

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

Volume II
TESTIMONY

BOOK 25

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REPORT OF THE DEPARTMENT OF THE ARMY REVIEW
OF THE
PRELIMINARY INVESTIGATIONS INTO THE MY LAI INCIDENT (U)

VOLUME II

TESTIMONY

BOOK 25

KYE
LEE
MAPLES
MEADLO

MITCHELL
OLSEN
SLEDGE

STANLEY
BERNHARDT
BUCHANON

14 MARCH 1970

SUMMARY OF TESTIMONY

WITNESS: KYE, Sidney

DATE OF TESTIMONY: 7 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

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

1. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness attended Captain MEDINA's briefing on 15 March (pg. 3). MEDINA told them they were "the first friendlies" in the village (pg. 3). He stated that women were carrying weapons in the village and that it was a VC village (pg. 4). It was to be a search and destroy mission and they were told to dispose of all food and livestock. He did not recall MEDINA mentioning anything about burning the hootches (pg. 4). He imagined that everyone was a little bit afraid, and agreed with the description that they were "expecting a big fight" (pg. 4). He did not recall if MEDINA told them they were to be out in the field 10 days (pg. 5) nor does he remember being surprised when the operation was over in three days although they were usually out for two week periods (pg. 8).

2. ASSAULT ON MY LAI.

The witness was a rifleman, carrying an M-16 (pg. 6). He thought that possibly the first and third squads were joined together to make one and recalled his squad leader as being Sergeant BAKER (pg. 3). He stated that they landed in the village on a side where there was a gate. They sat in the rice paddy for about six minutes, and did not receive any enemy fire either on the LZ or in the village (pg. 5). The platoon moved in, searched the hootches, shot some buffaloes and animals, and destroyed food. They rounded up women and children and sent them down a trail into one area (pg. 6). He

did not see any Vietnamese people killed as the platoon moved along but did see one lady shot in the knee (pgs. 6,7). He saw two or three dead people in the village (pg. 7). He moved through with Roy WOODS (pg. 6). He did not see any groups of people being shot down (pg. 7), but later became aware that 150 were killed (pg. 7). The witness did not recall what the unit did after My Lai nor did he recall being taken back by helicopter to LZ Dottie (pg. 8).

3. INQUIRIES CONCERNING THE ASSAULT.

He did not recall a Colonel meeting the unit as it landed at LZ Dottie, and seemed to recall a friend telling him it was being investigated because 150 civilians were killed in the village (pgs. 8, 9). Friends also told him not to discuss it (pg. 9). He did not recall MEDINA telling the unit either that there was an investigation going on or that they should not discuss it (pg. 9).

4. OTHER INFORMATION.

a. The witness described MEDINA as being "all right." He would not put them into an area where they would not make it out (pg. 10).

b. He thought that Lieutenant CALLEY was a good officer judging from the orders CALLEY gave (pg. 10).

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(The hearing reconvened at 1418 hours, 7 January 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Mr. Sidney KYE.

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

Will you state your full name, occupation, and residence?

A. My name is Sidney KYE, I'm employed at Owens and Corning Fiberglass. I live in Kansas City, Kansas.

MR WEST: Mr. KYE, before we start in on any questions, I want to advise you as to the nature and purpose of this inquiry.

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

(1) the adequacy of prior investigations into what is known as the My Lai (4) 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. In other words, whether there was any coverup of what happened there that day.

This investigation is not being conducted to look into all facts and circumstances of what happened at My Lai. For example, we are not concerned with the possible individual guilt of any person for something he might have done wrong that day.

We have had made available to us and have reviewed prior statements obtained in other investigations of the My Lai incident. For example, we have a copy of the statement which you made to a CID agent in December, Mr. MILLER, I think it was.

(KYE)

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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.

(KYE)

1A

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

We request that you not discuss your testimony in this investigation with others, including other witnesses for this investigation, except as you may be required to do before a competent judicial, legislative, or administrative body, such as the investigating subcommittee of the House Armed Services Committee, one group of people conducting an inquiry into the My Lai incident.

Are you subject to the order of the military judge in the general court-martial case of the United States v. Calley? Have you received a letter from Colonel KENNEDY or Captain DANIEL?

A. No, I didn't.

Q. I ask you because it may be that you will receive such a letter. In the event you do, the fact that you have appeared here and we have asked you not to discuss the matter does not pertain to the effect of that order.

Do you have any questions about this?

A. No.

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

A. Yes.

Q. When were you discharged?

A. 3 July 1969.

Q. What was your outfit on 16 March 1968?

A. I was with the Americal Division, C Company.

Q. As I understand it, this is C/1/20, and it was at that time a part of Task Force Barker?

(The witness nodded in the affirmative.)

What platoon were you in?

A. The 1st.

Q. And the squad?

A. I believe it was first squad.

Q. We understand that at this time there were only two squads in the platoon. One witness told us that the members of the first and third squads may have been put together to make one squad. Is that the way you remember it?

A. Yes, it was. I believe I was in the first squad. It's been such a long time ago.

Q. Who was your squad leader? Do you recall?

A. Sergeant BACON.

Q. Do you remember the combat assault on the little hamlet of My Lai (4)? That is the one, of course, which has been in the news where a lot of the Vietnamese residents of the village were killed.

A. Yes.

Q. When did you first hear of the plan to assault the village?

A. It was the day before when we had a briefing.

Q. Is this the briefing of the company by Captain MEDINA?

A. Yes.

Q. Can you tell us what Captain MEDINA told the company?

A. Well, first he said that we were going into an area, and we were the first friendlies on their side.

Q. I didn't understand that part.

A. We were the first friendlies on that side, and it was a VC village.

Q. What else did he tell you?

A. He said women there were seen carrying weapons, and that's about it.

Q. Did he tell you what kind of a mission it was? What you were supposed to do in the village?

A. I believe it was search and destroy.

Q. What did you understand that to be?

A. Search, you know. Whatever you find that was not supposed to be there, destroy it.

Q. Did he say anything about the livestock and food?

A. He said try to dispose of all of it, food and livestock.

Q. Did he say anything about burning the hootches?

A. I can't remember him saying anything like that.

Q. Did he tell you anything about the people in the village, the people who lived there?

A. He said, he just said it was a VC village, and women have been seen carrying weapons over there.

Q. What was the mood of the men in the company after the briefing? Were they--did they think they were going to get in a big fight the next day? Were they ready to go? Were they apprehensive or afraid? How did they feel, the best you can recall?

A. I imagine everybody was a little bit afraid.

Q. We've had some people tell us that the company for a long time had suffered casualties from the VC, from snipers, from booby traps, and minefields, and had not really been able to close with the enemy. They thought this time they had a chance to and they were expecting a big fight in there. Is this the way you recall things?

A. Yes.

Q. How long was this operation to last? Do you remember what Captain MEDINA told you or what he said about that? How long were you supposed to be out in the field?

A. I can't recall that. I don't know.

Q. We've had one witness tell us that Captain MEDINA started the briefing and said that you were going to be out about 10 days, and then he said, "No, I'm not going to tell you how long you'll be out." Do you remember anything like that?

A. Well, we were told that a lot of times. So I can't recall. I can't remember.

Q. You don't remember this particular time?

A. No.

Q. Do you know whether there was a meeting of platoon leaders and platoon sergeants before the briefing of the company?

A. Well, I imagine there was, because he always briefed them.

Q. The next morning, after the company was lifted into the area of My Lai (4) by helicopter and put down on the landing zone west of the little hamlet, would you tell us what you did and what you saw? We understand that the 1st Platoon moved into the hamlet on the right, at the lower sector, or the south side of the village. Would you tell us what you did and what you saw that morning?

A. Well, on the side I moved in on, there was a gate, and we sat out in the rice paddy about 6 minutes, I guess. All of the companies got on line.

Q. Did you run into any hostile fire? Did the enemy fire at you?

A. No.

Q. Did you ever encounter any resistance in the village? Did anybody shoot back at you?

A. Well, not over on the side I was on.

Q. What did the platoon do as they moved into the village?

A. We moved in and started searching the hootches and shot some water buffalo and animals like that and destroyed food.

Q. What about the Vietnamese people that were in there?

A. Well, we got all of the women and kids out and they sent them down the trail somewhere, and that's the last I saw of them.

Q. Were people gathered up and sent forward?

A. Yes, sent into one area.

Q. Did you see any Vietnamese people killed as the platoon moved along?

A. Well, I didn't see any killed, but I saw a lady shot. That was by accident, I guess, I don't know.

Q. What was your duty in the squad?

A. Rifleman.

Q. You carried an M-16?

A. Yes, sir.

Q. Did you move along with anyone that day? Some other member of your squad?

A. I was pretty close to a buddy of mine, Roy WOOD.

Q. Were there two WOODs in the platoon, Roy WOOD and John WOOD?

A. No, they were in different platoons.

Q. John WOOD maybe was in the second platoon?

A. I think so.

Q. One of them was killed later on. Do you remember which one it was?

A. It was John WOOD.

Q. You know, Mr. KYE, we've had people, most of the members of the 1st Platoon, here to talk to us, and most of them tell us that the platoon went into the village firing as it went, M-16's, M-60's and except for gathering up some people and sending them forward, they killed everybody they came across, all of the Vietnamese people in the village, men, women, children, babies. They ran people out of hootches, they threw grenades in hootches, killed people, and threw grenades into bunkers where people were. There was a place on the trail in the center of the village where 10 or 15 people were killed in a group. There were two fairly large groups of people taken up to the southeast corner of the village. One group was shot along the trail and another group taken to a ditch outside the hamlet, 60 or 65 people, and they were all shot and killed. Did you see any of this?

A. No. When we did go into the village firing, of course, I didn't see a whole bunch of people shot down, I didn't see this.

Q. How many dead people did you see?

A. Two or three. Except for a lady I seen, she was shot in the knee. That is the only thing that I seen. I imagine more was going on around that I didn't see.

Q. I guess you set some sort of record, because you have seen less than anybody that's been here from your platoon.

A. That's what I seen, and that's what I remember.

Q. Except there were one or two who wouldn't tell us anything, and they brought their lawyers along and wouldn't talk at all. Were you aware that a great many civilians were killed that day in My Lai (4)?

A. Yes, I am.

Q. How did you come to know this?

A. Well, when we got back, somebody said they had about 150 killed, and all I could think of was civilians.

Q. Do you remember being taken back by helicopter to Landing Zone Dottie?

A. No, I don't.

Q. Well, the operation actually ended on the third day. It started out 16 March, and the afternoon of 18 March the company was lifted back to Landing Zone Dottie. You don't remember that, though?

A. No.

Q. Do you remember people being surprised that the operation ended when it did, that you went back in after only 3 days? Do you recall that?

A. Well, I don't remember it, really. I don't remember. I probably was surprised.

Q. Did the company go out quite often and stay maybe a week or 10 days at a time, 2 weeks?

A. Yes. We usually stayed out about 2 weeks.

Q. We had a--I guess yesterday, the aidman of the 2d Platoon told us he thought you were going to be out 2 weeks this time, and he took along extra supplies, and he was surprised to go back in after only 3 days.

Well, the company was taken out by helicopter and went to Landing Zone Dottie on the afternoon of the 18 March. Do you remember a bunch of you being met by a colonel named HENDERSON, who asked you questions about what happened at My Lai? Do you remember anything like that?

A. No, I don't.

Q. Did you ever hear that there was an investigation being made about what happened at My Lai (4) that morning of the 16th?

A. No.

Q. Did anybody ever talk to you and say they were investigating it?

A. Well, somebody said they might investigate it.

Q. Who was that, one of your friends?

A. Yes.

Q. Why do you suppose they said that?

A. Well, 150 people being killed in the village, there wasn't anybody but civilians. I guess they had to investigate it, I don't know.

Q. Did anybody ever tell you not to talk about what happened that morning at My Lai (4)?

A. Well, there was a little talk going around, but I don't know what they said -- not to discuss it. They were friends of mine.

Q. A friend of yours?

(The witness nods his head in the affirmative.)

Captain MEDINA told us that he called the company together a short time after My Lai (4) and said there was an investigation going on and it would be better not to talk about it to anybody while the investigation is going on except to talk to the investigator maybe. Do you remember that?

A. Well, he probably said it, but I don't remember.

Q. Mr. KYE, can you think of anything else about what happened that day at My Lai (4) that you would like to tell us that would help us in our inquiry? We are trying to put together the facts and discover just what happened there that day and what investigations were made and whether there was a coverup to keep people from learning about this incident. We would appreciate knowing of anything you can think of that may help us.

A. That's about all I can think of.

Q. You know, this happened almost 2 years ago now, and it wasn't until April of 1969 that word of all of the killing of civilians there reached the Department of the Army. Investigations started here in Washington later in April of 1969 and have gone on ever since, but it was about 13 months after it happened before anyone back here knew about it. So a lot of people think it was a coverup, you

know, that it was deliberately kept quiet. I'm not talking about you, I'm not talking about the men in the company so much. There have been allegations that officers on up the line kept quiet about what was going on. Did it ever strike you this way, that it was strange that the story of My Lai never got out?

A. I guess it was. You know, 150 Vietnamese people were shot.

Q. It was very unusual.

When did you notice the stories in the paper about it? I think it started in November of 1969? Did this bring it back to mind then?

A. Yes, I seen Captain MEDINA on TV.

Q. Did you see him to talk to or just on TV?

A. I just seen it on TV.

Q. What kind of man was Captain MEDINA?

A. He was all right, you know. Well, he'd see to his men. He was a good captain, and he didn't put us in no area that we thought we wasn't going to make it out.

Q. How about Lieutenant CALLEY? What kind of an officer was he?

A. I guess he was a good officer by his orders and everything.

Q. Can you think of anything else, Mr. KYE?

A. No.

Q. We appreciate your coming in here to talk to us. I know it's been a lot of trouble to you taking time with the bad weather. I hope you get home and I thank you very much for coming in.

The hearing will be recessed.

(The hearing recessed at 1446 hours, 7 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: LEE, Robert J.

DATE OF TESTIMONY: 3 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Medic assigned to First Platoon, C/1/20.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

While in Hawaii, LEE received instruction concerning the capture and securing of prisoners at a simulated VC village (pg. 21). He received no training in Vietnam on the handling of either PW's or noncombatants and was issued no cards covering these topics (pg. 22). However, immediately after the company's arrival in Vietnam, Captain MEDINA told the company of the need to gain the good will of the Vietnamese people (pg. 19).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

LEE did not recall a memorial service prior to MEDINA's briefing (pg. 4). Essentially, MEDINA stated that the people of My Lai were either VC or VC sympathizers and that the company should be on guard against boobytraps (pg. 3). Nothing was said about burning houses (pg. 4). MEDINA did say something about getting even for the mine-field incident (pg. 5). The men were apprehensive after the briefing, but some were anxious to get even (pgs. 4,5). Lieutenant CALLEY did not brief the platoon (pg. 4).

3. ASSAULT ON MY LAI.

a. Movement into the village.

LEE recalled firing by the doorgunners as he came in on the first lift (pg. 14). The LZ was 200 to 250 meters from the village (pg. 25). LEE accompanied the

platoon sergeant, Sergeant COWAN, and they moved on the left side of the platoon which was assigned the right flank of the village (pgs. 7, 8). They stayed on the main trail that moved through the village 75% of the time (pg. 26). He did not recall seeing Sergeants BACON or MITCHELL (pg. 27), or any officers other than CALLEY, whom he observed on first entering the village (pg. 9). The platoon entered the village with a great deal of firing (pg. 6), but received no hostile fire (pg. 6). LEE was never called upon to give first aid to anyone (pg. 9). He observed some bodies on entering the village (pg. 27), and estimated he saw 50-60 bodies of men, women, and children as he moved through the village (pgs. 8, 11). Some of these bodies were mutilated (pg. 7).

b. Actions of the platoon.

As the platoon moved into the village, the men killed everyone and everything around (pg. 6). The men were wild and ungovernable and COWAN, who could not have controlled the group even if he had attempted to do so, agreed with LEE that there was no need for the killing (pgs. 7, 13). Perhaps seven members of the platoon were doing the actual killing (pgs. 13, 14). Some of the men walked into people's homes and killed them there (pg. 8). He saw four or five persons killed in a group (pg. 8). LEE saw the gunship lift out some of the noncombatants (pg. 10). He did not see a ditch with bodies in it, nor did he see civilians rounded up and moved ahead (pg. 9). About three quarters of the way through the village, he heard that an order had come from MEDINA to stop the killing (pgs. 9, 10, 13, 27). After he had passed through the village, he looked back and saw that some of the hootches were burning (pg. 11).

c. Further action.

The company held up for about an hour and a half on the east side of the village and then moved to its laager position approximately 800 to 1000 meters from the village (pgs. 29, 31). LEE knew nothing about two VC suspects being killed there by the National Police (pg. 12). On the next day, the platoon had a mission on Hill 85 where MEADLO was wounded (pg. 15). While waiting to be medevac'd MEADLO told CALLEY again and again that CALLEY would pay some day for what he had made him do (pg. 20).

4. INQUIRIES AFTER THE ASSAULT.

LEE did not recall seeing Colonel HENDERSON at LZ Dottie when the company was extracted on the 18th (pg. 15) and knew nothing about an investigation (pg. 16). He was not told by MEDINA or anyone else to keep quiet about the incident (pg. 16). He did not know why it was not reported (pg. 18).

5. OTHER INFORMATION.

a. LEE's assessment of MEDINA.

LEE thought MEDINA was a good officer and respected him (pg. 11). However, the men were on their own on the 16th and MEDINA did not have control over them (pg. 11). LEE believed it possible that the killing in My Lai could have gone on without MEDINA's knowledge (pg. 11).

b. C Company's treatment of civilians prior to My Lai.

Although LEE had heard about women being raped by the men of C Company, he believed that C Company generally treated civilians pretty well (pgs. 18, 19).

c. Use of marijuana.

A few of the men used marijuana, but it was not a big problem within the company (pg. 16).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit was never issued card.	22
M-3	MACV Card "Enemy in Your Hands"	Wit had never seen card before.	22
P-1	Aerial Photo of My Lai	Wit asked to annotate photo.	6
P-3	Miscellaneous Scene	Wit recognized interpreter Sgt PHU.	23
P-6	Miscellaneous Scene	Shows CARTER being bandaged.	23
P-13	Miscellaneous Scene	Wit recognized MARONEY and ALAUX.	23
P-87	Photo taken for CID investigation	Wit recognized CONTI.	23
P-126	SMAIL's slides	Wit recognized, SMAIL, GRIMES, and SMITH.	23
P-128	SMAIL's slides	Wit recognized SMAIL and SMITH.	24
P-135	P-1 as annotated by wit	Exhibit received into evidence.	32

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(The hearing reconvened at 1324 hours, 3 January 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Mr. Robert J. LEE.

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

State your full name, occupation, and residence, please.

A. Robert James LEE, 1801 W. Sunnyview Road, Oshkosh, Wisconsin. I work at a mental institution.

MR WEST: The hearing will be recessed.

(The hearing recessed at 1325 hours, 3 January 1970.)

(The hearing reconvened at 1327 hours, 3 January 1970.)

MR WEST: The hearing will come to order.

Mr. LEE, this investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the Army for the purpose of determining facts and making findings and recommendations concerning:

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

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

Now, this investigation is not being conducted to investigate all the facts and circumstances of what happened at My Lai. It is directed to those specific purposes which I have just stated. For example, we are not concerned with establishing culpability for anything that may have been done that was wrong.

We have had made available to us and have reviewed prior official statements obtained in other official investigations into the My Lai incident. For example, we have your statement which you gave to the CID agent.

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

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

We request that you not discuss your testimony in this investigation with others, including other witnesses for this investigation, except as you may be required to do so before competent judicial, legislative, or administrative bodies.

Are you subject to the orders of the military judge in the case of the United States v. Calley?

A. No, sir.

Q. Have you received a letter from the trial counsel?

A. Oh, yes, sir.

Q. In this event you are subject to the order issued by the military judge in the case of the United States v. Calley. I want to advise you that your appearance here doesn't in any way change the applicability or effect of that order. By the same token Judge KENNEDY has indicated that it is not against his order for you to testify before us.

Do you have any questions?

A. No.

Q. Mr. LEE, I understand that you were in the Army on 16 March 1968?

A. Yes, I was, sir.

Q. When were you discharged?

A. I was discharged 21 November 1969.

Q. On 16 March 1968, what was your duty assignment?

A. I was assigned to C/1/20 as a medic.

Q. What platoon?

A. I was attached to the 1st Platoon.

Q. Were you actually a member of Charlie Company or were you attached?

A. I had been attached from headquarters to Charlie Company which probably would make me a member of it.

Q. At this time was C/1/20 part of Task Force Barker?

A. Yes, sir.

Q. When did you first hear of the planned assault on the hamlet of My Lai (4)?

A. I believe it was the day prior, in the evening.

Q. Was this at the briefing of the company by Captain MEDINA?

A. Yes, it was. The evening before. He had a short briefing. The whole thing.

Q. Can you tell us what Captain MEDINA told the company?

A. I don't remember exactly, but it went sort of that we were going to go into this village and on up into Pinkville the next morning, and he said the people in there were kind of VC and VC sympathizers--suspects and to use precaution and watch everything for booby traps and stuff like this. That's about all I can remember right now, sir.

Q. Was anything said about the residents of the village?

A. Such as, sir?

Q. Well, you did mention that, I think you said the people there were either VC or VC sympathizers?

A. That's about all that I knew is what he said that night: that they were VC or VC sympathizers.

Q. Did he say anything about burning the houses?

A. No, not in the briefing the night before.

Q. You were attached to the 1st Platoon?

A. Yes, sir.

Q. Did Lieutenant CALLEY brief the platoon afterwards?

A. Not to my knowledge, sir. I don't remember.

Q. Before this briefing, do you remember whether a memorial service was held for the company?

A. I do not remember.

Q. What was the feeling of the men in the company after the briefing?

A. I really can't remember, sir.

Q. Were they apprehensive or were they ready for a big fight?

A. I believe they were sort of apprehensive and that's all. The reason that I say this is because we had gone in there before and got fired at and things like this. I think this is the reason why they would be a little apprehensive.

Q. Were you with the company a few weeks before, when they ran into a minefield and suffered some casualties?

A. Yes, sir, I was.

Q. You were out there at the time?

A. Yes, sir.

Q. Do you recall how many casualties the company took then?

A. Sixteen, sir.

Q. Some killed?

A. Yes, sir. I don't remember exactly, but I think three were killed.

Q. Did this play any part in the preparation of the company to attack My Lai(4) the next day? Was there any talk about getting even with the Viet Cong for that? I ask you this because some witnesses have told us this. I'd appreciate your recollection on this subject.

A. I believe there was such a statement.

Q. Was this by Captain MEDINA or somebody else in the company?

A. This was stated by Captain MEDINA.

Q. Did the men have an attitude of wanting to go in there and wanting to get even? I don't want to put this in your mouth, in your testimony, but some witnesses have said this, and I would like to have your thought on it?

A. Yes, sir, it did have some effect on maybe some of them, but I don't believe it would on all of them. Myself, I never looked at it that way.

Q. Let's move to the next day now, to the 16th. You were lifted in with other members of the company into the landing zone west of My Lai(4) as we understand. The mission of the 1st and 2d Platoons was to move through the hamlet to the east. Will you describe what you did and saw right at first after you got out of the helicopter?

A. After I got out of the helicopter I moved forward a ways and got down and waited for the rest of the company-- not company but platoon to get on line as we started forward. Then there was--somebody just started shooting, and then I saw somebody jump up on the side. I fired one shot. I didn't hit him but somebody shot him after that. I fired one more shot later on and that was at somebody running. After this I didn't know what it all was about, so I just quit. I just couldn't see it after I saw what was taking place.

Q. Before we get into that, I show you a large aerial photograph of the hamlet of My Lai(4) and the vicinity and a section of a 1:25,000 scale map, which has been introduced as MAP-4, which shows the corresponding vicinity of My Lai (4). Looking at the aerial photograph in front of you (Exhibit P-1), do you recognize the area where the 1st Platoon formed up after it was lifted into the landing zone?

A. We were the right flank, which would probably be this half here.

Q. Would you like to mark the 1st Platoon's sector?

A. Right about in here, half of it moving to the east. (Witness marks on Exhibit P-1, which is later received in evidence with annotations as Exhibit P-135.)

Q. Initially, did your platoon receive hostile fire?

A. Not to my knowledge.

Q. Did you ever receive any hostile fire?

A. I don't believe we did, sir.

Q. When the platoon started into the hamlet how did it operate? Did it go in by reconnaissance by fire, or did the men fire individually when they had a target? How did it work?

A. I believe it was fire as they had targets.

Q. Was there a great deal of firing?

A. Yes, there was, sir.

Q. Well, would you just tell us what happened, what you saw? What occurred as you moved into My Lai (4) with the 1st Platoon?

A. As we moved in my team was--they were just killing just about everybody and anything that was around. Animals, people, and everything moving through the village. I just couldn't go for it myself so I walked, just walked through it, through the middle.

Q. Where would you normally be as an aidman?

A. With the--

Q. (Interposing) Would you stay with the headquarters section?

A. Yes, with the platoon sergeant, usually.

Q. That was Sergeant COWAN?

A. COWAN, yes, sir.

Q. On this day did you stay with Sergeant COWAN?

A. Yes, I did, sir.

Q. Could you describe in more detail what you saw when you moved through there, to the best that you can remember? I take it when you said they were shooting all the people you meant Vietnamese civilians in the town?

A. Yes, sir. There was that, and the animals that were in this area were being killed also. I couldn't see a need for any of this even though we had lost some of our best friends and everything. I couldn't see it. This was not going to bring them back or pay for something.

Q. Did Sergeant COWAN say anything to you as you moved through the village?

A. Yes, he said, as we moved through it, he couldn't see any need for it either. We just walked along, he and I.

Q. Could you tell us some particular thing that you saw? Describe what you saw as you went through? For example, we have had other witnesses tell us that they saw people being pushed down into root cellars and somebody would throw a grenade in. Other people said, other witnesses said that men would check out bunkers, and if the people wouldn't come out they would throw a grenade in, and that sort of thing. We have had testimony that in one case a man was killed and thrown into a well. Other testimony that groups of people were herded together and then shot down. Did you see any things like this sort?

A. Well, I didn't see them actually doing this. I had seen evidence of such though, such as bodies that were badly mutilated. I can't remember if I'd seen a man in a well or not. I keep thinking something about a well but I don't know what it is.

Q. Your recollection is that you just walked all the way through the village?

A. Just walked straight through, sir.

Q. Did you see people actually being killed?

A. Yes, sir, I did.

Q. All right, could you describe this?

A. As we first entered, I can remember some of the men going right into the houses and shooting some of the people right in their houses and leaving them and moving through. I seen just once a group of about four or five that had been shot right in a group there as such. Outside of this, there were bodies all over and animals. That's about all.

Q. Would you estimate about how many dead civilians you saw in the village?

A. Myself, I saw at least 50 or 60 as I walked through.

Q. Could you tell us what sex they were and what age? Just an estimate.

A. They were you might say men, women, and children. They were of all ages and both sexes.

Q. Could you just trace approximately your path through the hamlet from the point where you entered?

A. I couldn't say for exact.

Q. Well, as far as your platoon was concerned, do you remember if you were on the right flank or the left flank?

A. The right flank, sir, yes. As you look at it going to the east.

Q. You would have been along, generally, the southern sector of the village?

A. Right, sir. As I can remember, there was sort of a little path. Sergeant COWAN and I, we both got on it and just followed the path.

Q. As you moved through My Lai(4) did you see any officers?

A. When we first landed and first entered the village I saw Lieutenant CALLEY at the time. After we got into the village I did not see him any more, and that is the only officer I remember seeing.

Q. As an aidman were you called on to give first aid to anybody?

A. No, I was not. There was somebody, though, that had been wounded.

Q. This was CARTER probably.

A. CARTER, yes, sir. He was from my platoon, but I had no knowledge that he had gotten wounded. I believe GARZA happened to be close by when it happened, patched him up or fixed him up.

Q. As you moved through the hamlet did you observe any Vietnamese civilians being rounded up and moved ahead?

A. I didn't see anything like this, no, sir.

Q. Did you later observe a ditch with a number of bodies in it?

A. No, I did not, sir. I have heard of such, but I have never seen it.

Q. Did you hear an order or the word being passed during the morning to stop killing or words to that effect?

A. Yes, I did.

Q. Would you tell us about that?

A. It was from Captain MEDINA I believe. He came in when he saw what was going on and told them to stop this. That is all I can remember. This was later on in the morning though.

Q. Was it toward noon you say or 10 o'clock. The initial landing was around 7:30. We have had one witness today who put this around 10 o'clock.

A. I would say 9 or 10. It was Captain MEDINA who said to stop this.

Q. Now, this could be very important. Could you explain why you say it was Captain MEDINA who did this?

A. No.

Q. Did you actually hear him?

A. No, I did not actually hear him, sir, but I heard others saying that he had said this, to stop and quit this.

Q. The word was passed on?

A. It was passed on, right, sir.

Q. Did you hear Lieutenant CALLEY give such an order?

A. I did not hear him personally, but he might have at some time. I do not know.

Q. You don't know?

A. I do not know, sir.

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

A. No, I did not. I seen there was a gunship come in and landed and took some people out; and there was also an observation plane, I believe it was, come in.

Q. Are you talking about helicopters?

A. Yes, sir, he landed and took off also.

Q. All right. Could you describe those instances the best that you can recall?

A. They did not land anywhere near where I was, but I could see them in the distance, come down and land, both of these planes. Now, the gunship I did see take about three or four people, Vietnamese civilians, and put them on; but the observation plane landed like behind a hedgerow, and I could not observe what was going on there.

Q. We'll ask you a little later on to get with Colonel WILSON, and we'll go over some photographs and see if perhaps you can locate those places on the map where that happened. What kind of officer was Captain MEDINA?

A. I believe he was a very good officer. I respected him.

Q. Do you think he had control of the company that morning in My Lai(4)?

A. I really couldn't say. I don't believe he did. I think they were just sort of on their own.

Q. Well, you saw a good many of the soldiers there in the hamlet. Was this the impression that you got?

A. Yes.

Q. Could all of this killing go on without Captain MEDINA's knowledge?

A. I believe it could have because he had come in later. Like the first ships landed and they started, and then he came in with his headquarters group. I believe it was the 3d Platoon. I'm not for sure on that.

Q. Did you see any burning of houses and hootches?

A. I seen it in a distance, but I wasn't right in the village at the time.

Q. This was after you had gone through?

A. After we had gone through the village.

Q. Did I ask you if you could estimate the number of dead civilians that you saw in the hamlet?

A. Yes, sir. I had said 50 to 60 that I had seen.

Q. Can you remember what your platoon did the rest of the day the 16th, after you went through My Lai(4)?

A. I believe we moved on up towards Pinkville and found a place for the night.

Q. Do you remember a cemetery or a graveyard nearby, where you laagered in for the night.

A. No, I do not.

Q. That afternoon did you see any National Police?

A. Yes, I believe there were some.

Q. We have some evidence that they interrogated some VC suspects, and they perhaps killed two of them. Do you know anything about this?

A. Not that I can remember, sir.

Q. Did you see any visiting officers at this time?

A. No, I didn't see any, sir.

Q. Did you know Captain KOTOUC?

A. No, I didn't.

Q. Captain MICHLES of B/4/3?

A. No, I don't know him.

COL FRANKLIN: You were back there with Sergeant COWAN? You said that Sergeant COWAN saw no need for all this killing?

A. Yes, sir.

Q. Did Sergeant COWAN do anything about it? He was platoon sergeant, wasn't he?

A. I don't know whether he did or not. I can remember him saying as we walked along that there was just no need for that.

Q. Did you have the thought that he could stop it?

A. I never had the thought that he could, no.

Q. Why not?

A. It was just so out of hand, sir, the whole thing.

Q. What do you mean out of hand?

A. The men going through there, like he had no control over them.

Q. Were they wild?

A. You could call it wild, yes.

Q. When Captain MEDINA said stop, did they stop then?

A. I believe so, sir, I'm not sure.

Q. Do you recall any more going on after you heard the word from Captain MEDINA to stop?

A. Like I said, I didn't hear it actually, sir. I heard as it was passed down.

Q. When the word was passed down did the shooting stop?

A. I believe so, sir. I'm not sure because I don't know exactly what time it was passed.

Q. Were you mostly through the village when the word came, or halfway through?

A. I'd say we were pretty well through the village.

Q. Did you see any live civilians that were passed by, that the troops passed by and didn't kill?

A. Yes, I believe so, and they were going, sir, back, straight back through the village. A lot of them were sending them back. A lot of men couldn't see this. They were sending them back through the village where we had already come through.

Q. Did you have the feeling that the majority of the men in C Company were participating in the killing?

A. I wouldn't say a majority. To be exact, I couldn't say the exact number, but I don't believe all of them felt a need for this.

Q. Your feeling when you first saw this: did you sort of expect this, or was there a feeling of surprise, or what was this feeling?

A. Surprise, sir. I just couldn't believe it.

Q. You hadn't been prepared for anything like this?

A. Not myself, no.

MR WEST: You had been on operations before?

A. Yes, I had, sir.

Q. How long?

A. I got in country on 1 December and worked with Charlie Company on operations up until that date. I was with them until June, I believe, of that year. Then I became sick and hospitalized.

COL WILSON: I would like to pursue that questioning about numbers of people participating. In the 1st Platoon, what proportion of the 1st Platoon actually was indiscriminately firing in the village. I mean either deliberately killing people or just indiscriminately firing. Are we talking about a handful of men or are we talking about 50 percent of the men or what?

A. I really couldn't say an exact number, but I would say at least a handful--a good handful.

Q. Five, six, seven?

A. Basically.

Q. You were in the first lift. Do you remember which aircraft you were in?

A. Do you mean like their setup, which one? No, I couldn't tell you. I know I was in the first lift though.

Q. Was your doorgunner firing prior to landing?

A. I believe they were, both of them.

Q. Both gunners?

A. Yes, both gunners, I believe, were firing.

MR WEST: Do you remember what the company did on the next 2 days, the 17th and the 18th? We were told that the morning of the 17th the 1st Platoon had a mission up on Hill 85. Do you remember a man named MEADLO stepping on a mine?

A. Yes, sir. I took care of him, sir.

Q. Were you near to him when he stepped on the mine?

A. When it happened? No, I wasn't. I was quite a distance away. They called back, and I had to go over that distance to get him.

Q. Do you remember what the company did the rest of the day now? They were supposed to have moved south down to a river.

A. Yes, they did. I remember that.

Q. Anything particular happen that day? Did they encounter any VC or burn any villages?

A. I don't remember exactly what happened. I know we went up the hill and came back the next day, but I can't remember anything after that.

Q. We understand that the company was lifted out the next day, the 18th, and taken back to Landing Zone Dottie. Do you remember a full colonel meeting the helicopter and talking to some of the men at that time, to the men of the company?

A. No, I do not.

Q. This was Colonel HENDERSON, the brigade commander, who told us that when the company was extracted he met some of the men as they came in and talked to them.

A. No, I didn't talk to him. I don't remember seeing him.

Q. About this time, right after My Lai (4), did you hear anything about an investigation being conducted as to the killing of civilians there that day?

A. You mean after say the next week?

Q. Yes, the next few days of the next week.

A. I don't remember hearing anything about an investigation, sir.

Q. Did anybody ever come to you and say he was conducting an investigation and ask you about it?

A. No, sir, not until about a month ago.

Q. Yes, I understand. Captain MEDINA testified here, and he told us, shortly after the assault upon My Lai (4) he called the company together and told them that there was an investigation going on of what happened at My Lai(4); that it would be best for them not to talk about the incident while the investigation was going on. Do you remember anything about this?

A. I don't remember if it happened. I don't remember.

Q. Anybody ever tell you to keep quiet about what happened at My Lai(4)?

A. Not that I can remember. I just never talked about it since it happened, myself.

Q. In November there were newspaper stories to the effect that some members of Charlie Company may have been under the influence of marijuana that morning in My Lai. Do you know anything of this?

A. No.

Q. Was there a marijuana problem in the company to your knowledge?

A. There were a few I think that were using it, but as far as a big problem, no.

Q. After this, as long as you were with Charlie Company, what kind of assignments did they draw? Did they have any more missions like the one into My Lai(4)?

A. Do you mean as an assault platoon or company?

Q. Yes, search and destroy and that kind of thing.

A. I don't believe there were any more missions like that. There might have been. We were sent north for a while. I remember that. Whether we did any there, I can't remember.

Q. Let me put it this way: were the missions after My Lai(4) about the same that they had been before? No real change?

A. No, you might say they were just about the same.

Q. I want to ask you some general questions now, Mr. LEE, that call for an opinion. What do you think about My Lai(4) and the things that happened there that day. What do you think really happened?

A. You mean what would I call it?

Q. Yes, how would you characterize this. It was an unusual thing. Something that surprised you and something that surprised the whole country. What do you think happened there that day? What was it about?

A. I don't know really what caused it or what brought it about.

Q. There have been various theories suggested. One, that the men were ordered to do this and this is exactly what they did, kill everybody in sight. Other people said that the men were worked up and were in a frame of mind you know, expecting a hard fight, and went in shooting and just kept on shooting regardless of who they were killing. Others have theorized that it was an act of revenge because the company lost so many men in the hands of the Viet Cong, and these people in the hamlet were regarded as Viet Cong or Viet Cong sympathizers. Others have said that, well, the company just got out of control. How would you have thought of it? What do you attribute it to?

A. We had been in there before and lost some men. This might be like you say, something of a hard fight, and they were expecting something. As far as knowing for sure, I don't know.

Q. You have thought about it I guess?

A. I try not to, sir.

Q. You are also aware, I guess, that this incident didn't become widely known until recently, and apparently it was not reported officially outside of the Americal Division. Do you have any opinion as to why the facts were not reported?

A. I don't know why.

Q. Was there any tendency on the part of the men not to talk about it because they were ashamed or because it was wrong?

A. This is why I wouldn't talk about it. I thought it was wrong and something I just wanted to forget.

Q. Was there any feeling, any impression, in the company that they were not supposed to talk about it and ordered not to talk about it?

A. I don't believe there was. You mean as far as somebody coming out and saying, "This is an order. Don't talk about it?"

(MR WEST nods affirmatively.)

Not that I can remember, sir. Myself, I just didn't want to remember or talk about it. This is basically why I didn't.

COL FRANKLIN: What was the general attitude of your company towards the Vietnamese people?

A. You mean as far as liking them or hating them?

Q. Yes, and treating them, before and after.

A. They were usually pretty good to them that I can remember, up until this one day.

Q. Pretty good to them. Did you ever hear about any women getting raped by Charlie Company?

A. Yes, I did hear something about this at one time. This was before, I believe.

Q. Did you ever see the Vietnamese made to carry the packs of the Charlie Company soldiers?

A. No, I did not.

Q. Did you ever see women stripped down to be searched and not given their clothes back?

A. No.

Q. So you think that C Company generally treated them pretty well?

A. I believe so.

Q. When you, as a soldier, were just around talking, did you ever hear anybody talk or did you get any instruction about--did you ever hear the expression "hearts and minds" of the people? Did you ever hear that expression?

A. Yes.

Q. Did the soldiers ever talk about getting the goodwill of the Vietnamese people so that they would take America over the VC? Was that kind of an idea discussed or talked about by anybody?

A. Yes, Captain MEDINA at one time told the whole company that this is why we are basically over there, and this is just after we first got there. He had mentioned something to this effect.

Q. Do you think most of the soldiers listened or do you think most of them believed it?

A. I believe a majority of them listened and thought that our mission was to try and help them.

Q. What did you think?

A. Just what you say: we were there to try to help them.

Q. Did you volunteer to be a medic?

A. Yes, sir.

COL WILSON: Was CALLEY wounded when MEADLO was?

A. Yes, he was. He had small pieces of scrap metal from the explosion, as I can remember.

Q. Was it necessary to treat him?

A. I put on some merthiolate and pulled a couple out with a tweezers. They were just surface. I pulled them out with a tweezers and put merthiolate on them and told him he should go in and have it looked at. He would not, and we went in the next day, and he went to the dispensary. I made sure he got a shot and had it taken care of and cleaned out. As far as being evacuated in, he wouldn't go. He stayed out.

Q. Did you note how close he was to MEADLO when he was wounded?

A. I couldn't say. I wasn't near him.

Q. Did MEADLO say anything unusual when he was being evacuated?

A. He kept telling CALLEY that he would pay for whatever he had done and things to this effect. MEADLO was sort of in shock too at the time.

Q. Do you attribute what he said to shock?

A. Probably half of it to it, because he had lost pretty much of his foot at the time, and it was bleeding quite a little.

Q. What exactly did he say?

A. Well, when I got there and wrapped his foot we were waiting for a helicopter, and he kept telling CALLEY over and over again that CALLEY would pay some day for what he had made him do. That is what he kept repeating over and over again.

Q. That CALLEY had made MEADLO do something?

A. Yes. Now, as far as what he had made him do, I couldn't tell you.

MR WEST: Mr. LEE, can you think of anything in addition that you would like to tell us that might help us in our inquiry?

A. I can't think of anything, sir.

MR WEST: All right. After you leave us, if you should think of anything else, run across any letters, notes, or maps that might add some light on the subject that we are looking into, we would appreciate hearing from you. We thank you for coming. We are very grateful.

The hearing will be recessed.

(The hearing recessed at 1416 hours, 3
January 1970.)

(The hearing reconvened at 1445 hours, 3
January 1970.)

COL WILSON: I would like to remind you that you are still under oath.

Before we get into the photographs I have a couple of questions on training. You were with the brigade when you were in Hawaii. Is that correct?

A. Yes, sir.

Q. Were you with C Company at that time?

A. Yes, sir.

Q. Before you left Hawaii were you given any special training for Vietnam?

A. In Hawaii we had a couple of weeks of jungle warfare training.

Q. Did you have any training on handling prisoners?

A. Yes, we did.

Q. In Hawaii?

A. Yes, sir.

Q. Who gave you this training?

A. I think it was the whole company-type training. I remember we had a simulated village in Vietnam and what you did with a prisoner when you caught him, but as far as who gave it, I can't remember, sir.

Q. What were you told to do with the prisoners?

A. Well, to capture them, to secure them and the whole thing.

Q. Did you receive any training after you got to Vietnam?

A. Not that I can remember, sir. We were given a week's school. Whether it was there or not, I can't remember.

Q. A week's school?

A. Right after we got to Vietnam.

Q. What did that cover?

A. Booby traps, that's all I can remember. Just more or less an orientation to Vietnam. Booby traps, zeroing your weapon, and things like this.

Q. Did you receive any instructions there on handling prisoners or noncombatants?

A. Not that I can remember.

Q. I show you Exhibit M-2 entitled, "Nine Rules." Have you ever seen that card?

A. I have seen it, sir.

Q. Did you ever have one issued to you?

A. No, I didn't.

Q. Where did you see it?

A. Some of the guys, when I was in the hospital, had these. I happened to see one there. Somebody showed it to me. This was in July sometime.

Q. July 1968?

A. Yes.

Q. I show you Exhibit M-3. Have you ever seen that card, "The Enemy In Your Hands"?

A. I have never seen this one, sir.

Q. You notice that there are some English to Vietnamese and Vietnamese to English translations?

A. Yes, sir.

Q. You never saw that card?

A. No, I did not, sir.

Q. You have separated the photographs into the group that you can identify in some way?

A. Yes, sir.

Q. I'm going to ask you questions on each photograph that you have selected.

Q. P-3?

A. This is our interpreter, I believe. This is why I pulled it.

Q. Sergeant PHU?

A. Right.

Q. P-6 shows CARTER being bandaged. Did you see CARTER at this point?

A. No, I did not, sir.

Q. Do you know where this location was?

A. No, sir.

Q. P-13?

A. The reason I pulled this is because I knew the mortar platoon sergeant. His name was MARONEY. And this person, I don't know who he is, but he seems familiar. It might be the artillery officer, if I remember correctly.

Q. Lieutenant ALAUX?

A. ALAUX, right.

Q. The first man is Lieutenant ALAUX. The second man is Sergeant MARONEY. Do you know this location?

A. No, I don't.

Q. P-87?

A. That is CONTI.

Q. Do you know where he is?

A. No, I don't.

Q. The first man is CONTI.

A. Yes.

Q. P-126?

A. I pulled this because I recognize this one. Sergeant SMAIL.

- Q. The second man from the left is Sergeant SMAIL.
- A. I believe this was Joe GRIMES. And this is SMITH.
- Q. The first man from the right is Joe GRIMES. The first man from the left is SMITH.
- A. Otherwise, I don't know where it is at or anything.
- Q. What platoon was GRIMES in?
- A. 3d Platoon I believe.
- Q. Were the rest of those men in the 3d Platoon?
- A. Yes, they were.
- Q. Do you know that location? Do you know where it was?
- A. No, sir.
- Q. P-128?
- A. This is Sergeant SMAIL again.
- Q. The man in the center of the photograph is Sergeant SMAIL.
- A. I don't know, I think this guy's name is SMITH. I'm not sure.
- Q. The man on the right is SMITH. Do you know where this is?
- A. No, sir.
- Q. Back to the aerial photograph (later Exhibit P-135). You said you landed where?
- A. We landed in the second rice paddy here.
- Q. Now that is north of the east-west tree line.
- A. I believe so.
- Q. You know 1 inch equals 100 meters.

A. Okay, yes, sir.

Q. Do you recall how far you had to move from the time you got out of the helicopter until the time you got to the village?

A. I would say approximately 200 to 250 meters.

Q. You said you built up on a line there while the platoons moved on line. Is that correct?

A. Yes, I believe we went on line, sir.

Q. How long did it take to move both platoons up on line?

A. Just a matter of minutes, sir.

Q. When you got off of the aircraft did you move into a perimeter or circular formation?

A. Circular? No, sir.

Q. Didn't you secure the second lift coming in?

A. Yes, I think there was two lifts. It did take a little longer. We did set up a perimeter. There was a third lift also if I am not mistaken.

Q. Do you remember where you moved when you got off of your helicopter. Did you move up to this line or did you move to this line or did you move to a different location?

A. I was over in here because afterwards--

Q. (Interposing) Do you remember this tree line?

A. No, I don't, sir.

Q. But you think the landing zone was generally in this area?

A. Somewhere in that area.

Q. Now, when you moved up to the village, were you with the CP or the command group?

A. Yes, I was with Sergeant COWAN, myself and a radio operator. I don't know who he was.

Q. Where was Lieutenant CALLEY?

A. He was there also.

Q. Now, remembering the village as best you can. When you moved, you pointed out that the 1st Platoon was on the right, on the southern side of the village. You also stated in your CID statement that there was some sort of a hedgerow or something that was the left boundary of the 1st Platoon that ran through the center of the village. Do you recall what that terrain feature was?

A. There was something that I can remember after we got in. There was something through the village. I can't remember what.

Q. Do you remember being on a trail the entire time you were in the village?

A. No, not the entire time.

Q. How long? Three-quarters of the time?

A. About that, sir.

Q. Did this seem to be a main trail through the village?

A. Yes, sir.

Q. And you were with Sergeant COWAN. That places you on the left flank of the platoon, right?

A. Yes, sir, I believe so.

Q. There were two squads in the platoon?

A. Three, I believe.

Q. Normally there are three, but we have indications that they consolidated into two squads due to the shortage of personnel.

A. I don't know.

Q. Sergeant BACON is on the left. Do you recall seeing him? Sergeant MITCHELL is on the right. Do you recall seeing him?

A. I don't recall seeing either one of them.

Q. But you were with Sergeant COWAN?

A. Yes.

Q. Now, as you moved into the village and through the village, is there any particular landmark or feature that you can remember?

A. Nothing more than just that one trail that I had been on.

Q. As you moved through the village, where did you first begin to see the bodies?

A. It was just a little ways inside the village, not too far in.

Q. Are you talking about 50, 60, 70 meters?

A. Just about where the first houses are. Right in that area.

Q. As you moved through the center of the village, did you see anything else in particular that you recall?

A. Nothing, sir.

Q. Do you remember about where you received or heard the instructions to stop firing, stop killing, or whatever those instructions were?

A. Exactly to pinpoint it, I don't know, but I suppose near the end of the village, like I said before.

Q. You look like you were about three-quarters of the way through the village?

A. At least three-quarters.

Q. About the time you hit those fences?

A. I'd say about that time.

Q. You don't know what time that was?

A. No, the time I do not know.

Q. (Marking on aerial photo) Point 3 is "received instructions to stop firing."

And then you moved along through the village, out through the east portion, right?

A. Right, sir.

Q. Did anything happen there?

A. Not as far as this is concerned. When I got out in here I saw this helicopter land. It was right along those trees.

Q. You saw the helicopter?

A. It was a gunship, sir. They picked up some people, and then there was a helicopter that landed behind the trees.

Q. The gunship came in here. What did they evacuate?

A. Women and children.

Q. Now, you say other helicopters landed in this area?

A. It was a small observation-type helicopter.

Q. That is called a light observation helicopter, an LOH?

A. I believe so.

Q. The LOH landed?

A. Right, sir.

Q. Did anything particular happen at the point where it landed?

A. Not that I could see because the hedgerow was in

the way.

Q. Where did you go from the east edge of the village?

A. I just walked out to the edge of the village and waited for an hour. It was out into the rice paddy, and I just sat on one of those dikes for about an hour or an hour and a half.

Q. So you generally held up on the east side of the village for about an hour to an hour and a half before you moved on?

A. Right, sir, waiting for the rest of the people to come out.

Q. Where did you wait?

(Witness indicates the rice paddy to the east of the village.)

Were you there by yourself?

A. No, there were other men out there, I believe.

Q. Did you eat at this point?

A. I am not sure. Maybe that is why we were waiting and holding up. I'm not sure. Something held us up there. I can't remember what it was.

Q. And then where did you go?

A. Where is My Lai (5)?

Q. My Lai (5) is probably this village here (indicating to the northeast of My Lai (4)).

Do you know if the 2d Platoon went up to My Lai (5)?

A. No, I don't.

Q. Now at point 6, you said they did form a perimeter there?

A. I believe it was something like a half circle

Q. Did you see the helicopter evacuate CARTER?

A. No, I did not, sir.

Q. You did not see it come in?

A. No.

Q. Did you ever walk over to the southern edge here?

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

Q. You saw these people at point 2 where you first went into the village. Could they have been killed from the gunship fire or the fire from the doorgunners of the helicopter which you went in on?

A. They could have been. I don't know.

Q. Were they in the hutments at point 2?

A. Some of them were.

Q. Did you see many fires at that time?

A. Not to my knowledge, no. There were some from the artillery.

Q. You didn't get down south of the village at all, down toward the main road?

A. No, I did not.

Q. And you can't recall the time that you received the instructions to stop firing?

A. Not the time.

Q. Can you recall the time of anything that happened that day?

A. Nothing in the village. It was around 2 o'clock when we got up around in this area here, going to where we laagered in for the night. It was around 2 o'clock in the afternoon.

Q. At 2 o'clock in the afternoon. You pointed to an area about 400 meters northeast of My Lai (4). You

had gone that far by 2 o'clock that afternoon?

A. I believe so, sir.

Q. Why do you think it was that time?

A. Well, we didn't get too much farther until we hit the place where we laagered in for the night.

Q. How far do you think it was from My Lai (4) to the place where you laagered that night?

A. Anywhere from 800 to 1000 meters.

Q. Were you very careful when you moved up that distance?

A. Yes, sir.

Q. Mr. LEE, can you recall anything else that might help us on this photograph?

A. No, sir.

Q. When did you hear that CARTER was wounded?

A. After I got to point 6.

Q. You didn't hear it back in the village?

A. No.

Q. Mr. LEE, if this basically happened that day, I ask you to sign it under the statement "Prepared from memory at Washington, D.C., 3 January 1970."

(The witness signed aerial photo.)

I thank you very much. I would like to caution you to remember what Mr. WEST informed you initially: that you are under the judge's order. However, this does not affect any legislative committees or administrative bodies which may wish to bring you in for an interview at a later date. Also, you are not to discuss these matters with people other than with other legal proceedings that may be taking place.

A. All right, sir.

COL WILSON: We appreciate your coming in. Thank you very much.

The aerial photograph that was prepared at Washington, D.C., from memory on 3 January 1970 and signed by Robert J. LEE is offered into evidence as Exhibit P-135.

(The hearing recessed at 1520 hours, 3 January 1970.)

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A. Anywhere from 800 to 1000 meters.

Q. Were you very careful when you moved up that distance?

A. Yes, sir.

Q. Mr. LEE, can you recall anything else that might help us on this photograph?

A. No, sir.

Q. When did you hear that CARTER was wounded?

A. After I got to point 6.

Q. You didn't hear it back in the village?

A. No.

Q. Mr. LEE, if this basically happened that day, I ask you to sign it under the statement "Prepared from memory at Washington, D.C., 3 January 1970."

(The witness signed aerial photo.)

I thank you very much. I would like to caution you to remember what Mr. WEST informed you initially: that you are under the judge's order. However, this does not affect any legislative committees or administrative bodies which may wish to bring you in for an interview at a later date. Also, you are not to discuss these matters with people other than with other legal proceedings that may be taking place.

A. All right, sir.

COL WILSON: We appreciate your coming in. Thank you very much.

The aerial photograph that was prepared at Washington, D.C., from memory on 3 January 1970 and signed by Robert J. LEE is offered into evidence as Exhibit P-135.

(The hearing recessed at 1520 hours, 3 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: MAPLES, Robert E.

DATE OF TESTIMONY: 24 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Second Squad, First Platoon, C/1/20.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness first heard about the operation at MEDINA's briefing on the 15th (pg. 2). MEDINA told them that everyone in the village was a VC or a VC sympathizer. He said that they were to kill everything and to throw the animals into the wells (pgs. 3, 4). The witness felt that this order applied to younger men, but not to women and children (pg. 3). He could not recall an order given to burn the hootches (pg. 3). He did not recollect MEDINA saying that the women and children would be at the market at the time the assault began (pg. 4). MEDINA termed this operation a chance to get revenge (pgs. 14, 15). He remembered no subsequent briefing by his platoon leader, platoon sergeant, or squad leader (pg. 4).

2. THE ASSAULT ON MY LAI.

a. Action at My Lai (4).

After they got off the helicopter, they got on line and began moving through the village (pg. 4). They were shooting as they went through it (pg. 16). The witness had a machinegun (pg. 4). He had expected a hard fight and was surprised when they did not run into any enemy resistance (pgs. 4, 5). As they went through the village a lot of civilians were killed (pgs. 4, 5). He saw BERGTHOLD shoot a Vietnamese in the head as the man emerged from a hootch (pg. 5). He did not see men from the 2d platoon take the

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(The hearing reconvened at 1545 hours, 24 January 1970.)

MR WEST: The hearing will come to order.

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

The next witness is Mr. Robert E. MAPLES.

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

Will you state your full name, occupation, and address?

A. Robert MAPLES, I'm a warehouseman, Garden State Storage Company. I live at 40 1/2 Avenue A, Freehold, New Jersey.

MR WEST: Mr. MAPLES, have you seen our Exhibit M-57 which was handed to you by the recorder and sets out the information about the nature and purpose of this inquiry?

A. I did.

Q. Do you have any questions about it?

A. No, I don't.

Q. Have you received an order from the military judge in the court-martial case of either the United States v. Calley or the United States v. Mitchell?

A. I received one for the United States v. Mitchell.

Q. I ask because I wanted to point out that it is permissible, within the wording of that order, for you to be here today and to answer questions that we present to you. Also, the fact that you have been in here and asked not to discuss the case publicly does not have any effect on that other order. They both are valid.

Mr. MAPLES, just for the record, were you a member of the U.S. Army on 16 March 1968?

A. I was.

Q. Would you tell us your grade and what your duty assignment was?

A. I think I was a PFC at the time, machinegunner. Either a PFC or a SP4.

Q. What was your outfit?

A. C/1/20.

Q. And you were in what platoon?

A. The 1st Platoon.

Q. What squad?

A. I think I was attached to the second squad, Sergeant BACON's squad, at the time.

Q. Did you see Mr. STANLEY a few minutes ago?

A. Yes, I did.

Q. We just talked to him. I believe you were in the same squad?

A. Yes.

Q. Mr. MAPLES, when did you first hear of this combat assault upon My Lai (4)?

A. I think it was the day before. I'm pretty sure it was the day before.

Q. Was this when Captain MEDINA had a briefing for the company?

A. Right.

Q. When he issued orders about the assault?

A. Yes.

Q. Could you tell us what Captain MEDINA said, to the best that you can remember?

A. He told us that we had an assault on My Lai (4) and anything that is in the village is supposed to be VC. He told us to kill everything and to throw the animals and things in the wells, and that's basically what he said. All of the things I don't remember.

Q. Do you remember him saying anything about burning the hootches?

A. No, I don't remember him saying that, but it happened anyway, but I don't remember him saying it about burning.

Q. Did he give any indication that this message had come down from higher headquarters? Did he say anything about that?

A. I don't remember.

Q. How did the other members of the company interpret the orders? Did they have about the same idea as you did? Did they think you were supposed to go in there and kill everybody?

A. They didn't have the same idea I had.

Q. What did they think?

A. From what happened, I didn't think it was supposed to be done, but they must have interpreted it a different way from what happened when we went through the village.

Q. You didn't interpret it that the orders were to kill everybody?

A. Not everybody. Not women and kids.

Q. How did you understand it?

A. From what I understood and what I thought, the younger men and whatnot were to be assumed VC, but not the women and kids.

Q. You don't remember Captain MEDINA saying everybody in there would be VC or VC sympathizers?

A. It was something like that. I guess I misinterpreted it.

Q. Was there anything said about women and children being away at market early in the morning?

A. Away from market?

Q. Away from the village, at the market, at the time you moved in. Do you remember hearing that?

A. No, not that I remember.

Q. Did you get any further orders from your platoon leader or platoon sergeant or your squad leader?

A. Not that I recall. They probably talked but I couldn't remember exactly what they said.

Q. You have in front of you, Mr. MAPLES, a large aerial photograph of My Lai (4) and vicinity. This is Exhibit P-1. On your left is a map which has been admitted into evidence as MAP-4 with a scale of 1:25,000. The photograph is 1 inch equals about 80 meters, and is oriented so this is north, and you can see similarities in the map and the photograph here. The landing zone of Charlie Company was west of My Lai (4) in the rice paddy. Could you tell us as best you can recall, Mr. MAPLES, what you saw and did after you got out of the helicopter and moved into My Lai (4) with your squad?

A. Well, after we got off the helicopter, we got on line and we started moving through, after everybody got there. We started moving through. I was carrying a machinegun. I thought I saw something at the edge of the village so I fired and as we moved through from that area that I fired, I went there and I couldn't find anything. As we went on through the village there was a lot of shooting and people getting killed.

Q. Did you run into any enemy resistance at all. Any hostile fire?

A. None that I know of. I didn't hear any shooting.

Q. Was this a surprise to you?

A. It was a surprise.

Q. You really expected a hard fight in there?

A. Right.

Q. If I'm not mistaken, Charlie Company didn't suffer any casualties at all except when CARTER shot himself in his foot.

A. That's all I know of.

Q. When you say there was a lot of people killed, are you talking about Vietnamese civilians, or people that looked like civilians?

A. Civilians.

Q. Do you remember any particular incidents of that nature that maybe should be mentioned?

A. As I told before, I think he was my ammo bearer BERNHARDT--or BERGTHOLD. I saw him shoot one Vietnamese person in the head.

Q. Was this the man coming out of the hootch?

A. Right.

Q. Did you see some women and children around the temple killed?

A. No, I didn't.

Q. This is something Mr. STANLEY saw and told us about.

A. No, I didn't see it.

Q. He told us about another incident farther into the village where a few women and girls were gathered together. Some men from the 2d Platoon came over and had taken the blouse off of a girl that was talking to them. Do you remember this incident? Did you see that?

A. No, I didn't see it, sir.

Q. About how many dead people do you think you saw when you went through?

A. That I saw? Personally, I only saw one. That's with BERGTHOLD.

Q. I didn't mean necessarily that you saw killed. I mean dead people, bodies on the ground?

A. Oh, people that I saw? About 75--100 that I saw that was alive at the time.

Q. Alive or dead?

A. Alive.

Q. How many dead people?

A. I saw one. The one that BERGTHOLD killed. I didn't see any others.

Q. Did you know BOYCE?

A. Yes, I do.

Q. Did you see BOYCE kill a man with a bayonet?

A. No, I didn't.

Q. Did you see him throw a man in a well?

A. No, I didn't.

Q. Were you moving along with Mr. STANLEY pretty much?

A. He was my assistant gunner. He must have been with me.

Q. Are you sure of that? He told us he was a rifleman.

A. He was a grenadier.

Q. STANLEY was a grenadier?

A. He was one most of the time. I can't remember who was assistant gunner. I think BERGTHOLD was my ammo bearer or something. I forgot. They were connected some way. I forgot.

Q. How about Roy WOOD?

A. He was a rifleman.

Q. Were you moving generally about where STANLEY did?

A. STANLEY was all over the place. I don't know exactly. I was going up one way, sometimes I'd see STANLEY.

Q. I see you didn't follow the same path as STANLEY?

A. No.

Q. We know the platoon moved just generally west to east through My Lai (4). Can you indicate just how you went through. The route that you took through? Just imagine now you're just looking down on it from west to east.

A. How did I move in?

Q. Just generally the path through My Lai (4). The path you took. Let me ask you a question first. Did you ever come out on the south edge of the village and look out on these rice paddies? You see there's a rice paddy at the east end too.

A. I know we came out to an open field but I don't know what direction.

Q. Did you see CARTER after he shot himself or did you see a dustoff helicopter?

A. No, I didn't see CARTER. I don't think I saw CARTER all the time that I was there.

Q. He shot himself in the foot about 1015 in the morning right down in here, and the dustoff helicopter came in here and picked him up, but you weren't down there I take it?

A. No.

Q. You must have stayed up in the woods and moved all the way through here. Do you remember coming out in a rice paddy?

A. The only time I remember coming out--yes, it was a big field. That's the time we came out, when Captain MEDINA and the mortar platoon came up to us.

Q. What happened there?

A. A bubble helicopter landed and came and told him something, to go back for somebody or something. I don't know what they said.

Q. Before that, do you remember Lieutenant CALLEY talking to you. Had you seen some dead people when Lieutenant CALLEY talked to you there?

A. Talked to me? I don't remember.

Q. Well, this has been some time back. Do you remember talking to the CID agent, Mr. BYERS?

A. Yes.

Q. And you described going through the village, and BERGTHOLD shooting a man and other things, and then you said you saw dead people lying in the village in various positions. You estimate you saw about 25 people dead as you went through the village, and you said, "As I reached the edge of My Lai (4), I saw Lieutenant CALLEY heading a group of about 15 persons into a hole or crater."

A. Right.

Q. Could you tell us what happened about that?

A. Well, I was off to CALLEY's front. He was to my right rear and this big crater was there.

Q. Could this have been a ditch? A drainage ditch?

A. I couldn't tell. I couldn't see in the hole. I couldn't tell how many people--

Q. (Interposing) Did it come up kind of high?

A. Yes, and they was just standing there shooting into the hole.

Q. He was standing up above the ground?

A. Yes.

Q. How many people could you see in the hole?

A. I couldn't see any.

Q. Did you see Lieutenant CALLEY push any of the people in? Making them go into the hole?

A. No, I wasn't paying it no mind at first. He started shooting and whatnot over there. He asked me before how many people I thought was in the hole and I didn't know. I didn't really pay it no mind.

Q. Let me refresh your memory a little bit. Here's what you told Mr. BYERS:

"As I reached the edge of My Lai (4), I saw Lieutenant CALLEY heading a group of about 15 persons into a hole or crater. After these persons were into the hole I saw CALLEY open fire on them with an M-16. I recall that one of the women had been wounded prior to this time and she came up to me and showed me the wound."

A. In her arm.

Q. You went on to say:

"She'd been shot in the left arm but there was nothing I could do for her because she was being pushed ahead by CALLEY and two or three other GI's. I did not go and look into the hole but stayed in the immediate area for some time and none of the persons ever come out of the hole."

Is this right, now?

A. That's right.

Q. Did CALLEY order you to fire into the hole or ditch?

A. No.

Q. Did he ask you to?

A. Not me, because I was nowhere near it.

Q. We've had some testimony that he did tell you to fire into the hole but you weren't going to do it.

A. I don't remember that. That's why I say I don't know. I don't remember him ordering me because some of the guys--

Q. (Interposing) Our evidence is that you didn't have anything to do with it.

A. I didn't.

Q. Do you remember who else was around the hole firing into it?

A. I remember one and that was MEADLO and I wasn't sure about DOINES. I just can't remember who else but I believe it was DOINES.

Q. I believe that you told Mr. BYERS that MEADLO, when he was firing, was crying at the same time?

A. Right.

Q. Did you hear at any time an order coming down to stop the killing, stop the shooting?

A. Yes, I heard that somebody had told us to stop the shooting.

Q. You don't remember when this was?

A. I can't remember exactly when it was, the same day.

Q. What about the animals in the village, what happened to them?

A. They were shooting them.

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Q. STANLEY remembers somebody talking to you, too. Do you remember what the man said?

A. No, I don't.

Q. Do you remember what grade officer he was, colonel, major, captain?

A. I'm pretty sure it was a captain. I don't know. I can't remember.

Q. Do you think you would recognize a photograph of him?

A. I might, I don't know. I don't have any idea of what he looked like.

Q. We'll try this in a minute. We'll take a recess and look at some photographs later.

Did Captain MEDINA assemble the company and tell you what had happened at My Lai (4)? Do you remember that?

A. I think so, but I don't remember exactly what he said.

Q. Captain MEDINA was here as a witness. He said he called the company together and told them there was going to be an investigation into what had happened at My Lai (4). While the investigation was going on, it would be better not to talk about it, just to keep quiet about it and talk to the investigating officer or something to that effect?

(Witness nods in the affirmative.)

Do you remember that or something like that?

A. Something like that.

Q. Did any investigating officer come and talk to you about My Lai (4)?

A. There was this captain, I don't know for sure who it was, but he came. It's been so long I don't know.

Q. Was it the same captain that met you at the helicopter or a different one?

A. I don't know because I don't remember who he is. I forgot.

Q. Do you know anyone else in the company that was talked to by an investigating officer?

A. No, I don't.

Q. Are you sure this officer came and talked to you about My Lai (4) and what happened there?

A. As far as I can recall, but it's been so long. I don't know because I really didn't want to have anything to do with it anyway. I didn't talk to many people about it. I didn't talk to any people about it.

Q. How did the men feel about the thing, afterwards?

A. That I don't know because I didn't really talk about it. A lot of them were laughing at one time. I don't know.

Q. Pardon me?

A. They were laughing when I wanted to know how they felt about it.

Q. Do you know that there were a whole lot of Vietnamese people killed that day?

A. I didn't know because of the very few that I saw, people killed off to the side, behind.

Q. Would you give your opinion as to what happened there that day? Why so many were killed?

A. Well, I don't know if it's true or not. I guess a lot figured they could get revenge or something, but I don't know. I guess that's what it was, revenge.

Q. Did Captain MEDINA say something about a chance to get even during his briefing?

A. Yes, he did.

Q. Do you think maybe--

A. (Interposing) That could have set it off.

Q. Do you think the men felt, most of them or some of them, that they were ordered to do this and just that they did?

A. I don't think so.

Q. You told me that you didn't feel like you were just supposed to go and kill civilians?

A. I didn't.

Q. What would be your opinion now of those who did kill the children and the women? You couldn't tell they were VC or VC sympathizers. Do you think maybe they did this just to get revenge?

A. I don't know. Most likely it was for revenge but from what happened, from what I saw in the paper and whatnot, they had to be crazy.

LTC PATTERSON: You said when you got off the helicopter and you formed up on line that you were shooting a machinegun at this time?

A. I didn't shoot until after we moved up to the edge of the village and I thought I saw something and I fired.

Q. Were the rest of them shooting, too? Did they also shoot?

A. They were firing.

Q. What were they shooting at?

A. I don't know because there was a long line and they were down the line.

Q. And everybody just started shooting?

A. They were shooting as they come through the village.

Q. What, just reconning by fire? Is that what it was?

A. I don't know what they were doing. The only reason I fired was I thought I saw something. What they were firing for I don't know.

MR WEST: Mr. MAPLES, can you think of anything else that you might tell us that might help us in our investigation?

A. No, that's about it. All that I saw myself. I can't say anything else.

Q. Is there any statement you would like to make? We would be glad to hear anything from you.

A. I have no statement.

MR WEST: We appreciate your coming here today. We know that it was a lot of trouble. You gave us some facts that will help us put the puzzle together. You helped us very much.

Let the record show that I showed Mr. MAPLES a facsimile photograph of Lieutenant Colonel BARKER and five photographs of officers which have been introduced into the record as Exhibits P-49 through P-53. The facsimile of Colonel BARKER is Exhibit P-142. Mr. MAPLES examined these photographs with the names masked and was unable to recognize any of them as the officer who talked to him when his helicopter landed at Landing Zone Dottie on the 18th of March 1968.

The hearing will be recessed.

(The hearing recessed at 1626 hours, 24 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: MEADLO, Paul D.

DATE OF TESTIMONY: 5 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: Murder and assault with intent to kill

COUNSEL: John A. KESLER, 505 Ohio Street, Terre Haute, Indiana.

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

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

MEADLO asked questions tending to show that he was unaware of his right to refuse to obey an illegal order (pgs. 11, 12).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

MEADLO recalled that the company walked into a minefield in the latter part of February 1968, and that approximately 18 persons were injured as a result (pgs. 5, 6). There was a memorial service given by the brigade chaplain for these people (pg. 5). MEADLO refused to reveal what he recalled from Captain MEDINA's briefing about the operation (pg. 6).

3. THE ASSAULT ON MY LAI.

a. Movements on the 16th.

The witness refused to testify concerning the assault on My Lai (pg. 7). During the afternoon of the assault, the company set up a perimeter around a graveyard (pg. 7). He saw neither Vietnamese National Police nor visiting American officers at this time (pg. 7).

b. The sweep of Hill 85.

On the morning of the 17th, the company had a mission

on Hill 85 (pg. 8). Moving toward the hill, MEADLO could see fires still smoldering in the village as well as freshly dug graves (pg. 8). He saw no people (pg. 8). About 0900, while moving down the hill, MEADLO stepped on a mine and lost his foot (pgs. 8, 9). While waiting to be medevac'd, he might have told Lieutenant CALLEY that God would punish him for what what he had done (pg. 9).

3. INQUIRIES AFTER THE ASSAULT.

MEADLO never knew that the My Lai operation was under investigation and was never told not to discuss the incident (pg. 10). He was never asked any questions concerning it (pg. 10).

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(The hearing reconvened at 1620 hours, 5 January 1970.)

MR WEST: The hearing will come to order.

RCDR: The following persons are present: MR WEST, COL MILLER, COL FRANKLIN, LTC PATTERSON, and MAJ COOP.

The next witness is Mr. Paul D. MEADLO.

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

RCDR: Are you represented by counsel?

A. Yes, I am.

Q. Will counsel please state his name and address for the record?

IC: My name is John A. KESLER, K-E-S-L-E-R. I am an attorney-at-law, 505 Ohio Street, Terre Haute, Indiana.

RCDR: Will you state your full name, occupation, and residence, Mr. MEADLO?

A. My name is Paul David MEADLO, Route 4, Box 533, West Terre Haute, Indiana. I work in a plant called Hercules.

MR WEST: Mr. MEADLO, before we get into the matter of any questions, Colonel MILLER will advise you as to the nature and purpose of this inquiry and also as to your testimonial rights.

COL MILLER: Mr. MEADLO, Mr. KESLER, I have a number of things to say, and if, when I am done, there are any questions I hope you will feel free to ask me, and I will try to answer them to the best of my ability.

This investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the Army for the purpose of determining facts and making findings and recommendations in two major areas:

(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 March 1968.

These prior inquiries and reports that I referred to are such as may have been made in these few days and weeks after the incident.

(2) the possible suppression or withholding of information by any person that had a duty to report such information concerning this My Lai incident.

It is not our principal purpose to inquire into everything that happened or was done by everyone at My Lai on the 16th of March. However, during our inquiry we do get into a considerable number of details on this.

We have had made available to us and we have reviewed prior official statements made by many witnesses in other official investigations, such as the inspector general investigation and the CID investigation into this My Lai incident.

Your testimony today will be taken under oath. We have a reporter and there will be a verbatim record. In addition there is a tape recorder.

The general classification of our report is confidential. However, it is possible that some or all of the testimony may become a matter of general knowledge. We have no way of guarantying one way or the other on that.

I do request that you do not discuss your testimony given before this hearing with others, including other witnesses who may have been called or may be called. Of course, we don't know who will be. As best you can, do not discuss your testimony with others except as you may be required to do so in a competent judicial or legislative or administrative forum. We consider this to be an administrative forum. A court-martial would be an example of a judicial forum. As I'll get into in a few moments, you also have your own testimonial rights and privileges against testifying, too.

I understand you have received an order from the trial counsel implementing the order of the military judge in the general court-martial case of the United States v. Calley. Is that correct?

A. That's true.

Q. The military judge in that case has ruled that testimony before this inquiry is not in violation of his orders and that it is within the permissible limits of that order. Despite that, of course, that order is still outstanding.

I told you the purposes of the investigation. I also mentioned that we had read statements of witnesses including the statement that you made prior to this time to the IG and to the CID investigators.

You are at this time suspected of unlawful killings and unlawful aggravated assaults of civilians at My Lai on or about the 16th of March, 1968. These could be considered as violations of the Uniform Code of Military Justice and also a violation of the laws of war: that is, murder and assault with the intent to kill. This being the case I want to be sure you understand your testimonial rights before this hearing.

First of all, you have the right to remain silent, to answer no questions at all, to say nothing.

Any statement you do make here may be used as evidence against you in a criminal trial if there should be one.

You have the right to consult with counsel, and by counsel I mean a qualified lawyer. You already have your civilian counsel with you. You have the right to have him present with you during any questioning that goes on. You may, as you have already done, retain civilian counsel at your own expense. You also have the right, if you wish, to appointment of a military counsel, and again I mean a qualified lawyer. That can be in addition to your civilian counsel. If you have such a counsel or have a particular one and he is reasonably available, we will try to make him available to you. If you wish other military counsel, but you have no particular one, we would appoint and designate such military counsel to assist you in addition to your civilian counsel.

If you decide that you wish to answer questions today, you will have the option of terminating the questioning at any time or the right to refuse any particular question or series of questions, and certainly you may at any time consult with your counsel or your counsel with you. If you find it necessary to request a recess, please just let us know and you will be afforded that privilege. We do ask that when you answer questions, the answers to the questions come from you, Mr. MEADLO, rather than counsel.

That's standard practice.

Do you have any questions, Mr. MEADLO?

A. No.

IC: It's my understanding that if Mr. MEADLO would choose to answer certain questions, then he would still have the right to decline to answer further questions about the same subject. In other words, by commencing to answer certain questions about something, he wouldn't waive the right to terminate answering questions about that subject or about anything else he chose to. Is that right?

COL MILLER: That is correct.

IC: I have no other questions. Do you?

WIT: No.

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

A. What's that?

Q. You were a member of the Army on 16 March 1968?

A. Yes, I was.

Q. What was your grade?

A. PFC.

Q. What was your duty assignment?

A. On March 16, 1968?

Q. Yes?

A. I was a rifleman in the squad of Sergeant MITCHELL.

Q. That was first squad, 1st Platoon, C/1/20.

A. That's right.

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

A. Yes, it was.

(MEADLO)

Q. Mr. MEADLO, when did you first learn of this planned assault on My Lai (4) that took place on the 16th of March, 1968?

A. I can't remember. Sorry.

Q. Do you remember the briefing that Captain MEDINA gave Charlie Company on the afternoon of the 15th at landing zone Dottie?

A. I remember a part of it.

Q. Do you recall a memorial service that was held sometime prior to the briefing? You were told that it was for some members of the company that were killed in a minefield?

A. Yes.

Q. Was that the same afternoon?

A. I don't think it was the same afternoon. I think the services were a couple days before that.

Q. Do you remember who held the service?

A. I think it was our brigade priest.

Q. We were told it was a major, but we don't know the name. Do you remember the name?

A. I don't recall the name.

Q. But he was the brigade chaplain?

A. Yes.

Q. Do you recall the minefield incident?

A. Yes, I do.

Q. Could you tell us about that?

A. Well, it was sometime in the later part of February that the whole company walked into a minefield and several people were hurt; some people died, and that's about all I know.

Q. Do you remember the total casualties?

A. I think there was 18 altogether.

Q. How many killed?

A. I don't know how many were killed altogether.

Q. There were several? More than one?

A. Yes. There was more than one.

COL MILLER: Mr. MEADLO, I informed you a little while ago of your right to appointed military counsel. I did not ask you whether you wanted to have one. At this time I would like to ask you if you wish to have appointed military counsel, individual military counsel?

A. No.

IC: No.

COL MILLER: That was an oversight on my part.

MR WEST: Getting back to the briefing by Captain MEDINA. Could you tell us what he told Charlie Company about the operation that was upcoming the next day?

A. I decline to answer that.

Q. On what grounds?

A. On the advice of my lawyer.

Q. On what grounds?

IC: On the reliance upon Colonel MILLER's statement that we didn't have to answer anything if we didn't want to.

As I understand it, he is declining to answer anything from the time of this briefing up until midday the day after, or March 16, 1968. In other words, anything that happened in the village of My Lai during this so-called encounter. He will be happy to answer any questions following that if you have any.

Q. As I understand you correctly, Mr. MEADLO, you are asserting your right not to make any statement that might tend to incriminate you?

(MEADLO)

IC: No. He's not saying that at all. You're putting words in his mouth. He is just declining to answer, just as I said, based on Colonel MILLER's assertion to us when we started that we could refrain from answering any questions that we wanted to. So we are doing that at this time.

Q. On the basis of Colonel MILLER's instructions and assurances, I take it that you are declining to answer?

IC: Yes, sir.

Q. Is that right?

A. Yes.

Q. Just exactly where are you drawing the line?

A. From the time after the incident of March 16, 1968. I'll answer any questions after that.

Q. Do you recall what Charlie Company did on the afternoon of March 16, 1968?

A. The latter part of that day we moved out and set up a perimeter around the graveyard and just divided up into different--two or three men to a position, and we stayed there the rest of the night.

Q. Did you see any Vietnamese National Police that afternoon?

A. No, I didn't.

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

A. No, I didn't.

Q. Did you know Captain KOTOUC of Task Force Barker?

A. No, I didn't.

Q. On the morning of the 17th, what mission was the 1st Platoon given?

A. We were going to sit out on observation.

Q. Where?

A. I can't remember the exact place.

Q. Was it Hill 85?

A. Yes, sir. I think that was it.

Q. Is that where you lost your foot?

A. Yes, sir.

Q. On your way down to Hill 85, how close did you come to My Lai (4)?

A. I don't really know, sir. I don't know how far we were from there.

Q. We just had a witness before this who was in your platoon, and he described the walk that morning from the place where you laagered overnight down toward Hill 85. He said the platoon came within about 200 meters of My Lai (4), and they could smell the stench of the bodies in the hamlet, and they saw newly dug graves, although they could see no people anywhere. Did you see this that morning?

A. We seen the fire.

Q. In the hamlet?

A. In the hamlet. It was smoldering. He was correct about those freshly dug graves.

Q. You saw no people there?

A. No. I didn't see no people.

Q. We were told the graves were some distance from the hamlet. Would you help us locate them as to the general way?

A. I don't think I could, sir.

Q. I meant maybe 100 meters from the village or something like this?

A. I couldn't answer that question. I really couldn't.

Q. You can't figure out quite where they were?

A. It's been so long ago.

Q. About what time of the morning was it when you were hurt?

A. I believe it was about 9 o'clock.

Q. Do you remember what you said after you were hurt? After you hit the mine?

A. No, sir. I don't.

Q. Do you remember what you said before that?

A. Before what? Before I stepped on the mine?

Q. No. Remember the statement you made to the other investigator about what you said when you stepped on the mine?

A. I believe I said "God damn" or something like that.

Q. What did you say to Lieutenant CALLEY?

A. I don't remember exactly what I said, sir, on that. Them investigators--they said that I said a bunch of stuff like that and, "This is my punishment," and stuff like that, and I told them specifically that I did not say anything like that, but that's what they got from the other witnesses.

Q. Dennis CONTI made a statement in which he described the time on Hill 85 when you lost your foot. He said:

"Lieutenant CALLEY made MEADLO take the minesweeper and clear away to the top of the hill with the rest of us following. They cleared a place for us to set up and then Lieutenant CALLEY and MEADLO started back down the hill. Calley said not to use the minesweeper because it would take too long. He just pointed in a direction and told MEADLO to go that way. As they proceeded down, MEADLO walked a couple of yards and then there was an explosion. I heard MEADLO scream. I moved closer and CALLEY was standing there near the radio. MEADLO told CALLEY that God would punish him for what he had done. I do not remember MEADLO's exact words."

Q. Are you telling me you don't remember what you said or you did not say anything?

A. I might have--I might have said something like that,

(MEADLO)

but I was so full of pain that I don't remember what I did say.

Q. You were evacuated soon after that?

A. Right. About 15 minutes after that. It seemed like hours though.

Q. Where were you taken?

A. To the hospital at Chu Lai.

Q. From there to Japan?

A. From there I went to Qui Nhon, and then I went to the Phillipines, and from there I went to Japan.

Q. At Qui Nhon were you visited by any members of the company?

A. I was visited by Lieutenant JENSEN, and I believe that was it.

Q. Did he mention to you or did you otherwise hear that the events of the morning of 16 March 1968 in My Lai were under investigation?

A. No, I didn't, sir.

Q. Did anyone ever come talk to you when you were still in Vietnam and tell you that they were investigating and ask you any questions?

A. No, sir.

Q. Did anyone ever tell you to keep quiet about it?

A. No, sir.

Q. Mr. MEADLO and Mr. KESLER, Colonel MILLER has told you the nature and purpose of our inquiry and what we are endeavoring to do. I understand your position and your reasons for not talking about the incident in My Lai (4) on the morning of 16 March 1968. Subject to that however, we would appreciate it if you can think of anything that might help us in our inquiry. If you do, we would like to hear it from you now or at some later time?

A. I would like to ask a question if I could. I would like to ask if any of you gentlemen have been in Vietnam?

LTC PATTERSON: Twice.

WIT: Did you know who your enemy was? Can you honestly say who the enemy was?

MR WEST: I think I know what you're getting at, Mr. MEADLO, but I don't believe it is quite appropriate at this time. It sounds a little argumentative to me.

IC: I have told him that he is here to answer questions and not to ask them, but he thought if he could maybe have some definition of that then maybe he could have something further to contribute, but I think probably--

Q. (Interposing) We appreciate the problem of identifying who the enemy is in Vietnam and in that particular area of Vietnam, certainly. You were in an area which has been long under VC control, and you didn't know if the little boy you gave a candy bar to one day would toss a grenade in your lap the next. If that's what you have in mind we are well aware of that.

A. Can I ask another question?

Q. Certainly.

A. Sir, during the time you were over there, did any private refuse to take orders or maybe even an NCO ever disobey any orders in combat?

Q. Let me answer that. We just had a witness in here with whom you are well acquainted. He was ordered to kill civilians at My Lai standing a few feet from them, and he refused to do it. He didn't fire a shot. He disobeyed a direct order. This is his sworn testimony.

A. From the first day we go in the service, the very first day, we are learned to take orders and not to refuse any kind of order from a noncommissioned officer or an officer would give, and that even means that if you stand on your head. An officer tells you to go and stand on your head, it's not your right to refuse that order, and you go out there and do it because you're ordered to. It's more or less

in combat that it's more so there, because all though the service you hear rumors that in World War II there was people that picked up and ran, and there was officers that would shoot their men in the head to stop their people from running too. All right. You don't know what's going to come off. If you refuse the order, the son-of-a-bitch might shoot you or the next day you spend the rest of your life in the stockade for refusing an order, but you're trained to take orders from the first day you go to that damned service, and you come back and, all right, you want to try some people that had to take orders.

IC: I think you have said enough. I think he has made a very valuable contribution here. What he said may guide you somewhat.

MR WEST: Do you have anything else to say?

IC: I believe that is all he has to say at this time.

MR WEST: Mr. MEADLO, if after you return home you think of anything that you believe might be helpful to us and you feel you can tell us or you feel you can relate facts that you have forgotten that might help us or anything of that nature, we would appreciate hearing from you.

I appreciate your coming here today, and I know it has been a lot of trouble to you to come here and bring your own counsel. Although you felt that you could not tell us about some things that happened that day, you have helped us with what you have told us, and we thank you.

The hearing will be recessed.

(The hearing recessed at 1700 hours, 5 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: MITCHELL, David, SSG

DATE OF TESTIMONY: 27 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: Assault with intent to commit murder.

COUNSEL: Mr. Ossie BROWN, Baton Rouge, Louisiana and James L.S. BOWDISH, CPT, JAGC, appointed military counsel, assigned to Fort Hood, Texas.

DUTY ASSIGNMENT ON 16 MARCH 1968: Squad leader, Third Platoon, First Squad, C/1/20.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

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During the one weeks training the company received at Duc Pho, MITCHELL recalled no instruction on the handling of prisoners, the Geneva Conventions or the rules of land warfare (pg. 23). He had never seen the "Nine Rules" card, the "Enemy in Your Hands" card or the "Guidance for Commanders" card (pg. 25). He was given no instruction concerning legal and illegal orders (pg. 26). MITCHELL claimed that he would have difficulty deciding whether one was a noncombatant unless the person was too young or completely or totally disabled (pg. 16).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

a. Funeral service prior to briefing.

MITCHELL attended the funeral service for WEBER which was given immediately prior to Captain MEDINA's briefing on the 15th (pgs. 5,6). It took place outdoors at LZ Dottie, but MITCHELL could not recall the Chaplain's name (pgs. 6,8). WEBER had a good personality and was well liked (pg. 6). It was a common practice to have a memorial service for those killed and WEBER's was like that given for the others (pg. 21).

b. MEDINA's briefing.

Although he admitted attending it, MITCHELL refused to answer questions about the content of the briefing (pgs. 5, 6). He did say that the men knew the area well and were a little bit afraid afterwards (pg. 7). He did not recall either CALLEY or the platoon sergeant giving a platoon briefing after MEDINA had finished (pgs. 7, 8).

3. ASSAULT ON MY LAI.a. Unit strength.

MITCHELL's platoon was composed of only two squads (pg. 8), because the company had sustained a lot of injuries from mines and boobytraps (pgs. 21, 22). Those he remembered being in his squad were; STANLEY, OLSEN, LAGUNOY, MEADLO, BRYANT, and GRZESIK (pg. 14). He did not remember if any of these did not participate in the My Lai operation (pg. 15). There was no one in his squad named "California" (pg. 17).

b. The assault.

He did not hear any artillery fire when his squad came in about 0730 with the first lift (pgs. 8, 9). Although he did not know their number (pg. 15), he saw the gunships and slicks firing (pg. 9). He saw rockets going into the village (pg. 9). He pointed out the LZ on the map, but refused to answer any questions concerning the assault itself (pgs. 10, 24). Specifically, he refused to answer questions concerning the following: (1) the side of the helicopter from which he exited (pg. 17); (2) whether any civilian casualties were reported on this operation (pg. 16); and (3) whether he heard the cease fire order given (pg. 12).

c. Actions after leaving My Lai.

Although he did not remember where they laagered for the night (pg. 18), he knew that they moved south toward the coast (pg. 12), and that they joined up with B/4/3 (pgs. 13, 14). The next day MITCHELL's platoon went after mortar rounds atop Hill 85 (pg. 18). It was at this time that MEADLO was injured (pg. 18). The platoon then returned to the company which was extracted and brought back to LZ Dottie (pg. 19). He could recall no missions the company had after this (pg. 20).

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4. INQUIRIES AFTER ASSAULT.

Although HENDERSON was at LZ Dottie when MITCHELL arrived, he did not speak to the men in MITCHELL's presence and MITCHELL was not asked any questions (pg. 19). MITCHELL does not recall anyone identifying himself as an investigator of the incident (pg. 12). No one, including MEDINA, said anything about not discussing the incident (pgs. 20, 21, 24). However, he refused to reveal whether the squad had discussed it after the operation (pg. 23), or to disclose the mood of the men (pg. 24). MITCHELL knew of no one who was questioned about the operation (pg. 27). He did not know why the incident was not reported (pg. 24).

5. OTHER INFORMATION.

a. Estimate of C Company.

He thought that C Company was a good one (pg. 22). He would not disclose whether those who had participated in the incident were the same people with whom he had trained in Hawaii (pg. 22).

b. Body count procedures.

MITCHELL did not recall the company procedure for making a body count (pg. 11). However, he reported KIA to his platoon leader (pg. 11). If a civilian were wounded, this too would be reported (pg. 16).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit had never seen before and was not issued card.	25
M-3	MACV Card "Enemy in Your Hands"	Wit had never seen before and was not issued card.	25
M-4	MACV Card "Guide for Commanders"	Wit had never seen before and was not issued card.	25
P-1	Aerial photo of My Lai	Wit identified location of LZ.	9

25 100

(The hearing reconvened at 0902 hours, 27 December 1969.)

MR WEST: The hearing will come to order.

RCDR: The following named persons are present: MR WEST, COL MILLER, COL FRANKLIN, COL WILSON, LTC PATTERSON, MAJ ZYCHOWSKI, and MAJ COOP.

RCDR: The next witness is Staff Sergeant David MITCHELL.

(SSG David MITCHELL was called as a witness, was sworn, and testified as follows:)

RCDR: Sergeant MITCHELL, are you represented by counsel?

A. Yes, sir, I am.

IC: I'm Ossie BROWN, Baton Rouge, Louisiana.

IC: I'm Captain James L.S. BOWDISH from Fort Hood.

MR WEST: Are you the military counsel?

CPT BOWDISH: Yes, sir.

Q. Are you a lawyer?

CPT BOWDISH: Yes, sir.

Q. And you are a lawyer?

MR BROWN: Yes, sir.

RCDR: Sergeant MITCHELL, will you state your full name, grade, Social Security number, branch of service, organization and station?

A. David MITCHELL, Staff Sergeant, U.S. Army, Charlie Company, 5th Battalion, 6th Infantry, Fort Hood, Texas.

MR WEST: Sergeant MITCHELL, before we start in with any questions, Colonel MILLER will give you some preliminary information as to the nature of this inquiry.

COL MILLER: Sergeant MITCHELL, Mr. BROWN, Captain BOWDISH. 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 in two major areas:

(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 My Lai incident.

It is not the primary purpose of this investigation to investigate all the facts and circumstances of everything that happened at My Lai, although from time to time we may get into some of these matters. The primary purpose is directed to those specific purposes I just stated.

We have had made available to us and we have reviewed many statements made by witnesses in prior official investigations of the My Lai incident.

Today your testimony will be taken under oath and a verbatim transcript will be prepared. In addition to the reporter, we also have a tape recorder, and the questions and answers are being tape-recorded.

The general classification of this report at this time is confidential, except where a higher classification is required. However, it is possible that some or all of the testimony may, at some later time, become a matter of public knowledge.

Sergeant, as I understand it, you are an accused right now as a result of some of the allegations coming from My Lai (4). However, you are ordered not to discuss your testimony in this investigation with others. And I, of course, exclude from that your counsel and whatever you have to do to prepare for trial. But outside of the hearing, with the press and the general public, you should not discuss your testimony in this hearing with others, including other witnesses for the investiga-

tion, except in the performance of duty, or as you may be required to do so before a competent judicial, administrative or legislative tribunal. I might add here, of course, as you must do to prepare for trial.

Sergeant, I just stated to you a few moments ago the purposes of this investigation, and I told you we had read prior statements. Among these statements are the two statements you have made, one to the CID, and one to the inspector general. I believe you made it to Colonel WILSON.

We are aware of the fact that you are now under court-martial charges alleging that you committed the offense of assault with intent to commit murder. I note that on 23 September, in your statement taken at that time, the CID interrogator informed you that you were suspected of the offense of murder.

Before we proceed I want to be sure that you are aware of your testimonial rights. You certainly have a right, before you answer any questions, now or then, to consult with your counsel.

First of all, you are suspected and charged with the offense of assault with intent to commit murder of, I think, 30, more or less, civilians in or near the village of My Lai (4), Vietnam, on or about the 16th of March 1968.

That being the case, you have, before this hearing today, the right to remain silent; to say nothing at all. Any statement you do make may be used as evidence against you in a criminal trial.

You have the right to consult with counsel, and by counsel I mean a qualified lawyer, and to have counsel present with you during the hearing. You may retain civilian counsel at your own expense or military counsel will be provided. This will be the military counsel of your own selection, if reasonably available.

Q. Now, you are already represented by civilian counsel. I take it this is counsel of your choice?

A. Yes, sir.

Q. And your military counsel is your appointed military counsel for your defense in the charges now pending?

A. That's right. Yes, sir.

Q. Are you satisfied?

A. Yes, sir.

Q. During the hearing today, you may consult with your counsel at any time, and counsel may consult with you. If necessary, you may take a recess and go outside. We have no objection to that. However, the answers to the questions we put to you should come from you.

You have the right, of course, to not answer any question, to answer no questions, or to stop the questioning at such time as you decide that you do not want to answer any further questions.

Q. Do you have any questions about what I have told you so far?

A. No, sir.

Q. Captain BOWDISH?

CPT BOWDISH: No, sir.

Q. Mr. BROWN?

IC: No, sir.

Q. Do you want any further explanation, or anything added to what I've said?

IC: You've covered it sufficiently.

Q. You have your counsel. My next question is whether you would be willing to answer questions today? You may want to consult with counsel on this before you answer.

(The witness consulted with his counsel.)

A. Yes, sir, so long as the questions don't tend to incriminate me.

MR WEST: Thank you, Sergeant MITCHELL. Sergeant MITCHELL, would you tell us please what your assignment was on the 16th of March, 1968?

A. Sir, I was a squad leader at that time. My assignment so far as within the platoon concerned--I was on the right flank of the platoon.

Q. You were a squad leader in what squad and what platoon?

A. The third squad, 1st Platoon.

Q. What company?

A. Charlie Company.

Q. Of the 1/20?

A. Yes, sir.

Q. When did you first hear of the planned assault on My Lai (4)? Can you recall?

A. Sir, I decline to answer that question, respectfully, on the grounds that it may tend to incriminate me.

Q. All right. Well, I'll direct your attention to the day before the assault on My Lai (4), to the 15th of March 1968. Did you attend a funeral service for a man named WEBER who had been killed a short time before?

A. I attended a funeral service, sir. I can't say if it was for WEBER or not.

Q. Do you recall what time of day this was?

A. I think it was in the afternoon, sir.

Q. Now, we've had testimony that also on this afternoon there was a briefing for Charlie Company on this upcoming operation, on the assault on My Lai (4). Did you attend this briefing?

A. Yes, sir.

- Q. When was the briefing with relation to the funeral?
- A. Immediately following.
- Q. Where was this? Was this at LZ Dottie?
- A. Yes, sir.
- Q. Do you recall the particular part of LZ Dottie where it was?
- A. No, sir.
- Q. The funeral service was outdoors?
- A. Yes, sir.
- Q. Do you happen to remember the name of the chaplain that conducted this?
- A. No, sir.
- Q. How did the members of the company feel during and after the funeral service for WEBER?
- A. I couldn't say exactly how everyone felt, sir. He went to Vietnam with the unit. He had a very good personality. I'd say he was well liked by all the men. However, I couldn't say what their feelings were after the memorial.
- Q. During the briefing on the operation that followed, who talked to the men?
- A. The company commander, sir.
- Q. What was his name?
- A. Captain Ernest MEDINA.
- Q. Did anybody else address the company during the briefing?
- A. Not that I recall, sir.
- Q. What did Captain MEDINA tell the company about the the upcoming operation?
- A. Sir, I respectfully decline to answer on the grounds that it might tend to incriminate me.

Q. Just for clarification, I was about to ask what orders were issued by Captain MEDINA to the company, and what he stated to the company the mission was for the operation the next day, and anything he might have said as to how the company should conduct itself during the operation. On that basis, I'll again ask you, if you can, to tell us what Captain MEDINA told the company?

A. Sir, I respectfully refuse to answer that question on the grounds that it might tend to incriminate me.

Q. After the briefing, could you tell us what the mood of the men in the company was, and how they felt about the action that was coming up the next day? For example, were they scared, or were they tense or nervous, or just how did they feel about it? Were they ready to go?

A. They were a bit afraid. We had been in the area before. We were short on personnel, also. I myself can recall thinking that. I'd say overall they were maybe a little afraid.

Q. The men in the company knew the area, did they, and what they were coming up against?

A. They knew the area pretty well, sir.

Q. All right. Before we leave the 15th, does anyone have a question on this particular stage? Colonel MILLER?

COL MILLER: No, sir.

MR WEST: Colonel FRANKLIN?

COL FRANKLIN: Yes, sir. Do you recall Lieutenant CALLEY getting the platoon sergeants and the squad leaders together on the 15th?

A. No, sir, I cannot.

Q. How did you know what you were going to do with your squad the next day?

A. I don't recall Lieutenant CALLEY briefing us.

Q. How about the platoon sergeant?

A. I don't recall anyone briefing me after the company briefing, sir.

COL WILSON: Sergeant MITCHELL, was the mortar platoon on this operation?

A. Yes, sir.

Q. They did go along on the lift?

A. I think they came in on the last lift, sir.

Q. Did the mortar platoon have a platoon leader?

A. I can't recall, sir.

Q. Do you remember the chaplain's grade or his rank? The one who held this memorial service?

A. No, sir.

Q. How many squads were in your platoon for this operation?

A. I think we had two squads, sir.

COL WILSON: That's all I have, sir.

MR WEST: That last was helpful. We had testimony that there were just two squads in the platoon, although we received one statement that there were three. So this helps clear up that point. Can you tell us now, Sergeant MITCHELL, about the movement on the next morning, from LZ Dottie to the assault area at My Lai (4)? For example, in what lift was your squad? Were you first out or in the first helicopter, for example?

A. I think my squad was in the first lift, sir.

Q. Do you know who was in the lead helicopter?

A. No, sir.

Q. We've received evidence indicating that the first lift went in at about 0730 on the morning of 16 March 1968. Does this fit in with your recollection?

A. It was pretty early. I'd say it was probably around that time, sir.

Q. As you were coming in and approaching the landing zone, did you hear any artillery fire?

A. No, sir.

Q. There had been an artillery preparation, but you didn't hear any of it?

A. No, sir.

Q. How about gunship fire?

A. Yes, sir. I think all the gunships were firing. Not all the gunships, but the gunners on the slicks that we were on. I know that on my particular slick the gunners were firing.

Q. On the slick that you were on?

A. Yes, sir.

Q. You didn't notice the gunships that accompanied the slicks?

A. There were some rockets being fired, sir. They had to come from the gunships.

MR WEST: Okay. Let me have the photograph and the map.

(The recorder handed the aerial photograph, Exhibit P-1 and the map, Exhibit MAP-4, to MR WEST.)

MR WEST: Sergeant MITCHELL, I show you a vertical aerial photograph of the My Lai (4) area and a 1:25,000 scale map of the same area. Has the map been entered as an exhibit? I believe it has.

RCDR: Is that annotated sheet 6739, sir?

MR WEST: Yes.

RCDR: That's Exhibit MAP-4, sir.

MR WEST: Let the record show that Sergeant MITCHELL is looking at MAP-4, and an aerial photograph of the My Lai (4) hamlet and surrounding area. Are you orientated enough, sergeant? You'll notice My Lai (4) on the photograph and on the map. Our evidence is that the landing zone was immediately--Well, this is north on the map of course, and west, and east over here (indicating). Evidence we received indicates that the landing zone was immediately west of the hamlet, out in this rice paddy. Do you recognize that area now?

A. Yes, sir.

Q. Can you describe for us what happened when the lift came in, and what you and your squad did during this time?

A. Sir, I respectfully refuse to answer that question on the grounds that it may tend to incriminate me.

MR WEST: The hearing will recess.

(The hearing recessed at 0933 hours, 27 December 1969.)

(The hearing reconvened at 0936 hours, 27 December 1969.)

MR WEST: The hearing will come to order.

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

MR WEST: Sergeant MITCHELL, let me ask you a question which perhaps you can answer. At the time you and your men got out of the helicopter, and were on the ground getting ready for the assault, would you tell us what the mood of your men was, and how they felt about the operation?

IC: Mr. WEST, sir, would you be kind enough to repeat the question?

MR WEST: When you and your squad got out of the helicopter there at the landing zone, I understand that you moved toward the hamlet of My Lai (4), and then took up a position to wait for the others to assemble. Could you tell us at this time

what the mood of the men in your squad was, and how they felt about the upcoming operation?

A. Sir, I can't--It would be impossible for me to tell you how the men felt at this time.

Q. How did you feel about it?

A. Sir, I respectfully refuse to answer any questions on the grounds that it would incriminate me.

Q. All right. Let's move then to later in the day. The evidence that we received indicates that the company moved through the hamlet of My Lai (4) rather rapidly, and then formed a rough perimeter east of the hamlet in the rice paddy. Later on, it moved farther to the east and joined up with B/4/3, and during the afternoon, I think, the platoon went south of Hill 85 on a short mission. Now, as a result of the action during the day, Charlie Company reported coming across the 86 VC killed in action. Can you tell us, Sergeant MITCHELL, what the procedure was in the company for making the body count? For example, did you actually have to see dead VC before you could count them KIA's?

A. Sir, I don't know. I really couldn't say.

Q. You don't remember the procedure?

A. No, sir.

Q. Well, as a squad leader, did you report enemy casualties to the platoon leader? Was that part of the procedure?

A. Personnel in the platoon, sir?

Q. Yes.

A. Yes, sir. If I had a man injured I would report it.

Q. How about enemy killed?

A. I'd do that also, sir.

Q. So, if somebody in your squad shot a VC, then he would report through you to the platoon leader?

A. If he wasn't there at the time, sir.

Q. Now, of course, you are well aware of the publicity that's occurred recently about what's been called the My Lai (4) incident and, of course, this has included the allegation that many noncombatants, civilians, were killed at this time during this operation of Charlie Company through My Lai (4) hamlet. After the company was through, and around the time that you set up a perimeter east of the hamlet, did you hear anyone give any orders to stop the shooting, or words to that effect?

A. Sir, I respectfully decline to answer the question on the grounds that it may tend to incriminate me.

Q. All right. At any time on this day, or in the two days following, did anyone come to you and say that he was investigating the incident, and ask you any questions about it?

A. No, sir. Not that I recall.

Q. Now, we have received testimony that Charlie Company was extracted from the operation and went back to LZ Dottie, and that some of the members of the company were questioned at this time by Colonel HENDERSON, the brigade commander, about the operation. Were you present at that time?

A. No, sir.

Q. Did you know Colonel HENDERSON, the brigade commander?

A. Not personally, sir. I knew him by sight.

Q. You knew who he was?

A. Yes, sir.

Q. And you don't recall this occasion? It would have been in the afternoon, and we believe this to be the afternoon of the 18th?

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

Q. Sergeant MITCHELL, can you tell us what the company did on the afternoon of the 16th of March, 1968? That's after you were through in My Lai, and for the rest of the day?

(The witness conferred with counsel.)

IC: Could we have just a minute or two, Mr. WEST?

MR WEST: The hearing will recess.

(The hearing recessed at 0943 hours, 27 December 1969.)

(The hearing reconvened at 0946 hours, 27 December 1969.)

All parties present when the hearing recessed are again present.

If I remember correctly, I had asked you, Sergeant MITCHELL, before we recessed, if you could tell us what Charlie Company did on the afternoon of 16 March 1968, and after it got through the hamlet of My Lai (4)?

A. After the company was together again as a whole, we ate chow and continued the searching of the zone.

Q. Do you recall what direction you were moving? Was it in a generally easterly direction?

A. Yes, sir.

Q. Toward the coast?

A. Yes, sir.

Q. All right. What happened during the afternoon?

A. Nothing that I can recall, sir.

Q. Did you join up with B/4/3 later on that afternoon?

A. I don't know.

Q. We have evidence that you did join with B/4/3, and laagered for the night, I believe, around the cemetery. Do you recall the cemetery?

A. We did join forces with B/4/3, sir, but I was in doubt as to whether it was that afternoon or not. We did join forces with them. I think it was late in the afternoon.

Q. Could you tell us the names of the men in your squad?

A. I would like to answer that question if I could.

Q. I'll take any of them that you can remember?

A. What I am trying to say is I just don't remember names that well. I had men in the squad by the name of STANLEY, OLSEN, and LAGUNOY.

Q. That last one I didn't hear?

A. LAGUNOY. It's possible, DUBOIS. That's all I can remember, sir. I recall those names, but I can't say for sure if they were members of my squad at that time.

Q. How about MEADLO?

A. I think MEADLO was a member of the squad, sir.

Q. Was CARTER a member of your squad?

A. I'm not sure, sir.

Q. How about GRZESIK?

A. I'm not sure, sir.

Q. Do you remember GRZESIK? Do you remember his name?

A. Yes, sir, I remember the name.

Q. Did you mention BRYANT?

A. I don't know if he was a member of the squad at the time. He was a member of my squad.

Q. Before we get into anything else, Colonel MILLER, do you have questions?

COL MILLER: I'd like to go back for a moment to the time that you made your assault landings. You mentioned that there were some gunships in the area, and they were firing before you landed. Do you recall how many gunships you saw about the time you made your landing; two, four, or how many?

A. No, sir. I couldn't give you a figure at all.

Q. No idea?

A. No, sir.

COL WILSON: Sergeant MITCHELL, how many times during the period January to March did you change duty assignments and go from squad leader to platoon sergeant and so forth? Could you estimate that?

A. I couldn't give you really an accurate account. I was platoon sergeant when I came into country, and then I was sent to another platoon as squad leader, and back to another platoon as platoon sergeant. I couldn't really say because I worked with a lot of men, and I was all confused.

Q. The squad that you led into My Lai (4), was there any stability in that squad? Were the members of that squad the same people who were in that squad the week before, or was it reorganized?

A. Sir, I respectfully refuse to answer that question on the grounds that it may tend to incriminate me.

Q. Can you tell me if you know of anyone in your platoon or in your squad who did not go on this mission, and remained either in LZ Dottie or down in Duc Pho?

A. I don't remember.

MAJ ZYCHOWSKI: Sergeant MITCHELL, I'd like to get back to the body count if I could. Were you required to report non-combatant casualties?

A. The only way I could answer the question is as follows. I had seen--our company had sent some civilians out on a medevac as we moved through their areas. So far as my recollection of being told that some civilians were shot and to report it, I can't recall who told.

Q. Well, aside from this particular assault, let's take any assault. Were your instructions such that you had to report noncombatant casualties in accordance with an SOP?

A. I think, sir, that if some civilian was injured as we moved through an area, that they would report it and medevac him out.

Q. Do you know if there were any reported on this particular assault?

A. I respectfully refuse to answer the question on the grounds that it might tend to incriminate me.

LTC PATTERSON: Sergeant MITCHELL, in a soldier's terms, how do you define a noncombatant in your own mind?

A. First, sir, I guess I'd have to define who was combatant. The simple fact is that you could pass anyone en route to a mission who would seem like any everyday farmer, I imagine. However, I wouldn't vouch for the fact that the man wouldn't shoot at me when we turned the corner. Therefore, it would be hard for me to define a non-combatant, unless he was completely or totally disabled or too young.

Q. What kind of training did you give to your people concerning who was or who was not, or how to determine a noncombatant?

A. The second answer, I think.

Q. Would you repeat your answer?

A. My answer was that I couldn't answer the question.

Q. In reference to gunships. You had been on several airmobile operations, I presume, while you were in Vietnam. Riding in a helicopter, did you have a position that you usually rode as a squad leader or platoon sergeant?

A. No, sir. I rode anywhere I could in the gunship. A lot of times they would get mixed up.

Q. Excuse me. You mean slicks?

A. Yes, sir. Slicks.

Q. Did you make it a habit to be the first one out, or were you just in there with the members of your squad?

A. Normally, on my gunship, I'd try to be the first one out.

Q. Did you sit on the right or the left?

A. It didn't make any difference.

Q. Did you exit from the same side, or did you exit from any particular side of the slick?

A. It was SOP, sir, to exit from the side that you were near. They would have both doors open and you would exit from the door you were near.

Q. From which side did you exit on the morning of 16 March, do you recall?

A. Sir, I respectfully refuse to answer that question on the grounds that it may tend to incriminate me.

Q. The gunships usually come in on both sides of the slicks as they are making their assault landing. You don't happen to recall if you saw gunships on both sides of the slicks, or one side, or any positive number of gunships?

A. No, sir.

Q. The members of your squad--You said that you have trouble with names. Did you have nicknames for each other?

A. Not that I recall.

Q. Did you have anybody who would be called "Louisiana," "Boston," or "California?"

A. No, sir.

MR WEST: Sergeant MITCHELL, can you tell us about the operations of Charlie Company on the next day, the 17th of March? We've got evidence that they, from the night laager

area, moved south. If I could direct your attention to the big map on the wall that has been introduced into evidence as MAP-1. Can you tell us about this? If you like, you can step to the map, and indicate with the pointer where the company moved, if you recall.

A. I don't recall where we laagered for the night, sir. As far as the next day, I think we moved on by platoon, so I can answer only for the platoon I was in.

Q. All right.

A. We were to search around the base of Hill 85. I think that was our mission, sir.

Q. Did this mission have anything to do with any mortar rounds?

A. I think some mortar rounds were found on top of Hill 85, sir.

Q. Is this the time when MEADLO stepped on a mine?

A. I don't recall, sir.

Q. All right. We've had some testimony that it was on this particular mission that MEADLO stepped on a mine, and had to be evacuated. Can you tell us what happened on the rest of that day, on the 17th, with your platoon?

A. Well, we moved up to the base of the hill, sir, and we began searching it. The platoon leader took a squad of the men and he moved farther up the hill to check it out more thoroughly, and in the process of returning the man MEADLO was injured. He was medevac'd out and--

Q. (Interposing) Where were you when MEADLO was injured?

A. I was on the base of the hill, sir.

Q. You weren't close to him?

A. No, sir.

Q. What happened after that on the 17th?

A. I think we moved back and linked up with the company, sir, and were brought back to LZ Dottie, as best as I can recall.

Q. Well, we've had some evidence indicating that the company moved south through several hamlets. Do you recall that?

A. No, sir.

Q. When is your recollection that the company was extracted and sent back to LZ Dottie? Was this on the 17th or the 18th? Let me put it this way. Did you spend 2 nights in the field?

A. I don't recall, sir.

Q. You don't remember the company moving through two or three hamlets as they went south, searching for VC?

A. No, sir.

Q. You mentioned the platoon leader a while ago on Hill 85. Was that Lieutenant CALLEY?

A. Yes, sir.

Q. Well, then, the company was lifted out and taken back to LZ Dottie by helicopter? Is that right?

A. Yes, sir.

Q. Did any officers meet you when you got back there?

A. I think Colonel HENDERSON was at the landing zone when we came in, sir.

Q. Did he talk to the men there in your presence?

A. No, sir.

Q. He didn't ask you any questions?

A. Not that I can recall, sir.

Q. I've already asked you whether anybody came and said that they were investigating an incident. Did anybody ever tell you to keep quiet about what happened that date at My Lai (4)?

A. No, sir.

Q. We've had testimony that--Captain MEDINA said that he got the company together and talked to them. He said that there was an investigation in progress, and he told them that it would be best not to talk about the incident until the investigation was finished. Do you recall anything like this?

A. No, sir.

Q. There have been some statements in the press to the effect that men of Charlie Company may have been smoking marijuana, or might have been under the influence of it that day in My Lai (4). Do you know anything about such a thing?

A. No, sir.

Q. Was there problem in the company at all involving the use of marijuana to your knowledge?

A. I can't recall any problem, sir.

Q. How long were you with Charlie Company after this operation was finished on the 18th of March 1968?

A. I stayed with the company for my complete tour in Vietnam.

Q. When did you leave?

A. November of 1968.

Q. Could you tell us what happened to Charlie Company after this particular operation? Where you went, what operations you were on, what you did?

A. I don't recall, sir.

Q. Well, we've been told two or three things. One is that -- I guess we haven't mentioned Task Force Barker in talking to you, but Charlie Company, on 16 March 68, was

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assigned to Task Force Barker, and this was a Task Force Barker Operation. Do you recall that Task Force Barker was broken up about the 9th of April 1968?

A. Yes, sir, I recall we rejoined the battalion.

Q. Then Charlie Company did go back to the 1/20?

A. Yes, sir.

Q. Do you recall the company being put on a rice-denial operation?

A. No, sir.

Q. You can't remember any missions before this time or after this time in November?

A. No, sir.

MR WEST: Colonel MILLER?

COL MILLER: Was it a practice in the company to have memorial services for all men who had been killed?

A. Yes, sir.

Q. Was this one just like the others, or was there any significant difference that you recall?

A. No, sir.

COL FRANKLIN: Sergeant MITCHELL, when you went into My Lai (4) you had only two squads. Where was the third squad?

A. Sir, the company was short on personnel.

Q. Why were you short? Let me ask you this question. When you came over from Hawaii, were you filled up, and up to full strength?

A. Yes, sir. I think so.

Q. What had happened to get you down to two squads?

A. We had a lot of men injured by mines and booby traps.

Q. How many men were killed before MEADLO?

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A. He was the only one killed.

Q. You had a lot of men wounded?

A. Yes, sir.

Q. About how many were wounded would you say?

A. I couldn't say.

Q. Ten, fifteen?

A. I couldn't say for sure.

Q. The men with whom you had gone into My Lai (4), were these guys with whom you had come over from Hawaii, most of them?

A. Sir, I respectfully refuse to answer the question on the grounds that it may tend to incriminate me.

Q. I'll ask you another question. You've been in a lot of rifle companies. Do you think Charlie Company was a good company, and well trained to perform its mission in Vietnam when it went in? In your platoon, your company-- This is your first war isn't it, Sergeant MITCHELL?

A. Yes, sir.

Q. How did you feel going into Vietnam? With the people whom you had, did you feel that you were in good shape?

A. Yes, sir.

Q. Now, may I ask that you look back on that platoon and Charlie Company. Compared to the outfit you are in now, and compared to other outfits, do you think it was a good outfit?

A. Yes, sir.

COL FRANKLIN: Thanks, very much.

COL WILSON: Sergeant MITCHELL, was Lieutenant CALLEY wounded on Hill 85?

A. Not that I recall, sir.

Q. When you came from Hawaii to Vietnam, did you go through a training course, or did the company go through a training course, either at Duc Pho or Chu Lai, for about a week?

A. I think we went through a training course at Duc Pho for about a week, sir.

Q. Do you remember much about the course, the type of instruction that was given, or whether it was classroom or practical stuff?

A. I couldn't say, sir. The most I can remember is that it was tactical exercises, sir. We had a few instructors come and give us instruction on how to look for booby traps, and where they are normally found, and how to destroy them, and how to search and clear a village, and this sort of stuff.

Q. Did you get any instruction on handling of prisoners of war?

A. None that I can recall, sir.

Q. Was there any legal instruction given at all in this course? I mean by that the Geneva Convention, and the rules of land warfare, and so forth?

A. Not that I remember, sir.

Q. Do you recall any instructors, or had you known them before? Were they from the 11th Brigade?

A. I don't know, sir.

Q. When you went to Vietnam, were you and your unit issued some cards, pocket cards?

A. None that I can recall, sir.

COL WILSON: That's all I have.

MAJ ZYCHOWSKI: Sergeant MITCHELL, when you got back from this operation, did you and members of your squad or your platoon discuss the operation?

A. Sir, I respectfully decline to answer on the grounds that it may tend to incriminate me.

Q. Could you possibly tell me then what the reaction of the men was at this time?

A. Sir, I respectfully refuse to answer the question on the grounds that it may tend to incriminate me.

MR WEST: I'll ask you, Sergeant MITCHELL, could you tell us what actually happened at My Lai (4) on the 16th of March 1968?

A. Sir, I respectfully refuse to answer the question on the grounds that it may tend to incriminate me.

Q. Well, perhaps you can answer this. Could you tell me why the incident was not reported or whatever happened? Do you have any idea?

A. No, sir.

Q. But, you are sure you don't recall anybody telling you or the company to keep quiet about this?

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

MR WEST: The hearing will recess.

(The hearing recessed at 1015 hours, 27 December 1969.)

(The hearing reconvened at 1020 hours, 27 December 1969.)

RCDR: The following persons are present: COL WILSON and MAJ ZYCHOWSKI.

COL WILSON: May I have Exhibits M-2, M-3, and M-4 please? (The documents were handed to COL WILSON.) Sergeant MITCHELL, I have three exhibits at which I'd like you to look to see if you have ever seen them before. And I'll ask you a couple of questions on each individual exhibit. First I show you Exhibit M-2 entitled "Nine Rules." (The document was handed to the witness.) This is a pocket card which is prepared by the Military Assistance Command, Vietnam. Have you ever seen this card?

A. No, sir.

Q. You were never issued one of these cards?

A. No, sir.

Q. Exhibit M-3 is titled "The Enemy In Your Hands." It's another MACV card. Have you ever seen it? (The document was handed to the witness.)

A. No, sir.

Q. The third exhibit is M-4, entitled "Guidance For Commanders." It's a "For Official Use Only" document, also a MACV publication. Have you seen that?

A. No, sir.

Q. Allegedly, cards M-2 and M-3 were supposed to have been issued to individuals reporting to the Republic of Vietnam on an individual issue basis. Do you know if any of the members of your unit, squad, or platoon had these type cards?

A. No, sir, I don't. This is the first time I've even seen the card.

Q. Do you recall receiving any instruction regarding illegal orders? This would have been given at the combat center when you came into the country.

A. Sir, when we came into the country we didn't come to the Combat Center.

- Q. That's right, you said you came through Duc Pho. Well, at that time, were you given any instruction on illegal orders or the legality of orders in combat?
- A. Not that I can recall, sir.
- Q. You seem to recognize the name Combat Center. Had you ever been to this at all?
- A. No, sir.
- Q. As an observer, or for any other reason?
- A. Upon departing Vietnam, yes, sir. I processed through the Combat Center prior to going to one of the centers for shipment beyond there.
- Q. The Combat Center, then, also had a role of out-processing as well as inprocessing?
- A. Outprocessing for sure.
- Q. Did you stay there long?
- A. Overnight.
- Q. This was in Chu Lai?
- A. Yes, sir.
- Q. Were you given any instruction, or what was the reason for going?
- A. I don't really recall, sir. When I was at Duc Pho I was sent to the Combat Center at Chu Lai. We spent the night there. On the next day we were shipped to Cam Ranh Bay.
- Q. Well, you received, I suppose, replacements for your squad or your platoon if you were platoon sergeant. During the time were you a platoon sergeant?
- A. Yes, sir.
- Q. Did you discuss infantry training with any of these people who came in?

A. No, sir.

Q. Did they ever have any comments about it?

A. No, sir.

Q. Did you know of anyone, regardless of unit affiliation or anything else, who was ever questioned, interviewed, or interrogated regarding the incident on the 16th of March, 1968?

A. Not that I can recall, sir.

Q. Sergeant MITCHELL, I'd like to give you the opportunity to make any statement which you may want to make. Is there any way you can assist us in trying to fulfill the two basic requirements of this investigation, which are to determine if there was suppression of information, and if there were any investigations regarding this incident immediately after it occurred or subsequent to occurrence? If there is anything regarding those two functions of this board, or anything that you may want to state on your behalf, the floor is open.

A. The two major questions that I stated, sir, I have nothing to add to that. On behalf of the charges that have been brought against me, I'm innocent of the charge. I'm not guilty of the charge that is specified.

Q. Sergeant, do you have any further testimony?

A. No, sir.

COL WILSON: The hearing will recess and this terminates this portion.

(The hearing recessed at 1030 hours, 27 December 1969.)

SUMMARY OF TESTIMONY

WITNESS: OLSEN, Gregory T., SGT

DATE OF TESTIMONY: 30 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Machinegun team, First Squad, First Platoon, C/1/20.

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

The witness stated that he was with the brigade for two weeks in Hawaii, having volunteered for 1/20 (pg. 3). He did not recall any special training being given in Hawaii (pg. 3), but upon arrival in Vietnam they had some classes in the Carantan area (pg. 4). He did not recall any significant training in handling of prisoners of war nor did he remember any training regarding war crimes (pg. 4). He was briefed at Duc Pho on the handling of non-combatants (pg. 4). He was familiar with the Rules of Engagement and stated that they were to yell, "Dung Lai" twice, fire a warning shot, and then shoot to wound (pg. 7). He felt that he learned this in Vietnam (pg. 7), and also in Louisiana where he went through AIT (pg. 8). He felt that MEDINA's instructions compromised this procedure for they were told they should treat the people as enemy if they had weapons, if they were shooting at us or if they were running away from us (pgs. 6-8). He felt that members of the company knew the Rules of Engagement (pg. 8). Exhibit M-2, "Nine Rules" was seen by the witness in Vietnam (pg. 8), but he did not think that he was issued one (pg. 9). Exhibit M-3, "Enemy in Your Hands", was never seen by the witness (pg. 9).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness attended MEDINA's briefing on 15 March. He stated that the company was called together and MEDINA drew a map of the area on the ground. MEDINA told them that there was a VC battalion there and that all of the people were known VC sympathizers (pg. 10). He told them sometime during the briefing that this would be a chance for them to "even the score with Charlie" (pgs. 10, 43). They were told to go through, destroy all food supplies, burn hootches, and kill all animals (pg. 10). He told them to kill the enemy but determination of the enemy was to be left up to their discretion (pg. 11). They were to push any civilians rounded up in the village in front of them (pg. 6). He did not receive a platoon briefing (pg. 11). The witness stated that the unit lost 18 people in a minefield incident in February and there was another incident just prior to March 16th, which occasioned the memorial service. He felt WEBER's service was at LZ Uptight. In the 15th March service, they mentioned Sergeant COX as well as "the boys killed in the minefield" (pg. 43). The witness did not recall the name of the chaplain (pg. 43).

3. ASSAULT ON MY LAI.

a. Events immediately after landing.

He did not recall which helicopter he left LZ Dottie in and stated that he did not think that the door gunners were firing, although the gunships were (pg. 12). Their approach was from south to north (pg. 13), for when he landed, they were on the right side and were closest to the village (pg. 12). They secured the area around the helicopter until it left and then set up a perimeter around the entire landing zone (pg. 13). They were 15 meters from the village and it was 25 meters from where the helicopter landed to the nearest point of the village (pg. 13). He later stated that they were 100 meters from the treeline when they landed (pg. 14). He believed they were facing south and were set up on a dike (pg. 13). This is marked as number #1 on Exhibit P-122 (pg. 14). From this position, they moved to the left which would be into the village (pg. 15). The platoon moved on line (pgs. 15, 16). He was in the area near Sergeant MITCHELL during the entire operation (pg. 11), and MITCHELL was the only person he could hear giving instructions (pg. 16). There was not much firing going on at the time. The witness stated that he had fired into the treeline because there was a man running in a herd of cattle. They could not see if they

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hit him or not because of the cows (pg. 16). The man was 15 to 20 meters on the other side of the treeline. The location is indicated as number #3 on Exhibit P-122. They proceeded to move into the village through a hedgerow (pg. 17). He did not see any troop elements to his right nor did he see Captain MEDINA, the command group, or Lieutenant CALLEY prior to moving into the village (pg. 17).

b. Activities in the village.

Movement through the village was with MITCHELL's squad (pg. 18). The assistant gunner was by OLSEN's side the entire time (pg. 19). The machinegun would only fire a burst and then would lock, so OLSEN kept firing it toward bushes (pg. 19). There was firing to his left and Sergeant MITCHELL was hollering (pg. 19). They were reconning by fire (pg. 19), which is marked as point #4 on Exhibit P-122. He never fired into a hootch, just into hedgerows and vegetation (pg. 19). He feels that he was on the extreme right of the line as it moved through the village with Sergeant MITCHELL to his left (pg. 20). Halfway through the village, he remembered coming into an area of hootches, where he saw some men throwing hand grenades into bunkers, but not into hootches (pg. 21). This is marked as point #5 on Exhibit P-122. He stated that at about this time someone told him that CARTER "looked like he had seen a ghost" and shortly after that OLSEN heard that CARTER had shot himself in the foot (pg. 22). The witness subsequently identified CARTER in Exhibits P-6 thru P-10 and P-36 (pgs. 25-28, 31). The witness recalled that they ate lunch at the opposite end of the village in a small group of trees, 25 meters from a ditch that contained a number of bodies (pgs. 22, 23). The ditch ran along the outer edge of the village on the south side (pg. 23), and is marked as point #6 on Exhibit P-122 (pg. 24). While they were eating lunch, an observation helicopter landed between them and the ditch and the pilot beckoned Sergeant LAGUNOY over (pg. 22). CALLEY also went over and he and the pilot had a discussion, the pilot pointing towards the ditch (pg. 23). After the helicopter left, Sergeant MITCHELL went up into the ditch and fired into the ditch (pg. 36), indicated as point #8 on Exhibit P-122 (pg. 37). Aside from these bodies, he only remembered seeing one or two scattered through the village (pgs. 35, 37). He felt that there were two dozen bodies in the ditch (pg. 37). This was the only group of dead that he saw (pg. 38). He saw another group of people in the east end of the village, who were prisoners and were being guarded (pg. 38). After eating lunch, they moved out, with

some prisoners, and BOYCE pushed one into a bomb crater and shot him (pg. 36). This is indicated as number #7 on Exhibit P-122 (pg. 37).

c. Activities after leaving the village.

When they left My Lai, they regrouped and headed toward the Pinkville area, passing through abandoned hamlets on the way. Everything was burned (pg. 38). The male prisoners that they had with them were taken off in a helicopter (pg. 38). He did not recall being lifted out by helicopter (pg. 38).

4. INQUIRIES CONCERNING THE ASSAULT.

The witness stated that he knew Colonel HENDERSON (pg. 38), but did not recall seeing him at LZ Dottie (pg. 39). He saw neither BARKER nor HENDERSON visit Captain MEDINA while they were in My Lai (pg. 46). MEDINA told them the incident was being investigated but did not elaborate on it and told them it would do no good to write their congressman (pg. 39). OLSEN never spoke with BARKER about the events in My Lai (pg. 41).

5. OTHER INFORMATION.

a. The witness identified people in a number of photographs (See Exhibits, infra).

b. The witness felt MEDINA was an outstanding company commander, spearheading the men on. He earned their respect through numerous small things, such as eating last when there was little food (pg. 39). He felt that MEDINA sometimes was irrational when dealing with personal problems among the men (pg. 39), and he did not feel that you could talk over real problems with him (pg. 40). He never saw MEDINA do anything inhumane to the Vietnamese although he was sometimes "rough with prisoners" (pg. 40).

c. The witness thought that the men in the company had gotten out of control, although voice contact was kept (pg. 40). He stated that in the center of the village the men were criss-crossing, running in different directions, and throwing grenades into bunkers. When he later saw the bodies in the ditch, he knew that someone was out of control (pg. 41). He did not know that this had been ordered, but merely heard stories about CALLEY through the grapevine during the operation (pg. 41). He felt that

the men had a revengeful attitude due to losing friends prior to this time (pg. 42). He thought that MEADLO was emotional, and did not feel that MEADLO was stable (pg. 42). He stated that the men went in with an attitude to fight (pg. 45), but they acted without foresight and indicated that they could "not see what they were doing, or what the results would be" (pg. 46). He did not feel that the incident was any more wrong now, than he did at the time and he finds reasons to justify it (pg. 46). He did not see anyone try to stop people from shooting Vietnamese (pg. 44), nor did he hear anyone say to stop shooting (pg. 45). He felt that he may have mentioned it to HALL, who was with him, but he did not say anything to anyone else and did not know why he did not (pg. 45). He stated that while in the village he was afraid that someone was going to give him an order to "do something" (pg. 45).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit had not seen.	8
M-3	MACV Card "Enemy in Your Hands"	Wit did not recall.	9
P-1	Aerial photo	Wit was orientated on the picture. Used to locate where he landed.	13
P-2 to P-42, P-56 to P-70, & P-73 to P-120	Miscellaneous Scenes	Given to witness to identify.	10
P-3	Black and White photos	Recognized PHU.	26
P-6	Black and White photos	Recognized CARTER and possibly BOYCE at the extreme top right.	26
P-7	Black and White photos	Recognized CARTER on the right and STANLEY on the left.	26
P-8	Black and White photos	Identified MEDINA using phone, MURRAY to his right, WOOD to his right, and CARTER at bottom.	27
P-9	Black and White photos	Identified CARTER, to his right WIDMER, to his right MAURO.	28

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-10	Black and White photos	Identified CARTER; possibly MURRAY to the top right; possibly BERNHARDT.	29
P-18	Black and White photos	Identified SIMONE surrounded by Vietnamese.	29
P-25	Black and White photos	Identified as a man named JOE, who was a squad leader.	30
P-29	Black and White photos	Identified HALL as man running in the center; possibly himself behind him.	31
P-36	Black and White photos	Identified CARTER.	31
P-56	Black and White photos	Identified WIDMER on top right as possibly throwing a grenade.	33
P-60	Black and White photos	Identified JOE, as a squad leader from another platoon.	33
P-64	Black and White photos	Identified SMITH on the right.	33
P-65	Black and White photos	Resembles the area where they first landed, My Lai to the west and the treeline that they moved their weapons to. Also, PHU on the bottom left;	34
		WOOD in the center; and MURRAY with the radio on the left.	

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-67	Black and White photos	Recognized PHU.	35
P-79	Black and White photos	Looks familiar as being in a village after leaving My Lai.	32
P-87	Black and White photos	Identified CONTI.	32
P-100	Black and White photos	Identified CONTI on the extreme right.	32
P-122	Aerial photo	Marked as follows: 1-location where helicopter landed.	14
		2-Machinegun position.	15
		3-location of VC in cattle.	17
		4-beginning of reconnaissance.	20
		5-grenades being thrown into hootches.	21
		6-where THOMPSON landed..	24
		7-BOYCE shoots Vietnamese and pushes him into a crater.	37
		8-MITCHELL fires into ditch of bodies.	37
MAP-4	Map 6739 II	Referred to for orientation.	10

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(The hearing reconvened at 0845 hours, 30 December 1969.)

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

COL WILSON: I would like to introduce 48 photographs, ground photographs, which were made about 16 November 1969 in the vicinity of My Lai (4). Accompanying these photographs is a witness statement dated 24 November 1969, which describes the numerical sequence of the photographs. There will be 48 photographs and one document.

RCDR: The photographs will be marked for identification as Exhibits P-73 thru P-120 and the index will be identified as P-121.

COL WILSON: I would advise that those photograph numbers must stay with the photographs. We will have to put the exhibit numbers on in addition to those.

RCDR: The next witness is Sergeant Gregory T. OLSEN

(SGT Gregory T. OLSEN, , Army, U.S. Military Police Company, Fort Lewis, Washington, was sworn and testified as follows:)

MR WEST: Sergeant OLSEN, before we get into any questioning Colonel MILLER will provide you with certain information about the inquiry.

COL MILLER: Sergeant, this investigation is directed by the Chief of Staff of the Army and the Secretary of the Army to investigate, determine facts, and make findings and recommendations on two major 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 referred to as the My Lai incident of 16 March 1968, and

(2) the possible suppression or withholding of information by any persons who had a duty to report what information they had concerning this incident.

It is not our primary purpose to find out everything that went on at My Lai, but in trying to determine the

facts which we are to investigate we have gone into some detail on the things that actually happened at My Lai during the middle of March of 1968. However, our investigation is directed to those two purposes which I have indicated.

You are under oath and we will made a verbatim record. This is also being tape recorded. The report as a whole will be classified as confidential. However, there is certainly the possibility that some or all of the testimony may later become a matter of public knowledge.

You are directed not to discuss the testimony you give before this investigation with others, including other witnesses for this investigation, except in the performance of official duties or as you may be required to do so before a competent judicial, administrative, or legislative body. You are subject to the order of the military judge in the court-martial case of United States v. Calley, I believe. Your appearance and testimony here is within the permissible limits of that order so you are not in violation of it by answering our questions. You will continue to be under that order, and your appearance here in no way affects the applicability of that order. It still stands. Do you have any questions?

A. No, sir.

MR WEST: Sergeant OLSEN, before we get into questioning by the panel as a whole I would like for you to talk to Colonel WILSON. He will show you some photographs and other documents and then we will come back to you for further questioning later.

(The hearing recessed at 0852 hours, 30 December 1969.)

(The hearing reconvened at 0856 hours, 30 December 1969.)

The following persons were present: COL WILSON, LTC PATTERSON, and MAJ COOP.

COL WILSON: During this period I am going to be questioning you on two things, first, training, and second, I want to walk you through My Lai (4) on the 16th of March with whatever photographs and documents we have available to assist you in walking you through here. We are trying to get dates, times, and places, if possible. The first thing we will dis-

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cuss is training. Were you with the brigade in Hawaii?

A. Yes, I was.

Q. How long had you been with the brigade?

A. I believe it had been just about 2 weeks was all.

Q. What was your assignment?

A. I was originally assigned to 4/21. Just a few days prior to the 1/20 going overseas, I was assigned there of my own choice--they asked for volunteers.

Q. For the 1/20?

A. Yes.

Q. Why did you volunteer for the 1/20?

A. Because I had heard that Charlie Company was going to be pulling out immediately, and we all knew that we were going to be going eventually so I would as soon leave earlier.

Q. What was your assignment in C Company?

A. I was assigned to the 1st Platoon, I don't remember the squad.

Q. Were you with the 1st Platoon on the 16th of March, 1968?

A. Yes, I was.

Q. Did you have any special training before you left Hawaii?

A. None that I can remember, sir.

Q. Did you have any special training after you joined C/1/20?

A. I did once we arrived. I don't remember where it was but it was there at Duc Pho, some classes on boarding helicopter and things like that.

Q. How long did this training last, do you recall?

A. We went off and on for first month there. We spent our first month at the Carantan area, occasionally we would go to classes, practice getting on choppers.

Q. But you don't remember the exact time?

A. Not exactly, sir. It was within the first month.

Q. Do you know who gave you this training?

A. I want to say they were from division, but I am not sure, I think they are the ones that instructed at the NCO academy there, if I am not mistaken.

Q. Do you recall if you received any training in the handling of prisoners of war?

A. I don't recall any significant training.

Q. Do you remember having any training regarding war crimes?

A. No, I don't.

Q. Any training concerning the handling and disposition of noncombatants?

A. I can remember--not the exact time--but I remember being briefed by various individuals. How they were to be handled.

Q. How they were to be handled?

A. Yes, sir.

Q. Was this at Duc Pho?

A. I believe so but I don't know for sure, I can't remember being told what to do with them.

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Q. I am trying to see if this was part of the instructions you received when you came in country.

A. I am sure it was after I got in country.

Q. In other words, you did not get this in Hawaii?

A. No, I didn't.

Q. Did you get it from your company or did you get it from personnel outside the unit?

A. I believe we got this when we were at Carantan, given by this other unit, but we had been briefed by our own company before.

Q. Before leaving Hawaii?

A. No, sir, this was all up in Vietnam.

Q. How long were you in Vietnam, with C Company, prior to going to this instruction there at Duc Pho or Carantan?

A. We landed, I believe, on the first of December. It was just a period of a few days before we started going to these classes, we went to them off and on for the first month.

Q. Do you remember a lawyer or a legal officer or anybody coming down and giving you any instructions on the legality of orders?

A. I don't remember.

Q. Do you remember any class on this at all--I mean lecture-type training?

A. Yes, I do, I think that is what most of these classes consisted of.

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Q. Lectures?

A. Yes.

Q. Did you receive any training on the methods of controlling noncombatants or VC suspects as you moved into an area?

A. I can't remember any significant time. I have been instructed at one time or another but I don't know for sure, prior to going on operations, but I don't remember it being in one of the classes.

Q. Do you remember if you were given any training on this prior to My Lai (4), I mean just prior to it, briefed on it before going in there?

A. No, the only thing I can remember what we were told to do with noncombatants was push them out of the village and round them up.

Q. Push them which way?

A. In the direction that we were moving.

Q. In other words, push them in front of you?

A. Right.

Q. What were you told, you must have heard somewhere what you would do if someone was running from you?

A. Prior to March 16th?

Q. Prior or anytime.

A. We were told prior and on this particular day, that if anybody did run from us they were considered the enemy and we would shoot them.

Q. Who said this?

A. This was Captain MEDINA.

Q. He did say this?

A. Yes.

Q. Prior to this, what were you told to do with people running from you?

A. I don't remember being told anything directly, it was pretty much left up to our discretion and sometimes people were shot down because they ran from us. I have seen times when we have apprehended them.

Q. What did you do when somebody ran from you before 16 March?

A. Myself, I usually didn't do anything unless I was told to go after them, then I would go after them, but I don't remember that ever coming up. I have seen times when they were shot, when they were at a distance and were unidentifiable.

Q. We have a high-level name for this, we call it rules of engagement?

A. Yes, I have heard of it.

Q. In the rules of engagement, there are certain steps that you are supposed to take if somebody runs from you. Do you remember what they were?

A. I believe we were told to yell "dung lai" twice, fire a warning shot, and shoot to wound.

Q. That is exactly what you should have been told. Now, where were you told this?

A. I don't remember exactly; it was while I was in Vietnam.

Q. Not in Hawaii?

A. No, not in Hawaii.

Q. How many times were you told this?

A. I really could not say--it was not very frequent. I had heard it when I was in Louisiana when we were instructed in the same thing.

Q. When you went through basic?

A. AIT.

Q. For the 16 March operation this was more or less compromised by Captain MEDINA's instructions?

A. Yes, it was.

Q. Did he say to holler "dung lai"; or did he say if anybody runs shoot him?

A. He said that people there, if they had weapons, if they were shooting at us, if they were running from us, they were the enemy and we would treat them as such.

LTC PATTERSON: Do you believe that the members of C Company, after they began operating, knew the basic rules of engagement?

A. Yes, I do.

COL WILSON: Apparently, if you got this in AIT it follows that most of the people must have gotten it more than once?

A. Yes, that is true.

Q. Maybe possibly in Hawaii, AIT, and in Vietnam?

A. Yes.

Q. I have a couple of documents that I would like to show you. One is Exhibit M-2 titled "Nine Rules". Did you ever see that?

A. Yes, I have.

Q. Where did you see this?

A. About all I can say is Vietnam.

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Q. Did you get this after you got to Vietnam or did you see it after you got to Vietnam?

A. I did see it but I don't remember getting it. I might have got it but I don't think so.

Q. It is a wallet card. You don't remember seeing one of these on an issue basis?

A. No, I don't.

Q. The second exhibit is M-3, it is entitled "Enemy in Your Hands". Have you ever seen that card?

A. No, I haven't.

Q. I call your attention to the Vietnamese expressions that are written on this card. You still don't recall the card?

A. No.

Q. Never saw it?

A. No, never saw it.

Q. I have a series of photographs. I want you to look at the photographs and identify either the person or the place, sit it aside. If the photograph means nothing to you place it in another pile. I don't care if you saw it in Life magazine or not, I am not talking about that. I mean if you can locate a location or a person in those photographs I want to talk to you about them so put them in one stack. We will take a break while you do that.

(The hearing recessed at 0915 hours, 30 December 1969.)

(The hearing reconvened at 0925 hours, 30 December 1969.)

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

COL WILSON: The witness has examined Exhibits P-1 through P-70. There is a second series of photographs that I want you to look at. These exhibits represent ground photography that was taken this year. There will be people that you probably won't know in these photographs but there might be something in the locations from a ground standpoint that you can identify. I would like for you to look at these and if anything remotely resembles anything that you have seen, I would like for you to separate it. (Witness did as directed.) The witness has examined Exhibits P-73 to P-120 and separated those photographs which he can identify. (Colonel WILSON then pointed out places to help the witness orient himself on the aerial photograph, Exhibit P-1.) This is the hill where MEADLO was wounded, Hill 85. This is the river. This is a 1:25,000 map. Quang Ngai is here to the lower portion of the map. This is Pinkville here, this is Highway 1, this is the Song Diem River and this was your area of operations, normally. The Pinkville operation took place south of the river. LZ Dottie is over here. If you will relate the map (Exhibit MAP-4) to the photograph you can see that this shows the village. This stream is the stream running right through here, this road is this road right here (comparing points from 1:25,000 map to the aerial photo). You told me that you were in the 1st Platoon. When you left the morning of the 16th--let me ask you one question before that. What did Captain MEDINA brief the company on on the 15th of March? Did you attend this briefing?

A. Yes, I did.

Q. What did he say?

A. He had the entire company together and he drew out on the ground the map of the area. The general map, to show us where we went in, where the LZ was in relationship to My Lai (4). He told us there was a VC battalion there, that all the people there were known VC sympathizers. They had been feeding and supporting the enemy. He had mentioned sometime during his briefing that this would be a chance for us to even the score with Charlie. He told us we would go through and destroy all the food supplies and that hootches would be burned and that all the animals would be killed. There were some individuals who asked how we were to identify the enemy and he explained that somebody that was running from us, fighting us, shooting at us--of course, I don't remember his exact words on that.

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Q. Did he say kill all the people in the village?

A. The only thing he said directly to kill was the enemy, the food supply, and the animals.

Q. And everything running?

A. If it appeared to us to be the enemy, he left it up to our discretion. He never did say exactly who to kill except the enemy.

LTC PATTERSON: Did anyone else participate in the briefing? Were there any other officers that gave part of the briefing to you?

A. Not that I can remember, sir.

Q. How about a platoon briefing?

A. I don't remember a platoon briefing.

Q. The only briefing you got on the operation was from Captain MEDINA?

A. That is the only one I remember, sir.

COL WILSON: You don't recall which squad you were in?

A. I was carrying a machinegun at the time. If I remember right, we had two guns for the platoon and I was attached, I believe, to the first squad, but I don't remember.

Q. Who was the squad leader?

A. The squad leader was Sergeant MITCHELL.

Q. You were in Sergeant MITCHELL's squad during the operation?

A. Whether or not I was in his squad I don't remember but I was in the area near him the entire time.

Q. Our information is that there were only two squads in the 1st Platoon, at this time. One was led by BACON, the other one by MITCHELL.

A. We were short of men, I think.

Q. Do you remember which helicopter you left Fire Base Dottie in, as far as the column is concerned?

A. I don't remember the exact one. The way the choppers were moving we were in the lead section. I don't remember the exact point. We were in the leading choppers I believe.

Q. Who was in your chopper?

A. The only one that I can remember for sure is Gus HALL who was my assistant gunner at the time.

Q. Do you remember what your position was in the chopper, where you sat?

A. On the right-hand side, GUS was right in the door and I was the next one. He was the first and I was the second one.

Q. As you approached the objective area, do you remember the door gunners firing?

A. No, I don't believe they were. There were gunships firing around but I don't believe our door gunners were.

Q. Were you sitting close to the door gunner?

A. I was right in front of him and a little bit inside the chopper.

Q. If he was firing then, you would remember?

A. Usually it is kind of deafening but I don't remember that particular time. I remember other times.

Q. Do you recall whether your chopper was on the port or starboard side of the vee--the left or the right as you move forward? Or whether you were in the lead ship of the vee?

A. I believe we were on the right side because when we jumped out I think that we were closest to the village.

Q. Then your approach would have been from south to north?

A. Yes.

Q. When you exited the helicopter, how far did you have to go to the village?

A. When we first jumped out, we secured the area around the chopper until it took off, then I think we moved south and we set up a perimeter around the entire airfield for the next lift--15 meters I think at the most we were from the village.

Q. What do you think was the total distance from where your helicopter set down, straight line distance, to the village?

A. I would say 25 meters from where our helicopter set down to the nearest point of the village.

Q. 25 meters?

A. Yes.

Q. Do you remember when you left the helicopter and moved to a position where you set up a perimeter, do you remember if your platoon or your squad lined up on an embankment, ditch, or any particular terrain feature?

A. I went south and we did set up on a dike, I believe facing south at the time.

Q. Did you see Captain MEDINA at this time?

A. No, not at that time, no.

Q. On this photograph (Exhibit P-1) can you see approximately where you landed?

A. (Looking at photograph) From this tree line, I can remember looking into this tree line when we got out, so we would have had to land in this area right around in here.

Q. The tree line you are referring to is running east-west on the west side of the village--you weren't referring to the tree line along the village anywhere?

A. No, I can remember facing this tree line and to my left was the village because when we got out we moved to our left after facing this way.

Q. So you established your perimeter generally in the vicinity of this tree line?

A. I was quite some distance from this tree line.

Q. Let me tell you that the scale on this photo is 1 inch to 100 meters. So we are talking about your helicopter setting down somewhere between 50 to 100 meters out from this edge of the village.

A. I believe I was 100 meters from this tree line.

Q. Which would put you right here. That is the location number 1. (COL WILSON marks the location indicated by the witness on the aerial photo, later entered into evidence as Exhibit P-122.) Now, after you left the aircraft you set up a perimeter?

A. Right.

Q. Were you facing south?

A. Yes, I was.

Q. Did you have connection or contact with other members of the platoon?

A. I don't remember how close they were, I could see them but I really couldn't say how close I was to them.

Q. And you believe your position was right about here?

A. I would say about 100 meters from that tree line.

Q. This would be back here, wouldn't it?

A. Yes, the rice was real high at the time.

Q. This was where your machinegun position was. Number 2 on the photo, estimated machinegun position. How long did you stay at position number 2?

A. I remember another lift coming in. I don't know if any more came in or not. I would say 10 or 15 minutes. That was just a guess, it really wasn't very long.

Q. Do you remember this trail (indicating)?

A. Yes, I do.

Q. When you were establishing your machinegun positions facing south, you were facing into the tree line?

A. Yes.

Q. You were trying to secure the area on the other side of the tree line?

A. There was quite a bit of flat area between us and the tree line and it was not a thick tree line--you could see right through it.

Q. Was it a dike at the tree line or was it just flat terrain?

A. Where I was there was a small dike. It was very flat all the way across, I don't remember any significant obstructions.

Q. Where did you move from your machinegun position?

A. From there we went to our left, which would be east on this map.

Q. No, west.

A. We moved in this direction into the village.

Q. The entire platoon was on line, the two squads?

A. Yes.

Q. Did you build up on a dike before you moved in and were you held up while both platoons got on line?

A. I remember slowing down waiting while they were trying to get us on line, yes.

Q. Was this some sort of control that somebody was exercising. Captain MEDINA or the platoon leaders or the squad leaders?

A. The only person I could hear giving instructions was Sergeant MITCHELL who was to my immediate left as I was moving in.

Q. Was there much firing going on at the time?

A. Right at that particular time, no.

Q. Was there any fire previous to that?

A. I had fired just previous to that into the tree line.

Q. Into the tree line where you had assumed your position?

A. Yes.

Q. Why did you fire into this tree line?

A. Running from this direction, which would be west, there was a man running and he was staying in a herd of cattle and I could see him off at a distance. We opened up on him but we could not see if we hit him or not because the herd of cows just kept right on running. We never did see him.

Q. Was he on the other side of the tree line?

A. Yes, he was.

Q. How far?

A. I would say anywhere from 15-25 meters on the other side of the tree line.

Q. Would you say here close to the tree line or further to the west?

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A. When I fired it was right into this area right here (indicating on the aerial photograph).

Q. Number 3. What kind of cattle was it or could you tell?

A. I believe they were just cows. They were brown.

Q. Point 3, fired on man running with herd of cattle. Now, when you moved up onto the dike, there, how long did you stay there before you moved into the village? Do you recall?

A. I don't remember staying there any particular length of time at all. I remember moving right in.

Q. When you moved in did you stop just short of this embankment, did you move immediately into vegetation or did you cross a rice paddy, a field?

A. The first thing I remember was going through a thick hedgerow, getting right into the village.

Q. You were with Sergeant MITCHELL's squad. Was there any troop element to your right?

A. I don't believe so.

Q. Did you see Captain MEDINA before you moved into the village?

A. No, I didn't.

Q. You did not see the command group before you moved into the village?

A. No, I didn't.

Q. Did you see Lieutenant CALLEY before you moved into the village?

A. No, I didn't.

Q. When you moved from position number 2 which was your machinegun position did you move to the south?

A. No, I believe I moved in this direction, straight east.

Q. But you did stay with MITCHELL, his squad?

A. Yes, I did.

Q. Where do you think you entered the village?

A. I would guess right in this area here (indicating on the aerial photo). I don't remember any open area that I crossed.

Q. From all indications we have, MITCHELL's squad was on the right moving through the village.

A. I believe we were on the right but I do not remember crossing there.

Q. But if you crossed here you would have got to the village if you moved south.

A. I do not believe so, I really could not say for sure but it is hard to be accurate. At the time I was not worried about directions. I was keeping my eye on the person to the left.

Q. Using these two photographs, do you believe you entered the village back over here or down in here?

A. I definitely did not enter here because when I entered I could look to my right and there was vegetation and other hootches.

Q. So, you think that you moved right through here, directly across?

A. I believe so.

Q. Each time you moved was it with your assistant gunner?

A. Yes, he was by my side the entire time.

Q. What happened after you moved to about that point?

A. Then we were on line and we were told to move out and right away I started having trouble with my machinegun-- it would fire a burst and then lock up, and while I was walking I was really in a hustle trying to keep it working. We came upon a clump of bushes right in front of us and myself, I opened up before we approached it, and people to our left were firing and Sergeant MITCHELL was hollering. We were keeping voice contact. Sometime, because of the hedgerows, we couldn't see the people to our flanks and we just continued to move on through the village.

Q. Did you continue to have trouble with your gun?

A. I had trouble with the gun all day.

Q. But you were reconning by fire?

A. Yes, I was.

Q. Primarily into hedgerows or did you fire into hootches?

A. Never once did I fire into a hootch.

Q. Just hedgerows and vegetation?

A. Right.

Q. You began a reconnaissance by fire after you moved forward?

A. Yes, I did.

Q. You didn't recon by fire back in this direction (indicating on the aerial photo)?

A. I remember, just prior to moving in, there was a row of trees and a hedgerow right directly in front of us and we opened up into there. I remember I opened up at the top of the trees and worked my way down.

Q. I am locating point 4 as the location where you began your reconnaissance by fire. Did you go due east then?

A. I don't remember making--

Q. (Interposing) Did you fire across?

A. No, I didn't.

Q. Did you maintain contact with the members of MITCHELL's squad while you were moving?

A. I remember seeing Sergeant MITCHELL, himself, most of the time that I was going through to my left.

Q. Were you in a column or in a line formation?

A. We were trying our best to stay in a line.

Q. Not a column?

A. No.

Q. Was there anybody from the first squad on your left?

A. On my left?

Q. Yes, on your left.

A. Yes, Sergeant MITCHELL.

Q. Sergeant MITCHELL was on your left?

A. Right.

Q. So, you would have been in the right portion of his squad?

A. I don't remember anybody being on my right.

Q. When you looked to your right as you entered the village, were you looking into the village?

A. Yes, I was.

Q. Could you see the other end of the village, the termination of the village, and the open area to the south?

A. I really don't remember if I could or not. I just can't say.

Q. Is there anything else significant as you moved through the village, say to about the halfway point, that you can recall?

A. As far as incidents--landmarks?

Q. Both.

A. I remember that just about halfway through we would get into less vegetation and more hootches. I remember that there were guys throwing hand grenades into the bunkers next to the hootches. I never did see any thrown into hootches but I did see them thrown into the bunkers.

Q. And this is about the halfway point?

A. This is when I got into where there were more hootches.

Q. Let's say approximately at this point, this is all open area that I can see (indicating).

A. There would have to be, it was a significantly large area.

Q. And at that point, you said there were a lot of hand grenades being thrown into hootches?

A. This is when I came up. Most of the other guys had somehow gotten ahead of me.

Q. Who did you see throwing the hand grenades?

A. I really could not say. I can't identify any of them. My biggest concern at that particular time was my machinegun. HALL and I were really having problems.

Q. Point 5 is grenades being thrown into hootches. Do you remember CARTER being wounded?

A. Just prior I remember somebody, I don't remember who it was, asking me if I had seen CARTER. They mentioned that he looked like he had seen a ghost and was pretty troubled and then it was not long after that, that I had heard that he had shot himself in the foot. I never did see him.

Q. You did not see where he was wounded, the location?

A. No, I did not even see when he was dusted-off.

Q. Did you hear the helicopter dust him off?

A. No, there were choppers all around the area--I never did pay any attention if they landed or not.

Q. You don't recall hearing this one land?

A. No.

Q. Do you recall the time of day as you moved through this village, was there anything of significance, did you look at your watch?

A. I can remember that we were told that we would be leaving at 0630 or 0700 in the morning and that was the only knowledge of the time that I have.

Q. And you didn't keep the time after that?

A. No, I didn't.

Q. Do you remember eating lunch?

A. I believe when I was completely out we sat down. I believe we ate then.

Q. Do you remember anything of significance about the area you ate in?

A. Yes, I do. I had crossed a ditch at the opposite end of the village that I had come in at that had a number of bodies in it, and we sat down across the ditch and walked maybe 25 meters from it and we sat down. A few minutes later a small bubble observation chopper landed between us and the ditch, he motioned for us to come over and Sergeant LAGUNOY went over there. We couldn't understand them. About this

100
25

time Lieutenant CALLEY came over there and I remember this warrant officer, I assume he was a warrant officer, he was the one operating the chopper, was waving his arms and pointing at the ditch. Before he had landed he had looked into the ditch. Him and CALLEY had an exchange of words. CALLEY turned around and left, the chopper took off.

Q. Let's see if we can fix that location--

A. I am trying to find the ditch in there (indicating on the aerial photo).

Q. I don't know if you can find the ditch from the photo, there may have been more than one ditch.

A. I seem to remember the ditch running along the side of the outer edge of the village which I believe would be the south side.

Q. You think it is down there (indicating on the photo)?

A. Right. I was out of the village and the ditch extended out here. I came out of the village and then turned south. When I came out of the village I turned to my right.

Q. You came up somewhere probably in this area, right? You said that you ate lunch after you got through the village.

A. Right.

Q. And where you ate was close to the ditch?

A. It was 25 meters at the most.

Q. You don't remember leaving the village before you ate?

A. Well, this was actually outside the village because from where we sat we could look out at a big flat area. Where we looked was the direction where we moved out after everybody got regrouped and we left our area.

Q. You actually were looking east, looking toward the sea?

A. I couldn't see the ocean. I couldn't really say.

Q. But you did eat in an open field on the other side of the village?

A. Right in a little group of trees just before you got to the open field.

Q. That was the location of the ditch?

A. The ditch was between us and that village.

Q. What about Hill 85, could you see that?

A. As I was facing with my back to the village, and looking out into the area which we eventually moved out into, I believe 85 was to my right.

Q. Would you approximate you location? Would it be here or here or closer to the village?

A. It would not be back here but this area looks familiar in that there was a line of trees when the rest of the platoon came out. They crossed the ditch and moved to my left as I was facing out to the open area. We all sat down in this line of trees that run parallel with the ditch and I would guess we would be sitting in this area right in here (indicating).

Q. That is point number 6. Now, at point number 6 you ate and this was after the location where you saw the bodies in the ditch?

A. Yes, it was.

Q. Now, where do you think that the helicopter landed, the approximate location?

A. Directly, my back to the ditch, he was right between us and the ditch, just a little bit to my right.

Q. In other words, he would be back here?

A. If I was sitting right in the center of the circle where you have a number 6, he would be right there. It was a very small area.

Q. He couldn't land in that vegetation, which was all around.

A. He sat down right in the middle of it.

Q. I think I am going to skip the helicopter landing area. I am going to show these exhibits that you thought you could identify and see if you can collocate these to any places or people. Photo number 3?

A. The location I cannot say but the man appears to be LAGUNOY--that is Sergeant PHU, the interpreter, not LAGUNOY.

Q. Do you recognize the location?

A. No, I don't.

Q. Photo number 6?

A. This is CARTER. I did not see this but I just recognize CARTER is all.

Q. Do you recognize anyone else there?

A. No, I don't.

Q. This man wearing the joker on the helmet, do you know any men that wore jokers in their helmets?

A. I remember one Negro; his name is STANLEY who wore one. I don't know if that was his first name or last name.

Q. Did this guy normally carry a rope?

A. No, that pretty much got passed around.

Q. Can you see this nametag?

A. There doesn't appear to be anything on it.

Q. Can you see this writing on the helmet?

A. Jersey--that does resemble BOYCE.

- Q. What about that object on his helmet?
- A. I don't recognize that, sir.
- Q. You say this resembles BOYCE?
- A. Right.
- Q. The man at the extreme top right has been identified as BOYCE. Was BOYCE in your platoon?
- A. Yes, he was.
- Q. Was he in your squad?
- A. That I cannot say for sure, I really can't say if he was in my squad.
- Q. You don't remember if CARTER was in there or not?
- A. No, I don't believe he was in the squad.
- Q. Photo number 7?
- A. I recognize CARTER; this could possibly be STANLEY.
- Q. The man on the right is CARTER and the man on the left is STANLEY in photograph number 7. Before we go any further have you got any idea where this location is?
- A. I just suppose it was--no, really I can't say because I was thinking it was in the south end of the village.
- Q. But you don't know?
- A. No, I really don't. I would just be guessing.
- Q. What is this on the man's helmet in the center?
- A. It looks like either P or R-E-N-N-A.
- Q. What do you suppose that stands for?

A. If it is a P it might stand for Pennsylvania.

Q. Do you have any idea who that might be?

A. No, I don't recognize him.

Q. Do you recognize anybody else?

A. No, just CARTER and STANLEY.

Q. Photo number 8?

A. This is Captain MEDINA using the telephone, his radio operator MURRAY to his right, to MURRAY's right is a man named WOOD, Roy WOOD, I believe, but I am not positive on that. Down on the bottom right is CARTER; I do not recognize the medic.

Q. Did you know Sergeant CAPEZZA?

A. At that time, no, I couldn't really say if he was in my platoon.

Q. Who is standing up against the building?

A. He kind of resembles LAGUNOY but I think he has glasses on and LAGUNOY did not wear glasses.

Q. What is this on his pocket?

A. I couldn't say.

Q. Is that an insignia of rank--Vietnamese?

A. I really can't identify what that is.

Q. Could he be Vietnamese?

A. Very possibly.

Q. Photograph number 9 shows CARTER again and on CARTER's left is WIDMER, correct?

A. Right.

Q. Who is that on his right?

- A. MAURO I guess. I do not know how you would spell it.
- Q. Which platoon was he in?
- A. He was in my platoon.
- Q. Was he a squad leader?
- A. Yes, I believe he was.
- Q. Was WIDMER?
- A. I remember WIDMER as being with the CO but I am not sure of that either.
- Q. But MAURO was with MITCHELL's squad?
- A. Yes, he was.
- Q. So MITCHELL's squad got down to this area somehow. Do you recognize that area at all?
- A. No. No, it could be anyplace.
- Q. Photograph number 10 shows CARTER and two men bending over him and a man up to the right of the photograph. Can you identify anyone other than CARTER?
- A. The one in the top right could possibly be MURRAY but you cannot see enough of his face to really tell.
- Q. Can you see his nametag?
- A. There does not appear to be anything on it.
- Q. Did you know any of the MI people?
- A. No, I didn't. I did not know that we had any with us.
- Q. Did you know any engineers?
- A. No, I didn't.

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Q. Did you ever recall working with any engineers attached to C Company?

A. I don't remember, no.

LTC PATTERSON: Did you know BERNHARDT?

A. Yes, I do.

Q. Does this look like BERNHARDT?

A. It could be by his kind of double chin; but then again, I can't see enough of him. He kind of has BERNHARDT's mouth.

COL WILSON: Photograph number 18 shows one American surrounded by Vietnamese.

A. The American is SIMONE. I vaguely remember the old man who is to SIMONE's right and the area, it could be anywhere. But I vaguely remember this old guy.

Q. Was there anything in particular about the old man?

A. He just kind of rings a bell; he does look familiar. He is so old and decrepit I just remember him.

Q. SIMONE was in your platoon?

A. Yes, he was.

Q. Your squad?

A. I don't know for sure about squad. He was in the platoon.

Q. Does this appear to be Hill 85 in the background?

A. I can't see enough of it; it could be. Hill 85 was flat on top because there was an abandoned compound up there.

Q. It was flat on top?

A. Yes, I believe it was.

Q. There was another hill.

A. It looks a little too large to be Hill 85 but then again....

Q. There was a large hill mass up here, north, Hill 100, that looks some distance away.

A. It is quite a ways away. Hill 85 was flat on top but it did not look quite that large.

Q. Do you know of anything happening to one of the men?

A. No, I don't.

Q. You don't remember this particular location?

A. No, I don't.

Q. Photograph number 25?

A. I remember him as Joe. I don't know if he was a sergeant at that time or not but he was a squad leader. I am pretty sure. In either the 2d or 3d Platoon, I am not sure which.

Q. Joe?

A. Joe is the only name I remember.

Q. But he was not in the 1st Platoon?

A. No, he was not.

Q. Do you recognize that terrain?

A. That again could be any village that we went through, I just did not pay that close attention.

Q. We want you to look at a roster before you go and maybe you can remember who that was. Photograph number 26 shows a group of helicopters.

A. It is hard to see this but I believe this is at LZ Dottie. This is LZ Dottie.

Q. Is this the day of the operation?

A. I couldn't say for sure. This is exactly how we were set up, the LZ is a little further to the left of the picture.

Q. Photograph number 29.

A. I can identify the guy in the center of the picture, running, as Gus HALL, by the way he holds his claymore bag full of ammo and just the way he was always holding on to his helmet. I was immediately following him but I cannot say for sure if that is me, but I can identify him and I think I was right behind him.

Q. So this is your helicopter?

A. I believe it was.

Q. Is this the day of the operation?

A. I believe it was, it all looks familiar through here (indicating on the picture).

Q. Then you were actually--as you told me, because you can't tell about these photographs, that you could be first?

A. I assume this was so.

Q. But the thing is, as you described it to me, this helicopter would be facing north--

A. (Interposing) And this is the tree line that I told you--I recognize that this is the tree line that I fired through.

Q. That would be the south of the helicopter?

A. Yes, it was, when we jumped out we jumped into the direction of the village.

Q. Was the rice that high then?

A. Yes, it was.

Q. This is number 36, CARTER again, do you recognize any of the individuals around him?

A. No, only CARTER in that one.

Q. Let me back up again; photo number 29 is your helicopter (marked on aerial photo). The next series of photographs are the ground photographs and you have picked out P-79, do you recognize that location?

A. This appears, it just kind of rang a bell, as

being there in the village, I couldn't say positively, just that I recognize--it just rang a bell with me. I couldn't tell you exactly where it was on the map, it just looks familiar.

Q. You don't know this location?

A. No.

Q. Do you remember if it was in the forward portion of the village or later on in the center?

A. It seems to me that this was a village that we came into later after we left My Lai (4). We swept through several other villages and this seems to be an area that I stopped and sat around in for a while. This is after My Lai (4).

Q. What is this structure on the left?

A. That is hard to say, it could just be a pen; sometimes they built them like that to keep their animals and pigs in.

Q. Was this structure in that condition when you saw it?

A. I don't believe it was liveable at the time and I don't think anybody was living in it.

Q. Photo number P-87,

A. I recognize CONTI.

Q. This is P-92.

A. That, I believe, is Hill 85.

Q. Do you know where this photograph was taken from? It would have to be looking south--wouldn't it?

A. Right.

Q. What about this body of water here, can you identify that?

A. No, I can't.

Q. P-100?

A. I only recognize CONTI on the extreme right.

Q. This would be P-56?

A. The only one I recognize there on the top right is WIDMER.

Q. What is he throwing?

A. It could be a grenade. It is hard to say, it might have been the handle.

Q. You can't recognize him (another person in picture)?

A. No.

Q. P-60?

A. That is Joe again but I can not remember his last name. He was a squad leader in another platoon.

Q. You don't know that location?

A. No, I don't.

Q. Do you remember P-64?

A. On the right, I recognize SMITH, that is the only one that I could identify for sure. The area could be anywhere, although the trees do resemble the area around My Lai (4) but then again there are trees like that all over.

Q. Which platoon is moving?

A. I really couldn't say.

Q. How about number 65?

A. This looks to me like the same area we landed in, the airfield at My Lai (4) and this is the tree line behind it.

Q. Can you determine what this is here to the right?

A. No, it looks like what they might use to irrigate-- they pour water out on the ditch with buckets, those kind of things. It could be a well.

Q. This picture is taken at the same site as where you recognized your helicopter--

A. (Interposing) I would be coming out of this side of the helicopter; My Lai (4) would be over here.

Q. In other words, My Lai (4) is to the west of the photograph; the helicopter is facing north?

A. Yes.

Q. Let's stop here just a minute. This gun is in a firing position, is this gun in a firing position?

A. I can't say if this is a gun but, if it is, no, it isn't; neither is this one.

Q. That is right, this would be the mount wouldn't it?

A. Yes.

Q. But the man is just--I don't know if he is touching it or not. He couldn't be firing the gun. You could see his face if he were.

A. This one here could be firing.

Q. But number 65 shows the tree line where you moved your gun positions?

A. That is the direction (pointing at map). I recognize Sergeant PHU, the CO's interpreter, on the bottom left. This right here is WOOD.

Q. The center man in the rear is WOOD?

A. Right. I believe this here is MURRAY, he has a radio and it does look like him.

Q. The man to the right, anything else?

A. No.

Q. Do you recognize the Vietnamese?

A. No, I don't. The area could have been anywhere.

Q. What is that?

A. It looks like the same thing that was on the other

picture that you showed me, pocket insignia of some sort.

Q. Is this a Vietnamese soldier?

A. I can tell by his pants that he is. We did not ever wear tight pants out in the field.

Q. Is it normal for him to be armed with an M-16?

A. Yes, when they were with us they almost always were.

Q. But you don't recall ever seeing this man?

A. No, I don't, but I know he was Vietnamese by the way he has got his gear on.

Q. P-67?

A. I recognize Sergeant PHU by the way he has his gear on and the Americal patch on his helmet.

Q. Sergeant PHU?

A. Yes.

Q. You don't recognize the Vietnamese?

A. No, I don't.

Q. We have not been able to identify any photographs with relation to the village except for the ones on the landing zone, is that correct?

A. That is correct.

Q. Do you recall seeing any bodies as you walked through the village, which you might be able to locate?

A. I do remember seeing one or two scattered just before I came out but I don't believe I could locate them. The only ones I could locate for you would be the bodies I saw in the ditch.

Q. Is there anything of significance that I have overlooked that you might recall that you could assist us in?

A. One thing that has me confused is the fact that Captain MEDINA, we were told, moved with the 3d Platoon

which is to our very far left and I never did see him or the command group at all. You have shown me pictures of guys that were in our platoon that were with him, I can not explain it.

Q. Do you have anything else you would like to say before we sign this thing off?

A. As far as incidents I saw after the helicopter landed and took off, we didn't go into that.

Q. What about it?

A. After the helicopter went off is when I saw Sergeant MITCHELL. There were other people with him, but the only one I can say that I really remember is Sergeant MITCHELL, go up to the ditch and fire into the ditch. I could not see into the ditch but I saw him firing where the bodies were, but I could not see the bodies at the time he was firing. Then as they moved out I rejoined them. We had some prisoners with us and I was standing right with one that was shot as we were moving out--

Q. (Interposing) As you were moving out where?

A. It was after we got out into the open area and he was pushed into a bomb crater and shot.

Q. This is on the east side of My Lai (4)?

A. Yes.

Q. Who pushed him in the bomb crater?

A. BOYCE.

Q. Can you show approximately where they were located on the map here? Was it before or after the village?

A. There were a lot of bomb craters right in here (pointing on aerial photo). There were a lot of them all around and he pushed this guy into the largest one in the area as he walked by it. It had a couple of feet of water in it.

Q. Is this after you left the ditch?

A. This was after the entire company had come out. We all regrouped and moved on.

Q. This would, then, be approximately right here (indicating on the map)? Then let's make this number 7. This will be the area where BOYCE shot the man and pushed him into the crater.

This thing with Sergeant MITCHELL was back at the ditch wasn't it?

A. Yes.

Q. We are going to have to approximate on this because we are not definite about the ditch. Point 8 is the approximate area where MITCHELL fired into the ditch. Now, this ends my questions. I will ask you now if you will sign this map.

(Witness did as directed.)

(The hearing recessed at 1040 hrs, 30 December 1969.)

(The hearing reconvened at 1400 hours, 30 December 1969.)

RCDR: The following persons are present: MR WEST, COL MILLER, LTC PATTERSON, and MAJ COOP.

MR WEST: Sergeant OLSEN, I wonder if you can go back over your testimony relating to your movements through My Lai (4) and tell us what you saw there in the hamlet with regard to dead or wounded Vietnamese people.

A. As far as actually when we were going through the village, there were just one or two instances where I did see one or two individuals who were dead lying on the trail. That was all I saw until I passed through, at which time I crossed a ditch on the east side of My Lai (4). I saw approximately two dozen bodies that were in a ditch.

Q. If I understand your statement to Colonel WILSON and LTC PATTERSON, you saw bodies in two separate ditches, is this correct?

A. No, that is not what I meant. I only saw the bodies in one ditch, and that was the only actual group of

bodies I saw except previously I saw a group that were all alive toward the east end but they were still in the village and they were being guarded.

Q. Do you know what happened to them?

A. No, I don't, sir. They were not the same people, bodies that I saw after.

Q. After you passed through the hamlet of My Lai (4), did you hear an order passed down to stop the shooting?

A. No, I didn't, sir.

Q. Sergeant OLSEN, do you recall the movements of Charlie Company after they left My Lai (4)? Our information is that this company stayed on the ground in this area until the afternoon of the 18th. Do you recall this?

A. Yes, I do. After we got out of My Lai, we all regrouped and we moved across--I believe it was headed toward the Pinkville area, and we moved through several small villages and hamlets on the way, and they were all abandoned when we got there. Very little population anywhere after we left My Lai (4). Everything that we went through was burned. Originally, when we left My Lai (4) we had some male prisoners with us, and I don't remember where they all went. I do remember picking them up toward the end of the day and they were taken off in a helicopter, but the ones we originally had I don't remember.

Q. Do you remember being extracted in a helicopter and going back to Landing Zone Dottie?

A. I really could not say when we did that. I can't remember for sure, sir.

Q. But you do remember going back there?

A. I really can't remember even going back by air.

Q. Do you know Colonel HENDERSON?

A. I know who he is.

Q. He told us that back at LZ Dottie he met perhaps

two helicopter loads, members of Charlie Company, when they came back from the field, and he talked to them out there and asked them some questions about the operation at My Lai (4), about the killing of civilians there and whether they knew anything about this, and he asked questions of two or three of the men. Do you recall this incident?

A. No, sir. I don't.

Q. Did anyone ever tell you that the incident at My Lai (4) was being investigated?

A. Yes, sir, Captain MEDINA did.

Q. What did he tell you?

A. He mentioned one time at Dottie, I believe it was in front of a washroom, the guys were all together. He said, I don't remember his exact words, of something to the effect that this entire thing was under investigation, that is pretty much all he said about it. He did not elaborate on it.

Q. Did he say anything about not talking about it while the investigation was going on?

A. I vaguely remember him mentioning that it would do no good to write our Congressman. I could not pinpoint that down to where he said it.

Q. What kind of a company commander was Captain MEDINA?

A. My personal opinion, he was outstanding. He never tired out, and whenever things got tough he was always the guy that kind of spearheaded us on. He did numerous little things that made us respect him, just small things like eating chow last when there wasn't any chow left, things like this really gained a lot of respect for him. Sometimes he seemed kind of irrational with dealing with personal problems among the guys but when it came to a military leader I think he was outstanding.

Q. I wonder if you could explain what you meant by sort of irrational when dealing with personal problems?

A. He did not appear to me to be a very emotional man. He wasn't the type of guy that had a fatherly image

where you could sit down and talk over a real problem with him. That was just my opinion.

Q. As far as duties and military operation were concerned he was very good?

A. That is right.

Q. What was his attitude toward the Vietnamese people? Did he have any feeling for them?

A. He wasn't inhumane. I never saw him do anything inhumane to them, but sometimes he was rough with prisoners, and he was not trying to win over any friends with the Vietnamese. There were times also, like when we were in the rear, he never outwardly showed that he hated the Vietnamese.

Q. During the operation at My Lai (4), did you have any feeling that perhaps the men of Charlie Company had to some extent gotten out of control?

A. Yes, I did, sir.

Q. Were communications maintained to your knowledge between the company commander and the platoon leaders; the platoon leaders and the squad?

A. I can only say that within our squad there was. Other than that I couldn't say because I did not see the CO the entire time.

Q. How were the communications maintained relative to your squad?

A. Most of the time when we were pushing through the village, and were trying to keep on line, everybody was just yelling at each other and trying to keep each other together.

Q. Keeping voice contact on the flank?

A. I was on the far right. Every now and then we would get a glimpse of Sergeant MITCHELL behind a bush or something, and we would holler at each other just to keep each other in sight.

Q. Was MITCHELL your squad leader?

A. I believe he was. I was working with him that day.

Q. What was it that gave you the impression that things were out of control?

A. First time I got the impression, I guess, was when we got into the village. We were supposed to be on line, and as I got into the center there were guys ahead of me and they were crisscrossing and running in different directions, throwing grenades in bunkers and this type of thing. I was afraid to fire straight ahead of me when I saw all the guys that were in front of me. We moved farther on and I saw the bodies in the ditch. There was no doubt in my mind that somebody got out of control.

Q. It was not your impression, then, that this had been ordered?

A. Well, I had heard just through the grapevine during the operation. I had heard MEADLO's story, but I did not have any--this was just through the grapevine--I had just heard it.

Q. This story about Lieutenant CALLEY?

(Witness nods his head.)

Did you know Lieutenant Colonel BARKER?

A. Yes, I did.

Q. Did he ever talk to you about the events early in My Lai (4)?

A. No, he didn't.

Q. How long did you stay with Charlie Company after the 16th of March?

A. I believe I left them the 12th of October.

Q. Was there any difference in the assignments given to Charlie Company after 16 March 1968?

A. After then I believe we moved north--west of Tam Ky up around LZ Ross. We seemed to spend a long time out in the field up there. Weather conditions were bad.

We had a lot of snipers. We went through a change of commanding officers then, nothing really significant. I think things actually got a little bit tougher after that just because we were farther north.

Q. We have had some testimony that you got into some pretty heavy fighting up north.

A. We did not see more action up there than we did down south.

Q. I am going to ask you some general questions now, Sergeant OLSEN, that call for your opinion and perhaps advice. How would you characterize what happened at My Lai (4) on the 16th of March, 1968?

A. Well, the attitude of all the men, the majority, I would say was a revengeful attitude. They all felt a little bad because they lost a number of buddies prior to My Lai (4), some of the friends that I had. We all felt the same way but I think guys like MEADLO, who I know fairly well before, he was emotional. I never did think he was stable. I think it was something, a reaction like, that became spontaneous. It got out of control, and it was kind of a mayhem incident, and I think it was a spontaneous reaction that just got out of control. I don't believe it was intended.

Q. Was it your feeling, and Captain MEDINA briefed the company, that perhaps he encouraged the company to go in there and take revenge against the Viet Cong, the VC and other people who perhaps were sympathizers, that harbored and helped the VC?

A. The fact that the briefing was given right after a memorial service, that might have been planned for that effect that you just explained. I really feel that Captain MEDINA was in just as high hopes as we were that the enemy was there. I think he fully expected it, and he had us fully expecting it. After the meeting we were all scared to death and we were all sure we were going into a real battle. This was what we were trying to prepare ourselves for mentally.

Q. So you felt that this was an opportunity to catch the 48th VC Battalion?

A. He made the statement that we had a chance to settle the score with Charlie.

Q. In your recollection, when was this memorial service held with relation to the briefing?

A. I believe it was just prior. I think that is why we were all together. I am almost sure it was just prior to the briefing.

Q. We have had very conflicting testimony on this point. We have had witnesses that say the exact same thing and other witnesses say no, that this thing happened back in February.

A. I think that what might help explain that is that we had a minefield incident which did happen in February where we lost 18 people.

Q. Did you have a memorial service at that time?

A. I really don't remember if we did for them or not. Then we had another incident just prior to March 16, which was what this memorial service was for.

Q. Was this service for WEBER or an earlier service?

A. I believe--WEBER's service, I believe they had that on LZ Uptight, and this service they mentioned Sergeant COX. I believe they mentioned the boys who were killed in the minefield which happened quite a bit before.

Q. Did Colonel WILSON or Colonel PATTERSON ask you if you remember the name of the chaplain that conducted the service?

A. I sure don't.

Q. One of the witnesses said that he remembers that it was a major, but he could not remember his name.

A. He came down from Americal is all that I can remember.

Q. Now, this occurrence at My Lai (4), the killing of so many Vietnamese civilians is most unusual. So far, no one can recall anything like it happening in the wars that the United States has been involved in for half a century or more. Yet no word of this, no official report

was made of this, the fact that there had been a massacre at My Lai (4). Word did not get back to Department of the Army and Defense until April of this year. One of the puzzles of the situation is why wasn't it reported. This, of course, is one of the things this group is trying to figure out. Do you have an opinion on this, why it was not reported at the time?

A. Sir, when Captain MEDINA told us it was under investigation it was somewhat of a relief to me, and I know a few of the guys that I was close to and the impact and the reality of the thing never stuck with us. I saw the bodies for just a second and just right after that it was gone. It did not leave an impression like it probably should have. I could never justify what happened. I would always look back to something like Hiroshima and think well, maybe this might have done some good for other GI's that went in there afterwards. I don't know. I never will be able to justify it nor justify why I did not report it myself except that I guess it never stuck with me.

Q. At least you and others were of the impression that there was an investigation going on, presumably something would be reported, but nobody ever talked to you directly other than Captain MEDINA?

A. Nobody.

COL MILLER: What was your grade on the 16th of March, 1968?

A. The 16th of March was my date of rank for a SP4 but I did not receive the promotion, I believe, until a month later. But that was my date of rank if I am not mistaken.

Q. You thought you were a PFC at the time?

(Witness nods his head.)

How many men did you have under your immediate command?

A. At the time, it was just myself and my assistant gunner. My ammo bearer was shot just previously.

Q. Did you see anybody, any sergeant, any officer, any enlisted man, private or otherwise, do anything to try and stop somebody from shooting these people?

A. No, I didn't, sir.

Q. Did you hear anybody say, either directly or to others, "Stop shooting. They are civilians, let's knock it off," anything of that sort whatsoever?

A. No, I didn't, sir.

Q. Did you say anything like that?

A. Not to the right people. Just HALL who I was with. I didn't actually say anything to anyone, just more or less to myself.

Q. I have no information that you were involved. You may have shot a pig. I am not sure. You said that you couldn't shoot anybody if you had been ordered to, I believe. Can you tell me why, in your own mind, you might not have or didn't go up to anybody and say, "Stop this!"?

A. I really can't, sir. I haven't been able to answer that for 2 years.

Q. Did you think, before you went in, that anything like this would happen?

A. Nothing, when we went in the only thing we could think about was the enemy being there. That was all.

Q. While this was going on, did you feel that it was wrong?

A. Yes, sir. I was scared to death that they were going to get to me and give me an order to do something.

Q. How do you think this converted from an attack that you thought was on a fortified, defended village to something that may have been mostly women and children killed?

A. I believe that the guys were really under the impression, they believed, the enemy was going to be there and they had a revengeful attitude. They went in there to fight. I don't know, maybe it is like a bully who runs out of guys his own size to fight and starts picking on something smaller than him. For example, I think it was just

some guys that did not have any foresight or something. They could not see what they were doing or what the results would be.

Q. Did this seem wrong, I am using the word "wrong" in a very general sense, more so at the time or afterwards when you had a chance to think back on it?

A. I did not think it was any more wrong afterwards than I did at the time I saw it. Today, the more I think about it today, I find more reasons to justify it, but I don't feel that it was right.

Q. But you were looking at just one small part of it. Now in the papers you have read about everything that went on all through the village, much of what you did not see.

A. Right.

MR WEST: While you were in My Lai (4) in the morning, did you see anyone, superior officer, like Colonel BARKER or Colonel HENDERSON, anyone senior come in and see Captain MEDINA for a visit?

A. No, I didn't, sir.

Q. Then the entire time you were out there, did you see any visiting officers such as Colonel BARKER, Colonel HENDERSON, maybe your division commander?

A. The only time I can remember, the brigade commander, this was clear back in February, Colonel LIPSCOMB.

Q. I mean this particular operation?

A. No, I cannot remember anyone coming in.

Q. Sergeant OLSEN, we are very grateful for your coming in to talk to us and giving us your testimony and helping us. Is there anything further you would like to say on your own?

A. No, sir.

Q. If you should think of anything else that you think might help us, any notes, letters from home, letters

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in which you might have told things that happened, which would be of assistance to us, we would appreciate hearing from you. Thank you very much.

(The hearing recessed at 1432 hours, 30
December 1969.)

(OLSEN)

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SUMMARY OF TESTIMONY

WITNESS: SLEDGE, Charles

DATE OF TESTIMONY: 8 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Lieutenant CALLEY's RTO,
1st Platoon, C/1/20

1. PREOPERATIONAL PLANS AND BRIEFINGS.

a. Memorial service.

A memorial service was held prior to the Pinkville briefing. Mr. SLEDGE could not remember if the service was on 15 March or on an earlier date (pg. 4).

b. MEDINA's briefing.

The witness had no knowledge of Captain MEDINA briefing the platoon leaders and the NCO's (pg. 4). MEDINA did assemble the company around himself on 15 March 1968 and illustrated the concept of the My Lai operation in the sand (pg. 5). He told the company that the civilians had been warned to get out of the village. It was a search and destroy mission. MEDINA also said, "All of you can gain a little revenge" (pg. 5). SLEDGE could not remember if MEDINA mentioned killing women and children (pg. 5). All food and animals were to be destroyed (pg. 6).

c. CALLEY's briefing.

Lieutenant CALLEY briefed the first platoon on 15 March. The witness could not recall the gist of his briefing (pg. 7).

2. ASSAULT ON MY LAI.

a. Initial assault.

SLEDGE was CALLEY's RTO (pg. 3). They combat assaulted into an LZ west of My Lai (4). After the troops disembarked from the second lift, C/1/20 moved out in line. No more than one or two rounds of hostile fire was received (pg. 9). The platoons moved quickly from the LZ into My Lai (4).

Once in the village, SLEDGE saw an individual hiding or evading into a well. The witness fired one round at him and SIMONE fired a magazine into the well (pgs. 9, 10). Initially he and CALLEY were in the first platoon's rear (pg. 10). SLEDGE and CALLEY were separated for a short time. The infantry was engaging all possible enemy positions. Some women and children were killed in their hootches (pgs. 10, 20).

b. CALLEY's actions in My Lai (4).

After rejoining CALLEY they moved eastward through the center of the village (pgs. 10, 11). They encountered MEADLO and DURSI who were guarding 30-50 women and children. CALLEY ordered, "Waste them." He saw MEADLO firing. He and CALLEY walked away (pgs. 11-13). Next they approached Sergeant MITCHELL who had 30-40 people gathered on a dike above a ditch. MITCHELL and CALLEY conferred for a few moments. Afterwards, CALLEY and MITCHELL began pushing the villagers into the ditch where they were shot by CALLEY, MITCHELL, and other soldiers (pg. 13). The witness never heard CALLEY ask the squad leaders for a body count (pg. 20). SLEDGE later witnessed CALLEY kill a two to three year old toddler and a priest in separate incidents (pg. 14). In total, SLEDGE saw about 100 bodies (pg. 18).

c. Confrontation between CALLEY and the helicopter pilot.

A helicopter landed and the pilot beckoned CALLEY. CALLEY met with the pilot and after a short discussion CALLEY returned and commented, "He's not running this show; I'm the boss" (pg. 15). Previously the helicopter had evacuated some women and children (pg. 15). SLEDGE did not see a gunship land and extract people (pgs. 16, 24). He never saw the pilot talk with MITCHELL (pg. 24).

d. Lunch with MEDINA.

MEDINA called and ordered CALLEY back for a lunch break (pg. 17). He did not remember MEDINA ever ordering the killing or shooting stopped nor did CALLEY (pg. 17, 49). MEDINA, CALLEY, the other platoon leaders, and the platoon sergeants met for lunch. It was disclosed that three weapons were captured. MEDINA told them that C/1/20 was to meet B/4/3 by the next village (pg. 18). Except from CALLEY, SLEDGE was unaware of any other orders to kill women and children (pg. 22).

e. Actions of the National Police at the night laager position.

SLEDGE did not remember where or who picked up the PW's who were being interrogated at their night laager position on 16 March (pg. 27). He saw two National Police there (pg. 24). The National Policemen were mistreating the PW's. He saw a National Policeman cut off a prisoner's finger. Later he saw a prisoner shot in the head with a revolver by the National Police. MEDINA was there (pgs. 25, 28). After the prisoners were shot, SLEDGE noticed that their fingers had been cut off (pg. 28). SLEDGE did not remember any Army captain other than MEDINA or MICHLES in the vicinity when the PW's were being mistreated (pg. 28). SLEDGE identified Le TRONG and Nguyen Ngoe TAM as possibly being the National Police at the night laager site (pg. 29).

f. CARTER's evacuation.

SLEDGE was unable to recall the time when CARTER shot himself (pg. 50). He did not see the chopper land to evacuate CARTER (pg. 51).

3. INQUIRIES CONCERNING THE ASSAULT.

SLEDGE did not recall a field grade officer talking with his group at LZ Dottie after being extracted from the field on 18 March (pg. 31). No one talked with SLEDGE in an investigative capacity (pg. 32).

The witness heard by rumor and also later from MEDINA that there was to be an investigation. He believed that MEDINA told them that in April (pg. 36). MEDINA told them not to talk with the other companies about the My Lai operation (pg. 37). Otherwise, no one ever told him to be quiet about the occurrences in My Lai (4) (pg. 32). He heard that a pilot's report alleging they had killed women

and children was the reason for the investigation (pg.32).

4. OTHER INFORMATION.

a. Prior to the company being caught in the minefield, they had asked civilians if there were any minefields around (pg. 5). The answer was no. Shortly thereafter they walked right into one and had three or four men killed (pgs. 5, 6).

b. MEDINA was a good man and a good company commander in SLEDGE's opinion (pg. 21).

c. The day after the My Lai (4) sweep they moved south burning and destroying hamlets.

d. At the 16 March night laager site, SLEDGE heard a rumor that B/4/3 had also done some killing. He could not place it at Co Lay though (pg. 30).

e. A majority of the men from C/1/20 did not like the Vietnamese (pg. 32).

f. SLEDGE could not explain why the My Lai (4) atrocities were unreported. Personally, he looked upon it as an example of an unfortunate result of war, but just another operation (pg. 33). At the time, he did not think that he had witnessed war crimes (pg. 34).

g. SLEDGE was not surprised when the operation was terminated on 18 March (pg. 39).

h. The witness knew nothing about the men in C/1/20 using marijuana just before the My Lai operation (pg. 35).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-6	Miscellaneous Scene	Wit identified CARTER, STANLEY.	49
P-7	Miscellaneous Scene	Identified CARTER.	49
P-8	Miscellaneous Scene	Identified CARTER, MURRAY, and WOOD.	49, 51
P-9	Miscellaneous Scene	Identified CARTER, MURRAY, and WOOD.	49, 51
P-10	Miscellaneous Scene	Identified CARTER, MURRAY, and WOOD.	49
P-17	Miscellaneous Scene	Identified MARONEY and MEDINA.	52
P-20	Miscellaneous Scene	Location where NP shot the PW's.	52
		Identified BOYCE and JOHNSON.	52
P-23	Miscellaneous Scene	Identified Vietnamese man as a VC.	53
P-62	Photo of My Lai operation	Identified "Chief"	54
P-87	Black and white photo taken 10 Nov 69 by CID	Identified CONTI.	55
P-118 thru P-120	Black and white photos taken 10 Nov 69 by CID	Ditch where CALLEY and MITCHELL shot Vietnamese.	55
P-147	Photo of Le TRONG	Wit identified as possibly being NP that shot PW's.	29
P-148	Photo of Nguyen Ngoe TAM	Wit identified as possibly being NP that shot PW's.	29
P-149	Photo of Do THIET	Entered into the record.	29

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(The hearing reconvened at 1638 hours, 8 January 1970.)

MR WEST: The hearing will come to order.

RCDR: The following persons are present: MR WEST, MR MACCRATE, MR WALSH, COL WILSON, and MAJ COOP.

The next witness is Mr. Charles SLEDGE.

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

RCDR: Please state your full name, occupation, and residence.

A. My name is Charles SLEDGE. I'm a truck driver, and I live at Sardis, Mississippi.

MR WEST: Mr. SLEDGE, before starting with any questions, I want to tell you something about the nature and purpose of this inquiry.

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

(1) the adequacy of prior investigations into what has come to be known as the My Lai incident of 16 March 1968, and

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

We are not investigating all the facts and circumstances of what happened at My Lai. We are working toward those specific purposes which I have just stated. For example, we are not directly concerned with the culpability of any individuals for things they may have done at My Lai that may have been wrong.

We have made available to us and we have reviewed prior statements obtained in other investigations of the My Lai incident. For example, we have a copy of the statement which you gave the CID agent last September. Do you recall that?

(SLEDGE)

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A. Yes, I do.

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

You might remember, as we talk back and forth, that he is trying to take down every word that you say. So, if you make sure that he hears you, we will get along fine.

Now, the general classification of the report that will be prepared after we complete our work will be confidential, but it is possible that the testimony, or parts of it, may later become a matter of public knowledge.

We request that you do not discuss the testimony in this investigation with others, including other witnesses for this investigation--

A. (Interposing) All right, sir.

Q. Except as you may be required to do before a competent judicial, legislative, or administrative body. For example, there is a subcommittee of the House Armed Services Committee which is looking into the My Lai incident. Some people are being called over to talk to them over on "the hill." Of course, when we ask you not to discuss your testimony, that wouldn't apply to something like that.

I wanted to ask, are you subject to an order issued by the military judge in the general court-martial case of the United States V. Calley?

A. Yes, sir.

Q. You received a letter from Captain DANIELS?

A. Yes, sir.

Q. I wanted to mention that. It is permissible, within the terms of that order, for you to talk to us here today. This has been worked out with Colonel KENNEDY. And, at the same time, the fact that you are appearing here today doesn't change the applicability of that order to you, the

order in which he asks you not to discuss the case in public.

A. Yes, sir.

Q. All right, any questions about this?

A. No.

Q. Mr. SLEDGE, just for the record, I understand that you were a member of the U.S. Army on 16 March 1968?

A. Yes, I was.

Q. When were you discharged?

A. December 10, 1968.

Q. What was your assignment on the 16th of March, 1968? What was your outfit?

A. My outfit was C/1/20, and my job, at the time, was acting as radiotelephone operator.

Q. For whom?

A. For the platoon.

Q. For the platoon leader?

A. Right.

Q. And this was Lieutenant CALLEY?

A. That's right.

Q. At that time, was C/1/20 part of Task Force Barker?

A. Yes, it was.

Q. When did you first hear about the plan to make a combat assault on the hamlet of My Lai (4)?

A. On the night before.

Q. On the 15th?

A. Right.

Q. Was this when Captain MEDINA held a briefing for Charlie Company.

A. That's right.

Q. Mr. SLEDGE, do you remember a memorial service for the company that took place some time before that briefing?

A. Right, I remember one. We had one, I think, for WEBER, and also for some more guys whom we lost in a minefield.

Q. Was one of them COX?

A. WILSON, Bobby WILSON, was one.

Q. Do you remember when that service took place with reference to Captain MEDINA's briefing of the company?

A. It was before that, but I don't remember what date.

Q. Do you remember the chaplain who held the service?

A. No, I don't.

Q. We understand that he was a major, a Catholic. Another witness said he was the brigade chaplain. Okay, you don't recall. Do you know whether there was a meeting of the platoon leaders and platoon sergeants with Captain MEDINA before the company briefing?

A. No, I don't. I really don't.

Q. You don't know whether Lieutenant CALLEY went to a meeting ahead of time?

A. No, I don't.

Q. Would you tell us what Captain MEDINA told the company during the briefing?

A. Well, as much as I can remember. He drew a plan out on the ground, on the sand, about how we were going in. He said that the civilians had been warned to get out of the village, and he said that it was a search and destroy mission. I don't remember him saying anything about moving in and killing women and children. I don't remember that, but I remember him saying that it was a search and destroy mission. And he said something like: "All of you can gain a little revenge," or something like that.

Q. I think I know why he said that, but could you tell us why he would say that?

A. Well, a lot of guys had lost a lot of friends, obviously.

Q. Was this because--well, was one of the reasons because the company had gotten into a minefield a short time before?

A. That was the reason he was making that statement. Previous to that we hit a minefield, and we lost a lot of guys because a civilian had told us there weren't any minefields around. We asked them about the Viet Cong, and we walked dead into one. I believe he said it like that.

Q. Would you go over that just a minute, and tell us what happened at the minefields?

A. The night before we got hit on the hill, and we left there. I believe two guys got hit, if I'm not mistaken, about two got hit. The next day we were moving toward the minefield. And, if I'm right, we moved into a village, and we asked about the VC and the minefield. I think we had gone through there some time before, and there was a minefield. Anyway, we hit that minefield, I guess, about 8 o'clock. We were almost in the middle of it. The 1st Platoon was on the left-hand side. The 2d and the 3d were on the right-hand side and, as I recall, lost about three guys. Three or four were killed. I don't know how many were wounded.

Q. But, before that time, you had asked people who were living nearby about it, and they didn't tell you anything?

A. Right.

Q. Do you remember what Captain MEDINA said. I think you mentioned something a minute ago about getting revenge. How did he express this, do you recall?

A. He didn't say it in a real way like, you know, we were going to murder, or anything like that. Like a way to get back, you know.

Q. Other people have told us that Charlie Company had been in the field a good bit, lost some men to snipers, lost men to the minefield and booby traps, and had not really had a chance to come to grips with the VC. This was their chance to do it. Did Captain MEDINA say anything about any animals or livestock that they would find in the hamlet, or any food?

(COL FRANKLIN entered the hearing.)

A. Not for sure. He might have, but I don't remember.

Q. What did he say about the people who might be in My Lai (4)? Do you recall that?

A. No, I don't.

Q. This may refresh your memory a little bit. When you talked to Mr. FEHER on the 1st of September, he asked you about the briefing, and among other things you told him, you said that Captain MEDINA had been informed that there were VC and VC sympathizers in My Lai (4).

A. That's right.

Q. You said, also: "He also told us to destroy all food and animals. Destroy anything that would help the enemy."

A. Yes, I remember that.

Q. At that time, you couldn't remember if you were told whether to burn My Lai (4). You said, "We were told the people of My Lai (4) were informed to leave the village." Does that sound right?

A. That's right.

Q. As Captain MEDINA told it, how long do you

think the operation was supposed to last?

A. Well, we were supposed to hit this village, and we were supposed to move, I believe, east-northeast and meet up with, I believe, Bravo Company. But no more than a day. No more than a day.

Q. Well, we've had people talk to us in the last week who thought the company might be going into the field for 2 or 3 weeks. We've had an aidman tell us that this was certainly what he thought, so he got extra medical supplies.

A. A lot of guys took a lot of ammo with them because they thought they we were really going to run into something, and I thought that we were, too.

Q. A hard fight?

A. That's what I thought. It would be a hard fight.

Q. Is it your recollection now that you didn't expect to be out very long?

(IO entered the hearing.)

A. Myself, I didn't.

Q. What was the mood of the men of Charlie Company after Captain MEDINA's briefing on that night? Were they ready for a fight, were they sort of apprehensive, or how did they feel?

A. They were ready. They were ready.

Q. Did Lieutenant CALLEY have a platoon briefing afterwards?

A. Yes, he did.

Q. What took place there, do you know?

A. As far as I can remember, right now, he told us to get a lot of ammo because we were going to need it. I don't know, I can't remember all the things that he said

to my squad that afternoon.

Q. Can you think of anything else that he told you?

A. No, not at the present time.

COL WILSON: Just to fix a time and date in your mind, the morning report carries COX as dead on arrival, 2d Surgical Hospital, on the 14th of March. Now, this is 2 days prior to the combat assault. It also carries three men wounded: CUMMINGS, DISON, and HENDRICKSON. COX was in the 3d Platoon, Sergeant COX.

A. Yes, I remember that. They went out on patrol that day.

Q. That night, I believe. And there was supposed to be a command-detonated mine?

A. Right, I remember that.

Q. I wanted to bring that to your attention for one reason, that is, to find out if this could have been-- if Captain MEDINA could have referred to COX as having 2 days before been killed, or if this could have been the ceremony or reference that Captain MEDINA made during the briefing. Was there any statement made about COX?

A. Not that I can remember, but I think it was all the guys we had lost.

Q. Just the whole bunch, and not any particular one?

A. Right.

Q. Do you remember a Chaplain CAREY, Major CAREY?

A. I don't remember the name.

MR WEST: Mr. SLEDGE, you indicated that Captain MEDINA had said the people in My Lai (4) had been told, or advised, to leave the village. Do you remember how this was done, whether it was by leaflet drop?

A. No, I don't remember.

Q. He didn't say anything about that?

A. He might have said it, but I don't remember it.

Q. Going now to the next day, the 16th, Mr. SLEDGE, you were looking at the sketch of My Lai (4) on the wall a minute ago, and you pointed to the rice paddy west of the hamlet, which was the landing zone.

A. Right.

Q. Could you tell us what happened, what you remember, right after you got out of the helicopter at the landing zone?

A. As far as I can remember, right after we got off the helicopter, we all moved out and got on line. And after everybody else was--all the flights came in, we started moving on line.

Q. Did you draw any hostile fire at this time? Did anybody shoot at you?

A. There was a lot of shooting going on at the time. It might have been one shot. I might have heard somebody say somebody was shot at Hill 85. I'm not sure. It might have been one or two shots, but no more than that.

Q. There wasn't any heavy resistance?

A. No.

Q. What did the platoon do, then, at first? What did the 1st Platoon do right after you got out of the helicopters?

A. We started moving up on line. There was a small well right before you enter the village, and Sergeant COWAN my platoon sergeant, was on my left. We got out of the helicopter with him, and, if I'm not mistaken, SIMONE was on my right. We ran up against the well. I don't know whether he was a VC, or a civilian, but anyway he threw his hands up out of the well, and that excited Sergeant COWAN, and he hollered something, swear words, shoot "Shoot so and so." But he fell back when he was hollering this, and I shot one time, and I was going to shoot again but my magazine fell out of the rifle.

Q. Fell out of your M-16?

A. That's right. So SIMONE, I believe it was SIMONE who was on my right, he came over to the well and shot down into the well, and then we moved on.

Q. I wonder, before we move on, if you could indicate on the sketch up there (indicating a large artist's sketch of My Lai (4) and surrounding countryside on the wall) with a grease pencil where the 1st Platoon formed up on line.

A. I think it was right along in here somewhere (indicating west-central edge of the village).

Q. Draw it in heavy.

(Witness does as instructed. Marks on this map were later duplicated on an aerial photo indentified as Exhibit P-152.)

A. I think we stretched on down here for a way.

Q. Just extend the line on down. Do you think you could locate the well?

A. I think it was right along in here somewhere. I was about in the center of the well, Sergeant COWAN was on my left, and, if I'm not mistaken, SIMONE was to my right.

Q. Can you tell us what happened after the incident at the well?

A. We started moving up where these hootches were, and they were just shooting. I was mostly behind them, because I'm a radiotelephone operator for Lieutenant CALLEY. Most of them were moving, and they were shooting, and I guess it was along in here where I shot a water buffalo. I remember some women and kids were already shot in these hootches.

Q. What were the men in the platoon doing? Was everybody firing?

A. Yes, they were firing and shooting into the tunnel complexes, the hootches, and things like that. I think it was right about in here, right along here, when Lieutenant CALLEY came in this way, and I joined up with Lieutenant CALLEY right in here, somewhere in there. I don't know the exact place, but somewhere in there. And we moved on down, I think it was down in here.

Q. You followed along a trail that went generally east through the center of the village?

A. Right, because there was an intersection where they had a group of people, right along in here. I believe MEADLO, and I believe DURSI. It might have been DURSI, I'm not sure. There were two or three guys right in the vicinity of the group, about 30, 40, or 50.

Q. They were Vietnamese people?

A. Right, they were Vietnamese people.

Q. What were the ages and sexes?

A. Male and female, I guess, women, middle-age and old to about 2-year-old kids, I guess. The oldest male was about 3 or 4 years old. There weren't very many males.

Q. Mostly women and children?

A. That's right. There might have been one or two old men.

Q. Had these people been gathered up as you moved along?

A. Right. I think this part down in here, these boys coming down through here gathered them up in this section and moved them up.

Q. Who was in charge of them? Was it MEADLO?

A. MEADLO was there. I don't know if he was in charge or not, but he was there.

Q. Would you tell us what happened then?

A. I think, by that time, he had them moved up here. And, if I'm not mistaken, he might have given the orders to "waste" them or not. Something like "waste" them. I forgot. Anyway, we started moving out around this way, and about this time MEADLO showed up right here along this trail. I turned around and started to walk, but he started going the other way. So I walked back by him,

and he walked around, I think it was back around here somewhere, on the edge of the village, where there was a ditch, a canal running through there. We went back up there, and I believe it was Sergeant MITCHELL--

Q. (Interposing) Colonel WILSON will help you a little with the direction.

(COL WILSON oriented the witness on the artist's wall sketch map.)

IO: I might say, Mr. SLEDGE, you indicated that one trail crossing there. I wonder if you aren't talking about a junction that is further to the east. If you just look there where you see that--right about in there. There are a lot of houses in there.

A. I remember the road was running north and south, running sort of towards the left of Hill 85, and running into the village right there at that intersection.

Q. That's clear down over here. The road you are talking about, you've got two roads, one coming right out of the center of the village, almost in the center of it, and then over to the right you have another one clear up in the right corner. That road comes over to the little villa, and across the rice paddy, and over to those trees over there, up to the right. And down to the south you have that big clump of trees, you see.

MR WEST: All right. Let's go back to the place where MEADLO was, and a group of people. I wasn't clear about what you said about MEADLO and the people there.

A. Well, MEADLO had them gathered up. And Lieutenant CALLEY, I think he asked him something like, "Viet Cong o day?" or something like that. If I'm not mistaken I think he asked them, "Viet Cong o day?"

Q. What do you mean by that?

A. It means that they are Viet Cong or something like that, but I don't remember. He might have said, "Waste them," or something like that, but I don't remember exactly. But I know, as we were walking off, MEADLO did start firing, and I turned around to look, but he started to walk fast. I

started to walk behind him.

Q. Where was Lieutenant CALLEY at this time?

A. He was walking off, too. He was going off to the north-northeast side of the village.

Q. You were, by this time, following Lieutenant CALLEY with the radio?

A. That's right.

Q. All right. Will you describe what happened next?

A. Well, we moved on up to where Sergeant MITCHELL had a few gathered up along a little causeway, I think. It was nothing but a small ditch, and he was on top of a levee.

Q. Sort of a drainage ditch?

A. Right. Right outside the village. It wasn't all the way out of the village, but right outside the hootches.

Q. About how many people did he have over there?

A. About 40, I guess. Maybe 30 or 40, and Lieutenant CALLEY asked them a few questions and moved them up farther in the ditch, I believe.

Q. Was anybody with MITCHELL at this time?

A. Yes, there was, but I don't remember who it was. I don't remember who it was, but anyway, he moved up the ditch a little piece. I think Lieutenant CALLEY came back, and he told Sergeant MITCHELL something, and he started shoving them off into the ditch. Then they started firing at them. There were some more guys firing around them, too, but I don't know who they were.

Q. Did you see MEADLO about this time? Did he come up about this time?

A. He might have been there, but I don't remember.

Q. How about DURSI?

A. I really don't remember.

Q. BOYCE?

A. I think BOYCE was at the first intersection. I don't know if he was at the second place or not. I know he was at the first one. After they started firing on those, we moved on up the ditch a piece--

Q. (Interposing) What happened, now, with the people in the ditch?

A. They just shoved them off into the ditch, and fired at them with rifles on automatic, I guess. They fired maybe two clips, 40 rounds. Some of them fired two clips. I know that.

Q. Was everyone in the ditch killed?

A. I couldn't say, because I didn't check them out. As we started moving out up to the village, there was a priest, a Buddhist priest. There was a little baby, about a 2 or 3-year-old kid, who crawled out of the ditch. Someone hollered: "There goes the kid", or something like that. And Lieutenant CALLEY ran, caught the kid, threw him back into the ditch, and shot it. Then he moved on up to where the priest was, and came up there and asked the priest, "Viet Cong o day?" and some more words, I don't know what. The priest, you could see him, was begging. You could see it on his face he knew he was going to die. Lieutenant CALLEY asked him a couple of questions, and hit him with the butt of his rifle a couple of times. He still was shaking his head, saying he didn't know anything. So Lieutenant CALLEY just hauled off and backed up a little bit took his rifle, put it right up to his head, and pulled the trigger at point-blank range. Somewhere, it might have been before that, a pilot came in in one of the small bubbles.

Q. Before we get to that point, I wonder if you could locate on the sketch where the ditch was. Colonel WILSON may be able to help you there.

(COL WILSON oriented witness on the artist's wall sketch map.)

Colonel WILSON will later on show you some photographs, and go over this with you. Now, do you remember the people being moved across the rice paddy to the vicinity of the ditch there?

A. No. When we left from MEADLO's position, they were already over there. I don't remember seeing them being moved.

IO: You don't know where they came from? The people were just there?

A. Yes, they just had them. I don't know where they gathered them up. I think it was right about along in here. Right about in here somewhere.

COL WILSON: This is where the bodies were? This is where the firing took place?

A. Right, if that is the ditch I remember.

MR WEST: Can you tell us about the helicopter incident now in relation to the ditch?

A. The helicopter came in, a small bubble deal. He was in the center of the big part of this village. He was in the small rice paddy, and we came from over here somewhere. He begged for Lieutenant CALLEY to come over. Lieutenant CALLEY went over there, and they had a few words. He was talking, and shaking his head. The lieutenant came back, and he made a remark, something like: "He doesn't like the way I'm running this show, but I'm the boss," something like that. "He's not running this show; I'm the boss." And he flew off. He had been in the village before then, and he took out some women and children before that happened.

IO: How do you know that?

A. Because I saw it. I saw the helicopter come in.

Q. Is that at that location, or is it at a different location, off to the east of there?

A. I think the helicopter was in here somewhere, when he first came in up by the landing zone.

MR WEST: Let's go back to that. That's when you were still clear out by the dike?

A. When we first came in.

Q. Before you actually came in. Tell us what you remember about the first time the helicopter came down?

A. All I remember, he came in and I heard some of the guys saying something about it, to get some of the women and children, to start taking them out. He was taking them out along this road somewhere.

Q. Back about this time, now, before you came into the village, did you see Captain MEDINA?

A. No, I didn't.

Q. You didn't see the bubbletop helicopter come down before the 1st Platoon went into the village?

A. I think it came in right after we started moving into the village. Captain MEDINA usually stayed behind with the mortar platoon and the headquarters section when we started moving through the village.

Q. All right. Going back over to the vicinity of the ditch, did you see a gunship land and take some people away?

A. No, I don't remember that.

Q. Did you hear about it?

A. No, I didn't.

Q. You mentioned some people being taken out by the helicopter?

A. Only by this bubbletop one. That's the only one I know.

IO: Were you with Lieutenant CALLEY when he talked to the helicopter pilot?

A. No, sir. I stayed around--right around in here, right around the edge of the woods, because I had a whip antenna on my radio, and I couldn't get close to the helicopter. He moved up to the helicopter to talk to him.

Q. Had you gone beyond the ditch, Mr. SLEDGE? Had you gone to the east of the ditch?

A. I don't believe along this side. Right along in here, I believe. I believe right along in here. The helicopter landed along in here, and we were right over here along the edge of the woods.

Q. Actually, this photo (Exhibit P-1) doesn't exactly show you the way things are, because off to the east there are a couple of other clumps of trees. One almost due east of where you located the bodies. Maybe, 100 meters. Another up about 200 meters to the north.

A. I'm not familiar with this map. I can't pin it exactly. I know it was along in there somewhere. He ran across there, and came back and said that he didn't like the way he was running the show, but he was the boss. He was the boss, he ran the show the way he wanted to.

MR WEST: Would you tell us what happened next, Mr. SLEDGE?

A. As far as I can remember, I think Captain MEDINA called in on the radio, and told us to come to his position and take a lunch break. I believe it was a lunch break, somewhere along in there. I don't remember it all.

Q. Do you remember getting an order from Captain MEDINA about this time to stop the killing, stop the shooting?

A. No, I don't. If it had come in, it probably would have come in on the battalion radio, because I was on platoon frequency.

IO: You were in contact with the squad leaders at that time?

A. Right. The squad leaders and the other platoons.

MR WEST: How did Lieutenant CALLEY communicate with Captain MEDINA?

A. We had two radios. We had a company net and a platoon net. Captain MEDINA, I think, he had three or four radios.

Q. Who was operating your other radio?

A. I don't know.

Q. Do you remember what he looked like?

A. Well, we had so many operators, they changed around so much, I don't remember. Because I--we had about three operators before I became an operator. I stayed a while, and then I changed around, and we had three or four more after I left. We changed around too much.

Q. Did you go with Lieutenant CALLEY when he went to join Captain MEDINA?

A. Yes, I did.

Q. What took place there?

A. Well, they had--Captain MEDINA was there. His RTO and all the platoon sergeants, I believe, came, and the platoon leaders. I think it was three rifles they had captured. A carbine, I think, two carbines, or something like that, and some other kind. He told Lieutenant CALLEY and the rest that we were supposed to move, and meet up with Bravo Company, I believe, somewhere by the next village. We had chow there. That's about all I remember seeing.

Q. About the time this happened, I guess, the firing had died down and stopped?

A. Yes, just about. Maybe one or two rifles were shooting, but there wasn't much.

Q. As you went through the village, Mr. SLEDGE, how many Vietnamese dead did you see, do you think?

A. I guess, scattered around, there were two bunches as we went through the vicinity where I moved, maybe 100 or so. I don't know, because I didn't count them. I was just moving through.

Q. I wish you would go back and describe for us what the men of the 1st Platoon did as they moved through the village and you saw them?

A. I couldn't see all the men down on this side. All I could--

Q. (Interposing) What did you see?

A. All I could see was the part right in here.

Q. The 1st Platoon was moving pretty fast?

A. Right, we were moving fast when we got out of the helicopter. And we got on line, waited for the other platoons to get on line, and we started moving fast. They had already sent in rocketships before we landed.

Q. Gunships?

A. Yes, and we started moving fast, and about all I saw was right about in here. I couldn't see down here because there were so many hootches and trees. I couldn't see down there. Most of the area I saw I was in.

Q. The men were firing as they were moving forward?

A. That's right.

Q. Were they getting any resistance at all?

A. No, not as far as I can remember.

Q. What about the people in the village? What was happening to them?

A. Most of them were eating breakfast when we first hit the village. They were still in the hootches. I guess we hit them so fast they didn't know what to do, sort of surprised them. They would not resist or anything. They wouldn't try to run, or anything like that. If a kid was sitting down, the mother would grab it and hold it. Try to hold it up. That's about all that happened.

Q. What did you see? Were the men of the company just killing the people as they found them? What were they doing?

A. Well, I didn't see anybody as we were moving through just shoot them down, but they were shooting into the hootches and through the complex, and you could see

the people fall out of the hootches and stuff like that.

Q. Did you see anybody throw a grenade in the bunkers, the holes where people were?

A. I don't remember. There might have been one thrown, but I don't remember.

Q. All right. Go ahead and describe what you saw?

A. That's about all I saw until we moved on down to MEADLO's position. I saw that, along with Sergeant MITCHELL. That's all I saw.

IO: Let me ask you, along in here now, from the time you got out to where you saw the bodies, you were the Platoon RTO?

A. Right.

Q. Were you ever asked, or did Lieutenant CALLEY ever use your radio to ask squad leaders how many VC they killed, or to take a body count at any time during this period?

A. No, I don't remember. I don't think so. I couldn't swear to it, but I don't think he did.

Q. If he had, though, you probably would have remembered, would you not?

A. Yes, sir. If he had, but I don't think he did.

MR WEST: During the morning there at My Lai (4), did you see any visiting officers from the task force, brigade, or division? Anybody coming in to visit?

A. We had an officer with us. I don't know from where he was, but we had one officer.

Q. You had a Lieutenant JOHNSON, who was an MI officer.

A. That might have been him.

Q. Lieutenant ALAUX, the forward observer, was with Captain MEDINA.

A. Those are about the only ones I remember. I don't remember anyone else coming in.

Q. Were you around when CARTER shot himself in the foot?

A. When we were moving along through the village, CARTER was right along in there, and we moved to this side. We could see him over there, but we didn't get close to him.

Q. Did you see the dustoff when the helicopter came in to get him?

A. Right. I saw it.

Q. Colonel WILSON will talk to you about that later, and maybe you can spot where the helicopter came in. How well did you know Captain MEDINA?

A. I didn't know him personally, not close. I knew that he was a good man. He was a good company commander. I knew him that well.

Q. We have had some people tell us that they thought the company sort of got out of control that morning. Many Vietnamese residents in the village had been killed. Were you at a position to tell whether this was so or not?

A. No, I couldn't say whether they were out of control, or the guys just--I just couldn't say.

Q. Well, it was unusual. There were quite a lot of old men, women, and children killed. Did you ever see anything like this before?

A. No, I hadn't.

Q. Have you thought about it since?

A. Right. I thought about it a lot.

Q. Have you ever been able to figure out just why it happened?

A. No, not really. I've thought about it sometimes myself.

Q. Some witnesses have told us that this is what they were ordered to do?

A. We were ordered to hit the village, but I don't remember anyone ordering us to kill women and children. I don't remember that.

Q. Why do you think it happened?

A. I really couldn't say. I couldn't say it was because the guys were on their own, or just angry, just killing the first thing they came to, or what. I couldn't say what was on their minds.

MR MACCRATE: Do you remember seeing the photographer who was on the mission that day, on the operation?

A. I remember seeing a photographer when we met up with Bravo Company, but I don't remember seeing him in the village. I think there was one with us, but I don't remember him.

Q. Do you remember where you went to find Captain MEDINA at the time you had the break for lunch? Did you go back towards the village from where you had been?

A. I think it was back along in here somewhere. Somewhere back along in here.

Q. Was it on the edge of the village?

A. It was closer to the edge. It wasn't in the center. Somewhere in there.

Q. Can you remember anyone who was around you at the time you had lunch?

A. Sergeant COWAN. Let me see, I don't remember whether BACON was my squad leader at the time or not. But, if he was squad leader, he would have been there. Lieutenant CALLEY, the platoon leader. I forget who the platoon sergeant--I believe Sergeant BUCHANON and his platoon leader were there, too. I believe.

MR WEST: Lieutenant BROOKS?

A. Right, Lieutenant BROOKS.

MR MACCRATE: I think you mentioned that you recalled that another officer was with you here. And Mr. WEST indicated that Lieutenant JOHNSON, from the MI detachment, was on the operation. Do you remember him?

A. I remember seeing another guy there, but I don't know him. I didn't know much about him.

Q. Well, was he sometimes moving with you during the operation that day?

A. I didn't see him. If he was, I didn't see him.

Q. Do you remember seeing him at the time that you went with Lieutenant CALLEY to join Captain MEDINA at the lunch break?

A. I remember seeing him there, because they were talking about the rifles. I remember seeing him there.

MR WALSH: What is the incident you saw involving the old monk or priest? Did that take place right at the ditch, or did that take place some distance away.

A. It was up the ditch, I guess, about 50 meters-- 25 or 50 meters from there.

Q. Was it 50 meters back in the direction of the village?

A. Away.

Q. Away, in the other direction?

A. Right. Up north.

Q. Did this take place before you went back to lunch, and to meet Captain MEDINA?

A. Right, it did. It took place before we went to eat lunch.

IO: Well, I think Mr. WALSH started to clarify the one point. The only point that I think requires a little clarification is when you saw the helicopter land and you were with Lieutenant CALLEY. After a few minutes did you see a helicopter gunship come in, and land with the H-23?

A. No, I don't know. I remember when Lieutenant CALLEY was talking to him. I remember that right after he came back the helicopter took off. He might have come back. I don't remember. I knew he took off, but I don't remember seeing the gunship land.

Q. Did you ever see the pilot talk to Sergeant MITCHELL?

A. No, I didn't. I didn't see him talk to him.

Q. How far away were you from this at that particular time?

A. About 15 or 20 meters, something like that. I was right along the edge of the woods, and he was almost in the middle of the rice paddy.

MR WEST: Mr. SLEDGE, do you remember where the company went after you left My Lai (4)?

A. I don't remember the name of the village, but it was still in the Pinkville area. There were a few small hootches there where we spent the night.

Q. I understand that the company moved somewhat to the east, a little to the north, and met up with Bravo Company?

A. That's right.

Q. And you laagered for the night around a graveyard?

A. Right.

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

A. I believe we had two from Quang Ngai. I believe they were from Quang Ngai.

Q. What were they doing?

A. We had some prisoners. I think we had captured some prisoners somewhere coming through the village, the small village. They were there, supposed to have been there, because they knew all the people in the area. As far as I can remember, they knew all the people in the area. They were supposed to have been there to identify whether they were VC or civilians.

Q. Were you around when they were questioning the VC suspects, these prisoners?

A. I remember one in particular.

Q. Did you see the National Police shoot any of the prisoners?

A. I know that one got shot, but I'm not so sure that I saw it. I remember he was torturing him some kind of way, trying to make him talk. He did shoot him. He shot him with, I believe, a revolver. I believe it was, if I'm not mistaken, through the head. I believe it was.

Q. Were some of the officers around there at that time?

A. Captain MEDINA, Bravo--

Q. (Interposing) Captain MICHLES?

A. Right. And the photographer from Bravo Company was there, too.

Q. This is when you saw the photographer?

A. Right.

Q. Were any officers there from the task force?

A. Not higher than a captain. I don't think so. I don't believe there was. I don't think anybody had joined them.

Q. Did you see a helicopter come in about this time and take this photographer away, for example?

A. I can't remember.

Q. Did you see an officer there with a clipboard?

A. No, I can't remember.

Q. Did you know Captain KOTOUC, the brigade S2?

A. I didn't know him.

Q. You didn't know him?

A. No, sir.

Q. Did you see anybody cut the fingers off one of the prisoners?

A. I think, if I'm not mistaken, it was the one who was shot. The National Police did it to the same one he shot, if I'm not mistaken.

Q. Did you see this, or did you just hear about it?

A. I was close, but I wasn't right up on it. I was sort of behind. The officers, they were all up there, and the National Police, and I think the platoon sergeants.

Q. Lieutenant CALLEY was around at this time?

A. Yes, he was.

Q. We understand, Mr. SLEDGE, that on the next day, the 17th, the 1st Platoon went up on Hill 85. This is the time that MEADLO lost his foot. Can you tell us what the company did the rest of that day? We understand that they moved south, out through some hamlets, and got down to the mouth of the Song Tra Khuc River. Do you remember that moving down?

A. Yes.

Q. Could you tell us what the company did as they came to these hamlets?

A. We were burning them, destroying them.

Q. Did you run into any resistance? Did you see any Vietnamese people that day?

A. I think you are talking about when we reached the canals. I think that is the only time we reached the canal you are talking about it.

IO: Was it a canal or a river?

A. A small river. It wasn't very big. More like a canal. It wasn't an ocean, or anything like that.

MR WEST: Do you remember capturing two VC or NVA, and a nurse?

(Witness responds in the affirmative.)

Now, going back to these hamlets, did you say they were burned? Do you know how many were burned?

A. No, I don't. I couldn't say.

IO: How many houses do you think were in each of those hamlets that you saw burned, Mr. SLEDGE? Were there two or three houses, were there 10 or 15?

A. They were sort of scattered around. Scattered here and there. It was just sort of down in a low spot, a lot of trees, lowland.

Q. I understand that you did not make a house count, but in order of magnitude, about how many do you think were there?

A. Maybe 40; 50 maybe. Maybe not that many.

Q. It just wasn't two or three that you are talking about. It is enough that it could be classified as a hamlet, or something of this nature?

A. Right, there were more than two or three.

Q. Before you go on, I want to go back to before you left My Lai (4). You indicated that you picked up some prisoners?

A. Right. I think we picked them up in this village, or Bravo Company had captured them. I'm not sure.

Q. Did your platoon pick up any, or was it the company that picked them up, other elements of the company?

A. I don't remember.

Q. You don't remember whether it was your company that brought the prisoners into the laager site that night, or that afternoon, or whether Bravo Company brought them in?

A. No, I don't. I remember when we got there, they were there.

Q. Up to the time that you reached the laager site, had you seen the National Police?

A. No, I hadn't.

Q. Do you remember them being flown in by helicopter with some ARVN soldiers?

A. I think I remember, but I'm not sure.

Q. We want only those things that you know. I don't, for 1 minute, want to put words in your mouth, but I know a little bit about this, so in some of these it's just a question of yes or no. Did you see another helicopter that came in, and brought a captain, a good-sized captain, along with another Vietnamese interpreter aside from Sergeant PHU, who was with Captain MEDINA?

A. No, I don't remember.

Q. Do you remember seeing, aside from Captain MICHLES and Captain MEDINA, some distance away from this interrogation, do you remember seeing an Army captain along with the National Police interrogating these prisoners of war?

A. No, sir. I don't.

Q. You said they were torturing the prisoners. What were they doing to the prisoners?

A. Like you said, I think they were cutting--they didn't cut his finger all the way off, he was sawing it or something. I wasn't right up on it. I was off away. I couldn't swear that he was sawing them off, but he was doing something.

Q. Did you see it, or are you just telling us something that you heard had happened?

A. Well, I heard that the fingers had been cut off, and, after they were shot, I saw fingers had been cut off. But I didn't actually see them saw them off, or cut them off.

Q. Did you see them shot?

A. Right, I saw them shot.

Q. How was it done?

A. The National Police, he moved them off from the rest of them towards a little ditch. I think he shot them with a revolver, a .38. I believe it was in the head.

Q. Did you see him execute any additional prisoners?

A. No, because about that time we started moving around to the other side, and we were getting ready to dig in for the night. The reason I remember them is because I almost had to sleep next to them.

Q. Do you remember either Captain MICHLES or Captain MEDINA calling over, and telling them to stop this killing? That there wouldn't be any killed unless he gave them approval?

A. I'm not sure.

Q. Did you see another helicopter come in to pick up what you called a photographer, and another man, or any of the other people who were with him?

A. No, I really don't remember.

IO: Before we go on, I have some pictures here. You were evidently pretty close to these National Police. Maybe you can pick some of them out. They may not be in police uniforms. These are some recent pictures of them. I give you all these pictures, and you can look at them.

(Witness studies the photographs.)

A. I'm not too sure, but it seems like both these were there.

Q. I would like to have these five photographs of Vietnamese citizens entered into the record as exhibits. Mr. SLEDGE identified two of them, Le TRONG and Nguyen Ngo TAM, as possibly two of the National Policemen who he saw in the laager site on the evening of 16 March 1968. Do you recognize anyone else in these pictures?

A. It looks like I saw him somewhere, but I don't know where. I saw him, too, but I don't know where.

Q. Mr. SLEDGE also indicated that somewhere, although he does not know where, he had seen Do THIET and Vo LUU.

RCDR: The photograph of Mr. Le TRONG is being entered as Exhibit P-147. The photograph of Nguyen Ngo TAM will be identified as P-148. The photograph of Do THIET will be marked as P-149. The photograph of Vo LUU will be identified as P-150. The photograph of Bo DA will be identified as P-151.

MR WALSH: Mr. SLEDGE, I show you the photograph of Le TRONG, Exhibit P-147 which you have previously identified, and ask you to look closely at that photograph. See if you can recognize a very pronounced scar running across the entire left side of his face, including his ear and part of his jaw, with marks from stitches in it. I ask you if this will refresh your recollection at all with respect to the National Policeman whom you saw at the laager area on the night of the 16th.

A. No, I don't remember.

Q. You don't recall one of the policemen there had a very pronounced scar on the side of his face?

A. No.

Q. Secondly, do you have any recollection of the particular policeman who you saw execute the detainees in the laager area as one or the other of the two people whose pictures you have picked out?

A. At the time, he was wearing a hat. He was small. This one seems a little larger. I'd rather say this one, because he was smaller than the other one.

Q. The witness indicated the photograph of Le TRONG, Exhibit P-147.

MR WEST: Mr. SLEDGE, while you were with Bravo Company that night, or anytime later, did you hear a report about some more Vietnamese people being killed, on 16 March 1968, in the little hamlet along the coast. Is there a hamlet named Co Lay, or something like that?

A. I don't remember the name, but I remember something had come around that Bravo Company had also done some killing, too.

Q. Also done some killing that day?

A. Right.

Q. This is very important, Mr. SLEDGE. Could you think back, and try to remember just what you heard to the best that you can recall?

A. All I remember is they had done some killing, but I don't remember.

Q. Do you think it was on this night that you heard this, when you were in the laager area with Bravo Company?

A. Yes, because they were sweeping the area in that direction.

MR WALSH: Do you recall whether any particular platoon in Bravo Company was mentioned?

A. No, I don't.

Q. Do you remember whether the discussion was about killing VC, or women and children? Any specifics along that line?

A. No, I don't. All I remember was the killing. I don't remember whether it was women and children, or VC.

MR WEST: Mr. SLEDGE, do you remember the helicopters coming in and taking you back to LZ Dottie in the afternoon on the 18th, on the third day, after you had been out two nights in the field. Do you remember being taken back to LZ Dottie?

A. I can't recall very much. I remember a little bit.

Q. Well, Charlie Company was lifted out on the afternoon of the 18th by the helicopter, and taken back to LZ Dottie. When you got out of the helicopter, do you remember a field grade officer coming out and talking to a group of men as they had just gotten off the helicopter. Do you remember anything like that?

A. No, sir. I don't.

Q. Did you ever hear, about this time, that there was going to be an investigation of what had happened at My Lai (4)?

A. Yes, I heard it once.

Q. When did you hear this?

A. I guess it was after; March, April, or May.

Q. Do you remember this happening a short time after My Lai (4)? After the incident, do you remember Captain MEDINA getting the company together and talking about it, saying there was going to be or there was an investigation going on, and talking about what had happened there that day?

A. I believe he did get us together and talked to us about it. I don't remember exactly what he said, but I think he did get us together and talk to us about it.

Q. Did anybody ever come and talk to you about it and ask you questions, saying that he was investigating it?

A. No.

Q. Did anybody ever tell you to keep quiet about what had happened that day?

A. No.

Q. Do you recall what you heard later on about an investigation?

A. All I remember is something about a pilot who was the one who turned it in or something. He was the one who called the investigation. That's about all there is.

Q. Do you remember about what he was complaining?

A. I believe it was the killing of the women and children.

Q. Mr. SLEDGE, what was the attitude of the men of Charlie Company toward the Vietnamese people? Did they like them or dislike them? How did they get along with them? What was the attitude?

A. Some of the guys like Harry STANLEY--he liked the Vietnamese. He was always trying to learn their language. He really liked them. But I would say the majority of the company didn't like them.

Q. The reason I asked is that we, of course, are trying to figure out why this thing happened that morning at My Lai (4). So many Vietnamese people were killed.

Do you think there was the attitude on the part of the company that maybe the life of a Vietnamese didn't count as much as the life of an American?

A. I couldn't say, because I didn't think that way myself. I can't say for the other guys.

Q. Well, it has been suggested that some of them felt that it didn't really count when they had to kill a Vietnamese. Sometimes they referred to them as "dinks," "slopes." Do you think any of the men had that type of attitude?

A. I couldn't say.

Q. If you had to say I take it you would say no.

A. If I knew they had that attitude, I would say yes, but I don't know.

Q. You didn't feel like that?

A. No, I didn't.

Q. I think you appreciate the fact that it was only recently that people have known about what happened at My Lai (4), that it has become generally known. As a matter of fact, nothing was known about this incident at Department of the Army until April of 1969, this incident of 21 or 22 months ago. It was over a year after the thing happened. Do you have any idea why it was not reported at the time the way other events are, the way other things that have happened are?

A. I don't know whether Captain MEDINA reported it or not. When we hit a minefield, and we lost guys, he called into battalion and turned that in, something like this. Myself, I didn't think it was--that we were doing--we were ordered to hit the village.

Q. You didn't think that the company had done anything wrong?

A. I thought that the killing was wrong, but he told us to hit the village. He didn't mention anything about the women and children, as far as I can remember, but he did say hit the village. It was just another operation to me.

Q. So you accepted it as what the company had been ordered to do?

A. As an operation. I wouldn't say killing the women and children, but as an operation.

Q. Let me put it this way, that this is just an unfortunate result of the operation?

A. Right.

Q. Did you ever think that it might be called a war crime. To go in and kill little babies, children, and women, even though they were putting up no resistance?

A. At the time, I didn't. But after I got out of the service, I talked to my wife about it, and I was telling her how it happened. I thought about it a lot, and that was way before I heard of any investigation.

Q. Did you talk about it with other people in the company afterwards, buddies and friends?

A. No. There may have been a little talk the first day or two, but nothing after that. Because, like MEADLO, he felt sorry that it happened, and BOYCE, he did also. Most of the guys felt bad right after it happened.

Q. Did you know SIMONE well?

A. I knew him, but we weren't close.

Q. How about DURSI?

A. I knew him, too, but we weren't close.

Q. Who was your close friend?

A. Roy WOOD and Harry STANLEY. Myself and Allen BOYCE were pretty close.

Q. There were two WOODS in the company, Roy and John. Which one was killed?

A. It must have been John WOOD.

- Q. Roy is still around?
- A. He is in Richmond, Virginia, I believe.
Rennard DOINES. Myself and he were good friends.
- Q. Did you see him there that day?
- A. I don't remember seeing him. He was around somewhere.
- Q. What was he? Was he a rifleman?
- A. Right.
- Q. First squad?
- A. Second squad.
- Q. That would be Sergeant BACON's?
- A. Right, Sergeant BACON's.
- Q. In November there were some stories in the newspapers about the possibility that the men of Charlie Company had been smoking marijuana before this operation. Do you know anything about such a thing?
- A. No.
- Q. Was there a marijuana problem in the company? Charlie Company?
- A. Well, I heard once that they had some CID or something looking for marijuana.
- Q. What I meant was did you ever hear of anybody going into combat, or a combat assault, pretty high on marijuana?
- A. No.
- MR WALSH: Do you remember from whom you heard the report in April that an investigation was being made?
- A. While I was in Vietnam?
- Q. Yes.

- A. I think from Captain MEDINA in talking to us. But I think it leaked out before he talked to us. Somebody else knew about it.
- Q. You just heard it from one of your buddies?
- A. Right, to the best that I can remember.
- Q. Was that after Captain MEDINA called everybody together?
- A. Right. I think it may have been a day after, or something like that. We got together, and he told us about it.
- Q. Are you sure that this was a good deal later than the operation?
- A. I believe so, sir, it was. I believe it was April.
- Q. It wasn't a day or two after the operation?
- A. No, I don't think so.
- Q. Several weeks later?
- A. I think so. I'm not sure.
- Q. Can you remember where you were when he called the company together? Was it at Dottie, or Uptight, or where were you?
- A. I don't know. We moved around so much.
- Q. Do you remember anything more about that day? Who was there? Who was sitting next to you? What might Captain MEDINA have said?
- A. No, I don't. Stuff like that is hard to remember.
- Q. Sure, I realize this. It's been nearly 2 years ago. I'm trying to jog your memory a bit.
- A. That's about all I can remember about it.

Q. Did he say anything, Captain MEDINA, that is, did he say anything about not passing rumors around, that this matter is going to be investigated, and that nobody should talk about it until the investigation was completed.

A. I think I remember him saying something about it. Don't talk to the other companies, or Bravo Company, or the 3/1. I think I remember him saying something like this, not to go around and talk about it.

Q. Do you remember what reason he gave for not talking about it?

A. No, I don't.

Q. Do you remember what he said about what was being investigated?

A. I believe he said that it was being investigated. It was investigated because of the killing of the women and children. I believe he said something about the fact that they were trying to see if he gave orders.

Q. Can you think about anything more that might come to mind about what he said to the company at that time? If so, we would like for you to get in touch with us.

MR WEST: In looking back over the statement that you gave to Mr. FEHER, back before lunch you got the call from Captain MEDINA for Lieutenant CALLEY to come join him. You said the message was received by the other radiotelephone operator. I thought maybe by now you could remember his name?

A. I don't. We had--John WOOD was the operator once. We had so many operators.

Q. Do you suppose it could have been John WOOD?

A. No, not at the time, because John WOOD, he was in sort of bad shape after WEBER was killed previously. I don't remember who was RTO.

Q. I believe we have just about run out of questions, Mr. SLEDGE. We would like for you to get together with Colonel WILSON, though, and he will show you a number of photographs, and ask you some questions about the training

and things that have to do with this, and some related matters. Also, he'll work with you on a photograph, and trace the path you took through the hamlet of My Lai (4) a little more exactly than what you have marked down. Maybe this will help you to remember a few more things. We are very grateful to you for coming in like this. We know it is a lot of trouble this time of year, bad weather and all. You have been very helpful, and have given us a great deal of information that will help us. I thank you very much.

A. There is something that I told the CID. I don't imagine that you are interested.

Q. We'll be glad to hear anything you tell us.

A. You may have already heard about it, the well incident that Lieutenant CALLEY did.

Q. We have heard of this, but I wish you would tell us what you know.

A. I don't remember the exact area that we were in, but at this same time CARTER, he--a Vietnamese, I don't even remember that it was a Viet Cong. He used his rifle on him. We were moving down a hill, and Lieutenant CALLEY was behind me. I think Sergeant COWAN was back there, too. I'm not sure, but, anyway, I didn't see anybody, but he shot a Vietnamese.

Q. He shot a Vietnamese man, and threw him in the well?

A. Right.

Q. Were you there that day?

A. I was up front.

Q. Who told you about this? Do you remember?

A. I don't know. I think it was passed down the line.

Q. Can you think of anything else that you would like to tell us that might help us in our investigation?

A. No, that's about all.

Q. If you do think of anything--I have one more question. I just wanted to ask you before we recessed, Mr. SLEDGE, when the company was brought back into LZ Dottie, after this 3 days out in the field, did anybody feel surprised that the operation was being terminated that soon?

A. I wouldn't know. Myself, I wasn't surprised, because you're supposed to go out sometimes for 2 days, they say you're going out for 2 days, and sometimes you are out for a week or 2 weeks.

Q. You never really knew how long it was going to last?

A. That's right.

MR WEST: The hearing will be recessed.

(The hearing recessed at 1822 hours, 8 January 1970.)

(The hearing reconvened at 0815 hours, 9 January 1970.)

COL WILSON: The hearing will come to order. The following persons are present: COL WILSON, the witness, and the reporter.

Mr. SLEDGE, you are reminded that you are still under oath.

(COL WILSON instructed the witness on the use of Exhibits P-1, P-2 thru P-46, P-56 thru P-70, and P-73 thru P-120.)

I would like you to take this book of photographic exhibits. Go through the photographs, and write the number of any photograph that you can recognize, either people or places. Write that number down, and, after you've gone through all the photographs, then I'll come back and we'll discuss each one of them that you remember.

(The hearing recessed at 0819 hours, 9 January 1970.)

(The hearing reconvened at 1052 hours, 9 January 1970.)

(SLEDGE)

COL WILSON: The hearing will come to order. All persons present when the hearing recessed are again present.

Mr. SLEDGE, I remind you that you are still under oath.

The first thing that we are going to try to do is to reconstruct what happened as you moved through My Lai (4) on the 16th of March. We'll go back to the ground photographs and see if we can identify their locations. I believe the best thing to do is take the sequence of events as they occurred and plot them as best we can with this photography.

Q. What was the direction of your aircraft when you landed, do you recall?

A. In a northern direction.

Q. The nose was pointing north?

A. Right.

Q. How far away were you from the edge of the village when you got off the aircraft?

A. I would imagine about 20 or 30 meters.

Q. Do you calculate that you landed somewhere around the center line of the village?

A. Somewhere around the center. I'm not sure.

Q. Do you remember this east-west tree line?

A. No, sir. I don't.

Q. Which aircraft of the vee was your aircraft? Right, left or forward?

A. I believe it was right.

Q. Were you sitting in one of the doors, or near one of the doors?

A. Near the right side.

Q. The right side as you faced the front of the aircraft?

A. Right.

Q. Did you see any aircraft over to your right?

A. No, I believe we were on the right.

Q. Do you remember the insignia painted on the nose of your aircraft?

A. No, sir. I don't.

Q. Do you know which aircraft in the formation you were in?

A. No, I don't.

(Witness marks on the aerial photo which is later entered into evidence as Exhibit P-152.)

Q. Point 1 is the approximate location where Mr. SLEDGE's aircraft landed at the landing zone. When you left the aircraft where did you go?

A. We unloaded from the aircraft, and I guess moved out maybe 10 or 15 meters and got on line. We were waiting for the rest to get on line.

Q. You moved on line. What was that, a dike or something?

A. Right. Almost to this dike. Somewhere along in there.

Q. Now, you're putting yourself somewhere to the center and north of the village. You were that far up?

A. I think it was more about in here.

Q. This is the command CP group you are talking about, right?

A. The 1st Platoon.

Q. But you were with the CP group?

A. Right, I was with my platoon sergeant. The CP group was up in the first or second flight in front of us. I was with Sergeant COWAN when I landed.

Q. Do you know if the 1st Platoon was on the right and the 2d Platoon was on the left?

A. I know that the 1st Platoon was on the right. I don't know whether it was the 2d or 3d on the left.

Q. At the time you moved up here with Sergeant COWAN, were you on the left flank of the platoon, or the right flank, or what? Were the squads on line?

A. I would say, the squad was on line, but I would say that I was more on the left side of the platoon.

Q. How many squads did you have that day, do you remember?

A. I believe three squads. I believe, I'm not sure. We usually operated with three squads.

Q. You say you were approximately in here with Sergeant COWAN. Now, where did you go when you left the dike?

A. We moved up into the village. I looked at a larger map, and there were some hootches in there. I moved up in there, and I joined Lieutenant CALLEY somewhere up in here after we had left those hootches. He and his CP group were just milling around, and then we moved back down in here somewhere. I don't know which trail it was.

Q. Point 2 is where you stopped at the dike, right?

A. Yes.

Q. And then you moved into the village on a general line which will run through here, there seems to be a path here. Then you met Lieutenant CALLEY in here?

A. Right, somewhere in here, after we moved into the village and passed the main hootches.

Q. Point 3, you joined Lieutenant CALLEY. And then where did you move? You say you moved south from there?

A. We moved southeast.

Q. You came out on the south side of the village then, is that correct?

A. Yes.

Q. You came to the north-south road pointing to the direction of Hill 85, approximately in here?

A. Right.

Q. Did anything happen between point 3 and where you came out south of the village?

A. I saw a few bodies, some hootches being burned, and stuff like that.

Q. Did you notice anything of significance when you came to the south of the village?

A. MEADLO and I don't remember who else was there. They had a bunch of women and children gathered here on this trail, just a little off the east-west trail. Lieutenant CALLEY asked them something like "Viet Cong o day?" and he said something to MEADLO, and we started back in an easterly direction, right around the edge of the village on this trail. About that time MEADLO started firing, and there were some more guys firing, too.

Q. At point 4, MEADLO had gathered up 30 or 40 women and children, and you say you walked off with Lieutenant CALLEY?

A. Right, in an easterly direction.

Q. Then what happened?

A. Just about that time MEADLO starting firing. I looked around, and Lieutenant CALLEY started moving. So I just moved right on behind him.

Q. Lieutenant CALLEY didn't start firing?

A. No, not as I remember, no. I don't remember that he fired.

Q. Is this at the same point, point 4 where MEADLO started firing?

A. Right.

Q. And you proceeded east?

A. That's right.

Q. And did anything happen after you left MEADLO firing on the group?

A. No, I don't think so. We might have stopped and inquired of one or two people, but I don't think anything happened.

Q. I notice that you have over there, in the series of photographs, a photo of CARTER being wounded. Did you see CARTER get wounded?

A. I didn't see him wounded. I passed by him, and saw him lying down back over here.

Q. We'll come back to that. So you moved east?

A. Yes. I don't know whether we crossed this rice paddy or this trail, but we got to this village here between the rice paddies.

Q. And then what happened?

A. We moved right along in here. I believe that is when the helicopter came in, and the helicopter landed somewhere in here.

Q. What helicopter?

A. Bubbletop.

Q. At point 5, an LOH landed. What time was that?

A. I don't know, sir, I couldn't be positive. I would say about 9:30 or 10:00, maybe.

Q. Did you see those people after MEADLO shot them back there at point 4?

A. No, sir. I didn't.

Q. Did you have any indication that Lieutenant CALLEY told him to shoot these people?

- A. Well, he was saying something to him. Right after we left, MEADLO starting doing it. I would say yes.
- Q. These people at point 4, were they on the trail?
- A. Right. They were on a trail.
- Q. So he gathered them up here. Where did he shoot them?
- A. Right here. On this southern trail, right here.
- Q. I'm going to make point 6 the location of bodies. Did you see the bodies?
- A. I saw them when he was shooting, when I was walking off. I didn't see them after they were shot.
- Q. Okay, you moved into this little hamlet across from My Lai (4), and the LOH landed. Then what happened?
- A. Well, he begged for Lieutenant CALLEY, and Lieutenant CALLEY went over to talk to him. They were shaking their heads. I don't know what they were saying.
- Q. In other words, Lieutenant CALLEY walked from this point--
- A. (Interposing) We were almost to the edge.
- Q. You were doubling back, then?
- A. We were checking it out.
- Q. And from point 7, Lieutenant CALLEY went over to the helicopter. Is that correct?
- A. That's right.
- Q. Then what happened from there. In other words, did Lieutenant CALLEY move across the field, or did the pilot come over to the edge of the village?
- A. No, Lieutenant CALLEY went over to the helicopter. They were saying something, and 2 or 3 minutes later he came back and said: "He doesn't like the way I'm running it, but he is not the boss. I'm running this show."

Q. What happened from there?

A. Lieutenant CALLEY came back and joined us, and we moved out in a northeast direction to this ditch where Sergeant MITCHELL and some other troops had some civilians, women and children, gathered up.

Q. Point 8, you moved to a ditch, right?

A. Yes.

Q. Which is approximately point 8. Sergeant MITCHELL and who else?

A. I don't remember. Three or four more troops.

Q. Sergeant MITCHELL had 20 to 30 women and children.

A. Maybe one or two old men, but I'm not sure.

Q. Sergeant MITCHELL had 20 to 30 women and children at the ditch.

A. Right.

Q. Okay, then what happened?

A. Well, Lieutenant CALLEY asked them a few questions, and, at that time, he and Sergeant MITCHELL, I don't know who else there was, they shoved them off into the ditch, off the left side of the bank.

Q. Then what happened?

A. Then they started firing. I guess some of them fired two magazines, some only one.

Q. Then what happened?

A. Someone else had a priest at the end of this ditch that bends back to the right. We were getting ready to move up there and someone hollered, "There's a baby." We went back towards the village. Lieutenant CALLEY ran down, caught the baby, threw it back into the ditch, and shot it, too. He threw it back into the ditch where the rest of them were.

Q. Point 9, location where CALLEY threw baby into the ditch and killed it.

A. I wouldn't say it was a baby. It was about a 2-year-old kid.

Q. What you're saying is CALLEY threw the child into the ditch and fired?

A. Right.

Q. Did you see the child hit?

A. No, I just saw him throw it in and fire.

Q. What happened after that?

A. Then we moved up to where the priest was, where the ditch bends to the right.

Q. Point 10. What happened there?

A. Lieutenant CALLEY said something like "Viet Cong o day."

Q. What is this "o day"? I don't know this expression.

A. I think it means "Are you Viet Cong," or, "Is there Viet Cong," or something like that. I don't recall exactly what it means. And he asked him a couple of more words in the Vietnamese language, and by that time he hit him with the butt of his rifle. And you could see on his face the expression that he was praying, because he knew he was going to die. So, Lieutenant CALLEY took his rifle, and dropped off a step or so. And he shot him point blank in the head.

Q. Point 10, CALLEY shot priest in the head. What else?

A. Then, about that time, a call came over the radio for all platoon leaders to meet Captain MEDINA at his position, and I think we moved across the rice paddy this way (west).

Q. You moved back into the village?

A. Right. Back into the main village.

Q. And you think it was about right here. Did you go with Lieutenant CALLEY?

A. Yes.

Q. And there was a platoon leaders' meeting?

A. There were platoon leaders and platoon sergeants.

Q. Captain MEDINA held a meeting, right?

A. Right.

Q. Was it this far north?

A. Somewhere in there.

Q. This will be point 11. Captain MEDINA held a meeting.

A. We also broke for chow at the same time.

Q. Do you know if the 2d Platoon platoon leader was there, Lieutenant BROOKS, or his radio operator?

A. I don't remember, but I imagine he was, because most all of the platoon leaders and platoon sergeants were there.

Q. What happened after that?

A. We moved in and we found, I believe, three weapons. I don't exactly remember what he said. Some of the other guys were eating chow, and I moved to where the other guys were. I guess in 30 minutes or so we moved out, and he said we had to hook up with Bravo Company somewhere in this area.

Q. Do you know where it was?

A. No, I don't. On this map I can't pick it out.

Q. Okay, I guess you left Sergeant COWAN when you joined Lieutenant CALLEY back there at point 3?

A. Right.

Q. Did you ever hear, during that day, an order to stop firing or cease firing from the company?

A. I don't remember.

Q. You don't remember CALLEY passing on an order to his squads to cease fire?

A. No, sir. I don't.

Q. Let's talk about the ground photographs. I want to ask you questions. I won't ask you questions on these photographs. I am interested in the series that you have marked P-6, 7, 8, 9 and 10. All of these photographs show CARTER after he wounded himself. Did you see all of these photographs, or did you pick them out because there appears to be different locations here?

A. No.

Q. Which scene do you remember?

A. I think P-6 is the one I remember passing by seeing it. The reasons I picked these other ones is because I know most of the guys, especially the one with the rope on his back, Harry STANLEY.

Q. Did STANLEY always wear a joker in his helmet?

A. This card?

Q. Right.

A. He did stuff like that. That was a joker card.

Q. So you primarily were going to show me the people and not the locations?

A. Right.

Q. Let me ask you, what about this location? Do you notice that in P-6, CARTER is lying against a stone wall? P-7, you can't see what he is lying up against. It could be the same thing. P-8, there is a brick wall behind him, and P-9 shows him moving away from a house, being carried away. P-10 shows him lying down again, lying flat, not up against a building. Now, I think on a time basis we can

say when these photographs were taken by the sequence of the photographs. The negatives show that it looks like P-7 was taken first, P-6 was taken second, P-9 was taken third, P-8 was taken fourth, and P-10 was taken last. Now, in any of these photos can you recognize the house here in P-9, or the location?

A. No, I can't.

Q. I want to give you a little background on this incident, because in this incident it is very important to fix the time and the place because everybody knew about this. Now, the Task Force Barker Log, which could be in error, says that CARTER was wounded at 1020 that morning, and that he was evacuated at 1030.

A. I don't remember exactly what time it was. All I remember was that I passed to the right of him, and I could see him to my left. That's all I remember. I don't remember what time it was.

Q. You put him up in the northern part of the village?

A. That's where I think it was. I don't remember exactly where it was, but that's where I think it was. It could have been farther down, but that's where I think it was.

Q. If the log is correct, and what you're saying is correct about the time you hit point 3, which is generally the area where you said you saw CALLEY, somewhere in there within 100 meters, that was about 1020 in the morning. You landed at 7:30. That's 3 hours to get 125 meters.

A. I don't remember exactly where that was, but I remember him being on my left somewhere in this area.

Q. If he was wounded up there, that far inland, the helicopter would have had to come out of a rice paddy. He would have had to have been carried over 100 yards back to the area where a helicopter could come in.

A. That's right.

Q. How long do you think it was before you got to that point down south of there, from the time you entered the village on the basis of hours? That is a distance of 250 to 300 meters.

A. I think it was about 2 to 3 hours. No more than that.

Q. Are you sure that you didn't see CARTER down in here where MEADLO had those people rounded up?

A. I don't remember seeing him.

Q. And you didn't see the helicopter come in and pick CARTER up?

A. No, I didn't.

Q. Had you moved out by that time?

A. I don't remember. All I remember is I passed by him and saw him. I don't remember what time it was.

Q. P-9. The people carrying CARTER there, WIDMER and MAURO. Did you see them?

A. No, I didn't.

Q. P-8 shows Captain MEDINA, MURRAY, and Roy WOOD. Those people are normally in the company command group?

A. Right. Roy WOOD was with the second squad. I don't know if he was with them or not that day, but he was in the second squad. The reason I knew this picture was because I knew the guys in the group and not the location.

Q. This is CAPEZZA treating CARTER. Is that correct? Do you recognize him?

A. No, I don't. I don't recognize him. He must have been the medic with the headquarters section.

Q. What this photograph shows is that at least one person, LAGUNOY, is up against the building. Is that correct?

A. No, that is not LAGUNOY.

Q. He is wearing a Vietnamese insignia on his shirt pocket. That's not PHU, or is it?

A. No, it's not PHU. It must have been the interpreter with the MI man.

Q. What I'm trying to show here is apparently headquarters might be mixed up in the 1st Platoon area. Well, I'll put down where you think it was.

A. Somewhere in the vicinity where I joined Lieutenant CALLEY. I'm not sure. The reason Captain MEDINA might have been up there is that when someone would get wounded, he would go and call in the dustoff most of the time.

Q. P-17?

A. That is part of the mortar platoon, I believe. Sergeant MARONEY, the FO, and Captain MEDINA, I believe.

Q. Do you know where it is?

A. I'm not certain. It could have been the trail that myself and Lieutenant CALLEY moved up. It could have been that trail, but I'm not certain that it is.

Q. P-20?

A. That's where the National Police killed this guy. It looks like that place on account of the bunker, the table, and the stuff there. I'm not sure that it is, but it does look like the position.

Q. Was this in My Lai (4)?

A. That was out of My Lai (4), after we joined up with Bravo Company. It looks like that, but maybe it isn't.

Q. Do you know any of those people?

A. Allen BOYCE (first man in the picture on the lower right). That looks like JOHNSON (the last man in the center without a helmet). Those are the only ones whom I recognize in the photo.

Q. P-23?

A. This Vietnamese showing his head right here, we had run into him on two operations. One operation was previous

to the My Lai (4) incident. I don't know exactly when it was, but, anyway, we ran into him, and we let him go at that time. I think it was after My Lai (4), we were moving down towards the river. I believe we picked him up again down there, and we found out, I think, that he was a Viet Cong.

Q. When did you find this out?

A. The last time we picked him up.

Q. This was after this photograph was taken, because you said it was after My Lai (4) right?

A. I believe it was after My Lai (4). Anyway, we ran into him on two operations. The last operation we found out that he was a Viet Cong.

Q. How do you remember it so well?

A. I remember his face, and his body was built up real stout.

Q. He was a young-looking fellow.

A. About 30 or 40 years old.

Q. What did you do with him this day?

A. I think they sent him in. All I remember is that he was a VC. I don't remember how we sent him in, but I remember that we found out he was a VC.

Q. Not on this operation, but later?

A. This looks like the first time we found him because there was a lot of sand in that area. It looks like the same place. I'm not sure. I remember him, though.

Q. P-52?

A. This woman, I saw her somewhere before. I don't know where. Either going back to MEDINA's position, or going someplace else. I think I saw her.

Q. You saw her in this position after she was dead?

A. Yes.

Q. Are you sure you don't remember where it was?

A. No, I don't. It seems like I saw her somewhere before.

Q. P-62?

A. I don't know where this area is, but I believe it was the 3d Platoon, because this guy here is an Indian. I remember he was an Indian. I don't remember his name, but we called him "Chief."

Q. The one on the left is "Chief."

A. I'm not sure about the guy on the right. I don't know who he is.

Q. P-75?

A. This over here? I'm not sure, but it looks like it was in the area somewhere after we left My Lai (4). I think it was in that area. I'm not sure whether that is it or not. It looks like I was in this area.

Q. What makes you think that?

A. It looks a little hilly. The reason I picked it out is because I was talking about the National Policeman and the killing. It looks like it. That might not even be it, but it looks like it.

Q. Did you ever see a fence like that?

A. No.

Q. Do you remember that fence?

A. No, I don't.

Q. You would have remembered that fence like that, wouldn't you?

A. I believe I would have, but there was no fence in the area we were in.

Q. P-87?

A. I know him, but I don't know the other guys. I don't know the area. I know he was in the 1st Platoon, the guy with the mustache.

Q. CONTI?

A. Right, CONTI. He was Italian.

Q. P-92?

A. That looks like Hill 85. That's the reason I took it out.

Q. P-119?

A. In P-119 and P-118, I recognize the ditch that I was talking about, into which Sergeant MITCHELL and Lieutenant CALLEY shoved the people and shot them. That is the reason that I picked it out, because I know the ditch.

Q. Where, from this photograph, could you tell me where the chopper set down?

A. About the center of the rice paddy.

Q. The same place you put on the other photograph?

A. Right.

Q. Did you see any other helicopters come in after that?

A. No, I don't remember.

Q. P-120 is also the ditch, right?

A. Right. At that time I don't think it was grown up that much. I think the banks were more clean.

Q. P-129?

A. This village here, I don't know whether this was in My Lai (4) or not. It could have been at Pinkville. It looks like I have been in this area before. I'm not sure.

Q. We don't think that that is My Lai (4). Is there anything that I have left out that should go on this photograph?

A. No, other than the incident at the well.

Q. All right, what was that again? Where was that well?

A. I think it was pretty close to the dike. I believe it was after we crossed the dike when we found this well. There was a Vietnamese. I don't know whether he was a VC or not. He threw his hands up, and Sergeant COWAN saw him first, and he hollered and he yelled to shoot this so and so, so I fired one time and I was going to shoot again, but the magazine fell out of my rifle. I believe it was SIMONE who was on my right, who came up to the well and shot into the well.

Q. I'll make that point 12. What this amounts to is that a VC suspect was shot at this point in the well. Anything else?

A. No, I don't believe so.

Q. Do you say that the general path that you have given me on there is the path of the CP, or the 1st Platoon, or just your path, route of march, through there?

A. From point 3 to point 11 was my route of march.

Q. Mr. SLEDGE, I ask you to sign under the statement: "Prepared from memory at Washington, D.C., 9 January 1970."

(The witness signed the aerial photo.)

There were two more times I fired. I fired on a water buffalo, and somewhere up in here. I don't know whether it was a man or a woman running out across a field. I fired about the same time somebody else did, and she or he fell.

Q. What was the reason for that fire?

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A. Because, whoever it was, was running in the opposite direction.

Q. Was any attempt made to stop her?

A. Not in running and trying to catch her, because it was too far out.

Q. Did anybody yell at her?

A. I don't remember. I don't think so. I don't remember whether it was a woman or a man, but I fired and someone else fired at the same time. And whoever it was fell.

Q. What we are trying to do is build a picture of what happened through here. I'm not going to enter this on this document since you have already signed it. I prefer to leave that off. There are no more photographs that you can identify by place on this photo, are there?

A. No.

COL WILSON: Mr. SLEDGE, I want to remind you that you shouldn't discuss this investigation or testimony with others unless you are called on to appear in a courts-martial or before a legislative body such as the House Armed Services Committee Investigation, or something like that. You shouldn't discuss this with other people. In particular, don't discuss it with other witnesses or with people who were in the unit. We appreciate your coming here. This will terminate your interview, and we will get you back downstairs and get you processed out.

The aerial photograph annotated by Mr. SLEDGE is entered into the record as Exhibit P-152.

(The hearing recessed at 1201 hours, 9 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: STANLEY, Harry

DATE OF TESTIMONY: 24 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: Murder and assault with intent to commit murder.

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Grenadier, Second Squad, First Platoon, C/1/20.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

STANLEY received instruction on the Geneva Conventions and the obligation to protect PW's and noncombatants in basic training (pg. 37). He believed that if a subordinate felt an order was improper he did not have to obey it "unless he consulted with somebody else of higher authority" (pg. 37). He was under the impression that PW's were to be disarmed and taken to the CP as soon as they were secured (pg. 7). The witness was issued the MACV cards "Nine Rules" and "The Enemy in Your Hands" in Vietnam (pg. 55). At the time these cards were issued the men were merely told to read them and keep them (pg. 56). They received no instruction on the subject matter (pg. 56).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

While the witness did not recall the memorial service, he remembered Captain MEDINA's briefing (pg. 4). MEDINA told them there was an NVA regiment in My Lai and the men expected a good stiff fight (pgs. 4, 6). MEDINA told them that they were to kill everything in the village (pgs. 4, 40). The men understood this to mean that they were to kill everyone they encountered in My Lai (pg. 5). He did not recollect MEDINA saying anything about a chance to get even (pg. 5).

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Everyone assumed that the orders for the mission came from Lieutenant Colonel BARKER (pg. 5). After the briefing the platoon leaders met with the squad leaders who in turn briefed the men (pg. 6). MITCHELL spoke to his squad and merely reiterated what MEDINA had said (pgs. 6, 7, 40).

3. THE ASSAULT ON MY LAI.

a. General observations.

STANLEY's platoon arrived on the first lift, awaited the arrival of the second lift and moved out on line when the entire company was assembled (pg. 7). They shot and killed a Vietnamese and his water buffalo en route to the village (pg. 8). STANLEY's squad proceeded through My Lai to the left of the main trail which runs through the hamlet's center (pg. 8). They received no fire from the village and encountered no resistance (pg. 8). The platoon fired as it moved (pg. 9). They killed every one they encountered including women and children (pg. 10). This was what they considered their orders to be (pg. 10). Everyone was shooting (pg. 43). He did not notice any visiting officers in the village that day (pg. 24).

b. Specific activities observed in the village.

(1) Actions by the well.

STANLEY's squad came to a well with an open space around it where they stopped for about five minutes (pg. 9). During this time BOYCE stabbed a Vietnamese in the back with a bayonet (pg. 9). BOYCE then grabbed another old man whom he pushed down a well into which he threw a grenade (pg. 9). The witness thought that everyone else in the squad, including MITCHELL, saw this (pgs. 8-10). LAGUNOY brought a Vietnamese to the well who was shot in the head by a soldier whose identity the witness did not remember (pg. 10). STANLEY next saw MITCHELL throw a grenade into a hootch. He did not know if anyone was in it at the time (pgs. 10, 11, 45).

(2) Actions of WIDMER and CARTER.

(a) WIDMER.

The witness observed WIDMER borrow CARTER's .45 and use it to kill a Vietnamese boy (pg. 14). WIDMER

walked within two feet of the boy and shot him in the neck (pg. 14). WIDMER then laughed about it (pg. 14). This occurred during a break (pg. 14).

(b) CARTER.

At about this time and in this area CARTER shot himself in the foot. MEDINA called in a medevac helicopter for him (pgs. 15, 16). The witness did not see MEDINA again until that night (pg. 16).

(3) Activities of WEST's men.

The witness saw some men under Sergeant WEST's control try to rip the clothes off a young girl (pgs. 11, 12, 47). The girl ran crying to her mother and was last seen among the Vietnamese who were huddled together (pgs. 11, 12, 47). The group was composed of four women and three children (pg. 47). When the men found it impossible to get to the girl, one of them said, "Let's waste them" (pgs. 12, 47). All of the Vietnamese were then killed by automatic weapons fire (pgs. 12, 13, 47). ROBERTS and HAEBERLE were in the vicinity when this occurred (pg. 12).

(4) Killings at the temple.

They then came to a temple to the left of the trail near which there were some hootches (pg. 13). There was a group of 15 to 20 people, including women and children, on their knees praying (pgs. 13, 17, 48). They were shot by a squad of soldiers whose identify the witness could not recall (pgs. 13, 14, 48).

(5) CALLEY kills a priest.

As STANLEY's squad came to a large clearing, CALLEY asked STANLEY to translate the answers of a priest CALLEY was interrogating (pgs. 17, 48). CALLEY asked the priest how many VC were in the village and when the VC had last been there (pg. 18). CALLEY accused the priest of being VC and shot him with MEADLO's M-16 (pg. 18).

c. CALLEY kills people at the ditch.

CALLEY then ordered the men to gather up everyone in the village (pg. 18). DURSI, LAWRENCE, MORROW, SIMONE,

BOYCE, and CONTI guarded the group of 75 Vietnamese who were collected (pgs. 18, 19, 48). CALLEY ordered these people into a ditch at the edge of the village (pgs. 19, 22, 48). CALLEY said to his men, "You all know what to do with them don't you?" (pg. 19). CALLEY left and returned a few minutes later. He asked "I thought you guys knew what to do with them?" (pg. 19). Somebody answered, "I thought you wanted us to guard them" (pg. 19). CALLEY retorted, "What are you talking about, guarding them?" I want you to kill them" (pg. 19). He ordered MAPLES to use a machine-gun on the civilians, but MAPLES refused saying, "I'm not going to kill those people. You can't order me to do that" (pgs. 19, 25). CALLEY said "I'll have you court-martialed" (pg. 25). CALLEY told MITCHELL to leave some men behind so those in the ditch could be killed (pg. 20). MEADLO, LAWRENCE, BOYCE, BLAZE, BERGTHOLD and SIMONE were left behind (pgs. 20, 21). It appeared that all these people fired. However, since the witness moved away so as not to see the victims die, he was only positive that MEADLO, LAWRENCE, BERGTHOLD, and CALLEY shot at them (pgs. 21, 49). These persons turned their weapons on automatic and fired into the ditch until CALLEY told them to stop (pg. 21). LAGUNOY did not fire (pg. 26). STANLEY did not hear DURSI tell MEADLO that he would not shoot (pg. 26).

d. Landing of the helicopter.

The witness next saw a bubble top helicopter land next to the ditch (pgs. 23, 49). The person who got out was angry and was moving his hands (pg. 23). This person said something to CALLEY and pointed at him (pg. 49). The man spoke to CALLEY for about five minutes and then took off again (pg. 23). STANLEY did not see the helicopter make other landings or take anyone with him (pgs. 24, 50). The witness thought that BARKER was the person who spoke to CALLEY (pg. 23). After this they were ordered back into My Lai to assist the third platoon in burning it (pg. 50).

e. Order to stop the shooting.

After this the witness overheard MEDINA ask CALLEY over the radio what was going on (pg. 35). CALLEY replied that he had gathered a group of VC suspects (pg. 35). Although STANLEY could not remember MEDINA's exact words,

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MEDINA then said something like, "You better stop the shooting!" or "stop the killing" (pgs. 36). The witness felt that this transmission came after MEDINA had received a message from whoever was up in the helicopter (pg. 36). He knew nothing about a transmission from BARKER to MEDINA to stop the killing (pg. 36). MEDINA's order was passed to the rest of the platoon orally by the squad leaders (pgs. 40, 41).

f. Actions after leaving My Lai.

STANLEY saw National Police at the laager site, but he did not see them interrogate any suspects (pg. 25). He heard something about the National Police shooting someone's finger off (pg. 25).

4. INQUIRIES AFTER THE ASSAULT.

a. Meeting with a colonel at LZ Dottie.

Prior to leaving the field for LZ Dottie on the 18th MITCHELL told the men that there would be officers at LZ Dottie asking them if they had seen anyone killed unlawfully (pg. 27). MITCHELL did not tell them what to say (pg. 27). When asked if they had seen anyone murdered they told a colonel, whom the witness did not believe was HENDERSON or BARKER, that they had not (pgs. 27, 28).

b. MEDINA's meeting.

MEDINA assembled the company after they returned and said that there was going to be an investigation of the My Lai operation (pgs. 29, 30). He indicated that the men should not talk about it (pg. 30). He said that he would take the responsibility for what had transpired (pg. 30).

c. Questions by investigating officers.

The witness never spoke to an investigating officer, and he knew of no one who did (pg. 30). No one else told him to be quiet about the incident (pg. 30). However, after every subsequent briefing by CALLEY and MITCHELL they were told not to talk about it (pg. 30).

5. OTHER INFORMATION.

a. Assessment of his leaders.

The witness thought that Sergeant COWAN was the best sergeant anyone could want in Vietnam and that COWAN was a father image for the rest of the soldiers (pg. 31). STANLEY felt that CALLEY was a little boy trying to impress MEDINA by doing what CALLEY thought MEDINA wanted him to do (pg. 31). The witness was impressed by MEDINA whom he termed a good leader (pgs. 31, 32).

b. Impression of the incident.

The witness opined that what happened at My Lai was a massacre (pg. 34). Some of the men hated the Vietnamese so much they considered them subhuman (pg. 33). While he felt the men were following orders, he observed that those who did not want to kill did not do so (pgs. 34, 35). The men soon forgot about it and passed it off as just another mission (pg. 37).

c. Miscellaneous.

(1) The witness knew nothing about men going into combat under the influence of marijuana, and he knew of no marijuana problem in the company (pg. 32).

(2) He knew nothing about people being killed by B/4/3, but he did see smoke coming from their AO (pg. 32).

(3) He heard rumors about people from the second and third platoons raping women, but he never witnessed anything like this (pg. 39).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV card "Nine Rules"	Witness was issued card in Vietnam.	55,56
M-3	MACV card "The Enemy in Your Hands"	Witness was issued card in Vietnam.	55,56
P-192	Aerial photo of My Lai	1-Place where STANLEY saw man with water buffalo shot as platoon	
		moved toward village.	44
		2-Place at well where BOYCE stabbed one man with bayonet and threw another man down the well.	45
		3-Wit saw man shot in head.	45
		4-Place where MITCHELL threw grenade in hootch.	45
		5-Place where WIDMER shot boy with .45.	46
		6-Place where CARTER shot himself.	46
		7-Place where CARTER medevac'd.	46
		8-Place where he saw 4 women and 3 children shot by WEST's men.	47
		9-Temple where wit saw 15-20 people shot.	48

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-19 ²	Aerial photo of My Lai	10-Place where CALLEY shot priest.	48
		11,12-Place where CALLEY had 75	
		Vietnamese shot in a ditch.	49
		13-Place where helicopter landed.	50
P-6 P-7	Miscellaneous Scenes	Shows witness bandaging CARTER.	51
P-8	Miscellaneous Scene	Shows CARTER being aided by medic.	52
		PHU, WOOD, GREZIK, MURRAY and MEDINA are also in the picture.	52
P-9	Miscellaneous Scene	WIDMER on right, CARTER in center, MORROW on left.	53
P-11	Miscellaneous Scene	MORROW carrying CARTER to helicopter	53
P-12	Miscellaneous Scene	People putting CARTER on helicopter.	
P-33 P-34	Miscellaneous Scenes	Shows temple where wit saw shooting.	53
P-38	Miscellaneous Scene	Children wit saw shot on trail.	54
P-46	Miscellaneous Scene	MURRAY, WOOD, BACON and PHU.	54

(The hearing reconvened at 1325 hours, 24 January 1970.)

MR WEST: The hearing will come to order.

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

Sir, the next witness is Mr. Harry STANLEY.

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

Would you state your full name, occupation, and address?

A. Harry STANLEY, government occupation, GSA, 3637 West Cermak Road, Chicago, Illinois 60623.

MR WEST: Mr. STANLEY, have you read our Exhibit M-57 which sets out information about the nature and purpose of our inquiry here?

A. Yes, I have.

Q. Have you received an order in the general court-martial case of United States v. Calley or United States v. Mitchell?

A. Versus Mitchell.

Q. All right, I wanted to advise you that your testimony here is permissible within the terms of that order. You won't be violating that order by coming here and testifying, and at the same time when you were asked, as you were in this statement here, not to discuss your testimony with others, this doesn't have any effect upon that order. The judge asks you not to discuss matters which might bear upon the issues of those cases, particularly the United States v. Mitchell. Before we go on with any questions, Mr. STANLEY, Colonel MILLER will advise you of your testimonial rights.

COL MILLER: In addition to the Mitchell case, I have an indication that you are also subject to the order of the military

judge in the case of the United States v. Calley. The purpose of the order is the same in both cases. If you should receive an order from the trial counsel in the Calley case, if you have not already, the same thing would apply there as in the Mitchell case.

You read in the exhibit the statement of the purpose of this investigation. We have read prior statements made by witnesses who have been called. Among others, we have read your statement. That is the one you made to the CID, I believe it was in October. And before we proceed further, I want to advise you about your testimonial rights. I'll go over this completely. If you have any questions at any time, I hope you'll please ask me, and I'll do my best to answer your questions.

We have, as a result of reviewing these statements, read the statements of one or more individuals which raises the suspicion that you may have committed the offenses of murder, assault with intent to commit murder, at My Lai (4) on about the 16th of March, 1968. I think you were advised of this at your CID interrogation. That being the case, I want you to understand fully what your rights are with respect to giving testimony and your rights with respect to counsel. First of all, you do have the right to remain silent, to answer no questions whatsoever.

Any statements you do make may be used in evidence against you in a criminal trial.

You have the right to consult with counsel, and by counsel I mean a qualified lawyer. You could have such counsel with you here in this hearing if you wish. You could retain such counsel, civilian counsel, as you might choose at your own expense, or if you prefer, we would appoint a military counsel at no expense to you. If you wish, you could retain civilian counsel and have a military counsel, and both of them could be present at this hearing. You could consult with them, and they could consult with you if this is what you desire. You might decide today that you want to and are willing to answer questions, or at least some questions. If you do, you have the right to refuse to answer any particular questions, or you have the right to refuse to answer any further questions at all or to ask for appointment of counsel or for time to seek

your own counsel at any time. You can request counsel at any time during the hearing. Do you understand the things I've gone through so far?

A. Yes, sir.

Q. Do you have any questions?

A. No.

Q. I have two more questions. The second one is dependent on the first one. First of all, do you want counsel at this time?

A. No.

Q. Are you willing to make a statement and answer questions?

A. Yes, sir.

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

A. Yes, I was.

Q. What was your grade and your duty assignment at that time?

A. Private E-2. I was a grenadier.

Q. And what was your outfit?

A. C/1/20, 11th Brigade, Americal Division.

Q. And was C/1/20 a part of Task Force Barker at this time?

A. Yes, it was.

Q. And you were in the second squad of the 1st Platoon of Charlie Company?

A. Right.

Q. When did you first hear of the planned assault on My Lai (4)?

A. I think it was the day before.

Q. Was this when Captain MEDINA had a briefing with the company at Landing Zone Dottie?

A. Yes, sir.

Q. Now, we've had some people tell us that there was a memorial service for some men of the company that had been killed recently, some time before this briefing. Do you remember that memorial service?

A. No, I don't.

Q. Can you tell us what you remember, just what Captain MEDINA told the company about the upcoming operation and what their orders were?

A. All I remember is that he grouped the whole company together and he told us that orders had come down for our company to go to Pinkville. We were supposed to, in his words, we were supposed to kill everything in the village, and that was all. He told us the time we were leaving and the time we were supposed to get up and how much ammunition we would carry and C-rations.

Q. Did these orders seem to you somewhat unusual?

A. Well, at the time it seemed unusual, yes. All the action we had seen was one man killed and that was the 1st Platoon and all the action after that was minefields.

Q. You lost men to snipers and booby traps and mines but had no real fire fight?

A. No.

Q. How did the men of the company feel about these orders? Did they talk about it? Did they think it was unusual?

A. Everybody thought it was kind of different. I know I did. But they had some intelligence that VC were definitely there. There was an NVA regiment there and had been occupying the village.

for quite some time. That's what they told us.

Q. Did Captain MEDINA give any indication of where this mission came from, these orders?

A. He probably did, but I don't know. I know everybody assumed they came from the colonel.

Q. Came from whom?

A. Colonel BARKER.

Q. Colonel BARKER? Do you know whether Bravo Company got the same mission?

A. No, I don't.

Q. Do you recall Captain MEDINA saying anything about this operation, giving the company a chance to get even with the VC for what had happened to you?

A. No, I never heard him say that.

Q. When you talked to the other men in your squad, how did they interpret the orders?

A. Well, the only person I can remember talking to was Robert BLAZE. And these were his words: "These people must be crazy, man." I said, "Yeah."

Q. Was it your understanding, and that of the other men in your squad, that you were supposed to kill every person you came upon in the village?

A. That was our understanding. That's the impression everybody got.

Q. Who was it you talked to?

A. Robert BLAZE.

Q. CARTER was in your platoon, wasn't he? I think he was in the first squad, though. He testified here some 3 or 4 weeks ago, and he spoke very highly of you, and I gather that you were friends.

A. I knew him.

Q. You weren't closely acquainted then?

A. No.

Q. What was the mood of the men after Captain MEDINA gave his orders?

A. We had just come off the field and just come off the minefield too. It was kind of a surprise to us that they were sending us straight back into the field, but they did. Everybody's morale was down, but I guess a lot of soldiers felt like they would get even with the people. At the time, they told us there would be VC there, and everybody thought that it was a chance to get back at them.

Q. Did you expect a good stiff fight in there that day?

A. The way they talked, I really did.

MAJ ZYCHOWSKI: Were you briefed by your platoon leader after Captain MEDINA briefed you?

A. Yes, I think we were.

Q. Was his briefing any different? Did he emphasize anything else?

A. Actually, the platoon leader had a meeting with the squad leaders, and then the squad leaders and platoon sergeant came back and told members of the squad what we were supposed to do and everything.

Q. So you were briefed then by the squad leader?

A. Right.

Q. Do you recall his briefing?

A. Well, he just reiterated what Captain MEDINA had said. Then our squad leader told us how much ammo and everything he wanted us to carry.

Q. Do you remember who this was that gave you this

briefing?

A. Sergeant MITCHELL.

Q. Do you recall if you had any engineers attached to the company at this time?

A. I don't remember.

MR WEST: You know there were two engineers, and we've been trying to find out their names for weeks, but can't come close.

COL MILLER: Did Captain MEDINA tell you how you were supposed to take care of prisoners, not at this time, but at some prior time?

A. I couldn't say. Everybody got the impression that if you captured a prisoner, if he had a weapon, you were supposed to take his weapon, blindfold him and tie his hands behind him.

Q. How about sharing your food with him as long as you had him?

A. Well, nobody ever told me about that.

Q. And after you disarmed him and tied his hands, what were you supposed to do with him?

A. Well, take him to the CP. Usually, when we caught prisoners, the only thing we did, if he had a weapon we took his weapons, but I don't remember anybody ever catching one with a weapon. But anyway, if you captured a prisoner you blindfold him, tie his hands behind him, take care of him, or you keep him or take care of him until a chopper comes in to take him in.

Q. I take it you're referring primarily to either VC or VC suspects?

A. Right.

MR WEST: Could you tell us, Mr. STANLEY, just what occurred the next day when the 1st Platoon was lifted in to the landing zone near My Lai (4)? You have before you now an enlarged aerial photograph of My Lai (4) and the vicinity (Exhibit P-1).

(The witness was given an orientation on the aerial

Q. Please go ahead.

A. We pushed on through the village and people were running everywhere, and it seemed like every time somebody run somebody shoot him. They was running all through the village because people were shooting at them.

Q. Was the platoon firing as they moved?

A. That's right.

Q. I though you had something very descriptive in your statement to the CID agent, Mr. KASH. You said, "There was on-line fire, which means that almost everyone armed with an M-16 was walking and shooting at the same time." Is that the way it was?

A. Yes. And then they pushed on through and we held up by a well, probably right in here somewhere. There was a well. There was an open space there, area, and we had held up there for about 5 minutes, then one of the soldiers came over with a Vietnamese and stabbed him in the back with a bayonet.

Q. Was this BOYCE?

A. Yes.

Q. Okay.

A. Then he ran over to another Vietnamese person, an old man, and grabbed him and threw him in a well, and then threw a hand grenade down behind him.

Q. Was the man killed?

A. I didn't see him die. I know he dropped the hand grenade down the well behind him.

Q. Did anybody else see this with you?

A. Everybody that was in the squad, I guess. Mostly everybody anyway.

Q. Was Sergeant MITCHELL there at this time?

A. Yes, he was.

Q. Anybody else?

A. Sergeant MITCHELL was there. MAPLES was there, and I think WOOD.

Q. Is this Roy WOOD?

A. Yes. I know BLAZE was there, and I was there. I remember Sergeant MITCHELL.

Q. How about SLEDGE?

A. Yes, SLEDGE was there.

Q. Now up to this point, I get the impression that men of the 1st Platoon were shooting and killing everyone they came across, men, women, children, everybody.

A. That's about the way it was.

Q. In other words, they were carrying out what they understood their orders to be?

A. Yes.

Q. Okay, what happened after the incident near the well?

A. Well, somebody - - I think it was LAGUNOY and somebody else, I don't know who it was - - brought up a Vietnamese person up to this trail where we were stopped there by the well, and somebody shot him in the head. I don't remember who that was. Then there was a group of people about five women and children or something, but anyway, we had held up there - - no, the next thing, Sergeant MITCHELL threw a hand grenade in a hootch. Just walked up to a hootch and threw a hand grenade in.

Q. Is this the one where the old woman ran out of the hut?

A. I didn't see anybody run out.

Q. Well, I think, as I remember you told Mr. KASH, an old woman ran out of a hut then she went back inside, and Sergeant MITCHELL threw a grenade in the hut after her. Is that about the way it was?

A. All I remember is him throwing the hand grenade in. He didn't look to see if there was anybody in there or not.

Q. Could you tell if there were any people in there?

A. The only way to tell is to go in and find out, I guess.

Q. All right, what's the next thing?

A. After that, there were about four women and two kids or three Vietnamese, and a squad from the 2d or 3d Platoon - - there were about 20 or 30 people behind them on the trail - - they brought these people up, and then the youngest one, they were trying to tear the clothes off of her, and then she went running to her mother, I guess.

Q. Before we get to this, Mr. STANLEY, do you remember the incident that happened around a little temple where some incense was burning.

A. That happened after this.

Q. Did that happen after this or before?

A. If we're talking about the same thing, I think it was afterwards.

A. All right. You told Mr. KASH about some old women and little children, about 15 or 20 of them in a group around the temple where some incense was burning. They were kneeling and crying and praying, and various soldiers - -

A. (Interposing) That was after this.

Q. Okay, we'll get to that in a minute. Let's go back to the other one then.

A. And then they were trying to tear her clothes off.

Then she ran to her mother. I guess her mother anyway. They were all huddled up and trying to keep her so they couldn't get to her. Then finally one of the guys say, "Let's waste 'em." And that's exactly what they did. They turned their weapons on automatic and fired.

Q. Were these men from the 2d Platoon?

A. Second or 3d Platoon. I think it was the 2d Platoon.

Q. Was Charles WEST in charge of these men?

A. Right.

Q. Do you remember some of the others who were there?

A. The only two I can remember definitely were Charles WEST and SMITH.

Q. How about MAKEY at that time?

A. I think MAKEY was there.

Q. Was CARTER staying with you at the time. He told us about this.

A. I think he was the RTO, and at the time Sergeant MITCHELL was the platoon leader and our squad leader. I think that's the way it was. But anyway, CARTER, the next thing that happened after that - -

Q. (Interposing) I want to finish with this other first, Mr. STANLEY, if you don't mind. I want to show you a photograph too. We've also talked to, I guess he was Specialist ROBERTS at the time and Sergeant HAEBERLE from the PIO detachment. Did you see them there that day?

A. Yes, I did.

Q. Were they in the vicinity when this was going on?

A. Yes.

Q. I show you a color photograph which was taken by Ron HAEBERLE at the time. This is Exhibit P-40. Does that look

anything like the group you saw there that you were talking about?

A. Yes.

Q. Could you pick out the girl that was buttoning up her blouse?

A. That's the one there. I think that's the one that they were trying to tear her clothes off.

Q. She's just to the left and looking down; just to the right of the woman in the foreground: she's buttoning her blouse. And what did you say happened to this group?

A. One of the guys said, "Let's waste them." Then they turned their weapons on automatic and just pulled the trigger.

Q. And were they all killed?

A. Yes, they were.

Q. This term "to waste them" is new to me. Was that a pretty common expression in the company?

A. No, it wasn't. As a matter of fact, that was the first time I heard it over there.

Q. We've received other testimony indicating that Lieutenant CALLEY used that phrase later on. I'm like you; I hadn't heard it before. All right, would you tell us now about the episode where the old women and children were in a group around the temple?

A. Well, that was to the left of the trail where the squad mainly were, and there was a hedgerow and there was another open space on the other side there, and they had some hootches kind of in a square like, you know, hootches all around. There was a temple there, and there was a group of people down on their knees praying and those guys were shooting them.

Q. These men that were shooting them, were they from 2d Platoon or 1st Platoon or could you tell?

A. I don't remember.

Q. Do you remember anybody else who saw this with you?

A. Well, SLEDGE had to see it, and I know BLAZE was there.

Q. How about MITCHELL or Sergeant BACON?

A. I don't remember.

Q. Did you see WIDMER along about this time, maybe a little bit after this?

A. We had held up for a break, I think. Anyway, there was a kid, a child, Vietnamese child. It was another trail along about like that, adjoining to the one we was on, and the kid was coming from around the trail, and then WIDMER came up and asked CARTER could he use his .45. CARTER gave it to him. WIDMER walked up and shot the kid.

Q. In your testimony to Mr. KASH, you indicated that WIDMER was just about 2 feet from the boy and shot him through the neck.

A. It was either the neck or the side. I think it was the neck.

Q. Do you remember what WIDMER said when he did that?

A. Yes, he said something to this aspect: "Did you see that fucker die?"

Q. You told Mr. KASH he also said - - no, you said to him, "I don't see how anyone can just kill a kid."

A. That's right.

Q. Did WIDMER say anything to that?

A. He just laughed.

Q. Did CARTER see this shooting?

A. I am sure he did.

Q. Did he say anything about it?

A. I don't remember at the moment.

Q. You may remember, this is back in October when you were talking to Mr. KASH, but apparently you told him at the time that CARTER yelled, "I can't take this no more."

A. Oh yeah. CARTER acted like he was kind of neurotic after, I guess, seeing all those people get killed. He just got neurotic. That's the only way you can describe it.

Q. And was this near the time when he shot himself in the foot?

A. Yes, it was.

Q. Now do you remember, after WIDMER shot the little boy, he had CARTER's pistol. Do you remember anything about the pistol jamming? There's been some testimony that when he shot the little boy, the pistol jammed, that CARTER took it back, and he was trying to get it unjammed and it went off.

A. That's what CARTER said after.

Q. That's the point in controversy, you see. This is why I'm asking you.

A. I don't remember seeing him with the pistol jammed. All I remember is him shooting the kid and giving it back to CARTER.

Q. And the next thing that happened was CARTER was shot in the foot?

A. I was in front of him. There was a hootch and CARTER was here and I was here and this is a trail (indicating) and WIDMER gave CARTER his pistol back. Everybody was just standing around, and the next thing I know there was a shot fired. Everybody got down because we thought, well, after we had come through the village now maybe the VC were going to come out. Then I heard CARTER holler, so I went around the hootch and I looked. I couldn't see where he was shot at, and I looked down at his foot and he had a nice little hole in it. I cut his boot off and his sock off, and I

was bandaging it up and the medic came.

Q. Was that CAPEZZA?

A. I don't know who the medic was.

Q. There were several medics. CAPEZZA was the head aid man, but there was LEE, GARZA, FLORES.

A. I think FLORES came; I'm not sure.

Q. Do you know of anybody that actually saw CARTER at the time he shot himself?

A. No.

Q. Did you see Captain MEDINA during this time?

A. I saw Captain MEDINA one time, and that was - - he was on this trail, on the trail in the village. He called in a helicopter, and he came up there to look at him to see what was wrong. I didn't see him any more until that night.

Q. Did you go out and watch the medevac, watch the dustoff?

A. Yes, when the helicopter came, the helicopter was about here, and I was still here guarding this rice paddy (indicating).

Q. Do you mean you went out on dustoff security?

A. No, we was all spread out in the village. I didn't go and help them take CARTER out?

Q. You didn't go out to the edge?

A. No, because it was pretty close to the trail where we were.

Q. Did you see MEADLO anywhere around this time guarding a group of people? I'm not talking about the east end where there was a big ditch, but in the village there, maybe down toward the south edge, with a group of people?

A. Not that I recall.

Q. Did you see DURSI with a group of people in the village? I'm talking about Vietnamese civilians that had been rounded up.

A. Not at that time. The only time I seen him with a group of people was when - - in this area (indicating).

Q. I tell you what, Mr. STANLEY, let's step over here by the big sketch on the wall. The hearing will be recessed.

(The hearing recessed at 1410 hours, 24 January 1970.)

(The hearing reconvened at 1420 hours, 24 January 1970.)

RCDR: All present when the hearing recessed are again present. Mr. STANLEY you are reminded you are still under oath.

MR WEST: I believe that when the hearing recessed we had proceeded to the point where CARTER had shot himself and he had been medevac'd out. Do you recall what you did and what you saw after this time, Mr. STANLEY?

A. After CARTER shot himself? Then we moved north, I guess. There was an open area over in there where the temple was and all those people. That's when we were back in this area, and Lieutenant CALLEY had a priest somewhere over in this area - - no, it was an old lady laying on a cot, a Vietnamese bed, and there was a priest there dressed in white, and Lieutenant CALLEY wanted me to interpret, interrogate.

Q. Who was acting as interpreter when you got there?

A. They had a platoon interpreter, GRESZIK, Specialist GRESZIK.

Q. Was GRESZIK a good interpreter?

A. I can't say.

Q. Anyway Lieutenant CALLEY wanted you to interpret?

A. Yes.

Q. Okay what happened then?

A. Then I questioned him and told him whatever it was Lieutenant CALLEY told me to tell him.

Q. What was the conversation, back and forth?

A. I don't remember exactly, but I do remember that Lieutenant CALLEY asked me to ask him how many VC were in the village and when was the last time there were VC there. Then he told me to tell him he was a VC. And Lieutenant CALLEY just said to the priest, "You're a VC." And he pushed the priest out there and shot him. And by that time - -

Q. (Interposing) You told Mr. KASH that he shot him with MEADLO's M-16.

A. That's right. Anyway, by that time there were some guys from the first squad, I think, of our platoon, first squad of the 1st Platoon. They had a group of people there - -

Q. (Interposing) What happened to the old lady on the bed?

A. I don't remember. Anyway they came up with a group of people that they had gathered up, because Lieutenant CALLEY had told them to gather up all the people in the village and they did.

Q. Do you remember who was guarding the people?

A. I know that DURSI, and I can't think of this guy's name. It was Hershel or something like that. That was his nickname or something. But anyway DURSI, Hershel, and MORROW.

Q. SIMONE?

A. Yes, SIMONE.

Q. How about BOYCE? Was he there?

A. I think BOYCE was. I don't remember for sure, not in with that certain group of people. Anyway, they brought them all up.

Q. How about CONTI?

A. Yes, CONTI was there. Then the next thing - -

Q. (Interposing) Where was this group of people when you first saw them? Were they near the old lady on the bed and the priest in the white robe?

A. There was a couple of hootches over in there. And they had them all gathered up around in that area. Then Lieutenant CALLEY said, after he went up, he told them, "You all know what to do with them, don't you?" And so then he left and went back this way, and then he came back and he said, "I thought you guys knew what to do with them." Somebody said, "I thought you wanted us to guard them." He say, "What are you talking about, guarding them? I want you to kill them." And then MAPLES came up with the machinegun crew and he told MAPLES to load his weapon so he could kill the people. And he said, "I'm not going to kill those people." And he said, "You can't order me to do that." Just like that. And then he kept a group there, and I was still here and he told them. By this time the other squad was moving over to this area. There was some parts of this platoon and the other platoon that was over here already, and we were supposed to join up with them.

Q. Second Platoon?

A. I guess it was.

Q. Let's go back a bit, Mr. STANLEY. I don't understand the location of this group of people. You mentioned in your statement to Mr. KASH that they were near a ditch and that Lieutenant CALLEY ordered the people pushed into the ditch. Now, we've had evidence of two ditches. One was east of My Lai (4), east of the village, across a rice paddy.

A. This one wasn't across the rice paddy. It was right at the edge of the village.

Q. Would you step up to the sketch again?

A. It was over in here somewhere (indicating).

Q. Let the record show that Mr. STANLEY was indicating the east edge of My Lai (4), somewhat north. Mr. STANLEY, we had a witness, KINCH, in here yesterday. He moved with the command

group, and he told us how he proceeded from the point roughly about where CARTER was when he was shot, shot himself, moved to the north, and then angled off to the northeast, across a ditch in here somewhere. He put it about in here, and he's not sure whether the ditch went this way or that way.

A. I know it was over from here.

Q. He looked down the ditch and he saw a lot of people that were dead in it.

A. I don't know. It seemed like it was more over in this.

Q. Now, there's a ditch over here.

A. No, it was on this side.

Q. But we have evidence of people in both ditches. One over here and one over here, but it was definitely in the village. You're not exactly sure where it is.

A. Did you say the ditch was here?

Q. KINCH puts in here somewhere.

A. This is where the other platoon was. You could see this area from where the ditch was because--

Q. (Interposing) From the ditch inside the village you could see the little hamlet a little east and a little south of My Lai (4). Would you just describe what happened at that ditch please? You had got us up to the point where Lieutenant CALLEY had told MAPLES to load his machinegun and shoot the people and MAPLES said he wasn't going to do it. What happened after that?

A. Well, the next thing I can remember happening was he told Sergeant MITCHELL that he wanted to leave some men behind in the squad so they could shoot these people. And I remember MEADLO was left behind and HERSHEL was left behind. And I was still down there with the M-79.

Q. Was BOYCE there?

A. Yes, BOYCE, BLAZE, I think MORROW, and that's all I remember.

Q. How about SIMONE, BERGTHOLD--

A. (Interposing) BERGTHOLD, yes, I know BERGTHOLD was firing, but I was trying to think of SIMONE.

Q. You mentioned somebody named LAWRENCE.

A. Yes, that's the man I've been trying to think of. That's the guy nicknamed Hershel.

Q. Hershel.

A. Yes, LAWRENCE. But anyway, and then he told them that he wanted them to kill those people, and they turned their weapons on automatic and started pouring bullets in and reloading until he told them to stop.

Q. Did all those people fire into the ditch, participate in it?

A. That's the way it looked from where I was. I couldn't say whose weapon was shooting and whose wasn't because--

Q. (Interposing) How close were you?

A. Well, like I say, the ditch was along the edge of the village and I was next to Lieutenant CALLEY and then MEADLO about 5 feet in front or something like that. And then when they started shooting the people, I wasn't too interested in seeing that, and so BLAZE and I started moving over to where the other platoon was, across the rice paddy, and we got about right here. A helicopter landed.

Q. Let me get you orientated on this photograph, Mr. STANLEY. This other little subhamlet was over here on the southeast corner. The ditch was somewhere in the east end, probably in the southeast corner of My Lai (4). So you moved east across the rice paddy into this little subhamlet southeast of My Lai (4)?

A. That's where the men in the other squad was already moving over, and then our squad was moving over except the

men that was left behind.

Q. Most of the platoon, then, went over?

A. Yes, the rest of the platoon was already over there.

Q. Now, did you set up a perimeter over there around this little subhamlet?

A. I think that's where we spent the night at, on the other side of it.

Q. That actually was quite ways to the other side, where you joined up with Bravo Company.

A. I don't remember--well maybe we did, I don't remember.

Q. When you were over here you set up a perimeter across the rice paddy and near this other little subhamlet. Did you see another ditch with people in it?

A. No.

Q. Well, we have considerable evidence that there was an irrigation ditch that runs along the east end of this little subhamlet, extends up beyond it to the north. Right along in that extension there, there was some other people, maybe 40, 50 people found dead. You feel sure, however, that the ditch you saw where MEADLO and CALLEY and the others pushed the people in the ditch and shot them was back inside the village?

A. Yes.

Q. This couldn't have happened after you moved out here?

A. Not that I remember. Because I remember looking from here, from this side over here. That's where the rest of the people were. That's the way I remember.

Q. Could you tell us now about seeing the helicopter land?

A. The helicopter landed right at the ditch. And I don't know who was in it, but I think it was Colonel BARKER, I'm not sure. I don't know who was in it, but it was his personal helicopter. But, anyway, he landed and he was waving his hand like he was pretty angry. He wanted to know what was going on.

Q. Who talked to him?

A. Lieutenant CALLEY.

Q. Was this a bubbletop helicopter?

A. Yes.

Q. Did you ever hear that it was a warrant officer named THOMPSON who piloted that helicopter?

A. I don't know who it was, but like I said, I think it was Colonel BARKER.

Q. What all happened there?

A. By that time my whole squad was moving to the other area where the rest of the people were.

Q. Which way were they moving?

A. Moving this way.

Q. Did any of them move up to the north or anything, or just generally east?

A. I don't remember.

Q. Okay.

A. We were spread out. All I remember, my squad was moving on a straight line across here.

Q. Now, with reference to this other little subhamlet and where you had set up the perimeter, would you point out about where the helicopter landed?

A. Well, wait a minute. If the ditch was here, we set

up a perimeter out here, just like this. And if it was here, it was the same. And then a helicopter landed right at the ditch.

Q. Well, we do know that there was a ditch there with people in it, and we know the helicopter landed near the ditch, that ditch with people in it.

A. I don't remember us crossing no rice paddy to get there, but we could have.

Q. This helicopter landed about three times. One time the pilot talked to CALLEY. One time the pilot talked to MITCHELL. One time the pilot landed near the ditch, two crew members got out and took a little child out of the ditch, got in the helicopter, and took it off to a hospital. Did you see any of that?

A. No.

Q. About the time the helicopter landed and the pilot talked to Lieutenant CALLEY, did you see the crew members, the doorgunners do anything? Did you see them get out of the helicopter?

A. Like I say, I was facing out this way, like this. If the ditch was here, I was facing here. And I just looked back to see who it was in the chopper and all I could see was him doing his finger at him like that. I remember COX was there too. I forgot all about him.

Q. Did you see any visiting officers there that day from the task force or brigade or division?

A. In the village?

Q. Yes, that morning during the operation. Did anybody come to visit you?

A. I didn't see anybody in the village.

Q. Charlie Company moved on out to the east toward Pinkville, shown on the map as My Lai (1), and they joined up with Bravo Company and laagered in for the night. Do you remember that?

A. Yes.

Q. Did you see any National Police that evening?

A. Yes.

Q. What were they doing?

A. Well, actually the only time I seen them they was with the company CP.

Q. Did you see them questioning any prisoners?

A. No.

Q. Did you see anybody cut a finger off one of the prisoners?

A. No, but I heard somebody say something like they shot a finger off, going to shoot one off. I heard about it. That's all. I didn't see it.

COL MILLER: At one point you stated that Lieutenant CALLEY told MAPLES to shoot a group of people. Where did MAPLES do that?

A. All he said is, "You can't order me to do that." He said something, I forgot what he said. Anyway, he moved on with the rest of the platoon.

Q. CALLEY didn't say or do anything about it?

A. Not that I remember. I think he said, "I'll have you court-martialed," or something, and he said, "Well you can't order me to do that, lieutenant."

Q. And then CALLEY looked around and ordered somebody else to do it.

A. Yes, he looked around picking out people, I guess, that he could trust to do it.

Q. Where did MAPLES go then? Do you know?

A. No.

Q. Or did he stay around?

A. I don't remember.

MR WEST: Do you remember hearing Lieutenant CALLEY say something to MEDALO such as, "We've got another job to do MEDALO"?

A. No.

MAJ ZYCHOWSKI: Mr. STANLEY, do you recall seeing anybody from C Company that had cameras out there with them and took pictures?

A. No, I don't.

MR WEST: I might particularly ask about WIDMER, WIDMER used to take a lot of--

A. (Interposing) Yes, there were a lot of cameras, but I don't remember him having one that day.

Q. We had DURSI in here to see us, and DURSI said he stood by MEADLO while MEADLO was firing into the ditch, and MEADLO told him, he said "Fire. Why don't you fire?" and DURSI said, "I can't, I won't." Did you hear any of that?

A. No, I didn't.

Q. Remembering where these people were at the time, could MEADLO have heard MAPLES refuse to fire into the ditch?

A. I know I heard it. Lieutenant CALLEY, MEADLO and DURSI should have heard it, Roy WOOD, and LAGUNOY.

Q. They were all standing there pretty close together?

A. Well, LAGUNOY was assistant gunner at the time.

Q. Did LAGUNOY fire into the ditch?

A. No, he didn't, not that I remember anyway. He was with the gun crew.

Q. Did he have to serve the machinegun, feed the belt into it?

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- A. I think he had a .45 anyway. No, I don't remember him firing anything.
- Q. Do you remember being lifted back into Landing Zone Dottie by helicopter?
- A. Yes.
- Q. Can you tell us what happened when you landed there?
- A. When we landed, before we went in they told us that some colonels would be asking us if we seen anything. I forgot how they put it.
- Q. Somebody talked to you before you left the field?
- A. I think, if I remember correctly, they did.
- Q. Do you remember who this was?
- A. I think Sergeant MITCHELL told us.
- Q. What did he say?
- A. He said when we get in, there would be some colonels and officers asking us--I forgot how he put it--about if we saw anybody murdered or killed in the village unlawfully or something like that.
- Q. Did he tell you what to say?
- A. No, he didn't.
- Q. What happened when you landed there at LZ Dottie?
- A. Some colonel asked us did we see anybody get killed unlawfully or murdered or something like that, to that effect. And I said no.
- Q. Did he single you out and ask you a question?
- A. Well, there were six people on my chopper and I was one of them. We all said no.

Q. Did you know who this colonel was?

A. No, I don't.

Q. Did you know Colonel HENDERSON at the time?

A. Yes, I did.

Q. Was this Colonel HENDERSON?

A. No.

Q. You're sure of that?

A. Yes, I am.

Q. The reason I'm asking is that Colonel HENDERSON was here and testified, and said he went out and met three helicopter loads full of men and talked to them and asked them if they had seen any improper treatment of civilians or unnecessary killing, something like that.

A. It was that effect, but it wasn't Colonel HENDERSON that asked us.

Q. Did you know Colonel BARKER?

A. No. Not at the time, but it wasn't him either.

Q. Could you tell, was it a lieutenant colonel or major?

A. No, I couldn't.

Q. Who was with you at the time? Do you remember that, Mr. STANLEY?

A. The only person I know was BLAZE.

Q. Did MITCHELL go back with you at that time or did he stay?

A. There was six people in the chopper. The only person I remember on the chopper, we came in together, BLAZE. That's the only one I can remember.

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Q. You're pretty sure it wasn't either Colonel HENDERSON or Colonel BARKER? If we showed you some photographs do you think you could remember what he looked like?

A. I think so.

Q. You can try anyway. We'll have a short recess.

(The hearing recessed at 1500 hours, 24 January 1970.)

(The hearing reconvened at 1507 hours, 24 January 1970.)

RCDR: All persons present when the hearing recessed are again present. I remind you once again that you are under oath.

MR WEST: Let the record show that during the recess I showed a number of photographs to Mr. STANLEY while masking the name tags appearing on the photographs, and out of photographs of six different officers, he selected Captain KOTOUC. If I understood you correctly, Mr. STANLEY, you indicated that it was Captain KOTOUC, or you thought it might have been?

A. It was either him or the one on the back.

Q. The photograph on the back of this sheet of photographs is Lieutenant Colonel BLACKLEDGE, whose photograph has been admitted into evidence at P-53. Captain KOTOUC's photograph has been admitted in evidence at P-52. So in your opinion, it was either Captain KOTOUC or Lieutenant Colonel BLACKLEDGE who--

A. (Interposing) I know it was none of the others.

Q. It was not Colonel HENDERSON or Major CALHOUN or Major MCKNIGHT or Colonel BARKER. Do you remember attending a meeting of the company at which Captain MEDINA talked to you about My Lai (4), said there was going to be an investigation, and said some other things about it? Do you remember that?

A. Yes.

Q. What do you remember as to what Captain MEDINA said? We've had different versions of this. We'd like to hear your recollection.

A. The only thing I remember him saying is he said there would probably be an investigation about what happened at My Lai. He said something about we wouldn't have to take the responsibility or something like that, something to that effect.

Q. How long did he talk?

A. I don't remember.

Q. Did he indicate that you shouldn't talk about it?

A. Yes, he did.

Q. Did any investigating officer ever come to see you about what happened at My Lai?

A. No.

Q. Do you know any member of the company that was questioned by an investigating officer about My Lai?

A. No.

Q. Did anybody else tell you to keep quiet about it?

A. Nobody, but after every briefing we had, we had the same briefing by our platoon leaders and platoon sergeant.

Q. Your platoon leader was Lieutenant CALLEY. What did he say about it?

A. Just reiterated the same thing.

Q. How about Sergeant MITCHELL?

A. Same.

Q. Did you have much to do with Sergeant COWAN, the platoon sergeant?

A. In my opinion, he was about the best sergeant that anybody could want in Vietnam, kind of a father image for the rest of the soldiers. All the guys in the platoon liked him.

Q. He told us that he sort of brought up the rear as you moved through. Is that the way you recall it?

A. I don't remember. I don't remember seeing him in that village.

Q. We talked to him several weeks ago and he said his post was at the rear of the platoon. He came through after everybody else had moved ahead. What did you think of Lieutenant CALLEY as an officer?

A. To me he was the type to try to impress the bigger guys. He was a little boy who just came in off the street, I guess. Anyway, it seemed like he tried to impress Captain MEDINA, tried to do what he thinks Captain MEDINA wanted to do. That's the way I see it.

Q. Do you think he was trying to imitate Captain MEDINA?

A. I wouldn't say imitate; I'd say impress.

Q. What was your feeling about Captain MEDINA as an officer, company commander?

A. I don't know what other people may say, but to me, I could be wrong, I don't know, but Captain MEDINA, it seemed like the men would follow him. If he said he got an order for us to go to Hanoi, I believe that the men would follow him without any question. That's the only thing I can say about him.

Q. Everybody was loyal to him.

A. Guys may say things behind his back or something. "Mad Dog" MEDINA or something like that. That was just a nickname. He didn't care. I think he kind of enjoyed them calling him that.

Q. We were told that he got that nickname in Hawaii because he was such a fierce competitor.

A. Yes, that's right. Charlie Company first, always first. And we were too, in everything.

Q. That's the story we got. That he had a rivalry with another company commander and he was always beating him, and one time this other company commander called him "Mad Dog" because he was always trying so hard.

A. I don't know how he got that name, but wouldn't nobody say it to his face.

Q. But anyway, you were impressed by him?

A. That's the way I see it.

Q. I have a series of general questions I'd like to ask you. One of them is this; there was a report in November in the newspaper that there may have been some men of the company that were under the influence of marijuana that morning in My Lai (4). That is, they were going into combat under the influence. Do you know anything about this?

A. No, I don't.

Q. Was there a marijuana problem in the company?

A. No.

Q. We've had a few people tell us that there was considerable smoking of marijuana by different people now and then, but it wasn't a serious problem. We've only had two people tell us that there may have been people there that morning that were high on marijuana. You didn't observe anything of this?

A. No.

Q. Did you ever hear anything about a similar incident occurring in the company, Bravo Company, area over near the coast, right along the coast, the same day, 16 March, or the next day?

A. The only thing I remember about Bravo Company, they were burning a whole lot of villages, could see smoke for a long way from where they started to where they end. You could see smoke where we were.

Q. Did you ever hear anything about a bunch of civilians being killed?

A. No, I didn't hear about anyone being killed.

Q. What was the attitude of the men of Charlie Company toward the Vietnamese people? Did they like them, dislike them?

A. Well, there's different people. You know how they all have different impressions about different things. Some guys hated the sight of them, and some guys just tried to cope along with the situation. Some guys just hated being in Vietnam, hated the people because they were in Vietnam. Different people have different impressions.

Q. Well, we're told that you got along with them, learned some of the language. You liked the children, played with the children. I have sort of a related question. Did you notice any feeling, perhaps on the part of some of the members of the company, that the life of a Vietnamese person just wasn't worth as much as the life of an American person? So that if you killed a "dink", let's say, it wasn't the same as killing an American. Were you aware of any such feeling as that?

A. Well, I've heard guys say they're not human.

Q. We're groping for some answers to things that happened there that day. Some people have suggested that this was a part of it. A man who may kill little boys and babies and women, who obviously weren't doing anything, just might have felt it wasn't like killing an American. Do you think that has any logic to it, any basis?

A. It has a whole lot of logic. It's just the way they felt. I couldn't make a statement on it. The only thing I can say, I believe that's the way a lot of them felt. That's the way they acted: just like everything they had been taught from the time they grew up to the time they got to Vietnam just didn't mean anything, just wasn't real.

Q. We heard testimony about WIDMER; I think he was one. He shot somebody and then said, "I just wondered if I could shoot somebody." After that, he went around and finished off a number

of the wounded. I think it was CARTER who called WIDMER "Mr. Murder Incorporated." He had observed WIDMER doing this thing. Of course, he had borrowed CARTER's pistol. You didn't hear any of this, I take it?

A. No.

Q. In your opinion, Mr. STANLEY, if you had to characterize what happened that day in My Lai, what would you say as to what happened? What brought this thing about? As you know, there were a lot of Vietnamese civilians killed there.

A. The only thing I can say is, one thing they had been given an order which they really didn't have to follow unless they were getting fired at. I say they, but I mean we, because I was there too, and I was one of the soldiers there. And the way I see it is every person is different. Every person is a single. There's no two people alike. And killing is not a group thing. It's what's in the individual because these are the ones that have to live with it. If you kill somebody, you're going to have to live with it. That's the way I see it. All this killing is just--massacre. That's what it was.

Q. Well, we have a good bit of evidence on the 2d Platoon. All indications are that the 2d Platoon moved in under control of its officer and its noncoms and methodically killed everybody they came to, every Vietnamese in their part of My Lai, just as they came upon them. Indications are that the 1st Platoon did about the same thing except that they stopped to gather some groups together. And as you saw, one large group was put in a ditch and killed. We have strong evidence that the 2d Platoon, men of the 2d Platoon were acting under close supervision. They seemed to be just carrying out their orders. Did it seem to you it was the same way in the 1st Platoon?

A. That's about the way it was. There was a lot of guys against it, but there wasn't much they could do about it.

Q. I understand that some men were not shooting. They were not participating. But we've had quite a few men tell us that they felt that they had to do it. These were the orders. They were supposed to do it, and if they didn't do it, they'd be punished, and so they did it. There were perhaps others who were willing to do it. I ask you this to test out the idea that

the killings that took place in the 1st Platoon area might have been acts of individuals acting on their own, out of control. Do you think there's anything to that theory?

A. I don't think there's too much to that. I believe they were just going along with the orders. The ones that wanted to kill was killing. The ones that didn't want to kill weren't. That's the only thing I can say.

Q. Now, do you remember hearing, during the morning and perhaps some time around the time of CARTER's dustoff, an order given to stop the killing, stop the shooting?

A. That's what Captain MEDINA told Lieutenant CALLEY.

Q. Now, were you near enough to him at the time to hear something over the radio?

A. Yes, I was. Captain MEDINA told Lieutenant CALLEY he wanted to know what's going on up there. Lieutenant CALLEY told him that he had a group of people, he had some people he was grouping up, VC suspects, and Captain MEDINA said something-- I don't remember exactly--that's about the way it was.

Q. Do you suppose you could think hard and remember what Captain MEDINA said in response? This could be very important. Let me go back a little bit while you're thinking about that. Did you hear a message come in over the company radio which probably could have been the radio which MURRAY was handling or it could have been WOOD's, probably MURRAY's, but from somebody outside, probably somebody in a helicopter, inquiring about the killing, saying to stop the killing?

A. No, I don't.

Q. But you did hear Captain MEDINA give a message to--

A. (Interposing) Lieutenant CALLEY.

Q. And Lieutenant CALLEY said he had a bunch of people grouped together?

A. He said he had a bunch of people up there grouped together, VC suspects.

Q. Can you remember what Captain MEDINA said back to him?

A. No, I can't.

Q. Well if you can't remember the words, can you remember the idea of what it was?

A. Well, anyway, it was like, "You better stop that shooting," or something like that, or, "Stop that killing," or something. I think, like you said, I think it was after Captain MEDINA had got the message from whoever was up in the helicopter about him, with the people down there.

Q. We've had some testimony from a man that was standing pretty close to Captain MEDINA. Someone called Captain MEDINA over the radio. It was supposed to have been Colonel BARKER, and he said that a dustoff pilot talked to him and said that there were bodies all over the place and what was going on. And he said to MEDINA that higher had told him to pass the word to stop the killing or something to that effect. Now, this man who told us this was standing close by and could hear it from the loudspeakers on the radio. That's why I ask you if you heard it, because people who were close enough could have heard it. Does this make you recall anything?

A. No.

Q. You don't remember it like that? Okay. Do you have any idea why this incident didn't become pretty widely known until a couple of months ago? Do you have any idea why it wasn't reported?

A. I can give you a good example why we didn't report it. We stayed in the field a lot longer than any other company in the whole battalion. We didn't have time to go running to the colonel or somebody and tell him what happened in My Lai. We was too busy.

Q. Was anybody inclined to?

A. Not that I remember.

Q. Did you ever hear BERNHARDT talking about it?

A. Yes, I heard BERNHARDT. He's the only one that I can remember, besides myself.

Q. Well, how did the men of the company feel about it later?

A. Just like another mission, soon forgotten.

Q. Do you think that maybe you were purposely kept out in the field after My Lai, more than the other companies?

A. I don't know. I know Colonel BEERS didn't care too much for us, for our company. Captain MEDINA volunteered to go or something. I don't know what it was, but we were out there.

Q. Seemed like more than your share?

A. We was out there more than our share. Other companies would be in on the LZ's, guarding the LZ's. They'd bring us in for 1 day and put us right back out there, 6 to 8 days, something like that.

Q. Do you remember getting any instruction on war crimes or the Geneva Convention, obligations to protect prisoners of war and noncombatant civilians?

A. In basic; that's all I remember.

Q. You, of course, were taught to obey orders without question, and I expect you were also told that you don't have to obey an illegal order?

A. If you think the order was an improper given order, you didn't have to obey it unless you consulted with somebody else of higher authority.

Q. In your training, did you remember being given any examples of what would be illegal orders, examples of orders that you shouldn't obey?

A. The only thing I can think of is, I know right from wrong, and I know what I feel is right and what I feel is wrong, different from other people. I'm not saying I'm different from anybody else because everybody else, they have their own feelings on what is right and what's wrong. For instance, if somebody tells me to kill somebody or to do something that I feel is wrong, I'm just not going to do it if I feel that it's not

right. That's just the way I am. That's all I can say on that.

Q. Well, I ask you about this, frankly, to try to find out if perhaps our methods of instruction shouldn't be changed. We've had quite a few people tell us that they thought they had to obey that order. They had been told you didn't have to obey an illegal order, but they weren't sure what an illegal order was. Nobody had ever given them any examples. For example, do you think the training could be improved as to this particular problem, this respect?

A. I don't see anything wrong with the training, myself. The training makes good men as far as I could see. I mean, training, there's nothing wrong with the training. It's just what's in the person, I think: the person himself. There was talk that just makes you want to get out there, and if you got a weak mind, I guess you were just a weak person automatically. I don't know. As for me, I didn't see anything wrong with the training, and I didn't do anything I didn't want to do anyway without getting in trouble

Q. I'd like to ask you a couple other general things. We've had some people tell us that Charlie Company, at least parts of it, was a pretty tough outfit.

(The hearing recessed at 1500 hours, 24 January 1970.)

(The hearing reconvened at 1505 hours, 24 January 1970.)

RCDR: All persons present when the hearing recessed are again present. I remind you that you are under oath.

MR WEST: As I said before the recess, Mr. STANLEY, we've heard from several witnesses that Charlie Company was a pretty tough outfit, at least parts of it. One thing I'm thinking about in particular, we've had this from several people, that Charlie Company came over from Hawaii and started out in the field, search and clear, early operations. Very soon some of the men of the company started raping women in the villages, or at least they started having the women, whether it was rape or not. And this got to be pretty

widespread and was quite a problem. In the 2d Platoon they got it under control for a while, and it started up again at the time of My Lai, 16 March, and it was still going on, and there were quite a few rapes in My Lai (4) and this little place, Binh Tay, up to the north. I'm talking about the 2d Platoon now. Did you see this same situation or know there was such a thing, conditions like this in the 1st Platoon? Did you ever hear stories about CONTI and SIMONE raping women?

A. No. The only thing I know about CONTI, we went into a village and he had a VC nurse. She was a lieutenant or something. And when he brought her out to where I was, he knocked her out and then--she didn't have on a blouse, and he said, "I started to fuck that dirty whore, but she was too dirty," or something like that.

Q. That took place on the 17th. I know about that. I was thinking more generally, through the time you were with the company.

A. No.

Q. Apparently it got to be a situation in the 2d Platoon where men were doing this. At least one squad leader was participating in it. This went on for quite a while. Would you say this was a problem in the company?

A. No, I mean I had heard about the 2d Platoon and 3d Platoon, I think it was the 2d Platoon, but I never witnessed it or nothing.

Q. Okay.

COL MILLER: When you went to this village we've been talking about, did the radios have their loudspeakers on?

A. You mean--

Q. (Interposing) This.

A. I know what you mean.

Q. You didn't just have to listen to--other people nearby could hear it.

A. You didn't have to listen to the phones to hear it. That's what you mean.

Q. The RTO could hear what was coming through as well as anybody else?

A. Right.

Q. You mentioned the company, the platoon, was going along with orders this day. What orders did you mean when you said that?

A. Well, I guess I was talking about the same thing when I said the orders that were given by Captain MEDINA, that we were to destroy everything in the village. That's what he said. That's the way everybody heard it.

Q. This is what he said or the way people interpreted it?

A. That's what he said. We were to destroy everything in the village, and I mean everything. That's what he said.

Q. Did anybody else besides Captain MEDINA tell you to do that?

A. Our platoon leader and platoon sergeant and squad leader.

Q. When did they say that?

A. After we had the briefing with Captain MEDINA. I take that back. The platoon leader didn't tell us. The squad leaders and the platoon sergeant and platoon leader had a meeting. Then the squad leaders came back, and they just told us the same thing they had already said, and gave us information: how much ammo and C's we would have to carry.

Q. Did they, in effect, say, "Whatever you see, you kill," too?

A. I think Captain MEDINA said that. Everything living.

Q. When Captain MEDINA told CALLEY to stop the killing, or words to that effect that you were telling us about, did

this come over the radio, or did Captain MEDINA come in there personally to Lieutenant CALLEY?

A. It came over the radio.

Q. How did that word get passed on to the rest of the members of the platoon?

A. Through the squad leaders.

Q. Orally?

A. Orally, yes.

Q. Did you have any kind of a feeling the day before you went into My Lai that something like this might happen?

A. No. I mean the only thing I felt was that we were going into an enemy area and we better be ready or they will be ready for us. That's the impression I got.

Q. The reason I asked that question, one of the other men that we talked to said that he and you had sort of talked about things like this, about operations, every once in a while. He said you were pretty sharp and you didn't say anything specifically like this, but he thought you had something like a premonition, just a feeling. He didn't know whether you did or not. I wonder if you had that feeling?

A. No, the only feeling I had was that we'd better be ready or they'll be ready for us.

MR WEST: Just one more question about the orders of Captain MEDINA to Lieutenant CALLEY to stop the killing. Were you with Lieutenant CALLEY at that time?

A. I was nearby, close enough to hear it.

Q. Was SLEDGE carrying the radio at that time, or was it John WOOD?

A. I don't remember. I think SLEDGE was; I'm not sure though.

Q. SLEDGE told us he had the platoon radio, the platoon net.

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A. That was the radio it came over, but I don't know who was carrying it. I do know he was the RTO.

Q. Well, WOOD carried the radio that was on the company net and he talked to Captain MEDINA over that. Of course, John WOOD is dead. We can't ask him.

COL MILLER: When this order came through to stop the killing, were you pretty well through the village, or was there much left to kill at that time?

A. When he said stop the killing, that was after we had shot those people there in the ditch.

Q. You were all the way through the village by this time?

A. Yes. It was after we had doubled back and came through the ditch and after he had shot those people in the ditch.

Q. Over near where you saw the helicopter?

A. Right.

MR WEST: Mr. STANLEY, we certainly appreciate your helping us today. You've given us a great deal of information which will help us put this thing together. If you can think of anything else once you get home that might help us, we'd appreciate hearing from you. Also, if you wrote any letters home that might have the story in them or anything of that nature. Would you like to add anything or make any statements before we close up this part of the interrogation?

A. No.

(The hearing recessed at 1535 hours, 24 January 1970.)

(The hearing reconvened at 1550 hours, 24 January 1970.)

MAJ ZYCHOWSKI: The hearing will come to order. The following persons are present: MAJ ZYCHOWSKI and MAJ COOP.

Mr. STANLEY, again I'd like to remind you that you are still under oath.

Mr. STANLEY, in front of you is an aerial photograph of My Lai (4) and the surrounding areas. In this portion of the interview, I'd like to see if, to the best of your knowledge, we can trace your route through My Lai (4) and list down the significant events that occurred. In the second portion of this interview, I'll show you some pictures in which we'll try to see if you can identify some of the pictures and possibly indicate where they may have been located on this map.

Mr. STANLEY, would you show on this photograph the approximate area where you landed on the 16th of March, 1968?

(The witness indicated a location that was marked LZ.)

What happened after you got off the choppers?

A. We started moving, got on the main trail and moved down the trail, my squad, and we were pushing through the brush and everything. And everybody was firing, shooting.

Q. Everybody was shooting as you were going through the village then?

A. Yes.

Q. Where would you say the approximate area would be that you went into the village?

(Witness indicated a location.)

So you got in just about here somewhere? What was the first key event that you recall?

A. The first key thing I can remember is where BOYCE came up with this man and stabbed him in the back with a bayonet.

Q. Before we go into the village, Mr. STANLEY, if I recall, you mentioned something about a Vietnamese and a buffalo that were shot. Where did this occur?

A. About right here (indicating a location on the photo, which is marked 1).

Q. Point 1 will be the approximate area where Mr. STANLEY observed a man with a buffalo being shot. Okay, Mr. STANLEY, from there you entered the village and proceeded down the trail. Continue from there.

A. We moved down until we came up to this well where we had held up for a while.

Q. Where is the approximate location of this well?

(Witness indicated.)

So from the time you entered the village, which was in the western part of the village, you moved in a southeasterly direction toward this well. Is this correct?

A. Right.

Q. What occurred at this well?

A. Near the well a boy came up with a Vietnamese person, and he stabbed him in the back with his bayonet.

Q. This was BOYCE that stabbed the man?

A. Right.

Q. Anything else occur at the well?

A. Then he grabbed an old man standing near the well and threw him in the well and then dropped a hand grenade on him.

Q. He threw the man in the well and threw a grenade in behind him?

A. Correct.

Q. Point 2 will be the approximate area where Mr. STANLEY observed BOYCE stab a man in the back and also saw him throw a man in the well and then throw a grenade in after him. Point 2 is the approximate area where the well is located in the village of My Lai. Okay, Mr. STANLEY, did anything else in particular happen in this area?

A. The next thing I seen was when WEST came up with a group of people.

Q. Mr. STANLEY, what else did you observe in the area of this well?

A. Somebody brought an old man, but I don't know who it was, and shot him in the head.

Q. Point 3 will be the approximate area where Mr. STANLEY saw a man shot in the head. Mr. STANLEY, would you continue from there? What happened?

A. The next thing that happened was I remember Sergeant MITCHELL throwing a grenade in the hootch.

Q. That hootch is located somewhere around here then?

A. Yes.

Q. So in other words, you walked from point 2 down in this general vicinity? Is that correct?

A. Yes.

Q. Point 4 will be the approximate area where Mr. STANLEY observed Sergeant MITCHELL throw a grenade into a hut. Did you notice if anybody was in the house or not, Mr. STANLEY?

A. No, I didn't.

Q. Please continue.

A. Then we moved down to the end of the trail.

Q. As you reached the southern part of the village, did anything occur there?

A. Right here at the end of the village is where WIDMER shot a Vietnamese kid with CARTER's .45.

Q. Do you recall how old this boy may have been?

A. About 4, I would say.

Q. Point 5 will be the approximate location where Mr. STANLEY observed WIDMER shoot a 4-year old boy. Did anything else occur in this vicinity?

A. Well, at the hootch at the end of the trail. That's where CARTER shot himself after WIDMER gave him his .45.

Q. This is on the left side of the trail as you are looking at it, or the west side of the trail?

A. Yes, right here somewhere.

Q. Point 6 will be the approximate area where CARTER shot himself. Okay, Mr. STANLEY, anything else happen there?

A. The only thing that happened was the chopper landed about right here.

Q. You saw the chopper actually pick him up. Is that correct?

A. Right.

Q. Where did the chopper land?

A. About right here.

Q. Point 7 will be the approximate area where Mr. STANLEY observed a chopper land and pick up CARTER. Okay, Mr. STANLEY, did anything else happen down here that you recall?

A. No.

Q. Where did you go from there?

A. After that was over, we doubled back and went up to this point.

Q. Just about where the well is again?

A. Yes. And then we were holding up. I think we had a break for chow; I'm not sure. Anyway, WEST and some of his men came through this way, and they had about six women and two or three kids, I think. And then they tried to take the clothes off one, and she wouldn't let them. She was hiding behind some older women, and then they said, "Let's waste them." And they turned their weapons on automatic and shot them.

Q. Point 8 is the approximate area where Mr. STANLEY saw about four women and three children shot. Were these people from from your platoon, Mr. STANLEY?

A. No, they weren't.

Q. Do you recall what platoon they were with?

A. I believe they were from the 2d Platoon.

Q. Mr. STANLEY, would you then please continue?

A. Then after that, my squad and the rest of the platoon was moving on back to the left of the trail, and there was some hootches up here and a little temple about right here.

Q. Was this on the right side or east side of the trail?

A. On this side.

Q. On the east side of the trail. What happened at the temple?

A. There was people, women and children. I don't remember who it was, but a guy started shooting them.

Q. Do you recall how many women and children were there?

A. I don't remember the exact number, but it was 15 or 20.

Q. Point 9 will be the approximate area where Mr. STANLEY saw 15 to 20 women and children shot near a temple, located in this general vicinity. Mr. STANLEY, would you please continue?

A. The next thing, we pushed on through from the temple area on to kind of a clearing, a large clearing. And then a bed or a cot, an old lady lying on it and a priest stopped there praying. And I was about in this area and Lieutenant CALLEY was over here by the priest. And he sent for me over the radio, and he wanted me to interpret what this priest was trying to say and what was going on. So I did. And then he pushed them and told them he was a VC and shot them.

Q. You saw Lieutenant CALLEY shoot this priest?

A. Yes. With MEADLO's weapon.

Q. With MEADLO's weapon? Point 10 will be the approximate area where Mr. STANLEY saw Lieutenant CALLEY shoot a priest. Mr. STANLEY, did anything else happen there?

A. Then the rest of the platoon was rounding up all the people in the village. Then Lieutenant CALLEY ordered them to bring them over where he was, and then they had the people there and Lieutenant CALLEY left and then when he came back they must have known what he meant.

Q. He brought a group of people up there. How many people were in this group?

A. I'd say about 75.

Q. What happened to this group?

A. Lieutenant CALLEY had them ordered in the ditch, pushed them in a ditch.

Q. He had them all pushed in the ditch?

A. Yes. And ordered the men to shoot.

Q. Did they shoot?

A. Right.

Q. Do you recall who did the shooting?

A. The only people I can remember is MEADLO, LAWRENCE, and that's the only one I can remember at the moment.

Q. Now, where's the general location of this ditch?

(Witness indicated location.)

I'll draw a big circle here, and this would be the approximate area where you also saw Lieutenant CALLEY shoot this priest, then. Is that correct?

A. Yes.

Q. Point 11 will be the approximate location of the ditch. This is where you saw about 75 people killed. Point 12 will be the approximate location where Mr. STANLEY saw about 75 people shot in this ditch. Mr. STANLEY, did anything else happen here?

A. The next thing I remember was they told us that a chopper was going to land, and the chopper landed about right in the same area.

Q. Chopper landed in the same area near this ditch. Is that correct?

A. Yes. We set up a perimeter.

Q. You set up a perimeter defense up there?

A. Yes.

Q. Mr. STANLEY, you saw this chopper land. Do you know the reason why it landed there?

A. I don't know the exact reason, but I know he was saying something to Lieutenant CALLEY. All I could see was a hand pointing at him.

Q. Do you know approximately how long he stayed there?

A. He only stayed about 5 minutes.

Q. And he just took off again?

A. Yes.

Q. He didn't take anybody with him?

A. No, I didn't see him take anybody.

Q. Point 13 will indicate the approximate area where the chopper landed. For the record, let it show that Points 10, 11, 12, and 13 are all generally located in the same area, signified by the circle on the eastern part of My Lai (4). Did anything else happen while you were at this point, Mr. STANLEY?

A. No.

Q. Would you please continue from there?

A. Then we moved over to this other wooded area. Then our squad was ordered to go back and assist the 3d Platoon in burning the village.

Q. You moved to this little subhamlet, southeast of My Lai (4), and then you say your squad was ordered to go back into My Lai (4) and then to burn the village? Is that correct?

A. Yes.

Q. As you were moving out, in what direction did the platoons of the company move? You went in sort of a south-easterly direction?

A. Yes.

Q. Are there any other significant events that you can recall that happened while you were in My Lai (4)?

A. No.

Q. Okay, Mr. STANLEY, at this time, I'll show you the photographs which you've indicated that you can recall something about. Would you please tell me what you recognize about these photographs? I show you Exhibits P-6, 7, 8, 9, 10, 11, and 12. What do you recognize about this series of pictures?

A. That's the incident where CARTER shot himself, and that's me bandaging his leg.

Q. Which one is you on P-6?

(Witness indicated.)

On P-6 you are the individual to the left of the photograph with a joker card in your steel pot. Is this correct?

A. Yes.

Q. You're carrying the rope pack there?

A. Yes.

Q. Do you recall where this happened?

A. I was in the same area, at the edge of the village by the hootch.

Q. Would this be in the same general vicinity where point 6 was located?

A. Right.

Q. How about 7?

A. That's the same thing.

Q. Are you in this picture?

A. Yes, I am.

Q. You are the person on the extreme right?

A. Right.

- Q. With your back to the camera? What do you recognize about P-8?
- A. That's CARTER being taken care of by the medic, giving him morphine.
- Q. Do you recognize any of the people in the picture?
- A. That's Captain MEDINA, Sergeant PHU, Roy WOOD.
- Q. Captain MEDINA is the person in the center with the captain's bars talking on the telephone?
- A. Yes.
- Q. Sergeant PHU is standing by the brick wall to the right of the picture?
- A. Yes.
- Q. Roy WOOD is the person to the far left of the building standing up, standing near a tree. Is that correct?
- A. Yes. That's GRESZIK.
- Q. GRESZIK is sitting on the left, sitting down with the steel pot off. Is that correct?
- A. Yes.
- Q. Do you know who that is?
- A. That's MURRAY.
- Q. MURRAY is standing next to Captain MEDINA, with the radio?
- A. Right.
- Q. This is CARTER sitting down here being treated?
- A. Right.
- Q. Where was this location?

- A. That's in the same place.
- Q. Same place as 6 and 7?
- A. Yes.
- Q. P-9?
- A. That's WIDMER.
- Q. WIDMER's on the right, CARTER in the center, MORROW on the far left?
- A. They were carrying CARTER to the chopper.
- Q. This building in the extreme left here. Is this located in the same vicinity where 6, 7, and 8 are located?
- A. Yes.
- Q. What do you recognize about 11 and 12?
- A. P-11 is MORROW carrying CARTER to the chopper, and 12 is the guys putting CARTER in the chopper.
- Q. P-33?
- A. That's the same area as where the temple is.
- Q. Did you see this scene here?
- A. Yes.
- Q. Can you identify that as being My Lai (4)?
- A. Yes.
- Q. P-34, what do you recognize up there?
- A. That's the same area as the temple.
- Q. Did you see these bodies?
- A. Yes.
- Q. P-38, what do you recognize here?

- A. I remember seeing those two kids being shot on the trail.
- Q. You saw P-38?
- A. Yes.
- Q. This is My Lai (4)?
- A. Right.
- Q. Could you locate this on the map?
- A. In that same clearing.
- Q. This is on the southern part of the village, on the eastern side of the trail. Is this correct?
- A. Yes.
- Q. P-40?
- A. This is a picture of the people that WEST shot.
- Q. So P-40 is the picture you saw, and these are the people that were later killed near the well. This is also indicated by point 8 on the photo here. Is this correct?
- A. Yes.
- Q. P-66, what do you recognize?
- A. The radio man looks a little like MURRAY.
- Q. MURRAY on the right with a radio?
- A. Yes. And that's Roy WOOD.
- Q. Roy WOOD is the person on the left center, behind the Vietnamese personnel there?
- A. Yes. That's Sergeant BACON.
- Q. Sergeant BACON on the extreme left?
- A. And Sergeant PHU.

Q. Sergeant PHU is the Vietnamese person on the left. Did you see this scene?

A. No, not that I remember.

Q. Is this My Lai (4)?

A. Not that I remember.

Q. Mr. STANLEY, other than the photographs that we have noted on the map here and the ones you've identified, are there any other photos that you can identify?

A. No.

Q. Is there anything else that you can recall, now, that we have not put on this map?

A. No.

Q. Mr. STANLEY, if everything on this photo here is correct to the best of your memory, I would ask you at this time if you would sign your name here in the upper left-hand corner.

(The witness signed the aerial photograph P-1 which he had marked.)

The photograph that was signed by Mr. STANLEY was prepared from memory at Washington, D.C., 24 January 1970, and is entered into the record as Exhibit P-192. Mr. STANLEY, Mr. WEST has already asked you about the training that you may have received in handling prisoners of war and the treatment of noncombatants. I'd like to show you two exhibits here, M-2 and M-3. M-2 is the "Nine Rules" and M-3 is "The Enemy in Your Hands." Now, these are Xeroxed copies of cards. I would ask you to look at these and let me know if you have ever received these cards or if you have ever seen these cards?

A. I have.

Q. You have actually seen both of these cards?

A. Yes.

Q. Did you receive these cards?

A. Yes, I did.

Q. When did you receive them?

A. I don't remember the date.

Q. Did you receive them when you were in Hawaii or Vietnam?

A. Vietnam.

Q. Where were these issued to you?

A. I think it was on Dottie.

Q. Were there any instructions given to you at the time these were handed out?

A. No, we were just instructed to read them and keep them.

Q. Mr. STANLEY, this concludes the interview. Is there anything else which you would like to state or have perhaps forgotten and now recall?

A. No.

Q. Mr. STANLEY, we again appreciate your coming in today. You have been most helpful to us in giving us a vast amount of information. We appreciate your coming here today. This concludes this interview and the hearing is recessed.

(The hearing recessed at 1707 hours, 24 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: BERNHARDT, Michael A., SGT

DATE OF TESTIMONY: 29 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Rifleman, Second Squad, Second Platoon, C/1/20, Task Force Barker.

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

a. Training in Hawaii.

BERNHARDT was not trained with C/1/20 in Hawaii because he was a member of the LRRP company and was transferred to C Company two weeks before moving to Vietnam (pg. 36). PW treatment was taught in the LRRP company, but he had nothing on handling civilians (pg. 37).

b. Training in Vietnam.

When the unit arrived in Vietnam, from Hawaii, they landed in Danang and moved from there to Duc Pho (pg. 36). From Duc Pho they went to Carantan near LZ Bronco, where they set up a bunker line and had a few problem training missions. This would consist of a model Vietnamese village and exercises with the 2d ARVN division personnel acting the role of VC. They also attended the leadership NCO academy where they had classes in helicopter support and scout dogs (pg. 37).

c. His knowledge of treatment of civilians.

In basic training and AIT, he had instructions in treatment of prisoners of war (pg. 37). In Vietnam, he did not ask how to treat civilians (pg. 37). He felt that he understood the difference between civilians and non-combatants and felt that Lieutenant CALLEY or Captain MEDINA could not have provided him with a better answer than he had (pg. 38)

He related a prior incident where he ordered Vietnamese civilians to "Dung Lai" and they kept going until he fired over their heads. CALLEY told him that the "old man" said if they do not stop when you order them to, you shoot them (pg. 38). He did not know if "old man" meant the company commander or the battalion commander (pg. 38). He felt from a prior discussion with MEDINA that he had to make his own decisions regarding civilians because MEDINA's reaction was not what he thought he should get (pg. 39). Company policy had established the handling of civilians (pg. 39), and since their ill-treatment was known and not commented on he did not ask Lieutenant BROOKS how to do it (pg. 40). He did not think he was issued, nor had he seen Exhibits M-2 and M-3, while in the unit (pg. 48).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

a. Captain MEDINA's briefing.

In the briefing on 15 March, MEDINA said that the village and its inhabitants were to be destroyed. This would have included My Lai (4), (5), and (6) in the area known as Pinkville. It was stated that "no innocent civilians" were in the area which the witness felt meant everyone was VC (pg. 2). If he was told that the civilians would be gone to market it did not make an impression because he felt he had never seen a village where all noncombatants were gone (pg. 29). He did not know if mention was made of orders from higher headquarters, although reference was made to intelligence sources (pg. 3). The enemy situation was indicated at the briefing but he did not recall what it was (pg. 3). He felt that MEDINA inflamed the men (pg. 5). He also recalled a memorial service but did not remember who conducted it (pg. 3). Lieutenant BROOKS did not brief the platoon (pg. 7). BERNHARDT felt that formalities were dispensed with on the operations and that it was a "mob scene". If they spread out and maintained unit integrity it would be okay (pg. 7). He felt that the orders were not ambiguous but meant not to "worry about" Vietnamese civilians (pg. 29).

b. The mood of the men in his unit.

He stated that the unit felt they were neglected as soldiers and they were unsuccessful in most things they had done (pg. 4). The VC had eluded them (pg. 4). He recalled a prior incident of 20 casualties (pg.5), and MEDINA gave

the impression that this operation was their chance to get back at the people who had been shooting them and who had caused recent casualties in the unit (pg. 5). He cited an incident at LZ Dottie where the unit was not allowed beyond the fence made of yellow canisters. On the other side of the fence were the barracks and the administration sections for troops stationed at LZ Dottie. He stated the men in the unit got the feeling they were "too dirty and grubby and low" to go across the fence. He felt as though they were treated like third class soldiers (pg. 6). He opined the state of discipline in the unit was not good, because they did not respond to orders (pg. 26), and many did not do their share in an engagement (pg. 27). He stated that generally when the unit entered a village they would mistreat the civilians. By mistreatment he meant stealing things, destroying property, beating the people, rapes, and some shootings (pg. 26). MEDINA had the confidence and respect of the men, always expressing concern about them (pg. 27). He felt this was due to the fact that MEDINA was older than most captains (pg. 28). MEDINA had an extreme dislike for the Vietnamese (cf., infra 6b, "Dink Complex"), and possibly felt that the people were not worth the death of the men (pg. 28). He thought the men took out their frustrations and revenged the casualties they suffered (pg. 29), and he stated the violent actions could not be attributed to just a "few violent individuals" (pg. 30).

3. ASSAULT ON MY LAI.

a. Activities immediately after landing.

His squad went in on the second lift (pgs. 7, 49). He left the helicopter from the door nearest the village (pg. 49). They landed west of the village and proceeded east (pgs. 9, 48). They were 100 meters from the village (pg. 49). He proceeded to the village boundary (pg. 50), when he was called to the CP because he had a rope (pgs. 9, 45, 50). The CP was up against a hedgerow or a bank to the southwest of the village (pg. 51). He used his rope to tug at a box which was suspected to be booby trapped. It was not. It contained a small Sony radio and some medical supplies (pgs. 9, 51, 52). Present in the CP at this time was MEDINA, Lieutenant ALAUX and possibly one officer that he had never seen before (pg. 52). This took approximately 15 minutes and he attempted to rejoin his platoon (pgs. 10, 52). Back in the village, he saw a group rounded up, placed in a large hole in the ground and shot (pg. 10). The people looked like women, children, and old men. He was possibly 20 yards away. The soldiers firing

used the M-79 grenade launcher and also direct-fire weapons (pg. 11). He was not sure whom he did see although there was a large group of soldiers involved (pg. 12).

b. Proceeding through the village.

His platoon had already moved into the village and he again met the headquarters group (pgs. 10, 12). He proceeded with the CP group. Once he heard MEDINA on the radio say to halt the shooting of civilians, but BERNHARDT did not remember anything being said about burning the hootches (pg. 12). During the operation, he saw a woman in a field picking rice. MEDINA lifted his rifle, looked down the barrel, pulled the trigger, the rifle went off, and the woman fell down (pg. 13). BERNHARDT was 100 yards away. He saw MEDINA walk closer to the woman and fire rounds into her from about three to six feet (pg. 13). The woman was alive or breathing heavily and that was all (pg. 14). In an area at the southern edge of the village, he saw an unknown number of bodies in a long ditch (pgs. 15, 16, 56). He also saw the men throwing banana trees into a well and dropping a hand grenade into it. He did not feel that this was the same as the photograph of the man in the well (pg. 16). He did not recognize Exhibit P-41 as to location but felt it was characteristic of the way people were "laid out" (pg. 16). A large concentration of bodies was near the location from which CARTER was evacuated (pgs. 55, 56, 80). He did not see CARTER shoot himself (pg. 15), but he was in the area and helped the other men put CARTER on the helicopter (pg. 15). He felt that approximately 30 minutes elapsed from the time CARTER was wounded and the helicopter medevac'd him (pg. 47). He identified numerous photographs taken in the area where CARTER was wounded and evacuated from (cf. Exhibit list, P-6 thru P-12 infra). He did not know the exact procedures for body count and state that he did not see anyone he thought might have been a VC in the village. He saw several American type weapons captured (pg. 17). He thought they stayed out on the operation two nights at least, laagering the first night in a graveyard (pg. 18). There were no major activities after leaving My Lai (4). His unit went down into a water area and was notified they were either out of or in artillery range, he did not know which, and that they should move closer to Dottie (pg. 18). He thought the water area was southeast (pg. 19). He did not recall seeing anyone from B Company during the laager (pg. 74).

4. INQUIRIES CONCERNING THE ASSAULT.

a. Inquiries by a field grade officer.

He thought a field grade officer landed on LZ Dottie and talked to the men about what happened at My Lai (4). He stated that he had been sent away because he might have said something to damage the company (pg. 20). Sergeant BUCHANON spoke with the officer, who he thinks was a colonel (pg. 20). BERNHARDT knew that HENDERSON was the brigade commander, but only saw him once (pg. 33). He did not see the person who asked the questions because he was not present (pg. 33), nor did he see BARKER at My Lai (4) on 16 March (pg. 34). He felt that the colonel knew what had happened, but was probing for a reaction to it. This idea he gathered from what men had told him (pg. 35). The colonel interviewed the men at LZ Dottie shortly after they were extracted from the field (pg. 36).

b. MEDINA warns BERNHARDT not to discuss the incident.

At LZ Dottie, MEDINA, having the impression that BERNHARDT was going to write to a congressman, advised him not to do it. BERNHARDT did not know where MEDINA got that idea (pg. 24). If MEDINA called the company together and told them not to discuss the incident, it did not make an impression on BERNHARDT, and he did not remember it (pg. 24). He did remember MEDINA saying he would back the men up if anyone got into trouble (pg. 25). But he did not recall being told that the matter was under investigation (pg. 25). He did not know of anyone who tried to suppress an investigation of the incident (pg. 42).

5. REPORTS OF INVESTIGATION.

BERNHARDT stated he did not report the incident because in his position he did not have someone to tell the story to. He felt that either people would not believe it, for there was not enough evidence to back the story, or else that people who did encourage it would see him discredited (pg. 31). He felt there was no one to tell except the people in the company. He had a few opportunities to contact brigade level but felt that he did not know whom to go to (pg. 32). He stated he knew that people on higher levels knew about it and were not saying anything (pg. 32). He could not understand how the next higher headquarters would not know about it. He heard that a colonel had asked about it and he felt that it was known about at brigade

level (pg. 33). He further felt that all of his direct superiors were present at My Lai (4) and that therefore, they knew about the incident (pg. 41). He felt that the IG, being on division level, would probably have already known about it because he felt that higher levels would have to have known (pgs. 41, 42).

6. OTHER INFORMATION.

a. The other men in his squad.

He named the following personnel as being members of his squad: Kenneth SCHIEL, the squad leader; Gary CROSSLEY; Diego RODRIQUEZ; Lee TREVINO; and Esequial TORRES.

b. "Dink" complex.

BERNHARDT stated that the attitude of the unit could be called a "dink complex". His personal feeling was that the idea of war is not to kill off the enemy but to make them want to stop fighting or eliminate his means of fighting (pg. 21). He felt that the killing of civilians at My Lai (4) just bred more VC (pg. 21). He stated that linguistic differences added to a lack of communication (pg. 21), and that the men regarded the Vietnamese as less than human (pg. 22). The population of South Vietnam, he felt, also became the whipping boy for the frustrations of the men in the unit (pg. 22). He told the press that this was "an isolated incident" but that he really felt that it happened all over Vietnam but he had no proof of this and he also felt that it would not help to state to the press that it was a common occurrence (pg. 22). He felt that MEDINA would "just as soon kill them (Vietnamese) as look at them, if he could get away with it" (pg. 28), because of his extreme dislike for them. He felt that the members of his unit knew that he disapproved of mistreatment of civilians and would not mistreat them in his presence (pg. 40). He did not think that there was anyone in the unit that particularly disliked him and felt that there was not too much friction between himself and other members of the company, other than the fact that they had a disagreement on how to handle civilians (pgs. 40, 41). He felt that his opinion of MEDINA's dislike was a considered opinion to which he had given thought (pg. 42). It was based on MEDINA's comments about the South Vietnamese and he thinks it was a "racial thing" towards them (pg. 42). He cited an incident in which there was a rape which was

reported only because of a South Vietnamese interpreter and that this was one of the few times that an incident like this was reported higher than the company level (pg. 43). He had personally seen "women raped, stuff stolen, and civilians beaten" (pg. 44), and felt that the company should have known about these things (pg. 43).

c. Separate incident reported by a pilot.

BERNHARDT made mention of another incident which was initiated by a helicopter pilot that was not THOMPSON. This other pilot was killed shortly afterwards and the investigation was dropped (pg. 23). He felt that someone was trying to convince the public that THOMPSON initiated the investigation (pg. 23), but he did not feel that THOMPSON did (pg. 24).

d. Marijuana.

He stated that although some of the men had been smoking marijuana, he did not feel that it had anything to do with the operation. He did not think that any of the men were under the influence of it at the time (pg. 25).

e. Junior officers.

He identified other junior officers present at the My Lai (4) area as being Lieutenant ALAUX, an artillery officer who never wore any rank; and two others: one a military intelligence officer; and the other an older one who did not have on insignia of rank.

f. BERNHARDT's own prisoner.

In identifying Exhibit P-22, he stated that it was a photo of a prisoner named PHON who was in his charge and who was given to him sometime after the incident in My Lai (4) (pgs. 69, 70). The man was tagged with a piece of cardboard which indicated that he was a VC suspect (pgs. 70, 71). He kept him from the time the operation was over in the afternoon until before he went into the laager that evening at which point he released him to others to be put with the rest of the prisoners (pg. 72). He did not know whether the man was turned over to the National Police or what happened to him (pgs. 72, 73).

g. Co Lay.

He knew of no incident occurring in Co Lay (2)
(pg. 23).

h. Sketch showing My Lai locations.

While being interrogated by Colonel WILSON, the witness made a sketch (pg. 55), on which he referred to the area from which CARTER was evacuated, his approach to that area, the location of the large number of bodies, the location of the building in the southern part of the village, and other features of terrain that he remembered. This was referred to from pages 55 through 57. The sketch was discarded by the witness at the completion of the interview.

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card, "Nine Rules"	Not seen before.	48
M-3	MACV Card, "Enemy in Your Hands"	Not seen before.	48
P-1	Aerial photo	Used by witness for reference.	8,48
P-3	Miscellaneous Scene	Wit identified Sergeant PHO.	57
P-6	Miscellaneous Scene	CARTER identified. BERNHARDT identified as having the rope and a card in his helmet. WIDMER possibly identified.	
		Place identified as being where	
		CARTER waited for medevac.	58-60
P-7	Miscellaneous Scene	CARTER's foot being bandaged. Possible identification of WIDMER. Possibly	60
		taken at same place as P-6 from a different angle.	62
P-8	Miscellaneous Scene	Identified as showing CARTER wounded. MEDINA identified. A building was located to the right of P-8.	
		Evacuation point to the left.	62
P-9	Miscellaneous Scene	WIDMER is on left of CARTER, MAURO is on the right. CARTER is being carried to wait for the medevac.	63,64

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-10	Miscellaneous Scene	CARTER with an unidentified officer (top center) and the RTO, possibly MURRAY, on the right.	64
P-11	Miscellaneous Scene	Medevac of CARTER; BERNHARDT identified himself as man on right carrying the equipment.	65
P-12	Miscellaneous Scene	BERNHARDT identified himself as being in the forefront.	66
P-14	Miscellaneous Scene	Recognized an individual, but not by name. Recognized the area.	66
P-16	Miscellaneous Scene	Wit identified as a typical building found in the southern part of the village, but not recognized as a particular scene.	68,69
P-18	Miscellaneous Scene	Individual recognized but not identified.	69

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-22	Miscellaneous Scene	Identified PHON, a prisoner in his charge, as being the Vietnamese sitting at the base of a tree without a hat.	69
P-31	Miscellaneous Scene	Recognized as being near the road.	79
P-33	Miscellaneous Scene	Building which was burning.	74
P-34	Miscellaneous Scene	Interior of P-33. (related to P-16).	74
P-39	Miscellaneous Scene	Shows two bodies which were not recognized, but were "characteristic of what was there".	78
P-41	Miscellaneous Scene	Barbed wire fence on road was recalled in area of CARTER's medevac.	79
P-62	Miscellaneous Scene	WILLIAMS identified as the man on the left. Scene not recognized.	75,76
P-64	Miscellaneous Scene	Wit identified SMITH and MCBREEN. Area not recognized.	76,77
P-66	Miscellaneous Scene	Sergeant PHO identified on left. STANLEY identified as being in the center. MURRAY possibly the man with the radio.	77

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-67	Miscellaneous Scene	Sergeant PHO identified as having an Americal Division patch.	78
MAP-4	Map 6739 II	Used for reference	8

SUMMARY OF TESTIMONY

WITNESS: BERNHARDT, Michael A. SGT

DATE OF TESTIMONY: 27 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Rifleman, 2d Squad,
2d Platoon, C/1/20, Task Force Barker

1. BACKGROUND AND PRIOR TRAINING IN THE RULES OF LAND
WARFARE.

The witness remained with the company for the rest of his tour until November when he was placed in the hospital in Chu Lai for 2 weeks prior to returning to the United States (pg. 129). In discussing his training in Hawaii with the 70th Long Range Reconnaissance Patrol Detachment which was formed as a recon patrol for the 11th Brigade, he received training which was geared for Vietnam (pgs. 125, 126). The training in Hawaii was more of a tactical nature with little to do with treatment of prisoners or civilians (pgs. 126-127), he stated this was because the LRRP's did not operate in populated areas but would be off where there was only enemy (pg. 127). The witness was not trained with the other members of the brigade with respect to the rules of land warfare (pg. 127). After arrival in Vietnam they went through some classes and were issued some handouts, possibly pocket sized cards (pg. 128). He mentioned they were given a helicopter demonstration, during their orientation, in which helicopters fired into an area where there were groups of people and herds of cattle (pg. 128). The witness recalled Exhibit M-3, "The Enemy in Your Hands," but he did not recall Exhibits M-2 or M-4 (pg. 128). He felt the cards were handed out but "none of the people in our company emphasized it or did anything about it" (pg. 129). The witness stated he never received an explanation on how to report improper conduct or violation of regulations, nor did he seek

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advice as to how to do it (pg. 129).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness stated that during the briefing which MEDINA gave the company on the afternoon of 15 March, he told them that they were going on an operation, where they would encounter the 48th VC Battalion which was the unit which had laid mines for them and sniped at them, and he outlined how they were going to move through the villages of My Lai (4), (5), and (6), and into the area known as Pinkville (pg. 86). They were told that intelligence sources indicated that there were no innocent civilians in the area and it was inferred that they were to destroy the area and the enemy unit (pg. 86). MEDINA gave them a basic outline of the entire operation the blocking force, the air support, and told them the landing zone would be prepped (pg. 86). The witness did not recall any mention of higher headquarters but felt that if there was any order to move against the hamlet it had to have come down from above (pg. 87). The witness did not think there were going to be too many people in the operational area (pg. 87). MEDINA did not specifically tell them to "wipe out all the people that were supposed to be there" (pg. 87). The witness felt that MEDINA did not know there were going to be that many people present (pg. 87). The witness could not clearly say what type of picture MEDINA drew in the dirt describing the villages (pgs. 88, 89), but he felt it was a representation of the villages and of Pinkville (pg. 89). He did not recall MEDINA telling them how long the operation would last, the course of the other company, or the time that it would take to go from one hamlet to another (pg. 90). The witness discussed the mood of the men in the company and stated that he felt everyone had the same general impression that there were no innocent civilians in the area, which he remembered MEDINA telling them (pg. 87). The witness felt that if there were no innocent civilians in the area, then they would shoot everyone (pg. 87). He agreed that possibly revenge was a reason for some of the activity, rather than the fact that they were following orders (pg. 116). The witness thought the men were not conditioned to following orders and were not well disciplined. The witness felt that even if the order had not been given the men would have "done it anyway" (pg. 116).

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3. ASSAULT ON MY LAI.

a. The landing zone and initial activity.

After landing from the second lift the witness began to move into the village but was called back to the CP, which was located near an embankment, and indicated on the aerial photograph as point #1, because he had a rope which they used to test a possibly booby trapped box (pg. 92). He stated he tugged on the rope, opened the box, checked the contents, and after Lieutenant ALAUX got the radio which was in the box the witness picked the box up and moved back in an attempt to find his platoon (pgs. 92, 93). The witness recalled returning to the CP group, after he could not find his unit in the village, and recalled following MEDINA while he continued to carry the box (pg. 93).

b. Movement into the village.

When the witness initially entered the village he saw a lot of shooting, and a lot of people dying or dead (pg. 93). He particularly noticed a number of people herded into a hole, the location of which he indicated as point #2 on the aerial photograph, and he stated that he could not identify any of the soldiers who shot the approximately 20 Vietnamese in the ditch, which was located in the center of the village (pgs. 93, 94). He then returned to the CP group, which he felt had been moving while he was gone but he was not sure (pgs. 94, 95). As they moved along he described seeing MEDINA kill a girl who was standing in a rice field, indicated as point #3 on the aerial photograph (pgs. 95, 96).

c. Bodies in the ditch.

The witness recalled that MEDINA received something on the radio indicating weapons in an area to the south-west (pgs. 95, 96). The witness was not sure of the location but he stated he saw a ditch with bodies in it, indicated with the number #5 on the aerial photograph (pgs. 95, 96). In the ditch were two old men, and possibly more (pg. 96). It was located not far from where MEDINA shot the woman (pg. 96). He recalled a helicopter hovering in the area but was not sure if it was at the time the woman was shot or not (pg. 97). He stated it was not there for a long period of time (pg. 97).

d. Subsequent incidents in the village.

The witness stated that he moved to an area near a crossroad, where a two story building was (pg. 97). The witness stated that he recognized a scene such as depicted in Exhibit P-41 while at the crossroads (pg.98). He stated that he estimated about 20 people being present (pg. 98). He stated he also saw another large bunch of dead bodies behind the big building (pg. 106), but he indicated that these bodies were lying on the porches and in the path behind the building (pg. 107). The witness did not recall seeing a baby with a gunshot wound in the head (pg. 132), but he did feel that there were women and children dead throughout the village (pg. 133). Upon the arrival of the CP group at the crossroad, they rested for awhile and evacuated CARTER (pgs. 98, 99). MEDINA was present in the village of My Lai (4) in front of the building (pg. 99). He identified a photograph marked as Exhibit P-9 as being WIDMER, CARTER, and MAURO (pg. 100). He stated that he observed Specialist HAEBERLE while he was photographing CARTER and photographing the dustoff (pg. 142). The witness said that MEDINA's RTO was never far from him, but the witness himself never heard any messages come in regarding the unnecessary killing of civilians (pg. 100). He felt that around the time that CARTER was evacuated, MEDINA issued an order to stop the killing or the shooting (pgs. 100, 101). He did not remember whom MEDINA was talking to on the radio when he said this, and he did not know exactly what the words were but felt essentially that it was like an operations order (pg. 101).

e. Later movement and the night laager.

The witness recalled rejoining his platoon at the laager area (pg. 108). He did not recall what happened between My Lai (4) and his arrival at the laager area but he was sure that he stayed with the command group, carrying the box (pg. 109). He did not see any repetition of what had happened at My Lai (4) as they moved towards the laager area (pg. 109). The witness stated that he saw a number of ARVN's who were in control of some VC suspects, who, he felt, were evacuated (pg. 110). He did not see any interrogations, nor did he see the National Police shoot anyone (pg. 110). He did not see any visiting officers from higher headquarters that day (pg. 110).

f. Activities on 17 March.

The witness stated that he recalled that on 17 March he stayed with his platoon (pg. 111). They did nothing constructive but continued on their search and destroy mission (pg. 111). He did not recall passing through any hamlets nor did he recall burning the hootches in any hamlets (pg. 112). He stated that they walked down to the water where they saw three prisoners, two males and one female, and he saw MEDINA shooting at one man who was tied against a tree (pg. 112). The National Police were trying to extract information from the witness (pg. 112). The witness recalled hearing that the first platoon went up Hill 85 and that MEADLO blew his foot off by stepping on a mine (pg. 111). The witness stated that he did not vividly remember spending the night in the field but that he thought that they did (pg. 112). He did remember being extracted by a helicopter and taken back to LZ Dottie but he was not sure if it was 17 or 18 March (pg. 113).

4. INVESTIGATIONS CONCERNING THE INCIDENT.

The witness was not met by an officer at LZ Dottie, nor did anyone come around to speak with him (pg. 113). He did recall MEDINA getting the unit together and informing them that there was an investigation and that MEDINA would "back us up and take our side for anything that happened" (pg. 113). The witness said he did not remember that MEDINA gave him special instructions not to write his congressman (pg. 114). The witness stated that he did hear that a colonel had approached Sergeant BUCHANON at LZ Dottie and that BUCHANON had responded to the colonel's question by saying "No comment" (pgs. 114, 115). The witness stated that Captain MEDINA did not mention any complaints being made because there was no place that they could make any. He did not attempt to deal with the IG (pgs. 118, 119, 120).

5. OTHER INFORMATION.

a. The witness mentioned a man, who he thought was named BLEAUVELDT, who is presently at Walson Army Hospital at Fort Dix, whom he knew at the hospital in Chu Lai (pg. 102). He stated that BLEAUVELDT told him that while in Vietnam he

had helped wipe out a refugee camp in the vicinity of Hill 72, northwest of My Khe (2) (pgs. 102, 103). The witness was told that Theodore BLAUVELT was assigned on 20 May 1969 to the 4/21 of the 11th Brigade of the Americal Division, and was medevac'd on 8 July 1969 (pg. 143), but the witness was not familiar with the dates (pg. 144).

b. The witness did not recall talking to anyone from B/4/3 regarding an operation held by them in the area of the China Sea (pgs. 103, 104).

c. The witness stated to the Inquiry that the Life Magazine interview which quoted him contained things that he did not say and also reported things that he did say but which were not true, for example, when he indicated that he thought it was an isolated incident (pg. 102). He did not feel that he told Life Magazine that he had observed three bunches of 20 bodies (pgs. 105, 106).

d. The witness opined that the incident at My Lai (4) occurred because of ambiguous orders, since there was a verbal order given for no apparent tactical reason (pg. 115). He also stated that he did not think the same way that some of the men carrying in his unit did in the sense that revenge against My Lai (4) would have been senseless because the minefield was not in that area (pgs. 116, 117).

e. The witness stated that although he knew Senator DODD was investigating the possibility of the events occurring from the influence of marijuana, he did not think that there was much marijuana going around (pg. 119), and he felt that there were no men in My Lai (4) under the influence of marijuana that morning (pgs. 119, 120).

f. The witness stated that his successive platoon leaders while with Company C were Lieutenant CALLEY, Lieutenant BROOKS and Sergeant HODGES. He was not conscious of any difference in attitude as he moved among the platoons (pg. 131).

g. In response to questioning the witness stated that he went to Singapore on R&R (pg. 136). Although he did not have much contact with the chaplains, he felt that he could work together with his LRRP company commander and his platoon sergeant in basic training (pg. 138).

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h. The witness stated that he was not familiar with any courts-martial in the Americal Division for rape, although he thought it was a crime and he actually had seen some rapes (pg. 139).

i. The witness, after being asked to give an example of cold-blooded killing other than My Lai (4), mentioned an incident in which an old man was following some people trying to retrieve an item they had taken from his home, and they turned around and shot him (pg. 141). He also mentioned an incident in which a woman carrying baskets was told to stop and when she continued to run she was shot (pgs. 140, 141).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit did not recall.	128
M-3	MACV Card "Enemy in Your Hands"	Wit did not recall.	128
M-4	MACV Card "Guide for Commanders"	Shown to witness.	128
P-1	Aerial photograph of the My Lai (4) area	Used to orient the witness.	91
P-9	Miscellaneous Scene	Wit identified CARTER in the center, WIDMER on CARTER's left and MAURO on his right.	99, 100
P-41	Miscellaneous Scene	Wit saw the scene at the crossroads.	98
P-194	Annotated aerial photograph	1-CP	92
		2-Location of 20 Vietnamese bodies in a ditch.	95
		3-MEDINA shot a girl in the rice paddies.	96
		4-Possible site for MEDINA shooting the woman.	96
		5-Alternate possible location of the ditch.	96
		6-Bodies on a trail (from P-41).	97

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-194 (cont)	Annotated aerial photograph	7-Place where CARTER was evacuated from.	99
MAP-4	Map 6739 II	Used to orient wit.	91

(The hearing reconvened at 1340 hours, 29 December 1969.)

MR WEST: The hearing will come to order.

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

I have an exhibit to enter into the record. This aerial photograph annotated by Mr. John H. PAUL is entered and marked as Exhibit P-72.

The next witness is Sergeant Michael A. BERNHARDT.

(SGT BERNHARDT was called as a witness, was sworn, and testified as follows:)

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

A. Michael A. BERNHARDT, Sergeant, United States Army, Company A, 1st Battalion, 3d Basic Training Brigade, Fort Dix, New Jersey, SSAN

MR WEST: Sergeant BERNHARDT, before we proceed with any questions, I wish to inform you about several matters.

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

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

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

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

stated. For example, we are not concerned with the possible culpability of individual things that went on in My Lai that day, although we may incidently get into those matters. Do you have any questions on the purpose of the inquiry?

A. No, sir.

Q. Stated in other terms, this inquiry was ordered to determine whether there was any coverup of the facts surrounding the incident on 16 March 1968.

Q. Sergeant BERNHARDT, what was your duty assignment on 16 March 1968?

A. I was an automatic rifleman in the second squad of the 2d Platoon, C/1/20.

Q. C/1/20 was assigned to Task Force Barker at this time?

A. Yes, it was.

Q. I will direct your attention to the 15th of March 1968. Do you recall a briefing which Captain MEDINA gave to Charlie Company that day?

A. Yes, I do.

Q. Would you tell us about it, please?

A. Essentially the briefing was that the village and its inhabitants were to be destroyed. That included My Lai (4), (5), and (6) and the area known as Pinkville. It was also stated that there were "no innocent civilians" in the area. I believe those were the words. And, as far as I'm concerned, to say that there were "no innocent civilians" would mean that the people who were there were Viet Cong. It was designed to give the impression that I gathered from what--from speaking to the other men, I gathered the impression that that's what they thought the order meant.

Q. Was anything said about orders from higher headquarters in connection with this briefing?

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A. The company commander made a reference to the intelligence sources, and I'm not certain where the intelligence sources was supposed to have come from.

Q. All right, now did he describe the enemy situation?

A. In any detail, no. The enemy situation was apparently unknown. That is, except for the fact that they were there, were supposed to be there, the enemy situation was apparently unknown.

Q. Did he indicate the enemy strength that he thought was in this area?

A. Yes, he did. Since that time I have forgotten what he said the enemy strength was due to the fact that I found out myself that it was not at that time.

Q. I don't understand just what you mean by that.

A. What I mean is that whatever he said the enemy strength was the next day, I found out otherwise, and so I forgot exactly what it was.

Q. Did he indicate whether these orders had come down from Task Force Barker or brigade? Did he say anything to this effect?

A. I don't know.

Q. Do you remember a memorial service conducted sometime prior to this briefing?

A. Yes.

Q. Do you remember when it was?

A. I'm not certain relative to the briefing when the memorial service was. It was shortly before.

Q. Do you remember the chaplain who conducted this?

A. No, I don't.

Q. What was the mood of the men in Charlie Company after this briefing on the 15th?

A. I would describe the mood as a feeling that they were going to wreak some vengeance on someone. Things hadn't been very good to us up until that time.

Q. What are some of the things that happened?

A. You mean at the briefing?

Q. Before this time. You said things hadn't been very good in the company.

A. Well, it was basically a feeling that we were being neglected even as soldiers. This is one thing, that somehow we thought things could be better for us. That is, that we could get a break once in a while--we should get to see things and that we shouldn't be altogether in the field. Also, we had a minefield incident, or several, and a few fire fights. And we were just unsuccessful in most things that we had done up to that time.

Q. Had you been able to come to grips with the Viet Cong?

A. Actually no. The Viet Cong always seemed to have eluded us somehow.

Q. What about the casualties in the company?

A. I'm not certain whether the casualties were relatively high or low. I was only in one company that 12 months. It seemed to me that most of the men didn't think there was much chance of getting through 12 months without at least being wounded.

Q. Did you take some casualties in this minefield incident you mentioned?

A. Yes.

Q. Do you remember how many?

A. What I'm going to say now is the impression that I've gathered. I have to be careful of what I say, because a lot of times it's not my personal experience, in other words--

Q. (Interposing) I understand.

A. I see. However, when you're in a company and someone says to you that there were more than 20 casualties and it's just general opinion, you may start to count heads, and you can believe that there were more than 20 casualties. I think that's what there were that day. I saw four myself.

Q. Did you have any losses to snipers?

A. Yes, if it was snipers. Maybe it was a large force. We couldn't see. There was a river and a large clearing between us and the enemy, so we didn't get too close to them. It wouldn't have mattered too much one way or another who initiated it. There was something in between to prevent either side from doing anything to the other side -- at least in the daylight. And a man was killed there, and several wounded.

Q. When you talked to the CID investigators you stated, with regards to the tone of the briefing, that you thought Captain MEDINA was trying to inflame the men. Was this your impression?

A. Yes. Perhaps it was just a reflection of his own feelings at the time, but that was my general impression.

Q. How did he go about this?

A. It is difficult to say. It was a long time ago. I can just say that he did. It had that effect. So if he didn't try to inflame the men, it still had that effect.

Q. In talking to CID agent, you stated: "He said this was our chance to get back at the people who had been shooting at us and who had set the mines which had caused recent casualties in the company." Was this one of the ways in which he spoke to the men?

A. Yes. He gave that impression with words to that effect. In other words, I'm not evading the actual saying that this is the way it was, but the only thing I'm not certain of was the words he used.

Q. I understand.

MR WEST: MAJ ZYCHOWSKI?

MAJ ZYCHOWSKI: Just one thing. You mentioned that after the briefing your interpretation was that there would be no innocent civilians in the area?

A. Yes, sir.

Q. You must have been talking to some of the people about this in reference to this particular thing. Who were these people?

A. I'm not certain, sir. This would be like saying what individuals did I see doing the shooting. It is true that I did see certain ones, however, from that time to now in talking to the men, I've gathered the impression that a large number of them were involved in it. But I can't say exactly which ones, because my impression now is of these people who I didn't actually see. Now I am not certain who I did see and who I didn't see. The same goes for the people who I might have talked to about the order, maybe questioning whether it should be carried to the extent that I thought it would be or not. I really don't know who they were. Probably my closest friends, my closest associates, at the time were the men who were in my squad. That might have been who I tell you, who it might have been. Who it actually was, I can't tell you.

Q. You also mentioned one other thing about the feeling of the company, the fact that the needs of the soldiers were neglected and so forth. What do you mean by this specific thing?

A. Well, sir, I will give you an example. We came into a fire base once. It had been a long time since we had seen a fire base at least anywhere. When we got there, there were sort of large yellow cannisters lined up, a fence-type affair. We weren't allowed past this. On the other side of this there were barracks, bunks and so on where the administration, artillery, MP's, and so on lived. The men got the feeling that they were too dirty and grubby and low to even go across the fence. We were held in a much lower position -- that is, on the fire base -- than the rest of these men were, sort of like third-class soldiers. The men and myself didn't think that it was right, since it was actually up to us to do the fighting.

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Q. Where was this fire base?

A. Dottie, I believe it was.

MAJ ZYCHOWSKI: I have nothing further.

LTC PATTERSON: Let's go back to the briefing on the night of the 15th. After Captain MEDINA's briefing, what did you do?

A. It was getting late. It was late in the afternoon. When the sun goes down, we were usually in the bunkers. I probably discussed it with some of the men. I always try to discuss anything of this nature with the men.

Q. Was this what you recall now, not what you probably did, or might have done?

A. I can't recall anything now.

Q. Okay, who was your platoon leader?

A. My platoon leader was Lieutenant BROOKS.

Q. Did he brief the platoon?

A. I don't think so.

Q. How did you know what to do the next morning? You must have thought about it in your mind, what you were going to do.

A. Sir, the way we ran these operations -- at first they tried to have an operations order and a sort of a plan of attack or whatever, and it never worked out. We ended up never doing it the way it was planned. So after a while we would just sort of dispense with the formality. It was more or less a mob scene sometimes, the way we did things. As long as you spread out and maintain unit integrity, you would be okay. All we knew was that we were going to be in the second lift. Even that wasn't certain, because they would change this right before you get on the helicopter. They changed that, too. In other words: "You go on. Stop here." And --

Q. (Interposing) You had no knowledge of what you were going to do or where your platoon was going to be operating as a result of the briefing on the 15th?

A. I don't know that I did, sir. I may have, but I don't know that I did.

MR WEST: Do you remember the names of the men in your squad?

A. Yes, sir, Kenneth SCHIEL was the squad leader.

Q. Okay.

A. Garry CROSSLEY.

Q. What was his duty?

A. He was a rifleman like myself, an automatic rifleman.

Q. Okay.

A. Diego RODRIGUEZ. I was switched around a lot. A lot of the men were switched around, but possibly "Lee" TREVINO.

Q. TREVINO?

A. Yes.

Q. All right.

A. And possibly Esequial TORRES, E-S-E-Q-U-I-A-L.

Q. Do you remember anyone else?

A. Not right now.

Q. Okay, if you think of any more names later, we can add them.

MR WEST: We have an aerial photograph of My Lai (4) and the vicinity (Exhibit P-1), Sergeant BERNHARDT. This is a 1:25,000 scale map and has been entered in evidence as Exhibit MAP-4, and I think you can orient yourself quickly here. Here is My Lai (4), and the scale on the photograph is 1 inch equals approximately 100 meters and, of course, this is the north.

According to all the evidence on the next day, the 16th, the landing zone was the rice paddy west of--

A. (Interposing) Other than that, I can't remember a thing. We landed in the western part going east. That stuck with me for some reason or another. It was down. And from there--

Q. (Interposing) In your previous statements, you mentioned that apparently right after you got off the helicopter, Captain MEDINA called you over because you had a rope.

A. Yes, sir.

Q. And you used it to move an ammunition box that he had found and possibly was booby-trapped. Is this correct?

A. Yes, sir.

Q. Could you relate that incident please?

A. He called me back. I had a rope. I came over to the CP, the mobile CP, where his group was. Someone there told me that the box was the subject of why I was called back, and they wanted me to tie the rope to it and get back a good distance and tug on it in the customary way so that we could see that it was not booby-trapped. I did that. After I did it, I opened up the box. The box contained a small eight-transistor Sony radio and an OD, homemade case with a zipper on it, containing syringes, needles, medicine of some type in a glass syrette--what do you call those?

Q. Ampoules.

A. Ampoules? And in other words--

Q. (Interposing) Medical supplies.

A. Medical supplies plus the radio.

Q. Okay. What did you do next?

A. I picked up the box. I wrapped up my rope as best as I could right there on the spot and I tried to find my group. That was after we had established what was in the box.

- Q. Your platoon had already moved on in the village by that time?
- A. Yes.
- Q. What did you do next?
- A. I picked up the box, and I tried to find them. There was a lot of shooting going up ahead. I wasn't sure what kind of shooting it was. I went on ahead inside the village somewhere, I'm not sure where. When I got inside of it, I was completely lost -- the way they had their property within the village is more confusing than what they have on the outside of the village. And I didn't know which way was out. But eventually I ran into a group of ours, and then I found out which way was the way we were going. Somehow I wandered back into the headquarters again.
- Q. You mean back in MEDINA's comand group?
- A. Yes, sir.
- Q. I see. These friends that you ran across, were they from the 2d Platoon?
- A. No, I don't think they were with the 2d Platoon, because if they were with 2d Platoon I would have stayed with them. But I don't know who they were. At this time, I can't honestly say that I know who they were or what platoon it was.
- Q. What were they doing when you came across them?
- A. I saw this group ahead of me. What they were doing was rounding up a group of people and they--I don't know whether they were coming out in here (indicating). But what they did was they had them inside of a quarry. They herded them into a quarry, or I think it was either a quarry or a large shell crater.
- Q. (Interposing) Shell crater or a ditch?
- A. Right. It was a big hole in the ground, and they herded them into there, and they shot them all in there. It

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looked to me like what you would find in the villages, that is, women, and children, and old men. I couldn't see any reason for it.

Q. How far away were you standing?

A. It is difficult to say. First of all, it was a long time ago, and, second of all, when you get inside of a village your estimate of range is always suffering, because a man may be 20 meters away from you and you won't be able to see him at all. Now I think it was about--

Q. (Interposing) Well, were you standing near these soldiers when they shot the people?

A. Near them. In other words, would I be in relation to them as they were in relation to each other? No. I was back a --

Q. (Interposing) You were standing apart --

A. (Interposing) Oh, yes.

Q. Would you say about 10 feet or 20 feet?

A. Well, possibly 20 yards.

Q. Twenty yards?

A. I don't know exactly.

Q. What weapons were the soldiers using?

A. The regular direct fire weapons and the indirect fire weapons as well. I can't remember now whether it was in the ditch, but they used indirect fire weapons at a range that was positively ridiculous. That is, indirect fire weapons being the M-79 grenade launcher.

Q. The rifle is what, the M-16?

A. The rifle is M-16 or the M-60 machinegun, or .45 caliber automatic.

Q. These people that were in a hole in the ground, were they Vietnamese?

A. Yes.

Q. I think you said in your other statement that you could not identify the soldier that fired on these Vietnamese?

A. Like I said, from that time I've gotten the impression that a lot of men that I knew were involved in it. I could say that they did without actually knowing it. I'm a little bit confused now as to who I did see and who told me since then that they were involved in it and things like that.

Q. Did you see anything else? I wonder if you could fix a time about when this took place? The initial landing was 7:30, so it was sometime after that. Do you have any idea what time it was when you saw these people shot?

A. It was a little difficult to get into the village. It did take more time that it should have taken, since we didn't encounter any resistance. We should have walked right through. It shouldn't have taken any time at all to go through this village. At least I don't think there was any resistance. But it took a little bit longer than it should have. I don't know when the actual shootings took place, but it was before noon and what I thought was about a half hour after we landed.

Q. You have indicated that you left this group and went somewhere else and rejoined MEDINA's command group later on. Can you tell us anything else that transpired at this time?

A. Yes, at some time or another while I was with MEDINA's command group, he was on the radio saying what I believe to have been at the time to halt the shooting of civilians. I don't think that he knew that there would be that many civilians in the village. But anyway, he called on the radio to his subordinate leaders to stop the shooting of the civilians.

Q. Did he say anything about burning the hootches at this time?

A. I don't remember.

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Q. In talking to the CID agent you spoke of an instance in which you saw MEDINA shoot a woman. Would you relate that incident please and remember all the details you can?

A. Somewhere during the operation -- and I believe it was after the village, the first village, I don't know whether it was after the second or at any other time that day; at least it was after the first village -- there was a woman in the field making the appearance of picking rice or doing something. What I said to the CID agent was that I saw MEDINA lift up his rifle, look down the barrel, pull the trigger, and the rifle went off, and the woman fell down.

Q. How far away were you then?

A. I would say maybe 100 yards, but like I said it was a long time ago and my range may be a little bit off. The CID man then said, "Well, then it would seem to me that he shot her." And I say for the purpose of trying to speak the same language he is speaking, then I say, "Yes, that's the way it appears to me: that he shot her." Somebody else could have shot her, but at the time it looked to me that he did. But I wanted to be completely fair to him. There was a lot of shooting going on.

Q. I understand.

A. And what I saw may not exactly have been what actually did happen, but I do believe it was. After that he walked up closer to the woman. This there was no mistake about. He fired a few more rounds into her at close range.

Q. How close was he?

A. About 6 feet, maybe 3 feet.

Q. Did she threaten him at this time in any way?

A. She didn't look threatening to me.

Q. Did you see her make any move at all?

A. When she was wounded?

Q. Yes.

A. No, no, she was moving. She was alive, or breathing heavily, and that's all.

Q. Did you see anyone else kill any civilians in My Lai (4)?

A. That I could actually say I saw so-and-so shoot someone, anyone, no, I don't think so.

Q. Did anyone tell you about killing anybody else in My Lai (4)?

A. Yes.

Q. Would you relate that, please?

A. There were several of the men who discussed the operation after it was over with that I talked to, and they were telling me that they had done so many in this way and so on. They were scoring points, in other words, some of them.

Q. Where was this, back at LZ Dottie, or while you were still out in the field?

A. I believe that most of this I got at LZ Dottie. I talked to some others on Uptight, also, but most of it I think I got from Dottie.

Q. You indicated in your earlier statement that you saw quite a lot of dead Vietnamese around in the hamlet that morning?

A. On the operation, I'd say. In the earlier part of the operation.

Q. At the moment, of course, you're just thinking of My Lai (4), the first recollection you have?

A. Yes.

Q. You have any idea how many people you saw there, dead civilians?

A. I would estimate 100. I'm trying to be conservative in the estimate as a matter of being fair to the company.

Q. When did you rejoin your squad or platoon? Do you recall that?

A. No, I don't.

Q. It is supposed to have taken place after the platoons were through the hamlet, on the east edge of it.

A. I think there was a three-story house, or a two-story house, maybe. I call it a three-story house. I call anything with eaves up there -- well, since it's Vietnamese, I guess -- where Herb CARTER was evacuated. I think that's where I had my-- I'm not sure -- I think that's where I was, but you see --

Q. (Interposing) Were you around CARTER when he shot himself?

A. Not where I could see anything.

Q. Were you there afterwards?

A. Yes, well, the shot went off, and they were helping him over to this area here (indicating on Exhibit MAP-4). Where I was -- myself and several other men put him on the helicopter.

Q. I see. When you arrived at this point where the dust-off occurred, as I recall, this was at the southern edge of the village. Did you see a group of bodies on a trail around there?

A. I believe it was in the area that I saw a group of bodies on a trail that had vegetation on one side and a rice paddy on the other side. I don't know whether it was a crossroad or a tee. There was a straight road with another road meeting it. There were bodies in that. I mean a long ditch--there were bodies in there. Then there were bodies---

Q. (Interposing) This is not the hole in the ground where you saw the --

A. (Interposing) No. The hole in the ground that I saw was a hole. It wasn't a -- when I think of a ditch, I think of something like a long drainage ditch. This was a hole in the ground.

Q. Was it round?

A. Yes, sir.

Q. Okay. You have any idea how many bodies were in this ditch?

A. No, I don't. Then there was a man in the well. I think it was a man. I saw the photograph of the man in the well -- I can't identify it, because what I saw, they had been throwing in some cut-off banana trees or something and dropped a hand grenade into the well and blew it all up. So it wasn't really much--I didn't see anything at all like the photograph there. Also, this is right here at the beginning of the village, too.

Q. The incident about the well--

A. (Interposing) The incident about the well was right there (indicating)--

Q. (Interposing) Right after you first came into the village from the west?

A. I think so.

Q. All right. But it was right after the landing and as the troops moved in to My Lai (4)?

A. I don't know when it actually took place. What I mean is the position of the well is just inside the village from where we were.

Q. Right. Sergeant BERNHARDT, I will hand you a black and white print of the color photograph that was taken by Sergeant HAEBERLE that day which has been entered into evidence as Exhibit P-41. I also show you Exhibit M-1 which is a copy of Life magazine, dated December 5, 1969, which contains the color reproductions of the same photographs (handing the exhibits to the witness) on page 38, and I ask you if this scene looks familiar to you.

A. It appears to be characteristic of the way the people were laid out there.

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Q. Can you relate that to any particular place that you saw?

A. No, sir.

Q. Sergeant BERNHARDT, could you tell us what the procedures were for making body count in the company and the reporting of VC KIA?

A. I'm afraid I may be a little bit vague on that. I don't know exactly what the procedures were. I do remember one time that a KIA was counted officially, and I don't believe that he was killed. In other words, the body wasn't actually there. I don't know on this particular incident if anybody did take a body count, and I don't know of any other time when we took body count as such, in other words, went in, counted them up, and said, "This is what we have." I don't remember doing that.

Q. On this operation at My Lai (4)?

A. On this operation at My Lai (4), I don't remember anybody counting bodies either.

Q. Well, while you were in and around My Lai (4), did you see any actual VC dead or people you thought sure were VC dead?

A. No, I did not. I didn't see anyone that I could think might have been VC in the village, that is, not even a person of the age a VC might be.

Q. Did you see any weapons?

A. There were several weapons captured. The ones that I saw captured were American type, the type that we issued to ARVN or PF's. I didn't see any equipment that was found to be North Vietnamese, or VC, or any weapons that were ours.

Q. Do you recall how long this operation took? It's been indicated to us it lasted 3 days, the 16th, 17th and 18th. Do you remember it this way?

A. I remember that it took--at least we didn't go back in the day after the operation. I'm pretty sure we stayed out one day and stopped at--

Q. (Interposing) Well, we have had several people tell us that the first night you laagered in a cemetery or graveyard. Do you remember that?

A. It may've been. Graveyards were all over the place. They were mounds--

Q. (Interposing) I see.

A. In other words, family type things, or village type things. They were all over the place, graveyards. We got into the water, that is, the bay area--it looked like a bay to me. When we were there, we got a radio call that we were out of the range of the artillery or else were just in range of the artillery. They wanted us to move closer to LZ Dottie, so we did this. We stayed for the night, and the next morning we went somewhere else. I don't think we went in the next day.

Q. Well, you're saying you were out 2 nights?

A. I think we were out 2 nights, at least, on that operation.

Q. All right now, after you left the hamlet of My Lai (4), could you describe what the operations for the company were? For example, did you run into any enemy, any VC, get into a fire fight anyplace, or did anything of this nature happen?

A. I don't think there was too much happening after that.

Q. Now, we've had evidence that on the second day you moved south down through a little hamlet called My Khe (3) and My Khe (1) and clear down as far as My Khe (2) which was on the water. If you will look at the big map on the wall which has been introduced into evidence as Exhibit MAP-1, you will notice the village of My Khe (2) there and the symbol for the aero-scouts.

A. Yes, sir.

Q. Could this have been the place where you went into the water?

A. No, I don't think so. I think we went sort of southeast, and we hit the water in a day there. I think later on we did get down in this area (indicating) because there was a bay and a sand peninsula.

Q. Could you indicate about where it was that you hit the water first? Indicate it on the map.

(Witness attempts unsuccessfully to find location on map.)

Well, if you don't recall that's all right.

A. I'm afraid I couldn't, sir. I didn't carry any maps.

Q. After you got the word that you were at extreme artillery range or out of artillery range, did you move back up north?

A. Well, we did move closer to the LZ. Whether it was north or south--

Q. (Interposing) And you spent the night somewhere around there?

A. Not too far from there. We had to find more or less a strategic location anyway, so we may have gone further than we had to. We had to find some place we could defend in the event we had been attacked.

Q. Right. The next day you moved up on a little farther before you were lifted out?

A. I don't remember exactly, sir.

Q. At any event, you don't recall any significant enemy action during this period?

A. No, I think there was another mine, maybe several. I don't know that there was any significant enemy action at the time, though.

Q. All right. Was there an investigation conducted after My Lai (4)?

A. I don't know. If there was, it was without my knowledge.

Q. Did anybody ever come to talk to you about it?

A. I believe that there was a field grade officer who came from somewhere and landed on LZ Dottie and wished to talk to some of the men about what had happened at My Lai (4). I was kept away from it. I was put on a detail at the time, away from the area. Later I found out that at least one man I knew had talked to the--I think it was a colonel. Sergeant BUCHANON. He said that the colonel asked if he thought that what he had done was right, that it was his job. He said that he had nothing to say, and that's all I know about that.

Q. Why were you sent away on detail when the investigating officer was coming?

A. The investigating officer wasn't there to talk to everyone. We were spread out along the area of the perimeter. But I still think I might have been sent away because I might have said something that would have damaged the company.

Q. You mean by this that you didn't approve of what was going on, or what had been going on?

A. That's what I mean, yes, sir.

Q. And this was known to other people in the company?

A. Yes, sir.

Q. Did you explain why?

A. I believe I did, sir, but it wasn't getting through to too many people.

Q. You believe you did what?

A. Tried to explain why I didn't think it was right. It didn't have strategic value to it at all. I believe that there is an effort on the part of some people in the higher

quarters of the military, both allied and American, who want to see the war dragged on. One of the ways that they do this is by cultivating this attitude that someone very aptly called the "dink complex," and that these things that happened as a result of the "dink complex" damage us. The idea I believe in that war is not to kill off the enemy. It would just be too hard to do that. You have got to make them want to stop fighting or else eliminate his means of fighting. When you go out and do something like this, I believe what you are doing is breeding more Viet Cong.

Q. You mean by killing the civilians at My Lai (4)?

A. Yes, sir.

Q. Go ahead.

A. I believe that this breeds Viet Cong and this isn't helping us at all. It is more hurting us. That's also why--and I want to make it clear here--that's why I made these public statements and so on. I wasn't trying to drag anybody down. I think that already now an attitude has changed by men who either are serving or will serve in Vietnam--that they won't get away with this all the time. It was an attitude that was prevalent in my company, and I wanted to see it reduced altogether.

Q. When you speak of a "dink complex" were you referring to how American soldiers look upon the Vietnamese people?

A. Yes, sir.

Q. Could you explain that a little more. I think I know what you mean, but I'm not sure.

A. All right, sir. From the way I look at it, I believe that it is mostly the linguistics bit. Now a person loses a certain aspect for being valued as a human being if you cannot understand him--rather if he doesn't have the means of communication with somebody else. A lot of the men--to their way of thinking, since the Vietnamese were speaking something that we could not understand, felt that they weren't communicating with anyone. It is just a sort of psychological

way to look at it. What they thought were these people were a whole lot less than human. They knew, or they at least heard, of their value of human life. I think we're stuck with our values. Also they could get away with just about anything that they wanted to get away with. There is a lot of frustration that is among the men over there, and these frustrations cannot be directed at those responsible for creating them, and so, they're directed at what they can be directed at. In other words, making sort of a whipping boy out of the South Vietnamese population.

Q. In other words, helpless people--they just take it out on them?

A. Yes, sir, it sounds--it's illogical, of course, but we're not going to look for logic in a large number of men that would do this.

Q. Is this attitude related to the practice of referring to the Vietnamese as "dinks," "slopes," and "gooks," and this sort of thing?

A. Yes, sir, right, something like that. These are small manifestations of it. The larger manifestations is this and also the fact that there are a lot of--I said to the press that I thought it was an isolated incident. I didn't think it was an isolated incident, but I didn't think it would be wise to tell the press that I thought it happened all over Vietnam, because, first of all, I didn't know and, second of all, it wouldn't help any to say that it did.

Q. You feel that this is not isolated, but you don't actually have evidence of other--

A. (Interposing) Right. All I have is what information I've gathered by talking to other men about this particular incident and also not relating to this incident, but just talking about Vietnam in general.

Q. Well, on that subject, did you ever hear anything of an incident in another hamlet not too far away

from My Lai (4), in fact over on the same coast there near the South China Sea, below Pinkville? It's shown there on the map as Co Lay (2).

A. I see, sir.

Q. You see it there?

A. Yes, sir.

Q. Did you ever hear of a similar incident occurring there?

A. I didn't, sir.

Q. We've had some reports--they're not confirmed--that there may have been some Vietnamese women and children killed there also along this time. Are you aware of any other efforts to investigate the incident at My Lai (4) other than what you described?

A. No, sir, except that I had gotten word--so far, I haven't read or heard anything that would have me believe otherwise--that there was a helicopter pilot that initiated the investigation. It was not Hugh THOMPSON.

Q. It was another one?

A. Yes. He was killed shortly afterwards, so the investigation was dropped due to the fact that whoever initiated the investigation was not around any more. I heard that from several people and it seemed to be consistent, and so I thought, "Well, it's a good possibility that it's true."

Q. Well, if you ever hear anything more definite on that, we would like to know. We haven't heard of this and we would like to know. We haven't heard of this and have not received any evidence at all.

A. What I've heard of this--at least what it appears to me--of course, using the press now is kind of rough, but I've gathered the impression that someone is trying to convince the public that Hugh THOMPSON was the one who initiated

the investigation without actually saying it. He was the one who was decorated at the time for taking certain South Vietnamese civilians out of the line of fire. Was that what he was doing?

Q. Yes.

A. Well, I don't think he could have been the one who initiated the investigation. It doesn't seem likely to me. He had somebody there because the investigation did start. But where it went from there, I don't know, being out in the field you don't know too much.

Q. Yes. Well, we have a lot of information on that aspect. But we would be interested in any other similar action you might hear of. Did anyone tell you to keep quiet about the incident at My Lai (4)? Not to talk about it?

A. On LZ Dottie the company commander called me to the command post and advised me not to write my Congressman. I don't know where he got the idea that I was going to write my Congressman. I hadn't told anybody that I was going to. Not that I had no intention of doing it, but I never said anything about it. Somehow he got the impression that I was going to do that and advised me not to, that it wouldn't help anything, it would only hurt them, and so on.

Q. We've had statements from two or three people to the effect that Captain MEDINA called the company together and told them not to discuss the incident with anyone. Are you aware of this?

A. Yes, sir.

Q. Were you there?

A. Well, yes, I was there too, sir. I think I was there. That didn't make an impression on me because I remember the one time that I was singled out-- in other words, told not to do this.

Q. You remember that more thoroughly?

A. I remember that. I'm not really sure about that other thing, but I believe that's about what happened.

Q. Well, Captain MEDINA testified--

A. (Interposing) Wait a minute. Here we go, yes. The thing I remember him saying at the time was that he would back up anybody who was going to get into any trouble for this. Anyone who gets into any trouble for it, he said, "I'll back you up in any way." I don't know exactly where we were or anything like that. I can remember him saying something like that.

Q. Captain MEDINA testified before us and said that he did talk to the men and said that he pointed out to them that the matter was under investigation, and while it was being investigated it would be better not to talk about it. That's what he said occurred.

A. I never heard about the matter being under investigation.

Q. All right. There's been some statements in the press that the men of Charlie Company may have been under the influence of marijuana at the time of the assault on My Lai (4). Would you have any information on this point?

A. Some of the men had been smoking marijuana and had since smoked marijuana. At the time, I don't think it had anything to do with the operation. I don't think any of the men were under the influence at the time, but I don't know. All I know is that there was some use of it in the company, as they say. There is some use of it everywhere in the country, just like they say there are some things like My Lai (4), or similar incidents, throughout the country.

Q. Was marijuana a problem in the company?

A. I don't think it was a problem. It didn't affect the company too much one way or the other.

Q. What sort of assignments did Charlie Company draw after this operation? Did you continue on search and clear operations and that kind of thing?

A. We seemed to have had one MO, so to speak. The way we did things was done pretty much one way. This search and clear, I don't know exactly what it means, no more than to search and destroy or anything like that. I believe what we did was we'd start walking and we'd come to a village. We were supposed to search the village and move through it and that's all. I don't know whether this was just a joke or not, but we thought most of the time that what we were doing was trampling out minefields or drawing fire. What we did didn't seem to make too much sense, at least to me. My idea would be that you have got to do what you can in the country without stepping on it. That would be the best way to do it, because most of the casualties that we took were from mines. I think there was entirely too much stumbling around.

Anyway, the way we operated was pretty much the same all the way throughout the tour. We would go to a village, generally, mistreat the civilians, and move on. We wouldn't find too much in these villages that would indicate that there was anybody there except the fact that there were children in the village, babies, infants, and women, and that there were no young men. So that would indicate at least one thing, that there were young men from time to time in the village.

Q. What did you mean by mistreating the civilians?

A. Just general mistreatment, stealing things, destroying property, beating the people, rapes, things like this. There were some shootings and so on that I didn't-- like I said before, the men basically knew, most of them, how I felt, and they would avoid me. If I was anywhere around, they would try and avoid anything like any contact with people in that respect.

Q. What would you say the state of discipline was in the company?

A. From what I understand it wasn't too good.

Q. Did they respond to orders all right?

A. No, I don't think so. As I understand, it wasn't very good at all. But like I said we have to be relative

about this, relative to other companies. I don't know, because I was only in one. As an example which I think is supposed to be pretty common in most companies, it looked to me as if there were far too many of the men who would not do their share in an engagement. They'd lie down behind a dike and just stay there and wait for it all to blow over or something. It was maybe a dozen or so who would do some shooting in the company. Some of the other men who were not reluctant to do any of the shooting were not just in the position to do it and would not knock themselves out to get up and do some. Like, if you were hit from the flank what we did, at least CROSSLEY and I, was to try and get where it is, to where we could shoot without endangering anybody of our own. But most of the time, the men wouldn't try to knock themselves out to get to where the shooting was. I don't know whether you can say that this is a discipline thing or not, because there actually weren't any orders. I think some of the subordinates leaders--not Captain MEDINA himself, but some of the other leaders, platoon leaders, platoon sergeants, squad leaders--were a little bit at a loss--practically always at a loss whenever it came time to do some shooting. They didn't know exactly what to do, or didn't have any idea what to do.

Q. Was this a lack of training, would you say?

A. Maybe a lack of training. I don't know exactly what you call it. It seemed that some of the men responded well enough, and they were supposed to have gone through this similar training anyway.

Q. What kind of company commander was Captain MEDINA?

A. As company commanders go, I don't know exactly. At least one thing, he had the respect and the confidence of the men without a doubt. He had that more than any of the company commanders who came later.

Q. Did he take care of his men well?

A. I think he did as much as he could. He was always concerned about the men. He thought they were his.

Not just his responsibility or his command, but they were his own. It was sort of a camaraderie between him and his men without actually losing some of his command ability. Possibly because he was older than most captains, I suppose. I think he was older than most captains would be at the time. That may be why he had a little bit more respect than any captain in C/1/20 since has had--at least to my experience.

Q. What was his attitude towards Vietnamese?

A. He had an extreme dislike for them, almost fanaticism. It was possible that he felt so much for the men that his feeling was that these people were not worth fighting for or not worth any of his men dying for, which I don't really believe was the point anyway. Not that there's anything wrong with it, but I don't see the objective. We had our own objective, but it was sort of a racial thing. He just didn't like Vietnamese at all. He would just as soon kill them as look at them, if he could get away with it.

Q. You think this is part of what you referred to as the "dink complex," a few moments ago?

A. Yes, it's showed strong in him as well as the other men.

Q. If you had to answer the question what really happened at My Lai (4) on 16 March 1968, what would you say?

A. I would say that a large number of South Vietnamese civilians were killed for no reasons, strategic or otherwise, in short.

Q. How did it come about? Was this in response to orders? Did the men go out of control?

A. I would say it was mostly an impulsive thing, even in response to orders. The order could've been taken anyway actually. I know how the order was taken by most of the men, and so you can see in fact that it was almost an impulsive thing, but at the same time it was coupled with the response to orders. It was a little bit of both.

Q. Well, would it be fair to say that the orders were ambiguous?

A. No, it wouldn't, because very rarely, even when a verbal order is given, can you actually attack it. In other words, it's always dependable. Not the people who are evasive, but, if you can understand what I mean, with a verbal order you can always say I meant something else. It can always be said that way. Not that people are being evasive, but orders verbal are not the same as orders written where you always think of a loophole and try to cover it. The order wasn't ambiguous. I think it meant approximately that we shouldn't worry about any South Vietnamese civilians. The purpose wasn't to wipe them all out, but the purpose was not to worry about it if they were there. There was supposed to be a large number of VC there also. If you killed a bunch of civilians at the same time, it wouldn't make any difference.

Q. Well, we've heard from other people that a good bit of stress was placed on the idea that by 7:30 in the morning all the noncombatants, civilians, would be out of the village and gone to market. Do you remember anything of that nature?

A. If that's what was said, it didn't make an impression on me, because I would relate it to other villages we had been to where there was no time when the noncombatants were out of a village.

Q. You never heard of any instance where everybody would be gone?

A. No, I never heard of it. I have never seen it.

Q. Well, you think this killing resulted from the men's desire to take out their frustrations on somebody or get revenge for the casualties they suffered?

A. Yes, I think so.

Q. You think perhaps this was a dominant thing?

A. I think that under similar circumstances any number of men would have done the same thing, at least any percentage of any number would have done the same thing. I don't think that there was a large number of extremely vicious or degenerate individuals in my company. I think it was just the way that things are, that it affects most men this way.

(COL WILSON and COL FRANKLIN entered the hearing.)

Q. Well, there has been some evidence that there were one-half dozen individuals in the company who were inclined to violence, men who had several times raped women, killed them, and cut the hair off young girls and wore their braids on their helmets, and that kind of thing. Do you recall any of this?

A. Yes, sir, I do. I would say that some men are more inclined to violence more than others, but that's a rule everywhere, I think.

Q. You don't attribute this incident at My Lai (4) to just a few violent individuals?

A. No, and I don't attribute it to the fact that there were perhaps more of these individuals who were more inclined to violence in my company. I think it was just the way things were anyway. Without that number of people we still would have been pretty much the same.

Q. So that these actions were spread over a fairly even segment of the company including people who wouldn't normally kill civilians and this sort of thing?

A. Some people that I would think in life here were pretty decent people. They are not the same kind of men who would shoot civilians here or in any other circumstances. You could trust them.

Q. They wouldn't shoot a fellow American?

A. Yes, that's right. They wouldn't do that. Some of them wouldn't--there are probably some of them I would wonder about anyway, but most of the men in the company wouldn't do that.

Q. You are aware, of course, that I understand you later talked to RIDENHOUR before he wrote his letter?

A. Yes, sir.

Q. So, you are aware of the fact that this incident was not reported and was not made known to the public for a long time after it happened.

A. Yes, sir, I know that.

Q. About a year elapsed. Can you explain why it was not reported either in some form or talked about?

A. As it is now, there aren't too many people who believe--I shouldn't say there aren't too many people who believe it. As it is now there are many people who don't believe it yet. The fact that there isn't enough evidence, according to some people, to support whether it took place or not. There is enough, sort of, to dismiss it in our minds. But the thing about it is that there wouldn't be any more evidence, no matter what happened, unless somebody was down with a camera crew and sound equipment. You understand what I mean? It was far away, and it was some time ago. What was there? One witness? One survivor if he was--I don't know if he was or not. It's the kind of a thing that, I mean, it's kind of unbelievable now. There isn't that much evidence to support it. There wouldn't have been that much evidence to support it no matter what happened there. It makes it kind of difficult. Anyway, who do you tell? Who exactly? In your position, you might have somebody to say this to, but in my position I don't.

Q. Well, are you saying that you thought if you told anybody they wouldn't believe it anyway?

A. I thought that I possibly--some people would believe and other people might be the wrong people. Or that they would be people who know in fact that it does happen and, perhaps, perpetrate it themselves and encourage it and would want to see me either discredited or out of the way.

Q. I believe you earlier made some statements indicating that you felt under some pressure or some threat in regards to talking about this incident?

A. I say that I didn't know. There is always safety in the press, in other words, to say something now and then have anything happen to me wouldn't exactly look very well for this incident.

Q. What about when you were back in Vietnam with the company. Did you feel any pressure there from the other men not to talk about it?

A. Well, here was the problem. There wasn't anybody to tell but the company. There were very few opportunities that I had to get away from the company to see anybody except somebody on my brigade level. Who would you go to? If it was something that--now I don't know about this thing here, how high up it went. We like to think it was a company thing; it was just sort of a lunatic reaction or something. But I don't think so. If it went up to, say, the brigade, and I had made a complaint to the brigade, I just don't know exactly what the effect would have been then.

Q. Did you ever have a feeling that perhaps this sort of thing went on all the time, that it was the accepted thing?

A. Yes, I did.

Q. Therefore, you wouldn't--

A. (Interposing) I didn't know.

Q. Why report it?

A. I thought at the time that it's possible that this is actually what happens. This is my only war. It is my only war. It is my only company. It is my only experience. And I thought that well, what we have been reading and what we have been seeing in movies has been a big lie. I didn't know. It was my whole life then. It was a year and that was my whole life at the time.

Q. In other words you feel that maybe this is like what it really is?

A. Yes, I thought it was possible. It seems to be fairly accepted within the company. I didn't find anybody outraged by it. I also knew that people on higher levels knew about it and weren't saying anything.

Q. This is a very interesting observation. Would you enlarge on that?

A. That is the people on the higher levels knew about it and weren't saying anything?

Q. Yes.

A. I couldn't understand how a company could do anything, that is, operate anywhere without at least the next higher headquarters knowing about it. That would have been Colonel BARKER. But I heard that a colonel had come and asked about it who had apparently known. He wasn't trying to find out anything about the incident. What he was asking the men was what their reaction to it was. In other words, as though he knew. This is what I gathered from talking to the men, and it wasn't Colonel BARKER, and that it was a full colonel. And I figured well, okay, brigade.

Q. Do you know who Colonel HENDERSON was?

A. He was the brigade commander, but I don't know if he was the brigade commander at the time. I only saw him once.

Q. He was. He assumed command on the 15th, and he had been the brigade exec before then.

A. I only saw him one time. That's the only time I ever saw him.

Q. Was he the man who came around asking the questions?

A. This I don't know. They didn't tell me who it was. They said a full colonel, someplace up in brigade.

Q. Colonel HENDERSON told us--and we've had other evidence of this--that when Charlie Company was extracted from the AO down there--and I'm taking you back to LZ Dottie--that he met with some of the men, say a couple or three helicopters loads, and talked to them about it. He asked them questions about the possible killings of civilians at My Lai (4). He talked to a group, and then he asked several questions. Were you aware of this?

A. I don't know exactly how it was conducted.

Q. You weren't present?

A. No, I wasn't present at all, sir.

Q. You think it's possible that this is when BUCHANON talked to the officer?

A. Yes, sir. This is possible.

Q. Well, did you see Colonel BARKER at My Lai (4) that day, on the 16th?

A. No, I didn't, sir. I didn't see him at all.

Q. Were any officers senior to Captain MEDINA at My Lai (4)?

A. There were two men there. I thought they were officers. I'm pretty good at picking out officers anyway, I think. Lieutenant ALAUX never wore any rank. He was the artillery officer. When I first saw him, he wasn't wearing any rank, and I knew he was an officer then, so I consider myself sort of an authority on officers. Anyway, these two men that were with the company at the time--one of them has been identified as a military intelligence officer, and the other one--

Q. (Interposing) Was that Lieutenant JOHNSON?

A. I don't remember his name, but I know he wasn't wearing any insignia. And also the other one was an older man, I think, and wasn't wearing any--either he had on U.S. or else he didn't have any insignia. I don't remember exactly which, but those--I saw them. It's possible that this older man might have been a field grade officer. I don't know if he was or not.

Q. But you didn't see anybody senior to Captain MEDINA arrive in a helicopter--

A. (Interposing) No, I did not, sir.

Q. And visit the scene of the operation?

A. I didn't. The only time throughout my whole tour that I saw anybody senior to Captain MEDINA on the ground during an operation was Colonel GUINN, who was later the battalion commander.

Q. Was that after he got to be the battalion commander?

A. Sir?

Q. Was that when he was the battalion commander?

A. When he was the battalion commander. That was the only time, sir, in my whole tour I saw anybody above the grade of Captain MEDINA on the ground with the troops during an operation.

Q. Well, I take it that it was your impression, then, that the company would be lifted out to the area in the helicopters, left on the ground, and they wouldn't see anybody senior to Captain MEDINA until they were pulled out again. Is that right?

A. That was usually the way we did things even on the hill. There was rarely anyone--

Q. (Interposing) You maintained communications by radio then?

A. Most of the time it was radio.

COL MILLER: You may have answered this completely before I came. You mentioned it after I got back in here. You said that somebody came down and asked questions, but it sounds as though he knew what it was all about. Was this a field grade officer who came down to the company and was asking questions of individual soldiers sometime after the My Lai incident?

A. Yes, sir. Sometime after the My Lai incident on LZ Dottie there was a field grade officer. From what I gathered, he was a full colonel who was asking questions of the men, more or less probing for a reaction to what had happened as though he knew what had happened. Now that's what I gathered from what the men told me. That is, they told me what questions he asked, which I can't remember at the time. And they told me what kind of answers they gave him. And this is what I gathered from that. I don't know for sure. I wasn't there.

COL FRANKLIN: Do you know if this event happened sometime after the day of the incident or could it have been the incident that occurred back at LZ Dottie as you were extracted from the field?

A. I think it was shortly after we were taken into LZ Dottie from the field, shortly after.

Q. You weren't present?

A. I was not.

LTC PATTERSON: As I understand it--and I would just like to clarify it for the record--you did not participate in the training of C Company in Hawaii?

A. No, sir, I did not.

Q. Were you a member of the LRRP company?

A. Yes, sir.

Q. And then you were transferred from the LRRP company to C Company?

A. About 2 weeks before the company moved to Vietnam. Two weeks or less, I'm not sure now.

Q. You went with C Company to Vietnam?

A. Yes, I did. We found out, the 11th Brigade found out, that the Americal Division had provided for long range recon patrols and that the one that we had for brigade wasn't necessary. So they broke up the unit. We weren't very happy about that. They broke us up and put us into groups and put us into the various elements of the 11th Brigade. A number of us--I don't know exactly how many--ended up in Charlie Company.

Q. What kind of training did you get when you arrived in Vietnam?

A. When I arrived in Vietnam we got to Danang and before dawn we moved out of there and we went to Duc Pho. From

Duc Pho we went to Carantan. That is in Duc Pho. Carantan is the area near LZ Bronco. We set up a bunker line there. We stayed there. We had a few problems--training missions. Well, we would go to an area, and the area would be laid out like a Vietnamese village, supposedly typical. The 2d ARVN Division--they had it used as examples of troops and Vietcong. We also went to a place where they had the leadership NCO academy down there. I don't know exactly where that is, but we went there. We got classes in helicopter support and scout dogs.

Q. Okay. Did you receive any training prior to the time that your company went operational? Either with the LRRP company or C Company there at Duc Pho, concerning the Geneva Convention, the prisoners of war, and how to handle the detainees, et cetera?

A. I don't remember any instructions on how to handle prisoners of war, except what I've learned in basic and AIT.

Q. You had it in basic and AIT?

A. Also, we had a way to handle prisoners of war, that was in the LRRP company, which was the S's and so on. But as far as handling civilians is concerned, we had nothing. The LRRP's was not the same type of unit, it was unnecessary to teach the LRRP's. As far as the company goes, it may have gotten it, but I didn't get it.

Q. Did you ask anybody how to treat civilians or anything?

A. I didn't see any reason to ask these men, most of them, how they would treat prisoners -- I never asked them if they'd gotten any training on the matter.

Q. Did you ask anybody yourself to satisfy questions in your own mind?

A. I didn't ask anyone if they had any training on how to handle civilians.

Q. Did you ask for your own information?

A. Oh, did I want to know how to handle civilians?

Q. Yes, did you understand, or did you comprehend the difference between civilians and noncombatants, detainees?

A. I understood myself, sir. I just don't -- I don't know about the other men, but I understood myself. I didn't see any reason to ask questions, because it seemed to me that I knew about as much as anybody I could ask. Maybe it sounds presumptuous, but I didn't think that Lieutenant CALLEY or Captain MEDINA could have provided me with a better answer than I had myself.

Q. You mentioned in your testimony, just to clarify it, a .45 caliber automatic. Was that the weapon you referred to?

A. A pistol, sir. It is an automatic pistol. It's semiautomatic. They call it the .45 automatic. When they call a pistol semiautomatic, it is an automatic pistol, right? The machinegunner and the assistant gunner carry them.

MAJ ZYCHOWSKI: I just want to follow up on what he just asked you here. You mentioned that you didn't feel like you could ask Lieutenant CALLEY or Captain MEDINA for some answers in this thing, because they could not give any better answers than you had. What do you mean by this, you tried something similar to this before or what?

A. No, sir. But, once when we started operating and when we first came into contact with Vietnamese civilians, or whatever they were, apparently civilians, there were several old women with "chogie sticks" -- that is, the long stick that they balance on their shoulder with two baskets, one on either end -- in front of me. I ordered them to stop, that is "dung lai," which means stop, I think. I never got the right reaction out of "dung lai," and they kept on going only a little bit faster. I fired some shots over their heads. After that time Lieutenant CALLEY said to me that "the old man" says -- which could mean any "old man," the company commander, the battalion commander -- said that if they don't stop when you say "dung lai," you shoot them. So I didn't think of this as really being the best way to handle it. There could be any reason why they don't stop when I say "dung lai." Not

knowing for sure what "dung lai" means myself, I might be telling them to get lost. It's a tonal language. You have to know the music, not only the words, so I might be saying it wrong. I just couldn't see doing that. I was told that they might have hand grenades in the baskets and I thought they might also have fish, since they were fish baskets, and I didn't really trust the judgment of the people that I had in command of me. So that's why I didn't attempt to find out how I was supposed to handle civilians, or apparent civilians.

Q. Well, you're getting more specific. Did you try to go, with any other specific questions you had, to Captain MEDINA, and ask him to answer a question you might have?

A. No, sir. I didn't as far as the South Vietnamese civilians were concerned. I had mentioned something about them in general, and the reactions that I get from him and any of my other leaders was not exactly what I thought I should get. So I had to sort of make my own decision there.

Q. You mentioned Lieutenant CALLEY. If I recall, you were in the 2d Platoon, were you not?

A. Yes, sir.

Q. Who was your platoon leader?

A. At the beginning of the tour, Lieutenant CALLEY was the platoon leader of the 2d Platoon. He was changed afterwards.

Q. Who was your platoon leader on the 16th?

A. On the 16th my platoon leader was Lieutenant BROOKS.

Q. Had you ever approached Lieutenant BROOKS on the problem or the question that you may have had?

A. No, sir. At that time it was pretty well established, at least in my mind, on how civilians were supposed to be handled according to company policy, or what I thought was company policy. Since the way they were being handled was

known and not commented on one way or another, I didn't bother to try and find out from Lieutenant BROOKS how he would have handled it.

Q. Let's forget about the civilians right now. Did you ask him anything in general, any questions you may have had about anything, other than civilians or noncombatants?

A. Unless it was anything immediately necessary to the operation, I didn't ask him.

Q. You mentioned a few things in your previous testimony here that require clarification on one point. You mentioned that the men of the company avoided you. Why did they avoid you? Did you report them for certain incidents before this or what?

A. No, sir. I think they just didn't want my disapproval, that's all. I don't know why. They just wanted to avoid me rather than what I would say. I don't know what they expected me to do, but it was just that it would be a lot easier to do it out of sight of me than to do it where I was, or where I could see what was going on. I don't know exactly what it was, but they were afraid. Whether they were afraid that I would report it, or afraid that I might do something myself, or what, they just didn't want to have anything to do with anything out of, without -- when they handled civilians badly it was usually where I wasn't. Let's put it that way.

Q. Well, how about after, other than a combat assault, or any actions of this kind? What was your association with some of the men in the company?

A. My association?

Q. Yes.

A. I had several friends in the company. There wasn't anyone I can think of that particularly disliked me. There probably were some, but at least they didn't show it. Sometimes when things were critical, I'd find that the men would listen to anybody that says anything. I sort of studied this thing. Like, when they were in a critical situation, in a fire fight, or something of that sort, they would listen to

anybody, mostly. And usually the leaders that we had were sort of at a loss on what to do or what to say. So if I were to say something, it would be done. It wasn't anything really tremendous. It was just the way it happened. And in my squad, that's the way it was. Sometimes when anybody was around me, I'd try to run them, because I liked to do things my own way anyway.

Q. In other words, based on your impression, they tried to avoid you to some extent?

A. Well, I would say that knowing the way I felt about the apparent company policy of handling civilians was. Knowing how I felt about that, they would avoid handling civilians in that manner when I was present. Other than the fact that we had a disagreement about how to handle civilians, there wasn't really too much friction between myself and the other members of the company.

Q. My understanding is that you did not report this incident, as far as your superiors. Is that correct?

A. Which incident is that, sir?

Q. The My Lai (4) incident.

A. And which person is it that I didn't report it to.

Q. Well, any one of your superiors?

A. As far as I knew, all the superiors that I could have, at least my direct superiors, were present, and that they knew. Other than that, there wasn't anybody else that I could report it to.

Q. Well let me ask you this then. During your indoctrination in Vietnam, weren't you always advised, even in the States, that you could go to the IG or that you could even go through command channels for complaints of any type?

A. Certainly we were, but the IG would have been on the division level, at least. I don't know how the IG works. I suppose it's a separate thing, but I had the feeling that it was part of the division. Is that right? Is it a depart-

ment of the division or is it a separate thing like JAGC. I don't know how it works, but anyway all I thought was that if it was part of the division, I'm making a report to them. I thought they probably already knew about it. I couldn't understand how something like this could happen and higher levels not know about it.

Q. Something else here. You mention about Captain MEDINA almost hating Vietnamese personnel, and you also mention the word "discrimination" or "race," words to this effect. Is this your own personal opinion or is this from your observations?

A. This is from my observations, sir. That is from what I have seen him do, and from what I have heard him say. It comes out as an opinion because I haven't gotten any concrete evidence, at least not at this time, to the effect that he did have this feeling towards the South Vietnamese. But I think it is a considered opinion. In other words, I didn't just get it out of the blue someplace. It's not an off-the-wall thing. I've thought about it, and I'm pretty objective as far as that goes. I wouldn't say anything about somebody unless I was certain that it was so.

Q. You mention things that he did and things that he said. What were some of the things that he did and said?

A. Well, the words that he said, I can't exactly say. He would make comments about South Vietnamese, joke about it so I had the feeling that's the way he felt about these people. I didn't think that he felt that way about all people. That's why I think it was a racial thing or something like that. He didn't feel that way about all people. I don't see how anybody could. But he did feel that way about the South Vietnamese. That's why I think he made an exception of them.

Q. I have one last question for you then. Do you know anyone who tried to suppress an investigation of the My Lai (4) incident?

A. I don't know of anyone. No, sir, I don't.

COL FRANKLIN: Sergeant BERNHARDT, I'd like you to amplify a little on this. You mention that what you have been discussing of the treatment of civilians in that company. Am I correct in saying -- I'm using some of your words and I'm really not trying to trick you or anything. I'm just trying to know -- that in C/1/20, you can beat people and rape people and steal from people and this was generally condoned? If I'm wrong, say so.

A. You are not wrong, sir.

Q. You are talking about your tour with them, C/1/20?

A. Yes, sir. I'll say that it slacked off a little bit later on due to the change in command and the change in AO's, but it went pretty much all the way through.

Q. So that they could rape a Vietnamese woman with impunity?

A. Yes, sir. That's right. There was one time that it was reported. I don't know if you know anything about this incident, but one time it was reported. The reason it was reported was because the South Vietnamese interpreter from brigade was with us at the time, and he reported it to the higher level. I guess they couldn't just say nothing to him. He raised the dickens about it. There was a rape thing and I don't know if -- do you know anything about that at all? Well, anyway that was one time when it was reported because he was there. Other than that, there were many other times that it wasn't reported at least higher than company. I believe the company commander did -- I don't see how he could not have known about it.

Q. Was it common knowledge in the company?

A. Yes, sir.

Q. You say the soldiers tried to avoid you for these things? It looks pretty hard to me for a platoon to avoid somebody else in the platoon when they are doing something?

A. Yes. That's right. It may have been, but that's what they did.

Q. Have you personally seen women raped, stuff stolen, and civilians beaten?

A. Yes, sir.

COL PATTERSON: I got the impression, Sergeant BERNHARDT, and I think maybe for clarification here, that you know an awful lot about Captain MEDINA: the way he thinks, the way he acts, what his philosophies are, and his opinions. I'm a little at a loss as to how a rifleman, PFC, in a platoon, in a squad down the line gets to know his company commander quite so well. Will you clarify that for me?

A. With Captain MEDINA, it's possible. Like I said he had a feeling of camaraderie with the men. He got around quite a bit. He was with the men. Most of the men in the company --it doesn't matter how far down the line they were -- knew him, knew how he thought, knew how he felt. I'm pretty sure that anybody in the company you would ask would say Captain MEDINA would be no stranger to them in any way. That would be true after any time in the company. I don't think he was a bad company commander. It's just his way. In other words, if he had the right objectives, he would have been good.

Q. Did you know Lieutenant BROOKS that well?

A. Lieutenant BROOKS did not have the dynamic personality. He did not project himself that well.

Q. How about Lieutenant CALLEY?

A. Lieutenant CALLEY, pretty much the same way.

Q. How about your platoon sergeant?

A. Sergeant BUCHANON? I knew him pretty well, I thought. Another thing about Captain MEDINA is that he did project himself. He had the personality. You knew him.

Q. On that day in My Lai (4), you just happened to be in the general vicinity of Captain MEDINA with a rope and ready to pull this box out?

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A. No, sir. They knew that I had the rope. That is the company knew, the CP. He called and asked me specifically. I thought he did because my platoon leader or platoon sergeant -- I don't know who it was at the time, probably Sergeant BUCHANON, probably wasn't Lieutenant BROOKS, somebody asked for me, and said for me to go to this place. I went back and finally found it. That was the headquarters group, where Captain MEDINA was. So that's how I managed to get back there.

MAJ ZYCHOWSKI: Can I ask you one more thing?

A. Sure, sir.

Q. You mention Captain MEDINA was so dynamic, he came down to see the troops, he was well known, and so forth and so on. And yet here these things have been taking place. Not only here in My Lai (4) but previous to this as far as the rapes and so forth. Did you at any time think about asking him about this?

A. No, sir. I didn't.

Q. Can you say why? I know it's a pretty hard question.

A. I expressed myself a couple of times to the point where he knew how I felt anyway. But I knew that since he knew anyway himself what was going on, there would be no sense in asking why. He knew and I guess it was okay with him, so I didn't bother to ask him if it was okay with him or why. I didn't see any reason to do that. It would be like I was trying to straighten him out. It doesn't work that way.

Q. It would seem to me that if you somewhat disagreed with what was going on you would have at least asked him is this the Army's policy. Is this condoned?

A. I knew that as far as I knew it was not. In other words, this wasn't supposed to go on like that. I didn't know whether it was or not. But I knew what I had been told was that this was not policy. This was not what we were supposed to be doing. So I thought that it was either one way or the other: either he knew what he was doing and he was doing it

right, or rather according to the unwritten law, or he knew that what he was doing was wrong and there was no sense in talking with him about that. It's kind of difficult to explain why I didn't discuss any of this with members of the company or with the leaders, like my commander or platoon leader and so on. I just didn't. It didn't seem appropriate at the time.

MR WEST: I think you expressed it all right.

MAJ ZYCHOWSKI: One more question. You mention that you were pretty close to Captain MEDINA on the date of the 16th, is that correct? Other than this one incident?

A. Yes, sir.

Q. I think you also mentioned about transmissions that you heard. Did you by any chance hear any transmissions about a body count or a number of noncombatants killed and so forth?

A. As far as I could see, there were noncombatants killed there. I don't know now. Woman and children, right, this is true. As far as the body count goes, I heard a body count but it was a rumor. It wasn't a transmission. It wasn't anything that I heard from him. I think it was in the headquarters area, but it was more like a rumor. I would say that it was a rumor. I couldn't really be certain of where I heard the body count, but I did hear a body count of over 300.

MR WEST: Sergeant BERNHARDT, we very much appreciate your coming in here and giving your testimony and helping us with these things we are trying to resolve. If you think of anything else you believe would help us, if you find any records or photographs or notes that might bear on our problems, we'd appreciate hearing from you. We are going to recess here in a moment and after that Colonel WILSON would like to continue with you on certain points, but the rest of us will drop out. Thank you very much.

A. You are welcome, sir.

MR WEST: The hearing will be recessed.

(The hearing recessed at 1547 hours, 29 December 1969.)

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(The hearing reconvened at 1600 hours, 29 December 1969.)

COL WILSON: The hearing will come to order.

I want to remind you that you are still under oath.

Just for the sake of trying to establish dates, we have two logs. If we can believe their accuracy, the Task Force Barker log indicates that CARTER was wounded at 1020 hours that morning, and also the Americal Division log indicates that the dustoff occurred at 1030. That means 10 minutes and only 10 minutes elapsed from the time he was wounded until the time he was dusted-off.

A. I don't think so.

Q. You don't believe that. How much time do you think elapsed from the time CARTER was wounded and that helicopter took him out of there?

A. About a half an hour.

Q. About 30 minutes?

A. I think it was about 30 minutes. It was a little while. Well, let's say there is a discrepancy. Not that much. I don't think that it is that much. Probably not worth talking about. It probably was about right. I think it took a little bit longer for the dustoff because I was waiting for the dustoff and he was a friend of mine. It may have seemed that it was a little bit longer.

Q. Okay, let's go through these photographs. What I want to do is to give you these photographs marked as Exhibits P-2 through P-42 and P-56 through P-70. What I want you to do with these photographs is to separate them into two piles. If you can recognize them, an individual or a location, in these photographs, and I'm speaking of people and places, put those in one pile. The photograph that means nothing to you put in another pile. Now, I don't care if you saw it in Life magazine or not. This doesn't make any difference. If you can identify persons or places, put it in one pile. If you can't, put it in another pile. Just mix them up one in one stack and the other in another stack. We'll break until you get through.

(The hearing recessed at 1605 hours, 29 December 1969.)

(The hearing reconvened at 1615 hours, 29 December 1969.)

COL WILSON: The hearing will come to order.

I remind you that you are still under oath.

Sergeant, I want to show you three exhibits. Exhibit M-2, entitled "Nine Rules," have you ever seen that card before?

A. I don't believe so.

Q. This is Exhibit M-3. The title is "The Enemy in Your Hands." Have you ever seen this card?

A. I don't believe so.

Q. Neither one of them?

A. No, sir, I don't think I have.

Q. They weren't issued to you when you went into country or anything like that?

A. I don't think so, sir. They may have been.

Q. Before we go to these photographs, which are the ones that you have identified?

A. Those are the ones (indicating) on pile one in which I have identification of a person or a place. In other words, it may be that I knew the people in them or else it was in My Lai. I may have a question about it.

Q. We'll reach the individual photographs in a minute. Now, do you recall the general vicinity of the landing zone?

A. In relation to the village, all I know is that it was on the west side. Other than that, sir, I can't really say. I see there is a pretty long western portion over there (indicating on Exhibit P-1). I don't know exactly where.

Q. Do you recall, first of all, you were in the second lift. Is that correct?

A. Yes, sir.

Q. Do you recall which part of the helicopter you sat on and which door you went out of?

A. I went out of the door nearest the village.

Q. Starboard?

A. Yes, sir.

Q. Through the right door as you look to the front of the aircraft?

A. It seemed we went in like this (indicating) and we got out that way (indicating).

Q. So you got out of the door nearest the village?

A. Yes, sir, I think so. Of that I'm not sure.

Q. Now, how far did you have to go from the helicopter to the village?

A. We didn't have to go very far at all. It was right there. We weren't but about 100 meters or so from the village, I think.

Q. Do you know what the scale is on this map (Exhibit P-1)?

A. I believe, approximately--

Q. (Interposing) One inch is 100 meters.

A. I was going to say something like that.

Q. One inch is approximately 100 meters. Now, do you remember the 1st and 2d Platoons building up on line before moving through the village?

A. No.

Q. Do you remember moving into a platoon formation before moving into the village?

A. No, sir. Before we did any moving, that is getting into formation or anything, at least as far as I could see, I was called pretty quickly. We hit ground at least and I got called.

Q. In other words, when you got off the helicopter--

A. (Interposing) We got up to about the village boundary and stayed there and I was called back in.

Q. You think you landed somewhere in here (indicating) about 100 meters away?

A. Yes, sir, I think so. That's the best I can do.

Q. I know these things are hard. We are just trying to get an approximation.

A. I don't want anything like this to suffer.

Q. Now, then you were called off you were called off to the company headquarters group. Is that correct?

A. Yes, sir.

Q. Do you remember which direction you moved when you went to join Captain MEDINA's group?

A. I moved southeasterly.

Q. To get to Captain MEDINA's group?

A. Yes, I believe he was south of us. I believe almost deliberate south. I was pretty close to him. I didn't have to go any distance really. I just turned around, took a few steps, and that was it.

Q. How far?

A. I don't know.

Q. You had moved from the landing zone to the edge of the village?

A. Yes, sir.

Q. Were you up against a hedgerow?

A. The headquarters group was up against a hedgerow or sort of a bank with a lot of vegetation and also a fence. They used natural stuff for fences. They cut it down, stuck it altogether, and entwined it. It was something like that. That's where the headquarters group was. I went just a little ways. They stopped me and sent me over to see the headquarters group. I was with them for a little while and fooled around with that box. The box was in a rice paddy close to the edge of the village, probably here (indicating), or here (indicating), or something like that.

Q. This appears to be some sort of terrain feature here. It could be a hedgerow or it could be a fence.

A. I'm trying to imagine what it could be, but I can't think of anything right now. If these are not rice paddies like the rest of these light-colored things, if these were just plain grass, open fields, then we must have been pretty close to this.

Q. The witness is pointing to two fields on the southwest corner of the village.

There is no terrain feature that you can recall in this area?

A. There is no terrain feature that I can identify as anything like this line here. I don't remember anything like that. It may not be much from the ground and may look like a whole lot more from the air.

Q. Now, let me ask you this. When you joined Captain MEDINA's group, and you tested the box, and he moved out, which direction did he go?

A. He didn't go anywhere. He was there around the border of the village. They told me about the box. I went over and found the box, and I gave it a tug. I told them,

"Well, here goes." And they just pulled their pots a little further down over their heads. I pulled it down. Nothing went off. I didn't expect it to but you never know. It was too close to the village to be booby-trapped. I didn't think it would be. It wasn't. He told me to look into the box and find out what was in it. I did and I told him. There was a gathering of people, among them one officer I had never seen before, looking it over--Lieutenant ALAUX the FO. Then I just took the box, and he told me to hang on to it after he had found out what was in it, and I kept it. That's when I took off and tried to find the rest of my group.

Q. Did you stay with them?

A. Not right then and there. I put down the box and went off to try and find my own unit and join them. I went further on ahead to the noise, and I met up with some of ours, but they weren't in my platoon. Since I couldn't find my own people, the next time I ran into Captain MEDINA and his group I stayed with them. I was looking around for my own platoon when I ran into them. So I said, "Well, I might as well hang around with these guys."

Q. Did you say that you did find your platoon?

A. No, sir.

Q. Who did you find?

A. I don't know.

Q. Were they C Company?

A. Yes, sir.

Q. What was the elapsed period from the time that you checked that box and left Captain MEDINA to the time you came back?

A. It wasn't a very long time. Ten or fifteen minutes at the most. I just couldn't find anybody.

Q. Do you recall, after you rejoined them, approximately where it was and where they were located? Were they in the village? Were they outside of the village?

A. No, they were in the village by this time. I think that they were in the village by this time. Whether they were in or out, they were close to it one way or the other, which is the way they were at the beginning. Now, the place that it was, I can't say. I know I went east when I ran into that group. How far east, I don't know. Where I ran back into the headquarters group, I don't know; and where we even went from there, I don't know. The only thing I can say is from there we went in a general easterly direction. Northeast? Southeast? I believe it was southeast down this way (indicating) somehow, either through here (indicating) or down here (indicating), something like that. Just in a general direction that way (indicating).

Q. Did you follow a trail?

A. Yes, we did. There were little trails throughout the village. Little ones, not main trails.

Q. About the time that you were with Captain MEDINA, was the village on your left or were you in it?

A. We were in it. It seemed to be all around us.

Q. How long?

A. I don't know exactly how long.

Q. Did you ever get to a position where the village was on your left and you were moving down a road?

A. No. The only place where the village was on our left--what we did, we came out of it. There was a ditch along it. We went over the ditch, and we were going along in an easterly direction where the village was on our left. This was where there was an open field and a large dwelling across that open field. That was where CARTER was evacuated from.

Q. At the point of CARTER's evacuation?

A. Right, in the vicinity of the point of CARTER's evacuation. In other words, we were walking this way (indicating). The village was over here (indicating). What we did was we got to a certain point, made a right turn, and went to a trail which had paddies on both sides. We got to

the end of the trail, and there was that large dwelling where CARTER was evacuated.

Q. Now what section of the village do you think this was?

A. I assumed that we were moving east and the village ended up on our left. It would be the southern part.

Q. I mean how far into the village from east to west do you think you had gone?

A. I don't know. We could have gone all the way to the end or came out right in the beginning. There was still something in front of us but how much there was--we could have been here (indicating) or we could have been here (indicating). There was still something in front of us. How much there was, I couldn't say. From looking at the map, it would appear that it was here (indicating).

Q. About halfway?

A. From looking at the maps, this is the trail. I don't know how recent that photograph is. It might have been in here (indicating). I don't know. I don't think it was, but it might have been.

Q. Do you remember an engineer unit or someone in the command group who detonated a wooden door on a large two or three-story building?

A. No, sir.

Q. And demolishing the building?

A. No, sir.

Q. With a charge?

A. I don't remember.

Q. You don't remember this?

A. No, sir.

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Q. Was the place of this house--and CARTER's evacuation occurred in that general vicinity--was that also the general vicinity of the people who were lying along the trail?

A. There were bodies everywhere on the trail. There was a large concentration of bodies in that particular vicinity.

Q. Is that the photograph that you identified earlier?

A. Of that I'm not certain. The photograph looked to be characteristic of--and I thought that it was possible that this photograph was taken there. There was a village and there was rice paddies and there was also a road going this way (indicating). There was a crossroad with rice paddies on both sides which means that--I need a pencil and a piece of paper, I don't want to use the map.

(Witness was handed pencil and paper and drew a sketch which was later discarded.)

The picture is something like this. A trail going this way. Vegetation here. Rice paddies there and another trail going this way. The village I think was here, and we were going this way, and then we cut out across this way.

Q. Where is north?

A. North (indicating the top of sketch).

Q. Now, where did you think that CARTER was evacuated from?

A. Over here (indicating on sketch) somewhere. I think it was down this way. It was over here somewhere. In other words we had to go this way to find it. It was sort of a secondary trail. After we had come past here, it was just sort of a beaten path. This thing was engineered. It was made for the purpose of getting across the rice fields without stepping in them. This one here was built the same way, and it was a steep embankment, not deep but steeper than the normal ones. When we stepped off of them and went down into the rice fields here--and that, it was a sort of beaten thing going up to somebody's door or something. Over here someplace, where he was evacuated, there was a large concentration of bodies both in here and there was a building, and also right

in here someplace. It was right about in here at the tee mark or whatever.

Q. This is the southern part of village?

A. Yes, sir.

Q. Was there vegetation growing there?

A. Yes, there was also a ditch right here. There was some bodies in the ditch.

Q. Was this the trail here?

A. I'm not sure if it was a trail or if we were just walking along the dike. I think it was a trail.

Q. You're telling me there was a ditch on this other side of the village with bodies in it?

A. I believe that there was. I knew that there was sort of a--it was a long thing with sort of a bridge over it. Before we got to going across the open fields from the village, we crossed the ditch with the people in it.

Q. You are talking about the east side of the village, aren't you?

A. I thought it was the southern.

Q. When you crossed an open field going south?

A. We were moving in a generally easterly direction, and the village was on our left, and there was an open field on our right. It must have been the southern part of the village.

Q. I don't think I can fix that ditch right now. You are talking about a ditch somewhere in this vicinity?

A. Somewhere in there, sir.

Q. On the southern part of the village?

A. Like I say, I'm a little bit foggy on the exact location of things. There are some things that I can see.

Q. Let's try going to the photographs.

A. We'll leave the ditch out. Let's just say that there was a trail here and a tee.

Q. An intersection?

A. It doesn't look like it there, but there was something there. That's where I think it might have been. There or someplace south of the village there was a road that led to a crossroad and a large concentration of bodies off the road in the area where CARTER was evacuated from.

Q. Let's take the photographs. Maybe this will help us. Exhibit P-3.

A. This appears to be Sergeant PHU.

Q. Can you identify the location?

A. No, sir.

Q. Can you identify the individual there beside Sergeant PHU?

A. I don't think I can. I don't know anything about him or the location.

Q. The photo only shows two people, a soldier and a civilian. What did Sergeant PHU carry in his container?

A. I don't know, sir.

Q. What is that container?

A. It is a container for a claymore mine.

Q. Was it used quite often for other purposes than claymore mines?

A. Yes, sir.

Q. Exhibit P-6?

A. That's CARTER down there. It looks like where he got his foot shot. This was the type of thing that I was carrying, and as much as that looks like a soul brother, it might be me. I didn't know anybody else that had a rope or carried a card in his helmet like that.

Q. I think you identified this photo earlier. Do you recognize that card?

A. It's a joker, sir.

Q. Is that what you wore in your hat?

A. Yes, sir.

Q. Do you remember bandaging CARTER's wound?

A. I remember I was helping somebody out there, but I can't remember this particular thing. I remember putting him in the helicopter, and I remember putting his equipment onto the helicopter, also. I helped put him on and his equipment on, and I remember that I was there.

Q. This occurred after you had tested the box, is that correct?

A. Yes, sir. Now, how did I get the rope wrapped up again?

Q. Yes.

A. I don't know. I think it might be me.

Q. You did say that you wore a joker in your hat.

A. Yes, sir.

Q. Now can you identify anybody else in the photograph besides CARTER?

A. No, sir, I can't. No, I cannot.

Q. Now, this man in the extreme right rear has something in his hat. Can you tell what that is?

A. No, sir. I can't. I'm not certain about this photograph. I'm more certain about other ones. I don't know about the people in it, even of myself if that is me.

Q. Is there any other identifying piece of equipment there that you normally carry?

A. No, sir.

Q. What does CARTER--does he have something in his mouth?

A. I don't know if this was the time. At one time, they gave him something to bite on because that wound in the foot was painful or maybe he just wanted to hold something, I don't know.

Q. Do you know who this man is here in front of you or in front of the man with the joker in his helmet?

A. No, sir, I don't. I could guess. I guess that it is WIDMER, but I don't know if it is or not. I can't pin anything on him that says it's WIDMER.

Q. Can you tell what this is written across his helmet?

A. No, sir.

Q. Can you get the name on the helmet liner band?

A. No, I can't get anything out of that either.

Q. And this nametag here, can you read that?

A. No, sir.

Q. In summary, in photo 6 the witness identifies CARTER and possibly identified Sergeant BERNHARDT as the individual with the joker in his helmet.

One more question on this photograph. Was this taken at the location where CARTER was shot in the foot?

A. No, sir, it wasn't at the location where CARTER was shot in the foot. I was there later when they brought him out in front of the building in front of which there was a paddy where the helicopter had evacuated him. It wasn't there though. If it was, it wasn't me, because I wasn't at the place where he was shot.

Q. Was this place near where he was evacuated or near where he was shot?

A. From this photograph, I can't really tell where the location is.

Q. It appears to be up against a wall?

A. I don't recognize the wall. It just looks like a wall to me.

Q. This is Exhibit P-7. Once again it is CARTER, and CARTER's foot is being bandaged. Now, this is apparently at an earlier stage because this bandage isn't as far along?

A. It isn't.

Q. All right. Now, let's go over a couple of things on this. What is this? Can you identify that writing on the helmet?

A. P-A-N-N-A.

Q. Do you suppose that somebody had misabbreviated Pennsylvania?

A. It's possible, sir.

Q. Where is WIDMER from?

A. I don't know, sir.

Q. Can you identify this individual?

A. No, sir. I think that it appears to be the same individual that I identified before as WIDMER, possibly WIDMER. I wasn't sure. I just have the feeling. No reason to believe that it is him.

Q. Now, once again, we have a man with a rope on his back?

A. If this was taken at the site where CARTER was initially wounded, I don't think it was, then it couldn't be me. But I don't know of anybody else that had a rope in the company. There were a couple of joker cards going around, I guess, but I think I had the only rope in the company.

Q. What is this?

A. A hand grenade, sir. It's clipped onto the ammo pouch the way a hand grenade is supposed to be clipped on in such a way as to hold down the--

Q. (Interposing) Is this a fragmentation grenade or a concussion grenade?

A. It is a fragmentation grenade, sir. That is all we were issued.

Q. Did you carry those?

A. Yes, sir. I carried them both. Whatever we got in the line of hand grenades, I carried. The reason why I think it may be me, as dark as I look, is because I tend to get that way in the summer. I get a pretty good tan, and when some of the colored guys come straight from the States as replacements, I am darker than some of them. So, it is possible.

Q. I'm trying to see if 6 and 7 are at the same location from different angles. The only thing that I can see is CARTER's boot lying there under his feet, but I can't see it over here.

A. They might have carried his boots away. They must have carried his equipment and everything that was his from the place where he was wounded to the place where he was evacuated, to include the boots.

Q. I don't follow you.

A. The position of the people around him are apparently the same way except for the angle. WIDMER over there--and this man over here is over there now carrying his helmet, and CARTER is propped up against the wall. He's got his helmet off here which is a pretty good indication of a little later period--that 6 would have been at a little later period than 7, which means that they probably are not in sequence by number. The helmet might have been moved around or something. In other words, the bandage might have been replaced or something.

Q. You can't identify that location on the area photo?

A. No, sir, I can't.

Q. All right. This is Exhibit P-8. It also shows CARTER wounded. It shows Captain MEDINA on location there.

A. Yes, sir.

Q. Do you recognize this site?

A. The place where the building was is over there (indicating), and the place where the evacuation took place is over there (indicating) relative to the picture.

Q. The witness was pointing to the right where the building was located and to the left where the evacuation point was.

Do you recognize this location?

A. Yes, sir.

Q. How far was this location from the point where he was wounded?

A. As I said, I don't know where he was wounded. I wasn't at the location where he was wounded. I don't think it was too far from where they were, but I never saw the place.

Q. How far was this location from the spot where the evacuation helicopter came in?

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A. The evacuation aircraft was right there (indicating), and I think it was right over here in this paddy. This was the one on the far side of the road. In other words, this picture was taken on the far side of the road. The road is in front of the picture. So, the rice paddy was here on the left. It was right around there. We didn't have to go far to put him in the helicopter.

Q. What are you talking about, 25 or 50 meters?

A. Yes, sir, something like that.

Q. Can you tell me, are you looking in the direction of the village here?

A. I don't think so. I'm not sure, but I don't think it is. I think the village was off to the left relative to the photograph. I know where this site was relative to the evacuation and the building, but I don't know where exactly in relation to the village. I think the village was to the left.

Q. All right. Let's hold this one aside for a minute. Exhibit P-9 shows WIDMER on CARTER's left. Who is the man on his right?

A. The man on his right is M-A-U-R-O.

Q. And he was in which platoon?

A. I think he was in the 2d Platoon. I think.

Q. I wonder how he got involved in this?

A. I don't know, sir. Sometimes what we did as far as a defining point is a little confused, and we had all that we could do to maintain unit integrity, that is, keeping platoons separated. Sometimes that even didn't work out.

Q. Can you tell who this is in the background?

A. No, sir.

Q. Now, CARTER, I assume here, is being taken to the evacuation helicopter?

A. I don't know. He just could have been taken from the place where he was wounded to the place where we put him down until the helicopter came.

Q. But you do not know which?

A. I don't know which, but I would say from looking at the photograph that he was being taken to the place where we took him until the helicopter came. And the village then would be on the right.

Q. In other words, he was being brought out of the village?

A. Brought to the place in front of the building.

Q. Well, now where would the village be as far as this photograph is concerned?

A. To the right.

Q. Now, this photograph is Exhibit P-10 and it shows CARTER once again with two people bending over him. Do you know either one of these people?

A. It appears to be--this one man is one of those officers that I assumed was an officer and that I have never seen before and not since.

Q. The witness is pointing to the center top man in the photograph.

A. And also the man on the right. I can't remember his name. He was an RTO. I think he was the RTO for the company commander one time or another. I don't know whether it was him or not.

Q. MURRAY?

A. I think maybe that was him. I'm not sure about that. This gentlemen here I'm pretty sure I can identify. I think that that is the officer. That is the only reason that I took this photograph aside is because of him.

Q. But you don't know who the one is bending over CARTER holding his leg?

A. No, I can't say who that was, sir.

Q. This appears to be a different area. There are different people involved.

A. This may have been where it happened in the first place. I couldn't even say if that was CARTER lying on the ground. The reason I took this photograph, it looks like the lieutenant or whatever he was--an officer. And that looks like it may have been MURRAY.

Q. That is on the extreme right, the individual on the extreme right looks like MURRAY.

A. This is the dustoff for CARTER which it appears to be--

Q. (Interposing) This is Exhibit P-11.

A. The guy on the right carrying the equipment is me. I don't know exactly who put him on the helicopter. That's all I can say about that if that is--I didn't think the ground looked at all like that where they picked him up although it could have been. I didn't think about it. Where the helicopter landed, I thought it was a rice field, and this doesn't look like a rice field to me. Of course, the photograph is in pretty bad shape. Maybe we should just skip that one.

Q. Does that look like the left foot of a man without a boot on it?

A. Yes, sir. It does.

Q. Do you recall if the helicopter that was evacuating CARTER was marked with a red cross?

A. No, sir. I don't.

Q. Was it one of those slicks?

A. I don't remember at all whether it was marked or not.

Q. Is this a weapon in the right hand of the man on the right?

A. It could have been, sir.

Q. Was CARTER armed with anything but a .45?

A. He was a machinegunner or an assistant machinegunner. However, when an assistant machinegunner or a machinegunner gets wounded, we don't send the machinegun in. We switch with somebody else. Whatever his weapon is, that goes in with the wounded man. Like, for example, like the time I got the machinegun was when the machinegunner, BAKER, was killed. They sent my rifle in, and they gave me the machinegun because we want to keep the machinegun with the company. I don't know what he was armed with, but I suppose he was armed with a .45 or an M-60 machinegun. That is the reason why it is a M-16 in the helicopter.

Q. This is Exhibit P-12. Once again this is a helicopter scene. It appears that someone, whoever carried CARTER's equipment, is right here.

A. I assume it's me.

Q. Does that individual in the forefront of the photograph appear to be you?

A. Yes, sir. It appears to be me.

Q. Had you left your equipment back at the location where evacuated?

A. Yes, sir, I did.

Q. I would think, although it is difficult to identify a man from the rear, I would think that that is you also? Exhibit P-14.

A. I recognize this one. I don't recognize the area. I can't think of his name at the moment.

Q. Does the name DELPOME mean anything to you?

A. DELPOME? I don't think that was DELPOME. Now that I think of it, I may have not known his name at all. He

was a member of our company, and I can't think of what platoon he was assigned to. I thought that he was in the headquarters or a similar kind of unit. I don't remember that he was attached to anybody at all.

Q. You don't remember this location?

A. No, sir, just the individual. I just remember his face, that's all.

Q. Is that a regular pistol case? An issue pistol case?

A. I don't know if it's a pistol case at all, sir. It just may be a smudge in the photograph. It looks like the top of an ammo case. The case for my .45 wasn't an issue type. You can buy them downtown.

Q. Was this typical of the kind of huts or shelters that were in the village?

A. From what I can see of it, it had a grass roof and that's all I can see. I can't see anything else of it. There were a lot of these thing around (pointing).

Q. What are those things you are pointing to?

A. I'm not sure what they are. I know they use them to dry out those roots that they cut up.

Q. They are baskets?

A. Yes, something like that. They are flat and what it is is a plant that grows about yea high (indicating about 18 inches) with little leaves on top. The root they slice up and grind them up and dry them out on this. I don't know what it is, but that's what they use it for. There were a lot of them. Other than the grass roof, I can't see anything that I can identify the building with.

Q. This is the type of habitations that were in the village?

A. That is one example of the habitation in the village.

Q. Would you say that this is--that the people who lived in this type of hutment on a percentage basis were about 20, 30, 40 percent of them?

A. I don't know exactly, sir. I couldn't say.

Q. Exhibit P-16.

A. This was typical of the buildings that were there. This building may or may not be the building that I saw. It was typical of the buildings that they had. Even though the roof is grass, this is the type of building that is made for a tile roof. In other words, it's made a little better. It's more of a permanent thing than some of the buildings that they had. There were some with tile roofs. This one happened to have a grass roof. What I wanted to show was that this was the type. I think I can remember this building here. Wherever I was going, it was on my left.

Q. You passed by this building?

A. It looks like a building that I passed by.

Q. Was this building near the southern part of the village?

A. I thought it was on the other side. In other words, out of here and into this area here. The way we went to get CARTER evacuated.

Q. Do you mean south?

A. Yes, sir.

Q. Did you see this particular scene?

A. I saw scenes like that, sir. There were quite a few of them. Buildings with dead people around them.

Q. Burning?

A. Yes, sir.

Q. But you don't remember this particular scene?

A. No, sir. Maybe I shouldn't have pulled that photograph out.

Q. Exhibit P-18?

A. I recognize this man here. I'm not sure.

Q. There is one individual who has a uniform in this photograph. The witness identifies him, but you can't identify him by name?

A. I can't. I ran into him a couple of times. I knew it at one time, but I can't remember it now.

Q. Do you know what platoon he was in?

A. I thought he was in mine, sir. No, wait a minute. He wasn't in mine. He was not in mine.

Q. We have a couple of witnesses who thought this could have been Lieutenant ALAUX.

A. I don't think so, sir.

Q. Can you identify any of the Vietnamese in this photo?

A. No, sir.

Q. Exhibit P-22?

A. I took this photograph out because I think I remember this man here. I think this was the prisoner that I had charge of. His name was PHON. I don't know how it's pronounced or anything like that, but I know that it looks like the guy I had charge of. The prisoner that I had charge of.

Q. The witness was pointing to a Vietnamese sitting at the base of a tree, male without a hat.

Where did you acquire this prisoner?

A. Sometime after the action calmed. That is, what took place at My Lai (4). Sometime after that was over with.

They gave him to me.

Q. Was this after you had cleared the village?

A. Yes, sir.

Q. Do you know if it was before or after this scene?

A. I believe it was after that scene.

Q. Do you know where this location is?

A. No, sir, I don't.

Q. Do you know anybody in the photograph besides the Vietnamese that you pointed out?

A. No, sir, I don't. I may, but I don't recognize him.

Q. And he was given to you possibly later?

A. Yes, sir.

Q. Had he been questioned by the time you got him?

A. Probably. What happened to him before I got him, I'm not sure. Also, later on we put them all in one area before we sent them out, wherever they were going, in helicopters. This might have been there, too. But anyway that man there is mine that I took charge of.

Q. Who gave you this prisoner?

A. He just sort of floated down to me.

Q. Nobody passed him to you?

A. Not directly, sir.

Q. Was he tagged?

A. I think he was.

Q. What type of tag did he have on him?

A. I don't remember, sir.

Q. I mean was it a cardboard tag or was it a paper tag?

A. If it was a tag, it was a--I think he was tagged, and it was an on-the-spur-of-the-moment thing. It was a little cardboard--paper, whatever it was.

Q. Tied on?

A. Yes.

Q. How did you know his name?

A. I asked him.

Q. It wasn't on the card?

A. No. It just said VC suspect.

Q. It did say VC suspect?

A. Right. Something along the line of that. His name wasn't on the card.

Q. Did he have an identification card?

A. I can't read the language.

Q. Was it a RVN identification card or was it some other type? Was he identified as being a South Vietnamese?

A. I couldn't make anything out of it at all, sir. The language when spoken, I can understand a little. To read it, I can understand nothing. It's impossible--for me, anyway. I can't read names or anything like that of where to find what information. If there were dates and names on the card, I couldn't recognize them. I just asked him his name and he told me.

Q. How long did this man stay with you?

A. Until that night.

Q. At what time did you acquire him?

A. After the operation was over--pretty much of the operation was over. I suppose it was sometime in the afternoon.

Q. It was before you went into the laager that night?

A. Yes, sir.

Q. And he stayed with you the rest of the day?

A. That day? Yes, sir. Up to the point where we went down to the ocean, the water, wherever the water was. He was with us up to there and then until the--

Q. (Interposing) This is the first day now?

A. Yes, sir.

Q. And then what did you do with this man?

A. They came for him and said he was going to be put with the rest of the prisoners. So I let them have him.

Q. And this was at the laager, that evening at the same location?

A. Yes, sir. I believe they sent them off then. I'm not sure whether they did.

Q. Do you know whether this man was turned over to the National Police?

A. I don't think so. The National Police were with us at the time. I don't think that they bothered him too much. They didn't really consider him a serious suspect. I don't know why. Actually, he was the closest I'd seen to a military-aged male. His card said he was 53. He doesn't look it at all for a South Vietnamese. He doesn't look it at all, but his card said that he was. Maybe, that's why they picked him up. He was walking around with a phony ID or something.

Q. You didn't see the National Police take him into custody?

A. No, sir.

Q. Who did you give him to?

A. I think it was one of our own men. He just came over and said, "He goes with us; we want to keep this crowd together."

Q. I believe you said you got him shortly after noon?

A. Yes.

Q. And kept him until that evening?

A. Yes.

Q. How far did you move with this individual, walking with him?

A. I don't know how far we moved that day, sir. We went from the end of the village or where the end of where most of the operation took place to the water and back to where we stayed overnight, however far that was.

Q. We believe that it was somewhere either up in here (indicating) or over here (indicating), over in this area. We are not real sure. We can go by the coordinates of the report.

A. We must have gone through this way (indicating) over to the water and then back over there. It was probably 3 clicks or something like that. If you go by the map, it is indicated up in here, true, but it was said that we were out of the range of the artillery. I don't think we would be any more out of range than we would be up here.

Q. You wouldn't be out of the range of the artillery until you--

A. (Interposing) I shouldn't say out of range. We were at a point where they were thinking about the drop. That we might just be barely in range, and it was a bad place for us to be. That was going around.

Q. Well, you wouldn't be out of range of the artillery until you got down to this village to the south. We are talking about the first day. Do you recall when you laagered that night, that you laagered with B Company?

A. I believe we did, sir.

Q. Did you see anybody from B Company?

A. I didn't see anybody. I don't think I saw anybody from the company. They were there though.

Q. Did you by any chance know any of the engineers that were working with you?

A. No, sir.

Q. Did you know which engineer unit supported the company?

A. No, sir.

Q. You don't know who this individual is here on the center right?

A. No, sir. He appears to be Vietnamese.

Q. He appears to be Vietnamese?

A. I don't know who he is though.

Q. Exhibit P-33 is the same photo of the building taken at a different angle.

Exhibit P-34?

A. It is in the building.

Q. How do you know it is in the building? Is this something you saw?

A. No, sir. I'm relating it to a photograph. It's pretty easy to do.

Q. Now, where do you relate this?

(Witness indicates related photograph.)

The relation is between photo 34 and photo 16.

Exhibit P-62?

A. I wasn't sure about this except that for some reason that looks like me. I don't know why.

Q. Which one?

A. Right here.

Q. The one on the right?

A. The same reason that I picked WIDMER out; it just looked like him. No reason for me to believe that it is.

Q. Let's look at the man on the left. What is this on his helmet?

A. That looks like--do you mean his band here? It looks like WILLIAMS.

Q. WILLIAMS? The man on the left looked like WILLIAMS?

A. It just looks like him. I don't know if it is him or not.

Q. What platoon was WILLIAMS in?

A. I don't know, sir.

Q. What do you think these poles are here?

A. They are "chogie sticks" like this one here, and they had baskets on either end and carried clothing and stuff like that in them. I don't know why they picked up their belongings like that. Maybe this one was trying to make an escape or something.

Q. Do you recognize this dike?

A. No, sir.

Q. Do you recognize this scene?

A. No, sir.

Q. It is interesting to observe that both of these baskets are overturned, the "chogie stick" laying here and the baskets over there.

A. Yes, sir.

Q. I'll bring that up in a minute.

Can you tell me what this object is here?

A. I can't tell what it is, sir.

Q. Exhibit P-64?

A. This man here. All I remember about this one is this man here. I recognize him.

Q. Can you remember his name?

A. I don't remember his name, sir.

Q. Was his name SMITH?

A. SMITH.

Q. The first man was SMITH. Who is the second?

A. It looks like MCBREEN. I don't know if it is, but it just looks like him. It's as close as I can come to anybody in the company.

Q. What was SMITH's squad?

A. I don't remember, sir.

Q. What platoon?

A. I think he was in mine. As I said we got switched around quite a bit. Remember when I said that CALLEY was my platoon leader? I said at the time he was my platoon leader, but I was talking about before the incident.

Q. Do you recognize this area?

A. No, sir. It looks just like any other area except the rice is pretty high.

Q. Was the rice high all over the place?

A. The rice also looks ripe. I don't think at that time of the year it was. I don't believe at the time the rice was ready to get harvested, and it looks like it is. It might have been taken at a different time.

Q. There is nothing to recognize in the background of this photograph?

A. No, sir. I'm afraid not.

Q. This is Exhibit P-66. This is Sergeant PHU on the left.

A. I didn't think he was there. All that I can say for a fact about this is that that is PHU. It looks like STANLEY, but I don't think STANLEY was there.

Q. The man in the center looks like STANLEY. What about the man carrying the radio on the right. You should be able to identify him?

A. It looks like MURRAY again. I can't make him out too well. It looks like him though.

Q. Could it have been MARTIN?

A. I don't know, sir. It could be. I can't really say from that photograph.

Q. You don't recognize the Vietnamese?

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A. No, sir.

Q. And you don't recognize the area?

A. No, sir.

Q. Exhibit P-67? Sergeant PHU on the right with three Vietnamese. I notice that Sergeant PHU wears the Americal Division insignia?

A. Yes, sir. It was put on with a pen.

Q. I want to show you Exhibit P-39. It shows two bodies on a road. Actually there are three bodies.

A. I don't recognize the bodies.

Q. You don't recognize this at all?

A. It looked characteristic of what was there, sir. I don't remember that specific group no more than I can really identify this group here. It looks like something that was there, but I couldn't say for sure that it was. It may have been taken on the other side of the country for all I know. It looks like what I saw there.

Q. There is no "chogie stick" here, but there is a basket?

A. Yes, sir.

Q. The basket is full?

A. Possibly the stick is out of the picture.

Q. The basket appears to be sitting up straight?

A. Yes, sir, as if the basket was placed down and the person was shot later.

Q. This was going to be by my question, but this basket is full. Wouldn't it have dropped?

A. It might have, sir. It might have dropped and stayed full.

Q. Depending on the direction and if it was related to Exhibit P-41 which is a large group of bodies--

A. (Interposing) You mean back here. No, that's not part --

Q. (Interposing) No not part of this photograph. This one right here is related to the same area. We note that in photo 41, there is a barbed wire fence on the other side of the road. Can you recall that?

A. Yes, sir, that is what I was talking about by that road where CARTER was evacuated that was running in front of it. That that appears to be the type of terrain that it was. In other words, that looks like the area that he was evacuated from, only going the other way, as if the negative was turned around. It looks as though it should have been on the other side really.

Q. Do you recall a barbed wire fence?

A. Yes, I think it was on the other side. It was on the side of the rice paddy. What I mean is, in other words, where the bodies were, it should have been on the other side. It could have been here (indicating) and the place where he was evacuated was clear up here (indicating) except that it was closer to the road.

Q. It appears that these bodies had probably knocked this fence over?

A. The fences were a little raggedy anyway. The road that I had mentioned before had a barbed wire fence on the rice paddy side. I don't see any fence there.

Q. Exhibit P-31?

A. This was the road. The fence is here; that's where I recall where the fence was. I can't identify this as any area except that I want to show what I thought the area looked like.

Q. Do you believe this was the group of bodies near the spot where CARTER was dusted-off?

A. It could be. There was a group of bodies near where CARTER was dusted-off or something like that.

Q. This is another photograph of the village. This is the road. You know the road that we referred to earlier that goes out to the sea.

A. Eighty-five would be up that way?

Q. Right. That's the road. This is a small stream there that you see up at the top. This is that road, or dike, or ditch that runs by the side of the village. These two areas here would be what you referred to earlier, the two rice fields. And this appears to be cultivation.

Q. Now, I'm showing you this because this is a closer view of the village looking from west to east with the South China Sea at the top portion of the photograph. Now, does this photograph help any? Let's look at it. You have got this, what could be a road, or could be a ditch, or could be a fence. We have got a major portion of the village here. This is the southern part. This is the northern side. The company swept through.

A. I think that we were here (indicating) or here (indicating) when I pulled that thing in the box.

Q. You are referring to the west side of the village in the approximate area of the two open fields. You think you were in this area when you attempted to detonate the box?

A. Yes, sir.

Q. Now, from that area where did you move. Do you remember?

A. I thought I moved this way directly east and I went into this area here, and that's where I saw the group of American soldiers, and it wasn't my platoon. And the

next time I ran into Captain MEDINA and the CP--I don't know exactly where it was, but the next time I found him I said, "Well, I'll stay here with the CP because I can't find my own platoon." I don't know exactly where he went. I went this way (indicating). I think we stayed mostly in the southern portion.

Q. Do you recall at any time Captain MEDINA, it may have been while you were gone, leaving and going south of the village to chase somebody?

A. No. If I was there on the ground, I could probably show you just about where we went.

Q. Well, from what you have described, you had tried to find your platoon and were moving due east and got somewhere in the village. You had to head south in order to pick up Captain MEDINA then. Now, I'll tell you this from what we understand that the company party moved primarily along the southern edge of the village, and from all that we could determine, CARTER was wounded somewhere in here (indicating) and was evacuated from somewhere in here (indicating). Those people were allegedly on a road here (indicating). Now, this photograph is recent, and it is not exactly the same as it was.

A. No, it sure doesn't look at all like it. I thought that this was where the building was across here (indicating). I thought it was down here and the bodies along there. I thought that they were over here, and they said they were over here.

Q. There were buildings back there.

A. They may have been part of the buildings over here too.

Q. This is just all previous testimony. Do you remember eating lunch that day?

A. Yes, sir. It was in the area that CARTER was evacuated. That's where I opened mine.

Q. Did the rest of them eat at that point?

A. I don't know, sir, they were at different places. The company was scattered throughout. We weren't going to gang up in one area because it is not good tactically for any reason. So wherever they were when we were supposed to break for lunch, that's where they broke. And I think I was in front where CARTER was evacuated.

Q. What time did you eat lunch?

A. I don't remember, sir.

Q. Do you recognize that building? This is Exhibit P-17.

A. I suppose you mean the one in the background?

Q. Yes.

A. No, I don't, sir. That may be it. I don't know if it is or not.

Q. There are none of the photos that you can identify as to approximate locations with reference to the village?

A. No, sir, there weren't. It appears that I may have been inaccurate as far as CARTER's evacuation was concerned. That is the only thing that I can say. With any degree of certainty, the one thing that I can say about the point is that it was between here (indicating) and here (indicating). One inch equals 100 meters. From where I said it was and from where it was supposed to take place, I still think it was where I said it was.

Q. Now, let's look at it this way. CARTER was wounded inside of the village?

A. Yes.

Q. So, they are going to bring that helicopter in as close as possible to him. So they're going to bring it somewhere in here (indicating).

A. Actually, the pickup point probably, that's where we came from. I say we came from here.

Q. But CARTER was wounded in the village. If you would have brought him up from the south, you were bringing him from a different area and not from the My Lai (4) village?

A. Right, sir, I understand that. He was wounded in here (indicating). Is that what they are saying? He may have been wounded in there.

Q. This is the testimony that we have so far.

A. Of course, I'm looking at an aerial photo, but I thought that he was wounded over here (indicating). I thought it was a place just a little bit apart from the village.

Q. Let the record show that Sergeant BERNHARDT was pointing to a complex, a small complex, about 100 meters south of My Lai (4).

If anybody else substantiates this, we'll have to look into it further. Of course, we believe that it was somewhere in here that he was wounded, somewhere within the My Lai (4) village, and he was brought out and evacuated in an area just south of the village. This was one reason that I was trying to establish if you had seen this complex, if you could remember where that was. Sometimes it is very difficult to maintain direction, and you could have thought that you were looking south or north and could have gotten confused in your directions.

A. I understand. The only thing about this village was that it was kind of up high. Wherever you were standing, what you see is the village. If you were in a field, you see the next village over it. As far as this field over here goes, it might have been visible from where I was but I didn't see it. I didn't notice it.

Q. You referred once to a ditch with bodies in it?

A. Yes, sir.

Q. I want you to think hard. Was this ditch along or beside the village or was it separated from the village by some rice paddies?

A. I thought it was beside the village. Now, since

I thought that we were here where CARTER was evacuated and it was supposedly over here (indicating), it is possible that we were here (indicating) and that the ditch was over here. In other words, it just might be switched around, but I don't know.

Q. The witness was pointing to the complex to the south of the My Lai (4) village. You maintain that ditch was in the approximate area of where CARTER was evacuated?

A. Yes, sir.

Q. The ditch with bodies?

A. Yes, sir.

Q. And that was separated by some distance?

A. Yes, sir.

Q. Did this ditch have very many bodies in it?

A. I don't know exactly how many, sir. I may have seen about three. I don't know how many there were.

COL WILSON: The hearing will be recessed.

(The hearing recessed at 1731 hours, 29 December 1969.)

(The hearing reconvened at 1737 hours, 29 December 1969.)

COL WILSON: The hearing will come to order. Colonel MILLER is present. I remind you that you are still under oath. Do you have anything further to state. Any further testimony?

A. No, sir. I don't.

Q. When you leave here, I would like you to check our witness chart and see if there is any assistance you can give us on witness leads.

A. In other words, where they might be at this time?

Q. Where they might be or if they were in My Lai (4). This is primarily what we are interested in.

A. Yes, sir.

COL WILSON: And if in the future you find anything, either photographs or documents that would be of assistance to us, we would like to know about it. Colonel MILLER will give you the necessary parting points.

COL MILLER: Sergeant, I just want to give you guidance with respect to your discussion of your testimony in this case before Colonel WILSON and the committee today. First, you are directed that you should not either directly, or indirectly, or through others discuss this My Lai incident including subsequent investigations and reports with any person that may have been connected with the incident in any way. Now, this doesn't apply if you are required to testify before a competent legislative, or judicial, or administrative body. Let me give you an example. You may be called as a witness in the Calley case. If you are called before an investigating committee to discuss the facts as you know them, then you are not to discuss your testimony here unless it is a competent judicial, or legislative, or administrative body. If you have questions about it, you ask the people in charge.

A. Yes, sir.

Q. Are you under the orders of the military judge in the Calley case?

A. Yes, sir, I am.

Q. All right. Your testimony is within the limits of that order. You are not in violation of the order.

A. I didn't expect the order applied to any investigation--official investigation.

Q. You are still under that order.

A. Yes, sir.

Q. Do you have any questions?

A. No, sir.

(The hearing recessed at 1745 hours, 29 December 1969.)

(The hearing reconvened at 1650 hours, 27 January 1970.)

MR WEST: The hearing will come to order.

RCDR: The following persons are present; MR WEST, MR MACCRATE, MR WALSH, COL ARMSTRONG, COL FRANKLIN and MAJ COOP.

The hearing recalls Sergeant Michael A. BERNHARDT.

(SGT BERNHARDT was recalled as a witness, reminded that he remained under oath, and testified as follows:)

MR WEST: Sergeant BERNHARDT, we appreciate your coming back. We notice you have a pretty bad cold. This time we will concentrate on only certain phases of the operation at My Lai (4) as you saw it through your personal experiences. First of all, Sergeant BERNHARDT, would you tell us again what you recall of the briefing that Captain MEDINA gave the company on the afternoon of the 15th, before the operation?

A. Captain MEDINA told us that we were going to go on an operation and encounter the 48th VC Battalion or whatever it was. I'm not certain about that number. This was the unit that was giving us all the trouble and laid the mines for us and sniped at us and so on, and we were finally going to get our chance to get them. He outlined that were going to move through the villages of My Lai (4), (5), and (6), and then into the area known as Pinkville. Pinkville was the stronghold. It didn't seem to me that he was concentrating too much on My Lai (4), (5), (6). It seemed to me that our main objective was Pinkville. He said that intelligence sources indicated that there are no innocent civilians in this area. That's one thing that he said that is firm. I can remember that just about verbatim. The rest of it was mostly inferring that we were supposed to destroy this area and this unit.

Q. The orders then applied to other villages and hamlets beside My Lai (4)?

A. He said the area. I don't think he said My Lai (4). It was to be included in the operation.

Q. Did he mention B/4/3 participating in the operation?

A. He mentioned the other two units, I believe. He gave the basic outline of the whole thing, the blocking force and the air support and so on, and that the place was going to be prepped.

Q. Did he say anything about higher headquarters during the briefing?

A. Higher headquarters? How?

Q. With reference to the order to move against these hamlets in this area, was anything said about the origin of the orders?

A. I don't remember if there was. You can assume that it was from higher headquarters.

Q. But, you don't remember him saying it?

A. No.

Q. What was your understanding about how the Vietnamese people in these hamlets were to be treated, the people that were found in the operational area?

A. My understanding was that there wasn't going to be too many people in the operational area. There just wasn't going to be anyone. If there was anyone like at a distance my understanding was just like we had been doing. You aren't going to be too careful. When they are at a distance, you shoot at it. If it's running it implies it's guilty or something. Anyway he didn't specifically say to wipe out all the people that were supposed to be there. I don't think he knew there were going to be that many people there that were civilians or noncombatants, but whatever was there was supposed to be destroyed.

Q. What was the general impression the men of the company had? Was that about it? Did everyone have the same understanding do you think?

A. Yes, sir. You see the one thing I can remember him saying was that there are no innocent civilians in this area. Well now, an innocent civilian, if it's not an innocent civilian, what else can it be. In other words, if it's alive shoot it. I can't think of any other way to interpret that. He was implying also that there would be civilians. There are no civilians in the area.

Q. There will be civilians there and they won't be innocent? Is that it?

A. Right. That's what it comes down to. I can't think

of any way else to interpret it.

MR MACCRATE: Sergeant BERNHARDT, you indicate now that you recall rather specific references to the area in which this operation was going. I'd like you to think rather hard as to just what you did hear and just what words were used at that time as far as identifying the area of operation. You have at various times stated this in different ways, and I think it came through still differently this afternoon the way you told it. There have been some things recently in the press and I am concerned that you may be taking some things you are getting out of the newspapers on a daily basis, which I recognize is hard to avoid when things are being said publicly. At the same time you are trying to recall your private recollections. I'd like you to try to sort out your private recollection as to just what it was that Captain MEDINA was saying about where you were going to conduct this operation?

A. First, it would be almost 2 years. Secondly, you say that it's come out differently than My Lai (4), (5), (6) and Pinkville?

Q. Yes. Your testimony has varied.

A. In that respect?

Q. I am anxious to find out what he told you and let's forget about what may have been the differences. What I want is your best recollection as to what it was that Captain MEDINA was talking about? Was he talking about a hamlet? Was he talking about more than one hamlet? Was he talking about a village? What were the words that he was using to identify where you were going, and what do you understand from his words that he was talking about?

A. He made marks on the ground and made representations of My Lai (4), (5), and (6) and Pinkville. What he said was it was a VC complex. Now, I didn't have any idea. The way he told it I could only guess at the time as to what it really was or how big the village was or whether it was fortified or not; whether it was a village at all and not just a sort of jungle kind of affair with fortifications and defenses. I don't think I can get exactly what you mean by that.

Q. My problem is that I don't get what you mean by it.

When were you in this area?

A. Not this specific area.

Q. Well precisely, you weren't in this area before. This was a different area?

A. Right.

Q. You say that he drew something down in the dirt. What I am trying to get at is what he drew in the dirt that had to be drawn other than to say here is the edge of the village and here is the landing zone. What else did he put down?

A. I'm afraid I can't answer that question. I can't figure this out. I don't know what you are trying to get at.

Q. I'm trying to get at the facts, Sergeant BERNHARDT. It's as simple as that. When I find some of these generalities, I like to find out what really was there. You saw he drew all this on the ground, and I am trying to get what he did cover and what he didn't cover. I realize fully that it is hard to go back over a period of time and recollect, but I want to try and sort out what you do recollect from all of the information that is going around in the air these days that you and I both hear, and see if we can get back to what was said in March 1968 and what was sketched out for you?

A. As far as what was sketched out that night, I haven't heard anything or read anything. I don't know what you are implying or anything. In other words, you may be very honest and everything. In other words, you're not trying to do me in or anything like that?

Q. (Interposing) I'm just trying to get the facts.

A. It's possible that I could be confused myself by what I hear and see, but I didn't hear anything or see anything or read anything about this particular aspect of the operation.

Q. All right. What did you see? Would you tell us what you saw him put down on the ground?

A. Representations of the villages and Pinkville, where we were supposed to go through it, and I believe where the other company was supposed to be operating.

Q. He indicated the course of the other company?

A. I don't know if he did.

Q. Did he tell you how long the operation was going to last?

A. I don't know if he did that either.

Q. Did he tell you how long it was going to take from where you landed to get to the various places that he was scheduling you?

A. I don't remember that either.

Q. So that you don't have today any specific recollection of what was said about the operation?

A. No. Only the things that anybody would remember about an incident like that, just the essentials.

Q. Well I would have thought that one of the essentials would have been how long you were going to be out on the operation?

A. That's more like a detail. Anyway, after the operation is over with and you actually did spend whatever the time was, then whatever he said about how much time the operation was going to take is just about meaningless.

Q. (Interposing) Why do you single out the things that you told us as being so meaningful and say these other things are meaningless? I don't understand.

A. What I am trying to tell you is that I can remember this because I considered it important, and the other things because I didn't or because I don't.

Q. Why was it important that you were going to four hamlets?

(Witness gives no response.)

Why was that important to you? Was there something that he said that made it important to you at that time?

A. Nothing other than the fact that there was going to be something before we got to this place called Pinkville. I wasn't sure what.

Q. Did he indicate that these had some special characteristics or was it just that there were four places on the map that he was going to visit, and go to a fifth called Pinkville?

A. I don't remember that he said there was anything specific about it.

Q. You don't remember that there was anything about that of any special importance today?

A. No. Not today.

MR MACCRATE: I have nothing further at this time.

A. You see, there was testimony taken. When was the first time that I went to see Colonel WILSON? Do you remember when that was? You see, you have my memory on paper. I can even forget what I told him then, and I think that's understandable.

MR MACCRATE: We understand you are going back Sergeant BERNHARDT, believe me we do. We are doing this with each witness and going back to get their best recollection, but what we want to try and do is get their best recollection. The only way we can be sure about that is by being as specific as we can on each of these facts. That's what we're after.

MR WEST: Sergeant BERNHARDT, you have in front of you now a large aerial photograph that has been admitted into evidence as Exhibit P-1. This is a vertical photograph taken of the hamlet that has been called My Lai (4) and the vicinity.

(Mr. WEST orients witness on Exhibit P-1)

On your left is a 1:25,000 scale map admitted in evidence as Exhibit MAP-4.

(Mr. WEST orients witness on Exhibit MAP-4.)

Does this area look familiar to you now?

A. I think I know just about where I am.

Q. After you had gotten out of the helicopter on the landing zone, would you tell us anything that happened? Anything you saw and what you did?

A. The best as I can do as far as my memory serves me, I was in the second lift. We started here and we started moving by platoons, and I didn't get inside the village too far. I don't know how far, but far enough so I couldn't see out. They called me back because I had the rope. Captain MEDINA and the CP was over here someplace against an embankment.

Q. Could you mark the location of the CP and put a figure 1, and circle it as the approximate location of Captain MEDINA's CP?

(The witness did as directed.)

We've had other evidence that has placed it about there. What happened after that?

A. After I tugged on the rope and opened the box and checked the contents - -

Q. (Interposing) Would you explain the purpose of using a rope on the box?

A. There is a possibility that equipment left behind is booby-trapped, so we used the rope on the box so we can get a distance away from it to move it. We wait a little while in case it's delayed.

Q. You back away from it and put the rope around it?

A. It was sufficiently away from where we was at the time. I just put the rope around it and moved back to the CP and pulled the rope from there. Lieutenant ALAUX found it I believe, so there was a hustle over the radio in the box.

Q. Is this the Lieutenant ALAUX that was the forward observer?

A. Yes, sir. Then I picked up the box and after that I moved.

Q. Did the command group leave?

A. Yes. First I moved from here and went straight into the village. Whenever I go into a village or anything, whatever the line is I take like a perpendicular line, so I must have gone this way.

Q. Before you go into the village, you mentioned in your prior testimony an incident in which Captain MEDINA shot a girl?

A. Yes, sir.

Q. From other evidence, that is an event which occurred outside the village. It must have occurred before you went into the village. Can you describe that incident for us or where it took place?

A. The one thing that I can remember, and I believe I remember it very clearly, is that it was after I moved into the village. I moved into the village and came back to the box because I was carrying the box and following Captain MEDINA at the time. The only time I was carrying the box and following Captain MEDINA was after I tried to find my own unit. I moved in here maybe 100 yards and I moved back maybe more.

Q. You were trying to find what?

A. I was trying to find my own unit. The people in there didn't seem to be maintaining any--

Q. (Interposing) What was going on there or what did you see as you moved through?

A. That's when I saw them. They were doing a lot of shooting. A lot of people were dying and lying dead. There was a group somewhere in here that they herded into a hole. You can't see the hole now. I don't know if it was a quarry or shell crater or what. They shot them up in here someplace, up inside the village.

Q. Let me refer to something that you told the CID when you made a statement to them in November. You stated that you ran into a group of about 20 Vietnamese under the control of some American soldiers. "These were Vietnamese females, some children, and a few old men. The people were just standing there in a ditch where the soldiers made them get. I saw the soldiers shoot these people with their M-16 rifles and a machinegun. As far as I could tell, they killed

everybody." That's the end of the quotation. Is this the group you are thinking about?

A. Yes, sir.

Q. Would you try to place this on the photograph as best as you can?

A. As best as I can, sir, here, 2.

Q. Right in the center?

A. Right in the center of the village. I went from here and I moved in. It would be here.

Q. Your prior testimony indicates that you could not identify any of the soldiers involved. Is that still correct?

A. Yes, sir. Like I said, I have gathered the impression from talking to the men that most of them were involved. So I could not very well say that I saw anybody since by now I may have gathered that impression like the gentleman here was saying. That's true. In other words, from talking to the men and hearing them tell you stories about how they shot civilians and so on, gathering the impression that they were doing this, having someone tell you that they saw someone else doing something like this, you can actually picture it in your own mind, even if you don't know what you saw in here.

Q. Tell us what happened after you left this point marked number 2?

A. I moved back pretty much the way I came to just about the same spot. I rejoined Captain MEDINA's group.

Q. They were still there at the CP?

A. They might have been moving. I moved back and I believe when I moved back they were moving then. I might have run into them before I got to the same place, but anyway it was somewhere around here. That's where I ran into Captain MEDINA again, and I believe we moved around this part of the village here.

Q. You moved with the command group then?

A. Yes, sir, from that time on.

Q. The incident where you saw Captain MEDINA kill a girl, did that take place during this time or was it later on?

A. Right over here someplace.

Q. Was it out in a rice paddy or was it in a village?

A. We were on the borderline of the village and she was coming out of the village. She was in a rice field.

Q. Could you indicate about the place where she was?

A. Yes, sir, number 3.

Q. Could it have been closer to the southwest corner? We've had some other evidence that indicated it was more over here. I don't want to change your testimony. How sure are you of the location?

A. Like I said, sir, I'm not that sure of the location. The best I can do is right here. I am pretty sure we are well on our way to that place where the crossroads are.

(At this point in the proceedings, IO entered the hearing.)

Q. By this little trail (pointing)?

A. Yes. Also, there is this culvert over here.

IO: Do you remember while you were there, working with Captain MEDINA back up in this area (pointing)? The helicopters were down here in this area popping smoke grenades, and Captain MEDINA was moving south with his command group to attend to this situation?

A. I remember he was on the radio and from what I can gather they were talking about some weapons over here (pointing). They started to move this way (pointing) and there wasn't anything over here.

MR WEST: Let's go back up here, Sergeant BERNHARDT. You indicated that you moved with the command group around the southwest corner of the village next to this ditch of bodies. Where was this located? Was that around the southwest part of the village?

A. It was not too far from where he was when he shot the woman. It was over here (pointing). I'm not too sure where he shot the woman. It was somewhere in this area here.

Q. There is considerable evidence that the woman was shot somewhere in this area here (pointing).

IO: Maybe further down south than that, maybe even down here (pointing).

A. I was carrying this box and it kind of threw me off. I couldn't tell how far I'd been.

MR WEST: Let's put a 4 there. Let's assume that this was actually the place where he shot the girl. From that point where would you say that the ditch would be with the bodies in it?

A. Over here (pointing).

Q. Just north, about here? I'll put a 5 on it. Is that right?

A. Yes, sir.

Q. How many bodies were there by ages and sexes?

A. Two males. They were old and there could have been more. I didn't stop to count them.

Q. Do you think there were just two or three?

A. Possibly, yes.

Q. Now from this point I assume you came back through the village?

IO: Let me pass on for a moment and ask you something here. I read your testimony and it seems you were quite clear that you saw Captain MEDINA shoot this woman and knock her down and so on. Do you remember during the same situation that there was a helicopter there? A bubble helicopter, H-23, that was sort of hovering over the area and pulling back out of the area?

A. It wasn't the one that was popping smoke or anything, was it, sir?

Q. It could have been the one that was popping smoke.

A. There was a helicopter in that area, that open area. I don't know if it was at the time the woman was shot. It wasn't there too long.

Q. If you had seen a helicopter hovering 8 or 10 feet off the ground and for some length of time, you would have noticed it, wouldn't you?

A. Maybe I wouldn't have, sir. I don't know. A lot of things that happened that day, I don't remember that for sure, except that there was a helicopter there in that particular area, the observation type that you are talking about. It wasn't doing anything.

MR WEST: Would you take us from there, Sergeant BERNHARDT, please? After the woman and the girl and the bodies in the ditch, what's next?

A. From that time, we moved to an area that I thought was over here (pointing), where the two-story building was. We were moving in the same direction, I thought, so I thought he shot the woman here (pointing). We moved to a place where there was a two-story building right nearby. There was a cross-road where all the bodies were.

Q. We have a great deal of evidence there was a pile of bodies right there on the trail on point 6, mostly women and little children. Let me have the photographs.

(The recorder hands the photographs to MR WEST.)

Now, you mentioned a two-story house. Where would that two-story house be with reference to point 6?

A. Right here (pointing).

Q. I show you Exhibit P-41 and ask you if you witnessed a scene like that?

A. I did witness a scene like that.

Q. Where?

A. At the crossroads. It seemed to be just before entering a bunch of houses. From the ground, it looked like a part of the village.

Q. I've marked point 6 just south of My Lai (4) on the trail. Is this the place where you saw the bodies?

A. I believe that's where. Yes.

Q. Are you telling us that the bodies that were shown in photo 41 resemble the ones that you saw there on the trail?

A. Yes, sir.

Q. I hope I'm not suggesting testimony to you?

A. While I was at Fort Benning the prosecutor, Captain DANIEL, said, "Have you ever seen anything like this?" and I said, "Yes." I explained that I saw the bodies there. I said about 20. Then he put the picture down and said, "How many bodies did you see?", and I said, "About 20." You can count them and there is about 19 or 20 there.

Q. With reference to this point, where is the two-story house?

A. You face the house and the trail is to your right hand, and that is where it was. Right at the crossroad or the tee junction anyway.

Q. Where did you go from there?

A. We stopped there for awhile and evacuated CARTER. CARTER was evacuated from the same place as the two-story house.

Q. At this point 3, is it possible that the dustoff helicopter came in to pick up CARTER and medevac him out? Were you anywhere around CARTER when he shot himself?

A. No, sir.

Q. How did you know about it?

A. We heard the shot. We heard a lot of shots. Somebody said he shot himself. They called for a dustoff, and then CARTER came along and there were two men helping him along and his foot was bandaged up. They took him over to that place in front of the building.

Q. Where was Captain MEDINA during this time?

A. He was in front of the building also.

Q. Would you tell me where Captain MEDINA was, whether he was inside or outside the village of My Lai (4)?

A. I believe it was in the village of My Lai (4). It seemed to me we had gone out of it.

Q. You mean where CARTER had shot himself? Wasn't that My Lai (4)?

A. I don't believe it was. It could have been.

Q. All the evidence points that it was My Lai (4) where CARTER shot himself, just inside the village and not too far from where this trail leaves the village. We will call this point 7.

A. In my confusion of going out here and coming back, in here.

Q. I show you Exhibit P-9 and ask you if it looks familiar?

A. Yes, I saw that.

Q. You're indicating that CARTER is the person being helped there in the center?

A. Yes.

Q. Do you know the men on either side?

A. WIDMER on CARTER's left, and MAURO on CARTER's right.

Q. Who is the other man?

A. MAURO, M-A-U-R-O.

Q. When you were moving out with Captain MEDINA, was his RTO with him?

A. Yes. He was never far away from him. He used to walk around with phones in his hand.

Q. Did you hear the radio transmissions as the traffic came over the radio?

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

Q. Were you aware that both the battalion net and the company net had loudspeakers on them and were in operation?

A. We do, usually. It all depends on the operation. We carried them quite a bit.

Q. Our evidence indicates that both radios were on the company net and both radios were in use and they were using the speakers. Do you remember hearing any messages that came over?

A. No, sir.

Q. Did you hear a message coming in concerning the unnecessary killing of civilians?

A. No, sir. I didn't.

Q. Did you hear Captain MEDINA issue an order to stop the killing or stop the shooting?

A. Yes, sir.

Q. When was this?

A. I'm not exactly sure when. I think it was in the area around where CARTER was evacuated. I think that's when it was or maybe before that.

Q. We've had other evidence which indicates this followed the medevac and CARTER. Now how did he issue this order?

A. I'm not sure, sir. I don't remember exactly. It was like the operations order. I just know that was essentially what he was saying.

Q. Do you remember what he said?

A. I don't even remember who he was talking to exactly.

Q. Was he talking to the people around him?

A. No, sir. It was on the radio.

Q. Do you remember who was carrying the radio? Was it John PAUL or was it MURRAY?

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

Q. Did WIDMER have a radio that day?

A. I don't remember that either, sir. I can see him with a radio because he did carry a radio over there, but I don't remember if it was that day.

Q. What did you see WIDMER do that day?

A. Nothing that I remember.

Q. Did you see him shoot a little boy?

A. No, sir.

Q. Did you see Captain MEDINA shoot anybody except the little girl out in the rice paddy?

A. No, sir, I don't remember seeing him shoot anyone other than that woman or girl.

Q. Do you remember telling us on 29 December that you saw MEDINA shoot another woman who was standing at the time in the village?

A. No, sir. I don't.

Q. Do you remember being quoted in Life magazine that you saw three groups of bodies, about 20 each? Now, you've told us about one?

A. I don't want to defend what they wrote in the paper or the magazine that was supposed to be what I said. I read a lot of things that I didn't say, first of all. Second, there were some things that I did say that were not true. For example, the first press conference when they said, "Do you think this was an isolated incident?" I didn't, but I told them that I did. I didn't think there would be any use in telling them that I thought this was the way it was done, and second, I didn't think I was an authority on the subject anyway. That was another thing.

Q. Do you know of other incidents like this, like what happened in My Lai (4) that morning?

A. Do I know of them or did I see them?

Q. Do you have information about other such incidents?

A. I was going to mention this at the end of this thing.

Q. Do you want to wait and talk about this at the end?

A. Well, sir, I really don't have that much to say about it really. It's just that I know of a man that is at Walson Army Hospital at Fort Dix right now who I knew over there in the hospital at Chu Lai. He told me that there was a refugee camp somewhere in this area (pointing) that his company wiped out. I don't know what you want to do about it, but I think you had better get hold of him fast.

Q. What's his name?

A. BLEAUVELDT, B-L-E-A-U-V-E-L-D-T.

Q. Bleauveltdt?

A. It's something like that. That's close. He was transferred while he was over there and moved from one unit to

the other. Right now he is at Walson Army Hospital at Fort Dix, Ward 8A.

IO: What unit did he belong to then? Did he say?

A. I don't remember exactly, sir. I think he was moved to the 4/21, the new battalion that came in after we were there. I don't know if he was a part of that at the time.

MR WEST: Now, this refugee camp was somewhere in the vicinity of --

A. From what I gathered, sir, it was somewhere around here, I thought, from what he was trying to say. I don't remember exactly what he said. I'm just guessing right about here someplace.

Q. Indicates an area generally south and a little east of Hill 85 in the vicinity of Hill 72, northwest of My Khe (2) of MAP-4.

IO: Did he by chance mention that he was in B/4/3?

A. No, sir, he didn't. I don't remember if he did. Like I said, sir, I believe he was transferred at one time. I didn't know him in that capacity. The time I saw him last was in Chu Lai in the hospital there. After that I ran into him at this hospital here.

Q. (Interposing) But this was a refugee camp that was supposed to have been wiped out by his outfit?

A. Yes, sir.

Q. You're not sure what the outfit is?

A. No, sir. You might be able to get the information from him.

Q. While we have digressed a little bit from the path of My Lai (4) let me ask you, did you ever hear anything from B/4/3 on their part of this operation which was over here on the edge of the China Sea? Did you ever hear that they may have killed some civilians on their operation also?

A. I don't remember talking to anyone from B/4/3 about this incident.

Q. Let's go back now to the aerial photograph and point 7 here. Could you tell us just where you went after this now?

A. I'm not certain where we went. From that time on we just moved. We were going in the direction of Pinkville.

Q. Did you follow the command group?

A. Yes, sir, until we reached that big area, until we stopped. We had gotten out of the range of those guns over here.

Q. You stayed with MEDINA's command group?

A. Right.

Q. Do you remember where you had lunch?

A. I believe I had my lunch right by that two-story building. I don't remember exactly. You eat whenever things stop and you think you can grab it. Usually the words don't get that far down. In other words, when you stop somewhere the word doesn't get far down.

Q. Do you know Charles WEST?

A. Yes, sir.

Q. Do you remember seeing Charles WEST and other members of the 1st Platoon securing the perimeter around noontime to the east of My Lai (4)?

A. No, sir.

Q. Do you remember the point where Captain MEDINA had lunch and met the platoon leaders?

A. I don't remember that either, sir.

Q. Do you remember seeing the demolition men blow a hole in the side of the building?

A. I don't remember that either, sir.

Q. Can you tell us at all where you went from point 7 after this?

A. No, I can't. The last thing that I can remember as far as us being somewhere was at the beach with the palm trees, and they had that prisoner that I identified there. He climbed the trees and got coconuts and everything, and we thought this was going to be a groovy place. There was a well there and all that. We thought this was going to be a good place to stay, but we didn't stay there.

Q. That was at least 24 hours later and maybe 30 hours later. That was the next day on the 17th.

A. It was?

Q. Before we get away from here, let me ask you something. All the testimony as far as the command group is concerned indicates that the command group stayed down around this area, and there is a high house right in this area incidentally. This could be the two-story building that you are talking about. There are quite a few houses here that you can see. The command group here (pointing) and exited the village about in this area. It was also right about here (pointing) that the command group had lunch and stopped for roughly about an hour that day.

A. There was a lot of livestock here and a lot of pens. I remember that because we were trying to get something on my radio.

MR WEST: PRC-9?

A. No. That little civilian radio that I found.

Q. Let me ask you now. You identified one group of about 20 that were killed. Now, was this statement in Life magazine correct that you observed three bunches of 20?

A. I don't believe I told Life magazine anything.

Q. You were quoted and that's why I'm asking you?

A. I think so.

Q. When you were here on 29 December, you did tell us about seeing the ditch on the east edge of My Lai (4) near the southeast corner of the village. Do you recall that testimony?

A. No. I don't, sir. I was pretty vague about this whole thing and where we were going.

Q. You do remember being up here in the southeast corner of My Lai (4) and the northeast corner of My Lai (4)?

A. This area is clear and they are not cultivating anything here, and there were these clear, open spaces here. It looked like something could be cultivated here, but there wasn't anything. It could have been here.

Q. Do you remember how you got from point 7, near to where CARTER was shot, over to the east end of the village? Do you remember how you got there?

A. No.

Q. You said a moment ago that you believed you did see two other bunches of dead people of about 20 each?

A. Yes, sir.

Q. Can you locate the places or describe where you saw them and the conditions and the circumstances?

A. Evidently we didn't go where I thought we went. Wherever that two-story building was or that big building was anyway, right behind there there was a bunch. Not the cross-road now. There was another place near it.

Q. Behind the two-story building?

A. Right. They were in here too (pointing).

Q. Was it very far from where CARTER was shot?

A. I don't know exactly where he was shot, but from where he was evacuated.

Q. From where he was evacuated? You know that?

A. It wasn't too far from that. It wasn't too far from the other group that was lying there on the road.

Q. This two-story building, it was inside the village though?

A. Yes.

Q. There were a group of bodies or a bunch of bodies behind it?

A. Right. The trail widened a little bit and there were houses on both sides and there were people lying on the porch; about three or four of them there, and some of them lying in the middle of the path.

Q. Was there a bunch behind the building now in addition to that?

A. I didn't see them if there were.

IO: Just a minute. How long have you been a sergeant?

A. Almost a year, sir.

Q. Almost a year?

A. Yes, sir.

Q. And what grade were you at the time?

A. I was a private first class at the time.

Q. How much service had you had up to that time?

A. One year, sir.

Q. You took basic training and you had been with this outfit and you knew a little bit about being a soldier?

A. Yes, sir.

Q. And you knew direction and you knew how to read a compass?

A. Yes, sir.

Q. Well, I'm a little amazed at how little you can remember. And a lot of the statements that you are making and not being able to put down here, those just aren't adding up as far as I'm concerned.

A. Well, sir, I wasn't carrying a compass at the time.

Q. No, but you were carrying your head with you?

A. Yes, sir. Right. I didn't carry a compass and I didn't carry a map and I didn't usually get a look at a map. Sometimes you can be in the middle of this village and you could have somebody 20 meters to either side and--

Q. (Interposing) I've been in the village. You don't have to tell me. I've been in lots of villages like this.

A. Well, sir, the best I can do is this. You say that it seems strange to you. Well, we did a lot of crossing back and this is the best I can do. I don't remember it that well.

Q. Well, then, we will just put down exactly what you know there and stop a lot of this estimating and talking.

A. All right, sir. They were asking for as best as I can remember, and I was saying I'm not certain about this and I would go on.

MR WEST: All right. After you left the two-story house, would you tell us where you went next, Sergeant BERNHARDT? Do you remember when you rejoined the 2d platoon?

A. It must have been in the area that we are at now.

Q. What area?

A. The place that we stayed overnight.

Q. The laager area?

A. If that's the place that we stayed overnight.

Q. This was considerably east of My Lai (4). You

probably before you got there passed through another subhamlet. Do you remember what happened between My Lai (4) and where you laagered in for the night?

A. No, sir. I don't. Essentially the operation had stopped. I was just tagging along with the company commander and carrying his box. He told me to carry the box, so I took it along with me.

Q. You carried the box all day?

A. Yes, sir. I did.

Q. You stayed with the command group all that day?

A. Yes, sir. I am pretty sure of that too. I think the next time I ran into my squad was that night, my squad leader SCHIEL. I asked him where was Pinkville and were we pretty close to it and he said, "That's it."

Q. Before you got to the laager area, did you move through another hamlet or subhamlet with houses? Did you see anymore hamlets burn or did you see any repetition of what you saw at My Lai (4)?

A. No, sir. No, I didn't. Nothing like this.

Q. Did you see any prisoners taken?

A. There was an open place and there was some bunkers or something and there was some people in the bunkers.

Q. Where was this?

A. No. Forget about that. I don't remember if we took prisoners on that day or the day after. This guy that I talked about, the prisoner that I had, I don't think we kept him overnight.

Q. When did you get a prisoner?

A. Like I said, I don't think we kept him overnight and I know that we had him when we were on this beach. You say that this was the next day, so we must have picked him up the next day. We picked him up the next day and there were

several other prisoners there.

Q. We haven't gotten to the next day yet. We are still on the 16th. Did you see anybody take any prisoners that day on the 16th?

A. I don't remember.

Q. When you were in the laager area that night, did you see any National Police?

(Witness gave no response.)

Did you see any ARVN soldiers?

A. Yes, sir. There was a large number of people there and they were under control of these ARVN's. I found out that they were National Police the next day when they were interrogating the people on the beach.

Q. They had some VC there or some VC suspects?

A. Well, they called them VC suspects, sir.

Q. What was going on and what did you see?

A. They just had them in a group. I think they evacuated them to somewhere.

Q. Did you see any interrogations going on later on, or later that evening?

A. No, sir.

Q. Did you see the National Police shoot anyone?

A. No, sir.

Q. Did you see any visiting officers at My Lai (4) that day or officers from Task Force Barker or the brigade or the division?

A. I wouldn't have known my brigade commander if I had seen him.

Q. Did you know Colonel BEERS?

A. I think I would have recognized him.

Q. Did you see him there that day?

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

Q. Did you know Captain KOTOUC?

A. Captain KOTOUC?

Q. The S2 of Task Force Barker.

A. I heard about him, but I didn't know him to see him.

Q. Do you remember what happened the next day now, the 17th, the night after you laagered in with Bravo Company? Did you stay with your platoon that day?

A. The next day I stayed with my platoon. I met them the night of the operation. I stayed with them the rest of the time.

Q. Did you hear about the 1st platoon going up on Hill 85 and MEADLO stepping on a mine?

A. Stepping on a mine and blowing his foot off? Right. I heard about that.

Q. What did your platoon do that day?

*. We walked, nothing constructive.

Q. Were you still on a search and destroy mission?

A. I guess so.

Q. Did you search and destroy anything?

A. No, sir. I don't think so. There wasn't a whole lot of searching even on a search and destroy mission.

Q. Did you come across any hamlets where people were living?

A. I don't think so, sir. I don't remember, sir.

Q. Do you remember the company burning three hamlets that day and burning the hootches?

A. No, sir.

Q. What do you remember occurring that day?

A. I was along with my squad, and we have what is sort of a formation that we move in. What I remember is just moving and walking. And until we got to a place where we were going to laager in. We didn't, but we were going to. I didn't see anybody else that day except my squad. That's the way it usually works.

Q. When you reached the water what happened?

A. When we reached the water they said they had some prisoners and they said they were VC, young military-age males, and they said they had documents.

Q. How many?

A. How many documents?

Q. I'm sorry. How many males or prisoners?

A. I don't know. I saw three.

Q. How many males and females?

A. Two males and one female. I saw they had one guy tied up and they had one guy against a tree, and Captain MEDINA was shooting at him. He started talking something. I don't know what it was. The National Police were there trying to extract information or something.

Q. What next?

A. We moved away from that area. I'm not sure where we went and I don't remember that well.

Q. Do you remember spending the night out in the field?

A. Not vividly, sir. It was another night out in the field.

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Q. What happened the next day, the 18th?

A. I don't remember that, sir.

Q. Do you remember being extracted by helicopter and taken back to Landing Zone Dottie?

A. I can remember being extracted by helicopter and taken back to Dottie if that is the day it was.

Q. When you got out of the helicopter there at Landing Zone Dottie, were you met by an officer?

A. No, sir. I wasn't. We got out of the helicopter and we sat there for awhile. Then they assigned us to bunkers, which they changed three or four times.

Q. Nobody came around to talk to you?

A. No, sir. Not me.

Q. Before you left the field, did anyone talk to you and tell you that there was an investigation going on of what happened at My Lai (4)?

A. I don't think so.

Q. Did Captain MEDINA get the company together later on and tell you that there was an investigation of what happened at My Lai (4) on 16 March?

A. He did that. I don't know what day it was. I thought it was when we got back to LZ Dottie.

Q. What do you recall about the meeting and what he said?

A. Just that there was an investigation and he would back us up and take our side for anything that happened. He gave the impression that he would accept responsibility or something like that, sort of reassuring them that it would be all right and there wouldn't be any problem.

Q. Did he say anything about the men should be quiet

about what happened and not talk to anybody, or anything to that effect?

A. He told me.

Q. I know that. Now, how about the rest of the men?

A. I don't remember that, sir.

Q. What special instructions did he give you?

A. They called me up to the command post, and he said not to write my Congressman. I believe it was Sergeant BUCHANON that told him. I don't know where he got the idea from. In other words, he didn't get the idea from anything I did or said, but it might just have been that he knew me or he thought he knew me. He told me it was not going to do any good, and it was going to get a lot of people in trouble and not to do it.

Q. Is this Captain MEDINA you are talking about?

A. Yes, sir.

Q. Did Sergeant BUCHANON talk to you about it?

A. I don't think so, sir.

Q. Did he come back in the helicopter with you on the 18th?

A. I don't know whether he was in the helicopter with me or not.

Q. Did any investigating officer ever come around and talk to you about what happened at My Lai (4) on the 16th?

A. Nobody talked to me, sir.

Q. Did any investigating officer talk to any men in the company about it, about what happened at My Lai(4)?

A. I heard that there was a colonel that came down and talked to some of the men, and one of the men was Sergeant BUCHANON.

Q. This was at Landing Zone Dottie when they came back?

A. Yes. I heard that he asked Sergeant BUCHANON, "Do you think this is your job and this is what you are supposed to do?" And he said, "No comment," or words to that effect.

Q. Do you know whether any member of the company was questioned by an investigating officer about what happened at My Lai (4) on the 16th?

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

Q. In your opinion, what happened at My Lai (4) on the 16th? How would you characterize what happened?

A. It was a large number of civilians killed under ambiguous orders, since it was a verbal order, for no apparent tactical reason. They weren't in the way of anything. It was not accidental. It was a pointless slaughter, as far as I can tell.

Q. Did the members of Charlie Company encounter any resistance in My Lai (4)?

A. No, sir. I didn't.

Q. Did you see any Vietnamese person in the village with a weapon?

A. No.

Q. Were any members of Charlie Company killed or wounded?

A. Only CARTER who shot himself in the foot, sir.

Q. In your opinion, why did this happen?

A. A lack of discipline and a lack of control on the ground, I believe, from higher levels. As I understand, at least now, this is not the way it was supposed to be done. We rarely had anyone from anything higher than the company direct us at all.

Q. I asked you if anyone visited during the day from Task Force Barker or brigade or division. When you were in the field, were you visited by officers from higher headquarters?

A. No, sir.

Q. You mean never?

A. Well, sir, I remember the brigade commander coming down once. Colonel BARKER was on the ground right after the minefield thing. When they took us from wherever we were and landed us someplace else in the minefield, he was there. Other than that I don't remember him being on the ground, but like I said, he could have been. The way we move, somebody on the flank security isn't going to see too much. It's all he can do to stay in line.

Q. I asked you a moment ago why this thing happened at My Lai (4). Do you think the orders had anything to do with it? The men thought they were doing exactly what they were ordered to do?

A. I don't think the men were that conditioned to following orders. Of course, the order being given helped, but I don't think the men were following orders blindly, and somebody told them to do it, and they did it. They weren't that disciplined as a company.

Q. It has been suggested that revenge was the possible reason for some of it?

A. Yes. It's like I said. They weren't following orders exactly. I would say that had the order not been given, they would have done it anyway as long as they knew there wasn't going to be any consequences.

Q. What was their reason for killing a lot of Vietnamese people?

A. Evidently I don't think the way these people do. It's sort of like my burning my finger and kicking my dog; that's the kind of logic it manifested. I can't understand it.

Q. I don't think I understand your explanation.

A. Well, what I mean to say, sir, is that I don't understand. Now, they say revenge. Revenge against whom, the minefield? I don't think the minefield was anywhere around My Lai (4). Pinkville was a good distance away.

Q. Let me relate the explanation we heard. That was that Charlie Company came in from Hawaii and they started in the field. They had some contacts and they encountered snipers and ran into booby traps and mines and lost people. But they never really saw Charlie and they never came to grips with him, and they never had a real fire fight. This was supposed to be the first chance to really come to grips and really get into a hard fight with Charlie, and find him and perhaps defeat him. They were all built up for it. I think in your testimony or your statement to the CID you said, "MEDINA was trying to inflame the men."

A. Right, sir.

Q. They evidently were up for a big fight, and we have been told that they felt badly about losing some men that had been killed and wounded in the minefield and by snipers. Sergeant COX had been killed before this operation was started. This has been one explanation, that the men were out to get even with the VC. Do you think there was any validity to that?

A. Well, sir, it doesn't make any sense to me. Were these VC? First of all and second of all, we had a chance. I couldn't understand it. Twice we were engaged with the enemy, and both times we got air support and we left. It was definitely the enemy at the time because he was shooting at us in direct fire.

Q. When was this now?

A. The two times working off Uptight, which is--

Q. (Interposing) North a ways.

A. Right. There was a river in between us and them.

Q. Which is the Song Diem Diem River here (indicating).

A. We had control of the only bridge, complete control of it.

Q. Let me ask you this. Let's get into another little phase. You are aware of course that what happened there that day was not reported fully or actively. In fact the incident didn't become known in this country, not widely, until November 1969, a little over 2 months ago. Can you account for this, why it was not reported in the usual way and the way most combat incidents and actions are reported and become known?

A. This was my only company and my only war, like I said before. I didn't know how it was done. This is the way we had; this is the attitude that was in the company, that this was okay. If you can get away with it, just shoot anybody. It didn't make any sense to me, but I didn't know myself.

Q. Are you telling me that most men of the company didn't think there was anything wrong?

A. Right, sir.

Q. There was nothing to report?

A. Right, sir. That's what I mean to say.

Q. You didn't feel that way I take it?

A. No, sir. I did think that I was going to spend a year with this company. Not a year, but I was going to spend the next nine or eight and one-half months with this company. So whatever I was going to do, it wasn't a good idea to do it while I was in the company.

Q. Were you aware that there were some people that you could have gone to to report this?

A. No, sir.

Q. Did you know about the inspector general?

A. I thought that it was possible that the inspector general in Chu Lai....

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Q. Yes?

A. Right. I didn't get to Chu Lai very much. That's one reason.

Q. Was there an IG with the brigade do you know?

A. No, sir. As a matter of fact we didn't get to Duc Pho very much. We didn't get anywhere very much. In other words, it was the company pretty much. I couldn't just go to the IG when I wanted to.

Q. Either you were at the fire base or you were in the field. Is that it?

A. Yes, sir. Pretty much that. There were some times when I could have gone to the IG, but I didn't know exactly where the IG was. In other words, what level they were on or where they stood. In other words, if they came under the brigade it was possible that the brigade commander approved. I am not saying that the Army sanctions it, but it might go up to the division level. I mean, somebody up that high might still be a little bit unusual in the way that they think.

Q. What do you mean by that?

A. What I mean is that they might have sanctioned it or ordered it and let it go on.

Q. Let me digress from this a moment. Do you remember some stories in the newspaper in November about the possibility that the men in Charlie Company that morning in My Lai were under the influence of marijuana?

A. I didn't read anything in the paper about it. Somebody told me that there was an investigation. Senator DODD or somebody was investigating the possibility. I don't think there was. I mean there wasn't that much of that going around, I think.

Q. As far as you know, in your knowledge, were any men in My Lai (4) that morning under the influence of marijuana?

A. No, sir.

Q. Did you give serious consideration to reporting this to outside people, what had happened at My Lai(4)?

A. Yes, sir.

Q. Did you recognize that probably what you had witnessed was probably a war crime?

A. Yes, sir, right.

Q. You did give serious consideration to reporting it?

A. Yes, sir.

Q. Would you explain that?

A. It's like this. I know you are going to find this hard to understand, but I really didn't know where we drew the line anyway. I spent a year with this company. If their attitude was any indication, and I understand it wasn't, of the way we did things in Vietnam, then there really wouldn't be anybody to tell. If I did tell somebody, anything might happen to me. I knew that the American public wouldn't go for it. I know this is kind of difficult for you to understand.

Q. Are you telling me that the company did this other times?

A. No. Not this same thing. There were other shootings and such.

Q. Were there other instances where Vietnamese people, women, children and innocent civilians, perhaps were killed?

A. There were other times, but not in such numbers as this. There were other shootings.

Q. Could you explain a little more so that I could understand the nature of them?

A. Well, like I said once, this is another thing that I told the press and it was a lie, but I did it for a reason. You will understand when I tell you. For example, one of the

first times that we were in the field, CALLEY told me to shoot the next time somebody didn't "dung lai" when I told them to "dung lai".

Q. He was in the 2d Platoon?

A. Right. He was my platoon leader at the time. I just missed. It's easy enough to do that without causing any kind of thing. I said to the press that I had asked somebody higher, and they told me it wasn't good and I wasn't supposed to do that. Well, I didn't get a chance to ask anyone higher you see. I thought that it might help a little bit if that was sort of thrown in. It didn't hurt anything. I know that. I was trying to give the impression that it wasn't what we do all the time, that there was somebody there that could tell me that it wasn't what we do all the time.

Q. I understand you are telling me if there was the slightest reason for it, shoot the Vietnamese?

A. Yes, sir.

Q. If they don't stop when they are running, shoot them?

A. Right, sir.

Q. If there is any doubt about it, shoot first and investigate later?

A. Yes, sir, right.

Q. What was the attitude in the company about the treatment of prisoners? How were they treated?

A. They were basically mistreated. Nothing serious I don't think. When we were out in the field, we used them for mine detectors. That's what we called them. We put them on the end of a rope and would walk them in front of the point man. I didn't think there was anything basically wrong with this, except that a prisoner doesn't tell very much when he is dead. That's what we take prisoners for, I believe, you know, to find and assemble information.

Q. Did anybody ever tell you that it was a violation of the laws of war to use a prisoner in that way, for him to march ahead of the point man so that he can detonate any mines that might be in the path?

A. No, sir. We didn't think much of the rules of warfare and handling prisoners at all.

Q. What other ways were prisoners mistreated?

A. Well, the one that we had down on the beach, they were trying to extract information from him. The prisoners were kicked and beat and so on. Questions were asked in English which the Vietnamese wouldn't be able to answer or even understand probably. It didn't make any sense to me either.

Q. Let me ask you about the treatment of Vietnamese women in the villages by members of the company. We've heard a good bit about this. I'd like to hear what you have to say about this?

A. If we were any distance from Highway 1, there wasn't too much chance that the woman wouldn't be raped, that is if she was there and a young one.

Q. Would you state this more affirmatively?

A. There were a lot times that the women were raped in the villages.

Q. Was this a pretty widespread practice in the company?

A. I thought it was, sir. It was predictable. In other words, if I saw the woman, I'd say, "Well, it won't be too long." That's how widespread it was.

Q. You observed some of this taking place?

A. Yes, sir.

Q. Were there any efforts made to control this by the squad leaders, platoon leaders or company commanders?

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A. No, sir.

Q. You mean that Captain MEDINA tolerated it?

A. I'm not sure he knew about it. I thought that he would, judging from the way he regarded Vietnamese.

Q. How about Sergeant HODGES?

A. I don't know.

Q. Sergeant SCHIEL?

A. Sergeant SCHIEL didn't want to tolerate it. He was an ace squad leader, but he didn't have much control over the other people. There wasn't very much of it going on in my squad. I don't think there was a lot of it in my squad.

A. I don't remember exactly who was in it. It changed around.

Q. HODGES was the squad leader?

A. There were a couple of men that were beyond control. That was one of the discipline problems that I was talking about.

Q. What about ROSCHEVITZ?

A. ROSCHEVITZ was a squad leader?

Q. No. Was he a man that liked the women?

A. I think so. HUTSON and WRIGHT, MCBREEN, BROWN, HUTTO later. I knew him later. SMAIL whenever he came along.

Q. Sergeant BERNHARDT, at the time did you write home to your family or anyone telling the details of what you had seen there?

A. No, sir.

Q. Did you ever write it out about that time in a diary or in any other way?

A. No, sir. I didn't keep a diary. I didn't think it was a good idea. Paul PARTSCH kept a diary. I don't know if you got access to that, but you will be able to pick up a lot on that. I mean, a diary does pretty well, that is if it is kept up to date.

Q. Do you know anybody that took photographs there? We know about HAEBERLE of course.

A. No, sir. I don't know about anyone. RODRIGUEZ carried an Instamatic and TREVINO carried an Instamatic sometimes. They took pictures. I don't know what they got. They took some photographs.

Q. Which TREVINO was this, Fernando or Roy?

A. Fernando.

Q. I think I missed one of the names, RODRIGUEZ, TREVINO, and who was the other one?

A. RODRIGUEZ and TREVINO are the only ones I can remember. Doc GARZA later joined us and he had one I believe.

MR MACCRATE: I'd like to go back just briefly, Sergeant BERNHARDT, to what you recall of Captain MEDINA addressing your company after you returned to LZ Dottie, and whether he mentioned whether any complaints were made in respect to the conduct of the company?

A. I don't think so. There wasn't anyplace where we could have made any complaints.

Q. But did he indicate that he was talking because some complaints had been made?

A. I don't remember, sir, and I don't think I could say.

Q. You indicated you got the impression he was assuming responsibility for the actions of the company. What was said

suggests to me that he was talking about someone complaining about what the company had done, and saying he would assume responsibility for it. What was said along these lines is what I am trying to get at?

A. Exactly what was said, sir, I cannot remember. I can't remember exactly what he said. It impresses you that way. It impresses me the same way. In other words, he was probably talking about someone making complaints. But I don't remember him actually saying that someone had made a complaint or someone was making an investigation or something like that. He seemed to indicate that someone, somewhere, somehow had complained about it.

Q. Did he in any way identify who had made the complaint?

A. No, sir. He might have, but I had already gathered from the other men that it was the helicopter pilot. It was an on-the-spot complaint. I had gathered from the other men that there was a helicopter pilot that did something. The story varied the way I got it. He did something. First they said he landed between the troops and the civilians, and another one said he picked them up and moved them somewhere else, and another one said he was ready to engage in fire with the unit and whatever it was. In other words, that was probably what he was talking about. I had gathered this from the other men though. I didn't think anything about it. He might have mentioned it at the time.

Q. I would like to turn to training and procedure. I understand that your particular assignment to Charlie Company came after the period in Schofield in Hawaii?

A. Yes, sir. There were a large number of men there. We got a large number of replacements.

Q. What was your period of training prior to assignment to Charlie Company?

A. Long range recon patrols. It was the 70th Long Range Reconnaissance Patrol Detachment. It was formed as a recon patrol for the 11th Brigade.

Q. Was there anything in this training looking toward possible assignment to Vietnam?

A. The whole thing was geared for Vietnam. This is where we were supposed to go, and we all knew it. It was just a matter of time. We figured that we were going to go with the brigade and it was just that simple. There was nothing else to it.

Q. Did you, in the course of this training, get any counterinsurgency indoctrination? Was any attention given to the special conditions that you would face in Vietnam insofar as the treatment of the civilian population, and the importance of winning over Vietnamese to the government's side in Vietnam?

A. Sir, this was the impression that I had when I was still stateside, that we were in a war with South Vietnam.

Q. Stay with me. What I am trying to get at is what training was given or was not given when you were being directed to go to Vietnam. We have been exploring this just to see what kind of training you did or did not get prior to moving into country, and then I want to ask you what you got when you were in country?

A. Most of the training we got stateside was geared to the tactical type thing. It wasn't any training actually.

Q. Now, when you get to Hawaii, you're including that as being stateside?

A. It's overseas, but--

Q. (Interposing) It had a special relation to your forthcoming mission in Vietnam. You knew you were going after a time while you were still in Hawaii, or at least the command element knew. I am interested in what training you received there?

A. In Hawaii?

Q. In Hawaii.

A. Like I said, it was mostly tactical. It wasn't very much to do with the treatment of prisoners or civilians

or the political situation in Vietnam. We weren't expected to encounter anything like that. Long range recon patrol doesn't operate in populated areas. The long range recon patrol operates in the hills someplace where there aren't any people except enemy combatants.

Q. Are you suggesting that there was an entirely different program insofar as this kind of thing was concerned, and indoctrination as to what you can expect from the Vietnamese, or indoctrination in respect to the rules of land warfare for a recon patrol than for other members of the brigade?

A. I wasn't trained with the other members of the brigade so I don't know what they got. I was trained with the long range recon patrol.

Q. Did you think that any deficiencies that you had are explained by the fact that you were being prepared for long range recon patrol?

A. I didn't think that there was any deficiency at all. What I could gather from the other men of the company, they didn't know a whole lot about the political situation or the handling of prisoners or anything else like that. They didn't know a whole lot about it, or if they did it was not the information they were supposed to get.

Q. Were you given any indoctrination in respect to the obligation to report war crimes?

A. I don't remember, sir. I don't think so.

Q. Were you at any time issued little cards after your arrival or prior to your departure from Hawaii and your arrival in country in Vietnam?

A. After the arrival in country we were moved to an area that was close to the NCO training academy, I think. We were issued some handouts, whatever they were. I don't remember now.

Q. Little pocket-sized cards?

A. Possibly. That was usually what we get for hand-outs. Just about everything is on those little, pocket-sized cards. There was a few classes. One was on the general situation, a sort of Vietnamese orientation and a scout dog thing and a helicopter support briefing or something like that, and then they had a demonstration what amazed me. They demonstrated the helicopter firepower, and where they were shooting there were herds of cattle and people running around. I don't know if they belonged there or not, but I couldn't see really what was going on. They were just shooting around this one area. It was sort of an impact area. There were herds of cattle and people running around there.

Q. Was this a motion picture you were talking about?

A. No. This was what we saw outside. We got outside of the building where they gave us a briefing, and the helicopters took off and gave us a firepower demonstration.

Q. I show you Exhibits M-2, M-3, M-4, and ask you if you have any recollection of ever having been issued cards such as that?

A. I remember seeing this, M-3. That has the Vietnamese phrases on it. It was something like that anyway. I don't remember the "Nine Rules" (indicating M-2). I don't remember the rest of them. I don't remember if I was issued this or I just picked it up somewhere (indicating M-3).

Q. Was there, to your recollection, any attempt to impress these things in your mind, or did you just happen to come by these cards?

A. No. They were handed out, but there wasn't much emphasis placed on it. In other words, once we got out of the place where they were teaching it, if you didn't know, there wasn't anything said about it. The attitude didn't reflect it in the company.

Q. Of course, these come from higher headquarters for issue, but what you are saying is there wasn't an accompanying oral message given to you when the things were given to you?

A. There may have been. I'm not saying there wasn't any accompanying message when they were given to us. What I

am saying is it may have been given to us in the class which was given by this leadership cadre, but none of the people in our company emphasized it or did anything about it.

Q. Was it ever explained to you how you might report improper conduct or such violations of regulations as you may have seen on the day of this operation?

A. No, sir.

Q. Was the function of the IG ever explained to you?

A. I knew about the IG. I don't think it was ever explained to me.

Q. Did you ever seek advice as to how you might report it?

A. No, sir.

Q. For what period after March did you actually remain in the company?

A. For the rest of my tour, and that was until the following November.

Q. In November you were in the hospital in Chu Lai, were you?

A. The last 2 weeks of my tour, sir.

Q. Did you at any time prior to going to the hospital in Chu Lai make any attempts to report this or bring it to the attention of anyone outside your company or outside of the service?

A. No, sir.

Q. Did you at any time after you left the company and moved to Chu Lai feel you were away from the restraints that you may have felt while you were still within the company, that you told us about?

A. Sir, I don't know exactly what you mean by being away from the restraints that I felt while I was in the company.

Q. I thought that you were suggesting to us that while you were in the company, you felt a restraint about telling anybody about this?

A. Right, sir. I was still in the company whether I was in Chu Lai or not. I was going to go back to the company regardless. I mean, if I had initiated an investigation--

Q. (Interposing) Well, there came a time when you were not going to go back to the company?

A. Right. I understand that.

Q. And you were at Chu Lai at that time?

A. Right.

Q. Did you make any attempt at that time?

A. No, sir. That's where I met RIDENHOUR.

Q. In addition to responding to RIDENHOUR's questions, did you attempt to bring this to anybody's attention there?

A. No, sir.

Q. Did you seek any advice as to whether there were channels or ways of doing it?

A. No, sir. I was in a bay or a hospital with a lot of other men, and we did a lot of talking. There wasn't a lot to do, and it sounded like to me that this is what they had been doing all their time too. I wasn't sure exactly what to do.

Q. Did you hear any other stories of the kind of wholesale slaughter that you had witnessed that day?

A. Nothing definite, sir. Just talking about the shooting of civilians whenever they felt the urge.

Q. Did you ever witness any attempt by anyone in your platoon to restrain someone who was attacking a Vietnamese woman?

A. Sergeant BUCHANON once or maybe twice. One time he just told them to move out of the area where it was. Another time he told them that the company commander was coming and clear out and bring the woman over to him.

Q. Did you see a difference in attitude among the various men that commanded your platoon in this respect?

A. A difference in attitude from what?

Q. About enforcing discipline in this respect?

A. Actually, sir, it was a pretty poor example of enforcing discipline.

Q. Who were your successive company commanders, I should say platoon leaders, during the period you were with Company C?

A. Lieutenant CALLEY and Lieutenant BROOKS. Sergeant HODGES was the platoon leader for a while sometimes. I was moved to another platoon later on. Later on I was moved to the 3d Platoon because of the machinegun. I don't think we had too many.

Q. Were you conscious of any difference in attitude as you moved among the platoons?

A. No, sir, not really.

Q. You seem to indicate that your company commander had a certain attitude, and then suggest that the platoon leaders did not have the same attitude?

A. When? You mean the platoon leaders did not have the same attitude?

Q. Yes?

A. I said that?

Q. Yes. That's what I understood you to say. Maybe I misunderstood your comment when you said that you knew MEDINA's attitude toward the Vietnamese. What was that attitude?

A. He didn't care too much for them at all. Going back to the platoon leaders now--

MR MACCRATE: (Interposing) I misunderstood your reference. I don't have anything further.

MR WALSH: Sergeant, you described a little earlier a group of bodies that you observed after leaving that intersection where you had seen a large group of bodies, moving toward the rear of the house. You said that the trail widened a little bit and there were houses on both sides, and on the porch there were some bodies and there were some all over the trail?

A. Yes, sir.

Q. Do you recall if you didn't step over some of those bodies in order to get past, or were they lying right--

A. (Interposing) I think I may have stepped over a few, one or two.

Q. Was Captain MEDINA moving along that same trail ahead of you?

A. I believe I was making another attempt to find my unit. We had a break and we stopped there awhile and were dusting off CARTER. I don't think he was with me.

Q. You were not following the command group at that time?

A. I don't think at that time I was. I may have been, but I think it was another attempt to try and find my own platoon.

Q. Do you recall seeing on that trail, right on the trail, a baby with a gunshot wound in the head?

A. No, sir. I just remember there were women and children. On the porch there was a man as close to being of

military age that I had seen that day, a woman, and a child, but I don't know if it was shot in the head or not. This wasn't on the trail. This was up by that building. I don't remember seeing a child shot in the head on this trail.

Q. On any trail?

A. Not on this trail, sir.

Q. Do you remember seeing a child shot in the head on any trail that day?

A. There were a lot of children that were shot. I don't remember where they were shot. They were young and also infants. I don't know where they were shot. They were just shot and killed.

Q. You stated earlier in your testimony today, that you didn't see Captain KOTOUC, but you just heard something about him. What had you heard about Captain KOTOUC?

A. Just some things the men had said. This is just something that I happen to remember. One time there was a North Vietnamese or a VC colonel or something like that captured, and he was interrogated at the fire base and they were finding out something. I always hoped for some useful information or some way we could come to grips with this 48th VC Battalion. I heard that they captured a high-ranking Vietnamese and that they were trying to find out something about it and where his unit might be. That's what I mean by I heard of him. I knew that he was part of the staff. I didn't know anything about him.

Q. Do you remember on the first day of this operation or on this operation somebody from Charlie Company capturing a VC nurse?

A. There were two men and a woman. Do you mean on this day?

Q. Either this day or the following day?

A. Well, I saw the woman.

Q. Was she clothed?

A. When I saw her she was.

Q. Did they take her out with the chopper?

A. I don't know. I don't remember them taking any of those prisoners out.

Q. Whom did you see?

A. On the beach there was a clearing where there were a lot of coconuts, and there was a raised portion like a platform, where they might have had a house. They were up there and they had the woman, and she was just lying on the ground. This one man, he was tied up, and they had the other man standing up against a tree.

Q. They had already been captured when you had seen them?

A. Right.

Q. You didn't see them taken out by helicopter?

A. No, sir. They had me watching some prisoners. Actually they didn't have me watching them, I just thought it would be a good idea because everyone just sort of left them. This one guy was up in the tree getting coconuts, and they all just walked away. He was still up there, and I figured that he was going to come down and take off.

Q. Since you have been quoted--

A. (Interposing) Excuse me. I just wanted to say something about this prisoner that was up--I don't consider this one. This wasn't exactly the same kind of prisoner. They said, "Did you see any VC captured or was there anyone captured that day?" Well, we had him. He was under our control. As I understand he was a VC suspect, but there was a distinct difference. These two men and a woman that we had at that time, these were definitely, from what we could gather, VC. In other words there was a sharp distinction here. I didn't mention him but, there is no telling what he would do if you let him alone. I tried to keep an eye on him.

Q. Since you have been quoted in the press during the last few months, do you feel that you have been fairly treated by your superiors?

A. Yes, sir, I suppose. Nobody has done anything or I haven't gotten any worse duty or gotten more than my share of anything.

Q. No harassment of any kind?

A. No. We just weren't getting along so this didn't make any difference. He hasn't done anything more.

Q. When did you make sergeant?

A. A year ago, sir.

Q. Are you going to stay in the Army?

A. No, sir.

Q. When do you get out?

A. March 2d.

Q. Had you previously decided to get out of the Army, previous to the time that you were quoted in the press?

A. I don't think there would be too much for me in the Army now anyway.

Q. Is this a result of your experiences in Vietnam and your own personal interests?

A. No. What I mean is that this may not be looked upon with favor everywhere I go. One never knows. I've heard men say I'm getting out just as soon as I can and all this sort of thing. They go ahead and reenlist at the last minute. I'm not going to say I'm not staying in until I get out, and then I'm not staying in.

Q. In the meantime you haven't made up your mind?

A. I'm heading for ETS. I'm going to get out as far as I know right now. I have hopes of the President's plan for

a professional Army. It's a great idea. It's just going to take a little time, that's all. I don't think it would be good for me to wait around for it.

Q. I'm interested in what you say. In other words, if we changed to an all professional Army, that would be something that would appeal to you?

A. Yes, sir.

COL ARMSTRONG: Sergeant, when this incident took place it obviously made an impression on you and you did not go along with it? Were you real burned up about all this and this hopeless feeling that you couldn't do anything and had nobody to turn to?

A. Something like that. I don't understand exactly how my feelings are in relation to other people. It wasn't any manner of compassion. It wasn't anything that was a violation of the laws of nature and so on. I just didn't see any tactical advantage in it. It was a waste. Not only that, but it also creates enemies. Not only that, but I don't see how anybody living in this whole AO would look upon us with anything but dislike and distrust. That was my feeling about it, sort of in a practical way.

Q. You're a PFC under these circumstances which doesn't put you too high up the echelon, but did you go on R&R?

A. Yes, sir.

Q. Where did you go?

A. Singapore, sir.

Q. Where did you go and how did they take care of you?

A. I had about 2 or 3 days notice. They took me out with a helicopter and brought me to LZ Baldy. We were in this other AO that was operated in by the 196th, I think.

Q. This was after this incident?

A. Yes, sir.

Q. Okay.

A. I went there. I went from there at LZ Baldy, taking a truck line to Chu Lai, through Chu Lai to Duc Pho. Instead, there was a bridge blown out or something like that, and we went back to Baldy and I flew to Duc Pho the next morning. From there they put me on an airplane, one of the cargo planes, and they lent me a pair of khakis, the uniform and the necessities.

Q. Who is they?

A. My company, they supplied it.

Q. Your company had this capability within the company?

A. Well, no, sir. As a matter of fact, this man that I borrowed the uniform from, I don't think was in the company. I think he was part of the medical detachment.

Q. Then somebody in the battalion?

A. Yes, sir. I went down to the airport and I flew to Danang. From Danang we got the flight to Singapore.

Q. You were in a big hurry all of this time?

A. Most of the time, sir.

Q. You came into Danang?

A. Yes, sir. Flew to Chu Lai and couldn't get a flight out of Chu Lai. Went the next day to Duc Pho and that day went to the other place which is at Que Son Ridge, I think. That was where that Sergeant MACK was killed, the man that was lost for 3 months or something. They had to send a sergeant, that staff sergeant who was just out of NCO school to identify the body. That was where I ended up. I came back through there.

Q. Do you go to chapel?

A. Me, sir? No, sir. I don't.

Q. You haven't had much contact with the chaplains?

A. No, sir.

Q. Have you ever had any contact with any officers that you have really had any confidence in?

A. Yes, sir. Captain CLARK. He was my company commander in the long range recon patrol. He wasn't around after. He eventually took over one of the companies in the battalion for a short time. I don't know which one. We didn't have much contact with the other companies. We were pretty much isolated. We worked together, but we didn't see each other or run into each other very much. Captain CLARK, I thought, was a good officer.

Q. How about NCO's?

A. My platoon sergeant in basic training I thought was--

Q. (Interposing) A man that you thought you admired and respected and could go to?

A. Yes, sir. I think so. He wasn't a nice guy, he was kind of harsh, but I thought I could go to him. Yes, sir.

Q. Straight-shooter type?

A. Yes, sir.

Q. Hard but square?

A. Yes, sir.

Q. And these are the only two guys you have run into in the Army that you thought you could trust, your platoon sergeant in basic and your first company commander?

A. My detachment commander, yes, sir. These are two that I can remember.

Q. My point is that your moral ethics were not outraged, but your professional were because it was waste. If it

was moral, you might have gone to a chaplain. If it was professional, you might have gone to an officer or NCO that you respected?

A. Yes, sir.

I didn't know the battalion commander or the brigade commander or the task force commander so I--

Q. (Interposing) Let me ask this. Were you familiar with any court-martials in the Americal Division, general court-martials? Were any tried for rape and convicted?

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

Q. Did you realize that this was a crime?

A. Yes, sir. I thought it was.

Q. What do you consider rape?

A. Well, sir, if you have to use force and the woman is unwilling that's rape, or if she is not old enough to know better. But at the time there wasn't anything like that. It was all force.

Q. And you witnessed this?

A. Yes, sir.

Q. You actually saw a girl or a woman put on the ground and a guy mount her?

A. Yes, sir.

Q. You can identify these men?

A. Yes, sir.

COL ARMSTRONG: I have nothing further, sir.

COL FRANKLIN: Sergeant BERNHARDT, the last time you were here I talked to you and I told you I am sorry for you in the sense that you were a pretty good young man and you had seen and been

through a lot, and were potentially going to be put under an awful lot of pressure by a lot of people. I recommended to you at that time that you just confine what you say to those things that you were pretty sure of. You made a very terrible condemnation of the Army in what you stated here under oath. You get off of Highway 1 and women just get raped. We know in My Lai (4) that people of all ages and both sexes were just literally cut down in cold blood in great quantities, and you imply this just went on the rest of your time in C Company. Then you go to the hospital and you are talking to soldiers from these other outfits, and My Lai (4), and I'm not really overstating too much, was just sort of a day in the life of an American rifleman in Vietnam. These are very strong statements that you are making.

A. I understand that. I don't really want to believe that myself.

Q. But do you believe it?

A. Like I said, sir, these are my only contacts.

Q. Give me a concrete example of a subsequent action of C Company where somebody was killed in cold blood?

A. An example, sir?

Q. Yes. After My Lai (4)?

A. There was a woman with baskets and "chogie sticks" once. Somebody shot her, and this was later during the rainy season. Captain MEDINA was still the company commander.

Q. What were the conditions under which this woman was shot?

A. She was running and somebody probably said, "Dung lai." I don't know if they did. She was running and somebody shot her. I saw the man shooting, but I didn't see the woman.

Q. She was carrying a basket?

A. Yes, sir.

Q. The brigade policy was that if people ran you would shoot at them, fire warning shots and then shoot them, right?

A. I don't know, sir.

Q. Well, it was your brigade policy. Can you think of a better way to stop people that are running than doing that? I mean are you comparing that woman carrying baskets that was shouted at to stop with the lining up and the gunning down of men, women, and children in My Lai (4)?

A. No, sir.

Q. You sure implied that.

A. You wanted another example of--

Q. (Interposing) Another example of My Lai (4)? Give me another example? Coldblooded killing?

A. There was an old man once I'm not sure of the people involved. There was an old man that was following them. They told me later that they had taken something from his house and he was trying to get it back. They just turned around and they shot him. I believe it was HUTTO at the time who did this and told me. That's another example, sir. It's not on a large scale.

Q. You had to search a little bit to get these things, and I think you would agree that they might have been under some little different circumstances than My Lai (4)?

A. Right. I understand we've got problems over there. I can't see how some people, especially the press, are comparing this thing with the Green Beret murder case and throwing that guy out of the helicopter or something like that. It's nothing even close to it.

Q. I don't think it is either. That's exactly my point. You're comparing what went on in your outfit after and what other American outfits did with My Lai (4), and it's not the same thing. I think you are sort of stretching your comparison there. The only point I want to make to you is if you are going to make damning accusations like this, and these

very general statements, you had better have something to back it up. You're still wearing the uniform and you're portraying people that wear the uniform as really animals.

A. Right, sir. This is another problem. Everybody that wears the uniform is going to take this personally. It seemed to me, at the time, you were asking for a reason why I didn't make any big thing out of it. At the time it seemed to me that it was a pretty common occurrence. Now, I said from this time on if the men were going to do something, they wouldn't do it where I could see them or would try to avoid me if they were going to do anything. They knew the way I felt. I don't know why. Maybe they thought I was going to do something or say something later on, but they avoided me. The only thing that I could get from then on was a lot of hearsay mostly. I had nothing else to go on.

Q. That's all you got, hearsay, from the men at the hospital. That's all you got from the soldiers. What I am trying to tell you is you repeat these things, and with the enormity of the things that you are talking about I strongly recommend that you state that this is hearsay. Now, you've seen an awful lot of things in My Lai village personally that you have an awful hard time remembering, and they weren't even hearsay. So in the future when you are called before any kind of an official body, and also in your conversations, what you saw you saw, and what you heard you heard. You don't want to confuse the two, Sergeant BERNHARDT.

A. Right, sir. Well, you asked for a reason. All I can say is what I heard, and that is the reason. I don't know how else I could put it except that I thought this is the way it was done.

MR MACCRATE: Sergeant BERNHARDT, just one other question. As you were going around that day, did you observe Specialist HAEBERLE taking photographs from time to time?

A. Sir, at the time that I observed Specialist HAEBERLE he was photographing CARTER and photographing the dustoff and photographing the men. He wasn't taking any pictures of the dead civilians. Now, I understand later that he did, but at the time he wasn't. Also at the time Captain MEDINA was present, and this may have been the reason why he wasn't. I said

before that I thought he was conscientiously avoiding taking pictures of what was happening at My Lai (4), or what was really happening. That was probably because of what I saw.

Q. You didn't see him take any of these pictures?

A. No, sir.

Q. The fact of the matter is that he took the pictures in dispersed shooting with more than one camera, and we've established the way in which the pictures were taken. I am surprised that you just saw him taking pictures of the men.

A. Right, sir. The company commander was there. You mean that the sequence on the way the pictures were taken indicates that there was something in between? In other words, there were pictures of a man and there was pictures--some of the other kind of pictures, and there were the same pictures again?

Q. Quite clearly.

A. He might have taken these pictures and avoided us or tried to avoid the company commander when he was doing it. I don't think the company commander would have liked it. I mean that. I am only guessing now. I don't know.

MR WEST: Would Theodore BLAUVELT sound right?

A. Right, sir. That's his name.

Q. He tells us that on 28 March 1968 he was assigned to the 5/46, 198th Brigade, and on 19 June 1968 he was assigned to the 4/21 with the 11th Brigade. He left there on 5 April 1969 on leave. On 20 May 1969 he was assigned to the 4/21 of the 11th Brigade of the Americal Division. On 8 July 1969 he was medevac'd. Does this resemble anything that BLAUVELT told you?

A. He didn't tell me any dates or anything.

Q. You're not that acquainted with the dates?

A. We didn't talk about that particular thing that much. I just heard it and thought I would let it go and tell you when I got down here.

Q. As I understand you, he told you of an incident in his unit in which the men of his unit had killed Vietnamese in a refugee camp? Was it a refugee camp?

A. That's what he said, a refugee camp.

Q. Any statement you would like to make to us, Sergeant BERNHARDT?

A. No. No, sir. I don't think so. Well, except that you don't understand how it could happen and how people could think this way. I got some letters from all over the country and you would be surprised.

MR WEST: Well, we thank you very much for coming. The hearing will be recessed.

(The overlay on Exhibit P-1 which was annotated by the witness was extracted to an aerial photograph and introduced into evidence as Exhibit P-194.)

(The hearing recessed at 1901 hours, 27 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: BUCHANON, Jay A. 1SG

DATES OF TESTIMONY: 8 and 9 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

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

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The company received training in the Geneva Conventions prior to leaving Hawaii, but BUCHANON did not remember how many hours of such instruction were given (pg. 93). They were told to grant all the principles of humane treatment provided by the Convention to VC suspects (pg. 93). In their orientation in Vietnam they were instructed on the treatment of PW's (pg. 94). The witness had never before seen the MACV cards "Nine Rules" or "Enemy in Your Hands" (pg. 94).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

a. MEDINA's briefing.

BUCHANON recalled that Captain MEDINA's briefing was on the 15th but did not remember a memorial service preceding it (pgs. 5, 6). MEDINA told the company that this was a search and destroy operation and that they were to kill all the inhabitants of the village (pgs. 5, 6, 26, 40, 45). The witness never really understood what was meant by MEDINA's use of the word "inhabitants." At one point in his testimony he said he thought it meant men, women, and children (pg. 46), at another he said it just meant livestock (pg. 47), and further on he defined it as anyone offering resistance (pg. 48). MEDINA said nothing about women and children (pg. 6). He said that the livestock was to be killed because it was a source of survival for the

VC (pg. 7). MEDINA told the men that they would be outnumbered two to one (pg. 10). He mentioned that this was a chance for them to get even for the casualties they had suffered (pg. 10). The third platoon was given the mission of mopping up behind the first and second platoons and burning hootches (pg. 7). BUCHANON did not recall a time limit being set on the operation or a statement by MEDINA that all civilians would be at market at the time of the assault (pgs. 6, 9).

b. Platoon leaders briefing.

There was no platoon leaders' briefing either before or after MEDINA's briefing (pgs. 7, 57, 58). However, Lieutenant BROOKS got his element leaders together to go over administrative matters connected with the assault (pgs. 6, 58). Nothing was said about the definition of search and destroy or what was meant by the order to kill all inhabitants (pg. 96). The primary concern was what to do if outnumbered (pg. 96). BROOKS said that the civilians would be at market at the time of the assault (pgs. 6, 97). After the men were prepared for the operation BUCHANON gave them two beers apiece to help them relax (pgs. 9, 47). The mood of the men was not much different from other operations on which they had gone (pg. 10).

3. THE ASSAULT ON MY LAI.

a. Movement into My Lai.

When BUCHANON arrived with the second lift BROOKS was already in the northwest area of the village with one squad (pgs. 62, 80, 98). Although there was a lot of firing, none of his men were hit or pinned down (pgs. 12, 13). Two of those with BROOKS signalled BUCHANON to bring the rest of the platoon on line (pgs. 63, 82, 99). BUCHANON moved behind the platoon (pgs. 18). Because the first platoon was over-extended into the village, the second platoon's line reached from the extreme edge of My Lai into a rice paddy (pgs. 13, 49, 63, 98). Those inside the village fired as they moved through the brush (pgs. 19, 66). During the half hour the platoon was in this northwest corner of My Lai BUCHANON saw some bodies of men and women although he did not recall the number (pgs. 18, 20, 64, 66, 66, 83, 84). He did not see the bodies of any children (pg. 66). He did not know who was responsible for their death (pg. 18). The platoon did not have any casualties (pg. 20).

25 490

b. Movement through Binh Tay.

On moving out of the village into a field he was signalled to move toward the subhamlet of Binh Tay which is slightly northwest of My Lai (pgs. 66, 83, 85). The platoon did not have any prisoners at this time (pg. 67). He did not know why they were going there (pg. 100). However they found a dead VC with an M-1 along the way (pgs. 13, 85). It was approximately 0830 and movement to Binh Tay took five to ten minutes (pg. 68). They approached the hamlet, squads in file, and entered its southeast corner (pgs. 59, 86, 87). He found a tunnel complex in a large hootch in the subhamlet's northwest corner (pgs. 15, 50, 87). Some hootches were burned while he searched it (pgs. 72, 90). He found a box of clothing which he explored gingerly because of his fear of booby traps (pg. 87). He searched the tunnel complex for approximately 20 minutes (pgs. 70, 88). At that time he heard talking outside and shooting as he emerged from the hootch (pg. 88). He ran to the southeast area of the village which was the direction from which the shooting had come and arrived on the scene at the same time as BROOKS who was also running (pgs. 69, 88). There were five to ten bodies of dead men and women on the ground (pgs. 72, 88, 89). To his query of who was responsible for this the soldiers replied that they did not know (pgs. 15, 89). BROOKS was quite perturbed and demanded an explanation (pgs. 69, 72, 110). BROOKS informed BUCHANON that word had come from MEDINA over the radio to stop shooting persons not offering resistance but, to bring them in instead (pgs. 14, 16, 70, 71, 89). This transmission came in approximately three hours after the operation had begun (pg. 16). The platoon rounded up 50-60 villagers of Binh Tay and moved them toward My Lai (pgs. 73, 102). There were no military-age males in this group (pg. 73). While moving they were ordered to rejoin the company which they did, abandoning the detainees in a large field (pgs. 73, 89). BUCHANON never saw anyone shot during the operation and heard nothing about a rape (pgs. 15, 77, 102, 112). They were in the subhamlet an hour and a half (pgs. 101, 102).

c. Actions after leaving My Lai.

BUCHANON thought that they did not return to My Lai but went straight to the cemetery where they married up with B/4/3 (pgs. 18, 74, 75, 89, 90, 102). He did not see a helicopter land during this time, but heard that a helicopter pilot had landed and spoke with Lieutenant CALLEY (pgs. 21, 22, 90, 103). He did not recall eating

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c. MEDINA's statement to the company.

After getting back to LZ Dottie MEDINA got the whole company together and told them that they had done a good job, but there was going to be an investigation (pgs. 35,36,106). He said that it would be better not to discuss the operation among themselves while it was being investigated (pgs. 35, 36). He said to direct anyone who had any questions about the operation to the CP because there was no point in the men giving their own concept of what had happened (pgs. 36, 55, 106). BUCHANON did not think that this request was strange because he thought MEDINA was just trying to keep himself informed as to who was asking questions about the operation (pg. 41). He did not get the impression that MEDINA was trying to keep people from talking (pg. 43). No one else told him to be quiet about the incident (pg. 36). To his knowledge no one in the platoon was asked any questions about the operation (pg.113). He was never asked any questions by anyone in an investigative capacity and was never asked to prepare a statement (pgs.35, 112, 113). BUCHANON never heard any more about it (pg. 41). The men did not discuss the incident within his hearing (pg. 35). He did not discuss it with the other sergeants (pg. 35). The only person who said anything about it was BERNHARDT who said he would refuse to go on a similar type operation (pgs. 40, 80). BROOKS sought to find out who had killed the civilians in Binh Tay, but never told BUCHANON anything he found out (pgs. 110, 111). BUCHANON assumed the matter was being investigated (pg. 55). However, he did not think there was any need for an investigation (pg. 56). He believed that the second platoon had been under control (pg. 23).

5. OTHER INFORMATION.

a. Missions after the My Lai operation.

The company was given a rice denial operation, considered a soft job, immediately after the My Lai operation (pgs. 38, 78). They were still part of Task Force Barker at this time (pg. 79). This rice denial operation was within ten clicks of LZ Dottie (pg. 79). Later, after MEDINA had left, the company went north and had several heavy contacts (pgs. 38, 39).

b. Submission of a body count.

The second platoon did not submit either a count of VC KIA or a count of dead and wounded noncombatants from the My Lai operation (pg. 108). No such information was ever gathered (pg. 108). He was never asked to give such information (pg. 108).

c. BUCHANON's opinion of CALLEY.

BUCHANON did not get along too well with CALLEY because in his opinion CALLEY was an immature person who would not take advice (pgs. 41, 42). He thought that CALLEY was a poor leader, but did see occasions where CALLEY did quite well in a combat situation (pg. 42). BUCHANON asked to be transferred from the second platoon when the unit reached Vietnam (pg. 41). BUCHANON did not see CALLEY do anything at My Lai (pg. 42).

d. Marijuana.

He saw no marijuana nor anyone whom he considered to be under the influence of marijuana the entire time he was in Vietnam (pgs. 39, 98).

e. Attitude of the soldiers toward the Vietnamese.

The attitude of C Company toward the Vietnamese people was no different than that of other GI's (pg. 37). There were a few incidents downtown and several typical GI fights (pg. 37). He did not believe that it was MEDINA's pep talk that made the men shoot civilians (pg.26). He did not know what caused it (pg.26). The civilian casualties were never reported because MEDINA had made the men think that incident was being investigated by division (pg. 41).

f. BUCHANON's opinion of Private JOLLY.

JOLLY was an intelligent person who usually did not cause trouble and thus was not the type of person to rape a woman (pg. 29). He generally was the peacemaker of the platoon (pg. 24).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-1	Aerial photo of My Lai	Wit marked LZ with circle.	1
		2-Approximate location of BROOKS with one squad on BUCHANON's arrival.	10, 11 83
		3-Area where wit and men of second lift married up with BROOKS.	83
		4-Point where wit saw bodies near northwest corner of village.	84
		5-Area where wit saw BROOKS coming out of northwest section of My Lai.	84
		6-Approximate area where weapons recovered from dead VC.	85
		7-Area where wit saw bodies in sub-hamlet north of My Lai.	89
		8-Area in which residents of sub-hamlet were rounded up and released.	89
		9-Points from which wit could not recall his route.	90
P-3	Picture of Sgt. PHU	As identified by the witness.	90
P-13	MARONEY is second from right, PHU is third from the right.	As identified by the witness.	* 91

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-17	Wit believed this to be picture of LOPEZ, MARONEY and PHU.	As identified by the witness.	91
P-23	Miscellaneous Scene	Wit did not recognize individuals	92
P-26 and P-42	Miscellaneous Scene	Entered into evidence as P-26C & P-42C	1
P-64	SMITH in right front. Wit did not recognize anyone else.	As identified by the witness.	92
P-66	PHU is first on left. Wit does not recognize anyone else.	As identified by the witness.	92
P-146	P-1 as annotated by wit	Entered into evidence.	93
M-2	MACV Card "Nine Rules"	Wit had not seen before.	94
M-3	MACV Card "Enemy in Your Hands"	Wit had not seen before.	94

(The hearing reconvened at 0917, 8 January 1970.)

MR WEST: The hearing will come to order.

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

I have 17 photographs to be entered into the record as exhibits. These photographs are colored prints of the slides taken by Ronald L. HAEBERLE and previously introduced as black and white prints marked as Exhibits P-26 through P-42. These photo prints are entered into the record and marked as Exhibits P-26C through P-42C.

The next witness is First Sergeant Jay A. BUCHANON.

(1SG BUCHANON was called as a witness, was sworn and testified as follows:)

Please state your full name, grade, Social Security number, service, organization, and station.

A. Jay A. BUCHANON. My rank is first sergeant, Social Security number . I am currently assigned to Company C, 3d Battalion, 1st Basic Combat Training Brigade, Fort Bragg, North Carolina.

MR WEST: Sergeant BUCHANON, before we get into any questions, Colonel MILLER will advise you as to the nature and purpose of this inquiry.

A. Yes, sir.

COL MILLER: This inquiry was directed jointly by the Chief of Staff of the Army and the Secretary of the Army for the purpose of determining facts and making findings and recommendations concerning two major subjects:

(1) the adequacy of prior investigations and inquiries into, and the subsequent reviews that were made within the chain of command of, what we now commonly refer 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 or furnish information concerning the My Lai incident.

It is not our primary purpose to find out everything that went on at My Lai. However, in our inquiries to get the facts, we have gone into what actually transpired at My Lai to some extent. We have had made available to us and we have reviewed the prior statements made by many witnesses, including you, and other investigations into this matter. I refer to such things as the CID investigation, the IG report, and pre-trial investigations.

Your testimony today will be taken under oath and there will be a verbatim record made. In addition to the reporter, we also are making a tape recording.

The general classification of our report is confidential. However, it is certainly possible that all or some of the testimony may become a matter of public knowledge or public record at some later time.

You are directed not to discuss your testimony in this investigation with others, including other witnesses for this investigation, unless you are required to do so in the performance of official duty or as you may be required to do before a competent legislative or judicial body or administrative tribunal. I'll explain that a little bit more in just a moment. I understand that you are under the order issued by the military judge and implemented by the trial counsel in the general court-martial case of United States v. Calley. You received a letter, I believe, from the trial counsel, telling you not to discuss this testimony.

A. Yes, sir.

Q. This order still remains in effect. However, your testimony before this inquiry is not precluded by that order. It is expressly permitted. You are not in violation by appearing and testifying before this group. This is an example of administrative body. Do you have any questions concerning what I have just said?

A. May I ask one, please?

Q. You certainly may.

A. You're saying that if something--if a question is directed to me about Lieutenant CALLEY, I should answer that at this hearing?

Q. You may answer questions which are directed to you at this hearing. What I have informed you is that the judge's order is not wiped out because we tell you to appear here. That order will continue in effect.

A. I see, sir.

Q. But, his order does not preclude you from testifying before us.

A. I see, sir.

Q. You may certainly answer any questions that you see fit to answer.

Now, sergeant, I noted that in prior investigations, I refer to specifically to the Calley 32(b) and to the CID, you did have counsel with you. Do you have counsel today?

A. Well, no, sir. I don't have counsel. I don't feel that I really need counsel. But the thing is, I just want to be sure that I'm saying what I should say and what I have to say, that is, the truth to the best of my knowledge. I feel that I can go without counsel, but if I become confused I would like to feel free to know that I could get one if I feel I need one.

Q. Now, you, at any time, can request counsel. I was asking this out of concern for you in that you had had counsel before. I wasn't sure that you are here this time because you could not get counsel or if you decided that you didn't need it.

A. No, sir. I have not requested one up to this point.

Q. If you do desire counsel at any time or if you have any questions concerning your rights, I hope you will feel free to ask or state so immediately, because we are interested in that.

Now, upon reading your statement, and other evidence, I do have one item about which I wish to advise you. We have no evidence before us to indicate that you participated in any way in the killing of innocent civilians at My Lai. There is one indication, however, that upon arrival

back at, I believe, Landing Zone Dottie, you were approached by either Colonel BARKER or Colonel HENDERSON--

A. (Interposing) Colonel HENDERSON, sir.

Q. Or some senior officer, and you did not answer a question as to whether there was anything unusual that happened. You just said, "No comment." Or, "I would rather not answer the question." As a platoon sergeant, you may have had a duty to report whatever you saw in response to that question. Other than that, at this moment, I have nothing at all to indicate your implication or participation in any killings or witnessing any killing.

A. Yes, sir.

Q. Do you have any questions on this so far?

A. No, sir.

Q. You recall that at any time, you can certainly request counsel, and you have been advised concerning your rights before. You need not make any statements which will incriminate you concerning any offense which you are suspected.

A. Yes, sir.

Q. If, during our questioning, a question arises, please ask us.

A. Yes, sir.

MR WEST: For the record, Sergeant BUCHANON, what was your assignment on 16 March 1968?

A. I was a platoon sergeant for the 2d Platoon, C/1/20.

Q. And at that time, Charlie Company was assigned to Task Force Barker in the 11th Brigade?

A. Yes, sir.

Q. When did you first hear of a plan to make a combat assault on My Lai (4) and to conduct some further operations in the vicinity?

A. The day before it was actually assaulted, sir. The night before--or the evening before--the 15th. Captain MEDINA called a company formation. We were based on LZ Dottie.

Q. I see.

A. And, we had been in that area for some time. He called a company formation--that's everybody, and relayed the plan of the attack.

Q. Well, before we get into that, let me ask you this. Were you aware that this--that you were to be operating in an area that was outside your normal area of operations?

A. No, sir, I was not.

Q. Well, that is a fact. There was an AO extension so that you could operate in the area down below the Song Diem Diem River. Do you remember a memorial service being held some time before Captain MEDINA's briefing?

A. Sir, we held at least two memorial services there. But I don't recall one that particular day.

Q. Well, one reason I ask is that we have very conflicting evidence on this point. We've had some witnesses tell us, "Yes, we had one that day before the briefing." Others have said that it was 2, 3 days, a week before. One witness said that it was in February.

A. At LZ Dottie we had at least two memorial services for men that had fallen. But, I can't recall--I don't believe that we had one on that day. I can't be sure on this particular point. But, in spite of that, I don't believe we did. I would say that. Again, I can't be sure.

Q. Tell us what Captain MEDINA told the company at this briefing on the 15th, at Landing Zone Dottie.

A. He wanted to try to inspire his company in general. He wanted to more or less boost the morale of his men, because our operations from previous times had been average, I would say. And he told us that we were going in to assault My Lai (4), and that we were to destroy all inhabitants. I think that's what the majority of the company understood. That this was all inhabitants. It was something that could probably

have upset some men. Once you participate in operations, you think that anything that's planned by the military--especially a young soldier, or any soldier for that matter--once you get a briefing on it, you expect the enemy to appear right away. And, you go in that way--you have yourself set that way. That's the concept we got. We felt that on just a normal operation--we had been on many before, hot LZ's and whatnot--and we had more or less trained ourselves that way and at times you grow to think that way. Once you get off the chopper, everything's out. You're going to get resistance. If it's hot, you generally try to get the job done as quick as possible. Gain fire superiority and keep moving is generally the thought of an infantry soldier, I'm sure. It has been said before. The impression we got was to destroy all inhabitants. There was no mention of women and children. I believe the thinking was that by the time we got there, there would be nothing there but enemy.

Q. Do you recall anything being said about the people being away out of the village and gone to market by the time of the attack?

A. The briefing was--

Q. (Interposing) We have had some testimony on that point. Whether these remarks were made prior to this at the briefing of the company commander's.

A. I think--

Q. (Interposing) Or whether it was later in Captain MEDINA's briefing--I'm not sure.

A. I don't recall him saying that. I believe that Lieutenant BROOKS, my platoon leader, said that at a squad leaders' meeting that night. I think Lieutenant BROOKS said that. I recall him saying that we're going to get there when they're at market. He just briefly mentioned that, sir. Nothing significant, I mean nothing in detail. I think he said, "We're going to get in there while the women were--while the 'mama-sans' are gone to market."

Q. Did they characterize a search and destroy mission--was that term used at the briefing?

A. I believe it was, yes, sir.

Q. Had Charlie Company been on a search and destroy mission before?

A. Yes, sir, they had.

Q. Was anything said about livestock or other food or burning hootches in your orders?

A. Are you referring to this specific order, sir?

Q. Yes.

A. I believe Captain MEDINA did mention that the livestock--all inhabitants there--and he said that the livestock was a source of VC survival.

Q. We have heard that the 3d Platoon was given the mission of burning as they went through. 3d Platoon was to follow the 1st and 2d and sort of mop up, burn the hootches. Do you recall this?

A. Yes, sir. Yes, sir.

Q. Was there a meeting of platoon leaders and platoon sergeants with Captain MEDINA before the briefing--either before or after?

A. No, sir, there was not.

Q. That was something that we wanted to clear up, because we had one witness who told us yesterday there was.

A. No, sir, I don't believe there was.

Q. And, at this meeting a question was asked just what search and destroy meant. It was explained that--like you said, it was to clean up everything. To kill everybody. This witness may have been thinking of another occasion. So, you certainly would have known if there would have been one. You would have been there?

A. I would have been there, sir. And, I don't recall-- I know the platoon leader called a meeting when he came back

from the company commander's CP. And, of course, we gave out little platoon order, who'd go first, and who'd get some more grenades, and who'd be in charge of the claymore's-- not claymore's, but the "LAWS." We stock ourselves so that we can be effective. We went through that procedure, but as far as a platoon sergeant-platoon leader meeting, I don't recall that. I don't recall attending one.

Q. How long was this operation going to last? What was said on that point? We have had some indication that there was no specific time given, but it was sort of an understanding that it might last a couple of weeks. What is your recollection on that?

A. I don't believe--I don't recall a time--a specific time limit being mentioned. It was customary for Task Force Barker to go in the field and start an operation and stay until it was called off. We have been known to go into the field and stay at least 30 days or 25 days. So, that was nothing uncommon for that unit and all the other units attached to Task Force Barker. So, I think the men in the unit grew to accept the fact that when you--we board the choppers, that we either walk back to some LZ, or we stay in the field. Nobody ever questions the time limits on any operations.

Q. When you're stocking up on the ammunition and other supplies, was it done on the basis that you might be out there quite a while?

A. That was always SOP. That was company SOP. Take enough so you won't run out. It was done all the time, sir.

Q. We have had a couple medics tell us that they stocked up with extra medical supplies, figuring that they were going to be out quite a while.

A. This was a common thing, because on some occasions-- I think one or two times, we ran out of bandages and things. I started a policy in my platoon of designating three or four people, including myself, to carry supplies and a few extra medications. So, should we get in a situation that we would need them, we would have them. I carried some, and had assistant squad leaders--anybody acting in that capacity-- carry some also--bandages, mercurochrome.

Q. Do you remember the name of your platoon aidman?

A. GARZA.

Q. GARZA? Now, we have talked to GARZA, LEE, and FLORES. All three were aidmen.

A. Right, sir.

Q. What was the mood of the men in your platoon after Captain MEDINA's briefing? How did they feel just waiting for the next day?

A. It was the policy when we came in at night, we had a little beer bust. We would get beer in, and I always tried to make it a point, realizing that they were young. I didn't want them to think about the task in the morning. I always would break open the beer as soon as we had everything squared away. When I say squared away, I mean when everything was in order and everything was operational and we could move out that instant. So, I would be responsible for resupply. I would go down to the CP and get the beer and the Coke and I would issue them out at that time--as soon as everything was ready, and each squad had given me an "up", which means we were ready to move. I would give them beer to relax them. So, I gave out my guard assignments, and I think another platoon had guard that night, so I issued out the beer. Once a young GI gets a couple of cans of beer you always know what--

Q. (Interposing) You can stop worrying.

A. So, they were happy and singing. I was happy to see them happy, and singing. It didn't bother me too much. I didn't mind breaking up a fight or anything, because it kept their minds clear. The guy that sits with his head down, that's the guy that worried me. I had a couple that way. They wouldn't take a beer or Coke or anything. I will say that we did run into booby traps and mines earlier. Not too much earlier. We lost two men. One man was killed and one man lost his foot. And, the mood wasn't good. And, of course, I felt it was my responsibility to try to rally them, realizing that we still had a job to do. Lieutenant BROOKS and I would sit around and talk and sing sometimes if we had the time. We were at an LZ--LZ Dottie--and I don't

believe the mood of the men prior to moving out on this operation was any different from any other operation, sir. I think Captain MEDINA tried to boost some morale a little, but other than that, I think, to my platoon, it was just another operation.

Q. Did he talk about having a chance to get even with the VC for the casualties the company had been suffering?

A. He mentioned that.

Q. It is our understanding that prior to this time you had been hit by snipers and that you had lost men in minefields and booby traps and just been unable to come to grips with the VC. They had been pretty elusive. And they thought this time they had them fixed and they were going to be in there, and that you would really have a chance to come into contact with them. Is that the correct picture?

A. Well, generally, that's right, sir. He told us that this time we were really going to get him and we were going to catch him, and we would have him right there. We were going to take him, and to be ready to take him. He can't get away now. He's right in there.

Q. What was said about the strength of that area?

A. I think--I believe he told us that we would be outnumbered about two to one. He said, "I don't think they are as weak as we are personnel-wise, but they'll be there, and they will be strong, so be ready. Check all the weapons tonight and clean them. Get new hand grenades, check your machineguns and clean them, because I want fire power." So, that's what we did. He said that this time they'll be there, and we will be outnumbered, so be ready.

Q. Well, let's move to the next day, the 16th of March, Sergeant BUCHANON. Can you tell us what occurred just after you hit the landing zone west of My Lai and your platoon got out of the helicopter? We might get the aerial photograph over here.

(The recorder handed the Exhibit P-1 to MR WEST.)

We have here a blowup photograph of My Lai (4) and the vicinity. The scale of this photograph is about 1 inch equals about 100 meters.

(MR WEST oriented the witness with Exhibit MAP-4.)

Just take this grease pencil and mark a circle to indicate the landing zone--the general area.

(The witness did as directed.)

A. The 1st Platoon deployed, I believe, along this area (indicating). And, the 2d Platoon deployed--let's see, the 1st Platoon was in this area, and the 2d Platoon--we had a portion right in here (indicating). We did go into a portion of the village, right in here (indicating). This was the 1st Platoon here, and the 2d Platoon was something like this (indicating).

Q. All right.

A. And, then we swept--

Q. (Interposing) Would you mark numbers for those lines to indicate 1st and 2d Platoons?

A. All right. This is 1st here (indicating). And, this is 2d here (indicating). We swept generally through this area (indicating). The 2d Platoon cut this portion--this was the 2d Platoon's area running through this area (indicating).

COL FRANKLIN: Do you remember what your boundary was there?

A. We had no boundary, sir. But, I do know that we could see some members of the 1st Platoon. We became a little out of order once we got into the village. My position--I was about there (indicating). And, I recall going over to this area two or three times to tell the men to move on, because a portion of my platoon had stopped out in the rice paddies and were just sitting there. So, I told them to move on through. And, some of the men went around this area (indicating). And, I believe--I forget what squad was where now--I can't say what squad was on the right and what was on the left, that's the part I can't remember. I know Lieutenant BROOKS was on this side of the formation. Initially, when we got off, he and GARZA were together, and GARZA began to sag

back. I recall GARZA looking at me, and I asked him, "Was anybody hit?" And, he waved back, no. And we kept going. I was in this area, and we moved--I recall coming over and going through this area--edge of the village here (indicating). I moved from this point, and I moved over to this area here (indicating). And I moved into this area here (indicating).

Q. All right.

A. And, there I saw some people--

Q. (Interposing) That would be in the northwest corner of the village. GARZA, as an aidman, floated around?

A. Well, this is a practice for an aidman. It was a practice if a man was hit, I would go help him with the individual, and I would take my map. If the platoon leader was up forward, I would use my PRC-9 and tell him what the situation was--how bad the man was hit, and tell him what we were doing. As a rule, we would use our bandages on him, and if he had to be evacuated, we would prepare him to be evacuated.

Q. All right. When you hit the LZ did you encounter any hostile fire at that time? Was it a hot LZ or a cold LZ?

A. There was a lot of firing, sir. The firing, I will say, there was no firing coming in to the nature that we had to--well, we wouldn't have tried to seek cover anyway, but there was no fire to the extent that we were taking casualties, sir. Now, what was very intensified--a lot of firing.

Q. You couldn't tell whether there was a fire fight going on, or it was all friendly fire?

A. Not from my position, sir. I recall running over here two or three times, but this was just to the edge. The village was so arranged that you could become mingled in there, and our people were moving so fast through there that I couldn't actually be sure if there was a fire fight.

Q. At least, nobody was pinned down by hostile fire?

A. I saw no casualties on our side. We encountered-- I can't be sure we encountered any incoming fire; if so, nobody was hit. And we were able to continue to move.

A. Well, you just go ahead and describe the movement of the platoon.

A. I believe the 1st Platoon continued to move on through. To know just where they came out over here, I don't recall. I do know that we came out--we circled around this edge of the village (indicating). This portion of the men swung in this direction, I believe (indicating). And, we then moved off to the left, if I recall correctly. And, we held up in this area over here (indicating). It was out in the rice paddies, or someplace, I believe. We just wanted to hold up and talk to the old man. Where the 1st Platoon was, I can't say. I really don't know where they went. They moved on up in this area, and we didn't have contact with them for a little while (indicating).

Q. Okay. Do you remember an incident of gunships hitting a couple of VC out in the rice paddy, and word coming down to go out and pick up their weapons, or something of this nature?

A. No, sir. I don't remember an incident of this nature. I do recall walking past a VC that was dead, lying with an M-1 rifle, and we picked the M-1 rifle up. We secured the weapon, and we searched him. We took his clothes off--he was dead. Somebody shot him. And, he was carrying an M-16 packet. And, he had a Chicom grenade, I think. Anyway, I know we took a weapon off him and a Chicom grenade and a packet.

Q. GARZA testified here and he told about an incident like this in which he thought the whole platoon pulled out and went to a nearby hamlet. And, first of all, they ran across a VC and picked up a weapon.

A. Right, sir.

Q. And, then they moved on until they found some people. Do you recall this incident?

A. Let's see. When we left this area we held up a little while, and then we moved on over to another--I believe we did move to another hamlet, yes, sir.

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Q. Now, that little place--

A. (Interposing) I forget where it is.

Q. Directly north of the northwest corner of My Lai (4). It is called the subhamlet of Binh Tay.

A. I never did know where that was, sir.

Q. Do you recall that--moving in there? What occurred at that place?

A. I believe they began to round people up, sir. But, I think that by the time we got there, the order had come down to don't shoot any inhabitants of the area. I can't be sure about that, though. I'm trying to remember.

Q. Well, this fits in with GARZA's testimony fairly well, although there were some events that occurred before the order came down. I wish you would think back and see what you can remember about that. First of all, did you go in with that part of the platoon into the hamlet?

A. In the hamlet, sir, Lieutenant BROOKS told me to move around. Let's see now--he took the main force and went in there (indicating) and rounded them up. So, I think I went off to the very edge of the hamlet and began looking in hootches.

Q. You and Lieutenant BROOKS were both there?

A. Yes, sir.

Q. The whole platoon.

A. The whole platoon was in that area. It was customary that I would just follow--we were never together, the two of us. I believe that I began to search hootches.

Q. You'd be on one flank, and he--

A. (Interposing) Right, sir.

Q. And he would be up front?

A. He would be up front and I would be behind. But usually when you get into a village you sort of get disorganized in the area.

Q. All right, would you tell us about that little action?

A. In this village, I think we began to search houses. I went up one area of the village and I was looking through the things in one of the houses. I stayed there. I left that one and went to another one and I think I found a tunnel. I went down the tunnel and was looking around the tunnel. The people were coming up and searching along with me. I could look and see a man on that side going in the hootch and another going in this side in a hootch (indicating).

Q. We have a report that at the onset of the platoon in the hamlet a number of Vietnamese civilians were gathered together. The number is uncertain. There might have been seven or eight, or there might have been as many as 15 or 16. They were assembled and shot down. One testimony is that a man fired a rifle grenade in among them, and those that survived that were finished off with M-16's. Do you know about this? Could you tell us about this incident?

A. I wasn't at that point at that time. And I really don't know who did that, sir. I can't say. But I do know there was one or two shootings in that area. I didn't see the actual shooting, because when I was over in this area here (indicating)--

Q. (Interposing) That would be the north edge, on the right.

A. Right, sir. This was the general vicinity that I was in. I recall hearing some shooting, but after a while you don't think--it wasn't significant to you.

Q. Were you told of this later?

A. Well, I was actually told when I went back down to the area and Lieutenant BROOKS was talking to the old man, and I just glanced over and saw some people laying there. I came down about middleways and I saw some people laying there. Now, who was responsible for that--he never explained that to me, or what had happened.

Q. What was Lieutenant BROOKS getting over the air about this time?

A. No more killing. Don't kill anybody, just gather them up.

Q. Who did this come from?

A. He was talking to Captain MEDINA at that time, sir.

Q. Thinking back, now, do you think that you could fix a time to this? This is rather a significant event, and we have been trying to fix a time that this occurred. I realize that it is a little difficult. You might do it in relation to things that had happened after this, or the time that had elapsed since you--

A. (Interposing) I'd say that it was more than an hour.

Q. After your landing?

A. No, sir. It was more than an hour after we had gone through this portion of the village (indicating), and had been moved over that one (indicating). It had to be more than an hour, I'm sure, possibly longer than that. But, I will say, it was more than an hour.

Q. How about the length of time from when you hit the LZ?

A. Possibly about--I'd say about 3 hours, I would imagine. I would estimate it--can't be sure--I'll estimate 3 hours.

Q. What occurred after you got your orders to--well, do you remember what Lieutenant BROOKS--exactly what words he passed?

A. I had gone--I had been up to him one time--or near him and he yelled to me, "What did you find," I said, "Nothing." I told him there was a tunnel down there. He said, "What's down in there, is anybody hiding?" I was checking it out and I came out and said that I would check it again, so I went back down there and the tunnel led down to another--some old clothing or something; I came back out. He said, "There's

a hospital complex around here somewhere." I say, "Okay," and then I came out, and that's when I saw that--I don't know how many people there--and then he got a transmission on the radio. I'm sure it was coming from Captain MEDINA. He said, "Anybody else in the village, round them up and hold them here," and that's it. There were several people--there were numerous people rounded up.

Q. Some of them told us that they perhaps rounded up 50 people after that, but they were turned loose and moved off in a--

COL FRANKLIN: (Interposing) Southwesterly direction.

A. Everybody was beginning to yell, "Di di mau, di di mau," and they were looking, and walked away and everybody said, "Di di mau, di di mau!"

Q. What were the ages and sexes of this group?

A. I'd say it was mixed, sir, I can't be sure.

Q. I still don't know if they--

A. (Interposing) There were no military-aged males. They were old men and the women were old.

Q. How about the bodies you saw, did you get an impression of what they--

A. (Interposing) I just glanced at them, sir. I didn't even go over and take a body count or look or anything. I just took a glance, and I didn't go near them.

Q. Do you have any impression of how many there might have been?

A. No, sir, I couldn't say. I took a glance, because he yelled at me to get back over there and check the tunnel complex, and I ran back over there to do that.

COL MILLER: Where was this tunnel complex? Are you still talking about the one--

A. (Interposing) Right, sir. In this little village here there was a tunnel in one of houses, and it went down into the ground, and that's what he wanted checked out. I

started two times and someone said Lieutenant BROOKS wants you--and ran up again and he told me to get back down there to check it out, so--

Q. (Interposing) I just wanted to be sure that we are talking about that same village.

A. Right.

MR WEST: Go ahead, Sergeant BUCHANON, and tell us what happened after you left Binh Tay Subhamlet.

A. Well, after we left this subhamlet, sir, I believe we continued to operate in this general vicinity. I don't even remember what hamlet, but I know we operated around in this area the rest of that day.

Q. Did you go back into My Lai (4)?

A. No, sir. We went--we didn't go back again to My Lai (4)--we did not go back into My Lai (4). That night we spent--we spent the night there--we left this area, and I forget where we went, but we spent the night not very far from My Lai (4). We stayed out that night.

Q. The information that we have is the company moved generally to the east, perhaps a little north and met up with B/4/3 and laagered in that night near a graveyard or cemetery. I would like to go back to My Lai (4). I understood that the platoon moved into a part of the village, at least, initially after the landing, and I wish you would describe that for us.

A. You're referring to the 2d Platoon, sir?

Q. Yes.

A. Well, as I said, the 2d Platoon did go through this portion (indicating) as the area indicates--this portion--I'm assuming this is just about the area that they went, into this portion of the village. Now, what squad it was, I can't recall. I do know that a portion of the squad was on the extreme left side. Lieutenant BROOKS was with this element that went into the village. At first he--the two of us was in the rear, he ran to the right and I ran to the left-- (indicating the northwest corner of My Lai).

Q. I have read your previous statement as to what occurred in there, but I wish you would tell us again, if you remember now, just what the members of the platoon did in this part of My Lai (4) as they moved in?

A. Moving--I was moving behind them, sir, and they were ahead of me, and I generally was operating from this area over in here (indicating). I did get through a portion of the village and all of the people were ahead of me. I saw people that had been killed, and I can't say who was responsible for their deaths. I do know, and I can say that the men who were on the left side of me had not been shooting. I recall yelling at those people, "Now, if you see anything out there, don't fire unless he fires back," and they said, "What?" And so we continued to move through the village.

Q. I understand the men who were over there, actually in the hamlet, in the trees and underbrush were actually firing as they moved. Is this correct?

A. They very well could have been, sir.

Q. You have previously stated to Colonel WILSON, I believe, that the men began to open up on anybody they saw--

A. (Interposing) Well, this was--

Q. (Interposing) They shot at hogs and animals, people--anybody?

A. Right, sir. This was these people in this area here (indicating), and we kept yelling, "Don't fire unless you have something."

Q. I take it though, it was the impression that this is what they were supposed to do?

A. Fire on animals?

Q. Well, animals, inhabitants, people?

A. As they were moving into this area there was firing.

Q. Were these the orders to shoot anybody or anything that moved? This is what I want to get cleared up. Now, the men were operating and what they understood their mission to be as they moved in and what they did pursuant to orders.

A. Sir, the orders were to destroy all inhabitants, and during the operation he did mention shoot the hogs and whatnot. So the firing--my people up in this area--I didn't specifically see any man shoot anything. Hogs, civilians, and inhabitants were dead when I came through--I can't say who did it, and I do say the men were aware of the fact that they were to shoot hogs and cows and whatnot. They were firing up in this area.

Q. Were they shooting any Vietnamese civilian that they came across?

A. Well, they were firing and moving, sir, from where I was, when I moved back into this area, they were continuing to fire. I saw no man actually fire--the term "fire as you go"--certainly a man is not going to just continue to fire and fire if he doesn't see anything. There was firing in the area and when I got through there, there was hogs dead, civilians dead. I couldn't be sure who had done this.

Q. How many dead Vietnamese civilians did you see at this particular corner of the village? The northwest portion of the village?

A. I can't be sure, sir. I didn't take a count. We were moving pretty rapidly--

Q. (Interposing) I understand.

A. I didn't take a count, but there were some there.

Q. Could you estimate the number and tell us whether they were men, women, and children and what age they were?

Q. No, sir, I couldn't even begin to estimate--as I say on the left side--I can only say a few. It wasn't an outstanding number, but there were some lying on the steps--the ground--a few in this area here (indicating) when we passed through.

Q. Did the platoon receive any casualties at all?

A. No, sir, no casualties.

Q. The entire morning?

A. No, sir.

Q. Were you visited that morning in My Lai (4) by any officers from Task Force Barker or the brigade or the division?

A. You mean after the operation was over, sir?

Q. Or during it?

A. There were several people that I didn't recognize with the operation, but I don't know who they were.

Q. We understand that--with Captain MEDINA, there was a Lieutenant JOHNSON, an MI lieutenant.

A. Right, sir.

Q. And some others with him. What I am thinking about is, did anybody come in a helicopter to visit, either during the operation or right afterwards, that morning?

A. Not that I recall, sir. I can't be sure; I didn't see anybody come in. There were some helicopters in the area, but whether one landed and anybody was conferring with anybody, I can't be sure of that.

Q. Did you hear about a helicopter landing, sort of late in the morning near the 1st Platoon area, and a pilot talking to Lieutenant CALLEY? Did you hear about that incident?

A. I heard about the incident, sir, but it's just hearsay and I--I don't know, but I did hear about the incident. This was after we were back at Dottie. However, when I heard about it.

Q. What did you hear about it?

A. I heard that a chopper had landed and that he had stopped--had landed and had observed the operation, and I understand that he and Lieutenant CALLEY had some type of meeting. I don't know just how serious it was, and I heard--I just overheard it.

Q. Did you hear what it was about? What he did? Why the helicopter pilot did this?

A. No, sir. They were talking about the--they didn't say why it was done or anything. They said that they were talking or something.

Q. How long were you in Charlie Company, Sergeant BUCHANON?

A. I was in Charlie Company from the 1st of December, 1967 until 4 July 1968.

Q. Then you were with Charlie Company when it came from Hawaii to Vietnam?

A. Yes, sir.

Q. How well did you get to know Captain MEDINA?

A. Well, Captain MEDINA and I got to know each other very well because at Hawaii, for a long time, there were no officers in the company. I just had the 2d Platoon myself. In fact, when I first arrived there, there was only one platoon in the company. The battalion was just in the process of forming, and we were training up in the Kahuku--jungle training. I believe I inherited, when I first arrived there, seven or eight men. They were all borderline cases and that the--I think Sergeant First Class VAZQUEZ was the 1st Platoon sergeant and platoon leader at that time. All the men they didn't want, they had formed a little platoon upstairs and they were in the process of forming the 2d Platoon, and upon arriving there I inherited these seven men. They were disciplinary problems somewhat, some of them, and this is what I started to work with. Periodically they would get DR's--get involved in incidents. I would have to go down to the orderly room with the men, and I got to know Captain MEDINA quite well, sir.

Q. Did these men wind up in your platoon?

A. No, sir. None of these men actually deployed to Vietnam. Three of the men were Vietnamese returnees already, and of the seven men only one went back with me. Some of these men were sent to Delta Company, that was formed later. As we were growing near the departure time they formed a Delta Company, and the remainder of these men went to Delta Company, and then I inherited a new crop of men from the States to begin in a new phase of training.

Q. If you know, Sergeant BUCHANON, could you give us your opinion as to whether Captain MEDINA had control of his company that morning in My Lai (4)? We have had some testimony indicating that things got out of control somewhat. Colonel BARKER made such a remark and others were under the impression that things got somewhat out of hand and that this was related to the killings of Vietnamese civilians which took place in the hamlet that morning.

A. I can say that I feel the 2d Platoon was intact, generally. I will admit that once you get into a hamlet complex that you might get out of position, I might say. That is, everyone is not exactly on line, because you are going from house to house. The men on the right and left side of my formation was responding, and as I say, we--these men were waiting here just momentarily until I went back and told them to move on over here (indicating). By that time the right element had gone into the village, and I came down the road and back around here (indicating), and as we got out of the village we were able to marry up and get back in formation. So, to the best of my knowledge, I would say that control was maintained as far as the 2d Platoon is concerned. I can't--

Q. (Interposing) Captain MEDINA was in radio contact with Lieutenant BROOKS, I take it?

A. Yes, sir, he was.

Q. You remember the name of Lieutenant BROOKS' radio operator?

A. For this operation?

Q. Yes.

A. His name was FIELDS, Dean FIELDS.

Q. Did he have more than one or just the one?

A. He just had this one, that's all. Also, we had JOLLY who was the forward observer, and I believe JOLLY carried his own radio, that day, I'm not sure.

Q. He was the forward observer for the mortar platoon?

A. That's right, sir.

COL FRANKLIN: Sergeant BUCHANON, how much of this in your own mind--I'm talking about the people who just started shooting when they got off the choppers and just keep shooting, at least the 1st Platoon, and part of your platoon. Do you attribute it to Captain MEDINA's pep talk or briefing or what ever you want to call it?

A. Is this an opinion question, sir?

Q. Yes, that's an opinion question.

A. I don't attribute any of this to Captain MEDINA's training. I attribute this to prior training--the man knows that the law of survival--if you hit an LZ and the LZ is assumed "hot" you're gonna move, and generally a soldier, when he gets off a chopper, first of all he has to marry with his platoon. You don't just start shooting the minute you leave the door. I'm sure you--it is understandable, and once you marry-up with the platoon you organize, which doesn't take too long and then if need be, the shooting starts. I don't attribute any of this shooting to Captain MEDINA's pep talk. I just attribute that to prior training and from experience or lessons learned from prior operations, sir.

Q. Okay. Well, you're going to be outnumbered; there is a VC battalion in there; you're landing right next to them. Certainly you're going to try to get fire superiority, as you say--

A. Right, sir.

Q. Okay. Now, later on and somewhere along the line these people, or the leaders, realize that they were not getting

return fire and this VC battalion wasn't there--I don't know, 5 minutes or 10 minutes or 15. At this time, at least some of the other platoons--there's no question that this thing was pretty premeditated. People were rounded up and moved to areas and killed. This type of thing, do you attribute this in anyway to Captain MEDINA's statement to destroy all inhabitants? This calls for an opinion.

A. Well, my opinion--here again, sir, I would go back to my--I never look on an American soldier as that type of individual. I do look on--I do look upon a soldier as a man who profits by lessons learned. Not to evade your question in any manner, I would say that these men weren't new to this game. They have done this several times before and they hit a few "hot" LZ's and once--we soon learned that once we departed a chopper we should marry up with out unit, get organized and move. We left LZ Dottie realizing that we would probably be outnumbered two to one, that' true. But I don't think a soldier begins to fire until he receives some opposition. You say fire superiority, it's true that when my men moved into this area there was some firing, and Lieutenant BROOKS and I separated and he went with this close element and I went with this other element. It was pre-planned. We always do that. There was some firing, and this was probably because they saw some animals or something up in there and they began to fire. As I said to Mr. WEST, I could never attribute that to a pep talk, because these men weren't new at the game. They'd done this before. They had seen death, they had seen men die much earlier than that. We lost men--

Q. (Interposing) Yes, but somewhere along the line there were women and old men and children and they were not the 48th VC Battalion. They may have been sympathizers and supporters, but somewhere along the line these soldiers must have realized there was no opposition. What I'm trying to get at--sure you killed hogs and water buffalo and burned the hootches down, that's what you were told to do.

A. Right, sir.

Q. I am trying to get an idea of the thought in these guys heads. Why, after a certain period of time, they just kept shooting up this hamlet? Why would they do that? You say these are battle-hardened soldiers?

A. Right, sir.

Q. Why did they do that? There wasn't anybody that shot at them up there--you don't know, you just came by and you just saw it done? Why did this happen?

A. I can't say, sir. I don't believe that the pep talk--now there is a possibility that it might have affected some of the people, but generally I don't believe that a man would do that just for a little pep talk.

Q. Okay, lets change the words "pep talk." Let's change it to order, to kill all the inhabitants.

A. Maybe with the order to kill all the inhabitants, that might--

Q. (Interposing) That's what was said?

A. That's what was said in the orientation: to destroy all inhabitants, sir.

Q. Yes. When you landed, did you come in on the first lift? The lead element of the 2d Platoon or did you come--

A. (Interposing) I was in one of the latter ships, sir.

Q. Latter?

A. Well, I think we all--this was a 100 percent lift I believe.

Q. Now you had nine slicks?

A. Yes, sir.

Q. You had a seven or six, eight ACL. Your last three you had a six in it. The 1st Platoon was on there and also I think the command group. So I don't know if the

2d Platoon--I think the 2d Platoon may have been split between the first lift and the second lift. You probably came in on the second lift in that case. Did you not come in on the first lift?

A. Yes, sir. I believe--I'm not sure what happened. I know when I got there, things were already forming--the platoons were already beginning to marry up--so I recall running across the field and I fell in a hole, I remember that, and my weapon flew off to the side and I snatched her up and checked her to see if it was all right. I moved over to the left side over here (indicating), looking for my people. The shooting had already started at that time.

Q. The shooting had already started when you got in? Was there anything in your plan to wait for the 3d Platoon and the mortars to come in or were you just, the 1st and 2d to move out when they got there? What was the plan?

A. To the best of my knowledge, move out after you hit the LZ. Wait for nobody.

Q. Yes. This is the first time I realized that the 2d Platoon never even got in this village or this part here (indicating). What was the purpose of getting out here in this open area? This is a fortified position here?

A. Well, now, I think they probably over extended, sir. That's one of the reasons it could have happened. Some of our men were out in this open area (indicating) here and just sat there--we were--the prior planning had us split it--

Q. (Interposing) Splitting the village?

A. Right, sir. The 1st Platoon had over extended apparently.

Q. Split off to the north?

A. Right, sir, because we were out in this area (indicating) here.

Q. Did that seem sort of strange to you at the time?

Do you recall feeling that you wanted to sort of slide off to your right or to the south or just--

A. (Interposing) Well, sir, we continued to move back in towards the village. As I said, I had these people move in and move on around in this area here (indicating), then we began to peel off and go over this way (indicating). We just moved slowly through this area here (indicating). It didn't seem--this happens on these LZ's plenty of times, but we try whenever possible to get back in proportion, as was planned. This is one of the cases where it didn't actually happen. As I said, some of my people did go in to this portion of the village (indicating).

Q. Well, that portion, which is the northwest portion of the village, was that the only portion of the village that the 2d Platoon got into? Into the hamlet?

A. To the best of my knowledge, if anybody went up in there I didn't see them. I don't know anything about it.

Q. So you had maybe one squad that swept through a portion of the hamlet of My Lai (4) and then the rest of the platoon was either to the north in the open area or to the small hamlet to the north?

A. We had two squads here (indicating). The squads are very small and we had about approximately, about one squad and one-half. I can't be sure of the number of men that went through the village, but I do know that a portion of our platoon went through the left portion of the village. Numerically, I couldn't say specifically 10 men went through or 15 men went through, because I don't know.

Q. Did you have three rifle squads then?

A. We had three small rifle squads, sir.

Q. And the machineguns were what?

A. We had two machineguns.

Q. They were broken down into--

A. (Interposing) Right, sir. We had one out here on the left and one on the right.

Q. Did you see JOLLY much on this operation? You recall seeing him?

A. No, sir, not JOLLY, I didn't see him too much. JOLLY was an individual who was a mischievous type of individual and he was always everywhere. I don't recall seeing JOLLY until we swung out from over here (indicating)--swung over the village and he was talking to somebody. I told him "Let's go," and he gave me some gab and I told him, "Let's get the hell over here--they're moving over this way," and he was mumbling something, I don't know what. I recall saying, "What did you say?" He said, "It doesn't matter, anyway."

Q. You ever recall hearing anything about JOLLY being involved in some kind of rape in this operation, in one of these two hamlets?

A. No, sir.

Q. You never heard that?

A. I never heard that.

Q. In your opinion was JOLLY the kind of man who would rape a Vietnamese woman?

A. No, sir, I don't believe so. JOLLY was an intelligent man and--he was very intelligent, and I don't believe he would do that. He wasn't the type of individual that would give trouble; in fact, he was generally in the platoon, with me, a peace maker, and it would be hard for me to believe that he would do that. He never talked about something like that or anything of that nature, and it would be pretty hard for me to say that about him.

Q. After you moved up to this hamlet, up in the north, where did you come back? You just traced your route there on that aerial photo, when you left the hamlet here to the north?

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Q. The reports vary. One report is that 90 people were assembled at a bunker--men, women, and children--and then they were shot down. We are trying to determine if this is an accurate statement. You don't recall any gossip about it, do you?

A. That's one statement actually I believe I missed. I don't recall ever hearing that.

Q. The hamlet that has been mentioned is Co Luy. It is our understanding that the operation continued, as far as Charlie Company is concerned, through the 17th and 18th, and then the company was lifted out the afternoon of the 18th and taken back to Task Force Dottie. Is this the way you recall it?

A. Yes sir, we--

Q. (Interposing) I wanted to ask you, before we get back to LZ Dottie, do you remember anything definite that occurred during those 2 days?

A. You mean between the time after My Lai (4) operation and the patrolling of this area (indicating), the area that we went--I can't recall where that was. No, nothing significant happened those 2 days. The men seemed average and we just continued this small operation. We held up a long time and--

Q. (Interposing) Our information is that the next day on the 17th, Charlie Company moved south. The 1st Platoon went up on Hill 85 and then--

A. (Interposing) I know what you are talking about now, yes, sir.

Q. After that the company moved south down through My Khe (3) and My Khe (1) and down to the mouth of the Song Tra Khuc River where they captured a couple of VC and a nurse. Do you recall this?

A. Yes, sir.

Q. And moved back to the north and laagered in for the night. We also understand, as the company moved through some of these hamlets, they encountered no VC resistance at all and two or more of these hamlets were burned. Do you recall this?

A. This was after the My Lai incident?

Q. That's right.

A. I know we burned some hamlets prior to the My Lai affair, but after that My Lai affair it could have happened, but I probably just don't remember that.

Q. Anything in those 2 days that stands out in your mind, in particular?

A. Nothing, other than the kid MEADLO losing his leg. Other than that--the only thing significant as far as I can see, sir.

Q. Do you recall going back to LZ Dottie when the company was lifted out? I'm thinking particularly about when you landed and were met by Colonel HENDERSON. He talked to a group of the men and you were included?

A. Right, sir.

Q. Can you recall Colonel HENDERSON's exact words when he talked to the men?

A. He was actually talking to the entire group, not specifically to me--

Q. (Interposing) I understand--

A. (Interposing) Well, he said "You're back off this operation. Do you think the VC will be happy with this operation?" And he said, "Do you think it will leave the impression that when they see the American soldier they will say, 'Here comes my buddy, he is here to help me,'" and he looked at me and said, "What do you think, sergeant?"

I said, "I have no comment, sir." That's all I said. I didn't say anything else. He said, "Well, while we are over here, we are here to make a good impression." He said, "We're here to protect the people from the evils of communism," and he said, "I want that known," or something like that. He didn't ask any further questions from me. He didn't ask me why I didn't have no comment, or anything. I didn't know what to say, to tell you the truth.

Q. Did he direct any questions to any particular man?

A. No, sir. He was just talking to the group and he--I don't know. He singled me out and said, "What do you think, sergeant?" I don't know if he even knew my name or not; he probably didn't. I said, "I have no comment, sir." I didn't understand the question. I didn't understand why he would single me out, anyway.

Q. We have had some differing testimony as to just what he said. Colonel HENDERSON has been here to talk to us two or three times. As I remember what he said, his recollection was that he had asked something concerning whether civilians noncombatants had been killed in My Lai (4). Another witness said that he asked the group if anything out of the ordinary happened in the hamlets; his recollection was that he asked something tricky. In other words, it was not a direct question?

A. I don't recall him saying anything about non-combatants, either. I don't recall him using the words, "Anything out of the ordinary," but I do specifically remember him saying that, "Did we conduct ourselves so that the Vietnamese people would say, when you come by, here comes our friends, they are going to help us." That I specifically remember, because that's been in my mind since all this has been--being investigated. I said, "I have no comment, sir," at the time, because I think I hurt my back getting out of the chopper or something, and it was still hurting. I was anxious to get to the medic to get some medical aid. If he had stopped and said, "Well, why don't you have a comment, sergeant?", then probably I would have had to say something else. He said, "Okay, you men move on down."

Q. Had you heard, by this time, that there was an investigation underway as to what happened in My Lai (4) that morning of 16 March?

A. Yes, sir. I heard there was an investigation. It was from a Lieutenant JENSEN, who had been a part of the company. He came down and he said, he told me--I don't know, he would always have something to say to the guys--I guess it was morale booster or something. He later became our company commander. He said, "I believe this thing might be investigated." He used to call me "Sergeant B." That's the way I got the word--he said, "I believe this thing might be investigated."

Q. What was he talking about?

A. The operation itself.

Q. Well, what was the reason for the investigation?

A. He didn't say, sir. He just said that this was a bad move or something. That's the impression I got.

Q. Did you understand what he was talking about?

A. Possibly, I say--well, because there had been--the rumor was--there had been a lot of killings. I had seen some of them myself. Although I couldn't say specifically how it was done, I knew the bodies were there.

Q. Up to that time what had been the talk in the company? A couple of days had passed since My Lai (4), at that time, and I guess everybody had had a chance to look back over it and talk a little bit. What did you understand at that time had happened?

A. Well, the thing is, sir, as a rule, privates don't talk much to noncoms. They get off in little groups and talk and if they see us coming they'll quit and--I can walk up to a group and they won't say a word. Maybe they're talking about me--I'm an s.o.b. maybe--they won't talk--if I go away they'll talk. The only way he is going to get one to talk is to take him off, sit him down--

Q. (Interposing) Hadn't you had a chance to talk with Sergeant COWAN and Sergeant LOPEZ, the other platoon sergeants, by this time, about what had gone on?

A. We--that's another thing. On Dottie it was so situated that everyday we had a detail somewhere--I had a detail somewhere. It wasn't a matter of just loafing. We rarely saw each other and at night you're responsible for your own people, and as far as getting together and chatting that's something that was rarely done. That is, among the platoon sergeants, because I was over in one area and he was in one area and then Sergeant COWAN. We had our areas of responsibility and there was always a chance that they would hit Dottie, because it was in a very open area, so I was concerned generally with security at night. That's also when I would issue the beer to my men and they would consumed their beer and go down in the bunkers and that's it. Then I had to serve radio watch with JOLLY and myself. We had to have a 24 hours radio at every night, so I'd take the last shift. Usually I would get some shut eye between about 8 and 11 and then I--we would have stand-to about 0400 in the morning and everybody would get up and observe down range and so we didn't do much socializing, to tell you the truth.

Q. But you had heard that there were a lot of killings--

A. (Interposing) I had heard that there were some unnecessary killings going on. Of course, in any army, as in any other place, you hear a lot of rumors and I've learned over the years to not try to evaluate them and not let them affect me until I got the truth.

Q. Did anybody ever come and talk to you about My Lai (4) and say that he was investigating it, and ask questions?

A. No, sir.

Q. Do you remember Captain MEDINA getting the company together afterwards and saying that there was an investigation going on, and it was best not to gossip or talk among yourselves about what happened at My Lai (4) that morning until the investigation was completed?

A. Yes, sir.

Q. Would you tell us exactly what Captain MEDINA said that morning, as best as you can recall?

A. I believe he assembled the men again and first, he told us that as a unit we were doing a good job, and that he believed that the My Lai operation was going to be investigated, or something of this nature, and he said, "If somebody should come around asking questions refer them to the CP. There is no point for you to give your concept," the exact words, I can't be sure.

Q. Were you surprised that the operation was terminated on the third day and you went back to Dottie when you did?

A. You say surprised?

Q. Yes.

A. No, sir, I wasn't surprised. In fact I was glad, because I didn't mind staying at Dottie. It was pretty quiet, and, because as a rule, when the task force would go out you never specifically knew when you was coming back. I didn't question it. I don't think anybody thought about it--

Q. (Interposing) I asked because we've had some testimony from people who were surprised that the operation didn't last longer. They thought it was going to last longer.

A. Well, that's because they have been in the habit of doing that. When they terminated it certainly I was happy, because I wanted to go back.

Q. Apart from Captain MEDINA's talk with the company about the investigation, did anybody else ever say anything about keeping quiet about what happened at My Lai (4)?

A. Not to my knowledge, sir; not while I was present.

Q. And nobody ever questioned you about what happened?

A. No, sir.

Q. I mean while you were in Vietnam?

A. While I was in Vietnam, sir.

Q. In general, what was the attitude of the men in Charlie Company towards the Vietnamese people? Did they get along with them? Did they resent them? Did they look down on them? What was the attitude?

A. I'd say the attitude was generally good. We stayed at Dottie a long time. Well, not a long time, but we were there quite frequently. I think the relationship was good. The men would go down in the village and buy little gifts. There was a little lake down at the very far end of this little village at LZ Dottie. They would go down there and bath and the kids would come down. They would pay them to wash their clothes. The girls would come down; they would buy their little china dolls. They would come in the village, get their booze and we would go down and police them up. I'd say the attitude of the men was generally that of the American GI--spend his money and raise a little sand here and there, but other than that, it was nothing out of the ordinary, nothing that I could remember.

Q. What I was really getting at is whether there might have been a feeling on the part of the company that the life of a Vietnamese wasn't worth as much as the life of an American. It wouldn't count quite as much if you killed a Vietnamese as it would if you killed an American. Do you think there was any feeling like that?

A. Not to my knowledge, sir. It's true that once you lose a man you're angry a little bit, but that soon subsides or recedes into the back of your mind after a while. You figure it was something unavoidable and it happened that way and you accept it, but the attitude of the 2d Platoon, to the best of my knowledge, never changed. Everytime we would go to Dottie they were anxious to go downtown and buy the beer that the Vietnamese were selling and we had a very few incidents downtown. The fights that occurred were the typical GI type of platoon fights back at Dottie when we're having a beer. Downtown--I think we had to go down and police up a drunk once, that's all.

Q. Well, I asked this because, as I think you are aware, we have evidence that a substantial number of Vietnamese residents of My Lai (4) were killed that morning, 16 March, old men, women, children, and babies. There were instance where little toddlers, actually babies, were deliberately shot. People who were offering no resistance or no threat to anybody were killed, and we're groping for a reason why this occurred, why an American soldier would do such a thing. This is why I asked you whether, possibly, there was as attitude on the part of some men that killing a Vietnamese, particularly if he was a VC sympathizer, just wasn't like killing an American. They didn't regard it as being as wrong as it would be to shoot a fellow American.

A. I don't know about that, sir. I really can't say. There might have been some desire for revenge--we're going in there, we're going to finally corner them and get them now, because they're there--maybe a little revenge, because this is natural for a man. He wanted to get a little revenge, especially if he's lost--now, that attitude I can't say, to the best of my knowledge, that did not exist. I don't believe it did.

Q. I want to ask you a few general questions, Sergeant BUCHANON. To your recollection, did the missions that was given Charlie Company after My Lai differ particularly from those that you had before?

A. You mean while Captain MEDINA commanded, sir?

Q. Yes.

A. Well, we got this soft one--this harvest moon there--guarding the Vietnamese while they were harvesting--

Q. (Interposing) A rice denial operation?

A. Sir?

Q. Was this a rice-denial operation?

A. Right, sir. That was a soft one--everybody--there wasn't too many incidents during that--we didn't encounter too many VC's. We got a few snipers firing once in a while, but--and then Captain MEDINA went away and then Lieutenant JENSEN took over and I think the tempo changed then. We got some pretty rough--

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Q. (Interposing) You went north and--

A. (Interposing) That was after the task force--

Q. (Interposing) Broke up, yes--

A. (Interposing) And then we got--we went way north and we started working up there and things got pretty rough.

Q. Pretty heavy enemy contacts up there?

A. Right.

Q. Another thing. In November there were some stories in the press that possibly the men of Charlie Company, that morning in My Lai (4), some of them were under the influence of marijuana. Did the platoon sergeants know anything about such a thing?

A. I can say that during the time I was there I never saw any marijuana. I never saw anybody that I considered to be under the influence. The only thing I saw was intoxication, that's alcoholic--that's all I can say, sir.

Q. Now, I want to ask some questions which will call for your opinion and your answers would be very helpful to us. As I said, there were a lot of Vietnamese of My Lai (4) killed, quite a substantial number. It would help us if you could give us your opinion as to why this happened. This is a most unusual sort of thing in an American unit. I'm sure you must to have thought about this?

A. I thought about it and I haven't been able to come up with the reasons, frankly, whether the people were killed by--some of them could have been killed by--I believe there was some preparatory fire; the artillery could have taken a heavy toll. Those people that were fired on by GI's, I can't actually relate as to why it was done. I don't know why they would do it.

Q. Well, could it have been that many of the men of Charlie Company thought that these were the orders, to kill the inhabitants of My Lai (4), men, women, and children, anybody?

A. Whether they felt that way or not, sir, I can't say. Now, they did have orders to destroy all inhabitants and whether they interpreted the order that way and that would cause them to do such a thing. As I say. It is possible; but whether it was it actually happened that way, I can't say really.

Q. Well, there must have been some after action reactions on My Lai in the company. What do you recall was said about it when the people thought back as to what happened? Did they think it was right? How did they feel about it?

A. The only man I heard who spoke out and said that he didn't think it was right, that was BERNHARDT. He spoke and I just listened to him. I didn't agree with him or disagree. He is the only one that spoke out; everybody else remained silent. This is typical of a combat soldier, he don't say too much. They raise a lot of sand around camp and things, but when he gets--they don't talk too much. You can pull it out of them if you isolate them and take them over. They talk among themselves, but here again, if they were talking about something and I would appear, they would cut it off. I did hear BERNHARDT say that-- I forget the expression that he used, "This is not my cup of tea, I don't get my kicks doing this," or something like that. I can't be sure if this is the exact wording, but it was something of this nature. Other than this man, I don't recall anyone else discussing it where I could hear it.

Q. I think you are aware that this incident was not reported as things usually are. That is, it took a long time, over a year before any word of this came back to the Department of the Army, for example. Could you express an opinion as to why this happened?

A. I believe that the reason this happened, sir, is the formation that Captain MEDINA had and told us that it was being investigated, and that when we heard, and here again this is a rumor that I had accepted, that there had been people on LZ Dottie questioning people and they were from division level, and having to go about other duties, we just assumed--and here again we assumed that this thing was-- that the operation was under investigation, because this was mentioned several times that division wanted it investigated. So for that reason, I think the individual soldier figured,

well, what can I do, it's being investigated at the division level. With this in mind they just decided that division would actually make a decision on it, and the decision was never forthcoming.

Q. You never heard anymore about it?

A. I never heard anything else about it, I

Q. How well did you know Lieutenant CALLEY?

A. When Lieutenant CALLEY first came to Charlie Company he was assigned to my platoon, just momentarily. We didn't get along too well, for the mere fact that I believe that Lieutenant CALLEY was a typical second lieutenant who wouldn't take advice. I would offer some advice and he wouldn't take it--you know--I'm a lieutenant, you are the sergeant, I give the orders. I think it ought to be done this way--so this in mind we shipped to Vietnam. He was still my platoon leader, but I was always thinking about this thing, and I would say this is not going to work. Not because he wasn't a good man, just the fact I was afraid we would probably disagree at a time when both tempers were bad, and I didn't know what was going to happen. So, I went to Captain MEDINA after we were there for a while. We hadn't been on any operations yet. I told him I wanted to transfer--get out of the platoon. So he said, "Sergeant you already have a platoon leader," and I said, "I know that sir." I said, "Can I transfer out of that platoon?" Now, this is not because I didn't like the man, just that I felt that we weren't going to be able to work well together, and then the men in the platoon were beginning to complain about his sternness. I had trained the platoon alone--this is one of the bad things. I had been with them since they were formed and they knew my reaction. We had another lieutenant, Lieutenant RICHARDSON, who was to depart with us, but just at the last minute he was taken off orders because his brother went to Vietnam and he decided that he wasn't going. Then Lieutenant CALLEY became my platoon leader--well, he was there at the time.

Q. What is your opinion of him as a leader?

A. I made an opinion, I believe, when I first came up here, sir, that he was immature and shouldn't have been allowed to lead men, but I can't say that's true. There were occasions, other than the My Lai incident, that he stood up quite well in a combat situation. So I think that was--it was just an opinion question on my part. I believe I was somewhat biased in his behalf at that time. Now, what his actions were at My Lai (4) I can't say, because I never saw him. I didn't see him while he was there. I made that opinion, I guess, based on my opinion, because I didn't particularly like him and the fact that I don't like a man doesn't make him a bad man. It's just that I felt that we weren't going to be able to work together. Captain MEDINA, at the time, didn't tell me that he was going to actually transfer me or relieve or move Lieutenant CALLEY. We got Lieutenant JENSEN in the company and he did--he moved Lieutenant JENSEN to the 2d Platoon and he moved Lieutenant CALLEY to the 1st Platoon, and that's how Lieutenant CALLEY came to be in the 1st Platoon, sir.

Q. A little later on I would like to ask you, Sergeant BUCHANON, to go with Major ZYCHOWSKI. He will show you some photographs and talk to you a little about training in Charlie Company and some other matters. This completes the questioning that I have, but I think Colonel MILLER has some questions of his own.

COL MILLER: Do you want to go ahead Colonel FRANKLIN? I have quite a few I want to ask him.

COL FRANKLIN: Okay. I am going to have somebody else down here, Sergeant BUCHANON, to talk to you about the actual operation down there. You are really helping us out here.

When Captain MEDINA said that there was an investigation going on, and anybody that came around with questions to send them around to the CP--

A. (Interposing) Something of this order.

Q. What did you think? What crossed your mind? What do you think was the reason for that--him having a meeting and then telling the company that?

A. Well, sir, this has been a practice ever since I've been in the service. If a reporter comes into the field--

same as the leaders--I didn't think anything about it, frankly, because it was nothing out of the ordinary. Anytime a reporter comes around you are going to send him to somebody that has the story for him. Maybe Joe Private had the story, but, at least, let them know that somebody is investigating something. And so, this being normal procedure, in my mind, I didn't think anymore about it. So when a question is raised to me, why didn't I report it, I thought it was being done-- I thought it had been reported.

Q. You didn't think that Captain MEDINA was concerned or trying to get people not to talk? You didn't think anything like that?

A. I didn't get that impression, no, sir.

Q. When you came back on 18 March, you'd been extracted and landed at Dottie and you saw Colonel HENDERSON. Was this very near the pad?

A. Right at the pad, sir. Right near the pad.

Q. Were the choppers going and their blades making a lot of noise?

A. No, sir, not at the time. I think the choppers had gone, and he walked up the hill there. It was near--in the vicinity of the landing pad, but I don't believe the blades were going. I--they had more people to pick up.

Q. Okay, Sergeant, you have come off this operation now, you have been picked up, you're tired, you're happy to be back, you hurt your back getting out of the slick, and you have seen a lot of people killed. The brigade commander comes up and he says, "Did you conduct yourself so that the Vietnamese will think that we are their friends," or words to that effect. What did he say again now?

A. I can't be sure, but I know he said that much. He said, "Have you left the impression that when they see us coming they will say, 'Here come our friends, they are here to help us.'" I'm sure of that portion. I heard nothing about, "Did you see any acts against noncombatants?" I didn't hear that. I didn't hear "Did you see anything out of the extraordinary?" I didn't hear that. This question wasn't directed directly to me, but he singled me out to ask me, "How about you, sergeant." After he raised the question, I can't remember

exactly what he said, but I do know it was directed to the group and not specifically to me.

Q. You're talking about the Vietnamese considering you to be friends after this action. What was your reaction? What did you think about that question? What do you think about the brigade commander coming up like you said and asking a question like that? When you go in to totally destroy an area, and then have the brigade commander come and ask you if these people would be your friends if they saw you coming next time? How did that strike you? That question?

A. It didn't strike too well. I wondered why he would do it.

Q. I really wonder why, myself, Sergeant BUCHANON. It seems like in a search and destroy operation you're not making too many friends. You just wondered about it and-- there was no follow through on his part. Was he moving around--was this just one slick that got off, or a whole bunch, or several loads? Was he moving around to different groups?

A. That was the only--just these six men got off the chopper, and I don't think he asked anybody else. If he did I didn't see it, sir. I moved on down to my area where our area of responsibility is, dropped my gear, and began to clean my weapon. I don't recall him asking anybody else. He might have, and I'm sure he didn't stand there at the pad and ask several groups.

COL FRANKLIN: The hearing will recess.

(The hearing recessed at 1102 hours, 8 January 1970.)

(The hearing reconvened at 1122 hours, 8 January 1970.)

COL MILLER: The hearing will come to order.

RCDR: The following named persons are present: COL MILLER, MAJ ZYCHOWSKI, and MAJ COOP.

(The witness was reminded that he was still under oath and he testified as follows:)

COL MILLER: Sergeant BUCHANON, I want to go over some of your prior testimony that you have given in a prior investigation, also covering similar items that you answered today. Perhaps we can reconcile a little bit today, recognizing that many of these questions were asked from an entirely different point of view that I'm asking you today. All I ask is, as best as you can, recall now what happened or what you heard or how you recall things as of today. I would like to start with the briefing which was given by Captain MEDINA on the 15th of March, the day before the My Lai operation. In your statement to Colonel WILSON, you were asked about this on several different pages. Now just to refresh your memory generally, I'm not reading verbatim, although if you would like to know what your verbatim answers were, I can certainly give them to you. I am just going to summarize them. On page 333 of your IG testimony, you stated that Captain MEDINA had outlined, in detail, what was to happen; that the village had been warned by the South Vietnamese in their own language and by the Americans to evacuate; and that all foodstuffs, vegetables and animals, were to be destroyed, because this was a 100 percent VC sympathizer and VC stronghold. This is the substance of what Captain MEDINA had told you at this briefing. On the same page you continued that MEDINA told you that you were to move through the village and destroy everything. This included men, women, children, hogs, chickens, vegetables, and that the 3d Platoon was given the mission of burning the village. Do you recall generally having said that?

A. Right, sir. On the--to destroy everything, that was my phrasing, and I should have said, and I'm assuming it means probably the same thing, I should have said, "to destroy all inhabitants." That phrase "men, women, and children," was my saying; I did say that up there. What I should have said was destroy all inhabitants.

Q. I move now to page 339 of your testimony, in the IG investigation, where we came back to this same item, the briefing that was given, and there you explained a little further what you had said before. At that point you said, "Captain MEDINA had explained we were going on a search and

destroy mission. We were to destroy the village in the event of resistance." I understand him to say "all inhabitants," which indicated to me that when you said "men, women, and children" that was your--

A. (Interposing) That was my--

Q. (Interposing) You understand that you did say--

A. (Interposing) My opinion--

Q. (Interposing) Was all inhabitants?

A. All inhabitants, I just used the words, women and children, because inhabitants to me means anybody there. They were--as I said, I did say that--but I should have said, inhabitants.

Q. On page 350, Colonel WILSON asked if you felt that the briefing which the men received prior to the operation would have caused them to feel that they were to destroy the village and its inhabitants, and your answer was "No, sir." You see, there is some difference between what you said before and this answer. In each case, these questions were asked sort of cold after you had been on something else.

A. Right, sir.

Q. But these are the three times when Colonel WILSON asked you questions about this briefing. We asked you questions again today--

A. (Interposing) I see--

Q. (Interposing) and in one case you say a statement was made to kill all the inhabitants--

A. (Interposing) Right, sir.

Q. On the other hand, you said that you didn't feel that the men would feel that they were to destroy or kill all the inhabitants. I wonder what your real impression was.

A. At the time I don't believe I was counseled then-- at the time I was probably extremely excited myself, and I didn't I didn't think before I spoke. I did say "No, sir" at the time,

and I really have no explanation for that, other than the fact that I think it was asked here today, did his briefing influence the men? What I tried to bring out here today, sir, I don't see where the briefing should have actually influenced the individual who had been on a combat assault operation before, and this wasn't the first one. They had been on several before--they've gone through villages. What I was trying to say is that I don't think this should have influenced an individual to kill. Destroy all inhabitants to me means--he said destroy the cows and things, that's what I felt inhabitants were.

Q. I think of inhabitants as the people who live in the village. You may have a different meaning; that's why I want to clear this up.

A. I thought inhabitants--to tell you the truth, I thought the inhabitants were the cattle and things. I wasn't for sure--about--I did feel that the men knew that they were probably going to be outnumbered two to one and they were edgy from that angle--self survival. I feel that that's the only thing that would have probably motivated them somewhat. When you go two to one, a man's going to really be ready, and this would have been the first time it happened openly, so it did sort of put them on edge somewhat. But I still can't see where it motivated them to do any--

Q. (Interposing) In one place you gave your interpretation of inhabitants as meaning kill men, women, and children, and another place you didn't feel it meant this. I know you have been over this many times. I just want to ask one more question on this and then I will move on then. Two questions? After you left the briefing, after it was all over with now, and you thought about it that night before you ever moved the next morning, did you in your mind feel that Captain MEDINA was in fact saying, "You want to kill any people you find in there," or limit it to people who were giving opposition, or had you really formed an opinion in this matter?

A. At the time, sir, I hadn't formed an opinion, because when you are given an order there you assume that the

briefing is so accurate that you don't have to form an opinion. You got it that you're going to be outnumbered two to one and that's the only thing that rings in my mind. That there's going to be two VC to one of me and to ponder anything else--I hadn't formed an opinion, other than the fact that I was going to be outnumbered two to one.

Q. I get the impression that before you hit the LZ, and even after you hit it, you expected to find mostly VC and that they would be shooting at you, and if there were women and children, old men, or young boys in the village, this is incidental. They just hadn't gotten out yet, but most of the people that you would encounter would be active VC, out to get you. Is that the way you and the men felt as far as you know?

A. Sir, to the best of my knowledge, I believe this is the general opinion. Again, we go back to "destroy all inhabitants." We couldn't determine who was VC and who weren't and maybe the fact is a man hit the village, knowing that he might be outnumbered, he was prone to fire the weapon and attempt to gain fire superiority. Maybe you're moving at times and the VC have a habit of holding up until the last minute then open fire. So I'd say that this couldn't have been a situation where a man would say, "Well, now, if any women and children appear I won't fire." I'm sure they thought that, but the idea that the briefing had said that there would be opposition; everybody continued to look for that, expected it.

Q. Now, what I'm trying to really get at is a feel of how you and the men felt with respect to what Captain MEDINA actually meant. You see somebody. It doesn't make any difference who it is. You kill them or you're primarily concerned with just overcoming whatever resistance you run into. I'm not trying to put words in your mouth. I'm just giving you ideas that come to my mind.

A. I don't--he--he just said, "all inhabitants," and I guess he probably assumed that we knew what he was talking about that time. "All inhabitants" means people offering resistance.

Q. In your testimony at the CALLEY 32(b) investigation, you stated that you were not in the village. In your testimony today you indicated you cut across a little corner of the

village and then went up to at least a group of houses that were north?

A. You're referring to My Lai (4)?

Q. Right.

A. The question was put to me, "Did you go into the middle of the village so you could see any killings?" and I said, "I saw a few bodies." When he said in the village, my interpretation of that, sir, is if I go anywhere in the village. I went just on the very edge of the village, yes, sir. I did not go up in the center of the village, no, sir.

Q. In one place you said, "My platoon was on the left flank and my men were out in the rice paddy. We did not hit a portion of the village." A little later you said, "We weren't in the village." The portion that you indicated on here (indicating) would indicate not more than about 150 yards probably. You did cut just a little--

A. (Interposing) A portion of it. Now the question as I interpreted it means that did we go into the heart of the village; no, sir. We were over-shifting when we got off the ships, so that's the reason we didn't go specifically into the village, and I never went up into the heart of the village.

Q. Right. I understand that.

A. I only went to the left side of the village and Lieutenant BROOKS was in just about the edge of the village. In fact, my platoon didn't go too far into the village--just a little foot path right through the village about in this area (indicating), just a little foot path where it would go out to the dikes. That's about the only area that I went. I didn't go into the heart of the village at all.

(The witness indicated the top 150 meters or so of the extreme northwest portion of My Lai.)

Q. When you went up to this other village, or sub-hamlet which we have already identified as Binh Tay, immediately north of My Lai proper, did you skirt the edges of this little subhamlet or did you go up through the middle of it?

A. I didn't go through the middle of it sir. I went around the edge of it. There was a little fence on it and I just walked along the fence line. There were some hedges there, and I walked along the fence line, and along here there was a larger hootch, and I went into that hootch and I found a tunnel complex, as I stated earlier, and I began to search the tunnel complex. I spent the majority of my time up there searching that tunnel complex.

Q. You stated before, and also today, that you were on the left flank. There's some indication that Lieutenant BROOKS was on the right flank.

A. Yes, sir.

Q. Also today you indicated that Lieutenant BROOKS had gone into the village of Binh Tay. Do you know when he came from the right flank up to what I would call now the left, because I think Binh Tay is as far to the left or to the north as you went?

A. Sir, I was referring to the left and right flank in relation to My Lai (4). Now, what formations we used when we left My Lai (4) were just three squads marching one behind the other. We call it three prongs. That's the way we moved all the time when we moved out. We had some formations that we could shift into for our protection, but once we left this operation and moved to that one we shifted back to the three prongs, which means the first squad, the second squad, and the third squad. Here again I was behind them. But the 2d Platoon on the left and the 1st Platoon on the right was for only the My Lai (4) operation.

COL MILLER: Let the record reflect that when the witness indicated this operation and that operation he was referring first, to the movement to the extreme northwest portion of My Lai and secondly, to movement northward towards Binh Tay.

A. Right, sir.

Q. At one point you stated that Lieutenant BROOKS was on the right flank of the platoon and you were on the extreme left? About how large of a platoon front did you have?

A. I'd estimate about 50 feet or maybe a 100--I can't really say, sir. The men were spread out along there. I would estimate 50 yards at most, we were spread out. I can't be sure about that even, but it was spread out. Some of the squads--what few men we had--some were in the village and some were still out in the field. My people, I kept moving them around to the side. I did go back up and went through this portion here (indicating), as I said, to see where Lieutenant BROOKS was. I was looking for him and he had gone on--he had gone further into the village.

Q. Apparently Lieutenant BROOKS moved from the extreme right up to the left flank. That was certainly possible during the day.

A. Where he was in the village, I can't say. I couldn't see him, so I had contact by PRC-9; that's a little hand radio. He didn't call me, so we didn't communicate--mostly right here (indicating).

Q. Now the next series of questions are related to three similar matters. First, is the question of control and orders that may have been issued, you may have issued to control your men. The second has to do with the men being upset about what they saw, and third has to do with any orders relayed from Lieutenant BROOKS or higher command to stop the shooting. You told Colonel WILSON that your men had become quite upset about the entire operation because they weren't meeting any resistance and they wondered why they were ordered to do this. You explained to them that orders were orders, you had no alternative. Can you tell me what you meant by that, if you recall that particular testimony?

A. Now, on that, sir, following behind me, I mean I'm following behind about four or five men out on the left flank there, and we're moving through a village, and they said, "What's going on sarge," and I said, "Well, you had your briefing and your orders, keep moving." That's just about all that transpired. The fact of me saying, "You had to do this and you had your orders," that never transpired. The only thing that I said to the men--they were looking back because they could hear the machinegunner with the machinegun cocked and somebody holding it and nothing to shoot at--and he's moving around here hoping--he said "Well, what's going on Sergeant BUCHANON?" I said, "Well, I don't

know. You heard the briefing, you got your orders, keep going." Now that's all that was said. I couldn't possibly have had everybody there anyway, because some of the men were in the village and the three or four--it couldn't have been more than four men that I talked with when I said that. I--at the same time told them, "Now, don't shoot anything if it's unarmed." I recall saying that also. They just asked and I said, "Well, orders are orders. Keep moving," and I said that many times before and it's just a household word to me to say that. There would be guys asking, "Why are we filling these sand-bags. This is not a part of the training," and I'd say, "Well, you got your orders, let's start filling them. You got to fill them, because they're rotten," or something like that.

Q. One of the phrases used--I am paraphrasing, I am not quoting directly--you said they wondered why we were ordered to do this, and I'm not quite sure, and it was never explained in your testimony, what the "this" is.

A. Okay. Now, what the "this" is--they wondered why they told us that the VC was going to be there and fire on us and we would be outnumbered two to one and we got no resistance. Everybody is tight, scared to move for fear they're gonna be blasted. The VC would wait until the last minute sometimes. They didn't know what was going on. They said, "What kind of operation is this. I don't see the two to one that you talked about, that you said? We polished up and we got ready for this thing and now it isn't here." That had everybody somewhat concerned. That's what I meant when I said the "this." I didn't know how to express myself, sir.

Q. One of the questions that Colonel WILSON asked you was "I have previous testimony and it was stated that you tried to control the troops and prevent any unnecessary killings, is that correct?" Your answer is, "Yes, sir." You then went on to say "I just told my platoon to fire when they're fired on, keep moving, keep moving, stay on line, just keep moving through the village." What did you read into or think that Colonel WILSON was talking about when he asked you about your trying to control the troops and prevent any unnecessary killings?

A. Well, here's the thing of that, sir. The primary responsibility of a platoon sergeant is to help the platoon leader control, and not only on that operation that I assisted

in the control, but on all of the operations. It is my job to keep the men moving, and I didn't just spring up and start doing this thing this time. I had done it all--throughout all of our training in Hawaii and everywhere else. So this was--here again this is just something that you do without thinking.

Q. When you issued these orders to keep moving, keep moving, don't fire unless you see something--

A. (Interposing) Don't lag back, as they were doing. They were just sitting out in the field.

Q. Had you at this time seen any of the civilians dead?

A. Not--I'd seen two. I ran over looking for Lieutenant BROOKS and I saw--on the steps I saw some people there. I'm sure that they were dead. Then I ran back over in the field and they were still out there--these four or five guys were sitting there. I said, "Let's go, let's go, move on," and then I said, "Don't shoot unless you're fired on." That's the testimony--

Q. (Interposing) Were these orders issued because you thought there was some unnecessary killing going on?

A. No, sir; no, sir. I couldn't be sure how the people died there.

Q. Were you close to Lieutenant BROOKS when he got this order from MEDINA to stop the unnecessary firing?

A. No, sir, I wasn't close. He called me and let me know about it.

Q. On the radio or did he just call--

A. (Interposing) I have a--we have a little PRC--we had a PRC-9. That's how we got that--we never stayed close together, that was an agreement. We would always stay separated, because--both of us, not to be hit at once.

Q. When he gave this order to you over the radio what did you do then?

A. I was over near the village there and so I ran down and I ran by two or three men--by this time people were all mingling in the village. We had no formation there. They were searching the hootches, and I yelled it out loud--I began to yell.

Q. Had you at this time seen what you considered to be unnecessary killings?

A. I know the people were dead, sir. I don't know what or how they were killed, and I can't say it was unnecessary or not. I saw them dead, and I saw some over here dead (indicating). Whether it was necessary or not, I can't say.

Q. When you landed at LZ Dottie Colonel HENDERSON was there asking a question, I believe. We asked you about that previously today?

A. Yes, sir.

Q. One of the witnesses that was there said substantially this: "I was with Sergeant BUCHANON and two or three other guys. We were questioned by one field grade officer as to whether or not we had seen any inhumane acts. We all answered no." Another witness said, "When we got back to base camp Lieutenant Colonel BARKER met us, and I remember him asking Sergeant BUCHANON if there was any unnecessary killings, and BUCHANON just said, "I would rather not answer that, sir." I believe this witness is actually referring to Colonel HENDERSON.

A. He is referring to Colonel HENDERSON.

Q. We have had a number of different interpretations of just exactly what was asked and what was said. I've read two different testimonies by two different witnesses. You are giving a third. Obviously, this was something that was said and done and you didn't have a chance to go back and say, "What was that you said? I want to make a note of it." Do you recall Colonel HENDERSON asking questions phrased in the way that either of these other two witnesses told us it was asked?

A. No, sir. I think he--I remember him asking if we thought the VC would say--this I stated earlier, and the other

two I don't know. The question was directed to a group, and I still wonder why he singled me out and asked me, "Well, what about you, sergeant? What do you think?" I said, "Well, sir, I have no comment," because my back was hurting and I was tired at the time.

Q. Do you recall his asking a question which contained in any way, the words, "inhumane acts" or "unnecessary killings"?

A. No, sir, I don't believe he used those two words at all.

Q. Did you make the answer, "I would rather not answer that"?

A. I said, "I don't believe I have a comment, sir. I have no comment."

Q. Why did you make that answer?

A. Well, at the time I didn't understand what he was asking, anyway. He just was asking the group and he said, the way he was phrasing the thing, asking if we had left the impression that the Vietnamese, when they see us appear next would say, "Here come our friends, they're here to help us." I realize that was one of our objectives, to try to pacify the various areas, but today I wasn't sure and when I responded, "I'd rather not answer that, sir." If he had asked me why, then I would begin to think, but he didn't ask why. He said "Okay," so he moved on down, so that was all that transpired there.

Q. Did you ever feel, in your own mind, that there was an effort by anybody to try to cover up what happened, to keep quite about what had happened at My Lai?

A. No, sir. My reason for saying that is this: soon after My Lai we were given this duty to guard the Vietnamese while they were harvesting their crops. Other than the formation that was held, where they said the operation was probably going to be investigated--is going to be investigated and should somebody approach you send them to the CP, I didn't sense any coverup, because I assumed that the investigation had been conducted. I didn't hear anything else about it really, that is, from any command chain level, so I assumed that the investigation was being conducted, or had been conducted.

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a subsequent meeting with platoon sergeants, platoon leaders to discuss (1) perhaps artillery supporting fires or (2) perhaps the difference between--the essential differences between a search and clear type operation which you'd been involved in previously and a search and destroy operation which you were going on the following morning?

A. Not to my knowledge, sir.

Q. You did not attend such a meeting?

A. Not to my knowledge, no, sir.

Q. Was there at any time subsequent to Captain MEDINA's briefing, a platoon level briefing involving either yourself and/or Lieutenant BROOKS and the squad leaders?

A. Well, we always held a meeting prior to moving out, but it had nothing to do with the definition between a search and destroy--this was just administrative matters, our equipment that we were gonna carry, who would lead and who was on the right and this type of thing. Nothing that pertains to the nature of the operation as to what type operation it was and nothing that would give anybody the impression that we were gonna do something out of the ordinary. This is something that was SOP with us, every time we planned an operation.

Q. Okay, now, you just said something that is very significant. You said that you weren't going to do anything out of the ordinary. Are you talking about in terms of the operation itself, or in terms of the mechanics of the platoon, to the procedures that platoon went through in preparing for this operation?

A. No, sir. I'm referring to the routine preparations that an infantry platoon always goes through.

Q. All right, fine. Let me take that one step further. Was the operation the night of the 15th, the forthcoming operation viewed as being a different operation?

A. I wouldn't say so, sir.

Q. I think I should tell you Sergeant BUCHANON, once again I am not trying to trap you. I think I should tell you that there is a preponderance of testimony from a very substantial

number of men in the company that is was clearly different. In their minds that there was a--to a large extent there was a discussion among most or all of the men in the company concerning this--the instructions or the inferences that were made by Captain MEDINA concerning the killing of anything that walked in the village--that type of thing; that this was further aggravated by the fact that they expected to be outnumbered two to one and they expected to do battle with a main force battalion. So that the whole tenet of the conversation and the remarks among the men that night, would appear to be from their testimony to have been extremely unusual, unique in Charlie Company's history. It is just beyond me, and what I'm really asking you to do is try to, as a platoon sergeant and one of the key men in this company, that how could you conclude, or how do you conclude that there was nothing unusual?

A. Other than the fact that a man might tighten up, my opinion, when a man feels that he is going to be outnumbered he is going to tighten up a little bit--a little excitement in there. He is somewhat concerned about his surviving and other than that I don't see where there was--I can't recall anything that was exciting, as I said earlier. As soon as we made our little "do battle" preparation, which is get all the ammunition, check the weapons--there was always a practice for me to issue the beer, and they went about their little cheerful ways until the next morning. I outlined the guard details for that night, and I didn't see anybody that appeared to be concerned too much about it.

Q. Did you talk to them?

A. I didn't talk to the men. All I told them, "Be sure you got your equipment. Be sure you get everything ready to go. We'll be moving out down this chopper pad," and as far as making a little pep talk myself, no, sir.

Q. Are you a veteran of Korea as well as Vietnam?

A. No, sir.

Q. I see. So this was your first combat tour then?

A. Right, sir.

Q. And during your stay in country we understand that this was potentially, as it was viewed on the 15th of March, potentially one hell of a big fire fight that was expected to occur on the morning of the 16th. Did this impression not come across to you? Were you not giving some thought to the fact that you might very well be involved in a fight with a VC main force the following morning?

A. We were told that, sir, and we made the necessary preparations in getting ourselves prepared. When I say get ourselves prepared, we got our equipment ready, and Lieutenant BROOKS and I held a meeting and told the squad leaders what we would do, and that's about it. There wasn't too much more we could do.

Q. Well, I wish you would--I won't pursue this point any further, but I wish you, yourself, would give some thought to these questions of the atmosphere, conversation, and the concerns that prevailed that night and if you can recollect any substantial differences that night and what have been your experiences before, subsequent to your appearance before the committee, I wish you would make it a point to bring it to our attention. It's very important. Okay, I would like to go on now to the pickup at Dottie by the helicopters the following morning. We, based on some fairly detailed reconstruction, have determined that the first lift consisted of all of the 1st Platoon which numbered approximately 28 men; that it consisted of somewhere between a seven and nine-man command group from the company headquarters; and that the balance of that first lift consisted of some 24 to 25 additional individuals. A substantial number of your men, the 2d Platoon, have testified that they were in the second lift, but our impression is that, in fact, most of the 2d Platoon went in on the initial insertion.

A. You mean of the assault?

Q. That's correct, on the CA. Do you recall now-- was in fact the majority of the 2d Platoon involved with the first lift that went in on the CA?

A. That part I can't remember, sir. I actually can't remember. I tried to remember--I can't remember what the

arrangement was. I do know that Lieutenant BROOKS went in with the first lift--I think, I'm not sure about that. I couldn't--

Q. (Interposing) I'm not asking you. I'm not trying to nail you. I'm just trying to get your--

A. (Interposing) I realize that, sir. The thing is, if I told you that, it would be inaccurate, because I can't be sure. I can't remember that portion of how we got--or who was in what lift.

Q. Well, I'm not interested in individuals. I'm trying to get an order of magnitude, how many people went with Lieutenant BROOKS, as an example, on the first lift--most of the platoon?

A. If any it would have been a couple of squads, probably.

Q. Did you have three squads?

A. Yes, sir. I had two very small squads. They were not TO&E squads--one that was complete.

Q. Did you operate that day with three squads?

A. We operated that day with three squads.

Q. With three squads?

A. Right, sir.

Q. So you think perhaps two squads went in with Lieutenant BROOKS on the first lift?

A. I can't say that, sir, because I'm not sure. If I were to say that, I would be agreeing with you and--

Q. (Interposing) Well, I don't want you to agree with me.

A. It would probably be inaccurate, because I can't be sure of that.

Q. All right. Now, again probably retracing some information that you have already given me. You went in with the second lift?

A. Right.

Q. We know that the second lift hit the LZ at 0747 hours in the morning. We know that. Do you recall what the element that you were with did immediately upon hitting the LZ?

A. We got out of the choppers somewhere along here (indicating) and we started moving to the left, because we'd been told, everybody would go to the left.

Q. To the left meaning to the north?

A. Yes, sir. About this area over here, sir (indicating).

Q. How far to the north of the village itself did the elements that you were with move?

A. Well, we was trying to join the 2d Platoon, see, and some of the people were just on the edge of the village here (indicating), and then of course the others ran off the other side. I wasn't in control of anybody. I was looking for the medic myself, because I always try to marry up with him and these people, and I didn't know why they were going over there.

Q. Which people? The people you were with?

A. Right, sir. I wasn't oriented when I first got off the chopper. I was looking around and the first thing I did was hit the ground. I didn't know what the hell was going on and I saw these people move. Somebody was calling them I think and I saw them double timing like the dickens over that way. I knew they were my people, so actually I followed them over there, and they moved on over and somebody kept pointing this way, and I don't know who it was.

Q. How far up did you get?

A. Well, we went until we married with some of the 2d Platoon. It was two men kneeling down along the rice paddy right about here (indicating).

Q. On the northwestern corner?

A. Right, sir. And they were just kneeling there and they were waving, come on, come on, and the men moved on off and I just moved on off on the left. That's how we happen to come out in the rice paddy. When those people got there, they just stayed there, and that's why I had to come back over to the edge of the village and tell them to move on in.

Q. All right. So you married-up with two individuals kneeling about 75 meters to the northwest of the northwest corner of the village?

A. Right, sir.

Q. Did you then, at that time, begin to get the 2d Platoon on line and oriented to the east?

A. Well, I was telling--yelling at these people, "Just stay where you are there, this is us along here," and I could see, I think, one of my squad leaders, and I knew then this was the right place, and I said, "Okay, stay on line, this is okay like this," and we went on in.

Q. Were you oriented towards the east, then?

A. At that time I was really oriented.

Q. Was the platoon?

A. The platoon itself was. I was wondering why the heck we were so far over here (indicating), that's what, because people--some of the platoon was over here and the 1st Platoon had gotten over too far apparently.

Q. Too far to the north?

A. Too far to the north, so that's why we had--that's what threw us out in the field, see?

Q. I understand that. Were you using any kind of a trail for the--as a dividing line or a--for orientation for your right-flank element?

A. No sir. Our right flank wasn't established. We were

just moving through there, and I ran back up looking for Lieutenant BROOKS, and I finally saw him moving just a little ahead of one element. Then I just moved on back over here (indicating).

Q. He was to your right? To the south as you were moving?

A. Right, sir. He was to my right. I happened to see him.

Q. All right, we know that you began to move through the western edge of the village at just about 0800 hours on the nose. Now, how long would it have taken you to move through that northwestern portion of the village and come out into the open rice paddy?

A. You mean over here (indicating)?

Q. Yes.

A. It must have been about an hour.

Q. By an hour you're referring to the extreme eastern edge of the--My Lai (4)?

A. Right here; right, sir.

Q. No, I mean how long did it take you to get out into the open paddy?

A. You mean here (indicating)?

Q. Yes.

A. Well, some of the platoon was moving--it didn't take very long--I guess they were going very, very slow, see, and they were searching as they went, and it took quite a while there.

Q. Fifteen, twenty--

A. (Interposing) Maybe longer than that, maybe one-half hour.

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Q. Half an hour?

A. Maybe--I'm just saying, I'm not sure, but the thing is, it wasn't a real fast operation. It was a slow process as they were doing, and that's why it took a little time.

Q. All right. During your--did you go through that little northwestern part of the village yourself?

A. I went through this edge-- the very edge of it. There was a little path there, and I went right past there, and I went around here (indicating) and I went around here, and I told the people there to move on around, and this is the only portion of the village that I went through.

Q. You were controlling the left flank element of the platoon?

A. I was over there, right sir.

Q. All right. Now, did you observe in that portion, that northwest portion of the village, any artillery craters or craters that might have been caused by rockets or gunships?

A. No, sir.

Q. You did not?

A. No, sir.

Q. Did you observe any bodies in that area?

A. Yes, sir.

Q. How many?

A. I don't know. It was several. I can't specifically say the precise number.

Q. What were they?

A. That I can't--they were dead bodies--they were men and women.

Q. Children?

A. I didn't see any children.

Q. You did not?

A. I did not see any children; not in this area.

Q. Now, when you got out into those open paddies, did you receive instructions from Lieutenant BROOKS to turn and moved north to the small hamlet to the north?

A. He apparently received instructions, because a squad, or somebody yelled to me that, "We're moving over here." Somebody yelled at me, and then I saw the platoon moving and naturally I am going to follow my platoon.

Q. Was there any firing going on by your platoon, at the time this order came to turn and move to the north?

A. Up in this area. Yes, sir, they were firing in that area, what squads I can't be sure, but I'm sure that they were--

Q. (Interposing) You know what they were firing at?

A. No, sir, I can't say--I didn't physically see them.

Q. Were there any procedures or measures in effect at that time between you and the squad leaders or between Lieutenant BROOKS and the squad leaders to exercise fire control or fire discipline over the men? It's a normal function in--a major function of the platoon leader, platoon sergeant and the squad leaders?

A. Well, in this case, unless the platoon leader is hit the platoon sergeant is not operating the platoon.

Q. I understand.

A. He is for resupply only and--

Q. (Interposing) This was in the case of the 2d Platoon?

A. Well, in any platoon, sir--any platoon, I wouldn't

say that that's the only thing--two people can't operate a platoon. I can assist him, which I was doing. I told these people here to get up on line. I told them don't fire on anything unless they were fired on. This is one of my responsibilities now. If he is going to use tactics and I use tactics, we are going to conflict. So this something that was brought out early in our training--

Q. (Interposing) Well, I understand that. What I'm trying to get at is that you were trying to assist him in control and that control involves both controlling the movement and the fire, I presume. I'm just trying to get a feel as to what the normal procedure was for controlling fires.

A. We had gone through several search and seizures-- search and destroy missions before and men--

Q. (Interposing) You had? Or search and clear?

A. Search and clear, and they had got in the habit of going in the hootches and once you get in a village complex where people will generally get out of proportion, two guys will go in this and two guys will go in that one and you sort of lose control over them at that point. I will say that once we get out in the open they all were generally coming out of the village at that time.

Q. You mean the entire platoon?

A. Right, sir. We had no trouble in getting them out at that time.

Q. Now, when you came out of the village at that time, or when the platoon came out, were there any--did they bring any civilians with them at that time, or did they bring any Vietnamese with them?

A. No, sir.

Q. So an order came from somewhere through one of the squad leaders who relayed it to you verbally that you were to proceed to the north to that small hamlet?

A. So then I saw everybody coming out and then we moved on. Lieutenant BROOKS didn't call and tell me. I don't know what he was doing at the time, and so we just began to move on through.

Q. All right, that would have been, assuming 30 minutes to get through the northwestern portion, that would have been somewhere around, and again I'm realizing I can't be too accurate, somewhere around 0830 this order was given that the platoon's movements were re-oriented to the north.

A. It could have been 0830; it might have been later than that, sir, I don't recall. I can't remember the time. We could use 0830 as a point. I'm not sure about the time, but we did move over to this area (indicating).

Q. How long did it take you to move up there?

A. It didn't take very long.

Q. Five minutes? Ten minutes?

A. Five or ten minutes at most. This thing wasn't too far (indicating).

Q. Was there any firing by the platoon directed towards that village prior to your arrival there?

A. We got on line--we got in three prongs--that's three lines, a squad here, a squad there and I recall a sagging line in the middle squad, and we moved through, and then we went into that village.

Q. Was there any firing before--

A. (Interposing) No, there wasn't--I don't believe there was any firing in the village.

Q. Was there firing into the village prior to your platoon elements getting into the village?

A. No, sir. There was no firing there, not into the village, because one man was behind the other and they would have hit each other, and they didn't get on line or anything. We always travel in three prongs. We call it

three prongs, a squad here and a squad there and all of us in a single file. We could deploy various formations from this--from the three prongs.

Q. Now, did all three of the squads go into that small hamlet?

A. Yes, sir.

Q. They did? Was there any firing as they went into that hamlet?

A. There apparently was some firing and from one--

Q. (Interposing) Well, did you hear it?

A. I was up--I went--we began to search the hootches over here (indicating). I left--there was a fence around the edge here (indicating). I walked up and there was a big hootch, a large hootch there, and I began to search that, and I found a tunnel complex, I went down in the tunnel complex--

Q. (Interposing) Did you hear any firing?

A. And then I heard some firing, and when I got back, there was a group of people dead, here (indicating).

Q. How many?

A. I couldn't say, sir. I didn't even look at them. I glanced over--who did it, I can't say, I haven't been able to determine that.

Q. Was Lieutenant BROOKS around?

A. Lieutenant BROOKS came running up and said, "What the hell is going on around here?" He was really perturbed about that.

Q. He was perturbed about it?

A. That's right.

Q. And you have no idea of, or feel for, how many people there were?

A. At the time we soon got the order--Captain MEDINA came over the "horn"--the radio and said, "Anybody you get, round up all the inhabitants and move them off," and so that's what--

Q. (Interposing) Did you hear that?

A. I didn't hear the order given, but he told me that was what he said.

Q. Lieutenant BROOKS did?

A. Yes, sir.

Q. Said that Captain MEDINA had sent him a message--

A. (Interposing) That there will be no more, don't shoot anybody else. Anybody that didn't offer resistance, don't shoot him. Round him up in a group. So they round up-- he said, "Round up everybody in the village, everybody."

Q. Now, this was after you had searched out the tunnel complex up on the northern section? How long would you have been involved in searching out that tunnel complex?

A. I'd say 10, 15 to 20 minutes. I was just going slow, looking through everything, kicking over cans, seeing what they had down there.

Q. So then it might have been around 0900 hours when this order came from Captain MEDINA?

A. I can't say that, sir. I don't know. I do know the order did come.

Q. While you were at this small hamlet?

A. While we were at this small hamlet. I don't know what time it was. That's something that I can't relate at this time.

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Q. Can you be a little more precise about what Lieutenant BROOKS told you Captain MEDINA had said. Was it, "Stop the killing," or was it--

A. (Interposing) He said, "Stop the killings," he said, "Stop the killing. If you find anybody that doesn't offer resistance, stop killing people that don't offer resistance," or something like--I can't be precise at his phrasing, sir.

Q. This is what was related to you?

A. He related to me that anybody else that didn't offer resistance would be gathered in a group and that's what we proceeded to do. We went through all the hootches and had everybody come out and then we sent them off in this direction (indicating).

Q. You have any feel for why Captain MEDINA sent the order?

A. I don't know where he got the order from or anything, sir.

Q. Now, going back again to your movement through the northwestern corner and then up into My Lai (4) and then up into this small hamlet (indicating), were you or Lieutenant BROOKS reporting back to Captain MEDINA a body count?

A. No, sir.

Q. You were not? Was Lieutenant BROOKS?

A. He never required that--I'm sure he didn't request that. It wasn't a practice to request a body count, so nobody was reporting a body count to him.

Q. You testified that there was some firing going on in this small hamlet during the time you was searching out this tunnel complex to the north?

A. Right, sir.

Q. Did you see any hootches being burned?

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A. Yes, sir.

Q. You did?

A. One or two. I know that two or three men were setting hootches on fire, yes, sir.

Q. Did you see any other bodies other than the group that you referred to as being down to the southwestern corner of that hamlet?

A. No, sir. I recall when they were moving up and I said "Who in the hell did this? Why?", and nobody said nothing.

Q. When you said this you are referring to the pile of bodies?

A. I said, "Who did this, who knows anything about it?", and everybody just stood and looked at me. That's all I said.

Q. But you don't remember even vaguely how many people you saw dead there?

A. No, sir.

Q. Nor what was their composition, men, women--

A. (Interposing) There were men and women, I don't know about the children. I know there were men and women.

Q. Men and women?

A. Yes, sir.

Q. Now, after the order came from Captain MEDINA to stop the killings, how much longer did the platoon remain in the area of that small hamlet?

A. Not very much longer. After we rounded up all the inhabitants and sent them off we moved out.

Q. (Interposing) How many did you round up?

A. I would estimate between 50 and 60, sir.

Q. Fifty and sixty?

A. Quite a few.

Q. And what did they consist of?

A. No military-aged males, women and children, no young males.

Q. Fifty and sixty. You say you sent them off?

A. We sent them off. Well, we had them start moving out in the field in this direction (indicating).

Q. To the west-northwest?

A. Well, let's see, this was the edge of the village. They must have gone up in this direction (indicating).

Q. West-southwest?

A. Right, sir, and in this area here. They started to walk across the field, and we didn't watch for long before the order came to move on--

Q. (Interposing) They were not escorted by any of your men out into the field?

A. They were--no, sir. They were not. We had them move off, and then we took the platoon and moved away.

Q. Well, I thought the orders from Captain MEDINA were that any other people that you encounter were to be rounded up and brought to him, at the time he gave the order to stop the killings? Will you tell me again what order was?

A. He just said, round the people up and get them out of the area or something like that. Now, my orders from

Lieutenant BROOKS were to round the people up, have the platoon round the people--he yelled at me, "Round everybody up," and so I did that, and after the people were there he said, "Move them off in that direction," and so that's what we did.

Q. And almost immediately after you sent them off--

A. (Inteposing) The people started moving off this way (indicating).

Q. Then the platoon--

A. (Interposing) Moved off in this direction.

Q. Did you go back to My Lai?

A. No, sir, we did not.

Q. The platoon did not?

A. No, sir.

Q. I would like for you to think real hard on that now, because we have fairly--again, quite a bit of testimony to the effect that the platoon did, in fact, return to My Lai, where they continued for perhaps another 30 or 40 minutes in the clearance of the village of My Lai (4), and then set up a perimeter along the eastern edge of the village.

A. No, sir. I don't recall going into My Lai again. We stopped at a village, but it wasn't My Lai. That I can say. I don't recall the 2d Platoon going anywhere near there again, not close to going into the village, no, sir. The 2d Platoon did not go back in there, I'm almost positive of that.

Q. Where did you go?

A. We moved off into an area away from this village around about, in this area (indicating) some place. I do know we didn't go back there.

Q. Approximately, given 1 inch equals 100 meters, that was 200 meters to the east of that small hamlet?

A. You mean after this was terminated?

Q. Yes.

A. Soon after this was--after we left this hamlet here, to the best of my knowledge we continued to move until we came to the area near the cemetery where we were to stay all night. We didn't stop anymore after that.

Q. Okay, I would like to try to nail down your movement, the 2d Platoon's movement following the issuance of the order by Captain MEDINA to stop the killings. Do you recall in what direction the platoon moved from that small hamlet?

A. I can't--but I do know we moved maybe--it had to be along this way.

Q. Indicating movement to the southeast.

A. Something like that, and I don't recall stopping here (indicating).

Q. Now wait. You do not recall stopping on the eastern edge of My Lai (4)?

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

Q. Do you recall where you had your lunch break?

A. I think it was over in the cemetery area.

Q. The cemetery area near Pinkville?

A. Yes, sir, where we married with Bravo Company. Now on the map here, I don't know where that was.

Q. Well, if you will refer back to the large map on the wall--

A. (Interposing) I didn't have a map at that time myself, so I can't really say where we were on the map.

Q. Well, we know where the cemetery that you are referring to is located.

A. That's where we ate.

Q. Well, now let me point out that from My Lai (4) that cemetery is about 3 clicks to the northeast and that all of the evidence that we have from all other sources indicates that, in fact, the company, not necessarily the 2d Platoon, but the company arrived in that area around 1530. Now, do you recall having chow as late as 1530 in the afternoon, or earlier?

A. No, sir. As I said, I can't recall having chow that late, but I just for the life of me can't remember stopping out here (indicating) anywhere. I just don't remember.

Q. Well, the company did in fact--

A. (Interposing) And if we ate lunch it was with the company, we were never an isolated platoon out alone--

Q. (Interposing) Let me tell you again that the reconstruction, based on the testimony, is pretty firm that the company did halt on the eastern edge of My Lai (4) and remained there until 1230 or 1300 hours.

A. I just can't remember that.

Q. Well, if you can't remember, I can understand that; it's been a year and a half. But I'm pointing out to you the probability of the platoon, if in fact it later moved as part of the entire company, it more than likely had lunch, took chow along with the balance of the company in the vicinity of a perimeter set up on the eastern edge of the village of My Lai (4).

A. I will say if we had chow it was with the company.

Q. With the company?

A. Yes, sir. It wasn't alone, I'm sure of that, and the company was all intact, but I just don't remember stopping anymore.

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Q. I'd like to go back to the small village north of My Lai (4). You observed some hootches being burned, you observed one pile of bodies which caused Lieutenant BROOKS and you some consternation, and about that time you received the order to stop the killings, round up the inhabitants and get them out of the area. Is that essentially correct?

A. Stop the killings, round up the inhabitants and get them out of the area, right, sir.

Q. Did you observe any other acts or did you hear of any other acts at that time which occurred inside that small village that might have constituted criminal offenses?

A. I don't believe I did, sir.

Q. You did not?

A. No, sir.

Q. You ever hear of a rape occurring in the village?

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

Q. By no one?

A. If there was I didn't see it, sir. I did not hear about that, no, sir.

Q. You did not hear about that?

A. No, sir.

Q. Now, you, in your earlier testimony, referred to a crop protection operation that Charlie Company was subsequently involved in--

A. (Interposing) Right, sir.

Q. I believe the term was rice denial.

A. Rice denial. Right, sir.

Q. All right. Were you operating as part of Task Force Barker when this rice denial operation was conducted?

A. Yes, sir.

Q. You were?

A. Yes, sir.

Q. Do you recall how long after the My Lai (4) operation this rice-denial operation was conducted?

A. It was in March, I believe. It lasted until sometime in April. Captain MEDINA went on R&R.

Q. Well, the company went back to LZ Dottie following the My Lai (4) operation, went back to LZ Dottie on the 18th.

A. Right, sir.

Q. Do you recall, was it within 2 days when you were then put on this rice-denial operation, or was it longer?

A. It must have been longer, I can't be sure, but I do know we were around Dottie for awhile. They had us filling sandbags--

Q. (Interposing) We think you were there for about 3 days.

A. We were filling sandbags and things like that while we were there, and after that we went on this rice denial operation.

Q. Was it your next field operation following this My Lai (4) operation?

A. Yes, sir, it was.

Q. It was. All right, and you were operating as a part of Task Force Barker?

A. To the best of my knowledge we were, sir.

Q. At that time? You recall where the operation was conducted? Was it fairly close to LZ Dottie or quite a ways away or--

A. (Interposing) We left on foot. It wasn't too far away from LZ Dottie, sir.

Q. About 5 clicks, 10 clicks?

A. Not more than 10 clicks, sir.

Q. Not more than 10 clicks?

A. No, sir.

Q. Do you recall how long the rice-denial operation lasted? Did I understand you to say it lasted until Captain MEDINA--

A. (Interposing) Well, I believe that the operation went on. I never received any instructions saying that there was anything different. However, we did make several moves in the area, but I assume that it was in connection with the same operation, rice denial.

Q. Did C Company, while you were with them, ever go back into the Son My area? The My Lai (4) area?

A. Not to my knowledge, sir.

Q. They did not? Did you ever accompany--you ever recall yourself having gone back there?

A. Not to my--I'm sure I didn't go back, no, sir.

Q. As a platoon sergeant in a rifle company, you can hardly avoid having your finger on the pulse of the men, at least in your platoon, if not of the company at large. I'd like for you to think real hard and try to recollect and describe for me, if you can, anything that you observed, or things that you might have sensed which would have reflected the attitude of the people in Charlie Company after your return to LZ Dottie concerning this operation?

A. There was a period of quietness.

Q. What would you attribute that to?

A. I can't attribute it to anything, sir, I don't know. The thing is, privates aren't close to sergeants, platoon sergeants. Now if they're discussing something and I make myself present they stop talking. Very few privates will come up, unless it's a personal problem like he wants to get home or something. But something that's hearsay, they discuss it among themselves. For just a group of privates to come up and start talking about any situation, just doesn't happen. Any platoon sergeant that says this happens is an exception.

Q, But Sergeant BUCHANON, I think you and I both know that within a battalion, particularly a battalion in combat, there is a very strong informal grape-vine, communications system. Things of this nature almost invariably make their way to at least the battalion commander. It seems to me that a platoon sergeant, and I'm not trying to have you recollect something that you don't recollect or to say something that isn't true, but it escapes me that you couldn't sense something very wrong after this operation.

A. The only person that expressed himself was BERNHARDT. He said, "This is not my cup of tea. I don't like these kind of operations, I'll never go on another one," or something like that.

Q. BERNHARDT?

A. BERNHARDT was the guy who said that.

Q. Any other man ever say anything else to you?

A. Nobody ever said a word about it.

Q. You ever overhear conversations by the men relating to what took place?

A. No, sir. If they were talking about it and they would see you coming they wouldn't say anything. I don't doubt that they didn't discuss it, but I didn't hear it.

Q. What did you think when you heard about the cumulative body count for the operation?

A. Sir?

Q. Did you ever hear that the cumulative body count for the operation was 128 VC killed?

A. The numbers have gone from--there were all kinds of figures. I learn, having been there, never to concern myself with body counts, because they are sometimes inaccurate. People were giving all kinds of counts there. You couldn't be sure of the actual number of people that we killed there. You hear 500 and you hear 100. Some would say, "It was only 65 or 70." Nobody really knows. Nobody in the unit could specifically say because everybody was estimating.

Q. What did you think about this? What body count did you estimate.

A. Well, the group I saw was a small group over in this village (indicating).

Q. Were men and women?

A. Men and women. There wasn't a large count. The few I saw on the edge here (indicating), that's all the people I could be sure were dead. Now, over here (indicating) where they said other deaths occurred, I didn't see that, so I can't be sure. My estimation would be very small, relative to what I've seen, and that was very few.

Q. Is there anything else that you can think of, Sergeant BUCHANON, that would assist us in reconstructing time and movements as they occurred on the 16th?

A. No, sir, I don't believe there is.

LTC MAHAFFEY: Well, I'm going to turn the questioning over to Major ZYCHOWSKI.

I thank you for your assistance.

MAJ ZYCHOWSKI: The hearing will recess.

(The hearing recessed at 1241 hours, 8 January 1970.)

(The hearing reconvened at 1421 hours, 8 January 1970.)

MAJ ZYCHOWSKI: The hearing will come to order.

RCDR: The following named persons are present: COL WILSON, MAJ ZYCHOWSKI, and MAJ COOP.

(1SG BUCHANON was reminded that he was still under oath and testified as follows:)

MAJ ZYCHOWSKI: Sergeant BUCHANON, in front of you is an aerial photograph of My Lai (4) (Exhibit P-1) and the surrounding area. Would you depict the route that you took and those key events that occurred during this combat assault on My Lai (4)? This would be the route you explained to Colonel MAHAFFEY previously. Starting with LZ and go from there.

A. Yes, sir. The LZ was generally in this area (indicating).

Q. Number 1 depicts the approximate LZ as Sergeant BUCHANON stated. (Marking Exhibit P-1 which is later received in evidence with annotations as Exhibit P-145). When you arrived, where was Lieutenant BROOKS and the personnel that were with him?

A. Lieutenant BROOKS was right around this area, right around here, I believe (indicating). He may have moved up to just about this point (indicating). There were some men, I don't know who they were, right here (indicating), and they waved to us, and we were out in this area here (indicating).

Q. They were on line waiting for your arrival?

A. There was shooting going on, but these men were right here (indicating). I didn't know what squad it was at that time. They were just here (indicating). We got off the choppers and started going towards them and they kept saying, "Come on, Come on."

Q. So Lieutenant BROOKS and the personnel with him were at the northwest corner of My Lai (4), is that correct?

A. Right, sir.

Q. The northern tip?

Area 2 will give the approximate location of Lieutenant BROOKS with approximately one squad with him.

You then married-up with Lieutenant BROOKS and the 2d Platoon, is this correct?

A. Sir, when we married-up with the platoon we didn't see Lieutenant BROOKS right away. We just got on line and started moving around. The men that I brought in just stayed out on the left side for a little while. I told them to move around because they didn't know what to do. They were just out here in this area. Pretty soon they began to move in closer to this village here. (Number 3 indicates area where Sergeant BUCHANON and men of second lift married-up with remainder of 2d Platoon.)

Q. Would you show the route that you took from number 3 until the CA was completed?

A. The platoon went generally along right through here, I would say, to the best of my knowledge.

Q. Would this also be the personnel with Lieutenant BROOKS?

A. Right, sir.

Q. We will go into the northwestern tip of My Lai (4).

A. Right, sir. We came out in a field right along here (indicating).

Q. How about you and the personnel with you?

A. Well, I went right across here (indicating) and came right up here. I did this two times, came and went back and came right across here (indicating).

Q. Along this route of march that you took, Sergeant BUCHANON, did you observe any bodies lying in the area?

A. Yes, sir, I did.

Q. Would you point to where you saw them and approximately how many did you see?

A. I saw several bodies right along this area (indicating). I can't be sure, I didn't stop to count. Let's see, as I moved through they were lying somewhere in this area right in here.

Q. Number 4 will depict the approximate area where Sergeant BUCHANON saw the unknown number of bodies lying.

Is there anything else in this general vicinity that you may have observed? Any key event which sticks to your mind?

A. The burning of hootches, that's all. The hootches were burning right along here. I mean there was smoke coming from all over. There was a lot of smoke coming up. The place was getting pretty smokey.

Q. Did you see Lieutenant BROOKS down here as you approached the north-central portion of the village?

A. As we were moving over here (indicating), Lieutenant BROOKS came out right over here, somewhere right about here. We began to move the platoon over this way.

Q. Number 5 will show the approximate area where Sergeant BUCHANON saw Lieutenant BROOKS coming out of the northeastern part of My Lai (4).

Sergeant BUCHANON, what happened at this time?

A. We met up there, and he said that we were going to move from this area over to our left and search this place over here.

Q. When you point at the map you are talking about the hamlet which is located at the northwestern part of My Lai (4). Is this correct?

A. Yes, sir.

Q. When you say he talked to you, did he communicate with you by voice, by radio, or how?

A. When we came out of here (indicating), this squad began to come out. He didn't actually tell me that, but the

squads began to come out, and one of my men motioned to me that they were going this way. We just went out in this direction. He apparently had directed the men to move out in this direction. He didn't physically say anything to me.

Q. In other words, one of the men more or less pointed into that direction?

A. He just pointed in that direction. We got out of here and we formed those three prongs. We then moved over in this direction (indicating).

Q. While you were moving from My Lai (4) to this hamlet north of it, were you directed to pick up any weapons from any dead VC that were in the area?

A. I don't remember if we were directed or not, sir. I remember picking up one.

Q. You did pick up one?

A. Somebody in the platoon did. I handled the weapon. I saw a man. He was a VC. He had homemade trousers and homemade equipment on.

Q. Could you show the approximate location where you may have found these bodies?

A. I can't remember, to tell you the truth, sir. I do know we picked them up. It could have been, I will say right out in here, sir. (Witness indicated area, which was then marked as point 6.)

Q. You say you went up there when you landed?

A. We formed three prongs like this. It wasn't actually a real fancy one. They were generally in that formation. When we went across here (indicating) they knew to get back in the formation, because we were out in an open area. Nobody told me directly until I got up here in the village, and that's when I actually came face to face with Lieutenant BROOKS, because they were searching the village.

Q. These three prongs that you're talking about--

A. (Interposing) Three lines sir, just three lines.

Q. Which one of those were you in?

A. I was generally behind. I always stayed behind and Lieutenant BROOKS to the front.

Q. Were you in the center?

A. I was behind the center squad.

COL WILSON: You moved from My Lai (4) to another village three squads abreast, in columns?

A. They were separated, sir. They were in three single files. That's the way we always moved, three squads in prongs, generally staggered and not walking directly behind each other. They were walking staggered, a squad here and a squad there and that was the way we always went.

Q. Did you go to the village?

A. Yes, sir.

Q. Actually, you doubled back to hit this village?

A. No, sir. We left this one and turned left and went over to this one. To the best of my knowledge, that's the way it was, sir.

Q. You say you were going from here around up to here?

A. Well, sir, most of the people began to move out from this area (indicating). I think I ran back to about this area here (indicating) looking for something, I can't recall. They were already moving back to here, so I chased behind them. I went around something like this (indicating).

Q. How about these VC now?

A. All they did was check their weapons and leave them there.

Q. Did you see them?

A. I saw him, yes, sir.

Q. So actually, then, you had to go something like this?

A. Right, sir.

Q. Sergeant BUCHANON, would you continue on from where you entered the village from the southeast?

A. Right through here going in and around the hootches and around here.

Q. While you were going through this hamlet, Sergeant BUCHANON, did you observe anything unusual or anything that sticks in your mind?

A. Other than we were searching the hootches at this time, and I moved up to this area here, and I went into a large hootch.

Q. Where you're pointing now would be to the northeastern tip of the hamlet then?

A. There was a large hootch there. I entered the hootch after the door was opened. It was unoccupied. I began to search it. I saw a long tunnel complex, a very long tunnel complex. I cautiously went down into the tunnel complex and began looking.

Q. Did you find anything in that tunnel complex?

A. Some old clothes, a lot of clothes and that's what took me a long time. There were several boxes there containing clothes. I began to look into the clothes. I recall taking something to throw against the box to see if it booby trapped, and then I opened it.

Q. When you talk about clothes, what type of clothes were they?

A. Pajamas, gray and black. They weren't new. They had been washed and piled up. It was an unusual amount of several piles. I began to look through the piles and I saw some paper.

Q. Did anybody accompany you in this tunnel?

A. No, sir, not in this tunnel.

Q. You were in there by yourself?

A. Yes, sir. It was a huge tunnel. You could walk into it, so I just walked into it.

Q. Approximately how long would you say you were in this tunnel?

A. I'd say about 20 or 25 minutes.

Q. After you found nothing, I gather you left the tunnel and came out of the building? Now what happened from there?

A. Well, I was looking and I heard a lot of people talking. I just went out to see what they were doing. When I got out here I heard some firing. Then I came back down to about here (indicating). In this area I found a group of dead people.

Q. You heard some firing. You left the building. You went down to the southeastern part of the village and at this time you observed some bodies. Is this correct?

A. Right. Lieutenant BROOKS was coming out from this area.

Q. Lieutenant BROOKS, in this case, was coming from the western part of the village.

A. He was running, too. Both of us were running. I ran from up here and he ran from this way.

Q. What did you see there?

A. There were some bodies that had been shot.

Q. Was there any U.S. soldiers in the vicinity?

A. Right, sir. My platoon was there. The people were there. I asked, "Who is responsible, what happened?" and I didn't get a response. All they said was, "I don't know."

Q. Approximately how many bodies would you say you saw?

A. I didn't count them, sir. I say--I didn't count the bodies. There were not many, just a few. I couldn't say if it were five or ten. I don't know, I didn't count them.

Q. If you were going to use a number would you say five to ten bodies?

A. I would say five to ten bodies.

Q. Point number 7 will show the approximate area in which Sergeant BUCHANON saw approximately five to ten bodies.

When you questioned your personnel, nobody would state as to what actually took place, nobody saw anything, and so forth. Is this true?

(Witness nods in the affirmative.)

What happened at this time?

A. At this time Lieutenant BROOKS came up and said that we were to round up everybody in the village. There would be no shooting of anybody unless they offered resistance, or words to this effect.

Q. Did he give this order on his own initiative?

A. He was talking on his radio at the time. He apparently received the order from Captain MEDINA. They were released in this area (indicating) and told to "Di di mau." They were told to walk in this direction, and they just left on their own. As they departed this way, we started off this way somewhere, along this area, somewhere around here (indicating).

Q. Number 8 depicts the approximate area in which the inhabitants were rounded up and were released.

Sergeant BUCHANON, would you then show the route that you took from point 7_

A. From point 7, I am saying that the unit left this area and went on across like this (indicating), over towards

the cemetery. We walked to the cemetery area. That is all I recall from that point, sir.

Q. Point 9 will show the approximate area from which Sergeant BUCHANON cannot recall the route that he took.

A. I don't recall if we stopped here for chow or went on to the cemetery area to "ring up" for the night. I do know that we remained overnight in the cemetery area. This was the same as Bravo Company. We married-up with Bravo Company.

Q. Can you recall any of the incidents that may have occurred in this northern hamlet, Sergeant BUCHANON. Anything besides the five or ten bodies that you observed?

A. Fire was set to some of these hootches.

Q. Other than that. Is that all you recall?

A. That's all I can recall.

Q. And once you reached this point 9, in the northeastern part of My Lai (4), you don't recall any other incidents which sticks to your mind, at this time, then?

A. No, sir. Other than the fact that we moved over into the area and married-up with Company B and remained overnight.

Q. Do you recall if you observed a helicopter landing somewhere in this general vicinity?

A. I didn't see a helicopter land, sir. I heard about it, but that's only hearsay.

Q. Sergeant BUCHANON, I will now show you the photographs that you have indicated that you recognize. What do you recognize in P-3?

A. I recognize this as being Sergeant PHU, our Vietnamese interpreter.

Q. Do you know the other civilian Vietnamese there?

- A. No, sir, I don't.
- Q. Do you know the area where this took place?
- A. No, sir, I don't recognize the area.
- Q. What do you recognize about P-13?
- A. I recognize Sergeant MARONEY and Sergeant PHU.
- Q. MARONEY would be the second person from the right. Is this correct?
- A. Right.
- Q. And where is Sergeant PHU located?
- A. He is the next man to Sergeant MARONEY.
- Q. Do you recognize anybody else in there?
- A. No, sir.
- Q. Do you recognize where this picture was taken?
- A. I don't recognize the terrain, no sir.
- Q. P-17?
- A. I think, I'm not sure, but this resembles Sergeant LOPEZ.
- Q. Sergeant LOPEZ is the individual who is in the center of the picture. Do you recognize anyone else?
- A. This looks like Sergeant MARONEY again, and this must be PHU there.
- Q. Sergeant MARONEY in this picture would be second person from the right and Sergeant PHU would be the third person from the right.
- Q. Did you recognize this area?
- A. I can't recognize that location, sir.

Q. P-23?

A. Twenty-three. I thought this was PHU here, but this is another man, I don't recognize this Vietnamese here.

(The person to whom Sergeant BUCHANON pointed to in the picture is the second person from the right, the Vietnamese with glasses.)

Q. P-64?

A. I recognize this man here as being Private SMITH. I don't know his first name. I know he is a member of the 1st Platoon.

Q. Private SMITH would be the first individual on the front right. Do you recognize anyone else in this photograph?

A. No, sir.

Q. Do you recognize this area?

A. It looks like we are moving away from My Lai (4) now and going to the--this is my opinion, but it appears to me that we are going to the cemetery area. I'm not sure.

Q. But you are not sure this is coming from My Lai (4) then?

A. No, sir, I'm not sure.

Q. P-66?

A. I recognize PHU.

Q. PHU would be the first person from the left. You don't recognize anyone else in the photo?

A. No, sir.

Q. Do you recognize where this picture was taken?

A. I can't recognize the location, no, sir.

Q. Then you cannot identify any of these photographs as to where they were taken?

A. No, sir. I cannot.

Q. Sergeant BUCHANON, this photograph (P-1) which has just been annotated, if this is correct and to the best of what you can recall from memory, I request you to sign your name in the top left-hand corner.

(The witness signed the photograph as requested.)

The photograph (Exhibit P-1 with annotations) prepared from memory by Sergeant BUCHANON is entered into the record as Exhibit P-146. Sergeant BUCHANON, if I recall correctly, you were with the battalion in Hawaii. Is this correct?

A. Yes, sir, it is.

Q. Prior to your departure for Vietnam did the battalion, company, or you, in this case, did you receive any training at all as far as how you would treat prisoners of war, noncombatants and other instructions on the Geneva Convention?

A. Yes, sir, we did. We received the normal Code of Conduct training. Training that we, as members of the American Armed Forces, were not to break faith or divulge information that would be detrimental to our country. We were advised, of course, that we were to administer, at all times, and observe all the principles of giving humane treatment to people that we did take as suspected prisoners of war. We received no special training on how we should treat the people, because we were told that if an individual was a suspect or suspected to be a Viet Cong, he was to be treated as a prisoner of war. This came into all of our Code of Conduct classes. Several of these classes were scheduled at Schofield Barracks. All the men of the company were present. It was taught by all the officers and the noncommissioned officers.

Q. Do you recall the approximate number of hours that you may have had on this?

A. I can't recall the number of hours. Battalion was scheduling this, our S3. I think that they gave adequate instructions on it. Of course the Code of Conduct was

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scheduled as well as the tactical phase of training and everything else that we received there. There was no special emphasis put on it, I might add. We were given training.

Q. After you arrived in Vietnam did you receive any additional training?

A. We received an orientation on the principles and techniques of jungle warfare. Again we were reminded, by the instructor of course, of what our conduct should be if we became a prisoner of war. Of course, we were to treat the people that we would capture or take under our control as a suspect; we were reminded that we were to treat them humanely, as I recall this.

Q. Sergeant BUCHANON, I show you Exhibit M-2, which is entitled, "Nine Rules." Have you ever seen this before?

A. No, sir, I was not issued one of these.

Q. Have you ever seen one like this before?

A. No, sir, I haven't.

Q. I show you an exhibit marked M-3, entitled, "The Enemy In Your Hands." Have you ever seen this before?

A. No, sir, we weren't issued one of these.

Q. Have you seen it before.

A. No, sir.

Q. Sergeant BUCHANON, is there anything which you can add to the testimony that you have given today, which may be of help to this inquiry?

A. Not to my knowledge, sir.

Q. Sergeant BUCHANON, you are directed that you should not directly, or through others, discuss the My Lai incident, including subsequent investigations and reports, with any person who may have been connected with the incident in any way.

Now this does not apply, of course, if you are required to discuss the case in another administrative,

legislative, quasi-judicial, or judicial proceedings, or as you may be required to do in the performance of your official duties. This means, possibly, you may be called before the House Armed Services Committee, or you may be called before a court-martial, or something of this nature. This means in this case that you definitely would discuss the incident there. What we are referring to in this case is other witnesses and so on.

A. Yes, sir.

MAJ ZYCHOWSKI: Sergeant BUCHANON, we appreciate your coming today and the information that you have given us. The hearing is recessed.

(The hearing recessed at 1530 hours, 8 January 1970.)

(The hearing reconvened at 1150 hours, 9 January 1970.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR MACCRATE, MR WALSH, COL FRANKLIN, LTC MAHAFFEY, and MAJ COOP.

(1SG Jay A. BUCHANON was advised that he was still under oath and testified as follows:)

IO: Sergeant BUCHANON, when this order was issued to you by Captain MEDINA, you had time to talk to Lieutenant BROOKS. Instructions were issued to your squad leaders. You checked over your squads and so on. Did anybody ever question this order to kill all the inhabitants?

A. No, sir. Nobody really questioned that order to kill all the inhabitants. In fact, nobody said anything about it too much. We got the squad leaders in. As I said, I recall Lieutenant BROOKS giving the specific instructions on what squad was on the left and what squad was on the right. I can't give you the details on what squad was where. I didn't hear anybody say anything about it, sir, whatsoever that night. They may have discussed it. I think that one thing, privates, after being with sergeants so long, they won't complain to him unless he calls them in and isolates them away from the rest of the men and says "Look, what's your problem? You got a problem?" Now, together they will discuss things. If a sergeant appears, they will stop right away. Any discussion that was made or any comments that were made, I didn't hear them.

Q. Did you talk with Lieutenant BROOKS about this unusual order? An order to, in fact, commit an atrocity?

A. We didn't get that concept, sir. In fact, Captain MEDINA had given us the impression that we would be outnumbered two to one. There would be a VC company there. We would do battle with the VC company. This was the thing that was ringing in our minds. What were we going to do if there were more people there than we anticipated? This was the thing that we were primarily concerned about. Lieutenant BROOKS was

telling me that if anything happened to him, his map would be in his left pocket and I said, "Well, mine will be in my right pocket." As far as anything else, this was the only thing that we were concerned about. We thought that there would be reinforcements there and we would really have a hot battle at the time. This was the only thing that was really a concern of mine. That is why I took such special pains in preparing the men. I wanted to be sure that they had all the fighting tools that they needed. To destroy all the inhabitants -- we assumed that everything there would be fighting. So, at that time I didn't give it much thought.

Q. You were under the impression that the civilians or the noncombatants would not be there, either?

A. Right, sir.

Q. That they would be gone and you would run into the 48th Local Force Battalion?

A. Right, sir. The VC battalion.

Q. You indicated that after you checked the men and so forth that night, you normally had the practice of giving them a can of beer or so or letting them have a can of beer. How much beer did they consume that night?

A. Two cans per man of hot beer. That's all we could ever afford to buy.

Q. Did some of the men have, in some of the bunkers, a whiskey supplement?

A. No, sir. Not to my knowledge.

Q. What time did you go to bed that night?

A. About 12 o'clock, sir.

Q. If there had been any drinking around there that night, would you have seen it or known it?

A. I would have known it, sir. I went to the bunkers and checked and I saw no liquor.

Q. Do you know of any men in the platoon that made a practice of using marijuana?

A. No, sir. I have never seen, even seen a man that gave the impression that he was under the influence of marijuana. I have seen one man that was drunk, one time. He went down into LZ Dottie village. In fact, I've seen three that were drunk on the whiskey that they bought down in the village. They consumed it in the village. Captain MEDINA ordered some noncommissioned officers to go down and bring them back. That was the only trouble I had with anyone ever being intoxicated. I have never seen anybody that appeared to be under the influence of marijuana, sir.

Q. You landed, Sergeant BUCHANON, with the second lift and you finally joined your platoon. Do you recall waiting until the 1st and 2d Platoons were on line and then receiving an order to then move out?

A. No, sir. When I got there everybody was already moving. As I said, I wasn't even oriented to know where to go at that time. Through the briefing I knew that I had to get on the left side. I couldn't see any of my people, but I saw this arm waving, pointing over there. I went that way. Some of the platoon was just into a portion of the village, on a little foot path. Some of the men were already deployed and they were waiting there. When we got there I was trying to tie the men that I was bringing in with these men. There was no room in the village for them. So, we deployed out in the rice paddy.

Q. I would understand that the 1st Platoon and elements of the 2d Platoon were on the first lift. After they had landed they generally deployed along the left side of the village. They waited for 15, 20, or so minutes until the second lift came in and then they gave the order. When everything was lined up and the 2d Platoon was in and the 3d Platoon was to the west of the LZ, then they gave the order to move out?

A. I got this, sir, that there was a slow movement. There was a halt.

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Q. When you were up in the northwest corner of the village, did you see a pagoda there?

A. Say again, sir?

(The Investigating Officer shows the witness on the artist's representation of the My Lai (4) area map.)

Q. It was generally in this area. Did you notice a Buddhist shrine or a pagoda?

A. No, sir. I did not see that.

Q. I think that looking at this aerial photo would probably be a little plainer. (The IO shows the witness Exhibit P-1.)

Do you remember Sergeant HODGES in this operation?

A. He was in the platoon. Yes, sir, I remember him.

Q. He had one of the squads?

A. Yes, sir. He was the first squad leader.

Q. How many squads did you have on line?

A. We had three small squads on line, sir.

Q. All squads were on line, though? You didn't have two and one?

A. No, sir, not that day. Three squads were on line.

Q. In talking with HODGES he indicated that he had the squad that was generally with the left flank on the northern edge of the village. On the right, they extended somewhat into the village?

A. I can't remember that, sir. I don't know what squad was on that side.

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Q. When you left the village of My Lai, what did you leave it for? What caused you to leave the village of My Lai (4) and head north into the area of the subhamlet of Binh Tay?

A. Sir, nobody has ever explained that to me. I saw the platoon coming out of My Lai. I saw Lieutenant BROOKS directing the squad. I didn't know until I got to the village, and he told me that we were to search this village. At that time, I learned why we had gone. I didn't talk to him because we were moving. I saw him form the platoon. It was always a practice for me to tag behind. I assumed my position, I believe, behind the center squad. We moved until the platoons were in the village, and I ran up to him and he said that we were going to search this village. It was then that I learned that it was our job.

Q. Were you in radio contact with Lieutenant BROOKS?

A. We had a PRC-9 radio, but we never communicated.

Q. Were you familiar with the fact that the reason the 2d Platoon was withdrawn from the village was to locate two or three VC bodies north of this village? In the rice paddy to the north and to get some weapons from these bodies?

A. Sir, I don't know about that being our primary purpose of going over there. I do know that in the process of moving there was one Vietnamese soldier, I assume to be a soldier, who had one M-1 rifle laying across his body. We picked this up. We checked this man's body and we searched it. That's all the weapons I saw.

Q. In Binh Tay, you indicated that you had skirted the edge of the village, generally speaking. You had gone into this house where you located this tunnel complex. You came back out and went to the area where you saw these people who had been killed. You and Lieutenant BROOKS looked into this and why this was done.

A. Right, sir.

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Q. How many bodies were involved here?

A. I can't say. I don't know, sir. It was a very small group. I would estimate between five and ten. We were asking about it and trying to inquire. Nobody seemed to know because there was nobody immediately getting alarmed about it. The people were continuing the search and there the bodies were. I said, "Who in the hell did this? What the hell happened here?" Lieutenant BROOKS came up and he was quite mad about it. He was very red all over. He asked me what happened, and I told him I didn't know. I told him I came up on it at the same time.

Q. Did you ever follow through to find out what did happen?

A. We asked and he asked several people. We asked everybody in the area and nobody knew.

Q. How long were you up there? You moved all by yourself?

A. The thing is, sir, as I moved around the side of the village, I was looking in all the others, and I just happened to see this big house up there. I moved up to that one. It wasn't the fact that I was moving independently or anything. I was going from hootch to hootch looking. I just happened to walk in the door.

Q. How long do you think you were gone from the time that you left the southern portion of the village until you returned back to that same point or the same general area where you found the body?

A. I would estimate between 10 or 20 minutes, sir.

Q. What time of day was that?

A. I don't recall the time too well, sir. It must have been a little before noon, I would say.

Q. How long do you recall staying in the village or subhamlet of Binh Tay?

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A. We weren't there more than an hour and a half, sir. We rounded all the people up and told them to move out.

Q. When you were in Binh Tay, did you see any of the soldiers molest any of the women?

A. No, sir. I didn't see anything. I didn't see any soldiers molesting any women.

Q. At any time, did you round up the citizens of Binh Tay and gather them up?

A. Yes, sir. After the order came to stop the killing.

Q. Stop the killing. Was that fairly late in the game?

A. The people had been shot. We had both assembled on this point. It wasn't very long after that that traffic came over the radio, and he began to yell to round up everyone in the village. We did on the southern tip there. We did and we told them to "di di mau" and everybody was saying it, and they began to walk off.

Q. They moved off to the southwest?

A. Right, sir.

Q. When you left there at Binh Tay, did you move back to the northern edge of My Lai (4) to sweep the rest of your portion of the village?

A. After we left the other village, sir?

Q. Yes? After you left Binh Tay, did you move back into the northern portion of My Lai (4)?

A. No, sir. I don't recall ever moving back into My Lai (4). I don't ever recall stopping near My Lai (4) again. To the best of my knowledge, we continued to move until we got to the cemetery area. If the company stopped there, I am sure we did, but I just don't remember that. It's been a long time.

Q. In the area when you left Binh Tay, did you see an H-23 helicopter land anyplace?

A. No, sir. I did not. I heard about it, but that's only hearsay.

Q. Did you see any gunships land any place?

A. They were flying overhead, but I didn't see any land, sir.

Q. When you reached the laager area that night, did you see anything unusual take place there with the interrogation of prisoners?

A. Captain MEDINA would set up his CP, and he would also have the platoon's form a perimeter, sir. It was a practice. He had a practice or policy that his platoon sergeants would be with their platoons. I was never near the CP unless he would send for us. If he wanted to confer with the platoon he would call for the platoon leader. Rarely did he ever call for the platoon sergeant to come up there. I would come up earlier in the day to get supplies. I went up just before dark I believe, to pick up supplies. I got some smoke and C-rations. At that time I saw nothing out of the ordinary.

Q. Did you see a helicopter land and bring in an officer along with some ARVN and some National Police?

A. I didn't see them land there, sir. I know that there were some National Police with us and some ARVN's. I believe they were in the My Lai village, to the best of my knowledge. I do know that when we "rung up" that night over in the cemetery they were there. Whether they were on the whole operation, with the headquarters body I don't know. I do know that that night there were several, two or three National Police and two or three--we had our own company interpreter, and I think we had another man wearing steel rim glasses of Vietnamese nationality who was in that area. They were all assembled at the headquarters command post that night. I went up there and of course nobody was up there except, possibly, the radio operator. I went to pick my supplies up. Of course, I had my little detail, and we picked up our equipment and moved back down to our area. That was the last time I was up there.

Q. Did you see any interpreters or these National Police interrogate any of these prisoners?

A. No, sir.

Q. Going back, before you got into the laager site that night. Did you pick up any additional detainees or prisoners en route from My Lai (4) to the laager site area?

A. No, sir. Not the 2d Platoon.

Q. The 2d Platoon did not?

A. Not to my knowledge.

Q. When you went south the next day, past Hill 85 and through the hamlets of My Khe, did anything unusual happen during that day, that you recall?

A. The only thing that did occur that day, sir, was this man MEADLO. I don't know what the circumstances or the details were, but he was medevac'd, and he lost a leg. I never learned the particulars on it.

Q. Did you see any hamlets or groups of houses that were burned that day?

A. That particular day, sir?

Q. Yes?

A. I know at My Lai they were burned and the little hamlet over there, a few of the houses were burned.

Q. At Binh Tay, then some of the houses were burned?

A. Just a few, yes, sir. Some of them were burned. I don't recall any burning after that operation. As I remember, there were no other houses or any other villages burned after that day.

Q. Do you recall, down in the area of generally the Song Tra Khuc River, running into some resistance along

about My Khe and picking up some prisoners? These prisoners included a political officer and a nurse?

A. That is pretty hazy to me, sir. I remember the action, but, I think we did pick up a nurse. The action wasn't that significant, I don't think.

Q. The following day when you were moving north, do you remember seeing a helicopter come in to where Captain MEDINA was located? This was about noontime of the third day. Colonel HENDERSON was aboard.

A. I don't believe I do, sir. The helicopters were continually flying around the area, and whether one landed or not, I cannot say, because I didn't physically see one.

Q. Over on the coast there are three villages called Co Lay. Sometimes these are known as Co Luy. As you were talking with the company, and also you undoubtedly had some friends in B/4/3, did you hear anything about any killings that may have taken place in the area of Co Luy or Co Lay on the 16th?

A. I understand that B/4/3 was in an operation similar to ours. I don't know what damage they did too, I didn't actually know anybody in that unit. We were all trained in Hawaii together, but we didn't get to know anyone. We stayed out in the woods so much we didn't make too many friends. Actually, I didn't know a man in that unit. I knew the commanding officer because he chewed me out. This happened at LZ Dottie, or I wouldn't have known him.

Q. What did he chew you out at LZ Dottie for?

A. One of my bunkers there, two of my men, I wasn't around, but two of my men were playing "think fast" with a grenade, and he went and got me and got on me about that.

Q. In the area where you were picked up by helicopters early on the afternoon of the third day, before returning back to Dottie, were any instructions issued to you at that time, or at any time, by Captain MEDINA concerning talking about this operation and so forth?

A. This was done after we got back to LZ Dottie, sir. Here again, he assembled the company and said that we did a good job. He said that he felt that an investigation was in process and would be forthcoming. If any reporters or anybody should come around or anybody should ask any questions direct them to the CP. That was just about all he said about it, sir.

Q. Did you go back in one of the first groups that went back? We understand you were lifted in, not by slick, but by Chinook or CH-47?

A. You mean back to Dottie, sir?

Q. Back to Dottie.

A. No, sir. We were in a slick. I don't recall a Chinook coming in that day. I believe they made several runs with their slicks.

Q. We understand that slicks were subsequently used, but one of the initial platoons was, or elements, was picked up by a Chinook?

A. No, sir. I didn't go back with that group. I was returned on a slick.

Q. When you were questioned by Colonel HENDERSON, did he talk to the men collectively first?

A. No, sir. He didn't actually question anybody. The question was directed at the group. As we got off the helicopter, and everybody jumped off, and were beginning to go down the hill, he just stopped and said "Men, have you conducted yourself," I can't quote him, but he said "Have you conducted yourself in a manner that the Vietnamese, when they see you again will say, here comes my friend?" I specifically remember those words. That's just about all I remember. I don't specifically recall him asking any questions about any inhumane acts or killing of any noncombatants. I don't remember him asking that question to the best of my knowledge. He may have, but I don't recall it. The question was directed generally at the entire group, and then he asked me. He said, "What do--

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Q. (Interposing) How many people were in the group?

A. Not more than six, sir.

He directed it to me, and he said, "What about you, sergeant?" and I said "I have no comment, sir." If he had asked me why, then I could have or might have said something else, but at that time he said "Okay" and went down the hill.

Q. I put this in a different phraseology. This is what we have heard. "Well, you men have been on this operation and you've done quite a good job, but I understand there has been some unnecessary killing of women and children. Do any of you know anything about that?" Would that be representative of what he said?

A. No, sir.

Q. No?

A. No, sir. I'm sure that wouldn't be representative of what he said.

IO: Mr. MACCRATE?

MR MACCRATE: Sergeant BUCHANON, did you have any special responsibilities with respect to the gathering of information on KIA's? Did you bring the information together within the squads as to how many killed or wounded there were or weapons taken or any of that information? Did that pass through you, or did you call for it?

A. That was generally a platoon responsibility. If we were in an area and somebody got hit, I would report it to the platoon, but that was not a special responsibility. No, sir.

Q. During the operation on 16 March, do you have any recollection of gathering such information and passing it along?

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A. We did not gather any information on any body count or any casualties, sir. The only thing primarily was that had anybody in my platoon become a casualty, this would have been reported.

Q. Did you, within your platoon, at any time during 16 March, submit any figure of VC KIA?

A. No, sir.

Q. Did you, at any time, submit any figure with respect to civilians or noncombatants who had been killed or wounded?

A. No, sir.

Q. Were you ever asked to provide either figure on VC KIA or civilian wounded or killed?

A. No, sir.

Q. Do you remember Sergeant PHU? I think you referred to him earlier as the company interpreter.

A. Yes, sir. I remember him.

Q. Then you spoke of another interpreter who wore glasses, Sergeant MINH?

A. I didn't name the individual because I didn't know him, sir. I did see him at the "ring-up" at the cemetery site. That was the time I actually saw this individual. I knew he must have been new in the company because Sergeant PHU had normally been our interpreter throughout our operations. I couldn't say if the man's name was MINH or what. I didn't know.

Q. Do you recall where Sergeant PHU stayed while he was at LZ Dottie?

A. I would assume somewhere near the CP, sir. I don't exactly know where or what bunker he was in. He must have been near. He probably lived with the radio operators, but I can't be exactly sure, sir.

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Q. Do you know if he was in the same bunker with Captain MEDINA?

A. I don't know, sir. I can't say.

Q. Do you remember seeing him the night before this operation on 15 March?

A. I didn't see him the night before, sir.

Q. You didn't see him at any of your platoon's bunkers as you made the rounds that evening?

A. I didn't, sir.

MR MACCRATE: I have nothing further.

MR WALSH: Sergeant, you referred to three small squads that went north with your platoon. I wonder if you could be more specific about how many men were involved?

A. Normally, the squads--I can't specifically give you the exact number, but I do know we were low in strength. I would say that the first squad had about eight, nine, or ten men. The second squad had about five and then the third squad had about seven I believe. What we had done was to split the machinegun. We put one, I believe it was the third squad along with the first squad. We were down, and I don't recall exactly, but we were under strength. We were far from being up to strength, I know that.

Q. Your best estimate would be somewhere between 15 and 20 people then?

A. I'd say about, possibly about 20. Twenty to twenty-one at most.

Q. Now, I think you said that after you had been in the village for perhaps a half an hour, and you had been examining the tunnel complex, that you came back and found these bodies. Now, was that at about the same time that Lieutenant BROOKS saw them, also?

A. Well, there was some firing, a blast, and I began to move up. He was coming from another direction, apparently. There were two or three men standing at that distance as far as perhaps where the major is standing (approximately 8 feet indicated), and looking, and I said "What the hell goes on? What happened?" I asked four or five people what happened, and they said they just came up the same time I did.

Q. How long after that did Lieutenant BROOKS--

A. (Interposing) He appeared almost simultaneously, too.

Q. He was pretty mad about it?

A. He was mad. Yes.

Q. What did he do to follow up on this and find out what or who had done this?

A. He began to ask everybody right there. In fact, he was in the process of asking me when the order came for everybody to move out.

Q. And everybody denied it?

A. Everybody said they didn't know.

Q. He just let it drop at that point?

A. No, sir. We talked about it back at Dottie. He asked several people about that, and he was concerned about it. What happened after we got back to Dottie, I can't say. I do know that he was concerned about it. He did ask the squad leaders about it. I recall that.

Q. Did he talk to the company commander about it?

A. I don't know, sir. He didn't mention it to me.

Q. After talking to the squad leaders, did he discover any information as to who did it or anything about how it happened?

A. If he discovered anything, he didn't discuss it with me. He mentioned on two occasions "I'll find out what happened here." We didn't discuss it, but he said he would have to find out what happened there.

Q. Was it your impression that this is something he would have discussed with the company commander?

A. He might have discussed it with the company commander. I feel reasonably sure he would have. He didn't mention it to me. He was a quiet type of individual, and he didn't do a great deal of talking.

MR WALSH: I have nothing further.

IO: When you were going through the northern part of the village, that part that you had seen up to the time you had departed, how many dead civilians did you see in the northern part of the village there?

A. Are you referring to the second village that we searched?

Q. No. The northwest part of the village that your platoon -- My Lai -- that your platoon had proceeded through prior to the time that you exited the village to go north?

A. As we moved through the village, sir, I can say that we saw a small amount of old males and females. I don't know the exact number. I would not say a large amount. There were a few. I couldn't estimate the number in the portion that we moved through. I will say there were some, but I can't specifically say the number, because I didn't stop and count them. I kept moving.

Q. Did you suspect that they had been killed by members of your platoon?

A. I didn't suspect that, sir. No, sir. I didn't know how they had been killed. I didn't even stop and think about it at the time.

Q. In looking at them, did it appear that they had been killed by small arms, by artillery, or by gunships?

A. I will say, as we were moving through the area you could see brains and bone structures. It could have been some heavy stuff. I don't know, sir. I couldn't say. You couldn't help but see it as you moved through the area.

Q. Did you see anybody shoot anybody at all?

A. No, sir. I didn't physically see anybody shoot anybody.

Q. After this operation, were you ever questioned by Captain MEDINA, by Colonel BARKER, by Colonel HENDERSON, or by anybody as to what you observed on this operation?

A. No, sir.

Q. Did you ever prepare a written statement on what you had seen?

A. No, sir.

Q. You were in Binh Tay and the civilians had been rounded up. Was there any discussion at all, by anybody, or any arguments going on, about killing the civilians?

A. Not my knowledge, sir. No, sir. The order came down, no more killing. That was it. Nobody said anything. We began to assemble the people and brought them all down. I estimate between 50 and 60, as I stated before. I heard no arguments about who was going to kill. No, sir. We assembled the group of people and everybody began to say the phrase "di di mau" or "di di," and they began to walk.

Q. After this operation was all over, Sergeant BUCHANON, how did your men feel about this whole thing?

A. Here again, sir, no private would ever, as a rule, come up and talk to a sergeant. The only man I ever heard say something about it was Sergeant BERNHARDT. He was a private at that time. He didn't think it was

conducted the way it should have been, and it wasn't his cup of tea, as he phrased it. Other than that, I didn't hear anyone else say anything. Of course, he was an outspoken individual anyway. He was always on the border line of disciplinary action. So, I didn't say anything to him at the time. Nor did Lieutenant BROOKS, I don't believe. All the other men, they may have discussed this, but it's pretty hard for a sergeant to get anything out of a private. If he has a personal problem you take him alone somewhere and you will probably get something. They will talk among themselves, and when you appear they will probably stop talking.

Q. To your knowledge, did anybody ever sit down personally with any men of your platoon and talk to them about what may have happened?

A. No, sir.

IO: The hearing will recess at this time.

(The hearing recessed at 1230 hours, 9 January 1970.)