware of the meeting. It was not a preset meeting. In other words, I went down that morning not knowing that I had a meeting to attend at 9 o'clock with the general. I got the call either through BARKER or through the colonel's (indicating LTC HOLLADAY) radio that I was to meet up there with these people. We were conducting an operation and we had gone out and put our people in a blocking position, and the 4/3 was sweeping down. I can go out, I think, and find that place, I'm that positive. Well we put them in and nothing took place that day.

MR WEST: But you went on up to Chu Lai?

MAJ WATKE: No, sir, the meeting was at LZ Dottie.

IO: On the 18th?

MAJ WATKE: "Snatch" was just another operation. This is

just another term that we use. We go and they would select an area, and I say they, the infantry battalion or the brigade would say they wanted a military-age male if possible out of a given area. Usually they went into areas out beyond where they maintained their troops, into the valleys, out in the VC areas. We would go out and find one and just snatch him off the face of the earth and take him back to CID. We had a policy, though, that if he turned out to be VC then I would take them back out and place them, not in the same place, but within easy walking distance of where I'd snatched them, hoping that someday we'd get him again.

IO: Anybody else have any questions that they would like to address to either Colonel HOLLADAY or Major WATKE?

We may have to recall you at a later time to see if we can clarify this further. In the meantime I wish that both of you would keep your thinking caps on to see if you can reconstruct the events during the 16th, 17th, and 18th so that we can try to firm up the dates when these meetings took place. Does either of you have anything else that you would like to say or might contribute to what we are seeking in this investigation?

LTC HOLLADAY: No, sir.

MAJ WATKE: No, sir.

IO: The hearing will recess until 1330.

(The hearing recessed at 1200 hours, 12 December 1969.)

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(The hearing reconvened at 1531 hours, 19 December 1969.)

IO: The hearing will come to order.

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

The hearing recalls Major WATKE. Major WATKE you are reminded that you remain under oath.

IO: Major WATKE, after we had been together a couple of times and received testimony from you, we have received testimony from other people. We thought it would be advisable that we ask you to return, so that we can try to get a couple of points clarified.

A. Yes, sir.

Q. One of the points that we have some problems with has to do with what was said to General YOUNG when you and Colonel HOLLADAY went to him the morning of the 17th. As I recall, when we first talked to you about what was reported to you, and the things that stuck in your mind and so forth, the big impression that you had and the thing that stuck with you really was the confrontation that took place. Later, when we asked you and Colonel HOLLADAY to come in together because of some differences, I remember you saying, "Yes, I was concerned about this confrontation, but Colonel HOLLADAY was much more concerned about the civilian casualties," and from then on we shifted to your discussion with General YOUNG and then also to your meeting with General YOUNG, Colonel HENDERSON, and Colonel BARKER, probably the morning of the 18th at LZ Dottie. So, it becomes quite important and very much germane as to really what was said to General YOUNG and for this reason we would like you to tell us again, as best you can, what the information and what the impression was that you conveyed, yourself and Colonel HOLLADAY, to General YOUNG.

A. When I went to Colonel HOLLADAY that evening, I think what was uppermost in my mind was the fact that I had this confrontation--or my people had had it with the people

on the ground, and I think I put less, at that particular moment in time, less importance on the casualties for perhaps a couple of reasons. One, as I stated before, I wasn't all that positive that my people really had seen what they had thought they had seen; secondly, I wasn't all that positive that there were really as many casualties as was being reported. Because the tempo of the battle being waged, or what you are hearing over the radio as such, didn't lead you to believe that there was that much of a fight really going on. I felt that there would be repercussions at my level, that is, at the Task Force Barker to my level and so on, over a confrontation of people arguing on the ground over the operation. I think Colonel HOLLADAY was never all that concerned. I don't think that this bothered him at his level. For this reason, he asked me whether I realized what I was really accusing of having transpired on the ground--and in this respect meaning the casualties, that people were perhaps needlessly killed and wounded. I thought I did, but perhaps I didn't. I think when we--later the next morning--went to General YOUNG the highlighting thing was the casualties, as opposed to the conflict between my pilots and the personnel on the ground. I tried to really think what I said. I'm convinced that what I said to one, I basically said to everyone, but whether I told this committee a good portion of what I told them I'm not really too sure in my mind. I have the feeling that I am unintentionally, probably, withholding something, but I honestly can't bring it back to mind. I can't remember enough of the specifics. I know that the basic story was the fact that one of my pilots, Mr. THOMPSON, did have a discussion on the ground with an unknown individual which terminated in one threatening the other to shoot. Then the story went on of the needless wounding of personnel on the ground as a result of firing.

Q. Wounding or killing?

A. Well, I'm sure both, sir. I'm sure it was both.

MR MACCRATE: Excuse me, can you tell us why, and you have done this repeatedly, when you tell us the story you use the word "wounding" rather than killing?

A. Well, I think one of the reasons for this is, I seem to have it in my mind that the firing was done at a range of 25-50 meters or thereabouts or perhaps even more as opposed to 5 meters or 10 meters where people are just so close that there isn't any question of what they are doing. I think I say "wounding" because I don't think they knew, really, when they hit somebody, but they obviously were. My people observed wounded people that they attributed to the firing--and dead also. I have tried to ask this as it was once asked me before, and I think that is what it is. They didn't know when they killed as opposed to wounded. For some reason I'm saying "wounded" and obviously they killed the people as well as wounded them.

IO: Did THOMPSON tell you of this ditch containing this large number of dead civilians?

A. I can't remember it, sir. This is why I say I feel that I must be withholding some information but I honestly--I don't know that I am. In my mind, I don't recall as much in my mind of what went on down at LZ Dottie that day. For instance, the sequence in which I presented my story to people and I feel in my own mind that I should. There is no reason why I wouldn't remember one as well as the other. As I recall, the theme of it was the people in their reconning by fire, as they were advancing, were just wounding people, and my people had seen people in the line of fire. They attempted to resolve it on the ground, not for them to continue firing in these areas, because they knew the people were there and they knew in fact that they were going to hit them. And as a result of their landing this was confirmed that it had, at least in their mind, that this firing had caused the casualties that they saw. I do not specifically recall them mentioning a ditch containing an abnormally large number of people. I can't really place a ditch, sir.

Q. Did you ever see any stacks of bodies?

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

Q. When you and Colonel HOLLADAY were here and we asked what was the order of magnitude of people that we are talking about killed, Colonel HOLLADAY as I recall gave a figure of 100-120. This gets into the fact of your discussion with him, and as I recall you mentioned something about 50.

A. I'm sorry I mentioned it--that number 50-- maybe the figure of 120 is closer. That may have been the preliminary body count. I know our discussion did range that evening as to how many of that body count were other than positive VC, soldiers, as opposed to people who might have been assisting. It's hard to say what a VC is.

Q. Well, you see, this comes down to the point of interpretation and this is what we are trying to get. If you just paint the word-picture that out here in front, someplace out here in the line of fire, there are civilians, and say these people are occasionally getting hit by fire during the confrontation of these forces and so on, this is one condition. But, if your coming--as a matter of fact, I wondered exactly why Colonel HOLLADAY was so concerned of maybe perhaps civilians being wounded as opposed to the indiscriminate killing of civilians, as was indicated.

A. I recall when I heard--they saw a large number of people, or what they believed to be a large number of people, and I assumed that there probably was some figure given. I can't recall the figure, but I remember the artillery. They thought there was a number initially. When they got into the area, they saw a number of people that had been killed as a result of artillery, that they determined at that time they had been killed by artillery. But then as they moved people they must have seen more than one or two people--that they moved a fair number of people from within the area of concern to a safer area and they then obviously saw wounded people--but I just don't recall that there was a significantly large number or a significant number in any one location such as in a ditch. I just can't recall, but in any case they obviously saw more than just one or two. That raised this concern, because the initial indication of the magnitude of wounded really was attributed in their minds to artillery

and not firing of the troops. Later when they came back to me, this wasn't a point of discussion--the number of wounded by the artillery--but the number who had been wounded or at least shot, wounded and dead as a result of the reconning by fire.

MR MACCRATE: Who identified the wounded by artillery? Were you relying upon the reports coming to the TOC?

A. This was as a result of their initial flying over the troops establishing contact, just their visual observations in the courtyards of the homes and of the people they had seen. I think it was just a natural assumption, that was how they were wounded, and I don't know if this is not a fact. But this was before they had been in there any length of time as I recall.

IO: What condition was THOMPSON in when he came to you at noon of the 16th and told you about this?

A. I don't think he was unemotional.

Q. Was he mad?

A. No, sir, I think just deeply concerned. He felt that he had a cause. He wanted this to be known. He wanted me to know it, and he wanted me to do something about it. They went on to say what it was and I did have some discussion as to what really took place.

Q. Who was with THOMPSON when he told you this?

A. Sir, I'm sure it was--well, I'm not sure--I just can't help believe it was not other pilots. It may have been his crew, but I just don't think it was, because I so rarely ever confronted a crew, because I always went to the aircraft commander.

Q. Before you went to Colonel BARKER you were so convinced in your own mind that something was radically wrong that you reported it rather than going out, and going in the H-23, and taking a personal look at it?

A. Yes, sir, I didn't think that I--I'm sure that's what I had in mind--that I could really on my own stop it,

if there was something going wrong. I hadn't the powers to really stop it and the man who could was close to me. I do know that when I finished talking to them, I was convinced that I had to relay their story, their convictions, to Colonel BARKER who could do something about it. I'm not all that positive that I--I don't think I was positively in agreement as to what was really going on. I was fearful that there would be repercussions that--just simply that you're wrong, your people really don't realize what they are saying, and then we get down to professionalism and our ability to report. This was in my mind.

Q. Did THOMPSON ever tell you that he had stopped by where he picked up this boy, the wounded boy, and flew him to the hospital in Quang Ngai?

A. Oh, I knew that, yes, sir.

Q. Do you know where he got the boy?

A. He was out in a field location, but I don't recall what the physical terrain was like. I always thought that it was a hootch area. They told me that child came from there. Then later they told me a bunker. I don't remember it being a bunker. I had always thought that was the location where the child was picked up. I think the first recollection or the first information I had that he had a child was when the other crew--one of the gunships called back and simply stated that he was en route to Quang Ngai with a wounded child. When he landed and came up, we discussed it. He then amplified on this.

Q. Does the name CULVERHOUSE mean anything to you?

A. It doesn't seem to be altogether foreign, but I can't--

Q. (Interposing) Was he one of the pilots or copilots in one of the gunships that reported to you along with THOMPSON, and possibly Captain LIVINGSTON?



A. It's possible, sir, but CULVERHOUSE--if I can try to place him. I can't really positively place him as being in my unit. He hadn't been there that long. LIVINGSTON is the same way. I--they would've been just the pilots, not the aircraft commanders. I'm not too sure why they would've been coming up with THOMPSON. It's possible, sir, but I just--

Q. (Interposing) Was Mr. MILLIANS one of them?

A. I would have thought so, yes, sir. He was the aircraft commander for one of the gunships, and the one that went down. He physically partook. He seems to be the one that would, in my mind, be the most logical pilot to accompany THOMPSON, to lend some real validity to what was seen. Very likely I might have talked to the pilot, but it just seems to me that I would have wanted the information from the aircraft commander.

MR WEST: We talked to Mr. MILLIANS and he has a very bad memory for names.

IO: Well you see at the moment I'm not at all sure of what you told General YOUNG. Whether you gave him an indication that people were killed or whether there was a confrontation or exactly what you reported to-- you and Colonel HOLLADAY reported to General YOUNG. Now you both are in agreement that the night before that you were concerned about a confrontation; he was more concerned about the civilian casualties or what might be termed indiscriminate killing of women and children. And yet, when we get to General YOUNG, it isn't clear what was stated.

A. I'm sure both points were covered. I'm not certain where the emphasis was, on which of the two points.

Q. But on this one point, of civilians, if it's just going to be a story of somebody off at a long range and in the line of fire and maybe a little more fire directed that way than should be, well that's one thing. But if we get down where there's a large number of civilians killed and wounded in this area, being killed

as the result of small arms fire, this is an entirely different impression.

A. I really don't think that there was a large number discussed as yet. From the area where this child was extracted I don't believe that that number was ever large. I really don't. I don't think anybody observed a large number. But there was some. It was enough to be concerned about, that we knew that they were unarmed or those that were seen were unarmed, and that they were receiving this fire and they were being wounded. And this was uncalled for in the mind of the pilot. But I don't think that this number was--I can't put a figure on it, but I don't think it was more than 25 or thereabouts that they physically saw moving in these general areas where the fire was being received.

Q. Well, this is certainly not consistent with the stories of actually what happened, that Mr. THOMPSON and Mr. MILLIANS told this group. They have told quite a sordid story and I can't understand why, if they came to you to tell you a story of what happened, they wouldn't convey this impression. It comes out loud and clear in just a few words.

A. I honestly can't, I just honestly cannot remember. If they gave me real specifics, I just can't remember. I'm not intentionally withholding this.

MR MACCRATE: I think we have asked you before, Major WATKE, but may I ask it again. Did you speak, because of this report, with any of the other members of the unit? Did you seek any out, either at that time or any later date following Mr. THOMPSON's report to you?

A. Just the people pretty close to me within the unit.

Q. Did you, in effect, interrogate or question others in the unit as to their knowledge, what they had seen?

A. Not really, sir. That day I--we discussed it up there in enough detail that I went to see BARKER.  
I

think later I spoke again to several of the pilots, but I didn't conduct any type of a thorough interrogation of my people.

Q. You did go back and seek out and ask others about what they had observed?

A. Well I--no, sir. I just really--only the people I had already spoken to. I'm sure maybe one or two others who were in the crews, I may very well have spoken to. But I can't place it. I can't place a time that I specifically went down and called together a given person or persons specifically with the intention of getting more information on the allegations.

Q. How much did you mingle with or see the members of your unit? Were you in touch with them several times a day? Were you in and out? How often did you brief them? For example, the pilots, what was your relationship? I have no feeling of the extent to which you would be in communication and contact with these men including THOMPSON and possibly MILLIANS who had spoken to you about something that had impressed them so much.

A. When we initially organized, we set meetings with the pilots twice a day, once in the morning where they would get their briefing, what was hopefully going to transpire in the course of the day, and then critique in the evening. Just probably for the first 6 weeks we did this. Then we cut it down to once a day every morning before we left Chu Lai. All the pilots who were flying that day had a regular operational briefing as to where we were going and as much of what the actual situation was as we knew it then. So I had a contact every day with everybody who was going to fly and I would say--

Q. (Interposing) Is that the crews as well as the pilots?

A. No, sir. That was just the pilots. The only contact I really had with the crews was when we were down at Dottie and I would see them. I wouldn't say everyone every

day, but I would at least visually see them. I would go down--well, the flight line from the little operation shack was probably 100 yards, and I would be down there several times in the course of the day.

Q. We get the impression that it was known in Task Force Barker that a major had made this report, and it would seem natural that your own men would be aware that you were the one who was making such a report and be interested in that. If men in other units of Task Force Barker were aware that a major was involved--

A. (Interposing) Well, I think I commented once before. I tried to speak, and I think I was in a company gathering back at Chu Lai when I, for one time and only one time, addressed this particular problem. That was when I told them that, and I don't think I told them really all that had taken place. I'm sure they had heard stories from the troops of what had taken place. This is what I attempted to ask them. I asked them not to discuss the matter any further. Nothing good could come from their discussion of it and that there was--it would be taken care of. I think that was the only time, sir, that I really addressed the bulk of our people on the subject, and I doubt seriously that I really went into any great detail as to what did take place or what they saw.

Q. You did tell us about that, but I think you told us about that before you had an opportunity to refresh yourself as you have done, as more of the events have fallen into place in time. I wonder if you can fix for us the point in time when you had such a discussion with your people, when you remember bringing them together. Can you do that?

A. Well, not to be sure, sir, but I would--

Q. (Interposing) Was it very promptly or at a later point in time?

A. I think at least the second, the next day, if not probably 2 days later. Somewhere on the--as I recall it

was in the evening in the messhall which, I think, I only had two meetings in the messhall.

Q. Can you fix it in relation--

A. (Interposing) I think it was either on the 17th or probably the 18th.

Q. Was it after the meeting with General YOUNG?

A. No, sir. I can't place that. I know it wasn't that first day, because that first day I didn't say anything to anybody. When I went home, and I can remember this, back to Chu Lai, I hadn't intended to tell Colonel HOLLADAY. And this is one reason, sir, why I go back to the fact that large numbers--just don't impress me that there were real large numbers in this story. Because I really told Colonel HOLLADAY, made the decision to tell him, as a defensive move as opposed to an offensive move, where I had intended to go to even higher headquarters if people won't listen to me. I was really telling him because I wanted him to be aware of what had transpired in the event division came down as a repercussion of telling Colonel BARKER. After I told Colonel HOLLADAY, he then said we have got to tell this story to the division. That's when I think he brought somewhat to light that it was more, that it was really a more serious thing than I had initially thought.

Q. Major WATKE, the log of Task Force Barker states that at 1555 on the 16th of March, "Company B reports that none of VC body count reported by his unit were women and children. Company C reports that approximately 10 to 11 women and children were killed, either by arty or gunships. These were not included in the body count." Do you have any recollection of Colonel BARKER, when you told him of the report that you had received on the afternoon of 16 March, saying that he was going to request such a body count from his company commanders, that is, a count of civilians?

A. No, sir, I don't recall. I do know that it was stated that the people that were seen moving into these areas were principally women and children. There

are two categories. Either you are a military-age male, which is not a terribly well-defined item, or you're in the other category. You're either an old man, or you're a woman, or you're a child. This is how people are normally treated. You're one or the other, and a young military-age male comes up as being anywhere from a 14-year-old boy to almost a 40-year-old man. It just depends on how well you see them when you're making this determination, and nobody gives it too much concern if you do observe what you determine to be military-age males. I always thought that they were very highly suspect because either the ARVN's or the VC have commandeered them by that time to their services. Their being there obviously means that they are not ARVN. It's a safe bet that they are VC or at least a suspect. But I don't recall a specific requirement that Colonel BARKER put out to his companies.

Q. What did he tell you that he was going to do when you made this report to him?

A. Well, he was going out to look into it. We did not discuss it very long at all in the building. I put forth the problem and he very promptly, as I recall, just initiated a call. I don't recall whether he physically put a call out over the radio or whether he asked or told somebody else to do that, but he left to meet his helicopter.

IO: One of the things that seems strange to me, Major WATKE, is that the thing that you were concerned about was this confrontation of your force with the forces on the ground. You had been told about this among other things by Warrant Officer THOMPSON, and perhaps by others. You reported to Colonel BARKER; and you later took it up with Colonel HOLLADAY and, subsequently, with General YOUNG. So you had the concern of your unit in your mind, but I find no effort on your part to check with your unit any further to find out what the details were. It's just inconceivable in my way of thinking, absolutely inconceivable, that you would have so much concern at one time and so little concern thereafter.

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A. Well, I think some of this perhaps is the fact that the problem that presented itself was almost immediately taken care of in the field.

Q. You felt strongly enough about it that it was reported to your battalion commander and reported to division to the command element?

A. Yes, sir, it wasn't my decision that it went to the division level. I didn't walk back that evening with any strong feeling that this should be brought to the attention of division. I didn't think, going back, that it was of that magnitude. It was Colonel HOLLADAY who felt that it should and for this reason, I think that when I went home, I didn't realize the magnitude of it.

MR WEST: Are you now talking about the confrontation or the civilian deaths.

A. Well, civilian deaths, principally.

Q. Going now to your conference in the van, Colonel BARKER's van, regardless of the detail that might have been mentioned about civilian deaths--as I recall your testimony and that of Colonel HOLLADAY, the matter of primary concern during that conference was the civilian deaths, not the confrontation.

A. Yes, sir.

Q. And the instructions that General YOUNG gave to Colonel HENDERSON to investigate, this referred to the civilian deaths, not the confrontation? I understand that that was more or less subordinate at that time and then dropped altogether.

A. From the time it was presented to Colonel HOLLADAY the concern magnified. Or the main concern shifted to the fact of the civilians who were wounded and killed and not the fact that one of my pilots had threatened another person. I went to Colonel HOLLADAY though, I know, principally to cover this subject.

Q. I understand. Your testimony is very clear on that. You do realize that Colonel HOLLADAY's recollection of what you told him of THOMPSON's complaint does differ from your recollection?

A. Yes, sir, but I go back to the point, sir, that if the news of My Lai had never been released to the public and to my knowledge and all this, that the tone of everyone's conversation here would be different. I don't think--I never suspected that anything like that had transpired out there. It never entered my mind. I don't think that it ever entered the mind of Colonel HOLLADAY or anybody else.

MR MACCRATE: Major WATKE, what was the "matter of conscience" that was on your mind. You wrote to your wife that you "got this off your conscience," did you not?

A. Well, yes, sir.

Q. What was it that made that kind of an impression on you that when you wrote that evening reporting what you had done you referred to it as "your conscience was now clear."

A. This I think was basically over the wounding of people.

Q. So you felt that you had reported a wounding of people?

A. Yes, sir, I know that this was a part of my report. I don't think the keynote of this, of that aspect of my report, was that there was a large number of people wounded. It was simply the fact that there were some and that it was uncalled for. The magnitude I never thought was in proportions like they now maintain were killed out there, and I'm almost sure that I didn't convey that to anybody. I don't recall. It was just the fact that there were some.

MR WEST: We do have testimony, very definitely, that THOMPSON saw a large number of wounded and dead civilians



in this ditch and he landed there twice in his H-23. We have testimony of MILLIANS. He confirms seeing the dead and wounded civilians, women and children, in the ditch. These two, at least THOMPSON saw it and possibly MILLIANS too, so they had that knowledge according to their testimony. Colonel HOLLADAY, later in recounting your visit to him, said, "Two things stick in my mind about this. One was about all the people lying dead and dying in the ditch with the colored sergeant standing there shooting down into the ditch. The other was the confrontation." This was his recollection.

A. If my people really convey that they told me and my boss conveys this, then it is at least a possibility that I did, but I honestly can't bring it to my recollection, that specific observation.

Q. My intent is more to state the problem, you see, so you understand the thing we are trying to resolve.

A. I do feel in my mind that I am not as positive in that area of interest as I am in the sequence of what had taken place. I don't know whether I tried to bury this subconsciously or what.

Q. Your testimony and that of Colonel HOLLADAY is in full agreement. You got to Landing Zone Dottie and the conference in the van. The dominant concern was the dead civilian noncombatants regardless of what detail was gone into in THOMPSON's story. Of course, we have gone over that.

MR WALSH: Major WATKE, can you suggest any way that Colonel HOLLADAY could have learned about the soldier shooting in the ditch other than hearing it from you?

A. That's why I say if the missing link is me, I certainly couldn't deny the charge that I said it. I just can't recall that I did.

Q. Let me ask you this. When Colonel HOLLADAY is at LZ Dottie on what we think is the morning of the 18th, you stayed. The meeting broke up and you stayed behind to answer a few questions with Colonel HENDERSON. When

you left after those few questions did you see Colonel HOLLADAY?

A. He had already left.

Q. Is it possible that he spoke to Warrant Officer THOMPSON at that time?

A. It's possible, but I don't have any reason to believe that he did. When I went down, as I recall, I called THOMPSON up. I only spoke to him for a few minutes to tell him when he was going up and just to tell it as he recalled it. That was all.

Q. Do you clearly remember that or is it possible that you asked Major WILSON to take him up to see Colonel HENDERSON?

A. No, sir, I'm pretty sure that--I was not aware of the 9 o'clock meeting until we were down on the LZ that morning. I don't recall at one time that Colonel WILSON, Major WILSON then, was ever at the LZ when I was at the LZ. I think that he only went to the field, in the whole time that he was in the company, at most twice, and it was when I was staying back to take a meeting. He just didn't fulfill the capacity of the field commander. He ran my entire operation back home, and honestly I doubt seriously if he was in the field more than two times. I never recall that he and I were ever up there other than when he was coming down to bring something that we had left at home or something that we had needed. He only came for a period of talk and left and went back home. We never spent a whole day or even a part of the day at the LZ. One of those two occasions that he may have been out in the field was on the 17th, when I never went to the field. He may have been the senior officer present down there on that day, but I don't recall for sure. I usually had Major SABER as my first replacement. He was the platoon leader of all of the aircraft, and he had the most experience in the company of operating with the aircraft.

Q. Do you have a clear recollection of leaving Colonel HENDERSON and going and summoning THOMPSON and

the others to go see him, or is it possible that you gave instructions for someone else to?

A. No, sir, I think I vividly remember telling him just that aspect: "Don't worry. Just tell him what you saw. Nothing will happen." What else I might have told him is not clear. I just remember telling that one thing, not to be concerned, not to be upset with the fact that he was going to the colonel, because that's pretty significant for a warrant officer.

Q. Major WATKE, I think that you covered this, but possibly the language used by General YOUNG might jog your memory in some respects. I would like to read you a couple of questions and answers that General YOUNG gave us. General PEERS asked him:

"Q. Did you get the impression that it was indiscriminate or unnecessary firing and killing of noncombatants?"

This is discussing the report he received from Colonel HOLLADAY and yourself. General YOUNG said:

"A. No, sir, I didn't get the impression it was specifically being directed toward the noncombatants. No, sir.

"Q. Was any indication given to you as to the number or the order of magnitude of the noncombatants who were killed or who were observed to be dead in the battle area?

"A. There was no indication given to me that the pilot had observed any dead noncombatants to the best of my memory. What he had observed was the fact that they were being fired into by the friendly forces and in the effort or attempt to save the noncombatants, he flew his helicopter over there, landed there, and put them in a protected area. Then he flew back to the friendly forces and advised the platoon leader what he had done, and he told him not to fire into the noncombatants. That's the impression that I got from my discussion with Colonel HOLLADAY."

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And a little while later General PEERS asked again:

"Q. And you gained no impression concerning indiscriminate firing into and killing of noncombatants?

"A. I gained the impression, General PEERS, that civilians were in a crossfire between the friendly forces and the enemy forces. That in an effort to save the civilians, and to insure that they were not injured, the pilot landed his airplane and took the action which I described. I would--to the

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best of my knowledge, there was no mention made of any noncombatant casualties. I cannot recall being informed of any noncombatant casualties because of the action which I have described."

A. I recall a little differently than that.

Q. Could we have your best recollection?

A. For example, in my mind, the way it happened-- they saw the people moving into the area. They saw the area being fired upon and they knew that the people were in there. The landing was made to convey this information to the person on the ground, that their fire was in fact going into this area. They did not land out there in front of the troops before they landed and talked to them. It was only after they talked to the man on the ground that they went out and landed, and it was at that time they actually moved the people and saw the wounded.

IO: If that's true, if that's the case, where does the confrontation come in?

A. Sir, because he landed simply to tell them that the firing is being received out there by people that we have seen that are without weapons and were predominantly women and children. Don't fire any more in there. We'll go out and fly over this area to insure your safety. And the individual answered in response, "No, they were not going to take the chance." I'm assuming that this is what he meant anyway, that they were not going to take the chance of being fired upon in that area, that they were going to continue their operation as they had been going. And at that time Mr. THOMPSON had told him that he was going out there and that he had better not get fired upon. That's what he in fact did. He went out there and moved the people that he had seen, as I recall, in the area of a hootch. At that time I thought that the child was also amongst them, and that child he took to the hospital. Apparently, this a little bit in conflict also with what the--there was no landing in front of the troops until

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after the discussion on the ground between Mr. THOMPSON and that other individual.

MR WALSH: Can you give any clear explanation of how General YOUNG got the idea of a "crossfire"? Do you remember that at all?

A. No, I don't.

Q. I believe your testimony. I'm not certain you are the witness that said that there was not a great deal of hostile fire being received by anyone out there. Wasn't that your impression?

A. No, sir. I'm not saying that there wasn't firing. It wasn't of the magnitude that resulted in someone saying, "We're pinned down, we need support"-- heavy artillery support. A typical thing to ask for would be gunships. That would be the first line, then tac air. Tac air is used very extensively over there with every contact. This just wasn't the case.

Q. Are you certain that you and Colonel HOLLADAY did not convey to General YOUNG the impression of a hotly-contested action with the civilians caught in the cross-fire?

A. No, sir.

Q. No doubt in your mind?

A. No, sir. I wouldn't have said there wasn't one, but I certainly would not have gone to anybody and tried to portray that there was one. Because, in my mind, there just never was one. This is why I questioned the total count in the first place, that it was really perhaps as high as reported. I really didn't report hostile fire. I didn't take any hits that day, nor did the ships that flew in the area in the course of the day.

MR MACCRATE: How much time did you spend with General YOUNG when you made this report to him with Colonel HOLLADAY at Chu Lai?

A. I'm not sure. Twenty minutes or a little more. Certainly there was some conversation afterwards. I'd say somewhere in the time frame of 20 to 30 minutes.

Q. Had you had any earlier discussion with General YOUNG? Was he someone whom you saw often?

A. In my mind it probably was often. It was at least once a week if not more frequently. He was the one general officer who did make his appearance down-- it was his assistance that brought me fueling and arming as soon as he became aware of the fact that I had a shortage on Dottie. He saw to it that support command put it there, and put it there right then and monitored it. It was also he who got the engineers to build me a helipad. It was penepriime and then asphalt. I saw him. I never did have a visit from General KOSTER himself to me. General KOSTER would come into LZ Dottie and see Colonel BARKER and he would talk to Colonel HOLLADAY in reference to my organization, but he never did come down specifically to see me. But General YOUNG did, in addition to seeing BARKER. The other general officers changed commands. I believe that General RYDER had been the other ADC. He had been out only once, perhaps twice, and his replacement was in once, and that was shortly before I was evacuated out and that was--he just reported and he was touring the division area.

IO: Is what was said at the meeting at LZ Dottie basically the same thing that you repeated on the 18th?

A. Yes, sir. I'm quite sure that the story was almost identical. The reason I say that is Colonel BARKER heard the story at LZ Dottie on the 18th for the second time, and he was the first one and he did not challenge really any point I made. I go on the fact that I told the story to different people. If it had been altered, or it had been changed, or if there was any major points left out, one of the people would have said, "Well, what about this or you didn't tell me that". This type of conversation

didn't take place, and each of them would have insured that the story that the other one was hearing was the same that they heard, in essence.

Q. Well, the story that you give and the real facts of life as reported by Warrant Officer THOMPSON and Warrant Officer MILLIANS who we have talked to thus far, would indicate that you had only just a real small portion of what was bothering THOMPSON.

A. I'm certainly not about to say that he didn't tell me these things but I honestly cannot recollect them. Sometimes I am not convinced in my own mind that I have told you everything that I have known. I've told you everything that I know, but I'm not sure that I have told you everything that I have known.

Q. Warrant Officer THOMPSON, we have questioned him in absolute detail about what he told Colonel HENDERSON, and at least his recollection is when he told them he went right down the line. And the implication is that he told you the same thing.

A. He may have told me, very likely told me, somewhat more detail than what I am relating. Simply because I may have questioned that it, in fact, happened and I may have tempered it a little bit or cut it down in magnitude, but I don't think I would have changed the context of it at all, sir.

Q. Well, it would have changed it if we--it's regrettable but it seems that you did not gain sufficient information--you gained enough information to take some action, but you didn't, in my judgment, get the whole story. You didn't sit there and get a diagram drawn and have them give you an operational report of what took place.

A. No, I didn't do that.

MR WEST: However, General YOUNG did direct Colonel HENDERSON to investigate this matter based on the information that was discussed at your meeting in Lieutenant Colonel BARKER's van.

IO: And the fact of the killing of civilians which you had discussed with Colonel HOLLADAY made such an impression



on him that he wasn't even concerned about the confrontation which was bothering you. If it had not been the killing of the civilians, there is the possibility that it wouldn't have even been reported further on up. So you did make an impression upon Colonel HOLLADAY, according to his testimony, and when you both were sitting here he so indicated.

A. I realize that. I believe his concern was over the wounding and the killing of the civilians. As I say, that aspect isn't clear enough in my mind and I can't explain why it's not. It seems to be that he was-- I don't know--I'm not sure why. I thought that but I can't--

Q. (Interposing) And the fact that still escapes me is, as close as you would have to live with these pilots and as concerned as you were about your unit and the people in it and this confrontation, that there was not more detailed subsequent checking to find out really what did take place. With all the training that we have in the Army about investigating and reporting and making sure that we have got all the facts, that at a time such as this, it would be handled so slipshod.

A. Regrettably, sir, there wasn't more.

MR WEST: Did you make THOMPSON available right after this to Colonel HENDERSON?

A. When we broke up our meeting, yes, sir.

Q. So you put HENDERSON with THOMPSON, and he could have extracted from him everything he told you, is that correct?

A. Yes.

IO: I'm just reviewing here testimony that you have given the IG inspection, to Colonel WILSON. You said to THOMPSON:

"Oh, well, I recall it somehow, I believe it was after they came back and spoke to me and mentioned that there were a number of wounded and dead in the area. They had attributed this, they thought, to the artillery preparation. When I brought this to the attention of Colonel BARKER, he then went out in the helicopter and spoke to the unit. When he came back, as I recall, he informed me that they had not observed

any extraordinary number of wounded or dead in the area. This was the point of conflict between the units. I never pressed the issue any more. I really didn't see that this was a big issue. My biggest concern really was the fact that one American soldier and another American soldier were quite incensed at each other and a lot of words transpired and this upset me--that anybody could in the same Army and the same basic

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unit and the same battle be opposed to one another so violently, and apparently they really carried on some heated conversation on the ground over there. This is what really upset me and I didn't want that to continue, and I wanted it brought up so that it would not occur again."

So, would you restate again what you think you told General YOUNG, and what you think you conveyed to the people in this group of five?

A. Sir, that this team of which Mr. THOMPSON was a member reported out on station over the troops. And while they were flying in support of the troops, that they observed principally women and children, moving in the way in an area in front of, but to one side of, the advancing troops. And in an effort to convey this information to the members on the ground, it was required because of the radio difficulties, Mr. THOMPSON landed and spoke to an individual whose name he did not know because the man did not have a nametag on. He did have a distinctive mark of some sort on his helmet. In the course of this conversation he relayed this information to him, that these people were over there, that their firing was endangering them, and it wasn't called for, because from their observation the people were unarmed and weren't being hostile. They were willing to go over and insure that this area remained basically secure. They were willing to fly immediately over it, being prepared at all times to engage that area if fire did emanate from it. The individual on the ground said that he would not change his modus of operation, that he would continue to recon by fire, and that he was not going to avoid one area and expose his personnel--subject them to hostile fire. Whereupon, Mr. THOMPSON told him that he was then going out to move the personnel and that while he was moving them he had better not be fired upon. Whereupon he and his helicopter and the one gunship landed and did, in fact, move personnel. In my opinion, it was at this location that Mr. THOMPSON found the wounded person and evacuated him. They had observed wounded and dead out in this area, and they attributed it to the firing that the troops were doing. That's basically the story.

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Q. When you and Colonel HOLLADAY were here a couple of days ago we had you with the confrontation concept; Colonel HOLLADAY concerned with the large number of civilian casualties. It was Colonel HOLLADAY's point of view that these matters were totally inseparable, that

one was related to the other. Is this consistent with the story you conveyed to General YOUNG?

A. If I understand the question, yes, sir. I think so.

Q. Colonel HOLLADAY was indicating that he was concerned about the civilian casualties, which he had indicated to be from your discussion with him of considerable magnitude. So we have this situation, and we get down to the confrontation issue. We're not talking about separate instances, but talking about the same kind of situation, because what Mr. THOMPSON and the gunships are really trying to do is protect the civilians from the fire of the American personnel.

A. I don't believe I have ever--I think that when we talked about the magnitude of numbers--of large numbers, that it would never have been clear in my mind, or I didn't ever really think in my mind that they were ever in one single location. They were observed generally throughout the area. In other words, when they first came on they observed people that they thought had been wounded or killed from artillery. This may even have been to the rear of where the troops were physically located at the time they came on station. Then from other areas they observed other people, principally, or at least a number of, women and children, most of the group who were lying elsewhere wounded or dead. Then again in this one specific area they physically landed on the ground and physically witnessed some wounded and dead. The conclusion drawn was that this was not just one little isolated area where people had been hit, wounded, and killed from this fire; that there are other areas where the people were dead and wounded from the same cause. And that in the overall picture, there were a significant number of people who were wounded or dead out there, very possibly as a result of unnecessary or excessive amounts of firing that really wasn't warranted.

Q. So, this really becomes an issue whether it involves one area or whether it is spread out over an area. I think that the stories may indicate both.

A. Yes, sir. I think there are probably a number of people who were probably wounded and killed out there that could not have been helped. I think that the artillery,

in my mind, did, in fact, probably at that hour in the morning--placed where it was--and I'm still convinced in my mind that that wood line was hit by the artillery, as well as the open area where the helicopters landed, and in both areas it did inflict some casualties. That was unavoidable in my mind. I don't know that artillery was actually fired again that day in the My Lai (4) area or that it was even called for. I know that when I went up, I don't think that I was 100 percent sure in my mind that the story, the accusations that I was making were 100 percent valid. There was a question in my mind that my people were completely right.

Q. Well, this is what makes it all the more inconceivable in my way of thinking, that in a situation such as that, with your people reporting this, you having doubts and so forth, there would be no subsequent check or anything. You just let the matter drop.

A. Well, I don't think there'd be an answer back to that, sir, but I never expected, in my mind, I never expected a major--I didn't think that it was of such magnitude that it would warrant an Article 32 investigation where people would be sworn in and statements taken. I didn't envision that taking place. I did envision that the unit personnel and platoon leaders would be questioned as to their story, as to what they saw and they felt on the ground.

Q. We will check further into this, but another thing that I find quite inconceivable is that an officer with a small unit such as this and living as intimately and close as we must--that according to what we have heard, it was pretty much general knowledge throughout the aero-scout company. There was much talking about it going on, and I get the feeling of quite a bit of dissatisfaction.

A. I wasn't aware of that, sir.

Q. But you as a commander--or none of the commanding officers or senior officers within the unit were even aware of this?

A. No, sir, I wasn't aware of this, regrettably in this case if it was going on. I again was not confronted by

personnel. I was just unaware. Nobody brought it to my attention that there was a significant amount of dissatisfaction.

MR MACCRATE: And you never went back to Mr. THOMPSON, to Warrant Officer THOMPSON?

A. Not that we sat down for any length of time and dwelt on this. He never came to me again.

IO: Would you not feel obligated to go back to Warrant Officer THOMPSON one way or another and tell him the result of this whole thing was: "We have checked into your accusation or allegation and it is being investigated, but they have found no substance in fact of what you said."?

A. I'm quite sure that I did convey to him at one point that they were unable to locate the individual that he spoke to. I'm quite sure in my mind that I did convey that information to him, but there never was an interim report given to me, the fact that at least a tentative investigation had been completed. I know I would have conveyed that. I know that there was enough concern of people to know the results of it. I was never aware of the fact that it was a subject of quite a bit of conversation of the people--that they were overly disgruntled.

MR MACCRATE: You never asked any questions of Colonel HOLLADAY?

A. No, sir.

IO: Mr. West?

MR WEST: No, sir.

COL FRANKLIN: Wasn't there people coming down from division to sort of give updates to the company on what was going on in the Americal? Coming down to your company, people from division, to talk to your company about what was going on in the rest of division? Did this happen?

A. No, sir, not to my recollection.

Q. Did you ever have an officer come down and talk to your company and give a body count, at which time the officers and men started mumbling so much about women and children you personally had to step in and silence them?

A. I don't recall. I would like to think about it. The only time that it could have happened, I can't say as I recall it, I say we had a couple of company-sized formations at the time I told them it was being investigated. Sir, I just can't remember someone from division coming down for this. But, if it did happen, it had to be at that time because the company just wasn't brought together that frequently. I'll try to think more about it. I just can't--it's something that I think would stick in my mind.

Q. It stuck in the mind of one of your pilots.

A. I would think that it would stick in mine too.

MR WALSH: I think you said a while ago that it was very shortly after this that you had this very rare calling together of the company, and told them it was being investigated and not to talk about it. Do you relate this to a comment or direction given in Colonel BARKER's van? People were not to talk about this?

A. I don't remember whether or not it was--I don't remember what evening that we had the company formation. If it was--I know for a fact that it was not the night of the 16th. It could have been on the 17th. It could have been on the 18th or even on the 19th.

Q. Do you have any recollection of what inspired you to do it? Had you heard conversation?

A. There was talk initially within the company. It was a matter--the prominent subject amongst everybody, of course, but a half of my company was out there and the other half was hearing about all these weird things going on--which it doesn't take very many stories. It is just so much out of context. It's like a, well, I use the term "massacre". This wasn't in my impression as to what had transpired. As the troops tell the story, it gets better and better from mouth to mouth. There was just so few of my company personnel



who witnessed anything out there and it was limited to, at the most, 11 people who were eyewitnesses out of a company of 150. And this gets relayed to all 150. Some mammoth stories develop, and that's what was happening because--

Q. (Interposing) Would you try and recall exactly what you said to them when you called the company together?

A. Sir, I'm sure I gave them some detail, but I doubt seriously that I gave them a lot of detail of what transpired out there. The note of it was that it was being looked into and that action was being taken, that there was a concern. And there was a concern. In my mind there was immediate concern taken by Colonel BARKER; actions to offset what was going on. I thought the matter had really been corrected. The immediate requirement had been satisfied almost immediately. What else had perhaps taken place -- that was for somebody else to determine, and we would find out what the outcome of that was.

Q. But you never did?

A. I never did.

IO: What were some of these wild stories you were hearing?

A. Well, sir, it comes to all sorts of things.

Q. Well, such as? What did you hear?

A. Just out and out shootings, that people were lying all over and it was just in essence that the ground was red with blood, and this just didn't happen.

Q. Did the thought ever occur to you that what you were interpreting as rumors might have been fact in the case?

A. Well, having spoken to some people right afterwards, sir, I didn't walk away in my mind, that that is what they had seen, and they were the people who saw it. What the other people were relaying to me couldn't have the credibility of

what Mr. THOMPSON had told me. I don't recall Mr. THOMPSON telling me that he had seen this much, that magnitude of blood and people.

Q. But this didn't prick your curiosity to the point of finding out. These are the really unique things about a situation such as this, Major WATKE, that here you have had something and you get these stories coming back. Instead of checking the validity of any of these stories out, it seems that the best thing to do is to forget it. Push it under the rug.

A. No, sir, I don't think my -- I spoke to the person, to the eyewitness, to several of the eyewitnesses immediately after their observations. As I recall it there was not a great, massive flow of blood. There were no great heaps of bodies in any one location, in my mind. If they didn't see this, why should I put stories coming from people who weren't even there, why should I put any credibility to their story. They weren't even out there. They weren't even as close to it, at Dottie, as I was. No, sir, it didn't prick my curiosity. It somewhat incensed me that this type of story would grow and grow and then go to the clubs and so on, and all of a sudden a reputation would be developed by a unit in the division that just was totally unfounded. It was a good unit.

Q. For a minute, getting back to the meeting at LZ Dottie, do you recall how long General YOUNG stayed at that meeting?

A. Well, sir, as I recall he left with Colonel HOLLADAY. I'm not positive. They may have come down together on the same airplane, but when I stayed -- the few moments that it took to talk with Colonel HENDERSON -- when I left the van, to the best of my recollection, both Colonel HOLLADAY and General YOUNG had already left the area.

Q. General YOUNG was of the impression and we do know that he did not stay there very long. When he departed, the other participants walked outside the van and remained in the vicinity, he said to talk it over. That is the general impression that we get. He heard a little bit of this and

directed an investigation be made into it, and shortly thereafter he departed with the thought that you would continue to talk it over.

A. Well, I think when I left the van they may have just-- I may not have seen him. He may have stayed a while and spoke with Colonel BARKER and I never observed, sir. There were two areas in which you could land at LZ Dottie and I'm not sure at which -- I had a pad perhaps 150 meters from the TOC at Task Force Barker. There was another pad 75 meters from it, and it's the one normally used by Colonel BARKER and all of the people coming in to visit with the task force. They might have landed on that and that was almost 180 degrees in a different direction from my pad. I could have left the van and not have been that far away from General YOUNG and just never have seen him. He may have been there a little longer. To my recollection I did not physically see the general after I left the van. It's in my mind that he left as well as Colonel HOLLADAY. I know that Colonel HOLLADAY wasn't any longer down on Dottie.

Q. But you stayed behind and talked to Colonel HENDERSON?

A. Yes, sir.

Q. For, as I recall, about 2 minutes?

A. A short period of time.

Q. And you left with the objective in mind of sending to him Warrant Officer THOMPSON and a couple of other people?

A. I had instructions to furnish them with some witnesses. Specifically, I had in mind, at least, Mr. THOMPSON. I know that name was given to him and he asked me if he was there, he wanted to talk to him. I know that I sent him out and others. It was at the request of the colonel.

MR MACCRATE: Do I understand, Major WATKE, that a major concern of yours at this time was the reputation of a fine unit, Task Force Barker, would be soiled by disclosure of this information?

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A. That was a by-product of it, sir. I couldn't see where anything positive could be gained by my troops continuing to mull over an incident in the field over which they had no control. Their discussions were not really going to enlighten anybody else, to improve anything, and that all it would do was the story would get bigger and bigger and bigger, which had a tendency to happen. So, I attempted to squelch it but it just wasn't any one person's reputation or any one unit's reputation.

IO: I had a slightly different interpretation of what you indicated when you said "suppress" this -- erroneously so. Because I accepted the point that you were not talking so much about Task Force Barker and their reputation as you were of what might be thought of your own unit because of all this loose talk being made, and people degrading them for all of this, as harem-scarem pilots and so forth, so you make this as a defense for your unit.

A. Well, my concern was that the result of the investigation or looking into the matter would result in the fact that they would come back and say, "You were wrong." That would bring a bad reputation to my own unit. The conversation by the troops within the billets and up in the club would ruin or hurt the reputation of not just Task Force Barker or the 11th Brigade, but the Americal. At Chu Lai were the Marines and the Seabees. We lived in the area where these people also lived, so that the Army would take on a bad name in the eyes of the other services, and they would only believe what they had heard. These people would tell the story like they knew this was gospel.

Q. I can accept that, but at the same time you tell people not to talk about it, this is being checked into, being investigated, but yet at no time is there an effort made to get back to the group and say, "It has been investigated and we find no validity in the reports that came in." This is where an inconsistency shows up.

A. Well, within a month I suppose I should have had the answer and gone to the troops. I didn't have an answer. I didn't call the company together to discuss the matter with them at the time.

MR WALSH: Major, one of the curious things about the inconsistencies of the recollection of people

is this matter of the captain shooting a wounded woman that Warrant Officer THOMPSON observed. Neither you, nor Colonel HOLLADAY, nor General YOUNG recall this instance related by the warrant officer. On the other hand Colonel HENDERSON was very prominent in his recollection and from other indications that we have had, he took immediate action on this. I'm thinking about this and I note the language used in the letter to your wife on the 18th of March when you said: "My people observed an unfortunate act the other day and I reported it." I wonder if you would say anything about the usage of this language in describing this series of events that might refresh your recollection about the incident of a captain allegedly shooting a wounded woman. It might have been what you were talking about to your wife on the 18th. Are you very clear about that?

A. Yes, sir. The only thing that's in my mind with reference to a captain is my assumption that THOMPSON had spoken to the company commander, and I have nothing to defend this. He didn't say, "I know it was a captain because of his rank." There was no rank, there was no name. I just somehow felt in my mind that he went down -- the person had a radio and was the company commander. That is the only recollection that I have of any captain.

IO: Any other questions? Before we recess, Major WATKE, I give you this opportunity to add any statement or any additional information which you want to add which you think would be of assistance to this hearing.

A. I just hope I made myself clear about why I attempted to suppress the incident.

IO: This hearing will recess at this time.

(The hearing recessed at 1713 hours, 19 December 1969.)

(The hearing reconvened at 1430 hours, 10 February 1970.)

IO: The hearing will come to order.

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

Sir, the hearing recalls Major Frederic W. WATKE.

(Major WATKE was recalled as a witness, was reminded that he was still under oath, and testified as follows:)

IO: Major WATKE, you appeared several times before this inquiry in the middle part of December. Since that time we have had an opportunity to gain quite a considerable amount of information to expand that which we already had. Specifically, to date we've talked to about 350 people. We have quite a large assortment of documents which we collected concerning the My Lai incident, concerning the reporting of it and concerning the investigation of it.

In addition, we have had the opportunity to go to South Vietnam to see firsthand some of these locations, such as Duc Pho, Quang Ngai, Son Tinh District Headquarters, LZ Dottie, Chu Lai, and the like. And we've also had an opportunity to overfly the operational area and to make an on the site inspection of the actual site, itself.

So with all that, we have gathered quite a bit of information. Based upon this, we want now to fill some gaps which we have in our information, which we did not know about at the time we talked to you, and also to expand upon some of your testimony. Before we proceed, I'll ask Colonel MILLER to inform you as to our consideration of this case, or this situation, and provide a warning to you.

COL MILLER: After your first appearance here on 8 December, you may recall that you were back on 10 December at which time a warning was given you. You were informed at that time that your testimony was at variance with the testimony of several witnesses we had had and that you were suspected

of not giving the whole story, that is, of withholding information or possibly falsifying your testimony. You were then advised of your testimonial rights and your right to counsel, and Captain Richard LOCKE was made available to you, and he appeared with you here after that. Captain LOCKE has been relieved from active duty and is no longer available as appointed individual military counsel.

On the basis of your prior testimony and on consideration of much additional evidence which has been received in this investigation since your last appearance, you are suspected of having committed several offenses in violation of the Uniform Code of Military Justice. These suspected offenses do relate to the Task Force Barker operations of March 1968, or what is more commonly called the My Lai incident of 16 to 18 March 1968. More specifically, the offenses of which you are suspected concern your actions, and your inactions or omissions with respect to your participation in support of the Task Force Barker operations, and your acts or your omissions with respect to information and reports which came to your official attention both during this operation, when you were participating in it, and afterwards.

You are suspected of failure to obey a lawful general regulation concerning reporting and investigation of alleged, suspected, or apparent war crimes. You are suspected of dereliction of your duties in not reporting all information and facts and allegations known to you concerning the possible serious offenses which were reportedly committed by Task Force Barker troops in this My Lai operation of about 16 March, and in not conducting a further investigation of these allegations which were brought to your attention by a member of your command, and which were brought to your attention officially by him. Finally, the same thing you have been advised about before, that is, withholding of information during prior testimony here, and possibly having given some false testimony at your prior appearances before General PEERS.

Although we went through it before, I certainly want to again insure that you understand your rights. You still have, as you had before, the right to remain silent, to make no statement whatsoever. Any statement you do make could be used as evidence against you in a criminal trial. You have the right to be represented here by counsel. By that, I mean a qualified lawyer who can be either civilian counsel of your

choice, or military counsel, or both. A civilian counsel would be employed at your own expense. Military counsel will be appointed, or if you have a particular counsel and you wish to have him appointed, if he is reasonably available, we would make him available to you. You may, nevertheless, decide that you wish to answer questions without counsel being present. You certainly may do this if you wish. If you do, you have the right to stop answering questions at any time, to answer no further questions, or decline to answer a particular question, or series of questions. If you wish, you may also request that counsel be made available at any time during the questioning. Do you understand the things that I have just gone over?

A. I understand what you have said, yes.

Q. Do you understand your right to have counsel?

A. Yes.

Q. Your right to not answer questions, and generally the nature of the offenses of which you are suspected? I'd be glad to go through them again if you would like to be more certain.

A. No, I understand completely what's said. I don't completely agree with the findings, but I'll speak.

Q. These are not findings at this point. As you know, under Article 31, any person who is suspected, whether there is conclusive evidence or not, of an offense in violation of the Code, is entitled to be informed, and we certainly intend to advise him of that, and that was the purpose of doing this at this time. As I said, if you do testify under those circumstances, and should there be anything to the suspicions, if they happen to be established, whatever you say could be used as evidence against you. For this reason, you are accorded your testimonial privilege and your right to counsel. Do you want counsel at this time?

A. No.

Q. Are you willing to go ahead and answer questions and to make a statement?



A. No, I'll answer questions.

IO: Major WATKE, I think you know all the people that are here at the table, Mr. MACCRATE on my left, Mr. WEST, Mr. WALSH, Colonel FRANKLIN--

A. (Interposing) Colonel BAUER was not here before.

Q. Colonel BAUER. All these gentlemen may address questions to you this afternoon. Colonel FRANKLIN, will you proceed?

COL FRANKLIN: Yes, sir. Major WATKE, we are not going to go back over everything that you have previously discussed. Our primary focus this afternoon is going to be what you knew about My Lai (4), from what you saw, from what you heard on the radio, from other people, or what you were told. And then following that, what you did with this information, i.e., transmitting it up you chain of command, and also what action that you took. Now you have testified in your previous testimony, and your words are, "I was aware that something was going on before THOMPSON made his report." Can you elaborate on that?

A. Yes. I knew that THOMPSON had landed in the field, he had talked to somebody--I didn't know whom, I didn't know what about. Subsequent to that, he took off and landed again somewhere else, and I also knew that he had picked somebody up and was flying him to Quang Ngai. That's what I meant when I said something was going on out there, and I didn't know what. I did not get satisfactory answers to any of those questions until such time as Mr. THOMPSON and I spoke on the ground at LZ Dottie.

Q. What efforts did you make to get satisfactory answers to those question?

A. I addressed some questions to the high gunship, asking what was going on. I just didn't get satisfactory answers.

Q. With Mr. BAKER, Warlord Alpha lead?

A. Well, I think so, yes. I think Mr. BAKER at that time was on station.

Q. Have you talked to anybody since you last appeared before this inquiry?

A. I spoke just this morning with ex-lieutenant LLOYD, Mr. LLOYD. I saw Colonel HOLLADAY downstairs; I met Major GIBSON. But specifically about this incident, no, we didn't get involved in deep discussion of My Lai at all.

Q. Any deep discussions? Did you get in any discussions?

A. Well, yes. It started out, you're back for the meetings and so on, and that aspect of it, yes. But as far as incidents, actions that took place either at the time, or a discussion of actions that took place at the time, or subsequent to that--still in Vietnam, no, we did not discuss that this morning.

Q. Has anybody ever told you, or have you ever discussed with anybody, what to say before this inquiry?

A. No, sir. Never.

Q. Can you remember anything more on what you just told us about THOMPSON's three landings? Did you hear anything else? You were in the air, it's been recollected for you, you were in the air about 1000. Did you hear anything else, or did you see anything else, that could be called unusual?

A. No. When I landed, whatever time that was that morning, at that point there was nothing unusual that had transpired. I thought we were back to a routine type operation. The great threat that may have existed on a major confrontation was over with.

Q. Well, how could you know that? When you landed, you got unsatisfactory answers from the high gun.

A. I was--when I landed, there was nothing going on out there. It was only after I landed and I went into the van and the ships went back on station that anything relative to what's being alleged at My Lai--that's the first time that anybody saw anything unusual.

Q. You went to the van and then you stayed in the van, as best you recollect?

A. Yes.

Q. How about the captain on the ground shooting a woman? This happened about 0915, you were airborne. Did this come to your attention?

A. No, it didn't.

Q. You didn't hear any radio transmissions on this?

A. No.

Q. How about My Lai (4) being in flames, did you see--

A. (Interposing) I saw some smoke, but it wasn't any more than you might see--well, there was nothing unusual going on out there.

Q. Smoke, in itself, not being unusual?

A. No, sir, not to me, in my experience. A little smoke--some smoke is very apt to be present in an operation.

Q. You were airborne until 10 o'clock. How close did you fly to My Lai (4)?

A. I don't know, sir, if I can answer that honestly. But, I would say that I probably got within 1500 meters of it, and I was 300 feet in the air. I'm sure we flew very close to that road that runs just to the south. It's not very far to My Lai (4).

Q. Do you recall flying over it at all?

A. No, not specifically.

Q. About how many bodies did you see in your flight? You say you were 300 feet off the ground?

A. Did I personally see? I can recall seeing--I don't know that I can say that I recall seeing any. You mean dead?

Q. Yes. Did you see a gunship hovering over a tree line, and you and Mr. MILLIANS went over and saw several dead women on the ground? Do you recall that?

A. No, sir.

Q. Mr. MILLIANS recalls that.

A. I'm sorry, sir. I don't.

Q. Well, you would think you would. "Hovering gunship" is the way we got it from Mr. MILLIANS, which is very rare for a gunship.

A. Well, I would say I wasn't in the ship with Mr. MILLIANS when he went and hovered over a tree and saw some dead women. I don't recall it, and as such I don't think I was in the ship that did this. He may have, but I don't recall it, and I don't recall being in the ship at any time with anybody.

Q. By the time you got out of the ship with Mr. MILLIANS, we know that the Sharks had departed the area. So if in fact Mr. MILLIANS saw this, to the best of the information we got, you would have been in that helicopter with him.

A. I don't recall it.

Q. Let me read you some transmissions of some thoughts of some people now that--the morning of the 16th--do you recall Specialist KUBERT?

A. Yes, he was my--he was one of the specialists who worked in the van, almost on a daily basis. There were two people that--enlisted men who habitually worked as operations specialists. He was one.

Q. Specialist KUBERT talking about--he just listened to the radio. He's speaking of the Sharks. "They came over, and they reported a lot of bodies, no weapons whatsoever."

"Q. What was your impressions of the bodies?

"A. The impression I got was like 100 bodies, quite a few bodies.

"Q. VC, enemy?

"A. From our people, no.

"Q. What was the impression you got?

"A. Women and children.

"Q. Oh, women's and children's bodies?

"A. And old men.

"Q. And old men?

"A. Right.

"Q. And they told you this, you heard this over the radio in the company net, or one of the two nets that you were monitoring?"

KUBERT goes on to say and this is afterwards--now--we'll get to this in a few minutes. After you talked to Mr. THOMPSON. This is an operations man, perhaps his first time in combat, but he had heard the radios, the radios you monitored, and he heard part of a conversation which you had had, only part.

"Q. Okay, but you recall about 100 bodies of women, old men, and children?

"A. The first impression was at least that, and this I'm sure came later, after talking in the van. My impression was at least 100, if not 150 or 200."

Here's an answer later on:

"A. On this point, just what I've already stated, as far as Sharks moving in and the bodies being found and no weapons whatsoever and asking to call him out. And I thought--my vision is of a haystack type affair with bodies strewn and I actually pictured bodies strewn all over. I wasn't out there, but this was the impression I got then and later.

"Q. Did Major WATKE hear that transmission?

"A. Yes, either Major WATKE or Captain MOE was always in the van because I was new."

Captain MOE, he's referring to a Rawhide 6 transmission earlier in the morning.

"A. I seem to remember one comment that I'm quite sure now came over the air several times on that particular day. I think that was probably Rawhide 6 because it had kind of a distinctive--you get to know a person's voice. The comment was, 'I don't want any unnecessary killing down there.'"

KUBERT, on the same subject:

"A. Yes, I remember that because there was a comment. We didn't like to work with Rawhide because he tied up the net, wanted to know everything. We preferred not to stay up with him. I remember that really rang a bell when he first said that, Rawhide 6, 'no unnecessary killing'. A little bit later than 9 o'clock."

A. Excuse me, sir, can we go over Rawhide 6's--

Q. (Interposing) That's Colonel HENDERSON. Okay, Captain SABRE, this is another man. All these are key guys in your company.

"A. I seemed to--I think maybe I did hear either Rawhide 6 or Coyote 6 (LTC BARKER) transmit the message, 'Let's not have any unnecessary killing.' I would say it was Rawhide 6. I don't remember the time."

A. Well, first of all, going back, we never worked with Coyote 6. So how anybody could have a recollection of Coyote 6 always being on the radio, I don't know.

COL FRANKLIN: Rawhide 6, I believe you worked with them all the time.

A. No, sir, not that call sign, and the colonel himself, this was the first operation that I was ever on that the colonel was there.

IO: The colonel probably wouldn't come in on his own frequency. He would probably come in on the task force frequency. You worked with the task force frequently, and that's what he would be calling on.

A. I think this was the second or third time that we had ever worked on a battalion-size operation, down there.

Q. You would still have the radio tuned on the task force.

A. Colonel HENDERSON, I don't even remember him being on the radio. I don't know his voice. I challenge that statement, very definitely. I didn't know Colonel HENDERSON. We never worked but with the three battalions, and we hadn't worked very many times with those. I think, that is--I can't agree with them.

COL. FRANKLIN: I certainly appreciate that, Major WATKE, but here you have your operations man, who recalls Rawhide. You've got Captain MOE, who is new, who is coming in to take over, and he thinks that was probably Rawhide 6, because it had kind of a distinctive--you get to hear a person's voice several times. The comment was: "I don't want any unnecessary killing down there." And you've got Captain SABRE, he's in your company also.

A. The only time that could have come over, to my knowledge, was when I went up to talk to Colonel BARKER. I don't recall anything before at all coming to us relative to let's not have any undue killing or anything. After I went up to see Colonel BARKER, it's very apt to have come over the radio. But before that, I have no idea.

Q. Well, there was quite a bit of traffic on the radio and this traffic we have from Rawhide 6 concerning unnecessary killing--perhaps around 9 o'clock, when you would have been airborne. There was a report from Skeeter, the helicopter pilot. "Looks like they are shooting them with a machinegun. Someone is going across the road and is getting shot with a machinegun. The pilot says something about he doesn't have a weapon." Major CALHOUN got the report and got hold of MICHLES and MEDINA both and said, "Make sure we are not shooting anyone that is not necessary, let's not be killing any civilians out there." So, this is the kind of

radio traffic that some people were hearing. You have pilots who were seeing things and radio transmissions that were going on. These are people in your company, the key people in your company. This young KUBERT was so impressed by this day and what he heard--he didn't see anything--what he heard from the radio, and what he heard from Mr. THOMPSON speaking to you, that he visualized 150 or more bodies, and so reported it in an official report that evening. And yet, all you knew up until the time Mr. THOMPSON spoke to you, you're saying that all you knew, there was something about a confrontation that had not been satisfactorily explained.

A. That is right. Up until then, I heard a transmission, I recall, about the artillery, which I stated earlier. I had no idea--can't draw to my mind that I was aware that there was anything peculiar going on on the ground when I was up airborne. And I don't recall transmissions that would have led anybody to believe that there were that many. None of my people, to include the Skeeter, while I was on station, was ever up over My Lai (4) north of the highway. Unless these bodies were south of the highway, I can't see how anybody could say that they saw this. We were up over the road.

Q. I have personally spoken to 25 pilots, and you're the first one that doesn't recall any bodies along the road. You're the first, and the only one. Certainly up to 10 o'clock--

A. (Interposing) I can't vividly recall. I remember the incident of two bodies by the road, and I always thought those were the ones on 521. I don't recall that I physically saw them, but I may have.

Q. You had communications with the Skeeter, right?

A. Yes, sir.

Q. You don't recall anything about a captain shooting a woman, or any transmission at all, about 0915?

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

Q. Now, you were the only one who could communicate with the Skeeter directly?



A. No, the upper ship could also. If we were communicating on UHF with the LOH, both the low gunship and the upper gunship monitored UHF. Both ships heard the Skeeter talk.

Q. I think our information is, I believe, that the LOH had only an FM radio. The UHF wasn't working.

A. If he was working on FM, I would be the one in my ship to hear him. The upper FM would be on Task Force Barker frequency, and between the two gunships we then used the UHF to communicate.

Q. To summarize what you said, up until the time you saw THOMPSON, this was a normal operation?

A. Yes, sir.

Q. And you had some concern about some radio transmissions that were not explained satisfactorily about a potential confrontation. And, this was the only exceptional event that you had knowledge of?

A. Yes, sir. When I was up--when I was up flying, I did not at that time think that there was anything unusual that had transpired.

Q. Sir, no more questions up to this point.

IO: Well, I would like to hear Colonel BAUER with questions concerning the H-23. That H-23 was north of the road, and by a considerable distance, and if he was providing gun support, I don't know where they were providing it from.

LTC BAUER: With reference to your actions while you were up in the air, where did you fly in relationship to the H-23?

A. Generally right behind it by about 1500 yards and 200 feet, so roughly 100 feet or so above it in altitude, and generally over the same track.

Q. Do you recall about what time the Sharks left, what time they left the area?

A. Well, I heard the tape this morning, and I understood from that it must have been about 0930.

Q. What did you do up until the time they left the area? Where were you flying?

A. Basically, south of 521.

Q. Basically south of 521. Did you go north of 521 at all towards My Lai?

A. I don't recall. If we had gone north, maybe 50 meters, I don't recall having gone farther north of the road.

Q. I'm not talking about that distance. I'm talking about going all the way up to My Lai?

A. No, sir, not to my recollection at all. I don't remember ever going up to My Lai.

Q. I can only repeat the colonel's comment. All the other pilots recall being up there, not just once, not on an isolated mission. They went up there and did quite a bit of reconnaissance work, the entire team.

A. I don't recall.

Q. Another one of the --well, I'm talking about radio conversations and this deals with a later time. I'll hold off on that until later on. Prior to the time you went back, do you recall ever marking, or any of the ships marking locations on the ground with smoke? Was any smoke used at all by the scout team?

A. Well, I don't know. I can't think of any specifics. I could think where we very likely had dropped smoke, chasing that one person. There was probably smoke there at least. Going in on 85, there was probably smoke used. I can't say in my mind, yes, I can remember the specific time when smoke was surely used for a specific purpose.

Q. Do you recall the scout ship ever marking wounded personnel, personnel that he then reported over the radio?

A. Not while I was out there.

Q. Do you recall any radio transmissions, then, when you were on the ground, where the scout team would have done this?

A. Well, I think I do. But, I'm not--I just can't say for sure that I can remember. It wasn't to mark any, as I recall, any significant amount or number, and I would say, specifically, 20 or 30 people. I can't say anybody was marking a large group.

Q. No. I'm not talking about a horde of people in a pile. I'm talking about a helicopter serving this function. They had identified some wounded people on the ground, and they wanted to get them help. They are trying to get the word to the infantry.

A. I can't remember that I was flying, at the time. Yes, they were marking. THOMPSON, at one time, was trying to identify some wounded people. But I don't recall that I was flying. I don't think I was up at that time.

Q. Do you recall any of this taking place when you were airborne?

A. No, I don't.

Q. While you were working south of 521, you went after this group of two people. What other missions did you perform down there other than the insertion of the "animals" out on Hill 85?

A. Well, we went down and looked several times at groups of people who were on the road, people who were moving. And we were over them quite a few times, to see whether any of them were good suspects, these people who were moving. THOMPSON, up around 85, went down and assisted on the pickup of a couple of suspects that Colonel HENDERSON actually went in with his ship on. I don't recall--

Q. (Interposing) That was essentially the function you performed that morning, just those acts?

COL FRANKLIN: I think you understand our problem. We know that people were being marked by that H-23, and there was smoke going up. You came back from refueling, probably about

0845, and the people that had been marked with smoke are now dead. You have got THOMPSON in that bubble. He saw a captain shoot a woman, and this is going to shock him. Before this time in the high gunship, you have a guy named LIVINGSTON, one of your officers. He is so moved and so unnerved by what he believes to be Shark gun passes on people on the road that he writes his wife that night: "The Shark murderers, murderers of civilians. I am going to punch them in the nose if I ever see them again." So, he is in high gun and he is seeing this. You got a man lower than you and he is seeing things and you have got people in your van that are hearing things but you, the commander, the most experienced man, the man responsible, nothing. Now, I think you can understand our problem?

A. I'm not saying nothing. The Sharks making passes, I don't remember any of that.

Q. At least four of your pilots remember. They are probably incorrect. They were making passes along the road and there were some people, and they were actually engaging VC. But quite a few of your pilots believe--gunship pilots--that the Sharks made firing passes on the road and killed people with miniguns. More than half your pilots who flew that day believe that.

A. Well, I don't.

Q. Did they ever talk to you about this? How could this officer write his wife and be so emotional about it? I read the letter, "Killers of civilians," and this isn't just LIVINGSTON. There were several pilots who thought these miniguns had cut loose on these people, even though they probably thought incorrectly. Then, you get on the ground later on--debriefings. Isn't there an interchange of information? This was quite a day for many of your pilots, quite a day.

IO: The fact remains that as a result of that apparent pass in that area, along Highway 521, there were 10 to 15 bodies lying on the road, and your people saw this.

A. Well, I don't know.

Q. And just north of there, there were at least five wounded individuals that were marked by the H-23.

A. Sir, I cannot remember, while I was up, seeing any significant number. I can't remember even numbers of wounded that I saw, and I was in a position to see. Everything that high gun saw, I saw--had to have seen, at a much better view. Now, I don't know why I can't remember some of this.

Q. My guess is, from what I know of the situation, if you had your eyes open at all, you would have seen between 30 and 40 bodies.

A. I cannot remember. I don't know. I just--and I don't doubt what people say they saw, or they might have seen. I just cannot. I cannot remember this. I can't remember--I mean I don't even have the slightest inkling on some of these things. I listened to the tape, for instance. Mr. BAKER, I recognized his voice saying: "There were 10 or 15 with web gear on." I don't remember this. Some of the things on the tape really fit into place, and it helps in some way, but I can't even remember having seen 10 or 15 people in a field somewhere. I don't know why. I don't doubt at all these things he saw or he thought he saw, and he was up at an altitude where it was much more difficult to see things than it was for me. I wasn't sleeping out there.

Q. He wasn't the only one. THOMPSON saw all of these, too.

A. Sir, I'm not saying that they are wrong, but for a reason or reasons, or something, that are totally unknown to me, I cannot recollect them, and I'm not trying to hold back anything.

COL FRANKLIN: Another thing, you are a new outfit, a new concept, really, for the American Army, air cav, aero-scouts. Normally--and by your own admission, this is one of your first big operations, and you are operating with a battalion-size force--it's reasonable to expect that there would be critiques and discussions. Particularly pilots; and you as a commander would get your people around you and discuss

what went right today and what went wrong and how can we improve. You had problems with the Sharks. You had too many airplanes and too little space. All the pilots talked about that. There was a coordination problem that probably could have been worked out better the next time that you were operating with other gunships. Yet, we have one of your section leaders come in here and say you never had such meetings. You had the briefings in the morning and just let the pilots go out on the missions.

Did you have routine meetings with your senior people after operations? I'm not talking about the briefings prior, but after operations to discuss lessons learned, mistakes made, ways to improve, certain habits of outfits that you had from previous experiences that might help you with the next operations. Was this a routine thing in your organization?

A. When we first organized and trained, it was on a daily basis. Every single day there was a discussion of all the pilots. We went over all--everything that had transpired. The only things we were discussing--we weren't operational. We weren't operating with anybody else. We were going out into an area that was ours, that was set aside for us, where we were doing our reconning work. Once we went operational in that--in my opinion we discussed matters at the morning briefings, the major problems. I frequently sat down with Lieutenant LLOYD, had a number of discussions with Lieutenant LLOYD, over operations on the ground. Lieutenant WALKER and I had a number of conversations about guns. I feel yes, we quite frequently discussed things. Now I never went down, say, with the Sharks. I never had discussions with the 174th.

LTC BAUER: Major WATKE, while you were flying that morning, you were in support of Charlie Company, Task Force Barker. What means did you have to keep in contact? What policy did you have to keep in contact with what was going on on the ground?

A. While I was airborne, I had two radios and the only one that would match with the ground units was the FM. So I didn't hear, I didn't hear any of the ground unit transmissions if, in fact, the FM was the only one working in the LOH. On the UHF, I think for a while we were working on the same frequency that other aircraft were operating on. In other words, we were all on the mutual UHF, so we knew what was going on airwise.

Q. What I'm talking about, I know you didn't have any comms up there yourself. I'm trying to find out how you kept in touch with what the ground situation was. Because you're not much good up there if you don't know what's going on.

A. Up in the ship?

Q. You yourself individually--you're not the commander of that aero-scout team, but you are the company commander, and you're more than a little concerned, or should be, with how this operation is going. What are the troops doing? How is the fighting going? Because your job is to support them. What I'm trying to find out is how you individually kept track of what was going on on the ground?

A. Simply by the upper gunship telling me.

Q. Did you ask him to go get information, for example, from your van at Dottie?

A. I know we did on one specific thing. When we needed the demo man, we used the radio. That was one very positive time that we went back in, and other times I don't remember a specific.

Q. Let me ask you something specific. You're up there, we're talking now about 0930. This fight has been going on for a couple of hours. It has been a fine success. Did you check to find out how the unit on the ground is doing? What was the body count? How are we doing? How are they doing? Did you check to find out, to get that information?

A. Yes, as I recall there wasn't any--I say yes, and I think quite so. There was never a time when anybody was stating that they wanted something that they didn't get it. I think everybody was satisfied.

Q. That's not what I'm getting at. Specifically, did you inquire as to how the unit on the ground was doing, what kind of success did they meet, or failure, what was going on down there? Were they killing anybody?

A. Well, they continued to make progress.

Q. How do you measure the progress?

A. They weren't pinned in anywhere. They were free to move, they were not under an engagement.

Q. Did you get a body count at any time during the morning while you were out?

A. I don't think so. The first that I got involved in a body count, I think I was back at LZ Dottie, back in my van. That's the first that I really can recall hearing about a body count, a specific number.

Q. Did you know they had any contact down there at all?

A. Well, from the guns, I knew initially, the only contact that I knew about, I knew that they had -- the guns observed some people when they were pulling off from the first lift. There were some. The guns weren't called back in to support, and on that basis there wasn't anything.

Q. In essence what you are telling me, then, is that after several hours in the air, you're the commander of an air unit that is supporting this outfit on the ground, the outfit on the ground has killed 90 VC, and you don't know about it, is that correct?

A. Yes. I'm afraid that is probably --

COL FRANKLIN: (Interposing) Well, again, this is one of the things, Major WATKE, that is difficult for us to understand. You attended the briefing on 15 March. This is going to be a big fight, I mean, a really big fight. They've been in there twice before, and they took a lot of casualties. They are going in there to wipe out the 48th Battalion. Your unit is playing a big role in this operation. You are in support of Task Force Barker. By 0840, they have announced they have killed 90, and you seem to be oblivious of this. You, as much as any ground commander, should be very current and aware of what's going on in Task Force Barker. This means on their net, conversations to Colonel BARKER. We're not trying to second-guess tactical commanders by any means, but it does seem that, once the Sharks clear the area, there is no problem of overcrowded air space at this time. Your mission is scouting, and you are in a low gunship. It seems there would be a lot of flying over this battle area to find out where the troops



are, to monitor how they are getting along, to see if you can be of service, to get ahead of them, and to do any number of things.

A. All that was done after I was out of the airplane. I do not believe -- I was not in one of the ships when we went over the troops.

Q. I believe the tape (Exhibit M-20) indicates that you were airborne until approximately 1020 hours, 16 March 1968.

A. I listened to the tape and I don't know when I got out by listening to the tape. I would think I was up in the airplane up until 10 o'clock. It was at that time that I probably got out. There is a remote possibility I could have gotten out at the refueling. It doesn't make sense that I would have been out at that time. It makes a great deal of sense to me that I would have been in the airplane until the 10 o'clock time frame. I did not go over the troops that morning. I do not recall ever having flown over My Lai (4) on that operation.

Q. Of course, by 10 o'clock, the troops were through the village, we know this, through the hamlet. It was in flames, and there were just an awful lot of people lying on the ground, and I think you will agree that it is reasonable for a commander to have flown over it. Now you say you did not. But is there any reason why you didn't?

A. Well, I don't know how long we were involved on Hill 85. I think we started 85 between the first and the second lift, and we were tied up on that for a time, we were all tied up on that. Both gunships were involved, and while the troops were on the hill we were there, we were around the hill, we didn't leave them. So a lot of the battle transpired -- of the transversing of My Lai (4), itself, in fact, the majority of it, I think, transpired while we were around 85. None of us were over My Lai. I think that's the reason we weren't over My Lai.

Q. Well, --

A. (Interposing) I don't know where it breaks down to when we left Hill 85 on a time frame. I didn't catch that.

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Q. Well, you were well finished with your operation on Hill 85 before 10 o'clock. You probably had wound that thing up before 0930. One final point, Major WATKE. On these frequent conversations that you had with WALKER, he flat doesn't remember. He was struck by the fact the platoon leader--and this was brought out. He was questioned and it was rather startling; that's why there were several questions devoted to it. Other than briefings in the morning, he cannot recall coming to see you to discuss administrative or tactical problems, or for "chalk talks" and critiques.

A. Well, sir, we had a good many into the point that he was almost relieved from his gun section. Yes, sir, we had a number of such conversations over a number of subjects. If he doesn't remember, maybe that's why. I was very unhappy with him. And we had discussions relative to that, to the point that he even asked, one time, to leave the company.

MR WEST: I have a question that goes back a little bit. Major WATKE, you made an incomplete statement a minute ago concerning artillery fire, body count, and hearing a message. Do you remember this?

A. Yes, sir.

Q. Would you tell us what that was?

A. I recall the one call, I think it had come from H-23, that he had seen bodies on the ground. For some reason the figure of 20 or 25 rings in my mind, and at that time this was attributed or had resulted from artillery. I think that's later, either late in the flight, or right after I got back on the ground this came -- that I heard this.

Q. Thinking back now, could you relate it to any particular event?

A. I never have been able to, sir. No, sir.

(WATKE)

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Q. Could you put a time with some of the events?

A. I never have been able to.

Q. For example, when you blew the--there was a transmission of Warlord Alpha Lead, which was on the tape. Well, never mind, just go ahead with what you were saying.

A. I just can't remember. The first time I ever testified on it, at that time all I thought was that it was right after I got on the ground. It was the first transmission that had really come from the LOH after I was in the van when they went back out on station, and I still maintain we didn't go over the ground troops until after I was out of the airplane and in the van.

Q. You could have been monitoring the net in the van and heard this?

A. Yes, sir. I heard it, as I said. I always placed it initially -- I was in the van, and later on, the more I thought about it, maybe it was just before we landed. I don't know why I would have heard it then. The LOH wouldn't have been over. There isn't a question in my mind. I wasn't over the troops. I didn't have a problem. I wasn't supporting the troops.

Q. Attributing these casualties or these bodies to artillery fire is also significant. As far as we have been able to discover, we have not been able to establish, originally, that anybody was killed by artillery fire. So it is rather interesting. Was this just speculation?

A. Yes. I would have thought at the time artillery was fired, and I guess I always placed it near the LZ. I remember observing when the first artillery came in, and it was basically where it was supposed to go. There wasn't any artillery fired anywhere but there. I guess I always placed this in the vicinity of the first LZ.

Q. You could see the artillery rounds coming in?

A. Yes, the first ones. We were concerned about whether they were going to go where they were supposed to go. After

the first ones came in, there wasn't any concern anymore. Rather, there was a safety factor for the artillery and our safety. They were firing out of LZ Uptight, basically from the north in a southerly direction, and we were further south than the LZ, so if they were long for some reason, then they were of concern to us.

Q. Did you see any rounds that were long?

A. No, sir.

Q. And this transmission, whatever you heard, was from the LOH, not from the ground, or from the artillery FO, or anybody like that?

A. No, sir, from the LOH.

MR WALSH: May I ask you, Major WATKE, to think very hard? Are you sure that this transmission, report from your pilot, was that he had seen a number of bodies that appeared to be from artillery fire? Was it possible that you got a transmission from a pilot that he had seen a lot of bodies, and the attribution of these to artillery came from another source?

A. Well, it could have been. There were so many things that seemed to have meshed in my mind as a single happening. For instance, listening to the tape, the gunships, the Sharks, that is, the engagement again on Highway 521, and the later engagement up northeast of the town, and north of the town, could have all been one. I can think it was now. I can remember both incidents. I can remember the transmission almost clearly in my mind that was made when the Sharks were up northeast of the town, giving direction on the bodies. And yet, I can visually remember the Sharks over the road on that one individual early in the game, on the first liftout. And I have -- over a period of time that has become one single incident. The directions were for the bodies down at 521, and that's not true. And this may very well have happened. I heard about the bodies and I have tied it to artillery.

Q. Well, I would like you to think very hard, and see if this refreshes your recollection at all, as to what you may have heard, either in discussion, or on the telephone with the TOC, or by other transmissions on nets you were monitoring, or anything with respect to transmissions, or advice

you had received about casualties from artillery fire. Anything at all.

A. Later on, there was a report that artillery had killed people.

Q. Well, let me put it a different way. In your earlier testimony you said: "There were a number of people that were wounded and dead from artillery." Had this been reported --

A. (Interposing) Well, I think -- before the ships, that was one of the first transmissions that I heard, that I later -- that attributed -- well, that they weren't artillery, that they were a result of some other act. But I recall the transmission. I thought this was one of the first comments that came in from the ships when they went over the friendly position after I had gotten out of the airplane.

Q. Perhaps I have confused you. The point I'm trying to establish is whether your recollection is or is not clear as to the report you received, 20 or so bodies that had been noticed by your pilot, whether the pilot said that they were from artillery?

A. Well, it is clear in my mind.

Q. It is?

A. Yes. I am not sure when I got out of this airplane. And the more I think about what I heard, not so much here but on the tape and all, and the relation of -- maybe I got out when we went back to refuel the first time. But it doesn't jell, sir, because I can remember Hill 85, which had to have taken place after we refueled. I cannot remember ever flying over that village.

IO: We know that quite a bit happened there and we know that other people were seeing things. Also, if you had been back in the van you would have been hearing things.

COL FRANKLIN: If it helps your recollection any, we've got this transmission of your Warlord Alpha Lead that was saying, "We got them all stacked up now, we're going to blow them with the EOD Team from Dottie." This was about 0915, Major WATKE. I am going to take you to about 1100 while you were in your

van. About 1100, in the 11th Brigade TOC, the operations sergeant heard a transmission on the air-ground net, and in all probability it went along the line, "If you shoot that man, I'm going to shoot you", or similiar words. This transmission so struck them in the brigade TOC that Captain HENDERSON, the brigade TOC duty officer, called Task Force Barker to inquire as to the reason for that kind of radio traffic. Does this ring any bells with you?

A. No.

Q. They could only hear one side of the transmission because there're so far away. In your van they might have been able to hear the whole thing, but we can assume that they would have heard the same transmission. This so startled brigade, the tone and words of this, that they called Task Force BARKER. You don't recall anything about this, though?

A. No, I don't. The only thing, if I can inject, the only time I can remember about a threat was being told this on the ground by THOMPSON. This is obviously another act. No, I don't remember.

Q. Let's go to THOMPSON now.

IO: Let me ask one question here first. You're the commanding officer of this Bravo Company?

A. Yes, sir.

Q. How is it that you weren't running the operation down there that day?

A. Well, it seems a little ridiculous now. I felt that when we went out, I could see more by flying the low gunship as opposed to the high gunship, and that if my people got involved in action while I was out there, I was in a better position to lead the three ships from that ship as opposed to the high one. It now -- it's so clear from outside action that was going on. I wasn't aware of much of what was going on outside of the realm of the three ships themselves.

Q. Well, I don't mean to belittle things, but I don't think you were well aware of what was going on within the three ships.

A. Well, I certainly thought so.

Q. We have people that saw these bodies on the road. We have people that saw bodies to the north being marked. And even if you are down around Hill 85, it is not so far from there but that you can practically see right down in the throat of it, so you can see everything the LOH, your H-23, is doing down there. So to me, it's just a strange story.

A. Well, this is the reason why I say, when I got out of the helicopter, I'm not sure. It seems to me I would have been there until 10:00, but if I had gotten out at that refueling, maybe much of it was seen then. Afterwards I was relayed--I mean told, of bodies and all that when THOMPSON came to me. That was 1115. This was the first time that I was aware of bodies anywhere. But, I was never, even at that time, aware of the magnitude.

COL FRANKLIN: Well, let's go to THOMPSON now. Would you relate the conditions under which THOMPSON came to your notice, what you were doing, where you were, and then what he told you?

A. Back at the van, I take it?

Q. Yes.

A. He had just returned from Quang Ngai and come up to the van. As I recall, he came into the van and said, "I've got something serious to talk to you about. I saw out there what's going on." And as I recall, he initially started telling me about these things and they seemed -- well, they were very severe. He saw a number of people --

Q. (Interposing) Specifically, could you give us the -- recreate his mood, the words that he was using, and the ideas that he was imparting to you?

A. He was very serious. He was very sincere, very determined, but I don't recall that he was loud. He was not about to go into a state of shock. I think that he had his senses about him--

Q. (Interposing) You went down the flight line before a bunch of pilots. You were approached by a bunch of pilots, excited, keyed up?

A. I don't remember seeing THOMPSON until -- I think at the van, not on the flight line, the van. Then I asked him, "Let's step outside", as I wanted to get off just with them and talk to them about it, and so on, and that's what we did.

Q. Who's them?

A. Well, there were three of them. My recollection has always been that there were three pilots. They went on, and THOMPSON was the speaker, and he related where a number of people out there were wounded, most of them were women and children --

Q. (Interposing) You're back to the word "wounded" again.

A. (Interposing) Wounded and dead -- wounded and dead, but I can't recall if there was any one area where there was a mass number. It was just -- about all that they saw were principally women and children and older men. There was a distinct lack of military-age males--

Q. (Interposing) What are the strong impressions that you gathered out of this meeting with them, this rather startling conversation, what impressions did you have, or salient points of what he told you?

A. That in his mind he was absolutely correct in everything that he told me, that what he was relating was the absolute truth, and that there wasn't any doubt in his mind whatsoever. There was unnecessary killing and wounding of people out there, people that obviously could've been construed, I guess, as not having been hostile. They didn't have any weapons, they were people who shouldn't have been shot, and they'd been shot. I'm still -- well, that's the impression I left with him and he left with me. But there was, I can't remember--

Q. (Interposing) What about the magnitude? Had you thought of any number that's in your mind?

A. No, not really a number. I suppose I, in my mind, envisioned in the area of 20 to 30 of this type of person -- that is, women and children. I guess mentally I always tried



to separate some of the VC that was out there, and some of the others, but I figured somewhere in the range of 20 to 25, or 30 people. I mean as such, I never have drawn a picture of the number.

Q. Well, KUBERT was very much impressed. He didn't even hear anything after you took him out, and he was thinking in terms of 150. LLOYD heard THOMPSON tell WATKE, "There was a lot of killing going on down there." THOMPSON said, "There was a lot of killing, unnecessary killing going on."

A. (Interposing) Yes, I think -- yes --

Q. (Interposing) You were concerned about when you heard these radio transmissions which were not satisfactorily explained. When did you talk to -- what was the conversation with Mr. THOMPSON relative to this?

A. I asked him what was going on, why the landing and all? And that's when he went on telling me about the individual that he had confronted on the ground in which he -- on the reconning by fire, and the fact that they were shooting the people, and the firing was killing and wounding them. And then there was a specific group of people in this area which they were moving toward that were unarmed. He saw them move into this area, and said that they should hold their fire from that area, and he would go out and insure the safety of the troops by staying right over them. And the individual said he was not going to change his method of fire and maneuver.

Q. So now you've got this unnecessary killing, a lot of people killed, and you've got a confrontation between one of your pilots and Americans. Did you get anything about just a ditch filled with bodies?

A. No, I cannot recall that ditch.

Q. That seemed to bother Mr. THOMPSON about the most of anything. He's quite convinced he told you this.

IO: What did Mr. THOMPSON tell you about the boy that he took to the hospital?

A. Well, the boy, as I recall, was shot and he was

maimed several places--

Q. (Interposing) But he must have told you where he got the boy?

A. Well, there were other people, as I recall --

Q. (Interposing) Well, that's the very point, there was a whole ditch full of them.

A. I can't recall a whole ditch, sir. There were other people --

Q. (Interposing) He went down in the ditch of wounded or dead, and he took this boy out of there. He may not have mentioned the word "ditch."

A. Yes, sir, there was a group, but I can't recall that it was a -- I never -- I don't recall that it was 15 or 20 people. I remember there were other wounded and dead there. He took the child from a group of wounded and dead, but I--

Q. (Interposing) Did he tell you how he landed the aircraft, and ANDREOTTA or COLBURN went down in the ditch, through all these bodies whether he went down in the ditch or not, to extract this boy that had been wounded, and they carried him back. When he came in to see you, ANDREOTTA may have been covered with blood from having carried the boy.

A. Yes, sir. I remember that there were other wounded and dead. I don't recall it was a large number.

Q. Certainly they must have given you some order of magnitude. They couldn't come in and say that there were a few bodies over there, very frankly, because in this area we've had descriptions of anywhere from 50 to 150 bodies. And to think that THOMPSON who -- if anybody's come through loud and clear on this thing as being honest, and sometimes he doesn't remember, but he comes through as being absolutely sincere and everything, and he remembers all this. This created quite an impression on him, and I'm sure that you recognize the state of--not really shock, because even though he was mad I assume that he did have control of himself. He was still able to fly his

airplane and fly it well, irrespective of how mad he was. But here's an individual who's coming in to you, and he's one of your unit.

A. Yes, sir.

Q. As a matter of fact, maybe one of your better pilots at that stage of the game.

A. He was.

Q. Yes. Well, he must have given you some kind of an idea about -- just to say there were bodies there -- even bodies, that in itself is a war crime, you know.

A. Yes, sir.

Q. Well, why --

A. (Interposing) That was the reason why I reported it.

Q. You indicated lots of bodies. But I would be convinced in my own mind, having just gone through this experience, that these people that came to see you -- and they were flying right there, and they were talking to each other on the radio -- that if THOMPSON hadn't told you about the number they had seen, people like MILLIANS, for example, he was there, or CULVERHOUSE or LIVINGSTON, for example, or BAKER or BROWN, all these people come through loud and clear on this thing. So if any of those people had been there, THOMPSON couldn't have got away with saying, "You know, there were some bodies there, and we picked this boy out off them." There were a hell of a lot of bodies there.

A. I just don't have in my mind hundreds. I never have, but yet --

Q. (Interposing) I am going to tell you, very frankly, what it seems like to me. It seems to me that you have always been so concerned about this confrontation, and your personal involvement in the confrontation, that you've closed your mind to anything else, and that's actually the way it seems to me. It always comes back to the confrontation, the wounded, and that isn't the way it happened.

COL FRANKLIN: Okay, you've gotten the report that there are needless killings, unnecessary killings. You've got a pilot there who seems convinced of what he says. You've also got this confrontation. You're the commander of a unit. What do you do now, Major WATKE?

A. I brought this to the attention of Colonel BARKER, who was the Task Force Barker commander, and he in turn went out to the troops in the field.

Q. You went up to the TOC. Who did you talk to besides Colonel BARKER at the TOC?

A. I don't know that I really talked to anybody, other than to find out where the colonel was. I don't recall, but I think he was in there, though, or just coming. I wasn't there any length of time before I was talking to him.

Q. Why did you go talk to Colonel BARKER? What did you want to tell him?

A. I told him, I think, completely what was told to me, maybe not in all its length, but in content, what had been told to me by THOMPSON.

Q. Where was the emphasis, on the unnecessary killings or the confrontation?

A. Well, I don't know.

Q. Well, some of the people that were up there, Sergeant JOHNSON, you remember him from the TOC, Sergeant JOHNSON remembers--

A. (Interposing) He was the operations sergeant, I think.

Q. He remembers your coming in, and he remembers your words "unnecessary killings." He doesn't remember anything about the confrontation. The intelligence sergeant, Sergeant STEPHENS, states that about midmorning a call came in to Major CALHOUN, in the Task Force Barker TOC, and a Warlord was saying: "They're killing innocent civilians out here". STEPHENS further states that he saw CALHOUN approached by WATKE in the TOC, and there was a discussion, and then they both went and talked to

Lieutenant Colonel BARKER. Then CALHOUN went to go out to C Company. So you do remember talking to CALHOUN about this also?

A. No, sir.

Q. Well, I want you to think hard about talking to CALHOUN. Sergeant STEPHENS mentioned it, and then CALHOUN himself.

"Q. Do you have any further information concerning matters we've discussed, civilians being killed unnecessarily?

"A. When you mention Major WATKE's name, it seems to me I can recall him calling me in the TOC and discussing with me that civilians were being killed on the operation. If that is in fact the man I'm thinking about, the company commander, also that is the time Colonel BARKER told me to get in the chopper, and told me to go there and check. I don't recall anything about a slaughter over the radio. I only called the C Company commander and asked him was he burning any of the villages, because his troops were already completely through that village. I think, now that I can remember, it seems that the initial call came from Major WATKE. I believe that is the truth concerning the incident."

So you think about talking to CALHOUN?

A. Well, I thought CALHOUN was up in the air when I went up to the TOC and he was called back by BARKER, who in turn got in the helicopter and went out into the area. So I wouldn't have been talking to CALHOUN in the TOC at that time.

Q. You told BARKER that now--

A. (Interposing) Yes, sir.

Q. (Interposing) You told him what you had heard?

A. Yes, sir.

Q. You don't remember now if the emphasis was on killing of civilians or confrontation? You're not sure? You probably told him both.

A. I believe I did, yes. I know I told him both, but you asked where I put the emphasis --

Q. (Interposing) You don't remember?

A. I don't remember that I specifically placed an emphasis on either. But I -- yes, I'm quite sure that I -- I know I told BARKER about both. When I came back later, and told the story again, it wasn't any shock on anybody's mind. I covered the subject of the killings as well as the confrontation.

Q. That's what Sergeant STEPHENS and Master Sergeant JOHNSON and Major CALHOUN mentioned, that they recall the killings rather than the confrontation. I think you can realize -- I think this is good, you're starting to come across a little clearer here. Your initial testimony was pretty well on the confrontation, so I think --

A. I know that there were killings out there, in my mind. I'm not ever trying to -- none of my words of wounding or anything is to try to front that there wasn't some killings. Never did I have in my mind -- I don't know why -- that there was a number of 150 or 100. I told the story to people that there were killings out there. That's what caused the first investigation. Why I since have put the emphasis on the confrontation, I don't know. But that's -- I can remember that more than I can remember other things. As I said before, there are obviously some things that I'm not remembering for some reason. I've told things to Colonel HOLLADAY which he remembers, and I don't. I don't know why I don't remember them.

Q. Well, you go to see Colonel BARKER. Do you recall any phone calls from your van over to that TOC by you or any member of your company?

A. No, sir. We had a phone, but I don't remember. I don't remember mentioning this until I went up there. I was really made aware of the killings by THOMPSON, and I left THOMPSON and went, as I recall, directly up to the TOC. It wasn't back in the van. To answer your question: no, I don't remember any --

Q. (Interposing) And, as you recall, Colonel BARKER wasn't particularly surprised and didn't exhibit much reaction to this rather horrendous story. You can understand your concern as a commander. He's a commander too, but he's just been told this God-awful thing about killing the civilians and the confrontation, and yet he apparently doesn't have too much reaction. Do you have any idea why he --

A. (Interposing) Well, his reaction was that he took off right away; but the lack of reaction, to my mind, was the fact that he didn't say, "Well, you're wrong, I can't believe that." That type of reaction wasn't displayed, and that's what impressed me. But as far as any physical action, he showed that in the fact that he went right then to his helicopter and went out to the field.

IO: Now I get lost. You said CALHOUN was out in the helicopter?

A. He was called in, sir. It was called in for the colonel. He left from the van and went to the top of the hill, some 100 yards away, to meet the helicopter that was being called in. CALHOUN was up in the helicopter, and the colonel said, "I want my helicopter back," and he took off for the pad.

Q. Well, didn't he issue some instructions at that time to CALHOUN?

A. To have them cease and desist out there until he got out, to stop the firing. He--

Q. (Interposing) Stop the killings?

A. No, sir. I don't think he used the word "killing" at all. No, sir.

Q. We got this from a lot of people.

A. Well, he may have; but I didn't think so. I didn't think that was mentioned over the air at that time at all -- killings.

COL FRANKLIN: I am going to skip forward a little bit here. Now you went to talk to Colonel HOLLADAY. We have considerable testimony from you and Colonel HOLLADAY, and it's very

evident that you discussed killings, because this -- contrary to confrontation -- I think we're coming in a little clearer right now, why this was the big thing in his mind. The following day you went in and discussed this with General YOUNG, and on a subsequent day to that you discussed it at the meeting with the five at LZ Dottie. Colonel HOLLADAY testified that he was struck by the similiarity of the way you repeated this each time. Do you believe this to be a true evaluation of how you told this story? You told it one, two, three --

A. (Interposing) Five times.

Q. Five times?

A. Yes, sir.

Q. Colonel BARKER, Colonel HOLLADAY, General YOUNG--

A. (Interposing) I'm sorry, sir, four times to five people.

Q. Okay, you believe this is a true statement?

A. Yes, sir.

Q. Let me read you some testimony here. This is from General YOUNG's testimony. Reference your report, General YOUNG says, "He did not state in his report that his pilot had observed any civilian casualties." General YOUNG went on to say, "There was no indication given to me that the pilot had observed any dead noncombatants. There was no mention made in the WATKE-HOLLADAY report of any noncombatant casualties." This is what General YOUNG is saying reference to what he heard from you.

A. I told him about both. The story I told Colonel HOLLADAY and Colonel BARKER was essentially the same, the very same in essence, and it was the same to the general. It was the same to Colonel HENDERSON in the van.

Q. You surely talked about dead noncombatants?

A. Yes, sir.



Q. Civilian, noncombatant casualties? Did you talk about a crossfire? Did you use this term, do you recall thinking of it or having any knowledge of any crossfire at all--

A. (Interposing) No, sir. Not in relation to My Lai.

Q. No relation. The word "crossfire," this thing has no connection as far as you're concerned?

A. I know of no confrontation anywhere that there would be units in such a way that they would be in a crossfire.

Q. Now your recollection, I believe, of General YOUNG's instructions to Colonel HENDERSON was to investigate. Would you put it in your words what General YOUNG told Colonel HENDERSON to investigate, as a result of repeating your story up through the chain of command?

A. He was told to investigate the -- well, the charges, the allegations that I made, reference the killings in the field and the confrontation, the entire episode that day. It was to be investigated by him, and a report was to be rendered.

Q. Did General YOUNG seem to put any emphasis between the killings and the confrontation?

A. Everybody was concerned about the killings.

IO: Well, let me ask you this. In the van, when you told your story, was General YOUNG present?

A. Yes, sir.

Q. He was present?

A. Yes, sir.

Q. I'm going back in your prior testimony now, just to acquaint you a little with what you said before. "I told General YOUNG about the indiscriminate firing, the needless, excessive amount of recon by firing." Let's go back just a little bit further. "I told BARKER there was indiscriminate firing out there. The worst thing I knew had happened was some indiscriminate recon by firing."

A. That resulted in killings and wounding --

Q. (Interposing) This wasn't said--

A. (Interposing) Well, it should have been--

Q. (Interposing) "The worst thing I knew had happened was some indiscriminate recon by firing." That's practically--

A. (Interposing) The people were killed from the firing, as opposed to the idea that people were rounded up and just shot.

Q. Until this time, in my appreciation, you have not made this clear. This is the first time that you have come through loud and clear that you knew there were killings that had taken place, and you're now putting a finger on about 25 or 30. That was your estimate, from what you heard. This is the first time that you've come out with anything. You have always said, "Wounded or perhaps killed," or words to that effect. Your testimony is replete with it.

A. Yes, sir.

COL FRANKLIN: This is very curious, Major WATKE, and this has certainly been a stumbling block for us. You come in here, and in your initial testimony if you had told us what you told us today, we could really understand a commander being informed of something terrible--killings, needless killings of civilians, a confrontation, and taking them up through the chain of command. This would have been the proper thing to do, and this would have been to your credit.

There is no question. We've gone through your testimony I don't know how many times, and we've had people poring over it, and you just kept shying away. You didn't want to use the word. "killing," and just--almost like pulling teeth, to admit anybody was killed. In making statements you gave the impression that your career really was the overriding consideration. Here you were operating with this unit, and there had been this confrontation. You made a statement, and I quote: "I think basically it was that my charge was quite something, and if it proved to be false--there was always the question that it wasn't a fact--I would just basically be ruined". So, the impression you have been giving, whether intended or not, was an officer greatly concerned over making waves in his own career, whose judgment, or information of a possible horrible war crime--this

has been filtered, or clouded, or even almost diverted by the negative impact it could have on his career. Now this is very damning talk, and I would like for you to set it straight.

A. If it had been my career at stake, I wouldn't have done anything. I think the fact that I carried this to my commander and to Colonel BARKER, and that I took the story which was told to me to both of them--if I had been worried about my career, I wouldn't have done anything. I would have let it just stop right there when it came to me.

IO: Major WATKE, let's be reasonable. You couldn't, and even if you had been thinking about your career, the worst thing that could have ever happened to you--and look at it very realistically--was for that word to get up the line without having gone through you. You wouldn't have had to worry about a career.

A. Yes, sir. I realize that. If it hadn't, I would have been off. But I took it to the people; I took the story, I think in its totality, to the people.

Q. You took part of it. You never completed what you should have done. You know and I know that after THOMPSON got through with you, you should have sat down with those pilots who were out there with you that morning, sat down and talked to them and gotten statements from them, put them down and made it a matter of record, and turned it in to the division commander through your commander. You had part of the story, but that's all you had. You made no effort to verify the story or anything else?

A. It went fast enough, sir, and to the right people, so that they were doing it there. Maybe I feel like I put the burden onto somebody else. I didn't intend to do that, and mentally I wasn't. But the story went up right away, and an investigation was being conducted on it, and I wasn't holding back personnel or information from these people.

Q. Let me read you a statement Mr. LLOYD made. This one he made to the CID. He said: "At the end of the day, I filed a written complaint with Major Frederick WATKE as part of my mission report of what THOMPSON had told me. Earlier that day, THOMPSON and I both made verbal complaints on the same thing to WATKE. About a week later, as I happened to

drop in to the battalion S2 office, I inquired about my mission report, and an intelligence specialist, named unrecalled, told me that he had not seen the report. I don't know what happened to this report."

A. I don't remember the report, but there wasn't-- I don't remember a report that had to do specifically with My Lai, other than general observances out there, and that was in turn relayed directly.

Q. This is his commander, filing his mission report, and saying that in filing his written report to you, that he included what THOMPSON had told him.

A. Yes, sir. That probably was still held in the company files, the after action reports.

Q. Well, wouldn't this be called to your attention?

A. Well, yes, sir. I'm aware of what was--that there were other people who were witnesses, and I recall that people came to me without reservation. What I can't remember are the specifics of the details of it. Yes, I remember that people said that there were people who were wounded and killed out there, and this is what I--

Q. (Interposing) I wish you wouldn't use that word "wounded."

A. Yes, sir. There were people who were killed out there, and this is what I relayed on, but for some reason I'm buying this part of it. For some reason I've been burying this part of it in my mind. I don't know why I've been doing that, but I have always known that they came to me with a charge that there were people killed out there, but I never placed it in the realm of hundreds. Never.

Q. Well, I don't see how you can talk to these people-- we talked to them, and if you talk to any of the people who were flying, frankly, particularly from 10:00 o'clock on, much of this came over the radio. If you talked to any of those people, the story was there. MILLIANS, for example, he was almost livid when he told us the story. And the same way with LIVINGSTON; and also CULVERHOUSE, who was one of the most vocal individuals. I might say that he tells an absolute beautiful story, if you can tell a beautiful story of this incident; very graphicly. And they talked about seeing hundreds of bodies, in excess of 100 bodies, many of them.

A. Well, I just don't--I'm not--

Q. (Interposing) If you recall, we brought you and Colonel HOLLADAY back here. We sat you there, and Colonel HOLLADAY there, right there (indicating). The story came out loud and clear that you had told this story to HOLLADAY, and you can correct me if I'm wrong. You had told this story to HOLLADAY, and said that the thing that concerned you was the confrontation?

A. Yes, sir.

Q. When you told this to HOLLADAY, he could care less about the confrontation. The thing which concerned him at that time, which you and he agonized about for about 2 hours on Saturday night, was the killing, and that's what you went to General YOUNG about, the needless killing of unarmed women and children. So we keep coming around to the confrontation again?

A. I think that I perhaps express myself poorly. The part of the confrontation that concerned me was the standpoint that in future operations with people out in the field, the ground people would get the attitude that we couldn't support them. This is the portion of the confrontation that I'm speaking of.

Q. No. I'm sorry to say that at this stage of your officer maturity, having heard a report--even if we leave it now at the 25 or 30 women and children needlessly killed--this is far more important than the operation of that unit, because the operation of that unit is not worth a nickel if you can't get all that straightened out. This is why we have Army officers.

A. Sir, I reported both.

Q. Did you follow up on it?

A. Not adequately enough, no, sir.

Q. I know this went on in your unit for quite some time. I know that sometime after this, when some briefers from division headquarters came down, and they briefed on this particular operation of the Americal Division, there was

considerable hooting and hollering within the group to the effect that, well, you talk about 128 killed, practically all these were women and children, to the point where you had to get up and quiet them down, just keep quiet and go on with the briefing. This was the attitude within your unit?

A. I know the attitude that was there, sir. I think I passed this on. In my mind, I showed this same attitude through my discussion with the commander. The story that I told relayed the story that was relayed to me.

Q. You're impressing me with this now, but you didn't before. And very frankly, you were concerned with the confrontation, and you mentioned a few people getting wounded in some kind of crossfire or something like that, but never to the degree that you're really concerned about some women, quite a few women and children.

A. I thought in my earlier testimony that I had talked about--

Q. (Interposing) Well, I think that we would have to search to find it.

A. It should have been there. I know I specifically talked about killings. I talked to Colonel HOLLADAY about it, and he would have insisted--this is why I feel the story went to each and every person literally the same. He wouldn't have tolerated the story to have been any different than this. But there were two parts to the story. I have left you with the impression that almost all of it lay in the confrontation area, and I'm sorry. I didn't intend it to be that way.

Q. Well, one thing I can't figure out is why you came down to this figure of 25 to 30, when it stands out in Colonel HOLLADAY's mind that you had impressed upon him that it was figure of about 120?

A. I don't know, sir, unless it goes back to the same thing. I can't remember a lot of things relative to the killings in my mind. I'm not--I'm sure I know more--

Q. (Interposing) Did you ever talk to Colonel BARKER after this?

A. Yes, sir, I talked to--

Q. (Interposing) Did he ever tell you that he had about 20 or 30 killed out there that day? They were killed in a crossfire, and so on?

A. He admitted that some were out there, but that there was a reason for it. This was, as I recall, within a day. This may have been prior to the meeting that we had at the van on the 18th, discussing it with me, and the fact that they couldn't locate this particular individual in the field that they were looking for.

Q. What individual in the field were they looking for?

A. It would be the individual that THOMPSON had verbal, face to face contact with on the ground. This person hadn't been identified as to a name, or a name had not been--

Q. (Interposing) You owe quite a bit to this unit of yours, you know. You had a very serious allegation, and something like this comes back and you say: "No, everything is alright really. It isn't that way at all, it's something else." Did you go back and tell the people that what they were reporting really wasn't the case?

A. No, sir, because a formal investigation hadn't been completed, and I went back and told them that there was one in progress.

COL FRANKLIN: We have looked at your record, Major WATKE. You have a good record, a fine record. So many of the things that we ask you are just contrary to our military experience, contrary to good sense. That's why we ask. People see things that you don't see. Why do you do certain things? And again now, you've got these very strong accusations, allegations, and you're going up through your chain of command, you're going to a general officer after you talked to Colonel HOLLADAY. You've got your company right there at Chu Lai with you. It seems like you would really be down grilling these guys. I mean, if only for a very basic reason, to cover yourself. If in fact they did prove false, these charges, you could say that this man, this man, this man, and this man told me that. You would have statements. And this is what is hard for us to understand, why there wasn't, later on that evening, or later on in the afternoon, a meeting with these people. This is your unit, these men are upset,

this is the gravest of accusations, and why wasn't there a discussion with all of the pilots concerned later that evening? That's what we don't understand.

A. Well, I think there was a good deal more discussion that day. Early--later that day, not that night, but later that day.

Q. You had--

A. (Interposing) But not as a company organization.

Q. Well, now, you had further discussions that afternoon then?

A. Yes, I think--I believe that after I came back from Colonel BARKER's van, the rest of the day on the hill at Dottie was relative to that very subject. But I can't remember who I spoke to and whether I was down at the airplane or what, but I feel that the discussion went on.

Q. Well then, in that case, we haven't gone into all of the different things that you would have known. But you certainly should have been familiar with the large numbers of dead women and children, noncombatants; a captain shooting a woman; a ditch containing bodies; a soldier shooting into a ditch; the confrontation; gunships evacuating civilians; troops firing unnecessarily, indiscriminately; use of such terms as murder, needless killing, and excessive killing; and smoke used to mark noncombatant casualties. All these things are serious, and these are things that have come out of this. If you talked to CULVERHOUSE, or MILLIANS, or THOMPSON, or COLBURN, or ANDREOTTA, you would have probably picked up most of these things that I just said. Now, do they ring bells to you?

A. Not the marking with smoke. The a--very, very clearly the unnecessary killing of these people. That was very definitely clear.

Q. How about that sergeant shooting in the ditch?

A. I cannot remember a ditch and I guess--

Q. (Interposing) How about the captain shooting a woman?

A. No, sir. Those two things have never--



Q. (Interposing) Never?

A. I don't remember there was ever a rank. The individual that had the confrontation on the ground, as I recall, wasn't a rank, wasn't a name, and there was--to my knowledge, I can't remember an incident at all that had to do with a rank pinned to any act.

Q. Well, you're a pretty smart guy, Major WATKE. Did you feel that you were well-armed and backed up when you went up there? You could be questioned on this, and really come back with the details? Did you feel that if you were questioned by HOLLADAY and YOUNG, which would be a very normal thing--

A. (Interposing) Yes, sir.

Q. To question you on this, and to express doubt. Did you think you were well-armed and prepared?

A. Yes, sir.

Q. You were convincing, then, in other words?

A. Yes, I think so. I wouldn't have gone to anybody unless I felt right. I felt that my people were right. I didn't question my people in their rightness. I thought, in my mind, that they had overdramatized what had happened; obviously they hadn't. But there wasn't any question in my mind that they were there, and that they were correct in what they saw; it was just that they were making it larger than it was. But I didn't--I didn't worry about the truth of what they were telling me. When they went out to the field--when I went to BARKER, and he went out to the field, I felt sure that he would find that what my people had said was true. Nobody had come--I always felt in my mind that I was right. Nobody has ever come back to me and said: "You're wrong. Your people were wrong."

Q. That would suggest a very strange paradox. You're sure your people are right. There has been an atrocity. There is no other word for it, that you admit. But nothing ever comes back to you now, until sometime last year. Your people have come to you and you believe your people are right. There is no doubt in your mind. You have talked to--and this again, I think you realize, is considerably different, this that you're saying now, from your previous testimony. I mean,

this going back and talking to people and getting the details is certainly a new--but if that's the way you did it--

A. (Interposing) I can't remember any of the details--that's my problem--that are relative to the killing. That whole aspect of the thing is--is not in my mind, for some reason.

IO: Mr. THOMPSON was going to fly back out there in the afternoon anyhow. Would it not have been a good idea to have a qualified observer go along with THOMPSON, with a couple of guns to accompany him, and maybe even you, the commander, to go out to see what the hell happened on the ground?

A. Yes, sir, I should have done that. When THOMPSON went out he went out with other--with guns, he didn't go out by himself.

Q. But he didn't go back over the area. Nobody directed him or anybody else to go down and look over the area. There was no hostile firing in that area all morning long. Nobody in a helicopter had had a round fired at them all day long, so there was no reason for not going down and really taking a good eyeball on it, and finding out what happened.

MR WEST: What moved you to talk to Colonel HOLLADAY?

(The witness shrugs his shoulders.)

Was it out of your discussion with Colonel BARKER, followed by further discussion within the company, that made you reach a decision to go and see Colonel HOLLADAY?

A. Well, I'm not sure, sir. The two things: one, I expected repercussions, and secondly, I think I just had to tell somebody.

Q. You thought it was too serious to keep to yourself, is that it?

A. Yes, sir. It was way beyond me.

Q. You had already talked to BARKER?

A. Yes, sir.

Q. You evidently did decide you should go tell Colonel HOLLADAY?

A. Well, there were just several things. Yes, sir. I think it was--it was bothering me. It bothered me.

Q. What time was it when you went to see him?

A. It was after dark. Later in the evening, because I sat around the company orderly room for quite a while, thinking about what had happened. It may have been as late as 10 o'clock, but I--it was definitely after 8. I know I sat around the orderly room quite a while.

Q. According to your prior testimony, it was about 10. You evidently thought this over a great deal?

A. Yes, sir.

IO: When you went up to the TOC on the hill, which you indicated you did do, practically the rest of the afternoon, you probably talked some more to Colonel BARKER. Do you ever recall talking any to Major CALHOUN?

A. I don't remember talking to CALHOUN at all that day, sir. I was only on the hill one time, plus the one--and then I talked to Colonel BARKER one other time, and whether it was that same day, or the first part of the next day--well, it couldn't have been, I was down--I remember now, I went to Duc Pho that day. So, it must have been later that day I saw Colonel BARKER one short time after I'd seen him when I told him about what my people had relayed to me.

Q. Well, let's say subsequent to that. I'm not trying to tie it down to a specific time, but you talked to Colonel BARKER about this and undoubtedly you also discussed it with Major CALHOUN at some time or other, did you?

A. I wouldn't--I don't remember, sir. I mean about getting down and discussing specifics with CALHOUN. I don't think I did discuss specifics, but whether I just mentioned it as a--in its totality. I might have, but I never did go up and talk to Major CALHOUN at all about specific acts out in the field that day.

MR WEST: What was the conversation with BARKER the second time?

A. This was a--the main point of it was the fact

that he could not--they could not locate anybody in the field, and that the people that were killed out there--and this was in smaller numbers--was a result of justifiable situations. Artillery, people that were just--I mean the numbers there were probably accidentally killed by people, people not knowing that they were there and so on. But he found nothing initially when he went out there that led him to believe that there were large numbers of people that were killed.

Q. Did he represent to you that he had been out there, to My Lai (4), Charlie Company?

A. Well, sir, according to his conversation, he would have to have gotten on the ground; but he didn't go into any detail about what he had done on the ground.

Q. This is rather significant. As to what was said, do you think you could just take us through this, from beginning to end, as best you can recall?

A. The meeting with Colonel BARKER, sir?

A. What he said to you, in your second meeting with him that day. In other words this was a--

A. (Interposing) I can specifically remember--

Q. (Interposing) He debriefed you as to what happened when he reportedly went out to see Charlie Company and check on this.

A. He had talked with people. I assumed the officers, primarily.

Q. Was anything said, specifically, about whom he talked to?

A. I don't know whether there was or not. I would-- I can't put a name down, because I know names now, but I wouldn't have known names earlier, so I--

Q. (Interposing) Try to go back into your memory, and relate this to us as best you can recall.

A. He went out and spoke with people. He had to have spoken to the officers, trying to locate the individual that

THOMPSON had talked to on the ground, because this was kind of the key at the time--was to isolate down what unit it was in the field. He came back and stated that they couldn't find him. There was nobody out in the field that had a marking on his helmet as I had described it to him, and that nobody owned up to the fact that they had talked with THOMPSON on the ground. He had not seen evidence out there that left him with the impression that there was--there was needless killing. He was justified in what he had seen, and people to whom he had spoken, and that things were all right. What was there was the result of necessary action.

Q. Did BARKER talk to THOMPSON that day?

A. The only time that I can remember that Mr. THOMPSON spoke with any of the officers was to Colonel HENDERSON, and that was on the--immediately following the meeting on the 18th. I don't recall any officers, THOMPSON or anybody else, being called up by Colonel BARKER to address this entire matter.

Q. We've had some rather confusing testimony as to whether one or more members of your company might not have talked to him.

A. Well, I'm not aware of it, and I never had a request. Now, whether he somehow had walked down and had spoken to him when I wasn't there, or who may have spoken to whom on the day of the 17th, is also something. I had no report, and I wasn't in the field that day, and I don't know whether my XO was there or whether Major SABRE was there; one of the two would have been there that day. There may have been some onsite talking with him, but I was not aware--am not aware of it.

COL FRANKLIN: Major WATKE, you said that you believed your officers when they told you this story. You believed them enough to take this up to a general officer. You believed they were right. What did you believe when BARKER talked to you and told you this? Did you believe him?

A. No. I didn't believe him.

Q. You didn't believe him?

IO: You didn't believe whom?

A. I didn't believe Colonel BARKER. I didn't believe that he couldn't find the man in the field, for one thing. Because you just don't--you investigate enough to find somebody. Somebody had to speak to him; there wasn't any question about it, he had spoken to somebody. And he came back and said: "Well, they couldn't find anybody." Well, in my mind you can--somebody, even if you have to line up the company, someone is finally going to admit that somebody else saw somebody speak to somebody else. In my mind he went out and had stopped the reconning by fire and the killing of the people, and that was it.

MR WEST: And these things were in your mind when you were sitting in the orderly room after dinner, pondering over what you should do?

A. Yes, sir. One couldn't correct what happened out there in the field, but it was just--

COL FRANKLIN: Excuse me. You were in the orderly room on the 16th. You mean that BARKER had already made his investigation, gone out and checked on the 16th, or was this a subsequent day?

A. No, sir, he went out--he went out on the 16th when I told him.

MR WEST: Right after you talked to him?

A. Yes, sir. And later that day, it would have had to be that day because I wasn't there the next day, perhaps 4 or 5 five hours later, but before we left that same day, he informed me that he could not locate the individual and that he felt--

IO: (Interposing) You left fairly early that day, didn't you?

A. No, sir. We normally didn't leave until--

Q. (Interposing) You had your slicks down there with your ground element but your OH-23 was out of operation, so you--

A. (Interposing) Oh, we had two.

Q. I didn't know--

A. (Interposing) One was brought down, sir, and one was--

Q. (Interposing) I know that you brought one down, but--

A. (Interposing) One was damaged.

Q. There were indications in the letter that--you indicated that you had no 23's, is that not correct?

COL FRANKLIN: This is the letter, sir, the exhibit, the letter that he wrote on the 16th that he didn't have any flying 23's.

IO: Yes. You said, "We just had an OH-23 clip a tree, so the blade is probably shot. It really doesn't bother me, but the blades are almost impossible to obtain. At this moment we have no flyable 23's. Maintenance has just examined our ship," and so on.

A. I remember that. That was at night, and I think that the other ship, when it got home, was down for some other reason. But the ship--we had at that time two aircraft, early in the afternoon. But one had come in and chipped the blade, and we lost the ship because of that blade. But to the best of my recollection, there was a second ship. Mr.--Lieutenant LLOYD brought one down with him, and THOMPSON already had one down, and the one went down--

Q. (Interposing) I don't quite understand your English. It says, "We just had an OH-23 clip a tree, so the blade is probably shot." It seems to me that you were probably writing this at 1:30 or 2:00 o'clock in the afternoon. "We just had..."

(Hands Exhibit M-10 to witness who examines same.)

A. I don't--

COL FRANKLIN: (Interposing) So you didn't believe Colonel BARKER. I want you to be frank now, Major WATKE; it's in your own best interest, believe me. You go to the battalion commander and you tell him, and then you get this big fast thing in the afternoon, and you get the impression that he

hadn't made too big an inquiry. Then you go through this business with the chain of command and the meeting of the five. You told Colonel HENDERSON, a brigade commander, you told a brigadier general of the United States Army, an assistant division commander, that there had been civilians killed unnecessarily, and indiscriminately, and needlessly, and there has been a lot. You never hear anything. I don't believe it. Did you ever hear anything?

A. No, sir.

Q. What were your thoughts as to the reasons for this?

A. That they never were going to find anything wrong there. I never questioned my people as to what they had seen, and I never expected to hear--

Q. (Interposing) You mean even when you went up and related it, you didn't really expect any thing to come of it?

A. Yes, sir. I did at the time I went up and related it, but I would say a week later or thereabouts, I--I felt in my mind there was never going to be any findings on this.

Q. Do you ever recall expressing this opinion to anybody?

A. Colonel HOLLADAY.

Q. In other words, you told Colonel HOLLADAY that you--did you ever use the word coverup or suppression? Is there any other word for it?

A. I suppose there are but I--coverup, yes, I--

Q. (Interposing) Doesn't this seem incredible to you as an Army officer? Now you've heard this general tell a colonel to go out and investigate this. Did General YOUNG seem sincere when he said it?

A. Yes, sir. He did.

Q. At that time did you believe that he meant what



he said, and that he meant for them to do something about it?

A. Yes, sir. I walked away from the meeting with the understanding and with the firm belief that there was-- that there would be an investigation, a good investigation. And I was--in my mind, I was convinced that my people were right, and there were people who were killed out there that shouldn't have been killed.

Q. You told Colonel HOLLADAY, you shared these thoughts with him. What did he say?

A. Well, he believed me. I think that he felt and knew that there was a coverup. That it was--I don't know if the word is that--I guess it is, coverup. He believed that it had gone on, that there had been needless killing out there. I believed it, and my people believed it. There wasn't a report, and there wasn't going to be one, that would find--that would come out with findings that there had been needless killing.

Q. Tho whole battalion knew this, the whole 14th Battalion?

A. The 123d.

Q. The 123d, excuse me. Did the 123d Battalion know that--I am talking in general. I don't mean each mechanic and everything. Did the 123d Battalion know, or at least had heard from someone else--obviously they were not all out on this--that there had been some people killed needlessly?

A. Oh, yes, sir. Several days later, I think it was probably right after the meeting on the 18th, I spoke with the company about not carrying this on any more, and not to start talking the war stories, that there was an investigation being conducted.

Q. At this time you believed that. This was right after General YOUNG--

A. (Interposing) Yes, sir. I believed that there was one. Yes, sir. The only reason that I believed in my mind, that I discussed with HOLLADAY, and that--well it was some-time later, when there just wasn't any residue, when there wasn't any of my pilots called up, and ask about it, queried about it. How could you investigate without going to the people who saw it.

Q. Would you say that again? That was your thought process, how could you investigate without going to the people who saw it?

A. Yes, sir. I expected my people to be called up.

Q. Did Colonel HOLLADAY ever talk about going to see Colonel PARSON? Going up through General YOUNG hadn't done too well. Do you know if Colonel HOLLADAY talked about it? Did he go see Colonel PARSON and just tell him there is something that stinks here?

A. I don't recall it. No, sir. We never did go back.

Q. Did you feel sort of blocked off on this thing? What were your feelings? I mean, if there certainly had been a coverup, did you ever think what your options were then?

A. Yes, sir. But I didn't have the nerve to--to follow the one course of action. It was either one of two things: either you let it go there and you let it die, or you then take it higher, and I didn't take it any higher.

Q. By higher you mean jump the whole chain and go up to--

A. (Interposing) I think going directly and confronting, first, the division commander himself, would have been--was the next logical step. Even though he was aware of it, that would have been the next logical step. Then it was to go--

COL FRANKLIN: (Interposing) How do you know that General KOSTER was aware of it?

A. Because at the meeting on the hill, General YOUNG specifically stated that General KOSTER directed--the commanding general had directed the investigation to be done, and I took from that that he had spoken with General KOSTER about our meeting.

Q. General YOUNG directed, in the name of the commanding general, the investigation, and the subject of the investigation was unnecessary and indiscriminate killing. Is that the thought--

A. (Interposing) That's the entire story, sir, that I had relayed. Yes, sir, the killing.

MR MACCRATE: Major WATKE, when you were speaking to Colonel HOLLADAY about the fact that this looked like a coverup, did he mention any information that he'd picked up in this respect?

A. I don't recall right now, sir.

Q. Maybe I can refresh your recollection. I don't know if this was shared with you, but Colonel HOLLADAY has given us a description of what he may have seen, which seems to square quite well with two different reports that reached division headquarters, and I wonder whether he ever shared them with you, and his reaction when he saw them that he thought they were a coverup?

A. The only thing that I can ever--that I can really remember is that he--as I recall, it was a letter that was supposedly written. I don't recall that I ever saw this letter, but he told me about it, shortly before I was--before I left there myself.

IO: What was the date you left again, Major WATKE?

A. Well, it was the 15th. No, sir, I think it was the 17th. I was shot down on the 17th of April. I stayed for a few more days, but I wasn't conscious. For all intents and purposes, my last day of duty was the 17th. It was just shortly before that, he mentioned that there was a letter which was written. It had to do, as I recall, with rules of engagement and treatment--not the rules of engagement, but the treatment of civilians, and he said: "At least you'll have that much satisfaction, that the letter was written on the treatment of civilians." But I don't recall that I ever saw the document. And it was prior to that, that basically I knew that nothing was to come out with a positive finding that there were needless killings.

MR MACCRATE: I believe we have that letter to which you just referred.

IO: This has been entered into the record as (Exhibit) M-9.

(Hands the letter to witness.)

It is entitled "Safeguarding of Noncombatants," and is dated 24 March 1968.

(The witness examines the document.)

A. I don't recall, sir, that I've ever read this before. With the date on it, I think it was a little later than this that it was brought to my attention by the colonel. In fact, I'm sure it was later that I was told of the letter.

MR MACCRATE: But you believe that this is the letter that he referred to at the time?

A. Yes, sir.

Q. In addition to a letter such as that, did he refer to any reports that may have been submitted by Colonel HENDERSON in the form of a brief letter that had been shown to him by someone at division, not officially, but had just been shown to him as an indication of the halfhearted investigation that had been made?

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

Q. He never mentioned that?

A. If he did, sir, I don't recall it. I'm sure he would have.

IO: When did you talk to--recognizing now we're talking about this episode taking place on the 16th, and you got together down there on the 18th.

A. Yes, sir.

Q. About when was it, then, that you expressed your opinion of a coverup to Colonel HOLLADAY? Now, I'm not trying to pin you down to the exact day.

A. I think a week or 10 days was the--in other words

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a reasonable length of time had gone by, and nobody had been called up, nobody in my unit had ever been queried, that is, was never called on to give anybody--nobody had ever come back to me and asked me any more specifics about this case. And after a reasonable length of time, which I think was a week, I came to the conclusion that there probably wasn't going to be any positive finding here. It would be most difficult to try to place everything together without confronting the people who made the charges, and those were my people.

IO: Well, you knew about that time that Colonel HENDERSON had been wounded, and had his leg in a cast for approximately the next 2 weeks?

A. I had forgotten that until sometime back--he had been, yes, sir. But nobody had been called. The subject basically had just kind of--

Q. (Interposing) Did you ever feel inclined to go get those people together? If you did feel there was a coverup, you still had a responsibility to your men?

A. Yes, sir, but I never had enough "smarts" to go down and document it.

Q. To get the details; to find out? Frankly, if you had talked to those men, you might have uncovered an horrendous story.

A. I'm convinced, sir, that I know more than I'm able to tell you now, but I can't explain to you why I can't tell you. I mean, it's no willful intent not to. It's just that I've either in my mind told myself I want to forget it, or what it is, I don't know. Certain things are very clear in my mind and I--and other things aren't, and they're not I feel for some reason, and I don't know what that reason is. And it's a lot of details on the killing. I know there were killings out there, but I honestly didn't have any idea it was in the hundreds. Now, maybe I did know that at the time, but I have completely removed this from my mind, for some unconscious reason maybe, or something. I just don't know why, but I--

Q. (Interposing) I don't know of any other people who have talked in the terms of hundreds, but they have talked in large numbers, some as few as maybe 30, 40, 50, but some getting up to 125, 150, 175.

A. Well, the most that I could now say that I thought was out there is 20 to 30. And that was not in any grouping, but isolated, you know, small groups, probably the largest being where the body was picked up, the boy I mean. And that --I never in my mind now can picture more than three or four people, right there. Now, I'm not saying that they didn't tell me there weren't more. I may have known at one time that there were more because I can remember them telling me a story that I couldn't believe. And when I relayed the story on, I remember it somewhat. I can remember doing that, but no tempering to as to the fact there weren't people killed out there, or that it wasn't serious. But I didn't go and say everything that I'd been told, because I flat couldn't believe that it was as bad as it was. But I can't tell you how bad that was. I'm sorry I just--my mind won't let me recall it. It was enough that I had to tell people.

MR WEST: Major WATKE, if I may take you back briefly to your statement that you believed General KOSTER knew about it. You base this on what General YOUNG had said. I understood you to mean that General YOUNG said, in the meeting in the van where the five of you were, that he had told General KOSTER about the meeting that you and Colonel HOLLADAY had with him the night before, Saturday night, and passed on to him the information that Colonel HOLLADAY had given. Is this correct? Is this what you meant?

A. Yes, sir.

Q. If you could, just tell what he said that gave you that impression?

A. Well, I recollect that he addressed Colonel HNEDESON with the statement: "The Commanding General has instructed me to have you conduct an investigation." I believe the word was "formal"; not a 32, but a formal.

"You are investigating it for him, in his name, on these charges. You will render a report to him." That is as much of a reference as I can recall, addressing it back to the commanding general. He wasn't directing this to be done for his benefit, but for the commanding general's benefit. Obviously, for him to do that, the commanding general would have to be informed.

Q. Now did this follow your telling the story once again, maybe for the third time?

A. No, sir. The instructions to conduct the investigation were after I had repeated the story, or told the story, in the van. When we came in, the general said: "Major WATKE has a story which he related to me and I want you to hear." Then he said: "Go ahead, tell your story."

Q. Did he ever say: "I relayed this story to General KOSTER?"

A. No, sir. I don't recall there being any specific type of reference. I got the impression, the full impression, that maybe there were some other things said. Anyway, there wasn't any doubt in my mind at the time that the commanding general knew about my story.

IO: In this regard, I think you just said previously, if I'm not mistaken, that he was to conduct the investigation for the commanding general.

A. Yes, sir. His report was to be done for and reported to the commanding general. So this is why I always assumed that the commanding general was aware of it.

MR WEST: This was my next question. Who was going to report back to General KOSTER?

A. Colonel HENDERSON was to conduct it and render a report to the commanding general or report to the commanding general. I was left with the impression that General YOUNG was only relaying for the commanding general, that the general had told him: "Well, you go down and have the story told, and then I want the results of this."

MR MACCRATE: Before you left in the middle of April, did you get any information directly or indirectly as to what kind of an investigation Colonel HENDERSON had conducted, what he had done?

A. I didn't know that he had conducted any. I wasn't aware. I couldn't have proved that any effort was made to conduct an investigation.

Q. You did know about his talking to your men on the 18th?

A. Yes, sir. When the meeting ended in the van, General YOUNG and Colonel BARKER and Colonel HOLLADAY left the van and I stayed in the van and we talked, Colonel HENDERSON and I, for what I recall as being about 2 minutes. Very, very short discussion, and the essence of this discussion was: "I want to talk to your people. Make them available. I want to see them." I remember specifically THOMPSON, and I for some reason seem to think that the other two people--the three that I sent up were aviators. Names I'm not sure of, no. They went on up the hill. I didn't accompany them. I came down to my van and sent the three of them up. I know that one of them, Mr. THOMPSON, did speak to the colonel, and I've always felt that the others did as well. I can't specifically say.

Q. Did you get any indication at that time that sworn statements were being made or requested? Was any formality of that sort being pursued?

A. No, sir. They did not ask me.

Q. Did you ever get anything back at the other end, from Colonel HOLLADAY, reflecting what had or had not come into headquarters?

A. I don't recall that anything had. The only thing that I can really remember, other than that, was just personal conversation between Colonel HOLLADAY and me, expressing our personal beliefs and thoughts on the matter. We discussed it several times, several different aspects of this, but I don't recall his ever having said that any type of report ever had been rendered, or that there wouldn't be one,



either. It was just--

Q. (Interposing) We have had, from some of the non-commissioned officers in the headquarters building, their recollection of Colonel HOLLADAY coming into the headquarters building and being much concerned about this, seeking something to be done, and that he was accompanied by a warrant officer. I would say Mr. THOMPSON does not himself recall having accompanied Colonel HENDERSON. He doesn't exclude the possibility, but he doesn't recall that. I said Colonel HENDERSON; I meant Colonel HOLLADAY. He doesn't exclude the possibility, but he doesn't recall it. Now, I wonder if you have any recollection of one of your people, maybe someone other than Mr. THOMPSON, accompanying Colonel HOLLADAY to headquarters, wanting to speak to the commanding general about this.

A. No, sir. I don't recall anybody out of the company ever going to division on this matter, to the division headquarters building. I don't recall anybody ever asking to go and I don't recall anybody ever physically going there or being asked by somebody else to.

IO: When I heard this story, I should say that I thought of the possibility that the individual relating the story may be mistaken, and it might have been you. Did you ever accompany Colonel HOLLADAY to see General KOSTER, not General YOUNG?

A. No, sir, I never did see General KOSTER on this matter, never discussed it with him in the field or anywhere.

MR MACCRATE: Well, I believe the testimony from the people in headquarters--this was not necessarily that you had gotten in or that the people, whoever was accompanying Colonel HOLLADAY, had gotten in to see General KOSTER, but there had been some request to see General KOSTER.

IO: Had you planned to see General KOSTER first?

A. Yes, sir. There again, this isn't very clear.

We went forward that day to see a general officer. I think that the night before, when Colonel HOLLADAY said we were going out, it may have been to see General KOSTER, but I can't be sure. Nothing sticks in my mind that we were passed off to someone of lesser importance or lower rank, other than for an obvious reason.

IO: Could you have been told, if I can put some thoughts in your mind--not in your mind, but to restore the situation, "General KOSTER isn't here. He's already gone."

A. That's the thing, sir. The reason we ended up--if we went to see General KOSTER, and we saw General YOUNG, and that's who we did see, it was because of the situation that either there was a meeting of importance going on and General KOSTER was already scheduled to attend, or he wasn't there. It was logical in my mind that we were speaking to General YOUNG. General YOUNG was the general officer who basically monitored the actions of the 123d. If we couldn't see General KOSTER and there was a reason for it, and I assume there was, then this was the person to see.

MR MACCRATE: Customarily such things would be arranged through the chief of staff, just as a convenience. Do you have any recollection of speaking with Colonel PARSON at this time?

A. Yes, sir. When we went in--I can't remember; there were so few times in division. It seemed like maybe on Sundays there was a morning briefing. Maybe shortly after this morning briefing, we went in and we went to see Colonel PARSON, specifically to try to get to see General KOSTER. At our request, the colonel asked if the subject matter was important enough so that we wanted to see the general, and as I recall he said to wait. We did wait around for a few minutes, and then he came back and said that the general, General KOSTER, wasn't available. General YOUNG is going to talk to you. I don't really think that the subject of our discussion was truly brought to the attention of Colonel PARSON in any detail except that it was important--based on the fact that it was important. I'm not real, real clear on this, sir.

Q. One of the clerks in the office recalls something about a complaint of a helicopter pilot.

A. We may have said that this was--I just can't remember how we went up and what explanation we gave as to why we had to see one of the general officers. I'm sure it wasn't: "Well, we've got an atrocity to report," or something like this, but as I recall also, we didn't go into detail with Colonel PARSON. But we had to see Colonel PARSON in order to get to see one of the generals. This was just standard procedure.

IO: Did Colonel HOLLADAY ever subsequently indicate to you that he had informed Colonel PARSON of your discussion with him?

A. No, sir. I don't remember. Colonel PARSON's name just doesn't--just doesn't stand out in my mind for any reason, other than the fact that he was the chief of staff. I don't remember any stories about him or to him. I'm sorry.

Q. You were still in the headquarters until 17 April. Is that when you were shot down?

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

Q. Along about the 14th or 15th, along in there, did you hear that some VC propaganda had been received to the effect that a large number of civilians had been killed in Tu Cung and Co Luy on the 16th?

A. No, sir.

Q. Along in the middle of March?

A. No, sir.

Q. Did you hear that a letter had been received from Colonel TOAN, Commanding Officer, 2d ARVN Division, which contained information to the effect that quite a large number of civilians had been killed.

A. No, sir. I did not. I was not aware of it.

Q. None of this filtered down to you?

A. No, sir.

COL FRANKLIN: This is an unrelated question, I ask you, Major WATKE. KUBERT, after he would leave your van at Dottie, he would collect the forms your pilots would make up. This is the form that Captain MOYS made. KUBERT would go up into battalion operations. He would work until about midnight, and he would make up these reports, a copy of which would go up to the division aviation officer, and one to the G2. They were kept in a big, green notebook. Do you recall this, this report?

A. Yes. We had reports, but I couldn't remember what we did with them. The reports that we rendered, other than I think a monthly required report, never left the battalion area. I think the one you are talking about that goes forward is an intelligence report, and the other one had to do with just expenditures. But every day--

Q. (Interposing) This is some after action report which later became sort of a history.

A. Yes, sir. I never knew what to do with them all, because we made out more than most of the people did. The reason I made out, or had people make out reports, was to attempt to draw lessons learned for ourselves out of these. And they were basically intended for in-house work, as opposed to external use, and it would help out also, in the end, for unit history and so on. Principally I made every pilot make them out so we could build a data base early.

Q. Do you recall one on 16 March, that was made out by KUBERT, in which he listed 100 to 150 civilians killed in My Lai (4)?

A. No, sir.

Q. Colonel HOLLADAY never requested you or the G2 to get such a report?

A. No, sir. I know that the reports of the body count out in the field of 149, we felt--I felt was one of two things, either it was wrong, it wasn't anywhere near that, or if it was, a great many of them were innocent women and children and men as opposed to being resisting individuals.

Q. You crashed on 17 April. How long were you

unconscious, Major WATKE?

A. Well, I really wasn't unconscious, I guess. When I was brought in--when the crew--according to the log--I was told they got in there 6 minutes after I crashed, the infantry, and took me out. Well, when they came to the airplane, I was conscious. I was perfectly coherent. I was giving instructions, complaining, griping about what they were doing and what they weren't doing, and so on. I was perfectly normal in their minds. I don't remember that at all. I was taken to the hospital. Colonel HOLLADAY maintains that I talked to him in the entry room before they worked on me, and I was perfectly coherent. I don't remember a bit of that. The first thing that I can remember, the first thing that sticks in my mind anyway, is Colonel GELLING coming to see me, and I can just remember seeing his face. He came to see me either the next day or 2 days later, and then I finally came out of it. About 3 days later, I was moved from the intensive care over to just the normal part of the surgical hospital. I don't remember much of anything at all while I was in intensive care.

Q. Well, this must have been quite a traumatic experience. We have heard evidence that your plane was ready to explode, and you ordered rescuers to leave, not to endanger themselves to rescue you. Do you ever have any reason to question your memory, or talk to doctors? Do you have any trouble on recall?

A. No, sir. In fact I always thought I had a good memory, and I really don't question my memory now. I think that those things by listening to the tape that are being brought back to me are perfectly normal. It brought things together. The only thing that I question about my memory--I really don't think it is memory--I'm able to give very little facts about the killings at My Lai, and I think there is a reason for this, but I don't know what it is. How can I remember? I've never seen these letters that I presented, or anything else, since the day I wrote them, but I remember all the visits in quite good detail, who I had spoken to, and so on. I remember the confrontation out in the field. But I don't have details about the killings. There are things my pilots reported to me; I don't question that they reported them to me. I am convinced in my mind that I passed those on to Colonel HOLLADAY, and to the others. There is really no great doubt that the story I told to one, I told to all, and they all

knew about the killings out there. But I can't remember large numbers of killings. I can't remember seeing, for instance, bodies on the ground. I've seen a lot of bodies on the ground. I've had my fair share over there, and I have seen these things, and I'm a pretty damn good man, despite what maybe is coming out of this. I don't know, but I think subconsciously I buried it, and I don't know why.

COL FRANKLIN: I have no further questions, sir.

IO: You indicated you were about 2 minutes with Colonel HENDERSON after the other people had left?

A. Yes, sir.

Q. According to an extract from your CID testimony, there is an indication there that you were--you stated at one time to the IG: "Colonel HENDERSON, who conducted the investigation, put me under oath after General YOUNG left." Do you recall that?

A. No, sir. I can't recall going under oath, sir. I don't now.

Q. Do you recall having made this statement?

A. No, because I don't recall ever going under oath.

Q. Do you recall, if you did go under oath, having signed a statement of any variety?

A. No, sir.

Q. Do you recall any of your people, even the three that went up, did they indicate that they had been put under oath or signed a statement?

A. I don't think so, sir, because I spoke to them afterwards. I spoke to THOMPSON.

Q. You sent three people up there, and as I remember your previous testimony, you indicated that they went up, you thought, as a group of three.

A. Yes, sir.

Q. But they came back individually?

A. At least Mr. THOMPSON came back before the other two.

Q. About how long, first, was Mr. THOMPSON up there, as you recall now, and second, how long were all three of them up there in total?

A. Well, I think Mr. THOMPSON for about 20 minutes. I don't recall seeing the other two. I just can't put a time at all to that.

LTC BAUER: I just want to go over one or two points here, recognizing now that you have changed your testimony at this time from what it was last. Throughout your previous testimony, it has been pointed out that you minimized what you actually saw and what was reported to you. I'm concerned about what you reported to Colonel BARKER, and what you reported to General YOUNG. You told us in generalities. Specifically, in dealing with the confrontation, when you last described it to us, it was an amiable meeting, relatively speaking, between two people. Would you like to reconsider your original description of the confrontation as you had related it to us? Are there any changes you would like to make in that?

A. Well, I wouldn't say that it was amiable. There wasn't anybody swinging at anybody. It started out, they went down and landed, telling him what was going on out in front of him there, and to stop. And to insure their safety, he was going to fly over him. The individual said "No." At that point it wasn't amiable any more. That's when he said, in my recollection, that he then went up forward.

Q. I'm not concerned with the actions of what he physically did. For example, were there any threats exchanged?

A. Yes, and that's what I think has been in my testimony. That statement, "If I get shot while I'm out in front of you, then I'm going to shoot back," and this in essence was the confrontation. Not the talk, but the threat.

Q. We haven't had that before.

A. Sir, I'm sure that I said this in previous testimony.

Q. Now the other business you mentioned, that you did not have any conversation, or hear any conversation, or hear of bodies in a ditch. Did you hear of anybody shooting into a pile of bodies? It may not have been in a ditch?

A. No, sir. No occasions of pointblank firing. I mean someone 5 feet out in front of you, or something like this. No, sir.

Q. As far as your meeting in the morning, in the TOC, we have had quite a bit of testimony on it, and I think you should appreciate now that your testimony and many other people's has been analyzed and compared, in great detail, and we can reconstruct pretty assuredly what transpired that morning. Now, you've got a lot of messages in the van and people in the van who heard them, and as a result people reacted. We've had testimony that the first time you went to the TOC, or the first time you talked to Task Force Barker about irregularities, was not when you went up after THOMPSON had spoken to you. Do you recall making any phone calls?

A. No, sir.

Q. Talking to anybody?

A. No, sir. I cannot recall knowledge of killings, pointblank killings, until THOMPSON addressed me. Now, there was something going on out in the field, and that is the thing I didn't get answers to. I tried to and I just wasn't getting satisfaction. You'd hear a little bit of this, or a little bit of that. You didn't know what the hell was really going on. Airplanes were landing, and I didn't know why airplanes were landing. I couldn't have gone, I didn't have any reason to go forward. If I did--no, I just did not. I was not aware of these irregularities until THOMPSON came to me. I suspected something, but I didn't know what.

Q. At the meeting with the five people on Dottie, on the 18th, do you recall any specifics? I recognize that we're dealing in generalities, and that is all you can recall, but do you remember any terms that were being used? The confrontation may have been initial, but we are talking about the terms you used. "Unnecessary killings", "indiscriminate killings;" were these terms used there? Were you talking about murder at that meeting?



A. I think the term "indiscriminate" I used frequently, and I'm sure I used "needless". I don't know if the word "murder" was used, but "indiscriminate shooting" and "unnecessary."

Q. This is the thing now, you have made some corrections in your testimony. It is still not in agreement with what other people have said. You are talking about 20 to 30 people. That's a lot of people, but everybody else was talking about a lot more, and they were using terms such as murder. I wondering if this feeling of the magnitude of this thing, was expressed at the meeting with the five?

A. Yes, sir. I think everybody left--I was under the impression that there was more than one person who was killed out there. I mean the problem wasn't whether there was one person who was shot, and that by accident; but the numbers--no. Like I say, in my mind, I never--I can't recall ever having a larger figure. I may even have used a higher figure, but I can't recall it.

Q. When you left the meeting, you stated before that you felt sure in your own mind that this matter was going to be resolved. At this time, you had a feeling for the seriousness of it. You felt that the division was reacting properly to this thing. What did you think was going to happen to the people involved? You had an idea of what the crime was, some idea. If you can put some sort of a judgment on it, what did you think was going to happen? What did you think an appropriate action would be if they found the allegations that were made by your people to be true?

A. The battalion commander would be relieved. Action would be taken. I felt there was somebody on the ground. I always felt that the company commander, he was the commander out there, and I thought that he had been out too long. He had been through too much, was just battle weary. He should be removed from there. I never had any idea that there would be court-martial charges for manslaughter. I didn't think--I never suspected that that would happen. I'm not saying I didn't suspect it shouldn't have happened, but I

never expected it to happen. I expected it to be quite a shakeup.

IO: I have just a little bit more. You stated on the 12th of December: "When I refueled and got back to the TOC, there were several messages that had come in that related to problems between my people and the advancing ground troops." Do you recall that?

A. I think the ships had already gotten out. I don't remember what the problems were. I think I walked on up from the refueling area. I'm not sure, but from the time I left, I don't know what I was doing. It took me a while, anyway, to get into the TOC. I don't know whether I went over and talked to my people. I would have had several things to discuss. One was, principally, the little operation that we conducted ourselves, in reference to the demolition of the 60's and all. As I say, there was--I had no suspicions. There was nothing unusual that I was aware of at the time that I came in and got out of the airplane, so there wasn't any great need for me to get up to the van, and I think I spoke to several people on my way up to the van. And when I got there, there were, I think, already some transmissions of an unusual nature that at least alerted the people in there. From that point on, we went through the episode of trying to find out what was transpiring out in the field.

Q. Well, we feel that up to this particular time there could have been as many as four. There could have been one, two, four, or as many as five separate landings to the east of My Lai, involving confrontations of one form or another with the ground troops.

A. No, I never have been really aware of more than-- in my mind--more than one of the guns landing at one time, and any more than one of the 23's landing more than twice. That is, forward of the troops. I know that they shifted troops from one point to yet another point in the field, and then the 23 made a flight from the field to Quang Ngai. Maybe I didn't get up to the van for a longer period than I thought.

Q. You are a long way from having the story of what happened.

A. Yes, sir. I'm quite short of the information that other people have rendered, but I don't--

Q. (Interposing) Because the story, just for your own information, because we know in detail practically everything that transpired, is the fact that THOMPSON landed once, and had a discussion with a colored soldier concerning people that were wounded, quite a large number, and some that were killed, dead people. He then landed a second time, and had this confrontation. And one thing that I would like to ask you is, when he explained this confrontation with that group, if he explained that, in telling this individual about this group, the individual said: "Yes, the only way we could take care of them is to grenade them out of there." This comes out loud and clear, and this is where the real crunch is, the real confrontation, and it is at this time that THOMPSON goes and gets the people out.

A. Well, that story was told to me, but I don't remember anything about the colored soldier. I remember one time that he landed, and that was the confrontation, and I don't remember an item about the throwing of the grenade. "The only way to get them is to throw grenades in there."

Q. "Grenade them out of there."

A. I don't remember that, sir.

Q. He landed a third time after that, and it was at this time that he picked up the wounded boy and took him to the hospital. But at the confrontation point he brought in a gunship, which made two trips to haul civilians, not troops.

A. No. They were civilians that they moved, yes, sir.

Q. To move the civilians back to the west.

A. Yes, sir, to the rear of where the troops had already progressed, out of the area where they would be in any contact. I'm sure this was relayed to me, but, sir, I can't--

Q. (Interposing) I remember one statement, and this is one of things that has been hanging with me, that you said when you were asked about how you felt about these allegations and what the implications of them might be, which didn't fit in with your story at all. It does better today, but it didn't then. You said, "It would be a black day for the division, no doubt about that." Major WATKE, I'll give you an opportunity

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to ask any questions that you would like to ask, or if you would like to enter a statement into the record.

A. I regret that I didn't relay at all, I guess, the fact that I've always been aware that there were people killed. But I never have been aware that there were large numbers. I thought in the realm of 15. I was never aware, at least I don't recall now, that there were 50, 75, or 100 people killed, and they very well may have been. I very well may have remembered it then. I'm sorry that I left--I always said "wounded", and it was erroneous. I've always known that there were some people killed out there. I haven't intentionally or knowingly, really, I guess, lied before the committee. That's all I have to say, sir.

IO: The hearing will recess at this time. Thank you, very much.

(The hearing recessed at 1741 hours, 10 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: WILSON, Clyde P.

DATE OF TESTIMONY: 28 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Executive Officer of Aero-scout Company, 123d Aviation Battalion.

1. THE ASSAULT ON MY LAI.

The witness did not fly on the day of the My Lai operation (pg. 2).

2. KNOWLEDGE ABOUT THE OPERATION.

When the aero-scouts returned on the 16th the main topic of conversation was what had happened in My Lai (pg. 2). WILSON received most of his information from Captain SABRE who was a platoon leader (pg. 3). He did not recollect speaking to THOMPSON or his crew about it (pgs. 4, 11). SABRE and the others told him that THOMPSON had seen people being shot and killed and had landed to evacuate some kids hiding near a ditch (pgs. 4, 6). He did not recall this being reported as a series of incidents (pg. 5). As he understood it all this occurred "continuously in one operation" (pg. 5). He was not told how many civilians were shot (pg. 5). While he knew that THOMPSON said something to the people on the ground, he did not know of other helicopter landings (pg. 6). He recalled no conversation about the receipt of hostile fire (pg. 29). He did not know that THOMPSON had a blade strike and returned to Chu Lai before the termination of the day's operation (pgs. 7, 8). He recalled nothing else about this incident (pg. 7).

(WILSON)

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## 3. INQUIRIES AFTER THE ASSAULT.

WILSON was aware that WATKE knew more about what had transpired at My Lai than he did (pg. 9). However, he did not discuss the incident itself with WATKE at that time (pg. 11). He knew that WATKE planned to tell Lieutenant Colonel HOLLADAY about what had occurred (pg.9). WATKE was upset about it and he seemed in a rush to get the information to HOLLADAY (pg. 12). WATKE later told WILSON that HOLLADAY wanted him to take the story to the division staff meeting (pg. 10). The witness thought this occurred prior to the staff division meeting on 16 March (pg. 10). In any event he felt that WATKE had reported it to division (pg. 11). To WILSON's knowledge WATKE never put his complaint in writing (pg. 31). WILSON did not believe he and WATKE ever discussed what was being done by anyone in higher authority (pg. 13). He knew nothing about WATKE taking his story to General YOUNG on the morning of the 17th or the meeting at LZ Dottie on the 18th (pgs. 14-16). He did not recall WATKE telling him about anything that happened at these meetings (pg. 16).

## 4. REPORTS OF INVESTIGATION.

WILSON heard nothing about an investigation or written reports (pgs. 20, 21). He saw no requirement for statements from aero-scout personnel concerning the matter (pg. 20). Had there been typed statements he thought he would have known about it (pg. 20). He did not know if the matter was forgotten at higher levels. However, other problems consumed his time and he recalled no more talk concerning it (pg. 21). He heard nothing more about it after he took command of the aero-scouts (pg. 22). He knew of no attempts to quiet people about the incident or suppress information (pg. 33).

## 5. OTHER INFORMATION.

a. Source of WILSON's information.

He did not recall speaking with LIVINGSTON, LLOYD, WALKER or MOE about what they had witnessed over the My Lai (4) area on the 16th (pgs. 4, 5).

(WILSON)

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b. Discussion with others since the story became public.

He had spoken with no one from the aero-scout unit about it since he returned from Vietnam (pg. 7).

c. WATKE quiets meeting.

WILSON recalled a situation following the 16 March operation in which a lieutenant from another unit was giving a class and one of the men from the aero-scouts shouted out, "Yeah what about killing women and kids" (pg. 17). WATKE got up and said something like, "Let's have no more of that talk" and hushed it up (pg. 17). WILSON did not interpret WATKE's remarks as an instruction not to talk about the incident anymore (pgs. 19, 20). Rather, he thought it was an admonishment for rudeness (pg. 20).

d. Working relationship with Task Force Barker.

There was a good working relationship with Task Force Barker after the 16 March operation (pg. 21). Neither Major CALHOUN nor Lieutenant Colonel BARKER ever mentioned the incident to him (pg. 22).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-42	Paper for award to ANDREOTTA	Award was expedited because of recipient's death.	27
M-43	Paper for award to COLBURN.	Wit explained why COLBURN's award was given before THOMPSON's. They were awaiting eye witness statements.	27,28
M-44	Papers for awards to THOMPSON	Wit felt statement for award agreed with facts as he knew them. He signed the statements. He did not know who made corrections in the statement.	23-25



(The hearing reconvened at 1005 hours, 28 January 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Mr. Clyde P. WILSON.

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

Please state your full name, occupation, and residence.

A. It's Clyde Parker WILSON. I'm a civil service aircraft pilot, White Sands Missile Range. My residence is 2340 Union Avenue, Alamogordo, New Mexico.

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

A. Yes.

Q. Just for the record, were you a member of the United States Army on 16 March 1968?

A. Yes, sir.

Q. What was your grade and duty assignment at the time?

A. I was a major, and I was the executive officer of the aero-scout company, Company B, of the 123d Aviation Battalion with duty station at Chu Lai.

Q. What is your present military status? Are you retired?

A. I'm retired, sir.

Q. In the grade of major?

(WILSON)

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A. Yes.

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

LTC PATTERSON: Yes, sir. We understand that you were assigned to Company B, 123d on 16 March, and you indicated your position was executive officer?

A. Executive officer.

Q. Do you happen to recall, or do you have any knowledge of flying, physically piloting an aircraft on 16 March?

A. No, I did not.

Q. You did not fly?

A. I did not.

Q. Have you confirmed this, sir?

A. I confirmed it by looking at my 759 for that day.

Q. The individual flight record?

A. The individual copy that I had.

Q. When was the first time after 16 March or on 16 March that you heard of something occurring on 16 March operation that was out of the ordinary?

A. I heard it that night. I say that night. I mean at the end of the day, whatever time that might have been. The normal procedure there was for the commanding officer to take the combat portions of the company out that day, which means our helicopters and the crews plus our infantry platoon that we had air lifted. He carried them out and we operated out of LZ Dottie or Quang Ngai City or any other LZ or any other place that we might have been working. My normal day involved staying back with the logistics and the sick, lame, and lazy back at the home station. I usually met the unit when they'd fly in at night. They'd all come into the heliport. I was usually there to see what was going on, met the CO and this, that and the other. When they came in I heard about it at that time. That was the main conversation as they came in that day that people were talking about. I did hear from the other members that something out of the ordinary had gone on. Most of the company was talking about it at that time.

(WILSON)

Q. Well, if you can recall, as I understand, you now went down to the heliport to meet the unit as they came in. I assume that one of the first individuals you saw was perhaps the commander of the unit?

A. Usually that was the case. I'd usually go to his ship. As I recall, that day he was a little late in coming in. He didn't come in with them and I heard it from the others in the meantime waiting on him to come in. He came in a little later that day.

Q. Who do you recall seeing first coming back?

A. Well, I thought about this. It seems to me like I heard people talking without anybody coming to me to tell me about it. Different people were telling different people and I just heard the talk. As I recall, Captain SABRE, who was a platoon leader there of the group probably told me more about it than I heard from anybody else. That's the way I remember that.

Q. I see.

A. It wasn't anything official. It wasn't that he was reporting it to me as such. That was normal, I'd go down there and usually somebody would tell me what went on that day. We didn't have contact with the people in the field. I heard about it at that time.

Q. I believe this meeting between the returning people and yourself occurred at Chu Lai?

A. Chu Lai heliport.

Q. Which is where you stayed on 16 March, at Chu Lai?

A. Yes.

Q. Now, in addition to Captain SABRE, did you talk or do you recall having any conversation directly with anyone else that evening as they arrived back in from the mission?

A. Well, I spoke with Major WATKE later on when he came in, but at that time I felt that I had already heard about it. We didn't have much to say about it when he got in.

Q. Okay.

A. He really didn't tell me any more about it. There wasn't anything else to tell me. I assumed that I had heard it.

Q. As best that you can recall then, can you tell us what you did hear from Captain SABRE?

A. Well, again, I can't say that Captain SABRE told me all this. Everybody was talking about it. That's the only person that I can remember by name. I don't know really whether he told me all this; he probably did. He probably told me in 1 or 2 minutes that supposedly that there were a bunch of people being shot and killed out there in this area and that THOMPSON had seen it. THOMPSON had tried to do something about it, and our people actually landed down there to help these people out. It was our own people doing the shooting of them and there were women and children involved.

Q. Well, okay, sir. I recognize, now, we are asking you to recall some time ago but can you recall who was in this group that you heard and perhaps talked to besides Captain SABRE, whom you've mentioned?

A. I don't recall talking to anyone else. You asked me before if I've talked to THOMPSON. I don't remember talking to THOMPSON at all about it.

Q. I'm attempting to help you recall here, so I'm going to throw out some names of people that it would seem logical that you would talk to being in your position as executive officer. In recognizing the military structuring it would seem more plausible that the commanders of sections might talk to you as opposed to individual warrant officer pilots. What about Captain LIVINGSTON or Lieutenant LIVINGSTON?

A. He was Lieutenant LIVINGSTON at that time. He wasn't in any supervisory position at that time. I think he was a brand new pilot then flying along as a copilot in a gunship. I don't recall talking to him.

Q. How about LLOYD? Lieutenant LLOYD?

A. Lieutenant LLOYD was with the scout section. I don't know if he was out there or not. I don't remember talking to him about this incident at all.

Q. How about Lieutenant WALKER?

A. He was in charge of gunships. Odds were that he would have been out there. Most of our gun pilots were there. All of them are not out on my given day. I don't remember. The same as LIVINGSTON, he was a grenadier pilot. I don't remember talking to him--to any of them by name even though I may--

Q. (Interposing) Captain MOE?

A. The same thing. I don't remember.

Q. All right, with reference to this conversation that you had or you recall having and not knowing exactly the source of the information, there were apparently several incidents that you just related that were covered in this brief period of time. One, landing to evacuate the civilians. Can we isolate or separate these incidents, as you best recall, into how many incidents you heard about? Or were those the only two?

A. No, sir, I understand it all to happen at one time.

Q. It was in one operation?

A. One operation. It all occurred continuously in one operation.

Q. All right, did you hear about any of the specifics as to how people were being shot and by whom?

A. Well, I heard by whom. The unit on the ground at that time didn't mean anything to me. I didn't know who they were or anything like this. I just heard them say it was such and such a unit. In other words, they told me the name of the unit. Since then I've read it in the paper.

Q. Yes. But if you recall, it was a ground unit rather than, say, any other source of firepower?

A. Yes, sir.

Q. As you recall, I understand. Okay, but there was a lot of civilians. Did you hear about how many or just a large number?

A. No, sir. I don't believe we would have had any way of knowing that.

Q. I understand. Let's ask about another incident. You said there was someone landed to evacuate. Who, do you recall?

A. THOMPSON and his crew landed. They're the only ones that I know about.

Q. THOMPSON and his crew landed?

A. Right.

Q. I see. They landed to evacaute--

A. (Interposing) I understand, some kids that they had found hiding in a ditch that were in the path of the troops that were walking towards them. That's one thing I remember him saying about it, that it was in their path and he landed and got some of them out.

Q. As far as you recall there was no other landings by anyone?

A. I don't remember any talk of other landings.

Q. Do you recall hearing any talk about any incidents involving a confrontation between any members of the aer scout unit and any of the ground forces?

A. I remember from that day that they said something that THOMPSON did say something to the people, and since then I read it in the paper that he did, but I recall that.

Q. Do you recall hearing that the night of the 16th?

A. Yes, sir.

Q. Yes, sir. That's the first incident then, isn't it?

A. When I say the night of the 16th, the reason I say that is as far as I know this thing was quickly forgotten in our type unit. From my personal feeling of it we forgot it pretty quick, because problems became more important to us than that one right away. You don't remember any one situation too long in that type of unit.

Q. Were there any other incidents? Now, we've come up with three of them. A confrontation, an evacuation, and a

large number of dead people. Were there any other incidents associated with this operation that you can think of?

A. No.

Q. Okay. This confrontation that you recall, what was that? What did you gather about it? An important aspect of it?

A. You're speaking of between THOMPSON and the people on the ground?

Q. Well, whatever.

A. I don't remember anything being said about that. I read it in the paper and magazines, what they got out and talked about. That's what I now remember. I don't remember them saying anything about it at that time except that THOMPSON did land there. That's all I remember. I don't know who he talked to or anything.

Q. Was his landing a part of the evacuation?

A. Well, I remember that he had landed where the troops were, the friendly troops that were on the ground there.

Q. Now, I would like just to insert here, and I don't want to destroy the time sequence of the activities of 16 March, but have you talked with any individuals belonging to Company B of the 123d Aviation Battalion since you returned from Vietnam concerning this incident?

A. No, sir. I haven't seen any of them. I saw Major RECTOR up there just a minute ago. When he asked me was I CO at this time, I said "No, I wasn't."

Q. In other words, the information that you are relating here is you own recall plus what you read?

A. Plus what I read in magazines. I'm afraid I got more information there than I did at that time.

Q. Yes, sir. Well, I'd like you to put on a good thinking hat right now and see if I can recall something from you that you may not have read in the newspapers. We have reason to believe that on 16 March Mr. THOMPSON had some trouble with his helicopter and returned to Chu Lai before the termination of the day's operation.

A. I don't remember it. It happened quite a bit, you know. We weren't that far. Where they operated wasn't that far from Chu Lai. When our ship did go down for maintenance or the radios quit working or some of the other problems that come up, they would release them early to come back and try to get them worked on. It happened on numerous occasions but I can't remember that day.

Q. Okay, just a little more information, then. He had a blade strike and it became involved operationally because there was not another scout ship mission ready in the morning of the 16th. THOMPSON had the only one. The other one was down for maintenance at Chu Lai and LLOYD, after hearing about this blade strike, had to get that other one down to Chu Lai to assume the mission from which THOMPSON was having to be released because of the blade strike. At LZ Dottie, THOMPSON's ship was TI'd and cleared for a one-time flight back to Chu Lai. This would have occurred in the earlier part of the afternoon.

A. Still doesn't ring a bell with me.

Q. The point that I'm making is that I have assumed from the other testimony and other information available here to us that Mr. THOMPSON himself arrived back at Chu Lai prior to the time that the remainder of the unit arrived back at Chu Lai. Therefore Mr. THOMPSON was in the Chu Lai area at 1400. I thought this might have--inasmuch as he was intimately involved in the operation, his presence in the Chu Lai company area for the balance of the afternoon while the operation was still continuing might have--

A. (Interposing) Well, it sounds reasonable that he might have but--

Q. (Interposing) You can't remember?

A. No, I can't remember and, like I say, on some occasions as many as a third up to a half of our pilots would be back and not going out. We didn't have enough ships for everybody to fly and people do get days off there. They didn't go out, so there was always some pilots back in the unit area plus they would be back around the hootches and wherever they stayed. I was in the orderly room.



Q. The point is that I thought perhaps you might have heard or received some inkling of something out of the ordinary prior to the time that they arrived. The unit actually arrived back at the home station later on in the evening.

A. Well, I think I can remember that portion that I didn't, because, as I recall, when I met the unit there at the heliport--

Q. (Interposing) The first time you heard it?

A. The first time I heard it.

Q. Okay. Do you remember whether Mr. THOMPSON went down to the helicopter with you?

A. No, sir. I'm sure he didn't go down with me.

Q. Okay, then back to what you heard. We've isolated those incidents, and the information as you best recall is that these Vietnamese people were being killed by the ground troops as opposed to other means of fire such as artillery, gunships, your organic gunships?

A. Yes, sir. That's what was spoken of.

Q. Now, when Major WATKE came in a little bit later, what did Major WATKE have to say to you?

A. Well, when he came in, he was later. We had one jeep in the unit and of course I would take that down to get him. I was aware then that he knew more about it than I did and this that and the other. There wasn't anything for me to brief him on, to tell him about. Whatever he had to do he went on about getting it done. I do know that he wanted to get it to Colonel HOLLADAY, our battalion commander.

Q. Major WATKE told you this?

A. I don't know whether he told me that he was going to go tell him. I'm sure that's probably what he told me, that he wanted to go and see Colonel HOLLADAY. That would have been the thing and I know that he did that right away.

Q. Hold it right there, sir. You know that he did that right away. Would you amplify that please?

A. Because I saw him again and he said that he had told him. Colonel HOLLADAY had told him to take it up to division headquarters and that he was going up to the division staff meeting.

Q. Okay, now that conversation, that he was going up to the division staff meeting and to take it up to division headquarters, this then occurred prior to the division staff meeting, in time, on 16 March?

A. Yes.

Q. So you saw Major WATKE?

A. After he saw Colonel HOLLADAY and he informed him that he was going up to the division staff meeting that night.

Q. Can you fix the time reference in here? Let's see, the division staff meetings were usually held at what time? Did you ever attend one?

A. I never attended one of them. He didn't attend many. He went that night because Colonel HOLLADAY told him too. We normally didn't go to the staff meetings.

Q. Do you know whether he physically saw Colonel HOLLADAY or did he telephone Colonel HOLLADAY?

A. I don't know. I assume that he saw him. That was his normal method of operation.

Q. I see.

A. He'd go see him.

Q. Was the battalion headquarters right handy to you?

A. Yes, sir. It wouldn't have been any problem to have gone and seen him. That's the way WATKE liked to operate. He didn't want to call anybody; he'd go do it.

Q. So then Major WATKE, to the best of your knowledge, went to the division staff briefing and then when he came back he told you that he had done what?

A. I don't recall him coming back and telling me anything. It may have been that he came back later. I

don't know even if I talked to him that night or not.

Q. I see. All right, sir. I just knew that he went up there to do it, and I believe he didn't say anything or do anything different, say that he didn't make it in there or anything like that. So I was under the assumption that he had taken it up there and reported it to someone. Who? I have no idea.

A. Do you remember, now to go back to your initial meeting with Major WATKE or the one so far that we can recall, what Major WATKE said about the incident? Did he cover essentially what we had discussed here as to the incidents that occurred during this operation?

A. I don't think that he told me anything about it. I had heard talk about it, and he was in a rush so he didn't bother giving me any other information about it. I was under the impression that the only thing that he knew or that any of us knew was what THOMPSON and his crew were putting out. I thought that all the rest of us were just going under the same hearsay, or rumors, or whatever you want to call it, of what they put out. There was no other information other than that so I didn't feel that WATKE had any personal knowledge other than what this crew put out.

Q. Now, you've indicated that it was THOMPSON and his crew putting out this information?

A. Well, I don't remember talking to THOMPSON or his crew, but the three of them were all in the same little old ship there, and they all did land, and the men got out. I know that the men were talking to the other men and things like that, not that I heard them. I can't say that I heard any of them talking.

Q. With the one exception though, if THOMPSON, and his ship, and his crew came back to the Chu Lai prior to the arrival of the balance of the unit later in the day, the people that would have been doing the talking when you were at the heliport would not have been THOMPSON and his crew. They would have been other members of the unit?

A. That's right. It was just general. When something happens, something big like that happens when we first become an operational unit, it was the talk of the people, of everybody. I don't remember talking to either of the three crewmen.

Q. I just wanted it for the record. You just heard talk, and you don't recall exactly who it came from when you were at the heliport.

A. That's right, that's exactly right. For instance, the questions that were asked of me before, did anybody report it to me? No, nobody made any kind of a report. It was just talk.

Q. All right, sir. Was Major WATKE upset about this?

A. He seemed to be opposed to it and felt that he had to do something.

Q. You said and you indicated earlier in your testimony, that he was in a rush.

A. I would say so. He wanted to get to Colonel HOLLADAY as soon as possible.

Q. I see.

A. As soon as practical.

Q. You had the jeep there for him?

A. I don't remember this day but that was the normal activity as I did bring the jeep down, and we'd go somewhere together. If he had something to do, he would take it and go.

Q. You don't recall him taking you back to the CP, and dropping you, and then getting--

A. (Interposing) No, sir.

Q. Okay. You don't recall seeing Major WATKE then after he came back from division or back from his meeting with Colonel HOLLADAY?

A. I don't recall. We may have gotten together and worked on paper work or done something the rest of the night, but I don't recall it.

Q. You don't recall him indicating what directions, further directions, he received from any higher individual?

A. No, sir. I don't think he ever mentioned--I don't think we ever talked about what anybody higher had said or done.

Q. Did you hear any more talk about it on the night of the 16th? At the bar? In the hootch?

A. Not that I can recall.

Q. Nothing special?

A. Nothing special.

Q. I assume then you recall the 16th only in that you recall these reports from someone and just know that it happened on the 16th?

A. Right. The date wouldn't mean anything to me if it hadn't been brought to my attention. We didn't have any records or anything like that which would have shown that something like that was reported.

Q. The next day, 17 March, do you recall Major WATKE mentioning it or indicating any action on his part with reference to what he intended to do about this thing?

A. No. I have no recollection of this, but I can't help but think about the questions that have been asked of me, CID statements about taking THOMPSON down there. I know that I didn't do that because I hadn't--at that time, I hadn't met Colonel BARKER or Colonel HENDERSON. I hadn't landed at LZ Dottie, and I hadn't been on an operational mission with them even at this time.

Q. I was particularly interested in what Major WATKE stated at the time, not you.

A. Well, that's why I'm trying to lead into this. He very possibly would have done that and then if the questions were asked of me about defining it and all, I would have thought surely that he did that, but it wasn't reported to me, and I didn't know that he did it.

Q. Let's see now, 17 March. We have indications that on this morning Colonel HOLLADAY and Major WATKE went to division headquarters to talk to the general, General YOUNG, at a meeting early in the morning, about 0800. I

believe this was a Sunday. Not that that makes any great difference in Vietnam, but at this point in time, on this particular day according to our testimony and other evidence, they physically went. Major WATKE perhaps, went back to battalion headquarters to pick up Colonel HOLLADAY, and they both went to division headquarters. Do you recall anything about him going up there to report this thing to General YOUNG?

A. No, sir.

Q. We have indications that when they returned from this briefing, reporting in to General YOUNG, the meeting as far as THOMPSON and getting THOMPSON together to meet someone else was not yet planned. We also believe that perhaps the decision to go to division to talk to General YOUNG was not Major WATKE's but was phoned to Major WATKE or directed to Major WATKE, from Colonel HOLLADAY perhaps, very early on the morning of the 17th. In other words, Colonel HOLLADAY contacted Major WATKE on the 17th and said, "You and I are going up to division and talk to General YOUNG about this thing." I'm giving you these facts in an attempt to help you recall this particular day and see if you do recall him suddenly saying, "I've got to go to division; we're going to talk to General YOUNG about this thing," which I would assume a commander would tell his executive officer, at least, where he is going to be and perhaps why. Do you recall any of this?

A. No.

Q. We believe the meeting with Mr. THOMPSON and officers of the brigade and division occurred on 18 March, which is a Monday, at LZ Dottie. We have reason to believe that this was a fairly important meeting if for no reason other than the individuals that were present. We have had testimony that you attended that meeting. Do you recall participating in this meeting?

A. No, sir. I did not. You have my answer to that question of what I believe happened. Again, at that date I hadn't been to LZ Dottie and hadn't met Colonel BARKER or I hadn't met Colonel HENDERSON. I didn't meet Colonel HENDERSON until after I commanded the unit which was the following month. I did go into LZ Dottie after that, but as of that date I never even landed at LZ Dottie.

Normally I didn't go out with the unit. I didn't go out with them very much all the time I was XO, very seldom, and I was not the one. I had talked to Colonel HENDERSON on some other occasions. We met later on and all and on LZ Dottie. I had talked to him at that time.

Q. But you had not met Colonel HENDERSON?

A. As of this date I had not had occasion to meet him.

Q. When were you assigned to B Company, 123d?

A. The last day of February that year.

Q. 1968?

A. 1968.

Q. Did you know what Colonel HENDERSON's position was in the brigade at that time?

A. I don't recall if I knew him or not.

Q. Do you recall when he became brigade commander?

A. No, sir.

Q. Well, the records indicate that at the time you were assigned to B Company, 123d, Colonel HENDERSON was the executive officer of the brigade, deputy commander. General LIPSCOMB was the brigade commander. On 15 March there was a change of command ceremony about 0930 in the morning in which Colonel HENDERSON assumed command of the brigade from General LIPSCOMB and General LIPSCOMB departed. This was 15 March. So, as best you can recall then, from the time you arrived in the unit until some time after you commanded the unit, you did not meet Colonel HENDERSON?

A. That's right.

Q. You did not go to LZ Dottie?

A. That's right.

Q. Do you recall assisting Major WATKE in arranging for the personnel to go to LZ Dottie on 18 March? Do you recall any action with reference to this meeting that was to take place on LZ Dottie on 18 March?

A. No, sir.

Q. Do you recall hearing anything concerning what transpired at that meeting?

A. I should.

Q. Major WATKE, when he returned, did not tell you what had transpired up there?

A. No, I don't remember it. I don't know. I don't remember him telling me anything that transpired there, no. As I understand it, there was some question whether he did or not. They said it was me that did it, so I don't know if he was the one. I don't even know if he took THOMPSON up there or not. I'm just suggesting that that's probably the reason that Colonel HENDERSON might have mistaken my name as--that we did meet, as I recall, the first time there, but it was some time thereafter. I'm just suggesting that I don't know that Major WATKE did.

Q. Well, I feel quite confident, sir, that had you been at that meeting--and I'm asking you for your confidence--had you been at that meeting which consisted of General YOUNG, Colonel HENDERSON, and Colonel HOLLADAY as a minimum that you perhaps would have recalled it after being in country about a month and a half.

A. Yes, and I have to say I don't remember a lot of things, but there wouldn't have been any question about that. I would have known that, and I know that I hadn't met any of these gentlemen, and I hadn't been to LZ Dottie. These I can say without any doubt.

Q. Do you recall then anything else concerning the activities on operations of the Task Force on 16 March 1968? Do you recall hearing anything more about it other than what you've indicated here this morning?

A. No, sir. I don't recall anything else except what I read. I don't remember us talking about it in the unit. I don't remember having any other conversation with Major WATKE about anything that happened later on or failed to happen.



Q. Do you recall an officer coming down from division, a lieutenant, and talking to B Company?

A. Yes, sir.

Q. What was the purpose of his coming?

A. I don't remember. As I mentioned there, the subject was unknown. It seemed like it was why we are there or some kind of a mandatory subject like that. We did have a company meeting. This was very shortly after this, I'm sure.

Q. Very shortly after 16 March?

A. After the 16th, and he was going through a spiel, saying what he had to say, required statements, what have you. He wasn't going over anything too good, and one of our young infantrymen from the aero-scouts, aerial infantry platoon, called out when he made some statment--he called out similar to this: "Yeah, what about killing women and kids?" And I remember looking around to try to interfere with the young fellow talking, and WATKE jumped up first and addressed that direction and made statements similar to, "Let's have no more of that talk," or "That's enough of that kind of talk," something like that, and hushed it up.

Q. Do you remember the lieutenant's reaction?

A. As I recall, he didn't have any reaction. He just continued on with his speech. He didn't try to say anything after Major WATKE had got up and dressed the man down. He didn't say anything like that or have any corrective action to take or anything.

Q. As I understand it, this lieutenant that gave this class was in fact from division headquarters rather than battalion headquarters?

A. I can't say that he was from division headquarters. I think so, but I don't remember. He wasn't one of our people. He wasn't from battalion.

Q. He wasn't from the 123d?

A. No.

Q. Okay. Do you recall anything more about what he was talking about?

A. I'm afraid not.

Q. Was it about a 1-hour class?

A. I would say it was 1 hour or less. It wasn't any more than 1 hour. I don't recall. It wasn't any longer than that.

Q. You feel that this was a mandatory-training type class. That it was something that the troops had to have?

A. It was something we were required to have, and that's why we had the company there. I remember, I can't think of what he was saying. I guess I can say that but I guess I remember that's why. We wouldn't have had him there for any other reason if it was just some voluntary something. We were required to have him there.

Q. I was trying to ascertain whether it was mandatory on a continuing basis or it was mandatory for a particular reason on a one-time basis.

A. That's the way I would have suspected. We had the same class again while I was there so I think it was just something we were required to have.

Q. Sir, it would seem to me logical that the planning for this class, the notification that this class was to be conducted and perhaps the setting up and assuring that all of the troops got the word would belong to the executive officer, yourself? Do you recall how you got this information that such a class was to be conducted?

A. I don't recall. I would have notified the officer leaders to have their officers there and notified the first sergeant.

Q. But from whom did you get the word? Where did this lieutenant come from?

A. I don't recall whether we got it in writing or whether somebody called up and said we would have a class.

Q. Did these classes happen often?

A. We didn't have classes like this very often. At this time anyway we used to have meetings quite often. We were a new unit, and at least the officers and the NCO's would meet together at night quite a bit. But classes as such, no, there weren't very many of them.

Q. Would you then describe an officer from outside of the battalion coming in to your unit to give a 1-hour lecture such as you described, or approximately 1-hour lecture, as being out of the ordinary, unusual?

A. I'm just trying to read into now what you might be suggesting.

Q. I'm not trying to suggest anything, sir.

A. Well, the only thing I'm thinking of is could this have been a class sent down because of this incident or something, and it didn't ring a bell with me. I don't recall that that had anything to do with it.

Q. While you were the executive officer and later commander, did you have on many occasions, or on any other occasions, did division send officers down for training?

A. Well, they sent people down to us to about marijuana either before or after that. I would guess afterwards we had a mandatory class on marijuana, but on a class like that I don't recall any others besides the marijuana one.

Q. Perhaps while you were there, either the executive officer or company commander, it would have been upon two occasions that somebody came down and conducted mandatory training in your unit, that is from outside of you unit? One was this occasion that we just referred to and the second one having to do with marijuana?

A. That's the only two I've got in my mind right now.

Q. All right, sir. Would you say that the implication you got from Major WATKE's admonishment of this man that hol-lered out this, "What about women and children?" or something to that effect, would you say this was an attempt or could it be read as an attempt by the individuals involved in this meeting as an instruction not to talk about this thing any more?

A. No, sir. I didn't think that. That didn't occur to me at that time. I thought--at that time, I thought he was just admonishing an enlisted man for rudeness to an officer and that's the way I got it. That would have been my reason for saying something if he hadn't beat me to the punch. I didn't get it that he was trying to tell somebody not to talk about it.

Q. Do you recall hearing any talk about an investigation?

A. No, sir.

Q. Concerning this operation?

A. No, sir.

Q. Do you recall hearing anything about any written reports or any other reporting of any type?

A. No, sir.

Q. Nothing came from battalion to your company, administratively, indicating a requirement for statements or any such thing from any of your people?

A. I'm sure it didn't come down in writing or anything like that because I would have seen it if it came down with the battalion telling Major WATKE to get certain statements from certain people. He didn't do it through me, and we didn't get them through me to type them or something like that.

Q. You would recall had there been statements obtained from such individuals as Mr. THOMPSON?

A. If we had gotten statements and typed them up and all, we would have handled them in the orderly room, and I certainly would have had more reason to have remembered it and seen it, which did not occur. If you make statements up at division headquarters or something and turn them in there, I wouldn't have known it.

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Q. To the best of your knowledge then as I understand it, you knew of no investigation or any report in writing or investigations in writing or the furnishing of any statements in writing or anything written with reference to any type of report or investigation or analysis of this particular operation?

A. That's correct. I never saw anything on it and don't remember hearing anybody talk about anything.

Q. You never heard anything about it? Am I correct in assuming then that after a few days, after 16 March the matter was completely forgotten as far as you were concerned?

A. Yes, sir. That is correct. I have no way of knowing whether it was forgotten on a higher level or not, but in our level we had other problems. We assumed not to talk about it at our level.

Q. Did you hear any more talk or did anyone else continue to talk about this operation for any period of time after 16 March?

A. Not in my presence. Not that I heard any other talk about it.

Q. Did you hear that people were talking about it? I recognize this is hearsay.

A. No, sir.

Q. What were the relations as you understood them between Task Force Barker and your unit after this operation? After the operation of 16 March?

A. We had good relations with them. Of course, the ones we saw primarily were the task force commander and the S3. CALHOUN was one of them, and then later on he was XO of the battalion. Then there was another major there who we worked with quite a bit.

Q. Task Force Barker was dissolved on about 9 April?

A. Yes, sir. Then a battlion took over the same area there and we worked with that battalion, Colonel ADKINS' battalion. We had good relations with the staff there.

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Q. The Task Force Barker staff while it was in being?

A. Yes, sir. We would talk to some people on the radio, the ground units. I'm speaking mostly now after this, because that's when I was in the field with them. We wouldn't see the people on the ground and we wouldn't have eye-to-eye contact with them except that we were flying over them or something like that. Our main relations were with the battalion commander and the S3 and possibly the S2 and the intelligence people there that interrogated prisoners and that sort of stuff at the battalion headquarters. We had good relations with those people.

Q. Major CALHOUN or Colonel MARKER never mentioned this thing to you or said anything about your people reporting wrongdoing or alleged wrongdoing by their individuals?

A. Not to me, but see the first few days after this I was out there in the field with the unit. Who would have seen me?

Q. How about after you took command?

A. After I took command I never heard the subject mentioned. I never heard this operation or this day or anything mentioned.

Q. You never heard of any of your people, while you were XO or while you were CO of the unit, discussing any hard feelings that existed between the two units as a result of a report to a general officer in the division?

A. No, sir. I didn't.

Q. To the best of your recollection, were there any awards produced by the unit, Company B, 123d, as a result of this action?

A. Yes, sir. I remember that I processed these. I saw the handwritten statements and all. Major WATKE wanted to put them all in for a Bronze Star for valor as I recall.

Q. Wanted to put in who?

A. THOMPSON and his crew for a Bronze Star for valor. THOMPSON, I remember it had to be, wrote the witness statements for the two enlisted men. Then one of them wrote the eye-witness for him of what happened on the ground, and they sent the recommendation for awards up. I recall the two enlisted men got put in for Bronze Stars for valor and that THOMPSON's couldn't be a Bronze Star because it was in air action, so it had to be something other than a Bronze Star. It was changed to a Distinguished Flying Cross.

Q. Were you the awards and decorations officer in addition to your other duties?

A. I dealt with them quite a bit, yes, sir.

Q. Who physically in the unit helped or directed or helped with the composition of these statements, this wordage that goes on recommendations for award?

A. Well, I had something to do with them, of course, and we would get them typed in the orderly room. We had an awards and decorations clerk in the battalion that we would go through.

Q. Well, I'm wondering about, for instance, Mr. THOMPSON's DFC recommendation for award. The statement or the merit part of the recommendation and the content of it, grammatical construction. Did you do that do you recall or was this done by another individual?

A. I don't recall. I mean we had so many of them. We handled numerous one. I don't remember. It seems to me that I do remember THOMPSON turning in the statement, handwritten statement over on the two men and then as I recall we got one of the men to make a statement out, an eyewitness statement for THOMPSON, so we could put him in for an award too.

Q. Sir, I would like to show you Exhibit M-44. It is a copy of the recommendation for decoration for valor for Warrant Officer Hugh THOMPSON. Before you turn the page there, I would like to ask you if this notation in the upper right-hand corner means anything to you? The figures, can you read it there? General Order Number 3601, 1 July, and then some type of initial? Does that mean anything?

A. No.

Q. And now the description, sir, if you'll read it.

(The witness did as directed.)

Can you recognize the signature in block 20, the individual initiating recommendation?

A. Sir, that's mine.

Q. That's your signature?

A. Yes.

Q. Then I can assume then that you signed this recommendation?

A. Yes, sir.

Q. And this description for recommendation for award, does that agree with the circumstances as you recall them for the action that occurred on 16 March?

A. The question again is what? Does this, what I heard back before, agree?

Q. Yes, sir.

A. Yes, sir, this is more in detail than the way I heard everything. When I first heard it numbers and things like that weren't involved. This is what I heard about.

Q. The statement indicates that Viet Cong snipers had been spotted to the front of advancing friendly elements. Do you recall that there was in fact hostile fire that day?

A. I wasn't there, sir.

Q. No, I understand you weren't there but do you recall hearing that they were in fact under fire?

A. Well, I hadn't heard. I don't remember if that was brought out, as far as what I heard as to whether they were getting fired at or not. I was under the impression at that time that they were in a hot area.



Q. You notice the date here that you signed this is 2 May 1968.

A. Right.

Q. I would like to show you the proposed citation for the award. You'll notice that on this proposed citation there are some corrections made. Do you have any idea who made these corrections?

A. Well, I know they're not mine. I know that.

Q. Do you have any idea who "D.M." is? The initials in the upper right-hand corner?

A. Well, I'm trying to think of the clerk's name in battalion headquarters that handled this stuff, and of the officers in the unit. We didn't have anybody by that, D.M.

Q. With particular reference, you see, to where the words "caught in the intense crossfire" are added here which were not in the original citation. I'm assuming here now that whoever added those words was the individual that signed "OK, D.M." to the top and was not the originator, in this case. You do not remember who D.M. was?

A. No, sir. I'm just thinking of all the officer's names. We didn't have anyone I recall. We had a MOE but his was T.M. It wouldn't be D.M. We didn't have any officers that those initials would fit. Neither one of our company clerks would have had that. I'm trying to think of the battalion. I can't think of the battalion awards and decorations specialist. We had one of those up there that physically did type stuff on these. I can't think of his name.

Q. With reference to the date 1 May, there is some correspondence here indicating that there was a delay, or the time delay was excessive and the battalion was queried about it from division. Do you recall this delay in answering this correspondence?

A. This correspondence rings a bell. It seems to me like I had to write this answer. It came from division to battalion asking battalion for the reason for delay. They in turn just handed it to us to get an answer back, and I think I had to write this answer and give it back to the battalion

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headquarters. They in turn made the indorsement as the battalion's, but as I recall those were my words. I remember them.

Q. Do you recall discussing this and the writing of this with Major WATKE?

A. No, sir.

Q. Would any individual? For any reason, was this delayed other than what is stated there?

A. Well, probably the reason for all our delay was that we had so many awards and all. Awards and decorations were always way behind. There was always a delay. We had the same thing on other awards. We were late on a lot of them.

Q. When was the decision to recommend Mr. THOMPSON for DFC or the Bronze Star made in your unit?

A. I'm thinking that I heard Major WATKE say something like this one time. It was right afterwards. Fairly soon thereafter. Maybe if we saw the one on ANDREOTA and COLBURN we'd know. Well, maybe the date would be a little bit behind, but if they had a date on there we would probably know. As I recall, right after it happened either it was a difficult operation or Major WATKE was pushing awards. I think it was pretty soon after the thing happened.

Q. In other words, as best you can recollect, he wanted THOMPSON to have an award just like the other individuals involved, is that correct?

A. Yes, sir.

Q. No separation or reason for a separation?

A. You mean no reason for a delay between his and the others?

Q. Yes.

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

Q. I would like to show you the Exhibit M-42, the recommendation for the award and the accompanying paperwork with regard to Specialist Fourth Class ANDREOTTA for a Bronze Star with V. You'll notice the date this award was forwarded and the signature in block number 20.

A. Well, from just what you said, I think we tried to answer that in that reply. As soon as this man got killed, this was the first time somebody in this unit got killed, so we started some priority type of work for all these other people.

Q. ANDREOTTA was killed about 2 days prior to this.

A. The 8th, according to what I just read.

Q. Right. And this one was expedited because it was a posthumous award I presume?

A. Yes.

Q. I would like to show you Exhibit M-43, a recommendation and the accompanying documents for the Bronze Star with V for COLBURN, Specialist COLBURN. You'll notice that the date on COLBURN, submitted date, is 20 April 1968. COLBURN was not deceased.

A. No, sir.

Q. Yet this award went in on 20 April and approximately 12 days later is when Mr. THOMPSON's award went in. Can you explain how or why the time differential between COLBURN's and Warrant Officer THOMPSON's award?

A. I can guess a reason. THOMPSON made the eyewitness statements on these two men and turned them in. Then on the 18th, when something happened to ANOREOTTA and this incident got brought back up, these awards came back out in the open. They realized there wasn't an eyewitness statement on THOMPSON and at that time they went down and got the eyewitness statement drawn up. It got into the mill later than these two got into the mill.

Q. What you're saying then is the eyewitness statement on THOMPSON, which is on Exhibit M-44, written by COLBURN, was the holdup?

Q. That's what I was saying, that indorsement. We had to get an eyewitness statement from COLBURN before they could start action on Warrant Officer THOMPSON.

Q. Do you recall any conversation between yourself and Major WATKE or any other individual with reference to Mr. THOMPSON's award or recommendation for award and the reasons for putting him in for it at that particular time?

A. I'd have to say no. I don't remember talking to him about an award specifically for one purpose. We did talk about awards for different people. At that stage of the game we were pushing it and he did want to, if there was any doubt at all about anything, he did want to put people in for awards. He made statements to the people that anytime anybody did something he would make sure that they got rewarded for things like this, so he did push it. Now, whether he and I talked about THOMPSON or all three of them together I just don't remember.

Q. The question naturally arises as you can see, sir. The time difference in the three awards for the same action. ANDREOTTA's can be explained because it was posthumous. However, the decision apparently to put these three individuals in for awards occurred after ANDREOTTA's death because none of them were initiated, at least the paperwork was not initiated, prior to ANDREOTTA's death. Then after ANDREOTTA's award was recommended, at some later time, came COLBURN, and then at even a later time came THOMPSON.

A. Well, I'm sure that ANDREOTTA's and COLBURN's were put into the mill at the same time because I remember THOMPSON making a statement out. Those went in together, worded the same and all that. Every award we ever had there, no one ever got their awards on time or got their meritorious awards when they left. The indorsement back on that letter asking why the delay explains at that time there wasn't an eyewitness statement put in on THOMPSON. By talking to COLBURN and finding out, getting one from him, then it was initiated.

Q. Did you help Mr. THOMPSON make his eyewitness statement?

A. I don't think so. I feel sure that I didn't though I might possibly have changed a word or something like that or changed the spelling of a word or something.

Q. You do not recall this insertion of, or the requirement of the insertion of, the words "intense crossfire"?

A. No, sir. That was not my writing on that one you showed me. That wasn't mine. I don't know whose it was.

Q. Do you recall conversing with Mr. THOMPSON about his statement to the effect that there was or was not hostile fire in the area?

A. No, sir.

Q. You recall no conversations with anyone concerning whether or not there was hostile fire?

A. No, sir. I wouldn't have questioned anybody on that. If they come back in out of the field talking about fire or something, I wouldn't have questioned them about it.

Q. Mr. WILSON, you have recalled several specific incidents with reference to this 16 March operation. The discussion at the heliport, your discussions with Major WATKE, Major WATKE's actions, talking with Colonel HOLLADAY and going to the division staff meeting. You recall in associating, I presume, this interruption with the division speaker, the lieutenant, all of which appear to be associated with a particular operation that occurred on 16 March. Can you tell me why you associate all these things? Why they stuck in your mind?

A. It was just things that had happened to me in my Army career.

Q. In other words, this whole report and rumors that you heard concerning this operation of 16 March didn't stick with you any more than any other type action that occurred during your military career?

A. Well, I don't seem to have any better recollection of this than I do of things, several things, that have happened many years before as far as remembering any details or anything

like that. My recollections of Vietnam and the two tours I was there and things that they did to us, not things that we supposedly did to them, I don't lose any sleep over something like this. I think I'm more concerned about the things they did to us and the problems they caused us.

Q. I assume from what you just said, the report that you heard concerning a large number of civilians being killed, the confrontation, didn't lodge specifically in your mind as being something of some seriousness?

A. Well, I think I had the same feeling the rest of them did. This is not right. Our mission was to kill people. All the time. Capture them, and kill them, and what have you. We didn't condone this from what it appeared to be, from what it sounded like it was. But it didn't stay with me very long. I don't remember recalling that incident a day or so after. I don't remember hearing of it or speaking of it or anything until it made the television here a month or so ago. It was nothing, like I say. I have worse memories than that to think about so it didn't bother me. I wasn't there. I mean I didn't see it. It was later on when I heard about it, so probably some of the others may feel stronger about it than me. It didn't bother me.

Q. You did not think then that it was strange that you never saw anything in writing or received any requests for anything in writing, as far as a report or investigation was concerned with reference to the allegations being made by members of your unit?

A. I don't know. I can still say again, I think that very shortly thereafter it was forgotten as far as our people were concerned. We had other problems. I just don't think that it had a lasting memory there. We were running day to day. We weren't concerned about the event.

Q. But you consider the allegations that were being made against American soldiers, ground soldiers, killing civilians being serious?

A. I know you're asking me what did I remember at that time as to what I thought about it. I was opposed to what I heard and, sure, that didn't sound good. It's been a long time since I thought about it.

Q. I understand that. It would seem that this would become a serious allegation. In a position such as you held in this unit both as executive officer and subsequently commanding officer, an allegation that American soldiers had fired upon or killed a large number or any civilians is a very serious allegation. Then the thought comes up, and what we are attempting to discover is, why was this allegation not followed through or why was there, in the case of your unit, no report made in writing? Why were there apparently, according to your testimony, no statements taken from the people making the allegations? Can you explain any of these or answer any of these questions?

A. No, sir. I can't explain why somebody in higher headquarters did things like that. I couldn't even explain my commander, Major WATKE, except that he did what I think he felt he should. He went to his commander, his next in the chain of command, as soon as he got in. From other questions and what I gathered, he told everybody everything that was asked of him.

Q. Did he ever put it in writing?

A. To the best of my knowledge, no.

Q. Did you ever consider recommending to him that he make this a matter of record and put it in writing?

(Witness gives no response.)

Did you feel or do you now feel that a proper course of action would be to make this a matter of record and put it into writing?

A. Well, I guess I would have to answer your question, yes. Of course, I could also add other things to it. I don't say that we did this type of thing every day but almost every day we were in that area of operations fighting and killing and capturing people. Picking up everybody we could, killing people. It was a bad area.

Q. The fact, sir, is that you did in effect put in writing killing of VC, reported that, and you put it into a written form in your daily reports through your battalion. You did report detainees that you captured or snatched.

A. Yes, sir.

Q. My question is why did you not report civilian kills or Vietnamese nationals? Why were these not reported in writing?

A. Well, we didn't kill them that day. Now, I don't know, you probably have seen it, may have it, what our operational report showed for that day. We had something that we made up for our daily report, our operations officer made up. I don't know what was in it. The only time I saw them, of course, was really after I was CO. I didn't see them at all as XO. I don't know whether anything was put in that day or not, but I usually didn't do it. It wasn't our report to make, about the number of people killed or captured that day. Major WATKE obviously felt that he saw something that happened that wasn't exactly right and he reported it to everybody that he was told to. I felt that he did all he needed to do on it unless they asked him to get statements which may have happened, that I don't know about. There may have been some statements made. I don't know. They didn't come through us. They didn't come through the orderly room in statement form. I don't think they did. I have no recollection of them. I'm sure I would have seen them and remembered more about it if I had seen statements on it. I feel sure we didn't make any through the chain of command on the statements, but he may have made statements at division headquarters or Task Force Barker headquarters. There may have been statements made there that I don't know about.

Q. But none that originated as far as you know in Company B, 123d by people that were making the allegations, from whom the allegations originated?

A. That's right.

Q. As far as you're concerned and as far as you can recall, was there reference to or investigations or anything further concerning this incident?

A. No.

Q. You heard nothing more, saw nothing more after Major WATKE's report that you state that he said he was going to make to Colonel HOLLADAY? As far as you are concerned, that's all that you can recall about this incident or any investigation?



A. Yes.

Q. Do you know of any attempt by any individual to suppress the information, the allegations made by Company B, 123d, or personnel thereof?

A. No, sir.

Q. Do you recall anyone at any time indicating to you or to any member of your unit in your presence not to talk about this incident?

A. No, sir.

Q. Do you recall hearing any such conversations that someone was told not to say any more about it?

A. No, sir.

Q. In your view was there any attempt made by any individual within your unit or within the Americal Division to suppress the information concerning the activities of Task Force Barker on or about 16 March 1968?

A. No, sir.

Q. I would like to ask you for an opinion then, sir. I recognize that it is an opinion. Why do you think that this, the allegations of 16 March, were never made a matter of record and a matter of investigation? Starting only at your unit. I understand you can't speak for the Americal. What about in your unit?

A. Well, it is my opinion that my unit did all that was necessary to do, that Major WATKE did what he did.

Q. A verbal report?

A. Yes, sir. I feel that he did it. He told what he heard our men had seen, and I felt he did what he needed to do. I don't think it was necessary to do any more. It would have just been an administrative problem to have tried to do any more on it. I felt that he did what was necessary and it wasn't up to him to take any action. He was just passing it on. I can't speak for anybody thereafter.

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Q. And you feel that the actions, as far as your people and anybody associated with Company B of the 123d, were proper in correcting this incident?

A. Yes, sir. From what I know of, only THOMPSON and his crew saw anything. That's all I heard of, know anything about. Major WATKE took necessary action to report what he had heard to his battalion commander and I felt that that was proper.

MR WEST: Mr. WILSON, we certainly appreciate your coming. Before we close out this hearing, is there any statement you would like to make? Can you think of anything that hasn't been covered in the interrogation that might be helpful?

A. No, sir, I don't know of anything that I could add.

MR WEST: Okay, we appreciate your coming. We know that it was a lot of trouble. You've given us facts that will help us put the puzzle together. We are very grateful.

The hearing will be recessed.

(The hearing recessed at 1143 hours, 28 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: WITHAM, Robert W. CWO

DATE OF TESTIMONY: 16 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: A Company, 123d Aviation, assigned as General KOSTER's C&C pilot.

1. THE ASSAULT ON MY LAI.

Warrant Officer WITHAM did not recall landing General KOSTER at LZ Dottie at 0935 on the 16th (pg. 4). He did not remember an instance in which Lieutenant Colonel BARKER's and Colonel HENDERSON's C&C ships were there at the same time he was (pgs. 5, 23). While he saw smoke in this area on one occasion he could not relate it to the 16 March operation (pg. 21). There were a lot of other aircraft in the area at that time (pg. 21). While he did not remember seeing any H-23's on this occasion, he saw gunships firing (pg. 22). He never saw a large number of dead anytime he flew over this area (pg. 24). He did not remember KOSTER countermanding an order or giving instructions to stop the killing (pg. 27). He did not specifically recall the visit of General DOLEMAN on the 16th (pgs. 6, 13, 22, 31).

2. KNOWLEDGE OF REPORTS ABOUT THE INCIDENT.

WITHAM heard nothing about a lot of dead civilians when he returned to the 123d Aviation Battalion after an operation (pg. 24). He knew nothing about THOMPSON being upset about a mission (pg. 24). He never heard anything

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about an investigation (pgs. 25, 28). He knew of no meeting of KOSTER, HENDERSON, and BARKER (pg. 26). He did not remember KOSTER being upset about anything (pg. 27). He did not see any newspaper articles about the 16 March operation, and he knew nothing about a large body count that day (pgs. 27, 28).

3. OTHER INFORMATION.

a. KOSTER's flying habits.

The general normally circled every AO and this was why the witness was unable to recall the 16 March operation (pg. 7). They usually overflow an operation at an altitude of 1500 to 2000 feet (pg. 8). They landed in an AO once in awhile (pg. 8).

b. Landing in an AO.

WITHAM remembered an instance in which he landed on a road in the general Pinkville area and KOSTER spoke to people on the ground (pgs. 14, 15). There was a body 100 meters in front of the helicopter (pg. 14). KOSTER was only on the ground two or three minutes (pg. 18). There was a small village to his rear on this occasion (pg. 16). The village was not smoking (pg. 20).

c. Seating arrangement.

The witness explained the seating arrangement on the aircraft (pgs. 19, 20).



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(The hearing reconvened at 0921 hours, 16 February 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Chief Warrant Officer Robert W. WITHAM.

(CW2 WITHAM 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. Robert W. WITHAM, CW2, , Army, Headquarters and Service Company, Tactics Department, Fort Rucker, Alabama.

MR WEST: Mr. WITHAM, have you read our Exhibit M-57 that tells the nature and purpose of our inquiry?

A. Yes, sir.

Q. Do you have any questions about it?

A. No, sir.

Q. I understand that you were on duty in South Vietnam on 16 March 1968?

A. Yes, sir.

Q. The date of the so-called My Lai incident. Colonel PATTERSON, would you lead the interrogation?

LTC PATTERSON: Yes, sir. Mr. WITHAM, we're interested in your recollection of the events that occurred in the time frame of mid-March 1968. Can you state for the record what your specific duties and unit of assignment were on 16 March 1968?

A. Yes, sir. A helicopter pilot and I were assigned to fly General KOSTER's aircraft.

(WITHAM)

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- Q. What was your unit of assignment?
- A. Americal Division.
- Q. Yes?
- A. 123d, A Company.
- Q. A Company 123d Aviation Battalion?
- A. Yes, sir.
- Q. And were you General KOSTER's regular C&C pilot?
- A. Yes, sir.
- Q. How long have you had this duty?
- A. I can't remember exactly. It was either January or February that I took over the job.
- Q. February 1968?
- A. Yes, sir.
- Q. Did you fly the same ship or was it--
- A. (Interposing) One ship, yes, sir.
- Q. One ship for the general and did they have it all fixed up with a console and--
- A. (Interposing) Yes, sir.
- Q. Who did the general usually take along with him on his flights?
- A. Captain ROBERTS, his aide. He was always with him I'd say. Sergeant Major ROGERS rode along once in a while.
- Q. Well, to assist you in recalling particular places that you went on 16 March. I'd like to try to bring you into the relative time frame that we're talking about. On the 15th of March, a Friday, there was a change of command ceremony at Duc Pho for General LIPSCOMB, who was departing as the brigade commander. This occurred at 0930 hours in the morning,

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and it was on the helipad area there. Do you recall taking General KOSTER down there?

A. I couldn't say exactly, but anytime there was a change of command we were always there.

Q. Did you know General LIPSCOMB? Had you seen General LIPSCOMB?

A. I'd seen him, yes, sir. I heard the name, that's all.

Q. You don't recall this change of command specifically?

A. Not specifically, no, sir, because there was usually quite a few of them.

Q. At Duc Pho?

A. No, not at Duc Pho.

Q. This one was at Duc Pho.

A. Yes, sir, I realize that.

Q. And it was one of the only changes of command at Duc Pho in sometime and in this period as far as the brigade was concerned.

A. I've got a question. Was there any other generals there?

Q. General LIPSCOMB was there.

A. Any others?

Q. I feel confident that General YOUNG was probably there.

A. He probably was. Any visiting generals?

Q. Not on the 15th that I can recall.

A. Well, I remember--I remember of a change they had there. I believe that was either a three or four-star general. That's the one that I recall.



Q. That visited or was there for the change of command?

A. I believe so unless I've got another one in my mind.

Q. Do you recall this change of command that you remember as being in the morning?

A. Yes, sir.

Q. Okay. On the 16th of March 1968 there was an operation being conducted by Task Force Barker out of LZ Dottie, and it was to the southeast of LZ Dottie or just north of the Song Tra Khuc or the Quang Ngai River.

A. Yes, sir.

Q. Do you remember taking the general down and overflying this area?

A. We overflew the area, but I couldn't say on a certain date.

Q. Well, let's see if we can help you. Did you call in when you were taking the general in, advising that you were inbound to LZ Dottie?

A. Usually Captain ROBERTS did it. If I couldn't get a hold of them then, I'd do it on the aircraft, sir.

Q. But you know that they call in and track his movement pretty well.

A. Yes, sir.

Q. Arrange for transportation and other things?

A. Yes, sir.

Q. Well, this record (Exhibit M-16) states that at 9:35 in the morning General KOSTER arrived at LZ Dottie and you probably landed at the VIP pad right next to the TOC. Do you recall this?

A. No, sir, because on any given day we stopped there quite often.

Q. Well, now this was the day. This was a Saturday, and this was the day after the change of command. Colonel HENDERSON was the new brigade commander. We have testimony to indicate that Colonel HENDERSON was there at LZ Dottie and perhaps met General KOSTER as he arrived.

A. Probably because that's what it was done for.

Q. Well, what I'm trying to associate here is on this little helipad--and I'm sure you can picture that helipad--there would have been another C&C aircraft.

A. Now, we had three different places we could set down at. We had refueling, a road with two pads, one on either side of the road.

Q. Yes.

A. There wasn't room for both ships so that--I couldn't say, sir.

Q. It could also have been on this day when you landed about 9:35 that an MP jeep rather than a normal type jeep came out to pick the general up, which might have seemed a little strange.

A. I don't remember, sir.

Q. Very shortly after the general's arrival on the 16th at 9:35, according to the log, testimony indicates that Colonel BARKER's C&C aircraft came in and landed, only momentarily, and dropped Colonel BARKER off and then departed. It had wounded on board. Here are suddenly three C&C aircraft, two shut down, yours and Colonel HENDERSON's ship, which was flown by Mr. COONEY out of the 174th?

A. I don't remember, sir.

Q. But on this day, the 16th, is when you had a visiting general officer also arrive within the division, a retired general, but he was probably in uniform at this time--three stars, General DOLEMAN was his name.

A. The name's familiar.

Q. He arrived on the 15th, and in the afternoon, right after lunch sometime, you all flew him down to LZ

Bronco arriving there about 1510 hours in the afternoon. You weren't there very long. The purpose was to pick up Colonel HENDERSON or to meet with Colonel HENDERSON. From there the party probably in two helicopters--yours, and Mr. COONEY's C&C with Colonel HENDERSON aboard--went on up to LZ Dottie. General DOLEMAN, some aides, General KOSTER, Colonel HENDERSON were there along with some other officers who all arrived at LZ Dottie around 1645, rather late in the day. There might have been some thoughts about chow and so on because you shut down there. Colonel BARKER met them at the helipad, and everybody went into the car. Do you remember this? Again, the two helicopters landing there now on this one pad although not unusual--

A. (Interposing) No, sir that's not unusual.

Q. But it would, of course, cause a little more caution on your part, at least as far as the landing part is concerned. Does any of this now recall familiar to you?

A. A lot of it sounds familiar because we did it so often, things like this.

Q. Well, after this meeting at Dottie you all took off about 1715. You were there about 30 minutes or so, and then General KOSTER, and General DOLEMAN, were taken back up to Chu Lai, and Colonel HENDERSON and his ship went back on down to Duc Pho.

A. No, sir, I can't remember.

Q. What time did you usually get General KOSTER back to Chu Lai? Didn't he have a staff briefing he had to get to?

A. I think he usually had one around 5 o'clock but I couldn't swear to that. I think that somebody mentioned that once, but usually I'd say we were back between 4, 5, or 5:30.

Q. Well, on this day it's apparent that you arrived at Chu Lai somewhere around 1730. How long a flight is it from Dottie to Chu Lai?

A. 5 minutes maybe, 7 minutes.

Q. If you left at 1715, you would have been back in there at 1720, but as best you can recall--this briefing which usually went on at 1700 would probably have been a little late

this day. Do you recall the general saying we've got to get going or in any kind of rush?

A. No, sir. He wasn't one to leave in a rush, sir, not to my knowledge anyway.

Q. Well, this is all we really know of the activities of General KOSTER on the 16th, but there are a lot of times in here that we would like to know where he could have possibly been. I traced for you a 9:35 arrival at Dottie in the morning, where he stayed for a brief period of time, a pickup of a Lieutenant General DOLEMAN back at Chu Lai sometime after lunch, 1400 perhaps, and then a flight down to Duc Pho landing at Bronco and back up to Dottie and back into Chu Lai. This was all during the day that we feel that perhaps there was some overflying of the operation being conducted out of LZ Dottie. There had been a combat assault going in in the morning. Two rifle companies had been assaulted into two separate LZ's, beginning at 7:30 in the morning.

A. Where were they assaulted?

Q. They were assaulted into, well, where you see the orange there on the map (Exhibit MAP-1). Of course, this is the operational area they worked with, and here's Dottie up here. One of the assaults went into an area here just west of what's called My Lai (4) on the map, and the second LZ was over here just to the southwest of what some people call Pinkville, more properly, on the map at least, My Lai (1). Here's the Quang Ngai River and Quang Ngai itself. This area is relatively flat with the exception of Hill 85, a pimple of a hill that had an old outpost up on top.

A. Right.

Q. (Showing witness Exhibit P-45) This is an aerial shot of My Lai, looking from west to east. The first LZ was right in this area here. Of course, out to the right of the picture is the China Sea. This operation went off at 7:30 in the morning into the LZ and about 8:15 to about 8:30 coming into an LZ over in this area to the southwest of Pinkville. Both of them were preceded by artillery preps.

A. I could probably say that at one time or other we circled just about every place in the AO. That's why it's kind of hard to remember a certain date or a certain place.

Q. Did the general like to go down and take a look at things that were going on?

A. It seemed to me just flying. I never really talked to him much, but he kept up on things. He was an outstanding man.

Q. Yeah, well, did you stay at altitude or does he like to get down on the deck?

A. No. He never really--

Q. (Interposing) Never went down to get a close look at things?

A. Not really way down, no, usually 1,500 feet, which is supposed to be your small arms range. We were usually up around 1,500 to 2,000 feet.

Q. Every once in a while, didn't the general go out and talk to the troops? I'm not talking about this operation. I just mean his normal course?

A. Once in a while we did land. I'm trying to think of a time where I thought we landed out in this area.

Q. Usually this is the 2d ARVN Division which was stationed here at Quang Ngai, and this area generally was open and free of troops for the most part.

A. Yes, sir.

Q. And as far as from an aviator's standpoint, it was a good 1,500 foot overfly at least unless there was troops on the ground. On this particular day which made it rather different from most days when you were going from Chu Lai down to Duc Pho or around in the Americal, this day there were in fact troops in here and an operation was going on. It was only the second time that any troops had been in there while you were flying the general. About the 23rd of February they had an operation going in here, a pretty good size operation, and this was the second time--

A. (Interposing) 23rd of February?

Q. Uh-huh, had some tracks down in there, APC's running around, but the 16th of March was the second time

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during your flights with the general that there had actually been troops in this area. Most of the times they'd been working on through here (indicating on Exhibit MAP-1).

A. I can remember a little flying in here. I don't know if it was on March 16th.

Q. Well, what do you remember about overflying?

A. I remember orbiting. Of course, I was up front, and he usually wanted to see what the ground troops were doing, see what was happening.

Q. Well, were you tuned on to the radios? Was he listening to what was going on?

A. I can't remember that.

Q. Well, what was the usual radio set-up in your ship?

A. I can't remember. Somebody had set it up to call the TOC or maybe set it up for the field. I used my Fox-Mike for artillery. I mean you get artillery warnings, you know, and things like this nature.

Q. What did you use the UHF for?

A. Same thing, because we had an artillery Car Stairs along the highway, route 1. Dottie firing and things like this. Actually there were certain bases that were on a Fox-Mike basis. I had a chart made up. We called in to double-check Car Stairs, to make sure they weren't there.

Q. Okay. They had artillery in both places, didn't they? Dottie and Uptight?

A. Yes, sir.

Q. On this day artillery was only coming out of Uptight, no artillery firing out of Dottie. It was on target line with the north-south side of Uptight. First artillery was firing about 7:25 to 7:30, second artillery somewhere around 8:11 to about 8:15.

A. It might have been the time. I remember one time orbiting over the water there.

Q. Over here?

A. I'm not saying it was 16 March, but I remember the time we orbited over the water to stay off the GT line.

Q. What were you doing. What was going on when you were orbiting over the water?

A. I couldn't see circular in the right-hand orbit. I was on the left side.

Q. Well, did somebody tell you to orbit over the water?

A. No. I just had the gun line.

Q. How did you get directions of where to go? Did the general tell you where he wanted to go?

A. Usually, yes, sir.

Q. And did he give you map coordinates or how did he tell you that, when he climbed in the ship or when you climbed into the ship? How did you know where to go?

A. Captain ROBERTS would say Duc Pho, or Dottie, or something like this, or 4/3, or 1/20, or something like this. He had no route.

Q. All right. But on this day you went down in here. Something more than that had to come out than just Dottie, or the 4/3, or Task Force Barker?

A. Well, on something like that, he might say down here to the east or southeast. Very seldom we used coordinates. Usually he knew where he wanted to go, and sometimes he just pointed there and said go this way. I guess he'd find what was going on and set up an orbit or something like this.

Q. But on some day--and you don't know when it was--you remember orbiting over this area?

A. Yes, sir.

Q. Did you stay at altitude?

A. I think every time. We landed at Bronco that day.

Q. Later on in the after--

A. (Interposing) I made a landing there.

Q. Do you remember landing at Bronco in the afternoon?

A. Not that certain day, but I remember landing at Bronco.

Q. But what about this area here, the day that you remember orbiting or can recall orbiting? Can you give me a general time reference? Was it morning, afternoon?

A. Well, going by your itinerary here, it seemed to me that we were working that area all day. I'm not going to swear to that. But on this particular day when something's going on like that, going back and forth like we did, we were probably working the area all day.

Q. What do you mean by "working the area"?

A. Most or a lot of the days we might start up at the northern end and go all the way down to Duc Pho and back and forth. Stop at each place. I don't know when, but it just seemed that way to me.

Q. On this day there were some swift boats off the coast out here. The Navy had some ships that were right off the coast. Do you recall any day seeing them out there?

A. It rings a bell.

Q. Also on this day this little Hill 85 came into some play. You might have heard some chatter over the radio. They had a little something going on there.

A. No, sir. I don't remember having the radios tuned in to the ground people, the guys on the ground. I know I wouldn't have it on my Fox-Mike because they change freq's so much, and my job is to fly the aircraft not to mess around with what they're doing.

Q. Well, I thought you might have heard something about finding mortars or mortar rounds up there, somebody putting troops on the ground, some of B Company, the aero-scouts.

A. I remember B Company now. They usually tried to follow our people.



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Q. They were involved this day. They were working the area right here south of 521 around in through here, and they were involved in a little insertion there on top of Hill 85.

A. Our gunships?

Q. Yes. They were operating out of Dottie that day too. Danny MILLIANS was flying, and CULVERHOUSE was flying, BAKER, LIVINGSTON. On the 17th--apparently General DOLEMAN spent the night of the 16th with General KOSTER up there at Chu Lai--first thing in the morning on the 17th, 8:25, you arrived at LZ Bronco down at Duc Pho again with General DOLEMAN, and you were there for about 45 minutes. Colonel HENDERSON again met the aircraft probably. You know what Colonel HENDERSON looks like? Wears glasses.

A. Just vaguely. I remember when I walked in out here, because I saw him.

Q. Well, he probably met the aircraft because General DOLEMAN and General KOSTER were both aboard and arriving there first thing in the morning. They were going down there for a briefing. Then you probably went to the 198th after this, and apparently what was on for the 17th was a round-robin briefing for the general, General DOLEMAN--11th Brigade, 198th. You went up there right after leaving Bronco. Went to the 1st Cav, and after lunch or perhaps you did have lunch with the 196th.

A. 196th or 198th?

Q. Well, you went to the 198th after the 11th at LZ Bronco.

A. Chu Lai, 198th.

Q. All right. And you went back up and had a briefing apparently by the 198th and visited the 1/1 Cav. Where were they located?

A. Chu Lai. The 198th and the 196th.

Q. All right. Then after talking to the 1/1 Cav then, they probably went to the 196th where they had lunch. After that, sometime in the afternoon, you went to Danang and took the general down to III MAF. This was all on the 16th. On

the 17th, which was Sunday, you were involved with General DOLEMAN in round-robin-type briefings, one brigade to another.

A. It rings a bell, sir. I mean that type of flying and stopping.

Q. Well, this was a little bit different than a normal day of traveling around the AO with General KOSTER. You had General DOLEMAN aboard. I recognize going from one brigade headquarters to another is probably a rather normal occurrence.

A. Well, what I'm getting at is it's not the first visit of generals there. There are quite a few visiting generals, and when they came in that's usually what we did.

Q. Well, the troops were still in this area. This operation that was going on in the My Lai-Son My Village area was still going on. It could well have been that coming from Chu Lai down to Duc Pho--it seemed to me that you can take an orbit around there and see what's going on in the morning and point it out or some such thing.

A. I remember the time when a general was staying overnight. Usually we took him back to Chu Lai Main or up to Danang. They were on their way. I can't remember a specific general or a specific time that one was staying over, or the following morning.

Q. Did the general usually fly on Sundays?

A. Yes, sir.

Q. Sunday was no different than any other day?

A. No, sir.

Q. Did the general go to church on a routine or regular basis or attempt to go to church? I mean, was this a consideration?

A. I don't believe so. Of course, General GETTY's after he took General KOSTER's place--I'm trying to keep them separate. I don't believe he did.

Q. Do you ever recall landing out here in this area anytime? Recall landing in this area or thinking about this type of terrain you would be putting down on in here?

A. I remember landing out there once in the general area. I remember a small village. The road ran just about east-northeast and ran out to the ocean. Then there was the body.

Q. Beg your pardon?

A. The body.

Q. Body on the road?

A. I can't remember the time of the day. We could see it from up overhead.

Q. What did he want to do, go down and land by this body?

A. I'm trying to think if the troops were right there. I believe they were. Well, they had to be or we wouldn't have landed. We kept running.

Q. Did he get out of the ship?

A. Yes, sir.

Q. Who'd he talk to? Did he talk to someone there?

A. I think I landed to the northeast, because that puts the village to my rear, and he got off and went to the rear. Of course, we're sitting, looking the other way. He didn't stay very long, a few minutes at the most.

Q. Where was the body that you--

A. (Interposing) Right in the middle of this dirt road.

Q. Well, was it in front of you or behind you?

A. It was off to our right front about 2 o'clock.

Q. What kind of a body was it?

A. We didn't get that close. I can't tell from overhead, and it was maybe a good 100 meters away when we shipped out.

Q. Do you know why you sat down this day. What was the reason for it?

A. No, sir. I imagine he wanted to talk to the guys on the ground.

Q. Where were you in relation to this road. Did you land right on this trail, or road, or whatever it was?

A. No, to the left of it. It would be to the north of the road.

Q. Can you picture landing in that area?

A. Yes, sir. I can. I picture the field and the road. That's why I was looking on here (indicating Exhibit P-1). This is not it.

Q. This is a vertical aerial photograph, Exhibit P-1. It's looking right straight down on My Lai here, and this is a 1:50,000 (Exhibit MAP-5).

(LTC PATTERSON orients witness on Exhibit P-1 and MAP-5.)

Q. Could you do better with the map? Do you think you could point out where it was on the map?

A. No, sir. I don't believe so. I got to know the area so well that--of course, I carried maps.

Q. Well, what do you recall about your approach in on this day that you landed there? Do you remember determining that you wanted to land on the northeast for any particular reason?

A. Well, usually when I landed like that I followed a twist of smoke. I'm trying to remember if I did this day. I believe I did. I believe that I'd remember because usually they kind of throw the smoke late. You're in in a short while, and they pop a smoke, and you get down there and really wash, and you sit there and breathe smoke for a couple of minutes. I think they did that this day.

Q. Okay. Now I'm really going to pull at you a bit. When you call them--and you're the one that's going to call them--not Captain ROBERTS, you're going to have to switch frequencies here, aren't you? Who are you going to talk to?

A. Well, a lot of times Captain ROBERTS was up on the freq where we was going. He was up there. He knew every freq when they changed. Sometimes I'd miss one or two. Quite a few times, I'd just tell him over the intercom that I got to have smoke, and he'd ask for it.

Q. How did it work on this time that you went in there? Can you recall the smoke?

A. I'm trying to put all these times together. If it was the right time, it was purple smoke. I remember that, lavender-colored smoke.

Q. Was there anything distinctive about the area you sat down in other than you were just north of a trail a road and trees?

A. No, not really.

Q. Rice paddies, dry fields?

A. A small village.

Q. Where was the small village in relation to the way you landed and the way you were setting?

A. Straight off my tail.

Q. Straight off your tail.

A. Nose to the right.

Q. Dry field?

A. Good field. It was just a good, grassy field.

Q. Dry.

A. Yes, sir, dry. I had a hedgerow to my front, to the left. I planned to make the takeoff once again, because I came in short. All I do is pick up and takeoff again, without having to hover back.

Q. Any water around anywhere? Streams, creeks, rivers? Where was the ocean?

A. Straight off my nose.

Q. Straight off your nose? And the body that you mentioned, you said it was off to your front about a hundred meters. Was it on the road?

A. To my right front. We were sitting on the road crosswise, crossing any tracks that might have been--

Q. (Interposing) In other words, perpendicular to the little village?

A. Yes, sir.

Q. Is this the only time you recall landing in this area?

A. Yes, sir, out in the open like that, you know, where you haven't got an established fire base like Uptight and Bronco, places like that.

Q. Where was the wind blowing?

A. Coming out of the northeast.

Q. You were landing into the wind then?

A. At the same time there wasn't too much wind.

Q. How about the sun?

A. Barely used it.

Q. Where was the sun, out from your nose? Out to your right?

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A. I believe off to the right. I believe it was early morning. I'll say morning, mid-morning.

Q. So it would have been sometime in the vicinity of 10 or 11 o'clock?

A. Yes, sir. I think so.

Q. The general was only on the ground for a short time?

A. Yes, sir.

Q. How long?

A. A matter 2, 3, 4 minutes.

Q. All right. And then he came back aboard and then you took off?

A. Yes, sir.

Q. Over the top of the hedgerow?

A. I had plenty of room.

Q. And then where'd you go?

A. We climbed back out there the same way I climbed back out over the friendlies.

Q. In a spiral climb?

A. Yes, sir. I think we stayed up there for a few more minutes, but then where we went I don't remember.

MR WEST: Did Captain ROBERTS get out with the general when you were on the ground?

A. I'm trying to think of that, sir. He usually always did of course. I can't remember certainly.

Q. What about the sergeant major?

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A. I don't believe the sergeant major was with us on that one. I don't believe so. I couldn't really swear to it, but usually he sat in back of me. I couldn't say, sir.

LTC PATTERSON: Who were the crew chief and the gunner on your ship?

A. SP4 LUCAS. It was a seated aircraft, of course. The gunner I couldn't swear to it. I was going to ask you earlier. Do you have the dash 12?

Q. Dash 12 was destroyed after 3 months.

A. That's what I thought.

Q. Do you remember LUCAS' first name?

A. Yes, sir, Willie.

Q. William LUCAS? Did you usually fly with the same copilot, do you remember?

A. Not at this period of time. I thought of this since you called. I couldn't swear to a certain date. I gave you a name or two, maybe, but as far as 16 March or a couple of days, you know, right there--

Q. (Interposing) Well, do you recall on the day that you went in there, this day that you recall and you don't know what date it was, discussing with your copilot anything about the approach or the landing area or what was on the ground?

A. No, sir. I just remember one of the crew saying there's a body down there. Because we were orbiting, he always sat on the right.

Q. Who's he, the copilot?

A. No, sir. General KOSTER.

Q. He sat on the right.

A. The copilot was in the right seat, and I was in the left seat, and LUCAS was on the right side because he was



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pretty sharp, so we put him on the side so he could get the door for the general and things like this, little things.

Q. It was a little bit different than usual, wasn't it? Crew chief, the man on the right?

A. Right. And the gunner was on my side.

Q. Well, do you recall seeing any more bodies there?

A. No, sir, just the one.

Q. The crew chief or the pilot didn't say any more about seeing anybody?

A. No, sir.

Q. This village that you said was off your rear, had the troops been in there?

A. If I remember right, there wasn't any damage.

Q. No smoking or--

A. (Interposing) No, sir. It was getting hard overhead to see anybody down there.

Q. On 16 March we've had testimony that there was burning and some smoke, could have been some haze or smoke in this area. Do you ever recall seeing that when you were going out, airborne?

A. I recall seeing smoke and things like this, artillery.

Q. In this area?

A. Yes, sir.

Q. What do you recall about that, associating the smoke with friendly troops on the ground?

A. The one time I remember being down there with the troops on the ground, I remember seeing them moving across an

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open field, trying to cross a creek or a river, it's probably a stream or creek. They were putting it in for a contact. That's about it.

Q. Pretty heavy contact? I mean, had you attracted any fire?

A. No, sir. I don't recall taking any fire. I've never took fire, never took a hit.

Q. What's the heavy contact? How did you arrive at that? Did somebody tell you?

A. Somebody must have mentioned it. I don't know if Captain ROBERTS would say something or the general would or if I had the radios tuned in down there. I can't remember.

Q. What day did you recall seeing the smoke down there? Is this the same that you landed?

A. I couldn't say, sir, because I was going to the south-southeast down towards the Quang Ngai River. We landed more north of there. I'm trying to picture it in relation to Dottie. I couldn't tell you if it was in this area or not. If I was to guess, I'd say no, but I couldn't say for sure.

Q. There were a lot of other aircraft floating around when you went down to land?

A. On the day of the smoke there was a lot of aircraft around.

Q. There were?

A. Yeah.

Q. Were they flying around?

A. There was a lot of smoke, and I held to a right-hand orbit because the general sat on the right side, and he didn't want to sit on the left side. You know, all the rest of them sat on the side where the AC was and they could fire on them. So I was always against traffic orbit, going up the highway and things like this. So I was mainly concerned with flying around like that.

Q. What kind of aircraft did you see?

A. Huey.

Q. Anything else other than Huey?

A. No.

Q. Any H-23's?

A. I don't remember seeing any H-23's. If there were, they were probably down in the delta somewhere.

Q. Do you recall ever seeing any of these aircraft also land in this area. Do you recall being overhead and seeing any of them land?

A. No, sir. I don't believe they did.

Q. Did you see any firing passes by any of the gunships?

A. I believe the gunnies were working out down there. Because I remember there was a lot of smoke.

Q. Can you relate the smoke to any of the pictures or the maps that I've shown you?

A. It's in your colored area there (indicated Exhibit MAP-1).

Q. How about the aerial photograph here (Exhibit P-1).

A. No, I'm sorry. I couldn't.

Q. Try to associate this time now that we've worked through here, all that we've talked about, any of the events that I told about earlier, the General DOLEMAN visit, the landing at Dottie a couple of times or what have you, injection of the pad.

A. Coming back and landing at Dottie a couple of times is getting through to me now, but I can't remember General DOLEMAN. That should stick with me because it rings a bell, going out and coming back and then going out. You mentioned

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wounded awhile back. It rings a bell, but that's about all. I can't remember who they were, or who brought them in, or what day.

Q. These were brought in on a C&C ship.

A. That's what rings a bell.

Q. A little strange--abnormal, not strange. There might have also been some talk here on the 16th, the day you landed at 9:35, among the crew in the other C&C ships that had been there. They'd had a little affair there. They picked up a couple of VC suspects out there, carried them around for a little bit, dumped them off at Dottie. There could have been some excitement as far as their swooping down and picking up a couple of these fellows in a C&C ship.

A. I don't remember talking to them. I don't think they stayed. I think they went right back.

Q. You don't think you stayed?

A. I don't think they stayed that afternoon. I think they dropped them off and went right back out.

Q. Yeah. Well, this is the wounded they did?

A. Right.

Q. But now there's the other ship. As I indicated to you, you were there and Colonel HENDERSON's C&C aircraft, and Colonel BARKER's ship came in with the wounded, and Colonel BARKER hopped off and the wounded went off. The C&C ship continued on north and then came back in, but you had probably gone by then. But there were two of you setting there, both shut down, and this other ship is the one that policed up two VC suspects. It later turned out that they captured ARVN soldiers. It was COONEY. COONEY was the pilot of that other ship on the pad.

A. I'm trying to think if I remember Mr. COONEY. The name is familiar. If I could see the guy, you know.

Q. Well, any of the time that you flew down over this

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area, do you recall ever seeing or hearing anything about a large number of dead?

A. No, sir. I thought about that often but I don't. Not at all.

Q. Do you recall hearing anything about it back at Chu Lai from any of the people in the battalion?

A. No, sir. I don't.

Q. Did you ever hear anything about a Mr. THOMPSON being kind of excited about a mission down in this area?

A. No, sir. I know Mr. THOMPSON, but I'm in A Company, and he's in B Company. We're all together, and we all get together at night and tell stories on stuff like that.

Q. Did you have any good friends over there at B Company, fellows that you were kind of close to that you saw in several cases?

A. Mr. BAKER, Mr. BROWN.

Q. Did BAKER ever say anything to you about it: "After you'd been down there I had a big thing going down there"?

A. No, sir.

Q. BAKER was flying this day. He was functioning as Warlord Alpha Lead.

A. He was?

Q. Well, do you recall hearing anything within your crew, hearing your crew mention anything about a lot of bodies?

A. No, sir.

Q. Did you ever hear anything about any large number of bodies associated with Task Force Barker?

A. No, sir. I don't.

Q. What about an investigation?

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A. While I was over there, I heard nothing.

Q. So I take it then the time you flew General KOSTER you never saw or heard anything out of the ordinary down in this particular area?

A. No, sir. I didn't.

Q. Do you recall ROBERTS saying anything or overhearing him say anything, or the general, or sergeant major?

A. No, sir.

Q. (Handing photo to witness) I'd like to show you a picture of Mr. COONEY (photograph was not received in evidence).

A. I don't know him personally, but I've seen him around. It's not the guy I had in mind when you mentioned the name. I have seen this man.

Q. You don't recall seeing that man at Dottie?

A. No, sir. If we sat down, we usually stayed pretty close to the aircraft, in case they wanted to come and go right away.

Q. This day that you went in and landed, you can't picture who was in your right seat? Do you remember whether you flew it in, made the approach, or did he?

A. I flew it in. In an area like that where there wasn't anything going to happen, then I'd be flying. And I flew it out. No, I think I let the pilot fly it out. I'm almost sure he did.

Q. Do you remember thinking about him getting up above those hedgerows?

A. No, because he had plenty of room.

Q. Had plenty of room?

A. Yeah.

Q. Couldn't hardly screw it up?

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A. No way he could hit them.

Q. He'd have to work at it. Do you ever recall any meetings or seeing any meetings with Colonel HENDERSON, and General KOSTER, and Colonel BARKER?

A. No. No specific meetings.

Q. Did you know Colonel BARKER?

A. No, sir.

Q. When the general landed at these various places, didn't somebody come out to meet him?

A. Colonel HENDERSON was out there.

Q. There was always some big wheel of some sort to run out there to meet him, wasn't there?

A. Yes, sir. They were standing there waiting for him.

Q. Did you know Major CALHOUN?

A. No, sir.

Q. This morning, on the 16th, when the general landed at LZ Dottie at 9:35, the thing that strikes me is that we know that Colonel BARKER was not there, you see. He was airborne out over the area and Dottie, of course, was Colonel BARKER's base. At this period of time it belonged to Task Force Barker. But he wasn't there, he was flying. Colonel HENDERSON was there, and it would have been normal to see Colonel HENDERSON run out to the ship down at Duc Pho, Bronco. But up at Dottie it would have been a little unusual.

A. I guess it would because they usually had a jeep waiting. WAITNER (phonetic) would come up from the TOC.

Q. And being in an MP jeep might have seemed a little strange also, red light.

A. No, sir, not really, because everytime they picked him up at Quang Ngai, the ARVN's put on quite a show.

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Q. This is Dottie?

A. I don't remember, sir.

Q. Do you remember the general ever being excited or upset about anything?

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

Q. Do you ever remember hearing General KOSTER countermanding any orders?

A. No, sir.

Q. With reference to any of the operations in this area? You ever recall hearing him say anything like, "Stop the killing!" or, "What's going on down there?"

A. Definitely not.

Q. You never monitored his conversations?

A. Not very often, but I have monitored conversations to see what's going on down there, if there's any firing or something like this, or maybe to overhear someone talking to somebody. The times I did he never said much. Never anything like that.

Q. Did you ever read about this incident in the Americal paper?

A. No, sir.

Q. You don't recall hearing anything about Task Force Barker in The Stars and Stripes?

A. Maybe in The Stars and Stripes. You know, you read through there and you might be able to see something about where you're working.

Q. There was an article in The Stars and Stripes, and there was an article, a big write-up in the Americal paper.

A. The Americal paper I never saw very much.



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Q. I thought you might have been able to associate your being there when this big action occurred. The reported 128 VC KIA out there this day.

A. No, sir.

Q. Pretty good-size body count?

A. Right.

Q. As far as I understand it then, you don't recall hearing anything unusual or any reports of events that were unusual, investigations of any sort concerning the Task Force Barker, or any part of the Task Force Barker, the 11th Brigade operations?

A. No, sir. I don't.

Q. No conversations with anyone?

A. No, sir.

Q. And you yourself do not recall seeing any bodies, dead bodies, other than the one that you indicated that you saw on a day that you landed in this general area?

A. No, sir.

Q. While you were flying General KOSTER over there, did you ever see many bodies, dead bodies I'm talking about?

A. Not very often flying with him. I didn't always fly a general there.

Q. I'm talking about the time you were flying General KOSTER?

A. Nope.

Q. You never went down to see what they got when they did all this killing?

Q. Did General KOSTER usually take many people in his helicopter outside the sergeant major and his aide? Did he ever take many of the staff officers?

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A. Once in awhile, once in a great while. I don't remember who.

Q. Does the name Colonel BALMER mean anything to you?

A. No, sir. It don't.

Q. Did you know the crew of General YOUNG's ship?

A. Yes, sir.

Q. Did you ever talk to them about anything down in this area?

A. No, sir.

Q. They never reported seeing anything strange going on?

A. No, sir. They never told me.

Q. Well, I've done a lot of asking, a lot of questions. Before we close, I'd like to give you an opportunity to state anything that you'd like to state that you think might be pertinent to the purposes of our inquiry here.

A. No, sir. I can't think of anything.

Q. When you do leave, if you do think of anything that we've talked about here with reference to any operations, that went on in this general area of operations here, that you feel might be pertinent, we'd appreciate your contacting us.

A. Yes, sir, definitely.

Q. If you come across any documents, pictures, or letters that you have written that pertain to any of the events that occurred on 16 to 18 March, we would appreciate your contacting us. We'd like for you to give us some thoughts for the next few days. If any of it seems to kind of fit together or if you have any recollection regardless of how insignificant you might think it to be, I'd appreciate a call here.

A. Yes, sir.

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Q. All facts become important when they're supported by other witnesses, you see. I believe you're familiar with the directions that are here on (Exhibit) M-57 that you read earlier about not discussing what we talked about.

A. Right.

Q. You understand those completely?

A. Yes, sir.

Q. Should you be called before a legislative committee, Congress, your testifying here in no way precludes you from testifying there, in answering their questions--not necessarily telling them what you told us but whatever they ask you, you answer. Do you have anything else you have to say?

A. No, sir. I don't believe so.

Q. Well, again, I'd like for you to think about the events of 16-17 March as I described them to you: 9:35 at Dottie, what occurred there; then picking up General DOLEMAN in the afternoon and going to Bronco and then back up to Dottie with General DOLEMAN and back to Chu Lai; and the next morning, on the 17th, back from Chu Lai down to Bronco again at 8:35 and then around the round-robin-type, those 2 days especially. If you can kind of sort these together or time them up with your landing in this area, this is what we're interested in.

A. The one thing I know there was no one, you know, visiting on board.

Q. There was nobody on board. It was just normal.

A. Right.

Q. Actually then if this had occurred on 16 March, it would have had to have been in the morning hours sometime.

A. Yes, sir.

Q. You don't recall, while General DOLEMAN was aboard, anything about orbiting around over this area?

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A. No, sir. I didn't associate anything with how many people I had on board.

Q. (To MR WEST) Well, if you have nothing further to add, sir, well, this hearing will be closed.

(The hearing recessed at 1036 hours, 16 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: BOSWELL, George W., CPT

DATE OF TESTIMONY: 6 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

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

1. DESCRIPTION OF 174TH ASSAULT HELICOPTER COMPANY.

a. History of the 174th in the Duc Pho area.

The witness arrived 20 September 1967 in Duc Pho, at which time the 174th did not have all of its equipment in Duc Pho. Some of its supplies were in the Lane Army Heliport, near Qui Nhon (pg. 12). Resupply was made approximately two weeks later (pg. 12). Prior to his arriving there, 40 personnel were wounded in the Maintenance Company and they were all eventually replaced (pg. 13). Because of this, the witness stated, there were not many infusions or departures in the period from September 1967 through March 1968. The unit was combat ready and in effective condition in March 1968 (pg. 13). Prior to the 11th Brigade's arrival, they supported the 3d Brigade of the 4th Division, flying two or three combat assaults each morning plus resupply missions as well as conducting practice combat assaults (pgs. 13, 14).

b. Usual missions supporting Americal Division.

The parent unit of the 174th was the 14th Combat Aviation Battalion which was under the 16th Group (pg. 3). Their mission was to support the Americal Division; however, they primarily supported the 11th Brigade being located next to them at Duc Pho (pg. 3). The witness felt the unit had approximately 60 percent availability on its 28 aircraft in March (pg. 3). They would receive their missions from the

14th Combat Aviation Battalion at Chu Lai and usually each morning they would have a combat assault, lifting a company into different areas. Then, on a secondary mission, they would support the battalions and companies throughout the AO by resupplying them through the day and by making an extraction of one company or another in the afternoon (pg. 4). In the late afternoon, they would usually put out the 11th Brigade LRRPS (pg. 4). The witness stated that as executive officer his normal job for the unit was an administrative one (pgs. 4, 5).

c. Prior training to 1/20 in Airmobile Combat Assaults.

The witness recalled in December of 1967, giving combat assault training to the 1/20 (pg. 14). He stated there was little change in their policy of formation for a combat assault, because the infantry would have to be retrained (pgs. 18, 19). He stated that the formation generally consisted of a "Vee formation." Alpha One was the first ship with Alpha Two to his left and Alpha Three to his right. The next three ships were called the Bravo element, then Charlie and so on (pg. 18). There was a leader for each element who flew in a slot between the second and third ships of the preceding element (pg. 18). This made it possible to split a combat assault and go to different LZ's if necessary. He described it as a trail of Vees (pg. 18), and stated that it was logical that the nine ships participating on 16 March would have used the SOP formation, landing somewhere outside the village in an open area (pg. 19).

d. Unit SOP concerning engagement while on a combat assault.

The unit had a written SOP which controlled the firing of doorgunners while the aircraft was in flight. Doorgunners were responsive to the aircraft commander and fired only on his command (pg. 14). The commander was in turn responsible to the lead aircraft, who was responsible to the mission commander or the ground commander (pg. 15). Thus, the witness stated, the ground commander controlled whether or not the doorgunners fired when coming into a combat assault (pg. 15). The request to the ground commander for permission to fire would be phrased "Request to go in hot" (pg. 15). He stated that this SOP also applied to the gunships, which were under the control of the mission commander (pgs. 15, 16). The mission commander would be the battalion commander, if a battalion were being lifted into an area, or

the company commander if it were a company lift. After the troops had landed, only the unit commander on the ground could give permission to the gunships to fire (pg. 16).

e. Communications during combat assault.

Each aircraft was equipped with a UHF which was used to communicate between aircraft (pg. 17). Air to ground communication was always accomplished on FM radio (pg. 17). The witness stated that every aircraft would monitor the ground channel, but only the lead would communicate on that channel (pg. 17).

f. Use of Rattler helicopters.

If their unit was short of ships, it is possible that they borrowed four ships from the 71st Aviation Company (pg. 5). This was common and if it were done it would not stand out in his mind (pg. 5). These ships were called Rattlers, as they were marked with a coiled rattler on the nose of the aircraft (pg. 20). If Rattlers were used, they would have flown to the rear (pgs. 20, 21).

2. ASSAULT ON MY LAI.

a. Recollection of the landing.

The witness stated that he did not participate in the combat assault (pg. 26), and the 1.6 hours that he flew on the 16th of March consisted of a flight from Duc Pho to Chu Lai and back again on administrative business (pg. 26). He stated that he did recall that the second lift encountered a "hot" LZ, but there was not much to be done for there was a policy against firing after troops had been in (pg. 5). There was also a policy that they had to identify the target before they fired (pg. 6). He recalled the gunships reporting personnel with web gear, but stated this is not unusual (pg. 6).

b. His identification from the Task Force Barker tape of the aviators.

The witness, after listening to the Task Force Barker tape (pg. 6), identified the following personnel as aviators on the mission: (1) Warrant Officer MILLIANS was the Dolphin lead (pg. 7); (2) Warrant Officer MOYS, was one of the two persons using the Shark Six call-sign (pg. 7); (3) Lieutenant PETERS, the operations officer,

was the other Shark Six (pg. 7); and (4) Warrant Officer COONEY, was Colonel HENDERSON's pilot (pg. 7).

3. EXPLANATION OF THE DAILY OPREP for 16 March.

The witness identified Exhibit R-3, a copy of OPREP 5 for the 174th Aviation company, dated 16 March 1968 (pg. 7). He stated that on the Exhibit, "CA" stands for a combat assault for Lieutenant Colonel BARKER of the 11th Brigade (pg. 8). Column "C" indicates that two UH-1C gunships were used, as well as nine UH-1D slicks (pg. 8). Column "E" indicates 228 troops were lifted (pg. 8). There were 13,500 rounds of 7.62 millimeter and 35 2.75 rockets fired on the assault (pg. 8). Column "K" indicates there was an artillery prep (pg. 9). It also indicates, that there was a U.S. Air Force FAC in the air who could be observing, but they did not call for air support (pg. 9). The call sign for the FAC would be HELIX (pg. 9). He felt that he could identify a photograph of the U.S. Air Force major who was the individual that flew most of their support missions (pgs. 9, 10). The OPREP also indicates there were five ships furnished to Task Force Barker on 16 March to resupply the 4/3 and 1/20 (pg. 10). The grid coordinates for the pick-up and landing zone are indicated on the bottom of the OPREP 5 in letters rather than numbers so that they could be given in the open without the enemy being informed (pg. 10). He stated he would need a code to translate what the letters meant (pg. 10). He further stated from OPREP 5 (Exhibit R-3), that the 174th had 15 D Models and six C Models on hand on 16 March of which 12 D Models and three C Models were mission ready (pg. 11). They were short seven aircraft from TOE strength which he stated were probably destroyed in mortar attacks that they had during that period (pg. 11). The exhibit indicated that 99 sorties were made for TF Barker. A sortie, he defined as a landing (pg. 11). This would not necessarily mean that nine slicks made 11 landings during the day, but it would be an average (pg. 11). He gave an example of landing at a base and moving from one pad to another which would indicate two sorties or landings (pg. 12).

4. OTHER INFORMATION.

a. The witness indicated he remembered only one time that a village was fired upon and that occurred on 1 May when they received a great deal of enemy fire from uniformed personnel during a combat assault (pgs. 19, 20).



b. An event which occurred in February, was mentioned because the battalion surgeon, Captain SCHOOLFIELD, complained to him and then to the CO about the gunners shooting into a village (pgs. 21, 22). This was reported to the CO, Major WHEAT, and the witness stated he never heard anything further about it (pg. 27).

c. The witness felt that the Sharks were a professional outfit who would not fire on women and children. He cited an incident which occurred previously in which he called the Sharks in from a slick while he was in a free-fire zone north of Duc Pho and noticed people below. The Sharks reported back to him that there were women and children down there and they did not fire, even though the people were in an area they were not supposed to be in (pg. 25).

d. The witness stated that the daily briefings in his unit stressed the fact of not firing on women and children (pg. 25).



(The hearing reconvened at 0900 hours, 6 January 1970.)

COL FRANKLIN: The hearing will come to order.

RCDR: The following persons are present: COL FRANKLIN and MAJ COOP.

The next witness is Captain George W. BOSWELL.

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

Please state your full name, grade, Social Security number, service, organization, and station?

A. George W. BOSWELL, Captain, Social Security number I am stationed at the Department of Tactics, Fort Stewart, Georgia.

COL FRANKLIN: Captain BOSWELL, I am going to read something to give you a little idea of what this investigation is all about before I proceed into the actual questions.

This investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the United States Army for the purpose of determining facts and making findings and recommendations concerning two 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 or withholding of information by any person who had a duty to report and to furnish information concerning this incident. This investigation is not being conducted to investigate all the facts and circumstances as to what happened at My Lai. It is directed to those specific purposes which I've just stated.

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

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

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

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

In addition, you are cautioned that if you are subject to the order issued by the military judge in the general court-martial case of the United States v. Calley, this hearing in no way changes the applicability or effect of that order. Are you subject to that order? Have you been notified by the military judge?

A. No, sir.

Q. Do you have any questions about what I've read?

A. No, sir.

Q. The hearing will be recessed.

(The hearing recessed at 0912 hours, 6 January 1970.)

(The hearing reconvened at 0914 hours, 6 January 1970.)

COL FRANKLIN: The hearing will come to order.

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

COL FRANKLIN: Captain BOSWELL, what was your military assignment on 16 March 1968?

A. Sir, I was the executive officer of the 174th Assault Helicopter Company in Vietnam.

Q. What was the status of your company at this time?

A. You mean what was our mission?

Q. What was your mission? How many aircraft did you have? What kind of missions had you been flying?

(BOSWELL)

A. We had approximately 28 aircraft. Our mission was to support the Americal Division. However, since we were conveniently located right next to the 11th Brigade at Duc Pho, we primarily supported the 11th Brigade.

Q. Who was your parent unit?

A. My parent unit was the 14th Combat Aviation Battalion which at that time was assigned under the 16th group. That was a new group just being formed.

Q. You say you had 28 airplanes?

A. Yes, sir. We had ten slicks. They were D-model ships. The 1st Platoon and the 2d Platoon consisted of a gun platoon and they were C-models and we had eight of those.

Q. In March of 1968 you had all your aircraft? You had not lost any in the Tet offensive?

A. Yes, sir. We had lost some. I was just thinking about what we were supposed to have.

Q. I don't care what you were supposed to have. How many did you have?

A. I can't tell you exactly, sir. Some were down in the hanger that had been shot up pretty bad. Some had been evacuated. The exact number, I don't know.

Q. What kind of shape were you in operationally?

A. We had about 60 percent availability.

Q. So that is not really unusual then? You could live with that, right?

A. Yes, sir.

Q. And you say you were supporting the 11th Brigade at Duc Pho?

A. Right, sir.

Q. What was your mission and what did they consist of? You said support. Support how?

A. We received our missions from the 14th Combat Aviation Battalion at Chu Lai, and every morning we usually had a combat assault of some type and would lift a company into different areas. After that, we would pick up our secondary mission, which was to support these battalions and companies throughout the operational area of the AO and re-supply them with whatever their needs were that they can't supply by vehicle. We would spend the rest of the day re-supplying them and making these regular resupply runs. In the afternoon we usually had an extraction of one company or another. Sometimes, not often, we made these LRRP insertions in the afternoons, and a lot of times in the night we would extract them.

Q. Whose LRRP's?

A. The LRRP's are from the 11th Brigade. They are a squad of men that are put out for recon.

Q. I know who the LRRP's are. I want to know if they are Americal LRRP's or 11th Brigade LRRP's?

A. 11th Brigade LRRP's, sir. They were a listening post.

Q. You would make a combat assault or extraction just about daily then?

A. Yes, sir.

Q. Do you recall what you were doing or your company was doing on 16 March 1968?

A. Sir, the company was making a combat assault, I believe. I don't have any records that say they were, but from all indications, they were making a combat assault as they usually did. I don't remember anything different from that morning that would make it outstanding from any other morning. It was just another combat assault. We get up at 4:00 in the morning and are ready to go at 6:00. That's usually the way it went. We would be off in the morning on a combat assault and then resupply for the rest of the day.

Q. As executive officer, what were your normal duties, and what would you normally do? Did you do administrative or flying jobs?

A. My normal duties were administrative. I filled in sometimes during combat assaults because of the fact that we had some fatigued pilots and this sort of thing. When I did fly, I didn't normally lead because I didn't fly every day. I did during the first 5 months in Vietnam when I was the platoon leader. I was flying every day then. I was just filling in later whenever we were short of aircraft commanders. Otherwise, my duties were administrative. I would go in the orderly room at 7 o'clock and start in with the morning report and other normal duties that needed doing.

Q. What do you recall about 16 March? You say it was a day just like any other day? You obviously know what happened on 16 March and that we are concerned with the incident of My Lai. Do you recall anything about this?

A. I don't recall My Lai myself, sir. Every day you go to a different spot in the AO. There was nothing that I remember as being outstanding about My Lai. I am not sure, but I don't think I was on the assault.

Q. Let me refresh your memory a little bit. There were two companies lifted in on the morning of the 16th. There were a total of nine slicks involved. Four had probably been borrowed from the 71st Aviation Company, the Rattlers. Could this have been possible?

A. Yes, sir. That happened all the time. We were hit pretty bad with mortar attacks and we even had mine probes and this sort of thing during that particular month. As I said, we had a lot of ships damaged.

Q. So, it was not unusual to borrow Rattlers? This wouldn't necessarily shake your memory?

A. No, sir.

Q. Okay. On the second lift it was reported that the LZ was hot. The gunships were making a lot of passes and picking up people and reporting people, VC being knocked down with web gear. They were making firing passes.

A. Yes, sir. This does ring a bell. I remember an LZ we came into that was hot on the second lift in, and there wasn't much we could do. We can't fire. There is a policy that we can't fire once you drop your own troops in. Also,

there was a policy that you have to identify your target before you fire anyway. I also recall the gunships reporting personnel with web gear, but this is not unusual. This happens and is a normal thing on a combat assault. This has happened before in the same general area.

Q. I think we are going to recess, Captain BOSWELL, and let you hear a tape (a transcript of which is contained in Exhibit M-20) and call you in later.

The hearing will recess.

(The hearing recessed at 0922 hours, 6 January 1970.)

(The hearing reconvened at 1200 hours, 6 January 1970.)

COL FRANKLIN: The hearing will come to order.

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

The hearing recalls Captain BOSWELL.

(CPT BOSWELL was recalled as a witness, advised that he was still under oath, and testified as follows:)

COL FRANKLIN: Colonel PATTERSON is going to ask you a few questions now, Captain BOSWELL.

LTC PATTERSON: During the recess, Captain BOSWELL, you had an opportunity to listen to a tape recording of a combat assault operation apparently across the battalion command net. Under the assumption that this tape was made on 16 March 1968 concerning the Task Force Barker operation in the vicinity of My Lai(4), can you now identify, to the best of your recollection, any of the voices of the aviators on that tape?

A. Yes, sir.

Q. Would you state for the record who you think the aviators are by call sign and by name?



A. I believe the Dolphin Lead was Lieutenant MILLIKIN at that time.

I believe Shark 6 is two people using the same call sign and both in the same aircraft. On the Shark 6, the person that does primarily most of the talking is Warrant Officer MOYS. The other Shark 6 is Lieutenant PETERS who is the operations officer. However, he used to fly with the Sharks as often as possible because he was intending to take over the Shark platoon later on.

The C&C pilot was definitely, as far as I could determine, Warrant Officer COONEY.

COL FRANKLIN: You are referring to Colonel HENDERSON's C&C pilot furnished by the Dolphins?

A. Yes, sir. On the manuscript that said C&C pilot. This would be the colonel's, yes, sir. When he spoke up on the tape, that was Mr. COONEY.

LTC PATTERSON: Are there any other voices that you could recognize or call sign that you could recognize to tie them in together?

A. I thought maybe that was Shark's alpha team leader, but he just didn't speak up enough for me to be very certain of exactly who he was. I didn't want to identify him for that reason.

Q. Captain BOSWELL, are you familiar with a report that is required or was required by the 1st Aviation Brigade called the OPREP 5, an operation report that is to be completed by the operations officer of an aviation assault helicopter company at the close of each day's operations?

A. I'm familiar with it, sir, but it used to be made out by the operations officer there at Duc Pho.

Q. I would like to show you a copy of OPREP 5 for the 174th Aviation Company, dated 16 March 1968.

(LTC PATTERSON hands a copy of OPREP 5 to witness.)

COL FRANKLIN: Major COOP, I want this entered as evidence.

RCDR: OPREP 5, dated 16 March 1968, is received in evidence as Exhibit R-3.

LTC PATTERSON: Captain BOSWELL, looking at this, I would like to ask you some information as to what the numbers in the columns mean.

Under Column A, the mission for the 174th on the 16th of March? Can you identify symbols and what type of missions were flown by the 174th on the 16th of March?

A. The first one is "CA," and that stands for combat assault.

Q. For which unit?

A. This is our company telling our battalion that we have executed a combat assault for Colonel BARKER of the 11th Brigade.

Q. How many aircraft, by type, were employed in this combat assault for Task Force Barker?

A. Under Column C, airlift, it has a C and D. The C standing for a UH-1C, which is the gunship, and the D standing for the UH-1D model, both of them being Huey helicopters. According to this report here we have two gunships under C, and under D we have nine slicks used.

Q. Or D-model?

A. A slick being a D-model, right.

Q. How many troops were carried?

A. Under column E, the number of troops that were air-lifted was 228 troops.

Q. That would be during this combat assault?

A. Yes, sir.

Q. What was the ammunition expenditure, by type, for the UH-1D's and the UH-1C's for the combat assault of Task Force Barker?

A. The ammunition expenditure for 7.62 millimeter were carried by both type aircraft, C and D, so this would be a combination of the two. There were 13,500 rounds of 7.62 millimeter fired on that assault and the 2.75 stands for the rocket. There were 35 rockets fired on this assault.

Q. Was there an artillery prep according to your OPREP 5?

A. Under column K where it says, "Prep," yes, there was. There was an artillery prep.

Q. What does the "Air" under column K mean?

A. This would stand for that we had the Air Force engaged in this battle using air support which would indicate --I don't want to add something to it, but I was going to say that it would indicate that there would be an Air Force FAC pilot in on it or involved here, too.

COL FRANKLIN: Question. Could there be an Air Force FAC in the air, but not jets actually striking the target? Is that possible?

A. Yes, sir. He could be observing and hasn't called in the air support.

Q. So, if there is a FAC over head--

A. (Interposing) Yes, sir.

Q. Good.

LTC PATTERSON: What was the usual call sign of the FAC, the forward air controller of the United States Air Force that used to support the 11th Brigade and Task Force Barker in your area of operations?

A. I know what it is. It starts with an H.

Q. Would it be Helix?

A. Helix. Yes, sir.

Q. Do you recall the number of his call sign?

A. No, sir.

Q. Would you be able to identify the individual that flew most of your support missions from the United States Air Force?

A. I could possibly. I think I could identify his picture. Possibly it was a major that was in charge of that. I knew him, and I used to go up and visit him at night at the club, but I don't remember his name offhand.

Q. How many C&C ships were furnished to Task Force Barker according to the OPREP 5, Column A, on 16 March 1968?

A. According to OPREP 5 there were five.

Q. What other missions were flown by the 174th on 16 March in a general basis?

A. Well, there were cargo missions, which is a general resupply of the troops in the 11th Brigade or the Americal Division.

Q. Can you tell me what units were resupplied?

A. Well, these would be battalions. The 4/3. The 3/1. The 1st of the--I'm not sure of that other one.

Q. The 20th?

A. Yes, the 20th.

Q. At the bottom of OPREP 5, in code, is indicated a pickup zone and a landing zone. Do you have any idea as to what that code would indicate?

A. Yes, sir. This you would find in your SOI for that particular time, and there is no way I could break this down without having a copy of that.

Q. Do these letters mean numbers?

A. Yes, sir.

Q. And what would the numbers then indicate?

A. Well, it would give you the grid coordinates that we--of the actual landing zone. We code this for the purposes of--this is information of our side, and we always code anything that is our information. Anything that is enemy information we can give in the open.

Q. Can you tell me how many aircraft, by type, were assigned to the 174th on 16 March, using OPREP 5, Exhibit R-3?

A. Okay. The number of aircraft on hand is 15, and that would be nine D-models and six C-models.

Q. How many were operational and mission-ready?

A. Mission-ready, we had 12 D-models and three gunships or C-models.

Q. And how many were down for maintenance or not mission-ready?

A. The number of aircraft not mission-ready was three Deltas and three Charlies.

COL FRANKLIN: You were short seven aircraft of your TO&E strength at this time, right?

A. Yes, sir.

Q. I think you were authorized 28; that was 20 slicks and eight gunships?

A. Yes, sir, but we had at that time--some were destroyed in the mortar attacks that we had during that Tet period. We were getting hit pretty hard there.

Q. Excuse me. Just one more question on that form. Under sorties. Task Force Barker got 99. Does that mean that everyone of these slicks made 11 sorties, or what?

A. A sortie really is a landing.

Q. So those nine slicks made 11 landings during the day, on an average?

A. Yes, sir. I don't think it would be exact, but it would be an average of the landings.

Q. Would you explain just how you could get so many sorties out of these nine aircraft, Captain BOSWELL?

(BOSWELL)

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A. Sir, a sortie is really the number of landings, so I could leave Duc Pho and go to, say for instance, Liz, which is just a little fire support base just across the way, and land, and that's one, and I could move from Liz on the VIP down to the resupply pad, and that would be two sorties because it is just the number of landings. So you could go from one LZ to a PZ and back and forth again, and each one of these would constitute a sortie.

Q. Thank you.

LTC PATTERSON: Captain BOSWELL, how long had the 174th been operating in the Duc Pho area prior to March 1968?

A. I arrived in Duc Pho just about the 20th of September 1967. At that time, the 174th did not have all of its equipment and everything in Duc Pho. Part of its supplies were still back in Lane Army Heliport, which is just a little heliport just outside Qui Nhon. I was told that they hadn't been in Duc Pho much more than 6 months and that they had taken over the airfield from the Marines and at that time, it wasn't at Duc Pho itself. It was just a quarter of a mile or so to the east in an area called Eagle's Nest, and the main resupply area was a place called Guadalcanal. Anyway, it was mostly Marine names since we took it over from the Marines. Approximately 1 or 2 weeks later, after we had taken over the area, we, I say we, I mean the people that were there and the infantrymen that were there, we were able to land C-130's and C-123's in there for resupply. Up until that time I was told that there were VC units in that area that hadn't had to fight in 20 years and it was very heavily --a heavy concentration of enemy troops there. When I first got there, and we took off and landed at that particular LZ, we received fire all the time, for just about the whole time I was there. It was a real hot area as far as the enemy was concerned.

Q. I'd like to have you think back a little bit about the unit itself and the personnel therein. Did you have a lot of personnel turbulence between the time frame of September 1967 and into March and April 1968?

A. Well, I wouldn't say that we had too much more than any other unit had. As far as my unit, the 174th, was concerned we--everybody was mostly leaving on their normal

DEROS dates. We had some wounded just prior to my arriving there. They had, I believe, something like 40 of them wounded in the company. We lost those so we had a big influx of personnel to replace them. These were all the maintenance company, 409th.

COL FRANKLIN: How did you lose 40?

A. Well, sir, we had just gotten there and our defensive positions were not the best. It was real hard to get timbers and things of this nature. So as far as building bunkers, we used to dig in as best we could and what happened, the VC or the NVA, whoever it was, hit us with mortars, and the first two rounds hit right in the middle of a GP medium tent, and the men didn't have a chance to get under cover.

Q. When was this? What month?

A. This was just before my arrival. So it must have been in August.

Q. Of 1967?

A. Yes.

Q. Forty men out of your maintenance company?

A. Yes, sir. They weren't all killed. They were wounded.

LTC PATTERSON: After or between the period September 1967 and March 1968, then, you did not have a lot of infusions or personnel departures? In other words, was your unit in good combat ready and effective condition, say in March 1968?

A. Yes, sir. We were, for 3 months or so, were still transferring supplies from Lane Army Heliport, but they were not supplies that we would need for any combat operation. This was some extra stuff that was just laying up at the Lane Army Heliport.

Q. During the early part of 1968, did you conduct a great many combat assaults?

A. Yes, sir. We were really heavily committed, because before the 11th Brigade came there, we supported the 3d Brigade of the 4th Division. Before the 3d Brigade of the 4th Division left, we had different outfits come in and were stationed at the staging area. This was the old area that we once used, which is over at the Eagle's Nest. We were not only flying two or

three combat assaults each morning plus our resupply, but in addition to that, we were also conducting practice combat assaults. This was for the new units that were arriving in Vietnam, to train them so that they were tactically proficient, I guess you would say, and really up to par. We were calling these practice combat assaults, but in that area that we were at there were no such things as a practice. On some of those combat assaults we got into some pretty heavy fire.

Q. Do you recall giving any air-mobile combat assault-type training to the 1/20?

A. Yes, sir.

Q. Do you remember the time frame?

A. Yes, sir. I believe it was in December.

Q. 1967?

A. Yes, sir.

Q. Did you have a tactical SOP in the 174th?

A. Yes, sir.

Q. Was it written?

A. Yes, sir. It was in writing.

Q. What did that SOP state, as best as you can recall, concerning the doorgunners and engaging or engagement on a combat assault?

A. Sir, the doorgunner and the crew chief were both acting as doorgunners while the aircraft was in flight. They were completely responsive to the aircraft commanders. On every aircraft we had a crew of four: the aircraft commander, the pilot, the doorgunner, and the crew chief. Of course, the aircraft commander and the pilot, and I am talking about a cargo-carrying aircraft like the D-model, or a troop-carrying aircraft, they couldn't fire, but the doorgunner and crew chief could, and they only fired on command of the aircraft commander.

Q. Who was the aircraft commander responsive to?



A. The aircraft commander, if we were in a combat assault for instance, would be responsible to the lead aircraft.

Q. Who was the lead responsive to?

A. The lead aircraft was responsible to the mission commander or the ground commander that was in charge of the mission.

Q. Then as I understand it, the ground commander controlled whether or not the doorgunners and crew chiefs, or the slick-carrying aircraft, fired when going into a combat assault?

A. Yes, sir. That's affirmative. We used to get into some arguments over that because we felt that if we were going to put that many aircraft into an LZ, and the first time we went in if we regarded this LZ--unless it was a village or something like that--if it was just an LZ, we liked it when we could go in hot the first lift. However, we couldn't go in and do as we pleased. We had to do what the mission commander said, and quite a bit of the time the 11th Brigade didn't go in hot the first lift in. Of course, we resented it a little bit. We figured if we are going to put that many aircraft into one area, that we should prep it before we go in.

Q. Just for the record, what does "going in hot" mean?

A. We would ask them on the radio, we would say, "Dolphin lead, this is Cowboy 6, request to go in hot," and this means to go in with the doorgunners firing and the Sharks, which are gunships, prepping the area prior to the arrival of the troop-carrying aircraft. Quite a bit of the time we were not allowed to do so.

COL FRANKLIN: You were not allowed to fire doorguns or the gunships shoot, or just not fire doorguns?

A. No, sir. We were not allowed to fire either until such time as we received fire or we got permission from the mission commander to fire.

LTC PATTERSON: Who controlled whether or not the gunships, which I understand were called Sharks, who controlled whether or not they went in hot or fired suppression rounds prior to the arrival of the troop ships?

A. Sir, the mission commander did this. We would call the mission commander on take off from Duc Pho and contact him, and actually, they would only go into that area maybe just a few seconds before the troop-carrying aircraft went into this area.

Q. By the mission commander, you are talking about the--

A. (Interposing) The ground unit commander.

Q. The ground unit commander?

A. Say, the battalion commander of the brigade or the battalion that we are lifting into the area or if it is a company lift, the company commander.

Q. Once the troops were on the ground, who then controlled whether or not the subsequent lifts of slicks went in hot or the Shark gunship aircraft engaged targets on the ground?

A. Yes, sir. I can never remember firing. Of course, I didn't fly the gunship. I flew the troop-carrying aircraft. I can never remember firing going into the LZ a second time as long as we had an American troop on the ground. Now, the Sharks did fire. However, they are controlled strictly by the unit commander on the ground or the company commander or battalion commander. Now, in order for them to fire, they had to have unquestionable identification of what they were firing at, and where, and they must have had permission from the ground commander to fire as long as we had troops on the ground. They usually marked with smoke their locations and, of course, we knew, but they could not fire without permission from the ground commander.

Q. What type of communications? There must have been communications required, then, between the Dolphin lead and Shark lead with the mission commander. What type of radio was used for this communication?

A. Sir, each aircraft was equipped with a UHF, a Fox Mike, and most of them had VHF. However, we didn't use VHF extensively. UHF is what we normally used to communicate in a company.

Q. Between aircraft?

A. Yes, sir, between aircraft.

Q. Air to air communication?

A. Yes, sir. Air to ground communications was just about always FM; in fact, I would just about say always--it was accomplished on a Fox Mike radio.

Q. Then your combat assaults in contact with the ground mission commander would have been on his frequency modulated, FM, frequency. Is that correct?

A. Yes, sir. Now, we would monitor--every aircraft would monitor the ground channel, but only the leads would communicate on that channel unless we had a UHF failure or something of this nature. We would keep communication down and the talk and chatter between aircraft as little as possible. So all of your air to air communications was on UHF.

COL FRANKLIN: All your lift ships would monitor the--

A. (Interposing) But they would monitor--

Q. (Interposing) On an FM?

A. Yes, sir.

LTC PATTERSON: In landing or conducting a combat assault in the vicinity of a hamlet that is suspected of being hostile, what was the company's desire, as far as proximity to landing, of landing to the hostile village or hamlet? I'm asking, did you like to land crowded up to the village or hamlet?

A. No, sir. Not if we could help it. We had problems with hamlets, because first off, what we used to do is pick a field out that was a good take off and landing azimuth and the C&C ship would go down and mark the area with smoke and we would land. Now, if we prepped, we prepped just the perimeter of the field, just the hedgerow or the hedges. There was no firing at all into the village. Of course, the big problem then was what we called an Eagle Mission, and that was to put your first lift in, and then go back as fast as you can and

get more and start to block the escape routes from this village. There was no fire in the village itself at all. Usually, these fields were quite a few hundred yards from the village itself.

Q. With a formation of nine troop-carrying slicks, as you've identified as participating in a combat assault on 16 March, what would have been, or do you recall, the combat formation and landing formation of that number of slicks?

A. This particular assault at My Lai, I can't recall flying it myself. But I flew many, many other combat assaults, and it was the SOP and standard in the company that all these aircraft fly in what is called a vee formation. We used to run our formations where the first ship was called Alpha 1, and on the left we had a number 2, and on the right of him number 3. These three vee ships were the Alpha element, and any other people we had there were called the Bravo, and for every three ships we had C, D, and on back. The slot was in between the second and third, and it--instead of calling it number 4, we would stay on these 1, 2, and 3 numbers, and we would call him Bravo 1. This was so we could split our combat assault and go to two different LZ's if necessary, and if it was called for, we would have a leader at each one and it would be easily identifiable.

COL FRANKLIN: In other words, you've got a trail of vees?

A. A trail of vees. Yes, sir.

LTC PATTERSON: In a nine ship assault then, it would have been SOP for three vees of three in trail?

A. That's correct, sir. Yes, sir. We never changed from that policy for a number of reasons.

One was that the troops on the LZ's, in order for them to line up, when we trained them, we trained them this way. If you go into the infantry and try to change the formation of ships, well, then it messes up the ground commander because he doesn't get the right personnel on the right ship. The infantry themselves are briefed on how we are going to land, and if you start coming into a whole bunch

of formations, then it confuses the troops, and when they get on down on the ground they start going in every which direction and the right people are not linked up with the right people.

Q. It would be logical to assume that on the 16th of March, with nine ships participating, you would have used this SOP formation?

A. Yes, sir.

Q. And landed somewhere outside of the village in an open area?

Q. Yes, sir.

A. I can only remember one time in the whole time I was over there that we landed in a village, and I'm not sure of the exact date, but I believe it was May the 1st.

Q. In a village?

A. Yes, sir. This was because we were going to a LZ quite a ways from the village. A helicopter from brigade aviation, 11th Brigade Aviation, was just making a pass by this village. This particular village was not north of Quang Ngai, it was just to the south of Quang Ngai in that river there; and as he was going by the village a VC jumped out and, with an automatic weapon, shot the gunner and the crew chief, but he didn't hit the pilot. They were in an OH-23. We immediately stopped the assault. We were on the final, coming on the final to our LZ. We made a go around and came back up in circle and called back to the brigade aviation requesting permission to continue the assault into that village. At the time, this village was in a horseshoe-shaped manner. So, we started into the center of this horseshoe. Nobody was firing or anything else. We were just going in. The one 23, the OH-23, the gunner was still able to fire, and he killed this one man with the automatic weapon. We were about 3 miles out on final and we started receiving automatic weapons fire from every direction you could name in that village. As we went into this, it seemed like just about every hootch in the place was opening fire on us, so we opened fire on this village. In the center of this village the people

were gathered around this one trooper in uniform, and he was standing there firing at us. I saw this, and I saw one of the Sharks fire into the group. I thought that guy was going to get me, his automatic fire was so close. So, this was the only time I can remember that we actually shot into a group and we did hit civilians. But we also--I can remember on the way out that my gunner--we identified some women down there in among some people with weapons, and I can personally vouch that he didn't stop firing, but he just went right around those women and kids down there and went ahead and got the people in uniform. That was the only time I can ever remember.

Q. I'd like to go back to the OPREP 5 (Exhibit R-3) of 16 March for a moment. It indicates that you received some additional aviation support in the form of slicks from the 71st Aviation Company. What was their call sign? Do you recall?

A. The 71st, I believe they were the Warlords.

Q. The Warlords, I believe were the 123d. Does the name Rattler--

A. (Interposing) Rattler, yes, sir.

Q. How were their aircraft identified? Do you recall?

(Witness makes no response.)

Did they have a nose insignia?

A. Yes, sir. The Rattlers, now, they were the gunships of the 71st. The troop-carrying aircraft were called something else that had to do with some type of serpent. Like the Sharks and the Dolphins were kind of together. So the Rattlers would be the gunships, and I don't recall the name of the slicks.

Q. What was the insignia on the nose of the 71st slicks? Do you recall it, or what did it look like?

A. From what I can recall, it was a coiled rattler.

Q. Where would the position of the slicks from the 71st have been in your formation of nine aircraft? Would they have been lead?

A. No, sir. They would have been at the rear. It was a formality now. We used to get these quite often because we would get hit so often and we would be so shot up and we had so many repaired that we didn't have enough to meet our mission or whatever we were required to meet for the assault. In that case, we would contact battalion, the 14th Combat Aviation Battalion, and they would send us or augment us with enough aircraft to meet our mission requirement. We never allowed these aircraft to lead or even be up front of the formation because of the fact that they weren't familiar with our AO as we are. Of course, anytime we went to their AO to fly we always fell in on the rear of their formation. This is policy.

Q. Do you recall the operation of 16 March, and do you recall participating and/or flying in that operation?

A. No, sir. I know there was an operation on 16 March, but the area and the name of it I am not familiar with.

Q. Did you ever hear any rumors about an operation on or about 16 March concerning My Lai (4) or a large number of VC kills on that particular day while you were in Vietnam?

A. I probably did, but to kill seven or eight VC was--the reason I can't make it stand out in my mind was there was nothing unusual about this in that area. Finding munitions stashed away or a hospital or something like this--I'd probably let it go into one ear and out the other because of the fact that this was common in that area.

Q. Do you recall, in the early part of 1968, any incidents involving the Shark gunships and the shooting or wounding of any of the Shark aviation personnel? Any incident that stands out in your mind?

A. I can recall people talking about it, but I did not witness it myself.

COL FRANKLIN: What was the talk about it?

A. What happened that I can remember was we had one of our crew chiefs or gunners, which one I can't remember, it was in the Sharks, was shot. Where he was shot, I don't remember that either, but I know he was wounded, and

I knew that it was my job to go over and investigate who was wounded and get all the information I could from him. I didn't stick around the operations to get all the information and everything that was going on. However, that evening I was over towards operations and Captain SCHOOLFIELD, who was our medical officer--he was a doctor at Duc Pho assigned to the battalion--he came in over by operations and was walking around fast. I looked over at him and he looked mad, and I said "What's the matter Doc?" He said, "I got to find the CO." I said, "What for?" and he wouldn't tell me at first, so I knew something was wrong by the way he was acting. So I followed him, and then I heard him say, "So they got one of our gunners. Did you have to go and wipe out or shoot up some villages?" I didn't investigate it any further because, well, I thought, to begin with, that he had some misinformation or something, and it was hard for me to believe that someone would just arbitrarily go out and shoot up anything. But on the other hand, there has been a question in my mind what actually did happen on that.

Q. Do you recall the time frame of this incident? Can you pin it down to a month?

A. I would say it would be around--it was toward the early part of my tour back when. It must have been around in February.

Q. In 1968?

A. Yes, sir. Because it was just before Captain WOODS, the old platoon leader, left. He left at the same time that Major WHEAT did, who was the old CO.

Q. Captain PETERS would have been a member of that platoon at that time, right?

A. No, sir.

Q. What about MOYS?

A. Yes, sir.

Q. On what authority did the gunships just go in and start shooting up villages? You just got through telling us that the mission commander--



A. (Interposing) They don't have any authority to go in and shoot up any village unless they get it from the commander in charge of the area of operations, which would be the 11th Brigade TOC headquarters. Not unless they are fired upon.

Q. If they are fired upon from a village, what are the rules of engagement and what can they do? Say they get fire from a village, an SKS from a village or they think it is an SKS. What are the rules of engagement for the 174th? What would you do?

A. The first thing you would have to do is report it to the TOC headquarters.

Q. What TOC is that?

A. This would be the 11th Brigade TOC, and the second thing is that if it is a village there isn't much I can do. If it's out in the open or in a rice paddy and they are receiving fire, they can fire back, but not in a village.

LTC PATTERSON: Captain BOSWELL, would you tell us what-- did gunships or aircraft from the 174th just cruise around in the area at low altitudes waiting to get shot at; or when they were going from point A to point B, what precautions did they take to keep from receiving fire, unless they are actively engaged in an operation with a ground element?

A. The area that they did most of their cruising around were areas called free-fire zones. These free-fire zones were known enemy. I have flown over them many days and I could see NVA standing there with web gear. Of course, I stayed up above 1,500 feet. The policy in Vietnam was that you either fly at 1,500 feet or you fly on the deck right down low. Now, a lot of times you couldn't get 1,500 feet, in fact a whole bunch of times, so you didn't fly at--

COL FRANKLIN: (Interposing) Why couldn't you?

A. Because of weather, sir. We were permitted to go down to 1,000 feet in weather, but anything lower than 1,000 feet we didn't fly or we went down right on the deck or we didn't fly at all. We considered our most vulnerable altitude between 1,000 feet and the ground or say 50 feet.

So over there, with the monsoons and everything else, we did a lot of flying right down on the deck. Now, the Sharks used to go out looking and if they were fired at would return the fire, but this was in free-fire zones.

Q. This area over here (pointing to MAP-1). Look at the map over there, Captain BOSWELL. This is My Lai (4) and Hill 85 in that area in orange on the map. That is MAP-1. Do you know if that is a free-fire zone or considered a free-fire zone by the Sharks?

A. No, sir. This is not a free-fire zone because, first of all, it is not in our AO, our area of operations. This would have to be an extension of our area of operation. Our area of operations was Quang Ngai and the river just north of Quang Ngai. The only free-fire zone that we had--at one time, I think we changed from time to time--

Q. (Interposing) Yes.

A. Would be south of the river down toward Duc Pho, just north of the Duc Pho area along the strip.

Q. If the Sharks were told the area was a free-fire zone, say an ARVN free-fire zone, does that mean they can--what were the rules of engagement that would apply to this area then?

A. This means that there shouldn't be anybody in this area.

Q. Except bad guys?

A. Except bad guys, really. All the people have been warned to stay out of these areas. Even though we did come up on free-fire zones we still, when we saw something moving in there, reported it and we still got permission to fire in this area.

Q. From the 11th Brigade?

A. Yes, sir.

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Q. Or, obviously, this battalion that you were working with--

A. (Interposing) Yes, sir, because we don't know, they might have sent a patrol out. But, however, if we start receiving fire, we notify them, and the Sharks would engage them, depending on if they can identify them. They still must be able to identify what they are firing at.

Q. They have to be able to identify?

A. Yes, sir.

Q. Did you have the feeling the Sharks were pretty good insofar as not firing just indiscriminately; that they had well identified targets when they fired?

A. Yes, sir. I have watched them on operations, and they were good and they were professional. They were proud of their outfit and their platoon.

Q. Do you think the Sharks would fire on women and children?

A. No, sir. Not to--

Q. (Interposing) I mean if they were clearly definable?

A. No, sir.

Q. Even if it were a free-fire zone?

A. No, sir. I called them in on a woman in a free-fire zone north of Duc Pho and told them--I was in a slick, and it was SOP that a slick would not engage an enemy target even if it was fired upon unless they do it to evade or get out of there. I noticed that there was somebody down in that free-fire zone, and I called up my operations. They sent the Sharks out, and the Sharks reported back that there were women and kids down there, and there was no firing even though these people were in an area where they were not supposed to be in.

Q. Was this something you stressed? Now, you are the XO of this company. Did you stress that a lot, about not hurting women and children?

A. Yes, sir.

Q. How?

A. Well, we used to have briefings each evening prior to the mission the next day, and in these briefings we were told that we were going next to a village and to expect women and children. We were told that in many battles there would be refugees and their approximate locations, where they are, and this sort of thing. We were as careful as we could be not to hurt them. I can't say that there were times that we couldn't help it, but that didn't happen very often.

Q. You have the opinion that your people were-- you had some mature pilots, and they just didn't go blowing away something without really checking it out or knowing what they were doing or getting the proper clearance or following the rules of engagement?

A. Yes, sir. Definitely.

LTC PATTERSON: To the best you can recall then, you don't remember flying in support of Task Force Barker on 16 March?

A. No, sir.

Q. The records indicate that you flew 1.6 hours on the 16th of March and there is an annotation on your personal copy of the DA Form 759, Individual Flight Log. Do you care to relate what that 1.6 hours probably was in accordance with the DA Form 759?

A. Yes, sir. Whenever the assault was over, and this was after the initial assault in the morning, this always took the most aircraft in the combat assault, and normally the resupply afterwards didn't take as many. If our availability was such that they could spare an aircraft, then myself being the executive officer and having administrative duties at the time, since my next higher headquarters was at Chu Lai, I flew from Duc Pho to Chu Lai and back, which takes about an hour and one-half to do this; 45 minutes each way, with administrative matters. A lot of times I couldn't go because we just didn't have the aircraft, but when we did, I tried to get this in.

Q. And your record indicates--

A. (Interposing) My record indicates that I flew from Duc Pho to Chu Lai and back to Duc Pho, and there are a number of other notations on there showing that it was just about the same time span it took me to fly that same mission, and I flew it many, many times.

Q. Do you recall, or can you state for us, whether or not you know of any aviators that flew on 16 March in support of the operation at My Lai (4) other than those you have already identified?

A. I knew all the aviators. I don't know who flew on the 16th because there is no way I could identify that.

COL FRANKLIN: One final thing. Captain SCHOOLFIELD is very excited. He's running around and saying that you didn't have to shoot up these villagers. What did you do then? What was your reaction?

A. Mine was a reaction of disbelief, and also I had the normal, I'd say, human reaction of being a man in a somewhat responsible position to get it hushed up until we find out something for sure right or wrong. Since he was going to see the CO, I didn't normally--I don't question the CO, and if he was going to let me know about it, he would have. He and the CO went into conference, and I wasn't in when they were talking about it, so I just--since the CO knew about it, I didn't carry it or pursue it any further and didn't mention it to anybody.

Q. Who was the CO?

A. The CO at that time--I believe it was--it was in February, so I am pretty sure it must have been Colonel WHEAT, who was Major WHEAT at that time.

Q. It was not Major GIBSON?

A. No. Major GIBSON did not take over until the 1st of March.

Q. The company commander never talked to you about that subject?

A. No, sir.

Q. Did Captain SCHOOLFIELD seem calmed down or happy?

A. Yes, sir. He seemed to calm down afterwards, so I assumed it was just a misunderstanding.

COL FRANKLIN: We're going to get ahold of Captain SCHOOLFIELD and we will just find out.

Captain BOSWELL, you've been very helpful. I mean that. A lot of little things that have been necessary that you wouldn't need to understand why, but they are, and you have been very, very helpful; and your trip, as far as we are concerned, has been very worthwhile. I want to thank you for coming up.

If you should think of anything involving this operation or anything that happened or any additional information that happened on 16 March of 1968, anything, you just pick up the telephone and call up here and talk to Colonel PATTERSON or myself or someone, no matter how inconsequential it may seem to you.

A. Yes, sir.

Q. Do you have anything you want to add?

A. Well, no, but maybe I better add this in. I have hauled an awful lot of prisoners for the 11th Brigade. I've watched them handle their prisoners, and I don't particularly mean to refer to them as just prisoners, but people; and I have never seen the Americal troops, and particularly the 11th Brigade, purposefully mistreat these people while I saw them. They never did anything. There were a couple of times when they had to use force to restrain them, but as far as anything that happened to prisoners or people of that country, I didn't witness them mistreating them. I believe that might help because I have handled an awful lot of prisoners.

COL FRANKLIN: Well, it does help, and we appreciate it.

You are cautioned again, you will not discuss your testimony before this board with anybody, unless it's before another administrative, judicial, or legislative-type proceedings.

Thank you very much, Captain BOSWELL. The hearing is recessed.

(The hearing recessed at 1255 hours, 6 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: BURTON, Danny B. CW2

DATE OF TESTIMONY: 9 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Pilot, Gun Platoon, 174th Aviation Company.

1. RECALL OF MY LAI OPERATION.

a. General.

The witness testified that he could not specifically recall the operation of 16 March 1968 at My Lai, although his personal records indicated that he flew three and a half hours that day (pg. 4). He did recall an operation in that area, but believed the one about which he was thinking involved personnel carriers (pg. 18).

b. Operations in the My Lai area.

The witness stated that he saw four to ten bodies in a ditch and four or five people hiding in another ditch. He did not associate either recollection with the operation in issue (pgs. 33, 34, 41, 43). On the operation about which the witness was testifying he recalled engaging and wounding a man who then hid in a ditch. He then marked him with smoke (pgs. 37, 40, 51). He recalled seeing from 25 to 100 people moving down Highway 521 on the day about which he testified (pg. 44). He did not recall an artillery preparation, firing any rockets into villages, seeing a large number of bodies, seeing a large number of burning hootches, or seeing any fires in the coastal area near Co Lay (pgs. 14, 45-47). He did state that he remembered hearing of a man being shot in the foot and evacuated and a gunship call for troops to pick up two dead VC who were marked with smoke (pgs. 25, 40).



His personal records indicated that he did not fly on 17 March 1968 (pg. 33).

c. Information about the incident.

The witness testified he heard of no unnecessary killing in the My Lai (4) or Co Lay areas (pgs. 47, 48).

2. OPERATIONAL METHODS.

The witness stated that the operational briefings were held the night before at the aviation headquarters (pg. 3). On the day of the operation the gunships would fly to LZ Dottie, receive a short final briefing, and proceed immediately on the mission (pg. 7). Normally, four gunships would accompany a large lift in, two of which would be relieved after the troops were inserted (pgs. 5, 9-11). If the "slicks" returned to bring more troops to the field, the gunships would remain over the area of the assault (pgs. 9-11).

3. OTHER INFORMATION.

The witness mentioned that he had had a meeting with Captain NEUMANN, and Warrant Officers FIELDING and HOLCOMBE concerning My Lai (pgs. 34, 35).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-20	Transcript of TF Barker's tape.	Admitted into evidence.	48
P-1	Aerial photo	Shown to witness	6
P-12	Miscellaneous Scene	Wit did not recognize.	25
P-27	Miscellaneous Scene	Wit did not recognize.	27
P-28	Miscellaneous Scene	Wit did not recognize.	27,28
P-29	Miscellaneous Scene	Wit recognized a Rattler and Dolphin	28,29
P-45	Miscellaneous Scene	Shown to witness.	55
P-84	Miscellaneous Scene	Shown to witness.	29
P-85	Miscellaneous Scene	Shown to witness.	29
P-92	Miscellaneous Scene	Wit recognized Hill 85.	29
P-95	Miscellaneous Scene	Shown to witness.	30.
P-96	Miscellaneous Scene	Wit did not recognize.	30
R-3	Daily OPREP5, 174th AVN CO, 14th AVN BN, 16 Mar 68.	Read to witness.	6

(The hearing reconvened at 1530 hours, 9 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named persons are present: COL WILSON, LTC MAHAFFEY, and MAJ COOP.

Sir, the next witness is Chief Warrant Officer Danny B. BURTON.

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

Please state your full name, grade, Social Security number, organization, station, and service.

A. Danny B. BURTON, CW2, Army, Fort Rucker, Alabama.

COL WILSON: Mr. BURTON, 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 Chief of Staff of the Army for the purpose of determining facts and making findings and recommendations concerning two matters:

(1) the adequacy of prior investigations and inquiries into 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. In other words, the first matter is previous investigations and inquiries.

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

This investigation is not being conducted to investigate all facts and circumstances of what happened at My Lai. It is directed to those specific purposes which I just stated. We have had made available to us and have reviewed prior official statements obtained in other official investigations of the My Lai incident.

(BURTON)

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

Although the general classification of the report will be confidential, it is possible that the testimony, or parts of it, may become a matter of public knowledge. Do you have any questions on that?

A. No, sir.

Q. Mr. BURTON, what was your assignment on 16 March 1968?

A. I was assigned to the gun platoon of the 174th as a pilot.

Q. Gun platoon, 174th. 174th Aviation Company?

A. Right.

Q. What was it's parent unit?

A. I guess 16th Group, well 14th Battalion, 16th Group. We changed groups, but I don't remember what it was.

Q. Mr. BURTON, before you depart I have a list of individuals which I believe were assigned to the gun platoon. I'd like for you to look it over later, before you leave, and informally discuss whether or not these people were there.

A. Yes, sir.

Q. When did you first hear of the planned combat assault on My Lai (4)?

A. Well, it had to be through our operations.

Q. Do you remember the date?

A. No, I don't, sir.

Q. Did you attend any briefing?

A. Well, we always had a briefing before every operation, so I was there I imagine.

Q. Normally when do you have these briefings, the day before, 2 days before, or on the day, or when?

A. Usually the night before or the morning itself.

Q. If you have a combat assault leaving from fire base Dottie sometime between 0700 and 0715, when would you get that briefing?

A. Well, it depends. Usually we had more than one operation a day and probably the night before. I have no idea when it was given.

Q. I'm trying to determine if you got an operation that early in the morning, would you get the briefing that morning?

A. Well, it depends on when we got the operation order, because sometimes you had immediate CA's, and sometimes you had CA's planned for a month or so. The operation no doubt, they informed us a day or so ahead of time.

Q. Where was your briefing normally conducted?

A. We had a briefing room right adjacent to the operation building.

Q. At?

A. Duc Pho.

Q. What was the flying time from Duc Pho to Dottie?

A. About 15 or 20 minutes, in that neighborhood.

Q. Was it normal that your briefing was given by the company commander, the operations officer, or who?

A. It depended on who was there and who was going to give it. It could have been the flight platoon, or the flight platoon leaders, or whoever led the CA was the briefer, the operations officer.

Q. You don't recall this briefing?

A. No, I don't, sir.

Q. Did you stay with the gun platoon the entire time you were in Vietnam?

A. I was assigned to the gun platoon about 3 months after I arrived. In about August or October I believe.

Q. What was the October date when you arrived or when you were assigned to the gun platoon?

A. When I was assigned to the gun platoon?

Q. In other words, you had been with the gun platoon a while before this mission came up?

A. Right.

Q. Would you describe to me, to the best of your knowledge, what happened or what you did on 16 March 1968?

A. The only thing I know for sure is that I flew that day for 3 and a half hours, and without looking at the dash 12's the after mission reports, I would have no idea what I did that day. We had sometimes as many as three and four CA's a day. It's hard to remember each individual CA after 2 years. But the only thing that confirms my flying that day is my flight record, and that's all I have to go by. If there was maybe a film of the CA, or some slides, or something, or a tape, I might be able to determine more than I did with recollections, but right now I have no idea. I don't remember.

Q. Is it normal to have tapes available?

A. Depends on the--sometimes individuals in the aircraft would tape them, and I have no idea if this was taped or not. I doubt it. It happened very seldom.

Q. If the CA consisted of approximately nine slicks that went into Dottie to pick up somewhere in the vicinity of two infantry companies, probably shuttle. Would the gunships go into Dottie or would they join the column?

A. We wouldn't land at Dottie usually unless we landed at Dottie for a briefing, and usually you just sit down away from the slicks somewhere so you wouldn't cause too much dirt and dust blowing around and be briefed. And you usually follow the slicks to the LZ unless they wanted a prepped LZ, and usually this didn't happen. You just follow the slicks right to the area.

Q. How many gunships would normally accompany this column of nine?

A. About four, two on each side.

Q. Were many of these operations of this size conducted with two gunships?

A. Not to my recollection. The only reason we didn't is because the gunships were down. We usually had four available most of the time. Most CA's had four gunships, two would stay, and two would go home.

Q. I mean on station, did you have four gunships on station?

A. Just two, two after initial lift. If nothing was occurring usually the standby team would go back and stand by at Duc Pho.

Q. But for the combat assault itself, you would have four guns on station?

A. Four, yes; two would be relieved by usually the battalion commander who is in charge of the operation.

Q. Would it appear unusual to you if you went out to escort a column of this size with only two gunships?

A. We've done it before, just depends on the type of CA. If it was considered a hot CA where fire suppression was the order, usually we had four. If not, maybe sometimes just two I have no idea how many were there that day, though.

Q. What I'm trying to do in some of these questions

is to fix this particular date in your mind with anything that I can grab out of the air that might help you remember. Number one, was the location of fire base Dottie, and the number of slicks. Most probably there were only two gunships with this column. The time of the operation, which being early in the morning. The fact that it was considered, to the best of our knowledge, a hot LZ initially, when they went in, at least when they took off. They went into an area which was in the 2d ARVN Division area. It was not part of Task Force Barker's normal operational area which you may have gone in frequently. I'm not aware of whether or not you did. There was an artillery prep which lasted for about 3 minutes, which started at about 0726 and then I think there was -- this is what we have been able to determine, I'm not saying this is fact -- but there was about a 1 minute time frame in there which I think was provided for suppressive fire. Based on this build up of the CA, I'm trying to recall it to your mind. It was over near the sea, and I'll be glad to show you on the map.

A. Do you know which LZ's were hot; like there's two LZ's marked there.

Q. There's two LZ's--well, now let me say--when I say the LZ's were hot, testimony indicates the LZ's were planned to be hot, because they put artillery on the LZ's. The LZ for the first lift was not hot, at least this is what the log indicates, but when the second lift came in, the LZ's were considered hot. They designated it a hot LZ by communication. As best we have been able to determine there was--well, the artillery did go in. We believe there was suppressive fire on the LZ. The second LZ is not the one we are too concerned with at the time. We don't have the big map here, but we'll use an air photograph.

(The witness was oriented on the aerial photograph, Exhibit P-1.)

You mentioned the 71st and also you mentioned the call sign. Is this the call sign you mentioned, Firebird?

A. Right. Firebird is the 174th call sign.

Q. Is the what?



A. I mean the 71st's call sign.

Q. The 71st's call sign is Firebird?

A. Usually at Dottie when we landed, we all landed together. We'd land and usually that's when our briefing was, then we had--I remember right now. The briefing at Dottie--usually you'd land and get the final briefings. Usually, if I remember right, the call -- the operations order called for, say, six ships or nine ships, and so many gunships, which were to report at Dottie at a certain time for a briefing. Then the briefing usually would be held, and we'd go do the mission.

LTC MAHAFFEY: How long were your briefings?

A. Well --

Q. (Interposing) Just a few minutes? .

A. Well, usually after you got everybody organized and everybody right around the guy who was giving the briefing, usually the S3, or somebody, S3 air, it would be just as long as it would take him to give us a touchdown time, where the artillery was coming from, if we were supposed to suppress going in, and how many lifts there would be. It usually took no longer than maybe 10 minutes at the maximum usually, because we've been running lifts every day of our lives for a year. It becomes old hat after a while. Usually, if we had a briefing at Dottie, we'd all land and shut the aircraft down, leave the blades untied.

COL WILSON: Could I have the Task Force Barker log, please?

(COL WILSON and LTC MAHAFFEY study the log, Exhibit M-16.)

LTC MAHAFFEY: I just thought it might help refresh your memory if we tell you that, based on reference to the Task Force Barker log, it looks like the nine slicks touched down at Task Force Barker at about 0708 hours that morning. There is some indication that this consisted of five of your own slicks, that is Dolphins, and some four additional slicks from the 71st Aviation Company. As far as we can determine from the check of that log, it indicates that there were only two gunships with the nine at that time. If you have any recollection or knowledge of any additional gunships having participated that day in that operation, we'd like to know about it.

A. Usually, you know, if your moving two companies in a major operation, usually they always had four. If we couldn't supply them, the other companies, the sister battalion would supply them. But I can remember -- I don't remember any operation, we didn't land at Dottie without four gunships. That, you know -- there's been too many operations out of there.

Q. Do you recall who flew in each of the two gunships from your unit that day?

A. The 6 and then --

Q. (Interposing) What was your call sign?

A. 9

Q. And who did you fly with?

A. I have no idea that day because we switched around, rotated crews, and usually flew with a different pilot everyday.

Q. Would it have been Mr. DAMER?

A, DOERSAM?

Q. DOERSAM?

A. It might have been, if I could. He was 6 Alpha at the time.

Q. He was 6 Alpha?

A. Yes, and I guess Lieutenant MCCRARY --

Q. (Interposing) Captain, you mean Captain MCCRARY?

A. Captain, yes.

Q. And his call sign was what?

A. 6.

(BURTON)

Q. 6?

A. Always your gun lead--not your gun lead, I mean your platoon commander is 6.

Q. MESSENGER?

A. MESSENGER, I don't think he ever did make an AC. He was just a "peter pilot."

Q. Well, we have some indication that you did in fact fly with Mr. DOERSAM that day, and that Mr. MESSENGER flew with Captain MCCRARY. Could you explain to us how the two gunships worked with the accompanying lift ships on a CA?

A. Well, usually as you said, we just follow the slicks until the prep was completed. If it was a cold CA, and we only had two guns, one flew usually lead, usually flew right side, or whichever side the main operation would be on. He usually flew on initial approach below the slicks and maybe 300 yards back of lead. And the trailing ship was on the other side of the formation, and he'd be behind the lead ship maybe 1,000 meters and above the lead ship, usually somewhere near the slicks. So whichever side you fire, you could help suppress at least one turn around. On a cold CA, you -- usually as the slicks touched down, you were still behind the slicks enough you could suppress, and usually, be at least 300 yards -- the lead would be from where they touched down in the area. He would make his break and climb back to altitude, while the other gunship, if there's just two guns, would follow the slicks on in and break in the other direction. This way you have one ship down and one ship high at all times.

Q. All right. Suppose you are expecting a hot LZ and had been told to prep following the artillery prep?

A. Usually the same operation you'd take here. I mean if you had two guns, you'd have one low which would prep first, and then --

Q. (Interposing) Prep with what?

A. Depends on what the aircraft is equipped for, usually most of our ships were minigun, rocket ships.

Q. Minigun, rocket ships?

A. We had two 40 Mike-Mike, but they were usually down for some mechanical reasons on the 40 Mike-Mike itself. So usually, just the rockets would start the prep from a distance, and then followed by the minigun, and alternate until the slicks touch down. The same basic pattern. If you had four guns, one on each side, one team on each side.

Q. Now, on this day if the slicks had approached from the south to the north and if Captain MCCRARY were the lead ship --

A. (Interposing) I'd probably be on the left side, to the west next to the river.

Q. You would have been to the west next to the river?

A. Yes, next to the river probably.

Q. And Captain MCCRARY's ship would have been to the east between the LZ and the village, prepping in that area.

A. If we prepped.

Q. If you prepped.

COL WILSON: Don't confuse this photograph (Exhibit P-1)-- this stream bed there, with the river. That was probably dry this time of year. So that you don't get confused, that's not the river.

A. Right, that's a little tributary. Usually they have water in them, some water.

Q. To go a little bit further, the two lifts that brought in one company should have recovered to bring in

a second company and position them further over towards the east. I think you pointed this out. And the same action should have taken place over in that area. Similar suppressive artillery fire was fired. Suppressive fire was supposed to follow, and then followed after that by the landing of the troops. This would have been over by a graveyard, the best we can determine. It would have been over close to the coast. Does this bring anything to mind, where you have two combat assaults coming in there?

A. Not really, I remember the area, but I don't remember that particular mission itself. I didn't know before who I was flying with that day.

Q. What this amounts to, from the best we can determine right now, is there were probably four lifts, two into each place. Would you have been gunship escort for all four of the lifts?

A. Right.

Q. You would have stayed with the slicks?

A. Well, when the slicks left the first LZ, we'd probably orbit the LZ and then pick them up --

Q. (Interposing) Pick them up on the way in?

A. Once they're at at least 1,000 feet, they are fairly well protected by altitude. We could do more good by protecting the ground troops.

Q. Now in addition, at the same time the aero-scout unit was working to the south of the road, somewhere down in there around the hill or possibly even south of that.

A. When were the troops on top of Hill 85?

Q. It was the next day.

A. It wasn't the same day?

Q. It wasn't the same day. The troops moved east primarily --

A. (Interposing) No. The aero-scout team--

Q. (Interposing) Well, now, just a minute, I'm sorry. The Warlords set their own people down. That's right, they did go in too. You're correct, they did go on to Hill 85 that day.

A. I can remember something like, one of the operations, they did land--did land on the ground.

LTC MAHAFFEY: We had information that the Firebirds did not participate in the operation that day. Based on what you said before, this would have been somewhat unusual. That is, that there were only the two Sharks gunships on that operation. Now does that help recall anything, knowing that you had these two company-size CA's and only the two gunships?

A. I guess. There was a refueling pad at Dottie wasn't there?

Q. There was a refueling pad, and--

A. (Interposing) Did they refuel? Did they have enough?

Q. No, you did not. We'll recall certain events to your attention.

(The witness was briefed on the operational area.)

Q. Mr. BURTON, do you recall any transmissions between yourself or between Captain MCCRARY and the aero-scout unit which was screening to the south of Highway 521 at the time that you and the lift ships began your short final approach into the LZ west of My Lai (4)? Do you recall any communications in the way of coordinating air space and so on during that period of time?

(BURTON)

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A. No, not definite. I mean we had--I think the next operation up there--was it 3 days later?

Q. Our information is that you had no subsequent operations in that area.

A. I can remember one day, some day, that we did communicate--I mean, we were on the same Fox-Mike frequency, I believe.

Q. That's correct. You were this day, we think.

A. Usually we didn't use it very much except to talk to ground troops. We might have tried to get a hold of Warlords, because usually we had no communication at all between each other. They just flew over there, and we flew over here, and whatever happened, happened.

Q. Having oriented yourself on the area now, and having been provided with some information on the timing for your pick up of the troops--do you recall seeing an artillery prep going in generally to the west of the village of My Lai (4) as you approached the area?

A. When was this picture taken, (indicating Exhibit P-45) may I ask? Is this recent, or at the same time?

COL WILSON: Well, this was generally about the same time period.

A. After the CA?

Q. Wait a minute.

(COL WILSON asks recorder to check on the date the aerial photograph was taken and the recorder departs the hearing room.)

A. Usually--or sometimes whoever was in the command ship, sometimes they took pictures of the LZ as the operation was going on. I don't know if it happened that day or not.

LTC MAHAFFEY: Yes, well we are fairly sure that the LZ was located about 100 to a 150 meters to the west of the village.

A. That was more in this area (indicating), because of your tree barriers here.

Q. Perhaps so. Do you recall not specifically where the artillery prep fell, but do you not recall seeing an artillery prep going into the area that morning as you approached the area with the troop-carrying helicopters?

A. No. I can't say definitely I remember seeing them, because I don't.

Q. Do you recall any form of a gunship prep being placed on or around the same LZ on the morning of the 16th?

A. It seems like there was a short one, but I can't say definitely, because usually when artillery was fired, on a very few occasions, we did go a little bit high just to see if we could draw fire on the first turn. This area here -- what was this small road called coming directly south out of the village?

(The recorder entered the hearing room.)

Q. There is no name on it.

A. Well, of course if we had to shoot at the river there wouldn't have been much objective in shooting the river. We might have shot the banks or something.

Q. Well, I'm not asking if the ship you were piloting, per se, placed the strike, the gunship strike. I'm merely just trying to establish whether in fact the gunship strike was or was not placed on or around the LZ west of My Lai (4) on the morning of the 16th.

A. Did we expend any ammo all day long? Do you know that yet? Do you know?

Q. We don't know. Oh, did you expend any ammunition all day long? Yes, you did.

A. Do you know how much?

(COL WILSON instructed the recorder to check available records to determine the amount of ammunition expended, and the recorder departed the hearing room.)

Usually, this area where we landed, the second LZ, was just a big, open field, and tombstones were knocked down. Some were destroyed by artillery. I don't remember anybody shooting there, either.



Q. Let me bring another thing to mind on that second LZ.

A. Did they move north immediately?

Q. Yes.

A. Into this village here (indicating)?

Q. Now you are pointing to Pinkville, you're pointing to My Lai (1). They did not move into that village immediately. They moved north from that graveyard. What I'm trying to tell you is that one lieutenant immediately after leaving his helicopter stepped on a mine and was killed. Does this bring anything back to you?

A. I can remember that. This was the first lift that went in, right?

Q. In the second LZ.

A. Right.

Q. I can't answer that question, but he immediately, upon stepping off the helicopter hit a mine and was killed.

A. If I remember right, this wasn't brought out immediately over the air, but I knew about it later somehow, because we were usually talking on VHF, and they were usually on UHF. Sometimes you couldn't hear transmissions, or sometimes the AC had you shut off, so you could only listen to him. But I don't remember immediately, but I remember afterwards mention of the mine, or somebody got shot in the foot someday in there, or something.

Q. Well, this man was killed immediately. As it was given in testimony, it was immediately on stepping off the helicopter. It could have been a few minutes later. I think maybe the log indicates a few minutes later.

(Recorder returns and confers with COL WILSON.)

Exhibit R-3 indicates that the combat assault for Task Force Barker utilized two gunships, nine slicks, and expended 13,500 rounds of 7.62, 35 rounds of 2.75. Artillery prep, yes; air prep, yes.

A. 35 of them? 35 rockets?

Q. 35 indicated on the OPREP. Now this is the 174th on 16 March.

LTC MAHAFFEY: How many rockets did each of the gunships carry?

A. 14 rockets, 5,000 to 6,000 minigun, and then the doorgunner.

Q. Then this would indicate that--

A. (Interposing) We had to rearm somewhere at some point, probably at Dottie. That's just for that operation, not the whole day, because usually each gunship--after the complete day was completed, you made out your mission report which totaled all day activities unless we got in a scramble somewhere and shot at an additional point in the AO--a different, just a platoon operation somewhere else. You don't know what the numbers of our aircraft were, do you?

Q. It's not indicated on OPREP 5.

A. Because somewhere--if you had the number--well, there's no 40 Mike-Mike used, so it had to be minigun ships--rocket ships. Usually these were estimated figures. I mean they are not real accurate figures on your number of 7.62 minigun rounds. Each air tab might have been destroyed, too, after a while, each after mission report. There was an awful lot of paperwork.

Q. At any rate the indication is, if in fact, as indicated on this exhibit, some 35 rounds of 2.75 millimeter rockets were fired in support of the Task Force Barker assault, that some kind of prep was fired.

A. Again our mission sheets were the whole day, and we just totaled them up, added them up, probably.

Q. Yes.

A. Is there any other operation that day?

Q. Yes there are additional operations indicated.

A. For our company.

Q. For your company, and the expenditure of the 35 rounds of 2.75 rockets and some 13,500 rounds of minigun is indicated on that exhibit as having been expended specifically in support of the Task Force Barker CA.

A. Well, we had nine slicks, Delta models, in the first CA. That was our ships? It was nine, it says here (indicating Exhibit R-3). That's combined.

Q. Well, it says in the remarks section that there were other slicks supporting this combat assault.

A. (Reading from Exhibit R-3) It says "Arms H" for the 11th, two Charlie models. This is our operation. You don't know whether this mission type--it says, "Arms H" for the 11th. You don't know where this is at at all--on the second line there. Probably just a scramble. It might help, if I knew where that was at. It might bring back something. There wasn't a smaller CA for the 11th that day later on in the afternoon?

Q. Not to our knowledge.

COL WILSON: While I'm here, I'd like to ask you a question. I don't understand the entry on landing zone as being C, or Charlie. Is that a Zulu, or a 2? Charlie, Zulu, Whiskie, Xray, Bravo, Papa. Do you understand that?

A. No.

Q. And they do have a pick up zone here, but--

A. (Interposing) It might have been the code for the battalion or something at that time. How many KIA did we list that day?

Q. Are you talking about friendly or VC?

A. No, enemy, VC.

Q. 128?

A. I mean in our mission report. It's in our mission report also.

LTC MAHAFFEY: We haven't seen it. We had some indication that the gunships had killed approximately seven or eight, including the two armed VC in the field to the north of the village?

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A. And then some down here (indicating).

Q. That's correct. Well, has any of this helped to refresh your memory, now.

A. It's slowly coming back.

Q. Well, that's our purpose. We realize that after a year and a half, a little over a year and a half, that some of these details are a little difficult to recall.

A. Task Force Barker was assigned underneath the 11th, right?

Q. That's correct.

A. That next line there for us might have been a scramble back to this area.

Q. Or to any other unit organic to the 11th Brigade.

A. Yes.

Q. We have no indication that you were back in this area (indicating) at any time during the day, but we'll certainly check it out.

A. I don't remember coming back. The operation I really remember is the one with the tracks. We had a big track operation.

COL WILSON: This was in February probably. There were two of them in February. One of them, I think--both of them had tracks, but they brought in some airstrikes, as I understand. Do you recall this?

A. Yes.

Q. Brought in the airstrikes on this particular village as a matter of fact, from our information.

A. No. I can't confirm if it's the same village, but I can remember we had to do some maneuvering, because we didn't have any contact at all with the jets then, and here they came out of the sky blue air.

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Q. So this might help fix it a little more. This operation occurred--well, two of them, one was on about the 12th and one was on 26 February. And this would be on the 12th, or the 26th, somewhere in--those two operations occurred somewhere around in those dates. This one occurred on 16 March. So you had three operations in there. This was the third one within that time frame.

LTC MAHAFFEY: And as far as we know, probably the last by the 11th Brigade elements which you supported.

A. Usually they'd get like an ARVN area for a certain period of time.

Q. Yes, well that was true in this case.

A. And they'd work out of it. Then they'd leave it. Because that track element--is this the field they were in when they had the big operation?

Q. Yes, that's where it happened.

COL WILSON: You are pointing south of Highway 521.

A. There was a village in front, and they just come across a small field somewhere in this area. More north.

LTC MAHAFFEY: Well, coming back to this operation on the 16th, let me ask you to recall, if you can, following the two insertions that we described on this LZ--west of My Lai (4), insertions comprising all of C Company--

A. (Interposing) What was the call sign. May I ask what the call sign was for the that number?

Q. Yes, Coyote Charlie 6.

A. Charlie 6.

Q. Coyote.

A. What about the other unit?

Q. Coyote Bravo 6.

A. Charlie and Bravo.

Q. Charlie and Bravo 6, and the call sign of Colonel BARKER who was communicating on Fox-Mike, with at least Shark 6, was Coyote 6.

A. Colonel BARKER was Coyote 6?

Q. Coyote 6.

A. What about the battalion, I mean the brigade?

Q. The brigade, Rawhide. The net control station at LZ Dottie would have been Coyote 65. Do you recall that call sign?

A. Not -- they used Rawhide.

Q. During the time that the insertions by Charlie Company were being made, the two gunships from your company were orbiting this area. Subsequently they supported the insertion of Bravo Company into a landing zone to the southwest of My Lai (1).

A. What time was the touchdown?

Q. The initial element of Charlie Company touched down at this LZ at 0730.

A. What about this company?

Q. About 45 minutes later. About 0815 for the first element of Bravo Company so that both of the companies were on the ground by 0830. Both companies had both lifts in by 0830. Most of your action subsequent to supporting Bravo Company's insertion occurred in this area. Most of your communications and actions indicate that you were generally orbiting this area with the aero-scout unit remaining to the south of Highway 521.

A. Is there any time when we found the VC in the area to the north?

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Q. Yes, there was. Our indications are that shortly after the initial insertion of C Company into this LZ, that you or Captain MCCRARY, Shark 6, detected two armed enemy leaving My Lai (4) and heading generally to the north. That one, either you or Shark 6 took them under fire and at least felt that you had killed them in the paddy. You or Captain MCCRARY subsequently attempted to get the ground elements to move some personnel into that area in order to secure the weapons.

A. Was this minigun fire, or doorgun fire, or what?

Q. We were hoping you could tell us that. Do you recall one of your two gunships having engaged and kill two enemy soldiers to the north of the village?

A. What was the time on these deaths, on this operation? Do you have any idea? Was it later?

Q. What operation are you referring to?

A. When we were trying to stop the villagers from leaving the village to the south.

COL WILSON: Are you talking about the VC suspects down there?

A. Well, see in an area like that, we might have split the guns up, and one went north, and one went south of the village.

LTC MAHAFFEY: No, we believe the sequence in which this occurred is one of your two gunships --

A. (Interposing) Here, and one up there (indicating).

Q. That's correct. And that the first engagement of an individual identified as a "dink" with a weapon was reported in this general area, that is slightly south of Highway 521. That he was taken under fire by one of your two gunships and subsequently having been reported as being killed. Now, following the second insertion, that occurred right about the time of the first insertion--following the second insertion

of Charlie Company, the two armed VC were reported as being detected moving to the north out of My Lai (4), and they were also reported as having been engaged and killed.

A. The guns were split though? You don't know?

Q. We don't know.

A. Probably in an area that was -- we thought -- relative you know, no fire, we probably split them up.

Q. Well, yes. There had been no indication on any enemy fire received except that one of the lift ships, as they made their approach into the LZ for the second insertion of C Company, reported some fire out of one of the surrounding villages, we think, to the southeast. But at any rate, it appears that there were no hits sustained on the aircraft as a result of that.

A. Where is it at? I remember we had a CA right here one day that we went hot on.

COL WILSON: Witness is pointing to an area south of My Lai (4).

A. We went through the village.

Q. What village?

A. Ky Tay.

Q. Ky Tay.

A. I can't remember the guys north, but south--this area down in here --

LTC MAHAFFEY: (Interposing) There was some coordination involved-at the time one of your gunships attempted to engage the armed individual to the south, there was some coordination involved with the --

A. (Interposing) Warlords.



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Q. With the Warlords to advise them that you were down there and were going to take this guy under fire. Do you recall that?

A. Yes, the Warlords...after this incident what happened? I mean from the time this platoon moved to this area, then what happened?

COL WILSON: Moved south of the Road 521.

A. Just a platoon of them I believe. They took off and came down.

LTC MAHAFFEY: Well, the indications are that they subsequently recovered a weapon from that area.

A. Yes, right on the road, I believe.

Q. Do you recall engaging any more than one individual south of or along Highway 521?

A. Is there pictures determining a tunnel area right here, or a culvert, or something?

Q. There's a ditch at that location.

COL WILSON: Witness is pointing just south of Highway 521.

A. You have no other pictures of the area?

Q. Yes.

A. More detail?

Q. We have some ground photography we can let you look through and see if it refreshes your memory any. A lot of the photography is not--probably you won't recognize, but we can pull those photographs out now and recess long enough for you to look through them. They might bring back something to you.

A. Have you got a picture of the two individuals here?

Q. Negative. We've got a lot of photographs of the area. We may have a photograph of one person down there by 521 that you'll recognize, but we don't have the photographs of the individuals, the VC suspects that were brought under fire up on the north.

A. Because we engaged--one operation we engaged people right here I believe there was --

Q. (Interposing) Pointing to the northeast section of the village.

A. They were hiding in bushes either here or here north of the village.

Q. Let me have the photographs please.

A. Is there a flag in this town or village?

Q. A what?

A. A flag. Is there a flag post?

Q. We don't know for sure. I hadn't heard the question come up. There are over 100 photographs. We will recess now.

(The hearing recessed at 1709 hours, 9 January 1970.)

(The hearing reconvened at 1741 hours, 9 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present. Mr. BURTON, you are reminded you are still under oath.

COL WILSON: Mr. BURTON was shown a list of the photo exhibits. Mr. BURTON, did you identify any of the exhibits that you have seen?

A. Is there a listing of where certain pictures-- the vicinity of it? Like this one?

Q. Exhibit P-12?

A. This is one of a cultivated field. I don't remember a cultivated field in that area.

Q. You stated that you recalled a man being shot in the foot and lifted out that day, is that correct?

A. Yes.

Q. Can you identify this aircraft in Photo number 12?

A. No, no marking.

Q. Could you tell me if this is a dustoff aircraft, or if it's an evacuation ship, or a slick?

A. It's a slick, either from our company or probably the 171st.

Q. And this aircraft is not a dustoff?

A. No.

Q. It was called in for the purpose of evacuating this man.

A. See, you can use your gun mounts. Dustoffs aren't allowed to carry guns.

Q. Right. There's no other way to identify this aircraft, is there?

A. Well, by crew chief's face, and I really don't remember him.

Q. Is he wearing an insignia on his --

A. (Interposing) Just an Americal or 1st Division patch on his left arm though. Still got the doors. Most of our aircraft didn't seem to have doors.

Q. Most of your slicks didn't have doors?

A. They were taken off. A few of them did. This is coming right out of the monsoons. You don't know who was flying this aircraft?

Q. No.

A. Probably a spec 4, or a spec 3. Most of our aircraft had the 174th right here.

Q. You are pointing to the side of the nose of the aircraft.

A. Left door.

Q. We want to establish if it's possible that that's the command control aircraft.

A. Well, you got two to five people; one, two, three, four people. Oh, here's the other crew chief. This would be the gunner (indicating).

Q. I don't think so. We believe we have that man identified.

A. The guy that's shot is right here, right, the Negro in the aircraft?

Q. It's probably CARTER, yes. Probably, it looks like him.

A. I can't remember that plowed field.

Q. Well, let's take a check.

A. They got four people here (indicating Exhibit P-11). There's a flak vest, this individual, and this individual, and there doesn't seem to be anybody in the aircraft. Then you go to the next picture (Exhibit P-12) and you got five people. That guy's bare headed and carrying a canteen. Two guys bare headed there, so where'd the other guy with the steel pot come from?

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Q. We don't know the time element here. Let's look at this, Exhibit P-27.

A. Is this the lift that day?

Q. We believe so, yes.

A. Most of our aircraft should have been marked better, because we had the tailguns marked. This isn't the monastery down by Quang Ngai?

Q. Can't answer that, I don't know.

A. This (Exhibit P-28), we popped smoke here on a small road. This is for a wounded guy?

Q. We don't know that.

A. Here's people.

Q. You're looking at Exhibit P-28, now.

A. Is there tracks down here? Some kind of an air feature.

Q. Before you start to identify that location with My Lai (4), it's not likely that that's My Lai (4). We believe that that was taken en route.

A. Well, it's too low to be taken en route. We popped smoke. The winds in this direction, so we'd be coming in down wind. You couldn't confirm this picture, while you was over there in Vietnam?

Q. Negative. We don't have the results of the individuals going over to Vietnam. We can confirm this picture later with the photographer.

A. I don't remember any spots in there, just the smoke.

Q. The smoke is the one thing that interested us about the picture, but we don't know what the reason for it is. We think that this was taken en route to the objective

area. We don't mean it's in there, but we think it was taken en route. Could have been on a let down.

A. Because, this altitude, he's lower than 1,500 feet above the ground, so he's surely going to let down. There was no troops south of the road though. There wasn't an ambush force down there at all or anything?

Q. We know who took the photograph. The individual went in with the CA. He was in one of the slicks.

A. This area here is completely--it's a rice paddy, isn't it?

Q. That's right. I'm not trying to relate this photo, Exhibit P-28, with My Lai.

A. Yes.

Q. Stop on Exhibit P-29 and identify these two aircraft just for the record.

A. There's a Rattler there, a 71st slick aircraft.

Q. Yes.

A. I guess that's a Dolphin by the scars we had painted. It isn't a Rattler.

Q. The first aircraft is probably a Dolphin. The second aircraft is a Rattler. This photograph has been established as being at the landing zone next to My Lai (4).

A. Don't remember any trees being in that area.

Q. This photograph, as well as we have been able to determine, is taken showing these trees here. Looking back to these trees here (indicating on Exhibit P-1).

A. So that means we approached from the south, right?

Q. Right.

A. That means we went in downwind, if this photo is taken on--are these tracer rounds here? Are these tracer rounds or just picture scratches? It looks like somebody is firing.

Q. I can't answer that.

A. Either they're firing or maybe the gunships are firing in that area, but it's too close to troops for gunships.

Q. Looking at photograph, Exhibit P-63.

A. Looks like an individual laying down there.

Q. We haven't definitely established where this photograph was.

A. There's a sod field, like the one they landed on for the dustoff.

A. Now, these are in November.

Q. The photographs which you are referring to now (indicating Exhibits P-73 and P-74, which the witness is looking at) were the photographs that were taken November of 1969 after the combat assault.

A. Well, then this wasn't an assault then?

Q. Negative. This was the task force that went in there to make some photographs.

A. Is this on the road here, on 521?

Q. Negative, it's into the village. It's not on 521.

A. Where is it, do you know?

Q. It's near the village.

A. Near the village again. There's no pictures of the 521 road?

Q. We're talking about Exhibits P-84 and P-85 as being near the village. The series of photographs that you have there, I don't believe we have any photographs of road 521.

A. This is south of the road then or taken away. This must be right over here.

Q. Witness is pointing to the large hill on photo Exhibit P-92 and believes it's Hill 85.

A. Is this ditch right south of the village?

Q. That ditch is east of the village. Witness is pointing to Exhibit P-96.

A. East, you don't know which--

Q. (Interposing) We believe it's this ditch, right here (indicating on Exhibit P-1).

A. It would have taken the troops maybe about an hour to get to that point.

Q. From where they landed to that point is about 500 meters. Normally you can walk that in 15 minutes. It just depends on how cautious they were in moving through the village as far as mines and booby traps go. It would be very difficult to say they moved that far. You'd have to pin it down. It could have taken them as long as 3 hours to walk that far.

A. Especially a village like that.

Q. We believe they were probably in that area somewhere around noon, possibly a little before that. The log shows that the dustoff, the helicopter coming in and taking the wounded man out--the log shows the man was wounded at 1020 and evacuated at 1030. That's the time of day we believe it occurred. It's the only official documentation we've got. You are looking at a series of photos that was taken in November 1969. The tracks should not be confused with the terrain that existed on 16 March 1968.

A. Seems like this ditch, this one we were referring to a while ago on Exhibit P-95. Are you sure we weren't scrambled back to that area later on in the afternoon?

Q. I can't answer that question.

A. The ground troops moved fairly slow. It would take them to about noon to go that far. They set in at 0730, and to go that far, especially with that village like that--there's no indication that we were called back on station that afternoon, or about noon?



Q. As far as the situation that day, it doesn't appear that there was any reason to call you back. Now you may have been sent back for some routine matter, but if you're thinking about coming back on a hot mission, there is no indication that we have found that you would have been recalled.

A. When was the extraction in this area?

Q. It occurred about the 18th, some 2 days later.

A. Where did we pick them up?

Q. Just north of My Lai (1).

A. North of--

Q. (Interposing) Probably right around in here, somewhere.

A. Well, that's a pretty large river. They probably wouldn't have crossed that.

LTC MAHAFFEY: They did.

A. They did? On the bridge?

COL WILSON: Causeway.

Q. Why do you recall that ditch?

A. I don't know. I just remembered on some operation, we might have been scrambled back up there. That might account for the rocket or something. I can remember seeing a few bodies in a ditch or something.

Q. You do remember seeing some bodies in a ditch?

A. Later on, maybe even after the extraction or something. We were just doing a local recon. This would have been what, the 18th?

Q. The extraction was on the 18th.

A. You have no photos of this ditch right in here?

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Q. The only photos we believe were taken down in that area were those where you were pointing to Highway 521.

A. I don't remember seeing that at all.

Q. I'm interested in photo, Exhibit P-95, which you questioned a couple of times as being a ditch. It seems an odd photo. It's a ground photo. What really do you remember about that photograph?

A. There was a large picture of it somewhere. It just seemed like maybe one time, maybe after the extraction or something, we flew over and happened to see bodies or something in the ditch itself.

Q. When was this?

A. No idea.

Q. Was there water in the ditch?

A. No.

Q. There wasn't any water?

A. I don't think so. How big is this ditch?

Q. Well, it's probably about 80 meters long. It possibly could extend further than that, but I would say not less than 80 meters.

A. There were graves in that area before the operation.

Q. What area?

A. Around the village.

Q. Well, are you referring to the graves that you saw back here in this photograph? There are graves shown in photo Exhibit P-78. Are you referring to those graves?

A. Where was this picture taken?

Q. This photograph was taken near this ditch.

A. I don't remember any there, but I think they were along this canal (indicating).

Q. Do you recall seeing some bodies in the ditch? You don't remember the date you saw them, is that correct?

A. No.

Q. Do you remember what altitude you were flying when you saw these bodies?

A. About 200 to a 1,000, maybe 2,000.

Q. Do you recall what type of mission you were on when you saw these bodies?

A. No.

Q. Do you recall how many bodies you saw?

A. Troops were picked up right on that peninsula.

Q. They, as far as we know, were picked up right around My Lai (3).

A. I don't know why we'd be down there though; that's quite a ways. Usually, on the extraction we stayed right around the pickup zone after the first lift. How many people were in the company?

LTC MAHAFFEY: One hundred or one hundred and five. Might you have flown back over that area on the 17th, the day after the combat assault?

A. I don't believe I flew the 17th because of my flight records. Let's see, 3 ships, 15 people apiece approximately. It would take quite a while to push these people out, between two and three ships. Might have had time to just go over and look at it or something.

COL WILSON: How many bodies do you believe you saw on this ditch?

A. Well, I can't even say that. Quite a few, sir.

Q. Were these bodies all in the ditch or were some of them outside of the ditch, on the side?

A. It seems like they were in the ditch.

Q. Did you see any U.S. soldiers around there at that time? Did you see any Vietnamese down there at that time moving or living?

A. It just sticks out in my mind that it happened sometime, but I don't know when or what the situation was at all.

Q. Did you see any fresh graves dug?

A. No, not that I remember. There was gun coverage on that extraction?

LTC MAHAFFEY: We don't know for sure. We presume there was. Mr. BURTON, let's get away from 16 March, and let me ask you when you first heard about the My Lai incident, the allegation that a number of people had been killed?

A. Well, I think I just heard casually on the news.

Q. Recently?

A. I can't even say that.

Q. Within the past 2 months, 3 months?

A. About a month ago, I think. I can recall a Captain NEUMANN, and he just told me that he had been called up. That's the first I--

Q. (Interposing) Captain NEUMANN?

A. Right. That was the first time I realized we were in that, that the area was in our AO.

Q. Knowing that Captain NEUMANN had been called, did that suggest to you that you might also be called?

A. Well, when he called we checked the flight records and I was up 3 and a half hours that day, so I surely must have flown somewhere.

Q. This was about a month ago that Captain NEUMANN had called?

(No response from the witness.)

During that month, or the months that elapsed since that time, have you given any thought to the type of operation that you had supported or participated in in that area?

A. Just the one with the tanks. I remember that fairly vividly, because it's such a large operation, especially with APC's.

Q. You haven't really tried to reconstruct in your own mind, an example of what you might have been, or what part you might have played, or what part your gunships might have played in that operation?

A. No, I just can't remember the time, what happened, because I was thinking more about the tank operation and wasn't even concerned with this operation at all. The town doesn't really ring a bell. The area might, because I was there for a whole year.

Q. Yes, I think it would. Have you talked with anyone else other than Captain NEUMANN about either the incident itself or being called before this committee?

A. No. Captain NEUMANN came over one night and brought a map over, because I didn't have a map of the area. He brought a map over, and CW2 FIELDING and CW2 HOLCOMBE were there.

Q. They were members of the 174th then?

A. Yes, at that time.

Q. Did they fly gunships too?

A. Not at the time. They were slicks I believe.

Q. Were they in the slicks during the day of the operation?

A. I don't know. They just came up. They live right-- one of them lives right on the BOQ there. They happened to be downstairs at the time.

Q. That's Warrant Officer FIELDING and HOLCOMBE, who, at least during that time frame, flew slicks for the 174th? Captain NEUMANN did have a map?

A. He had, I think, a 1:50,000 map of the area.

Q. 1:50,000 map. Were you at that time able to locate My Lai (4) on that map?

A. Well, we didn't know which one it was, which one of the My Lai's it was really. The maps of that area--

Q. (Interposing) The newspapers have really been full in discussion of My Lai (4).

A. Yes, it's--Captain MEDINA, I remember the news on him. He had a couple articles, I mean TV. I get in around--sometimes I get back just in time to turn on the news--and them charging the lieutenant with the court-martial.

Q. What was discussed at this meeting between you, and Captain NEUMANN and Warrant Officers FIELDING and HOLCOMBE?

A. It was just to try to locate the area and try to remember what happened. None of us really could. We had no idea of what really happened at all, I mean, you know, what our participation in it was.

Q. You were not able to pin down or arrive at any conclusion concerning your participation?

A. We weren't even able to pinpoint the village really. I have a question, sir. In the operation just before that, did we go into that same village, go through the same village a couple times?

Q. Yes, we think.

A. Might have been thinking of that. That was still near the area that the tanks were--

Q. (Interposing) Did you in fact participate in either of the two previous operations in that area?

A. The one with the tanks, the main tanks, where the tank or the APC got hit with the RPG.

Q. You participated in that one?

A. I was flying pilot, again.

Q. Was that operation centered on My Lai (4) or around Pinkville?

A. Centered more on Pinkville, because where the tanks got attacked, they were stranded.

Q. So that any events you may be able to recall in connection with My Lai (4) then would logically be associated with the operation on 16 March, is that correct?

A. 16 March was the first operation in the area?

Q. That's the operation that we are discussing here today, My Lai (4).

A. Okay, the tanks were in February?

Q. Prior to that time, that's right. So that any events or locations that you might be able to identify in and around My Lai (4), logically would have occurred on 16 March, is that correct? What I'm trying to do is to assist you in sorting out, you see--

A. (Interposing) Between each event?

Q. That's correct, between the events and locations that you recall. I'm trying to assist you in sorting them out in your own mind in terms of when they occurred.

A. The other CA I flew with DODGE, and we were-- that's why I'm confused. I can't remember flying with DOERSAM. I mean that I just can't pinpoint that I flew with him that day.

Q. Well, Mr. DOERSAM recalls flying with you.

A. Maybe DODGE and I--I remember DODGE and I worked in this area one time. It must have been the operation before. I think DODGE and I were flying together, and we was called to a scramble, and they were really being attacked. They were moving into--

Q. (Interposing) That was probably the operation previous to this one, because they did have rather heavy combat in this area as far as we know. All the indications are there was relatively little resistance when this operation that--

A. (Interposing) I don't remember any heavy offensive, you know, because you remember if you got shot up real bad, but I don't. Even the slick that got shot at, there wasn't any bullet wounds at all, I mean on the aircraft, was there that you know of?

Q. Not that we are aware of.

A. This one received fire, called in receiving fire.

Q. He reported receiving fire, but there's no indication that the ship itself was hit. Can you sort out some of the events that we have described, the engagement of the armed individual to the south of the village?

A. I can remember engaging the individual, but I can't remember if it was DOERSAM.

Q. Your gunship engaging the individual?

A. Right, but I can't remember, it seems like it's DODGE. To me, in my mind it's DODGE, which is my other AC.

Q. Who was in the gunship with you at the time the gunship engaged this individual it seems to you like it was DODGE?

A. Seems like it was DODGE instead of DOERSAM because--

Q. (Interposing) Well, we'll check that, it conceivably might have been DODGE.

A. DOERSAM and DODGE are just completely different. One's real tall and skinny, and DOERSAM is kind of short, like I am.

Q. Well, we'll talk to Mr. DODGE and Mr. DOERSAM, and try to--at least our indications are at this time that Mr.



DOERSAM flew with you on the 16th, and he has unofficially recollected that he did in fact fly with you that day. Further he has indicated that as far as he remembers there were only the two gunships that participated in the operation that day.

A. Suppressed going in, so we hit the river by the tree line--

Q. (Interposing) Well, I think Colonel WILSON had indicated that the river itself was probably dry at the time, is that not correct, sir?

COL WILSON: March was the dry season. The stream bed there was probably dry.

A. Every operation I remember there was always water in that stream.

Q. Well then, it wasn't intermittent. It stayed with water in it all year.

A. Because with this bridge here, we always had problems with people crossing the bridge. I mean, this is all year long. So on an operation they'd usually set up a small fence over here to stop the people going either way across the bridge, because that's the main transportation across the--it's actually a little river. It's not a real small stream.

LTC MAHAFFEY: Let's try to get back and assist you in recollecting the events of the day. You do recall engaging the one, armed individual south of Highway 521?

A. Right on the road.

Q. He was on the road at the time you engaged him? Did you hit him?

A. There was one in a ditch. I mean like it was--he ran. That's the reason we noticed him, because he ran from us or something, and went and hid in the ditch. That seems like--to me that's DODGE instead of DOERSAM.

Q. That's all right. Let's leave that point aside for the moment. Let's try to talk about the events rather than

who was with you. The individual ran and hid in the ditch south of 521?

A. Yes, that individual did.

Q. And was he engaged?

A. He was engaged by doorgun.

Q. By doorgun. Did you hit him?

A. I believe he was wounded. He wasn't immediately killed. The troops where he was at, they weren't too far away. They came immediately.

Q. Do you recall either of the gunships engaging the two, armed individuals to the north?

A. Are you sure it's this far north?

Q. No, we're not sure at all. We are trying to determine where in fact it was. Let's say anywhere on the northern edge of the village. Northeast of the landing zone itself, say in this area.

A. That area is as flat as a pancake out there. There's no obstructions. He had been circling to the--let's see DODGE, DOERSAM you say, was circling to the left instead of right.

Q. These individuals, we think, were subsequently marked with white smoke as a means of identifying.

A. I remember calling for ground units to come over. I think we were down here in this area.

Q. That's possible. You may have separated the area up.

A. Because there was only two of us. It's fairly open, and I remember him calling over the air for troops to come over to that area, but I can't remember us being in that area.

Q. Your ship?

A. Yes, the one I was in.

Q. So generally then, your recollection is that you orbited primarily to the south of the village, is that correct?

A. Yes.

Q. Do you recall any additional engagements of other personnel to the south of the village?

A. Seems like when the troops moved to this area here--

Q. (Interposing) Indicating that they moved to the south from the vicinity of the landing zone.

A. Seemed like there were people--as the troops moved the people on the road went to this ditch. They hid in this ditch. So we circled there for a while as they were coming down.

Q. Did you engage them?

A. No, I think they hid in the ditch and kind of stayed still, and the troops came down.

Q. But you did not engage them prior to the troops reaching that location?

A. Might have shot in front of them to stop them, but I don't believe we shot trying to wound somebody or something. I don't remember it. This is a dike?

Q. Yes, you are indicating the ditch which intersects that dike that runs to 521, is that correct?

A. Yes.

Q. How many people moved and hid in that ditch?

A. I'd say four or five.

Q. Four or five. And you do not recall engaging them prior to the ground troops reaching that location?

A. Seems like civilians on the road itself--the ones that didn't try to hide just crouched on the road or something, like that one picture indicates. That's on the road, that's not on the dike.

Q. Other than that group, do you recall engaging any other individuals south of the village? This figure of seven or eight KIA may well have been a cumulative total between yourself and the aero-scout gunships.

A. You can't confirm that we had a scramble later on that day in that same area?

Q. Well, we'll certainly check it out.

A. Usually on a mission sheet--actually on the mission sheet it's not determined which, you know, who shot the rockets.

Q. You have referred to the scramble several times. What was your recollection of what the scramble resulted from? What caused it? What did you do as part of the scramble?

A. My job was just pilot again.

Q. I mean do you recall coming back into this area later that afternoon?

A. I can remember the individuals in a ditch. They made mention over the air or something.

Q. That morning or later that afternoon? Which ditch are you referring to?

A. The one east of the village.

Q. The ditch east of the village.

A. Seems like it was just out in the open, you know, nobody around it at all, so it must have been on the extraction or later. That's why I wonder if there was a scramble later on in that same area. It says 11th Brigade. It doesn't mention anything about where we was at. I don't remember firing. Does DOERSAM remember which seat he was flying in the aircraft?

Q. Well, we haven't talked to him yet. We will be talking to him.

A. He's in Vietnam, isn't he?

Q. No. As a matter of fact, I believe he's a civilian now. He's agreed to come in and talk with us.

A. I don't remember. What I remember of that ditch, it was sometime later. I don't remember that day.

Q. But after the morning hours, is that correct?

A. Seems to me there was nobody there at all. Just out in the open by itself. We were flying by and noticed something.

Q. Did you happen to notice dead bodies in the ditch?

A. Yes.

Q. What order of magnitude?

A. Anywhere from four to ten or so, I don't know, in just one area there. I think the ditch is wider or something.

Q. Did you report that to anyone?

A. Not that I can recall.

Q. Did it make any impression on you other than that it was a bunch of dead bodies in a ditch?

A. No.

Q. And you don't recall whether it was on 16 March or a later day, is that correct?

A. Can't confirm that day.

Q. In your own mind?

A. No.

Q. You cannot or can you recall any additional actions by your gunship south of the village on the morning of the 16th?

A. This is a recent photo (indicating Exhibit P-95)?

Q. Yes.

A. It doesn't show south of the village. It wasn't those two or three, I don't think. The most I can--there's one on the road, and one in the ditch. It seems like there was one. I think maybe the one in the ditch was wounded and carried away. He was wounded, I know that. The two north of the village--still seems like it was DODGE who was flying. He noticed some right on the north edge of the village. To me, it seems like--they were held mobile until the troops came to them, I believe. It might have been a previous operation.

Q. Do you recall large numbers of people moving out of the village to the south, to Highway 521, and then moving off to the southwest?

(No response.)

COL WILSON: Did you answer the last question?

LTC MAHAFFEY: About the large number of people?

COL WILSON: Yes.

LTC MAHAFFEY: I don't think so, sir.

A. No. People moved out and there were quite a few of them running.

Q. How many would you estimate?

A. On both the trail and the dike?

Q. The trail and the dike leading south out of the village.

A. Right. Anywhere from 25 to 100.

Q. Twenty-five to one hundred?

A. Small groups, I don't know. There was quite a few in size, but we did check it out. Seems like there is a road--people were going to the northeast, too, to the bridge. This is a bridge here across the river just northeast of the village.

Q. Noncombatants?

A. Pardon?

Q. Are you talking about noncombatants, inhabitants of the village, moving to the northeast?

A. Right.

Q. How many?

A. There wasn't that many because we--you know, it didn't seem like a major objective. There wasn't that many.

Q. Ten?

A. Twenty.

Q. Twenty?

A. Compared to the other numbers leaving the village.

Q. Do you recall seeing, that morning now specifically, any large numbers, any groups of five, ten, or larger? Any large numbers of bodies anywhere in the vicinity of My Lai (4)?

A. Not that morning except two or three that might have been on the road that we handled ourselves.

Q. Do you recall seeing any large numbers of bodies in the vicinity of My Lai (4) at any time on the afternoon of the 16th, the 17th, or the 18th other than the group you mentioned seeing in the ditch?

A. No. I don't believe we flew over the village. I don't recall seeing any large numbers to be specific--or even on the roads.

Q. And it is your testimony that your gunship engaged only the two individuals to the best of your recollection?

A. To the south.

Q. To the south of the village.

A. I still don't see where we fired all our ammunition that day. Thirty-five rockets and minigun, we should have engaged a couple of them. We might have had a heavy expenditure on the LZ. Was the other LZ hot at all or was it cold?

Q. Our indications are that it was cold.

A. Usually on an initial prep you wouldn't use over 50 percent of your ordnance. That would leave 14 rockets expended there. So there's 20 rockets somewhere with no indication at all where it was spent.

Q. If you had prepped the landing zone west of My Lai, then it would have been approximately with 14 or 15 rockets?

A. Probably, because you always kept some in reserve in case you did run into an offensive--and maybe a couple thousand miniguns.

Q. Do you recall seeing any large number of houses being burned that morning or on fire?

A. Not when we left the area.

Q. This was about 0915 that you departed the area.

A. Not an exceptional amount or I'd remember.

Q. Two, four?

A. Four or five.

Q. Four or five hootches burning or that had been burned during that--no more than that.

A. Even your own rockets will set some on fire. Artillery will too. Usually it smolders as you are going in. I think a few more still smoldering when we left.

Q. Do you remember firing any rockets into that village?

A. No, I don't even remember. If we were the second ship, we would have been probably on the left and prepped maybe this ditch line as we went in, and then with the mini-gun went up along the river here just to--

Q. (Interposing) Suppress.

A. Suppress. Maybe a couple rockets along the heavy woods in this area along here by the river. Maybe a couple



in the middle of the LZ just for land mines and stuff, because you might always set a couple off with your rockets.

Q. Mr. BURTON, is there anything else that you can tell us about the operation, anything you might recall that would assist us?

A. Not about that operation I'm still confusing it with the tank operation which I remember more vividly.

Q. Mr. BURTON, when is your ETS?

A. The 15th of January.

Q. Of this month.

COL WILSON: Mr. BURTON, did you see any fires along the coastal area over by Co Lay (2), that strip of land over there by the South China Sea, Co Lay (2) or down that coastal area on the 16th?

A. 16th?

Q. On the day of this operation?

A. No, I don't remember any fires there. The area right there by the artillery prep, it's just barren land. There had been a B-52 strike, I believe, a couple years earlier in that area. It's fairly well flat. There's not too many inhabitants until you get up around this point north of 521, north of that. I don't remember any fires south of the LZ.

Q. How about east of the LZ?

A. No. The ships themselves touched down right there in the graveyard, right?

LTC MAHAFFEY: Yes, just by that graveyard, that's correct.

COL WILSON: Did you ever hear of any unnecessary or indiscriminate killing over in the Co Lay (2) area?

A. That's down farther south.

Q. Along the general coastal area there, Co Lay (2), Co Lay (1).

I. No, not that I remember.

Q. You never heard of anything like that. Had you heard of any unnecessary killing or indiscriminate killing in the My Lai (4) area prior to your departure from Vietnam?

A. Not when I ETS'd, I didn't.

Q. Did you ever have any reason to be suspicious of the operation that was conducted at My Lai (4) on 16 March 1968?

A. No. This whole area here--we always received heavy fire, but nothing indiscriminate about the area at all. Even further south, south of the Song Tra Khuc, the one past Quang Ngai, where your naval ships used to fire in there all the time. I don't remember them shooting around the My Lai (4) area.

COL WILSON: I'd like to enter an exhibit. The exhibit is a memorandum signed by Colonel PATTERSON, subject "Tape Recording Transcripts," dated 17 December 1969. Inclosure 1 is a transcript of the communications passed during the morning of 16 March on Task Force Barker's operation into the Pinkville complex from the TOC of Task Force Barker.

RCDR: That will be marked as Exhibit M-20.

LTC MAHAFFEY: Now Mr. BURTON, this is a written transcript which has been reconstructed from a tape made of portions of the traffic which passed over the Task Force Barker command on the morning of 16 March. I'd like to read a few portions from this transcript in hopes that it will again maybe fill you in on some of the details. This first transmission is from a station identified as Warlord Lead:

"Warlord Lead: In the vicinity of the first LZ. This is Warlord lead. We'll be orbitting to the south of the road. We have a 'dink' with a weapon we're getting at this time.

"Shark 6: This is Shark 6. Roger. Understand you will be to the south of the road, say again the part about the weapon.

"Warlord lead: Ah. Roger. We've got a dink with a weapon down here, that we're getting at this time. If you'd stay north, and we'll stay south and out of your way."

Do you recall that transmission at all?

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A. No.

Q. All right.

A. Two or three occasions we had the same transmissions, the same north and south of the road.

Q. On that day?

A. Well, different. Both times before, the operations in February, a month before, there had been the same confusing factors. Nobody has any commo and trying to get a hold of the other person--

Q. (Interposing) Yes. And had the aero-scouts been involved in the operations before?

A. I believe so.

Q. I'd like to read you another transmission, identified as possibly from Shark 6 or perhaps Shark 6 Alpha: "Almost due south of the LZ..."--now this is talking to Coyote 6.

A. Command aircraft?

Q. That's right. Colonel BARKER, in the command control aircraft.

"Almost due south of the LZ, you will see some white smoke and also some red smoke. At this location in a ditch, right where the red smoke is, we've got a 'dink' with a weapon, and a whole bunch of web gear. And in the general location of the white smoke, we've got a couple of ammo boxes and some more stuff that he threw down. The red smoke is right on the 'dink' and the white smoke is right on the ammo boxes. So if you could get somebody down there and police them up."

Do you recall making that transmission yourself?

A. I don't remember the ammo boxes.

Q. You don't remember the ammo boxes. Yes, well, you see it would have made sense. If you wanted the ground troops to come down to the south to police up the weapon, and check out the ammo boxes, and so on. I'd like to quote another transmission which occurred right about 0820 in the morning from Shark 6 Alpha.

A. That's the second LZ?

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Q. Yes. That was after the second LZ. In fact, it was--yes, after the second LZ for C Company, second insertion.

A. You mean Bravo Company.

Q. No. Let's go back. It was after the second insertion for Charlie Company.

A. Well, you said the touchdown was about 0815.

Q. For Bravo.

A. For Bravo?

Q. For Bravo.

A. So the insertion--go ahead on in. I want to hear the statement.

Q. The transmission from Shark 6 Alpha to Charlie 6: "Shark 6 Alpha: You see where green smoke dropped right back to the south. To the south of that along in a ditch in there, there's one we just zapped in there a little while ago. I'd like the troops to check him out."

A. This is south of the first LZ. I don't remember popping smoke either.

Q. You do not remember popping smoke at any time during the morning?

A. The red smoke, I remember red smoke.

Q. You remember about the red smoke, popping it?

A. Seems like the first individual who fell in the ditch, we popped smoke on him.

Q. The first individual that you engaged?

A. One was in the ditch, then one--I remember popping smoke on him. I don't remember this guy. Green smoke? You say this guy in a ditch?

Q. May well have been the same one. Yes, it says in a ditch. May well have been the same individual.

A. Well, that was after the second lift, second LZ. Really there's no--that's all of the transmission?

Q. At that point.

A. Is there any more on the same person, the same morning?

Q. First of all, you do not recall the transmission itself?

A. Well, I can vaguely remember calling the ground troops to come down and check out a body. I don't remember ammo cans--you know that we definitely said ammo cans, because probably, usually, the AC always has the transmitter, and I might have been talking to the crew chief, or the gunner, or something, I don't know. I'd remember hearing the ammo cans though.

Q. But you do remember dropping smoke at least once?

A. Red or violet.

Q. Red or violet on the one individual in the ditch to the south?

A. Right. He was injured.

Q. Had you shot him, or did you just first see him lying in a ditch, or what?

A. Well, I think that was the individual that ran. He ran from the road to the ditch.

Q. When you first got in the area?

A. Right.

Q. So he would have been the individual that you engaged?

A. Right. That would have been an hour later on the second individual. By that time surely the C Troop would have been down to the area where we had been to before and checked that area out. At 0820?

Q. Thereabouts.

A. Is there any transmission about going into the second LZ at all?

Q. No.

A. Could this be before the second LZ?

Q. It might have been, yes. It might have been. Again the times in the transcription which you can appreciate are approximate, it might well have been before Bravo Company went into the second LZ. Bravo Company went in at 0815 with their initial lift, 0815, 0817. This might have happened just prior to that, this last transmission.

A. He might have popped the smoke, and then it takes a while for smoke to react. It doesn't take 3 or 4 minutes though. Usually pick up the slicks on a 3 or 4 minute final.

Q. Three or four minute final. That would have meant that you picked them up about 12 or 13 minutes after 0800 to escort them in to the second LZ. This may very well have happened just prior to that time.

A. There's no transaction about ground troops talking to the slicks or any conversation at the second LZ at the same time?

Q. No. The problem is at the TOC, where the tape was made, it was not picking up the ground troops transmission. It was picking up your transmission, of course, loud and clear, because you were airborne, but it does give us a picture of the times and the kinds of activities that were going on in that area. And the time was somewhat inaccurate.

A. Was there any action after that time at all that was mentioned?

Q. Yes, a transmission from Shark 6, we think:

"Shark 6: These two people we killed with the weapons and the web gear over here just northeast of the LZ. We popped smoke on them a while ago, and your people were within 100 meters of it. Now they left the area and are going in the other direction. Do you want us to drop down there and pick up this stuff? They might drag these people off if you don't help them. We've got white smoke burning on it right now. If you can look over here where we are circling, you'll see white smoke."

A. I think I remember that transmission vaguely, because I remember the problem. They wouldn't go right to the bodies.

Q. Where did that occur?

A. Northeast of the village, I guess the day after.

Q. In this general area here?

A. Somewhere, the second ship would probably be up about 500, 800 feet. I don't remember exactly.

Q. The next transmission then is from Shark 6 Alpha:

"This is Shark 6 Alpha. We got yellow smoke on the bunker down there where that 'dink' is at. I'm pretty sure he might not be your boy. He is decorated, RVN red scarf and stuff like that on from what I can see of him."

Do you recall that transmission?

A. No. Any other transmissions there from 6? You can't hear--the ground troops don't give an answer at all? This is all on Fox-Mike. We were talking on Fox-Mike then. We usually talk on UHF or VHF.

Q. Not with the ground troops, you wouldn't necessarily talk on Fox-Mike. Or if you were talking to Coyote 6 on the task force command net, that would also be on Fox-Mike.

A. That bunker might have been down here, the other one we found hiding or something. I remember this area, but I don't--very, very vaguely remember the south area.

COL WILSON: You were pointing to the south area around 521 as the area you remember, is that correct?

(Witness nodded his head.)

LTC MAHAFFEY: Do you recall placing any rocket strikes along or in the vicinity of Highway 521 at any time during the morning?

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A. Not rockets, I don't believe.

Q. Do you recall any minigun rounds along Highway 521 during the course of the morning's operation?

A. No.

Q. Do you recall doorgunner fire?

A. Yes, doorgunner. That's the easiest there is to fire. All the rest of your systems are cold.

Q. Upon what occasions?

A. If you spot somebody running of--

Q. (Interposing) Yes, but I mean in this particular instance if the doorgunner did all the firing down in that area, did he fire only on the one occasion when you saw the one individual evading, or would you fire at additional personnel evading, or additional targets?

A. It seems like the first individual--this time or the time before, there was a weapon on the road, along the road. He started running, and the doorgun got 90 degrees to him and got him. And the one evading, we just chased him in the bushes with machinegun--or not machinegun fire, or a couple times--

Q. (Interposing) Were both of those individuals south of the road or on the road?

A. Seems to me they were--

Q. (Interposing) Either on or south of the road?

A. You have no pictures of that road or ditch down south of the village?

These colored photographs are at the time of the operation, right.

Q. That's correct.



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COL WILSON: This photograph is a recent photograph, and I wouldn't pay any attention to the track marks in there. This photograph is Exhibit P-45.

(Witness is oriented on Exhibit P-45.)

LTC MAHAFFEY: For this particular operation our information is that one of the other rifle companies, which had been placed in blocking positions to the north, secured the bridges which crossed the Diem Diem River in the vicinity of My Lai (3) and the other bridge which crosses that same river further to the southwest just north of My Lai (5).

A. My Lai (5) isn't a very large village is it?

COL WILSON: Doesn't appear to be.

LTC MAHAFFEY: My Lai (5) as far as we can reconstruct is composed of two subhamlets, two small subhamlets.

A. Now this bridge here is not--the bridge just north of My Lai (4) is right here on this road here, right?

Q. That's correct. What significance does that bridge have?

A. None.

COL WILSON: Does this photograph help any on the area south of the village?

A. Just that it pinpointed the drainage ditch a little bit better south of the road.

LTC MAHAFFEY: Mr. BURTON, who would have been the gunner for any rocket runs or minigun runs that you made that day? Would it have been you or the copilot?

A. Well, I was copilot.

(BURTON)

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Q. You were the copilot that day?

A. Right. Usually DOERSAM flew rockets, and I would fly minigun.

Q. You would have been handling the minigun?

A. Minigun system.

Q. And Mr. DOERSAM the rockets?

A. Probably.

Q. I see. Can you, from what we have discussed and what we have given you so far, recollect anything further concerning the operation, the manner in which it was conducted, and any part that you or your ship may have played in the operation?

A. No. Even the extraction--this man down on the road on either this operation or the operation before. The bunkers he's talking about, I have no idea where the bunker is.

Q. Yes, well, we will check to determine as closely as we can whether you were, in fact, scrambled on a reaction mission in support of Task Force Barker later that day, on the 16th, or perhaps on the 17th. We'll also check to see if any of your gunships would have had occasion to pass over the vicinity of My Lai (4) on the 18th as part of the extraction of a C Company element.

A. Let's see, the 11th Brigade would be handling our scramble missions. So does the 11th Brigade maintain a record of all missions.

Q. They maintain an operations journal and a TOC log. We'll certainly take a look at that as part of the examination to determine what additional employment or additional use they may have made of you during the course of this operation.

A. Because every mission was given to us--you got coordinates, and our frequency from a base number, and who to contact.

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Q. You usually settle all the details of the action after you've contacted that ground station?

A. Right.

Q. Yes.

A. Depending on them, where actions would be. Every operation--in fact our operation officer would have a--the tower--have you ever contacted the tower at Duc Pho about takeoff times? Because you're contacting the tower every time you take off, make VHF communication with the tower on take off and landing.

COL WILSON: Mr. BURTON, tomorrow I'd like you to come in and contact Colonel MAHAFFEY to provide you with a tape, the same tape. Contact Colonel PATTERSON, who will provide you with a tape, portions of which had been read during this hearing. I ask you to identify any portion of that tape transmission, if you can, and ask for any comments you may have on that tape.

You are excused from this hearing.

I want to remind you that you are ordered--and I want to emphasize that you are ordered not to discuss your testimony with others, including other witnesses for this investigation except in the performance of official duty, or as you may be required so to do before a competent judicial, legislative, or administrative body. In addition, you are cautioned that if you are subject to the order issued by the military judge in the general court-martial case of United States v. Calley, your appearance here in no way changes the applicability and effect of that order.

A. Pardon, sir?

Q. You are not subject to that case, I'm sure, because you haven't been notified by the military judge, but if you are, your appearance here has nothing to do with the order of the military judge. Now when I use the terms competent judicial, legislative, or administrative

body, I'm referring to a court-martial or a congressional committee before which you may be called. This, of course, is an administrative body. You could be called for a court-martial. You could be called for the House Armed Services Committee, in which case this order about discussing testimony does not hold. The order for you not to discuss testimony does not hold in the cases of a court-martial, or legislative body, or of a similiar administrative body such as this investigation. This order is primarily directed at the press and for other witnesses for this case.

A. Is this investigation an administrative investigation?

Q. Right. Do you have any questions on that?

A. No. I might be able to identify voices on the tape or something.

Q. Anything you can point out relative to this tape we would appreciate.

The hearing will recess.

(The hearing recessed at 1857 hours, 9 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: COONEY, James T. 1LT

DATE OF TESTIMONY: 9 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Aircraft Commander on Colonel HENDERSON's command and control helicopter.

1. ASSAULT ON MY LAI.

a. Beginning of the operation.

COONEY did not remember much about the mission on 16 March because he quite often flew in the My Lai area (pg. 4). However, he did recall an operation in which he entered the region via the coast in order to get artillery clearance (pg. 5). On this occasion Colonel HENDERSON, perhaps Sergeant Major WALSH, and perhaps Sergeant E-5 ADCOCK were aboard (pgs. 17, 22). He did not recall who his co-pilots or doorgunners were or if the artillery commander was aboard (pgs. 7, 14, 17). On this operation they spotted bodies with what they believed to be military equipment, perhaps weapons (pg. 5). COONEY directed the gunships and scout helicopters to the location. He did not see the gunships firing (pg. 6). COONEY did not see any bodies near the road or rice paddies, but he got no lower than 500 feet and at this altitude he flew at great speed (pg. 6). He did not have the power to hover (pg. 6). He saw gunships flying quite low near Hill 85, perhaps marking with smoke what was possibly military equipment (pg. 14). At one time he heard something concerning mortar rounds near an old French outpost atop Hill 85, but he did not remember if this was on the same day (pg. 16). He recalled no order transmitted by HENDERSON to the ground troops (pg. 20), but he usually did not pay much attention to the radio because he had to concern himself with the other aircraft in his vicinity (pg. 15). COONEY did not normally speak to the people on the ground when HENDERSON was aboard for he was afraid it would cause

confusion (pg. 7). He recollected one transmission, however, which had to do with women and children migrating out of My Lai (pg. 9). He saw a large number of people moving toward Quang Ngai (pg. 5). Among those leaving were several military-age males whom he picked up, flew back to LZ Dottie, and turned over to the MP's (pgs. 5, 6, 8). They probably saw B Company's insertion, but COONEY did not remember it (pgs. 7, 14).

b. Return trips to the My Lai area.

(1) Morning.

They remained a short while at LZ Dottie, refueled at Chu Lai or Duc Pho, and returned to the contact area (pg. 8). When they returned there were several hootches burning, possibly rice stores (pg. 9). However, there was not enough smoke to obscure vision (pg. 9).

(2) Afternoon.

From the contact area they flew to Quang Ngai and then to Duc Pho to pick-up a VIP (pgs. 8, 10). They returned to the My Lai area in the afternoon (pg. 10). He did not remember seeing any bodies on the ground (pg. 10).

c. HENDERSON is landed next to ground troops.

COONEY remembered putting HENDERSON on the ground with C/1/20 in the general vicinity southwest of My Lai (pg. 11). He recalled no radio transmissions preceding this (pg. 21). This was one of the few times HENDERSON went on the ground with a unit that was moving (pg. 11). COONEY took off immediately so as not to be a target (pg. 12). He did not remember how long HENDERSON was on the ground (pg. 12).

2. INQUIRIES AFTER THE ASSAULT.

COONEY was never questioned about the My Lai operation, nor did he know that an investigation was being conducted (pg. 18). He heard nothing within the 174th Aviation Company concerning the incident, however, he did not mingle too much with the other pilots (pg. 19). He did not recall ever speaking to THOMPSON, and heard nothing about an aero-scout pilot complaining to the commander of Task Force Barker (pg. 21). He had no reason to suspect that anything unusual took place that day (pg. 19).

3. OTHER INFORMATION.

a. COONEY did not know GUINN, GAVIN or RODRIGUEZ (pgs. 19, 20).

b. He did not recall any particular gunship pilot who flew that day (pg. 19).

c. HENDERSON usually visited all the base camps every day (pg. 11).

d. Prior to coming before the committee COONEY spoke with Sergeant First Class GROSS who was Operations Sergeant at the TOC of the 11th Brigade on 16 March (pgs. 4, 12). Neither was able to supply the other with any information concerning the incident (pgs. 4, 12).

(The hearing reconvened at 1400 hours, 9 January 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Lieutenant James T. COONEY.

(1LT COONEY was called as a witness, was sworn, and testified as follows:)

RCDR: Lieutenant COONEY, will you state your full name, grade, branch of service, organization, and station.

A. James Thomas COONEY, first lieutenant, Armor, Officer Student Battalion, United States Army Primary Helicopter School, Fort Wolters, Texas.

IO: Lieutenant COONEY, before we start with any questioning, I have a few things I'd like to inform you about.

This investigation was directed by the Secretary of the Army and also by the Chief of Staff of the Army, to determine the facts and circumstances surrounding the My Lai incident of 16 March-1968. Specifically, we were given the task of determining the adequacy of any investigation which may have taken place in the My Lai incident and also to determine if the reviews of such an investigation have been sufficient.

The second task we were given was to determine if there had been any attempt on the part of anybody who may have been connected with the incident to cover up or to suppress information concerning this incident.

This investigation is not to determine all the facts and circumstances surrounding the My Lai incident, but only as it pertains to those two matters which I have just mentioned. Do you have any questions about that?

A. No, sir.

(COONEY)



Q. You should know that I've had made available to me and have reviewed prior official statements obtained in other official investigations of this My Lai incident. To the best of my knowledge, this will be the first time that you have given any testimony in any investigation concerning the My Lai incident. Is that correct?

A. Yes, sir.

Q. Your testimony this afternoon will be taken under oath; a verbatim transcript will be prepared. In addition, a tape recording is being made to supplement the verbatim notes which are being taken by the reporter.

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

Now in addition to myself, there are some other people sitting at the table. On my left side is Mr. Robert MACCRATE. Mr. MACCRATE, at the invitation of the Secretary of the Army, has volunteered his services to serve as a legal counsel for me and to assist, guide, and help me in any way that he may. He, too, may address questions to you.

On my right is Colonel PATTERSON, who has been designated by the Army from the Office of the Chief of Staff as an assistant to me, and he, likewise, may address questions to you.

However, in the final analysis, I have the responsibility of weighing all the evidence and making the final recommendations.

You are ordered not to discuss your testimony in this investigation with others, including other witnesses for this investigation, except in the performance of official duty, or if you may be required to do so before a competent judicial, legislative, or administrative body. In addition, you are cautioned that if you are subject to the order issued by the military judge in the court-martial case of United States v. Calley, that your appearance here in this investigation in no way changes the applicability or the effect of that order.

To the best of my knowledge, you have not been contacted in any regard with this latter case?

A. No, sir.

Q. Do you have any questions to ask at this time?

A. No, sir.

Q. Lieutenant COONEY, what was your duty assignment on 16 March 1968?

A. On the 16th of March, sir, I was assigned to fly the commander of the 11th Brigade, at that time Colonel HENDERSON, as the aircraft commander on his C&C ship, the command and control aircraft.

Q. What unit were you assigned to?

A. I was assigned to the 174th Aviation Company.

Q. And how long had you been assigned to the 174th?

A. I was assigned to the 174th for the duration of my tour in Vietnam.

Q. When did you arrive? And when did you depart?

A. I left California the 12th of July 1967 and was shuffled around through various units for about 2 weeks before being assigned to the 174th. I departed the 174th on 12 July 1968.

Q. And how long had you been the command pilot for the commanding officer of the 11th Brigade?

A. On March 16th I had been the aircraft commander for approximately 1 month. I had taken over the duties on or about the 14th of February.

Q. You had flown for General LIPSCOMB then the month before?

A. Yes, sir.

Q. And did you remain the command pilot for the rest of your stay?

A. No, sir. Approximately the last month in the country, we turned over the aircraft and the duties to the aviation section of the brigade, and I returned to duties as a lift helicopter pilot with the company.

Q. After the news of the My Lai incident became a matter of public knowledge through the medium of television, radio, newspapers, and so forth in the latter part of September or October, have you had any conversations with anybody connected with the unit, your aviation company, aviation battalion, personnel of the 11th Brigade, or the Americal Division?

A. Yes, sir. While I was at the basic officers course at Fort Knox in August and September of 1969, I came across one of the NCO's who worked at the brigade operations center, and we just mentioned it briefly--if we remembered it. That was it. We just met each other at the snack bar for a few minutes, and there was no real deep discussion of the matter. Just a question of, "Well, do you remember where it was at?" That was just about the extent of our discussion of it. Other than that, I really had no contact with the members of my unit or the brigade or the division.

Q. Do you recall flying Colonel HENDERSON into the area of My Lai (4) on the 16th of March?

A. As to exactly on the 16th, no, sir. I would imagine that probably out of 7 days of the week, we were probably in that area for at least 5 days a week, maybe, perhaps, three or four times a day. As to one particular day, no, sir, I couldn't recall particulars.

Q. Well, let me go over very briefly for you some of the situations, and the timing, and so on which, perhaps, may refresh your memory.

A. Yes, sir.

Q. The information we have was that on this operation, the landing or combat assault took place about

0730 in the morning of the 16th. You were a little late in arriving in the area. You had flown up the coast and came into the area generally from the east after flying over the Pinkville area. And in this area generally to the north, (indicating on Exhibit MAP-1) there were some bodies lying on the ground. And you were supposed to circle this area for some time. Colonel HENDERSON gave the necessary direction to move people out of the village, and for the unit operating there to pick up these weapons. Now does that come back to mind?

A. Yes, sir. I remember one particular operation--that was the normal access route into this area anyway. It gave us time to get artillery clearance in there by flying along the coast. I remember one particular operation where we did supervise this sort of evacuation, you might say, of a particular area. Scout aircraft from the 123d were helping us. Our gunships were in the area, I believe. And I remember us spotting some bodies and what we thought from the altitude we were at to be military gear of some sort, possibly weapons, etc., on the ground. If this is the same day, it was quite a mass migration, and the scout birds were quite busy checking people out and checking out things they were carrying, etc.

Q. I'm talking about this area north of the village where--

A. (Interposing) Yes, sir, I remember the colonel spotting what he thought were bodies on the ground, and I remember directing gunships and one of the scout birds into the area. As to what they found, I don't recall, sir.

Q. Do you recall flying south here and seeing people moving along the highway down toward Quang Ngai?

A. Yes, sir, quite a large number of people were leaving the area.

Q. Do you recall also spotting a couple of people breaking away from the body of people moving along the highway and dropping down to pick them up?

A. Yes, sir. Yes, sir, I do. I remember spotting--the exact number I'm not sure now, sir--spotting several that

started to leave the area, and appeared to be possibly military-age males. The scout birds were busy to the north of the village and around the village scouting for the troops on the ground. And Colonel HENDERSON asked if I thought we could go in and pick them up and be able to carry them back to, if I'm not mistaken, I believe it was LZ Dottie for interrogation. And we did land, picked up two or three young, military-age males and, I believe, took them back to LZ Dottie.

Q. Now when you were doing all that around there, did you see any other large numbers of people that had been killed? Or did you see any people that had been killed lying on the road or in the rice paddies around?

A. I can't say that I did, sir. No, sir, I don't recall seeing any bodies along the road--well, anywhere in that area.

Q. You must--if you were circling these couple of either wounded or dead VC up north of the village, you must have been pretty low, weren't you?

A. Yes, sir. I attempted--and Colonel HENDERSON understood my position, that we had to stay high enough to try to stay out of range of the small arms fire, or at least be fairly safe from that. On occasions when the scout birds were tied up, we did on occasions make low--I say low, no lower than 500 feet. With a heavy aircraft in those temperatures, 500 feet would have given you just barely enough to make a safe landing, should something happen. I would say we made a few--how many I couldn't say, sir--low, high-speed runs to check out these individuals. With the number of personnel I carried on board, I just didn't have the power to just hover around treetops just looking at every little thing that moved.

Q. Did you see any gunships firing along the road to the south of the village or firing anyplace south of the village?

A. I don't recall any gunships firing. No, sir.

Q. Did you leave this area at all to see the landing of Bravo Company further to the east in this general area (indicating on Exhibit MAP-1), but south of the area of My Lai (1), or what you probably knew as Pinkville?

A. In most likelihood, we probably did, sir. Colonel HENDERSON liked to stay on top of the insertions. And, if there was a unit being inserted, well, more than likely we did break away from this area and did go out to observe the insertion of Bravo Company.

Q. Did you have any direct communication with the unit on the ground?

A. As far as just myself was concerned?

Q. Yes.

A. Not to my knowledge, sir, although I could monitor the ground situation, which I did, so that I could usually keep Colonel HENDERSON where he might want to be. While he was busy talking on the radio, he couldn't always give me commands. I very seldom, if ever, talked to the people on the ground if Colonel HENDERSON was on board. I felt that my interfering just might cause confusion. I monitored other aircraft, etc. But as far as talking to people on the ground, I don't recall, sir. I don't recall talking to them.

Q. You had intercom with your copilot?

A. Yes, sir.

Q. Were you the command pilot that day?

A. Yes, sir.

Q. And who was flying with you?

A. I don't recall, sir. When Major KRAUS contacted me last week, he asked me at that time if I might know who it was. I had a different copilot every day. I was the only one, except for my crew, the enlisted crew, that stayed on the aircraft with the mission every day. But copilots, or the pilots, were rotated on a daily basis. It could have been

one of any number of people. I narrowed it down to possibly two, either a Mr. CARTER, Warrant Officer CARTER, or a Warrant Officer LEPKE. Warrant Officer CARTER was killed in the aircraft accident involving Colonel BARKER about a month or so later. Those two flew with me the most of any of them, and those were the only two I could recall by name.

Q. After you left--let me rephrase that--after you picked up these two VC suspects, what did you do then?

A. As I recall, sir, we took them straight back to LZ Dottie and turned them over, I believe, to the MP's located there. And possibly, if we were low on fuel, we might have gone in to Chu Lai, or back to Duc Pho to refuel, and then right back out to the contact area again.

Q. Could you refuel at LZ Dottie?

A. No, sir. We had tried to in the past, tried to set up refueling, but we had trouble with fuel contamination. And although we did have ammunition, etc., laid on for the gunships and machinegun, we had to go either to Chu Lai or Duc Pho to refuel. I don't recall us ever being able to refuel at LZ Dottie.

Q. Do you recall how long you stayed at LZ Dottie?

A. No, sir, I don't.

Q. Do you know what you did next?

A. No, sir. As I say, we might have either refueled or gone right back out to the--I don't recall spending any amount of time on the ground at Dottie. In all likelihood, I would say we probably returned to the contact area.

Q. The information that I have would indicate that you generally did return to the contact area later on in the morning, and from there flew to Quang Ngai.

A. Well, we coordinated with the people at the MACV compound at Quang Ngai.

Q. When you came back over this area, you indicated you monitored the radio conversation between the

aircraft and so on. What did you hear on the radio about that time?

A. I don't recall, sir. I don't know. I don't recall what I heard on the radio, sir.

Q. Was there any conversation between the gunships, or with a LOH, or between them and the ground concerning women and children being killed, noncombatants being killed?

A. Something--I'm trying to recall exactly what it was. I remember hearing something about women and children. I don't remember what it concerned or who made the transmission, but I remember hearing women and children mentioned on the radio. And it had to do with large, for lack of a better term, migration out of this area. But I don't remember who made the transmission or what it concerned at that time. As to that, I can't recall. I can't recall anything else, sir, about the radio transmission.

Q. When you came back over My Lai (4), was there a lot of burning going on?

A. If I remember correctly, sir, I believe I did notice several hootches burning, several buildings burning, possibly rice stores. I do remember there being burning going on on the ground at that time.

Q. Was there a lot of smoke, and haze, and so on in the area?

A. As I recall, sir, no, sir, there wasn't a whole lot. Nothing that would obscure vision considerably. Certainly nothing to make flying hazardous.

Q. Do you recall what you did after you departed from Quang Ngai?

A. If there was anything of significance going on out in the contact area, we would have returned there or most likely returned to Duc Pho. Just like going into this particular area just about every day. We made many, many



visits to Quang Ngai, and usually they were the last stop before we would return to Duc Pho.

Q. On the 16th, do you remember a lieutenant general by the name of DOLEMAN coming to LZ Bronco later in the afternoon or sometime in the afternoon?

A. A lieutenant general, sir?

Q. Yes.

A. Yes, sir, I believe so. I believe probably-- I think we left Quang Ngai and returned to Duc Pho because Colonel HENDERSON stated that he had a VIP coming in later on, and he wanted to be sure that he was back in time. And I believe we did have a general officer come in later on that afternoon. As to who it was, I don't know, sir.

Q. Did you fly him? Or did you fly up to LZ Dottie again and then subsequently pick up the lieutenant general and return him to LZ Bronco or Duc Pho?

A. I believe I do remember my picking up Colonel HENDERSON and another officer, an officer that I didn't know. And it may very well have been the lieutenant general. I flew several of the visitors that came to visit Colonel HENDERSON because of the fact that I did know the area. And usually with just the mention of a particular place or unit, well, I could take them out there a lot quicker than an unoriented pilot. We went back up into the area that afternoon. But as to whether that other officer that I carried was General DOLEMAN or not, I don't recall.

Q. Did you go back over My Lai (4) that afternoon?

A. Yes, sir, I believe we did.

Q. How low were you?

A. I couldn't tell you, sir.

Q. Did you see any bodies around the village?

A. That I recall now, no, sir.

Q. That was on a Saturday, the 16th of March. Do you recall what you did on Sunday?

A. No, sir. As far as particular days of the week are concerned, no, sir. I don't recall what we did the following day. Pretty much the mission of flying for the brigade commander was just the same day after day after day, and the incidents you mentioned--the number of people leaving the area, etc.--recalls some leads. But as to what happened the next day, I don't remember, sir.

Q. Do you recall flying Colonel HENDERSON and General DOLEMAN out to visit the fire bases?

A. Well, I'm sure we visited the fire bases in the AO. As to whether we had another officer on board, a general officer, I don't remember, sir.

Q. Well moving on to Sunday, now--I mean to Monday, which would be the 18th. Do you recall flying Colonel HENDERSON from LZ Bronco to LZ Dottie?

A. In most likelihood, I did, sir. He visited just about all of his fire bases just about every day, and we usually made it in to all of them at least once every day I flew for him. I don't recall, unless he had special visitors coming in, such as General WESTMORELAND did a few times, or for some reason he just absolutely had to stay at Bronco. I think he made the rounds of the base camps just about every single day.

Q. On this particular day, do you recall sometime after noon having gone north or ever having come from Duc Pho and having contacted C/1/20 on the ground generally in the area southwest of My Lai (1)? Somewhere down in this area (indicating on Exhibit MAP-1)? Did you arrange for them to put a smoke marker out so that the helicopter could land while they were on the move?

A. Yes, sir, I believe I do remember putting Colonel HENDERSON on the ground in that area. It was one of the few times he did go down on the ground with the unit while they were moving. Usually he would wait until they had set up a night position or they had stopped for a meal or something.

But I believe I do remember putting him into that area at least once while I flew for him.

Q. Did you stay on the ground, or did you take off until they called you back?

A. SOP and my feelings were that I was nothing but a target to draw fire, if anything else, while sitting on the ground. And generally, we would drop the colonel, and we would climb back to altitude and circle overhead or possibly even go to refuel, if we needed fuel, while he was on the ground. And they would either call us up by radio or by prearranged smoke color, and I would land and pick him up again.

Q. You say you recall putting him on the ground down in that area someplace. Do you recall how long he was on the ground before he called for you to come on back in to pick him up?

A. No, sir, I don't.

MR MACCRATE: Lieutenant COONEY, you indicated earlier in your testimony that you had had a discussion with an NCO from the brigade in the fall of 1969. Do you recall who that was?

A. Yes, sir, it was a Sergeant GROSS. I believe it's G-R-O-S-S. I believe he's an E-7.

Q. And what was his position at brigade?

A. If I remember correctly, sir, he was one of the operations NCO's in the tactical operations center. I believe his duty at that time was with the night shift, the night operations NCO-in-charge.

Q. Did he indicate any knowledge of events on March 16 when you spoke with him in the fall of 1969?

A. No, sir. Neither one of us offered any information as to what we might know about it. It was just a matter of did we remember where it was at and the fact that it was Task Force Barker's area. But we didn't exchange any views as to whether it really happened or not.

Q. When you visited at Quang Ngai, did you sometimes put down at the soccer field?

A. With Colonel HENDERSON on board, I don't recall us ever going in to the soccer field, no, sir. Whenever we came into Quang Ngai, we landed at what we called, I believe, "Tropo Pad" or the MACV compound.

IO: Lieutenant COONEY, do you recall that on the 15th, Colonel HENDERSON had just taken over the brigade?

A. Yes, sir, that was one of the questions I had in my mind when the incident first happened. I had been involved in an action in this area a month earlier, and a couple days later I started flying for General LIPSCOMB. And I remember that I had flown for him for just about a month before Colonel HENDERSON took over command. And after looking through some citation for the award I received there and couple of other things, I finally determined that it was a Colonel HENDERSON who was in charge, and that if he was in charge, he'd have had to have taken over within just a matter of days prior to the incident.

Q. Well, now, I'd like you to--now we've gone over this operation and there's a possibility that we may have missed some point in here. Is there anything about what transpired there now that you recall that we haven't asked you about, because we're not going to leave a single stone unturned in this investigation, so that we'll know everything that happened all the way around and generally who saw what.

A. No, sir. This area was always a major part of concern. I know the brigade always had something going on, a company moving through the area, sweeping through the area on a search mission, something always going on in this area. And there were probably numerous insertions upon this particular peninsula from the mouth of the Song Tra Khuc River on around to the north up around LZ Uptight. And other than the fact that there was such a large number of people leaving the area, it was probably--just as far as I was concerned, as far as flying the command and control aircraft--just another mission flying the CO. What you brought out and what information I've tried to give you is all I can recall now.

Q. You indicated you didn't remember the name of your copilot on that day. Do you remember the names of your two doorgunners?

A. No, sir. I tried to find pictures, names, anything that might give me an indication of their identity. I had--during the time that I was flying the C&C aircraft, I remember I went through three different crews as far as crew chiefs and doorgunners are concerned. Most of the crews kind of disliked the mission, because we usually stayed high and never really went into an LZ with the insertion or anything. And I kind of liked to switch crews off so you can kind of still get into--get out into some of the combat assaults. If I had some way of coming up with these three different crews, I probably could pick the crew that I had at this particular time. But right now, sir, I don't remember any of them by name.

Q. Do you remember anything at all about the landing of Bravo Company in the area south of My Lai (1)? That they might have had a delay in putting in the CA?

A. No, sir, I don't recall any delay, any problem that they had in putting them in.

Q. Do you recall the area just south of My Lai (4)? That there was some smoke being popped around in various places?

A. There might have been some thrown by either the gunships or the scouts. It seems to be in conjunction with this migration, that the gunships were flying quite low, and they were spotting possibly equipment, military-type equipment, web gear, stuff lying around, it seems to me, around the hill. I believe it's designated here as Hill 85, just south of My Lai (4), up in the--up under the trees. I remember the gunships finding some stuff in this area. As to whether it was the same day or not, I don't recall, sir.

Q. Did you say this is what they were marking with smoke?

A. If this was the same day, yes, sir. It was most likely for identification for the ground crew so that they

would know which direction to move and which areas to look for this equipment.

Q. Did you see any smoke north of that now, between Hill 85 and My Lai (4)?

A. Not that I recall, sir.

Q. With all that radio transmission going on now, Mr. COONEY, you're telling me that that's the only one you heard? You heard that one very clearly, but you didn't hear the other transmissions, or you didn't see the other smoke? Now how was that?

A. Well, sir, in an area over a CA, usually transmissions between the ground and the CO, or Colonel HENDERSON, I very seldom paid any real attention to. If there was something else going on--particularly over a CA, you've got gunships, you've got lift ships, occasionally the Americal CO's--

Q. (Interposing) Well, just a minute now. Did you see any CA go in there that day, in the area of My Lai (4)?

A. No, sir, not right in to that area.

Q. All right. Well, what are we talking about then?

A. Well, sir. There were definitely other aircraft in the area, and my major concern was to stay away from them. And I really didn't feel that I had any business listening to what was going on.

Q. What were you listening to that stuff about the equipment for then? It was on the same frequency.

A. Well, sir, in our aircraft we had a command console set up for Colonel HENDERSON to talk to the troops on the ground. In the cockpit, I had three different radios, one of which I could monitor the gunships on; one which I could monitor our company on, which was always tuned to the company frequency; and FM. I usually listened to the lift ships if there was a CA going on, or to the ground units as to what was going on. If the gunships were popping smoke, I would have heard them talking about it over the VHF radio up front. And most likely I probably looked

out the door to see where they were at. And if Colonel HENDERSON had not heard this or had not received information about it, once there was a break in transmission, I probably would have told him.

Q. Did you hear some conversation going on on the radio about some mortar rounds on Hill 85?

A. Being found, sir?

Q. Yes. 60mm mortar rounds.

A. On top of this hill was an old outpost--I was told it was an old French outpost--and at one time, I don't know whether it was this day or not, sir, I recall either the gunships or the scouts reporting what appeared to be mortar rounds lying around this outpost. Whether it was the same day or not, I don't know, sir, but I do recall that at one time they did find some. How many, I don't know, and when it was, I don't know.

MR MACCRATE: Did you ever take Colonel HENDERSON to Son Tinh District headquarters? Do you remember landing there? It's somewhat north of Quang Ngai City on Route 1, just east of Route 1.

A. Oh, I believe I see it. I remember in one particular instance when I did land Colonel HENDERSON west of the highway, not too far off the highway. It seems to me it was to coordinate either with the ARVN's or with the Popular Forces. As to whether it was the district headquarters or not, I don't recall, sir.

Q. What do you remember about that occasion?

A. Nothing other than Colonel HENDERSON telling me where he wanted to go. He told me Son Tinh. It was just north of the highway, and he was in contact with them--

Q. (Interposing) Just north or just east of the highway?

A. I'm sorry, just north of Quang Ngai, sir, along Highway 1. And he said that they would identify the landing

720  
8

pad with smoke and would let me know when they had popped the smoke grenade.

Q. During the day of the 16th, do you recall who else was aboard the aircraft in addition to Colonel HENDERSON?

A. In all probability, sir, it would be Colonel HENDERSON, Sergeant Major WALSH, and on occasion there was an E-5 who had been sort of an orderly for General LIPSCOMB, who operated the radios for General LIPSCOMB, on occasion. I can't recall whether he was on board that particular day or not. And possibly being in this area, I quite often carried the task force commander, Colonel BARKER, also. We would go into LZ Dottie, pick him up. Instead of having two C&C aircraft in the area, Colonel BARKER would fly with us.

Q. Do you recall if the artillery commander was aboard?

A. No, sir, I don't.

LTC PATTERSON: Mr. COONEY, could you recall anything more after the general was through? Could we walk through this operation step by step from the lift, the artillery craft, the go-around with a large number of slicks? Would that help you recall any better, do you think?

A. It might, sir. Again I've got to say that every day was so much like the others when I flew for the colonel, that particulars just don't stand out in my mind. It might going through the entire operation. I might recall something, but we spent so much time in this area during the months that I flew for Colonel HENDERSON.

IO: Do you have any documents of any variety, maps, logs, or any other documents which may be of assistance to us in the process of this investigation, photos?

A. No, sir. When Major KRAUS talked to me last week I immediately went through everything I had, orders-- I didn't keep a log of anything, a diary or anything like that. I went through all the pictures I had, slides,



everything, and I could find nothing that related to this incident with the exception of my--well nothing of this incident. As to the area, the only thing was the citation for the award I received the month earlier which was in the vicinity of My Lai. I have it with me, but, like I say, it was an entire month earlier. Unfortunately, I don't have anything else, sir.

Q. After this operation, were you ever questioned by anybody concerning your participation in the operation?

A. No, sir.

Q. Were you ever made aware or did you ever become aware of an investigation taking place of this operation?

A. No, sir.

Q. Now you belonged to the 174th?

A. Yes, sir.

Q. Did you stay at the 174th?

A. Yes, sir. Our company area was located adjacent to the brigade TOC area, and my aircraft was parked out front of the brigade TOC all the time. It was just a matter of possibly 50 meters from the building where I stayed, to the pad itself.

Q. Your company had some slicks and also some guns in the operation that day. Did you hear of any talking around in the company concerning activities that day?

A. No, sir. While I flew for the brigade commander, people kind of thought I was funny for wanting to fly the mission because it was--we saw very little action actually, I mean making insertions, medevacs, things like this. They couldn't understand why I wanted to fly it, and they pretty much stayed to themselves and I did my missions. Gun pilots, I had very little to do with the gun pilots on the ground. They had their own hootch, and they kind of hung together. And the slick drivers, or the lift pilots, kind of hung together. I guess it's just something about aviation. It's that way.

Q. Weren't you in a real small company? I mean we're not dealing in hundreds or thousands of people. And if I know pilots correctly, they all live quite closely together, and they sit around the bar together, and rehash daily events and so forth. Did you ever hear any of the gunship pilots talk about what they did on that day?

A. No, sir.

Q. Did you ever have any reason to suspect or have any suspicion that something unusual took place in and around that area that day?

A. No, sir, I didn't. I didn't have anything to give me any suspicion of anything that happened other than what I had heard over the radio, and I don't recall ever wondering why something in particular happened or if something had gone wrong. No, sir.

Q. Do you remember the names of any of the gunships' pilots who flew that particular day?

A. No, sir. If we had a good majority of our gunships "flyable" that day, I would imagine that just about better than half or maybe three-fourths of the gun platoon had been up in that area at least once during the day.

Q. How many gunship pilots did you have in the company?

A. Well, that varied, sir. I would say no more than possibly 15 or 20. I wouldn't know right off, sir. I know that we usually had enough for two complete crews per gunship, which would come out to about 16 gun pilots with two per aircraft. And that would be strictly a guess on my part as to how many we had in the gun platoon at that time. It fluctuated all the time.

MR MACCRATE: Did you ever meet a Lieutenant Colonel GUINN?

A. No, sir, the name doesn't sound familiar.

Q. You don't recall any time when you may have picked him up at Quang Ngai, he being the province chief of Quang Ngai Province, the deputy province advisor?

A. No, sir, the name doesn't--

Q. (Interposing) Do you remember a Lieutenant Colonel or a Major GAVIN?

A. No, sir.

Q. Do you remember a Captain Angel RODRIGUEZ?

A. That name is familiar, sir. From where I don't know, but the name RODRIGUEZ is familiar.

Q. He was the assistant district advisor of Son Tinh District at the time. Do you remember flying him during this period?

A. I may have. I don't recall doing so, sir.

Q. Does it ring any bell with you that when you made this stop which you feel was at the Son Tinh District area, you may have picked up someone there who might have been there in order to see Captain RODRIGUEZ? Does that tie in with anything in your recollection?

A. We may have picked someone up, sir, but I don't know why Colonel HENDERSON went into the district if this is where we did land or whether we picked anyone up when we left.

Q. Do you remember hearing Colonel HENDERSON give any orders in connection with the operation at My Lai (4) on the 16th where he was in communication with the ground forces and made transmissions to them? Were you tuned in at any time for any such communications?

A. Most likely I would have been, sir, but as to what transpired between them over the radio, I don't recall what went on.

Q. You do remember putting down at some time during this operation in a rather unusual procedure where you dropped Colonel HENDERSON down to meet with members of the ground force? You did refer to that as I recall.

A. You are referring to the area south of My Lai (1), sir?

Q. Yes.

A. Yes, sir. I do remember putting him on the ground.

Q. Well do you remember any radio transmissions that preceded that put down?

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

Q. Do you remember any radio transmission that followed it, anything that occurred as a result of that drop down?

A. No, sir.

Q. Do you have any recollection of going to LZ Dottie on the morning of March the 18th?

A. I couldn't give a definite yes to that, sir, and I couldn't give a definite no. Most likely if there was an operation going on in that area, we would have gotten in to LZ Dottie, most likely, sometime during the day.

IO: Did you know Warrant Officer THOMPSON, one of the H-23 pilots from the aero-scout company?

A. Only by name now, sir. I didn't know him while I was in Vietnam, and I don't know him from flight school, that I recall.

Q. You didn't meet him up at LZ Dottie on the 16th or on the 18th around the LZ area?

A. I might have, sir. If he came in while I was there on the ground and if we were shut down, we might have exchanged comments about flying, or about the area, or what was going on, but I don't recall ever talking to him, sir.

Q. While you were flying around up there, did you hear any conversation going on to the effect that one of these people from the aero-scout company was pretty well burned up and he was going to report it to the task force commander?

A. No, sir.

LTC PATTERSON: Did the C&C pilots of the 174th--were they a little distinct in the group?

A. No, sir.

Q. Who were the other C&C pilots?

A. Well, sir, the only mission that had the same crew was my mission with the brigade C&C. All the rest of the missions came down on a daily basis, and we kind of tried to spread them out among all the pilots.

Q. Do you recall who might have been the C&C pilot for Colonel BARKER?

A. No, sir. It could have been any one in the company.

MR MACCRATE: Do you recall a Sergeant ADCOCK, A-D-C-O-C-K?

A. Yes, sir, I believe that was the enlisted man I mentioned earlier that sometimes operated as RTO for Colonel HENDERSON.

Q. You mentioned a Master Sergeant WALSH. Then, in addition, there was an RTO aboard by the name of ADCOCK?

A. Well, now, I won't say he was on board that day. On occasion he did fly. If Colonel HENDERSON was in a hurry, he just hollered for the sergeant major to come on, he was going out, and he'd jump on the aircraft. If it was known ahead of time that he was going, usually Sergeant ADCOCK would come along to operate the command console for him.

Q. Did the commanding officer of the MI detachment at Bronco fly from time to time with Colonel HENDERSON?

A. Do you have a name, sir? There were occasions when there was a requirement for MI people out in the field sometimes, and there were times when I was there on the pad, and they'd just tell me to take them out to various places, either to an LZ to interrogate--

Q. (Interposing) I believe at this time his name was LABRIOLA.

A. I may have flown him, sir, by name I don't recall. I think I probably at one time or another flew just about every member of the brigade staff there at LZ Bronco at one time or another.

IO: Were you flying a chopper on, I think, the 23d when Colonel HENDERSON took a piece of a grenade fragment?

A. Yes, sir, I was.

Q. Where was that general area?

A. Sir, this was located south of Quang Ngai. I believe there's another map here, if I may, sir.

Q. Yes.

A. This was just south of Quang Ngai. It was an LZ known as LZ Dragon. I believe it was somewhere in this rice paddy right here (indicating on Exhibit MAP-1).

Q. Were you wounded at the same time?

A. No, sir, I was not.

Q. Was the aircraft shot up at all?

A. Yes, sir, it received quite a bit of damage to the left side.

MR MACCRATE: Did you from time to time go to Chu Lai with Colonel HENDERSON?

A. Yes, sir, quite often. I would say at least once a week I flew him up to division headquarters.

IO: This hearing will recess at this time.

(The hearing recessed at 1503 hours, 9 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: DOERSAM, Russel E.

DATE OF TESTIMONY: 24 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Gunship Pilot, 174th  
Aviation Company

1. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness stated that it was standard for the aviation unit to send a representative to receive the ground commander's mission briefings prior to operations (pg. 6). However, the witness could not specifically recall either the ground unit's briefings or the aviation unit's briefing prior to the 16 March operation (pgs. 6, 7).

2. THE ASSAULT ON MY LAI.

a. Action of the Sharks.

(1) Action prior to troop landing.

The witness recalled on the morning of 16 March Captain MCCRARY piloted the lead ship and he flew the trail ship (pg. 8). He remembered only a standard artillery prep (pg. 9). He stated he believed the Sharks flew suppression fire on the village itself. He believed they made two gunruns over the village (pgs. 10-12). The witness related that he and Captain MCCRARY escorted the lift ships during the landings (pg. 24).

(2) MCCRARY's engagement of Viet Cong.

The witness asserted that when he and MCCRARY

engaged hostiles that morning, they utilized only their door guns. This was standard practice for the Sharks (pgs. 19, 20, 24). The witness recounted that MCCRARY engaged two Viet Cong of the unit that identified themselves by wearing blue ascot ties (pg. 15). They were wearing steel pots and carrying weapons (pg. 13). These two were killed and their bodies marked with violet smoke (pgs. 13, 23, 24). The witness related that after the second landing, they returned to this area to see whether or not the weapons had been policed up. They had not (pg. 25). The witness stated that he recalled that the command and control ship finally policed up the weapons from these two bodies (pgs. 24, 38, 39). The witness asserted that the particular thing that he recalled about these bodies was that the ground troops delayed so long in policing up the weapons (pgs. 38, 39). The witness stated that MCCRARY killed another VC who was hiding in a hedge-row. This was after troops were already on the ground (pg. 17).

(3) The witness' engagement of Viet Cong.

The witness recounted an incident where he engaged an individual VC. He believed that he only wounded him (pg. 29). The witness noted that his victim was wearing a pack and web gear, but he could recall seeing no weapon (pg. 30). The witness stated that he did not believe that ground unit permission had been obtained for any of these engagements (pg. 31).

b. Action of the Warlords.

The witness recalled a conversation with MCCRARY concerning the fact that the Warlords were expending quite a bit of ordnance trying to kill one person (pg. 14, 21). He indicated one time during that morning the Warlords were making gunruns parallel to Highway 521 and then breaking off to the right (pg. 23). He recalled the Warlords spotting mortar tubes on Hill 85 (pg. 28).

c. Observations.

(1) Observations of civilians and bodies.

The witness recounted flying over an area, leaving it, and returning to find two dead civilians on the ground. The Warlords accused the Sharks of killing them; the Sharks, in turn, accused the Warlords (pgs. 18, 22).



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The witness stated that he actually had no opinion of how they were killed (pg. 21). He related that they had seen about 12 to 15 civilians moving northeast out of the My Lai (4) area. They appeared to be older men and women (pg. 32). More than 200 civilians were seen moving to the southwest down Highway 521 (pgs. 20, 32). The Sharks screened these individuals and determined that they were all civilians (pg. 32).

(2) Observations of burnings.

The witness stated that he observed smoke from the village where the ground troops were burning the hootches (pg. 33).

(3) Observation of bodies in a ditch.

The witness stated that ~~between~~ about nine and nine thirty that morning, he observed between 30 and 40 bodies in a ditch on the eastern edge of the hamlet. This was in an area where the C&C ship landed and picked up weapons from the two VC killed by MCCRARY. However, the witness asserted that he was fairly certain that the bodies in the ditch were not there when the C&C ship landed (pgs. 39, 40). The witness related that the bodies in the ditch appeared to be herded together and machinegunned (pg. 41). Although when he saw these bodies, the nearest U.S. troops were approximately 100 meters to the southeast, he assumed these ground troops had been the ones who shot these people (pgs. 36, 41, 42, 44).

3. REPORT OF THE WITNESS' OBSERVATIONS.

The witness asserted that he reported his observations to Captain MCCRARY, and he believed that MCCRARY spoke to the company commander, Major GIBSON. He noted that there was conversation about My Lai in the platoon (pg. 42).

4. KNOWLEDGE OF INVESTIGATIONS.

The witness stated that he was never questioned and did not know anyone in his unit who was ever questioned about the incident (pg. 45). However, he recalled rumors that an investigation was in progress. He never heard any results of this investigation (pg. 43).

5. OTHER INFORMATION.

a. Prior incident involving Sharks.

The witness recounted a prior incident in which the Sharks had engaged a village from which they had received fire. Captain SCHOOLFIELD alone was very upset because he felt they had violated the rules of engagement (pgs. 4, 5). He noted, however, that they had received permission from the local chief before they fired on this village. He felt that most of the people in the village had taken cover and he knew of no kills being reported (pg. 5).

b. Other landings of helicopters.

Except for a MEDEVAC accomplished by other than a regular dustoff ship, and the landing of the C&C ship noted above, the witness recalled no other helicopters landing (pgs. 36, 39).

c. Exhibits.

Exhibits noted by the witness are listed below.



(The hearing reconvened at 1105 hours, 24 January 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Mr. Russell E. DOERSAM.

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

Would you state your full name, occupation, and address.

A. Russell Eugene DOERSAM, I'm a student, I reside at RR#1, Wharton, Ohio.

MR WEST: Mr. DOERSAM, did the recorder show you our Exhibit M-57 containing information about the nature and purpose of our inquiry and have you read it?

A. Right, I have.

Q. Any questions about it?

A. No, I don't believe so.

Q. I did want to add that our request that you do not discuss the testimony here today would not apply in the event that you are asked to provide testimony for a House Armed Service subcommittee which is looking into the My Lai incident also. Have you received an order from the military judge in the case United States v. Calley or the United States v. Mitchell?

A. No, I haven't.

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

A. Yes, I was.

Q. Would you tell us your grade and your duty assignment at that time?

A. At that time I was a WO1 and I was assigned to the 174th Aviation Company as a pilot.

Q. And were you stationed in Vietnam?

A. That's affirmative.

LTC PATTERSON: Have you talked with anyone concerning the My Lai incident after your departure from the Army; with any of the people that used to be assigned to the 174th?

A. No, I haven't.

Q. You have not been in touch with Captain MCCRARY?

A. No.

Q. When did you arrive in Vietnam and become assigned to the 174th?

A. I believe it was about 3 April 1967.

Q. Were you immediately assigned to the 174th?

A. Right, that was my unit assignment.

Q. When did you become a Shark?

A. I believe it would have been in the later part of October 1967.

Q. Was that by choice?

A. Right, by choice.

Q. You wanted to become a gun man?

A. Yes.

Q. Prior to that you'd been--

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A. (Interposing) Slick driver.

Q. About how many hours in slicks?

A. About 800.

Q. So I therefore assume by 16 March 1968 you were getting close to the end of your tour as well as having logged the benefit of a lot of experience both as a slick and a gunship pilot.

A. Right.

Q. After your assignment to the Sharks, do you recall any incidents, sir, prior to 16 March in which the Sharks became involved with noncombatants in villages?

A. Not in villages, no.

Q. Noncombatants in other places?

A. There was one other incident before I was with the Sharks though.

Q. Before you were with the Sharks?

A. Right, it involved the engagement of an LST one night. I believe that was back in the summer of 1967. Ground troops identified them as supposedly hostile boats and called Sharks to engage them. The results, I forget how many individuals were wounded, but they were Korean.

Q. Do you recall a crew chief, a Shark crew chief, being shot sometime in around January, February 1968?

A. I can't recall one, no.

Q. Did you have many of your crews in the Sharks wounded by hostile fire?

A. No, all the time I was there I had one gunner shot and as far as casualties we sustained very few.

Q. When was this one gunner shot?

A. That would have been Thanksgiving Day 1967.

Q. Captain SCHOOLFIELD indicated that he became involved with the Sharks and discussing rules of engagement pertaining to the Sharks. Do you recall Captain SCHOOLFIELD getting upset?

A. Right, I do.

Q. What were the circumstances surrounding that?

A. That was the day my gunner was shot. Captain SCHOOLFIELD violently objected to us engaging the village where we drew the fire from.

Q. So then you did engage the village from which you drew the fire?

A. That's affirmative. That's standard policy of most people over there, I believe. Rules of engagement, you identify the source of fire and engage it, which we did.

Q. Were you flying the Shark lead that day?

A. I was flying with the Shark lead. I was just a pilot at the time. I hadn't been in the platoon but about 2 weeks.

Q. You say this was on Thanksgiving?

A. Right, it was Thanksgiving Day. I can remember it quite well.

Q. Did you give the village a pretty good raking over?

A. We did.

Q. Where was this village?

A. It was approximately, say a mile southeast of Mo Duc Village one of the larger villages up there about the same place as Fire Support Base Dragon.

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Q. Was this in a zone in which you could afford to fire?

A. Negative. We had to get permission from the local chief, I believe, before we could engage them.

Q. Did you get permission, do you recall?

A. Right, we did.

Q. Did you see people on the ground?

A. No, we didn't. I don't recall seeing anyone. All the individuals around there had gone underground.

Q. Do you know whether or not you reported any confirmed kills that day?

A. No, we didn't.

Q. Captain SCHOOLFIELD became involved in this, I suppose, after you returned.

A. Right, he was violently objecting to our shooting up the village. It was a clear case of rules of engagement. We took fire. Identified the source of fire and returned it.

Q. Did anyone else say anything to you about it?

A. No, not that I can recall--anyone else. He was the only one upset about the matter.

Q. How about the Shark platoon leader at the time? Did he talk to the Shark pilots?

A. No, I can't recall any counselling.

Q. The company commander?

A. None.

Q. Executive officer or operations officer?

A. No, Captain SCHOOLFIELD was the only one that had any comment about it at all.



Q. As we understand it, and correct me if I'm wrong, that the briefings for the 174th Aviation Company--mission briefing were conducted either the night before or the early morning of the mission?

A. Right.

Q. As we understand it, these were usually conducted by the operations officer or the lead, the Dolphin lead if it were a lift; who was, we understand, one of the two lift platoon leaders.

A. Well, at that time it wasn't always the lift platoon leaders because they lacked experience. More often it was one of the other pilots in the platoon, to a greater extent, because they had a great deal more experience.

Q. Is it standard practice for line individuals in the aviation company, 174th, to go to the ground unit to receive the ground commander's mission briefing and then go back and brief the aviation personnel?

A. Right, it was fairly standard procedure.

Q. Then I assume there must have been a briefing for the My Lai (4) operation on 16 March?

A. I'd have to assume. I couldn't say for certain but I would have to assume.

Q. You do not recall a briefing then?

A. Not specifically, no. I couldn't say.

Q. We have reason to believe that Lieutenant MAGNO--

A. MAGNO would have been a W1. I don't think it could have been because he had gone to operations about a month--over a month before then. I don't even think he was doing much flying.

Q. The records indicated that First Lieutenant Michael O. MAGNO--

A. (Interposing) That couldn't have been.

Q. Was the assistant operations officer of the 174th.

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A. He was assistant operations officer but he was a W1.

Q. Well, that could be. He indicated to us that he had taken Lieutenant MILLIKIN, the platoon leader of one of the platoons, to LZ Dottie on 15 March to attend the briefing given by Task Force Barker for the My Lai (4) operation to be conducted on 16 March. His recollection of the briefing conducted back at the 174th Aviation Company was very vague. I have assumed therefore, that either MAGNO or MILLIKIN conducted this briefing back at the 174th. The operation, and to assist you in your recall, the operation was a multi-company lift in support of Task Force Barker into two LZ's. Large in numbers of helicopters involved. I say large, I mean more out of the ordinary. They were hoping to get augmented and they did in fact get nine lift ships. The aero-scout company organic to the 123d Aviation Battalion was to support the operation and as you recall the aero-scouts generally provided a gun team, two ships and a scout helicopter. Three rifle companies of Task Force Barker were to be involved with artillery preps for each of the two LZ's. What I've told you is in essence what the briefing would have consisted of. Does this help you recollect or can you recall receiving any briefing on 15 March?

A. I can't recall a briefing. We usually had one about every day. It wouldn't stand out.

Q. On the morning of 16 March, do you recall your actions with reference to the My Lai (4) operation?

A. Well, I was flying trail on Captain MCCRARY. As far as the lift went, there was no problem up there. It went in cold and we, as usual, supported the aircraft in.

Q. If I may, could I interrupt you and try to trace it from the beginning to the end. I may just probe you with questions on it. I understand that you were then flying trail ship with Captain MCCRARY in the lead. Do you recall who your pilot was?

A. I couldn't on my own recollection now.

Q. Could it have been Mr. MESSINGER?

A. It could have been. I wouldn't care to say one way or the other.

Q. Mr. BURTON?

A. Very possibly.

Q. But you do recall Captain MCCRARY being in the lead ship?

A. I do.

Q. And you do recall being in the trail ship?

A. Right.

Q. I would assume you were the aircraft commander of the trail ship?

A. That's affirmative.

Q. What was your call sign at this time?

A. It was either 6 Alpha or 3. I changed call signs at that time and I don't know which one I was using on that day, for sure.

Q. The information that we have is that the Sharks took off from base camp at Duc Pho after the slicks had departed with the plan being to join with the slicks after they picked-up at LZ Dottie. You were to join them just south of LZ Dottie and escort them in?

A. Right, that's usually standard procedure.

Q. Do you recall now, flying north to LZ Dottie to pick up the slicks?

A. Well, I'm not going to say I did because outside of the incidents right at the LZ and south I cannot recollect too much of that day's events.

Q. The only information that we have is that you did not pick up the slicks--the Sharks did not pick up the slicks south of LZ Dottie. The slicks were late getting off of LZ Dottie. The Sharks had to orbit a few times over LZ Dottie waiting for the slicks to pull out.

A. That's possible. That happens quite often.

Q. Nine slicks were involved. Five from the Dolphins and four from the Rattlers. The slicks pulled off and you accompanied them generally along Highway 1 south to the operational area. I would like to show you a 1:50,000 map, Exhibit MAP-5 to these proceedings, and for orientation purposes--

(LTC PATTERSON oriented the witness on the map.)

Did you ever work with a 1:25,000?

A. Yeah, I have. More usually.

Q. I show you a map, Exhibit MAP-4, a 1:25,000 of the operational area.

(LTC PATTERSON oriented the witness on the map.)

The information that we have is: you accompanied the slicks south to Highway 1, turned north generally over the river, and came up heading north, to the west of Hill 85. Do you recall anything that I've indicated thus far?

A. Like I say, I can't because I just did it too many times to remember one special incident.

Q. Do you recall seeing an artillery prep on the LZ?

A. Yes, I believe there was.

Q. What do you recall about the artillery prep?

A. Nothing. Just a standard prep I believe. Usually lasted 5 or 10 minutes, something along this line.

Q. Do you recall seeing where it landed on the ground?

A. No, I was in flight. It was a good distance off. When it was going on I didn't pay that much attention, although I do recall there was one going on.

Q. We are trying to ascertain whether any artillery went into the village itself or into the open area.

A. I'm afraid I couldn't help you that much. Like I say it was going into the area. Where it landed specifically I couldn't tell you.

Q. Do you recall the LZ?

A. Vaguely, yes. I believe it was--it should have been, I think west of the village itself.

Q. I would also like to show you an aerial photograph, (Exhibit P-1) sir, of the My Lai (4) area. This is My Lai (4). Hill 85 is right here. This trail that you see going down through here is the road on the map, Highway 521 that runs from Pinkville to Quang Ngai City. North, of course, is off to the top center of the photograph. Do you recognize this photo as being that of My Lai (4)?

A. Right.

Q. Can you indicate on the aerial photograph for me where the LZ was?

A. As far as I recall I believe we dropped them in about right in here somewhere.

Q. Just to the west of My Lai (4)?

A. I believe it was.

Q. You've indicated that there was an artillery prep. Did the gunships, you and Captain MCCRARY make any suppression runs?

A. I believe we did and something like this. We would have prepped the village itself, which we did do.

Q. You did?

A. Right, this is standard, more or less, when we're going in there like this. This is definitely not friendly and in an area like this we do suppress.

Q. Okay, let's sort all this out. First, were you the only gun team suppressing?

A. Right. Quite positive, the only gun team suppressing.

Q. So you have two gunships, your ship and Captain MCCRARY's?

A. Right.

Q. Do you recall the actual gunrun suppression?

A. There again I can't because it's just something that we did practically every day.

Q. Was it practically every day that you had two gunships supporting a nine-ship lift?

A. For the last month or so it had gotten that way, yes. Our availability had been taken quite a bit down by previous action.

Q. The records indicate that the 174th had only three gunships operational that day, two committed to this mission. If you can recall exactly or to the best of your recollection where those gun suppression runs went in it would be most helpful.

A. I can't say for sure being as the way this is laid out. I would assume that we both probably came in this side and prepped along the edge of the village itself.

Q. Just to the west of the village?

A. Yes, the flight was coming in this way. This would be the only area that needed suppression, probably. Then again I won't say for sure. There might have been one on the other side. I don't recall that precisely.

Q. Do you recall the approach of the slicks there just to the west of 85, where they had to come around pretty tight to miss over flying or flying too close to 85?

A. Yeah, I believe I do. Hill 85 was a bad place.

Q. It's a bad area?

A. It's a bad area.

Q. We've had some testimony that is conflicting about where you were suppressing. Some say you suppressed this side, the west side, some say you suppressed just along here, some say you suppressed on the LZ itself. Recognizing what normal suppression is we're trying to ascertain what it was that day as opposed to what it should have been.

A. Normally, something like this, of course there is a hill here, very possibly, more than likely there was one on either side of this coming in here. I can't recall for sure but I would say that this is normally how it is done even if there is only two gunships.

Q. Would there be any qualms about suppressing into the westernmost edge of the village?

A. No, I'd been up there before. I have no qualms at all about it if I was on that side.

Q. Was the gunship suppression planned in advance by you and Captain MCCRARY?

A. Most generally we do not have to bother discussing things like that. We've flown together often enough. It's just like we'd say "who's taking what side" and that's about the end of it.

Q. Do you recall how many suppression runs you made?

A. It was probably about two runs coming in with a lift breaking back around and again taking a flight out. That's mostly generally how it's done.

Q. Would both of those runs been hot?

A. On this side, possibly yes, because of the village sitting right beside. I won't say for sure. This is normally how it was done. If we did it that day or not I can't say for sure.

Q. The journals that we have indicate that touchdown was at 0730 in the morning preceded by a three-minute artillery prep. Do you recall where the artillery was coming from?

A. Probably out at Dottie. It had to be, because there were slicks coming down the highway, to stay out of the GT line, and probably some from Uptight also.

Q. You cannot recall for sure?

A. No, I can't say.

Q. Records indicate that artillery was only coming from Uptight. The touchdown was at 0730 and the slicks

departed. I don't think I mentioned this but, the slicks were nine ships, vee's of three in trail and after they departed, went back to Dottie for a second lift of this particular unit into this LZ. Do you recall your actions after the slicks departed?

A. Well, we escorted the slicks up out of danger, I believe. Then we returned to the area. This is standard practice with us a lot of times. Like you say we put the troops in here. Many times when we do that we catch VC, et cetera, trying to evade the area and get away. I believe we were back scouting the area. I don't believe the scouts from the 123d Aviation were in the area yet. I don't recall them then. I think they may have been a little late themselves, getting in that morning.

Q. The records do indicate that they were a little late arriving and did in fact miss this first touchdown at 0730. Now, do you recall any specific instances that occurred with the Sharks and/or the people on the ground after this first lift went into the first LZ?

A. Well, I know we shot a few in there. I don't know if it was after the first lift or not. There was a couple Captain MCCRARY caught hiding in the rice paddy. They had weapons, pots and were attempting to hide in the grass in this area as we flew overhead.

Q. Perhaps I'd better ask you a general question. Can you recall, that day, how many shooting instances the Sharks were involved in at different locations?

A. There was this one here and I believe he shot one down here. This was later on. They had a weapon. I don't believe that weapon was ever recovered. I think this might have been--I take it back. I caught one on the edge with a pack on his back. I think we wounded him and he got into a hole on us.

Q. Then there was three incidents that you recall?

A. I think only three.

Q. Let's try to sort them out as far as sequence and time and so on if we can. If you can put yourself right around at 0730 in the morning when the first lift departed. The first incident that you recall after coming back over the area was which one of these three?



A. It would have been this one right here. I recall that one happened I'm pretty sure after the first flight.

Q. We have reason to believe, and just to aid you in your recall trying to settle times, that very shortly after you arrived back over the area, here, after escorting the slicks the Warlords, the aero-scouts arrived on station and in fact immediately their scout bird found a "dink" just to the south of the road in here.

A. I can recall they were operating down in there somewhere.

Q. Right around Hill 85, just on the northern edge of Hill 85. The northeastern edge and about this same time you folks, the Sharks, were involved with the shooting incident. As the Warlords were making their gun-runs was there any concern as far as you all were concerned about your incident?

A. Right. I believe at the time we had a little argument over the air because they were making their runs and when Captain MCCRARY engaged some individual down here they made some remark, and they were spending quite a bit of ordnance just trying to kill just one "dink."

Q. And you recall about the same time that you or Captain MCCRARY were just to the south of 521?

A. Yes, it was about the same time, because I can recall--I know I exchanged words with him. We were both pretty well in the same vicinity. It was getting a little tight in there.

Q. Do you recall where Captain MCCRARY was? Can you point out on the aerial photograph where he was engaging in this incident?

A. Right, I believe it could have been right around in here somewhere, if I recall. It's a small ditch with a hedge line running there and we seen this guy jump into it with a weapon.

Q. The witness is pointing to an area due south of

My Lai and about 85 meters south of Highway 521 and the junction of the north-south trail of My Lai. For your information, sir, the scale of this map is 1 inch equals approximately 85 meters and as you recall this incident would you indicate on the aerial photograph where you saw or where you think the Warlords were engaging their particular individuals?

A. I believe it was up in here somewhere. I think, more or less like a draw and this is where the individual had gone to. I think it was up in here somewhere.

Q. The witness is pointing to an area south of Highway 521 approximately 100 meters. We'll put these on an aerial photograph at a later time. If you will mark it and we'll introduce it as an exhibit. Now, your recollection of time, could this incident have been the first incident?

A. I don't believe it was. I'm pretty sure this was the first incident over here because I recall the troops were a ways from them as we were going to them. I think after the second lift had gone in there they had not reached this area yet.

Q. Would you describe the incident that you are referring to to the northeast of the village of My Lai (4)?

A. Well, I say we escorted the flight out. We came back in. I think we were reconning the village, just accidentally flew over here and Captain MCCRARY spotted these two individuals crouching in the rice paddy. The rice was about 2 or 3 feet high. They were crouching down. These individuals were part of a unit we were familiar with. They had a habit of wearing a blue ascot. They are quite easy to pick out. We spotted them. Like I say, they did have weapons, packs, and all that on. I remember the incident quite well because Captain MCCRARY was engaging them with his doorgun. All of sudden he backed off real quick because he spotted one of these individuals with a grenade attached to his belt. He had experienced one other time a round hitting one and going off on him. I remember that quite vividly in my mind.

Q. Can you mark on the aerial photograph where you think this was?

A. It should have been right in here. I can recall being between a large hill and a smaller one and I'm pretty sure this is it.

Q. We have previous testimony from the ground forces that they subsequently picked up weapons from this engagement. The others indicate that rather than just to the east of the village that it was somewhere in this vicinity, up near one of these little tree lines. This is an area north of the village. That does not agree, I assume, with your recollection.

A. I may be mistaken. I was thinking we were in a small rice paddy area between two villages. I was thinking this was where it was at because there was a small ditch, you know, on one side of it. Captain MCCRARY and I were debating the fact, because we were getting impatient with the ground troops, whether to police them up ourselves.

Q. This village to the northeast of My Lai (4) could not have been the village you are referring to?

A. I don't believe so. It wasn't that far from the LZ area.

Q. I'm not trying to lead you into any recollection other than to try to be as sure as we can. I would like to show you an oblique photograph, Exhibit P-45, which is an aerial view of My Lai (4) looking from west to east taken at an altitude of about 1000 feet.

A. I would still have to say that this is the area because I know it wasn't far from the other side of the river and we were further toward that hill. I would almost have to swear that this is where it took place because this is the rice paddy area and it was short rice. I'd say about 2 or 3 feet high.

Q. And how many Vietnamese did you see or did you engage there?

A. There were two of them hiding in there. Those were the only two hostiles that we saw in that area.

Q. And you indicated Captain MCCRARY engaged them?

A. That he did. He was lead and in a sense he had spotted the individuals. It is quite normal for lead to do the engaging. They were engaged solely with the doorgun.

Q. Did your ship engage this target?

A. No, I didn't. I don't believe I did because he was circling down lower than I was, and I was staying up higher and outside of him to cover for him.

Q. Now, if we may leave that incident and go to the one which you indicated earlier, to the south of 521 approximately 100 meters. Could you tell us about that incident please?

A. I can't recall whether this was after the first or second lift. I think it may have been after the second one because I recall troops descending down into this area, I believe.

Q. Now you are talking about the ground troops moving south of My Lai (4)?

A. Right, there were starting to move on south. Captain MCCRARY, as I say, was leading. I believe I heard him say he had one hiding in a hedgerow with a weapon, before he engaged him and killed him. I saw that the individual was dead and took off.

Q. How did he engage this individual?

A. Doorgun.

Q. With a doorgun?

A. Many times we did this. With single individuals or something like this.

Q. As I understand you did not make any gunruns or firing passes, either Shark lead or yourself?

A. Outside the prep there were none.

Q. No rockets fired or minigun fire?

A. Not that I recall. It was fairly standard

procedure with us in engaging single individuals or very small groups like that. They were usually more intent in trying to evade than anything else, but nevertheless you don't want to lose sight of them so we would just maintain orbits around them--tight circles and let the doorguns engage them. It's more effective fire that way, with better results and with a minimum amount of expenditure.

Q. Do you recall this particular incident south of 521? Did you have anything unusual down there?

A. We left this area. We came back next time and there was a civilian laying right in here, one or two.

Q. Civilians laying there?

A. Dead, right, and the Warlords accused us of it.

Q. You're pointing to the junction of 521 and the north-south trail.

A. Right. Right in here. There were one or two civilians laying dead there. This was after we engaged this and came back again.

Q. What did you come back for?

A. To scout the area again and see if there was anything else moving around there. I can recall the Warlords accusing us of shooting civilians, and I can't recall anyone else. I don't think the ground troops--they might have been up in here at this time. I question time. We made counter accusations against the Warlords. How they were killed I don't know. I can recall one or two of them that were lying there, that were killed.

Q. As I understand it from what you said your ship did not engage this particular target down there?

A. No, I don't believe because leads engaging. The trail usually stays up higher outside and circles and provides cover for him.

Q. Would you describe the manner in which Captain

MCCRARY engaged his target?

A. He just spotted the target and started to make a tight circle around. I assume that he was making a small right hand tight circle, since he was flying right seat, so he could keep an eye on it, himself--on the target down there. The doorgunner on the right side engaged him.

Q. Was he flying low?

A. Reasonably, yes.

Q. How high would you say?

A. Probably 100 feet or less.

Q. You did not see his ship making a gunrun?

A. I was staying high outside him. He was making tight orbits.

Q. At the time he was down there were the Warlords engaging their target?

A. I believe so. I recall things were getting rather tight around there at the time.

Q. Did you notice the ground troops, where they were, at the time Captain MCCRARY was engaging his target?

A. No, they were moving in here somewhere.

Q. Moving to the south?

A. They were coming south.

Q. From My Lai?

A. I think this was probably after we engaged this that the slicks were coming back in again. We had to depart station and escort them back in.

Q. This must have been then before the second lift?

A. Well, it's kind of hazy. We might have shot these

and then come down. We made a fast surveillance over the area, completely around there. We might have caught this one right away, at the same time. I can't say for sure. Things are kind of fuzzy about that.

Q. Other than the ground troops, the friendly U.S. infantrymen, and the individual with the weapon south of the road was there any other people?

A. Civilians moving out down this trail. Quite a number of them.

Q. Moving down the trail, 521?

A. Right, they were moving down 521.

Q. And to the southwest?

A. Right.

Q. Were any moving to the northeast?

A. Outside of the one I engaged up there with the pack, I can't recall. There might have been a few more coming out this way.

Q. Across the rice paddies. Your pointing to an area east of My Lai (4) and are pointing east and northeast.

A. They were heading this way, away from the LZ.

Q. When Captain MCCRARY was down there engaging this single individual there were a lot of civilians on the ground.

A. Right, there were quite a number of them moving down this way, down the trail. Most of them were along the trail, down in there, moving to the southwest.

Q. Are you convinced that there were no gunruns made as such, miniguns?

A. We ourselves did not make runs outside the initial preps. We had got into the practice of hardly ever doing it.

Q. "Ourselves," you're referring to both Shark gunships?

A. Right.

Q. Did you see any of the rounds of the Warlords overshoot the area, where they were shooting?

A. No, I wasn't paying that much attention to what they were doing. The only one I could recall, we made the remark they were spending a lot of ordnance for one "dink," which was not too much out of the ordinary.

Q. Did you see the ground troops down in that area along--around 521?

A. They eventually got up to this area, yes.

Q. You saw them on 521 or down in the vicinity?

A. Right, it may have been after this second lift when I was coming east. That was when we shot this individual. It might have been after the first lift. I can recall going back down around this area which might have been after the second lift. The ground troops were moving up this way.

Q. Moving down on 521?

A. They were coming down this way, right.

Q. Down in the general vicinity of the confluence of the north-south trail out of My Lai and 521.

A. Right.

Q. Did you see any of the ground troops shoot any civilians?

A. No, I didn't. Actual shooting I didn't see if that took place. All I can recall is two civilians lying dead after we came back one time. How they were killed, I don't know.

Q. Did Captain MCCRARY say anything over the radio to you concerning the activities of the ground troops or how the civilians might have been killed?

A. I can't really recall any. I mean there is some



doubt in my mind at the time. The Warlords made the comment that one of the Sharks was shooting civilians and I think we might have made a counter statement to them. It possibly could have been them because we left and they were the only ones left around.

Q. That was later on in the day I assume.

A. It could have been.

Q. With reference to the sequence of events we have every reason to believe that the sequence of events concerning these incidents occurred something like follows. The 0730 touchdown at the LZ. The Sharks escorted the slicks to altitude, came back around making a sweep around My Lai (4). The first sighting by a Shark was the one to the south of 521. Shark lead engaged his target such as you have described and about the same time is when the Warlords picked up and started their gunruns. Shark lead, Captain MCCRARY, felt that he saw this individual, a tall Vietnamese, on Road 521 and proceeding south into the hedgerow where he finally did catch up with him and engage him. While he was still doing this you were at altitude according to what we believe and what you testified to. The Warlords were at this time making gunruns and this is when the initial coordination between the Warlords gunship and the Shark gunships transpired over the air right after the first lift and before the second lift went into the first LZ. For qualification can you tell us the general gunrun flight path for the Warlord aircraft?

A. Well, they were making their runs, I believe, north to south in here. I think the reason why we were having trouble was because they were making a right-hand sweep toward us which would have taken them away from us. They were coming in making the run this way breaking around back this way.

Q. They've indicated, sir, that they made their gunruns from northeast to southwest, generally parallel to Road 521, with a right break.

A. It could have been. I know they were going down and breaking off and were getting--because I was circling outside of Captain MCCRARY here and it was causing me to have

to shuffle off further to the west to get out of the way.

Q. Looking at this, if they were making their gunruns like so and Captain MCCRARY was here, the dispersion of their rockets and rounds would have caused some concern, and especially if they would have made a right breakoff of their firing paths. Does that agree with what you recollect?

A. Right, things were getting pretty tight in there.

Q. We have reason to believe that this is when the coordination occurred, "We're just 50 meters south of the 521. We've got a "dink" down here." The Warlords said, "Roger, we'll go right past you." Then it became a little tight with the rockets as far as Captain MCCRARY being low and in a tight slow orbit trying to get his "dink." Then he pulled out of there to let the Warlords go. The Warlords said, "No, we'll pull out and keep out of the way." About this time is when he did, after engaging this target, is when the spotting of the second incident somewhere in the north or the east part of My Lai (4). The Vietnamese identified as VC were sighted and engaged and in fact we have reason to believe that there were two as you have indicated.

A. It's possible that I may have been turned around. I was thinking that this transpired before this did. It may not have happened. I wasn't going to bet too much either way.

Q. Okay, these two that were engaged here, after, if this is so as I have indicated, the two that were engaged to the east of My Lai (4) or whatever it was I presume you marked the individual to the south of the road or someone marked him. Did Captain MCCRARY mark him with smoke?

A. I believe he put smoke down there.

Q. Do you recall the color by any chance?

A. No, I couldn't.

Q. What color smokes did you use to mark? Any color?

A. Just about any color. We didn't use green too much. It wasn't that easy to pickup. Probably red or violet.

Yellow was pretty good for identification.

Q. Okay. Captain MCCRARY has testified that after this he pulled out, the Warlords were sort of up out of the way and engaged these two individuals while the ground troops were proceeding south to pick up your first incident, your first kill. After getting these two that were identified as having weapons and gear, as you've testified, that these were then marked so that the infantry rifle company could come over and police up these weapons. Do you recall, was there any difficulty in getting ground forces to either of these positions?

A. More especially to this. I can recall that.

Q. The one to the north.

A. I think the C&C helicopter, the command and control helicopter might have finally gone in to pick those up.

Q. But there was some difficulty in getting somebody there to make the confirmation?

A. Yes.

Q. Neither of these two incidents were gunruns made either in the employment of miniguns or rockets?

A. Both by doorgun.

Q. About this time, right after these two were killed, we have reason to believe that when the second lift arrived at the LZ they again landed from south to north on a northerly heading and I assume that you probably broke off from these two incidents which were completed and escorted slicks. Does that go along with your recollection?

(Witness nodded in the affirmative.)

I suppose you were dry at this time?

A. Right, we stayed dry.

Q. You escorted them out to altitude and then came

back over the area and probably went to check to see about the policing of your weapons and so on. Does this agree with your recollection?

A. Yes.

Q. Do you recall whether they had been--

A. (Interposing) No, none of them. I don't believe any of them had been checked yet.

Q. The ground forces had not checked either of the two?

A. We were sort of irritated at the time. They hadn't got to either of these areas.

Q. Do you recall where the Warlords were at this time? Do you recall seeing them?

A. I believe they were still down in this area here. I believe they were. They were still operating around in here or out in here, somewhere in this area.

Q. To the east of 85?

A. East and southeast.

Q. The slicks were going somewhere. Where were they going? Do you recall?

A. No, I don't.

Q. We have reason to believe they were going back to pickup the second unit.

A. After they left here the first time?

Q. There were two lifts into that area, into the LZ west of My Lai (4). Then they were going to a PZ to pickup and go in and start a lift into a second LZ. Do you recall this?

A. No, I can't say that I can.

Q. Let me see if I can help you refresh your memory.

There was a second LZ and something peculiar happened at this second LZ with reference to the insertion of the troops. There was an artillery prep and the slicks were making their approach. Do you recall anything unusual? I'm assuming that the Sharks accompanied the slicks into the second LZ.

A. Yes, we would have.

Q. That would have been normal--

A. (Interposing) Right.

Q. But I presume you don't recall it specifically?

A. No, I can't.

Q. The artillery was late in shutting off. The slicks had to make a misapproach, a go-around. Nine slicks, I assume accompanied by two Sharks, probably one on the east and one on the west making a go-around, turning to the-- making an approach from south to north and turning to the east in the go-around. The reason I mention this as being peculiar is because I, as a helicopter pilot, can envision a gaggle of helicopters and some concern about getting formed up again, getting organized, getting back air speed, et cetera. This doesn't seem to ring any bell to you?

A. No, not particularly. It happens too often, I guess, to--

Q. (Interposing) At any rate there they went into the second LZ finally after the artillery was shut off. Do you recall where this second LZ was by chance?

A. I think it was up in this area.

Q. Your pointing to where your two "dinks" were. Just to the north of there.

A. I think we put them right out in here. I wouldn't want to say for sure. I just couldn't recall.

Q. The records indicate that the second LZ was further to the east in a dry area generally along 521, and the area on this MAP-4, just to the west of Pinkville and

and south of 521. On the go-around the slicks went out over the coast and came back around. A dry field. No recollection?

A. No, I don't recall.

Q. The records indicate that this occurred at 0815--0820 in the morning and the lift, the second lift into this LZ, the second LZ, was completed at 0827. We also feel that the second lift came out of LZ Uptight.

A. It's possible. I can't give any sort of recollection on it.

Q. Just prior to this I assume you were monitoring the Task Force Barker command net as well as your VHF air to air and your UHF air to air between the lift ships and yourself. The Warlords appeared just before this second lift operation was going on--reappeared in the operational area in the vicinity of Hill 85. They had some activity there. Do you recall anything that the Warlords were doing?

A. Outside their one engagement on the hill down there I can't say I recall anything significant that they did.

Q. Do you recall any higher headquarters call signs appearing on your command net?

A. Not specifically, no. The only thing I can recall about the Warlords is at the time they made the accusation, more or less, we killed these civilians here. That is the only thing that really stuck out.

Q. We have reason to believe that a C&C ship from higher headquarters appeared on the scene and identified a large number of people leaving out to the southwest along 521. The C&C ship indicated they wanted the Warlords to look them over. The Warlords did, in fact, send the Skeeter bird, the scout helicopter over there and they identified a couple of military-aged males and separated them. Hovering low and out of the way. Does this jog your memory any?

A. No, not after our action down there.

Q. We also have reason to believe that the C&C

helicopter went down to pick these two individuals up and put them aboard the helicopter.

A. Very possibly. They had a habit of doing that quite often.

Q. You don't recall?

A. No, I just don't have any recollection of it.

Q. I'm trying to--the reason I'm telling you these things is to try to see if I can unlock from your mind anything that you don't think you know right now but might come back to you. These two individuals were stripped to the waist--taken off their shirts. Also right around the time of the second LZ the go-around and the missed artillery, the Warlords also got involved in another action in the vicinity of Hill 85. Do you recall anything about that?

A. No, I can't.

Q. The discovery of mortar tubes, mortar rounds?

A. Okay. Right, I take that back. Right on top of the hill itself I believe.

Q. Can you tell us anything about it?

A. I can recall them saying they spotted mortar tubes. I believe they had their own slick along with this blue team, we called it. I believe they dropped it on top of the hill to police the stuff up.

Q. This coincides with what we believe. They had--do you recall how many slicks?

A. Normally, I only brought one with me. I don't know if we had more than one that day or not.

Q. We've had testimony indicating there were three. They made an approach from south to north. This slick couldn't put his troops on the ground. The other two did and the troops were on the ground and subsequently discovered that instead of mortar tubes there were 60 millimeter mortar rounds which were subsequently destroyed in place.

A. I can recall something like that.

Q. When they put these troops on the ground, in your mind, in reference to time, was this after the two incidents of the Sharks?

A. I believe so. I'm pretty sure it was.

Q. Was this before the third incident that we haven't got to yet where you indicated you engaged--

A. (Interposing) This individual out here?

Q. Yes.

A. This happened I think right after this did. It happened all about the same time sequence. I would say within 15 or 20 minutes. This all took place here.

Q. I see. Was Shark lead engaged in this one out here to?

A. It was strictly me. I spotted this one individual and he told me to go ahead. I believe we got him but he, like I say, he was only wounded and got in a hole out there somewhere up pretty close around Pinkville itself.

Q. Where was Shark lead at this time?

A. I believe he was holding back further. He was a little to the west of where I was at. I'd seen this individual. I broke off a little to the south to engage him and he was holding back a little to the west. It was still more or less in the same area.

Q. You're pointing to an area a considerable distance east of My Lai (4)?

A. Right. I spied him somewhere along this trail here.

Q. You're pointing to 521.

A. He was moving out I believe. He had a pack on. I was putting it out at a pretty good clip. I had the crew



chief engage him. The crew chief or doorgunner. I can't recall which. As I recall we wounded him in the leg at that time and he had gotten to a bunker and gone inside.

Q. Can you give me any coordinate locations or points so we can indicate where your pointing to here?

A. It would have been, I believe, right in here somewhere.

Q. All right. Let me read the coordinates for the record. It's 733 what?

A. 733792.

Q. 733792?

A. I believe it was in there somewhere.

Q. Did you make a firing pass on him?

A. Strictly doorguns.

Q. You didn't engage him with miniguns or rockets and there was one individual there?

A. One individual.

Q. With web gear?

A. Right. He had a pack and web gear on, no weapon.

Q. No weapon?

A. No.

Q. How did you identify him as VC?

A. Strictly by that. We did it many times. Most likely an individual like that--if they see us in an area they will get rid of their gun, weapon. I've seen them throw their weapon in a bush many a time and I just went under this assumption.

Q. Did you receive permission to engage him?

A. From the ground units?

Q. From anyone?

A. From anyone else, no. I told Captain MCCRARY about it and I believe he said go ahead. That's the extent of the matters.

Q. Was this normal procedure as far as the Sharks were concerned in engaging a ground target?

A. They let us use our own discretion, because I guess we had shown reasonably good judgment in such matters.

Q. You recall whether ground mission commander permission was granted for engagement of either of the other two targets?

A. I don't believe so. I can't say for sure but I don't really think so.

Q. Did you attempt to get the ground forces over to your individual kills?

A. No, at this time the only ground forces around were quite a distance from there. We put the first lifts in here and it was a considerable distance to the east so we didn't bother with it. I think we might have told them we put one in a bunker there and that was all.

Q. Did you report this kill?

A. It was not a kill. He was wounded in the leg, I believe. I saw him go down and grab his leg then he crawled inside the bunker.

Q. Under the assumption that the lift into both LZ's for the insertion of all rifle companies was completed at 0830, do you recall any of your actions other than what we've described between 0730 and 0830 in the morning?

A. Outside of these particular incidents, we screened several individuals ourselves, even some of these moving down the trail to the south. We just gave them a look over down there.

Q. What kind of people were they?

A. Civilians, from the most that we could determine they were all civilians, old women, men, kids. They were moving out with cattle.

Q. Mixed ages and sexes?

A. Mixed ages, sexes.

Q. How many? Would you give me a barnyard estimate?

A. There were a couple of hundred at least.

Q. On 521 moving southwest?

A. There were quite a number of them.

Q. Did you see anybody engaging any large groups of people or any people on the ground other--

A. (Interposing) No, I didn't see anybody besides ourselves and the Warlords in that one incident, engaging anyone.

Q. Were there also, I think you indicated earlier, a large number of people moving out from the east and to the northeast.

A. There wasn't a large number. There wasn't much more than 12 or 15 that I recall. They were moving out across in this general direction.

Q. Moving northeast out of the My Lai (4) area.

A. Right. We screened them. I don't think we found anything of significance.

Q. Do you remember taking any action about trying to preclude their evasion?

A. We might have made some attempt to turn them around but I don't think we made too much effort. They didn't seem they were, as I recall, hardly worth bothering with. I think they were mainly older men, maybe some women in the group. We never made, I believe, any concerted effort to turn them around.

Q. What was the status of the village of My Lai (4) and any surrounding villages about this time? Did it look essentially the same as it did when you first arrived in the morning?

A. I think they might have been burning some hootches in there but as far as--

Q. (Interposing) Was there smoke?

A. I believe there was. I'd say they were burning some hootches, I believe.

Q. Did you see smoke anywhere else other than in the village of My Lai (4)? In the hamlets to the north, northeast, to the south?

A. I believe they moved into this one. This small hamlet here.

Q. Referring to the one to the south.

A. Well, the southeast, right.

Q. Southeast of My Lai (4).

A. Right.

Q. Did you see any dead bodies?

A. Yes, I believe there was a ditch right here. Right in this area.

Q. You're pointing to an area, now, just to the east of--

A. (Interposing) Eastern edge of the hamlet.

Q. How many dead bodies did you see?

A. There were quite a number. I can recall that, but how many for sure I don't know. I would assume that there were 30 to 40 bodies.

Q. Can you recall what time of day this was in

reference to your on station time?

A. I believe both first and second lifts, well, I'm quite sure the first two lifts had been in. It might have been somewhere between the second and third lift or after the third one. I recall we were still in the area and I happened to look down. I'd seen the bodies lying in there.

Q. In an attempt to fix the time a little bit, I'd like to give you a few more facts for recall. If we assume and if you believe that the second LZ was completed at 0830--0827, what would have been the status of your on station time at this time?

A. We wouldn't have been around much longer. We would have been getting low on fuel and pretty close to breaking station.

Q. I agree that the physical aspects of the helicopter you were flying would have made you rather low on fuel. Do you recall going to refuel that day?

A. I think we did. I think we had gone up to Dottie after maybe the second lift in. After the third I don't think we stayed around much longer. I think we did break station with a fair amount of fuel, I believe. There wasn't any need for us to stay around.

Q. Well, if you went to refuel, and we have reason to believe you went to LZ Dottie, in fact there was some communication we believe between Shark gunship and Coyote 3, someone with a southern accent with reference to refueling at Dottie. Do you recall? Does that jog anything?

A. I believe I might have heard something like that from Captain MCCRARY.

Q. Then do you recall coming back down over the area after refueling?

A. Right, this is when I believe we spotted these civilians lying here, dead.

Q. You spotted those when you came back?

A. I think so. We had been gone from the area, as

best I can recall, for a fair period of time, come down and that's when these were spotted here, I believe.

Q. The ones you are pointing to now are just north of where your incident with a single individual, about 15 meters south of the road. You saw some dead at this time, you recall along 521 just to the west of the confluence of those two trails.

A. And I believe this is when the transmission made by the Warlords, about someone shooting civilians--thought we had done it and something to that effect.

Q. Now going back to when you saw the bodies in the ditch as you described it to the east of My Lai (4). Was this the same time frame?

A. It probably was. After the third lift I don't think we stayed around the area hardly at all and we broke station. It would have had to been about that time.

Q. It would have been then after you returned from refueling. Time wise then, what is a guess as far as the time of day that you saw the bodies along 521 and the bodies in the ditch?

A. I would say about 0820, 0815 maybe. Somewhere in there.

Q. Well, sir, let me just back up a minute here. The second lift was completed at 0827.

A. It was?

Q. And then under that assumption that you indicated earlier, you would have been low on fuel and then gone to refuel which would have put you at refueling at 0845 in the morning or thereabouts.

A. Okay, I'm sorry. I got confused on time. It would--we left at 0845 and came back. It would have taken us at least 20 minutes to accomplish this--0905, 0910 maybe. Somewhere around in there.

Q. Okay, it would have been sometime after 0900 and

and probably between 0900 and 0930, is that a rough guess?

A. Yeah, about that length of time to accomplish that.

Q. With those bodies that you saw in that ditch you referred to, would it seem more logical that in order for them to appear in that ditch if you, the Sharks, hadn't shot them, which you testified you didn't, and you didn't see the Warlords shoot them, for anyone else to have killed them it would have had to been the ground forces. Was that the assumption that you made?

A. At the time it was the assumption I made. I don't know--I made some comment over the air that I do recall.

Q. It would have taken some time for the ground forces to get up to that point.

A. Yeah, and I think the ground forces were moving out.

Q. Moving out to the east of the ditch.

A. Right, they were out through here somewhere.

Q. And again you think the time must have been somewhere between 0900 and 0930 in the morning?

A. It would have had to been. That was the time of the second lift. We refueled and rearmed then. It would have taken about that length of time for us to get back from Dottie.

Q. Do you recall about this time then, do you recall leaving station and where you went?

A. After the third lift or after the second lift?

Q. No, now we're in between 0900, after your refueling, you'd seen the bodies, do you recall leaving the area? The lifts were all completed and you were refueled and rearmed.

A. The lifts were all completed? I can't recall. I'm pretty sure we left with a pretty heavy load of fuel left

because I don't think we stayed around too much longer after that.

Q. Do you recall Shark 6 saying anything over the air, the battalion command net, with reference to large numbers of people leaving?

A. Not particularly, no.

Q. During the time that you were on station, the entire morning that you were here, do you recall any requirements for a dustoff or medevac?

A. I think they might have medevac'd someone out around in this area somewhere. I don't think it was a regular dustoff ship. It might have been one of our own or the Warlords or the C&C aircraft. I don't think it was a regular dustoff.

Q. This was while you were on station?

A. I believe so.

Q. Do you remember seeing the approach?

A. No, I can't really recall anything.

Q. We have reason to believe that the C&C aircraft did make a dustoff. It was over near the other LZ further to the east out of My Lai (4).

A. Well, not really, no. I do recall a dustoff being made, where for sure I don't know. I can't say.

Q. Do you recall hearing any radio transmissions that day, over the command net, with reference to the killing? Too much killing?

A. Not specifically. The only one transmission the Warlords made about killing civilians. The only thing as far as out of the ordinary, actually and my sighting up here that really stuck too much in my mind.

Q. Did you know what the call sign of the division commander was?



A. I couldn't recall.

Q. Would you have recalled it? Not the call sign but would you have recalled hearing him on the air?

A. I think I might have. I don't know whether he was talking to battalion or brigade commander. It might have been. I just don't want to say. I can't recall that clearly.

Q. Was there a lot of radio traffic on the air?

A. Yeah, there was quite a bit. You get all three radios going. Some things just stay in the background. You don't pay particular attention to them.

Q. Do you think that the Warlords did a lot of firing around Hill 85?

A. They were making these runs in there that one time, and other than that I can't recall them doing any more shooting to any extent at all.

Q. Did you see any other bodies on the ground, other than in the two localities you mentioned?

A. No, I didn't, because when they were shooting at him--I don't think they ever did, at least I never saw anybody, they were flying over here and looking around and I never saw anything. This ditch and the ones I can recall.

Q. Anywhere else around My Lai (4)?

A. No, I can't. Those were the only sightings I can recall. I don't think we actually--because the troops had moved through the village pretty well. We didn't do a lot of scouting around after this, the initial lift.

Q. Do you remember contacting ground stations that morning?

A. Right, I recall contacting to mark the locations so they could move up to them.

Q. We think their call signs were Charlie 6 and Bravo 6. Do you recall any specific difficulty other than

trying to get them to mark or any other conversation that you might have had with them?

A. Only that there were taking what we felt was unnecessarily long. A quite a bit of time moving up to the areas.

Q. You do not recall any transmission over the radio with reference to stop the killing or anything to that effect?

A. No, I can't.

Q. Did you see any helicopters physically land north of Highway 521 in the My Lai (4) area?

A. I believe there was a helicopter came in and picked up the packs and weapons off these two individuals that Captain MCCRARY had shot. I think that was the only time.

Q. You didn't see a bubble helicopter or a H-23 land anywhere?

A. I wasn't paying that much attention.

Q. Did any of the Warlord gunships land anywhere?

A. No, the bubble was down low. I can recall checking some individuals out but as far as seeing him land I can't recall really seeing it.

Q. You think this C&C ship landed near this ditch?

A. Yeah, I'm pretty sure. I would almost have to swear. This is where the two were shot with the weapons and I am pretty sure they went in and picked up the weapons and gear off those two.

Q. The position you have plotted there is about 30 meters from the ditch.

A. I'd say about 30 meters. It was right in here because after we were, I was debating myself whether to go down and pick them up because they was taking such a long time to get in there, the area themselves.

Q. Would it be logical to assume that the people in the ditch were not there at the time this ship landed?

A. I would say not, no. As a matter of fact I'm quite positive they weren't.

Q. Then the ditch and the people in the ditch were at some later time?

A. They would have had to be.

Q. Which would also reinforce the 0900 to 0930 time frame.

A. There were no troops in this area. I think they might have started to get up to this tree line when the C&C aircraft went in. Maybe they weren't even that close yet. I can recall that we did escort him in I believe to police the gear up.

Q. And that couldn't have been the dustoff?

A. I'm pretty sure it was not. I'm pretty sure it was a C&C flying to police this stuff up.

Q. We have reason to believe that the Sharks went south around 0930 in the morning, in that general area. Do you recall what you did the rest of the day?

A. No, I'm afraid not. I think that was the only lift we had that day. Well, I won't say that. I couldn't be positive about that.

Q. Why does what you've told me here this morning stick in your mind?

A. Mainly because of those bodies in the ditch. It's something I'm not used to seeing.

Q. You thought there was about 40 you said?

A. Yeah, it looked that way. There were a fair amount of them there. It was kind of a revolting sight, naturally.

Q. What did it look like? Can you put it in words?

A. It looked like they were herded in and machine-gunned down. That's about the only thing I--I mean the same statement I made at the time because they were just lying down in one big mass there.

Q. Could you tell anything about the sex, ages?

A. Well, older men in the group, there were some women in it.

Q. Did you see any U.S. soldiers near there?

A. No, I think they had moved on out at this time. I didn't see any around the area at all. At this time I think they were starting to move further out.

Q. How far from the ditch would you say they were?

A. Oh, maybe a hundred meters or so.

Q. To the east?

A. To the east. To the southeast.

Q. How many soldiers, would you say, were there?

A. I can't really recall seeing much more than a dozen. Of course, they might have been in some of these areas down here where I couldn't see them. They were moving out pretty much on line sweeping to the east, southeast.

Q. And the thing that sticks out in your mind about this particular operation is the people in the ditch?

A. Yes, quite so.

Q. What was your thought concerning how these people had been killed that day? What was your thought on that day in reference to how the people had been killed?

A. Well, as to how they were lying there all in one pile it just looked like they had been herded together and machinegunned down.

Q. By whom?

A. Well, there were no other individuals in the area and we shot these first. There was nobody there after the U.S. troops came and went. I can only make one assumption that the troops probably did it. If we would have viewed these right away, when we came into area, the VC might have done it. But they weren't out there earlier. Later we spotted them and the U.S. troops had been there and gone. That is the only assumption I could make.

Q. You made this assumption that day?

A. Right.

Q. And I think you said you were--

A. (Interposing) It was fairly repulsive. It's something that you just don't believe in doing.

Q. Okay, do you recall making any report to anyone about that? About what you had seen?

A. Well, I told Captain MCCRARY about it. He talked to our CO, Major GIBSON, I think. I know there was talk about it back at the company. I know I talked to Captain MCCRARY about it. I don't think I went any further than that.

Q. Was there talk in the company about it?

A. Some, yes.

Q. Who was doing the talking?

A. Well, I imagine since our platoon stayed together this was mostly from our talks.

Q. Do you recall Major GIBSON saying anything about it?

A. Not in particular, no.

Q. How about Captain BOSWELL?

A. No, I can't.

Q. PETERS?

A. I wouldn't say that he did. I can't recall too much discussion on the matter.

Q. At the time or subsequently thereafter, while you were still in Vietnam, do you recall anyone outside of the unit saying anything about it?

A. No, I can't.

Q. Do you recall hearing anything about it other than right within you own--

A. (Interposing) I heard there was some sort of an investigation but that was it.

Q. You don't recall who you heard that from?

A. No, I can't. It was rumor more or less. To that effect.

Q. Do you recall hearing how the investigation was started?

A. No, I don't recall.

Q. Or the results of the investigation?

(Witness shakes head in the negative.)

Did you think any more about it or take any further action at any time?

A. I thought about it but as far as any action, no.

Q. I assume then from what you said, sir, that after a few days of talking around about it that the matter was dropped from your mind as far as investigation was concerned?

A. Right, as far as that was.

Q. Was this talk prevalent?

A. Not too much, no. I had no idea what actually transpired on the ground, what caused it or anything else so myself couldn't see--couldn't make any real judgement on the matter of what had actually taken place down there. I know--I have no real way of knowing.

Q. What was the talk with reference to how the people were shot?

A. Well, I guess most of the people just felt, "Well, it's a war. They got in the way and that was the end of matters." That's just more or less how things went.

Q. Were there accusations that the Sharks might have shot them, the Warlords might have shot them, or the ground forces?

A. No, let's see. It was relatively apparent that most people felt, that did discuss this matter, that the ground troops had done it but it was not really discussed that much. Maybe the day or a couple of days after it happened but after that--

Q. (Interposing) It was dropped.

A. It was pretty well stricken.

Q. What was the next time you heard about any investigation concerning the My Lai incident of 16 March 1968?

A. Well, let's see. I heard there was an investigation on it while I was still there. Some type of an investigation. Nothing actually became of it, and in November of this last year.

Q. In your opinion was an investigation completed on it or do you have any knowledge of it?

A. I have no knowledge.

Q. Do you know of any attempts by any individual to suppress any of the information concerning what you saw or what transpired on 16 March?

A. No.

Q. As far as you're concerned there was no cover-up by any individuals?

A. None. I heard there was an investigation and I assumed any action that was going to be taken was taken during that investigation. That was the end of it.

Q. Do you know of anyone within your unit that was questioned by anyone concerning this or in the conduct of an investigation concerning this incident.

A. No, I can't say that I have.

Q. Were you ever questioned specifically by anyone?

A. No, I wasn't.

Q. You never heard of any specifics of any investigations. Just a rumor?

A. Just that there was one. This was strictly rumor, more or less.

Q. I'd like to, if I may, sir, to have you fix for us a permanent photograph that we can introduce into the record with the information you have plotted here. Would you be willing to do that for us?

A. Right, I'll do it.

LTC PATTERSON: We'll recess and let Mr. DOERSAM put these marks on it then we'll reopen the hearing and introduce it as evidence.

(The hearing recessed at 1243 hours, 24 January 1970.)

(The hearing was reconvened at 1300 hours, 24 January 1970.)

LTC PATTERSON: The hearing will come to order.

RCDR: The following person is present: LTC PATTERSON.

Mr. DOERSAM I remind you that you are still under oath.



LTC PATTERSON: We have now annotated a vertical area photograph of My Lai (4) with the following annotations. We've marked position 1 as being, "One Vietnamese male with weapon engaged by Captain MCCRARY with doorgun only." Is that correct, sir.

A. That's correct.

Q. Position 2 is marked, "Warlord engaged and fired in this approximate area with rockets. Firing gunruns from northeast to southwest with right break." Is that correct, sir.

A. That's affirmative.

Q. Point 3 on the aerial photograph is marked, "Sharks, MCCRARY, engaged two Vietnamese males with weapons." Is that correct, sir.

A. That's correct.

Q. Position 4 is marked, "Approximate 200 Vietnamese of mixed ages and sexes evac area to southwest on or about 0745 to 0815 hours 16 March 1968." Is that correct, sir.

A. That's correct.

Q. Position 5 is marked, "Approximate two Vietnamese dead on or about 0800, 0830 hours 16 March 1968." Is that correct sir?

A. That's correct.

Q. There are two other markings on the aerial photograph. Position marked, "Ditch with 30-40 Vietnamese dead of mixed ages and sexes on or about 0900 to 0930 hours, 16 March." Is that correct, sir?

A. That's correct.

Q. A large arrow indicating a route of movement is marked on the map and labeled, "12 to 15 Vietnamese of mixed ages and sexes evac area on or about 0745 to 0815 hours, 16 March 1968." Is that correct, sir?

A. That's correct.

Q. Does this accurately reflect to the best of your recollection what you saw on the 16th of March?

A. To the best of my recollection it does.

Q. Is there anything you wish to add to this photograph, sir?

A. No, that's about all.

Q. Would you be willing to sign the photograph in the upper left hand corner under a statement, "Prepared at Washington, D.C. 24 January 1970, from memory."

A. I would.

(The witness signed the aerial photograph.)

Q. I would like to introduce the aerial photograph so marked and signed by Russel E. DOERSAM as Exhibit P-191.

Mr. DOERSAM, I would like to give you an opportunity to state anything that you feel you would like to state at this time with reference to the investigation, the activities of 16 March 1968, any opinions that you would care to make.

A. I believe, I've stated all I can recall or care to state, in previous testimony. I believe I have nothing further to add to that.

Q. Sir, on behalf of General PEERS and the United States Army we sincerely appreciate your forthrightness, your honesty, and your cooperation this morning and we sincerely appreciate your coming to Washington and taking you away from your studies to assist us in trying to determining the facts and circumstances surrounding the My Lai (4) incident. Your cooperation and assistance has been extremely helpful to us. Anything to add, sir?

A. No, that's all I have.

LTC PATTERSON: The hearing is recessed.

(The hearing recessed at 1307 hours, 24 January 1970.)