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

Volume II TESTIMONY

BOOK 7

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REPORT OF THE DEPARTMENT OF THE ARMY REVIEW

OF THE

PRELIMINARY INVESTIGATIONS INTO THE MY LAI INCIDENT (U)

VOLUME 11

TESTIMONY

BOOK 7

LUCAS, W.	MOE	REUTNER
MANSELL	MULHERIN	RIDDLE
MEGRATH	NEWELL	RIVERA-MUNIZ
MILLIANS	RECTOR	ROGERS. P.

14 MARCH 1970

SUMMARY OF TESTIMONY

WITNESS: LUCAS, William P.

DATE OF TESTIMONY: 27 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Crew Chief, General KOSTER's helicopter, A Company, 123d Aviation Battalion.

The witness became General KOSTER's crew chief in November or December 1967 (pg. 4). He did not recall the specific change in command ceremony on 15 March (pg. 6). He did not recall the area of the operation (pg. 9). He recalled taking General DOLEMAN to Duc Pho (pg. 10), but did not recall bringing him back to LZ Dottie (pg. 12). He recalled landing on a beach near two Vietnamese bodies, dropping off KOSTER, and then returning in 15 minutes to pick him up (pgs. 15, 16). He could not tell how the people were killed but stated that he has a photograph of the incident (pq. 17). He located the bodies on Exhibit P-1 (pgs. 25, 26). He recalled bringing KOSTER to Quang Ngai approximately once a week (pgs. 19, 20). KOSTER would be picked up by an ARVN car (pg. 20). He did not recall hearing any discussions about the killing of civilians, an investigation, or an aero-scout incident (pgs. 22, 23).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
		Wit located the two bodies which	25
P-1	Aerial photo	he saw.	1 2 3
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(The hearing reconvened at 0925 hours, 27 February 1970.)

MR WEST: The hearing will come to order.

RCDR: The following persons are present: MR WEST, LTC PATTERSON, and MAJ THOMAS.

The first witness is Mr. William P. LUCAS.

(Mr. LUCAS was called as a witness, was sworn, and testified as follows:)

Please state you complete name, your occupation, and residence.

A. William Parsons LUCAS, Assistant Manager of Lum's Restaurant, 2362 North 24th Street, Lafayette, Indiana.

MR WEST: Mr. LUCAS, we appreciate your coming in. Have you read our Exhibit M-57 that explains the nature and purpose of the inquiry?

A. No, I haven't.

Q. I see. All right.

RCDR: I'll get a copy and bring it right up, sir.

MR WEST: Okay. The hearing will recess.

(The hearing recessed at 0926 hours, 27 February 1970.)

(The hearing reconvened at 0933 hours, 27 February 1970.)

MR WEST: The hearing will come to order.

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

MR WEST: Mr. LUCAS, during the recess, did you have an opportunity to look over our Exhibit M-57, which describes the nature and purpose of this inquiry?

(LUCAS) 1 APP T-392

- A. Yes, sir.
- Q. Do you have any quaestions?
- A. No, sir.
- Q. All right. Mr. LUCAS, I understand that you were a member of the Army on 16 March 1968.
- A. Yes, sir.
- Q. What was your grade and organization and where were you stationed at that time?
- A. I was specialist five, 123d Aviation Battalion. Did you want my occupation?
- Q. Could you speak up a little louder. The reporter is having difficulty hearing.
- A. Okay.

RCDR: Could you repeat that please?

A. Okay. I was Spec 5, 123d Aviation Battalion. My occupation was crew chief for the commanding general's aircraft.

MR WEST: I see. This was the 123d. What outfit was it a part of? What battalion?

- A. It was a battalion itself, sir, 123d Aviation Battalion.
- Q. Oh, I see.

LTC PATTERSON: You were in A Company, were you not?

A. Right, A Company.

MR WEST: A Company. And this was organic to the Americal Division?

- A. Yes, sir.
- Q. And you said you were crew chief on the command and control ship of the commanding general. This was General KOSTER?

- A. Yes. sir.
- Q. All right. Colonel PATTERSON, will you lead the interrogations, please?

LTC PATTERSON: Yes, sir. The purpose of your being here, Mr. LUCAS, is to help us ascertain, along with General KOSTER--he is having some trouble recalling certain events and things that took place during a particular period of time--to help us to fix, as best we can, incidents, times, and places of General KOSTER during the specific time frame 16 March through 19 March, and perhaps even some other assorted times later in the period of March 1968. Hopefully, you'll be able to recall specifics of times and specifics of places during the particular time frame that we're interested in, 16 to 19 March 1968. When were you assigned to A Company of the 123d Aviation Battalion?

- A. Well, it was when they first started, when they broke off from the 14th Battalion, I believe it was, and they became their own battalion.
- Q. From the 161st Aviation Company?
- A. Right.
- Q. Okay. When did your tour start in Vietnam?
- A. It was in--
- Q. (Interposing) Month is good enough.
- A. It was March, I believe.
- Q. March of what year?
- A. 1967.
- Q. 1967. By March of 1968, you'd had about a year in country?
- A. Yes, sir.
- Q. Were you on an extension?
- A. Yes, sir. I was extended 6 months.

- Q. You extended 6 months for what purpose?
- A. To stay on the job I was on.
- Q. Which was the crew chief for the commanding general's helicopter?
- A. Yes.
- Q. Now, when did you take over the duties as crew chief for the commanding general?
- A. I believe it was in November or December.
- Q. Of 1967?
- A. Yes, sir.
- Q. So by March, you had been with General KOSTER for 4 or 5 months?
- A. Yes, sir.
- Q. And who was General KOSTER's pilot, aircraft commander?
- A. Right then, I believe it was Mr. HOWE.
- A. Mr. HOWE. Okay. Do you know who his copilot was, Mr. HOWE's copilot?
- A. They changed.
- Q. All right. Well, to put you into reference first-and I'll be telling you certain things with the hope that what I tell you will jar some recall--Mr. WITHAM.
- A. Yes, sir.
- Q. Okay. During this time frame Mr. WITHAM and Mr. HOWE were flying together. Now, Mr. WITHAM hadn't been there too long, had he?
- A. No, he hadn't.
- Q. Okay. So if you can fix in your mind, now, that time frame about when Mr. WITHAM and Mr. HOWE were flying together

- A. I can remember them flying together so Mr. WITHAM could learn the procedures of everything, but I couldn't remember the date.
- Q. Yes, I understand. I am just putting you in the general reference of time frames. Now, on the 15th of March, 1968, we have reason to believe that General KOSTER flew down to Duc Pho early in the morning and there was a change of command ceremony at Duc Pho. General LIPSCOMB was departing. The change of command was right there on the helipad, and there was a parade and the band and the whole bit. Can you fix that?
- A. Well, I can remember a change of command ceremony, but there had been two or three of them while I was there.
- Q. Yes, but how many with generals?
- A. Quite a few of them, if I remember right.
- Q. Quite a few were generals? Leaving the brigades?
- A. I don't know about the brigades.
- Q. Yes. Now, this was at Duc Pho, not at Chu Lai, Duc Pho.
- A. Yes, I know. General LIPSCOMB, now he was over-he brought the 11th Brigade over, right?
- Q. Correct.
- A. I can't remember that.
- Q. You can't remember that change of command too well, about 0930 in the morning? General YOUNG was there. Colonel HENDERSON took over the command of the 11th Brigade on the 15th.
- A. I can remember the colonel, but--
- Q. (Interposing) You don't remember seeing a change of commander being--
- A. (Interposing) Well, I remember seeing change--well, they had two or three changes of command there.

- Q. No, this specific change of command ceremony?
- A. I can't remember that one.
- Q. Well, this was the day before the 16th, naturally, and on the 16th of March, there was an operation conducted by Task Force Barker. Does Task Force Barker mean anything to you?
- A. I've heard it.
- Q. What does it mean to you? What is Task Force Barker?
- A. Just an operation along the seaboard there.
- Q. I see. Well, Task Force Barker was a three-rifle-company-type battalion that was put together. It consisted of three rifle companies from three separate infantry battalions within the 11th Brigade. They were headquartered at LZ Dottie. LZ Dottie, as you see on the map, is just to the east of Highway 1, maybe 10 or 12, 14 clicks north of Quang Ngai. Do you recall landing in LZ Dottie often?
- A. Well, there for awhile we did land quite often through there, and, of course, we spent time there. I guess the general got briefings and everything.
- Q. Well, was LZ Dottie one of your regular stops, as it were?
- A. Quite often, yes. Usually, when he was on the south of Chu Lai, he usually stopped—that was one of his main stops when he went that way.
- Q. Yes. Now, Task Force Barker was only in existence for a short period of time, 78 days, from the end of January until the 8th of April. Now we are narrowing in on this time span and this time that we're interested in here. We have the change of command ceremony, and on the 16th, Task Force Barker kicked off this operation that we're interested in. Now, a little background for you. Prior to this time, Task Force Barker had been on one or two operations that you might be aware of. One of them was towards the end of February, 23 February 1968 and was in the same general area that the 16 March operation took place on. The 23rd of February operation, there was some armored personnel carriers, some

cavalry, and there was quite a bit of action in the area just to the southwest of Pinkville or, in other terms of reference, to the northeast of Quang Ngai. There were some people hurt down there, U.S. soldiers, and there were some high decorations awarded for this action, and especially for one lieutenant who was wounded and stayed aboard there. He was awarded a pretty good decoration. Do you recall anything about that one?

- A. No, I don't, not on the particular one.
- Q. Okay. On the 16th of March, at any rate, this Task Force Barker was making a combat assault into the area shown on MAP-1, into the orange area. This was going to be a normal combat assault, airmobile. Two rifle companies were being air lifted by the 174th, the Dolphins.
- A. That's down at Duc Pho, right?
- Q. Right. And some of the ships in the formation were from the 71st. Do you remember what they were called?
- A. Rattlers, I think.
- That's right. One of the companies of Task Force Q. Barker was using as a PZ, LZ Dottie. They came out with nine slicks and went into the area around My Lai (4), right here where this orange area is. This occurred about 7:30 in the morning and was preceded by an artillery prep, gunship suppression, and the works. Two lifts went into there using LZ Dottie Shortly afterwards, within the next hour, the company as a PZ. was lifted out of LZ Uptight and put into an LZ just to the southwest of Pinkville, My Lai (1), in this general area, again supported by an artillery prep. The artillery prep for both came out of LZ Uptight. The two units were air lifted and completed by 0830 hours in the morning. There was a third company of Task Force Barker that walked in overland into this blocking position, indicated on the yellow here. So by 8:30 in the morning there were three companies on the ground with the mission of pushing towards Pinkville. There was some smoke and there was, of course, artillery prep, and there were some gunships involved. In fact, some of the B Company folks, 123d, were over there, the aero-scouts. They had a mission of staying south of this 521 here and screening. A lot of aircraft were involved, and there were a lot of people watching.
- A. I can remember flying in through here. It was early in the morning, but it wasn't with the general. It was

with Colonel HOLLADAY. I believe that was his name. He was in command of the 123d Battalion. I remember flying in through there. There was a lot of aircraft through there one morning, it was real early in the morning.

- Q. When? Do you remember? Can you fix a time frame for it?
- A. Oh, it was 8:00, 8:30, in the morning. It was real early.
- O. How about a month?
- A. I couldn't say.
- Q. Well, was it while you were being a crew chief for the general?
- A. Yes, I believe it was. They had him on another ship or something. They had the general on another ship.
- Q. What do you remember seeing when you had Colonel HOLLADAY aboard?
- A. Well, we were right on the ground. We followed the gunships in.
- Q. What were the gunships doing?
- A. They was prepping the area.
- Q. Well, we have talked to Colonel HOLLADAY, and he doesn't think that this particular day was the day that he was out there. With what I've described here to you, do you have any feel for having seen anything such as this, or any part of it; recognizing, of course, that you could have been there at the beginning, or you could have been there in the middle, or you might not have been there at all.

(Mr. WEST leaves the hearing room.)

- A. Well, I can remember the operation and going into the area, but I can't remember the flights. Maybe my ship was grounded that day or something. I don't know.
- Q. Well, do you recall the geographical terrain that we're talking about here in this area?

- A. Uh-huh.
- Q. Can you picture in your mind what is designated on the map as Pinkville? Do you know what that looks like? Can you see that in your recall?
- A. I really can't.
- Q. Yes. Do you recall Hill 85?
- A. No.
- Q. There's a little flat-topped hill indicated there right on the map, just south of My Lai (4). There's an old outpost up on top of that hill.
- A. They didn't stay there very long?
- Q. No, they were in and out of there because that was pretty bad country.
- A. I think I recall that.
- Q. Okay. Just north of the hill, on across that dirt road called Highway 521, is that little hamlet, identified on the map as My Lai (4). It was just to the west of this subhamlet that this lift went in there, as you see on the map.
- A. There has been so many lifts that I could have seen.
- Q. Well, we know that General KOSTER arrived at LZ Dottie at 0935 in the morning of the 16th. Now, when he arrived, Colonel HENDERSON, commander of the 11th Brigade, was already present at LZ Dottie. His C&C ship was there, shut down, flown by Mr. COONEY of the 174th, with a 174th Dolphin bird. What we are trying to ascertain and what General KOSTER would like to know is whether or not before he landed at LZ Dottie, he was over this area and saw what I have told you transpired, prior to the time he landed at Dottie. Do you have any recollection of it?
- A. No, I don't. I can't recall. It's hard to say because we was in and out so many places with him.
- Q. Okay. Let's see if I can fix the day, now, and then we'll go back to this a little bit, go back to the time. On this day a lieutenant general by the name of DOLEMAN, who was

a retired lieutenant general, was visiting and came in in the afternoon. He stayed overnight with the general, and the next morning, on the 17th, you all took him down to Duc Pho the first thing in the morning, General KOSTER, General DOLEMAN, your ship.

- A. I can remember that.
- O. You do remember General DOLEMAN?
- A. I believe he was--well, he didn't have nothing on.
- Q. Right.
- A. I mean he just--
- Q. (Interposing) He was a retired lieutenant general.
- A. Yeah. I remember taking him down there, and I think we stayed and had lunch down there, I'm not sure. But I can remember taking him down there.
- Q. That's down to Duc Pho.
- A. Uh-huh.
- Q. The 16th is the day before. He came in in the afternoon, General DOLEMAN did, in the afternoon of the 16th. And you also took him to Dottie on the afternoon of the 16th.
- A. I can't recall that.
- Q. Can you recall, at any time during your tour and when you were flying with General KOSTER, being over this particular geographical area, and being aware that U.S. troops were on the ground in the My Lai-Pinkville area?
- A. I can remember flying in the area, but as far as the lift goes in and all this, I can't recall that.
- Q. Yes. What do you recall about flying in the area?
- A. I know we landed on the beach. I believe it was early one morning because—no, that's when they had something. They had found a—they had a cache of weapons or something, I think. We landed on the beach and then they walked, oh, half a mile or so, west.

- Q. Inland?
- A. Uh-huh. To check something, if that's in the same area, which I think it is.
- Q. Well, do you recall at any time orbiting over this area, around and around?
- A. No. So many times, I did do it.
- Q. Over this area you orbited quite a few times?
- A. No, I mean so many different times that we orbited--
- Q. (Interposing) Yes. That you orbited. Well, I'm trying to fix, now, this geographical area and an orbit and trying to see if you can recall any orbits over this area. The Quang Ngai river, of course, is a prominent feature. It runs right from the coast into Quang Ngai City, and there is Route 1. Then there is, of course, the Song Diem Diem River just to the north there. The two rivers kind of put this area a little separate. In addition, you may have heard that this generally was considered to be the 2d ARVN Division area of operation. The 2d ARVN Division was located at Quang Ngai.
- A. Uh-huh.
- Q. U.S. troops didn't often go into this area because it belonged to the ARVN's. Most of the U.S. troops operations were north of the orange borderline there, the Diem Diem River, in the proximity of Dottie and Uptight, but the 4/3 being off to the west of Highway 1.
- A. I really can't recall going into there. Of course, there were so many--do they still have that sheet of where they went? I know Mr. WITHAM and Mr. HOWE used to fill the sheet out of each stop they had, mission sheet I believe it was called. They didn't--
- Q. (Interposing) No, not 2 years later. We can't seem to put our hands on that. Those kind of records are not kept very long. Well, as I told you, it was 0935 when the general arrived at LZ Dottie. He was there for 15 or 20 minutes. When he arrived there, Colonel HENDERSON was there, as I've indicated to you, and while the general was there and Colonel HENDERSON, a Colonel BARKER, lieutanant colonel who was running

the operation down here, came into Dottie with three wounded U.S. soldiers aboard. As he came in, he jumped off the ship, and his C&C ship went on up to Ky Ha to the med-pad. Colonel BARKER got off there at Dottie because the general was there with Colonel HENDERSON. Does that help you to recall?

- A. No, it doesn't.
- Q. You don't seem to recall anything about that particular meeting, stopover, at LZ Dottie, 0935 until about 0950 on the 16th?
- A. No, I don't.
- Q. You do not recall any overflights over the operational area of Pinkville-My Lai (4)?
- A. No.
- Q. In the afternoon, the general went to Duc Pho at about 1510 hours and stayed there for about 20 minutes.
- A. I don't recall that.
- Q. Then he went with General DOLEMAN from Duc Pho back to Dottie and landed at Dottie at about 1645 hours and stayed there for about 30 minutes, which would have put him a little tight on his getting back to Chu Lai for his staff briefing, which he was usually pretty punctual about.
- A. I don't recall that.
- Q. General DOLEMAN was aboard, and they did go to Dottie and land at Dottie and were briefed. And it's an assumption that en route from Duc Pho to Dottie they overflew this operational area.
- A. I don't recall that.
- Q. The general recalls being over the operational area en route to Duc Pho sometime prior to 1500, or right at 1500. He recalls talking to a ground commander, a man in charge of this operation, and issuing instructions to him.
- A. Yeah. Most when he was--is this on the ground, now?

- Q. No. He was airborne at the time.
- A. I see. I didn't--
- Q. (Interposing) All you were monitoring was intercom?
- A. Yeah, that's all I monitored. See, he had separate radios.
- Q. Yes. They were console. Well, do you recall any of this landing at Duc Pho in the afternoon with General DOLEMAN and then going up to Dottie for a briefing with General DOLEMAN and then returning back to Chu Lai about 1715 to 1720 hours?
- A. No, I don't.
- Q. On the 17th, the next day, which was a Sunday, General DOLEMAN with General KOSTER arrived at Duc Pho again about 0825 hours.
- A. This is the 17th, right?
- Q. 17th, yes. This is the next day. We've gone from the 15th, the change of command at Duc Pho; the 16th, the operation, the pickup of General DOLEMAN, the briefing with General DOLEMAN at Dottie; the next day they flew General DOLEMAN down to Duc Pho, and he was briefed there at Duc Pho by the 11th Brigade personnel. This was at 0830 in the morning. It was a healthy start for you all to get down there, not particularly unusual. But this General DOLEMAN was aboard, and this is when you went down there. You were there for about 45 minutes.
- A. I can't recall that.
- Q. Can you recall the flight down to Duc Pho with General DOLEMAN for any reason?
- A. Well, I can recall him, himself. But as far as the flights, of course, we flew back and forth so many times, but I can remember flying over this area. I don't think it was real early in the morning. I really don't think it was.
- Q. What time do you recall it being?
- A. I can't set a date on it.

- Q. Well, what do you recall seeing? How come you can recall flying over this area?
- A. I can recall coming in and landing.
- Q. On the beach?
- A. No. Well, I remember landing on the beach one time. We landed inland a little bit. And this was about maybe 10:00 in the morning, but I don't know the date.
- Q. Yes. What was the reason for him landing?
- A. They had had some action down there. It was in a small village, not too big a village.
- Q. Why do you recall landing there that particular time?
- A. There was some bodies laying around.
- Q. You saw some bodies laying around?
- A. But not--you know, a few on the road, and some along the side.
- Q. Dead?
- A. Uh-huh.
- Q. Vietnamese?
- A. Yes.
- Q. What were their ages and sexes?
- A. I really couldn't recall that.
- Q. Were they soldiers?
- A. No.
- Q. Were they VC?
- A. I couldn't say that either because--
- Q. (Interposing) Well, I mean, were they males?

- A. Both, I believe.
- O. Both what, males and females?
- A. Yes.
- Q. How about ages? Did you notice whether any were small or old?
- A. No.
- Q. How long was he on the ground at this time?
- A. Well, we let him off and went up and came back down.
- Q. You took off again and came back down?
- A. Uh-huh.
- Q. Who met the general on this particular time?
- A. I really don't know.
- Q. Was it an officer?
- A. I believe it was.
- Q. Senior officer or a lieutenant or a captain or what?
- A. I don't know. Of course, whenever we landed there was always somebody to meet him.
- Q. But do you recall landing in this area somewhere?
- A. Uh-huh.
- Q. Now, did you and the crew talk about this any?
- A. No. I've got some--of course, you know, we always carried our camera with us. And I think I might have some pictures of something like this. Of course, I couldn't swear to it because I haven't had them out.
- Q. Do you think you might have some pictures of the time you landed there?

- A. Yes.
- Q. We would very much like to see those. If you would send them in to us, we'll give you an address and give you a self-addressed envelope. We would like to look at them and perhaps reproduce them and send them back to you. if that would be all right.
- A. Yes.
- Q. Now, I'd like to go back here. Did you talk to Mr. WITHAM or Mr. HOWE about what you had seen?
- A. No, I don't recall that.
- Q. Well, Mr. WITHAM recall this landing. He recalls these bodies, which makes it very interesting because here you recall it and here he recalls it. I take it that you didn't land too many times where you saw bodies like that. How long was the general on the ground?
- A. Oh, maybe between 10 to 15 minutes, something like that.
- Q. Yes, and you went airborne again?
- A. Uh-huh.
- Q. Now, how close were you to these bodies?
- A. Oh, I know when we took off, there were some on the road.
- Q. Did you land on the road, or did you land--
- A. (Interposing) No, we landed in a--it was more or less like elephant grass or something like that.
- Q. And there was a road where these bodies were, right?
- A. There was only a couple bodies on the road.
- Q. Yes.
- A. There was some on the sides. There was one in a--

they just lay in different places.

- Q. Yes. How many would you say?
- A. I believe there were two on the road, and just-well, where the artillery hit, it looked like there were some
 inside of that where they were maybe taking cover or something.
- Q. Yes. Did you get a good look at the bodies?
- A. No.
- Q. Just a passing glance?
- A. Uh-huh.
- Q. You didn't see whether or not they were torn up badly or whether they weren't?
- A. No, I didn't.
- Q. Could you see the difference between a grenade and a rifle?
- A. No, I didn't see that.
- Q. Have you got these bodies on the road fixed in your mind? Can you still see them?
- A. Pretty well.
- Q. How were they dressed?
- A. There weren't any uniforms.
- Q. What color of clothes did they have?
- A. I don't recall that.
- Q. You can't recall that. What do you recall about what you saw? Can you describe them to me?
- A. No, I couldn't. I know I've got a picture of that area, now, at home.

- Q. You do. Well, Mr. WITHAM and Mr. HOWE recall, at some time during the time they were flying the general, being down over this area and making orbits out over the coast, orbiting in this manner. Right-hand orbits is what they recall because the general used to sit on the right.
- A. He sat on the right side.
- Q. Where did you sit?
- A. I sat on the right side.
- Q. Which is different than usual, isn't it?
- A. Uh-huh.
- Q. Because you were the crew chief, who usually sits on the left, but you sat on the right because that's where the general sat, and you could man your weapon over there. They recalled this orbiting for some period of time in this area. And they recall it specifically because they were out over the ocean making this orbit, orbiting just in this area. They recall seeing a lot of smoke on the ground, burned out area?
- A. There have been so many times that we orbited, I can't recall.
- Q. Well, they recall the area because it was supposedly hostile area, bad country so to speak, certainly not a training area; and because the area was pretty well burned off and there was a pretty sizable portion of the area there. That's what, 4 or 5 kilometers?
- A. Uh-huh. I don't recall that.
- You don't recall that. On the 18th of March, which was Monday, the general visited Dottie on one occasion, somewhere around 1345 and didn't stay very long again. He was there 15 or 20 minutes, then departed and went on down, probably to Duc Pho.
- A. I don't recall that.
- Q. Do you remember when General KOSTER went on R&R?

- A. I can remember him going.
- Q. He went on the 28th of April, a month later than this. Gone for--
- A. (Interposing) That's when the sergeant major had the plane crash, wasn't it? When the sergeant major got--
- Q. (Interposing) Of the division?
- A. Uh-huh.
- O. I'm not familiar with that.
- A. I remember him going, because we had a little time off.
- Q. Yes. Do you recall landing in Quang Ngai City at any time?
- A. Well, quite a few times.
- Q. Where did you usually land there at Quang Ngai?
- A. That was right there at the division, right there beside the river.
- Q. Well, in the soccer field or in a--
- A. (Interposing) Yeah, in a soccer field. No, it wasn't a soccer field. It was back by the headquarters, I believe it was.
- Q. The little pad there, the Tropo Pad?
- A. Uh-huh.
- Q. Did you ever land in the athletic field there, soccer field, whatever it was?
- A. Well, a few times, but we never did land there that often.
- Q. Yes. How often would you say the general went down there? Did he get down there once a month or more often

than that?

- A. Well, probably about once a week, I imagine.
- Q. About once a week. Do you recall going down there more often than that in any period of time?
- A. No. I don't recall.
- Q. You know Quang Ngai City had a bad time there during Tet. In the very early part of February they had a rather bad episode.
- A. I don't recall that either.
- Q. Do you remember who the general used to see down there? Do you recognize anybody, or did you know anyone there at Quang Ngai?
- A. No, he usually just stayed right there at the pad.
- Q. Who came out to meet him?
- A. Well, it was usually in a car.
- Q. ARVN or was it U.S.?
- A. It was ARVN.
- Q. ARVN. Do you ever recall hearing any conversations?
- A. No.
- Q. Who used to ride with the general in his ship as a normal course of events?
- A. Of course, his aide and--
- Q. (Interposing) Lieutenant DICKENS?
- A. DICKENS. That was his last one. There was Captain ROBERTS.
- Q. Yes. He was another one. Who else?

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- A. Well, the sergeant major flew with him, not real often, but quite a bit. That's about it.
- Q. You didn't often take any of the staff, like Colonel BALMER?
- A. No, not too often. He always went by himself.
- Q. Do you ever recall hearing the general give any instructions while you were around him to anyone. I mean orders concerning combat operational activities?
- A. No. As far as I know, all this took place in briefings and things.
- Q. Yes. You never were privy while he was standing outside the helicopter getting ready to mount in, him talking with anyone and you overhearing it?
- A. No, I don't recall that.
- Q. Did you ever hear the general give an order that countermanded an order given by someone else? This was rather unusual.
- A. No.
- Q. In the April time frame, now, just before the general went on R&R, do you recall him making more frequent trips to Quang Ngai?
- A. No.
- Q. Did you ever hear, Mr. LUCAS, any talk by the crew, Mr. HOWE, Mr. WITHAM, your gunner, yourself, aide, concerning anything that didn't seem quite right that occurred down here in this area?
- A. I don't know about this area, but Captain ROBERTS used to get with Mr. HOWE and Mr. WITHAM and get the map out and tell them what they was going to do. But, of course, this was nothing to me, you know. I tended my own business, usually.
- Q. You don't recall hearing anything about, perhaps,

what you had seen. You saw sometime some bodies down there. You don't recall hearing any discussion about that?

- A. No.
- Q. Do you recall hearing anything about killing civilians, with reference to Task Force Barker or C/1/20?
- A. No, I don't recall anybody.
- Q. You don't recall hearing anything about it?
- A. No.
- Q. B/4/3?
- A. No.
- Q. Anything about Pinkville, the area of Pinkville?
- A. I've heard the name Pinkville, but, you know, this was--
- Q. (Interposing) Recently in the publicity, I would assume?
- A. Well, there too, but it was just--I more less just had it as a job, do my job. And I just kept things pretty straight with myself.
- Q. Did you ever hear anything about an investigation being conducted concerning any activities of any U.S. soldiers or units, concerning Task Force Barker, Pinkville, My Lai, Quang Ngai-Dottie area?
- A. No, no, -- investigation.
- O. Never heard any talk about any of this?
- A. Not that I can recall. Something might have been said and I forgot it.
- Q. Yes. How about within the battalion or within your company?

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- A. No, I can't recall that.
- Q. You recall, I told you that the aero-scouts were involved that day. They had some good little activity there on Hill 85. They found some mortar rounds. They went in there and they put in their infantry. They call them the "animals" over there in B Company. They put their infantry in, and they blew up some mortar rounds. They had quite a time for themselves. This is right after they were formed into this aero-scout business, right after they became known as aero-scouts, Warlords.
- A. The aero-scouts, now, they had their own lift, I believe.
- Q. Yes.
- A. I don't recall that.
- Q. There was a lot of talk over in B Company, the aero-scout company, reference this 16, 17, 18 March operation. One of the little scout ships, Mr. THOMPSON, H-23 bubble, and some of the gunships who used to be known as Scorpions got involved over in here. They saw things and they reported things and they took part physically in what was going on down here. Do you recall hearing anything about that?
- A. No. I don't recall any of that.
- Q. No rumors amongst the enlisted fellas?
- A. Of course, we were separated, see.
- Q. Yes. But still in all, you socialized at night together down there, I imagine.
- A. I didn't do too much of that.
- Q. You didn't?
- A. No.
- Q. Do you know a young man by the name of COLBURN over in B Company?

- A. No.
- Q. ANDREOTTA? A guy by the name of CHRISTINE?
- A. No.
- Q. You never heard any rumors or never had any inkling that anything was wrong or had occurred or might be wrong with operations in this area?
- A. No, I can't recall that.
- Q. What about the time that you landed in there, now? You saw these things. You don't recall any talk about that particular operation?
- A. No.
- Q. To the best of your knowledge, you never heard any talk about any investigations?
- A. No, I haven't.
- Q. Or any wrong doings in this area?
- A. No.
- Q. The general never mentioned anything?
- A. I never talked to the general that much.
- Q. As I understand it then, Mr. LUCAS, you don't recall any of the events that I've indicated to you with reference to specific dates, 16, 17, 18 March?
- A. No. All I can remember is landing in there and seeing the bodies. Of course, they was noticeable, but that was about it.
- Q. Did you see them when you were on the ground or after you started your takeoff?
- A. After we started our takeoff.
- Q. You think you have pictures of these things?

- A. Uh-huh.
- Q. Would you be willing to send them in to us?
- A. Yes. I would.
- Q. Is there anything about this area, Task Force Barker, that you think we should know about that might assist us in trying to help General KOSTER fix where he was or might have been, or conversations he might have had with any individuals involved in this operation?
- A. Most of his talks and things like that usually took place outside the aircraft.
- Q. I understand that. Just anything that you might have overheard that kind of locks in your memory?
- A. No, I can't recall anything.
- Q. Well, before we adjourn, sir, I'd like to give you an opportunity to ask any questions that you would like. I'll try to respond to them. Also, if you'd care to make a statement for the record, I would like to give you this opportunity to do so.
- A. No, I don't have anything. Well, of course, this has been 2 years ago, and it's kind of hard to remember. Of course, I went so many places and circled so many area. About the only thing I can say definite is we did land in that area.
- Q. Can you picture where you landed?
- A. I can remember that it was in more or less high grass.
- Q. Yes.
- A. I think--
- Q. (Interposing) I'd like to show you aerial photograph, P-1. This is an aerial photograph of My Lai (4). It's taken vertically, now, and here's Hill 85.
- A, Okay.

- Q. This is 521. Route 1, of course, is over here. North is at the top. The day you landed, was it in this general area?
- A. I know there was--it wasn't a big village.
- Q. Yes.
- A. It was small.
- Q. Yes.
- A. Of course, there—I don't know if you would call it a road or what, but the village was kind of off like this, maybe something of this sort like this. Right here was, I believe, two bodies. Of course, there was two—I imagine they were civilians—were standing there.
- Q. Yes. They were just standing there by the bodies?
- A. They was getting ready to carry the bodies off.
- Q. Yes.
- A. I did take pictures of the two bodies there. Of course, I couldn't really say which area it was in.
- Q. Yes. Was it close to the coast?
- A. No.
- Q. It was inland?
- A. It was inland.
- Q. Do you recall the direction of your landing by any chance?
- A. It was to the east.
- Q. You landed to the east. And was the road parallel to you?
- A. Uh-huh.

- Q. Or perpendicular? Parallel to your landing.
- A. As we took off, I took my camera and just snapped a picture.
- Q. Yes. Were there troops on the ground, friendly troops?
- A. Yeah.
- Q. Did they have to secure an area for the general?
- A. I believe they did.
- Q. Do you recall who else was aboard with you?
- A. Just, I believe--
- Q. (Interposing) Not crew, but I mean the--
- A. (Interposing) I believe the aides stayed on. I believe it was Captain ROBERTS then. Of course, they changed aides, but I don't remember the date they changed. I believe it was Captain ROBERTS, I'm not sure.
- Q. You believe it was Captain ROBERTS.
- A. I can't say for sure for that.
- Q. Yes.
- A. And he stayed on, I believe.
- Q. And he was the only one?
- A. Uh-huh.
- Q. No one else was with you all?
- A. Not that I recall, unless maybe the sergeant major was with us. Of course he went-
- Q. (Interposing) Did Captain ROBERTS see the bodies, do you know? Did he say anything? Did you point them out to him?

- A. No, I can't remember nobody pointing them out.
- Q. Well, perhaps if you'll send us those pictures, it'll help us to identify the area and so on. Well, is there anything that you would like to say or any statement you'd like to make?
- A. No.
- Q. I'd like to ask you and request you that you remember the instructions that you've read on this document, Exhibit M-57, with reference to discussing what we have talked about here with other persons. Some of the information that I've given you is a little bit sensitive for public consumption at this point in time.
- A. Yeah, I realize that.
- Q. However, should you be called by any other properly constituted body or before any properly constituted military organization or individuals with proper credentials, these directions do not preclude you from talking to them and telling them what you know. Here, I'm referring to any interrogations by the CID or courts of law or even legislative Congressional committees. Should you be called or asked to testify, these directions of not discussing your testimony with others does not apply in those cases, of course.
- A. Okay.
- Q. If you do have any questions or are asked to discuss this incident and your functions there, we can clarify them immediately if you'll just contact us by telephone, collect.
- A. Okay.
- Q. Is there anything that you'd like to say?
- A. No, sir.
- Q. This hearing will recess.
- (The hearing recessed at 1030 hours, 27 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: MANSELL, Charles H.

DATE OF TESTIMONY: 9 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: 123d Aviation Battalion

(aero-scout)

1. ASSAULT ON MY LAI.

a. His participation.

The witness, who had been in the company from the time it was formed until 13 September 1968, testified that on 16 March 1968 he was in a UH-1B, but did not remember if he was the aircraft commander, or the "peter pilot" (pg. 3). From his records, he knew he flew 5.6 hours that day, but did not recall at what time in the morning he was present over My Lai (4) (pgs. 5, 6). He did not recall whom he flew with, or if he flew high gun or low gun (pg. 6). He did see a Shark gunship firing to the south of My Lai (pgs. 4, 5, 6). He stated that it was possible some of his flight time occurred during the afternoon while flying a test flight (pgs. 15, 16). Aside from the firing of the Sharks, the only incidents the witness recalled were the spotting of mortar rounds on the top of Hill 85 (pgs. 5, 7), and the escorting of Warrant Officer THOMPSON and wounded child to the hospital (pgs. 4, 7). He did not recall any radio conversations that took place that day, but agreed that he was probably notified by radio to escort THOMPSON (pg. 8). He described the location of THOMPSON's landing at Quang Ngai and after 10 to 15 minutes their return to LZ Dottie (pgs. 8, 9).

b. Later flights over the area.

He thought he flew over the area the next day

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at which time he saw dead bodies in My Lai (4) (pgs. 10, 11), and a mass evacuation of the **civilians** in the area to the south (pg. 10). He did not recall going back to the area the afternoon of 16 March (pg. 15).

c. His discussion with THOMPSON.

The witness stated that he shared a hootch with THOMPSON and was told about three incidents that occurred at My Lai (4) (pg. 13). He recalled them as being, first, THOMPSON's noticing a wounded girl and a captain going over to her and shooting her (pg. 13). The second incident was when THOMPSON landed his helicopter when he saw some personnel in bunkers, and, informing his gunners to fire at the advancing troops if they fired on him, THOMPSON then called the people out of the bunkers and "either led them to safety or called in a gunship to evacuate" (pgs. 13, 14). The third incident was the picking up of the wounded boy and the carrying to the Quang Ngai hospital (pg. 14). The witness felt that THOMPSON was quite upset by the incident with the wounded child and was also quite angry with the captain was on the ground (pg. 14). The witness did not recall THOMPSON's LOH hitting a tree, or chipping a blade causing him to land (pg. 18). He did recall one time when THOMPSON lost a cap off a rotor blade but did not remember if it was on 16 March (pg. 21).

2. INQUIRIES CONCERNING THE ASSAULT.

Aside from discussing the incident twice with the CID, the witness did not recall talking to anyone else about it (pg. 3). He stated that he remembered being told that THOMPSON reported to a colonel, but did not know who the colonel was (pgs. 14, 15). The witness felt that THOMPSON was not satisfied about how the matter was handled and recalled a comment of THOMPSON's that "it was probably going to be hushed up" (pg. 23). The witness was not questioned by his commanding officer, but recalled Major WATKE talking to them (pg. 19). The witness did not report the incidents, because he did not see anything and felt that THOMPSON in reporting to the colonel, would have told the complete story (pg. 20). He stated that another pilot, Lieutenant LIVINGSTON, did discuss the incident with someone (pgs. 20, 21).

3. OTHER INFORMATION.

The witness discussed at length where he could test fire weapons at LZ Dottie (pgs. 16, 17), and in Chu Lai (pg. 19).

EXHIBITS

EXHIBIT			
NUMBER	DESCRIPTION	NOTES Wit located the	PAGES
5 4	GI I I I S TEL Dalida		17
0-4	Sketch of LZ Dottie	test fire area.	1 /
		Wit oriented to	
P-1	Aerial photo of My Lai	the area and state	<u>d</u>
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(The hearing reconvened at 1515 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.

The next witness is Mr. Charles H. MANSELL.

(CW2 MANSELL was called as a witness, was sworn, and testified as follows:)

RCDR: Mr. MANSELL, would you state for the record your full name, grade, Social Security number, branch of service, organization, and station?

A. Charles H. MANSELL, CW2, Warrant Officer, Aviation, Armored Cavalry Troop, 6th Armored Cavalry Regiment, Fort Meade, Maryland.

RCDR: Thank you.

A. Yes, sir.

IO: Mr. MANSELL, before we begin with any questioning, I would like to inform you of several matters. This investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the United States Army for determining the facts and making findings and recommendations concerning two matters:

- (1) the adequacy of prior investigations and inquiries into, and the subsequent reviews and reports within the chain of command, of what is now commonly referred to as the My Lai incident of 16 March 1968, 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 as to what happened at My Lai. It is directed to those specific purposes which I have just mentioned. Do you have any questions on that?

A. No, sir.

Q. I have had made available to me and have reviewed prior official statements obtained in other official investigations of the My Lai incident, including the previous state-

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ment which you have made.

- A. Yes, sir.
- Q. Your testimony here today will be taken under oath. A verbatim transcript will be prepared. A tape recording is being made in addition to the verbatim notes which are being taken by the reporter.

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

There are other people at this table who may address questions to you. On my left is Mr. Robert MACCRATE, who is a civilian attorney and he has volunteered his services to the Secretary of the Army, to assist me and provide legal counsel for me and other members in the investigation. He may address questions to you. On my right is Lieutenant Colonel PATTERSON, who has been assigned to this investigation to assist me in the conduct of this investigation. He, likewise, may address questions to you.

You are ordered not to discuss your testimony in this investigation with others, including other witnesses for this investigation, except in performance of official duty or as 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 general court-martial case of the <u>United States v. Calley</u>, that your appearance here in no way changes the applicability and the effect of that order.

I don't believe, to the best of my knowledge, that you have been cited in the case of the <u>United States v. Calley</u>. Is that correct?

- A. Yes, sir.
- Q. Mr. MANSELL, what was your duty assignment on the 16th of March, 1968?
- A. I don't really remember, sir. I was flying at one time during that day. I was flying in the vicinity of My Lai,

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but I don't remember if I was an aircraft commander of a UH-1, or if I was a "peter pilot" of a UH-1B gunship.

- O. What unit were you assigned to at that time?
- A. I was assigned to the 123d in the Americal Division.
- You were assigned to the aero-scout company?
- A. Yes, sir.
- Q. And, how long had you been in this company?
- A. I had been there since it was formed. I was in the 161st prior to that, and then they became the 123d.
- Q. Now, when was that?
- A. It was either in late December or around the 1st of January 1968.
- Q. How long did you stay with the aero-scout company?
- A. I stayed with them until 13 September 1968.
- Q. After the time the My Lai incident broke into the news media, the newspapers, television, and radio, and so forth, in the later part of September or October of this year, have you had any conversations with anybody concerning what might have taken place at My Lai, or your participation in it? Here I am referring to within the company, within the brigade, the 11th Brigade, Task Force Barker, or within the Americal Division.
- A. No, sir. Not to my knowledge. I don't remember talking to anyone other than as possibly ordered to up there in the room before I came down. I did talk to the CID, though, twice.
- Q. Yes, I understand that. You indicated that you weren't sure what kind of a ship you were flying that day?
- A. Yes, sir. I'm sure I was in a UH-lB, but I don't remember if I was the aircraft commander, or the "peter pilot" of the aircraft.

- Q. You were flying a gunship, though?
- A. Yes, sir.
- O. Do you remember what time of day you were flying? Did you fly more or less early in the morning, in the middle of the morning, or later in the morning. When did you fly?
- A. As near as I can recall, sir, it was later in the morning. The only thing that I vividly actually remember was escorting Warrant Officer THOMPSON to the hospital with the child that was wounded.
- Q. Well, would you describe to the best of your recollection what transpired while you were flying that morning?
- A. Yes, sir. Since I talked to the CID and everything, it is really hard for me to determine which actually happened and what I did see. But, the only things that I can remember actually seeing was that at one time I saw a Shark gunship firing south of My Lai, and I did see-
- Q. (Interposing) You saw some Shark gunships firing south of My Lai?
- A. Yes, sir. In the vicinity of the road south of My Lai. But, I didn't see what they were shooting or firing at.
- Q. Well, now, just a minute. We have here a photograph of My Lai Village (Exhibit P-1). Here is Hill 85 (indicating). Here is Highway 521 (indicating). That runs to the southwest of Quang Nai City, and runs off to the northeast in the vicinity of My Lai (1), or the Pinkville area, as you know it. Here is the road that connects it with the village, and the irrigation ditch, and so on (indicating). Now, about what area did you see the firing going on?
- A. It was in this area right along in here, sir.
- Q. Generally along the road here (indicating)?
- A. Yes, sir, along the road and to the south. Like I say, I can't state specifically what area. I can give a

general area, but I didn't know what their targets were.

- Q. Did you see the Shark gunships? Are you sure they were Shark gunships, now?
- A. Yes, sir.
- Q. And, they were working generally along the road here, and to the south?
- A. Yes, sir.
- O. What time of day was that?
- A. It was in the morning sometime, sir. Now, what part of the morning, I don't remember.
- Q. Are you sure you didn't also fly the first escort with Warrant Officer THOMPSON.
- A. No sir, I'm not sure whether I flew that or not. I don't remember.
- Q. Do you recall breaking away from that area and going south of Hill 85, and scouting around down along the Song Tra Khuc River for a while, and then coming back and spotting some mortar rounds on the top of Hill 85?
- A. I remember flying around there when we did spot the mortar rounds, but I don't remember if I was on the one that initially found them, or if I came out after. I was there when the slicks did send the "grunts" in. I remember that. I remember seeing that.
- Q. The information that we have is that in the My Lai area, the Sharks left this area fairly early in the morning.
- A. Yes, sir.
- Q. That they left there at 0900, maybe 0915, but no later. So, I'm wondering if perhaps you might not have flown with somebody early in the morning and perhaps later in the morning as well?
- A. That's very possible, sir. I did fly 5.6 hours

that day.

- O. How do you know that?
- A. I checked my flight records, sir. And, it was all in a UH-1B. And, there is a possibility that I did some test-flying that day in some other aircraft. But, I don't remember.
- Q. That's quite a bit of flying for a gunship?
- A. Yes, sir. We did get quite a bit of flight time when we became the scouts. It wasn't very uncommon at the time.
- Q. Do you recall early in the morning when you were flying with BROWN or BAKER?
- A. No, sir. I don't recall who I was flying with.
- Q. Do you remember whether you were flying high gun or low gun?
- A. No sir, I don't remember.
- Q. Well, you do remember seeing the firing by the Sharks south of My Lai?
- A. Yes, sir. I am very sure I did. I don't know--
- Q. (Interposing) Did you ever fly with Major WATKE?
- A. I don't remember flying with him.
- Q. Do you recall his being a pilot in one of the guns early in the morning?
- A. Yes, sir. I know that he was after talking with the CID. I was asked a month ago to remember all the names and everything. The last time I went in, to try to jog my memory, he mentioned some people who were flying that day; but I don't remember specifically whether he was flying that day or not.
- Q. Well, later on we will try to get this straightened out by having Colonel PATTERSON talk with you to try and decide

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who was flying with you that day. We do have a fairly good idea who was flying with you, but it is a little difficult to get everybody married up.

- A. Yes, sir.
- Now, tell us about what happened later on.
- A. Well, I guess it was somewhere around noon when we escorted that OH-23 to the hospital.
- Q. Well, just a minute. There's a lot more to the story before we get down to escorting that 23 to the hospital. If you were on station with that 23 at the time--
- A. (Interposing) Well, that's the thing. I think I was sat down when he picked up this child and married up with him in the air en route to the hospital. Because, I don't remember seeing him on the ground at all. I mean, I can see him right now, but I couldn't tell you the area he sat down in.
- O. What do you mean "see him right now"?
- A. In my mind I can see him sitting on the ground doing the things he said he did, going and picking up the child. But, I couldn't tell you where it was, so I must not have seen him. I mean it was hard for me to determine what I actually saw, because I lived in the same hootch as Warrant Officer THOMPSON.
- Q. Well, if you had been there, your discussion with THOMPSON would have more or less reinforced you, wouldn't it?
- A. Yes, sir. But, I couldn't have been there all morning. And, my not being able to tell you where he sat down would indicate to me, in evaluating myself, that I didn't actually see him on the ground. The things I vividly remember is that I do remember the slick sitting down on Hill 85; and I for sure remember following Warrant Officer THOMPSON to the hospital; and I do remember the Sharks firing. But, anything else that happened, I can't actually say, "Yes, I saw that."
- Q. Well, you were also tuned in on your radio, weren't you?

- A. Yes, sir. I don't remember any conversations at all that day.
- Q. Not even later on in the morning before you hooked up with THOMPSON and escorted him?
- A. No, sir. Not that I can put my finger on, and say that somebody said something. I'm fairly sure that I remember at the time that we escorted THOMPSON and that he was taking a child to the hospital.
- Q. Well, how did you know that?
- A. Well, probably by a radio transmission, either directly to me, my ship, or on intercom. It could have been told to me on intercom by the other pilot.
- Q. You don't recall hearing any conversations between the gunships and the people on the ground about what might be happening in their area?
- A. No, sir.
- Q. Were you present when another gunship landed and picked up some people and flew them back to somewhere south of My Lai (4)?
- A. No, sir. I don't remember that at all.
- Q. When Mr. THOMPSON landed at Quang Ngai, where did he land?
- A. He landed right at the hospital on the east side of the hospital.
- Q. Was there a pad there?
- A. I think there was just an open area there. I don't remember a pad there. It was just an area he sat down in, sir. I don't remember seeing a heliport.
- Q. Did you sit down too?
- A. No sir, I stayed in the air.
- Q. How long was Mr. THOMPSON on the ground?
- A. I think it was just 10 or 15 minutes. I don't

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remember for sure, sir.

- Q. And, what happened after that?
- A. I think we just went back to Dottie and didn't fly anything any more that day. I don't remember. I don't remember flying at all afterwards that day.
- Q. Were you present when THOMPSON landed?
- A. No, sir. Because, I don't remember seeing him with blood on him.
- Q. Well, suppose he didn't have blood on him?
- A. Well, I don't remember. After talking to other people--maintenance people, that were there at the time, I might have seen him when he got to his hootch. But, I didn't see him get out of his helicopter.
- Q. Did you talk to him there at all?
- A. At the hootch?
- Q. At LZ Dottie.
- A. I don't remember talking to him at LZ Dottie, no, sir. I remember talking to him at the hootch after. I guess it was later in the afternoon he explained everything then.
- Q. Were you near him when he talked to Major WATKE?
- A. No, sir. I don't think I was. I don't remember any conversation between him and Major WATKE.

MR MACCRATE: Did you ever fly with Major WILSON?

A. I might have, sir. I don't remember at this time.

LTC PATTERSON: Were the aero-scouts operating out of LZ Dottie at this time?

- A. Yes, sir.
- Q. You had your gunships and crews at LZ Dottie?

(MANSELL)

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- A. Yes, sir.
- Q. You stated that the records verify you flew 5.6 hours. What was the range of a UH-1B before refueling?
- A. In miles or time?
- O. Hours.
- A. About an hour and a half.
- Q. That would indicate that you had flown about how many missions?
- A. Four, approximately four missions. Three to four.
- Q. Would THOMPSON have set his scout on the ground without the aerial cover of the gunships?
- A. Would he have? I don't know. I don't know, sir. I mean, 23's have set their aircraft down before without air cover. I don't think he would have, but I don't know for sure.
- IO: I want you to think real hard about this now, because I know who put the gunship down, and I know the story about this time. You should remember, if you were there, about what was going on.
- A. Yes, sir. I realize that, sir.
- Q. But, what we want to get down is who was in what helicopter at what time.
- A. Yes, sir.
- Q. Were you ever back over this area again?
- A. Yes, sir. I flew back over the area, I think, the next day, and the day after.
- Q. What did you see?
- A. I saw dead bodies in the My Lai area plus a mass evacuation of most of the personnel that were in that area toward the south. Right down here (indicating)

(MANSELL) 10 APP T-123

toward the mouth of the river right across to the other side.

- O. Well, that's not quite My Lai (4) then?
- A. No, sir. But we covered the whole area. I don't remember seeing any Vietnamese in this area at all. It seems as if they had all congregated down in this area going across the mouth of the river.
- Q. In the area of My Lai (4) itself, what did you see?
- A. I saw a large amount of dead bodies.
- Q. Yes. Now, for the sake of the record, would you just point it out on the map, and we will verify later where you saw the dead bodies?
- A. I saw them generally all over the area, this little hamlet here and on down the road.
- O. Now, this is the next day?
- A. Yes, sir. I couldn't figure that out. It could have been the next day, or--I don't think so, sir. I think it was the next day. I'm almost positive it was the next day.
- Q. Was it only along the road that you saw them?
- A. No, sir. I saw them up in the hamlet area also.
- Q. Can you identify the area in the hamlet that you saw them in?
- A. No, sir, just generally in the hamlet; that's all. I don't remember where they were at. I remember something about seeing an irrigation ditch with quite a few people in it, but I don't remember exactly where this ditch was.
- Q. What caused you to go back there?
- A. Could I have that again?
- Q. What caused you to go back there that day, the second day?

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- A. We were told to, as far as I remember, sir. That's why I can't remember if I was an aircraft commander, or a "peter pilot." But, I think we were instructed to just go back and check the general area.
- Q. Well, if you were flying and you could see all that, you must have been pretty low.
- A. It would appear that I was, sir.
- Q. Were you escorting an H-23 the second day through that area?
- A. We traveled that way, but I don't remember for sure, sir. There would have been no reason for us to be out there without a 23.
- Q. If THOMPSON would have flown on the 16th, would he probably have been the pilot on the H-23 the following day?
- A. I don't remember if -- The 23 pilots flew quite a bit. I don't remember. It is very possible that he could have been there the second day and the third day, because there were times when he flew quite a bit.
- Q. When you came back in the second day, you said that you saw a lot of bodies. How many bodies do you think you saw?
- I don't remember, sir. I could have seen 100, or 200, but I don't know. There was a great amount.
- Q Did you see any people in the process of burying people?
- A. No, sir. I don't remember seeing anybody burying any dead bodies.
- Q. Now, do you remember anything more that might have happened down in this area that is of concern to what we are investigating?
- A. That I saw?
- Q. In the area of My Lai itself.
- A. No, sir.

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- Q. The following day, you indicated you saw quite a few people that were moving across the mouth of the Song Tra Khuc River going toward the south.
- A. Yes, sir.
- Q. Was any fire directed toward these people at all that you saw?
- A. No, sir.
- Q. Did you ever have any discussion with anybody concerning these activities in the area of My Lai?
- A. You mean, after this happened?
- Q. Yes?
- A. Well, I talked to Warrant Officer THOMPSON. We were in the same hootch.
- Q. Will you explain in as great detail as you can what THOMPSON told you?
- A. He told me about three instances that happened that day. I don't remember exactly what sequence they were in, but as near as I can remember, the first one was an instance when he noticed a girl or a young woman that was wounded. Somehow, he notified the people on the ground that there was a wounded and would they help him; I don't know if it was radio contact or what. And, if I remember right, hearing Warrant Officer THOMPSON saying that this captain he talked to on the ground said that, "Yes," he would help the girl. He walked over to her, kicked her, and shot her. He took off again, and the next time he saw--
- Q. (Interposing) What do you mean, "took off again"?
- A. Okay. I don't know if he had set down on the ground or not. I think, if I remember right--well, I don't remember. Another instance was when he saw some personnel in the bunkers of some sort. He set his helicopter down, got out, and informed his crew chief and his gunner that they should turn their machineguns on the advancing U.S. troops; and if they opened fire on him, that they were supposed to open fire on the advancing U.S. troops. He got out and got

the people out of the bunkers and he either led them to safety or called in a gunship to evacuate. And, third was--

- Q. (Interposing) Did he say anything at that time about a conversation or argument with somebody on the ground?
- A. I don't remember, sir. And, the third one was when he picked up this wounded boy. He said that he noticed this boy that was wounded—I think it was a boy, it was a small child—and he set down and he put it in the helicopter and took it to the Quang Ngai Hospital. He made mention of the fact that he was quite upset over it. He said that he cried at this time as it affected him this much. I think he has one or two children around the same age.
- Q. Did he say where this child was?
- A. I don't remember.
- Q. Did he give any indication that this child was in a ditch along with several other bodies?
- A. I don't remember, sir.
- Q. Do you recall anything else that he may have said to you?
- A. No, sir, just that he was quite angry with this captain that was on the ground. I remember him saying that he didn't know the captain's name, but he was quite angry about it.
- Q. Did THOMPSON tell you if he passed this on to any senior officers?
- A. Yes, sir. I think it was after we sat down at Ky Ha.
- Ω. Where?
- A. At Ky Ha, Chu Lai. It was either there or at Dottie, I can't remember for sure. But, he went to see some colonel about the incidents that happened there.
- Q. Do you know who that was?

(MANSELL)

A. No sir.

MR MACCRATE: You indicated, Mr. MANSELL, that you went back to the area and examined it after you had been there on the 16th, and that you had received instructions to do this. Do you recall from whom you received the direction to make that trip back to the area?

- A. No, sir, I don't.
- Q. Now, you were out for a long time on the 16th.
- A. Yes, sir.
- Q. How many hours did you say?
- A. Five and six-tenths, sir.
- Q. Five and six-tenths? And, that would just about cover the entire morning, would it not?
- A. Yes, sir.
- Q. And, I understood you to say you don't think you went back in the afternoon?
- A. Yes, sir. I don't remember going back in the afternoon.
- Are you quite sure that you didn't observe a lot more than you are telling us about? I have a feeling that your recollection is not as good as it should be. There are things here that put you on station, in my mind, that you don't seem to be thinking about. I would like you to think very hard about these hours on the 16th. If you logged that much time, you had to be where things were going on.
- A. Yes, sir. Well, like I said, there is a possibility that I did fly in the afternoon. I was armament officer over there and it is possible that I got quite a few hours flying test flight. I don't remember.
- Q. Well, how would you get test flights? Would you have to go back to Chu Lai and leave the area entirely?

- A. Yes, sir. I think at that time we were also sitting down on the ground at Dottie and shooting off of Dottie. I think that's back when we had the M-16, sir.
- Q. But, would not you have been doing test flights out of Dottie?
- A. Well, it is possible that we did. Dottie was the only place that we could set down and fire on the ground. They wouldn't let us any closer to Chu Lai. So, it is possible that I had one trip to Dottie from Chu Lai, and set down on the ground, and fired the M-16 system. And, as soon as we got it working right, I took the personnel back to Chu Lai. I don't remember, sir.
- Q. And, you have no recollection of who was flying with you at any time during that day?
- A. No, sir. I have not.
- IO: Well, tell me something.
- A. Yes sir.
- Q. At LZ Dottie, you said that you could test fire your guns. Where do you test fire your guns at Dottie?
- A. Well, right beside the POL they had an admin pad, and there was no place to set down near Chu Lai. They wouldn't let us set down on the ground and fire. Now, on the M-16 system, the only way you could tell if everything was functioning properly, or what would cause a misfire, would be to ask permission from the personnel at Dottie if we could set down and fire. On occasion when they weren't using the admin pad, we would set down on their admin pad and aim it up toward a hill and fire, not rockets, just machineguns.
- Q. Is this the admin pad that must have been on the east side of Dottie?
- A. Yes, sir. It was right next to the POL.
- Q. Well, the POL was on the west side of Dottie; and if you would have fired out from there, you would have been firing right across Highway 1. It seems quite unlikely.

- A. Sir, the POL is on the west side?
- Q. That's right.
- A. Well, we were firing toward the northeast.
- Q. Well, you couldn't fire through LZ Dottie. You'd have to be on the east side if you were going to fire over there.
- A. Well, the POL was on the southeast corner of Dottie and the admin pad, I think, was directly north of it. Can I show you on the map?

(The witness stepped to the map.)

Here's LZ Dottie (indicating).

Q. That's not a very good diagram of Dottie. We'll take a recess at this time. When we return we'll show you a sketch of LZ Dottie to better orient you.

(The hearing recessed at 1552 hours, 9 January 1970.)

(The hearing reconvened at 1605 hours, 9 January 1970.)

RCDR: All persons present before the recess are now present.

IO: Mr. MANSELL, when we recessed we were talking about LZ Dottie. You were testifying about it.

- A. Yes, sir.
- Q. I have here a rough sketch of LZ Dottie which has been marked and entered into the record as Exhibit O-4. Would you please show us where on this sketch you test fired your guns at that time, recognizing that the LZ is located generally over in this area (indicating)?
- A. Yes, sir. That's the gas pump pad, this is POL (indicating). It was right up here (indicating). I'm pretty sure this is the pad (indicating).
- Q. Now, you'll notice that you have another helipad right in the center here (indicating).
- A. Wait a minute now, what is this area around here? Is this the outer perimeter?

- Q. Yes, it is the perimeter.
- A. It was right up from here (indicating). If I could see--wait a minute. Is this area higher than this?
- Q. No. Here's your contours here (indicating). Well, actually the helipad is down in here, just off the hill.
- A. I think it's right here, sir (indicating).
- Q. You've got your big pick-up zone here, you have a helipad right here, and a helipad up here at the north end of that (indicating).
- A. Yes, sir.
- Q. Just north of here and the POL (indicating).
- A. If I remember right, it was closer in from this helipad here (indicating).
- Q. I see. Which direction did you fire?
- A. Out in this direction, sir (indicating). There were some hills over in this direction (indicating). I guess it was around 80 or 90 degrees that we were firing.
- Q. Yes, all right. Now, do you remember the LOH that Mr. THOMPSON was flying that day hitting a tree and chipping a rotor blade, causing him to land early in the afternoon?
- A. No, sir. I don't remember that. I don't remember.
- Q. Do you remember the LOH sitting down east of My Lai?
- A. No. No, sir, I don't.
- Q. Well, how do you account for all this five and one half hours that you put in that day, then, if you didn't fly in the afternoon?
- A. Well, I might have test fired in the afternoon, but I don't know, sir. I can't remember.

- Q. Do you get credit when you test fire from the pad? Do you get credit for flying?
- A. Yes, sir. You have to fly to the pag. If we would have test fired, we would have flown down from Chu Lai. We had a regular testfire area right south of Chu Lai that we used quite a bit, if we would have to set down.
- Q. Well, I think at the moment your're speculating, aren't you?
- A. Yes, sir, because I don't remember. I don't know for sure.
- Q. Well, I think that's what your answer has to be. You could have been doing a dozen other things, you know.
- A. Yes, sir, I know.
- Q. Were you ever questioned by your commanding officer?
- A. Not that I remember, sir. I don't remember being questioned by him at all.
- Q. Did you ever hear that there was an investigation being conducted at all?
- A. None other than the fact that Warrant Officer THOMPSON went and saw some colonel. I don't remember anything else being said about that investigation.
- Q. Did you recall Major WATKE, your company commander, getting you together and talking to the unit and telling them to stop all these wild rumors and all this talking that was going on, and that this thing was going to be investigated and that it had to be kept quiet until it was investigated properly?
- A. You just jogged a little bit of my memory, sir. I do recall something about him getting up and talking to us. I don't remember for sure, sir. It rings a bell, but I can't remember for sure.
- Q. It doesn't ring very loudly?
- A. No, sir.

- Q. Was it pretty well known within the company that there were a lot of civilians killed that day?
- A. Yes, sir.
- Q. Did you ever report this to anybody at all?
- A. No, sir, I did not.
- Q. Did you have any reason for not reporting it?
- A. Other than I didn't see anybody killed, sir, that I could say I saw; like I saw somebody go and kill such and such, no, I couldn't.
- Q. You wouldn't have to do that. But, the following day you indicated that you saw quite a few bodies laying around there?
- A. Yes, sir. Well, I stated at that time that Warrant Officer THOMPSON went up and talked to this colonel, whoever it was. I figured that I wouldn't have that much to add or subtract. I didn't know that much.
- Q. Did you know those bodies that you saw weren't VC?
- A. No, sir, I didn't. I mean, I assumed that they weren't; and, in my own mind, anybody over there is potentially a VC. But, I don't--the majority of them weren't draft-age males, so I would suspect that they weren't VC. I may have a lot of double talk; this whole area was real bad anyway, sir. When we refueled here we were always getting shot at. It is just common knowledge that it is 90 to 95 percent VC anyway, sir.
- Q. VC or VC sympathizers?
- A. Yes, sir.
- Q. Do you know if there was anybody in your company besides THOMPSON that talked to anyone about this?
- A. I found out later, but I don't remember the time, that Lieutenant LIVINGSTON did talk to someone also.
- Q. From whom did you find this out?

- A. I talked to Lieutenant LIVINGSTON at the CID. He had me call him, and I talked to him.
- Q. When was this?
- A. I think it was a week and a half or 2 weeks ago, sir.
- Q. What else did LIVINGSTON tell you?
- A. I don't remember exactly what he told me, sir. We sat down to try to determine whether I was flying with him or not; and, we couldn't. Neither one of us could jog our memories.

MR MACCRATE: Mr. MANSELL, when a chopper hits such things as brush and trees, is that an occasion for a little abuse for the pilot at that time from his buddies back at the home base? Goodnatured ribbing or something like that?

- A. Yes, sir, it's happened. I mean I wouldn't say it's a general rule.
- Q. Do you have any recollection of talking to Mr. THOMPSON about having hit the tip of a blade on some bushes?
- A. I don't recall right off, sir. But, I think there was one time when he lost a cap off one of his main rotor blades. But, I don't remember if it was this time or a different time.
- Q. Well, the log for Task Force Barker on 16 March at 1330 hours, reads, "H-23 from 123d Aviation hit some brush. Chopper is flying. No injuries." Does that in any way refresh your recollection about such an incident on the 16th of March?
- A. No, sir.
- IO: If you would have been flying at that particular time and that chopper sat down, the way you helicopter pilots talk to one another, you would have known it, wouldn't you?
- A. Yes, sir.
- Q. By radio transmission?

- A. Yes, sir, I probably would have known it.
- Q. I know one of my problems was to stop a lot of chatter between helicopter pilots; I was not able to do so successfully. If your company commander, Major WATKE did not tell you to keep quiet, do you recall anybody else ever giving you instructions to the effect that this thing is being investigated, to cut out all the wild rumors, and so forth?
- A. No, sir, I don't remember. I don't remember anyone else saying it or anything about it.
- Q. What was the attitude of the men of the company, doorgunners, etc, about this particular incident?
- A. Well, the general drift or the general gist of it was that they were all very displeased. I think THOMPSON was the worst displeased, but everyone was quite upset.
- Q. Well, that's what I have a difficult time understanding; the fact that you're telling me that everyone was upset, yet nobody did anything.
- A. Well, I figured that THOMPSON was going to take care of it all. He's the one that saw most of what happened, and he could give a better account of what happened than anybody clse.
- Q. Do you recall anything else about this operation that you think would be useful to us in this investigation?
- A. No, sir, I don't.
- Q. In order that we can get the pilots and copilots of these flights lined up, which one do you think you were on?
- A. Well, I think I was on the one that escorted--I know that I was on the one that escorted THOMPSON to the hospital.
- Q. That was about 1100 to 1130 in the morning?
- A. Yes, sir. And, I was on the one where we sent the "animals" in on top of Hill 85. But, other than that, I can't

remember anything else, sir.

MR MACCRATE: Didn't you say that you saw the Sharks firing along Highway 521?

- A. Yes, sir, but I don't remember what time that was. I have no idea if it was the same time or anything. I just remember seeing the Sharks firing.
- IO: Did you see the Sharks knock down anybody?
- A. No, sir. I did not see what they were firing at.
- Q. At that time did you make a firing run on a VC that was taking off from 521 heading towards Hill 85?
- A. No, sir. I don't remember doing that.

LTC PATTERSON: In your discussions with THOMPSON after he had talked to the colonel, did THOMPSON ever say anything concerning that he was told not to say anything more?

- A. No, sir. I don't remember him saying that.
- Q. Did he seem satisfied that he thought the matter was being handled properly?
- A. No, sir, he didn't. I mean, I seem to remember a comment that he said that it was probably going to be hushed up. That's the only thing I remember about any conversation.
- Q. Did this discussion take place in your hootch, where you all lived?
- A. Yes, sir. I think it was, sir.
- Q. Who else might have been present, or do you recall anyone else being present at that time?
- A. Warrant Officer EZELL. I don't recall anyone else being present. But, Warrant Officer EZELL could have been present. Warrant Officer GUALTIER, and there was another man, but I don't recall who it was.
- Q. At any time later, did THOMPSON ever bring the

investigation up again?

- A. I don't remember.
- Q. And, after this discussion, the matter was dropped as far as your hootch discussion?
- A. Yes, sir.

MR MACCRATE: Were you aware that THOMPSON was talking to anyone else beside the company commander and the colonel? Were you ever present when he spoke with anyone else?

- A. No, sir. I don't think I was. I don't remember him talking to anyone else.
- Q. Like the chaplain or anyone?
- A. No, sir, I can't remember.
- IO: Concerning this operation on the 17th, after they laagered in the area of My Lai (1), in the area known as Pinkville, C Company headed south on the western side of the river; and B/4/3 went down this bit of land along the coast down to the Song Tra Khuc River. Did you participate in that operation that day?
- A. I don't remember, sir. I know I flew the next day, but I don't remember anything about the operation.
- Q. Is there anything else that you can think of that might be helpful to us. Do you have any documents, pictures, logs, or anything that will provide us data that would be helpful?
- A. No, sir. I checked to see if I wrote any letters, which I didn't. I don't have any maps of Vietnam, and I didn't take any pictures.
- Q. Well, this afternoon I am sure we have given you some information above and beyond that which came out in the IG and the CID interrogation. And, I am sure that some of these things will be sinking back into your memory. You may recall some of the events that have happened. If you do, I'd like for you to contact us, because we'd like to get you back here to make this a matter of record. As I say, we're going

to reconstruct what happened that day, both from the point of view of what happened on the ground and what happened in the air. You have given us some useful information, but I have a feeling that you are not recalling totally.

- A. Yes, sir.
- Q. So, we're having a little difficulty here because you're not contributing everything that I feel could be contributed. So, I'd like for you to really put your "thinking cap" on and get in touch with us again. Do you have any questions or anything further at this time?
- A. No, sir.
- Q. The hearing will recess.

(The hearing recessed at 1715 hours, 9 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: MEGRATH, Albert B. SP4

DATE OF TESTIMONY: 2 January 1970

PLACE OF TESTIMONY: Chu Lai, Republic of Vietnam

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Doorgunner, B Company,

123d Aviation Battalion.

PARTICIPATION IN MY LAI OPERATION.

The witness normally flew as doorgunner for Mr. STAMOS, but could not recall if he flew on 16 March (pg. 3). He did not remember flying with Warrant Officer THOMPSON to LZ Dottie on that day (pg. 3). He did recall flying on a mission to police up mortar rounds on Hill 85 (pg. 4). The battalion's ground elements were put in, but he did not recollect if his ship landed (pg. 4). He did not remember where he flew after they left Hill 85 (pg. 5).

INFORMATION ABOUT MY LAI OPERATION.

He heard nothing about the killing of civilians, or of a confrontation between a helicopter pilot and a ground commander (pg. 5). Nor did he hear anything about something unusual taking place on 16 March (pg. 5). He did not recall the company being gathered together by the company commander and being advised that an investigation was being made (pg. 5). He did not recall being told to keep quiet about the matter (pg. 5). He knew of no ill-feelings that existed between his unit and the ground forces (pg. 6).

KNOWLEDGE OF AWARD RECEIVED BY COLBURN.

He recalled something about Specialist COLBURN receiving an award for extracting women and children from a bunker on his observation helicopter (pg. 7).

(The hearing reconvened at 1330 hours, 2 January 1970.)

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, and CDR DAVIS.

The next witness is Specialist Four Albert B. MEGRATH.

(SP4 MEGRATH was called as a witness, was sworn, and testified as follows:)

RCDR: Would you state your name, grade, Social Security number, branch of service, organization and station?

A. My full name is Albert B. MEGRATH. My rank is Specialist Four, Social Security number What was the rest?

- Q. Branch of service?
- A. Army.
- Q. Organization?
- A. B Company, 123d Aviation.
- Q. Where are you stationed?
- A. Chu Lai, B Company, 123d Aviation.

IO: Before we proceed with any questions, I'll inform you of a few things. The investigation that we have underway, Specialist MEGRATH, was directed by the Secretary of the Army and the Chief of Staff to determine the facts and circumstances surrounding what is now known as the My Lai incident of 16 March 1968. Specifically, as investigating officer, I was directed to determine:

- (1) the adequacy of any of the investigations within the chain of command, and
- (2) also to determine if there was any attempt to suppress information or withhold information concerning any incident which may have taken place in My Lai (4) on 16 March 68. In other words, was there any attempted coverup by any persons who may have been connected with the incident or with the investigation of the incident.

You should know that I have available to me all of the testimony which has been taken in any previous investigations or any other on-going investigation as of this time. Your testimony this afternoon will be taken under oath. A verbatim transcript is being prepared by the reporter. Also, a taperecording is being made in addition to the verbatim notes being taken by the reporter.

The general classification of the report in the final form will be confidential, but is is possible that parts of the report may in fact become a matter of public knowledge at a later date.

Aside from myself here this afternoon, I have on my right Mr. MACCRATE, who is a civilian lawyer. He, at the request of the Secretary of the Army, has volunteered to serve with me as an assistant and also to provide legal counsel. In addition to any questions I may address to you, he, too, may direct some questions to you.

You are ordered not to discuss your testimony in this investigation with others, including any other witnesses in this investigation, except as it may be necessary in the performance of official duty or as you may be required to do so before any competent judicial, legislative, or administrative body. I take it, Specialist MEGRATH, that you're not subject to the order issued by the military judge in the court-martial case of United States v. Calley.

- A. I don't believe I am.
- Q. If you were, I'm sure you would know it. But I will say if you do become involved in that or become subject to that order, that your appearance here would in no way change the applicability or the effect of that order. Before we proceed, do you have any questions or statements?
- A. No, sir.

CDR: Specialist MEGRATH, at the present time, this board has no information indicating that you should be suspected of any offense. However, if in the event some information comes before us during the course of your testimony, I'll interrupt the proceeding and advise you of your rights in the matter. Otherwise, you do have an obligation to answer questions.

Q. Would you tell me what your duty assignment was on 16 March 1968?

(MEGRATH)

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- A. I was assigned as a doorgunner to the company, sometime approximately in the first week of March.
- Q. Yes. And, you were assigned about 7 cr 8 March?
- A. Somewhere in there.
- Q. As the doorgunner, and what was your previous assignment?
- A. I was a perimeter guard, 723d Maintenance. I had already been in country 4 months before I became a door-gunner.
- Q. After you became a doorgunner, how long did you stay with the aero-scout company?
- A. Until the 14th of September.
- Q. Did you accompany the flight to LZ Dottie and the area of My Lai (4) on the 16th of March?
- A. I don't remember. I don't know if I was flying that day or not. It would seem that if something like that happened, I would remember it. I don't remember if I flew that day or not.
- Q. Did you have a particular aircraft that you flew on as a doorgunner?
- A. Yes.
- Q. Who normally piloted that aircraft?
- A. We had one pilot that requested to fly on it more often than any other ship. That was a Mr. STAMOS.
- Q. Do you recall having flown from here on this particular day and landing at LZ Dottie with Warrant Officer THOMPSON flying the one scout ship, and with a pair of guns to support him?
- A. I know that there was a couple of days that I flew on slicks when Mr. THOMPSON was flying on the "Skeeter" but I don't remember if that was one of the days or not.

(MEGRATH)

- Q. Did you normally fly on the slicks?
- A. Yes.
- Q. You were with the ground element, then. Is that correct?
- A. No, I flew gunner on the slicks.
- Q. I'm referring to the fact the slicks were the aircraft that lifted the ground crew out. Is that right?
- A. Yes, sir.
- Q. Do you recall about this time that in flying as doorgunner with the slicks that your aircraft assisted in moving the ground platoon to the top of Hill 85, or in the vicinity, to pick up some mortar rounds?
- A. Some mortar rounds—I remember something about that. Some were found on the hill. I don't remember if my ship landed or not. I remember flying that day though.
- Q. This was to the hill. Do you recall the operation going on to the north of that?
- A. The only thing I remember about mortar rounds that rings a bell, I remember that we put our own grunts down, but I don't remember about an operation.
- Q. Would you repeat that statement? I don't think the reporter got that. You put your own what down?
- A. Our own grunts.
- Q. For the record, that is ground elements.
- A. Okay.
- Q. Do you know what they did on the ground?
- A. As far as I remember, they just went down to police up the rounds and we left the area.

(MEGRATH)

- Q. And where did you go after you departed from the top of Hill 85? Do you recall returning to LZ Dottie?
- A. I couldn't say for certain if we went there. I don't even remember for certain that my ship was the one that picked them up because we flew with three ships. I just remember we picked up some mortar rounds there. I don't remember for sure if we were the ones that got them. I think we were, I don't know. From there, if we would have, I don't know if we would have gone back to Dottie or not. I just don't remember.
- Q. When you were in the area of Dottie, did you hear any discussion concerning the operation that was going on that day, about women and children being killed, and a confrontation between one of the members of your unit with the ground element outside of My Lai (4)?
- A. No, sir, I sure didn't. Something like that, I know I would have remembered but I don't remember ever having heard anything about that.
- Q. Are you familiar with Specialist COLBURN?
- A. Yes, I knew him.
- Q. Do you know with whom he normally flew?
- A. I don't believe he actually flew with any one person more often than he did another.
- Q. Are you familiar with a Specialist Five ANDREOTTA?
- A. I knew him slightly, but he was killed before I got to know him very well.
- Q. Did you hear any talk at all around Dottie about anything unusual that was taking place that day?
- A. I don't remember having heard anything.
- Q. Subsequent to the operation of that particular day or any time thereafter, were you present when members of the unit were assembled by the company commander and advised that this matter was under investigation and that there shouldn't be any loose talk or rumors spread around the company?
- A. No, I sure don't remember anything like that.

- Q. Well, now, you fellows in a flight detachment, there are always a great number of you sitting around in the evening, perhaps drinking a beer or 7-Up or Pepsi Cola or something of that nature and talking over the events of the day. Did you ever hear anything that may have happened down there, some rumors being passed in the company?
- A. I don't remember anything like that.
- Q. Did you ever hear of any ill feelings that might have existed between aviation units and any particular ground unit?
- A. No. The only one that I can remember having worked with, sir, is like the time I worked with the llth Brigade. I think we all got along well with them.

MR MACCRATE: Do you remember, Specialist MEGRATH, a month or 2 months after March 1968, an award being made to Specialist COLBURN?

- A. I remember he got one award at one time. I think it was a Bronze Star for-I'm not sure what it was for I'm not even sure what time of the year it was. I remember he got a Bronze Star. I think it was a Bronze Star for something but I'm not sure what is was for.
- Q. Do you remember ANDREOTTA's receiving something posthumously?
- A. The only thing I remember he got posthumously was a Purple Heart.
- Q. Would it refresh your memory if I were to tell you that Specialist COLBURN was presented an award, not the Bronze Star, on 14 May?
- A. It doesn't ring a bell. We didn't really have that many awards. It's been quite a while and I really couldn't say. I don't remember for sure when it was.

(MEGRATH)

- Q. It's our information that it was awarded to him at an award ceremony on the 14th of May or thereabouts and that it was for particular conduct on the 16th of March. Does this refresh your memory in any respect from what you heard either at the time of the award or earlier, what he had done to merit this award? It seems to be the kind of thing that you might talk about.
- A. I remember something. I don't know if it was this particular award but I remember something that he got. I think it was him. It may have been someone else, too. I think that he got some women or some kids. I don't remember for sure which it was. They were in a bunker or something like that. I don't remember if there was just one, I know he put them on the "Skeeter" with him. It was an observation helicopter and they moved them out of the way. I don't remember if that was him. I might be mixing him up with someone else.
- Q. You're thinking about the occasion we're thinking about, and I'm very interested in anything that you can recall that may have been said at that time about what he had done. Do you recall if this occurred on a day that you were flying with the same team?
- A. I don't remember if I was flying that day or not. And I'm not sure if that was read in the award assembly or if that was something that I had heard later. I'm not sure about that. I couldn't tell you for certain.
- Q. That doesn't really stimulate your memory about anything that you may have heard?
- A. Not really, just one. I'm not sure if he was the one that I was thinking about.
- Q. It is a very good description of what he recieved. I have nothing more.

(MEGRATH)

- IO: What I'm frankly interested in Specialist MEGRATH, is whether there were any rumors, information, or discussion around the company after that concerning anything which may have taken place or where there may have been any conflict with the ground element or anything of this nature?
- A. I don't remember ever having heard anything like that.
- Q. Well, I think we can terminate this. I would say that we are trying to put together everything that did transpire here, Specialist MEGRATH, and also to look into all the investigations, reviews of the investigation, and any possible attempts to suppress information concerning the incident. Now, we've given you some clues and some information which you probably have not thought about for some time. This may cause some other facts to come to mind. We are going to be here a couple of days longer and if any of these things do come to mind I'd appreciate it very much if you would get in touch with us so that you could come over and tell us what took place.

(The hearing recessed at 1415 hours, 2 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: MILLIANS, Don R., CW2

DATE OF TESTIMONY: 11 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: 123d Aviation Battalion,

B Company, Chu Lai, South Vietnam

GENERAL ACTIVITIES OF MILLIANS DURING THE 16TH.

MILLIANS was on station over My Lai twice during the 16th. He originally flew in at the end of the artillery prep as low gunship commander and stayed until approximately 0915 (pg. 12). He returned to station again at approximately 1030 and married up with WO THOMPSON who was flying the H-23 (pgs. 16, 17). The only VC he saw all day was a male with web gear and a weapon whom he took under fire (pgs. 7, 9, 13, 27a).

- 2. OBSERVATIONS OF NONCOMBATANT BODIES MADE BY MILLIANS DURING THE 16TH.
- a. Actions of the gunship which MILLIANS observed firing into a ditch south of Highway 521.

At about 0815 (pg. 11), MILLIANS observed a gunship which he believed belonged to the 176th helicopter company (pg. 37), firing into a tree-lined drainage ditch south of Highway 521 near its point of intersection with the main road out of the village (pg. 10). What made this stand out in MILLIANS' mind was the fact that the gunship was hovering about the area at a rather high altitude, thus risking crashing or being shot down (pg. 38). MILLIANS saw the gunship firing straight down (pg. 11) into the treeline (pg. 36). MILLIANS overflew the area into which the gunship had been firing and saw at least one body (pgs. 37, 38). He could not say whether the body was a VC or noncombatant (pg. 11).

b. Actions of the Negro Sergeant MILLIANS observed firing into the ditch southeast of the village.

Some time after 1030 (pgs. 16, 25) from a distance of about 75 to 100 meters and at an altitude of 50 to 75 feet (pg. 35), MILLIANS observed a Negro sergeant firing into a drainage ditch (pg. 24), which contained from 50 to 75 bodies (pg. 25). The Sergeant had an M-16 which MILLIANS knew he fired into the ditch because he saw a round impact into the head of one of the bodies there (pg. 24). At the time of this observation, MILLIANS was making a right turn and looking over his left shoulder through the cargo door, (pgs. 49, 51). The ditch itself was about 100 feet long and ran north-south off the main highway approximately 150 to 200 meters to the southeast of the village (pg. 17). It was the same ditch from which THOMPSON later told MILLIANS he pulled a small child (pg. 25).

c. Actions of THOMPSON at time of confrontation with American troops and the subsequent extraction of civilians by MILLIANS.

Some time after the latter incident, THOMPSON landed to check out an old man in a bunker (pg. 20). This was about 800 meters to the southeast of the village (pg. 23). At this time, American troops were approaching the area (pg. 19). MILLIANS thought THOMPSON spoke with the troops but he was not sure (pg. 20). Neither was MILLIANS sure whether or not THOMPSON gave special instructions to "keep him covered" (pgs. 21, 22). THOMPSON made contact with MILLIANS whom he asked to extract the women and children in the bunker (pg. 21). MILLIANS carried these people out in two trips (pg. 22).

d. THOMPSON's observation of other noncombatant bodies during the 16th.

MILLIANS was sure that he saw between 75 and 100 noncombatants dead in My Lai on the 16th (pg. 51). He had a good opportunity to observe as he and his co-pilot alternated the flying (pg. 28). Aside from the 50 to 75 bodies he saw in the ditch, he saw bodies of noncombatants inside the village and along the main trail running south (pg. 27). He saw a pile of ten bodies at the intersection of the trail and another pile to the north of the intersection with several bodies scattered in between (pg. 27). There was another pile in the north side of the village (pg. 27a).

In front of a hootch in the southeast section of the village, he saw a dead woman and baby who appeared to have been killed by gunshot wounds in the head (pg. 28). In this general area, MILLIANS saw approximately ten bodies (pg. 28). He also saw several fires in the village, expecially in the northern section (pg. 29).

e. MILLIANS attempts to stop unnecessary killing of civilians.

He could not recall who his co-pilot was but he did remember that they wished they had a camera to take pictures of what they saw (pg. 32). On several occasions during the day, he directed his high ship to communicate with the ground and object to the unnecessary killing of civilians (pg. 33). Since the high ship had the only radio that could communicate with the ground; MILLIANS did not know if this was transmitted (pg. 34).

3. REPORTS MADE BY HELICOPTER PILOTS AFTER INCIDENT.

While MILLIANS could recall THOMPSON stating that he planned to report what he had seen (pg. 40), MILLIANS did not believe he went with THOMPSON (pgs. 39, 42); nor did he know for sure that THOMPSON did report it (pg. 40). Although he is sure he spoke of the incident to someone, he could not remember to whom he spoke (pg. 41). He did not remember going to the chaplain about it (pg. 41). He did not recall writing to anyone about it (pg. 44).

4. REPORTS OF INVESTIGATION.

MILLIANS was not informed of an investigation of the incident by anyone from Task Force Barker (pg. 43), or by his commanding officer (pg. 43). He was never questioned about the incident and never made a sworn statement under oath (pg. 42).

OTHER INFORMATION.

a. MILLIANS recollection of the names of other persons taking part in the air operation over My Lai on the 16th.

MILLIANS could not remember who his co-pilot was (pgs. 32, 46), although it was not Mr. BROWN or Mr. PETIT (pg. 47). He did not remember who his doorgunners were (pg. 49). THOMPSON was the only H-23 pilot that

MILLIANS worked with on the 16th (pg. 41). He did not recall if Captain LIVINGSTONE was flying there that day (pg. 46).

b. MILLIANS attitude toward landing a helicopter during a combat assault.

MILLIANS did not know whether or not it was normal to land a helicopter during a combat operation (pg. 21). At times, however, THOMPSON would land when they noticed something from the air which they could not analyze (pg. 20). He did not recall if this landing was reported to the TOC or whether or not such a report was habitually made (pg. 50).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION .	NOTES	PAGES
		Witness could not	T
?	Photo of drainage ditch	identify area from	ļ
		photo.	
	<u> </u>		17
		Witness could not	
?	Photo of drainage ditch	identify area from	l
	·	photo.]
			_18
	-	Witness questioned	
M-6	Americal log	from log.	10
0-2	MILLIANS' sketch	Added to record.	19, 56
		Witness asked to	
0-3	MILLIANS' sketch	verify fact that	
		he had made the	
		sketch. Added to	
		record.	
			30, 56
		Sketch entered	
0-6	MILLIANS' sketch	into record.	56
		Photo did not	
P-32	Photographs	represent what	
		witness saw.	
			36
		Photo did not	
P-41	Photograph	represent what	
		witness saw.	
			36
- 40		Witness questioned	
P-48	Oblique Photo	from photo; Wit	5,6,
	•	marked places where	
		he saw fires;	27,30,
		Added to record.	56
		Stmt entered into	
s-1	Wit testimony to CID	record:	44
	Stmt of CPT LIVINGSTONE	Stmt entered into	
S-2	to CID	record,	48
	 		

(The hearing reconvened at 1601 hours, 11 December 1969.)

IO: The hearing will come to order.

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

The next witness is CW2 Dan R. MILLIANS.

(CW2 MILLIANS, U.S. Army, Primary Helicopter School, Fort Wolters, Texas, was called as a witness, was sworn, and testified as follows:)

IO: How do you pronounce your name?

A. MILLIANS, sir.

Q. Not MILLEAN?

A. No, sir.

Q. Mr. MILLIANS, 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 findings and recommendations concerning two matters:

- (1) the adequacy of prior investigations and inquiries into, and subsequent reviews and reports within the chain of command, of what is now commonly referred to as the My Lai incident of 16 March 1968, and
- (2) possible suppression or withholding of information by any person who had a duty to report and to furnish information concerning this incident.

This investigation is not being conducted to investigate all of the facts and circumstances of what happened at My Lai. It is directed at those specific purposes which I have just stated. Do you have any question concerning those two points I have just covered?

A. No, sir.

Q. I have had made available to me and have reviewed

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prior official statements obtained in other official investigations of the My Lai incident including your statement.

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

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

There are several people in this room who may ask you questions. The individuals on my right, Mr. WEST, Colonel MILLER, Colonel WILSON, and Colonel FRANKLIN are all officers in the United States Army or are on the Army Civilian Secretariat, and they are serving as my assistants and are authorized to ask questions in my behalf. On my left is Mr. MACCRATE and on your left is Mr. WALSH. They have been designated and have volunteered to serve as legal counsel to me and other members of the investigating team. They, too, are authorized to ask questions of you. However, I have the responsibility of weighing the evidence and making the findings and recommendation.

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 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 the <u>United States v. Calley</u>, your appearance here in no way changes the applicability and effect of that order.

Do you have any questions to ask of me or concerning the instructions I have just given you?

A. No, sir.

IO: Colonel MILLER?

COL MILLER: No, sir.

(MILLIANS)

- IO: Mr. MILLIANS, what was your duty assignment on the 16th of March 1968?
- A. I was an aircraft commander on a UH-1B gunship, sir.
- Q. And what unit?
- A. 123d Aviation Battalion, B Company, Chu Lai, South Vietnam.
- Q. How long had you been with the unit?
- A. Since the year it was formed, sir. I don't know exactly when it was. I was with Task Force Oregon of the Americal Division when they changed over to the Americal Division.
- Q. How long have you been flying in that area?
- A. Since March, around April or May of 1968, sir, the area around Chu Lai.
- Q. Of 1968 or 1967?
- A. I'm sorry, sir, 1967.
- Q. Had you flown elsewhere prior to that time?
- A. No, sir. I arrived in Vietnam in Qui Nhon in March of 1967, and then we moved to Chu Lai in April or May of 1967.
- Q. You were initially assigned to one of those helicopter units outside of Qui Nhon and then moved?
- A. Yes, sir. The 161st Aviation Company, and we moved to Chu Lai and became Task Force Oregon and later the Americal Division.
- Q. So you were not new to this area and the type of operation?

- A. No, sir.
- O. What type of aircraft did you normally fly?
- A. The UH-lB, sir. I flew UH-l Delta models for 9 months, I believe it was; UH-lB's for 6 months.
- Q. How long after March did you remain in South Vietnam?
- A. Till June 1968, sir.
- Q. Until June of 1968. Mr. MILLIANS, since this My Lai incident has been called to the attention of the public within the past 2 to 3 months, have you discussed this matter with any of the people associated with the operation?
- A. No, sir. I haven't.
- Q. You have not had conversations with any former members of your unit?
- A. Well, CW2 THOMPSON called me at Fort Wolters this summer, I don't know the date, and asked me if I had flown that day, and I told him that I had. Sometime this summer I was called, I'm not sure of the date, from Washington to discuss it with Colonel WILSON.
- Q. Did you have conversations with any other individuals or did any other individual seek information from you?
- A. No, sir. The only people that I can think of that were there was THOMPSON and myself. We talked that day on the phone from Colonel WILSON's office, the IG's office.
- Q. What was the gist of your conversation with Mr. THOMPSON?
- A. He just asked me if I was there that day and I told him that I was. He told me that I could expect to be called to Washington to testify.
- Q. Did you participate in the combat operation in the area generally known as Son My on the 16th of March, 1968?
- A. Yes, sir. I did.

(MILLIANS) 4 APP T-16

- Q. Would you recount the sequence of events as you recall them from the time you departed Chu Lai throughout the operation?
- A. We left Chu Lai early in the morning, I'm not sure of the date or anything like that. I don't remember if we went to Dottie and got a briefing there or were briefed in Chu Lai prior to the operation. I'm not sure. I was flying with Major WATKE that morning and we were on station-
- Q. (Interposing) Which ship would that have been?
- A. We were in the middle, the second ship, the low gunship.
- Q. Commonly referred to as the low gun?
- A. Yes, sir. Right behind the 23. We had the area south of the village to patrol. I believe we were between the low trail and over the top of Hill 85, patrolling generally east and west at low level in that area.
- Q. What time did you arrive on station?
- A. I'm not sure of the time, sir. It seems like it was early in the morning.
- Q. Were you on station before the artillery prep was fired?
- A. I believe that the last part of the artillery was going in when we arrived, sir. It was supposed to be the artillery shutoff and everybody hit the station.
- Q. I have here an aerial photo of the general area of My Lai (4). (Witness is handed aerial photograph which, as marked by witness, is later received into evidence as Exhibit P-48.) North is oriented generally to the top.

You indicated that when you arrived on station the artillery prep was just finishing. Do you remember where the artillery prep was located?

- A. As I remember it, sir, it was north of the village. It seemed like it was in this area (pointing to the map).
- Q. The artillery prep?
- A. Yes, sir. The only recollection I have of an artillery prep was north of the village. It seemed like they had more than one LZ. As I remember, they had one to the north that I'm sure of and I don't know where the others were.
- Q. Where were you flying at this time?
- A. We were patrolling generally east and west along the road between the hill and the road. We were to pick up anyone moving out of the village to the south. The slicks came in to the north as I recall, and they had one set of guns on each side of them, three fire teams total that day.
- Q. Would you put on the location where you think the artillery prep was fired? Make a circle around the appropriate mark to indicate the size of it.
- A. It was roughly this area, sir.
- Q. Would you so identify it by writing "artillery prep" on it?

(The witness did as directed.)

Would you also indicate--let me rephrase that. After the artillery prep lifted, what happened next?

- A. The slicks came in, sir, and deposited the troops. The gunships prepped the LZ before they landed and the slicks landed, deposited the troops, and took off.
- Q. Would you so mark it and identify it as the LZ?

(The witness did as directed.)

Mr. MILLIANS, when you were flying down there, along and around Hill 85 and along the road, were you watching all of this or was this just out of the corner of your eye?

- A. No, sir. I wasn't watching it. I would say more or less out of the corner of my eye.
- Q. I say this because we have had a little difference in location of the LZ and the artillery prep, but at no time have we ever had it on the north or northeast side. Could the artillery preps have been in this area and the LZ's in this area (indicating)?
- A. They could have very well been. I'm not really sure where the artillery and the LZ was. I remember they landed north. I saw a few projectiles.
- Q. You definitely saw the artillery fire, though?
- A. A few rounds impacting, sir. I would have to guess that they went in north. I don't know for sure.
- Q. Proceed with your story, as to what you did.
- A. Sir, the slicks came in and we were just to the south here, and of course like any other combat assault there was a mass exodus out of the town. People were moving off in all directions. We took one individual under fire on the north slope of Hill 85. That was the only person we fired on that day.
- Q. About how long after the artillery prep did that happen?
- As I recall it was shortly after the prep, sir. Just a matter of minutes. The individual was going south to the top of the hill, and he got into some hedgerows and we couldn't get him. That's the only individual that we took under fire. The other gunships were orbiting north-south, one on each side of the village.
- Q. The other gunships. Are you referring to the gunships that escorted the assault helicopters?
- A. Yes, sir. There were two fire teams.
- Q. Two fire teams. Were these gunships known by call signs as the Sharks?
- A. I'm not real sure of the company they were from. It was either the 176th or the 174th, the Sharks and the Muskets. But I am not sure.

- Q. After you took this man under fire on the northern slopes of Hill 85, what happened then?
- A. We first took him under fire with the door guns, and then I believe we put some rockets in on him, but we didn't know our results. There was still a mass exodus out of the town.
- Q. Where did these people come from? Where did they gather and what did they do?
- A. They were just coming out of the town, sir. A lot of them were coming south and then hit the main road and headed southwest toward Quang Ngai.
- Q. How many people would you say that you saw come to the road and were moving to the southwest?
- A. Probably 200 to 400.
- Q. Quite a large body?
- A. Quite a few people, yes. They continued to move out all day. I can't remember the time frame or anything but while we were still moving along the road here east and west there was a Musket, a 176th gunship, hovering above the trees along the road, and he was firing down along side the road.
- Q. Not on the road but along side the road?
- A. It seemed like it was on the south side of the road, sir.
- Q. What was he firing at? Do you know?
- A. We couldn't tell at the time, sir.
- Q. Would you indicate the location where--let me rephrase that. Would you mark with a figure, a number, the approximate location that you spotted the one individual that you took under fire first.

(The witness did as directed.)

This is the village (pointing to map). This is Hill 85, and you notice the contour coming down, one of the fairly low contours. One inch on this area photo, incidentally, Mr. MILLIANS, represents about 100 meters.

- A. I was looking for a main trail intersection. As I remembered, it should have come out of the center of the village. It seemed like it had trees around it or scattered trees.
- Q. Could it have been over here (pointing to map)?
- A. From this it would look more like this one. This one doesn't run all the way through to the village. I don't believe it could be that. Could I look at a 1:50 map, sir? Is this the same trail right here, sir.
- Q. That's this trail. See right here. Look at this one (referring witness to Exhibit MAP-5). You can see it very plainly (pointing and studying the map). See this trail coming across the southern part of the village east and west, coming down here to this road junction right here. You see? Now, if you also look here to orient you, you look in this corner right here. This is this point. Right in here is the old pagoda. Does that help you?
- A. Yes, sir.
- Q. I don't intimate that I want you to indicate within 10 meters of what you were shooting at. I want you to give the general location so that we can follow the sequence of events.
- A. Roughly right around here, sir.
- Q. Just put a number 1 there and mark it identified as one VC with weapon.
- A. Yes, sir. I believe he had a weapon. I'm sure he had web gear on.

(MILLIANS)

- Q. All right. The log, Mr. MILLIANS, would indicate that the artillery prep-I will show you the log-let me rephrase that. For information purposes and also to refresh your memory, here is the entry in the log of the Americal Division that gives the date on the two lifts of C/1/20 into the My Lai area. You'll notice that it indicates that the first one was on the ground at 7:30 and the second lift was completed at 7:45. It touched the ground at 7:47. The operation was completed getting units on the ground by 7:50. Now, I cite that as a reference point of time for you, giving an approximate time that these events took place. Would you therefore indicate about the time that you picked this individual up to the south and fired at him?
- A. Roughly 0800.
- Q. What was the next thing that you saw? We were coming to a point where one of the gunships that were escorting the slicks was firing at something south of Highway 521. Would you mark there with a figure 2 about where you saw the gunship make the run and the direction he was making the run?
- A. It wasn't a run, sir. That's how I can remember it, because he was hovering over the trees. That's something a gunship seldom does, never does, and that's the only reason that I can remember it. He was flying south of the road, approximately 10 or 15 meters, and he was east of the road junction that I remembered going straight through the village and intersecting the main road at a 90-degree angle. It must have been this one (pointing to the map).
- Q. Well, that's the main road out of the village. It had several houses along side of it, if you can recall, and it's rather a heavy road, almost like 521 itself.
- A. I would estimate that he was firing in this area right here (pointing to the map).
- Q. Any particular direction of his fire?
- A. South.

- Q. Firing to the south?
- A. Yes, sir. He was right over the top of it firing straight down. He was facing generally south.
- Q. Was he firing at something on the road?
- A. Just south of the road, approximately 10 meters south of the road.
- Q. Were you ever able to see what he was firing at?
- A. Later on in the day, sir, we covered the entire area. The whole village, north, south, east, and west. There were a few people here, I don't know what they were.
- Q. A few people or bodies?
- A. Bodies, sir. In this area (pointing to the map).
- Q. Would you indicate what that is?

(Witness indicates on map.)

Would you indicate the time?

- A. Roughly, 0810 to 0815.
- Q. While you are on this point would you indicate the approximate places where, or draw an arrow to the site where you said there were bodies and approximately how many?
- As I remember, sir, there was a tree line and another tree line coming in from the south. Kind of a ditch or some kind of a drainage ditch in that tree line. The foliage was kind of heavy in there. It was rather overgrown. I would say that one was lying in this drainage ditch here. I think it was just one, sir.
- Q. Was it a VC or a noncombatant? Could you tell?
- A. I couldn't say, sir.
- Q. Just mark one body. What do you remember after that? The next event?

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- A. Nothing very definite at that time, sir. It seems like we had one 23 which was THOMPSON's ship and we had two gun teams alternating. My gun team roughly stayed out an hour and a half or an hour and forty-five. We went back to Dottie and refueled while the other team went out, escorting THOMPSON in the 23. I can't remember whether we had continuous coverage all day long. It seems like we did.
- Q. Did you leave this area and ever go to the south of Hill 85 and down to the Song Tra Khuc River and down in that area while you were on station?
- A. No, sir. Not as I remember it. We didn't go as far as the river.
- Q. Did you come out in that area, as you recall?
- A. It seems like I remember coming around the hill here.
- Q. Do you remember sighting any mortar rounds on top of Hill 85?
- A. We had on occasions.
- Q. No, on this morning.
- A. No, not that I remember. I'm sure that we didn't.
- 2. How long did you stay out here? You were flying with Major WATKE at that time?
- A. Yes, sir. Initially, that morning,
- Q. Were you the aircraft commander?
- A. Yes, sir.
- Q. And he was flying in the left seat?
- A. Yes, sir.
- Q. And how long did you stay out?
- A. Roughly, an hour and thirty to an hour and forty-five minutes.

(MILLIANS)

- Q. You saw nothing during that period that was of significance to remember, during the period of your first flight?
- A. Yes, sir. Just the one individual we took under fire and gunship hovering. That's the only two things that I would say happened that stand out in my mind.
- Q. Did you see any activity in the southeast where you located the bodies or a helicopter went in to pick up the--a couple of VC, suspected VC?
- A. Southeast, sir.
- Q. Southwest?
- A. I don't remember the time frame. I would say that it was later on in the afternoon. It might have been. I'm not sure of the time. It could have been that--
- Q. (Interposing) Did you see anything like that?
- A. Sometime during the course of the day I did. It seems like it was a little later than the first lift, my first lift. The command and control ship was over to the southwest where the road starts bending back south towards Quang Ngai. He had at least three individuals, young males, who were exiting toward Quang Ngai rather rapidly. The command and control ship tried to stop them or something, threw smoke on them or fired in front of them or something like that. He called us over there and we tried to stop them, and they were pretty intent on walking in the same direction. They weren't slowing up so we fired in front of them.
- Q. You did fire in front of them though?
- A. Yes, sir.
- Q. Was it--
- A. (Interposing) The 23 firing.

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- Q. The 23 which effected fire in front of them. Did you see the C & C ship go in to pick them up?
- A. I believe he did, sir. I'm not sure on that.
- Q. Would you indicate the location where this took place?
- As I remember it, sir, it was where the road started bending back south or southwest. I would say roughly right in here, sir (indicating on the map).
- Q. Would you please identify it?
- A. Three VC's? Do you need anything else in there?
- Q. Identify it by "picked up by C & C." Put the "picked up by C & C" in parenthesis would you please. Put down time with a question mark since it is not firm in your mind when this took place.
- A. This is roughly a guess. It seemed like it was later on in the day.
- Q. When you returned to LZ Dottie, you were flying with Major WATKE up to that time?
- A. Yes, sir. On my first fuel load out there I was with Major WATKE.
- Q. And at that time did another gunship return with you?
- A. Yes, sir. Both gunships that were out there initially returned to Dottie, and fresh teams went out.
- Q. Who flew the replacement team? Do you remember the pilot and the copilot of the relacement low gun and the replacement high gun?
- A. No, sir. I don't.
- Q. When you were out there early in the morning, who was flying the high gun?

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- A. I couldn't say, sir. I don't know.
- Q. You had communication at this time with Mr. THOMPSON? Is that correct?
- A. Yes, sir. The way we worked it, the 23 was low-level and the low gun was low-level, and I was in direct communication with the 23 and the high gunship, and the high qunship was in communication with the ground.
- Q. It was only the high gunship that was in contact with the ground?
- A. Yes, sir.
- Q. When you say "ground" are you referring to the combat troops on the ground or were you referring back to LZ Dottie?
- A. Combat troops on the ground, sir.
- Q. Could he also contact LZ Dottie?
- A. On the infantry's frequency, yes, sir. The 23 only has one radio.
- Q. I'm not talking about the 23. I'm talking about the high gun.
- A. I wanted to clear it up. The reason he couldn't talk to the--
- Q. (Interposing) I understand. He had UHF, the low gun. I mean the LOH, the H-23. Right?
- A. No, sir. He had a Foxtrot model, the 23.
- Q. The 23 had FM?
- A. Yes, sir.
- Q. So who could he talk with, then?
- A. With me, sir.
- Q. Only with you?

(MILLIANS)

- A. Yes, sir, and then I could talk to the high gunship on UHF. The high gunship could talk to the ground people back to the TOC and back on the ground with his Foxtrot, and I could talk to our operations back at Dottie.
- Q. When we finish here we will ask you to sit down with Colonel WILSON to make a communications diagram (later entered in evidence as Exhibit 0-6) to indicate specifically how comunications were handled?
- A. Yes, sir.
- Q. The point being that the LOH or the scout ship could not or normally did not communicate with the ground? He only communicates with you in the low gun?
- A. Yes, sir.
- Q. You in turn with the high gun?
- A. Yes, sir.
- Q. You do not know the names of either of the crews who replaced you and the pilot of the other gunship when you went off station?
- A. No, sir. I don't.
- Q. How long were you off station?
- A. I guess an hour and a half or an hour and forty-five minutes.
- Q. What time did you then arrive back on station? Let me rephrase that. When they had expended their fuel, did you then replace one of the gunships?
- A. The entire team. Both gunships, we replaced both gunships.
- Q. The two of you then went back on station. Is that correct?
- A. Yes, sir. That's the way I remember it.
- Q. What time would this then be?
- A. Roughly 1030.

- Q. At approximately 1030 you came back on station and again married-up with Mr. THOMPSON flying the scout ship--the H-23?
- A. Yes, sir.
- Q. Starting at that time what took place next?
- A. We were the only gunships and scout out there at that time. The others had already departed the area and we had the entire area to cover. There was just a routine CA. Troops were sweeping through the village. As I remembered it, they were coming in south, but obviously they weren't, and sweeping back east. I remember moving east most of the time. I don't remember when we started seeing the people, the bodies out there, whether it was at that particular time or what. It seemed like it was afternoon, around noon. I think we were making generally circular passes around—
- Q. (Interposing) What was the first thing that you saw that sticks out in your mind?
- A. I would say a drainage ditch running north-south off the main highway. It connected the main highway and went around north and south. It did not extend beyond the road. It had a few scattered trees around it, not heavily wooded, and it had approximately 50 to 75 bodies in it.
- Q. How close to the village was that now? Now, remember, 1 inch equals about 100 meters.
- A. It was southeast of the village, sir. Roughly, 150 to 200 meters. There was a drainage ditch approximately 100 feet long, not any more.
- Q. I show you an area photo of a ditch (Exhibit P-46). Does this look like the ditch that you saw? Mind you, these tracks may well not of been there at the time.
- A. No, sir. I would say not. There is nothing to reference myself with here but as I recall the ditch did not have a 90-degree angle in it.

- Q. Here is another view of the village (Exhibit P-45). This was taken from the west over about in here (pointing to map). You can see these two fields?
- A. Yes, sir.
- Q. So this would be taken generally across in this fashion, you see, so this would be cutting across like so (pointing to map). See this point here?
- A. Yes, sir.
- O. Do you recognize that area?
- A. Is this the main road (pointing to the map)?
- Q. Yes, over what would be in this area, you see (pointing to the map). Well, to the east maybe 500 to 800 meters away.
- A. No, sir. That don't look like it either.
- Q. Will you mark on the map where, to the best of your knowledge, you saw the ditch with the bodies in it, remembering that 1 inch will equal about 100 meters?
- A. It was east of the main intersection, west of the temple. It had a few scattered trees around it. I don't believe it would be that one. It looks too heavily wooded.
- Q. Before you locate that specifically on this map, what is the next thing that you saw or became involved in?
- A. I don't remember the order everything came in.
- Q. Yes. According to your previous testimony and according to what Mr. THOMPSON had indicated, you had an action in which he landed and you subsequently landed and picked up some people. Now, where on this map, on this aerial photo, is that area located, recognizing that you landed with your gunship? Is that correct?
- A. Yes, sir. I don't remember the time frame when it was. The troops were coming east out of—it seems that they had a line running north—south and sweeping east.
- Q. Were they still in the village or were they breaking out of the village?

- A. Yes, sir. They started moving out into the open ground. Could I draw you a picture? I can't figure it out on this. (Witness draws sketch later entered as Exhibit 0-2.) This is My Lai (4) and I would say the troops were coming through-
- Q. (Interposing) Now, wait a minute. Where is north?
- A. This is north (indicating to the top of the sketch).
- Q. You mean they were moving to the southeast?
- A. They were moving in this direction (indicating). This is their line.
- Q. Where is the village?
- A. This is My Lai (4) (indicating).
- Q. They are south of the village? They are not in the village?
- A. That's the way it seemed to me, sir. It seemed that they were sweeping around like this coming through and to the east.
- Q. How far to the south of the village were they?
- Well, sir. They had extended all the way down to the road and I believe they had a few people south of the road. This is the road right here (indicating). I don't know if they were sweeping exactly east but that's the way I remember it. THOMPSON spotted an old man sitting in the doorway of a--I don't know what they are--root cellar, bomb shelter, or something like this. A little round deal with a door in it and the old man was sitting right in the door. It seems like there was a tree line running generally this way (indicating) and one running back this direction (indicating). They had a few little huts in here (indicating). It was generally encased in trees, the way they build. don't know how they do it, but they have trees growing around their hamlet or whatever they call them. THOMPSON spotted the old man. The troops were approaching from this direction (indicating), and he called me in to lift the people out. I landed--

- Q. (Interposing) Well, did he call you in to lift out the old man?
- A. He landed his aircraft first, sir, and went over to the bunker. And I believe he got there just about the same time the--
- Q. (Interposing) Now, just slow down, just a minute now. Were there any communications between Mr. THOMPSON and yourself before Mr. THOMPSON landed?
- A. Yes, sir. I'm sure there was something like: "I see an old man sitting in the bunker. I'm going to go down and check it out."
- Q. Well, would he have landed to go down and check out one old man?
- A. Yes, sir. I'm sure that he would. That's all he could see sitting in the door. He landed and went over to the old man. I don't know whether he came out.
- Q. Were the other troops up there at that time?
- A. They were getting there just about the same time the helicopter landed, sir.
- Q. Did Mr. THOMPSON talk to the troops?
- A. I think he did, sir. I'm sure. I saw two of them that day. I think, I'm not sure.
- Q. At that time, did you have any communications from Mr. THOMPSON telling you what he was going to do?
- A. I'm sure I had some type of communication, sir. We were always in constant communication. If he was going to land and check out something like that, he would tell me about it.
- Q. Would he normally land and check out something like that?
- A. Yes, sir. We did that quite a bit. If we found something on the ground that we couldn't analyze from the air, he would land sometimes.

- Q. In front of combat troops?
- A. Yes, sir. We have landed in places where there were no combat troops.
- Q. I understand that alright, but here in a hostile situation and with the combat troops more or less moving, to set down, let's say, in front of the combat troops, between the combat troops and the enemy, was this a normal situation?
- A. I don't know if it was normal or not, sir. That's the way I remembered it. The troops were getting there just about the same time THOMPSON landed and the troops helped get the old man and people who were in the bunker out, the way I remember it.
- Q. While he was on the ground, what communications did you receive from him?
- A. He wanted me to pick the people up, sir, and move them out of the area, children, women, and one old man.
- Q. Did you receive any instructions from him, from the aero-scout ship, to keep him covered with your guns?
- A. Yes, sir.
- Q. What did he imply by that, to keep covered from the VC or from the U. S. forces?
- A. I don't remember him saying that, sir.
- Q. He did contact you though and tell you to keep him covered?
- A. I don't remember him saying keep me covered, but anytime he landed that was our main job.
- Q. I understand that. What I'm asking is whether on that occasion he contacted you and gave you some special instructions about keeping him covered?

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- A. If he did, 'I don't remember, sir.
- Q. All right. When you landed what did you do?
- A. I made two lifts into the area and picked up women and kids and moved them out of the 'area.
- Q. Where did you fly them to?
- A. Back down to where the, I don't believe it is on this map.
- Q. Well, I don't think it is necessary. Did you fly them to Quang Ngai?
- A. No, sir. I flew them back along this main road and put them off in an intersection.
- Q. Approximately how far would you say from My Lai?
- A. I believe it's where this trail and this road intersect.
- Q. Maybe a kilometer and a half or two kilometers?
- A. Yes, sir.
- Q. After you dropped off the one load you returned?
- A. I picked up one more.
- Q. Picked up one more load?
- A. Yes, sir.
- Q. Did Mr. THOMPSON's aero-scout ship take off the same time or shortly thereafter?
- A. I believe he was on the ground when I came in the first time and helped put the people on the ship, and I'm not sure whether he was on the ground when I got back or not.
- Q. Now, then, I recognize that you are talking here about the U-shaped or V-shaped area it is located in. Look at this area closely around in here (indicating) and see if you can find where you came in and where you took off, if you can pick out the site where the trees were and so forth. And in relation to the other ditch that you were talking

about, where the bodies may have been or if you can pick this out. One may lead you to the other and so on.

- A. It seemed more like the hamlet where we picked the old man and people up was just out by itself more or less.
- Q. How far from the village? This seems to be the crucial thing, to locate this. How far was the ditch from the edge of the village and how far was this bunker or little group of houses or whatever it was, how far was that from there? And what approaches did you use to get into these areas, to get into this area?
- A. I landed east in this direction (indicating). The people got into my aircraft on the right side.
- Q. Yes?
- A. And I took off from the east side. I would say possibly one-half mile from My Lai to the southeast.
- Q. Eight hundred meters from the village?
- A. I'd guess that. Yes, sir.
- Q. Would you indicate from the site where you picked up the women and children and the old man, the approximate location of the ditch where you saw the bodies?
- A. It was back southwest of this area here, sir.
- Q. Your sure that this trail, this ditch, butted right up to the road, the main road?
- A. As I remember it, it did, sir.
- Q. Off to the side, identify this and identify this, please (indicating). Would you indicate when you saw these bodies in the ditch, how close were you to them, and did anything happen there that stands out in your mind, in or near the ditch?

- A. Yes, sir. We were over them all day long at 50 to 75 feet occasionally flying directly over the top of it and off to the side. I saw a colored sergeant standing on the east side of the ditch firing to the west and firing into the ditch.
- Q. Would you so indicate that, and identify it please.

(The witness did as directed on Exhibit 0-2.)

Did you physically see him firing into the ditch?

- A. Yes, sir. I did.
- Q. What was he firing into the ditch with? What kind of a weapon?
- A. As I remembered it, it was an M-16, sir.
- O. M-16 rifle?
- A. Yes, sir.
- Q. How long did he fire into the ditch while you observed him?
- A. One round that I observed, sir.
- Q. How do you know he fired one round?
- A. Well, that's the way it looked to me, one round.
- Q. Was he firing tracers?
- A. No, sir. I couldn't say. I don't know, sir.
- Q. You were saying one round from seeing the kick of the weapon or the impact of the round?
- A. That's all I'm going by, sir, is the impact.
- Q. Impact?
- A. Yes, sir.
- Q. You saw one round impact into a body or bodies?

- A. Into one body, sir. Into the head of a body.
- Q. Do you know when this took place?
- A. No, sir. I don't know the time frame.
- Q. But, it was some time after 1030?
- A. Yes, sir. I would say so.
- Q. That's when you went back on station? Is that correct?
- A. Yes, sir.
- Q. How many bodies do you think were in that ditch?
- A. I would estimate 50 to 75.
- Q. Would you so indicate?

(The witness did as directed on Exhibt 0-2.)

Do you recall any other thing about this ditch? While you were flying low gun for Mr. THOMPSON, do you recall him ever landing along side the ditch?

- A. No, sir. I didn't recall it. He said that he did land and take a small child out of that ditch.
- Q. Wait a minute now, wait a minute. When did he say that?
- A. He said that when we were still in Vietnam.
- Q. When did he tell you that?
- A. Sometime after the operation, sir. He did not land, I believe, while my team was out there and extract that child. It must have been while the other team was there because I don't remember him landing, but I remember him saying that he did land and pick the child up.
- Q. Did you accompany Mr. THOMPSON to Quang Ngai?

- A. No. sir. I did not.
- Q. Did he ever communicate to you that he was going to Quang Ngai?
- A. No. sir.
- Q. Could it have possibly been that you had already departed the station before he picked up a boy anyplace?
- A. Apparently it was, sir, because I do not remember him landing and picking up the child.
- Q. Do you recall after you picked up the children, the women, and the old man from the bunker or hootch, or whatever it was, that you ever went back on station? After that, immediately after that, did you go back on station or did you return to LZ Dottie?
- A. After dropping the people off?
- Q. Yes.
- A. Yes, sir. I stayed out there.
- Q. You stayed out there?
- A. Yes, sir. I did.
- Q. How much longer did you stay there?
- A. Until the end of fuel load, sir. I guess 1030 or 1100 or something like that.
- Q. Probably later than that. You arrived on station about 1030 and you carry about how much fuel?
- A. An hour and a half or an hour and forty-five minutes.
- Yes, but you normally would depart station by at least an hour and a half. Maybe an hour and fifteen minutes for your reserve. Would that—I'm not putting words in your mouth—but would this be about correct? You would normally not stay on station, if you were away from your base 10 or 15 kilometers, longer than an hour and fifteen to an hour and thirty minutes supply of fuel?

- A. Roughly, sir, yes.
- Q. Did you see any other bodies in the area that stick out in your mind?
- A. Yes, sir. There were bodies inside the village and on this main trail running south.
- Q. Where on the main trail did you see a group of bodies?
- A. They were generally all along it, sir. There was a pile right in the intersection.
- Q. How many bodies were there?
- A. I'd say 10.
- O. Right at the intersection?
- A. Yes, there was another pile north of the intersection.
- Q. Looking at this photo, (Exhibit P-48) now, I think you're identifying the main road that comes out of the center of the village and goes down to the junction. Where, with respect to the village coming out of here and running along side these houses, where would there be bodies?
- A. There was one pile right in the intersection here, sir (indicating). I can't actually identify this trail as the one. It seemed—I'm sure it ran all the way to the village, and it seemed it ran straight through the village to me, and I know that it intersected the main road at a 90-degree angle and stopped at the main road, so I'm assuming that's the same one. There was a pile of bodies here (indicating) and scattered to the north, a few more scattered to the north. Another stack a little further up the road, I would say right in that area (indicating).
- Q. Would you identify them on that photo?

(The witness did as directed.)

Would you identify the numbers approximately?

For the record, in your view were these VC or were they bodies of noncombatants?

- A. I would say noncombatants, sir. I didn't see any VC that day except the one that we took under fire.
- Q. And possibly some--
- A. (Interposing) Of these, three, possibly. They weren't carry weapons or web gear. They were VC I would say.
- Q. Do you recall anything else in this area of operation that you observed or any other activity that you would like to relate at this time?
- A. As I remember it there was another pile of bodies somewhere up the northern side of the village.
- Q. Northern side? Would you identify that?
- A. I would say roughly right around there (indicating).
- Q. In this one I would like you to be very careful because you have the LZ to the north and from all indications the LZ was to the west. So, in this instance, I don't want you to get confused. I just want to make sure if the LZ was over here (indicating) and the troops moved through there instead of this being here and going through there (indicating), if that might not be at a different location than you are plotting it.
- A. Well, it could be, sir, but I remembered it as the north side. It could have been a little further west but I remembered it as being the north side.
- Q. Indicate this, but I would like you to draw a line out and explain that this is where you think you saw them, or I would at least like to leave it questionable as far as the location is concerned.
- A. Extend this like this?
- Q. No, just draw a line out and explain it out here (indicating).

(The witness did as directed on Exhibit P-48.)

Approximately how many bodies do you think you saw lying in the village?

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- A. They were scattered through the village, sir. This was the main body. You would see them just generally all over the village. My estimate in the entire village itself?
- Q. Within the village you might indicate how many you think--an estimate of about how many you think you saw.
- A. I would say then in this area right here 10, (indicating) roughly. One other thing that stands out in my mind is it seemed like there was another hootch. I don't know whether it was in the body of the village. There was a woman and her small baby lying outside of the front of the hootch there. They appeared to be killed by gunshot wounds in the head.
- Q. Well, indicate how many bodies you think you saw in that general area that you identified. I believe you said about 10?
- A. Yes, sir.
- Q. Draw the approximate location where you saw the woman and the baby lying outside the hootch and identify it.
- A. I believe it was the southeast corner.
- Q. Now, let me ask you something. Who is flying this quaship of yours during this period?
- A. We alternated, sir.
- Q. That's what I thought because you obviously wouldn't be seeing all of this down on the ground if you were flying that gunship of yours.
- A. Yes, sir. Well, you can fly and still look around. We switched off. When one would get tired the other would take over.
- Q. You and your copilot, between the two of you, had plenty of time for observation. Would that be correct?
- A. Yes, sir.
- Q. Flying 10 or 15 minutes at a time?

- A. Yes, sir.
- Q. I'm not putting words in your mouth, but is that the normal procedure that you followed?
- A. Yes, sir. If one person was flying and he got tired then the copilot of the aircraft would take the controls. In any case you have plenty of time to look around even if you are flying.
- Q. I recognize this, but you're not just flying a helicopter. You are flying close to the earth and you're also in support of an observation helicopter there. So, basically, your job is to watch him. Is that not correct?
- A. Yes, sir.
- Q. And to cover him?
- A. Right, sir.
- Q. Is there any other thing, now, that sticks out in your mind? How much of this village was destroyed by burning of hootches? I know that this village had been mauled before, so I'm not thinking that they were going into a fully inhabited and straight area. There must have been many temporary shelters and this kind of thing. I'm accustomed to seeing this kind of area down in upper Binh Dinh and as a matter of fact now in Duc Pho and in this area. So I know what these areas are that have been pretty well torn up. But with the temporary hootches and so forth that were in here, was it pretty obvious that the area had been burned out? What did it look like?
- A. I couldn't say how much area they destroyed. There were fires in the village. I don't know how many or whether they destroyed the village or not. I believe there was a fire in this area (indicating). I believe the northern side.

COL WILSON: He indicated the north-central.

MR WALSH: Just draw a circle and put the number 5 or something like that for us please.

A. For the fire?

(MILLIANS)

IO: You might draw an arrow off to the side and indicate "fires" which would be ample for identification.

(The witness did as directed on aerial photo which is later received in evidence as Exhibit P-48.)

- Q. Do you recall any other thing, Mr. MILLIANS, concerning what you saw and what you observed or what you heard in this area?
- A. No, sir. Those are the things that stand out mostly in my mind.
- Q. I have here a sketch (Exhibit 0-3), Mr. MILLIANS, which you made in support of your testimony to Colonel WILSON. I show you this sketch and ask if it was made by you and ask you to verify it in conjunction with what you put on this photo and on this scratch pad.
- A. (Studying) Yes, sir. Do you want me to sign this?
- Q. No, that's already in the record. We'll have these cleaned up, so you can verify the fact that you made this and that you prepared this sketch which will be appended to your testimony when we are finished here.
- IO: We will take a ten minute break at this time, a ten minute recess.
- (The hearing recessed at 1722 hours,11 December 1969.)
- (The hearing reconvened at 1735 hours, 11 December 1969.)
- IO: The hearing will come to order.

RCDR: All parties present when the hearing recessed are again present with the exception of Mr. WEST.

IO: For the record who directed you to make the phone call to-no, as you were. Do you know who directed the phone call to be made to you by Mr. THOMPSON?

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- A. I don't understand, sir.
- Q. Did Warrant Officer THOMPSON, at that time, indicate to you that by the direction of the officer from the Inspector General's Office he was calling you to try and find out who was flying with him that day?
- A. When he called from Washington that day, I believe the way I remember it, he asked me if I was flying that day and I told him: "Yes, I was." And he told me where he was and what was happening.
- Q. What did he tell you?
- A. That he was in Washington for this My Lai incident. He didn't call it that. I don't remember the phrase that he used but he wanted to know if I was flying that day.
- Q. Colonel WILSON for the record it would be advisable for you to indicate what you just informed me of.

COL WILSON: Well, I directed Warrant Officer THOMPSON to call Mr. MILLIANS and find out if he was flying with him that day, and I believe he made a memoradum for record on this. I'll have to see if I have it on file and if so I will produce it.

IO: The phone call was made at your direction?

COL WILSON: That's correct, sir.

- IO: When you arrived initially off your station there and you were flying around south of the road, could it have been possible instead of flying south of the road that you were flying somewhat east of Hill 85? Looking at this map, this being Hill 85, could you have been flying in this area as opposed to this area?
- A. It's possible, sir. As I remember it, we were patrolling east and west in a racetrack pattern south of the road between the road and Hill 85. I remember when we took that individual under fire we were flying east. That's what I'm basing that on.
- Q. You see the logic of what I'm trying to point out to you. If you were here and you saw the village between you and the artillery prep and the LZ, it would have placed you here (indicating). But if you were, in fact,

flying over here in this area at that time when you observed it, it could have been to the west side?

- A. Yes, sir, that's possible.
- Q. I ask you if, when Warrant Officer THOMPSON was on the ground, he communicated with you or gave you any instructions concerning covering him on the ground?
- A. I do not remember him saying that, sir.

IO: Do you have any instructions that you would like to give Mr. MILLIANS at this time?

COL WILSON: No, sir.

IO: We will take a two-minute recess.

(The hearing recessed at 1740 hours, 11 December 1969.)

(The hearing reconvened at 1743 hours 11 December 1969.)

IO: The hearing will come to order.

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

IO: Mr. MILLIANS, having gone through all of this operation which must stand out quite vividly in your mind, do you recall, at the time that you saw all of these things that you have indicated on this map and here, where you have all these bodies of reportedly women and children and old men, do you know who was flying copilot with you?

- A. No, sir, I don't.
- Q. Do you remember your conversation with him?
- A. No, sir, I don't. I remember we were wishing we had a camera so we could take pictures of it.
- Q. Just a few weeks ago you gave a statement to the CID?
- A. Yes, sir.

I would like to read one paragraph of your testimony (Exhibit S-1) to the CID to refresh your memory. stated: "The troops were moving from west to east. Mr. THOMPSON the pilot of the OH-23 radioed me and said there was an old man sitting in the door of a small shelter in the path of the troops. THOMPSON who was quite upset by all the killing wanted to rescue the old man to keep the troops from killing him, too. THOMPSON was netted by the radio with me but not with the troops. I was netted with the high ship but not with the troops. The high ship was netted with the troops. I told the top or the high ship to radio the troops and ask them why they were killing all the civilians and to object to the unnecessary killing. any event, THOMPSON said we'd better land and rescue the old man, and the troops arrived at THOMPSON's location at about that time. I saw THOMPSON talking to some ground forces but I don't know who they were or what was said. He then asked me to come in and evacuate the people, since he couldn't lift them in his ship. In two lifts I removed about 10 people, the old man and some women and children. On the radio, THOMPSON told me that if he saw the ground troops kill one more woman or child he would start shooting (the ground troops) himself. I carried the people I evacuated to a rice paddy west of town where they were out of the path of the troops."

Do you recall having made that statement?

- A. Yes, sir, I do.
- Q. You directed your high ship to communicate with the ground and to object to the killing of, the unnecessary killing of, the civilians?
- A. Yes, sir. I believe that was done more than once that day, on a couple of occasions. I'm not sure, but I believe it was.
- Q. Did you hear your high gun or high gunship transmit that to the ground forces on the ground?
- A. No, sir. I did not.
- Q. Did you have the capability of hearing him transmit?

- A. No, sir. I didn't
- Q. He would transmit on another set?
- A. Yes, sir, on an FM radio.
- Q. When did THOMPSON tell you that if he saw the ground troops kill one more women or child he would start shooting himself?
- A. I can't time-frame it, sir. I don't know exactly when he said that.
- Q. Was he on the ground at that time?
- A. I couldn't say, sir.
- Q. In your mind was THOMPSON upset?
- A. Yes, sir. He was very upset.
- Q. How did you feel?
- A. Well, I didn't like it very much either, sir.
- Q. Did you realize what you were observing at that time?
- A. I didn't actually see anyone, except that one colored sergeant, shoot anybody. When I got there the bodies were already there. I don't know who shot them or when they were shot or anything like that.
- Q. Would the combination of that and the large number of women and children scattered over the wide area that you have which would generally be pretty much out of the way of the artillery prep, and the fact that THOMPSON was so upset, the fact that he would tell you if he saw any more of this he was going to start shooting his own forces. Did this not make a dramatic impression upon you?
- A. Yes, sir. That's the reason I remember it.
- Q. To come back to the ditch where you saw the sergeant. How closely could you see that sergeant?

- A. I would estimate 75 to 100 meters away from him. 50 to 75 feet in the air. I was in a right-hand turn and I looked over my shoulder and saw him though the left cargo door.
- Q. The left cargo door. You were then flying in the right seat?
- A. In the right seat, sir.
- Q. And you were looking out the open door then?
- A. Yes, sir. Out over my left shoulder through the left cargo door towards the rear of the aircraft.
- Q. Did you have ample time to study him, to recognize all of the details about him, how large a man he was, what identification he had on him, and could you see him plainly at this distance?
- A. I could see him plainly, sir. He was colored, a sergeant, and large.
- Q. How do you know he was a sergeant?
- A. By the chevrons on his sleeve.
- Q. How could you see camouflaged chevrons at 100 meters?
- A. I don't know how I can, sir, but I did.
- Q. Did you or did you just think you saw them?
- A. I saw chevrons, sir.
- Q. Mr. MILLIANS, I have here a set of photos. These are photos which were taken on the ground by a combat photographer who was with the operation. Now, I'm not asking you to identify the photographs, however, to see if you have ever seen any of the scenes in the photographs. Do you understand what I'm asking about?
- A. Yes, sir. The terrain around the photographs.

- Q. Or the individuals. Whether you recognize it and you can put a body or a group of bodies at a specific site or place. I will give you another set of photos. These were also taken by the same combat photographer, taken in color. I might say, if you just wait a minute and listen to me before you get into that, these were taken by the same photographer. Some of them may be away from this area. Some of these are the same photos that came out in Life magazine in color. I will also show to you, to see if you can identify any of these scenes, photos from this set of pictures. You will notice in these photos that some of them are front and rear. I have provided him photos P-2 through P-25, P26 through P-42, and also the same photos as in Life magazine (Exhibit M-1). I refer to photo P-32. Do you recognize this woman?
- A. No, sir, I don't. I have seen this picture. The CID man showed me this picture. That's the only time I have ever seen it.
- Q. Looking at the <u>Life</u> magazine pictures, does this scene look like any one of those that you might have picked on the road to the south of My Lai (4)?
- A. It could easily be it, sir. I couldn't say for sure but that's generally what it looked like.
- Q. Were there rice paddies on either side of the road which you observed?
- A. On this one it seemed like there were rice paddies mostly around a few houses, hamlets, the main road, the east and west road, rice paddies I would say on the north side. Mostly it was a slope on the south side.

COL WILSON: Identify that photograph by number.

WIT: P-41.

IO: Before we proceed, Mr. MILLIANS, one additional point so far as information that we have on this map that I would like to clarify. In the area south of the road, in your previous testimony with the CID you made the following statement: "I saw one gunship from another team hovering over the tree line at the trail junction in front of Hill 80-something. He was firing into the tree line. We flew down to see what he was shooting at and saw people there

that he had apparently fired into. There were a couple of women on the ground apparently dead judging by the number and the nature of wounds they had sustained. I don't know why the gunships shot at these people. The gunship was either from the 176th helicopter company or the 174th helicopter company with the probability being that it was from the 176th helicopter company."

Do you recall making that statement?

- A. Yes, sir. Not verbatim but I recall generally making that statement.
- Q. I want to amplify two points in that statement. First, do you recall which unit specifically was providing the gun support for the assualt helicopters that morning?
- A. No, sir. I don't. I presume that it was the 176th and the 174th. The gunship that I saw hovering was most likely a 176th as it wasn't marked like a 174th gunship.
- Q. How are the 174th ships marked?
- A. Their call sign was Sharks, and on the front of the aircraft was a mouth and red and white teeth, so it stands out in your mind if you ever once see it. That's the reason why I say it's most likely a 176th.
- Q. Was the 176th the only other unit that had guns in the battalion?
- A. No, sir. I believe the 71st Helicopter Company has guns. I don't know if they were there. I noticed from pictures that a 71st slick was there. It could have very possibly been the 71st.
- Q. If the 71st provided slicks there is also a great likelihood that they could have provided some of the guns that day?
- A. Very possible.
- Q. One other point. In your statement you indicated here this afternoon that you saw one body there. In your statement to the CID there were a couple of women on the ground apparently dead.

- A. Yes, sir. I would say one.
- Q. I'm not trying to put words in your mouth. I'm trying to get a picture now, Mr. MILLIANS, of what the situation is so there can't be any discrepancy. I know that you can't go back and have a camera turn on as to what you saw specifically at that time a year and one-half ago. Obviously this created quite a mental impression upon you, so I'm trying to get, the best I can, what the situation was there at that time. So, if you think now, after you have heard this statement and you know what you told us this afternoon, I would like you to think about it a moment and tell us was it one or were there two or were there more in sight?
- A. The main reason that it stands out in my mind is because he was hovering over the trees. I'll stick with one.
- Q. Why did you think it was so unusual for him to hover?
- A. Gunships do not hover that high, sir. A gunship is very heavily loaded. For him to hover that high is pretty dangerous.
- Q. Your saying that is a good way to get his tail rotor shot off?
- A. No, sir, Im saying that is a good way for him to crash.
- Q. Crash or get shot?
- A. Yes, or get shot.
- Q. If he received heavy ground fire he would be completely vulnerable. Both vulnerable to enemy fire and also his attitude, the air attitude.
- A. Yes, sir.
- Q. When did you go off station that morning?
- A. The first time, sir?

- Q. No. You were out there once early in the morning with Major WATKE. You returned while another gun team took over. When they returned you took over. What time did you return from your second support mission?
- A. I can't say, sir. I believe we were out there into the afternoon. The only reason I say that is because I remember it being hot. The day was fairly hot. That's the only reason that I can say that we were there until the afternoon.
- Q. When you returned to LZ Dottie did you see Warrant Officer THOMPSON there?
- A. I'm sure I did, somewhere, in the course of the day. I don't remember specifically.
- Q. Did you accompany Warrant Officer THOMPSON to talk to Major WATKE?
- A. I don't remember, sir, if I did.
- Q. Well, if you went to talk to your commanding officer about what you saw on the ground, would it not be quite logical that you would remember it?
- A. Yes, sir. It probably would. I probably talked to him. I don't know. I can't remember.
- Q. No. I'm not saying that you did talk to him, not even implying that. I'm only asking you if you did?
- A. I don't know, sir.
- Q. To the best of your recollection did you?
- A. To the best of my recollection I did not.
- Q. Did you ever hear of Warrant Officer THOMPSON, by himself or with other individuals, reporting his activities and his opinion as to what was happening there to Major WATKE?
- A. No, sir. He was quite upset about it and I believe he said he was going to report it, but whether or not he did I cannot say.

- Q. You have no personal knowledge?
- A. No, sir, I don't.
- Q. He did say that he was going to report it though?
- A. He was quite upset about it and I believe he said he was going to report it. Whether he did or not, I do not know.
- O. Did he communicate this to you on the radio?
- A. No, sir. I would say it was back after the mission.
- Q. You did not see Warrant Officer THOMPSON land alongside this ditch because of a tail rotor problem, or pick up something out of the ditch?
- A. No, sir. I did not.
- Q. If he had, and you would have been flying the low gun at that time, would you have recalled it?
- A. I believe I would have, sir.
- Q. Could this have transpired during the time that you were flying the people from the bunker to the collection area, when you were flying them back to the southwest of My Lai (4)?
- A. That could have been, sir, but from my understanding he took the child to Quang Ngai, and if he had been gone that length of time I would have known it.
- Q. According to Warrant Officer THOMPSON, he did take the child to Quang Ngai. Do you recall another H-23 arriving on station?
- As I remember it, sir, he was the only 23 working that day. I believe that was the only 23 we had flying that day. They might have been switching off pilots but I'm not sure.
- Q. There was an indication that another. H-23 was supposed to have come down in the morning, and there is no indication that it ever arrived. This is why I'm asking if you recall working with someone else or another H-23 that afternoon.

- A. No, sir. THOMPSON was the only one that I recall working with.
- Q. Do you recall returning to LZ Dottie and having lunch at LZ Dottie with THOMPSON?
- A. No, sir. I don't remember it. That's where we ate lunch every day and apparently we did eat there.
- Q. Do you recall any conversation that took place after you landed?
- A. No, sir. I don't.
- Q. I would like you to think for just a minute, now. You have just gone through quite an experience here where you have seen a large number of noncombatants, women and children, killed, and irrespective of how they were killed, it can only affect somebody. So it would appear, at least to me, that when you returned you would talk to somebody about it, even though it was idle conversation, talk to your other guns, or talk to Warrant Officer THOMPSON. But just to go back and land the helicopter and refuel it, does that seem normal?
- A. Sir, I'm sure I talked with someone. I don't remember who. I don't remember who, but I probably did.
- Q. Is the word "sure" proper, or did you think that maybe you did?
- A. I'm sure I would have talked to someone but I do not remember talking to anyone.
- Q. Did you go to see the chaplain about this time?
- A. No, sir. I don't remember seeing the chaplain.
- Q. Did you report what you saw to anybody at any time?
- A. I don't remember making a formal report.
- Q. Do you remember making an informal report?
- A. No, sir.
- Q. Or giving it verbally to anybody?
- A. No, sir. I don't remember.

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Q. I will again return to your CID statement (Exhibit S-1). The question was put to you after My Lai (4): "Did you report the excessive killing to anyone?" Your response was: "Yes, I and all the pilots complained about this to our commanding officer."

Do you remember making that statement?

- A. No, sir, I don't remember it. I don't remember making a complaint to the commanding officer. I'm sure I made the statement, sir, I remember signing it and everything but I don't remember specifically saying that to the CID man. If it's there, I said it.
- Q. You signed it?
- A. Yes, sir.
- Q. It could be only logical to assume that you must have made the statement.
- A. Yes, sir.
- Q. Would you say that this statement is in error?
- A. Yes, sir, I would. I do not remember making a complaint to the commanding officer.
- Q. Did you make a complaint to any of the officers or any of the other individuals with whom you worked? For example, you were an aircraft commander. You also had some officers who were, some of whom may have been, aircraft commanders, some of whom may not have been aircraft commanders but they flew copilots and so forth. Did you tell any of them about this?
- A. I'm sure we probably talked about it for weeks after but I don't remember it, sir.
- Q. Were you ever questioned by anybody concerning this incident? A senior officer, a superior officer, with the understanding that this was an investigation?
- A. No, sir.
- Q. Did you ever while you were there make a sworn statement under oath?
- A. No, sir.

- Q. Did you know that an investigation of this incident was under way in Task Force Barker, within the 11th Brigade, and within the Americal Division?
- A. No, sir. I did not know there was.
- Q. You indicated that you probably talked to other people about this. What was the attitude of the pilots and the unit personnel concerning this incident?
- A. I don't remember the attitude of most of the people. I do know that Mr. THOMPSON was quite upset.
- Q. I'm talking about afterwards, Mr. MILLIANS. Did they feel as though this was a great operation?
- A. I couldn't say, sir. I can't remember.
- Q. Did you see a message from General WESTMORELAND congratulating the Americal Division and personnel of Task Force Barker for the accomplishments of this operation?
- A. No, sir. Not to my knowledge, I didn't.
- Q. You do not recall seeing one on your company bulletin board?
- A. No, sir. I don't.
- MR MACCRATE: When you were in Vietnam, did you from time to time write to people, to home, about the experiences you were having?
- A. No, sir. I didn't tell them too much what was happening. I could have, I'm not sure.
- Q. With respect to this operation of 16 March 1968, did you ever have a feeling that you wanted to get it off your chest? Either with those with whom you operated or with someone with whom you corresponded either within the operational area or back in the United States?
- A. No, sir. I can't remember what my feelings were at the time whether I wanted to talk about it or forget it or what. I don't know what my feelings were. I just don't know.

- Q. Do you recall writing to anyone at that time?
- A. No, sir. I don't recall writing to anyone.
- Q. You did say that there was considerable conversation about it in the period following it; didn't you?
- A. That's right. I would say there was. Yes, sir.
- Q. And you remained there until June of 1968.
- A. Yes, sir.
- O. Which was about 3 more months?
- A. Yes, sir.
- Q. And at that time you were transferred where?
- A. I was medevac'd back from Vietnam, sir.
- Q. You, at that time, were brought back to a hospital back in the United States?
- A. Yes, sir. Fort Gordon.
- Q. Were there any members of your unit that were there with you?
- A. In the hospital, sir?
- Q. Yes.
- A. No, sir.

IO: I have here a document, witness statement, place: Fort Wolters, Texas; name: MILLIANS, Daniel Richard; grade: Chief Warrant Officer 2; date: 7 November 1969. I would like to have this statement entered into the record as an exhibit.

RCDR: This statement is entered into the record and will be marked as Exhibit S-1.

IO: Do you have any questions that you would like to ask?

(MILLIANS)

MR WEST: Mr. MILLIANS, do you know Captain LIVINGSTON?

- A. Yes, sir. I do.
- Q. Captain LIVINGSTON also gave a statement (Exhibit S-2) to the CID on the 4th of this month, not very long ago, and he states that he also participated in this mission providing support to Task Force Barker's operation in the vicinity of My Lai (4) on 16 March 1968. Was he a member of your company?
- A. Yes, sir. He was in the 123d.
- Q. All right. He stated that he was part of a gunship on recon duty in support of Task Force Barker and that he was flying over or near Hill 85 south of My Lai (4) during an artillery preparation fire, during the time that the infantry troops were being lifted into the area by chopper. Does this seem to be about the same time you were there on station flying the low gun?
- A. Yes, sir. I was there for the initial insertion.
- Q. Could you account for this statement by Captain LIVINGSTON?
- A. I don't know whether he was flying or not, sir.
- Q. You said there was an alternate team--
- IO: (Interposing) Could he not have been a copilot in the high gun?

MR WEST: I was working into that. I believe you earlier stated that Major WATKE was flying with you.

- A. Yes, sir.
- Q. You stated also, I believe, that there was an alternate team to cover the H-23.
- A. Yes, sir. We had four qunships.
- Q. Do you know whether or not Captain LIVINGSTON was in one of these other alternate teams, one of the other gunships?
- A. I don't know, sir.
- Q. Could he have been pilot of the high gunship?

- A. He could have very well have been. I don't know, sir.
- Q. He states further: "I was flying as a covering ship for Mr. THOMPSON who was in an OH-23 helicopter. I was flying about a hundred feet above him and to the side."

Would that indicate to you that he was a low gun or a high gun?

- A. One hundred feet above him and to the side?
- Q. That's what he said.
- A. That would indicate a low gun, sir.
- Q. You just have no recollection of whether Captain LIVINGSTON was there that day and helping to provide the support?
- A. No, sir. I don't.
- Q. He was not in the ship there with you?
- A. He wasn't initially, sir. I'm quite sure that I flew with Major WATKE for the first period that we flew that morning.
- Q. When you returned to station around 1030 and were reconning over My Lai (4), I believe you stated that you couldn't remember the name of your copilot?
- A. No, sir. The second time I came back?
- Q. Yes.
- A. Yes, sir. I don't remember who I was flying with.
- Q. Could you give us a list of names which might include your copilot because we would like to know who was with you at that time?
- A. There was Warrant Officer BROWN, but he has already stated that he was not there so it wouldn't be him.
- IO: How do you know that?
- A. He was at the CID the same day, sir. We all went up there together.

- Q. All went where?
- A. Fort Wolters, the provost office. Warrant Officer BROWN and Warrant Officer POTEETE.
- Q. What did Warrant Officer POTEETE say?
- A. He said he was not there.
- Q. He was not there to fly then?

COL WILSON: By that do you mean he was not there to take part in the mission?

- A. No, sir. They said they did not take part in the mission. They did not give a statement to the CID.
- Would Warrant Officer BAKER mean anything to you as far as this incident is concerned?
- A. He was in the company but I do not know whether he was there or not.

MR WEST: Do you have a company roster?

- A. I don't.
- Q. One that was in effect at this time?
- A. I do not have a roster, no.
- IO: Within your flight record, Mr. MILLIANS, would they have a record of who was flying and what helicopter at what time?
- A. No, sir. They have just myself in my own records, my flight time in there as far as showing--
- Q. (Interposing) I know your log. I'm well familiar with that one. I'm talking about the records back in your operations office that must log the time and so forth for the utilization of these aircraft?
- A. It does not in my log show who I was flying with. It would have to be in their log.

MR WEST: Let the record show that the CID report from which I read during certain questioning of Mr. MILLIANS

is a statement, a CID witness statement, dated 4 December 1969, taken from Captain Brian William LIVINGSTON at Fort Hood, Texas. Please enter it into the record and give it an exhibit number.

RCDR: The statement by Captain LIVINGSTON is entered into the record as Exhibit S-2.

Have you retained copies of your personal flight log?

- A. Yes, sir. I had them when I got medevac'd back. I don't know if I still have them or not. It's possible. Fort Wolters has copies of my flight time in Vietnam, or a complete copy.
- Q. This log you're keeping, is it comparable to a pilot's log that you would normally use in a fixed-wing type of aircraft. Is that correct?
- A. No, sir. You're talking about the book type that you fill out each day?
- Q. Yes.
- A. No, sir, it's not. It's an Army form, DA or DD 759. It's strictly an Army form. It's not kept by me. It's kept by the Army and given to me every month or so.
- Q. I see. This is not your personal pilot's log then?
- A. No, sir. They have a true copy and I have a personal copy.

MR WEST: What was the makeup of the crew on the type of ship you were flying, the gunship?

- A. Aircraft--
- Q. (Interposing) Well, what I am trying to get at is did you have gunners with you?
- A. Yes, sir.
- Q. How many?
- A. A right and a left doorgunner and a pilot.

- Q. What was the grade of these gunners? Were they enlisted men?
- A. Yes, sir. Enlisted men.
- Q. Do you know their names, the men that were flying with you that day?
- A. No, sir. I sure don't.
- Q. You have given considerable testimony about the bodies that you saw in and around the hamlet at My Lai (4). Am I correct in believing that you made all these sightings after you came back on station the second time, after 1030.
- A. It was after 10:30, sir. I can't say whether it was the second time, third time, fourth time--
- Q. (Interposing) It was after 1030. Now, when you were first on station just after the artillery prep, during that time you were on station, did you see these bodies, these same bodies, on the ground, the bodies in the ditch and so forth?
- A. No, sir. I did not.
- Q. Are you able to state whether or not they were there at that time?
- A. No, sir.
- Q. You didn't observe this particular ground at that time?
- A. No, sir. I didn't. We were south of the road. I didn't observe that particular ground.

MR WEST: Okay, that's all.

IO: Colonel MILLER?

COL MILLER: No, sir.

IO: Colonel WILSON?

COL WILSON: Did you see this colored sergeant who fired into the ditch? Did you see him before you glanced back over your shoulder through the cargo door? Did you see him before?

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- A. You mean in that position or in that location? No, sir. I don't think I did.
- Q. This was your first observation of him. Did the 176th have any distinctive markings like the Sharks?
- A. Not as noticeable, sir. They had some marking on their nose, I believe, but not as noticeable or anything like that.
- Q. Were they called the Muskets?
- A. Yes, they were.
- Q. Could this action, these actions, have occurred where the aircraft were landing and taking off and so forth without the TOC knowing about it, without the company TOC knowing that the aircraft were landing and taking off?
- A. I don't understand the question, sir.
- Q. When the aircraft, when the 23 and your aircraft and the base helicopter set down on the ground removing the civilians and so forth, would it be normal to communicate and tell your tactical operations center what you were doing?
- A. I don't know if we made a practice of telling operations what we were doing or not, sir. I wouldn't think so. We did it quite often. I don't believe we made a practice of it. I'm not sure.
- Q. Would Mr. THOMPSON or the H-23 be aware of the qunship replacement?
- A. Yes, sir.
- Q. The gunship being replaced, he would be aware of it?
- A. Yes, sir. If we were going to change teams we would have him climb up to a safe altitude.
- IO: Do you have any more questions?
- COL WILSON: No, sir. That's all I have.
- IO: Colonel FRANKLIN?
- COL FRANKLIN: Mr. MILLIANS, did you say that you were making a right-hand turn? You are in the right-hand seat,

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and you saw that sergeant?

- A. Yes, sir.
- Q. You are making a right-hand turn and you saw him at about 100 feet--meters?
- A. No. I believe I said 75 to 100.
- Q. You mean to tell me that you are in a right-hand bank, and that left door goes way up, and you are in a turn going this way (indicating), and you can look out and see stripes, and see a round fired, and see a head hit? Is this really possible?
- A. Well, sir, maybe we weren't that far away. That was a guess. We were in a right-hand turn and it was not a steep bank. I could look over my left shoulder and out the cargo door.
- Q. This is really terribly important. Are you sure, are you positive, that you saw approximately 100 what you considered noncombatants dead in My Lai (4) village? Are you sure about that?
- A. One hundred overall?
- Q. Or 75, but a great mass of people?
- A. Yes, sir, I'm sure.
- Q. Okay. When you were talking to the high ship and you mentioned several times about trying to get those people to call down, your talking back and forth and you must be excited talking to this other pilot. It must have had an emmotional effect on you, would it not, seeing all these dead people, these kids and these women?
- A. I imagine it would. Yes, sir.
- Q. Aren't you talking back and forth with your copilot there? And you've got it, and he's got it, and you are changing over the controls of this thing. And then, when you land, wouldn't you be talking to him and the crew chief and the gunner? You never saw an act like this in your whole life, did you?
- A. No, sir. I haven't.
- Q. And yet, you are in a small unit maybe 30 pilots and you can't remember who that pilot was that was

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flying with you in this thing which you have never seen before in your life?

- A. No, sir. I cannot.
- Q. How can you explain that?
- A. I don't know, sir, but I cannot remember.
- Q. Mr. POTEETE, is he a good friend of yours?
- A. He's a very good friend, sir.
- O. Did you talk to him a lot?
- A. I talked to him quite a bit. Yes, sir.
- Q. Did you recount in detail the things you saw this day to Mr. POTEETE?
- A. I'm sure he knows the story, sir.
- Q. Did all the pilots in the company really know this story, regardless of whether they were there or not, from talking about it?
- A. I would imagine they do. Yes, sir.
- Q. What was your feeling as to what happened in My Lai Village, what 1/20 did down there?
- A. Well, sir, there was a lot of people killed. It was a bad day altogether.
- Q. You people talk a lot more stronger than that. What was really your feeling, in your real words now. This is not a formal board here. In your mind, what did you think had really happened there in that village? Your opinion.
- A. I just thought it never should have happened. I didn't know why it happened, but it did. It should have never happened. That's my feelings.
- Q. Did you ever hear anybody use the term "massacre"?
- A. Not until this thing came up.
- Q. It was never used by the pilots or anybody?

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- A. No, sir. Not to my knowledge.
- Was there any other descriptive term which might have been used such as a "slaughter"?
- A. No. Not to my knowledge.
- Q. "Murder"?
- A. Not to my knowledge, sir.
- Q. Did it appear unusual to you and your pilots that after a given period of time, let's say a week or 10 days, that nothing had been done about this?
- A. I don't know if it appeared unusual, sir. I didn't know what should have been done about it.
- Q. Did you ever receive any instructions from your commanding officer or from anybody else to the effect that this matter was being investigated and in the meantime, until such time when the facts were determined, that people shouldn't unnecessarily talk about it?
- A. Not to my knowledge. I didn't hear anything like that.
- Q. Was there a lot of talking about this in the bar-racks, or in your billets, I should say?
- A. I don't know, sir. I would say there would be.
- Q. No, I'm only asking in your opinion what you can recollect of the situation that existed between you pilots and the other members of your organization.
- A. I don't remember any distinct discussion as to what happened in the barracks. I remember, they used to give us a briefing of what was happening in the division. Some lieutenant from division would come down to us and brief us on how many kills we had this week and this month and all this stuff. I remember the whole company was in the mess hall The lieutenant told us how many kills we had this week and some of the EM started piping up and saying stuff about women and kids, and "are you counting those?" stuff like that. I remember Major WATKE putting a stop to it. I don't remember his words.
- Q. May I have a copy of the Americal Division's newspaper?

RCDR: Newspaper, sir?

You do not have a copy of that entered into the

record?

REDR: No, sir. We don't.

IO: Do you recall a copy of the newspaper from the division writing up the operation in My Lai (4) or that area on 16 March?

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

IO: Mr. WALSH?

MR WALSH: Mr. MILLIANS, with reference to the area photograph, would you indicate the approximate flight path of the lift helicopters as you observed them coming into the landing zone while you were airborne with Major WATKE?

- A. All I recall, sir, is they were landing north.
- Q. Do you remember the direction of flight?
- A. To the north, sir.
- Q. To the north and indicate approximately over theproceeding over the intersection that you have marked with
 10 bodies--proceeding right over the village to the landing
 zone?
- A. Well, if this wasn't the landing zone then they didn't come right over that intersection. I guess they came out over here (indicating).
- Q. You were south of the road with Major WATKE. Is that correct?
- A. Yes, sir.
- Q. From your experience would you normally, seeing a flight of lift helicopters coming into a landing zone farther to the west, would you normally have stayed a good deal out of the way to the east?
- A. We wouldn't fly directly under them. No, sir. We would stay clear of them.
- Q. Do you have any recollection at the moment the lift helicopters were crossing the road and going to the village what your approximate location was? South of the

road and east of the flight pattern?

- A. I would say definitely south of the road and to the east of the flight pattern.
- Q. How far east of the flight pattern?
- A. I couldn't say, sir.
- Q. Past Hill 85?
- A. I couldn't say, sir. In the general area of Hill 85 around the north-northeast end probably.

MR WALSH: I have no other questions.

IO: Does anybody else have any questions they would like to address to Warrant Officer MILLIANS?

(Negative response.)

Mr. MILLIANS, we appreciate your being here with us today and what information you have provided us. When you leave here, you may recall something in addition to what you indicated to us today. You'll be thinking back over, putting down the marks on the map as to what you said. If at any time you feel there is something which bears upon this investigation which we are conducting to determine if this thing has been properly investigated and reported upon, or whether or not there has been any attempt to cover this action up, either within the unit itself, and for that matter even within your assault helicopter company, your aero-scout company, or any other unit that may have had knowledge of what was going on, whether there was a deliberate attempt to cover this action up, if you have any lead or any information of this nature, we would like you to immediately get in touch with this office.

- A. Yes, sir.
- Q. If you have any other document, any memorandum, if you have any letters, if you have any papers, if you have any maps, if you have any photos or any materials which may bear upon this, we would like to have them. I'm sure you understand the importance and gravity of what we are trying to establish here. So, I would ask you to do a lot of mental searching and soul searching in order to assist this investigation. At this time, before we recess,

I would like to give you an opportunity to make any statement or to provide any additional information which you might have and which you think might be helpful to us.

- A. No, sir, I can't think of any. Do you have a company roster here?
- Q. We will get one and will show it to you tomorrow.

In addition to the CID interrogation of Mr. MILLIANS, I would also like to add as exhibits the sketch which Mr. MILLIANS had prepared and which was attached to the interrogation taken by Colonel WILSON of the Office of The Inspector General. I would also like to add for the record the green ink sketch which Mr. MILLIANS has made as a supplement to his marks and indications upon the aerial photo.

RCDR: These will be added to the record and marked as Exhibits 0-2 and 0-3. The photograph will be Exhibit P-48.

IO: This hearing will recess until 0900 hours tomorrow morning.

(The hearing recessed at 1852 hours, 11 December 1969).

(Following recess, CW2 MILLIANS drew a communications diagram for the aero-scout team as requested, which was then received into evidence as Exhibit 0-6.)

SUMMARY OF TESTIMONY

WITNESS: MOE, Thelmar A. CPT

DATE OF TESTIMONY: 14 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

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

1. ASSAULT ON MY LAI.

a. Captain MOE's recall of the operation.

The witness did not specifically recall the operation of 16 March, although he stated that he remembered being called in to destroy mortar rounds found on Hill 85 (pg. 4). He noted that on that day he saw a large number of people moving down Highway 521 (pgs. 29, 50). He added that he thought that Major WATKE was flying a slick on that day, but may have been flying a gunship (pgs. 5, 21, 26).

b. Radio conversations recalled by the witness.

The witness stated that he heard a radio conversation to the effect that 30 to 40 bodies were seen on the ground in the area of the operation (pgs. 5, 6). Also heard was a report that there was indiscriminate killing taking place (pgs. 6, 44). He stated that he heard a report from the skeeter concerning the people moving down the highway saying that these were only women and children (pg.30). He stated that he also overheard a conversation concerning the incident with Mr. THOMPSON at the bunker. However, his recall of what occurred there came from a later conversation with THOMPSON (pg. 44). The witness related that he heard a transmission from Rawhide 6 (Colonel HENDERSON) that he did not want any unnecessary killing (pgs. 31, 38). The witness did not recall if he heard this transmission while in the air or at the Landing Zone Dottie TOC (pg. 38). The witness

noted that he remembered an incident when the skeeter suffered a blade strike and another ship was brought down from Chu Lai by Captain LLOYD, but he stated that he was not sure that it occurred on the day of this operation (pg. 32). He stated further that he heard no unusual transmissions on the afternoon of the day of this operation (pg. 52).

2. REPORTS OF AN INCIDENT AT MY LAI.

a. THOMPSON's report to the witness.

The witness stated that Mr. THOMPSON told him of landing and having a confrontation with a friendly officer about civilians being in a bunker. The officer threatened to kill these people, but THOMPSON stated that he managed to evacuate them. The witness noted that THOMPSON was extremely upset by the events of the day (pgs. 7, 46, 47). Mr. THOMPSON also told of seeing 100 to 150 bodies which also upset him, but the witness stated that he attributed these to artillery and gunships in his own mind (pgs. 45-47, 49). He did not remember the other individuals who were with THOMPSON during this conversation (pg. 36).

b. Other information heard by the witness.

The witness stated that he heard of a ditch with many bodies in it, but did not recall whether or not this information came from THOMPSON (pg. 7). He stated that he also heard from other pilots, possibly Lieutenant WALKER, or Warrant Officers EZELL, BROWN, BAKER, and MILLIANS that many bodies were seen along the road (pgs. 8, 9). He stated that he did not recall hearing THOMPSON mention a Negro soldier shooting civilians in a ditch (pg. 7). He noted that he received the report on civilian casualties after he returned to Landing Zone Dottie, not while he was airborne (pg. 40).

c. Reports to Major WATKE.

The witness stated that he could not recall a lengthy conversation between Mr. THOMPSON and Major WATKE, but he added that when he was speaking with THOMPSON, WATKE may have been present. He did recall the mention of the bunker with the women and children (pg. 6). He did state that he felt that Major WATKE had the same information that he heard himself (pg. 9).

d. Reports to persons outside the company.

The witness stated that although he had no personal knowledge that Major WATKE reported the incident to Lieutenant Colonels HOLLADAY and BARKER, he felt sure that he did report it (pgs. 7, 9, 41). The witness added that he was not aware of THOMPSON reporting the incident to anyone outside the company (pg. 48). Further, he stated that he knew of no report from any aviation personnel being sent forward (pg. 10).

e. Discussion of the incident within the company.

The witness stated that he recalled discussion of the incident within the company and the mention of unnecessary killing. He recalled Major WATKE speaking of the incident, but did not remember any particular occasion (pgs. 10, 11).

3. INVESTIGATIONS OF THE INCIDENT.

The witness related that Major WATKE had told him that there was an investigation in progress (pg. 12). He stated that WATKE did tell the men to stop spreading rumors and to hold down the talk of the incident. He felt that this was done not to suppress information, but to keep the incident from hurting the morale of the troops (pg. 14). He testified further that he recalled Colonel BARKER stating that he would look into the matter, but did not recall when this statement was made (pg. 42).

4. OTHER INFORMATION.

a. The award for THOMPSON's actions.

The witness stated that Mr. THOMPSON desired to have his crew members decorated for their actions on the day of the incident. Since it was improbable that the crew members would get an award without THOMPSON getting one, someone was solicited to write up a recommendation for THOMPSON (pg.52). The recommendation had to do with THOMPSON going into no-man's land to save women and children. The witness himself wrote up the actual award (pgs. 6, 7, 50, 52).

b. Others spoken to about the incident.

The witness testified that he had spoken to Major SABRE and Captain CARLSON about the incident since it first appeared in the press (pg. 3).

EXHIBITS

EXHIBIT			
NUMBER	DESCRIPTION	NOTES	PAGES
		Utilized by the	
MAP-1	Wall Map	witness.	13,50
.	6520 55 (0.0011 50010)	Witness oriented	16
MAP-5	Map 6739 II (small scale)	upon.	10
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(The hearing reconvened at 1345 hours, 14 January 1970.)

IO: The hearing will come to order.

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

Sir, the next witness is Captain Thelmer A. MOE.

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

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

A. Thelmer A. MOE, Captain, U.S. Army, Air Defense School, Fort Bliss, Texas.

IO: Captain MOE, this investigation was directed jointly by the Secretary of the Army and Chief of Staff of the United States Army for the purpose of determining 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) the possible suppression or withholding of information by any person who had the 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, but 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.

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

Captain MOE, there are some other people at this table aside from myself who my address questions to you. On my immediate left is Mr. MACCRATE a civilian attorney. He volunteered his services through the Secretary of the Army to assist me in this investigation, and also to provide legal counsel to me and to the other members of the inquiry team. On my immediate right is Colonel PATTERSON, and beyond him is Colonel FRANKLIN, and beyond him is Colonel BAUER. These individuals have been designated by the Chief of Staff of the Army to assist me in this investigation. They likewise, may address questions to you.

I think you should know, however, that in the final analysis, I will have the responsibility for putting together all the facts and circumstances and making the recommendations to the Chief of Staff and to the Secretary of the Army.

You are directed not to discuss your testimony in this investigation with others, including other witnesses in this investigation, except as may be required in the performance of official duty or as you may be required so to do before a competent judicial, legislative, or administrative body. You are cautioned that, if you are under the order of the military judge in the general court-martial case of the <u>United States v. Calley</u>, that your appearance here would in no way affect the applicability or effect of that order. To the best of my knowledge you have not been cited by the military judge, is that correct?

- A. That is correct, I have not.
- Q. Captain MOE, would you indicate what your duty assignment was on 16 March 1968?
- A. I was at that time, the lift platoon, or section leader, I should say. That was probably just a few days before, I became the company operations officer, so it's kind of hazy area, as far as what my duties were at that time. But, in either case, I would have been a lift pilot.
- Q. How long had you been with the unit?
- A: For approximately 1 month. I got there on 15 February.
- Q. And, how long had you remained with the company?
- A. I was with the company until August, sir.
- Q. And, then what happened?
- A. Then, I became the battalion operations officer.
- Q. And, you stayed there how long?
- A. Until approximately 12 February 1969.
- Q. Since this matter of the My Lai incident has become a matter of public knowledge, about the end of September or October of 1969, have you had any conversations with anybody from the 123d Aviation Battalion, or from the Americal Division, or from any of the provincial advisory groups, and so forth, that may have had anything to do with this incident?
- A. No sir, the only individuals from the 123d or the Americal Division that I have talked to are Major SABRE now retired, and a Captain CARLSON. And, their information would be, about as limited as mine would be.

- Q. Do you recall having flown during the course of this operation, that took place on 16 March?
- A. I would have flown from Ky Ha heliport down to LZ Dottie, but I do not believe, over the My Lai (4) area that particular day, because, to my knowledge, we did not put our infantry, anyplace on the ground, over in that area.
- Q. You were flying helicopters that day, maybe moving a support platoon, or a ground platoon?
- A. Yes, sir, our own attached infantry.
- Q. That is the platoon which, I think, is commonly referred to as the "animals"?
- A. Yes, sir, it was the "animals."
- Q. To refresh your memory, do you recall at sometime early in the morning of the 16th, that you had an insertion on elements, or parts of the ground element, that were inserted on the top of, or near the top of Hill 85, to seize and destroy some mortar rounds?
- A. It is possible, it could have been on that day. I know I went into that hill two or three times, during the course that I was there, and it is possible that it was that day. If that was the very first time, that we were in, it would have been just elements, because we didn't get all our ships down on that site. To be honest with you, I do not recall if it was that morning or not.
- Q. Do you recall how the mortar rounds were handled?
- A. I believe they were destroyed at that location.
- Q. You mean on the top of Hill 85?
- A. Yes, I believe they were destroyed.
- Q. Destroyed on the site rather than--
- A. (Interposing) Yes, sir, I don't believe we carried any of them back.

- Q. Do you recall who lead the flight?
- A. Very likely, it was Major WATKE. I think on that particular time I went into that hill, I was flying with a Warrant Officer STAPLES, if I remember correctly. The time that I recall going into Hill 85 was, I believe with Warrant Officer STAPLES, sir, or else I was flying with Major SABRE. But, it would probably be one of those two people.
- Q. If Major WATKE were leading, what kind of a ship would he have been in?
- A. He would have been in a UH-1 Delta.
- Q. He would have been in a Delta?
- A. Yes, sir. He did some Bravo and Charlie flying, but I believe that was some time later than that; although once again, I couldn't be 100 percent sure that he had at that time.
- Q. When you were flying around that day and you had contact with other elements of the aero-scout unit, did you hear of any unusual happenings, that may have taken place?
- A. Well, I recall hearing something from the operations van down there at Dottie. They had a radio in there, and they would talk to pilots as they came back, that had been out on scouting operations in the area.
- Q. Were you working in and out of the operations van?
- A. I would say, yes, we were all on strip alert, if we were not up in the air. And normally we were either up in the operations van, or down on the strip with the infantry.
- Q. Do you recall later on in the morning of the 16th Warrant Officer THOMPSON talking to Major WATKE?
- A. A radio conversation, or directly?
- Q. Directly.
- A. Well, I recall first of all, some radio conversation to the effect, that a good number of bodies over here, and this sort of thing, and there was one road to the west of the village there. And, yes, he did talk to Major WATKE--

- Q. (Interposing) Well, let's keep this right in focus while you're talking about it. Would you repeat to the best that you can recollect, the conversations over the radio?
- A. Well, I don't recall if these remarks came from THOMPSON over the radio, because he, as the scout aircraft pilot, would have been in communications with the infantry, that were being supported in that area. And, the guns had another FM and they would talk to him on UHF, which is a conversation monitor. And, there was considerable talk about the number of personnel lying along the side of the road. Instead of being one or two, it would be in the numbers from 30 to 40, and this sort of thing.
- Q. Were they talking about VC, or what were they talking about?
- A. Bodies, sir, rather than distinguished from VC or innocent civilians, or whatever at that time. Later during the--I can't think of anything immediately. I can recall some events to the nature of, there was too much killing here, or indiscriminate killing, but that was about the extent of the radio conversation.
- Q. What time of the morning was that? Did you hear this in the van or did you hear it while you were flying with the ground elements on the top of Hill 85?
- A. It could have been either, sir. It could have been either. I just recall it as being radio conversation that I monitored.
- Q. All right. Go ahead, please.
- A. Getting back to your initial question, of was I present for Major WATKE talking to Mr. THOMPSON. Very likely for a portion of it, I may have been. But any lengthy conversation or anything to that effect, no, I don't believe so. Whether Major WATKE was present, or it was just THOMPSON and I talking, I don't know. I recall one instance, when they told me about the case of the bunkers, and women, and children, who were over in that area. I helped write up an award for that particular act.
- Q. That was at a later date, however, that preparation of the citiation?

- Yes, sir, this was primarily just going over the format, and this sort of thing. But, he commented to me at that time. Whether it was noon, 2 o'clock, 4 o'clock, I wouldn't have the foggiest recollection. But, he did mention that he did find a number of women and children. I don't recall if he mentioned anything about men, but women and children, at least. In bunkers, between where the friendlies were, and where they were apparently going, but he had landed, where the friendlies were, and talked to an officer there, whose name he did not know, at that time. He could not recall it at that time, and I didn't ask him at that time. He did state that there were some women and children in these bunkers and they should be moved out. But, the officer on the ground said, there was only one way I know how to get them out, and at that time through one means or another, he got the civilians out and evacuated one small boy, or girl, or someone to the Quang Ngai Hospital. And, that's what I recall of the conversation with THOMPSON. He was extremely unhappy with the situation out there, I know that. it was brought to Colonel BARKER's attention by Major WATKE.
- Q. Did THOMPSON mention anything about seeing a ditch, or a particular area, where there was a large number of bodies?
- A. I believe, I mentioned that earlier. I don't recall if he would have been the individual, or for that matter, the only individual, to mention that there was a ditch with a large number of bodies. And, I think that was probably on the west side there with the village, I believe. I guess it was right in the area, when I took over operations, and it comes together with a lot of other things that we were doing at the time.
- Q. Did he say anything about a sergeant or a colored soldier firing into a ditch where the bodies were?
- A. He may have, sir, but I don't recall him saying that to me.
- Q. Was there any mention of him using smoke to locate the bodies of people that had been wounded so the ground elements could provide medical aid?

- A. I don't recall him specifically mentioning it, but anytime there were any wounded, or other wounded personnel for that matter, the man in the scout ship would mark them. So, I would consider this unusual, not to have marked them.
- Q. You indicated that the friendlies were located west of the village?
- A. To my recollection, that was the case, but I couldn't be positive of that either. It's been some time now. I should probably leave that direction out.
- Q. Did he indicate that he had seen any bodies on roads, or anything of this nature?
- A. Along the road.
- Q. Along the road? Was this were he said he spotted the bodies, or were the bodies in the ditch?
- A. Well, he said, and once again I'm including other people who were flying gunships, in my comments, but I can't say that I heard THOMPSON, specifically say that.
- Q. Well, the other pilots came in and said that, is that correct?
- A. Yes, sir. Anytime you see something that is kind of out of the ordinary, you're very prone to talk about it. And, they mentioned bodies that were out of the village, and in the village also; once again the mention of bodies along the road or in a ditch.
- Q. Did you make any effort to take their information, to make a sketch of, to plot it in any form?
- A. No, sir, I did not.
- Q. Do you remember some of names of the people who talked to you about it?
- A. Well, I thought about this, I believe it was on Monday, when I was contacted by the CID, and had to make a statement to them. I did write down some possible names of people that I would have expected, but I don't recall specifically, who would have been on that operation. I can't say. The ones that I would have expected to be out there, at that

time would have been, probably First Lieutenant Gerald WALKER, Warrant Officer EZELL, probably, Warrant Officer James BROWN, Warrant Officer Scott BAKER, Warrant Officer Daniel MILLIANS, I believe it is. Now, from the people that I recall being at the company at that time, those would have been the people I believe, who would have been flying gunships on or about that day.

- Q. These all are gunship pilots?
- A. Yes, sir, that's right. EZELL might just have gotten into the guns at that time, but it was on or about that time. BAKER had also come back from an extension leave, so he may not have been in on that trip that day, but that's where I'd expect to find him. That's all I could really say on who it might have been that I talked to. THOMPSON I remember quite well.
- Q. Did you talk to any of his crew?
- A. No, sir, I didn't. Neither his gunner nor his crew chief.
- Q. You say you heard this information. Do you know what information was passed on to Major WATKE?
- A. It would have been essentially the same information, I am sure, only probably it would be more detailed, than what I have.
- Q. You said, you know Major WATKE passed it on?
- A. I'm sure he did.
- Q. You say you are sure. How are you sure? Did you see him, for example, talk to Colonel BARKER, or did he tell you that he talked to Colonel BARKER, or are you making an assumption, that he talked to Colonel BARKER?
- A. I'm probably making that assumption that he told Colonel BARKER. He conversed with him, almost on a daily basis, at that time. So, it's probably more of an assumption on my part.
- Q. Did you continue to monitor the communications traffic?

- A. I didn't monitor the whole time they were out, no.
- Q. Did you hear any word being passed from the TOC at LZ Dottie to the air element, or the ground element, on the battalion "push," to stop any killing and burning?
- A. I may have. I can't say yes or no. I don't recall, sir.
- Q. The response is--
- A. (Interposing) I do not recall.
- Q. After this information was passed to Major WATKE do you know of any other thing that happened concerning this information? Do you know of any reports or anything that was rendered on it?
- A. No, sir, I do not. I don't think we had anything that went forward, from any of our personnel, although, I may be mistaken there, also.
- Q. Well, suppose it didn't go forward in writing. Could it have gone forward orally?
- A. It's possible.
- Q. Are you familiar with anything that might have been reported to your battalion commander?
- A. No, sir, I'm not.
- Q. Subsequent to this time, that is, the day of the 16th, was there much talk about this around the battalion?
- A. Excuse me, sir.
- Q. Subsequent to this afternoon of the 16th, when the people returned to Chu Lai from the operating area, was there any talk about this within the company?
- A. Yes, sir, I'm sure there was.
- Q. Within the officers?
- A. Yes, sir.

(MOE)

- Q. Was this also evident within the enlisted personnel?
- A. It could have been; I can't say. They lived in a different area than we did. They worked down about 100 meters away from us, I guess, and there may well have been some chance for observation and hearing, as an officer did.
- Q. What was the attitude of your people concerning this event?
- A. Generally, that it was unnecessary.
- Q. Did you ever hear, or see Major WATKE assemble the personnel at the unit, the officers and the warrant officers in particular, and tell them that there was too much talk, and rumors being passed about the company, to just keep these things quiet, and that the matter was being investigated?
- A. I don't think there was any long stemmed conversation of anything, lasting a week, or anything like that. Like everything else that had happened, it was talked about a good deal as it occurred, and rapidly pushed back along with everything else, that occurred. As you mentioned it, I can think back and say, that he did talk to individuals about this. But, there wasn't too much talk.
- Q. You remember him talking about this?
- A. After you mentioned it, I seem to recall.
- Q. This situation doesn't stand out in your mind any more than any other event, then?
- A. Well, to a certain extent, no, because I didn't see a lot of the happenings. We were all new, we had a lot of things we were trying to do, a lot of tactics we were trying to involve, and we all had a lot of things on our minds. There were a lot of incidents where we lost some of our own personnel, that stand out considerably in my mind.
- Q. Were you ever aware that an investigation was going on within the Americal Division of this particular incident within the 11th Brigade?

- A. Not other than having been told by Major WATKE. And, I felt no other need to query him, myself.
- Q. What was the general attitude concerning this investigation? What was your feeling about this thing?
- I hadn't given it a lot of thought. I didn't have Α. any particular feelings about it, at the time. It was being investigated. Fine. I felt that if the stories that I heard were true, that, yes, there was a good deal of feeling that day, that couldn't mean that -- it couldn't necessarily be justified, for example. What we found from operating in that area, that there were just a lot of mines and booby traps for example, all through the low areas. And, very few people that you'd run into--but, it could just as easily be a child, that was command detonating a 500-pound mine, as an NVA in uniform. The only unit that was reportedly in that area with any regularity, was the 48th Battalion--that we came in contact a number of times, at various locations. So, I didn't really feel at the time, that it was probably the same type of story that I have seen in the paper recently. I don't recall any numbers of people killed that day, for example.
- Q. You don't recall having received any reports on the operation? Didn't your unit make a practice of keeping people informed of what was going on? The results of this wasn't recorded?
- A. Well, we conducted briefings on a daily basis, I know, throughout the period of time, that I was with the company. Whether it was of a preflight briefing, where we'd cover everything as we were preparing for the day, where we were going to be working, and what our contacts were. Probably less on an after action basis.
- Q. You don't recall having received a report--that this operation had turned in an after action report, that they had killed 128 VC, and that they had two of their people killed, and that they had captured three weapons?
- A. I can't recall any, even, rough approximations on numbers. I know I probably read it, in the incidents if nothing else, because that came down on a daily basis. But, there were numerous operations, where the numbers were large, also.

- Q. When you were flying that area, Captain MOE, that day, did you observe the actions of the gunship, not necessarily the gunships that were with your own scout element, but the other ones, that were in the area?
- A. No sir, I did not. If we were down on Hill 85 that day--that hill right down here (indicating on Exhibit MAP-1), that's not really a long distance. But, I don't recall any-thing about other ships in the area. At that time, I was kind of new to the UH-1's, so I was probably a little more concerned with keeping the damn thing from crashing into the ground.

MR MACCRATE: Captain MOE, did you ever fly with Colonel HOLLADAY?

- A. Yes, sir.
- Q. At or about this time, did you, from time to time, carry him around, fly with him?
- A. Not generally, I did not, sir. I do recall flying with him on one, or two occasions. One of those being, after Lieutenant LLOYD had been shot down, he went down in this area (indicating Exhibit MAP-5). And another time, was to visit the Quang Ngai Province Headquarters, when I was the operations officer. Major WATKE was out on a mission with the team, and so HOLLADAY came down to Dottie, and I went down to Quang Ngai with him, from there. Those, to my knowledge, are the only two times, that I flew with him.
- Q. When did you make that visit to Quang Ngai?
- A. It was quite early in my tour. Exactly what month even, it may have been the month of May, or the following month. It would be about in that time frame, but, as I recall, it was regarding our results in this area over, to the east and northeast of Quang Ngai. As I recall, there were a lot of ditches and that sort of thing, where they had a good deal of contact, between ARVN and U.S., and our gunships worked out there, quite regularly. Colonel HOLLADAY just wanted to make sure, we were being credited with results, that we had gotten. He asked me to come along to Quang Ngai with him. To my knowledge those are the only two times, that I flew with him. I don't believe, I was out with him on the day in question.

- A. Well, we were as I recall, it was either in that old building, that we used for gun crew alert, in a shack at night, and at that time, probably at the morning briefing, before. Or else, over in one of the hootches, there, to most of the people present, which was the majority of the company.
- Q. Do you feel at this time, to your recollection, it had a direction to particular individuals, and do you recall particular individuals in your unit, who were talking about it more than others, and to whom it seemed to you, to be directed?

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- A. Probably EZELL for one, and of course, THOMPSON was quite vociferous about the whole thing as I recall, but he had a lot closer and better observation than anybody else, in the company, I'm sure, also.
- Q. Well, did you ever have a feeling that Major WATKE was cautioning Mr. THOMPSON about this?
- A. Well, you are using cautioning with a term that I don't like to use, as threatening as applied. As far as I can see, maybe I'm mistaken, but--
- Q. (Interposing) Well, use your own words to describe what you saw. That's what I'm interested in.
- A. Primarily, that anytime you have a lot of rumors and bad stories going around, actually it affects moral, and this is what I'm sure, he was primarily concerned with. This is what it seemed to be.
- IO: I think we want to take a recess here. We will call you back in a little while, Captain MOE.
- A. All right, sir.
- Q. The hearing will recess.

(The hearing recessed at 1425 hours, 14 January 1970.)

(MOE) 14 APP T-153

(The hearing reconvened at 1440 hours, 14 January 1970.

RCDR: The following persons are present: LTC PATTERSON, LTC BAUER.

(LTC BAUER was sworn as an assistant to the IO.)

RCDR: The hearing recalls Captain MOE. Captain MOE you are reminded that you are under oath.

A. Yes, sir.

LTC PATTERSON: You are reminded Captain MOE that you are still under oath, and the instructions you received from General PEERS earlier in this hearing, still apply to this session. Do you understand that?

- A. Yes, sir.
- Q. Captain MOE, I'd like to try to give you a feel for 16 March, by relating to you, and giving to you, some specifics concerning the operation of your unit, the aero-scout company, and other units involved, in the assault on My Lai (4), or Pinkville, as it was called on 16 March. The purpose of giving you these facts is to try to get you to recall this particular day, in a little more detail than what you apparently can recall, at this point in time. It is my hope, that walking you through the day, and through some of the other events, that we are interested in having you recall, we will unlock it from your memory.
- A. All right, sir.
- Q. I'm interested, and this hearing is interested only, of course, in facts that you yourself know, unless you stipulate that it is an opinion, or unless you stipulate that it is a deduction.
- A. Yes, sir.
- Q. I want to first give you a map 1:50,000 sheet 6739-II of the area of My Lai (Exhibit MAP-5), I believe you are oriented on the map. Route 1, LZ Dottie, off to the east, LZ Uptight, Pinkville as is called My Lai (4), Quang Ngai River more properly called the Song Tra Khuc, Quang Ngai City.

The operation of 16 March, was conceived and entirely planned by Task Force Barker, headquartered at LZ Dottie. This operation of 16 March, was one of several operations that had been conducted into this particular area. Others had transpired in February, and were quite serious operations, there were a lot of people killed, and there were some decorations, the DFC was awarded in February. It could have possibly been right after you arrived in country.

The operation into this area was an extension to the Task Force Barker normal area of operations, and was located within the 2d ARVN Division area of operations. The 2d ARVN being headquartered at Quang Ngai. We have reason to believe, a briefing was conducted in Task Force Barker headquarters, LZ Dottie, on or about 15 March. Representatives at that meeting included supporting forces. Aviation wise, the 174th Aviation Company was designated as the lift unit, and we have reason to believe of course, that B company of the 123d aero-scouts were attached, to provide a mission in support of this area on 16 March. Do you know or do you recall participating in that briefing at LZ Dottie on 15 March?

- A. No, sir, I do not recall being there.
- Q. Do you recall who in your unit, at this time, would have taken part in that briefing?
- A. This would be a deduction on my part. It was just a matter of days evidently, before I took over, I don't recall what day it was, that I became the operations officer for the company, but, at that time, it would have been, very likely Captain FLYNN and/or Major WATKE.
- Q. The operation that was presented at the briefing on 15 March, was to be a combat assault of two rifle companies into an area. One of the rifle companies was to be assaulted to the west of My Lai (4), a second company was to be assaulted generally to the southeast of Pinkville and to the southeast of My Lai (4). The third rifle company of Task Force Barker was, by foot, moving on 15 March to a blocking position, just north of the Song Diem Diem River. The scheme of maneuver undoubtedly was, as best we can determine by testimony and other evidence, that these two air lifted companies were to assault Pinkville. One attacking on an easterly axis from My Lai (4) east to Pinkville, the other

company which was assaulted to the southern area, was, to attack to the northeast of Pinkville. B Company of the 123d was attached to provide a screening type support to the south. The area to the north, as you now recall, was blocked by a rifle company along the river. And to the south in the vicinity of Hill 85, and south from Hill 85 to the Quang Ngai River was the mission that was assigned, we believe to B Company of the 123d, your unit. Lifting, air assaulting two rifle companies, made this a rather large operation, in fact the entire task force, a battalion sized unit was involved, as well as being supported by the two aviation units, making this operation, no small task. Do you recall anything about what I've said thus far, as far as briefings are concerned?

A. I'm not sure, if this would have been at the same point, but it comes a little bit more, back to my mind, about going into this particular Hill 85 that day. And--

Q. (Interposing) We'll get into the actual operation--

A. (Interposing) That brought up something else though, I don't recall that day, we also had a possible mission to insert our infantry—up I believe it was in this area here, in the event that people tried to cross this causeway, over here (indicating).

- Q. Was this a contingency type plan?
- A. Yes, it would be, but I don't recall, if that was the same one, because there were several operations over in the area of the Pinkville, before it was vacated.
- Q. Well, and I'm using some logic and some deductions now, deducing from the facts, but in a normal unit such as yours, recently formed as yours was--
- A. (Interposing) Very recently.
- Q. This would have been an opportunity for this aero-scout company, in an ideal type air cavalry mission, to really show their stuff. It would also seem quite logical to me, to assume that there was in fact pretty good planning conducted by B Company of the 123d, in preparation for this mission. First, it was reported to be a hostile area, secondly, previous operations had indicated that it was in fact hostile, and could be quite dangerous. Third, the size of the operation itself, with all of the supporting forces.

On the morning of 16 March, we have reason to believe that, the Dolphins out of Duc Pho took off by 7 o'clock in the morning, quarter to seven, 0645, and proceeded from Duc Pho to LZ Dottie, which was the designated PZ to the lift. They were joined on LZ Dottie by four Rattlers, the 71st Aviation Company. They were supported by a Shark gun team, and there were nine slicks, we believe, involved in the lift. The slicks departed LZ Dottie about 0715, proceeding south somewhere along the vicinity of Highway 1, turning to the north on the west side of Hill 85, landing to the north, in the LZ just to the west of My Lai (4). The landing was preceded by an artillery preparation and gunship suppression. The slicks were in trail, vees of three.

The information that we have is that, the aero-scouts were not yet on station, they were late in arriving in the area. Your take off time out of Chu Lai is unknown, however, we have reason to believe,

you and the aero-scouts were not present, when that first touchdown occurred. However, in your flight down that morning, recognizing that you were going to be late into a big operation, the presence and from where the artillery was fired, might be significant. Do you recall, in your flight from Chu Lai to the operational area, trying to find out where that artillery was coming from. You don't recall the flight at all?

A. No, sir, I don't recall the flight down there, on that particular day. I would venture however, that we were probably going down the highway, because almost everyday that we worked out of Dottie, except one day, that I can recall an operation. I think it was into this—this was our own operation into a little village out here. We always took that route down (pointing to the northeast of Pinkville). And there were a number of occasions where we did delay our take—off, when they were using—there was just one small area down there. At that time, they did not have a black—top surface for us down there.

Q. At Dottie?

- At Dottie, down on the hill. And parking and pickup space was severely limited. And on some other occasions, when they did use that for a pickup zone, we remained in the air, or came on stations, and waited until the lifting was completed.
- Q. We have reason to believe, that you didn't stop at—I say you, I'm saying the aero-scouts did not stop at LZ Dottie, they proceeded directly from Chu Lai to the operational area. What's the normal standard operation proceedure, what do you recall as being the standard operational procedure that day, in that time frame, with reference to when the scouts, supported by the Scorpions, went into a mission type area. What was the mission for the "animals"?

- Α. Exploitation of what was found on the ground by our scout, our scout ship primarily, the qunships were primarily for escort of the scouts, as with any scout team. And in the early stages of our deployment, we had our infantry on strip alert rather than--the next thing we tried, was keeping them up in the air, each time a team went out, all of the infantry. further modified that again later, to just keeping a snatch squad on board the ship. But, at this time, I would say we were probably, for the most part, keeping all of the infantry on the ground, until something was found. You have brushed my mind a little bit, because what the size of the operation we're talking about, it was expected that there would be some movement out of the area, and I believe we were orbiting down here, off the water, to the east of the Song Tra Khuc River.
- Q. I happen to believe that, also based on other evidence that's available to us that, in fact, you did not—the "animals," your lift ships, did not land at Dottie initially. But, you did go down, and orbit for a short period of time, pending what was expected to occur, which did not occur.
- A. Can I interject something here? I don't know what information you have about the time that we were out, before returning to Dottie, but it wouldn't have been too long, because we carried light fuel loads, normally 800 to 900 pounds of fuel load.
- Q. I have reason to believe, that it was in the area of 5, 10, 15 minutes. Now, I'm not trying to put anything into you, I'm trying to get you to recall this operation. I believe in fact, if you think about orbiting, and all of this activity going on to the north of you, and then deciding, or receiving instructions to proceed back to Dottie, and stand by on strip alert. If that is so, when you arrived back at Dottie, you must have had some concern about the nine slicks, that were buzzing in and out of the PZ. There were nine, and the thought of nine slicks and you getting your four birds on the ground—

- A. (Interposing) We had, I believe, probably only three, that we took with us, at that time.
- Q. Three? It would have seemed to me, if I were a new flight lead, to cause me no little bit of concern, also. Does the incident of many aircraft around Dottie on a particular day, ring any bells?
- A. I don't believe--I may be in error here also, but I think that we did have ships refuel, and come back out, and I know Major WATKE was probably in the area, in one of the ships. I'm almost positive, that he was flying a slick on that day, and I think one other ship went out into this area, a little bit later on. Of course we made the assault on this Hill 85--
- Q. (Interposing) We'll get to that. What makes you think that Major WATKE was flying a slick?
- A. Because, until the time that he was shot down with Warrant Officer, something-SKI, the entire name I don't recall, do you have it?
- Q. Yes, would that help you?
- A. Well, its immaterial really, but--
- Q. (Interposing) WYCHOWSKI.
- A. WYCHOWSKI, right, he flew very few missions in the gunships, until just shortly before that incident. That was probably his third or fourth gunship mission, I think. At the time we organized, we were extremely low on experience, in the slicks. For myself, I had gone over there not being Huey qualified. I got a very brief check out in country, and we only had Major SABRE, who was an experienced individual, he was not assigned to the slicks, he was the platoon leader. This encompassed all of our aircraft at that time, and FLYNN was not experienced, GIBBS was not experienced in a helicopter, other than initial check out, and I am sure he would have been flying one of the slicks.

- Q. What did Major WATKE use as a call sign?
- A. Well, this was at that time, Warlord 6, I'm sure.
- Q. And what was the call sign of the slicks?
- A. We came up with a name I know, but it didn't last for a very long period of time, because we had the Skeeter, and we had the Scorpion. Skeeter being the scout ship, and the Scorpion being the gun from the old 161st.
- Q. Who was Warlord Alpha?
- A. Well we designated—this also is several times. If we had two teams, one team would be Alpha team and one team would be Bravo team. Initially, the LOH may have been called lead, but later on, it was probably pretty close to this time also, the lead ship was one of the gunships, and that would have been the low ship, at that time. We had one gunship flying lower than trailing one, and he would be—he would contact with Warlord Alpha Lead or Warlord Bravo Lead, whatever team it happened to be. Early in our deployment, we probably only had one team deployed. But, no strict name designation, it was just whoever happened to be flying that ship rather than one individual.
- Q. Somewhere in the vicinity of--time wise, now-if you recognize the lift was touched down at 0730 in
 the morning. The second lift out of Dottie came back,
 and touched down on the LZ. LZ complete at 0751 hours,
 according to the journal and records available. The
 lift ships, now, went on back to LZ Dottie, and again
 picked up for the recon unit, and started their insertion sometime after 8 o'clock, completing this operation
 at about 0827. Right after this time, the scout Skeeter
 apparently found, or saw something on Hill 85, and reported two mortar tubes. The decision was made, by someone to insert the "animals." Where were you, when you
 first got word, that the "animals" were going in?

- A. I cannot recall for sure. We were on that hill, I think two or three times, and I don't believe for the first operation, and evidently the same day, or 16 March. I don't even recall, that we were able to get our ship down on the LZ. I know we made an approach into it, but it was a lot of holes and bunker types, and I do recall, you mentioned that Skeeter had seen, he thought two mortar tubes, and when our infantry were on the ground, actually, there were no mortar tubes. There were the 60 millimeter mortar rounds, and I don't remember if there were any other mortar rounds.
- Q. How many, do you remember?
- A. It seems to me, there were in the vicinity of 30 or 40 mortar rounds, at that time. I don't recall exactly what it was. Our after action report, would have stated what our results were, for that particular day. But I do believe that our infantry blew up the ammunition on site there at that time.
- Q. That is 16 March. On 16 March, the "animals" were inserted according to the journals, and other evidence, and rather than two mortar tubes, 20 60 millimeter mortar rounds were initially reported, which was subsequently changed to 40. The decision was made to blow these rounds in place, and EOD personnel were brought in to do this work. Do you remember this incident?
- A. I remember the EOD now that--
- Q. (Interposing) This is 16 March 1968.
- A. I know that brought out a point, that we did our own training in destruction methods after that time, because our infantry started carrying their own blasting caps, our own dynamite.
- Q. If you accept the factual evidence that we have, that these mortar tubes, that changed from 20 to 40, 60 millimeter mortar rounds, that were blown in place on Hill 85, as being 16 March. Does this disturb, or does this make you recall any other activities, that are associated

with that particular operation, such as where you were? Were you at Dottie, when you got the word to put them in, were you airborne?

- A. It still doesn't ring any bell as far as if I was airborne, or at Dottie, at that time. I do--like I mentioned a few minutes ago--I do recall we did have one ship up a portion of the day, other than all standing by at Dottie, and for example, the increase in the number of mortar rounds, was brought about. Initially our troops had radios along with each squad that was down, but part of the troops were off on one side, part of them were on the other, and with the aircraft hovering over there the first squad in--there was a good bit of separation between each ship, because of the approach we had to make into it.
- Q. How did they approach it?
- A. I believe it was coming into it about like this, from this direction (indicating), coming in about like so, I believe.
- Q. From the south, landing to the north?
- A. Yes, sir, I believe so, and as a matter of fact, I do remember, I think we turned off to the east from there, back out over the water, because I do recall getting shot at.
- Q. You recall taking fire on this operation?
- A. Well, hearing one or two shots and someone mentioning it looks like a "dink" down there, this was at the—this thing slopes pretty well, and its a lot of vegetation down in there.
- Q. You recall something about a "dink" being down there?
- A. Right.

- Q. Can you relate any other recall, about that incident?
- A. No, I don't recall even if--wait one second-I believe we might have had some of our gunships firing
 on that area, at that time, also.
- Q. You do recall that?
- A. Yes, sir.
- Q. You recall, that there was any problem with any of the other aircraft in the air as far as, getting coordinated as far as, air space is concerned, other qunships?
- A. You mean our gunships and someone else's air-craft or--
- Q. (Interposing) Any other aircraft that were flying around the area, were these of any concern to you, or did you seem to have a free air space, for your little insertion?
- As I recall we were pretty tight, we had orbited over in the water area here and-
- Q. (Interposing) You recall orbiting over the water area?
- A. Yes, sir, I do and also to the south, here. I think we started out—we had to move because we started out with a pretty high orbit, I think probably around 3,500 feet or something, and there were clouds there, and we changed our position a couple of times. I recall being down here, in this sandbar area, to the south here, and over here (indicating), and yes, we had trouble getting all of our slicks together, to make the insertion to begin with.
- Q. Where were they?

Q. Of Hill 85?

- A. Yes, sir, but it was just one individual. I did not see him.
- Q. Where was Major WATKE, at that time. When you were orbiting down there, was he with the slicks or was he with the--was he gone out? Was he flying a "D" or was he flying a gun?
- A. I couldn't say, this is a supposition also, on my part, in the first place that he had been flying a slick--
- Q. (Interposing) I thought that now, that you're working into this operation, that you might recall where your commander was. Whether he was leading in the slicks or whether he was somewhere else. Okay, lets continue.
- A. Like you mentioned, it was one of our first operations with a unit, so to speak. We had done some work with Task Force Barker, and we worked exclusively in the Muscatine AO during our early days. But, we had just become operational, I believe at the end of February, or the first part of March. And we had a lot of things, as far as tactics go, that we had not resolved. How we should deploy our infantry, and that sort of thing. He may have been in a gunship, where he could be out and observe more of what was happening, but I cannot say yes, no, or even maybe.

(MOE)

- Q. Did you see any of the gunship passes by the Scorpions on this "dink"?
- A. Heard them. They were behind us, because it was as we approached in our ship, either approached or went out, I don't recall, but I do recall being down in here either to the south or southeast where it was getting down toward the bottom of the slope.
- Q. The Scorpions at this time were escorting you in, I presume.
- A. I guess.
- Q. Where was Skeeter at this time, do you recall seeing him?
- A. No, sir, I don't.
- Q. Do you recall leaving the area then, departing you say, off to the east?
- A. After going into Hill 85 and it wasn't--I don't recall going back into Dottie immediately, or I don't recall staying out there. I know we couldn't have been out there long, with the fuel that we had.
- Q. Who brought in the EOD, where did you have to go, to get them?
- A. Very likely, only back to Dottie.
- Q. Do you recall the incident?
- A. No.
- Q. Do you recall that your "animals"--
- A. (Interposing) I know we got some EOD people there to help ours out--on getting their supplies, and stuff later on, there own blasting caps.

That's why I say, that I assumed, that it was just back to Dottie, because I know there wasn't a great deal of time that they were on the ground. And, it would have taken roughly 15 minutes, in and out of Chu Lai, to go up there and back again, and I don't think there was that kind of time lag.

- Q. You don't recall yet, whether or not you stayed airborne, or whether you then, after you put the "animals" on the ground, went back to Dottie?
- A. No, sir, I don't.
- Q. Do you recall, that they were not on the ground very long, to accomplish this?
- A. I don't believe they were on the ground very long.
- Q. Do you recall picking them up?
- A. Well, I don't believe that my particular shipload of infantry got off, at that time, and--wait one
 minute here--I believe after taking the infantry, or dropping them off down there, that we did stay in the area,
 for a short period of time, before going back, and we
 may have left one ship out there, and two gone back.
 I'm not sure of that, but it does seem to me, that we
 did stay out there for maybe a 5 to 10 minute period
 of time, after the infantry initially went in there,
 to see if things were stable or not.
- Q. In "we," you're referring to lift ships?
- A. Lift ships.
- Q. And you think that there were three?
- A. I think there were three.
- Q. Two loads on the ground, and your ship with a load still aboard?

- A. I believe so. Supposition.
- Q. All right. You would have had a load, you must recall your departure, your missed approach, out of that area.
- A. Well, this is why I say, maybe.
- Q. Certainly RPM must have been a concern, a "dink" on the ground, and you're fairly new in country, the pitch problem, the power problem, the RPM problem and perhaps, even some other aircraft in the area problem. It must have been a rather memorable occasion. At any rate, getting back to altitude with your load, if you did stay around for a little bit, and then went back to Dottie. You do not recall then, I assume going back in, or leaving your infantry, and you and the other two ships going back in, to pick the "animals" up.
- A. No, sir, I don't. I remember the problem, being on that area, finding a place where you could sit close enough to the ground, so people could jump out of the ship. But, I do not recall at this time, maybe I will in a few minutes, but just like a couple of other things that have come out, I do not recall dropping them at Dottie, and coming back to pick up the rest.
- Q. Sometime between the time the "animals" were put on the ground, and if you stayed airborne, and even if you went back to LZ Dottie, we have reason to believe that over the air was some communications, and some traffic concerning large numbers of people moving out of the area. The area probably was not identified as a particular area, but it was evident to those listening, that it was in the vicinity of where you just made your approach. Do you recall hearing about this?
- A. There were people coming out on this road, running down here by the old ARVN headquarters, I believe (pointing to road 521 running generally northeast-south-west to Quang Ngai City south of My Lai (4).) If I recall correctly, there were a large number of people at that time, moving out on that road.

- Q. Did you see them?
- A. Yes, sir. I'm trying to visualize--
- Q. (Interposing) Do you remember seeing the people?
- A. Yes, sir, I do.
- Q. Was this in your approach to Hill 85, or in your departure, or while you were orbiting over there? Or, do you just recall seeing them?
- A. I recall seeing people moving. I don't know if it would have been out of this village, or out of My Lai (4), because a lot of these villages are quite close together. Less than 1,000 meters actually. But, I do recall seeing a lot of the pajama people out there, and there were some animals out on the road. If I recall correctly—
- Q. (Interposing) Animals, you're talking about livestock?
- A. Livestock in this case, yes, sir. And I may be mistaken but, I seem to recall that our Skeeter was over them, when this was pointed out, that there were a lot of people moving down that road, and I seem to recall the statement, that its nothing but, a bunch of civilians, or women and kids. I wasn't at an altitude, where I would have differentiated at that time, I'm quite sure.
- Q. We have reason to believe, Captain MOE that Warlord did send the Skeeter over to look at these people, and check them out, and that there was some conversation about the--"we've got some surrendering, we're going to pop some smoke over here, and some of them are taking off their shirts, some of them don't have any shirts on, stripped down, standing with his hands over his head."
- A. This is radio conversation, you're referring to now?

- Q. We think about this time, Warlord Alpha lead is also saying, and talking to Rawhide. Do you know who Rawhide was?
- A. Rawhide would have been the--Rawhide 6? Would have been Colonel HENDERSON, I believe.
- Q. Do you think Rawhide was going down, to scarf up these couple of "dinks"?
- A. That wasn't unusual, its entirely possible.
- Q. Do you recall, seeing any other gunships in the area?
- A. Once again, I think there were some other gunships in the area, to our north. It seems to me, we had a little problem finding a home to work over. I mean a plot of ground we could fly over. I may be thinking of another time, because a lot of occasions, were we did perform screening missions, we did try and delay our entrance into the area, to allow these ships to get out of the way, so we wouldn't bother them. There was definite interference—
- Q. (Interposing) You also have reason to believe that there was a coordination problem between the Warlords and the other aircraft in the area. Do you recall seeing any shooting, other than the—by aircraft, helicopters and the ones you indicated earlier, as being the Scorpions?
- A. No, I don't myself. I believe our "gunnies" commented on it.
- Q. We'll get to that in a second. Okay, so the "animals," your infantry were withdrawn, and sometime or another, later in the morning, you found yourself back at LZ Dottie. And from your participation, probably that's about—that's the operation as you probably would have seen it. Now do you recall going into the van, into the operations area, B Company, 123d, there at Dottie, that morning? You put your infantry in, heard about all these people, the EOD has been accomplished.

- A. I thought it was during the morning, but it could have been after I came in to refuel, for chow actually.
- Q. It could have been the morning, I don't know.
- A. I don't know, either.
- Q. Do you remember who the operations specialist was, on this?
- A. Well, we had two at the time, and it would very likely been COOVER, it could have been--
- Q. (Interposing) SP5 COOVER?
- A. Right, no, Staff Sergeant COOVER, it could have been MAYS, also; one or the other.
- Q. Do you remember when Major WATKE came back into the LZ Dottie. When you first saw him, and perhaps even discussed what transpired that day, or saying anything about the insertion of the "animals," or your failure to put your load on the ground.
- A. I don't recall at the moment anything about it, but I'll think about it, and it might come back.
- Q. Sometime or another, you found yourself in the van?
- A. I believe I did.
- Q. Who did you see in the van when you went in, do you remember who you were talking to? Did you hear about a blade strike of the Skeeter. Captain LLOYD having to bring a Skeeter, another Skeeter, down from Chu Lai?
- A. I recall a day, that this happened. I didn't associate the two, as being on the same day. But I recall LLOYD having to bring down another aircraft.
- Q. Do you remember when LLOYD came into the van?

- A. I remember he came down there, but we had all our people on the ground at that time.
- Q. This is 16 March.
- A. Okay.
- Q. And all of your people were back on the ground, at Dottie, I presume you mean.
- A. I believe so, we may have had a ship go back for maintenance, but I know we were pretty short on aircraft resources at that time, and we could have--
- Q. (Interposing) We have reason to believe, that the Skeeter did have a blade strike, in the area out here, around My Lai. And that he did have to fly it back, or he did fly it back to Dottie. He set it down, and it had to be TI'd. And in the meantime, LLOYD was bringing down another OH-23, that had just come up from maintenance that morning, and was going to have to probably assume the rest of the mission, when he got down there.
- A. I don't think he ever got that one off the ground either. I think there was maintenance problems, before he could get off the ground.
- Q. Could have been. But, THOMPSON did take his OH-23 back to Chu Lai?
- A. I'm hard pressed here. I recall, having one that maintenance people flew back out of Dottie, and I recall one that they picked up, and one that we crashed down at Dottie. But being able to associate any one of them, with this particular day, I can't at the present time.
- Q. Well, we have testimony, Captain MOE, that indicates the fact that THOMPSON did bring his ship back to Dottie, was tech inspected, decided that it would be cleared, for a one time flight back to Chu Lai. LLOYD, in the meantime, had arrived, and went into the operations van there, to get briefed. And did, in fact, fly in the afternoon, the rest of this mission.

LTC PATTERSON: Colonel BAUER has some questions to ask you.

LTC BAUER: I'm concerned with what transpired in the van and your knowledge of activities at My Lai (4). You say around this date, the 16th, you assumed the duties of operations officer of the company.

- A. Well, it—I know there was a period of approximately 1 month, when we were drawing in personnel. The first 2 weeks I believe, I spent as the platoon leader, a position later assumed by Major SABRE, because he ranked me. And at that time, Captain FLYNN had been appointed the operations officer, prior to SABRE coming in, so he kept that position. Then I was moved down to lift section leader, and within a very short time, Captain FLYNN and Lieutenant STAFFA traded companies, so I know, there was a period of maybe a week within—from the 15th, plus or minus a week I would say.
- Q. Okay, well, I'm primarily concerned with coming up with first--you say, sometime during the morning, you wound up in the van--that is when the aircraft came back--I'm talking about the TOC at Dottie. Do you have any idea, or rough approximation of when this would be? When your aircraft came back, set down, when you went to the TOC? Now, we can tie it in later on, you were discussing--previous discussion upstairs with General PEERS--that you were there when Mr. THOMPSON and Major WATKE were discussing the incident at My Lai. We'll assume that it was sometime prior to that, that you got into the TOC.
- A. Well, these two, whether on the strip, which wasn't a strip at that time--but there were numerous parking areas, along an access road, that came in from the highway up towards where our OPs van was, which was dug into a side of a hill more or less. I could have been in the near proximity, could have been monitoring it on one of the PRC-25's, that our infantry kept on--
- Q. (Interposing) What would you be doing in the TOC, if you were in there, when were you in there?

(MOE)

- A. Now you're referring to our operations van, and not Task Force Barker's TOC.
- Q. That's right. Well now, what were your duties in there?
- A. If I was not the operations officer at that time, I would have had no duties in there.
- Q. What would you be doing in the--
- A. (Interposing) I would probably have been sitting, looking at a map to see what--normally we'd keep some information on locations, we may have brought something in, from out here. I know we picked up a flag one time, down there on Hill 85. I don't recall, if it was this particular day or not. But, we brought all of this sort of thing, up to our operations normally--and curiosity--maybe to drink a cup of coffee, just to listen to the radio to see what was going on--
- Q. (Interposing) Were you just hanging around the TOC, or performing a function?
- A. I would say I was probably hanging around the TOC, at that time.
- Q. Let me get back to the time when Mr. THOMPSON spoke to Major WATKE. Can you place this? Was this in the van or would this have been on the strip? Let's go back in your own mind, and put this thing in context. Now, you haven't been in country too long, about a month, this is a big operation, this is no rinky-dink affair, that was whipped together at the last time. This is a big operation, the reports up until this time, and I'm talking about sometime after 9 o'clock. You know a lot of people--

RCDR: The hearing was interrupted by Major LYNN, and was to continue in the upstairs hearing with LTG PEERS.

(The hearing recessed at 1540 hours, 14 January 1970.)

(MOE)

(The hearing reconvened at 1542 hours, 14 January

IO: The hearing will come to order.

RCDR: Sir, the hearing recalls Captain MOE.

(The witness reported to the IO.)

Captain MOE, you are reminded that you remain under oath before this hearing.

A. Yes, sir.

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LTC BAUER: Sir, we were just discussing the morning of the 16th, and trying to pin down the location of Major WATKE, during the discussions with Mr. THOMPSON. And, we were trying to determine, whether it was on the landing strip, or near the van. Can you recall the incident?

- A. Sir, to the best of my recollection, it seems to me that when THOMPSON, initially when THOMPSON came in, he was talking to what personnel were there, at that location. Those that were not up refueling, or anything, at the refueling shack. And, to my recollection, Major WATKE took him along with him to talk to him, rather than having it being largly discussed, in a session. Now, this is what I seem to recall. This is not a supposition, and it cannot be stated as a hard fact. But, this is what seems occurred.
- Q. Now, do you recall who was with Mr. THOMPSON at this time, any of his crew members, or any of the other pilots, that may have been flying in the scout troop with him?
- A. Well, they wouldn't all necessarily, have come back at the same time. I do not recall any individuals as such, being with him.

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- Q. Prior to this time--now we haven't gone into what was discussed between Mr. THOMPSON and Major WATKE--but, prior to this time, there was conversation over the radio. Now, you discussed some of what went on, while you were in the air. Did you hear any of the conversation on the radio, in the Company TOC, in the van?
- A. I thought I had, sir, but initially, I was not aware that we had gone into Hill 85, on this particular day. It was some moments, after we started the discussion, that it was brought back, that we did in fact, go into Hill 85. So, I'm not sure that I heard the conversation on our TOC radio, as opposed to our aircraft radio.
- Q. What radios would you have in the TOC? That is, what could you monitor in the TOC?
- A. We normally had two FM's, when we started out. One of them being on our ground supported battalion frequency, which would be BARKER's frequency, at that time. And, one in our company FM. We also had a UHF, which may or may not have been operational, at that time. Which would have been also on a company UHF frequency. But, only one radio, and we wouldn't have been able to monitor the company units, I don't believe, at that time.
- Q. But, you should, under those circumstances, have been able to monitor Task Force Barker's command push?
- A. Yes sir, we should have.
- Q. Okay, now did you, in fact, monitor that while you were in the van? Did you hear any of the transmissions that were going on? It may be that you can't distinguish between what came across Task Force Barker's command net, your own command net, or any of the other nets. But, what we're trying to get is what conversation you may have heard, while you were in the TOC. As we started saying downstairs, you'd been in a country a month. This is a pretty big operation that you were on. The records during that morning indicated, that you were meeting with some success. At this point, I'm sure that everyone would be interested in how you were doing. How the units were doing? What kind of support you were providing? What were the results of this support?

- Now, you say it was a big operation for us. This is true, that I had only been in country one month. Now, out of that, 2 weeks we had spent almost entirely on the ground, and not operating as a company, as such. I think we flew one of our first training missions in the end of February, in which we lost an H-13. It was in fact, one of our first operations probably, within the proximity of any ground troops. I don't recall any individuals coming down to the company on that particular day, as such. However, General YOUNG, I know, was down to our local TOC there, on a number of occasions, and I happened to be down there by myself, sometimes.
- Q. What we're interested in right now, is the conversations which may have come over the radios, while you were in the van. You should have been listening to these radios, and had some fear for what was going on. Now, you flew the first part of the mission in the morning, and you were with the element that put the troops in on Hill 85. From that, you've got a feel for what is going on. You have heard some conversations. And, you're monitoring both the Task Force Barker unit, and your own internal net, trying to keep pace with what's going on. Did you get a feel then, for what was going on?
- A. I seem to remember one comment, that I'm quite sure now, came over the air, on that particular day. I think that was probably Rawhide 6, because it had kind of a distinctive--you get to hearing a persons voice several times--the comment was, "I don't want any unnecessary killing down there." This I believe, came from one of the C&C ships.
- Q. This is the type conversation. What was this the result of? This type of message isn't a common occurrence, particularly on this type of an operation, when it comes up as a result of something. Do you remember what caused this, or was there any transmissions then, that could give you an indication, as to what caused this?
- A. Well, this may have been partly from when we were airborne, and not from conversations that I monitored, within the local TOC. Now, the comments that I have mentioned about a ditch being full of bodies, 30 to 40 bodies. That there was indiscriminate killing. I would imagine that there is some bearing being made on the comments of the first one.

- Q. Yes, but this information came into you, later. That is, the information concerning the bodies in the ditch, came to you after this transmission was on the air. I'm thinging that at the time this came over the radio, this would—it would seem to me, to strike you as being different, or out of the ordinary, and that this was your unit, that is involved. You were out there too. You were out there supporting this unit. You're part of Task Force Barker, and something is going on, and the commander is saying, stop something. And, at this time, you don't have the information that you received later on. What I'm trying to find out, is what else went on at this stage, that would explain this transmission? Later on, it was all in focus, or probably in better focus. Did you have any other information? Did you hear any other transmissions that would explain this?
- A. I don't recall any others. There probably were for that one item to stick out in my mind, because I have some recall of the entire afternoon now, but specifically, I can't remember any, right now.
- Q. During that same time period now, there was a medevac out of the area, in My Lai (4) itself. Probably, by one of the lift ships. Now, did you hear any of the conversations concerning this medevac? Do you recall this particular incident?
- A. I don't recall the medevac, no sir.
- Q. Do you recall, any of the conversation that the pilots made. Conversations that were out of the ordinary, that indicated something unusual, was going on?
- A. Well, I thought the comments that I had heard, came from earlier in the day, and evidently they came from after our people have gotten back on the ground. So, I'm unsure now.
- Q. All right, the information that you did hear from the troops on the ground, about the bodies in the ditch, where did you get the information about this—the first time?
- A. Pardon me, sir.

- Q. This incident, that we discussed earlier, about what Mr. THOMPSON--and the complaints from the other pilots. When was the first time that you heard, that something unusual was going on in My Lai, during the operation?
- A. I feel like that was after we got back to Dottie again, sir. I don't feel like it was the first thing in the morning, but I know our pilots also commented, that they felt that there were some casualities that were caused by gunships, for example. And, that could have been earlier in the day. But, just getting back to this Hill 85. I didn't initially recall having been into Hill 85 on that particular day, and that kind of throws a monkey wrench into the whole timing, here. When I would have heard these whole conversations, for example. I don't recall anything strange actually, at the time we went in to Hill 85, as far as there being a large number of people, just in my mind, right now.
- Q. The thing that I can't put in its proper context is that you are in the TOC, and you are in the vicinity of the van. In any event you hear this message over the radio, that the commander of this operation issues an order to stop the killing. This is an unusual message. You don't hear this message everyday.
- A. This is true.
- Q. You don't have any firsthand information, at this time, to explain it.
- A. This may have been the first transmission on this particular frequency that I monitored, however. I don't know.
- Q. Did you inquire around, or ask anyone else what might cause that message?
- A. Sir, I may have. This was nearly 2 years ago.
- Q. All right. At this point, or some time later in the morning, did you have any knowledge of how the operation was going? How was your unit doing? Did you get any report of any kills that your company had made, or that the ground element had made? Were you aware of this?

- A. I don't think we got any, but I can't specifically recall any comment, about our progress from anyone, or to anyone.
- Q. You didn't know of any kills that were made by the gunships of yours, or the 174th?
- A. I knew there were kills, that a pilot said, that appeared to be made by gunships on the prestrike, or when they were lifting the infantry elements in, I would assume. But, the time frame again-was it before we put in on Hill 85, or after I came in, after they had been extracted, or what? I can't say.
- Q. Did anyone in your TOC ever keep track of anything, like body count on operations?
- A. Yes sir. We filed after action reports and these were filed at our company and--
- Q. (Interposing) Now, this was during the operation?
- A. Yes, we kept our own. Initially they had been keeping it on paper and later on, we started using a journal.
- Q. At this time, were you the operations officer?
- A. Well, at that time, at the company I was not the operations officer. That is the only thing I can say for sure because I mentioned to you a few moments ago, I did have a number of duties during the first month, and I was trying to get organized. It is very close to that date, 16 March, that I became the operations officer.
- Q. On this same date, then, after THOMPSON had spoken to Major WATKE, do you know what Major WATKE did? You mentioned before, that he went over to see Colonel BARKER. Do you know what else was done? Is there anyone else that Major WATKE may have spoken to?
- A. He may have spoken to a number of people. I'm sure he would have informed Colonel HOLLADAY about it, our battalion commander, but once again, I can't say, that I saw him talk to anyone, nor for that matter, I don't specifically recall seeing him talking to Colonel BARKER, but we visited their TOC, up there at Task Force Barker at least once or twice daily. I know I did, when I was the operations officer, and Major WATKE was normally up there, also. It seems like

that would very likely happen, but I can't say that I saw that. I do seem to recall Colonel BARKER saying something like, "we'll look into it." And, this is just an isolated comment again, that seems to come into my mind. So, to me this implies that or WATKE talked to him.

- Q. Okay, after Mr. THOMPSON spoke to Major WATKE, and Major WATKE had assumedly spoken to Colonel BARKER, did you hear any transmissions, probably over the Task Force Barker command push, that may have been a result of the conversation, between Major WATKE and Colonel BARKER?
- A. On the timing of these statements, I can't say explicitly. That could have been what prompted the statement for example, "I don't want any needless killing," or whatever. Once again, I don't recall if this was Rawhide 6, or whoever. Rawhide 6, seems to come to my mind again, at this time. But, there are a lot of isolated incidents, that don't seem to tie together in my mind, as far as, the times, for example. When, I heard conversations from our pilots, whether it was on the ground afterwards, or whether it had been me monitoring the radios up in our TOC, or in the aircraft—the timing of the incidents, that day.
- IO: Let me go over just a little bit of the timing that took place with respect to the operation, and specifically the helicopter support, which may tie you in a little tighter, and where you might have been, and where you might have heard things, Captain MOE. The air assault was to begin at 0730, perceded by about 3 to 5 minutes of prep. The landing was generally supervised—the combat assault—by the 174th Aviation Company, although it may have had some other slicks in there. Generally, a couple of guns, and nine or ten slicks which started landing west of My Lai at 0730, which was the first lift. Just before the first lift arrived, and while the artillery prep was still in progress, your aeroscout team arrived on the scene. One H-23 and a couple of guns. They operated to the south of Highway 521. If you can visualize that?
- A. Yes, sir.

- With the arrival of the lift, and to get out of 0. the way of the lift, they moved further to the south, generally down along the Song Tra Khuc River, and south of Hill 85. About the time the final lift came in, which was about 0747, and the lift completed at 0750, the aero-scout team, located on Hill 85, at about 8 o'clock, or along about in there someplace, these mortar rounds, and then put a call into the ground element, to get some people up there, to take So, recognizing this, coming along about 8 care of them. o'clock, recognizing that it takes a little time, to get the ground elements alerted, and loaded up, and so forth, and the fact that it takes some time, to get the job done. Now, all things being equal, that would have put you back in the van, I would imagine, somewhere around the 0915 time period.
- A. That sounds reasonable, sir. We were talking a few minutes ago, sir, and I did recall, that we went out over the water for a while, and then down to the south of the Song Tra Khuc River. We had to move around, because we were up at altitude, and there was a lot of congestion, and traffic down there, and the clouds moved around, so we had to move around. And, we talked too, a little bit about putting our infantry here. I think, it was the first time into Hill 85. And I mentioned that I thought that we were unable to get our infantry, all loaded on that hill. It seems to me, that I probably made the first approach there, and being grossly unqualified at the time, we were unable to get down and get rid of our load.
- Q. Well, there were some indications that it was difficult to get in there, and it's not the easiest hill in the world to put someone on. But, as I understand it, to get the people on the ground, and get the rounds demolished took somewhere in the neighborhood of 5 minutes. And, of course, there's the pickup and return to LZ Dottie. Putting it all together would indicate about the time, that you should be in the air and about the time, that you should have started listening to something in the van, coming over your TOC net.
- A. Well, up until that time, that is correct, sir. I know that we would have been on the company FM frequency and I wouldn't be able to monitor any of the ground conversations, other than possibly our Skeeter, who would have been on our frequency. And, our frequency would have been UHF, of course.

- Q. Did you hear any discussion going on, on the UHF or the FM between the H-23 and low gun, and any comment between the low gun and the high gun, concerning any confrontation that was going on, and call in gunships to land, and pick up people?
- A. Well, I know from conversation, whether it was monitoring radios at that time, or after our team came back in again, that THOMPSON had not been able to move people with his helicopter. He had an H-23 there, and I know some people were moved by other helicopters. I think they were ours, by recollection. But I don't know if this was while I was on the ground listening to the radio, or if it was after our team came back in to refuel.
- Q. Well, do you remember, Mr. MILLIANS, in this whole arrangement, or Mr. CULVERHOUSE?
- A. Well, I mentioned Mr. MILLIANS as one of the people that I would have expected being in a gunship, at that particular time. I can't say that I would have expected CUL-VERHOUSE to be flying in a gunship. I think he would have been flying a slick, if he was up there at all.
- Q. Did you talk to Captain LIVINGSTON at all, or remember any conversation with him?
- A. I don't associate any conversation particularly with any gunship pilots, as related to any particular statement. The only thing that I recall, about the conversation as being specific-was specifically related to a name, was with THOMPSON and the incident at the bunker, and I did hear about people indiscriminately being killed.
- Q. Did you understand that Mr. THOMPSON picked this child up at the bunker, or somewhere else?
- A. I don't think he picked the child up at the bunker, because, it was a wounded child. I don't recall, if it was an arm wound, or a leg wound, but, I know that when he related stopping where this officer was located, that he had his door gunner, or his crew chief train his M-60 on him.
- Q. Did he say, that he had the M-60 trained on him, or did he indicate that he was just being covered by the M-60?

- A. I don't recall that, it was one or the other. But, I do recall, that he was extremely angry at this officer, whose name he did not recall, at the time.
- Q. That's what I wanted to ask you, what was his attitude when he talked to you, and what was his attitude when he talked to Major WATKE. Was he coming through loud and clear, or was he so emotionally upset, that he wasn't making himself really understood?
- A. Well, he was mad. He could have gotten something into the situation, that didn't actually belong there. But, I don't think that was a case, where he was so overwrought, that nobody could understand what was on his mind. Whether it was the ground troops that had wounded this child, or what, I don't recall. I do recall, that he was extremely angry over his confrontation with this officer. And, he remarked to that effect.
- Q. From all the discussion that you heard, things on the air, you'd talked to him, and he had talked to WATKE, and you overheard parts of that. What's the impression about the number of dead civilians that he was talking about?
- A. Overall, I would say in the neighborhood of between 100 and 150, possibly in that area. That was during, or throughout the area that we were operating. That included the larger numbers alongside of the road, and some bodies that were scattered throughout the area.
- Q. And, he gave this same information to WATKE?
- A. To the best of my knowledge--I remarked, when we were down with Colonel PATTERSON that THOMPSON came in and he was mad. He was talking to whoever was available first, and there were a number of us. It seems that WATKE took him off to talk with him by himself, rather than having everyone involved, at this particular time.

- Q. We might say then, so that we don't put words or thoughts in your mouth, that THOMPSON, in the short time that you had been talking to him, impressed on your mind what he was saying. And that since he did go up to talk to WATKE, that created the same impression. Would that be a logical analysis of it?
- A. That's how I would feel about it, yes sir.
- Q. You, evidently, were close to THOMPSON. Did he stay mad like this for very long?
- A. Well, in the first place, I don't think I was any closer to THOMPSON than any other person.
- Q. Well, I didn't mean to imply that you were an old buddy of THOMPSON's, that wasn't my point. But, you are at least well enough acquainted to THOMPSON, it would appear to me, that if THOMPSON would have been so irritated--
- A. (Interposing) It would have impressed me, yes, sir.
- Q. At the landing zone and at Dottie, that if this would have continued for some time within the company, that you would have been aware of it.
- A. I know that he persisted throughout that day, and kept commenting on it, you know. And, it wasn't only his comments. Because, there were comments from other people in the company, too. But, how much they were affected by his comments and their comments, I don't know. But, I don't think it was a long period of time. I don't think it extended for a week. Maybe 2 days.
- Q. We're talking about two things. Or, perhaps we might be talking about one. On one hand, we're talking about a confrontation with an American officer on the ground. On the other hand, we're talking about scenes in which THOMPSON saw between 100 and 150 bodies on the ground.

- A. It was all our people. It wasn't just THOMPSON's observation.
- Q. But, is THOMPSON talking about two different things, or was he talking about, one in the same thing; in your visualization as you look back now?
- A. Is this 150 people the result of or closely related to his confrontation with the officer?
- O. Yes?
- A. No, sir. I don't believe so. I think that THOMPSON's confrontation with the officer had more to do with the people in the bunker, than this one wounded, or injured Vietnamese boy, at that time.
- Q. But, you look upon them, as somewhat, two separate incidents, rather than part of an overall picture.
- A little of both, sir, but more so, separated than being directly related. His anger was—the officer that he talked to on the ground was primarily—I felt, was the result of the attitude of the civilians, between him and the place he was advancing to. And, also the small Vietnamese boy. Now, I don't recall, that the officer had threatened the boy, or that he had planned to shoot him, or anything of that sort. But, I know that this angered THOMPSON, and I do not recall that the wounded child was located with the people in the bunker. Although he may have been.
- Q. All right, you stated earlier, that when he talked to this officer, the officer said, there was only one way to take care of them. What else did he say? What was the only way to take care of them?
- A. To shoot them. To get them out of there. And, THOMPSON in effect, said, "Well, I'm going over there, and get them out of here." Which he did.

- Q. Do you know of anybody that THOMPSON may have talked to outside of the company?
- A. I can surmise that he may have talked to some of his old friends from DIVARTY about the incident, because that's where he came to us from. Now, this is something I can only surmise. He may have actually talked to Colonel BARKER, and once again this a supposition on my part. Possibly Major WATKE took him along to talk to him.
- Q. I see, there are many, many chances that he could have taken to talk to him. My question is, do you know of him talking to anybody?
- A. No, sir.
- Q. You indicated that you were never aware that there was an investigation going on, other than what you had heard, that Major WATKE said, "to keep it quiet and that this thing was being investigated." Is that correct?
- A. This is pretty much true, sir. There were no visable effects that I saw of any investigation. No results to my knowledge.
- Q. You were never informed of any results of any investigation?
- A. I do not recall. This is not to say that I may not have. But, I do not recall.
- Q. We recognize that you don't have to feel ashamed in the slightest, that we're trying to pull these facts out of you, that took place 2 years ago. Because, you're no more of a mental computer, than I am, or anybody else is, because you just can't store things like that, and have a complete recall. But, this is the reason we're going through this, to give you some ideas, which may refresh your memory, to see some of these events, which might not be called to light.

LTC PATTERSON: This 100 to 150 that were reported killed. Do you recall hearing or making a determination in your mind as to how they were killed, and by whom?

- A. Well, I recall that a number of them, and once again I would hesitate to say the number, it appeared had been killed by the prep, either artillery or gunship prep of the LZ which should have been just to the west of the city, rather than right on the city. There were a lot of operations over in that area where preps were a common thing, rather than uncommon, and this may have been the type, where this day there may also have been Vietnamese strikes, with A-1's. I don't recall that for sure, but I do know that there were several instances, particularily in the old ARVN AO, where there were some air strikes, as well. They were never really on the populous, as such, but just to clear out the area there where the landing was to be made.
- Q. Did Mr. THOMPSON ever say anything about who, or whether it was ground forces, or air forces, or helicopter forces, that were doing these things?
- A. Not necessarily THOMPSON, I don't think. I know, he mentioned guns shooting at what he felt were unarmed personnel, or people in the village, and I know our gunship pilots felt like, there was a number that had been killed by gunships.
- Q. The gunships of the units involved?
- A. Well, this is what they felt, yes, sir.
- Q. Do you recall how much time you flew that day? Do you have personal knowledge from checking your records, as to how much time you flew?
- A. No, sir, I didn't check my records for that day.
- Q. You indicated to me earlier today, that you recall seeing large numbers of Vietnamese personnel along the highway?
- A. Yes, sir, after we talked about Hill 85, I remembered them walking down there. And, it was walking, rather than a high speed exit, or anything like that.

- Q. Do you recall where you saw these people?
- A. It was when we were coming in to Hill 85, to the best of my recollection. We had started our approach from the east across here, and coming in from the north northeast, probably, and going out to the east again. It was roughly, when our infantry was going in that—there was a big movement of people down this road here (indicating locations on Exhibit MAP-1.)
- O. The road just to the south of My Lai (4)?
- A. Road 521 going to the southwest. And, just north of Hill 85, and a little bit west of Hill 85.
- Q. Do you know who wrote up the awards for the individuals that participated in this operation, specifically Mr. THOMPSON? You mentioned these earlier in the testimony.
- A. Yes, sir. Who rendered the eye witness statement, I don't recall. I'm sure you may have those facts, and I don't. No, you may not either. It seems to me, that I went over the gramatical portions of it, but initially, Captain FLYNN would have been our awards and decorations officer, and I later on became the awards and decorations officer.
- O. Do you recall seeing the award?
- A. Yes, sir, and I know the recommendation that went in had to do with his saving of life--there in those bunkers--of the one child.
- Q. In the writeup of the award as you recall seeing it, the facts and circumstances, did the writeup strike you in any way with reference to the operation, as you recalled it, or had it reported to you?
- A. It seems to me, that there was mention made in there of the location of the bunkers, being between enemy and advancing friendlies, and that he had gone into this no man's land, or its equivilant to save life and limb. Other than those terms, I can't recall the specifics. But, generally, I believe that was what was stated.

- Q. And, that struck you as being the situation that existed on 16 March?
- A. Well, as far as his particular act, getting into an area that was not dominated by friendlies, going in there under the cover only of his guns, actually, to set down and get people, yes.
- Q. After you became the operations officer in the 14th Aviation Battalion, I assume?
- A. No, sir, the 123d.
- Q. 123d? Did you hear any talk while you were in the operations, and at the battalion headquarters, concerning what occurred at My Lai?
- A. I don't recall any conversation with any of the battalion members at that time, considering that this was late August, when I became the battalion operations officer. And also that the S3 attended all of the staff meetings, except for a few, when I had to go. But, normally I was quite busy at operations, and that's where I stayed.
- Q. On the 16th, how long did you stay at LZ Dottie?
- A. It seems to me, that we left before our normal quitting time that day. Normally, we'd come back about 1700 hours, or so, in that area, we'd either leave or get home at that time. I think we came back earlier, but we were in the position where we didn't have a great number of aircraft to work with at that time.
- Q. Were you around the TOC, the aviation TOC or the Task Force Barker TOC, during the afternoon?
- A. I don't believe so, sir.
- Q. Did you monitor any of the conversations that may have gone on, on the Task Force Barker command push, during the afternoon?

- A. I'm sure that I heard some, but as I recall, the afternoon was, as far as we were concerned, considerably more routine, we didn't have our infantry in on the ground, for example. And, of course, since this is one of our first deployments of the infantry on the ground, it had some significance for us. It was considerably more routine, but I don't remember anything earthshaking about the conversations that I heard.
- Q. Do you recall any radio conversation that may have come over the air that day, from the Division Commander?
- A. No, sir.

MR MACCRATE: Just a couple of followup questions, Captain MOE. In connection with the award to THOMPSON, you recalled that the recommendations for award for the crew members who flew with THOMPSON, followed directly upon the operation, and that THOMPSON was not, at that time, put in for the award, and that he subsequently was put in for an award. Can you explain the time sequence?

- A. Well, initially what you stated was true. At the time, THOMPSON stated that, he wanted to get his crew members an award for the work that they did that day. It seemed highly improbable that they would receive an award and he didn't. So, I believe we solicited someone to provide a statement as to THOMPSON's merits on that particular day.
- Q. When you say, "we," Captain MOE, was it your idea or Major WATKE's idea? Where did the idea originate?
- A. I can't say, sir.
- Q. Do you have any recollection of being at LZ Dottie around 18 March, which would be 2 days after this operation, and being around the battalion van down there. And having Major WATKE come down and say that there was a Colonel that wants to talk to the battalion? Do you have any recollection of such an occurrence?

- A. No, I don't, sir, but I may not have been down there on that particular day in question.
- IO: Well, Captain MOE, I'm sure that we restored more than a little bit of your memory this afternoon.
- A. You have picked my brain, sir.
- Q. Well, as time goes on, and with the benefit of this knowledge, you may recall some other events that took place. If such be the case, we would like you to get in touch with us, so that you can, in one way or another, get some people with you to make these thoughts a matter of record.
- A. Yes, sir.
- Q. In addition, if you have any memoranda, letters, photographs, aerial photographs, maps, or any other kind of material, which might be of assistance to us, we would like very much to have those. I will give you this opportunity to ask any questions that you might like to ask, or to make any statement which you would like to enter into the record.
- A. I don't believe I have either one, sir.
- Q. I would again like to caution you, before leaving, on this matter of discussing you testimony. The fact that we have both directly and indirectly warned you not to discuss the My Lai incident, including any investigation or reports, and your testimony here with any person who may in anyway have a connection with the incident, or for that matter, anyone outside of official duty, as in case you may be called before a competent legislative, judicial, or administrative body. Do you have anything further?
- A. No sir, I don't.

(MOE)

- Q. The hearing will recess at this time.
- (The hearing recessed at 1635 hours, 14 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: MULHERIN, Harold A. CW2

DATE OF TESTIMONY: 4 March 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Pilot, General KOSTER's helicopter, A Company, 123d Aviation Battalion.

The witness flew with Warrant Officer WITHAM for General KOSTER from February until June 1968 (pgs. 2, 3). The witness did not recall the specific change of command ceremony on 15 March 1968, but did remember attending one where General YOUNG was (pg. 5). His records indicated flying with KOSTER for six hours on 16 March (pg. 3). He recalled flying to "Son My" where there were burned hootches and where the VC had killed 80 civilians (pgs. 6, 7, 17). The area was protected by a small contingent of Marines or by the Navy (pg. 7). He described the area as a refugee camp (pg. 8). The operation on 16 March was described to the witness, but he did not recall it (pg. 9). recall a meeting between KOSTER, Colonel HENDERSON and Lieutenant Colonel BARKER that day (pg. 11). He did not recall the visit of General DOLEMAN (pgs. 11, 12). witness did not remember flying over or landing in the operational area that day (pg. 14). He did not know of any investigation into the operation (pg. 19). He recalled taking General KOSTER to Quang Ngai City on a few occasions (pg. 21). He knew nothing of a confrontation between air and ground troops (pgs. 21, 22).

EXHIBITS

EXHIBIT		-			
NUMBER	DESCRIPTION		NOTES	-	PAGES
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MAP-1	Wall map		witness.		
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(The hearing reconvened at 0834 hours, 4 March 1970.)

MR WEST: The hearing will come to order.

RCDR: The following persons are present: MR WEST, LTC PATTERSON, and MAJ THOMAS.

RCDR: The next witness is CW2 Harold A. MULHERIN.

(CW2 MULHERIN was called as a witness, was sworn, and testified as follows:)

RCDR: Please state your full name, grade, and Social Security number?

A. Harold Anthony MULHERIN, CW2,

RCDR: State your branch of service, organization, and present duty station?

A. My branch of service is Army Aviation. I'm assigned to Headquarters and Service Company, Department of Rotary Wing, Contact Division, Flight 3, Branch 1, Fort Rucker, Alabama.

MR WEST: Mr. MULHERIN, have you read our Exhibit M-57 which describes the nature and purpose of this inquiry?

- A. Yes, sir.
- Q. Do you have any questions?
- A. No, sir.
- Q. What was your assignment on the 16th of March 1968?
- A. I was the pilot in General KOSTER's aircraft.
- Q. Colonel PATTERSON will you lead the interrogation please?

LTC PATTERSON: When did you arrive in Vietnam, Mr. MULHERIN?

A. Sir, that's a good question. It was a--

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- Q. (Interposing) The month is good enough.
- A. January of 1968.
- Q. January of 1968?
- A. The first part of January, I believe it was the 7th.
- Q. You were assigned to which unit?
- A. A Company of the 123d Aviation Battalion. That was the Americal Division's Aviation Battalion.
- Q. Which platoon were you assigned to within the company?
- At the time there were no platoons. It was just a lift company. Then they later organized the three different platoons. I was assigned to the 2d Platoon. Then later about a month after that I was assigned to the 3d Platoon which was a VIP platoon. I flew with Mr. WITHAM who is a pilot that was training for the job to fly another general in the VIP platoon.
- Q. So you started flying with the VIP flight in February?
- A. It would be the last part of January or somewhere in February, the first part of February, give or take a week in there.
- Q. Did you begin to fly right away with Mr. WITHAM?
- A. Yes, sir. That was a permanent type job to fly with Mr. WITHAM every day as his permanent pilot. Then later the intentions then were--later I would have enough experience and learn the area of operations and how to deal with the generals and their wants, and dislikes, and what have you, so that when one of the other aircraft commanders had finished his tour of duty and rotated home or DROS's they call it, I could switch over. This is what happened when Mr. NEWELL left. I flew General YOUNG for a while.
- Q. When was this?

- A. This was about June when I took over. I was the aircraft commander on General YOUNG's ship. When General YOUNG left and went to- he got a support command in some sort of a logistics unit in Danang, I don't know the unit. Then I flew--
- Q. (Interposing) So you were flying General KOSTER then from somewhere in February until June 1968?
- A. Yes, sir.
- Q. Have you had an opportunity to look at your personal DA Form 759, Individual Flight Record?
- A. I have my copy of it, sir.
- Q. Have you looked at it?
- A. Yes, sir. Mr. WITHAM, the aircraft commander with whom I was flying this particular day, called me and told me to look at it and see if they jibed, his was the same as mine. Six hours flight time and a--this was in an LOH model with 26 landings. Other than that there's nothing more to compare to see whether he flew the same as I did that day.
- Q. Did you fly with Mr. WITHAM and General KOSTER on the 17th and 18th of March as well?
- A. We flew every day that month, every day in March.
- The purpose of calling you here, Mr. MULHERIN, is Q. to assist General PEERS and Mr. WEST in substantiating what we feel, through other evidence and testimony, and what General KOSTER feels were his activities during this specific time frame, 15 to 20 March 1968. Now, recognizing that, we are going back some time, 2 years, to try to pull this out. why we're talking to everyone who was connected with, physically, with General KOSTER and his activities during that period of time. Little bits and pieces you can recall to assist us to try to support that such-and-such did occur or that General KOSTER was in certain places. Therefore, what we're going to ask you now is to try to recall as much as you can even though you can't positively put your finger on it and say that this is the time. If you think it sounds familiar then please state it.

- All right. I'll do the very best I can, but like I say, I was fairly new on the job and I was new in country and a brand new Wl pilot. At that time I was still trying to find the controls and the instruments in the aircraft after not having flown for 35 days or 40 and—well, not at that time. I had been flying missions. Still it will be awfully hard to remember having been in places and this sort of thing, you know. As to being able to tell you definitely we were there on that day or did this some such day is just something that I don't believe I'll be able to tell you, any of these things like this.
- Q. Well, let's start off with a positive attitude.
- A. Well, okay.
- Q. The 15th of March 1968 there was a change of command ceremony at Duc Pho. Brigadier General LIPSCOMB, commander of the 11th Brigade, who brought the 11th Brigade over from Hawaii, turned his brigade command over to Colonel HENDERSON at 0930 hours in the morning on the helipad there at Duc Pho. We feel sure that General KOSTER was there.
- A. I'm sure he was.
- Q. You recall seeing that particular change of command?
- A. I recall seeing several while I was there. It seems vaguely I remember about at least two different ceremonies. Now, whether they were change of command ceremonies, I don't know. I know there were two or three different ceremonies we went to at Duc Pho. I don't--
- Q. (Interposing) Well, let's see, time-wise this would have been about a month and a half after or a month after you started flying General KOSTER. What made this one perhaps unique in this point in time in your tour was that this was a general officer turning over a command. It could well have been the first general officer change of command that you'd seen. Perhaps one of the very few that you did see during your entire tour. You probably saw a lot of lieutenant colonel change of command ceremonies or full colonel but probably very few general officers change of command ceremonies.
- A. I saw a lot of them.
- O. You recall this one?

- A. I can't honestly and truthfully say that I do recall this one in particular, but I do recall several ceremonies to which we did fly down to there with General KOSTER. I specifically remember procedure pilot-wise when they had these ceremonies. We were not to land on our normal landing pads there. We would drop the general off some distance away where we wouldn't blow dust and things on the men. I know we parked over on the POL. The tower would call when the ceremony had broken up, and the troops had marched away.
- Q. General YOUNG would have been--was at this change of command and, of course, General LIPSCOMB, General KOSTER, in fact most of the command element of the division.
- A. I do remember one where General YOUNG also was there. If that was the case, that would probably be the one. I doubt that he had the other generals in the division attending these battalion-size ceremonies very often.
- Q. You do recall one with General YOUNG being there?
- A. Yes, sir, I do. I specifically remember him parking on the pad down in front of us. He fouled up and blew the troops away, or his pilot did.
- The next day, the day following the change Yes. Q. of command is the day that we are particularly interested in, the 16th of March, it's a Saturday. General LIPSCOMB has departed. Colonel HENDERSON is the new brigade commander. Task Force Barker was a composite unit of three rifle companies from different battalions within the 11th Brigade that had been formed in the latter part of January, probably about the time you arrived. It was stationed at LZ Dottie. On the 16th of March an operation was conducted. Now, this was not their first operation. They had been into this same operational area that they were going into on the 16th of March in late February, 23 February. So this was their second time into the area. The operation we're concerned with is the one the day after that change of command. It was to be a two-company combat assault into the operational area you see on Exhibit MAP-1 behind you. The two LZ's are indicated there. LZ 1 and LZ 2. That is a blowup of a 1:50,000. Highway 1 is off to the left. In the upper left-hand corner is LZ Dottie. You got it? Look in the upper left-hand corner.

- A. Up here? I got it now, sir.
- Q. All right. Quang Ngai City as you see is below the river.
- A. Yes, sir.
- Q. The Quang Ngai River or Song Tra Khuc.
- A. Yes, sir.
- Q. LZ Uptight is due north of the operational area.
- A. Where is Son My or something like that? That should be right in here (indicating area on the map).
- Q. Son My is the entire village area which consists of My Lai (4) that is designated on the map. You can see Son My just above the LZ there. LZ 1. Point out LZ 1.
- A. Right here.
- Q. That's right. Now, look just due north of that, 500 meters, there you see Son My.
- A. What's the difference between Son My and My Lai? My Lai is a part of—a little village in the Son My—
- Q. (Interposing) That's correct. What did you know about Son My?
- A. I remember one day General KOSTER and--started-we were flying General KOSTER. We flew down to a place that I called or we all called Son My or something like that.
- Q. Yes.
- A. The VC had just knocked the hell out of us over-overnight. There was a real close bunch of hootches, you
 know, these grass huts. They had just knocked the hell out of
 them. They were completely burned up, and they killed quite
 a few. I think the number was 80. Now, I'm not dead sure,
 but I think it was 80 civilians that had been killed or wounded
 over the night. They rebuilt this little Son My with a bunch

of tin-roof huts, with a kind of slatwork sides and a tin roof.

- Q. Who was stationed there at Son My, do you know?
- A. It was protected, I believe, by one of these river-boat outfits, just a small contingent of Marines or Navy, I'm not--
- Q. (Interposing) Was it on the coast?
- A. It seems to me that it was fairly close to the coast. It was kind of in-this shows here it was away down inland, but it's more like up in here, more in this area (indicating an area near the mouth of the Diem Diem River just north of Pinkville).
- Q. Well, who was stationed at this outpost as you recall?
- A. Well, I don't have any idea who.
- Q. American, ARVN troops?
- A. No, it was American, a small group, just a handfull of men is all. It was a kind of an outpost there, as I remember. That's all they had. Later on I flew down there several times and took supplies down there and took newsmen down there one time, and after I transferred from the VIP platoon back into the 2d Platoon on a G3 mission that we had. We hauled a--
- Q. (Interposing) What time frame was this?
- A. Oh, boy.
- O. Early, mid, latter part of your tour?
- A. This goes on all through the tour of duty. I went down there several times.
- Q. Running down to Son My, having this attack run over--having to go--
- A. (Interposing) No. This was about the time of this My Lai business, that I'm thinking of. Now, I thought this

was--I thought that that was what they were talking about when they talked about this My Lai business.

- Q. You think this occurred during March of 1968?
- Yeah, it was about that time. That's why--that's the only thing I could remember. When they started drumming it up about this My Lai place I looked into it to find out where it was at on my little map I got at home, and saw it on the television, and what have you. Then the only thing that I could remember happening down there was this village that got overrun, and they threw satchel charges in there over one night. They rebuilt the area with tin-roof huts. It was sort of a refugee camp, a conglomeration of people from all over the area that moved in there, and I did--I don't remember any of this My Lai stuff unless these two--these places are two and the same called by a different name. Now, I don't know, but it seems to me this place I'm thinking of, we went down there to look at it, and it was a hell of a mess, close to the water inlet here (pointing to area on map). In fact, it was on a little sort of a peninsula thing. It seems to me right about in here (pointing to area just north of Pinkville) in my memory now. You know it's been--thinking back to what it was.
- Q. Okay, well, let's leave that for a minute, and let's get back to this operation that I started to describe.
- A. All right.
- We've got two company lifts and two LZ's. One of the companies staged out of and used as a PZ, LZ Dottie. That unit went into LZ 1, indicated on the map, preceded by an artillery prep and qunship suppression. The LZ time was 0730 in the morning. The lift--two lifts into the same LZ from Dottie were completed by 0751 hours. The second LZ, LZ 2, staged a company out of LZ Uptight preceded by an artillery preparation that began at 0811 hours. Two lifts into LZ 2 were completed by 0827 hours. In both instances, the LZ's were reported cold except for the second lift into the LZ l area in which one of the lift ships reported taking some fire on approach into the LZ. In the meantime, the third company of Task Force Barker, which consisted of three companies as I indicated, had walked overland on the 15th of March and went into a blocking position as you see indicated to the north of this operational area, the area indicated in yellow on MAP-1.

- A. Yes.
- Q. Does anything I've indicated thus far indicate to you-recall to you anything that you might have seen?
- A. No, sir.
- Q. Or that you flew over this operation?
- A. Because none of this operational-type thing here sounds familiar at all. I wouldn't have had anything to do-any knowledge of this at all, being a pilot.
- Q. Well, are you telling me, Mr. MULHERIN, that you didn't know what was going on at any time outside the aircraft?
- A. Not on the ground, sir. I have--as a pilot I--we never were briefed on the operations of what--who was on the ground, and sometimes we didn't even know what unit was down there.
- Q. Who was the general's aide?
- A. The general's aide was Captain ROBERTS at the time.
- Q. Now, Mr. WITHAM indicates that every once in a while you did get a briefing.
- A. Yes, sir. The aircraft commander did. Every now and then he would come back to the aircraft from wherever the general was briefing or being briefed and get Mr. WITHAM, but he didn't take me with him. I was just Mr. WITHAM's assistant at this time. If there, was any information to be put out to the aircraft crew there it was given to Mr. WITHAM, and anything that I needed to know Mr. WITHAM would give to me. I don't remember him ever telling Mr. WITHAM anything about--
- Q. (Interposing) Well, then you did know some of the things that went on some of the time outside of the aircraft?
- A. Only when it concerned us having to arrive and depart at a certain time and have the aircraft cranked up. As far as the operations down on the ground, we had nothing to do with that, had no need to know. That wasn't need-to-know information as far as we were concerned unless we were going

to land down there, but he wouldn't plan on a thing like that, I mean he never did.

- Q. We have reason to believe that General KOSTER arrived at LZ Dottie at 0935 on the morning of 16 March, and landed there, and was met probably by Colonel HENDERSON, the new brigade commander of the 11th Brigade, whose ship probably was also parked and shut down. While General KOSTER was there and your ship was shut down, another C&C ship arrived: Colonel BARKER, the commanding officer of Task Force Barker, a lieutenant colonel, who was evacuating three wounded individuals out of this operational area, U.S. He dropped off his aircraft while his C&C continued north with the three wounded. Do you recall any such thing as what I described here?
- A. Very vaguely, sir.
- Q. Well, what do you recall? What I've told you or do you--
- A. (Interposing) Yes, just--yes, sir, but just very vaguely. I can't really say. I couldn't really say that I do recall this incident. But I can't say that it--I couldn't come anywhere near saying, "no, it didn't happen." It sounds familiar. We were at Dottie so many times, and people come and go.
- Q. Yes, I know.
- A. So that's about all I can say.
- Q. We know, Mr. MULHERIN, that it has been a long time. We know that there has been a lot of time that you've landed and a lot of times you went different places. We know all this. We've heard this. We recognize it. So we don't want to get redundant in that.
- A. Okay.
- Q. Do you recall where you were prior to a 0935 landing at LZ Dottie? If you can recall perhaps the landing, do you recall perhaps where you were before then?
- A. No, sir. I couldn't give you an honest answer on that.
- Q. All right. We have reason to believe that General KOSTER was there for about 15 to 20 minutes at the outside and

(MULHERIN)

had conversations with, or did some talking with, Colonel HENDERSON and perhaps Colonel BARKER, who was also there at this time. Do you recall seeing the three of them together at any time while you were there—at any time, as a matter of fact, because these three meeting together occurred on a very few occasions?

- A. No, sir. I couldn't honestly say and give an affirmative answer to that.
- Q. Do you know Colonel HENDERSON?
- A. I don't believe I'd recognize him, sir.
- Q. Colonel BARKER?
- A. I may recognize Colonel BARKER. He sounds--that sounds familiar, and I might be able to describe him but a--
- Q. (Interposing) One of the things that might have been significant about this meeting is that the transportation used to pick up the general and to bring him back to the aircraft was not the usual method of transportation. It was an MP jeep driven by an MP. The MP jeep had a red light on it. It was different from the normal command jeep.
- A. No, sir.
- Q. This was the same day, the 16th, that this operation and this landing at Dottie by the general, a lieutenant general, retired, by the name of DOLEMAN. General DOLEMAN arrived in the Americal Division in the afternoon, stayed overnight with General KOSTER, and was given an orientation tour and briefings at several units not only in the afternoon of 16 March but also the next morning of 17 March. Does the name General DOLEMAN or a three-star general--
- A. (Interposing) Three-star generals we had come all the time, but that name doesn't ring a bell at all.
- Q. All right.
- A. I remember many, many tours of the area, but I don't remember General DOLEMAN.
- Q. I recognize you made many, many tours of the area I also recognize you saw many three-star generals.

- A. Yes, sir.
- Q. General KOSTER took General DOLEMAN to Duc Pho at 1510 hours in the afternoon of 16 March, and he stayed there for—not very long, but long enough to pick up Colonel HENDERSON, the brigade commander. General KOSTER, General DOLEMAN, and Colonel HENDERSON flew to LZ Dottie where General KOSTER, and General DOLEMAN, and Colonel HENDERSON were briefed by Colonel BARKER from about 1645 until about 1715 hours, late in the afternoon. From there General DOLEMAN and KOSTER went back to Chu Lai for the usual staff briefing. Does any of this ring true, anything that I've said? Can you support or refute anything that I've said thus far?
- A. No, sir, I can't. It's nothing other than the general routine.
- Q. On the 17th of March General KOSTER and General DOLEMAN arrived at Duc Pho, the 11th Brigade, at 0825 hours in the morning. They were there for a briefing, the 11th Brigade, for 45 minutes or so, 45 to 50 minutes.
- A. No, sir, I don't remember.
- Q. Do you ever recall being over the operational area that is shown on the map, MAP-1, in the orange tint at any time during your tour in Vietnam? Do you recall an operation within this specific geographic area?
- A. No, sir. I can't say that I recall any specific type name or unit operation in there. I knew that there were people operating in that area that was part of Dottie's AO there.
- Q. No, that is not correct, Mr. MULHERIN.
- A. Well--
- Q. (Interposing) That was not a part of Dottie's AO. This was a part of the 2d ARVN Division's AO, the 2d ARVN Division which is located in Quang Ngai. For this particular operation, TF Barker had to receive special permission to go into this geographic area. It was only for a very short period of time that they were in there.
- A. Well, I had no knowledge--I had no knowledge of that.
- Q. Are you familiar with that geographic terrain there at all?

- A. Yes, sir.
- Q. Do you recognize that there's a Hill 85 which is about the only recognizable terrain feature in that flat land area basin just north of the Quang Ngai River?
- A. Yes, sir.
- Q. There is a road running from what is designated on the map as My Lai (1), Pinkville, running to the southwest, joining route 1 at the northern bridge--northern entrance of the bridge leading across the Quang Ngai River, Song Tra Khuc, to Quang Ngai. This little road is called 521. It's a dirt road. About midway between Pinkville and Quang Ngai is an ARVN outpost nicknamed the Citadel. That is a square fortified area.
- A. That's right here (indicating area on map). I remember being down there and on this--just beyond this citadelthing here, this square, as I remember it, berms, several berms running around it. We took some resupply out there one time. I don't have any idea of when this was, but there were some Army people out there. On second thought, they may have been Marines. In fact, I believe--I'm not dead sure, now I can't say for sure, I think they were Marines and part of one of these CAT Teams, combined action force or something like that, but that's just vaguely I remember that. I'm not dead sure of any part of that, but I--
- Q. (Interposing) The specific area we're interested in then, of course, is from that outpost to the sea. Between the Song Tra Khuc River and the Song Diem Diem River which are that river (indicating Song Tra Khuc River) and the river you see that runs generally from the coast just north of Pinkville there. It runs meanderingly to the west.
- A. Right, where the orange part is.
- Q. The area between the Diem Diem River and the Song Tra Khuc River is the area that we're interested in. That's flat area except for Hill 85. It is rather flat-topped, and there is an old outpost up on top of Hill 85. You see where Hill 85 is there?
- A. Yes, sir. Wasn't there an ARVN--
- Q. (Interposing) There used to be an old ROK, Korean,

outpost up on top there. Later on in your tour the little--the little hill, 72-meter hill to the south of Hill 85, Nui Ngang, had an outpost established upon it.

- A. Here (indicating on map)?
- O. Correct.
- A. That doesn't ring a bell. This Hill 85, there was an LZ--no I'm thinking of Uptight. We established an LZ on Uptight. I'm pretty sure it was at that time. I know there wasn't anything on Uptight for a long time and then not too long before I came back--
- Q. (Interposing) And you cannot recall ever flying over this area, the operational area I mean, that I'm discussing here now?
- A. I don't recall any--
- Q. (Interposing) Orbiting over it? Landing in it?
- A. No, sir, not that I can remember. We may have landed off there somewhere that particular day, but I don't remember it if we did.
- Q. Do you ever recall during your tour or while you were flying General KOSTER, orbiting over this area and seeing or recognizing that you were outside of the normal operational area of the Americal Division? This area was reported to be very hostile. The entire area from the coast over to Son Tinh and Quang Ngai just north of the river was indeed very hostile. At least according to all the reports available to the Americal.
- A. Just north of which, the northern river or the southern river?
- Q. The southern river, the Song Tra Khuc.
- A. The only thing I definitely remember in that area is--I believe it was part of the Pinkville here--over one evening--it was one of the nights in, I think in April, the last part of April, but I couldn't say for sure about that time either. There was one of the nights there when just about everybody up and down the country had a mortar and rocket attack or both and a few ground probes, and the next morning that was one of the main talks of the town there that this thing--

this area in the Pinkville there--the VC had come in there and threw satchel charges all through the village and killed--they said at the time 80 some civilians were killed. And then they rebuilt that-

- Q. (Interposing) Could that have been Hong Tra Camp?
- A. No, it was Song My or Son My, just south of Chu Lai. I remember General KOSTER wanting to go down there and fly around a couple of circles and see exactly how much damage was done.
- Q. Well, there was a camp overrun in the latter part of April. As a matter of fact, to help you with your time reference, on the early morning of the 24th of April Chu Lai received a mortar attack; 122 rockets landed on the airfield, minor damage, but it was the first rocket attack for a considerable period of time. That occurred on the 24th of April, early morning, 0250 hours. Do you recall that rocket attack?
- A. Was it one where there were 10 Air Force people killed in one barracks?
- Q. Well--
- A. (Interposing) And part of a tower was hit, I believe.
- Q. Yes, there was part of a tower hit.
- A. You mean this time--
- Q. (Interposing) As far as I can tell this was probably the first rocket attack you'd been through.
- A. Not by a long shot. It was a--there was a long lapse between Tet and the first real rocket attack where all of Chu Lai was alerted. Every now and then you would hear a siren, but not very often.
- Q. Correct.
- A. And that's probably the one, but I couldn't say definitely that was the one that we're talking about.
- Q. Well, when was the first one that you remember up there

- A. The night of Tet. I wasn't in Chu Lai that night. I was up at Baldy. That was during the first of the month, during-oh, the first part of February, whenever that Tet night was--Tet Offensive.
- Q. What was the next one?
- A. Well, they were fairly frequent during that time when I first arrived there in the command. Until I was there about, oh, I'd say, just short of a month. They were fairly frequent. I spent the night in the bunker, many nights. In fact, it was just a regular occurrence when I--especially up at Baldy.
- Q. And then they fell off? Fell off some until the latter part of April.
- A. There was a long lapse there at that time.
- Q. And then this 23--24 April was the--
- A. (Interposing) Right. I'm pretty sure that--I could say reasonably sure that that's the one.
- Q. Well, do you think that this Son My that you recall was associated with that rocket attack of the latter part of April or was it earlier?
- A. It might have been that one, but I don't know. If it was that one then it wouldn't have anything to do with this here. Well, after this My Lai stuff, but I don't know, that's, like I say, that's the only time--thing I definitely remember, flying over that area--
- Q. (Interposing) You thought it was this area--
- A. (Interposing) Orbiting it for a specific reason is this Pinkville right down here. I'm not even dead sure now that this is the village I'm talking about. It was in this area south of Chu Lai. Now where's Chu Lai? The southern border of Chu Lai or its perimeter is right up in here, right?
- Q. Well, it's a pretty good piece up there, yes.
- A. This is the--

- Q. (Interposing) That's the Batangan Peninsula.
- A. Right.
- Q. Chu Lai is another good 10 kilometers north.
- A. Well, here's--
- Q. (Interposing) That's 1 kilometer (indicating one grid square).
- A. Okay, it'd be--that's about right. This is the free-fire range in here (indicating area on map), right? Where they shot off the rockets, and the Marines came out here and dumped ordnance that they couldn't punch off and all this? Well, I know I'm well oriented as to where this is, but as to exactly what happened and when is what I don't know.
- Q. You're convinced that you did at one time during your tour go into this area?
- A. Yes, sir. Now, well down into the area just up along here, and there was American GI's there.
- Q. Indicating north of Pinkville.
- A. Right, indicating north of Pinkville. It was a place where they had these. I'm not sure, but I think they were Marines. I know they were American GI's. They may have been Marines, and they may have been Navy, but I don't think they were Army. They were these little CAT's or what ever you call them.
- Q. What time of day was this that you went in there, afternoon, morning?
- A. No, it would have been in the morning. One of the first things that we did that day. I'm fairly sure.
- Q. Was this a VC attack?
- A. Yes, sir. Definitely, that I can remember.
- Q. Did you see dead?
- A. I didn't see dead. No, I didn't see any dead people. I saw a lot of—the little conglomeration of hootches or little huts was completely flattened and burned. There was still smoke

going up and all this sort of thing. But the dead bodies, there were no bodies that I could see. They were well taken care of by that time? After this happened in the middle of the night, "midnightish" somewhere around there. In fact, I believe it was before midnight that this would have happened, I understand.

- Q. Did you ever recall landing near what is designated on the map there as My Lai (4), letting the general out, going airborne, and seeing any dead along the road, 521?
- A. This road here?
- Q. Yes.
- A. Once I remember--seldom, but once and a while, we did do this: let him off and go up and orbit, because it wasn't safe to keep the aircraft to remain on the ground. But I can't honestly recall landing in that spot there at all.
- Q. It was--
- A. (Interposing) In fact, it doesn't sound like something we did in that area. I just don't think we did.
- Q. Mr. WITHAM recalls doing it and so does your crew chief.
- A. Well, I do not recall.
- Q. Now, there was a--do you ever recall orbiting in a clockwise orbit, elongated, north-to-south type from, oh, I think, the Pinkville down to the Song Tra Khuc River, the southern leg of your orbit flying out over the ocean; seeing a lot of smoke on the ground; staying in orbit for, oh, 30 minutes or so?
- A. The only thing I can say is that I recall doing exactly that, but so many times I and this is in such a--
- Q. (Interposing) In this area?
- A. No, sir. I can't say where it was.
- Q. I want to confine it to this area right there in the orange, and if you recall that (strongly emphasized) area and the type of orbit?

- A. No, sir. I don't.
- Q. Okay. The indication that we have is that it was right-hand orbit. Ceneral KOSTER sat on the right, which would have been the side of the aircraft that you were sitting on.
- A. Right behind me.
- Q. Did you ever hear anything about an investigation concerning the operations of Task Force Barker at any time while Task Force Barker was in being?
- A. No.
- Q. How about after they were dissolved?
- A. I don't remember any.
- Q. Do you ever recall hearing anything about a Pinkville operation or an operation conducted by any units within the Pinkville-My Lai area southeast of Dottie, south of Uptight? Any area--any reference to an operation in which large numbers of individuals were killed?
- A. No, sir You'd be surprised how little a pilot knows of exactly what's going on on the ground. It isn't--
- Q. (Interposing) On the contrary, Mr. MULHERIN. I am a pilot with two tours there, and I recall a good bit of what happened on the ground.
- A. Well, I mean, sir--I don't mean recalling what happened or what was going on. I mean being told and briefed exactly what is going on on the ground. When you're on a mission like we had, you go pick up your pickup, you fly where he says to fly the way he says to fly, and you let him off. And what's going on on the ground doesn't matter. I know a lot of times I asked, and I was told to never mind. I'm not telling you that I don't know because--
- Q. (Interposing) Well, I would like to state for the record that perhaps that was true as far as you are concerned, but I'm personally convinced that all the warrant officer pilots that flew for me or in my units, if they wanted to know what was going on, all they had to do was ask, and they could find out if they weren't already told. We made it quite a policy

to keep aviators informed so that they became something more than just a chauffer.

- A. That's what I wanted to be, something more than just a chauffer, but a--
- Q. (Interposing) Okay. You don't recall any investigations or hearing any conversations about any wrongdoings as far as Task Force Barker or any units of the 11th Brigade were concerned? Did you ever hear any conversations that General KOSTER had with any of his staff or any of the individuals he talked to? Did you ever overhear any of his conversations?
- A. No, sir. Nothing other than just small talk, like "I'll be back." He was leaving one LZ, one place, and he'd tell some officer, "I'll be back in 20 minutes" or "see you later," "good coffee," just small things. Nothing that ever pertained to any operation or anything.
- Q. Does the name Burlington Trail, the operation Burlington Trail ring a bell with you?
- A. I've heard of that. I don't know where it was at. I don't recall.
- Q. Out at Tam Ky, Tien Phuoc.
- A. Right, now I--
- Q. (Interposing) Began in early April.
- A. Something about the pineapple jungle there.
- Q. Tien Phuoc CIDG camp.
- A. Right.
- Q. A lot of action up in there. The 198th Brigade.
- A. That is when they started working putting the engineers on that road, I believe, to open up the road.
- Q. Right.
- A. So that they could put surface transport out there rather than aircraft. That's what I recall of it.

- Q. You recall taking the general to Quang Ngai City on many occasions?
- A. Yes, sir.
- O. About how often?
- A. Just estimating, I'd say we probably went down there a couple times a month, maybe once a month.
- Q. Do you recall at any time the frequency increasing for a short period of time?
- A. Not when I was flying with General KOSTER. I went down there with a--on other missions after I a--later, which would be way beyond this incident here timewise, because they moved the 1st Cav Squadron down there, and they had a--
- Q. (Interposing) Did you ever hear any conversation within the 123d Aviation Battalion, or any elements thereof, with reference to a helicopter pilot seeing things, reporting things that were not a--were not right about a ground operation?
- A. No, sir. Do you mean things that someone might have done wrong on the ground?
- Q. Right?
- A. No, I don't recall anything like that.
- Q. Helicopter pilots reporting seeing things that weren't right: killings, women and children shot?
- A. No, sir, never.
- Q. Did you know many of the fellows in B Company?
- A. I knew a few of them, not all of them.
- Q. Did you know Mr. MILLIANS?
- A. Who, sir?
- Q. Danny MILLIANS? Warrant Officer--
- A. (Interposing) I remember a Danny, a real thin--I don't remember his--in fact I--

- Q. (Interposing) CULVERHOUSE?
- A. CULVERHOUSE. I remember him. He was the maintenance officer, though, not a gun pilot.
- O. BAKER?
- A. BAKER, I don't know. Which BAKER?
- Q. Did you ever talk to any of these fellows?
- A. Just in the club. Once and a while they came-you see the hootches, company-wise, were separated. Once in
 a while they came over there.
- Q. Did you ever have or recall any conversations with any of these individuals with reference to some of their activities, landing on the ground, picking up people, seeing a lot of people killed?
- A. Just the general run-of-the-mill-helicopter-gun-ship-pilot talk, "took rounds here and took rounds there," and "this guy screwed up and went in there and took too many, and told him, you know, told him not to go in there, and he did anyhow and got his ass shot off," such stuff as this. But I've never-I can honestly say I don't--I don't recall--in fact, I'm sure I didn't hear--I've never heard pilots in our unit say that one of their other pilots did something wrong or went and shot women and children. Negative. Definitely, I never heard of that.
- Q. How about them saying that they saw infantry troops, ground infantry troops, doing something?
- A. Well, they may have, but I never heard them talking about--I never heard any talk about that at all.
- Q. As far as you know, you have nothing to offer that is pertinent or constructive to the purposes of this inquiry with reference to the My Lai-Son My incident, other than what you've already related?
- A. No, sir, that's about it. Like I say, this has been 2 years ago. When it happened I was a brand new pilot, brand new in country, so I naturally wouldn't recall very much, I....

LTC PATTERSON: Before we adjourn, I'd like to give you an opportunity to make any statement or ask any questions. I will attempt to respond to any questions that you have. I'd like to give you this opportunity to make any statement you'd care to for the record.

A. I don't know of anything more that I could say that would help the situation any, sir.

LTC PATTERSON: Well, we appreciate your coming here this morning, Mr. MULHERIN. I, too, am sorry that you don't recall more, but every little bit helps. General PEERS is determined to not leave a stone unturned in his efforts to determine what actually did transpire in the form of any investigation. Do you know of any attempt by anyone or have you heard of any attempt by anyone to suppress any information concerning the events that transpired 16 to 18 March in the vicinity of the Son My Village?

A. No, sir.

LTC PATTERSON: This hearing will be recessed.

(The hearing recessed at 0920 hours, 4 March 1970.)

SUMMARY OF TESTIMONY

WITNESS: NEWELL, John P. 1LT

DATE OF TESTIMONY: 19 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT QN 16 MARCH 1968: Section Leader, Third Platoon, A Company, 123d Aviation Battalion. General YOUNG's personal pilot.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

Other than the change of command ceremony on the 15th the witness could remember nothing of the day's activities (pgs. 9, 12).

2. THE COMBAT ASSAULT.

a. Actions on the 16th.

While NEWELL recalled an instance of circling the Pinkville area when it was burning, he could not relate this to the 16th (pgs. 16, 22-24, 46). He did not remember seeing any bodies or troops when he saw this burning and he could bring to mind no radio transmissions concerning it (pgs. 29, 35, 47). He did not know who was flying with YOUNG at this time (pgs. 47, 49). On this occasion they orbited the burning area for about 30 minutes (pg. 47). NEWELL also remembered seeing wounded soldiers on a beach somewhere in the area from My Khe (2) to My Lai (1) (pg. 16). witness was informed of the scheme of maneuver for 16 March, but did not remember seeing any of the events described (pgs. 16-18). NEWELL did not remember landing General YOUNG at LZ Dottie at 0935 on 16 March (pgs. 18-21,26). NEWELL could not bring to mind any occasion where he flew the general over the Pinkville area at a low level (pg.22).

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b. Actions on the 17th.

He did not recall what he did on the 17th (pg.27). This could have been the day he saw all the smoke over the Pinkville area (pg. 27). He recalled returning to Chu Lai late that afternoon (pg. 28). NEWELL recollected an instance at LZ Dottie where it took a long time to refuel, but he was not sure that this occurred on the 17th (pgs. 29-31). He recalled something about KOSTER taking around a visiting general who was writing a book, but he did not remember General DOLEMAN's name in relation to it (pg.32).

c. Actions on the 18th.

He remembered the meeting at LZ Dottie on the 18th because he had to wait for YOUNG for about two hours (pg. 33). He did not think his wait was only 20 minutes as reflected in the log (pg. 33). He recalled Lieutenant WHITE telling him that the general was going to relieve some people because of an operation (pgs. 34, 39, 49, 50). NEWELL did not remember if WHITE indicated what the trouble was (pg. 34). He did not remember the general saying anything about the meeting when he returned to the helicopter (pgs. 35, 40). After the meeting YOUNG flew back to Duc Pho (pgs. 34, 36).

3. INQUIRIES AFTER THE ASSAULT.

He recalled hearing a rumor that B Company of the 123d Aviation Battalion had refused to do something and were called before General KOSTER for it (pgs. 36-38,55). The witness thought that perhaps this was the reason Major WATKE had to go to LZ Dottie (pg. 36). He did not recollect hearing that a large number of people had been killed in the Pinkville area (pgs. 36, 37). He knew nothing about THOMPSON landing to pick up some civilians (pgs. 38, 55). He never heard of a confrontation between air and ground personnel (pg. 55). He knew nothing about an investigation (pgs. 39, 40).

4. OTHER INFORMATION.

- a. The witness flew 2.7 hours on 15 March and made 16 landings (pgs. 3, 4). His log indicated that he flew from Chu Lai to Duc Pho and back (pgs. 4, 5). He flew four hours on the 16th and made 12 landings without making a cross country (pg. 6). This indicated that he flew into the AO and landed at different fire bases (pg. 6). On the 17th he flew 4.6 hours, made 16 landings. He made no cross-country trips (pg. 6). They flew 3.1 hours and made 14 landings on the 18th with no cross countrytrips (pg. 6). They were fairly lax in maintaining the logs so they could have made cross-country trips which were not logged (pg. 7). They flew to Camp English on either 20 March, 8 April, or 9 April (pg. 8). He did not know for certain if he flew to Khe Sanh on either 15,16,17, or 18 March, but the 18th would have been the most likely date for this to have happened (pgs. 8, 9).
- b. He could not remember Lieutenant Colonel DIONNE being aboard his helicopter anytime between 15 and 18 March 1968 (pgs. 40, 41). NEWELL could not remember an instance of DIONNE and Lieutenant Colonel LEWIS flying in his helicopter at the same time (pg. 42).

(NEWELL)

3

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EXHIBITS

EXHIBIT			
NUMBER	DESCRIPTION	NOTES	PAGES
	Aerial photo of My	Wit oriented to	
P-168	Lai	photo.	45
		Wit identified	
P-198	Miscellaneous Scene	YOUNG, and thought	41
		picture was taken	
		at LZ Dottie.	41,42
		Wit identified	
P-199	Miscellaneous Scene	YOUNG. Identified	
•	-	his helicopter.	
			· .
		Photo shown to	
P-200	Miscellaneous Scene	witness.	45
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(The hearing reconvened at 1425 hours, 19 February 1970.)

LTC PATTERSON: The hearing will come to order.

RECR: The following person is present: LTC PATTERSON and MAJ COOP.

Sir, the next witness is Lieutenant NEWELL.

(1LT NEWELL was called as a witness, was sworn, and testified as follows:)

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

WIT: John P. NEWELL, First Lieutenant, Bravo Department, Fort Wolters, Texas, United States Army.

LTC PATTERSON: Lieutenant NEWELL, will you state for the record your unit of assignment and length of tour with dates in Vietnam?

- A. I was with the 161st Assault Helicopter Company. I got in country on—I'm not sure of the exact dates now. It was in June. I think it was about the 15 June.
- Q. What year?
- A. 1967. And the 161st became the 123d Aviation Battalion of the Americal Division in December of 1967. So naturally I was then with the 123d. I was with Alpha Company of the 123d until June 8, 1968, at which time I DROS'd home.
- Q. I think I neglected to ask you, before I asked you any questions, if you are familiar with the instructions, Exhibit M-57?
- A. Yes, sir.
- Q. Do you have any questions about them?
- A. No, sir.

- Q. You understand them completely?
- A. Yes, sir.
- Q. All right. Lieutenant NEWELL I understand it then that you were in A Company of the 123d Aviation Battalion from approximately December of 1967 until 8 June 1968?
- A. Yes, sir.
- Q. What were your duties in A Company?
- A. I was section leader in the 3d Platoon which was a VIP platoon. Also I was General YOUNG's, who was assistant division commander, personal pilot.
- Q. During what period of time or on what date did you become General YOUNG's pilot?
- A. In November 1967 when he first came to the division.
- Q. And you flew General YOUNG the balance of your tour?
- A. Yes, sir, up until the end of May when I quit flying, the 1st of June.
- Q. Did you fly everyday with General YOUNG or were you just flying on again, off again?
- A. I flew everyday, sir, with the exception of about 12 days that I was gone on R&R and then the time that he went home on leave, which was in February.
- Q. Do you recall the dates that he went home on leave?
- A. No, sir. It was right around the first of February, somewhere in there, the month of February, because I just got back from R&R and he left.
- Q. And he came back about what time?
- A. About the first of March, sir.

- Q. About the first of March. We, as you recognize from the instructions (Exhibit M-57), are interested in trying to ascertain on behalf of General YOUNG, as well as for the purposes of this inquiry, the whereabouts as specifically as possible of General YOUNG during the period 15 March to about 18 March 1968. His location at given times is quite important to this inquiry. General YOUNG has testified here before General PEERS and, because of the time that has elapsed since that time, cannot recall specific events, places, and times during this time frame. You're here today in an attempt to help us in that regard, which will support General YOUNG's testimony and/or the facts as General PEERS sees them. Therefore, I'd like for you to think now and confine your thinking to the period of time 15 to 18 March 1968. Have you had an opportunity to check your flight records?
- A. I have my flight records right there that covers that period of time, sir (indicating papers in his possession).
- Q. Will you state for the record whether or not you flew on 15, 16, 17, 18 March and if so, where, if possible, and how many hours?
- A. To start off with, sir, I did fly on those days. On the 15th I have a cross-country route that's logged here, but I do not know how to interpret it. I do not understand exactly what it means.
- Q. Okay. On the 15th you flew how many hours?
- A. We flew 2.7 hours, sir.
- Q. How many times did you land?
- A. Landed 16 times, sir.
- Q. Before we go on, Lieutenant NEWELL, were you fairly accurate in maintaining the numbers of landings that you made or did you rather "guestimate" at them at the end of the day?

- A. They were actually guesses, sir, but they were accurate, too, because our landings would be—well on a normal day we would fly from one fire base to another, and I kept a running record in the flight log every time we set down on this fire base.
- Q. So that you did maintain it and then total it up at the end of the day?
- A. Yes, sir.
- Q So, on the 15th, 2.7 hours. How many landings again?
- A. Sixteen landings.
- Q. Sixteen landings. And where did you go?
- A. I'm not sure, sir.
- Q. Well, it says VVCL (log code for Chu Lai).
- A. Yes, sir.
- Q. Then VVDP (log code for Duc Pho)?
- A. Yes, sir.
- O Then VVCL?
- A. Yes, sir.
- Q. Without the VV's, would you be able to hazzard a guess?
- A. No, sir, I wouldn't. I don't understand how they got these numbers they've got down here, these letters.
- Q. Well, would not CL represent Chu Lai?
- A. Quite possibly, sir.
- O. And DP Duc Pho?
- A. Right, sir, and then that would be Chu Lai again.
- Q. So would it be logical to assume here from what you can determine that you flew from Chu Lai down to Duc Pho and back?

- A. Yes, sir.
- Q. And perhaps, of course, stopped in between?
- A. Yes, sir.
- Q. Those entries on the 15th, that indicate the flight from Chu Lai down to Duc Pho and return, would be a result of your posting your individual flight record as to where you went, is that correct?
- A. Yes, sir. Now in our company, as a general rule, any time we made a flight of this length—Chu Lai to Duc Pho was roughly 45 nautical miles, let's say. I'm just guessing here.
- Q. How about time-wise?
- A. Time-wise it would be about a 30-to 40-minute flight, depending on the winds. Generally this is the only time we logged cross-country time in this sense, like, if we were going to Duc Pho or to Danang.
- Q. So the point I'm trying to make, though, is that the record of entries as to where you went were made by you?
- A. Yes, sir.
- Q. And not by someone who filled out this paper?
- A. No, sir. This is made by me.
- Q. So on the 15th then, to consolidate, 2.7 hours, 16 landings, apparently from Chu Lai to Duc Pho and back to Chu Lai?
- A. Yes, sir.
- Q. And with the additional time--I would assume you indicated 30 to 40 minutes one way?
- A. Yes, sir.
- O. Would accumulate a total trip of 1 hour?
- A. Yes, sir.

- Q. But you flew 2.7 so there possibly could be some other stops in between?
- A. Yes, sir.
- O. How about the 16th?
- A. The 16th, sir, I have 4 hours. I have 12 landings. I do not have a cross-country logged.
- O. What would that indicate?
- A. That would indicate, sir, more than likely that we flew either out into the operational area, landing at different fire bases, and did not get to a given Vietnamese city such as Danang or Duc Pho.
- Q. Let's go on with the 17th. Would you indicate for the 17th?
- A. Okay, sir. On the 17th we flew 4.6 hours and made 16 landings.
- Q. Any cross-country?
- A. No, sir.
- O. How about the 18th?
- A. The 18th we flew 3.1 hours and got 14 landings.
- Q. Any cross-country on the 18th?
- A. No, sir.
- Q. Let's go back now through this period and see if we can develop some facts as to what could have occurred. During February and March 1968 you were in the process of the final throws of Tet. Hue was under seige. Khe Sanh was well known by a lot of people, and there were activities at Khe Sanh. In addition, there was a good deal of shifting within the Americal Division of the brigades and fire bases within the AOR assigned to the Americal Division. In addition, there were some high-level-rank people, General ABRAMS specifically, operating out of Phu Bai. The 1st Cav Division was up and around the area. In addition, there were some other units. There was a lot of activity in I Corp.

(NEWELL)

- A. Yes, sir.
- Q. If you had flown to Hue or Phu Bai, would you have logged it as cross country?
- A. That's hard to say, sir. Like I said, as a general rule we did when we went as far away as Danang or Duc Pho, and Phu Bai is quite a bit further north than Danang. However, we were pretty lax also in filling out the log books, so sometimes we may have overlooked the actual logging in of cross-country routes.
- Q. How about if you had flown to Khe Sanh or in the vicinity of Khe Sanh?
- A. Here again, it's the same thing. I should have and most of the time I did, but I may not have this one particular day. Because on some days I, or my copilot, or my pilot might have filled out the log book, too, and he may not have done it.
- Q. How about if you had gone to Danang. Would the same thing apply?
- A. Yes, sir. However, most of the time, like I said, it seemed like if we went to Danang or Duc Pho, we always logged as cross country. Sometimes going elsewhere, we'd forget about it.
- Q. I see. Do you recall going to either Hue, Danang, Khe Sanh, on either the 15th, 16th, 17th, or 18th of March?
- A. I can't say definitely within that period, sir, but I can remember sometime around this general area--now I'm talking about from between March, I'd say March and April, somewhere in these 2 months--I do know we did make a trip north. We didn't go to Que Son. We went north to Camp English.
- Q. Where is Camp English?
- A. It was north of Phu Bai. I don't know the exact location, but it was north of Phu Bai, about between Phu Bai and Quang Tre.
- Q. Would you search your 759's (log forms in possession of witness) and see if you can determine by crosscountry logging time when that might have occurred?

- A. The only cross-country's I've got logged on here, sir, are from Chu Lai to Duc Pho to Chu Lai or Chu Lai to Danang to Chu Lai.
- Q. How much time would it take you to fly to Camp English, for instance?
- A. I'd guess between an hour to an hour and a half, sir.
- Q. Round trip then a minimum would have been somewhere in the vicinity of 3 hours?
- A. Yes, sir. Also the day that we went to Camp English, we also went on north. We had—the division had a battalion that was working with the Marines up there, and we went all the way just about 1 click South of the DMZ.
- Q. How much time do you remember flying that day? Was it a long day or a relatively easy day?
- A. Yes, sir, it was a fairly long day.
- Q. Can you peruse your 759 and see if you can determine which day that might be? Just give me the possible dates?
- A. (After studying forms in his possession) I've got one of 3 days here, sir. One would be March 20. We got 6 hours on that day. Another one might be 8 April on which we got 7.8 hours. Another one might be 9 April on which we got 6 hours again.
- Q. Therefore, am I correct in assuming that as best you can determine and recollect, this trip that you made up to Camp English to visit the battalion was probably one of these 3 dates: 20 March, 8 April, or 9 April?
- A, Yes, sir.
- Q. Could you determine or deduce with any accuracy whether or not you went to Khe Sanh on either 15, or 16, or 17, or 18 March?
- A. No, sir.

- Q. Based on your time, for instance, on 15 March you logged 2.7 hours. Would it have been possible to go to Khe Sanh and visit the battalion on 15 March?
- A. I'd say it would have been impossible, sir, because I'm sure that was at least a 3-hour flight round trip.
- Q. How about the 16th of March?
- A. Here again, sir, I'd say it is highly unlikely.
- Q. Or the 17th?
- A. The same there, sir.
- O. And the 18th?
- A. It would have to be, sir. It would have to be a figure of 6 hours, around 6 hours at least, because we went there, plus we also did some flying around while we were there.
- Q. Okay. Now let's go to the 15th of March. Your records indicate that you flew from Chu Lai to Duc Pho to Chu Lai and did several landings. Do you recall that trip for any particular reason?
- A. No, sir. We made several trips down to Duc Pho usually in a day's time. Sometimes we'd make the whole AO. We'd go north and south.
- Q. Okay. On the 15th of March, let's see if I can assist you on your recall. At 0930 hours in the morning there was a change of command ceremony at Duc Pho. General LIPSCOMB, CG of the 11th Brigade, departed.
- A. Yes, sir, I remember going down there.
- Q. Do you remember that incident though?
- A. Yes, sir, I remember the ceremony.
- Q. Do you remember the time of day? I think I just indicated it was at 0930.
- A. Well, it was in the morning, I know.

- Q. Do you remember that it was in the morning?
- A. Yes, sir.
- Q. Now, after that ceremony, do you remember--and try to put yourself there now--do you remember where you went?
- A. I believe we went straight back to Chu Lai, sir. I'm not sure, we may have stopped by LZ Liz on the way back.
- Q. What's at LZ Liz?
- A. There was a fire base there, sir, a battalion CP.
- Q. Of artillery?
- A. Yes, sir.
- Q. Was there artillery present or was it a rifle battalion's CP, do you remember?
- A. There was artillery present, but I don't know if it was a rifle battalion CP or a--
- Q. (Interposing) Well, we have some indications from some evidence and testimony that after attending the change of command ceremony that General YOUNG did visit Bravo Battery and Alpha Battery of one of the artillery units that were assigned, and I believe that's indicative of LZ Liz, which is where they were currently located. Now, to refresh your memory on the number of landings you made there, let's look at the 15th of March, 2.7 hours, and how many landings?

- A. Sixteen, sir. Now part of these landings may have been made, like, after we landed and we dropped the general off, we'd go fly the traffic pattern around, and land at POL, and then fly the traffic pattern around to land back on the VIP pad again. So there would be 3 landings in a time of maybe 10 minutes.
- Q. Yes, but with 2.7 hours how many refuelings would you have had to make during the day?
- A. Probably only one or two at the most.
- Q. So it would indicate that you landed somewhere else, if your landings are correct.
- A. Yes, sir.
- Q. As well as refueling one time, but, of course, you probably topped off after the last flight of the day also, which would have you logged with a couple more landings, I would assume?
- A. Yes, sir.
- Q. Do you remember anything else about the 15th of March now? You went down to the change of command and probably visited a fire base, LZ Liz. Do you recall going directly back to Chu Lai?
- A. No, sir, I don't recall really anything. All I can do is guess what we generally did when we went back to Duc Pho unless the general had a meeting that he had to get back to. If we went down there that far, we generally visited several of the fire bases around there, which would have included—I don't know the name of one, but it was a fire base just south of Duc Pho maybe 10 minutes flying time, and there would be LZ Liz.
- Q. LZ Thunder was down there somewhere, wasn't it?
- A. Yes, sir, I believe so. Also there was an LZ Sue and LZ Dottie, and I believe LZ Uptight was still occupied. Now we may have visited any of these fire bases.

- Q. I see. Who did the general carry with him on the 15th of March to that change of command ceremony, do you recall?
- A. He had his aide, sir, and I believe he may have had the chief of staff or some member of the division with him.
- Q. Do you recall this or are you assuming this now?
- A. Well, it's vague, but it seems to me that we did have somebody with us, sir.
- Q. If you'll just make sure that when you deduce something or assume something that you let us know.
- A. Okay, I'm sorry. It was just in the back of my mind-
- Q. (Interposing) If you have a recollection, that's fine, vague as it may be, just as long as—what we're after is your recollections and not your deductions, do you follow?
- A. Yes, sir.
- Q. But it would appear from the amount of time that you flew that you didn't do a lot of traveling around, or too much traveling around at any rate, flying only 2.7 hours in a full day's time.
- A. Yes, sir.
- Q. Do you have any reason for recalling the 15th of March other than the change of command, for any particular reason?
- A. No, sir.
- Q. Nothing significant happened to the best of your knowledge?
- A. Not to my knowledge, sir.
- Q. On the morning of 16 March, I'd like for you to refresh your memory now on your individual flight record. Do you recall any of your activities on that day?

(NEWELL)

- A. No, sir.
- Q. Well, you flew 4.0 hours and that would have been, comparatively speaking to the 15th, a little more than what you flew on the 15th?
- A. Yes, sir.
- O. How about the landing comparison?
- A. Well, it would tend to indicate, sir, that we may have been in an operation of some sort going on or something, and we may have orbited, or instead of making so many short trips such as, like I just told you, between Duc Pho and Chu Lai stopping at all the fire bases, we may have made a trip down to Duc Pho and then all the way back to the northern part of the AO.
- Q. How did you deduce that from the landings? Would you explain it for the record? I understand, but so that somebody reading this might understand.
- A. Well, sir, we didn't make as many landings as we did on the 15th, but yet we got just about twice the time.
- Q. Which would indicate that you were airborne over an area more than you were on the 15th?
- A. Yes, sir.
- Q. There was an operation, Lieutenant NEWELL, on the 16th, and it was in the area just northeast of Quang Ngai. I'd like for you just for a moment to think about the area that I'm talking about from Chu Lai down to Duc Pho. Route 1 is the MSR. It runs right straight north and south almost. There's a good landmark, and, of course, then there's the coast. When you used to fly from Chu Lai down towards Duc Pho, where did you usually go? Did you go over Route 1, or did you fly the coast, or was there any set?
- A. Well, sir, it depended on artillery, if there was artillery fire along the highway. There was an artillery battery set up at LZ Dottie, and if they were firing over the highway, then we generally had to go the coast route, or at least stay at least one mile or so east of the highway.

- Q. I see.
- A. So on various days it might vary. One day we might fly by the coastal route. The next day we might fly the highway.
- Q. I see.
- A. The highway route was preferable.
- Q. And that's the way you usually went, if you could get down to it?
- A. Yes, sir. Because it was more secure.
- Q. And also it would benefit you if you had a forced landing of some sort or reason?
- A. Yes.
- Q. There was an operation as I indicated on 16 March to the northeast of Quang Ngai City. I'd like to point out here on the map. Are you used to a 1:50,000 map?
- A. Yes, sir.
- Q. I'll show you Exhibit MAP-5 here.

(LTC PATTERSON conducted a map orientation using Exhibits MAP-5 and MAP-1.)

- Q. Do you recognize the terrain from these maps?
- A. Yes, sir.
- Q. On the morning of 16 March there was a combat assault that began at 0730 hours into an LZ just to the west of a little village called My Lai (4) on the map, which was just a couple of clicks west of My Lai (1), which some people called Pinkville. Did you ever know it by the name? Does the term Pinkville mean anything to you?

(NEWELL)

- A. Not really, sir. Here again, back in the back of my mind the name sounds familiar, but I don't place it with anything there.
- The morning of 16 March, the combat assault, as I indicated, came out of Dottie. They landed in this area (indicating on MAP-5), which was in this 2d ARVN Division AO normally, but on which they had received an extension. The American troops were going into an area that was not usually an American troop maneuver area. The slick ships touched down here at 0730 hours after a 3-or 4-minute artillery prep, which was fired out of LZ Uptight. No artillery was fired out of LZ Dottie. The lift went in with an LZ cold. were nine slicks supported by one gunteam. All of these aircraft from the 174th, called Dolphins and Sharks, were supported by B Company of the 123d aero-scouts, the Warlords, operating in an area to the south of this trail or highway, road, designated on the map as 521, which runs from the brigade north of Quang Ngai into the My Lai (1) area, called Pinkville.
- A. Yes, sir. It's a dirt road, isn't it?
- That's correct. The aero-scouts were in this area, generally around Hill 85 which is one of the main recognizable terrain features in this flatland area, between the Son Diem Diem River and the Son Tra Khuc River. These nine slicks were flying in vees of three in trail. The aero-scouts, Warlord element, consisted of two gunships, a high and a low, and a bubble helicopter scout. We know that there were two C&C aircrafts in the area, one Colonel HENDERSON, who had taken over command of the brigade from General LIPSCOMB the day before--an aircraft of the 174th--and Colonel BARKER, task force commander, who was controlling this lift. The aircraft, the slicks, came down generally along Highway 1, turned to the east south of the LZ and then north, landing into the LZ and just passing west of Hill 85. Nine slicks, 4-or 5-minute artillery prep, and gunship suppression, 7:30 in the morning. you recall observing that lift?
- A. No, sir. I don't recall observing the lift. Well, I don't know that this is on this date. Do you want me to go ahead?
- Q. Sure.

- A. All right. Now, like I said, I don't know the exact date, sir, but I do recall coming down and circling not any given area, but actually this whole given area here which was on fire and burning.
- Q. I see.
- A. And as I remember it, there was at the time--and I don't know if it was at this time or at another time, but there was an aircraft that was shot down or something. Either that or some people had hit a mine or something on a beach, and there was some wounded soldiers, American soldiers. Anyway that was right on the beach.
- Q. You seem to recall being down over the area, and you pointed to the area. As I understood the way you were pointing, you were over the beach area down as far south as the Song Tra Khuc River?
- A. Yes, sir. We were just about making an orbit right along the beach area from one river to the next. I don't remember if this is the date or not, but I remember that we got down there and the area was all--most of it was burned off. There was still some flame down there, but most of the area was all burned off.
- Q. I see. In fact, where you are pointing is down in the vicinity of what's indicated on the map as Co Lay (2), Co Lay (3), My Khe (2)?
- A. Yes, sir.
- Q. Down that far?
- A. Yes, sir. It was this area generally along in here like this (indicating).
- Q. The witness is pointing from My Khe (2) up to the vicinity of My Lay (1). Well, Lieutenant NEWELL, just so that we can keep track of everything, and I'm glad you told me this, but on the 15th once those troops had gone in to the west of My Lai (4), into that LZ that you see indicated there, they put two lifts in there, these slicks did. The second lift went in about 7:50, 7:45, or 7:50 in the morning, and by 7:51 records indicate that all of the troops that were going into

that LZ were on the ground. Shortly after this and during or between lifts, there were a lot of civilians moving south out of My Lai (4) and going along what you call the dirt trail, Highway 521, large numbers of them. About 8:10 in the morning, some 20 minutes after that lift went into that LZ, a second LZ was prepped again with artillery coming out of LZ Uptight. As you see on the map, MAP-1, the second LZ is indicated just to the southwest of My Lai (1), LZ 2 indicated B/4/3, and they touched down there in the general area of 8:15 in the morning and completed a second lift into that LZ by 8:27 hours in the morning. So by 8:30, two LZ's and two companies of Task Force Barker had been inserted into this area.

The scheme of maneuver and the actions on the 16th of March of these units were generally as follows. off Task Force Barker consisted of three companies, one of the companies had walked in on the 15th and had taken up the position indicated here on this map to the north of the Diem Diem River. This company, C/1/20, went into the first LZ at 7:30 and was to move to the northeast. B/4/3 went into the second LZ closing at 8:27 and was going to move to the north with the objective being to squeeze and block off any forces in the My Lai (1), My Lai (4) area and push them up against the Diem Diem River into the blocking fires of the unit to the north. In the meantime the aero-scouts, the Warlords, were to orbit and screen to the south. In fact, during the 16th of March, the unit that was landed at this LZ moved generally to the northeast and ended up their day in this area just south of the dip in the Diem River. This unit moved generally to the north and did, in fact, send a platoon over to the peninsula briefly, came back, joined up, and closed here on the night of the 16th in conjunction with C Company. So that all 3 companies were in a general proximity of the dip or the southern loop of the Diem Diem River. On the 16th of March, none of the units went to the south. Therefore, during the 16th the action as far as this operation was concerned would have been in this area for this company and in the general area around My Lai (1) and, perhaps, over in the peninsula for that unit. Do you recall seeing any of that operation on the 16th of March?

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

- A. No, sir.
- Q. I might just indicate that north is off to the top center. I would like to have you compare that aerial photo now to My Lai on either MAP-1 or MAP-5. You see the shape of My Lai there?
- A. Yes, sir.
- Q. The general location, you can see that this was in fact, the LZ, LZ 1, and then, of course, off over to the east of this aerial photo is where LZ 2 was and My Lai (1).
- A. I can't truthfully say, sir, I ever paid that much attention to any one of those smaller village. It doesn't ring a bell.
- Q. At 9:35 hours in the morning the Task Force Barker journal for 16 March (Exhibit M-16) indicates that General YOUNG landed at LZ Dottie. Do you happen to recall that?
- A. No, sir, I don't recall the landing, but, like I said, judging from the time element here, we probably did get around quite a bit that day.
- Q. Now in an effort to assist you in trying to put you on the 16th—what we are attempting to do is determine where you went on the 16th—I'm going to feed you information with the hopes that it stirs something, a vague recollection or some such thing. If it does you be sure to tell me, will you?
- A. Yes, sir.

(NEWELL)

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- Q. When you landed, and we assume that you did at 9:35, you undoubtedly called in or someone called in to the Task Force Barker TOC. Did you usually do that?
- A. No, sir. Probably about 50 percent of the time, we never called to give them prior warning. General YOUNG liked to sneak in on them at times.
- Q. When you landed at LZ Dottie with General YOUNG as a usual, normal course of events, where did you land? There were, as you recall, a refueling area and two helipads on LZ Dottie.
- A. Let's see, we usually landed, sir, on a sandbag helipad just which would be just north of the refueling pad there.
- Q. Right close to the Task Force Barker TOC on a little hill?
- A. It wasn't real close to it, no, sir. They usually came up and got him in a jeep.
- Q. Okay. How much room on the helipad was there for a helicopter?
- A. There was only room for one helicopter.
- Q. Only room for one?
- A. Yes, sir. There was another little sandbag pad just back up the hill a little ways for another helicopter.
- Q. On the morning of 16 March when you landed General YOUNG there, there was another C&C helicopter that was shut down. The thought strikes me that in an attempt to recall now, there was this ship that was there. I don't know exactly where, but it was shut down, and the crew was standing by waiting for the commander that they were carrying to come back. Do you recall ever going into LZ Dottie and having somebody on the pad where you were attempting to put General YOUNG?
- A. Well, sir, like I said, there were two pads. The one we usually landed on set short of a little hill, you might say.
- Q. Yes.

- A. And the pad we generally landed on set sort of down-hill, you might say, and the other one set back up on the hill.
- Q. Yes.
- A. Generally, when we came in there, if there was a helicopter in there, he was usually setting on the back pad. But there were times that we did land on that back pad.
- Q. If you think now, this is the day after the change of command ceremony, and I only use that as a point of reference in time. When you came into this pad, as I have indicated there was another helicopter there. I'm trying to put you there on that approach and landing. You sat down in there. I'm trying to see if you can recall this, because I'd like to know whether you went to refuel, for instance, or whether you shut down, or what instructions you received concerning what you were to do once the general got off?
- A. I can't remember exactly, sir. All I can do is assume, and the assumption would be that we didn't refuel, because we only refueled at LZ Dottie when we were real low on fuel, because their pumps were so slow.
- Q. I see. Well, unless you were low on fuel, then, you would have been forced to refuel there?
- A. Yes, sir.
- Q. Do you recall how many--during the time you were flying General YOUNG, as I understand it then, you didn't refuel there many times?
- A. No, sir.
- Q. And the refueling area at Dottie came into being long after Dottie came into being, as I understand it. Did they always have refueling for helicopters there?
- A. I don't know if they did when it was known as LZ Dottie or not, sir. As long as I can remember they did, when it was LZ Dottie. Now before the Americal Division moved into LZ Dottie, the Marines held it. At that time, well, the Marines and the Koreans—at that time, I don't remember there ever being any refueling there.

- Q. On the morning of 16 March now, with what we know now, you don't recall making a tour over this area and seeing where these two units had gone in right there and then going back up to LZ Dottie, and dropping the general, and perhaps seeing another ship on the pad?
- A. I'm not sure, sir.
- Q. Can you recall any day that you were down over this area?
- A. In the back of my mind I'm remembering one day that it seemed like the weather was bad or something, and we took off from LZ Dottie. I believe we took off from LZ Dottie headed out in that general direction, and when we started out, we were low level.
- O. Because the weather was bad.
- A. Well, I'm not sure because it was bad or exactly what the reason was, but in the back of my mind I can remember doing this. Now I don't know if it was this day or not, but I know there was something out there that particular time that we were going out to see.
- Q. Well, on the 16th the weather was pretty good. You had about 3 to 5 miles visibility and had a scattered condition that was greater than 2,000.
- A. Well, this would probably have been another date then, because we never ever went low level with the general unless the weather actually denoted it (sic).
- Q. What I was hoping that you would be able to recall is whether or not you went out over this area prior to the time that you went into Dottie?
- A. I can't recall, sir.
- Q. On an usual overfly of an operation such as I have described as occurring prior to the time that the general landed at Dottie, at what altitudes did the general usually fly?

- A. We generally flew, sir, from 1,500 to 2,000 feet above the ground. Now on occasion we had gotten down as low as 1,000 geet, but generally we stayed up at least 1,500 to 2,000 feet.
- Q. Well, was the general one that liked to get down low, 50 foot, hover around and see what was going on?
- A. No, sir. Now we had low level up Highway 1 just so—he wanted to take a good look at the road and fortifications along the road—but never out in the area, never out along in the operational area where there was an operation going on.
- Q. You don't ever recall going in this area now, the one that we are talking about getting down at very low levels?
- A. No, sir, I don't ever recall it.
- Q. Well, prior to the time that you and the general landed there at LZ Dottie, we have reason to believe that there was considerable smoke and a good bit of action being reported over the radio in the My Lai (4) and Pinkville, My Lai (1) area.
- A. In the back of my mind I can recall one particular day down near there that there was an awful lot of smoke.
- Q. Was this a separate day from that day that you indicated earlier that you went down along the coast?
- A. I'm not sure, sir, it may have been the same day, but I do in the back of my mind recall a lot of smoke one particular day being down in that area?
- Q. Being over where My Lai (4) is or where? Where do you recall it being?
- A. Generally, I recall it actually being in this whole general area from LZ Dottie just about out to the coast.
- Q. From LZ, you don't mean Dottie do you? From Dottie?
- A. Yes, sir, from Dottie.

- Q. Way up here where LZ Dottie is?
- A. This general area right in here.
- Q. LZ Dottie is way back up here to the northeast.
- A. Yes, sir.
- Q. The smoke that you are indicating that you recall seeing--
- A. (Interposing) Well, okay, I'm sorry, sir. I was thinking it was down in here. The way I recall it is being in this general area in there.
- Q. Can you remember Hill 85?
- A. No, sir.
- Q. Being a rather flat-topped hill and an old outpost of some sort being on top there?
- A. Yes, sir, I remember it now. That used to be an old Korean outpost.
- Q. Right. And this was just to the north, maybe. Well, as you see it's about a click, a kilometer, north.
- A. I may be wrong on the area of that smoke, sir, but to the best of may knowledge that's where I recall it being that general area, but it's—
- Q. (Interposing) You don't recall it being south of the river here, the Diem Diem River?
- A. No, sir. It seems to me that it would be further north, but it's been 2 years. It may have been.
- Q. I'd like for you to think now. It's important that we think about the area that we are talking about here. We're getting down to a small area here with relation to the speed of a helicopter, and the distance that a helicopter travels in time. The area we're talking about here specifically is this My Lai (4) area which is, as you can recognize

there from the aerial photo--what you have depicted there is about, oh, maybe a kilometer, a 1,000 meters, north to south. We're not talking about too large an area.

- A. Yes, sir.
- Q. And the smoke I'm referring to is coming from this particular village right here, the hamlet of My Lai (4).
- A. I can't recall it. All I can recall is there was one day that there was quite a bit of smoke out there. It may have been the same day that I'm referring to that this whole area was burned off.
- Q. Then as I understand it, you don't recall this landing back at Dottie with this other ship being down?
- A. No, sir, I don't recall it especially because, like I said several times, there was other aircraft in there.
- Q. This ship belonged to Colonel HENDERSON. It was the brigade C&C. Do you know Colonel HENDERSON?
- A. I don't know him personally, sir. I saw him before.
- Q. Do you recall seeing him at Dottie on any occasion when you landed there, and the general got off, and Colonel HENDERSON was there or came right up in a jeep?
- A. No, sir, I don't remember.
- Q. We have reason to believe that the general was not there too long. In fact the log indicates he departed at 9:50, so that would have meant it was somewhere 15 to 20 minutes at the outside that the general was on the ground there at LZ Dottie. Which would have meant probably I would imagine even for that period you would have shut down and then recranked?
- A. Yes, sir.
- Q. But, indeed, as a helicopter pilot a crank that soon after shutdown would give you some consideration with reference to a hot start. It would have been a quick-turn-around start?

- A. Yes, sir, but General YOUNG used to do this all the time. He'd leave and then come right back.
- Q. So you don't recall making your start or anything like that?
- A. No, sir.
- Q. You do not recall whether or not you saw Colonel HENDERSON there? Or can you recall General YOUNG and Colonel HENDERSON being together at any time at Dottie?
- A. No, sir. I can't remember seeing him. Now I can remember going in there and his aircraft being in there.
- Q. You can?
- A. On several different occasions.
- Q. Well, on those occasions did Colonel HENDERSON come out to meet General YOUNG when he came in?
- A. I can't remember. I think. I'm not sure. I'm just guessing, but it seems like it was usually, you know, just the, not the battalion commander but whoever was in control of the LZ, whether it was a battalion commander or what.
- Q. Did you know Colonel BARKER?
- A. No, sir.
- Q. A lieutenant colonel. He was, in fact--that was his LZ. LZ Dottie was where Task Force Barker, his unit--
- A. . (Interposing) Yes, sir. I know about him, but I don't know him.
- Q. I see. Well, let me see if I can help you a little bit more here. You landed about 9:35. Colonel HENDERSON may or may not have come up and met the general, but if he did, he would have come up in an MP jeep, probably driven by a military policeman. Does that seem to ring any bells?

- A. No, sir. All I can ever remember meeting him is usually the-
- Q. (Interposing) Regular command jeep?
- A. Yes, regular command jeep.
- Q. Well, on this day the regular command jeep driver was out in the area earning his CIB, and they borrowed the MP jeep. It had a red light on it on the left side. Right after you landed there, within 5 minutes and while you were shut down, another C&C arrived. It only landed, and it had some wounded aboard. It dropped off a passenger and immediately departed to the north with the wounded, taking them to Ky Ha.
- A. I don't remember it.
- Q. You don't recall that?
- A. No, sir.
- Q. Again the MP jeep would have probably been involved. Where General YOUNG went from there, we don't know, but we assume that in as much as it was Colonel BARKER, who hopped off this ship with the wounded which then departed, and with Colonel HENDERSON being there, and this operation going on, that the general could have gone on down over this area.
- A. Yes, sir. As a general rule, whenever there was a big operation or any contact, we would go out and maybe not overfly the area, but go out into the general area and orbit at about 2,500 feet to 3,000.
- Q. Do you recall doing this?
- A. Not in this general area, sir.
- Q. On many occasions did General YOUNG stay out past 1700, 1730 hours?
- A. No, sir. I can only remember maybe one or two times. I can't remember the occasion. It seems to me one time we were out past that because of some—the Vietnamese colonel or whoever—the Vietnamese command at Tam Ky—but as a general rule we were always back at 1700 so he could be there for his evening briefing.

- Q. The morning of the 17th, which is Sunday, the next day, your records indicate that you flew 4.6 hours with 16 landings?
- A. Yes, sir.
- Q. The units involved in this operation moved from their night positions, the two companies, C Company and B Company, and moved to the south down along—one unit down along this peninsula, and this bit to the Quang Ngai River, Song Tra Khuc, and C Company moved on down past Hill 85. They even went up on Hill 85, further to the south down to My Khe (2), turned around, and came back, and the night of 17 March remained over night in a RON position generally in the vicinity of My Khe (4). General YOUNG did not fly early in the morning of the 17th to the best of our information. He was tied up with a meeting in headquarters for the first couple of hours, but you did fly 4.6 hours which would have meant a rather heavy afternoon.
- A. Yes, sir.
- Q. A lot of flying. Do you recall Sunday the 17th of March for any special reason?
- A. No, sir.
- Q. Could this have been the day that you recalled earlier orbiting and seeing all the smoke in this area?
- A. It could be, but I'm not certain.
- Q. This day that you do recall orbiting over this area and seeing the smoke, did you stay over the area for a period of time or was it a quick look and then skedaddle?
- A. I can't remember for sure, sir, but I think it was at least a period of 30 minutes or more. We made several trips circling the area.
- Q. Do you remember where you went from those circles?
- A. I think we probably went back to Chu Lai, sir, because the way I remembered it, it was getting late towards the evening.

- Q. Now, General YOUNG has indicated that after his meeting he saw General KOSTER somewhere around noontime and then flew in the afternoon. We know that General YOUNG arrived at LZ Dottie at 1430 hours on 17 March and departed some 15 minutes later, another quick stop. We have some indications that he did, in fact, overfly this area that you have described. And the events as you have described them, at least the smoke—we have reason to believe that there was some smoke in that area on the 17th. Of course, your orbits could have been after you departed LZ Dottie—came down to the area, orbited, and then went back to Chu Lai.
- A. Yes, sir. The way I remember it is that we did go back to Chu Lai because it seemed like it was getting late in the afternoon.
- Q. Somewhere in here, though, Lieutenant NEWELL, you would have had to refuel.
- A. Yes, sir. I cannot remember, but I suppose on this particular date we did refuel at LZ Dottie, because it would have been the closest place for fuel.
- Q. Do you ever remember taking General YOUNG into LZ Dottie when he didn't get off, when you just went into refuel and then went right back out?
- A. Yes, sir. I believe there was one occasion that we did do that. I can't remember where we came from or where we went, but it seems to me that we did land, and it took quite a while because, like I mentioned, the fuel pump was real slow at LZ Dottie.
- Q. Yes.
- A. And as I remember, it did take quite a while to refuel, and I tried to explain to the general why it was taking so long.
- Q. Now, do you remember about what time of day this was?
- A. No, sir.

- Q. The 17th was a Sunday. Are you a churchgoing man as a normal rule? Did you try to go to church while you were in Vietnam?
- A. No, sir. I worked every day when I was flying the general.
- Q. What about General YOUNG, did he try to make church?
- A. I don't know, sir. The way I remember it, Sunday was no different than any other day. We flew a normal day.
- Q. The day that you do recall being down over this area and orbiting, you described earlier seeing some smoke. Did you see any friendly forces?
- A. I don't remember seeing anything other than just the burned out area, sir. Like I mentioned, I'm not sure that there was a lot of smoke. I just remembered it being burned out, and we circled it for quite a while looking at it.
- Q. Do you remember hearing any of the conversations, or any of the talk that was going on, or monitoring any of the conversations that were going on over the radio?
- A. No, sir. Very rarely did I monitor the radio on the console because I had my ship's radios, plus my intercom, plus having to monitor the intercom for the general.
- O. Yes.
- A. So I usually had his radios in back turned off.
- Q. Did you keep your UHF on?
- A. Yes, sir.
- Q. And what was that tied into?
- A. Artillery control, sir.
- Q. What about your FM?
- A. I can't remember right now. I usually kept on Fox-Mike.

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- Q. But you did monitor the intercom?
- A. Yes, sir.
- Q. Did the general use intercom much?
- A. Yes, sir. He used it depending. If we had somebody with us, he'd talk all the time on it. I mean by all the time that he was carrying on conversations with whoever was on board. If we didn't have anybody particular on board, he maybe just carried on a conversation with myself or his aide, Lieutenant WHITE.
- Q. This day that you were circling down there that you seem to have a vague recollection of, do you remember who was on board?
- A. I believe it was just my crew, sir, the general, and his aide.
- Q. You don't recall hearing any intercom transmissions?
- A. Well, I'm sure we used intercom, sir, but I don't recall any radio transmissions.
- Q. Any directions or any instructions to you on this day that you remember?
- A. Not other than how he wanted me to set up my orbit.
- O. Which was in which way? Clockwise?
- A. It would have been clockwise so that he could see because he always sat on the right side of the aircraft.
- Q. And which side did you sit on?
- A. I flew left seat, sir.
- Q. Do you remember who your copilot was this day?
- A. No, sir, not by name. By this I mean Mr. DEWINE, Dennis DEWINE, flew with me quite a bit during this period, but I'm not certain that he was there, because different times I had different pilots.

- Q. How do you spell that name?
- A. D-E-W-I-N-E, I believe.
- Q. Was he in A Company also?
- A. Yes, sir. He was also in the 3d Platoon.
- Q. (Reading from a 123d Aviation Battalion Roster not received in evidence) Dennis M. DEWINE, D-E-W-I-N-E. Now, I'd like to try to think back on what occurred here on the 17th. From what we have been able to piece together, you took off somewhere right after the morning, but we know that you landed at Dottie at 1430, 2:30, right in the middle of the afternoon, and then took off again, which would have meant that to get back by 1700, probably one fuel load would have taken you back. You'd have been pretty dry back at Chu Lai, but prior to that time you had to refuel, and, of course, you could have refueled at Dottie at 1430. This could have been a refueling stop—let the general off, and then picked him right back up again, and go on out over the area. In other words, while the general was at Dottie from 1430 to 1445, you could have been refueling.
- A. Yes, sir.
- Q. You don't recall anything specifically?
- A. No, sir. Like I said earlier, I can recall at least one time when the general was on board when we did refuel at Dottie. It seems to me that we were out somewhere, and we came in, refueled, and went back out. Now this may have been the same day.
- Q. Was it in the same area that you came in from?
- A. I can't remember, sir. All I can remember is that it seemed like we came from an area somewhere—I can't remember where, but it just seems like we came in from doing something, refueled, and went back out to the same general thing.

- Q. Well, this area here that we are now discussing, the specific area, this perhaps would have been the second day in a row that you would have gone out over this area. You would have become a little more familiar with it perhaps. Again to help you recollect the area, this was considered to be quite a hostile area, in fact, the home of the 48th Local Force Battalion. As far as the 18th is concerned, well, there is something that occurred on the 17th that might bring back some recollections. Lieutenant General DOLEMAN, retired lieutenant general, visited the division with General KOSTER. He was there, and he was a three-star. He spent the night there?
- A. The name doesn't sound familiar, but I do remember one particular occasion that there was a retired general that came there. It seems to me he was writing a book or something.
- Q. Yes. Does that help the day any?
- A. No, sir. I just remember the occasion because I remember that they—I believe General KOSTER took him around and showed him around the AO and that he was writing a book. I can't remember what the book was about.
- Q. You don't remember his name?
- A. No, sir.
- Q. On the 18th of March General YOUNG arrived at LZ Dottie at 9:10, 10 minutes after 9. He was met there. There was another ship there. Colonel HENDERSON was there also, and it would be logical to assume that again Colonel BARKER or Colonel HENDERSON came out to meet General YOUNG, and he was going in for a meeting, and you probably shut down?
- A. Yes, sir.
- Q. Also there that day somewhere in the immediate area at this time was Colonel HOLLADAY and Major WATKE.
- A. Yes, sir.
- Q. And maybe even some of the 123d pcople were floating around up there?

- A. I believe I remember this day. I believe we set there for quite some time, about, I believe, a period of about 2 hours or something waiting on him. Now I'm not sure of the time element, but I do remember that we set there for quite a while waiting on him or at least it seems like we did.
- Q. Do you remember seeing Colonel HOLLADAY there?
- A. No, sir, I don't remember seeing him, but I remember the general's aide telling me that Colonel HOLLADAY and Bravo Company commander of the 123d were supposed to meet the general down there.
- Q. And this was the day that you seem to recall waiting for sometime?
- A. Yes, sir. I don't recall the date, but I remember this happening.
- A Do you recall this meeting? He was gone for an appreciable period of time?
- A. It seems like it was, sir.
- Q. The log shows that he departed at 9:30, 20 minutes. I take it this does not go along with your recollection?
- A. Not the way I remembered it, but--
- Q. (Interposing) That's okay. You remember it the way you remember it. That's all I want you to do. Who was aboard that day that you recall now when the aide said that Colonel HOLLADAY and the B Company commander were going to be there? Just the aide or was there someone else?
- A. I believe that on that particular day it was the general, the aide, and his orderly, Sergeant SMITH.
- Q. Did they go with the general or did they stay with the ship?
- A. I know at least one of them stayed with the ship that day. I can't remember whether both of them did or not.

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- Q. Do you remember where you went after the general came back?
- A. I believe we went to Duc Pho, sir.
- Q. That day you flew 3.1 hours?
- A. Yes, sir.
- Q. Do you remember going up out over this area again? Now this would have been perhaps a third day in a row over the same area?
- A. No, sir, I don't remember.
- Q. Do you remember on that day where this meeting took place? Do you remember knowing anything about why the meeting or remember hearing anything as to why this meeting was going on?
- A. No, sir, not just--I remember Lieutenant WHITE telling me something about an operation and something about the general was going to relieve some people or something.
- O. There was some trouble?
- A. This is the way Lieutenant WHITE put it to me, but here again, sir, quite frequently he would tell me--build some things up that weren't actually so.
- Q. Sure.
- A. Just jesting with me.
- Q. You didn't hear what kind of trouble? Did Lieutenant WHITE indicated to you what kind of trouble there was?
- A. Not that I can remember, sir.
- Q. You don't recall now in this terrain, around the Pinkville area, visiting out here successively 3 days in a row?

- A. No, sir. I don't remember it because we constantly flew back and forth, and all I can remember about that one particular day is we did make quite a few circles. We spent quite a bit of time out there.
- Q. Why do you remember that day so well?
- A. Because of the fact that that whole area was burned off and that we just circled around it looking at it.
- Q. Did you see any bodies?
- A. No, sir.
- Q. Did you see the friendly troops?
- A. I don't remember seeing anything myself, sir.
- Q. Do you remember going low at any time over this area?
- A. No, sir.
- Q. How about landings?
- A. No, sir.
- Q. You didn't land in this area at any time?
- A. I can only remember landing at one time in the whole area anywhere south of Chu Lai to Quang Ngai, out in this general area out towards the coast, and it seems to me it was further north towards Chu Lai.
- Q. Going back now to this day when Lieutenant WHITE said the general was going to relieve somebody and there was some trouble, when the general came back did he say anything?
- A. I don't believe so, sir.
- Q. Did he act angry?
- A. I can't remember him being any more angry at that particular time than at other times.
- Q. Do you remember going back to Duc Pho?

- A. Well, I think we did.
- Q. Why?
- A. I don't know, sir. Just in the back of my mind, it seems we took off and headed south towards Duc Pho.
- Q. Do you remember wondering whether or not he did in fact relieve anybody?
- A. Yes, sir.
- Q. Did you ever find out?
- A. No, sir.
- Q. You didn't ask Lieutenant WHITE?
- A. I can't remember if I did or not, but I never found out at the time.
- Q. Do you remember hearing about any trouble in this area, any problems, incidents that might have occurred over there?
- A. I remember—now this is just hearsay, rumors. I can't remember now, this may have come through Lieutenant WHITE or it may have come through the company, but I remember hearing a rumor something to do with the Sharks from the 174th and our gunships. Anyway the gunships from Bravo Company refusing a direct order to do something and that they were called up before General KOSTER. I don't remember exactly how it went, but it was something like this, and this at the time I remember thinking, well, maybe this was why that major, I can't remember his name, but the Bravo Company commander had to go down to LZ Dottie.
- Q. Major WATKE?
- A. Yes, sir, Major WATKE.
- Q. Do you recall hearing any rumors, or hearsay, or being told by anyone about a large number of people being killed out here in this area?
- A. Well, sir, now I can't remember whether I did hear this rumor there, or whether I've just heard it, you know, picked it up from TV.

- Q. You don't have any recollection of anything that tied in what you heard from the TV or read with the events that transpired in Vietnam?
- A. No, sir, I've been--well, since yesterday when I was notified about this, I've been trying to think in the back of my mind just what actually happened--that I knew happened out there, and what I picked up from TV or the news.
- Q. Do you know General KOSTER's C&C pilot?
- A. Yes, sir.
- Q. Who was he?
- A. His pilot was a Mr. HOWE, Mark HOWE. After he left the country, I can't remember the guy's name, but he was a tall, sandy-naired fellow.
- Q. Mr. WITHAM?
- A. Yes, WITHAM.
- Q. WITHAM, Robert W-I-T-H-A-M?
- A. Yes, sir.
- Q. Do you remember ever talking about what went on out here with him?
- A. No, sir, I can't remember if we discussed this or not.
- Q. Do you remember hearing any rumors back in the unit, within the battalion, that there was any trouble between B Company aviators or an aviator and any of the ground forces down there?
- A. Well, like I was trying to explain, sir, I got it a little bit twisted up, I think, but I did remember hearing a rumor to the effect that our gunships in Bravo Company had something about a--refused to go in and fire or something. I can't remember if it was to shoot people, shoot up a village, or what. But this is what I remember, that there was a rumor that they had refused a direct order from either the ground

commander or somebody in a Charlie-Charlie, or something, and that they were called before the general about this. But I don't know that they were. I just remember hearing something about it.

- Q. Well, there were some reports apparently that the scout ship flown by Mr. THOMPSON had landed one or more times in this area on the 16th of March and had had some problems there with some civilians, and maybe even one of the gunships had landed in there a couple of times and picked up some civilians and moved them out. Do you remember hearing anything about that?
- A. No, sir.
- Q. Mr. THOMPSON in his little scout ship picked up a wounded child, and moved that child out, and took that child out to a hospital at Quang Ngai City. Do you recall hearing anything about that?
- A. No, sir.
- Q. B Company, the "animals," I believe they called their rifle platoon over there, the aero-scouts had landed on top of Hill 85 on the 16th of March and had rounded up some mortar rounds and blown them up. They had a little operation going on on Hill 85. Do you recall hearing anything about that?
- A. It seems to me that I do recall them finding some ammunition or something and blowing it up. I know there was quite a bit found in that general area.
- Q. You don't recall seeing that?
- A. No, sir.
- Q. Being airborne?
- A. No.
- O. Orbit?
- A. The reason I remember that is that the aero-scout platoon leader and myself were good friends.
- Q. Do you ever recall hearing the general, or Lieutenant WHITE, or the enlisted aide, or any members of your crew talking about an investigation?

- A. No, sir, not an official investigation other than the one particular morning that we went down there, like I mentioned. Lieutenant WHITE said something about Colonel HOLLADAY and Major WATKE were supposed to be there, and the general was going to relieve some people or something.
- Q. Well, was investigation mentioned?
- A. He may have said investigation, but all I remember is him telling me that these people were supposed to meet the general there and that some heads were going to roll.
- Q. When did he tell you this, before you left Chu Lai or after you arrived at Dottie?
- A. I believe it was after we arrived at Dottie, sir.
- Q. Well, you must have been shut down when he told you this, and apparently the general wasn't around. Was he or wasn't he?
- A. No, sir, the general would not have been around.
- Q. When would he have told you this, while you were waiting for the general to come back?
- A. Quite possibly, sir.
- Q. That would have meant then that WHITE probably stayed with the ship?
- A. Yes, sir.
- Q. Now as you recollect him telling you this, were you just sitting around waiting for the general and was he talking to you such as this? Or how do you recall the circumstances of him telling you this?
- A. I don't recall, sir. I just remember him telling me this, and I remember though definitely that there was somebody that stayed back behind with us at the aircraft, at least one person.

- Q. You don't recall hearing anything about an investigation of any sort associated with any of the activities around LZ Dottie, in this area, or between, or because of the report by members of the 123d Aviation Battalion? Colonel HOLLADAY's name? Major WATKE's name might have been mentioned. Mr. THOMPSON's name?
- A. No, sir. I don't remember an investigation of any sort until the My Lai incident come up in the news.
- Q. You don't recall General YOUNG ever mentioning it?
- A. Not to me, sir.
- Q. Overhear him mention it to anybody?
- A. No, sir.
- Q. Don't recall him talking to anybody about that close to the aircraft?
- A. (Following a brief pause) No, sir.
- Q. Why did you hesitate?
- A. What's that, sir.
- Q. Why did you hesitate on that answer. Were you trying to think?
- A. Yes, sir, I was trying to think, to place it. I can't. The general very rarely ever talked to anybody outside the crew or anything near the aircraft.
- Q. Always some distance, huh?
- A. Yes, sir.
- Q. Do you ever recall carrying Lieutenant Colonel DIONNE with you? Did you know Colonel DIONNE, heavy set?
- A. Was he the PIO officer?

(NEWELL)

- Q. Correct.
- A. Yes, sir. We carried him several times with us.
- Q. In this time frame do you remember carrying him? The 15th, 16th, 17th, or 18th, any association here?
- A. I can't place it, sir.
- Q. I would like to show you a photograph which is (Exhibit P-198). Can you identify the people there?
- A. Yes, sir. That's General YOUNG, Lieutenant WHITE, and I'm not sure of the colonel, sir.
- Q. Lieutenant WHITE?
- A. Wait a minute. No, that's an MP. At a quick glance it looked similiar to Lieutenant WHITE, but it's an MP. I can see it now.
- Q. Can you identify that location?
- A. Yes, sir. That's LZ Dottie.
- Q. Which pad?
- A. From the photograph it looks like it would be taken from the downhill pad.
- Q. I show you photograph (Exhibit P-199). Can you identify the people in that photograph?
- A. General YOUNG, I'm not sure of who it is he's talking to, sir.
- Q. That's Colonel BARKER.
- A. Colonel BARKER. Do you want the person up there by the helicopter?
- Q. Yes.
- Q. That's my—it looks like a doorgunner. I can't remember what his name was. Real helpful to you, I know.

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- Q. Is that your ship?
- A. Yes, sir.
- Q. How do you recognize this as your ship?
- A. I recognize the doorgunner.
- Q. Is that ship running or shut down?
- A. It looks like it's running, sir, or it looks like it's either just been shut down, or just starting up.
- Q. Do you remember that scene or can you place it at any given time?
- A. No, sir.
- Q. Do you ever remember Chaplain LEWIS riding with you?
- A. Lieutenant colonel, sir?
- Q. Yes.
- A. Yes, sir.
- Q. How about a day when both Colonel DIONNE and Chaplain LEWIS were riding with you?
- A. No, sir.
- Q. You can't recall that?
- A. I can't recall a particular day.
- Q. Do you recall that this event ever occurred?
- A. No, sir. I can recall flying with Colonel DIONNE, and I can recall flying with Colonel LEWIS with us, but I can't recall both of them being together.
- Q. Can you associate the day that this occurred with the day that you rode with here, or the day before, or the day after?

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- A. No, sir. The way I remember it, the general and his aide were the only one in the aircraft possibly the day we orbited that.
- Q. I'd like to show you photograph (Exhibit P-200).
- A. Can I see that other photograph that shows them there by the jeep (indicating Exhibit P-199)? This one I can't recall (P-199), but I vaguely remember, I believe, this picture when they had the maps laid out on the jeep and were studying them (P-200).
- Q. Can you associate that to the day?
- A. Not to a given day, sir, but it seems to me when they were studying that map like that we did fly off and to the east.
- O. To the east?
- A. By east I mean to the coast. We may have gone to the northeast or the southeast, but I remember the general studying the map with the colonel and getting into the aircraft, and I can't remember whether he handed me his map or whether he just pointed out to me where he wanted to go.
- Q. And you don't associate it with this area?
- A. Well, sir, like I said, out towards the coast. Now I can't remember whether we went out directly to this area here, whether it was northeast or southeast, but it was out towards the coast.
- Q. Why do you remember that?
- A. Just looking at the photograph, sir, I remember, I believe that the general gave me this map right here to navigate by back to where we wanted to go.
- Q. Do you remember was there an operation going on?
- A. Yes, sir, I'm sure there was, otherwise we wouldn't have gone out there. Either there was an operation going on or we went out and reconned an area for a probable operation.

- Q. Do you remember landing out there?
- A. No, sir.
- Q. Do you recall seeing anything?
- A. No, sir. I just recall the event.
- Q. Any low-level work associated with that, getting down low?
- A. No, sir, unless this was the particular day that I said I remembered taking off low level for some reason initially. But the way I remember, after we took off we did get some altitude.
- Q. Was the ship running there?
- A. From the picture I would say it was, sir.
- Q. Do you recall doing anything with Colonel DIONNE and Chaplain LEWIS? Did they want to take pictures or do you recall them being in the ship?
- A. No, sir, not other than just looking at the picture. I couldn't remember the people, but I just remember the general and somebody with the map laid out on the hood of the jeep.
- Q. The hearing will recess at this time.
- (The hearing recessed at 1603 hours, 19 February 1970.)
- (The hearing reconvened at 1627 hours, 19 February 1970.)
- The hearing will come to order.
- RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, LTC PATTERSON, and MAJ COOP.
- Lieutenant NEWELL, I remind you you remain under oath.

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IO: Lieutenant NEWELL, I might indicate ahead of time that on my left here is Mr. MACCRATE. Mr. MACCRATE is a civilian attorney who has volunteered his services to the Secretary of the Army to assist in this investigation, and he also provides legal counsel to me and other members of the investigation team. For the past several weeks, we have had not only this group, but other groups taking testimony from quite a large number of individuals such as yourself. When we complete all the interrogations, we will have a task of putting together a report, weighing the evidence, and determining the findings and recommendations. I understand that Colonel PATTERSON has already gone over with you the period that we are interested in generally from about the middle of March through the next 5 or 6 days?

A. Yes, sir.

- Q. To review these, as I would understand them, you don't recall being in the Son My area or the Dottie area during the 16th, is that correct?
- A. I don't recall the dates themselves, sir. I do recall different instances such as I mentioned to Colonel PATTERSON earlier of circling this one particular area that was all burned off and other things that he had placed in this time zone for me.
- Q. Well, as I recall, you did go down to the change of command ceremony between General LIPSCOMB and Colonel HENDERSON on the 15th at Duc Pho?
- A. Yes, sir.
- Q. Is that all the flying you did that day other than maybe a couple of little side trips?
- A. Yes, sir.
- Q. I would like to hear of your flight over this coastal area, the area of Pinkville which you could have done anytime in this time period. Is that correct?
- A. Yes, sir. You are referring to what I'm talking about when we circled the burned area?

Q. That's correct.

(Witness is oriented on the aerial photo, Exhibit P-168.)

- A. Generally on this particular day that I remember it seemed like this area was right in here, and I can't remember if it was all the area that was burned off or just one portion, but I remember that our path was something like this, flying clockwise something like this so that the general could look out the right door because he always flew in the right seat.
- Q. So were you out over the ocean part of the time?
- A. I'm not sure, sir, whether we got actually out over the ocean or whether we just hugged the shoreline here, but our pattern generally looked something like this, and as I remember we orbited out there for sometime. Now time-wise it's at least 30 minutes to as much as maybe 2 hours or more. It seemed to me that it was later on in the afternoon and that after we broke off from this that we did go back to Chu Lai to the VIP pad.
- Q. Now we know that the villages along in here like so-this being the area of the bridge along in here and spread down here. Here's Hill 85 and some other villages along in here. Is that the general area that you were flying in that particular day? And where did you see the smoke? Were they burning or you say they were just burned out? This area had been destroyed for so much of the time.
- A. Well, now this wasn't like where we shelled it maybe or something like this, and the villages have been burned down. This was, it seemed to me--now I can't remember whether it was still flaming or whether it was after it had burned off, and maybe there was still some smoke hanging there. But it seems to me that it was all black in here, not just the village, but the whole general area. To explain it maybe a little better, something like you might see a forest fire has burned off or something.
- Q. Yes.
- A. In other words, burnt vegetation and everything.

- Q. Was he talking to anybody on the ground?
- A. I don't know, sir, because he'd have been talking on his Fox-Mike radios in the console, and as a normal rule, I didn't monitor those too much, because I monitored the intercom on the console in case he wanted to talk to me, plus my ships intercom for my crew, plus our UHF which was usually on the artillery control frequency, and then our Fox-Mikes on the ships radio whichever. I can't remember what we usually had it tuned into.
- Q. Do you have any idea what unit was on the ground down there at the time? Did you see any troops on the ground?
- A. I can't remember seeing any troops, sir. I can't remember now whether there was or whether I just don't remember seeing them or what. All I can remember is that we did circle this area, and it was burned off. That's why I remember it.

MR MACCRATE: Do you remember if anyone was flying with General YOUNG that day?

- A. No, sir. I believe it was just the aide, and him, and my crew.
- IO: Did he mention at that time about anybody being in trouble about this burning down there, do you know?
- A. No, sir, not to my knowledge.
- Q. Was Lieutenant WHITE with him, do you recall?
- A. I believe he was, sir.
- Q. And you orbited up there for at least 30 minutes?
- A. Yes, sir.
- Q. In 30 minutes you can cover that area several times, can't you?
- A. Yes, sir.

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- Q. Well, you see looking at this map (Exhibit P-168), this blowup, you can see the projection of water down here, and you can see the stream running through here. So it sort of separates—this is a separate piece of land and another valley sort of coming in through here, you see?
- A. Yes, sir.
- Q. Can you fix the time any closer than that?
- A. No, sir, I just remember circling it, because we did circle it for a quite a period of time, and it was all burned out, and that was the reason that we were circling, because somebody had gone through and set fire. Now, by somebody I mean some of our troops.
- Q. You got that impression?
- A. Yes, sir. Well, either our troops had set fire or artillery.
- Q. What you were seeing, was it grass fires, or was it villages, or what?
- A. Well, sir, I got the impression that it was more or less-well, I can't really explain it--like a fire that got out of control or something. Like I said, to me it seemed like it was all burned off, not just the villages that were there, but everything, trees, vegetation, everything.

MR MACCRATE: About what altitude were you flying?

- A. Between 1,500 to 2,000, I believe, sir, because normally anytime we got out away from Highway 1, out in this general area that was unsecure, we usually flew at least 1,500 feet above the ground.
- IO: Out of the range of small arms?
- A. Yes, sir.
- Q. Do you know Colonel TREXLER, the G2 of the division?
- A. The name sounds familiar, sir, but I can't remember what he looks like.

(NEWELL)

- Q. I'm trying to see if he happened to be present with you on this day that you might recall.
- A. All I can remember, sir, is the general and his aide.
- Q. Yes.
- A. I can't remember having anybody else on board.
- Q. We understand that at one time you took General YOUNG down for a meeting at LZ Dottie in our time frame. This would have been on about the 18th. Do you recall that?
- A. Now, is this--
- Q. (Interposing) General YOUNG meeting with Colonel HENDERSON and Colonel HOLLADAY?
- A. Yes, sir.
- Q. And Major WATKE and Colonel BARKER all getting together there?
- A. Yes, sir.
- Q. You probably stayed out with the helicopter?
- A. Yes, sir.
- Q. What can you tell us about that?
- As I remember, we took off--it was fairly early in the morning. Now by early in the morning, sometime between 8 to 10 o'clock. Colonel PATTERSON already told me it was 9:30 or thereabouts, I believe.

LTC PATTERSON: 9:05.

A. 9:05, well 9 something. But as I remember, we flew down there, and I don't believe the general did much talking going down there. And Lieutenant WHITE, either prior to going down there or after we got down there—I believe it was after we got down there—told me that the general was meeting Colonel HOLLADAY and Major WATKE down there, and that heads were going to roll, that he was going to relieve somebody of their command because of something that happened.

- Q. Did he indicate whose heads were going to roll?
- A. No, sir.
- Q. I mean did you get an impression?
- A. I had the impression from what he said that the way he talked that he was meeting Colonel HOLLADAY and Major WATKE that maybe it was Colonel HOLLADAY and Major WATKE.
- Q. Did he indicate what other people were going to be there?
- A. I believe he also said the company commander of the 174th.
- Q. Do you know the company commander of the 174th?
- A. No. sir.
- Q. Major GIBSON?
- A. I don't know him, sir. I don't even believe I've ever heard the name.
- Q. Can you bring up anything else that might have been mentioned by Lieutenant WHITE during that discussion?
- A. No, sir. All I can remember about it is something about something that happened. I can't remember exactly what it was that he said happened or if he said anything happened.
- Q. Did he mention anything about a warrant officer, one of the pilots, having reported something?
- A. No, sir, at least not to my knowledge.
- Q. How long that morning do you think you stayed on the ground there?
- A. It seemed to me, sir, that we were on the ground quite some time.
- Q. What's quite some time?

- A. The way I remember it, I think--I thought we set there for about an hour or two waiting on the general that morning.
- Q. What did we have by the log?

LTC PATTERSON: He left about 9:30. He was there about 20 minutes.

- Q. Did Lieutenant WHITE accompany him or did he stay at the helicopter with you?
- A. I think he stayed at the helicopter, sir. I'm not sure, but I know that somebody remained at the helicopter with us, and I think that was General YOUNG's orderly, Sergeant SMITH, who flew down there with us that morning. I'm not positive, but it seems to me that he did. I can remember somebody remaining behind at the aircraft with us, but I can't remember if it was Lieutenant WHITE or not.
- Q. Do you remember General YOUNG when he came back? Was he perturbed about something?
- A. I can't remember, sir.
- Q. You don't remember anything about it at all?
- As a general rule when he first came back from a meeting, usually all he would say is where we're going next. Then maybe anywhere from 15 minutes to a half hour later he might start up a conversation. But generally he would just come back and tell us where we're going.
- Q. Did General YOUNG go down to Quang Ngai very often?
- A. Yes, sir, Quang Ngai City, yes, sir.
- Q. Where did you land there?
- A. In the soccer field usually, sir.
- Q. Soccer field?
- A. Yes, sir.

- Q. And did people come out to meet him out there?
- A. Yes, sir.
- Q. Did you ever go into the Tropo Pad?
- A. Yes, sir. That's the little pad?
- Q. Yes, right along side the MACV compound there. But if your going to go to province headquarters, you land at the soccer field?
- A. Yes, Sir.
- Q. How often do you think you went there?
- A. Usually we got down there, I'd say, at least once or twice a week, sir.
- Q. That often? Do you remember going down there very often during about the middle of April?
- A. I can't remember going anymore then, than any other time.

MR MACCRATE: Do you associate any of those visits with any particular people that may have been traveling with General YOUNG or that you happen to see him with down there? I realize you would stay out at the plane.

- A. Do you mean is there one particular person that he met, sir?
- Q. Yes, that you were aware of?
- A. Yes, sir. Usually when he went down there, he went down to see—I can't think of his name. He's a colonel. It was either an American colonel or the Vietnamese colonel that was in charge of the Quang Ngai Province, I believe, that general area.
- Q. There was one of each actually. There was the Vietnamese lieutenant colonel and his counterpart, a lieutenant colonel. Do you remember taking them up to Chu Lai any time?

- A. I vaguely remember one time being at a meeting at the Americal headquarters that we took them, went down, and picked them up, and brought them up there.
- Q. Can you fix that in time?
- A. No, sir. I can just vaguely remember that I thought it kind of odd at the time that they were having a meeting there, and this was the first time that I can remember ever going down, and picking up the Vietnamese colonel, and bringing him up there for a meeting at the headquarters.

COL PATTERSON: What about in relation to the end of your tour, Lieutenant NEWELL? Was this toward the end of your tour or earlier when you started to fly General YOUNG?

- A. Be towards the end of my tour, sir.
- Q. You started flying in February?
- A. Novemember, sir.
- O. For General YOUNG?
- A. Yes, sir.
- Q. And you flew him until 8 June?
- A. No, sir. I flew him until the end of May.
- Well, frankly, province did not have a helicopter assigned to it. So I think it's understandable how you might have to go down and get them. They probably had some choppers assigned to them periodically. It wouldn't be unusual, I don't think, if the division commander or General YOUNG wanted to see somebody, to send you on down to pick them up.
- A. Yes, sir. But what I meant was unusual was that it was the first time that I ever did this, taking the Vietnamese colonel to the headquarters.

- Q. What was the occasion for him going there? Was there a farewell party or anything like this going on that you can recall?
- A. I can't remember, sir. All I can remember is that we dropped him off at the VIP pad.
- Q. Do you recall the name of the province chief, Colonel KHIEN, K-H-I-E-N?
- A. Yes, sir.
- Q. Was the individual you are referring to on the U.S. side GUINN, Colonel GUINN?
- A. Yes, sir.
- Q. Do you remember anything special concerning their discussion or anything that sticks out in your mind?
- A. No, sir. About this period of time--now I'm referring to the later part, the last couple of months that I flew the general--he started using his intercom more on private. Where he used to always talk on intercom, he started going to private to talk to some of the people he had flying with him. Now I don't know that at this particular time that they were on private, but I don't remember any conversations.
- Q. Do you recall anything else regarding this area down in here, particularly out in the area of the eastern part of Son Tinh District that sticks out in your mind, whether you saw it or whether you heard about it, primarily with relation to Task Force Barker?
- A. Well, sir, here I'm getting a little--I'm trying to draw back in my memory to try to remember what I actually heard or saw at the time and what I have seen and heard on the news since then. The only other thing I can think of other than the day that we did circle the area is the incident which I believe was supposed to be somewhere down in that area, that I was telling Colonel PATTERSON about earlier. There was a rumor going around--something to do with our gunships refusing a direct command from either

ground troops, or a C&C ship, or something, I believe, to go in and shoot up a village or shoot something. Something in this line anyway. And that they were called on the carpet before General KOSTER about it. This is just something I remember. I don't remember that much about it. It was more or less a rumor.

- Q. Did you hear of a possible confrontation that took place between part of your 123d Aviation Battalion and Task Force Barker in about the middle of March, up to the point where perhaps weapons of one side were trained on the other?
- A. No, sir.
- Q. Did you ever hear of a pilot reporting some unnecessary killing of civilians and noncombatants down there one day?
- A. I don't believe so, sir. Now here I'm getting to the point where I don't know if I remember it or--

MR MACCRATE: (Interposing) Do you ever recall a story about gunships landing where they shouldn't be landing?

- A. No, sir, not other than sometime, I don't know when, but somewhere—I don't know if it's this general area or just north of this river up here, the Diem Diem, that Major WATKE was—I believe it was Major WATKE—was shot down.
- Q. That was around the 17th of April to help you fix times. We understand he was shot down on the 17th of April.
- IO: And that was over northwest quite a little bit, too. Well, did you hear that one or more gunships landed to evacuate some civilians?
- A. No, sir.
- Q. You didn't hear anything about that. Did you ever hear of one of the aero-scout ships landing and picking up a wounded Vietnamese boy and flying him to the hospital?
- A. No, sir.

- Q. Never heard that. Well, Lieutenant NEWELL, we're very appreciative of you coming in and adding to the store of information that we have. And although what you are telling us may seem somewhat insignificant to you, it's bits and pieces such as this that we are taking to put this story together, and we are appreciative. I might say that if you would like to ask any questions, I'd be happy to try to respond to you. Or if you'd like to make a statement for the record, I'd be very happy to let you enter one at this time.
- A. I'm just glad to be of help, sir. I'm sorry I can't remember any more, but it's been 2 years, and we did an awful lot of flying around.
- Q. I know what you mean. Well, I would like to again caution you, you have been directed not to discuss your testimony here with others, including individuals who may have already appeared and others who may possibly appear here. You may by chance be called before one the congressional committees. More specifically, it would probably be the investigation subcommittee of the House Armed Services Committee. In the event you are requested to testify there, your testimony here would in no way prevent you from testifying or appearing before that legislative body or any other competent legislative body.

The hearing will recess at this time.

(The hearing recessed at 1652 hours, 19 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: RECTOR, Zane Kyle MAJ

DATE OF TESTIMONY: 28 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assistant Division

Aviation Officer, Americal Division

1. BACKGROUND INFORMATION.

The duties of the witness.

The witness arrived in the division on 29 January 1968 and was assigned as the assistant division aviation officer, working in the division TOC at the time of the incident (pg. 3). In mid-May he was transferred to the 123d Aviation Battalion and worked in the S3 shop (pg. 3). As assistant division aviation officer he was responsible for coordinating the aviation requirements and for briefing General KOSTER and the two ADC's every evening at 1700 hours (pg. 4). This was followed by a briefing in General KOSTER's office on the aviation requirements that had been communicated from the brigades to the division. General KOSTER would then decide where the assets were to be allocated (pg. 4). The witness stated that the 123d Aviation Battalion had just been formed, having been taken away from the 14th Aviation Battalion (pgs. 6, 7). He worked more with the 14th Battalion, which was part of the 16th Group, 1st Aviation Brigade, rather than with the 123d (pg. 7). The witness stated he maintained his sleeping quarters in the division area, not down with the battalion, although he was assigned to it (pg. 7).

b. Reports required of the aviation units.

All aviation units that were either attached or organic to the division made a daily status report listing all of the aviation assets and stipulating the aircraft

available for the following day (pg. 11). Those projections were used to plan assignment of aircraft to the different brigades and to special missions. They were marked on the board in crayon and briefed to General KOSTER in his office following the division briefing (pg. 11). The general would approve or change the allocations based on what his G3 advised (pg. 11). The 14th Aviation Battalion was not organic to the division, but would submit projections broken down by company (pg. 11). The reports from both aviation battalions were verbal, so there were no records kept of the projected status or of the actual status (pg. 12). The log of activity that transpired each day was kept in the DAO shop on regular staff journal forms (pgs. 12, 13). This was filed by Sergeant GINN, and when no longer necessary, was put into the administration files (pq. 13). These records were not retired or disposed of while he was assigned to the division aviation office (pg. 13). He did not know if his successor continued with the same procedure (pg. 14). The witness stated that the after action report received from the aeroscout unit would state what they had done and what problems they had encountered that day. This was a daily report given to the G3 operations officers for the SITREP. A copy should have been kept at 123d Aviation Battalion (pg. 29). It was not a form but was typed on a sheet of paper by Captain MOE, the operations officer. It was turned into the operations officer in the TOC because the aero-scouts worked for him and not under the witness (pg. 29).

c. Use of aircraft from other aviation units.

The witness was shown Exhibit R-3, the Daily OPREP-5 for the 14th Aviation Battalions, specifically the 174th, dated 16 March (pg. 18). From it he stated that there were 12 slicks operationally ready and three gunships. He stated that the missions were over 12 hour periods and assets were moved from one area to another. This would explain the high figures, although they would not all be used at the same time (pq. 19). The 14th Aviation Battalion had a policy of using two gunships as a team (pgs. 20, 21), and these would support a lift of nine slicks. If assets were available another team could be used (pq. 21). These assets could come from either the 176th or 71st (pg. 21). This cross-reinforcing was accomplished on a fairly routine basis and was operationally satisfactory (pq. 21). A decision would be made by the 14th Aviation Battalion to pull guns off a mission or to use assets that came up during the day (pg. 22). All of the aircraft would be under the control of the officer-in-charge of the particular combat assault and he, in turn, would be

(RECTOR) 2 SUM APP T-264

responsive to the ground mission commander (pg. 22). The witness stated the 14th Aviation Battalion would be the source of information on which aircraft physically participated in a given combat operation (pg. 18). The witness was shown a number of exhibits (See Exhibit infra) and identified Rattlers and Dolphins from the photographs (pgs. 22-26).

KNOWLEDGE OF THE OPERATION.

The witness recalled the enemy body count, the figures, but did not remember the specific operation (pg. 5). He did not recollect a discussion in the TOC over the refusal of pilots from the 123d Aviation Battalion to fly because of ground activities (pg. 9). The witness was not aware of a meeting between Major WATKE and Colonel HOLLADAY, 16 March (pg. 5). He stated the aero-scouts were directly under Colonel HOLLADAY and worked on a direct mission basis from the G3. Colonel HOLLADAY did not keep the witness informed as to what was going on in the battalion (pg. 6). The witness was not informed that Major WATKE had been contacted by Warrant Officer THOMPSON who complained about the activities in My Lai (pg. 6).

3. OTHER INFORMATION.

- a. Prior to appearing before the board, the witness spoke with Major KEATING who was the maintenance officer for the 123d Aviation Battalion. This was the first time the witness learned that Warrant Officer THOMPSON had mentioned the incident to Major KEATING (pgs. 3, 6).
- b. The witness recollected an investigation in the spring of 1968 regarding an M-79 grenade launcher being fired by a member of an aviation company on a boat. He did not recollect who conducted the investigation, but stated he saw some correspondence on it from the chief of staff (pg. 10). He stated most of the paperwork was handled at the 123d Aviation Battalion, and he did not recall that Colonel HOLLADAY was designated as the investigation officer (pg. 10). He was not informed whether there was a division order appointing a formal investigation, nor was he called as a witness in the investigation (pg. 11).
- c. The witness stated that when he first became aware of the incident in the newspapers, he could understand how the incident could easily have happened (pg. 30). He stated that he had seen civilians killed, by which he meant

black pajama-clad Vietnamese Nationals that ran when the helicopter approached (pg. 33). He cited an incident of a woman being shot as she ran from the water (pg. 34), and another incident where pajama-clad males fled from pilots and were killed (pg. 34). Both incidents were reported, and he was not aware of a requirement for an investigation (pg. 34). He stated there were investigations that had been run, citing another example where they tried to locate an individual with a red helmet in the unit who supposedly shot up some sampans (pg. 35). He knew nothing about an investigation into the incidents of My Lai (4) (pgs. 35, 36).

EXHIBITS

EXHIBIT	•		
NUMBER	DESCRIPTION	NOTES	PAGES
		Wit stated the	
P-11	Miscellaneous Scene	helicopter was not	
		a medevac because	
		of the door gun.	25,26
		Wit identified as	·
P-12	Miscellaneous Scene	a 14th Aviation	
		Battalion craft	
		because of the	
		crew chief's	_
		patch.	26
		Wit identified a	
P-29C	Miscellaneous Color Photo	Rattler helicopter	
		from the 71st	
		Aviation Battalion	22,23
	·	Wit identified a	
P-65	Miscellaneous Scene	Dolphin as lead	
		aircraft and a	
		Rattler as second.	23
	OPREP5 for 14th Aviation		
R-3	Battalion (16 Mar)	Shown to witness.	16
		Used to orient	_
MAP-1	Wall map	the witness.	5
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(The hearing reconvened at 1835 hours, 28 January 1970.)

IO: The hearing will come to order.

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

The next witness is Major Z. Kyle RECTOR.

(MAJ RECTOR was called as a witness, was sworn, and he testified as follows:)

RCDR: Major RECTOR, for the record would you please state your full name, grade, Social Security number, organization and station.

A. The name is Zane Kyle RECTOR, major, Social Security number ROTC Instructor Group, Old Dominion University, Norfolk, Virginia.

IO: Major RECTOR, have you had an opportunity to read the instructions?

- A. Yes, sir I have.
- Q. Do you have any questions?
- A. No, sir, I do not.
- Q. On my left here is Mr. Robert MACCRATE. Mr. MACCRATE is a civilian attorney who has volunteered his services to Secretary RESOR to assist in this inquiry and also to provide legal counsel to me and other members of the investigating team. On my right here is Colonel ARMSTRONG, an Army colonel designated by the Office of the Chief of Staff as an assistant in this inquiry. Aside from myself, both Mr. MACCRATE and Colonel ARMSTRONG may address questions to you this afternoon or this evening as the case may be. We have other groups such as this who are taking testimony from other individuals. Of course I will have the job ultimately of putting together a report, weighing the evidence and determining the findings and recommendations.

As a military officer you are ordered not to discuss your testimony here with others, including other individuals who may appear before this inquiry as witnesses, except as may be necessary in the performance of official duty or as you may be required to do so before a competent administrative, judicial, or legislative body. would like to clarify this latter one for you. There is a possibility that you may be requested to appear before one of the congressional committees or specifically I think it might be conceivable that you would be called before the investigation subcommittee of the House Armed Services Committee. In which event if you were, your testimony and your appearance here would in no way preclude you from testifying before such a legislative body. Now do you have any questions on anything I have covered so far?

- A. No, sir.
- Q. I don't think you have been cited by the military judge in the general court-martial case of the <u>United States</u> v. Calley. Is that correct?
- A. Not to my knowledge, sir.
- Q. If you were, you'd know.
- A. Yes, sir.
- Q. I see no reason why you should be, but in the event you are, I simply want to say your appearance and testimony here will in no way change either the effect of these orders or the applicability of any orders issued by that judge or any other military judge involving any of the courts-martial cases revolving around the My Lai incident. Do you have any questions at this time?
- A. No, sir.
- Q. Major, would you indicate what your duty assignment was with the Americal Division in the spring of 1968, indicating when you joined it and any change in assignment you may have had, and when you terminated your service with the division.

- A. I arrived in the division approximately 29 January, and I was assigned as assistant division aviation officer and worked in the division TOC. In the middle of May, I do not recall the exact date, I was transferred to the aviation battalion and worked in the S3 shop, and later became the S3 of the battalion.
- Q. You're talking about the 123d?
- A. 123d Aviation Battalion. I departed Vietnam in the middle of January 1969 having served 12 months.
- Q. So you were assistant aviation officer, then you were S3 of the battalion?
- A. Yes, sir.
- Q. Since the My Lai incident of 16 March 1968 became a matter of public knowledge, about 4 or 5 months ago toward the end of September, early October 1969, have you had any conversations with anybody from the division, from the aviation unit concerning any of the events that may have transpired at My Lai or concerning the investigation of it?
- A. I talked very briefly at Fort Eustis, Virginia, in December of 1969 with a Major KEATING, who was the maintainence officer for the 123d. He asked me if I knew anything about it and I said, no. Then Major KEATING said something to the effect that Warrant Officer THOMPSON had mentioned the incident to him and that he had knowledge of the incident. Other than that contact, I have not discussed it with anyone.
- Q. It might be helpful to us for you to describe your duties as the assistant division aviation officer, because I know that Colonel HOLLADAY as the division aviation officer and also the battalion commander had to be out running his outfit a great deal of the time, which left a great deal of the burden to you. Would you describe your functions?

- As the assistant division aviation officer Α. I was responsible for coordinationg the aviation requirements, both taking the requirements and seeing that the requirements were met. I acted in behalf of Colonel HOLLADAY, as you so stated, as his assistant. The job really boiled down to briefing General KOSTER and two assistant division commanders every evening at approximately 1700 hours, followed by a briefing in General KOSTER's office on aviation requirements that had been communicated from the brigades to the division. General KOSTER then made the decisions to where the assets were allocated, and we implemented his instructions. General KOSTER kept very close count of each helicopter that was in the division, and made certain that he personally allocated the assets. I implemented, in essence, General KOSTER's instructions on allocating these assets each evening for the following day.
- Q. Are you telling me that during the course of the evening staff briefing which took place at about 1700--
- A. (Interposing) After that.
- Q. You had another session which--did you have recommendations for allocations? Or did he--
- A. (Interposing) We made recommendations and he was the final approving authority, making his changes as he saw fit. This was briefed in his office each evening and then I implemented those instructions.
- Q. Now I'd like to bring you back to the allocations of aircraft for this date. Strange things had transpired, at least in the way I see it. You were aware of the existence of Task Force Barker?
- A. Yes, sir.
- Q. And its area of operation?
- A. Yes, sir.

- Q. Were you familiar with this operation? Looking to the areas here (indicating on Exhibit MAP-1), with the operation of Task Force Barker into the area of Son My Village, the area which some people referred to as Pinkville on 16 March 1968.
- A. I do not remember this specific operation, no sir.
- Q. Do you recall attending the evening staff briefing and hearing the results, 128 VC KIA?
- A. I remember the figure having been mentioned. That was the only time that I can remember a large number of NVA being killed down in this area, or VC I should say.
- Q. Well, they did have a couple operations before that. This was the largest. There's no question about this. This was the largest operation that the 11th Brigade had been in.
- A. Over 100.
- Q. Over 100, 128. About 3 weeks before then they'd had a body count of somewhere in the high 70's.
- A. Sir, I remember the figures, but I don't associate it with any date. I just vaguely remember a large-
- Q. (Interposing) Did you remember also that there was a small number of weapons captured?
- A. No, sir.
- Q. The figures that were reported were 128 VC KIA, 2 U.S. KIA, 11 U.S. WIA, and 3 weapons captured. Did you become aware that Major WATKE and Colonel HOLLADAY had a discussion on the night of the 16th, or within this period, concerning what may have transpired in My Lai (4) on the day of the 16th?

- A. No, sir, I was not informed of that. I would like to point out that I was fairly isolated in the sense that as far as the aero-scouts were concerned, they worked on a direct mission basis from the G3. This mission went directly to them, and sometimes I was informed of what they were doing and sometimes I wasn't. I never interfered with their business, because they were assigned a particular unit to work with at that time. I didn't make it a point to be overly concerned about what they were doing, since I had no operational control over them whatsoever.
- Q. But, you're still assistant division aviation officer so you, generally speaking, are pretty much aware of what's going on.
- A. Not as far as aero-scouts were concerned, sir. They were Colonel HOLLADAY's--as I understood it, his brainstorm. He is the individual that dreamed this deviation from the normal TO&E up, and more or less concentrated all of his attention in that direction. He did not always keep me informed as to what was going on down the hill at battalion.
- Q. Well, did he tell you or did Major WATKE advise you that this Warrant Officer THOMPSON had come to him come to Major WATKE, and told him about what he had seen down there in My Lai that day. That they had talked about it that evening in considerable length and subsequently, as a matter of fact, on the following day that they talked to one of the assistant division commanders about it.
- A. No, sir, I was not informed of this.
- Q. You were never aware of that. It came from Major KEATING who mentioned to you about Warrant Officer THOMPSON reporting until that time you were quite unaware of it?
- A. That's correct. The functioning of the battalion is difficult to explain. This battalion had just been formed. A company had been taken away from the 14th

Aviation Battalion, and we had begun to form this new battalion, the 123d. And there was not a great amount of coordination between myself and the 123d. I worked more with the 14th Battalion, which was part of the 16th Group, the 1st Aviation Brigade, rather than the 123d and there was a certain amount of isolation on my part as to what went on down there, personnel-wise. I had more friends as such, had more contact, more interaction with the 14th than I did with the 123d, although I belong to the 123d, as far as my position and job.

- Q. Where did you stay at, your sleeping quarters?
- A. I slept in the division area.
- Q. You didn't sleep down with the battalion?
- A. No, sir.
- Q. Were you assigned to the battalion?
- A. I was assigned to the battalion as part of the TO&E of the battalion.
- Q. Now, I'm going to introduce this. In the operation that was conducted, aside from the aero-scouts which we understand started off with just one H-23 backed up by three gunships, and then they had some slicks down there to move the ground element, so that's quite apart from what I wanted to discuss.

In the actual combat assault itself, there were two gunships and nine slicks to the best we've been able to understand. In looking at the record of that day from the 174th we found that the 174th assigned two guns and nine slicks. Now the logical and easy assumption is that all of these people that participated in the operation therefore were from the 174th.

But we know from looking at the photographs that that was not the case, because there were also aircraft there from the 71st, which I believe has the insignia of a rattler on it.

There were also aircraft there from the 176th, which if I'm not mistaken have a picture of a minuteman on the tail boom. Does that ring?

A. Yes, sir.

Q. Well we know, however, that these units did provide some aircraft. It therefore seemed to me that since there were aircraft, and this is why I'm trying to put this in its proper perspective, that what happened was the 174th may have had as many as five ships in the lift, in the combat assault. The remaining four ships or so, I'm not sure of the number here, because pictures don't come out quite so clean, three, or four, or maybe up to five of the other ships from the 71st and 176th were inserted to take the place of those which were withdrawn by the 174th. The 174th ships, therefore, were used throughout the remainder of the brigade area for C&C, supply and various other things.

Do you remember that? This is probably an old hat thing that you had to go through every day or something like that. This is about the way we've constructed this.

We have Colonel PATTERSON here who has been working in this particular area. Mr. MACCRATE is also familiar with the photos of the aircraft that were in the assault. So I'll have Colonel PATTERSON come up and join in the discussion, actually to take my place, to see if you can shed any light on this. With your background I know you probably have a better solution than we have.

(IO left the room.)

MR MACCRATE: Major RECTOR, do you have any recollection of the operation of Task Force Barker down in this AO to the south (indicating) and in the area just north of Quang Ngai City?

- A. I have general recollections of their area of operation and their general mission, what they were supposed to do. But as far as specific dates and specific CA's, no, sir. I do not recall any specific information, only generalities.
- Q. Can you recall one day in the TOC a flap developing over the 123d, your battalion, or at least the one to which you were assigned. Although as I understand it, your duties kept you somewhat separated. But your group, saying they weren't going to fly, because of what was going on on the ground. Now we have had testimony that someone in that TOC on that day heard such a flap, was aware of this, and that it was one of the problems that arose in the course of this day. Do you have any recollection of such rather remarkable reports coming in about the 123d Aviation Battalion, or particularly the aero-scout company in the battalion?
- A. No, sir, not for a reason of not wanting to participate in a operation. I remember quite a few instances where people would question the feasibility of going into an area that was hot. Where there might be quite a bit of enemy activity in the way of .50 caliber or .30 caliber but nothing like that. I was informed, and I do not remember anything along the lines that the 123d had refused or even hesitated to participate in a ground operation or CA for this particular reason.
- Q. Well, this would be after the CA had taken place, after the ground troops completed the assault. The ground troops were moving forward and the aeroscouts were just providing cover. They came and protested against what was going on, said they didn't want to continue support of the ground forces. You have no recollection of any such unusual dispute arising?
- A. No, sir. The physical layout of this TOC was such that, during the time frame from approximately 1600 hours until briefing time, there was a lot of activity going on in the TOC to get ready for the briefing. And this was my responsibility.
- Q. Now earlier in the day, along in the morning where would you be?

- A. I would be in the TOC or attending a briefing that the chief of staff required me to sit in on, or in the G3's office or one of his assistants. This was my area of operation. I didn't stray very far away from that immediate area, but this briefing time or prior to briefing I was always busy getting ready for the briefing. Colonel HOLLADAY would come in and discuss aviation with personnel who would come into the TOC, such as Major WATKE or some of the people of the 14th Aviation Battalion.
- Q. Do you have any recollection of an investigation in the spring of 1968 regarding an M-79 grenade launcher being fired by some member of one of your aviation companies on a boat, the men on a boat?
- A. Yes, sir.
- Q. Who conducted that investigation, do you know?
- A. No, sir. I do not recall. I remember seeing some correspondence on it from the chief of staff, and they were very, very concerned. There was a lot of concern in the division about aviation incidents such as firing at civilians or firing out of helicopters at personnel on the ground. I remember this specific requirement that was placed on someone to investigate this thing. It may have been Major PALCZYNSKI. He was the S3 of the battalion, but I'm not certain. I do not recollect.
- Q. You don't recall that Colonel HOLLADAY was designated as an investigation officer?
- A. No, sir. Most of the paperwork was handled down at the 123d, which was physically located approximately 2 miles away from the division TOC.
- Q. Do you recall if a formal investigation was conducted with a division order appointing an investigating officer?
- A. No, sir, I do not. I was not informed. I was not called as a witness in this investigation, if it were conducted.

Q. Did you have any knowledge at any time of an investigation being conducted about the operation by Task Force Barker in March 1968?

(LTC PATTERSON entered the hearing room.)

A. No, sir.

LTC PATTERSON: Major RECTOR, what type of reports were required of aviation units assigned to the division in so far as their operations were concerned?

- A. There was a daily status report that was given each day listing all of the aviation assets, all aviation units that either were attached or organic to the division and stipulated the aircraft available for the following day. Predicated on those projections we made our plans for the following day, assigning aircraft, recommending aircraft to be assigned to the different brigades and to special missions. This went on a board in crayon and was briefed to General KOSTER after the division briefing. This was in General KOSTER's office. He either approved or changed these allocations based on his knowledge of what his people had advised, his G3.
- Q. Just for clarification, you indicated all the aircraft assigned or attached to the division?
- A. The 14th Aviation Battalion was not organic to the division. It was part of the 16th Group, and it was sort of in a limbo status for many months. It was operational at one time. I didn't get into the paperwork that was going on between the battalion and the Americal Division.
- Q. Well, the point is you did get status reports from the 14th Aviation.
- A. Projections.
- Q. Broken down by specific companies?
- A. Yes, sir.

- Q. These reports that you got from both the 14th Aviation Battalion as well as your organic 123d Aviation Battalion, were they in writing?
- A. No, sir. They were phoned down.
- Q. Verbal only?
- A. Yes, sir.
- Q. In other words, the projected status then, there would not be any records kept of projected status as reported to you at division?
- A. No, sir.
- Q. What about actual status on the day? Were there any formal reports submitted to division from either the 123d or the 14th Aviation Battalion concerning their actual status on a particular day?
- A. Nothing of a formal nature.
- Q. Nothing in writing?
- A. Nothing in writing. It was all telephoned in. Once we started the day's operation then we began to adjust assets according to aircraft that were found to be down, and the pilots got ready to take off.
- Q. Were any records of a formal nature maintained at division of this informal nonwritten status of aircraft?
- A. We kept a log at division of action that transpired during the day.
- Q. This log was in the DAO shop?
- A. In the DAO shop.
- Q. On a regular staff journal form?

- A. Staff journal form. And this was given to a Sergeant GINN for filing after so many days had transpired, and we knew that we didn't need these particular records in the TOC. They were put in the admin files.
- Q. Let me just ask a question here while I'm on this point. How long were you assigned to the division aviation office of the Americal Division?
- A. From January, approximately 29 January was the day I reported in to the division, until the middle of May. I went on R&R. When I came back, Major TENNANT took my place and I went down to the S3 shop.
- Q. During that period of time that you were in the division aviation office, did you retire or have retired or dispose of the journals, or the records of the division aviation office?
- A. No, sir.
- Q. The reason for these questions is we have been unable at this point to procure or find these records concerning the status of the 123d Aviation Battalion or attached units, such as the 14th Aviation Battalion, or any records in the Americal Division concerning status of aircraft.
- A. We were primarily—as you know being an aviator. Many many changes would take place during the day. We were primarily concerned with getting from the 14th Battalion what they said they were going to give us. The records were kept more in the light of being able to say to my boss, "They did or they did not do what they said they were going to do." This is a proverbial battle that goes on or went on the entire time because they were not under our control.
- Q. We have records from the 14th and the subordinate units of the 14th Aviation Battalion. These records are required by the 1st Aviation Brigade, which is in fact the parent organization of the 14th Battalion.

But for the 123d Aviation Battalion, organic to the Americal Division, or any of the other brigade sections, within the Americal Division we have no aviation records.

- A. Well, I know I required that Captain WISNIEWSKI and a Captain BOWEN, who worked for me part of the time, and a Captain JORDAN to log it in in a certain log. I gave them general verbal directives as to what to put in this thing, sort of a pardon the expression, CYA type record.
- Q. I'm sure that then you know that after a period of time records of the functional files system are required to be disposed of and returned to a records holding area for maintenance.
- A. Yes, sir.
- Q. We've traced all these and have come up with a zero so far.
- A. I do not know what happened to the records, I know that I required the sergeant that worked for me, Sergeant GINN, to keep the records.
- COL ARMSTRONG: May I ask, Major RECTOR, if after you departed that assignment, were these records still main-tained?
- A. As far as I know, sir. I was in the office quite frequently and there were no fires, no problem areas.
- Q. No, I mean did your successor continue on with the same procedure?
- A. I do not know, sir. I assume that he did, I know that when I went to the 123d and took over the S3 shop that I instituted a records keeping log which had not been kept previously.
- Q. Basically you instituted the same procedure at the 123d as the S3?
- A. Yes, sir, but it had not been kept prior to that.

COL PATTERSON: We appreciate this, because this rather confirms what we had deduced concerning the records of the 123d. So much for the status reports which indicate flyable aircraft, nonflyable aircraft, versus assigned aircraft. What about operational reports with reference to ammunition expenditure, kills, engagements, operational matters? Were there any operational reports, formally submitted from assigned or attached aviation units to the Americal Division aviation office.

- A. Yes, we briefed General KOSTER on a weekly basis on the amount of ammo expended and the number of hours flown along operational lines. I do not remember whether KIA's were included in this or not, because in actuality the aviation battalion didn't receive credit for the kill. The brigades or the battalions—for example, let's take the aero—scout company, if the NVA or VC were killed in their operational area they got the credit for the kill. I knew that the report went in through that chain, and—
- Q. (Interposing) Then in brief there were no formal written daily reports from the 123d?
- A. Not except for the ammo expended, number of hours flown, which was briefed to General KOSTER on a weekly basis and a total monthly basis--this was all done on a chart.
- Q. Was this a written report?
- A. It was all kept on a chart. No, sir.
- Q. No written report submitted from the units to you?
- A. No, sir. I know that the 123d kept records on their A and B Company, A Company and the aero-scouts, which were put in writing on the number of hours flown, number of VC or NVA killed, number of hootches destroyed, etc. This was kept on a unit basis rather than a division. The aviation office at division was primarily an operations office while I had it, while we were forming. It later blossomed into an admin and an operations function.
- Q. Are you familiar with an aviation report used in Vietnam entitled, "Daily OPREP-5"?

- A. Yes, sir. I'd forgotten that, sir.
- Q. Do you recall using it?
- A. Yes, sir, we did use it.
- Q. When--
- A. (Interposing) We reported to III MAF a certain amount of information. I do not remember the name of the report specifically, but it went to III MAF. It was a III MAF report that we forwarded directly to III MAF people. It was more along the operational line. We were not part of 1st Aviation Brigade and none of the reports that they filled out pertained to me, as assistant division aviation officer. But there were requirements at III MAF placed on us that we fulfilled and did keep records of it at the TOC.
- Q. But from the subordinate units to the DAO, these OPREP-5 type reports in writing either for status or for operational matters were not used in the time frame we're discussing here, the March 1968 time frame.
- A. Well, the OPREP-5, do you have a copy of the report or a blank copy that I can look at?
- Q. I show you Exhibit R-3, which is a locally reproduced, OPREP-5 for the 14th Aviation Battalion. As you notice this report includes operational matters as well as status matters, and it's comprehensive as far as the picture of an aviation unit at any given point in time.
- A. We submitted reports to III MAF along these lines. They were filled out and they were either phoned in, or teleconed in, or sent in by TWX on a teletype. This was primarily a III MAF report, it was not a USARV report. This changed a number of times, there was a Colonel GROVE, if I remember his name correctly at III MAF that changed this thing three or four times in the short period of time that I was there. These operational reports were submitted and a copy was retained in the assistant division aviation office.

- Q. With reference to 16 March, do you recall planning aircraft and designating aircraft to Task Force Barker?
- A. No, sir, not on that particular day.
- Q. We have reason to believe that there was a fairly large combat assault in the terms of reference of--not only in the ground forces employed, but also in the number of aircraft that were made available to Task Force Barker for this operation. There is also some concern and we're not quite clear on this point as to where all these aircraft came from. Whether they all came from a single unit or were designated to reinforce any given unit. Do you recall the unit that was designated to conduct this assault from an aviation standpoint?
- A. No, sir, I do not. But, I would like to say that in any given day although this had been planned the previous day and approved by General KOSTER, the changes that occurred as the operation progressed, dictated in some instances that aircraft be switched from one company to another. I should say from one brigade to another and that sometimes I found out what happened after the fact. The 14th Battalion would juggle assets to meet this particular need and I would find out about it after the fact. If there were a problem area, not enough aircraft showing up at a particular location, then I most certainly would find out about it.

But, we tried to decentralize the control of the assets, because I could not control the assets from where I sat. I had to leave it up to the 14th Battalion to use their judgment on where the aircraft came from and then inform me as to what they were doing and what they had done.

- Q. As I understand it then, what you've said in a nutshell, is that you were a planner as opposed to an executer and director.
- A. I executed when the necessity arose by notifying the 14th to move assets as the mission requirements changed.

- Q. Who was the normal support unit then for the 11th Brigade?
- A. The 174th.
- Q. Was it a standard practice during this time frame, March 1968 specifically 16 March 1968, that you would in fact reinforce or augment from one unit to another to provide a certain number of aircraft, or was this decision whether to augment or reinforce made by the 14th Aviation Battalion?
- A. It was sometimes made by the 14th if they found that they could perform the operation faster than had been previously planned. Or if the S3 decided that he wanted to add aircraft that became available as the day progressed, came up out of maintenance. He in some instances would go ahead and do this and tell me about it afterwards.
- Q. Do you know of any records that are available where it could be determined with some definition as to what aircraft physically participated in a given combat operation?
- A. The 14th Battalion would be the logical source for this information.
- Q. Rather than the 23d Division?
- A. Yes, sir.
- Q. I have here the Exhibit R-3 which I showed you earlier, the OPREP-5 for the 14th Aviation Battalion, specifically the 174th for the 16 March. This report indicates the combat assault for Task Force Barker and the aircraft participating therein. In column C of this report you'll see where nine slicks were furnished and two guns. You'll also notice under the A column, the "Mission" column of this report some additional missions are indicated. The bottom of the form has a column entitled "Status of Aircraft at End of Reporting Period" and subtitled "Number of Aircraft on Hand by Type and Number of Aircraft O/R." Can you tell us what O/R stands for?
- A. Number of craft that were operationally ready.

- Q. Operationally ready. From this form it would appear that how many slicks did they have assigned?
- A. Sixteen.
- Q. I believe its 15, its probably a little hard to read. How many were operationally ready?
- A. Twelve.
- Q. How many gunships did they have assigned?
- A. Six assigned.
- Q. And operationally ready?
- A. Three.
- Q. What is a little confusing in what we're trying to determine from this record is with the missions that you see including that which I've previously mentioned; the CA, nine slicks, two guns, and the additional missions indicating additional aircraft requirements, how this could have been accomplished with 12 slicks and 3 guns? Can you offer any explanation?
- A. Yes, sir. The missions were over a 12 hour period, the normal operational work day. They did not all take place at the same time. Therefore, assets were moved from one area to another, and the missions were performed at different times as the day progressed.
- Q. Then as I understand it, one cannot total up the total number of slicks committed during this reporting period and hope to arrive at the figure, in this case 12 periodically ready?
- A. That is correct.
- Q. Looking at the type of missions flown, can you give any opinion as to which missions might have been simultaneously flown?

- A. Well, the battalion commander of Task Force Barker had a very high priority on getting C&C aircraft.
- Q. Which would have taken one--
- A. (Interposing) Which would have taken one of the aircraft, right. The other missions that I see indicated on the form could have been postponed until after the CA took place over a fairly short time frame during the day, say a couple of hours. But I can only see one that I would with any degree of certainty say would not have been used in the CA.
- Q. Would you say then, that with 12 slicks operationally ready they could have flown or they had the in-house organic capability to handle their CA in the morning.
- A. If in fact this report is true. Assuming the report is true, I don't see any problem. However, I might add that in trying to look good on paper sometimes these reports are not necessarily indicative of what actually took place.
- Q. And what about their gunship requirements for that day.
- A. Well, with three gunships available, this meant that only two would be used at any one time because it was not policy within the division, in the 14th battalion to use a single gunship by itself. There could have been a heavy team of three guns instead of a light team of two, thereby all three of the ships were being used at one time.

It's quite possible that if the aero scouts were operating in the same area, in the Muscatine area in support of Task Force Barker that they could have been coordinated with the 11th Brigade, since the aero-scouts were assigned a specific mission with a specific unit. What that unit did with them after they launched from the heliport and performed the mission that the unit desired was beyond my control. I didn't have any operational control over the aero-scouts.

Q. What was the policy of the Americal Division or for that matter the 14th Aviation Battalion, if it were different, with reference to the number of gunships in support of a lift of nine slicks?

- A. At least two guns.
- Q. At least two guns. That's one team?
- A. One team.
- Q. Who decided whether or not there would be a second fire team in support of a lift of nine slicks?
- A. Well, if the assets were available and if the 14th deemed that it be necessary to be used two sets of guns. If they felt that the area was going to be extremely hot, they might use two sets of guns.
- Q. Would they come to you for this or would they handle that within their own battalion?
- A. They would handle that in their own battalion or own organization.
- Q. What other units did they have to call on in this particular case, who else could have supported the 174th?
- A. They could have gotten assets from the 176th or the aero-scouts--
- Q. (Interposing) Organic to the division?
- A. Organic to the division. There were three companies, the 174th, the 176th, and the 71st and they could have gotten support from any of these other two companies.
- Q. Were there any two of these companies that used to work this augmentation, reinforcing on a fairly steady basis?
- A. Do you mean for any particular AO? Yes, sir.
- Q. Because of location or for any other reasons habitually worked closer together, or was it any one of the three?
- A. It could have been any one of the three.
- Q. And was this cross reinforcing accomplished on a fairly routine basis?

(RECTOR) 21 APP T-264

A. Yes, sir.

Q. Just for the record is this operationally satisfactory?

(RECTOR)

21A

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- A. Well, if it were deemed necessary to beef up the gunship capability for any operation, it is quite possible that the 14th battalion used guns that were allocated for another mission or that had come out of maintenance, primarily that had come out of maintenance that I didn't know about and would be sent down on this mission. If they were going to pull guns off a mission, such as a gun team for a particular brigade, such as the 198th, that were standing by for any emergency—any fire action that took place in the AO then they would come to me to get those particular guns. But there was no hard and fast rule that said they couldn't use assets that came up during the day or during the evening to support a particular operation. I would find out about it, as I said before; it would be after the fact.
- Q. Who would control the activities of the gunships and/or the slicks that would be augmenting a unit in a lift?
- A. Once the aircraft arrived in the area where the CA was taking place then the officer who had charge of that particular CA would assume control, as I understood the 14th's operation, and dictate what the guns were to do.
- Q. If the 174th was designated to make this lift for Task Force Barker on 16 March and were augmented by aircraft, who would be in control of those aircraft?
- A. The individual who had responsibility for the CA, the aviator.
- Q. The air mission commander?
- A. Yes.
- Q. And he would be responsive to the ground mission commander, in this case Task Force Barker?
- A. Yes, sir.
- Q. I'd like to show you, sir, Exhibit P-29C. Can you tell us what that picture shows?

- A. I see one helicopter with a rattlesnake on the front of it, which would be a Rattler.
- Q. From which unit, sir?
- A. The 71st. And another helicopter I can't make out the designation of the emblem on the front of it, the other helicopter, the one nearest to the picture.
- Q. Does it have a Rattler on it, or can you tell?
- A. I can't tell. There's definitely an emblem on it, but I couldn't say exactly what it was. Possibilities are if it were a Pelican, which is the 123d, that would be in white. The Warlords, that's B Company or the aero-scouts, had their emblem painted on most of the helicopters. Dolphins, they're the 174th.
- Q. Okay.
- A. I don't know what you want me to see. I can't with any degree of accuracy say what--
- Q. (Interposing) I'd like to show you photograph P-65, tell me what you can about the unit of assignment of those aircraft depicted therein?
- A. I'm going to take a minute to think here as to what the symbol was for the 176th. Do you have the information available as to what the 176th designation was. I right offhand do not recollect.
- Q. They were called the Firebirds.
- A. Firebirds. The guns were the Firebirds, were they not?
- Q. Right.
- A. What were the slicks? I do not recollect, right offhand.
- Q. What is that emblem that was on the nose of that first helicopter?

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- A. Well, it looks like some type of an animal, I'd say with glowing white eyes. The way I look at it--
- Q. (Interposing) Are you familiar with the Dolphin insignia?
- A. I have seen the Dolphin insignia. I can see the tail, what looks to be the tail. It could be a Dolphin.
- Q. On the lead aircraft?
- A. On the lead aircraft.
- Q. What about the second aircraft?
- A. On the second aircraft, again it looks like a Rattler.
- Q. How about the third one?
- A. I can't tell from this photo what the third one is. Is it possible to look at the other photo I looked at first? The second aircraft is a Rattler.
- Q. P-65?
- A. P-65, yes.
- Q. Okay, let's look at the third aircraft on P-65. Is its insignia like the second aircraft or like the first aircraft or can you compare either one?
- A. The one to the extreme rear, the third aircraft, I cannot make out what it is in this photo.
- Q. All right.
- A. It's white and circular, I would say that it is not the same as that of the first aircraft. In all probability it might be the same as the second aircraft. Just a white disk.
- Q. If these pictures were taken on the 16th of March, would it be safe to assume that aircraft of two different units were involved in this particular area?

- A. Yes, sir.
- Q. Depicted in this photo?
- A. Yes, sir.
- Q. I'd like to show you photograph P-11 and ask if you can identify that photo as far as the aircraft and its unit of assignment is concerned.
- A. Normally, there's two ways to identify an aircraft. Number one, is the serial number on the tail. Number two, is by the picture painted on the front. And in this particular instance, if I recognize the individual who is flying the aircraft. Now what you're asking me to do is to interpret—
- Q. (Interposing) No, sir, I'm asking you only if there's any way you can identify the unit of assignment of that particular helicopter. You notice that the helicopter is apparently going to conduct a medical evacuation. Did the medevac helicopters operating in the 23d Division area of operations, helicopters have any significant markings?
- A. Yes, they had their own symbol.
- Q. What was that symbol?
- A. I do not recollect offhand.
- Q. Were they marked with a red cross?
- A. Yes, they were marked with a red cross.
- Q. Do you recall where it was, on the front, or side, or both?
- A. I do not recollect exactly where it was, but I know there was a red cross.
- Q. Did the medevac ships of the 23d Division area of operation carry doorguns?

- A. Not normally. Are you asking me to speak of the unit that was responsible for the medevac mission? If one of our helicopters was assigned a medevac mission, then they would have a doorgun on it. The fact that the aircraft was assigned a medevac mission doesn't necessarily mean that it is a dustoff.
- Q. We're attempting to identify, sir, and the reason for my question is, we're attempting to identify whether or not that aircraft and/or its crew were assigned to a regular medical service company, helicopter medical evacuation company, or whether the 23d Division, or organic to the 14th Aviation Battalion. Is there any way that you can help us in this identification?
- A. The fact that a doorgun is present would eliminate it from being a dustoff.
- Q. A dustoff in the sense that it would have been an aircraft assigned to the medical service company?
- A. That is correct.
- Q. Then we can eliminate that, is that correct?
- A. That is correct, yes, sir.
- Q. Then it probably would have either been assigned to the 123d or perhaps to the unit that it was supporting on this particular day?
- A. That is correct. That would by my opinion, yes.
- Q. I show you P-12, which is another shot of the same aircraft at a later time. Is there any way you can fix a unit identification to that aircraft now?
- A. That's a 1st Aviation Brigade aircraft since the crew chief has a 1st Aviation Brigade patch on, not the Americal patch.
- Q. Therefore of the three sources of helicopters, medical service company, Americal Division or the 14th Aviation Battalion, what would be your opinion as to the unit of assignment of that aircraft?

- A. It would have to come from the 14th. As to what company of the 14th, I cannot see the front of the aircraft. I cannot see the emblem on the front. The helmets of the pilots and crew chiefs are sometimes decorated to depict the company from which the helicopter originated, but I can't identify any of the helmets in the picture. Its not a normal practice to put the unit on the side although I have seen some of the helicopters that had the unit marked on the side. I don't see it on this picture.
- Q. You notice the doors are on.
- A. It's an H-model.
- O. An H-model?
- A. Correction, D-model, there were no H-models in the division.
- Q. And you notice the crew chiefs sleeves are rolled down.
- A. Yes, sir.
- Q. Was that standard practice in the 23d Division as well as the aviation brigade?
- A. Yes, sir.
- Q. Okay, sir. Is there anything else you can tell us about that helicopter?
- A. No, sir, not right off hand. I'm not a good intelligence man, I'd be the first to admit it, but I can't see anything else that I could use to deduce what company the aircraft was from. We've established the fact that it was from the 14th battalion. It couldn't be the 123d. It couldn't be a dustoff. It had to be the 14th.
- Q. There is no other source for helicopters, or you did not use any other source, I assume.

- A. Well there were a few Black Hats that were stationed at Quang Ngai which supported one of units, it was either ARVN or one of the advisory.
- Q. Who were the Black Hats, was it an Army unit?
- A. They were out of Da Nang.
- Q. An Army unit?
- A. Yes, sir.
- Q. Helicopter company?
- A. Yes, sir.
- Q. Is there any way--
- A. (Interposing) They normally would not get involved. If this picture was taken during a combat assault or action after a combat assault, it would not be one of these aircraft, but it's possible that on a medevac mission an aircraft could be called out of the sky on an emergency frequency to pick someone up.
- Q. Is it safe to assume that a dustoff as the aviator uses it, is a mission routinely handled and a normal mission for a lift unit, as a part of the combat assault technique?
- A. If the aircraft is available on the spot, the purpose is to get the man out as soon as possible.
- Q. Is there any way that you can think of, that we can ascertain the number of aircraft and unit of assignment of aircraft assigned to perform the combat assault for Task Force Barker on 16 March 1968?
- A. I can think of no specific piece of paper that would identify down to the last aircraft which were used in the operation. There had to be a certain amount of flexibility in pulling off a combat assault and the availability of the aircraft was unpredictible. If deviations from what the general put out at

the evening before had to be made, they were made through operational necessity to perform the mission.

- Q. As I've indicated earlier, we've been unable to put our hands on any document, written documents, or records pertaining to the operations within the Americal Division, with particular reference to the aviation support of the organic brigade, battalion, task force within the Americal Division during this time frame. Is there any report that we have not mentioned or any written document that you know of, or know where it might be that we could go to it and try to ascertain the information we are seeking?
- There was an after action report, if the aero-Α. scouts were involved in this, and I do not know if they were or not. There was an after action report made out each evening and brought to the division TOC and given to the operations officer in the G3 shop, stating what the aero-scouts had done, what problem areas they had encountered, something along those lines. This was given to the G3 operations officer for the SITREP report, or intelligence, or whatever use thay might have for it. A copy of this should have been kept at the 123d Aviation Battalion as far as I know. After I assumed the S3 job, there was a copy of this thing that was kept, but I did not make a specific point to go back and try to find copies that were kept prior to my taking over. Not making excuses for the paperwork, but the battalion was newly formed in-country out of assets of one company, which was the 61st part of the 14th. As the personnel came on station, as the battalion grew, it became organized, and there were officers to fit into the positions that were qualified. I had a nonaviation type that worked in the TOC, Captain WISNIEWSKI, who was not an aviator. He was assigned to help out as much as he could during this shortage. Then the reporting system became better and more complete reports were kept. But I know that this after action report existed, because I have read it many many times.
- Q. Do you remember the form number?
- A. It was not a form. It was typed out on a sheet of paper by the operations officer, Captain MOE, of the aeroscouts. This thing was brought to division and given to the operations officer in the TOC. They worked for him, they didn't work for me and I do not know whether he filed that report or not.

- Q. We've had some conflicting testimony in evidence that on 16 March 1968, that more than one unit was involved in the actual combat assault. In addition to the aero-scout being involved in the mission. We've had reason to believe that the Dolphins, the 174th were augmented by the Rattlers, the 71st. In some cases there is some thought that the Firebirds furnished a gun team. Do you have any information or any recollection as to what aircraft were in fact involved on 16 March?
- A. No, sir, I do not. It's entirely possible that this is exactly what happened. On the morning of 16 March, when it came time for the mission to be accomplished, that although the 174th may have been initially assigned the mission that substitutes were made on the spot from the other two companies. If the aero-scouts were in the vicinity of the operation and they were called on to help out, there is no reason why they should not have helped out. It's quite possible that in helping out that this after action report which was given to the division TOC did not reflect this. There is no way of having this in writing, what actually went on.
- Q. But as you said earlier that it was not unusual to have just one gun team, the two gunships in support of a lift of nine slicks.
- A. That was the normal procedure unless there was--
- Q. (Interposing) It was normal procedure?
- A. Yes, sir, for a CA of this size it was normal procedure, and I'm speaking for the 14th and what I know of their operations.
- Q. Right, I understand.

COL ARMSTRONG: Let's drop the technical side of aircraft now and think back to September, this last September, October. When this story hit the newspapers, what was your personal reaction? Emotional, professional, whatever?

A. I could understand that the incident could have easily happened.

- Q. Did it ring a bell, did it come--anything familiar hit you about this. Or was it shock, disbelief?
- A. No, sir, I did not express disbelief.
- Q. What did you feel?
- A. I felt that, disregarding individuals, there could have been an incident of this nature as part of what happens when civilians get involved in a war. I know for a fact that I have heard rumors to this effect that gunships had occasionally killed innocent civilians, not through intent but through accident.
- Q. But this wasn't that kind of story.
- A. This was not that kind of story, that is correct, sir.
- Q. There is a big difference between a group of civilians getting caught in a crossfire and somebody gathering up a bunch of civilians and shooting them down in cold blood.
- A. If the civilians were grouped together and shot down by an individual or a group of individuals in cold blood, then I think this is an atrocity of a serious nature.
- Q. Wasn't this the report of that news story?
- A. Yes, sir. But I do not believe everything I hear on the radio or--
- Q. (Interposing) Well, then were you disbelieving that part of it or were you thinking in terms that this may have been an exaggeration, or what? The thing is that I'm trying to get from you as the man who was there in the unit, would have identified himself as being there, your personal reaction to this, professional, emotional. You're going to get some kind of reaction, particularly when you realize the import that this was cold blooded murder. That was the story.
- A. Assuming that the story is true, under that assumption then I think from a legal point of view it was something that could not be tolerated, that was definitely--

- Q. (Interposing) No, I'm not talking about that. I appreciate that--
- A. (Interposing) From my emotional--
- Q. (Interposing) You looked at that newspaper story and you said what to yourself?
- A. I said if the man were guilty then he should be punished for having done it. I didn't feel--
- Q. (Interposing) You did not feel that this was-then you felt that this story was not a correct reporting of the incident?
- A. I felt that there needed to be a lot of explanation before this man was unjustly accused.
- Q. What I'm trying to really get is that it didn't strike a chord, an answering chord, something familiar in the back of your mind that this was an event that actually happened, the way it was reported.
- A. Not from the fact that I knew anything about it, that it rang a bell that I recall that on such and such a day I heard some individuals.
- Q. Did you hear a rumor somewhere that this could have happened in the Americal Division?
- A. No, I did not hear any rumors to that effect. First I heard about it from an individual, as I say Major KEATING.
- Q. And that was the first inkling you had that this could possibly be true?
- A. No, I would not rule out that it could be true.
- Q. We're rational human beings, we know that this--
- A. (Interposing) You ask me to make the assumption that it was true. Under those circumstances then I say the

man should be punished. But I didn't have any great feeling of remorse that our country had been castrated, because some lieutenant had killed a bunch of Vietnamese. Although I feel it was right, if it were true, if it is true. I know for a fact that civilians get killed in combat. I've seen a couple of civilians killed through error.

COL PATTERSON: You say you've seen a couple of civilians killed.

- A. Yes, sir.
- Q. What type of report--was this when you were in the Americal Division?
- A. Yes, sir.
- Q. What type or report was rendered?
- A. When I say civilians--
- Q. (Interposing) Vietnamese nationals.
- A. Vietnamese nationals that are black-pajama types that ran when the helicopter approached and tried to seek out cover.
- Q. Did you see any women?
- A. Yes, sir, I saw a woman killed.
- Q. Young children?
- A. No young children, no, sir.
- Q. Old men, older than military-age Vietnamese males? Let me rephrase it. Someone that in your mind did not appear to be a bona fide VC?
- A. No, no intentional murdering of innocent civilians that could be classified--

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- Q. (Interposing) Intentional or unintentional.

 Just whether or not in your mind you saw dead Vietnamese that in your mind you assumed or thought at the time that they were not bona fide Viet Cong.
- A. I saw a woman killed in this area on this beach who was shot by a doorgunner because she ran (indicating south of An Loc). She was swimming, got out of the water, and ran, and the doorgunner killed her, shot her up, shot her leg up and her arm.

There were recon zones south of Tien Phuoc which is in the 198th AO. And I had been with them flying as "peter pilot" that is, not as an aircraft commander, when males clad in pajamas who evaded, ran for cover were shot at. I don't know whether they were killed. I just know they were shot at. As the aero-scouts approached with a low recon chopper and then two choppers behind that, two gunships and a slick that if these people evaded they were shot at. This was in a non-friendly area. In other words, it was way back out in the boondocks which was known VC territory, because they live there. It was known that they operated in the area. It was known that they had access to the area.

- Q. Was a report made of this or either of these two incidents?
- A. Yes, they were reported, yes, sir. As to how they were classified I know for a fact that the female was reported as one female wounded, and this was submitted to division head-quarters, but this was not during this time frame, this was later on.
- Q. Was any requirement for an investigation directed as a result of this?
- A. Not to my knowledge, no, sir.
- Q. Do you know of any investigation of civilian, Vietnamese national or anybody classified as a noncombatant civilian, any reports?

A. There were investigations that were run. There was a couple of sampans that were shot up and an investigation was conducted to try to ascertain, they knew that the individual who did the shooting was reported by the Vietnamese to have a red helmet on. And we ran an investigation to try to find any individual with a red helmet. We couldn't find him. But there were as I remember two or three investigations that were run to try to find individuals who fired from helicopters at people on the ground, who had wounded innocent civilians.

MR MACCRATE: Captain RECTOR, we've taken you through quite an exercise in helping us with this identification of aircraft and we're very grateful to you for coming in today. Excuse me--Major RECTOR. If you have any questions you'd like to ask of us or any statement you'd like to make for the record or any suggestions as to additional avenues that we might pursue in getting out, as we are attempting to do, all of the facts with respect to the incident we would welcome them right now.

- A. Well, it seems that most of the questions that were directed to me were, as you say trying to ascertain which helicopters were involved. Formal reports in a combat situation down at this level were minimal from a point of view of operations. The many, many changes that take place would require a man to sit and write all day long if he kept up with the changes that took place as far as helicopter allocations. The only way I could think of to ascertain which helicopters were involved is to find out who was assigned to the unit, who was present for duty during this particular time and go from there, which would be an astronomical problem I realize.
- Q. You have nothing that sticks in your mind from your hours back in the TOC, back in this time frame that suggested to you in any way that an unusual occurrance had taken place at My Lai or the Pinkville area in March of 1968, or that any subsequent investigations were proceeding within the division?

(RECTOR)

A. No, sir I was not informed, I do not remember any incident of this nature. As I stated before, Colonel HOLLADAY did not always discuss with me all of the transactions that were going on down at the battalion, which was physically removed from the division TOC.

MR MACCRATE: Well, thank you very much. We'll recess at this time.

(The hearing recessed at 2015 hours, 28 January '1970.)

SUMMARY OF TESTIMONY

WITNESS: REUTNER, James A. CPT

DATE OF TESTIMONY: 30 January 1970

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Gunship Pilot, Company B, 123d Aviation Battalion, Americal Division.

PREOPERATIONAL PLANS AND BRIEFINGS.

The witness could not recall any briefing on 15 March.

ASSAULT ON MY LAI (4).

Captain REUTNER flew 3.1 hours on 16 March 1968 as copilot in a UH-1B gunship (pg. 3). The witness remembered making a gunrun in the vicinity of Hill 85. The infantry organic to the 123d was inserted after mortar tubes were spotted on Hill 85. However, after insertion, it was discovered that there were only enemy mortar rounds and not mortar tubes on Hill 85 (pg. 17). He remembered talking with the platoon leader on Hill 85 (pq. 17). REUTNER definitely recalled Warrant Officer THOMPSON landing to pick up some kids (pg. 19). He also recalled that a gunship landed twice and then flew to the southwest (pg. 20). However, he was not sure if he saw Warrant Officer MILLIANS land, or if he only heard about it (pg.21). He saw a few bodies on the trail that comes out of the southeast corner of My Lai (4), and four to six bodies adjacent to Highway 521. He assumed that the persons along 521 had been killed by the Sharks, but in fact he did not know how they were killed (pgs. 23, 24).

(REUTNER)

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3. INQUIRIES CONCERNING THE ASSAULT.

REUTNER recalled some of the pilots talking with Major WATKE about the bodies afterwards. He had no knowledge of a report being made to anyone other than WATKE, but he felt that Lieutenant Colonel HOLLADAY was informed (pg. 25). He never heard anything about an investigation (pg. 25). Although the witness felt that what occurred in My Lai (4) required an investigation, he did not say anything because he had recently arrived in Vietnam and he did not think WATKE would take action even if he did complain (pg. 28). REUTNER never talked with Colonel HENDERSON or a general officer, nor did he make a statement as part of an official investigation. He did not know anyone who gave a statement (pg. 26).

4. OTHER INFORMATION.

REUTNER had talked with no one from the Americal Division about the 16 March 1968 My Lai operation.

EXHIBITS

EXHIBIT			
NUMBER	DESCRIPTION	NOTES	PAGES
		Wit identified	1
P-45	Oblique Photo	My Lai (4).	4,5
MAP-4	Map 6739 II	Oriented the wit.	4
			
MAD-E	Map 6739 II (small scale	Oriented the wit.	5
WAF-5	Map 0/33 11 (billett 0001)	7	
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(The hearing reconvened at 1520 hours, 30 January 1970.)

LTC PATTERSON: The hearing will come to order.

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

The next witness is Captain REUTNER.

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

LTC PATTERSON: Captain, are you represented by counsel?

- A. No.
- Q. Please state your full name, grade, Social Security number, branch of service, organization, and station.
- A. Captain James Alan REUTNER, U.S. Army, 14th Armored Cavalry Regiment, Air Cav Troop, APO 09146.
- Q. Have you been shown Exhibit M-81, instructions to witnesses?
- A. Yes, sir, I have.
- Q. Did you read the information thereon?
- A. Yes, sir, I did.
- Q. Do you have any questions concerning what that said?
- A. No.
- Q. Do you understand the purposes of the investigation?
- A. Yes, sir.
- Q. Do you understand the order not to discuss your testimony except before a competent judicial, legislative, or administrative body?

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- A. That's affirmative.
- Q. Do you understand your rights to counsel, and right to refuse to answer any questions?
- A. Yes, sir.
- Q. Do you have any questions about these questions whatsoever?
- A. Not right now. No.
- Q. Would you state your unit of assignment on 16 March 1968?
- A. On 16 March I was assigned to Company B of the 123d Aviation Battalion, Americal Division, Chu Lai, South Vietnam.
- Q. And what was the type of mission of Company B of the 123d during that period of time?
- A. During that period of time it was reconnaissance.
- Q. Reconnaissance in aero-scout type tactics?
- A. That is right.
- Q. What was the particular name?
- A. It was called the aero-scouts and later named the Warlords.
- Q. Do you know who your company commander was on 16 March?
- A. No, sir. I do not recall.
- Q. You were assigned to what position within Company B? What specifically did you do, how were you assigned and to what position?
- A. I think I was a section leader.
- Q. Of what?

- A. Of the gun section.
- Q. The gun section?
- A. I think. I don't know. I don't remember.
- Q. Did you fly on 16 March 1968?
- A. Yes, sir. I did.
- Q. How do you know that?
- A. I checked back on my flight records.
- Q. And it is what form?
- A. 759.
- Q. How much time on 16 March?
- A. 3.1 hours.
- Q. In what model aircraft?
- A. UH-1B.
- Q. Remember Tet?
- A. Yes, sir.
- Q. Have you talked with any individual assigned to the Americal Division, or any subordinate unit therein, with reference to the activities of 15, 16, 17, and 18 March 1968 since you left Vietnam, other than the CID agents that interviewed you recently?
- A. No, sir. I haven't.
- Q. You have made no contact with anyone that was in the unit?
- A. That's affirmative.
- Q. When were you assigned to Company B of the 123d?
- A. I think on 15 February, or thereabouts, maybe it

was the 12th. It was in the middle of February. I'd have to look at my records.

- O. How long were you with Company B of the 123d?
- A. I was with them until the first part of June I think, then I got infused into F Troop of the 8th Cav.
- Q. Where was F Troop of the 8th Cav located?
- A. Right down the street about 100 meters.
- Q. Is that a ground unit?
- A. No, sir. That's air cavalry, 1/1.
- Q. Then you had been in country, I assume from the middle part of February about 1 month as of 16 March 1968?
- A. Sir, I had been in the 123d approximately 1 month, but I came in country 3 February. I was in the 90th Replacement.
- Q. Did you get a check-out when you arrived in B Company, 123d?
- A. What do you consider a check-out?
- Q. To fly the model helicopter that you were assigned to fly.
- A. I flew around the pattern a couple times.
- Q. With an IP?
- A. I don't know if he was on orders as an IP or not.
- Q. Did you feel you were proficient?
- A. Not at that time. Well, let's say I was proficient enough when I left flight school.
- Q. How about 16 March 1968?
- A. Let's say I was on my way. I had 30 or 40 hours by then, combat time.

- Q. Were you an aircraft commander?
- A. Negative.
- Q. Do you recall who you flew with on 16 March 1968?
- A. Negative.
- Q. When was your first mission?
- A. Well my first mission was, I think on 15 or 16 February, first combat mission.
- Q. Did you fire your weapons at that time?
- A. That's affirm.
- Q. You recall that don't you?
- A. Yes. I had to get checked out.
- Q. When was the first time you killed a human being?
- A. Could have been on that first day.
- Q. In that you positively know and remember seeing him dead?
- A. I don't recall, sir.
- Q. You don't recall killing your first human being, positively?
- A. Well, I don't remember ever actually seeing anybody drop.
- Q. From your weapons, the weapons that you pulled the trigger on?
- A. That's affirm.
- Q. How many hours did you fly in Vietnam, Captain REUTNER?
- A. 708.

- Q. Do you recall receiving a briefing on 15 March with reference to an operation to be conducted by Task Force Barker, a combat assault, in the vicinity of Pinkville, My Lai (4) on 16 March?
- A. On that particular day, 15 March? No, I don't.
- Q. What day do you recall receiving a briefing on the operation?
- A. Well, I don't ever recall actually receiving a briefing because I was new then, a "peter pilot". Sometimes we had a briefing in the morning and sometimes the day before if we had prior knowledge we were going on an operation. As far as that day I don't know. I might have; I might not have. I don't recall.
- Q. I'd like to show you a 1:25,000 map of the operational area of Task Force Barker on 16 March 1968. Did you use a map like this or did you use a 1:50,000 map?
- A. We used both, sir.
- Q. Are you familiar with this map as far as the scale is concerned, or would you refer a 1:50,000?
- A. I would prefer both of them.
- Q. These maps are Exhibit MAP-4 and MAP-5.
- (LTC PATTERSON oriented the witness on MAPS-4 and 5)

Do you feel you are orientated a little bit on that map now, the 1:25,000? I'd like to show you an oblique photograph of My Lai (4), taken from 1000 or 1500 feet. Can you orient yourself on that photograph (Exhibit P-45) and that map?

- A. Oh, I imagine I could.
- Q. Where is that photograph taken?
- A. Well, it's taken right from the west looking east across My Lai. Here you can see this little "bippy doo" in the river, and of course 85 would be off to the

upper right-hand corner.

- Q. Can you identify that as being My Lai (4) with a map comparison?
- A. Yes, sir.
- Q. I'd like to show you another photograph (Exhibit P-1), a vertical aerial photograph. The scale, 1 inch equals about 85 meters, or an inch and a quarter is 100 meters. You will notice here the distance from My Lai (4) to 521 due south would be how many meters, 300 meters, 400 meters?
- A. Yes, sir that would be a rough estimate here.
- Q. You will notice Hill 85 near the top of the picture, a good kilometer. Do you recall participating in a mission in and around this area on 16 March?
- A. I don't recall 16 March, but I do recall a mission in that area by the terrain features on that map that has been pointed out.
- Q. Let me give you a few facts that we believe to be true based on the evidence derived from the testimony and so on. About 0720 in the morning a combat assault was conducted by Task Force Barker to the area just to the west of My Lai (4), in the open area immediately to the west. The LZ is thought to be generally 100 meters west. The artillery was fired out of one of the fire support bases that you recall being at. Do you recall the artillery preparation and from where the artillery prep was coming that day?
- A. No, sir. I don't.
- Q. It was coming out of LZ Uptight about a 3-to-5 minute prep, and the touchdown was at about 0730 hours, from south to north generally, to the Quang Ngai River, and maybe a little north, and turning north just to the west edge of Hill 85. You can probably remember Hill 85 because of the terrain. It probably was quite a pretty large lift and for that matter, probably one of the first missions the aeroscouts had been a part of. Do you recall any of the events thus far?
- A. I don't recall much of it, but I do remember

that particular day we got called out early in the morning I think around 0800 or 0830, that they had a contact in that particular area.

- Q. We have reason to believe the aero-scouts were on station a little past 0730, a little late getting to their operational area which was to be south of 521. It was to be a screening mission and to protect the southern flank of Task Force Barker operating to the west of My Lai (4). Do you recall being late?
- A. No, sir. I don't recall being late, but I recall the H-23 was late getting on station, if I recall correctly. It might not be, I don't know.
- Q. Soon after touchdown there were some incidents that occurred in the area. The Sharks found some targets, and the Warlords found some targets. Timewise we feel, and according to the log, this was approximately 0740 hours in the morning. Do you recall engaging any targets at this hour in the day?
- A. I recall engaging a target around 0830 or 0815. We might have had two teams up that day, a total of six aircraft; two gunships and a 23, and the same aircraft manning a second team or a relief team. As I recall, we were called out there later on, after 0800. There was a company in contact with the Sharks about down here. I remember now a unit from the 197th or the 196th because their unit was south of Chu Lai. I don't remember which way it was. We were called out and the 23 came out because we weren't able to.
- Q. Well, this was a preplanned operation as far as your company was concerned? There was no call out with reference to any combat. It was a preplanned operation?
- A. I don't remember if it was or not.
- Q. You don't remember landing specifically west of My Lai?
- A. That's affirmative. I don't remember that.
- Q. Do you remember firing in this area?
- A. Yes. I do.

- Q. Can you indicate on the aerial photograph where you fired?
- A. Yes. We hit the treeline just south of 521, where that one little trail comes in. There was once along the west side of My Lai (4), and up to and let's say about, well 300 meters west of My Lai (4) on the south side of the road.
- Q. What were you shooting at?
- A. Well, we called the ground coordinates, the person operating the radio at that paricular time, and asked if he had any targets for us. I don't recall the exact conversation. I just remember shooting up the treeline out to the south, well, it varies 25 or 50 meters south of Highway 521.
- Q. How far is that area south of My Lai (4)?
- A. It looks to be about, I'd say, about 200 meters, 150 meters, well, wait a minute, about 250.
- Q. That doesn't quite agree with what we have heard, and maybe we can pursue it a little bit to see if we can sort it out. We have reason to believe the Sharks engaged a couple VC north of My Lai, a lot of commotion up there. That was right after the lift went in, and right after they engaged that one, they found a Vietnamese boy in that area. About the same time, the Skeeter found what he called a "dink," Vietnamese or two, somewhere over on the northern edge of Hill 85. Warlords engaged that target and approximately the same time the Sharks were engaging its target South of 521, 50 to 75 meters there just due south of My Lai (4). There was some confusion to coordination, as to where the Sharks were going to be and where the Warlords were going to be. Do you recall that?
- A. Now that you mention it, we might have made a couple of passes where the Skeeter supposedly spotted the "dink" at Hill 85, but I also recall making gunruns. There's a trail that comes out of the southeast corner of the My Lai village.
- Q. At this time?
- A. Yes, because we were having trouble making our qunruns and I think--about them firing north and south while

we were around the hill, I don't remember -- very sketchy.

- Q. We have reason to believe the gunruns for the Warlords were from the northeast to the southwest, and they were firing passes, gunruns as you call them, which means you're on a descending turn, firing the main ordnance system of the helicopter. They were concerned some of your rounds might stray over to where they were. Do you recall this incident specifically or it doesn't mean anything to you?
- A. Not where the Sharks were. I think they were up on the east side of the village, here.
- Q. Do you recall making a gunrun in there on 16 March?
- A. Not on 16 March, no.
- Q. After this coordination problem, Warlord Alpha lead, Mr. BAKER, decided to call off the gunrun and the Sharks were supposed to stay north and the Warlords south of 521 to prevent any midair and coordination problem. But at this time, after they called off their gunrun, more over to the east of Hill 85--anything dawn on you yet?
- A. Well, I don't remember. I don't think I was flying with Mr. Baker. Maybe I was. I was flying with lead that day.
- Q. All I want is--if anything I say fits back and you recall an incident just say so.
- A. I do remember we had a coordination problem with the Sharks and our team. I remember hearing it.
- Q. On the radio?
- A. Yes. I do remember we left the area; I can't remember if we broke station right there.
- Q. When you were making your gunruns you would have had to have flown over Hill 85 and it would have been dangerous to land, especially like that?
- A. I wasn't aircraft commander, I was a "peter pilot." I was learning to fire and looking at instruments.

- Q. What were you firing?
- A. The M-5 system, 40 millimeter grenades.
- Q. Where were you firing?
- A. I think mostly in the field south of Hill 85.
- Q. Did you see any people on the road.
- A. Bodies, well if they were laying down, I don't get in that close.
- Q. Did you see they had been shot or are you making an assumption, Captain? Did you see they were shot?
- A. No. I didn't see they had been shot.
- Q. Could they have been hiding?
- A. No, not the way they were lying. I think I saw two or three, where they came out of the village, the southeast corner of My Lai (4), where it intersects 521. I don't remember, it might have been there and it might have been farther south.
- Q. What time was this now? Think.
- A. About 0830, I think, after we were on station for 35 or 40 minutes.
- Q. Well, the log indicates the 123d engaged their targets on Hill 85 at 0750 hours in the morning. Do you recall any of this or are you just kind of--do you have any recollections, could this be this operation?
- A. Well, I'm sure it's this operation. I don't recall the time that close, it might have been 0750.
- Q. I see.
- A. I might have been on the B team. I can't remember if I was on A team or B team, or even if we had two teams up.
- Q. The firing passes we believe, according to documentary evidence, occurred somewhere. The killings were claimed

at 0750, which means the firing passes by the Warlords were made prior to 0750. At any rate, by this time in the morning a second lift arrived and set down in the area west of My Lai. We have reason to believe at this time, about 0750 in the morning, you had made your firing passes, completed them, and were further to the east. This was 20 minutes before the whole operation begun. Do you recall seeing the second lift land?

- A. I recall a second lift, but I don't recall what time it was, or where we put them in. I think we might have covered them, if I'm not mistaken.
- Q. Do you recall the second lift west of My Lai (4)?
- A. I can't recall west or where.
- Q. Do you recall seeing a lot of smoke popping to the north of My Lai (4), or to the south of My Lai (4), smoke being layed in areas, incendiary colors marking the positions where the Sharks engaged?
- A. No, sir. I saw some smoke popped over there.
- Q. About this time there was some talk over the radio about a lot of people down there on 521 moving off to the southwest. The word came in that they wanted the Warlords to run along 521 and get a Skeeter to kind of separate and segregate a couple, two or three. Do you recall this incident specifically?
- A. Not that specific incident, but there were a lot of people moving to the southwest along 521.
- Q. Do you recall actions of the Warlords to segregate anyone down there?
- A. I think he might have flown up and down, but I don't remember if he stopped and picked up anybody or searched them.
- Q. Well, Mr. THOMPSON indicates to you he was flying the Skeeter. He hovered down low. There was a C&C ship interested in these people. The C&C ship thought they saw four military-age males in this group of people and Mr. THOMP-SON was trying to segregate out these four. Does that ring

any bells?

- A. No, sir. It doesn't.
- Q. He got down real low and fired in front of them, and finally got a couple to stop, two of them. Do you recall this?
- A. No, sir. I don't.
- Q. The gunships probably could have been covering, and had you been there at this point in time, you would have recognized that the C&C ship came down while THOMPSON was getting them there. The C&C ship came in and picked them up and put them aboard the C&C ship. Do you recall the incident?
- A. No, sir. I don't.
- Q. All this occurred around 0815 or 0820 in the morning according to the testimony. About this time the second LZ was planned and the artillery firing commenced. The second rifle company was going to be inserted. Do you recall the second LZ this morning?
- A. No, sir.
- Q. The second LZ was generally to the area just to the southeast of Pinkville proper, and the artillery was being fired out of Uptight. The artillery began about 0815 in the morning and had a problem getting those slicks in there. Do you remember anything about that?
- A. No, sir. I don't.
- Q. The artillery didn't shut off in time. The nine slicks from short final had to make a go-around. They made a go-around out over to the east, and out over the peninsula and made another approach and put them on the ground. A second lift into the LZ was complete at 0827 according to the log. Do you recall seeing any part of the lift?
- A. No, sir. I don't.
- Q. Right about this time, right while the lift was going on, there was some activity after the two people were

picked up by the C&C. The Skeeter saw something else south, in the vicinity of Hill 85. Do you recall what it was.

- A. No, sir.
- Q. He thought he saw somebody, so he inserted the "animals" which were at this time orbiting to the south, generally over the area of the Quang Ngai River, led by Captain MOE.
- A. Yes, Captain MOE.
- Q. Do you recall anything about participating in the landing of the "animals" on Hill 85?
- A. Yes, sir. I remember it.
- Q. Tell me what you remember about it?
- A. The only thing I remember is we had the Skeeter. I don't remember what mission or what day, but I do remember him flying around Hill 85. He was saying he had something that looked like mortar tubes. In fact I don't remember if it was that day, we came back the next day and inserted our "animals," and secured our hill top.
- Q. Do you remember escorting the "animals" in?
- A. Well, I would have to assume that we did.
- Q. Do you remember it?
- A. Yes, sir.
- Q. Do you remember anything unusual happening?
- A. Well, I think they heard they were receiving fire from the southwest side.
- Q. Southwest or southeast?
- A. I don't remember which side it was.
- Q. Do you remember engaging?
- A. Yes, sir.

- Q. Main armament system?
- A. I don't recall what I was firing.
- Q. Did you fire?
- A. Well, if I was going in, I must have fired.
- Q. Do you remember firing, Captain REUTNER?
- A. Do I recall? No, I don't recall.
- Q. Do you remember how many slicks were involved in the "animal" insertion?
- A. I'd have to say two.
- Q. Why?
- A. Wait a minute here, let me think about that a second. We usually only had one slick. However, they might have had the other slick come down and made two trips, maybe it was one slick and only put half the "animals" in.
- Q. Well, Captain MOE thought it was three slicks. He was flying lead slick and indicates he had a bit of a problem and couldn't get his troops on the ground with two slicks behind him, does that ring any bells?
- A. Now that you mention it, yes.
- Q. Tell me about it.
- A. I don't remember what his problem was, he was still quite new in country, as I recall he was a fixed wing driver and went to the "Q" course and had 50 hours.
- Q. Yes, but do you recall the incident?
- A. I recall the incident well. I do remember him making a go-around and the other ones going in, I think the other was named Mr. STAMOS.
- Q. Do you recall firing now?
- A. Oh, I don't remember what I shot.

- Q. Were you firing on the right side or left side of Hill 85?
- A. Damn, you make things tough, don't you?
- Q. Well, I'm attempting to make you recall and giving you information to see if in fact it did happen and if you do recall. If you don't recall just say so, the facts are what we're trying to get.
- A. I can't remember what side it was, I do recall firing though. I remember seeing tracers.
- Q. Do you remember what you were firing at?
- A. Well, we were firing to the side of the hill that led up to the top.
- Q. Were you making a right flank and firing north to south, or south to north or what?
- A. I think--pases were made to the north--
- Q. (Interposing) You did a 360 on the top of the hill?
- A. I don't recall.
- Q. This time was about 0830. Do you recall, this day, do you recall firing over there on this hill, which was 16 March. Do you remember whether you had been on station very long at that time?
- A. No, sir. I don't recall we were on station any length of time.
- Q. Do you remember needing fuel or thinking about fuel after the "animals" were on the ground?
- A. No, sir. I don't recall that.
- Q. Do you remember hearing any transmissions on the radio between any of the other elements involved in the operation on that day that you recall this Hill 85 escapade?
- A. No, sir. I don't.

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- Q. The same day that you recall putting the animals on Hill 85, is that the same day you recall seeing the people on 521?
- A. No, sir. I can't say.
- Q. Was it the same day you made your passes?
- A. It could have been. I don't recall.
- Q. Do you recall any requirements for dustoff, or any requirements for dustoff in the My Lai (4) area?
- A. Yes. I think I remember a dustoff. I don't remember what time, where he landed, how many people he picked up.
- Q. Do you remember seeing it, or covering it, or anything?
- A. No, sir. I don't.
- Q. Do you recall they found these two mortar tubes on Hill 85?
- A. I don't think it was mortar tubes, I think it was mortar rounds. I don't remember the exact number. The number 78 sticks in my mind.
- Q. The log shows initially 20 rounds of 60 millimeter and later 40 rounds of 60 millimeter.
- A. I think it was 82, a couple of 82 and then some of the 60.
- Q. Do you remember how it got out of there?
- A. We had an EOD team come in and blow them up.
- Q. From where?
- A. I don't remember, maybe Duc Pho. I don't remember.
- Q. Were they blown in place?

- A. Yes, sir.
- Q. Do you remember seeing the explosion?
- A. Yes, sir. Yes, it destroyed all the underground bunkers on top of the hill.
- Q. Do you recall pulling any "animals" out of there?
- A. No. Maybe we made our firing passes and pulled them out. I don't remember.
- Q. Do you have any idea what time it was now?
- A. No, sir.
- Q. Do you recall any radio transmissions going on at any of this time with any of the other elements?
- A. I remember talking to the "animal" 6. What the hell was his name, little short guy, blond hair, APPLE, Lieutenant APPLE, he had just made first lieutenant, and was rotating to the States, I think, in October?
- Q. Do you remember being concerned with air-to-air coordination, or as far as the other activities, with the other aircraft in the area?
- A. We were always concerned with other aircraft and coordination was always a problem because you don't have one honcho who runs the whole show, unless the C&C, and he was usually.
- Q. You don't remember who the C&C, Coyote 6, was?
- A. Coyote rings a bell, but I don't remember 6.
- Q. Were your firing passes before or after 521?
- A. I don't remember if it was the same day.
- Q. Well before or after 521 on the same day?
- A. I--
- Q. (Interposing) The day you remember your firing

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passes south to north in support of the "animal" insertion that you recall, do you recall your firing passes as you indicated?

- A. Yes. They were about 37 on heading.
- Q. You don't know if you over flew 521 or turned to the west or east?
- A. I don't recall.
- Q. Do you remember refueling or going for refueling on this day?
- A. No, sir. I don't.
- Q. We have reason to believe about 0850 in the morning Warlord Alpha lead, BAKER, called over the air to Coyote 6, Task Force Barker, that was Colonel BARKER, that they were going to blow these rounds in place. The EOD team came out of Dottie, and it was twenty, 40 millimeter mortar rounds. Do you remember on that day you made these passes and you recall seeing the "animals" inserted, and the day of the mortar rounds going up, to check any of the people anywhere else, or the Skeeter going up to check large numbers of Vietnamese nationals north of 521 in the My Lai area?
- A. Well, I recall us checking it out one day. I don't remember what day it was. I don't remember what unit it was. I remember Skeeter going down and picking up some kids.
- Q. Were you there and did you see him land?
- A. Yes, sir.
- Q. Was this the first time you had seen the Skeeter land?
- A. I don't remember seeing him land and picking up some kids. I don't know what mission it was.
- Q. Did you cover him?

- A. Yes, sir.
- Q. Was he the only one that landed?
- A. To the best of my knowledge he was.
- Q. You don't recall one of the gunships going down and landing? You did know the other gunship with you?
- A. Boy, it's really vague, but I do recall, I think.
- Q. Mr. MILLIANS?
- A. I don't remember who it was. Now that you mention it I think I do remember a gunship landing.
- Q. What did he do, what did he land for?
- A. I think he picked up somebody, too.
- Q. Where did he take them?
- A. Well, Mr. MILLIANS landed twice, on two separate occasions in the same area, and evacuated some of these people, took them off to the southwest, further than 521.
- Q. Mr. THOMPSON was on the ground at that time. Do you recall any of the conversation going on between you and your ship and Mr. MILLIANS ship?
- A. No, sir. I don't.
- Q. Wasn't that rather unusual for a gunship to go on the ground?
- A. Yes, sir. That was. I think that might be hearsay, because I don't remember if I was on that mission. I
 don't remember seeing the Skeeter land. I think the gunship,
 Mr. MILLIANS, landed when we were refueling.
- Q. What did the Skeeter do? You say he picked up someone?
- A. I think he picked up a group of kids.

- Q. What did he do with them?
- A. He took them to the fire base up north, could have been Uptight, I don't know.
- Q. Well, Mr. THOMPSON seems to think he took one wounded little boy to Quang Ngai hospital, landing at the helipad there, the Vietnamese hospital pad.
- A. He might have, sir. I don't recall.
- Q. You can't recall?
- A. I can't recall.
- Q. But you recall seeing him on the ground?
- A. Yes, sir.
- Q. You don't recall the gunship being on the ground?
- A. Like I said, that was hearsay. I think I heard it from one of the other pilots after the mission.
- Q. Do you recall seeing any dead people in the vicinity of My Lai (4) at any given time?
- A. Yes, sir. I do.
- Q. Where.
- A. I think it was on that trail that runs out of the southeast corner of My Lai (4) and down to 521. It was on that trail, and I think now that I really think about it, I think Mr. THOMPSON picked that kid up, the wounded kid in that area. I remember seeing a couple of bodies. We made a low pass along that trail.
- Q. How many bodies did you see? You are indicating the trail to the southwest, 200 to 300 meters. How many bodies did you see?
- A. I'd say about three to four on that trail right there, about halfway between a river and trail intersection. That is where I saw a couple of those bodies.

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- Q. Did they appear dead to you?
- A. Quite dead.
- Q. Could you tell anything about ages or sexes?
- A. I remember particularly seeing one woman and I think a young man next to her, and or a child maybe 2 years old, they looked like 25. I don't know.
- Q. Was that the first time you have seen death up close?
- A. I would have to say, yes.
- Q. Is that why you recall it?
- A. Yes, sir.
- Q. Do you think Mr. THOMPSON was in the area at this time?
- A. He was.
- Q. You mean he was landing or was on the ground?
- A. Yes, sir. I remember seeing him on the ground, because they specifically asked THOMPSON to come down. I remember seeing a couple of GI's around the aircraft.
- Q. Could you talk to THOMPSON from your ship?
- A. Certainly.
- Q. Do you remember talking to him?
- A. No, sir. I don't.
- Q. Do you recall him saying anything about what he was going to do when he landed?
- A. No, sir.
- Q. Do you recall him talking about what he saw when he landed?

- A. Well, he told us earlier that he had some bodies along that road. That's why we made a low pass.
- Q. Did you see any more bodies?
- A. Yes. I saw some along 521.
- Q. How many?
- A. I'd say anywhere from four to six.
- Q. On the road itself?
- A. No, lying off to the side.
- Q. Do you recall those specifically too?
- A. Well, I don't recall exactly how many. I think some were down here to the south where the Sharks were supposedly working, and then up here to the northeast where the trail intersection runs out to 521.
- Q. When you saw the bodies right along 521, was this after the Sharks had been down there, or at some later time, or do you recall?
- A. This was earlier in the morning I think. I don't remember.
- Q. Did you make an assumption that the Sharks had shot those people?
- A. I assumed that in the back of my mind.
- Q. How did you feel those people along 521 were killed then?
- A. Well, we were shooting along this—now the more I think about it it might have been at the base of the hill when we were making our gunruns. I specifically remember shooting some 40 mike mike out in the middle of this rice paddy here. It might have been just to the north of Hill 85 between 85 and 521. Maybe it was this tree line here.
- Q. Well, I'm curious as to that assumption that you made that the Sharks shot these people along 521? Did you

see them making gunruns along 521?

- A. No. But I remember seeing bodies after one of our passes or something.
- Q. Well, you don't really know how these people along 521 were shot?
- A. No, sir. I don't.
- Q. Did you see any other bodies?
- A. No, sir. That's all I recall.
- Q. So, you saw bodies generally along 521 and off the road on the paddies, off to the side rather than directly on the road?
- A. Right, sir, a couple of them might have been laying along the road and down the embankment. The road was built up.
- Q. And your opinion as to the area then is due south of My Lai, right up in here 300 or 400 meters.

(Witness nodded yes.)

Do you recall flying in the afternoon over and around this area and further to the east along the China Sea?

- A. No, sir. I remember the morning, though.
- Q. As I take it you remember very few incidents about the morning, unless I'm correct and you can tell me this is the 16 March?
- A. I remember very few incidents. You're right.
- Q. You remember some dead bodies along the trail to the southeast and along 521, remember the firing passes, and the insertion of the "animals"?
- A. The insertion of the animals, but no particular day.

- Q. And you remember Mr. THOMPSON landed a helicopter. Is that 16 March?
- A. I don't recall.
- Q. Did you hear anything, after 16 March, when you returned to your home base, anything about the activities that occurred at My Lai (4)?
- A. I think some of the pilots went up and talked to the CO about some of the bodies sighted.
- Q. Did you?
- A. I don't think so.
- Q. The statement you gave the CID is not correct?
- A. It's correct. The people did go down to the CO.
- Q. Did you see the people talking to the CO?
- A. I think they might have been out in front of the operations.
- Q. Who did you see talking to the CO?
- A. I don't remember, sir.
- Q. Do you remember talking with anyone?
- A. I discussed it with a couple of the pilots. I remember discussing it, that's all.
- Q. Do you remember hearing anything about an investigation?
- A. No.
- Q. Do you remember hearing it being reported to anybody other than the company commander, Major WATKE?
- A. No, but I had the feeling that it went up to the battalion commander, who was Colonel HOLLADAY.

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- Q. Why did you have that feeling?
- A. Well, I felt personally that it should have went up higher.
- Q. I understand that. Why did you think that it had gone up? What led you to believe that?
- A. Well, nothing really.
- Q. Did anybody ever check about it?
- A. No.
- Q. Major WATKE?
- A. No, sir.
- Q. Major LIVINGSTON?
- A. We might have talked about it.
- Q. Who with, HOLLADAY?
- A. I never saw HOLLADAY about it.
- Q. How about HENDERSON?
- A. No, sir.
- Q. Any general officer?
- A. No, sir.
- Q. To the best of your knowledge, you never made a statement to anyone as part of an official investigation?
- A. That's affirmative.
- Q. Do you recall anybody else who made any such statements, either written or verbal?
- A. No, sir.
- Q. Do you recall hearing any rumor that there had

been a lot of casualties at My Lai (4)?

- A. No. I don't know what the casualties were.
- Q. Did you take any pictures that day?
- A. No, sir.
- Q. Were you in the habit of carrying a camera?
- A. No. I didn't carry my camera on too many missions.
- Q. Do you have any information concerning anybody attempting to coverup or say don't talk about what occurred in the vicinity of My Lai (4)?
- A. Well, there's one thing that does ring a bell.
- Q. What's that?
- A. I was talking with STAFFA in his hootch one night. He said something to the effect, "You remember that mission we had about a week ago or so and that CW2 had a little trouble with one of the grunts on the ground," when he picked up that wounded child I guess, and that's the only thing he said, that he wasn't supposed to talk about it or something like that.
- Q. Do you remember attending a meeting in the messhall when a lieutenant from division or somewhere came in to give a briefing to you for your mandatory training one evening?
- A. On what, sir?
- Q. Well, during this mandatory training everyone was gathered together and the lieutenant was talking about one thing and another and one of the enlisted men in the back popped up and said, "What about killing women and children?"
- A. Now that you mention that I remember something about killing women and children.

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- Q. Do you remember Major WATKE standing there and admonishing the young man?
- A. I don't recall that. I think he was told to sit down and be quiet.
- Q. Do you have the impression that the activities that occurred in My Lai (4) on 16 March 1968 required an investigation of any sort?
- A. I think it required an investigation.
- Q. What did you do to assure an investigation was accomplished?
- A. Well, I didn't do anything, because I didn't think it would do any good.
- Q. Why is that?
- A. Well, Major WATKE. I hate to say anything about my past CO's, I didn't think too much of. I didn't think too much of the XO at that time.
- Q. Who was?
- A. He was a real old Major who just got promoted and was going to retire a month or 2 later. He took over as CO.
- Q. I believe you answered that you didn't report it because you didn't think Major WATKE would have taken any action on your report?
- A. That's affirmative, and also being an NG in country.
- Q. You mean you were a new man in country?
- A. Well, being a new guy in country and some of the things I mentioned to some people got weighed not very heavily. My opinions were considered next to nothing at all.
- Q. Did you feel any responsibility to take any

action, to report what you had seen?

- A. No, to be frank. I didn't.
- Q. As far as you were concerned you didn't hear of any investigations, and didn't think too much more of what you had seen and any investigation that might have taken place after this? As far as I can understand you did not think much more about this particular incident that you had seen and heard, nothing, or take any action, or make any reports to pursue the matter in any way.
- A. At that time I felt it was just war and that was the breaks of the game.
- Q. Women and children?
- A. Sometimes. Let's just say they were in the wrong place at the wrong time.
- Q. From your experiences in Vietnam did you see many women and children being deliberately shot?
- A. I recall one other instance of one being shot.
- Q. This was at another time?
- A. Yes, sir.
- Q. Did you take any action to report that instance?
- A. No.
- Q. Do you have anything you'd like to say at this time, or anything you'd like to say concerning the My Lai (4) incident, or activities concerning it that you would like to make at this time?
- A. No, sir. I think you've covered it quite clearly and fully.
- Q. I want to remind you that you are directed not to discuss your testimony or what you have discussed or heard with anyone except with properly constituted adminis-

trative, judicial, or legislative bodies. If there is any question, or should you be called upon to testify, you can contact this office for clarification. Do you understand those instructions?

A. Yes, sir.

Q. We thank you for coming in, we recognize it was a long trip.

This hearing is recessed.

(The hearing recessed at 1630 hours, 30 Jan-urary 1970.)

SUMMARY OF TESTIMONY

WITNESS: RIDDLE, Henry E.

DATE OF TESTIMONY: 14 March 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Doorgunner, General YOUNG's helicopter, 123d Aviation Battalion.

The witness was assigned to General YOUNG's helicopter for the entire time that YOUNG was with the Americal Division (pg. 3). He landed in operational areas five or six times with the general (pg. 3). He stated that the general usually preferred to fly at 1500 feet and would only fly low over a highway or because of bad weather (pg. 4). He recalled flying to the change of command ceremony on 15 March (pg. 4). He knew what Colonel HENDERSON looked like (pg. 5). After being informed of the operation on 16 March, he stated that he recalled the slicks landing at LZ Dottie one morning as they waited for the general (pgs. 8, 9). He recalled circling an area west of the ocean at 1500 hours one day (pg. 10). heard Warrant Officer NEWELL remark, "My God, look at the They did not land (pg. 11). fires" (pg. 10). The witness stated that he thought that it was grass burning, but that NEWELL said it was hootches (pg. 11). He did not recall any conversations by YOUNG, and could not tie this incident specifically to the 16 March operation (pg. 12). He did not specifically recall any events on 17 March (pg. 15). recalled another time when he landed with YOUNG at LZ Dottie, where there were many troops lying around on the ground (pg. 15). He did not recall YOUNG meeting with four other officers (pgs. 15, 16). He never heard any rumors about an operation, nor did he ever see any dead Vietnamese

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while flying with YOUNG (pg. 17). He recalled circling an area where something was burning, refueling at LZ Dottie, and returning to recircle before returning to Chu Lai (pg. 18). He stated that NEWELL mentioned something about 500 KIA's that day (pgs. 25, 26). The witness described YOUNG as being "touchy" as they flew over the smoke, and stated that the general tried, unsuccessfully to light a cigarette (pgs. 23, 25, 27). The witness recalled various photographs (See Exhibit List, infra) but could not name the date on which they were taken (pgs. 18-22). He did not hear of any problems with an aero-scout, or of any suppression of information on an investigation (pg. 24).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	7	NOTES -	PÄGES
			Wit identified	TAGED
P-198	Miscellaneous	Scene	General YOUNG.	18
P-199	Miscellaneous	Scene	Wit identified General YOUNG and	19
	MIDCEITANCOAD		himself.	
D 200	Miggellamoong	Saone	Wit identified as a scene which he	21
P-200	Miscellaneous	scene	also photographed	
			and identified a	
			chaplain.	_
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(The hearing reconvened at 1440 hours, 14 March 1970.)

MR WEST: The hearing will come to order.

RCDR: The following persons are present: MR WEST, LTC PATTERSON, and MAJ THOMAS.

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

Please state your full name, occupation, and residence?

A. Henry E. RIDDLE, occupation farmer, Windsor, Missouri, Route 3.

MR WEST: Mr. RIDDLE, have you had an opportunity to read our Exhibit M-57 which covers the nature and purpose of this inquiry?

- A. Yes, I have.
- Q. Any questions?
- A. I don't believe so.
- Q. For the record, Mr. RIDDLE, on 16 March 1968 were you a member of the Army?
- A. Yes, I was.
- Q. State your grade, unit, and station at that time?
- A. I was Specialist Four. I was with the 123d Aviation Battalion, Chu Lai, Vietnam.
- Q. The 123d was organic to the Americal Division?
- A. Right.
- Q. Colonel PATTERSON, would you lead the interrogation?

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LTC PATTERSON: Yes, sir. When did you arrive in Vietnam, Mr. RIDDLE?

- A. January 2nd, I believe sir, of 1968.
- Q. And at that time you were assigned directly to that unit?
- A. We were in the combat center for, oh, a few weeks. Then we were sent to the 123d.
- Q. At that time it was the 161st?
- A. I believe so.
- Q. When you arrived within your aviation unit, the 161st, which later became the 123d, what was your assigned duty?
- A. I was assigned as a gunner. I started out on the general's ship when I first started with the company.
- Q. Started right out with the general's ship?
- A. Then I flew with the general a while. Then I switched with resupply for a day or so. After a while I was strictly with the general's ship.
- Q. So then by the 16th of March you had almost 2 months experience flying with the general?
- A. Pretty close, sir. Like times I might have flown resupply or something, but the majority of times, yes, I flew for him.
- Q. What type of flying did the general do?
- A. We usually picked him up at the pad. Usually came down, I believe it was about 0730, we picked him up at the Americal pad and would either fly north or south of Chu Lai. We would fly into an LZ and he would land. He would go into a bunker of something and stay sometimes 5 minutes, sometimes 10 minutes, 2 hours and come back out. We would take him some other place.

- Q. Were you with the general for the entire time that he was assigned to division?
- A. Yes, sir, as best as I can remember.
- Q. How many times did you land in an operational area that is away from a fire support base or the LZ's?
- A. Not many times.
- Q. How many would you say?
- A. Five or six. I don't know, maybe more than that, sir. You mean just strictly out, say--
- Q. (Interposing) I mean where the rifle, the infantry people were conducting operations?
- A. I'd stick with five or six. Not very many times.
- Q. Five or six. Did the general like to fly high or low?
- A. He preferred flying high. 1,500 feet we usually flew.
- Q. 1,500 feet. How many times do you think you got down to where you could get a good view of what was going on on the ground?
- A. That would have been low-leveling probably.
- Q. Hovering over the paddies or the troops or the treetops?
- A. We didn't do that.
- Q. You never did that?
- A. Not that I can remember. Usually when we low-leveled it was like down a highway or something or road where we was flying to an LZ and the weather was so that we couldn't fly at a high altitude.

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- Q. So in your analysis of your functions or the functions you performed while you were with the general, I was led to understand that you didn't get out with the forces in the field too often, didn't get out to observe the forces in the field at low level too often?
- A. No, no, we usually--
- Q. (Interposing) My statement is correct?
- A. Yes, sir.
- Q. The period of time we are interested in, Mr. RIDDLE, is in the vicinity of 15, 16, 17, 18, 19 March 1968. Now, we're interested in determining General YOUNG's whereabouts then, during those particular times. General YOUNG is unsure of them, General PEERS conducting the inquiry is unsure of the, and yet we have facts from several sources concerning where General YOUNG was at specific times. If you can recall any times that General YOUNG rode your helicopter and you put him someplace or landed somewhere during these time frames this is what we would like to hear. Can you recall any specific incidents during that period of time, 15 through 19 March, at this time?
- A. Well, when I talked to you over the phone I remembered about General LIPSCOMB retiring down at Duc Pho.
- Q. Yes.
- A. Down at Duc Pho. I remember that.
- Q. All right, let's just take that one. What do you remember about that?
- A. I remember taking him down there--
- Q. (Interposing) To Duc Pho.
- A. Duc Pho, yes. I believe it was around the noon hour, in the afternoon or morning. I'm not for sure on the time. I know General YOUNG got out. We situated the helicopter and there was several more general's ships come in,

(RIDDLE)

General KOSTER. Several more command ships which come in.

- Q. Okay, first was General KOSTER's ship there?
- A. I believe General KOSTER came in later.
- O. Colonel GALLOWAY have his own aircraft?
- A. It seems as though Colonel GALLOWAY may have flew his own aircraft down there--I mean with another crew. He kind of liked to fly in the pilot's seat himself. He might have flew down himself. I believe he was there because I remember the wind was blowing. We couldn't hear too good. They was playing the national anthem or something. Some-body hollered at us to get our hats off. So I remember that, something like that. I know they told us to get our hats. I remember that.
- Q. Were there any other general's aircraft or visiting dignitaries there that you recall?
- A. Not that I can remember, sir.
- Q. Do you know Colonel HENDERSON? Can you picture him in your mind?
- A. No.
- Q. Commander of the 11th Brigade that took over from General LIPSCOMB? General LIPSCOMB turned the command over to Colonel HENDERSON?
- A. Yes, I can remember him walking the general out to the ship a couple of times.
- Q. Yes. Wears glasses, full colonel--
- A. (Interposing) Kind of a medium-built fellow. Not as tall as I am. I'd say probably more your size.
- Q. Yes.
- A. I can kind of picture him walking out to the colonel's ship.

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- Q. Fine. Okay. The records reflect, Mr. RIDDLE, that this day that you recalled with the change of command took place about 0930 hours in the morning. What did you do or what did General YOUNG do as far as flying after the ceremony was over?
- A. That was on 15 March?
- Q. 15 March, right.
- A. I wrote a letter to my girl on 15 March. I wrote that we had been flying around for about 3 hours, pretty solid. Usually General YOUNG wasn't in the air that much. He would fly from one LZ to the other LZ, just the time that it would take to go from there and for some reason, I don't recall why, but we had been in the air for several hours that day at one period of time because I went back through some old letters that my girl kept. I had in there that I wrote we had been flying for several hours.
- Q. You don't recall where you went in that time? Now, does that help you refresh where you might have gone in this time?
- A. I remember, it may be way off date or something, but they held a combat operation. We flew kind of back in the mountains. I don't know if this—this may have been way later or not, I don't remember. I know we flew back in there and there was no contact to the best that I can remember.
- Q. Where was this? Do you have any idea?
- A. It was up from Duc Pho.
- Q. Up north?
- A. North from Duc Pho. I'd say halfway between there and Chu Lai and back west into the mountains.
- Q. Kind of west of Quang Ngai?
- A. Yes, kind of west of Quang Ngai. Maybe a little bit south of Quang Ngai.

- Q. Do you recall going over there and orbiting?
- A. Yes, we went over there and circled. It was cold out that day.
- Q. The gunner seat was quite warm then?
- A. Yes, I remember that. It was cold.
- Q. Okay, · do you remember anything else about the 15th?
- A. We went back to the 198th and ate dinner at Chu Lai on the 15th.
- Q. The noon meal?
- A. The noon meal.
- O. The noon meal in Chu Lai?
- A. Chu Lai.
- Q. Okay.
- A. I had this in the letter.
- Q. I see. Okay, how about the 16th can you remember anything about that day? The 16th was a Saturday if that's any help.
- A. No, not right offhand. I can't picture what happened.

MR WEST: How often did you write your girl?

A. I looked. I didn't write her that day. It wasn't every day. About every other day or so.

LTC PATTERSON: On the 16th there was a combat operation started by Task Force Barker which was located at this point in time at LZ Dottie. If you look to your rear I'll orient you on Exhibit MAP-1.

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(LTC PATTERSON oriented the witness on Exhibit MAP-1.)

Do you feel like you're oriented on the map?

- A. I feel as though I know where the places are.
- Q. Can you picture the area in your mind a little bit?
- A. I can picture some of the areas here.
- Q. On the 16 of March then if you refer to the map, Task Force Barker, which was located there at LZ Dottie, conducted a combat assault into the operational area designated in light orange on MAP-1 in the vicinity of Pinkville, My Lai (4). They lifted two rifle companies in that morning; one of the companies coming out of LZ Dottie into an LZ marked and designated in orange and marked LZ 1, C/1/20. See it?

(Witness pointed to designated area.)

Right there. The LZ is a dark orange spot. They put two lifts in there. They used about nine slicks, vees of three in trail supporting by guns and artillery prep. The aero-scouts were operating in the vicinity of Hill 85 and to the south southeast. They had one of their teams out there, two guns. The operation began about 0730 in the morning and was preceded by a 3 or 4 minute artillery prep. Do you recall seeing that operation?

- A. Yes, I do. I started to see a few minutes ago it was early in the morning. I remember the slicks coming in. I believe they landed on the refueling pad, some of them.
- Q. Where were you at this time?
- A. We were just waiting on the general.
- Q. Was he at Dottie?

- A. Yes, he was at Dottie.
- Q. What makes you remember this? What makes you think that this was the day?
- A. Well, I can't say exactly that this was the day, but I remember going down there real early one morning to LZ Dottie. I can just remember we didn't fly too many combat assault missions like this. When there was one going it was pretty well talked about and so on like this. I know very few of them we ever really attended.
- Q. Do you remember a lot of slicks there at Dottie that day?
- A. I can't remember a lot of them, but--
- Q. (Interposing) Okay, but you think they came down into this area?
- A. I just can't say.
- Q. Do you recall seeing the landing of the artillery preparation?
- A. I remember we were at LZ Dottie one time when they was firing 175's. Great big guns.
- Q. From Dottie?
- A. From Dottie, right. I know that was the first time I ever heard a 175 go off.
- Q. On this day they weren't firing out of LZ Dottie.
- A. They wasn't?
- Q. The artillery prep was coming out of Uptight. Okay, at any rate they put troops on the ground there just as you see it on the map to the west of My Lai (4). They put two lifts in there. Then the slicks went up to Uptight, LZ Uptight to the north, and picked up the second rifle company and inserted them in the LZ marked LZ 2, B/4/3, there on the map.

(Witness pointed to designated area.)

Right. This too was preceded by an artillery prep. Do you remember seeing anything like that?

- A. No, I don't.
- Q. Do you ever recall a little orbiting over this geographical area, now, that we are talking about on the map, the vicinity of Hill 85, that little ARVN outpost, the Pinkville area. Do you ever remember orbiting over here and watching any operation in that area?
- A. I remember circling, but I thought it was more south of Quang Ngai.
- Q. It could be that you did circle south of Quang Ngai on another day or on this day but where our LZ's are here, where you see the little circles marked "OBJ", objective.
- A. We might have circled here but I was thinking that it was more south of Quang Ngai.
- Q. Do you ever recall circling north of the Quang Ngai River? Real handy there, the Quang Ngai River?
- A. Yes. When you were talking on the phone about the smoke and everything I remember first just everywhere down there. I remember Mr. NEWELL saying something about, "My god look at the fires," or something like that. They wasn't big fires just little fires all over the place. Now, this was down in this area somewhere. I'm not saying it was in this area (My Lai (4) and vicinity). It was down from Quang Ngai. It was flat. I remember it wasn't hilly country.
- Q. Were you out over the coast? Out over the ocean?
- A. No, the ocean was out to the east of us while we was circling and we cirled this about 2:30 or 3:00 in the afternoon. Somewhere along there. I don't know if this was the same time. This could be 2 months later. I just remember circling.

(RIDDLE)

- Q. Let's take that instance that you remember. Did you land?
- A. No.
- Q. Were you down low?
- A. No.
- Q. You stayed up at altitude while all this was going on?
- A. About 1,500 feet.
- Q. You never went down and looked? Could you see what was burning?
- A. Well, Mr. NEWELL said it was hootches.
- Q. Could you see that it was hootches?
- A. I just could see small clumps, looked like to me clumps. I sat on the same side as the general. We made a small circle that way, you see, and I could see them kind of right down from the ship the way the ship was sitting at an angle making a constant circle. No, I couldn't say--swear to it that it was hootches. I couldn't swear to it that it was anything burning.
- Q. What did you think it was at the time?
- A. Well, it was grass. You could tell it was grass from the experience you had with fires over there with grass and so on. There was a lot of smoke so I just took it from Mr. NEWELL that it was hootches and so on burning.
- Q. Could you pick out any of the hootches from your altitude that were burning or could you tell a hootch?
- A. I'd have to say I couldn't say. I couldn't say that I could and I couldn't say that I couldn't.
- Q. Do you know whether or not the general made any effort or not to stop this burning or whatever else was going on down there? Did he seem excited or did he say anything that you know of?

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- A. No, he didn't say nothing to us that I can recall.
- O. Did he talk on the radio?
- A. Well, we wasn't on his net.
- Q. I understand that.
- A. I wouldn't--I couldn't say.
- Q. Who was aboard this day?
- A. The general. I think, Lieutenant WHITE. The best that I can remember that was the only two.
- Q. Do you remember what the units were that were envolved down there? What their call signs were?

(Witness shook head in the negative.)

Okay. You don't seem to recall anything that you can tie specifically to the 16 March operation that I have briefly described for you on the map?

- A. No, sir. I couldn't say it was the 16th of March.
- Q. The 17th of March was a Sunday. You didn't happen to write a letter home to your girl on the 17th did you?
- A. Yes, but I didn't say nothing there about it.
- Q. You didn't. You don't recall anything about the 17th particularly?
- A. No, not that I can start pointing out that I remember about the 17th.
- Q. The information we have is that on the 17th, Sunday, the general probably didn't fly before noon. He had a couple of meetings and a couple of things going on in division headquarters that kept him tied up. You didn't go to church by chance did you? Are you a church-going man?
- A. I went several times. I went once or twice with the general.

(RIDDLE)

- Q. You don't happen to recall whether 2 days after that change of command ceremony that you remember whether you went to church?
- A. Now, here we go again. I can't say this is the same time but the general, he asked us if anyone wanted to go to church that morning. I believe that I was the only one out of the crew that did.
- Q. Is this the morning of the 17th of March?
- A. I had been in country not too long. That was about the first time I went or the first time that I had a chance. I remember we took a jeep. There was a small tent. The general sat in the front seat and I sat back kind of by the radio. The driver took us down there. The general went in and sat down and I went in and sat down. I guess for about an hour. We come back out. I was kind of lost. I thought the general had left. The general took his finger and kind of went like that to me (motioning him over). I came over by the jeep. We went back.
- Q. Do you remember what day this was?
- A. No, I can't say.
- Q. You can't associate it with that change of command ceremony that you seem to recall pretty well?
- A. No, I can't say.
- Q. On the 17th--now what I told you about the operation thus far was that these two units were put in here on the 16th. They messed around here and messed around here and ended up the night--the afternoon of the 16th right in here. It was right across this river, the Diem Diem River. The third company of Task Force Barker had walked in overland. The night of the 16th these three companies spent their night right here. On the 17th, now, Sunday, the general didn't go out flying. The two companies went clear to the south, clear down to the river's edge and then came back north stopping somewhere for the night and rest here. Went down and came back.
- A. I can't seem to recall.

- Q. There was a unit on the beach flank, B Company, right along the coast. Right along the beach checking out the little hamlets there.
- A. I can remember flying along the beach one time-pretty close to the beach and we flew--it seems as though we flew low-level that day or at that time.
- Q. Was it in the morning?
- A. I want to say about 4:30 or 5:00 at night or in the evening.
- Q. What did you see? What were you doing?
- A. I can't say what we were doing. It seems like we went up and landed up at this LZ up on the beach there.
- Q. What did you do there?
- A. We sat there. I know the crew was kind of griping about it was getting suppertime. We set there until about 5:00 or so. Then we went on back to Chu Lai. We kind of stayed--went on up the beach until we come to--crossed some land till we finally come to the lower tip of Chu Lai or the bottom of Chu Lai. Then we went back up high to about 1,500 feet.
- Q. About 2:30 in the afternoon on the 17th these troops were in here somewhere probably heading back up (down south by the Quang Ngai River). General YOUNG landed up here at LZ Dottie. He didn't stay very long, ten or fifteen minutes or so maybe, probably long enough to get some gas. We think it is possible that after landing that day he went down over this area and circled for a while and did in fact see a lot of smoke and burning. Does that help in your recollection?
- A. No.
- Q. Back at the division there had been a lieutenant general come in and stay with General KOSTER. Arriving at division, his name was General DOLEMAN, a good-looking, white-haired man. He had been retired. He was recalled, a three star general. Do you recall seeing him, hearing anything about him from any of the crew there that flew General KOSTER?

- A. No, can't say as I do.
- Q. Do you recall anything else about the 17th?
- A. No, I don't. Not that I can remember.
- Q. Does the association of your circling down over here, the incident that you recall, orbiting you think in this area, seeing a lot of smoke, and Mr. NEWELL saying, "those are hootches burning." Do you think this could have been the day, the 17th, in the afternoon?
- A. Yes. It was quite some time--Yes, I say it could have been in that time, but I couldn't say that that was the day, no.
- Q. On the 18th, the next day, Monday, you all got an early start. The record indicates at 0910 hours in the morning General YOUNG arrived at LZ Dottie. There might have been a crowd down there on this morning at this place. General YOUNG went down there for a meeting to talk to some people.
- A. Yes, we was at-here we go again. I don't know the dates or nothing. I can just barely remember we were at LZ Dottie one time and there was a lot of troops laying around on the ground and so on that had just come in or something. They were sitting around laying against logs and so on.
- Q. Now, this day the people that he was going to meet was some officers, some commanders. In fact, Colonel HENDERSON was one of them so his C&C aircraft would have been there. Colonel BARKER? Did you know Colonel BARKER?
- A. Yes, he was in command of the 198th or something.
- Q. He was the commander of Task Force Barker. He was there. There was someone else there, two other people. The meeting with Colonel HOLLADAY, the battalion commander of your battalion and Major WATKE, the commander of B Company, the aero-scout company. There was a meeting of five: General YOUNG, Colonel HENDERSON, Colonel HOLLADAY, Major WATKE, and of course, Colonel BARKER. This was his home base. Undoubtedly when the general came into the pad that day he was met by Colonel BARKER or at least someone, perhaps, several of them were standing there when the general arrived. Do you recall anything like this?

- A. I had a picture of the general one time. A jeep come up and someone jumped out and spread a map right on top of the front of the hood. They was all leaning over and the general was there, and the rest of them I don't know.
- Q. Did you shut down that day that you remember?
- A. I can't say. Several times we never shut down, but we did that several times for the general.
- Q. You can recall nothing specific that day or the specific meeting that I'm talking about whether you knew that your battalion commander was going to meet with the man with whom you were flying, General YOUNG? Or that Major WATKE, the commander not of A Company but B Company, 123d, the aeroscout, was also there and of course, also Colonel HENDERSON. Now this meeting with these particular individuals perhaps happened only once here at LZ Dottie, this day. Hearing about or seeing Colonel HOLLADAY? You know Colonel HOLLADAY I assume?
- A. Yes.
- Q. His ship may not have been in the pad where you landed. It may have been down at the B Company pad, the other pad. Perhaps, having an opportunity to talk with the crew of Colonel HENDERSON's ship? Lieutenant WHITE stayed in the aircraft with you this day.
- A. Yes.
- Q. He didn't usually do this, did he?
- A. Sometimes he did, usually not, but once in a while he would come back and go with the general. Then he would come back in a few minutes and stay with us the rest of the day.
- Q. You don't remember this meeting?
- A. I would have to say no.
- Q. Okay. Do you remember hearing anything at any time about any trouble that Colonel HOLLADAY might have been

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in or Major WATKE or Colonel BARKER or anyone while you were flying with the general there?

- A. No.
- Q. Did you ever hear any rumors about something wrong, something not right with one of the operations conducted out of LZ Dottie, Task Force Barker operation?
- A. I can't say as I do.
- Q. Did you ever hear General YOUNG say anything about "we've got to get out and look at this area," or "we've got to go out and see what is going on"? Rather excited?
- A. I remember one time that we did leave the ship run for him and he wasn't gone long. I can't say as I do.
- Q. Did you ever hear anything about any investigation being conducted that involved maybe members of the 123d Battalion, ground troops, Task Force Barker anything along this line?
- A. No.
- Q. Did you ever see any dead Vietnamese while you were flying with the general?
- A. Not from the air.
- Q. On the ground?
- A. No, never did.
- Q. Never saw any then?
- A. Right, well with General COOKSEY.
- Q. But with General YOUNG?
- A. No.
- Q. You do recall seeing something burning though when you were flying with General YOUNG?

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- A. Yes, I remember circling, we circled for several—we circled long enough that we had to go back after fuel, long enough in the chopper that we had to quit and go after fuel. It was that long.
- Q. Where did you go after you fueled, do you remember?
- A. It seemed to me that we went back and circled again. I know it was kind of boring just going around in a circle if you didn't know what was going on.
- Q. The other crew members remember this incident. Some seem to tie this in to the 17th of March. They went back and refueled at Dottie and then came back out.
- A. Yes, that's where we refueled. I remember that at LZ Dottie.
- Q. You did?
- A. Yes. Because it wasn't--LZ Dottie was just north of that a ways. It seemed like we went back up north to LZ Dottie.
- Q. Well, then I suppose it could have been on the afternoon of the 17th. You flew from Chu Lai, down and did some circling, went back to refuel, went back and circled a little bit, went back to Chu Lai.
- A. Yes, that's the best I can remember we did.
- Q. I would like to show you a couple of photographs, Mr. RIDDLE. We've got them identified into the record here as Exhibit P-198. Can you identify any of the individuals in that photograph?
- A. This is General YOUNG pointing this away. This was taken at LZ Dottie I believe.
- Q. Okay. If you'll look at P-199 by just turning it over. Do you recognize anybody there?
- A. That's General YOUNG. The other fellow I've seen him, but I can't say his name.

(RIDDLE)

Q. That's Colonel BARKER. Do you recognize that fellow standing up by the helicopter in the rear?

(Witness nodded in the affirmative.)

Who's that?

- A. That's me.
- Q. Identified as RIDDLE.
- A. That's RIDDLE, sir.
- Q. Do you remember that scene? Do you remember seeing that?
- A. Yes, the general done this quite often. They would come up and meet him in the ship--I mean come meet him at the ship and instead of going he would just do like this or somethink (motioning him over) and the fellow would just get out. I remember one time they was looking just about like this only they was looking at a map. The reason I remember that is I have a picture of that probably taken at the same angle with me taken it down on them.
- Q. Do you remember who was taking the picture?
- A. This picture here, sir?
- O. Yes.
- Q. Lieutenant WHITE carried a camera around with him lots of times, but I'm saying it was him.
- Q. Do you remember where you got your slide?
- A. What do you mean?
- Q. Of your picture? The picture you mentioned?
- A. Yes.
- Q. Where did you get it from?
- A. I took it myself.

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- Q. Oh, you did?
- A. Yes. I took it myself. There was three or four fellows standing around the jeep then.
- Q. Did you know any of them?
- A. Well, I knew the general because he kind of had his back to us or something.
- Q. Did you know any of the others?
- A. Not that I can really place. They were standing on this side with the map here standing to the back and the general was kind of standing sideways.
- Q. Did you ever see the chaplain there? Did you ever carry the chaplain with you? Did you see him out in the field?
- A. I don't know. If it's the same chaplain we went to church with that morning, I think I would know him. No, I couldn't place him.
- Q. You don't know what the day was that you took your picture do you?
- A. No, don't know the exact date.
- Q. Do you know what date that picture was there taken though, by any chance?
- A. I'd say this was taken pretty late. It could have been July or August, some time.
- Q. Why do you say that?
- A. Well, I've got my cuffs rolled up here. We weren't suppose to have them rolled up. I rolled them up pretty near every chance I got because it was hot. I know I didn't do that the first 3 or 4 months I was in country.
- Q. You notice that's a different kind of a jeep than usually when a commander comes up to meet a general in?
- A. Yes, that's an MP jeep.

(RIDDLE)

- Q. You noticed on the other picture, P-198, on your right?
- A. Yes, that's an MP.
- Q. Does that help you to refresh your memory any? Came out to meet him in an MP jeep with an MP driver?
- A. I can remember that, but I can't remember nothing else with it. When the MP started to get out, his jeep started to roll back a foot or two and had to jump back in. He wanted to jump back to salute the general and he had to jump back in and stop his jeep. By that time the general was in the ship I think.
- Q. I show you photograph P-200?
- A. I think this is the picture I have. No, the general was standing more with his back toward me. Something like this.
- Q. Did you know those two officers there?
- A. This looks like that chaplain. I know he was kind of a, pardon the expression, a rough-looking guy for a chaplain.
- Q. Chaplain LEWIS?
- A. I couldn't say. He's got sunglasses on.
- Q. How about that lieutenant colonel there next to the general between the chaplain?
- A. No, I can't....
- Q. Colonel DIONNE, public information officer?
- A. I can't place him.
- Q. Do you recall seeing that scene? It's taken the same day as the other two that I have just shown you. There is the same MP jeep and the MP is sitting off here behind you now, out of the picture.
- A. I remember him several times looking at the map on the front of the jeep.

- Q. Who had the map? Did the general carry one? One of those maps there the general's?
- A. Lieutenant WHITE usually carried a map for the general. He usually carried the general's things. I don't remember the general, very seldom, ever getting his map out. Maybe once or twice while we were flying he'd get the map out.
- Q. You don't think you can pinpoint the date of that photograph for me then?
- A. No. I'd have to say no.
- Q. As I understand, Mr. RIDDLE, what you've told us here you don't recall ever hearing anything irregular about any activities of Task Force Barker in any of their operations?
- A. No.
- Q. You don't recall ever hearing anything about an excessive number of civilians being killed on an operation?
- A. About all I can remember, it seems as though Task Force Barker didn't turn out too good as far as what its mission was supposed to have been. It seems like--we called it kind of a flop. It didn't turn out much. That's about all I can remember about it.
- Q. What do you mean it didn't turn out much?
- A. Well, just the way the GI's talk. It really wasn't--they didn't see that much action or something like that.
- Q. Did they have a good record?
- A. A good record?
- Q. Did they get a lot of kills or do you know? Did you ever hear any talk about how many kills they got?
- A. No.
- Q. The talk was that they didn't have a very good record, right?

(RIDDLE)

(D)

- A. Yes.
- Q. They never got toe to toe, eyeball to eyeball with the VC?
- A. That's kind of the way the talk was. They really didn't run into that much resistance.
- Q. Who was doing this talking? Just the troops?
- A. Yes.
- Q. Did you ever hear any stories about Task Force Barker killing any men, women or children--Vietnamese?
- A. Yes. I remember since you mentioned so many things to kind of tie them back in here. I remember General YOUNG when we was flying over the smoke, he seemed a little bit touchy. Several times he'd be trying to light a cigarette or something the way the wind was he couldn't light it. He got mad and jerked the cigarette out and threw it out of the ship. He wouldn't light it. It just seems as though he was a little bit touchy or something. I remember this because several times, it kind of reflects back to me, because he would ask me for my cigarette lighter. I remember because he didn't this time. I remember him just throwing the whole cigarette out.
- Q. What about the killing of women and children and old men--Vietnamese? Did he ever say anything about that?
- A. No, I can't remember the general ever saying anything about that. He talked quite a bit to Mr. NEWELL and once in a while Mr. NEWELL would kind of let us in on something but most of the time he wouldn't.
- Q. Was there any talk about Task Force Barker having killed a lot of women and children--Vietnamese?
- A. It seems as though I can remember some talk about it, but I'd rather say, no.
- Q. You don't remember where the talk was from?

- A. No, I don't remember where the talk was from, I can't pinpoint anything like that.
- Q. How about some problems with a helicopter from the aero-scouts? Some of the Task Force Barker people, maybe some of the people over there in B Company talking about how the Task Force Barker troops killed a lot of people?
- A. I can't say.
- Q. Did you ever hear any information about a coverup? Anybody attempting to suppress information concerning any investigations into irregularities within the Task Force Barker operations?
- A. No.
- Q. Mr. RIDDLE, we have talked to over 400 witnesses. We have a pretty good idea of what occurred out here on this operation. We have reason to believe that there was a lot of talk around the division, particularly within the 123d Aviation Battalion about some civilian casualties caused by artillery fire, Task Force Barker, gunships, something during this period in March. There was a considerable amount of talk about it. Did you ever hear anything about it?
- A. I don't believe I quite understand what you mean. You mean our company itself?
- Q. No, talk within the battalion amongst the men. Enlisted men, officers about what went on down here in this area. That there were some people shot that shouldn't have been shot. Killed that shouldn't have been killed. There were a lot of rumors, a lot of talk about this Task Force Barker and the operations going on out of LZ Dottie. Anything that you can remember about such talk would be of great assistance to us.
- A. No, nothing that would--I'd have to say, no, sir.
- Q. Your hesitating why is that?
- A. Like I say I remember some talk about it, but I don't know where. It was just something like a lot of guys, you know GI's get together they just start talking.

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- Q. What is the impression that you have? What are you trying to say?
- A. Well, leading back to this. I can just faintly remember, I don't know where I got this, it might be way off course. It seemed like there might have been 500 and some. When we were flying and circling they said there was 500 and some they had KIA's that day or something like that down there. Seems like I can remember Mr. NEWELL putting this over the radio or something. Now, I don't want to say that because it's something-you know, I can't say absolutely for sure, but I just remember saying that they were really getting them down there. They've got 500 and some so far. Something like that. Now, this could have been long--
- Q. (Interposing) Was this the day of the smoke?
- A. That was the day of the smoke and everything and that's about all. It was kind of strange to me because I didn't know what was going on. All we were doing was circling.
- Q. Just sitting there circling and getting cold?
- A. Yeah, getting cold. No one let us in on nothing, what was going on.
- Q. Was this the same day that the general was kind of upset?
- A. Yes, this is the same day. The reason I remember this is usually he turned around and slapped me on the shoulder and done like this (motioning) wanting my lighter. So, I just reached in and got it for him, but this day he had some matches and he pretty well struck the whole book of matches and threw it out and look at the cigarette and threw it out. So he never did get his cigarette. I remember this because I wondered why he didn't ask me for my cigarette lighter.
- Q. Did you land that day do you remember out here or was it a different day that you went up landed up the way?
- A. No, we landed one time out in the jungle. It was pretty well out in the jungle in a rice paddy. There was one of these big long stakes as a fortress around. General KOSTER was there and General YOUNG was there. Major General KOSTER

was there. I don't know if this is the same time or not either. I just remember this. I know it was some time back around that time, but I don't have any idea whether it was-it could have been April or February, but I remember us landing. That was the only time we lit ever there, just one time.

- Q. Does that figure 500--I'm just thinking about that figure 500. That's a heck of a lot of people.
- A. Yeah.
- Q. Is that why you remembered that kind of thing because it was a lot?
- A. Yes, I think so. I remember hearing that, like I said, maybe I've got things turned around. I remember somebody saying--every once in a while when something would happen Mr. NEWELL would kind of let us in on something of that sort. Like we were doing real good or something, but it seems like he might have told me or just flashed it over our radio our intercom, that, "they're doing real good. Already got 500 KIA's," or something like that. Like I say I don't remember that--
- Q. (Interposing) Did your crew chief say anything or did anybody say anything back to Mr. NEWELL? It seems to me that would have evoked some sort of a comment from somebody, that number?
- A. I don't think I said anything.
- Q. But the general wasn't happy?
- A. I don't think the general was too happy.
- Q. It seems kind of strange that if they had real good success down there killing 500 VC why he wouldn't have been happy?
- A. Yes, like I say I don't know. I can remember him about the cigarette deal. Usually he just reached back--
- Q. (Interposing) And the cigarette deal and his unhappiness were on the same day that these 500--
- A. (Interposing) I don't know.

- Q. You don't know if that was the same day?
- A. Well, I remember--like I said these people, the 500, I'm not saying for sure on that. It seems as though it was the same day we seen all that smoke and were circling. That's what I was tying in.
- Q. I wonder where Mr. NEWELL got that information?
- A. I don't know. Maybe he heard it through some of the ground forces. He was tied in with the general most of the time.
- Q. Did you ever hear of any other large body counts during any of the times that you were flying with the general?
- A. No, I can't say.
- Q. Well, Mr. RIDDLE, you've looked at our M-57 here and seen what we're attempting to do, the purpose of the inquiry. Is there anything that you can think of that would have anything to do with our mission here with reference to finding out if there was any investigation made of an operation that wasn't quite right? We think there was an investigation, we think that there was something that wasn't quite right that should have been investigated. We think there was a lot of talk about it. We think maybe somebody tried to squash it.
- A. Put the lid on.
- Q. Yeah, sit on it. Do you know anything about anything like that? Give us a hint?
- A. No, not that I--
- Q. (Interposing) It seems kind of funny that if something did happen out there that wasn't right there wouldn't have been a little talk about it. If it was something that wasn't right it's funny that it wasn't investigated. It's funny that somebody didn't say something about it, thinking that it was funny?
- A. No, usually Mr. NEWELL would, he never did let us in on too much, but once in a while he would kind of let us in

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on something just maybe to give us something to think about or something that you might say. He wasn't going to give us any information.

- Q. He never did?
- A. I can't say as I ever remember anything about an investigation or what should have been or the troubles or anything like that on Task Force Barker.
- Q. Well, I would like to give you an opportunity to say anything else that you would like to say or ask any questions of me that you would like to ask. I'll try to respond to them before we close here.
- A. No, not really anything I can think about. No, I guess not.
- Q. I appreciate very much your effort in coming out here and talking to us today. In behalf of General PEERS I would like to thank you for that effort. I would also like to thank you for trying to search out your mind and recall here to help us with this task of ours. I would also like to ask that you will recall the request here as far as discussing what we have discussed you and I here today. You now have some facts that you didn't have when you came in here. They should be treated properly so they don't fall into the wrong hands. This is not to say should you be asked to discuss this thing with anybody that is a proper authority, military or administrative and trial or the Congress of the United States or any committee thereof you, of course, have the opportunity to discuss with them in any manner that you want. Do you have anything further?
- A. No, I don't think so.
- Q. The hearing will be recessed.

(The hearing recessed at 1550 hours, 14 March 1970.)

Sergeant (E-5) Esteban RIVERA-MUNIZ, SSAN:
who was a UH-1B helicopter doorgunner assigned to the
Aero Scout Company, 123d Aviation Battalion on 16 March
1968, appeared on 31 January 1970 in response to a request
for his appearance to give testimony.

It was ascertained that he did not fly in support of Task Force Barker on 16 March 1968, and no testimony was taken.

SUMMARY OF TESTIMONY

WITNESS: ROGERS, Preston S. SP5

DATE OF TESTIMONY: 2 January 1970

PLACE OF TESTIMONY: Americal Division Headquarters,

Chu Lai, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: B Company, 123d Aviation Battalion, attached to the 406th TC Detachment.

TESTIMONY.

The witness was a member of the maintenance detachment which supported the 123d Aviation Battalion (pg. 3). He had just been assigned to this position on 1 March 1968 and thus was unaware of the 16 March operation (pg. 3). He did not recall being told of an investigation resulting from the operation (pg. 4). He did not hear about anything unusual taking place at My Lai, about unnecessary killing of noncombatants, or about a confrontation between a pilot and a ground commander (pgs. 4, 5). He was never told to keep quiet about it (pg. 5). He did not live with the aero-scout company and did not know Lieutenant Colonel BARKER, Warrant Officer MILLIANS, or Warrant Officer LIVINGSTONE (pgs. 4, 5).

(The hearing reconvened at 1330 hours, 2 January 1970.)

The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACRRATE, and CDR DAVIS.

The next witness is Specialist Five Preston S. ROGERS.

(SP5 ROGERS was called as a witness, was sworn, and testified as follows:)

RCDR: Specialist ROGERS, would you state your name, grade, Social Security number, branch of service, organization, and station?

- A. Specialist Five Preston S. ROGERS, Company B, 123d Aviation Battalion.
- Q. Where are you stationed?
- A. Chu Lai, Vietnam.

IO: Before we proceed with any questions, I'll first give you some information concerning a few matters. The investigation was directed jointly by Secretary RESOR and by General WESTMORELAND, 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 inquiries into, and the subsequent reviews and reports within the chain of command, of what is now commonly referred to as the My Lai incident of 16 March 1968, and
- (2) the 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 the facts and circumstances concerning what took place at My Lai. It is directed at those specific purposes which I have just mentioned. Do you have any questions on that?

A. No, sir.

(ROGERS)

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As a matter of information, I should tell you that I have available to me and have reviewed the prior official statements obtained in other investigations concerned with this same incident. Your testimony today will be taken under oath. A verbatim transcript will be prepared by the reporter. A tape recording is being made in addition to the verbatim notes which are being taken by the reporter.

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

Aside from myself, at the table here is Mr. MACCRATE, who is a civilian attorney who has volunteered his services to the Secretary of the Army to serve as an assistant and legal counsel to me. He may also address questions to you.

You are ordered not to discuss your testimony in this investigation with others, including other witnesses of this investigation, except in the performance of official duty or as you may be directed to do so before a competent judicial, legislative, or administrative body. Have you been cited as a witness or been called in any respect in the court-martial case of the United States v. Calley?

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A. I was called up and gave a statement to the CID. That is all I had to do with it.

...

- You have not been cited in that court-martial case?
- A. No, sir.

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- Q. Well, in the event you are cited in that case, your testifying here in no way changes the applicability of the order which may be issued in that particular case of <u>United States v. Calley?</u>
- A. Yes, sir.
- Q. Do you have any questions at this point?
- A. 🤲 No, sir.

RCDR: Specialist ROGERS, I'm Commander DAVIS from the MACV Staff Judge Advocate's Office. We have no information

(ROGERS)

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indicating that you have committed any offenses. However, if during the course of your testimony something comes up, I will interrupt the proceeding to advise you of your rights that may be applicable. In the meantime, this investigation is being conducted pursuant to the orders of the Secretary of Army and Chief of Staff of the Army. You do have an obligation to answer questions.

- IO: What was your duty assignment on 16 March 1968, Specialist ROGERS?
- A. I was assigned to B Company, attached to the 406th TC Detachment and was working as an electrician.
- Q. B Company of what?
- A. The 123d Aviation Battalion.
- Q. Were you a member of the flight detachment?
- A. No, sir, I was a member of the maintenance detachment which supported them.
- Q. Part of the ground element?
- A. Right, sir.
- Q. And how long had you been assigned there, up to that time?
- A. I had been assigned since about March 1st.
- Q. Since 1 March 1968?
- A. First of March 1968.
- Q. How much longer did you remain in that capactiy?
- A. Until February 20th of 1969.
- Q. Did you in any way participate in the operation on 16 March 1968?
- A. No, sir.
- Q. Were you aware of the operation?
- A. No, sir.

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- Q. Do you recall the company having been assembled and having been told that an investigation was being conducted of what may have taken place in My Lai (4), on 16 March 1968?
- A. No, sir. I heard nothing about it.
- Q. Do you know the name of your company commander at that time?
- A. No, sir. I don't believe so because I was in a different company all together. And the major I had talked to, at that time, I believe had left. I believe Major TENOR (phonetic) was there.
- Q. Do you recall Major WATKE?
- A. Yes, sir. He was the first major I talked to when I came to Chu Lai.
- Q. What was the relationship between the unit you were assigned to and the aero-scout company of the 123d Aviation Battalion?
- A. We were the support maintenance. We did organizational and direct support maintenance on the ships.
- Q. Did you live with the aero-scout company?
- A. No, sir. I lived separate from them.
- Q. Yes. Would you cite again the identification of the unit to which you belonged at that time?
- A. I was assigned to B Company, 123d Aviation Company, attached to the 406th TC Detachment.
- Q. But you belonged to the aero-scout company of the 123d Aviation Battalion. Is that right?
- A. Right, sir.
- Q. And you were in the maintenance end of the business?
- A. Yes, sir.
- Q. Did you hear some talking around the aero-scout company about anything unusual which may have taken place on the 16th of March?

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- A. No, sir. I didn't hear anything, just the regular talk that was normally going around. It was nothing about—anything about My Lai.
- Q. Well, did you hear anything about one of the pilots landing his chopper and having a confrontation or an argument with some of the ground troops?
- A. No, sir. I have not heard anything about that up until now.
- Q. Did you hear that one of the pilots reported the unnecessary killing of women and children or other noncombatants:
- A. No, sir, not until I read it in the paper.
- Q. You didn't hear anything in Bravo Company?
- A. No, sir.
- O. Or the aero-scout company?
- A. No, sir.
- Q. I think it later became Bravo Company but at that time was the aero-scout company.
- A. It still is the aero-scout company but it is considered both.
- Q. Did anybody ever caution you, or did you hear other people cautioned to keep quiet about this because it was being investigated?
- A. No, sir, I haven't.
- Q. Do you know Warrant Officer MILLIANS?
- A. No, sir, I don't.
- Q. Captain LIVINGSTON?
- A. No, sir.
- Q. Warrant Officer BAKER?
- A. No. sir.

- Q. Warrant Officer BROWN?
- A. No, sir.
- O. Warrant Officer THOMPSON?
- A. No, sir.
- Q. We're trying to get at the bottom of everything that took place in the My Lai incident, including, of course, the subsequent investigations that were directed at that incident and the reviews of that incident. It would appear that you have been quite separated from the aero-scout company in your capacity. But, I will say if there is anything which you may recall based upon having heard any rumors or anything of this nature within the company which would indicate that perhaps something unusual took place during this period, we would definitely like to hear it.
- A. No, sir. Just like any other time; just a normal month.
- Q. Fine. Thank you very much.

(The hearing recessed at 1348 hours, 2 January 1970.)