SUMMARY OF TESTIMONY

WITNESS: HENDERSON, Oran T., COL

DATES OF TESTIMONY: 2, 11, 12, 19 December 1969

TESTIMONY TAKEN AT: Pentagon

WITNESS SUSPECTED OF: (1) Violating regulations and directives pertaining to the reporting and investigation of war crimes; (2) Dereliction of duty regarding the reporting and investigation of war crimes; (3) Suppression or contributing to the suppression of information pertaining to the possible unlawful killing of civilians at My Lai (4) on 16 March 1968; and (4) False swearing.

DUTY ASSIGNMENT ON 16 MARCH 1968: Brigade Commander, 11th Infantry Brigade, Americal Division.

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

a. 11th Brigade training and policies.

Colonel HENDERSON had always stressed to his commanders that indiscriminate killing was not the way to win the war (pgs. 110, 235). HENDERSON and the brigade's former commander, Brigadier General LIPSCOMB, had always emphasized the importance and necessity of proper treatment of PW's and noncombatants (pg. 235). It was HENDERSON's opinion that everyone in the brigade knew that he would not tolerate the mistreatment of civilians (pg. 235). There was a strong policy against indiscriminate firing (pg. 111). HENDERSON could not recall a brigade SOP requiring reports of war crimes (pg. 5). In mid-September 1967, the Geneva Conventions were covered in the brigade training program (pg. 89). However, the rules of engagement were not covered (pg. 89).

b. Americal Division policies and regulations.

Division and higher headquarters reflected the same policy and attitude regarding proper treatment of noncombatants and PW's(pg. 236). The division's policy

was that no burning was permitted without the CG's express permission (pgs. 84, 236, 237).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

HENDERSON was present at a preoperational briefing with the company commanders and Lieutenant Colonel BARKER on 15 March. No order was given, or implied, that My Lai (4) was to be burned. No authority to burn My Lai (4) was given by Major General KOSTER (pgs. 85, 86).

3. ASSAULT ON MY LAI.

a. Artillery prep.

Artillery was not planned to impact in the village during the LZ prep. After the prep, no artillery was fired in support of the operation (pgs. 95, 110).

b. HENDERSON's aerial observations of My Lai (4).

About 0800 to 0815, 16 March, HENDERSON observed the My Lai (4) operation from the air. He saw six to eight civilians south of the village apparently killed by artillery and gunship fire. Two uniformed enemy KIA with weapons were observed north of My Lai (4) (pgs.13-15).

12 a

c. PF captives.

At about 0930, 16 March, HENDERSON saw KOSTER at LZ Dottie (pg. 11). KOSTER was interested in information that might be learned from interrogation of two VC suspects picked up outside of My Lai (4) (pg. 17). The suspects were confirmed as PF's being held prisoner by the VC in My Lai (4) (pg. 18).

d. Unauthorized burning during the operation.

While overflying My Lai (4), HENDERSON saw a hootch burning. HENDERSON called Lieutenant Colonel BARKER and told him to put a stop to it (pg. 237). HENDERSON was unaware that other villages had been burned during this operation either by C/1/20 or B/4/3 (pg. 222).

4. INQUIRIES CONCERNING THE ASSAULT.

a. 16 March KOSTER-HENDERSON discussions.

At KOSTER's 0930 visit to Dottie on 16 March, HENDERSON reported that he had observed six to eight civilians killed apparently by artillery or gunship fire (pgs. 13, 17, 19). During the early evening, HENDERSON was informed by BARKER that the number of civilian deaths had increased to 20. HENDERSON called KOSTER and informed him (pgs. 22, 128, 166). KOSTER acted surprised and shocked (pg. 22). KOSTER was advised that BARKER was looking into this (pgs. 22, 128, 129). KOSTER said, "I want to know that, too" (pg. 22). KOSTER wanted to know the sex, age, and mode of death (pg. 166) (but earlier testimony by HENDERSON on pg. 22 is to the contrary). BARKER was then informed of KOSTER's interest and eventually gave a breakdown of the casualties on a three by five card (pg.167).

b. HENDERSON-BARKER discussions.

BARKER's initial report on 16 March was that an abnormally high number of civilians were killed (pg.20). At that point in time, HENDERSON ordered BARKER to get a body count by sex, age, and mode of death (pg. 20). HENDERSON denied that BARKER relayed WATKE's report of THOMPSON's allegations on to him on the afternoon of 16 March (pgs. 126, 254). After learning of a possible incident, HENDERSON told BARKER of his contemplated plan to resweep C/1/20 back through My Lai (4). BARKER was opposed to moving C/1/20 back through My Lai (4) (pgs. 161, 169, 251, 252).

On 18 March, HENDERSON asked BARKER what he personally knew of a possible incident in My Lai (4). HENDERSON believed that BARKER told him that he had landed (pg. 97) and had flown over My Lai (4) on 16 March and had not seen anything extraordinary (pgs. 253, 254). BARKER told HENDERSON that he had seen MICHLES and nothing was learned from him or his company (pg. 179). BARKER reported that some of the civilians had probably been killed by small arms fire. However, as a result of his personal observations and interviews with people, BARKER was sure that THOMPSON's allegations were unwarranted (pgs. 35, 242). Prior to HENDERSON's meeting with Brigadier General YOUNG at LZ Dottie, BARKER gave HENDERSON a three by five card listing 20 civilians killed by sex and mode

of death (artillery and gunship fire) (pgs. 24, 259).

c. HENDERSON-THOMPSON meeting at LZ Dottie.

(1) THOMPSON's introduction to HENDERSON.

In his earlier testimony, HENDERSON related that Warrant Officer THOMPSON was introduced to him at LZ Dottie by Major WATKE on the morning (0730 or 0800) of 17 March as a man with a story to tell (pgs. 7, 8, 140). HENDERSON, on recall, conceded the possibility that he had talked with THOMPSON on the morning of 18 March rather than 17 March (pgs. 122, 123). On recall, HENDERSON also believed that it was Major WILSON not WATKE who brought THOMPSON to him (pgs. 123, 130, 146). HENDERSON was steadfast in maintaining that he talked with THOMPSON prior to his meeting with YOUNG and that he never reinterrogated THOMPSON (pgs. 10, 139, 142, 150, 241, 242).

(2) THOMPSON's story.

Their discussion was conducted in private (pg. 8). THOMPSON related that there had been wild shooting by the infantry and helicopters (Sharks of the 174th) during the My Lai (4) operation on 16 March 1968. THOMPSON had seen a dark-complexioned captain shoot a wounded woman as he (THOMPSON) had been marking wounded civilians with smoke attempting to get medical aid for them. The infantry would then advance, throw grenades, and shoot in the civilian's direction (pgs. 8, 143, 245). Large numbers of dead, including civilians, were seen (pgs. 34, 247). HENDERSON had always felt that they were VC as this coincided with the high body count (pg. 34), even though THOMPSON was insistent that they were civilians (pg.143)

12\10

The allegation of a dark-complexioned captain (MEDINA) shooting a woman was given by THOMPSON as an example of the infantry's reaction to his action of marking the wounded (pg. 143). THOMPSON also reported that after marking wounded civilians a "colored" soldier (apparently a platoon leader or platoon sergeant) had his troops fire as they moved toward the marked position (pg. 245). THOMPSON did not have communications with the infantry. He had to go through the low gunship (pg. 246).

HENDERSON could not recall if the confrontation with Lieutenant CALLEY was known to him as being THOMPSON or

the other Warlords (pg. 249). His impression of THOMPSON was that he was a forthright individual in making his allegations (pg. 249).

HENDERSON was unaware that THOMPSON had landed or of THOMPSON's other activities. THOMPSON did not include a description of U.S. soldiers firing into a ditch (pgs. 11, 135, 143, 144, 145, 249). HENDERSON had not heard of any allegations regarding indiscriminate firing until he talked with THOMPSON (pg. 165).

d. HENDERSON's visit to MEDINA's laager site.

(1) Location and time.

After talking with THOMPSON, HENDERSON was satisfied that an incident had occurred (pg. 145). Again, on recall, HENDERSON professed that this could have been 18 March rather than 17 March (pg. 122). HENDERSON's recollection was that after talking with THOMPSON but prior to his scheduled meeting with YOUNG, he informed BARKER of the accusations and flew immediately to MEDINA's position (pgs. 8, 124, 126, 156). However, HENDERSON agreed that his timing (0800) of the MEDINA meeting might be off and that the time of this meeting given by others (1000-1500) might be more accurate (pgs. 153-156). HENDERSON's recollection of the locale of his visit with MEDINA did not nearly coincide with the coordinates given in the operational log (Exhibit M-16). The log indicates that on 17 March, C/1/20 was much further to the south than HENDERSON's map description (pg. 154).

(2) HENDERSON-MEDINA discussion.

The helicopter ascended after dropping off HENDERSON's party. Present with HENDERSON were, Lieutenant Colonel LUPER, Lieutenant Colonel BLACKLEDGE, or possibly Major McKNIGHT (pg. 151).

HENDERSON confronted MEDINA with the allegation that he had shot a woman. MEDINA explained that he shot her in self-defense after observing movement as he walked away (pgs. 8, 151, 158). MEDINA reported 20-28 civilians killed by artillery or gunships. The body count had been reported by MEDINA's platoon leaders. However, MEDINA did not think that they had physically examined the bodies for cause of death (pgs. 158, 159). BARKER had also been informed by MEDINA of the noncombatant deaths (pg.159).

MEDINA was sure his troops had shot no civilians (pgs. 9, 11, 23, 251), although by dropping smoke he thought THOMPSON was marking VC (pg. 10). His platoon leaders had denied any indiscriminate killing (pg. 251). HENDERSON spoke only with MEDINA but thought he spoke with Captain MICHLES (CO of B/4/3) sometime prior to 20 March (pgs. 167, 168, 179).

(3) HENDERSON's suspicions.

HENDERSON was suspicious of the inordinately large ratio of enemy KIA to friendly (128:0) (pgs. 23, 35, 97), and the low weapons-body count ratio (pg. 38). He was also highly suspicious of MEDINA's report of 128 VC KIA because the two RF/PF captives reported that the VC had departed at first light (pg. 159). After talking with MEDINA, HENDERSON wanted C/1/20 to sweep back through My Lai (4). This was because MEDINA had not observed some things that THOMPSON had and because there were discrepancies regarding the number of civilians killed (pgs. 126, 161). MEDINA had been alerted during their meeting that this would occur (pg. 252).

At a later date, HENDERSON was suspicious that things were being held back at the lower command echelons, but he did not feel that anyone in headquarters was trying to cover the incident up (pg. 225). HENDERSON had no suspicions that of the 128 VC reported KIA some might have been civilians (pg. 257).

12\12

e. HENDERSON's order to resweep My Lai (4).

(1) Resweep and requirements placed on C/1/20 by HENDERSON.

After speaking with MEDINA, HENDERSON flew back to LZ Dottie and ordered BARKER to sweep a company back through My Lai (4) from the place B and C Companies were laagered (pgs. 23, 143, 159, 160). HENDERSON dated this order to resweep My Lai (4) as 17 or 18 March and not the 16th (pgs. 125-127, 164). However, in his later testimony, he did not know if the order was given before or after his meeting with YOUNG (pgs. 126, 141, 151, but see pg. 38).

MEDINA was to make a body count. Every non-combatant killed was to be inspected by an officer to determine sex, age group, and cause of death (pg. 126,141,

151, 161, 169, 252). HENDERSON did not believe so many civilians could have been killed by artillery (pg. 126). MEDINA was also instructed to make a recount of the VC bodies (pgs. 141, 151), and to thoroughly search the area for weapons (pg. 161).

(2) BARKER's objections.

MEDINA and BARKER objected to the order to resweep My Lai (4). BARKER argued that obedience to the order would have necessitated missing the heli-extraction which was laid on for the 18th. Missing the extraction would have meant walking out through a mine infested area (pgs. 161, 251). Despite BARKER's arguments, HENDERSON ordered the resweep of My Lai (4) (pgs. 161, 169).

(3) Countermand of order to resweep My Lai (4) by KOSTER.

In Duc Pho on the afternoon of 17 or 18 March, HENDERSON was informed that KOSTER had countermanded his order to resweep the battle area (pgs. 42, 45, 127). On learning this, HENDERSON flew to LZ Dottie to discover KOSTER's reasons. Major CALHOUN informed HENDERSON that KOSTER did not want to subject the troops to the mines and boobytraps in the area (pg. 172). YOUNG later told HENDERSON that BARKER had suggested that the troops not walk through this heavily mined area again (pg. 173).

f. YOUNG meeting at LZ Dottie.

(1) Date and time.

HENDERSON received a phone call the night before that YOUNG wanted to meet at Dottie on the morning of the 17th or 18th of March regarding an incident. HENDERSON arrived an hour early (pgs. 128, 134, 142, 151). HENDERSON puts the time of the meeting as 0900 or 1000 hours (pgs. 130, 140). Exhibit M-16 logs HENDERSON's and YOUNG's arrival at LZ Dottie at 0905 and 0910 hours on 18 March 1968 (pg. 229).

(2) Discussion of THOMPSON's allegations.

Present at the meeting were YOUNG, HENDERSON, Lieutenant Colonel HOLLADAY, BARKER and possibly WATKE or

WILSON (pg. 130). The purpose of the meeting was to discuss THOMPSON's observations. YOUNG and HOLLADAY were already informed of THOMPSON's complaints. The discussion was dominated by YOUNG (pg. 130). Not only was the alleged misconduct of U.S. troops discussed, but also the confrontation between THOMPSON and the infantry (pgs. 132, 133). The primary topic was the confrontation (pg. 134). There was no discussion concerning a Negro sergeant firing into a ditch (pg. 135). YOUNG was so unhappy over the confrontation that he intimated that charges should be initiated against THOMPSON (pg. 135). YOUNG gave HENDERSON the impression that he was more concerned over the confrontation than the civilian casualties (pg. 250). HENDERSON did not discuss his suspicions (pg. 38), but he did relate that he had talked with THOMPSON and MEDINA and had directed BARKER to have My Lai (4) reswept (pg.38). HENDERSON also told YOUNG that THOMPSON had unknowingly marked civilians for death by dropping smoke (pg. 10) and showed him BARKER's three by five card (pg. 38). HENDERSON told YOUNG that he would make a commander's investigation and if there was any evidence to substantiate THOMPSON's allegations, he would recommend that a formal investigation be conducted (pgs. 39, 40, 136, 139). HENDERSON couldn't recall if he volunteered to initiate his personal investigation or whether YOUNG ordered him to investigate the accusations (pg. 243). HENDERSON could not recall item for item what THOMPSON was reputed to have seen and reported as it was discussed at the YOUNG meeting (pg. 243). HENDERSON could not recall WATKE relaying what THOMPSON had reported to him (pg. 141). No statement was made by anyone to the effect that "Only the five of us in here know about this" (pg. 140).

12\14

g. HENDERSON-WATKE discussion at LZ Dottie.

HENDERSON changed his earlier testimony and stated that WILSON not WATKE brought THOMPSON to him (pgs. 123, 130, 146). HENDERSON did not recall talking with WATKE after the YOUNG meeting, nor did he recall a visit by HOLLADAY and WATKE on or about 17 March regarding a more efficient utilization of the aero-scout company's assets and capabilities (pg. 129). WILSON told HENDERSON that only THOMPSON had observed the incident (pg. 150).

h. GIBSON's survey of his pilots.

After the YOUNG meeting, HENDERSON returned to

Duc Pho and ordered Major GIBSON, commanding officer of the 17th Aviation Battalion, to survey his pilots--Dolphins, slicks, and sharks--to discover if they had seen any wild shooting or killing of noncombatants at May Lai (4) (pgs. 39, 169, 177, 255, 256). On the evening of 18 or 19 March, GIBSON's oral reply was that he had talked with all of his pilots and that none had heard, seen, or participated in indiscriminate firing (pgs. 47, 177).

i. HENDERSON's interrogation of C/1/20's troops.

When HENDERSON arrived at Dottie to find out the reasons for KOSTER's countermand, troops from C/1/20 were disembarking from the helicopters (pgs. 42, 171, 172). HENDERSON had an NCO hold up the troops and initially they were asked as a group (30-40) if there had been any indiscriminate killing. Receiving no answer, HENDERSON pointed out soldiers individually and inquired if they had seen or heard of civilians being killed and wild shooting. They all answered "No, sir!". The group was composed of men from the first and second platoons of C/1/20 (pgs. 42-44, 46, 170-172). Their appearance and demeanor were not that of men who had just killed a great many women and children (pg. 174). HENDERSON never spoke individually to any of the key personnel of C/1/20, other than MEDINA, while investigating THOMPSON's allegations (pg. 175).

j. HENDERSON-TOAN-KHIEN meeting.

In mid-April, attachment two of Exhibit R-1, was received from HENDERSON's S2 (pg. 192). Upon learning the contents, HENDERSON consulted with TOAN (2d ARVN Division CG). TOAN reported that KHIEN, the province chief, was to investigate the allegations (pgs. 52, 53, 193). HENDERSON then discussed the VC propaganda with KHIEN and KHIEN showed HENDERSON a letter from the village or district chief accusing U.S. forces of killing 500 civilians in two separate incidents (pgs. 52, 53, 193, 194). TOAN and KHIEN did not believe these reports. KHIEN told HENDERSON that the village chief was just writing what the VC told him to write (pgs. 83, 193, 194). Exhibit R-1 (24 April Report) was then written by HENDERSON for the purpose of passing on to division the propaganda attachments and to point out that his investigation disclosed no evidence to support the allegations (pgs. 54, 194).

k. Miscellaneous inquiry.

HENDERSON was positive that he interviewed CALHOUN and MEDINA subsequent to his initial interview conducted between 16 and 18 March. He did not recall the location. A written statement was not taken from CALHOUN (pgs. 194, 195).

5. REPORTS OF INVESTIGATIONS.

a. Oral reports to YOUNG.

Prior to reporting the results of his investigation to KOSTER on 20 March, HENDERSON reported the following to YOUNG: (1) MEDINA's explanation; (2) that the infantry commanders, MEDINA and MICHLES, denied any foul play; (3) BARKER's findings from his investigation; (4) Major GIBSON's report of his pilots' denials of participating in or seeing "wild shooting" (pg. 258). HENDERSON possibly conveyed the impression to YOUNG that THOMPSON's allegations were a reaction to his first combat (pg. 258).

b. HENDERSON's oral report to KOSTER.

HENDERSON was ordered by YOUNG to report his findings to KOSTER (pg. 242). An oral report of HENDERSON's command investigation was made to KOSTER on 20 March 1968 (pgs. 50,51,180,181,197,259). Prior to meeting KOSTER, HENDERSON told Colonel PARSON (Americal Division chief of staff) a few facts regarding the incident (pg. 181). No one was present when HENDERSON reported to KOSTER (pg. 181). HENDERSON handed KOSTER the three by five card which had been prepared by BARKER giving a breakdown on the casualties (pgs. 50,51,197,259). KOSTER questioned the report of so many civilians being killed by artillery and gunships. HENDERSON explained that the report was probably erroneous in that regard because commanders disliked reporting civilian casualties as a result of small arms (pgs. 181, 182). HENDERSON reported the following to KOSTER: (1) THOMPSON's report of unnecessary killing; (2) the machinegun confrontation between the aircraft and infantry; (3) MEDINA's explanation for shooting the woman (pg. 182); (4) his personal observation of six to eight bodies; (5) BARKER's observations of no indiscriminate killing from overflying the AO; (6) MEDINA's denial of indiscriminate killing by his troops (pg. 183); and (7) THOMPSON being the only one who observed anything unusual (pg. 183).

91/21

KOSTER stated that he wanted to discuss this further with YOUNG (pgs. 183, 259). He also indicated in a "disinterested way" that he did not believe it was that important to find out how these 20 civilians might have been killed (pg. 183). HENDERSON opined that a formal investigation was unwarranted (pgs. 50, 183).

c. HENDERSON's 4 April written report.

HENDERSON believed that prior to receiving the VC propaganda reports and approximately 10 days to two weeks after the operation's conclusion, he was told by YOUNG to prepare a written report incorporating his previous oral report to KOSTER (pgs. 146, 184, 264). This was not to be a formal report (pg. 264). Exhibit R-1 fails to accomplish the above requirement (pgs. 212, 264).

This report was a three to five page document which satisfied the requirement of reducing his 20 March oral report to writing (pgs. 188, 194, 264). HENDERSON thought he might have hand carried this report to PARSON (pgs. 184, 265). He failed to log the transmittal at brigade, but he placed a file copy in the S3 safe. This report contained some positive recommendations regarding the control of civilians within the division AO (pgs. 186, 187). This report carried an early April date (4, 5, or 6). There were no appendices. It briefly outlined THOMPSON's allegations. HENDERSON did not interrogate any additional witnesses, nor did he have any further information for making his findings. He did not talk to anyone in the 123d aero-scout company (pg. 187). HENDERSON recalled showing this report to BARKER and Major McKNIGHT (pg. 189). This report indicated that 20 civilians had been killed (pg. 190). Two or three days after rendering his report, HENDERSON was told by YOUNG that KOSTER was satisfied with it (pgs. 190, 263, 265).

d. HENDERSON's 24 April written report (Exhibit R-1).

As a result of the VC propaganda, HENDERSON authored Exhibit R-1 for the purpose of passing on the propaganda allegations to division and rebutting their assertions (pg. 194). HENDERSON's earlier testimony was that KOSTER had ordered Exhibit R-1 written because of a VC propaganda statement forwarded by HENDERSON (pg. 56).

No statements were taken for Exhibit R-1. HENDERSON wrote this report from statements in his notebooks (pgs. 7, 56). On 14 April 1968, HENDERSON was aware of attachments 1 and 2 of Exhibit R-1 (Propaganda letters), (pg. 64). He believed that the first attachment might have possibly been prepared by his MI Detachment (pgs. 192, 267). Lieutenant TAN's letter (Exhibit M-5) was erroneously or inadvertently appended to Exhibit R-1 by someone other than himself (pg.197). One of HENDERSON's April reports was hand carried to PARSON (pgs. 198, 265).

e. BARKER's after action report.

HENDERSON had never seen BARKER's after action report (Exhibit R-2). Normally after action reports from battalion were incorporated by brigade (pg. 66). HENDERSON did not indorse nor did he direct the preparation of R-2 (pgs. 261, 262).

f. Artillery incident report.

HENDERSON was of the opinion that an artillery incident report was not required because the prep landed in its designated impact area. He had been assured that the artillery did not land in the village (pg. 260).

g. BARKER's formal report.

(1) Date of the report.

On about 10 May, YOUNG informed HENDERSON telephonically that KOSTER wanted a formal investigation conducted by his brigade (pgs. 69, 198). YOUNG did not know of new developments which required this investigation (pg. 198). As Task Force Barker was disbanded prior to 24 April (pg. 195), BARKER was then the 11th Infantry Brigade XO and the only officer available to conduct the investigation and was appointed with YOUNG's approval (pgs. 71, 199).

BARKER submitted his report prior to 20 May when he went on R&R (pg. 199). HENDERSON did not know if orders were cut appointing BARKER as investigating officer (pgs. 73, 200).

(2) Report body.

The report consisted of three to four pages (pg. 201). Other than statements, there were no appendices, overlays or diagrams included (pg. 201). HENDERSON thought he recalled seeing THOMPSON's statement (pg. 202). Detailed statements were to be taken from everyone involved (pg. 72). HENDERSON also recalled statements from MEDINA (pgs. 75, 203, 204), MICHLES, CALHOUN or Sergeant JOHNSON, pilots and the platoon leaders and enlisted men of the company (pgs. 202, 208). With the exception of MEDINA's, there were 15-20 cryptic statements (pg. 75). The report concluded that 20 civilians had been killed by artillery and gunship fire. There was no evidence that any soldiers had willfully or negligently wounded or killed civilians (pgs. 74, 76).

(3) Indorsement and submission.

HENDERSON received the report and found it adequate (pg. 203). HENDERSON indorsed this report and recommended its acceptance (pgs. 76, 204). The report had included THOMPSON's allegations (pgs. 205, 208). The report was forwarded to division, but HENDERSON did not keep a copy as he was relying on BARKER. HENDERSON was amazed that the 11th Brigade files did not contain a copy. The report was classified for official use only. HENDERSON never received a return copy fromdivision, III MAF, or MACV (pg. 207). There was never any subsequent notification of approval (pgs. 77, 207). However, YOUNG told him that the report had been received (pg. 207).

6. OTHER INFORMATION.

a. Telephone conversations with KOSTER.

HENDERSON talked to KOSTER several times telephonically concerning this incident. The first time was after it broke in the press sometime between 10 and 15 November (pg. 214). They discussed the series of events pertaining to the reports, and also KOSTER's countermand of HENDERSON's order to resweep My Lai (4). KOSTER initiated the first call. The second call occurred approximately one week later. Of the four or five calls, KOSTER initiated all but one (pgs. 214, 215).

b. HENDERSON's other discussions.

After making a statement for Colonel WILSON's investigation, HENDERSON talked with Lieutenant Colonel BLACKLEDGE about the VC propaganda leaflets. HENDERSON could not remember how he had obtained it (pgs. 148, 149)

c. Statements to keep the incident quiet.

Although HENDERSON knew of no statements made by anyone that an investigation was under way and that it was best for people to keep quiet about it (pgs. 191, 224), he did tell BARKER, CALHOUN, and others that he wanted THOMPSON's accusations kept close to the belt for morale reasons until there was some substantiation (pgs. 99, 140, 224).

d. Exhibits.

HENDERSON had never seen MACV Directive 20-4, dated 27 April 1967, (Exhibit D-1) (pg. 62). HENDERSON had never seen HAEBERLE's pictures (Exhibit P-2 thru P-25 or P-31 thru P-42). He may have seen Exhibit P-26 thru P-30. HENDERSON was not aware that a photographer had accompanied C/1/20 in the My Lai (4) operation (pgs. 79, 80, 82). HENDERSON's letter to General WESTMORELAND dated 10 December 1969, was entered into the record as Exhibit M-13 (pg. 221). Exhibits S-3 and S-4, HENDERSON's statements of 27 November 1969 and 5 December 1969, were introduced. The Task Force Barker log, dated 16 March 1968, in which item 39 reflects that C/1/20 had 10 to 11 civilians reported killed. This was reported to the brigade TOC at 1555 (pg. 231). HENDERSON cannot account for the failure to mention civilian casualties in the reports forwarded to division (pg. 222). The 11th Brigade SITREP of 16 March fails to mention civilian casualties notwithstanding knowledge of them (pg. 234).

1/20

e. HENDERSON's wound.

HENDERSON was wounded as a result of hostile action on 23 March 1968. His leg was in a cast from 26 March until 17 April. He was able to maintain his job as brigade commander (pg. 210).

f. Miscellaneous.

(1 HENDERSON was the deputy commander of the

11th Infantry Brigade from 25 August 1966 to 15 March 1968. He assumed command of the brigade on 15 March 1968 (pgs. 3, 4).

(2) No one from the 31st PIO voiced any complaint about the My Lai (4) operation (pg. 78).

(3) During the operation, HENDERSON never heard any radio instruction over the command net to stop killing civilians. He had ordered BARKER to have the National Police stop the burning (pg. 85).

(4) HENDERSON recalled no solatium payments being made to My Lai (4) survivors (pg. 93).

(5) HENDERSON admitted that he had erred in a previous statement to Colonel WILSON. There was never an operation conducted in conjunction with ARVN forces to investigate the VC propaganda allegations (pg. 94).

(6) HENDERSON disclaimed that Lieutenant Colonel GUINN (Deputy Province Advisor) ever gave him a piece of paper from the district grievance committee reporting 1000 civilians killed a few days after the My Lai (4) operation (pgs. 101, 102, 266, 267).

(7) HENDERSON never heard of any noncombatants being killed or atrocities in Co Luy or Co Lay (pg. 223).

(8) Lieutenant General DOLEMAN had lunch with HENDERSON on the 17th, but he did not spend the night at HENDERSON's headquarters at LZ Bronco (pg. 233).

(9) After reading HENDERSON's early April report, and hearing KOSTER's opinion, YOUNG told HENDERSON that as far as he was concerned the incident was closed (pg. 265).

(10) HENDERSON had the impression that YOUNG was supervising HENDERSON for KOSTER on the incident (pg. 268).

(11) HENDERSON admitted that he did not have the capability to investigate the incident himself and that he should have appointed a disinterested investigation officer (pg. 225). If there were shortcomings in the investigation, HENDERSON accepted full responsibility (See Exhibit M-13) (pgs. 111, 112). At no time though did HENDERSON treat the incident lightly (pg. 112).

(12) MEDINA is an outstanding, aggressive officer who ran his company by the book (pgs. 105, 106). HENDERSON found it difficult to communicate with KOSTER and he maintained a closer liaison with YOUNG (pg. 112).

(13) HENDERSON had three additional bartalions operating at the time of the reported incident (pg. 41). The three companies comprising Task Force Barker were the brigade's best. However, the Task Force Barker arrangement detracted from the brigade's efficiency (pg. 68). BARKER had been the brigade executive officer.

12 22

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
D-1	MACV Directive 20-4	Had not seen.	62
M-2	MACV Card "Nine Rules"	Had not seen.	89
M-3	MACV Card "Enemy in Your Hands"	Had not seen.	91
M-4	MACV Card "Guide for Commanders"	Had not seen.	91
M-5	TAN's letter to KHIEN, 28 Mar	Inadvertently appended to R-1.	197
M-14	TF Barker log, 16 Mar	Reported 10-11 civilians killed to brigade.	231
M-16	TF Barker Log, 14-18Mar	Put HENDERSON and YOUNG at LZ Dottie. at 0905 and 0910 hours, 18 March.	229
P-2 thru P-25	HAEBERLE's Pictures	Had not seen.	79
P-26 thru P-30	HAEBERLE's Pictures	Had not seen.	80
P-31 thru P-42	HAEBERLE's Pictures	Had not seen.	79
R-1	HENDERSON's report	Purpose was to rebut VC propaganda.	7,56,64, 192,197 198,267
R-2	BARKER's report	Had not seen.	66, 261

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
S-3	HENDERSON's statement on 27 Nov		218
S-4	HENDERSON's statement on 5 Dec		219
MAP-3	MAP 6739 II with VC names	Never heard of atrocities in Co Lay or Co Luy	223
MAP-7	MAP 6739 with HENDERSON's index	Attached is a three page itinerary keyed to the map.	114

12 24