

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

Volume II
TESTIMONY

BOOK 18

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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 18

CONGLETON
DAHNER
HIDDE
MARSHALL

MUNDY
SWEENEY
WILKENS

BRETENSTEIN
CARDINES
FERNANDEZ

14 MARCH 1970

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SUMMARY OF TESTIMONY

WITNESS: CONGLETON, Lawrence L.

DATE OF TESTIMONY: 29 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Radiotelephone Operator for Captain MICHLES, B/4/3.

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

Mr. CONGLETON stated that B/4/3 received general instructions regarding the handling of PW's and noncombatants (pg. 3). He testified that he had seen the MACV card, "Nine Rules", but he did not recall the MACV card entitled "The Enemy in Your Hands". He was issued a card explaining the Geneva Conventions in Hawaii (pg.4). The witness never received any training regarding reporting the mistreatment of PW's or noncombatants (pg. 5).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

CONGLETON said that he did not recall the exact details of Captain MICHLES' operation order (pgs. 5, 7). It was MICHLES' practice to issue the operation order to the platoon leaders who would pass the order on to their platoons (pg. 6). He felt that B/4/3 was to completely destroy the area. There was no direct order given to kill civilians, but they had received clearance to burn (pgs. 5, 9). The general impression created was that there was a risk that noncombatants would be killed (pg. 94). There were no instructions given regarding the disposition of civilian inhabitants (pg. 11). The witness recalled receiving permission from Task Force headquarters to burn villages while part of Task Force Barker (pg. 12). Normally, the province chief was required to give his permission before

(CONGLETON)

1

SUM APP T-229

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burning was allowed (pg. 12). No order was given to destroy or kill the animals. However, since the village was to be destroyed or burned, it would follow that this would include the foodstuffs (pg. 12). Everyone in the company knew that this was an extremely hostile area from their prior operations there (pgs. 5, 9). The men called the operational area Pinkville (pg. 9). He recalled that the first platoon was to cross a bridge onto a finger of land that ran along the ocean. The remainder of the company was to link up with C/1/20 on 16 March and night laager with them (pg. 8).

3. B/4/3 COMBAT OPERATIONS 16-19 MARCH 1968.

a. 16 March.

(1) The assault.

CONGLETON was carrying a radio tuned to the battalion net on 16 March for MICHLES (pg. 2). The LZ for the combat assault was located about 150 meters south of Highway 521 (pg. 20). He did not recall an artillery prep, but the gunships and the doorgunners were firing as they went into the LZ. The gunship runs were from south to north (pgs. 17-19). They received no fire prior to landing and the infantrymen did not fire as they exited the aircraft (pg. 17). He believed that he and MICHLES went in on the first lift (pgs. 9, 21). After exiting the aircraft, the second platoon moved toward Pinkville, but after setting off a mine in a hedgerow, they attempted to go through in another place. Again they were frustrated by a second mine (pg. 21). Unlike the first mine which killed Lieutenant COCHRAN, the second mine explosion killed no one. However, it wounded four men who were medevac'd by Lieutenant Colonel BARKER's C&C ship (pgs. 23, 24). Subsequent to the second mine detonation, BARKER ordered that B/4/3 was not to go into Pinkville (pgs. 8, 24). This in effect altered their original operational plan (pgs. 8, 24, 25). After BARKER's rescission, the CP moved west to a small village. It was at this time that the MI team arrived (pgs. 12, 27). However, the witness did not recall Captain KOTOUC ever joining B/4/3 (pg. 16). He recalled that their first platoon reported a few kills, but he did not remember the number (pg. 34). He did not know if they requested gunship support on 16 March (pg. 34). He believed that the mortar platoon fired a prep prior to the first platoon crossing a bridge. However, he did not believe the prep was accurate (pgs. 34,35).

(CONGLETON)

2

SUM APP T-229

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He did not recall any burning that day, nor did he remember a scout ship accompanying the gunships (pg. 45). He did not recall any engineers or Air Force personnel being attached for the operation (pg. 13).

(2) Night laager with C/1/20.

At about 1500 hours B/4/3 linked up with C/1/20. C/1/20 had 15-20 Vietnamese military personnel including three or four National Policemen accompanying them (pgs. 33, 37, 38, 88). C Company also had some detainees (pg. 37). The witness did not see the National Police execute any of the VC suspects. However, he heard that they had killed more than one of them (pgs. 39, 85). He did not hear any firing inside their perimeter that night (pg. 43). The Vietnamese military personnel stayed in the laager position that night (pg. 42). MICHLES did not appear to be angry over the fact that the suspects had been killed (pg. 86). At the laager position the witness did not recall hearing or participating in any conversations concerning C/1/20's operation that day. He did not hear that C/1/20 had conducted itself in an unusual manner that day (pg. 86).

b. 17 March.

(1) Movement south.

On the morning of 17 March, B/4/3 went over nearly the same trail that they had come in on (RD 521) (pg. 44). Once again the first platoon made contact. The witness believed that gunship support was called in (pg. 44). They fired on a target south of the bridge (pg. 46). TAYLOR was wounded by a mine, not a boobytrap, on the east side of the bridge (pgs. 47, 48). CONGELTON opined that the mines found on the approach to the bridge that morning were placed during the previous night. This was also the opinion of the members of B/4/3 (pgs. 48, 49). After they crossed the bridge, a helicopter landed about 50 yards east of the bridge where Lieutenant LEWIS, COCHRAN's replacement, and a combat photographer wearing a soft cap and a MACV patch joined B/4/3 (pgs. 14, 15, 49). Although this photographer appeared to fit the description of HAEBERLE, the witness claimed it was not he. (pgs. 14, 15). He did not recall the photographer carrying a camera (pg.15).

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CONGLETON did not recall anyone other than the photographer and LEWIS getting out of the aircraft which he did not believe was the C&C ship (pg. 50). The witness did not notice anything abnormal about the enemy contact that morning (pg. 51). The company moved south, with the second platoon travelling along the beach to the mouth of the river (pg. 53). The witness stated several times that he did not see any bodies on 17 March, nor did he see any hootches that looked as if they had been burned the day before (pgs. 53, 54, 55, 57). However, later that day they burned some hootches further south down the peninsula (pg. 54). The company moved to the Tra Khuc River on 17 March (pgs. 54, 55). The only Vietnamese civilian the witness saw that day was a woman that the ARVN's took in as a cook and subsequently released (pgs. 56, 57, 59). While moving south, CONGLETON did not remember seeing any fires to the west or hearing any shooting in that direction (pg. 61).

(2) BARKER or CALHOUN landing.

The witness believed that while they were down on the point either BARKER or Major CALHOUN landed to visit with MICHLES. The visitor stayed for 15 or 20 minutes and talked with MICHLES about the operation (pg. 61). CONGLETON did not recall any specifics of this conversation (pg. 62).

(3) Night laager on 17 March.

B/4/3 did not receive any small arms fire that night (pg. 61). CONGLETON did not recall BARKER coming into the laager area that evening. If BARKER had, the witness believed he would remember (pg. 65). CONGLETON was also acting supply sergeant. He did not recall any unusual requisitions for 17 March (pg. 64).

c. 18-19 March.

(1) Return north.

On the morning of 18 March, B/4/3 moved north. CONGLETON did not recall the discovery of a 3,000 pound rice cache that day (pg. 66). Although the witness recalled no specific orders to stop the burning, it appeared to him that their mission had changed from a search

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and destroy to pacification, i.e., reconnaissance in force (pgs. 67-69). He recalled an order coming in over his radio concerning a MEDCAP mission which was conducted at about 1400 hours. There were approximately 1000 people in the village at that time (pgs. 67, 68, 70). He did not remember the make up of the MEDCAP team (pg. 75). CONGLETON recalled B/4/3 taking a VC suspect that day (pg. 69). He did not see a field telephone being used to interrogate this suspect, but he thought he was roughed up by someone (pgs. 85, 89). The suspect escaped from them on 19 March while moving north near the fish pond area (pgs. 69, 82). Late in the afternoon a woman wounded by artillery or a mine, was medevac'd (pg. 82).

(2) Night laager on 18 March.

CONGLETON did not recall anyone getting off the resupply ship and joining B/4/3 that evening (pg. 77). That night they were mortared and received small arms fire. One man was killed and four or five others were wounded (pg. 77). He testified that the mortars were 60 mm, and there were only five or six rounds fired and not 12 rounds as reported in the log (pg. 78). The wounded were evacuated within 15 to 30 minutes after the attack (pg. 80).

(3) Other information.

The Vietnamese accompanying B/4/3 on this operation told the witness that all villages south of My Lai (1) along the coast were part of a Viet Cong stronghold. Therefore, the ARVN's and the National Police were not bothered when B/4/3 burned the villages (pgs. 72, 73). CONGLETON did not see Vietnamese interpreters or National Police using a field telephone to interrogate suspects on this operation (pg. 76). When B/4/3 was extracted, CONGLETON did not recall if the Vietnamese accompanied them to LZ Dottie (pg. 87). He never saw an MI officer use a knife to interrogate detainees, nor did he hear of a U.S. intelligence officer cutting off part of a suspect's finger (pg. 90). He knew that soldiers smoked marijuana, but he had no knowledge of anyone smoking it during this operation (pg. 93). HOOTON, TAYLOR, and TITTLE usually operated as first platoon's point group. They were very efficient, but CONGLETON never saw them commit an atrocity, nor did he hear of anything that would lead one to believe that these men would commit atrocities (pgs. 96, 97).

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4. RADIO TRANSMISSIONS, 16-18 MARCH 1968.

The only transmissions CONGLETON recalled hearing from C/1/20 concerned a man shooting himself in the foot. He recalled no transmissions from C/1/20 reporting a large enemy body count (pg. 26). The witness probably radioed the first platoon's second report of enemy kills into Task Force Barker headquarters (pg. 36). On the evening of 16 March, CONGLETON recalled no request from BARKER or CALHOUN to report the number of women and children killed (pg. 43). He did not recall any transmission to BARKER on the morning of 17 March (pg. 44). The witness did not recall any transmission to C/1/20 regarding an order to cease fire. He did not recall an order to resweep My Lai (4), or the division CG intercepting and countermanding the order. However, this sequence sounded familiar to CONGLETON (pg. 63). He did not recall requesting a medevac for a woman wounded near the bridge on 17 March (pg. 64).

5. INQUIRIES ABOUT THE OPERATION.

The witness did not have any knowledge of investigations or anyone being questioned concerning the Pinkville operation (pg. 92). He never heard that there was an investigation conducted regarding the operation. He was never told not to discuss the operation, nor did he know of anyone told not to discuss it (pg. 93). He heard no rumors about civilians being rounded up and shot, about unnecessary killing during the operation, or about a large number of civilians being killed (pgs. 93, 95).

6. OTHER INFORMATION.

a. The witness stated that he had not discussed the 16 March operation with anyone who had participated in it (pg. 2).

b. CONGLETON did not recall B/4/3 burning villages or hootches subsequent to the 16-18 March operation (pgs. 91, 92).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit had not seen.	4
M-3	MACV Card "The Enemy in Your Hands"	Wit had not seen.	4
P-18	Black and White photo	Wit identified HUFFMAN and also the night laager position on 16 Mar 68. Identified Vietnamese as C/1/20 detainees of 16 Mar 68.	28,40
P-19	Black and White photo	Wit did not recognize anyone.	29
P-20	Black and White photo	Recognized as personnel from B/4/3 mortar platoon. Pointed out Sergeant MARSHALL.	29
P-21	Black and White photo	Identified LT JOHNSON and interpreter.	30
P-22	Black and White photo	Same as in P-21.	30
P-23	Black and White photo	Identified CPT MICHLES, MERCER, and interpreter.	31
P-28	Black and White photo	Not the same grave yard as one near night laager position of 16 Mar.	32
P-168	Aerial photo, Son My village complex	Oriented witness.	20

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-193	P-168 as annotated by the witness.	1-LZ of B/4/3 located here.	21
		2-LT COCHRAN killed here.	22
		3-Second mine at hedgerow detonated.	23,24
		LTC BARKER's C&C ship landed to evacuate the wounded.	
		4-Night defensive position B/4/3 shared with C/1/20.	33
		5-LT LEWIS and ROBERTS flown into B/4/3 at this location.	49,50
		6-Two platoons moved south of night defensive position and returned.	53,54
		7-B/4/3 night laager on 17 Mar.	56,60
		8-MEDCAP conducted at this village.	74
		9-Night defensive position received mortars night of 17 March.	77
		Entered into evidence.	98

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(The hearing reconvened at 1110 hours, 29 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named persons are present: COL WILSON, MR WALSH, LTC NOLL, and MAJ THOMAS.

The next witness is Mr. Lawrence L. CONGLETON.

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

Would you please state your full name, occupation, and residence?

A. Lawrence Lee CONGLETON, student, 4816 Ivy Lane, Evansville, Indiana.

COL WILSON: Before we proceed with any questions, I would like to explain several things.

The Peers Inquiry was directed by the Secretary of the Army and the Chief of Staff of the Army for the purpose of determining the facts and circumstances and making findings and recommendations on what is referred to as the My Lai incident of 16 March 1968.

In conducting his investigation, General PEERS determined that there was a requirement to know what ground operations of B/4/3 as well as C/1/20 were during the period 16 to 18 March 1968. He did appoint, at that time, another interview team which is Interview Team C, which is this team here. We are to interview personnel and build a picture of the operation which took place during this period.

Your testimony will be taken under oath. A verbatim transcript will be prepared. We also have a tape recorder which will be running through the interview, in addition to the notes being taken by the reporter.

Although the general classification of the report is confidential, it may be that the testimony will become a matter of public interest; may be released to the public. We don't know at this time.

(CONGLETON)

1

APP T-229

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During the interview, the board will follow a chronological sequence. First, we will ask questions concerning training in Hawaii and right after you got to Vietnam; second, we're concerned with the briefing prior to the combat assault; next would be the combat assault and the operation that took place on 16 to 19 March; and finally, any information you may have on the investigations, complaints, or matters at this time, which you may know about or may have heard about. We do accept hearsay information here. It is encouraged. Do you have any questions regarding what I just told you?

A. No, sir.

Q. Well, this board consists of three of us. Mr. WALSH is a civilian attorney who has volunteered his services to the Secretary of the Army to assist General PEERS. I am a member of General PEERS' board and Colonel NOLL is a member of the board. The three of us have authority to question you. We do not have the authority to make findings. This is strictly the responsibility of General PEERS: the findings and recommendations and the overall investigation. We are merely instruments to get the information for him. He may come in at any time, it's quite possible, or any other member of his board may come in here and question you.

We would like to ask you if you have discussed this operation with anyone prior to coming to this interview.

A. A few of my friends back home, but nothing in real detail or anything like that.

Q. Have you discussed it with anybody that participated?

A. No, I haven't.

Q. What was your assignment on 16 March 1968?

A. I was a radio operator.

Q. What net were you on?

A. I usually carried the battalion radio.

Q. For whom?

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A. For the company commander, Captain MICHLES.

Q. How long had you been in this job?

A. I had the same job when I was in Hawaii. I was Captain MICHLES' jeep driver, so I guess I'd been doing that for at least 2 years.

Q. Were you given any specific training prior to departing from Hawaii with reference to handling of prisoners of war and civilian noncombatants, classifications and so forth?

A. We had general instructions on how to handle them. I can't remember the exact training. We had a special Vietnam orientation for handling prisoners and civilians.

Q. Who gave you this, do you recall?

A. I'm not really sure. I didn't go through the same training that most of the people went to because I was going to Vietnamese language school. I was sort of a halfway interpreter, but I'm not a regular interpreter.

Q. Were you going to that language school while the company was getting this training prior to embarkation for Vietnam?

A. I went almost 2 months to that school.

Q. What period was that?

A. I started in September all the way to about a week before we left for Vietnam.

Q. Right before December then?

A. Yes.

Q. Two months?

A. Yes.

Q. When you arrived in Vietnam, were you given any specific training on those subjects that I questioned you about?

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A. I'm not really sure. I can't remember.

Q. Let me see those MACV cards.

(RCDR hands cards to COL WILSON.)

I have facsimiles of two Military Assistance Command, Vietnam cards. The first one is Exhibit M-2, titled: "Nine Rules." Have you ever seen that card?

(COL WILSON hands exhibit to the witness.)

A. I believe I've seen it before.

Q. Were you issued one of those cards?

A. I probably was, but I don't recall for sure.

Q. The second one is Exhibit M-3, titled: "The Enemy in Your Hands." Have you seen this card?

(COL WILSON hands exhibit to the witness.)

A. I don't think I've seen that one.

Q. Were you issued any cards that you can recall, either before or after arrival in Vietnam?

A. I was issued the Geneva Convention card.

Q. Do you have that card?

A. No, I don't. I lost my billfold, sir.

Q. Was this card issued after a class or how was it issued?

A. I believe it was issued when we were in Hawaii. I think it was in an orientation class. I'm pretty sure.

Q. After the class, did everybody get a card or how was it handled?

A. I'm not sure.

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Q. Did you ever receive any information at all on reporting mistreatment of PW's civilian noncombatants, or types of procedures on how to report and so forth?

A. No.

Q. Your language school, was it primarily spoken Vietnamese or did you get into the written language?

A. It was almost all spoken. It was objective.

Q. And was the technique of instruction built around interrogation or was it--

A. (Interposing) No, it was more domestic speaking, most of it I believe.

Q. Common, everyday phrases and so forth?

A. Right. We had a Vietnamese major who taught us military terms, and then we had a Vietnamese lady. We spent most of our time with her.

Q. In other words, not so much on the military end of it.

A. No, not too much on the military.

Q. We would like to go now to the briefing which you received prior to the combat assault. What we would like to do is get what you remember on this, and then later we'll give you a better idea of what we know about the operations and then we'll ask you questions on it. I want to find out as much as possible concerning what you recall from this briefing. Would you describe in detail the what, when, where and who?

A. Okay. I know prior to the operation I can't remember the exact details of the operation order, but it was sort of felt that we were going to completely destroy this area because we had been there before and we always received a lot of fire and harassment down there. As far as killing civilians, that wasn't a direct order or anything like that. We had received clearance like to burn a village or something like this, because this was a real bad area. We always got contact there. As far as any definite orders, I can't remember anything like that.

Q. You mentioned that you had received orders to burn the villages. Was this prior to the combat assault?

A. I believe so. We'd been down there one other time and while we were there--after we were there for a while, they got clearance for us to burn this one area because it was bad, but we had to wait a little. I think prior to this operation we had clearance to do this.

Q. Where was this briefing given?

A. It was at our fire base. I can't remember whether we left from LZ Uptight or LZ Dottie. I'm really not sure, because I've been down there several times and we left from each one at a different time. I can't remember.

Q. We might be able to pick that up later. Where was it given? Was it given in the CP, was it given in a bunker, or was it given out in the open?

A. Well, the operation order that I was familiar with, I would usually sit around when the company commander would talk to the lieutenants, to the platoon leaders, and I would listen in on this operation order. Then the platoon leaders would go back and give the operation order to their platoon sergeants and squad leaders. So I just heard it at the platoon leader level.

Q. Is this time frame fixed in your mind, 16 March, 16, 17, and 18.

A. I think I have a pretty good idea of the operation it was.

Q. Whom did the company commander normally have at these briefings prior to a combat assault, and was there anything unusual about this briefing from the personnel attendance?

A. Normally, it would be the platoon leaders and sometimes the platoon sergeants if the platoon leader wasn't available, but always the platoon leaders.

Q. And the RTO's?

A. Just myself and maybe the other CP RTO's would be there, but the platoon RTO's wouldn't be there.

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Q. What about the first sergeant?

A. The first sergeant--I don't think our first sergeant was in the field at this time. I think he had gone back to our base camp.

Q. Exec?

A. He was not in the field, either.

Q. Supply sergeant?

A. No, not the supply sergeant.

Q. Any of the others?

A. In the field I was considered the supply sergeant, because I carried the radio, and then I broke down the supplies at night when we got them and things like this.

Q. Is there anyone else that you can recall attending the briefing. I'm thinking of command group personnel such as medics?

A. Well, we usually had one bunker set aside for the command group and if the company medic happened to be in the bunker for the briefing, he would listen in on it too. But he wouldn't have to be there.

Q. Anybody else you can think of?

A. Anybody else that might have just happened to be there at the time could have heard it, but this wouldn't be normal procedure.

Q. What time of day was this, do you recall?

A. No, I wouldn't have any idea.

Q. Now, think as much as you can on what Captain MICHLES said at this briefing?

A. I don't recall anything that he definitely said. Things like that didn't stick in my mind too much at the time, I mean as far as staying with me for a long time.

Q. Do you remember whether he told the platoons what they were going to do and what was the deployment after they arrived in

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the objective area, where they were to go and so forth?

A. I remember the 1st Platoon was to cross this bridge and go over on what we called a causeway. It is a little finger of land that runs along the ocean. They were going to spend the night over there, and our platoon was going to join up with Company that evening and later on that day.

Q. You mean the rest of the company?

A. Right.

Q. Was there any specific assignment for the 2d and 3d Platoons other than the eventual link-up with Charlie Company?

A. We were to search this given area, but as far as-- I can't really remember, but as far as normal searching around that we usually did right after we got on the ground, we hit a couple of mines and we had to change our route just a little bit because of that.

Q. Did the captain use a map when he briefed them?

A. Oh, I'm sure he did.

Q. Did he describe any particular area he wanted searched or did he normally do this?

A. He would give coordinates where we would land and he would give coordinates to where we would proceed to and usually he had--I can't remember what you call it, the clear plastic over the maps, acetate, and he would mark this on a grease pencil like an arc where the company would go or something like this.

Q. Were there any special instructions given at this particular operation aside from a little difference here that there was a platoon going off by itself, but anything other than that was unusual?

A. I can't remember anything unusual.

Q. Anything about artillery, gunships, or supporting fires?

A. Well, usually when we make a combat assault, we always had gunships available or on call. I believe we

used them at the time when we got on the ground.

Q. How about artillery, any mention of artillery?

A. I don't think there was an artillery prep on our LZ. I don't think it was for this operation, but it might have been, but I can't remember.

Q. Was there anything that was mentioned as to this operation being different from any other combat assault you've been on?

A. The only thing that was sort of-- I can't remember a direct or certain order, but it seems to me that it was the the impression that we were going to pretty well destroy this area when we got on the ground.

Q. What do you remember being told about the enemy situation in the area?

A. Well, I can't remember anything directly about the enemy situation, but everybody in our company knew what it was without having to be told about this area, because we had been tore up down there pretty much before.

Q. All the company had a good idea of what was down there?

A. Right. It wasn't looked forward to, to go down there. It was just about the worst place we could go in our area.

Q. So when anybody mentioned going into this area-- what did you call this area?

A. We usually called it Pinkville.

Q. When anybody mentioned going into Pinkville, did this create a different psychological condition in you as an individual and other members of the unit?

A. I believe so. It almost had to.

Q. Do you remember in this particular operation which lift Captain MICHLES was in?

A. I'm pretty sure we were on the first lift. We usually went on the first lift. I can't remember exactly on this operation. I don't think I can remember one that we didn't go on

the first lift.

Q. Did he usually cover this at the briefing?

A. Right.

Q. As to who's going in the first lift and so forth?

A. Right.

Q. Does he usually go in the first aircraft?

A. Not necessarily the lead aircraft.

Q. Were there any special orders concerning the destruction of specific villages?

A. I'm not really sure about that. I couldn't....

Q. Were there any special instructions concerning the disposition of food stocks?

A. No, I don't believe so.

Q. Animals?

A. No.

Q. What was the normal procedure for food stocks and livestock?

A. Well, if we were going to destroy this area, burn the village, we usually destroy the food also.

Q. What about livestock?

A. I can never remember killing any livestock intentionally. It happened accidentally a lot of times, but not intentionally.

Q. Were there any special instructions concerning the disposition of the inhabitants of these villages?

A. No.

Q. Normal procedures?

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A. There wasn't any mention made of it, so I guess it would just be considered normal procedures.

Q. What were the normal procedures?

A. Well, when we'd go in and search a village, we'd round them up and herd them all into one end of the village and have a few people, usually our weapons platoon, kind of keep an eye on them, and we'd search. The only other time that we'd burn a village, there usually weren't any inhabitants around. They'd fled the area.

Q. Well now you, as the battalion net RTO, were in a position to know more about what was going on in the company than anybody with the exception of the company commander. Normally on operations up there in the Batangan Peninsula and in your normal AO, I understand there were villages burned.

A. Right.

Q. Were there ever any villages burned without going to battalion or task force for authority?

A. No, I don't believe so. As a matter of fact, I don't even think that the battalion had the authorization. I think they had to get the clearance through the province chief to do this or whoever was in charge of that area. The Vietnamese authorities had to give us clearance to do this.

Q. Well now, back in the other operations when there was some reason to want to burn a village, who usually initiated the request for this? Was it the platoon leader or was it the company commander?

A. Well, I guess it would probably come from the platoon leader, and then it just depended on the situation. If a platoon leader thought it would be a good idea, I think he would usually call. But this didn't really happen that many times. I would say usually just maybe the company commander probably initiated it.

Q. How long was the delay before authority was granted?

A. I'm not really sure.

Q. Do you remember requesting any authority like this

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as the RTO?

A. I can't remember requesting this, but I can remember receiving permission from battalion headquarters. They called back and said that the province chief or whoever it was, the Vietnamese authority, had given the okay to burn the village.

Q. Was this while you were a part of Task Force Barker?

A. Right.

Q. Was there anything irregular or unusual about the organization of the command group for this operation?

A. I can't remember.

Q. Or additional attachments?

A. We had a military intelligence team with us, and there was an American military intelligence man and one Vietnamese interpreter with us.

Q. And do you recall who this Vietnamese interpreter was?

A. No, I sure don't.

Q. Had you ever seen him before?

A. No. I remember this was a new one, we never had him before, but I can't remember his name.

Q. When did he join you?

A. I believe he came in on the battalion command helicopter.

Q. He wasn't with you the night before?

A. I'm not really sure. I can't say for sure.

Q. Now is this in addition to the MI personnel?

A. We had one American MI and then he--he always takes a Vietnamese interpreter with him. You know, they work as a team, usually the procedure.

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- Q. This was an additional Vietnamese interpreter?
- A. Well, that was the only Vietnamese interpreter we had.
- Q. All right. Now, I just want to be sure I understand. The Vietnamese interpreter that you're talking about was the one that was with the MI?
- A. Right.
- Q. You didn't have but one out there?
- A. That was it.
- Q. And he joined you the day of the operation and didn't come for the briefing and this sort of thing?
- A. I believe that's right.
- Q. And this was not the one that was normally with the MI officer when he joined you?
- A. No. I remember he was a different Vietnamese.
- Q. Did you know the other one?
- A. I can't recall his name right now. We were pretty friendly with him.
- Q. Was there anything else about the command group that was different?
- A. No. I think that's the only thing I can think of.
- Q. Did you have any engineers with you?
- A. Not on this operation.
- Q. Normal artillery, FO, and mortar platoon. No change?
- A. No change.
- Q. Did you have any Air Force people with you?
- A. No.
- Q. No observers?

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A. The second day of the operation we had a combat photographer with us from MACV. This isn't that photographer that was in the papers that we read about. What's his name, HAEBERLE? It's not him, it was another one.

Q. And the way you're describing this to me would be the day after HAEBERLE was there. Is that correct?

A. Well, I didn't see HAEBERLE on this operation. This was the second day of the operation that this MACV photographer came out.

Q. Well, let's pin that down while we're here. Who was that?

A. I had never seen him before. The only time I ever saw him in my life was that day, and somebody told me that he had one day left in Vietnam and that was the last day he was going to spend.

Q. You say he came in the second day?

A. Right.

Q. Was he an American?

A. Right.

Q. Did he have on a uniform?

A. I remember he was wearing a soft cap. He wasn't wearing a steel--just regular jungle fatigues.

Q. Did he have any insignia on?

A. The MACV patch was the only thing I can remember.

Q. How about a U.S. Army nametag?

A. I'm not sure. I think he was a spec 5, but that was just sort of...

Q. Anything else that would distinguish him?

A. I can remember he was kind of tall and thin.

Q. Caucasian?

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A. Right.

Q. Did he have more than one camera?

A. I can't remember. I remember he carried a pistol. That's about the only other thing I can remember. He came in on the battalion command chopper.

Q. How long did he stay?

A. Just that afternoon, maybe a couple of hours, 2 or 3 hours. This was the next day. We were on this peninsula out by the ocean. We had joined our 1st Platoon out there.

Q. By himself?

A. Right.

Q. Nobody with him?

A. Not that I can remember.

Q. Did you talk to him?

A. No, I didn't.

Q. You didn't say anything to him?

A. No.

Q. Who did he stay with, anybody in particular?

A. I don't remember. He went with a platoon, but I can't remember which one it was.

Q. He did go with a platoon?

A. Well, we were all pretty close together out there on that spit of land, but he did go with a platoon.

Q. I think you said that he came in the afternoon, didn't you, or what time of day?

A. I would estimate around 12, but I mean 2 hours either way.

Q. With one day to go in country?

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A. That's what someone told me.

Q. Anything else irregular about the command group?

A. I can't think of anything right now.

Q. Anything else that you can recall about the briefing that we haven't covered?

MR. WALSH: I want you to think very hard about this photographer and see if you're certain that he joined you during the second day when you -- after you crossed over the causeway and were out on that beach, and whether it was possible that he joined you sometime during the noontime of the first day?

A. No, I can almost be real positive that he joined us out there on that spit of land. I don't believe he was with us the first day.

Q. Do you recall the photographer joining B Company the first day?

A. I sure don't. I can't remember that.

Q. Do you remember during the first day Captain KOTOUC and an interpreter were in your company for a while in the afternoon?

A. The name doesn't sound familiar at all.

Q. A big captain, battalion S2?

A. I should know him, but I can't place him.

Q. Kind of a sharp dresser, pistol and a hunting knife?

A. No, I sure can't.

Q. You don't place him then?

A. No, sir.

COL WILSON: We will recess until 1230 hours.

(The hearing recessed at 1143 hours, 29 January 1970.)

(The hearing was reconvened at 1232 hours, 29 January 1970.)

COL WILSON: The hearing will come to order.

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

(The witness was reminded that he was still under oath and he testified as follows:)

COL WILSON: We had completed most of the questions concerning the briefing prior to the combat assault. We will go now to the operation itself. I will give you a description of what happened from the task force standpoint and a little bit on B Company, and then we will ask you to give us the details of what you recall.

(COL WILSON orients the witness on Exhibit MAP-5.)

Do you recall, when you landed, the direction your aircraft was facing?

A. They were facing generally north, I believe.

Q. Did you receive any fire prior to landing?

A. No, I know we didn't.

Q. Were your doorgunners firing when you went in?

A. I believe they were. Right, on the first lift I know they were. That's general practice, most of the time they did.

Q. Do you recall making a go-around?

A. I don't think we did. I think we came straight in that day.

Q. Do you recall whether anyone was firing when they got off the aircraft?

A. None of the infantrymen were firing when

they got off the aircraft.

Q. Do you recall seeing any gunships?

A. We had gunships escorting us.

Q. Were they firing?

A. They were firing, right.

Q. Did you see them firing from your helicopter?

A. Right. As a matter of fact, I have a picture of them firing. I had my camera with me that day and I took a picture.

Q. How many photographs do you have of this operation?

A. Not too many, because right after we landed one of our lieutenants was killed and this sort of takes -- you know how these things are -- I just didn't feel like taking any more pictures then.

Q. You didn't bring these photographs with you, then?

A. No, sir.

Q. Is there any way we could get them from you and make copies and send them back to you?

A. You probably could. They're on slides, 35 mm slides.

Q. Could you mail them to us and let us make a copy, and we will send them back?

A. Right, okay.

(Color slides taken by MR CONGLETON were later received and prints thereof admitted as Exhibits P-203 through P-216.)

Q. And you have pictures of the gunships firing?

A. You can see the rockets coming out and hitting the ground.

Q. That's good. They were firing where, on the LZ?

A. On the LZ.

Q. Do you recall the artillery?

A. I don't think there was artillery on our LZ, because usually you can tell by the craters, but I can't remember any big or large craters or anything on the LZ.

Q. You took this photograph from the door of your helicopter or from the front?

A. From the door of the helicopter.

Q. Do you remember which door you were in?

A. Well, you could tell by the picture, but I can't remember now.

Q. The gunships were making their runs. Were they making them east-west or north-south?

A. I believe north-south. Actually it would be from the south to the north.

Q. South to the north? Did you have to lean?

A. I was probably sitting on the back side of the Huey on the edge. Just by sticking out a little bit, you could take a picture very easily.

Q. You took these photographs prior to the door-gunner commencing firing, is that correct, or was the doorgunner firing then?

A. I don't know if they were. I can't remember.

Q. Well, if you would, when you mail these photographs, they will be numbered. You could put a little information on the number. We would appreciate it. At

any rate, if we have any questions we will call you back and ask you about the number. But you won't have a copy of it, will you?

A. No, I just have one slide.

Q. Well, we'll work it out some way. If you can write something for each shot, we would appreciate it.

A. All right, okay.

Q. All right. What we want to do now is get a large aerial photograph and see if we can track your actions for this entire period of 4 days, and we will start with the 16th?

A. This is the day of the operation?

Q. Yes, this was the day of the operation.

(The witness is oriented on aerial photograph Exhibit P-168.)

A. I would say our LZ would be just about right here, and these are all rice paddies here (indicating on Exhibit P-168).

Q. You're pointing just south of the road?

A. Right, just south of the road. As soon as we got off the choppers, we moved up and just sort of set up right along this road.

Q. How far south of the road were you when you got off the chopper?

A. I'd say maybe 150 meters.

Q. 150 meters south of the road. That might put you maybe down as far as there (indicating)?

A. And then our 1st Platoon, as soon as they got off the choppers, they started making it. I'm not sure what trail they took to get over here, but they went through Pinkville and then they crossed the bridge and they did most of their operating over here on the first day.

Q. Were they on the same lift you were on?

A. I believe they were on the first lift. As soon as the second lift came in, that's when they left, because we were with the 1st Platoon that day.

Q. Did you always go on the first lift with Captain MICHLES?

A. Right. The CP group always, unless there would be some kind of weight problem, and maybe I personally couldn't get on. But the CP group always went on the first lift. Then we spent just a little time right here (indicating) just getting oriented south of the road. Our 2d Platoon started, and they were to go into the Pinkville right here (indicating). But they started across the hedge once, and they hit a mine and we dusted them off. It killed the 2d Platoon leader so I spent a little time with the 2d Platoon getting them straightened out, and then I came back with the CP group. They sort of backed out where they had crossed that hedge once, and they started to cross it here just maybe 100 meters more north. They tried to cross through the hedge again and they hit another mine. This time Colonel BARKER came in on his chopper and told them not even try to go in there, just sort of forget about that part of the operation. We just--

COL WILSON: (Interposing) Okay, let's wait a minute. Let us catch up with you. Put the landing zone in there.

(LTC NOLL annotates Exhibit P-168 which is later entered into evidence with markings as Exhibit P-193.)

A. That LZ might be just a little more north than that, because this looks more like just regular vegetation.

Q. Well, we're just approximating the location as it is, just about 150 meters south of the road, right?

A. Right.

Q. Would you describe that hedge for the record?

A. Well, when you approached it, it's like you are going to have to step up about 3 feet. It just looks like the land has been raised up, like they've either built up that way or just a natural occurrence, I'm not sure. Then in it there's all

this vegetation, bamboo and things like this, and other vegetation. There are a few openings through it, and several times going through this area is where we usually hit the mines, just as you go to step up on it. I mean it's not a straight wall, it's a sort of slanted maybe 3 or 4 feet there.

Q. Would you describe the gate for the record?

A. If I can remember right, it is just sort of a bamboo arch.

Q. Which way was it facing, which direction?

A. The opening would be facing either to the east or to the west, depending on which way you approached.

Q. (Interposing) Was it difficult to open or anything?

A. No, it wasn't a swinging-type affair, just an open arch.

Q. Then you moved across the road?

A. Across the road, right.

Q. I guess it would probably be a good idea to put Lieutenant COCHRAN's location on there because you saw where he was?

LTC NOLL: I've got a question. The 1st Platoon moved up to the road, first lift, and they held in place until the second lift came in as I understand it. They moved on out?

A. Right.

Q. And the company reorganized here, okay?

A. Yes.

Q. Is this the point Lieutenant COCHRAN was--

A. (Interposing) It was just about where--not in there very far, right on the edge of that line would be where he was killed. Then maybe 100 meters farther we hit the second mine.

(LTC NOLL marks the location where LT COCHRAN was killed as point 2 on the photo, later Exhibit P-193.)

COL WILSON: Were you with Lieutenant COCHRAN at the time?

A. I saw him, but like, I was maybe 100 yards away from him when he hit the mine.

Q. What type of mine or booby trap was this, do you know?

A. I'm not really sure. I'd say it was a small anti-personnel-type mine, because it didn't completely blow him apart. Part of it caught him in the head; the other I think blew one of his legs off. I'm not sure, but I know he had head injuries.

Q. Was it below the surface or was it above the surface?

A. No, it was below the surface.

(LTC NOLL marks Exhibit P-193.)

Q. Point 3 would be where the next mine was hit.

A. That was just about 100 yards, maybe a little northwest just as this bends around. I would say it was just about where that other white line is right there. No one was killed on that one, but I think somebody had a traumatic amputation. I'm not sure. We used the battalion command helicopter to dust the second mine off.

Q. Well, this was going to be the next point that we want to discuss and locate if possible. You mentioned that Colonel BARKER was there?

A. Right.

Q. When did he get there?

A. Well, I mean he was probably flying around overhead all the time. They usually used that command chopper to mark the LZ's with smoke. As far as I know, right after that second mine was tripped he said that he would use his chopper for the dustoff.

Q. This was after the second mine was tripped?

A. Right.

Q. And did he come right after you got this communication?

A. Yes.

Q. So he arrived right away at point 3 where it was detonated?

A. Within 5 minutes.

Q. How long was he on the ground?

A. Oh, 2 minutes at the most. I mean, he didn't get out of the chopper. He stayed in the chopper and put the people on and then took them away.

Q. How many do you recall?

A. It was at least four people injured with that mine. A couple of them weren't very bad, but one of them was real bad, I remember.

Q. All right. What I would now like to determine is whether both groups, both the group that was wounded at the time Lieutenant COCHRAN was killed and the second, were they all dusted-off with the C&C chopper?

A. No. Lieutenant COCHRAN and the people in the first mine were dusted-off by regular dustoff helicopters, and the second group was--

Q. (Interposing) Okay. I think you can just add that on to point 3. Colonel BARKER evacuated--

LTC NOLL: (Interposing) How about this point? Colonel BARKER issued instructions for them not to go into Pinkville at this time?

COL WILSON: Yes, would you explain that?

A. Well, the only thing that sort of relieved us, because we hated to go in there anyway. But instead of going on into Pinkville, we just bore to our left, to the west, a little more than we had planned.

Q. Did you plan to go into Pinkville?

A. The 2d Platoon was to sweep almost straight north from the LZ and go into Pinkville.

Q. And Colonel BARKER rescinded these instructions?

A. Right.

Q. And did he do this on the ground or through the regular radio?

A. I think it was through the radio.

Q. Before he landed, or after he landed?

A. I'm not really sure.

MR WALSH: You were operating the radio that was on the battalion net that day. Who would be the people transmitting on that net, Colonel BARKER and Major CALHOUN at the TOC?

A. He did quite a bit of the transmitting himself.

Q. Would you hear the communications from the helicopter pilots at all?

A. No.

Q. Were any of them tied into the battalion net?

A. Right. They had several different radios in the chopper. I'm not really sure how this works, but they have a--they can talk to other people in the chopper that are talking on the battalion net without us hearing them unless they were specifically talking to somebody on the ground, I think that's the way it works. I'm not sure about that.

Q. Who were the people you normally heard transmitting when you weren't handling transmissions directly for MICHLES?

A. You mean like the S3, Major CALHOUN, and....

Q. Let me ask you a more specific question. Would you normally hear all of the transmissions from the TOC or from Colonel BARKER to the other companies in the battalion?

A. Right, we could hear the other companies.

Q. At this time frame, and up to the time that Colonel BARKER landed, did you hear any transmission either to or from Charlie Company and either the TOC or Colonel BARKER's

chopper with respect to a large number of bodies on the ground in Charlie Company's area?

A. I couldn't remember anything about that. The only thing that I could actually recall hearing was about that fellow shooting himself in the foot. That was the only thing I could remember that I can place with this operation.

Q. You don't recall anything about any transmissions between Charlie Company--

A. (Interposing) I can't remember any.

Q. Or any of the other company commanders with respect to body count or large numbers of bodies being on the ground in Charlie Company's area?

A. I can't remember any.

LTC NOLL: Let me ask a question. The 2d Platoon was moving up along this division between the field and Pinkville. Where was the 3d Platoon moving?

A. They were moving west of the area I would say, right in here (indicating on Exhibit P-168), on line moving mostly north.

COL WILSON: I am going to try to go along and fix the times on these things for you so that you can keep in mind the times that these things occurred as reported to the 11th Brigade. This report probably came from your radio through the TOC at fire base Dottie. The second lift touchdown was completed at 0827.

(Journal entries were taken from Exhibit M-16.)

A. Yes.

Q. All right. At 0845, it's reported that a 105 round booby trap was tripped and one U.S. killed. That would be-- that time was 0845, the reporting time. This is the time that it was supposed to have occurred. That brings us up to this second group who tripped the booby trap with three U.S. wounded at 0930. Does that time sound about right, and the time in between there?

A. 0845?

Q. The first group was at 0845, and the second group was at 0930.

A. I would have guessed more like maybe 15 or 20 minutes in between, but time gets pretty well confused.

Q. Yes. These times are not necessarily correct, but they received the report at 0938. Now this also indicates that the command-control aircraft evacuated these individuals at 0943, so you've got a 0930 tripped booby trap and a 0943 evacuation which is about 13 minutes. Faster than that?

A. The second one was faster than that I'm sure. It wasn't any time at all.

Q. It's not indicated who evacuated the first group. This is the second group. Okay, we've got that time down. At this time we've got the 1st Platoon moving towards the bridge, and you've had two groups of casualties. Now, go ahead from there if you can.

A. Well, we moved almost west from here, and I think we spent just about the rest of the morning in this--this is like a little village with maybe three or four houses or hootches right in this area here. That's when the military intelligence team arrived, I believe, when we got to this area here, and they started questioning these people here.

Q. How long do you think it was from the time that the chopper evacuated that last group of casualties until the military intelligence team arrived over here?

A. I'm not really sure. They might have gotten off the chopper when they came back to the dustoff, but I can't be sure of that.

Q. Which dustoff?

A. Not the dustoff, but when the Charlie-Charlie came in that might have happened.

Q. And you think this is the little village right here that you stayed in?

A. I think. You can see on this map that they have this brown hash mark, that's the hedgerow around the village there. I would say these first hootches right here is where we spent the rest of the morning, and in the afternoon then we just--the laager position was real close to that.

Q. You're pointing (indicating on Exhibit P-168) to a location about 150 meters north of 521.

COL WILSON: Now, let me see the photographs while we're at this point?

(RCDR hands photographs to COL WILSON.)

In going through these photographs, and I bring this up probably a little early because I want to see if you can identify any of the locations, also we're interested in people, but primarily the locations. We got a lot of the people already. I'll give the number of the photograph and you tell me what you can about it. Exhibit P-18?

A. I know this last man. His last name is HUFFMAN, I think.

Q. The U.S. soldier is HUFFMAN.

A. And this is our laager position for that night.

Q. P-18 is your laager position for the night?

A. I believe.

Q. What is this area, could you tell us?

A. Well, this is a graveyard here, and this is a rice paddy out in here.

Q. Can you recognize anything else about the area?

A. This might be Uptight back here, but I'm not sure.

Q. The hill in the background?

A. If this is where I think it is, that's Uptight.

Q. Right back there. Now, could you locate this photograph on the aerial photo that--

A. (Interposing) Well, I would say that it would be just about right in here, (indicating on Exhibit P-168) but I'm not sure. If I could locate that graveyard, that would be just about where it's at.

Q. Do you remember a pagoda or anything around there?

A. In this graveyard there was like a concrete wall just about as big as this room; there was like a concrete wall and it was hollow on the inside and it had some Buddhist--

Q. (Interposing) Was it a shrine?

A. It was not a shrine. It was probably just a grave marker of somebody that was pretty prominent.

Q. Well, if that is what you're talking about, this could very well be what you mean. That would further define the area. This is reasonably close. You pointed to just about the right location. Now, was this shrine in the center of this graveyard?

A. It should be just behind these gentlemen here (indicating).

Q. Just to the left of the photograph? How about P-19?

A. I don't recognize anyone in it.

Q. P-20?

A. These are people from the mortar platoon. This is Sergeant MARSHALL.

Q. The man on the right, extreme right, with the helmet on is Sergeant MARSHALL. How about the man with the phone? Do you know who that is?

A. I know him, but I can't think of his name.

Q. The one bending over?

A. No.

Q. The two men standing side by side in the center of the photograph, one with a helmet on, and one with the helmet off?

A. I don't recognize them.

Q. Now, the reason I want to show you this photograph--do you recall this area?

A. No, I sure don't.

Q. The umbrella?

A. No.

MR WALSH: Would that be the village that you spent most of the morning in?

A. It could be, but I don't recognize anything from it.

COL WILSON: P-21?

A. Now this is that interpreter that I was telling you about that wasn't usually with JOHNSON.

Q. P-21 is the interpreter who was not usually with JOHNSON, the man on the right, and the other man that you pointed to is Lieutenant JOHNSON.

A. I don't know his rank, he never wore rank, but his name is JOHNSON.

Q. I don't suppose you know where that is?

A. No.

Q. P-22?

A. That's the same people.

Q. Do you know the old man, and have you ever seen him before?

- A. I've probably seen him, but I don't know him.
- Q. Did you see him on this operation?
- A. No, I wouldn't know.
- Q. P-23, the man on the left?
- A. That's Captain MICHLES.
- Q. The interpreter in the center, was this the same one?
- A. Yes.
- Q. And the man on the extreme right?
- A. It might be me, I don't know.
- Q. Can you tell?
- A. No, I can't tell. I can't think of his name.
- Q. MERCER?
- A. MERCER, that's him.
- Q. How do you know?
- A. I don't know. When you live with those guys like that for a while, you'd be able to recognize them.
- Q. Do you recognize any of these Vietnamese?
- A. No.
- Q. This guy?
- A. No, I sure don't.
- Q. P-28? Maybe you might see something here. Does this terrain look familiar at all? This photograph was taken during that period.
- A. I would think that we were way over this way farther. This would be out towards the Pinkville, out here. I'm not really sure.

- Q. You think you're looking north here or east?
- A. I'd say north and it could be wrong.
- Q. What does this look like from the center?
- A. It looks like sand; a graveyard.
- Q. Okay. This does appear to be a graveyard, right? Could this be the same graveyard that was in the other photograph?
- A. I don't believe so.
- Q. This isn't the one where you said the shrine or monument was?
- A. I don't think so.
- Q. I don't know if there is any other feature there. There is a smoke pot here. There's a helicopter coming in, but we don't know much more than that.
- A. If you could find where that road makes that little fork there.
- Q. But you don't recognize that?
- A. No, I don't. I sure don't.
- Q. Okay. Now we've got the photographs plotted of HUFFMAN and a bunch of Vietnamese in a graveyard, which is P-18. As I recall, you said that you spent most of the day in this small group of huts here. Was that the 2d and 3d Platoon and the company CP that stayed there?
- A. Well, that was basically--they were fanned out. The platoons were fanned out searching in that area. We really didn't move very much that day.
- Q. So, what happened the rest of the day, anything of significance?

A. Not that I remember. In the evening, I remember Charlie Company joined up with us for our laager position. That's the only thing I can remember. I know that they had a lot of Vietnamese soldiers with them and policemen, and we didn't have that with us, what they had with them.

Q. All right. Let's plot the laager position then.

A. It should be just about the same point as that X, the way I remember.

Q. You mean the X should be the location of that photograph, is that what you mean?

A. Right, just below that X would be the center.

Q. Now was part of the perimeter on the water, on the river there?

A. No, it was, I would say, at least 100 yards from the water, I think. I don't think it was on the water. I'm almost sure it wasn't.

Q. Well, we'll draw it in as an approximate location. Just approximate it as best you can.

(LTC NOLL marks the approximate laager location as point 4.)

LTC NOLL: Did C Company occupy the area to the west and Bravo Company to the east?

A. Right, I would say 180 degrees for each one.

COL WILSON: Do you remember which side, or what the breakdown was on the direction of perimeter defense for C Company and B Company, which part of the perimeter each company had?

A. We had the east, starting north 180 degrees to the south.

Q. They had the west?

A. Yes, they had the west.

Q. Now, do you recall what time C Company linked up with B Company?

A. I would say 3 o'clock. That's not real close, probably.

Q. About 1500? Let me cover a couple of log entries here (indicating Exhibit M-16) and see if you can recall anything on these transmissions which, no doubt, came to you. Did Captain MICHLES normally transmit all of his messages, or did you ever transmit them?

A. It depended on the importance of it.

Q. Okay. At 0955 from the 1st Platoon, "Engaged unknown number of VC with 12 VC KIA." Do you remember this?

A. I don't remember the numbers, but I remember that they did have contact. They made a few kills; I don't remember how many.

Q. Do you remember a request coming back for any type of support, such as artillery, gunships, or mortars?

A. I think they requested gunships. I know the second day they did.

Q. No, the first day?

A. I'm not sure on the first day.

Q. Do you remember if they requested mortar fire, or would you be on that net? You would be, wouldn't you?

A. I would have been close. We had the speakers on the radios, and I would have been able to hear the request.

Q. Do you remember hearing a request for mortar fire?

A. I believe when we went on this operation we had it already set that the weapons platoon was going to fire on the other side of that bridge before the 1st Platoon went across, you know. They were going to--

Q. (Interposing) A prep?

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A. Yes, just kind of hit that area over there for them, but they couldn't get the rounds close enough. They weren't noted for being very accurate.

Q. The mortar platoon?

A. The mortar platoon.

Q. Were any of these rounds duds?

A. I can't remember.

Q. Were they just not on the right targets?

A. I'm really not sure. I know it didn't work out, whatever it was.

Q. What was the matter with the mortar platoon?

A. Well, over there, they just don't get that much experience to fire close support, I don't think. It wasn't anything wrong with them.

Q. All right. Now, this was a 0955 action where these 12 VC were reported KIA, and it got to the 11th Brigade about 1002. That's what time is in there. And it also said that there was web gear, and that they were looking for weapons.

MR WALSH: Who was operating the company net that day?

A. Well, we switched off. It wasn't always the same person every day. It could have been Steve MILLER. He usually operated on the company net. I'm not sure of the other boy's name.

Q. You don't have a clear recollection of who it was on this particular day?

A. No, I don't.

COL WILSON: The next communication would have concerned-- it's 1025, and it would have concerned the 1st Platoon again, involved in another engagement, unknown number of VC, 18 VC KIA. Some had web equipment; assorted uniforms; assorted rounds of ammo. Do you remember reporting that to Task Force Barker?

A. I probably did. I remember reporting most of the things that day, but specific things I don't remember. I do know that I was....

Q. This type of transmission would be handled by you and not Captain MICHLES. This is sort of a routine thing?

A. Right.

Q. Then you would have called that in?

A. Right.

Q. There was nothing that you thought unusual about either one of these two reports that you, no doubt, called into Task Force Barker?

A. I don't know what you would call unusual. I mean it was just--

Q. (Interposing) Well, I was just trying to determine if there was anything you remembered about it?

A. No.

Q. Were you talking to Dottie that day, or were you talking to the command-control ship, or were you talking through a relay?

A. I'm not sure. I know one time when we went to the same area they had to set up a relay on the Vietnamese post out there on Highway 1, because it was a straight shot to them, and it was relatively flat. It was quite a few hills in between Pinkville and Dottie. But I'm not sure, though.

MR WALSH: Pretty clean shot between Pinkville and Uptight?

A. We had no trouble talking to Uptight.

Q. Could that relay have been at Uptight rather than over on the highway?

A. It could have been that day. I'm not sure.

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COL WILSON: Do you remember who you were talking to?

A. Well, Major CALHOUN would have been on the radio. I don't know any of the TOC RTO's names.

Q. Do you remember reporting U.S. casualties that morning: Lieutenant COCHRAN?

A. I can't remember anything specific about it.

Q. Do you remember giving your unit location that morning?

A. Well, we gave hourly locations. This was routine.

Q. You stated that there was nothing significant that you recall happening after, except for C Company linking up that afternoon. Is that correct?

A. That's the only thing that I can remember. They had some prisoners with them. I believe that's the group in the picture that they brought with them.

Q. We want to get down to that now. You said that C Company linked up about 1500? All right. Now, here's another item, another report from the 1st Platoon. This is the third one: "At 1420 hours, engaged unknown number of VC in tunnels, 8 VC KIA. Found some web equipment, Chicom grenades, and ammo." That was reported as having happened at 1420 and received at the 11th Brigade at 1420, so something is wrong there, but do you recall this? This is getting about the time C Company would have linked up according to what you remember?

A. Well, the only thing I could--there's a lot of tunnels in that area. This is pretty common down there, getting people out of tunnels.

Q. On a time basis, before C Company linked up, that's about all we have here. All right now, C Company linked up with Bravo. What unusual people or equipment did they have with them when they came in there?

A. Well, they had several Vietnamese military personnel and they had Vietnamese National Police with them.

(CONGLETON)

37

APP T-229

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- Q. Who were the Vietnamese military personnel?
- A. They had all kinds. They had privates--I can't remember any high ranking. I think a lieutenant was the highest ranking one they had, but I don't remember the names.
- Q. Did this seem to be a unit?
- A. They weren't very well organized. They were sort of tagging along with them. It just seemed like--
- Q. (Interposing) Could you give me an approximate number?
- A. I would say between 15 and 20.
- Q. These were all in uniform?
- A. Yes, they were in uniform. Their uniforms aren't too--they were all different types of uniforms, different types of green fatigues. You know, none of them had on--
- Q. (Interposing) Did they all wear helmets?
- A. I believe most of them had on helmets.
- Q. Did they all have weapons?
- A. I'm not sure. I know some of them did.
- Q. What type of weapons?
- A. M-1, carbines and M-1 Garand.
- Q. You think this was a Regional Force/Popular Force or ARVN?
- A. I think they were ARVN's. This was before the ARVN had the M-16.
- Q. How many National Police were with C Company?
- A. There were at least three or four of them.
- Q. Would you recognize any of these National Police?

A. I might.

Q. Did you see them before or after.

A. I've probably seen them on several occasions, I would imagine.

MR WALSH: What were they dressed like on this day?

A. They usually just wear sort of a gray uniform. Some of them didn't have a uniform on, and some of them wore something like a cowboy hat or something, you know, a Texas hat. I'm not sure.

Q. Did any of them have white shirts on?

A. They might. Some of them wore white shirts sometimes.

Q. Did you see the National Police interrogate any prisoners in the laager area that night?

A. No, I didn't. They usually interrogated people, not secretly, but out of the way of everybody else.

Q. Did you go with Captain MICHLES over to talk to Captain MEDINA near where the National Police were interrogating somebody?

A. I think I did that night. I know I went over to talk to Charlie Company about our supplies, because that was my job. I had to get with them to see where we were going to eat our chow and everything, because we had a consolidated feeding that night.

Q. Did you see the National Police execute any of the detainees?

A. I didn't see it, but I heard that they did.

Q. How many of them?

A. I'm not sure.

Q. How many detainees were they questioning?

A. I'm not sure. The ones in that picture (referring to Exhibit P-18) are the only ones that I can remember that we had in our area, and those were some of them that they questioned, I believe.

COL WILSON: Are you talking about the ones that HUFFMAN was guarding?

A. Right, right.

Q. Were those the detainees?

A. Those was the detainees--

Q. (Interposing) That C Company brought in?

A. Right.

Q. That's in photo P-18. These appear to be all males, one or two not too young. There are three, six, seven, eight Vietnamese in this photograph. Now these came in with C Company?

A. Right.

Q. Why didn't C Company maintain control of them? Why was HUFFMAN guarding them?

A. I'm not really sure of that.

Q. Did you see these people the next day, or do you know what happened to them?

A. I can't remember exactly what happened to them.

Q. Do you ever remember seeing them again after C Company came in, after they were turned over to the National Police?

A. I'm trying to remember if they spent the night with us there or not. I can't remember. I think they did. I think that some of them spent the night with us.

Q. Were any of them evacuated?

A. I'm not sure.

Q. I still can't figure out why they were turned over to B Company.

A. It might be one reason that we were controlling the choppers coming in for the resupply. If they were going to send them out, I don't remember if they did--if they were going to send them out, we would have handled them there.

Q. C Company had no communications whatsoever with the helicopter resupply? It was coming through you?

A. They could've, but we were handling it.

Q. Why?

A. Our laager position was out in the open more, and they were in a tree line.

Q. This was merely because you had better communication.

A. Right.

Q. Is that the reason?

A. It was easier for the chopper to land in our area.

Q. Do you recall that afternoon when the MI personnel came in with Mr. JOHNSON and how?

A. No, I can't. I know they were there in the morning, you know, say after 9 o'clock.

Q. And what about this photographer? Did he come in with this MI bunch or was it the second day?

A. That was the second day.

Q. After C Company joined you, was there anything unusual that occurred after that time?

A. I can't think of anything.

Q. Did these Vietnamese military personnel and the National Police stay there that night?

A. Yes, they did. Because the next day, two or three of them were assigned to our company.

Q. Two or three who, the National Police or the military.

A. The military.

Q. Okay. But were they with you that night or that afternoon?

A. Well, that night they were inside our laager position. I don't think they had positions on the perimeter, though.

Q. Did you hear any firing that night inside the perimeter?

A. No. We fired H&I with our mortars. We fired them just about at that arch or gate to the Pinkville area. We fired all along that trail.

Q. During the night?

A. Right.

Q. Are you talking about the 521 trail or the trail that came in that you described as a hedgerow?

A. Well, we fired right where they both come together, where 521 and the Pinkville meet there.

Q. And this was fired all night?

A. Right.

Q. Were there any flares fired that night?

A. I don't remember.

Q. Did both companies dig in?

A. Right.

Q. Do you remember where the National Police were or where the Vietnamese were in the perimeter?

A. I'm not sure. I can't remember exactly.

Q. But you heard no firing inside the perimeter?

A. No.

Q. Did you hear any firing going out, small arms?

A. Not that I remember.

MR WALSH: Do you remember receiving a request from CALHOUN or BARKER during the afternoon to report how many of the body count which had been reported were women and children?

A. No, I don't.

Q. Well, according to the log, somebody transmitted from B Company a response to this request indicating that the answer was none, and somebody transmitted from C Company that some number were women and children. Is it possible that you don't recall because you didn't do the transmitting? Would there be anybody else who would have been transmitting to CALHOUN or to BARKER?

A. It's a possibility that somebody else could have talked to him. I probably just wouldn't recall it, you know.

COL WILSON: What about the morning of the 17th? What was the first event that occurred which you recall?

A. Well, after we ate breakfast and everything, we started moving out down towards 521 and that gate at the Pinkville.

Q. Your route towards the sea was back over this same trail, or near the same trail that you came in on?

A. Approximately.

Q. And then when you hit that gate, did you stay on that road, 521?

A. Right. Just after we got on that road, the 1st Platoon had contact again, and I'm sure they called for gunships then. We got them out there pretty soon.

Q. How close were you to the bridge when this first contact was made that day? Which was the first platoon?

A. Well, I don't remember which platoon was leading, but one of the platoons was right at the bridge when they got contact. When the contact was made, I was somewhere in the middle of the Pinkville, there along that road into Pinkville.

Q. Could you see what was going on at the bridge?

A. No. I couldn't see it well. I could see the gunships firing, but there was a lot of trees and stuff and I couldn't see where they were firing at or anything.

Q. Do you recall any particular communications that morning in reference to reports being sent back to Task Force Barker; communications to Colonel BARKER or anything?

A. I can't remember any.

Q. But you moved down the road and there was contact and you could hear the firing?

A. Right.

Q. Did there appear to be a large volume of fire up there?

A. There was quite a bit when our 1st Platoon opened up. They had a reputation for really firing heavy.

Q. How long had they had this reputation?

A. Ever since we had been in Vietnam, I guess.

Q. More so than the 2d and 3d Platoons?

A. Right.

Q. And how long did this firing last?

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A. I'm not really sure. I'd say off and on. It took a while for the gunships to get there.

Q. I'm talking about the small arms fire, primarily.

A. I'm not really sure. I don't have any idea.

LTC NOLL: Do you recall, on the first day, if any of the hootches that you passed were burned?

A. I don't really remember if we burned any. Actually, we weren't around that many hootches. When we didn't go into Pinkville, we were only in just one small complex.

Q. You spent the day in this small group and that place, you don't recall burning it?

A. No, sir.

Q. I have a question again on the first day. The 2d Platoon was planning to go into Pinkville. What was the 3d Platoon going to do? Were they going to stay outside?

A. Right. I think they were going to sweep down along this area here to just about where we actually went, the whole company went.

COL WILSON: Now, the first report that morning was at 8:10 that a booby trap was tripped with one U.S. wounded. This was TAYLOR. You were back here generally in the Pinkville area at that time?

A. Right.

Q. All right. The next one is at 0830, "Received sniper fire and negative casualties." Now this report, the 11th Brigade report, said that the aero-scouts will check it out. It doesn't say that the aero-scouts did check it out. You know how the aero-scouts work with the bubble and the two guns? Do you recall seeing that type of element come over that morning when your gunships came in?

A. I don't remember.

Q. Do you recall how many gunships there were?

- A. It was probably two, but I can't remember.
- Q. Do you recall seeing the bubble?
- A. No.
- Q. You don't recall?
- A. No, I don't recall, sir.
- Q. How many runs did the gunships make?
- A. I'd just have to guess. I would say three or four runs.
- Q. Do you know what type of munition they were using?
- A. They fired both their miniguns and rockets.
- Q. Now, this would have been somewhere around 0830 or 0900 the way the log indicates. Did the column stop while this action was going on, or did you keep moving?
- A. I think we stopped because they didn't want to try to go across that bridge until they got this checked out pretty good.
- Q. At any time, did you observe any of this action?
- A. All I could see was the gunships firing, but I couldn't see what they were actually hitting.
- Q. Do you recall the direction of flight of the gunships?
- A. I believe it was north to south when they made their run down somewhere in here (indicating).
- Q. You could tell about where the target was, then?
- A. Yes.
- Q. You pointed to an area south of the bridge?
- A. Right.

Q. How long was it from the time this thing first started until it stopped, do you recall? When had the gunships completed their firing and so forth?

A. I don't have any idea.

Q. Can you recognize enemy firing from this distance?

A. I could tell if it was coming at me, but I wouldn't be able to tell the difference between an M-16 and a carbine or something like that.

Q. Now, the 1st Platoon moved over the bridge when the company started closing. As you crossed the bridge, do you remember when TAYLOR was evacuated? Did you see him evacuated?

A. No, I didn't see him evacuated.

Q. Did you see him after he was wounded?

A. No, I didn't.

Q. You don't know where he was located when he was wounded?

A. I know where it happened.

Q. Where? Which side of the bridge?

A. It was on the east side of the bridge.

Q. East side of the bridge. Was it near the bridge?

A. Right, right at the approach to the bridge. He was probing for mines. He found the mine that he stepped on. He had moved on past it, and then he fell off this dike that leads up to the bridge. He stepped on the one that he had already found.

Q. Is that right?

A. Yes.

Q. Did he find this with a minesweeper?

A. He used his rifle with a bayonet. He is a real good point man.

Q. He probed it. Was this a mine or booby trap?

A. It was a mine.

Q. Personnel mine?

A. Right. Those others that first day were mines. I don't know how they were reported as.

Q. They were reported as booby traps, but they were mines?

A. I'm pretty sure they were, because we found a canister from one of them: a can in the ground.

Q. So TAYLOR was wounded right on the bridge. Now, do you have any idea as to whether that mine that wounded TAYLOR was placed there the night of the 16th or--

A. (Interposing) We think they were, because we found several mines to the approach to that bridge, and we ended up blowing them up.

Q. What makes you think they were put there that night?

A. Well, for one thing, that bridge was used by the civilians there in that area, and I don't think that they would--and another thing we found them so easy, these other mines, it's pretty hard--

Q. (Interposing) Plus they were there the day before and they had to walk over that bridge.

A. They had been across the bridge the day before.

Q. Were these mines in the roadbed or on the side?

A. I remember we marked them and everybody went on past. Then they came back and blew them up. I think they were on the side of the approach to the bridge, on the side, not right directly in the path.

Q. But it was the opinion of the unit--of the people that you know--that they were put there that night. Or was it?

A. I believe it was the opinion that they had been placed there that night because they were so easy to find.

Q. TAYLOR was evacuated, and you didn't see him evacuated. He was evacuated before you got to the bridge?

A. Right.

MR WALSH: When you got across the bridge with the command group, was one of the platoons behind you or were both of them behind you?

A. I believe there were two platoons behind us and one in front of us as we crossed the bridge.

Q. Well, one of them was already across the bridge, weren't they?

A. Well, see, counting the weapons platoon: the 1st, 2d, 3d, and then the weapons platoon.

Q. And when you got across the bridge, would they have a company formation over there? Did the whole company assemble?

A. No. I think everybody started moving south down along that spit of land. We received a new platoon leader--that's when that photographer came in and we received a new platoon leader, LEWIS, who joined our company.

Q. Where did the chopper set down?

A. Oh, about 50 yards from the bridge.

Q. On the east side of the bridge?

A. On the east side of the bridge.

COL WILSON: Could you give us--you can start using this other photograph. We would like to get a pretty good idea where that chopper set down, if possible. Here's the bridge (indicating on Exhibit MAP-4). We'll just orient on the map, here. We will make that number 5.

(LTC NOLL marks aerial photo, later Exhibit P-193.)

Now, let's find out more about this helicopter if we can. Was there any identification on the chopper?

A. I can't remember any, I'm not sure. I remember they brought it in pretty careful because of just tripping the mine over there. They were trying to be real careful where they landed.

LTC NOLL: The chopper did have a company officer on it?

A. Oh, Lieutenant LEWIS, but this was his first time that he had ever been with our company. They just brought him out as a replacement for Lieutenant COCHRAN.

COL WILSON: Was there anybody else who got off besides the photographer? You said the photographer came in this chopper.

A. Right. I can't remember anyone else getting off.

Q. Was there anybody else aboard that you could recognize? Was it the C&C ship?

A. It just runs in my mind that it wasn't, but I don't know why. I'm not sure.

Q. Did anybody get on it and leave?

A. No.

Q. Was there any equipment aboard?

A. Not that I can remember.

Q. You say that chopper--do you recall a hill to the east of the bridge, sort of a rise?

A. As you come across this bridge, this is all fairly low. Then before you get out to the ocean again, it rises back up almost like a natural dike.

LTC NOLL: Were all the buildings up there in that raised area?

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A. No. All the buildings are down in this low-- well on that spit of land there aren't very many buildings, because it has almost been completely destroyed with bombs and artillery.

COL WILSON: Could this helicopter have seen anything? There was no vegetation up there, I don't suppose?

A. It was pretty thin in that area there.

Q. A chopper coming into this location would have good visibility for anything that happened to be on the ground for about 300 meters in the proximity of where he landed?

A. Well, not on the ground he wouldn't have that.

Q. I mean as he came in?

A. Right, right, as he came in.

Q. When this engagement was going on right before the helicopter came in--when the gunships came in -- did you feel that there was anything abnormal about this contact up there from where you were? Did you get any indication that anything was irregular about it?

A. No.

MR WALSH: After you got across the bridge there, I understand that the trail goes straight for a while and then goes to the right or to the south?

A. Also, it goes to the left.

Q. Or goes to the left and goes north. I wonder if you can describe for us what the terrain looks like when you get across the bridge and up to the point where you turn and go south and turn to go north and where the hootches were that were in that area?

A. Well, it has some real large palm trees. It's real sandy and has some like scrub bushes, low, about 3 or 4 feet high, scattered.

Q. And where are the hootches located in the area near the bridge?

A. The only ones standing are maybe 200 or 300 meters south of the bridge, I would think.

Q. In other words, at that time there were no hootches that were just over the bridge? They were all maybe 200 or 300 meters south of the bridge?

A. Right.

Q. Can you see the ocean when you're standing on the east approach to the bridge?

A. No.

Q. I understand that there is a rise of ground. About how high is that rise in the center of that spit that goes down?

A. I'd say 10 to 15 feet.

Q. And where does the ground start to rise? About how far from the end of the bridge?

A. Well, it's a gradual rise actually. As soon as you get off the bridge, it would probably start to rise.

Q. Is this a straight, gradual slope up all the way to the top?

A. No. It increases more towards the top than just off the bridge.

Q. After you go up to the point where the trail turns south and north, does it go up more steeply at that point up to the top or are you already at the top of the rise of ground when you get to the point in the trail where it goes north and south?

A. No. The point where the trail turns is still on the relatively flat ground, and then maybe 20 meters more it starts to rise pretty fast.

Q. Do you recall what orders were given to the platoon after you got across the bridge?

A. Nothing specific. We were just going to move on

south and to be real careful of mines and booby traps.

Q. What platoon was going to be in front or were there going to be platoons abreast or how were they to move?

A. The only one I can remember is the 2d Platoon was going to go mostly down the beach. The other platoons were going to be on the flat part of the ground closer to the body of water.

Q. Would the two platoons be separated by this rise of ground that we talked about that goes down somewhere around the center of this peninsula?

A. Yes.

Q. Were any of the platoons told to form security around the bridge?

A. I don't think so. We didn't stay by the bridge very long.

Q. Do you recall if they took the mortar with them, or did they leave that by the bridge?

A. I'm not really sure.

Q. Which of the platoons did the CP group move with when you moved south?

A. Well, we were probably in between the 3d and 1st Platoons, but I don't know which one was leading because the 2d Platoon was out on the beach.

Q. Now, when you made the turn in the road to move south, did you see any bodies?

A. No.

Q. Did you see any hootches that looked like they had been burned the day before?

A. No. Most of them looked like--they looked like there hadn't been anybody living in them for a pretty good time in that area.

Q. What were the platoons supposed to do as they moved south?

A. Well, just general search, search the area.

Q. How about burn the hootches?

A. Well, I imagine if there were any hootches in that area, we could have burned them if we wanted to, destroy anything in that area.

Q. Do you recall if that's in fact what they did?

A. Yeah, we did burn some hootches further south, down when we came to them down the peninsula there. There were some down there.

Q. Was there a lot of firing that day as you moved down?

A. We didn't have any more contact that day--well, yes we did, we had--the 2d Platoon spotted a Vietnamese trying to get away from them and they fired at him. I don't think they killed him, though.

Q. Would you tell us everything that you can recall about moving down behind either the 1st or 3d Platoon there that day?

A. I know we moved all the way to the point of land down there at the mouth of the river. I don't know the name of the river.

COL WILSON: That's the Tra Khuc River.

A. Tra Khuc.

(LTC NOLL marks approximate route followed by the two platoons moving south with the number 6.)

MR WALSH: Did you see any people as you moved south?

A. The Vietnamese military personnel we had with us latched on to this woman and they made her cook our lunch and stuff like that for us. But those were the only civilians I can remember seeing there.

Q. Did you see any bodies?

A. No.

Q. Did you ask anybody where the 38 VC that 1st Platoon killed that day before were?

A. No. I wondered where they were, but I didn't see them. I wasn't really worried about it.

Q. Wasn't anybody kidding the 1st Platoon a little bit about where were all these VC that they'd scratched the day before?

A. No. I don't know. I can't remember anything like that.

Q. Do you remember hearing any dynamite explosions?

A. I don't know if they were dynamite, but usually you used grenades and some TNT charges for bunkers and things like that.

Q. Do you remember finding half a dozen booby traps and mines and destroying them as you moved down the peninsula?

A. The second day?

Q. Yes.

A. They would have probably been the ones on the bridge, on both approaches to the bridge.

Q. Did the CP group move all the way down to the river?

A. Right. They moved all the way down.

Q. Did the CP group ever go over on the beach where the other platoon was working any time during the day?

A. Well, when you get down to the point of this, it all turns to beach right down on the point where the river is. It was all beach there.

Q. Did you see the 2d Platoon then at that time?

A. Right, we were all together then.

Q. When you came back up, did the 2d Platoon stay out on the beach or did they move back up?

A. I'm not sure.

Q. Do you think you could pick out where your laager position was on the night of the second day on the photograph?

A. I would say it should be just about right in here, but it would be an estimate. This was all graveyard out in here (indicating on Exhibit P-168.)

(LTC NOLL marks the approximate laager position as point 7.)

COL WILSON: Was there much separation between the platoons.

A. No. You couldn't get out of...

Q. I guess you just moved generally down along here (indicating)?

A. Yes. There's a trail that runs right down the middle of this.

MR WALSH: Let me ask you something else. From the bridge down to the river, I understand when you turned around like this you have to go a couple hundred yards before you run into these hootches? Is it your recollection that the hootches were more or less scattered in groups along here rather than being big, collected villages until you get down around in here? Maybe there is one pretty good-size village, and then maybe a couple more villages further on down? Did you say that the only Vietnamese you saw that day was the woman that the ARVN's had?

A. Yes.

Q. You didn't see any other civilians all the way down?

A. No, I didn't see any. I asked the Vietnamese because it looked kind of funny and she said--the woman said they all went across the river when the operation started. I don't know if that's true, but that's what she said.

Q. And you didn't see any bodies of any Vietnamese all the way down and all the way back?

A. No.

COL WILSON: Did you talk to any of the Vietnamese that day? I mean did you normally go out and talk to them because you had the language capability?

A. Well, I talked with the military Vietnamese. I couldn't understand the peasants very good, because they talk just like slang over here. Someone from a foreign country wouldn't be able to understand us if we talk in our....

Q. When you talked to the military, the Vietnamese military, did they seem--I assume these were the ones with B Company and C Company that you're talking about. Did they say anything about C Company's operation, or did they seem to be all right or did they seem to be mad about anything?

A. No, they were real friendly.

Q. Friendly. Did they stay with you the entire day?

A. They stayed the rest of that operation only.

Q. And they took this Vietnamese woman. Did she go all the way down and all the way back?

A. No. When we got down there to the point, she said she was going to go across the river. They let her go.

Q. Was she forced to go with you, or did you get that impression? With the Vietnamese, I mean?

A. The Vietnamese sort of forced her--well, they didn't use physical force, but they just let her know that she was going to be working for them for a while.

Q. And then they let her go without any problem down at the end?

A. Yes.

Q. Did you ever hear or did you ever know--of course, you weren't with them--that TAYLOR was using a Vietnamese woman

the first day and then the morning of the second day for point?

A. Well, that's kind of a common practice. Sometimes they do this, use a Vietnamese for point.

Q. Was it common practice to take them into the laager area?

A. Only if they are suspect. You wouldn't keep civilians in your laager area overnight unless they were suspects.

Q. In other words, you would keep your suspects in there under guard?

A. Right.

Q. There wouldn't be any type of report--or would there be any type of report from 1st Platoon as it went into it's laager area of how many VC suspects it had? Would it come back to the company?

A. I don't believe they would have reported it.

Q. There was an entry on the brigade log (referring to Exhibit M-17) that stated what you stated earlier, "1330 hours, two VC evading. Results: one VC KIA." You didn't see this body?

A. They reported that as a kill, but all they found was blood. They never did find the body.

Q. But it was reported as a kill?

A. That was reported as a kill.

Q. Where was this? Was this out on the beach?

A. That was the 2d Platoon on the beach there.

Q. Did you have any idea that maybe some of these kills the 1st Platoon had reported were maybe in error, underestimated or overestimated?

A. That happens sometimes.

Q. Were there enough inhabitants or villagers or natives in this area to dispose of that many bodies?

A. No. Like I said, we didn't see any civilians over there. I doubt if they were over there that night.

Q. What happened to these bodies?

A. They might not have ever existed.

Q. Well, could you have seen from the area that you were in? The top of this embankment up there, do you think you could have seen any bodies up there?

A. If they would have been on top, I probably could have seen them, because that night when we went to our laager position I walked all around the perimeter.

Q. Did you go up on this embankment? Did you go over it by the sea?

A. Right.

Q. Did you move around up there in daylight?

A. Yes. This was still daylight when I did this.

Q. Did you see anything unusual up there?

A. No.

Q. Well, I would like to know what happened to these 38 bodies?

A. It could have been like some of those were in the tunnels or bunkers is the only thing that I can see.

Q. They didn't report them as being in tunnels and bunkers. Some reports carried killed in tunnels.

MR WALSH: Eight of them were killed in the tunnels, but that leaves 30 that were--

COL WILSON: (Interposing) Where were the other 30?

(Witness makes no response.)

MR WALSH: I wonder if we could take a short break and we two civilians could have a talk.

COL WILSON: Surely.

(The hearing recessed at 1410 hours, 29 January 1970.)

(The hearing reconvened at 1420 hours, 29 January 1970.)

COL WILSON: The hearing will come to order.

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

(The witness was reminded that he was still under oath and he testified as follows:)

COL WILSON: We want to plot that night laager in there if you can recall where it was.

A. I'd say it's right here just about where you had that, somewhere in that general area (indicating on Exhibit P-168).

LTC NOLL: Do you recall how many platoons were in that position? Was the whole company in there?

A. I'm trying to remember. I think someone stayed up by the bridge to secure that, or they went back up there. I'm not sure whether they were up there all day or not. I don't really remember.

COL WILSON: All right. Did anything unusual occur during the evening of the 17th?

A. We fired H & I again. I think that was the night that Alpha Company got hit pretty hard. I'm not sure.

Q. Alpha Company got hit hard. How did you know this?

A. Listening on the battalion radio.

Q. You heard the transmissions reporting casualties and so forth?

A. Yes.

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- Q. Alpha Company, from as much as you could determine, was still north of the river?
- A. Right.
- Q. What else? Did anything else happen?
- A. That's the only thing that I can remember.
- Q. Was there any small arms fire in your area that night?
- A. No.
- Q. To go back for a moment, during the day when you were moving down the beach, did you see any fires out here (indicating) in the C Company area to your west?
- A. I can't remember.
- Q. Did you hear any firing over there?
- A. No. I mean, there might have been, but I can't recall any fire over there at all.
- Q. Do you recall anybody coming in? What about your supplies that day?
- A. Well, I know we ate our hot chow at the laager position.
- Q. Somebody had to bring that out?
- A. That came in on the chopper.
- Q. What else came in there?
- A. When we were down on the point, I'm pretty sure Colonel BARKER joined us down there for a while. It was either Colonel BARKER or Major CALHOUN, I'm not sure which one. Because I can remember the chopper landing out on that sand.
- Q. What do you mean joined you for a while? How long?
- A. Maybe 15 or 20 minutes; they'd come in and talk with the company commander on how the operation was doing.

Q. He landed down there. Had you stopped at that point?

A. Right. We were all just sort of sitting around, taking a break.

Q. Did they have anything specific to say? Do you know whether it was Colonel BARKER or Major CALHOUN?

A. I can't really remember.

MR WALSH: Did you hear the conversation between BARKER or CALHOUN and Captain MICHLES when they came down during the day?

A. No. They usually--when they would come in, we didn't stay that close to them where we could hear the conversation.

Q. Do you remember ordering a resupply of dynamite during the day?

A. I probably had a lot of resupply. The 1st Platoon had done some firing, and I usually ordered ammunition and TNT. That was what it was, probably.

COL WILSON: Do you recall anything abnormal about your supplies that day? Did they seem to be larger than normal or the same as always, nothing unusual?

A. I don't think there was anything unusual about it.

MR WALSH: Do you remember any discussion in the laager area about how many people the company killed during that day?

A. No. I can't remember any. Really, I didn't think we killed any that day. This is just my own opinion. They found that blood from that one guy they shot, but they never found the body.

Q. Was there any bragging by any of the 1st Platoon people and the point people about how many people they got in the bunkers?

A. No. I wouldn't be around the platoons that much or close to them or anything.

Q. I forgot to ask you about something that occurred on the first day, and I would like to go back for just a minute. A transmission, during the morning on the first day, to Charlie Company with respect to ceasing fire, do you remember that?

A. I've read about it in the papers, but I can't say if I remember it or not.

Q. Can you remember any transmissions during the morning of the first day to Charlie Company that stick in your mind about anything?

A. The only one that I can remember is the guy shooting himself in the foot. That's the only....

Q. In the afternoon of the first day, do you remember any transmissions from Task Force Barker, either the TOC or Colonel BARKER's ship, directing Charlie Company to sweep back through the area they had come through, and to make a count of civilians killed, broken down by men, women, and children, and how they were killed. The CO of Charlie Company argued that it wouldn't be possible to tell how they were killed; there were a lot of mines and booby traps in the way, and it was too late in the day. Then the division commander came on, Sabre 6, and said: "No, don't bother going back there and counting them now"?

A. That's sounds familiar, but I can't really say that I heard it. Whether I'm thinking about something I've read, I don't know.

Q. Well, the division commander didn't intervene very often in an operation?

A. Right.

Q. That would be something. If you heard it, you would probably remember it?

A. I just can't remember that at all.

COL WILSON: Did you ever hear the division commander come in on your radio net?

A. I've heard him before.

Q. How many times?

A. Maybe three or four or five. A lot of times he'd come into Uptight or Dottie or something like that.

Q. I mean while you were on an operation?

A. No. I don't think I ever heard him on an operation.

Q. You would have remembered it?

A. Yeah. I'm sure I would.

MR WALSH: On the second day in the afternoon, do you remember requesting a dustoff for a Vietnamese woman who was wounded up by the bridge?

A. Not on the second day. I can't remember a dustoff for a woman. The third day we did have a dustoff for some civilians, but I can't remember on the second day.

COL WILSON: Nothing irregular about your supplies? Do you remember breaking down supplies that night?

A. I can almost see it sitting here, but I can't--

Q. (Interposing) Do you remember who was on board the aircraft when the supplies came in?

A. No.

Q. The rations and supplies came in on the same chopper?

A. Right.

Q. Do you remember sending the chopper up to the other ambush site where the other platoon was, to carry some supplies in to them?

A. No, I don't remember that.

Q. We had an indication that the chopper came into your area, and possibly it was a command and control ship. It could have had Colonel BARKER on it. It stopped there and was sent up with some supplies up to the other area.

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A. Usually they would use the command chopper for supplies, but he wouldn't be on it. He might have been this time, but usually it was so full. You'd have 15 cases of C-rations and some sodas and hot chow and water. It's not too much room for him to be on there.

Q. You had all that plus demolition and ammo? You've got a pretty big load?

A. Well, the ammunition is usually pretty small compared to the other part of the load.

Q. You don't remember Colonel BARKER coming into the laager area?

A. No, I don't.

Q. Would you have seen him?

A. I would have seen him.

Q. You were right there at the ship. Do you remember sending the ship up to the ambush site by the bridge with some--

A. (Interposing) I don't remember, and I think I would if we would have done that because we only did that just a very few times while I was over there.

Q. What about hot chow for those guys up there at that bridge?

A. Sometimes they skipped it.

Q. Just didn't get it. Do you think that's what happened?

A. I don't know. They might have sent a certain number of people down for chow. I'm not sure.

Q. It's a pretty good distance.

A. Yes.

Q. What time did you depart the next morning, on the 18th?

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A. I'd say around 8 o'clock. We moved on up north then.

Q. What happened as you moved north, anything? Do you recall?

A. Nothing really that I can remember happened until we got up to this next large village area (indicating on Exhibit P-168), up here along the ocean.

Q. Now wait! Do you recall a rice cache, 3,000 pounds?

A. No, I don't.

Q. You don't recall it?

A. I don't think we ever found it.

Q. It was reported found?

A. I remember we had a Vietnamese suspect. I'm getting my days confused. I'm not really sure--we had a suspect and he was supposed to take us to a cache. He escaped on the way. He just got away from these guys.

MR WALSH: Was that the next day?

A. That could've been. I was kind of confused on the days. I can't remember a cache, though. Of course, one of the platoons might have found it and I forgot about it.

Q. You don't remember 3,000 pounds of rice in a location around the bridge as you were moving north?

A. It might have been. I don't think that we evacuated it, though, if it was found.

COL WILSON: The log report (referring to Exhibit M-18) at 0730 says: "A rice cache was found, approximately 3,000 pounds. Will bag and evacuate." The S5 log of that date says it was not evacuated, because some of it was spoiled. Have you ever heard of spoiled rice?

A. They might have decided--sometimes it was hard to get a chopper, especially with Task Force Barker. We didn't have the choppers that a regular battalion would have.

Q. Okay. That was up by the bridge. Did anything happen between your laager area and the bridge? Did you see anything unusual?

A. No. I don't remember anything along in there, except as we moved on up to that village area there's a real large village in this part here (indicating).

Q. What was the formation, about the same as before on the beach?

A. No. I don't think we had anyone on the beach at this time as I can remember.

Q. Platoon columns?

A. Right.

Q. Order of march, do you remember what that was?

A. No.

Q. All right. As you moved up beyond the bridge, did anything occur?

A. Not that I remember. I can't think of any.

MR WALSH: Were they burning the hootches as they moved up?

A. When you get up to the bridge there, there's no more hootches until you come to this real large village, and we didn't burn that village.

Q. Do you remember getting an order later in the morning saying, "No more burning of hootches."

A. I remember. It seemed like we just changed our policy altogether that day. We went from a search and destroy to a pacification, because we went to this village and we washed all the kids. Maybe somebody had a guilty feeling or something like that.

Q. Do you remember any transmissions about what the mission would be for the day?

A. Well, they said they were going to send out medical

teams. Some kind of Vietnamese people came out too and put on--no, that wasn't that day, I'm sorry.

Q. We know that the operations were, as you remember, very different between the 17th and the 18th.

A. Right.

Q. We also have some indication that the orders changing the method of operation were received sometime late in the morning, and it probably would have come through you. You just don't have any recollection at all of any transmission along this line?

A. Well, no more than just--like we were going to go into this village, and clean these people up, and help any of them that had infection and have the medics look at them. We weren't going to burn the village.

Q. You said a minute ago that it struck you that someone might have had a guilty conscience. What gave you that thought?

A. Well, we had been completely destroying these areas that we'd been in the last few days. I don't know. It was just altogether different, a change. It wasn't a slight change. It was a drastic change.

Q. But you don't remember the orders coming through or anything about them?

A. Well, you know, they didn't give me a reason. They hardly do that. There was a reason for changing orders.

COL WILSON: Did this have any effect on Captain MICHLES? Did he seem to be--did he just say, "Okay, stop burning, we won't burn any more villages, or "We're going to bring medical teams," or did it surprise him?

A. Well, he was pretty military. When they told him to do something he did it, and did it the way he was told.

Q. You mentioned for the first time, I believe, search and destroy. Was this briefed to you as a search and destroy operation?

A. I believe so. This was before--after I was over there for a while, they changed the name of it and called it search and--I don't remember that other part.

Q. Clear?

A. Search and clear or something like that--no reconnaissance in force. They changed the name to reconnaissance in force.

Q. The fact that this operation was called a search and destroy operation, did this appear to be different from other operations which you had been conducting?

A. The operation was a little different. It seemed to me that we called them all search and destroy. At that time, that was the way it was termed.

Q. Have you ever heard the term, "search and clear"?

A. No. I don't think so.

Q. As you moved north, the first village that you would have hit would have been Ky Xuyen?

A. I'm not familiar with the name of it, but it was a large village, several thousand people. It would have been right on the beach here (indicating on Exhibit P-168) in this area.

Q. Do you remember this fishpond?

A. Yes.

Q. You do remember that?

A. That fishpond is the area where that suspect got away.

Q. Did the suspect stay with you all the way from the south or--where did you pick him up?

A. I believe we found him in this village along the coast here.

Q. Up to the north?

A. Right.

Q. When you got up into this village, what was the disposition of the company? Was a sweep operation conducted, or what happened there?

A. Well, we sort of set up a perimeter around the village. We just mostly sat around. They brought in these medical teams. We let them check them out.

Q. Did you hear about two platoons moving on out to sweep out to the end of the finger?

A. I think they did go up there, but I can't really remember for sure. They didn't go too far. I think there is a fort, and old Korean or French fort, and they have a lot of mines around it. They didn't go all the way to the point of that.

Q. Out on the point?

A. Right.

Q. Do you remember approximately how many villagers, natives, were rounded up that day?

A. No. It seemed like there was at least a thousand of them. There were a lot of them. It was a real large village.

Q. Do you remember reporting this to Task Force Barker?

A. Not the number of the people. It was reported that we were taking care of them. Task Force Barker sent out their team of medics.

Q. The log entry (referring to Exhibit M-18) says: "B/4/3 is in an area with approximately 1,000 people. They don't appear to be VC. Task Force Barker will put a MEDCAP in the area at approximately 1400 hours." Does that timing sound about right?

A. Yes.

- Q. This report went in. The closest time we can get is 1135. Do you figure you got up there about that time or earlier than that?
- A. That's about right. We spent just about the whole afternoon in that village.
- Q. What time did the MEDCAP come in, do you recall?
- A. I'm not really sure.
- Q. How many helicopters?
- A. Probably one.
- Q. Did anybody come in besides the medics?
- A. I don't remember any.
- Q. Military intelligence?
- A. No.
- Q. Interpreters?
- A. No, we still had those Vietnamese--
- Q. (Interposing) Still had them?
- A. Vietnamese military were with us.
- Q. They stayed with you?
- A. Come to think of it, I think our military intelligence might have come in that afternoon. I don't know if they came in with the medics or not, I can't really remember. I know the next day they were with us when we were taking that suspect to find this cache or whatever it was.
- Q. What day was that, the 19th?
- A. The 19th.
- Q. This is another cache?

A. This was the one that the suspect got away from us as he was leading us to it. It was kind of unusual, but he did.

Q. Well now, do you think the MI people may have come in?

A. I believe they came in, but I don't think they spent the night with us.

Q. These Vietnamese military stayed with you practically the whole operation. They were with you from what you described. Did they stay close to the command group?

A. They stayed with me. They liked me to talk to them. I could talk to them pretty good because they were educated Vietnamese, fairly well educated.

Q. Did you notice anything unusual about the way these people treated the Vietnamese in this area?

A. How the Vietnamese treated the Vietnamese?

Q. Yes, the military?

A. They didn't seem to think there was anything wrong with our procedures when we were on search and destroy or when we were pacifying.

Q. When you were burning?

A. These military guys told me this was the worst place you could be.

Q. You're pointing (indicating on Exhibit P-168) south to all of those villages along that coast, south of My Lai (1)?

A. Right.

Q. And what did they say?

A. They said that was the worst place you can be.

Q. What did they mean by that?

A. Well, it was a Viet Cong stronghold. One other time I talked to some Vietnamese out here at--I'm not sure of the name of this town out here on Highway 1.

Q. Son Tinh?

A. Son Tinh, right. They say when you got out here that you just might as well write your will off and everything. They hate it out there.

Q. Who said that?

A. The Vietnamese.

Q. The Vietnamese said this?

A. Right.

Q. You mean the Vietnamese military?

A. Right. They think this is the worst place you can go on operations. They say it's been like that for a long time.

Q. So it didn't seem to bother them that you were burning these villages going down there?

A. No. They'd light the match just as quick as anybody else would.

Q. Were they burning?

A. I can't remember if they did or not.

Q. Well, after you got back up here in the north, when you got into Ky Xuyen (1), what was their reaction to these people up there? How did they behave?

A. They would talk to them and this one younger one was chasing some of the women around, just small talk with them and everything. They didn't seem to have any bad feelings for these people up there.

Q. Well, when this report was made to the 11th Brigade, "They don't appear to be VC," who would have determined that?

A. I don't know. Maybe Captain MICHLES might have called this in. When you're washing little babies and things like this, people are going to act pretty friendly towards you. If you look at the report of what happened that night, that just goes to show you how friendly the area was.

Q. So all day was spent in this MEDCAP program?

A. Right.

Q. The MEDCAP took place on the beach?

A. Right. Well, in that village area. The village was right on the beach.

Q. Can you show us about where this occurred on the photograph? This right in here (indicating on Exhibit P-168) should be the fishpond.

A. This village is almost just about, I'd say, right in here. This stretches out pretty long.

Q. And the MEDCAP was on the southern end of it?

A. No. I'd say the MEDCAP was more in the northern part of the village.

Q. Approximately in here?

A. Just about where you have the pencil.

Q. Just put a number in there for MEDCAP.

(LTC NOLL marks the MEDCAP location on the aerial photograph as point 8.)

And did the helicopter land on the beach?

A. Right on the beach.

Q. Did he bring any supplies in?

A. I believe he had a big chest with the medical supplies, all this soap and all this stuff.

Q. Nothing for you, though?

A. No. We didn't get our supplies until later on that evening.

MR WALSH: Was there a National Policeman with the MEDCAP team?

A. I don't remember if there was. I don't think so.

Q. Do you remember if the MEDCAP team was made up of a medical corps major and a captain and a couple of lieutenants? Can you remember what the makeup was of the team?

A. I sure don't. I can't remember.

Q. Were there several officers?

A. I can remember that some of the battalion medics that usually don't work in the field came out. They thought it was a big experience, but I don't remember any of the others.

COL WILSON: You didn't notice any unusual techniques being applied to the interrogations by the Vietnamese or by the U.S.?

A. I remember that day I was sort of separated from the CP group, and I was just sort of out on the perimeter securing the village. I wasn't with the CP group that day. I don't think they were doing anything. They weren't really making much of an effort to interrogate anybody that day, I don't think.

MR WALSH: How about the next morning?

A. Well, we had that one suspect. I don't know how they were interrogating him.

Q. You didn't see them?

A. I saw the suspect. He probably had just a few bruises on him, but they did this just about all the time.

COL WILSON: Who did?

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A. The military intelligence, Vietnamese or Americans, sometimes.

MR WALSH: Did you see the Vietnamese interpreters or soldiers using the field telephone to interrogate?

A. Not on that operation. I've seen it done before. I don't think we had any field telephones out there on that operation.

COL WILSON: Didn't you occasionally pick these up when you found them laying around these caches?

A. Yes. That's happened before, and they found them.

Q. Were all these Vietnamese brought in given medical treatment that day? Did you pass any rations out to them, or just soap?

A. No more rations than what an individual would give some of their own.

Q. C-rations?

A. Yeah.

Q. Did they bring hot chow to you that night?

A. That night, right.

Q. How about supplies, did you get any?

A. I don't think we got a whole--just our C's, sodas, and water. That is the biggest part of your supplies.

Q. They brought you water. You always had to have your water brought to you?

A. No, not always. We'd get it out of the villages. Probably 80 percent of your water is gotten out of the wells. They usually brought water in at night anyway.

Q. They did bring it all the time?

A. Some people would seldom drink that well water, but it never bothered me.

Q. So the chopper came in. Did anybody come in with the chopper with the chow who got off and stayed there that night, other than normal company personnel?

A. Not that I remember.

Q. All right. What happened during the night?

A. We got mortared that night, and small arms fire. We had one guy killed and five or six wounded, I think, maybe four or five wounded. I'm not sure of the number wounded.

Q. Did the mortar round land in the vicinity of where the MEDCAP was, or was it in another location?

A. No. We had moved on up the beach for our laager position, about 500 yards up the beach.

Q. Where did you laager? Can you pick it out on the map?

A. We laagered maybe not quite down as far as those two monuments. That may be wrong, though. I'm not sure.

Q. This P-185 won't show that area.

A. I would say we laagered maybe right in here (indicating on Exhibit P-168). There was a lot of white sand in the area where we laagered at. I would say it would be about 500 yards from the--

Q. (Interposing) Would it be up in here?

A. Yes, sir.

Q. You think you laagered this far up in here? You weren't near that fishpond?

(LTC NOLL marked the laager position as point 9.)

A. No, we were up the coast.

Q. So your mortar round came in here?

A. That's where they landed, in this area.

Q. Now, how far away did that mortar appear to be? Could you tell where it was?

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A. I saw the flash. It was right along this coast here, maybe 500 yards farther up the coast. It was a 60mm mortar. We found the tail sections in the morning in the craters.

Q. The rounds?

A. Yes.

Q. And it was a 60?

A. Right.

Q. You saw the flash?

A. Right.

Q. How many rounds were fired?

A. I think it was about five or six rounds. I don't know how many were reported. Sometimes Captain MICHLES would get excited in reporting the number of rounds. I think we found five or six tail fins in the morning.

Q. Did Captain MICHLES ever get excited like that with casualties?

A. Right, I think so.

Q. You recall five or six rounds, right?

A. Right.

Q. At 1:55 the brigade log show that B/4/3 received 12 rounds. Do you remember making that report?

A. I probably made it, but it wasn't that many rounds, though.

Q. It wasn't?

A. No.

Q. Do you recall as to whether these rounds all landed in a concentration, or did they appear to be spread?

A. They were walked. The first one was a direct hit right on our machinegun on that north end of our perimeter, and then they came right up and stopped just about where the CP group was. The last round hit there.

Q. And the small arms, from what range was that?

A. It was probably fired about the same area as the mortar. I think they set the mortar up right on the beach.

Q. Did anyone ever find the mortar position?

A. They went down there the next day, but I can't remember what they found down there. They didn't find the mortar.

Q. That's pretty good firing.

A. They were real good.

Q. Would you say this was fired without a base plate, tripod, or bipod?

A. They probably used a base plate. I imagine they used a tripod, too. We've been hit in the same area down there before. We've been mortared. The first round was always right on us, every time. They didn't mess around.

Q. When you got these casualties that night, what was next? Did you request an evac?

A. We requested gunships and dustoff, and the gunships--we also had "Spooky" that night, too.

Q. Did you get any gunships, or was the "Spooky" the only thing that came in there?

A. I think we had the gunships because they don't evacuate too much at night without the gunships.

Q. The log says that the evacuation came in with gunships, but I didn't know if the gunships did any firing or whether these came with the evacuation helicopter.

A. They probably fired. It seemed like every time they came out, they'd usually expend all of their ammunition before they would go back.

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Q. From the time you got the firing and you got the casualties, how long before they were evacuated?

A. I'd say maybe 15 or 20 minutes--half hour at the most.

Q. What time did "Spooky" come in?

A. It took him a little long to get there. It was about--well, it was close to an hour before he got there, I would imagine.

Q. Was he firing during the night?

A. Yes.

Q. What were his targets?

A. Just general area around our perimeter, within about 400 yards of our perimeter.

Q. What type of ammunition?

A. Well, he dropped his flares and he fired his miniguns.

Q. How long did he stay on station?

A. Well, he stayed until he expended all of his ammunition. I don't know how long he stayed. I can't remember.

Q. Was he firing into these villages around there?

A. He didn't fire to our south, but he fired in this arc up here on this peninsula?

Q. To the northeast?

A. To the northeast.

Q. Did he appear to be firing over that way where that mortar position had been?

A. Well, in that area plus northeast of us or northwest of us, due north.

Q. What about communications with this aircraft? Did you have communication with him?

A. Right. We talked to him.

Q. Did you have to change frequency or did he come in on your net?

A. We changed frequency for him, I believe.

Q. Where did he get that frequency?

A. That's in the SOI.

Q. It is? Then you were still on the FM, weren't you?

A. Right--no, I believe he came in on a battalion frequency. Sometimes they would and sometimes they wouldn't. It just depended if they knew our frequency. That would be the problem.

Q. But did you have communications with him that night?

A. Oh, yes.

Q. What sort of instructions were given to him?

A. All we had was a flashlight, and we shined that from the center of the laager position. Then we described how far it ran. Then he said he would fire an arc about 500 yards from the limit of our laager position.

Q. What was your description when that light went up? How did you describe your laager? How far out?

A. I think we said almost 150 yards on each--from the light in each direction, except to the ocean side. There is something I left out earlier in that day. There was a woman that was wounded. We were calling in our artillery reference points, in case you do get fired on at night, and then you call in your artillery. The FO was getting his plots and he was firing out in this sort of like a marsh area here. So after he had finished, here comes a bunch of Vietnamese people down the beach and they were carrying this

woman, and her leg was almost completely blown off. They said she stepped on a mine, but it didn't look like it. It looked probably like some shrapnel from some of that artillery had probably hit her. Then we dusted her off. That was before dark.

Q. Well, do you think the Vietnamese appeared to be pretty angry about this? You could talk to them and hear what they were saying?

A. Well, like I said, they said she stepped on a mine. Now, whether they didn't want us to know whether she was out there where that artillery was being fired at or what, we don't know.

Q. Was it your impression that they didn't attribute this woman's condition to the U.S.?

A. No, I don't think they--

Q. (Interposing) Did they think it was the artillery that did this, or did they think it was the VC mine that did it?

A. They said it was a mine, but I never seen a Vietnamese step on a mine over there. I never did see it.

Q. And you dusted her off?

A. Right.

Q. What happened after the mortar and after the "Spooky" came in? What was the schedule the next morning?

A. I believe they took that suspect to look for that cache or whatever it was, and he got away. Later on that morning, I believe we lifted off and went back to Dottie or Uptight. I'm not sure which one we went back to. One platoon went down the beach and looked for the mortar location.

Q. The whole platoon?

A. I believe so.

MR WALSH: Tell me about this trip to find the cache? Who took the detainee on that trip?

A. It seems like we had military intelligence with us because I wouldn't have been good enough to interrogate somebody. I couldn't talk that well.

Q. Was that JOHNSON and his interpreter?

A. I can't place him, but it probably was. I mean I can't really remember them being there, but they usually worked with us.

Q. Do you remember the S2 of Task Force Barker?

A. You mentioned him a while ago, but I still haven't been able to place him.

Q. All right. The military intelligence people, you're not sure if it was JOHNSON and his interpreter. Who else?

A. Well, we had those three military Vietnamese with us, I think, and they went along.

Q. They were in uniform?

A. Right.

Q. Captain MICHLES?

A. Right.

Q. Yourself?

A. Yes.

Q. Anybody else?

A. A platoon went with us, but I'm not sure which one it was.

Q. The platoon followed you?

A. I'm not sure. I know at least one platoon went.

Q. You went around to the left of the fishpond, is that right?

A. I'm not sure which way we went around that thing. Like there it looks like a pond, but it's just like a marsh, more or less.

Q. But you went around the marsh?

A. Yes.

Q. Are you sure there was only one suspect with you?

A. I think so.

Q. Now describe how he got away?

A. Well, they had him like walking point with one person. I didn't really understand that too clear, how he did it, but he took off and the point man didn't get a clear shot at him and missed him or something, I'm not sure. It sounded kind of funny.

Q. There weren't any others with him when you got there? They couldn't remember where the place was?

A. No, sir.

Q. And you didn't see the Vietnamese interpreters torturing any detainees that morning?

A. That morning? It seems like this guy that we had, they worked him over pretty good, but I don't remember that morning them doing that much.

Q. Remember seeing one of them kick him?

A. I probably have before, but I don't remember it that day. They usually used all kinds of methods.

Q. Were the only people doing the interrogating the Vietnamese?

A. Were they the only ones interrogating? Well, they have to have the help of the military intelligence man because he usually tells them what he wants to ask, and then they translate it to the Vietnamese.

Q. Then you just don't remember if that was JOHNSON, but there was a military intelligence officer there.

A. I don't remember which one it was.

Q. American?

A. Right.

Q. And you didn't see them rig up a field telephone to this fellow's testicles?

A. Not that day. I've never seen them do it to their testicles.

Q. You didn't see them that day rig up a telephone to any part of his body?

A. No.

Q. Let's go back a day or two to when you were in the laager area on the night of the 16th. You mentioned that you had seen the detainees C Company had brought in that you identified in the photograph. I think you testified that you didn't see them shot?

A. Right.

Q. What did you hear about it?

A. Well, I just heard that--I believe Captain MICHLES was the one that told me this. He said they were taking them over there and asking them some questions, and said if they didn't answer they were going to kill them. They let one guy see this, and then they killed him. Then they'd ask the other guy some questions. I don't know if they got any important information out of them or not.

Q. Did he tell you how many people he had seen them kill?

A. No. I know it was more than one, but I don't know how many.

Q. Do you remember his reaction to it? Was he angry about it?

A. No.

Q. Just commenting on the way the police operated?

A. He probably thought it was pretty efficient.

Q. Now, when you were in the laager area there with C Company that night, did you hear anybody talking or any discussion about C Company's operations that day?

A. No. I didn't know anybody from Charlie Company very well. I was pretty busy that evening. And then after dark you didn't walk around too much inside the perimeter.

Q. You didn't hear anything out of the ordinary at all about their operations during the first day?

A. I don't know whether some of this stuff--but it seems like I remember it maybe or whether it is something I have read in the paper. I read this stuff in the papers and I said, "I wonder if that really happened or something, if I remember."

Q. I understand the problem, and we don't want you to tell us anything without qualifying it like that. So, if you have a doubt as to whether--but if you do have any recollection that you think might be of help to us, I think we would like to have it. You tell us if it shouldn't be relied on as exactly right because you're not that sure of it. We would like to have you tell us anyway.

A. They destroyed the area and burned the hootches and things like this. I really can't remember them talking about killing a whole lot of people and everything like that.

COL WILSON: Just on a timing basis, there's an entry in the Barker log (referring to Exhibit M-16) at 1050 which says, "The command-control ship started to extract one platoon to LZ Uptight." Did you see the C&C ship out there about 10 or 11 o'clock?

A. I don't really remember seeing it out there.

Q. It started lifting one platoon out ahead of the company, going into Uptight?

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A. I can't remember. I guess they could have.

Q. And that was completed by 1140 for that platoon. The first lift for B Company extraction is indicated on the log as 1319 to Dottie.

Do you know which platoon it was that went over to Uptight?

A. For a while they had the weapons platoon staying up there. They were controlling the whole thing. But I don't know if that was them or not.

Q. Okay. The last entry I want to question you about is the entry on the Barker log at 1342, which said, "Company B lift to LZ Dottie completed," and in a late entry, "Company B picked up one VC suspect, vicinity of 754818, captured at 1230." I wonder what happened to that VC suspect? Would you have taken him back to Dottie?

A. Probably would, because they have MP's there. They would have taken care of him.

Q. Now at this time, what happened to those ARVN military personnel?

A. They went to Dottie with us, I believe. Then we gave them a ride down to Son Tinh area, to Quang Ngai.

Q. Did you take them down there?

A. No, I didn't take them down there.

Q. Were the National Police still with you at this time?

A. I don't know. It seems like I sort of remember them, but I am really not sure if they were with us or not.

Q. Would they have been given a ride down to Son Tinh, too?

A. Right.

Q. And you were pretty close to these National Police and military personnel during the whole operation?

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A. As far as being friendly, I was only friendly with the military ones. They were all in our general area most of the time.

Q. I think this had been covered, but did you say they came in the first day?

A. The National Police? If I remember right, they were with Charlie Company. They gave us so many of the police and the others.

Q. What is your opinion of the body count that was made during this operation?

A. I think the one for Bravo Company was exaggerated. I don't think there were ever that many killed. I mean there were probably a few killed, just like in those bunkers. You don't go in to find out who's in the bunkers. You just put a charge in it and blow it up.

Q. Isn't it normal to yell in there and tell them to come out?

A. Yeah, you can tell them come out, but a lot of times, they probably wouldn't do it.

Q. Just to summarize here, did you see any mistreatment of Vietnamese or VC suspects by either Vietnamese or U.S. forces on this operation?

A. Mistreatment. According to the way you're supposed to, it probably wasn't done right. I guess you could call that mistreatment.

Q. What mistreatment?

A. Well, torturing the suspects.

Q. Let's go over that once more. Who? Where?

A. I don't really know on the first day. Along towards the last of the operation, that one suspect I was telling you about, he was roughed up pretty good.

Q. And that was by?

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A. I know some Vietnamese and whoever the military intelligence man was, but I don't know who he was.

Q. Was it the same--it wasn't the interpreter that you saw? Do you remember Mr. JOHNSON?

A. Well, I know the National Police were with us. It could've been them. I'm really not sure.

MR WALSH: On the first day in that little village where you spent most of the day, did you see JOHNSON there?

A. Yeah, I believe that was JOHNSON. Yeah, because he was in that picture.

Q. Did you see his interpreter roughing up a woman there?

A. No. Something like that is hard to place at the time, because that's not really unusual for something like that--I mean not to rough up a woman or anything like that, but you just think about other things.

Q. You don't have any recollection of that?

A. No, but on that operation I would say the treatment of prisoners or suspects was about the same as it always was.

Q. Since this is all you can remember, that this is just more or less typical, I wonder if you could tell me what was typical? What was the kind of thing that you saw and the way they were interrogating prisoners? What were the types of persuasion generally used?

A. Sometimes there was one of those telephones. They might use that. This one Vietnamese interpreter, he had a way he would bend their fingers back or something, or do something to them. They didn't look like they were really that bad, but he seemed to get the results, sometimes.

Q. What kind of methods did JOHNSON and his interpreter use if you can recall?

A. JOHNSON was sort of--when he was interrogating someone, he wouldn't be around a lot of people. He tried to keep it, not hidden, but not where everybody could see it and write home and tell their mother about it.

Q. Did you ever have an opportunity to observe him?

A. It seems like once or twice I might have seen him, but I can't remember when it was or anything. I saw a few people that he had worked on, or him and his interpreter had worked on.

Q. Did you ever see any intelligence officer use a knife to interrogate people?

A. No. I never saw anything like that.

Q. Cutting them, cutting their hands?

A. No.

Q. Did you ever hear of an American intelligence officer cutting off part of a finger of a detainee?

A. No, I don't believe so.

Q. Well, other than using the field telephone and bending fingers, what else can you think of that you can recall?

A. You mentioned that one time about him kicking a guy. I probably saw that a few times, but I can't place it with him.

Q. Any other methods you remember of interrogation that were normally employed by the interpreters or by the people who were questioning?

A. No. I can't think of any.

COL WILSON: What happened after this operation? Did there appear to be any change in procedures or tactics when you got back at Dottie and on your subsequent operations? Was there any change in your procedures or your methods?

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A. If I remember, we didn't go back down in that area too much any more for a long time. It seemed like the other areas we never had too much trouble in, so we treated the people pretty nice in those areas anyway all the time. I don't know if that was the reason there was change or if it was because we didn't get into a bad area.

Q. Well, your operations that you conducted back in your regular AO, were these the same as always?

A. I thought they were about the same. We didn't burn villages and all this other stuff.

Q. You didn't?

A. In our other AO.

Q. You didn't?

A. No. Well, Batangan, that's a little different, too.

Q. Batangan Peninsula?

A. Right. That's like going into another world.

Q. That's part of your AO?

A. Right. We treated that about the same as Pinkville. Our AO out toward Highway 1 and around Uptight, we treated those people real--medics helped them out. It was just more like a little picnic when we would go into one their villages. We'd help them.

Q. How about on the Batangan Peninsula?

A. No. That was a pretty bad area out there.

Q. You did burn it?

A. We burned villages, but I never heard of any mass slaughters or anything like that out there.

Q. Did you go out on the Batangan Peninsula after the March operation?

A. Right.

Q. Was there any difference in your operation? Did you still burn the villages and stuff?

A. I don't think we did.

Q. Well, I want to be reasonably sure of this. You burned before in the Batangan Peninsula and you don't think you burned afterwards, after this operation?

A. Well, out there there's only one or two populated areas. I just can't remember burning any after that operation.

Q. Did there appear to be any change other than that in the Batangan operation?

A. No, I don't think so.

Q. Did this change impress you at all? Did you think something peculiar about not burning out there?

A. No, I didn't think burning hootches was an effective means of accomplishing anything.

Q. How did the rest of the company feel about that?

A. I never heard too many people say one way or the other.

Q. Do you have any knowledge of investigations or inquiries or people being questioned concerning the operation in Pinkville?

A. No more than just here today.

Q. I mean before you left Vietnam?

A. No.

Q. Nobody that you know of was ever questioned?

A. No, I never heard of it.

Q. Did anybody ever say anything about an investigation being conducted?

A. I read in the paper where they said there was one, but I never heard of it.

Q. You were never questioned and no one you knew was ever questioned?

A. No. I don't know anybody that was questioned.

Q. Did anybody ever tell anybody that you know not to discuss this operation?

A. No.

Q. Did you ever hear rumors that there was unnecessary killing of noncombatant civilians in this operation?

A. I can't remember hearing anybody talk about it. I kind of thought that maybe there might be. When our platoon reported there was 38 people killed over there, I thought at the time, I'll bet it is a lot of civilians. We went over there and didn't see any bodies. I didn't think about it too much. In that area it didn't bother me about civilians anyway. Maybe it's not right, but that's the way I felt.

Q. Did you ever hear about anybody rounding up civilians and shooting them?

A. No.

Q. Do you know of any problem with marijuana in the company?

A. There were people that smoked marijuana, but I never knew of anyone smoking it on an operation.

Q. Did you have any other type of evidence that might be of assistance to us besides the photographs that you're talking about?

A. I can't think of anything.

Q. Did you ever tape any operational radio broadcast?

A. No.

MR WALSH: Throughout this operation, or at least a large portion of this operation, you were on the battalion net. I think we've tried to cover all the major things we know about on this operation in our questions. Can you think of anything that you heard, any transmissions during the course of this operation that we haven't asked you about that might be relevant to this inquiry?

A. Well, I can't think of anything, only my own personal opinion, just something like that, if it did happen. It seems to me if you want to win a war you just about have to take it to the civilians to win it. Those were the people supporting the people that were shooting us that night. I think--

Q. (Interposing) So it's your impression that in order to win the war, that kind of war anyway, you've got to kill civilians?

A. Well, I guess there's probably other methods to win it, but I guess that's the reason I'm not a general. I don't know how to win a war.

Q. Well, you're a citizen and you've got a right to your opinion as much as anybody else does. I am just interested in what it is.

A. Well, my opinion is that those people were supporting the VC in that area. If you support them in one way, say you might shoot someone, that's one way you can support them. You can cook their food for them at night, that's another way you can support them. Both ways are contributing to their efforts to kill Americans.

Q. When you went on this operation, did you have the impression that that's what Task Force Barker was doing. They were going into the Pinkville and taking the war to the people that were there?

A. Well, no specific orders to do this, but it was sort of a general impression that that might be what was going to happen.

Q. And after the operation was over, you never heard anything about a large number of civilians being killed?

A. I can't remember hearing anything.

LTC NOLL: Was Lieutenant LEWIS assigned to a platoon in the field?

A. Right.

Q. Which platoon was he in?

A. 2d Platoon.

Q. This was Lieutenant WILLINGHAM's first operation, is that right?

A. Not the first about--he had taken a platoon out by itself several times. I think that was his first major operation.

Q. Was it common practice to report a body count if there was, in fact, not a body count?

A. Maybe not common, but it was done. I wouldn't say it was common all the time. You can't really take too much stock in what was put on the log or something like that, because it seemed like sometimes the commanding officers were like trying to write a movie script and make it a little more juicy for the people that were going to read it.

COL WILSON: We are going to put on this photograph, "Prepared by memory in Washington, DC," and so forth, and ask you to sign it so we can introduce it as an exhibit.

(Witness signs annotated Exhibit P-168, which is later entered into evidence with markings as Exhibit P-193.)

We want now to give you an opportunity to make any statement or provide any additional testimony which you may want to offer?

A. I can't think of anything.

Q. Is there anything you want to state?

(Negative response.)

Do you feel that there was anything done on this operation that shouldn't have been done? Do you feel there was anything basically wrong?

A. No, I don't.

Q. Anything that anybody in B Company might have a pang of conscience about?

A. I think that would be up to the individual. Myself, I didn't think anything was done wrong.

Q. What about the 1st Platoon? You mentioned that they frequently were known to use large volumes of fire?

A. Well, this was good as far as I'm concerned.

Q. There's one other thing that I would like to ask you about. The point group in the 1st Platoon, TAYLOR was a member of it. Do you know the other members of that group?

A. HOOTON and HATTAWAY--no, not HATTAWAY--I believe one of them was killed. I can't remember the third one.

Q. Did you know of this group? Did they have a reputation of any kind?

A. They were supposedly real efficient.

Q. In their job?

A. I mean they were really good.

Q. They knew their business?

A. Right.

Q. TITLE?

A. Yeah, those three.

Q. Did you ever have any reason to suspect that they would do anything such as commit an atrocity of any kind?

A. Not any more than anybody else would. I never saw them do anything like that.

MR WALSH: Do you know who the RTO's were on the battalion net in A Company or in Charlie Company?

A. No. I wasn't familiar with any of them, I don't believe.

COL WILSON: What did you do with your SOI's when you got through with them? Did you destroy them or turn them in?

A. We burned them.

Q. How often did you change?

A. Once a month. Usually once a month.

Q. But the change was merely frequencies wasn't it? You didn't change call signs?

A. Sometimes we changed the call signs, too. All the time we were on Task Force Barker, we had the same call signs, I believe. There was a change in the procedure throughout the whole division over there, sometime in May I think it was.

Q. What kind of change?

A. When we went over the company commander was Bravo 6, that was his call sign. The battalion commander was Diamond Head 6. Then later on in the year they changed from-- instead of saying 6, they would say some "off the wall" number like 52 or something, Diamond Head 52 or something like this.

COL WILSON: Mr. CONGLETON, I would like to 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 a competent judicial, legislative, or administrative body. Sometime in the future perhaps, we never know, you may be called as a witness before a court-martial or a legislative committee, or another administrative board, in which case this warning is not pertinent. In other words, go ahead and discuss before this type of group anything that you've discussed here. The main

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thing we are interested in is the press and the public and other members of your unit whom you may run into, because we are trying to get to the bottom of this. At this stage, it is confidential.

(Aerial photograph annotated in accordance with MR CONGLETON's testimony was received into evidence as Exhibit P-193.)

The hearing will recess.

(The hearing recessed at 1543 hours, 29 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: DAHNER, Wilhelm 1SG

DATE OF TESTIMONY: 14 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16-19 MARCH 1968: First Sergeant, B/4/3.

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

The witness stated that all the training regarding handling of prisoners of war and noncombatants was given prior to their arrival in Vietnam (pg. 4). Most of the training was completed prior to his arrival at the unit on 4 November 1967 (pg. 4). He stated there were makeup classes, in the training which were given at night, because the daytime was spent "zeroing" the new M-16 rifles (pg. 4). The witness recalled that when they first arrived in Vietnam, they had classes on handling of prisoners (pg. 6). He stated the unit had tags for prisoners which were given to all the platoon leaders and to the platoon sergeants (pg. 7). These were standard tags and were used for documents, as well as prisoners (pg. 7). The witness was shown Exhibit M-2, "Nine Rules" and he stated that he recalled seeing the card before (pg. 7). He did not know if he had been issued the card (pgs. 7, 8). He knew that there were mandatory cards that had to be issued prior to leaving Hawaii, but he could not recall which they were (pg. 8). He did not recall Exhibit M-3, "The Enemy in Your Hands" (pgs. 8, 9). He could not recall the cards being issued to the unit (pg. 9). The witness stated that Captain MICHLES frequently mentioned to the company that they were not to go in and shoot the cattle that belonged to the farmers (pg. 46). This was tied in with the fact that they were to conserve their ammunition and were not to shoot up populated areas unnecessarily (pg. 46).

(DAHNER)

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SUM APP T-152

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness stated that it was normal for Captain MICHLES to brief the platoon leaders on an operation (pgs. 12, 13). Although the witness sometimes attended the briefings, he felt that he was usually trying to gather ammunition and equipment prior to the move out (pg. 13). He stated that the entire company was present at LZ Uptight on 15 March 1968, but that he could not recall a particular briefing (pg. 13). The witness could not recall any orders given out to burn a village or to destroy foodstocks (pg. 14). He stated that if they came across a deserted VC village on other operations they would burn it (pg. 14). Anytime they ran across food it would be destroyed, if there was a small amount, or brought back in, if there was a large quantity (pg. 14). The witness stated that JOHNSON, from the MI, would be the one who would indicate that a village was VC and was to be burned (pg. 15). The witness never heard anyone say in advance that they were going to go in and burn a village until they received clearance from "higher up" (pg. 16). This clearance would apply whether they were in the 2d ARVN Division area or in their own AO (pgs. 16, 17). The witness indicated that the mood of the men in the unit toward the Vietnamese was "good", although the unit had never really had close contact with Vietnamese (pg. 46).

3. ASSAULT ON MY LAI.

a. Activities on 16 March.

The witness did not go out with the unit on 16 March. He recalled the news coming over the radio that Lieutenant COCHRAN had been killed (pg. 12). The witness had remained at LZ Uptight in order to round up the equipment (pg. 12). He did not recall any report that they killed 30 VC, early in the operation (pg. 23). The only fact that stood out in his mind was the death of COCHRAN (pg. 23).

b. Activities on 17 March.

The witness felt that he went to the field on 17 March (pg. 18). He had no particular reason for recalling this date (pg. 20). He could not recall if the unit was laagered with Charlie Company when he joined his men (pg. 21). It was later announced that it was determined that the

sergeant was not present in the objective area on 17 March (pg. 29). The witness stated that he recalled visiting TAYLOR in the hospital on 17 March after TAYLOR had been medevac'd with a wounded foot (pg. 30). The sergeant stated that he usually visited people in the hospital in Chu Lai in the morning (pg. 31). He recalled bringing TAYLOR some cigarettes and learning about the mine incident (pg. 33). If the witness joined the unit on the 17th, he could not recall whether villages were burned as they moved south (pg. 33).

c. Activities on 18 March.

The witness was told that on 18 March, the company found 3,000 pounds of rice (pg. 38). He did not specifically recall the incident but he recalled that on a number of times they found and packed rice into sandbags (pg. 38).

d. Activities on 19 March.

The witness stated that he was not in the field on the morning of the 19th, unless he had gotten to the field after the unit was mortared (pg. 32). He stated that he recalled MILUS being killed (pg. 32). He could recall going across various bridges while in Vietnam, but he did not remember exactly the events on 19 March (pg. 33). He gave an example of one time crossing a bridge, receiving fire, and drawing back, while the first platoon was laying down a base of fire (pg. 33).

e. Recall of the laager position.

The witness did not recall seeing the National Police interrogating detainees in a laager area (pg. 36). He was not present when the National Police interrogated prisoners and shot them, nor did he recall Captain KOTOUC chopping anyone's finger off (pgs. 36, 37). He did not recall MEDINA ever firing over the head of a detainee (pg. 37). He did not recall a photographer being present with the unit (pgs. 38, 39). The witness did not recall any evacuation of wounded Vietnamese (pg. 39).

4. INQUIRIES CONCERNING THE ASSAULT.

The witness never heard of any investigation or inquiries being made into this combat assault (pg. 42).

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The first time that he knew about it, was when he saw it in the newspaper (pg. 42). The witness described an incident in which a man named EBINGER, who was a man with a profile that remained near the TOC, pulling security, wrote to President JOHNSON in September or October of 1968, and indicated to the president that there were rapes occurring in the unit, and that the unit sergeant major had confiscated the only three bottles of leech repellent that the unit had (pgs. 42-45). These allegations were investigated by a lieutenant colonel (pg. 44). The witness stated that EBINGER would be told tales by men who were returning from the field. They once told him that they had raped an entire village, although the witness stated that he was present in the village and nothing had happened (pg. 43). EBINGER would believe these stories (pg. 43). He did not recall if EBINGER's letter referred to any specific incident (pg. 46).

5. OTHER INFORMATION.

a. The witness stated that Dave CARTER, 1409 Walnut El Sequendo, California, 90245, had four hours worth of slides taken while he was the platoon leader of the third platoon (pg. 15). The witness stated that CARTER continually took pictures which he sent home to be developed (pg. 21).

b. The witness indicated that Lieutenant BOATMAN, the artillery Forward Observer, attached to their company from 6/11 would know much about the activities about the unit (pg. 19).

c. The witness stated that since he saw the incident in the newspaper, he had spoken with CARTER who said that he had heard no rumors concerning the occurrence of an incident (pgs. 22, 23). He stated that CARTER told him he was going to check some letters which he had written to his father, to see if they contained any information (pg.23).

d. The witness indicated that pride was high in Task Force Barker, and cited an example where people would buy the unit patch with their own money (pgs. 23, 24).

e. The witness indicated that the 81 radio which remained at LZ Uptight was also used for relay message purposes (pg. 25).

f. The witness stated that Sergeant CONGLETON was the interpreter and the RTO for Captain MICHLES (pgs. 26, 27, 36).

g. The witness indentified SILVA as a medic for the first platoon, SWEENEY, as a senior medic, and Specialist LEE as the medic for the third platoon (pg. 28).

h. The witness indicated that he thought Colonel BARKER was outstanding as an officer (pg. 41). He cited examples where BARKER would medevac wounded people, after learning of it through his monitoring of the radios (pg.41). He also stated that BARKER would take supplies out to the field or loan his helicopter for the use of various troops (pgs. 41, 42).

i. The witness stated that Captain MICHLES frequently called the company together in a group and told them that if any of them touched any of the local women, he would give them a general court-martial (pg. 45). The witness stated that he heard this done at least a dozen times. He felt that the warning included the use by the men of prostitution in the local village, which was off limits to their company (pg. 45). The witness stated that there were a few soldiers in the unit with VD, which they picked up in the Chu Lai area (pg. 47).

j. The witness described Major CALHOUN as an outstanding person, who had told Captain MICHLES that the witness was not to go into the field any more (pg. 47).

k. The witness stated that he knew of one person in the unit, named CANTU, who used marijuana (pg. 48). He stated that he also thought that someone in the artillery units at LZ Dottie was selling it (pg. 48).

(The hearing reconvened at 0948 hours, 14 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following persons are present: MR WALSH, COL WILSON, LTC NOLL, and MAJ THOMAS.

The first witness is First Sergeant Wilhelm DAHNER.

(1SG DAHNER was called as a witness, was sworn, and testified as follows:)

Please state your full name, grade, and Social Security number.

A. Wilhelm DAHNER, First Sergeant, . . .

RCDR: State your branch of service, organization, and station.

A. Army, Infantry, Company A, 3d Battalion, 13th BCT Brigade, Fort Ord, California.

COL WILSON: Sergeant, before we proceed with any questions, I would like to inform you of several matters.

The Peers Inquiry was directed jointly by the Secretary of the Army and the Chief of Staff of the Army for the purpose of determining the facts and making recommendations concerning the My Lai (4) incident of March 1968. In conducting his investigation, General PEERS determined that it was necessary to have a complete insight into the overall ground and air operations in the Son My Village during the period of 16 through 19 March 1968. He therefore appointed this board, referred to as Interview Team C, to question personnel of B/4/3 and to prepare a complete description of the unit operation of B Company and its attachments. You may expect General PEERS and other members of his board to join this group at any time, or it may be recommended that he join the board while you are here.

Your testimony will be taken under oath. A verbatim transcript will be prepared. A tape recording is being made

in addition to the verbatim notes being taken by the reporter. Although the general classification of the report will be confidential, it is possible that the testimony or parts of it may later become a matter of public knowledge.

During this interview this board will follow a chronological sequence of questioning. The first series of questions will be concerned with things just prior to the movement to the Republic of Vietnam. The second series will inquire into the briefing just prior to the combat assault on the 16th of March. The third series will concern the operation on 16, 17, 18, and possibly 19 March. The final questions will concern prior investigations or inquiries into the task force operation on the 16th of March.

Do you have any questions on what I've said?

(Witness shakes head in the negative.)

Before we begin with the questioning, sergeant, if at any time you have any document which would be of interest to the board, when we get into that type of questioning, be sure and bring them out. I understand from Major THOMAS that you did bring some along, and I appreciate this very much. I'd like to introduce as an exhibit the B Company roster, which has been adjusted by TAG, on the 16th of March, 1968. This roster should reflect the personnel who were assigned to B Company at the time.

RCDR: This is Exhibit M-24.

COL WILSON: Do you have a document there, sergeant?

A. Yes, sir. This is a ship's manifest as we were leaving Hawaii. There is only two people's names missing off of this. There was a Captain MICHLES and Sergeant WHILEY. They went with the advanced party, the company commander and the supply sergeant. Anybody lined off did not ship, and all the people were added to the roster are in the back. They were either omitted or they were new replacements that we got in at the last minute.

Q. This document is dated 21 November 1967. Is that correct?

A. Right.

Q. What we are trying to do actually, sergeant, is fix the personnel assignment on 16, 17, 18, and 19 March. However, we can make a copy of this document and hold it and possibly enter it later as an exhibit and give the original back to you.

A. Now, this was all the people that were awarded the CIB. These would be more or less people that were in the field. Two people weren't on there because they had the CIB before, Sergeant BOWMAN and WISE, Sergeant WISE. They were both in Nam before, and the CIB was issued prior to them. They didn't get it at that time.

Q. This document is dated the 3rd of February, 1968. This would have been awarded, I suppose, after one of your first--what is it based on, a 30-day--

A. (Interposing) A 30-day duration. This I know was quite some time afterwards when we got the CIB's. Colonel ATKINS did present them to us at LZ Dottie.

Q. Who did?

A. Colonel ATKINS. He was, ah--

Q. 4/3/?

A. Right, sir.

Q. The battalion commander?

A. Right.

Q. And he presented these to you where?

A. On LZ Dottie. It was on a Sunday. I remember it. It was on a Sunday. The first time we got there we got there on a Saturday, late in the afternoon, and Sunday morning he issued them to us. I've got more copies, sir. You can have all of them.

Q. We can have this copy?

A. Yes, sir. You can have all of them.

Q. We'll hold Special Order Number 34 for possible introduction later.

Sergeant, what was your assignment on 16 March 1968?

A. I was the first sergeant of B/4/3.

Q. What was your grade at that time?

A. First sergeant, E-8.

Q. Now, on the training prior to moving to the Republic of Vietnam, and I assume by the fact that you have the ships roster that you went over with B Company?

A. Yes, sir. I did.

Q. Were you given any specific training prior to leaving Hawaii regarding the handling of prisoners of war or noncombatants?

A. Sir, all this training was taken care of prior to arriving in Vietnam. I got there the 4th of November, and we left the 5th of December. They did have a lot of makeup classes. I can't tell you exactly what they were. We were in the process of getting everything ready to ship.

Q. So at the time you were there, this 1-month period prior to shipment, you didn't really go to any training? The training had been completed?

A. No, sir. Well, most of it was completed. I know they did have classes, and they did have some at night. What the subjects were, I couldn't remember, sir. They did have a lot of makeup classes, and they were given at night due to the fact that we couldn't have these classes during the day time because we got the new M-16 rifles. Everybody had to go out there and zero in their new weapon.

Q. This is while you were there?

A. Right, sir. Every man personally went out there, and there was no problem there, sir. Every man was willing to go out there.

Q. You keep waving this notebook around. Is this your personal notebook?

A. Yes, it is. I have a few names there. I can't think of some of the names. This was my orderly room out in the field. Only it was the same book like this. All the people in the front are the ones that were killed, and the ones later on were wounded. When I was out in the field, I just have the names written down with a space in between. I didn't have nothing on them due to the fact that if I got captured or something nobody would know what it's about.

Q. What does that numbering system in here mean?

A. That's the platoons they were in.

Q. In other words, the numbers on the left are sequence numbers, and the numbers on the right are platoon assignment, right?

A. Right, sir.

Q. Would you mind if we make a copy of this?

A. I never wrote no dates because I couldn't remember the dates. This was in order as they happened.

Q. That would be in sequence?

A. Right, sir.

Q. 1-2-3-4?

A. Right.

Q. We would want to make a copy of that, a Xerox copy, and give you your notebook back.

A. Well, sir, when you come to the wounded there, you will see some names underlined.

Q. Yes, in red.

A. Those were men who were wounded and we shipped them in and later they did die.

Q. Okay. When we get copies of that later, we will probably come back with some questions on it. Do you recall at any time a JAG officer coming down and lecturing the unit on the legality of orders or rules of land warfare or any subjects like that?

A. To my knowledge, I don't remember that.

Q. Do you know if any specific training was given on the handling of PW's, noncombatants?

A. I know everytime we hit a fire base, we did have classes when we first got over there. I know it was brought up about handling prisoners and about tagging them and about casualties; and this is something we gave because when we had a casualty, everybody forgot to make out the casualty report. In fact, I made over half of them. As soon as we had a casualty I went over there to make sure it was tagged; made out a casualty report. One went with the body and there was another one. I kept it, and I didn't send it in until we had somebody going on sick call or someone going in for some reason. I personally gave it to him and told him to give to the company clerk. That way I made sure a copy got in there, plus we called it in on the radio. This way I had the coordinates and everything on there for a backup to keep on file in the orderly room.

Q. What happened to those files, I wonder?

A. They might be in the orderly room still. I don't know. As soon as we had a casualty, I made a report and one went in with the body and one I kept, and I would send that one in personally. I mean I wouldn't send it in with no chopper. I made sure someone was going back to the company. Maybe once he made the report, they threw them away. I made sure there were witnesses who were there at the time, and put the names on there so if there were any questions, they'd know how to get what was there.

- Q. Was this a special--
- A. (Interposing) This was casualty reports.
- Q. Regular reports?
- A. Right. Also, on handling the prisoners, we did have tags for prisoners. We had to tag them and also documents and this. These were given to all the platoon leaders and platoon sergeants, but I carried it with me due to the fact that we did lose platoon leaders and platoon sergeants so fast that I always had them available.
- Q. The tags for--
- A. (Interposing) The tags for the prisoners and the tags for any documents.
- Q. Were these standard tags, the type you were issued?
- A. Right, sir.
- Q. Sergeant, I show you Exhibit M-2, which is entitled, "Nine Rules." This is the facsimile of a wallet-sized card, front and back page. Have you seen this card?
- A. Yes, sir, I've seen this card.
- Q. When did you see it?
- A. I couldn't say that it was exactly like this, but it had rules on there. Sometime when I was over in Nam.
- Q. Did they issue you a card like this?
- A. They did issue many cards, sir.
- Q. Where did they issue these?
- A. We had cards issued in Hawaii, I remember, on the M-16. In fact, I still got it. I was looking through my wallet the other day trying to come up with all this stuff, and I know they issued everybody these cards, the Geneva Convention Card and--

Q. (Interposing) This is a GTA, Graphic Training Aid, 21-1-3, M-16A1, rifle and maintenance card. How about the MACV card, the cards that were published by the Military Assistance Command, Vietnam? Were those issued to you?

A. I couldn't remember exactly which ones they were, sir.

Q. Do you remember where they were issued?

A. No, sir, I don't. Anytime anything came in through distribution, sir, it always came out with the mail.

Q. Do you remember any blanket issue of documents for every man in the unit?

A. I know there were mandatory cards that they did have to have prior to leaving Hawaii, but I don't remember what they were.

Q. There were mandatory cards?

A. Right, sir, I know this, the M-16 card was and their shot records and Geneva Convention cards.

Q. Where was this written that they had to have these? Was this in any instructions that came down prior to departure?

A. I know this--

Q. (Interposing) POR instructions?

A. I don't know whether it was given out at a company commander's meeting or what, sir.

Q. You didn't see it in writing?

A. Not that I remember, sir.

Q. The next exhibit is Exhibit M-3, and this card is entitled, "The Enemy In Your Hands," with a MACV insignia on the front. It is two pages, a facsimile copy. Have you ever seen this card? You'll notice that that has some translation on it.

A. To my knowledge, I can't remember, sir. Not that I know of, sir.

Q. You don't remember these cards being issued to your unit?

A. No, sir.

Q. When the unit got into Vietnam, did they go into a training period?

A. Yes, sir. We landed in Bronco, and they gave us minor operations around the villages around there.

Q. And was there any training period, formal-type training classes, or anything like this?

A. No, sir.

Q. And the training--

A. (Interposing) Well, the training, they did have this Vietnamese village where they did have the instructors and they did--everybody went through it. They showed you about booby traps and what to look for and how to find them. This was an all day affair. They had a regular VC village set up, and I know they had a warrant officer from the British Army in there, and he was one of the instructors, a very good instructor.

Q. In this village?

A. Right, sir, and they had us broken down in small groups, 10 people to a group, and they went from station to station.

Q. Do you know this warrant? Was he Australian?

A. He was Australian. He had an English accent, very good.

Q. But you don't remember any classes being held on rules of land warfare and such as that.

(Witness gives no response.)

All right. When you said in the local area, do you mean you conducted training-type sweep operations? Is that what you mean?

A. Yes, sir.

Q. I would like to move now to the period just preceding the combat assault operation on the 16th on March, 1968. What I would like for you to do is to describe everything that you can recall, if you attended, or whatever you know about my company briefing which was given to outline this operation, either to the NCO's, the officers, or the entire company, whichever way it was given. Tell me all you know about that.

A. Sir, the 16th doesn't stand out in my mind at all. I mean, one day was like another day. When we were in the field, we got up early in the morning prior at daylight, and we went wherever we were told, searched the village and to check it out, and we would continue on. The 16th has no meaning to me, sir.

Q. Well, let me describe it like this. I believe that the operation on the 16th of March was the first combat assault B Company went on. I may be wrong. B Company had been on a couple of other operations, I mean, battalion-size operations. We're not talking about your company and platoon sweeps, but I mean where you were working with the battalion. You had about nine slicks involved and two gunships which probably came in and picked the company up sometime between 0700 and 0800 in the morning.

A. This did happen quite often. The whole company was air lifted out. Just one day doesn't stand out.

Q. I see.

A. The only thing that really stands out in my mind about the 1/20, I remember quite a few casualties, and they had one platoon that was on the bridge up at LZ Dottie, and I know they were hurting for people that day. They pulled the people in from the bridge, and they took them and they were going to CA them out. The company was getting formed to CA out. I think we only took two platoons out, and they went out before, and then, I don't know, when we were landing there, we landed there where Charlie Company was, and they took two people on the other slicks that were wounded already. That's the only things that

stands out in my mind.

Q. Let me figure some way of trying to fix this time period to you, now. I would like to see a copy of the B Company morning report. I want you to be sure, before you start on this, that we are talking about this operation.

A. Right, sir.

Q. Now, I've got--

A. (Interposing) Sir, did we have any casualties that day?

Q. Well, this is what we're going to check.

A. If there were casualties, this reminds me of a certain area.

Q. What is it?

RCDR: This is Exhibit R-4, sir.

Q. Okay, I have Exhibit R-4, which is B Company Morning Report. You did have casualties, I know. Let me go to the 16th and the 17th of March, because I'm not sure which day you picked them up. The 16th of March you show one loss, POTTER, Richard R., PVT, E-2. He went to the surgical hospital in Chu Lai. On the 17th you got a staff sergeant; it looks like WEBSTER.

A. WEBSTER, right, sir.

Q. He was killed.

A. Yes, sir. He was killed, and Sergeant WILLIAMS should have been killed that same time, the same day.

Q. Lieutenant SPRAGGINS.

A. Lieutenant SPRAGGINS was wounded.

Q. Was wounded, and WILLINGHAM. Well, we carry WILLIAMS--

A. (Interposing) Well, sir, he was missing, because what happened, the body went one place and his records went to another

place. They had a hospital ship over then, Chu Lai, and until they confirmed it--this operation, I was on LZ Dottie. I didn't go out on that day.

Q. Do you recall this now?

A. Yes, sir.

Q. Do you remember that day?

A. Right, sir. In fact, I was in the TOC when Major CALHOUN got a call on the radio about Sergeant WILLIAMS being wounded, and I was in the TOC at that time.

Q. The only reason I mentioned these names is that I am trying to fix the dates. I can also go over those on the 18th if it would help you any more. But you do have this time fixed in your mind now, right?

A. Yes.

Q. I am sorry, I've got the wrong date. Disregard. On the 16th of March the total is a loss of six people. Now, these losses were as follows: COCHRAN, who was a lieutenant, was killed; CANTU, WILBER, and GURTA went to the surgical hospital in Chu Lai.

A. I remember this operation. We moved out, sir; it was about 7 o'clock or so in the morning. LZ Uptight is where we were at, I remember. In fact, we had all our mortars and this stuff. I stayed back to make sure they went back in to--we had to get all our stuff secured. It was one of those rush deals about moving out. I know I talked to Lieutenant COCHRAN because his wife just had a baby, and I know I talked to him. No sooner than we got this stuff rounded up, we got it over the radio that he was killed. I wasn't out in the field at this time. I was on LZ Uptight at that time.

Q. Let's go back for a moment to the 15th, the day before this operation. Was there any briefing conducted that day which described this operation that was going to take place the next day or 2 or 3 days, or, how long were you going to be in the field?

A. I believe there was, sir. I believe the--well, Captain

MICHLES, everytime he did get the word, he did have a briefing with all his platoon leaders. I don't remember what exactly was said or anything.

Q. Did you attend those briefings?

A. Sometimes, sir. Usually, I was trying to take care of all the ammunition and making sure all the stuff was ready and getting things ready to move out. Some I did and some I didn't, sir. I believe this is the one where he said we would be air lifted out about 7 o'clock in the morning, and then they didn't show up until about 7:30.

Q. Was the entire company on Uptight?

A. Right, sir.

Q. No attachments anywhere?

A. We had one platoon, sir, the weapons platoon. Now, sometimes, for a long time we had them there at LZ Dottie on the bridge.

Q. Weapons?

A. Right, sir, the weapons platoon. But now, we did have some of the people from the weapons platoon we used for security for key people. I point out the company commander: when we're going out, he's always reading a map and all that. You need security, somebody checking out for snipers or something like that. That's all they did, pull security. They had about four people. When we were in the field, when we first went over there, we carried two tubes; and with the ammunition and that, it was just too hard. Later on, when we went to the field, we carried one tube, you know. The big problem was that ammunition. We carried one tube and more ammunition.

Q. You don't recall a briefing, then? Is that correct?

A. Not that one in particular, no, sir. We had so many of them that they all run together.

Q. That's the reason I'm trying to fix the time.

A. When your in the field like this, one day is like another day. I remember it because I saw Lieutenant COCHRAN the morning before he got killed.

Q. The morning before he left. You don't remember where the briefing was or who briefed, the orders concerning the burning? Do you remember anything about burning villages or huts or anything like that? Destruction of foodstocks?

A. When we went to a certain village and they said it was VC and nobody was there, and there were a couple of them that we did burn.

Q. When was this? Are you talking about on this operation?

A. No, sir, it was other operations.

Q. What about the destruction of foodstocks?

A. Sir, any time we ran across food, we called it in, and if it was large quantity, then it would be hauled out. If it was a small amount, then they would destroy it.

Q. Is this all over the Batangan Peninsula area, or was this just specifically in the area where this operation was conducted?

A. All operations, sir. Any time we ran across food or salt or something like this, we always notified higher up, and they made the decision as to what we were to do with it.

Q. Give me this sketch, the concept map. I think possibly it would be best to describe this operation, because this operation was not in Task Force Barker's AO. It was not in your normal operational area. This was down in the Pinkville complex which seems to carry some meaning because it was a fairly heavily VC-controlled area, as we understand it. We are going to show you the operation and see if it recalls anything to you before we go any further.

(COL WILSON oriented the witness on the maps pertaining to the operations of B/4/3 on 16, 17, 18, and 19 March.)

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All right, sergeant, you have been briefed on the concept of operations for the task force, and you mentioned a Lieutenant CARTER. Will you repeat that, please?

A. Sir, Lieutenant CARTER was a platoon leader. He had the 3d Platoon, and later on, he took over the 1st Platoon. He would know this operation.

Q. Do you have his location?

A. Yes, sir, I have his address.

Q. Would you give it to me, please?

A. Yes, sir. In fact, sir, he came to see me at Christmas time, and he told me he has slides; like for me to come by his house. He has slides about 4 hours long.

RCDR: His name is Dave CARTER, 1409 Walnut, El Segundo, California 90245.

COL WILSON: Now, you still don't recall any specific orders concerning this briefing or this operation, as to how it was going to be handled, whether the villages were to be destroyed, whether the foodstocks were going to be destroyed, to include cattle and so forth? You don't remember anything like that?

A. No. There were so many briefings, and they all run in together.

Q. Now, on your normal operations, I believe you stated before, when you moved into a village and there was nobody there and it was a known VC area that you normally burned it?

A. No, sir, they got a reading from higher up. We used to have this man from MI, JOHNSON was his name. JOHNSON was there. He also had an interpreter with him, and he used to check it out, and then he would say, "This is a VC village. This village will be burned."

Q. How did they check it out?

A. He used to call in on the radio.

Q. He had his own communications?

A. JOHNSON had his own radio, I'm almost sure he did.

Q. At any rate, there was a query to task force headquarters or to MI, where the MI people were to determine if this was VC or not? Is that correct?

A. Right.

Q. So there was a check made, but in some cases, this was cleared and the villages were burned?

A. We burned very few villages.

Q. Did you really determine in your mind that there was any great difference between a search and clear and a search and destroy operation?

A. Well, we never did destroy any--well, just by burning. In fact, we never did burn an entire village.

Q. Just special areas?

A. Right.

Q. Well, did you hear the terms kicked around very much, "search and clear" and "search and destroy"?

A. No, sir.

Q. This operation was termed a search and destroy operation. We seem to have the impression that most of the other operations that were conducted were search and clear. Does this recall anything?

A. We always went in there and searched and cleared it, and then, if they said anything, then we burned the village once we got our clearance from higher up. Never, to my knowledge did they say, "We're going to go in there and burn this village."

Q. Now, if your going down into the Pinkville complex--which I neglected to tell you is in the 2d ARVN Division area. I'm sure you probably know that--across that river out of the AO of Task Force Barker, you're moving into a different area. Does this carry any different procedure when you went down there?

A. We always cleared with Task Force Barker. Now, they probably got a reading from higher up; I don't know.

Q. Did you go on this operation?

A. On this one? No, sir, I wasn't there. I went out later on but not at that time.

Q. Some of our witnesses have indicated that this was a fairly critical area to the soldiers. When the Pinkville area was mentioned, it caused a little anxiety on their part. Did you feel that B Company, on the 15th of March, had any different attitude about this operation on the 16th than they would for any other operation?

A. Well, all you had to do was mention Pinkville and every time--somebody always got wounded when you went to Pinkville, killed or wounded, so they'd know somebody was going to get hit in Pinkville.

Q. So the reason that maybe you weren't too concerned about it is you didn't go out there that morning. Could this be? Or would it have normally concerned you if you were going into Pinkville?

A. Well, sir, no, sir. I never did worry. I was one of these people that figured when my time comes it comes. I didn't have to go to the field. A couple of friends liked to have me out there, so I stayed out there. I thought it was a real good operation, because this way, I had headcount of all the platoons at all times. If a man was going in for any reason, if he was going in for sick call or something, he would check with the platoon medic. From the platoon medic he came to the senior medic to the CP group, and he made a decision to see if he was gold bricking or what, and then I could count. I had a list, and he would go in there. Then we had a company roster, they had a roster number. I would tell him, "So and so is coming in. Give him a number," and all this so we could keep track of him, so they wouldn't go in there and get lost and never come back out. This way we had real tight control on our people.

Q. Let me ask you a few things on the assault itself. Do you recall the aircraft coming in that morning?

A. I tell you, we had been on so many trips, sir, I didn't know one from another. There were so many different times--

Q. (Interposing) Was it normal to get in that many aircraft in the morning?

A. Yes, sir. They'd come in and pick the whole company up and move out.

Q. Do you recall what time it was that day you went in there, or was it that day that when you went into the objective area?

A. I didn't go in that day. By the time we got all the stuff gathered up and got it back in--we had a place in Chu Lai--probably sometime the next day when I arrived.

Q. It was the 17th when you went out?

A. Yes.

Q. Do you recall anything that happened on the 16th that was different from any other time?

A. No, sir, Lieutenant COCHRAN got killed, and that was about it. It happened right after they got out there.

Q. You mentioned that you saw Lieutenant COCHRAN's helmet and so forth brought back. Is that when you saw it?

A. Right, sir. We tried, any time we had a casualty, if he had any personal gear, we collected it up right then and there, and all the field gear and this we tried to keep so we could take it in and exchange it. If you put it down as a combat loss, it was last priority. You would get it eventually, but it might take 6 months. But if you had a piece of equipment, you could get a direct exchange. We were pretty tight on this. Like a weapon, we always took care of the weapon. The weapon never went with the body regardless if the man got wounded or what. We kept the weapon in the field to make sure that it went back in, so we wouldn't lose a weapon that way. In fact, when Sergeant WYATT got killed, I know I carried his weapon for 2 or 3 days before I could get it back in.

Q. How long had the company been at Uptight?

A. Well, sir, you might be there for 2 or 3 days and move out and come back. We left from LZ Dottie one time on a 1-day operation, and it landed into 6 days before we came back. In fact, we took no packs, no nothing, because we figured on going out in the morning and coming back that evening. We didn't carry all the extra equipment, entrenching tools and all this.

MR WALSH: Sergeant, I think you said you went out on the 17th. Do you recall where you landed when you got to the company?

A. No, sir. Sir, when you get out to the field, it's all the same. Maps were scarce. In fact, a lot of times the platoon leaders, when we got hit, the map would be destroyed or something. Sometimes the platoons wouldn't even have a map. Like, any time we had a casualty or something like this, I got with the CO. Now, Lieutenant BOATMAN, sir, here's another man that would know everything. He was the FO, and he turned around, he would say, "Give me a plot," just to check their coordinates out to see if they were both the same.

COL WILSON: Do you have any more information on his name and location?

A. Sir, he was the FO. He was attached from the 6/11, sir. Lieutenant REID was the one that replaced him later on. Sir, this a company roster. I'll give you--it was November's roster, November of 1968, and you can see the people that we had left at that time.

Q. Do you want this roster back?

A. No, sir.

Q. Are you sure?

A. Right.

Q. We can make a copy of it if you want?

A. All right, sir.

Q. We'll make a copy. This is a roster dated 1 November 1968 of B/4/3. We will accept it, not as an exhibit, but for possible introduction later. This also gives the

breakout by platoons. You don't have an older roster than this?

A. No, sir, I thought I did. I looked through everything, and I couldn't come up with anything. We had a roster like this. Each platoon leader and each platoon sergeant carried one. I carried one, the CO carried one. We had them by roster number.

Q. Right, that's how you kept reports of casualties. I've seen this, and I'm going to go over some of the entries on the log and ask you some questions on it later.

MR WALSH: Is Lieutenant REID the FO that was out on the operation?

A. No, sir. Lieutenant REID replaced a Lieutenant BOATMAN.

Q. B-O-A-T-M-A-N?

A. Right, sir.

Q. Do you know what his first name is?

A. No, sir, I don't, not right offhand.

COL WILSON: Do you know where he is?

A. No, sir. He's probably out now.

MR WALSH: He was from--

A. (Interposing) 6/11.

Q. 6/11?

A. Right, sir. He was outstanding. He could put a round in your back pocket. He was really good, and I tell you, he really saved us many of a time.

Q. What is it that sticks in your mind that causes you to believe that you joined the company on the 17th?

A. Sir, nothing really in particular. I joined them

every time I could. In fact, for a long time I was in the field all the time. I never even came in, period. Any time the company moved out, I was always with the company. Like some time when we were on the fire base and they sent one or two platoons out, sometimes if I had some odds and ends to take care of I couldn't go out.

Q. Is it possible that you went out with the company on the 16th?

A. No, sir. The 16th we were operating off of LZ Up-tight, and what we used to do is two platoons would go out in the morning, and one platoon would secure the fire base. Then one platoon would stay out overnight on ambush. The other platoon would come in that evening. The next morning, the platoon that was out there on ambush, they would come in early, daylight, and they would secure the fire base and the other two platoons would go back out again the next day.

Q. You remember that this was a 3 or 4 day operation involving most of the company, and I think you--

A. (Interposing) This would be one of the company operations that we operated on. I remember this time in particular Lieutenant COCHRAN getting himself ready to come back in. They had gone in that afternoon, I believe it was the next day. I'm positive it was the next day.

Q. Do you remember when you joined them whether they were laagered together with Charlie Company? Did you hear anything about that?

A. No.

Q. I think you mentioned something about Lieutenant CARTER having some slides. Exactly what did he say about that?

A. He said he had about 4 hours of slides. Lieutenant CARTER had a small camera, and every time he was somewhere, he was taking pictures. He was taking pictures all the time. He just sent them home and had them developed.

Q. Was there anybody else in the company that generally took pictures of operations?

A. I had a camera, but I wouldn't take pictures because my wife didn't know I was in the field, and I didn't want her to worry about me.

Q. You don't recall anyone else who was a camera bug in the company at that time?

A. No. Lieutenant LEWIS, he had a small camera, but Lieutenant LEWIS is not on the roster. He joined us later on. He got killed the 25th of June, I believe it was. I think he was about our last casualty.

Q. Have you talked about this operation with anybody since the allegations about Charlie Company broke in the news?

A. No, sir. In fact, really nothing sticks out in my mind about it. I know the area, and that's about it.

Q. Did you talk to anybody from Charlie Company at that time?

A. No, sir, I hadn't seen anybody from Charlie Company. The only people I know from Charlie Company is Captain MEDINA, and he came over there and talked to the company commander a few times. They had a lieutenant. He had the weapons platoon. I can't think of his name right offhand. I know he had one of the platoons prior to taking over the weapons platoon, and Captain MEDINA used to talk to him over the radio and called him "lover boy" or "youngblood" or something like this, always called him on the radio by this. The weapons platoon sergeant, MAHONEY, I believe it was, I know him. A lot of times they stayed on Uptight, and this way I had to count them in for rations when we were getting rations, and I always had to give a headcount. The first sergeant, I believe his name was BRACY, I bumped into him a few times.

Q. But since the publicity about Charlie Company has been in the newspapers, you haven't talked to anybody who was around that area at that time?

A. The only one I talked to was Lieutenant CARTER, and he said he don't remember the incident, nothing, you know. I asked him if he heard any rumors of anything while we were over there.

He said he heard no rumors or nothing like this. You figure you would hear at least a rumor or something, and I asked him if he remembered that day in particular. He said he didn't know. He said he wrote some letters home. He had to check with his letters. He sent some letters home when he was writing his father, and maybe those would bring back some memories.

Q. The Task Force Barker log indicates that B Company reported killing 30 VC pretty early in this operation. I wonder if that rings a bell with you?

A. No, sir, it don't.

Q. While you were at Uptight, were you normally around the radio in the TOC or somewhere you heard reports? Does anything other than Lieutenant COCHRAN being killed stick in your mind from that time?

A. No, sir.

COL WILSON: Let's take a short recess.

(The hearing recessed at 1045 hours, 14 January 1970.)

(The hearing reconvened at 1050 hours, 14 January 1970)

COL WILSON: The hearing will come to order.

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

COL WILSON: What were you saying about Task Force Barker?

A. Their morale was really outstanding. People had to buy this patch out of their own pocket. I think it cost about a dollar, and it was not required that anybody wear it or buy it. People just bought it out of their own for pride. In fact, everybody wanted so many of them that it was impossible to get the amount they wanted.

Q. Do you feel that the operations of Task Force Barker were professional operations?

A. Yes, sir.

Q. Executed in a professional manner?

A. Yes, sir.

Q. That the direction you received from headquarters of Task Force Barker was adequate to conduct operations?

A. Yes, sir. In fact, when we went in on an operation we got in a fire fight or something, Colonel BARKER didn't try to control it from the air and tell you to do this or send a platoon there, send a platoon left or right. He let the company commander handle it. "Your on the ground. You handle it. I'll assist you if you need it." He didn't try to run the operation from the air.

LTC NOLL: On the 15th and 16th you indicated you were busy getting some equipment together. What was the nature of this equipment?

A. On the 16th, if we had any tubes or anything like this, we would send them back in, like mortar tubes. We were at a fire base, we used to send it for cook stoves and wash basins and stuff like this. Each platoon had one bag, and they used to put all their odds and ends just for a little more comfort. A lot of times people wouldn't want to carry air mattresses or anything out in the field with them, so we put them in platoon bundles and sent them and then when they hit a fire base they would send them back out again. Just make it a little more comfortable, like a cook stove to heat your rations.

Q. When B Company moved out of LZ Uptight for this operation, do you recall who provided the security for LZ Uptight?

A. No, sir, I don't.

Q. Did all three platoons go on the operation?

A. I don't remember. Sir, we only had--we had three

platoons plus the weapons platoon.

Q. Did the weapons platoon go?

A. I believe, I don't know if they were with us there, or were they on the bridge? I don't remember, sir. It's so hard to remember. We came and left so many different times that we either hit Dottie or Uptight or we were in the field.

LTC NOLL: I don't have anything else, sir.

COL WILSON: Sergeant, did you monitor the traffic of the battalion net on any occasion from Uptight?

A. Sir, when the CO would go out, he would take all his radios out. I believe, if I'm not mistaken, Charlie Company's mortar platoon was up there at Uptight at that time, and I believe it was on the radio that I heard that Lieutenant COCHRAN got killed.

Q. I understand that the 81 radio which stayed at Uptight all the time was used also for relay. Is that correct?

A. Well, sir, right, sir. When they were there, Charlie Company, they would do all their relaying. We also had a 292 antenna we brought up there, and we kept it there, and we called and monitored and relayed.

Q. I am looking at Exhibit M-16, which is the Task Force Barker Log from the 16th of March.

RCDR: There is an M-14, also, sir. M-14 for 16 March. I believe that was put in yesterday.

COL WILSON: Sergeant, on the 16th of March the Task Force Barker Log at 0845, B/4/3 had one U.S. KHA and four WHA. At 0930 there were an additional three enlisted men wounded in hostile action. These two are carried at the same location, so the coordinates are exactly the same. Now, the next entry at 0955 from B Company says 12 VC killed, with web equipment. The next entry at 1025 says 18 VC killed. Does this seem like an unusual number during that time frame? Was this about normal for operations?

A. Well, in that area it is, sir.

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Q. Then at 1420 Company B killed eight VC. Do any of those entries bring anything to mind?

A. No, sir.

Q. Anything abnormal about those entries?

A. No, sir.

Q. Do you recall whether you had any engineers attached at this time?

A. On a couple of occasions we did. I think that we were down working with Charlie Company at this one time and we ran across these tunnels. We did get some engineers out there to blow them, and they stayed with us for about 3 days.

Q. Is that this operation or do you know?

A. No, sir.

Q. When you had engineers attached on an operation like this, would you pick them up on your morning report?

A. No, sir. They would just come out there. We would use them for what we needed them for and they would go back in.

Q. Do you remember which platoon provided engineer support to Task Force Barker?

A. No, sir. They had a small engineer group right there on Dottie.

Q. You don't remember what their unit was? Do you remember any of the people in it?

A. No, sir.

Q. Do you recall, did Captain MICHLES have a Vietnamese interpreter?

A. No, we had Sergeant CONGLETON, who used to be his radio operator, and he went to Vietnamese school in Hawaii.

We used to come into a village and he would try to talk to the people.

Q. What was his name?

A. CONGLETON.

Q. Do you know where he is now?

A. He's a civilian, sir. The biggest problem was all our people were "U.S.'s."

Q. CONGLETON, Lawrence?

A. Right, sir.

Q. And he was Captain MICHLES' RTO?

A. Right, sir.

Q. You don't know where he is located now?

A. No, I don't.

Q. But Captain MICHLES, the company commander of B Company, did not have a Vietnamese interpreter?

A. No, sir.

Q. Such as Captain MEDINA had?

A. Now, when JOHNSON was with us, he had his interpreter with him, and when we went on operations he would be with us.

Q. Does your roster that you gave us also list attached personnel such as medics?

A. Right, sir.

Q. They're on there. That's all I wanted to know.

A. Well, sir, at this time--not on this roster, sir. The medics at this time, they came from headquarters. I could tell you who they were. We had a SILVA. He was a medic for the 1st Platoon.

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- Q. Spell that?
- A. S-I-L-V-A.
- Q. First name.
- A. I don't know.
- Q. Okay, where is he now? Do you know?
- A. He's probably a civilian.
- Q. Go ahead.
- A. And then we had a SWEENEY, who was a senior medic.
- Q. Do you know his first name?
- A. No.
- Q. Do you know where he is?
- A. His home was in West Virginia. We had a Specialist LEE. He was with the 3d Platoon, I believe it was.
- Q. Do you know his first name?
- A. No.
- Q. Do you know where he is from?
- A. No, sir. In fact, he's the one, LEE got the silver star. He hit a round. They're about the only ones I can think of right now, sir.
- Q. Sergeant, I'm going to recess now, and I want you to, with Major THOMAS, take these forms we have provided you with and the B Company roster which we have updated and fill these out to the best of your ability, using all the information that you have available. You can work right here in this office. When you get through with that, get something to eat, and we'll convene again at 1300. As you go over these names on this roster, maybe you can recall. We'll recess until 1300.

(The hearing recessed at 1104 hours, 14 January 1970.)

(The hearing reconvened at 1217 hours, 14 January 1970.)

COL WILSON: The hearing will come to order.

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

COL WILSON: I remind you, sergeant, you are still under oath. Colonel NOLL, will you point out what you found on the morning report about Lieutenant CARTER.

LTC NOLL: Yes, sir. Lieutenant CARTER appears to have been in the hospital on the morning of 15 March 1968 and returned from the hospital on 21 March 1968.

COL WILSON: What is that exhibit number?

RCDR: That is Exhibit R-4.

COL WILSON: Sergeant, we have determined, prior to the recess, that you weren't in the objective area on the 17th of March. You don't recall anything of significance that happened from your standpoint on the 16th of March on a communications basis of casualties, with the exception of Lieutenant COCHRAN killed in action. Let's go to the 18th of March. Now, do you recall on the 18th of March when you went into the objective area?

A. Well, sir, according to that morning report there that we looked at, we seen that TAYLOR went to the hospital. I remember I went to see TAYLOR as soon as I--I was in the rear--if I saw anybody go to the hospital and if I was anywhere near there, I would just turn around and get cigarettes or anything they needed. Sometimes they needed some shaving equipment, and I would make sure they had it. I noticed TAYLOR was in the hospital, and I personally remember going to talk to TAYLOR. It was in the morning. Usually, I tried to see the people in the morning because I knew a lot of times they medevac'd them somewhere else, and I remember talking to TAYLOR.

Q. What happened to TAYLOR? Was he wounded?

A. This, I think, was the same day Lieutenant COCHRAN--
LTC NOLL: (Interposing) CARTER?

A. No, right at this same time. This was on the 17th. This is where TAYLOR--I asked him what happened. He said he was quite mad. He said he was walking on a road and he seen this here footprint in the road and he seen one clear spot like somebody run over it with their hand, so he said, "I took my M-16 with a bayonet on it and I just put it down on a probe. I know I should have known better than that." He said "The first thing I know, I was flying through the air," and he lost part of his foot.

COL WILSON: This is TAYLOR?

A. Right, sir, TAYLOR.

Q. Which platoon was he with?

A. He was with the 1st Platoon.

Q. He was wounded on the 17th. That is the entry in the morning report.

A. Right, sir.

Q. Was anybody wounded with him that you recall?

A. I think TAYLOR was the only one, sir.

Q. Let me point out in the log of Task Force Barker, on the 17th of March, which is Exhibit M-17, item 8, at 0810 in the morning indicates that B/4/3 has one wounded hostile action, line number 035. Left foot, left hand, head wounds by booby trap. Evacuated to 2d Surgical Hospital, Chu Lai. Now, do you think this was TAYLOR?

A. Yes, I know he had his foot missing.

Q. Let me look a little further and see if I see any others. At a hurried glance, here, I don't see any other wounded reported that day. Now, based on this timing here at 0810, it doesn't say what time he was dusted-off.

What time do you think you would have seen him? Which hospital did you go to?

A. He was at the hospital at Chu Lai.

Q. That's what it indicates in here.

A. I remember going to see him.

Q. And you went to see him that morning?

A. Well, when I go to see people in the hospital, I try to see them in the morning because by noontime--a lot of times a man coming in that morning--by noontime they have already moved him out. The big problem a lot of times is trying to get to the field. You can't get out due to the fact there is no way of getting out.

Q. Well, if you saw TAYLOR that morning, and if this is TAYLOR, and I'm reasonably sure that it is, you must have seen him sometime after 0900, let's say 0900 or 1000, in which case--maybe this can fix it better. When do you think you were going out to the field that day?

A. Sir, I used to go out as soon as I could. A lot of times you waited down at the pad. You would have to wait for a chopper going to get a way out. Sometimes we would have to wait 2 or 3 days in order to get out. They just didn't have no way of getting them out to the field.

Q. You don't recall what time you went out?

A. No, sir. I went out in the field so many different times. I used to go down to the pad and just check whenever they had transportation going out. A lot of times I would sit there all day waiting to get out. The best time to get out was either early in the morning or in the afternoon when they were taking resupplies out to the troops.

Q. We know that resupplies were taken out in the evening of the 16th. Do you recall whether you stayed with B Company in the field that night?

A. On the 16th?

Q. No, this would have been on the 17th.

A. Once I went out there, I stayed with them until they came back from the field.

LTC NOLL: Were you in the field at the time the company was mortared and took casualties?

A. No, that was before. This was when MILUS--

Q. (Interposing) MOSSFORD and MILUS. The morning of the 19th?

A. No, I wasn't in the field at that time unless I got out in the field right after they got mortared because MILUS got killed. I think it was MILUS. I got out there right after they got mortared.

COL WILSON: Let's look at some area positions here. Do you remember any of the villages out there?

A. No, sir, they had names, but they all run together after a while. After a while, we went through so many of them. We'd hit one village one day and hit another village, come back and hit the same village the next day. Charlie was great for this. He says, "Well, we figure they will come back. We'll just fool them and hit them the next day." You'd go through and they'd just come right back.

Q. If you were out there, you'd have been with the command group? Is that correct?

A. CP group, correct. And when we're on the move, sir, I more or less pull security for the rear, like for the CP group. We would have one little group. Sergeant MARSHALL used to have a couple people and he would be up on the point, and the CO would be there, and then I and HONEYCOTT used to bring up the rear, pull security for the rear.

Q. Who is the sergeant you just mentioned?

A. Sergeant HONEYCUTT. He was a recon sergeant for the FO.

Q. Do you recall crossing a bridge that day and going over to the coast, spending the whole day over in there, the next 2 days over in there?

A. I remember going across a bridge, but I don't remember. We crossed that bridge a couple of times. I don't remember on which occasion. I know one time we went across the bridge and we got fired on and had one platoon across; and when the CP was trying to go across, they seen all those antennas and they opened fire, and we had to make it on back. The 1st Platoon, I believe, laid down a base of fire. We all drew back, and we didn't go over in the area and didn't have no casualties.

Q. Do you recall this situation where the 1st Platoon was over there across that bridge by itself and the company joining it later, about a day's separation in the time period? When you joined the unit do you remember whether you joined B Company, the day you joined them in the objective area, whether you joined them out by the South China Sea or whether you were inland a little ways?

A. I don't remember. I joined the company so many different times and different places they all run together.

Q. I'm trying to relate it to the morning you saw TAYLOR in the hospital. On that date you remember--

A. (Interposing) I don't remember. I remember seeing TAYLOR, and I remember bringing some cigarettes and that. I asked him what happened and he told me about the mine incident there.

Q. You joined them on the 17th. You must have been with them when they moved south. Do you remember whether any villages were burned over there?

A. To my knowledge, sir, no villages were burned. Just that one time, when we went on one operation, I know we burned about half the village. This was the day before COLLICCHIO got killed. This was prior to this incident.

Q. What was the date COLLICCHIO got killed? Where was this?

A. This is in the My Lai area.

Q. Back in that February time frame.

LTC NOLL: February 15th.

COL WILSON: 15 February, that was a previous operation?

A. Right, sir. That's about the only village I remember we burned. We burned about half of it, and then they said, "Okay, don't burn no more. You can quit."

Q. Did you have orders to burn it?

A. I believe so, sir.

MR WALSH: Sergeant, I'm looking at a copy of your notebook. It doesn't make any reference among the list of wounded of TAYLOR.

A. That's what I was just wondering here. That must have been where I went in and didn't write anything down. That's the only thing I can figure. I was just looking for him trying to place my memory.

Q. How about the reference to COCHRAN, number 12, wounded? Would that indicate that he was wounded before he was killed?

A. He was wounded one time before. This was after the COLLICCHIO incident. The next day we CA'd into this area. We were supposed to come back in around 1600 hours, 1630. We were supposed to come back in and they got word there was a VC headquarters, and we CA'd into this area. We didn't even get off the choppers and they were shooting at us. But we caught them by surprise. Right off the bat, we got I don't know how many weapons, so they took off. They had tunnels all over the place. This is one time HONEYCUTT went into one of these tunnels and one of these people threw a grenade at him. Good thing he had his steel helmet on and I was standing there covering him. He made it back out but lost his steel helmet in there. Then it started getting dark, and this is when they started mortar-ing us and they were coming out. This is when Lieutenant COCHRAN got hit.

Q. I wonder if by reference to your notebook, you could pick out people who had been wounded on the operation we are interested in, at the same time Lieutenant COCHRAN was killed?

COL WILSON: We'll introduce a facsimile of Sergeant DAHNER's notebook at Exhibit M-41.

MR WALSH: Do you have any knowledge of present location of Sergeant RUSHIN?

A. No, sir, I don't. He got a profile later on and he was transferred. He was working up at the PX up in the Chu Lai area, and that's the last I know. Maybe it would help you. Sergeant RUSHIN isn't on this company roster. Sir, a lot of these older people here--you can see, he came in afterwards like on a DEROS date. You can see the ones that were there prior and the ones that came in after march 1968.

Q. I wonder if you could take a look at the names.

A. Sir, this is the only address I kept. I got this here, GONZALEZ, Steve GONZALEZ. He was with the 1st Platoon. Later on, he got hit and he lost both of his legs and almost lost his right arm and lost one of his eyes. I took his address. I wanted to write him later on, and HUDNUTT is the company clerk, and I have Sergeant MARSHALL. He was the one that acted as security for the CO. I have his address, and Lieutenant CARTER; I have his address. This man MERCER. This man, he was an RTO in so many different platoons. When they needed an RTO, they knew he could handle a radio. He kind of moved around. I have his address.

COL WILSON: I'm going to ask you to turn that sheet over to Major THOMAS. Major THOMAS will make a copy of it and provide it to the witness section and copy for our records, not to be introduced as an exhibit.

MR WALSH: Was the fellow in the company who spoke good Vietnamese, was that CARDINES?

A. No, CONGLETON.

Q. How do you spell that?

A. C-O-N-G-L-E-T-O-N; first name, Warren.

Q. Warren?

A. Right, sir.

Q. He was an RTO?

A. Well, he worked as an RTO and an interpreter. The CO carried three radios and most of the time, four. In this case he had one in reserve.

Q. Would he have been on this operation?

A. Yes, sir.

Q. Do you recall any time, at this time in the laager area, seeing any National Police interrogating detainees?

A. No, sir. The only time--when we picked up a suspect, we would call in on the radio. Sometimes they would fly out and pick him up. Sometimes they would send an interpreter out there and interrogate them right then and there and release them right then and there.

Q. Were you ever present when any National Police interrogated prisoners and shot them?

A. No, sir.

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

A. Right, sir.

Q. Do you ever recall being in the area when he was interrogating detainees through his interpreter?

A. He had been out in the field with us, and I've seen him talk to a few.

Q. Do you ever recall an incident where either with an interpreter or someone in the area cut off a finger or parts of a finger of someone who they were interrogating?

A. No, sir.

Q. Did you ever hear about anything?

A. No, sir.

Q. I think you mentioned you knew Lieutenant JOHNSON, MI?

A. Yes.

Q. Do you recall on this operation him, through an interpreter interrogating detainees?

A. Not that I remember.

Q. He worked with your company quite a bit?

A. Right, sir.

Q. You probably read in the press about Captain MEDINA firing a weapon over the head of a detainee who he was wanting to talk to? Do you recall this?

A. No, sir, I don't recall anything like that.

Q. Do you recall being with the company on this operation when a medical detachment came out to give medical assistance to civilians living in the area?

A. We had done that off and on, yes, sir. The medics, the med team would come out and give shots and this. This is in different areas. I couldn't place one from another. We pulled security for them. We would be going into a village and--

Q. (Interposing) We have had some indication that on the fourth day of this operation Charlie Company was lifted back to LZ Dottie and Bravo Company swept up through this area in here and then a medical team flew in and spent most of the day interrogating people and then giving medical assistance to people living on this peninsula to the north of Pinkville. Do you you have any recollection of being with the company at that time?

A. Sir, I remember we pulled security a few times when they came in for shots and that, but I don't remember any place in particular where they were.

Q. Nothing sticks with you on this particular operation, then?

A. No, sir. I know a lot of people said how can you give people shots and all. They are supposed to be our enemy and stuff like this.

LTC NOLL: Do you recall at any time while you were out on this operation if a PIO man or a photographer was out there?

A. Not with our company, no, sir. In fact, I don't remember ever seeing a photographer. The only time I seem to remember a photographer being with us is when we first went over there. They had this civilian, JONES. He was from Hawaii. He came out there for TV, and they were on one of the operations which the 11th Brigade was doing, just showing what they were doing in Hawaii on operations. They went through a village and took some pictures. No incident happened or nothing. We ran across a couple of tunnels, and we blew them and that was it. This was prior to Task Force Barker.

COL WILSON: Sergeant, let's go to the 18th of March. The log the Task Force Barker log indicates that Company B found approximately 3,000 pounds of rice. They found 3,000 pounds of rice at 742787, right here in the vicinity of My Khe (4). Do you recall that?

A. No, we ran across a couple of places where you had rice, and we always got the word of what to do with it. I remember a couple of times we had to pack it out. We got sand bags, called for sand bags, and filled up the sand bags and put it on--

Q. (Interposing) This entry at 0755 in the morning on the 18th indicates that this rice was to be evacuated. I wonder if you recall that, early in the morning?

A. I remember packing rice, but I don't know the particular time or date.

Q. The unit location at 0835 in the morning of the 18th, it shows Company B minus at 743790, just north of My Khe (4), just north of the bridge. Do you remember that location? Do you remember being there? This report was apparently made about 0835 on the morning of the 18th. That is B Company minus, and B-20 which is, I assume, the 2d Platoon, B-20 and the 81 mortars were at 742788. The unit was down here by My Khe (4), and as I remember the other coordinates, B Company was split about a thousand meters. Does this bring anything to mind? I wonder why they were split like this?

A. Well, a lot of times the mortars, we wouldn't have any use for them. Instead of carrying, you know, if you're just going to make a sweep, we'd just let them sit there and one platoon pull security for them.

Q. This is a procedure you did often, then?

A. Right.

LTC NOLL: Just from reading the log, I got the impression they were putting out an ambush, putting one platoon out on ambush.

COL WILSON: They could, at that time in the morning.

LTC NOLL: They were there overnight.

COL WILSON: And this is their overnight position. I believe I saw something about that. Now, at 1900 on the 18th of March B-6 requested dustoff for three Vietnamese who were wounded by BT artillery, booby-trapped artillery, requested dustoff. He requested a dustoff at 1900, and the next entry is at 1925; the dustoff is complete. Do you remember three Vietnamese wounded by booby-trapped artillery? It probably would have been an artillery round.

A. I don't know. We dusted-off civilians as we found them.

Q. You don't remember this particular incident. It doesn't give the location of it. Now, at 1930 on the 18th, the B-6 location was given as 751816. That is the evening of the 18th, with ambush 200 meters to the north. That is

definitely an ambush site there. C/1/20 located at LZ Dottie. Apparently, C Company was lifted out on the 18th and B Company remained, it appears to be in a night position, remained there that night. Do you recall that?

A. Sir, we put an ambush out every night.

Q. This was up here in the An Khe area, up in this area. A pretty big village up there.

A. Any time we moved during the daytime, we always made note of likely trails or anything like this and where we would put out an ambush at night.

Q. And that's were you set up that night?

A. We would just keep moving, and just before dark we would get them in there.

Q. Do you remember any incidents or anything that happened in the period 16 through 18? You don't remember leaving there?

A. No, sir. Truthfully, I don't believe--I probably didn't come out in the field until about the 18th or so.

Q. You may not have gotten out there on the 17th?

A. Right.

Q. If I show you photographs of Co Lay (1), (2), (3), would this help you any?

A. They all look the same.

Q. I ask you, did you return to Dottie or Uptight when you were with this operation?

A. I couldn't remember. We came to Uptight, Dottie, wherever we landed whenever they said to come in. We may be out for 7 days before coming in; we may be out for 2 weeks. We only had these two fire bases, so we just played checkers all the time.

Q. I want to look at the Americal log and the brigade log. Let's take a short recess.

(The hearing recessed at 1356 hours, 14 January 1970.)

(The hearing reconvened at 1402 hours, 14 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: All persons present when the hearing recessed are again present. Added to the hearing since the last recess is MAJ ZYCHOWSKI.

COL WILSON: Sergeant, I would like for you to repeat what you told me during the recess.

A. Sir, about Colonel BARKER. I thought Colonel BARKER was really outstanding. He never hesitated a minute. If you needed resupplies, you could use his chopper. One time in particular I remember, we called for a dustoff. We had a casualty and we called for a dustoff, and Colonel BARKER was monitoring the radio. He said, "Forget about it. I'm in the area. I'll pick them up." He came right in there and picked them right up. Another time I remember we were on Uptight and the company was there. We were waiting for resupply and food, so we kept calling back there in the trains area. They kept telling us no chopper available and it was getting late. It was almost getting dark already. Colonel BARKER had just come there at that time, and he told me, he says, "Jump in my chopper and take it." I picked up the chow for our company, and there was one other company in the field. I picked up chow for two companies, landed out in the field, dropped the chow off that came right from the fire base. On another particular time, the supply sergeant came to bring us some supplies on Dottie, and he was stuck there trying to get out, and Colonel BARKER wasn't using his chopper. He said to put them on the chopper and send them back to wherever they were going. I know, like pay officer, Lieutenant MUNDY, he'd be the pay officer and wouldn't have no problem when the company would be scattered around. If the

chopper was available he would be able to use it to get to the troops.

Q. Sergeant, what happened after the 18, 19 March period? Was there any change in operation procedures or in the areas of operation of Task Force Barker until it had been disestablished?

A. No, sir, there was never no change. It always run according to normal, no change. Nothing was ever said. No talk, no rumors, nothing. Just a normal operation. In fact, I talked to Captain MICHLES the day before he got killed. He became the S2 officer, and I talked to him for at least on hour and asked him how he liked his new job and everything; and everything was running smooth, sir.

Q. Have you ever heard of any investigation or inquiries being made into this combat assault?

A. No, sir. The first time was when I seen it in the paper.

Q. Have you ever heard any remarks by people, either members of Task Force Barker or people outside Task Force Barker, that they had killed a bunch of civilians?

A. No, sir. We had this one man, EBINGER. The guys used to tell him all kinds of things. He never went to the field, and they would tell him anything and he would believe it. He is the only one that ever told anything. They said, "Yeah, we went through this village. We raped the village," and all this which I know isn't true because I was there at the time. But EBINGER would sit there and believe it.

Q. Who was EBINGER?

A. He was a fellow who came over there. He had a profile all the time he was over there. In fact, he wrote the President of the United States prior to leaving there. What we did with our sick-callers, if a man had a profile or something, they pulled security around the TOC. This is where they stayed. The battalion medical officer would treat them every day. He would be there for treatment. This way they pulled security. I mean they just didn't get out with doing

nothing. They helped the company out like on a fire base. For instance, when our company hit the fire base, maybe you would have 10 people to help you out on guard at night, which would really be a help to the company; let the men get a little more sleep. Instead of keeping them all in one bunker, they would all go to sleep. They were a bunch of duds. You had to spread them out, put one in each bunker and really have a good man to control these people. These are the people-- odds and ends from the company, more or less malingerers.

Q. Who was talking about raping this village?

A. Some of the GI's told EBINGER this. He believed it and wrote the President.

Q. In other words, he got a letter off on this?

A. Yes, about a week before he rotated. He wrote it from LZ Baldy. What we did, sir, we had three resupply places down in Duc Pho. This was where our base camp was, really. Then we were up in the Chu Lai area because we had operations up in that area and where we got all our resupplies. Later on, they were operating up around Baldy, and come to find out, they put some on the pad and it walked away. It wouldn't get to the field, so you would have a man sitting on the pad all day long. I went down there personally and got EBINGER and brought him up there. That was his sole job all day long, to sit there and make sure nobody fooled with the stuff being sent out to the field for resupply. That was the only reason he was at LZ Baldy.

Q. What ever happened to this letter he wrote?

A. Well, he sent it to the President. Division sent a light colonel down there to check it out and come to find out, it wasn't true.

Q. When was this?

A. This was about December or October of 1968. He wrote it to President JOHNSON. I read a copy of the letter. It mentioned--EBINGER used to get the newspapers, and these newspapers were supposed to have been Communist papers. EBINGER did write the President and said, "Some people call

you a 'lame legged duck,' but I don't think you are." He says, "But I can see why people are Communist. How would you like it if somebody came into your village and raped your daughter or something like this? That's why all these people are Communist." That's about all I remember of that.

Q. This was sent about September or October of 1968?

A. Right. He wrote it while he was on LZ Baldy because of the combat stationery, to make it look good; LZ Baldy, like he was out there somewhere. He wrote it a week before he left so it would get there by the time he'd be gone.

Q. Is this what happened?

A. Yes, sir.

Q. When this lieutenant colonel from division came down to investigate this incident, this letter, did he interview you?

A. Yes, sir, he interviewed me.

Q. Under oath?

A. I don't remember.

Q. Did you sign a statement?

A. Not to my knowledge, I didn't. He also talked to Sergeant VANN. He wanted to know who EBINGER was working for, and I told him Sergeant VANN had him up there on LZ Baldy, and he interviewed Sergeant VANN also.

Q. When was the last time you saw Sergeant VANN?

A. In November, when he rotated, sir. November of 1968.

Q. Who else did he interview?

A. I don't remember.

Q. What was Sergeant VANN's job?

A. Sergeant VANN was a mortar platoon sergeant. Later on, they brought him in from the field when we needed somebody up there at Baldy for resupply. He handled resupply up at Baldy. We had three resupply points at one time. Sergeant VANN was one of these people who was really outstanding. Really dependable, really a hard worker. He was a person who really knew mortars.

LTC NOLL: Did the allegations include a shortage of leech repellent in this letter to the President?

A. Oh, he mentioned something about it. He did mention something about leech repellent. We never worked in this AO before and we were in a lot of water. We would get leeches and nobody in the battalion had ever ordered leech repellent at that time. That's what it was. He mentioned that there was four bottles of leech repellent and they were given to the sergeant major and he kept them all, which is not true because it was either three or four or five bottles of leech repellent and the sergeant major personally took them and hand-carried them to each company and gave one to each company. The sergeant major hand-carried them out there himself to the company. This was something new. We had never encountered nothing like this before. No one had ever requested it, but there was a shortage at that time, for a short period of time.

COL WILSON: Aside from this particular incident with EBINGER, do you know of any other allegations that have been made about mistreating the Vietnamese?

A. No, sir. I know many times the company commander would talk to all the people in a group and explain to them that if he ever caught anybody touching these women, he would be given a general court-martial. I heard him say it at least a dozen times: "I am not going to have no dealing, period, regardless of whether it's prostitution or what." Even if they went down to the village, it was strictly off limits. In fact, the village by LZ Dottie was open but it was off limits for our company. He didn't want to have nobody to have any dealings with the women.

Q. What was B Company's attitude toward the Vietnamese as a whole, the unit, individuals in the unit?

A. I think it was pretty good, really. The only thing was they were a little suspicious of them. That was about it. You didn't know who was who. Who was your friend. He was your friend in the daytime; maybe at night--we were never really that close to them, contact. We just went in there to check them out, and that's about it.

MR WALSH: How about rules of engagement? Did Captain MICHLES talk about that at all to your company, about harassing them or anything like this, reconning by fire or unnecessarily shooting up populated areas?

A. He mentioned it many times about how you don't just go in there and kill their cattle or something like this, like water buffalo, which were really worth their weight in gold over there. It's the farmer's sole possession. He may have worked his whole life just to buy that and we're not to kill them.

Q. Do you know if there were any operations or incidents that you recall where the troops needed some more talking to on this subject? That they may have used a little more fire power than they should have?

A. No, sir. That was one thing he also told them. You had to conserve your ammunition. You just don't waste it. If you did waste it, by the time you got resupplied maybe it would be a little too late if you just wasted it.

Q. Do you ever remember an incident at any time where MICHLES got mad at any soldiers, any unit for mistreating civilians, detainees, or using too much fire power?

A. Not that I know of.

LTC NOLL: Do you know if EBINGER's letter to the President was related to any specific incident at any specific time?

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

Q. Did you have knowledge of your soldiers when they came down with VD?

A. I had a few soldiers, yes, sir. This Chu Lai area this is one reason why you have to have somebody check your rear area, otherwise the people get really wild. In the Chu Lai area they had a village and the people would go in there. They had prostitutes there and they could pick it up.

Q. Was this a major problem area in Chu Lai?

A. Right, sir. In fact, later on before I left I know the whole village was off limits. It would be off limits for maybe a month at a time or so, then it would be back on. I know it's hard to keep track. Once they say the village is off limits and you really don't pay any attention to it because you're out in the field, and then they say it's on limits again. So, the people out in the field--there is only a few people that were in the rear, you know, to go to the hospital or something to take care of them.

COL WILSON: Do you have any further testimony that might assist us in this investigation?

A. I know when I was out in Task Force Barker, Major CALHOUN told the company commander--we were in the TOC there one day--he told the company commander, he pointed to me and says, "I don't want him to go to the field any more." That's why I kind of stayed around a little, but I did keep going to the field. I stayed out there all the time, but when I was around there, Dottie or so, I stayed around the TOC and made sure the place was straightened out and Major CALHOUN would see me at this and then when the company moved out.

Q. It sounds like Major CALHOUN is trying to get himself in trouble telling the company commander to keep you in.

A. Well, he figured it's my third war and it's time for me to stay in. Major CALHOUN was really an outstanding person.

Q. Did you see a lot of Major CALHOUN?

A. I saw him all the time, right, sir.

COL WILSON: Well, I think you provided us with all the documentary information that you have regarding the witnesses and

the organization of the unit. Do you have any photographs or tape recordings or anything like that back home?

A. Just pictures of myself. I had a camera, but I didn't take no pictures because my wife didn't know I was out in the field. I would send them home to her and she would develop them. She would see me with a couple of buddies, and that's about it. No incidents or combat or anything like this.

Q. I think you stated, but I want you to be sure if you haven't heard any rumors, other than the EBINGER thing, of allegations of civilians that were unnecessarily killed during this time period by either B Company or C Company.

A. No rumors, no nothing. No incidents, harassing by the troops.

Q. Do you know if there was ever a problem with marijuana in B Company?

A. Sir, there were problems all over the place. You can't really pinpoint it down. I know when we got to LZ Dottie, it would pop up. I had the idea that somebody in the artillery over there was selling it, but we never traced it down. In fact, one man, CANTU, one night when we got mortared, he was high on the stuff. I know he was, and he was tangled up in the barbed wire. I don't know why somebody didn't shoot him. He said he was going to the latrine and the rounds started coming in and he tried to make it back to his bunker, and we found him in the barbed wire, the concertina wire. He was all cut up, so we got him and we took him to the aid station, and the doctor there said he couldn't really prove what he was doing. He didn't have nothing on him at that time. He was just lucky that our own people didn't shoot him at the time. He was in the concertina wire. This was where the racket was. We heard a noise there. We thought it was Charlie. We went down and checked it out, and that's who it was.

Q. Well, you don't know of any problem with marijuana during operations or anything like that or anybody that was using it excessively?

A. Just CANTU. This was about the only time.

COL WILSON: Well, sergeant, we really appreciate your coming in, and all this material that you brought in is going to help us a lot getting started on this thing. I would like to ask you that when you get back, and if you turn up anything that you may have overlooked that might help us in reconstructing the operation of B Company during that 3 or 4 day period, that you call us and tell us what it is and maybe we can make arrangements to get it. After you leave here, I want you to go down and I'll have somebody from the witness section come up and get you. Talk to them and give them any additional information that you may have on witnesses. Whenever you finish, they'll process you out and get you out tonight or tomorrow.

I want to give you some additional instructions. You are ordered not to discuss your testimony in this investigation with others, including other witnesses for the investigation, except in the performance of official duty or as you may be required so to do before competent judicial, legislative, or administrative body. In addition, you are cautioned that if you are subject to the order issued by the military judge in the general court-martial case of the United States v. Calley, your appearance here in no way changes the applicability and effect of that order. I know you are not.

Now, do you have any questions on those instructions?

A. No, sir. Sergeant LIAS, I understand, is here and I just want to talk to him and kind of bring him up to date when this incident was going on, when Lieutenant COCHRAN got killed, so maybe he can think about it in the meantime.

COL WILSON: Let me do that.

A. All right, sir.

Q. If you talk to Sergeant LIAS, you are not to discuss this case; anything else you want to but not what we discussed.

A. Right.

Q. It is my plan to bring Sergeant LIAS up here as soon as you leave, so you may or may not see him anyhow.

A. Right.

COL WILSON: That terminates the testimony.

(The hearing recessed at 1429 hours, 14 January

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SUMMARY OF TESTIMONY

WITNESS: HIDDIE, Gary L.

DATE OF TESTIMONY: 24 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: RTO, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

While in Hawaii, the witness drove for Captain MICHLES and as a driver did not participate in most of the training (pgs. 4, 5). He recalled no training on the Geneva Conventions or the handling of prisoners after he arrived in Vietnam (pg. 5).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness testified that on 15 March MICHLES briefed the platoon leaders and then briefed the command group, including the medic and himself (pgs. 6,7). The witness could not remember anything in particular about that briefing, nor could he remember the assignments of the particular platoons (pgs. 8, 10, 11). He heard no order concerning the destruction of villages (pg. 9).

3. ACTION OF B/4/3.

a. Movement of company.

The witness stated that he went into the Son My area on the second lift; he did not recall receiving any fire (pg. 13). He noted his radio was on the company net (pg. 3). He remembered MICHLES on the radio asking the first platoon, which was separated from the rest of the company, if

(HIDDIE)

1

SUM APP T-228

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there were any women and children included in the body count which they had submitted that morning (pg. 25). However, the witness was not sure if this transmission was made during this particular operation (pg. 26). The witness recalled MILUS being killed by mortars in a night position near the beach (pg. 15). He also remembered the engineers who were accompanying his unit being resupplied with dynamite (pgs. 20, 21). He stated that he had seen members of his company use dynamite to destroy tunnels, but had never seen them use dynamite to destroy buildings (pg. 25).

b. Burnings witnessed.

The witness recalled six or eight hootches being burned in an operation along the coast, but he was not sure that it occurred on this operation (pgs. 23, 24). He also recounted hearing MICHLES tell the men to stop burning hootches. He did not know that if this order resulted from a command from Colonel HENDERSON or Lieutenant Colonel BARKER (pg. 22). He could not testify with any certainty if these occurrences happened on the same operation in which the engineers accompanied his unit (pg. 24).

c. Interrogations of prisoners witnessed.

The witness recognized Lieutenant JOHNSON as a military intelligence officer who came and interrogated detainees. He did not hear the questions, but saw the questioning (pg. 17). He stated that he recalled one operation in which three or four National Police accompanied his unit, but he did not recall seeing them interrogate any prisoners. He heard nothing about their having shot or tortured any prisoners (pgs. 14, 15). The witness asserted that he had seen detainees being interrogated, but had never seen anyone do any bodily harm to them (pg. 22).

4. KNOWLEDGE OF AN INVESTIGATION.

The witness recalled no rumors of any irregular occurrences during this operation and no rumors that Task Force Barker had unnecessarily killed civilians (pg. 29). He asserted that he could recall no investigation ever having been made (pgs. 23, 28).

5. OTHER INFORMATION.

a. Use of marijuana.

The witness had heard that marijuana was being used by members of his company during operations, but he had no direct

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knowledge of this. He related overhearing a conversation between Captain MICHELLS and his first sergeant about the use of marijuana, but could recall nothing in particular about this conversation (pg. 30).

b. Treatment of prisoners.

The witness definitely asserted that he had no knowledge of any Viet Cong suspects ever being tortured (pg. 30).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-18	Miscellaneous Scene	The witness re- cognized HUFFMAN.	16
P-19	Miscellaneous Scene	Wit recognized no one.	16
P-20	Miscellaneous Scene	Witness recognized HOUGHTON, LIAS, and MARSHALL.	16,17
P-21	Miscellaneous Scene	Witness recognized MI lieutenant.	17
P-22	Miscellaneous Scene	Wit was not familiar with.	18
P-23	Miscellaneous Scene	Wit recognized MICHLES and MERCER	18
P-28	Miscellaneous Scene	Witness did not recognize area.	18,19
P-185	Aerial photo	Wit oriented.	14

(The hearing came to order at 0930 hours, 24 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named persons are present: COL WILSON, MR WALSH, LTC NOLL, and MAJ THOMAS.

The next witness is Mr. Gary L. HIDDIE.

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

Please state your full name, occupation, and residence.

A. Gary Lee HIDDIE; occupation, construction; residence, 90 1/2 8th Street, Clintonville, Wisconsin.

COL WILSON: Mr. HIDDIE, before we proceed with any questions I'd like to inform you of several matters. The Peers Inquiry was directed by the Chief of Staff of the Army and the Secretary of the Army for the purpose of making findings and recommendations concerning the My Lai (4) incident of 16 March 1968. In conducting his investigation General PEERS determined that it was necessary to have an insight into the overall ground and air operations of B/4/3 and the period that he is interested in is 16 through 19 March in the Son My Village area. He therefore appointed this board referred to as Interview Team C to question personnel of B Company and prepare a complete description of the unit operations. You may expect General PEERS or other members of his board to come in here at any time if they are free from their other interrogations.

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

Although the general classification of this report will be confidential, it is possible that testimony or parts of it may become a matter of public knowledge. During the interview we will try to follow a sequence of chronological

questioning. The first series of questions will be concerning the training prior to your departure from Hawaii or prior to your arrival in the Republic of Vietnam. Second, we will inquire into the briefing prior to the combat assault operations which took place on the 16th; the briefing probably took place on the 15th. And third will concern the operations of the 16th through the 19th of March. Final questions will concern any knowledge you may have of previous inquiries or investigations or complaints that were made concerning this operation by anybody in Task Force Barker, not necessarily confined to B Company.

This board consists of three people. Mr. WALSH on my right is a civilian attorney who has volunteered his services to the Secretary of the Army to assist General PEERS. Colonel NOLL and I also are members of the board. All three of us have authority to question you. It's not within our prerogative or responsibility to make recommendations to the Secretary of the Army. This is strictly within the purview of General PEERS. He is the one that will determine the findings, not us.

Have you discussed this operation with anyone in B Company or Task Force Barker prior to coming here?

A. No, sir, I haven't seen anybody.

Q. What was your assignment on 16 March 1968?

A. Do you have down there when we arrived in Vietnam?

Q. Do you mean do I have your assignment when you arrived in Vietnam?

A. I mean when the company--

Q. (Interposing) In December.

A. I'm just trying to figure out when March 16th....

Q. Well let's see if we can bring anything back to you.

A. For about the first 5 or 6 months in Vietnam I was in the rear. I'm just trying to figure out if I was in the rear.

Q. Well, when did you go on R&R?

A. I never had that, sir.

Q. How about the Tet Offensive in 1968? Do you remember where you were then? Quang Ngai came under attack.

A. I believe I was in the rear in Chu Lai.

MR WALSH: Do you remember when Lieutenant COCHRAN was killed?

A. I was out in the field then.

Q. That's the operation we're talking about.

A. I was out there that day.

COL WILSON: What was your assignment at that time?

A. RTO.

Q. For whom?

A. Captain MICHLES.

Q. Captain MICHLES, company commander?

A. Right.

Q. Which net were you on?

A. Company.

Q. During the time you were not with the company in Chu Lai, what was your assignment there?

A. Supply sergeant.

Q. And when did you come down from Chu Lai? Do you remember that? About how long before this operation?

LTC NOLL: Had you been on other operations with the company in the field?

A. Right, I was in the Pinkville place two or three times.

Q. Before COCHRAN was killed, or after?

A. I was out in the field with the company after he was killed.

Q. How about before?

A. Before too, once or twice. But whenever we'd go out we'd go out to a fire base, and most of the time when I was in the rear the company would come to the fire base and I would go out to the fire base and tend to the radios and stuff like that. I wasn't out in the field full time.

Q. You don't remember when you joined the company from Chu Lai, when you came forward to the fire base?

A. No.

Q. Were you assigned to the unit in Hawaii?

A. Right.

Q. How long were you with them in Hawaii?

A. I believe about 8 weeks or so.

Q. While you were there did you receive any training just prior to movement concerning handling of prisoners of war and noncombatants?

A. I don't know, how do you mean that, sir? We were out in the Kahuku Mountains, or whatever you call it, every week we was out there. As a driver I never took a lot of training.

Q. You're saying now that you were Captain MICHLES' driver?

A. Right. Not when I first got over there. I was over there I'd say a month and they come down and asked for drivers and I was assigned as his driver over there.

Q. So you really didn't participate in too much of the training?

A. Not really, no, the first part I did but then later on I was just driving him back and forth.

Q. What about when you got to Vietnam, were you still his driver?

A. Right, well, the jeep that we had in the States, that was lost somehow. But then he was out in the field and I stayed back at Duc Pho. I was in the rear there for 2 or 3 months before I went out in the field.

Q. So when you got to Vietnam, you weren't with the unit when they left Duc Pho?

A. I never went out on those first operations.

Q. Do you remember ever receiving any training in the Duc Pho area?

A. Training, you mean--

Q. (Interposing) I'm speaking primarily of handling of POW's and noncombatants, Geneva Convention?

A. Not that I can recall.

Q. Nothing about reporting violations of methods of handling POW's, this sort of thing?

A. No.

Q. What you were to do with POW's, VC suspects?

A. Not that I can recall, sir.

Q. Okay, let's get to the period of right before this combat assault, right before the 16th of March which is the

day Lieutenant COCHRAN was killed. Do you recall which fire base you were on?

A. Not right offhand.

Q. All right, let me ask you what you were told prior to this combat assault. Who briefed you, and what were you told at that briefing?

A. We were briefed by Captain MICHLES.

Q. Who is "we"?

A. The company.

Q. The whole company was briefed?

A. Well, the RTO's and the platoon leaders.

Q. Did you attend--I'm not trying to--I want you to think back now and remember this as clearly as you can. Did you attend the briefing with the whole company, did you attend a briefing of platoon leaders, or were you briefed by someone else? I'm trying to find out what type of briefing you received and who gave it?

A. I believe it was just platoon leaders and RTO's.

Q. Just the platoon leaders and RTO's. Do you remember when this was given?

A. No, that I don't.

Q. Do you remember the time of day?

A. No, that I don't know either, sir.

Q. Let me ask you this: is it normal, did the company commander have a routine procedure prior to combat assaults? Did he normally brief the platoon leaders, did he brief the whole company, or what was his normal routine?

A. Platoon leaders.

Q. And at the time he briefed the platoon leaders did he brief the RTO's?

A. No, I guess we were never in on that. We were tending the radios, but he never did speak personally to us.

Q. Surely somebody briefed the RTO's on what the thing was going to be; they're pretty important people. Who's going to tell you what to do, who is going to tell you what aircraft--well, you'll be with him, but who is going to tell you how long you're going to be in the field, and whether to carry your sleeping bag, and how many rations to take?

A. Well, that, he did, but I mean we never sat in like say one with the captain and the rest of the platoon leaders. They'd go and brief their platoons on what the captain had to say. Then he'd tell us what we were to do and what we were to take along.

Q. Who else would he tell besides you, the other RTO's?

A. The RTO's and the medic.

Q. His command group?

A. Right.

Q. In other words he held a separate briefing for his command group?

A. Well, after.

Q. After the platoon leaders?

A. Right, after he'd briefed those and they'd go to put the information out to each individual platoon, he would tell us.

Q. Did he have the supply sergeant in there and people like that, about resupply, or did he just have the RTO's and medics and people that were going to the field?

A. Right, people that were going to the field.

Q. He didn't have the support people?

A. When we needed supplies and that, it was called in.

Q. He didn't have any briefing for the supply people?

A. No, except that night when they called in for what was needed.

Q. Daily requirements?

A. Right.

Q. Were you told anything about the operation when you were briefed? Were you told what the company was going to do, where they were going?

A. Right, we were told the name of the village, if it was friendly or non-friendly, and what our purpose for going there was.

Q. On this particular operation, and we'll go back to the reminder that Mr. WALSH gave you about the lieutenant being killed on the following day, this particular time frame, do you remember what your instructions were on this particular operation? Was it a search and destroy, was it a search and clear, or was it any different from any operation you had been conducting?

A. I don't remember what we were told.

Q. This operation doesn't stand out in your mind as being different from any other operation?

A. No, it doesn't

Q. Nothing you were told, nothing the command group was told that indicated there was going to be anything different here than it was during the other times that you went out on a combat assault?

A. No.

Q. Would you have remembered, was there anything about an operation that was conducted that you participated in that struck you as being different or irregular?

A. No, because any that I were ever in were search missions.

Q. That's the only type you ever participated in?

A. I believe so.

Q. Were there any orders given that you know of concerning the destruction of villages?

A. Not that I can remember, sir.

Q. How about burning huts?

A. There were times when I seen that. I don't know whether they were ordered to or not.

Q. On this particular operation do you recall whether there was anything in the briefing about levelling areas in the Pinkville complex, destroying them?

A. Not that I know of, sir.

Q. How about the food stocks, anything on food stocks, what to do with food supplies, recover it?

A. That was called in and choppered out.

Q. Anything about animals?

A. No.

Q. All right, now, was it normal in your daily operations to burn huts or burn villages?

A. No.

Q. Was it normal to destroy food stocks?

A. Not to destroy them, but call in and they were evacuated.

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Q. Were there any special instructions given in this area regarding the inhabitants of the villages?

A. Not that I remember, no.

Q. What did the company commander tell you about the enemy situation there?

A. This is in Pinkville now?

Q. This is on the operation, where you went into your combat assault. Did you expect at this time anything abnormal about the enemy?

A. At the time we went in?

Q. Yes.

A. No.

Q. Same old thing, same operation, another combat assault, no different, enemy situation no different from any other time?

A. No.

Q. Did you normally talk to the platoon RTO's after this type of briefing? Is there anything that you have to get together about, coordinate, get your frequencies assigned?

A. Right.

Q. Is there anything you have to talk over, any changes in call signs, anything like this, communication lingo that you have to go through?

A. Would you repeat that again?

Q. I just wondered if normally before you went on a combat assault, on the company net, if you got together with the platoon radio operator for any purpose you had to discuss?

A. No.

Q. Do you know who the platoon RTO's were?

A. The 1st Platoon was Mario FERNANDEZ, and the 3d Platoon was--

Q. (Interposing) That's for this operation?

A. Right. And the 3d one is ESTERLING.

Q. ESTERLING?

A. Right, he was killed over there later.

Q. What about the 2d Platoon; do you know who that was?

A. I'm trying to look through these names.

Q. Maybe you can find it later. If you do you can list it on the sheet. Do you recall what the 1st, 2d, and 3d Platoons were to do--did the company commander say the 1st Platoon's going in, and the 2d Platoon's going in here, something like that?

A. Each platoon had their assignment when they got off, what side of the village to cover, and things like that.

Q. Do you recall what the platoons were supposed to do on this operation? I'm sure he told the platoon leaders this, you weren't there, I don't know whether he ever covered it with the command group.

A. What I can remember from that incident, when we landed, each platoon landed like around the village and the squads that were selected went through to search.

Q. You don't remember the disposition of the platoons?

A. No, I do not.

Q. I am going to tell you what the general Task Force Barker concept of the operation was. Basically it did come

off this way, and this is to refresh your mind, and then we'll go along and ask some more questions concerning the operation itself.

(The witness was given an orientation as to Task Force Barker's operations of 16-19 March 1968 on Exhibit MAP-4.)

You believe you were at Uptight?

A. Right.

Q. Do you recall the morning of the 16th; do you recall the artillery firing?

A. Before we went in?

Q. Right. Did you hear them firing before you left Uptight?

A. Before the first lift went in, and then when they came back we was on the second lift.

Q. You were on the second lift?

A. Unless I'm thinking of a different operation.

MR WALSH: Did Captain MICHLES normally go on the first lift?

A. At times we did and at times it was the second.

Q. Did you always go on the same lift with Captain MICHLES?

A. Right, once we were separated, two RTO's were separated, on the same flight, but different choppers.

Q. But you were usually on the same flight with Captain MICHLES?

A. Right, usually Captain MICHLES and radio operators were all together.

COL WILSON: Let's think of it this way, did Captain MICHLES normally mark the landing zone; do you recall this? If you

were on a combat assault as opposed to just a helicopter lift going in to an area, did he mark the landing zone with smoke?

A. You mean before any choppers were--right offhand I think most of the time it was done by gunships. They would drop the smoke and then we'd go in.

Q. You think you were on the second lift?

A. Unless I got these things mixed up.

Q. Do you remember your doorgunners firing as you approached the landing zone?

A. No.

Q. Do you remember which ship of the vees you were in?

A. It was close to the front but right offhand I don't know.

Q. Did you hear any firing when you landed?

A. Just by gunships.

Q. You heard gunship fire?

A. They were, you know when the artillery and the gunships, but not--I don't recall from the company.

Q. Did you hear any firing coming from the distance anywhere?

A. You mean from the artillery?

Q. No, small arms.

A. You mean on the ground, no, that I don't.

Q. Did you receive any fire either prior to or after landing?

A. I don't think so.

Q. Were you firing or was anybody firing when they hopped off the aircraft?

A. No.

Q. When you got off the aircraft could you look around and tell where the company was deployed, or what were they doing?

A. When we got off, you know, a certain area away, there were squads or something that were facing away from where the choppers would land and we'd get off, you know; they'd move out and we'd wait until the next lift come in like that. We'd always be facing away from the choppers but the people that were close, but I mean like on the other side of the village, when we were down you couldn't see them except by communication through the radio to find out where they were.

(The witness was given further orientation on the aerial photograph, P-185.)

Q. Did you see any strangers, not B Company personnel, come into the CP the day of the 16th?

A. No.

Q. U.S. or Vietnamese, ARVN soldiers, interpreters, military intelligence personnel, National Police, any people of this category?

A. I do know at one time that they did have the Vietnamese police. I don't know what operation it was. I know at one time they were out in the field with us.

Q. How many?

A. I believe there were about three or four.

Q. Did you ever see these police interrogate VC suspects?

A. Well at the time of this incident, whoever it was, the command group was in one section and when they took

these to the interpreter of the company, he told them what was going on, and they walked away, a little ways down the village, and asked the questions, and stuff like that. I wasn't in the immediate area when this took place.

Q. You didn't see them interrogate at all?

A. No.

Q. Did you hear anything about the procedures, how they interrogated?

A. No.

Nothing irregular about their--did you ever hear of them torturing any of the VC suspects?

A. No.

Q. Shooting them?

A. No.

Q. What about our U.S. MI people, intelligence people, did you ever see them doing any interrogating?

A. The U.S., regular Army, I was out there once when the military come out there.

Q. Do you think it was this operation?

A. It was close to the water. I know one night we stayed right on the beach, right next to the ocean.

Q. Was that at the same time that any military intelligence--

A. (Interposing) I don't recall right offhand.

LTC NOLL: Did you get mortared that night?

A. Right, there was I don't know how many rounds come in, but PFC MILUS was killed. I know we did receive mortar rounds.

COL WILSON: I show you these photographs. Tell me if you recognize the location or anybody in the photographs. P-18?

A. HUFFMAN.

Q. P-19?

A. I don't know.

Q. You don't recognize any of these Vietnamese?

A. No.

Q. How about this P-18 again, does this particular area mean anything to you? What does it look like, the background in that photograph? Does it look like a graveyard?

A. To tell you the truth, really....

Q. You think it does or doesn't?

A. According to these mountains and stuff, that's rice paddies there, but those mounds--

Q. (Interposing) How about P-20? And I'm primarily interested in the location if you can remember that location?

A. The location, that I don't know.

Q. This man with the pole or rod in his hand?

A. HOUGHTON.

Q. And who is the man bending over in the front, who are the two standing together, one with the helmet off in the center rear?

A. I believe that one is Sergeant LIAS.

Q. Man on the left, Sergeant LIAS. With the helmet on?

A. Right. Right offhand I don't know his name.

Q. The man with his helmet off of two men standing together, you think you've seen them?

A. Right, I believe that one is Sergeant Barry MARSHALL.

Q. The man on the extreme right is Sergeant Barry MARSHALL. What about P-21, have you ever seen those two people before?

A. Right, that's the lieutenant, the one that I seen, the one that I told you come out.

Q. The man on the left removing his helmet is the lieutenant that came out where?

A. The one I was telling you before about the Vietnamese.

Q. He's the one that interrogated the Vietnamese?

A. Yes.

Q. The Vietnamese sitting down was with Lieutenant JOHNSON. Did you see them interrogating any prisoners?

A. I seen them asking questions. They were around 25, 30 feet away asking questions.

Q. Now was this the first day when you went in or was this out there where you stayed on the beach?

A. We were out there, it wasn't the first day.

Q. You had been there a while when these people came in?

A. Right. I'm not ever sure if it was on this operation, but I know I did see those two out there, but to recall the exact--

Q. (Interposing) You don't recall this exact operation?

A. No.

Q. Have you ever seen any mistreatment of prisoners by these two?

A. No.

Q. How about P-22?

A. Those two--

Q. (Interposing) Are the same two that were in P-21?

A. Right.

Q. Do you recognize this old man? Ever see him before?

A. No.

Q. How about P-23?

A. That's the captain there.

Q. The man on the left is Captain MICHLES. How about the U.S. soldier on the extreme right, can you identify that individual? It's very difficult to see.

A. It doesn't look like that--FERNANDEZ who was RTO in Hawaii but it could be.

Q. Who carried the battalion radio that day?

A. I don't know if it was Freddy WILKENS or Tom MASON.

Q. This man could be from the mortar platoon or he could be from the artillery?

A. Right offhand, I don't know, but it pretty near looks like Leon MERCER.

Q. It does look like MERCER? Now this photograph, P-28, from a terrain standpoint, is there anything you could identify there?

A. Well, I'm just taking a guess but that isn't where Lieutenant COCHRAN was killed was it?

Q. I don't know, I don't know where this is.

A. I don't remember this road at all.

Q. Do you remember a road near where Lieutenant COCHRAN--

A. (Interposing) No, if this was the place, I don't remember this road.

MR WALSH: Can you remember sending any instructions or hearing Captain MICHLES send any instructions over the radio to the 1st Platoon separated from the rest of the company on the first day of the operation?

A. I know the 1st Platoon was separated but in relation to this incident, that I don't know.

Q. Do you remember Lieutenant WILLINGHAM?

A. Right.

Q. We've had some indications that he was 1st Platoon leader.

A. Right, until he was wounded.

Q. Do you remember any incident of Lieutenant WILLINGHAM going across a bridge, being out near the ocean while the rest of the company was somewhere more inland during the first day and 1st Platoon reporting having killed a number of VC? A pretty good number?

A. Right offhand, I don't, no.

Q. Do you remember being in the laager area with Charlie Company the night of the first day of this operation?

A. I know we were in a laager area with them, but just what location or what operation--

Q. (Interposing) I'm just trying to see if you can recall some incidents which other people have mentioned to us.

A. Right, that I do.

Q. I'm not asking you where it was.

A. The area, I just don't remember the area.

Q. And when you were with Charlie Company that night, did you see an American captain, a sharp dresser, interrogating any Vietnamese detainees?

A. No.

Q. Maybe he wore a hunting knife?

A. Right.

Q. Did you either see or hear about that captain cutting off part of a finger of one of the detainees?

A. I just seen the captain. I never seen him asking any questions or anything like that. I never heard it either.

Q. Now on the second day of this operation we understand that the rest of B Company moved on down across a bridge and got down near the beach, maybe not exactly on the beach, but after you crossed the bridge?

A. That, I don't remember.

Q. Do you remember after the second day having to get resupplied with dynamite?

A. Right.

Q. Can you think of in your mind at all using a lot of ammo or dynamite the second day?

A. I don't know if it was the second day, but I do remember now that I recall about the dynamite coming out. But it wasn't our company that used it, though. I mean we had three or four people assigned to the company, who were the

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ones that, you know, they weren't from our company, the people that did the blasting and stuff.

COL WILSON: Who were they?

A. That's what I'm trying to think.

Q. Were they engineers?

A. They were engineers or something like that that were assigned to come out there and use the materials for that purpose. I know there were three or four people attached to us that did carry the dynamite, the blasting caps, and the wire. They didn't belong to our company.

Q. Did they go out with you or did they come in later?

A. No, they were called out there.

Q. For what purpose? A specific demolition mission that was assigned?

A. I don't know if the mission was assigned or not but I know they did blast bunkers and stuff like that.

MR WALSH: Did you ever hear anybody talking about people in the company, maybe in the 1st Platoon, blowing a lot of bunkers with people in them, maybe shooting people when they came out?

A. No.

Q. No talk about that?

A. Not that I heard, no.

Q. When you were in the laager area before you were lifted out of the operation, the morning after you got mortared, MILUS got killed, did you see any ARVN or Vietnamese interpreters torturing some detainees on the beach by using a field telephone.

A. On the morning that we were lifted out?

Q. Perhaps on the day before, but probably on the morning you were lifted out.

A. No.

Q. Did you ever see, on that morning also, did you see an American interpreter cutting the backs of the hands of some detainees, putting salt in them, trying to make them talk?

A. No, I never saw anything like that. I've seen them ask questions, but never doing bodily harm or anything.

Q. Do you remember during the course of the operation having Captain MICHLES tell you to tell the platoon leaders or did you overhear Captain MICHLES telling the platoon leaders to stop burning hootches?

A. Right.

Q. Do you remember when that took place?

A. No.

Q. Do you remember if Captain MICHLES had gotten that order from Colonel BARKER before he told the platoon leaders to stop burning the hootches, or from Colonel HENDERSON or somebody?

A. That I don't know.

Q. Did you see any bodies during the course of this operation, VC or Vietnamese?

A. Not that I remember. I only seen about four dead all the while I was over there.

Q. Do you remember anything, anytime about Captain MICHLES getting mad at anybody on this operation, anything in your mind about that?

A. You mean in the company?

Q. Yes.

A. Not that I can recall, no.

Q. Do you ever recall having anybody tell you that an investigation was being made of this operation by higher headquarters?

A. You mean the time when I was over there?

Q. Yes, the time you were over there.

A. No. I never knew anything about this operation until I was out and home and married and heard it on TV. That's the first thing I knew anything about that this went on.

Q. Did Captain MICHLES or anybody else ever tell you or anybody else not to talk about this operation, keep your mouth shut or anything?

A. No.

Q. As far as you know, when you got back after this operation it was just a normal operation?

A. Right, from what I seen, it was just like any other one.

COL WILSON: Did you see any villages being burned as you moved down the coast during this operation?

A. I seen them burning, but if it was on this operation or not, I can't say.

Q. This would have been on the coastal area.

A. I believe so, right.

Q. Do you remember how many it was or the circumstances about the burning?

A. I don't know why they were burned, but I seen about, I don't know, maybe half a dozen or eight.

Q. Villages?

A. No, just hootches, like one here and one there. You know, the area was mostly stretch of all sand going down next to the beach where this happened.

Q. You said six or eight, you were talking about villages or huts? What were you talking about?

A. Huts. It wasn't a regular village, it was just one here and one scattered over there.

Q. Let me ask you one more question about these engineers. Do you recall whether it was this operation that you had engineers attached to your unit?

A. I don't recall what incident it was on, but when he said, you know, about having dynamite come out, then I remember that we did have people out there that do the dynamite and weren't from our company that carried this stuff.

Q. Well, didn't members of your--

A. (Interposing) What incident it was for, I don't remember.

Q. Didn't members of B Company carry composition C and TNT and blasting caps?

A. Right.

Q. Well who were they? Was this done in each platoon? You said they had to bring engineers out there to perform demolition work?

A. Right, each platoon had their--

Q. (Interposing) Own demolitionists?

A. Right, but on this one operation that we had, there were three or four people out there that didn't belong to our company that carried, you know, a role of detonating cord, one carried that and one carried the dynamite and stuff like that. But they didn't belong to our company. On what operation it was, that I don't know.

Q. Do you know what they did with those explosives? Did you see them use them?

A. No, I never seen them use it.

Q. Did you see anybody use explosives in demolishing positions, defensive positions, or security positions for bunkers?

A. You mean now the people that I'm talking about that are attached to us, or our own company?

Q. Your own company?

A. I've seen them blow up tunnels and things like that, but not hootches or anything like that.

LTC NOLL: On this first day, we believe the 1st Platoon was operating separate from the rest of the company. When you had that situation, what was the normal reporting procedures? Did they report in periodically about the activities in the platoon?

A. Right, they'd call in like every hour.

Q. Who would get that report?

A. If I was carrying the company radio, then I would have got it.

Q. And if there was anything to relay to battalion, who made the decision on that?

A. Whenever something like that comes up, we'd talk to Captain MICHLES and then most of the time he would get on the phone himself and call this in.

Q. Do you recall Captain MICHLES sending a message over to the 1st Platoon requesting to know if there were any women and children in the body count which they turned in in the morning?

A. Right.

Q. You don't know why he did this, what prompted him to do this?

A. No. Now at this time when we were separated from the 1st Platoon, were we laagered down at that time or were we in operations?

Q. Well, you could have been searching a village or-- what we believe is you were in the general area that you laagered in and you had possibly been in the process of searching the village or possibly completed searching the village.

A. I was just trying to remember, if we were laagered down, then, you know like the radio watch we had about five or six guys at every hour or so. If I was on the radios at the time, I don't recall the incident. But I know once that he did call in to see if there were women or children killed.

Q. You don't know if perchance he received a message from Task Force Barker asking the same question or whether he was visited by Colonel BARKER and asked to inquire or verify?

A. I can't remember that.

Q. You don't recall yourself the report coming in from the 1st Platoon regarding body counts?

A. No, that I don't recall at all.

Q. Do you recall the response to this question of whether there were women and children killed?

A. No.

Q. Now the second day, the company moved across the bridge. Do you recall anyone stepping on a mine?

A. Right, Larry TAYLOR.

Q. Do you recall if the company received any sniper fire, any type of fire the time you stepped on this mine, either before or after?

A. Not that I remember. I don't know if the 1st Platoon received any or not but I don't remember any in the group that I was with.

Q. Were gunships called in after this mine explosion?

A. That I don't remember.

COL WILSON: This wouldn't have been direct communications but a couple of transmissions which must have come from the 1st Platoon. See if you recall them. At 10 o'clock on the 16th, that's the first day, 10 o'clock in the morning, somewhere around that time, within 10 or 15 minutes, 1st Platoon reported an engagement of unknown VC with results of 12 VC KIA; most all had web gear. Do you remember that?

A. No.

Q. And about an hour later another report of unknown VC engagement, results: 18 KIA. The two reports would have come in within an hour of each other. We're already to a total of 30.

A. That I don't remember at all.

MR WALSH: Do you remember whether Captain MICHLES used a headset or did you carry speakers with you so the transmissions would be heard by anybody standing next to you?

A. We used, you know, these like you have on a telephone, these cords that extend you know with the handset and the speaker was mounted usually on either side of your radio, a little loop up there was fastened to the radio, the loudspeaker itself.

Q. Who carried the loudspeakers?

A. I was carrying the radioes. We'd be walking down the trail, Captain MICHLES would be ahead of you, one would be--one RTO in front and one in the back. And if something come up that you had to talk to about, or if he had to get on the phone, then you'd just hand him the cord and you'd still talk while you were walking. But the little square loudspeaker itself was mounted right on the radio. It stayed right on the radio.

Q. And so if you were standing next to Captain MICHLES you could hear both what he was saying and you could hear what was coming in?

A. Right, if you were standing beside him.

Q. And could you also hear any of his conversations over the radio carried by the other RTO?

A. No.

Q. The other RTO didn't have a speaker?

A. Right, he had a speaker, but you know how you travel, so many paces apart and say like you'd be talking on battalion radio, then they just catch up to that next guy and walk there and just keep your pace in the back so that when he was done talking, he'd just fall in again.

Q. You weren't moving; you were all just standing around in the same area. And he was talking to battalion and you could hear him talking and you could also hear what the battalion commander was saying?

A. Right.

COL WILSON: Do you have any knowledge of an investigation or inquiry being made after this combat assault?

A. No.

Q. Do you have any further testimony or statements which might assist us in the matters which I've described to you that we're interested in? Primarily we'd like to know what the operations were and also if you know anything about a report or a complaint.

A. No, that I don't. As I said before I never knew anything about this until--

Q. (Interposing) Did you carry a camera?

A. No.

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Q. Do you know anybody that did in the command group?

A. In the command group?

Q. Well, anybody in the company that carried a camera most of the time on operations?

A. I know--just to think of the names right now, though.

Q. Let me ask you to do this. When you go through this roster here and you find a man that you are reasonably sure had a camera on this operation, put on this form, in parentheses, by his name, "camera". Would you do that for me?

A. Yes.

Q. There was no question of rumors of any type about anything irregular going on during this operation, you stated that, I believe, to Mr. WALSH.

A. Not that I heard, no.

Q. Did you ever hear at any time that Task Force Barker had unnecessarily killed civilian noncombatants?

A. No, not that I ever heard.

Q. Do you have any knowledge of individuals in the unit that were using marijuana?

A. You mean like people in the company?

Q. Yes.

A. No.

Q. Was there any problem in the company about marijuana being used on operations?

A. Well, I heard once that there was, but who it dealt with, that I don't know.

Q. You mean on an operation?

A. Out in the field, right.

Q. Was it one or a group of individuals?

A. I don't know the names, but I remember that there was talk there was more than one that they had trouble with or they had to talk to.

Q. Who's they?

A. I mean like the captain, the CO.

Q. The CO talked to--you heard that the CO talked to some people about marijuana, is that correct?

A. If he talked to them--let me get this organized here. There was--well, between like the captain and the first sergeant, there was talk that there were individuals that were using this that had to be dealt with. But whether it was or whether he talked to them, I don't know.

Q. Do you know who they were?

A. No.

Q. When was this?

A. This, I believe, was when we were on fire base Liz.

Q. This was before or after Task Force Barker? It wasn't while you were up with Task Force Barker, apparently, if you said you were on fire base Liz.

A. I don't know; that fire base sounds familiar. I don't know if we stayed there or not. That I really don't know now either, if it was before or after.

Q. And you have no knowledge of anyone ever torturing VC suspects?

A. No, that I don't. I know that lieutenant and that interpreter come out there and asked some questions, but that's all I ever seen.

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Q. Mr. HIDDIE, I'd like to request that you not discuss your testimony in this investigation with others including other witnesses before the investigation except as you may be required to do so before a judicial, legislative, or administrative body, which I don't think you'll be called on to do; but we don't want you to discuss it with the press or with the public.

A. No, that I don't care to do myself.

COL WILSON: The hearing will recess.

(The hearing recessed at 1055 hours, 24 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: MARSHALL, Barry P.

DATE OF TESTIMONY: 5 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Squad Leader, Security Element, Command Post, B/4/3.

1. BACKGROUND INFORMATION.

The witness joined B Company in September 1966 after completion of AIT (pg. 2). He was the command group squad leader, with the job of securing the company commander, the RTO's, and the artillery lieutenant (pg. 3). He acted as first sergeant in the field, insuring the delivery of supplies (pg. 4). Sergeant CONGLETON also assisted in this job (pgs. 4, 5).

2. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

He did not recall receiving any information on the legality versus the illegality of orders (pg. 5). He did not recall seeing either of the two MACV cards, "Nine Rules" and "The Enemy in Your Hands", but stated that they were given a booklet which contained information on Vietnam (pgs. 5, 6).

3. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness stated that Captain MICHLES always conducted the briefings for the platoon leaders (pg. 7). The witness and Sergeant VANN attended this briefing (pg.7).

(MARSHALL)

1

SUM APP T-326

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The witness was told that they were going into Pinkville, but he could not remember any other details (pg. 7). The briefing was normally conducted in a bunker at LZ Uptight (pg. 8). Because he could not remember details, he was not sure that he attended the briefing (pg. 9). He stated that anytime they went into Pinkville they would destroy food supplies (pg. 9). He did not know of any specific instructions to destroy livestock (pg. 10). Normally, they would round up the males of military age and send them to the CP for interrogation (pg. 10). The women and children would be put in a central area while the village was searched (pg. 10). He was sure of their orders because he thought that Lieutenant Colonel BARKER had requested permission to search and destroy (pg. 11). He based this information on a discussion he overheard between BARKER and MICHLES in the field on a previous operation (pg. 12). He stated that BARKER indicated that he wanted to clear the area of VC (pgs. 12, 13). He did not know from whom they would receive permission (pgs. 14, 15). There was no special permission given for this particular assignment, but the witness felt that it applied whenever they went into the Pinkville area (pgs. 12, 15). He did not recall how many previous search and destroy operations they had been on (pg. 15). He stated that every mission they had was to search for the enemy and if he was found to destroy him (pg. 16). He stated because they were going to Pinkville the operation would be different from previous missions (pg. 17).

4. COMBAT ASSAULT.

a. Activities on 16 March.

(1) Landing and initial movement.

The witness stated that he was on the lift with Captain MICHLES (pg. 19). He did not recall having received any fire prior to landing or when they left the aircraft (pg. 19). He believed the doorgunners were firing when they went in (pg. 19). He heard fire coming from Charlie Company (pg. 19). The witness stated that after the two explosions he recalled Lieutenant COCHRAN being picked up by a dustoff (pg. 19). He did not recall what type of helicopter picked up the other wounded people (pg. 19). He did not see Colonel BARKER land that day (pg. 20). After the

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explosions the second platoon was pulled back from the hedgerow and sent somewhere else by Captain MICHLES (pg. 20). The third platoon moved off to the left (pg. 20). The first platoon was spread out (pg. 20). The first platoon reported sniper fire as they approached the bridge (pg. 21). Sergeant VANN then set up his mortar, but the witness did not recall firing in support of the first platoon (pg. 21). He did not hear any radio transmissions by Captain MICHLES (pgs. 21, 22). The first platoon gave an initial body count, but he could not recall what it was (pg. 22).

(2) Activities in the village.

The witness stated that the first hamlet that he came to consisted of a grove of trees, a hut, and a path which led to an open pagoda and a cemetery (pg. 22). The CP stopped there (pg. 22). They eventually laagered with Charlie Company in this area (pg. 23).

(3) The guarding of prisoners.

The witness stated that C Company brought in approximately 20 prisoners (pg. 23). These were guarded by HUFFMAN as shown in Exhibit P-18 (pg. 23). The prisoners were lined up near the pagoda (pg. 24). He recalled one prisoner being interrogated but he did not know what happened to him (pg. 26). The prisoners were tied and had sandbags over their heads (pg. 28). The witness stated they guarded the prisoners all night (pg. 28). He did not see any National Police or ARVN soldiers with C Company (pg. 30). On the morning of 17 March they released the prisoners to two interrogators from the National Police (pg. 31). The prisoners were taken one by one to be interrogated (pg. 32). The witness did not recall dealing with the prisoners again (pg. 32).

(4) Activities in the laager position.

The witness did not recall hearing any firing inside the defensive position during the night and stated that he heard some shots fired but did not know whether they were out of the perimeter or toward it (pg. 33). He recalled one helicopter coming in

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for supplies (pg. 29). He stated that another brought in a photographer, and possibly an interrogator and his assistant (pg. 29).

b. Activities on 17 March.

(1) Movement to the bridge.

The witness stated that during the night Major CALHOUN landed and told MICHLES and MEDINA to cross the bridge onto the peninsula (pgs. 39, 40). In the morning he moved out with the CP (pg. 40). He stated that the third platoon led followed by the command group, and the second platoon brought up the rear (pg. 40). As they went along the path they heard firing and stopped (pg. 41). MICHLES called the first platoon, but the witness did not hear the conversation (pg. 41). The witness did not recall gunships coming in (pg. 42). He did not recall TAYLOR being evacuated because they were not in that area when his foot was blown off (pg. 42). He recalled that the mines on the bridge were marked with kleenex or tin foil (pg. 41). He did not recall any problems in crossing the bridge (pg. 43).

(2) Activities in the village.

The witness stated that after they crossed the bridge Lieutenant LEWIS was brought in to command the second platoon (pg. 43). The second platoon had moved over onto the beach and was getting ready to sweep to the far end of the peninsula (pg. 43). He did not recall a photographer being with them (pg. 44). The helicopter landed on the mound of sand which separated the beach from the village (pg. 45). The command group moved rapidly through that village to another where they remained for an hour (pg. 45). He did not see any bodies or fresh graves (pg. 45). The witness noticed that there were a number of bunkers which were destroyed (pg. 45). The first platoon stayed in that village and searched it while they moved on to the second (pg. 46). The third was searching still another village and the second platoon was out on the beach (pg. 46). He stated that the first platoon remained behind as the second and third platoons went down the beach (pg. 47). The witness did not question the body count although he did not see any bodies in the first village (pgs. 47, 48).

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(3) Movement to the south.

As they moved south they searched and burned every village they entered (pg. 48). He stated that they had chow in Co Lay (1) and as they left, a squad from the first platoon burned it (pg. 49). Co Lay (2) and Co Lay (3) were also burned (pg. 49). The villages were deserted although they appeared to have been lived in recently (pg. 49). The witness did not recall seeing a number of ARVN soldiers present, nor did he recall the presence of Lieutenant JOHNSON (pg. 50). He did not see a Vietnamese woman who was used by the ARVN's as a cook (pg. 51). He did not recall Colonel BARKER or Major CALHOUN coming in while they were on the southern end of the peninsula (pg. 52).

(4) Night laager position.

The witness recalled that hot food was brought in along with a ration of beer and coke (pg. 52). He did not see any task force personnel on the helicopter (pg. 53). Food was sent up to the third platoon (pg. 53). The witness stated that they had no prisoners to guard and it was a quiet night (pg. 53). He did not discuss the first platoon's operation with anyone (pgs. 53, 54).

c. Activities on 18 March.

(1) Movement.

The witness recalled picking up a large cache of rice (pg. 54). Later in the day when a large number of people had been gathered for a MEDCAP the witness stated that the first and third platoons searched surrounding villages while the second platoon remained on the beach (pg. 55). He recalled interpreters being present on the beach but he did not see any ARVN personnel (pg. 55). One male who was captured was interrogated by MICHLES and his interpreter (pgs. 55, 56). The medics brought in candy and soap (pgs. 56, 57).

(2) Night laager position.

The witness stated that they left the village which they had used for a CP that day for a night laager position (pg. 59). The interpreter told the people to

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remain in the village (pg. 59). One woman who left the village was wounded by the artillery fire or the mortar rounds which were used that night (pgs. 58, 59). The rounds did not land on the village (pg. 59). He could not recall any small arms fire coming in when the mortar rounds started (pg. 60). He did not recall counter-mortar fire from the artillery that night (pg. 61). He did think that Spooky came in after the dustoff and was on station when another mortar round came in at 0440 hours (pg. 61). During the night they had four or five prisoners which they guarded all night and turned over the next morning to people from battalion headquarters (pg. 62).

d. Activities on 19 March.

The command group came in and took the prisoners toward a village (pg. 62). One of the prisoners escaped and the others were unsuccessfully interrogated (pg. 63). He did not see the people being beaten or tortured (pg. 64). He did not see any marks on the prisoners indicating that they had been tortured (pg. 66). They were questioned by two E-7's, from the command of Task Force Barker (pg. 66). These were the same prisoners that KINGSBY had pushed into a hole the night before to protect them during the mortar attack (pgs. 67, 68). The witness stated that he was lifted off with Captain MICHLES and thought that he went to LZ Uptight (pg. 71).

5. INQUIRIES CONCERNING THE ASSAULT.

Although the witness vaguely remembered Captain MICHLES giving an order not to burn any hootches after 17 March, he never heard an order to stop firing (pg. 72). The witness was not questioned on this operation (pg. 72). He never heard any rumors that civilians had been killed unnecessarily (pg. 73).

6. OTHER INFORMATION.

a. Prior to his appearance the witness spoke with MAHR but not "in depth" (pg. 3).

b. Although the witness thought that people in the unit "probably" smoked marijuana, he did not think there was any problem in the company with it, nor did he think that it was used on operations (pg. 75).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit did not recall seeing it before.	5
M-3	MACV Card "The Enemy in Your Hands"	Wit thought he received information in a book.	5,6
P-1	Aerial photo of My Lai (4)	Used to orient the witness.	19
P-18	Miscellaneous Scene	Wit identified HUFFMAN guarding Vietnamese.	23,24
P-20	Miscellaneous Scene	Wit recognized himself and other men from the CP.	25
P-21	Miscellaneous Scene	Wit identified as their interrogator and his interpreter.	25
P-22	Miscellaneous Scene	Wit identified the same people from P-21, plus an old man.	26
P-23	Miscellaneous Scene	Wit identified CPT MICHLES and MERCER.	27
P-52	Individual photograph	Wit identified as an interrogator.	68,71
P-208	Miscellaneous Scene	Wit could not state that they were the same people as in P-18.	24
P-209	Miscellaneous Scene	Wit stated that it was taken by the same pagoda as was P-208.	28

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-212	Miscellaneous photo	Wit identified as Co Lay (3).	52
P-215	Miscellaneous photo	Wit identified as a Vietnamese who was interrogated by MICHLES.	57,66
P-214	Miscellaneous photo	Wit identified as part of the village in the area where Vietnamese were assembled.	58
MAP-4	Map 6739 II	Used to orient the witness.	48

(The hearing reconvened at 0920 hours, 5 February 1970.)

LTC NOLL: The hearing will come to order.

RCDR: The following persons are present: LTC NOLL, and MAJ THOMAS.

The first witness is Mr. Barry P. MARSHALL.

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

Please state your full name, occupation, and residence.

A. Barry P. MARSHALL, product instructor for Eastman Kodak Company, 151 Avis Street, Rochester, New York.

LTC NOLL: Did you have a chance to read the information sheet we provided to you?

A. Yes, I did.

Q. Do you have any questions on this?

A. No, sir.

Q. First of all, let me tell you that Colonel WILSON will be in charge, and he sits right here. He heads Team C in the investigation. He is assisted by a civilian attorney, Mr. WALSH, who will also be here. What we will do here this morning is go through the phase of questioning that covers the training you received in Hawaii and Vietnam. At that point we will recess and wait for Colonel WILSON and Mr. WALSH. The period we are interested in is 16 March to 19 March in the operation. What was your assignment at this time?

A. You said 16 March to 19 March?

Q. Yes. To help you out a little bit, it's an operation--

A. (Interposing) You're not talking about the 16th?

Q. Yes, I am talking about the 16th, my apology.

A. I have forgotten the military way of saying the date I guess. I was the squad leader for the security group for Captain MICHLES, his RTO's, the artillery FO. My MOS is a mortarman, but from the time I got to Vietnam my principal job was to select people from my mortar platoon to take with me on operations for security purposes as far as the command group is concerned.

Q. You, I guess, always stayed with Captain MICHLES?

A. I was always with Captain MICHLES, yes.

Q. Did you ever operate the radio for him?

A. Yes, sir. Once in a while. Also, in the absence of the first sergeant, it was my duty to take the supplies, bring the choppers in, remove supplies from the choppers, and distribute them to the platoons and platoon sergeants.

Q. Well, who took care of the perimeter for the company?

A. The night perimeters?

Q. Yes.

A. Well, the individual platoons normally pulled perimeter guard. My squad would set up an inter-perimeter around the command group.

Q. Who tied the platoons in? Who saw to it?

A. Normally, Captain MICHLES would give the orders and either myself or Sergeant CONGLETON would relay any information that he didn't want to relay over the phone to the platoon leaders. Captain MICHLES used to inspect the perimeter and make sure they were tight and proper.

Q. When did you join B Company?

A. I joined B Company in, I think it was September 1966, right after AIT. I came in the service on 1 May 66 and when I completed my training in AIT, I was assigned to

11th Brigade, B/4/3, and I stayed with them all the way until we left.

(The hearing recessed at 0924 hours, 5 February 1970.)

(The hearing reconvened at 0930 hours, 5 February 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named persons are present: COL WILSON, MR WALSH, LTC NOLL, and MAJ THOMAS.

COL WILSON: I remind you you are still under oath.

Mr. MARSHALL, have you discussed this operation with anybody from your unit prior to coming to this interview?

A. I saw--I don't know, I don't remember his rank--the kid's name was MAHR, last night, and we briefly discussed it. But neither one of us knew--all we knew was what we were told over the phone when they asked us to come down here. I guess you could say that we didn't get in depth. We more or less talked over old times and some things that we remembered while we were together.

Q. MAHR is from Troy, New York. Had you seen him before?

A. No, I didn't know MAHR very well when he was over there, but last night when I got to the motel he was the only one there from Bravo Company, so we sat down and talked. As far as when we were in Vietnam, I knew MAHR's name; I knew he was in the 3d Platoon, and that's it. I didn't know where he lived.

Q. Mr. MARSHALL, what was your assignment in B/4/3 in March the 16th, 1968?

A. I was the command group squad leader, and my job was to secure the company commander, his RTO's, artillery people, artillery lieutenant, and his RTO's. The first sergeant wasn't in the field that day, so I guess my job also

was to make sure the supplies got in and make sure what supplies there was to be got on the choppers.

Q. There's no job indicated as such on the TO&E.

A. Not on the TO&E, no. On the TO&E my job is the base gun squad leader of the weapons platoon, second squad leader.

Q. You said base gun?

A. Squad leader, second squad leader.

Q. This is referred to as the base gun setup?

A. Right, because it's the center gun of a three-gun setup.

Q. I'm just trying to define the duties more clearly, since it's sort of a provisional thing. We have had some indication that CONGLETON at times also handled supplies. Did you work very closely with him?

A. Sergeant CONGLETON and I--to clarify it I guess, once we got to Vietnam the mortars mainly stayed on the fire bases. We didn't take them to the field too often. Captain MICHLES, because I had been in the unit so long and he knew me fairly well, every time they went to the field on an operation, whether it's a one day or overnight or whatever it was, I would take certain men from my platoon on a rotation basis, the ones that stayed back at base camp most of the time, on a rotation basis. I would take them to the field with us to guard the CP group, because many times all the platoons would be out in different directions and the CP group would be by themselves. Of course, they're busy with radio, communications, and so forth. We simply guarded these people. Sergeant CONGLETON was Captain MICHLES' chief RTO, and he and I kind of split the duties as far as supplies were concerned. Sergeant CONGLETON used to order them over the radio from base camp, and then I would take charge of bringing the chopper in, unloading the supplies, setting up the chow line, distributing the ammunition, and whatever orders there might be to the different platoons;

Many times with Sergeant CONGLETON's help. It depended on, you know, if Captain MICHLES had something for him to do at the time or if he was free to help. So I guess you could say we split the duties as far as that was concerned.

Q. A couple of questions on training. Do you recall having any training at any time which would have probably been in classes on military justice or the Geneva Convention that included any information on legal versus illegal orders or the illegality of orders?

A. I don't recall that in particular. We had classes, like any TO&E unit, every so often during the week on military justice--well, on different things, first aid, the gauntlet of requirements as far as training is concerned; but on the particular question on what an illegal order is and what a legal order is, I don't recall ever receiving instruction on it. I don't recall ever wondering myself.

Q. I was going all the way back to basic and advanced training.

A. In basic training we had, of course, numerous classes on this particular thing, but again, sir, I don't recall someone telling me what a legal order is and what an illegal order is. They may have.

Q. I believe you stated you were with the brigade prior to going to Vietnam?

A. Yes, sir.

Q. I've got facsimiles here of two MACV cards, Exhibit M-2 titled, "Nine Rules," a pocket-size card. Have you ever seen this?

A. I don't recall, sir. It doesn't strike any bells, no.

Q. How about Exhibit M-3, titled, "Enemy in your Hands," another wallet-size card?

A. This one, I don't remember if it was a card, but each one of the squad leaders was given a Vietnamese handbook.

A regular book that had translations of English to Vietnamese and so on and so forth, and we were instructed to, as well as possible, look through it. Key words we figured we would be using when we got to Vietnam, try to bone up on it. Of course, we had no classes as far as training and speaking Vietnamese, but the book, and I'm not sure that everybody got one, I know I had one that had English and Vietnamese in it.

Q. As a part of it?

A. As a part of it.

Q. Was this the little book that opened like this?

(Indicating that it would open end over end.)

A. No, I think it opened like this.

(Indicating from the side.)

Q. A MACV publication?

A. I think it was, yes, sir. We were supposed to take them with us, I think. I had mine, and left it in base camp because it was a thick book, a lot of weight. I didn't use it that much.

Q. This may not be the one I was thinking about. I may have a different one.

A. It may have opened the other way. All I remember is I had a book that had English and Vietnamese translations, but Sergeant CONGLETON, of course, went to the school.

Q. Yes, for Vietnamese. I'd like to go to the period 15 March 1968, and we're talking about the operation that was conducted on 16, 17, 18, and 19 March. We usually point out that this is the one that Lieutenant COCHRAN and MILUS were killed on, and they frame the period.

A. Right.

Q. The briefing that you got before the operation started is what we are interested in right now: what you were told, who told you, what the operation was going to be, how it was going to be conducted, where, and so forth?

A. Captain MICHLES always conducted the briefings. He used to call in all his platoon leaders, and at that particular time I believe I was--I think I was called initially because I was going to take my squad out again; but then there was a change in plans, and I think Sergeant VANN went, too. I'm not clear on this. As far as the briefing and what we were told, I can't really remember. I do know we were told we were going to the Pinkville, and this automatically meant to us that we could expect some resistance, and that we were going into a highly mined and booby-trapped area.

Q. Where was this briefing conducted?

A. I believe on LZ Dottie. I don't remember the contents of this particular operation. We had many operations in the Pinkville area up to this point.

Q. Let's talk about this a minute so that we have the time fixed.

A. Maybe you can jog me back some.

Q. I don't want to brief you on what we know until I find out what you were told.

A. Yes.

Q. You were on Uptight?

A. Yes.

Q. This operation began, you should have been in there by 0840.

A. I can remember the day of the operation. I remember when we touched down.

Q. You do, and Lieutenant COCHRAN was killed about 45 minutes later?

A. Just as we were moving out.

Q. Well, you've got this time frame pretty well fixed. Whether you were at Uptight or not is really not of significance except that I'm trying, when I ask you where were you briefed, I'm trying to bring you back to this briefing so that you will remember the points.

A. Yes, I understand.

Q. Well, you were at Uptight. Normally, where does Captain MICHLES give his briefing?

A. At Uptight he had a CP bunker, and normally this is where he gave it. He used to call the platoon leaders down to the CP bunker.

Q. This would be platoon leaders and his command group?

A. Yes, normally Sergeant CONGLETON was with him. Again, I don't know. Sergeant CONGLETON used to stay, I believe, in the command bunker with him, because he was in charge of all radio operations, really. He normally called his platoon leaders down to his bunker and gave the platoon leaders a briefing. Then they would go back and give their individual platoons a briefing. This normally was done by the platoon leaders calling their squad leaders into their bunker, individual platoon command bunker. Then the squad leaders would take the information back to them.

Q. What orders were given concerning the destruction of villages, the burning of hootches, and so forth?

A. The day that we landed there, if I remember correctly, on the 16th, I don't believe we destroyed any villages. But as far as the orders were concerned, I don't remember.

Q. You don't remember anything being stated on that?

A. I'm sure there probably was something stated to the platoon leaders, but I don't know.

Q. What about--did you stay there for the entire briefing? Do you recall?

A. Well, sir, again, I don't even know if I was there. I say normally I'm called in for the briefings. I can't remember this particular briefing, all I remember--

Q. (Interposing) Well, suppose Sergeant VANN attends the briefing as platoon leader. Your function, as you explained to me, and your instructions wouldn't come from Sergeant VANN as CP security squad leader?

A. No, I'd get mine straight from Captain MICHLES.

Q. Whether Sergeant VANN was on the operation or not, wouldn't you normally be at the briefing?

A. Well, it's a situation where Captain MICHELS normally would tell me. In the field I was always in the briefings because I was always with Captain MICHLES. In the base camp operations, normally if Captain MICHLES was busy or something I always knew that I was going. So if there was an operation, I always lined up the people I was going to take with me, and like I said, I tried to do it on a rotation-type basis. If he had time to tell me what he wanted--really, I didn't have that much to do except stick with him. Then when we got out in the field he'd tell me what he wanted me to do. Like I say, I haven't got any information on the briefing because I can't recall what it was, even if I was there or not.

Q. Well, let me go over a few questions to see if you recall anything that you knew before going in there about these points. How about the destruction of food-stocks? Anything mentioned on that, the specifics?

A. Well, any time we went into Pinkville, we would destroy any rice or anything we found. As far as--I suppose you are talking about pigs and chickens and so on and so forth?

Q. Livestock, yes.

A. Not to my knowledge.

Q. Then as I understand this, you didn't do this as a normal procedure anyhow?

A. No, not the destruction of livestock, no, sir.

Q. And there was nothing specific put out on this particular operation?

A. No, sir, not to my knowledge.

Q. What about the natives of the area, the inhabitants? Was there any instructions on the disposition of those people?

A. Only to the point--as far as direct orders, I don't recall. Just that we all knew that they were VC, or VC sympathizers, put it that way.

Q. Were normal procedures to be in effect, and if so, what were those procedures?

A. The only standard operating procedures were any men that were found in the village were brought to the CP for interrogation. It was normally left to the discretion of the platoon leaders as far as age is concerned or whether or not he felt they were VC or could possibly be VC suspects. As far as the women and children go, sir, there was no standard operating procedure on women and children. They were left alone.

Q. You round them all up and move them out, or what?

A. Normally, what they would do with the women and kids of the village, they put them all in one area. Take them all out of the hootches and put them in a central area. They they'd go back and search each hootch, depending on if this was our mission. Normally, they were put into a central area, yes.

Q. What did you expect to be confronted with as far as the enemy force that was in the area?

A. At the Pinkville? My own personal expectations were number one, of course, mines and booby traps. This was always foremost in our minds when we moved into the Pinkville because the whole place was nothing but a big booby trap. But as far as opposition is concerned, I did expect to have some. Normally, when we got in there, we usually, if we went in there for any length of time, we had some opposition. I read the papers, and I think I can read the question as far as what VC force we were told in the briefing we'd meet. I don't know, sir. I can't remember the briefing. We figured--again, let me add this: we always figured personally from a man-to-man basis, not from orders, that when we went into Pinkville, we were in VC territory and it depended on how they felt whether they wanted to hit us or not. Now, again, I think this all comes from the ambush that we were involved in way back in February in the Pinkville. So we, individually, I think every man in that company felt that they were going to meet with some resistance. As far as the--I'm sure there was a quote put on it, and I'm sure in the briefing they always did say a possibility of meeting such and such a VC battalion or brigade or whatever it may be, but I don't remember.

Q. Do you remember anybody stating the type of operation this was going to be?

A. Search and destroy.

Q. There is no question in your mind about that? Was this a normal type of operation or was this--

A. (Interposing) No, sir. The reason I'm so sure about it is because we were into Pinkville many, many times. I remember Colonel BARKER requested permission to search and destroy. So when we CA'ed in there, we were on a search and destroy.

Q. How did you know Colonel BARKER requested this?

A. Because Colonel BARKER and Captain MICHLES were always, you know, I was in the CP group, and they used to talk about it as far as what Captain MICHLES felt. Captain MICHELS went in there--I don't know the statistics--but I feel that Bravo Company probably went in there as much if not more than anybody, as far as the Pinkville is concerned, on single-company operations, sweeping through the area and seeing what's going on.

Q. When was this discussion between Colonel BARKER and Captain MICHLES?

A. I don't know, sir. I mean, they just used to talk about it because we used to lose men every time we went in there, and I can remember vaguely Colonel BARKER saying something about, "I wish we could get these civilians out of here and get some people in here so we could clean this area out."

Q. Do you remember when this was?

A. Not the dates, sir. The ARVN's used to go in there and try to talk the civilians into moving out of the area.

Q. Where did this discussion take place?

A. I believe it was out in the field.

Q. You mean it was on an operation?

A. Well, we were on a one-company operation. Colonel BARKER used to come out and visit the company.

Q. Are you telling me that this is an operation that took place in the Pinkville area, and that Colonel BARKER was out there talking to the company commander? Is that when it was?

A. Well, sir, I don't--again, I don't remember dates or anything else. I remember Colonel BARKER used to come out whether it was Bravo Company, Charlie Company, any company. When there was nothing going on, no fire or something, he'd

drop out to see how things were going, to talk to his company commanders, and, you know, and find out the morale of the troops. He used to come around and talk to us as we were in the fox-holes or our perimeter positions. Being with the company commander and the CP group, I used to be around when they were talking.

Q. Well, you see, this is very important because we're trying to determine what the planning and the thinking behind the operation was. This particular operation and these statements that Colonel BARKER had made, since he's dead, we can't get to him are important: the location of where they were made and also the time when they were made.

A. I don't--I want to state one fact, sir. Every person, and I'm sure including everybody here, in a situation talks to people. I don't want to give the idea that Colonel BARKER wanted us to kill every blankety-blank person in here. They were just talking, and I overheard them. They were just--Colonel BARKER was just saying that he wished he could get in here and get rid of the VC. There was talk that this was just a bad place to try to rob anybody out of because it was a pretty well fortified place.

Q. But this was before the operation of the 16th of March?

A. Yes. But I don't think it's a key. I don't want you to take anything out of the particular statement.

Q. Well, it is important, and I think we've got all you remember on it. This is what you recall him saying, that he wanted to get in there--

A. (Interposing) Not verbatim, no. This is what they were talking about: that there was VC in the area, and they were hard to get to, and there were a lot of civilians in the area. I know Captain MICHLES' own personal feeling was that he wanted to take every civilian out of there and move them out of the area to a secure place, and then go in and fight the VC. It's so hard when you've got all these people milling around in there to really conduct an operation of any significance.

Q. Captain MICHLES realized this?

A. He said it to me many time that he wished we could get rid of the civilians as far as getting them out of the area. They used to do this in certain aspects. They would take all the civilians out, not Task Force Barker, but I remember reading about it.

MR WALSH: You mentioned that Colonel BARKER had gotten permission to conduct a search and destroy operation?

A. I believe so, yes.

Q. What was your understanding of--well, first of all, how did you learn this?

A. Well, I'm just saying that when we landed in the Pinkville that particular day, I believe it was a search and destroy operation.

Q. You mentioned that you'd gotten permission for the task force to conduct this. The question is, what was your understanding of where that permission had been obtained?

A. I don't believe I said that Colonel BARKER got permission because I don't--Colonel BARKER was the task force commander. I mean--

Q. (Interposing) Perhaps I misunderstood you. You said it was Captain MICHLES who got the permission?

A. No. I don't know where the word "permission" comes from.

COL WILSON: I think it came from you.

A. Did it? Well, if it did, Captain MICHLES takes orders just like anybody else. On that particular day he was given the mission of going on a CA into the Pinkville, and Charlie Company was with us on the CA. But I don't want--I must be--

MR WALSH: (Interposing) You don't recall anything about the necessity to obtain permission from higher headquarters before this type of an operation?

A. You mean from Colonel BARKER or Captain MICHLES or

something like this? I know that they have to get permission. They have to go to, I guess it would be the Americal Division commander to plan an operation. I don't--

Q. (Interposing) You do not have any recollection then that they--

A. (Interposing) They asked permission, someone asked permission?

Q. Did any special permission or any special clearance have to be obtained for this operation as opposed to any other operation of this task force?

A. No.

Q. Well, now, had you participated in any search and destroy operation prior to this one?

A. Well, I participated in every operation Bravo Company went on out in the field, when I was not on R&R.

Q. Had Bravo Company conducted any search and destroy operations prior to this one?

A. Well, we had burned some villages that were empty, so I guess that would be search and destroy, to search the village and then burn it down. They were believed to be bivouac outfits.

Q. Now, how many of these operations had Bravo Company participated in prior to 16 March?

A. I have no idea.

Q. More than one?

A. Are you talking about straight search and destroy now?

Q. That's right.

A. Well, I don't know if you'd call them search and destroy or not. We found the huts, and we called back and told

them what they were, searched them, and called back and told them there was nothing there. We got the word to burn them down.

Q. Well, that's not really quite what I'm asking. I'm trying to establish whether you have any recollection of whether this operation, in the terms of the original planning and briefing-- it was characterized by you and by many other people we've talked to as a search and destroy operation. All I want to establish is your recollection as to whether you had set out on previous operations of this type before or whether this one was unique in the sense that you had been briefed from the beginning and set out on an operation that was understood by everybody to be a search and destroy mission at the time you started.

A. Well, I might have to clarify first. Not being a platoon squad leader, a member of the rifle platoon, I don't really know what you would consider or what they considered a search and destroy. Now, what I'm saying is Captain MICHLES wouldn't get into the details with me of the 1st Platoon was going to do this and the 2d Platoon was going to do that. The only thing I would get from Captain MICHLES is, "I want you to set up your security here, or I want you to take supplies on this rice paddy today," or, you know, these particular things. Now, we went on many, many operations into Pinkville and in our area of operation. Again, whether they were considered search and destroys, or whether at the briefing they were considered search and destroy, I couldn't tell you how many or for that matter, which one.

Q. Well, let me put in another way. When you say that it's a search and destroy mission, are you talking about what it turned out to be? Your recollection of what was done? Or are you talking about what everyone anticipated as they went out?

A. My opinion of a search and destroy was to search out the enemy. Once found, destroy him. Now, that was our mission, to search out the enemy; if found, destroy. I guess you can just about say every operation you go on, your mission, unless it's specifically to search a village or to look for a rice cache or something like this, is a search and destroy.

Q. Well, I'm a little confused. I thought that you had

earlier indicated that your understanding of a search and destroy isn't what this was to be--

A. (Interposing) By burning huts and so on and so forth? You're referring to burning of huts and so forth?

Q. I'm merely trying to get what you're referring to.

A. The question that you asked me was, "Was this mission a search and destroy?" I immediately said, "Yes." And I believe it was. Like I say, as far as--

Q. (Interposing) You're trying to say that that's like any other mission, and now I just wonder what you mean, really.

A. In the briefing, they will say this is a search and destroy or this is this and this and this. Number one, I don't have any recollection of the briefing we had prior to this mission.

Q. You don't have any recollection that this mission was, as you set out, to be any different than any other mission.

A. The only difference was that we were going back to the Pinkville, and this personally to me had a different connotation than it would be if we were going someplace else.

Q. Okay.

COL WILSON: I think I can understand what you're trying to say. You said--we're talking about, really, two missions: search and clear and search and destroy. And this difference that we're trying to bring out is what do you consider the difference between a search and clear and search and destroy? When you said the instruction is practically the same for both types of missions.

A. From my own personal feelings between search and clear and search and destroy, and again, this is judging--I'm trying in my mind to remember the definitions of both--but a search and destroy to me means there is anticipated opposition, and a search and clear is one where there isn't. You're just going out and you're looking for opposition, whereas the other one is where you're going in where there's opposition known to be there.

Q. So it's the enemy force then is what you consider to be--

A. (Interposing) Would be the dictating factor.

Q. Do you recall in this handbook that you had that the definitions of search and clear and search and destroy were in there, clearly defined?

A. No.

Q. You don't remember that?

LTC NOLL: I believe you did say that this is the first search and destroy mission that you went on. Is that correct? The first time the subject search and destroy came up.

A. Probably, and again, I have to--I read the papers, and this probably has some bearing. In the papers it's been a search and destroy.

Q. The only question I have, was there any problem understanding what this mission was all about? Were there any questions on the definition?

A. Again, sir, in my particular job, the details of what people were supposed to be doing wasn't given to me. All Captain MICHLES would tell me is, "Okay, Sergeant MARSHALL, we're going to move into this area. I want you to set up security in here, and I want you to receive supplies someplace else." Now, his individual platoons, he went on further, "You search out such-and-such a village and you do this and you do that." But this wasn't my job. Therefore, I wasn't rated to him.

COL WILSON: All right, now. In the next series of questions we'll be concerned with is the day, the first day of the operation. Before I start asking you questions, we will give you a briefing on the operation itself and what we know about it. Mr. WALSH has recently returned from there, and he'll pull out a photograph and orient you so that we can get more detailed questions for you.

A few questions before we go to this photograph. Did you receive fire prior to landing that you can recall?

A. I don't believe so. I can't recall any, not at the time, not having fire, if we did, because I would have remembered

Q. Were your doorgunners firing?

A. I believe they were.

Q. Which lift were you on?

A. Again, I can't remember. I think I was with Captain MICHLES, I believe, whichever lift he went in on. I think it was the second lift because I remember they were already touched down when we came in. I'm not sure.

Q. Was anyone firing when they left the aircraft that you can recall?

A. Not from the event that I was. I think there was fire going out over Charlie Company.

Q. All right, now. If you will look at this photograph here, I'll try to point out some things that we have reported as having occurred and in case this brings anything back to you. Then maybe we'll get to some more specific questions.

(COL WILSON briefed the witness on the operation and on Exhibit P-1.)

Now, that's the highlight of what happened in where you were that morning, and what we'd like to know, which type helicopters evacuated the two groups of wounded?

A. By type--

Q. (Interposing) Well, were they dustoffs or slicks, or was it a command and control ship?

A. Lieutenant COCHRAN, I think it was a dustoff. The second one, I don't remember whether it was--I didn't see the chopper come in. I heard it come in. I don't remember whether it was a red cross or a command, you know, a regular helicopter. I believe Lieutenant COCHRAN's was a dustoff.

Q. You don't remember seeing Colonel BARKER down there?

A. No.

Q. Do you remember a radio transmission between Captain MICHLES and Colonel BARKER?

A. On that day?

Q. Yes, I'm talking about during this time period.

A. When Lieutenant COCHRAN got killed and that? I don't recollect it, no.

Q. Do you remember changing the mission of any of the platoons?

A. I don't remember an ordered change of mission, only I know that the 2d Platoon pulled back out of that hedgerow, that one area. Then they went around it, and then Captain MICHLES set them up someplace else.

Q. Do you know if the 2d Platoon was originally supposed to sweep through the village of Pinkville, My Lai (1)?

A. All I know is the 2d Platoon was going straight ahead and sweeping, and the 3d Platoon was going off to the left.

Q. Was that the formation that they left the landing zone, 2d Platoon on the right, 3d Platoon on the left?

A. I believe so, yes, sir.

Q. Did they move off that way, or did they move off in columns?

A. No, they moved off--the 3d Platoon moved off to the left; in what formation they were in, I don't recall. The 1st Platoon, I believe, was fairly well spread out, and well, when Lieutenant COCHRAN got hit, of course, from then on I didn't pay any attention to what was going on and what formation they were in. I know Captain MICHLES told them to freeze until we got Lieutenant COCHRAN out of there.

Q. Right before he was killed, and as you were moving up to the north, did you hear any firing over to the west?

A. I believe there was firing over there. Again, this is hard to recall because this is a situational type of--

Q. (Interposing) Do you recall or can you say that the 2d and the 3d Platoons were moving north, abreast of each other?

A. No, the 3d Platoon was moving on an angle, moving off to the left of our LZ. And the 2d Platoon was moving straight ahead.

Q. Straight ahead, okay.

A. And they only moved 200 or 300 meters. That's when Lieutenant COCHRAN got hit. They moved another 50, 75 meters, and dropped in with the other guys there.

Q. About that time, there was some activity over with the 1st Platoon that was crossing that bridge. Did you hear any firing over there?

A. I believe they reported sniper fire. I'm not positive.

Q. Do you remember if the mortar set up?

A. We only had one. I think Sergeant VANN was with us and we had one. I think he set it up.

Q. Do you remember firing in support of the 1st Platoon?

A. I don't remember it.

Q. Would you hear the radio, something on it?

A. I was near the command group, yes.

Q. You didn't hear any requests for mortar fire?

A. Not that I recall.

Q. Did you hear a transmission from Captain MICHLES telling them to stop firing the mortar and to use the machineguns

A. No. I don't remember it. To my recollection, the mortar platoon was with us.

Q. It was with you?

A. Right.

Q. But--

A. (Interposing) I don't remember ever firing. I mean, if you were going to tell them to stop firing the mortars, you were close enough so you could holler over and tell them to stop firing the mortars.

Q. Well, I think this was a combined sort of--if this statement was made, it was made to two people. One was to the mortar platoon and the other was to the 1st Platoon.

A. I don't recall it.

Q. You don't recall a discussion at a later date, that there were so many rounds fired and so many duds in those rounds this day at that bridge?

A. By the mortars? I don't recall it. Again, it may have happened. I don't know.

Q. Do you recall any of the body count reports coming in?

A. Yes, sir. The 1st Platoon gave a count. I don't recall what it was. I believe that was one.

Q. You don't remember what the body count was? Now, the company moved on after these men were wounded and evacuated. You moved up in through it. Did you move through any sort of a village?

A. No. The first little hamlet that we came to, and really it was just in a grove of trees, there was one hut. Then there was a path that went out into an open pagoda, a cemetery. There was another hut on the other end of that. As the command group, we stopped there and just about the rest of them were already there. That's where we set up the CP.

Q. That's where you stayed all night?

A. Right. Then we moved just a little ways from Charlie Company that night. Now, the platoons were someplace else. I don't know where they set up. The command group was by itself.

Q. Could you identify that village on here (indicating Exhibit P-1)?

A. It wasn't a village, sir. It was just we landed here

Q. Yes.

A. Now, this is the Pinkville area. It was way down in here, I believe, wherever the cemetery is. There was an open lot there with a cement--it looks like a shrine. I don't know. It's in here someplace, and there was a little grove of trees with a hut in the center.

Q. This is P-18. Do you remember seeing--

A. (Interposing) This is one of my men.

Q. Who is that?

A. That's Cecil HUFFMAN.

Q. HUFFMAN standing by some Vietnamese. Do you remember seeing any of the Vietnamese?

A. Yes. We guarded them all night long.

Q. Was that your squad's job, or was that the mortar platoon's job?

A. Well, my squad guarded them.

Q. HUFFMAN was in your squad?

A. Right.

Q. Now, where did these people come from?

A. I believe some of them--and again, I don't--I believe Charlie Company brought some of them in. This particular night I think we had, it was about 20 of them. And we had them up

against the cement pagoda or shrine with their backs against the shrine and legs and their hands tied. And we just guarded them all night long. Where they all came from, I don't know, but all I know is Captain MICHLES told me to guard them.

Q. Now, is this where HUFFMAN is standing in this photograph? Is this the vicinity of the command post, or is this an earlier photograph?

A. I believe that's--this is a hut. Now, I can't tell from the base of the picture. But I believe this is the hut that we had the command post in.

Q. That's in the rear of the photograph.

A. Right.

Q. This appears to be a graveyard. Is that a graveyard?

A. Well, it looks like the one we stayed in. It was soft sand. But I believe this is the grove. Yes, it is, because we CA'd into this area here. The 3d Platoon came this way and--do you have another shot?

Q. Yes. You're telling me that this camera is facing south.

A. I believe the ocean is out this way.

Q. All right. Are these the same people? This is P-208. Are they the same individuals that are in P-18?

A. I don't know, sir.

Q. Do you remember seeing this group?

A. Well, to me they all look alike, sir.

Q. I was trying to locate it from the standpoint of location and so forth. If this was in background. These possibly were prisoners being guarded. How about this P-19? Do you recognize anybody in this photograph, Vietnamese or U.S.?

A. I can't tell. I don't know. No Vietnamese I know.

- Q. P-20. I'm interested primarily in the location, if you know where this location is.
- A. I was there.
- Q. You're in the back, right rear?
- A. This is one of my men here.
- Q. You're pointing to the man on the extreme left with the rod.
- A. Here's the artillery FO. I don't remember his name.
- Q. HONEYCUTT. What about these two in the center rear? Can you identify those two?
- A. No, sir.
- Q. Do you remember this area? You were standing there?
- A. Not really, sir, no.
- Q. I'm trying to find out if this is where the CP went in.
- A. It could have been. Like I say, there was one hut there and there were some trees, and that's all there.
- Q. These two individuals here, you don't recall them?
- A. I can't see their faces enough to recognize them.
- Q. How about these two in P-21?
- A. This is our--he was an interrogator.
- Q. All right. The man on the left holding his helmet is--
- A. (Interposing) The other is his assistant.
- Q. An interrogator and his interpreter, I assume.
- A. That's correct.

Q. P-22?

A. That's them again. Now, this must have been in the--

Q. (Interposing) This is the same group that are in P-21.

A. This must have been in the command group because I remember this old gentleman was in there.

Q. What did the old man have to do with the command group?

A. Nothing, really. He was--I can't remember if he was brought to us or what. And they interrogated him and he dug up some--a canteen or something that was buried there in that command group.

Q. He did dig up a canteen.

A. He pointed to where it was to be dug up.

Q. Let me ask you this question: in photo P-20, is that a canteen by that woman? Do you recall that as being a canteen?

A. It looks like a canteen, but I--

Q. (Interposing) Is that the one that was dug up?

A. It wasn't a plastic one. It was a metal one. I don't know. That looks like a plastic one.

Q. Anything else about the man in P-22?

A. He was just there.

Q. What happened to him?

A. Well, when they interrogated him, they took off to the side. I was busy doing other things.

Q. Did you hear anything unusual about the interrogation of that man?

A. Not that I know of. I wasn't with the command group.

Q. Did they hold him after they interrogated him, or did they let him go?

A. I think they let him go. We didn't have him that night I know.

Q. You didn't have him to guard?

A. To guard, no.

Q. What about P-23? Do you recognize, primarily, any of the Vietnamese?

A. Captain MICHLES and--

Q. (Interposing) Captain MICHLES is on the left.

A. And his RTO, MERCER.

Q. MERCER's on the right?

A. And the assistant.

Q. You're talking about the interpreter?

A. Yeah, the interpreter.

Q. In the center. Any Vietnamese? Do you remember any of those people or any--

A. (Interposing) No.

Q. Do you recall either of these two Vietnamese soldiers, seeing them that day or the next day?

A. No, sir. No, sir.

Q. To go back to P-208 and P-209, is there anything familiar about either one of those pictures?

A. This is the pagoda that I was talking about.

Q. P-209 is the pagoda, your impression of the pagoda

where you set up your command.

A. We had the--it's kind of hard to see, but we had the prisoners against this wall.

Q. Against the wall of the pagoda?

A. Right, that night.

Q. What prisoners?

A. The ones that we got.

Q. The 20 that you're talking about?

A. There was quite a few of them. I know that.

Q. Are these the same prisoners in P-208 that you're talking about?

A. Again, they could be.

Q. That shows what, six or seven?

A. We had more than that. I know that.

Q. The prisoners that you guarded that night, were they, did they have the sacks over their heads? They were tied?

A. They were tied. Their hands were tied and their feet were tied. Sir, I can't remember whether we left the bags on or we didn't. But that night, I don't know if we did or not.

Q. Did you have to guard them?

A. Well, there was always one man up and guarding them.

Q. The activities over on the other side, 1st Platoon activities over on the other side, you don't recall anything or any reports coming back?

A. They didn't come back to us. They stayed over there. And I--

Q. (Interposing) Now, what was your duty as the person in charge of the helicopter supplies and so forth? How

many helicopters came in to the CP that morning?

A. Which morning, sir?

Q. The first day. That day, I should say, not just that morning.

A. Well, that night I took one chopper for supplies in a rice paddy right next to this area. Another chopper came in during the day, but it wasn't--it was bringing--I guess it was bringing a photographer. I don't remember if the interrogator and his assistant came in on the CA with us or they came in later. I don't know. But I personally only took in one supply chopper that night.

Q. How many interrogators came in there? Was it just that one?

A. Just the two, the ones that usually came.

Q. You didn't see any more?

A. I didn't see any more.

Q. The photographer you're talking about that came in, is that HAEBERLE?

A. I don't know, sir.

Q. A military photographer?

A. I know we had a photographer there, and I don't know where he came from or what he was there for.

Q. You don't recall any helicopters bringing these people in, the MI man and his interpreter and HAEBERLE?

A. Again, sir, definitely to say yes, somebody brought them in and no, somebody didn't, no. All I know is they were there, and like I say--

Q. (Interposing) The only helicopter you remember having anything to do--

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- A. (Interposing) Was for supply that night.
- Q. Do you remember when C Company linked up with you?
- A. Vaguely, yes, sir. We were searching the hut, I think.
- Q. You mentioned that you thought some of these pictures back there, some of these detainees which HUFFMAN was guarding came in with C Company.
- A. I believe some of them must have, because all I know is that when night came we had quite a few to guard.
- Q. Why was B Company guarding C Company's detainees? Do you recall if C Company came in with a number of ARVN personnel?
- A. I don't remember.
- Q. Do you remember seeing any ARVN personnel there that day or that night?
- A. Not that night, no, sir.
- Q. Do you remember seeing any interrogators or MI personnel other than those two?
- A. Just the two that were with us. I don't remember his name, but....
- Q. Do you recall seeing any interrogations that day?
- A. Just they took the old man and interrogated him.
- Q. That's the only one you saw?
- A. Yes, that's the only one I saw.
- Q. You didn't see any other interrogations going on at all?
- A. Not to my knowledge. Not that I can remember.
- Q. Did you see any National Police come in there?

A. The next day.

Q. The next day?

A. That's when I saw them. They may have come in that night.

Q. But you didn't see them until the next day?

A. Right.

Q. How many were there?

A. I believe there was two of them.

Q. When did you see them?

A. They came and got my prisoners.

Q. They came and got your prisoners the next day? Did you turn over all 20 of those prisoners?

A. They took them all. They took them one at a time some place, and they come back and got them. Then eventually they were taken off my hands, so I forgot about them.

Q. You're sure that was the 17th?

A. Yes, sir, because we guarded them all night long.

Q. From the time you took those prisoners or those detainees over to guard on the 16th, those people stayed with you through the night?

A. Right.

Q. And you didn't release any of them to the National Police?

A. None. All night long. The next morning--

Q. (Interposing) The next morning they came over and took the prisoners, one by one you say.

A. I can't remember if it was one by one or whether they took them as a group and moved a little ways, set them down. They took them one by one to interrogate them, but I can't recollect whether they left them with me or my men or they took them to the center of the field and guarded them, themselves.

Q. You don't remember whether they brought them back or not when they were through questioning them?

A. Well, I--once they started leaving I, you know, I didn't have to guard them anymore. They were gone. Again, I was busy around the area and I didn't pay any attention. My job was done as far as guarding them that night.

Q. So the next morning, your responsibility for the prisoners disappeared.

A. Right.

Q. So they took them off your hands?

A. Right.

Q. They were all taken off your hands by the National Police?

A. I don't know if we--some of them were sent back, but one of men or a couple of my men may have been told to put them on a chopper. I didn't bring any choppers in there.

Q. So, as of some time the next morning, you had no more prisoners?

A. Right.

Q. You had none at the beginning of the 17th.

A. Before we moved out on the 17th, I didn't have any prisoners, no.

Q. Did you hear, the night of the 16th, in the defensive position, did you hear any firing going on inside that position?

A. Inside it?

Q. Inside the position?

A. Not to my knowledge.

Q. How about outside?

A. I think there were some shots fired. But I don't know if they shot at the perimeter or fired out of the perimeter.

Q. Now, this is an important point. I'm trying to find out if those shots were fired inside the perimeter that you may have heard.

A. I don't have the slightest idea. All I know is my foxhole was about 10 feet from my prisoners, and my squad guarded those prisoners all night long. And we had just as many when we started, we had that many the next morning.

Q. Well, do you know if there were any other prisoners in the area?

A. Not to my knowledge. I hope not.

Q. You took these prisoners over rather early in the day, didn't you? What time did you take them over?

A. I don't know. We had some--well, again, I don't know. Throughout the day and that night, I counted them. I think we had about 20 of them.

Q. This group up here in P-18 that HUFFMAN is guarding and the group that's in P-208 that's tied, sitting down, you can't relate that group.

A. Relate as far as what?

Q. As far as any members of that group being the same.

A. No, I can't identify them. I assume they were all part of the prisoners.

Q. Now, this photograph P-18. We don't know what time

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it was taken, but this is the first pictorial indication we have that B Company had prisoners. I'm just trying to fix a time as when the first prisoners were collected. It must have come into you--

A. (Interposing) The procedure, sir, the normal procedure, and I'm sure it was followed this day, is when a platoon takes prisoners, they keep them with them until we bivouac that night, if we're spread. They don't send them back to maintain these prisoners back at the CP unless they're going to be interrogated immediately. Now, I don't remember this day. That is how, in my mind, it seems. When we bivouacked, that's when all the prisoners came in and when I was told to guard them.

Q. As you recall seeing all the photographs, do you still believe that P-18, that this structure in the back of the photograph was the pagoda that--

A. (Interposing) This is not the pagoda, no.

Q. What was that?

A. I believe this--I can't be positive, but I believe this was where we had our command group during the day, the course of the day. Then we moved out in here to join with Charlie Company to bivouac that night.

Q. Okay.

A. I think. Again, I said it was one hut in a couple trees, and that's how I remember it.

Q. Let me summarize this to see if I'm correct. Sometime in the morning, probably late morning, you began to get detainees, in which case shown here.

A. Again--

Q. (Interposing) All right, we'll leave the time off. Sometime during the day of the 16th, you took detainees under control for Charlie Company.

A. From what I can remember, we had no prisoners to guard until late afternoon. Because I remember during the

course of the day, I searched a couple of huts. That afternoon we moved from here and there was another hut down here. We went across this open field, and when Charlie Company came up, we were in the process of going through this hut. Then we moved--our command group set up in that pagoda-type thing. That's when I had all those prisoners. Now, by then, again, when we started getting them, I don't remember. All I know is I brought in a supply helicopter; we ate chow; we had the prisoners when we were eating chow. We guarded them all night long, and then the next morning the National Police came and interrogated the..

Q. But did you have detainees before C Company arrived?

A. I can't remember.

Q. Can't remember?

A. I do think some of them came from C Company, but I don't know.

Q. You had prisoners that night? Late that afternoon, that night, you did not turn any over to the National Police?

A. Not that day, no.

Q. Did anything unusual occur that night that you can recall?

A. No, sir. It was pretty quiet.

MR WALSH: Did you observe any captain, American captain, interrogating prisoners in the laager area?

A. In the what?

Q. In the bivouac area of C Company during the evening of the 16th of March?

A. Not that I can remember. Again, my sphere of influence is rather small; and when I've got that many prisoners I'm more concerned, you know, about--

Q. (Interposing) Did you know Lieutenant JOHNSON with the MI detachment?

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Q. How do you know they received fire?

A. Because I can remember someone saying that they received sniper fire when we first left. I know that they were firing during the day over there. That's all I know.

Q. That was the report received from the 1st Platoon?

A. I believe so. That's correct, as they were crossing the bridge there.

Q. So what you know is that they reported that they had received sniper fire?

A. I do know there was firing going on over there.

LTC NOLL: When a platoon is separated, such as the 1st Platoon, is it normal that they submit status reports at periodic intervals?

A. Yes, sir.

Q. Do you know who would have been receiving these status reports?

A. Well, normally it would have probably been Captain MICHLES or CONGLETON.

Q. Did you hear any transmissions between the company and battalion headquarters or Task Force Barker headquarters during the day?

A. No. I have to say no because there are so many transmissions going on during the day, and, of course, at the time you don't pay any attention to them. It's just part of the day's work over there. It goes over your head. You don't listen.

Q. When Lieutenant COCHRAN stepped on that mine, you said the order was everybody would freeze.

A. The 2d Platoon, now. Not the 3d Platoon, but the 2d Platoon.

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Q. That was my question. This order didn't apply to the--

A. (Interposing) Not to the whole company, no, just to the platoon that was in--see, we knew that this area--we'd been there before, and we--this one area--this--the Pinkville area is just covered with mines.

Q. Just what did these two platoons accomplish? I'm talking about the 2d and 3d Platoons.

A. On that day?

Q. On that day.

A. The 2d Platoon didn't accomplish too much. I know this because they called them back out of the sweep that they were supposed to make. They had just gone a little ways and Captain MICHLES called them back. I don't know the reason. I do know there was only one--the only NCO left in the 2d Platoon was a sergeant E-5. With Lieutenant COCHRAN being dead and a bad situation, I know Captain MICHLES was kind of worried about going any further because LOVE was all shook up.

Q. What did the 3d Platoon do?

A. The 3d Platoon, as far as I know, sir, kept on with whatever their mission was. They didn't stop, I don't believe.

Q. They searched one building?

A. I don't know, sir.

MR WALSH: Do you remember hearing any transmissions during the day inquiring of Captain MICHLES if any of the body counts had been reported by the 1st Platoon included women and children?

A. I don't remember a body count. I think one was taken. I don't remember the transmission, and I don't remember the figure.

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Q. You don't remember any inquires after the body count was reported coming from the task force asking for a further report as to whether any women and children were--

A. (Interposing) Not to my knowledge. They were separated from us, and I'm from now on just assuming that Captain MICHLES and Lieutenant WILLINGHAM talked over the phone. I had heard no transmission and know of no inquiry. I do know that Major HOPE came out that night, I think it was that night. I think he was the S3.

COL WILSON: CALHOUN?

A. CALHOUN. Major HOPE was in the 4/3.

MR WALSH: What time of day did Major CALHOUN--

A. (Interposing) It was late at night.

Q. Late at night?

A. Yes, just around the time my supply came in.

Q. About the time you got your supplies?

A. I can't remember whether he came in on the supply chopper or just prior to just after the supplies.

Q. How long was he there?

A. Oh, 10 or 15 minutes, I guess, not very long.

Q. Who did he talk to?

A. He talked to Captain MICHLES, and I think he talked to Captain MEDINA.

Q. Were you able to hear the conversation?

A. No. He was in the pagoda. The only thing that I did hear was that--a guy walked by. I heard him say something

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about, " I want you to go across the bridge out on the peninsula tomorrow," as I was passing. The only reason I remember it is because, again, any time you move around in that area you're opening yourself right up to get, you know, to lose a few people.

Q. Do you remember seeing any other people from the task force during the day?

A. No, sir, I don't.

Q. How about Colonel HENDERSON? Did you know Colonel HENDERSON?

A. He was the 11th Brigade commander, but I don't remember seeing him.

Q. Did you ever see his chopper overhead at that time?

A. I don't know. I don't even know if he was in the area.

Q. Do you remember overhearing any transmissions involving Charlie Company returning to My Lai (4) and making a body count later in the afternoon?

A. (Inaudible) No, sir.

COL WILSON: All right. On the morning of the 17th, the company began moving over toward the sea and coming down the trail, and I don't know exactly what your location was, the order of march.

A. I was with the command group. We were following the--I think it was 3d command group, 2d.

Q. The 3d Platoon was the lead platoon.

A. I think so. I can't--

Q. (Interposing) The commander was behind the lead platoon?

A. He was behind the lead platoon.

Q. And then one of the other--was the rest of mortar platoon following the command platoon?

A. It was following the command group, yes.

Q. Then the last rifle platoon would be, in that case, the 2d Platoon?

A. I think so, sir. Again--

Q. (Interposing) There was some action down there at the bridge. How close were you to that action? Did you see what was going on?

A. No, sir. I can remember we were in the path that's got hedgerows on both sides, and I think there was some firing. We just stopped right there, and Captain MICHLES called up the 1st Platoon. But the conversation I didn't hear; or what was going on, I didn't hear.

Q. Do you recall having a couple of engineer demolitions people with the command group?

A. On that particular day, I don't recall. We had occasion where we had demolitionists with us. I don't remember if there were some with us or not.

Q. Do you recall any of those people being called forward?

A. The only thing that comes back to me is before we crossed that bridge, they told us that they'd mark mines with some Kleenex or some tin foil or something and to watch out for them and not to step on the mines. Now, whether it was our men, I don't know. I do remember that they found or thought they found some mines at the entrance of the bridge, and they'd marked them and told us to watch out for them.

Q. Do you remember GUTHRIE?

A. GUTHRIE was a member of our platoon, or our company.

Q. Yes. He was supposedly an EOD man. Do you remember him being called forward that morning?

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A. Sir, GUTHRIE, I think I'm thinking of the same person that you're talking about, was a member of the 3d Platoon. He was a member of the rifle platoon. To my knowledge, he had no training as a demolition expert.

Q. The long, tall fellow from New Mexico?

A. Right, sir.

Q. But you don't recall having a couple of demolitions people with you?

A. I don't recall it, but that's not to say they weren't there.

Q. How long did this firing last? Do you recall?

A. Not very long, I don't believe, sir. Again, I don't know.

Q. Did you see some gunships come in?

A. I'm sorry, sir, the second day, I don't know.

Q. Do you remember seeing the helicopter that evacuated TAYLOR?

A. When TAYLOR lost his foot? We weren't in the area when TAYLOR got his foot blown off.

Q. Had the company started moving when TAYLOR got his foot blown off, or can you recall this?

A. I don't--the thing that comes to my mind, sir, is I think Captain MICHLES called the 1st Platoon and told them to move up and secure the bridge, that we were going to move out. I think we were still stationary when TAYLOR--as they moved up to secure the bridge, TAYLOR stepped on the mine. Again, I think we were stationary, but I'm not positive.

Q. What do you mean by stationary?

A. I don't think we had started to move out of the area yet, or we were saddling up getting ready to move, but

I don't think we'd started yet. I think Captain MICHLES--in my mind, I think Captain MICHLES was waiting for the 1st Platoon to secure the bridge before we moved, but I don't--again, I'm not positive.

Q. You mean before the CP moved out? Could one of the platoons have moved out?

A. The lead platoon may have been up and starting to move out, but I don't know.

Q. What happened when you moved up to the bridge? Was there any problem crossing?

A. No, not to my knowledge.

Q. Any problems for the 3d Platoon to cross?

A. Not to my knowledge.

Q. How long did the 3d Platoon sit there waiting for the bridge to be secured after TAYLOR lost his foot?

A. When we stopped that once, we only waited about 5 or 6 minutes before crossing.

Q. Is that right? That's all?

A. I think so.

Q. When you crossed over that day, where did the CP go?

A. Well, right across the bridge, we moved and went into that village that was across the stream. Again, in this time span, and I'm not sure it was that day, but I think a chopper came in with a new Lieutenant, Lieutenant LEWIS, and he immediately went over to take over the 2d Platoon. It was the 2d Platoon. I think it moved over onto the beach and was getting ready to sweep up to the far end of that peninsula, and they were sweeping up the beach. I don't know if that was the 17th, but it was in that time span, sometime in there.

Q. Who was with Lieutenant LEWIS on the helicopter?

- A. Lieutenant MUNDY.
- Q. Lieutenant MUNDY, and how about--was anybody else with them?
- A. I don't believe so.
- Q. Do you recall a photographer being with them?
- A. I don't think so.
- Q. With a MACV patch on, camera around his neck?
- A. I don't recall him.
- Q. You don't?
- A. The only thing I can recall is Lieutenant LEWIS coming up and saying--Lieutenant MUNDY introduced him to Captain MICHLES, and Captain MICHLES said, "Hi, your platoon is over at the beach. Go pick it up." I remember poor Lieutenant LEWIS kind of had a blank look on his face.
- Q. What about resupply? Did any supplies come in with that helicopter?
- A. I think water came in with that helicopter.
- Q. What about demolitions?
- A. I don't recall seeing any. They may have come in. Again, CONGLETON and I--I remember taking the water because we didn't have any, and trying to get things organized so the guys could come by and get their water and get back out into their positions as quick as possible.
- Q. How about munitions?
- A. If there were munitions, then CONGLETON would have taken them and distributed them to the platoons. I don't remember seeing any. There might have been some come in.
- Q. When you moved into this village, did the helicopter land in this village?

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A. It landed outside the village on the sand on the beach.

Q. On the beach?

A. Well, it was a dirt road.

Q. Was it on that hill that separated the--

A. (Interposing) There's a hill that separates the beach and the water from the village, and it landed just inside that hill, not hill, but dune or mound of sand.

Q. Did you get a chance to look around this village much?

A. No, not really. As soon as Lieutenant LEWIS got in and everybody got their water, we moved out to this village and to the next one. The command group now I'm talking about. Then we stayed there when--for probably an hour or so. I think one of the platoons was searching that village, and another one was searching the village that we were in.

Q. Did you notice any bodies in there?

A. Did I see any bodies?

Q. Yes.

A. No, I didn't.

Q. Did you see any fresh graves?

A. No, sir.

Q. Did there appear to be extensive bunkers demolitions there?

A. There was a lot of bunkers. The place was tore up, yes.

Q. In your opinion, judging from the destruction, was it a result of the previous day's operation or that day's operation or something that happened in the past?

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A. It's a result of probably many, many operations in that area. Of course, there was a lot of operations there.

Q. What about fresh destruction such as bunkers, demolition types of destruction?

A. Well, I didn't really pay that much attention. The place was in pretty bad shape. It was pretty well destroyed. The bunkers were still intact. I mean, they weren't blown apart.

Q. They were intact?

A. Most of them, as I recollect. I don't want to say they were all; maybe they weren't.

MR WALSH: Did you have a chance to talk to anybody from the 1st Platoon when you were up there?

A. No, sir.

Q. Did you hear anything about their operation on the first day?

A. The only thing that--from the first day? No, sir. Just before we moved to the--1st Platoon, who was in that area-- we moved through them. When we walked by Lieutenant WILLINGHAM and his RTO, Captain MICHLES said something like, "Hi" or, "How are you?" or something, and his RTO was saying something about 5 minutes before we got there someone had thrown a grenade that bounced off a tree and didn't go off. That's the only recollection of anything that I have when we moved down through the village and set the CP up in the next village.

Q. Did the 1st Platoon then move on past you?

A. I believe, sir, the 1st Platoon stayed in that village and searched the village while we were in another village. I think the 3d Platoon was searching another village and the 2d Platoon was out on the beach clearing the beach. Now, I'm not positive which platoon stayed and which platoon left.

Q. You're correct about that. The 1st Platoon stayed.

The 3d went down south.

A. The 2d Platoon, I believe, went with them. There was two platoons that moved and one platoon stayed.

Q. Do you remember seeing a small village about after you got across the bridge?

A. Well, there was the one that was pretty well destroyed. Then on the other side, I don't remember how far it was, there was one that was a lot of hootches, nobody there, but there was a lot of hootches.

Q. No, I mean right after you came across the bridge, within a couple hundred meters of the bridge.

A. Yeah, that's the one that--yeah, there's one there.

Q. And that's the one, then, that had been burned the day before?

A. I don't know if it had been burned or not, but that's the one that was destroyed. When we moved through it, there wasn't much left standing. I guess some of the huts had been burned.

Q. Did you see any bodies when you went through it?

A. No, sir, I didn't.

Q. Were you aware that the 1st Platoon had reported killing 38 VC the day before?

A. Again, I said I know there was a body count. I don't know how many or what.

Q. Did you inquire of anybody as to where the bodies were?

A. No, sir. That was irrelevant to me. The elixir kind of leaves after the first couple of operations.

Q. Did you hear any speculation among people that the body count might have not been accurate?

A. No, sir. From my experience in Vietnam, the body count is kind of a poor way to label operations.

Q. I don't understand what you mean by that.

A. Well, from my observations, whenever we saw a body count, I didn't see that many bodies. I'm probably not the only one in Vietnam. We did it by hit and by miss. The platoon leaders--it's not like going out and counting them individually. The platoon leaders had to piece together what the squad leaders tell him, and that's where he'd get the body count from, and it was many times either exaggerated or--

COL WILSON: (Interposing) The company moved out south. As we understand the formation, it was the 2d Platoon on the left and the 1st Platoon on the right and the 3d Platoon stayed there by the bridge. You got that? Now, also, I understand, or we were told, that the mortar platoon stayed there with the 3d Platoon initially while the company moved out. I don't know whether you recall--

A. (Interposing) That could be. I don't recall seeing Sergeant VANN with us again. Even though I had the MOS, I never stayed with the mortar platoon. I always moved with the CP group.

Q. Now, as you moved south, I believe you moved behind the--

A. (Interposing) First Platoon.

Q. First Platoon, which was on the right. Did there appear to be a lot of burning? How many villages did you burn as you moved south?

A. Well, moving south, we burned every village we came into after we searched them.

Q. Let's look at Exhibit MAP-4 here. We're talking about your movement here to the south. The first village that's shown on here is My Khe (4), which is near the bridge, and Co Lay (1), Co Lay (2), Co Lay (3). Now, which one are you talking about, My Khe (4)?

A. This one was pretty well gone. This one was still standing.

Q. Co Lay (1).

A. We set up our CP here and searched it. I can't remember if we had chow or not. As we moved out, one squad from the 1st Platoon, they burned the village.

Q. Co Lay (1)?

A. Yes.

Q. By the 1st Platoon. All right. Now, what about Co Lay (2)?

A. The same thing. We stopped, set up, and then they searched it. They burned it. I don't know if they burned it all, but they burned some of it.

Q. What about Co Lay (3)?

A. That was burned, too.

Q. Now, were there many people around these villages that you--

A. (Interposing) There was one.

Q. They had been deserted?

A. Yes, sir.

Q. Had they been lived in recently?

A. From my observation, I would say so, yes.

Q. So these people had just left the villages?

A. Yes, sir. I guess so. Personally, I assumed they left yesterday when the operation began.

Q. We have a couple of reports that are indicated on the log. At 1000 that morning, there was a discovery of six booby traps or mines. This could have been at the bridge area.

A. No, I--

Q. (Interposing) Or was this at another location?

A. I think they were--I think--again, it's kind of a blurr, but one day there four or five mines were tripped. I guess they were mortars and they didn't go off. Now, I don't know if that's the same day or not. I think there were the M-60 mortar rounds or something that were duds and had been re-hooked up or something. I can't recollect, sir.

Q. Do you know which platoon did this?

A. Well, the one that comes to my mind is TAYLOR, but I know it couldn't have been him.

Q. Now, there was one at 1320 that afternoon that said that the 2d Platoon engaged two VC's and VC KIA.

A. I can remember that report coming, yes.

Q. That was the 2d Platoon?

A. Right, on the beach.

Q. Lieutenant LEWIS had joined them by that time.

A. Yes.

Q. Did you hear any more about that activity?

A. Just that I can remember the call coming in.

Q. Do you recall that day interrogators coming in and joining the company, or seeing a large number of ARVN individuals?

A. I don't remember seeing any ARVN.

Q. You don't?

A. No, I don't.

Q. How about interpreters?

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

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Q. Well, it could have been somebody else. He could have had only an interpreter working with the company commander.

A. I don't--yes, that could be. He had quite a few of those. I don't remember, sir.

Q. Do you recognize if there is anything familiar about P-210?

A. No, I don't recollect even that particular day. I don't remember seeing any civilians at all.

Q. We have testimony that there were some ARVN with B Company that day and that the ARVN had a Vietnamese woman that they used to cook for them.

A. I didn't see her if they did.

Q. This allegedly--P-210 was the cook.

A. I don't remember, sir. I don't remember seeing anyone that day except for our company.

Q. You don't remember seeing a photographer go in there?

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

Q. All right, P-211?

A. That is at the end of that.

Q. That is all the way to seven points that you moved that day, is that correct?

A. Right.

Q. P-212.

A. We didn't--I don't think we destroyed this. I don't think we burned it. Maybe we did. I don't remember.

Q. What is that?

A. The village on the end of that?

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Q. Yes. This is the extreme southern point. Now, back to the MAP-4. Is that a photograph of Co Lay (3)--

A. (Interposing) No, I believe it's right down in here, I believe.

Q. Right down in the tip.

A. Right. The village right up in here, I remember we burned.

Q. Co Lay (3).

A. But this one down in here, I don't remember. I don't remember. I don't think we burned this.

Q. This is on the extreme southern end. When you went down there, do you remember Colonel BARKER or Major CALHOUN coming in while you were down there?

A. I don't remember it, sir, if they did. I don't remember receiving a chopper.

Q. You don't remember a chopper coming in?

A. I don't remember it, no.

Q. You turned around and went back to your laager position that night. We understand that at that time the mortar platoon displaced and moved into the laager area.

A. I believe they did, sir. Again, I don't know. I took in supplies that night, I know, and I set up a chow line, and that's about the--

Q. (Interposing) What type of supplies came in?

A. We had hot chow that night.

Q. And what else?

A. We had a ration of beer and Coke, I think.

Q. Get anything in the line of munitions? Demolitions?

A. Probably did. We usually got--we used to order it, you know, to come out with our chow.

Q. Who came out there with the helicopter, anybody that you can recall?

A. Not that I can recall. Just the supply chopper.

Q. It wasn't a C&C ship?

A. I don't believe so.

Q. None of the task force personnel, officer and so forth on there?

A. I never seen them on there.

Q. Did you send the chopper out to the 3d Platoon out there for any purpose?

A. I don't remember if they took chow on out to them or whether the 3d Platoon came on back and got it. I guess maybe they sent it on up to them. I didn't send it up. Captain MICHLES or somebody else would have told them to do it. He would've ordered it.

Q. Did you have any detainees that night to guard? That day?

A. Not that I can remember. Like I said, sir, that day I don't remember seeing one civilian.

Q. Did anything unusual happen that night?

A. No. I think that night also was pretty quiet.

Q. Are you sure?

MR WALSH: You didn't hear any discussion among anybody with respect to the 1st Platoon's operation?

A. No, sir. You're kind of isolated when you're with the command group because they set up in away from the platoons, usually in the center of the perimeter. So, during the course

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of the day I had no conversations with any members of the 1st Platoon. It was all--the only conversations I had were with the command group, and, of course, they--I was with them all the time, so I knew what they were doing. I talked to no one from the 1st Platoon for anything but going to the 1st Platoon sergeant and telling him to come pick up his rations and get him a chopper squared away.

Q. Do you know FERNANDEZ?

A. I know his name. I didn't know him personally. He was the RTO, I believe, for Lieutenant WILLINGHAM.

COL WILSON: The next morning you began a march back up to the north, back up to this group of villages up there on the extreme north, and picked up the Platoon. Allegedly in that vicinity where you picked that platoon up, there was supposed to have been a rice cache found. Do you recall that?

A. I believe so, yes, sir.

Q. About 3,000 pounds.

A. The only reason I can recall it, I think MAHR last night said something about a rice cache.

Q. You kept on moving north, and as far as we know, it was an uneventful march. There was nothing in particular happened. You moved up into this area up there on the north. There was at one time, and I'm going to have to go back to tell you. I want to find out if you recall anything concerning a Navy ship firing about 2035 or 2230 that night? It fired some white phosphorous and HE munitions in your position.

A. I don't recall it. One night we had a swift boat do some firing, but I think it was the next night we got hit. Again, I don't remember.

Q. All right. You moved on up here. There was a report came back that there was a large number of people reported about 1135 that had been gathered up in this area up here and a MEDCAP was going to come in and get them. The MEDCAP came in. As I understand, we were told that two platoon moved out in search of these villages. Do you know which platoons they were?

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A. I believe one of them was--I think it was the 1st and the 3d. I think the 2d Platoon stayed back. Again, the numbers escape me. Two platoon moved up and searched the villages and brought back any such stuff they found.

Q. Did they bring back suspects, or did they send these people back in the MEDCAPs?

A. Well, there was a whole volume of people there. But when they came back, they did bring back some young Vietnamese men with them. Of course, they had quite a following of them. I can remember quite a following behind them. I don't remember whether it was because they had the junk man or whether it was coming down from the MEDCAP. The MEDCAP was there all day, I think.

Q. Do you remember the interpreters, the interrogators coming in that day and taking these people off?

A. There were some there, yes. They were talking to me.

Q. Did you see any ARVN personnel in addition to these interpreters?

A. Not to my knowledge.

Q. How many interpreters were there at that time?

A. Just guessing, I would say the two. I don't know for sure.

Q. Did you see any interrogations going on?

A. There was one male we had, and I don't remember where we got him from, that was interrogated while the MEDCAP was going on.

Q. Who was interrogating him?

A. I believe Captain MICHLES and I guess his--that's right--that day Captain MICHLES had an ARVN interpreter, and I believe they were interrogating him.

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Q. Captain MICHLES was interrogating?

A. Right.

Q. Anything unusual about the interrogation?

A. I wasn't there. I don't know.

Q. You don't know?

A. I was in the village, but I wasn't in the interrogation.

Q. How long did he interrogate him? Do you know?

A. I couldn't put a time on it because I was trying to help the people that were out there in the MEDCAP. My men had the job of trying to keep these people in the village, not letting them wander off.

Q. Well, exactly what was your function that day? Were you security for the CP, or were you on another job?

A. Well, we were in the village. The CP was set up in the village. My men--we had the people in one half of the village, all bunched in together, and I had my men just walking around these people, in fact, to keep them from going every which direction. I believe the platoon that stayed with us was again (inaudible).

Q. Who was controlling these people into feeding them to the medics?

A. Well, they would be one half and as the medics wanted them. The medics themselves I guess moved through and picked out the ones they wanted to give aid to. We were passing out candy and that other stuff, from some boxes we had of candy.

Q. Who was, the medic or you?

A. Myself; I believe my men had some. Anybody who was there to help to pass out the stuff.

Q. How about you helping the medics, or was this part of the medical program?

A. Well, this--when they came in, they came in with their medical supplies, but they also brought some candy and stuff for the kids, soap. The medics--the doctor that was there was, to my knowledge, was showing the women how to take care of their children using this stuff that he had. He had some cream there. Just a normal MEDCAP, although I don't know really what the SOP is for it.

Q. At 1230 there was a report the three VC suspects were picked up. Do you think this was the same one that they brought in later?

A. I imagine that the one they picked up was the one we had earlier because the ones that the other platoon picked up on their sweep across the peninsula, I had that night to guard, that was three or four of there.

Q. P-215. Which one was this? Do you know?

A. That was the earlier one.

Q. That was the earlier one.

A. The first one.

Q. Who picked him up?

A. I don't know if we picked him up or we kept him with us. This is the one that Captain MICHLES and his interpreter were interrogating. That's the first one we had that day.

Q. But you said you didn't see him interrogating, but this is the one?

A. That's the one.

Q. Why was he considered a suspect? Do you know?

A. Because he was young, I guess. That's about the only way we could categorize them. If they're young and they're

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in the village, it's unusual, so he's a suspect. I don't even know where they found him. They may have found him in the village.

Q. I don't suppose you could identify this location? It must be down the beach.

A. It must be on that area. That whole area is--

Q. (Interposing) Well, this is in the area, but I was trying to find out if this was on the beach or this is in close to the village. With that sand, it must--

A. (Interposing) Well, the village itself was right on the beach.

Q. Okay.

A. Right on the edge of the sea.

Q. So when we talk about the beach and the village, we are talking about the same thing.

A. Just the same.

Q. Do you recognize this P-214 here? It's a difficult photograph, but do you know anything?

A. I believe this is just a shot of the village itself, the area in which the people were assembled. There's a lot more people in there than there was supposed to have been.

Q. Yes.

A. There was an awful lot of people there, actually an unusual amount for the--

Q. (Interposing) Do you remember Captain BOATMAN?

A. Captain BOATMAN?

Q. Do you remember the artillery forward observer calling in for some mortar rounds that day and some artillery fire coming in?

A. I remember it that night when we laagered.

Q. No--well, you consolidated that night.

A. I remember they called in; we left the village. The interpreter told the people to stay in the village that we were laagering just outside the village, and to stay in the village, with the fact in mind that he was going to have your--I forget the terminology we used here--your perimeter artillery fire prefired at night in case we needed it. They called in the marker rounds, and I think they called in one or two HE models.

Q. In addition to the markers?

A. In addition to the markers. And then maybe a half hour later the civilians came up carrying this girl that got hit by one of these units.

Q. They were pretty mad?

A. Well, I imagine they weren't too happy. There was nothing we could do for her. I have to say this. They were told to stay in the village just for this reason so they wouldn't be wandering around out there, and the round didn't land in the village. To my knowledge it didn't land in the village. It went off away from the village.

Q. Which interpreter told them to stay in the village?

A. I think we only had one. I don't know. To me they all blend together. They're interpreters, but they can't speak English, and so you can't make them understand what you want to say. And of course you can't speak Vietnamese, so you're kind of at a standoff, even though they call themselves interpreters.

Q. But the people were told to stay in the village, and this woman was wounded where the marker round went in and this was located outside the village there?

A. Yes, in the area.

Q. Now, she was dusted-off and taken back. Did the mortars fire any marker rounds?

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A. The mortars--I think the mortars did fire some--fired one or two rounds, but it was the other way, away from the village.

Q. All right. Now, was it in the general vicinity of the artillery? I mean did they coordinate this among the--

A. (Interposing) No. This was--Captain MICHLES, I believe, again, I wasn't in on the conversation. I believe he went to Sergeant VANN and he wanted this fire placed just outside the thing so if something happened, he didn't have to call artillery when it wasn't necessary. I think they fired a couple rounds, but it was the opposite direction in which the village was located.

Q. Now, what about M-79's? Were they used normally at night for H&I?

A. No. Not normally because Captain MICHLES had a policy that he didn't like to use this periodic firing. From what I heard him talking about it, he felt it was more of a position giveaway than it was a help.

Q. Do you know if it was used that night, that being a little different than normal?

A. It might have been, sir, I can't remember for sure.

Q. The log shows the sequence of events that at 0130 1 KIA, 5 wounded on receiving mortar round and 15 to 16 mortar rounds plus small arms fire. Do you remember small arms fire?

A. Well, it's hard to--when the mortar rounds started coming in the firing started. It's kind of hard to distinguish between small arms fire coming in and small arms fire going out, you know.

Q. You can tell either way.

A. But I mean when the mortar rounds started coming our perimeter cut loose on that end, and I heard mortar rounds and I heard the firing, but your question was, "Do you remember small arms fire?" Yeah.

Q. Yes, I should have made that more specific. Do you remember enemy small arms fire?

A. I couldn't distinguish them.

Q. All right. At 0144, a dustoff was requested and a light fire team was brought in; at 0244, the dustoff was completed. At 0250 you requested "Spooky." At 0350, he was on station and stayed--at 0440, you received a mortar round. Do you recall a second mortar attack?

A. I do recall one round that was later than anything else. When the first rounds came in I was asleep, and I rolled into the CP where we were collecting the wounded. I do remember a single round later on. I don't remember if it was after the dustoff or before the dustoff or when it was.

Q. Was there a counter-mortar fire from the artillery that night on that mortar?

A. I don't remember mortar fire. I do remember we called for gunships, and I do think the gunships came in. Then the "Spooky" came later. I seem to recollect that we had gunships in the area before "Spooky" got there. Then our dustoff came in and we loaded just our wounded out in the dustoff.

Q. It appeared to me that this mortar round coming in at 0440 you'd had probably counter-battery artillery and counter-mortar, gunships and a "Spooky" supposedly on station and yet that mortar still fired.

A. Like I say, the single mortar round came in. If "Spooky" was on station then--

Q. (Interposing) "Spooky" was on station according to the log at 0350, and the mortar round came off at 0440, and as I recall, the log didn't get "Spooky" off station until about 0600 that morning when you look that up.

A. "Spooky" stayed around, I know that. But I do recall that one round coming in.

Q. Just one?

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A. After the initial six rounds or whatever we had, after things had kind of quieted down again, another one went off, and this is what was reported to be a mortar round. Now, it may have been an M-79 or it could have been a grenade or anything. I can remember it because Captain MICHLES called up, I think it was the--I think it came from the direction of the village. And he asked the platoon that was on that side what it was, and he said it was just another mortar round.

LTC NOLL: 0600 that came in.

COL WILSON: What entry is that--which log?

LTC NOLL: Sir, that's the Task Force Barker log; it's entry number 15, dated 19 March.

COL WILSON: And what time did "Spooky" go off station?

LTC NOLL: 0600 hours.

COL WILSON: Now, see, that was a pretty brave mortar crew.

A. They are brave people in here, sir. But I do remember that one single--

Q. (Interposing) Coming in later.

MR WALSH: Next morning you had some detainees?

A. Yeah, we guarded them the night after we got mortared. We had five or six, I think, or four or five, that we guarded all night long.

Q. And what happened to them the next morning?

A. The next morning some people came in, some people I hadn't seen before from battalion headquarters. They interrogated them, and they were going to lead us to a tunnel that had something in it. I don't remember what it was. The command group and these people came in to interrogate them and the prisoners went out down toward the village, and we went up through the village and made a left or a right turn, and one of them took off, one of the prisoners. Our point man didn't even fire because he ran into the bushes, and I don't remember

him firing. He was just gone. So then we went on and they led us to a tunnel. We sent a guy down in it and there was nothing there. So then I forget whether it was one of the guys that came in or Captain MICHLES or somebody that tried a little trick. I remember I was told to take the prisoners and we started back towards the laager position. And one of them was--got behind. A shot went off and Captain MICHLES came back and the guy didn't come back. They were trying to scare them into something. It didn't work, so pretty soon the other prisoner joined us and we went on back to the laager.

Q. That's all that happened?

A. That morning. We lost one, and one of them got away.

Q. Do you know where the people came from?

A. I can't remember. I think the fellows that came in--like I said, there was four or five staff sergeants, four or five, there was two staff sergeants and I think somebody else that came in. I don't know where. They just came in out of the sky and interrogated prisoners. I think they may have taken them back with them. I don't remember--we didn't take them back to--I think we went back to Uptight after that. We didn't take them back with us. Maybe we did. I don't remember, sir, about that. Now that I think about it, I remember having some prisoners on Uptight one day because we couldn't get them evacuated out, and then they flew in and evacuated them. But I don't remember if that was the day that we had this operation or some other day.

Q. I wish you'd think very hard on this. This is very remarkable as far as guarding these prisoners. We've taken considerable testimony about what happened to these people in the laager area and so forth. If your testimony were correct, it would seem that something would stick in your mind.

A. Well, like I say, sir, when they come to interrogate them, my men leave. They don't stand around.

Q. Yes, but they don't turn their eyes and ears off.

A. Well, they usually come back to me. Now, that morning Captain MICHLES came, said, "Let's go." I got my squad up and we followed these people through a tunnel. We went down in the tunnel, and they had a rope around their necks. They tried all types of scare tactics to scare them, and I don't even know what they were looking for.

Q. I'm not talking about your trip out to the tunnel. We know about that. I'm talking about the interrogation techniques used on these people.

A. I don't know. I didn't--did I see them get beat to a pulp? No.

Q. Did they get kicked?

A. They might have been kicked.

Q. You didn't see them get their hands cut and put salt in them?

A. No.

Q. Did you see a field telephone used?

A. Wire?

Q. Yes.

A. No, sir.

Q. You didn't hear about any of those?

A. Not that I can remember, no.

Q. Let me ask you a more general question. Did you ever see CONGLETON interrogate prisoners by using a knife?

A. No, sir. No, sir.

Q. Nobody else?

A. The only ones I ever really watched being interrogated was Lieutenant JOHNSON and his assistant. The time

that I watched them, they were interrogating some females that were found in a tunnel. This was on a different operation altogether. And there they--I saw their faces get slapped and I saw their arms get twisted a little bit, but I never saw anybody pull a knife on anybody, cut them up or anything of this. To my memory, CONGLETON was having trouble interrogating because he didn't have enough schooling, and they couldn't understand what he was saying and he couldn't understand what they were answering.

Q. Can you give me any possible explanation. As I understand your testimony, you guarded--people under your supervision guarded these people in the daylight until you were extracted?

A. This particular day.

Q. We have considerable testimony about various forms of torture being employed upon prisoners in the laager area during that morning. I just wonder if you can give me any explanation of how it might be that you didn't observe this.

A. My only explanation, sir, is that I wasn't there. I mean, I wasn't standing there while they were interrogating them.

Q. All right. Maybe we ought to explore a little bit. I thought you and your squad were guarding these people. Now, were there times when these people were not in your view?

A. Sure, when we guarded them, my men took turns, 2-hour tricks all night long guarding them. When the mortar attack came, a kid named KINGSBY was pulling guard, and he pushed them down in a hole and he went down in the hole, too. When the mortar attack ended, I went up to see KINGSBY to make sure he had everybody and that everybody was okay. Everybody was fine. Now, the next morning these interrogators came in, and there's a log in the laager area. They took the prisoners. They went over and set them down behind the log. KINGSBY--I don't remember if it was KINGSBY or whoever was guarding them at that time came back over to me. I was in the CP, which was 75 yards away from where they were being interrogated, and it was down in a cup in a ditch. Captain MICHLES came over and said, "Let's go. We're moving out. They're

going to take us someplace." We then again went back over to where they were being interrogated, picked them up, and we moved out with them.

Q. You didn't notice any signs of abuse on them at that time?

A. I didn't really get that close to them. I was with the CP, and I didn't notice any signs. I didn't see anybody bleeding or anything like that.

Q. Now, what can you tell me about the people who came in to interrogate them?

A. All I know is that there was--I think there was two sergeant E-7's, I believe.

Q. Had you ever seen them before?

A. I hadn't seen them in the field before. I think I had seen them--I think they were from the command of Task Force Barker. I think they were part of the whole organization that stayed at Dottie, the command organization.

Q. Was one of the E-7's balding?

A. I think so, yes.

COL WILSON: This photograph here was supposed to be the prisoner that escaped.

A. This is the one that escaped?

Q. I say--this--I don't know.

A. I don't know either. One of them took off.

Q. This is one of the things we're not sure of altogether. But his is supposed to be the prisoner that escaped. I'm talking about P-218.

A. P-215.

Q. P-215. Now, if this was the prisoner that escaped, would this be the man sitting on the beach late that afternoon, or would this be early in the morning? When did the prisoner escape? Did he escape--

A. (Interposing) He escaped in the early morning.

Q. He escaped on the morning of the 19th?

A. Yes. I don't know if it was that one, but one of the ones that we had took off on us.

Q. The shadows indicate it was either early morning or late afternoon.

A. If it was--

Q. (Interposing) Wait, wait.

A. If it was early that next morning, I don't think he'd be isolated. He'd probably have been with the others. Assuming, knowing that I had more than one prisoner that night, I would say this was the day before, probably late in the afternoon before the other ones had come in.

Q. I see. These prisoners that you guarded during the night of 18, 19 March, four or five I think you said.

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

Q. Were they tied?

A. They were that night, yes.

Q. Hand and foot?

A. I believe so.

Q. And these were the ones that would have been pushed into the hole--

A. (Interposing) During the mortar attack, yes. They were sitting on the edge of a--

Q. (Interposing) By KINGSBY?

A. KINGSBY.

Q. KINGSBY.

A. He was the one guarding them at the time of the mortar attack.

MR WALSH: Mr. MARSHALL, I'd like to show you a face, blocking out a nameplate, that is one a picture on our Exhibit P-49 and ask you if you can identify an individual's face as one of the individuals who was interrogating the prisoners that morning.

A. I would say so.

Q. Do you remember anything else distinctive about him?

A. The only thing I can remember, I think he was an E-7. He was in the TOC I think.

Q. Do you remember if he wore a hunting knife?

A. No, sir, I don't.

Q. Pistol?

A. I think he had a pistol. He wasn't carrying a weapon, so I assume he had a pistol.

Q. Was he a sharp dresser?

A. He had starched fatigues on, if that's what you mean by a sharp dresser. That's a little bit unusual out in the field.

Q. Had you seen him--I think you said you hadn't seen him before this.

A. Not to my knowledge, no. When he came in, I just didn't know him.

Q. Did he have a Vietnamese interpreter with him?

A. I don't believe so. I don't know, sir.

Q. Did you ever see him after this operation?

A. Around base camp I guess. And I don't want to say I never did, but I'm sure he was from the command.

Q. Okay.

COL WILSON: What makes you think he was an E-7?

A. Because he was wearing his stripes.

Q. He did have on--

A. (Interposing) He had on stripes on when they got off the chopper, yes.

Q. And he had on E-7 stripes?

A. I believe so. I saw E-7 stripes. And I think they were yellow, and I think that's probably why it sticks in my mind.

Q. Normally they're black, aren't they?

A. If they wear them. Normally you don't wear them unless it's the collar-type that's just coming into effect.

Q. Was he wearing fatigues, or was he wearing a jungle suit?

A. He was wearing fatigues, I'm almost positive.

Q. This is a little unusual, isn't it?

A. Well, yes, and they were starched. Again, it's, you know, one of these things that's kind of hard to--

MR WALSH: (Interposing) Well, the individual you identified is a captain that was assigned to the S2 of Task Force Barker, and there are some other indications that he was present that day. But--

A. (Interposing) There were some E-7's out there. I know that. Someplace they came from. That's the only thing I can remember, sir.

COL WILSON: Well, let me ask you this: was this individual the only one out there in starched fatigues?

A. Well, the people that came on that chopper, sir, they didn't belong. They looked like they didn't belong, I mean, because the rest of us had been out there for awhile. Now, this is why I can remember them coming in because they were, you know, smart dressers, if you want to put it in that frame of reference. They were clean and they had clean fatigues on, which nobody else out there had. So this is why I can remember them coming. I know they did interrogate those prisoners. But as far as watching the interrogation, I wasn't there. I know what happened that morning, where we went. That's about as much as I can say.

Q. Let me say--let me finish this thing. Now, at 1050, the 1st Platoon began lifting up to Uptight. At 1140, it had closed at Uptight. Now, that's the 1st Platoon. Did you go back with the 1st Platoon?

A. No, because I think they started lifting us. We were on our way back. And I think looking at the--before we got back to our laager position where we went to that village, I don't remember what lift we went on. I don't think there was too many left when I left.

Q. The reason I'm saying this is because apparently the rest of the company went over to Dottie, and they began guarding. The first lift was at 1320, somewhere around that time. Now, I bring this out to try to fix this in your mind as to whether you took any prisoners out with you or not.

A. I know. This is--

Q. (Interposing) Or detainees. Keep in mind that earlier that morning or that morning, the 1st Platoon went to Uptight. Earlier that afternoon, the remainder of the company went to Dottie. There was a gap in between these lifts. I don't know how many helicopters they had to shuttle you back. But this may--

A. (Interposing) The prisoners that I was referring to on Uptight. I can vaguely remember that HUFFMAN, a member of my squad, guarded some prisoners in an ammo pad right off the helicopter pad and we were waiting for them to be picked up by a helicopter and taken back to, I guess, Dottie. But I can't remember whether it was that day or whether it was some other day in this reference.

Q. Well, if the majority of the company, all but one platoon, went back to Dottie, wouldn't you go back to Dottie with them?

A. Probably, yes. But I can't--I would normally go wherever Captain MICHLES went and for some reason Captain MICHLES went to Uptight.

Q. This doesn't trigger anything as far as the prisoners are concerned? There's no way we can fix this in your mind?

A. I honestly can't remember what happened to the prisoners after we came back from the tunnels. I can't remember whether we put them on a chopper and took them with us or whether the people that came out to interrogate them took them with them. I do know that they were gone. I don't know where they went to. I don't think that--I think I would have remembered if I had to guard them farther on than I did. That's why I tend to believe that the people who came to interrogate them took them with them because normally I can remember things that I am directly related to. That's my job.

MR WALSH: Let the record note that the photograph that the witness identified was Exhibit P-52, not P-49, as I had previously stated.

COL WILSON: Did you ever hear during that time that this operation was taking place an order coming down to stop burning, stop killing, or stop firing, or anything about that?

A. I do remember vaguely that an order that was given to stop burning the hootches.

Q. When was this? Do you recall?

A. I think it was after we'd already burned every village on the day before.

Q. Going south?

A. We didn't burn any village going north. After that one day, we stopped burning. But that's the only--vaguely I can remember Captain MICHLES telling his platoons not to burn anymore hootches. Maybe it was given right before we got down to the end. Maybe that's why we didn't burn anymore, cause I don't remember burning....

Q. The one on the last--the last one.

A. At the very tip of the southern end there.

Q. You can't fix this as to the time? Anything about, "Stop firing"?

A. No, because--depends on what day. I didn't hear anything, but that particular day we weren't firing anyway. I never heard an order given to stop firing, no.

Q. Stop killing?

A. I never heard that either.

Q. Were you or anyone you know ever questioned on this operation prior to this time?

A. No.

Q. Did you carry a camera?

A. No.

Q. Do you know anyone who did those 4 days?

A. Oh, boy. There was probably--

Q. (Interposing) Specific individuals that you can recall having a camera during that time? I know there's a lot of people that had cameras, but I just wanted to know if you could remember an individual who was taking pictures?

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Q. Do you know if there was any problem with marijuana in B Company?

A. Well, there was no big problem. I'm sure we probably had people smoke it.

Q. How about on operations?

A. Not to my knowledge, no, sir.

Q. Do you have any further statements or any further testimony that might assist us in this investigation?

A. No, sir.

Q. Thank you very much. We appreciate your coming in. Before you go I want to request that you not discuss your testimony in this investigation with others, including other witnesses which may come in, except as you may be required to do so before a judicial or legislative body. We try to get people with what's fresh in their minds. I realize the news is distorted.

A. Well, this is my problem. Like I say, I read the magazines and read the articles. And it's 2 years ago, and if you try and drag it back up, you know, I've been trying ever since I got the phone call.

Q. And you've been influenced by it.

A. For me I just can't remember all this stuff as far as vividly saying yes or no. It's just kind of I think this, and I think that, and I remember this, and I remember that.

Q. The hearing will recess at this time.

(The hearing recessed at 1155 hours, 5 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: MUNDY, John E.

DATE OF TESTIMONY: 31 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Executive Officer,
B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

There was a practical training session on the handling of PW's while they were in Hawaii (pg. 3). MUNDY did not remember if the company was given any training on the legality of orders (pgs. 4, 7). The witness could not recall seeing the MACV cards "Nine Rules" or "The Enemy in Your Hands" (pg. 4). They did have the standard Geneva Conventions card (pg. 4). Training was given on the Geneva Conventions and the Rules of Land Warfare (pg. 6).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

MUNDY was at Duc Pho on 15 March 1968 (pgs. 4, 5). While he was given a day's notice that the company was leaving the fire base, he was not told where they were going or what they were going to do (pgs. 8, 10).

3. THE COMBAT ASSAULT.

a. Use of demolitions.

It was not unusual to request a large amount of demolitions in the Pinkville area. However, he did not remember an unusually large amount of demolitions being sent

(MUNDY)

1

SUM APP T-294

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out to the field during the Son My operation (pg. 11). In fact he did not know if any demolitions were used on this operation (pgs. 11, 12).

b. Knowledge of actions on the 16th.

While he was sure he heard about the 128 body count, he could not recall speaking to anyone at Duc Pho about it (pg. 22). He remembered nothing unusual about the first day's operation (pg. 22).

c. Actions on the 17th.

(1) Movement to objective area.

The witness went out to the operation between 0900 and 1000 on 17 March (pg. 13). He went from Duc Pho to LZ Dottie, where Lieutenant LEWIS, who was accompanying him, spoke to Lieutenant Colonel BARKER (pgs. 15, 16). They then flew to the objective area in BARKER's helicopter (pg.16). He did not recall BARKER or a photographer accompanying them to the field (pg. 17).

(2) Initial observations.

At the time they joined it the company was south of My Khe (4) (pg. 18). There was no firing going on (pg. 23). He was told that TAYLOR had been wounded (pg.22). The second platoon was in a perimeter along with most of the weapons platoon (pg. 23). There were two Vietnamese police there when he arrived (pg. 29). He spoke to Captain MICHLES for about 10 to 15 minutes, and then the company moved south along the coast toward Co Lay (1) (pgs. 18, 24).

(3) Movement south.

The command group: moved behind the first platoon which had to take the entire inland area all the way to the inlet (pg. 25). Hootches were not burning in the area through which he moved, but he did see them burning on the east side of the My Khe inlet (pg. 26). He heard no firing as they approached Co Lay (1), but a report was received from the second platoon that they had killed a VC on the beach (pg. 26). MUNDY thought this occurred just prior to noon (pg. 38). At the village they stopped burning

hootches during lunch (pg. 26). There was no firing in the village, but some underground shelters were destroyed with demolitions (pgs. 26, 27). They stayed in the area for about an hour while they had lunch (pgs. 27, 28). There was a conversation between WILLINGHAM, BOATMAN, CONGLETON and MARSHAL in which they discussed COCHRAN's death (pg. 28). They said nothing about the first platoon's action on the previous day (pg. 28). He did not see any detainees with the first platoon at this point (pg. 29).

(4) Actions after lunch.

After lunch they moved through Co Lay (1), burned all the hootches there, and blew up bunkers (pgs. 30, 38). The burning was not part of the usual SOP, but was done because the people had moved out and were not supposed to return (pg. 30). As they moved south they continued to burn hootches (pgs. 30, 31). He did not see any Vietnamese until they reached the tip of the peninsula (pg. 39). He did not hear any firing until they got to the end of the peninsula (pg. 31). MUNDY did not know the reason for the firing (pg. 32). There were some people at the tip of the peninsula whom the witness was certain were interrogated by the police (pg. 32). They stayed at the tip about five to ten minutes and then returned up the coast (pg. 32).

(5) Actions at the laager site.

The witness recalled nothing unusual happening at the laager site (pg. 32). He left the field via the helicopter that brought in the hot meal (pgs. 32, 33). This was between 1600 and 1700 (pgs. 33, 43). He did not believe the helicopter made another stop in the field before going back (pg. 44).

d. Further knowledge of the operation.

He recalled nothing about a MEDCAP team going into the area on the 18th (pg. 44). He knew that MILUS was killed in a mortar attack on the night of the 18th and that several others were wounded (pg. 46). He remembered nothing about the extraction on the 19th (pg. 47).

(MUNDY)

3

SUM APP T-294

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit had never seen before.	4
M-3	MACV Card "The Enemy in Your Hands"	Wit had never seen before.	4
P-18	Miscellaneous Scene.	Wit could not identify area.	21
P-21	Miscellaneous Scene.	Identified man in photo as SGT TALZEAN.	36
P-203 thru P-216	CONGLETON's photos.	Exhibits admitted into evidence.	19
P-203	CONGLETON's photo.	Wit identified as LZ Uptight.	19
P-204	CONGLETON's photo.	Identified as general area.	19
P-205	CONGLETON's photo.	Identified as general area.	19
P-206	CONGLETON's photo.	Identified as general area.	20
P-207	CONGLETON's photo.	Identified as graveyard.	20
P-208	CONGLETON's photo.	Wit did not see these PW's joining company.	20
P-209	CONGLETON's photo.	Did not think this was 16 Mar location of unit.	20
P-210	CONGLETON's photo.	Identified as place they had lunch.	20
P-211	CONGLETON's photo.	Area near tip of inlet.	21

(The hearing reconvened at 1105 hours, 31 January 1970.)

LTC NOLL: The hearing will come to order.

RCDR: The following named persons are present: LTC NOLL and MAJ THOMAS.

The next witness is Mr. John E. MUNDY.

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

Please state your full name, occupation, and residence.

A. My name is John Edward MUNDY. I am a credit collection manager for General Electric Corporation in San Diego. My address is 3740 Menlo Avenue, San Diego, California.

LTC NOLL: Mr. MUNDY, did you have a chance to read the information sheet for witnesses, Exhibit M-81?

A. Yes, sir.

Q. Do you have any questions on this?

A. No, sir, I don't.

Q. Mr. MUNDY, normally there are three members that are in here. Colonel WILSON is the person who normally asks questions; also Mr. WALSH, a civilian attorney; and myself. This morning they are both tied up and will not be here, so what I'm going to do first is tell you what we know or what we believe we know about the operation that took place in the Pinkville area on 16 through 19 March. After doing this, I will probably ask you some questions on preliminary training of the unit before arriving in Vietnam. Then we will take a break for lunch, and I hope that Colonel WILSON and Mr. WALSH will be available in the early part of the afternoon. So we'll go off the record now, and I will tell you what we have documented thus far, what the task force log and the 11th Brigade log reflect.

A. Yes, sir.

(The witness was oriented by LTC NOLL.)

Q. Mr. MUNDY, I've given you a rundown on the operation of Task Force Barker, particularly B Company, that we believe occurred during the period 16 March to 19 March. I'd like to ask you what your job assignment was at this time?

A. I was the executive officer of Bravo Company.

Q. When were you assigned to B Company?

A. I opened the door.

Q. You opened the door? In Hawaii?

A. Yes, sir.

Q. Who was the training officer in the company?

A. In the later stage it was Lieutenant COCHRAN. Initially we had some other officers, but they were transferred to other companies.

Q. Can you give me a rundown on the major training events during the 6-month period prior to the company going to Vietnam, such as company tests?

A. Well, we went all the way through from squad tests, and section tests, and platoon all the way up to battalion tests. I don't remember when the battalion tests were--what we were doing the last 6 months prior to that. We were on the big island for about a month of training.

Q. How long was this before you went to Vietnam?

A. It must have been right around Easter, but it wasn't during Easter. It was during that month, it would be April of 1967. That is when we went to the big island.

Q. In reviewing the morning report, the company was reorganized. The company became organized under another TO&E while you were in Vietnam. The strength was, paperwise at any rate, reduced. Did the company in fact experience significant reorganization before departing for Vietnam or while you were in Vietnam?

A. Prior to departure, we changed the TO&E. I don't know the effective date of it, but we did change it. We eliminated the majority of the vehicles, and we eliminated the 106 recoilless rifles in the weapons platoon. I believe the strength was decreased from 172 to 166. I'm not sure of the exact figure, but that's fairly close. It wasn't a significant decrease in the total number of men.

Q. The morning report indicates that the company never reached its authorized strength prior to going to Vietnam. From the December period, it did not reach its authorized--

A. (Interposing) Sir, I believe what could be the case, is that we left one newly-formed battalion behind in Hawaii. We had to give them some of our men, so it did reduce our strength. At one time, I'd say 2 or 3 months prior to leaving, we were up to full strength. I think at times we were. This is pretty sketchy.

Q. When the company left for Vietnam, was the training in good shape?

A. I personally knew that it was in exceptional shape as far as the training goes. What we didn't have was experienced men that had been to Vietnam before, and we didn't have a great number of senior NCO's with any experience. But we had all trained together. The majority of us, especially the officers and the sergeants, trained together for about a year and a half.

Q. Do you know if the company members had anything in the way of training regarding the handling of PW's?

A. We had a Jungle Warfare Center out there, and it covered what the FM's and TM's covered.

Q. Was there a practical training session on this?

A. Yes, sir.

Q. Do you know if the company was ever given a class on the legality of orders prior to its deployment to Vietnam?

A. Legality of orders?

Q. Yes.

A. Not as such. I don't remember. It may have been under a different name.

Q. What training did the company undergo when it arrived in Vietnam?

A. Most significant, I think, was the training with the helicopters. We didn't have any choppers at all in Hawaii. We had the 23's, the little ones, but we didn't go through any training with them. We did set up mockups in the field for loading and unloading, but it wasn't adequate. That was the most significant training. Of course, in my part it was resupply and this type of thing. I was mainly concerned with that myself personally. I thought it rather strange to send us to a postal location in Vietnam. I suppose that's where a unit of our size at that time--we had trained in the jungle for quite sometime. After a certain period you start feeling comfortable in the jungle, and most of us did. I felt that we would be more useful in the jungle and more effective.

Q. This is a facsimile of a MACV card (Exhibit M-2) entitled "Nine Rules" (handing Exhibit M-2 to the witness). Have you seen this?

A. No, sir.

Q. Do you know if it was passed out to members of B Company? There are two cards that might have been given out. The other here is Exhibit M-3, "The Enemy In Your Hands" (handing Exhibit M-3 to the witness). Logically, this would have fallen into your area?

A. We had the standard Geneva Convention Card.

Q. Yes.

A. I believe it was two separate cards, but I don't recognize this particular one.

Q. On the 15th of March where would you have been stationed? Would you have been with the company on LZ Uptight or would you have been in the rear area?

A. I think on that day I was down at Duc Pho in my rear supply area.

Q. How were you informed of the operations that the company would go on and what their requirements would be? How did this information filter back to you?

A. Well, if they were going to go to an operation from the fire base, I would normally be with them at the fire base whether it would be Uptight or Dottie. And, of course, I sat in on all the briefings.

Q. Were you in the area while the company was preparing to go on the operation for the 16th?

A. I don't remember how long they were on Uptight, but I'm sure I was out there the majority of the time. I have a feeling on the 15th, I'm quite sure, I was down at Duc Pho.

Q. Was this for one day or was this for--

A. (Interposing) I moved back and forth quite often because we had our supplies sort of split. Before the supply base was in the vicinity of Chu Lai, we kept the bare necessities there: food, clothing, and ammo. The majority of our other equipment, radios, vehicles if we had any, and personal belongings of the men and so on, were down south.

Q. One thing I would appreciate would be a fairly accurate rundown of the people that comprised your support group for the company and the people that worked in your rear area, the organization of the company that you used when you went to the field, and whether the platoons were organized under two squads or three? I understand there were some modifications. Also I would like the number of people the company could muster, particularly in March, to go to the field on operations?

A. I'd sure like to see some morning reports, but I'd say offhand it never mustered over a hundred to go to the field. I'm quite sure we had that many.

Q. What about the organization within the platoons?

A. As you said, depending on the size of any particular platoon at that time, depending on the number of casualties and redistribution, that could be anywhere from two to three. Given a little time, I could break down my setup exactly as it was.

Q. Were you in on the briefing for this operation?

A. No, sir, I wasn't.

LTC NOLL: We will recess for lunch.

(The hearing recessed at 1140 hours, 31 January 1970.)

(The hearing reconvened at 1250 hours, 31 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following persons are present: COL WILSON, LTC NOLL, and MAJ THOMAS.

(The witness was reminded that he was still under oath, and he testified as follows:)

COL WILSON: Mr. MUNDY, back to the training for a moment. Was the company ever given training on the Geneva Convention or rules of land warfare?

A. Yes, sir.

Q. Who gave it to them?

A. To my knowledge it was the company officers and possibly the battalion officers.

Q. Was this given in Hawaii or in Vietnam?

A. In Hawaii, sir. I'm sure it was touched on, and I'm quite sure it was touched on in Vietnam, sir.

Q. Was any class of this type ever given by a JAGC officer?

- A. Not to my knowledge, sir.
- Q. Was any training ever given concerning the legality of orders?
- A. Not under that heading, sir.
- Q. What heading could it have been under?
- A. I don't know if it's related to military justice. If it is, we did give courses.
- Q. Do you remember anything specific about this subject?
- A. Not specific, sir, just the basic things that you learn all the way from basic training concerning insubordination, et cetera.

LTC NOLL: Would you elaborate on the training given pertaining to the handling of PW's?

A. We had a jungle camp and a jungle warfare center, and a brigade staff of NCO's and officers that were required to give this training. Now where they came from I do not know. We furnished some of the units--furnished men to its committees, but I believe some of the members of the committees were from outside of the brigade. They gave the majority of the jungle training, mines and booby traps, and PW's, and search and seizure. Now, prior to forming the committee, we did give classes of that nature. We didn't know from day to day from the time we got to Hawaii when we were leaving. So, of course, we were required to give all of these types of classes. This type of instruction was improved upon, and they didn't form a committee for its purpose. Unfortunately, I didn't attend as many of these classes as I would have liked to. In my job as the XO, the majority of the time I had to stick around the area because the CO was out in the field with the company.

(MR WALSH entered the hearing.)

COL WILSON: I recognize, Mr. MUNDY, that you were not on the operation, and you very probably didn't get involved in any of the planning for the operation, but I would like to know if you had--separate what you know about it now from what you knew about it then--if you had any knowledge that this operation was coming off. What knowledge did you have of it?

A. Just the advance notice, about one day's advance notice that they were leaving the fire base. As to exactly where they were going and what they were going to do, I received no information on that. The reason I had to have prior knowledge is that I had to clear all of the equipment off the fire base, the equipment they couldn't carry with them. I had to make plans for this prior to leaving, because a new unit normally moves on to the fire base when one moves off.

Q. Where were you located?

A. I believe--depends on which day, sir. I mean the 15th, I believe I was in Duc Pho.

Q. You just made a statement, and as far as I know it wasn't intended, that B Company was to leave this fire base for an extended period. Now, how long--

A. (Interposing) Any time they leave the fire base--

Q. (Interposing) Even if it's overnight?

A. They never have as far as I know.

Q. And you cleared the base whenever they left?

A. Right, sir.

Q. Now, how did you normally do this? Take a couple of helicopters in there to pick up the stuff?

A. Yes, sir. They usually left a man or two behind to accumulate all this stuff and guard it until I could get out there. Normally I would fly out with the resupply chopper that was going to supply another unit, and on the way back we'd drop by the fire base, pick up the equipment, and bring it back to the trains area.

Q. What type of equipment are you talking about?

A. Well, we had some tents, 292 antennas, food containers, and things that they couldn't carry with them in the field to make things more liveable.

Q. So, the hot chow that goes out to the field during the operation comes from Duc Pho?

A. Not for my operations. It came from Chu Lai, our forward area.

Q. The forward trains provided the chow?

A. Right, sir.

Q. In other words, if you took the evening meal out there, the hot meal, it came from Chu Lai?

A. It came from Chu Lai.

Q. And who would usually accompany that?

A. Usually a member of my staff or possibly one of the men from the trains area itself, the S4 section.

Q. How did you normally--if you wanted them to have hot chow, did they get a hot meal every day in the field?

A. Almost always.

Q. And you would arrange for this by radio from Duc Pho?

A. No, sir. I traveled back and forth between Duc Pho and Chu Lai almost every day.

Q. So you could lay this on without any problems?

A. Yes, sir.

Q. You must have had an idea--or maybe you didn't--you have to have some notice as to where the company intends to be if they're going to get hot chow?

A. Right, sir.

Q. Did you know where they were going to be on the 16th for the evening meal?

A. No, sir. They call me in the morning of the day that they wanted the hot meal--

Q. (Interposing) Then you're telling me that you get several hours notice?

A. Yes, sir, we have to have. If I can remember correctly, we had to have notification about 9 or 10 o'clock in the morning.

Q. Where they were going to be if they wanted a hot meal?

A. Not exactly where they were going to be, but what they wanted, whether it was food, ammunition, or commo equipment, or anything they might need.

Q. And you would find this out in the morning?

A. They were supposed to call me every morning between 9 and 10 o'clock.

Q. And you would send somebody from your forward trains area with the helicopter?

A. Usually, yes, sir. It did vary if they were able to deliver chow to more than one unit in the field with one aircraft. Then it's possible that somebody from one of the other units accompanied the aircraft. There's a limited amount of space in there. Just as long as somebody is familiar with the setup and how much of what goes to whom.

Q. Well, you didn't really have any--as stated, as I understand it, you didn't have any knowledge of this operation being a big operation and this being something big to the Task Force Barker. There was no great to-do about this thing, just another operation. Did you know whether it was going to be a task force operation or a company operation?

A. I had no idea, sir.

Q. As far as you knew, the company was just going to the field?

A. Right, sir. Regardless of where they go or what they do, I get the same--basically the same amount of ammunition, C-rations, et cetera.

Q. Now, on the basis of resupply and so forth, is it unusual or is there anything abnormal about requesting a large resupply of demolitions each day?

A. No, sir, not in that area. There were a lot of artillery shells that we constantly had to destroy and, of course, booby traps and other things of this nature.

Q. Do you remember or do you recall during this period that a large amount of demolitions went into the area on a resupply basis?

A. Not in this particular time, sir.

Q. Within the 16, 17, or 18 March time frame?

A. I wouldn't say anything unusually large.

Q. Do you recall at this time whether there were any engineers requested for demolition purposes during this period?

A. I always requested them.

Q. You did? Did you ever get them?

A. Yes, sir.

Q. Did you get any for this operation?

A. I don't know, sir. When I had the company myself I always requested them and I always got them, and I used them for demolition and mine detection.

Q. You don't have any knowledge as to whether or not there were any on this operation?

A. No, sir.

Q. Now, there is some question about blowing bunkers. With your experience when you used these engineers, what method did they use to blow these bunkers. I'm talking about in this area?

A. I've never been out when they've blown the bunkers.

Q. Well, what methods did B Company use when they blew a bunker?

A. Offhand, I don't know, sir.

Q. Well, who had the demolitions in the unit? The demolitions must have gone in on somebody's back?

A. Well, they had a man from each platoon.

Q. Who carried demolitions?

A. Who carried it and also used it, just about everybody can use it.

Q. Well, we're talking about destruction of bunkers now. We're talking about--as far as I can--

A. (Interposing) I would say offhand it would take an engineer to destroy a bunker.

Q. So, if any demolitions were used in tactical operations, this search and clear thing or search and destroy, if you're going to destroy bunkers, you're going to have to carry a substantial amount of demolitions. Is that correct?

A. I would say more than usual, sir.

Q. You don't remember at this time a large amount of demolitions and a large amount of engineers coming into the company?

A. No, sir, I don't.

Q. I want to separate the question of throwing charges into a bunker and destroying the bunker. There is a difference between throwing charges in to clear and to destroy.

A. Yes, sir. When somebody knew what they were doing, I would say that's the case. I imagine there are a few privates who aren't engineers and who think they could destroy it in that manner.

Q. Small charges?

A. Depending on how well fortified the bunker is. Right around Duc Pho we had some of our guard bunkers destroyed. They are not underground bunkers. They're above ground, sandbagged about a foot and a half or 2 feet, and were completely destroyed by just someone throwing a charge in there.

Q. Enough concussion from the blast could take care of it?

A. It could kill everybody in it and level the bunker.

Q. Above ground?

A. Right, sir.

Q. Well, now, let me ask you. Do you recall the timing on the basis of this, when you went into the objective area on the 16th of March?

A. I went in--

Q. (Interposing) I'm sorry, on the 17th of March. What time did you go in?

A. It was in the morning, I imagine, around 9 or 10 o'clock.

Q. About 9 or 10? What did you have aboard when you went in? What did you take in with you?

A. Lieutenant LEWIS and myself, and I believe we had some basic items, radio batteries and some ammunition. I'm not really sure. We didn't have a heavy load. We got off and the guy got out of there real fast, so we didn't have a heck of a lot of stuff. We took off out of Dottie, and all of our supplies were up in Chu Lai, so anything we had was minimal, probably something I picked up from the unit that was there.

Q. Did you and LEWIS drive down to Dottie?

A. I don't know if we drove or flew, sir. I don't think we drove. It's not a very nice drive, but I have driven it.

Q. But you flew into Dottie. What I'm saying, you say that you left from Dottie. If you flew into Dottie you could have taken--

A. (Interposing) I could have. I think I flew up from Duc Pho?

Q. So you came up from Duc Pho?

A. Because that's where Lieutenant LEWIS came in.

Q. Did the same helicopter take you into the objective area that you came up from Duc Pho in?

A. I don't remember offhand.

Q. You could have brought some supplies with you?

A. Yes, sir.

Q. Now, do you recall if there was anybody else on that helicopter?

A. I don't believe so, but I'm not quite sure.

Q. We have reason to believe that there was a photographer or a journalist that went out there that day, supposedly went out there the same time you did, and the man allegedly had a MACV patch, a soft hat or jungle hat, and jungle fatigues?

A. I would say no offhand, but I wouldn't swear to it. No, I don't believe so. After we settled down there and moved down the trail awhile, I talked to Captain MICHLES for quite some time. I don't believe anybody--the only people that were there were two of these Vietnamese policemen.

Q. You mean in the area?

A. Right, there when we arrived.

Q. I'm trying to figure out if he was on your helicopter?

A. No, I don't think so. I really don't. I'm sure he would have been--I stayed with Captain MICHLES that entire day, and I'm sure he would have been in the vicinity. I'm sure I didn't see him.

Q. Well, maybe and maybe not, but the question is that you left Duc Pho and went to Dottie. What did you go to Dottie for? Why didn't you go on into the objective area?

A. I don't think I knew whether they were in the objective area. I don't think I knew where they were exactly.

Q. The only place you could find out was Dottie?

A. Lieutenant LEWIS had to talk with the colonel before he went out.

Q. Colonel BARKER?

A. Right. This is normal procedure, to go in and be briefed and so on.

Q. You left Duc Pho in the morning and you went to Dottie with Lieutenant LEWIS. Did he talk to Colonel BARKER that morning?

A. I'm sure he did.

Q. Do you know what time?

A. No, sir.

Q. And this was before going into the objective area?

A. Right. I tend to think it was Colonel BARKER's chopper that we flew out on.

Q. With Colonel BARKER?

A. I don't believe he was with us. I don't believe so, I'm not sure.

Q. Think back on that now as much as you can and try to recall if anybody there went in on Colonel BARKER's chopper?

A. I know as soon as we jumped that guy took off. If Colonel BARKER was there he didn't get off the aircraft, because I went immediately over to talk to Captain MICHLES, and he wasn't there. It didn't seem that he was.

Q. You and LEWIS left Duc Pho that morning, and you went to Dottie to find out where the unit was and give LEWIS a chance to report in to the task force commander. He hadn't seen him before?

A. Not to my knowledge.

Q. And he saw all the new officers that came in?

A. Yes, sir.

Q. He reported in to BARKER that morning. You're sure of that?

A. Yes, sir, I'm quite sure. I'm sure we wouldn't have gone out until we had seen him because this was one of the requirements he had. I always made sure, I personally accompanied the officers?

Q. Did you go with him when he saw BARKER that day?

A. I'm sure I was in the bunker.

Q. Did you hear what the discussion was or anything?

A. No. I think at that time he was probably just generally told where the units were and so on.

Q. Do you remember that?

A. Not really, sir. I've been in so many of them.

Q. Now this is the day after COCHRAN was killed?

A. Yes, sir.

Q. Does this fix it any better? Well, you've already fixed it?

A. That's why I went out.

Q. Why?

A. I went out in the field to take over the 2d Platoon.

Q. You didn't get it, though?

A. The CO wouldn't let me take it. He stated that he felt that what I had to do was more important. Whether that was the reason, I don't know.

Q. So, you went to Dottie and talked to Colonel BARKER and left LEWIS there. You possibly took the C&C ship and went to check the area, but you don't believe Colonel BARKER was with you?

A. No, sir, I don't.

Q. You don't recall the photographer being with you?

A. I sure don't. It would have been unusual, it seems to me.

Q. Well, you would have remembered it, wouldn't you?

A. Yes, sir, I'm quite sure I would have.

Q. Do you recall the time you got into the objective area? I believe you said--

A. (Interposing) I said it was right around 10 o'clock. We spent some time right there. They had set up somewhere in the perimeter. We spent some time there talking and then we moved off down to the next village, the first villages as we moved south. Then we stopped there for lunch. So, I'd say it was right around 10 o'clock.

Q. Where was the company when you joined them?

A. Well, it's hard to say. I'd say right up in this general area here. I would say where the water is about the widest in this stream here.

Q. This is Exhibit MAP-4. You pointed to an area generally south of My Khe (4), coordinates 743785.

A. It was generally across the river in this area, and from there we moved down to the first village.

Q. From there you move from what you point to as Co Lay (1)?

A. Wherever the first village was, that's the one it was.

Q. Did you have Mr. WALSH's position on the board described to you?

A. Yes, sir, but not in complete detail.

Q. Well, Mr. WALSH is a civilian attorney who's been designated by the Secretary of the Army to assist General PEERS, and he has the authority to question you as does any other member of this board.

I want to introduce some photograph exhibits, and as we go through these exhibits which will be numbered on the back, I want you to describe--just a minute, let me-- I am going to do it this way. I would like to introduce a series of photographs, and then I'll question you about some specific photographs after they have been introduced. These photographs are made from 35mm prints or slides, and have been provided by Mr. Lawrence CONGLETON. Now, I can read the description accompanying the photographs. I'd like to introduce the first photograph as P-216, described as, "A photograph leaving Uptight looking south towards Pinkville area." The second photograph is P-203, described as, "Looking back towards Uptight." The third slide is P-204, described as "A village area en route to LZ." The next photograph is

P-205, described as, "Looking towards the Tra Khuc River; the photograph shows a flight of five helicopters." The next photograph is P-206, described as, "Coming in for a landing, tracer in middle of picture, rocket explosion on ground from gunship." The next photograph is P-207, described as, "The same as P-216; the photograph show two explosions on the LZ and violet smoke." The next photograph is P-208, described as, "Prisoners appear to be ready for extraction; bags over the head was SOP for extraction." The next photograph is P-209, described as, "This should be the marker on the map at our night position of 16 March; fire is the burning of trash from resupply and boots are DS." The next photograph is P-210, described as, "Afternoon of 17 March, female detainee preparing lunch for Vietnamese military personnel." The next photograph is P-211, described as, "South end of narrow land strip." The next photograph is P-212, described as, "Same as 211." The next photograph is P-213, described as, "Large village where MEDCAP was performed." The next photograph is P-214, described as, "Same as P-213, showing Vietnamese military in background." The last picture is P-215, described as, "This is the prisoner that escaped." Accompanying these films is a listing of the captions placed on the films in Mr. CONGLETON's letter. I will ask you if you can identify any of these photographs as I give them to you.

RCDR: Mr. CONGLETON's photographs are received in evidence as Exhibits P-203 through P-216.

COL WILSON: This is 216?

A. No, sir.

Q. P-203?

A. This should be Uptight or something very close to it.

Q. P-204?

A. It could be any one of a number of areas in the general vicinity.

Q. P-205?

A. This is the point that comes down.

Q. This is the entrance of the Tra Khuc River into the South China Sea?

A. This is the inlet, and we were on this side when we came down the peninsula.

Q. Is there any identifying mark on those helicopters?

A. I can't recognize any.

Q. P-206?

A. This is on the west side of the inlet. Here's the inlet coming right through here, and this is the west side.

Q. P-207. Is that a graveyard?

A. Yes.

Q. It is a graveyard?

A. It appears to be, and it could be. Anyway, you see it almost all the way from Duc Pho on up to Chu Lai.

Q. P-208. Do you recognize this area? Did you see these prisoners when you went to join B Company?

A. No, sir. I don't think so. I don't believe we were in that much of an open area. When I first went there, it was more of a heavily-wooded area than that.

Q. P-209 is supposedly, according to the caption, the location of the unit on the 16th of March. Were they there the next morning or do you recognize that?

A. I don't think so, sir. I don't remember any type of glowing structure at all.

Q. This is P-210. Do you remember the ARVN military having a Vietnamese woman with them?

A. I believe this is where we had lunch that day.

Q. How do you identify that?

A. Well, I guess it could be any place at any time. There were buildings of this type, and there were two Vietnamese. I don't believe they were military, I believe they were police. They went and caught some chickens, and had a woman prepare them.

Q. They had one of the women in the village or was it somebody they had with them?

A. I think they found her in one of the huts. I didn't see any Vietnamese at all or anybody but the two military when I got off the aircraft.

Q. Do you remember eating here?

A. If I remember correctly, we went down the hill this way when they prepared the chicken. Of course, we had to eat some.

Q. P-211?

A. The only place I saw it that white was in the very tip.

Q. Did you go down with the unit all the way to the tip that day?

(Witness nods in the affirmative.)

P-212?

A. This is the same area down in the tip.

Q. P-213?

A. This could be just about any place.

Q. When you got into the objective area, we're talking about the southern tip now--

MR WALSH: Mr. MUNDY, do you recollect anything out of the ordinary about a report of the first day's activities of Task Force Barker other than Lieutenant COCHRAN getting killed?

A. I suppose that was my primary concern. I wanted to determine how he had died. I heard various stories.

Q. Had you heard that Task Force Barker had reported 128 VC killed that first day?

A. I'm sure I did. I don't know the exact figures, but I'm sure that I was told. Regardless of where I was located, whether it would be Duc Pho, or Chu Lai, or Dottie, I would always be in the vicinity of the operational area.

Q. Do you remember talking to anybody about the success that they had encountered? Did you hear any conversations from people about the operation?

A. I think it was primarily C Company that got the body count. I probably wished it was us.

Q. But you don't remember talking to anybody at Duc Pho about it?

A. No, sir.

Q. Nothing unusual sticks in your mind about the first day of the operation?

A. Not really, because I can't remember which operation is which. I think we had one where we had a very high body count in the same area. I just knew that any time that you went into that area that you were going to come up with a pretty good body count and you were going to get quite a few casualties.

Q. Now, when you went out and you landed, do you remember if the helicopter landed on a trail in the middle of the village?

A. When I landed?

Q. Yes.

A. No, sir, it didn't.

Q. Do you remember what the area looked like when the chopper set down?

A. I was afraid that there was barely enough room for us to set down. It was pretty heavily wooded, and it was, as I said, just north of the village where we had lunch at. Although I don't know, maybe a couple hundred meters.

Q. Do you remember a cement bridge that the company had come across that morning? Have you ever seen that?

A. No, I was south of that. When I did land, they told me that TAYLOR had stepped on a mine in the general vicinity. I assumed that it was the same bridge that they had to cross to get on the peninsula.

Q. Right. Could you take a look at the aerial photograph and see if you can pick out more precisely the point at which the helicopter set down? Well, let me orient you here.

(MR WALSH oriented the witness to the Exhibit MAP-4.)

So, is it correct to say, Mr. MUNDY, your best recollection is that you landed in a wooded area at approximately 500 meters or so south of the bridge where the spit of land is, its narrowest point, and the water to the west is at its widest?

A. Yes, that's right.

Q. At approximately the point of the coordinates that you earlier gave to Colonel WILSON?

A. Yes, that's right.

Q. You got off the chopper, I think you said, and went immediately to Captain MICHLES?

A. Yes.

Q. And you had a long discussion with him?

A. Yes, not as long as we did when we sat down for lunch.

Q. I see. Could you see any troops working at the time when you got off the chopper?

A. No.

Q. Was there any firing?

A. No, they had a perimeter set up at the time.

Q. Do you remember who was in the perimeter? Just the command group or was there one of the platoons or more?

A. The 2d Platoon was there, and I believe the majority of the weapons platoon. They were used for a dual purpose, CP security and as a mortar squad. They just carried one mortar. I'm not sure whether they had the mortar there, but being a previous platoon leader of the weapons platoon, I knew most of their men.

Q. Now, we've had considerable testimony that the helicopter bringing in Lieutenant LEWIS put down not far from the end of the cement bridge, about 500 meters north of where your recollection places it, in an area where other testimony would tend to establish that the 3d Platoon had a perimeter along with 81 mortars. Also it appears that the 3d Platoon stayed in that area securing that end of the bridge all that day, and that night in an ambush position. So I just ask you if your recollection of the location of setting down in the helicopter is absolutely certain in your mind, and could you have been closer up to that bridge crossing at the time you put down?

A. Well, I think your bringing up the point makes me more sure that I am correct in stating that I landed where I did land and that I remember them telling me that the bridge they had crossed was up that way. That's where TAYLOR had got hit, and they did have a platoon up there blocking. That's where Sergeant MCCLOUD was set up at that time. The reason I say this is because Captain MICHLES had intended to give the 3d Platoon to Lieutenant LEWIS, but since they were some distance away he decided to leave the platoon under Sergeant MCCLOUD. He, at that time assigned Lieutenant LEWIS to the 2d Platoon.

Q. I see.

A. What I had in mind was Lieutenant LEWIS to go to the 3d Platoon and me to take over the 2d, which was Lieutenant COCHRAN's.

Q. Well, when you say they were set up in a perimeter, would that be a perimeter they would normally form for security for a helicopter when it set down, or was it something that they had set up to stay for a while?

A. I think it was just for the helicopter to come in.

Q. And shortly after you put down, did the troops move out again?

A. I think we talked for 10 or 15 minutes discussing the various possibilities and assignments, and then we did move out.

Q. Do you remember who the order of march was set up? In other words, which platoon was where among the platoons that were moving south?

A. Well, we didn't have a point platoon. We had two point platoons I guess you would call it. We had the 2d on the left as you head south and the 1st on the right. Really they were on left and right, but they were very close to each other moving, and we were directly behind the two as I remember.

Q. Do you recall if there was a ridge or high ground that separated these two platoons as they moved south?

A. Yes. There is a ridge right along the beach, and it looks almost manmade. Where the inlet is, almost from the inlet out to the beach, is low ground. I imagine the inlet filled the entire area at one time. Then there is a high rise; it looks like it's almost manmade.

Q. And that's immediately behind the beach?

A. Right.

Q. So that would put the 2d Platoon virtually walking down the beach on this side, and the 1st Platoon inland separated from the 2d Platoon by the rise of the ground?

A. I think at times they weren't actually on the beach, and then again at times they were. I think sometimes they were in wooded areas. I don't think this big dividing knoll ran perfectly adjacent to the beach at all times.

Q. What platoon did the CP group go south with?

A. Well, we were pretty much behind the 1st Platoon, because of the knoll. Because the 2d was separated, the 1st had to take the entire inland area all the way over to the inlet.

Q. Were there any hootches in the area that you put down in when you joined the company?

A. No.

Q. Did you see any hootches burning as you approached the point where you put down?

A. Not on our side. There were hootches burning on the other side.

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COL WILSON: You're pointing to the east side on the inlet of My Khe.

MR WALSH: How far down did you see before you encountered any hootches?

A. I'd say around 200 meters. It couldn't have been much more than that.

Q. Now, what was being done by the 1st Platoon when they went into an area where hootches--

A. (Interposing) We started burning some of them and then we decided to eat lunch there, so they were instructed to stop burning the hootches until we could set somewhere with a perimeter. We had lunch there.

Q. Were there any people in the village?

A. They weren't visible when we walked in. I believe they found a few women inside of some huts.

Q. Did you hear any firing as you approached the village?

A. None whatsoever, just prior--I believe it was just prior to us approaching the village, prior to having lunch, that the 2d Platoon that was over on the beach reported two VC, and that they had killed one of them.

Q. Did you hear the firing?

A. No, I didn't, sir.

Q. How about the people searching the hootches now, in this village you heard no firing at all?

A. There was no fire in the village when I was there.

Q. How about demolitions, explosions?

A. Yes, we did hear some demo. Some of the hootches have these underground shelters, and they were destroying these. They weren't allowed--they were doing this during lunch, but they didn't set these hootches afire. They were just caving in the floor of the hootch, and these to my knowledge were all searched out before they were blown. However, I couldn't swear to that either. I didn't go around with the men when they were doing this. To my knowledge, that was their instructions.

Q. Did you hear that they weren't always following instructions?

A. No, sir. Captain MICHLES wouldn't have stood for it. He was a very strong leader. We all respected him.

Q. When you got to the village that you described--well, first of all, how big was that village?

A. It covered a fairly good-size area as far as the villages in that area go. I guess it was--oh, about an average village, but it wasn't really packed together like some of them farther inland.

Q. Was it approximately round in shape or was it strung out along the trail? Can you tell us?

A. It was longer than it was wide, and, of course, it was prohibited from being any wider by the ocean and the inlet.

Q. Did it run all the way from the ocean to the inlet?

A. I'd say it did.

Q. About how long down the trail did it stretch?

A. We walked for quite a while it seems. Of course, we were taking it very slowly, 300 or 400 meters possibly. As I said, it was strung out, and after, on the outskirts of the village, you might find a hootch quite some distance from another hootch.

Q. How long did you stay in that area having lunch?

A. I would say an hour.

Q. Did the 1st Platoon stay with the CP group during that hour or did they move out further south?

A. I think they set up part of their perimeter for the south, but they didn't keep moving.

Q. Now, you had a long talk with Captain MICHLES at that time, as I understood you?

A. Yes.

Q. Who else was present at the time you were having your conversation?

A. I believe Lieutenant WILLINGHAM and probably BOATMAN, Lieutenant BOATMAN, and, of course, CONGLETON, and probably MARSHALL. We kept somewhat separated. It was usually a good idea. That's generally who was there. I don't believe LEWIS came in. I think he stayed out on the beach.

Q. Did you have any discussions about 1st Platoon's operation the day before?

A. No. I think WILLINGHAM mentioned that he had so many kills, body count, which I already knew anyway.

Q. Did he describe the action at all?

A. No, not really. I don't think so. It's very strange that they really don't talk too much about what they do. It would seem unusual to someone that wasn't out in the field all the time, but you come to understand that they just don't care to discuss to.

Q. It doesn't seem unusual to me?

A. Well, it depends on how many war movies you've seen.

Q. Well, was there any discussion as to how many of the body count reported the day before were women and children?

A. No, sir. Discussion was primarily what happened to Lieutenant COCHRAN as far as I remember, and again, this discussion as to possibly me staying in the field and Lieutenant CARTER being XO when he got back.

Q. Was there any discussion about the nature of the operation, for example, with respect to burning the hootches, and destroying livestock, and matters of that sort?

A. There weren't--not really, just general instructions that Captain MICHLES gave Lieutenant WILLINGHAM that all the hootches were to be burned. There was quite a bit of livestock around there, and none of it was harmed as far as I know. There were no shots fired.

Q. Did the 1st Platoon have any detainees at that point?

A. I didn't see any.

Q. Did you see any people around the village at all?

A. About two-thirds of the way through there was an old man, very old, and I think one of the Vietnamese police talked to him. He was harmless as far as I know. He was near his hootch, and he had a lot of religious things and so on. I believe they allowed him to remove them or something.

Q. They had the Vietnamese police there when you arrived?

A. Yes.

Q. How many.

A. I believe there were two.

Q. Were they in uniform?

A. Right.

Q. In other fatigues that were like uniforms?

A. It seems to me they were in fatigues. I don't believe they had helmets on though they had caps on. I think they had little short, snubnose revolvers.

Q. Were there any ARVN soldiers there?

A. I didn't see any unless these two were soldiers. They didn't appear to me to be soldiers.

Q. How about a Vietnamese interpreter?

A. I think we used the policemen for the interpreters. It is kind of hard to say because I wasn't out there long enough, and everybody was pretty much spread out. Of course, you're supposed to be, but it seems to me they would have been with the CP group. If they were, I didn't see them. They could have been with another platoon.

Q. Did you see any firing at a boat full of people on the inlet of water to the west of your area during the day?

A. Inlet? No, I didn't see any boats in the inlet, nothing.

Q. What happened after you finished lunch?

A. Then we started moving through the village and burning all the hootches, using demolitions to destroy these bunkers or whatever you want to call them.

Q. Have you told us everything that you can remember about the conversation at lunchtime? Is there anymore that sticks in your mind that might be of interest to us?

A. Not to my knowledge. Just what we had planned to do was to move down through and finish burning the hootches and move all the way down to the tip. I think during this time we had a conversation with the swift boats, and they said there was a number of people down south there. I believe they said they were getting onto boats to cross over to the strip on the other side.

Q. Do you remember if this operation--burning all the hootches and villages that you went through was this different than other operations? Was this more or less SOP?

A. I'd say it was quite different. It was the first time that I had been aware that we did burn hootches. It was my understanding that we'd already been through that before and that the people were not supposed to be there. They'd been moved out before, and they weren't supposed to return. If they did, this was the reason they were burning the hootches. Apparently this is reason they were burning the hootches. Now, where I got that information from I'm not sure. I think there was a general understanding.

Q. Then you moved out and continued burning hootches as you moved south. Would you tell us everything you can remember about moving south?

A. Well, that's about it. It's pretty boring really, just steadily plodding along.

Q. Did you notice any firing?

A. I think there was some when we got all the way down to the tip. The 1st Platoon was ahead of us. I didn't see any firing, anyone firing, and I didn't see any bodies. The ones that were supposed to have been killed on the coast, I didn't see them either, so I don't know. Lieutenant LEWIS, as I said, took the 2d Platoon. He was the one that reported to Captain MICHLES that he had seen two killed. I remember because he was very excited over the first time he'd ever been in the field.

Q. You got down to the end of the peninsula, and you heard some firing there?

A. Yes.

Q. Do you know what it was about?

A. No, I think--if I remember right, Captain MICHLES called him and asked him why. I don't remember what the reason was, and then he told them to stop. Then he moved down into the peninsula area, and the 1st Platoon was already spread out around the tip there.

Q. Why did he tell them to stop? Doesn't that seem odd to you?

A. Apparently they didn't have any good reason to do it or they couldn't give him a sufficient explanation. There was quite a bit of sporadic firing.

Q. After you left the fairly big village where you had lunch, did you encounter any other villages as you moved south or just scattered hootches?

A. It doesn't seem to me that we went to another what you call a village, but I think there were hootches on the tip.

Q. Did you see any people?

A. There were some people on the tip all the way down. There was a fishing village down there.

Q. Did the police interrogate any of those people?

A. I'm sure they did. They were up ahead of us. When you move that slow and you got the entire platoon ahead, it takes some while. I'm sure that the 1st Platoon's point reached this point about a half an hour or 45 minutes before we did. We were being very careful, and we moved very slowly.

Q. Is there anything more you remember about being down at the tip where you looked back up north again?

A. Only just that we were hot and would have loved to have gone in swimming, but we didn't stay there very long at all. I didn't feel any--we didn't stay over 5 or 10 minutes at most, and we turned around and started back. We had to make it back to where Captain MICHLES wanted to laager that night. He felt that to do it properly, it would take us from about 4 o'clock. This is the time we like to laager so you can get your supplies and so on.

Q. Do you remember where the laager site was?

A. Yes, it was in an open area to the south of the village. We ate in a big open area there. There was a lot of burning over here. As I said, it was on the other side where Ernie MEDINA was, and some firing--

Q. (Interposing) Did anything happen that you remember on the way back to the laager site?

A. No, sir, nothing at all.

Q. When you reached the laager site, I guess you got resupplied by chopper?

A. At that time I was instructed to leave and go back and take care--well, we did discuss various things that they were having problems with in the field, mine detectors, and small radios, personal radios, squad radios, and various other things they were having problems with, supply problems and so on, which was a great concern of Captain MICHLES.

Q. What time did the chopper come in and take you out?

A. Between 4 and 5 o'clock, 1600 to 1700.

Q. Did he bring in the evening meal?

A. Yes.

Q. Anything else?

A. I'm not sure. Basic items and probably some ammunition; demolitions and probably some clothing and equipment.

Q. Do you remember if the company had used a lot of demolitions that day, used a large supply of it?

A. I'd say they used a good deal of it, and when I say good deal, as much as anyone could carry on his back. We tried to resupply every day with ammo and demolitions because we didn't want to carry too much.

Q. Do you remember who went out with you on the chopper that brought in the resupplies?

A. I've been trying to recollect, and I'm sure it was Lieutenant LEWIS. I don't believe anybody else was in the chopper.

Q. Lieutenant LEWIS left the field with you?

A. He went to the field with me.

Q. No, I'm talking about when he left?

A. Oh, when he left?

Q. I should have said in with you rather than out with you?

A. I don't believe so. It could have been somebody.

Q. Do you remember if any of the National Police left with you or do you remember specifically whether or not they stayed?

A. No, I don't.

Q. Do you remember if the chopper put down up by the 3d Platoon area near the bridge and left the chow off with them, or you went directly back to--

A. (Interposing) I don't think it did. I think they just resupplied one area and took off.

Q. Did you go back to Duc Pho or to Dottie?

A. I'm not sure whether I went to Dottie or Chu Lai. I wouldn't have gone to Duc Pho, probably Chu Lai. That's where most of our resupply is done unless we can't get a ship, and then we'd use the C&C ship.

Q. What kind of a chopper was it? What unit would have supplied the choppers that took you in on the morning?

A. We had a couple of different ones and I'm not-- if I had the names here I could probably tell you. The big ones are called Boxcars, and I think we had Dolphins or something. I don't know--

Q. (Interposing) You don't even remember whether it was a slick or not?

A. Well, it would have been--

Q. (Interposing) That took you out, brought in the chow and took you out?

A. Well, we could use a gunship.

Q. But you don't remember that it was a smaller rather than a bigger helicopter?

A. No, it would have been the Huey.

Q. Now, I think you said your recollection is that you went out to the field that morning in the C&C helicopter?

A. Yes.

Q. What I'm trying to get is was there a single crew that was normally assigned to handle your resupply to your company?

A. No.

Q. Every day it would be a different--

A. (Interposing) Usually--

Q. (Interposing) This would be from the Dolphins normally?

A. Generally, and then we would get some--I'm not sure which one was where, but we would get some from Duc Pho occasionally, and usually from Chu Lai. It would depend on the requirements. If the 198th had a CA up north, we would probably have to get some aircraft from Duc Pho or we might have to use the C&C.

COL WILSON: Mr. MUNDY, there are a couple of questions. Before we go any further, let me see those photographs.

(Recorder hands photos to COL WILSON.)

There are a few photographs that I want to show you. Have you seen these (showing the photographs to the witness)?

A. I don't remember.

Q. Number one is primarily the identification of individuals, and I ask you specifically for a location. Exhibit P-18, I'd be interested to know if you have seen any of the Vietnamese in this picture and if you saw this location at any time?

A. No.

Q. P-21. Do you know either one of the uniformed personnel?

A. This looks like the man that didn't go with us.

Q. That did not go with you?

A. No, it can't be. It looks like Sergeant TALEZAN, the platoon sergeant.

Q. You don't recognize any. How about P-22? Do you recognize any of the uniformed personnel?

A. No.

Q. How about P-66, the man on the left?

A. These are not from Bravo Company.

Q. No, this man is Vietnamese. This one is too. Either of the Vietnamese in the photograph?

A. No.

Q. You made a statement that I would like to be sure I understand. You said Lieutenant LEWIS was excited because it was the first kill that he saw. Is that what you said?

A. The first one he was involved in. I'm not sure who actually did the shooting.

Q. I mean did he see the body?

A. Apparently he reported it over the radio, and his voice was--he was talking too fast, too quickly.

Q. Okay, I want to look at the photographs for a minute and try to fix some times. On the 17th of March, and these times are fixed in the log, we recall at 8:10 one wounded, one booby-trapped landmine. It indicated there was a booby trap. One wounded, that would have been TAYLOR at the bridge, that's where that occurred. The area you see there is the bridge, and at 8:45 B/4/3 received sniper fire in the vicinity of the bridge. This is in the log. Now, do you know any more about anything happening there?

A. No, sir.

Q. Now at 10 o'clock on the 17th, that's 1000 hours, it was reported, further south, that B Company destroyed booby traps or mines at 10 o'clock. This would be about the time you got in there. Is that correct according to your recollection? These were destroyed in the general--well, within a couple of hundred or 300 meters, a couple of hundred meters is probably closer, to the night laager position. Do you recall these explosions down there, or was that before you got in there?

A. I tend to think I do now.

Q. You do recall some explosions? You do have the idea now that we've brought this up. Is it recalling anything to your mind concerning the significance of those mines?

A. I couldn't see it take place, I'm sure of that. It seems to me I did hear the explosions, but it's not clear in my mind. It seems to me I did hear it. I know I didn't see any explosion, or any smoke, or anything. It was very still and quiet like. However, I don't feel that this 1320 is anywhere near correct.

Q. Well, the next item entered in the log was the 2d Platoon of B Company engaged two VC and one VC KIA. Now that entry is at 1320, the event is supposed to have occurred at 1320. You don't think that's correct? Why isn't it correct?

A. Well, I think it occurred almost as soon as Lieutenant LEWIS went up to take his platoon.

Q. What time would that have been?

A. Just about when we landed, about 15 or 20 minutes after we landed, when we decided to move towards the village. It seems to me it happened almost as soon as he got out with the platoon on the beach.

Q. Then Lieutenant LEWIS didn't have lunch with Captain MICHLES?

A. No, he stayed out there on the beach.

LTC NOLL: What time did you arrive in that position?

A. I think we arrived at the village right very close to noon, so it would have had to have been just prior to noon when this occurred. I'm quite sure that's the case.

COL WILSON: That's the last entry that we have in the log that day. There is an indication that the Navy blocking force was working in the Song Tra Khuc River. Is that on the log?

LTC NOLL: Sir, that's from the Navy messages.

COL WILSON: We didn't introduce it as an exhibit, did we? However, there are a couple more questions that I want to ask you about this day. Did Colonel BARKER come in while you were on the southern tip of the peninsula there?

A. No, sir. It seems to me Major CALHOUN did. I don't believe Colonel BARKER did.

Q. When you left that evening, you went straight back to Dottie?

A. I either went to Dottie or Chu Lai, I'm not sure which. I would imagine Chu Lai because it wasn't a normal resupply ship to my recollection.

LTC NOLL: This may have been the case, that there are three villages going south, one right below, and one pretty close about halfway down, and one on the lower tip. Do you recall which of those were burned?

A. This was one for sure.

COL WILSON: Co Lay (1).

A. And I don't recollect seeing any villages that size down where--

COL WILSON: (Interposing) Co Lay (2).

A. We may have been somewhat east of it when we passed it, but I think every hootch we came upon we burned. I'm not positive. It seems to me that's what we were doing.

LTC NOLL: You stopped burning Co Lay (1) while you ate dinner, and then you resumed before you moved out?

A. Yes.

Q. So you said once that the people were not visible when you approached the village?

A. Yes.

Q. Was this true when you went on down? Did you see people further down the peninsula?

A. No, sir, we didn't see any until we hit the spit. They were visible outside of the hootches, and we walked up. Of course, I would imagine we first rounded them up and got them out of the hootches. I don't know whether they were in the hootches when the 1st Platoon hit there or not, or the 2d Platoon for that matter. I don't know who arrived there first.

Q. But you weren't too far behind these platoons, were you?

A. I would say that we could have been as much as one-half hour behind the point man of the point platoon.

Q. This is pretty much one GI visible to the next GI behind him?

A. Right.

Q. Now, moving along with the company commander, did he have some people from the weapons platoon with him?

A. Right.

Q. You don't recall if the mortar was there or not?

A. Pardon?

Q. You don't recall if the mortar was with the weapon personnel or not?

A. I don't remember seeing it. I--MORGAN, and HUFFMAN, and I believe Sergeant MARSHALL were there, and his normal CP security. Even though they are members of the weapons platoon, they are CP security.

Q. Do you remember a similiar operation where you burned everything you came to?

A. No, sir. I generally took over the company myself when Captain MICHLES was on leave. I was never in the field for a long period. I came out for various reasons, sometimes on resupply, and stayed a day, or I might come out and stay a couple of days for various reasons. I never stayed out for a long period of time.

Q. Did you notice anything unique about the mood of the company on this particular operation, particularly motivated for the operation, or were they particularly apprehensive about being in that area? Could you tell?

A. I would imagine that they did not like to be in that area. Of course, I don't blame them. They were very quiet, and they weren't doing any talking. Everybody was silent. I assumed that's because of what happened to Lieutenant COCHRAN and a few others that were wounded. Lieutenat COCHRAN was the weapons platoon leader at one time, and he also was the 2d Platoon platoon leader. That's primarily the group of people that was right there when I landed, with the exception of the 1st. He was, of course, very close to all of these people.

Q. You didn't see these two VC that the 2d Platoon engaged?

A. From the way Lieutenant LEWIS talked and as excited as he was, I'm sure that they did see them. I'm sure that they were probably VC and not like some woman and kid walking down the street. I could be wrong, but he was quite excited about it. The first time he got out into the field there they were. I didn't see them. It sounds as though he'd been on the ground 30 minutes or so at the time. I think I would have been excited. I'm quite sure there were people operating for a long period of time, but these two VC, it seems to me to be almost immediate. As soon as they got out there on the beach with the platoon, they ran into them, so it had to be before lunch.

LTC NOLL: I don't have any more questions.

COL WILSON: On body counts, what was the requirement in B Company or within the battalion or task force as far as you knew of body count as far as identification and substantiating the rules and requirements? What were they?

A. To my knowledge, they were supposed to get physically identified. One of the officers was supposed to physically identify or make a physical count.

MR WALSH: What was the name of Captain MEDINA's XO?

LTC NOLL: STORMS.

A. I know on one operation the XO of apparently the other company--what was it?

Q. A Company?

A. A/3/1, who was the XO there?

Q. I don't know.

A. He was the CO at one time, and he had one of our high counts. Both he and Captain MICHLES got together and counted them. So, this is the only incident that I can remember for a body count, and I don't know when that took place.

Q. What I'm trying to determine is the procedure. Primarily, when we go down to body count we're going to the word of somebody at a lower level which gets all the way back to the national level. Many of the troops that we discussed this with don't seem to think that an officer is required to verify a body, and they don't even think that an NCO is supposed to. I'm not so sure that it is, but the undated 11th Infantry Brigade SOP, which is Exhibit M-56, states under body count procedures, Chapter IV, Combat Intelligence, that probable kills, and this is on the body count, are based on the enemy being in a specific area, and the evidence indicates that a number was killed although no bodies were recovered. Now I

don't think that there were many officers in Task Force Barker that even knew this. But I'm wondering, and there seems to be nobody that can really say that body counts were handled this way: One, two, three, four, five. I haven't asked anybody yet that could give me an answer on it. Now, I'm not going into the exhibit, but the Americal Division SOP which was published the following month, in April, the following month after this operation, eliminated the possibility of including probable kills and had a requirement in there that you had to identify a body from a certain distance. I don't know-- I thought you might tell me what the procedures was within B Company for body count.

A. As far as I'm concerned, it was just common sense. As I said, all I can say is what I did when I had the company. I did not count any bodies that I could not physically count.

Q. You as a company commander?

A. If I was in the area, or another officer, if he were in the area.

Q. Well, how far down do you go?

A. Whoever is in charge of an individual unit. If it's separated we--the first day I was out there my company was separated into three different units. It wasn't possible to get from one to another. They were quite a ways apart in blocking positions.

Q. These may be your requirements, but how many people know that beside you. Certainly you as the executive officer and an officer in B Company didn't know what the requirements are. I don't imagine the platoon leaders had any great idea what the requirements were unless they picked it up in training. If you go into an area and don't know what the procedures are for body count, I don't think the other officers would know?

A. Body count is just counting bodies.

Q. That's not what the SOP says. The SOP lists probable kills under body count?

A. S3 may have taken that into consideration, sir, on this particular operation in this company, since we pumped so many rounds of artillery in there and we killed so many extra men. Our company reported it to them as such. In my case it was not the--

Q. (Interposing) Well, I'm really not talking about you as an individual. The only thing I was trying to find out was what your knowledge was on the procedure for body count. I asked that to try to actually fix the procedures, and this really hadn't been done?

A. I think they just didn't care, didn't want to be concerned with that. Anybody, when you say what is a body count, I would assume--I think any other junior officer would assume it was a count of bodies. I can't determine how many we might have killed with artillery, or with the gunship prep, or anything else.

Q. Well, I'm not taking this as a specific example, I'm just trying to find out. I think there's another thing that should be considered, and that question probably should go on the record. If I remember correctly, and I may be wrong, it's this question of time-space involved within an approach march. An approach march is not a GI behind a GI. Your point is usually 150 yards out to the front followed by an advance party of one platoon which is 300 to 400 yards beyond the main body. This takes up quite a space. We're talking about a distance of over a mile where a company is spread out in advance in that type of approach-march formation. Of course, if you have two platoons moving abreast, you're not really in an approach formation. But there's a time-distance factor now, and from what you say, if you have a platoon over on the left and the two were killed over there, I doubt very seriously if that company commander is ever going to walk over there and look at those bodies.

A. It would be impossible for the company commander--

Q. (Interposing) So, somebody's got to take somebody's word at some level.

A. Yes, sir.

Q. You estimated a night resupply came in about 1500 to 1700, and you left. Right after that chow was fed? You know--

A. (Interposing) I didn't leave after the chow was fed, I--

Q. (Interposing) Before it was fed.

A. The chopper doesn't wait, of course. It drops it off and takes off, and we used the disposable food containers which are burnt.

Q. There's not a requirement for anything to go back?

A. It can't. The chopper can't wait, it's too busy. If it has to go back, then the troops will have to carry it until the next resupply comes. We used plastic 105 containers for water so we wouldn't have to throw away anything or have the troops carry any more than their normal load.

Q. Did you board the chopper by yourself?

A. I don't know, sir.

Q. You went back and didn't stop at the platoon up there by the bridge?

A. No, I'm quite sure we didn't.

Q. Now, the next day, which was the 18th, there was quite a bit of activity out in the area. The unit moved back up to the north. They supposedly, according to the log, found 3,000 pounds of rice down there by the bridge at 7:55. Do you remember this report?

A. No, sir.

Q. They got a MEDCAP in there. Did you have anything to do with that?

A. No, sir. Any of that type of aircraft requirement would go through Lieutenant BRYANT, who was the support platoon leader. If the requirement was of a personal nature, which we considered ammunition, change of clothing, chow, or things of that nature that comes to us personally, generators, batteries, this type of thing--general nature like evacuating salt or evacuating prisoners or MEDCAP--of course, the MEDCAP goes through on a different line, they have a different fre-

Q. Who was this, Lieutenant who?

A. BRYANT.

Q. Support platoon leader? What support platoon?

A. Well, he was the support platoon leader in reality for 4/3, but he was, in addition, acting for the task force. The reason for this was our battalion was operating in the Chu Lai area on the other side of Highway 1, so we had our forward supply base up there. We were the only battalion that did have two trains, one in Duc Pho and one also in Chu Lai. The other units, because they operated around Duc Pho, had their entire trains down there. So he wore two hats so to speak.

Q. Well, Lieutenant BRYANT was the support leader of the headquarters company of the battalion, is that correct?

A. I give him my requirements and put them all together and ordered the aircraft--

Q. (Interposing) For B Company?

A. For all the separate companies.

Q. Now, what about C/1/20. Was the support platoon of 1/20 responsible for supplying C Company, or was the 4/3 responsible for that?

A. 4/3 took care of it, sir.

Q. So, the 4/3 was--

A. (Interposing) I think they had one or two men to load the aircraft and actually secure the items, but as far as planning and getting it out to them, this was Lieutenant BRYANT.

Q. So the 4/3 had the logistical responsibility for Task Force Barker?

A. Yes, sir. We had an S4 captain from the brigade who was supposed to be in some sort of advisory capacity up in the forward trains, but he didn't do much, he was negligible.

Q. Is there anything that you recall about the operation on the--hearing anything about the operation on the 18th and 19th. They got mortared that night. You had some casualties?

A. Well, these are primarily my concern, but I understand MILUS got hit that night. I was told that he was out of his foxhole, helmet off, something of this nature, and he got hit. Any time we get any KIA I have to go out and identify the body, get ahold of the equipment and the weapon, and any information I can get.

Q. What about the wounded? Did you have to do anything about the wounded?

A. The wounded were evacuated, and I had to find out where they were evacuated to. They could go a number of places. There's about three hospitals in Chu Lai, a hospital ship, and sometimes they go to Duc Pho. Occasionally they went all the way to Qui Nhon, depending on the conditions the hospitals were in at the time. Sometimes it was quite difficult to locate them.

Q. I notice that by the changes in the morning report. Did you identify Lieutenant COCHRAN's body?

A. No, sir. They wouldn't let me see it. He got hit in the head, and this is one of the cases where they had to take identification from the field, and they wouldn't allow anyone to see the body. I did get his equipment, his helmet.

Q. The helmet was badly beat up, is that correct?

A. Yes, it had many, many holes through the top which meant to me, and I guess it was confirmed, that it was either a "Bouncing Betty" that bounced very high, or else it was something rigged up in a tree or a high place because it did come straight down on top of his head. Of course if he was laying down, which I kind of doubt--

Q. (Interposing) We really don't know. As far as we know, we hear both theories as to whether it was a mine or a tree. Somebody thought it was a tree, booby trap.

Then you don't recall anything about the day of the 18th as far as the night, except for the mortar? Is there anything else that you recall at that time?

A. No, sir. There didn't seem to be anything unusual about it. I just hoped that they would be able to get out of that particular area. As I said before, it's not a very good area to be in. I think we got 20 kills and 40 wounded in 6 months, and most of them was right in that general area.

Q. The next day they were extracted. Is there anything that you recall the next day?

A. No. I'm sure I got sufficient advance notice to get the fire base set up, because they came back in at that time.

Q. Are you usually there to receive them when they come in?

A. Yes, sir. We try to have it completely set up. We try to get a little extra stuff like beer and so on for them.

Q. You didn't notice anybody--where did they go, did they go back to Uptight?

A. Well, the normal procedure is to go both places, one unit. We usually put one platoon and the mortar on Uptight and the rest on Dottie.

Q. Is that also the procedure if C/1/20 goes there or A Company is over there? You normally have one platoon over there with the mortars?

A. Right, plus there's a 105 artillery.

Q. Are you telling me that all the mortars of Task Force Barker stay over at Uptight?

A. No. When our unit leaves Uptight, I take mortar back and lock it up. Nobody gets to use it. We don't swap things among units too often because we find out that they come up missing.

Q. Do you recall where you were, whether you were at Uptight or Dottie when the unit was extracted?

A. I imagine I was at Dottie, because that's where the CO would come in.

Q. Captain MICHLES normally stayed at Dottie?

A. Always.

Q. Always?

A. On occasions he has stayed on Uptight for a couple of nights, but he was normally located or headquartered at Dottie where the colonel was, and the operations center, and the majority of his troops. He usually put his senior lieutenant out there on Uptight, which is usually Lieutenant THOMPSON. I think on this particular occasion it was WILLINGHAM.

Q. Has there been a situation where the majority of the company has been at Uptight and one platoon has been at Dottie?

A. I don't think so, sir.

Q. Do you recall anybody from the brigade being there or Colonel BARKER being there when they came in, any of the task force officers?

A. I'm sure they were. They usually are. Of course, as soon as Captain MICHLES lands he has to go to the operations bunker and go over everything that took place. Sometimes he doesn't even have time to take his gear off and take a drink. As soon as they get in, they grabbed him. I think he was on Uptight quite a few times, but I don't remember why.

Q. Well, to clear it up, the Task Force Barker log for the 19th, which is Exhibit M-16, shows that B/4/3 tented at LZ Uptight and B-minus at Dottie, which would be normal.

A. Right, that would be WILLINGHAM.

Q. Is there anything else that you recall about the 19th?

A. Nothing in particular, sir. It was just a day-to-day thing, very little time and a lot of things to do. It was pretty much the same thing every day regardless of what happens in the field. There are some occasions when we need to send out more ammo because they use more, but basically from my point of view every day is the same. In other words, if there is an unusual number of KIA or WIA, there are a lot of things involved that I had to do, but it's basically the same.

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Jim HENDERSON was the commo sergeant, and NEEDLE was my armorer. We also had an assistant company clerk, but I don't have his name. I didn't see it on the roster, but I think he joined us after this alleged incident. In Chu Lai I had Sergeant BOGEAR. He probably should have gone to the field, but he was a little too old for that kind of punishment. I had CHEVREFILS that was up there. He was my supply man, resupply man. And then LUDWIG was my man Friday, I guess, a combination carpenter, scrounger, et cetera. "Top" came in out of the field. Whenever I went out he stayed in, but he was out quite a bit more than I was. In fact, he liked to stay out.

Q. Was NEEDLE your armorer during this operation?

A. As far as I know he was my armorer all the time. He was the armorer back in Hawaii. He was the armorer the entire time. On occasion he would stay out in the field. We tried various systems because we were new over there. Sometimes we had the armorer stay out and repair weapons in the field. After that I brought him in, because we had to have somebody that could scrounge the parts and repair them back there where he was better able to do it. We left AWBREY repairing in the field.

Q. Do you have any information, pictures, letters, anything we haven't asked you about that might be of interest and help to us in this investigation?

A. I don't think it would be any help. I got a letter from Lieutenant WILLINGHAM that I don't have stating that Lieutenant LEWIS had been killed. I think at that time Lieutenant WILLINGHAM said he had been transferred to E Company, something to that effect and very little else. I said that these people really didn't discuss what they did feel. If there was a discussion it was about what we did in Hawaii and about what we would like to do when we got back. Anything that I discussed was, of course, personally concerning myself, possible early discharge, pay, and general administrative and logistic matters.

COL WILSON: Mr. MUNDY, I have a series of questions to ask and yes or no answers will be sufficient. Do you have any knowledge of any investigations or inquiries being made on this operation while you were in Vietnam?

A. No, sir.

Q. You were never questioned?

A. No, sir.

Q. Was there anyone you ever knew ever questioned?

A. Not to my knowledge.

Q. Do you know if any order went down to B Company in this objective area to stop the burning of houses and villages?

A. No, sir.

Q. If you get back and find any documents, and evidence, photographs, tapes, letters, or anything that helps fix the time and place of this operation, we'd appreciate hearing from you. You've got our phone number. Did you ever hear of any rumors about civilians being unnecessarily killed by either B/4/3 or C/1/20 on 16 March?

A. No, sir.

Q. You never heard a rumor? You never heard any talk?

A. Not a bit.

Q. Did you ever get around the aviators much?

A. Yes, sir, quite often.

Q. The aero-scouts?

A. Yes, sir.

Q. You never heard anything from them?

A. Not a word.

Q. Were you ever told not to discuss possible unnecessary killings of civilians by Task Force Barker? Were you ever told to keep quiet about anything?

A. No, sir. The colonel, not Colonel BARKER, but Colonel ADKINS, when I was the CO, brought out a little book of rules and explained to me what I could, and couldn't do, and

so forth: not to fire into the villages, not to kill people without any reason unless you determine for sure that they were the enemy, not to fire into the village unless you receive firing permission from--

Q. (Interposing) This was the rules of engagement?

A. Yes, that's right.

Q. And he personally briefed you on those?

A. Yes, sir.

Q. Did your platoon leaders get the same type of briefing?

A. Yes, sir.

Q. Is that what happened to Lieutenant LEWIS when he checked in that morning to Colonel BARKER?

A. I would say generally he did it.

Q. Well, he went through it pretty fast? When I asked you the question about did anyone tell you not to discuss the possible killings, you answered me with the fact that you had been briefed on the rules of engagement by Colonel ADKINS?

A. Yes, sir.

Q. Did those rules of engagement say anything about not discussing anything?

A. No, sir.

Q. Do you know if there was any problem with marijuana or other drugs or narcotics in B Company?

A. I don't think it was a problem. There was some use of it.

Q. Do you have any reason to believe that it was used on operations?

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Q. What little incident?

A. The My Lai incident.

Q. My Lai? You mean you would have heard about it even if it had been in a different company which--

A. (Interposing) I would say so. I was in the same class with Lieutenant HOUCK, and I saw him quite frequently when they would come out to switch units on the fire base. I've seen him other times.

MR WALSH: Lieutenant who?

A. Lieutenant HOUCK. It seems to me he would have mentioned it or I would have heard something. There is always some big mouth in a unit that regardless of whatever it is, whether it's an order that's supposedly secret or whatever, it seem to always get out. I never heard anything concerning this, even after I got out. I would have expected to receive some correspondence from some people wanting to discuss it possibly, but I never heard anything until it came out in the newspapers. Of course, as I said, most of the officers that I did go to OCS with are either XO's or staff members in the various battalions or in the brigade staff. Most of the platoon leaders were juniors that I had never--I knew most of them, but I didn't have the occasion to know them very well or spend much time with them.

Q. We have no reason to believe that Lieutenant HOUCK was on the operation?

A. He was not? He was a member of the unit.

Q. Which unit?

A. Captain MEDINA's company.

Q. It must have been a different time?

A. It's possible, yes. I think he was on the staff for a while or somewhere.

Q. Do you have any further testimony? Is there anything else that you can offer that might assist us in this investigation?

A. No, sir, not that I could come up with right off-hand. I may think of something later.

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MR WALSH: We will be glad to hear from you, Mr. MUNDY. If you do, you may call us. You have our phone number.

COL WILSON: Mr. MUNDY, you are requested not to discuss your testimony in this investigation with others, including other witnesses for this investigation except as you may be required to do so before a competent judicial, legislative, or administrative body.

We're asking you not to discuss it, because we're trying to keep it confidential, at least for the time being. It may be that some future date you may be called before a judicial or legislative body. In this case this request is not pertinent. We are interested in witnesses in here clean, without having discussed what we're talking about among each other, okay?

A. Yes, sir.

COL WILSON: Thank you very much for coming. We appreciate it. The hearing will recess.

(The hearing recessed at 1512 hours, 31 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: SWEENEY, James

DATE OF TESTIMONY: 18 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Senior Medic, attached to B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

Although SWEENEY could not recall the details of the instruction, he had a class in basic training at Fort Polk which discussed legal versus illegal orders (pg.2). While the witness had been issued the MACV card "Nine Rules", he had never seen the MACV card "The Enemy in Your Hands" (pgs. 2, 3).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

All he recalled being told was that they were headed for Pinkville (pg. 3). They never received instruction to burn hootches or destroy foodstocks and animals (pg.4). He remembered no specific instructions regarding the disposition of the inhabitants of the area (pg. 4). He did not expect a large force of enemy in the area (pg. 5).

3. THE COMBAT ASSAULT.

a. Actions on the 16th.

(1) During the day.

SWEENEY came in on the first lift (pg. 6).

(SWEENEY)

1

SUM APP T-378

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the hootches appeared to have been ransacked, they were not burned and he had lunch in one of them (pg. 29). He saw no bodies or evidence of fresh graves in the area (pgs. 30, 37-39). The houses did not look as though they had received small arms fire (pgs. 30, 35). He did not remember seeing or hearing about a boat or sampan being taken under fire as he moved south along the coast that day (pg. 39). He remembered LEWIS reporting that his platoon had fired at evading VC (pg. 38). He did not see any boobytraps after they crossed the bridge, and he saw no villages that were burned as the command group went south (pg. 40).

c. Actions on the 18th.

The next day they moved back toward the bridge and came upon a village into which a MEDCAP team was brought and treated over 300 villagers (pgs. 41-43). He saw ARVN personnel, but no U.S. MI people (pgs. 41, 42). The witness took care of a Vietnamese woman who had lost both legs due to artillery and had been brought in by the villagers (pgs. 43, 44). The woman had been hit while near the river (pg. 45). The inhabitants had been told to stay in the village (pg. 44). The company was hit by mortar fire that night and MILUS was killed (pgs. 45, 46).

d. Actions on the 19th.

He recalled a U.S. sergeant interrogating some prisoners the next day (pg. 46). One of the suspects escaped while a group of prisoners was leading the company down a path (pg. 47). SWEENEY did not give medical treatment to any of the suspects that morning, and he saw none of them interrogated with the use of a field telephone (pg. 48). He did not hear about any prisoners having fingers cut off (pg. 49). He did not hear about any rapes at the village (pg. 49). He did not hear an order to stop burning at any point in the operation (pg. 49). He did not see any VC suspects tortured (pg. 50).

4. INQUIRIES AFTER THE ASSAULT.

SWEENEY knew nothing about an investigation of this operation (pg. 49). However, two weeks after the operation

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he heard that C Company had killed some civilians (pg. 50). He was never told not to discuss this by anyone from C Company (pg. 50).

5. OTHER INFORMATION.

a. Lieutenant BOATMAN was known as Lieutenant "Slack" because on reaching the laager site he would strip to his steel pot, underwear, and shower shoes and call in marking rounds (pgs. 21, 22).

b. Marijuana was used only at a fire base (pg. 50).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	The witness had been issued card.	2
M-3	MACV Card "The Enemy in Your Hands"	The witness had not seen before.	3
P-18	Miscellaneous Scene	This was not group of Vietnamese wit saw killed.	16
P-19	Miscellaneous Scene	This was not group of Vietnamese wit saw killed.	17
P-20	Miscellaneous Scene	Wit saw these hootches prior to link up.	17,18
P-21	Miscellaneous Scene	Man on left of photo was intelligence man.	18
P-22	Miscellaneous Scene	Wit did not recognize people.	18
P-23	Miscellaneous Scene	Wit did not recognize people.	19
P-66	Miscellaneous Scene	Wit did not recognize people.	17
P-208	Miscellaneous Scene	Looked like B Company's perimeter.	19
P-209	Miscellaneous Scene	Wit identified B Company's CP.	19
P-210	Miscellaneous Scene	Wit did not recognize persons in photo.	28
P-212	Miscellaneous Scene	Identified as village right on the beach.	40

(The hearing reconvened at 1300 hours, 18 February 1970.)

IO: The hearing will come to order.

RCDR: The following persons are present, COL WILSON, and MAJ THOMAS.

Sir, the first witness is Mr. James SWEENEY.

(The witness was called, sworn, and testified as follows:)

Q. Please state your full name, occupation and residence?

A. James L. SWEENEY, draftsman, Marietta, Ohio.

COL WILSON: Mr. SWEENEY have you discussed this operation with anybody from B Company before you came to this hearing?

A. I haven't seen anyone from B Company since I got out.

Q. What was your duty assignment on 16 March 1968?

A. Senior aidman attached to B Company.

Q. And as attached to B Company, would you be from headquarters company?

A. Yes, sir, but I spent a year and a half with B Company.

Q. Stayed with B Company all the time?

A. Yes.

Q. You were on the headquarters company morning report?

A. I guess they carried me, I couldn't swear to it.

Q. The information that we handed out (Exhibit M-81) describes to some extent the procedure that will be followed during the questioning and also informs you that we don't have the prerogative to make the findings, and conclusions, and recommendations. This is General PEERS' responsibility. We merely interview people for him.

First, let me ask you if you ever received a class of instructions which would have probably been on Military Justice or Geneva Conventions, which made any reference to or provided any instructions on the legality or illegality of military orders, legal versus illegal orders?

A. Yes, sir, when I was in basic I had all this, the Geneva Convention and everything. I can't remember the exact details, but we did have a class on this matter.

Q. Do you remember what they said?

A. No, sir.

Q. Where did you take your basic?

A. Fort Polk, Louisiana.

Q. Let me see I have got Exhibit M-2, here. It is entitled "Nine Rules." It is a facsimile of a MACV card. Have you ever seen that?

(The witness reviewed the Exhibit.)

A. Yes, sir, I carried one.

Q. Where did you first get the card? Where was it issued to you?

A. I believe it was basic training again.

Q. Before you went to Vietnam?

A. I believe, I don't know.

Q. That's a MACV card.

A. Maybe it was on the boat going over, I can't swear to it.

Q. You were with the unit in Hawaii, weren't you?

A. Yes, sir, I was there. January 1967, latter part of January or first part of January. I'm not sure which.

Q. But you recall having that card. How about the Exhibit M-3, this one is entitled "The Enemy in Your Hands." Have you ever seen that card?

(The witness reviewed the Exhibit.)

A. No, sir.

Q. The first series of questions that I want to ask will be concerned with what you were told prior to this operation. And I want to establish this date to be sure that you understand what we are talking about. It's the period 16 to 19 March. The first day Lieutenant COCHRAN was killed and the last day MILUS was killed.

A. Yes, sir.

Q. That was the night of the 18th-19th, really the night of the 18th. During that time frame, there was an operation and you were lifted from Uptight to the objective area and sometime on the 15th or early the 16th, probably on the 15th, you should have been briefed or given some information as to what this operation was going to consist of. Do you recall anything?

A. No, sir. The only thing that we knew is that we were heading for Pinkville. As far as I can remember, that's the only information we had whatsoever.

Q. What type of briefing did you normally get? Or did you get the orders?

A. None, really, that I can remember. The only thing that they ever told us was to pack up, we were moving out. That was about it. Other than that we never got any briefing. I mean the platoon leaders and CO had their meetings, but no one else was really involved in this.

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Q. Did you ever sit in on any of the company commander briefings, orders, issuance of field orders?

A. No, sir, not that I can remember.

Q. As part of the command group?

A. No, sir.

Q. Do you know if there were any instructions given regarding the burning of villages, hootches--

A. (Interposing) No, we never--we always had instructions before not to do it.

Q. This was what your normal operations were?

A. Right.

Q. Was there any change in instructions on this operation?

A. No, sir, not that I know of.

Q. How about the destruction of food stock and animals?

A. No, sir.

Q. No change?

A. No, sir.

Q. Still, you don't do it?

A. You don't do it.

Q. Any specific instructions given regarding the inhabitants of this area you were going into?

A. No, sir.

Q. What was the enemy situation that you understood in the area, prior to your combat assault?

A. Well, we'd never had actually too much contact with the enemy. We lost 30 men probably by booby traps in the same area.

Q. Pinkville?

A. Pinkville. We lost men everytime we went in there and never did see anything.

Q. So you didn't expect a large enemy force in there?

A. No, sir, not from my information.

Q. Do you know what the platoons were going to do? Did you know the day before the operation what the 1st, 2d and 3d Platoons were going to do?

A. No, not actually. The 1st Platoon was separated from us the first day. They were inside the Pinkville and we were right outside the perimeter, which was a barbed-wire fence--actually it outlines Pinkville. And the 2d Platoon was right across the fence, that's where Lieutenant COCHRAN got it.

Q. But you don't know what the platoons were supposed to do before the operation started?

A. No, sir.

Q. Were any instructions given to you as a senior medic?

A. No, sir. I never had any.

Q. Did you ever go on an operation for an extended period of time where you might carry more equipment than you would normally or did you just normally always carry the same thing?

A. Well, we always did, except for one occasion. We always carried about the same amount of equipment.

Q. Plus you would always get resupplied?

A. Right, sir.

Q. Well, let me ask you--lets get into the operation itself. I'll give you a short rundown on the concept from the task force standpoint and I'll ask you questions where you might fill in.

(The witness was oriented on Exhibit MAP-4.)

Do you recall which lift you went in on?

A. Number one, always.

Q. With the Company Commander. Did you always go with him?

A. First lift.

Q. Do you recall which other platoon was on that lift?

A. I can't be sure, but I believe it was the 1st Platoon.

Q. Did you receive any fire prior to landing?

A. No, sir.

Q. Did you receive any fire after landing?

A. No, sir.

Q. This supposedly is the landing zone being prepped by gunships at that time. I don't know whether this looks familiar to you or whether you were in a position where you could look out (indicating).

A. Not really, no. It looks more like the place we laagered in than the place we let down.

Q. Supposedly you did land right by a graveyard.

A. We laagered in a graveyard that night about 500 or 600 meters from where we let down.

Q. Wasn't too far?

A. No.

Q. Now in accordance with our information we have been able to determine that the company should have been off the aircraft by 0830 the morning of the 16th. We have the entry that Lieutenant COCHRAN was killed at 0845, which would have been 15 minutes after the last lift touched down and he didn't move very far.

A. No, sir, just inside the fence.

Q. When you're talking about a fence, are you talking about a wire fence or hedgerow?

A. Just a barbed wire fence.

Q. That goes around the village?

A. Yes, sir, regular old barbed wire, that's right.

Q. Had he crossed this fence?

A. Yes, sir, he was about 20 feet on the inside of it.

Q. Do you remember the road 521? Do you remember that route?

A. It is the road right through the Pinkville, if it's the one I'm thinking of.

Q. East-west?

A. It is more of a path. He wasn't even more than-- he was less than a 100 yards off of it.

Q. North of it, back toward Uptight?

A. No, no.

Q. South of it?

A. Just off of it, I think it was south, I believe it was south.

Q. Well, let me--I'll pull out the photographs here in a minute, but let me ask if you recall seeing a large arched gate, bambootype gate with writing on it?

A. It is right on the path of the road, as you call it. It wasn't anything elaborate, just an old bamboo--

Q. (Interposing) Bamboo arch?

A. Yes, sir.

Q. But, it was the entrance to the village I think.

A. It was the entrance to the road, so I'm sure that was the entrance to the village, because there was no other gate anywhere surrounding. The fence was down in a couple of places and that's it.

Q. Well, lets get to the map here and you can do a little better in fixing it.

(The witness was briefed on aerial photo Exhibit P-168.)

From what we understand, a fence, from the description we have, it started about at this point on 521 and sort of circled the village.

A. Right, sir, it does.

Q. Now this is the best we could determine. We thought that possibly it was a hedgerow, it could have been both. Now Exhibit MAP-5, when we look at the Pinkville here and the road 521 coming up here like this--you see this map symbol which is indicated as a wall or levy which goes around the village. I think that this levy, which shows up on the map, is this area right here, because it seems to follow that same contour, you see it goes right up by the river. Now that may be the fence to maybe--

A. (Interposing) Again there may be a hedgerow farther up, but where we were there was no hedgerow, just a fence.

Q. And that was a barbed wire fence?

A. Yes, sir, a barbed wire fence.

Q. At any rate, the coordinates which indicated--and came back on the log (Exhibit M-16) show that the lieutenant was killed there (indicating)--was right about on that place I showed you on the map, the levy.

A. Right.

Q. With reference to the photograph here, we estimate that the landing--here is the 521--that the landing took place somewhere in here (indicating). The map shows this area of the graveyard, but we don't know how much of it. It took place somewhere in here and Lieutenant COCHRAN was killed somewhere in here. Now the gate that we're talking about, as best we have been able to determine, is about here. With that in mind, was Lieutenant COCHRAN across the road?

A. Right, he was on this side (indicating).

Q. So he was on the northern side?

A. I don't think it was that far, because he wasn't far from the river at all. We hadn't moved any distance at all from that LZ. Well, we crossed the road. Over in here, there was a little high spot. A lot of the surrounding area was rice fields and all this, the dikes and everything. And the weapons platoon of the headquarters unit was right in that area (indicating).

Q. And you had received no fire by that time?

A. No, sir.

Q. Now you stayed with the command group?

A. Right, sir.

Q. And were you following the 2d Platoon or the 3d Platoon?

A. Neither one, we were stationary, sir. The 2d Platoon was moving right up through here, north.

Q. Up into the village?

A. Well, we were staying right along the perimeter of the fence, just about 20 feet or so inside of it and they were moving out. That's when Lieutenant COCHRAN got hit and about five other guys. And we got them out and they had moved, oh, 50 feet and the gunner and a couple of other guys got it. We finally got them evacuated out then they pulled the 2d Platoon out and we moved back towards this way, towards this way, towards the graveyard, and that's where we laagered with Charlie Company.

Q. Okay. Now the timing we get on that was 0845, for the one killed and four wounded. The next one was 0930. There is 45 minutes in there according to the log (Exhibit M-16).

A. That is about right.

Q. You probably held up and got all the casualties out.

A. We got all the casualties out.

Q. Then, the second one that tripped was three wounded and it indicates the casualties were evacuated by a C&C ship.

A. That is right.

Q. Was Colonel BARKER aboard?

A. Yes, sir.

Q. Now, did Captain MICHLES discuss anything with him at the time?

A. No, sir. As far as I can remember, he wasn't near the command ship at all. It was just down long enough for us to get the guys on and that was it.

Q. And Colonel BARKER didn't give any instructions to anybody about turning around and going back?

A. No, sir. He may have called on the radio, but not while we were on the ground.

Q. It was just a touchdown and pickup?

A. We had them all right there, to put on as soon as he hit the ground.

Q. I understand that the second group, that the mine had already been detected when the man hit it?

A. That's the way I feel about it. The word of mouth just broke down, that was it.

Q. Didn't pass it back?

A. Didn't pass it back so the guy lost both legs. And they had a sergeant E-5 in charge of the platoon at this time, top ranking man.

Q. Then, after you got that bunch in the helicopter do you remember any orders coming over the radio? Were you talking to the platoon leader at that time, or did you go on back to the CP?

A. No, sir. I went back to the CP.

Q. Weren't you kind of careful where you stepped when you were going back to the CP?

A. Yes, sir. I was careful all the time. Tiptoed a lot.

Q. It must have been pretty obvious you were in a mine field?

A. Well, we knew it before we had gone in.

Q. How did you know it?

A. We had been there two or three times before and got blowed away again.

Q. Well, I understand the platoon was told to double back?

A. Yes, sir, 2d Platoon came out of Pinkville right where we brought the casualties out, the fence was laying on the ground.

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Q. Was it at this place that Lieutenant COCHRAN hit this fence first?

A. Say, right here is the fence (indicating).

Q. That's about where it is.

A. Okay, he was, it was a good distance, but maybe it was 15 or 20 yards inside the fence and there is a little sand bank that raises up. What was going on--he hunched down, pulled out his map on top of this sandbag when he hit it.

Q. How did he hit it?

A. He kicked it with his foot, it was just prone.

Q. Oh, because they say he was hit in the head.

A. He lost this arm (indicating) and was hit in the head, that's the only place he was hit.

Q. During this period, did you hear any firing from over toward the sea, from the 1st Platoon area?

A. No, sir, not that I know of. As far as I can remember, they weren't in any contact at all, because I'm sure I would have heard that over the radio, except when I was helping them get the casualties out.

Q. Now, originally when you moved from the LZ, I understand that two platoons, the 2d and 3d Platoons moved off in different directions?

A. Well, we did come back together later, but as far as I can remember, one moved this way and one moved the other (indicating).

Q. One was moving to the east and one was moving sort of to the northeast.

A. And we went to the headquarters of the weapons platoon. Right down in there were some hootches, down here (indicating), and we went through those in about a half hour or so. And it wasn't long before that we met Charlie Company.

Q. Do you remember what time Charlie Company linked up with you?

A. No, sir, I don't. I didn't pay that much attention to time.

Q. Well, let me go over a few other times we have. We got a report that came from the 1st Platoon, but it went back to Task Force Barker, because it was out there on the peninsula and it was across the water. This report (Exhibit M-16) was submitted at 0955 and they reported 12 VC KIA.

A. It may be sir, but I didn't hear anything. It could have been because I was away from them, because I moved around a lot.

Q. Well, those casualties out there at 0930--your last casualty was supposed to have left somewhere around that time and I would estimate close to 0945, when that group was pulled out and this happened within 5 or 10 minutes of that. I don't mean that you were near there or anything, but I was just wondering if you heard anything about that?

A. No, sir. I didn't hear any firing or anything at all that I can remember.

Q. Now 1025, 30 minutes after that one there were 18 reported VC KIA.

A. I know there were some reported, but I don't know how many. I didn't hear it at that time, but we got it later. Of course you know, that was filtered down by word of mouth or whatever you want to call it.

Q. What did you get?

A. I don't remember the number at all, however, we had VC killed and that was on this--

Q. (Interposing) That was on the east side, on the sea side, on the east side of the river?

A. The only thing I know is the 1st Platoon laagered in, right across the bridge, right at the end of the bridge.

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Q. Because this is long before the night.

A. Right.

Q. We're talking about in the morning. Now at 1025 they reported finding steel helmets and uniforms and web equipment.

A. I saw all that.

Q. Where did you see it?

A. I saw it the next day across the bridge.

Q. Where was it?

A. The 1st Platoon had it. I don't remember the steel pot, but I remember the uniforms. They may have had two or three shirts, but I don't remember for sure. I didn't pay any attention to it.

Q. Web equipment?

A. I don't know about that, sir.

Q. What else did they have? Just those two uniforms?

A. That's the only thing I remember seeing. We didn't stop to look at it.

Q. What kind of uniforms were they?

A. Well, they were OD, the same color as a GI uniform. They looked cheaper and that's about all I can tell you.

Q. Were they VC or NVA?

A. To me they looked like NVA. They were a tan color, not a tan color, but they are a lighter or a paler green than the GI uniform is when it's new.

Q. Shortly after, Captain MICHLES on the ground there-- say within the first 15 or 20 minutes, probably right before that first mine went off--you didn't by any chance hear him asking for a helicopter reconnaissance up north of the area, over the radio?

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Q. Were you laagered?

A. No, sir, this was right after we pulled out of the Pinkville again and we still hadn't linked up with Charlie Company yet. And we were just going through here and we were digging around trash piles and all this stuff. The reason I think this is where it was is because this was our weapons platoon right here, and they were the ones that were with us. Weapons platoon headquarters was out there. We stayed pretty tight (indicating).

Q. This would have been--well, at the time of those photographs--how about Exhibit P-21? Do you recognize either of the military individuals in that photograph?

A. Yes.

Q. Who are they?

A. He's an intelligence man.

Q. You are pointing to the man on the left of the photograph?

A. No rank of course.

Q. How about the Vietnamese?

A. We had some Vietnamese with us after we moved down the road the next day. I can't remember where they picked them up. I don't remember them being flown in, and we didn't have them with us the first day. So we had some ARVN troops, I mean we had two or three of those.

Q. Well, do you remember seeing these people out there the first day, in this picture?

A. No, sir.

Q. How about Exhibit P-22?

(The witness reviewed Exhibit P-22.)

A. No.

Q. Do you know any of the Vietnamese in Exhibit P-23?
(Witness reviews P-23.)

A. No.

Q. Have you ever seen the two Vietnamese soldiers in Exhibit P-66?

(The witness reviewed Exhibit P-66.)

A. I don't think they were with us.

Q. Do you recognize the prisoners in Exhibit P-208? I realize they have sacks on their heads, but I thought you would have seen them?

(The witness reviewed Exhibit P-208.)

A. They are probably ours.

Q. Does this thing have anything to do with the ones that were shot? You look at the photograph closely, it may be familiar to you as to where they are located?

A. I'm almost sure this is B Company perimeter right around this tree line here, because I'm thinking this should be facing towards--well, like the village would be right here. (indicating.)

Q. Up to the right?

A. In the right-hand corner.

Q. Right-hand corner of the photograph?

A. I believe, but I can't--if these are the ones we had, I can't remember what we did with them either, except I'm sure we kept them overnight. But I can't remember what we did with them the next day.

Q. Does this photo Exhibit P-209 look familiar?

(The witness reviewed Exhibit P-209.)

A. That's our CP.

Q. CP that night? C Company was some distance from that?

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A. Right, sir.

Q. Now, there were some events at the bridge which I'm trying to pin down. Do you recall which platoon was in the lead and which one was following when you left the laager area?

A. I believe the 2d Platoon was point platoon that day and then it was the headquarters company, weapons platoon and the 3d Platoon.

Q. Now, do you recall any action as you approached the bridge? Do you recall the lead platoon having any action at all, or any contact?

A. I don't remember any contact, but we detected a couple of places in the trail with the mine detector and made sure we went around them--that was right at the end of the bridge. But down the trail to within 50 yards of the trail, I don't remember anything at all.

Q. I understand there was a couple of engineer demolition people with the company.

A. Yes, sir.

Q. And at one time or another those people were called forward.

A. Right at the end of the bridge.

Q. And they were called forward to remove some mines or booby traps. I'm trying to get the sequence of the events. I don't know whether these things occurred before or after TAYLOR was wounded on the other side of the bridge. Apparently, the mines were detected on your side of the bridge or possibly detected before TAYLOR was wounded?

A. I don't know, sir, I don't believe so. TAYLOR was hit on this side of the bridge (indicating).

Q. That is correct. He was out on the east side.

A. And they had him up and the chopper was lifting out before we even got in sight.

Q. Before you ever saw the bridge?

A. Before we ever saw the bridge.

Q. After TAYLOR was wounded, from the time you left the laager area until you moved down to the road, did you stop? Did you halt for any period of time?

A. Yes, sir.

Q. Very long?

A. Not more than 5 or 10 minutes. We may have halted two or three times.

Q. All right, you moved down to the road and then you halted also on the road a couple of times.

A. Well, this was the road (indicating) we stayed on all the time. We didn't get off to the side. We stayed right in the middle.

Q. Did you hear the explosions when TAYLOR was hit?

A. Yes, sir.

Q. Did you see it?

A. No, we were too far away.

Q. How far away do you estimate you were when the explosion occurred?

A. I can't remember. We were close enough that we probably could have seen it if there were straightaway shot at all. This is the road right here (indicating). One of those had a turn in it and we should have been right about in here somewhere, not too far away.

Q. 200 yards?

A. Possibly or a a little farther. But I'm sure we would have been close enough to see the explosion if we had a clear shot.

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Q. Well, the log (Exhibit M-16), indicates that a booby trap or a mine was tripped at 0810 and than at 0845-- well, let me ask you this, did you hear any small arms fire down there?

A. No, sir, not that I can remember.

Q. The log (Exhibit M-16) reports that at 0845, the 1st Platoon received sniper fire?

A. I don't remember hearing the fire at all.

Q. You had nothing to do with the evacuation of TAYLOR, because he was on the other side of the bridge?

A. No, sir. SILVA handled that.

Q. Do you recall any gunships coming in there?

A. No, sir.

Q. Okay, when you moved up to the bridge and started going across was there anything unusual about the crossing?

A. No, sir, just slow and careful--just about all I could say.

Q. TAYLOR was gone by the time you got there?

A. Yes, sir.

Q. You got across the other side of the bridge, what happened then?

A. We were there for sometime. I can't remember exactly how long we were there just looking around the area. The company commander was conferring with the lieutenant and that's when Lieutenant LEWIS came in. He come in on a chopper

Q. Landed right at the end of the bridge?

A. Well, a relatively short ways from the bridge.

Q. Was there a trail when you got across the bridge?

A. A trail, straight and then a trail branched off this way (indicating).

Q. Off to the right and it was down that trail there was supposed to be a village. Did you see it?

A. There were some hootches. They were not similar to other villages, actually because they were made out of mud and straw bricks, I guess that's what they were formed of. But I believe when we got to that place, we stopped for noon chow, because I explicitly remember one of the ARVNS chasing a chicken around the hootches trying to catch him. They didn't carry too much rations with them.

Q. The chicken was in this village you're talking about?

A. Yes, sir, but I saw no civilians whatsoever.

Q. You didn't see any?

A. No, sir. Personally, I wouldn't call it a village, because there weren't more than three or four hootches. All four of these, there were no civilians present that I saw.

Q. Well, when you got over there, did you talk to SILVA?

A. Yes, he was my best buddy.

Q. Did SILVA say anything about TAYLOR being wounded or say anything about how it happened?

A. He told me about TAYLOR. TAYLOR was walking point with him. TAYLOR said he saw it before he stepped on it; said his foot was there and he couldn't stop it. He presumed, and after what he told me I presumed, that it wasn't anything but a powder charge, because TAYLOR just lost part of the front of his foot from the initial blast. If it had been anything with sharpnel in it he would have lost his leg. The only thing he got from it, besides his foot of course, I think were a couple of cuts on his face--other than that it wasn't much.

Q. Did he say anything about the operation that occurred there the day before?

A. Said he had the hell scared out of him all night laying down in this hole that's about all.

Q. Well, that was in the laager position?

A. Right.

Q. I meant the operation the day before, did he say that they had a lot of casualties over there or anything?

A. No, sir. I don't remember him mentioning it at all. My mind is completely blank, except I heard we did have some VC KIA. I never saw any of them and really nobody ever talked about them that I can remember.

Q. Did he say anything about TAYLOR having a woman leading the point?

A. Now, we did use points like that, but I didn't remember him saying it that day.

Q. Did you see these ARVN that day with a woman cooking that chicken?

A. No, sir, not that I can remember. I didn't see any civilians at all.

Q. Did you ever see Exhibit P-210. Did you ever see that person in there?

(The witness reviewed Exhibit P-210.)

A. Not that I can remember. The place--the hootches I was referring to were made out of something similar to this-- I don't know whether it was red brick or whether it was--it looked almost like sandstone, only it was red. The ones I remember were made out of bigger squares, like cinder blocks.

Q. What are you telling me about this village? Are you saying the village, right off that trail over the bridge there, is a more permanent village than the other villages?

A. The only thing I can say is it is very seldom that you ever see as permanent a village, because most of the time it is old scraps, tin, cardboard, palm, you know, that the hootches are made out of. Even in the town, along Highway 1 or anything. You seldom see a house made out of brick that I saw.

Q. Did you see it anywhere else along the coast that day?

A. That was when we were moving this way (indicating).

Q. South?

A. We went clear down to the beach. When we went up here where this old French fort was--

Q. (Interposing) Back up to the north.

A. Right where we pulled the MEDCAP there on the beach I think I saw a couple made partly out of the same substance, but on the whole they were just regular old run of the mill shacks.

Q. When you got over there that morning--this village that was constructed from a different type of material, had that village been burned?

A. No, sir.

Q. It wasn't burned the day before?

A. No, sir, the hootches were still intact. I ate lunch inside one of them. Me and Lieutenant BOATMAN were in there.

Q. Did they appear to have been lived in?

A. They looked like they had been searched or ransacked I don't know, whatever you wish to call it. There wasn't nothing in any orderly fashion and there was just stuff thrown all over the place. Boards and stuff they used for bedding were down. I can't picture anyone living there right at the time, no sir, unless it had just been messed up.

Q. You didn't see any bodies over there?

A. No, sir, not one.

Q. Did you see any evidence of new graves in the area?

A. No, sir. But then, myself, I wasn't that far off the trail. I was in the hootch, but it was right on the trail. That's as far as I got off that trail that day except when we laagered at night.

Q. Did you see any results of small arms fire on those houses?

A. No, sir.

Q. They didn't appear to be beat up much?

A. No. Everything was disorderly. I don't remember seeing anything broken up or destroyed or you know--that actually looked like it had been fired on.

Q. Well, this would have been the area. How about the bunker, do you remember seeing any bunkers in there?

A. That was closer to the end of the bridge.

Q. Closer to the end of the bridge? Was this outside of the village, the bunker?

A. Yes, sir, as far as I can remember, as soon as you get off the end of the bridge, there is, I don't know, a cluster of bunkers--this right here (indicating) is a sand bank going up, then it slopes down to the beach. As far as I can remember, the bunkers were just down on a little flat there, between the sandhill and the stream that we crossed by the bridge. They were relatively close to the end of the bridge, but then the village I remember is further down.

Q. To the south?

A. Down towards the coast.

Q. This is recent photography, Exhibit P-217.

A. I don't remember the bridge being broken.

Q. This is in January of this year.

A. You did say recent, didn't you?

Q. Yes. That is the bridge, that is the sea, and this is the ridge.

A. Right.

Q. And the Pinkville extended up this way or was it the Pinkville--this area--well, let me get this MAP-4 here, because that is only one way I can orient you. Here is the bridge, see, this area here on the photograph?

(The witness was shown Exhibit MAP-4.)

A. Yes.

Q. I don't know what type of texture that is, but that is it right here. See?

A. Yes.

Q. And then that graveyard is out here, that's this area right here and you see the Pinkville starts right on the other side of this, where I'm pointing here. Then that road--the road seems to be sort of lost in here, but runs down right there. That's this one that comes down here. And it indicates over here--it did have a road that goes out toward the sea and then turns down this way. Now that's an orientation. The other thing I might show you is--we are talking about this. See, you can take your water from right there, see how it spreads in right in there so we're talking about this area right here. (indicating).

A. Right.

Q. Now what I'm going to do is to try to get on here what you know about this bunker complex you're talking about.

A. As well as I can remember, like you say, there is a path that comes off here, straight up to the beach. This is all wooded area in here (indicating).

Q. It was a wooded area?

A. Yes, sir. As far as I can remember, I don't think there were palm trees. There were some large trees right in this area. Of course it is wooded and up here is small shrubbery like stuff. As well as I can remember, there are some large trees in this area. Just come down this path a short ways and here are the bunkers.

Q. This is what we are talking about. We're talking about a scale here, one inch equals about 50 meters. We're talking between 200 and 300 meters from the bridge to the sea.

A. That seems about right.

Q. Well, that would make the length of the bridge about 80 meters, maybe a little more than that. But now how far after crossing the bridge did you go before the trail turned south? Was it close to the ridge?

A. I'd say it was about half the distance between the ridge and the bridge, because we were never on the ridge ourselves or I wasn't. It seems to me we ran perpendicular with the ridge, right in the center almost.

Q. Well, the road would have come to something like this, going out toward the--you say half way between the bridge and the ridge or the bridge and the seat was the road?

A. I really don't know how far the sea was actually or how big the beach was, because we couldn't see the sea, right here (indicating).

Q. Well, this would be about the location you're talking about then when it turned south. When it turned south where was the village?

A. The village that I remember was on down this way.

Q. Is this it further down?

A. Yes, sir.

Q. How far?

A. I don't have any idea.

- Q. Where were these bunkers you were talking about?
- a. They were where the trail cut off and started south. The bunkers were here and here (indicating) there were maybe eight or ten bunkers. There wasn't any large, you know, real large amount, but the reason I remember the big trees in this area, the bunkers were partially constructed of logs about that big around (indicating). I can remember that.
- Q. Now which direction were these bunkers facing?
- A. There was no direction that I could determine.
- Q. But you say they were at the turning point, well, you turn and after you made the turn the bunkers were right in here (indicating).
- Q. On each side of the trail or on one side?
- A. I believe on both sides of the trail, sir, but I can't swear to that.
- Q. And how much space did they cover?
- A. I don't know if they went 50 yards all of them together, because they were clustered as far as I can remember.
- Q. So they would be somewhere about in here, right?
- A. Right, sir.
- Q. Now what was the purpose of these bunkers?
- A. I have no idea.
- Q. Have you ever seen anything like that before?
- A. Yes, sir.
- Q. Where?
- A. Well, out on the peninsula they have some like that. You mean situated in that order or just plain like that?
- Q. Where all the bunkers are clustered together.
- A. Oh, no, I have never seen that except for maybe that village.

Q. This was not in the village? Was this on the outside of the village?

A. No, sir, as far as I can remember--I don't remember seeing the hootches in that place.

Q. Where did the village start, just south of the bunkers?

A. As well as I can remember, the village wasn't even in sight. Of course, it didn't have to be very far, because like I say, there was a lot of brush. I just don't recall it.

Q. Did the village just more or less go along the trail again?

A. Right, sir, the hootches' edges are right on the trail.

Q. And it was south of these bunkers though?

A. Yes, sir.

Q. And on the inside of the ridge?

A. Yes, sir.

Q. Now how many hootches do you think were inside of the--

A. (Interposing) I don't remember. It was about four.

Q. Is that all?

A. That's right, sir, and again they were on both sides of the trail.

Q. Well, these weren't hootches up here (indicating) where the bunkers are?

A. No, sir, they were just plain old covered bunkers.

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Q. Dirt covered, reinforced bunkers. Now this little hamlet down here or village is only four hootches?

A. Right, sir, four or five. There wasn't enough for me to think it was a village actually.

Q. Now what could those bunkers have been used for?

A. I don't have any idea.

Q. Were they collapsed when you saw them or what?

A. I don't believe so, no. The ones that I could see into, I do not believe were collapsed.

Q. Did these bunkers appear to be defensive bunkers or shelter bunkers?

A. I would say they were shelter bunkers, because I saw no reason to suspect they were defensive bunkers.

Q. But they were sitting right there by themselves?

A. Yes, sir. Right there at the end of the bridge. You could throw a rock and hit the end of the bridge.

Q. Well, how many bunkers do you think were there?

A. Eight or ten. I know there was more there than I had ever seen before in a cluster like that. I mean you don't see that too often, at least we didn't.

Q. Peculiar to me. I don't understand it.

A. They were there.

Q. What about here on the ridge itself? Were there any bunkers there?

A. I don't remember it, sir. No, sir. When we moved out, I know our 3d Platoon worked the ridge way. They went up and worked their way down.

Q. In this little village down there where these four or five hootches were, was this the area where you ate lunch in one hootch?

A. Yes, sir.

Q. And there appeared to be no gunshot damage to these hootches?

A. No, sir. Not that I can remember. Everything was all scattered out.

Q. Well, could there have been hootches up here where those bunkers were this previous day, that could have been destroyed?

A. I just don't remember even seeing anything that resembled this. I could be completely wrong, but I can't bring to mind anything that even resembles one of these bunkers.

Q. Did these appear to be a family type bunker that you would expect to see a hootch by, or weren't they designed that way?

A. To me they weren't as large as most family type bunkers you would see in a village. No, they weren't that large at all. They may have gone underground.

Q. Did you ever hear anything about a bunker complex before going into this village?

A. Yes, sir.

Q. Before you went in there, where did you hear this?

A. Over the radio of the 1st Platoon.

Q. What did they say?

A. All I heard as far as I can remember, Lieutenant WILLINGHAM was on the road and Captain MICHLES said a bunker complex was there. That's all I can remember.

Q. Said there was a bunker complex?

A. Right.

Q. I believe that when the 1st Platoon laagered in that night, they were here in this position, somewhere right here. (indicating).

A. As well as I can remember, they were on the lower side of the trail that leads to the beach.

Q. When Lieutenant WILLINGHAM told him there was a bunker complex over there, was he asking for weapons support, or what was he telling him that for?

A. That's all I know. As well as I can remember, he didn't call for anything on the radio and there are no gunships in the area at the time. I'm relatively sure I don't remember hearing any firing at all.

Q. Well, now do you recall passing, walking by these bunkers?

A. Yes, sir.

Q. If you had wanted to, could you have gone down in one of those bunkers? Were they open?

A. Yes, sir.

Q. They hadn't been caved in?

A. No, sir, as well as I can remember, they weren't caved in at all. Now some of the openings were faced away from the trail that I'm sure I could not see. I'm sure a couple could have gone into. And as far as I could see, they had not been destroyed and I don't remember us destroying them either.

Q. Anything else you remember about this area over here?

A. Not that specific area, no.

Q. You didn't see any bodies at all over here (indicating), on that ridge?

A. No, sir, not that I remember. I didn't see any at all.

Q. Okay. Now what happened that night? The 1st Platoon stayed over there. They laagered up north. They laagered up close to the big village up there. They left that bridge. I don't know why, but they left that bridge.

A. The reason I thought they were in here is because we picked them up here the next morning. It was just my understanding they were closer to the bridge right off the trail.

Q. They went up--well, they didn't go all the way up there, but they went pretty far. Now on the 17th, the company moved out. They left the 3d platoon up there in the vicinity of the bridge with the mortars. The 2d Platoon moved along the coast going south and the 1st Platoon moved south along the river with the CP. There should have been some ARVN with the group at that time and at the time Lieutenant LEWIS came in on that aircraft, he should have been with Lieutenant MUNDY.

A. Yes, sir. Lieutenant MUNDY was with us.

Q. And then there was somebody else on that aircraft. Do you remember anybody else on it?

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

Q. Where did the aircraft land? Would you say it landed right by the bridge?

A. Well, not right by the bridge, but we were still in the vicinity when the chopper came in. It seems to me like when we picked up Lieutenant LEWIS, he went with the 3d Platoon. He became 3d Platoon leader and I don't remember him staying back with the weapons platoon at all.

Q. No. He went with the 2d Platoon.

A. As well as I can remember, he went along the ridge all the way down to the coast and I remember his platoon firing an evading VC, because the reason I remember that is that he was excited on the radio at this first combat action. He was a little excited, that's really the first action that I can remember in that whole thing, other than booby traps.

Q. Well, he reported that, I think it was around 1300, that he sighted two VC and they killed one. They never found the body, but they reported a kill. Now what do you suppose ever happened to all of those bodies that were killed up there in that village the first day?

A. I don't know.

Q. We are talking about 38 VC KIA reported.

A. That's on the south side of the bridge.

Q. That's right in that area, right on the other side of the bridge there. There were 38 people supposedly killed on the afternoon of the 16th. They left that place, they didn't stay there--the platoon there, and you supposedly got over there the next morning. Where are these bodies?

A. I don't know, sir. I don't even recollect seeing a place where 38 people lived.

Q. Do you think they were down in those bunkers?

A. Could be, I don't know.

Q. They weren't caved in?

A. No, but I don't make it a habit of going in bunkers.

Q. What about this man King LITTLE, do you know him?

A. Yes.

Q. Was he a tunnel rat?

A. Yes.

Q. Well, I just don't know where these 38 KIA are suppose to be located.

A. I don't either.

Q. Now on the other hand, there have been people that came over the bridge that day that saw one or two bodies, around different places.

A. I don't remember seeing them. I'm not saying they weren't there, because they may have been, but I didn't see them. Of course, platoons get spread out over more area than I did. But I just didn't see any bodies whatsoever that I can remember.

Q. Well, there was also an indication that a boat or a sampan was taken under fire about halfway down the peninsula. As you went south on the river side, do you remember any firing over there on your side of the peninsula?

A. That's the day we went south?

Q. That's the day you went south either going down or coming back.

A. No, sir, not that I can remember. Any reaction I remember whatsoever was in the 3d Platoon--opened fire on one or two VC or whatever it was.

Q. Do you remember a photographer coming in with Lieutenant LEWIS, probably with a baseball cap on, starched fatigues and MACV patch?

A. No, that just doesn't ring a bell at all. I'm sure I should have seen him, because he stayed with headquarters outfit.

Q. No, he stayed over there with 2d Platoon at least we think he did, if he was out there. Then there was also a report that some booby traps and mines were destroyed about halfway down and that report was made at--it was 1000 that morning.

A. I don't remember any booby traps at all after we crossed the bridge.

Q. What about going south, were the villages being burned?

A. No, sir, not that I can remember. If my memory serves me right, this area wasn't real populated down through here. There was a beach area right at the village, but all we did was go down there. We weren't there 10 minutes. We moved back north and laagered up in here somewhere--and again a graveyard that we laagered in or a resemblance of the graveyard, because that's where I was at.

Q. Well, do you recognize this Exhibit P-212?

(The witness was handed Exhibit P-212 to review.)

A. I believe that was a village right on the beach.

Q. You mean where the river runs into the beach in the southern part?

A. Where the river runs into the ocean or whatever it is, the sea. The only real populated area I can remember all the way south.

Q. No people around? Were these villages just deserted for a day or two or did they appear to be uninhabited?

A. Well, this village here (indicating) as far as I can remember, I'm sure it was inhabited.

Q. That's the one in the photograph. I mean the others going down there?

A. No, I saw no resemblance of people whatsoever. The way everything was messed up and thrown around I don't believe there had been any people in there in several days.

Q. Nothing other than what you have described, two VC taken under fire that day, that you can recall. How about that night, did anybody come into the area that night, a helicopter?

A. The only thing I can remember is that we got hot chow that night. That's the only thing I can remember coming in at all.

Q. You don't remember burning villages that day?

A. No, sir.

Q. Okay. The next morning, you got up and you moved back toward the bridge to pick up the 3d Platoon and then moved on up to the area up in--where the MEDCAP was held.

A. Right.

Q. The primary things we would like to know about that day, is whether or not you saw any ARVN or Vietnamese up there in the village?

A. Yes, sir. We had ARVN with us, interpreters.

Q. Did you see any MI people out there that day?

A. No, sir. The only MI man I can remember is the one I pointed out in the picture. He's the only one that ever worked with us. I take that back. It was a sergeant, I believe he was a sergeant that was with us that night, but I

can't remember him in the village. He was with us the last night we were out because we had, I don't know, we had maybe 10 or 12 prisoners that night when we laagered. But this is the only time that we had anybody besides this other guy that I pointed out with us. But I'm sure there was a sergeant out there this time.

Q. U.S. type, you mean?

A. Yes, sir.

Q. What did he look like?

A. Well, as well as I can remember, he was probably in his late 30's, but really, there was no outstanding features about him. My mind works right here--it was the first I have ever seen a MI man with any kind of rank. I have never seen one before with any indication of what his rank may be.

Q. During this time, were there any prisoners out there? Did you see any interrogations going on during the MEDCAP?

A. Anytime that day, yes, sir. I was helping with the MEDCAP, I think, with 300 some people that day. But I believe there was some interrogation going on, but I don't remember seeing any. I don't remember seeing this sergeant, or whatever his name is, there. I don't remember seeing him until actually the next morning, because after we laagered that night--I don't remember where we got the captive from, we held overnight. But I'm getting ahead of you.

Q. How many did you have?

A. It seems to me it was 10 or 12.

Q. That many?

A. Yes, sir. There were quite a few as far as I can remember. The next day a couple of them got away from us, I can remember that. That night after we finished the MEDCAP and laagered in up there.

Q. Wait a minute, let me ask a question. You say you treated over 300 people in this MEDCAP?

A. I think so.

Q. How many medics did you bring in there?

A. I had my three and myself which make four. The doctor, I believe he had three with him. So that would make about eight.

Q. What was the nature of most of the medical treatment?

A. Well, I would say 95 percent of your MEDCAPS were on smaller children, up to say 10 years old and it was just open sores, really, that's about it. In my opinion it was too dirty. Like we call it a fall sore over here in the United States, an open running sore. And of course, all the little kids have the scabs on their heads and all this stuff under their hair, its just the general thing you see. We saw no outstanding treatment that day as I can remember.

Q. Did you see a woman brought in that evening after the marker rounds had been fired?

A. Sir, I was the one that fixed her.

Q. Was she in pretty bad shape?

A. Yes, sir.

Q. Do you think she survived?

A. I don't know. They are pretty hard to kill. As well as I can remember, she had lost both legs. I believe-- I think her left leg was gone above the knee and the right one below the knee. A bunch of villagers carried her up. I bandaged her and stopped the bleeding and everything. There wasn't too much bleeding anyway. Then we called the dustoff chopper in. It was before dark when all this happened, quite a ways before dark. She was still alive at the time. I don't know whether she lived after that or not. I never had any reports on it.

Q. What happened to her?

A. She got hit by artillery.

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Q. Is that right? Is that definite? She didn't step on a mine or anything?

A. Well, I can't say it's definite about artillery, but after Lieutenant BOATMAN called in the DEFCONS, that is right when they carried her up there. Presumably from what I got out of it, she was away from the village and I believe the DEFCONS--

Q. (Interposing) Define DEFCONS?

A. What?

Q. Define DEFCONS?

A. Well, just protective rounds coming in for us, placement rounds. They were on the river bank side, back over here (indicating). I'm sure they said it was artillery.

Q. Was it pretty bad?

A. I don't know, the villagers over there--death is just something everyday to them and they don't seem to pay as much attention to it as we would. I think our outfit was more upset than what the villagers were themselves, really.

Q. Were there any instructions given to these people as where they were not supposed to go?

A. Yes, sir.

Q. Were they supposed to be in the village where those rounds were?

A. Yes, sir. She was supposed to be in the village, not outside the village.

Q. Who was that put out to?

A. Well, up here, up north, all the people in this peninsula--presumably all the people were herded in this one big village and no one--well they were given orders, I presume through the ARVN troops that was with us--no one was to leave the perimeter of the village that night until we moved, I don't guess--

Q. (Interposing) Were they all brought back into the--which village were they brought back into?

A. That big village where we pulled the MEDCAP.

Q. You see, you came up here, this is the big fish pond here, and this is the--was it down on the beach?

A. Right, the village was down on the beach.

Q. That's Ky Xuyen (1).

A. Right up here was an old French fort.

Q. They wouldn't let you out there.

A. No, we didn't go out there. Our men were up in part on this area sweeping.

Q. But the villages that were pushed back here were all supposed to be in that village. What was she doing out there on that river?

A. I don't know, sir. She was out there on the river away from the village.

Q. It may have been for the same reason that boy lost those two legs on that mine. She didn't get the word.

A. Could be.

Q. Do you think that had anything to do with the mortar attack that night?

A. No, sir. I think they would have hit us whether she was wounded or not.

Q. We have pretty good reports of what happened that night. At 0120, mortar started, 15 or 16 rounds and 0144 the dustoff was requested and at 0244 the dustoff was complete, that's an hour.

A. It was quite a while before the chopper got there and after he did get in the area, it took him quite a while to locate us, and in order for us to land him, we took a pound block of

C4 and used it for a land light and that's all we had. It well could have been an hour.

Q. You got all the casualties out and you kept MILUS there that night, didn't you?

A. Yes, sir.

Q. Evacuated them and there was a light fire team over there and a sweeping team was requested and was on station at 0350. He apparently stayed on station and there was another mortar round reported as having come in at 0440. Do you remember another mortar coming in at around 0440?

A. No, I don't remember one at all. After "Spooky" got on station, we were up the rest of the night and in order for him to get the location of our outer perimeter. We had red lens flashlights that we were shining straight up at him and I don't recall another mortar round coming in at all that night.

Q. I just find it very difficult to believe that mortar was going to fire with that AC-47 over there.

A. I don't recall at all.

Q. What about the next day? Did you see any interrogations going on that day?

A. Yes, sir.

Q. Who was interrogating?

A. I believe it was a sergeant.

Q. Sergeant, U.S. sergeant?

A. Yes, sir.

Q. What do you mean, again?

A. Yes, I told--I didn't remember the sergeant being in that village, but he was there that night and the next day, I remember.

Q. And he was interrogating that day?

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Q. Do you have any further testimony, any further statements that might assist General PEERS in this investigation?

A. No, sir, not that I can think of.

Q. Mr. SWEENEY, I request that you not discuss your testimony in this investigation with others, including other investigations except as you may be required to do so before a competent judicial or legislative body. Before you go, I would like to pass on this photograph here, the statement "prepared from memory at Washington D.C. observations, noted 17 March" for your signature so it can be introduced as an exhibit. This will be Exhibit P-231. If you will step around and sign this, just sign it right under there.

A. Yes, sir.

(Whereupon, the witness did as instructed.)

Q. This photograph is introduced as Exhibit P-231. The photograph is the observations of Mr. SWEENEY on the 17th of March 1968.

(The hearing recessed at 1430 hours, 18 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: WILKENS, Freddy J.

DATE OF TESTIMONY: 27 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Captain MICHLES' RTO on battalion net.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness received no training on the handling of PW's or noncombatants (pg. 4). Although he was issued the MACV card "Nine Rules", he had not seen the MACV card "The Enemy in Your Hands" (pgs. 3, 4).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness was usually briefed by Captain MICHLES (pg. 5). However, he could not remember much of the briefing for this operation (pg. 5). He knew the area was heavily populated by VC (pg. 6). WILKENS did not recall receiving any unusual instructions for this operation (pg. 6).

3. THE COMBAT ASSAULT.

a. Actions in the village.

The witness went in on the same lift as Captain MICHLES (pg. 5). This might have been the first lift, but he was not sure (pg. 17). He could not recall if their doorgunner was firing as they approached the LZ (pg. 7). He was fairly certain he heard two rounds of sniper fire as they landed (pgs. 7, 8). However, other than this, he

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heard no incoming fire (pg. 18). As they moved from the LZ Lieutenant COCHRAN was killed and immediately evacuated (pg. 8). WILKENS did not recall others being wounded 45 minutes after COCHRAN was killed (pgs. 8, 9). He did not remember receiving a transmission from BARKER ordering MICHLES not to enter Pinkville because of the second group of casualties (pgs. 9, 14, 30).

b. Body count.

WILKENS did not remember receiving or sending a report that 12 VC had been killed on the beach at 0930 or that 18 VC had been killed on the beach at 1025 (pg. 10), nor did he recall a total count of 38 VC KIA (pgs. 10, 12). However, he did remember the first platoon reporting nine VC KIA (pg. 17). He did not recall receiving a transmission in which both B and C Companies were asked if women and children were included in the body count (pg. 12), nor could he recall MICHLES denying the inclusion of women and children in the body count in an answering transmission (pgs. 12, 13, 29). He heard C Company report a body count (pg. 24).

c. Transmissions overheard by WILKENS.

WILKENS did not remember KOSTER's countermand of HENDERSON's resweep order (pgs. 15, 29). However, Sabre 6, whom the witness identified as the Americal commander, called either BARKER or HENDERSON and said "I'll be coming to talk to you" (pgs. 15, 16). WILKENS thought that this was about something important (pg. 16). He never heard an order come over the radio to stop burning the hootches (pg. 28).

d. Actions at the laager site.

He remembered linking up with C Company between 1700 and 1800, but he did not recall any uniformed or non-uniformed Vietnamese with C Company (pgs. 10, 13). He did not remember any firing in the night defensive position (pgs. 14, 16). He did not hear anyone ask questions that evening about "women and children and the body count" (pg. 14). He did not see any interrogations going on in the laager site (pg. 16).

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e. Actions on the 17th.

WILKENS stated that the explosion which wounded TAYLOR occurred just when the command element was getting ready to cross the bridge (pg. 18). He heard no sniper fire after TAYLOR was evacuated, but he recalled two gunships firing across the bridge (pgs. 19, 20). After this he thought the platoon searched the area around the bridge (pgs. 20, 21). He did not remember moving south to the water or burning villages (pgs. 20, 21), nor could he bring to mind what happened in the laager area that night (pg. 21).

f. Actions on the 18th.

He recalled moving north past the bridge on the 18th, but he recollected no incident involving sampans (pgs. 21-23). He did not remember a photographer coming in that day (pg. 22). He remembered coming to a big village by a fishpond at which they collected one or two thousand people who were treated by medics (pgs. 23-25). A wounded woman was brought into the laager site and medevac'd (pg. 24). He saw several persons interrogating Vietnamese, but he did not see any unusual questioning (pgs. 25, 26). He did not recall a U.S. captain or National Police being among the interrogators (pgs. 25, 26). WILKENS heard reports that the interrogators raped some women in the village (pg. 26). He heard of no shooting, torturing or mistreatment of Vietnamese at this time, or any other time, during the operation (pg. 27). He did not recollect any villagers being detained in the perimeter that night (pg. 28). That night they were hit by seven or eight mortar rounds (pg. 23). The mortar fire was returned by the Americans, and two gunships came in and shot around the outside of the perimeter (pg. 24). The next morning they moved north and discovered a rice cache (pgs. 24, 25).

4. INQUIRIES AFTER THE ASSAULT.

He had no knowledge of any investigation or inquiries being made after the operation (pg. 28). He was never questioned about it and he knew no one who was (pg. 28). He heard no rumors that civilians were unnecessarily killed during this operation (pg. 29). He heard nothing about any torturing of civilians (pg. 29).

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5. OTHER INFORMATION.

a. The witness recalled BARKER's helicopter being in the area on the morning of the 16th, but he did not remember BARKER visiting B Company at that time (pg. 10).

b. While marijuana was used in B Company, it was only used in the rear (pg. 29).

(The hearing reconvened at 1333 hours, 27 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named persons are present: COL WILSON, MR WALSH, LTC NOLL, and MAJ THOMAS.

The next witness is Mr. Freddy J. WILKENS.

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

Please state your full name, occupation, and residence.

A. Freddy J. WILKENS, Route 4, Sweetwater, Tennessee. I am a mechanic at Holzer Mills, Sweetwater, Tennessee.

COL WILSON: Before we proceed with any questions, Mr. WILKENS, let me inform you of several things.

The Peers Inquiry 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 recommendations concerning the My Lai (4) incident of 16 March 1968. In conducting his investigation, General PEERS decided it was necessary to look into the operations of B/4/3 during the period of 16, 17, 18, and 19 March 1968. He appointed an interview board, Team C, which is to question personnel of B/4/3 and come up with a description of the operations during that time frame.

General PEERS or other members of the board may come in here at any time. This may or may not happen.

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

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

During this interview the board will follow a chronological sequence of questions. The first series of questions will be concerned with the training just prior to or after arrival in RVN, that is, the Republic of Vietnam. The second series will inquire into the briefing prior to the combat assault which was conducted on the 16th of March. The third series of questions will concern the operations of the 16th, 17th, 18th, and possibly the 19th of March, 1968. The final questions will concern any knowledge you have of prior investigations or inquiries which were made of this particular operation. Do you have any questions?

A. No, sir.

Q. The board consists of three people: myself, Mr. WALSH on my right who is a civilian attorney and has volunteered his services to the Secretary of the Army to assist General PEERS, and Lieutenant Colonel NOLL on my left who is a member of the board. We do not have any authority to make findings or recommend anything to the Secretary of the Army. This is strictly the responsibility of General PEERS. We merely assist him. If any other member of the board walks in here and asks you any question, and if there is any question in your mind as to whether they have that authority or not, ask me and I'll tell you. The three of us sitting here do have the authority to question you.

What was your duty assignment on 16 March 1968?

A. Well, I don't really know. I don't remember the days. I do remember going in that village two or three times. We had operations in that village. I'd say it was at that time we landed in there and we were with Charlie Company. All I know is that Charlie Company called in and killed somebody.

Q. You are getting ahead of me a little bit. I was trying to find out what platoon of B Company you were in.

A. I was Captain MICHLES' RTO.

Q. This was during the period?

A. Right.

- Q. You were with the headquarters company command group?
- A. Yes.
- Q. Which radio did you operate?
- A. The battalion.
- Q. You were on the battalion net?
- A. Yes, sir.
- Q. Did you go over with the 11th Brigade?
- A. Right, I was in Hawaii.
- Q. What was your job in Hawaii?
- A. Still the RTO.
- Q. Did you remain as RTO the whole time you were in Vietnam?
- A. No. The last 6 months I came back to supply and loading helicopters.
- Q. Where was that?
- A. Most of the time Chu Lai or Duc Pho.
- Q. Who was the NCOIC back there?
- A. The first sergeant stayed back there most of the time.
- Q. I show you Exhibit M-2 entitled "Nine Rules." It is a facsimile of the MACV card. Have you ever seen that?
- A. Yes.
- Q. You have seen it?
- A. Yes.

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Q. Did you get issued one of those?

A. Right.

Q. Where?

A. When we first got to Vietnam, I think.

Q. What about this one? This is M-3 entitled "The Enemy in Your Hands."

A. No.

Q. Did you get any special training after you got to Vietnam on handling PW's or Vietnamese civilians?

A. No. Just training on booby traps and mines.

Q. Did you get a lecture on the Geneva Convention before you got to Vietnam or after?

A. We got it before we went to Vietnam.

Q. Where?

A. In Hawaii.

Q. I want you to think back now and see if you can recall the briefing which was given prior to this combat assault. In other words, what you were told before you went on the operation on the 16th of March?

A. I'm afraid--I've been trying for the last 2 or 3 days.

Q. You can't remember the briefing?

A. No, I can't. We always did get one. I don't remember the date or nothing.

Q. Who normally gives you the briefings?

A. The company commander usually gives it to the platoon leaders, and then the platoon leaders give it to the men.

Q. Let me fix this in your mind a little clearer, maybe by some casualties. Lieutenant COCHRAN?

A. Right. At that time he got killed. Is that when it happened?

Q. That's right.

A. Well, we lost him that day and we lost another guy.

Q. Now, back to that briefing. You know which operation it was. What were you told before you went in there, do you remember?

A. No.

Q. You normally sit there with the platoon leaders, and then does he tell you what to take with you?

A. I never did hardly hear any of those briefings.

Q. You didn't?

A. No. Captain MICHLES told us most of the time. He told the platoon leaders, and when he told the platoon leaders I was not there.

Q. Who else was with you, other RTO's?

A. Other RTO's.

Q. Medic?

A. Medic and artillery RTO.

Q. I guess that is a pretty short briefing. Does he say what is going to be there?

A. He does not tell us much--

Q. (Interposing) Of the situation?

A. You know, what the platoon was going to do.

- Q. What the enemy situation was in the area?
- A. Yes, it was supposed to be heavily populated with VC.
- Q. Did he tell you that or what?
- A. Yes. I heard him tell everybody that.
- Q. Did you get any unusual instructions on this?
- A. No, I know that our company--
- Q. (Interposing) Nothing unusual about the operation as far as you knew?
- A. No.
- Q. About the type of operation it was or anything like that?
- A. Probably just to sweep and destroy is what they called all of this operations in there.
- Q. They used "destroy" on all of the operations?
- A. I never did see B Company do any destroying. That is what they always called it, sweep and destroy.
- Q. Let me give you an idea of what happened and then maybe that will bring it back to you.
- (Map orientation is given to witness.)
- On the first day, do you remember what helicopter you went in on? Did you go with Captain MICHLES?
- A. Right.
- Q. Was COCHRAN with you?
- A. I don't remember. Most of the time he was in the rear. I think he was. I know he didn't have any radio. I think he was with us.

Q. Who was handling the company net?

A. It was another boy. We had five or six around that time, and I really couldn't say which one was with me at the time.

Q. You got into it as you went into the landing zone. Do you remember if your door gunners were firing or not?

A. No, I don't remember.

Q. Did you receive any fire prior to landing or after landing?

A. Well, we heard one or two snipers fire right after we landed. That is when Lieutenant COCHRAN got killed, after we landed.

Q. You must have had to report him as a casualty.

A. Captain MICHLES does most of the talking in a real hot battle or something.

Q. All right. You say you got sniper fire about the time he was wounded or killed?

A. No. It was right after we got off of the choppers. I do remember hearing one or two shots, because I remember hitting the ground on one of them.

Q. You were pretty close then?

A. We were all right there when we got off of the choppers and we received one or two shots.

Q. Did you ever hear one or two shots right on the landing zone?

A. I'm pretty sure I heard them.

Q. The report that went back to Task Force Barker was there was a cold landing zone.

A. I'm pretty sure. I am maybe thinking about another one, but we had so many during that time. We had seven or eight.

Q. You moved out from the LZ, and Lieutenant COCHRAN and a couple of other men were wounded?

A. Right.

Q. Were they evacuated immediately?

A. Right.

Q. Came in and picked them up?

A. Came in and picked them up.

Q. And then what happened?

A. As far as I know, we swept on through some part of the village or something.

Q. You don't remember anybody else getting wounded?

A. No.

Q. There were two reports that morning. One of them said--there were three so far--that the combat assault was complete at 0827 with a cold LZ; later, one KIA and four WHA by a booby trap; and another report was three WHA at 0930.

A. Hostile action?

Q. You can say whatever you want. Three men were wounded at 0930. What I am trying to say is, do you remember another group being wounded about 45 minutes after Lieutenant COCHRAN was wounded?

A. No. All I remember is Lieutenant COCHRAN getting killed.

Q. And it also indicates that the second group was evacuated by Colonel BARKER's command and control ship.

A. What? The other three got wounded?

Q. Yes. You don't remember that?

A. No, I don't.

Q. Because you moved up to that area by the time Lieutenant COCHRAN got killed. Do you remember a big gate being over the trail?

A. Yes.

Q. That gate was on the entrance to Pinkville?

A. Yes.

Q. Do you remember where you were in reference to that gate when Lieutenant COCHRAN was killed?

A. Close to it.

Q. And you were with headquarters command group, right?

A. Right.

Q. You don't remember Colonel BARKER coming in and picking up that second group?

A. No.

Q. Do you remember a radio transmission coming down or anybody saying anything to Captain MICHLES about the 2d Platoon not sweeping Pinkville because of those casualties?

A. No.

Q. Not searching Pinkville?

A. No.

Q. You don't remember that?

A. No.

Q. And that is not necessarily directed at B Company. It came down over the battalion to A, B, or C Company, or all three of them?

A. I sure don't.

Q. Do you remember any transmission coming down at that time for the companies to stop firing?

A. No. The only part I can remember is when Lieutenant COCHRAN got killed. I remember being with Charlie Company. That is about all I remember.

Q. Do you remember getting back a report or sending a report or hearing a report that 12 VC had been killed out on the beach at about 0930 that morning? You don't remember that?

A. No.

Q. And about 1025 that morning 18 more VC were killed out there on the beach where the 1st Platoon was?

A. It seems like the 1st Platoon reported some killed either that day or it may have been at another time we were in there, I don't know. I think I do remember them crossing the bridge, and I can't say that this is the same time or not.

Q. They made two reports that morning of VC KIA, and one report that afternoon of a total of 38 VC. Don't you remember that?

A. No. I don't remember any of it. It's just what I know is coming back to me since this started up.

Q. Did you remember linking up with C Company?

A. Yes, it was sometime that afternoon, around 4 or 5 o'clock. I guess.

Q. Did C Company have any Vietnamese with them, uniformed or nonuniformed?

A. That I can't recall.

Q. Do you recall any helicopters coming in before C Company linked up bringing in National Policemen, interpreters, or photographers?

A. I think BARKER's helicopter was in that area all morning, mostly, but I cannot recall whether it came into B Company that morning or not.

Q. Do you recognize anybody in this photograph, P-18?

A. Yeah, he is with the weapons platoon.

Q. The U.S. soldier?

A. Yes.

Q. Do you recognize any of these Vietnamese?

A. No.

Q. Do you recognize that location?

A. Is that right across the bridge there (indicating)?

Q. I don't know where it is. I'm trying to find out.

A. A lot of that looks the same to me.

Q. Do you recognize either of these two individuals in P-21?

A. No.

Q. P-22?

A. I think I seen him in another company. Isn't he an officer?

Q. Yes, the soldier in the center.

A. He is either in Charlie Company or he was in another company.

Q. How about the Vietnamese in the uniform? Have you ever seen him?

A. He is an interpreter, but I never seen him.

Q. Captain MICHLES apparently got a report from the 1st Platoon out on the beach that totaled up to 38 VC killed in action. Do you remember him calling such a report back in to Task Force Barker?

A. I remember him counting about 12 at one time one morning. I'd say that was the morning that we came in. I can't quite recall the count.

Q. Do you remember any mortar fire going out there?

A. No.

Q. Do you remember a transmission later in the day after B Company joined up, probably asking a question about how many women and children were included in that body count? It could have come from C Company.

A. No.

Q. It could have come to both companies.

A. I don't recall.

Q. You don't recall about women and children being included in the body count and Captain MICHLES saying there were no women and children in the body count?

A. No.

Q. You don't remember that?

A. No. When we stopped at night, especially when we set up for a night, usually one man watched all of the radios.

Q. This would have been before you went on the radio watch, I think. It would have been during the day. Do you remember any discussion during that day about body count?

A. All I remember is Charlie Company calling in some.

Q. What did they say?

A. They said--they just gave a body count. I think it was 6 or 7 or something that morning.

Q. That morning?

A. Yes, about 9 or 10 o'clock, I'd say.

Q. At 1555 on 16 March, Company B reported to Task Force Barker, in Exhibit M-16, that none of the VC body count reported by his unit were women and children. C Company reported that approximately 10 to 12 women and children were killed by artillery and by gunships. You don't remember anything like that?

A. No.

Q. Do you remember anything when C Company came in? Do you remember at any time that day ARVN or Vietnamese interpreters or Vietnamese National Police joining the company or moving into the night defensive position?

A. No. I think Charlie Company had one or two interpreters or someone. I think they had one that night when we joined together. I just can't remember much about it. It's been almost 2 years. We just had so many like that.

Q. Do you remember any Military Intelligence personnel coming in that day? Do you remember a military photographer with a MACV patch coming in that day?

A. No.

Q. Do you remember any photographer coming in?

A. They might have been with Charlie Company. There were not any with Bravo.

Q. They took those pictures. That first picture was up there with headquarters group.

A. With Bravo?

Q. Yes. We have a picture in there with Captain MICHLES in this area.

A. So--

Q. (Interposing) So there were some there.

A. There may be. I don't even remember the RTO with me. I'm sorry, but I just can't recall much.

Q. Did anything happen that you can remember? Was any firing going on?

A. No.

Q. Did you hear any firing in the defensive position?

A. No.

Q. Did anybody start asking questions that evening about women and children and the body count?

A. Not that I heard.

Q. You didn't hear Colonel BARKER say not to go into Pinkville when you got those casualties that morning?

A. No.

Q. Did you hear at this time on your net Saber 6 come in saying anything to Colonel BARKER? Do you know who Saber 6 was?

A. That was the brigade.

Q. The brigade commander was Rawhide.

A. Saber 6. Was that the Americal?

Q. You're getting it now. Who is it now?

A. Saber 6?

Q. Yes. Who was Saber 6?

A. It was the Americal.

Q. Americal what?

A. I don't know.

Q. Americal what?

A. Commander?

Q. That's right. Do you know who he was? Did you hear him come in that day or his radio come in that day, Saber 6, that call sign?

A. I think I do. I don't recall whether it was that particular assault or not, but I remember Saber 6 talking to Task Force Barker two or three times.

Q. What did he say to them? Do you recall what he said?

A. No.

Q. Did you ever hear Saber 6 or General KOSTER tell Colonel HENDERSON or Colonel BARKER, primarily Colonel BARKER, not to sweep back through a village?

A. No.

Q. Not to go back into a village?

A. No, sure don't.

Q. You don't remember anything like that?

A. I remember one time now that Saber 6 called. It was either Colonel BARKER or Colonel HENDERSON.

Q. What about?

A. I don't know. He said, "I'll be coming to talk to you." You know, it was something important and I do remember that.

Q. That is all that he said?

A. That is all that I remember.

Q. Do you remember when that was?

A. I don't know.

Q. Did you ever hear Sabre 6 come in, off and on your net?

A. No.

Q. Could it have been on this operation?

A. Yes, it could have been.

Q. But you don't know?

A. No.

Q. You don't remember any firing in that defensive position that night?

A. No, I sure don't.

Q. Did you see any interrogations going on?

A. No.

Q. No interrogations?

A. No.

LTC NOLL: There were nine choppers that brought you down in two different groups, two flights and nine choppers. Colonel WILSON asked you what chopper you were on. Were you in the first group or the second group?

A. Most of the time I think we went with the first group. Most of the time the CP went with the first group.

Q. You believe you were with the first group there or do you really know.

A. I don't really know.

Q. Were you still on the landing zone when you received the sniper fire?

A. I think we were still in that same perimeter after we got off of the choppers.

Q. Were you securing the LZ?

A. Yes.

Q. Do you remember the gate there at Pinkville?

A. Yes.

Q. And you were there when Lieutenant COCHRAN stepped on a mine?

A. Yes, close to it, because I remember the next day I think, we went through it. But the 1st Platoon went through it that day.

Q. On the first day you did not go through it or did you go through it?

A. No, I think we went through it the next morning.

Q. I'm pretty interested in what your company does. You might remember the company's body count?

A. I remember the 1st Platoon giving nine reported, and I also remember Charlie Company giving the report.

Q. Did Captain MICHLES tell you what report to send at the time?

- A. A report like that he sent himself.
- Q. Were you carrying the radio?
- A. Yes.
- Q. You would have been right there beside him when he sent the message?
- A. Right, I was always close to him.
- Q. Other than these two sniper rounds that you remember, do you remember any other firing that day?
- A. No, I can't think of any.
- Q. Did you hear any firing around the 1st Platoon?
- A. I don't know.
- Q. Could you hear C Company firing?
- A. No.
- Q. Did C Company land before you did?
- A. Yes, they did.
- Q. The next morning you did move over and join up. Do you recall the explosion with TAYLOR losing his foot?
- A. Right, I think it was right when we got across that bridge.
- Q. Did you hear that explosion?
- A. I'd say I did, but I can't recall.
- Q. Do you remember where you were when you heard that explosion?
- A. We were behind them, and we were just getting ready to cross the bridge.

Q. Do you remember what the order of march was?

A. One.

Q. The 1st is already across there?

A. Yes.

Q. What about the 2d and 3d? What was their order of march?

A. I don't really know. I'd say it was the 2d Platoon, CP, and then the 3d.

COL WILSON: Where were you the next morning when you began to move out? I suppose you heard the explosion with TAYLOR getting wounded? Where were you in reference to that gate in the road?

A. I think we had already went under it.

Q. Under the gate?

A. Yes.

LTC NOLL: Do you recall the sequence as far as firing went after the explosion there at the bridge that morning? By that I am asking you was there any sniper fire? Did one of the platoons react, fire into the village? Were there gunships?

A. I don't believe there was any action at all that day that I recall.

COL WILSON: After TAYLOR was evacuated, did you see or hear any sniper fire at all? This would have been about the time TAYLOR was evacuated.

A. No. Was there a report of sniper fire?

Q. Yes. Did you see any gunships come in?

A. Yes, there were some gunships.

Q. Where were they firing?

A. I believe they were on the other side of the bridge.

Q. Along the beach area?

A. No. I believe it was on this side. I don't know. That is where I was when the chopper came in.

Q. How many was it?

A. Two.

Q. Did they have a bubble chopper with them, an LOH?

A. I'd say they did. They usually did.

Q. It makes a difference because there were two gunships and it was an aero-scout team. Did they have a bubbletop with them?

A. I can't remember.

Q. So TAYLOR was wounded and evacuated, and you had some gunships come in and B Company crossed the bridge?

A. Yes.

Q. What happened after you crossed the bridge?

A. Nothing, I don't believe.

Q. Did you move out or did you stay there awhile?

A. I believe we stayed there close by.

Q. Do you remember moving south somewhere by the water, moving south all the way down 2,000 or 3,000 meters?

A. No.

Q. All the way down to the end of that split where they say it's a pretty view down there?

- A. We went down there before, but I can't remember going down there that day.
- Q. You think you stayed up there by the bridge?
- A. I don't remember moving out.
- Q. Did you see any searching going on that day?
- A. I think, you know, the platoon searched around that area. I don't remember them reporting finding anything?
- Q. Do you remember a bunch of villages being burned down there?
- A. No.
- Q. Do you remember laagering that night?
- A. Not really.
- Q. You don't remember laagering down there in the sand?
- A. No.
- Q. Do you remember a helicopter coming in with hot chow, rations aboard, resupply?
- A. No, I can't remember nothing, honestly.
- Q. Do you remember moving back the next day, that would be the 18th, back up past the bridge again heading north?
- A. I think we did. We did head north after we went down close to that beach, but I still can't remember going all the way down to the end, going south that day. It may have been that day, but I do remember going south one time and then going back up north.
- Q. Do you remember a bunch of burning going on when you went south?
- A. No.

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Q. Do you remember going back the next day after laagering and passing that bridge again where TAYLOR was wounded?

A. I think we passed that bridge. I think we passed through that area and went on up.

Q. Do you remember a bunch of sampans coming in and a bunch of Vietnamese getting off of them?

A. No.

Q. Do you remember an interpreter coming in?

A. I think.

Q. Do you know who he was?

A. No.

Q. Was he U.S. or Vietnamese?

A. Vietnamese, I guess, most of them are.

Q. Did he come in with somebody else or by himself?

A. Most of the time they'd send this one, a lieutenant.

Q. Did you ever know Sergeant PHU? Does that name mean anything to you?

A. What?

Q. Sergeant PHU?

A. No.

Q. You don't remember a photographer coming in that day?

A. No, I don't remember that photographer.

Q. Do you remember a bunch of sampans coming up, and a bunch of Vietnamese people coming up and being questioned, and a Navy boat out there in the water?

A. No.

Q. Do you remember going up further to the peninsula and running in to a town up there?

A. No, I don't remember that.

Q. Did you find 1,000 or 2,000 people up there and bring in medical personnel?

A. I do remember going to a village. I don't remember what time it was when I was over there. We did go to a big village and have some medics come in to treat them.

Q. Did they have a fishpond up there?

A. Yes.

Q. Remember that part?

A. I don't know when it took place though.

Q. Remember treating the villagers and going into a laager area that night?

A. Yes, I think we went further north to laager in, didn't we?

Q. You were up in the north when you laagered?

A. I think we did.

Q. Do you remember what else happened that night? Do you remember anything else happening?

A. I can't think if we got hit that night or not.

Q. Hit with what?

A. Mortar.

Q. How many rounds?

A. Seven or eight or something like that.

Q. That was the night or that was one of the nights. Do you remember the day before you laagered in that night? A Vietnamese woman was brought in to be taken out?

A. Yes.

Q. How was she wounded, do you know?

A. She had her leg tore up or something. They called in a chopper for her.

Q. What?

A. They called in a chopper and took her out.

Q. Did you hear the artillery fire that night?

A. No.

Q. Did you hear Sergeant VANN firing his mortar that night?

A. Yes, after we got those mortar rounds, I think Sergeant VANN shot a few back out. I think we got one or two killed that night too.

Q. Do you remember the commander or anybody calling for aircraft to assist you?

A. Yes. We had two gunships come in that night, too. I guess it was about 10 or 15 minutes. It was a few minutes after that that they sent in the mortar rounds, and the gunships got in there and shot outside the perimeter. I remember that.

Q. Do you remember on the 18th as you moved up north running into a rice cache of 2,000 or 3,000 pounds and reporting it?

A. No, I can't think.

Q. Do you remember reporting to Task Force Barker there was about a thousand people up there that didn't appear to be VC, and it was decided to send in a MEDCAP?

A. We did bring in a MEDCAP at one time for about a thousand of them. Was that a morning after we got hit?

Q. No, that was the morning that you got hit. You got hit that night.

A. The morning before that night?

Q. Yes.

A. After we got hit that night, we went on and found that.

Q. You did what?

A. After we got hit that night, we did go find that rice then.

Q. No, it was that morning. It was the same morning I was talking about, the morning of the night that you got hit, the morning before you got hit.

A. No, all I can remember is that MEDCAP coming in.

Q. Did you see them treating those Vietnamese, the medics?

A. Yes, I seen them treat a few of them.

Q. Did you see anybody interrogating any Vietnamese?

A. I think, yeah, there was two or three ARVN's with us.

Q. When did they come in?

A. I don't really know.

Q. Was there a U.S. captain with them?

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

Q. Any National Police with them?

A. I don't know. I just remember having two or three of those soldiers with us.

Q. Did you see any of them interrogating any of the Vietnamese?

A. Yes.

Q. How were they interrogating them?

A. They were just talking to them.

Q. Did you see them - - anything irregular, unusual?

A. No. I heard some reports that they did.

Q. What did you hear?

A. I heard that they went by themselves to places and raped the women there.

Q. In that town?

A. That's just what I heard.

Q. In this town where all of that MEDCAP went on?

A. Yes.

Q. Who did this?

A. I just heard they did.

Q. Who did you hear did this?

A. I heard that those Vietnamese soldiers did it.

Q. Who told you that?

A. I don't really know.

Q. Was it in the village where you held the MEDCAP or some other location?

- A. I think it was in the village.
- Q. Was this common knowledge around the company?
- A. What?
- Q. Was this common knowledge around the company?
- A. No.
- Q. No?
- A. No.
- Q. Did you hear about any mistreatment of Vietnamese?
- A. No.
- Q. By either the U.S. or ARVN?
- A. No.
- Q. No torturing?
- A. No torturing.
- Q. No beating up?
- A. No.
- Q. No shooting?
- A. No.
- Q. Not at any time during the operation?
- A. No.
- Q. Didn't see it or hear it?
- A. That's right.
- Q. Except this?
- A. And I only heard that from two or three other U.S. soldiers.

LTC NOLL: How much were you around when these interpreters were talking to the Vietnamese?

A. The captain and interpreter went around the village, and I just stayed in the village at one place with the radio.

Q. Where?

A. With the radios.

Q. Were any of the villagers detained in the company perimeter that night?

A. I don't think we had any.

Q. Did you have any ARVN in the perimeter that night?

A. Yes, we had those same three or four ARVN to stay with us that night.

COL WILSON: Did you ever hear an order come over the radio at any time during this operation to stop burning the hootches?

A. I don't remember any. I didn't see any hootches burned.

Q. Do you have any knowledge of any investigation or inquiries being made after this combat assault in Vietnam?

A. No.

Q. Did anybody question, or anybody ever question you or has anybody you have ever know been questioned?

A. No.

Q. Did you take a camera with you?

A. Over in Vietnam?

Q. Yes.

A. No.

Q. Do you know of anybody that did at this time?

A. The ones that had them, they had them in the rear area. They didn't take them on a combat assault.

Q. Did you ever hear any rumors that civilians were killed unnecessarily during this combat assault?

A. No, I didn't hear anything.

Q. Did you ever hear anything about this operation?

A. No.

Q. Do you know if marijuana was a problem in B Company?

A. There had been a few with it.

Q. On operations?

A. The only time I seen it was in the rear area or maybe on a firebase or something.

Q. Did anybody in the company particularly have a problem with marijuana?

A. Not that I know of.

Q. Did you ever hear of any torturing going on?

A. No.

Q. You don't recall any of the transmissions on the body count?

A. No. All I remember is Charlie Company sending in a report that they had killed some. I remember the 1st Platoon sending in they had killed some.

Q. Do you -- you don't remember this question about women and children?

A. No.

Q. You don't remember General KOSTER sending an order about going back into a village to make a body count?

A. No.

Q. You don't remember Colonel BARKER saying to keep the platoon out of Pinkville?

A. No.

Q. Mr. WILKENS, I would like to advise you not to discuss your testimony in this case with others including other witness for this investigation except as you may be required to do so before a competent judicial, legislative, or administrative body. You understand?

A. Right.

Q. Do you have any further statements to make? Anything that you could testify to, that you could give us to assist us?

A. I'm sorry that I have forgotten most of it. I just wanted to forget Vietnam when I left. I do know that our company didn't burn any villages or nothing like that.

Q. Those three villages that are indicated by the brown color there were burned by B Company (indicating).

A. They were supposed to have burned, those three was here?

Q. Yes.

A. The time I went south down here (indicating), there was a few ships out in here. The time I was down here on this end here, I didn't see any burned hootches or nothing. I don't know, I may be giving a different time that I was there or something.

COL WILSON: The hearing will be recessed.

(The hearing adjourned at 1442 hours, 27 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: BRETENSTEIN, Peter, Mr.

DATE OF TESTIMONY: 28 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Forward observer for the Weapons Platoon, Attached to the 1st Platoon, B/4-3

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

The witness went with the 11th Brigade from Hawaii (pg. 3). He did not remember where he saw Exhibit M-2, but was familiar with the rules (pg. 3). He had not seen Exhibit M-3 (pgs. 3, 4).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness was not sure who briefed them on the operation but stated that it must have been Lieutenant WILLINGHAM (pg. 4). WILLINGHAM normally briefed the squad leaders and the witness, as a member of the CP group, was in on the briefings (pg. 4). The witness could not recall whether it was a search and destroy or a search and clear operation (pg. 5). The witness stated that they could not destroy villages without special permission or else they would "get into trouble" (pg. 6). He did not recall anything being said about the destruction of livestock or foodstocks (pg. 6). He stated that normally, any food which appeared to be in excess of the individual's needs would be destroyed (pg. 7). He stated that normally the civilians were rounded up in a group and turned over to the Military Intelligence interrogators (pg. 7). The witness thought that the first platoon was told that they were to move towards the coast from the LZ but he could not recall the order the squads were to move in, nor could he recall what the other platoons were supposed to do (pg. 8).

3. ACTIVITIES ON THE ASSAULT

a. Activities on 16 March.(1) Landing and initial movement.

The witness stated that he was on the second lift and the LZ was not hot when they landed (pg. 9). He could not recall seeing any gunships when they landed (pg. 10). They moved almost directly from the LZ to the bridge. He recalled three rounds of sniper fire before they hit the bridge (pg. 10). He could not recall the order of march, but stated that he was with the CP group which normally was in the middle of the platoon (pg. 10). When they arrived at the bridge, the witness stated that he was moved forward in order to call mortars in on the bridge (pg. 11). He called in five rounds, three of which were duds and he stated that Captain MICHLES said, "Disregard that. Just give it a few bursts with a machinegun" (pg. 11). In trying to adjust the fire he used an RTO's radio and was on the company net (pg. 12). He could not recall how MICHLES communicated the order to switch to machineguns (pg. 13). One of the machinegun crews moved up and he thought that they fired from somewhere near the west side of the bridge (pg. 16). When the machineguns stopped, the platoon began to move across the bridge. Although he was in a position to observe what was going on, he could not recall in what order the platoon moved across the bridge (pgs. 16-17).

(2) Activities in the village.

From his position on the east side of the bridge he could see one or two of the huts, but could see no people (pg. 17). He did not believe that the platoon began shooting when it went across the bridge (pg. 18). He said that he crossed the bridge with the command group and upon arrival on the other side of the river he moved into the center of the village (pg. 19). He estimated that the outskirts of the village were 25 meters from the end of the bridge (pg. 19). Although the firing stopped before they crossed, he did recall some light weapons fire which he thought was an intermittent recon at the surrounding bushes (pg. 20). He believed that some individuals were shooting at the area on top of a hill which overlooked the village (pg. 20). As he entered the village he saw some south Vietnamese males running off (pg. 20). He did not see any of them get hit (pg. 21). As the platoon moved into the village, he stated that they were searching the hootches and occasionally firing into tunnels (pg. 22). He saw approximately five bodies lying on the hill but he did not examine them closely and could not state if they were women or not (pg. 22). After they arrived in the village he stated they took a break (pg. 22).

There were ten or fifteen hootches in the village, which were searched rapidly and approximately ten of them were burned (pgs. 23-24). Some of the bunkers were being blown up, but he did not see or hear of people in the platoon shooting people coming out of the bunkers (pg. 24). There were no detainees taken in the village (pg. 24). He could not explain why 38 VC were reported killed and stated that he did not see 38 people (pg. 25). He agreed that it was possible that some of the people could have been killed in the bunkers as they were blown up (pg. 25). While in the village, he thought that a helicopter landed and resupplied them with demolition equipment (pg. 26-27).

(3) Movement to the south and activity in the night laager area.

After leaving the village the platoon moved to 150 meters south of the village (pgs. 29-30). They eventually moved north to their laager position which they set up to be a night ambush (pg. 30). Before dark he recalled that a Swift Boat landed on the beach but he could not recall what they were doing (pg. 31). He did not recall sampans landing or a number of Vietnamese coming onto the shore (pg. 31). He did not see anyone being interrogated that day (pg. 32). He stated it was possibly a platoon-size laager (pg. 33). He could recall that he adjusted two artillery smoke rounds 500 meters to the north and south of their position (pg. 34). This was done through the artillery FO (pg. 34).

b. Activities on 17 March.

The next morning the whole company moved into a finger of land to the northeast of the village (pg. 35). He could not remember the movement clearly (pg. 35-36). He did not recall the company commander crossing the bridge and he did not remember seeing Vietnamese with the point group (pg. 36). He did remember Taylor being wounded and stated that there was some sniper fire received from the village they had been in the day before (pgs. 36-37). He could not recall a medevac coming in for Taylor (pg. 37). He stated that two gunships came in which fired into the village (pg. 38). He did not recall their using rockets (pg. 38). He stated that the aircraft approached from the west, while he was on the trail out of view of the bridge (pgs. 38-39). When the company crossed the bridge, they joined up with the first platoon and moved south all the way down to the tip of the peninsula (pg. 39). When he was given a theoretical reconstruction of the unit's

activities, he stated that he thought they moved inland down the beach because he did not recall walking near the water. (Pg. 40). As they moved south through villages, he could not recall if the villages were burned (pg. 40). He did not recall any firing or any suspects running from the company (pg. 41). He described the march as "uneventful" and he did not think any demolitions were used (pg. 41). He recalled standing on the tip and looking at a village across the bay (pg. 41). They then moved north and into the laager area (pg. 42). He did not see a photographer with the unit (pg. 44). He did not recall the evening meal, a rice cache being captured, or the presence of ARVN or national police (pg. 45).

c. Activities on 18 March.

The witness did not recall seeing anyone from outside the company as they moved to Ky Xuyen (1) on the afternoon of 18 March (pg. 46). He did recall an MI team joining the unit that evening (pg. 47). He did not recall moving into any particular village, and stated that they moved from the beach inland halfway up the peninsula and returned (pg. 47). That evening they laagered in a beach area (pg. 48). He stated that they were mortared while in the laager position and he thought that it was done by people who were present earlier in the day in boats (pg. 48). He did not recall any artillery being fired that night, nor did he remember a Vietnamese woman being brought in (pg. 48). He thought that a MEDCAP team came in to a village more to the north that day, but he did not remember the helicopters bringing the people in or taking them out (pgs. 48-49). The MI team interrogated people on the beach but he did not see any unusual techniques being used (pg. 49). During the mortar attack, the witness stated that he jumped into his foxhole and shortly thereafter adjusted artillery fire into the area where the mortars came from (pg. 51). He told the artillery FO the location for the artillery which he estimated as being 300 meters from their position (pg. 51-52). He did not recall the battery firing for effect (pg. 52). He did not recall Medevac helicopters coming in for the casualties (pg. 52).

4. INQUIRIES CONCERNING THE ASSAULT.

The witness had no knowledge of any investigation being made about the operation (pg. 54). He was not questioned by anyone (pg. 55). He was never told not to discuss the possibility of unnecessary killing (pgs. 55-56).

5. OTHER INFORMATION.

a. The witness stated that marijuana was not a problem' in B/4/3 (pg. 56).

b. The witness stated that he never heard of any rapes taking place (pg. 56).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit had seen before.	3
M-3	MACV Card "The Enemy in Your Hands"	Wit had not seen before.	4
P-21	Miscellaneous photo	Wit identified the MI interrogator	43
MAP-4	Map 6739 II	Used to orient the witness.	10

(The hearing reconvened at 1000 hours, 28 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named persons are present: COL WILSON, LTC NOLL and MAJ THOMAS.

The first witness is Mr. Peter BRETENSTEIN.

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

Please state your full name, occupation, and residence.

A. Peter BRETENSTEIN, I'm a student, and live at 5 Vercashia Road, Rolling Hills, California.

COL WILSON: Where are you going to school?

A. Los Angeles Harbor College.

Q. Before we proceed with any questions I would like to inform you of several matters. The Peers Inquiry was directed by the Secretary of the Army and the Chief of Staff of the Army, jointly, to determine the facts and make findings and recommendations concerning the My Lai incident of 1968. In conducting his investigation General PEERS determined that it was necessary to know the situation and operations of B/4/3 during the period 16 through 19 March. He therefore appointed this team to interview personnel of B/4/3. This is Interview Team C. The purpose of our interview is to get a description of the operation and what took place during that period and try to build a picture of what happened in the B Company area, both air and ground operations. It is possible that other members of General PEERS' team may come in here and ask you questions. General PEERS may come; it depends on his commitments. At any rate if anybody comes in to ask you a question, I'll identify them as to whether or not they are on General PEERS' board.

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

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

During the interview the board will follow a sequence of questioning, which will be chronological. The first questions will be concerned with: training you may have received prior to going to Vietnam; training you may have gotten after you got into Vietnam; the briefing prior to the operation of the 16th of March, 1968; the questions on the operation itself, 16, 17, 18, 19 March, and; any knowledge you may have on subsequent investigations or inquiries into the activities of Task Force Barker.

This team consists of three people: Colonel NOLL; myself; and Mr. WALSH, who is a civilian attorney who has been designated by the Secretary of the Army to assist General PEERS in his investigation. Mr. WALSH will be in later. As I said, if any additional people come in to ask you questions, then I will identify them as being members of General PEERS' board. Major THOMAS, at the end, is the recorder who maintains all the testimony and exhibits.

(MR WALSH entered the hearing.)

Do you have any questions on anything that I've covered?

A. Not so far.

Q. Mr. WALSH, this is Mr. BRETENSTEIN.

What was your assignment on 16 March 1968?

A. I was assigned to B/4/3.

Q. Which platoon?

A. 1st Platoon. I'll clarify that. I was in the weapons platoon and attached to the 1st Platoon. I was in the 81 millimeter mortar as forward observer. Each line platoon had an observer attached to them for that purpose.

Q. Have you discussed this operation with anyone who was with you those days, before coming to this interview?

- A. No.
- Q. I have two facsimiles of MACV cards. Exhibit M-2 is entitled, "Nine Rules." Have you ever seen that card? It's front and back page there.
- A. I'm familiar with these rules.
- Q. Have you ever seen the card?
- A. I don't remember where I saw it, but I have--I do remember having read the rules before.
- Q. Do you remember whether this took place before or after you got in Vietnam?
- A. No, sir, I don't remember.
- Q. Did you go over with the 11th Brigade?
- A. Yes, sir.
- Q. Were you with them in Hawaii?
- A. Yes, sir.
- Q. And you were with them for your entire tour?
- A. In Vietnam?
- Q. Yes.
- A. Yes, sir.
- Q. How long were you in the hospital with that wound?
- A. Six days.
- Q. And then you returned to your former assignment?
- A. Yes, sir.
- Q. This exhibit M-3 is entitled "The Enemy In Your Hands." Have you seen that card?

A. No.

Q. Mr. BRETENSTEIN, we are going to ask you what you remember about the briefing prior to this combat assault, and then after that we'll give you a map orientation on what we understand took place from the Task Force standpoint and some information on B Company. But first, we would like for you to think back and recall as much as possible the information that was passed out prior to going on this combat assault operation.

A. I don't remember the particular combat assault.

Q. Do you remember--lets see, you were with the 1st Platoon. Do you remember when Lieutenant COCHRAN was killed?

A. Yes, sir.

Q. Do you remember when Sergeant TAYLOR was wounded?

A. Yes, sir.

Q. That is the operation we are talking about. That was in the middle of March, 1968. You went down into Pinkville area. With that date and time in mind, remembering that is the operation we are talking about, go back to the fire base where you were and see if you can remember who briefed you and what you were told before going on this combat assault?

A. I'm pretty sure we were making the CA from LZ Uptight, but I don't remember the particulars of the briefing.

Q. Okay, I'll ask you some questions. Who briefed it?

A. I imagine--I can't say for sure. It must have been Lieutenant WILLINGHAM, the platoon leader.

Q. All right. Does he normally give his briefing to the squad leaders or to the entire platoon?

A. Normally to the squad leaders. I was in his command CP group, therefore, I was always with him, so I was in on the briefings.

Q. You say he normally gave it to the squad leaders and his CP, or command group?

A. Yes, sir.

Q. So this briefing normally would have been attended by the squad leaders, the platoon sergeant, the medic, you, and the RTO's.

A. Yes, sir.

Q. Do you recall if this was the case for this operation?

A. I couldn't be sure.

Q. Do you recall any orders being given concerning the destruction of villages?

A. Do you mean whether or not it was a search and destroy or a search and clear mission?

Q. Yes.

A. I don't remember which it was.

Q. Did you get many search and destroy missions?

A. Generally, in the Pinkville, yes.

Q. Now, when you received a search and destroy mission does this, to your knowledge, as far as you've been trained and what you know, does this indicate the destruction of villages?

A. Not necessarily.

Q. Does it authorize the destruction of villages without going back for further authority?

A. No.

Q. Do you know this, or are you just making a statement here? I am just trying to find out your understanding of this term.

A. As far as I'm concerned, we could not destroy the villages unless we were given permission or given orders to, because if you did, you would get into trouble.

Q. What about the destruction of foodstocks? Was there anything mentioned on that for that operation, other than normal procedures?

A. No.

Q. What about livestock? Anything mentioned on livestock?

A. No.

Q. Now, were there any orders given concerning the disposition of the natives and the inhabitants of this area, other than was normally done?

A. What do you mean by "disposition"?

Q. How you handle them, where they went, whether they were to be sent to a collecting point, how they were to be treated.

A. Nothing other than that was standard procedure.

Q. In other words, you didn't get any specific instructions other than SOP for these questions that I've asked you?

A. Right.

Q. Just the regular thing, regular operation, regular either search and destroy or search and clear. You don't recall, but normally in the Pinkville area it was a search and destroy operation.

A. I hope that's correct.

Q. And for normal operations, let's take a search and destroy operation, what is the usual disposition of excess foodstocks and village natives of villages and things like this?

A. As far as excess foodstocks on a search and destroy, if it was considered more than the individual would need for his personal consumption; in other words, if it was being stored for use by the Viet Cong we would destroy it or confiscate it.

Q. What about inhabitants of villages in these areas if you were to conduct search and destroy operations? Suppose you received instructions to burn a village. What would you do with the inhabitants? Was there an attempt made to evacuate them or were they left there?

A. They were normally surrounded or gathered into one group, and in an instance like this they would get-- who were the guys with the "U.S."?

Q. MI?

A. Yes. They would get an MI team out there, usually a Vietnamese interrogator, either an NCO or an officer, and they would interrogate these individuals, check their papers, and try to determine which of them to hold. Usually eligible males, of eligible age, would be taken into custody, and, evidently, they just put them on a chopper and flew them out of there. I assumed it was to interrogate them to determine whether or not they were Viet Cong or not.

Q. What happened to the others? Just release them or what?

A. Yes.

Q. What did you understand from the briefing the enemy situation was that existed there at that time? Do you recall this being mentioned?

A. Not specifically. I knew what it was in my own mind.

Q. How did you know this?

A. From past experience in the Pinkville area.

Q. Do you recall anything being said in the briefing about the enemy situation?

A. No, sir.

Q. Do you recall what, in the 1st Platoon, what the squad disposition was after arriving at the landing zone, what squads were told to do?

A. I believe we had an objective to move to and secure an area.

Q. What was that objective?

A. I don't remember exactly. It was somewhere on the coast. We moved towards the coast from the LZ.

Q. Was this the company objective?

A. No, it was just the 1st Platoon.

Q. You don't know which squad was to proceed--

A. (Interposing) No, we always worked as a platoon-sized element. We didn't split up.

Q. Which squad was to lead and which squad was to come along behind?

A. No, I have no idea.

Q. You don't recall this?

(Witness shakes head in the negative.)

Do you remember what the other platoons in the company were supposed to do?

A. No.

Q. Where, for example, was the mortar platoon supposed to go?

A. I don't know.

Q. I take it you very seldom get involved with what the mortar platoon does although you are assigned. You spend

all of your time with the 1st Platoon.

A. I spend all my time with the 1st Platoon.

Q. Now, I'll give you a map orientation. The way we'll handle this, I'll brief you on the 1:25,000 map sheet which shows the concept of the operation from the task force standpoint, and Mr. WALSH, who has recently returned from this area, will brief you on a photograph; on some of the details to help you to recall the particular area of your operation, so we can go ahead with our questioning in that way.

(COL WILSON and MR WALSH oriented the witness on the photographs.)

Do you recall which lift you were on?

A. Not exactly. I can hazard a guess.

Q. What is your guess?

A. Second lift.

Q. Why do you guess that?

A. I really have no idea. It's just that I don't think it was one of the days where I was on the first lift.

Q. Do you recall any firing as you came in or as you got out of the helicopter?

A. The LZ was not hot.

Q. There was no firing on the ground when you got there?

A. No, not immediately.

Q. Did you see anybody firing when they left the aircraft?

A. No.

Q. Did you see any gunships?

A. I don't remember.

Q. All right. If you can recall, would you describe-- you can use any of these documents that you might want to assist you--describe your actions on the 16th of March. We are going to use Exhibit MAP-4.

A. As far as the platoon?

Q. Yes.

A. Did you say the LZ was in this area?

Q. Yes, generally up in this area.

A. All right. We moved almost directly from the LZ to this bridge. It was uneventful. I think there was, just off handedly, I'd say three rounds of sniper fire. There was a little bit of sniper fire.

Q. Before you hit the bridge?

A. I believe so, but it could have been--it was anything like we were pinned down or anything. It could have been some other element or something just ducking. It could have been a false report is what I am trying to say. But as I recall, there was sniper fire. We proceeded to the bridge.

MR WALSH: Do you remember the order of march to the bridge, where your squad was and where the other elements of the platoon were?

A. Well, I was with the CP group, therefore, I would normally be at the middle of the platoon with one of the squads walking before me and another squad walking after me. The platoon leader, his RTO, the forward observer, and the medic would be in the middle.

Q. Do you remember which squad was forward and which squad was rear?

A. No, I do not.

COL WILSON: Let me ask you a question on this firing. You said there was a report. Did you hear a report being made that there was sniper fire?

A. Do you mean by somebody saying something?

Q. Yes, or coming back on a radio or communication of any type.

A. It seems to me we halted for just a moment.

MR WALSH: Could it have been somebody thinking that a grenade had been thrown that didn't explode?

A. I don't think so.

COL WILSON: Okay, go ahead.

A. Well, we got to the bridge and they had me go forward because they wanted to recon by fire, so to speak, with mortars in the area across the bridge just to make sure there were no enemy forces massed there. So I fired-- or I gave directions to the mortar platoon to fire, and they fired five rounds. Three of them were duds, so Captain MICHLES said, "Disregard that. Just give it a few bursts with a machinegun."

Q. Did you hear this transmission from Captain MICHLES?

A. No.

Q. So you fired five rounds on a recon by fire basis?

A. Right.

Q. And three of these were duds. Were they reported back as duds? Were you on a radio reporting this?

A. Yes.

Q. Whose radio were you on?

- A. One of the RTO's.
- Q. You would have been on the company net?
- A. That is correct.
- Q. And you were calling back and adjusting--preparing to adjust this fire.
- A. Trying to.
- Q. The first round that came in, was that a dud?
- A. Well, I can't be sure, but I believe it went off but it was not in sight.
- Q. How about the next round?
- A. As I recall again, I gave a drop. I shot an azimuth to the target and I gave a drop which would bring the round to me; and as I recall, I heard it impact but it did not go off.
- Q. You didn't see the first round?
- A. No.
- Q. The second round impacted but no detonation, right?
- A. Right.
- Q. And what about the third round?
- A. I can't remember whether it went off or not.
- Q. In that sequence, you can't recall?
- A. No.
- Q. Was your instruction to fire for effect after this second round, or what was your next instruction after you didn't see the detonation of this impact on the second round?

A. I was told to put a few rounds--

Q. (Interposing) Okay. Did you ask for five rounds?

A. No, I was trying to adjust. They gave the first round. I'm hoping I'm telling this correctly.

Q. To the best of your memory?

A. Right, it was too far away. I couldn't see it, so I tried to adjust it closer. It was a dud, and the next one either was or was not a dud. They were so ineffective. They were the old HE light, which are the old rounds, and they were notoriously faulty. Evidently the fuse mechanism was bad. Anyway, it was ineffective. I couldn't adjust it because the rounds weren't going off, so by the fifth round Captain MICHLES decided not to go ahead on that line; try something else.

Q. Captain MICHLES, as I understand, was monitoring this and that he just came in, intercepted the communication, and said discontinue the mortar fire. Is this basically what he said, or how did he do this?

A. That's basically what he said. I don't remember exactly how he did it.

Q. You mentioned he said something about a machinegun?

A. Yes.

Q. What did he say?

A. I don't remember exactly. What occurred is that one of the machinegun crews moved up so they could get grazing fire on the opposite bank on this bridge and fired at the opposing bank.

Q. You came forward from the platoon CP?

A. That's right.

Q. To initiate this mortar fire. Do you recall now,

had this been planned at the briefing, that mortar fire would be used to prep this far side of the bridge?

A. Yes, there had been--all I remember is they said something about we might need you today, Pete, or something like that.

Q. But you weren't told that when you got to a certain location that you would fire your mortar?

A. No.

Q. There was an indication that they might need you at this time?

A. Right.

Q. Now, this first round that went over there, you didn't see it. Did you hear it detonate?

A. If my memory serves me correctly, I did.

Q. Do you have any knowledge, before you moved forward in the column to observe the mortar fire; do you have any knowledge of what was the reason for this mortar fire?

A. Specifically, or what my theory is?

Q. If you can remember; if not, what your theory is. Let me know what you did.

A. I don't know specifically. I'm quite sure it was a recon by fire and a prep in the area. Crossing the cement bridge like that, you have to practically climb across it. It's kind of hairy getting caught out in the middle of it. Other people have automatic weapons, so consequently, if there was any snipers or anybody over there, it would be unnerving to them, at least, to have mortar fire dropped into that area.

Q. Your mortar fire--I understand your target was the east side of the bridge?

A. Yes.

Q. The approach to the bridge on the east side?

A. Yes.

Q. What else? Was there anything over there? Was there any entrenchments or enemy positions or anything like this that you could see that you could observe?

A. No.

Q. Was there any houses there?

A. I think you could see the village back of the bridge.

Q. I mean within the zone of the target, were there any houses?

A. Well, you see, the target wasn't specific.

Q. You selected the target?

A. More or less, as I remember. So it would have been if I--not thinking about it now, I would have shot into the area immediately adjacent to the bridge and the bank. However, it is quite possible that some rounds could have fallen back, which would have put them somewhat on the outskirts of the village.

Q. But do you recall any firing going on up there when you moved forward to adjust the mortar concentration?

A. No.

Q. No hostile fire?

A. No.

Q. Did you talk to any of people up there? Had they received any hostile fire?

A. I didn't talk to them about it, but I didn't hear anything about hostile fire.

Q. Now, when you stopped your mortar fire--my other

question, were you handling the handset when you were communicating to the mortar platoon, or were you relaying through an RTO?

A. I was handling the handset.

Q. If you had the handset in your hand, you must have heard Captain MICHLES come in on the radio?

A. I must have?

Q. Because you mentioned initially that he said to discontinue, or words to that effect, the mortar fire. When that machinegun moved up, could you see where it was firing from?

A. I did. I don't remember exactly where it was firing from. I believe it was somewhere near the west side of the bridge.

Q. It fired across the bridge--

A. (Interposing) Right.

Q. At that time, after that machinegun stopped firing, did the platoon start moving across the bridge?

A. That's correct.

Q. You were still in position where you could observe the operation? Is that right?

A. Yes.

Q. You stayed where you could observe what was going on?

A. Yes.

Q. In your position as an observer. What did they do, move across a squad at a time, or did they sort of move across as a complete platoon with the CP group in their regular location?

A. I don't remember. I would just guess that it was in one element. Not that we were spread out without security. The first element, by the time they got over, they set up security so at all times we had the area covered by at least one machinegun. I'm sure that is the way it was done.

Q. As the squads moved across could you tell the direction that they moved? Did one squad go down in one direction and another squad go in another direction?

A. No, I don't remember exactly how they did it.

Q. When you were observing this mortar fire, how much visibility did you have? Was there much vegetation there? Could you see the villages in the area and what was going on as far as the people in the area were concerned?

A. The vegetation was heavy enough so I could only see one or two of the huts. I mean it wasn't like a big open village. I didn't see any people.

LTC NOLL: When you were in the process of moving over the bridge, there should have been two mine explosions over in the other company area. Did you hear those, and really, if you did hear them, the thing that I'm trying to determine is how far apart?

A. I don't remember hearing them, but I must have heard that one because I recall a 105 round. So, I must have heard it, but it was a considerable distance. I wouldn't even want to guess how far apart.

MR WALSH: You mentioned a 105 round. Did you hear that transmission over the radio identifying it as a 105 round?

A. No, I think I just got that from scuttlebutt.

Q. Do you remember seeing the mortars set up as you moved out towards the bridge?

A. No, I don't.

Q. You don't know where it was set up?

A. No, I don't.

LTC NOLL: As the machinegun fired across the river, did they also engage the bank with small arms fire also, or do you recall?

A. I don't think anyone did. It would have been hard to tell with an M-60 going whether or not somebody was shooting with an M-16, but I don't recall them using small arms.

Q. After the platoon crossed the bridge, did they once again implace the machinegun and engage and start firing?

A. No, I'm sure it was set up some place, but they didn't start shooting.

COL WILSON: When you were called forward to initiate this recon by fire with mortar, did Lieutenant WILLINGHAM give you specific target or any specific instructions. You understood that this was to be an impact zone right near the bridge to secure the crossing.

A. That is correct.

Q. And nobody had to give you a target or anything. You understood enough about the operation?

(Witness nods in the affirmative.)

When did you cross the bridge? Do you recall whether you crossed after the first squad or after the point or after the last squad or what?

A. I don't remember. I just assumed it was after the point element and the first squad had gone over.

Q. When you moved forward to adjust the fire, did Lieutenant WILLINGHAM go up with you?

A. No, he did not.

Q. But his RTO went with you?

A. I don't think so.

- Q. Did you have your own radio?
- A. No, I'm trying to remember if either I carried it forward or I used the platoon sergeant's but I don't remember who he was, but I could have used the platoon sergeant's radio, which would have been up in the forward part.
- Q. He had a radio too?
- A. He had an RTO, yes. There were two radios.
- Q. PRC-25's we're talking about?
- A. Right.
- Q. Now, did you join the platoon later, after you ceased firing with the mortar? Did you go back to Lieutenant WILLINGHAM, or did you stay up there?
- A. I either went back to Lieutenant WILLINGHAM or waited until after the column moved up and just dropped in behind.
- Q. And crossed the bridge with the command group?
- A. I think I did.
- Q. After you got on the outside of the river there, where did you go, or what did you do?
- A. Moved into the center of the village.
- Q. And when you crossed, which direction did you move?
- A. Well, it would have been east across the bridge, and the village was right almost directly at the end of the bridge.
- Q. How far from the end of the bridge?
- A. The outskirts of the village began approximately, very roughly, 25 meters.
- Q. When you crossed, had the firing ceased or was the

firing still going on over there?

A. The firing?

Q. You mentioned some firing didn't you? Machinegun firing?

A. No, that had stopped by that time. We fired, and then we moved across the bridge.

Q. In other words, you're saying that the firing took place, as far as the platoon was concerned to include the mortars, while you were on the west bank of the river, and once the platoon had crossed the river there was no more firing at that time?

A. Well, no, there was some light weapons fire. I'm trying to think where that was coming from. I remember them shooting. I think it was just--there wasn't any specific type target. I think it was just sort of intermittent recon by fire type of thing at some of the surrounding bushes and stuff. There was like a bank or a hill overlooking the village.

Q. Was there any firing going on back on that hill?

A. You mean at the bottom of the hill?

Q. Bottom or top or any part of it.

A. I think some of the individuals were shooting at the area up the hill, and as I remember, there were a couple of guys that kind of ran off just as I came into sight coming into the village.

Q. Who was running off?

A. Some Vietnamese guys.

Q. Was there a heavy volume of fire on the west bank right prior to and during the crossing?

A. Well, they shot a considerable amount with the M-60. Maybe a hundred rounds.

Q. And then after you got over to the other side you said there was intermittent firing. Did the M-60 fire anymore on the east bank or east side of the river?

A. I can't remember that at all.

MR WALSH: When you crossed the bridge and you approached this village there that was on the opposite side of the bridge, we've had some indications that, pretty good indications, that the machinegun was set up there and that there was quite a heavy volume of fire directed into the village and into the people in the village by certain people in the first squad that crossed the bridge. You didn't see that at all?

A. I don't remember the M-60 firing.

Q. Did you see any of the inhabitants in the village shot after you came across the bridge?

A. Physically who had been shot?

Q. The first question, did you see any of them running around and being shot?

A. Like I say, just as I came into the village there were a few people that sort of scampered, ran away, that type of thing.

Q. Did you see any of them get hit?

A. No, not directly.

Q. Then did your platoon or lead elements of it stay outside of the village firing for a while, or as soon as they got there did they start moving into the village?

A. As I remember, they moved almost directly into the village.

Q. As they moved through the village, what were they doing?

A. Securing it.

- Q. Were they searching the hootches?
- A. Yes.
- Q. Were they firing their weapons?
- A. Well, as I said, intermittently. A lot of times you would shoot down a tunnel or something like this as a means of clearing it.
- Q. Did you stay with the command group at this point?
- A. Yes.
- Q. Did you see any bodies?
- A. Of Vietnamese? There were a few that had been hit.
- Q. How many would you say in terms of numbers?
- A. Maybe five.
- Q. Where were they lying? On the trail?
- A. No, like up on this hill type of thing where some of them tried to run.
- Q. Were they women?
- A. I don't know if they were or not.
- Q. Did you go and look closely at the bodies?
- A. No.
- Q. Now, what did the CP group do after you moved into the village?
- A. Nothing much, just took a break.
- Q. How far south of the bridge did you move?

A. Very roughly, 150 meters.

Q. That's the furthest you moved all day? That far south I mean?

A. Well, sometime during the operation, I think it was that operation, I remember moving south. As a matter of fact, I think it was--it may not have been that day--I think it was one of the other days after that that we moved down to the tip.

Q. The following day. It is our understanding that the first day the 1st Platoon more or less stayed in the area of the bridge. I just wondered in terms of more specifics how far south did you move in that area?

A. The CP group didn't move any further south. I don't think the elements of the platoon went any further south than just that village. Their mission was to secure that particular village.

Q. About how many hootches were in that village?

A. Maybe 10, 15.

Q. It wouldn't take too long to search that many hootches would it?

A. No.

Q. The first job done was to search the hootches around there?

A. Yes.

Q. They moved out pretty quickly to do that?

A. Yes.

Q. And after that was done everybody else more or less took a break?

A. More or less. Pretty quickly after that we moved out, as I remember.

- Q. After the hootches were searched, were they burned?
- A. Yes, I'd say about 10 of them. I don't think they got all of them--most of them.
- Q. Were there any demolitions being used on bunkers?
- A. Yes, some of the bunkers were blown.
- Q. Now, did you ever see or hear of people in the platoon shooting people coming out of the bunkers?
- A. No.
- Q. Did you hear Lieutenant WILLINGHAM or anyone else report to Captain MICHLES that the platoon had killed VC there?
- A. I don't recall.
- Q. Did you find any booby traps in any of the hootches?
- A. No, I don't remember seeing any.
- Q. How about detainees? Did you capture and interrogate any detainees in the village?
- A. No.
- Q. None at all?
- A. Not that I recall.
- Q. Do you remember finding a booby trap of a couple of cartridges rigged together with a firing mechanism?
- A. You mean myself, personally?
- Q. Or anyone else?
- A. No.
- Q. This is rather puzzling to us, Mr. BRETENSTEIN. The 1st Platoon reported killing 38 VC in a space of a few

hours in the area that morning, and you saw only 3 or 4 bodies killed in the initial firing. Could you give us any enlightenment or explanation on that?

A. Could it have been an estimated figure?

Q. Sure it could have been. I wonder if you could enlighten us a little on what the basis for the estimate would be. As you describe it, it was pretty uneventful. There wasn't anything happening. The platoon leader reported 38 VC killed. It is a puzzle to us.

A. I certainly didn't see any 38 anybody.

Q. You don't recall any discussion of the body count at all around the CP group or around anybody there that day?

A. No.

Q. Well, other than the three or four bodies that you saw, would it be your best guess that those were the only people killed there that day?

A. No. It's possible that some people could have been killed in some of these bunkers that they blew.

Q. Why do you say that?

A. Because it's always possible.

Q. That was nothing more than just a guess? Just a possibility that you say that or--let me put it this way. Did you observe the procedures followed in clearing the bunkers?

A. Yes. The only procedure was to throw a charge into the bunker.

Q. Didn't they give anybody--attempt to give a shout down there. Did they explore them to see if there was any people down there?

A. You don't go into tunnels if they're not cleared. It is not very safe.

Q. Do you have any basis for believing that there might have been people in the bunkers, other than just the bare possibility that there was? Did anyone ever--was there ever an incident where anyone mentioned that in blowing one there turned out to be people in it. Do you recall?

A. I don't recall specifically.

Q. Do you remember finding any web gear, helmets, weapons, or anything in the course of searching the area?

A. No.

Q. In other words, as far as the operations of that village go, it was just entirely uneventful as far as you can recall?

A. Yes, sir.

Q. Was there anything more that happened in that area east of the bridge before you moved out that we haven't talked to you about that you recall?

A. No.

LTC NOLL: You indicated that after trying to adjust the mortars in that village, that Captain MICHLES said some instructions, possibly to use the machinegun.

COL WILSON: He didn't say he tried to adjust the mortars into the village.

LTC NOLL: Okay, after you've given up on the adjustment of the mortars, you received some instructions from Captain MICHLES. During the process of firing the machinegun across the river, did any other instructions come from Captain MICHLES to you?

A. I didn't hear any.

Q. Do you recall if a helicopter set down in a position near the village at approximately noontime or at any time before you moved out?

A. I don't remember it, but it must have, because we got the demo stuff. I don't recall him--I'm trying to think if there was a place for it to land, but it must have landed there.

Q. You don't remember any people in a position other than your platoon, do you? Were you joined by anyone in the position?

A. No.

MR WALSH: One more question, Mr. BRETENSTEIN. Do you have any recollection of seeing Sergeant MILUS with the M-60, firing into the village, when you arrived with the CP group?

A. In the village?

Q. Yes.

A. No, I don't. I don't remember seeing that.

Q. Do you have any recollection of Lieutenant WILLINGHAM giving an order to cease fire after about the time you entered the village?

A. No. Cease fire? You mean--

Q. (Interposing) Not necessarily in those words.

A. Like to this machinegun that was supposed to--

Q. Or to other people firing their weapons. Directing them to stop firing?

A. No, I don't remember it.

Q. You don't remember that there was any heavy volume of fire going into the village after you crossed the bridge?

A. No, I don't.

COL WILSON: I want to be sure that we're talking on the same basis. Bunkers, tunnels, this type thing. There are installations that families used to protect themselves from fire.

A. Yes.

Q. What do you call those?

A. I guess a bunker.

Q. What is the difference between, in your understanding, between a tunnel and a bunker, or are you using the two interchangeably?

A. I'm using the two interchangeably.

Q. In a village when a tunnel or a bunker is searched out--not searched out. When a bunker or a tunnel, in your terms, is demolished by a charge, is it normal just to go through there and throw these charges into the bunkers or tunnels. Is this normal operation?

A. Yes.

Q. No call down there to find out if anybody is in there, considering that women and children may be in these bunkers. Just throw the charge in there?

A. Yes.

Q. Under all standard operating conditions, is this what B Company did?

A. Well, I don't want to say that it was a standard...

Q. Procedure?

A. I'm trying to word it correctly. It was something that was specifically said to us, but that is what would occur.

Q. Who was in charge? Was this the point group that did all the demolition work? Did you have some engineers attached or what?

A. No. It was some of the members of the platoon.

Q. Do you know the point group?

A. Yes. I don't remember who exactly was in it at that time exactly, because it kept changing.

Q. To your knowledge, considering the type of demolition work that was being used on those bunkers, do you believe that those bunkers were being destroyed or that there was a charge being thrown into them? What was the purpose of this explosive that was going in there?

A. What we had flown into us, I guess, was TNT, and that, I imagined I just assumed the idea of that was to actually physically collapse the bunker.

Q. Did you observe them throwing the charges or putting the charges into the bunkers, anybody at anytime?

A. I don't remember if I did or didn't. I wouldn't have taken any specific notice.

Q. They brought the TNT in, or the explosive in, you believe, to demolish the bunkers. Do you know how much explosive was brought in and if this was the only purpose for the resupply?

A. As far as I know it was. There was a box. I don't know how big it was. It was one of those wooden boxes of TNT.

Q. One box?

A. I think so. Probably some machinegun ammo too.

Q. What time was this resupply, do you know?

A. One of you said it was around noon. It seems to me it was later, some time during the middle of the day.

Q. When you left the village, after you had moved a little way south, as far as you can remember, you did move south a little way?

A. No, as far as I can remember, we didn't move south.

Q. To the southern end of the village. You said 150 meters, I believe, south.

A. I don't remember personally going any further south than the middle of the village.

Q. Then after you stayed in the village there, then you started moving out of the village back to the north?

A. That's correct.

Q. Do you remember what time that was?

A. No, I don't.

Q. Do you recall going back north to your laager position at night?

A. I don't remember going. I know that we did move north. I believe it was to this area.

Q. You are pointing to coordinate 746808.

A. Somewhere in that area we set up. The idea was to be a night ambush. It was right on the beach.

Q. Do you recall whether you had any VC suspects or detainees in the perimeter that night?

A. No, I don't remember any.

Q. Did you see the point group moving out that day, or did you observe them at any time?

A. Well, I'm sure I must have.

Q. Did you see the point with the Vietnamese?

A. No, I didn't. It's possible.

Q. Did anything occur on the way up there that you can recall?

A. No. You mean as far as--well, as far as anything, I don't remember anything.

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Q. You don't remember the time of day? Had you eaten before you all moved out of the village?

A. Evening meal?

Q. No. Noon.

A. Noon chow. I think we ate that afternoon in the village.

Q. The last report from 1st Platoon in that village area was at 1420 with 8 VC KIA. So you must have moved out after that. You went into position up here that night. You don't recall any activities along the coast?

A. Oh, before it got dark one of those swift boats landed on the beach, but I sure don't remember what they were doing.

Q. Did the swift boat come in and land on the beach, or any navy personnel contact anybody in your platoon?

A. I don't remember. I just remember something about a swift boat.

Q. Were any sampans coming in with that swift boat?

A. Well, I don't remember. I just can't recall. It seems to me that there was something about the sampans because the next night they were either going out or coming back in, or maybe it was that night that they were going out and wanted to stop them or they didn't or they brought some in or--

Q. (Interposing) Do you remember a number of Vietnamese coming in off of the sampans on the shore?

A. You mean right where we were?

Q. Yes, in your area.

A. No.

Q. Do you remember, when the swift boat came in, did

it come up to the shore, or did it just come in close?

A. I don't remember.

Q. Do you remember a helicopter bringing in a Vietnamese interpreter?

A. No.

Q. Do you remember any of the platoon or any strangers interrogating any people that day?

A. I sure don't.

MR WALSH: You mentioned earlier that you received some dynamite. Was that brought to you while you were in that village?

A. Yes, sir.

Q. By chopper?

A. I assumed it must have. I don't remember the chopper landing, but that is the normal--the only way it could have gotten there.

Q. Do you recall a chopper landing and a photographer getting off?

A. No.

Q. You don't have any recollection of a chopper landing with the demolitions?

A. No, I don't.

Q. Or any chopper landing that day?

A. No.

Q. Is it possible that the demolitions were brought in on the assault, or are you sure they were brought in during the day?

A. I'm pretty sure they were brought in by chopper. It's just that--you've got to understand that choppers are always flying around over there and you get so that it's no big thing. It's just like some guy driving up with a car.

Q. Is it unusual to have demolitions on a normal operation?

A. Not really.

Q. Did somebody in the platoon normally carry some demolitions on operations?

A. Normally somebody did. A pound or two of TNT. Just enough to blow a round in place. A lot of times we came across a dud round--just enough so you could blow that.

Q. But normally the platoon didn't have any substantial supply of demolitions?

A. No.

Q. That is the basis for your assumption that you got a supply of demolitions that first day?

A. Yes.

Q. You don't have any recollection of a point team with a Vietnamese woman in the laager area that night?

A. No, I sure don't.

COL WILSON: Did anything happen in the laager area that night that you can recall? Did a chopper come in and bring in some rations?

A. I'm trying to remember how we ate that night. I think it was supposed to be an ambush, therefore, you wouldn't have had a chopper come in. Maybe it was just a platoon-sized laager. The only thing I can remember--yes, I guess it was that night that I adjusted a couple of artillery smoke rounds that I was proud of.

Q. Where did these rounds go? Where were they fired?

A. I normally would place a round 500 meters from my position, so one would have been 500 meters north and the other 500 meters south of our position, wherever it was.

Q. This is night defensive fire that you're putting in there?

A. No. Reference points.

Q. Reference points, and from those you can adjust your fire if you need to.

A. Right. They were smoke rounds.

Q. And these were artillery--

A. (Interposing) That is correct.

Q. Rounds, and how did you communicate with the artillery?

A. With one of the PRC-25's?

Q. Did you talk directly to the battery, or did you talk to the FO?

A. I'm pretty sure I talked to the artillery FO.

Q. And you asked him to give you two rounds, two marking rounds.

A. Right.

Q. At the coordinates that you gave him.

A. (Interposing) Either I asked him or he said how about putting one north and one south.

Q. And you had those fired that evening before dark?

A. I think it was after dark. I'm not sure.

Q. You can see the smoke?

A. At night a smoke round burns like a roman candle.

Q. This wasn't WP?

A. Negative.

Q. And did anything occur after that?

A. That night you mean? Not that I remember.

Q. What about the next morning?

A. Sometime the next day, I assume we started the next morning, we moved into this area, the whole company. I think we searched out this whole setup (indicating on Exhibit MAP-4).

Q. You're pointing to that finger of land to the northeast. Now, I want to stop there for a minute and correct your thinking a little. B Company hadn't joined you. You stayed over here that night, and then you had to contact B Company again, the rest of the company. Do you remember where you contacted, where you joined the rest of the company?

A. I thought it was up there someplace.

Q. Well, the company hadn't come over that bridge.

A. Which bridge?

Q. There was only one bridge coming over here. I also want to remind you that TAYLOR was wounded that day.

A. Oh, that was the day. I had a time lag there some place.

Q. Now, think back. TAYLOR was wounded down there by that bridge.

A. Well, for some reason I thought that that was the third day.

Q. TAYLOR was wounded the following day down there by that bridge.

A. Are you familiar with the day MILUS was killed-- the night, the evening? When was that? Was that the third?

Q. You were moving along. It was the third day, the night of the third day.

A. Well, then the second day we moved. I just don't remember it clearly.

Q. I am just trying to bring back your memory. TAYLOR was wounded down here by the bridge.

A. Right, I remember that.

Q. There was a little action down there. You hit a mine or something and that's when B Company came across the bridge.

A. Oh, I don't remember them coming across.

Q. I'm trying to recall this to you because I'm going to ask you some questions about that day. Do you recall now going back down there near that bridge?

A. Yes.

Q. Was the point group out?

A. Yes.

Q. Did you see a Vietnamese with the point group at that time?

A. I don't remember, sir.

Q. You got down to the bridge and TAYLOR was wounded?

A. I remember that.

Q. Do you remember the situation? Was there a lot of firing after TAYLOR was wounded? What happened?

A. It seems to me--yes, we got some sniper fire. I guess it was from that village.

Q. From the same village that you were in the day before?

A. Yes.

Q. Was this sniper fire received before or after TAYLOR hit that mine?

A. I don't remember.

Q. Did you see TAYLOR when he was wounded or after he was wounded?

A. No, I did not.

Q. Do you remember what the order of march was when you moved back down there: which platoon was first or which one was second?

A. Do you mean the squad?

Q. I'm sorry, the squad.

A. No, I don't.

Q. Do you recall a helicopter, an evacuation ship, coming in and picking up TAYLOR?

A. Well again, I don't remember, but it must have because he lost part of his foot I think.

Q. But you didn't see the aircraft come in?

A. Well, I don't remember it. I must have seen it.

Q. Do you remember any supporting fire coming in there, artillery, mortar, or gunships?

A. Yes, there were gunships.

Q. How many?

A. I have no idea. I'd guess two because they normally worked in groups of two.

Q. Did they fire?

A. Yes.

Q. Where?

A. I guess at the village. I was trying to keep as low as possible.

Q. How many firing runs did they make?

A. I have no idea.

Q. Do you know what type of ordnance they used?

A. No. I'm sure they were using the miniguns.

Q. How about rockets?

A. I don't remember rockets, but it is entirely possible.

Q. Was this fire fairly close to the 1st Platoon?

A. Yes, it was. They were flying right over it. They were making their approach over us and letting go almost directly over our heads.

Q. From what direction was their approach?

A. From the west, roughly.

Q. From the west?

A. (Nodding in the affirmative) Moving from west to east. I think that's the way it was.

MR WALSH: Where were you when the gunships were making these passes? Do you remember your location?

A. Well, I was on the trail, but it would have been back up the trail somewhere from the bridge.

Q. Could you see the bridge from where you were?

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A. I don't think so. I think there was a little bend in the trail.

Q. Were you with the CP group?

A. I believe so.

Q. Were you normally with the CP group except when you were adjusting fire?

A. Yes, normally.

LTC NOLL: Did you see any part of the joining up of the company at the bridge?

A. I don't remember seeing it.

Q. Do you know if the company had crossed the bridge while the gunships were there?

A. I don't know when they did. Evidently they did.

Q. I mean was it before or after?

A. I don't know.

COL WILSON: The company crossed and joined up with the 1st Platoon. Do you recall what happened after that?

A. Is that when we moved south?

Q. This is what we think happened. You moved to the south after that.

A. Well, sometime. I guess we walked all the way down to the tip there, and I guess it was the same day we walked all the way back up to somewhere in this area (indicating).

Q. Now, the report of the company position that night puts it back over here. I think you've got your nights mixed up. The last night that you were out there you were up here.

A. Did we stay at a graveyard? I don't know that. It could be.

Q. This is the company now. This was a company laager with one platoon out on an ambush.

A. I thought we joined with them moved south, and then came back up. Evidently we didn't.

Q. No. We believe that you stayed down there, you moved down and were south of the bridge that night. You had one platoon near the vicinity of the bridge on an ambush, but the majority of the company was down there south of the bridge. Now, when you moved south that day with the company, the 1st Platoon, the 2d Platoon, and the 3d Platoon were all moving south. Do you remember where you were moving? Were you moving inland, or were you moving along the coast, along the beach there?

A. Well, all this area--for some reason, the way the coast is, all along the beach there was like sand dunes right in front of the beach, so there would be a hill all along the coast; and I think we were immediately inland of that hill, because I don't remember just walking along by the water.

Q. Okay, so you were on the west side of that sand hill that comes up there.

A. Right.

Q. And you moved on south. Were there many villages that you passed through?

A. Yes.

Q. Were these villages burned?

A. I don't remember if they were or not.

Q. Do you remember seeing any smoke?

A. No.

Q. Do you remember one VC KIA report that morning as you moved south?

A. No.

Q. Do you remember any firing?

A. No.

Q. Two VC or VC suspects running from the company anywhere?

A. I don't remember.

Q. You moved down south. Did anybody in the 1st Platoon use any demolitions as they went through these areas?

A. I don't think so. As I recall, we just walked down there. It was uneventful.

Q. When you got down to the southern end of the tip down there, could you see the water on all sides? Did you have a good view of this area?

A. Yes, we were right on the tip, so you could see the water, and across the bay you could see there was another village across there.

Q. Could you see this hill back here, Hill 72?

A. If it's the hill I'm thinking of we could see it. It's the one where there was always a Viet Cong flag up on.

Q. It could have been 72 but 85 also--85 was a large one back here. 72 was a little lower, not quite as high. This was right down on the river, 72.

A. I don't remember being at the point there. I know that that thing is there.

Q. If you looked over here, after you got there, while you were going down, did you see any burning going on, any smoke coming up from these areas to the west of the river?

A. I sure don't remember seeing any. I remember being impressed--I mean it's been 2 years and certain things stand out in my mind, but this village right here on the other side was kind of a nice little village. It looked like a nice place for a resort.

Q. You mean the village on the other side of the Tra Khuc River, south of the point?

A. Yes, sir. It was very pretty. The water was pretty and the sand was pretty.

Q. Did you see a helicopter come down there while you stopped at the extreme southern tip?

A. You mean to our element? I don't remember.

Q. Then you turned and headed back to the north? Is that correct?

A. Yes.

Q. Did anything occur as you moved back to the north?

A. I don't remember anything. When were we supposed to have laagered? After we moved back or on the way down?

Q. When you came back. Do you remember, that day as you went down there when B Company closed over that bridge, do you remember any Vietnamese, ARVN, or National Police coming over with B Company?

A. No.

Q. Do you remember a photographer joining you that day?

A. No.

Q. Did you see this company CP, command element?

A. That day?

Q. Yes.

A. I don't remember seeing them.

Q. Did you see CONGLETON? Do you know CONGLETON?

A. Yes.

Q. Did you see him that day?

A. I don't remember seeing him. If we laagered, I'm sure I must have seen him.

Q. Supposedly there were some Vietnamese who came over with B Company that day. Do you recall whether Lieutenant LEWIS came over that day?

A. Came over from where, sir?

Q. From across the bridge.

A. I don't remember.

Q. Or came in by helicopter?

A. I remember seeing him. Was he with the company at that time?

Q. Lieutenant COCHRAN had been killed. Our understanding is that Lieutenant LEWIS came in and replaced him.

A. Oh, just at that time. No, I remember seeing him.

Q. You don't remember seeing any Vietnamese?

A. No, sir.

Q. Or police?

A. No.

Q. This is P-21. Did you ever see any of those people in there? The two military personnel?

A. That--isn't he a lieutenant?

Q. The man on the left. That's correct.

A. He is the MI interrogator. I remember seeing him, not that day, but he was the guy that normally was part of the MI team that normally flew out to us.

Q. Did you see him on this operation?

A. I don't remember seeing him.

Q. How about the other man?

A. I don't remember ever seeing him.

Q. P-22?

A. I don't recognize either of them.

Q. P-66? Have you ever seen the man on the extreme left?

A. I don't recognize him.

MR WALSH: Do you recall seeing a photographer with you that day with a MACV patch?

A. No, I do not.

Q. A soft hat?

A. What do you mean by soft hat?

Q. A cap?

A. Like a jungle cap or a baseball cap?

Q. Either?

A. I don't remember seeing him.

Q. As you described this day, it was pretty uneventful also. Did you see any bodies at all?

A. I don't remember seeing any.

Q. Do you remember any discussion of any Vietnamese being killed that day?

A. No.

LTC NOLL: I would like to come back to when TAYLOR was wounded here on the mine. The helicopter gunships came in. Do you recall before the gunships came in if the company engaged a village with small arms fire, machinegun fire?

A. I'm sure they must have. By that I mean whenever we receive sniper fire you put out a base of fire.

COL WILSON: Let's take about a 5-minute break.

(The hearing recessed at 1140 hours, 28 January 1970.)

(The hearing was reconvened at 1145 hours, 28 January 1970.)

COL WILSON: The hearing will come to order.

RCDR: All person present when the hearing recessed are now present.

COL WILSON: You laagered that night and started moving off the next morning. Do you recall anything occurring that evening or the next morning? Did you get a hot meal that night?

A. I don't remember. It was standard that we normally got a hot meal.

Q. You don't remember Colonel BARKER being out there, anybody from brigade or the task force?

A. I sure don't.

Q. You started moving north back by the bridge. Did anything occur that day that you can recall before you got to the big village up there in the extreme north?

A. No.

Q. Do you remember a rice cache being reported somewhere in the vicinity of that bridge, about 3,000 pounds?

A. No.

Q. Do you recall that morning, at any time, seeing these ARVN or National Police with the company?

A. I don't remember.

- Q. Do you recall seeing any MI personnel?
- A. That is the second day we are talking about?
- Q. This is the morning after you laagered down here.
- A. On the morning of the 17th?
- Q. No, this is the morning of the 18th, as you moved back up here towards the big village.
- A. When did we start the CA?
- Q. The 16th?
- A. This is the third day?
- Q. The 16th you crossed the bridge.
- A. In the morning after we laagered down.
- Q. In the morning, after you laagered, down south of the bridge and you were moving back to the north.
- A. I remember seeing the MI team in our laager position that night up in the northern edge of the peninsula. I don't remember where they joined the company.
- Q. You didn't see them coming in that morning as you moved?
- A. No.
- Q. You didn't see them until the evening of the 18th?
- A. That is correct.
- Q. Did you see anyone strange to B Company the morning or the afternoon of the 18th as you moved up into this area? Up to Ky Xuyen (1), which is the village which you moved into. Do you remember seeing any strangers that day besides the MI?
- A. No, I don't.

Q. No Vietnamese detainees or Vietnamese suspects, ARVN's?

A. That night.

Q. Before you got to the village.

A. I thought we just went up there uneventfully, then I remember, like I say, I remember seeing the MI team that evening.

Q. Okay. You got to the village probably that morning or early that afternoon.

A. Yes.

Q. Ky Xuyen. Do you remember this fish pond?

A. No.

Q. All right. As you moved into the village, what happened that day?

A. I don't remember directly moving into any particular village. As I understand the operation, the company was broken up into different elements and generally searched that whole peninsula. It seems to me the 1st Platoon went around the beach, at least the CP did, and then we went on line. Anyway, I went up the beach, and then we went inland a little bit into some village, maybe halfway up the peninsula, but it was where the majority of these fishing boats were that I remember, and from that I just remember coming back.

Q. Coming back, and did anything happen while you were out on the beach area? Was any searching going on, villagers being moved or--

A. (Interposing) Yes, I guess the idea of these people--of all the different elements splitting up was to get all the people on the peninsula into one group, and then they brought, this is just what I'm assuming, the normal procedure was to get them into one group, and I'm sure that is why the MI team came out. I thought they came out that evening because they usually didn't come until you got something there for them to do.

Q. I don't know when they came. It may have been that evening. When you were out here, and when you went back to the village, you stayed out there most of the day searching around the beach area?

A. Yes.

Q. Did anything unusual occur?

A. There was something about the boats. I remember that either they left or we didn't go get them--we didn't detain them or we found them coming in that night because that was the night we were mortared in our laager position, and I remember something, we should have either stopped those people from leaving that day. I don't remember if they left that day or came back that night because it was up the beach--north of the beach from where we were laagered, but I remember after we were mortared I remember thinking maybe the guys that did it were in those boats.

Q. Well, after you got back here to your laager position sometime in the afternoon, I believe, and you went into the laager position, did you see any artillery being fired?

A. I don't remember any.

Q. Did you see a Vietnamese women brought in, wounded?

A. I don't remember.

Q. Do you remember seeing a bunch of medics treating Vietnamese on the beach area?

A. On MEDCAP? Yes, it seems to me that it did come, but that was north, up in one of the northern villages. It wasn't where we laagered, was it?

Q. I'm not sure of the location.

A. It seems to me that it did happen, but it seems to me that it was north, in one of the more northern parts of the area that we searched.

Q. Did you see the helicopters bring these medical personnel in?

A. I don't remember it.

Q. Did you see them go out?

A. I don't remember.

Q. Did you see the MI team--you said they came in that day--did you see them in the laager area, or were they outside the laager area where these people were?

A. I just remember seeing them inside the laager area.

Q. Did you see them interrogate anybody?

A. Yes.

Q. In the laager area?

A. Well, by in the laager area. Yes, it was either--probably right on the beach or something.

Q. Any unusual techniques being used?

A. No.

Q. Nobody was roughing up the Vietnamese suspects?

A. Well, that wasn't unusual.

Q. What was the system that they were using?

A. Nothing humaneless. Just beating on them a little bit to get the point across.

Q. No knives being used?

A. I didn't see any.

Q. Any painful procedures used, torture?

A. I didn't know of any.

Q. Did you hear of any?

A. I'm trying to remember. I have heard, not necessarily that team, I have heard all kinds of stories. I don't remember if there was anything from that particular evening or not.

Q. You never did see any strangers in there except that MI team, Vietnamese or Americans?

A. No. I do remember the ARVN's, but I don't know why they were there. No, they were National Police. Either National Police or ARVN or somebody. There were some of them.

Q. How many do you estimate were there?

A. I remember seeing a couple.

Q. Who were they with? Were they with the MI team, the company command group, or what, or were they just roaming around?

A. I have no idea. I would assume that they were with the MI team. That would be just an assumption.

Q. Were they interrogating people, questioning people?

A. I don't remember seeing them.

Q. You didn't notice what they were doing when you saw them?

A. No, I probably did when I was there, but I certainly don't remember it now.

Q. Okay. Where was the CP that night. Generally in the center?

A. The company CP?

Q. No, your platoon CP?

A. I know it was back from the perimeter, maybe 30 yards, maybe closer. Twenty to thirty yards.

Q. What happened that evening? Did you get a hot meal?

A. I think so.

Q. Okay, go on.

A. Sometime during that night we were mortared.

Q. What did you do at that time?

A. I got into my foxhole.

Q. You weren't in it?

A. No. I was in a little tent that I built out of my poncho. There were holes in my tent and holes in my air mattress. When the first rounds came in I scrambled out and got into my foxhole, and shortly thereafter I got on the radio to--I think I gave a couple of adjustments to the artillery forward observer to bring the artillery fire on the area that we suspected the mortar fire to be coming from.

Q. You were talking to the company FO?

A. That is correct.

Q. From your position you could see where the muzzle flashes were?

A. Yes, because we thought they fired roughly north of our position, and we had the north or whatever our sector of responsibility. We had the northern sector. So, from where I was, we could see roughly from where I thought it was coming from.

Q. So you talked directly to the FO, the artillery FO?

A. Yes, I would have done that.

Q. And you gave him the necessary information to bring in artillery on where you thought the enemy mortar was?

A. That is correct.

Q. How far out from your position do you think that mortar was located?

A. It would be very, very roughly 300 meters, but that is awfully rough.

Q. Was there any small arms fire at the time the mortars fired?

A. Incoming you mean?

Q. Yes.

A. I don't remember.

Q. How many rounds of mortar fire did you receive?

A. Very roughly, I'd estimate six.

Q. Did you get artillery counterbattery fire that night, or did it ever come in?

A. I don't think they ever fired for effect. I think there were a couple of adjustments, HE rounds after a couple of smoke rounds. I don't think they ever fired the battery for effect.

Q. Of course, you had some casualties. Do you remember the evacuation helicopter coming in to pick them up?

A. Yes.

Q. Did you assist them to get the casualties out?

A. No, I didn't.

Q. Do you recall gunships coming in with the medevac?

A. No, I don't. I don't recall seeing them.

Q. Do you recall any air-ground supporting fire that night?

A. Do you mean like--

Q. (Interposing) I mean like a "Spooky," "Puff," or gunships?

A. I think there was. I think there was either a "Spooky" or a "Puff", but I couldn't be sure.

Q. Is there anything else that you recall about that night?

A. No.

MR WALSH: What did you hear about the interrogation procedures used by the people that were there interrogating detainees?

A. At this particular place?

Q. Yes, well, I think you began to--you said, "I didn't see them myself." I just wondered.

A. I didn't mean for it to sound like that. What I meant was, you always hear about things going on, and I can't connect any of those things with that evening. It could have been. It's possible that it did, and it's possible that it didn't.

Q. Would it refresh your recollection if I told you that we've had considerable testimony that some of the people interrogating detainees in the laager area that night or the next morning were using a field telephone connected to parts of the detainees' body?

A. I've heard of that technique, but I wasn't aware of it particularly.

Q. It doesn't ring in your mind that you may have seen something like this?

A. No.

Q. Did you see a suspect being questioned by some ARVN or National Police and being kicked and beaten?

A. I don't remember specifically, but I have at times seen it happen, and it's very possible that it could have been that evening. That was standard procedure.

LTC NOLL: One question on the sampans or fishing boats you saw. Were they in this water right off the mouth of the finger, the mouth of the Diem Diem River?

A. The ones that I saw--could you refresh my memory as to where exactly we laagered that night.

COL WILSON: Before you moved up here?

A. No, no, the night we were mortared.

Q. You were generally in this area.

A. Then it would be generally in this area.

Q. You are pointing to an area generally south of An Ky on the beach.

A. Did I answer your question?

LTC NOLL: Yes, you did.

COL WILSON: Do you have any knowledge of any investigation or inquiries being made about this operation while you were still in Vietnam?

A. No.

Q. Do you have any knowledge of anybody being questioned about this operation? I'm not just talking about B Company but anybody in Task Force Barker.

A. Well, I understand that there is an alleged My Lai incident.

Q. I'm talking about while you were still in Vietnam. Did you understand that while you were still there?

A. Oh, no.

Q. Before you came home?

A. Yes.

Q. Did you hear anything about that?

A. Nothing.

Q. Did you hear anything about an investigation on this operation while you were still there?

A. No.

Q. Nobody was asking you questions about it?

A. Not to my knowledge.

Q. Did you take a camera with you?

A. I don't believe I had one on that operation. I have an Instamatic that I carried once in a while, but I don't remember taking any pictures on this operation.

Q. Let me ask you, Mr. BRETENSTEIN, if you have any photographs that were taken on this operation I'm going to request that you call us collect and let us know, and we'll try to make arrangements to pick them up and maybe make a copy of them, if this is all right with you.

A. I already looked through them, my military photographs. There is nothing of this area or this operation or of anything that I could see that would be of any value to you.

Q. Also, do you know of anyone who during that operation had a camera with them, by name?

A. No, I do not.

Q. I would also like to ask you when you get back if you turn up any notebooks, documentary evidence, or anything that might help us build this picture we would like to get that too. We can make copies of it and send it back to you.

(Witness nods in the affirmative.)

Anything that you might run across, a tape recording or anything of that type that can fix time and place. Did you ever hear any rumors about civilians being unnecessarily killed by elements of Task Force Barker, C Company, B Company, while you were still in Vietnam?

A. No.

Q. Were you ever told not to discuss the possibility of unnecessary killing?

A. No, I was not.

Q. Do you know if marijuana was a problem in B/4/3?

A. It was not.

Q. It was not a problem?

A. It was not a problem.

Q. Did you ever, on this operation, hear or see any U.S. or ARVN or National Police torturing any Vietnamese?

A. On this operation?

Q. On this operation.

A. By torturing, do you mean anything?

Q. I mean inflicting pain.

A. I don't remember specifically this operation or not. I have seen U.S. and ARVN troops beating individuals they're interrogating.

Q. Could you identify these people?

A. No.

Q. Was it this MI team that you saw earlier?

A. I don't remember specifically seeing them.

Q. There are allegations that there were rapes there. Do you know anything like that?

A. I never heard of any rapes.

Q. Do you have any further testimony, any statements to make that might help us?

A. I don't think so.

Q. What?

A. No.

COL WILSON: Mr. BRETENSTEIN, I would like to request that you not discuss your testimony during this period except as you may be required to do so before a competent judicial, legislative, or administrative body. When I say that, I'm talking about judicial would be a court of some sort. There is a subcommittee of the House Armed Services Committee that is conducting an investigation on this also, and this is an administrative board. It's likely there won't be another one, but there is always a possibility. With those three elements you are free to discuss your testimony that you have given here, but otherwise we would like to keep this on a confidential basis.

A. Yes.

COL WILSON: We appreciate your coming.

The hearing will recess.

(The hearing recessed at 1210 hours, 28 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: CARDINES, Henry D.

DATE OF TESTIMONY: 19 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Squad Leader, Weapons Squad, First Platoon, B/4/3.

1. BACKGROUND INFORMATION.

The witness had six men in his squad. There were two machineguns with three men on each (pg. 3). MILUS and Steven GONZALEZ were in charge of each of the teams (pg. 4). He did not recall the names of the people on each team (pg. 4). The witness left the operation on 18 March for a three day in-country R&R at Vung Tau (pgs. 2, 3).

2. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness did not recall being trained on the legality versus the illegality of orders (pg. 4). He never saw either of the two MACV cards, entitled "Nine Rules" and "The Enemy in Your Hands" (pgs. 4, 5).

3. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness stated that on 15 March he was told by Lieutenant WILLINGHAM that they were going on an operation (pg. 6). The witness thought that the entire platoon was told this by WILLINGHAM (pg. 6). The witness did not recall what each of his weapons teams were supposed to do (pg. 6). He did not know if MILUS was attached to the first squad all of the time (pgs. 6, 7). He did not recall

(CARDINES)

1

SUM APP T-383

any instructions being given on the burning of houses or the destruction of animals (pg. 7). There was nothing about the briefing that impressed him as being unusual (pg. 7).

4. COMBAT ASSAULT.

a. Activities on 16 March.

(1) Landing and initial movement.

The witness stated that usually he would fly in with one of the squads and then join WILLINGHAM on the ground (pg. 8). He did not recall receiving any fire as they went in, nor did he think that the door-gunners were firing (pg. 8). After a short wait the platoon moved out, but the witness could not recall which squad was in the lead (pg. 9). He did not recall being connected with WILLINGHAM as they moved (pg. 9). The witness stated that they went through a "broken-down village" which was empty (pg. 9). They did not receive any fire as they moved through this village (pg. 9). They then crossed a bridge into another village (pg. 9). The witness did not recall any action at the bridge and he stated that the platoon walked across with no problems (pg. 10). There were people in the village on the other side of the bridge (pg. 10). The witness did not recall any firing in the village (pg. 10). The witness recalled that they approached the bridge on a trail (pg. 9). He stated that as they walked down the trail he heard that a grenade was thrown in front of them (pg. 21). The witness did not see the grenade (pg. 22). He did not recall if MILUS was moving with the point team as they approached the village (pg. 22). The witness did not recall any KIA's in that village the first day (pg. 12). When he was informed of the entries in the Task Force Barker journal, Exhibit M-16, he stated that "this must have been a different village" (pg. 12). He stated that he did not recollect any demolitions (pg. 11).

(2) Activities on the beach.

The witness stated that he recalled the platoon moving to the beach to spend the night (pg. 13).

He stated he knew that there was one sampan that came in (pg. 13). Some interrogators came to check the identification of the people that were turned over to the platoon (pgs. 13, 14).

b. Activities on 17 March.

(1) The incident at the bridge.

The witness stated that as they approached the bridge they received sniper fire and they began to fire back (pg. 11). A helicopter above them began to fire into the village (pg. 11). The witness stated that he did not know where the sniper was (pg. 14). He could not see the village when the sniper was firing because he was still on the trail (pg. 15). He thought that it was the point team that was returning the fire (pg. 15). He stated that when they entered the village he saw some bodies (pg. 17). He did not remember how many bodies there were (pg. 18). There were women's and children's bodies located in the hootches and bunkers (pg. 18). They did not bury the bodies (pg. 18). He did not know how the people were killed, nor did he know when (pg. 22).

(2) Activities on the beach.

The witness stated that they moved down to the end of the beach (pg. 19). He stated that there were some hootches burned as they moved down (pg. 19). He did not recall a sampan being fired upon (pgs. 19, 20). He stated that as they moved south there was an order given by Captain MICHLES to stop the burning (pg. 24).

c. Activities on 18 March.

~~The witness stated that on 18 March he waited on~~
the beach with one of his friends for the supply helicopter to come in (pg. 20). He thought that the helicopter came in in the afternoon (pg. 20). He did not recall seeing a number of people being treated by medics (pg. 20). He got on the helicopter and was taken out for his R&R (pg. 20).

5. INQUIRIES CONCERNING THE ASSAULT.

The witness knew nothing about any investigation of the operation (pg. 24). He was never questioned about it and he never heard any rumors that civilians had been unnecessarily killed (pgs. 24, 25).

6. OTHER INFORMATION.

The witness stated that he did not know of any problem of marijuana in B Company (pg. 25).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-2	MACV Card "Nine Rules"	Wit had not seen before.	4,5
M-3	MACV Card "The Enemy In Yourd Hands"	Wit had not seen before.	4,5
M-16	Task Force Barker log 14-18 Mar 68	Referred to for KIA entries on 16 Mar.	12

(The hearing reconvened at 0910 hours, 19 February 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following persons are present: COL WILSON and MAJ THOMAS.

The next witness is Mr. Henry D. CARDINES.

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

Mr. CARDINES, please state your full name, occupation, and residence.

A. Henry D. CARDINES. Occupation: service station attendant. Residence: Hilo, Hawaii.

COL WILSON: Do you understand this is an interview team of the Peers Inquiry?

A. Yes.

Q. We are concerned with the operations of B/4/3.

A. Right.

Q. What we are concerned with is an operation that took place in Pinkville, in the Pinkville area, during the period 16-19 March 1968. I can best define that time frame by stating that the first day of the operation was the day that Lieutenant COCHRAN was killed. The last day of the operation was the day that MILUS was killed. Now, have you got that?

A. Yes, sir.

Q. You've got that time frame fixed in your mind?

A. Yes, sir. I remember the beginning and the time MILUS got killed. That's when I left. That's when I left for R&R.

- Q. When did you leave for R&R?
- A. The afternoon--that night MILUS got killed.
- Q. The night that MILUS got killed?
- A. Yes, but I left during the afternoon.
- Q. You left during the afternoon?
- A. Yes, sir.
- Q. The day MILUS got killed?
- A. Yes, sir. A chopper came in and picked me up.
- Q. That was on the 18th of March?
- A. I don't remember dates, sir, but I remember the time.
- Q. How long did you stay back at the fire base before you left for your R&R?
- A. I don't remember exactly how long, sir. I'd say about 2 weeks before I went on R&R, then I came back and stayed at base camp for a little while and started processing out.
- Q. I mean from the time you were picked up. The day MILUS was killed you were taken back to the fire base, right?
- A. Right, I think so.
- Q. Then you went somewhere to catch an aircraft to your R&R site?
- A. Yes, sir.
- Q. Where did you leave Vietnam to go on R&R? Did you leave from Cam Ranh or did you leave from Tan Son Nhut?
- A. I went down to Tan Son Nhut, and from Tan Son Nhut I went to Vung Tau.

Q. You went to Vung Tau?

A. Right.

Q. You are talking about in-country R&R then?

A. Right.

Q. And how long was that, 3 days?

A. Yes, 3 days.

Q. We were going to check the morning report to determine your R&R time, in-country R&R, but I don't believe it's put on the morning report. At any rate, you are not on the morning report as being on R&R during this period. Now, the C Company morning reports did indicate those individuals going to Vung Tau R&R. I'll check through the B Company morning report to see if anyone else was on R&R at Vung Tau. But at any rate, you were picked up in the field the day that MILUS was killed. Is that correct?

A. Yes, sir.

Q. What was your duty assignment on the 16th of March, 1968? This would have been the day Lieutenant COCHRAN was killed.

A. I was a squad leader for the weapons squad.

Q. And how many weapons, how many guns did you have in that squad?

A. I had two machineguns.

Q. How many men?

A. Six men to my squad.

Q. Did you have three men on each gun?

A. Yes, sir.

Q. Were you up to strength that day?

A. Yes, I'd say so.

Q. And who was in MILUS squad?

A. You mean his team or machinegun?

Q. His team, yes.

A. I don't remember the two other guys, sir, but I remember MILUS.

Q. All right. Who had the other team?

A. Steven GONZALEZ.

Q. GONZALEZ?

A. GONZALEZ.

Q. Now, who did he have in his team?

A. I can't remember the names, sir.

Q. Where was STRACHAN?

A. I don't know, sir.

Q. Wasn't he in one of the machinegun teams?

A. I don't remember, sir.

Q. Were you ever given any training concerning the legality of military orders, or legal versus illegal orders? Do you recall anything particularly?

A. No, sir.

Q. Exhibit M-2 is a MACV card entitled, "Nine Rules." Have you ever seen that and/or a copy of it?

A. No, sir.

Q. Exhibit M-3 is MACV card entitled, "The Enemy in Your Hands." Have you ever seen that card?

A. Is this something like--it's not a Code of Conduct card, is it?

Q. No. It's something like it, but it's published by MACV.

A. No, I haven't seen it.

Q. It fits in your wallet?

A. I haven't seen it, sir.

Q. Do you remember the operation was a combat assault?

A. Yes, sir.

Q. It was into the Pinkville area?

A. Yes, sir.

Q. I would like for you to do something. I don't want you to tell me what happened, but I want you to tell me how you found out that the operation was going to happen on the 16th of March?

A. I don't know, sir.

Q. You don't know?

A. No.

Q. You were up at fire base Uptight, and on the 15th of March somebody should have told you that you were going on an operation the next day?

A. Yes, sir.

Q. Who told you?

A. If I remember right, it was Lieutenant SPRAGGINS.

Q. Lieutenant SPRAGGINS wasn't there.

A. No, no, it was WILLINGHAM, Lieutenant WILLINGHAM.

Q. What did he tell you? Do you remember distinctly that he told you that you were going on an operation?

A. Well, not quite, sir. I knew we were supposed to go on an operation.

Q. Did he tell you as a squad leader, or did he have the whole platoon when he said there was going to be an operation the next day?

A. I think it was the platoon, sir.

Q. What did he say? Did he say anything about how you were going in, say what the squad was going to do? Were you going to have control of the weapons?

A. No, sir. All I remember is they picked us up with helicopters and dropped us off at the point where we were supposed to go.

Q. I'm trying to find out what you were told before you went in there?

A. Well, I don't remember, sir.

Q. What about your guns? Did they usually attach your guns, or did you have control of them?

A. They usually attached them.

Q. On all operations?

A. Mostly on all of them.

Q. Was it normally that the gun worked with the same squad all the time, or did you switch them around?

A. I don't know, sir.

Q. You mean you don't know whether MILUS went with the first squad all the time or whether he switched between the first and the second squad?

A. I don't know, sir.

Q. You don't know what gun team--

A. (Interposing) I know the gun teams, but I don't know if they switched.

Q. When you got an operation, say in March on this operation. MILUS and his team supposedly went with the first squad. What about the operation 2 weeks before that? Was he working with the first squad or was he working with the second squad?

A. I don't remember, sir.

Q. For your information, it is normal to have supporting weapons with the same unit all the time so they get used to working with each other. I don't understand why you as a squad leader don't know where your gun teams were. Were there any instructions given concerning the burning of houses or the destruction of animals?

A. I know we burned some houses, sir, in the village.

Q. Was anything said about it up at Uptight before you left?

A. I don't remember, sir.

Q. There was nothing about this briefing that impressed you as being an unusual operation?

A. No, sir.

Q. When you were up at Uptight to go on this operation, you didn't think it was any different from any other operation?

A. Yes, sir.

Q. You did think it was different?

A. No, I mean I don't.

Q. When you went into the operation early that morning, do you know which lift you were on?

A. I don't remember, sir.

Q. When your guns were attached like that, with whom did you normally go? Did you go with the platoon CP or Lieutenant WILLINGHAM or what?

A. I stayed with the platoon leader and RTO.

Q. So you were right there pretty close to Lieutenant WILLINGHAM?

A. Yes, sir. Not always, but I'm with him.

Q. Did you normally go on his helicopter?

A. No, sir.

Q. With whom did you go?

A. First I went with one of the squads.

Q. Okay. Then you joined him on the ground?

A. On the ground.

Q. Do you remember whether you received any fire or not going in?

A. When we landed you mean?

Q. Yes.

A. When we landed, I don't remember, I don't think so.

Q. Do you recall whether the doorgunners were firing when you went in?

A. No, sir.

Q. You would remember that because you were probably watching the weapon. You don't recall any firing?

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

Q. When you got on the ground, do you recall what you did?

A. Just got off the chopper and went to the side.

Q. Yes. How long did you stay there before the platoon moved out?

A. It wasn't too long, sir.

Q. Then what did you do?

A. Just moved on with the rest of the platoon.

Q. Do you remember which squad was leading the platoon?

A. No, sir.

Q. Did you stay with Lieutenant WILLINGHAM then?

A. No, sir.

Q. Where did you go?

A. I was over there, but I don't remember being connected with him.

Q. When you moved, what did you do then?

A. We went to this broken-down village. They didn't have anybody. We crossed a bridge into another village.

Q. Okay. Then you hit a village before you got to the bridge. Is that correct?

A. It looked like it was empty.

Q. I suppose you were on sort of a trail?

A. Yes, sir.

Q. The village appeared to be empty. As you went down through this village, did you receive any fire?

A. Not that I recall, sir.

Q. You don't know where in the column you were, whether you were with the CP, the first squad, or the second squad?

A. I don't remember, sir.

Q. You don't know whether you happened to be with somebody you knew at that time, somebody you normally buddied around with or that you normally would go with on these things?

A. I don't recall, sir.

Q. When you went down towards the bridge, was there any action there at the bridge?

A. No, sir.

Q. The platoon just walked across the bridge?

A. Yes, we walked across the bridge.

Q. No problems?

A. Not then, sir.

Q. What happened on the other side of the bridge?

A. We searched the village. I remember we went through the village.

Q. You remember going through a village. Was anybody there?

A. Yes, there were people over there.

Q. That was on the other side of the bridge?

A. Yes, that's in the village. Then we went up--we were along the beach.

Q. But later! Let's stay in the village here. Was there any firing in the village?

A. Not then. I don't think it was then.

Q. When do you think there was firing in this village?

A. When we went up and came back down.

Q. You're talking about the next day, then, when TAYLOR lost his foot?

A. Yes, sir.

Q. What about the first day when you went over there? Was there any firing in that village at all?

A. I don't think it was the first day, sir.

Q. That's the day Lieutenant WILLINGHAM was killed. COCHRAN, I'm sorry, COCHRAN.

A. That was the first day of the operation?

Q. Yes, and the 1st Platoon went across the bridge. You don't remember any fire?

A. Not that I can recall.

Q. Do you remember any demolitions?

A. I don't remember, sir.

Q. What do you think you remember about the next day?

A. I know the next day we went up along the beach and we came back down. We received sniper fire.

Q. You did?

A. Yes.

Q. And what else?

A. Then we started firing back. There was a chopper above us, and he started hitting the village.

Q. What happened after that? Did you move through the village?

A. Yes, we did move through the village.

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Q. Was that the day the rest of the company joined you?

A. I don't know if it was the same village.

Q. This first day that you went over there in this village that you searched, do you recall how many hootches there were there?

A. No, sir. I don't know how many there were, but there were some hootches.

Q. Well, the journal of Task Force Barker (Exhibit M-16) carries three entries that morning that came from the area that the 1st Platoon was in. The first entry was at 0955. and it reported 12 VC KIA.

A. Twelve?

Q. In this village that you walked through the first day.

A. I don't remember 12.

Q. That's not all. At 1055, one-half hour later, there were 18 more reported KIA. Now, for an outfit that didn't do any firing, that's 30 dead VC. I don't understand how they got killed.

A. I don't remember.

Q. At 1045 there were a steel helmet, uniforms, and web equipment found over there and reported. At 1420 that afternoon there were 8 more VC reported KIA in that same area, plus the fact that a monitoring of the communications tapes of that morning has B Company asking for gunships to move in there to assist crossing the bridge and to assist the unit. The testimony we have indicates that five mortar rounds were fired over there, and the majority of the bunkers in that town were destroyed by demolitions. That's an awful lot of noise not to remember, and that's about as big a VC KIA in a period of 2 or 3 hours that that unit has ever had--that platoon. This would have been one of the biggest days in combat of your career.

A. This must have been a different village.

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Q. This is the village right on the other side of the bridge. It's about 500 to 1,000 meters from that bridge.

A. I remember some gunships.

Q. That's the next day. This was the first day, the 16th of March.

A. Wasn't this a big village by the beach or something? I know the bridge we crossed there was--

Q. (Interposing) It was a cement bridge.

A. A cement bridge with a village across it. I remember that village. The next day, that's when the chopper came in, the gunships, and there was another village. I don't know if it's the same one, but it's when the company was there I think.

Q. Well, this is a village where there wasn't anybody but the platoon there. This is the day when you walked across that concrete bridge. Because there was a hell of a lot of firing going on over there and there was a lot of demolitions going on, everybody seems to remember it very clearly. At least they can remember parts of it. Lieutenant COCHRAN was killed that morning. Everybody heard about that, I suppose, before they hit that village. Lieutenant WILLINGHAM reported large amount of KIA's there. You still don't remember?

A. No, sir, to tell you the truth.

Q. Okay. You moved, your platoon moved on the beach that night, and spent the night on the beach. Do you remember some sampans with VC being brought in by some swift boats. They turned them over to the platoon, and a couple of interpreters came in to interrogate them about 1600 in the afternoon? It would have been on the beach?

A. Yes, sir. I remember when we were on the beach. If I remember right, I know there was one sampan.

Q. This would have been about 10 or 20 people turned over to the 1st Platoon.

A. There was some. I think there were some interrogaters

that came in to that--what you call it.

Q. Laager position?

A. No, they came in to check on the guys they brought in.

Q. To check their identification?

A. Yes.

Q. All right. That night, as far as we know, there was no incident. The next morning you started back down to the bridge again, and TAYLOR went in there and lost his foot on a mine.

A. Yes, sir.

Q. After that, it was reported that you got some sniper fire.

A. Yes, sir.

Q. What happened after the sniper fire? I know the gunships came.

A. Yes, sir.

Q. But what did the platoon do before the gunships came over?

A. They started firing at the sniper.

Q. Where was the sniper, do you know?

A. No, sir.

Q. There was a big hill back up there, a sand dune back up behind that village. There was a village too.

A. There were some coconut trees along the small river there.

Q. There were coconut trees along there and other

vegetation. Did you see the village when the sniper was firing?

A. No, sir, I was on the trail.

Q. Near the bridge?

A. It was not too far from the bridge.

Q. Who were you with? Do you know?

A. I don't remember, sir.

Q. Did the squads deploy, or were they in a column, or what? What was the platoon formation?

A. Well, we come down this in column, and when we received sniper fire just went to the sides.

Q. On the trail?

A. Yes, sir.

Q. Who was returning the fire? Was it your point team?

A. I think it was the point team that opened up, too.

Q. Well, if you were all on the side of the trail, you couldn't very well fire unless you fired out to each side.

A. Yes, sir. I think it was the front guys because it was coming from the front, the sniper fire.

Q. Okay, what happened after that?

A. I remember gunships coming in.

Q. This is the same village you went through the first day?

A. Yes, I think it is.

Q. Did you search that village, the first village?

A. I don't quite remember, sir.

- Q. You don't remember going in there?
- A. I remember going into the village.
- Q. You don't remember how many hootches were in there?
- A. No, sir, but I know there was some hootches.
- Q. Did you see any bunkers?
- A. I don't know if it was the same village. If I remember, it was the same village and we saw bunkers.
- Q. When you went in there, did you see any bunkers that first day?
- A. I don't remember, sir. The first day?
- Q. Yes.
- A. I think there were some ladies, some children, or something.
- Q. Where were they?
- A. Around the village.
- Q. How many do you think?
- A. I don't know, sir.
- Q. This is the first day?
- A. Yes, I think when we got there we saw some.
- Q. How do you think they were killed?
- A. You mean the civilians?
- Q. Yes.
- A. I don't remember any the first day, any killings the first day.
- Q. You don't remember any killing the first day?

A. I don't think so.

Q. So you're talking about the second day when you're talking about the bodies? Is that right?

A. If I'm sure, I think it was the second day. But I'm not sure, sir.

Q. But you did see bodies in this village?

A. Yes, sir.

Q. And you said they were scattered around the village? Is that what you said?

A. You mean live ones?

Q. Dead ones.

A. No, sir.

Q. You said earlier you saw a number of people in this village when you went in there the first day?

A. Yes, that's it.

Q. But this is the second day you're talking about, and now there are some dead bodies around the village?

A. That was when we received sniper fire and the chopper came in, the gunship. They fired into the village, and we moved in, I think, if I remember right.

Q. Then how many dead bodies do you think you saw?

A. Well, sir, I don't remember. I didn't count them.

Q. I'm just trying to find out whether you're talking about 300 or 50 or 10. When you say "bodies," you could be talking about 1,000. Was it 1,000?

A. No.

Q. Was it 100?

A. No, sir.

Q. Was it 50?

(Witness shakes head in the negative.)

Was it 10?

A. I don't remember the amount, sir.

Q. Do you know it wasn't 1,000?

A. No.

Q. Do you know it was not 10?

A. I don't know, sir.

Q. What was done with these bodies? Were they buried or did you just leave them?

A. We didn't bury them.

Q. They were women and children, you say?

A. Yes, they were.

Q. They weren't in bunkers or anything?

A. They were in hootches, I think.

Q. Inside the hootches or bunkers?

A. I think they were in the hootches and bunkers.

Q. You think this was the second day? This would be the 17th of March, when the company came over the bridge that day. You moved south all the way down to the river, and came back up, and laagered that night. Do you remember that? Do you remember going all the way down the beach?

A. Did we go all the way down to an end and then turn back?

Q. You went about halfway back to the bridge and went into a defensive position that night?

A. Yes. That's when the chopper picked me up, I think.

Q. No. That was the next night on which the chopper picked you up.

A. I thought we went there and turned around, and I thought that was the night the chopper picked me up.

Q. That's not the night MILUS was killed.

A. I remember the night MILUS was killed. That's when I got picked up.

Q. That was the next night. This night you stayed on the beach there, south of that bridge--

A. (Interposing) We went all the way down to the end of the beach.

Q. You came halfway back and stayed in the laager position that night.

A. And the next morning we moved up.

Q. The next morning you moved up to the big village where all those people were. Let me ask you. When you were going down, when you left the bridge and went south that day, were there any villages burned?

A. There were some hootches burned.

Q. All the way down?

A. I don't know if it was all the way down, but they were going down.

Q. You laagered that night. On the way down south you were on the riverside of the peninsula. The 2d Platoon was on the seaside. Do you recall if there was any firing on a boat that was out there in the river when you went down, whether a sampan was brought under fire?

A. I don't quite remember, sir.

Q. Okay. You don't recall anything of significance about that day moving south.

A. No, sir.

Q. Okay. Then you went to the night defensive position, stayed that night. On the 18th of March, that morning, you went back up to the bridge and went on beyond the bridge, back up to a big area up there where were several big villages, and rounded up a whole bunch of people. They brought in a MEDCAP that day, and the medics must have treated about 300 or 400 people, mostly children. The 1st Platoon was out sweeping the area, sending the people back into the village. That evening you went into another night defensive position and, I guess, that's the night MILUS was killed.

A. Yes, sir. That day I remember the chopper picking me up. I think it was in the afternoon. I think he brought in supplies.

Q. Did you stay around the CP that day because you were leaving, or were you out with the platoon while they were searching?

A. I remember I was on the beach with one of my friends, I guess, waiting for the chopper to come in. I think they were bringing in supplies.

Q. Well, the chopper came into the command post, the company command post. Do you know whether you were with the command post?

A. No, sir.

Q. Did you see a lot of people being treated by medics?

A. I don't remember, sir.

Q. Where did you go? Did you go back to Dottie or Uptight?

A. I don't remember which one it was. Was Dottie the one with the artillery on it?

Q. Well, both of them had artillery. Uptight had 105's. Dottie had 155's and 175's.

A. They both were hills, right?

Q. Yes. they were both on hills. Uptight was on a hill, you could see the sea from Uptight.

A. You can see the beach?

Q. I don't know whether you could from Dottie or not. It doesn't make a lot of difference. The only things I want you to try to pin down concern two points. I want you to think back and see if you can't recall what happened on the first day when you crossed that bridge? Now, I told you a lot of what happened. I realize that. By telling you these things about 38 VC reported KIA that day or 30 reported that morning before noon, I'm trying to bring back to you the fact that there was some action over there. That's a pretty big kill for a 2-hour period for one platoon, and that was in a village just below the bridge. We were also told that there were two handgrenades thrown at the point before the others crossed that bridge that didn't go off.

A. I remember one.

Q. One what?

A. One grenade, that didn't go off.

Q. Where was that.

A. As we were walking down toward the bridge to the village, the village that looked empty.

Q. Was this thrown at the point, or was this thrown somewhere where you were?

A. I think it was in front of me.

Q. What did you do, hear about it?

A. Yes, I heard about it.

Q. Did you see it?

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A. I didn't see it, sir, but I heard about it.

Q. Okay. This has been reported too. What else do you recall. That puts you back on that day. Was there any firing as you got down to the bridge? It would have right up ahead of you. Was there any firing going on? As a matter of fact, your machinegun was up there. MILUS was right up there behind the point team.

A. I don't remember, sir, to tell you the truth.

Q. You don't recall anything on that day?

A. No, sir.

Q. Now, I want to go back to these bodies you saw again. Can you possibly recall an estimate of how many bodies you saw?

A. No, sir. I couldn't remember how much.

Q. And is it clear in your mind that these bodies you saw were on the second day and not the first day?

A. I think it was the second day.

Q. Did these bodies appear to have been dead for any long period of time or what you might call recently?

A. No, I don't think they'd been dead for a long time.

Q. Over a 24-hour period in that climate, you can tell whether they've been dead or not. When do you think they were killed?

A. I don't know, sir. I don't know how to tell from the bodies.

Q. How and when do you think they were killed?

A. I don't know, sir.

Q. Was this group of bodies in the same village that was in front of the bridge which you saw the first day?

A. Yes, that's the village across the bridge.

Q. Across the bridge and a little ways down. It is a little distance, but it's the first village you come to over there, a bunch of hootches. The same place--

A. (Interposing) That's the same village.

Q. Did you by any chance see the Huntley-Brinkley report last night, the news report?

A. No, sir.

Q. Did you know that the press released information this morning to indicated a lot of people were killed in this area?

A. No, sir.

Q. You hadn't heard this at all?

A. No, sir.

Q. Do you know that charges have been brought against Captain WILLINGHAM?

A. No, sir.

Q. If you're holding anything back, I would advise you not to do this, because it is very serious if we do not have all the information that we can get our hands on?

A. I know, sir.

Q. So if you're trying to protect somebody, I'd advise you against it?

A. I'm not trying to protect nobody, sir.

Q. Well, what do you think about this body count? The first day you went through this village, you saw this village. You didn't see anybody around. You said, you told me-- I believe you said you saw some live people around there at that time?

A. There were I think.

Q. Did you search any of the hootches?

A. No, sir. The other guys did. I think I was by the fence looking out. Did they still have that C Company down there?

Q. What?

A. Did they still have that company down there, C Company?

Q. No, I don't think so. What about body count? Do you know how body counts are made?

A. No, sir.

Q. Did you ever report any bodies?

A. No, sir.

Q. Do you have any knowledge of an investigation or inquiry being made after this operation in Vietnam?

A. No, sir.

Q. Did you ever hear an order during this operation to stop firing?

A. I think it was when we were going down. I think there was an order to stop burning from Captain MICHLES.

Q. This is the second day when you were going down to the tip?

A. To the tip.

Q. Were you or anyone you know questioned on this operation?

A. No, sir.

Q. Did you have a camera?

A. No, sir.

Q. Did you ever hear any rumors that civilians had been unnecessarily killed by either B/4/3 or C/1/20 on this operation?

A. No, sir.

Q. Was there any problem of marijuana in B Company?

A. No, sir, not that I know of.

Q. Do you have any knowledge of U.S. soldiers or ARVN soldiers torturing VC suspects or prisoners of war?

A. No, sir.

Q. You didn't see anything like that?

A. No, sir.

Q. Do you have any further statements or any further testimony to offer?

A. No, sir.

Q. I request that you not discuss your testimony in this investigation with others, including other witnesses, except as you may be required so to do before a competent judicial or legislative body.

A. Yes, sir.

COL WILSON: The hearing will be recessed.

(The hearing recessed at 1000 hours, 19 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: FERNANDEZ, Mario

DATE OF TESTIMONY: 3 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: 1st Platoon, B/4/3, Lieutenant WILLINGHAM's RTO.

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

Mr. FERNANDEZ spent nine and one half months with B/4/3 in Hawaii (pg. 2). He remembered being instructed on the proper handling of PW's and the Geneva Conventions. He did not receive classes on legality of orders (pg. 3). He did not recall being given the MACV Card, "Nine Rules", but Exhibit M-3, "Enemy in Your Hands," was issued on ship while en route to Vietnam (pg. 4).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The platoon leader, Lieutenant WILLINGHAM, briefed the squad leaders who in turn briefed the men (pg. 7). This was their first and only search and destroy mission (pgs. 9, 11). FERNANDEZ did not recall any specific instructions to kill the livestock and destroy the foodstuffs (pgs. 9, 12). During this operation, livestock were not killed (pg. 12). They were told all of the people in the area were VC or VC sympathizers, who had been warned to leave (pg. 13). He was not sure if the order was to kill the people, but the men probably concluded they were to kill anybody they found (pgs. 12, 13).

3. B/4/3 COMBAT OPERATIONS 16 - 19 MARCH 1968.

a. Assault on 16 March.

The first platoon moved from the LZ to a bridge on the approaches to a small village (pgs. 14, 15). He believed

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that Staff Sergeant LIAS was in charge of their lead element which crossed the bridge first (pg. 14). Machine-guns were placed in front (pg. 14). The witness and WILLINGHAM were about 50 meters behind the lead squad which began firing into the village (pgs. 17, 18). There were about 10 hootches about 200 meters from the bridge, slightly to their right (pgs. 16, 24). Nobody was initially seen (pg. 14). Then people began running out of the hootches and were hit. In all, he saw about 15-20 dead, all women and children (pgs. 20, 21, 38). WILLINGHAM either ordered the firing or killing stopped (pgs. 18, 27, 31, 56), but possibly after the bunkers were blown which were occupied by people (pgs. 14, 18, 19). He saw no one shot running out of a bunker (pg. 19). WILLINGHAM called in for more dynamite which was flown in by helicopter (pg. 19). The chopper landed right in the middle of the village (pg. 20). FERNANDEZ remembered radioing in a body count of 15 or 20. He could not remember how the report of 12 was given to him. Eighteen more bodies were discovered at a later time and called in (pg. 26). WILLINGHAM did not make the body count. The bodies were laying outside the bunkers (pgs. 20, 29, 38). Normally, the body count was reported to WILLINGHAM by the squad leaders (pgs. 28, 29). There were a group of Vietnamese that ran toward the beach that were taken under fire. He never saw their bodies (pg. 34). The witness did not recall WILLINGHAM ever firing or saying anything about the fact that women and children had been killed (pg. 22). FERNANDEZ and WILLINGHAM only went through the front part of the village (pgs. 23, 34). It was at that time that FERNANDEZ saw the bodies (pg. 34). MILUS, TAYLOR, TITTLE, HOOTON, and also possibly LIAS were shooting (pgs. 27, 30). He believed that LIAS gave the order to fire as well as positioning the machinegun (pg. 27). TAYLOR, TITTLE, and HOOTON were throwing explosives into the bunkers (pg. 30). FERNANDEZ explained this action as the result of the order to kill and destroy everything (pg. 25). The firing lasted three to four minutes before WILLINGHAM ordered it stopped (pg. 33). He later heard HOOTON say he shot a baby, but he thought it was already dead (pgs. 28, 35). He did not recall if they received any hostile fire prior to crossing the bridge (pg. 37). A couple of enemy grenades may have been thrown as they approached (pg. 39). The approaches to the village may have been prepped with mortar fire before they entered (pg. 37). He believed that WILLINGHAM was to the rear when the bunkers were blown up (pg. 37). The village was burned (pgs. 52, 53). He could not remember a radio message asking WILLINGHAM if women and children had been killed (pgs. 38, 39). He recalled that an enemy uniform and steel helmet were found south of the bridge (pgs. 40, 41). WILLINGHAM had control of the platoon on

16 March. He did not know if WILLINGHAM saw what went on in the village (pg. 64). He believed that WILLINGHAM walked through the village (pg. 65).

b. Detainees delivered by a Navy swift boat.

A Navy swift boat subsequently brought in 10 detainees on 16 March. An American and two Vietnamese interpreters interrogated them (pgs. 42, 43). He thinks they were released after they were interrogated (pg. 44).

c. B/4/3 actions on 17, 18, and 19 March.

On 17 March TAYLOR was injured at the bridge by a mine. They received sniper fire from the village soon after the explosion (pgs. 14, 15, 47). Gunships were then called in by either the witness or WILLINGHAM (pg. 48). TAYLOR was evacuated after the gunships strafed the area (pg. 48). After TAYLOR was wounded he did not recall other mines being detonated (pg. 51). As they moved south, FERNANDEZ claimed that they did not burn any more villages (pgs. 52, 53, 55). He did see smoke to their right (pg. 53). There was no firing or destruction of bunkers that day (pgs. 53, 56). He believed the operation had been changed from search and destroy (pg. 55). He did not recall the presence of photographers, ARVN soldiers, or strangers on 17 March. On the evening of 18 March, they were mortared (pg. 59). MILUS was killed (pg. 57). The next morning they took two prisoners. The interpreters roughed them up slightly (pgs. 59, 60), but they were not killed (pgs. 60, 61).

4. INQUIRIES OR REPORTS CONCERNING THE ASSAULT.

FERNANDEZ had no knowledge of the operation ever being under investigation. He was never questioned about it or told to keep quiet about it. He never heard of any unnecessary killing of civilians by C/1/20 or B/4/3 (pg. 62).

5. OTHER INFORMATION.

a. A number of soldiers used marijuana, but not on operations (pg. 63).

b. HALL and REID complained about the fact that the platoon had killed women and children, but not to WILLINGHAM (pg. 26).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-21	Miscellaneous Scene	Witness did not recognize.	43
P-22	Miscellaneous Scene	Witness recognized individuals on the beach on 16 Mar 68.	43
P-66	Photo of My Lai operation	Witness did not recognize.	44
P-208	Color prints of CONGLETON's slides.	Did not recognize as PW's taken by B/4/3.	54
P-211	Color prints of CONGLETON's slides.	Oriented witness.	52
P-212	Color prints of CONGLETON's slides.	Oriented witness.	52
P-215	Color prints of CONGLETON's slides.	Recognized as a suspect picked up on morning of 19 Mar 68.	60,61
P-217	Aerial photo of Son My Coastal Complex.	Entered into evidence.	23
P-218	Annotated Aerial photo of Son My Coastal complex:	1-Wit and WILLINGHAM entered village here.	66
		2-Elements that commenced firing on the village.	66
		3-Stopped to rest after village was destroyed and people were killed	66

(The hearing reconvened at 0933 hours, 3 February 1970.)

LTC NOLL: This hearing will come to order.

RCDR: The following persons are present: LTC NOLL and MAJ THOMAS.

The first witness is Mr. Mario FERNANDEZ.

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

Please state your full name, occupation, and residence.

A. My name is Mario FERNANDEZ. I work at the airport as a baggage handler, and I live on 152 Southwest Second Street, Miami, Florida.

LTC NOLL: Mr. FERNANDEZ, have you had a chance to read the set of instructions, the information sheet that we've given you?

A. Yes, I did.

Q. Do you have any questions on that?

A. No, sir.

Q. All right, we'll recess briefly.

A. Well, I can't remember all it says here, you know? Some of the things I just can't remember.

Q. Yes.

A. It's pretty hard.

LTC NOLL: Okay. We'll recess.

(The hearing recessed at 0934 hours, 3 February 1970.)

(The hearing reconvened at 0935 hours, 3 February 1970.)

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LTC NOLL: The hearing will come to order.

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

LTC NOLL: Mr. FERNANDEZ, what was your assignment in the --

A. (Interposing) I was the RTO for the 1st Platoon.

Q. Who was your platoon leader?

A. First it was Lieutenant SPRAGGINS. When he got wounded we got WILLINGHAM.

Q. I see. Now, the particular time that we're concerned with is in March. To identify the particular time we're concerned with, you probably remember Lieutenant COCHRAN was wounded on an operation.

A. Yeah. He got killed.

Q. He was killed. And TAYLOR lost a foot there at a concrete bridge. This is the particular operation that we're interested in. Were you on that operation?

A. Yes, sir.

Q. I'd like to go back. When were you assigned to the 4/3?

A. After I came to Hawaii. I can't remember the exact date.

Q. Okay.

A. After basic training.

Q. I see. How many months did you spend in Hawaii?

A. About nine and a half months.

Q. Was all of this time with the 4/3?

A. Yes, sir.

Q. Were you given any specific training in Hawaii regarding the handling of prisoners of war?

A. I can't remember that, sir.

Q. Do you recall going to the field and having any exercises on the processing of PW's?

A. Yes, sir. Yes, I remember that.

Q. Did you know who gave that? SPRAGGINS?

A. I think everybody was involved in that training.

Q. The whole company?

A. Yes.

Q. Do you recall any instruction on the Geneva Conventions?

A. Yes, sir.

Q. Who presented this instruction, do you know?

A. I can't remember.

Q. Do you recall any instructions reference legality of orders?

A. I don't understand that question, sir.

Q. Did anyone ever explain to you what procedure you would follow if you were given an order which you didn't feel was a legal order?

A. Like shooting the people?

Q. Did anyone ever present instruction on what your course of action would be if you received an order which you felt was an illegal order?

A. Given by who? By anybody?

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Q. Somebody in your chain of command? Your company commander.

A. Go to a higher rank than him. You know, and talk to him.

Q. Yes, but did you get any instruction?

A. Oh. No, I don't think so.

Q. Upon arriving in Vietnam, or for that matter before you arrived, do you ever recall having a card, "Nine Rules," put out by MACV?

(LTC NOLL handed witness Exhibit M-2.)

A. One of these cards?

Q. Yes. It's a facsimile. That's the back.

A. I don't remember, sir. I don't think so.

Q. Okay. What about this card, "The Enemy in Your Hands"?

(LTC NOLL handed the witness Exhibit M-3.)

A. This one, yes.

Q. You recall that?

A. I remember this one, yes.

Q. Where did you get this card, do you know?

A. I think aboard the ship before we came down.

Q. What about after you arrived in Vietnam? Did you get any training on handling of PW's?

A. I think so. They were teaching that down there when we landed.

Q. How did your company process PW's once you got out in the field?

A. When we were out in the field?

Q. Yes.

A. On a mission?

Q. Yes.

A. We took them, and we searched them for anything, and then we'd send them right out.

Q. You sent them right out. Somebody came in and picked them up?

A. Yes.

Q. We'll have a little recess now.

(The hearing recessed at 0940 hours, 3 February 1970.)

(The hearing was called to order at 0955 hours,
3 February 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following persons are present: MR WALSH,
COL WILSON, LTC NOLL and MAJ THOMAS.

COL WILSON: Mr. FERNANDEZ, as you read in the information sheet which we passed out to you, this is an interview team of General PEERS' inquiry. You may expect other members of the board to walk in here. This could happen, or General PEERS may want to interview you. If this happens, I will identify those individuals who are on the board. This particular team consists of myself, Colonel NOLL, and Mr. WALSH, who is a civilian attorney appointed by the Secretary of the Army to assist General PEERS. The three of us have the authority to question you, but we have no authority to make the findings and recommendations as far as General PEERS' report is concerned. So I wanted to be sure you understood that. Now you've gone over a few questions on training and so forth.

A. Yes, sir.

Q. And the next series of questions we'd like to ask concerns the briefing prior to the combat assault on the 16th of March. Is this operation clearly fixed in your mind, as to which one we're talking about?

A. No, sir.

Q. Well, we've found in the past that the best way to fix that is based on casualties. We know that Lieutenant COCHRAN was killed the day of the combat assault. Do you remember that?

A. Yes, sir.

Q. And Sergeant TAYLOR was wounded at the bridge the following day.

A. That was later.

Q. And MILUS was killed the day after that?

A. Right.

Q. So this should fix the time period in your mind as to which operation we're talking about. Does it?

A. The one where TAYLOR -- right after we left the operation?

Q. Right after you left the fire base and you went into the combat assault. That was the morning that we're talking about. So that's the 3 or 4-day period we're talking about. Now with that, what we want to try to do is to fix in your mind that period and to go back to 15 March, and find out as much as you can remember about who briefed and what they said. And when I say briefing, I may be using a formal term that's nothing more than a meeting to tell you what equipment to take.

A. Right, the lieutenant.

Q. Who was that?

A. WILLINGHAM. The equipment we usually take, C-rations, and all the ammo we can carry, you know, for the machineguns. That's about all we take.

Q. All right. How long did they say you were going to be out there?

A. I can't remember, sir.

Q. Did this briefing include the squad leaders?

A. Well, see, he briefed the squad leaders and then the squad leaders briefed the squads, you know, to tell them what to take.

Q. But at the time that you were told what to take, what to do, were the squad leaders there?

A. I think so, because you see I live in the same, how do you call, bunker with the lieutenant and the medic and the platoon sergeant and all that.

Q. These are usually the ones that he briefed. Is that correct? Now do you remember what he told these squad leaders as to what the platoon was supposed to do, what their squad was supposed to do? Any instructions to them?

A. I can't remember what squad, you know. He always put one squad in the point leading; one squad, and then some other squad in the middle like that (indicating with hands).

Q. Do you remember that sequence? Do you remember that order?

A. I know TAYLOR was the first one. He was the point man. That's when he was hit.

Q. Wasn't TAYLOR in the point group?

A. Yes, sir. It was TAYLOR, TITTLE, and HOOTON. That was the three guys that would take the point. I think the first squad, that's the first squad.

Q. What about the second?

A. I can't remember. I'm familiar with the first squad. I used to be in the first squad.

Q. That's before you became RTO?

A. Yes, sir.

Q. By the way, how long were you an RTO?

A. Since I got assigned to B/4/3 in Hawaii after my--what you call the second training after basic training?

Q. Advanced Individual Training?

- A. Advanced training. I took that in Hawaii, and then I was assigned to B Company. And that lieutenant that got killed, WILLIAMS. he was the one that gave me the radio.
- Q. How many PRC-25's were in your platoon?
- A. Two.
- Q. Two. Where did the other one go?
- A. He was right there. He was in the 1st Platoon.
- Q. Yes, but whom did he stay with?
- A. When I left--I got wounded with him at the same time, so we both were evacuated to a hospital. That's all I know.
- Q. No, my question is, there were two PRC-25's--
- A. (Interposing) Oh, I know what you mean.
- Q. One stayed with the platoon leader. Where does the other one stay?
- A. In the back, with the platoon sergeant.
- Q. Now, you carried the radio--
- A. (Interposing) For the lieutenant.
- Q. For the lieutenant. Now, who carried the radio for the platoon sergeant?
- A. I can't remember his name. He was a tall guy, you know, but I can't remember his name.
- Q. Maybe his name will come back to you. If it does, we'd like to get it, or maybe you'll run into it on the roster. Later on, you don't have to do it now.
- Was there anything said in this briefing about burning houses or destruction of villages?
- A. I think it was a search and destroy mission. That's what they called it, search and destroy.

Q. When this term search and destroy was used, what else was stated? Did they say anything specific about how this was going to be done? Whether the first squad was going to lead off in the point and the third squad was going to burn the hootches, or how were the instructions given as to how this destroying was going to take place?

A. I don't know, sir, I can't remember. But I know they were burning everything. And blowing the bunkers where they hide. They were blowing them -- dynamite.

Q. And there was no specific instructions. When they said search and destroy, this to everybody meant that this procedure would be followed. There was nothing specific about it. They didn't tell the squad leaders anything about how --

A. (Interposing) How to operate? No. I can't remember that, sir.

Q. You don't remember that?

A. No, sir.

Q. Well, what about instructions for foodstocks? Was there any --

A. (Interposing) For us?

Q. No, for foodstocks that you may find out there. Were there any special instructions given on what was to be done with it?

A. Well, I don't remember, but other times we used to go on operations, you know. Every time we found food, we picked it up and they take it away.

Q. That's normal procedure?

A. Right.

Q. Was there any special instruction put out on it at this time?

A. I don't think so, but we didn't find no food.

Q. I'm just wondering what you were told in the briefing.

A. Yeah, I know.

Q. How many search and destroy missions had your platoon been on before this?

A. One.

Q. This was it, or one?

A. Only when I was there.

Q. This one was the --

A. (Interposing) Search and destroy, that's the one, the only one.

Q. This is the only one?

A. Right, sir.

Q. Now, in view of that, it just seems to me that Lieutenant WILLINGHAM or somebody would have reviewed what was to be done on this type mission. Since you hadn't done this before, it looks like he would have said, or somebody would have said, "Well, this is a search and destroy mission, and you recall that on a search and destroy mission we do one, two, three, four."

A. Yeah, we burn everything -- I mean kill and all that.

Q. Well was this stated though? I'm trying to find out if this was mentioned.

A. When I heard him talking, he didn't say that to me.

Q. Who was talking?

A. Well, the lieutenant was talking to the platoon leaders and all that in our platoon -- the squad leaders.

Q. Yes. You heard this. The squad leaders. Well, what did he say about livestock? Animals?

A. I don't think he said anything.

Q. He didn't say anything about the foodstocks? He didn't say anything?

A. We didn't care about the livestock.

Q. You never took--

A. (Interposing) No. We never took any--

Q. (Interposing) Even on this operation you didn't?

A. Yes, sir, no.

Q. Nothing was said about it?

A. No.

Q. What instructions did you get concerning the disposition or the handling of the inhabitants of this area, the natives of this area?

A. Would you explain that?

Q. What were you told to do with the people in the area that lived there?

A. I'm not sure, but I think they said to kill them, you know? And that's what they did, but I'm not sure about it.

Q. But you don't remember whether they were told to do this or not?

A. No, sir.

Q. You don't remember that in the briefing?

A. No.

Q. Whether they were told to do this? All right. Let's go to the day of the operation and we're going to concern ourselves primarily with what happened in the 1st Platoon because you went off -- just a minute.

MR WALSH: May I ask a question about the briefing? Were you told that all of the people in the area were VC or VC sympathizers?

A. Yes, sir.

Q. Do you recall anything specific about that? Did they say anything, for example, about the people having been warned to leave the area and that anybody left there would be a VC or a VC sympathizer?

A. Yes, sir. I remember that.

Q. One more question. Did you think that some of the men, as a result of the briefing, might have concluded that since there were only VC or VC sympathizers there, that they were supposed to kill anybody that they found there?

A. I think so.

COL WILSON: We're going to give you a little rundown on what happened with the map (Exhibit MAP-1). Mr. FERNANDEZ, for this first day of the operation, I'd like for you to tell us without any questions what happened when you landed on 16 March.

A. Well, we landed and everybody went in a different direction, each platoon. We came through hootches, you know, they were buildings, brick buildings, and they throw some, a couple of grenades, you know, then we kept walking, I think to the bridge. I can't remember if TAYLOR got hit before we went into the village, you know, or after. That's what I can't remember.

MR WALSH: TAYLOR got hit on the following day.

A. The following day. Because when he got hit, you know, we received fire, you know?

COL WILSON: Well, let's go back to the first day when you got off that helicopter and moved toward the bridge.

A. Okay, then we moved toward the village, right?

Q. Right.

A. That's what happened. And then they started burning the village and all that. Nobody was in the village. We didn't see nobody. They were hiding in the bunkers, so they started blowing up the bunkers and killing the people and all that, and burning it.

Q. How were they blowing these bunkers, were they--

A. (Interposing) Dynamite.

Q. Well, were they telling the people to come out, or were they trying to clear the bunkers or just blowing them?

A. I don't think they say anything to the people.

Q. Which element of the platoon was doing this?

A. I'm not sure, I think it was the 1st Platoon-- I mean the first squad. I'm not sure about it.

Q. Do you know who was killing them? Who? The individuals?

A. I don't know, sir, I can't remember too well.

MR WALSH: Let's go back to when you came up to cross the bridge. Do you remember having some mortar fire laid on in order to cover your approach to the bridge?

A. Yes, sir.

Q. And you remember the mortar firing and having some dud rounds?

A. I don't know.

Q. And then do you remember having Captain MICHLES say, "Forget about the mortar and just cover the crossing with machineguns."?

A. I don't remember that.

Q. All right. Then can you remember crossing the bridge?

A. Yes, sir.

Q. Do you remember where the CP group was at the time? Were you in between the squads?

A. In between the squads.

Q. Do you remember which squad crossed the bridge first?

A. I think it was the first squad.

Q. And who was the first squad leader?

A. Sergeant LIAS.

Q. Now when they crossed the bridge, were there any hootches at the end of the bridge?

A. No, farther down.

Q. How far did you have to go before you came to the hootches?

A. Maybe 2 blocks.

Q. Maybe two what?

A. Two blocks.

Q. Two blocks?

A. Right.

Q. Would that be maybe 100 meters or 200 meters, or how far?

A. About that, yeah, 200 meters.

Q. 200 meters. Do you remember if you had to turn right on a trail before you came to the hootches, or were they straight ahead after you came off the bridge?

A. Right.

Q. You had to turn right?

A. Right, just a little bit like this (indicating), you know.

Q. Did the trail go straight for a while and then curve?

A. No, no, wait. After you come off the bridge, you make a left.

Q. You make a left?

A. You make a left, right. Go a few meters.

Q. Then it turns back to the right again?

A. Right.

Q. And when you get to the edge of the bridge, can you see the hootches, or are they covered by trees and you have to go around to the--

A. (Interposing) Well, they're covered by trees a little bit, you know. They burned trees. I remember they burned trees.

Q. Now, when you got across the bridge, was anybody firing yet or not?

A. I don't know.

Q. Did you move out across the bridge with the 1st Platoon in front?

A. I think so, the machineguns.

Q. Now, was MILUS on the machinegun?

A. Yes, sir.

Q. All right. Now, I'd like you to try to remember for us just as exactly as you can everything that you remember from the time you got across the bridge, and how everybody moved, and all the instructions that Lieutenant WILLINGHAM gave, and everything that you saw.

A. I think he put MILUS, you know, the machinegun crew.

Q. Yes?

A. They opened up, I think, I don't know what. Because I didn't see anything. They were just wasting, you know, fire.

Q. Was this into the hootches?

A. Right.

Q. This was after you had moved a couple hundred yards to get near the hootches?

A. We went in front of the hootches, you know, so the machinegun opened up, you know, up on the hootches. I think everybody fired. Everybody in front fired.

Q. Everybody who was up in the front group there?

A. Right.

Q. And were you right up with that front group with Lieutenant WILLINGHAM?

A. Well, yeah, they were in front. We were behind, you know.

Q. About how far behind him?

A. About 50 meters, not too far away.

Q. They were about 50 meters ahead of you?

A. Right.

Q. All right, and everybody just started firing at these hootches?

A. Right.

Q. Now, did people come running out of these hootches and get hit?

A. Some of the people, yeah.

Q. About how many people did you see get killed in that--when they were firing at that time?

A. About 15 or 20 people.

Q. About how many?

A. Fifteen or twenty people, I think.

Q. Fifteen or twenty?

A. Right. Then they blew the bunkers.

Q. Well they didn't blow the bunkers when they were outside the village shooting into it, did they?

A. No, see, they finished firing and they started searching.

Q. Did Lieutenant WILLINGHAM order them to stop firing?

A. I think.

Q. You don't remember?

A. I don't remember. He may have, because they started searching.

Q. All right, now did you move into the village with Lieutenant WILLINGHAM?

A. No, we stayed outside a little bit.

Q. All right. Then what happened when they moved into this area?

A. They blew the bunkers, and all that.

Q. Did they shoot anybody coming out of the bunkers?

A. I don't think nobody came out of the bunkers. Before, somebody started running, you know, the women and all that started running and they shoot. And they blow the bunkers. I remember they called for more dynamite, you know, I think about one box.

Q. Did you call the company for more dynamite?

A. No, it wasn't me.

Q. Who did it?

A. I think the lieutenant did.

Q. And did you get the dynamite?

A. Yes, we did.

Q. By chopper?

A. Right.

Q. Right there?

A. Right.

Q. About how long did it take to come? Do you remember?

A. I think about 20 minutes, no more than that.

Q. And where did the chopper set down, right by the end of the bridge or--

A. (Interposing) No, right in the middle of the village.

Q. Right in the middle of the village?

A. Right.

Q. Did anybody get off the chopper at that time?

A. No, sir.

Q. Just a case of dynamite, that's all?

(Witness nodded his head in the affirmative.)

Now do you remember reporting--

A. (Interposing) The casualties?

Q. Pardon?

A. The casualties?

Q. Yes.

A. Yes.

Q. Body count?

A. Right. Between 15 and 20, that's all I said.

Q. Now did you count them yourself?

A. No, sir. Somebody else counted them. They tell the lieutenant, then I call.

Q. All right. How many bodies did you see?

- A. Lying all over the bunkers I see about--no more than 20.
- Q. No more than 20?
- A. Right.
- Q. Where were the 20 that you saw?
- A. Outside the bunkers.
- Q. Outside one bunker?
- A. No, more than one bunker, because you see, when they blow the bunkers they cave in, you know?
- Q. Yes.
- A. You can't see nothing then. Outside running, yes. That's where I see 15 or 20.
- Q. Well, now the 15 or 20 you saw were just in small groups lying around or were they--
- A. (Interposing) Yes.
- Q. Were they mostly women and children?
- A. Yes, sir.
- Q. Were they all inside the village, or were some of them outside the village?
- A. No, inside.
- Q. Do you remember seeing any that were up on the hill or up on the little rise of ground toward the ocean?
- A. I think, yes.
- Q. Were these people who were running out of the village, and were up there when they were shot?
- A. They were trying to run down the beach, I think.

Q. And were they shot by MILUS, or could you see?

A. Well MILUS was shooting and some other guy was shooting with an M-16.

Q. About how many people were shooting at this time when these people were killed?

A. I'd say about half the platoon.

Q. Would that be the first squad?

A. No, the second, because the third was behind, you know, covering the rear. The second or third, I can't say. I know we were at least a squad behind, you know, to the rear. We had the machinegunner.

Q. Was Lieutenant WILLINGHAM firing?

A. I don't remember that, but I don't think so.

Q. All right. Do you remember Lieutenant WILLINGHAM saying anything about shooting women and children?

A. No, sir.

Q. You didn't hear him tell them not to shoot the women and children?

A. I can't remember anything about shooting or not shooting, you know, the women and children.

Q. Now, was there any more shooting when the men went through the village to search it?

A. I don't think so. I think when we left they started shooting. You know, I think, I'm not sure.

Q. After this initial firing by half the platoon that killed 15 or 20 people before you went into the village, did you stay out of the village the whole time, or did you and the lieutenant move into the village at a later time?

A. I think we went through the village. You know, we went to the front of the village.

Q. About how far did the village stretch along the trail?

A. Not too far. Not too far.

Q. Could you take a look at this aerial photograph and see if you could pick out the approximate area where these hootches were?

(Witness was furnished a vertical photograph of the Son My coastal complex which he was later asked to annotate. The original photograph was at this time received in evidence as Exhibit P-217. The annotated photograph was later received in evidence as Exhibit P-218.)

If you assume that this is the bridge that you crossed, you would have come out on this edge here (indicating). The trails that were there apparently have been overgrown, they don't show on the photo.

A. They were like this. I mean some hootches over here, you know, burnt up. And we came over here like this.

Q. You came down along like this and the hootches we are talking about here, the village, was stretched along in here somewhere?

A. Yes, around here. There were some over here on the top, you know, but you cannot see the beach because of high ground.

Q. The high ground would be about here? So that there were hootches along this hill then?

A. Yes. Some over here (indicating).

Q. Some over here?

A. Right.

Q. Now, where were the troops standing when they were firing?

A. I think it was around here.

Q. It would be around here. And they were firing into the hootches that were along in here?

A. Right.

Q. You saw some people up on this hill trying to--

A. (Interposing) Right.

Q. They were killed there?

A. Right.

Q. Other people were killed in the area of the hootches in there?

A. Right.

Q. About how far down here did these hootches stretch? Do you recall? In other words, did they stretch a long way down or was it not very far?

A. Not very far.

Q. About how many hootches altogether would you say were in this area?

A. Maybe 10 hootches.

Q. Maybe 10 hootches?

A. Right.

Q. Well, it wouldn't have taken very long then to search them. Do you know if any people were killed when they blew the hootches?

A. Our people?

Q. No, any of the Vietnamese?

A. Oh, yes.

Q. How do you know that?

A. I heard them talk.

Q. Who did you hear talk?

A. HOOTON.

Q. And HOOTON was describing what he had done, or what he had seen other people do?

A. I think what he was doing.

Q. What did he say?

A. The people in the bunkers, you know, dynamite.

Q. Did he say how many people?

A. They say to destroy and kill everybody.

Q. They said what?

A. Kill everybody, that's what I heard.

Q. Did Lieutenant WILLINGHAM hear that?

A. Maybe he gave the order. I think he gave the order. They gave the order to him, to kill and destroy everything.

Q. When HOOTON was telling about killing people in bunkers, would Lieutenant WILLINGHAM hear that as well as you?

A. Maybe he did.

Q. All right now, about 0955 or 1000 in the morning, Lieutenant WILLINGHAM reported having killed 12 VC. Do you

remember sending that message back to the company commander?

A. Yes.

Q. Now, were those 12 the people that had been killed right before you went into the village? Do you remember how that report got to you?

A. No, sir.

Q. Then about 30 minutes later you reported another 18 being killed. Were these two separate actions or firings? Do you recall that the first group of 12 was the first group that you saw being killed in the outskirts of the village, and then when you moved through it you counted 18 more?

A. I think so. Yes.

Q. Do you remember anybody at that time complaining that it wasn't right to kill women and children?

A. I think so.

Q. Who?

A. HALL.

Q. HALL?

A. Yes. I think that's about all.

Q. Did he complain to the lieutenant?

A. No. We were talking and shouting, you know.

Q. How about REID? Did REID complain about it?

A. Yes, sir. I think so. We used to talk about it.

Q. And most of the soldiers felt that it was okay though?

A. Well, some of them. Yes.

Q. I wonder if you could try to remember who the people were other than MILUS that were firing in the village in the very beginning?

A. Throwing the dynamite?

Q. No. I'll get to that in a minute. I want to just focus on everybody that you can recall who were in the front squad there. Those who were firing when you first came up to the village and killed the people who were running around in the village?

A. I think TAYLOR, TITTLE, and HOOTON, with the machine-gun.

Q. Is that all?

A. That's all I can remember. Sergeant LIAS, I think was killing too, shooting too.

Q. Sergeant LIAS?

A. Yes.

Q. Then you don't recall Lieutenant WILLINGHAM giving any order to cease fire or stop?

A. Yes, he did.

Q. He did?

A. Yes. Cease fire. When we came in and searched the bunkers and all that.

Q. Now, do you remember Lieutenant WILLINGHAM giving any order to open fire, or direct the machinegun to fire in a direction, or any orders along that line?

A. I don't think so. I think Sergeant LIAS did. He placed the machinegun in place, you know.

COL WILSON: You said that first, as I recall, that you didn't see any people, and the people were all in the bunkers?

A. I saw a couple running.

Q. A couple?

A. Maybe three or four running out of the bunkers and running down to the beach.

Q. This was when you first crossed over now? As I understood it when you started out, you said that you crossed the bridge and the platoon opened fire on this village?

A. No.

Q. You didn't say that?

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

Q. Were there any outside people with the platoon that are not normally with them? Did you have your demolition specialists or was all this explosive being handled by the platoon?

A. Just the people in the platoon.

Q. Did you know anything about HOOTON shooting a baby in the head, or anything like that?

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

Q. You did hear it? What did you hear?

A. That he killed a baby.

Q. Under what conditions?

A. Well, just for fun I guess.

Q. Do you know where HOOTON is now?

A. Right now? He didn't get killed or anything?

Q. No. I don't think so. On this body count that usually comes in, how does this come in to the platoon leader? Does it come in from the squad leader?

A. Yes.

Q. In other words, he accepts the body count from the squad leader?

A. I guess so.

Q. He makes no attempt to count these bodies himself?

A. Sometimes, but I don't think he made an attempt to count them over there.

Q. He accepted the body count that was reported?

A. But you see we kept to the village, you know, all the way to the end of the village. Or maybe he make a count. I don't know. Because if there's any dead, you can see them, you know?

Q. Yes. Now these people, if you saw only a few that were not in the bunkers, these people that you saw, do you think that they had come up out of the bunkers after the demolition had been detonated in there, or do you think that they were shot by small arms fire?

A. No. Some of them come out when they exploded, you know, wounded and all that.

Q. Yes.

A. And some come out before, and they kill them.

Q. Well, if they came out before, were they told to come out? Did somebody yell down there and tell them to come out, or did you hear anything like this?

A. No. I didn't hear it.

Q. But anyway, when they came out, they were shot?

A. Right.

Q. You saw this?

A. A couple, yes, a woman.

Q. Come out of a bunker and she was shot?

- A. Yes.
- Q. Who shot her?
- A. I think with a machinegun, I'm sure.
- Q. That would have been MILUS.
- A. Right.
- Q. Do you think this was a deliberate, aimed fire, or do you think it was still strafing fire that he was firing?
- A. No. It was deliberate.
- Q. It was what?
- A. Deliberate, you know.
- Q. Deliberate.
- A. He saw the woman and killed her.
- Q. Do you know who it was, or which element, or the individuals that were throwing the explosives down into these bunkers and destroying the bunkers?
- A. Yes.
- Q. Who was it?
- A. TAYLOR, TITTLE, and HOOTON.
- Q. The point group again.
- A. Right.
- Q. Were they the only ones?
- A. I think so.
- Q. HALL said that while you were in the village that the company commander came in over the radio, or somewhere, and said stop the killing. Do you remember anything like this?

A. I think so, yes. But it was too late.

Q. This was after the action had taken place?

A. Right.

Q. I want to be sure. Did he say stop killing, or cease fire? There's a big difference.

A. I think he said, "Stop killing."

Q. "Stop killing," yes. Also there was a question about TAYLOR picking up a woman, Vietnamese woman, and having her back in there. Did you see her?

A. Doing what?

Q. A woman.

A. Right.

Q. He brought her back to Lieutenant WILLINGHAM, I understand. Did you see this woman?

A. No, sir. I don't remember anything like that.

Q. You don't remember seeing a woman at all during or after the village action?

A. Alive?

Q. Yes, that was later used for a point.

A. I don't remember.

Q. You said you saw approximately 20 bodies. Were these bodies all in the village, or were some of them up on that hill?

A. No, they were in the village.

Q. All in the village. Did you have a camera with you?

A. No, sir.

Q. Do you know anybody that did?

A. No.

Q. Mr. FERNANDEZ, when we get through, I'm going to ask you to sit with Colonel NOLL and put some of this information down on the photograph (indicating Exhibit P-217). He'll show you how we're going to do that. But we'll go ahead with the interview prior to that, and then do this afterwards, okay?

(Witness nodded head in the affirmative.)

MR WALSH: I'd like to go back just a second to make sure I understand what your recollection is with respect to the time when the lead squad was deployed in front of the village, and it opened fire on the village right after you crossed the bridge. You were standing about, perhaps 50 meters behind the point element and the squad that was firing in the village. Is that correct?

A. Right. Behind the second squad.

Q. And were the men that were doing the firing deployed on line, or were they all grouped around the trail, or how were they spread out?

A. They were along one line, one behind the other.

Q. They were more or less one behind the other?

A. I think. The machinegun was in front.

Q. The machinegun was in front? And other men were behind the machinegun?

A. Right.

Q. Approximately how many men were firing, to the best you can recall?

A. Maybe the whole first squad.

Q. Would that be maybe 12 men?

A. No, no.

Q. Ten men?

A. They only got about five guys in the first squad, I think.

Q. You mentioned LIAS, MILUS, HOOTON, TITTLE, and TAYLOR. Now, would there be any others whose names you can recall?

A. No.

Q. You think those were the only people who were firing. Now, I think you said, you saw maybe 15 or 20 people shot by that group in the first 5 minutes or so, people who were running around the village?

A. No, no. I didn't say that.

Q. No? Then I misunderstood you. What did you see in terms of the number of people who were shot at that time?

A. Running around, you know, I saw about four or five shot, and the woman coming out of the bunker. But the others were sort of lying in a pile like that.

Q. At the time that they were firing, in the beginning, you only saw four or five people who were running around and shot down?

A. That's what I saw, you know.

Q. And about how long did the firing last before they moved into the village?

A. Maybe 3 or 4 minutes.

Q. It wasn't long?

A. No.

Q. And Lieutenant WILLINGHAM gave the order to cease fire and move into the village?

A. Right.

Q. Now, when you moved into the village, did you see any more people shot that came out of the bunkers or otherwise?

A. No.

Q. But, you did see maybe 15 or 20 bodies lying around?

A. That's when I walked through the village. You know, I walked through it.

Q. And how long afterwards was it that you walked all the way through the village? Were you walking through right while the searching was going on?

A. Oh, no. I was staying in the rear, and then they started blowing the bunkers. Then after that we came all the way through the end of the village.

Q. All right, it was after they finished blowing the bunkers that you walked all the way through.

A. Right.

Q. And at that time you saw maybe 15 or 20 bodies around?

A. Right.

Q. Now in addition to the 15 or 20 bodies that you saw lying around, did you also see the people shot up on the hill. You didn't see their bodies, but saw them get hit?

A. I saw them get hit, but I didn't see their bodies.

Q. And that would be in addition to the 15 or 20 bodies that you saw when you went through.

A. Yes.

Q. Now what exactly can you recall about HOOTON shooting the child? Can you remember that story which you heard in as much detail as possible?

A. I just heard that--I heard him talking, you know.

Q. You heard HOCTON talking?

A. Right.

Q. And, what did you hear him say?

A. That he shot a baby.

Q. Was the baby being held by its mother at the time?

A. Yes. I think so.

Q. And what kind of a weapon did he use when he shot it?

A. I'm not sure if it was an M-16 or a .45. I don't know.

Q. Do you remember if he also shot the mother?

A. I think it was dead already.

Q. All right now, did you hear any other people talking about people that they had killed while the squad was searching the village, the platoon was searching the village?

A. No.

Q. Did HOOTON tell Lieutenant WILLINGHAM about shooting the baby as well?

A. I don't think he did. I don't know. Maybe the lieutenant knew, I don't know.

Q. Did you normally stay right next to the lieutenant?

A. Well, no.

Q. Only sometimes?

A. Sometimes I'd take the radio and stay there and wait around, stay with the radio. And he'd go somewhere.

Q. Was Lieutenant WILLINGHAM in the village when the bunkers were being blown?

A. I think he was behind with me.

Q. And was all the searching of the village and blowing of the bunkers done by Sergeant LIAS' squad, or was the other squad brought up to--

A. (Interposing) No. It was the first squad.

Q. That's all I have.

COL WILSON: Did you know Terry REID?

A. Yes, sir.

Q. Did you discuss this operation with him at any time?

A. I don't remember. He was a nice guy, you know, like HALL.

Q. HALL and REID, these are all the same type people?

A. Right.

Q. Friends of yours?

A. Yes, sir.

Q. Who else is in that category, HALL and REID?

A. A man named GARCIA, but he was killed. I don't think nobody else.

Q. Do you remember a--it may have come over your radio--BRETENSTEIN called for this mortar fire at the bridge, right before crossing. He seemed to think that possibly this fire was preplanned. I mean Lieutenant WILLINGHAM and the company commander had planned to put a concentration of fire on the other side of that bridge before the operation. Did you hear this communication requesting mortar fire?

A. Before we came in?

Q. Yes, before you came over the bridge.

A. On the way out?

Q. On the way from the landing zone--

A. (Interposing) Oh, I think, yes.

Q. To the bridge.

A. Yeah. They fired, you know, to clear the area.

Q. Did you hear this request for fire?

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

Q. Or the adjustment? It probably went over the platoon sergeant's PRC-25. Would it be on the same net as yours?

A. Yes.

Q. Okay. Also it was indicated that there was some resistance at that bridge. Do you recall if there was any firing down there at that bridge prior to this mortar fire?

A. I don't remember. Maybe we got fire, you know.

Q. Do you remember the platoon leader going in that morning before crossing the bridge and asking for gunships? Do you remember that?

A. No. I remember when TAYLOR got hit.

Q. No, no. This is the first day now.

A. Yeah, I know. No.

Q. You don't remember asking for gunships or artillery?

A. No.

Q. But he got mortar fire?

A. I think so.

Q. When this explosive was brought in on the helicopter, do you recall whether it was all explosives or was there any munitions with it?

A. Maybe machinegun ammo.

Q. Machinegun ammo.

A. Yeah, maybe.

Q. Grenades, fragmentary grenades? Was there anything like this?

A. I don't remember.

Q. It was primarily as you recall explosives?

A. Yes, but I don't think grenades. I don't think so.

LTC NOLL: When you received the message from Captain MICHLES to stop the killing, what activity were you engaged in, waiting outside or walking through the village? What time of the morning did this come?

A. I think we were behind.

Q. Had the demolition started of the bunkers at this time?

A. I can't remember. They finished after that. I'm not sure.

Q. Do you remember how many groups of casualties you reported that day, or Lieutenant WILLINGHAM reported that day, how many groups of body counts?

A. Fifteen or twenty.

Q. You mean 15 or 20 people?

A. Right.

Q. Did you see any males in this group?

A. Males, no. Women and children, that's all.

Q. You don't ever recall Lieutenant WILLINGHAM getting a radio message asking if there were any women and children killed here?

A. No. I don't remember.

Q. In your movement from the LZ to the village, was there ever a hostile act against your platoon or did you get sniper fire? Did you get any grenades thrown at you.

A. Yes.

Q. Where did this occur?

A. After the landing, you know, when we came to buildings, there were buildings all blown up, we received a couple grenades.

Q. This was before you got to the bridge?

A. Before, yes.

Q. They didn't go off?

A. Yes, but nobody got--

Q. (Interposing) They did go off?

A. Yes, I think so.

Q. Okay.

A. I'm not sure.

COL WILSON: You said, I believe, as I recall, that as the lead squad moved into this village, that you were behind the second squad. Did you mean the second squad in number or were you two squads behind the forward element?

A. No, behind the second squad.

Q. The second squad in the order. In other words, there were two squads in front of you.

A. Yeah, we always go back in the end, you know, in the middle.

Q. You're back in the middle, which means that you're--

A. (Interposing) I don't think at that time we have two PRCs, you know.

Q. You don't think you had two PRC-25s?

A. No, you know, that guy who used to go with the PRC-25, he was new. I don't know. Oh, maybe--I don't know.

Q. Do you remember BRETENSTEIN using your PRC-25 to call for mortar fire?

A. Yeah. He was with me.

Q. He was with you?

A. Right.

Q. And he used your radio?

A. Yes.

Q. He came forward?

A. If he used it, it was my radio; I think it was the only one.

Q. Do you recall anything else now that happened around this village area?

A. No, sir. That's about all as far as I can remember.

Q. Just to catch up here and go on, we want to complete the rest of this day.

There was a report at 1045 that went back to the task force journal that at 1045 steel helmet, uniforms, and web equipment were found. Do you know anything about this?

A. Where were they found?

Q. They were south of that bridge generally in the vicinity of this village (indicating). It would have been down in here (indicating), it could have been a little south of the village.

A. I think so.

Q. Do you remember what happened to that equipment, do you know?

A. I think we sent it forward, you know. They picked them up, I'm not sure, but we carried them with us. I'm not sure.

Q. How many uniforms did they find, do you know?

A. I think it was only one and one helmet.

Q. Where was it?

A. I don't know. I don't remember seeing any, you know.

Q. Well in that general area, this was generally in the area just south of the village.

And for your information that day there were three reports which totaled up to a total of 38 VC KIA. That report said VC KIA.

And after that was over, what happened? Did you reorganize and start to move out?

A. Yes.

Q. Do you remember how far south you moved before you went back to the north? Did you go any farther south than the edge of that village?

A. I don't think so. We went back.

Q. You reorganized, turned back, and then started moving out to your laager position for that night. Did anything occur as you were moving to that position that you recall?

A. Occur, sir?

Q. Did anything happen?

A. On the way back when TAYLOR got hit.

Q. No, this is the wrong day. TAYLOR didn't get hit until the next day. You moved back from that village and went north, and it's indicated on the report that Navy swift boats sighted about 10 sampans and headed them into the coast. That was about 1600 that afternoon. Do you remember this?

A. Yeah, I remember this, I remember the boat, I saw the boat.

Q. You did see--

A. (Interposing) Yeah, then we pick up the people, I think.

Q. Yes, that's right.

A. And then question the people.

Q. That's right. Okay, now at this time do you recall whether you received some interpreters?

A. Yes. They were talking to the people.

Q. And how many came in, do you know?

A. Interpreters? I think there were two.

Q. Two interpreters.

A. Yes.

Q. Vietnamese?

A. I'm not sure.

Q. Did you know any of the Vietnamese interpreters that worked with the MI or C/1/20?

A. No.

Q. Do you remember the ship bringing some fishermen in there? How many do you think that was, do you recall?

A. Maybe 10.

Q. Ten fishermen. And the interpreter started questioning them?

A. Yeah, one by one.

Q. One by one. Was there an American with the interpreters?

A. The interpreters were Vietnamese, but there was an American with them.

Q. There was an American with them, and he was asking the questions through the interpreter. Did Lieutenant WILLINGHAM get involved in this?

A. I don't think so.

Q. Were these Vietnamese turned over to Lieutenant WILLINGHAM or were they turned over directly to these interpreters and to this interrogator?

A. I think we captured them, you know, when they got on the beach. And we waited for those interpreters to come in.

Q. Yes, and you just held them there until the interpreters came in. This is Exhibit P-21, have you ever seen these two individuals in uniform?

A. No.

Q. How about Exhibit P-22?

A. Yeah, him I seen. That's the other--the same one over here. I can't see his face good.

Q. The person in Exhibit P-21 holding his helmet and the individual in Exhibit P-22, the American on the right facing the camera, you've seen these. You've seen that--

A. (Interposing) I seen him.

Q. Was he on the beach that day?

A. I do remember him.

- Q. Was he on the beach that day?
- A. I'm not sure where I seen him before.
- Q. This is Exhibit P-66, have you ever seen the Vietnamese soldier on the left?
- A. No. I don't remember him.
- Q. The one in the center?
- A. Him (indicating)?
- Q. Yes.
- A. I can't see his face real good.
- Q. Okay. Now what was the--after these--while these prisoners or while these detainees were being interrogated and after they were completed, what happened to them, where did they go?
- A. I think they let them go; I don't know; I'm not sure.
- Q. Did they get back on the sampans and leave?
- A. Yes, sir. I think so.
- Q. You didn't detain any of them?
- A. No. We stayed there that night.
- Q. Did a helicopter come in and pick up those interpreters, interrogators? Or did they stay there all night?
- A. I'm not sure if they left or stayed with us.
- Q. You don't remember a helicopter coming in?
- A. No. I think they picked them up.
- Q. Did they take any of the Vietnamese out with them?
- A. I don't think so.

Q. Do you recall on your movement up there to that laager area from the bridge, whether there was a Vietnamese woman being used as point?

A. That day on the beach?

Q. As you moved from the bridge north before you contacted these--

A. (Interposing) No.

Q. You don't recall--

A. (Interposing) I don't remember now--

Q. (Interposing) All right. When you went in to laager that evening, was anything that you can recall unusual that happened?

A. No.

Q. Did they bring rations in to you or did you have sufficient rations?

A. I think they bring us rations down, a hot meal, sir.

Q. You think you had a hot meal?

A. I think so.

Q. Do you recall any firing that night?

A. No.

Q. No firing?

A. I don't think so. No.

MR WALSH: Earlier in the day, after you had finished searching the village, you spent most of the day around the area toward the end of the bridge there, we understand. Do you remember having a woman around there, a Vietnamese woman being brought to Lieutenant--

- A. (Interposing) No.
- Q. Do you remember anything about finding a booby trap?
- A. In a hootch?
- Q. In a hootch.
- A. I think so.
- Q. What kind of booby trap was it?
- A. I think it was a zip gun. I don't know.
- Q. A couple cartridges rigged to go off?
- A. Yeah.
- Q. Who found it? Do you remember?
- A. No. I can't tell you the name.
- Q. Do you remember the lieutenant questioning a woman about the booby trap?
- A. I can't remember about the woman, not possibly sure, but--
- Q. (Interposing) During the course of the day was anything done about burying any of the bodies that were in the village?
- A. No.
- Q. They were left there where they were. You don't remember any conversation with the lieutenant about the fact that all these bodies were women and children?
- A. No. I don't remember.
- Q. You didn't say anything about it at all that you can recall?
- A. No.

COL WILSON: Okay, the next day you went back to the bridge.

A. The same bridge?

Q. The same bridge. This is where Sergeant TAYLOR was wounded. Do you recall Sergeant TAYLOR having a woman in the point that morning?

A. I don't think so.

Q. TAYLOR was indicated on the log as being wounded at 0810 that morning. Did you see him evacuated?

A. Yeah.

Q. What type of ship evacuated him?

A. I think it was a helicopter.

Q. Was it a hospital, was it a medevac, was it a slick, or was it a C&C?

A. I'm not sure, I think it was a colonel's helicopter.

Q. You think it was Colonel BARKER's helicopter?

A. Maybe. I'm not sure.

Q. Do you remember either before or after TAYLOR hit that mine, or booby trap, or whatever it was, do you remember the 1st Platoon receiving sniper fire?

(Witness indicated in the affirmative.)

Okay, was this sniper fire before or after he hit that mine?

A. After he hit the mine, I think.

Q. How long?

A. I think right away after the explosion. Then they call the gunships.

Q. He hit the mine and you started getting fire. How much fire was coming out, where was it coming from?

A. I think it was towards one side of the village.

Q. And how much fire was it? Was it a considerable amount--

A. (Interposing) No.

Q. Or sporadic?

A. Sporadic.

Q. Small arms fire?

A. Small arms, yes.

Q. Any automatic fire?

A. I don't remember.

Q. What was the platoon's action then? Did they deploy or move--

A. (Interposing) No. We stayed right there.

Q. You stayed right there?

A. Yes.

Q. You returned the fire?

A. Yes, and then they called the gunships.

Q. And then who called the gunships? Did you call them?

A. I think it was me or the lieutenant. I don't know.

Q. How long was it from the time you put your call in until you got the gunships.

A. I can't tell you exactly, I don't know. Maybe 15 minutes.

Q. Approximately 15 minutes. How many gunships came in?

A. I think two. Two or one, I'm not sure.

Q. Two or one. How many passes did they make over that village? Did the fire stop before the gunships got there or after?

A. I think after.

Q. But they were still firing when the gunships came in?

A. I can't remember.

Q. What was TAYLOR doing, lying on the side of the road? Did anybody get over there?

A. No. The medic was there.

Q. The medic was with him? When did the evacuation ship come in, after the gunships?

A. Right.

Q. TAYLOR was evacuated. Did you see where he was wounded? Did you see the mine he hit, or the location of the mine?

A. I think it was right on the corner of the bridge.

Q. The corner of the bridge. Were any other mines--

A. (Interposing) And then he lost the weapon. I do know we didn't find the weapon.

Q. Were there any other mines marked?

A. I don't know.

Q. You don't remember?

A. No.

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- Q. Do you remember calling your ordnance disposal man forward?
- A. I don't remember if we got one at the time; I don't know.
- Q. What?
- A. I don't remember if we got one of those at that time.
- Q. GUTHRIE, do you remember GUTHRIE?
- A. I don't think he was in the 1st Platoon.
- Q. No. He wasn't in the 1st Platoon. Do you remember calling up for an ordnance disposal man or Lieutenant WILLINGHAM asking for one to come forward. It could have been before, probably before TAYLOR was wounded.
- A. You say GUTHRIE was there?
- Q. No, I'm just wondering if you remember calling for him.
- A. No.
- Q. Do you remember if TAYLOR reported to the platoon leader that he had found a mine before the mine went off and wounded him.
- A. No, but, I mean when he got wounded he said he knew that the mine was there, you know, before he hit it. That's what he say.
- Q. That's what I was wondering, if he had reported that he had found the mine.
- A. He told us after he got hit.
- Q. The platoon leader didn't know he found the mine?
- A. No. After the explosion.

Q. Do you remember GUTHRIE coming across the bridge or some people coming across the bridge shortly after TAYLOR was wounded?

A. I think so.

Q. Is this before or after the gunships?

A. I think it was after.

Q. Do you remember somebody destroying some booby traps and mines in the same vicinity that TAYLOR was wounded? Detonating them? This was done about 1000, about 2 hours after TAYLOR was wounded.

A. I don't remember.

Q. All right, the company closed with the 1st Platoon. Do you remember the company coming across the bridge? You closed with the 1st Platoon and the company moved south, leaving the 3d and mortar platoons up there by the bridge. Do you remember this?

A. No.

Q. Don't you remember going all the way down that peninsula that day and getting down to the end of it. You got a nice view of the sea. Very hot day.

A. Just the 3d Platoon?

Q. No, the whole company. The 1st Platoon was on the right, on the inside, and the 2d Platoon was on the left.

MR WALSH: 2d Platoon was on the beach on the left, over the rise of ground.

COL WILSON: Do you remember Lieutenant LEWIS being brought in in a helicopter with Lieutenant MUNDY? Do you remember those two coming in? It should have been somewhere in the rear of the 1st Platoon.

A. No. I don't remember the beach.

MR WALSH: This would have been moving down--you weren't on the beach.

A. Is this where the pilot came in?

COL WILSON: No. This is the day before that. You moved all the way down--

A. (Interposing) We were on the same beach--

Q. (Interposing) You weren't on the beach. You would have gone through three or four villages on the way and burned them.

A. No. I can't remember.

Q. That's a photograph of the end of the peninsula, Exhibit P-211. Here's another photograph, Exhibit P-212.

A. Yeah, this looks like the -- yeah -- they had to turn back when you got to the end, right?

Q. Yes.

A. This water, yeah. I remember now.

Q. All right. Do you remember burning villages on the way down there?

A. No. We saw the smoke; we didn't burn anything.

Q. You saw the smoke where?

A. We were walking over here (indicating) on the right.

Q. Oh. That was over across the river?

A. Right.

MR WALSH: But B Company didn't burn that first village the first day?

A. Say again, sir?

Q. The previous day in the village where all the people were killed, was that village burned?

A. Yeah.

Q. You burned it.

A. Burned it, yeah.

Q. 1st Platoon burned it after they searched it?

A. Yes.

Q. Now on the second day, when you moved down through those other villages, going down to this point at the end, you don't remember if they burned it or not. Or do you remember that they didn't burn it?

A. I'm not sure that they burned it that day. But I know I saw smoke on the right.

Q. Well that's right, because Charlie Company was over on your right across that water, and they were burning all the villages over there. But you don't remember if the 1st Platoon was burning the villages that they went through?

A. No. They didn't

Q. Do you remember any firing that day?

A. No.

Q. Any blowing of bunkers?

A. No.

COL WILSON: Do you remember a report from the 2d Platoon that one VC was KIA? That you'd engaged out on the beach? Did you hear that?

A. Not that I remember.

Q. The executive officer, Lieutenant MUNDY, and Lieutenant LEWIS and allegedly--or from what we can understand, a photographer came in, after you started moving south that day and stayed with you awhile, stayed with the company awhile. The people in the 3d Platoon seem to remember very distinctly that

distinctly that there was a photographer along. Do you know anything about this?

A. No, sir.

Q. You didn't see a photographer that day. Did you see any ARVN soldiers out there with you?

A. On the beach?

Q. Yes. Well not necessarily on the beach, but on that march south, any time that day.

A. I don't remember.

Q. You don't remember seeing interpreters, or ARVN soldiers, or strangers? You didn't see any?

A. No.

Q. You doubled back up there and went into laager that night. You don't remember anything else happening that afternoon? You didn't see any prisoners up until this time?

A. Up until what time?

Q. From the time you made this combat assault, until where you are now moving back into the laager on the second day, did you see anybody take any prisoners?

A. I don't think so.

Q. You wouldn't have seen these prisoners in Exhibit P-208?

A. No.

LTC NOLL: When the rest of the company joined you, did they have any Vietnamese carrying heavy equipment?

A. I don't think so.

MR WALSH: After TAYLOR was wounded and the gunships made their passes, do you remember moving out and moving back through the village that had been shot up and burned the day before?

A. Maybe. I'm not positively sure.

Q. Do you remember seeing any of the dead bodies that you'd seen the day before?

A. No.

Q. They're all gone?

A. Right. Yeah. I remember that, I think.

Q. Did you see any dead bodies on the second day in any place?

A. No.

Q. Do you remember hearing anything about HOOTON or TITTLE or TAYLOR--not TAYLOR of course, but HOOTON and TITTLE blowing bunkers during that second day?

A. No.

Q. Did you have the feeling that the operation had been completely changed from the first day to the second day?

A. No. Well, you mean from the search and destroy?

Q. Yes.

A. Yeah. I think so.

Q. Well, I think you don't recall whether they burned the villages or not the second day.

A. No. We didn't burn no villages.

Q. You're pretty sure that you didn't burn the villages? Do you remember hearing Lieutenant WILLINGHAM giving different orders, or did he give any different orders to people on the second day than he had on the first day?

A. No. I don't remember.

Q. You do remember the first day getting an order to stop killing.

- A. I'm not sure to stop killing or stop the firing, you know.
- Q. A little earlier you thought that the order that had come through had been stop killing rather than stop firing.
- A. Well, maybe the order was to stop the killing or the firing, I don't know.
- Q. But, at the time you got that order it was too late as far as the first village you had been through?
- A. Right.
- Q. I want to ask you if you remember whether in the group that were firing on the village the first day--whether Larry HOLMES was one of them? Or was he to the rear?
- A. I'm not sure.
- Q. Do you remember hearing of any Vietnamese that were killed by the 1st Platoon during the second day?
- A. I think so.
- Q. How?
- A. Over the radio, I mean the same net as the company.
- Q. But you were in the 1st Platoon. I mean by the 1st Platoon itself?
- A. Oh, no. Over the radio.
- Q. You heard that other people in the company may have killed some?
- A. Right.
- Q. But, the 1st Platoon didn't kill any during that day?
- A. No.

Q. Okay.

COL WILSON: You went into laager that night. Do you recall if there were any Vietnamese or ARVN personnel in the laager area that night. Any military intelligence personnel? Anybody that was not a part of B Company?

A. Where did we laager? I can't remember.

Q. You laagered on the way back up, before you got to the bridge. About halfway between the bridge and the end of the peninsula down there where you turned back and headed north, you laagered there. I'd say you were 2 or 3 clicks south of the bridge. So you laagered there, right near the beach that night.

A. No. I don't remember.

Q. Well, at least that's the reported position of the company that night. And then the 3d Platoon stayed up there (indicating) by the bridge with the mortars. They stayed up there. Now the next morning you moved out and went back by the bridge where TAYLOR was wounded, picked up the 3d Platoon, and continued moving north. You supposedly found 3,000 pounds of rice up there, near the bridge, and requested it be evacuated. I don't know who found it. It could have been the 3d Platoon. It could have been the 1st or 2d. And then you kept moving on north until you got up to a bunch of large villages. These villages were searched.

A. On the beach? They were fisherman, right. I remember that.

Q. And the villages --

A. (Interposing) That the same place where MILUS was killed, right?

Q. That's right. And all day, I think the platoons were involved in searching these villages, sending their people back to the beach.

A. Right.

Q. Now, did you see the medical teams come in there that day?

A. I don't think so. A lot of people.

Q. Yes. Did you see any ARVN military in there that day? Interpreters?

A. Maybe with the captain, just one, you know, the American and the ARVN's.

Q. You went through the day sending these people back down there, and set up a laager position that night.

A. Yeah.

Q. Did you see any Vietnamese being interrogated that evening?

A. That evening?

Q. Any being questioned?

A. No, but the morning after that, you know, I remember that.

Q. We'll catch that in a minute. Now you got mortared that night.

A. Right.

Q. And they evacuated the casualties. Now that afternoon, do you recall whether there was any artillery fire that came into those villages?

A. After we left?

Q. While you were still searching the villages or right after you left. Yes, right after you left the villages and came back to the beach. Do you recall whether there was any artillery fire that came in there, one or two rounds?

A. No. I don't remember.

Q. Do you recall a woman being brought in with a wounded leg and being evacuated? You went through that night, and you had all those casualties. Now the next day, you say you saw some Vietnamese being interviewed?

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A. Right.

Q. Did either one of them get killed?

A. No. They didn't get killed. I know we picked up two boys, you know. I don't know what happened to the other one. I'm not sure.

Q. But they did abuse them when they were questioning them?

A. Right. I don't know if they abused them, but we hit them, you know. Make them talk.

LTC NOLL: What time were these boys picked up?

A. In the morning.

Q. The morning of the 19th?

A. Right after MILUS got killed, that morning.

MR WALSH: In the Task Force Barker log on the afternoon of 16 March, there is an entry at 1420, "Company B has killed eight VC, vicinity--" giving coordinates. This is just across the bridge in that small village that you first went in. "Had some Chicom grenades, web equipment, and assorted ammo." Do you remember anything about that transmission?

A. I don't remember anything about those kills, not that I remember.

Q. In other words, you don't have any recollection of having killed anybody at 1400 in the afternoon?

A. No.

Q. The 11th Brigade log at 1420 has an entry reading: "Engaged unknown number of VC in tunnels. Eight VC KIA, found some web equipment, Chicom grenades, and assorted rounds of ammo."

A. When was that?

Q. That was at 1420 in the afternoon, at the location just on the other side of the bridge where the 1st Platoon was on that first day. And you just don't remember finding any Chinese Communist grenades?

A. I don't remember the Viet Cong in the tunnels. I don't remember that.

Q. Is it your recollection that all of the reports of VC being killed that you made to Captain MICHLES were made in the morning, right at the time that the women and children were killed in the village?

A. I think, yes.

Q. Do you remember if your report to Captain MICHLES was that the people killed were women and children or not?

A. I don't remember that.

Q. Is it possible that you reported they were VC?

A. Maybe.

COL WILSON: Do you have any knowledge of investigations or inquiries being made after this combat assault while you were still in Vietnam?

A. No.

Q. Were you ever questioned, or did anybody you know ever get questioned on this operation?

A. I don't think so.

Q. Were you or anyone you know ever told to keep quiet about this operation, not to discuss it?

A. Nobody told me that, no.

Q. Did you ever hear any rumors that civilians had been killed unnecessarily by B/4/3 or C/1/20?

A. I read it in the paper.

Q. No, while you were still in Vietnam.

A. No, sir.

Q. Well, these discussions that you had with HALL--

A. (Interposing) No, we didn't about C/1/20.

Q. But this is B/4/3.

A. Yeah.

Q. And what you heard and what was discussed was the 1st Platoon. How about the other platoons. Did you hear about them?

A. About the other platoons, no, sir.

Q. Do you know if marijuana was a problem in B Company?

A. I saw a lot of guys that used to smoke.

Q. Did they smoke it on operations?

A. No.

Q. Do you think marijuana had anything to do with what happened in that village?

A. I don't know, sir.

Q. Was the 1st Platoon just like the other platoons in the company, or did they normally get out of control, or could they be handled by the squad leaders and the platoon leader?

A. Yeah.

Q. How long had Lieutenant WILLINGHAM been in command of that platoon?

A. I think SPRAGGINS got hit in February, I think.

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MR WALSH: Lieutenant WILLINGHAM would have seen the bodies that you saw walking through the village, wouldn't he?

A. I guess.

Q. But he did walk through the village, didn't he?

A. I think so.

Q. And you saw 15 or 20 women and children, dead?

A. Yes. That's what I think. I'm not sure about it.

Q. I understand you can't be sure about what Lieutenant WILLINGHAM saw, but do you know of any reason why he wouldn't have seen the same things you saw?

A. No.

Q. Okay.

COL WILSON: Do you have any further testimony or any further statement that might assist us in this investigation?

A. No, sir.

Q. I'm going to ask you to spend some time with Lieutenant Colonel NOLL after lunch, and give us a little information on this photograph. We'll recess till 1300.

Mr. FERNANDEZ, I want to request that you not discuss your testimony in this investigation with others, including other witnesses which may come before this board, except as you may be required to do before a competent judicial or legislative body.

We want to get people in here with what they remember and not with what they've been influenced by someone else's memory. Do you understand that?

A. Yes, sir.

(The hearing recessed at 1200 hours, 3 February 1970.)

(The hearing reconvened at 1310 hours,
3 February 1970.)

LTC NOLL. On this photo map we've shown a dashed line which outlines the edge of the village. Shown leading into this area is a line of L's pointing the direction of march of Lieutenant WILLINGHAM and Mr. FERNANDEZ. Point 1 indicates the point that Lieutenant WILLINGHAM and Mr. FERNANDEZ entered the village. This is also the point that they were located when the village was engaged. There are brackets at point 2, and inside the brackets are included the point group, machinegun, and first squad. These are the elements that commenced firing on the village. Point 3 is at the southern end of the village that we've outlined "after the firing ceased the bunkers were blown." You followed generally the path to the south right to the center of the village and went down to point 3. As I understood it, you sat down and rested at the end.

A. Right.

Q. At this point right here, which we will make point 4, you saw maybe six or seven bodies outside a bunker. Point 4 we're putting down six or seven bodies that were outside a bunker at this location. Point 5, is the location where TAYLOR was injured by a mine on the second day of the operation. Point 6 is the area from where sniper fire was received after TAYLOR's injury.

This photo map was prepared from memory in Washington, D.C., on 3 February 1970, and I wonder if I could get you to sign it. This aerial photograph is entered as Exhibit P-218.

(Witness signs photograph at this time.)

LTC NOLL: The hearing will recess at this time.

(The hearing recessed at 1350 hours, 3 February 1970.)

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