

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

Volume II  
TESTIMONY

BOOK 22

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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 22

HARLOW  
HATCH  
HOLMES, R.  
MAHR  
MCCLLOUD

NAVARRE  
PARKER  
WHITTAKER  
ANDERSON, A.  
HOUGHTON

HUFFMAN  
KINGSBY  
MILLER  
MYERS

14 MARCH 1970

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SUMMARY OF TESTIMONY

WITNESS: HARLOW, Richard A.

DATE OF TESTIMONY: 31 January 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Squad Leader, Third Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness was assigned to the unit in April. During the training phase in Hawaii he did recall receiving training in the handling of PW's and noncombatants (pg.2). The witness thought that he received classes on the legality of orders and stated that his understanding was that if you thought an order was wrong you would carry it out and then complain about it (pg. 2). He did not recall receiving any training in Vietnam on the handling of prisoners of war (pg. 3). The witness stated that he had been issued Exhibit M-2 while in Vietnam and had also received classes on Exhibit M-3 (pg. 3).

2. HIS PARTICIPATION IN THE EVENTS AT MY LAI.

The witness described the third platoon as being organized into two rifle squads during the month of March (pg. 17). He stated that the squad leaders were Sergeant SCHINDLER and Sergeant HATHAWAY (pg. 18). The witness did not think he had participated with the platoon in this operation (pgs. 21, 22). He stated that he was out of the field on three different occasions; once on R&R; once in the hospital with rabies; and once while attending combat leadership school (pg. 3). Although the

(HARLOW)

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Lieutenant LEWIS had raped the woman and he "had no respect for the man after that" (pg. 20). The witness also mentioned an incident in which LEWIS had "kicked and jumped and thrown his helmet" at a prisoner (pg. 21).

d. The witness stated that he knew marijuana was used by members of Task Force Barker, but stated that it was never used on operations by his men (pg. 17).

e. The witness stated that he normally carried a camera and photographed incidents (pg. 24). He stated he possibly had pictures taken on operations in the Pinkville area (pg. 24).

f. The witness had no knowledge of investigations and was never questioned or told not to discuss it (pgs. 14, 15).

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EXHIBITS

| EXHIBIT NUMBER | DESCRIPTION                         | NOTES   | PAGES |
|----------------|-------------------------------------|---|-------|
| M-2            | MACV Card "Nine Rules"              | Wit had been issued one in Vietnam.                           | 3     |
| M-3            | MACV Card "The Enemy in Your Hands" | Wit did not recall the card but had been given classes on it. | 3     |
| P-18           | Miscellaneous Photo                 | Wit identified HUFFMAN.                                       | 15    |
| P-20           | Miscellaneous Photo                 | Wit identified SGT MARSHALL.                                  | 15    |
| P-66           | Miscellaneous Photo                 | Wit identified WINSTON.                                       | 16    |
| P-168          | Aerial photo , Son My village       | Used to orient the witness.                                   | 6     |
| MAP-5          | Map 6739 II (small scale)           | Used to orient the witness.                                   | 6     |
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(The hearing reconvened at 0920 hours, 31 January 1970.)

LTC NOLL: The hearing will come to order.

RCDR: The following persons are present: LTC NOLL and MAJ THOMAS.

The next witness is Mr. Richard A. HARLOW.

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

Mr. HARLOW, please state your full name, occupation, and residence.

A. Richard Allen HARLOW, 5503 Kanehill, Lakewood, California. I'm a student at Cerritos Junior College.

LTC NOLL: Do you have any questions on the Exhibit M-81?

A. Just that I can't remember who, you know, who was present at the time. I know some of the names of people that were in my unit, but I don't really know, you know, who was there at the time. It's kind of hard to remember.

RCDR: You've had a chance to read that?

A. Right.

LTC NOLL: You don't have any questions on that?

A. The only question I had was that I am going to need some help in remembering.

Q. What was your duty assignment in March of 1968?

A. Well, I was a squad leader.

Q. You were a squad leader?

A. Right.



Q. What platoon?

A. 3d Platoon, B/4/3.

Q. When were you assigned to 4/3?

A. I was with them in Hawaii. I had training with them. I think it was April 1967, I'm pretty sure.

Q. During the training phase in Hawaii did you receive any training or give any training in the handling of PW's, noncombatants?

A. Yes, we got training on that.

Q. Let me ask you the last question again. Were you given any specific training regarding the handling of prisoners of war?

A. Yes, I was.

Q. Do you know what the nature of this training was?

A. Well, I think we had some classes on it in Hawaii. I think we got some mock experience with it out in training.

Q. Okay. Did anyone ever discuss, give any classes or instruction of any type on the legality of orders? You had to obey an order that you did not think was a just order?

A. Yes, I did. I think they--I think the way I understood it was that if you thought an order was wrong you're supposed to carry it out and then, you know, you could go complain about it. You had to carry it out and say something afterwards, but you had to do the job.

Q. Yes. This is your concept of that?

A. Right, I'm not saying this is verbatim. To me-- I'm just trying to remember. It's been a long time ago. Those are just ideas that I have of what happened.

Q. Once you arrived in Vietnam, what about the training on handling of PW's? Did you receive any in Vietnam?

A. I can't remember that either.

Q. This is Exhibit M-2, a facsimile of a MACV card. Have you ever seen this?

A. Is this the back of the card?

Q. Yes, it is. When you arrived in country or before you arrived in country, do you recall being issued any cards to carry in your wallet?

A. Yes, I think I was.

Q. Could that have been one of them?

A. It's possible, that I had, sir.

Q. This is Exhibit M-3, "The Enemy in Your Hands."

A. I remember a card with some phrases on it similar to this, and I know I had a Geneva Convention card. It may be the same as the last one, I'm not sure. I don't remember having a card with that insignia on it.

Q. All right.

A. I remember having training that said the same thing as this card, but I'm not sure. I don't think I had this one.

Q. We're going to take a break now. I'm going to give you a rundown on the operation as we know it from documents, and then we will go back on the record and I will try to get your ideas on the operation.

(LTC NOLL oriented the witness off the record.  
Next recorded testimony is as follows:)

A. There were three different times that I was out of the field. One was R&R, once I was in the hospital with rabies, and once I went to combat leadership school in Chu Lai.

Q. Mr. HARLOW, the operation that we are concerned with; the one that took place on the 16th of March is the one that I just described to you on Exhibit MAP-4. It was the operation in which Lieutenant COCHRAN, the platoon leader of the 2d Platoon, was killed. Do you recall this operation?

A. I know that I remember, you know, when Lieutenant COCHRAN was killed, and I remember the instance, but I'm not even sure if I was out there that time.

Q. Can you picture anything in your mind that would indicate to you what your exact location was? I believe you indicated that you saw Lieutenant COCHRAN's helmet when it was brought in.

A. Right, I remember being in the rear and seeing his helmet. It had holes in it, but I don't remember if I was getting ready to go back out in the field or if I just came in from the field.

Q. Do you recall, when you saw this helmet, whether the helmet had just recently arrived from the field or had it been a few days and you were just passing by the helmet? Do you remember the circumstances under which you saw his helmet?

A. I very plainly remember looking at the helmet. I remember holding it and looking at it. I remember where I was when I was viewing this thing--I know I was either getting ready to go back out in the field or was coming in from the field. I never spent much time, you know, at our rear station.

Q. Where had Lieutenant COCHRAN's helmet been brought? He was evacuated. Where would he have been taken?

A. Where would they have taken him?

Q. Yes.

A. They would have taken him to Chu Lai or Duc Pho. I'm not sure. I'm pretty sure I saw the helmet in Chu Lai though. I'm not sure about that.

Q. When did you go to leadership school? How long had you been in country?

A. I'd been in leadership school quite a while. It was about the time, it gave me a date of rank. It was about the time I made sergeant--no, that was while I was in the hospital. When I made sergeant. It's possible that it was at that time. I looked at letters and stuff when I was home, because I wasn't sure that I was on the operation because I remember I had missed a fairly big operation once. So I looked at my letters and stuff to see if I was on R&R or at school or something and I didn't see nothing. It didn't seem like I was, but I was in the hospital. Captain MICHLES' dog came down with possible rabies. They shot him in the head and they could never find out. But anyway, a bunch of us had to take rabies shots. I was allergic to rabies shots and came down with a high temperature, so they sent me to Chu Lai. I spent a while there to see if the rabies was going to develop--I couldn't take any more of the shots. Then I went on back out to the field.

Q. Mr. HARLOW, there were some other injuries at this time. Sergeant TAYLOR lost his foot on a mine. Were you in the field when this occurred?

A. I remember the incident, but I don't remember seeing TAYLOR at the time. I remember hearing about it, but I don't remember what I was doing at the time.

Q. Were you in the night defensive position the night MILUS was killed from a mortar?

A. I think that I was in the rear when MILUS got killed. I remember the incident. I know that he got killed by mortar fire. He got hit in his foxhole. I heard about it. I know I wasn't with them. I know I didn't see him, the body being evacuated out. I don't remember the incident. I don't remember being mortared. I'm fairly sure, in my mind, that I wasn't even out there when that happened.

Q. Where do you believe you were when this happened?

A. I think I was in Chu Lai at the hospital. I remember now that there was twice that I was in the hospital. Once was reaction to rabies shots, and the other time I was in just for a few days with, I know I came down sick with something.

Q. How long were you in the hospital for the rabies shots?

A. Approximately, I think about 10 days.

Q. You cannot determine whether you were or were not on this operation?

A. I can't be sure.

Q. Now, do you recall whether you heard anything--do you recall if you were ever involved in a briefing for Task Force Barker operation in the Pinkville area?

A. Yes, I think I was.

Q. Do you recall what you were told during this briefing? Do you recall what the mission of your company was going to be?

A. Right. I was on a couple of search and clear operations there, and I remember one time we had, right there where that causeway goes across the river, I think that's called My Lai (1), that village that sets right over by this (indicating), we spent some time there hauling salt out of there that we had--had been discovered there. We spent a few days there, and there was a heavy rain. I remember that.

Q. Could you show me on the photo where this was? Now, this is Route 521.

A. Where is a--

Q. (Interposing) This is My Lai (1), Pinkville, your fire base was up here at the top, in this direction, this is north. We're looking at Exhibit P-168 photomap. Perhaps it would help if you looked at this 1:50,000 map (Exhibit MAP-5).

A. Yeah, one of these--one of these two causeways here, either right here or right here (indicating).

Q. Okay.

A. I'm fairly sure that it was probably this one here. I remember there's a village right here--just like a trail up north here, and the main part of the village would be on that. I'm sure that was the operation where we found all the salt.

Q. All right. You're thinking about an operation that took place in the southern part of your AO in grid square 7381.

A. Right, sir.

Q. When you went on these operations did you get any specific instructions about handling of noncombatants?

A. Well before all these operations I would--I was briefed on what the operation would consist of, and went over the map and stuff. But as far as handling prisoners, I don't think it was brought up very often.

Q. What did you normally do with the inhabitants of a village?

A. When we had prisoners?

Q. All right, if you want to think in terms of prisoners, yes. What was your normal procedure for processing your prisoners?

A. Normal procedure was to put a sandbag over their head and keep them from talking and then to fly them to the rear. Just, you know, just brought a tag and put, you know, what information we had on it.

Q. We were discussing handling of prisoners of war.

A. Correct, we--like I said, we put sandbags over their head. We kept them from talking. We tagged them and sent them to the rear and that was normal procedure.

Q. Did you ever go on an operation where you burned the hootches?

A. Yeah.

Q. What area was this operation in?

A. I think it was in that same area there. I remember flying in on an operation one day, and I remember we burned an awful lot of hootches throughout that area.

Q. Would you be able to identify on the 1:50,000 map, the villages that were burned?

A. Well, I remember there was a long continuous string of them. I know we burned most of them, and then I remember--I remember there was a whole--we came close--towards the end of it I know there was a river. I remember this village turning towards the river, and I remember then we were told not to burn anymore. First, we were told to burn them, and then we were told not to burn.

Q. How many days were you in the field on this particular operation?

A. I can only say that I was on numerous operations.

Q. Was this standard procedure to burn villages?

A. No, it wasn't.

Q. This is the only one that you can recall?

A. Right, it is.

Q. And you say you received an order to stop burning?

A. Correct. I can remember this incident plainly, but I can't remember if--

Q. (Interposing) Do you recall the circumstances that led up to this order being given? Do you know if the company commander received a message to stop burning?

A. No, I--I received my orders through my own platoon.

Q. You say there was a river?

A. Right.

Q. And a village curved around to--

A. (Interposing) I remember there was a long string of hootches, and I remember it curving around towards the end. I remember there was a river, and there were some hootches, you know, by the river. I remember they were burned down.

Q. All right. Do you remember if a--well, let me tell you what you did on the second day on this operation.

A. To refresh my recall?

Q. Yes. We're using this Exhibit MAP-4, 1:25,000 map. The first evening you laagered in this area (indicating) right in here. You joined--you shared the night defensive position with C Company. That morning you moved back to this road and crossed--moved along Route 521, crossed the bridge. Before you arrived at the bridge there should have been an explosion, if you were out in the field, before your platoon arrived, there should have been an explosion. This would have been involving TAYLOR.

A. Sir, I remember hearing about the bridge. I remember hearing about this part. It seems, I wouldn't even have thought I was there, except that I remember this whole thing seems familiar. The first day I remember landing; I remember going through and rounding up people; I remember burning the hootches, stop burning them, but then I don't remember what I did that night. I don't know if I spent the night out in the field or if I left that day, that--that's the whole thing that's confusing me. I think that's the incident that we're talking about.

Q. Well, that day two platoons from B Company moved south along this strip of land. They moved all the way to the point. We don't believe that the 3d Platoon moved down with them, but we believe that the 3d Platoon stayed north--moved up north and cordoned off this strip of land to the north, then moved back to this bridge and set up a night defensive position for the night. We believe that these two hamlets were burned, Co Lay (2) and Co Lay (3). And that the company moved back, and then moved north this day. This



is the day we believe the order came to stop the burning. You moved up--the platoon went down, and they assembled most of the people in the big village up here, An Khe. They rounded up, we have varied reports from 400 to 1,000 Vietnamese. They were brought back to this general area (indicating) near this fish pond.

A. I don't know, I just don't remember--I remember rounding up a bunch of people, the incident I told you when we rounded up a lot of people there, and I remember there--I don't remember their number, but I remember there was a big group of them. I remember it was dusty and dirty, and then I, it just seems like the rest of it there I heard about, because--

Q. (Interposing) All right. Tell me what you heard.

A. Okay, I can do that. Well, I heard that, I think it was Charlie Company, I heard that they had had all these people. I heard that they had them rounded up, and I remember the people--I remember the guys--well, I remember the guys telling me how this operation was, about all--there was all these people. They were moving them out there, and they looked like cattle. The dirt was flying, 'cause they were, you know, I remember people explaining this to me. Then I remember hearing that a whole mess of these people were shot by one of the companies, and I--or one of the platoons. I remember hearing about this, and it seems like I was in a different area when I heard about it. And then that it was, you know, what you hear about it, it's a rumor, and you don't really take it as fact when you hear about it.

Q. Well, we understand that. What we're trying to do is we're trying to piece together a picture of exactly what happened?

A. Right, I understand that.

Q. In B Company. And when you're talking about a platoon shooting a number of people, are you talking about a platoon in B Company now, or are you talking about--

A. (Interposing) No, another company.

Q. All right. Did you ever hear that a platoon of B Company shot a lot of people?

A. Did I ever hear that Bravo--that our company shot a lot of people?

Q. Yes?

A. No, I don't, I--I remember very distinctly in this, sir, it was another company. I remember that they, you know, just somebody telling me about what they had heard, you know, from word of mouth to word of mouth. I wish I could help out, sir.

Q. What was the normal method that you were briefed and went on an operation, did your platoon leader do it, did the company commander do it?

A. The company commander usually called the lieutenants, or platoon leaders, sometimes they were sergeants at the time, together, briefed them. Then they called together their squad leaders and briefed them, and then they squad leaders briefed their men.

Q. If you were going on a combat assault by helicopter, was the company probably assembled, perhaps not assembled but probably in ranks, pretty close together--did the company commander ever get them together and talk to them right before a--did he ever get them together and talk to them right before they boarded the helicopters?

A. I don't remember. The company commander had a talk with us, sir, a couple of times, but whether he talked to us just before that, I don't remember. I remember--I can remember seeing him back at LZ Uptight, I can remember him going--leaving on an assault in a helicopter. I can remember him sort of running around trying to get everything else going. I can remember we moved out like one platoon would be here and one would be back farther. They sort of moved down and then sent, you know, the groups out to get ready and get on the helicopter and then go out. So we didn't--we never--however, we always tried to stay in a, you know, as small a group as we could.

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A. Yes, it seems like I have.

Q. You recall where this occurred?

A. Yes, sir, I remember two women being mistreated. I think it was up farther north. We were working with, I think we were working with the 198th or the 196th, doing something with them for a while. I think it was--it's a valley that sounds like A Shau--A Shau Valley, but it's similar to A Shau, but it was up farther north. We weren't with the 11th then. I remember, I think that was after Task Force Barker. I remember it was an area where there wasn't supposed to be any people, it was one, you know, one of those type areas where there isn't supposed to be anyone. And I remember they were mistreated but, you know, in the end they were at least, you know, they were a lot better.

Q. How were they mistreated?

A. Well, I don't--I just--I just remember the women being dragged by the arms. I remember--I remember coming back up to where they were. I think I had security at the time, my squad. Usually we just--we just split up, the platoon wasn't big enough to have more than two squads. We were just divided in half, and I think the other squad had, was, you know, searching the village. I remember coming up, I remember them lying down in the dirt, but I don't remember any--I don't know, I didn't see anybody do much to them, but I, you know, just took it for granted that they had been rough handled, by the looks of them.

Q. Were they raped?

A. Yes, I heard one of them was.

Q. This was by a member of B Company?

A. Yes.

Q. Was this an unusual occurrence?

A. Yes, it was.

Q. And now this operation on the 16, 17, 18 March, I wonder if you have it clearly fixed in mind?

A. I think, I'm very sure I have the first day of it fixed, but I'm not positive that's the operation, but I think it is.

Q. Okay. At this time, shortly after this operation, did you hear any rumors that civilians had been killed by B/4/3?

A. No.

Q. You did hear rumors, though, that civilians had been killed by C/1/20?

A. I think I did. I know it was another company, I'm not sure if it was C Company or not.

Q. All right. Do you know if there was ever an investigation of these rumors?

A. Well, here I can't say any fact except that I-- that it seems like I did hear shortly after the period--after the time that people were--that the people responsible were sent to the rear or something was done. I don't--I just sort of threw it out of my mind. I just remember, you know, that some people were being prosecuted for something, and I--I never did have it really straight in my mind. I guess I sort of just threw it out of my mind afterwards, because I didn't really take the thing to heart. As it was, I just figured it was--it sounded kind of unbelievable to me when I heard about it. So I thought that maybe it, you know, the story had got a little bit worse each time that it had been passed on. Then it seems like I did hear that people--that something was being done about it. I just forgot about it after that. Not really forgot about it, I just didn't think about it any more.

Q. Okay. You have any knowledge that an investigator came out to look into the alleged incident?

A. No, I don't.

Q. Were you ever questioned?

A. No, I wasn't.

Q. Concerning this operation? Have you ever been told not to discuss unnecessary killing of civilians by Task Force Barker?

A. No, I wasn't.

Q. We have here some photos that I have been entered as exhibits, Mr. HARLOW. This is photo Exhibit P-18. Do you recognize anyone in that picture?

A. I recognize this man here.

Q. What's his name?

A. HUFFMAN or HOFFMAN.

Q. You ever recall seeing him guard Vietnamese?

A. I remember he was with the weapons platoon. I remember he was with the CP group, I imagine. I a--

Q. (Interposing) This picture does not recall anything?

A. No, that picture doesn't, no.

Q. P-19?

A. No.

Q. P-20?

A. No, I know these two individuals in this.

Q. Sergeant MARSHALL?

A. Sergeant MARSHALL, and I can't remember their names, though I know them fairly well.

Q. Yes. Now, let's see. Do you recognize--

A. (Interposing) Right, I don't know that man's name, but I recognize--I recognize his face.

Q. P-21, when did you normally see him?

A. Not very often, I think--I think he was with the weapons platoon, too, but I'm not sure. It's kind of a hard picture to see.

Q. What about this one?

A. No, I don't--I've seen that man before, but I never knew him.

Q. Is he a member of B Company?

A. I think he was.

Q. This is P-22, excuse me.

A. It is possible he could be part of another company. I've just seen him before. Well, this picture is hard to distinguish. I think I was there, 'cause I have the same picture at home. It was in the Americal pamphlet that they had, about the exact same picture so it's--I remember seeing the picture very well.

Q. You think you were there?

A. I think I was, but I don't think that's a--if I did--I think the picture--if this is the picture I'm thinking of, it was up the coast--up north of Uptight where that picture was taken, if it's the one that I'm thinking of. It might be just a similar picture or something.

Q. P-28? Do you recognize that terrain?

A. The whole country looks so similar it's kind of--it looks familiar, but--

LTC NOLL: P-66?

A. Yeah, this man at one time was a member of my squad.

Q. What's his name?

A. WINSTON. I remember he was part--I think he was part of--I think he was part of--you know, somewhere else in the company before he was assigned to me or afterwards, I don't remember. I remember he was an assistant machinegunner, and then I gave him a machinegun position, and then he a--I don't a--I remember he wasn't with us that long.

Q. All right. P-66, the man in the background, teeth showing, is WINSTON, you believe?

A. It looks like him.

Q. Well, that's fine.

A. It could be someone else though. It's not a very clear picture.

Q. Do you know if marijuana was used by members of Task Force Barker?

A. Yes.

Q. You consider it a problem? Was it used on operations?

A. No, it was never--it wasn't ever used on operations, at least by my men, I mean.

Q. How was the 3d Platoon organized during March? Did you have three rifle squads, or were you organized with two rifle squads?

A. The platoon itself?

Q. Yes?

A. Two rifle squads, just the first and second squads. There was--at first we'd started out with more, and I remember that finally we didn't have enough men. I remember that it was just divided into two squads. And then at



the last I remember it was divided back into three where, I think, Sergeant SCHINDLER was in charge of the machineguns, and a I think that was it. He was just in charge of setting up security with the machineguns, I think, that was all he was charged with. Besides that, most all the time it was just two squads.

Q. Who was the other squad leader?

A. Sergeant HATHAWAY.

Q. Well, we're going to recess now. We're going to wait until Colonel WILSON can get here.

(The hearing recessed at 1009 hours, 31 January 1970.)

(The hearing reconvened at 1042 hours, 31 January 1970.)

LTC NOLL: The hearing will come to order.

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

LTC NOLL: Mr. HARLOW, I'm going to go back to one thing that you mentioned in your earlier testimony concerning the mistreatment of, I believe you said two Vietnamese women? Was this something that you witnessed first hand, or heard about?

A. I heard about it, sir.

Q. Okay. What were the circumstances of your hearing about it, in other words, what was the type operation, when was it, what elements of the organization were involved?

A. Well, I believe that the whole company was. We were detached or attached to--I'm not sure--I remember one time we were attached to the 198th or 196th. I think it was one of those times. And it was an operation, like I said before, it was an operation that we were--it was kind of different in the respect that it was in an area where there was not supposed to be any people. They had dropped pamphlets I guess for a year, 2 years or something and they'd gone out

with loudspeakers. There was--just the kind of area where we weren't supposed to have to worry about, villagers, you know.

Q. Had your company run into any contact on the operation?

A. Yes, sir. I think that was the same operation, my squad--well, my platoon went off on an ambush one night. We hadn't even got into the ambush position. I remember we'd moved up, and my squad had point for the platoon. I moved in, put my rear element in and moved up to position my killing element on the trail. I stopped them, and I walked up myself. Just as I got to the edge of the trail, we saw some people coming down the trail. So I motioned and everybody got down. I was by myself and I was just on the edge of the trail, and there was a kind of a raised trail, you know, along the rice paddy. I leaned against it. I stood there until, I don't know, we could just see three people, but they were spread out like we were, you know, about 10 meters apart. It was dark and I couldn't really tell. I couldn't really see anybody plainly except that the first one was the point. So they moved--and they looked like they came out of the trees. Then we could see three of them. We didn't know how far they were spread out from there on. Anyway I jumped up, grabbed the point man, and knocked him down. Then I continued firing on the--what I could see. I lay straight on the trail, I think the trail come straight, and fired straight down the trail. And well, we're almost positive we got one kill out of it. We took the prisoner back. They--they were really--I remember they were really happy to get the, you know, to get the prisoner from that area, because they--they--it was an area, I guess it had been a long time since they'd cleared it. They didn't really have too much on it in the way of what was going on there. They were--I don't know, I just remember the lieutenant telling me how happy the--the captain was, because the colonel was happy or something that, you know, they'd done, and I--

Q. (Interposing) Who was your platoon leader at this time?

A. Lieutenant LEWIS.

Q. Do you know where this operation took place?  
What--near what?

A. It was farther north than we usually worked, I think it was north and inland from Chu Lai.

Q. What time of year?

A. About the time I--it was just a couple of days before I went on R&R, and other than that--

Q. (Interposing) Did you go midpart of your tour, or had you passed over half your tour?

A. Right.

Q. I think you said that you heard that the Vietnamese were raped?

A. Yes.

Q. Who did you hear did it?

A. The lieutenant. That's what was especially shocking, and I kind of lost--I had no respect for the man after that.

Q. Was he the only one involved?

A. I--I think so, sir. The other squad was there, and I--I just heard that, you know, I didn't witness this at all--this thing, but I did hear about it.

Q. And your platoon leader at that time was Lieutenant LEWIS?

A. I'm fairly positive it was, sir.

Q. Did you ever know Lieutenant LEWIS to do anything else like this?

A. Yes, I did. I do remember another time we had moved all night, and we had set up in, I can't really remember

where the area was, sir. I remember we set up by a village. We moved all--we walked almost all night. It was just before morning that we set up along a dike out in the middle of a rice paddy, by a village. We stopped there, and as it got light a VC came out of the village. He wasn't armed with a rifle, but he had grenades on him that we found afterwards and a--

Q. (Interposing) Go ahead.

A. Specialist GUTHRIE, instead of shooting the man, went out, and he ran after this guy--he ran out, grabbed him. He ran after this guy and kind of tackled him like you would bulldog a cow and, you know, disarmed him and brought him back. I remember they put him in a bomb shelter. I remember Lieutenant LEWIS came out, and I remember he kicked and jumped and he threw his helmet at him and hit the guy. I remember he jumped up and down on him. But at the time I--it seemed--it was kind of shocking but--this is really true, that it's just--I had a kind of attitude--I think it was the time right after some of our men had been killed or something. I just figured he was human and, but I remember the guy--I remember they guy was sent to the rear and everything.

Q. How long had Lieutenant LEWIS been there when he did this? How long had he been assigned to B Company?

A. I don't know, sir. It's difficult, I don't think it was a very long period of time. That's the only actual thing I saw. That I can say, you know.

Q. Let's go back and we'll make one last attempt. Do you recall, you will have to think about it, do you recall participating in any phase of this operation on 16, 17, 18, 19 March?

A. I'm fairly positive I was in the rear during part of this. It seems like I was there on one of the days, and I think it was the first day of the operation. And I might have gone to the rear that evening, something like that. I know I was in the rear; there's no doubt, when Lieutenant COCHRAN'S

helmet arrived to our supply. I know that, and I'm fairly sure I remember hearing about a--on second--I'm almost positive I did hear--hear about Lieutenant COCHRAN's death from the rear.

Q. All right. Let's let that--

A. (Interposing) Sure, again I'm almost sure, positive.

Q. Let's assume--okay. You hear about his death in the rear. Then you wouldn't have moved--you wouldn't have gone to the field with the company that morning, would that be right?

A. Not--that could be correct, I could be talking about a completely different operation, sir. I was on quite a few of them in the 10 months there.

Q. You recall a briefing where the mission was search and destroy?

A. Yes, I did. It was a little different than most missions, because most missions were search and clear.

Q. What are the circumstances of this briefing, where was it given, who gave it, and so forth?

A. Well, if it was given it was given by my platoon leader. And I--

Q. (Interposing) When he used the term destroy, what did this mean to you?

A. Well, I'm not--I can tell you what--what the operation meant to me and what my idea of the thing, I can't say it was a search and destroy. I know we were--the operation that I'm thinking about, it it's the same one, was to move--it seems like the point was to move the people to one of those camps, because it was kind of hard to work in the area with the civilians. We, you know, it was kind of mixed up whose side they were on, because I just--I got the idea that it was the idea to move those civilians to one of those camps and then destroy all the food and hootches and that sort of thing that could be

used by the enemy. If that's the operation I'm thinking of, that was my idea of the operation.

Q. Did that include burning villages?

A. Yes, it did.

Q. Did it include killing the livestock?

A. Yes, it did.

Q. Did you participate in this?

A. Yes, I did. It's the only operation I can think of that I was ever--I was ever told to burn a hootch.

Q. Did it seem reasonable to you?

A. Yes, it did. Because the people weren't going to live there anymore, I couldn't see any reason to leave all that you know, that livestock and everything, that supplies, to the enemy. Just like ammunition and anything else.

Q. You mentioned moving the people, was it your understanding that the people would be gathered up and taken away from this area and provided lodging someplace else?

A. Yes, it was.

Q. Do you have any further testimony, anything that you feel that might help us, realizing we're trying to--we're trying to put together a picture of this operation. Did you hear anything that fits in this time frame, have you heard anything that fits in the time frame, any documents that you might have that we could use?

A. Just that I have that one Americal pamphlet that I told you about that has the a--that has a map of the operation and it tells you a little bit about it. I think it says something like 78 of the enemy was killed or something like that.

Q. Did you carry a camera with you when you went on an operation?

A. Most of the time, yes, I did.

Q. Have you reviewed the pictures?

A. Yes.

Q. Find any that you think were taken of the Pinkville area?

A. Yes.

Q. And possibly that spit of land there going along the South China Sea, you have any pictures of that area?

A. This peninsula part here?

Q. Yes?

A. I'm not sure. I remember landing on an operation in there, somewhere around that area, I'm not even positive it was the Pinkville area.

Q. When was the last time you looked at your pictures?

A. Yesterday before I left.

Q. Did you keep them chronologically, do you have notes that a--

A. (Interposing) No, I don't.

Q. Do you know of anyone else that carried a camera on operations?

A. I remember there was other guys that took pictures. Usually it was kind of hard to get film. I don't remember--I remember a couple of times that men had borrowed my camera to take pictures with.

Q. What kind of camera did you have?

A. Well, at different times, I had a kind of a box camera that took those cartridges. Then I had a--and then

after R&R I had one of these little Minolta 16mm, the little tiny job that takes a--the cartridge film. I didn't take too many pictures. In fact, most of the time the only time I had a chance to take pictures was when things got kind of slack.

Q. I'll ask you to please review your pictures, if you have pictures of this area that you believe were taken on this operation, I'll ask that you send them to us, we'll supply you with an envelope.

A. I don't--I don't think I do. I might have some pictures of the area on a different operation though.

Q. All right. Do you have any further testimony?

A. Just that everything that I've told you is kind of fuzzy in my mind, in places--times and places and what operation it involved. It's hard for me to get in my mind. It was 2 years ago and it was all--I was on quite a few different operations. I had entered that area before. I don't know if I'd gone that far south before, but I worked--I worked up there where the causeway crosses the river a couple of times.

Q. Well, I request that you do not discuss your testimony in this investigation with others, including other witnesses for this investigation, except as you may be required to do before a competent judicial, legislative, or administrative body. In addition you are cautioned that if you are subject to the order issued by the military judge in the general court-martial in the case of the United States v. Calley your appearance here in no way changes the applicability and effect of that order. We don't expect you to be called to appear in the Calley case.

A. I couldn't offer anything.

Q. Yes. We're talking about a competent judicial, legislative, or administrative body. There is a legislative investigation, and were you to be called by any competent authority, the fact that you testified here, in fact would have no effect on that testimony. The reason we don't want you to discuss your testimony with other witnesses we want to get an uncolored--



A. (Interposing) I understand, sir.

Q. Unbiased picture from them. Thank you very much.

LTC NOLL: The hearing will recess at this time.

(The hearing recessed at 1100 hours, 31 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: HATCH, Larry L.

DATE OF TESTIMONY: 7 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: RTO, Third Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness recalled no classes on the Geneva Conventions or the legality of orders, although he admitted such might have been given (pg. 2).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness could not recall the 15 March briefing specifically, but he did recall a briefing prior to an operation in the Son My area. The orders given stated that all persons were evacuated and only the enemy remained. Thus, everything living was to be killed (pg. 4).

3. THE COMBAT ASSAULT.

a. Activities of 16 March.

The witness recalled that he went in on the second lift with his doorgunner firing as the landing zone was approached (pg. 5). Upon landing he aided in setting up security around the mortar (pg. 5). He added that fire was received, but he did not believe it was returned (pg. 7). The witness stated that the second platoon was the first to move out of the landing zone (pg. 8). He believed that the troops moved through

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and searched a village (pg. 12). He vaguely recalled linking up with C Company and seeing some detainees (pg. 13). He could recall nothing else about that evening (pg. 15). He did not remember any body count report of the first platoon (pg. 19).

b. Activities on 17 March.

The witness recalled that his platoon leading off in the morning (pg. 15). He was close enough to see the mine which exploded and wounded TAYLOR (pg. 16). He testified that, as he remembered, his platoon crossed the bridge and deployed on the far bank of the river (pgs. 17, 18). He recalled hearing some firing (pg. 17).

c. Activities on 18 and 19 March.

The witness recalled the activities of the 18th and MILUS' death (pg. 22). He remembered the mortar attack that night, but stated he was not in a position to hear incoming small arms fire (pg. 22). He helped place wounded men on the dustoffs (pgs. 22, 23). He recalled a "Spooky" being on station overhead (pg. 24). The witness related searching for the enemy mortar position the next day. Mortar rounds were found and destroyed (pgs. 24, 25).

4. KNOWLEDGE OF AN INCIDENT.

The witness stated he recalled no discussions about a body count, an order to stop burning, civilians being killed by B/4/3 or C/1/20, any rapes, or torturing of prisoners on the operation in issue (pgs. 25, 26).

5. KNOWLEDGE OF AN INVESTIGATION.

Neither the witness, nor to his knowledge, any of his comrades were questioned concerning this operation (pg. 25). No order was given to hold down talk of this operation (pg. 25).

6. OTHER INFORMATION.

The witness stated that due to his wounds he often had difficulty remembering things which happened in Vietnam (pg. 1).

EXHIBITS

| EXHIBIT NUMBER | DESCRIPTION                         | NOTES                   | PAGES |
|----------------|-------------------------------------|-------------------------|-------|
| M-2            | MACV Card "Nine Rules"              | Wit had never seen.     | 2     |
| M-3            | MACV Card "The Enemy in Your Hands" | Wit had never seen.     | 3     |
| P-18           | Miscellaneous Scene                 | Wit recalled detainees. | 13,14 |
| P-19           | Miscellaneous Scene                 | Wit could not recall.   | 14    |
| P-21           | Miscellaneous Scene                 | Wit could not recall.   | 14    |
| P-22           | Miscellaneous Scene                 | Wit could not recall.   | 14    |
| P-66           | Photo of ARVN's                     | Wit could not recall.   | 14    |
| P-185          | Photo of Son My area                | Shown to witness.       | 21    |
| P-206          | Photo of B/4/3 LZ                   | Shown to witness.       | 8,9   |
| P-207          | Photo of B/4/3 LZ                   | Shown to witness.       | 8,9   |
| P-208          | Photo of detainees                  | Wit could not recall.   | 15    |
| P-209          | Photo of laager area                | Wit could not recall.   | 15    |
| P-215          | Photo of ARVN                       | Wit could not recall.   | 22    |
| MAP-4          | Map 6739 II                         | Utilized.               | 21    |
|                |                                     |                         |       |
|                |                                     |                         |       |
|                |                                     |                         |       |
|                |                                     |                         |       |
|                |                                     |                         |       |

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(The hearing reconvened at 0858 hours, 7 February 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following persons are present; COL WILSON and MAJ THOMAS.

W The next witness will be Mr. Larry L. HATCH.

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

Please state your full name, your occupation, and residence.

WIT: Larry L. HATCH, I'm a factory worker.

RCDR: And your residence.

WIT: Rural Route 1, Gilson, Illinois.

COL WILSON: I see your medical record shows you received head, face, and chest wounds on 28 June 1968. Does this have any effect on your memory?

A. Yes.

Q. In what way?

A. I have trouble remembering things that happened in Vietnam.

Q. Did it result in a fracture?

A. No.

Q. You have had a little trouble with your memory since then?

A. Right.

Q. We will proceed with the questions and maybe when we give you a little rundown on this thing, it might bring some of it back.

A. Okay.

Q. What was your job with B/4/3 on the 16th of March?

A. RTO.

Q. For whom?

A. Right now I'm not sure, sir. When we went over there Lieutenant CARTER was our platoon leader and I am not sure whether he was there when it happened or not.

Q. Which platoon were you in?

A. 3d Platoon, and then Lieutenant LEWIS was our platoon leader after CARTER. There was a gap in between. One of the sergeants took over the platoon.

Q. Who was that?

A. I can't remember his name.

Q. MCCLOUD?

A. Yes.

Q. Before I start with any questions on the operations, do you recall any training that you received which referred to legal versus illegal orders?

A. No.

Q. Was it ever covered in a military justice class or Geneva Convention class?

A. Not right offhand, sir. We had a lot of classes before we left Hawaii and we may have had a class.

Q. I have two exhibits here. One is Exhibit M-2, entitled "Nine Rules", a MACV card, that is a copy of it. Have you ever seen that card?

A. I don't believe I have ever seen it, sir.

Q. Exhibit M-3 is another card, entitled the "Enemy in Your Hands." Have you ever seen that one?

A. I think I have.

Q. Where did you see it?

A. I don't know if it was exactly like that, but I did have a Geneva Convention card.

Q. This isn't that.

A. Then I haven't seen that one.

Q. Let me fix the time period. We are talking about an operation that took place in the Pinkville area and the time was 16 through 19 March 1968. It can be defined by the death of Lieutenant COCHRAN on the 16th and MILUS on the night of the 18th.

A. Yes.

Q. Sometime on 15 March, at firebase Uptight, you should have been briefed or in some way told what the operation was going to be, what was going to come off the next day and so forth. Do you remember anything about what you were told before that operation came off?

A. There were so many of them. I can't remember, sir.

Q. Do you remember any of these points? You don't remember who told you that you were going on this operation?

A. I can hardly remember, sir.

Q. Do you recall any instructions given regarding the burning of hootches and the destruction of foodstocks?

A. I can't remember whether it was during this time period, but we had done that.

Q. Were there any instructions given on it? I'm trying to find out whether on the 15th there was any special

instructions given for this operation. I'm not talking about the operation itself right now, but I'm just talking about the briefing.

A. I don't remember about being told.

Q. How about animals, anything on animals, livestock?

A. There was one mission when we were instructed that it was a search and destroy mission. I can't remember whether it was this one or not. We were supposed to kill everything that was living. I can't remember whether it was this time or not. I'm pretty sure it was in the Pinkville area though. They told us everybody was supposed to have been evacuated from the village, and everything living there was enemy. It was hostile.

Q. Did you go in there again after that?

A. We were in there a few times.

Q. A combat assault?

A. I think once we left Uptight and launched a combat assault. I couldn't say for sure though, sir.

Q. You say one time everybody was supposed to have been evacuated?

A. Right.

Q. You were to kill everything in there?

A. Everything that was living.

Q. You don't know whether that was this operation or not?

A. I couldn't say for sure. Everything seems to run together with me now.

Q. Let's go to the operation itself and see if you can remember anything on that. This is the morning that Lieutenant COCHRAN was killed. Did you receive any fire as you came in the landing zone?



A. Yes, sir.

Q. Was anybody firing when they got off of the helicopter?

A. Not that I can recall, sir.

Q. Were the doorgunners firing when you went in?

A. I believe so, sir.

Q. What lift were you on?

A. It must have been the second lift.

Q. There were two lifts?

A. It must have been the second lift, because there were guys already there when I got there. The mortar platoon was already set up.

Q. The mortar platoon was already there?

A. Yes, or maybe they were on the same lift as I was, because we were there about the same time. We were setting security around them when we landed and they set up the mortar when we landed, I believe, the tube.

Q. Did you see them set this up? Did you hear that or did you see them set it up?

A. I believe they did that everytime we went down.

Q. How much do you know about the mortar platoon?

A. They were in our company. I believe they had it with them that day on the operations.

Q. Have you talked to anybody about this operation since you have been in town?

A. Just about coming up here, not directly about the operations.

Q. Whom did you discuss it with?

A. The guy that got me the hotel.

Q. Who is that?

A. The one that gave me the keys.

Q. You have not discussed this with anybody from the company?

A. Not this.

Q. Who have you seen from the company since you have been in Washington?

A. I talked to ESTERLING.

RCDR: He's been here.

A. Yes, he has already been here. I talked to HOLMES. He is here today. We discussed the mission directly a little.

RCDR: ESTERLING was here on the 20th.

COL WILSON: What action was taken on this fire on the ground? Did the 3d Platoon take any action?

A. When we landed the fire was coming from the village.

Q. Which direction was this? The sea was due east.

A. I wouldn't say for sure, but I think it was. The sea was due east. It would be, if I was facing the sea, it would have been to the rear, right.

Q. To the west?

A. Yes, to the west and to the south. There was no sense of us firing, because we couldn't see where it was coming.

Q. How far away do you think this fire was?

A. About 300 meters.

Q. Is that all?

A. The village--you couldn't see where it was coming from. You could see the tracers or hear a round pop. I can't remember whether we opened up on that area or not, but I don't think we did. I couldn't swear to it.

Q. That is about the area where C Company was operating?

A. It was?

Q. Yes.

A. They were back over there?

Q. Of course they were not 300 meters--They were further than that.

A. Do you know where Lieutenant COCHRAN got killed?

Q. We have an idea.

A. This village was on--it would be as you are facing the ocean. If I had turned around Lieutenant COCHRAN was over to the right and the firing was coming from the left. The village was over here and the firing was coming over from the left.

Q. It's hard to see your position, so I don't know exactly where you were.

A. We were standing in between two villages. They were separated a little bit and we stood there in the rice paddy, but I couldn't plot it.

Q. What happened after that? Did the 2d Platoon move off first? Is that why Lieutenant COCHRAN got hit or were the 2d and 3d Platoons moving on the line?

A. No, the 2d Platoon started moving off first, I believe.

Q. You have awful close timing; it depends on which lift the 2d Platoon was on.

A. I think they were on the first lift.

Q. Why?

A. Because they moved out before us.

Q. You mean from the landing zone?

A. Yes, from the LZ. They might have gotten there last and just took off first.

Q. If they moved out first, what did the 3d Platoon do? Did they move out behind them or move out into a different direction?

A. I think we moved out behind them.

Q. The last lift touched down at 0827 according to the log and Lieutenant COCHRAN was killed according to the log at 0845. The last lift touched down at 0827, it's not likely they would have gotten off of the aircraft until 0835 and within a period of 10 or 15 minutes after that Lieutenant COCHRAN was killed and 4 or 5 men wounded. Do you remember if the 2d Platoon was moving when you got off the choppers?

A. I don't remember, sir. I know they moved out ahead of us, because we were still set up behind the mortar platoon, but I don't remember who came in first.

Q. These two photographs, P-206 and P-207 depict the area in which you landed. There are a couple of rockets going in.

A. Is this a picture of that day?

Q. Yes. Do you have any recollection of that?

A. There were gunships flying around even when we landed.

Q. This had to be the first lift or the gunships would not be firing.

A. They were still flying around when we came in.

Q. I mean firing on the landing zone.

A. I see.

Q. I wonder if this terrain meant anything to you?

A. I can't see the village.

Q. Do you remember the graveyard?

A. It seems like the LZ was a graveyard.

Q. But you said you were in a rice paddy.

A. Yes, we were in a rice paddy when we set up around the weapons platoon.

Q. Were you anywhere near Lieutenant COCHRAN when he got hit?

A. No, sir.

Q. Did you get close to him at any time before he or the people that were wounded were dusted-off?

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

Q. Do you remember what happened after he got hit?

A. Not real clear.

Q. At 0930 it was reported that another booby trap was tripped and 3 more men out of the 2d Platoon were wounded. Do you recall that?

A. No.

Q. You don't recall seeing a helicopter come in and pick up 3 more people about 45 minutes later?

A. I can't recall who it was.

Q. You think you were on the second lift, right?

A. I believe so. It's awful hard for me to remember these things.

Q. You were on a company net, with your PRC-25, is that correct?

A. Yes.

Q. Was there another radio in your platoon?

A. Yes, sir. We had two radios.

Q. Both radios on the company net?

A. Probably. The secondary RTO's radio was not very strong. I could just barely reach him. It didn't mean too much.

Q. Have you ever heard the call sign Coyote?

A. Yes, sir.

Q. Whose call sign was that?

A. It was battalion's call sign wasn't it?

Q. Yes. Who was Rawhide 6?

A. Rawhide 6 that was Lieutenant Colonel BARKER.

Q. No, he was Coyote 6.

A. Colonel BARKER.

Q. Rawhide 6, who was that? You were not on that net. You may not know.

A. I was not on the higher net very often. The company RTO was the only one on the net.

Q. How about Dolphin and Warlord?

A. Dolphin, that was the chopper.

Q. Did you talk to him very much?

A. I talked to him for the landing zone. When the company commander would leave on the first lift I would use my radio to call in the last lift.

Q. You would notify them that a lift was taking off?

A. Yes, or notify them where we were at and pick us up, and we were on the last lift. I would pop the smoke and call the lift in.

Q. Did you do anything like that this morning?

A. I doubt that I did there.

Q. You didn't report the last lift taking off?

A. I can't remember doing it, sir.

Q. Dolphin Lead, about somewhere around 0815 or 0820 transmitted to Coyote 6 that he had to make a go-around, because the artillery was still shooting, do you remember this?

A. Vaguely.

Q. Do you remember the transmission?

A. No, sir, I can't say that I do. It's too vague. Could you tell me who those three guys were that got hurt the second time?

Q. Yes.

A. Maybe that would help me remember something.

Q. We have got the ones that were hurt for the day. We have a breakdown of what happened the second time.

RCDR: WILBURN, CANTU, HITCHMAN, TRAVERSA, SHIFLEY, GUNTA. These are the ones injured by the two mines.

Q. These are from the whole day. We can't break them out.

RCDR: The second platoon people.

Q. We can't break them out.

A. I can't remember those guys that were hurt. You say GUNTA? He was carrying the radio when Lieutenant COCHRAN got hit, wasn't he?

Q. I don't know. Coyote 5 requested a dustoff at approximately 0845.

A. That was GUNTA and Lieutenant COCHRAN?

Q. Probably. Who was COCHRAN's RTO?

A. I believe it was GUNTA.

Q. That day you moved into an area where you stayed the night. Did you do any searching that day?

A. Is that the day TAYLOR got hurt?

Q. No. He was injured the next day.

A. It seems like we moved up through that village and searched it.

Q. Let me ask you this and maybe this will help you. Do you remember a village of Pinkville, not the whole area, but the village itself referred to as Pinkville, My Lai (1)?

A. Along the coast?

Q. Yes.

A. Yes, I remember it.

Q. There was a question that we have not really solved yet as to whether the 2d or the 3d Platoon, probably the 2d Platoon, was supposed to search Pinkville that morning. When these two groups hit two mines and these casualties resulted, possibly Colonel BARKER, in communication by radio or directly with Captain MICHLES said not to sweep Pinkville. We have had



enough casualties, or something to that effect, and the 2d Platoon didn't move anywhere near that village. They started swapping around with the 3d Platoon. Do you know anything about this? I don't guess this would have come over your radio?

A. No, it probably wouldn't have.

Q. Do you remember anything about it?

A. I can't remember, sir.

Q. As far as the incidents that day, we don't know too much, except that there may have been some military intelligence personnel or ARVN or interpreters that came in there. Did you see anybody coming in to the CP area that day?

A. If I can remember where we set up--but I can't tell you where we set up.

Q. Do you remember C Company coming in and linking up with you for the night?

A. Yes, sir.

Q. Were you linking up with them where you set up?

A. We set up our laager, I believe, then they flew in chow that evening.

Q. I'm sure they did. The question is, do you remember C Company coming in with ARVN personnel?

A. No.

Q. Do you remember them coming in with prisoners?

A. No.

Q. Do you remember any interpreters or interrogations there?

A. I can't remember it.

Q. Did you ever see this group on Exhibit P-18?

A. I believe this is HUFFMAN.

Q. What about the Vietnamese in there, did you ever see them?

A. I can remember the faces but I can't remember where I saw them.

Q. The old man standing up and the fellow sitting down next to him facing the same way, what do you remember about them?

A. I remember their faces, that's all.

Q. Do you know what happened to those people?

A. No.

Q. Do you know where you picked them up?

A. No.

Q. Do you know if they came with C Company?

A. No.

Q. P-19?

A. No.

Q. P-21, did you ever see those two men in uniform?

A. No.

Q. P-22?

A. No.

Q. P-66, did you ever see one of those two Vietnamese soldiers?

A. No.

Q. Do you remember a helicopter coming in and bringing some interpreters? They might have come into your area.

A. I don't remember anyone coming in, sir.

Q. P-208, did you see that group of prisoners?

A. I can't recall. I might have.

Q. How about P-209, can you recognize that area?

A. It's a little dark.

Q. That is supposed to be where the company CP was set up, in a cemetery or pagoda or something with a brick wall around it. That night you stayed there. Do you remember seeing any prisoners interrogated?

A. If I can remember the time--I can't remember it though, because we have interrogated prisoners and stuff.

Q. Do you remember anything unusual being done that night, interrogating prisoners or torturing or force being used that afternoon?

A. Let's see.

Q. Do you remember any of them being shot?

A. No.

Q. Did you see any National Police in there?

A. Not that I can recall.

Q. You stayed there all night with C Company, broke the next morning and moved toward the bridge.

A. Right.

Q. I don't know which platoon was leading, whether it was the 2d or 3d Platoon.

A. It must have been the platoon TAYLOR was in. I think he was in the 1st Platoon. He was in the 1st Platoon?

Q. Yes, but that platoon was on the other side of the river.

A. They were on the other side. They were already over there?

Q. Yes.

A. They left early that morning?

Q. They left the day before.

A. The day before?

Q. I was trying to figure out which platoon was leading.

A. Probably ours.

Q. I believe it was. Now, that would have put you pretty close to the bridge when that mine was detonated. Did you see that?

A. Yes, I saw the mine go off. I think we held up when the mine went off until things settled down and then we went on across after they checked it out.

Q. Do you remember a couple demolition people coming up?

A. I couldn't say for sure.

Q. Do you remember at the time the mine went off whether there was any firing from the other side of the bank?

A. Not at that time.

Q. When did you hear firing over there?

A. I remember hearing fire over there when we got across and we stayed in that area right on the other side. There was firing coming from that side of the river, except it was further back toward the rise. It seems like somebody was operating over there.

Q. Did it sound like friendly fire?

A. I don't know whether it was friendly or not, but there were rounds coming in.

Q. You mean while you crossed the bridge there was fire?

A. No. When we crossed we held up along the river and our platoon moved up. It was as we crossed the bridge, and we held up right there. There was fire coming from across.

Q. When you were in there, did you hear any firing going on over in that area?

A. I can remember choppers flying around over there.

Q. The first or second day?

A. The first day. It was just the doorgunners firing.

Q. The second day when that mine went off, did you see any gunships come in?

A. It's real vague, but it seems like they would call in gunships to go into that area.

Q. Do you remember seeing it?

A. I can't remember, it's real vague, sir.

Q. How about the first day, did a transmission come over your radio from the 1st Platoon to the mortar platoon? It would have been BRETENSTEIN on the radio requesting mortar fire. Do you remember that?

A. No. I remember our platoon moving on along the back that day.

Q. After you crossed?

A. Yes, after we crossed we went on down.

Q. Before you crossed and after this mine went off or before this mine went off, did the 1st Platoon move in and deploy on that bank and fire on the other side of the river?

- A. We deployed on that river, but I don't think we ever fired across it.
- Q. Why?
- A. There was no reason to.
- Q. You were not receiving fire?
- A. I don't believe so. Not that I can recall, if that is the same time. It seems like we moved on down the bank and we were supposed to set up where there was causeway and there was not a causeway there. You can see on each side where it had been and we were supposed to guard that and secure that side and make sure nobody got across.
- Q. A causeway?
- A. A bridge. It showed on the map we had, but it was not there, and I can't remember what happened after that. I remember moving on down and setting up along there (indicating).
- Q. Did the 3d Platoon do any firing that day?
- A. I can't remember, sir.
- Q. As we have the picture, the 3d Platoon stayed in that area that day and that night.
- A. Did we stay there that night?
- Q. By the bridge.
- A. I know we were there that day, but I can't recall the night.
- Q. The mortar platoon went, stayed there and went into defense position. The 2d Platoon moved south and went all the way down the peninsula, and later went into a laager. The mortar platoon displaced forward and laagered with the company. We believe that happened.
- A. I can't remember.

Q. Do you recall any transmissions the first day, from the 1st Platoon regarding a body count?

A. No, sir.

Q. We had at 0955 that morning from the 1st Platoon, the first day, 12 VC reported killed. At 1045 10 VC killed and at 1620 that afternoon 4 VC. That 12 VC killed would have come right after that second bunch hit the booby trap.

A. No.

Q. You don't remember any of those people being killed? That was 38 VC KIA.

A. No.

Q. Also, that afternoon, between 1600 and 1700 a Navy swiftboat brought in a bunch of sampans and turned them over to some people. Some interpreters were taken out there. There would have been a radio transmission for those to get out there. Did you hear anything about that?

A. I can't remember, sir.

Q. That night about 2015 or 2030 the Navy reported it fired an H&I mission south, about 2 clicks from that bridge. They would have fired 81's, HE and WP. Do you know anything about that?

A. No.

Q. This wouldn't have come over your net, but the transmission concerning the VC KIA must have been reported by the 1st Platoon of the company commander, because it shows up in the task force log.

A. I can't remember that.

Q. When you got over that day, when you crossed the bridge, did you talk to any of the 1st Platoon people?

A. Yes. It seems like a few of them were around the bridge when we crossed. It seems like they were still along the end.

Q. Did you have time to talk to them or just pass by?

A. Just pass by.

Q. When you stayed over that day and they moved out. Did you see any action that day?

A. No.

Q. Any fresh graves?

A. No.

Q. Did you see any people?

A. No.

Q. Vietnamese?

A. No.

Q. Did you do any searching?

A. No.

Q. Did you yourself do any moving around there?

A. No. We set up along that river that day.

Q. You stayed in that area that night?

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

Q. Do you remember the mortar platoon being there with you for awhile that day?

A. No.

Q. Did they set up a mortar?

A. No.

Q. Nothing unusual happened that night?



A. I can't remember that night. Was that area right along in here (indicating)?

Q. No. I'll show you on P-185. The bridge where you stayed is over here somewhere (indicating). Did you hear, on 17 March, the 2d Platoon report engaging 2 VC and killing 1 down south?

A. I can't remember.

Q. The next morning, which would have been the morning of the 18th, the company came back and marched north up to a big group of villages, up on that finger, which shows on that map, MAP-4.

A. Seems like that is where we set up.

Q. Could be, because there was another bridge that was knocked out.

A. I was setting there.

They said a bridge was there, but it was not there.

Q. This is what happened then if that is the case. The 3d Platoon moved north to set up the blocking position and then came back south and set up a laager down near the bridge. That is where they reported being.

A. We moved clear up here (indicating).

Q. That is not too far. Where you moved was actually about--

A. (Interposing) I mean did we move out here on the finger?

Q. Yes. The day of the 18th, B Company came back and picked up the 3d Platoon and moved north up into this area. Two platoons swept back into An Ky and Ky Xuyen (2), Ky Xuyen (1) and An Binh. They went all back in there and brought these people back for a MEDCAP, do you remember that? A bunch of medics were brought in, 500-1,000 Vietnamese were

treated and given soap and all of this. Third Platoon and the 1st Platoon and possibly the 2d Platoon were searching the hootches that day and sending the people back. MILUS was killed that night.

A. It seems like there was a distance in there. I remember MILUS getting killed.

Q. Anyway, all that day there was a lot of searching and there was a MEDCAP going on. There were supposedly some ARVN interpreters brought out there. Did you see them that day? Did you ever see this man here in P-215?

A. Not that I can recall.

Q. Did you see any interrogations going on that day?

A. I can't remember.

Q. Do you remember any friendly artillery, marker rounds, coming in later that day?

A. No.

Q. We have a pretty good indication what happened that night. At 0130 mortar rounds came in and one man was killed and five wounded. That was MILUS. The unit reported 15 to 16 rounds, plus small arms fire. Do you remember small arms fire coming in?

A. No, sir.

Q. Would you remember it if you had heard it, or did the mortar fire have people involved to the extent they would not pay much attention to small arms fire?

A. I was in the CP group in our platoon and I was in the middle of it. I couldn't tell what was going on.

Q. Okay. Dustoff was requested and a light fire team was requested at 0244.

A. I helped carry some of those guys to the dustoff.

Q. I understand that MILUS' body remained there that night?

A. Yes.

Q. And you took the wounded to the dustoff?

A. Yes.

Q. It was supposed to have been completed by 0244 in the morning.

A. I can't remember the times.

Q. Do you recall how many you put on the aircraft?

A. No.

Q. Do you recall who you put on the aircraft?

A. No. I remember one guy. I helped carry one guy down there, he evidently had something wrong with his lungs, because he couldn't breathe. Later that night there were a couple guys from our platoon who moved MILUS out of his foxhole in ponchos and moved him back over towards our platoon, because it was bothering some of the guys in their platoon.

Q. He wasn't in the foxhole?

A. When I found him he was laying outside the foxhole.

Q. There was a question whether he was in the foxhole when the rounds came in.

A. He was in the foxhole, because I remember somebody saying they found one of his arms in the foxhole. I can't say for sure, I can't swear to that. It was a direct hit in his foxhole. It seems like somebody else was in the foxhole with him.

Q. There was a number of people wounded that night. There were five: Sergeant RUSHIN, MILLSAPS, ANDERSON, MOSSFORD, HARTSELL.

- A. It seems like it may have been MOSSFORD, the guy that had the injured lung.
- Q. MOSSFORD later died.
- A. Yes, I think this guy did, too.
- Q. All of these men in the 1st Platoon?
- A. I can't say for sure. One kid in our platoon was hurt. He had one of his eyes injured from shrapnel.
- Q. A "Spooky" was requested that night?
- A. Yes.
- Q. It was supposed to be on station at 0350 and then another mortar round came in at 0440. Do you remember that coming in?
- A. I can't remember.
- Q. It seems kind of unusual, but that's what was reported. That day there was supposed to have been a VC suspect picked up. The next morning they came in and took MILUS out; the extraction of the 1st Platoon started at 1050. Do you remember seeing any interrogations going on that morning?
- A. That morning I took the radio and I can't remember who went with us. We went out to where those mortar rounds were coming from. There was a demo man with us and we destroyed, I think, mortar rounds down there. I don't think we found where the tube was set up. We just searched around and we stayed there and it seems like some higher-ups came out that morning. That is about all that I remember.
- Q. I understand they did find this mortar position.
- A. I can't remember for sure, sir.
- Q. You were out there a good part of the morning looking around, is that correct?
- A. We walked down the coast and walked back inland a little ways and looked around and came back up where we did

destroy the mortar rounds we found and we swept back. Later that morning we did CA out.

Q. Went back to Dottie?

A. I believe so.

Q. Do you remember any discussion about body count?

A. No, sir.

Q. Did you ever hear an order during this operation, possibly on the second day, to stop burning?

A. I can't remember, sir.

Q. When you were setting up there by the bridge, did you see any burning going on to the south?

A. I can't remember.

Q. Do you have any knowledge of an investigation or inquiry being made while you were in Vietnam on this operation?

A. No.

Q. Were you or anybody you know ever questioned regarding this operation?

A. No.

Q. Did you have a camera?

A. Yes.

Q. Did you have it on this operation?

A. I can't remember whether I did or not, sir.

Q. Where do you have the photographs?

A. I have a few at home, but a lot of them I just took on Uptight. I took a few on Uptight, and I can't remember all of the pictures I took over there. I didn't take that many.

Q. Major THOMAS will give you an addressed envelope so if you have some photographs, send them to us and we'll have them reproduced and send them back to you.

A. The ones on Uptight?

Q. No, the ones at this area on this time.

A. I'll look through them, but I don't think I do. I couldn't swear where they were taken.

Q. You won't know where the photos were taken?

A. I would know where they were, but I wouldn't know if they were taken in this area or not. A lot of them I had got ruined and they got stuck together.

Q. If you do turn something up you can call us and we'll send you an envelope and get them reproduced. Do you know anybody else who had a camera during this operation?

A. No. A lot of people had cameras, but I don't know who.

Q. Did you ever hear any rumors about civilians being killed by C/1/20 or B/4/3?

A. Not that I remember.

Q. Were you ever told not to discuss this operation?

A. No.

Q. Do you know or did you hear of any U.S. or ARVN torturing VC suspects or PWS?

A. No, sir.

Q. Did you hear or do you know of any rapes that took place during this operation?

A. No.

Q. Do you have any further statements or testimony that might assist General PEERS in this investigation?

A. Only what has been covered here and I'm not sure of half of it really.

Q. Well, I request that you not discuss your testimony in this case with others including other witness except as you may be required to do before a competent judicial, legislative or administrative body.

We appreciate your coming in.

(The hearing recessed at 1007 hours, 7 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: HOLMES, Robert D.

DATE OF TESTIMONY: 7 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Rifleman, First Squad, Third Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness recalled training in AIT concerning the legality of orders (pg. 2). He also recalled having classes on the handling of prisoners and suspects (pg. 4).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness recounted that the mission was to be a search and destroy operation with A/3/1 and B/4/3 blocking and C/1/20 sweeping (pgs. 4, 5). He recalled the platoon being told that they were to shoot anything that moved. The witness added that he was quite bothered by this order (pg. 24). They were also told to destroy animals and food supplies. The witness felt that the reason for this strange order was that Lieutenant Colonel BARKER was upset about his losses in the Son My area (pgs. 6,7).

3. THE COMBAT ASSAULT.

a. Activities of 16 March.

(1) B Company.

He related the doorgunners were firing, but there was no firing by the ground troops until the first platoon moved out of the landing area (pg. 11). He stated



that Lieutenant COCHRAN was killed by a booby trap on the edge of the LZ (pg. 11). A second mine exploded shortly thereafter (pg. 12). The witness' platoon was moving by this time (pg. 12). The first squad was moving on line (pg. 13). The witness felt that BARKER was on the ground in the area, but he did not see him there (pg. 14). The witness could not recall ARVN's, interpreters, or detainees in the night laager position (pgs. 15, 16). He heard, however, that Vietnamese who were accompanying U.S. forces treated detainees roughly (pg. 18). He added that nothing unusual occurred on the night of the 16th (pg. 20). The witness told of overhearing reports over the radio that afternoon concerning 39 VC KIA. He stated that even then he questioned this report in his mind, because he did not see that many VC himself. He felt that civilians were included in this reported kill count (pg. 23). These reports came from the first platoon (pgs. 24, 25).

(2) C Company.

The witness related talking to a member of C Company in the combined laager that night. The man with whom he spoke bragged about the number of kills C/1/20 had gotten (pg. 37). When asked if any civilians were included in this count, the C Company man avoided the question (pg. 38).

b. Activities of 17 March.

The witness recalled "quite a bit of firing" (pg. 21). He told of using fragmentation grenades to clear Vietnamese bunkers. He affirmed that the U.S. troops told anyone in the bunkers to exit before grenades were thrown into the bunkers (pgs. 21, 22). The witness stated that the third platoon led out of the laager (pgs. 27, 28). The witness testified that he fired first at some people running in the village area some 200 meters away (pgs. 28, 29). He related that they attempted to get the Vietnamese to stop before firing (pg. 29). The witness related that TAYLOR hit a mine and then EOD personnel moved to the front (pgs. 31, 32). After the EOD personnel crossed the bridge, Michael SMITH moved up with a mine detector and marked probable mines with tissue paper (pg. 33). As SMITH was marking the mines fire was received, the troops pinned down and gunships made two to four gunruns in the area (pg. 34). His platoon, still

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EXHIBITS

| EXHIBIT NUMBER | DESCRIPTION                         | NOTES                                    | PAGES        |
|----------------|-------------------------------------|--|--------------|
| M-2            | MACV Card "Nine Rules"              | Issued to witness in RVN.                | 3            |
| M-3            | MACV Card "The Enemy in Your Hands" | Issued to the witness in RVN.            | 3            |
| M-16           | TF Barker log                       | Mentioned.<br>Referred to.               | 23<br>48,49  |
| M-81           | Instructions to witness             | Read by witness.                         | 4            |
| P-18           | Miscellaneous Scene                 | Wit recognized HUFFMAN and detainees.    | 15           |
| P-19           | Miscellaneous Scene                 | Wit could not recognize.                 | 16           |
| P-20           | Miscellaneous Scene                 | Wit recognized U.S. personnel.           | 16           |
| P-21           | Miscellaneous Scene                 | Wit recognized U.S. personnel and ARVN.  | 17           |
| P-22           | Miscellaneous Scene                 | Wit recognized U.S. personnel and ARVN.  | 17           |
| P-23           | Miscellaneous Scene                 | Wit recognized U.S. troops and detainees | 17           |
| P-66           | Photo of ARVN's                     | Wit recognized.                          | 18           |
| P-185          | Photo of B/ 4/3 landing zone.       | Wit utilized.                            | 9,10,<br>13  |
| P-206          | Photo of B/4/3 landing zone.        | Wit utilized.                            | 9,10         |
| P-207          | Photo of B/4/3 landing zone.        | Wit utilized.                            | 9,10,<br>13. |
| P-208          | Photo of detainees                  | Wit vaguely recalled.                    | 20           |
| P-215          | Photo of detainees                  | Wit recognized a young boy.              | 47           |
| MAP-4          | Map 6739 II (small scale)           | Wit oriented.                            | 11           |
|                |                                     | Utilized.                                | 13,30        |

(The hearing reconvened at 1020 hours, 7 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. Robert D. HOLMES.

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

Please state your full name, occupation, and residence.

A. Robert Douglas HOLMES, I'm a student at Massasoit Community College in Massachusetts, and I live at 23 Torry Ave. in Brockton, Massachusetts.

COL WILSON: Mr. HOLMES have you discussed this operation with anyone from your unit?

A. No, I haven't.

Q. What was your assignment in B/4/3 on 16 March 1968?

A. I was a rifleman assigned to the 3d Platoon.

Q. What squad?

A. First squad.

Q. Who was the squad leader?

A. HADAWAY, Darrell HADAWAY.

Q. Sergeant?

A. Sergeant HADAWAY.

Q. And the platoon leader?

A. Lieutenant CARTER.

- Q. No.
- A. Pardon me.
- Q. No, he was absent that day, or at that time.
- A. Sergeant MCCLOUD.
- Q. Sergeant MCCLOUD?
- A. Right.
- Q. Lieutenant CARTER was in the hospital or something.
- A. Yes, I remember now.
- Q. During your training do you ever recall a class on --a part of a class that may have addressed the subject of illegal versus legal orders?
- A. Yes, I believe I do.
- Q. What do you recall?
- A. That when we were supposed to take orders, you know, from anybody higher than ourselves, commanders--whether they were right or wrong, unless we felt different, we didn't have too much to say really. I think this was in AIT.
- Q. Where did you take advanced training?
- A. Fort Jackson, South Carolina.
- Q. And the subject of illegality was it ever discussed?
- A. I believe it was, I can't really recall exactly what it was about.
- Q. Is that the last time you had anything on that subject?
- A. Yes, sir.

Q. Exhibit M-2 which is titled "Nine Rules," have you ever seen that card?

(The witness received and reviewed the card.)

A. Yes, I have.

Q. Were you a member of the 11th Brigade while it was in Hawaii?

A. No, I wasn't, sir.

Q. You went over as a replacement?

A. Right.

Q. When did you arrive?

A. January 4th, 1968.

Q. Did you get one of these cards?

A. Yes, I did, sir.

Q. Where did you get it?

A. I believe I got that in training, or just after I got into country. I had a whole wallet full of that type of thing.

Q. Exhibit M-3 is titled "Enemy in Your Hands." Did you get one of those cards?

(The witness received and reviewed the card.)

A. Yes, sir.

Q. Have you got them with you?

A. No, I don't, sir. It's in my wallet at home. I don't carry a billfold (laughing).

Q. Why do you laugh, because there was so many of them, or what?

- A. Well, yeah, it filled most of my wallet.
- Q. Rogers Rangers?
- A. Yeah, right.
- Q. Did you ever read those cards?
- A. Yes, I did.
- Q. Did you ever have a class on them?
- A. Yes, I definitely did.
- Q. They call that area where the training was administered, down there, Combat Center, do you remember that?
- A. Yes, at Chu Lai, it was on the beach.
- Q. Now, if you remember the exhibit that we handed to you, M-81, where we describe this interview team and the sequence of questions, the first sequence of questions I just covered, which was training.

I ask you at this time what you were told, not what you did on the operation, but what you were told at Fire Base Uptight on 15 March, prior to the combat assault on 16 March. Now, I want to fix this date in your mind, because it's important that we are talking on the same time reference. This date is best defined we found, by the death of Lieutenant COCHRAN on the 16th, and the death of MILUS on the morning of the 19th.

A. About 0200 in the morning.

Q. On that basis that's the combat assault we are talking about, and if you'll put yourself back at Uptight now, probably on the 15th, could have been the morning of the 16th, but I doubt it--probably on the 15th you were told there was going to be a combat assault the next day. Now do you remember anything about this? Instructions that you received?

A. Well, that it was a search and destroy mission and we had been out there before. It was going to be a joint

effort, we all have to pull together and each individual do his job.

Q. Did you know what C Company was going to do? A Company?

A. 3/1 Infantry, and 1/20 Infantry?

Q. Yes.

A. The other companies of the task force. I understood we were a blocking force along with the A/3/1, and C/1/20 would be doing most of the sweeping. We were supposed to be set up on one side of the river and they would be sweeping the peninsula.

Q. Were you told this before you went in?

A. No, this was just what I--you know, this was really amazing, we never really knew what exactly was going to happen once we got out there. It was almost complete disorganization once we hit the ground, all we knew is we moved out and we set up security right away, but we didn't know--Sergeant MCCLOUD, he, he really didn't know anything either. That was just the impression that I had.

Q. This is what I want to separate, I don't want--the questions I'm asking you right now is not what you know as a result, but what you knew before you went in there?

A. Before I went in there?

Q. Yes. That's what I'm trying to get.

A. I knew basically we were supposed to be a blocking force.

Q. You did know that?

A. Right, I did know that.

Q. Were you briefed by Sergeant MCCLOUD or the squad leader?



A. I can't really remember whether we were. We talked about it, that's all I can remember, that it was, you know, the whole platoon was together and we talked about it, I can't really remember, that well.

Q. That's what I want, I want what you remember now. Was there anything discussed about the destruction of villages, and the burning of hootches?

A. Yes. We were--it was supposed to be a search and destroy mission, and one of the orders that I thought I heard, or somebody did say, was to shoot anything that moves.

Q. Anything?

A. Yes, that's the way I received the order. I didn't understand it at the time really.

Q. Did you receive orders like this before?

A. No, not in that zone. Just that we understood that Colonel BARKER was upset about the men we had been losing.

Q. Now, I want to be sure that this you understood before, that this isn't something you picked up later, too.

A. No. This is one of the things that I remember was in my mind, when I first heard of this, you know.

Q. All right, and you related Colonel BARKER's name to this?

A. Yes, we all had a great deal of respect for Colonel BARKER, and that order--I don't know really where it came from, but it's just one of the things that really stuck in my mind.

Q. How about the destruction of food stock?

A. Yes, we killed quite a few animals, and tried to--

Q. (Interposing) Were you told to do this?

A. Yes, we were.

Q. Did you ever do it before?

A. No, we hadn't. We may have on an operation just previous to that, we may have killed a pig or chicken and put it down in a well, destroy the water supply, you know, contaminate it. We were led to believe that this area we were going into was either all VC or they were VCS, VC supporters. I thought the area was supposed to be cleared, you know, like the people were supposed to have evacuated the area. We found out there were many, many civilians there.

Q. Why did you think the area was cleared?

A. That's just what I heard by word of mouth, they had been firing or something for 24 hours, the jets or something. Artillery barrages had been going on.

Q. Do you know the size of the enemy unit that was supposed to be in there?

A. Was supposed to be the largest one that we ever encountered. As to the exact number I couldn't say.

Q. Do you know what the platoons of B Company were supposed to do on landing?

A. We were supposed to secure the area.

Q. Was there any special assignment for any of the platoons?

A. Well, we moved up to the river--

Q. (Interposing) What you were told?

A. I don't remember being told anything like that.

Q. Nothing specific?

A. As I said we were disorganized; that's all I can say.

Q. Was there any special assignment to any of the squads in the platoons?

- A. Not immediately, not until--
- Q. (Interposing) Not until after you got there.
- A. Then we moved out.
- Q. Did you know which lift you were going on before you moved out?
- A. The second lift.
- Q. Was the platoon together on that lift, or was it split?
- A. It was together. Yes, it was.
- Q. Do you remember what other platoon was on that lift with you? There were nine helicopters used that day.
- A. There were nine helicopters used that day?
- Q. Of course I'm getting into the operation really, but do you recall at the time, if you were told whether there would be anybody else on the lift with you? You were told the day before that you would be on the second lift?
- A. The second lift.
- Q. Let's get into the operation, first day of the operation, which is the 16th. I'll ask you a few questions, and then I'm going to give you a briefing on what we know. It will help bring things back to you, and then I'm going to tell you what I know from documents, I'll ask you to fill in any information you may have about it. You went in on the second lift?
- A. Yes, sir.
- Q. Do you recall who was with you, I mean whether there was another platoon involved?
- A. I can't remember whether the CP came or not, or else they came in on the next lift, but if I remember correctly the whole company could move out in say two lifts, two or three lifts.

Q. There were two lifts on this day.

A. There were two lifts, the CO was with us.

Q. Okay.

A. So then that would have been the CP and the weapons platoon probably that came up on that last lift with us.

Q. In conjunction with that, these 2 photographs, Exhibit P-206, and Exhibit P-207 are supposed to have been taken while the gunships were firing on the LZ.

A. Before we came in?

Q. It would just about have to be, if it's the LZ.

A. Okay.

Q. I said if it's the LZ. Now the reason I bring this up is because those photographs were taken by the company commander's RTO, who would more than likely have been with him, on his ship. This would indicate if it ties in that this is the first lift, that the company commander was on. The reason I bring this up is because I'm trying to get the lifts defined. Now this could or could not be the landing zone. I don't know whether you can identify it from the aerial photograph or not. It's a graveyard as you can see.

(The witness received and reviewed the photographs.)

A. Well, we did come in to a graveyard situation type LZ, but as I remember there was a village right here (indicating), that we went into and up in this area here, I don't see any types of buildings at all.

Q. You are pointing to the north of the road running through the center of the photograph (Exhibit P-207). The approach was from south to north. When your helicopter set down your nose was facing north, back toward Uptight.

A. Right, facing north.

Q. Let's see now, you still say you were in the second lift and in which case I don't imagine the doorgunners were firing.

A. When it started out the LZ was supposed to be cold and as we were coming in, somebody was saying hot and the doorgunners did fire.

Q. When you had troops on the ground? They could have fired, I'm not saying they didn't, but if you recall the doorgunners firing--

A. (Interposing) So that meant that--

Q. (Interposing) I just don't think that it's likely that they would be firing if you've got troops down there. However they could be firing further back, now that same lift took the first lift in. Could be that they were firing, I don't know. But do you remember if they were firing? They were?

A. Yes.

Q. Now it was never reported that that was a hot LZ?

A. Right.

Q. It was cold on both lifts. Do you remember anybody hopping off the aircraft firing?

A. No, negative, when they started to move out there was some firing, 1st Platoon because they were--

Q. (Interposing) North, northeast?

A. Right, they moved towards the--

Q. (Interposing) Sea?

A. The sea.

Q. There wasn't firing up there. Was there any firing over to the west?

A. There seemed to be quite a bit of firing, all around us, we weren't doing any, our platoon at the time, until we moved out and we went over to a village.

(Colonel WILSON held a period of map orientation (Exhibit MAP-4) from 1040 hours, until 1045 hours.)

Q. On 16 March, at 0815 the first lift touched down, right about there (indicating), there's Pinkville (indicating), there's the bridge, (indicating). At 0827 the second lift touched down. At 0845 Lieutenant COCHRAN tripped that booby trap. This is pretty close timing, we're talking about 10 to 15 minutes, from the time the last lift touched down. We calculate that his platoon would have had to have been moving by the time that second lift landed, the 2d Platoon. Do you recall whether the whole company was at the landing zone or not when you arrived?

A. Yes.

Q. Was anybody moving out?

A. Well, we set up along the rice paddy dike right here, (indicating) our 3d Platoon. I remember the CP was still in between, let's see the 1st Platoon was moving towards the coast, and the 3d Platoon which was over on this side (indicating), and we were only there a very few minutes when Lieutenant COCHRAN tripped that booby trap.

Q. Was this booby trap close to the landing zone?

A. Right at the northern edge, say of the landing zone.

(Colonel WILSON held a period of map orientation on Exhibits MAP-4, P-185.)

Q. On the basis of using these maps, do you believe he was wounded south of 521?

A. Yes, I do, or right on it, it seemed like that was an open area over there, in between some bushes.

Q. And at that time the 3d Platoon position was on the west side of the cemetery?

A. Yes.

Q. Now was the 3d Platoon receiving any fire out there?

A. Somebody had said that we were receiving fire, but we didn't know whether it was Charlie Company doing the firing on the other side of us.

Q. You see Charlie Company, from your position, was about 1200 to 1400 meters. It was 0845 when COCHRAN was killed and there were four wounded with him, now at 0930, 45 minutes after that, there was a second mine that went off which wounded three generally in that same vicinity.

A. They were just within a few minutes of each other.

Q. The log says 45 minutes, but it could have been closer than that. They were so close together it's not very likely there was very much time between them, now at that time were you still in position on the west side of the landing zone?

A. Seems to me that my squad was moving towards a small segment of the larger village, over here (indicating), I think if I remember correctly we were about in the middle of a rice paddy when the second one went off.

Q. You were in the middle of a rice paddy. South of the road?

A. South of the road.

Q. Had you begun to form up and move out?

A. We were moving.

Q. You were moving?

A. Yes.

Q. You were moving in which direction?

A. I'd say it was northwesterly.

Q. A northwesterly direction. Were you moving independent of the other elements of the company, or were you following a unit?

A. We were independent.

Q. Were you moving in column?

A. No, we were moving in--

Q. (Interposing) On line?

A. On line.

Q. The whole platoon was on line?

A. I know my squad was on line and we were moving forward. The whole platoon was, you know, they were set up this way, and we had this one side of the cemetery where we were.

Q. So you moved off--

A. (Interposing) Right.

Q. Just as you were in position?

A. Right, and part of the platoon was going towards another section of the village and we were going.

Q. Let's take a look at Exhibit P-207 for a minute. I wonder if this road runs through the center--or from the left lower corner to the center of the photograph is route 521?

A. You mean to say in this area over here, or even farther north?

Q. The Exhibit MAP-4 doesn't show any road running through the cemetery so I guess that's not it.

A. So then this aerial photograph here couldn't have been the actual LZ, it doesn't look like it to me.

Q. Does it look like a cemetery?



A. It does look like a cemetery, but most of those cemeteries look basically the same, the size would be different.

Q. At the time this second group was wounded, at 0930 where three were wounded, did you see them evacuated?

A. Not that I can recall. We were working in the village at the time. I'm sure we all glanced that way when we saw the village wondering what the type of casualties were, who it was.

Q. The log indicates that the command and control ship came in and evacuated them. I was trying to find out if anybody saw Lieutenant Colonel BARKER at that time?

A. He was there; we all knew that.

Q. I know, but was he on the ground at that spot, did he talk to--

A. (Interposing) Captain MICHLES, he most frequently was on the ground with Captain MICHLES on almost every operation that we were out on, so it could be entirely possible that he did.

Q. There was supposed to have been, when both of these casualties groups were pulled out--about eight casualties came from the 2d Platoon. There is some question as to whether the 2d Platoon was supposed to search and clear or search, sweep through Pinkville, My Lai (1). And at the time that these casualties were received, the orders were changed and they were told not to go in there. There was some kind of swap around with the 3d Platoon.

A. Didn't the 2d Platoon move towards the direction of the sea, where the 1st Platoon was moving?

Q. Negative.

A. No?

Q. You moved into an area, probably searched a couple villages and went into a night laager position. Do you recall any Vietnamese interpreters or any military intelligence personnel being brought in?

A. Yes, I do. There was one officer, a lieutenant that moved with us frequently. He'd come in a lot of operations, a lot of operations he'd CA out with us. I don't recall whether I'm recalling this exactly correctly or not, because he was always, I can't remember his name, but we all knew him, he was a nice guy.

Q. Lieutenant JOHNSON?

A. Yes, Lieutenant JOHNSON, and he usually had a Vietnamese interpreter with him. I remember an incident on the 18th where we had some prisoners.

Q. All right I want to come back to that. What about this day, did you see him in there this day, 16 March?

A. I don't recall him being in on that day.

Q. Do you recall when C Company linked up with B Company whether they brought in any prisoners or not?

A. No.

Q. Do you recall them coming in with any ARVN personnel, National Police?

A. No.

Q. Did you see this group of detainees, Exhibit P-18?

A. That's Cecil.

Q. Cecil who?

A. HUFFMAN?

Q. Yes. How about the Vietnamese?

A. Yes, sir, I do believe I saw them.

Q. Where did you see them?

A. I can't recall.

Q. Did they come in with C Company or did B Company pick them up?

A. I don't recall that either. I knew we had prisoners through.

Q. Does this look like a graveyard to you?

A. Those mounds do.

Q. Do you recognize any of the terrain features there as being an area where--

A. (Interposing) I might have moved through?

Q. Yes?

A. It seems to me the 3d Platoon moved closer to the water during that first day on that northwest side. I can't recall the actual events that took place.

Q. What's that back there, does that look like anything back there in the northeast side of the picture, the right side of the picture?

A. It might be Uptight.

Q. This picture is facing sort of north, isn't it?

A. Yes.

Q. How about Exhibit P-19?

A. No, can't say, he looks familiar though.

Q. How about Exhibit P-20?

A. I can tell you most of those guys. There's Barry MARSHALL, there's HONEYCUTT.

Q. HONEYCUTT is in the center bending over.

A. Right, and he's artillery and he's a good friend of mine, he was in the weapons platoon I know that, and his name is--

Q. (Interposing) HOUGHTON?

A. HOUGHTON, right.

Q. HONEYCUTT was very involved, he was in the CP all the time, he knew more than I'd say most people, he was the forward observer for the artillery. This is Lieutenant JOHNSON.

Q. Lieutenant JOHNSON in the background.

A. Right, and this is the Vietnamese, he was dressed like one of us.

Q. And the man on the right side of Exhibit P-21 is Sergeant MARSHALL?

A. That's Lieutenant JOHNSON, that Vietnamese boy, I don't remember seeing. I know we had, I can't recall on the 18th when they went out--

Q. (Interposing) Exhibit P-22?

A. Lieutenant JOHNSON spent most of his time with the CP and most of these prisoners we didn't see, unless our platoon captured them and they were being interrogated or something.

Q. You didn't see this?

A. Not that I can recall, sir.

Q. Exhibit P-23?

A. I've seen this picture before, that's MERCER.

Q. The man on the right is MERCER?

A. Right, sir.

Q. Captain MICHLES is on the left. Did you ever see the Vietnamese?

A. They all seem to look familiar, but I can't really recall the exact time and place.

Q. Did you ever see either of the two Vietnamese soldiers on the left in Exhibit P-66?

A. I believe they were with us the night of the 18th, but I'm not sure. There was one or two of them that were there. This is before, that I know. There seems to be so many people around at the time and were supposed to be working for some ARVN's that were someplace in the area. You're looking for something concrete I'm sure.

Q. Do you recall at the night laager, or when you went into position that evening if you saw any interrogations going on?

A. That first night on the 16th?

Q. Yes.

A. No, I'm sorry, sir, I don't.

Q. Did you hear anything about any interrogations?

A. We heard a lot about interrogations, but its just hearsay, it's nothing that I could really put any emphasis on.

Q. Yes, but what did you hear?

A. Oh, just that they were being interrogated, the Vietnamese were treating them roughly.

Q. Did you hear of any of them getting shot?

A. No.

Q. Did you hear of any of them getting their fingers cut off?

A. No.

Q. So, you're not talking about anything that severe?

A. No, nothing that severe, they were beaten.

Q. That's as much as you heard?

A. That's as much as I heard, right.

Q. We'll take about a 5-minute recess.

(The hearing recessed at 1107 hours, 7 February  
1970.)

(The hearing reconvened at 1114 hours, 7 February 1970.)

COL WILSON: The hearing will come to order.

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

Q. That night, did anything unusual happen that you can recall?

A. Not on the night of the 16th, that I can recall.

Q. Was there any firing going on?

A. I can't even recall that.

Q. You don't remember any firing occurring inside of the laager position?

A. No.

Q. Did National Police stay out there that night, do you know?

A. I have no idea, sir.

Q. Did you see those prisoners in Exhibit P-208, any-time during the day?

A. I remember those sandbags very well.

Q. You mean the covers?

A. Yes.

Q. On their heads?

A. On their heads, yes. Whether it was this group of VC or not, I don't know.

Q. Do you recognize that area?

A. Yes, I do. It looks like our night laager, if I remember correctly. If I could make out who is in this picture I'd know. No, I can't make it out.

Q. Here's another photograph, Exhibit P-209?

A. I don't remember any fires.

Q. Could have been another location. The next morning, the 17th of March, before we get to that, did you hear any firing over by 1st Platoon area, down by the bridge, the day of the 16th?

A. Yes. Yes, sir, quite a bit of firing.

Q. Quite a bit?

A. Yes.

Q. Did you hear explosions going off over there?

A. Yes, sir. I can't distinguish exactly what it was, but we did hear quite a bit of the explosions. We figured they found some 105 rounds or something, and they were discharging them, or else, because what we were doing that day, we'd throw grenades in a lot of these mounds, they look like sort of a bunker that the Vietnamese men built.

Q. Let me ask you about that. What are you talking about, are you talking about frag grenades?

A. Yes, sir.

Q. And when you are throwing these grenades in there, do you clear them first?

A. Pardon me?

Q. Do you clear the bunker first?

A. Yes, if there was anybody in them.

Q. How did you do it?

A. We used, what was the word, it was a Vietnamese



word we used to try to get anybody that was in there out. As far as I remember there wasn't anybody in them, you know, unless they were VC.

Q. But they did tell them to come out?

A. Yes, we did, sir, I mean it wasn't anything that was haphazard, that we just ran up and threw grenades in there without investigating first.

Q. Do you remember the time of day you heard this firing over there?

A. Yes, sir.

Q. In that 1st Platoon area?

A. It was just after the combat assault, maybe an hour, maybe in the same period of time, you know, just afterwards, because we got reports like, you know, we had so many kills, and this, you know. I can't place in my mind when TAYLOR lost his foot.

Q. That was the 17th.

A. That was the 17th.

Q. Back on the 16th, the reports you are talking about, how did you get word on this?

A. Well, Larry was on the radio, and he was, you know, he was in the 3d Platoon, and I had just previously carried the radio, this was my first operation that I didn't carry the radio.

Q. Who's Larry?

A. Larry HATCH.

Q. What happened?

A. And I just, it was either by word of mouth or I talked to Larry. Larry and I were good friends.

Q. Were you close to him?

A. Yes, I was.

Q. This date?

A. Pardon me?

Q. This date?

A. This day--

Q. (Interposing) 16 March?

A. At first we weren't. My squad was down in another separate village area and they were up in a completely different area. I don't really recall, but later on in the day we were together, we were moving together.

Q. Do you remember how many kills were reported over there?

A. I think it was 39 or something like that. The first thing that came to my mind, that I always questioned was whether they were civilian or whether they were VC, because I never really saw too many VC to shoot at while I was there.

Q. Why did you--

A. (Interposing) This wasn't afterwards, no, right then, because it just bothered me, but you didn't know, you were scared, you know.

Q. Well, the way those reports came in, at least on the Task Force Barker log, Exhibit M-16, 12 were reported at 0955, that's VC KIA, at 1025, 18 were reported, and at 1420, 8 more reported, that's 38. If you heard figures as high as 39 you must have heard it that afternoon?

A. Definitely did, it was probably right after, well in fact I remember Lieutenant WILLINGHAM was on the radio and I heard his conversation. There were two radios and I can't remember who was carrying the other radio, that I didn't have any longer.

Q. I understand that radio was sort of weak, wasn't it?

A. Yes, it was. That's one of the reasons I didn't really care to carry it.

Q. Wasn't that radio pretty close to the platoon sergeant?

A. Well, I guess Darrell HADAWAY was the platoon sergeant that day.

Q. That's probably why--

A. (Interposing) Right, and Darrell was my, he was with me that day.

Q. Did you hear any of these communications coming back on the 16th?

A. Oh, yes. I was, well I had been on the radio, and even before that I always liked to be involved, I like to know what was going on. A lot of the guys just sit around and not really care what was happening, and I had to know, just something--

Q. (Interposing) You heard the communication then?

A. Yes.

Q. Did you hear any battalion net communications?

A. Well, see that's what I'm not really sure of, when I heard that, you know, I mentioned that before, you know about, "Kill anything that moves," and it bothers me to have to say that, but I remember it for some reason.

Q. Did you hear these reports being submitted by the 1st Platoon to the company commander about these VC kills?

A. Yes.

Q. You did?

A. Yes.

Q. You heard them on that second radio then?

A. Yes, sir, and I can't remember about the second radio. I know it was weak when I gave it up and it wasn't really battery trouble, that we could understand. I heard it.

Q. Do you remember the call sign Coyote?

A. Coyote?

Q. Yes.

A. Oh, there were so many different call signs that were used on each different operation and the plot that we used.

Q. Dolphin?

A. Dolphin is familiar, yes, sir.

Q. What was Dolphin? Do you know?

A. Pardon me?

Q. Do you know what Dolphin was?

A. Probably battalion--

Q. (Interposing) Rawhide?

A. Rawhide, the call signs don't seem to be of any consequence, you know, you're listening to what they said, not--

Q. (Interposing) You heard these reports coming back on casualties, then you could have heard those reports that morning?

A. It was right after, you know, when Lieutenant WILLINGHAM came on the radio, that's when I heard it, the estimated figures.

Q. He usually did his own communications?

A. Pardon me?

Q. He transmitted himself?

A. Yes, he did.

Q. Would you recognize his voice?

A. Yes, I would recognize it, anytime.

Q. And he sent these figures back. Do you recall that morning, a request for mortar fire? The morning of the 16th?

A. I can't, I had a feeling there was artillery or something coming from Uptight. I don't know the guns that were up there--whether they were firing or not, but I had a feeling they were.

Q. I'm not talking about the combat assault.

A. No, I mean later on during the day.

Q. Yes, over the bridge, over there where the 1st Platoon was. Do you remember a request for mortar fire?

A. No, I don't sir.

Q. Do you recall a request for gunships?

A. Yes, during the day--

Q. (Interposing) That morning?

A. Yes, when we first came in they were with us, and then they left the area. They went over to where Charlie Company was, or Alpha Company was, but they came back on several occasions, and they were over in that 1st Platoon area. We didn't use the Sharks at all, gunships.

Q. Do you recall when you came in for a landing that morning, having to make a go-around?

A. A circle, circling once?

- Q. A 360-degree circle?
- A. I don't remember, sir.
- Q. Do you recall any other communications that morning? Morning of the 16th? Or the afternoon of the 16th?
- A. Well, the evacuations.
- Q. Do you recall, I think I mentioned it earlier, that the C&C ship picked up any of those casualties?
- A. No, I can't, as I said, it was possible.
- Q. That was on the battalion net communication.
- A. Right, you see that's why we were on company freq.
- Q. On the 17th, the company moved on down toward 521, down towards the bridge. I don't know, we believe the 3d Platoon was leading, followed by the--
- A. (Interposing) This is Charlie Company you are talking about?
- Q. No, I'm talking about Bravo.
- A. I missed the first part.
- Q. 17 March, early morning 17 March, C Company and B Company broke, B Company moved down 521 back towards the sea.
- A. Yes, we went through that village that day.
- Q. You went through the village, Pinkville?
- A. We went through the Pinkville area and we--
- Q. (Interposing) I'm trying to find out whether the 3d Platoon led the column or whether it was the 2d Platoon?
- A. Seems to me that we were ahead of the 2d Platoon, but--

Q. (Interposing) I feel reasonably sure this is the way it was.

A. Pardon me?

Q. I feel reasonably sure this is the way it was, but I'm not positive.

A. The 3d Platoon moved out, I wasn't on the point that day, I think it was HARLOW's squad that was on point.

Q. Whose?

A. HARLOW, Sergeant HARLOW.

Q. You would have been the second squad then?

A. Yes.

Q. As you moved down towards the bridge, you moved through that village. You were moving on that trail out there (indicating). I assume and there were hedgerows on each side of it and hootches? Was there any firing going on?

A. I fired, I was the first one to fire I think on that.

Q. Fired at what?

A. I fired at some people that were running.

Q. Where?

A. If I remember correctly it was south, and area south.

Q. In the village?

A. Pardon me?

Q. In the village?

A. Yes, we were. Well it seems that we had split somehow and we were in front, when we were in the area of the

village. I remember firing at a group that was running and they were--I'd say maybe 200 meters away.

Q. Did you try to stop them?

A. Yes, they were 200 meters away, they went out of sight, we didn't know where they went and we just continued down the trail.

Q. But, they were back over which side, the south or north?

A. It seemed south to me.

Q. Was this after you got into the area of the village, or before you got there?

A. After we got into the area of the village.

Q. It seems to me like your vision would be blocked to some extent by--

A. (Interposing) It was by the shrubbery, like all I saw was two or three faces down there.

Q. Did you holler for them to stop or anything?

A. Yes, yes, "Dung Lai" and--

Q. (Interposing) They kept running?

A. They just kept running, so that's what we were told--anything that's moving, running--cause there shouldn't be any reason for them to run from us. Unless, well I shouldn't philosophize, because I know what happened.

Q. This firing occurred, and this was the first firing that happened that morning?

A. That I can remember in our platoon, around us there may have been firing.

Q. Was there any enemy fire after that?

A. Sniper fire is all I could say.



Q. Do you remember sniper fire?

A. Not really, just tell you what I heard that day. That there could have been some, but then a lot of times you are not sure whether it was somebody in another company or something, you know, because we've been pinned down before by other companies.

Q. As you describe to me in referring to Exhibit MAP-4, before you hit the village, which would have been right in this area (indicating) you were firing down toward the cemetery?

A. Now, I understand. We must have been moving in this direction through the village, but I can't recall which--

Q. (Interposing) Well, the village was on both sides of this trail, it goes on both sides of this trail, you'll see it on the photograph.

A. Oh, okay.

Q. But, you would have been firing, if you, there was a pagoda, or at one time there was a pagoda here (indicating). You could have been firing down there into this part of the village. On Exhibit P-185 you see the village, it extends over on the road coming in like this (indicating). You could have been firing down into this area, you probably could have been firing right down in the village here? This is before you came to the bridge?

A. Yes, it was thick through that area.

Q. Yes. Now was there any fire that was coming from the other side at the time that you fired?

A. As I recall part of our element was on the other side, I can't--there was firing though on the other side.

Q. What about the explosion and mine that got TAYLOR? Was this before or after?

A. This was before.

Q. Before TAYLOR hit the mine?

A. Yes.

Q. Did you notice a couple of EOD personnel moving forward?

A. Yes.

Q. Was it before or after?

A. That was after, and it wasn't--you're talking about the people, men that travelled with us that were EOD specialists?

Q. Yes.

A. Because they were with us.

Q. That's right.

A. I remember this very clearly. They moved by us, no I can't really remember that. All I know is I saw them and they were either going to blow something up or something like that.

Q. They moved through the platoon?

A. What I remember is a friend of mine who had a mine detector, Mike SMITH, he moved by us also. He was from the 2d PLatoon, that's really confusing the issue.

Q. So they were behind you?

A. Yes.

Q. And he moved forward, was he moving with the EOD men?

A. I can't recall.

Q. All right, but these people, did this group move forward before TAYLOR hit the mine?

A. No.

Q. TAYLOR had already hit the mine?

A. When they were moving.

Q. How did this tie in with your firing?

A. Pardon me?

Q. How does this all, the sequence tie in with your firing?

A. I don't know.

Q. Let's start over again?

A. Okay, I'm with you.

Q. The platoon moved out, moved down the road, what happened first? There's three things that we're talking about; one, is your firing; two is TAYLOR's being wounded; three is the EOD people, and the mine sweeper.

A. If I remember correctly I fired first, and then it was TAYLOR, and then it was the EOD, but whether this is right, I can't really recall.

Q. You may be influenced by logic here, because the fact that you wouldn't think that the EOD men came up before TAYLOR was wounded.

A. TAYLOR was 1st Platoon.

Q. That's right.

A. And--

Q. (Interposing) You see TAYLOR could have called, or there could have been a call back for EOD personnel independent of what was happening on the other side of the river.

A. Right. He was just on the other side, right at the end of the bridge here (indicating).

Q. Well, how long did you stop after, I believe you said you halted?

A. We halted, yes, we stopped.

Q. And you were in the second squad, the squad in front of you, did it halt there, too?

A. Yes.

Q. Along the side of the road?

A. I think we were up close to the bridge, I remember being right on the other side of it, right close to the bridge. And that's when Mike SMITH came by with that mine detector, and he was dropping tissue paper all over the place, wherever he thought there was something. Mike SMITH was killed on April 29.

Q. Oh, was he KIA?

A. Yes.

Q. And he was the one that marked the mines on the west side of the river?

A. Yes.

Q. And you saw him marking those mines?

A. Definitely.

Q. What were the EOD people doing?

A. I can't recall. We all knew they were there, and they had a special assignment they were supposed to do-- we blew up a lot of tunnels and they would take care of any rounds that we found.

Q. What was happening across the river when SMITH was marking these mines?

A. I think they were clearing that area over there. There was just, that's where we laagered that night on the 17th, our 3d Platoon, just on the other side.

Q. Yes, but you're getting ahead of us.

A. All right, I'm sorry.

Q. What happened on the other side of the river at the time SMITH was marking these mines? Was there any firing going on over there?

A. Yes there was, because we were pinned down, that's when the Sharks came in.

Q. The gunships did come in there.

A. And they fired quite a bit, they were right over the top of us, when they started firing.

Q. How many runs did they make?

A. I don't know two or three, maybe four.

Q. How many gunships?

A. Two.

Q. What do you mean you were pinned down, you were on the west side of the river?

A. We were on that side of the river, right, I can't remember when that firing actually occurred, but when we got on the other side it was quiet, so it had to be before our 3d Platoon got on the other side. Something tells me I fired a magazine then, on the other side of the bridge, but I can't remember how or why. We were receiving fire from some unknown area over there and I guess the 1st Platoon was firing with them, and they were pinned down as far as I knew.

Q. You think the 3d Platoon was firing?

A. No, we weren't firing from that side of the--

Q. (Interposing) Okay. That's what I was trying to find out, if you fired from the west bank of the river.

A. No.

Q. Nobody was firing?

A. Nobody was firing. All 1st Platoon, we had no idea where the firing was coming from.

Q. How long did you hold up there before you crossed the river?

A. I'd say a good 30 minutes.

Q. Then you proceeded on across the river, you got on the other side, had TAYLOR been evacuated by that time, or was he still there?

A. He was evacuated, he was gone, because I never saw him.

Q. Did you talk to any of the 1st Platoon men?

A. 1st platoon, I didn't know too many of the men in the 1st Platoon.

Q. Okay. Were there any bodies over there when you got over there? Did you see any bodies?

A. No.

Q. Did you see any bodies during the whole operation?

A. Did I?

Q. Yes.

A. Yes.

Q. Where?

A. In the village.

Q. Which village?

A. My Lai. I can't even tell you where.

Q. You mean Pinkville?

A. Yes.

Q. Before you got on the other side of the river? Pinkville is on the other side.

A. I know where it is. I remember seeing some bodies, but I can't remember where.

Q. What day?

A. Do you know--okay, what day, must have been the 17th, that same day.

Q. After you crossed the bridge?

A. It had to be before that, because I don't remember anybody being killed then.

Q. Maybe it will come back to you. You started to say something.

A. Yes. It was just a lot of people say, they had seen remains. I couldn't say that I had seen any people at all, that I had even noticed except for--I thought I saw some that day and it may have been caused from the jets that were in there, somebody said something to that effect.

Q. Who said that they saw bodies over there?

A. Well, they were talking about it, that they had seen it.

Q. Who?

A. Okay. I don't remember when it was exactly, if it was the 16th or the 17th, but we passed by Charlie Company.

Q. Oh, C Company?

- A. Yes.
- Q. You're talking about C Company, that was the 16th.
- A. That was the 16th, we laagered with them that night.
- Q. That's right.
- A. Okay. I remember talking to a few of their men, you know.
- Q. Yes.
- A. And it was sort of like, you know, they were bragging about how many kills they had, you know. Like we say we had 39 kills, and they didn't really say how many, they'd just say a lot, you know.
- Q. Well then there was a comparison that evening?
- A. Yes, and this was late in the afternoon.
- Q. Do you remember who you were talking to?
- A. It was this Spanish fellow, I can't remember the name.
- Q. TORRES?
- A. Pardon me?
- Q. TORRES?
- A. Sounds familiar.
- Q. Machinegunner, M-60? Well, what did he say?
- A. He just said that they had a lot of kills, and I asked him, because the question was on my mind, you know, how many of them were VC.
- Q. What did he say?



A. He just didn't really answer me. He just talked around everything, I don't know.

Q. All right, lets go back to the 17th. When you got across the bridge over there, did you see any bodies over across the bridge? You stayed over there all day.

A. Yes. No, we didn't.

Q. Now did you see any fresh graves over there?

A. I may have, but I couldn't say for sure whether I did.

Q. As we understand it the 2d and 1st Platoons started moving off shortly after you all got over there, and the mortar platoon stayed there with the 3d Platoon.

A. With the 3d Platoon.

Q. And you all set up a blocking position?

A. Yes.

Q. Was there any searching going on then or had it stopped?

A. Just in that immediate area, but we didn't really know then that we were going to laager there that night. When we went through there wasn't very much, it was very insignificant.

Q. You were left there and we understand that at some time during the day the mortar platoon displaced south to the company.

A. To the company.

Q. Do you remember what time that was?

A. It was later in the afternoon, maybe 1500.

Q. About 1500?

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A. About 1500.

Q. Any helicopters come in there that day?

A. Yes, they did. I believe water was brought in to us and I don't know whether they made it with the hot--they didn't make it with the hot meal that night, it was too late, the helicopters went back.

Q. Lieutenant LEWIS come in that day?

A. Lieutenant LEWIS as far as I know didn't join us until after this operation, now I may be wrong, he may have come in, because Lieutenant MUNDY came in.

Q. That's right.

A. And Lieutenant COCHRAN, you know that, and Captain MICHLES he stayed there overnight, and Captain MICHLES sent him back.

Q. Did you see Lieutenant MUNDY come in?

A. No.

Q. Didn't see his chopper?

A. Well, I saw the chopper he was on, somebody, I heard over the radio that Lieutenant MUNDY--

Q. (Interposing) What about a photographer that came in too?

A. Pardon me?

Q. A photographer, did you hear about a photographer or see a photographer?

A. No, I didn't.

Q. The Stars and Stripes?

A. Maybe I did, you know--

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Q. (Interposing) Soft hat, baseball cap?

A. Baseball cap, but I didn't see him then, it may have been the next day or something, I don't even remember.

Q. See any interpreters or interrogators?

A. Not that day, not that night either.

Q. Anything unusual occur that day?

A. We found some rice. A woman's body, we found a woman's body on top of that hill (indicating).

Q. With a hole in the neck?

A. Right.

Q. Who found it?

A. One of the other men. I buried her, I guess.

Q. Was the grave partially dug? Did you dig a new grave?

A. Pardon me?

Q. Did you dig a new grave?

A. I can't really remember.

Q. How long had she been dead?

A. It seemed like quite a while, because she had started to decompose.

Q. How long do you estimate?

A. Eight to ten hours, maybe twelve hours, maybe more. I was a funeral director before I came into the service.

Q. I see.

A. That's why when I was up there--I sort of, you know, nobody wanted to touch her, you know.

Q. Yes.

A. And somebody had to do it, but I don't remember about the hole that you are talking about.

Q. The thing I'm trying to find out really is whether she was taken up there or whether she was killed up there.

A. You know somebody had mentioned that it looked like she had been dragged, she had been moved and from this-- abrasions or something on her body, that would show us that it could have happened that way, that she had been dragged, marks on the ground, I can't remember.

Q. What type of wound did she have?

A. It was like an M-16 probably. I can't really place it, or else it could have been a piece of shrapnel.

Q. Were there any other graves up there? Did it look like she had been moved to a burial ground or something?

A. It was high ground between the ocean and the river.

Q. If anybody had moved her up there to bury her, what would have been the reason?

A. Maybe to--I don't know.

Q. How old a woman do you think she was?

A. 35, maybe, 40, maybe even younger.

Q. You say she already began to decompose?

A. Yes, she had.

Q. Fully clothed?

A. Yes, I believe her clothing was torn in certain places, but nothing that would suggest anything.

Q. Did you, since you happen to be in that business, did you or would you have noticed if you had seen new graves around, or anything like that?

A. Yes, I did, but then it didn't seem--

Q. (Interposing) I mean do you recall any new graves?

A. We all were aware of the fact that the Vietnamese bury their dead, you know, they did almost immediately.

Q. Well, we've got 38 VC KIA reported the day before, and I'm trying to figure out what happened to the bodies?

A. And it was in this area that they were killed?

Q. That's right.

A. This I really didn't know.

Q. They were right there in that area (indicating), well right there in that proximity, down in that little village to the south. So you don't recall seeing any evidence of bodies, and evidence of the reported casualties?

A. Not in the area we were in.

Q. Reported kills, all right the--nothing else in particular on the sequence of that morning, of course. Here is the timing which we didn't go over. 0810 the booby trap was tripped, and 0840 it was reported that sniper fire was received.

A. Then the gunships came in.

Q. Then the gunships came in, which wasn't reported. 1000 down south, about halfway down the peninsula there was reported that six booby traps were destroyed.

A. That would account for the explosions.

Q. Not necessarily, those explosions could have been coming off all the way down there, you had those EOD men.

A. That's right.

Q. At 1320 the 2d Platoon engaged two VC and killed one, that was reported. Now when they moved south apparently there was a lot of burning going on and they were destroying bunkers.

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A. Yes, we did quite a lot of that in those few days. The last day we didn't do anything, we just herded the people. I'm getting ahead of you, I'll wait. Do you want me to continue?

Q. Yes.

A. On the 18th.

Q. No wait a minute, I thought you were going on the same day. The company went down south all the way and then came back up and laagered, south of your position.

A. I don't even know how close they were to us at that--

Q. (Interposing) Well, about?

A. 200 or 300 meters, maybe.

Q. No, they were about 1,000 meters south of you. And nothing unusual happened that night that you can recall?

A. No, it was a very quiet night. We were all really scared that night, we thought it was all over. We were alone, it was just our platoon and it seemed like it was very small, just in that one small perimeter that we did have.

Q. The next morning the company saddled up and moved back north picking up your platoon and somebody up there found 3,000 pounds of rice.

A. Yes, it was someone from our platoon, we found it, I guess early that morning.

Q. This woman was found on the 17th?

A. Yes.

Q. And buried on the 17th?

A. The 17th.

Q. Wasn't buried on the 18th?

A. It was early that day, we had all, you know, most of the afternoon we were there, I can't really remember when we did it, but it was done. And until I mentioned the rice, that's when I remembered the woman being up there.

Q. The rice was reported at 0735 the morning of the 18th, and the woman was never reported.

A. She was never reported?

Q. No, not unless she was among that 38. Actually she could have been included in that 38.

A. I figured that Sergeant MCCLLOUD would have taken that on his own to report that.

Q. If he did it never got back to the log.

A. Well a lot of those things happen I think.

Q. So we don't know exactly when she was found. If it was the same as the rice was, that rice was reported on the 18th.

A. You know that's when I would recall she was found, it would be that morning.

Q. Previous testimony indicates that the man that found her didn't bury her.

A. That's right.

Q. And as I recall he seemed to think that she stayed out there that night and was buried the next morning, the morning of the 18th. But you'd have been humping, because the company was moving back up that way and if you had to bury her that morning then you would have buried her pretty fast, I guess. When did you bury her?

A. I'll tell you I can't really recall, but all I know is we did bury her, for some reason it just, and maybe we didn't, you know, it just seems that we did. I remember moving her.

Q. Okay, so you moved on up north, and that day was

spent up there in An Ky, and Ky Xuyen (1) and (2). Now the 3d and the 2d, and the 1st Platoon, I don't know exactly what their disposition was, but there was a lot of searching and rounding up of people up there.

A. Yes.

Q. Was the 3d Platoon on the coast or inland when you got into the villages?

A. The first part of the day we didn't do very much, it was real hot, we sat around in that sand, but anyway during the day we moved out and it seemed like we, you know, something like this and we were down say on this side of the peninsula (indicating). Whether I'm right or wrong, and it seems like the 2d Platoon was on this side and some of the guys went out in the water to get what they thought was VC in boats, because we were told to bring everybody in. We herded them all back to the beach and we were there for a few minutes. Then they were all moved into a main village where we found some people, and we set them up there for the night and then we laagered just to their immediate north. This is the night that probably everybody remembers fairly clear.

Q. Well let's wait a minute before we get to that.

A. Okay.

Q. Did you see any personnel come in that day, chopper come in besides medics, the medics brought there, I'm referring primarily to MI, or interpreters, or ARVN, or National Police?

A. Blue cap and white shirt, or something?

Q. Yes.

A. I remember one, maybe, of them, and he was with us all day. I didn't see him that day, I saw him that night at the laager. Whether he went out on resupply or not, I don't remember.

Q. Do you remember seeing any interrogations going on that day?



A. Yes, but I don't think I could relate to you exactly what took place. I knew they hit them or something, I don't know, maybe just that I heard it, then I went up and I looked at them you know, everybody was.

Q. Everybody was what?

A. We'd all go up and check them out, you know, and some of the guys were messing around with them, you know, and a lot of them wanted to kill them, and it was just talk.

Q. Now I'm talking about the 18th now, I'm not talking about the 19th.

A. Yes, this is the 18th, this evening, we laagered there.

Q. Yes. How many prisoners did you have?

A. Two to four, I think there were four. How many were there?

Q. We don't know.

A. Oh, about four.

Q. What did you find, when you looked at these men? Had they been beaten up pretty bad?

A. I can't really remember it seemed like one of them looked pretty bad, he was swollen, you know, face was swollen pretty bad.

Q. That was in the evening of the 18th?

A. It was a young, I can remember the one boy's face, and he was young.

Q. Was it the evening of the 18th?

A. Yes.

Q. And who beat him up?

A. As far as I know it was the Vietnamese, I don't know whether Lieutenant JOHNSON had any part in it or not, no I wouldn't even want to say.

Q. Have you ever seen this man in Exhibit P-215?

A. I believe that's the young boy that I was just referring to.

Q. You say he was beaten up?

A. Yes, his lip, well I can see right there, I remember his lip down there.

Q. Does he look like he's been beaten up in this photograph?

A. Looks like he could have been, very possibly, unless he had something wrong, he had a disease or something.

Q. Where did the 3d Platoon--what portion of the perimeter was the 3d Platoon facing?

A. We were facing west.

Q. Okay, you were on the west side.

A. West side.

Q. 1st platoon was on the east side.

A. The 1st Platoon, well, its pretty hard, because there was a big mound in the middle. I knew our CP was up there. Okay, well I can show you. MOSSFORD was in the 1st Platoon, I know he was up on this side.

Q. So they would have been on the east side.

A. Right.

Q. The 1st Platoon is on the east, 3d Platoon is on the west, and the 2d Platoon was sort of facing--

A. (Interposing) Without looking at the map I would have figured it was running north and south, you know.

Q. Not quite, almost.

A. I can see that now.

Q. The sequence as we have it recorded that night-- before I get, well I want to ask you one question. The bridge you crossed over on the south, there was at one time further up north another bridge which was destroyed while you were there.

A. Right, I remember.

Q. Did you move up to this bridge, this destroyed bridge at any time during the day of the 17th?

A. We were near it, our 3d Platoon, we were sitting just halfway between the river and the ocean. Up in this area before we moved across all this white sand.

Q. No, I'm talking about the day that you were all by yourself, the 3d Platoon?

A. We never went any farther north than where we were set up.

Q. Okay, so you didn't go up that far. On the morning of the 19th, the night of the 18th at 0130 there were mortar rounds that came in and one man was killed and one man was wounded. At 0144 a dustoff was requested and a light fire team. At 0244, an hour later, the dustoff--these are reports from Exhibit M-16--was complete, and at 0250 a spooky was requested.

A. Right, he came in with miniguns.

Q. He came in with miniguns and we don't have the time that he was off-station, but he was on-station at 0350.

A. Sounds just about right.

Q. Then there was another mortar round that came in there at 0440, do you remember that?

A. Not really.

Q. Most people don't. Now the next morning, of course, the dustoffs were completed except for MILUS, and MILUS was taken out the next morning.

A. I helped put them in on the chopper, I was down at the CP, I left my position.

Q. I figured you would have probably helped on that. You helped the wounded on the choppers?

A. I was with MOSSFORD, I know Greg, because we came in together.

Q. He later died?

A. Yes, he did, he was still alive and breathing heavy and we were trying, I was trying to bring him out of it, if I could wake him up, because he was unconscious.

Q. So the next morning, the morning of the 19th, I'm referring to, do you recall anything unusual occurring from the standpoint of the treatment of prisoners?

A. No.

Q. Did you see any prisoners or detainees?

A. Yes, they were still there.

Q. Same ones?

A. Same ones. I can't remember whether they were evacuated with or not, but they must have been, not evacuated but--

Q. (Interposing) Were the ARVN or National Police still there?

A. I remember seeing an ARVN.

Q. The 1st Platoon extraction began at 1050 according to the reports (Exhibit M-16) and they went back to Uptight. They completed that by about 1140 and then the rest of the company. First lift to Dottie was complete at 1319, you don't recall whether the ARVN or any of those people were with you that day?

A. No, sir, all I know is that we were going to Dottie and we were happy about that.

Q. Do you recall a strange sort of heavy set individual being out there, on any of the days, that wore a large knife and probably starched khakis. Specifically he was a Captain, but I don't know whether he wore an insignia of rank or not?

A. I do recall it, but I couldn't determine exactly when or where. I believe on that morning of the 19th, a helicopter came in.

Q. Could be.

A. And we were on the other side, we didn't know what was going on.

Q. Is there anything else that you remember about the 19th?

A. Only that I was on the last lift, and nothing of anything significance happened as far as I know, except that we were wondering how we got rounds from the peninsula when we cleared it.

Q. Now you mentioned something about, earlier during the interview, that you saw some bodies, do you ever recall where you saw these bodies?

A. No, I can't place it. I believe I remember seeing the body of an old man on the first day when we were moving through, and in one of the bunker types that they have. But it looked to me that he probably died of natural causes, I mean he was very old.

Q. Where did you see him?

A. It was, oh, we move, we took care of that one section of the village and we moved northwest or north into the larger village.

Q. That's how you know, you saw him?

A. Yes, I saw him.

Q. Didn't appear to be wounded?

A. No, he looked very dead.

Q. How long had he been dead?

A. Oh, I just looked for a half a second and moved on.

Q. Do you recall at any time during the operation, and probably on the 17th, say receiving an order to stop burning?

A. We had been burning up until that point, now that order came down like through chain of command, like I probably heard it through my squad leader, but I remember they did tell us to stop burning.

Q. Do you remember when that was?

A. Must have been midday on the 17th.

Q. Why do you say that?

A. Because there was still burning going on.

Q. Have you or anyone you know been questioned on this operation before this?

A. No. You mean anybody, type of military personnel?

Q. Yes.

A. No, we talked about it for a long time afterward, though, I mean it was just really the worst, you know, that we ever seen.

Q. Worse, why?

A. We hated to go out there in the first place, then we heard later on that nobody else was supposed to walk out there. We wondered why we had to be the ones that had to walk out there, because of all the mines and booby traps that were there.

Q. Did you have a camera?

A. Yes, I did.

Q. On this operation?

A. Yes, I did, and I have some pictures of the departure, the people on the beach that we herded together.

Q. Well let me ask you this, Mr. HOLMES, if we give you an envelope with our address on it could you let us have those. We'll make copies of them and then send them back to you.

A. Sure, I'll pick out the ones that I think were from there. That operation I took the most pictures that I had taken. And I happen to have some pictures of the prisoners.

Q. This is what I would like to have.

A. Yes, I do, those prisoners were up--

Q. (Interposing) Let me ask you to do this, we'd appreciate getting those photographs and we'll get them back to you in a day or two. If there is anything else that you have, like notebooks, diaries, that can fix time and place, we'd like to have any information we can find on that, and you have our phone number in case anything else comes back to mind. Did you ever hear any rumors that civilians had been killed unnecessarily by either B/4/3 or C/1/20 on this operation?

A. Yes.

Q. Where did you hear these rumors?

A. It was immediately after and during the course of the time that I spent there. I don't know, well, I couldn't name anybody specifically that had mentioned it, you know, except if I was down in the village of Duc Pho, and I saw somebody from Charlie Company that I knew. I only knew I think one person and I don't remember his name, and we talked, just you know, about it. There were a lot of people killed.

Q. Are you talking about people mostly from Charlie Company that were talking about this?

A. It was one person that I remember, if I could place him, because I know I went through training with him in the states that's why--

Q. (Interposing) Was he in C Company?

A. Yes, he was. I only knew one person in A/3/1, and he was wounded later on. Unless SERIOCHI was in 1/20 Infantry, and that's who I'm thinking of.

Q. SERIOCHI?

A. Yes.

Q. I don't think so.

A. Was A/3/1 then, but I know I knew one person in the 1/20 Infantry and I talked and he had seen many people from the 1/20 Infantry.

Q. Is that where most of the rumors came about the killings?

A. Not that it was killings, it was just part of what had to be done, that's the way we looked at it then, because we were under the impression that everybody out there was either VC or VCS.

Q. Now when you term VCS you mean VC suspects?

A. Right, and that's why I couldn't see shooting them unless you're definitely sure, or they were running.

Q. These rumors were going around then, right? I'm talking about unnecessary killings?

A. Yes, there was something about that, because there were so many civilians that had been killed out there and you know, we just said it was like, you know, part of, you know, something that would happen.

Q. Were you ever told not to discuss these killings?



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SUMMARY OF TESTIMONY

WITNESS: MAHR, Michael B.

DATE OF TESTIMONY: 5 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Machinegunner, Third Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness recalled some training in the legality of orders in Hawaii (pgs. 2, 3).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness first learned of the operation in issue from his squad leader on 15 March. The witness testified that he only recalled that a combat assault was to be made on Pinkville (pg. 5). He could recall nothing extraordinary in the orders (pgs. 5-7).

3. THE COMBAT ASSAULT.

a. Activities of the 16th.

The witness recalled receiving some small arms fire upon landing (pgs. 8, 9). After moving out the second platoon was to the right rear of the witness' third platoon (pg. 10). He recalled the first platoon receiving fire, but did not know of them reporting kills (pg. 13). He had no knowledge of any interrogations being conducted that day (pgs. 14, 15).

(MAHR)

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SUM APP T-329

b. Activities of the 17th.

The witness stated that he remembered receiving fire the next day, but none too near him (pgs. 16, 17). He could not recall the order that the platoons moved out (pg. 16). He testified that upon receiving fire the unit was held up for some 15 minutes, but after moving out, one or two gunships came in and laid some fire on the area (pg. 17). He recalled that mines were marked with toilet paper from C rations (pgs. 18, 19). Later, Lieutenant LEWIS came in accompanied by a photographer (pgs. 19-21). He moved toward the ocean and set up his machinegun on a sand dune (pg. 22). He told of the finding of the body of a woman who had been shot in the neck and the burying of the body (pgs. 22, 23, 25, 27). There was some burning which he observed, but he could not ascertain how much (pg. 24). He knew of no U.S. troops in the nearby village that day (pg. 26).

c. Activities on the 18th and 19th.

The witness recounted his discovery of a rice cache on the 18th (pgs. 22, 24, 26, 27). His platoon moved north on the coast and rounded up quite a few Vietnamese, but he remembered no burnings by his platoon (pgs. 27, 28). He recounted the mortar attack of that night accompanied by some small arms fire (pg. 28). The next morning, the witness related that Vietnamese prisoners were made to walk through the area where the helicopters were coming in, so that they could be assured the ships would not land on any mines (pgs. 29, 30).

4. KNOWLEDGE OF AN INVESTIGATION.

The witness asserted that he heard a rumor that Captain MEDINA was under investigation for shooting up a village or for shooting civilians (pgs. 31, 32). Neither the witness, nor any of his comrades were questioned concerning the operation (pg. 33). No one told them to be quiet about anything (pg. 33).

5. OTHER INFORMATION.

He knew of personnel using marijuana, but never heard of its use on an operation (pg. 33).

EXHIBITS

| EXHIBIT NUMBER | DESCRIPTION                         | NOTES                                   | PAGES |
|----------------|-------------------------------------|---|-------|
| M-2            | MACV Card "Nine Rules"              | Witness could not recall.               | 3     |
| M-3            | MACV Card "The Enemy in Your Hands" | Wit recalled.                           | 3     |
| M-16           | TF Barker log, 16 Mar 68            | Mentioned.                              | 11,26 |
| M-81           | Instructions to witness             | Read by witness.                        | 1     |
| P-18           | Miscellaneous Scene                 | Witness could not recall.               | 12    |
| P-19           | Miscellaneous Scene                 | Witness could not recall.               | 12    |
| P-20           | Miscellaneous Scene                 | Wit recognized CP group.                | 12    |
| P-21           | Miscellaneous Scene                 | Witness could not recognize.            | 12    |
| P-22           | Miscellaneous Scene                 | Wit recognized an intelligence officer. | 12,13 |
| P-66           | Photo of ARVN's                     | Wit could not recognize.                | 13    |
| P-208          | Photo of detainees                  | Wit recognized the prisoners.           | 13    |
| P-209          | Photo of weapons platoon            | Wit recognized MORGAN.                  | 14    |
| MAP-5          | Map 6739 II (small scale)           | Wit oriented.                           | 11    |
|                |                                     |   |       |
|                |                                     |   |       |
|                |                                     |   |       |
|                |                                     |   |       |
|                |                                     |   |       |

(The hearing reconvened at 1550 hours, 5 February 1970.)

COL WILSON: The hearing will come to order.

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

The next witness is Mr. Michael B. MAHR.

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

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

WIT: My name is Michael Brian MAHR, I live at 53 Spring Avenue, Troy, New York. I work for General Electric.

COL WILSON: Mr. MAHR, did you have a chance to read the information sheet (Exhibit M-81)?

A. Yes.

Q. Do you understand that this is an interview team of General PEERS' investigating committee?

A. Yes.

Q. Do you understand how we're going to approach the questioning?

A. Yes.

Q. The main thing is the questioning by sequence of events. The first questions will concern training, and then with the briefing prior to the operation, and then with the operation. That's the approach we'll try to follow. Have you discussed this operation with anyone prior to coming to this hearing?

A. No. I know what was going on, but that's about all.

Q. I mean with anyone from your unit.

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A. No.

Q. What was your assignment on 16 March 1968?

A. Machinegunner.

Q. Which--this is in B/4/3? Which platoon.

A. 3d Platoon.

Q. Which squad?

A. Our platoon was split up into two squads and they had one machinegunner assigned to each squad.

Q. Which squad were you with?

A. I think it was the first squad.

Q. Who was the squad leader?

A. I'm not sure of that either.

Q. Were you ever given any training--it would probably been in a military justice class on Geneva Convention on the legality or illegality of orders?

A. Oh, yeah.

Q. Legal versus illegal orders?

A. Yeah. I imagine I was.

Q. What do you remember?

A. I can't specifically remember, but I knew, you know, different orders that you were told that, you know, you had no order that you didn't have to follow or something like that if it was some outstanding order. I don't know.

Q. Where'd you hear this?

A. I don't know, if it was anywhere, it must have been Hawaii, I think, cause we had a lot of classes there before we left.

Q. How long were you with the unit in Hawaii?

A. See, from, I think it was May till, well, we finally departed for Vietnam in December.

Q. I've got two exhibits here which are facsimiles of MACV cards. The first one is Exhibit M-2, entitled, "Nine Rules." Have you ever seen that card?

A. I don't know. Not offhand. I don't think so; I don't know.

Q. How about Exhibit M-3, "Enemy in Your Hands"? Did you ever see that one?

A. Yes, I think I do remember seeing this one. I remember the--

Q. (Interposing) Where'd you see that?

A. I think it might have been Hawaii. Or on the ship or something, cause I remember the language, the different words that--

Q. (Interposing) The translations?

A. Yeah, the translations.

Q. Do you ever remember having one of those cards?

A. I don't know if I had one personally or just saw it. But I couldn't tell you for sure if I had one or just saw it. I'm not sure.

Q. Well, I'd like for you to now think back on 15 March, which was the day before the operation. You were at Uptight.

A. Right.

Q. You know which operation we're talking about?

A. Yeah.

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Q. It took place between the 16th and the--actually you came out of the field on 19 March.

A. Yeah, I remember that.

Q. Lieutenant COCHRAN was killed the first day. Okay?

A. Right.

Q. The 15th of March, back at Uptight, where did it first come to your attention that there was going to be an operation the following day?

A. I think--if I'm not mistaken, it came down from the squad leaders. I think they had a meeting in the CP or something, you know, the thing up there; they gave probably the order to the squad leaders and passed it down through them to--

Q. (Interposing) And you got yours from the squad leader?

A. Yeah.

Q. Did he have a squad meeting or what?

A. Well, there were--we were in bunkers, and I think our squad occupied two bunkers. And he came into our bunker and then he went over to the other bunker.

Q. What did he say?

A. He said just that we were going to make a CA on Pinkville.

Q. Did your squad leader say anything else?

A. No. He probably just gave the ordinary orders as far as that goes. And maybe saying that we were going in, what time of the CA, and where to, and what to expect.

Q. What did he say about what to expect?

A. Well, we all know that it's a bad area from different times, so I don't know, he probably just said that we



were going in on a CA. I don't remember his exact words. I imagine that's what it was. He told us that we were going in.

Q. Everybody knew that it was a bad area?

A. Yeah.

Q. Was it the worst area that you had?

A. It was, definitely.

Q. No question about it?

A. No question.

Q. Why?

A. Couldn't walk in the area. It was all booby traps.

Q. Were any special instructions given out regarding the destruction of villages or foodstock?

A. I know we did find some rice, and we just bagged it and--

Q. (Interposing) No, now what we--I'm speaking--I'm talking strictly about what you were told, what you were told before the operation. Were any instructions given regarding what was to be done with the villages or foodstock?

A. No, it was probably just normal procedures where we just--

Q. Okay.

A. Where we just understood everytime.

Q. Nothing special, nothing unusual?

A. I don't remember anything special.

Q. Okay. How about the livestock? Any instruction on livestock?

A. No.

Q. Normally did you just leave those alone, or what did you do?

A. Yeah, I guess so; they, you know, there was times when there was livestock shot over there, but I don't recall on that incident.

Q. Why were the livestock shot?

A. Oh, some guys would go in there--well, maybe a couple of chickens were shot or something like that.

Q. You mean for food?

A. I saw a couple guys that used them for food once, but other times they didn't.

Q. Were there any special instructions given on this operation for the livestock?

A. No, there was never any orders, you know, as far as any certain thing like that.

Q. Anything said about the villagers, the natives of the area? What to do with them?

A. What to do with them?

Q. Yes.

A. No, probably where they were young, possibly VC, you know, they'd gather them and stuff, and, you know, interrogate them--a team would come in and interrogate them and they would be taken off for interrogation.

Q. Normal procedures?

A. Yeah.

Q. Did they say what type of operation this was going to be?

A. I can't remember if they did or not, cause I went in there--we went in there before and I know we did burn villages. And I don't--I can't recall.

Q. Do you remember what each squad in your platoon was supposed to do when it landed?

A. Yeah, I remember when we landed, we--

Q. (Interposing) No, what it was supposed to do when it landed.

A. If I'm not mistaken, we were moving out toward--there was a village there where we landed, a couple hootches. I know-- I think we had one capture out of that village and we just set up--we searched out the village there. I think the other platoons went in different directions, or started to, until Lieutenant COCHRAN got hit. I think there was another explosion too. There was a--

Q. (Interposing) Did the squad leader tell you anything in the briefing about what each squad was going to do?

A. Yeah, he must have been telling us what we were going to do after we landed.

Q. How about the platoons? Did he say anything about what the platoons were going to do?

A. Yeah. He must have. That always came in our briefings.

Q. Do you know what the 1st Platoon was going to do?

A. They might have been sweeping while we set up security. I'm not sure. I know out of the four days, I got a couple of days like, I don't know which came first.

Q. I think we'll hit that when we get to the operation. I'm just trying to find out what you were told. Anything else you can recall about what you were told before you went in there?

A. No, not specific.

Q. I mean did he talk to the company?

A. The company. I don't think he talked to the company as a group at Uptight, but I know he did another time at Dottie.

Q. Fine. I have nothing else.

COL WILSON: Let's go to the day of the operation, which was 16 March and you went into the area. You got in there about 0830, somewhere around that time. Do you remember receiving any fire as you went in?

A. Yes, there was small arms fire.

Q. Were you in the first or second lift?

A. I think I might have been in the first lift.

Q. You were in the first lift?

A. I'm not sure. I went in on the first lift quite often, but I can't really remember that time, if I was or not.

Q. There was fire when you came in?

A. Small arms fire, yes.

Q. Were your doorgunners firing?

A. No, I don't think they were firing when we came in.  
No.

Q. You should have been interested in them, because they were armed with the same weapons.

A. Right. Yes.

Q. They weren't firing that day?

A. I don't recall that they fired at all. We got off the chopper--there wasn't a heavy amount of small arms fire, but there was fire received. We immediately did get down on the ground. We were supposed to go forward with artillery. I said that we landed near small doors, or a couple hootches, or whatever it was. And we had a little trouble moving at first.

Q. What direction was this fire coming from?

A. I don't know if it was coming straight at us or from the side. I think I recall it coming from the--we were facing it. I think it was coming from the--we were facing, say this direction, and like it was coming in from our left, to our rear left, around there, if I'm not mistaken. But then again, I'm not sure again either.

Q. Well, your helicopter landed, the nose should have been facing toward Uptight.

A. Yeah.

Q. Which is due north.

A. Yeah.

Q. And if you'd have been facing the way that helicopter came, if it had been coming from your left, it would have been coming from the west.

A. No, then wait a minute. No, I am wrong. Wait a minute. I don't know. I can't remember.

Q. All right. Do you recall when you left the landing zone whether or--what was the location of the 3d Platoon with relation to the 2d Platoon?

A. When we first landed, the 2d Platoon, I don't know where they were. The 1st Platoon was right near us, because I imagine they must have gone to our rear or something cause we were facing toward Uptight, I'm pretty sure, we were going down that way.

Q. Now that's when you moved out. Do you remember, did you all--did the 2d Platoon leave the company? I mean the 3d Platoon, was it off by itself, or did it follow, or where was it?

A. When we started--we were trying to move when we were receiving fire. We were a flank.

Q. You were what?

A. We were in a flank facing the part of--and we were going toward that small village that we were supposed to secure.

And the 1st Platoon was over to our right rear, they were. I remember where Lieutenant COCHRAN got killed, and he was to the right rear.

Q. He was in the 2d Platoon?

A. Yeah. All right, that's where the 2d Platoon was then. The 1st Platoon, I don't know where it was.

Q. The 1st Platoon went across the river. Across the bridge.

A. They went across the river, yeah.

Q. I was trying to get the relation of the 2d Platoon-- the 3d Platoon. The 2d Platoon was on your right, then?

A. Yeah.

Q. You were on the left of the 2d Platoon.

A. 'Cause if I'm not mistaken, they were going in a different direction.

Q. Yes, apparently they were, because you were moving off a little to the northwest and they were moving directly north, apparently. Now what was the formation of your platoon, or what was the formation of your squad: everybody in a column, or were you up abreast of each other or how were you moving?

A. Well, like I said, when we landed, there was a small village out there and we were just--well, we were on line, of course, but we were laying down, and then again there was a couple of people behind, you know, maybe they would say, I don't know, 10 going across. They were, you know, they were scattered. Things were kind of screwed up when we landed, cause after the fire had started they--some moved forward before others and stuff like that.

LTC NOLL: Did this firing sound like it was at a distance? Or did it sound like it was right on top of you?

A. No, it wasn't that close. I mean it wasn't a great distance either, probably--it could have-- maybe 100 meters, around there.

COL WILSON: Let me give you a little rundown here on happened, so I think you might be able to remember a little better.

(The witness was oriented on MAP 5.)

This is in accordance with what is indicated on the log (Exhibit M-16). The combat assault first lift touched down at 0815. The second lift touched down at 0847. A booby trap was tripped killing one man and wounding four at 0845. A second booby trap was tripped at 0930 wounding three.

A. Is this our company now?

Q. That's all Bravo Company now, that's so far the 2d Platoon.

A. Yeah, right. Lieutenant COCHRAN, I think, went after somebody else; is that right?

Q. Well this is what happened up until about 0930 that morning. And we don't know much more than that, as far as what's on the logs, except that eventually the 2d Platoon and 3d Platoon went up here (indicating) and laagered with C Company. Now, there was action down on the bridge, and several reports came in down there about kills, VC KIA. There was supposed to be quite a number of them killed down there. Did you hear anything about that?

A. Who was supposed to be down there?

Q. The 1st Platoon. The 1st Platoon split off from B Company and went down this trail (indicating) and went over the bridge down through the peninsula.

A. I know the 1st Platoon, at one time--I don't know if it was this exact time--the 1st Platoon was receiving fire. You said that they did have kills. I don't know if any of them got wounded or not, but they were receiving fire at that time.

Q. Well, they had action over there all morning and they were sending in reports on kills. I wondered--because you wouldn't have known about it at this time, but at any rate--now let's go back to what your platoon was doing, and let me see those photographs. From the time

these two groups were wounded you started moving up into that area and searching out another area. These photographs, Exhibit P-18 is the first one-- were about somewhere up in this area. Do you recognize anything in that photograph?

A. Just the soldier. That's all.

Q. You don't recognize any of the Vietnamese?

A. I couldn't pick anyone out.

Q. All right. How about that group in Exhibit P-19?

A. I cannot--I can never ever remember any Vietnamese. I know I couldn't.

Q. Exhibit P-20 is - -

A. (Interposing) This here is the CP group weapons platoon, and I - -

Q. (Interposing) Do you know where it is?

A. No. I don't know where it was.

Q. How about Exhibit P-21? Do you know any of those? Anyone of those two men in uniforms?

A. No.

Q. Exhibit P-22?

A. He might have been--I think he was an intelligence officer.

Q. Yes, the man with the helmet? Back facing the camera?

A. Yeah. I don't know. I don't remember this guy or - -

Q. (Interposing) You remember the one in the center though?

A. Yeah. He was intelligence or something. He was coming around.



Q. Was he with you that day?

A. No, not with us, I don't think, but I did see him on the operation, you know, with the CP group.

Q. The first day?

A. On the first day. I don't know if he came with us.

Q. Did you ever see that old man?

A. No, I don't--I might have seen--I don't know. I can never recognize any of them.

Q. Do you ever remember seeing either one of those two Vietnamese soldiers? Exhibit P-66?

A. I could have seen them. I don't--I couldn't say. I really don't know.

Q. Did you ever see those--that area, Exhibit P-208, where those prisoners are?

A. I don't remember seeing them, because I was on security that day.

Q. What type of security?

A. Was this the first day? Or - -

Q. (Interposing) Yes, first day.

A. All right. Then I remember being on the ocean. We were set up, and the 1st Platoon was going through.

Q. This isn't the ocean?

A. That ain't near the ocean?

Q. No, you're still inland.

A. No.

Q. You don't remember seeing them? This would have been around the CP area the first day. How about this picture here, Exhibit P-209? It's hard to see, but can you recognize

anything in that?

A. I recognize one guy, the guy in front of the wall. It looks like the weapons platoon again, CP group, MORGAN, I think.

Q. MORGAN?

A. It looks like him. I don't - -

Q. (Interposing) All right. Did you see a helicopter come in anytime that day, bringing in strangers that weren't part of B Company? Interrogators?

A. Oh, interrogators.

Q. This is one group. It could be intelligence people or it could be interpreters. Did you see any people come in that day that normally aren't with B Company?

A. I saw one guy come in, but I don't know if it was that day or not. There was a photographer or something, I think. It was Lieutenant LEWIS who came in.

Q. That was the next day.

A. Oh, the next day.

Q. Anything come in that day that you can remember?

A. I don't know.

Q. Did you see any interrogations going on that day?

A. Like I said, I was never really near--wherever they interrogated, the CP group?

Q. You didn't see any detainees or PW's?

A. I must have seen people if they had set up or something. Like I said, they always went to the CP group.

Q. What about later on in the day? Did you see a helicopter come in? I guess they brought you hot chow that night. Did a helicopter come in with anybody that you can recall?

A. I couldn't even tell you if we had hot chow that night.

Q. Anything unusual happen that night that you can recall?

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

Q. Did you hear any firing--small arms fire--inside the night defensive position?

A. There couldn't have been. I would've remembered that.

Q. Did you hear anything about Vietnamese prisoners or detainees being tortured that day?

A. No.

Q. Hear anything about any of them being shot?

A. No.

Q. Getting their fingers cut off?

A. No.

LTC NOLL: In the early part of the day, were you near the 81mm mortar section?

A. First day?

Q. Yes. First 2 hours after you came off the helicopter.

A. I don't think we were. I can't remember where I was the first day. I know--I remember being on the beach there. That was the second day, cause I remember Lieutenant LEWIS was there. The first day I don't know where we went.

Q. I don't have anything else, sir.

COL WILSON: The next day the company moved over toward the bridge. Now this morning, at this time, moving down the trail here (indicating) and going down to the bridge, at this time, the 1st Platoon moved back down here and TAYLOR got his foot blown off. What I'm trying to find out is when you

moved out that morning from up here and went down to this road (indicating) what was the formation of the company? Was your platoon leading the company, or was the 2d Platoon leading--3d Platoon leading the company?

A. I thought the 1st Platoon was leading.

Q. First platoon was across the river, had been all night.

A. With the CP group?

Q. Yes.

A. I don't know. But--I don't know. When we moved out, I can't remember if we did have point in front of the second, or if they were behind us, or going a different direction, or what. Somehow we got near a--it was water. I think we were near the bridge or--we were on a trail, that's why I asked you about that dirt road. We started receiving fire again. I don't know if this was the second day. I know they did bring gunships in. And if I'm not mistaken we were right near water. I don't know if that was the bridge that was there or - -

COL WILSON: (Interposing) What about - - I think what he's trying to find out is whether the 3d Platoon led off, or whether you were in front of the command group, or part of the command group, or were you closer to a river, or the 2d Platoon up in front of you?

A. I remember when we started receiving fire. I remember where I was. I don't know--just that there was another--I don't think there was anybody behind us. The 2d Platoon must have been--I can't remember. I remember the fire wasn't coming that close to me. I know that.

Q. Did you know WINSTON?

A. WINSTON?

Q. Preston WINSTON?

A. Oh, yeah.

Q. Was he in your platoon?

A. Yeah.

Q. Did you see him that morning?

A. I imagine I did when they moved out, I don't know.

Q. Was he up ahead of you? Somebody told us that WINSTON was crossing the bridge and got fired on.

A. He must have been in front of me. 'Cause I was-- like I said, the fire wasn't that close to me. I was near, sort of like the second--like I said, we had two squads. The first squad wanted--the second squad wanted to lead and-- but I was in the last squad, I think. And I don't remember if WINSTON did get shot at or not. I don't know. Because where I was when the fire did start, I wasn't near--I can't-- I couldn't see the bridge or wherever we were crossing. Because I was near the back.

Q. Do you remember a couple of engineer demolitioners being with the company?

A. I know they were out there with us, but I don't know if they were out there at that operation or that day.

Q. How did you stop? How long were you stopped on this?

A. I was stopped probably about--we weren't stopped long, maybe 15 minutes, I think. And I think we started moving again. Then the gunships came in. If I'm not mistaken, when the gunships came in I was closer to the water, and I think we started--after we waited. Then we started, and then the gunships came in, and did put fire around the area. It was a thick area. Not real thick, but I mean there was some trees and stuff there or something.

Q. How many gunships?

A. It was either one or two, I'm not sure. Either one. It might have been just the one.

Q. How many passes did they make?

A. There was quite--three or four, I think, anyway. They went around in a circle and came back.

Q. They were firing and you were where you could see the water when that occurred.

A. No, not when we first started to receive fire.

Q. No, what I'm talking about, when the gunships were there.

A. The gunships, yes. I wasn't far from the water when they came in.

Q. Between the time you first received fire and how'd you know you received fire?

A. Well they sent up--they send up--you know how they send up the word that we're receiving fire.

Q. Yes.

A. And I heard shots.

Q. Okay. So from the time you first received fire until you moved north, so the gunships hadn't come in.

A. I don't think they did. 'Cause like I said, I was close to the water. I remember sitting right down when they did come in.

Q. And then the gunships came in, and did the fire stop then?

A. Yeah. We didn't receive any more fire after they came in.

Q. When you crossed the bridge, was there any problems? If something had happened, you'd remember it.

A. Right. I don't remember anybody shooting at us.

Q. Do you remember the mines being marked?

A. Oh, they did mark them with the C-ration toilet paper, whatever you want to call it.

Q. Tissue paper?

A. Tissue paper. I know they were marked. If this was the same day, I know there was two or three they had marked.

Q. TAYLOR was gone by the time you got there?

A. Yeah.

Q. Now when you got on the other side of the bridge, did you get a chance to move around any, or did you stay in one place, or what?

A. When we got across the bridge, then we were down near the ocean, right? We started crossing the bridge--

Q. (Interposing) When you got to the bridge--

A. (Interposing) We were just on the ocean, just about.

Q. Yes. All the way across the bridge.

A. It was 50 meters, 100 meters?

Q. A 100 meters, maybe. There's a big sand dune in between.

A. Right. Yeah. And that's why we got held up again now, cause TAYLOR did lose his foot. And by the time we got there, they did have medevac--had come in. Cause I remember we did get held up, and they said TAYLOR got hit. We moved across. There was no more receiving fire. We set up our positions. After we set up our positions, I had the machinegun. I was near the ocean. If I'm not mistaken Lieutenant LEWIS came in then, or approximately around that time. The 1st Platoon pushed--

Q. (Interposing) What time do you think Lieutenant LEWIS came in?

A. I know we sat up there the whole day in that one thing, sand dune, cause I was on that sand dune.

Q. You were?

A. Yeah. And the 2d Platoon--the 1st Platoon, as we were facing--well we came across the bridge this way, right?

Q. You're directly east, when you cross that bridge?

A. Right. All right. So, let's see, we were facing south. The 1st Platoon was in there. They were starting to push through. The 2d Platoon passed us. They came to the front of us. And I'm not sure if they went to the left or to the right when they hit it. When they moved--cause they moved right on the beach itself. If I'm not mistaken, they found one guy or something, I don't know. That's when Lieutenant LEWIS came, cause I remember when he came, because the assistant gunner made a comment when he came. And then--

Q. (Interposing) What was the comment?

A. Oh, he just said there was a new guy, and you know, some little comment, you know. I remember Lieutenant LEWIS came in there and he just kept on moving. And with Lieutenant LEWIS there was another guy. I don't know if this guy was a photographer or just what he was. Somebody said he was a photographer. And they went to--I'm pretty sure they went to the left. Their sergeant was lost. Lieutenant LEWIS told him which way to move, and he went the wrong direction. And then Lieutenant LEWIS told us about it later.

Q. Whose sergeant was lost?

A. He was a platoon sergeant and leader at the time I think, after COCHRAN got killed.

Q. He took the platoon over when Lieutenant COCHRAN got killed. And what happened?

A. Well they went to the--they got--they went back to the ocean right on the beach there, the beginning of the beach. And then they said--Lieutenant LEWIS told him to go north, let's just say north, I'm not sure, and he went south, or he told him to go south and he went north. But they changed and they went back. I remember that, Lieutenant LEWIS bringing it up later when he came to our platoon.

Q. Now, what did--tell me more about this photographer.



A. All I know is--I don't know if he came in with Lieutenant LEWIS or not, but he did come in--or--that was the first I'd seen of him, and that was it. That was the last I seen of him. He walked by me and somebody told me it was the press, or a photographer or something, cause we knew, you know--

Q. (Interposing) What kind of clothes was he wearing?

A. He had fatigues on, and if I'm not mistaken, he had a soft hat--or there was something about his outfit that--he had a soft hat or something. There was something about it that was a little different. But he did have fatigues on. If I'm not mistaken, he might have had like a soft baseball cap on. I don't think he had a helmet. I'm not sure.

Q. Did he wear any kind of patch or insignia?

A. I don't think he--no, I don't recall any patch at all on him.

Q. Did he have a camera?

A. I think he had a black leather case with him. I'm not sure, I mean, on a shoulder strap or something. I'm not positive of that either.

Q. Did he go with Lieutenant LEWIS?

A. Yeah. He went past us, cause he was going with Lieutenant LEWIS.

Q. What else do you know about him?

A. That's all I know. They went to the ocean. They went the wrong direction, discovered they were going the wrong direction, turned around, and they went the right direction, but that's all I remember there. That's the last I seen as far as--

Q. (Interposing) What did you see from that hill you were sitting on? Could you see that village down there below you, where the fire was coming from earlier?

A. It was a distance, but I could see it. You can, you know, knew it was a village.

Q. What'd you see going on down there, anything?

A. I think there might have been a fire or something down there when we sat down. I'm not sure, again.

Q. Did you see any bodies down there?

A. No. We didn't go into the village at all.

Q. Did you see any fresh graves around there?

A. Yeah. Well, there was a dead body where I was.

Q. What kind of body was it?

A. Dead woman, 'cause I found her.

Q. You found her. What--how was she killed?

A. Gee, I don't know. I think shot in the neck or there was a hole in the there. I'm not sure, because I didn't bother much with it. It--in fact I sat there all day. We were getting ready to put a laager position up, 'cause we came back just a little bit. And when I did I was turning around and I saw a hand, and it had a bamboo thing over it. You know they--I don't know what they call it. It's just bamboo like a little mat or something. I looked at the hand and I went over and I saw--

Q. (Interposing) A straw rug you're talking about?

A. Yeah, well that's what it was. So I called MCCLOUD, Sergeant MCCLOUD. He was the--

Q. (Interposing) Platoon sergeant.

A. Yeah. And he come over, and wanted to know, you know, I asked him what we were going to do with it. And that was--we didn't do nothing with the body. And then the next day, there was a hole dug and he wanted to bury it, you know, wanted to bury the body. So some of the guys buried it. And then we turned around and found rice. Me and this other guy, we brought the thing and we found a cache of rice.

Q. Now, this is on the 18th. Back on the day that you found the woman's body, what time did you find her?

A. It was later in the day, kind of like I said--

Q. (Interposing) Was it dark?

A. No, it wasn't dark yet, but it was starting to get dark, because we were moving in to set up a perimeter, you know. I found it then, 'cause we were going to set a trip wire around it. In fact, we did set a trip wire around it.

Q. How long do you think the body had been there?

A. Oh, it must have been there for a while. It had to be. So I don't know how long, but it had a, let's say maggots and stuff on it.

Q. It did?

A. And the body was all swelled, the stomach.

Q. Do you think that could have happened in one day's time?

A. Oh, that I don't know how long it--stuff like that I don't know.

Q. You mentioned that you saw fresh graves.

A. One. That was right next to the body that I found.

Q. Oh I see. This is--this is the only fresh grave you saw?

A. I don't know how fresh it was, but there was a hole started. And it wasn't big enough yet, but there was a hole started, and it was, you know, a couple feet maybe, but it wasn't too long.

Q. Did the woman look like she'd been killed there or brought up there?

A. You mean drug up there?

Q. Yes.

A. I didn't really look at it that much. It didn't

bother me, you know. I just--it was there and--

Q. (Interposing) Who buried her?

A. Then again I don't know. If Sergeant CLARK come up the next morning and wanted to bury it. A couple guys, you know, I don't know who it was. They dug up some more dirt, threw the body in, and then we started with the rice.

Q. Okay. Let's see now. On that day when you were up on top of that sand dune, did you notice anything going on down the beach? The company--two platoons went off and left you there.

A. Right.

Q. With the mortars?

A. Yeah.

Q. Okay. Company moved on down. One platoon was on the left, and one platoon was on the right. Did you notice anything going on down there?

A. No.

Q. Didn't you see any of the villages burning as they moved down?

A. Well like I said, that one village there might have been--there could have been a hootch on fire. I don't know. I think there was a fire or something there while I was sitting there.

Q. Any firing going on down that way?

A. I think there was some firing going on. I don't know how much or what happened, because like I said, I was just sitting there, and I had the ocean to my left and the other platoons were out, so we more or less were just a security for the CP.

Q. So, you stayed there all night. Did a helicopter come in and bring you anything that day?

A. I think they did.

Q. That evening?

A. 'Cause we moved--I remember we moved back a little ways, set up--we didn't move hardly at all really. My--I moved cause I was near the ocean, near the beach, you know, on that little dune. And I came back. And we moved in just a little ways. And most of the guys, where they were, probably stayed in that position, but I was a look--the end element, you know, for--we come back. And I think I recall--we begin to dig in. It was dark when we started to dig in. I think I did have a--there was a beer there, and I'm--then again I'm not sure.

Q. Did you have a hot meal?

A. That I could not--the beer and soda--if that did come in, a hot meal must have come in, but I can't tell for sure. I couldn't say for certain. It seems like there was beer and soda there though. And I imagine if they brought that, then the food always came before that or at the same time with it.

LTC NOLL: Did any members of your platoon wander around that village that's right across the road during the day, go into the village and look around?

A. Before we got to the bridge?

Q. No.

A. During the day?

Q. Yes, after you crossed the bridge. During the day you more or less just held in position, while you were in the process of waiting for the day to pass. Anybody wander around that village?

A. That we were in?

Q. Yes.

A. I doubt it very much. I didn't see anybody. Like I said, I was in the end position closest to the ocean, but

everybody knew that there was quite a few booby traps and that. And I remember when I walked up to set up my position, I remembered where I walked 'cause it was, you know, it was noted for its booby traps. So I imagine--I didn't see anybody, and I don't think anybody would walk around there unless they were looking for trouble.

Q. Did the company CP remain in this area, or did it move south?

A. I'm not sure, but from--I think they--

Q. (Interposing) Think they moved south?

A. Let's see, I remember they were there the next morning when they met us with that rice. I remember Captain MICHLES coming over. But I can't remember if they walked up to us. They might have moved south. If they walked up to us and met us there or if they stayed with us. I think it might have been--they might have moved south. But then I guess I'm not certain, but it seems like they walked to us and then we had a--the rice, like I said, was the next day that they found.

Q. They find this rice in the process of digging this grave?

A. Well, no the thing of it was, that night--after we found that woman that night--when we were having guard duty except some--it was like a--like there was a hill there or something small thing, you know, but it had a cloth or something on it, you know. And we were on guard duty at night and it seemed like there was something reddish glowing. We didn't know if it was something reflecting off something or if it was some type of candle or what it was. And everybody was curious about it. So the next day there was myself and INGALLS were out and we pulled this top off. It had some dirt on it, but you could see the cloth around the end. And when we did there was--I don't know if it was anything else on top of it other than a top or what. We seen the rice. So that's what I can't understand. I can't remember if Captain MICHLES was right there or was on his way up.

COL WILSON: Next morning, it was reported in the log (Exhibit M-16) that 3,000 pounds of rice was found at 0755.

A. It was early in the morning.

Q. You found it.

A. INGALLS and myself, yeah.

Q. You found a tarp.

A. It was a tarp--there was something on it. I think it was tarp.

Q. Did they come in and get it before you left? You bag it up or what happened?

A. Yes. Captain MICHLES had to have sandbags brought in on the choppers.

Q. You find the rice before Captain MICHLES got there?

A. Like I said, I don't know if he was with us or what that morning, but we did--cause the body was there and they were going to dig the body up--or bury the body, I mean. Then we found the rice. It was early in the morning, you know, because we were--if I'm not mistaken, we bringing the trip wires in.

Q. Captain MICHLES see the woman's body? Or was she already buried by that time?

A. I can't--I don't know if he did or not.

Q. Then you all peeled off and followed the company on up north, right? When they came through, did you fall in behind or--there's one other thing I want to find out about this day before--did the mortar platoon leave and go down and join the company in the laager area that night?

A. The night--

Q. (Interposing) The night you stayed up there by the bridge?

A. The mortar platoon. I don't recall them staying. I don't remember for sure, but I don't remember whether they ever do usually stay with us.

Q. Back on the 18th, the company moved back, moved by your position. You should've fallen in with the company and moved

on up north to a fairly large area up there, where a lot of villages--I mean some large villages were located. That's on that spit that goes out there.

A. Yeah, it curves.

Q. Yeah.

A. Right, yeah.

Q. Yes. What did your platoon do when you got up there?

A. We--let's see--our platoon, I know we went through kind of another body of water again, the final part. And from there to the village--it was a pretty good-sized village--we took everybody and we just swept back to the beach. And there--our company was and had all--I don't know how many people there were, but there was quite a few of them, I know. And the other platoons did the same thing, cause we all backed and there was an awful lot of people there, women and kids and men.

Q. Well, when you went--on the way up there, did you remember receiving an order or anything not to burn any more hootches?

A. We could have, but I know we didn't burn any of those hootches up there. But if we were given a direct order not to, we didn't. I know there wasn't--we didn't burn no hootches in our platoon, as far as I know. I didn't see any fires.

Q. And do you remember a medical team coming in there?

A. No. I didn't notice any coming in. I don't know.

Q. You were down on the beach probably. Do you remember any ARVN's joining you up there, ARVN personnel?

A. I saw a couple. I don't know how many there were, but it seems like they were with the CP group. And then we just set up our security.

Q. You got through sweeping north through these villages and moving the people over that afternoon and went into a laager position that night.



A. Right.

Q. You don't remember anything unusual happening that afternoon?

A. No. It was a lot of walking.

Q. And that night you had a mortar attack about 0100 in the morning.

A. I don't know--

Q. (Interposing) One man killed and--

A. (Interposing) Right.

Q. (Interposing) Three or four wounded. Was there any small arms fire coming in, in conjunction with that mortar attack?

A. Yeah.

Q. Where was it coming from?

A. Straight on, straight, from our position, same place the mortars were coming from, I imagine.

Q. Do you remember any air-to-ground fire from any supporting aircraft?

A. Oh yeah. Yes, definitely.

Q. I understand there was another round that came in about 0400 in the morning. About 3 hours later. You don't remember that?

A. I don't remember that, no.

Q. All right, the next morning, do you recall seeing any prisoners being interrogated? Do you recall seeing any prisoners?

A. Yeah, there was a couple prisoners 'cause I know-- well, before we got ready to CA out, when the choppers were going

to come in, they walked up and down the area.

Q. Who walked up and down the area?

A. The Vietnamese.

Q. What do you mean "They walked up and down the area"?

A. Where the choppers were going to come in, if there was booby traps, they would have had them set off.

Q. Oh I see. Were these prisoners--did they seem to be all right, or were they pretty well beat up?

A. They didn't seem beat up.

Q. What happened to the prisoners?

A. I don't know whether they took them out in the choppers or what, cause we pulled security, we were the last ones out that day.

Q. Did you ever see that man in Exhibit P-215?

A. I don't know. I couldn't pick one from another. I really couldn't. I don't know.

Q. Did you see any interrogations going on?

A. Well like I said, when we come in with the people, we just--they stayed near the beach--

Q. (Interposing) No, that's the next morning now.

A. Oh, the next morning. You mean the morning we were getting ready to leave?

Q. Yes.

A. No, I didn't see any cause I was off to the side again.

Q. They moved the 1st Platoon out of there and took them back to--it was the 1st Platoon, yes--they moved the 1st

Platoon out of there and took it back to Uptight and the rest of the company went back to--

A. (Interposing) Dottie.

Q. Dottie. Do you remember if they took any detainees or prisoners out with them when they left?

A. I don't know, because I was always on the last chopper to leave, and I don't know, you know like I said, I was pulling security while the choppers came in and I didn't notice.

Q. How was the company extracted? Was it more than one chopper used? How many choppers came in? Or did they just shuttle?

A. No, I imagine there was more than one. Then again, I know the chopper that I got on, it was only a few of us left, Captain MICHLES, myself, RTO's, four or five of us left. Cause I remember he had me--I saw the machine--I was on the machine-gun and he had me pulling security this way. And then the chopper came in and he said, "Well now you got to go over there," and I remember I had to get up everytime and run to this place then run back to this place. And I was, you know, last to go out on the chopper. And I don't--I imagine just the one chopper that I got--whether it was shuttle or a group of them when they came in.

Q. Do you have any knowledge of any investigations or inquiries being made after this operation? After this one?

A. After the operation?

Q. Yes, while you were still in Vietnam?

A. Yeah. There was--now this is a rumor. I don't know, you know, you hear one thing and another. He said that Captain MEDINA was supposedly under investigation and they were going to do something to him or check into it. I don't know.

Q. Where'd you hear that?

A. Oh I--it was--I don't know any specific time. I did hear it.

Q. What was he under investigation for?

A. They said that they were turned in--or shot up a village or something, civilians or something they said. I don't know.

Q. That was going around B Company?

A. Well, I heard it--

Q. (Interposing) Where'd you hear it?

A. It must have been in my company. They're the only ones that I was with.

Q. When did you hear it?

A. It wasn't much after the operation, because I remember I did hear it, but then that was, you know, I never heard no more about it, anything else about it for the rest of the time I was there. Until it was brought up here at the beginning of this inquest.

Q. And where'd you hear it? Did you hear it at Uptight or Dottie or?

A. That I cannot--

Q. (Interposing) Do you know the circumstances under which you heard it?

A. No, just that, I don't know who it was. It was just another soldier. It had to be a friend of mine somewhere unless somebody got--going to--eating up at Dottie or something, I don't know. I just remember he said that the captain from Charlie Company, MEDINA, was put under investigation for something and they were going to check into it or something.

Q. And do you know of anyone who was ever questioned on this operation or concerning this operation while you were in Vietnam?

A. No. I never heard any more--anything else about it.

Q. Never saw anybody coming around asking questions?

A. No.

Q. Anybody ever tell you to keep quiet about what happened on this operation?

A. No.

Q. Were you ever told not to discuss anything that happened on this operation or nothing?

A. No, never.

Q. Did you ever hear or see U.S. or ARVN torturing VC suspects or PW's?

A. No. They tried scaring them, I know, but they never harmed them. This in not--on different times, you know.

Q. How about this operation?

A. No.

Q. Did you know if there was a problem with marijuana in B Company?

A. I know there was personnel that did--like we did go into areas that there was some that were smoking it. But I never recall anybody out in the field on an operation smoking it.

Q. Do you have any further statements or testimony that might assist us in this investigation?

A. No.

Q. Thank you very much. Appreciate your coming.

A. Thank you.

Q. Mr. MAHR, I request that you not discuss your

testimony during this investigation with others, including other witnesses that may be called in here, except as you may be required to do so before a judicial or legislative body.

A. Okay.

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

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SUMMARY OF TESTIMONY

WITNESS: MCCLOUD, Franklin A.

DATE OF TESTIMONY: 11 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Platoon Leader,  
Third Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

Mr. MCCLOUD had seen the MACV cards "Nine Rules" and "The Enemy in Your Hands" (pgs. 3, 4). He personally issued "Nine Rules" to all members of the third platoon, but he did not recall "The Enemy in Your Hands" being issued (pgs. 3, 4). A class was given in conjunction with the "Nine Rules" (pg. 4). He also believed that classes were given on legal versus illegal orders (pgs. 2, 3). Recon by fire was never allowed in inhabited areas (pg. 17). If fire was received from a village, they would attempt to pinpoint it before returning fire (pg. 18).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

Captain MICHLES briefed the platoon leaders on 15 March. The witness, a sergeant, was acting platoon leader because Lieutenant CARTER was hospitalized (pg.2). He told them that they were going into Pinkville. It would be a search and destroy mission (pg. 5). He could not recall if the platoon sergeants were present at the briefing. Ordinarily they were not present when MICHLES gave his briefing (pg. 9). MICHLES also said that a Helix aircraft had flown over the operational area and advised the populace to move out or be considered VC suspects (pgs. 5-9). The witness could hear these broadcasts at LZ Uptight (pgs. 6, 7). MICHLES likewise instructed the platoon leaders that the Vietnamese in Pinkville were to be handled as PW's

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(pgs. 5, 8, 12, 13). This meant that they were to be tagged and separated (pgs. 12, 13). Buildings were to be destroyed and tunnel and bunker entrances were to be sealed (pg. 10). No instructions were given regarding foodstock, except caches were to be evacuated, but this was normal (pg. 11). MCCLLOUD did not expect a sizeable enemy force. He related that on past operations there had been only boobytraps, women and children in the area (pg. 13). The members of B/4/3 hated to go into this area because of the mines and boobytraps (pg. 14).

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

#### a. Activities on 16 March.

MCCLLOUD went into the LZ on the second lift (pgs. 17, 19). He recalled that the LZ was in a cemetery (pg. 20). The third platoon moved out immediately (pg. 24). Lieutenant COCHRAN was killed as he was forming his platoon on line to sweep Pinkville (pg. 24). He recalled that Lieutenant Colonel BARKER's C&C ship evacuated COCHRAN (pg. 29). The second and third platoons were to move into Pinkville on line (pgs. 25, 30). MCCLLOUD did not remember a change in orders (pg. 33). However, Pinkville was not swept (pg. 33). He heard over the radio that the first platoon received a few rounds in their sector near the bridge (pgs. 33, 34). He heard firing in that direction, but he did not know if it was friendly or enemy (pg. 33). MCCLLOUD recalled seeing detainees at the laager site, but he thought they were evacuated the next morning (pg. 37). That afternoon B/4/3 joined C/1/20 in a night defensive position. He recalled interpreters and an MI team being with C/1/20 (pgs. 38-40). He did not see any PW's interrogated (pg. 40). The squad leaders were informed that night that B/4/3 would link up with the first platoon on the east side of the bridge the next morning (pg. 48).

#### b. Activities on 17 March.

MCCLLOUD recalled that as B/4/3 was moving toward the bridge to link with the first platoon he received word over the radio that TAYLOR had his foot blown off by a mine (pgs. 41, 42). The third platoon received orders to stand fast until a minesweep team cleared the bridge (pgs. 42, 43). The witness remembered that two gunships

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came on station and strafed in the vicinity of the bridge (pgs. 45, 46). TAYLOR was evacuated prior to the gunships' arrival (pg. 46). After crossing the bridge, MCCLLOUD saw no bodies or fresh graves (pg. 50). An old woman accompanied the first platoon (pg. 49). The witness claimed that he took his platoon north on 17 March while the second and third platoons moved south (pgs. 48-50). The mortar platoon remained at the bridge (pg. 51). He testified that the third platoon, minus one squad, moved northward to Ky Xuyen (pgs. 50, 54), and to a demolished bridge southeast of My Lai (2) where they set up blocking positions (pg. 51). One of the platoon's squads remained with the mortar platoon (pg. 54). However, they moved back south and laagered with the mortar platoon at the bridge near the 16 March LZ (pgs. 51, 52). That day they found the body of a Vietnamese woman (pgs. 53, 55). Prior to the third platoon's separation from B/4/3, Lieutenant LEWIS joined the company. He thought a photographer might also have joined them (pg. 56). No one mentioned seeing bodies in My Khe (4) (pg. 59). He did not hear any reports about the first platoon's actions on 16 March (pg. 60).

c. Activities on 18-19 March.

The third platoon discovered and had evacuated a 3,000 pound rice cache near the dead woman (pgs. 55, 58). B/4/3 moved north and rejoined MCCLLOUD's platoon (pg. 55). B/4/3 moved north to the vicinity of Ky Xuyen (1) and An Ky (pg. 60). MICHLES instructed them to gather up the populace along the beach for a MEDCAP (pgs. 60, 64). His platoon went as far north as Ky Xuyen (2) (pgs. 56, 64). Another platoon acted as security for the CP (pg. 62). His mission took up most of the day. He remembered National Police and MI personnel at their laager position when they arrived there (pg. 64). After the mortar attack that night killing MILUS, he recalled no incoming small arms fire (pg. 67). He did not see the detainees being interrogated the following morning (pg. 68). He did not recall an order to stop the burning.

4. INQUIRIES CONCERNING THE OPERATION.

The witness was never questioned about this operation prior to his appearance before the Peers Inquiry, nor did he know anyone who was (pg. 69). He never heard that civilians had been unnecessarily killed on the 16-19 March

operation (pg. 69). MCCLLOUD was never told not to discuss the operation (pg. 69). He had no knowledge that this operation had been previously investigated (pg. 70).

5. OTHER INFORMATION.

a. He did not know of marijuana being a problem in B/4/3 (pg. 69).

b. MCCLLOUD never saw U.S. or ARVN soldiers torture a detainee (pg. 70).

c. Anytime the witness turned in a body count, he counted the bodies himself (pg. 71). He never reported a baby as an enemy KIA (pg. 72). If artillery killed a noncombatant, a separate report was to be made (pg. 73).

EXHIBITS

| EXHIBIT NUMBER | DESCRIPTION                       | NOTES   | PAGES |
|----------------|-----------------------------------|---|-------|
| M-2            | MACV Card "Nine Rules"            | Wit had seen. This card was issued to all members of the third platoon in Hawaii. | 3     |
| P-18           | Miscellaneous Scene               | Wit identified as the LZ.   | 35    |
| P-20           | Miscellaneous Scene               | Wit identified as the CP group.   | 36    |
| P-23           | Miscellaneous Scene               | Wit identified MICHLES and his RTO  | 36,37 |
| P-207          | Prints of CONGLETON's slides      | Wit identified the LZ.  | 20    |
| P-208          | Prints of CONGLETON's slides      | Wit identified PW's near the 16 March laager site.                                | 37    |
| P-215          | Prints of CONGLETON's slides      | Wit recognized as a detainee on 19 Mar.   | 68    |
| P-225          | Aerial photo annotated by MCCLOUD | Wit annotated aerial photo depicting his movements 16-19 March.                   | 70    |
|                |                                   | Entered into evidence.  |       |
|                |                                   |   |       |
|                |                                   |   |       |
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|                |                                   |   |       |

(The hearing reconvened at 0944 hours, 11 February 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. Franklin MCCLLOUD.

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

RCDR: Please state your complete name, occupation, and residence?

A. MCCLLOUD, Franklin A., 1116 South McDonald Street, Attica, Indiana.

RCDR: And your occupation?

A. I'm a steel melter at Harrison Steel.

Q. Mr. MCCLLOUD, did you have an opportunity to read the information sheet that we passed out?

A. Yes sir, I read it.

Q. As desired, you gave him Exhibit M-81 (speaking to recorder)?

RCDR: Yes, sir.

COL WILSON: You understand that this is an interview team from General PEERS' inquiry?

A. Yes, sir.

Q. Okay. The procedure we'll use, is stated, chronological--as we developed things in sequence of 16, 17, 18, 19 March, except for a couple of questions on training and we'll ask them immediately. Have you discussed this operation with anybody from your unit prior to coming to this hearing?

- A. No, sir.
- Q. What was your assignment on 16 March 1968?
- A. I was a platoon sergeant.
- Q. Of which platoon?
- A. 3d.
- Q. B/4/3?
- A. Yes, sir.
- Q. Who was the platoon leader?
- A. Lieutenant CARTER.
- Q. Well, Lieutenant CARTER was in the hospital at that time?
- A. I would be the platoon leader then.
- Q. Were you with the 11th Brigade in Hawaii?
- A. Yes, sir.
- Q. During the time that you were with the brigade or anytime in the military have you ever had a class that referred to the legality of orders or the legality versus the illegality of orders?
- A. Yes, sir.
- Q. Legal versus illegal orders?
- A. Yes.
- Q. Would you tell me what you heard on the subject?
- A. It's been a long time, sir. I'm likely to have forgotten a lot of that stuff. It's hard to say. I do remember getting classes of that nature, but what the class actually said, I don't remember. But I do remember them giving us classes on all those things, there were about 2 or 3 weeks of it, if I remember correctly.

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Q. You remember that subject?

A. I remember the names of them, but the particular subjects, no, sir.

Q. Yes. You don't remember anything on military orders, legal versus illegal?

A. They told us to do what we were told.

Q. Yes. I have a couple of exhibits here; they're MACV pocket-size cards. Exhibit M-2 is entitled "Nine Rules." Have you ever seen that card?

(COL WILSON handed the card to the witness.)

A. I carried one with me all the time I was over there.

Q. Where did you get the card?

A. From the first sergeant.

Q. In Hawaii or after you arrived?

A. In Hawaii.

Q. Was it issued out to everybody?

A. Yes, sir.

Q. How was it issued?

A. It was issued to the platoon sergeants and the platoon sergeants made sure each man got one.

Q. That was the method of issue?

A. Yes, sir.

Q. And you got them for your platoon?

A. Yes, sir.

Q. And you passed them out to your members?

A. And I carried a couple of extras in case somebody lost one I had given him.

Q. And these were issued before going to Vietnam?

A. Yes, sir.

Q. This is Exhibit M-3 which is entitled "Enemy in Your Hands." Have you ever seen that before?

(COL WILSON handed the card to the witness.)

A. I'm not going to say, sir, because I don't know. Well, I've seen this card, but I don't believe they were all handed out.

Q. You don't remember being issued that card then?

A. No.

Q. Were there any other cards issued that you remember aside from the "Nine Rules"?

A. We were issued quite a few cards, Code of Conduct, this one.

Q. Well, all right, on the "Nine Rules" card, was there any class given in conjunction with this card or--

A. (Interposing) Yes.

Q. There was a class? Who gave the class?

A. It was one of our platoon leaders.

Q. It was somebody from the company then?

A. Yes, sir, but which one I don't remember.

Q. Sergeant MCCLLOUD, I'd like to, from the first series of questions, get what you can recall about the briefing that was given prior to this question. We'll ask you to tell us what you remember about the operation. I'll tell you what we know and then we'll walk through it, day by day.

But I want to try--clearly to separate what you were told from what actually happened. You understand what I mean? In other words, just what you were told, what you were briefed on about the operation, what was going to occur. We'll go back to LZ Uptight on the 15th of March, and I want to define this operation. The best way is define it as the operation when Lieutenant COCHRAN was killed the first day and MILUS was killed the last day. It's that operation I'm talking about, period 16 through 19 March. You got that fixed--that time period fixed?

A. Yeah.

Q. Okay. So back at Uptight on 15 March. Would you explain to me who informed you of this operation and what orders you were given?

A. Well, our company commander, Captain MICHLES sent the runners around to get all the platoon leaders. He wanted to see them up at the CP, to issue the orders. As far as I can remember we were to go into that particular area, search and destroy everything and the personnel we were to handle were PW's. That a Helix had been flying around there for a week, 2 weeks making it known that we were going to move into that area and destroy it. The civilian people were to move out, stay out otherwise they would be dealt with accordingly as prisoners of war.

Q. Now, let me pursue this a minute? Helix is a FAC aircraft, Forward Air Controller, who controls targets. What was Helix doing to make them know the area would be destroyed?

A. Well, they had a recording on it in the Vietnamese language, flew around the area and with loud speakers let them know.

Q. Who told you this?

A. Our company commander.

Q. He told you this at the briefing?

A. He told us why, and then he also explained it so we'd know what was going to be coming off in 2 weeks, ahead of time.



Q. Know what was going to be coming off?

A. This operation.

Q. Did you hear about the operation 2 weeks before it was to begin?

A. Not particularly heard about it from a certain person, but it was said, through the grapevine or whatever you want to call it, that we would be going into that area in about 2 weeks.

Q. Okay. Then what you heard was that you were going into the Pinkville area in a couple of weeks?

A. Yes. We hated that.

Q. And then--what?

A. We hated that.

Q. Yes. And then what else were you going to say? Would it have something to do with this propaganda more or less?

A. More or less, propaganda, sir.

Q. Well, did you hear that 2 weeks before this?

A. That we were going into the area, sir?

Q. No, that this aircraft was going to be broadcasting?

A. Well that's what I'm talking about, sir, it was that aircraft that was broadcasting a week or 2 weeks prior.

Q. Did you ever hear it broadcast?

A. Yes, sir, everyday.

Q. You heard it everyday? In the Pinkville area?

A. Yes. I was only 3,000 meters from it.

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Q. Yes. But it was down there everyday, this is what I'm--

A. (Interposing) Yes, sir.

Q. You refer to it as a Helix, I don't think--

A. (Interposing) It was a spotter plane. That's what we always called it. The forward air control.

Q. It's a question--you may be right, the question is whether the FAC would ever participate in any broadcasting though? What I'm trying to say--it could have been another aircraft couldn't it? Or was--well, you definitely had it under observation as a--

A. (Interposing) Well, we stand there on the fire base, sir and look right over it.

Q. And you're looking at--

A. (Interposing) It's the only thing flying over in that area.

Q. And you're looking at an Air Force Birdog. Is that what it is? 01 or 02?

A. A little-bitty propeller job?

Q. That's right. Sometimes it's got the twin propellers on the back, the new ones?

A. Well, I haven't seen any of them.

Q. Okay, but it's an Air Force aircraft?

A. Right, sir.

Q. And you heard it broadcasting everyday?

A. Yes, sir. Everyday that I was on the hill they were broadcasting.

Q. Now, let me ask you this. Was this just during this period 2 weeks prior to this operation, or was this 3

weeks, or 4, or 6 weeks prior to it? Was this a regular thing they did everyday, or was this something that happened just during this 2 week period?

A. Just something that they had brought up in that 2-week period.

Q. That's right?

A. Although they did have planes flying all up and down making periodic announcements on the S5 operations, sir.

Q. Do you have any way of knowing what the broadcast consisted of?

A. As far as I know it told them to move out of that area and into the province on down by the river there, next to Duc Pho.

Q. Did you have any way of knowing that that's what was on the tape or broadcast?

A. No, sir, just what we were told.

Q. There was several types of broadcast tapes that they had for propaganda purposes and I just wanted to be sure that this was the purpose of that particular broadcast? And this is what you were told?

A. Yes, sir.

Q. This is what Captain MICHLES told you, at that briefing?

A. Right, sir.

Q. And that the people in that area would be considered PW's?

A. Right sir. We gathered them all up.

Q. Well, wait now, let me still go back to the briefing and ask you a couple of specific questions? The briefing was given by Captain MICHLES. Was it given at his CP bunker?

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A. Yes, sir.

Q. And it was given to all the platoon leaders?

A. Yes, sir.

Q. And were the platoon sergeants there?

A. I don't remember if the platoon sergeants were there or not.

Q. Were--

A. (Interposing) We were changing personnel so often that it was hard to keep track of everybody.

Q. Yes. Would he--does he normally have the platoon sergeants there?

A. No, sir.

Q. All right. Was his headquarters or CP element there, radio operators, medic?

A. They were outside, sir.

Q. They were--

A. (Interposing) The first sergeant, I believe was inside; his RTO's and medics were all outside.

Q. Anybody else there, besides the first sergeant and platoon leaders? The supply sergeant?

A. I don't remember--

Q. (Interposing) Executive officer?

A. (Interposing) We got a new one of those every-day. They came out quite a bit, but if they were there I don't remember it.

Q. Okay. What orders were given concerning the destruction of villages and the burning of villages?

A. We were told to destroy all the buildings and seal off the bunkers, and tunnels, and stuff.

Q. When you say seal them off, do you mean just close down the entrances?

A. Yes, sir.

Q. And this was given in the briefing?

A. Yes, sir.

Q. Was this a special instruction and not something that you'd do in normal operations? I mean you if you're going out from the fire base on a 3-day operation, you wouldn't normally go in and seal off all the tunnels and bunkers would you?

A. No, sir.

Q. So when these type of instructions are given the first thing that they would trigger in my mind is, I'm going to need extra demolition?

A. Right, sir.

Q. And so this is a special instruction for this operation; it isn't normally done?

A. Right.

Q. Okay. How about the destruction of food stocks?

A. I believe we got it all bagged up and sent it back to the rear trains.

Q. Any food stuff or--

A. (Interposing) Rice and such.

Q. Civilian food stock?

A. Yes.

Q. And what about--is this all food stock or excess?

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How was this handled this--in this particular area were you told to evacuate all food stock?

A. All we could find.

Q. No matter what quantity was found? It didn't have to be caches or could it be just normal food that's in the village?

A. Well, no, we always tried to find their caches.

Q. Yes.

A. But we wouldn't bother their normal food that they might have laying on the ground.

Q. Well, that's what I wanted to know, whether on this operation you were told to take all the food?

A. No, sir.

Q. Well, there was nothing different about this than any other operation as far as the finding of food caches then?

A. No.

Q. Okay. Now back to the destruction of buildings. Were there any specific methods described to use in destroying buildings?

A. No, sir.

Q. And these buildings were not--were the total buildings in a village?

A. We burned them all to the ground.

Q. Yes, and the methods you used to destroy the villages were fire?

A. Right, sir.

Q. You didn't use demolitions on the buildings?

A. No, sir.

Q. The demolitions were used for the tunnels and bunkers?

A. Right, sir.

Q. You mentioned that the people in the area were to be treated as PW,s. This is a little different from what normally happens on your operations, isn't it?

A. Right, sir.

Q. And I gather by that, that this is not a question of separating military-age males and passing them back, this is a question of taking all the people there and saying they are prisoners?

A. Right.

Q. Or VC suspects?

A. Right, sir.

Q. Regardless of who they are, or what their age is, or what their sex, or anything else?

A. Right, sir.

Q. And this was put in the briefing?

A. Yes, sir.

Q. By Captain MICHLES?

(Witness nodded his head in the affirmative.)

Now in treating them as PW's did you understand that in each case you would tag all these people?

A. Yes, sir.

Q. Everyone of them that you found out there and what would you do with them after you tagged them?

A. We tagged them and separated them.

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Q. And then...

A. There wasn't anything to separating, because they were all women.

Q. And then--now in the briefing before you got in there and--what was this--what was in your mind as to what was to be done with them? Would they all be passed back? When you separate them normally you're trying to weed out the military-age males, aren't you?

A. Yes, sir.

Q. But if all of them are to be VC suspects or PW's, would you--were you thinking that everybody that you found in there had to be sent back?

A. That's what I understood, sir.

Q. What was the enemy situation depicted by Captain MICHLES? Did he tell you what size force would be in there?

A. He mentioned it, I don't recall the size of them or anything.

Q. What did you expect to be there?

A. About what had been there all the time, booby traps, a bunch of women.

Q. Well, now what had you found there in the past with respect to enemy strength?

A. Everytime we'd go in that area, sir, we wouldn't find anything. There wasn't anything, but a bunch of old women and little-bitty kids.

Q. Is that what you expected to find this time?

A. That's what I thought would be in there.

Q. And once again, these people would be treated as PW's?

A. Yes, sir. As VC suspects.



Q. VC suspects? Now you told me that when you heard about this operation coming off 2 weeks before, it was to happen, you didn't like it. Why didn't you like it?

A. Well, nobody liked that particular area, sir.

Q. And the reason they don't like the area is not because of the VC strength down there apparently, because you say there's nothing down there, you never ran into anything down there. What's the reason they don't like it?

A. Them damn booby traps, sir.

Q. Booby traps and mines, right?

A. Right, sir.

Q. Then this was a lot worse than your normal operational area as far as those items are concerned, is that correct?

A. Yes, sir.

Q. Now what was the planned concept of operation for each of the platoons? What were the 1st, 2d, and 3d Platoons supposed to do when they hit the ground?

A. Well, you want me to state it as we hit the ground?

Q. No, just what was told--what was stated at the briefing. Because it may have been that there was a change in what you were supposed to do and what you did.

A. Yeah. I don't remember what he told us, but I know what we did.

Q. Well, let's hold off on that then.

A. Yes, sir.

Q. So you--but he did say--he did break out the platoon assignments?

A. Yes, he broke the--

Q. (Interposing) Told them what to do?

A. Platoon assignments down.

Q. Okay. Do you remember any special instructions to the mortar platoon? As to any preplanned fires or anything like that?

A. I don't remember if they stayed on the hill or with us, sir. I know we had the preplanned fire if we needed it.

Q. Yes.

A. We always had that.

Q. Was it normal to have that mortar set up at the landing zone?

A. On a normal operation, no, sir.

Q. No. Well, you don't recall any special instructions to the mortars?

A. No, sir.

Q. Within your platoon what was the plan for your squad's assignments? What did you plan to do when you hit the LZ?

A. It was planned for--as soon as we hit the LZ they cleared the chopper area to let the choppers get out of there. And then they would move on up into the formation that they were supposed to.

Q. What was the formation?

A. It was a line formation?

Q. You were going to have them in column?

A. No, sir.

Q. You'd have them abreast?

A. No, sir. I had them in a line formation.

Q. Well, explain that to me?

A. Well, where they let us off there was a little hedgerow and we just moved right up to it--

Q. (Interposing) I see.

A. And as we were on a line formation we went straight through from there.

Q. Yes.

A. On a line formation.

Q. Was that the plan?

A. That's the way I had it planned, sir.

Q. And this is what your squad leaders understood?

A. Yes, sir.

Q. Understood? Well, what lift were you supposed to go in on?

A. I believe we went in on the first lift, I'm not sure which lift we went in on.

Q. Maybe this will come back as we get into the operation. Were any other special instructions that you can recall given in the briefing that would be different from your normal operation?

A. No, sir.

Q. Did you believe before you went in there that this airplane flying around up there for a couple of weeks or so, was going to move the people out of there?

A. He wasn't going to move nobody, sir.

22 194

Q. No, but I meant did you think that his efforts were going to cause them to move? The propagands effort is what I'm trying to--

A. (Interposing) We had hoped that it would.

Q. But did you think that it would?

A. Myself, no, sir.

Q. Was there anything stated about the inhabitants other than treat them as PW's, as you say, or VC suspects?

A. We were to treat them as suspects, gather them up and they would decide what to do with them.

Q. Okay. Normally you would look to company headquarters to tell you what to do with them, right?

A. Yes, sir.

Q. Was there ever a question in your mind about killing any of these people?

A. No, sir.

Q. Was there ever a question in your mind as to whether you had the authority to deviate from firing into a village if you received fire--if you did receive fire?

A. If we didn't receive fire we would never fire into them.

Q. Was the procedure recon by fire used by B Company very often?

A. Only when it was necessary. Because maybe we were out in the open.

Q. And this did not include firing into inhabited areas?

A. No, sir. If there was a village or anything near-by we would not be allowed to fire, sir.

- Q. What if you received fire from the village?
- A. If we received fire from the village we would try and pinpoint it.
- Q. All right. Now let's go into the operation itself and let me ask you a couple of questions. Did you receive any fire prior to landing?
- A. I don't remember if we did or not, sir.
- Q. Were your doorgunners firing?
- A. I believe they were firing on the LZ.
- Q. Your doorgunners?
- A. Yes, sir. On the first wave, I believe they were firing in on the LZ.
- Q. Well, then your doorgunners were firing?
- A. No, the plane I was on--the bird I was on sir, no.
- Q. No.
- A. There were people already down there.
- Q. All right. Was anyone firing that you observed when they left the aircraft? Coming off the aircraft firing?
- A. The gunships might have been firing.
- Q. No, I mean individuals. At the landing, coming off the aircraft and commencing firing after they got off the aircraft, as they hopped off?
- A. I don't know, sir.
- Q. All right. Now, what I'm going to do is give you--to help you recall this I'll give you the concept and what happened the first day. And then we'll go on from there, tell you what we know and you can fill us in on what we don't know. We're going to now go through the operation as it's recorded on the log.

A. Yes.

Q. Now, I'm not saying that this log (Exhibit M-16), is infallible, that everything on there is correct. As a matter of fact, there are many things on logs where people get times messed up and coordinates messed up and various things like that. But what I'm going to do is to walk through the day-to-day operation as reflected in the logs, and then I will stop at places and ask you to provide any additional information you might have.

A. Yes, sir.

Q. What we're trying to do is build up a picture of the operation.

A. (Interposing) I think it might be a good idea, yeah.

Q. You want to just go ahead and start with it?

A. Yes, sir.

Q. This is Exhibit P-168, your landing zone was in this--as you say in the graveyard, is that correct?

(Exhibit P-168 when annotated by witness became Exhibit P-225.)

A. Yes, sir.

Q. You landed in the graveyard? You didn't land in the rice paddy?

A. No. We landed there in the graveyard.

Q. All right, the landing zone plotted at point 1, on the air photo, now the--as I said the first touchdown was made 0815 and the last touchdown was recorded at 0827. That's a--now I figure by 0830 everybody should have been off the aircraft and in more or less the general formation?

A. Yes.

Q. Did you go in on the first or second lift?

A. I was on the second lift.

Q. You were on the second lift. Do you recall as to whether or not the 1st Platoon was on the first lift?

A. I'm not sure. But I believe the 1st was. The 1st Platoon and part of the 2d went in on the first lift and the remainder of the 2d Platoon and 3d was on the second lift.

Q. 2d and 3d was on the second lift.

A. Half of the 2d.

Q. Half of the 2d was on the first lift and half was on the second lift and the 3d was on the second lift and the 1st and 2d--headquarters, I imagine headquarters would have been on the first lift, wouldn't it?

A. Yes.

Q. Or the company commander, he would have been?

A. Yes.

Q. Here are two Exhibits P-206 and P-207. Do you recognize these photographs as being in proximity to landing zone.

(COL WILSON handed the exhibits to the witness.)

A. That there is our landing zone.

Q. Is that, Exhibit P-207?

A. Yes.

Q. This is the cemetery that you landed in? Did your helicopter set down in the cemetery?

A. Yes, sir. It was right in here (indicating).

Q. You pointed to the area in the right center around the rocket strike?

A. Right, sir.

22 198

Q. In other words, did they all set down in that area or just--what is your estimate of the nine helicopters that went in what--did they all get into this photograph or did they cover a larger area than that?

A. They fit in this picture, the lower right-hand corner--

Q. (Interposing) Below that trail?

A. Yes, sir, just below the trail there.

Q. All right. Let me ask you a question on this photograph. Can you identify the trail that's on this photograph?

A. On the map?

Q. On the map (Exhibit MAP-4). You see the map--the map doesn't--the map shows one trail running through that graveyard, it's way down on the south end of the graveyard. I'm wondering if that trail is even on the map?

A. Well--

Q. (Interposing) Still talking about Exhibit P-207. And the second point is--could that be 521?

A. That's our LZ.

Q. Which is--that is your LZ?

A. Right.

Q. Yes. But I was just wondering about that trail if you could--

A. (Interposing) I don't recall it being on the map I had with me. But I had a large scale map.

Q. You had the 1:50,000, I think?

A. Yes, sir.

LTC NOLL: It's not that large.



A. That's the only one I ever used.

COL WILSON: That's not the main road we're talking about, the road 521?

A. Okay.

Q. That's mainly what I wanted to know?

A. No, it wasn't. The main road goes to the east and west.

Q. Yes. Well, this road should be running generally east and west?

A. No this is more at an angle, sir, to the--

Q. (Interposing) Try and orient the photograph in the direction.

A. To the south.

Q. See you--

A. (Interposing) If I recall right, north would be over here (indicating).

Q. Over to the right of the photograph?

A. Yes, sir.

Q. You see, now you look at Exhibit P-206 as opposed to Exhibit P-207 you'll see the river out here, the fish traps which you can pick up on Exhibit P-185, can be picked up out here (indicating), and although there's a difference in the times of these photographs, you can pick up the fish traps and you can see that you're flying generally in a northerly--

A. (Interposing) Northerly--

Q. (Interposing) A northerly direction. And then Exhibit P-206 was taken a little further out from Exhibit P-207, but you should be generally in the same approach? For you're flying slightly north? I think that it would be a good idea if we identify it.

22 200

COL WILSON: Just put the photo number, P-207 on there.

A. And right here (indicating) also?

Q. Yes, I guess you--well I--let me check for a minute. It's hard to say just what part of that area it is, but Exhibit P-206 and Exhibit P-207 would be here somewhere, in this area, I'd put generally right here (indicating).

A. Right here, sir. My guess is that a--

Q. (Interposing) It might be west, too.

LTC NOLL: This is 521.

A. Yeah, you may be right.

COL WILSON: This looks to be just about right, what road would this be?

A. Well a--

Q. (Interposing) Or is this a road?

A. I don't think so, I think probably it's just probably a trail that they had used.

Q. To me this is a road. Well, okay. Now on the basis of your flight into the landing zone, do you remember a go-around, for either of the lifts?

A. A go-around?

Q. Yes, for the first lift primarily? It is recorded that they had to go-around because the artillery didn't lift.

A. Hmm!

Q. Well, it's quite possible that you wouldn't remember it if a--

A. (Interposing) No.

Q. All right. Do you recall when you hit the landing zone if the 1st Platoon had moved out, or was it still there?

A. They were still there. They weren't supposed-- they weren't to move out until we got in there.

Q. All right. Now, did they move out as soon as you got there?

A. Yes, sir.

Q. How long did it take them to move? Were they ready to go right then?

A. Yes, sir.

Q. The minute you landed? Lieutenant COCHRAN detonated the first mine or booby trap and the log (Exhibit M-16) shows the booby trap was tripped at 0845. This would be about 15 minutes after the second lift came in.

A. I know it wasn't very long.

Q. Now, did he move beyond route 521 when he was killed?

A. I don't believe he was. No, he was on the south side of that bridge. He'd just crossed over the hedgerow there, and was just starting to get his platoon in line there to make a sweep through the village.

Q. Now, where were you going at that time? Were you going behind him or were you going in a different direction?

A. Well, I was over to the north of the company.

Q. What was your mission?

A. We'd both generally get on line and sweep through the village, and destroy the houses, and the villages.

Q. Now, when you're talking about the villages, you talking about Pinkville?

A. Yes, sir.

Q. So B Company was going to sweep Pinkville, is that right?

A. Yes, sir.

Q. I'm talking about My Lai (1), which I'm going to identify on the map, as being what is referred to as Pinkville, My Lai (1).

A. Right down here (indicating).

Q. Okay. Then the 2d Platoon and the 3d Platoon were going to sweep that village and destroy it?

A. Yes, sir. And the 3d Platoon was to go back and cross over the a--

Q. (Interposing) Cross the bridge?

A. Yes, sir.

LTC NOLL: What was the plan of maneuver? 2d Platoon was to go off in this direction to the north, 3d Platoon on their left or how was that supposed to work?

A. The 1st Platoon was generally here (indicating).

Q. Yes.

A. The 2d Platoon was to take about half of it from the river bed over, and we were to go from there over to here (indicating) and just sweep up.

COL WILSON: Well, you're pointing to an area that's really out of the village, possibly?

A. Well, we'd--my left flank was at the edge of the village.

Q. Your left flank was on the edge of the village?

A. Yes.

Q. And your right flank was connecting with the 2d Platoon?

A. With the 2d Platoon in the middle of the village.

Q. Yes. Now, that's the plan?

COL WILSON: Lieutenant COCHRAN was killed as we said, 0845. Does that time appear to be accurate?

A. Yes, sir.

Q. And at that time you feel that he was on the south side of the trail?

A. Yes, sir.

Q. And your platoon was moving around to the west to build up on line with his platoon?

A. Yes, sir.

Q. And both platoons were going to move on line into the Pinkville?

A. Yes, sir.

Q. Now, we had indications before that he had crossed the road and was wounded on this hedgerow which more or less circles the village. You'll probably be able to find your way better on this map, Exhibit MAP-5, because you're more familiar with it. This map is 1:50,000 scale and as you see Pinkville, the village itself, is shown in pink here, and then out from the village to the west and to the north is a hachure mark which indicates a hedgerow, or what is indicated on the map as a levee, or a wall.

A. Yeah.

Q. So we had one witness that thought that Lieutenant COCHRAN was wounded about in the area of that wall, just north of the hedgerow. Now, I'm not saying that's right, but I just wanted to try to fix this, because we're building up to what we think might have been a change of orders here?

A. Yes.

Q. All right. Now, let's take it from there and just leave it like we had said before--while we're on there, then the next--you know there was a second mine or booby trap detonated.

A. Yeah.

Q. Okay. And that one was 0930. Now the first one got COCHRAN and four men--COCHRAN killed, four men wounded--the second one got three wounded, all from the 2d Platoon. And they were within--as far as we can determine 100 yards--100 meters of each other. They were 45 minutes apart, but the distance was very close.

A. It's quite probable.

Q. What?

A. It's quite probable.

Q. Yes. But do you recall this?

A. Yes, sir.

Q. All right. Now, how much distance had you moved or had you held your positions in that 45-minute period?

A. We had moved, maybe a 100 yards.

Q. Okay. Had you crossed the trail?

A. I don't remember if we did or not.

Q. Okay.

A. At that particular time there.

Q. Well, now at that time that those people were wounded, either time, had you reached a position which would have put you on line with the 2d Platoon?

A. Well, when Lieutenant COCHRAN was killed I was getting my people on line. I hadn't started moving yet.

Q. I see. And then--

A. (Interposing) And then I made a comment, may I say what the comment was.

Q. Yes, you mean at the time he was wounded?

A. Yeah.

Q. What did you say?

A. I said, "I'll be a son of a bitch."

Q. Okay. But you could--then you could see this out there, right.

A. Yes, sir.

Q. Which is exactly what you expected when you went into this area?

A. Yes, sir.

Q. And after he was wounded you still continued to move your troops up on line?

A. Yes, sir.

Q. Had your platoon moved on line at the time the second booby trap went off?

A. Yes, sir, they were on line.

Q. Now, back to Exhibit MAP-5 a minute, because you have very good knowledge of what happened here. You referred to having your flank on the left of the village?

A. Yes, sir.

Q. Did you have your flank on the left of the populated area or did it extend out to this hedgerow here (indicating on MAP-5)?

A. It was the populated area, sir.

Q. So actually it could have been anywhere between the hedgerow and the pink here (indicating)?

A. Yeah, we never moved more than a 1,000 meters on a company sweep.

Q. Yes. If you went all the way out you had about 700 meters there. What'd you figure your platoon frontage was? About 150 yards?

A. Yes, sir.

Q. With a separation of how much between the 2d and 3d Platoons?

A. Maybe 25 to 30 feet.

Q. So we're talking about a frontage of maybe 300 to 400 meters for the whole company, I mean for the two platoons at the most?

A. At the most, right, sir.

Q. Did you have three squads or two squads that day?

A. We were operating with two squads, sir, that's all we had. Well, we didn't usually operate with just two squads. On other operations we had three, but for this operation we only had two.

LTC NOLL: When Lieutenant COCHRAN was evacuated, was he taken out on one of the ships that was lifting the company into the area or did they send in a medevac to lift him out?

A. I believe the colonel sent his chopper in.

COL WILSON: Well, now in conjunction with that the log (Exhibit M-16) indicates that the command and control ship came in to pick up the first group. I suppose it was possible. Well, let me ask you this, how were you doing with communications that morning? Were you listening to your communication traffic a--

A. (Interposing) Well, I was listening to it off and on. My RTO listened to the radio all the time and if it was important he'd get hold of me. He wasn't much over 10 feet away from me at any time.

Q. Well, the log (Exhibit M-16) indicates, as I said, that the command and control ship came in. Using Exhibit M-20, I want to pick up a couple of points here. The Coyote 6, you're--I guess you're Bravo 3, Coyote 6 would be Colonel BARKER and you're not on his net anyway.

A. No.

Q. Coyote 6 says a touchdown 0730, the LZ appeared to be cold. At 0738, Coyote 23 said the second lift-off of the landing zone. Dolphin Lead transmitted, "Coyote 6 this is Dolphin Lead, artillery prep is started, you should touchdown 0815"--no this isn't a--this one, I don't know what happened to the page in there. Coyote 6 transmitted, they're



referring to the artillery, "We're about a minute late cutting off." Coyote 65 requested a dustoff at approximately 0845. At any rate we don't have any indication that--that the command and control ship made both evacuations, but we do have two indications that the last group was extracted by Colonel BARKER's aircraft. Now that--at that time did you have any indication that there was a change in order? Or orders? You said that there was a change and I didn't know whether it occurred at this time if so, how and so forth?

A. Well, we were going to make that a 1-day operation and they extended it into 3 or 4 days.

Q. Well there was, but you didn't sweep Pinkville?

A. What?

Q. You didn't sweep Pinkville?

A. Yes, we did.

Q. You did sweep Pinkville? You swept My Lai (1)?

A. We went all the way through there that day.

Q. The 2d Platoon didn't. At least we--everybody we've had in here says that they did not.

A. Was this the second time we swept Pinkville? Well, on the day that Lieutenant COCHRAN was killed we went--we swept the whole village. Charlie Company was over on--out left coming from the northeast.

Q. That's right.

A. And Alpha Company was across the river, spread out through the bank there (indicating).

Q. You're the first witness that has indicated that anybody went into Pinkville. On this operation.

A. We went all the way through there. We rendezvoused up on the north end of it there (indicating).

Q. Let's get the 1:50,000 map (Exhibit MAP-5).

Now you believe that you rendezvoused up--up in grid square 7380, is that correct?

A. Yes, sir.

Q. And not over in this area here, which would be in grid square 7279?

A. Yes.

LTC NOLL: You rendezvoused as a single company in that position or was there another company with you?

A. Charlie Company was coming through over here, we were to head on up--

COL WILSON: So this would be to the west of My Lai (1)?

A. Yes, sir.

Q. Okay. In grid square 7279?

A. Yes.

Q. Now, on that day do you still believe that you swept Pinkville? Or were you moving through these villages in this area, which is in the grid square I just mentioned?

A. I believe, I'm not sure, that--as I recall we swept through and cleared out here in the peninsula part of this thing, and came back down and rendezvoused with Charlie Company.

Q. Okay. You think that you did move through Pinkville; you think you moved through the large village?

A. Yes, sir.

Q. I think B Company did move through there one time in the past, didn't they?

A. They did do this?

LTC NOLL: You went in with A/3/1? You swept Pinkville. Let's see, you went up, came back down, and laagered. A Company was on this side--

COL WILSON: (Interposing) A Company on the peninsula side, on the east side.

LTC NOLL: On the eastern side. They spotted some people and you spotted some people and--that's down in this area--they spotted the people and they ran north and you tried to head them off, up here at this seaport (indicating).

A. Yeah.

Q. Then on that operation you lifted out here, about 1630 in the afternoon--

COL WILSON: (Interposing) You're pointing to an area in grid square 7379?

LTC NOLL: Yes. You lifted out and made a combat assault up here about 1630 in the afternoon on that operation.

COL WILSON: On the Batangan Peninsula?

LTC NOLL: On the Batangan Peninsula, yes. You may well have swept Pinkville this afternoon, there--you were the first one that's indicated that you'd done that and we--have you noticed--

A. (Interposing) Well a--

Q. (Interposing) It's highly important that you are not confusing these two operations. It could be that a--

A. (Interposing) Yeah.

Q. And that's why I ask you, is this the second time that you had swept Pinkville? Had you been there before?

COL WILSON: Well you said--

A. (Interposing) There had not been two operations in there.

Q. So you didn't go in there this time?

A. No.

Q. All right. Now we had an indication that Colonel

BARKER at the time that this second mine went off, Colonel BARKER--you may have been supposed to sweep Pinkville, but Colonel BARKER cancelled instructions to sweep Pinkville. We don't know this, we don't have anything except that somebody has stated it.

A. Yeah.

Q. Said don't go in there? You recall anything about this? Do you recall a change in orders? Do you still believe that your original concept was to sweep Pinkville?

A. We were to go in and destroy the a--

Q. (Interposing) Village?

A. Village and stuff.

Q. But you didn't?

A. No.

Q. And do you recall when these orders were changed?

A. No.

Q. Okay. Now at 0955 the 1st Platoon reported 12 VC KIA. Do you remember anything about this? That was over in the vicinity of the bridge?

A. I remember hearing something about it. But the time, I don't know.

Q. Did you hear any firing going on over there?

A. Yeah. I did.

Q. Did you hear any mortar fire?

A. I don't recall if they had any mortar fire going on over there or not.

Q. Did you hear what appeared to be enemy fire over there?

A. If I remember right, I believe they received

a few incoming rounds.

Q. You heard this announcement on the radio?

A. Right, sir.

Q. Well, that was at 0955 according to the log (Exhibit M-16), when that was reported to Task Force Barker so it's--

A. (Interposing) Of the exact time I'm not sure, sir.

Q. Well that's not--if it was 0955, when it occurred now 30 minutes later he reported 18 VC KIA, you remember that report? In the same area?

A. No, sir.

Q. And at 1005, he reported steel helmets, uniforms and web equipment found, you remember that?

A. I believe that's the time that Captain MICHLES found those flare pistols.

Q. Why didn't he report it? Captain MICHLES wasn't over there as far as we know?

A. No, but they had brought the equipment back across the river to the CP and they were checking through it, and down in the bottom of one of those bags there were two flare pistols. He'd found one and that was all that he'd thought that was in there.

Q. You frankly remember seeing this equipment then?

A. No, I just remember him telling us about it.

Q. The equipment was sent back to the CP? When did it get back there, that day or did it come back that night, or what?

A. I'm not sure, sir, when it got back to the CP.

Q. Now, would you say that you thought one of

Captain MICHLES flare pistols was in there? Identified by serial number or what?

A. No, it wasn't--well he'd found it that day, they were in there, he'd taken them, marked them.

Q. Okay, at 1420 that afternoon there were eight VC reported KIA in the same general vicinity. Do you remember that report?

A. No, sir.

Q. Do you remember any of these photographs? Exhibit P-18?

(COL WILSON handed the photo to the witness.)

A. I remember that one.

Q. Where is that?

A. That's out there in the cemetery.

Q. The one that you--where the landing zone is?

A. Yes, sir.

Q. Well, this man that's with them is from the mortar platoon?

A. Right, sir.

Q. HUFFMAN? Do you remember seeing any of the Vietnamese?

A. I remember seeing a couple of them, but they down under the--behind those knolls.

Q. What happened to these people, do you know?

A. They were sent back to Chu Lai, I believe.

Q. They were detainees then?

A. Yes, sir.

Q. VC suspects? Now, do you remember when this

picture was taken? What time of day?

A. No, sir.

Q. You wouldn't know by the location and so forth?

A. No.

Q. How about Exhibit P-19? You don't recognize anything in that photograph?

(No response).

Exhibit P-20? Nothing?

A. No, that seems to be our CP group.

Q. Is this where the CP was?

A. No, I don't know exactly where it was but--

Q. (Interposing) You don't recognize the area?

A. No. But that was the CP group. That was our artillery FO.

Q. HONEYCUTT?

A. Yeah.

Q. Exhibit P-21?

A. No.

Q. Don't recognize either of those two?

A. No.

Q. Exhibit P-22? No? Exhibit P-23?

A. Company commander.

Q. The man on the left, is the company commander?

A. Captain MICHLES. The man next to him is his RTO.

Q. The man on the right?

A. Yes.

Q. Do you recognize any of the Vietnamese?

A. No. They all look alike to me.

Q. Do you recognize Exhibit P-66? Do you recognize either of the two individuals that are in that left photograph--I mean the left side of the photograph?

A. These here?

Q. The two Vietnamese soldiers?

A. No.

Q. Do you recognize Exhibit P-8? You recognize the Vietnamese soldier standing right up against the building?

A. No.

Q. Exhibit P-208? Did you see those prisoners?

A. Yeah, I remember seeing those, sir.

Q. Where were they?

A. They were in that open field.

Q. Just beside the CP?

A. Yes, sir. I believe it was.

Q. Is this where you laagered that night?

A. Yes, sir.

Q. Do you know what happened to those prisoners? Did they stay there all night?

A. No, I believe there was--they were evac'd out. They brought a ship in and took them out.



Q. Do you recognize Exhibit P-209? It's kind of dim?

A. I don't remember any of the guys sitting there. This was taken from a good distance.

Q. Do you know where it is?

A. No.

Q. Okay. Do you remember what time you reached the laager area that you were to stay in that night?

A. No, sir.

Q. All right. Now, as you explained it on the map, you didn't go through Pinkville, you swept up by the river and then came back? Is that what you recall? Did he generally stay in that area all night?

A. We did. We stayed in this area about all day.

Q. That's where, about 1400 or 1500 when you linked up with Charlie?

A. Sometime around there, yeah.

Q. That would have been about the time that eight additional VC KIA would have been reported from the 1st Platoon.

A. Was there another boy killed that night?

Q. No.

A. Or early the next morning?

Q. No. There was a man wounded the next morning.

LTC NOLL: Did you destroy any villages that day?

A. Up in this area, sir?

Q. Yes.

A. Not that I can recall, sir.

Q. You swept these up in here (indicating), did you not?

A. What?

Q. You swept these up here did you not?

A. Yes, sir.

Q. Okay.

COL WILSON: You pointed to the area, generally east of My Lai (6)?

A. Yes, sir.

Q. You must have been in My Lai (6). Do you remember a pagoda in there?

A. A what?

Q. A pagoda, a shrine?

A. Yeah, it was in the middle of it more or less.

Q. That where the CP was? B Company CP?

A. I don't remember whether it was or not.

Q. Yes. Now, you--when you linked up with C Company do you recall whether they came in with ARVN soldiers? Do you remember seeing any ARVN soldiers coming in with them?

A. I know they had their interpreters.

Q. How many?

A. I don't remember how many they had, sir.

Q. Did you see any National Police come in with them?

A. I didn't see any, now here again I may have these different days mixed up. I don't remember if they had National Police with them or not.

Q. All right. Now, do you remember any military intelligence people being in there? Do you remember any interrogations going on?

A. We had an MI team in there. I don't know if it was that day or the day--a day or so later when the whole company was over on the peninsula there.

Q. On both? On both days? Did you see any interrogations going on?

A. No.

Q. Did you hear of any interrogations by the National Police, the ARVN, or the MI personnel?

A. The only MI or ARVN police that I remember were all over on the peninsula there, when the whole company was over there.

Q. So you don't remember them being in the area that night?

A. No.

Q. What happened that afternoon and that evening? Anything of any importance?

A. No, sir.

Q. Can you identify the area where the laager was?

LTC NOLL: If you don't feel that you can identify the laager position, we'll go on.

A. No, I don't think I can, sir.

Q. Fine.

COL WILSON: There's one other question before we go. There were supposedly some H&I fires delivered from the Navy ships that night. Do you remember anything about that? About 2030?

A. Yes.

Q. It would have been about 2035 or 2015, 2300, during that time period? The swift boats fired on--along the coastal area.

A. Yeah.

Q. Did you hear any communications requesting that fire or know what it was for?

A. No, sir, that was on a higher echelon of communication.

Q. What?

A. That was on a higher echelon of communication than I had--

Q. (Interposing) You didn't have it on your net at all?

A. No.

Q. Okay. Do you recall anything about it?

A. No.

Q. Do you recall any firing within the perimeter of the laager position that night, small arms? Single shots?

A. I don't believe there was one. I don't remember actually it was there or not, but--

Q. (Interposing) The next morning the company moved toward the bridge. The 1st Platoon had been over there all night. And they moved up for a laager area to the north, from the bridge and they'd moved back down to the bridge that morning and secured the bridge. B Company moved out toward the bridge and I was just wondering if you recall the order of march?

A. That's the morning that a--

Q. (Interposing) TAYLOR.

A. TAYLOR got wounded?

Q. That's correct. You remember the order of march that morning? I would make the assumption that you were first?

A. We were heading up--

Q. (Interposing) No, you were heading across the bridge. I mean from the time--when you left your laager area, we believe you came down to route 521 and moved down toward the bridge, and I was trying to determine what the order of march for the platoons was?

A. I really don't know who was first.

Q. 3d Platoon first, followed by the CP, followed by the 2d Platoon? I would have thought that? As you approached the bridge do you recall the mine going off?

A. I heard it going off, yes. That was the morning TAYLOR got his foot blown off by a mine.

Q. You didn't see it though?

A. No, sir.

Q. Did you hear any communication on the subject?

A. Yes, sir.

Q. What did you hear?

A. A man got his foot blown off.

Q. That's all?

A. They said they had a man over there with his foot blown off, and guessed that we would stay there until they get the minesweeper and they could check the area.

Q. And this was the 1st Platoon talking?

A. Yes, sir.

Q. Now, at the time do you recall two engineer demo men moving forward, coming through the platoon, moving up toward the bridge?

A. Coming up through the platoon? Yes, sir.

Q. Well, were they called forward before or after the mine went off?

A. After.

Q. What about this man GUTHRIE? Did you ever know a man named GUTHRIE?

A. GUTHRIE, a tall skinny kid?

Q. Yes, from New Mexico. You know him? Was he an EOD man?

A. He was the platoon's EOD man he--

Q. (Interposing) Did he go--

A. (Interposing) He's the one that carried all the demolition.

Q. Did he go forward, or did just these engineers?

A. I believe he went with them.

Q. Okay. And they moved forward through your platoon, right?

A. Right.

Q. And after the mine detonated?

A. Right.

Q. Was there any firing going on at that time?

A. I don't remember if there was or not.

Q. Well, how close to you--how close to the bridge were you when that mine went off?

A. About 200 meters.

Q. About 200 meters?

A. That's close, sir.

LTC NOLL: Your platoon was the lead platoon?

A. Yes.

Q. Did you have your own point group out? A man with a minesweeper looking for mines?

A. There was a minesweeper with the platoon over on the other side. We only had the one.

Q. You only had one? All right, so the job was to clear both sides of the bridge? In other words, if there had been mines on the west side of the bridge they would have to have located those also?

A. That's true.

Q. Throughout this area did you take any Vietnamese civilians with you?

A. I don't know if they did or not.

Q. Did you pick any up as you moved along this trail through My Lai? In other words, when these mines went off--put a couple of males--a couple of male Vietnamese out in front on the point? Do you remember? I'm looking for a couple of male Vietnamese that later on in the day ended up walking point for one of the platoons, and I'm just curious where they came from? I don't know where they were caught?

A. I don't either.

Q. Okay.

COL WILSON: Now, these EOD people or demolition personnel moved forward to the bridge in front of the platoon. And I guess in front of your point squad, that is if your point squad had hit the bridge by that time. Do you know whether they had reached the bridge?

A. I believe they were within sight of the bridge.

Q. And which squad did you have in--at the point--in the point?

- A. Damned if I know.
- Q. You can't remember? Remember the squad leader?
- A. I had a SP4 as squad leader.
- Q. Remember--you remember which one he was?
- A. No. I don't remember which one it was actually.
- Q. Okay. You couldn't see what was going on up at the bridge? Okay. How long did you halt before you moved forward again across the bridge?
- A. It was about 15 to 20 minutes, I guess.
- Q. About 15 to 20 minutes? And then you moved across the bridge? You don't remember any firing going on? You remember any gunships coming in?
- A. I think after we all got across there there were a couple of rounds.
- Q. But not before? Well, you wouldn't know what-- would you know if there were any gunships?
- A. Yeah, we had gunships flying over in that area all the time when there were troops in there.
- Q. How many gunships coming in for firing runs?
- A. I believe they did, yes, sir.
- Q. How many?
- A. Let me see. Two ships.
- Q. How many runs?
- A. They made a couple of sweeps through there.
- Q. Well, yes. This was before you crossed the bridge?
- A. No. If I'm right it was after we crossed the bridge.



Q. Well, when you crossed the bridge did you receive any fire?

A. I don't think so, sir.

Q. Had TAYLOR been evacuated? If he's there he's laying right at the end of the bridge?

A. No, he was evacuated. Didn't take them long to get him out of there.

Q. And you think you received fire when you got on the other side?

A. Do I think I'd reached the other side--

Q. (Interposing) Well, you said that you thought you might have heard a couple of rounds come in, when you got over there?

A. Yeah. Later there was a couple that came in from down in the southern part there, sir.

Q. Was this while you were crossing or after you'd crossed?

A. After we'd crossed.

Q. Did you cross your men in single file, or groups of twos, or how did you get them across?

A. I--we crossed them at--I think they just eased up and walked across.

Q. Any spacing?

A. Yes.

Q. How much space?

A. We always had about 15 to 20 meters apart.

Q. Now there's something that I've been worried about. I wondered if you had heard any information on this, before, or during, or after the 1st Platoon was sent

across that bridge to secure that area over there, I would suppose--and it moved off 1000 meters to the north, left the bridge, if my assumption is correct--and the company knowing that it's going to cross that bridge the next day, why did they move off, why didn't they laager at that bridge, do you know?

A. I don't know, unless it was on low ground.

Q. Well, in the same proximity of the bridge where they could at least have secured it to a certain extent from being mined that night? Wasn't it the objective for the company to move across the bridge the next day in the original plan? Or was the company supposed--was anybody besides the 1st Platoon supposed to secure that bridge?

A. No.

Q. Was the 1st Platoon supposed to secure it?

A. I don't know if they were or not. The company commander went across there and gave them their orders.

Q. When?

A. The day before.

Q. You mean the company commander went across the bridge on 16 March?

A. I don't know.

LTC NOLL: Did you have a meeting in the night laager area to get instructions for the next day?

A. Yes.

Q. Was this the first time that you knew you were to move across, and move to the east across that bridge, to that spit of land, or did you know before you came to the field that you were to do that?

A. No, sir.

COL WILSON: No, what?

LTC NOLL: I asked you two questions and therefore I don't understand your answer.

A. Well the first question, did I know before I went to the field that I was going over there, no. And did I know it prior to that evening, no.

Q. You were told that night?

A. Yes, sir.

Q. What form was this?

A. We had our meetings periodically.

Q. You had the meeting, what other instructions were issued? Did he reiterate anything on destruction of bunkers, burning of villages at this time? Did he say what C Company would be doing the next day?

A. I'm not sure, but I think he said that Charlie Company was going back to Uptight.

Q. How about instructions for your own company?

A. We were going to cross over on the causeway and the 2d and 3d Platoons, I believe, were going to sweep to the north and 1st was going to the south.

Q. Did he change those instructions once he got over there?

A. No, sir. I don't think so, no, sir. I know I went--took my people and went on up north.

Q. How far north did you go? 500 meters?

A. That particular day?

Q. 17 March, yes?

A. If I remember right we went all the way up.

Q. You mean you went all the way up along here and then back down?

A. As I recall, yes, sir.

COL WILSON: To get back on the time on this, the booby trap was detonated by TAYLOR at 0810, and then at 0845 the 1st Platoon reported receiving sniper fire, it may have been what you were talking about.

A. I guess it was.

Q. All right. That 35 minutes from the time that the booby trap went off until that sniper fire came in, maybe you were across then, I don't know? You figure that you were across that bridge 35 minutes after that booby trap went off? Or the mine went off?

A. I believe I was, yes.

Q. Preston WINSTON--

A. (Interposing) Yes, sir.

Q. Do you remember a man named Preston WINSTON? Do you remember a man coming under fire crossing a bridge, jumping off the bridge, hanging over the side of it?

A. WINSTON? He was a colored boy, if I remember right. I don't recall that.

Q. Did you know if any of your platoon came under fire while they were crossing the bridge?

A. I don't think they did.

Q. How about the 2d Platoon following you? Do you remember seeing any of their people that came under fire crossing the bridge?

A. It could have been the 2d Platoon.

Q. Well, when you got on the other side of the bridge, do you remember seeing any bodies over there?

A. There was an old woman.

Q. Where was she?

A. I think the 1st Platoon had her sitting there beside one of the trees.

Q. No, I mean--I'm talking about bodies, dead.

A. Oh, no.

Q. Was this old woman wounded or anything, or was she just sitting there?

A. She was just sitting there.

Q. The 1st Platoon had her?

A. Yes, sir.

Q. Do you recall what else happened around there in that particular area? Did you say you didn't see any bodies? Did you see any fresh graves over there?

A. I don't know if there was or not, sir.

Q. Did you get to move around much over there? What happened after you got across the bridge?

A. After we got across the bridge we spread out a little and waited for the others, the CP group and the 2d Platoon to get across and then we all moved out.

Q. Well, where did you go?

A. I went up north.

Q. How far?

A. It was an all day job that we done. We crossed the bridge and we went up. Well, we moved up 2,000 meters or a little more. We moved up into this area (indicating). We went back to--no, wait a minute, it was more like 3,000 meters.

Q. Do you think you moved up to Ky Xuyen (1) or in that vicinity?

A. Yes, sir. Up in here (indicating).

Q. Okay, if you moved up there your platoon moved by itself. Is that what happened?

A. I think so.

Q. We knew that the 3d Platoon was separate from the company that day, but we had no indication it was that far--that far away?

A. Let me think, I may be ahead here, myself. We went up to this other bridge. It was blown out.

Q. Yes.

A. It's not--it's on here. We were up to about here. We could watch these other two bridges here.

Q. Is that what you went up there for?

A. That and a blocking force.

Q. So you--

A. (Interposing) To keep them from coming down.

Q. So you moved north just south of My Lai (2)?

A. Yeah.

Q. Or just southeast of My Lai (2) in the vicinity of those two bridges? And set up a blocking position?

A. Yes, sir.

Q. Now did you stay there all night or did you move back down to the other bridge that evening?

A. I don't remember if I stayed there all night or we moved back. I think we moved back down to the other bridge.

Q. Was the mortar platoon with you when you moved up there to that blocking position?

A. No, they weren't, sir. I think they stayed down there at the bridge.

Q. Did you do any searching up in that area when you moved up there?

A. (Interposing) No, sir.

Q. Just open the--

A. (Interposing) Just sweep the area to the rear. Set up by a line across the causeway there where the bombed bridge was. There, sir (indicating).

Q. Let's see what you're pointing to, I'm not--

A. (Interposing) There was a village between here and here.

Q. Okay, you're pointing to the--

A. (Interposing) It was all cleared out.

Q. You pointing to the--from the south it's the corner of the bridge north to the second bridge which was demolished--

A. (Interposing) Right.

Q. On the peninsula there were no villages. You just set up a blocking position there that day and you moved back that night?

A. If I remember right, yes, sir, we did.

Q. And you set up your laager that night near the original bridge that you crossed?

A. Yes, sir.

Q. Did anything unusual happen that day?

A. I think we had some--there was a company doing some firing down in the southern part of this.

Q. Yes, but I meant your area. Did anything unusual happen in your area?

A. No, sir.

Q. Now, what do you know about what the company was doing, what you heard on the radio?

A. Yes, sir.

Q. What did your hear?

A. I don't remember.

Q. Did you see any burning--did you see any smoke coming up from down there (indicating) in that area?

A. No, sir.

Q. The next morning or--just a second here let me see. That evening or the--do you remember one of your men finding a dead women up on that sand dune?

A. Yeah. She wasn't buried.

Q. Did you see her?

A. Yes.

Q. What did she die from?

A. I don't know. I didn't examine the body. After laying out in the sun all day it didn't smell too sweet.

Q. It had already begun decomposing?

A. Yes.

Q. Do you recall whether that was the 17th or the 18th, she was found?

A. I believe it was the night of the 17th. Just about, it was beginning to get dark.

Q. Okay. Do you want to make any entries on that?

LTC NOLL: Yes, sir, I do.



COL WILSON: Okay, go ahead.

LTC NOLL: I want to ask you one question. It's possible that you left part of your platoon at the bridge, here at this lower bridge and took the other part of it up here (indicating), to be a blocking force. Do you remember leaving any element of your platoon down here during the day, while you took one group north?

A. Come to think of it, Sergeant VANN was going to stay down here at the bridge with his mortars, and he wanted the whole platoon to secure his mortar tube.

Q. So did you leave part of it down there with Sergeant VANN?

A. Yes, sir.

COL WILSON: Who did you leave down there?

A. I think I--I believe I left a whole squad there. And I took the rest of them up north there with me.

Q. So actually you had half of your platoon with you?

A. Yeah.

Q. And half down there (indicating)? Did that satisfy Sergeant VANN?

A. Yes.

Q. Who told you to move up north anyhow? Did the company commander tell you to go up there?

A. Yes, sir. He didn't want anything to happen to his mortar tube.

Q. Did he have one tube?

A. I don't know if he had one or two out there that day. To tell you the truth I don't know, he might have had all three of them. I don't know.

Q. All right. Now the next morning--well, there were reports that on the way south, there were some booby traps and mines destroyed and one VC KIA. There was also a report there was some--not on the log--that there were some people killed in a sampan out there in the river. But you don't recall any of the--you said that you don't recall anything like this?

A. Yes.

Q. All right, the next morning B Company started moving back toward your direction?

A. Yes, sir.

Q. Your platoon as I understand it found a cache of 3,000 pounds of rice?

A. It was up there next to that dead woman.

Q. Yes. And then I suppose you tagged on the back of the company as they came through and moved north?

A. Yes, sir.

LTC NOLL: Put a number 3 on the photo (Exhibit P-168) for the blocking position occupied by one squad of your 3d Platoon on 17 March.

(The witness did as requested.)

Your night defensive position was right across from the bridge, was it not?

A. Yes, sir, it was, in that general area.

Q. All right.

A. If I'm not mistaken, they had a machinegun sitting there covering that bridge.

Q. Probably did.

A. I know I didn't sleep too well that night.

COL WILSON: Why not?

A. With the area we had to cover.

Q. Point number 4 is the night defensive position, for 17 March. (The witness so marked the photo Exhibit P-168.)

Okay now what happened? Go ahead.

LTC NOLL: I'm trying to get straight in my mind what happened on the 17th. The company came across the bridge that morning, one platoon was already on this spit of land, on the peninsula whatever you call it, two platoons came across. Two platoons started working their way south, someone had indicated that when the 1st Platoon moved south there was this Vietnamese male walking in front of him?

A. I can't say either way.

Q. Visually their progress was very--at least I think it was relatively slow that morning. I don't think they got any further south than one grid square, 700 or 800 meters. And then they broke for lunch. I'm kind of curious was there a kind of milling around here when you came across the bridge, what took them so long to get down south? Did you see any male Vietnamese or detainees at this time?

A. I don't remember if there were any male detainees or not, but I think, if I remember right, the colonel came in there and brought a new lieutenant, a platoon leader, that morning.

Q. Lieutenant MUNDY brought a new lieutenant?

A. He didn't stay there very long. I don't even know where--I don't even remember his name, sir.

COL WILSON: LEWIS, now at the time that lieutenant was brought out there, Lieutenant LEWIS, he took over the 2d Platoon. At the time he was brought out there, do you recall a Stars and Stripes photographer coming out? Let me say, do you recall a photographer coming out there?

A. I believe there was, but I wouldn't swear to it.

Q. Anybody else that wasn't part of B Company that came out there that day?

A. I don't remember if there was or not.

LTC NOLL: Did you see that officer arrive that morning?

A. That lieutenant?

Q. Yes.

A. I didn't see him arrive. I saw him after he got on the ground.

Q. That day?

A. I got a glimpse of him. I didn't get a real good look at him. I saw he was a young lieutenant. I didn't know who it was.

Q. Well, he arrived--

A. (Interposing) It was just another officer to me.

Q. He arrived when the company was right here across the bridge?

A. Before.

Q. Before you broke up? That's right?

A. Yes.

Q. Did you observe any ARVN soldiers in the area, at this time?

A. I don't remember if there were any ARVN in there or not. I think he had his interpreter, a couple of interpreters with him.

Q. This was Captain MICHLES' interpreter?

A. Yes, sir.

Q. Two interpreters?

A. I believe he had two, one or two.

Q. See any ARVN's other than those and the two white lieutenants?

A. None.

Q. See Lieutenant MUNDY that morning?

A. No, sir.

Q. What time was this, 0900, 1000?

A. I'm not sure, it was either--well anyway after the sniper firing, or during it, or which it was.

Q. Okay.

COL WILSON: Do you ever recall--and I realize that this person is difficult to see, but do you ever recall seeing the person in Exhibit P-210?

(COL WILSON handed the photo to the witness.)

A. No, sir.

Q. All right. Now, let's go to the morning of the 18th. You buried this woman, the dead you found; found a rice cache there. I don't know whether you evacuated it or not. Did you?

A. Yes, sir.

Q. You did?

A. It was bagged up in sand bags, and lifted out, and went down to Quang Ngai, I guess.

Q. Okay, that was at 0755 when that rice was reported.

LTC NOLL: How far was this from that dead woman?

A. It was maybe 75 to 100 feet.

Q. How did you find that rice?

A. I don't know. They were up there petering around, looking to see what we could find.

Q. Was this rice spoiling or--was it wet?

A. It was damp. Some of it was damp.

Q. Was it hot?

A. From the--

Q. (Interposing) Sun?

A. Most of it was underground, sir.

Q. Any of you men talk about a--I see you went up--see you went up to point 3 on the map, that blocking position on the 17th?

A. Yes, sir.

Q. You left Sergeant VANN down on the bridge. Did any of your men talk about seeing bodies in My Khe (4)?

A. No, sir.

Q. Did any of them go into My Khe (4) to look around?

A. My Khe (4)?

Q. I should identify it for you. My Khe (4) is the village directly across the bridge that you crossed that morning.

A. My Khe (4) is down here?

COL WILSON: Just south--

LTC NOLL: (Interposing) Just south of the bridge.

A. No, we didn't go down there.

Q. South of this here? Did you hear any reports of the 1st Platoon's operations on 16 March?

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

COL WILSON: All right. Okay you looked on up--looked on north. Apparently there was no great problem. You went on into these large villages up there in the northern section, if you refer to Exhibit MAP-5, it's up in the Ky Xuyen (1), An Ky areas, and rounded up a whole bunch of people there and had a MEDCAP. I think you were probably searching most of the day. Do you remember the operation of your platoon that day?

A. That's the day that I took all my men and rounded all the people up.

Q. Well, now we understand that either two or three of the platoons of the company were all engaged in the same thing, rounded the people up and we're trying to figure the disposition of the responsibilities of the platoons through that area? Who was screening or searching to the south and who was on the north and so forth? Did you have a delineated area assigned to your platoon to move into and to bring people out of?

A. Well, our company commander told us to come up along the beach here (indicating), start gathering them up, just stay off this hill here, for it was heavily mined and booby-trapped.

Q. That's the hill that--

A. (Interposing) Hill 26.

Q. Hill 26. Okay. And he said stay off that-- said stay along the beach--

A. (Interposing) Yes, sir, work our--

Q. (Interposing) Is that what he told you?

A. Work our way through here along the beach line and come on around the base of that hill, not to get too far up--too close to it and then come on around the other side.

Q. And then go on on the northern side--the northern side of the peninsula?

A. Yes, sir.

Q. Staying with the water on your right flank?

A. Yes, sir. This all in through here was nothing but open fields and rice paddies.

Q. You're pointing to An Ky?

A. Yes, sir.

Q. The village of An Ky was nothing but an open field and rice paddies?

A. Right, sir. Well not--the center part of the peninsula there was open rice paddies.

Q. You were sweeping through villages primarily. Right?

A. Yes.

Q. And you stayed on the perimeter of the peninsula then, going up the south side, swinging around, and coming back the north side. Is that right?

A. That was the general area we were in.

Q. Okay, what were the other platoons doing?

A. The a--I'm not sure which one of them it is, but one of them went up into this other little peninsula here.

Q. So one platoon went up into Ky Xuyen (2)?

A. Yes, sir.

Q. You don't know which one that was?

A. No.

Q. That's west of the fish ponds?



A. Right.

Q. What was the other platoon doing?

A. If I'm not mistaken they were there setting up security for the CP group, sir.

Q. Okay.

LTC NOLL: What would be the company formation as you moved north? What was each element's march position? In other words, did the platoons move in column, one platoon moved up along the beach and one platoon inland, on a trail, or do you recall what the formation was as you went north?

A. Well, let's see. I was moving mine in a column formation. I don't know how the other platoons were moving.

Q. Did you move on the beach or did you move on the trail?

A. No, I was north of the beach on the trail.

Q. Anybody in front or behind your platoon?

A. The only ones that were in front of the platoon would be Vietnamese. They were--

Q. (Interposing) What do you mean Vietnamese?

A. To go out and gather up.

Q. Well we--you didn't have Vietnamese when you left?

A. No. As far as I know no one followed us.

Q. And nobody was in front of you on the trail?

A. No, sir.

Q. You went up the trail yourself?

A. Yes.

Q. Was there a platoon on the beach or do you know? I'm talking about--what I am really trying to fix now is company formation as you moved south--as you moved north later that morning without moving out on this narrow strip of land?

A. No.

Q. You haven't got up to where all the people are yet?

A. No, they moved the whole company in a column formation.

Q. On the trail or on the beach?

A. No. The right flank was up on the high ground there and the left flank company was moving maybe 75 or a 100 yards from the beach, I don't know.

Q. The river?

A. Yes.

Q. Two platoons going north like that?

A. Yes, the whole company was moving north.

Q. One platoon following another platoon?

A. Yes.

Q. Well, did you scout the area going along here or did you stay on the trail?

A. No.

Q. What about your instructions for burning? Did you have any?

A. Not through this area up here. No, sir.

Q. Well why would you need to go up in that area?

A. We were just told to go in there and round all

the people up and have them move down next to that cemetery where, down in here (indicating) where the MEDCAP was.

Q. Why didn't you burn that area? Isn't that part of Pinkville area?

A. Well, what we considered the Pinkville is just up here, and the upper portion of it. We never did go in there and destroy anything.

Q. When you moved up there, you say once you got up here, were all these people you moved out fairly close to the water, with water on your right?

A. Yes, sir.

Q. You got up beyond An Ky and swung up to the north and came back, is that right? On the north side?

A. Yes.

Q. And you don't know where--do you know where the other platoons were while you were doing this?

A. The only one that I--I don't know which platoon it was, but the other platoon was given instructions to go up and gather everybody out of this area (indicating).

Q. All right.

A. Our job was this Ky Xuyen (2).

COL WILSON: That's X-U-Y-E-N.

Q. Do you recall seeing any interrogations going on in this area?

A. No, sir. It took me the biggest part of the day to clear that area out, of all them people.

Q. Well, when you came back you came back to your night laager position that evening?

A. There was the National Police and the I believe they had there MI people in there talking to some of them.

Q. Were the medics still there when you got back?

A. I believe they were. I don't know if they were or not.

Q. Well, when these interrogations were going on, did you see any of them?

A. No, sir.

Q. Did you hear about any of the interrogations?

A. No.

Q. Preceding that--go on that day, is anything unusual that happened that day that you can recall? When you were sweeping or after you returned to the laager area, before dark?

A. Not that I know of, sir.

Q. Okay. Then the night defensive position was established?

A. Which?

Q. That night--that--well, where is it, what I was going to have you point out?

A. It was up in this cemetery, here.

Q. You're pointing to--this is on Exhibit MAP-5, you say it was in the cemetery north of Ky Xuyen (1)?

A. Yes. It was right in that area there. These houses here weren't there, at least they weren't there then. We set up right along that cemetery.

Q. Well, did you have one--one side on water, on the sea?

A. Yes.

Q. So you extended from the--

A. (Interposing) We had a three-sided formation. The beach on our--more or less to our backs.

Q. Yes. Okay, so you extended from the sea up around the cemetery?

A. Well no, not around the cemetery.

Q. Well, I mean up to the cemetery?

A. Yeah, up to the cemetery. It was a box type thing. Well, let's see, where's that hedge-like thing? This is here (indicating)?

A. Yes, it should be. We don't know. No way of telling.

LTC NOLL: Here is the fish pond area. The cemetery is here. Your perimeter was here?

COL WILSON: It must have been.

A. Yes.

Q. One edge came very close to that fish pond. I don't know whether you remember a fish pond up there or not.

A. I don't know. Well we came by it. It wasn't nothing, it looked like a big old patch of rice paddies to me.

Q. Well, the order of the formation with your back against the sea and going from right to left, as we understand, was the 1st Platoon, the next one was the--

A. (Interposing) 3d.

Q. 3d Platoon. And then the--

A. (Interposing) 2d.

Q. 2d Platoon. All right. I'm going over what happened that night pretty fast and then I'll ask you if you recall anything specific? It indicates that at 0130 you received mortar fire, one killed and five wounded, this was about 15 rounds somewhere around there?

A. That was the night MILUS was killed?

Q. That's correct. At 0144 a dustoff was requested and at 0240 it was indicated that at 0244, it was indicated that the dustoff was complete. Then at 0250 a "Spooky" was requested. At 0350 the "Spooky" was reported on station and at 0440 reported a second--another mortar round, one round. You recall those events during the night?

A. Yes, sir.

Q. Is there anything specific that happened that night, aside from those events, which you recall? Oh, do you recall small arms coming in at the time the mortar--the first attack occurred?

A. No, sir.

Q. No small arms?

A. None that I know of.

Q. Did the--

A. (Interposing) I don't recall hearing any small arms shooting.

Q. Did the perimeter open fire to the front when the mortar began firing?

A. I don't remember if they did or not, sir.

Q. That's all right. The following morning did you see any interrogations going on?

A. This following morning?

Q. Yes, it would be the morning after the mortar attack? The morning of the 19th?

A. No, I didn't see any.

Q. Did you see any VC suspects, PW's, detainees?

A. I think they had a couple of a--

Q. (Interposing) Who had?

A. The CP group. And the MI man, he stayed there all night.

Q. Do you know of any interrogations that went on that night?

A. No, sir.

Q. Did you ever see this man in Exhibit P-215?

(COL WILSON handed the photo to the witness.)

A. Yes, he looks familiar, but what his name is, I don't know.

Q. Where did you see him?

A. He was sitting there on the beach waiting to be sent back to the rear.

Q. What day is that?

A. That following morning.

Q. The 19th?

A. Yeah.

Q. Was he beat up?

A. I don't remember.

Q. Okay. At 1230 a VC suspect was reported picked up on the 18th or 19th and we had testimony that this man escaped, you know if one escaped?

A. No.

Q. All right. At 1050 the 1st Platoon began extraction and closed at 1140 to Uptight and at 1319 the first lift for the rest of the unit went to Dottie, now I've got some--

LTC NOLL: (Interposing) Were there any ARVN's in your position on the 19th?

A. I don't believe there were; I'm not sure if there were or not. I don't think there were.

COL WILSON: Did you stop--or did you receive an order at any time during the operation to stop burning?

A. I don't remember if we did.

Q. But you did stop burning, I mean the company stopped burning?

A. Yes.

Q. You don't remember anything coming down on that?

A. No.

Q. Were you or anyone that you know ever questioned on this operation while you were still in Vietnam, before this?

A. Was I ever questioned on it, no, sir.

Q. Did you have a camera?

A. No, sir.

Q. Did you ever hear any rumors that civilians had been killed unnecessarily by either C/1/20 or B/4/3 during this operation?

A. No.

Q. Were you ever told not to discuss the possible killing of civilians by Task Force Barker?

A. No, sir.

Q. Do you know if marijuana was a problem in B Company?

A. No, sir.



Q. Did you ever see any U.S. or ARVN torture VC suspects or prisoners of war?

A. No, sir.

Q. Did you have a chance to talk to any C Company people the night of the 16th, when they laagered with you?

A. No, sir, I didn't. I seen them, but I didn't talk to them.

Q. Did you have a chance to talk to any of the 1st Platoon when you crossed the bridge that morning of the 17th?

A. No, sir.

Q. Do you have any documentary evidence, such as tape recordings, photographs, or anything that fixes the times and places of this particular operation?

A. No. There wasn't any I don't believe.

Q. Do you have any knowledge of an investigation or inquiry being made after this operation?

A. What was that, sir?

Q. Do you have any knowledge of an investigation or inquiry being made after this operation while you were still in Vietnam?

A. No, sir.

Q. Point 5 on the photo (Exhibit P-168), is--

LTC NOLL: (Interposing) That's your defensive position of 18 March, isn't it?

A. Yes, sir.

(Exhibit P-168 as annotated by witness is entered into evidence as Exhibit P-225.)

COL WILSON: Do you have any further statement or any further testimony that might assist General PEERS in this investigation?

A. No, sir.

Q. Do you have any idea what may have happened to the bodies that were carried on the body count, a total of 38, on the--from the 1st Platoon?

A. No, sir.

Q. What is your opinion of the reliability of body count?

A. When I turned body count in, I turned in what I had counted.

Q. And you counted them or did you take it from your subordinate squad leaders?

A. I counted them.

Q. But you've got a platoon that's spread out a distance, isn't this difficult and especially in an offensive situation, a sweep, isn't it difficult to see all the areas where the squads are operating?

A. Not particularly, sir, for I was along behind the line, I moved all the time, I didn't stay in one particular spot. I was moving. Maybe I'd be over here and the next time I'd be over here, I was along the whole length of the platoon.

Q. How about the other platoons, do you think their body counts were accurate?

A. I would hope so. There isn't anything worse than a dishonest man.

Q. Were you ever instructed at anytime that you can recall, in reporting body count, whether you were supposed to separate noncombatants in the body count. For instance, maybe there was an accidental killing of a couple of noncombatants, would they be reported in with the body count or separate from the body count?

A. I always counted them with my body count.

Q. With the body count? Was there any deviation when the body count was made, to tell the company commander or anybody that two or three of these people were noncombatants?

A. I told Captain MICHLES, I don't know about the rest of them.

Q. Well, that doesn't--

A. (Interposing) I turned my body count in on the radio.

Q. Yes, but I wanted--this conflicts with your last statement now, my question was if you reported a body count, was that body count number always VC?

A. Yes, sir.

Q. Now, if you had individuals who you knew were not VC that were killed, were they reported separate or were they reported in the body count?

A. That I knew wasn't VC? As far as I was concerned they was all VC.

Q. What about one about this big (indicating a small child)?

A. I wouldn't bother him, sir.

Q. No, but they can get killed, accidentally?

A. Yes, sir, if there was one killed accidentally they didn't tell me about it and I didn't see it.

Q. You've never had the reason to report anything--

A. (Interposing) No sir, I have never had a reason to report a baby being killed.

Q. You never had a reason to report anybody, during your time of taking body counts that was not VC?

A. That's right.

Q. Does that answer the question, but what--well, it does to a certain extent, but were you ever told that noncombatants should be reported separate from body count?

A. No, sir.

Q. Well, if the situation had ever--

A. (Interposing) Well, if they were noncombatants like an old man or an old woman, we wouldn't hurt them. We might gather them up and take them back and let the interpreters talk to them, then they release them or send them on back to the rear, that's up to them.

Q. Suppose they were killed by artillery? I'm not talking about you killing them, I'm talking about body count, what if they were killed by artillery, they were noncombatants, how would they be reported?

A. They would have to be reported as a noncombatant.

Q. Separate?

A. I haven't ever seen one like this.

Q. You know how--you never had a reason to report anything such as this?

A. No, sir.

COL WILSON: Mr. MCCLOUD, I request that you not discuss your testimony in this investigation with others, including other witnesses for the investigation, except as you may be required to do so before a competent judicial or legislative body. That means that it's possible that you may be called before the House Armed Services Committee or a judicial body, but it's not likely. But just in case, the instructions I have given you do not pertain to official bodies. You understand what I've said?

A. Yes, sir.

COL WILSON: Okay, we appreciate your coming.

The hearing will recess at this time.

(The hearing recessed at 1245 hours, 11 February 1970.)

(MCCLOUD)

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APP T-353

FOR OFFICIAL USE ONLY

SUMMARY OF TESTIMONY

WITNESS: NAVARRE, George C.

DATE OF TESTIMONY: 2 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Rifleman, Third Squad,  
Third Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

Mr. NAVARRE had never seen the MACV cards, "Nine Rules" and "The Enemy in Your Hands" (pg. 2). He had classes on the Geneva Conventions, but he could not recall any training regarding his duty to disobey an illegal order (pg. 3).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

Sergeant MCCLOUD was the platoon leader of the third platoon while Sergeant JORDAN was NAVARRE's squad leader (pgs. 4, 5). JORDAN normally briefed the squad prior to an operation, but the witness could recall no details of the 15 March briefing (pgs. 3-7).

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

a. Activities on 16 March.

NAVARRE flew into the LZ on the first lift. He vividly recalled Lieutenant COCHRAN being killed by a booby trap almost immediately after their insertion (pgs. 8,9). He did not believe the doorgunners were firing as they approached the LZ (pg. 9). The witness remembered that they received a few rounds of sniper fire after COCHRAN

(NAVARRE)

1

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was killed but before moving off the LZ (pgs. 9, 12). NAVARRE was unable to recall any other events of the first day (pgs. 9-11).

b. Activities on 17 March.

NAVARRE recalled that shortly after moving out word was received that someone was wounded by an explosion down by the bridge. Two or three gunships came on station and made several gunruns on the west side of the bridge (pg. 14). Afterwards his squad crossed the bridge. Mines had been located and marked on the bridge (pg. 15). After crossing the river he saw only one body which he heard was a woman (pg. 20). He remembered seeing a woman who accompanied B/4/3. She did not have a rope around her neck (pg. 21). The third platoon remained behind to secure the bridge while the remainder of B/4/3 moved south (pgs. 16, 22). He did not recall seeing burned hootches south of the bridge (pg. 19), or any fresh graves (pg. 32). He never heard that the first platoon or MILUS had killed many people on 16 March (pgs. 19, 20). Lieutenant LEWIS and a photographer wearing a soft cap were brought in by helicopter and joined B/4/3 before the company moved south (pgs. 22, 26). He never saw the photographer again (pg. 26).

c. Activities on 18-19 March.

NAVARRE remembered that his platoon rejoined the company as B/4/3 moved north (pg. 26). Navy Swift Boats brought in a couple of detainees who were turned over to Captain MICHLES, the B/4/3 company commander (pgs. 26, 27). Their orders were to gather all of the villagers on the beach (pgs. 26, 27). That night there was a mortar attack. NAVARRE's squad began firing to the front when the mortar rounds began coming in (pg. 30). MILUS was killed and several men were wounded (pg. 31). A helicopter came in and evacuated the wounded, but MILUS was left (pg. 31). NAVARRE never heard of an order to stop the burning (pg. 31). It was rumored that their detainees were beaten up the morning after the mortar attack (pg. 34). He did not hear of any rapes (pg. 35).

4. INQUIRIES CONCERNING THE OPERATION.

The witness was never asked any questions about the 16 March operation (pg. 33). He never heard any rumors that civilians had been unnecessarily killed by C/1/20 or B/4/3 (pg. 33).

5. OTHER INFORMATION.

a. The witness had not discussed the 16-19 March 1968 operation with anyone prior to testifying before the Peers Inquiry (pgs. 1, 2):

b. NAVARRE did not think that there was a marijuana problem in B/4/3. He did not remember anyone using marijuana on the 16-19 March 1968 operation (pg. 33).





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

COL WILSON: The hearing will come to order.

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

The next witness is Mr. George G. NAVARRE.

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

Mr. NAVARRE, please state your full name, occupation, and residence.

A. George Glen NAVARRE. I'm a lathe operator in a small shop, and I live in Pontiac, Michigan.

COL WILSON: Mr. NAVARRE, you were given Exhibit M-81, general information for witnesses of interview team C. Do you have any questions on it?

A. No, sir.

Q. As it states, this interview team is a part of General PEERS' inquiry. We are designated to interview personnel from B Company. Now it may be that any time during this interview, personnel--other members of this team may come in, or General PEERS, and ask you questions. And if there's any question in your mind--if this happens just ask me and I'll identify them as being members of the team. There are three persons on this team. There's Mr. WALSH, a civilian attorney designated by the Secretary of the Army to assist General PEERS, myself, and Colonel NOLL. We have authority from General PEERS to interview you. Major THOMAS is the recorder. And as it states there we're going to try to approach this thing in a chronological way, from a standpoint of activities that happened, how they occurred by time. Have you discussed this operation with anybody from your unit since you got home from Vietnam?

A. Concerning this here, sir?

Q. No, the operation itself on the 16th, 17th, 18th, and 19th of March.

A. No, sir, not that I can recall, personally bringing it up.

Q. Okay. Do you remember your assignment on 16 March 1968, what duty job you were in?

A. No, all I know is that I was just an infantryman during that day, but I don't recall what happened on those days.

Q. Which platoon were you in?

A. 3d Platoon.

Q. Which squad?

A. Third squad.

Q. Who was your squad leader?

A. Sergeant JORDON at the last was.

Q. Of course, you were with B/4/3?

A. Right, sir.

Q. Sergeant JORDON was your squad leader. Do you remember the number of the squad?

A. You mean--

Q. (Interposing) First, second or third.

A. No, sir, I don't.

Q. I have facsimiles of two MACV cards. Exhibit M-2 is entitled, "Nine Rules." Have you ever seen that card, the front and back?

A. No, sir, I don't think so. I've seen--no, sir, I don't ever remember seeing this card.

Q. Exhibit M-3 is entitled, "Enemy In Your Hands." Have you ever seen that one?

A. No, sir.

Q. Okay. Do you remember having any training of any kind in your service which instructed you regarding the possibility of receiving illegal orders and what you should do about it?

A. No, sir, I don't really recall that being brought to my attention.

Q. If that came up it would have probably come up in a class in military justice or the Geneva Convention.

A. I remember having classes on the Geneva Convention and things like that, but I really don't remember that one particular question.

Q. Okay. What I'd like to do now at this point, is to find out as much as possible of what you were told prior to going on the operation. Then we'll tell you what we know from the standpoint of what we've been able to determine and you can fill in any gaps. But before we brief you on what you know, we're interested in what you were told. In other words, you must have been briefed and to fix this time period the best way I think is by--if you recall Lieutenant COCHRAN was killed.

A. Right, sir.

Q. That's the operation we're talking about. That's the day that the combat assault took place.

A. Yes.

Q. Now the briefing could have occurred the day prior to, or either that morning prior to leaving fire base Uptight. So if you can think back and recall who gave you the briefing on this operation, who said it was coming off.

A. Well, I can't really remember who actually briefed us, because sometimes we got word to be prepared to move out. And they just said we was going out and for a couple days or a week or whatever it was. They really didn't come out and say actually what was going to be happening until we got out there.

Q. You don't recall anybody briefing you on this?

A. No, sir.

Q. This was a pretty big operation from Task Force Barker's standpoint, the whole task force was on it. Somebody had to come in and say: you're going to get on the helicopter, you're going to be on the second lift, you're going to be on the helicopter and so and so, take three days rations, make sure you take your bedroll, somebody's got to say you got to get up, we're going on a combat assault tomorrow. Is this normally the squad leader or the platoon leader?

A. Well, the sergeant would tell our squad leader and the squad leader would come out usually, or sometime the sergeant would just call a meeting and tell everybody, all right there at once.

Q. Now when you say the sergeant would come out and tell your squad leader, who are you talking about?

A. Sergeant JORDON.

Q. Sergeant JORDON? I thought he was your squad leader.

A. Yes, well he is.

Q. I thought I understood you to say that the sergeant would come out and tell your squad leader. You didn't say that? Well, what I'm getting at is did--was your platoon leader for this operation an officer or an NCO?

A. Well, we had both I think. We had--It was CARTER I think his name was, Lieutenant CARTER. Lieutenant CARTER would tell Sergeant WILLIAMS before he got killed, he'd tell him and Sergeant WILLIAMS would tell Sergeant JORDON. Just pass it down like the chain of command.

Q. Okay. Now for this particular operation Lieutenant CARTER wasn't there. Do you remember your platoon leader now?

A. No, sir, I don't.

Q. Do you know Sergeant MCCLLOUD?

A. Right, sir.

Q. Do you recall if he was your platoon leader then?

A. He was with our platoon, right. He was in charge of the 3d Platoon too.

Q. Do you recall whether or not Sergeant MCCLOUD gave you a briefing or did Sergeant JORDON tell you about this thing?

A. No, sir. I really don't remember who told us.

Q. Does this operation stand out in your mind as far as the briefing or what you expected or where you thought you were going to be going, as anything unusual?

A. What do you mean, sir?

Q. Well, apart from what you were told. If somebody said you were going into Pinkville does this mean anything different to you than going out about 2 or 3 clicks from the fire base, Uptight?

A. No, they just--I remember I think that's the name of the place we went is Pinkville. They just said we was going out there.

Q. They didn't--

A. (Interposing) It didn't particularly mean--

Q. (Interposing) Didn't bother you at all?

A. No, sir, just that we were going out in the field again is all I remember. After we'd been through there I realize it was hot after awhile.

Q. You mean this operation or before?

A. No, I think the first time we went out there some action happened and we just considered it as a hot area. Anytime they'd mention Pinkville, we'd remember it was a hot area.

Q. I see. Nobody told you what the enemy situation was down there, what to expect or anything like that.

A. I guess in a round about way, but we sort of knew what to expect a lot of times.

Q. Nobody had to tell you?

A. No, sir, because we always knew somebody was out there.

Q. What about instructions on destruction of villages, burning houses, destruction of foodstock? Any special instructions put out for this particular operation?

A. Well, if we found a lot of rice or something we usually destroyed it. It would depend upon the size of the village, I think is what they said, but we'd always go to our sergeant or something and find out. Tell him we found rice or potatoes in a certain area and they'd come and check it out and do whatever they say, or just leave it, or destroy it.

Q. Well, this was your normal procedure, right?

A. Right, sir.

Q. But was there anything special put out about this particular operation? Anybody say well, "We're going to do this this way this time, going to be a little bit different?"

A. No, sir, not that I can recall.

Q. Do you know whether the unit normally, when they conducted their operations, burned villages?

A. You mean our platoon or just anybody's platoon?

Q. The company.

A. No, we, as far as I can remember, we never burned any villages unless we were told to I guess.

Q. How many times were you told to burn one, do you recall?

A. No, sir.

Q. Do you know--well, I'm still talking about what was told before this operation. Was there anything said about destruction of livestock?

A. No, I don't think anybody said come out and destroy the livestock or gather them up or anything.

Q. Do you know what the squads in your platoon were supposed to do? Were there any instructions which said first squad was going over here, and the second squad is going to move to this position? Were there any definite instructions given to the squad?

A. As far as I can remember about this was, we just took choppers from Uptight and landed into this rice paddy like and there was--I don't know, a few huts on the side there, and we just put up security as far as I can remember.

Q. Was anything stated about this before you got on the helicopter? Did they say anything special about it? One squad was supposed to do something and another squad wasn't supposed to do?

A. Not anything special that I can remember. Just that a certain squad is going to secure or a certain squad is going to search through the village.

Q. Well, do you remember who was supposed to do what?

A. No, sir, I don't.

Q. You can't recall any more on the briefing itself? Did they say any additional people were going to be with you besides B Company, anybody from--

A. (Interposing) No, sir, I thought we was the only ones out there in that one area. You know, our company, the 1st Platoon, 2d Platoon, and 3d Platoon and 4th Platoon. I just thought we was the only ones out there. Just another couple days deal, out there in the field.

Q. Did you take a camera with you?

A. No, sir. I did not.

Q. Somebody said you always had a camera.

A. Not me, sir.

Q. You know anybody that did?

A. Well, there were a few people that had cameras.

Q. Who?

A. Let's see, I think--I'm not saying they had them out there with them, but as far as I know they had cameras. There was Specialist HATCH and ESTERLING I think it was, in fact, I even think Sergeant JORDON had a camera. And there was a few--but I mean, as far as them having them out there I wouldn't know for sure.

Q. You didn't see any strange people around the fire base that night, like Vietnamese interpreters, or ARVN, or anybody like that that night or getting on the aircraft the next morning?

A. No, sir, I think we were the only ones on that hill besides the artillery.

Q. Okay, we'll get to the first day of the operation now. I think probably the best thing we can do is to give you a short rundown on what happened and then we'll pull the photograph out and ask you a few more questions.

(Colonel WILSON oriented the witness on the photo Exhibit P-168 and the proceedings of the first day's operations.)

A. I remember Lieutenant COCHRAN getting killed, he flew in with our company I think, because he hit a booby trap as soon as we got off the choppers. The only reason I remember that so well--cause our medic in the 3d Platoon, his name was--I can't remember his name, it started with a B, I think. Anyways he ran over there to help him out and after COCHRAN died he got up and realized where he was at and couldn't figure out how he got over there, because it was a booby-trapped area. He didn't actually know how to get back out of the area but he was only--wasn't too far from where we actually were sitting either. That's all I remember and then moving out and moving around--

MR WALSH: (Interposing) Was that the first thing you remember?

A. Right, because that happened right after they



picked us up from Uptight and we landed. We got out and it was just a few minutes I think, I can't remember for sure, but it was right after we landed though. All of a sudden we heard an explosion, somebody yelled out for a medic.

Q. Were you moving at the time?

A. Well, we landed and then we just--after we landed we jumped off the chopper and we always just land right there, you know, just sort of take cover for a few minutes until the choppers get out. Then we sort of set up a little security like, until we get organized and make sure we got everybody with us. And then I remember hearing the explosion and Lieutenant COCHRAN.

Q. Okay, you were moving when you heard the explosion. Do you remember if you were in the first lift or the second lift?

A. No, sir, not actually, but I think I was in the first one. I'm not sure.

Q. Do you remember if the door gunners were firing as you came into the LZ?

A. No, sir, I don't think they were. Not where we landed, not that I can remember they were.

Q. After you got off the chopper and they took off again did you form up and then move up across a trail or road before Lieutenant COCHRAN got hit?

A. No, sir, this was even before we moved out, because I think we even got a couple rounds, sniper rounds, come over.

Q. From the left?

A. I can't remember, sir. I noticed that there was a lot of trees, wooded area out quite a ways and that's where I thought it was coming from, but I don't know for sure.

Q. Do you remember what the area was like, looked like where COCHRAN got killed?

A. He was up on a--not up on, but over to the right

of me I think and back. There was sort of a little woody patch, a couple trees, I guess, shrubbery and stuff, where he landed.

Q. Was it by the shrubs, kind of built up?

A. No, I think just, you know, where shrubs grow, I guess. A few trees were there, I guess. I remember landing in a rice paddy, like sort of wet and everything.

Q. All right. So after Lieutenant COCHRAN got killed what's the next thing you remember?

A. Well, right after he got killed they started to move us out, when we got these sniper rounds. Then we just moved up toward that wooded area, but we were sort of going to the right of it. And there was just a small village there as far as I can remember. And there are only a few huts in there I think, if I remember right.

Q. You spent most of the day in that little village?

A. Well, around it, I think we did.

Q. Did you search it?

A. I remember, right--I don't think I searched it myself, but we sent out somebody to search through the huts and look for tunnels or traps or anything, like we always do.

Q. Do you have any detainees or civilians that you held for questioning?

A. No, sir, but like I said, I didn't do any searching myself and somebody else might have took some to the captain, or the CO, or to their sergeant that I wouldn't know.

Q. Do you remember linking up with Charlie Company?

A. Later on I think we did, across that river, because that night when we got mortared we were with them.

Q. No, no, you're jumping ahead a little bit here. The first night before you crossed over the river we have pretty good evidence that the 2d and 3d Platoons and the CP

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Q. No, no, as you came into your landing or when your aircraft set down.

A. Well, it wasn't while they were there, but after we landed and we set there for--I don't know, for just a few minutes or a half hour or what, we had a few sniper rounds come over our head.

Q. From which direction?

A. It was from that wooded area. I can't remember exactly where it was coming from.

LTC NOLL: The same wooded area that you say you moved to the right of?

A. Right, sir.

COL WILSON: Well, if you were looking toward Uptight from the landing zone, which way would the fire have come from, left or right?

A. Well, if I was looking towards Uptight, if I remember right it would be to the right--to the left and the small village was to the right. It was sort of a small clearing between them both, you know, rice paddies and stuff or whatever it was.

Q. How far off do you think this firing was?

A. I don't know, sir.

Q. Did B Company return the fire.

A. No, sir, I don't think we fired at all, because we didn't actually know where it was coming from. We don't even, if I remember right, I don't even think we knew it was the enemy for sure or not, or if it was somebody else shooting at the enemy and just a couple rounds come over our head. But I remember, like I said, is just that we had some rounds.

Q. Did you ever see these two individuals in the uniform there in Exhibit P-21?

A. No, sir, I don't remember seeing either one of them.

Q. How about that one? Exhibit P-22.

A. That's the same guy that was in this other picture, right?

Q. That's right.

A. He looks a little familiar, but I don't remember his name. But I don't remember this other guy.

Q. Have you ever seen either one of these two Vietnamese soldiers? Exhibit P-66.

A. No, sir.

Q. Exhibit P-208. Do you remember those prisoners?

A. No, they all look the same to me, I guess.

Q. You don't recall anything unusual happening the night of the 16th? Was there any firing inside the night defensive position?

A. Was that the night we got mortared, or what?

Q. No, that's the first night, when you were in there with C Company, the first night out. Did you hear any firing at all?

A. I can't remember for sure, sir.

Q. Do you remember moving out toward the bridge on the 17th? Do you remember an explosion down by the bridge about 0800?

A. Is that when TAYLOR got hit?

Q. Yes.

A. I don't remember hearing no explosion, but I know that somebody was saying somebody got hurt on the bridge.

Q. Do you remember GUTHRIE?

A. Right, sir.

Q. Do you remember GUTHRIE being called forward?

A. Not necessarily, no.

Q. Well, what happened when you moved out? Did you all move into a firing position and fire across the river after TAYLOR was wounded, or did you all go down by the bridge and sit along the trail?

A. I think we started moving out in the morning and we heard over the radio, I think, somebody got hurt, there was an explosion on the end of the bridge. I'm pretty sure we just kept coming toward the bridge and there were about two or three choppers up in the air. I forget what you call them.

Q. Gunships?

A. Gunships, right. I think they fired, but as far as I can remember I don't think we fired across the bridge, because we knew that they were over there, Charlie Company. And we didn't know exactly where they were and we didn't want to hit any of them, so we just waited until we got across the bridge.

Q. How many passes did these gunships make?

A. Two or three, maybe four, I don't remember actually, sir. But I remember them going by, because I could hear the links from the shells falling, because they were by the time where they were and I was--I was right on the trail not too far from the bridge, and they were sort of coming like this, you know--but you could hear the links falling, hitting in the shrubbery and stuff.

Q. This is minigun fire, you mean?

A. I don't know if it was mini or what, just gunfire that I heard from the gunships.

Q. Was any of the platoon deployed on the bank, on this side, on the west side?

A. I don't quite understand what you mean.

Q. Well, was the whole platoon sitting on that trail

or were a couple--some of the squads up on the bank in a firing position?

A. I really don't remember, sir.

Q. Okay.

A. I remember that we was on that trail and I think even--we even sat on the side or got down on the side while the gunships went through a couple of times.

Q. Now when did you cross? Did your platoon cross as a unit, a squad at a time or what?

A. I think we only went across two or three at a time, you know, equally spaced, because they had markers with--I don't know if it was toilet paper or what--it was just some white paper, because they said they thought there were a couple mines there at the end of the bridge, where we started to go across. They had one marked on the other side too, I think.

Q. Who marked them, do you know?

A. No, sir, I don't. They were marked before we got there. We just passed lots of white paper, or the white stuff, or whatever it was.

Q. When you got on the other side of the bridge did you see any personnel in there that you hadn't seen before, personnel that weren't assigned to B Company? U.S. or Vietnamese?

A. No, sir, not right at that time, when I got across I didn't. Wait, there was--I think there was a couple Vietnamese regulars there, but I don't remember who they were or what they were.

Q. They had military uniforms on?

A. Right, I think they did have, sir.

Q. Did they have helmets on?

A. Yes, they had regular combat equipment.

Q. Who were they with?

A. I'm not sure but--no, sir, I can't say truthfully who they were with.

Q. Do you remember CONGLETON?

A. Right, sir, he was with the CP group, with the captain.

Q. Did you see him with any Vietnamese, that day?

A. No, sir, because I was never with the CP group or had anything to do with them, you know, to happen to see him.

Q. Do you recall that the company left and your platoon stayed up there by the bridge, the company went south?

A. Yes, sir, I think we sat there for--as a matter of fact I think we stayed there the rest of that day and that night too, I think it was, sir.

Q. Do you remember any Navy ships out in the sea there?

A. No, sir, because I was sitting right up on the hill or on the bank like away from the shore, but I could see the whole side of the--I think it was--I don't know what it was called, South China Sea, I guess.

Q. Yes, you were sitting up on that bank on top?

A. Right, sir.

Q. Did you see any ships out there or sampans come in with a bunch of people?

A. No, sir, I don't remember seeing any out there.

Q. Did you see any bodies up there on that hill?

A. Later on they had one covered, but I didn't go over there and pick up the cover and look at it.

Q. Was that that woman?

A. Right, sir, it was a woman, I heard.



Q. You didn't see her?

A. No, sir, I didn't see any part. I think she had her feet sticking out. That's about all I saw.

Q. Was she buried?

A. No, sir. She was just lying on top of the ground.

Q. I know, but I mean, did you bury her?

A. We were told to. I mean, I wasn't told personally myself, to bury her. A couple of our men in our platoon were told to bury her. And I don't remember if they did or not. I think they did, but I'm not sure they did.

Q. And she was up on top of this hill?

A. Well, she was in back of us down like--well the hill was like this and she might have been down here (indicating with hands), I think, because she wasn't too far from the trail, like where we walked up to come where we were sitting.

Q. Which side of that bank are you on? Are you on the sea side or the inland side, the side that she's laying on?

A. Well, if I remember right, the sea was over here, the bank was here.

Q. Would you draw us a sketch, please?

(The witness did as requested; the sketch was not entered into evidence.)

A. See, this is all the water over here, and there was a sandy area and there was like this, I guess it was a long hill. There's a little trail that come down here into where we stayed that night. We was up here, me and--I can't even think of his name, he was a machinegunner and I was helping him. I can't even remember his name. But anyway I think he went back for something, I don't know what it was and he said, "Did you see that dead body back there?" I said, "No, I didn't see it." And then I went back, I don't know if I went for chow or what it was, but I went back and he told me it was over here on the side from this trail, it was set back

a little ways up in here, I guess. I just walked and I stopped if I remember right, that's why I think I saw her feet and I just walked on away.

Q. She's on the inland side of the hill?

A. Right, she was sort of--well, she was on the same side we were, but in back of us like. And we were sort of watching out this way.

Q. You don't recall anything occurring when you got--you say you might have gone down to get some chow. Do you remember a helicopter coming in that evening?

A. I think all we got was water. I think we had our own rations. If I remember I think all we got was water.

Q. Did you go down to the helicopter?

A. No, sir, I was up on the hill site there.

Q. Anything unusual happen that night?

A. No, sir, not that I can remember. We just pulled our regular guard that night, because while we were out there everybody pulled guard.

MR WALSH: I've made a little sketch (not entered into evidence) from what I can understand of what this area was like and I wonder if you could help fill it in a little bit. I put the bridge here. You came down here (indicating), went out to the bridge. This is water here and I understand that there was a trail that went off and it branched north and south after you came off the bridge. And then beyond the trail was some high ground and then beyond the high ground was the beach and the ocean, looking from the lower part of the sketch higher. Now, first of all, is this approximately the way the trail was? In other words, did it lead straight off the bridge for a ways and then one part of it branch north and one part of it branch south, or did it just curve to the south?

A. It might have curved a little bit, I guess. I don't actually remember. There was a lot of trails out there.

Q. Yes, I know that. Now, tell me, were there any hootches around the end of the bridge?

A. No, sir, I don't think there were any. I think they were all back farther.

Q. Now, when you say back were they back straight ahead from the bridge toward the high ground or did you have to turn south and go a little ways before you came to hootches?

A. I don't actually remember seeing a whole lot of hootches there to be truthful.

Q. Do you remember if you saw some hootches that had been burned the day before, the remains of hootches?

A. No, sir, not really.

Q. When you set up your perimeter at the bridge, where did you set up, with respect to the bridge? Did you draw it around the end of the bridge like that (indicating) with the rear on the water or did you set up a circle somewhere?

A. We set up a circle. We were sitting up on the hill up there (indicating), I think. One night we moved down, I think we just set up a big circle here.

Q. On both sides of the road, the trail?

A. I think so, sir, I think it was like that.

Q. Well, after you crossed over the bridge the second day and you linked up with the 1st Platoon, did you have a chance to talk to anybody in the 1st Platoon about their action on the day before?

A. I don't think so, sir.

Q. Do you remember anything about hearing about the 1st Platoon killing a lot of VC in this area the day before?

A. No, sir, I don't think so. I don't think I heard anything that they were out killing a bunch of people in there.

Q. Hear anything about MILUS killing a lot of people

with his machinegun the day before?

A. No, sir, if I did I didn't remember that, because that wouldn't be so hard to forget. I mean, you know, it wouldn't be hard to forget that somebody killed a lot of people.

Q. You didn't hear anything about 1st Platoon killing a lot of people on that day at all, anytime?

A. No, the only actual body I saw was that one I saw up on that hill, that woman I guess.

Q. About how far from the bridge did you move around during the course of the day? I mean, how far south and north would you have gone?

A. I don't think we moved. I think we just set up a little security line once we crossed that bridge. I think I remember that.

Q. No more than 100 meters, 200 meters, how far from the bridge would you have gotten that day?

A. Not very far, sir. I remember we sat up on that hill, me and that machinegun sat up on that hill almost all day I think it was.

Q. Did you hear any firing going on down at the beach where the 1st and 2d Platoons were working?

A. I don't know if I can actually remember hearing a whole lot of shooting or a little shooting that day at all.

Q. Did you hear any demolitions?

A. No, sir. I don't think we had any call for anything, I don't think. Oh, yeah, that's right, we had some to blow up the mines on the bridge there where they thought there were mines, I guess. But I don't know if they called them in specifically or some of our guys did it. I didn't actually see them do it. I didn't actually see them set it up or anything.

Q. Did you see any resupply demolitions come in during the day?

A. Not that I can remember.

Q. Did you know HOUGHTON?

A. Yes, sir. I remember him. I remember the name HOUGHTON.

Q. Do you remember him finding a wounded woman and asking for a dustoff for her at all during the day?

A. No, sir.

Q. Do you remember any wounded women being brought up to the bridge that day?

A. Going back I think, sir, if I remember right there was a woman, I think she--I can't remember if she had a kid with her or not. She was sitting by a tree. I walked by and I think it was Lieutenant--not lieutenant but sergeant--I can't remember his name, you mentioned it earlier.

Q. TAYLOR:

A. No. It was--

Q. (Interposing) JORDON?

A. No.

Q. MCCLLOUD?

A. MCCLLOUD. Sergeant MCCLLOUD was standing by her. I asked, I said what's wrong with her. He just said that she was scared or frightened I guess. Because it was right after we crossed the bridge and I remember seeing it now. I think--

Q. (Interposing) Did she have a rope around her?

A. No, sir, not that I can remember. I think she was just out by the tree, leaning against the tree, like you know, scared. But I don't remember ever seeing any ropes or any thing tied on her. I never saw her bleeding or anything. She was just up against the tree, scared, I guess.

Q. Was she near by where TAYLOR had been wounded?

A. Yes, because there was a big tree not too far from the bridge, it sort of angled off I think.

Q. Did she look like she had been harmed in any way?

A. Not that I remember, actually remember. I can't remember if she had a small sack of food, or a small sack, or a little kid, I can't remember now. But I remember asking Sergeant CARTER--MC CLOUD, Sergeant MC CLOUD, I'm sorry, Sergeant MC CLOUD, asking him what was wrong with her, I think. And he just said that she was scared, because I think just before that, before we crossed the bridge that's when the machinegun ships come in, gunships come in.

Q. Okay. Do you remember anything unusual happening during the day other than seeing the dead woman?

A. No, sir, we just sat around that day and pulled security. If I'm not mistaken I think 1st Platoon moved out in front of us to go down farther to check out things and I think that's when Lieutenant LEWIS came in, I think.

Q. Did you see him come in?

A. I didn't actually see him get off the chopper, but I saw him going out, because at first I thought he was-- and I think there was a reporter with him, a cameraman or somebody with this 1st Platoon, I think it was. And--

Q. (Interposing) Now how do you remember that?

A. Pardon me?

Q. How do you remember that? You saw the 1st Platoon moving out?

A. Yeah, when they moved out, because I remember we got Lieutenant LEWIS later as our lieutenant. I remember the first day he came in.

Q. Did he come in with the executive officer, Lieutenant MUNDY?

A. I don't think Lieutenant MUNDY come out there that day.

Q. Did LEWIS move out with the 2d Platoon?

A. It was either the 1st or the 2d, I don't remember who it was. But I know that they went out in front of us. And I remember--the reason I remember that, cause I made a joke at the camera guy or something and I thought this--I didn't know he was a lieutenant at the time, I thought he was just another civilian with the camera guy, you know, making a report. I don't remember what I said, but me and this other kid made a joke at him or something, I think.

Q. What was the joke?

A. I don't remember, sir.

Q. What did the camera guy look like?

A. I don't remember. They--I don't even think they turned around or anything cause they were moving out.

Q. Do you remember how the cameraman was dressed?

A. He had the Army greens on.

Q. Did he have a soft hat on?

A. Right, I think he did. I think--

Q. (Interposing) How many cameras was he carrying?

A. He just had a small black one, I think.

Q. How did you know he was a cameraman?

A. I didn't. I just took it for granted, because he had a soft hat on. Infantry always goes out with a helmet on and I don't think he had a--

Q. (Interposing) Do you know if he had a patch on?

A. I didn't think he had any field gear or anything.

Q. Did he have a MACV patch on?

A. I don't think he had anything except that soft hat and that camera.

Q. When you say soft hat, do you mean a--

A. (Interposing) Baseball cap, I think that's what he had on. Me and this other kid we made a joke at this or something, I don't remember what it was. I don't even have any idea what the joke was.

Q. Had you ever seen him before?

A. No, sir. I don't even know what he looked like.

Q. Do you remember how he got there?

A. I just took it for granted he came in on that chopper, I guess.

Q. Well, you saw the chopper come in?

A. I heard one come in, I didn't actually see it land.

Q. Where did it land?

A. I don't know because I didn't see it land.

Q. Well, if it landed to the south of you, you wouldn't have seen Lieutenant LEWIS, would you? Because they were moving out on down south so--

A. (Interposing) I remember seeing him, because they walked out in front of us because they were toward the sea and then they--when they moved to the right, I think.

Q. And you were sitting around the end of the bridge?

A. No, we were way up here on this hill, the bridge is down here.

Q. And you watched them walk toward you and then turn to their right?

A. Well, they came out down in here somewhere, wherever they were and they walked--they weren't very far in front of us.

Q. And you were up on the hill overlooking the ocean



when you saw Lieutenant LEWIS and the reporter?

A. Yes, but we weren't on a great big hill.

Q. Yes, I know, it's only about 10 feet high.

A. Something like that, I guess, I don't remember.

Q. Well, how far away from you were the reporter and Lieutenant LEWIS when they walked past you?

A. I don't know, it wasn't too far.

Q. As far as from here to that wall over there (indicating)?

A. No, a little bit farther than that, I think, if I remember right.

Q. Say 25 meters?

A. Maybe, I guess, I don't remember.

Q. Close enough for you to make a joke at them though.

A. Yeah, but I don't know if they heard it or not. We was just--

Q. (Interposing) Was Lieutenant LEWIS walking next to the reporter?

A. He was--I can't remember if he was behind him or in front of him.

Q. Were they close together?

A. I think so, because that's how I noticed two of them together that I hadn't seen before.

Q. Was the CP group near them?

A. I think they just moved out by themselves. The CP group was down in the middle of something, I don't even remember where the CP group was at that time.

Q. Did you ever see that reporter again?

A. No, sir. I think that was the only time I ever saw him out there.

Q. Did you see him the next day?

A. No, sir, not that I can remember.

Q. Anything else happen that day that sticks in your mind?

A. No, just that we sat on that hill right there all day long and we pulled security that night as far as I can remember. Nothing unusual. I don't even think we fired the machinegun that day or that night if I remember right.

COL WILSON: Okay, the day of the 18th. Do you remember finding some--a large cache of rice that morning?

A. No, sir, I don't remember any found that I can remember. I don't think we found any.

Q. Do you remember the company coming back and linking up with you?

A. Now is this the day of that night we got mortared?

Q. That's right, this is the morning of that night.

A. This is the morning of that night, right. As far as I remember we just packed up and started going down that trail or going down through that hill like. It was a hill, a flat hill, I guess. I remember seeing--I don't know if you could see Uptight, I think it was, we were sort of walking towards it and I said "Well, maybe we're going back now." But we didn't, we just walked on down to that village--walked through that village.

Q. Anything unusual happen en route?

A. No, we just walked through and we had orders to round up all the people in that village and they were--well, before we got orders to round up all the people I think there was a ship, small boat, gunboat I think it was coming--moving out and coming towards us after we got inside the village. And they brought us two prisoners and we took--I think myself and I think his name was Sergeant BRADDOCK or Specialist BRADDOCK, I don't remember now. Him and a couple other guys

went and got them and took them back to our sergeant and they took them to the CP, I guess, to Captain MICHLES and the CP group and we got orders to round up all the people. As we went around we just picked up anybody and had them move out.

Q. Now you got two prisoners from the ship.

A. I think it was two, I'm almost sure it was.

Q. You got them from a ship?

A. Well, it was a small gunboat like.

Q. The gunboat came in, they didn't come in off a sampan or something, you got them from a ship, from a Navy ship?

A. No, it wasn't a big ship, now.

Q. Well, it was a Navy vessel as opposed to a sampan?

A. I guess so, it wasn't a small fishing boat, it was a gunboat.

Q. And they turned two prisoners over to you?

A. I think it was two.

Q. And you took them back to your squad leader?

A. Yeah, we took them to the sergeant and he took them to Captain MICHLES I guess, and the CP group. I didn't go with them, I didn't see what they did to them or what.

Q. Did you ever see these Vietnamese here, after that?

A. I don't even think I'd remember what they looked like.

Q. You wouldn't?

A. I don't think so. I'm almost sure I wouldn't.

Q. Did you ever see this man, this is Exhibit P-125?

A. I couldn't really remember that far back, those two.

Q. We got a report listed in the log (Exhibit M-16) that one VC was picked up at 1230, but this is probably in addition to the report that you turned over to the company commander. Did you see any Vietnamese ARVN or interpreters or military intelligence personnel in there interrogating prisoners that day?

A. No, not until later on when we laagered that night I think it was, or the next day.

Q. Did you see a large group of medics come in there and start processing these people?

A. No, sir, I don't think they come in unless they were with some other company that I wouldn't know.

Q. Well, the only thing you recall about that day is picking up those two suspects from the Navy ship?

A. Yes, and some Vietnamese pulled out an electric eel on us, showed us.

Q. Where?

A. Right there by the water.

Q. Trying to scare you?

A. I guess so. They picked it up and showed us.

Q. Vietnamese civilians, not military?

A. Yeah, they were out there fishing and stopped and they come in and I think one of the guys, what he had in there he picked up that long thing and I backed up.

Q. Did you recall any artillery being fired in there?

A. There was--I don't know if it was that day, yeah, I think across the--well, where the water come in like a big circle up on the hill across there were two gunships shooting over there. But as far as somebody running out that we could

see, I don't remember seeing any, because we watched and then to the right of us I think there was--I don't know, I guess you'd call it a peninsula, there was a hill like and then they said we wasn't going up there, because it was all booby trapped or something. But I think there was two gunships, they were shooting into the hillside.

Q. But you don't remember any artillery coming into your area up there about where you were?

A. No, sir, not at all.

Q. Did you see a Vietnamese woman with a leg badly wounded?

A. No, sir, not that I remember.

Q. Anything unusual about the way you set up your perimeter for that night, just normal defensive positions?

A. Right, sir, just dug in, pulled security, pulled guard, and were on the alert.

Q. Any firing going on prior to the mortar attack?

A. Yeah, we did.

Q. What kind of firing?

A. Machinegun, M-60, and 79.

Q. What were they firing at?

A. We didn't really know, because there wasn't any firing at all until we got mortared.

Q. Do you recall whether there were any Vietnamese in that perimeter that night?

A. Yeah, I think we had those prisoners.

Q. Those same two that you turned over?

A. I think so, I don't know if we got any more or they let them--moved them out by chopper or what. I think they were--I think they were there. They were there that night.

Q. Did you see them?

A. I saw two prisoners the next morning, but I don't actually remember seeing them that night.

Q. What were those prisoners doing the next morning?

A. They were sitting there tied up as far as I can remember.

Q. Have a sack over their head?

A. No, I don't think so. I don't think they had a--

Q. (Interposing) You didn't see any strangers in there that night then? How about the Vietnamese military, any Vietnamese military in there that night?

A. No, not that I can remember, because we was sort of--I don't know what you call, setting up in kind of an open area like, you know. Me, I didn't do too much walking around, no more than I had to.

Q. All right, you were mortared that night and our report is that there was a "Spooky" or "Puff", C-47 that came in who fired support for you that day and later that night. You lost MILUS and had about four or five wounded. How much firing did you do when this mortar fire started coming in? Did you fire out to the front? Were you receiving any small arms fire out there or was it just the mortar fire?

A. No, just the mortar and then we started firing, because we didn't know, you know, if the enemy was moving up as the mortars were going--coming in or what. We just sort of fired to the front like where I was at. I don't know, for all I know, it might have been the back or the side or front.

Q. Now the next morning do you recall them coming in and picking up MILUS and the wounded from that night?

A. They picked up two I think during that night, two or three, I don't remember now. I think it was two, because they--I later on found out that after the mortars stopped--I found out MILUS got killed, cause there was

a direct hit. They sort of left him there or wrapped him up or whatever they did and put him on the side and I remember they were checking his wallet and stuff, papers he had on him so them could write it down as information whatever he had. I remember seeing--I didn't actually go over there and look at him but I remember seeing somebody moving stuff around, 'cause they were writing down what he had, you know, personal items like his wallet and ID card and stuff like this. But I remember that--I remember two choppers come in or one but I remember one come in, because I was sort of afraid that it was going to get hit, you know, big chopper like that coming in. They were taking a chance. I think we even gave support fire, you know, but I can't remember if one or two come in. I know one come in for a fact but I don't know, remember if there was two or one.

Q. Do you remember anything else unusual about that evening?

A. Well, just that I stayed awake the rest of the night. I didn't feel like sleeping.

Q. Well, there were five wounded with MILUS killed.

A. I think one of the guys got wounded was in the 3d Platoon with us. I'm almost sure he was, but I don't remember who it was.

Q. Do you have any knowledge of an investigation or inquiry that was conducted in Vietnam prior to the time that you left?

A. No, sir, I didn't hear of any.

Q. Did you ever hear an order during the operation to stop burning hootches?

A. No, sir, I don't think we burned any.

Q. You never heard any order like that?

A. No, sir, I don't think we--in fact, I'm almost sure that 3d Platoon didn't burn any hootches.

Q. Did you, of course, you've already been questioned on this--about the heavy body count that came out of 1st

Platoon the first day. The 1st Platoon reported 38 VC KIA the first day. You were over there the second day; where do you suppose those bodies were?

A. I only, like I said, I only seen that one body, sir. Now what they did with the rest or if there was any, I don't know. I didn't see any with my own eyes or anything. The only one I seen--

Q. (Interposing) Did you see any fresh graves?

A. Pardon me?

Q. Did you see any fresh graves?

A. No, sir, the only body I seen was that one body that was not buried. That's the only thing I ever seen.

Q. Did you see many civilians--did you see many of the natives in this village?

A. No, sir, the only one I seen was that one I said I seen by the tree, that was I asked about Lieutenant--Sergeant MCCLOUD, I asked him what was wrong. That's the only one I saw.

Q. You didn't--I'm just trying to figure out what happened to these bodies.

A. I don't know, sir, I did not see any other bodies at all. The only one I saw is that one that was covered up there, and I didn't actually see her face or if it was a her or him. I was told it was a her.

Q. Well, were there many bunkers in this area?

A. I don't think there was, because we had to build up our own cover like for security that night.

Q. I'm trying to figure out if these people could have been killed in bunkers.

A. I wouldn't know, sir.

Q. Were you or anyone you know ever questioned on this



operation while you were still in Vietnam, asked any questions?

A. No, this is the first time it's ever been brought up to me, sir.

Q. Did you ever hear any rumors that civilians had been unnecessarily killed by C/1/20 or B/4/3?

A. No, sir, not actually that I can remember, that people were killed unnecessarily or whatever you call it.

Q. What did you hear?

A. I said not actually that I heard this, sir, or anything.

Q. You didn't hear anything about this? No rumors?

A. No, sir, not at any time.

Q. You already said that you didn't have a camera with you. You don't have any photographs taken on this operation, do you, that somebody might have given you?

A. No, sir, I think the only camera I used was later on when we moved up north farther. We were sitting on a big hill up there. Then I didn't get those pictures home.

Q. Do you know if marijuana was used by members of B Company? Let's say this, do you know if there was a problem with marijuana in B Company?

A. No, sir.

Q. Anybody ever use marijuana on an operation?

A. Not that I remember.

Q. Do you have any knowledge on this operation of any mistreatment or torturing of Vietnamese by either U.S. or ARVN military or National Police?

A. What do you mean by mistreatment now? I mean to you it might be mistreatment; to me it might not be. I don't know.

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Q. That was the morning of the 19th?

A. Right, it was after the mortar attack.

Q. After the mortar attack. Did you hear of any rapes?

A. No, sir.

Q. By either ARVN or U.S. personnel during this operation?

A. No, sir, I didn't.

Q. Do you have any further testimony or any statement that might assist us in the investigation?

A. No, sir, all I told you so far today is as far as I can remember. I did my best.

Q. All right. We appreciate that. I know this is 2 years ago. I would like to ask you if you get back home and you find these photographs or a tape recording or anything that might help fix times and places on this operation, we'd sure appreciate getting it.

A. Well, like I said, sir, I never had any cameras there except for that one time we moved further up north and that was with Colonel BARKER.

Q. Colonel BARKER? Did you see him? Oh, you're talking about--

A. (Interposing) About--this is after, this is when I took pictures up on that hill. I don't even remember the name of the hill, there's all kinds of them out there.

Q. Well, just in case, if anything turns up like that that you didn't think about it, book, notebooks or anything like that that fixes times and dates and anything during this period, we'd like to hear from you and we'll make a copy of it and send it back to you.

A. All right, sir. If I see anything that comes up.

Q. I request, Mr. NAVARRE, that you do 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 or legislative body. We are trying to get the witnesses fresh before they have been influenced by someone else's thinking.

A. All right, sir.

COL WILSON: And we appreciate your coming. The hearing will recess.

(The hearing recessed at 1450 hours, 2 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: PARKER, Harry E.

DATE OF TESTIMONY: 5 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Grenadier, Second Squad, Third Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness could not recall any classes in the Geneva Conventions or related subjects (pg. 5).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The platoon was briefed by the platoon leader prior to all operations, but nothing in particular could be recalled about the one of 15 March (pg. 5). The witness noted that his outfit was to pull security for the mortar (pgs. 5, 6).

3. THE COMBAT ASSAULT.

a. Activities of the 16th.

The witness stated that the landing zone was "cold" when he went in and his doorgunner was not firing (pg. 8). Upon leaving the landing area firing was heard ahead and a boobytrap was tripped (pg. 9). The witness stated that he and about four others were separated from the rest of their platoon and were hiding (pg. 10). Later in the day, the witness stated, he guarded Vietnamese detainees (pg. 10). The witness did not recollect his unit being joined by any ARVN troops that evening or any unusual occurrence that night (pg. 14). He could not recall firing the mortar on 16 March (pg. 28).

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b. Activities on the 17th.

The witness described crossing a bridge the next day, coming under fire, and the resultant confusion (pgs. 14-18). He was vague about whether or not the second or third platoon preceded the other across the bridge (pgs. 15-18). He remembered TAYLOR hitting a mine and then the mines being marked by tissue paper (pg. 18). He was unclear about who marked them (pg. 17). He could recall nothing unusual that night (pg. 21).

c. Activities of the 18th and 19th.

The witness testified that a MEDCAP team operated in one of the villages and his platoon moved around and searched a village, and rounded up Vietnamese (pgs. 22, 29). He recalled two or three ARVN's in the area, but did not see them interrogate any detainees (pg. 25). He noted that there was an isolated incoming mortar round some three hours after the assault on their position (pg. 27).

4. KNOWLEDGE OF AN INCIDENT.

The witness had no knowledge of unnecessary killing by personnel in C/1/20 and B/4/3 or of any U.S. or ARVN personnel torturing prisoners on this operation (pg. 30).

5. KNOWLEDGE OF AN INVESTIGATION.

The witness knew nothing of an investigation and had never been told not to discuss unnecessary killing occurring on this operation (pg. 30).

6. OTHER INFORMATION.

The witness stated that some of the men in his company smoked marijuana and that he felt the company commander knew who they were, since the users were always selected for details (pgs. 30, 31). After a prior operation where some men who were high got hit, there was no use of marijuana in the field (pg. 31). "Grass" was easily obtained in the villages (pg. 31).

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EXHIBITS

| EXHIBIT NUMBER | DESCRIPTION                         | NOTES                     | PAGES |
|----------------|-------------------------------------|---------------------------|-------|
| M-2            | MACV Card "Nine Rules"              | Issued to witness.        | 3     |
| M-3            | MACV Card "The Enemy in Your Hands" | Issued to witness.        | 3     |
| M-81           | Instructions to witness             | Read by witness.          | 1     |
| P-18           | Miscellaneous Scene                 | Wit recognized detainees. | 11    |
| P-19           | Miscellaneous Scene                 | Wit did not recognize.    | 11    |
| P-21           | Miscellaneous Scene                 | Wit recognized an ARVN.   | 11    |
| P-22           | Miscellaneous Scene                 | Wit did not recognize.    | 11,12 |
| P-23           | Miscellaneous Scene                 | Wit did not recognize.    | 12    |
| P-66           | Photo of ARVN soldiers              | Wit did not recognize.    | 12    |
| P-168          | Aerial photo                        | Utilized by wit.          | 15    |
| P-208          | Photo of detainees                  | Wit did not recognize.    | 13    |
| P-209          | Photo of detainees                  | Wit did not recognize.    | 13    |
| P-215          | Photo of ARVN and detainees         | Wit recalled.             | 23    |
|                |                                     |                           |       |
|                |                                     |                           |       |
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|                |                                     |                           |       |

(The hearing reconvened at 1320 hours, 5 February 1970.)

COL WILSON: The hearing will come to order.

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

The next witness is Mr. Harry E. PARKER.

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

Please state your full name, occupation, and residence?

A. My name is Harry PARKER. I live at 2256 E. Williams Street, Philadelphia, Pennsylvania, and I work at B and F Cooperage, Barrel, and Container Company.

COL WILSON: Mr. PARKER, did you have a chance to read this literature (Exhibit M-81) we gave to you?

A. Yes, I had a chance.

Q. Do you understand that this is an interview team for General PEERS' inquiry?

A. Yes, I understand.

Q. We have no authority to make conclusions and findings in this case. That's strictly the prerogative of General PEERS. We interview people for him.

A. I understand.

Q. Your testimony is being recorded and also a transcript will be made. The team is composed of three people: myself, Colonel NOLL, and Mr. WALSH, who is absent. He is a civilian attorney who is to assist General PEERS. He may or may not be up here within the next hour or two. You remember on the handout that we gave you, we will question you in a series of chronological matters dealing primarily with

(PARKER)



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training first in order to develop any information that you may have on B Company operations on March 1968.

Have you talked to anyone about this operation from your unit prior to coming to this hearing?

A. Well, I seen a couple friends upstairs, and we just kind of discussed it.

Q. Just today, you mean?

A. Today, yes.

Q. Nobody before that?

A. No.

Q. What was your assignment on 16 March 1968?

A. Well, at this time I was a grenadier.

Q. With B/4/3?

A. Right.

Q. Which platoon?

A. 3d Platoon, second squad.

Q. Second squad. Who was your squad leader?

A. My squad leader was Sergeant BRADDOCK, BRADDOCK.

Q. BRADDOCK? Were you with the unit in Hawaii?

A. Yes.

Q. Do you recall, now not only there, but at any time in your training, ever getting any instructions--which was probably in a military justice class or class concerning the Geneva Convention--pertaining to legal or illegal orders?

A. No, I don't remember them.

Q. I have two exhibits which are facsimiles of MACV, wallet-size cards. The first one is M-2. It's entitled "Nine Rules." Have you ever seen that card?

A. I believe I might have seen this before.

Q. The second page there is the inside of the card.

A. Yeah, I believe I saw it, or one that may have been much like it.

Q. Of course it would have been--

A. (Interposing) It was issued to us.

Q. It should have been.

A. Yes.

Q. Do you remember getting one?

A. Yeah, I remember now because that was--

Q. (Interposing) That was red.

A. Right.

Q. Now, were you issued this before you got to Vietnam or after you got there?

A. I really don't know. I wouldn't remember.

Q. You don't remember? The next one is Exhibit M-3. It's entitled, "The Enemy in Your Hands." Have you ever seen that card?

A. I believe these were issued together when we got them.

Q. Do you think you got one of these, too?

A. Yes.

Q. This card folds.

A. Yes, I believe so.

Q. I'd like to fix in your mind the exact period that we're talking about, and then I want you to tell me what information you had before this operation came off. Now, the time frame that I'm talking about is the day when Lieutenant COCHRAN was killed through the day that MILUS was killed?

A. Right.

Q. Those 4 days in there, do you know the period I'm talking about?

A. I remember, I believe.

Q. MILUS was killed on the night of the 18th of March, and Lieutenant COCHRAN was killed on the 16th of March. Now, the 15th of March was the day before the combat assault took place. You were up, or should have been, at Uptight. Do you recall getting any information on the operation coming up the next day?

A. No, I don't. What I really remember was the day that Lieutenant COCHRAN got killed. The 3d Platoon was pulling security for the 81 section, and--

Q. (Interposing) You're getting a little ahead of me.

A. Oh, I'm sorry.

Q. Let me get to that. That's on the 16th. What I'm trying to find out is what were you told about the operation on the 15th before the operation came off? Did anybody brief you?

A. Well, we were always--we had a briefing, but I don't remember the exact words.

Q. Now, who gives you the briefing normally. Is it the squad leader or the platoon leader?

A. The platoon leader usually gives us the briefing.

Q. Did he give it to you before the operation?

A. Usually the night before or the morning before the operation.

Q. Well, this was a pretty early take-off. Who was your platoon leader then?

A. At that time, we didn't have a platoon leader.

Q. Well, who was the acting platoon leader?

A. Well, it was sergeant--we used to call him "Smokey." Sergeant--oh, I can't think of his name.

Q. MCCLLOUD?

A. MCCLLOUD. Sergeant MCCLLOUD.

Q. Do you recall Sergeant MCCLLOUD--Sergeant BRADDOCK briefing you on this operation?

A. Well, I guess I got the word, but from which one I got it from, I really couldn't be exact.

Q. Well, do you remember anything about this operation before you went on it that stands out in your mind about being different from any other operation, this combat assault? Were you supposed to carry any extra equipment or anything like this?

A. As far as I was concerned, the pleasant part for me was that we had to pull security for the 81. That meant that we would be sitting down for a good while. On other operations the 3d Platoon was usually out there humping, you know.

Q. You knew this before you went in there?

A. That we were going to--

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Q. (Interposing) Secure the 81?

A. Yeah, that's what I heard, I believe.

Q. Okay, now this is what you understood your platoon was going to do before the operation came off?

A. Yes, I believe that's what it was.

Q. Now, was anything said on the 15th about the destruction of villages or foodstock?

A. No, I don't remember this. They might have said something about it.

Q. Was anything said about how the inhabitants were to be handled, the natives of this area?

A. Well, not that day. Not that day.

Q. Okay. They didn't say anything to you?

A. No, not to me, no.

Q. Okay. Did anybody say what the enemy situation was going to be in there?

A. I didn't--the word was put out, I probably didn't hear it.

Q. Did you know what the other two platoons were going to do besides the 3d Platoon?

A. I don't know. I think they were going to block, I guess, or something, against a sweep, or something, I don't know.

Q. Did anybody say whether there was going to be any difference in what one squad of the platoon did and what the other squad did. In other words, were you supposed to move off in a certain direction or just set up security? Was it said that the first squad would do this, and the second squad would do this?

A. No. Well, when we first came in, I believe when we first landed, the main thing was getting the guys spread out, but everybody just about knew his job.

Q. Everybody knew what they were going to do. They didn't need any special instructions?

A. No.

Q. What about the 15th. Did anybody say which helicopter you were on?

A. Yes, we were assigned helicopters to get on.

Q. Was this done early in the morning or the day before?

A. Well, I guess it was done at the chopper pad.

Q. Okay.

A. If we flew. I think we might have walked up there.

Q. No, you flew up there this time. Do you know if you were on the first lift or on the second lift? Two lifts?

A. I really don't know. I doubt if it was the first lift, because I would remember. Sometimes it would be hot and cold.

Q. Well, it could have been either one at either time. It could have been cold for the first and hot for the second lift, or vice versa, or cold or hot all the way.

A. Well, I know this one. When I got there I just walked around. There wasn't nothing out there. I didn't see nothing.

Q. Okay. Have you any questions on the briefing?

LTC NOLL: No, sir.

Q. All right, let's go to the day of the operation itself. That's the 16th now, we can put the briefing behind.

A. I understand.

Q. Now, we'll have some specific questions on that date. When you got off that helicopter or as you came in for your landing--do you recall that this was a combat assault?

A. Yes, airmobile.

Q. When you came in for your landing, do you remember whether there was any firing going on, whether your aircraft was receiving any fire?

A. No, I don't remember.

Q. How about when you got out of the aircraft, do you remember firing your weapon or anybody firing?

A. No. I didn't even have a round in the chamber.

Q. How about the doorgunner? Was the doorgunner at any time firing?

A. No, I don't believe so. Nobody firing.

Q. Nobody was firing?

A. I don't believe so.

Q. And, when you got off and on the ground--

A. (Interposing) I remember--

Q. (Interposing) Go ahead.

A. I remember something now. There was some firing, but it was way up in front, because there was some firing somewhere. I could hear the firing. About this time a booby trap had went off and we were told to come back or something like that.

Q. Okay. When you got off that helicopter, the nose of that helicopter should have been facing Uptight. Which would have been due north. Do you remember which direction you went? Now, this was before the booby trap was tripped. When you got off the helicopter, do you remember if there was firing going on then?

A. I don't know if it was at the time I stepped off, but I was on the ground and then later I heard some firing way up further.

Q. Was it straight in front of you, or was it off to the left, or was it off to the right?

A. Well, maybe--I guess--like the booby trap went off over there (indicating right).

Q. Okay.

A. And, the firing--I heard some firing from up in there (indicating straight ahead).

Q. Okay. You landed about 0827 or 0830, something like that. Then there was a period until about 0915 when that--

A. (Interposing) When the booby trap went off?

Q. No, 0845 was when the first booby trap went off, and that's the one that killed Lieutenant COCHRAN.

A. Right.

Q. Okay, and then the next one went off 45 minutes later, which would have made it about what? What time was it?

LTC NOLL: 0930.

COL WILSON: The second one went off at 0930, and that one got three more men, three or four more casualties. All these people were dusted-off. Now, there may have been a change in mission assignment at that time. We believe that maybe the 2d Platoon and the 3d Platoon switched jobs because of the casualties that were taken in about an hour by the 2d Platoon. Do you know anything about that?



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A. I don't know. I know--

Q. (Interposing) Did you stay in the job all day securing that mortar?

A. No, because like I say, I heard some firing up front. I don't know how, we got up front some way. There was some firing, but somebody was ahead of us so we stayed up there, because I was separated for a while.

Q. Separated from where?

A. From--there was about five of us, I believe. Instead of being on line with the rest of the guys, I think we were off. We were probably over there hiding really.

Q. Well, you don't remember any specific change in job assignments there that day?

A. No. Let me think. Because I remember people somewhere. And--oh, yeah, I know what my job was. I was--me and--we had these people there.

Q. You were guarding?

A. Yeah, we were guarding people.

Q. Vietnamese?

A. Yeah. We were guarding these people and they came back and told us to leave the people, go and move on up or something. I don't know, something like that.

Q. Who took over the people after you let them go? Who started guarding them?

A. I don't remember.

Q. Do you remember doing any searching that day?

A. Yeah, I think we did some searching that day.

Q. Did you pick up any more detainees?

A. No, not myself personally.

Q. Do you remember any firing going on in your immediate area that day?

A. No, no more than--I heard some firing up further.

Q. Did you ever see that (P-18)?

A. This right here?

Q. Those people or that individual in the picture?

A. Yeah, I saw them.

Q. Were these the people you were guarding?

A. I don't know. These people that I had were in a bin?

Q. A bin?

A. Yeah, you know, something like a trough.

Q. You don't know if these are the same people or not?

A. No, I don't remember the faces.

Q. Do you know any of those people? This is P-19.

A. No, I don't.

Q. Did you ever see any--this is P-21. Did you ever see any one of those military individuals?

A. I think I saw this boy here. He looks like an ARVN or something.

Q. The man on the left, you think you've seen him?

How about these two here? P-22?

A. No. No more than this guy right here in the middle.

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Q. The fellow looking--the U.S. type looking straight into the camera. Have you ever seen that old man?

A. No, I wouldn't know him.

Q. P-23.

A. No.

Q. Did you ever see any one of those two ARVN soldiers on the left in P-66?

A. No. I thought I saw them--no, I don't think so.

Q. You can't remember.

A. But, this boy look like--that's--no, that's somebody else.

Q. That's not your company.

A. Oh, no wonder.

Q. That picture is not. Do you remember C Company joining B Company that day?

A. That's what I was trying to think of before. I don't know if we met up together or not. We might have passed up on each other.

Q. Do you recall setting up a night defensive position that night?

A. I'm trying to think. Is that the night MILUS got killed?

Q. No.

A. Well, then if we did set up--I definitely remember the night MILUS got killed.

Q. Well, that was several days later. I'm trying to get to that. C Company did come in there. Do you remember these prisoners? This is P-208.

A. No, I don't remember that. They got masks over them.

Q. You don't remember, but do you remember that location?

A. This is the 81 section right there.

Q. That one up in the right side of the photograph, right top.

A. It would seem that there was a hill back over there in the position that I was in.

Q. Do you recognize anything in P-209? It's kind of dark.

A. No, I don't recognize nothing there.

Q. Do you recall any ARVN soldiers being in a defensive position that night?

A. I don't know, but maybe--you said the second mine went off. Didn't some ARVN's get it?

Q. What?

A. Didn't some ARVN's trip a mine somewhere?

Q. No.

A. That must have been another time.

Q. All these are people from the 2d Platoon.

A. No, I don't remember if there were any ARVN's with us or not.

Q. Can you remember any ARVN interpreters being in there that evening?

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A. I don't know. But they always brought one out there with them anyway most of the time.

Q. Do you remember anything unusual occurring that night?

A. No, not that night, no.

Q. All right. The next morning--1st Platoon, of course all that day had been across that river over there by that beach--the next morning B Company started out across the bridge to link up with 1st Platoon, and TAYLOR hit a mine.

A. Right.

Q. There was a bunch of firing as we understand, and we're not quite sure of the location of the 3d Platoon, whether the order of march was the 3d Platoon, command post, and 2d Platoon, or 2d Platoon, command post, and 3d Platoon. Was the 3d Platoon leading toward the bridge, or was the 2d Platoon leading?

A. I think it might have been the 3d Platoon, because when we got some rounds in on us, and I knew that we waited and the plane came, the helicopter or something came. I remember looking back and it looked like a whole lot of guys behind me, so it could have been the 2d Platoon behind us.

Q. Well, were you reasonably close to the bridge?

A. Oh, yeah, I was, because my buddy, he got caught in the middle of the bridge when the rounds came in.

Q. Well, then you were--this is when TAYLOR was wounded, right?

A. No. TAYLOR was in the 1st Platoon which was on the other side.

Q. That's right, on the other side of the bridge, but you're talking about the same time?

A. Yeah, the same time.

Q. Let me ask you this. When you were moving down toward the bridge, you know, after you left the area, you started down the trail which was a dirt trail, and as I understand there was hedgerow on each side, and you passed through sort of a village?

A. Was there water in it?

Q. Yes.

A. Yeah, I believe so.

Q. There were huts on each side and you were walking down a dirt road and going down toward a bridge. Either TAYLOR was wounded by that time, or he was wounded later. Now, do you remember a lot of activity at the bridge? You said some rounds came in. I assume you're talking about small arms.

A. Yes, right.

Q. Did they come from across the river?

A. Yes, on the other side of the river. Yeah, on the same side the 1st Platoon was on, I believe.

Q. That's right, it would be. And you say some rounds came in your direction?

A. Yeah, in our direction. WINSTON was caught in the middle of the bridge. He didn't know which way to go.

Q. Who was?

A. WINSTON, a friend of mine, WINSTON.

Q. And WINSTON was caught on the bridge?

A. Yeah.

Q. Was he in your squad?

A. Yeah, he was in my squad.

Q. Okay, let's look at this photograph here a minute.  
(P-168)

Now, from what you're telling me, you must have been somewhere down in this area if you could see this action, and if you could see WINSTON on that bridge out there. Was WINSTON in your squad?

A. Yeah, he was in our squad. But, I'm trying to figure--see, they had the mine detectors come down. I don't know if that was--that must have been after the other boy on the other side hit the booby trap.

Q. Well, now here's the thing. We're not sure about this, Mr. PARKER, because there are two or three things that enter into this. There were two engineers, demolitionists, with the company, with the CP. There was also a man named GUTHRIE, a trained demolitionist.

A. Yeah, GUTHRIE. Yeah, me and GUTHRIE were friends. He was in the 3d Platoon.

Q. He was in the 3d Platoon.

A. Right.

Q. Now, we get some information that both the engineers and GUTHRIE were called forward--

A. (Interposing) To blow them.

Q. To get rid of these mines.

A. Right.

Q. Do you remember seeing them come up?

A. No, I don't. I don't see how I could miss GUTHRIE, as big as he is.

Q. Supposedly, these people were called forward. We don't know whether they were called forward before or after TAYLOR hit this mine.

A. Yeah, that's what I was going to figure. Most likely it was after, because I don't think they knew it was mined.

Q. No, not necessarily.

A. I remember something.

Q. Go ahead.

A. Something happened. That same time, they put white tissue paper on the ground.

Q. That's right.

A. And I think that's how we got across, or something like that.

Q. Yes, but who did it?

A. Oh, who put the paper on the ground? Therefore, the 2d Platoon must have been in front of us.

Q. That's what we're trying to find out. If the 2d Platoon was in front of you, they were across the bridge, how come WINSTON gets caught on the bridge?

A. I don't know.

Q. You know WINSTON was caught on the bridge?

A. Yeah, he got mixed up. After the rounds, he didn't know which way to go.

Q. What did he do? Did he lie out there on the bridge?

A. No, I think he might have gone down in the water. I know he got out of there.

Q. He didn't just lay down on the bridge?

A. I don't think so. I don't know. That's not like WINSTON.

Q. Did he jump off the bridge?

A. He might have. He might have jumped off the bridge. It wasn't a big bridge, you know.



Q. It was close to the water.

A. Yeah.

Q. If WINSTON was caught on the bridge, then your platoon or your squad came under fire at the time you crossed it? That means to me that I couldn't imagine the 2d Platoon being across and the enemy opening fire on the last platoon crossing the bridge.

A. We received fire because we got down, and after WINSTON got together, a plane came. I think it was a helicopter firing over there in that direction. I'm quite sure it was a helicopter.

Q. Yes, we think there were maybe two of them.

A. Well, and then after that we went across.

Q. Now, let me get the sequence. WINSTON was on the bridge before the helicopter came in, is that right?

A. Yeah, I guess so.

Q. Then after the helicopter came in, that's when you crossed.

A. After we got down and they gave us the word to move out.

Q. Then you crossed the bridge?

A. Yeah, well--yeah, I crossed the bridge. WINSTON might have been the man in front of me, or right there, because due to the mixup when everybody got down, everybody was like squirming around. But I remember they put that tissue paper on the ground to mark the mines.

Q. How many rounds and how long did you receive fire from the other side of the river?

A. I think it was just a few sniper rounds. I don't know. It didn't last no time.

Q. Now what happened when you crossed over? Was there anything going on over there? What did your platoon do?

A. Well, let me think now. When we crossed over there, we went down and sat on some gogs or something, and waited. And another platoon, I think another platoon moved out. They did. Another platoon moved out and that night we stayed right over there, right off the other side of the bridge that night, I think.

Q. Yes, you did. That's right.

A. We stayed over there.

Q. Did you get a chance to walk around and look around much over there, or did you stick around in one place?

A. No more than a walk back from--because they put me on OP. And, the farthest I walked was from out in the front and back to the--

Q. (Interposing) Back to the platoon position?

A. Right. Also they found, I believe somebody said they found a dead woman's body over there.

Q. Did you see her?

A. No. I didn't see her.

Q. Did you see where she was or do you know where she was located?

A. I know it was on the other side of the bridge. There was like sand, and when those guys were looking--there's a whole lot of clean sand. Where we were was all dirty sand. So, I didn't even go over there. I went back to my position.

Q. Do you know if she was buried?

A. No, I don't know. I don't know, somebody said, "Bury her." I don't know.

Q. Who found her?

A. I really don't know who the person was that physically found her.

Q. This is what the log indicates happened. The 3d Platoon stayed over there and had the mortar platoon there

with them for a while. And the 2d--the 1st Platoon moved south. The 3d Platoon stayed where it was. And the company moved south and went all the way to the river down south, the Song Tra Khuc River, came back a little way and then laagered in. You laagered up there by yourself. You stayed right there by the bridge. The mortar platoon was supposed to have moved down to the company later on that day.

Did you see any bodies up in that area?

A. No.

Q. Did you hear of any besides that one woman?

A. No, the only thing I heard was just someone saw a woman's body over there. That's all I heard.

Q. Do you remember anything unusual happening that night?

A. That night? Let me think. No. I know that night they sent--I can't--they sent--said for me in regards--I think we went back farther, told us to come back in farther, something like that.

Q. You might have set up a blocking position earlier in the day and moved back to another position to laager that night, that is quite possible. But do you remember a helicopter coming in that evening or any strangers coming in?

A. That night? Let me think. A helicopter might have come in. I don't know. Oh, yeah, we got hot chow that night, I think.

Q. You did?

A. Yeah, I think we got hot chow that night. We got supplies or something.

Q. You could have gotten either one.

A. Something came in that night. I remember now.

Q. Well, do you remember any time that day when you crossed that bridge, that Lieutenant LEWIS or Lieutenant MUNDY came in?

A. Now Lieutenant LEWIS, he might have come in, because I heard there was a new lieutenant. Probably it was him, because I knew Lieutenant MUNDY from back in Hawaii.

Q. Well, no, he could have been in there that day. Do you remember what anybody said, or did you see a photographer come in there?

A. No, I didn't even know about no pictures.

Q. Well, that doesn't necessarily mean these pictures were taken by that photographer, but I was wondering if you saw a stranger with a soft hat and a MACV patch on him running around over there with a camera around his neck?

A. No, if I had, I would have tried to get in the picture.

Q. I notice you're not in any of these pictures.

A. No. As a matter of fact, all the pictures I had taken of me over there were back in camp. Nothing in the field.

Q. Nothing unusual happened that night? That's the night of the 17th, now.

A. Not that I remember.

Q. All right now, the next morning the company began moving north and came back by the bridge area where you were, and then you joined them and started moving north too. Now, there's a report that 3,000 pounds of rice was found that morning. Do you know anything about that? I don't know whether it was found by the 3d Platoon or somebody else in the unit. It was right there near the bridge.

A. I don't remember finding the rice. We would have gotten credit for it. I don't remember finding any rice.

Q. Well, the company reported it at 0715 in the morning. Okay, the company moved up north to a big area where there were a lot of villages and they held a MEDCAP, brought the medics in and got a bunch of people down on the beach.

A. I remember that. All that hot sun and all those people. I was right in the middle of all of them.

Q. Well, was the 3d Platoon searching villages or was it staying down there by the CP by the beach?

A. No. This time, I remember we were supposed to take all the people out of the village or something like that. And, I remember we were just walking and walking and all--and nobody knew where we were going, I mean the guys right close to me. We had all these people and we took them all the way down to the edge where the helicopters were medevac'ing stuff. They took them all the way down there and left them, and them, and then we came all the way back. I remember for sure because these ARVN guys had this little boy, and I had the little boy with me and he was carrying my rucksack for me. They took him and they were going to arrest him. And the little boy kept telling me, "I'm no VC. I'm no VC." So I went over there and told those ARVN guys to leave the little boy alone. I don't know whether they understood me or not. But later on, I saw that little boy running on down where the rest of the people were, because we also used the kids to go up the trees and get--

Q. (Interposing) Coconuts?

A. Coconuts, yeah.

Q. Well, let me be sure that I understand you. The 3d Platoon was rounding up people and bringing them back, is that what you were doing?

A. Yeah.

Q. You were back in the villages there?

A. Yeah.

Q. Way back in the villages.

A. Well, I don't know if we was--I know it was a lot of walking that day.

Q. Was it on the beach, or was it in villages?

A. It was in the villages, but yet still it was a wide--like a small lake or something.

Q. Well, there was a fishpond out there. It could have been up in that area. One platoon was supposed to have

gone generally along the beach, and another platoon was supposed to have moved sort of inland and rounded all these people up and brought them back. We're trying to get which one it was.

Did you ever see this boy in P-215?

A. That boy? No, I don't think so.

Q. You don't think that's the boy?

A. No. The one I was talking about was much younger.

Q. Younger than this?

A. Yes.

Q. Did you see that boy at all?

A. Yeah, that's a prisoner they had.

Q. Who had?

A. He stayed with us. He was in the camp CP.

Q. When? That afternoon or the next morning?

A. It had to be that same day.

Q. That was the day--

A. (Interposing) Or was it--yeah, cause I think they flew him out of there.

Q. But this was a prisoner. Who picked him up?

A. I don't know. When I came back with all these people, and we came back. I think this one--I don't know if they had any more or not. I think they had a couple old men. I don't know. I think they might have had some old men there.

Q. This photograph either had to be taken early in the morning or late in the afternoon. Well, not necessarily. The shadows are pretty full though. You don't remember whether this picture was taken the morning after MILUS was killed, or was it taken the afternoon before?

A. I don't know. Like I said, I didn't even see--

Q. (Interposing) I know. I didn't mean the picture, I meant you don't remember whether you saw this boy the day before or the morning--

A. (Interposing) No. It could have been the day after MILUS got killed. We went off, I think we went off looking for him. I don't know, now, it might have been the same day. It might have been the same day.

Q. They moved up there and they ran that MEDCAP that day, and that night there was quite a bit of activity, mortar rounds, MILUS was killed, four men were wounded, they evac'd them out, there was some gunship support, and so forth. Do you recall before that evening whether there was a lot of-- well, these ARVN's that were trying to take this boy away from you, who were they? Where did they come from?

A. This guy, he was an officer or something, because he was real clean. Most of them were real dirty, but he was real clean. I remember that.

Q. Do you mean he had on clean fatigues.

A. Yeah.

Q. Did he wear a large knife?

A. I don't know. I don't remember that.

Q. Was he a heavy-set individual?

A. No. ARVN's all look the same to me.

Q. This is ARVN, now? I thought you said this was an American?

A. No, this guy who I talked to, because I told him, and I don't know if he understood me or not, but I told him. He was an ARVN.

Q. And, he was all cleaned up?

A. Yeah.

Q. Did you see an American with him?

A. Oh, I guess there was an American out there with him. All them guys were running around.

Q. No, I mean--

A. (Interposing) I guess there was one there, I couldn't say for sure. They usually have the ARVN and the American guy with them.

Q. How many ARVN do you think you saw?

A. About two or three, I guess.

Q. Was this down near the CP or was this back in the village?

A. No. Where I seen the ARVN's?

Q. Yes?

A. This was at the CP part. Everybody was just coming back.

Q. Did you see any of the ARVN questioning people down there?

A. No more than this guy here.

Q. This one right here in the picture?

A. Yeah. I mean I don't think he was talking to him, but he was there.

Q. The man in P-215?

A. Yeah, I remember him.

Q. Well, you didn't see them interrogate anybody?

A. No. No, I didn't pay no attention.

Q. Did you see any artillery fire or mortar fire coming in that day before dark, or right after dark? It would have been friendly artillery fire and mortar fire, marking rounds.



A. Well, like in the evening, they always adjust for anything, in case anything happened. So they probably did. It would have been all the same to me.

Q. Did you see a woman brought in there with her leg all ripped open?

A. No, I didn't.

Q. We've got a pretty good account of what happened that night as far as the mortar attack goes, with the exception that we understand that about 2 hours or 3 hours after that first mortar attack which killed MILUS, there was another mortar round that came in early that morning, before sunup. Do you remember that mortar round coming in?

A. No, I don't. Pardon me. Yeah, because Captain MICHLES and them ran down. I remember that. That was in the morning.

Q. Was it daylight?

A. I think it was daylight because I looked around and seen Captain MICHLES running down in this ditch. I think it could have been daylight. I believe it was daylight.

Q. What was he running in the ditch for? Do you mean to get into cover?

A. Yeah.

Q. Wasn't your defensive position that night down on the beach?

A. Yeah, but we were right on the beach. It wasn't the beach itself, but we had our backs to the beach.

Q. It was pretty hard digging in that sand, wasn't it?

A. It is because it got all those twigs and everything in there, and the little bitty hole I made.

Q. That report indicates that the mortar round came in at 4:40.

A. In the morning?

Q. That's what the log says.

A. That was at 4:40. That was during the same time as the assault on us, wasn't it?

Q. No. The first attack was reported at 1:30. See, that puts it almost 3 hours after the first attack.

A. Well, that plane stayed up there all night.

Q. If the log is correct, it was still up there when that last round was fired.

A. Well, I know--I remember a round coming in and going off. When the round came in, Captain MICHLES ran down behind this ditch thing over there. Only it couldn't have been the same day.

Q. Did you see the ARVN's still there or any Vietnamese interpreters still there in the morning?

A. No, I don't believe so. Because I think as soon as the light broke I was in the party searching in the direction that we got mortared from.

Q. Did you go out looking for the mortar position?

A. I believe I was in that party.

Q. Did you find it?

A. No. The only thing I seen, I seen jungle boot prints, fresh, in the ground. We found them. But as far as a mortar position, I don't remember.

Q. How far do you think the mortar position was from the night defensive position?

A. Well, I don't know. It had to be pretty far because sometimes you can hear when they drop them in the tube. I didn't hear anybody that said he heard any mortars dropping in the tube.

LTC NOLL: I'd like to go back to the first day. You said something about security of mortars in the early part of the combat assault. Do you recall if those mortars were ever fired?

A. No, I don't think so, because by the time they set up we moved out and moved up again or something.

Q. Did your platoon search one village the first day?

A. Yeah, we did move up, and I guess we did search a village.

Q. Where did the prisoner come from, all the detainees that you had?

A. Well, when I moved up myself, when I moved up, these people were already there, and they didn't know where they were going. So, the best thing I can do, I told them-- I tried to get them all together. And by that time, somebody said something else and I had to move--let's see, I either moved up or I moved back. I didn't see the people no more.

Q. Do you recall anywhere in the company that day a body count submitted by the 1st Platoon?

A. No, I don't.

Q. The second day, do you recall the 2d Platoon engaging any VC? This would not have occurred at your position.

A. I probably would have heard about it from the guys coming in, but I don't remember.

Q. Let's go through the sequence together on the third day. You gathered the people up and you brought them back in the company CP area for a MEDCAP. Once the people were there, what did your platoon do?

A. We went back up to the same area, halfway up there, and then we had chow and everything, whatever it was. The rest of the day we might have went back over there walking and looking. I don't know.

Q. Did you search the village? Did you search the area?

A. Yeah, 3d Platoon, we had search teams and all that stuff. And at that time, I was just in the midst of moving the people out.

Q. Yes. The people got up there, and once they were up there they went through this MEDCAP line. What did you do? What time did you get up there? You didn't spend all your day with the people, did you?

A. It was hot in the afternoon, I know that.

COL WILSON: Do you remember any detainees or prisoners being flown out of there when B Company was extracted, going back to the fire base?

A. I don't know. They might have flown some out. I don't know. They definitely had a whole lot of people out there.

Q. Do you have any knowledge of an investigation or inquiry being made as to the combat assault while you were still in Vietnam?

A. Oh, no. It was just a regular operation as far as I was concerned.

Q. Were you or anyone you know ever questioned on this operation?

A. No.

Q. Did you have a camera?

A. No. I wish I did. I didn't have one.

Q. Did anybody that you know out there during this 3-day period have a camera?

A. SCHINDLER, he keeps a camera in his ammo pouch. He always took pictures. I know SCHINDLER.

Q. SCHINDLER?

A. SCHINDLER, right. I don't know if he took it that day, but he keeps a camera.

RCDR: David R. SCHINDLER.

COL WILSON: David SCHINDLER?

A. Yeah, I call him SCHINDLER. I didn't know his first name.

Q. What squad was SCHINDLER in?

A. I don't know what SCHINDLER's job was. He was in the 3d Platoon.

Q. Did you have, by any chance, a diary, or anything that you kept records on?

A. No.

Q. A tape recording?

A. No.

Q. Did you ever hear any rumors that civilians were unnecessarily killed by C/1/20 or B/4/3?

A. No, I didn't.

Q. Were you ever told not to discuss possible unnecessary killing?

A. No.

Q. Do you have any knowledge of U.S. or ARVN personnel torturing VC suspects or prisoners on this operation?

A. No, I don't.

Q. Do you know if there was any problem with marijuana in the the company?

A. Well, I know that some guys were on this. I think the CO knew who they were, because I know when we come out of the field, they were always on detail.

Q. How many was that?

A. A few guys, like MILUS himself, he used to--he's a--

Q. (Interposing) MILUS?

A. Yeah, he used to smoke the stuff over there.

Q. Anybody else?

A. Yeah, I guess quite a few guys. Even myself, every once in a while.

Q. Yes, but what about on operations?

A. Oh, no, I never did smoke it in the field. I remember some guys out there on OP were out there smoking and jiving around, and they got hit.

Q. Did anybody else ever smoke it on operations that you know?

A. No. After that, them guys pretty well watched it.

Q. Was there any problem getting marijuana or was it pretty easy to get?

A. Well, like in the villages, you know, you could get it in the villages the same way you could get beer and stuff like that.

Q. You say Captain MICHLES kept these guys on detail?

A. Yeah, well, like, I noticed, and it was obvious that these guys were smoking when we first got over there.

Q. And he put them on detail?

A. Yeah, and different things like that. I'm not sure, but somebody might have got an Article 15 or something like that.

Q. Mr. PARKER, do you have any further statements or any further testimony that might assist us in this investigation?

A. No, I don't, I'm sorry.

Q. Well, I'd like to request that you not discuss your testimony in this investigation with anybody, including other witnesses, except as you may be required to do so before a competent judicial or legislative body. We caution you not to discuss it with the press or the public or anybody that may be coming in here as a witness.

A. All right.

COL WILSON: The hearing will recess.

(The hearing recessed at 1415 hours, 5 February  
1970.)

SUMMARY OF TESTIMONY

WITNESS: WHITTAKER, Brice E.

DATE OF TESTIMONY: 7 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Squad Leader, First Squad, Third Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

Mr. WHITTAKER who joined the 11th Infantry Brigade in Hawaii never received any training regarding legal versus illegal orders (pg. 2). He had never seen the MACV cards, "Nine Rules" and "The Enemy in Your Hands" (pg. 3).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

Sergeant MCCLLOUD briefed the third platoon squad leaders on 15 March for the operation on the 16th. They were told that this would be a search and destroy mission into Pinkville. Regarding the enemy situation they were told that the area was heavily mined and booby trapped, and that "Charlie" would be there (pg. 3). MCCLLOUD told them to bring matches for burning hootches (pgs. 3, 4). The populace was to be gathered and taken to the company CP (pg. 4). No mention was made regarding the disposition of food stocks (pg. 5). They were not told to kill the livestock (pg. 5). WHITTAKER in turn briefed his squad regarding the operation (pg. 4). His squad was to combat assault on the second lift (pg. 7).

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

a. Activities on 16 March.

The doorgunners were not firing nor did anyone in WHITTAKER's squad fire as the second lift was combat assaulted into the LZ (pgs. 7, 8). Lieutenant COCHRAN was killed about 15 minutes after their insertion (pg. 8). COCHRAN was on a trail when he was killed (pg. 9). Shortly thereafter, a helicopter dropped a smoke grenade in a village. The witness took his squad into the village where they gathered the people who were chiefly women, children, and old men and took them to the platoon CP (pgs. 10, 11). The village was burned (pg. 31). He did not recall his squad receiving any fire on 16 March (pg. 12). They joined C/1/20 and laagered together (pg. 12). He thought that the numerous interpreters were with B/4/3 (pg. 12). WHITTAKER saw some of the detainees interrogated on 16 March. However, he neither saw nor heard of any PW being tortured or shot (pgs. 15, 16). He heard no firing inside their perimeter that night (pg. 16). He did not hear any of C/1/20's troops discuss the killing of noncombatants (pg. 16). He knew little about the first platoon's reports of kills that day (pg. 17).

b. Activities on 17 March.

On 17 March B/4/3 moved towards a bridge which they were to cross and link up with the first platoon (pg. 18). The point preceded WHITTAKER's squad (pg. 18). He heard the mine explosion that wounded TAYLOR. However, he was too far back to see it (pg. 18). After TAYLOR was wounded, the first squad received sniper fire. WINSTON was on the bridge. He went over the bridge and hung on when the fire came in (pgs. 24, 25). Gunships came on station and strafed the area from which the sniper fire came (pgs. 19, 20). The gunships made several gunruns (pg. 20). A mine sweeper team went forward and marked the mines on the approaches to the bridge (pg. 22). The first squad crossed the bridge individually. It took about 30 minutes (pg. 21). His squad remained at the bridge while the rest of the company went south (pg. 25). He recalled seeing only one body after crossing the bridge. It was a woman up on a hill, and she had been dead for quite some

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time (pgs. 25-27). He did not see any fresh graves (pgs. 26, 27). WHITTAKER had no explanation for the 38 enemy kills reported by the first platoon and he heard no rumors regarding the first platoon (pg. 27). He did not get a chance to talk with anyone from that platoon because Captain MICHLES was so excited over the photographer's presence and with the assignment of missions within the company (pg. 27). He personally saw a photographer carrying cameras and a .45. He wore starched fatigues and a baseball cap (pgs. 29, 30). He flew in along with Lieutenants LEWIS and MUNDY (pg. 30). The village near the bridge had been leveled (pg. 28). Later, the mortar platoon joined A/3/1 and his squad remained at the bridge (pgs. 28, 29).

c. Activities on 18-19 March.

WHITTAKER's squad rejoined B/4/3 and moved north where they participated in gathering up Vietnamese along the beach for a MEDCAP (pgs. 32, 33). That night they had three detainees in their laager position (pg. 34). He did not see them interrogated (pg. 34). He recalled the mortar attack that night which killed MILUS. They also received automatic small arms fire (pgs. 35, 36). He recalled the dustoff helicopter, gunships, and "Spooky" which came in after the mortar attack (pgs. 36, 37). On the morning of 19 March he saw one of the detainees struck in the presence of Lieutenant Colonel BARKER and MICHLES (pg. 38).

4. KNOWLEDGE OF REPORTS AND INVESTIGATIONS.

The witness had no knowledge of this operation being investigated (pg. 38). He heard rumors that perhaps two civilians were killed on the operation (pg. 39). He was never told not to discuss possible unnecessary killing on this operation (pg. 40).

5. OTHER INFORMATION.

a. The witness recalled that B/4/3 stopped burning on 18 March, but he could not remember any order given to stop the burning (pg. 39).

b. He never saw or heard of marijuana being smoked on operations. It was not a problem in B/4/3 (pg. 40).



(The hearing reconvened at 1530 hours, 7 February 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named persons are present: COL WILSON and MAJ THOMAS.

The next witness is Mr. Brice E. WHITTAKER.

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

Please state your full name, occupation, and residence.

A. Brice Eugene WHITTAKER, 1625 Ethel Street, Detroit, Michigan, and my occupation is automatic screw machine operator.

COL WILSON: Mr. WHITTAKER, you had a chance to read the little information sheet that we gave you, Exhibit M-81. I want to make sure you understand that this is just an interview team, and we don't determine findings or recommendations or conclusions or anything. That, General PEERS does. We are, in this team, primarily interested in the operations of B/4/3, both air and ground, that took place during the period 16, 17, 18 19 March. So that we're sure we're talking on the same time frame, I want to define that period by the date that Lieutenant COCHRAN was killed, which was the first day of the operation, and the day MILUS was killed, which was the last day of the operation. That's the operation.

A. I remember very well. I think my squad was the last one to leave, to get air lifted out of this CP group.

Q. Now, your assignment in B/4/3 on 16 March was what?

A. My understanding is that it was to search and destroy.

Q. No, let me review the sequence. What we're going to try to do on the questioning procedure is to follow a chronological sequence. Now, there'll be about three groups of questions. The first questions will be concerned with what your assignment was and what your duty position was. Then we'll be concerned with a couple of questions on training that you may have received. Next would be the briefing or the instruction or the orders that were received at fire base Uptight prior to going into the operation. The next group of questions will be concerned with the 4-day operation. Now, we try to separate the operation from the instructions received before, because we'd like to know what was intended to happen and then what happened. Then the last ones will be a few wrap-up questions, general questions. Now this question that I ask now is, what was your duty assignment in B/4/3 on the 16th of March? Were you a squad leader or assistant squad leader?

A. Yes, sir. I was a squad leader.

Q. Of which squad?

A. First squad.

Q. 3d Platoon, right?

A. That's right.

Q. And who was your platoon leader at that time?

A. Lieutenant CARTER. Yeah, Lieutenant CARTER.

Q. Well, now, let's fix this now, because we believe that Lieutenant CARTER was in the hospital during this period.

A. I know he went to the hospital, but I can't think of right offhand, off my cap.

Q. Were you given any training pertaining to the legality of orders; legal versus illegal orders?

A. No.

Q. Were you with the 11th Brigade in Hawaii?

A. That's right.

Q. So you went over with them?

A. Yes.

Q. Exhibit M-2 is a copy of a MACV card entitled "Nine Rules." Have you ever seen that card?

A. No, I haven't.

Q. Exhibit M-3 is entitled "The Enemy in Your Hands." Have you ever seen that card?

A. No, I haven't.

Q. All right. I've got to take you back now to 15 March 1968. You're at fire base Uptight. There's going to be an operation the next morning. I want you to tell me everything you can recall about the information that you received on that operation. Who gave it to you?

A. Well, seeing how Lieutenant CARTER was in the hospital at this time, I really can't--I forget who exactly gave us that information. Anyway, the next day we were told we were going on an operation, a search and destroy operation, through Pinkville. It was a search and destroy, and to get matches and everyone clean their rifles and get ammunition and everything. If you needed any kind of equipment to write it down and give it to the squad leader, because the squad leader would turn them in and would have the equipment brought in on the resupply. That was just about it, you know, they give you a general briefing telling you it's a dangerous area where we're going. It's heavily mined and booby trapped, and that Charlie is definitely over there, he's there.

Q. Who told you this?

A. Next in the chain of command, Sergeant WILLIAMS was killed before then, I think it was HOMER.

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Q. How about MCCLLOUD?

A. Sergeant MCCLLOUD, that's right.

Q. Now, did you brief your squad after you received a briefing? Did you tell your people what to do, what was going to happen?

A. Yes, I did.

Q. You said matches?

A. Yes.

Q. That was for what?

A. For burning the straw or hay that they have on the hootches.

Q. Now, was anything discussed about the destruction of the villages, burning the hootches, and so forth?

A. Anything discussed like the way to do it or--

Q. (Interposing) Yes.

A. No, there was no sequence. Nobody was told how they would be moved. They were just told to clean out all the people and burn the hootches down, take all the people out, gather them up, and take them over to the CP.

Q. Okay. And you were supposed to take the people back to the platoon CP?

A. The company CP.

Q. Company CP. Do you send them back to the platoon first, or do you send them back to the company first?

A. The platoon first, and the platoon assigns somebody to take them to the company.

- Q. How about the destruction of food stock?
- A. What you mean like--
- Q. (Interposing) Like rice.
- A. Nobody told us what to do with it.
- Q. Just normal procedures?
- A. Yes.
- Q. Which is, if you find it in large amounts, what?
- A. To tell someone, and I guess they'll have it bagged up and sent out.
- Q. But if you find just normal amounts of food in there, is this normally sent out there?
- A. No, we left it--
- Q. (Interposing) Just leave it alone--
- A. (Interposing) And most of the time they have like a vase, I call it a vase, with rice in it--
- Q. (Interposing) Just left it alone?
- A. Just left it alone, didn't bother it.
- Q. What about the disposition of livestock?
- A. No, with the cows and pigs and chickens running around.
- Q. You didn't have any idea that the search and destroy operation meant to kill the livestock?
- A. No, I didn't.
- Q. Did any of your people have that idea?
- A. As far as I know, they didn't. They didn't do it.



Q. Well, you've already said you usually round up the people and pass them back to the company CP. And you said, I think, that you were briefed that this was VC-controlled area and that it was heavily mined.

A. That's right.

Q. Did you have any idea what size VC unit was in this area?

A. I had heard different rumors from different people--you know how you get rumors, and they were one time a battalion, and then again it was a regiment--so I really didn't know how many were going to be there.

Q. Do you know what the other platoons of B Company were supposed to do?

A. No, I don't. All I know was the 1st Platoon was CA'd across the river, and the rest of the company would be in the rice paddies.

Q. You did know that there was a separate mission for the 1st Platoon, then?

A. Yes.

Q. Okay, now, you knew this at the briefing?

A. Right.

Q. This wasn't something you learned later?

A. No, this was something that I learned--we had--you know, the CA's make the combat assault--

Q. (Interposing) You didn't know it before then?

A. No, I didn't.

Q. Well, do you know if you were supposed to be in the first or second lift? There was two lifts that went in there that day.

A. We went out there on the second lift.

Q. Second?

A. Yes.

Q. All right. I'm going to give you a rundown on what the concept was and what happened. Then we'll go day by day through the operation to see where you can fill in information, all right? This is a 1 to 25,000 map (Exhibit MAP-4). You probably used a 1 to 50,000 map. Maybe you've seen this?

A.. I've seen it.

Q. Okay, this is Highway 1, and Quang Ngai City is down here. On the 16th of March, B Company's first touchdown was 0815. Second touchdown was 0827. At 0845, Lieutenant COCHRAN tripped a booby trap or a mine. That's pretty close timing in there. In other words, from the time the first lift touched down until he tripped that mine is 30 minutes, if the log is correct. Now, do you recall when you went in if there was any firing going on?

A. No, there was no firing going on.

Q. Do you recall if your doorgunners were firing?

A. No, the doorgunners were not.

Q. Do you recall if anybody got off the helicopter firing?

A. Not in my squad or on my lift.

Q. Do you recall whether the personnel were already on the ground securing the LZ when you got there?

A. There were personnel already on--

Q. (Interposing) So you were on the second lift. You're reasonably sure of that?

A. I'm pretty sure I was, sir.

Q. Okay. Then you were to touch down sometime around 0825 or 0830. Now, I don't know what the 2d Platoon was doing, but did you see Lieutenant COCHRAN when he was wounded?

A. Well, see, the way it was, we were all still; we had moved off the rice paddy, off the LZ. We had moved up. I remember I had my squad stretched out in the little grass there. Lieutenant COCHRAN and those that were on the trail were like in an angle in front of me, like that, you know. Like he was getting ready to move this squad off to the village or a little hamlet area, little village area, to search it, I don't know. Anyway, that's when he hit the booby trap, 'cause I remember looking over there and seeing the smoke and everything. About three or four guys fell down along with him.

Q. How long had you been on the ground when this happened?

A. I'd say--it's hard to say.

Q. Yes, I know. That's the reason I tried to fix you a time over here.

A. I'd say maybe 10 or 15 minutes.

Q. Had you moved your squad anywhere, or were you in a stationary position?

A. We were stationary.

Q. Just sitting there?

A. Yeah.

Q. These two photographs, Exhibits P-206 and P-207, were supposed to be taken as the landing zone was approached from the south. You flew down and came back around. Do you recognize any of this terrain?

A. I recognize that over there.

Q. You recognize that river?

A. Yes.

Q. But I mean, there are a couple of rocket impacts on P-206 as you can see, and there are a couple more on P-207. This supposedly is as you came into the landing zone. Did the landing zone look anything like this?

A. Well, to me it was a rice paddy. It was an old dried-up rice paddy, rice field, that's what it was, and from the air it looked different, I can't say. But on the ground, I know it because of these squares.

Q. Well, when COCHRAN was hit, did he have his entire platoon on the move?

A. I guess they were assembled because everyone was-- like they had a point team out and then the CP, you know how they travel with men. The point team was on the other side of it when he got hit, like tripped a mine or booby trap or whatever he stepped on. He was like, in back of the point team, 'cause the RTO got his finger messed up.

Q. Well, we believe your landing zone (using MAP-4), was right here, the graveyard right in here. What we're wondering about is whether Lieutenant COCHRAN had crossed this trail or whether he was north or south of that trail.

A. I know he was on the trail.

Q. He was?

A. Yes, when he stepped--

Q. (Interposing) He was on a trail?

A. Yes, he was on a trail.

Q. Was the 3d Platoon moving in a different direction from that taken by the 2d Platoon?

A. We weren't moving, like I said before.

Q. Yes.

A. We were on the ground still.

Q. It's right here?

A. Yes.

Q. After COCHRAN was killed what was the period before your platoon again moved?

A. If I remember correctly, a helicopter flew over and threw a smoke grenade down in this village. Then we moved--it wasn't 400 or 500 meters from where we were, where my squad was lying down. Only 500 meters. We went over there. Then they sent, like a little break in the village that far, then about, I'd say 11, maybe 11 more hootches. We were a ways from it, but my squad went over and got the people and brought them back.

Q. What's the period of time here, do you think?

A. Well, it depends on what you mean. The period of time from my squad, I mean my platoon to go to their village, or what?

Q. Yeah.

A. I'd say about a half hour. It's really hard to say again.

Q. And you picked up some detainees over there?

A. We went to the bunker, and the people that were in the bunker--they all had little bunkers outside their hootches--were gathered up, mostly women and kids, old men and old women.

Q. What'd you do with them, take them with you?

A. No, we just brought them back over to the CP.

Q. Company?

A. No, we carried them to the platoon.

Q. Now, there was a second booby trap tripped 45 minutes later, and this resulted in three wounded. It was tripped in the same area. I don't know the exact distance apart, but this one was tripped at 0930. Can you remember that?

A. 0930.

Q. Forty-five minutes after Lieutenant COCHRAN was killed, the second mine went off.

A. No, I can't remember that.

Q. You don't remember that?

A. No, I don't think I was even near it.

Q. At that time there may have been a change in missions for the 2d and 3d Platoons. Do you recall moving over toward the 2d Platoon at that time?

A. No, I don't.

Q. Well, were you working independent of the company? Was the 3d Platoon working independent of the company, or did it move back into where the mortar platoon and--

A. (Interposing) Well, we were working independent, because I can remember we weren't with anyone. Our platoon was now by itself, I think. I don't remember anybody else from any other platoon.

Q. You remember getting any fire, small arms fire?

A. That day, I think--I don't know. We were getting some maybe from, I remember, a sniper. Was it that day? I remember the next day we was going across the bridge and got snipered. That was the next day.

Q. The day of the 16th, the day you conducted the combat assault, you don't remember getting any fire?

A. Not at all.

Q. Well, as you moved up toward the area where you laagered that night, did anything happen? Did you round up any more people, search any more villages or anything?

A. No, we broke early that day, and just moved ourself out, and I think Charlie Company, I think it was Charlie Company, anyway, another company came down the meadow and we laagered in the same area--

Q. (Interposing) Charlie Company?

A. Yeah, and we had all the interpreters with us. They didn't laager too far from us. Anyway, we were laagering out in this old village.

Q. When you moved into this area; this is before C Company came, did you get any interpreters or MI personnel in there before you laagered and joined up with C Company?

A. They were already there, I think. I am pretty sure they were already, because I remember the ARVN's. To me when they had on their little camouflage on, I call them all ARVN's, you know. Like I said, I thought they were interpreters. I really didn't know for a fact they were interpreters.

Q. They were there at the company CP?

A. Yeah, they were with the company.

Q. What distance was the 3d Platoon separated from the company CP that day?

A. Quite a ways off. I'd say maybe about 500 meters, 500 or 600 meters.

Q. Did you hear any radio communications that day, that morning?

A. No, not except when he called in for the dustoff. You know, when they called back and told, or the medic told

Captain MICHLES that he was trying to find the situation on Roy, Lieutenant COCHRAN, and the medic told him he's dead. He kept bugging the medic while he was trying to work. The RTO was hurt, too, because he had the radio on, and the medic picked it up and said, "He's dead, man, he's dead," you know, and that's about all.

Q. You did hear that conversation?

A. Yeah.

Q. You didn't hear another dustoff called later on?

A. No, I didn't. Because we had our radios on the company frequency.

Q. Did you hear the 1st Platoon request mortar fire?

A. No, I didn't.

Q. All right. You moved on up there and C Company joined you. Did you say these ARVN's were already there? They didn't come in with C Company?

A. Well, I didn't see the C Company CP. I mean there was a patrolman who came through with the platoon. The platoon came through the village we were in already, and they were just sweeping on through, going on through the field. When I got a chance to see them we were already to go into our laager position. That's when I saw the ARVN's.

Q. Exhibit P-18, do you recognize anything in that photograph?

A. Yeah, HUFFMAN, yeah.

Q. Do you recognize any of the Vietnamese in there?

A. No, I don't.

Q. Do you know if any of these were the ones you picked up in that village?

A. I can't say. I really don't know.



- Q. Okay. Do you recognize this area?
- A. Yeah, we laagered right around this village here.
- Q. The village in the background?
- A. Yeah.
- Q. This looks like a graveyard, doesn't it?
- A. I know there's a little village there, you know, an old abandoned village.
- Q. And the village in the background is the one you are talking about? What about P-19, do you recognize anything in that photograph?
- A. No.
- Q. P-20?
- A. I know some of the guys, but that's about all.
- Q. You don't recognize the area?
- A. No.
- Q. P-21?
- A. No, not at all.
- Q. P-22?
- A. No, I know, I know him.
- Q. Who's that?
- A. That's the MI, lieutenant, I think.
- Q. The man in the center is the MI lieutenant?
- A. Yeah.
- Q. Lieutenant JOHNSON?

- A. Yeah. I've seen him before.
- Q. Did you see him this day?
- A. He was in our company all the time.
- Q. Do you recognize the old man?
- A. No, I don't.
- Q. Have you ever seen these two Vietnamese soldiers in P-66?
- A. No.
- Q. Did you see any interrogations going on that day?
- A. Well, I saw the guys talking to the people from a distance, but I couldn't hear nothing, you know, sitting there too far away. You see a group of guys, and they'll be talking like our interpreters, and they got people we captured. So I guess--I would say that they were, you know, interrogating them.
- Q. Were they abusing the people in any way?
- A. No. I didn't see them abuse the people.
- Q. Did you hear that they did?
- A. No, I didn't.
- Q. Did you see the ARVN that day? How many interpreters did you see, or how many ARVN did you see?
- A. Oh, I'd say about five.
- Q. During that day you didn't see any abuse of prisoners?
- A. No, I didn't.
- Q. Did you hear that any of them were shot?

A. No.

Q. Did you hear any of them had their fingers cut off?

A. No, I didn't.

Q. Did you see P-208? Do you remember those prisoners?

A. I can vaguely remember them putting them on the LZ with sandbags, waiting for a chopper to come in with fan blades. They look familiar, but I can't say exactly if those are the same ones.

Q. How about the area there? Can you recognize the area?

A. It's hard to say. I guess I can't. If I was there I should.

Q. What about P-209? That's a bad photograph, but is there anything that you can recognize in that picture?

A. No, I can't even make it out.

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

A. No, I didn't.

Q. Did you talk to any of the C Company people that night?

A. No. Those guys were moving, too, and they were talking about GI's getting killed, you know, just different talk about their platoon, and they were saying well, how many guys did you lose, just general conversation.

Q. Did they say anything about a bunch of civilians getting killed over there in their area?

A. No.

Q. Did anything unusual happen that night?

A. Not that I can recall. That was a pretty quiet night. It was quiet when we went in, and we stayed there all night.

Q. Okay. There was some reports of some killed out there on the beach that day. 3d Platoon could have picked this up on the radio, or you could have heard about it that night. 1st Platoon reported 38 VC killed out there. Did you hear about that?

A. Oh, yeah, I heard about the 1st Platoon got a couple kills. I didn't know where about that?

Q. Thirty-eight were reported.

A. I heard that they got a couple of kills, like a guy just came up and said, the 1st Platoon got a couple VC today, you know.

Q. They reported 12, 18, and 8, three different reports. Did you hear any firing going on up there?

A. No, I didn't. I mean I heard a couple of helicopters, I guess just scanning the area, shooting at suspected enemy hideout places, you know. That probably was the doorgunners.

Q. There was also supposedly a Navy swift boat that turned over 10 sampans filled with people, to the 1st Platoon, between 1600 and 1700 that evening. Did you hear about that?

A. Sampan, say what now, what was the name again?

Q. Well, there was a Navy boat that rounded up about 6 to 10 sampans and turned them over to the 1st Platoon. Did you hear about that?

A. No.

Q. On the 17th of March the company moved out. I understand that the 3d Platoon was the first in the order of march going down to the bridge?

A. That's right.

Q. Which squad was first?

A. Second squad. There were only two squads. They broke it down into two squads, the first squad and the second squad.

Q. The only thing that was in front of you, between you and the bridge, was the first squad?

A. And the little point team that I had assigned.

Q. Well, it should have been from the first squad, right.

A. Well, some of the first squad was in front of me, yes.

Q. I mean, I was wondering, normally the 1st Platoon has a point group, but most points are composed of the lead squad. Is that the case in your platoon?

A. They had a point team for the first and second squad, I think it was. We just had in our platoon, first squad, second squad, and second squad was in front that day.

Q. They were in front that day and they were in the point?

A. Yeah.

Q. And when you moved out of the laager area and down toward the bridge, do you recall a mine going off that wounded TAYLOR?

A. Yes, I heard it.

Q. Did you see it?

A. No, I didn't.

Q. Too far away?

A. Yes, I was too far back.

Q. Do you recall, as you moved down there, that you went through a village with a hedgerow on each side of the trail?

A. After we crossed the bridge or prior to it?

Q. Prior to going across.

A. I know we walked around and there was a hedge-row to the left.

Q. What I'm trying to do is picture your position when TAYLOR was wounded.

A. TAYLOR was wounded maybe, I don't know, we got there maybe 15 to 20 minutes after he was wounded. They went through the area. I don't know which side of the bridge he got wounded on.

Q. He was on the other side. He detonated the booby-trap, according to the log, at 0810. What I was trying to find out was, how far back down that trail away from the bridge you were when that booby--

A. (Interposing) Well, we weren't too far. I'd say we weren't far at all. You could smell the gun powder.

Q. Well, we're talking about MAP-4. We believe you moved right down this trail here and went over to the bridge.

A. Okay, he was wounded--

Q. (Interposing) He was wounded right about there.

A. So, maybe I was right here at the trail junction.

Q. Okay. So that puts you about 100, 150 meters from the bridge?

A. And the bridge was about 75 to 100 meters.

Q. So you were back in there?

A. Yes.

Q. The first squad had moved to the bridge, was this at the bridge when this happened?

A. If I remember right, the first squad went to the bridge and we got sniper fire. We got fire from over here at the bridge, at the first squad. I'm trying to relate if this was after TAYLOR was wounded or before.

Q. That's what I want to know.

A. That's what I'm trying to figure out. I think it was right after, because everything was confused then, you know, and maybe this was probably the plan. Charlie's plan and everyone was confused. We were trying to see what was happening, then he threw in a couple of rounds. And this was, I think, right after we got sniper fire, right after TAYLOR was wounded, because that held us up. I remember we stayed on the trail when the gunship went over. It made several runs with two teams together. They made about several runs at that area where the sniper fire was coming from and then we moved on.

Q. Do you recall the first thing that happened was TAYLOR hit the mine, and then you got sniper fire?

A. To my knowledge, yeah, if I'm thinking right, yeah.

Q. Then the gunships came over?

A. Then the gunships came over.

Q. Then you all crossed the bridge?

A. Yeah.

Q. You said two gunships?

A. A fire team, yes.

Q. How many passes?

A. I figure maybe about 5 or 6 runs.

Q. One fire team, five passes?

A. Yeah.

Q. Miniguns?

A. He had miniguns, yeah. That's what they were shooting mostly, the miniguns. They shot a couple of rockets, but very few.

Q. Right on the village?

A. There wasn't any village over there. There wasn't a village to our right and there wasn't a village there at the little spot where we got this fire. There were some old trees like this you know, and that was about it right there. There had been a village there one time. You can see the little ruins.

Q. Well, now, when did you see this helicopter evacuate TAYLOR?

A. No, I didn't. Yes, yes, I did. Let me think now, because I wasn't that far so I had to see the helicopter when it comes in. I wasn't that far from it. It had to be the chopper unless they moved him which I doubt they did. So I had to see the chopper.

Q. Did you cross the bridge after the chopper had evacuated--he was gone wasn't he?

A. Yeah.

Q. No more firing?

A. No, after the gunships went over we didn't get any more fire.

Q. Did the 3d Platoon ever go into action against this sniper fire.

A. No, we couldn't because part of them were on the bridge and the bridge had been knocked out, that bridge was all tore up. They had 2-by-4, not 2-by-4 but like 6-by-6's from one part of the bridge to the other part. You had to walk on that part and that, well, we couldn't have gotten across. It took maybe the platoon, I'd say about, the squad rather, to go across the bridge maybe about a half hour, being tactical about it.

Q. You mean to say that at the time that TAYLOR was wounded the 3d Platoon was already on the bridge?

A. What I know, see, like there was a little curve there too. We went around this curve and like when we got up there, off the point, I mean part of my squad was already up there. They were about 15 meters apart. So that stretches it out quite a ways.



- Q. And they were already on the bridge?
- A. Yeah, I'm pretty sure they were.
- Q. Now, do you recall two EOD men being called forward?
- A. Yeah, these were mine sweeper guys. They had to have the mines marked when we went up there.
- Q. Mine sweeper went up?
- A. Yeah.
- Q. Also there was a couple of engineers that--
- A. (Interposing) I remember when we got crossed to the other side they had tissue, the C-ration toilet paper on suspected mines, you know, and we had to walk around them, I mean, go through them.
- Q. Did these EOD people and the mine sweeper come forward before you got the fire or after you got the fire?
- A. No, this was after I think.
- Q. After?
- A. I remember I was lying on the ground and that would be the only reason for me to be lying on the ground, because we were getting fired on.
- Q. Because you were getting fired on?
- A. Yeah.
- Q. So they came forward and you were taking cover?
- A. Yeah.
- Q. Did the EOD men move up under fire?
- A. No. The firing stopped when the helicopters stopped. To my knowledge, when they come up.

Q. Okay. Did you see the EOD men when they moved up? They marked these mines off, because they would have been on this side of the bridge, on your side of the bridge, right?

A. No, they did on the other side. When I got across I saw the white paper on the mines, across the bridge.

Q. Did you see any mines on this side of the bridge?

A. I remember distinctly the one with the cross though. Because that's the side he got hit--wounded on, I mean.

Q. Are you telling me that the deck of this bridge was only 2-by-4s?

A. Part of it. Different spots--

Q. (Interposing) So you had to sort of balance your way over there?

A. More or less, yeah.

Q. It was sort of narrow footing so it took a long time to get people across it, in single file?

A. Yeah, right.

Q. How much did this bridge require careful walking on the thin deck?

A. Oh, maybe about from here to that wall. No, not that far either. It was maybe about 10 feet at a time, in certain intervals. It wasn't--

Q. (Interposing) Oh, it was broken?

A. Yeah, it was broken.

Q. In 10-foot sections then?

A. Maybe 5-foot sections or 10-foot sections. They were like, you know, wide, pretty wide where the bridge was broken.

Q. The real narrow sections that I'm talking about, how wide were they? Well, you got them a couple or 3 feet wide?

A. Yeah.

Q. Sort of a narrow path then?

A. You mean the part we had to walk on?

Q. Yeah.

A. Yeah, I'd say maybe about a 3-foot stretch.

Q. About 3 feet wide?

A. Yes.

Q. Well, there wasn't any chance of anybody falling off this thing was there? I mean, it wasn't that narrow?

A. It wasn't that narrow, true, but up in the air you look down and so a lot of guys took their time.

Q. Do you know of anybody that went off in the water because they were firing? Anybody jumped off the bridge?

A. No, but the guy that hung over the bridge, you know, he put his rifle up there and he was hanging off of it with his feet dangling. He got back up. That's what he told me. I didn't see him.

Q. I was going to say, who was that?

A. A guy named PRESTON, Winston PRESTON.

Q. That's the one.

A. This is what he told me.

Q. Now, somebody said he went off the bridge now who--

A. (Interposing) I don't know, like I say, he told me he was dangling. He was telling me he was going to jump, but it was too far down to go, you know. I really can't say if he jumped or not, I don't know.

Q. Well, we heard this from somebody else, that WINSTON went off the bridge.

A. He may have, really.

Q. Was he under fire?

A. Yeah, that's why he did it. He was under fire.

Q. And let me get this straight. Was he in your squad or was he in the first squad?

A. No, WINSTON was in my squad.

Q. He was crossing that bridge in your squad, somewhere or other your squad came under fire crossing the bridge.

A. No, not really, like you said, well, part of my squad was under fire. See, I was like with the machinegun team.

Q. Yes.

A. And I was making it with A team. A team was in the rear that day.

Q. But what I'm saying is that an element of your squad came under fire crossing the bridge.

A. Okay, yeah, all right.

Q. I think we should get WINSTON in here if we can. Do you know where he lives?

A. He lives in Chicago, I think.

Q. All right. Now, when you crossed the bridge we understand the 3d Platoon stayed up there and the rest of the company moved off it?

A. Yeah.

Q. You all stayed up in that area. Did you see any bodies around the area?

A. No. Yes, we did. I saw one. There was one real ripe. She'd been there like long ago. I don't know how they could stand it, man it was so bad you couldn't stand it. Like, the only way you could bury her, she had on some--Vietnam, they have little boards they carry people on, you know, and like she was on one of those. They just laid a little thing over her. Man, it smelled so bad, and I was up by the ridge road, and they were going toward the graveyard to get her.

Q. Was she up on that, sort of a hill?

A. Yeah.

Q. Was she wounded?

A. I don't know. She smelled so bad I didn't even bother to look at her. I didn't even go up there to take a look at her, you know. I saw her body up there and the guy told me she was a woman, a girl, a lady, I don't know whether she was old or young.

Q. You had a fellow named MAHR, M-A-H-R?

A. MAHR, yeah, Michael MAHR.

Q. He said he found that woman. Said she had a neck wound.

A. You mean she was shot?

Q. Yes.

A. Well, I didn't see her. I could smell her from way back where I was. She was really rotten.

Q. That was on the 17th when she was found? Your platoon stayed up there. She was the only one you say?

A. Yes.

Q. See any fresh graves?

A. No, I can't say that I did see fresh graves.

Q. Wonder what happened to the 38 VC that the 1st Platoon reported?

A. I don't know what happened to them.

Q. They sure disappeared over night.

A. That's true, I don't think they could walk too good. Most dead people don't.

Q. Do you believe that report.

A. No, I don't. Because if there were 38 and we went in the same area they did the next day, I mean, I would think there were dead bodies and guys would have been bragging about the kills that they got, you know.

Q. Did you see the 1st Platoon when you went over there that morning? Did you talk to any of those fellows?

A. No. This thing was that morning when Captain MICHLES was here and he was all up in the air and had these photographers and everybody over there, and the engineers. He was making everybody just stretch, he was screaming or yelling, so no one really had any time to do anything, all but the weapons crew. I remember we were with the weapons squad, the 3d Platoon was with the weapons squad. Then he started assigning people to do different jobs. And I didn't get a chance to talk directly to nobody in the 1st Platoon until the day Joe got killed. I can remember that because he gave me a pack of cigarettes just before he got killed.

Q. ROBINSON?

A. Yeah, Joe. We just called him Joe; that was his nick name.

Q. Then you didn't hear any scuttlebutt about the operation the day before?

A. No, I didn't.

Q. And you didn't see any fresh graves?

A. No, I didn't.

Q. You get a kill this high somebody, I mean, these bodies could disappear I suppose, but it looks like they would bury them.

A. That is true. I didn't see any fresh graves.

Q. You didn't see anybody lying around except that old woman?

A. The dead woman is the only person I saw. She was like up on a rise, towards the ocean. She was the only one.

Q. No indication of any other deaths over there?

A. No, I didn't. Didn't see any at all.

Q. Did you see any people in that village? Anybody moving around?

A. No, that village was just level. Nothing was in it. I remember we were thinking that night, we were expecting to get mortared that night, because our platoon stayed back and spent the night there all by themselves. We had taken all the stuff, building over here at the company. I remember because there wasn't no place for me to get into. I mean, we were in squads or teams like that.

Q. We've got a statement from one fellow that says he saw about 15 or 20 dead people over there, that first day.

A. That village?

Q. Well what do you suppose could have happened to those bodies?

A. I don't know. I didn't see them and--

Q. (Interposing) I know, I'm just speculating. I think normal VC, and the people he saw weren't VC. They were mostly women and children, but even if the families are there and buried there must be some indication the graves are there?

A. When we got there there was no family or nothing so therefore the people, I doubt if they could have done it. They probably were too scared to take somebody and bury them. So, I don't know what--

Q. (Interposing) You don't know what could have happened? Was this a fishing community along there? Did everybody have a boat?

A. Everybody just about had a boat.

Q. I wonder if they could have thrown them in boats and gone off with them?

A. They could have done that, yeah. They probably could have because I have--I didn't see no fresh graves or nothing or no people, yet they got killed. I know there had to be graves somewhere. I didn't see any people lying out there dead.

Q. Well, at any rate, you all stayed up there with the mortar platoon and the company moved south.

A. I don't think we were with the mortar platoon.

Q. The mortar platoon stayed up there with you a while?

A. Yeah, down by the bridge.

Q. And then later on that day the mortar platoon did place down in A Company.

A. With A Company, yeah.

Q. Do you remember, you mentioned it, and I want to get back to it, the photographer coming in there?

A. Yes.

Q. You don't know who he was?

A. No.

Q. What unit, what paper he was from?

A. No, I was up here. He had a camera and he was all clean and--

Q. (Interposing) He had starched fatigues on.

A. He was definitely just starched. He had these couple of cameras hanging all off of him and a .45, but he wasn't too much, you know, I could tell that.

Q. Did he have on any insignia?

A. No, I really don't think so.



- Q. Didn't have a Stars & Stripes thing written on him?
- A. No.
- Q. MACV insignia?
- A. I don't think so.
- Q. Have on a soft cap?
- A. He had a soft cap on.
- Q. Baseball cap?
- A. Yeah, baseball cap.
- Q. And did you know anything about him? His name or--
- A. (Interposing) No. I saw him hold the camera up one time. I was trying to get back and let him take a picture, you know. I'll let him get my picture and he was like a little distance from me. I never got close to him, you know.
- Q. Well, did you hear anything about him? Did he mention he's been in country a short time?
- A. No, I didn't hear anything about him. I'd forgotten all about. It was not even that long.
- Q. Lieutenant LEWIS came in that--
- A. (Interposing) Yeah, we got a new lieutenant.
- Q. And also Lieutenant MUNDY came in.
- A. MUNDY, yeah, that's right.
- Q. Well, then they went south of the company, and you laagered up there that night. Did anything unusual happen that night?
- A. No, that was a good night.
- Q. Quiet?
- A. Quiet, yeah.

Q. See what the log showed that day was that--the log said that at 0810, that's when TAYLOR hit that mine, at 0845, 1st Platoon received fire. The log indicated that it was 35 minutes after TAYLOR hit the mine when they got sniper fire. Instead of the 1st Platoon, it could have been the whole company, because the company was closing in there anyway. But on that basis of timing, does that mean anything to you? These are log reports? This is not necessarily accurate.

A. Your talking about--

Q. (Interposing) The sequence of things that happened.

A. No, not that rings a bell.

Q. Didn't much happen down the way? Did you see any burning going on down--could you see the smoke coming up to the south?

A. This is the same trail they hit the mine, right? I don't recall--all that smoke I saw coming up.

Q. On that first day when you all searched that village, did you burn it?

A. Yes.

Q. Over there by the landing zone?

A. Right.

Q. Now, this is a description of how a helicopter came in that night down at the company and brought up hot chow. I don't know whether they brought you all hot chow or not?

A. Yeah, they brought us all hot chow.

Q. You got hot chow too. Did you notice any Vietnamese on the helicopter when they came up there?

A. Yeah, there were some people on there. I think there were. I wouldn't say they were VC, but they had people on there that were Vietnamese, I know.

Q. Well, there's nothing else that happened that night that you can recall, of any importance?

A. No.

Q. Okay, on the next day, the 18th, the company came back to the 3d Platoon which had found 3,000 pounds of rice, remember that?

A. What platoon?

Q. 3d Platoon.

A. Found 3,000 pounds of rice?

Q. Yes, that's what they reported.

A. I don't remember that.

Q. A rice cache?

A. Rice cache.

Q. I think MAHR found that too? 3,000 pounds and--

A. (Interposing) This is the last day of the operation, right?

Q. Right. The rice cache was reported at 0755 that morning. They asked for a chopper to come out there and pick it up.

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

Q. And then the company moved on up to the north, on up to the finger up there where the village of Ky Xuan (1) and Ky Xuan (2) and An Ky are located. There was a MEDCAP that was called in. You rounded up 500 or 1,000 Vietnamese up there.

A. Yeah, I remember that.

Q. And a bunch of medics were brought in. Now, what did the 3d Platoon do? Do you know what the operations of the 3d Platoon were that morning or that afternoon? They did some sweeping, I think, and probably rounded up some people and sent them back to the beach. Do you know what your mission was?

A. Then we were just rounding up beds and stoves. Like Sergeant MCCLLOUD, he never wanted a detail. He was lazy, you know, he'd say we were just going to round these people up, and you never know what your mission was. He never told us about our mission. All right, I remember we picked up when we cleaned this village out, and I think they wanted all the males out of it. They didn't want none of the women. They wanted all the men. I think we gathered up all the men and sent them back over there.

Q. Back over to the company?

A. To the company.

Q. What happened down here where the MEDCAP took place and medics were. Didn't they send all the women down there?

A. This was later on in the evening. We marched all the people all the way back down to the beach past where we laagered. See, we moved them all the way back down to the beach, and then we went back to our laager position. The laager was back I'd say north, yeah.

Q. Well, let's look at this map for a minute, Exhibit MAP-4. So, you came up from the bridge, and you moved right on up. This first village was Ky Xuan 1. It was right in here where the company headquarters set up, maybe on the beach. Then the platoons swept out through these villages and as you say probably sent the males back. Eventually the medics came in and set up this area and started a MEDCAP.

A. There was a whole million of people and we scattered them all around down on the beach. Let's see, we had to go, do some walking. I think we started in one spot and they said, all right, we go on back and every swinging weenie, you know, and bring them back.

Q. All the way back to the company?

A. That's right, all the way back. We got all these people and marched them way down to the beach on the other side where the medics were set up.

Q. When you brought those people back down there, did you see any interrogations going on?

A. No, we just like marched them all the way down, and the 1st Platoon is, more like the rest of the company is there. We was just marching--like the rest of the people, you know, our people were taking them on down. I didn't go all the way down to the MEDCAP where he was set up or nothing. I stopped because I was tired. I just went on, you know, like this is where our platoon CP was. I sat down with the rest of the squad, and they moved them on down there.

Q. And you came back later, though, when they started to set the night defensive position up?

A. Oh, yes, well, they brought them right down there, and they came right back, see. Then we moved back up, maybe about 500 yards, so I laagered with them.

Q. When you got back to the laager position and set that up, do you recall any prisoners being there, any detainees and so forth?

A. Yes. We had three of them as a matter of fact, I think it was three of them. They stayed there that night.

Q. They stayed there that night?

A. All night.

Q. Did you see them interrogated?

A. No. One lit a cigarette that night, and I heard the next morning he got it slapped down his throat, I'm not too sure. You could hear the Vietnamese talking. I wasn't too far from the CP in my squad and my platoon, really.

Q. Did you hear that a wounded Vietnamese woman with her leg ripped open was brought in there that evening?

A. No. I heard nothing of that.

Q. And you didn't see any mistreatment of prisoners?

A. No.

Q. You ever see this man there?

A. I think so. He may have been one of the prisoners that was there that night. It's hard to say. I don't know. I probably saw him if he was one of the three that stayed there that night.

Q. One of them get away?

A. Yes, the next morning.

Q. Excuse me, that's P-215. Okay, did you see a sort of a heavy set U.S. uniformed soldier come in there, that probably had on starched fatigues with a big knife?

A. A U.S. soldier?

Q. Yes. All starched up.

A. Was this the next morning?

Q. This was, no, the day of the 18th.

A. The day of the 18th? No, I can't--

Q. (Interposing) He was a captain, but I don't know whether he was wearing any insignia or not.

A. No, I can't recall.

Q. All right. Now let me give you what the log says about that evening. See what your reaction is to it. At 0130 the mortar rounds came in and killed MILUS and wounded five men. Reported 15 or 16 rounds and plus small arms fire. Do you remember small arms fire?

A. Yes, I do. It was automatic.

Q. Was it back from the same area that the mortar was or was it different?

A. Yeah. Frequently we set up on the beach like this and we were getting it all from back over in here.

Q. Okay. Everything was coming from the same direction?

A. Same direction.

Q. Mortar and the small arms fire?

A. That's right.

Q. All right. The request for dustoff was at 0144 and an hour later the dustoff was completed.

A. The dustoff was there, and I guess before the gunships came in. The dustoff was there, and it was flying around. I guess it was waiting to come in. It took so long getting the dustoff in there too.

Q. Well, the dustoff may have been, I don't know what the particulars were, but it's quite possible that the movement of these casualties to the pickup zone may have been slow, may have been slower than getting the dustoff there.

A. I don't know, they were already there.

Q. They were there?

A. They were.

Q. There might have been a problem in setting the dustoff down. Anyway, it was completed; it took an hour to complete it. Now, I don't know what happened, but from the time it was requested to the time it was completed, the log reflects an hour. The request for a C-47 gunship, the "Spooky," was made at 0250 and it was on station at 0350, but there was probably some gunships up there before that. We had no record of it.

A. Yeah, there were gunships up there.

Q. "Spooky" stayed on station a pretty good while. There was another mortar round supposed to have come in at 0440. Do you remember anything like that? Just before daylight, one round reported?

A. I think somebody threw a hand grenade, because that landed not too far in front of me. I was on guard and I saw it when it went off. I didn't report it.

Q. Somebody might have thought it was a mortar round?

A. I thought it was a hand grenade because everybody was shooting H&I that night, machineguns and M-79's and H&I all night long. All the weapon platoon.

Q. Well, this is what is on there. Do you know anything that happened besides what we've--

A. (Interposing) Discussed here?

Q. No, on that night on--

A. (Interposing) You mean on the night?

Q. Yes. Is that it?

A. That was about it.

Q. The next morning there were still some prisoners in there. Did you see any of the prisoners?

A. Just the three.

Q. The three were still there?

A. Yes.

Q. Did you see them abused that morning?

A. Let's see, I saw one of them get hit, but that's all.

Q. Hit with what?

A. Fist.

Q. For what?

A. I don't know. I was a long ways distance from them.



Q. Who hit him?

A. I don't know, I really couldn't see who hit the guy.

Q. That's the only thing you saw?

A. Yeah. Colonel BARKER and somebody else were standing there, and they hit him right in front of Colonel BARKER.

Q. Was Colonel BARKER there?

A. Colonel BARKER, my company commander, and some other guy, it might have been a major.

Q. The 1st Platoon was picked up and the extraction started at 1015, completed at 1140. Then the company started, first lift went back at 1319. You were the last unit out.

A. I was the last fire team out, yeah.

Q. Now, I've got a few more questions. Do you remember anything about, coming over communications or radios or being discussed, on body count? Bodies or kills during this operation?

A. For the sum total you mean or--

Q. (Interposing) Yes, all this.

A. No, I didn't hear it, no. I heard a guy say on this last operation we got 40 some people, you know, I was told that the whole battalion was credited with making 400 or something like that. You know, just different numbers. This is like just rumors, everybody comes with a different number. I couldn't believe it.

Q. Well, did you have any knowledge of any investigation or any inquiry being made after this operation?

A. No, I didn't.

Q. Did you ever hear an order any time during the operation, probably would have been the second day, to stop burning?

A. Yeah, because we didn't do any burning that last day at all.

Q. Where did this order--do you remember where you got the order or where you were located?

A. No, I can't exactly say where we were, but we come down and say, you know, they told us there'd be no more burning of the villages you know, don't burn them no more.

Q. Well, was this after you all left the night laager, the second night, when you were on the beach there? Before you got to the bridge or after you got to the bridge or when was this?

A. I don't know, I can't say.

Q. Was it the second day or the first day?

A. It was the second day.

Q. It was the second day.

A. Yeah, 'cause we was wondering because there was some guys said we were going burn that village. They said, "No, we're not going to burn it no more," you know, like that.

Q. You didn't get it from the platoon leader or anything like that?

A. No. So I got blasted at me, you know, Sergeant WHITTAKER, said no more burning, you know, I got the word you can't burn and this came from I guess Sergeant MCCLLOUD. He said no more burning of the villages.

Q. Did you hear any rumors that civilians had been killed unnecessarily by either B/4/3 or C/1/20 on this operation?

A. No, I didn't. Maybe some accidental deaths maybe, but this--like I say a lot of you get rumors, see. A lot of guys say this was, I heard that John JONES shot Jack WILLY, you know, by accident. Not seeing this I won't pay any attention to him. Like I say, I heard rumors of a couple civilians getting killed. Different guys talking about it, that's about it. But there wasn't no official word on it.

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A. No, I didn't see no one abuse any of the people, you know, in no way like you said, just shooting them unnecessarily, deliberately. No, I didn't see any civilians get killed and I didn't see like no interpreters or no one beating on one.

Q. Did you see any evidence of anything happening?

A. Other than with that lady up there. I really didn't see no blood or nothing, you know, like on the ground. Like when people get killed you supposed to see blood. I didn't see any blood.

Q. Do you have any further statements or any further testimony that might assist in this investigation?

A. No, I don't.

Q. Did you have a camera?

A. No, I didn't.

COL WILSON: I request that you not discuss your testimony in this investigation with others, including other witnesses of the investigation, except as you may be required to do so before a competent judicial, legislative, or administrative body.

The hearing will recess.

(The hearing recessed at 1700 hours, 7 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: ANDERSON, Anthony

DATE OF TESTIMONY: 6 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Squad Leader, Second Squad, Weapons Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness received classes concerning the Geneva Conventions and the legality of orders while stationed in Germany (pg. 2). He also received training at the Americal Combat Center when he arrived in Vietnam as a replacement (pg. 3).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness first heard of the 16 March 1968 operation on the 15th from his platoon sergeant (pg. 4). He recalled that his company was to combat assault into Pinkville, search and cordon the area, and set up a blocking force for C Company (pg. 5). He could not remember anything particularly unusual about the briefing (pg. 6). The word was to expect two Viet Cong companies in the area (pg. 6).

3. THE COMBAT ASSAULT.

a. Activities of 16 March.

The witness could recall neither enemy nor friendly fire upon landing (pg. 9). He recalled Lieutenant COCHRAN being killed by a booby trap (pgs. 9, 10). The first

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platoon was moving when the witness landed. His unit set up security for the CP until all the troops had been lifted in and for a dustoff coming in for those wounded by the mine (pg. 11). After COCHRAN was killed, he recalled firing mortar for H&I to cover the first platoon's crossing the bridge, but he could not remember hearing small arms fire from the other side of the bridge (pg. 15). The mortar was fired from one side of the landing area (pg. 16). This fire was not preplanned (pg. 17). He stated that he discovered some dud rounds they had fired on the beach on the 18th (pgs. 18, 34). He recalled Vietnamese interrogating suspects at the night laager position and slapping one suspect (pg. 21). He also saw Lieutenant JOHNSON interrogating suspects on the 16th, but recalled no rough treatment (pg. 22). The witness stated that he did not believe suspects were released until the companies left the laager area (pg. 24). He added that ARVN's were interrogating suspects, taking them some 200 feet to an area behind trees where the U.S. troops could not see them (pg. 26). He heard that one of the suspects had been shot (pg. 27). That night his mortar fired illumination for the first platoon (pg. 28). The witness could not recall anything unusual happening that night (pg. 29).

b. Activities on 17 March.

The witness remembered hearing an explosion near the bridge they were approaching and the EOD men moving to the front and marking the mines (pg. 30). He recalled the dustoff for TAYLOR who was wounded, but he did not recall other aircraft (pg. 30). After crossing the bridge the witness set up his mortar and the platoon moved north, returned, and the whole group moved south through an abandoned village. The unit was resupplied that day (pg. 34). In the laager area everything was destroyed; however, the witness saw no bodies there (pg. 36). The witness related further that he saw a lot of smoke from where his unit was operating (pg. 38). An order came down to stop the burning that day (pg. 47).

c. Activities of the 18th and 19th.

On 18 March the dud mortar rounds were located near the beach and EOD personnel exploded them (pg. 37).

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His platoon moved through villages rounding up people for the MEDCAP team operating there (pg. 39). He saw some interrogators operating in the area, but saw no harsh techniques used. He did hear that Captain MICHLES had beaten a prisoner (pg. 40). This prisoner was treated by the witness' platoon medic (pg. 40). That night during the mortar attack small arms fire was received. Mortar fire was returned (pg. 41). The witness opined that the enemy mortar fire was fired by trained personnel with the proper equipment (pg. 42). There were ARVN's in the laager position (pg. 45).

4. KNOWLEDGE OF INCIDENTS.

The witness heard rumors that C Company had killed civilians (pg. 47). He also had spoken with MILUS who was bragging about having killed a pregnant woman with a machinegun (pg. 48). He also heard that TAYLOR or HOOTON had shot a baby (pg. 49).

5. OTHER INFORMATION.

a. No one ever told this witness or any of his comrades not to discuss the operation (pg. 49).

b. Marijuana was used by quite a few men, but not on operations (pg. 50).

EXHIBITS

| EXHIBIT NUMBER | DESCRIPTION                         | NOTES                              | PAGES        |
|----------------|-------------------------------------|------------------------------------|--------------|
| M-2            | MACV Card "Nine Rules"              | Wit had seen.                      | 3            |
| M-3            | MACV Card "The Enemy in Your Hands" | Wit was issued.                    | 3            |
| M-81           | Instructions to witness             | Read by witness.                   | 3            |
| P-18           | Miscellaneous Scene                 | Wit could not recall.              | 19           |
| P-1            |                                     | Wit recognized HUFFMAN.            | 23           |
| P-19           | Miscellaneous Scene                 | Wit recalled area.                 | 19           |
| P-20           | Miscellaneous Scene                 | Wit could not recall.              | 20           |
| P-21           | Miscellaneous Scene                 | Witness recognized "Bull" JOHNSON. | 21           |
| P-23           | Miscellaneous Scene                 | Wit could not recall.              | 22           |
| P-55           | Photo of RVN's                      | Wit did not recognize.             | 23           |
| P-203          | Photo of LZ Uptight                 | Wit recognized.                    | 23           |
| P-204          | Photo enroute to CA                 | Shown to witness.                  | 23           |
| P-205          | Photo of lifts                      | Shown to witness.                  | 23           |
| P-206          | Photo of CA area                    | Shown to witness.                  | 23           |
| P-185          | Photo of B/4/3 area                 | Wit utilized.                      | 18,38        |
|                |                                     | Shown to witness.                  | 33           |
| P-207          | Photo of rockets into LZ            | Shown to witness.                  | 23           |
| P-208          | Photo of 16 Mar laager              | Wit recognized.                    | 24-26,<br>28 |
| P-209          | Photo of 16 Mar laager              | Wit recognized.                    | 24,28        |

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(The hearing was reconvened at 1432 hours,  
6 February 1970.)

COL WILSON: The hearing will come to order.

RCDR: The following named persons are present:  
COL WILSON and MAJ THOMAS.

The next witness is Mr. Anthony ANDERSON.

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

Please state your full name, occupation,  
and residence.

A. Anthony ANDERSON: Telephone Installer, Indiana  
Bell; 424 West 40th Street, Indianapolis, Indiana.

COL WILSON: Mr. Anderson have you discussed this operation  
with anybody prior to coming to this hearing?

A. The operation on --

Q. (Interposing) The 15th, 16th, 17th, 18th, 19th March.

A. I was talking to MACHUSICK on the phone.

Q. MACHUSICK?

A. Yeah.

Q. We are not saying anybody from--we are talking  
about from B Company.

A. From B Company?

Q. Yes.

A. WARNER and MORENO.

Q. Since you have been in town?

A. Yes. That would be about all.

Q. What was your assignment with B/4/3 on  
16 March 1968?

A. Squad leader, weapons platoon.

(ANDERSON)

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Q. Which squad?

A. Second squad.

Q. Do you recall receiving any military justice training or possibly Geneva Convention training about the legality and illegality of orders, legal orders versus illegal orders? Did you ever hear anything about that?

A. They told me what a lawful order was and what an unlawful order was.

Q. What did they tell you?

A. I can't remember exactly. I was in Germany. That is where I had most of the Code of Conduct.

They said that a lawful order if it goes against the Code of Conduct or moral standards, it was actually a unlawful order and you wouldn't be court-martialed, if you disobeyed this.

Q. You got this in Germany?

A. Yes.

Q. You didn't get this in any other part of your training?

A. Prior to going to Vietnam I was never trained in this. I was just sent there.

Q. Did you take an inter-theater transfer from Germany to Vietnam?

A. Yes.

Q. How long were you with B/4/3?

A. I believe I got with them about the first of March--no, I mean February.

Q. 1968?

A. Yes.

(ANDERSON)

Q. You were a replacement then after they got into the country?

A. Yes, I was.

Q. I have an Exhibit M-2 which is facsimile of a MACV card entitled, "Nine Rules." Have you ever seen that card?

A. Yes.

Q. You have?

A. They gave it to me in the Americal Combat Center.

Q. You got a copy of it then?

A. We were going to classes and they have the training aids and they showed us that.

Q. Did they give you a card?

A. No. I didn't get anything.

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

A. Yes, I had this one.

Q. Did they give you this one?

A. Yes.

Q. If you remember the exhibit (Exhibit M-81) we handed to you telling you this is an interview team of General PEERS Inquiry and how we are going to conduct the interview, we said that the first thing we would be interested in would be the briefing or information that you received prior to conduct of the combat assault in the Son My or Pinkville area on the 16th of March.

Now, I want to be sure you have this particular operation clear in your mind that we are talking about. We are talking about the operations that Lieutenant COCHRAN was killed on the first day and MILUS was killed on the last day. That brackets it in.

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On the 15th of March B Company was at fire base Uptight.

A. Yes.

Q. Now, on the 16th of March, early that morning you were supposed to take off for a combat assault. Do you know where you got this information.

A. Captain MICHLES was the CO. He got the platoon leaders together, and they passed the word down to platoon sergeants and squad leaders, and then we passed it out to the men.

Q. You got the instructions, as a squad leader, from the platoon leader?

A. Yes, it was the platoon sergeant at that time.

Q. Did Sergeant VANN brief or give the orders to all of the squad leaders?

A. Yes.

Q. Did he include anybody else in that group?

A. Well, he was talking directly to the squad leaders. However, at times other members of the platoon would be around to make sure they get it right.

Q. The medic?

A. Yes, and the RTO.

Q. How about your fire direction computer?

A. He was the RTO.

Q. The RTO also.

A. Yes.

Q. Do you recall what you were told?

(ANDERSON)

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A. He said that we were going into Pinkville on a combat assault and that we would be acting mostly as a blocking force for Charlie Company and something like a search and cordon. It was a new thing they has just started over there.

Q. What else? Do you have any other information?

A. They showed us on the map where we were to set down and where the direction each platoon was going, because the squad leaders would have to know that, where they would be at or the unit would be. I believe the 1st Platoon was already there before the rest of the company came in.

Q. Maybe you're getting into the operations. Let's stick with the briefing you got on the 15th. Did you know how long you were going to be out there?

A. No, not exactly.

Q. Was there anything said about carrying extra ammunition or extra equipment?

A. No, we always carried the standard load.

Q. There was nothing unusual from any other operation?

A. No.

Q. Was anything said about the destruction of villages and the burning of hootches?

A. No.

Q. Nothing?

A. No.

Q. How about the destruction of foodstock?

A. We were supposed to--

Q. (Interposing) Anything unusual or different from normal operations?

A. No.

Q. What I am asking you is if you were given any specific instructions on this particular operation which were different from day to day operations?

A. No.

Q. How about inhabitants? Was there anything said about how the people of the area were to be handled?

A. I guess you might say like we normally do. We go in and search their hootches and bunkers and make sure no one was hiding in them, and we would try to ask them, in broken phrases that we knew, whether there was any VC in the area and that was about it.

Q. Were you told anything about the enemy situation? Anything about what they were doing down there?

A. Yeah.

Q. What did they tell you?

A. They said, I believe it was supposed to be two companies of some VC forces, and we were going to search for them and see if we could get them or push them away.

Q. Do you know what the 1st, 2d, and 3d Platoons were supposed to do?

A. They was supposed to--on landing we--the 1st Platoon set up the--

Q. (Interposing) Security?

A. Security for the LZ.

Q. 1st Platoon was suppose to set up security?

A. I believe it was, because the 1st Platoon was there already.

Q. No, the 1st Platoon wasn't. The 1st Platoon was at Uptight. I think where you got it wrong--when we get into the operation you will see they were in location before the rest of the company?

A. The 1st Platoon was out in the field when Lieutenant COCHRAN got killed.

Q. Yes, but you all went out together. We'll get to that. It's been 2 years ago now. We can give you a pretty good indication of where things were. You think the 1st Platoon was supposed to set up the security for the LZ.

A. Yes, because I know I was with part of the 2d Platoon that came in. The 2d Platoon and weapons platoon were together at the LZ.

Q. The 1st Platoon was suppose to secure the LZ. What were the 2d and 3d Platoons supposed to do?

A. I can't really remember.

Q. Do you know if they had a different mission besides securing the LZ?

A. Yes, they went across the bridge.

Q. As I understand, the mortar platoon usually carried one mortar and everybody carried ammunition.

A. Yes, right.

Q. What happened to the squads in a case like this? Do the squads maintain their squad integrity or does one squad pass the mortar to another one or how does that happen?

A. Usually, like my squad would have the mortar.

Q. Yes.

A. And we would carry it 1 day and the first squad would sort of equal it out by carrying the ammo and water.

Q. The mortar stays with one squad, and the ammunition is broken down into three squads?

A. Yes.

Q. You passed it then?

A. Yes.



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Q. When the mortar breaks into three loads; base plate, tripod, and tube, is that mortar broken down into the three squads?

A. No, the mortar stays with one squad.

Q. And you pass the mortar from time to time to another squad? Is that correct?

A. Yes.

Q. How many men from the mortar platoon went to the field that day?

A. All that I knew of.

Q. The whole platoon? Nobody stayed behind?

A. None that I know of. The ones that I met when I came there.

Q. Have you been able to fill that out according to the people in your squad that day (referring to a platoon roster)?

A. I remembered two of them, I'm not sure about the others.

Q. Let's get to the operations now. What I am going to do is show you what the concept of the operation was and we will look at this photograph and get you a good view of the area as well as we can and then I want you to fill in what you remember, that we don't already have some information on. We'll look at some photographs, and we'll try to do this from day to day to see if we can bring it back, because we're talking about a pretty good time here.

(COL WILSON orients witness on Exhibit MAP-4)

This is the day of the 16th. Now, at 0815 the first lift touched down. Do you know if you were on the first or second lift?

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A. I believe it was the second.

Q. Do you know which platoon you were, or who else was on this lift besides the mortar platoon?

A. The 1st of the 2d Platoon.

Q. The first lift touched down at 0815. The second lift touched down at 0827. I think everybody was closed in pretty good by 0830 or 0840, somewhere around there. From that time and we are talking about, 0840 if it touched down of the second lift was 0825 you have to give people time to get off of the aircraft. I have a couple questions about that landing.

Was there any fire from the ground as you approached the landing zone?

A. I can't really say for sure.

Q. Were your doorgunners firing?

A. No, they didn't.

Q. When you got off of the aircraft, was there any firing going on?

A. When I got off the aircraft?

Q. Yes?

A. No.

Q. All right. Now, from about the time 0840, which would give us a reasonable figure for everybody to unload from the helicopters, the first booby trap triggered, which is the one that killed Lieutenant COCHRAN and wounded four men was at 0845, so he couldn't have moved too far.

A. I would say he was not over 50 yards from me when he got killed.

Q. You put him south of the road?

A. I might have seen the road or a dirt trail.

Q. It was a dirt road?

(ANDERSON)

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A. It could have been south of me. It could have been on the other side. The only thing I remember is where he sat down and then he got up again to leave and then came back and then the booby trap went off.

Q. At the time that the 2d Platoon moved off and I'm not sure which moved first, the 1st Platoon moved toward the bridge. I don't know who moved first, do you?

A. The 1st Platoon did.

Q. The 1st Platoon moved out?

A. Yes. They moved out just as we got off of the helicopter and the 2d Platoon took over the security of the LZ.

Q. The 1st Platoon moved out really before you all landed or they were in process when you landed?

A. Right. In fact, I remember seeing some of the people from the 1st Platoon moving. That is when my ship was coming down.

Q. And the 1st Platoon began moving toward the east?

A. Toward the sea.

Q. What was your relationship to the 2d Platoon? Were you supposed to follow the 2d Platoon?

A. No. We stayed with the CP.

Q. You stayed with the CP?

A. Yes.

Q. Did the CP follow the 2d Platoon?

A. No. We were acting as security for them until the 3d Platoon came in and we had to stay searching the area, I think.

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Q. And, as you explained it to me, the 2d Platoon moved off and you were still on the landing zone securing the CP when the 2d Platoon moved off?

A. Yes.

Q. And still there when Lieutenant COCHRAN hit the mine?

A. Yes.

Q. And you hadn't formed up into a column to follow that platoon or anything. You were still on the LZ securing the CP when he hit the mine?

A. Right.

Q. And then what happened?

A. After Lieutenant COCHRAN hit the mine?

Q. Yes.

A. I'm not too sure.

Q. Do you remember a ship coming in and evacuating those wounded?

A. Yes.

Q. Now, the next thing we show is that at 0930, that is 45 minutes later, a second booby trap was tripped.

A. Yes.

Q. And there were three wounded on that one. This, according to what we can closely figure, was within a few hundred meters of where Lieutenant COCHRAN was killed. Do you remember that one?

A. No. The only two that I remember were Lieutenant COCHRAN and TAYLOR.

Q. That was the next day that TAYLOR was hit.

A. Yes.

Q. That same day that COCHRAN was killed, 45 minutes later, a second group hit a mine and there were three wounded and evacuated. A 45 minutes difference. That gave them a total of about seven either killed or wounded within that hour's time frame.

Now, we understand from some people, the mission was changed at that point. The 2d Platoon was originally supposed to sweep Pinkville, search it. I'm talking about this village that's shown on the photograph. They were supposed to sweep this area and Colonel BARKER, when he heard about these two groups of casualties down there, radioed down and said, "Don't search--don't go into the village." Did you hear anything about that or do you know if the original concept was to search Pinkville, My Lai (1)?

A. Well, our platoon, the 2d Platoon was going through there, and I couldn't really say for sure, but I think they did pull back and then we went across the bridge--that's not right.

Q. In other words, this platoon took seven casualties there, within the first hour or 2, and there was some change here. I don't know exactly what it was. It appeared that maybe the 3d Platoon took over what the 2d Platoon was doing.

A. Yes, I remember the 3d Platoon getting on line.

Q. Did they moved on line?

A. Yes.

Q. Well then, let me ask you this question. At the time that the 2d Platoon started moving north and you were still down there on the LZ securing the CP, what was the 3d Platoon doing? Were they moving off in a different direction?

A. Yes, the 2d Platoon, they would move this way and the 3d Platoon was moving northwest?

Q. All right, the 2d Platoon was moving north, and the 3d Platoon was moving northwest.

A. Right.

Q. Did the 3d Platoon come over and move over in the 2d Platoon's position after these casualties, or do you know?

A. I couldn't tell you for sure.

Q. Now, you didn't see the helicopter come in and evacuate the second group of casualties?

A. No, I couldn't say that either.

Q. Because you don't remember the second group anyhow?

A. No. The only thing that really stood out in my mind was Lieutenant COCHRAN, because he was the first man I had seen killed.

Q. And you saw that because you were only a few yards from him?

A. Yes.

Q. Did you have any communications that day? Did you have a radio?

A. Our platoon?

Q. You.

A. No.

Q. The platoon had one?

A. Yes. Our radios were given to the other platoon, because theirs went bad.

Q. Were you near a radio at all? Did you hear any radio communications?

A. No.

Q. Did you have the mortar that day or did you have the ammo?

A. I had the ammo.

Q. Which squad had the mortar?

A. I believe it was Sergeant HARRIS' squad.

Q. Sergeant HARRIS?

(ANDERSON)

A. Yes.

Q. Do you recall that morning setting the mortar up and providing supporting fire for the 1st Platoon crossing the bridge?

A. Yes.

Q. You do?

A. Yes.

Q. Do you remember BRETENSTEIN?

A. He was the FO for the 1st Platoon.

Q. FO for the 1st Platoon. He said they got five 81 rounds over there and three of them were duds. Did you hear about that?

A. Yes, I saw him when we were on the sea sweeping the coast. We saw the duds and blowed them up.

Q. They fired this volley of five rounds and there was some question after the three duds, Captain MICHLES getting on the radio saying, "Discontinue mortar fire and use machinegun." Did you hear anything about this?

A. No. They told us to cease fire and then later on I did hear machine gun fire.

Q. You were told to cease fire. Were you on the gun at that time?

A. I was checking and making sure they were right.

Q. But you don't recall what time this mortar fire took place, do you?

A. No, I don't.

Q. With reference to when Lieutenant COCHRAN was killed.

A. It was after he got killed. About, oh, an hour or an hour and a half after.

Q. It was that late? He was killed at 8:45. This would have been about 10:15 that you gave them that mortar fire.

I would have thought that the 1st Platoon would have been across the bridge before that time, and my understanding was that, and maybe you can help me, that was recon by fire. They didn't really have a target. They were just trying to put some fire on the other side of that bridge. Was that the type of fire it was? Do you know?

A. H&I.

Q. Yes, H&I. Was that H&I fire that morning?

A. We were firing the mortar not actually at them. Just throwing them where they might possibly be to just keep them down.

Q. Well, they hadn't crossed before they got the mortar fire. In fact, did you hear whether or not there was any enemy action over there?

A. No, I couldn't say that.

Q. At the time that you fired the mortar, did you heard any small arms fire over there?

A. I don't remember that either.

Q. Do you know where you were located at that time?

A. Where I, myself was located?

Q. Well, yes. Where the gun was is what I'm trying--

A. (Interposing) On the LZ.

Q. You were still on the LZ?

A. Off into the corner of it.



- Q. Still in the same area you were in originally?
- A. Yes, where we sat down.
- Q. You had not moved north at all?
- A. No.
- Q. Did you assemble the mortar and put it in position as soon as you hit the ground?
- A. Yes.
- Q. Is this the normal procedure?
- A. Yes, it is.
- Q. In other words when you go into a landing zone you put your mortar up right away?
- A. Not on the LZ.
- Q. But I mean, at the time. If you move off to the side of the LZ you still put the mortars up right away?
- A. Those were Captian MICHLES' standing instructions.
- Q. Get the mortar in action. So you put the mortar in action every time you hit the ground on a combat assault?
- A. Yes, when Captain MICHLES would be there.
- Q. Well, I meant as long as he was in command?
- A. Yes.
- Q. You didn't have to disassemble this thing? It stayed there and this is where you fired the support for 1st Platoon?
- A. Yes. I remember because the ground was soggy and every time we fired the mortar would dig itself in.
- Q. Dig itself in and you had to level it again. Do you know or do you remember in the briefing if this fire was planned to be fired regardless of when it was called for or not?

A. I don't remember that.

Q. Sometimes you can preplan your fire.

A. I don't think we did preplan the fire before we left UPTIGHT.

Q. BRETENSTEIN said he was called forward to call back, you know, fire. BRETENSTEIN didn't know whether there was a possibility that this may have been preplanned.

A. I don't think it was.

Q. The only thing about this is that timing. The 1st Platoon, according to the log, reported 12 VC KIA at 9:55. Now they had to be over there. I think they had to be across the river at that time, and I'm sure they wouldn't have crossed until they had gotten that mortar fire unless you put that fire back there on the beach or up on the sand dune back over there.

Where did you find those rounds when you got out there?

A. On the sand dune. On the beach.

Q. They were on the beach?

A. Yes, because I remember seeing two of them myself.

Q. They weren't near the bridge?

A. No.

Q. How far were they from the bridge?

A. I couldn't say--well, there was the vegetation growing. Right where the vegetation was is where we found them.

Q. And you're sure these were your rounds?

A. They were 81 rounds. I wouldn't say they were mine for sure.

Q. You found two 81 rounds, right?

A. Right.

Q. And you found these on the beach?

A. Yes.

Q. Okay, let's look at the photographs again for a minute.

(Photograph and map orientation was conducted by COL WILSON.)

This is Exhibit P-185, a large photograph. There is a bridge and here is the beach. This appears to be vegetation right here (indicating), and you think--

A. (Interposing) We didn't find them that same day.

Q. No, I know that. I'm just trying to find out about where your fire went. I thought the fire went generally down in there (indicating), down by the bridge, by the end of the bridge. Now, I don't know. I just made that assumption.

A. I'm almost positive we found them in here (indicating).

Q. You found the rounds out on the beach?

A. Yes. Those rounds--those 81 rounds we had were old; old and sporadic rounds.

Q. You don't really know, I guess maybe the FO is the only one that can say this then that fire was deliberately put that far back of the bridge?

A. I couldn't say that for sure.

Q. Do you remember if the fire mission included the remark that the platoon was receiving enemy fire?

A. I can't remember.

Q. In which case it wouldn't have been H&I fire, would it?

A. No, it wouldn't.

(ANDERSON)

Q. What do you call that, contact?

A. Contact mission.

Q. Would you know if it was a contact mission?

A. I think I would.

Q. You don't recall?

A. No. The only firing I remember that day is from the 3d Platoon as they got on line sweeping. There was a sergeant, and I can't remember his name, he was tall, and I remember him fire H&I a little bit into some brush, some trees.

Q. You moved up and went into a laager position. You searched out a village and went into a laager area that night?

A. Yes.

Q. Let's see if you recall any of these. P-18, recognize anything about that?

A. I couldn't tell you for sure.

Q. P-19.

A. I remember this, because it was right in our hamlet.

Q. In which hamlet?

A. I couldn't say for sure. I do remember when we landed there a helicopter came in with a photographer on it, and I remember seeing him and I think it was an interpreter and somebody from higher up.

Q. Here (indicating)?

A. They were questioning the villagers.

Q. It could be. I'm just trying to get your date straightened. We believe--okay, a photographer came in and he had an interpreter or there was an interpreter along?

A. Yes.

- Q. Vietnamese?
- A. Yes.
- Q. One or two?
- A. I can't remember the numbers.
- Q. Was this near the laager area?
- A. I believe it was right around from us, like we laagered our to--I believe it would be inland, going inland from where the picture was taken.
- Q. Going west then?
- A. Yes.
- Q. This was the first hamlet?
- A. I believe so.
- Q. And was this hamlet searched?
- A. Yes, it was.
- Q. Is that what all of these people are doing here rounded up?
- A. Yes.
- Q. Can you recognize the American on the left or the uniformed individual?
- A. No, I don't.
- Q. How long did you stay in this village?
- A. I can't remember. I couldn't say for sure.
- Q. P-20.
- A. I couldn't say for sure, but I know that is my platoon right there (indicating).
- Q. P-21.

22 408

A. I remember that.

Q. The man on the right?

A. Yes, he was the interpreter, because I remember he asked the little boy some--the little boy didn't answer him right or something and he slapped him.

Q. The little boy in P-21 didn't answer him right so he slapped him.

A. Yes.

Q. Did he slap him very hard? Did he hurt him?

A. I don't know if he hurt him, but I heard it when he slapped him. And this is the same time if I'm not right, if I don't--I was out in the open with my squad acting as security. We received some sniper fire about the same time that this interpreter came in, because I remember hearing a whizzing noise and everybody started falling, I didn't know what it was.

Q. Do you recognize that man taking his helmet off?

A. No.

Q. P-22.

A. I recognize him (indicating), if that's what you want to know.

Q. The man with the helmet facing the camera?

A. Lieutenant, I think--

Q. (Interposing) JOHNSON?

A. I think his name was "Bulldog" or something like that.

Q. "Bull?"

A. Yeah, "Bull."

Q. Was he there when the interpreter slapped the boy?

A. I don't remember seeing him around. I think he was talking to Captain MICHLES.

Q. Did you ever see the old man?

A. I couldn't really tell you. I saw so many like that with whiskers and all.

Q. How about P-23?

A. No, I don't remember what happened there.

Q. Before I go any further, did you see the interpreter that was with Lieutenant JOHNSON interrogating anybody that day?

A. The little boy, I saw him ask--talking to him.

Q. Anybody else?

A. And I believe some women.

Q. Anybody else?

A. I think a couple, about three or four old men.

Q. Did you see him mistreat anybody else?

A. No, not that I can remember.

Q. Did you ever see either one of these two Vietnamese in P-55?

A. With the uniform on?

Q. Yes, with the uniforms on.

A. I can't remember if I saw them. I remember when Charlie Company came, not Charlie, Alpha Company came there was some Vietnamese that came with them, or a chopper, I can't remember, but there was some that spent the night with us in our laager position.

(ANDERSON)

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Q. But you don't remember these two?

A. No, I didn't really get a good look at any of them, except the interpreter.

Q. P-203, does that look familiar?

A. This is LZ Uptight.

Q. P-204, and that is supposed to be en route?

(No response)

P-205 was one of the lifts going down from Uptight. This should be the Diem Diem River. This would be Pinkville about right in here, and you can see you were heading south over the Sea. P-206, this was an outside shot of a rocket going into that same graveyard we were looking at a minute ago. This is the river here which the bridge crossed. I don't know exactly where that location is. I haven't looked at it that high. P-207 also shows another rocket attack on the landing zone.

Now, do you remember seeing any of these prisoners in the laager area?

A. Yes. I was trying to think if Alpha Company was brought in with them or not.

Q. Alpha stayed up on the river.

C Company came in later on that afternoon, linked up and you all laagered that night. This is a question I had back here on P-18 which shows one of your men guarding these people. Is that HUFFMAN?

A. Yes.

Q. Do you know if those individuals that HUFFMAN is guarding there came in with C Company or whether you all rounded them up in that village?

A. I can't remember. I can't say for sure.

Q. Do you know whether they were released or held during the night?

(ANDERSON)



A. We didn't release them that night, until that morning because we never--once we took someone we never let them go until we left our laager position.

Q. Is there any relation between P-208 and the photograph we just looked at, which is P-18? Any of these people that were in P-18 the same ones that are in P-208? Of course, I know they have sacks over their heads, and the only way you would know that is to have something directly to do with them, but I didn't know whether you did or not.

A. No, I wasn't. I remember I was over here (indicating) digging a fox hole.

Q. Back in the back of the photograph?

A. Yes.

Q. This photograph, P-209, is supposed to be in that general area. It's difficult to see, but you may be able--it's supposed to be the sight of a cemetery or pagoda.

A. Yes, that is MORGAN right there (indicating).

Q. MORGAN is the man with his back to the camera.

A. Because I remember the long sideburns.

Q. On the right with the long sideburns.

A. I believe the CP stayed there (indicating).

Q. That is what we understand, and I was wondering if you were near the CP that night?

A. No.

Q. You weren't?

(ANDERSON)

A. No.

This is ISAACS (indicating) right here. He was in my squad.

Q. The man on the right in photo P-208.

A. That is ISAACS. He was in my squad so I would have been around here.

Q. You don't know whether these prisoners were evacuated or not?

A. No, they weren't. I remember now because one of them was mumbling something during the night. They had to gag them.

Q. Did they take those sacks off their heads after dark?

A. No.

Q. Did they feed them?

A. Yes, they gave them C-rations.

Q. Do you remember C Company coming in and linking up?

A. I remember a company coming in, but I thought it was Alpha.

Q. No, it was C/1/20. They came over from the west, from My Lai (4).

A. It would have been southwest of where we were. I remember them coming in.

Q. Do you remember whether they brought any ARVN or National Police with them?

A. I don't know whether they came with them or on a slick, but I remember that the ARVN stayed in the laager position.

Q. C Company would have walked in?

A. Yes.

(ANDERSON)

Q. And ARVN were with you that night in the laager position?

A. Yes.

Q. Were there any interpreters or interrogators there?

A. I can't remember that.

Q. Did you see any interrogations going on?

A. No. The ARVN would grab a prisoner or a VC suspect and take him away from the rest of them and they would be about 200 feet from me.

Q. 200 feet?

A. Yeah, and they went behind some trees or something cause they didn't want anyone to see what they were doing.

Q. How long would they keep a prisoner back there like that?

A. I can't remember.

Q. How many did they take with them back there like that?

A. I believe all of them at one time.

Q. Is that this group that's in P-208 or is that some other group?

A. I think it was the group that we had with us.

Q. Is that P-208 the group you had with you?

A. Yes. Our platoon was guarding them.

Q. Was there any more than what is shown here on this photograph?

A. I don't know. I couldn't say for sure. I think Charlie Company brought a few of them.

Q. More than what was shown here?

A. Yes.

(ANDERSON)

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Q. More than what was shown here?

A. Yes.

Q. Sergeant MARSHALL said that he thought his squad guarded these prisoners that night. Did the ARVN come and get these guys that night or the next morning?

A. I can't say for sure.

Q. Did you see any of them shoot any of these prisoners?

A. I didn't see them. I heard shots, and I asked what was happening and they said that they were just firing to make the other VC scared, was just shooting the ground. Then they came back and told me they shot one of the prisoners.

Q. How many prisoners did they take behind these trees?

A. I can't remember.

Q. Do you know how many prisoners you had control of that night?

A. It would be anywhere from five to eight.

Q. Five to eight. Did you have that many the next morning?

A. I was not around that area.

Q. You weren't?

A. We moved off back towards the sea.

Q. To the east?

A. Yes.

Q. You were not around the CP area that night or the area where they were taking them behind that tree?

A. No.

Q. How far from P-208 or P-209 was that place where they were taking them behind the tree? Either one since they was fairly close together. How far was that tree area from the CP?

A. About 100, 150 yards.

Q. About 150 yards, and it was not too far from you, was it?

A. No. There was a whole gang over here but I was back here and they would have been up here, and the trees over there (indicating).

Q. Except for that boy getting slapped, you didn't see any other mistreatment of prisoners?

A. Not that I can remember.

Q. Do you remember Colonel BARKER or anybody, or Major CALHOUN coming out there that day?

A. No, I only remember seeing Colonel BARKER one time, and that was when he landed on the beach. This is the only time that I remember seeing him.

Q. Anything unusual happen that night?

A. No, not to my knowledge.

Q. Did you all fire any marker rounds? Any illuminating fire that night?

A. Yes, we did. We were firing illumination for the 1st Platoon.

Q. For the 1st Platoon?

A. Yes.

Q. Over on the coast?

A. Yes.

22 416

Q. They moved north of that bridge that night. I don't know why, but they did. Did you fire it all night?

A. They had set up a schedule when we were supposed to fire.

Q. What was that schedule, approximately?

A. Every hour--no. I know we didn't have much illumination and they wanted to use it sparingly and we would fire, I think, every 2 hours or when they requested it.

Q. Every 2 hours, illumination. Anything else happen that you recall that night?

A. Nothing that I can think of.

Q. All right, the next morning the company moved out toward the bridge?

A. Yes.

Q. I think, from what we understand the 3d Platoon led, is that right?

A. I couldn't really tell you for sure.

Q. Where was the mortar platoon? Which platoon was it following?

A. I don't know which one was following. I know the CP was in front of us.

Q. Was there a platoon behind you?

A. Yes.

Q. So you were right in the middle of the company there. Could you tell me what was going on down there at the bridge?

A. No. The only thing I remember is that we were moving out and we heard an explosion. We had two men from our EOD with us and they went up there to see what it was all about. They were with the CP. We stopped and let them pass us and go up to the front. They were around the bridge. They were checking that area and marking things they thought might be booby traps. When they came by they told us to watch out for certain things and then I got across the river I saw a

(ANDERSON)

rifle, but the stock, the handgrip had been blown off of it. I asked someone in the 1st Platoon what had happened. They said TAYLOR was poking for a booby trap and set it off.

Q. Let me be sure we have the timing right on this. The EOD men were called up after the explosion or before the explosion?

A. After, because I didn't know where they were until the explosion went off and after that I asked someone in the platoon who they were because I had never seen them before, and they said they were from EOD.

Q. Did you hear any small arms fire going on up there?

A. I can't remember whether I did or not.

Q. Did you see any gunships come in?

A. No. The only ship I saw come in was the one that took TAYLOR.

Q. How long after you started moving and heard this explosion, did you halt on the march?

A. Half an hour.

Q. And then you started moving out again?

A. Yes.

Q. Moved right on across the bridge?

A. Yes.

Q. And saw TAYLOR's weapon all beat up?

A. Yes.

Q. TAYLOR had gone?

A. Yes. He had left by the time I got over there.

Q. Any fire going over at all?

A. Not that I remember.

22 418

Q. What happened when you got on the other side of the bridge? On the way over did you notice any marked mined area?

A. I noticed what they thought were booby traps or mines.

Q. When you got on the other side of the bridge what happened?

A. We set up our mortar and I can't remember-- I am trying to think--some platoon went out again, towards the north. They were gone for a while. I can't remember how long, and then they came back.

Q. And then what happened?

A. We moved south, a little. I can't recall how far. I know we hit a village. I guess you'd call it that. It looked like it had been abandoned or something. Not many people lived there, and we set up our laager camp that night over there. I think that is where the 1st Platoon stayed the night before.

Q. All right. Let's see what we got on the recorded entries.

According to the log, TAYLOR hit that mine at 8:10. We get two or three different interpretations on this. One, TAYLOR was probing for a mine and detonated it; and, two, he was trying to disarm a mine and hit another mine with his foot, a different mine, and detonated it; and, three, he had found a mine and had called for EOD before it was detonated, or the EOD could have been called forward to the west side of the bridge, because there was supposed to be some mines found over there before TAYLOR detonated the one on the east side. It's pretty hard to pin that one down.

A. On that one, I had to go by someone in the 1st Platoon. I believe MILUS told me.

Q. MILUS would probably have been with him, because that squad was working up there with the point. This is probably right. He was probing and detonated the mine. The thing about this is, and this is what really gets me, a man is probing and detonates a mine, he is going to get wounded in the head, and not in the foot. Don't you think?



A. Yes, I know.

Q. If he was wounded in the foot he would have to have stepped on that mine or he would have had to kick that mine or he wasn't looking at it. You know, his foot detonated it. I suppose unless it was some kind of booby trap I don't understand.

A. The way MILUS told me, TAYLOR said, "There is a mine there and I am going to find it." He took his bayonet and put it on his rifle and started probing with it.

Q. I was thinking he was probing with his bayonet in his hand.

A. It was on his rifle.

Q. It was on his rifle?

A. Yes.

Q. That would explain why the rifle was so bent up wouldn't it?

A. Yes.

Q. Why in the devil didn't it hit some other part of his body besides his foot?

A. I don't know.

Q. At any rate, the log shows that he was hit at 0810. At 0845, which is 35 minutes later, there was a report that sniper fire was received by the 1st Platoon.

As we understand it B Company crossed, the 3d Platoon stayed up there by the bridge with the mortar platoon. The mortar platoon set up and B Company moved south all the way down that peninsula, turned around and came back about halfway and at that time the mortar platoon displaced forward, and joined the company for the night laager. How does that sound? And here is what I am saying--

A. (Interposing) It might have been like that.

Q. This is Exhibit P-185. You crossed the bridge. The 3d Platoon stayed up here with the mortar platoon.

22 420

A. I remember seeing some move out but I thought it was to the north. They--they did--they came on and swept down here and then camped up around here for the night (indicating).

Q. That's right, they crossed over and the 3d Platoon stayed up around the bridge. The 2d and the 1st Platoon moved, two platoons abreast moved down with one platoons, I think it was the 2d Platoon on the beach and the 1st Platoon was on the other side of that sand dune, moved all the way to the top and turned around, came back, and laagered about halfway back. Meantime we understand the mortar platoon, about the time they got back here to the laager area, displaced and went into the laager area with them that night. Is that correct?

Q. There was a possibility that a helicopter came in by the time the company got on the other side of that bridge. Do you remember a helicopter coming in?

A. I can't remember.

Q. Do you remember Lieutenant LEWIS coming in?

A. Yes, he took over the 2d Platoon.

Q. He came in that day on a helicopter. Did you know Lieutenant MUNDY?

A. I think so.

Q. He was supposed to have been with him. Now, these people weren't with the company. You might not have seen them because they went on south. They may have left before you all got down there.

Also with this group or sometimes that morning there was supposed to have been a photographer that came in there. Do you know anything about that.

A. No.

Q. And Lieutenant MUNDY came in and took over the 2d Platoon. Do you recall whether they brought any resupplies in that morning, or in the afternoon?

- A. We got supplies, I remember that.
- Q. Did you get some more mortar rounds?
- A. Quite a few mortar rounds.
- Q. Had to carry them all the way?
- A. Yes. I remember that because the 2d Platoon had to carry mortar rounds too.
- Q. You passed them over to them.
- A. We had two mortar rounds. We had the newer type.
- Q. Are they heavy?
- A. Yes, and we couldn't carry them all, so we gave some to the 2d Platoon.
- Q. They were glad to see that, I suppose.
- A. Yes.
- Q. Now, that was a hot sunny day, wasn't it?
- A. Yes, it was.
- Q. Well, if the 2d Platoon--they must have carried those mortars all the way down with them when they went all the way to the end.
- A. This is when we moved out that next morning.
- Q. What happened to--when they brought that ammo in on the helicopter, the one that came in with Lieutenant LEWIS, or do you recall?
- A. No, it came in with resupply.
- Q. Do you remember a helicopter coming in and sitting down right in the middle of sort of a deserted village?
- A. I don't know if they did or not.
- Q. You said that you got out there on the beach, because you said you found those mortar rounds. Is that right?

22 422

A. Yes.

Q. Was that this day?

A. No, that was the day we moved further up north to that MEDCAP thing.

Q. That was the next day?

A. Yes.

Q. Did you get out on the beach the second day, after you crossed the bridge?

A. Did we get out on the beach?

Q. Yeah.

A. The day we crossed the bridge?

Q. Yes.

A. Not our platoon.

Q. When the 3d Platoon stayed up there and you set up the mortar and stayed up there with them, what did you do that day? Just kind of hold around there?

A. Yes.

Q. 3d Platoon with the mortar platoon or did it move off somewhere?

A. I can't remember. I know I remember seeing some people in a platoon that was out in front of us acting as some sort of security.

Q. Did anything occur or happen that day that you recall.

A. Nothing that I can think of.

Q. Now, when you all moved down to join the company, you moved by yourself as a platoon by itself I suppose, and the 3d Platoon stayed where it was. Do you recall that?

- A. I remember moving back down there.
- Q. Do you remember going back down there?
- A. Yes.
- Q. It was before dark, wasn't it?
- A. Yes, it was.
- Q. When you got down there, did you notice whether there was any ARVN personnel around?
- A. No.
- Q. Did they pick up any prisoners?
- A. I can't remember.
- Q. Any Vietnamese interpreters?
- A. The only one that I remember is I think we had our own with us during the whole operation. I couldn't say for sure.
- Q. You think you had your own with you?
- A. Yes.
- Q. You don't remember anything unusual about that day at all?
- A. No.
- Q. Did the mortar platoon do any searching around that area where it stayed?
- A. Where we laagered?
- Q. No, where you were up there by the bridge?
- A. There was nothing to search up there.
- Q. Why? Was everything destroyed?
- A. Yes.
- Q. You didn't see any bodies around there?

22 424

A. No.

Q. Did you see any graves?

A. I couldn't tell you if I did or not.

Q. Is that area completely uninhabited or were there any people around there?

A. I never saw anyone down there, not unless they might have been prisoners. I may have not seen them.

Q. I understand that the 3d Platoon found a woman, a dead women, on that sand dune. Did you see her?

A. No. All I can remember--

Q. (Interposing) The next morning the company moved back up toward the bridge. Got back to the bridge and members of the 3d Platoon had found that dead woman and also found 3,000 pounds of rice, and, you stated at this time that was the day you found those 81 rounds?

A. Yes.

Q. How long did you all stop there or were you moving up along the beach?

A. We were moving along the beach when we saw them, and I think that someone from EOD set them off.

Q. When B Company moved out that morning, did it move up the beach or did it move inland?

A. Some of the company stayed inland, and some of them went toward the beach. I remember whatever platoon Lieutenant LEWIS was with, we were with him, and we were on the beach.

Q. That was pretty hard walking with that mortar equipment, wasn't it?

A. Yes, it was.

Q. Why didn't you get on the inside? Would it have been easy?

A. It would have been about the same. It was sandy all over.

Q. There is one other question. On the day before you moved south, did you see any village burning down there?

A. I saw a lot of smoke.

Q. Was this down where the company had moved, or was it across over a river?

A. I couldn't really say for sure. We were down, by the tip of that little thing. It might have been there or right across the river. Other than that direction.

Q. When you were going back and you walked by these mortar rounds, you didn't stop for any length of time, just kept going north?

A. Yes. They had a couple men stay back with the EOD.

Q. From your platoon?

A. From the platoon that was with us.

Q. These mortar rounds were not old rusty rounds that had been there for a long time? These were the ones that you fired the day before?

A. They could have--they were 81 rounds and they were the older type.

Q. What did you use the day before?

A. That's the ones we used.

Q. And they detonated those?

A. Yes.

Q. Did the company stay in that same formation all the way up, with you on the beach over there following Lieutenant LEWIS?

A. I believe so.

Q. You got up--do you remember back on P-185 as you moved up the beach and you found those rounds somewhere out in this area by the bridge there is a big sand bar up there? Do you remember that one, about 200 meters across?

22 426

It's this one right here (indicating), before you got into these villages. Do you remember going to those villages that day?

A. Yes. I remember going into villages.

Q. What was your platoon supposed to do that day? Were you doing any searching or were you security?

A. We were searching some and we were helping the medical people.

Q. What were they doing?

A. Showing the Vietnamese how to keep themselves cleaner than they were, trying to give medication to some of them. I remember that because they brought people from that village and just about the whole tip of that peninsula, they brought them down there to us.

Q. What were you all doing?

A. Our platoon?

Q. Yes.

A. We had some on the mortar, some were searching and the others were helping the medics.

Q. Helping them, how?

A. We distributed the soap.

Q. You had some of the platoon searching?

A. Yes.

Q. Where?

A. It was--

Q. (Interposing) With the other platoons?

A. No. It was in this same area that they had the medical thing.

Q. Did you see any of the ARVN or American intelligence people interrogating prisoners or VC suspects?



A. Yes.

Q. How far was this from where you were working?

A. I was going around that whole area.

Q. Yes.

A. And they had the interrogators off to one side. They were questioning the younger men and some of the women.

Q. Were they doing anything unusual in their techniques?

A. Not when I was around.

Q. Beating them or anything?

A. Not that I can remember.

Q. What about later on that day, did you see any irregular treatment or harsh treatment of prisoners or suspects?

A. I didn't see it, but there was one that was beaten up and they said Captain MICHLES did it.

Q. Captain MICHLES did it? That was on the 18th?

A. That day of the MEDCAP.

Q. Had all those people?

A. This one he did something. He got sassy or something. They were interrogating him inside of a hootch and Captain MICHLES beat him, because I saw him later and he was puffed and bloody because BRUNSON worked on him.

Q. BRUNSON did? Who was BRUNSON?

A. The medic.

Q. Your medic?

A. Our medic.

Q. Your platoon medic. Anybody else beside that one?

A. Not that I can remember.

Q. Did you ever see this man here in P-215?

A. This is the one Captain MICHLES beat.

Q. It is?

A. Yes.

Q. He doesn't look like he is beaten up there.

A. His mouth was swollen up. I know that. I remember that. He had bruises on his sides.

Q. Did he get away? Did he escape?

A. No, we took him with us.

Q. Where?

A. To our laager position. I remember we took him to the laager. I don't know if they evacuated him, I mean took him out or not.

Q. We have a pretty good idea of what happened that night. At 1:30 MILUS was killed and five were wounded with mortar rounds?

A. Yes.

Q. Do you recall whether there was any incoming small arms fire?

A. Yes, it was. I think there was one person out there shooting a rifle. It was not too much. The only thing we were worried about, at that time, was the mortar.

Q. Did you fire countermortar fire?

A. Yes, we did.

Q. How many rounds?

A. Almost all we had.

Q. What was the range?

- A. I could see the splashes. I'd say 300 meters.
- Q. 300 meters?
- A. 300 meters.
- Q. What kind of mortar was it?
- A. A 60. I saw the fins on it.
- Q. You saw the fins on the round?
- A. Yes.
- Q. I understand they walked that mortar fire right across the laager?
- A. Yes, they started where the 1st Platoon was and they walked it right back. I remember that, because the CP was down closest to the beach and my foxhole was right in the back of the CP, and they walked right between me and the CP.
- Q. I'd say they were pretty good mortar men?
- A. I'd say they knew what they were doing.
- Q. Do you think they could do that without a bipod?
- A. I don't think they could. I think it would be impossible.
- Q. I've heard some people express the opinion that they thought they might not have used a bipod on that?
- A. I don't think that's possible.
- Q. Pretty accurate fire, wasn't it?
- A. Yes. The only way they could do it is with a branch or to hold it with their hand, and no one would fire a mortar with their hands, and the thing stepped off, not stepped off, but they were walking in a certain feet.
- Q. So it was precision fire?
- A. Yes.

Q. Was the fire spaced enough so they would have time to adjust the sight, make the sight corrections, the angle of corrections?

A. I don't think they used a sight.

Q. Well I mean the angular correction, was there enough time in between the rounds for them to crank it forward? It wouldn't take but a couple seconds would it, if they knew how many cranks they were going to put across it? How much spacing was between each round, timewise?

A. It was about--I know--I couldn't say for sure. I know it was real quick, I know that, a second or 2 seconds and sometimes it was like this (Witness snapped fingers very rapidly).

Q. They'd have to move that mortar a little bit each time they fired to walk it.

A. Well you fire one round, and while you're sticking that next round down the tube you traverse.

Q. Just give it a crank?

A. Yes.

Q. They've got to know at that range in order to space those things properly, they have to know how many mils to move that thing forward to move it across. They had a pretty good mortar man?

A. Yes, they do.

Q. How many rounds was it?

A. I can't remember for sure. I remember there were four close to me. I know that and there were about five or six that fell before that and then there was some that fell behind me.

Q. We got reports anywhere from 15 to 16--we get reports anywhere from 6 to 16. Now, the dustoff came in at 1:44, and an hour later the dustoff was complete.

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At 2:50 a "Spooky" was requested, a C-47 gunship and it was on station at 3:50 until 4:40. It was on station at 3:50 and at 4:40 there was one more mortar round that came in. Do you remember that?

A. No, I don't.

Q. They reported another mortar round coming in at 4:40 and this is 3 or 4 hours after the mortar attack.

A. I didn't even hear about that.

Q. That is what the log says. This kind of strikes me as being peculiar, because I think the gunship was on station then. I can't imagine anybody firing a mortar round with that gunship up there looking down their throat.

Now, the next morning, did you see anything unusual as regard to prisoners in the interrogations?

A. Unusual?

Q. Procedure. Were they beating them up?

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

Q. Did you see the ARVN in there the next morning?

A. The ARVN spent the night with us, because we didn't know our exact location of the laager position and we were using Uptight as a reference point and we were getting our position exact with the compass and the ARVN said we were one place, and after we got out position we showed them where we were and we showed them how we did it. I remember them being there.

Q. Do you recall that night, the afternoon before you received the mortar rounds, do you recall firing some marker rounds for your night defensive fires.

A. Yes.

Q. How many rounds did you fire?

(ANDERSON)

A. I don't know how many rounds we fired, but I know we marked some across the river, about two or three across the river and two up north of us and the north was taken care of by artillery, because we didn't want to fire mortars toward the village.

Q. Yes, why?

A. Those rounds, we didn't really trust them.

Q. Do you remember the artillery firing markers that day.

A. Yes.

Q. Do you remember a woman being brought in with a leg slit open?

A. Yes, I do. I don't remember whether we dusted her off or not, but I know some of the VC suspects--

Q. (Interposing) Some of them what?

A. That some of them--

Q. (Interposing) You let them go, or sent them back in a helicopter.

A. Let them go?

Q. Were the people that brought that woman in there pretty mad?

A. I didn't see them. I saw the woman, but I can't say whether they were mad. I couldn't hear their voices.

Q. Did it have anything to do with that mortar attack that night?

A. I think it did.

Q. Do you know Captain BOATMAN, the FO from the artillery?

A. Yes.

Q. I believe he thinks it did too.

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A. That was my opinion. They knew where everything was and like I said before, it seems like they were concentrating the fire around the CP. They knew exactly where the CP was.

Q. How many of those VC did you let go?

A. Two or three.

Q. They brought all of those about a thousand people around there that day to the medics. They probably had a pretty good idea of where the CP was going to be wouldn't they?

A. Yes, but we didn't let--they we were down south of where we laagered and we didn't let anybody go up north with us. Not unless they would go around.

Q. Well, it looks like, at least according to the log, that the 1st Platoon was extracted or started going back to Uptight at 10:50 and closed at Uptight at 11:40 and then the first lift to LZ Dottie for the rest of the company at 13:19 that afternoon, closed out the operation. Do you have any knowledge of any investigation or inquiry being made on the operation?

A. Our part in it?

Q. Yes.

A. The only thing I knew was when I got the telegram.

Q. Yes. I mean while you were in Vietnam?

A. No.

Q. Did you ever hear an order during a time you were out there to stop the burning?

A. Yes.

Q. When did this order come down?

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A. I think the second day.

Q. Well, now the second day was when you all stayed up by the bridge and the company moved south and then they came back and laagered. What time that day, do you recall?

A. I think it was when we closed with the company.

Q. Is that when you heard it was it enroute?

A. It was by word of mouth.

Q. After you got down there then?

A. Right, yes.

Q. Were you or anyone you know questioned on this operation before this time.

A. No.

Q. Did you carry a camera?

A. Not then, no. To me a camera was nothing but extra weight.

Q. Did you ever hear any rumors that civilians were killed unnecessarily by B/4/3/ or C/1/20 during this operation?

A. I heard rumors to the effect that Charlie Company killed some.

Q. What did you hear?

A. This is just say so. It said that Captain MEDINA reported 125 VC killed, confirmed kills and someone who knew MEDINA before said that probably about three-quarters were civilians.

Q. Who said that?

A. I can't remember.

Q. C Company had all of the action and B Company had all of the casualties.

(ANDERSON)

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A. Yes.

Q. How about with B Company? Did you ever hear people in the 1st Platoon say anything about the operations of the first day?

A. Well, I remember MILUS said he killed somebody.

Q. You talked to him before he was killed?

A. Yes, I talked to him the day we met him on that strip of land.

Q. What was he talking about?

A. I think he was enjoying himself to tell you the truth about it. He was laughing and said he shot a pregnant woman or something.

Q. Is that right?

A. I couldn't tell you for sure.

D. Did he say anything about anybody else.

A. No, that is the only thing he said.

Q. Did he say anything about this indiscriminate fire over there or killing people coming out of the bunkers? Did he say how he killed this woman?

A. Actually, I think he was bragging how good he was with the machinegun, because he said she was about 150 meters away from him.

Q. He just shot her down?

A. Yes.

Q. Did he say anything else?

A. No. After he said that I went away from him because to me--

Q. (Interposing) Who else was he talking to besides you?

A. I don't think anyone else was around, because I was curious, and I asked him what was all the firing about. He said that and laughed and I went away from him.

Q. Did you talk to anybody else?

A. No, I was talking to the boys about the operation then. The ones that I talked to, I didn't talk to them about the operations, because that if it happened once--if it did happen I didn't want to know about it, because to me it just didn't set right with me.

Q. Did you hear anything about TAYLOR and HOOTON shooting a baby in the head?

A. I'm trying to think. I think I do remember that.

Q. What did you hear about that?

A. I don't know when it was TAYLOR or HOOTON they said he took a .45 and shot him.

Q. Is that what you heard?

A. Yes.

Q. Was that on this operation?

A. That is what I am trying to remember, because we had one more operation before that and I am trying to remember which one it was.

Q. Did you hear of any rapes going on over there?

A. No.

Q. How about up in that village area up there?

A. Not that I remember.

Q. ARVN?

A. No. Like I said, I didn't know there was any people around there. I thought they chased them all out.

Q. Were you ever told not to discuss the killings of civilians up there in that operation?

A. No.

Q. Anybody you know ever told?

A. Told what?

Q. Not to discuss this operation?

A. No.

Q. Do you know if marijuana was a problem in the company?

A. What?

Q. Marijuana?

A. I knew quite a few people smoked it.

Q. On operations?

A. Not on operations?

Q. Aside from what you have told me, did you know of any U.S. or ARVN personnel torturing VC suspects or PW's on this operation?

A. No.

Q. You didn't hear of any of them getting shot?

A. No, I didn't.

Q. Mr. ANDERSON, I request that you not discuss your testimony in this case with others including other witnesses for this investigation, except as you may be required to do before a competent judicial, legislative, or administrative body.

Do you have any further statement or any further testimony that might assist us in this case?

A. No, I don't.

COL WILSON: The hearing will recess.

(The hearing was recessed at 1621 hours, 6 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: HOUGHTON, Daniel R.

DATE OF TESTIMONY: 3 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assistant gunner,  
Mortar Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness could not recall ever being instructed in the legality or illegality of orders (pg. 5).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness stated that the briefings he normally received from his leaders were rather sketchy (pg. 6). He could not recall the name of his squad leader on 16 March (pg. 6). He asserted that he never received orders to kill livestock while in Vietnam and hootches were burned at an NCO's order or without any order (pgs. 7, 8). He recalled no particular orders concerning the handling of detainees during this operation (pg. 8). The general idea given was that the area was populated by VC and sympathizers (pg. 10). During his entire tour in Vietnam he heard no orders to shoot everyone in a certain area (pg. 10).

3. THE COMBAT ASSAULT.

a. Activities on the 16th.

The witness did not recall receiving any fire during the landing (pg. 10), nor anything out of the ordinary

(HOUGHTON)

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happening during the first day and night of the operation (pgs. 15, 16).

b. Activities on the 17th.

The witness asserted that he did not recall firing the mortar the second day (pgs. 16, 17). The mortar was not fired unless it was absolutely necessary (pg. 17). He recalled receiving some small arms fire after TAYLOR was wounded by the mine (pg. 18). He stated that demolition men were accompanying his unit at that time marking possible mines (pgs. 19, 20). He did not recall hearing of anything out of the ordinary that day or evening (pg. 21).

c. Activities on the 18th and 19th.

The witness recalled a MEDCAP team set up in a village near the coast and seeing some interrogations, but nothing irregular (pg. 23). That night the unit came under mortar attack. The witness pulled the dead MILUS from his foxhole, since it was upsetting the men (pg. 25). Artillery was slow in homing in on the enemy mortars, though marker rounds had been fired previously and the flashes from the mortars were seen (pgs. 25, 26). The witness added that his mortar returned fire (pg. 26). The unit was extracted the next day from the beach and took about six detainees with them. One of these had been roughed up quite a bit by a GI and a Vietnamese interrogator (pgs. 27, 28).

4. KNOWLEDGE OF AN INCIDENT.

The witness had no knowledge of any unnecessary killing by any of the Task Force Barker companies (pg. 32).

5. KNOWLEDGE OF AN INVESTIGATION.

The witness stated that there were rumors that a "federal investigation" was being conducted of one of the other companies in Task Force Barker (pgs. 30, 31). The investigation was alleged to be concerned with the mis-handling of prisoners (pg. 30). Neither the witness, nor to his knowledge, any of his comrades were approached about this investigation (pg. 31).

(HOUGHTON)

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6. OTHER INFORMATION.

a. Strength of the mortar platoon.

The witness testified that the mortar platoon was vastly understrength as was his squad (pgs. 2, 3).

b. Use of marijuana.

The witness knew that some of the men of his unit "blew grass", but he did not consider it a problem. He did not know of its use during operations (pgs. 32, 33).

EXHIBITS

| EXHIBIT NUMBER | DESCRIPTION                         | NOTES   | PAGES |
|----------------|-------------------------------------|---|-------|
| M-2            | MACV Card "Nine Rules"              | Wit issued card in Hawaii.                          | 4     |
| M-3            | MACV Card "The Enemy in Your Hands" | Wit could not recall                                | 4     |
| P-18           | Miscellaneous Scene                 | Wit recognized detainee and HUFF-MAN.               | 11    |
| P-19           | Miscellaneous Scene                 | Wit could not recall.                               | 12    |
| P-20           | Miscellaneous Scene                 | Wit recognized as area where he found VC equipment. | 13    |
| P-22           | Miscellaneous Scene                 | Wit recognized.                                     | 14    |
| P-23           | Miscellaneous Scene                 | Wit did not recognize.                              | 15    |
| P-81           | Instructions to witness             | Read by witness.                                    | 1     |
| P-208          | Photo of detainees                  | Wit recalled.                                       | 29    |
| P-209          | Photo of detainees                  | Wit recalled.                                       | 29    |
| P-215          | Photo of detainees                  | Wit could not recall.                               | 24    |
| MAP-4          | Map 6739 II                         | Wit oriented.                                       | 9     |
|                |                                     |   |       |
|                |                                     |   |       |
|                |                                     |   |       |
|                |                                     |   |       |
|                |                                     |   |       |

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

COL WILSON: The hearing will come to order.

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

The next witness is Mr. Daniel R. HOUGHTON.

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

Please state your full name, occupation, and residence?

A. Daniel R. HOUGHTON, dozer operator, RD 2, Greene, New York.

COL WILSON: Mr. HOUGHTON, did you get a chance to read the information in Exhibit M-81 that was passed out?

A. Yes, sir.

Q. Do you understand that this is an interview team?

A. Right.

Q. There's three members of the team: myself, Colonel NOLL, and Mr. WALSH. Mr. WALSH is a civilian attorney. He'll probably be back in a little later. It could be that other members of General PEERS' group may come in here and question you. If they do, I'll identify them. As you remember, what we're trying to do is build a picture of what the operations were concerning B/4/3 during the period 16, 17, 18, and 19 March. Now, we'll do that in a chronological sequence if possible.

What was your assignment on 16 March 1968?

A. You mean my actual--what I was supposed to do?

Q. What was your duty?



A. I was in an 81 mortar crew. We were supposed to set up a perimeter around the village.

Q. Wait now, let me explain. The first thing we're going to talk about is the training that you received before going to Vietnam and just after arrival; and then I'm going to question you on the briefing prior to the operation; then we'll talk about what happened on the operation. After that, we'll ask you about any investigations that you might know about. So when I ask you your assignment on the 16th of March, I'm talking about your assignment the first day of the operation. I want to fix this time in your mind so that we're all on the same frequency. That's the day that Lieutenant COCHRAN was killed.

A. Right.

Q. Okay, that's the operation we're talking about. Now, on that date, what was your duty assignment in the company? Were you in the mortar platoon of B/4/3?

A. Right, okay.

Q. Do you remember what your duty was in the platoon?

A. Oh, okay. I think I was assistant gunner at the time.

Q. Were your squads numbered?

A. Well, they weren't numbered because we didn't have enough men, so all we did was make one squad and carry one gun. That was it.

Q. How many men did you have in that platoon?

A. Well, when we left from Hawaii we had, I guess, 16 men. We went down to about five or six, and then we got replacements in from Germany. They all, one way or another, were eliminated. So I guess, on the average, we functioned with about 9 or 10 men most of the time.

Q. How many men did you have on the 16 of March?

A. I couldn't say. I know we didn't have a full mortar platoon, if that's what you want to know. We never had what you call a full mortar platoon the whole time I was in 81 millimeter mortars.

Q. Let me ask you this. Did you have a full mortar squad?

A. Well, okay, we had a gunner, an assistant gunner, and I don't know how many ammo bearers, and we had one man in FDC. There's supposed to be two or three in FDC. We didn't have them. One man took care of the whole thing in FDC.

Q. Who was your platoon leader?

A. Sergeant VANN.

Q. Who was the platoon leader before Sergeant VANN?

A. Lieutenant COCHRAN. The 2d Platoon leader was killed, so Lieutenant COCHRAN was transferred to the 2d Platoon because he used to be a line platoon leader, and Sergeant VANN took over the weapons platoon. That was the last time we ever had a platoon leader. Well, let's see. We had a platoon leader, I guess maybe the first 3 months we were in country and that was it as far as lieutenants go.

Q. So actually, what it amounts to is that on the 16th of March you had about one mortar squad, and you were the gunner?

A. No.

Q. Assistant gunner?

A. Yes.

Q. Okay. Who was the gunner?

A. I couldn't tell you. I got some possibilities who it could be, but I couldn't actually say. It might have been a Spec 4 HUFFFMAN, or this Dennis. I don't know his last name.

Q. I have two exhibits here. One is M-2, a facsimile of a MACV card, entitled, "Nine Rules." Have you ever seen that card? It had a red MACV insignia on the front of it.

A. Yes, I have seen it.

Q. Do you have one?

A. You are supposed to carry one in your wallet. I don't know if I have one now. I should have one, but it's probably home.

Q. Were you issued one?

A. Right.

Q. Where?

A. Hawaii.

Q. How about Exhibit M-3, entitled, "The Enemy In Your Hands"?

A. I don't remember the card, but I do remember they told us about that stuff.

Q. You don't remember this card?

A. No.

Q. This card would have folded.

A. A yellow card?

Q. No, a white card and it had the red MACV insignia on it.

A. I don't think so.

Q. Do you remember ever receiving any training, which would probably come in a military justice class or a class on the Geneva Convention, which pertained to the legality of orders? What did you get out of that?

A. You mean what the class said?

Q. Yes, what you were told.

A. What was the question again?

Q. Legality of orders. Legal orders, illegal orders.

A. You mean as far as the commander giving them to us?

Q. Yes.

A. You were supposed to do what you were told.

Q. No questions?

A. No questions. I got that thrown at me quite a few times while I was in the Army.

Q. Did you?

A. They told to keep my personal opinion to myself.

Q. You never had any instruction on whether or not an order could be illegal?

A. No, just do what you are told.

Q. Okay. Now, this series of question is going to concern the briefing that you received before the operation. What I want to do is go back to the 15th of March at Uptight and you tell us who briefed you and what you were told about the operation that was going to take place the following day.

A. Well, the briefings were never too much. All they said was tomorrow morning at a certain time you're going to get on a chopper and go on a CA. You're going to a certain village, and your job is to secure a village. That was it, and we went in.

Q. And that's it?

A. Yes, sir.

Q. Now, who told you this?

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A. Well, the captain. I can't remember if it was Captain MICHLES. I think it was. He called all the platoon leaders together and he told them just what was going to happen, and then the platoon leaders came back and got--sometimes they got us all together or else they told the squad leader and then the squad leader told us.

Q. So who briefed you this time?

A. I couldn't tell you. I think it was the squad leader.

Q. It would have been the one who's name you can't remember?

A. Well, I don't know. I can't remember if Sergeant HARRIS was with us at the time. He came from Germany, but I can't remember.

Q. If Sergeant HARRIS is on that roster which you saw, he would probably would have been with the unit.

A. I didn't see a roster. Does this tell who was there?

Q. Well, it can't tell you who was there, but who was assigned to the company, and that should be alphabetical.

A. I don't see his name on there, so he wasn't with us, then.

Q. Do you think your squad leader briefed you?

A. I do.

Q. It wasn't Sergeant VANN?

A. No.

Q. Now, this operation was a combat assault into the Pinkville. You had been there maybe once or twice before.

A. About every other week.

Q. And this was supposed to last for 2 or 3 days. I don't know whether you were told that or not. Let me ask you a couple of questions to see if you can recall anything. Do you recall any orders being given concerning the destruction of foodstock, houses?

A. No.

Q. How about the destruction of animals and livestock?

A. No. Never given an order like that. We never got orders like that the whole time I was there. Now, I will say we had the order to destroy some houses and burn some hootches, but never to destroy livestock.

Q. Well, did you have orders to burn hootches on this operation?

A. No, not that I know of.

Q. How did you get these orders? Did you get these after you got to the field or--

A. (Interposing) What's that?

Q. The destruction, burning the hootches?

A. Right, right.

Q. You didn't get them ahead of time when you went on an operation?

A. No. We would just be walking through a village, and maybe one of your men would get it, so somebody'd get mad and just burn them.

Q. Well, see, that's not a question of getting orders to burn them. That's a question--

A. (Interposing) No, I mean, well, let's put it this way. Nobody told us not to. Well, we did have orders in a few cases. I won't say a platoon leader or a lieutenant or a captain told us, but an NCO would say burn it, so we burned it.

Q. You don't know where he got his instructions, or if he did?

A. I don't know. I have no idea.

Q. What about the control and disposition of the people that were in this area? Was there anything mentioned on that?

A. You mean the natives?

Q. Yes.

A. Well, in my opinion they were worthless.

Q. Yes, but I mean was anything given to you in the briefing as to what was supposed to be done with them.

A. No. Oh, you mean about handling them?

Q. Yes.

A. Well, our mission was to secure a perimeter around the village. We didn't have to handle any people.

Q. You mean the mortar platoon, or what?

A. Our platoon. We were supposed to go in the village.

Q. The mortar platoon?

A. No.

Q. So you don't remember anything, then, being discussed about handling people, what to do with them or anything like that?

A. No, no. On occasions, when we actually did go into the village, all we were supposed to do was section the people off; the women in one group, the men in another and the kids in another one; split them up so they couldn't talk between them. But other than that, we just sectioned them off, and then they brought interpreters in, and they questioned them. Whatever they wanted to do with them, they did with them, as far as the Vietnamese, I mean.

Q. This is normal operations, now?

A. Right, right.

Q. The procedures of this particular operation coming up on the 16th of March would be no different than normal operations?

A. For us it wasn't, no.

Q. Did anybody say what the enemy situation was down there, what size unit you were going to be confronted with, or what to expect?

A. I couldn't honestly say.

Q. Do you know what the other platoons of the company were supposed to do; 1st, 2d, and 3d Platoons?

A. I guess they were supposed to set up a perimeter out--recon the area, I guess.

Q. Nobody said what the 1st Platoon was going to do, what the 2d was going to do, the 3d, and so forth?

A. They probably did, but I don't remember.

Q. Okay. On the day of the operation, you took off from Uptight. There were two lifts. Do you recall which lift you were on?

A. I'd say the second lift, because there were already people securing the LZ when we came in. So it would have to be the second lift.

Q. Do you recall how many lifts took them in there?

A. It was just our company, right? Yeah, it had to be on just Uptight, so the number of lifts depends on how many choppers there were.

Q. Well, let me give him a little description here on what happened.

(COL WILSON oriented the witness on Exhibit Map-4.)

Did you receive any fire from the LZ?



A. No, I don't think so. They didn't say that it was a hot one, but I can remember it.

Q. Did you, or anyone that you saw, fire when they left the aircraft?

A. Our men?

Q. Yes.

A. No.

Q. Did you see any gunships?

A. Ours?

Q. Yes, what were they doing?

A. On the first lift they usually fire. I can't remember if they fired on the second lift or not. They usually don't fire if the LZ is cold, but if it's hot they usually fire. I couldn't say because I was on the second lift. I don't know if they strafed the area before the first lift came in or not. Well, it sounds stupid, but they call it recon by fire, but I don't know if they actually did before we came in or not.

MR WALSH: Do you remember if this mission was described as a search and destroy mission during your briefing?

A. I don't remember.

Q. Have you been in Pinkville area before?

A. Well, I'd say the whole time I was in Vietnam, we were in there at least 10 times. We lost a lot of men in that village.

Q. Do you remember anybody telling you at the briefing that the only people there were VC or VC sympathizers?

A. That was the general idea. I mean, as a rule that's what everybody considered that whole village, VC or VC sympathizers.

Q. Did anybody at the briefing say anything about shooting the people?

A. No. You were never supposed to shoot anybody unless they actually ran or fired on you. If you told them to stop and they didn't stop, that's the only time we were ever told to fire. In most cases they didn't even fire when they ran. They let them go, but if they were fired at, naturally, they fired back.

Q. Do you think any of the men could have had the idea that when they were going into Pinkville they were supposed to shoot everybody they saw?

A. I don't think so. We were never told that the whole time we was there.

COL WILSON: Well, let me see the photograph. I will ask you a couple of questions. Do you recognize photograph P-18? Do you recognize those Vietnamese?

A. I recognize that old man.

Q. The old man standing up and facing the camera?

A. Right.

Q. What about him?

A. I just remember him being out there, because that used to be my squad leader. That's HUFFMAN.

Q. What does HUFFMAN appear to be doing? Guarding him?

A. Guarding him. That's what he was doing.

Q. Where was this?

A. I'd say it was down around Pinkville someplace, because it looks like Uptight back in the background. It's around the coast someplace.

Q. Do you know where these Vietnamese came from? If they came from--

A. (Interposing) They came out of a village.

Q. They didn't come in with C Company when they linked up?

A. I don't remember. If I could only remember. I don't remember if we got these people coming out of the village or somebody brought them to us. Wait a minute--I can't remember. It's been so long ago.

Q. This appears to be a graveyard.

A. I'd say it was a graveyard.

Q. What about this photograph, P-19?

A. I don't remember a shot like that.

Q. How about P-20?

A. Oh, this is the village going toward Dottie. We were digging in there with a reporter with us, and we were told to search things mostly, but I can't remember his name. But he was with the FO for artillery, and that's me. We were digging for garbage under a pile here, and then I went back here and found a rock with a canteen and fatigue shirt, and I guess what you call one of their rain-poncho deals.

Q. PC?

A. They call it PC. I remember that.

Q. You identify yourself as being on the left with the rod in your hand. Who's that bending over?

A. He was the--I guess you'd call him the RTO for the artillery lieutenant, FO.

Q. What's he doing?

A. He's digging in the pile looking for stuff.

Q. He's not probing, then?

A. No, no.

Q. Who are those two in the background here, two in the center background, one with the helmet off?

A. That's lieutenant what-you-call-it. I can't remember his name.

Q. JOHNSON?

A. No, that's not JOHNSON. Lieutenant--no, what am I talking about. Sergeant--

Q. (Interposing) You mean on the right?

A. Right here, is that MARSHALL? MARSHALL, that's it, Sergeant MARSHALL. I don't know who the guy is with the hat off. I can't remember that.

Q. Now, what's this thing you have in your hand in the photograph?

A. It's a hoe.

Q. What?

A. A hoe.

Q. Now, where was this location?

A. Between Uptight and Dottie, in that direction. I don't know how they--

Q. (Interposing) This picture was taken somewhere in the vicinity of where you laagered the night of the 16th.

A. That village was off to the--I don't know my directions for beans, but we'll say Uptight's right here. That village is right over here up off Uptight. I know that for a fact, because I can remember doing all this stuff. Lieutenant MICHLES was right over in here with an interpreter, and they were talking to some old guy, and there were hootches back off over here in the hedgerow.

Q. So you just stayed there that night in this area?

A. I can't remember, I really don't know.

Q. Okay.

A. I have no idea.

Q. How about these people? Have you ever seen those two men in uniform?

A. There's a--what do you call them. He worked in the rear and he came out as a--

Q. (Interposing) He's an MI type.

A. Yeah, right. He came on a couple of operations with us. We'd get people together, and him and the interpreter would ask questions. We'd group the people up, and they'd go in and ask questions.

Q. Did you see him on this operation, either one of them?

A. There was one with us, but I don't know if it was him. He worked with us quite a bit, but I can't remember if he was with us on that operation.

Q. P-22?

A. He was with us.

Q. Same individual?

A. He was with us on that operation, because I can remember him working on this old man.

Q. What happened to that old man?

A. He just asked him a lot of questions, but I can't think if it's the same operation. It had to be, because I remember this old man.

Q. You remember him being out there, then?

A. Yeah.

Q. That old man was out there. Is that old man--

A. (Interposing) He was in that village, the last one, when I had the hoe in my hand.

Q. He's from that village?

A. Right, and that's Captain MICHLES.

Q. Right. That's P-23. What about these two here? Did you ever see those two Vietnamese soldiers?

A. If I could picture the village, I might be able to tell you, because these guys came in when we had some of these big moves off of Dottie. We herded all the people together and put them in a village, and then a whole bunch of guys from the rear came in. What do you call them, CI guys?

Q. MI.

A. MI guys came in, and they interrogated all the people, but I can't remember.

Q. Well, I don't think that you saw this particular area, but I just wanted to know if you knew these two.

A. No, I don't know. I never came too much--just the CP group came in contact with most of these guys.

Q. Now, you saw C Company come in that day. Did they come in with with any ARVN personnel? MI?

A. I don't know.

Q. Did they come in with any detainees?

A. I have no idea.

Q. Did you see any interrogations going on that day, or that evening?

A. I can't remember.

Q. You didn't see anything out of the ordinary? Did anything happen that night that you can remember? Did you hear any firing inside that laager? Small arms fire?

A. Not that I know of, no.

Q. Did you see any National Police in there that day?

A. I can't remember.

Q. Do you remember any mortar fire that night?

A. No.

Q. Did you still have flare rounds?

A. What, illumination?

Q. Yes.

A. Well, we did then. I don't know about now. Yeah, we had illumination.

Q. Did you normally fire them from a laager position?

A. As a rule, no, not unless we were getting hit.

Q. But do you remember when any were fired that night?

A. I think maybe there was, but I'm not going to say that there was.

Q. You don't remember anything out of the ordinary happening that night?

A. No.

Q. All right. Do you remember firing the mortar that day in support of the 1st Platoon moving across the bridge?

A. I think we might have set up, but I don't actually remember firing at all.

Q. BRETENSTEIN said you got five rounds over there?

A. Where did he say they hit, in the river?

Q. Well, out of the five, three of them were supposed to be duds. I'm sure that you all--

A. (Interposing) What was BRETENSTEIN? He was an FO--

Q. (Interposing) He was an FO with the 1st Platoon.

A. Well, if he said we did, we must have. I don't know.

Q. I think VANN also, said they did some firing--

A. (Interposing) Must be they did.

Q. But I wondered if you recall this firing?

A. No, I don't. I can remember--no, they all fired. It was so long ago, I don't know. But if they said they did, we must have fired.

Q. Did you ever hear, before you went on these operations, of any pre-planned fire, recon by fire, pre-planned mortar recon by fire?

A. No.

Q. Pre-positioned targets that you would bring under fire on order?

A. No.

Q. So whenever you went on an operation like this, if anybody wanted fire the FO came in and asked for it? There was nothing that was pre-planned about it?

A. Right. Mortar was never used unless there was heavy contact or there was somebody calling for it, and usually that had to be okayed by the CO--and if he didn't okay it--I mean, a platoon could call for it, but if the CO said no, then we didn't fire. But as a rule, we never fired unless we absolutely had to.

Q. There was some question about this firing and those duds going in and the CO coming in and saying discontinue the mortar fire. Use the machinegun.

A. He probably did. Well, Captain MICHLES, didn't actually go too big on mortar, anyway.



Q. He didn't like the mortar?

A. No. Well, I guess what it was, he didn't actually trust a mortar very well, I don't think. That was the big deal, because I can remember a few circumstances where it could have been used. Everybody thought it should have been used, but he wouldn't let us use it, so I guess he was scared to let us use it.

Q. You don't remember anything more happening that night?

A. No.

Q. The night of the first day you went in? Nothing unusual about that?

A. No.

Q. Do you remember moving across the bridge the next day, going over there towards the sea?

A. No.

Q. You don't remember crossing the bridge? Do you remember hearing some firing up there at the bridge and TAYLOR getting wounded, stepping on a mine?

A. 1st Platoon?

Q. 1st Platoon.

A. Right.

Q. Remember that?

A. Yea.

Q. Did you hear any small arms fire?

A. I think I did. I'm not sure, but I can remember the deal, him stepping on a mine, because we moved up and we set up a little perimeter so a chopper could come in and get him.

Q. Do you mean you were over across the bridge when--

A. (Interposing) No, I was on this side and he was on the point. We were on a wind, and he stepped on it. They said he was probing when he hit it. I don't know.

Q. By the time you crossed the bridge, he'd been evacuated?

A. Yes.

Q. Did you see any gunships come in?

A. No.

Q. You didn't see any gunships that morning?

A. Not that I know of.

Q. Then, you didn't hear any firing, and you crossed the bridge normally, as you would cross a bridge.

A. We had demolition men with us then, I think, and they were marking things where they thought maybe there were mines, and we had to stay away from them.

Q. How were they marking them?

A. With--

Q. (Interposing) Marking tape?

A. No, tissue paper.

Q. Tissue paper. And these people were not from B Company?

A. Yeah, we weren't with Charlie then.

Q. No, but these demolition men you're talking about?

A. No, they weren't with us. We didn't have any demolition. Well, we had some that went to the school over there that was authorized.

Q. GUTHRIE?

A. Oh, yeah, tall, big, skinny kid from New Mexico, yeah.

Q. Was he one of your demolitionists?

A. Yeah.

Q. Was he a pretty good demolitionist?

A. He was pretty good, I thought, anyway. He did what he was supposed to do. But he never--well, he blew up I guess a few 105 rounds and 155 rounds, I guess. Yeah, we were pretty good buddies.

Q. So you crossed over that bridge. What happened on the other side, anything?

A. Not that I remember.

Q. Was there any firing going on when you crossed?

A. No.

Q. Did you see anything unusual over there?

A. No.

Q. Did you see any bodies over there? Any dead people?

A. No.

Q. What happened when you got over there? Did you move into a position or set the mortar up?

A. I think we kept right on walking someplace. I don't remember setting up any place.

Q. And you didn't see anything unusual?

A. No.

Q. Did you move into a village over there?

A. Let's see, we went through a village before we crossed the bridge.

Q. Yes, but I'm talking about the other side.

A. I think we went through a village. I can't remember.

Q. Do you remember staying up there for a length of time and setting the mortar up and the company moving off, or did you just set around there and then move off with the company?

A. Well, usually, if they were going to just recon the area, we'd set up, but if the company was going to make any long moves, we'd move right with them. But I can't remember if we set up or not. The only time we set up is if the company--if the CP group actually set up, and we stayed with the CP group and set the mortar up and the platoons went out and reconned the area. That's the only time we set up.

Q. We understand that the company moved south with the exception of one platoon and possibly the mortar.

A. Did somebody say that we fired a mortar while we were set up there?

Q. No.

A. Maybe I'm thinking of a different thing now, but I don't remember that we did.

Q. Well, at any rate, you eventually moved down into the laager area with the company that night?

A. Oh, yeah, we were always with the company when we laagered. We were on the inside of the perimeter.

Q. Okay. Did you hear any people in the 1st Platoon talking about what had happened that morning or the day before?

A. No.

Q. Did you hear anything about the two VC being engaged down south where the company laagered that night. That afternoon they were engaged and one VC killed?

A. Not that I remember.

Q. Hear anything about the body count the day before up there by the bridge?

A. No.

Q. Nothing about how many people were killed?

A. No.

LTC NOLL: Do you recall what your order of march was for the night defensive position over to the bridge. In other words, was it 2d Platoon, 3d Platoon?

A. What, the order we ran?

Q. Yes.

A. Maybe it was the 1st Platoon. They staggered every day so there would be different men in the front, but I think maybe it was the 1st Platoon, with TAYLOR and all those guys up front. They like to walk point for some reason, I don't know.

COL WILSON: The next day the company moved off and went back up north and went up there to a big village area and started rounding up a bunch of people for a MEDCAP. Do you remember that?

A. On the coast?

Q. Yes.

A. Yeah, okay, I remember that.

Q. Remember that?

A. Out on the beach, right?

Q. Yes.

A. Okay, yeah, I got that.

Q. The platoons went in these villages and brought all these people back, and the report was that there were about a thousand of them.

A. Right. Okay, I got that.

Q. Do you remember any ARVN coming in then, or MI personnel or National Police being in the area?

A. This is right on the coast, right?

Q. Yes.

A. Okay. Yeah, we had some ARVN's, because we were-- this MEDCAP, they were giving them shots and medicine and candy and food and stuff, so there had to be ARVN's there. I don't know if there were any MI guys. I can't remember.

Q. Did you see any interrogations going on?

A. Yeah.

Q. That day?

A. Yeah.

Q. Before MILUS was killed that night?

A. Yeah.

Q. Was there anything unusual about those interrogations?

A. No.

Q. Nothing irregular?

A. No, not that I saw, no.

Q. What did the mortar platoon do, stay around and secure the CP that day?

A. No, we each took our own piece of mortar, and we were put around the perimeter. We were on perimeter guard, and some of us were--no, I was on the perimeter by myself, and some of the guys had some people out by them, you know, keeping them quarantined from the rest, but we didn't have any mortars.

Q. Securing Viet detainees?

A. Right. Some of us were and some of us were just on the perimeter. I was on the perimeter, myself.

Q. What part of the mortar did you have?

A. I wasn't on it. I was an ammo bearer.

- Q. Well, do you remember having to get any resupply of mortar ammo during the operation? How many rounds did you carry?
- A. What, platoon?
- Q. You.
- A. Two rounds.
- Q. Did you have your two rounds all the way through, or did you ever fire those rounds?
- A. I don't remember.
- Q. Do you remember a resupply?
- A. No.
- Q. I'm trying to figure out where those duds came from?
- A. I don't even remember, myself, I don't even remember firing any dud rounds except out on the fire base, myself.
- Q. You'd remember that too, wouldn't you?
- A. What's that?
- Q. Firing duds.
- A. Yeah, cause if we fired duds, we'd have to go find them and blow them up.
- Q. Do you remember seeing this boy in P-215?
- A. No, I can't say that I do.
- Q. You don't remember seeing this guy?
- A. No, no, but I remember that night good enough. I was guarding prisoners, the 81's were to my left, the 3d Platoon and the 2d Platoon were way down the beach from me, and we got mortared and the only thing I could think of--I was with Dave KINGSBY on guard, and I told him to watch the prisoners. I had to go find DUFF. He was in the 3d Platoon, and I had to go over and see if he was all right. He was all right, so then after the mortaring got done, me and DUFF started running around the perimeter finding guys that were hurt, wounded, and we were taking the medics to them.

Then Sergeant--can't remember his name. He was in the 3d Platoon--asked me and DUFF to take MILUS out of the foxhole because it was really disturbing the men, so we took him out of the foxhole, it's not very nice to say, but dragged him over out of the way, and then the chopper came in the next morning and picked him up.

Q. The chopper didn't get him that night?

A. No.

Q. They took the casualties out that night, didn't they?

A. Right.

Q. Did you fire any counterbattery fire from the 81? Was it still split up, or was it in position that night?

A. It was up.

Q. Did you all fire any marker rounds before dark?

A. Yeah. We always did that as a rule. I think, yeah, we did fire illumination and HP.

Q. HE?

A. Yeah, HE I mean. I'm thinking of WP. Yeah, we fired some.

Q. Do you remember any artillery markers being fired in there that day?

A. Yeah, right, they did fire. I can't remember the lieutenant. I can remember what he looked like--

Q. (Interposing) BOATMAN?

A. BOATMAN, yeah, right. He called in marker rounds in off Uptight before dark, and then when we got hit. That's another thing I couldn't understand: why they fired in more marker rounds before they ever fired any HE, and by the time they got the HE in there, it was stupid to fire it because it took them so long to get the HE.



Q. But do you think they had a pretty good idea where the mortar was?

A. They saw the flashes. I guess the 2d Platoon saw the flashes down the beach, and they called in and told them about it, and they were firing machineguns at them. They called in marker rounds, marker rounds, marker rounds. By the time they had the HE, Christ, they could have been a mile down the beach.

Q. What was the 81 doing? Was it firing?

A. They were firing. We fired.

Q. How many rounds did you all fire on that? Do you remember?

A. I have no idea. I wasn't even on a gun.

Q. But you had your marker rounds already fired that day.

A. Right.

Q. Did you go right into HE from that--

A. (Interposing) We fired illumination first for the 2d Platoon so they could fire machineguns.

Q. And it came in with HE?

A. Yeah, we fired HE.

Q. Do you remember what the range was?

A. Oh, I'd say about between 3,000 and 4,000 meters.

Q. Is that all? Pretty close in.

A. Pretty close, yes.

Q. Now, what about the next day? Did you see any ARVN in there the next day? Had they been in there all night?

A. Not that I remember.

Q. Or the interrogators or interpreters?

A. Not that I remember.

Q. Don't remember seeing any. Do you remember seeing any interrogations going on the next day?

A. No, I don't think so. We moved right around the peninsula.

Q. Did you hear anything about the ARVN's raping some women up there?

A. No, we never had any of that.

Q. What?

A. We never had any of that.

Q. And you all pulled out of there that afternoon. You don't remember anything that day happening?

A. No.

Q. Nobody beating up prisoners or anything?

A. No. After that, I mean, I don't know what you people know, but did we head towards Dottie? Did we go right by Uptight?

Q. You mean when you extracted?

A. No.

Q. You didn't walk back. From what we understand, you were choppered out.

A. I don't remember being taken out. Oh, yes, we were; we were extracted right from the beach. Took a trip out on the beach.

Q. That's the best place to bring a chopper.

A. Right. I can remember getting hit in the face with the sand when it came in. Yeah, we was taken out right at the beach that afternoon.

- Q. Did you take out any detainees with you?
- A. Yep.
- Q. How many?
- A. About six, I guess.
- Q. Were they in pretty good shape?
- A. Yeah, they weren't--well, I mean, interrogator, I guess. Was he an MI man? Yeah, an MI man roughed up a young kid pretty good.
- Q. That day?
- A. That day.
- Q. This was after the mortars?
- A. No, this was before the mortars.
- Q. Before the mortar rounds?
- A. Yeah.
- Q. What did he do to him?
- A. Hit him a couple of times. He didn't--I mean, he didn't really punish him or misuse him. He just asked some questions. Well, I'll tell you, the Vietnamese guy hit him more than the interrogator. I think the GI hit him once, or twice at the most.
- Q. How many of these Vietnamese were with the American interrogator?
- A. Maybe two. There was always one or two at the most with the interrogators.
- Q. Did you ever see these prisoners?
- A. That's right outside that same village where I had that hoe.
- Q. Yes, that's where you slept that night.

A. Right.

Q. Do you know what happened to those prisoners?

A. They were put on choppers.

Q. Sent in?

A. Right.

Q. That night? This is pretty late it appears by the look of the light.

A. No, we had these people tied up. The 81's pulled guard on them that night.

Q. P-208?

A. We pulled guard on these people that night. They were flown in the next--they were right over by the CP group, right over next to Captain MICHLES.

Q. They stayed there all night?

A. They slept there all night, yeah.

Q. Is P-209 the CP?

A. What, right here?

Q. Right.

A. There is so much glare. There is MORGAN. Maybe it was. I don't know. Is that (inaudible)? That's MORGAN, I know that.

Q. Where's MORGAN?

A. Right here on the right, the far right. I guess he was still spec 4--

Q. (Interposing) Man on the far right is MORGAN?

A. MORGAN, yeah. Can you get these out of here? Maybe I can tell you who they are. Looks like MYERS. I don't know. I won't be positive of that. I know MORGAN on the far right. I don't know if he was a sergeant at that time or a spec 4.

Q. Well, was this the CP group?

A. I couldn't tell you. I can't remember.

Q. Okay.

A. It couldn't be the CP group because we wouldn't have fires going. It might be the CP group during the day, but as far as the night, there's no fire.

Q. Well, this is still during the day.

A. Okay. Maybe it could be the CP group set up there.

Q. Do you have any knowledge, prior to the time you left Vietnam, of an investigation or inquiry that took place on this operation.

A. Did you know there was one?

Q. Yes.

A. It was in the wind that there was federal investigation. I mean, not about our operation, but there was a federal investigation over some company in our battalion. It was in the wind. There was no specific statement saying that we were being investigated. But not this day; before then, I think.

Q. Are you talking about in the 4/3 or in Task Force Barker?

A. In Task Force Barker.

Q. Do you remember which company it was?

A. No, I don't know. Like I said, it was in the wind. There wasn't any definite statement as to what company and if there really was or not. It was just around that we were being investigated.

Q. You don't remember anything about it? What was the purpose of the investigation? Do you know?

A. I guess unnecessary harassment or something like that, or mishandling prisoners or something like that.

Q. Well, were you ever questioned on this operation?

A. Was I ever questioned?

Q. Were you ever questioned on this operation prior to the time you left Vietnam?

A. No, no.

Q. Did anybody you ever know get questioned on this operation before you left Vietnam?

A. Not that I know of.

Q. Did you have a camera?

A. Yep.

Q. You take it with you?

A. I usually did. Yeah, I always had it with me.

Q. Did you take any pictures on this operation, 16, 17, 18, 19 March?

A. No.

Q. How do you know?

A. Because I know I didn't. Usually, the pictures I took were out by the ocean, and I took one of the last big round-ups around Dottie where we started right at the highway and made a big push. I took some there, and then I usually took them of my own buddies or just surroundings. That's all I ever took pictures of. I didn't take pictures of actually, what we call "dinks," but I never took pictures of them people I didn't want to waste my film.

Q. Well, what I'm asking for is documentary evidence, anything that you might have that would further explain this operation.

A. I know I don't, because I got all my pictures that I took home developed and there's nothing.

Q. How about tape recordings, memoranda, or something?

A. No, no.

Q. Nothing like that? Did you hear any rumors that civilians had been unnecessarily killed by either B/4/3 or C/1/20 on the 16th of March, 1968?

A. No.

Q. Were you ever told not to discuss the possible unnecessary killing of civilians by Task Force Barker on the 16th of March, 1968?

A. No.

Q. Do you know if marijuana was a problem in the company?

A. Who?

Q. Marijuana.

A. Oh. There were people in the company that smoked it?

Q. Did anybody smoke it on operations?

A. I don't know.

Q. Did anybody smoke it before going on operations?

A. I don't know.

Q. Did the 1st Platoon have a problem with marijuana?

A. Well, I don't know how you could consider it a problem. I mean, sure you got guys smoking, but I don't know how you can consider it a problem. Then never--I don't know.

Q. Problem out on an operation.

A. Oh, I can see if it was on an operation, but I don't know if they actually smoked it. Now, I knew guys that smoked it, but I don't know if they ever smoked it in the field or not.

Q. Did TAYLOR smoke it?

A. I don't know.

Q. HOOTON?

A. I don't know that either. I'll tell you, I stayed away from it. All I have is hearsay, really, so I can't sit here and name names, because it wouldn't be fair because it was mostly hearsay to me.

Q. TITTLE?

A. He might have.

Q. Did you ever see any of them smoke it?

A. No.

Q. Do you have any further testimony or any further statements that might assist us in this investigation?

A. No, not that I know of.

Q. At this time, I request that you don't discuss your testimony in this investigation with others, including other witnesses who may come before the board, except as you may be required to do so before a competent judicial or legislative body. Thank you very much for coming in.

A. Okay.

(The hearing recessed at 1545 hours, 3 February 1970.)



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SUMMARY OF TESTIMONY

WITNESS: HUFFMAN, Cecil W.

DATE OF TESTIMONY: 4 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Squad Leader, Weapons Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

Mr. HUFFMAN joined B/4/3 in Hawaii and underwent training with the unit. He received some instruction on the handling of PW's and a class on the Geneva Conventions. Regarding the MACV cards, he had been issued "The Enemy in Your Hands", but he did not recall ever seeing "Nine Rules" (pgs. 2, 3).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness believed that Sergeant VANN briefed him on 15 March. He did not recall the firebase where the briefing took place, nor did he recall any details of the briefing (pgs. 4, 5). Everyone hated to go into the Pinkville area (pg. 8).

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

a. 16-17 March.

The witness was either a squad leader or FO on this operation (pgs. 3, 5). He vaguely recalled receiving fire going in to the LZ (pg. 10). He recalled that B/4/3 picked up some detainees from a village near Pinkville (pg.6).

(HUFFMAN)

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They took them in for interrogation. HUFFMAN did not know what happened to them afterwards (pgs. 7, 8). He recalled linking up with C/1/20 that night (pg. 10). He heard that there were two National Police with C/1/20, but he had no knowledge of them committing any atrocities upon the detainees while interrogating them (pgs. 11, 22). He did not recall any Americans interrogating the detainees (pg.12). Otherwise, the witness had no recollection of the operation's first two days (pgs. 12-15), except he heard Lieutenant LEWIS joined B Company on 17 March (pgs. 15, 16). He did not remember a photographer with LEWIS (pg. 15).

b. 18-19 March.

HUFFMAN did not recall the MEDCAP on 18 March. That night after MILUS was killed, the witness believed they fired about 15 rounds of counter battery fire on the enemy mortar position (pg. 18). He recalled a C-47 firing in the area (pg. 19). MILUS was not evacuated that night because there was not enough room on the medevac ship (pg. 19). He did not remember any villages being burned during this operation (pg. 20).

4. KNOWLEDGE OF REPORTS OR INQUIRIES.

The witness stated that he had no knowledge of an investigation or inquiry being made after this operation (pg. 19). He heard no rumors of B/4/3 or C/1/20 unnecessarily killing civilians during this operation (pgs. 20, 21). He was never questioned about the operation, nor was he ever told not to discuss it (pg. 21).



(The hearing reconvened at 0953 hours, 4 February 1970.)

LTC NOLL: The hearing will come to order.

RCDR: The following persons are present: LTC NOLL and MAJ THOMAS.

The next witness is Mr. Cecil W. HUFFMAN.

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

Mr. HUFFMAN, please state your full name, occupation, and residence?

A. My name is Cecil Warren HUFFMAN. I work for Continental Grain Elevators, Enid, Oklahoma.

LTC NOLL: Mr. HUFFMAN, before we get started, did you get a chance to read the information sheet that you were given this morning?

A. Yes, sir, I did.

Q. Let me explain that there are three members on Interview Team C. The gentleman that heads the team is Colonel WILSON. He will be here a little later on this morning and we will not proceed very far until he comes. The other gentleman is Mr. WALSH who is a civilian attorney. He has volunteered his services to the Secretary of the Army to assist in this investigation. Myself, I am Lieutenant Colonel NOLL. There are other members on the Peers' Committee that could come in and ask you questions. If they do, Colonel WILSON will identify them to you as being authorized to ask you questions.

A. Yes, sir.

Q. Do you have any questions?

A. No, sir.

Q. The particular period that we're interested in is an operation in the middle of March, that took place 16 March

through 19 March. In the operation, you might recall Lieutenant COCHRAN was killed, Specialist TAYLOR lost a foot, and MILUS was killed during a mortar attack. Do you have that operation in mind?

A. Yes.

Q. The first series of questions relates to training. When did you join the 4/3? Did you join them in Hawaii?

A. Yes, sir.

Q. Did you undergo training with them?

A. Yes, sir.

Q. Did you receive any specific training reference the handling of PW's?

A. No. Well we did have training on it, not really a whole lot, but we did have some training on it.

Q. Did you ever go out on a field exercise, a practical exercise on the method in which POW's were to be handled?

A. Yes, sir.

Q. Did you have any instructions on the handling of noncombatants?

A. Sir?

Q. Did you have any instructions on the handling of noncombatants?

A. I don't understand what you mean, sir.

Q. Well, these would be civilians caught in the area of operations.

A. No, sir, not that I recall.

Q. Do you ever recall a class on the Geneva Convention?

A. Yes, sir.

Q. During this class was anything said about legality of orders, any instructions on legality of orders?

A. I can't remember too much about it, it was so long ago.

Q. I have here Exhibit M-2, a MACV card, "Nine Rules." Do you recall seeing that before?

A. I don't recall this card.

Q. All right. This is another MACV card, it's Exhibit M-3. It's entitled, "The Enemy in Your Hands." Have you seen this card?

A. Yes, sir.

Q. Did you have one in your possession?

A. Yes, sir.

Q. Before you got to Vietnam, or were you supplied this after you arrived in Vietnam?

A. I believe it was before, sir. I got it before I went to Vietnam, sir.

Q. During this period in March what was your duty assignment in B Company?

A. 81 mortars. Either an FO or squad leader at that time.

Q. I believe a number of people said that you were their squad leader at that time.

A. I think I was along about that time.

Q. Yes?

A. Along about this time I switched over to being the FO though.

Q. On this operation, before you went to the field now, did you receive a briefing?

A. Yes, sir.

Q. Do you recall who gave the briefing?

A. I think it was Sergeant VANN.

Q. Who?

A. Sergeant VANN.

Q. Do you recall--I'm interested in before you went to the field. Do you recall what you were told during this briefing?

A. I don't remember for sure.

Q. Well, were you told that you were going out for a particular type mission?

A. Yes, but I don't remember what it was.

Q. Were you told how long you'd be gone?

A. No, sir.

Q. Were you informed what type area you would run into and what the nature of the enemy would be?

A. Yes, sir.

Q. Do you recall any details?

A. No, sir.

Q. Where was this briefing given?

A. On the fire base.

Q. Which one?

A. I don't remember.

Q. You don't remember which one?

A. No, sir.

Q. Do you recall what the line platoons were supposed to do?

A. No, sir.

Q. Do you recall if there was any instructions on burning of villages during this operation?

A. No, sir.

(COL WILSON entered the room.)

COL WILSON: How many squads did you have?

A. Three squads, sir.

Q. They have you listed here as a forward observer?

A. I was. I was also a squad leader over there for quite a while, and then I switched over to FO for the 81's.

Q. Mr. HUFFMAN, you say you can't recall this operation?

A. Sir, just a little bit about it. I remember MILUS getting killed in the area that we set up in that night.

Q. Do you remember TAYLOR getting wounded?

A. I remember hearing about it, but I wasn't there when it happened. I believe he stepped on a mine or something.

Q. Let me see the photographs.

(Photographs handed to COL WILSON as requested.)

You don't remember the combat assault and going into this area and so forth?

A. Yes, I do, going in and setting up that night that we got mortared and MILUS got killed.

Q. That was 3 days after the combat assault.

A. I just don't remember too much about it.



- Q. This is Exhibit P-18. Do you remember seeing this scene or these people?
- A. I've seen this guy before. That's GELDMEYER.
- Q. Who?
- A. GELDMEYER, I think. It looks like GELDMEYER. No, it ain't either. I know I have seen him before though.
- Q. Who is the man guarding the prisoners?
- A. It looks kind of like GELDMEYER, I believe.
- Q. That's you.
- A. That me?
- Q. Everybody else said it was you.
- A. It could be, but it looks like GELDMEYER. I didn't think I was that short.
- Q. Do you remember guarding those people?
- A. I guarded these, this guy. I don't remember guarding the others.
- Q. Where did they come from?
- A. These came out of the village we searched.
- Q. They came out of the village you searched? They didn't come in with C Company?
- A. No, sir, not if I remember correctly.
- Q. Where is that?
- A. Near the Pinkville area it looks like.
- Q. Is that near the CP that day that you went in on the combat assault, near the village that you swept?
- A. I can't remember.

Q. What happened to those people?

A. I don't know. Some of them were taken in for interrogation I guess. I assume they let some of them go.

Q. You pointed to one person. What about him?

A. I remember him.

Q. The second man from the left, what about him?

A. This man here?

Q. Yes.

A. I just remember guarding him. I guarded him two or three times while I was over there.

Q. You mean you got the same fellow two or three times?

A. Yes.

Q. You must have gotten to be pretty good friends.

A. We had certain names for him and some others. We got them so much we gave them nicknames.

Q. You gave him a nickname?

A. Yes, we called them certain names. I forget what we called them.

Q. Well, after you got him each time, did you let him go? How come you guarded him each time if you pretty well knew him?

A. We just did. I don't know why.

Q. This is in the Pinkville area. You didn't spend that much time down in Pinkville?

A. We spent quite a bit of time down there.

Q. Well, as of this date, you had only been down there about four times, three or four times, as of the time this

photograph was taken.

A. I don't remember. It seems like we were down there quite a bit though. I know everybody hated to go down there.

Q. Well, do you remember--how long did you guard these prisoners? What time of day was that?

A. I don't remember what time of day it was. I don't remember guarding those--those prisoners.

Q. What happened to these two young boys?

A. I don't remember.

Q. Whom did you turn them over to, the whole group?

A. I don't remember who I turned them over to. It seems like a few of them were flown in.

Q. This is a graveyard? Do you remember?

A. I couldn't say.

Q. You don't remember anything about this?

A. Not right offhand.

Q. What about P-19, did you ever see those people? Do you know anything about this?

A. I don't remember any of it.

Q. Do you know who that is on the left, the GI?

A. No, I don't know him.

Q. How about P-20, do you know where that is?

A. No, I can't say that I do.

Q. Who is this fellow here bending over?

A. I think he's the FO with the CP group. I don't remember his name though.

- Q. P-21, do you know either one of those two people in uniform?
- A. No, sir.
- Q. P-22, recognize anybody in that picture?
- A. No, sir.
- Q. P-66, do you know either one of those Vietnamese, ever see them before, in uniform?
- A. No, sir.
- Q. P-207 and P-206. This is the gunship strike on the area that was supposed to be your landing zone. Do you remember that?
- A. No, sir.
- Q. Did you ever see those prisoners in P-208?
- A. I couldn't tell unless I seen their faces.
- Q. Did you ever see that area?
- A. Yes. I've been in this area before.
- Q. Where was that and do you remember when?
- A. It seems that was right on the outside of Pinkville. We picked those up before we went through it.
- Q. Did you guard those prisoners?
- A. I don't think so.
- Q. Do you remember C Company coming in the first day you were there, linking up with you and setting up a night defensive position?
- A. No, I don't.
- Q. C Company came in from the west. You stayed there all night. C Company was on one side and you on the other?

A. I remember joining up for one night, but I don't know if this was the same time or not.

Q. This is the same time. That's the area where you are supposed to be. What about this picture, P-209, can you recognize anything there?

A. I recognize MORGAN.

Q. Where's MORGAN?

A. The guy right here.

Q. That man with his back turned, on the right.

A. And this is TREGARTHEN.

Q. Wait a minute. The man with the helmet off facing camera is TREGARTHEN?

A. It looks like him. This other guy is Ray HOLMES. This is MORGAN right here, this is HOLMES, and this is TREGARTHEN.

Q. The man facing the camera talking to MORGAN is HOLMES.

A. And this man down here in the bottom, I think, is BRUNSON. He was our medic.

Q. The man in the lower right corner with his head showing is who?

A. BRUNSON.

Q. BRUNSON, okay. The photographs that you've seen were photographs taken on the first day of that operation. Now, I am interested in trying to bring this thing back to you so that we can ask you some questions. If we can't fix your time here it's going to be hard to ask you any questions. Do you remember whether you received any fire when you went into this landing zone?

A. I don't remember right now, but it seems like we did.

Q. Well after you got off the aircraft how far did you move before you set your mortar up?

A. I don't remember.

Q. How far were you away from Lieutenant COCHRAN and that group when those casualties were evacuated?

A. I couldn't say right offhand.

Q. You don't remember joining up with C Company? You remember any--when you went in to search that village, went in to your night defensive position that day which is in the vicinity of that village, do you remember any Vietnamese, ARVN soldiers, or National Police coming into the laager area?

A. It seems like they brought two police officers, but a--

Q. (Interposing) Two policemen?

A. I think so.

Q. Did you see them?

A. No, I didn't see them. I just heard they were there.

Q. Heard they were there?

A. Yes, sir.

Q. Did they interrogate any of those prisoners?

A. I heard that they did but I don't know for sure, for I didn't see them.

Q. What did you hear about it?

A. They asked them a bunch of questions and that was it.

Q. Did you hear they shot them?

A. No.

Q. Did you hear they cut their fingers off?

A. No.

Q. Were there any people that were not in B Company that were interrogating these people that day that you recall? Were there Americans with these National Police?

A. I don't remember whether there was or not.

Q. Did you hear any radio communications up there?

A. No, sir.

Q. What happened that night, anything?

A. You mean anything special that might have happened?

Q. Yes.

A. Not that I can remember.

Q. Yes. Did you hear firing inside the defensive position that night?

A. No, sir.

LTC NOLL: Do you recall what date you went into the LZ?

A. No, sir.

Q. Do you recall what direction you moved from the landing zone?

A. No. I didn't know north, south, east, or west for the whole time I was over there.

Q. Well, what line platoon were you near, do you recall that?

A. Seems like we were following the 2nd.

Q. Did you see Lieutenant COCHRAN step on a mine?

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

Q. Did you see a second group of people step on a mine?

A. No, sir.

Q. Do you recall moving along the hedgerow?

A. No.

Q. Do you recall being required to set up the--the weapons platoon being required to set up the mortar in order to fire a mission shortly after getting on the ground?

A. No, sir.

COL WILSON: Well we've got testimony and very conclusive testimony that the mortar fired in support of the 1st Platoon that was crossing a river over to the east. Fire was called by BREITENSTEIN. Do you remember BREITENSTEIN?

A. BREITENSTEIN, yes, sir.

Q. The fire was called by him. He claimed five rounds came in, and three of them were duds.

A. They were crossing the--

Q. (Interposing) Across the river there by Pinkville, over by My Lai (1)?

A. I remember firing the mortar one time, but I don't remember for sure if it was this time or not.

Q. Well, he said five rounds came in and three of them were duds. Right on the other side of the bridge.

A. I don't remember.

Q. We've had as high as 10 rounds being fired that day on this same mission.

A. I couldn't remember whether it would be on this mission or not. I know we fired mortars a lot.

Q. Would you remember it if you had three duds?

A. Not especially.

Q. You have a lot of duds out of the ammo?



A. There was quite a few seems like, more than there should have been.

Q. What was the matter with it?

A. Just old.

Q. Old?

A. Yes, sir.

Q. Okay. The next morning B Company started moving toward the 1st Platoon which was on the other side of the bridge (indicates location of bridge to witness utilizing Exhibit MAP-1), down there by that same mine where the mortar fired. The 1st Platoon had gone back here to secure the bridge while the rest of the company crossed over. That's when TAYLOR stepped on that mine or either was messing with it and it detonated on him. Now, did you hear any firing down there when this mine went off or before it went off?

A. No, sir.

Q. Do you remember crossing that bridge that day?

A. No, sir.

Q. You don't remember that?

A. I don't remember it, no, sir.

Q. You don't remember--do you remember gunships coming across there and firing on the other side of the river after TAYLOR was hit or stepped on the mine?

A. I don't remember.

Q. You don't remember crossing the bridge?

A. No, sir.

Q. Do you remember setting the mortar up on the other side, over there by the ocean? Well, you wouldn't have been able to see the ocean because there was a sand dune between where you would have been and the ocean, unless you climbed that sand dune.

A. No, sir.

Q. The mortar went into position over there and B Company, less the mortars and 3d Platoon, moved south.

A. I don't recall that, sir.

LTC NOLL: Do you remember any talk about finding a dead female on one of the sand dunes that day?

A. No, sir.

Q. About anybody going out to bury her?

A. I don't remember anything like that.

COL WILSON: Did you see any bodies over there?

A. I don't remember.

Q. The company moved south, swept all the way down to the end of the peninsula, turned around and came back about half-way, and then your platoon displaced forward and went into a night laager that night. That day while you were out there setting up the mortar, do you remember Lieutenant LEWIS coming in on a helicopter and joining the company?

A. Yes, I remember seeing him. I remember him.

Q. You remember seeing him?

A. Yes, sir.

Q. Do you remember whether he had a photographer with him, a stranger dressed in military uniform, soft hat and carrying a camera?

A. No, sir. I don't remember anyone like that.

Q. You don't remember seeing anybody like that that had a MACV patch on?

A. There could have been but I didn't see them come in. I just heard a new lieutenant had come in.

Q. What did you say?

A. I just heard a new lieutenant come in. I didn't see him get off the helicopter or anything.

Q. Did you get any resupply that day or anything you recall when that lieutenant came in?

A. I believe we did.

Q. Yes.

A. I believe we did.

Q. Did you ever get a--

A. (Interposing) That's the night that MILUS got killed, wasn't it?

Q. No. Do you remember Lieutenant MUNDY?

A. Yes, sir.

Q. Did he come in there that day?

A. I don't remember, sir.

Q. Well, when you went down and after you'd displaced forward and joined the company later that afternoon, do you remember a helicopter coming in and bringing anybody? You got a hot meal that night I'm thinking.

A. I don't remember anybody coming in on it.

Q. Do you remember seeing any Vietnamese around there that night, National Police or ARVN?

A. No, sir.

Q. Nothing happened that night that you can remember?

A. Not that I can remember.

Q. The next day the platoon displaced and moved on up to a village, a big village, where a whole lot of civilians were

rounded up. After that the MEDCAP came in there. There were a couple of VC suspects picked up there. You can remember seeing a lot of ARVN military up there at that time? Military intelligence personnel, when they brought all those back down to the beach; an interrogation going on?

A. It could very easily have happened but I don't remember this special time.

Q. A bunch of medics came in and started giving them shots and everything?

A. I don't remember, sir.

Q. All right.

A. I remember seeing people rounded up.

Q. Do you remember doing any firing that day, marking rounds?

A. I can't recall again, but we usually did.

Q. How about artillery? Did you see any artillery marking rounds come in that day?

A. They usually came in at night when we were set up.

Q. Do they fire those in the daytime or nighttime?

A. It is usually right after dark.

Q. Did you see a Vietnamese woman brought in with a leg all split open who was dusted off?

A. Not that I remember at this specific time.

Q. Did you see any interrogations going on?

A. No, sir.

Q. Did you do any searching that day?

A. No, I usually just stayed around the mortars.

LTC NOLL: During this operation do you recall any talk about a large body count by the 1st Platoon?

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

Q. During the day of the MEDCAP, this last day, do you recall two suspects being evacuated by chopper, VC suspects.

A. No, sir.

Q. Did you guard any of the Vietnamese in the position during the night?

A. I just can't remember this particular night, sir.

COL WILSON: Well, MILUS was hit and a bunch of people were wounded. They came in and dusted them off. You got some air-ground fire. I don't know whether any artillery was called in or not. I understand the 81 mortar fired counterbattery on the enemy mortar that fired into the night defensive position that night?

A. The night MILUS was--

Q. (Interposing) Yes. How many rounds did you fire?

A. It would have been Sergeant VANN. I believe we fired about 15 though.

Q. What was the range?

A. I don't remember. We just fired one mortar it seems like.

Q. What?

A. We just fired one mortar that night, I think.

Q. Was there any artillery fire? Did you get any artillery fire coming in, supporting fire, 105's?

A. I can't say for sure. It seems like we did.

Q. Do you remember any gunships being around that night, shooting?

A. I think there was. He was flying around. I think it was a piper cub or whatever it is they call the "Snooper", I think.

Q. A C-47. Do you remember anything happening the next morning? Did you see any Vietnamese interrogating prisoners or Americans interrogating prisoners?

A. Not that I remember. The place where MILUS died, we had to keep him overnight because there wasn't room on the helicopter for him.

Q. Yes.

A. When they evacuated them out, there wasn't room.

Q. Did you evacuate him out?

A. I helped load him on the chopper.

Q. You didn't go with him though?

A. No.

Q. P-215, did you ever see that individual in the picture?

A. I don't believe so. I sure don't remember him.

Q. How about P-214, do you recognize anybody in there? It's hard to see.

A. No, sir.

Q. Do you have any knowledge of an investigation or inquiry being made after this operation?

A. No, sir.

Q. Did you ever hear an order during the operation to stop burning villages?

A. No, sir.

Q. Do you recall during the operation that there were

many villages burned?

A. No, sir.

Q. Did you carry a camera?

A. No, sir.

Q. You know anybody that did?

A. GELDMEYER carried one for a while.

Q. GELDMEYER?

A. Yes, sir. I don't know whether he took any pictures while we were out there or not.

Q. What was GELDMEYER's job?

A. He was in FDC, in the weapons platoon.

Q. G-E-L-D-M-E-Y-E-R?

A. G-E-L-D-M-E-Y-E-R.

Q. Is that him?

A. That's GELDMEYER.

Q. Okay. Do you have any tape recording or anything that might have been made on this operation?

A. No, sir.

Q. Notebooks?

A. No, sir.

Q. Did you ever hear any rumors about civilians being unnecessarily killed by B/4/3 or C/1/20 on 16 March?

A. No, sir.

Q. You never heard anything from C Company?

A. No, sir.

Q. Were you ever told not to discuss the possible unnecessary killing of civilians on this operation?

A. No, sir.

Q. Were you questioned on the operation?

A. No, sir.

Q. Was anybody you know ever questioned?

A. Not until now.

Q. I mean while you were still in Vietnam?

A. No, sir.

Q. Do you have any knowledge or did you hear anything about U.S. or ARVN military personnel torturing VC suspects or PW's?

A. I heard about the ARVN, sir.

Q. What did they do?

A. You could hear about anything I guess. I heard that they cut the ears off and everything else but I didn't see any of it.

Q. You didn't see any of it?

A. No, sir.

Q. You heard they cut their ears off?

A. Yes, sir.

Q. On this operation?

A. No, sir, not on this operation. I never heard of



anybody getting hurt--mutilated or being interrogated or anything.

Q. You didn't hear of anybody getting interrogated on this operation.

A. Not that I remember. They brought those two officers out and they interrogated, but I don't remember if it was this time or not.

Q. Brought what two officers out?

A. The Vietnamese officers.

Q. They brought two Vietnamese officers out.

A. They weren't in Army uniform or anything.

Q. They were in civilian clothes?

A. Yeah, I guess you could say that. It was some sort of policeman's uniform.

Q. Well, were they police or--

A. (Interposing) Yeah, that's what they called them.

Q. These are the two you talked about earlier, is that correct? The two that you referred to in earlier testimony?

A. Yes.

Q. These are not two more?

A. No, this is the same two. They were the only ones.

Q. Did you see any of their interrogations?

A. No. I don't even remember if this was the same operation or not. I just remember seeing two of them.

Q. And they were in civilian clothes?

A. Yeah.

Q. Looks like to me that might be kind of dangerous, being out there on an operation in civilian clothes?

A. They were wearing what you might call police uniforms for over there. I never did see any uniforms.

Q. Did they wear any kind of cap?

A. Yeah, they had small ones.

Q. A badge on it or anything?

A. They had an emblem on the front on them, but I don't remember exactly what it was.

Q. Mr. HUFFMAN, do you have any further testimony or any statement that you might make that might help us on this investigation?

A. I don't think so. This has been so long ago I just can't remember that far back any more.

Q. I instruct you 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 competent judicial or legislative bodies.

A. Yes, sir.

COL WILSON: Thank you very much for coming. We appreciate it.

This hearing will recess at this time.

(The hearing recessed at 1054 hours, 4 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: KINGSBY, David L.

DATE OF TESTIMONY: 4 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: First Mortar Squad,  
Weapons Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness did not recollect any training which discussed legal versus illegal orders (pg. 2). He was never issued the MACV cards "Nine Rules" or "The Enemy in Your Hands", however, he obtained a copy of the former (pg.3).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

KINGSBY did not remember being briefed for the 16 March operation (pg. 4). All he remembered was a comment from Specialist MORGAN that they would travel with the command group (pg. 4). He recalled no instruction concerning the destruction of hootches, livestock and food stuffs (pg.5). While no orders were given for this operation, the normal procedure was to take suspected VC to the command group for interrogation (pg. 5).

3. THE COMBAT ASSAULT.

a. Actions on the 16th.

The witness came in on the second lift (pg. 10).  
On their approach they received fire from a woodline (pg.6).

(KINGSBY)

1

SUM APP T-321

Shortly thereafter Lieutenant COCHRAN was killed (pg. 6). At this point they set up a perimeter (pg. 6). He did not remember moving into a village before setting up the mortar (pg. 6). He thought they fired the mortar into a treeline, but he did not know how many rounds they fired (pg. 10). He did not recall laagering with C/1/20 that night (pg. 6). However, he recalled guarding some prisoners who had been gathered in the village, all except three of whom were released that night (pg. 7). The night they linked up with C Company he saw no interrogations, mistreatment, or torturing of prisoners (pgs. 9, 10).

b. Actions on the 17th.

He heard that TAYLOR had been injured by a mine (pg. 11). KINGSBY did not remember any gunships, and he did not see any bodies on the other side of the bridge (pg. 12). He did not recall moving down a beach that day (pg. 12). He did not see any interrogators in the laager area that night (pg. 13).

c. Actions on the 18th.

He recollected that the company moved north to a large village on the 18th where civilians were rounded up and taken to the beach (pg. 13). He saw no interrogations, but he did see persons being cared for in the hootches in the center of the village (pg. 14). He thought some suspects were evacuated (pg. 14). He recalled no artillery fire and did not remember a woman with a cut leg being brought to the CP (pg. 15). That night they received mortar fire to which they responded with five mortar rounds and 105 fire (pgs. 15, 16). They also received some small arms fire from the village (pg. 16).

d. Actions on the 19th.

While he saw some interrogations on the morning of the 19th, he did not see any mistreatment of the four prisoners who had been detained over night (pgs. 16, 17).

4. INQUIRIES AFTER THE ASSAULT.

He knew nothing about an investigation of the incident and was not questioned regarding it (pg. 18). He knew no one who was asked about it (pg. 18). He was never told not to discuss it, and he heard no rumors of the unnecessary killing of women and children or the mistreatment of PW's (pg. 18).

(KINGSBY)

EXHIBITS

| EXHIBIT NUMBER | DESCRIPTION                         | NOTES   | PAGES |
|----------------|-------------------------------------|---|-------|
| M-2            | MACV card "Nine Rules"              | Wit was not issued card.                                  | 3     |
| M-3            | MACV card "The Enemy in Your Hands" | Wit was not issued card.                                  | 3     |
| P-18           | Miscellaneous Scene                 | Identified HUFFMAN from weapons plt., and three prisoners | 7     |
| P-19           | Miscellaneous Scene                 | Wit recognized nothing in photo.                          | 7     |
| P-20           | Miscellaneous Scene                 | MARSHALL on right HOUGHTON is man holding the pole.       | 8     |
| P-21           | Miscellaneous Scene                 | Wit did not recognize either person in photo.             | 8     |
| P-22           | Miscellaneous Scene                 | Wit identified LT JOHNSON.                                | 8     |
| P-66           | Miscellaneous Scene                 | Wit could not identify persons in photo.                  | 9     |
| P-208          | Miscellaneous Scene                 | Wit could not identify persons in photo.                  | 9     |
| P-209          | Miscellaneous Scene                 | Showed laager position.                                   | 9     |
| P-215          | Miscellaneous Scene                 | Identified prisoner who was released on 18th.             | 14    |
|                |                                     |   |       |
|                |                                     |   |       |

(The hearing reconvened at 1440 hours, 4 February 1970.)

COL WILSON: The hearing will come to order.

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

The next witness is Mr. David L. KINGSBY.

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

RCDR: Please state your full name, occupation and residence?

A. David L. KINGSBY, 2421 N. 6th Street, Milwaukee, Wisconsin. I am a laborer for the city of Milwaukee.

COL WILSON: Mr. KINGSBY, did you have a chance to read that information (Exhibit M-81) we passed out to you?

A. Yes, sir, I did.

Q. Did you understand the composition of this board as being part of the PEERS Inquiry?

A. Yes.

Q. And that this in an interview team that works for General PEERS?

A. Right.

Q. He is the investigating officer. We merely interview personnel for him, for his investigation.

A. Yes, sir.

Q. There are three of us who are members of this board; Colonel NOLL, myself, and Mr. WALSH who is a civilian attorney who has been appointed to assist General PEERS. Major THOMAS is our recorder. Have you discussed this operation with anybody from your unit prior to coming to Washington?

A. No, I haven't.

Q. What was your assignment in B/4/3 on 16 March 1968?

- A. I was assigned to the weapons platoon, and normally our job was when we went out on an operation, was CP security.
- Q. What was your job in the weapons platoon?
- A. Well, I was attached to a mortar squad.
- Q. How many mortar squads were in the platoon?
- A. We had three mortar squads.
- Q. Were they numbered?
- A. Yes.
- Q. Which one were you in?
- A. I was in the first squad.
- Q. Who was the squad leader?
- A. It was Carl MORGAN, Specialist Carl MORGAN.
- Q. Specialist Four or Five?
- A. Specialist Four.
- Q. Do you recall receiving any training prior to or after getting to Vietnam concerning the legal aspects of orders, legal or illegal orders? If you got it, it would have come in a military justice class or a class on the Geneva Convention?
- A. Well, we had one prior to when we left Hawaii, prior to going to Vietnam.
- Q. Did they mention this subject at all?
- A. About--
- Q. (Interposing) Orders?
- A. Orders?
- Q. Whether you had to obey illegal orders or not?
- A. No. Not to my knowledge.

Q. You don't remember anything like that?

A. No.

Q. I show you a facsimile of a MACV card, Exhibit M-2. The title is "Nine Rules." Have you ever seen that card?

(COL WILSON handed Exhibit M-2 to the witness.)

A. I've seen a card similar to this. I wouldn't swear it was the same card.

Q. Did you ever have one?

A. I had one in my presence at one time, yes.

Q. Did you get it in Hawaii or did you get it in Vietnam?

A. I got it from a guy that was--came back from Vietnam. I didn't receive one.

Q. You weren't issued one?

A. No. I wasn't issue one.

Q. How about Exhibit M-3, which is entitled, "The Enemy in Your Hands"? Have you ever seen that card?

(COL WILSON handed Exhibit M-3 to the witness.)

A. No, I don't believe I was issued one.

Q. Do you recall the operation on 16 March 1968?

A. Well, not actually by the date.

Q. Do you recall when Lieutenant COCHRAN was killed?

A. Yes. I recall when Lieutenant COCHRAN was killed.

Q. That was 16 March. Do you recall when MILUS was killed?

A. Right. I recall when MILUS was killed, too.



Q. Then the day that Lieutenant COCHRAN was killed was the first day of the operation which we are interested in, and the night that MILUS was killed is the last day of the operation that we are interested in; that time period. It's a 3 or 4 day period there.

A. I can remember the first day, if I'm correct--

Q. (Interposing) Wait, now, before we go on I am going to follow a chronological sequence. What I wanted to do when I mentioned those two people is to fix that time in your mind.

What I want you to tell me next is everything you can remember about what you were told before going on this operation? In other words, what you were going to do? What type of operation it was? What the company was supposed do? How many days you were going to be out? This kind of thing.

A. I don't remember being briefed on that.

Q. You don't remember being briefed at all?

A. No.

Q. How about Specialist MORGAN? Did he say anything to you about that?

A. All he told us is we would be with the CP group as normal, and we'd be around the CO.

Q. He didn't say where it was?

A. Well, I can't remember.

Q. Do you normally get a helicopter assignment the night before if you go on a combat assault, or do you get it the next morning?

A. It all depends. We usually was notified the day before so that we would be moving out that morning, and for us to prepare our gear to move out.

Q. And somebody had to tell you that?

A. Right.

Q. Do you remember whether it was MORGAN?

A. Well, usually it was Sergeant MORGAN. He was a sergeant then. It was usually Specialist MORGAN that told us that. He would always go to the platoon meetings after they come back from higher up, and we'd get it from him.

Q. What did you normally carry?

A. I alternated. I carried, as a weapon--I carried an M-16 and I sometime carried the base plate or an M-29 Mortar tube. If I wasn't carrying either one of those I was carrying ammunition.

Q. Did the mortar platoon ever carry any white phosphorus or was it all HE?

A. We usually carried HE and illumination.

Q. Was there anything mentioned concerning the destruction of houses, burning of hootches and so forth?

A. Not to my knowledge, sir.

Q. How about live stock and food stuffs?

A. No.

Q. How about the disposition of the people in the area? What to do with them?

A. Normally if they were suspected VC we'd take them back to the CP group and they would follow through and you know, getting where they would be interrogated and all this type a thing. All we'd do was bring them back and usually our job was to--when they was brought back--was to guard the prisoners and CP security.

Q. That's normal procedure?

A. Right.

Q. Were there any special instructions given for this exercise?

A. Not to my knowledge, sir.

Q. Did anybody tell you what the enemy situation would be down there?

A. No.

Q. We're going to get into the operations now on the 16th. Did you receive any fire as you came in on the approach?

A. Right. We received fire from a wood line, that was before or after Lieutenant COCHRAN hit a booby trap, and if I'm correct the 3d Platoon was on line and assaulted the wood line with small arms fire.

Q. Where was the mortar platoon then?

A. We was around the CP group.

Q. In other words, you had already landed and been there for awhile?

A. Right. Yes. We had already been there for awhile.

Q. Did you emplace the mortar immediately after landing or did you all establish a perimeter?

A. Well, we set up a perimeter. We didn't set the mortar up.

Q. Where did you set the mortar up? Do you remember? I'm trying to relate that to the location of where Lieutenant COCHRAN was killed. Was it somewhere near him, or was it after he was killed, or what?

A. It was after he was killed I think. I'm not sure. It's been quite awhile. It was after he was killed.

Q. Had you moved into a village that morning before you set the mortar up?

A. I don't remember if it was a village or not.

Q. Do you remember joining up that day with C/1/20? It would have been later on in the afternoon probably or maybe early in the afternoon. C Company would have come in from the west and B Company joined them, and you set up night defensive positions?

A. Let's see. We set up night positions. I'm trying to see--I don't believe that C Company set up with us in the night laager position. If we came in contact with them I

think it was the same date as a MEDCAP in the village or something similar. I don't remember clearly, did we contact Charlie Company or not.

Q. In Exhibit P-18, do you recognize anything about that photograph? Can you see it?

(COL WILSON handed Exhibit P-18 to the witness.)

A. That's HUFFMAN from the weapons platoon.

Q. That's a funny thing. Everybody has been able to identify that photograph, but HUFFMAN himself. Do you remember seeing these Vietnamese?

A. This one here--these three that I can recall.

Q. Did you guard these prisoners?

A. We were guarding these prisoners. Yes.

Q. Do you remember where these prisoners came from?

A. If I'm correct I think they was taken out of the village.

Q. Do you know what happened to them?

A. We had them and then released them to go back in the village, all but three of them, prior to that laager in. You know, we laagered in, but if I am correct, that morning they released all the rest of them.

Q. What did they do with the three?

A. I don't know if they were taken in by helicopter or released. It was about 12 o'clock or after, I think we had stopped for a chow break.

Q. What about this Exhibit P-19? Is there anything about that you recognized?

(COL WILSON handed the witness P-19.)

(The witness gave a negative response.)

- Q. Exhibit P-20?
- A. This is Sergeant MARSHALL.
- Q. That's the man on the right, Sergeant MARSHALL?
- A. Yes. This is Daniel HOUGHTON.
- Q. The man holding the pole is HOUGHTON?
- A. HOOTON or HOUGHTON. Something like that..
- Q. H-O-U-G-H--
- A. (Interposing) His first name is Dan HOUGHTON?
- Q. What about the man bending over?
- A. I can't see his face very clearly.
- Q. Exhibit P-21? The two uniformed personnel there? Do you recognize either one of them?
- A. No.
- Q. Exhibit P-22?
- A. If I'm correct, I don't know if he was a member of the 2d or the 3d Platoon. I can't state which one.
- Q. This is the military intelligence officer?
- A. He was traveling with them.
- Q. You saw him that day?
- A. I remember seeing his face.
- Q. The man in the center?
- A. Right.
- Q. Lieutenant JOHNSON?
- A. Yes.

Q. Did you ever see either one of these two uniformed vietnamese in Exhibit P-66?

A. I couldn't be sure of that.

Q. Did you ever see these prisoners in Exhibit P-208? I know you can't see their faces, but I wondered if you had seen that group?

A. It seems like I can remember, but I can't be definite.

Q. How about this location in this photograph, Exhibit P-209? Have you ever seen that location? Do you recall that?

A. I don't remember what date or nothing, but it's a laager position where we set up inside a building or something like that. It seems like I can recall just a little bit of the picture.

Q. Now, when C Company did link up with you all and you went into a night defensive position, supposedly C Company came in with some ARVN personnel and possibly some National Police. Did you see any of these people?

A. I saw National Police, but I didn't say for sure if it was on this operation or not. I couldn't be sure of that.

Q. That night did you hear any firing in the laager area?

A. I don't remember.

Q. Did you see any interrogations going on that day?

A. Well, let me ask you this. Was this prior to the night that MILUS was killed?

Q. It's a couple of days prior to it. In fact it's 2 nights prior to the night MILUS was killed.

A. I couldn't be sure. I don't know.

Q. Do you recall hearing anything about mistreating prisoners while you were in the laager area?

A. No, I didn't.

Q. Shooting them?

A. No.

Q. Cutting their fingers off?

A. No, sir.

Q. The next day, the 2d and the 3d and the mortar platoon--the 1st Platoon was across the river. They had already gone across the river and this is one other question that I neglected to ask you. Do you remember firing a mortar that day? Wait a minute.

LTC NOLL: How long does it take you to emplace the mortar and get ready to fire?

A. Usually it takes about--roughly we could set it up in 45 seconds or so.

Q. Do you recall putting the mortar in position and taking it out of position, and moving it to somewhere else that first day? What I am really asking is do you recall during the first 45 minutes having a fire mission? It should have been shortly after Lieutenant COCHRAN was killed?

A. I don't know. I couldn't be sure, but it seems like we fired into a wood line, but I couldn't be sure.

Q. Could you see the impact area?

A. No. We couldn't see the impact area. The 3d Platoon was--BRETENSTEIN was the 3d Platoon FO for awhile and he was the 3d Platoon FO on that operation.

Q. How many rounds did you fire?

A. I don't remember.

Q. Do you recall what lift you were on during the combat assault?

A. I believe he was on the second wave.

Q. Did you hear any firing when you got on the ground?

A. Yes, sir. We got small arms fire from the wood line.

Q. Was that the wood line that you engaged with the mortar?

A. No. It wasn't--there was a wood line in one position off to our front, and off to our left flank there would have been another wood line. The left side is where we fired into. We got the fire from our immediate front. It was to the front of us.

Q. Do you know in what direction the helicopters were pointing when they let you off on the ground?

A. According to where we landed and I use the ocean as the back of us as a reference, and we landed parallel to the ocean facing this way.

Q. Towards Uptight?

A. Right.

COL WILSON: The company moved out toward a bridge and Sergeant TAYLOR hit a mine. Do you remember any firing down there? Were you down in that area?

A. Well, we was on the other side of the bridge. I think the 1st Platoon had taken over point then, because TAYLOR was usually the first man in the point squad.

Q. Who?

A. TAYLOR.

Q. Did you see any action or do you know what happened down there?

A. No. I didn't see the action, they just passed the word back down. It came back down that he had hit a mine while probing.

Q. Did you see any gunships come in?



A. I don't remember gunships coming in.

Q. Did you hear much firing down there, or much explosions going off, or anything like that?

A. I heard the explosion that TAYLOR had hit, because we was--the CP group was behind the 1st Platoon. We wasn't too far away. We could hear the explosion.

Q. Do you remember crossing the bridge?

A. Yes, I remember crossing the bridge, because I remember looking into the water. There was pieces of his M-16 that he was carrying, laying around where the mine had exploded, or booby trap, or whatever it was.

Q. What did you do after you got on the other side? Did you all set up the mortar, or did you do any searching, or what? Did you set up security?

A. We always set up security for the CP group. When we got across we set up a perimeter for the CP group.

Q. Did you see any bodies over there?

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

Q. Our information is that the mortar platoon set up the mortar and stayed there awhile. The 1st Platoon moved on down the coast all the way to the end, and turned around. They came about halfway back and laagered that night. The mortar platoon displaced down there with them and laagered with them. You would have been out on the beach, not on the beach, but you would have been right by them. There would have been a sand dune between you and the beach. Do you remember this? This is the night that MILUS was hit?

A. I don't remember it, sir.

Q. Well, it could have been a helicopter that came in there too and brought some hot chow. You remember seeing Lieutenant LEWIS come in there any time that day? Lieutenant MUNDY?

A. I believe Lieutenant MUNDY came out.

Q. Do you remember anybody being with him?

A. No.

Q. Do you remember a helicopter coming in that night and bringing in anybody? Did you see any ARVN personnel out there?

A. I'm not sure, but I believe there was two ARVN's that came out.

Q. When did they come out? Do you know?

A. I believe it was after the resupply helicopter had come in. It was either evening or noon. I can't remember which one it was.

Q. Do you remember any officers coming out there on the chopper? Any MI Personnel? Do you remember any interrogations going on out there?

A. No.

Q. Did you have any VC suspects?

A. I remember a warrant officer, I believe, but I don't know if this was the same operation and a Vietnamese I think. I believe two came out, but I can't say this was the same date you was talking about.

Q. You didn't see any interrogations going on?

A. No.

Q. The company moved out the next morning early and went back by that bridge, and moved up north of the bridge. The 3d Platoon stayed up there and they picked up the 3d Platoon and moved up north of the bridge to a pretty big village. That's when the MEDCAP that you remember came in. It had a bunch of medics come in. The company rounded up a lot of civilians there and took them back to the beach. Do you remember that?

A. Yes, sir.

Q. What was the mortar platoon doing then, securing the CP?

A. Securing the CP, yes.

- Q. Was the CP separate from where this medical team was?
- A. Yes, I believe so.
- Q. Could you see what was going on where the medics were?
- A. They had a hootch where they was taking them to, you know. It was in the center of the village.
- Q. Did you see any interrogations going on? Were the MI people in there separating the people?
- A. I believe the people were separated, some of them.
- Q. Did you see anybody interrogating or asking questions?
- A. No. I don't remember it.
- Q. Did you set the mortar up that day?
- A. I don't believe we set the mortar up.
- Q. Did you ever see that man? That's Exhibit P-215?
- A. He was one of the prisoners that we were guarding.
- Q. Where?
- A. This was in the laager position where MILUS was killed, and after we left out of the village.
- Q. What happened to him? Did he stay there all night?
- A. I think he was released and he went back into the village, if I am correct.
- LTC NOLL: Were any suspects evacuated during the day?
- A. I believe some was.
- Q. How many of the platoons engaged in the search of the village, on that end of the line? Did anybody secure the CP other than the weapons platoon?

A. No, I don't know if it was the 1st Platoon or not-- went up the beach and brought--it was like a village from where the MEDCAP had taken place, farther up the beach--that they brought all the peoples down into the one village, but I don't remember what platoon that was while the other platoon was in this village that we was in--

Q. (Interposing) Did the MEDCAP take place in a village or did it take place on the beach?

A. In the village.

Q. Did you hear any unusual stories about the search of the villages during this day?

A. No, not unusual.

Q. How far was this village away from the coast?

A. The village was approximately 50 meters from the water line.

Q. Very close?

A. Right.

COL WILSON: Do you remember any artillery fire coming in there that day?

A. No. The only artillery fire I remember was that night after MILUS got killed, cause we had a mortar attack and then they--the artillery FO called for artillery support from Uptight. I believe that's where it came from, Uptight.

Q. Supposedly he fired some marker rounds that day. Did you see a woman come into the CP with her leg all cut open?

A. I don't remember.

Q. When you got that mortar attack that night, did the 81 fire a counterbattery on it?

A. Right. Yes. We fired back a counterattack.

Q. How many rounds?

A. I presume it was around five rounds or more, before the 105's started to fire.

Q. Did the 105's put any concentration on it?

A. Right.

Q. They got the casualties out that night and left MILUS' body there and MILUS' went out the next morning?

A. Right. It was laying over by the CP group there.

Q. Do you recall anything else about that day? Any small arms fire come in when that mortar attack came in?

A. I believe that we got small arms fire from the rear, from the village. The mortar rounds came from the direction-- from the village further down from the MEDCAP, in that vicinity.

Q. Did you see any interrogations going on the next morning?

A. I believe there--yes, there was some interrogation.

Q. Did you see any of the prisoners mistreated?

A. No. I didn't see any of the prisoners mistreated.

Q. Did you hear about it?

A. No, cause they was interrogating the ones that we was guarding that night, because I was on guard duty when MILUS was killed. I was guarding the two or three prisoners that we had left when the mortar rounds came in.

LTC NOLL: These prisoners. Were they kept right in the CP group?

A. Right. They was on the side of the CP group.

Q. How many were detained over night?

A. There was three or four, I think. Four, I believe.

Q. Did they have supper in the position?

A. Right. We gave them chow, because we usually handled that too, because we were with the CP with the rations.

Q. Were you there when they were fed supper?

A. Right. I was there.

Q. What did they have?

A. Well, after we ate, then they got what was left, you know. I don't know what they got.

Q. Did you all have potatoes that night?

A. Yes, we had potatoes.

Q. Did you see them when they were fed?

A. No, I wasn't around when they was fed, but I know they was fed chow.

Q. Did you hear about it?

A. Hear about what?

Q. When they were fed?

A. No. Nothing usual. I didn't hear anything unusual.

Q. Who did the interrogation the next morning?

A. I believe it was the guys that came in on the chopper. There were interrogators with us.

Q. Were they U.S.?

A. One was U.S. and the other was Vietnamese, I believe.

Q. Did they interrogate them in a building or were they in the open?

A. They was in the open, because we was down on the beach.

Q. Did you see anybody kick one of them?

A. No. I don't remember anybody getting kicked, cause at the present we wasn't in the immediate area they was in.

COL WILSON: Did you have any knowledge of an investigation or inquiry being made on this operation before you left Vietnam?

A. No, I didn't.

Q. Were you or anyone you know ever questioned on this operation?

A. No more then the guys I saw today when I came in-- HOFFMAN or LONG.

Q. I mean while you were still in Vietnam?

A. No.

Q. Did you ever hear any rumors that any civilians had been killed unnecessarily by either B/4/3 or C/1/20 on 16 March?

A. No, I hadn't.

Q. Were you ever told not to discuss this operation?

A. No. I was never told not to discuss this operation.

Q. Did you have a camera on this operation?

A. No, not on this operation.

Q. Did you know if there was any problem with marijuana in B Company?

A. I think they had a couple of cases where they caught some guys with it in their possession.

Q. What about on operations?

A. Not on operations.

Q. Did you ever hear of any ARVN or U.S. military personnel torturing VC suspects or prisoners?

A. No.

Q. Mr. KINGSBY, do you have any further statement or testimony that might assist us in this investigation?

A. No.

Q. I request that you do not discuss your testimony in this investigation with others, including other witnesses for the investigation, except as you may be required to do so before a competent judicial or legislative body.

A. I understand.

COL WILSON: The hearing will be recessed.

(The hearing recessed at 1520 hours 4 February 1970.)



SUMMARY OF TESTIMONY

WITNESS: MILLER, Stephen M.

DATE OF TESTIMONY: 3 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: RTO, Weapons Platoon, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

The witness recalled classes in the Geneva Conventions prior to his arrival in Vietnam, but did not recall receiving MACV instruction cards on the rules for handling detainees (pgs. 3, 4).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness stated that Captain MICHLES briefed the platoon leaders who in turn briefed the squad leaders. The squad leaders briefed their men (pgs. 4, 5). He remembered nothing about the briefings which would indicate that the operation was to be different from any others (pg. 6). He did recall that the enemy situation was "bad" (pg. 6).

3. THE COMBAT ASSAULT.

a. Activities on the 16th.

The witness did not recall receiving fire during the landing (pgs. 7, 8). He did recall firing some dud mortar rounds that morning, although he was not sure of the day (pg.9). He remembered nothing unusual on that evening (pg. 10). He did not see any prisoners being interrogated (pg. 14).

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b. Activities on the 17th.

The witness recalled TAYLOR being wounded, but none of the immediately subsequent action (pg. 16). He did not see any bodies, nor burning villages (pg. 16). He remembered a helicopter coming into a perimeter set up after the river was crossed. Lieutenants MUNDY and LEWIS came into the area on that ship (pgs. 17, 20). That evening the witness was near MILUS in the laager position (pgs. 18-20). He remembered some hootches burning that day, but had no recall of any information relating action of the other platoons that day (pgs. 19, 20).

c. Activities on the 18th and 19th.

The witness testified that he heard of a MEDCAP on 18 March, but did not see them (pg. 21). He recalled a detainee who was going to lead the U.S. forces to a tunnel cache. The tunnel was empty (pg. 22). The witness did not remember the day this occurred (pg. 25). He did not recall a change in the overall plan of the operation (pg.25).

4. KNOWLEDGE OF AN INCIDENT.

The witness heard no rumors of any unnecessary killings or burnings involving B/4/3 or C/1/20 during the operation at issue (pg. 25).

5. KNOWLEDGE OF AN INVESTIGATION.

The witness stated that he was never questioned concerning the incident (pg. 26).

6. OTHER INFORMATION.

There were five PRC-25 radios in use; one in each platoon and two in the command group, one on the battalion net and one on the company net (pg. 3). The witness carried the weapons platoon radio tuned to the company net (pg. 8).

EXHIBITS

| EXHIBIT NUMBER | DESCRIPTION                         | NOTES                                 | PAGES |
|----------------|-------------------------------------|---------------------------------------|-------|
| M-2            | MACV Card "Nine Rules               | Wit had not seen.                     | 3,4   |
| M-3            | MACV Card "The Enemy in Your Hands" | Wit had not seen.                     | 4     |
| P-18           | Miscellaneous Scene                 | Wit did not recognize.                | 11    |
| P-19           | Miscellaneous Scene                 | Wit did not recognize.                | 11    |
| P-20           | Miscellaneous Scene                 | Wit did not recognize.                | 11    |
| P-21           | Miscellaneous Scene                 | Wit did not recognize.                | 11    |
| P-22           | Miscellaneous Scene                 | Wit recognized man in center.         | 11    |
| P-66           | Miscellaneous Scene                 | Wit recognized prisoners.             | 12,13 |
| P-209          | Photo of night laager on 16th       | Here where witness guarded prisoners. | 13    |
| P-215          | Photo of detainee                   | Wit recalled seeing him.              | 22    |
|                |                                     |                                       |       |
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(The hearing reconvened at 1411 hours, 3 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. Stephen M. MILLER.

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

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

A. Stephen Murray MILLER, electric salesman, electrical parts. I live in Union City, Tennessee.

COL WILSON: Mr. MILLER, before we proceed with any questions, I will inform you of a couple things. One, the Peers Committee or 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 making recommendations concerning the My Lai (4) incident of 1968. In conducting his investigation, General PEERS determined that it is necessary that he have an insight into the operations which were conducted by B/4/3 during the period 16, 17, 18 and 19 March. He therefore appointed this team, which is Interview Team C, to question personnel of B Company for a complete description of the unit operation. You may expect General PEERS or other members of this group to come in and question you. If it comes up, I'll identify them to you if they come in, and they do have the authority to question you.

Your testimony will be taken under oath. A verbatim transcript will be prepared and a tape recording is being made in addition to the court reporter transcript. Although the general classification of the report will be confidential, it's possible that the testimony may at some future date become a matter of public knowledge.

During this interview we'll follow a sequence of chronological questioning. The first questions we'll ask you will concern training prior to going to Vietnam, immediately prior to going to Vietnam. The second questions will concern

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the briefing which you received prior to going on the combat assault on the 16th of March. The third series of questions will concern the operations which were conducted from the 16th through the 19th of March. The last questions will concern knowledge you may have of an investigation or inquiry conducted while you were still in Vietnam. We'll try to stick to that sequence as much as possible.

There are three members of this team. I have one who is working over a photograph with your friend FERNANDEZ, so he'll be in when he gets through with him. Mr. WALSH, who is a civilian attorney appointed by the Secretary of the Army to assist General PEERS, will probably be in. In the meantime, I'll conduct the interview. And the three of us here are authorized and directed by General PEERS to develop the B Company operation. Major THOMAS is the recorder. Have you any questions on anything I've covered?

(Witness shakes head in the negative.)

Have you discussed these operations or this operation with anybody prior to coming to this interview?

A. No.

Q. What was your assignment on 16 March 1968?

A. I was in the weapons platoon at that time.

Q. All right. Let me fix this time so that we'll be talking on the same frequency. COCHRAN was killed on the 16th.

A. Right.

Q. That operation took place from the time COCHRAN was killed until MILUS was killed. That night, the next day, the operation was over. So were you in the weapons platoon?

A. Right.

Q. We have you listed as an RTO.

A. I was an RTO in the weapons platoon with Sergeant VANN.

Q. You were RTO for the weapons platoon?

A. Right. You know, they switched me around. I was in the CP group for a while, and then went back to weapons platoon. Then I went back and was RTO for the CO for about the rest of the time.

Q. So during this operation you were RTO in the weapons platoon?

A. Yes.

Q. Who was the platoon leader?

A. Sergeant VANN.

Q. How many PRC-25's did you have?

A. One for every platoon and two in the CP group. Five, I'd say five. Weapons platoon, 1st Platoon, 2d and 3d. One on the battalion net and one on the company net in the CP group.

Q. Were you given any training prior to or on arrival in Vietnam concerning the illegality of orders, orders which may be illegal if issued? Did anybody ever take this up in training? It probably would have been in the military justice class or in the Geneva Conventions class.

A. Yes.

Q. It could have been in those two classes, but did you ever hear any statement made about legal and illegal orders, anything on that subject?

A. I couldn't say for certain.

Q. You don't remember anything like that?

A. We had a class on--

Q. (Interposing) Geneva Convention?

A. Yeah, I remember that.

Q. I'll show you a facsimile of a MACV card. This is our Exhibit M-2, entitled "Nine Rules." Have you ever seen that card?

A. No.

Q. Exhibit M-3 is entitled, "Enemy in Your Hands." Have you ever seen that card?

A. No.

Q. Mr. MILLER, going back to the 15th of March, which would have been the day before you went on this operation, could you tell me all you can recall about what you were told about this operation and who told you?

A. Captain MICHLES was our CO. He briefed--I guess he briefed the platoon leaders and they briefed us. Weapons platoon wasn't involved and all that. We just kind of followed behind the other platoons and set up. If they needed support, we supported them or something like that.

Q. Did Sergeant VANN give you a briefing?

(Witness nods in the affirmative.)

What did he say?

A. I can't remember that at all.

Q. Well, did he say anything about how many rations you were supposed to take?

A. Only, you know, they all, you know--

Q. (Interposing) How long did you think you were going to be out there?

A. It depends, I guess, from the word higher up, you know.

Q. Did he say to take sleeping bags?

A. No. We didn't carry sleeping bags--or I didn't, just a poncho. Too much weight. We kind of used our own judgment.

Q. Nobody told you. What did he say about helicopters? Who told you which helicopter to get in?

A. Captain MICHLES. He told the squad leaders and platoon leaders, and the platoon leaders told us.

Q. So VANN did say something?

A. Oh, yeah, he briefed us. But, I mean, I couldn't exactly say what he said, what he said in words. Just like every other mission, I guess, take food and water.

Q. Was there anything different about this mission from any other mission you'd been on?

A. No.

Q. Nothing special?

A. No.

Q. Did Sergeant VANN brief the squad leaders or did he brief the whole platoon?

A. He briefed the squad leaders, going down the chain of command. The squad leaders tell us.

Q. But you were briefed by Sergeant VANN, weren't you?

A. Yeah, I was his RTO. I mean, I just followed. If he said hop, I hopped.

Q. How about the medic? Was he there?

A. Yes, he was. He's--I don't know, it starts with a "B" I believe. I'm not sure of his name.

Q. What about any instructions on burning houses and destruction of villages? Was there any preplanned mortar fire across the bridge, recon by fire?

A. I don't know. It's been a long time. It's not the only mission we went on, you know.



Q. But you received a lot of casualties on this mission. A lot of people remember this mission very clearly.

A. Yes.

Q. In the period of days the mission lasted, you had a number of casualties. It was in the Pinkville area, and up until this time I don't think you had been down there but twice before. I don't know if you went in on a combat assault those other two times. How about any instructions on the inhabitants, natives of the villages over there, any instructions on what to do with them?

A. Just search them, you know, check their ID cards. I know the platoons did that. The 1st, 2d and 3d Platoons, they searched you know, checked their ID cards, told us to check their ID cards.

Q. Just regular procedure.

A. Right.

Q. Nothing unusual?

A. No.

Q. What did you think the enemy situation was going to be down there?

A. Bad.

Q. Do you know what size units you were going to be confronted with?

A. No.

Q. Did you think most of the problems would be from mines and booby traps or snipers?

A. Booby traps.

Q. This is from experience, not because you were briefed on that?

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A. No, we didn't know until we got there.

Q. But they'd been there before. Do you know what the platoons of B Company were supposed to do?

A. No.

Q. How many people did you have assigned to that platoon?

A. Fifteen or sixteen, I don't know. Three squads; three gun crews; a total of twelve.

Q. Three gun crews?

A. Right.

Q. You don't remember anything about preplanned mortar fire?

A. No.

Q. All right. Now, on the day you went in, did you receive any fire prior to landing?

A. That was the day Lieutenant COCHRAN got killed, right?

Q. He got killed a little later that morning, right.

A. I don't know. It seems like after he got killed we got sniper fire. I don't remember for sure. Because right after that, it seemed like a few seconds, a guy named GUNTA was wounded. Right after that another one went off, a guy named GUNTA.

Q. Yes. Well, let me ask you this--

A. (Interposing) When we set up we got some sniper fire.

Q. I'm talking about, really, I'm talking about as you went into the landing zone area. Do you remember getting any fire as you came in on your aircraft?

- A. I don't know if this is the same day or not. We did one time, but I don't know.
- Q. You don't know if that's the same one?
- A. No.
- Q. Were you in the first lift or the second lift?
- A. I don't remember.
- Q. Do you remember from the landing zone how the platoons moved out, whether weapons platoon followed some other platoon or what?
- A. Yeah, we always followed.
- Q. Do you know which one it was?
- A. I don't remember.
- Q. Well, you moved across that trail that's numbered 521 before COCHRAN got hit. Because COCHRAN didn't get hit until, I think, 0845. It was 0815 when the first lift touched down, and the second lift touched down at 0827. It was 0845 when COCHRAN was killed, and there were four wounded at the same time he was killed. It was 0930 when a booby trap was tripped and three others were wounded, 45 minutes later. I understand that there were some changes of orders at that time because all those people were wounded right on the edge of Pinkville. And Colonel BARKER or somebody came in on the radio and said don't sweep Pinkville which, I think, was the plan, to search it out. Did you hear that come on the radio?
- A. No, I was on the company net.
- Q. You were on the company only?
- A. Right.
- Q. Did you hear any order passed down on the company net not to go into Pinkville?
- A. We moved out after that, I believe.

Q. What?

A. We moved out after that, I believe.

Q. You didn't hear any orders about not going through the village?

A. No.

Q. Well, in the meantime, did you hear any firing over there where the 1st Platoon was, over there by that bridge?

(Witness gives no response.)

You didn't hear it?

(Witness gives no response.)

According to the testimony we have, the mortar provided supporting fires across that bridge that morning.

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

Q. Do you remember firing a bunch of duds any time?

A. Yes, we had two or three one time. I don't know what day it was or anything like that.

Q. Do you know BREITENSTEIN?

A. Yes, right.

Q. He calculated five rounds, three of which were duds. Do you know about that?

A. I remember firing some rounds. I don't know if it was that day or not; I don't know specifically what day it was.

Q. Did you ever hear about recon by fire with a mortar?

A. Yes.

Q. Did you hear that term applied to this firing that day?

A. I don't know that we fired them. I don't know if we did or not.

Q. There was a bunch of VC killed over there, reported killed that morning. Do you remember C Company coming in, laagering with C Company that night? Do you remember them coming in that afternoon?

A. It seemed like it, yeah.

Q. Moving into the same night defensive position you were in?

A. Right, I remember. I remember that.

Q. Did you see any ARVN troops with them?

A. I don't know, I don't remember that.

Q. Interpreters?

A. Yeah, it seemed like they had interpreters.

Q. How about MI; did you see any MI people with them?

A. I don't know.

Q. Did anything unusual happen that night that you can recall?

A. Not that night, no.

(LTC NOLL entered the hearing room.)

Q. Do you recognize any of those Vietnamese (referring to Exhibit P-18)?

A. That one here.

Q. The second one from the right, facing the camera.

A. Yeah.

Q. When did you see him?

A. I don't know, searching him or something.

Q. What?

A. I don't know. There's HUFFMAN. I guess it was out there.

Q. Do you know where that is?

A. My Lai? Is that when we joined up with C Company?

Q. I don't know.

A. I don't know either.

Q. These detainees on P-18 are being guarded by a member of the mortar platoon, weapons platoon. Do you know where they came from?

(MR WALSH entered the hearing room.)

(Witness gives no response.)

P-19, do you recognize anybody in there?

A. No.

Q. P-20?

A. No.

Q. P-21?

A. I've never seen any of them.

Q. P-22?

A. I know that guy.

Q. Which one?

A. This one right here.

Q. The one in the center facing the camera.

- A. Right.
- Q. What do you remember?
- A. He's a--I mean questioning somebody.
- Q. Interrogator?
- A. Yeah, something like that, and that little guy with him.
- Q. Who's the fellow with him, do you know?
- A. I don't know.
- Q. Do you remember seeing him with him that day?
- A. I don't know what day it was.
- Q. Do you remember seeing that old man?
- A. No.
- Q. Did you ever see either one of those two Vietnamese soldiers (Photo P-66)?
- A. No, they all look alike.
- Q. Did you ever see those prisoners?
- A. Right.
- Q. Where?
- A. When we laagered with C Company.
- Q. C Company?
- A. Right, they had them, I believe.
- Q. Was that in the laager area, inside the laager area?
- A. Right.

Q. Where did they come from?

A. I don't know.

Q. Did they come from C Company or did B Company pick them up?

A. I really don't know. I know they kept them overnight.

Q. They did stay there all night?

A. Right. I guarded them for a while.

Q. Did you? Was this in the mortar platoon area, or was it somewhere up by the company CP?

A. Just inside the perimeter, right about in the middle.

Q. If they had you guarding them, was it close to the mortar platoon area, or were you just called on to guard them from the CP?

A. They just called on me to guard them.

Q. How long did you have to guard them?

A. Two hours, maybe three hours.

Q. And that was after dark?

A. Right.

Q. How about this location here in P-208--I'm sorry, P-209. Do you know where that location is?

A. Same place.

Q. Is that right by these prisoners?

A. Right, yes, sir. That's where they stayed, inside there, the CP I think it is.

Q. Is that where the CP was?



A. Yes. The prisoners were right out here.

Q. They were right out in front of this. What's that, some kind of building. It's hard to see.

A. It's just like an old cemetery ground, a brick building around it, a block wall.

Q. I see. Did it have a shelter over the top of it?

A. No.

Q. Did it have a roof on it?

A. No.

Q. Just open?

A. Right, just like a, you know, kind of a cemetery or something.

Q. Yes. Do you remember seeing any of these prisoners or any detainees being interrogated that day?

A. No.

Q. You didn't see any Vietnamese in there?

A. I don't remember, there might have been. I mean, I didn't look around for them or anything. I didn't see any.

Q. You didn't see any up here with the command group?

A. No.

Q. When you were with these prisoners, did you get up by the company CP before you went up to guard these prisoners?

A. No.

Q. That was the first time. Did anything unusual happen that night, any firing?

A. Not that night, I don't believe.

Q. Did you hear anything about anywhere from two to eight VC suspects being shot that night or that day?

A. No.

Q. About any of them getting their fingers cut off?

A. No.

Q. You didn't see any strangers in there that day come in on a helicopter?

A. Not that I remember, no.

Q. Okay. The next morning the company moved out and went down toward the bridge. TAYLOR was down there and got wounded. I don't know whether he stepped on a mine, or was messing around with it and it went off on him. Were you anywhere near there when this happened?

A. No, sir, behind him.

Q. And you don't remember mortar fire? You don't--well, did you hear the firing, an explosion?

A. Yeah.

Q. You heard the explosion. Did you hear small arms fire after the explosion?

A. No.

Q. Did you see any gunships?

A. I don't remember.

Q. When did you move across the bridge? Do you remember what time it was?

A. No, sir.

Q. Do you remember going across the bridge?

A. Yes, sir.

Q. Do you remember seeing TAYLOR?

A. I didn't see him. They evacuated him out before we got there.

Q. He had already gone?

A. Right, sir.

Q. Do you know whether the weapons platoon was the last platoon to go across the bridge?

A. I don't know, I can't remember.

Q. Could you see anything going on over on the other side when you were crossing?

A. No.

Q. Was any burning going on; was the village burning?

A. It was kind of quiet.

Q. When you got over there, did you see any bodies?

A. No.

Q. Did you see any areas marked for mines, tissue paper marking the ground?

A. It seems like when TAYLOR hit that one, there was some tissue paper on it. Somebody said something about that; but I don't know.

Q. Somebody said it was around there when he hit it?

A. Yeah, but I don't know. I just heard, hearsay.

Q. At that time did you see any personnel that were not a part of B Company?

A. No, sir.

Q. Did you see a helicopter come in over there, shortly after you arrived or later on that day?

A. Not that I recall.

Q. What happened when you got on the other side, anything in particular?

A. We set up a perimeter and sat there for a while.

Q. How long did you stay there? Do you remember?

A. I don't know. I remember--it seemed like Lieutenant MUNDY came out there or something. I remember that. I don't know if he did, I don't know.

Q. Did he stay with you there, or did he just land there and take off?

A. I think he stayed with us for a while. I don't remember.

Q. He did?

A. I think he did. I don't know.

Q. Was Lieutenant LEWIS with him?

A. LEWIS, right, that's right.

Q. Lieutenant LEWIS was with him?

A. Right, new platoon leader of the 3d Platoon.

Q. Do you remember anything else coming in with that helicopter they were on? Was anybody else with them?

A. Just Lieutenant MUNDY and Lieutenant LEWIS is all.

Q. Do you remember seeing a photographer with them, a Stars and Stripes photographer, with a soft hat, and a MACV patch on?

A. I've seen him before, but I don't know if it's that day.

Q. You don't remember?

(Witness gives no response.)

Do you remember what happened the rest of the day and that night?

A. We just laagered in someplace on up the road.

Q. Do you recall whether you were with the company or not when you laagered that night?

A. Yeah, I was with the company. I remember that.

Q. Where? Well, you were with the 3d Platoon that night.

A. Next to them, because I remember MILUS was right next to us.

Q. MILUS?

A. Yes, he found a radio, and we were playing it.

Q. That night?

A. Right.

Q. And you were with MILUS that night?

A. Not with him, but they was close by.

Q. And he found what?

A. A radio, you know, some "dink" radio.

Q. Did he keep it or turn it over to anybody?

A. It was just, you know, a little transistor radio to play.

MR WALSH: When you linked up with the rest of the company, did you talk to anybody from the 1st Platoon?

A. Not that I recall.

Q. Do you remember hearing anything about their actions the day before?

A. No, sir.

Q. Do you remember if the company burned the hootches on the first day?

A. I don't know for sure.

Q. Do you remember on the second day if you saw any of the hootches burning when you moved down?

A. Some of them burning.

Q. A lot of them?

A. Just a few, I guess. I don't know, some of them were smoking.

Q. Did you know that the 1st Platoon had killed a lot of people on the first day across that bridge?

A. No.

Q. You never heard that?

A. No.

Q. Do you think you were near MILUS that night when he had the radio?

A. Yeah, we laagered in together.

Q. Did you hear anybody talking about MILUS shooting up this village the day before?

A. No.

Q. How about blowing bunkers? Did you hear anything about the 1st Platoon blowing bunkers with people in them?

A. No.

Q. Do you remember if there was much firing or anything going on the second day when you moved down to join the rest of the company?

A. I don't remember offhand.

q. Nothing sticks in your mind about the day at all as very unusual?

A. All days were the same.

Q. Can you remember the helicopter coming in that brought Lieutenant LEWIS and Lieutenant MUNDY?

A. Right.

Q. Did it set down right near your perimeter?

A. Right.

Q. Were you in the CP group at the time that he came in?

A. I was just there. I saw him get off the helicopter.

Q. You don't remember who was around there?

A. No. TREGARTHEN was with me.

COL WILSON: Do you remember moving the next day up there to this big village where a whole bunch of people were rounded up? This would have been the morning of the night MILUS was killed.

A. Right.

Q. You were moving up the coast?

A. Right.

Q. What did your platoon do while that whole village up there was being searched out?

A. Just kind of set up a perimeter around the CP group.

Q. You stayed with the CP group?

A. Right.

Q. Were you there when these people were sent back down to MEDCAP? Did you see a medical team come in there?

A. Yeah. I wasn't around there, but I heard about it.

Q. I was wondering if this was close to the CP group.

A. I couldn't tell you. I wandered around there.

Q. Did you see any Vietnamese, ARVN, in there that night?

A. Right.

Q. How many were there?

A. I don't know offhand.

Q. Did you see any MI people in there with them?

A. No, sir.

Q. Did you see any interrogations going on that day?

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

Q. Do you remember any artillery fire coming in there that afternoon, marking rounds?

A. There might have been.

Q. Did you see a women brought in with a wounded leg, and dusted-off?



A. No.

Q. Do you remember picking up any VC's that day, VC suspects, out there on the beach or in the villages?

A. No.

Q. Do you remember one getting away?

A. No.

Q. P-215. Have you ever seen that boy?

A. Right.

Q. Where did you see him?

A. I believe it's the same one, I don't know. They captured him or Captain MICHLES did or something. He was going to show us where some weapons and stuff were in this tunnel.

Q. Where weapons and stuff were in the tunnels.

A. Right. I think it's the same guy. I don't know.

Q. Well, did you get him on the 18th or the morning of the 19th or when?

A. I don't know if it's the same guy or not.

Q. CONGLETON said this is the one that escaped.

A. If this is the one that escaped, then he's the one that went down the tunnel with us then.

Q. Did you go down the tunnel with him?

A. I went down, but it wasn't with him.

Q. What was in the tunnel?

A. Nothing.

Q. Just a tunnel?

A. Just a tunnel, tin cans.

Q. Was this in the village or was this outside of the village?

A. Outside, just a little ways outside.

Q. What did he say was in there?

A. He said it was guns and stuff.

Q. But it wasn't?

A. No.

Q. So he didn't know?

A. No.

Q. What eventually happened to him? Do you know?

A. I heard some other company captured him, but I don't know.

Q. Okay. That night you got mortared, MILUS got killed, and you had four wounded. Did you use any counter-battery fire on the mortar, the enemy mortar?

A. I don't remember.

Q. You don't remember firing? You don't remember the 1st Platoon calling for artillery fire?

A. I had my head stuck in a hole.

Q. You did. What about the radio? Who was handling that?

A. I wasn't worried about the radio at that time.

Q. Well, what about when the firing was over? They

didn't fire but six rounds. I mean this is no great artillery concentration, you know.

A. No.

Q. I mean, hell, that's something you could get 3 or 4 days a week. What about after it was over? What happened after that? Was any counterbattery fire laid on this mortar?

A. I think so. We fired a few rounds, I think.

LTC NOLL: Do you recall a change of instruction while you were on this operation?

A. The one you was talking about a while ago when we started in, then they told us to move out?

COL WILSON: Which one?

A. You know, when we started, you know, I said clear through Pinkville or something like that, and they told us--

COL WILSON: (Interposing) Oh, yes, this (inaudible).

LTC NOLL: Was there a change in mission? In other words, apparently the instructions when you left on this operation were to destroy the hootches, which the company apparently did for 2 days. The last 2 days there was no burning, there was even a MEDCAP. I was curious, did you received any instructions to this effect.

A. I couldn't say for sure.

Q. I'm also not real sure that I have it clear in my mind when this boy was supposed to have taken you into a tunnel. Was it the 18th before you were mortared, or was it the morning after you were mortared, the 19th?

A. This is before.

Q. Then he escaped on the 18th?

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A. I guess, I don't know what day it was.

COL WILSON: Do you have any knowledge of an investigation or inquiry being made on this operation while you were still in Vietnam?

A. No.

Q. Did you have a camera?

A. Yes.

Q. Did you carry it with you?

A. Yes.

Q. Do you have any photographs?

A. Just of, you know, the guys, you know.

Q. Just people in the platoon?

A. Right.

Q. Did you take any photographs of these areas?

A. No.

Q. Do you have any photographs of the Vietnamese that were in there?

A. No, sir.

Q. Do you have any other documentary evidence which might assist in this investigation?

A. No, sir.

Q. Did you ever hear any rumors that civilians may have been killed unnecessarily by B/4/3 or C/1/20 on the 16th of March or at a later date during the 16th through 19th of March?

A. No.

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Q. Were you ever told not to discuss the possible unnecessary killing of civilians by Task Force Barker on the 16th of March, 1968?

A. No.

Q. Do you know if any member of B/4/3 used marijuana?

A. No.

Q. Do you know if there were any U.S. or ARVN personnel who tortured VC suspects or prisoners of war during this operation?

A. No.

Q. Were you or anyone you know ever questioned on this operation?

A. No, sir.

Q. Mr. MILLER, I request you not to discuss this testimony in this investigation with others, including other witnesses for the investigation, except as you may be required to do so before a competent judicial, legislative, or administrative body. Do you have any questions on that?

A. No, sir.

COL WILSON: Thank you very much for coming. You're dismissed.

The hearing will recess.

(The hearing recessed at 1502 hours, 3 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: MYERS, Luther C.

DATE OF TESTIMONY: 3 February 1970

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Ammunition bearer, 81mm mortar, B/4/3.

1. PRIOR TRAINING IN THE RULES OF LAND WARFARE.

MYERS had no training concerning illegal orders (pg. 2).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

He was told about the operation by Staff Sergeant VANN, his platoon leader, but he could not remember what was said (pg. 3). MYERS did not remember VANN saying how long the operation was going to last (pg. 3). He recalled nothing being said about the destruction of livestock, food supplies, or hootches (pg. 4). They were told to expect a battalion of VC in the area (pg. 4). No instructions were given concerning the people who lived in the area (pg. 5). As far as he was concerned this operation was to be like any other (pgs. 5, 6).

3. THE COMBAT ASSAULT.

a. Actions on the 16th.

The witness arrived on the second lift and thought that they received ground fire as they came in (pg. 6). There was no fire once they landed (pg. 6). Gunships covered them

(MYERS)

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as they came in (pg. 6). The gunships were firing (pg. 7). No one fired their weapons on getting out of the helicopter (pg. 6). He saw Lieutenant COCHRAN get evacuated, but he heard of no change of orders resulting from the mine casualties (pg. 7). He did not recollect the mortar firing in support of the first platoon which was across the bridge (pg. 8). He recalled linking up with C Company that night and remembered National Police being with them (pg. 8). While he heard that the National Police questioned detainees, he did not hear of the PW's being mistreated in any way (pgs. 9, 12). He heard firing outside the perimeter that night (pg. 9). No mortar rounds were fired (pg. 10).

b. Actions on the 17th.

MYERS was with the command group when TAYLOR was wounded (pg. 12). He recalled crossing a bridge, but he did not remember any small arms fire or gunship fire (pg. 12). The mortar was set up (pg. 13). They then went through several villages which appeared to have been burned (pg. 13). This took place inland (pgs. 14, 15).

c. Actions on the 18th.

He saw medics care for Vietnamese in a village, but he did not remember a woman brought into the laager area with a shot up leg (pg. 15). He did not see any interrogations (pg. 16). After they were in the laager position artillery marker rounds were fired (pg. 16). They were hit with mortar fire that night and they counterfired with their own mortar (pgs. 16, 17). Artillery fire and gunships came in later (pg. 17). The witness left the field with MILUS' dustoff helicopter the next morning (pg. 18).

d. Knowledge of unnecessary killing.

After joining up with the first platoon following the first day's operation he heard stories about women and children being killed, especially by the point team after they had crossed the bridge on the 16th (pgs. 18, 19). He did not hear about killing by anyone other than the point team (pg. 20). The point team had fired into the village

(MYERS)

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and had killed "everything that moved" (pg. 20). He did not hear about people being killed as they came out of bunkers (pg. 20). He did not hear how many were killed (pg. 21). He knew nothing about HOOTON shooting a mother and baby with a .45 (pg. 21).

4. INQUIRIES AFTER THE ASSAULT.

He had no knowledge of an investigation being made of this incident (pg. 21). He knew of no one who was questioned about the operation (pg. 21). He heard no rumors about C Company killing civilians unnecessarily (pg. 21). He was never told to keep quiet about it (pg. 22).

5. OTHER INFORMATION.

a. While marijuana was used, it was not smoked on operations (pg. 22).

b. He had no knowledge of Vietnamese suspects being tortured by U.S. or ARVN personnel (pg. 23).



EXHIBITS

| EXHIBIT NUMBER | DESCRIPTION         | NOTES  | PAGES |
|----------------|---------------------|--|-------|
| P-18           | Miscellaneous Scene | Wit identified as Vietnamese from the villages. They were not brought to the laager site by C Company. | 10    |
| P-20           | Miscellaneous Scene | Identified MARSHALL and HONICUTT.  | 10    |
| P-21           | Miscellaneous Scene | Identified as persons from first platoon.  | 10    |
| P-22           | Miscellaneous Scene | Captain from battalion and interpreter.  | 10,11 |
| P-23           | Miscellaneous Scene | Wit did not recognize anyone.  | 11    |
| P-66           | Miscellaneous Scene | Wit did not recognize anyone.  | 11    |
| P-208          | Miscellaneous Scene | Detainees sent to rear.  | 11    |
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(The hearing reconvened at 1728 hours, 3 February 1970.)

COL WILSON: This 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. Luther C. MYERS.

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

Please state your full name, occupation and residence?

A. My name is Luther C. MYERS. I'm from Pittsburgh, Pennsylvania. My occupation is a loader on a Watson press.

Q. Did you have an opportunity to read the information sheet that we gave, Exhibit M-81?

A. I read it over, yes.

Q. You know that this team is an interview team which is part of the PEERS Inquiry?

A. Yes, sir, I do.

Q. We have been designated by General PEERS to develop the situation in the operation that B/4/3 conducted during the period 16 to 19 March, air and ground operations. Therefore we're interested in building a picture of what happened in that particular area. This board is composed of three people: myself; Mr. WALSH, who is a civilian attorney designated by the Secretary of the Army to assist General PEERS; and Lieutenant Colonel NOLL. Major THOMAS is the recorder. We have the authority to question you on behalf of General PEERS. We will go through a sequence of questions here and try to get you out of here tonight, so that you can get back. Have you discussed this operation with anyone since you returned from Vietnam, anyone in your unit?

(MYERS)

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A. No.

Q. What was your assignment in B/4/3 on the 16th of March?

A. I was an ammunition bearer for an 81mm mortar.

Q. How many squads did they have in the platoon during that time?

A. Three squads.

Q. Three squads?

A. Well, there was only one squad carrying the gun. The other two squads were carrying the ammo.

Q. How many men were in the platoon then?

A. Oh gosh, roughly 20, 25 at the most.

Q. Roughly 20 to 25?

A. Roughly, yes.

Q. Do you know the period we're talking about, 16 March?

A. Yes. This was the time when Lieutenant COCHRAN and MILUS got killed.

Q. Okay. You're right on it. I want to ask you something about training. Did you have, at any time in your training at a military justice class or a Geneva Convention class, anybody describe orders on the basis of legal orders versus illegal orders? Did this ever come up in any of your training?

A. I don't believe so.

Q. Before we go into the operation itself I'd like to know what you were told at fire base Uptight the day before the operation. In other words, what were you told was going to happen and who told you?

A. I was told by the platoon leader about the operation, but I don't quite remember exactly what he said to me.

Q. Who was your platoon leader?

A. It was Staff Sergeant VANN. He was the combination platoon leader and platoon sergeant both.

Q. Who was your squad leader?

A. That would be Spec 4 HUFFMAN. He was a Spec 4 at the time.

Q. Who described what was going to happen. Was it HUFFMAN or VANN?

A. Well, I guess the order was passed down from Sergeant VANN. Spec 4 HUFFMAN passed it on to me.

Q. What did he say?

A. I think he said it was an operation, two companies. One company moving through one area and another company through another area, I believe.

Q. Okay.

A. As far as I can remember.

Q. Did he say how long the operation was going on, how long you were going to be there?

A. No he didn't.

Q. Did he say anything special about what the mortar platoon was going to do, how much ammunition to carry?

A. Well, up until that time generally what we were doing were carrying one mortar to the field, parts of the other two squads would be carrying the ammunition, and we had the responsibility of CP security.

- Q. Yes. Was there any instructions given as to the type of operation it was, as to being a different type of operation from any others that you had conducted?
- A. No.
- Q. Anything stated about burning of houses, or hootches?
- A. Not that I remember, no.
- Q. Were there any instructions given on the food stocks? What to do with food stocks?
- A. No we hadn't a--
- Q. (Interposing) Livestocks?
- A. No.
- Q. What was the enemy situation?
- A. We were told to expect a possible battalion of VC in the area.
- Q. A battalion?
- A. Yes.
- Q. Do you know the name--the nickname of the area you were going into?
- A. It was nicknamed Pinkville, I believe.
- Q. Yes, Pinkville. Had you been in there before?
- A. Me personally?
- Q. Yes.
- A. No.
- Q. Your unit had though?
- A. The unit had.

- Q. Was there any talk about going down there?
- A. Before we went on the operation?
- Q. Yes. Before.
- A. Well, we were told that we were going on an operation, but we were not told for sure where it was going to be.
- Q. Was this your first combat assault?
- A. My first combat assault, no.
- Q. When did you join the unit?
- A. That was back in May of 1967.
- Q. Then the last time that B Company went down into this area where were you?
- A. I was 2 miles south of Dottie guarding a small bridge.
- Q. You were on a bridge guard, bridge security?
- A. At the time of this operation, no, prior to.
- Q. Yes.
- A. The first time I--
- Q. (Interposing) The first time you were on bridge security?
- A. Right.
- Q. Were there any special instructions given concerning the disposition of the natives, the people that lived in this area. Anything said about them?
- A. No.
- Q. Just normal operations? As far as you were concerned this was a normal operation, no different from any other?

A. Right.

Q. Do you know what the platoons of B Company were supposed to do, 1st, 2d, and 3d Platoon?

A. I guess mostly they were going to sweep through the area.

Q. Did you receive any fire prior to landing?

A. Yes we did, sir.

Q. Small arms fire?

A. Small arms.

Q. Did you go in the first lift or the second lift?

A. Second lift.

Q. Where was the fire coming from?

A. It was coming from the ground, but I couldn't tell from what direction.

Q. Well, when you got off the aircraft was there any firing going on then?

A. No.

Q. But there was while you were coming in?

A. While we were coming in, yes. But not after we were on the ground if I remember correctly.

Q. Did anybody get off the aircraft firing his weapon that you know of?

A. Not that I know of, sir.

Q. Did you see any gunships?

A. Yes. They were covering for us as we were going in.

Q. Were they firing?

A. Yes, they were.

Q. Now, when you hit the landing zone that day, the company moved out. One platoon went off by itself. The 1st Platoon moved over a bridge to the other side of the river. The rest of the company moved a short distance. You had some casualties. Lieutenant COCHRAN was killed and four other men were wounded. About 45 minutes later you had another group of casualties. Do you remember seeing these people evacuated?

A. Lieutenant COCHRAN and them?

Q. Yes.

A. I remember seeing him evacuated, yes.

Q. Do you remember the aircraft that evacuated him? Was it marked with a red cross or not?

A. I believe it was, sir. I can't say for sure.

Q. How far were you from the casualties when this occurred? How far would you say?

A. I would say about 100 yards from them.

Q. Did you hear of anything, a change in orders or anything at that time about not going into Pinkville because of these casualties?

A. No.

Q. Well, the company moved on up and moved into a village there. Do you recall this, a small village?

A. Yes, I think we had some medics in. If I remember there, I think we some medics flown in and they treated the people.

Q. This is later.

A. This was later?



Q. Yes. This day, if you recall, you moved into an area. Then C Company came in later that afternoon. Remember C Company coming in from the west and linking up with you and going into a laager position that night?

A. I seem to remember that.

Q. Yes. Now, before that, do you recall the mortar going into position and firing in support of the 1st Platoon crossing that bridge? This would have been sometime that morning?

A. No, I can't remember that.

Q. You don't remember that?

A. No.

Q. Did you recall having your mortar rounds all day and never using them? Did you carry them all day that day?

A. Yes, we carried them all that day.

Q. You do remember C Company coming in that afternoon and linking up?

A. Yes.

Q. Do you remember any ARVN soldiers being with them, or National Police?

A. There was some National Police with them.

Q. Did you see some National Police, do you remember how many?

A. Two.

Q. Were they accompanied by an American that wasn't from B Company?

A. I can't remember that, sir.

Q. Did you see the National Police interrogate any people that day?

A. I know they were interrogating people, but I didn't see them.

Q. How do you know they were interrogating them?

A. It was told to me by other men in the company.

Q. What did he tell you?

A. That they were interrogating them and asking where the VC were and--

Q. (Interposing) This was the question they were asking the detainees? Did you hear of them mistreating them?

A. No.

Q. Did you hear of them shooting them?

A. No.

Q. Cutting off their fingers?

A. No.

Q. Anything like that going on?

A. No.

Q. Did you hear any firing in the area that night, late that evening?

A. Late that evening, yes.

Q. Was it firing inside of the perimeter or outside?

A. I believe outside. It was hard to tell.

Q. There was firing? Did you fire any mortar rounds that night?

A. That I remember, no.

Q. Did you talk to any of the people that came in from C Company?

A. No.

Q. Did you see any of those Vietnamese (indicating on Exhibit P-18)?

A. Yes, I remember those.

Q. Do you know where they came from?

A. I believe they were from the local village.

Q. P-18. They were from the village. They didn't come in with C Company?

A. No, I believe not.

Q. Do you recognize any of them, any of them in particular you remember?

P-20. That is your squad leader in there, isn't it?

A. That's a--that's Sergeant MARSHALL there.

Q. Who is this man here bending over, do you know?

A. Oh, that's the--what's his name? He was the artillery FO. I don't remember his name, though. I can't put my finger on it.

Q. HONEYCUTT?

A. Yes.

Q. P-21?

A. That might be some of the guys from the 1st Platoon.

Q. P-22?

A. I believe this here was one of their captains from battalion.

Q. You think the man looking toward the camera in the center is from battalion?

A. Battalion, yes, sir, and this is an interpreter.

Q. The one on the left is the interpreter?

A. Yes.

Q. Okay. He's a military intelligence officer. Do you recognize any of those Vietnamese in P-23?

A. No.

Q. Do you recognize those two Vietnamese soldiers?  
P-66.

A. No, I don't.

Q. Did you ever see these prisoners in P-208?

A. Ah, lets see. I believe that was the--we put them on helicopters and sent them back to battalion.

Q. Was that the first day or the next day?

A. Ah, I--

Q. (Interposing) Did they stay out there that night or did they go back to the fire base that night?

A. They went back the next day.

Q. Okay. Mortar platoon had to guard them?

A. Right.

Q. Okay. Nothing unusual happened that night that you can recall?

A. In this area here?

Q. Yes.

A. No, nothing that I remember.

Q. No mistreatment of prisoners by interrogators and this sort of thing?

A. Not that I remember, no.

Q. The next day the company started moving toward the south China Sea. The 1st Platoon was across. This fire fight where TAYLOR hit a mine?

A. Yes.

Q. And was wounded, do you recall--were you aware of this, did you see this, were you up close enough so that you could see what was happening?

A. No. I was with the CP security and the mortar platoon back a ways in line.

Q. Yes. Okay, did you hear any special instructions being given out or anything going on on the radio?

A. No. I was a distance away from the radio.

Q. Too far? Do you recall moving forward later and crossing that bridge?

A. I remember crossing a bridge that day, yes.

Q. Any firing going on when you crossed?

A. Not the moment I crossed.

Q. Was any firing going on before you crossed?

A. There might have been.

Q. Did you see some gunships come in?

A. I don't remember any gunships.

Q. Did you get a chance to move around much when you got across the bridge to see anything over there?

A. No. We were placed down in position.

Q. You must have set the mortar up then? The mortar went into position?

A. If I remember right, sir.

Q. Yes. Did you all stay around there pretty close that day across the bridge?

(Witness makes no response.)

You remember the company moving off and going south?

A. No, I don't.

Q. Do you remember moving off and going south and joining them down in the laager area later that day--going through a village? You might have gone through a couple of villages to get down there?

A. We went through a couple of villages.

Q. Did you notice anything unusual about those villages, did you see any bodies?

A. No, I didn't.

Q. New graves?

A. I can't remember any.

Q. Did these villages appear to be freshly burned?

A. They might have been, yes.

Q. While in there that night, do you recall a helicopter coming in and bringing some resupply, hot chow?

A. Oh, yeah. That chopper did come in that night to bring hot chow.

Q. Did you see them bring in any people? Anybody that wasn't part of B Company?

A. No, I didn't.

Q. Did you notice any strangers around the company that day when you joined them later?

A. Outside maybe the interpreter, I don't recall any.

Q. When you were up there by the bridge did you see a helicopter come in with some people on it and get off and join the company?

A. What day was this, sir?

Q. This was the second day, after you crossed the bridge. The man we're looking for would have been a photographer with a MACV patch on and a soft hat. Did you see anybody like that around there that day?

A. No, I did not.

Q. Do you remember anything unusual happening that night?

A. That night? We got mortared one night.

Q. You got mortared the following night.

A. The following night?

Q. Yes. You all stayed there close to the ocean and left the next morning and went back towards the bridge, picked up the 3d Platoon and moved north. I don't know whether you saw any firing going on that day or not. Did you see burning-- let me go back. Did you see burning of huts and villages going on while you were up there by the bridge as you looked to the south?

A. Yes.

Q. There was a good bit of burning going on down there?

A. Yes.

Q. Was it close to the water or was it inland?

A. Inland, I believe.

Q. Well, when you walked down there to join the company later did you go through villages that were burned? Still hot?

A. Not too much. They were pretty well cooled-off by that time.

Q. But they had been burned? Still smoking?

A. Still smoking, yes, sir.

Q. Well, the next day when you got back up by that bridge to pick up the 3d Platoon and kept on moving north up into a--a pretty good distance that day--moved on up into a village area, several villages were up there, you did go in more than one of them and rounded up a whole bunch of people that day or the company did, and brought them down to the beach, and that is when these medics came in that you were talking about. Do you remember that?

A. Yes, I remember that.

Q. And they were giving them shots and treating them. You remember an old lady being brought in--or a lady being brought in with a leg all shot up?

A. No. The mortar platoon at the time was running part of the security in another area.

Q. Okay. Did you have the gun position set up ready to fire?

A. We had one set up, yes, sir.

Q. Do you remember seeing any Vietnamese or ARVN come in that day when all these medics came in, interpreters came in and so forth?

A. I don't remember them coming in. I wasn't in a position to witness the helicopters come in. The helicopters came in more or less on the beach. I was away from the beach on the other side of the village.



- Q. You were on the other side of the village?
- A. Yes, sir, on the perimeter.
- Q. Did you see anything going on out there unusual?
- A. Not that I recall.
- Q. Did you see any interrogations going on?
- A. No. The interrogations were going on--
- Q. (Interposing) Back down at the beach?
- A. Back down at the beach, yes, sir.
- Q. So you didn't have any contact with any of the activities out where you were?
- A. No.
- Q. How many were out there with you?
- A. I believe we had two men to a position, two men with me.
- Q. You were just on an outpost?
- A. We were on an outpost, yes.
- Q. Did you notice any mortar fire or artillery marker rounds going--being fired that afternoon?
- A. Yes, I did. Later on that afternoon after we were in the laager position that night we had the artillery zeroing in, in front of the perimeter.
- Q. When you set up for that night was the gun--mortar put into position to fire?
- A. Yes.
- Q. All right. Do you recall when MILUS was killed and the rest of those men wounded did you get them out of there pretty fast?

- A. As quick as they could get a helicopter in the next morning.
- Q. Do you recall firing countermortar fire with the 81?
- A. Mortar fire was fired. I wasn't firing it, yes.
- Q. Did you see the tube fired?
- A. Yes, sir.
- Q. Did they use your ammo.
- A. Yes. They used HE.
- Q. You carried HE?
- A. I carried HE, yes.
- Q. So they did fire countermortar fire that night?
- A. Yes, sir.
- Q. Did you hear artillery fire coming in?
- A. Yes. Artillery fire did come in later on.
- Q. Gunship fire?
- A. Later on, yes.
- Q. Now, the next day, what were you doing? You weren't back on that outpost were you?
- A. No. The next day me and MORGAN brought MILUS' body back to graves registration back at brigade headquarters.
- Q. You and MORGAN?
- A. Yes, sir.
- Q. Took his body back where?
- A. Graves registration section back at brigade headquarters.

- Q. So you were picked up that morning by the dustoff?
- A. Yes.
- Q. And you went back with MILUS?
- A. Yes.
- Q. So you left early that morning?
- A. Yes.
- Q. You didn't see anything that happened that day?
- A. No.
- Q. You were not there?
- A. No. I rejoined the company when they returned to Uptight.
- Q. What time did you all leave? Do you recall?
- A. The company?
- Q. No, you. You with MILUS' body.
- A. It was early in the morning just as soon as they were able to get a copter in. It was about 6 o'clock in the morning.
- MR WALSH: When you joined up with the 1st Platoon after the first day, did you hear any rumors or stories about them shooting up a village or killing a lot of people on the morning of the first day of the operation?
- A. Yes, there was rumors going around.
- Q. What did you hear about that?
- A. Nothing specifically. That there were people killed.
- Q. Women and children?
- A. I'd have to say, yes, to that.

Q. It would be very helpful to us if you could--I realize that it would be hearsay on your part, but anything that you can recall--we know a great deal about what happened there, but anything that you can recall having heard at the time might be helpful to us. For example, did you recall hearing anything about MILUS' actions on the first day?

A. MILUS was a machinegunner. Nothing specifically. Only that he had been with the point team. They had done a lot of shooting and killed a lot of people.

Q. The point team had done a lot of shooting and had killed a lot of people in this village?

A. Yes, sir.

Q. Do you recall if this village was right after you cross the bridge?

A. Yes, I believe it was.

Q. Do you recall if the people in the point team that you heard about were TITTLE, HOOTON and Sergeant TAYLOR?

A. Pardon?

Q. And TAYLOR?

A. Were they members of the point team?

Q. Yes?

A. Yeah, they were members of the point team, yes, sir.

Q. Anyone else that you can think of?

A. Only that they had a young replacement that had just come into the company with them. I don't remember if he was on the point team that day or not. I don't think so. It seems he joined the point team later.

Q. Was it somebody name HUIE?

A. Yes.

Q. You're not sure whether he joined the company for this operation or whether he came later?

A. That's right.

Q. Did you hear about anybody other than the point team having joined in killing people in that village?

A. No, sir.

Q. Well, can you describe just exactly what you heard? I mean, how this had happened?

A. If I remember right they had received fire from the village and fired back into the village. That's when the people were killed.

Q. I'm sorry. I didn't hear you.

A. They approached the village and they received fire and they fired back. That's when they were killed.

Q. So from outside the village they fired into the village?

A. Yes, sir.

Q. Did you hear that they killed everything that moved in the village before they moved into it?

A. I heard they did, yes, sir.

Q. And did you hear anything either about that day or the following day about the point team or the 1st Platoon killing people in bunkers or as they came out of bunkers?

A. No, I didn't hear that.

Q. Didn't hear anything about that at all?

A. No.

Q. Did you personally see any bodies after you crossed the bridge the second day?

A. I remember seeing some bodies, but I don't remember if it was this operation or another one. It was a man laying on the road and a women laying just outside the village.

Q. But you don't recall if it was this operation or not?

A. No, I don't recall if it was this operation or one of the others.

Q. Do you recall hearing any numbers in connection with the rumors you heard about the 1st Platoon's operation, about how many people they killed?

A. I didn't hear anything specific. Just that a lot were killed.

Q. Did you hear anything about HOOTON shooting a baby in its mothers arms with a .45?

A. No, sir.

COL WILSON: Mr. MYERS, do you have any knowledge of an investigation or inquiry being made after the combat assault while you were in Vietnam?

A. No, I do not.

Q. Were you or anyone you know ever questioned on this operation?

A. No, not before now.

Q. Did you ever hear any rumors that civilians had been killed unnecessarily by either B/4/3 or C/1/20 on 16 March except for what you just recalled a minute ago?

A. No, sir.

Q. You didn't hear anything about C Company?

A. There were rumors about our company, but nothing about any other unit.

Q. Rumors about what?

A. Rumors about our company but nothing about--

Q. (Interposing) Nothing about another unit?

A. Right.

Q. The people concerned in B Company were the 1st Platoon, is that correct?

A. Yes.

Q. Did you have a camera?

A. No.

Q. Do you know anybody that did that day?

A. No one other than the photographer, he had one.

Q. You did have a photographer with you?

A. Well, yes sir. You have these pictures here (indicating the photo exhibits).

Q. Well it could have been one of the boys you know that's a pretty good photographer?

(Witness makes no response.)

Were you ever told not to discuss the possible unnecessary killings of civilians by Task Force Barker on the 16th of March 1968?

A. No, sir, I wasn't.

Q. Do you know if there was any problem with marijuana in B Company?

A. Marijuana was smoked, but I don't know of it being a problem.

Q. Anybody ever smoke it on operations?

A. No. They didn't smoke it on operations, only back in the rear.

Q. Did you have any knowledge of U.S. or ARVN personnel torturing Vietnamese suspects, VC suspects or PWs?

A. No, I don't have any knowledge of that, sir.

Q. Mr. MYERS, do you have any further statement or testimony that might assist us in this investigation?

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

MR WALSH: In the laager area where MILUS was killed and they had the mortar attack, do you remember seeing some interrogations of some Vietnamese?

A. Was that the following day after the mortar attack?

Q. That's right.

A. No, sir, I didn't. The next morning Sergeant MORGAN and I, we took MILUS' body back to graves registration.

Q. Oh, you left the area?

A. Yes, sir.

Q. Sorry, I didn't understand that.

COL WILSON: We appreciate you coming in, thank you very much. I think we will be able to get you out of here.

The hearing is recessed.

(The hearing recessed at 1808 hours, 3 February 1970.)