

**CONFIDENTIAL**

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

Volume II  
TESTIMONY

BOOK 32

Group 3

Downgraded at 12 year intervals;  
Not automatically declassified.

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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 32

AM  
BA  
BAT  
CHUC  
DAT  
HIEU  
LAI  
MEO  
NHUNG  
QUYEN  
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TOAN  
TRONG  
VIEN

14 MARCH 1970

SUMMARY OF TESTIMONY

WITNESS: AM, Nguyen

DATE OF TESTIMONY: 4 January 1970

PLACE OF TESTIMONY: Joint United States Public Affairs Office, Quang Ngai City, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

RESIDENCE ON 16 MARCH 1968: Xuan Duong Hamlet of Co Lay

TESTIMONY.

The witness was fishing on 16 March 1968 and his wife was in Pho An (pgs. 1, 2). When he returned on the 22d he saw some dead VC cadre scattered throughout the village (pg. 3). In Xuan Duong and My Hoi five communist cadre had been killed (pg. 4). He heard nothing about women and children being killed in Xuan Duong or My Hoi (pg. 4). There were houses burned in My Hoi (pgs. 3, 4). The people who remained in My Hoi were communist sympathizers (pg. 3).





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Unsworn statement of Nguyen AM was taken at the Joint United States Public Affairs Office, Quang Ngai City, Republic of Vietnam, 4 January 1970. The questions were posed to MR AM by MR WALSH. Also present was MAJ David D. DANTZSCHER who acted as interpreter. All of the questions were translated by MAJ DANTZSCHER into Vietnamese and all of the answers by MR AM were translated into English by MAJ DANTZSCHER.

MR WALSH: What is your name?

A. Nguyen AM.

Q. Where do you live?

A. I live in Son My Model Village.

Q. Are you a member of the PF, Popular Force?

A. Yes, I am a member of the Popular Force.

Q. Where were you living on March 16, 1968?

A. I lived in a hamlet belonging to Co Luy.

Q. What's the name of that hamlet?

A. I lived in Xuan Duong Hamlet.

Q. By looking at the map (Exhibit P-1), can you mark with this pencil the correct location for Xuan Duong?

(The witness did as requested; however, the map as marked by MR AM was not entered into evidence.)

A. This is the correct location.

Q. Are the other hamlets, marked there, marked in the correct locations?

A. These are the correct locations of the village.

Q. Were you present in the village of Xuan Duong on March 16, 1968?

A. No, I was not present on that date.

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Q. Where were you?

A. I was fishing out in the ocean.

Q. When you were fishing, did you see aircraft land troops near your home?

A. I was not present during the operation and did not see the operation.

Q. Were you living with your family in Xuan Duong at that time?

A. This is my birthplace and my family was there.

Q. Did you live in your father's house or your own house?

A. At that time I had only a wife, and she went south. I went south out on the ocean to fish and returned to Co Lay (1). At that time Xuan Duong had not yet been occupied.

Q. All right. You have not answered my question though. You had only a wife, but did you and your wife live in a house in Xuan Duong at that time?

A. Yes, we had a separate house.

Q. Did anyone else live at your house with you other than your wife?

A. No.

Q. When you went fishing on the morning of March 16th, did your wife remain at your house in Xuan Duong?

A. There was no one at home. My wife went to Pho An.

Q. How many people were living in Xuan Duong on March 16, 1968?

A. I don't know exactly. It could have been between 70 and 90 people.

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Q. How many lived in My Hoi at that time?

A. I don't know. There were several hundred people in My Hoi; but because of the lack of security, a number of the people moved south to Pho An and Co Lay (1).

Q. I take it that you don't know how many were there?

A. The people in My Hoi who remained behind had Communist sympathies. Those who did not have Communist sympathies evacuated down to the south.

Q. Very well. How recently had you been in Xuan Duong? For instance, had you been there the day before, or when?

A. I went fishing every day regardless of whether there was a military operation going on. During the day I was at Xuan Duong and fished from Xuan Duong, but at night I went to Pho An.

Q. Did you return to Xuan Duong the day after the operation?

A. I did not dare to return the day after the operation because I was afraid of being ambushed.

Q. How soon after the operation did you go back?

A. I returned on the 21st or the 22d.

Q. When you returned, what did you find?

A. There were a number of dead VC cadre, about the same age that I am, scattered throughout the village. I am 41.

Q. Were all of the houses burned?

A. No. The houses were not burned or destroyed.

Q. We know that they were burned.

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A. Only in My Hoi.

Q. Did you go to My Hoi when you came back on the fourth day?

A. Yes.

Q. Were many people killed by the Americans in the operation in My Hoi and Xuan Duong?

A. These were all Communist cadre. I did not personally see the dead. They had been buried by this time. These were five people killed.

Q. Isn't it true that many women and children were killed in My Hoi and Xuan Duong?

A. No. I didn't see it, and I didn't hear about it.

Q. Do you know the names of any people who were present in My Hoi or Xuan Duong on March 16th who are now living at the model village?

A. I cannot remember.

Q. Do you know Nguyen Thi DAY? She lived in My Hoi.

A. No, I don't know her. It is a very large village. There are over a hundred people. I could list over a hundred people's names.

Q. Were you out fishing with any fishermen who were picked up by swiftboats or navy boats that day?

A. No, I didn't see any people captured.

Q. Did you hear about a hundred people, including women and children, were killed in My Hoi during the operation?

A. No, I have not heard about it.

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Q. Do you know the identity of anyone who was killed during the operation?

A. Yes.

Q. Please make a list of the names and list their ages if you can.

(The witness did as requested. List made by MR AM was not entered into evidence.)

(The hearing recessed at 1345 hours, 4 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: BA, Do

DATE OF TESTIMONY: 31 December 1969

PLACE OF TESTIMONY: Joint United State Public Affairs Office, Quang Ngai City, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

LOCATION ON 16 MARCH 1968: Resident of Xom Lang, Republic of Vietnam.

DESCRIPTION BY THE WITNESS OF THE EVENTS IN THE VILLAGE ON 16 MARCH 1968.

a. The location of his family.

His sisters, Do Thi LANG, Do Thi HUONG, Do Thi DIUE, Do Thi HEE, and Do Thi XI, ages 12, 9, 7, 5, and 2 respectively were visiting friends in the village (pgs. 1, 2). His father, Do CAM, and his mother, Nguyen Thi TAY, were at work as cutlers in Truong An (pg. 2). He was alone in the house at the time (pg. 2). He was 15 years old (pg.1).

b. The arrival of the American soldiers.

He heard the soldiers come at 0600 hours, about six minutes after he heard artillery (pg. 2), which landed west of the village and also hit the pagoda (pg. 3). He ran to a shelter outside of his house (pg. 2), from which he saw eight soldiers approach from the west of the village, firing as they came (pg. 3). They were Negro and white and he did not remember anyone being in charge (pg. 3). The soldiers were burning all of the houses (pg. 3), and he saw them shoot two of his cows (pg. 3). They then seized him and some other people and took them to a spot south of the village (pg.4).

c. Bodies in the village.

The only bodies he saw were eight bodies lying along the road (See Exhibit List, infra) (pg. 5).

d. The activities south of the village.

All eight soldiers took the group to the south. He did not remember anyone being in charge of the group (pg.4). They were gathered at point #3 (Exhibit P-162). There were about 100 people in the group. They sat for half an hour and then while the same eight soldiers were present, two of them began shooting the group (pg. 6). The two firing were about the size of Specialist Brown (the court reporter). One was white and one was a Negro (pg. 7). The witness was wounded in the hand and neck, lost consciousness, and when he recovered he went to the hospital at Truong An (pg.7), where he remained for two months after they amputated his fingers (pg. 8). His sisters were not injured (pg. 8). He knew nothing about the location of any graves (pg. 9).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-40	Miscellaneous Scene	Witness identified Do BE, Do PHU, and Ba XO.	
			8
P-162	Aerial photo	Witness marked the location of his home. Witness marked the location of his killed cows. Wit marked the	
		location of eight bodies along the road and identified them as Do PHO, BICH, XO, Do BE, the daughter of the hamlet chief.	4
			5



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Unsworn statement of Do BA was taken at the Joint United States Public Affairs Office, Quang Ngai City, Republic of Vietnam, 31 December 1969. The questions were posed to MR BA by MR WALSH. Also present was MAJ David D. DANTZSCHER who acted as interpreter. All of the questions were translated by MAJ DANTZSCHER into Vietnamese and all of the answers by MR BA were translated into English by MAJ DANTZSCHER.

MR WALSH: What is your name?

A. My name is Do BA.

Q. Will you please mark the location of your home with the letter A on the photograph? This is the pagoda here (indicating).

(The witness marked as requested on Exhibit P-162.)

Q. Were you in Xom Lang on the morning of 16 March 1968 when the American soldiers came into the village?

A. Yes, I was.

Q. Who else was at your house at that time?

A. There was only my family there with me.

Q. What were their names?

A. My father, Do CAM, and my mother, Nguyen Thi TAY.

Q. How old was your mother, and how old was your father?

A. My father was 42 and my mother was 40 years old.

Q. How old were you at the time?

A. 15 years old at that time.

Q. Did you have any brothers and sisters with you at that time? If so, please state their names and ages.

A. My younger sisters: Do Thi LANG, 12 years old; Do Thi HUONG, 9 years old; Do Thi DIEU, 7 years old; Do Thi HUE, 5 years old; and Do Thi XI, 2 years old.

Q. What time was it when you first heard the soldiers come?

A. It was 6 o'clock in the morning.

Q. Did you hear aircraft and artillery before the soldiers came?

A. Yes.

Q. How long before you saw the soldiers did you hear the artillery?

A. Only 6 minutes.

Q. What did you do when you first heard it? Did you leave your house or did you stay in your house?

A. I ran into a shelter outside my house.

Q. Was all of your family with you in the shelter?

A. I was alone, by myself. My mother and father had gone to work. My sisters were away staying with friends throughout the village.

Q. Where were your mother and father working?

A. My mother and father went to work in Truong An a little before 6 o'clock leaving me at home by myself and my sisters with friends throughout the village.

Q. Did they go to work in Truong An?

A. Yes.

Q. What kind of work did they do in Truong An?

A. They worked as cutlers. They sharpened tools.

Q. Where were you when you first saw the soldiers?

A. I was in the shelter outside my house.

Q. How many soldiers did you see?

A. Eight.

Q. What direction did they come from?

A. They came from this direction (indicating that they came from the west of the village past the dike and into the village towards his house).

Q. Were the soldiers firing their weapons when you first saw them?

A. Yes, they were firing, advancing and firing.

Q. Before you saw the soldiers, did you hear any artillery or see artillery hitting in or near the village?

A. The artillery fired to the west edge of the village.

Q. Did the artillery hit any of the houses in the village or the pagoda?

A. Yes. I saw it damage the pagoda and I don't know how many others.

Q. When you first saw the soldiers, were they burning houses?

A. Yes, they were.

Q. Were they burning every house, or just some of them?

A. They were burning all of them.

Q. Did you see any of the soldiers shoot any livestock?

A. Yes. I saw them shoot two cows.

Q. Were did they shoot two cows?

A. They were my cattle. They shot them about here (indicating the location on the photo).

Q. Mark with a letter B the area where they shot the cows.

(Witness did as requested.)

Q. What did the soldiers do when they came to your house?

A. They shot my cows, then they seized and took me.

Q. When they took you, were you alone or were there others that they took of your neighbors?

A. Yes, there were others. I was taken with others, in a group, by a soldier to this point (indicating point south of the village).

Q. Do you remember what the soldier looked like?

A. They were both Negro and white soldiers.

Q. I thought you said there was one soldier. Was there one soldier or were they two soldiers who took the group?

A. There were eight soldiers.

Q. Did all eight go to the south of the village with them?

A. Yes, all eight.

Q. Do you remember if one of the soldiers was in charge of the others?

A. I don't remember if there was or not.

Q. When you were going from your house to the south of the village, did you see any dead bodies?

A. Yes.

Q. Were they lying in front of houses or were they in groups? What do you remember about them?

A. There were eight bodies lying at this point along the road.

Q. Mark that with a letter C please.

(Witness marked as directed on Exhibit P-162.)

Q. Did you recognize any of these eight bodies?

A. Yes, they were Do PHO; a man by the name of BICH, I don't know the family name; an individual by the name of XO, I don't know the family name; and Do BE, who was the daughter of the Hamlet Chief.

Q. What was the Hamlet Chief's name?

A. Do NHON was the Hamlet Chief. I do not know the others.

Q. Did you recognize any houses at the place where you saw the bodies, point C?

A. No, I did not.

Q. After you passed the bodies at point C, did you see any other dead bodies as you passed through the village?

A. No.

Q. When you reached the edge of the village, where did you go then?

A. I was taken to an area in the vicinity of this point number 3 on the map.

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Q. How many people were with you when you got to point 3 on the map?

A. A hundred people were gathered at that time.

Q. Were they all in one group or were they in several groups?

A. They were all in one group.

Q. Were they standing or sitting?

A. All of them were sitting down.

Q. How long did they sit down?

A. About half an hour.

Q. While you were sitting there, did they bring some more people up?

A. Yes.

Q. How many soldiers were there?

A. Eight.

Q. The same eight that took you through the village or was it a different eight?

A. The same eight that had taken me from my home.

Q. Did you see any other soldiers in the village that day?

A. No.

Q. After you had been sitting for half an hour, what happened then?

A. After that we were shot. There were eight Americans present, but two Americans did the shooting.

Q. What did the two Americans look like that did the shooting?

A. They were about the size of Specialist BROWN. One was Caucasian and one was Negro.

Q. Did one shoot first, and then the other one shoot? Or did they both shoot at the same time?

A. I didn't notice. I was wounded and didn't notice how the firing occurred.

Q. Were you struck by the bullets?

A. Yes, I was wounded.

Q. Where were you wounded?

A. I was wounded in the hand and the neck.

Q. Were you in the front of the group or were you in the rear of the group from the direction of the soldiers who were shooting?

A. I was in the middle.

Q. What happened next?

A. I don't remember anything after the shooting took place.

Q. What is the first thing you remember after the shooting took place?

A. After I regained consciousness, I went to Truong An to the hospital.

Q. By what road did you go?

A. I took the route directly south to the national highway, and then from there to Truong An.

Q. How long did you stay at the hospital in Truong An?

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A. Two months.

Q. Did they amputate your fingers at the hospital?

A. Yes.

Q. Do you know what happened to your sisters during the day of 16 March 1968?

A. They were not injured. I don't know what happened to them. They were not wounded and they were not injured.

Q. Can you mark on the map the location of Do NHON's, the Hamlet Chief's, house?

A. Point C is the location of the Hamlet Chief's house.

Q. All right. I am showing you a color photograph, Exhibit P-40C, of a group of women. Do you recognize any of the people in the photograph?

A. Do BE (indicating the girl with the white shirt and black pants on the extreme left of the picture).

Q. Do you know any of the others?

A. Do PHU (indicating the bald lady to the rear of the photograph). She is the mother of the Hamlet Chief. The woman in the foreground with the red shirt is Ba XO.

Q. Does Ba XO live in the village?

A. She is a refugee.

Q. Did you see the bodies of all of these people at point C when you went through the village?

A. All of these persons in this picture were dead at point C in front of the Hamlet Chief's house.

Q. Is there a well near point C?



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A. There is a well behind the Hamlet Chief's house.

Q. Do you know the location of any mass graves of people killed on March 16th?

A. No, I don't know anything about a mass grave.

Q. Do you know the location of any graves or how many there were?

A. I don't know how many there was or where they are located.

Q. What kind of weather was it that day?

A. It was clear.

Q. Have you heard that American soldiers killed women and children in Co Luy hamlet on the same day that they were in Xom Lang?

A. No, I have not heard anything about that and I have not heard any rumors either.

MR WALSH: Okay. That's all I have. Thank you for coming in today to help us.

(The hearing recessed at 1058 hours, 31 December 1969.)

SUMMARY OF TESTIMONY

WITNESS: BAT, Nguyen

DATE OF TESTIMONY: 5 January 1970

PLACE OF TESTIMONY: Public Safety Detachment, Quang Ngai City, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

RESIDENCE ON 16 MARCH 1968: My Lai (4).

1. ASSAULT ON MY LAI.

The witness testified that he fled to a bunker some 200 meters from his home when he heard the artillery fire and saw the U.S. forces approach (pgs. 1, 2). He stated that he saw a captain and seven Americans shooting people in the hamlet (pg. 3). The members of his family were seen shot by these troops (pg. 3). Another group of U.S. forces was seen firing his house about an hour later (pgs. 4, 5).

2. AFTERMATH OF THE ASSAULT.

The witness testified that he buried the remains of his family at his home (pgs. 5, 6).



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Unsworn statement of Nguyen BAT was taken at Public Safety Detachment, Quang Ngai City, Republic of Vietnam, on 5 January 1970. The questions were posed to MR BAT by MR WALSH. Also present was MAJ David D. DANTZSCHER who acted as interpreter. All questions were translated by MAJ DANTZSCHER into Vietnamese, and all answers by MR BAT were translated into English by MAJ DANTZSCHER.

MR WALSH: What is your name?

A. Nguyen BAT.

Q. How old are you?

A. Forty-two years old.

Q. Have you lived all of your life in Tu Cung?

A. Yes, I live in Xom Lang, within Tu Cung Hamlet.

Q. Were you present in Xom Lang on the morning of March 16th, 1968, when the Americans came?

A. Yes.

Q. Were you in your house at the time?

A. Yes.

Q. Will you please mark with the letter C the location of your house?

(The witness indicated the location of his house by marking the letter C on Exhibit P-160.)

Q. What did you do when you first heard the artillery fire?

A. I went to another area.

Q. To what other area did you go?

A. I went to another area about 200 meters away.

Q. Was there a bunker or shelter there?

(BAT)

A. Yes, a bunker.

Q. Will you mark with a D the place where the bunker was? That would be only about 100 meters. Are you sure that's the right place?

A. Yes, the bunker was about 200 meters.

Q. About 200 meters? Then it should be farther down here, because the scale of this picture is about 1 inch to 100 meters.

(The witness marked the location of the bunker with the letter D on Exhibit P-160.)

Q. All right. Was anyone with you when you went to the bunker?

A. The Americans came, an American captain.

Q. No. I mean when you -- did you go from your house down to the bunker before you saw the Americans.

A. When I saw the Americans coming, I went to the bunker.

Q. Did you hide in the bunker?

A. Yes.

Q. Was your family with you in the bunker?

A. No.

Q. Did the Americans make you come out of the bunker?

A. The Americans did not see me.

Q. How do you know that you saw an American captain?

A. I ran and hid from the Americans.

Q. But I thought you said you saw an American captain, and I want to know how you knew he was a captain?

A. I looked from the bunker and saw him.

Q. You lookEd from the bunker.

A. Yes.

Q. How many Americans did you see?

A. Eight.

Q. What were the Americans doing when you saw them?

A. When I saw the Americans they were coming and shooting people in the hamlet.

Q. Did they shoot people in your family?

A. Yes, in my family.

Q. How many people in your family?

A. Eleven.

Q. Did you see them shoot all 11 in your family?

A. Yes.

Q. What position were the Americans in when they shot the 11 members of your family? Will you please show on the picture?

A. The Americans came from this way (indicating by reference to Exhibit P-160 from the center of the village toward the northeast corner to the point marked C).

Q. And then what happened? Where were the 11 members of your family when the Americans shot them?

(Witness indicated the point numbered C on Exhibit P-160)

Q. Did just one American shoot them, or did more than one American shoot them?

A. I saw eight Americans coming, but I do not know how many of them shot.

Q. Did you stay hidden at the point marked D until

er the Americans had left?

A. Yes.

Q. Did you see any Americans shoot anyone else while you were hiding at point D?

A. I saw the Americans come to my house (indicating area marked C on Exhibit P-160) and kill in my house and come to this house.

Q. Did you see the Americans take a group of people across these paddy fields toward this ditch over here?

A. I saw somebody dead here, but I did not see the Americans do it.

Q. Did you see a single helicopter come down and land in this area while you were hiding at point B?

A. No.

Q. How long did you stay hiding in the bunker?

A. About 5 hours.

Q. That's all, 5 hours?

A. Yes.

Q. What did you do after the Americans left?

A. After the Americans left, I came out of bunker, and came to see my family.

Q. Was your house burned?

A. Yes, burned. Two groups of Americans came to my house.

Q. Two groups?

A. Yes, two groups. The first group came to shoot, and the second group came to burn the house.

Q. Did you have any livestock or animals that were shot?

A. My eight children were burned.

Q. Your eight children were burned?

A. Yes.

Q. Were your eight children shot before they were burned?

A. Yes, shot first, then burned.

Q. Were they shot in the house, and then the house burned down on their bodies? Is that what happened? Or were they outside the house?

A. They stayed outside of the house, and troops came to burn the house.

Q. How long was it between the time the first group came and shot the people and the second group came and burned the house? How long were the times between those two groups?

A. About 1 hour.

Q. After you came out of the bunker where you were hiding, did you go across the paddy fields to an irrigation ditch and see bodies in the irrigation ditch? Did you go over that way?

A. I did not see them.

Q. Where did you bury the members of your family? At what location did you bury the bodies of your family?

A. In Kom Lang.

Q. But where in the area: here, here, or here? Where?

A. In my house.

Q. Right in the house, you buried them right in the house?

A. Right in the house.

Q. You buried them right under your house?

A. Yes. The troops shot, and they died in the house.



And the second group came in to burn the house so the bodies burned there.

Q. I see. Thank you very much for coming to help us today.

(The hearing recessed at 1623 hours, 5 January 1970.)

## SUMMARY OF TESTIMONY

WITNESS: CHUC, Do

DATE OF TESTIMONY: 31 December 1969

PLACE OF TESTIMONY: Joint United States Public Affairs Office,  
Quang Ngai City, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

RESIDENCE ON 16 MARCH 1968: Xom Lang (Thuan Yen or My Lai (4)).

## TESTIMONY.

After marking on Exhibit P-162 the location of various hamlets and villages (See Exhibit List, infra), the witness pointed out that My Lai (4) was also called Thuan Yen or Xom Lang by the people (pg. 3). At 0600 hours, on 16 March 1968, he, his wife, and six children were eating in their house when they heard aircraft fly around the village and fire machineguns to the west of the village (pgs. 4, 5). After the planes strafed, the artillery came in and then the planes let off the troops (pg. 6). His family stayed in a small trench for 16 minutes, until the artillery stopped (pgs. 6, 7). In 15 minutes, three soldiers came (pg. 7). Two of them forced him and three of his sons, Do DAN, Do TRINH, aged nine, and Do MUI, aged four, to a spot 200 meters south of Tu Cung (pgs. 5-8), where they were placed in a large group of people (pg. 9). They sat for about one half hour, and at about 0800 hours they were assembled and shot with machineguns by a Negro, while the Caucasion stood guard (pg. 9). He was shot in the foot and his leg was grazed (pg. 10). He and the children fell to the ground (pgs. 10, 12). The other soldier took his wife, Ha Thi QUE, along with Do Thi DANH, aged three, Do SON, Do Thi HO, aged 24, and her son, Nguyen DUC, aged four to a ditch east of the village (pgs. 5-8). There, his wife had been wounded

(pg. 11), and his daughter, his son, and his grandson were killed at the ditch (pg. 12). At about 1000 hours he and the children left for Hoa Binh Hamlet, returning to Xam Lang at about 1700 hours (pg. 10). He saw no bodies along the road while coming back up Highway 521 (pg. 13). In the hamlet, everyone living was gone, and there were people digging a mass grave. He and his wife brought their dead children to be buried (pgs. 11, 12).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-162	Aerial photo	Wit marked the location of Thuan Yen, Binh Tay, Truong An, Truong Hoa, and Binh Dong.	1,2
		Wit marked #1 for the location of his house.	4
		Wit marked #2 for the location of Do HOAI's house.	4
		Wit marked #2 for the location of where he and his three sons were taken.	7
		Wit marked #4 for the location of the mass grave.	11
		Wit marked #5 for the location of the trench where his wife and others were shot.	11
		Wit marked #6 for the location of the pagoda,	13

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Unsworn statement of Do CHUC was taken at the Joint United States Public Affairs Office, Quang Ngai City, Republic of Vietnam, on 31 December 1969. The questions were posed to MR CHUC by MR WALSH. Also present was MAJ DAVID D. DANTZSCHER who acted as interpreter. All of the questions were translated by MAJ DANTZSCHER into Vietnamese and all of the answers by MR CHUC were translated into English by MAJ DANTZSCHER.

MR WALSH: What is your name?

A. My name is Do CHUC.

Q. Looking at the aerial photograph can you show me where the hamlet of Tu Cung is located?

A. There is Xom Lang Hamlet.

Q. Is Xom Lang also called Thuan Yen?

A. Xom Lang and Thuan Yen are the same.

Q. Do you know where Binh Tay is on the picture?

A. Here, this is Binh Tay Hamlet here (indicating). This is Binh Tay Dong Hamlet over here (indicating).. There are houses in this hamlet but you can not see them on the photograph.

Q. Will you place a 1 at Thuan Yen or Xom Lang?

(The witness did as requested. The aerial photograph was later entered into evidence as Exhibit P-162.)

Q. Will you draw a circle around Binh Tay?

(Witness did as requested.)

Q. Now Truong An?

(Witness did as requested.)

A. There is an irrigation ditch there (indicating). It ends here (indicating).

CONFIDENTIAL

Q. I only want you to mark Truong An. Do you have another name for Truong An?

A. No, there is no other name for it.  
It is 800 meters from Tu Cung to Truong An.

Q. From what?

A. From Tu Cung to Truong An is 700 meters.

Q. All right.

A. It is 700 meters by the kilometer walking on the road, but it is actually 300 meters straight-line distance from here to here (indicating Thuan Yen to Truong An).

Q. Will you draw a circle around Truong An?

A. It is bordered by the river.

Q. Will you mark just the portion that is shown on the photo?

(The witness did as requested.)

Q. Is all of this area Truong An (indicating)?

A. Yes.

Q. Is this area considered Truong An (indicating)?

A. This line (indicating) is considered the dividing line between what is considered Tu Cung and Truong An.

Q. I see. I want to know what you are doing before you mark it on the photo map; so wait a minute, please.

A. The subvillages make up the village.

Q. Yes. Next, where is Truong Hoa? Truong Hoa should be this part over in here (indicating).

A. It is right here (indicating).

Q. Would you circle it, please. Before you circle that, where is Binh Dong?

A. Binh Dong is up here (indicating).

Q. Okay. We were told that Truong Hoa was here in this area by the old pagoda.

A. I am sure that this position up here is Truong Hoa.

Q. Okay. Please circle Binh Dong?

(The witness did as requested.)

Q. Is this part of Truong Hoa, or is Truong Hoa completely off the photo?

A. Yes, this is part of Truong Hoa. I am not able to firmly discern the village.

Q. Okay.

A. The area just below Binh Dong is New Binh Dong.

Q. Will you draw a circle around anything that is considered Binh Dong?

A. I don't know exactly what is included.

Q. Okay. Is this New Binh Dong here?

A. Yes. These two areas belong to this so actually.

(The witness drew a circle around the area that he considered to be included in Binh Dong.)

Q. Have you ever heard this hamlet (indicating My Lai (4)) referred to as Thuan Yen?

A. Yes.

Q. Who calls it Thuan Yen, and who calls it Xom Lang?

A. They call it both, and there is no particular group that calls it either.

CONFIDENTIAL

Q. Is there any other name for Binh Tay?

A. Both Binh Tay and Binh Dong are known by no other names. However, Thuan Yen is known also as Xam Lang.

Q. How about Troung An? Is that known by any other name?

A. In ancient times it was also known as Chu Thi.

Q. Does anybody, now, use such ancient names for those villages?

A. No, never.

Q. Were you present in the village of Xom Lang on the morning of March 16th when the American soldiers came?

A. Yes.

Q. Where were you, in your house?

A. My wife and I were eating at our house.

Q. Will you mark the location of your house please? Mark it with the number 1.

(Witness did as requested.)

Q. Now will you mark the house of Mr. Do HOAI with the number 2, please?

(Witness did as requested.)

Is Do HOAI's house about 75 meters away from yours?

A. Close.

Q. Okay, very good.

A. During the time that I went to the village with Mr. FEHER he took photographs and I pointed out these things on the ground.

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Q. Was anyone else with you when you were eating breakfast with your wife when the Americans came?

A. Yes, my children were there also. At 6 o'clock in the morning an aircraft flew around the village and fired machineguns in the area to the west of the village.

Q. How many of your relatives were there?

A. There was myself, my wife, and my six children.

Q. What was your wife's name?

A. Ha Thi QUE.

Q. Did QUE have another house or did she live in your house?

A. She lived in my house.

Q. What were the names of your six children?

A. There were four boys. One was 4 years old; one was 3 years old; one was 9 years old; and one was 14 years old.

Q. I will give you their names and ages as we have them and ask you to confirm them. Your son, Do TANH, is he 10 years old?

A. He is 14 years old. At that time he was not present. He was out taking care of the cattle.

Q. Okay. How about Do TRINH; 10 years old?

A. He was 9 years old.

Q. Okay. Was he present?

A. Yes, he was present then; and he is now at the new hamlet.

Q. How about Do MUI; 4 years old?

A. Yes, he was present.

- Q. How about Do Thi DANH; is he 3 years old?
- A. Yes, he was present.
- Q. How about Do Thi HO; 25 years old?
- A. She was 24 years old and she had a little boy 4 years old. She was killed in the operation.
- Q. The little boy was DUC?
- A. Yes, DUC was her child.
- Q. Was he present also?
- A. Yes, they were present.
- Q. Was HO married?
- A. Yes, she was married to a soldier.
- Q. To an ARVN soldier?
- A. Yes, he was an ARVN soldier and he was stationed far off.
- Q. If you were in your house, how did you know that the artillery was firing at the west side of the village?
- A. The planes came and strafed, and then the artillery came. Then the planes came and let off the troops. I could tell the direction from the sound.
- Q. Did you stay at your house throughout this?
- A. There was a small trench outside that we ran to when we heard the artillery fire.
- Q. How long did you stay in the trench?
- A. About 15 minutes. We got out of the trench after the artillery had stopped firing.
- Q. How long did you stay in the trench?

A. Fifteen minutes.

Q. What happened then? After 15 minutes what did you do?

A. In 15 minutes the soldiers came and forced me and my family to go to this spot.

Q. To go to what spot?

A. They forced me to go to this location about 200 meters south of Tu Cung. Me and three children were taken to this spot. My wife and the others were taken to this spot east of the village.

Q. How many soldiers came to your house?

A. Three soldiers.

Q. Did the three soldiers take you to this place, or did only one of them take you to this place?

A. Two. There were other soldiers coming from other parts of the village, but two soldiers took me and my three children here. One soldier took my wife, and the rest of the children were taken over here.

Q. Will you make a mark with a 3 the place where the soldiers took you ?

(The witness did as requested.)

Where did you take the photograph when you went with Mr. FEHER?

A. Here.

Q. There are ruins of houses there. The photo was taken north of the ruins of the houses?

A. Yes, up here.

Q. How did you know that the one soldier took your wife and three children in the other direction?

A. We were led in a column and then split up.

Q. What were the names of the children that went with you to the point marked 3?

A. Do DAN, Do TRINH, and Do MUI. The ones that were taken with my wife were Do SON, Do Thi DANH, Do Thi HO, and Nguyen DUC.

Q. The record should note that this last group of names indicates those that had been taken toward the ditch rather than out on the trail where the witness was taken.

A. Do TINH was taking care of the cattle in the mountains.

Q. The one other daughter HO and the grandchild went to the ditch. Is that correct?

A. My wife and a number of others were taken out and shot to death in this ditch east of the village. Do Thi HO; Nguyen DUC, 4 years old; and Nguyen Thi TRUC, 67 years old, were in the ditch. They assembled the people in the village and shot them.

Q. In addition to your wife, HO, and DUC, who else was taken from your house in the direction of the ditch?

A. Do Thi DANH and Do SON were also taken to the ditch. The other three children were with me.

Q. How long did you stay there after you got to point 3?

A. About half an hour.

Q. Did you stand up or sit down?

A. We sat down.

Q. Were there many others there?

A. Yes, there were dead persons there. They assembled us and shot us.

Q. When you were there and you were sitting with your three boys, was that all that were there: you and your three children?

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A. They were assembled in the village and split up. Some were taken to the east of the village and the others were taken south. There was a great number of them, I couldn't count them, along with me and my three sons. There were a number of soldiers and people from the village at that spot.

Q. After you had been sitting down for half an hour, what happened next?

A. Some were standing and some were sitting.

Q. Okay.

A. After about half an hour we were assembled and shot with machineguns.

Q. Who did the shooting?

A. A Negro about the size of Major DANTZSCHER did the shooting. There was only one soldier that shot.

Q. Were there any other soldiers present?

A. There was two soldiers; one of them shot, and the other one was just present.

Q. Was it the black one that shot?

A. There were two soldiers, one Negro and one Caucasian. The Negro had the machinegun. The villagers were very scared and were pleading with the soldiers not to do anything to them. The Caucasian soldier, who was standing guard, did nothing. He was holding his rifle on us, and the Negro soldier opened up with the machinegun.

Q. Was there any discussion or argument between the soldiers before the shooting?

A. There was no discussion. They didn't say anything. The Caucasian was standing about 10 meters from the Negro when he opened fire.

Q. Were you struck by a bullet?

A. I was shot in the foot and I fell down. There were many children that were crying. I was grazed on the leg also. We were shot down and we were lying over one another.

Q. You were lying here and you were covered with bodies. Is that right?

A. Yes. After I was shot I fell down and I was lying in the rice field here (indicating). I was shot at about 8 o'clock. I remained there until about 10 o'clock when the Americans left. Then, I left.

Q. Which way did you go when you left?

A. I went down the trail to Highway 521 and then in the direction of Quang Ngai City to Hoa Binh Hamlet.

Q. When did you return to Xom Lang?

A. I returned to the village at about 5 o'clock in the evening.

Q. What route did you take to come back to the village?

A. I returned up Highway 521 and then up the trail leading into the village.

Q. When you got to point 3 shown on the map, how many bodies did you see?

A. Bodies were all over the place. I couldn't count them.

Q. Were there more than 10?

A. The whole area from over there to over here (indicating) was covered with bodies. There were bodies scattered all over the place. There were a lot more than 10.

Q. More than 10. More than 100?

A. I couldn't tell.

Q. When you reached point 3, was anybody alive in that area? Did you talk to anybody?

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A. At 5 o'clock when I returned, all of those that were still living were gone. Only the dead were left.

Q. So there was no one alive there, is that correct?

A. All of the living had been removed from the location.

Q. Was anyone burying the dead?

A. There were people digging a mass grave. Three or four people were digging the grave. They were both men and women digging the grave.

Q. Do you know the names of any of them?

A. No, I don't know the names of any of them. The persons from Truong An Village came over here to carry the bodies and bury them.

Q. The same day?

A. Yes. The same day I got back, they were being buried.

Q. Will you mark with the number 4 the location where the mass grave was being dug?

A. (Witness did as requested.)

Q. Is point number 4 the location of the mass grave where the people lying at point 3 were being buried?

A. Yes.

Q. After you left point 3, where did you go?

A. I went from point 3 to the ditch east of the village where I found my wife, Ha Thi QUE, in the vicinity of the trench running east of the village. She had been wounded in the buttocks.

Q. Would you mark that with a 5 please?

(Witness did as requested.)

Q. What did you see at point 5?

A. I saw a great many dead persons. I couldn't count them.

Q. Over how long a stretch of the ditch were the dead persons?

A. Over 20 meters.

Q. Was there water in the ditch?

A. No. There was no rain so there was no water in the ditch. However, there was blood up to the depth of about the height of your ankles.

Q. What did you do with your wife at that point?

A. We carried our dead children to be buried.

Q. What were the names of the dead children?

A. Do Thi HO; Nguyen DUC; Do Thi DANH.

Q. Were any of your children killed at point 3? Do DAN, Do TRINH, and Do MUI were with you at point 3. What happened to them?

A. Only I was wounded. They fell down to the ground and were not hit.

Q. Then the three children-DAN, TRINH, and MUI--who were with you when you were shot, were not injured. Is that correct?

A. Yes.

Q. Where did you find the three children- DAN, TRINH, and MUI--when you came back to Xom Lang?

A. They went with me when I left.

Q. In what part of her body was HO shot by the soldiers?



A. She was shot in the head, and the round went through the child.

Q. I see. Why do you tell us lies about who did the shooting? When you talked to Mr. FEHER you told him that a white man did the shooting. Now you tell us that a black man did the shooting?

A. I don't know which one shot us. I was too frightened to know whether one wore a steel helmet or not.

Q. When you came from your house to point 3, were there already many bodies on the road?

A. No, I didn't see any bodies along the road when I got there.

Q. Can you find, on this map, the pagoda that was in the western part of Xom Lang? Please mark with a 6 the location of the pagoda in the western part of the village.

(Witness did as directed.)

A. There was only one in the village.

Q. Thank you, very much for coming in today to help us.

(Aerial photograph as marked by Do CHUC with numbers 1 through 6 is entered into evidence as Exhibit P-162.)

(The hearing recessed at 1240 hours, 31 December 1969)

## SUMMARY OF TESTIMONY

WITNESS: Pham DAT

DATE OF TESTIMONY: 1 January 1970

PLACE OF TESTIMONY: Joint United States Public Affairs Office, Quang Ngai City, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

RESIDENCE ON 16 MARCH 1968: Tu Cong Hamlet

THE ASSAULT ON MY LAI.

a. The artillery prep.

Pham DAT heard the artillery prep being fired to the west of Xam Lang (pg. 1). It did not land near his house which was in Tu Cong Hamlet (pgs. 1, 2). When he heard the artillery he led his wife and four children to the shelter in his yard (pg. 2). After an hour they returned to the house where they stayed for half an hour (pg. 3).

b. Pham DAT's family is led away.

At this time five soldiers entered his house and forced his family to leave (pg. 4). The Americans were shooting livestock and shot three of his cows (pg. 4). His house was burned along with all the others in the north-east section of the village (pg. 5). His family was taken to a ditch near a tree line on the east side of the hamlet as indicated by a "2" on Exhibit P-160 (pgs. 4, 5). He saw no bodies during this time (pg. 5). There were a number of Americans approximately 150 to 200 meters south of the ditch (pg. 5).

c. The soldiers fire on Vietnamese in the ditch.

There were about 100 Vietnamese standing around the ditch (pg. 6). They pleaded with the Americans not to harm them (pg. 6). After an hour approximately five Caucasian soldiers fired into the ditch (pgs. 6, 7). Pham DAT was shot in both legs and showed his scars to Mr. WALSH (pg. 7). He was unconscious until 1700 to 1800 when he was taken to Quang Ngai hospital by other Vietnamese (pg. 7). His wife and one year old child were killed along with eight of his other relatives (pgs. 8, 9). Pham DAT noticed that a monk had been killed, but he did not see the actual shooting (pg. 9).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-160	Aerial photo of My Lai as annotated by witness	Wit marked position of his house with "1". Wit marked position of ditch with "2".	1,4,5

CONFIDENTIAL

Unsworn statement of Pham DAT was taken at Joint United States Public Affairs Office, Quang Ngai City, Republic of Vietnam, on 1 January 1970. The questions were posed to MR DAT by MR WALSH. Also present was MAJ David D. DANTZSCHER who acted as interpreter. All of the questions were translated by MAJ DANTZSCHER into Vietnamese and all of the answers by MR DAT were translated into English by MAJ DANTZSCHER.

MR WALSH: What is your name?

A. Pham DAT.

Q. Where do you live?

A. My home is in Tu Cong Hamlet.

Q. How old are you?

A. I am 41 years old.

Q. And where were you living on March 16, 1968?

A. I was in Tu Cung on 16 March 1968.

Q. Can you indicate on the map where your house was located in Xom Lang?

(The witness did as requested.)

Will you please mark on the aerial photograph with the number 1 the location of your house?

(The witness did as requested. Aerial photograph was later entered into evidence as Exhibit P-160.)

Now, where were you when you first heard or saw anything involving American soldiers on 16 March 1968?

A. I was at my house when the Americans arrived.

Q. Did you hear any artillery before the Americans arrived?

A. I heard artillery fire to the west of Xom Lang.

CONFIDENTIAL

- Q. Did any artillery land near your house?
- A. No, no artillery fire landed near my house.
- Q. Were any aircraft firing guns near your house?
- A. No aircraft fired weapons in the vicinity of my house.
- Q. What was the weather like that morning?
- A. The weather was light or clear on 16 March 1968.
- Q. When you heard the artillery fire, who was with you in your house?
- A. My wife and children were with me in the house when I heard the artillery fire.
- Q. What was your wife's name?
- A. My wife's name was Pham Thi LAI.
- Q. How many children were with you?
- A. There were four children.
- Q. What were their names and their ages?
- A. The names of my children were Pham Thi LAM, 10 years old; Pham Thi THIN, 9 years old; Pham KY, 6 years old; and Pham Thi DAC, 1 year old.
- Q. What did you do when you heard the artillery fire?
- A. When I heard the artillery fire, I went to the shelter in my yard.
- Q. Did all of your family go with you at that time?
- A. All the member of my family went to the shelter with me.
- Q. How long did you stay in the shelter?

A. My family and I stayed in the shelter for an hour.

Q. And then what happened?

A. After that we got out of the trench.

Q. Where did you go after you got out of the trench?

A. We went back into the house.

Q. How long did you stay in the house?

A. We remained in the house about half an hour.

Q. After you had been in the house for half an hour, what happened next?

A. We just stayed at the house.

Q. After a half an hour did you leave the house?

A. After that time the American soldiers lead me to another spot.

Q. Before we have you mark it, let me ask you this: How many soldiers came to your house?

A. There were five soldiers.

Q. Were they Caucasian or black soldiers?

A. There was one Negro and the rest were Caucasians, like Mr. WALSH.

Q. Did one of them seem to be in charge of the others?

A. I don't know which one was in charge.

Q. When they came to your house, what did they do?

A. They entered my house and forced us to go.

Q. Did you see them shoot any livestock at that time?

A. Yes, I saw them shoot livestock. They shot cows, they shot chickens, they shot pigs; they shot everything.

Q. Did they shoot any livestock belonging to you?

A. They shot three cows of mine.

Q. All right. When they made you leave your house and took you to another place, were there people from other houses that went with you and your family?

A. They assembled many of us but I did not see clearly who they were.

Q. Will you indicate where the soldiers took you and your family when they left your house?

A. They took us towards there (indicating the direction by moving his finger along the photo).

Q. Okay, can you remember how you walked to go through the village?

A. There is a water-filled ditch at this point. (Witness drew ditch in paddy field east of hamlet.)

Q. Here?

A. Yes. We were taken from this ditch here (ditch drawn by witness) to this ditch here (tree line and ditch shown on Exhibit P-160 east of hamlet).

Q. I see. There were two ditches?

A. The ditch is in this location here (indicating ditch shown on Exhibit P-160).

Q. And there is no second ditch?

A. No.

Q. Will you continue drawing the line that you walked down to that ditch?

(The witness did as requested.)



Q. Will you draw a 2 at the point where you stopped?

(Witness did as requested.)

When you left your house and walked to the ditch, did you see any dead bodies on the trail through the village?

A. I did not see any bodies at that time.

Q. Did you see any livestock, in addition to your own, that had been killed as you walked through the village?

A. I saw three dead pigs at these points on the trail (indicating locations).

Q. In the northeastern corner of the hamlet?

A. Yes.

Q. Did the soldiers burn your house?

A. The Americans burned my house when we got to this position on the trail (indicating). There was a lot of smoke and flame.

Q. Would that be roughly 200 meters away from your house?

A. Roughly 200 meters.

Q. Did you see the Americans burn any other houses in addition to your own?

A. They burned all of the houses in this northeastern area of the village (indicating location on photo).

Q. On the way from your house to the ditch, did you see any other soldiers in addition to the five soldiers that were taking you and your family?

A. There were a lot of Americans located in the area just roughly 150 to 200 meters south of the ditch.

Q. What happened next?

A. The Americans led a great number of villagers into this area here (indicating the area near the ditch).

Q. Around the ditch?

A. Around the ditch in this area (indicating the ditch). We were standing in this area and pleading with the Americans not to harm us.

Q. Approximately how many were standing in the area of the ditch?

A. Vietnamese?

Q. Yes.

A. I can't give an exact number. There was just a whole lot of them. The area was crowded.

Q. Were there 100?

A. A lot more than 100.

Q. How many people lived in Xom Lang Hamlet on March 16, 1968?

A. Slightly more than 500.

Q. Did the soldiers tell the people to get into the ditch?

A. They did not order us.

Q. How long did you remain at the ditch?

A. Only about an hour.

Q. What happened then?

A. After that we were pleading with the Americans and the Americans shot us.

Q. How many Americans shot you?

A. Only about five Americans did the shooting.

Q. Were the Americans who did the shooting Caucasian or Negro?

A. They were Caucasian.

Q. Were you shot by any of the bullets?

A. I was wounded in the upper leg, the left leg.

Q. Do you have a scar?

A. Yes.

Q. Can we see it?

(The witness raised his trousers s leg and pointed to the scars.)

A. I was shot in both legs (indicating scars, one in the upper left leg and the other between the ankle and knee in the right leg).

Q. Do you remember if any one of the soldiers was in charge at the ditch?

A. I did not recognize a leader. I don't know if anyone was in charge or not.

Q. After you were shot how long did you stay in the ditch?

A. I remained there until 5 or 6 o'clock in the afternoon. I can't say for sure.

Q. After you were shot and while you were lying in the ditch, did you hear a helicopter come down near the ditch?

A. I was unconscious after I was shot. I didn't hear anything.

Q. After you became conscious, how did you manage to leave the ditch?

A. After I woke up, I was carried by other Vietnamese, by my countrymen, to the Quang Ngai Hospital.

Q. Did any of those who were wounded come to the Quang Ngai Hospital?

A. Three people.

Q. Three?

A. Three.

Q. Who were they?

A. The names of the people taken to Quang Ngai Hospital that I recognized are Do BAT, Nguyen Thi DOC, Nguyen Thi DOUNG, Do Thi XE, and Pham KY.

Q. Were any other members of your family wounded or killed that day?

A. They killed my wife and my daughters. In all, 10 members of my family were killed.

Q. Your wife was killed?

A. Yes, my wife was killed.

Q. How many of your daughters and sons were killed?

A. My wife, Pham Thi LAI, my son, Pham LAI; and Pham Thi DUC, my other younger son, were killed.

Q. Two sons?

A. Two sons and my wife.

Q. The story you gave before was that two daughters and a son were wounded, and your wife and younger daughter were killed.

A. This is changed. I would like to indicate now that only one of my sons, the 1-year-old, was killed. My wife was killed also. My two daughters and my 6-year-old son were wounded. Pham Thi DUC is my 1-year-old daughter.

Q. How many relatives in total--don't name them--were killed that day by the Americans?

A. In all 10 of my relatives were killed.

Q. How many of your relatives that were living in Xom Lang that day are still alive today?

A. This is very difficult.

Q. All right, just forget the question.

At any time prior to your becoming unconscious, did you notice that a monk was shot in this area by one or two Americans?

A. I saw that a monk had been killed, but I did not witness his being killed.

Q. Did you see this while you were walking along this route to the ditch?

A. No.

Q. Well, where did you see the monk lying?

A. I saw the body in the ditch with the other bodies.

Q. Was the monk's body away from the others?

A. He was not lying separately. He was lying in the ditch with the others.

MR WALSH: Thank you very much for coming in to help us today.

(Aerial photograph as marked by Pham DAT was entered into evidence as Exhibit P-160.)

(The hearing recessed at 1030 hours, 1 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: HIEU, Nguyen

DATE OF TESTIMONY: 5 January 1970

PLACE OF TESTIMONY: Public Safety Detachment, Quang Ngai City, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

RESIDENCE ON 16 MARCH 1968: Resident of My Lai (4).

1. ASSAULT ON MY LAI.

When the witness heard the artillery fire and the helicopters, he and his family went to a bunker near his home (pgs. 1, 2). His mother remained in the house (pg.2). He stated that three U.S. troops came to his home, raped his mother, and then shot her. The witness told that his sister then ran from the bunker, and she and her two children were shot (pgs. 2, 3). Approximately 40 minutes later other soldiers came and burned his home (pg. 4). Two buffalo were also killed (pg. 3).

2. AFTERMATH OF THE ASSAULT.

The witness stated that he remained in the bunker for about two hours (pg. 2). When the U.S. forces left, the witness buried his mother and sister.

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-160	Aerial photo	Marked by witness.	1,2

CONFIDENTIAL

Unsworn statement of Nguyen HIEU was taken at Public Safety Detachment, Quang Ngai City, Republic of Vietnam, 5 January 1970. The questions were posed to MR HIEU by MR WALSH. Also present was MAJ David D. DANTZSCHER who acted as interpreter. All of the questions were translated by MAJ DANTZSCHER into Vietnamese and all answers by MR HIEU were translated into English by MAJ DANTZSCHER.

MR WALSH: What is your name?

A. Nguyen HIEU.

Q. How old are you?

A. Twenty-five years old.

Q. Are you a native of Tu Cung?

A. Yes.

Q. Were you living in a house in Tu Cung on 16 March 1968?

A. Yes.

Q. Will you mark your house with a letter E on this aerial photograph (Exhibit P-160)?

(Witness does as requested.)

Q. Were you in your house on the morning of 16 March 1968 when the Americans came?

A. Yes, I lived there in 1968.

Q. Were you there on the morning of 16 March 1968 when the Americans came?

A. Yes, I was there that morning.

Q. How many other members of your family were there with you in the house that morning?



CONFIDENTIAL

A. Five.

Q. What did you do when you heard the artillery fire?

A. For the first time early in the morning I heard artillery come in here (indicating) and American helicopters come into here (indicating) on the west side of the village. They came here and they took us from the bunker.

Q. Was the bunker near your house?

A. Yes, right here (indicating).

Q. Did all the members of your family go in the bunker?

A. My mother stayed in the house. I and the children went to the bunker.

Q. How long did you stay in the bunker?

A. About 2 hours.

Q. Did the Americans come near the bunker?

A. Yes, they came into the bunker.

Q. They came into the bunker?

A. Yes.

Q. And did they make you come out of the bunker?

A. When the Americans came to my house my mother came out of house, and the Americans then raped my mother and they shot her.

Q. They shot and raped your mother?

A. Yes, shot and raped my mother. My sister ran out of the bunker and they shot my sister and two children.

Q. Just a minute now. The Americans came and took

CONFIDENTIAL

your mother out of the house?

A. They took my mother into the house.

Q. Did you see it?

A. Yes, I saw it.

Q. How many Americans were there?

A. Two Americans.

Q. Were they Caucasians or Negroes?

A. I saw only one black and one yellow.

Q. One black and one yellow. No white?

A. I saw one black, one yellow, and another I don't know exactly.

Q. Which one raped your mother?

A. The black soldier.

Q. Where did the rape take place, in the house, outside the house, in front of the house, or where?

A. In the house.

Q. If it was in the house, how could you see it?

A. It happened on the front porch of the house.

Q. What did the white soldier do while the Negro soldier was raping your mother?

A. After they shot my mother, the white soldier checked the house to see that everybody was dead and then he went out.

Q. What did the Negro soldier look like? Was he tall? Was he fat or thin? How would you describe him?

CONFIDENTIAL

A. He was tall.

Q. Was he thin like I am or was he heavy?

A. He was thin.

Q. Thin?

A. Yes. And later, a second group of Americans came in to burn the house.

Q. Were you the only one that stayed in the bunker?

A. Yes, I stayed alone.

Q. And your sister went out of the bunker and was shot?

A. My sister went out to help my mother and was shot.

Q. Were they all shot right around your house or did they take them some place else and shoot them?

A. They were all shot in the house.

Q. After the soldiers that shot the people left, how long were you in the bunker before the other soldiers came that burned the house?

A. About 40 minutes.

Q. About 40 minutes?

A. Yes.

Q. Did you see the soldiers that burned the house?

A. No, I did not see the Americans that burned the house.

Q. Did they shoot any livestock? Any animals, chickens, pigs?

A. They killed two buffalo.

CONFIDENTIAL

Q. What did you do after the soldiers left?

A. After the Americans left I buried my mother and sister.

MR WALSH: I am sorry that your family was killed like this. Thank you for coming here today to help us.

(The hearing recessed at 1640 hours, 5 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: LAI, Pham

DATE OF TESTIMONY: 5 January 1970

PLACE OF TESTIMONY: Public Safety Detachment, Quang Ngai City, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

TESTIMONY.

On 16 March 1968 the witness resided in My Lai (4) as he has all of his life (pg. 1). He was not a VC soldier, but he did supply the VC with rice and foodstuffs (pg. 1).

Following an artillery barrage, American troops landed in helicopters (pg. 3). Two groups of American soldiers went through My Lai (4). The first group advanced through and was followed by a second group that set fire to their homes and killed their animals (pg. 3).

Mr. LAI hid in his family bunker with 12 other people. They escaped to the west (pg. 4). The witness returned to the village at about 1500 hours that day. About 30-40 bodies were in an area immediately south of the village (pg. 4). Over 100 more bodies were in a ditch east of My Lai (4) (pgs. 5, 6).

Mr. LAI figured that 350 inhabitants were killed because the village's population was 500 before the attack and only 150 were alive afterwards (pgs. 5, 6).



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Unsworn statement of Pham LAI was taken at Public Safety Detachment, Quang Ngai City, Republic of Vietnam, on 5 January 1970. The questions were posed by MR WALSH. Also present was MAJ David D. DANTZSCHER, who acted as interpreter. All of the questions were translated by MAJ DANTZSCHER into Vietnamese and all of the answers by MR LAI were translated into English by MAJ DANTZSCHER.

MR WALSH: What is your name?

A. My name is Pham LAI.

Q. How old are you?

A. Thirty-nine years old.

Q. Have you lived in Thuan Yen all your life?

A. I've lived in Xom Lang all my life. It is my home village.

Q. Where is your house located? This is the pagoda here.

A. My house is here.

(The witness pointed to area on aerial photo, Exhibit P-160.)

Q. Put an A at that location.

(The witness did as directed.)

Q. Were you in your house on the morning of March 16th, 1968 when the Americans came?

A. I had just finished breakfast and was preparing to go to work. I had not gone to work because I have small children and I was still in my house at the time.

Q. Were you active in the VC at that time? Active as a VC soldier?

A. No, at that time I was not a VC. At that time I was not a VC. However, I supplied the VC with rice and food stuffs.

- Q. Do you know Do VIEN?
- A. Yes, he lived near me.
- Q. Was he--was Do VIEN an important officer of the VC in the village?
- A. No.
- Q. Was he a VC?
- A. Yes. He was captured by the government.
- Q. That's right. Was he a--what was his position with the VC?
- A. He was a VC doctor.
- Q. A doctor?
- A. A person who dispensed medicine to the sick.
- Q. All right. You had just finished breakfast that morning. Did any artillery land around the village?
- A. Yes. After we finished eating the Americans attacked and we ran into the caves and shelters in this area (indicating an area to the west of Xom Lang).
- Q. How many meters away from your house did you go?
- A. About 3 meters.
- Q. Yes. Who was with you in the shelters near your house?
- A. My family was in the trench along with the family of Ba BUC, the BUC family.
- Q. Have you been questioned by the CID? Has anyone else questioned you about who was killed in your family?
- A. Yes, I was questioned by an American.
- Q. What happened after you went to the shelters?



A. After the artillery stopped firing the helicopters landed and the troops got out and - -

Q. (Interposing) How long did the artillery fire?

A. About half an hour.

Q. Did any of it land in the village or did it land in the paddy fields next to the village?

A. The artillery was scattered out towards the west of the village. Some of it landed in the edge of the village.

Q. Some of it landed in the village?

A. Yes. A few artillery rounds landed in the village.

Q. Did you see the Americans land in the helicopters?

A. The troops worked into the village and gathered together the citizens of the village. After they captured them they assembled them.

Q. We only want to know what happened to you.

A. I only know that there was a lot of shooting and some people were killed.

Q. Did you continue hiding in this bunker the whole day?

A. No, I abandoned the shelter and ran to the west.

Q. Did you run to the west after the troops had gone past you to the east?

A. There was one group of Americans that were advancing through the village and a second group of Americans going through setting fire to the houses and killing the animals. My shelter was not discovered and I abandoned it and ran to the west.

Q. What did the first group of Americans do when they came through?

A. The first group that was coming through gathered the people in the village the second group that came through set the houses on fire and shot the livestock.

Q. Was your house burned?

A. Yes. My house was burned and two cows of mine were shot.

Q. Was your house set on fire and your cows shot by the second group that came through?

A. The ones that fired my house and shot my cows belonged to the second group.

Q. After the second group passed how many people were hiding in the bunker with you?

A. There were 12 people.

Q. Twelve? Did they all flee to the west with you after the Americans passed?

A. All of the 12 escaped to the west.

Q. When did you come back to the village?

A. At 3 o'clock. After I returned I buried the women and children that were killed.

Q. When you returned to the village what route did you follow to come back to the village?

A. I followed the national highway.

Q. Did you see any dead bodies along the national highway as you came back? Did you see this woman lying along the national highway? (He shows the witness photo Exhibit P-32.)

A. This woman was lying on the trail that runs north into Xom Lang.

Q. Exhibit P-31: Is this a picture of the national highway?

A. This is the trail running into Xom Lang.

Q. Do you recongnize these bodies lying along this trail (referring to photo P-31)?

A. The bodies were lying along the trail running north from the national highway into Xom Lang here (indicating on Exhibit P-16, a position on the trail just south of the edge of the village of Xom Lang).

Q. Do you remember seeing the woman?

A. No, I do not remember seeing the woman. It is possible she was in the bodies lying along the trail running north into Xom Lang. I don't remember.

Q. Did you see a large number of bodies about 30 meters south of the village when you got up to that area?

A. Yes, I saw about 30 or 40 bodies in the area immediately south of the village of Xom Lang.

Q. What did you do after you came back into the village?

A. I took time to prepare the members of my family for burial and to build myself a small house from bamboo.

Q. I thought you said all the members of your family escaped?

A. Yes, all my family survived. (Interpreter explanation: I feel that we were talking about a different family there.)

Q. Did you go the east of the village and see any large number of bodies in a ditch to the east of the village?

A. There were a number of people led into this area and then shot down here (indicating on Exhibit P-160 the ditch area east of Thuan Yen).

Q. Did you see them?

A. Yes. I saw them.

Q. Is this the ditch (indicating the ditch area on Exhibit P-160) running along here?

A. This ditch was full of people.

Q. What time of day did you see the ditch full of people?

A. 5 o'clock in the afternoon.

Q. Were the bodies in this end (indicating the north end) or were they farther down toward the south end of the ditch?

A. The bodies were located from here (indicating a point about one-third of the way up, from the south end to the north end of the ditch, to here.

Q. About how many bodies were in the ditch?

A. 350.

Q. Does this number of 350 come from VC propaganda or did you actually count 350 bodies there?

A. I know there 350 because there was 500 people in the village and there were only 150 people left after the attack.

Q. You said that you saw 30 or 40 dead over here so how could there be 350 dead in the ditch?

A. The 350 is a total throughout the village.

Q. How many were in the ditch is what I want to know?

A. I can't possibly guess at the number, but the ditch was full.

Q. Were there more than a hundred in the ditch?

A. Over a hundred people, yes.

MR WALSH: We are very sorry that your people were killed and we thank you very much for coming here and helping us.

(The hearing recessed at 1527 hours, 5 January 1970.)

(At about 1555 hours, 5 January 1970, Pham LAI was recalled and questioned during the interrogation of Le TONG. Pham LAI was shown and identified Exhibit P-66, and he then testified as follows:)

MR WALSH: Do you know the man and children in this photo?

A. Yes.

Q. Are they still living?

A. Both of the children and the man are still alive.

Q. What are the children's names?

A. Son DUC is the one standing behind the man.

Q. The older child?

A. The older, right. The younger child is too young to have a name. The man's name is spelled Truong CHAU.

(Pham LAI was excused at 1556 hours, 5 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: MEO, Nguyen Thi

DATE OF TESTIMONY: 1 January 1970

PLACE OF TESTIMONY: Joint U.S. Public Affairs Office,  
Quang Ngai City, Republic of South Vietnam

WITNESS SUSPECTED OF: N/A

COUNSEL: None

RESIDENCE ON 16 MARCH 1968: Xom Lang

TESTIMONY.

Mrs. MEO lived in My Lai (4) on 16 March 1968 (pg. 1). There was a heavy artillery barrage followed by helicopters landing and American troops assaulting My Lai (4) (pg. 2). The artillery did not damage any of the houses (pg. 2). After the artillery fire cleared, Mrs. MEO took her children and ran out of My Lai (4) onto Highway 521. They moved south toward Quang Ngai City. The witness' house was burned (pg.4).



Unsworn statement of Nguyen Thi MEO was taken at Joint United States Public Affairs Office, Quang Ngai City, Republic of Vietnam, on 1 January 1970. The questions were posed to MRS MEO by MR WALSH. Also present was MAJ David D. DANTZSCHER who acted as interpreter. All of the questions were translated by MAJ DANTZSCHER into Vietnamese and all of the answers by MRS MEO were translated into English by MAJ DANTZSCHER.

MR WALSH: Where do you live?

A. Xom Lang.

Q. What is your name?

A. My name is Nguyen Thi MEO.

Q. Where do you live now?

A. My home is in Tu Cung Hamlet.

Q. Were you living in Tu Cung Hamlet on March 16, 1968?

A. Yes, at that date I was living in Tu Cung hamlet.

Q. How old are you?

A. 44 years old.

Q. Do you remember when many Americans came to Xom Lang on March 16, 1968?

A. Yes, I remember, on the 16th of March.

Q. Do you remember hearing aircraft and artillery before you saw the Americans?

A. I heard heavy artillery fire.

Q. Where were you when you heard the artillery fire?

A. At the time I heard the artillery fire, I was in my house.

Q. Will you indicate on the photograph where your house is located in Xom Lang?



- A. About here (indicating). I ran there.
- Q. Yes, but where was your house located? Was it near the pagoda over here? About how far was your house from the pagoda?
- A. Twenty meters.
- Q. How long did the artillery fire?
- A. More than an hour.
- Q. I am not asking about the soldiers shooting; I am just asking about the large explosions?
- A. I don't know. The artillery fired and after that the helicopters came in and the troops were put down.
- Q. Did any of the artillery fire land near your house?
- A. No. It did not damage my house. The artillery fire landed outside. It did not damage my house. It fell 5 meters away.
- Q. Did the artillery hit any other houses nearby?
- A. All of it fell outside. No houses were damaged.
- Q. Who was with you in your house when you heard the artillery fire?
- A. I was in the house with my children. I was in my house with my five children and we left the house when the artillery fire stopped.
- Q. Where was your husband?
- A. After the artillery firing stopped, my husband went to the fields to irrigate them.
- Q. The previous statement you gave said you had a husband and three children. Now you say you have five children, and your husband is out irrigating the fields. When you talked to the others, why did you tell them that you had

three children and now you tell me you have five children?

A. I have five children.

Q. What are their names and what is the name of your husband? Make a list for us, please?

A. I do not know how to write.

Q. All right. Tell us the ages.

A. I have four boys and one girl; ages 12, 10, 8, 6, and 5. The little girl died in October of this year.

Q. Is Pham TIN, 10 years old, one of yours? And XIU, is he another? And a son named Pham TU?

A. He was 12 years old. There was only one girl.

Q. You told them when you were examined before: Pham Thi TIN, 10; Pham XIU, 4; and a son Phan XU, 2.

Q. When the soldiers came to your house what happened?

A. They burned my house.

Q. How many were there?

A. I don't know; I was running at the time.

Q. What was your husband's name?

A. My husband's name is Nguyen DUONG.

Q. In your previous statement you said your husband's name was Pham KY. Do you know Pham KY?

A. I do not know him.

Q. Is your present husband the same husband that you had in 1968?

A. Yes.

Q. What did you say your husband's name was?

CONFIDENTIAL

A. Nguyen DUONG.

Q. Do you know a woman by the name of PHU?

A. I do not know her.

(The witness was shown a photograph, Exhibit P-40.)

A. I do not recognize anybody in the photograph.

Q. Do you know the girl in the red sweater?

A. No.

Q. Do you know who the Village Chief was?

A. No.

Q. What did you do when you left your house?

A. After that I took my children and ran toward Truong An and saw my house being burned.

Q. Would you indicate on the photograph where you went with your children? Did you go down the road? Did you go down the trail leading from the center of the village?

A. Yes, I went down this road to the south of the village (indicating).

Q. Did you go across the highway up to the hill (indicating Hill 85)?

A. I left my house and went south by this route here (indicating the road leading from the center of the village and then south on Highway 521 toward Quang Ngai).

Q. When you left your house, did you see any soldiers?

A. When I left my house, the soldiers had already left and the houses were burning.

Q. When you went through the village to run away, did you see any dead bodies?

CONFIDENTIAL

A. I left my house and took the trail and went into the mountains. I did not see any dead bodies. They had been buried by that time.

Q. All right. Did you see any dead bodies in the village?

A. They had all hidden themselves and I did not see anyone.

Q. Did you see any helicopters when you went south of the village?

A. The aircraft had left already. They were gone from the vicinity.

Q. When you got down to the road to Quang Ngai, did you see any dead bodies?

A. No. They had already been buried.

Q. Did you see any American soldiers at any time that day?

A. I don't recall.

Q. Did you see any soldiers, at all?

A. Yes, I saw them shooting and I ran.

MR WALSH: It would seem that we have the wrong MEO. The statement given by MEO is completely different from the statement given to the CID by another person of the same name.

(The hearing recessed at 1506 hours, 1 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: Nguyen Thi NHUNG

DATE OF TESTIMONY: 1 January 1970

PLACE OF TESTIMONY: Joint United States Public Affairs Office, Quang Ngai City, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Resident of Xom Lang

1. ASSAULT ON MY LAI.

The witness testified that she was working in the fields on the morning of 16 March 1968 when she saw artillery fire fall on three sides of the village of My Lai (4) (pg. 2). She hid up to her neck in water for about three hours (pg.3). Early in the morning she stated that many people moved out of the area toward Truong An. She added that she saw none of these people killed by gunships (pg. 3), but did see U.S. soldiers assemble and kill many of them (pg. 4). She related that she left her hiding place and went up to the highway (521), where she saw over a hundred bodies (pg. 4).

2. AFTERMATH OF THE ASSAULT.

The witness stated that she returned to the village after the shooting had stopped (pg. 3). She testified that she found a group of bodies in an irrigation ditch and elsewhere (pgs. 4-6). All of the hootches were burned and all the domestic animals were killed. She lost many relatives in the attack. She stated that villagers from the other hamlets came and buried the bodies (pg. 6).



SUMMARY OF TESTIMONY

WITNESS: Nguyen Thi NHUNG

DATE OF TESTIMONY: 1 January 1970

PLACE OF TESTIMONY: Joint United States Public Affairs Office, Quang Ngai City, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

RESIDENCE ON 16 MARCH 1968: Xom Lang.

1. ASSAULT ON MY LAI.

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Unsworn statement of Nguyen Thi NHUNG was taken at the Joint United States Public Affairs Office, Quang Ngai City, Republic of Vietnam, 1 January 1970. The questions were posed to MRS NHUNG by MR WALSH. Also present was MAJ David D. DANTZSCHER who acted as interpreter. All of the questions were translated by MAJ DANTZSCHER into Vietnamese and all of the answers by MRS NHUNG were translated into English by MAJ DANTZSCHER.

MR WALSH: What is your name?

A. Nguyen Thi NHUNG.

Q, Where do you live?

A. Xom Lang. My home was in Xom Lang.

Q. Where do you live at the present time?

A. I live at the Son My model village.

Q. Were you living in Xom Lang when the Americans came on March 16th, 1968?

A. Yes. I lived in the village, but I went to work in the fields early.

Q. Can you indicate on the photograph where your house was? This is the pagoda here (indicating). Were you outside the village? Will you make an X where your house was?

(Witness marked as requested on the aerial photo, Exhibit P-160.)

Q. How far away from the pagoda was your house?

A. Right down in here (indicating an area south of My Lai (4) near the model village).

Q. That is where the model village is. Was your house near there?

A. This is where I went to work.



CONFIDENTIAL

Q. I see. Where was your house?

A. My house was in this area (indicating area marked X on Exhibit P-160) and I went to work this way (outlining route with finger).

Q. Was this place where you were working near Son My model village?

A. Yes, it was near the model village.

Q. How many meters was your house from the pagoda?

A. About 50 meters.

Q. The pagoda is here and your house there (indicating). That would be about 300 meters.

A. I am not sure of the location.

Q. Well, I will just erase the X. To put it in would just be confusing. Were you working in the fields when the Americans came on March 16th, 1968?

A. Yes.

Q. Did you see artillery fire strike near the village?

A. The artillery fire fell around the village. It fell on three sides of the village.

Q. Did you see helicopters land with soldiers?

A. I was hiding up to my neck in water at the time.

Q. Okay. Will you put an X on the photograph where you were when you saw the artillery striking around the village?

(The witness did as requested.)

Q. Is this where you were hiding when you saw the artillery?

A. Yes.

Q. An X has been placed on the aerial photograph, Exhibit P-160, to indicate the location the witness says she was hiding when the artillery was firing. How long did you stay in hiding at the place marked with the X?

A. I hid there for about 3 hours.

Q. Did you hide there until all the firing and aircraft had gone away?

A. While all this was going on I was hiding in water down here.

Q. When you left here (indicating the location of the X on the photo), had all of the aircraft and soldiers gone away from Xom Lang?

A. I went down here about 7 o'clock and I hid for about an hour.

Q. Then what did you do?

A. At about 10 o'clock I went back to the village.

Q. While you were at the place where you were hiding, did you see any people being killed along the road or in the paddies around you?

A. I saw the people assembled and shot. There were very many people killed along the road.

Q. At 7 o'clock and when the artillery started, did you see many people come down this trail (indicating trail from center of village) and go along the main road toward Quang Ngai? Were any of the citizens running along the road toward Truong An?

A. There were a number that were able to escape along that way.

Q. Did you see any of the people who were running away down the road shot by helicopters?

A. I didn't see any killed by helicopters along the road.

CONFIDENTIAL

Q. Did you see any helicopters land on the ground in this area where you were hiding?

A. No.

Q. When you left the place you were hiding and you came up to the road, did you see any dead bodies along the paddies right in here (indicating location on Exhibit P-160 just north of the national highway)?

A. There were some dead along the national highway and there were some dead along this trail going up directly into the village.

Q. How many did you see dead on the national highway?

A. There were very few on the national highway, but there were a great many on this road leading into the village.

Q. While you were hiding at this point, did you see how the people were shot that were dead on the national highway?

A. They were shot by soldiers.

Q. Did you see them shot?

A. They were shot by soldiers. Then I went down to Truong An and I returned after the shooting was over.

Q. Now when you returned after the shooting was over, how many bodies did you see on this trail?

A. I did not count them. There were over a hundred.

Q. Okay. Did you see bodies anyplace else except along this trail to the village?

A. My husband and children were killed.

Q. Where were they killed? Where did you find their bodies?

A. They were assembled here, led out here, and were killed.

Q. Did you find their bodies at the irrigation ditch out here (indicating the ditch to the west of the village)?

Q. Yes, I found them in the ditch.

Q. What was the name of your husband, and how old was he?

A. My children are grown, and I don't have a husband.

Q. You say that you didn't have a husband. Who was it that you told us you found at the ditch?

A. I did not have a husband in 1968.

Q. Did you have any children in 1968?

A. Yes.

Q. How many?

A. They had grown up already.

Q. How many?

A. Two children.

Q. Two children. What were the names of the two children?

A. Pham Thi LE and Pham TAN.

Q. How old are they?

A. Pham Thi LE, 12 years old; Pham TAN, 13 years old.

Q. How old are you?

A. Twenty-three.

CONFIDENTIAL

Q. Were all of the houses in the hamlet burned when you came back?

A. All of them were burned. The cattle, cows, pigs, and all the domestic animals were killed.

Q. Were either of your children killed?

A. My children were not injured. But, in the attack, one of my younger brothers, four of my younger sisters, one sister-in-law, my mother, my father, and the nine children of my sister-in-law were killed.

Q. Where were your children during the attack?

A. They were at work with me.

Q. When you came back to Xom Lang, did you see a ditch with many bodies in it?

A. Yes, I saw a ditch with many persons in it, many bodies in it.

Q. Did you see the bodies of any of your relatives in it?

A. Yes.

Q. Which ones? Don't worry about names, just relation.

A. I saw one of my sisters and my uncle. I don't know the exact number, but there were members of my family and members of other families there also.

A. Okay. Who buried the members of your family that were killed?

A. The villagers from the other hamlets came and buried them.

MR WALSH: Thank you for coming here today to help us.

(The hearing recessed at 1405 hours, 1 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: QUYEN, Ho

DATE OF TESTIMONY: 4 January 1970

PLACE OF TESTIMONY: Joint United States Public Affairs  
Office, Quang Ngai City, Republic of Vietnam

WITNESS SUSPECTED OF: N/A

COUNSEL: None

RESIDENCE ON 16 MARCH 1968: Co Lay Hamlet

KNOWLEDGE OF THE MY LAI OPERATION.

The witness had a home in Co Lay which was burned in 1968 (pgs. 1, 2). He was not certain when it was destroyed or by whom it was done (pgs. 1, 2). He was fishing at the time of the operation (pg. 2). He did not hear that people were killed by Americans on 16 March 1968 (pg. 2).

CONFIDENTIAL

Unsworn statement of Ho QUYEN was taken at the Joint United States Public Affairs Office, Quang Ngai City, Republic of Vietnam, on 4 January 1970. The questions were posed to MR QUYEN by MR WALSH. Also present was MAJ David D. DANTZSCHER who acted as interpreter. All of the questions were translated by MAJ DANTZSCHER into Vietnamese and all of the answers by MR QUYEN were translated into English by MAJ DANTZSCHER.

MR WALSH: What is your name?

A. Ho QUYEN.

Q. Where do you live?

A. I live in My Xuan Hamlet.

Q. How old are you?

A. I'm 40 years old.

Q. Are you a member of the Popular Force?

A. Yes, I am a member of the Popular Force.

Q. Were you living in Co Luy Hamlet in March 1968?

A. I had a house there, but I wasn't there.

Q. Where was your house located?

A. My house was in Xuan Duong.

Q. Where were you living on March 16, 1968?

A. I was at sea and did not have a home, or I was not at home.

Q. Was your house burned by the Americans during this operation in March 1968?

A. My house was burned, but I did not see who burned it.

Q. But it was burned at that time, March 16th, 1968?

(QUYEN)

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A. Yes. Everything has been destroyed.

Q. Everything now has been destroyed or then?

A. Now, everything has been destroyed.

Q. Was everything in the area destroyed during the American operation on March 16th, 1968?

A. I do not remember in what month it was destroyed, but it was in 1968. I was fishing and I did not return home on that date in March 1968.

Q. When did you return home after the operation?

A. I have never been back to visit the area.

Q. Have you heard that many people were killed by the Americans in My Hoi and Xuan Duong on March 16th, 1968?

A. No, I never heard that.

MR WALSH: Thank you for coming in to help us.

(The hearing recessed at 1405 hours, 4 January 1970.)



SUMMARY OF TESTIMONY

WITNESS: THUA, Pham

DATE OF TESTIMONY: 5 January 1970

PLACE OF TESTIMONY: Public Safety Detachment, Quang Ngai City, Republic of South Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

RESIDENCE ON 16 MARCH 1968: Binh Tay, Tu Cung Hamlet

TESTIMONY.

Mr. THUA is 16 years old. On 16 March 1968 he lived in Binh Tay, a tiny subhamlet adjacent to My Lai (4). The witness hid in a bunker concealed by a bamboo thicket. He saw three helicopters land and 15 U.S. soldiers gathered 16 villagers from Binh Tay and shot them at "I" on Exhibit P-160. The witness saw seven Negro soldiers commit rape (pgs. 3, 4). The soldiers burned all of the houses in Binh Tay and killed some more people in the process (pg. 3). The soldiers assembled 200 people of Binh Tay at point I, Exhibit P-160. The Negro soldiers wanted to shoot the people, but the white soldiers, one was a sergeant, would not allow the people to be shot (pgs. 5, 6). The villagers then ran to the southwest (pgs. 5, 6). All of their livestock were killed (pg. 7).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-160	Aerial photo of My Lai (4)	Wit marked his house with a "G". "H" designated where three helicopters came in. "I" is where U.S. troops shot 16 people.	1,2

Unsworn statement of Pham THUA was taken at Public Safety Detachment, Quang Ngai City, Republic of Vietnam, on 5 January 1970. The questions were posed to MR THUA by MR WALSH. Also present was MAJ David D. DANTZSCHER, who acted as interpreter. All the questions were translated by MAJ DANTZSCHER into Vietnamese, and all the answers by MR THUA were translated into English by MAJ DANTZSCHER.

MR WALSH: What is your name?

A. My name is Pham THUA.

Q. How old are you?

A. Sixteen.

Q. Were you living in Tu Cung Hamlet on March the 16th, 1968?

A. On March 16th, 1968, I lived in the subhamlet of Binh Tay, Tu Cung Hamlet.

(Witness is given orientation on aerial photograph of Tu Cung Hamlet, Exhibit P-160, by MR WALSH.)

Q. Will you please mark the location of your house with a G?

(Witness marked as requested on Exhibit P-160.)

Q. Now, were you in your house with your family when you heard artillery fire on the morning of March 16th?

A. At 9 o'clock in the morning. I stayed in my house with my family. I saw that Xom Lang was burning. And somebody came to the bunkers, and on the same day helicopter--

Q. (Interposing) Just a minute. At 9 o'clock you saw that Xom Lang was burning?

A. Yes.

Q. And you and your family were hiding?

A. In bunkers.

Q. Were the bunkers near your house?

A. I was hiding in a bunker near my house in Binh Tay and saw the houses burning in Xom Lang.

Q. Did any soldiers come to Binh Tay that day.

A. I saw three helicopters come into this area (indicating area on Exhibit P-160).

Q. Please mark that area with an H.

(Witness does as requested.)

Q. Did helicopters come into the area marked with an H on the photograph?

A. Yes, three.

Q. Three helicopters came to the point marked H on the photo. And did they land on the ground?

A. Yes, all three of them landed.

Q. And did any soldiers get out of the helicopters?

A. The helicopters landed and discharged the troops, who proceeded to the southwest. Reaching the southeastern portion of Binh Tay, they assembled about 16 persons. After they assembled the 16 people, they shot and killed them.

(Witness marks location on Exhibit P-160 with I.)

Q. How many soldiers got out of the helicopters?

A. There were about 15 Americans.

Q. How many people did they shoot at that southeast corner of Binh Tay?

A. Sixteen people at that spot.

Q. The spot marked I?

A. Yes.

Q. How could you see the people shot at point I if you were hiding in a bunker at point G?

A. My family stayed in bunkers near my house, but I had gone to hide in a bunker in a bamboo thicket near point I.

Q. About 16 were killed there you say?

A. Sixteen.

Q. After they shot the people, what did they do then?

A. They burned the houses.

Q. Did they burn all of the houses in Binh Tay?

A. All the houses were destroyed in Binh Tay, and they also shot more people while they were burning the houses.

Q. Did you see any of the soldiers?

A. I was in a bamboo thicket, and I couldn't see all the time.

Q. Were they white soldiers or Negro soldiers?

A. There were four white soldiers, and the rest were colored.

Q. That would be 11 colored soldiers?

A. Yes, 11 colored.

Q. Did one of the soldiers seem to be in charge of the others?

A. I did not recognize anyone as being the leader.

Q. Did you see any of the soldiers rape any of the women?

A. Yes.

Q. One or more than one?

A. Seven.

Q. Seven?

A. Yes.

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Q. Of the seven, how many did you see?

A. I saw them all.

Q. The soldiers who raped the women, were they white soldiers or Negro soldiers?

A. All of them were Negroes.

Q. How long were the soldiers in Binh Tay before they left?

A. About an hour and a half.

Q. Where did they go after they finished burning the houses and shooting the people?

A. After they completed burning the houses and shooting the people, they crossed the river and proceeded southward into the center area of Xom Lang village. I can't say exactly. They went over the bridge and headed south into Xom Lang, and I don't know what happened after that.

Q. Did the helicopters take off and leave as soon as they left the soldiers at the point marked H?

A. They departed immediately.

Q. Okay. Did you actually see the soldiers getting out of the helicopters?

A. Yes, I saw them.

Q. We think that we know that some of the soldiers from here (indicating Xom Lang) walked up here (indicating Binh Tay) and then walked back. And there were several helicopters over here, circling around, that shot several VC with weapons in this area. Everything that you have said is consistent with what we know except the soldiers getting out of the helicopters, which you believe could not have happened. I want to make sure that you saw with your own eyes--saw them getting out, and that they couldn't have walked over from here (indicating Xom Lang).

A. I was hiding in the bamboo area, and the helicopters came in and landed in the area marked H.

Q. How many people were killed by the soldiers altogether in Binh Tay?

A. Sixteen.

Q. Sixteen, wait a minute. You said 16 were killed in the area of I, and then they killed others when they went through burning the village. What I want is the total number killed?

A. They assembled the people and lead them--this is after they killed the 16. They then took about 200 people, and the Negroes wanted to shoot them. And the white soldiers would not permit it.

Q. Now, let's get this in order? When the soldiers first came into the village, did they then shoot the 16 people right away when they first came?

A. Yes.

Q. That is a point I? And then the soldiers went through the village, burned the houses, collected people in a group, and brought them back down to a point near I?

A. Yes.

Q. And then, did the Negro soldiers want to shoot all of these, and the white soldiers would not let them?

A. Yes.

Q. Well, was the white soldier in charge of the--all of the soldiers?

A. About 200 people were assembled. A Negro soldier wanted to shoot them. There were two Caucasian soldiers who would not permit them to shoot them. The two Caucasian soldiers told the people to get out, leave the area.

Q. And did they all then run away to the west?

A. They ran away to the southwest.

Q. When they assembled all the people there, was there a Caucasian, a white soldier, with two bars on the front of his helmet?

A. I can't recall.

Q. All right. What did you do after--did you leave this place with the rest of the people, or did you stay hiding in your bamboo thicket?

A. I stayed in the bamboo.

Q. You stayed in the bamboo. And then the soldiers went on down this way (indicating direction of Xom Lang). Is that right?

A. Yes.

Q. How many soldiers went down this way?

A. About 15.

Q. Fifteen.

A. About 15.

Q. Did you notice that one of the Negro soldiers had three stripes on his arm?

A. Yes.

Q. The soldier who had that on his arm, was he white or colored?

A. White, sir.

Q. You saw a white soldier with stripes on his sleeve?

A. Yes.

Q. Were any shot and wounded?

A. Only one was wounded.



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Q. Were any of the animals shot, the buffalo, pigs, and what not?

A. Yes, they shot the buffalo.

Q. Did they shoot all of them?

A. They shot all of the livestock.

MR WALSH: All right.

We are sorry that the Americans did this thing, and those who did it will be punished. We appreciate you coming to help us today.

(The hearing recessed at 1805 hours, 5 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: TINH, Troung

DATE OF TESTIMONY: 4 January 1970

PLACE OF TESTIMONY: Joint United States Public Affairs Office, Quang Ngai City, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

RESIDENCE ON 16 MARCH 1968: Resident of Co Luy.

Though a resident of Co Luy the witness' family had been evacuated and he was at sea on 16 March 1968 (pg.1). The only persons whom he heard of as being killed on that date in his home area were Viet Cong. He had not returned to his home since 16 March 1968 (pg.2).

Unsworn statement of Truong TINH was taken at the Joint United States Public Affairs Office, Quang Ngai City, Republic of Vietnam, on 4 January 1970. The questions were posed to MR TINH by MR WALSH. Also present was MAJ Donald D. DANTZSCHER who acted as interpreter. All of the questions were translated by MAJ DANTZSCHER into Vietnamese and all of the answers by MR TINH were translated into English by MAJ DANTZSCHER.

MR WALSH: What is your name?

A. Truong TINH.

Q. Where do you live?

A. In the model village, Tu Cung Model Village.

Q. How old are you?

A. Thirty-three years old.

Q. Are you a member of the Popular Force?

A. Yes.

Q. Were you living in Co Luy in March 1968?

A. My home was in Co Luy, but I was out at sea.

Q. What subhamlet did you live in in Co Luy?

A. It wasn't a subhamlet. My home was near Xuan Duong Subhamlet.

Q. Was your family living at your house while you were at sea?

A. No, they had evacuated.

Q. Did you have any relatives living in My Hoi or Xuan Duong in March of 1968?

A. No.

Q. Do you know of anyone who was living in Xuan Duong or My Hoi at the time of the operation in March of 1968, who is now living at Tu Cung Model Village?

A. No, I do not know very many in the village and I was out at sea. I am in the Army and I don't know.

Q. Did you ever hear that many persons in Xom Lang and My Hoi were killed in the American operation in March 1968?

A. The only persons that I heard were killed were VC.

Q. How many VC did you hear were killed?

A. I was far away and I have no idea of how many were killed.

Q. Have you been back to your house since the operation on March 16th, 1968?

A. No, I have not returned. I have been in the Army and stationed far away.

Q. Do you know of anyone who was living in My Hoi or Xuan Duong at the time of the American operation in March 1968 who is now living in Son My Village or this area?

A. No.

MR WALSH: Thank you very much.

(The hearing recessed at 1435 hours, 4 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: TONG, Le

DATE OF TESTIMONY: 5 January 1970

PLACE OF TESTIMONY: Public Safety Detachment, Quang Ngai City, Republic of South Vietnam

WITNESS SUSPECTED OF: N/A

COUNSEL: None

RESIDENCE ON 16 MARCH 1968: Thuan Yen Hamlet.

TESTIMONY.

Mr. TONG lived in My Lai (4) with his family on 16 March 1968. When the artillery fire began to come in, they hid in a bunker under a bamboo thicket (pg. 2). After about an hour American soldiers took the family out of their shelter and led them to Binh Dong (pg. 2). Later they were released to return to My Lai (4) (pg. 2). The witness' house was burned and his three pigs were shot (pg. 4).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-16	Miscellaneous Scene	Identified CHAU, a 16 March 1968 survivor.	3
P-22	Miscellaneous Scene	Identified Chuu NHUONG who survived on 16 March and lives in Saigon.	3
P-23	Miscellaneous Scene	Wit could not re- cognize the people in the picture.	2
P-160	Aerial photo of My Lai	"B" marks location of witness' house.	1

Unsworn statement of Le TONG was taken at Public Safety Detachment, Quang Ngai City, Republic of Vietnam, on 5 January 1970. The questions were posed to MR TONG by MR WALSH. Also present was MAJ David D. DANTZSCHER who acted as interpreter. All questions were translated by MAJ DANTZSCHER into Vietnamese and all the answers by MR TONG were translated into English by MAJ DANTZCHER.

MR WALSH: What is your name?

A. Le TONG.

Q. How old are you?

A. Sixty-three.

Q. Are you a native of Thuan Yen Subhamlet?

A. My home was in My Khe, but in 1967 I moved to Xom Lang.

Q. Were you in your house in Thuan Yen Hamlet when the Americans came on March 16th, 1968?

A. Yes.

Q. Did you live near the pagoda?

A. Here. (Witness pointed to area on aerial photo, Exhibit P-160.)

Q. Mark that with a B.

(The witness does as requested.)

Who was with you in your house when the Americans came?

A. My wife.

Q. Anyone else?

A. There was a total of six people in the house. In addition to myself and my wife, there was one child of mine, my sister, and two people of my sister's family.

Q. What did you do when you heard the artillery fire?

A. At that time we took shelter. We were on our way to work and took shelter.

Q. Where did you take shelter?

A. There was a shelter under the bamboo thicket near my house.

Q. Did all of you take shelter in that thicket or bunker or whatever it was?

A. All of my family took shelter when we heard the firing.

Q. How long did you stay in the shelter?

A. We stayed in the shelter about an hour.

Q. Were the Americans gone when you came out of the shelter?

A. The Americans took us out of the shelter and led us to Binh Dong.

Q. Binh Dong?

A. Yes. I am positive that it was Binh Dong that we were led to.

Q. How many soldiers took you to Binh Dong?

A. Ten soldiers.

Q. Were they Caucasian soldiers or Negro soldiers?

A. They were mixed, both Caucasian and Negro.

Q. Did they have a leader?

A. We were taken to Binh Dong and after that we were released and sent back to Xom Lang.



Q. And how many people went with you from Xom Lang to Binh Dong? How many Vietnamese?

A. There were four people led to Binh Dong. There were four people in my family and they were taken to Binh Dong.

Q. Were any of these people taken to Binh Dong? (MR WALSH shows the witness photo P-23.)

A. No.

Q. Do you recognize any of them?

A. No. I don't know any of the people in the picture.

Q. Do you know this man? (He shows the witness photo P-22.)

A. Mr. Cuu NHUONG.

Q. Is he still alive today?

A. Yes. He is still alive in Saigon.

Q. Do you know Mot THO?

A. Yes, but I don't know if he is still alive though.

Q. Do you know this man? (He shows the witness photo P-16.)

A. Yes, CHAU.

Q. Is he still alive?

A. I know him, but I don't know where he is now.

Q. Have you seen him since March 16, 1968? Was he alive after March 16, 1968?

A. Yes, he was still alive.

Q. Was your house burned?

A. Yes, it was completely burned.

Q. Was any of your livestock killed?

A. My three pigs were shot.

(The hearing recessed at 1600 hours, 5  
January 1970.)

SUMMARY OF TESTIMONY

WITNESS: TUONG, Nguyen Khae

DATE OF TESTIMONY: 5 January 1970

PLACE OF TESTIMONY: Public Safety Detachment, Quang Ngai City, Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Resident of My Lai (4).

1. ASSAULT ON MY LAI.

The witness stated that he hid with his family in a bunker under his house when the artillery attack began (pgs. 1, 2). Some U.S. troops led his family away at about eight o'clock, but the witness remained behind unseen (pg. 2). Approximately 20 minutes later another group of soldiers fired the witness' home (pg. 3).

2. AFTERMATH OF THE ASSAULT.

After the U.S. troops left the witness emerged from his hiding place (pg. 3). The witness testified that he saw the body of THO in a well and the bodies of his family on a trail in the village (pgs. 4, 5). He said his wife escaped (pg. 5). The witness accounted for perhaps 200 people in the ditch (pg. 6). The witness told of his burying his family at seven o'clock that evening (pg. 6).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-37	Picture of man in well	Wit identified as THO.	3,4
P-41	Picture of bodies	Wit identified mother and sister. Shown to witness	4,5
P-160	Aerial photo of My Lai (4)	and marked.	1,5,6

Unsworn statement of Nguyen Khae TUONG was taken at Public Safety Detachment, Quang Ngai City, Republic of Vietnam, on 5 January 1970. The questions were posed by MR WALSH. Also present was MAJ David D. DANTZSCHER, who acted as interpreter. All of the questions were translated by MAJ DANTZSCHER into Vietnamese, and all of the answers by MR TUONG were translated into English by MAJ DANTZSCHER.

MR WALSH: What is your name?

A. Nguyen Khae TUONG.

Q. How old are you?

A. Forty.

Q. Are you a native of Tu Cung?

A. Yes.

Q. Were you living in Tu Cung in March 1968?

A. I was.

(The witness was oriented as to the location of the different hamlets which are shown on the aerial photo, Exhibit P-160.)

Q. Where is your house?

A. Here.

Q. Mark the location with an F.

(Witness did as requested.)

Were you in your house with your family when you heard artillery fire on the morning of 16 March 1968?

A. Yes, I and my family.

Q. How many people are there in your family?

A. Five.

Q. Where did you go when you heard the artillery fire?

A. When I heard the Americans fire, I went to a bunker in the house.

Q. You hid in a bunker in your house?

A. Yes.

Q. Did all five of your family hide with you in the bunker?

A. Yes, all.

Q. Did the American soldiers come to your house?

A. Yes.

Q. How many?

A. I do not know how many Americans came to the bunker. I only know that Americans came to my house. I remained in the bunker.

Q. How long did you stay in the bunker?

A. From 7 o'clock to 12 o'clock.

Q. Did the Americans discover you in the bunker?

A. They led my family away.

Q. You didn't answer the question.

A. The Americans led my entire family away.

Q. But you stayed behind?

A. My family was taken out, but I remained there.

Q. About what time in the morning did the Americans come and lead your family out?

A. About 8 o'clock in the morning.

Q. Did the soldiers who led your family out of the bunker also burn the house at the same time?

A. The first group came into my house and got my family to go, but they did not kill. And the second group came to burn my house.

Q. You say that the first group got your family?

A. The first group got my family to go this place, this area (indicating the area on the photo) on the trail south of the village.

Q. Did you see the soldiers who came and led your family away?

A. I did not see them, but I heard the Americans come into the house and talk in the house.

Q. You did not see them?

A. No, I did not see them, but I heard them come into the house.

Q. How long after the soldiers led your family away did the other soldiers come and burn your house?

A. About 20 minutes.

Q. And did you--why weren't you burned when the house was burned if you were in the bunker?

A. I was in a shelter underneath the house.

Q. What did you do when you came out of the bunker about 12 o'clock?

A. At 12 o'clock the Americans left, so I came out of the house. I stayed at the well in front of my house, and I saw somebody dead.

Q. You saw what?

A. Somebody dead.

Q. In the well?

A. Yes, in the well. One old man dead in the well, and a child, also.

Q. Can you identify the old man who was in the well?

(MR WALSH shows witness picture, Exhibit P-37, of man in well.)

A. Yes.

Q. What's his name?

A. Truong THO.

Q. What did you do after you saw the man in the well?

A. I went to look for my old mother.

Q. And where did you find her?

A. I came to this area where I found my mother (indicating area on trail leading south from center of village).

Q. Were there many bodies in this area just south of the village?

A. Yes.

Q. Does this picture (showing Exhibit P-41 to witness) show the bodies that were just south of the village? Is this the group of bodies that you saw just south of the village?

A. My mother is in the photo.

Q. Who?

A. My mother. Also, my younger sister.

Q. Please mark each with a number.

A. I will mark my mother with number 1, and my sister number 2.

Q. Do you recognize anyone else?

A. No.

Q. Did you find your mother and your sister, and the other bodies shown in this photograph, about 25 meters south of the village on the trail?



A. Yes, at approximately this spot (pointing to area on photo along trail leading south from the center of the village), about 25 meters out, was the large group I found.

MR WALSH: The witness is indicating that the group of bodies shown in the photograph P-41 is the group of bodies that he found about 25 to 30 meters south of the village, on the trail leading directly south from the village, and including his mother and sister.

Q. What did you do after you found the members of your family?

A. I went to find my wife.

Q. Where did you find your wife?

A. When the Americans left, my wife ran to this area (indicating area on photo, Exhibit P-160).

Q. Your wife escaped to an area south of the village, and you found her alive?

A. Yes, alive.

(Witness indicates area along the edge of the trail leading south from the village.)

Q. Did you then go over to area to the east of the village and see any bodies in the ditch to the east of the village?

A. Yes, I came to that area to see what other relatives had died.

Q. Were there many bodies in the irrigation ditch east of the village?

A. Many people died in this area.

Q. Were there many bodies all along the ditch, or were most of them at the northern end? Where were most of the bodies located that were in the ditch?

A. In the hole (ditch).

Q. The whole length of the ditch?

- A. Yes, the whole length of the ditch, and some outside.
- Q. Some on the banks, on the sides?
- A. Yes, on the banks and in the hole.
- Q. Approximately how many bodies did you see in the ditch?
- A. Perhaps 200 people.
- Q. Where did you bury the members of your family?
- A. About 7 o'clock in the evening.
- Q. Where, where did you bury them? The location?
- A. I brought them to here (indicating location on photo).

MR WALSH: He brought them to a point approximately half-way between Thuan Yen and Binh Tay, approximately 200 meters north of Thuan Yen.

All right.

I am very sorry that the members of your family were killed in this way by the Americans, and they will be punished. We appreciate very much your coming to help us.

(The hearing recessed at 1708 hours, 5 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: VIEN, Do

DATE OF TESTIMONY: 4 January 1970

PLACE OF TESTIMONY: Headquarters, Americal Division,  
Chu Lai, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

RESIDENCE ON 16 MARCH 1968: Thuan Yen, Tu Cung Hamlet,  
Son My village, Republic of Vietnam.

1. DESCRIPTION OF HIS RESIDENCE AND HIS FAMILY.

The witness, who is 34 years old, lived in Thuan Yen (My Lai (4)) on 16 March 1968. With him lived: his wife, Le Thi HUYNH, who was 30 years old; his father, Do NGUYEN, who was 70 years old; his mother, Pham Thi LOA, who was 65 years old; a brother, Do THANH, who was 12 years old; his sister Do Thi CAN, who was 24 years old; his sister-in-law, Do Thi NHAT, who was 18 years old; his cousin, Le MY, who was eight years old; and his two children, Do HAT, aged six, and a two year old (pgs. 1, 2). Four of these people were killed (pg. 6). They were the six year old daughter, whom he found in a pile of bodies near his house (pg. 5), his 24 year old sister, who was also in the same pile of bodies (pgs. 5, 6), and his sister-in-law and eight year old cousin who were killed elsewhere in the village (pg. 6). No one else in the family was wounded (pg. 6). His house was burned and his animals were killed (pg. 7).

2. HIS KNOWLEDGE OF THE ATTACK ON 16 MARCH 1968.

He stated that the attack started about seven o'clock in the morning while he was at work dipping water into the rice fields 500 meters from the village (pg. 2). The artillery fire came from the northwest and landed adjacent to the west side of the village (pg. 2). No artillery landed

on the village (pg. 3). The artillery fire continued for about ten minutes and he noticed helicopters firing "a little bit in the village" and also firing down along the road (pg. 3). The helicopters dropped the people off in an area 100 meters west of the village. He raised himself up from where he was lying in the field and could see four or five lifts coming in (pg. 3). When the helicopters left he moved in a westerly direction. A helicopter hovered over him for a short period of time and took off. He did not have a weapon. He crossed over the road and went into the general area of the Ba Lang Subhamlet in the village of Truong Hoa, where he remained until noon. He returned to the village by moving up the west side of the river to a bend which was southwest of the hamlet, then crossing the river and entering the southwest corner of the hamlet (pg. 4). At that time he met his wife who had their two year old child with her (pg. 4), and they proceeded to bury the members of their family 500 meters south of the village and 100 meters from the highway, in the family burial ground (pgs. 4, 7, 8). The witness stated that while he was hiding he did not see soldiers shoot any of the people who were fleeing (pg. 4). He did see helicopters shoot in an area but did not see if they hit anyone (pg.5). While walking through the village he saw approximately 20 women, children, and old men who were killed alongside the road running from the south of the hamlet. These bodies were in the rice paddies on the side of the road, not on the road. There was also a pile of bodies near his home (pg. 5). He saw also two bodies the next day about 60 meters from the edge of the ditch. He stated that he heard from villagers that there were approximately 80 people killed, including a monk (pg. 9), but he would not know the names of the people killed unless he made a list of the families (pg. 10). The witness stated that he also heard of some people being killed in My Hoi, which is a subhamlet of Co Luy. This he heard from people talking about it, and not from the VC propaganda (pg. 10). He heard that "under 100" were killed which included some women and children (pgs. 10, 11). The witness also identified some photographs (See Exhibit List, infra).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-3	Miscellaneous Scene	Wit identified as a farmer.	11
P-19	Miscellaneous Scene	Wit identified a women and wrote her name on the photo.	11
P-22	Miscellaneous Scene	Wit identified an old man and wrote his name on the photo.	11
P-23	Miscellaneous Scene	Wit identified man to right rear of photo and wrote his name on the photo.	11
P-37	Miscellaneous Scene	Wit identified Do QUAN's house and well, and said Do Dinh LUYEN lived there.	12
P-40	Miscellaneous Scene	Wit identified Do HAI, his six year old daughter in a white shirt to the left of the group, Ba XO in the center of the group, and Nguyen Thi HO to the rear.	11

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Unsworn statement of Do VIEN was taken at Headquarters, Americal Division, Chu Lai, Republic of Vietnam, on 4 January 1970. The questions were posed to MR VIEN by MR WALSH. Also present was LTC Billy M. STANBERRY, who acted as interpreter. All of the questions were translated by LTC STANBERRY into Vietnamese and all of the answers by MR VIEN were translated into English by LTC STANBERRY.

MR WALSH: What is your name?

A. My name is Do VIEN. I am from Son My.

Q. Do you live in Tu Cung?

A. Tu Cung Hamlet, Son My Village. I have lived there all my life. I am 34 years old.

Q. Do you live in Thuan Yen?

A. Yes.

Q. Were you living in Thuan Yen on March 16th, 1968?

A. Yes.

Q. Were any members of your family living in the hamlet at that time?

A. Yes, they were there.

Q. Who were they? Your wife? Your children?

A. My wife and two children: two boys, 2 and 6 years old.

Q. What was your wife's name?

A. Le Thi HUYNH.

Q. How old was she?

A. Thirty. Mr. Do NGUYEN, my father also lived with me. He was 70 years old. My mother, Pham Thi LOA, was 65 years old.

Q. Anyone else?

A. One younger brother, and two younger sisters.

Q. What were their names?

A. Do THANH.

Q. That's the brother?

A. Yes, my brother was 12 years old. My sisters were Do Thi CAN, 24 years old, and Do Thi NHAT.

Q. How old is she?

A. Actually she is my sister-in-law. She is 18 years old. She is my wife's sister. One cousin, a boy, 8 years old, named Le MY. And that is all.

Q. Were all of these living in the same house on March 16th?

A. Yes.

Q. Were you present in the village when the American operation came there on March 16th, 1968?

A. I had gone after water and I was at work about 500 meters away. I was out in this area dipping water into the rice fields. I was over in this area (indicating an area approximately 400 to 500 meters to the west of the village, on the west side of the river lying to the west of the village).

Q. In that position did you notice any artillery fire?

A. Yes, I saw artillery fire. It started about 7 o'clock in the morning. They were shooting from this direction (indicating the northwest). They were firing from the northwest.

Q. And where were they impacting?

A. Here (indicating an area immediately adjacent to the village on the west and in the southwest sides). All along here on the west side.

Q. Did any of the artillery impact on the village itself?

A. No, it did not. All of it was out in the paddies.

Q. What did you do when you saw the artillery landing west of the village?

A. I lay down.

Q. And how long did the artillery fire continue?

A. About 10 minutes.

Q. Did you observe many helicopters firing in the area of the village?

A. They fired just a little bit in the village and then they also fired down along the road. Most of the firing was down along the road. Also the helicopters brought soldiers in and let them off in this area (indicating 100 meters to the west of the village). From where I was I raised up and I could see the Americans entering the village after they had gotten off the helicopters. I don't know how many came in on the helicopters but there was a lot of them. There must have been four or five lifts; very, very many.

Q. How long did you stay in this position where you were hiding?

A. After this was finished and the helicopters left I took off in this direction. When that was finished I moved out in this area, 500 meters farther, and continued due west. In this area a helicopter hovered over me for a short period of time, looked me over, and took off. I didn't have a weapon. I've never had a weapon.

Q. And where did you go after the helicopter hovered over you?

A. I went into Ba Lang Subhamlet. It belongs to Truong Hoa Village. Yes, I crossed this road and I was over in this general area. I spent the whole day over here. And then when the Americans finished killing everybody over here I returned at 12 o'clock noon. I don't have a watch but I know it was noon, exactly noon, because of where the sun was.



Q. What path did you take coming back from here to the village?

A. I went back through Troung An. I came back in this direction on the west side of the river up to the bend in the river southwest of the hamlet, to the intersection of Thuan Yen and Truong An, generally halfway between Thuan Yen and Truong An. I crossed the river, and then I entered here first at the southwest corner of the hamlet. And then I continued around the edge to my house which is in this area. I showed the CID where my house was yesterday.

Q. Did you come back alone or with others?

A. Are you talking about here?

Q. Yes, when you came back to the village?

A. I met her in this area when I came back.

Q. Whom did you meet?

A. I met my wife in this area when I came back (indicating the bend in the river between Truong An and Thuan Yen). At that time I didn't know where my family was except my wife. My wife hid during the time that the Americans were in the village. My 6-year-old was killed. My wife escaped with the 2-year-old and came down here. She had the 2-year-old with her.

Q. Now, when you were hiding in here did you see any people from the village fleeing in this direction down along the road here?

A. Yes, I saw them to the north and to the south.

Q. While you were hiding here did you see any soldiers shoot any of the people fleeing down this way?

A. No.

Q. What did you see?

A. I saw the soldiers disembark, enter the village, and commence firing. The youngsters in the village took off down here and I don't think the Americans saw (indicating

to the south), I don't think the Americans saw them.

Q. Did you see the helicopters shoot two VC in this area over here?

A. I saw them shoot, but I didn't see if they shot anybody.

Q. What did you see when you came back to this point in the village?

A. There is also a road or path down through here (indicating). I saw about 20 people on this road, in this general area (indicating the road leaving the hamlet at the south), women and children and old men killed.

Q. Were the bodies that you saw along the road in the road or in the paddy fields to the side?

A. On the sides.

Q. After you proceeded through the village did you see any more bodies?

A. There was a pile of corpses also in this area. My family was there and Ba THEN also was there.

Q. Did you find the bodies of any of the members of your family when you returned to the village?

A. Do HAT, our 6-year-old.

Q. Okay, Do HAT?

A. Do HAT.

Q. Where?

A. I have already said, he was in the pile up near my house.

Q. All right, who else?

A. Do Thi CAN, my sister, 24 years old.

Q. Okay.

A. That was all in that pile. Now in another place NHAT was killed.

Q. Is the place where you found the bodies immediately in front of your house?

A. The pile of corpses was outside of the house and all of those were about 15 meters from my house. There was also Ba THEN not a member of my family, in the pile of corpses that were outside. Ba THEN.

Q. Ba T...?

A. Ba T-H-E-N.

Q. All right.

A. Le MY, the 8-year-old cousin.

Q. Anybody else?

A. That's all.

Q. Were any other members of your family, other than these four that you have named, killed that day?

A. Four people.

Q. Four people were killed?

A. Four people were killed.

Q. Were any of the survivors wounded?

A. No.

Q. Did they all escape from the village before the--

A. (Interposing) My mother and wife were also out here in this area (indicating area where he had been). My mother and father were out here (indicating) and they went down here into this village (indicating) into Truong An. My wife hid in a portable rice bin in the field.

Q. I thought you said your mother and wife were out there.

A. No, my mother and father were out here early in the morning before the soldiers arrived. They went to Troung An and they stayed there during the day. My wife hid all day with the child until the soldiers left. Then she came down to the point where she met me.

Q. Okay. Was your house destroyed when you got back?

A. They cut my papaya trees and my banana trees; they killed pigs, chickens, and also the buffalo; and they burned the house. My house didn't have a well.

Q. Did you have any livestock that you owned, that were shot?

A. They cut my banana trees, papaya trees; and killed my chickens, hogs, and buffalo.

Q. Were any other houses burned or destroyed?

A. I saw one burned.

Q. After you went to your house and saw the bodies there, where did you go next?

A. The Americans left about noon. I came in right on their heels. They left to the east. After I came back I buried the members of my family during the afternoon.

Q. Where did you bury them?

A. About 500 meters to the south of--in this general area (indicating the vee formed by the two roads that run south from the center of the hamlet and south along the western edge of the hamlet in an area about 100 meters from the highway).

Q. Was this your family burial ground?

A. Yes, this is the family burial ground. My family buried only four people that were killed by the Americans here. They were buried all over in family plots, various places. Other members of my family had been buried in this location.

Q. When you returned to the village, did you see any villagers that had been wounded and survived?

A. I got my family and we buried them. Then we went over here (indicating the area south of Route 521). We never lived there any more.

Q. Who helped you bury your family?

A. My father and myself.

Q. All right. Now was all of the village burned or destroyed in the same manner as your house and livestock?

A. Yes. In all the areas that I went, they looked like they had been done the same way.

Q. After you buried your family did you say that you never returned to the village again?

A. I returned the following day and the next day to help them clean up the corpses, bury the bodies, and burn the animals that had been killed. I didn't pick up any of my household goods because they had all been burned.

Q. Did you see any other groups of bodies anywhere in the area of the village?

A. The next day I went back in and I went around in the village. I saw more animals killed and more people killed. They had not buried them yet. This was the following day.

Q. Did you go outside the village to this area over here (indicating the area east of the hamlet) and observe any bodies?

A. Yes, on the third day I went out here and we buried two people from out here. We buried them out here.

Q. Did you see or did you know of any large amount of bodies in this irrigation ditch?

A. Yes.

Q. How many meters from the end of the ditch were the bodies which you indicated were there?

A. From about here to here (indicating). From about the end of the ditch down this way, 50 to 60 meters.

Q. How many bodies did you see there?

A. I went out here for the first time on the third day. I only buried one person out here, Ba THEN. She was no relation to my family.

Q. And that's the only person you buried?

A. Yes. I heard them say at that time that they killed about 80 people out here.

Q. How many were still in the ditch when you went out on the third day?

A. None.

Q. Did you hear that there were 80 people killed there from people who had buried them?

A. The families were the ones that told me that they had taken them out and buried them.

Q. Did you hear of a monk that had been shot in this area?

A. Yes, there was a priest killed out there.

Q. What was his name?

A. Do CON. I don't know the full name.

Q. All right. Do you know how many people were killed all together that day in Tu Cung?

A. You cannot possibly know unless you make a list by family. I do not know how many. I only know that there were many, many of them.

Q. All right. Do you know or have you heard of American soldiers killing a large number of people in My Hoi or Co Luy or any other hamlet the same day?

A. There were some people killed in My Hoi which is a subhamlet of Co Luy. I heard nothing about any being killed in other areas. There were no people killed in any of the other four subhamlets, only in My Hoi.

Q. How did you learn about people being killed in My Hoi?

A. I just heard people talk about it.

Q. Did you actually talk to people about it, or was it written VC propaganda?

A. I heard the people say. The people in this area (indicating) and this area here (indicating) go back and forth a good deal. I heard this from them.

Q. Do you know the names of anyone who was in My Hoi at the time these people were killed?

A. I have a friend over there that could probably give you some information on this. His name is Ngo MAN.

Q. Where is he living now?

A. He is in Co Luy. My friend is the VC Village Chief. If you bring him in he can tell you about it. I was the assistant information cadre chief of Son My Village. I normally just operated in Thuan Yen. However, I was the assistant village cadre chief.

Q. How many were killed all together?

A. I can't remember, but it was under a hundred.

Q. Were they all VC or were there women and children?

A. Some women and children were killed.

Q. I have some photos here I would like for you to try to identify.

Do you recognize this man (Exhibit P-4)?

A. No. It is not too clear.

Q. Try this one (Exhibit P-3).

A. He is a farmer, that's all he is.

Q. How about this one (Exhibit P-19)?

(Witness identified woman sitting in the center of the photo holding the small child and wrote her name across the photo. These and subsequent photos on which MR VIEN wrote names were not entered into evidence since the identifications were thought to be of doubtful validity.)

And this one (Exhibit P-22)?

(Witness identified the old man and wrote his name across the photo.)

And this one (Exhibit P-23)?

(Witness identified man to the right rear of photo and wrote his name across the photo.)

And this one (Exhibit P-40)?

A. My child (indicating girl in white shirt to left of group) Do HAT, 6 years old.

Q. Is this the one that's 6 years old?

A. Do HAT, 6 years old.

Q. Very well. Do you know this woman in the center?

A. Ba XO.

Q. Was she a refugee from another village?



A. She was from Tan Hai and she came up--she was bringing nuoc mam to the village to sell.

Q. And do you recognize this balding woman to the rear?

A. Nguyen Thi HO.

Q. Was she the wife of the Hamlet Chief?

A. He was killed earlier.

Q. Did you see all of these bodies lying together?

A. Yes.

Q. Can you look at the background in this photo and recognize the location?

A. No.

Q. Did you see this group and another larger group a short distance away?

A. Yes, about 15 to 20 meters away.

Q. Was there a well nearby with a body in it?

A. I didn't have one at my house.

Q. Here is a photo (Exhibit P-37). Can you identify anything?

A. That's Mr. QUAN's house and his well.

Q. This is a well belonging to Mr. Do QUAN?

A. Yes.

Q. Did you say you knew the man in there?

A. Mr. Do Dinh LUYEN.

Q. That was his well?

A. That was his house and LUYEN was the guy that was  
in it.

(The hearing recessed at 1706 hours, 4 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: HAI, Ngo Tan

DATE OF TESTIMONY: 1 January 1970

PLACE OF TESTIMONY: Joint U.S. Public Affairs Office,  
Quang Ngai City, Republic of South Vietnam

WITNESS SUSPECTED OF: N/A

COUNSEL: None

RESIDENCE ON 16 MARCH 1968: Quang Ngai City

TESTIMONY.

Mr. HAI is the Co Luy Hamlet Chief (pg. 2). Mr. Pham XE told Mr. HAI of the American attack on the subhamlet of My Hoi on 16 March 1968 before dying (pg. 3). A number of villagers were killed by the artillery preparation (pg. 4). The VC and villagers headed for the trenches and shelters (pg. 4). The Americans threw grenades into the shelters (pg. 4). Out of 97 people killed only 14 were innocent civilians or children. The rest were VC (pgs. 4, 6). The American forces burned their huts (pg. 6).

Unsworn statement of Ngo Tan HAI was taken at the Joint United States Public Affairs Office, Quang Ngai City, Republic of Vietnam, 1 January 1970. The questions were posed to MR HAI by MR WALSH. Also present was MAJ David D. DANTZSCHER who acted as interpreter. All of the questions were translated by MAJ DANTZSCHER into Vietnamese, and all of the answers by MR HAI were translated into English by MAJ DANTZSCHER.

MR WALSH: What is your name?

A. Ngo Tan HAI.

Q. Where do you live?

A. Quang Ngai City.

Q. Will you indicate by drawing with this pencil the area that is covered by Co Lay?

A. This entire area is Co Lay, with the river being the boundary (indicating area on Exhibit MAP-4 between the Kinh Giang River and the ocean).

Q. Is any part of the area on this side of the river (indicating the west side of the river) referred to as Co Lay?

A. Everything on this side (indicating the area west of the Kinh Giang River) is My Khe, and everything on the east side of the river to the ocean is Co Lay.

Q. What are the names of the hamlets in Co Lay? Where is My Hoi, for example?

A. My Hoi is here (pointing to area on Exhibit MAP-4). There is another bridge down here. From the bridge, that is here (indicating), down to here is My Hoi.

Q. How many kilometers from the bridge?

A. About a thousand meters.

Q. You must be talking about Co Lay (1) because it is about a thousand meters from the brigade. From here to here

is a thousand meters (indicating the area in one grid square).

A. It is about 500 meters from one edge of the village to the other edge of the village. There is a cement bridge there that has been damaged. I am sure that it is across this portion (indicating), but it is not shown on this map.

Q. Is it about 200 meters south of this bridge shown at My Lai?

A. About 500 meters.

Q. Now were getting down to it. It's along here. My Hoi runs from the cement bridge down about 500 meters to somewhere in the area north of Co Lay (1). My next question is where is the location of Xuan Duong?

A. It is about 300 meters to the south of My Hoi. Actually, the two villages are adjacent to each other. They are both in the neighborhood of Co Lay (1) here (indicating). There are some separate villages, and they are split up by sand dunes.

Q. Okay. What is the name of the next subhamlet?

A. My Xuan.

Q. Why don't you give the coordinates of each of the subhamlets?

A. The coordinates of My Hoi are 742781; Xuan Duong, 742778; My Xuan, approximately 743774; Xam Tuan at 774767; and Xam Cua is located at approximately the location of Co Lay (3).

Q. Which one is that?

A. Xam Cua.

Q. Okay. Are you the Hamlet Chief of Co Luy?

A. Yes, I am the Hamlet Chief of Co Luy.

Q. Where are you living at this time?

A. Now my home is at My Hoi, but my family lives in Quang Ngai City because of the Communist threat.

Q. Were you living in Co Luy on March 16, 1968?

A. No.

Q. Shortly after that time did you hear any reports that American soldiers had killed women and children in Co Luy?

A. Yes, I did hear reports of that.

Q. Who told you?

A. The person that gave me this information is now dead.

Q. What was his name?

A. I was given this information by Mr. Pham XE, 20 years old.

Q. Was Mr. Pham XE present in Co Luy at that time and, if so, in what hamlet?

A. Yes, he was present in My Hoi Hamlet.

Q. How did he die?

A. He was killed in the American attack on 16 March 1968.

Q. That's absurd. If he was killed, how could he tell you about it?

A. He was taken to the Quang Ngai hospital and died there.

Q. Did you speak to him at the hospital?

A. Yes. I spoke to him while he was at the Quang Ngai hospital.

Q. Was anyone else brought to the hospital at that time from My Hoi?

A. He was the only one that was brought to the Quang Ngai hospital.

Q. What did he tell you when you talked to him at the hospital? Will you describe everything that the boy told you at the hospital?

A. There were 97 killed. Out of the 97 people that were killed, there were 15 of these that were carrying out missions for the VC. Another 20 were VC cadre, 25 were guerrilla and supply personnel, and there were 13 female Communist cadre. Fourteen villagers and children were killed.

Q. How many VC cadre did you say were killed?

A. There were various categories: 60 male VC cadre and guerrillas, 13 female cadre and mothers of VC cadre, and 14 civilians--innocent civilians. Innocent civilians and children.

Q. We are not interested in the political affiliation of the people. We're interested in what happened.

A. A number of people, villagers, were killed in an artillery preparation.

Q. Were any of the people who were killed from this area out in boats? Were they out in boats and delivered by the U.S. Navy forces to troops up here in this north area and then killed?

A. No. They were not away in boats, because at the time the Americans started firing everybody headed for the trenches. This includes both VC and villagers that headed for their shelters. The Americans came and threw grenades into the shelters.

Q. Did you talk to anyone who was there except the boy there in the hospital about what happened?

A. No.

Q. Name all the people that you know who are alive who were present on this day when it happened.

A. It is a long list, over a hundred.

Q. How many do you know that were in My Hoi at the time that it happened?

A. Slightly more than 90 people.



Q. How many women and children who had no weapons were banded together and shot in My Hoi?

A. One child was wounded. Another one was wounded and is still surviving or still living.

Q. Okay.

A. They were between 8 and 9 o'clock. There were over a hundred people but at that time they had fled. However, there were some that remained behind. There was over 100 people, but they finally fled down to the general vicinity of Co Lay (1).

Q. Do you remember seeing Mr. FEHER 6 weeks ago in Son My Village?

A. I remember seeing him, but at that time he only asked me about Son My Hamlet.

Q. Did you tell him at that time that there was 90 women and children shot in your hamlet?

A. There were a little more than 40 personnel killed. There were more killed, but they were VC cadre. There was a total of 93 people killed in my hamlet, but only 14 of this number were innocent women and children. The rest were connected with the VC.

Q. After you talked to the boy in the hospital and heard about this incident, did you make any complaint about it to the Village Chief or the District Chief?

A. I had a discussion with the Village Chief. I spoke with the Village Chief about the 14 women and children.

Q. Did you talk to anyone else after that about the incident?

A. No.

Q. Did the American soldiers burn all the villages or hamlets in Co Luy?

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A. Yes. However, this was done over an extended period.

Q. I am only talking about the March 16th, 17th, and 18th operation.

A. The houses had been destroyed by bombs and they had built huts. These were burned. During that operation, they burned all of these huts. At My Hoi there were 65 VC killed, both youth and adults.

MR WALSH: Thank you for coming in to help us today.

(The hearing recessed at 1635 hours, 1 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: HIEN, Do Thanh SGT

DATE OF TESTIMONY: 2 January 1970

PLACE OF TESTIMONY: Americal Division Courtroom, Chu Lai, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Interpreter for Captain KOTOUC, S2, Task Force Barker.

1. BACKGROUND INFORMATION.

The witness, on 16 March 1968, was the interpreter for Captain KOTOUC, the S2 of Task Force Barker (pg. 2). He had been working for KOTOUC since after Tet and spent a total of approximately two months in that position, returning to the 52d MID, 11th Brigade, in late March (pg. 3).

2. THE WITNESS' KNOWLEDGE OF OPERATIONAL ACTIVITIES FROM 16-18 MARCH.

a. Briefings prior to the operation.

The witness did not participate in any briefing on 15 March (pg. 3). He knew that a meeting had gone on but did not know what transpired at it nor did he hear anyone mention it (pg. 4). His first indications of the assault came from KOTOUC on the morning of 16 March 1968 while he was waiting in the office for instructions (pg. 4). At about 1030 KOTOUC pointed out the operation on the map, and told him that about 140 VC had been killed and 29 civilians had been wounded. He felt that the figure was either 148 or 168 KIA but he was not sure (pg. 4). He stated that he asked KOTOUC why many weapons were not captured to which KOTOUC replied, "I don't know" (pgs. 4, 5). He felt that the board in KOTOUC's office indicated that either 28 or 38

(HIEN)

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civilians were wounded, but of the 148 or 168 killed none were civilians (pg. 5).

b. His activities in the My Lai area on 16 March.

The witness stated that he and KOTOUC had lunch at LZ Dottie on 16 March after which they went to Quang Ngai to pick up ARVN soldiers and policemen to go to the field with them (pg. 6). They were sent back to Son Tinh district headquarters and picked up five soldiers from the 4th Regiment of the 2d Division, one of whom was a second lieutenant, and also three policemen (pg. 6). He believed they were picked up at about 1500 hours in the afternoon and they all went to the operational area (pg. 7). He did not think that any other National Police or ARVN soldiers accompanied C/1/20 in the operation in My Lai (4) (pg. 7). The witness particularly remembered the soldiers because after the operation the five men returned to LZ Dottie and he got them five pairs of boots (pgs. 7, 8). All of the policemen, he felt, were from the Son Tinh district (pg. 8). They landed in the area of the cemetery and the police and the ARVN's went to question the prisoners to separate the VC from the civilians (pg. 8). MEDINA, JOHNSON, and MICHLES were present along with Sergeants MINH and PHU (pgs. 8, 9). Of the 12 detainees, three were listed according to the National Police in the black book of VCI (pg. 9). The police picked out the three and assured the witness that they were members of the VCI (pgs. 9, 10). One of the three, who was the hamlet chief, the leader of the farmers association and the economy leader, was questioned and when he did not answer Captain KOTOUC took a knife and threatened to cut the man's hand off (pg. 10). The witness turned away to meet Sergeant MINH and when he returned he noticed that a small part of the man's finger had been cut-off and that his hand had been beaten red (pg. 10). MINH and JOHNSON were talking with MEDINA and MICHLES about 20 meters away. The man still refused to talk, stating that he was innocent and the witness tried to get information from him (pgs. 10, 11). One of the policemen asked the witness for permission to kill the man and the witness asked KOTOUC if they could do it (pg. 11). KOTOUC raised his hand, and "signaled to the man that his spirit was going up to heaven" and said OK (pg. 11). The witness stated that KOTOUC smiled (pg. 26). It was the witness' understanding that the sign of the raised hand indicated the spirit going to

heaven (pg. 26). One of the policemen took the man a few meters away to a ditch and shot him five times and then returned, took another person, and shot him also (pg. 11). During this period the witness returned to the group where KOTOUC was then standing (pg. 11). MEDINA and all the officers became dissatisfied after the second man was shot and issued instructions of "no more of this shooting; too many people killed already today" (pg. 12). The two men had been shot and killed in the ditch. This was verified by the witness and Sergeant PHY who went down and examined them (pg. 12). The third suspected VC was taken to Son Tinh District by the police and the witness never saw him again (pgs. 12, 13). At 1630 hours the witness joined KOTOUC, PHU, and three policemen on an aircraft which went to an area by the seashore (pg. 13). They dropped off PHU and the policemen in this area and he and KOTOUC returned to LZ Dottie (pgs. 13, 14). There was no one else on the plane at the time (pg. 14). The witness stated that the other nine detainees were determined to be innocent civilians and were released (pg. 14). The detainees near the beach were a group of fishermen (pg. 14). The witness thought that PHU took the suspects from this group back to Duc Pho that day (pg. 15). JOHNSON and Sergeant MINH returned to LZ Dottie at night on 16 March (pg. 16). The witness thought that the suspects had been taken by PHU to Duc Pho because KOTOUC told him so (pg. 16). The witness felt that perhaps KOTOUC said they would be taken back to Duc Pho (pg. 16). While in the cemetery area the witness heard nothing about women and children being killed in the area of Co Luy (pg. 17).

c. Witness' activities on 17 and 18 March.

On 17 March at 1000 hours he went alone back to the area of operations and met MICHLES. They went into an area where people were being detained and interrogated and he saw that the ARVN soldiers were still there working with MICHLES (pg. 18). He did not see MEDINA or PHU that day (pg. 19). He said there was a large number of refugees being detained and they were concerned that the Americans would cause them harm (pg. 19). He reported this to MICHLES who ordered the civilians moved away from where soldiers were (pg. 19). He remembered a woman from Co Luy who was frightened of the Americans and who followed the Americans closely (pgs. 19, 20). MICHLES ordered that she go back to the area by the seashore (pg. 20). There were no National Police present (pg. 20). The witness stated that on the second day he saw the bridge but did not move across it

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as they went alongside the river (pg. 21). The witness could not recall if he returned to LZ Dottie that night or on 18 March but he felt that he had spent one night out in the field (pg. 21). He recounted an incident in which 10 people in a boat were going across the river and were fired upon by M-16's and M-60's (pgs. 21, 23). All but two were killed (pg. 21). The witness did not think that the eight killed were guerrillas but felt that the two that were not killed were fleeing because one escaped and the other was killed (pg. 23). The location of this incident was described as being west of Co Lay (1) (pg. 22). He stated that MICHLES ordered the house of that guerrilla to be burned and the witness saw a platoon burn all of the houses on the Co Luy side of the river and some on the My Khe (3) side (pg. 22). The witness later recalled that on the night that he remained, the artillery fired in the wrong location once, killing two Americans and wounding three or four people in B Company (pg. 24). He was not sure whether this was the night of the 17th or the night of the 18th (pgs. 24, 28). The witness stated that a man whom he had interrogated to find out which was the guerrilla's house did not mention anything about Co Luy nor did any of the Americans or people in the area (pg. 30). The witness felt, however, that PHU would know more about that than he did (pg. 30).

3. INVESTIGATIONS CONCERNING THE ASSAULT.

The witness stated that two or three months later when he returned to Duc Pho he heard Sergeant MINH tell the other interpreters about the Americans taking women and children out of houses and bunkers and lining them up and shooting them (pg. 17). Sergeant PHU was not present when MINH discussed the incident (pg. 28). There were no Americans present, just the interpreters, among whom was a Sergeant TUONG (pg. 28). The witness had a recollection of the 11th Brigade conducting an investigation but he did not recall any of the interpreters discussing it (pg. 29). He was informed about the investigation by Sergeant THE who was with C Company shortly after the operation (pg. 29). Sergeant THE had received this information from the Americans (pg. 30). The witness knew nothing about an investigation being conducted by the Son Tinh District or the sector (pg. 30). The witness was not called before Senator DON's investigation or that of the Vietnamese senate (pg. 18). He never spoke with any ARVN or GVN officials about this, nor was he told to keep quiet about the incident (pg. 18).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-19	Miscellaneous scene	Wit recognized SGT MINH to the left of the photo- graph.	31

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Unsworn statement of SGT Do Thanh HIEN was taken at Americal Division courtroom, Chu Lai, Republic of Vietnam, on 2 January 1970. The questions were posed to SGT HIEN by LTG PEERS and MR MACCRATE. Also present was LTC Billy M. STANBERRY, who acted as interpreter. Certain of the questions were translated by LTC STANBERRY into Vietnamese and certain of the answers by SGT HIEN were translated into English by LTC STANBERRY.

IO: First, let me ask you your full name, grade, and serial number?

A. Do Thanh HIEN, serial number 57177254.

Q. And what is your duty assignment, Sergeant HIEN?

A. I am the NCOIC of the interpreters of the 1st MI Team.

Q. Where are you stationed, Sergeant HIEN?

A. Duc Pho.

Q. Duc Pho at LZ Bronco?

A. Yes, sir.

Q. Working with the 11th Brigade?

A. Yes, sir.

Q. Before we proceed, Sergeant HIEN, I'll tell you a few things about this investigation. I was appointed as the Investigating Officer by Secretary RESOR, our Secretary of the Army, and General WESTMORELAND, Army Chief of Staff. I've been asked to determine several things. First, to determine if the investigations of the so-called My Lai incident of 16 March 1968 were adequate; to determine if the reviews of any such investigations were adequate and proper; and also to see if there has been any attempt to suppress information or to cover up the incident which took place at My Lai. Do you understand?



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A. Yes.

Q. I have available to me any testimony which has been taken in any of the investigations previously made by any of the U.S. elements. For example, I am aware of your testimony which you gave to the CID.

Any of the Americans who appear before us as witnesses are being sworn and their testimony taken under oath. We are not following the same procedure with the Vietnamese however, we would ask, to the best of your ability as you can recollect things, that you tell us exactly what happened. Although I am the Investigating Officer, I have with me Mr. MACCRATE who is a civilian lawyer of national repute. He has volunteered his service to Secretary RESOR to assist me in this investigation and also to provide legal counsel to me. He may, today, also desire to ask some questions of you. We're also directing that all of our U.S. military witnesses not talk with anybody else concerning this investigation or their testimony before this investigation. We would ask that you apply the same general rule.

Sergeant HIEN, what was your duty assignment on 16 March 1968?

A. I worked for the S2, Task Force BARKER.

Q. Who was the S2?

A. Captain KOTOUC, sir.

Q. How long had you been serving in his capacity, Sergeant HIEN?

A. About 2 months.

Q. How long after 16 March 1968 did you work with Captain KOTOUC in Task Force BARKER?

A. I began work after Tet. I started to work in February with Captain KOTOUC. The total period of my working with Captain KOTOUC was approximately 2 months.

Immediately after Task Force Barker's return, I did not work with Captain KOTOUC any longer.

Q. Did you stay with Captain KOTOUC until Task Force Barker was deactivated on about the 8th or 9th of April?

A. As soon as the task force came back in, then I did not work with them any longer. It was my understanding it was all over then, and Task Force Barker was deactivated at that time.

Q. That is right, but they were deactivated on the 8th or 9th of April.

A. I did not work with them that long. As soon as we came back in from the field, sometime late in March--I don't recall the exact date--I ceased working with Captain KOTOUC at that time.

Q. Where did you go at that time?

A. I returned to the 52d MID, 11th Brigade. At that time, the 4/3 of the 11th replaced us, and it wasn't called a task force any more.

Q. When you returned to the 52d MID was it then commanded by Captain LABRIOLA?

A. Yes, sir.

Q. Were you present when the orders were issued to the company commanders of Task Force Barker for the operation on the 16th. These orders would have been issued on the afternoon of the 15th with Captain KOTOUC giving the instructions?

A. No, sir. I wasn't called that day, and I did not participate in that briefing.

Q. Do you remember talking to any of the officers, noncommissioned officers, or any of the soldiers concerning what their orders were for the following day?

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A. No, sir. I heard no one say anything about it. I did know they were having a meeting on that, but I didn't know what transpired at the meeting. Nor did I hear anyone mention the meeting afterwards or what the instructions were for the next day.

Q. We have knowledge, Sergeant HIEN, that the operation started in the morning after an artillery preparation of the LZ at My Lai (4); that the first lift went at 0730; the second lift went in at 0747; and all of C/1/20 was on the ground by 0750.

A. Yes, sir. That is right. They also had gunships following the artillery preparation.

Q. What was your physical location during the conduct of this operation? Were you in the TOC, were you near the TOC, or were you in the interrogation center? Exactly where were you, and could you keep track of the operation as it progressed?

A. From about 0630, I was waiting in our office at LZ Dottie with Captain KOTOUC. I was waiting for instructions when to go.

Q. Did you hear anything concerning the operation?

A. No, sir. But at about 1030, Captain KOTOUC called me to the map and showed me how the operation was progressing and informed me that about 140 VC had been killed. There had been 29 civilians, women and children, wounded. So, I asked Captain KOTOUC how it was that they could kill that many VC and not pick up any weapons.

Q. How many, again, did Captain KOTOUC say had been killed at that time? Was it 140, was it 80, or what is the figure?

A. I cannot remember of certainty, however, it was written on the board. He showed me on the board; to the best of my recollection, it was 148 or 168. It was a long time ago, and I just can't be real certain.

Q. How many weapons did the board indicate had been captured?

A. I don't recall seeing the number of weapons or whether there were any weapons indicated to have been captured on the board. However, normally in operations, when we have a big one, they bring the weapons back and pile them up at the LZ or in the area. This time they didn't, and that's what I asked about.

Q. And what did he say about that?

A. He said, "I don't know."

Q. Did this board also show the number of civilians that were killed or wounded?

A. The board did have an indication of a number of wounded. The board said that either 28 or 38 were wounded; not killed, but wounded. I don't remember real clearly the 28 or 38. The recapitulation of the total killed was 148 or 168. But it did say that all of those that were killed were depicted as being VC, and all those wounded were shown as civilians, women and children.

Q. Early in the morning of the 16th, Sergeant HIEN, do you recall a helicopter bringing in what was suspected to be two PW's that were interrogated?

A. I didn't interrogate them, and I have no knowledge of this.

Q. Do you recall you or any other interpreters interrogating these two men who were suspected of being VC? It was later determined that they were, in fact, Popular Force personnel that had been captured about a month before by the VC and had been held prisoner in the village of My Lai (4).

A. I didn't interrogate them, but I did meet those two PF soldiers. I don't recall if it was morning or afternoon.

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Q. Coming back to the figures which you had heard, Sergeant HIEN, at the end of the day Task Force BARKER reported 128 VC killed, 3 weapons captured, and 2 U.S. killed. This included C/1/20 and B/3/4, which had landed south of My Lai (1) and had moved to the north. That was at the end of the day at around 5 o'clock in the afternoon. Early in the morning there was a report that came into LZ Dottie to Task Force Barker, that 69 VC had been killed by artillery. Do you remember that figure coming in?

A. The first time that I saw the board, it showed a figure higher than a 128. I think it was 148 or 168. Actually, I was supposed to have gone on the operation with Captain KOTOUC. I don't know why we didn't. We had lunch at LZ Dottie; and after we had lunch, then we went to Quang Ngai to get some policemen and some ARVN soldiers to go out to the field with us.

Q. Did you go to Quang Ngai City?

A. MACV Quang Ngai. We went there to get them, but they sent us back to Son Tinh District headquarters to get them.

Q. Whom did you pick up at Son Tinh?

A. Captain KOTOUC and I left Quang Ngai Sector and went to the district, Son Tinh. It is on the hill, and we waited in the helicopter at the base of the hill, at the helipad. Captain KOTOUC called to some American on the hill, and we waited there until they brought the soldiers down. There were five soldiers from the 4th Regiment of the 2d Division. One of them was a second lieutenant, and there was one sergeant and three privates. There were also three policemen that came down. The eight of them boarded the helicopter in one lift, and then we went out to the operational area with these people. The purpose was to separate the VC from the people out in the area.

Q. Did you pick them up the day of the operation, or did you pick them up the day before the operation? What time of day did you pick them up?

A. It was the first day of the operation; I don't remember clearly, but about 3:00 or 3:30 in the afternoon I would think.

Q. Had these policemen been flown to LZ Dottie where they were before the aero-assault into My Lai (4)?

A. I don't believe that they participated in the operation previously. Now, we normally did not pick up these people and take them into the operation area for other previous operations during this time. To the best of my knowledge, this was the first time they were placed in the operational area. Captain KOTOUC and I were the ones that normally did it.

Q. Do you know of any other National Police or ARVN soldiers that may have accompanied C/1/20 in the operation of My Lai (4)?

A. I don't know of any, and I don't believe that they did.

Q. Do you remember anything else about the operation into My Lai (4) or Tu Cung that you recall that morning?

A. No, sir, not anything that I haven't mentioned.

Q. Did you hear of any instructions being issued to tell them to stop burning houses and stop killing noncombatants?

A. On that particular date, I didn't hear anything particular; but, normally, the commanders did issue instructions to burn all the houses and destroy the bunkers.

Q. Do you know the name of the lieutenant or the sergeant from the 4th Regiment of the 2d ARVN?

A. I am not certain, but I believe his is ANH, because I got five pair of boots from the division and gave them to these particular people. I believe his name is Second Lieutenant ANH.

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Q. From which division, the Americal Division?

LTC STANBERRY: Are you referring to where he got the boots?

IO: Yes, where did he get the boots to give to them?

A. I requested them at LZ Dottie for them.

Q. Yes, and --

A. (Interposing) After the operation, those five men came by LZ Dottie, and I was able to get them five pair of boots.

Q. They picked them up then so that they could get the proper sizes?

A. After the operation, the five men came to LZ Dottie with me, and we picked up the five pair of boots.

Q. Do you recall any of the names of the National Policemen?

A. I didn't know any of the people.

Q. Were they from Son Tinh District?

A. Yes, sir.

Q. After you picked up the five ARVN soldiers and the three National Policemen, what did you do then?

A. After that, we went into the area of the cemetery, not to the place where there were a lot of people killed. We took them into that area so that they could separate the VC from the civilians.

Q. Were both C/1/20 and B/3/4 there at that time?

A. I saw a large assembly of people there, but I don't know which companies were there. I did meet Captain MEDINA, Captain MICHLES, and Lieutenant JOHNSON of MI.

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Q. Was Sergeant MINH with Lieutenant JOHNSON?

A. Yes, sir.

Q. And was Sergeant PHU with Captain MEDINA?

A. Yes, sir.

Q. And how many detainees did they have?

A. About 12 people, men. We found three men who had their name in the black book of VCI.

Q. You found what?

A. Among these 12 men, we found three who were on the list of VCI, the black book that they carry.

Q. Which company had captured the detainees or the VC suspects?

A. I came in very late, and they were all there when I arrived. I just got instructions to go out to see who was VC and who was civilians.

Q. Will you tell us about what happened at that time?

A. The police, when they came in, had with them the list. Also, one of the policemen was from that village and he knew the VCI in the village. So, immediately, he selected the ones --

Q. (Interposing) From what village?

A. Perhaps Son My. So, he selected the three. One of the policemen told me that one of these persons had three positions: he was Hamlet Chief, the leader of the farmers association, and the economy leader. Shortly after that, Captain KOTOUC, myself, and Sergeant PHU took this man out to one of the family bunkers in the area to interrogate him. So, then, we asked the policemen again, "Are you sure that this man is who you say he is, VCI." He said, "Yes, he



is a member of the Communist Party, I am sure." We tried to interrogate the man, but he refused to say anything. He refused to say anything so Captain KOTOUC took a knife from his scabbard, placed the man's hand up on a rock, and threatened to cut his finger off. I turned away to meet Sergeant MINH, and a moment later I came back. At that time, I saw that he had lost a little bit of his finger, not very much. Just a very, very, small part of his finger. But his hand had been beaten a good bit; it had been beaten red.

Q. Who else was there at the time?

A. There was just Sergeant PHU and myself there with Captain KOTOUC. I did see him beat the man's hand with the back edge of the knife, but I didn't see him cut his finger.

Q. Did Lieutenant JOHNSON and Sergeant MINH stay during this interrogation, or did they depart from this larger area?

A. During the period of this interrogation, Sergeant MINH and Lieutenant JOHNSON were about 20 meters away sitting talking with Captain MEDINA and Captain MICHLES. They were not in the bunker where we were. All during this period they were out in that area, and they were there when we finished interrogating this man.

Q. Were you in a bunker or were you just on the side of one of these graves?

A. During the time we were interrogating this man, we were outside of the bunker right near the front of the bunker, by the grave, sir.

Q. When you turned around again, and the man had part of his finger cut off, did the man then talk or what happened then?

A. He continued to refuse to say anything, but he did say, "I haven't done anything. Why are you beating me and treating me this way?" He asked me to help him out.

Q. What happened then?

A. For about 15 or 20 minutes after that, I tried very hard to get some information from this man. I interrogated him. I told him for his own good to give me some information, but he continued to refuse. So I checked with the police again to make sure that they were certain that this was who they thought he was. One of the policemen, in particular, claimed that he was certain. He continued to ask me many times to let him kill the man because he was certain who he was. So finally, the one policeman plus the other two policemen asked me to ask the Americans to let them kill one of them. I told them, "No, we want to take the man back to LZ Bronco and interrogate him." But they were very insistent. They finally persuaded me to check with Captain KOTOUC to see if they could kill one of the men. I asked Captain KOTOUC what he thought about it and he approved it. He said, "Okay," and raised his hand and signaled to the man that his spirit was going up to heaven.

Q. Was it this same man?

A. It was the same man that had his hand beaten and his finger cut.

Q. What happened then?

A. Following that, one of the policemen with a carbine took the man out a few meters away to a ditch and shot him five times. And then he came back just a few minutes later and took one more person out that they had captured and shot him without anybody's approval or without asking anybody.

Q. Did you see them shoot these two PW's?

A. During the period of time that the policemen took the man out, I was very afraid, and I went back about 20 meters, back to where the group was with Captain KOTOUC at that time. I heard the five rounds fired, but I didn't see the man at the time he fired them. I wasn't watching. I didn't do anything following that. However, when the policemen came back he did get another man and took him down there. We assumed, or at least I assumed, that he was going to take him down there and

show him the man that had been shot and killed so that he would then confess or talk. But this wasn't the case. The policeman also shot this man. At that time, Captain MEDINA and all of the officers became very dissatisfied with this. I don't know who precisely, but they issued instructions, "No more of this shooting; too many people killed already today." After that then, Sergeant PHU, myself, and a number of soldiers, not the officers, went down to the ditch; we did see that the two men had been shot and killed. We wanted to see if they had killed them or just attempted to scare someone. But one policeman had shot and killed both of these men.

Q. Would you repeat, in English for me, what you told Captain KOTOUC; and also, in English, what Captain KOTOUC told you?

A. I said, "What do you think about police request to kill some VC?" He said, "Okay."

Q. Did you explain to him why they wanted to kill him?

LTC STANBERRY: (Talking to witness) General PEERS wants you to speak in English so that it's very clear what you told Captain KOTOUC so that we can be sure that Captain KOTOUC understood what you were telling him and what you were saying to him. So tell us all, in English, what you told Captain KOTOUC and then what Captain KOTOUC said.

A. I asked him: "What do you think about security policeman? They want to kill some VC because he sure they belong to Communist Party. They got three positions: farmer association leader, Hamlet Chief, and economy leader. What do you think?" He said, "Okay."

Q. Where was Sergeant PHU at this time?

A. I didn't see Sergeant PHU. Sergeant PHU moved to another place. Sergeant PHU was near that area, but I didn't see him at that time.

Q. What happened to the third PW that was on the black list?

A. They picked and took up one VC to Son Tinh District.

Q. What happened to him?

A. I don't know about him, sir. The policeman took him back to district headquarters.

Q. Did you ever see him again?

A. No, sir, because they tell me, "We will take him to the Son Tinh District subsector to interrogate him. If they find out good information, I will report to you at LZ Dottie. You will tell Captain KOTOUC for us."

Q. Did you hear anything more from Son Tinh District about him or his interrogation?

A. No, sir.

Q. How long did the policemen, yourself, and Captain KOTOUC stay there? Did you leave that night or did you stay there that night?

A. About 4:30, I received instructions from Captain KOTOUC to get on the aircraft with him, Sergeant PHU, and the three policemen to go out to an area on the seashore to continue to try to segregate the VC and the people. So we went back, the three of us, Sergeant PHU, myself, and Captain KOTOUC to an area out on the seashore. There must have been about 20 or 30 suspects or people there, mostly men but some women. I was going to get off but, Captain KOTOUC caught my jacket and said, "This is Sergeant PHU's work." So, Sergeant PHU and the policemen--

Q. (Interposing) All three policemen?

A. Yes.

Q. What about the soldiers?

A. They stayed. They did not carry the third suspect from that area with them. Later, he went back to District. But Sergeant PHU got off with this group of 20 or 30 suspects and was supposed to interrogate them. Captain KOTOUC and myself went back to LZ Dottie on the helicopter.

Q. By yourself?

A. Captain KOTOUC and myself went back to LZ Dottie with nobody else except the pilot and crew.

Q. What ever happened to the other nine detainees? Initially, there were a total of 12. Two of them were killed. One of them was on the black list, but there were nine others. What happened to them?

A. They freed them, sir. The other nine people were determined to be innocent civilians and released. The policemen, and we believed them, said those were not VC. We believed that the ones they said were VCI were VCI because they knew them; they were from the same area. They said the other nine people were innocent, so we released them.

Q. When you landed out on the seacoast where you dropped off Sergeant PHU and the three policemen, was there an American unit there with the detainees?

A. Yes, sir. At that time there was a platoon there.

Q. A platoon. Do you know who commanded the platoon?

A. I didn't get off the aircraft. I don't know which platoon it was.

Q. About what time of day was this?

A. It was about 5:00 or 5:30 because when I returned to LZ Dottie, all the Americans had already finished eating.

Q. Do you remember if this group of detainees that they had where you landed were fishermen?

A. They were fishermen. I saw them down in the boat on the sea.

Q. Can you point out on the map for me where this village is located or where the area is located? I would understand that it was about in here where Bravo and Charlie Company laagered and where you landed the first time. Is that correct?

A. I remember it was near the road. It could have been here, or it could have been here (indicating on map). It is a very wide, large area, so it could have been here.

Q. Well, I'm sure it was near the cemetery.

A. It just took off and landed immediately, so it was somewhere along in here. The area was certainly between this bridge and this one. I know this one, because there was an American wounded by a mine there once.

Q. Let the record indicate the general coordinates.

A. The general coordinates would be BS 742792.

Q. You did not land, then, with Captain KOTOUC to interrogate any of these detainees?

A. No, sir. Captain KOTOUC and I both remained on the helicopter and left immediately. Also, the personnel in that group that Sergeant PHU interrogated and suspected were taken back to Duc Pho to the 52d MI, not to LZ Dottie that night.

Q. All of the 28?

A. The ones he selected. I don't really know, but I do know that it would have been extremely abnormal to have taken more than just a few among this number back to Duc Pho. So, I would think that he took a few back, because it would have been so abnormal that I'm sure I would have heard about it, or he would have mentioned it if he had taken them all. I think Sergeant PHU did go back to Duc Pho, and I remember he took some with him, but I don't know how many.

Q. When did he go to Duc Pho?

A. It was dark before Sergeant PHU came in. He returned to LZ Dottie. We were together there, but Captain KOTOUC said that they would take the suspects from that group back to Duc Pho because we would be off tonight, we wouldn't work. That's how I got my information that they went back to Duc Pho.

Q. You were with Captain KOTOUC, and you returned to LZ Dottie that night, the night of the 16th. Is that correct?

A. Yes, sir. I returned to LZ Dottie with Captain KOTOUC and, as normal, spent the night and slept there.

Q. When did Lieutenant JOHNSON and Sergeant MINH depart the laager area by the cemetery to go back to LZ Dottie?

A. It was dark before they returned to that area, but they both did return to LZ Dottie that night.

Q. Who are they?

A. They are Lieutenant JOHNSON and Sergeant MINH.

Q. Were they at LZ Dottie when you returned, or did they return after you had arrived at LZ Dottie?

A. After me.

Q. After you?

A. Yes.

Q. Did Sergeant PHU come out that night, or did he stay with Captain MEDINA?

A. I believe I'm mistaken. It was Sergeant MINH that spent the night with me that night; it was not Sergeant PHU. I believe he stayed out because they were very, very short of interpreters out in the field.

Q. Well, when did you learn that these people were taken from the beach area to Duc Pho?

A. Sir, all that I know about those people is that after I had eaten, I returned to talk to Captain KOTOUC, because I assumed that some of those people would be brought back in there, and I would have to work that night. At that time Captain KOTOUC told me, "No, you're off. Those people have been taken back to Duc Pho." He might have said they would be taken back to Duc Pho, but, in any case, that was the understanding I got.

Q. Do you know if Sergeant PHU stayed out with those people that night or whether he had returned to Captain MEDINA with C/1/20?

A. I don't know, but I think that he returned with Captain MEDINA.

Q. When you were out in the cemetery area, Sergeant HIEN, and you were interrogating these detainees, did you hear any of them say anything about some women and children being killed in the area of Co Luy?

A. I did not hear anything in particular about Co Luy. As a matter of fact, I didn't know the story on a lot of people being killed until we returned that night, and Sergeant MINH was telling the story to all of the interpreters about the Americans taking the women and children out of the houses and bunkers and lining them up and shooting them. This was the first that I'd learned about that. We were just discussing. We couldn't understand why the Americans would issue instructions like that.

Q. Did you ever tell Captain KOTOUC about that?

A. This story that Sergeant MINH told me was not that night. As a matter of fact, it was after I had returned to Duc Pho. It was 2 or 3 months later when he was discussing this with all the interpreters, not that night. On that date I heard nothing about Co Luy.

Q. Did you hear anything about Sergeant MINH observing, in My Lai (4), any shooting of women and children that night or within the next 2 or 3 days?

A. The only time prior to that that he mentioned it to me was when we were out in the field and when the two policemen were shot. He very briefly mentioned it. He said, "Why do they kill so many like they did this morning and still bring the people out and shoot and kill them here." He didn't elaborate on it any, and that is the only mention he made of killing people during the morning.

Q. Did you ever talk to Captain KOTOUC about this, or did you ever pass this on to any of the American authorities?

A. No, sir. The only time I ever questioned that they had killed large numbers of people or the fact that the people might have been civilians was when I looked at the board and saw the large numbers of people killed and no indication of number of weapons taken.

Q. When you returned to Duc Pho did you tell Captain LABRIOLA about what you had seen and what you had heard?



A. No, sir.

Q. Did you ever talk to any ARVN?

A. No, sir.

Q. Or GVN officials?

A. No, sir.

Q. Were you ever told to keep quiet about this, that this matter was being investigated?

A. No. The only person that has ever given me any guidance concerning that was a Lieutenant PRICE from the 1st MI, when he interrogated me recently. That was the only time.

Q. After a comparatively recent date, were you called as a witness before Senator DON's investigation or the Vietnamese Senate investigation?

A. No, sir. They didn't call me before their board.

Q. When did the five soldiers come out of the field, Sergeant HIEN?

A. I don't know when they returned. But, the next day I went back out to the area, and they were still there at the place where the two policemen had been killed.

Q. You returned the next day? What time of day was that?

A. I worked for the S2 for the task force. Normally, and commonly, I went out with either Captain KOTOUC or with the first lieutenant, whose name I do not remember, who also worked in the S2 office. However, on this particular day, about 1000 or 1030, I went to the area alone. I did meet Captain MICHLES in that area at that time. I went into the area where the people were being detained at that time or where they were interrogating people and did observe that the ARVN soldiers were still there at that time.

Q. Did you then work with Captain MICHLES?

A. Captain MICHLES, Bravo Company, sir.

Q. On the 17th?

A. The second day of the operation, yes, sir. He was not located right there, but he was not far away on that date, and I did join him there.

Q. Were Captain MEDINA and Sergeant PHU there?

A. No. I didn't see either of those there.

Q. When you joined Captain MICHLES, did they have another group of detainees for you to interrogate?

A. At the time I arrived there, there were a lot of women and children in the area. They were refugees. They weren't apprehended nor captured nor held. They were somewhat concerned and afraid that the Americans would cause them harm, especially some of the young girls there. They did intercede with me to talk to the commander to make sure that this wouldn't happen. I did talk to Captain MICHLES about it, and Captain MICHLES gave the order to have them moved away because they weren't needed and he preferred that they not be in and around the soldiers.

Q. On that day, did you talk to a woman from Co Luy who had been brought to this area by an American platoon the day before?

A. Yes, sir, I remember her. She was afraid the Americans were going to hurt her. I'm not real certain that it was that day or the following day, but I do recall meeting her. Also, I did work that day with Captain MICHLES, and I wanted to go back that night. He didn't want me to. He liked me very much, and he wanted to keep me out there. But when a resupply ship came in, I asked him to let me go back in and he did permit me to return that night to LZ Dottie.

Q. What did this woman tell you about Co Luy?

A. I didn't speak to her, except I understood that she was following because she was afraid that if she did anything else, she would be harmed. Captain MICHLES saw her following right close and was afraid something would happen to her, either

the ARVN or the U.S. or somebody would harm her, so he instructed that she go back to the area by the seashore. I remember now that she did say to me that she was afraid the Americans would rape or kill her. She was afraid.

Q. Did she say that she had seen Americans kill some women and children? Did she say that she and perhaps some other women or girls had been sexually molested by some other Americans?

A. Well, frequently on an operation, I do have the younger girls stay very close to me because they are afraid of the Americans, afraid that they will either rape them or that they will shoot and kill them. But it is generally a matter of their fear; and, in this case, she didn't say anything about a basis for the fear.

Q. When you came back to see Captain MICHLES were the National Police with the soldiers again?

A. No, sir. They had already returned, and they had not come back to this area. I just met the five soldiers.

Q. When did the National Police leave the field?

A. I don't know, sir. The last time I saw them was when we dropped them off with Sergeant PHU out by the sea the afternoon before.

Q. You left Captain MICHLES that afternoon or evening of the second day and went back to LZ Dottie. When did you next see the five soldiers?

A. To the best of my recollection, after the second day, I didn't see them any longer. However, I would like to clarify that when they picked up the boots was after the operation and after they had returned to sector. They came to LZ Dottie by automobile and picked the boots up there and returned to Sector. But that was after the operation. After the second day I did not see them again.

Q. Can you tell me what happened on the second day with B/4/3? You were here and--

A. (Interposing) We came back toward My Khe.

Q. Was it towards My Khe or did you cut across the bridge?

A. I saw the bridge. We didn't move across the bridge, sir. We went alongside the river, but we did not cross the cement bridge.

Q. Well, the company command group stayed here. Do you know whether any of the platoons from the company--

A. (Interposing) I saw what I thought was a company over there, many soldiers on the other side.

Q. Working down the--

A. (Interposing) They were going on the other side.

Q. How far away from the bridge did the company command group with Captain MICHLES stay?

A. About 500 or 600 meters from the bridge.

Q. But the command group--

A. (Interposing) One night during the operation I spent the night out with Captain MICHLES. On one instance there was a boat going across here with 10 people in it. We shot and killed all of them as they were crossing the river here.

Q. Did you stay out then, the second night?

A. I don't remember clearly, but I did spend one night out with them.

Q. And you stayed down in--

A. (Interposing) And that night the artillery fired into this area very much. Out of these 10 people I said were all killed, we think there were about two that were not killed. They went up in this area, and they sent a force up there to try to find them. They fired a lot of artillery in there that night.

Q. Let the record show that the spot where Sergeant HIEN is referring to is approximately 400 meters east of My Khe (3).

A. I often come here, and there are some secret trenches or hidden underground tunnels.

Q. The other location which Sergeant HIEN is indicating is where the people moved across the Song My Khe in a boat, just to the west of Co Lay (1) and that area. Co Lay (1) is the area in which artillery was fired very heavily during that evening.

A. But I would like to point out, the artillery was fired right along the edge of the river.

Q. When you were in this area with Captain MICHLES, east of My Khe (3) and the command group, did you see the soldiers of B/4/3 burn the villages of Co Lay (1), (2), and (3)?

A. I can't remember clearly the date, but while I was here they did kill some 10 guerrillas in the area. Captain MICHLES told them to burn the houses of that guerrilla, but the Americans burned all of the houses. I saw them. There was one platoon that went over here and burned all the houses on this side, and they also burned them on this side. One platoon burned all the houses on the Co Luy side, and they also burned the houses on the My Khe (3) side. But, there wasn't that many houses there. Most of them had already been destroyed. They were just some temporary-type houses that they had been living in that were destroyed.

Q. What they refer to as hootches?

A. Hootches.

Q. Did you see C/1/20 as it moved down in this area then came back up--

A. (Interposing) No, I didn't see. The only time I met that company was back up here.

Q. Were the 10 guerrillas you indicated that were killed that day in addition to the ones that were killed in the boat?

A. The house that belonged to one guerrilla was the one that Captain MICHLES had burned. The others, I don't believe were guerrillas. They were just people in the area.

Q. That were killed?

A. That were killed on the boat. Two of them were women. Therefore, among the 10 people that were killed, I believe that only one of them was a guerrilla. I believe his house was burned. The reason I don't believe they were guerrillas was that they did send one platoon over to search the boat for weapons, but they didn't find any. The determination as to whose house was the guerrillas' was made by a man that we had captured. I interrogated him, and he pointed out the guerrillas' house for us.

Q. Were these people that went across the Song My Khe in addition to other guerrillas that had been killed in this area?

A. Among the 10 people crossing in the boat, I think 8 of them were killed. Two of them were guerrillas, one escaped, and the other one we caught and killed.

Q. I understand the boat episode, but then you said some other guerrillas were killed down here. My question is, is this the same group or is it an additional group?

A. It is the same group; there was a total of 10. The number of guerrillas killed was only one. In my opinion, the eight that were killed on the river were not guerrillas. I did, initially, say 10 guerrillas. But, among the group of 10 that were killed, it is my opinion that 8 were youths or civilians and 2 of them were guerrillas. One was killed and the other escaped.

Q. They were fleeing from--

A. (Interposing) I think they were fleeing.

Q. Were they killed by M-16 or by helicopter?

A. They were killed with M-16's, M-60's, and M-79's. But the M-79 round didn't hit them. It exploded in the water near them.

Q. Where did the man come from that gave you this information?

A. He was from this area in here (indicating on the map).

Q. From the area of My Khe (1)?

A. In the general area of My Khe (3) or My Khe (1). I went in that area a lot, and I don't know exactly where he was from.

Q. Do you remember anything more that you can tell us about his operation in here, Sergeant HIEN?

A. No, sir.

Q. Where is Lieutenant ANH today?

A. I don't know, sir. The last time I met him was when I gave him the five pair of boots.

Q. I'd like to repeat again, from my information, he was a second lieutenant from the 4th ARVN Regiment. Is that correct?

A. Actually, I am not certain about which regiment. I do recall that he wore a flak jacket and that he wore the 2d Division patch. I thought he might have been an RF, however, with the patch this would indicate that he did belong to the division. But, I'm not certain about the regiment. One other point I recall is that during that night the artillery fired in the wrong location once, killing two Americans and wounding three or four people in B Company.

Q. In B Company. This is the night of the 17th?

A. I'm not sure. It was the second or third night I spent with them.

Q. Did you stay with B Company when they moved back to the north and then moved up through this area (indicating)?

A. That following day, we went down to this area, not quite to Hill 72. Then, we received the order to come back. We returned to this area and I did not stay with the company any longer.

Q. You did not come up with the company when they were mortared from the area of An Ky?

A. No, sir.

Q. And then subsequently went into An Ky?

A. No.

MR MACCRATE: Sergeant HIEN, just so that we may follow your schedule, on the night of 15 March, which would be the night before this operation, where did you stay that night?

A. I always slept at LZ Dottie, and I was there that night.

Q. Did the interpreters have a common bunker in which they stayed? Where did you yourself stay?

A. There was an office right by the bunker where I spent the night, normally, and did that night with Captain KOTOUC, Major CALHOUN, and a signal corps lieutenant in it.

Q. Do you remember seeing Sergeant PHU that night at LZ Dottie?

A. Yes, sometime around 8 o'clock, I met Sergeant PHU out near the helipad and he commented, "Well, tomorrow we have to go on an operation. We've got to get our gear together right away. We are leaving early."

Q. Later that evening, did you go with him from the helipad?

A. No, sir. The next time I saw him was out on the operation where I met him to interrogate those people.

Q. Then, on the next day, you flew out in the afternoon to the graveyard area and stayed there for a period of, I believe you indicated, an hour or two?

A. I had trouble recalling which day we were talking about, but on the first day I did go in with the policemen and the ARVN. That was about 3:30, and I did depart there at about 5:00 or 5:30.



Q. Do you recall, when you landed there with Captain KOTOUC, whether anyone got on the helicopter that you came in on and flew out?

A. I think there was a man that was soaking wet. He had long whiskers and was very, very soaking wet.

Q. Who was with him?

A. I don't recall.

IO: Was this a Vietnamese or an American?

A. It was an American with a very long beard. It appeared as though for many days he hadn't shaved. However, I would like to point out that was a long time ago. It could have been a different instance, but I seem to recall it was that particular time.

MR MACCRATE: Now, you asked Captain KOTOUC's permission for the National Police to shoot the VC. You say that he said, "Okay," and he pointed up, indicating that the man's spirit was going to heaven. Is that correct?

A. I remember specifically that when I asked him that he shook his head; he said "Okay," and he raised his hand up. It is my understanding or my interpretation that this represents the spirit going to heaven. But he did raise his hand in this manner and he nodded his head and said, "Okay."

LTC STANBERRY: Would you like the part that he said in English?

MR MACCRATE: Yes.

A. I only see the Captain raise his hand in this manner and we laugh together. I clearly heard him say, "Okay."

Q. You say you laughed with him?

A. He said, "Okay." He turned to me and smiled.

Q. Captain KOTOUC smiled. What did you then say to the National Policeman?

LTC STANBERRY: A direct translation of what he just told me would be: The policeman was standing about 5 or 6 meters from me. I turned to him and said, "The Captain said, 'Okay.'"

MR MACCRATE: Then on the night of the 16th, the first day of the operation, you flew back to LZ Dottie with Captain KOTOUC after making the stop on the seacoast. Is that correct?

A. Yes, sir.

Q. That night at LZ Dottie, did you stay in the same place next to the office?

A. Yes, sir, the same place.

Q. And that evening did you see Sergeant MINH?

A. I saw him come back to the LZ together with Lieutenant JOHNSON. He stayed at my hootch. He also slept in the same building, however, we didn't have any conversation.

Q. But you remember that he did come back after you came back that night and stayed in the same building with you?

A. He came back there after me. He slept in the same place with me.

Q. You didn't talk about what had happened that day?

A. He didn't talk because he was very tired.

Q. And then the next day, which would be the 17th, you flew back in the morning and met with Captain MICHLES?

A. Yes.

Q. And you stayed with Captain MICHLES all of that day. You first thought that it was at the end of that day that you asked to go back on a supply plane. Could it have been the next day? Could it have been that the night that you stayed with Captain MICHLES was the night of the 17th rather than the night of the 18th?

A. In answer to your question, sir, I spent one night out. It could have been either the second night or the third night. I did, at the time I returned, ask Captain MICHLES to let me come back, and I returned to LZ Dottie on a supply ship. That could have been either the second or third night. I originally did recall this being the second night, but I'm not certain. It easily could have been the third night after I had spent the night out. I really can't remember, but it could have been either of those two ways. The circumstances would indicate that it was probably the first night; but on my own, I cannot remember it clearly.

Q. When you came back to LZ Dottie after you had been with Captain MICHLES, did you find C Company back at LZ Dottie that night?

A. At that time, to the best of my recollection, there were some soldiers who had returned there to standdown, but I haven't the slightest idea who they were.

Q. Now, you said that sometime later Sergeant MINH spoke to a group of interpreters about what had occurred on this operation. Do you remember where that was?

A. This occurred. I couldn't recall exactly when but perhaps 2 or 3 months later. It was in the interpreters room or office where all the interpreters assembled at the 52d MID at Duc Pho. The occasion was a discussion among the interpreters of another minor incident or some action like this, where some Americans had done something someone didn't like. In that discussion the My Lai incident came up and Sergeant MINH discussed it at that time.

Q. Can you tell us who was present during this discussion?

A. There was a Sergeant TUONG present at that time. There also were a number of interpreters from other places in the area at the time. Sergeant PHU wasn't there, he seldom came into the 52d MID. The others were the interpreters in that area for the 52d. But it was long ago, I don't remember any of their names.

Q. Were there any Americans there?

A. He didn't elaborate on the thing, but he did mention My Lai. There were no Americans there.

Q. My question was, were there any Americans present when this discussion took place?

A. There were no Americans there when the discussion took place.

Q. Was anything said about reporting these matters to American officers?

A. That wasn't discussed at this meeting. If that point were discussed, it would have been a long time ago. It wasn't discussed here.

Q. Did he have any discussions where they either spoke about reporting to American officers or complained about what the American officers were doing?

A. I only have recollection of the 11th Infantry Brigade making some kind of an investigation a short time thereafter, but none of it being discussed there or any of the interpreters saying anything about it. I do recall some sort of an investigation made by the brigade.

Q. Who told you that there was an investigation being made by the brigade?

A. I heard a Sergeant THE, who recently lost a leg in battle, say that they were conducting an investigation. He is still with the 52d MI. A short time after the operation, Sergeant THE joined C Company. He probably would have a lot of information on this, because he talked to a lot of the Americans in C Company about this. At this time he is in the hospital, recently having lost his leg in battle. He is in the hospital in Duc Pho. About 2 months ago, he lost his leg on an operation.

IO: Did he take the place of Sergeant PHU?

A. I believe he was the replacement for Sergeant PHU.

MR MACCRATE: Did he say what individual in the 11th Brigade was making the investigation?

A. I believe this didn't come out until the recent investigations were conducted and the American press began to

publicize this. Then, Sergeant THE did indicate that he knew a lot about it from having talked to the Americans who were there at the time.

Sergeant THE had this information that there was an investigation conducted by the brigade because of the discussions that he had with the Americans. The Americans, at the time he came, told him that there was one being conducted.

Q. Do you know Lieutenant RODRIGUEZ?

A. No, sir. I usually went with the company commander, sir.

Q. Do you remember hearing anything about an investigation being made by the Son Tinh District or the sector?

A. No, sir. I didn't hear anything about that.

IO: The hearing will recess briefly.

(The hearing recessed at 1011 hours, 2 January 1970.)

(The hearing reconvened at 1127 hours, 2 January 1970.)

IO: The hearing will come to order. Sergeant HIEN, we are just about through talking. We have quite a bit of information concerning My Lai (4) or Tu Cung. But we have only limited information on what may have happened at Co Luy. Do you now recall any additional information concerning Co Luy, concerning any women or children that may have been ordered out of their bunkers and hootches and shot, injured, or molested?

A. That's Sergeant PHU's company, and he should know more about it than I. However, I did go on the operation in the Co Luy area; but I heard no one of all the people I contacted, either Americans or the people in the area, mention anything about an incident of that nature in Co Luy.

Q. Sergeant PHU actually was with C Company and if anything had happened it would have been with B/4/3?

A. Also, the man that I interrogated to find out which houses were the guerrilla's houses did not mention anything about Co Luy.

MR MACCRATE: Sergeant HIEN, you will find seven pictures here. I would like you to look at each one and see if you can recall any of those pictures. We understand that they were all taken on the afternoon of 16th of March, the first day of the operation.

(The witness examined each of the photographs.)

A. All of these civilians here, I don't recognize any of them, but this is Sergeant MINH on the left side of the photograph (Exhibit P-19).

(Discussion off record.)

IO: Sergeant HIEN, we are going to continue our investigation and assemble as complete a picture of what happened at My Lai and Co Luy as we possibly can. Also, we are checking into the investigation of these incidents. We will be here for 2 to 3 days longer. I know that we have probably given you some additional information that you have not remembered before.

A. Yes, sir.

Q. If, with that information, you can think of anything else that happened there that would be useful to us in our investigation, we would like very much for you to contact us so that we may talk to you again. Also, if you can recall any memoranda, interrogation reports, pictures, documents, maps, or anything that might be helpful, we would like to know about that too. Thank you very much, Sergeant HIEN.

(The hearing recessed at 1136 hours, 2 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: KHIEN, Ton That COL, ARVN

DATE OF TESTIMONY: 30 December 1968

PLACE OF TESTIMONY: Quang Ngai Province Headquarters,  
Quang Ngai, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Province Chief, Quang  
Ngai Province.

1. HIS ORGANIZATION AND DUTIES.

The witness has been the Province Chief of Quang  
Ngai Province since 4 October 1967. His staff is the same  
as it was in March 1968. Lieutenant TAN was still the  
District Chief of Son Tinh District.

2. HIS KNOWLEDGE OF THE INCIDENT ON 16 MARCH 1968.

a. He first heard of the incident at My Lai (4),  
Tu Cung Hamlet, about one week after it happened (pg. 2).  
He did not recall Colonel HENDERSON calling on him on  
16 March 1968 and telling him about the operation into  
My Lai (4) (pg. 2). He found this out from the district  
and from people who were coming into the hospital (pg. 2).  
He did not interview the people at the hospital (pg. 3).

b. Lieutenant TAN made a summary report daily on his  
district. He had information about people being killed  
there (pg. 3). KHIEN did not save these reports. He did  
receive a written report about one month later which indicated  
that 125 VC were killed. Colonel KHIEN felt that TAN might  
have received this as feed-back from the Americans (pg. 4).  
He did not think that it was based on what the people had  
reported to TAN (pg. 4). TAN's original report, given about  
one week after the incident, indicated that "hundreds of  
people" were killed (pgs. 3,4). KHIEN thought that this  
was exaggerated, and he indicated that the people when

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questioned would say "Oh, thousands killed, hundreds killed" (pg. 4). TAN did not receive his information from the Village Chief and the Hamlet Chief who were not at that time in the area (pg. 4). This report of TAN's was dated 28 March, and is marked as Exhibit M-28 (pg. 5). A later report, dated 11 April and received on 14 April, is marked as Exhibit M-34. Copies of the 11 April report were sent to the 2d ARVN Division and to MACV, Quang Ngai Sector, which would mean that Colonel GUINN received it (pg. 6).

d. The witness did not remember, nor did he have a report from the Census Grievance Team (pg. 7).

e. Colonel KHIEN attempted to investigate the incident from 11 June 1968 to 13 June 1968, but he was not able to get inside the hamlet (pg. 7). Outside the hamlet he spoke with 20 people who told him that during the attack they had run away (pg. 7). They did not see how many had been killed, but the next day the communists told them to go to the hamlet and bury people (pg. 8). They did not know how many they had buried, but some felt that they buried 100 (pg. 8). They reported seeing about 20 or 30 in a trench (pg. 8). They did not know whether the bodies were of civilians or of VC (pg. 8). Colonel KHIEN made a later report in November and December of 1969 to General LAM. KHIEN talked with Mr. MAY and Colonel GUINN about the report of 11 April (pg. 11). Colonel GUINN did not know about the incident and stated that he thought the people were not killed by rifles (pg. 11). KHIEN said he did not think there were many civilians killed and believed some were VC (pg. 12). GUINN did not say that he was going to speak with Colonel HENDERSON about it (pg. 12).

f. Colonel KHIEN stated the people from Tu Cung, which was the hamlet that My Lai (4) was in, moved into Son Tinh. Therefore, he knew only what happened in Tu Cung and knew nothing about those people in Co Luy which was too far away (pg. 5). He also explained that people from that area called it Co Luy although the map says Co Lay (1) or Co Lay (2). The maps indicated that My Lai (4) was one of the five sub-hamlets to Tu Cung but the people did not know it as My Lai (4) (pg. 5).

g. He explained that at the time the province did not have a National Police force and that any National Police who questioned prisoners were probably from the Son Tinh District (pg. 11).



## 3. HIS DESCRIPTION OF THE 48TH LOCAL FORCE BATTALION.

He felt that the 48th Local Force Battalion was a strong battalion in Quang Ngai (pg. 12). They knew the area well and could avoid boobytraps, unlike the ARVN's who would be hit with them (pgs. 12, 13). The VC Battalion also made attacks on Quang Ngai and on Son Tinh, but were difficult to catch because they knew the trails (pg. 13). They were in control of the area from December 1964 until October 1968 (pg. 13). The Viet Cong were also strong in the area, with a major resupply operation through the area into MR-5 (pg. 13).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-28	TAN's letter to KHIEH, 28 March	Report from the District chief.	5,6
M-30	Statement of RODRIGUEZ		6
M-34	TAN's letter to KHIEH 11 April (trans)	Received by Colonel KHIEH.	5

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SUMMARY OF RECALL TESTIMONY

WITNESS: KHIEN, Tan That COL, ARVN

DATE OF TESTIMONY: 27 February 1970

PLACE OF TESTIMONY: Headquarters, Quang Tri Province,  
Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Province Chief, Quang  
Ngai Province.

The witness stated that on 11 or 12 April, Lieutenant TAN, the district chief of Son Tinh, gave him a letter which he in turn gave to General TOAN (pg. 15). TOAN then directed him to make an investigation which the witness attempted to do but while moving troops into the Pinkville area an aircraft accident occurred and they moved into the scene of the crash for the rescue (pg. 15). He stated that MACV knew he was going on the investigation but sent no one along to help him (pg. 16). Colonel GREEN went with him (pg. 16). The witness stated he never discussed this incident with General KOSTER, General YOUNG, Colonel HENDERSON, or Colonel HUTTER (pgs. 16, 18). He stated he did discuss it with Mr. MAY and Colonel GUINN (pgs. 16, 18). He stated that Lieutenant Colonel GAVIN knew about the VC propaganda which he had received (pg. 18). The witness stated he did not believe the VC propaganda (pg. 17).

(KHIEN)

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SUM APP T-84A

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Unsworn statement of COL Ton That KHIEN was taken at Quang Ngai Province Headquarters in Quang Ngai City, Republic of Vietnam, on 30 December 1969. The questions were posed to COL KHIEN by LTG PEERS and MR MACCRATE. Also present was LTC Billy M. STANBERRY, who acted as interpreter. Certain of the questions were translated by LTC STANBERRY into Vietnamese and certain of the answers by COL KHIEN were translated into English by LTC STANBERRY.

IO: I might tell you first, Colonel KHIEN, a little bit about this investigation that I have been directed to conduct. I was appointed as the investigating officer by our Secretary of the Army and by the Chief of Staff of the Army, General WESTMORELAND. I am to look into the incident which took place in My Lai (4) on 16 March 1968, to determine if the investigations by the Americans were adequate and proper, whether the reviews of the investigation were proper, and whether or not there has been any attempt to cover it up or suppress information concerning this incident

In the process of doing this, we have talked to several people from the unit that was in My Lai (4) on that day, and we have talked to many of the commanders from the 11th Brigade and from the Americal Division. In total we have talked to about 40 people. So far, we know substantially what went on.

The Americans who are in the military service are making statements under oath so that we can have this as a matter of record. The testimony is classified and all of the investigation is classified, but it has attracted so much attention on American television, in the newspapers, and on radio, that when we finish the investigation and after I submit the report to General WESTMORELAND and to Secretary RESOR, some of our findings may become known to the news media and to the American people. We, of course, are not expecting to put you under oath. We will just ask you to talk to us and to provide us information.

One other thing that you should know is that we have directed Americans in the military service not to talk to other people about what they have told us. We have made the same request to those who are now civilians.

Were you the Province Chief here on March 16, 1968?

(KHIEN)

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A. Right, sir.

Q. How long have you been Province Chief?

A. Since October 4, 1967.

Q. From October 4, 1967, up to the present time?

A. Yes, sir.

Q. One thing, Colonel KHIEN, that would be helpful, particularly for people like Mr. MACCRATE and for the matter of the record, would be to have an organization chart of your province headquarters and sector staff as it existed in March of 1968.

A. All the personnel on my staff are the same.

Q. Coming back to March 1968, Colonel KHIEN, and we know that this is a long time ago. We are asking you to try to remember things that happened almost 2 years ago. When did this operation first come to your attention? When did you first hear about the operation into My Lai (4), Tu Cung Hamlet, and into the Co Luy Hamlet?

A. About 1 week after that happened I heard about the incident.

Q. On the day of the 16th of March 1968, do you recall a Colonel HENDERSON who had just taken over the 11th Brigade making an official call to come to see you and also at that time telling you about the operation into My Lai (4) and into the area to the south of My Lai (1)?

A. No, sir. I don't know about such a person. I heard about the incident from the district and the rumor from the people. They come into the hospital, but I just know-- but I hear it from the people from the subsector--people have been killed.

Q. That was about a week afterwards. That would have been around the 24th or 25th?

A. Right, sir.

Q. Did you talk to anybody in the hospital?

A. At that time?

Q. Yes.

A. No, sir. I didn't go to the hospital because every day there were wounded people in the hospital. Each day there are many wounded people in the hospital.

Q. The District Chief at that time was Lieutenant TAN?

A. Yes, sir.

Q. Did he report to you orally, or did he give you a report in writing, or both?

A. Daily he makes a summary report. But that day, 16th of March, or some days after, he had, like I said, information about people being killed there. That's all.

Q. Do you have copies of these daily summary reports that he gave you at that time?

A. No, sir, but I have the written report about one month after.

Q. Did he say that these were VC or they were--

A. (Interposing) He said they killed many VC and they don't know exactly where. About 100.

Q. This is 100 in addition to the VC?

A. He doesn't know how many VC killed and people killed.

Q. But this is women, children, old men? One hundred?

A. Yes, sir.

LTC STANBERRY: He didn't distinguish in his answer. He just said there were about 100 killed. He says hundreds of people were killed, that was the report that was made.

IO: A hundred people or--

LTC STANBERRY: (Interposing) Hundreds. Not one hundred, but hundreds of people were killed.

IO: All right.

LTC STANBERRY: The District Chief reported to him about 1 month later that there were 125 VC killed, but it came about a month later and he doesn't know how he got it. He's suspicious he may have received this VC head count from his counterpart. In other words, he got it indirectly as feedback from Americans. That is what he thought about that particular report he received. He doesn't think it was based on what the people reported to the District Chief. About 1 week later, the District Chief reported to him that hundreds of people had died or were killed. Approximately 1 month later, the District Chief reported to him that 125 VC were killed.

IO: But are these VC part of the hundreds? Were they talking about civilians here, or were they talking about VC?

A. I think the District Chief got it from the civilian people moving out from the area. They said, "Many killed." I said, "How many?" He said, "Hundreds." And how many Americans killed, how many casualties on VC side? He can't identify how many because of the lack of Vietnamese control. When you have fighting, they say, "Oh, thousands killed, hundreds killed."

Q. Do you know where Lieutenant TAN received his information? Did he get some information from the Village Chief and the Hamlet Chief?

A. No, sir. The Village Chief and Hamlet Chief at that time were not in that area. The information was from the District Chief or from the people that moved out of the hamlet--thousand villagers, like that. They heard about that. They talked to them and he talked to me.

Q. Did you get a report about that time from the census grievance team in writing, a written report which you or your intelligence office gave to Colonel GUINN?

A. I don't know whether it was a written report; but I know at that time, many, many organizations talked to me about that.

Q. Would it be possible, Colonel KHIEN, to have somebody look back through the intelligence that came in from all different sources and also VC propaganda to see what information came into your headquarters at that time concerning anything that may have happened at My Lai (4), Tu Cung? I believe people also call it Co Luy.

A. Co Luy, you see, we don't know, because Co Luy at that time was called Tu Cung and the people from Tu Cung moved into Son Tinh. We don't know about Co Luy.

Q. The propaganda, though, came from the VC?

A. Co Luy and Tu Cung, but at that time we knew only about Tu Cung. The people came in because Tu Cung was close by; but others being far away, they didn't. People who came from that area say Co Luy. On the map, they say Co Luy, but people don't know Co Luy (1) or (2). Like My Lai (4), on the military map, they don't know about it.

Q. But the VC did call My Lai (4), Tu Cung?

A. They say Tu Cung but Tu Cung has five subhamlets.

Q. Now, Colonel KHIEN, you indicated that you had received some information orally, but you also indicated about a month later the District Chief gave you a written report.

A. Right, a written report.

Q. Do you have a copy of that?

A. Yes, sir, I have it, 28 March.

Q. Did you receive another report later, on or about the 11th of April?

A. Yes, sir, through two channels, province channel and sector channel.

MR MACCRATE: Sector channel on the 28th of March, province channel on the 11th of April?

A. It was based on the Village Chief's report, and the report was sent to the 2d ARVN Division and to MACV.

(IO interposed, pointing to Colonel KHIEN's file.)

Q. What day was that?

A. 14th of April.

Q. This statement (referring to file). The letter from the Son Tinh District Chief to Colonel KHIEN, about Son My, is what I would like to have. Somebody wrote this in English. (A copy and English translation of this letter was later received in evidence as Exhibit M-34.)



A. The two reports are the same.

Q. Two reports?

A. The same.

Q. But this, though, the one on the 14th, is based upon the information which he got from the Village Chief?

A. Yes, sir, and he made a copy.

Q. You have a copy of that which you are going to give to me?

A. From the Village Chief?

Q. No, from the District Chief. We want to get a copy of the 28 March report. I think we have got the 11 April report. We don't have the statement of the 14th. General TOAN gave us a copy of the 11 April report, so we have that.

A. Yes.

(Copies of the 28 March and 11 April reports were later obtained from Quang Ngai Province files, translated, and received in evidence as Exhibits M-28 and M-34, respectively.)

Q. If you remember, this statement (later received in evidence as Exhibit M-30.) says that it is based upon the report dated the 11th of April, you see--

A. (Interposing) But I received a copy.

Q. The date here is the 14th, but it refers to the letter of the Son Tinh District Chief, dated 11th of April.

This shows distribution to MACV Quang Ngai Sector. Who is that?

A. Colonel GUINN.

Q. It would go to Colonel GUINN and not to the senior advisor to the 2d Division?

A. No, Colonel GUINN, Quang Ngai Sector. That is MACV Sector.

Q. Well, this clarifies quite a bit.

Do you remember ever receiving any kind of a report, Colonel KHIEN, from the census grievance?

A. I don't remember about that. I don't have a report.

Q. You were ordered by General TOAN to investigate the situation. Once he had this information, he had directed you to conduct an investigation. As I remember, you tried to get in with some RF and PF in June?

A. Yes, sir.

Q. But you could not get in; but you did go in, maybe, in August?

A. 11 June 1968 to 13 June 1968.

Q. You went in at that time?

A. At that time, we had an accident. An O-1 and a UH-1B collided and crashed and we diverted.

Q. Were you able to get into Tu Cung that day or at that time?

A. Not in Tu Cung, but outside the hamlet I met about 20 people.

LTC STANBERRY: At that time?

A. Yes, sir.

MR MACCRATE: What would be the date?

A. 11th through the 13th of June.

I asked them about the period March 1968, how about the people in that area or something like that and they said about 7:30 in the morning, when the Communists--they shot and they ran away. People moved into the trenches and moved out of the hamlet. I asked how many were killed, and they

said they could not see, but the day after they tried to move back from another hamlet. They went over there, and they buried bodies. The Communist told them to go to the hamlet and to bury the bodies. They didn't know how many they buried, but some said they buried 100. I said how many people were shot. They said they have seen about 20 or 30 in a trench.

Q. You say a trench or ditch?

A. They saw the people or the VC, they don't know.

Q. Is this report the report that you made to General TOAN?

A. Yes, sir.

Q. This, also, is the report which he showed us and told us about your going into the village.

A. Yes, sir.

Q. Did you, Colonel KHIEN, have to make a report to General LAM on the situation?

A. This also went to--I gave mine to General LAM.

Q. These are dated. What date is this, in November, December 1969?

LTC STANBERRY: Yes, sir, both of these.

Q. What I'm interested in was this information that is in here. Did you provide a report of this information to Colonel GUINN, to the Americal Division?

A. No, sir.

Q. None of the Americans knew about it then? Colonel HENDERSON did not know?

A. I tried to find out how many were killed. I don't have any confirmation.

Q. But then you did not believe?

A. I just knew when the CID and the newspapers came to ask me, and I looked at the newspapers, everything like that.

Q. Did you see any of the VC propaganda, Colonel KHIEN?

A. I saw a leaflet.

Q. You saw a leaflet?

A. Yes.

Q. Do you have any copies?

A. Yes.

Q. You have one?

A. The leaflet. But I know of some--I have made some investigation, and he told me, a Hoi Chanh, he told me VC came over there, meet in two places. One place was Tu Cung Hamlet. The 48th Battalion....

(General PEERS and Colonel KHIEN review map.)

Q. Two propaganda lectures that the Hoi Chanh attended?

A. They talked about inciting the people. But the 48th Battalion only propagandized the 48th Battalion soldiers.

Q. Did you hear any reports, Colonel KHIEN, that the VC were wearing armbands to mourn the villagers in Tu Cung, that they had posters and also had some--what I'd call slogans?

A. One slogan at Binh Duc; they made an armband.

Q. This information came from the Hoi Chanh?

A. Yes.

LTC STANBERRY: Let me check one point. Was this Hoi Chanh a member of the 48th Battalion or was he a civilian?

A. He was a civilian.

MR MACCRATE: Colonel, with respect to the 28 March report to you, on the English translation it reads "copies to S2 and S3, Quang Ngai Sector Headquarters." Now does this mean that copies of that would not have gone to any United States personnel?

A. Yes.

Q. Back in 1968, would a copy of this paper dated 28 March 1968, would it at that time have gone to any U.S. personnel?

A. No.

Q. The later letter of 11 April did go to Colonel GUINN, but this earlier would not have gone to Colonel GUINN?

A. I don't know.

IO: Unless somebody here had shown it to him because this was written by Lieutenant TAN, who sent it to Colonel KHIEN. So there were actually three copies: one to Colonel KHIEN, one to Sector 2, and one to Sector 3. Maybe one of those people referred a copy of this to Colonel GUINN or to one of the other advisors.

A. After the District Chief's investigation and the Village Chief's interrogation, he sent a report to me, to Division, and to MACV.

MR MACCRATE: Now if there were going to be a refugee problem because of an operation that the Americal Division was conducting and they expected refugees to be moving out of a village, and they wanted National Police to participate, would they make the request to you for National Police assistance?

A. Not necessarily. At that time, most of the coordination between the U.S. division and the Vietnamese units was done between the U.S. division and the ARVN division, not the sector. And during that time, about 1 to 2 months from 1 February, the VC continued to attack in that area. That area is a VC base. Our forces operate only where we have the hamlets. We didn't have anything in that area.

IO: What Mr. MACCRATE is trying to find out is the following. We know that later on in the day, five ARVN soldiers and three, either National Police or National Police Field Force, were flown in to the two companies near My Lai (1). They went in about 3 o'clock in the afternoon, and then they stayed for a couple of days with the company from the 20th and the company from the 3d Infantry. So the question is, where would those police have been from? Would they have been from Son Tinh District or would they have come from Quang Ngai Province?

A. I think at that time we didn't have NPF.

Q. Probably National Police?

A. National Police never go. NPF at that time, we didn't have.

MR MACCRATE: We understand that there were these police who joined the operation late in the day. They were taken in from LZ Dottie and flown by helicopter to a place near My Lai (1).

IO: (Illustrating on map) Like so, here is Tu Cung, My Lai, My Lai (1); somewhere in here after they went through here and they moved up here. Somewhere in here these companies, and in here some National Police and one ARVN officer, maybe RF.

A. In that time we didn't have.

Q. Well, we have many people that saw them. They flew in from LZ Dottie, maybe picked up from Son Tinh and flown in to here by helicopter, five ARVN and three National Police. We have been told this by at least 10 people. We can find out.

MR MACCRATE: They had some detainees they questioned, and there were apparently some Vietnamese Police flown in. What we are trying to determine is who they were and who would have made the request in order to have them come on this operation?

A. I don't know that but I think it was probably district.

Q. Now did you ever discuss with Colonel GUINN the report of 11 April, the second letter? He received a copy of that. You've told us, and did you ever talk with him about this?

A. I talked with Mr. MAY. I have discussed it with my advisors, Lieutenant Colonel GUINN and Mr. MAY, at that time. I said: "You know about that?" He said he didn't know about that. At that time he didn't know, he didn't think they were killed by rifle.

Q. Is that what Colonel GUINN told you?

A. He said something about the problem, he had casualties--he didn't think there were many killed, especially civilians. They killed maybe some VC. All the people came to look but they never saw how many VC were killed. But they say they talked to somebody over there and everybody came to identify the dead, their relatives.

Q. Did Colonel GUINN tell you he was going to speak with Colonel HENDERSON about it? Do you remember his saying anything about Colonel HENDERSON in this respect.

A. No, sir. Maybe he talked to him but he didn't give any information after that.

IO: Are you sure in your own mind that you talked to Colonel GUINN or Mr. MAY?

A. They had conversations but they didn't--

MR MACCRATE: (Interposing) And their offices are right next to each other here?

A. They came to see me and I went to see them--we had conversations. But because in that time we didn't--like everywhere, you had VC casualties in My Lai (5) Hamlet here.

Q. Well, we are very appreciative of getting this particular picture of what the situation was here at that time. If something like this would happen now, it would be different.

A. If something happens now, if 10 people are killed, it is a problem. But at that time I had many problems to take care of.

Q. I think that's very important. I'm very happy that you told us this.

IO: Just a couple of rather general questions, Colonel KHIEN. Can you give us your impression of the 48th Local Force Battalion and the local force companies that were there in March of 1968 and how people felt about them? Were they really good units and how did they operate?

A. They knew good tactics. They were a strong battalion in Quang Ngai. They knew the area well and could

go over booby traps, but when we went over there we got hit many times. And the 48th Battalion, they made many attacks on Quang Ngai and made many on Son Tinh through here (indicating on map), and when we attacked, they dispersed when we fired because they knew the trails.

Q. How long, Colonel KHIEN, had the area along the coast of Son Tinh and Son My been under VC control, Communist control?

A. December 1964 to October 1968.

Q. From 1964?

A. From December 1964 to October 1968.

Q. Was this not also the area where the Viet Minh had been very strong?

A. Oh, strong. You see, at that time they had a major resupply operation through that area into MR-5.

Q. Do you know the commander of the 48th Battalion?

A. The G2 has that information.

Q. In 1968, in the early part of 1968, how was the cooperation and coordination with the American forces as compared to what the cooperation and coordination is now?

A. In that time, we had separate AO's. We operated independently in our own AO's. Now we have combined areas of operation and coordinate all operations in the area.

Q. Well, you would say, then, that the coordination and the cooperation today is much better than it was in early 1968?

A. Yes, sir.

Q. I might ask if you have any additional information that you might want to give us. We will arrange for these documents to be reproduced.

A. I have a memorandum of 14 December 1969. I tried to investigate in detail.

(The witness handed the document to IO and Mr. MACCRATE who examined and returned it.)



MR MACCRATE: So that all you have been able to confirm is 40 people killed?

A. Of nine families.

Q. But then there are other families that you haven't been able to speak with?

A. Yes, sir. I talked with about 25 families but it is a matter of identification.

Q. These are all in one subhamlet of Tu Cung?

A. Yes.

IO: Well, I would like to thank you, Colonel KHIEN. This has been most helpful for us. If anything else does come to light that refreshes your memory about anything that happened, we would be very happy to hear about that, or if you know of any document or other things that come to light, we would be very happy to hear about those too.

(The hearing recessed at 1835 hours, 30 December 1969.)

Unsworn statement of COL tan That KHIEN was taken at Headquarters Quang Tri Province, Republic of Vietnam, on 27 February 1970. The questions were posed to COL KHIEN by COL WHALEN. Also present was CW2 Coy L. WELLS, CID investigator. The witness testified as follows:

(During a previous interview COL KHIEN had mentioned an area called Binh Duc where citizens were alleged to have been wearing black arm bands protesting the Son My incident. COL KHIEN now located this area on the map of Quang Ngai showing it to lie within the coordinates 7786, 7986, 7783, and 7983.)

Q. Colonel KHIEN, on or about 11 or 12 April 1968, Lieutenant TAN the District Chief of Son Tinh gave you his letter and you gave it to General TOAN. Is that right?

A. Yes.

Q. And General TOAN then directed you to make an investigation, is that right?

A. Right.

Q. Did you ever have a report on this investigation, a written report?

A. No, I didn't reply. I planned an operation to furnish an investigation, but I can not do this.

Q. You couldn't get to the area?

A. Yes, yes. I had some troops move out during that time. The second day of action we had accident of two aircraft crashed and we move to scene of crash for rescue.

Q. On this investigation, did you ever ask for any help from the Americans to get information for you to help make the investigation, any assistance, information, or coordination you needed from the Americans to help?

A. At that time I have my advisors. I used them at this time.

Q. Did they know that you were going on this operation to investigate the things that Lieutenant TAN had mentioned in his letter?

and the VC propaganda? They knew this?

A. They knew that, but MACV at that time didn't have a man to send out. Battalion knew of plan and he tell direct.

Q. Who was with you on this operation, do you remember?

A. Maybe Colonel GREEN.

Q. Colonel GREEN. Later on, did you ever see the division commander, General KOSTER or his assistant, General YOUNG? Did you ever discuss the matter of Son My or My Lai with them?

A. No, sir. I discuss with my counterpart, MAY and GUINN.

Q. Who is this, Mr. MAY and Colonel who?

A. GUINN.

Q. Colonel GUINN. How about the brigade, the 11th Brigade commander, Colonel HENDERSON, or his staff? Did you ever discuss this with them?

A. No.

Q. How about the American senior advisor at division? I think it was Colonel HUTTER. Did you discuss this with him?

A. General TOAN, CG, 2d ARVN.

Q. Yes, right. Did you discuss it with Colonel HUTTER though?

A. No.

Q. Are there any other papers, documents, memos, or anything more that you did not give us that might still be available?

A. No.

Q. Did you give any copies or translations of the VC propaganda or the letter of Lieutenant TAN to any of the Americans?

A. I sent to division because my command attached to

division. Then the division I don't know who or what they do after the division.

Q. Did you give anything to your counterparts, any copies of the VC propaganda or--

A. (Interposing) Oh, which reminds me, G2 opened this, something about G2, to send this back to G2, of division.

Q. Yes, that was Major PHO. What was your evaluation of the incident at the time when you heard it from the District Chief, Col KHIEN? What did you consider?

A. At that time too much activity. Many VC around the city. They conduct offensives monthly and weekly, sometime each night.

Q. This VC propaganda where they said Americans had killed several hundred, what did you consider this as far as propaganda?

A. Many times they have leaflets that they give each time they have fight. A bunch of VC leaflets tell about how many times they kill, how many U.S. they kill, how many airplanes they shoot down. After attack they have things like that.

Q. Their propaganda you just considered lies?

A. On operations of VC and like the time over the radio, just the same; operated by VC propaganda.

MR WELLS: So you just didn't believe it?

A. We didn't believe VC propaganda.

Q. Let me see if I have it right, Colonel KHIEN. The District Chief made the report to you, you had it forwarded to the 2d ARVN Division and the division commander told you to make an investigation. Later on, you tried to get into the area with an operation; on the second day two airplanes collided and you turned the direction of the operation to recover the airplane pilots?

A. The VC attacked. I and my deputy had to run away. They attacked my CP.

Q. That close?

A. Yes, close. I think about 2 weeks ago one captain commander was killed in that area, Son My.

Q. That's still very much a contested area.

COL WHALEN: You did not discuss this with General KOSTER, General YOUNG, or Colonel HENDERSON?

A. No, sir.

Q. And Colonel GUINN and Mr. MAY, knew why you were going into the area, is that right? Knew the purpose of your operation?

A. Yes.

Q. But you did not give them copies of Lieutenant TAN's letter or the VC propaganda, is that right?

A. VC propaganda, GAVIN, he know; he is now a Lieutenant Colonel.

Q. GAVIN knew about the propaganda?

A. GAVIN knew about the propaganda.

Q. Did you discuss this with anybody else we haven't mentioned?

A. I don't think so, at that time, I don't think so.

Q. I don't think we have any more questions, Colonel KHIEN. I appreciate very much you giving us your time. I know how busy a Province Chief can be. There are many problems and many things to settle. I'm happy to hear that the province is doing very well. Thank you, sir.

(The hearing recessed at 0900 hours, 27 February 1970.)

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SUMMARY OF TESTIMONY

WITNESS: LAM, Hoang Xuan LTG, ARVN

DATE OF TESTIMONY: 31 December 1969

PLACE OF TESTIMONY: I Corps Headquarters, Danang, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Commanding Officer, I Corps.

1. HIS JOB DESCRIPTION.

The witness had been the Commanding Officer of I Corps since May 1966 and in 1964 commanded the 2d Division in I Corps (pg. 2).

2. HIS KNOWLEDGE OF THE INCIDENT.

a. General TOAN's report.

The witness heard from General TOAN in March 1968 that propaganda leaflets had been received from the VC. TOAN attempted to determine the accuracy of the propaganda but had been unable to do so (pg. 2). The District Chief, Lieutenant TAN, had also been unable to enter the area to verify the information (pgs. 2, 7). TOAN did not tell him that TAN had received a report from the village chief, but did state that the figures for the dead were obtained from the leaflets (pg. 3).

b. Colonel KHIEN's investigation.

KHIEN, as Province Chief, had attempted to investigate in June 1968, but could not go into the hamlet either, so he did not send the witness a written report (pg. 2). KHIEN tried to enter the area three times with troops but was unable to do so (pg. 10).

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c. Subsequent reports.

In June 1969, a combined investigation team from Saigon came, but was unable to enter the hamlet (pg. 3). The last report, made in November 1969, was sent to the witness from the Province Chief and then forwarded to the Minister of Defense (pgs. 3, 10).

d. Americal Division investigation.

The witness did not recall talking about this incident with Generals KOSTER, YOUNG, or CUSHMAN (pg. 3).

3. OTHER INFORMATION.

a. The witness stated that many VC propaganda leaflets resulted from each battle where the VC were defeated. They would report dead VC as civilians (pg. 4). They used various kinds of propaganda and the witness produced a VC leaflet from that period (pgs. 6, 7). It was subsequently marked as Exhibit M-35 (pg. 7).

b. The witness described some of the battles of I Corps during that period, and stated that in Hue during February 1968, they killed over 5,000 enemy soldiers (pg. 7). There were battles also in Khe Sanh, and, in March and April, in Kham Duc (pg. 4). There were at least two NVA regiments in each province (pg. 4). The enemy body count in I Corps for 1968 was 100,000 (pg. 4).

c. The Son My area, he described as being Viet Cong since 1954. The whole area had strong affiliations with the Viet Cong, with an estimated 40,000 families in Quang Ngai having relatives in the VC (pg. 5). The My Lai area was important for the infiltration of supplies. MR-5 is west of Son My (pg. 5) and this was where the supplies were gathered (pg. 8). The VC now use the area to get rice and fish from the people in the form of taxes (pg. 8).

d. The 4th Local Force Battalion was based in My Lai along with two Local Force Companies (pg. 5). During Tet they had an additional regiment which moved through the area attacking the RF/PF center and losing 100 as they were beaten

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back (pg. 6). The 48th Battalion remained in the area to protect it as a VC supply route (pg. 8). The battalion is now more than half NVA (pg. 8). Since 1969 many of the units in the area had been half composed of women (pgs. 8, 9). Children are used for liaison agents and messengers (pg. 9). They are 8, 10, and 12 years old (pg. 9).

e. The witness stated that the rules for firing artillery into a VC area are the same as those for firing into a GVN area (pg. 9). Sometimes it is necessary to fire where there are women and children with the VC, although they have been told to move out. It is a VC tactic to hold the civilians in a village (pg. 10). ARVN's have strict orders not to shoot women, children, and old men, but sometimes they are part of the war, actually fighting (pg. 10).



Unsworn statement of LTG LAM, Commanding General of I Corps, was taken at I Corps Headquarters in Danang, Republic of Vietnam, on 31 December 1969. The questions were posed to LTG LAM by LTG PEERS and MR MACCRATE. Also present was LTC Billy M. STANBERRY, who acted as interpreter. Certain of the questions were translated by LTC STANBERRY into Vietnamese and certain of the answers by LTG LAM were translated into English by LTC STANBERRY.

IO: General LAM, I thought that I would tell you first what our investigation is supposed to be and what we are supposed to be doing as a bit of background for you.

I was appointed as the investigating officer by Secretary RESOR and General WESTMORELAND, and they asked me specifically to do two things. First, to check into any of the investigations of the My Lai incident of 16 March to determine if the investigations were adequate and also the reviews of these investigations to see if they were adequate and also as part of this to see if there was any attempt to suppress information of the incident by anybody connected with it. In the United States, before I left, we had talked to approximately 40 people. Some of them have been short, some have been over 20 hours, and so we have a pretty good idea of what the whole situation is, what it developed, and about the investigation.

The report I will file will go to the Secretary of the Army and General WESTMORELAND. This will be a confidential report. Part of it may be released to Congress and parts of it may possibly be released to the public. I do not know. That will be up to Secretary RESOR and General WESTMORELAND. All of the American witnesses we are putting under oath. Those that are in the military we are telling not to talk about our investigation or anything they are told in the investigation; and people that have been in the military who are now civilians, we are asking to do the same thing. That is about the status of it.

Pursuing the investigation within the States I have a civilian deputy and I have several senior military officers, colonels and lieutenant colonels, working for me. In addition, Mr. MACCRATE was asked by Secretary RESOR if he would work with me as the legal counsel. He has left his law firm for the time being to do this. He also has with him another individual whom you met the other day, Mr. WALSH, who has also

left his law firm to assist us. I must say they have been most helpful to me.

A. General PEERS, I will try to help you and give you all the information you need.

Q. General LAM, for the sake of the record, how long have you been Commander of I Corps?

A. I came here in 1966.

Q. Since 1966?

A. May 1966. And here, I had the 2d Division. That was in 1964, so I have been in I Corps 5 or 6 years.

Q. Thinking back on the My Lai incident itself, when did this first come to your attention, General LAM?

A. The Commanding General, General TOAN, of the 2d Division, told me in March of 1968 that he had received some propaganda leaflets from the Communist side. But, at that time, General TOAN told me that he had tried to determine the accuracy of the propaganda leaflets but that he had been unable to do so. He also indicated that the Chief of the District had tried to get this information but had been unable to do so. He cannot go there.

Q. First Lieutenant TAN?

A. Yes, sir. The District Chief attempted to go to the village but could not do so. Therefore, he made a report to the Province Chief that he could not go to the village. And the report did not include the number of civilians killed, it did not verify this information. After that, Colonel KHIEN, Chief of Province, Quang Ngai made an investigation. He also tried to go to the hamlet but he also could not go there. Now that was in June 1968. When he tried to go to the hamlet the VC were there and they shot at him from the hamlet so he also could not make a written report. So he did not send me a written report. The initial report mentioned some VC and some civilians killed, about 100 total killed but the investigations--not being able to conduct the investigations revealed or verified no number of civilians killed.

Q. Did General TOAN tell you that Lieutenant TAN had received a report from the Village Chief, from the information

he had gathered, that 400 people had been killed in Tu Cung and that about 90 other people had been killed in Co Luy?

A. No, No. General TOAN told me what the VC had reported. He reported that he had captured a VC leaflet which mentioned these numbers.

Q. Well, we understand there was a report that did go from Lieutenant TAN to province and also to the 2d Division, and with it were also copies of VC propaganda.

A. Yes, yes, but from the province we don't have any report.

Q. Well, subsequent to that time, or maybe I should say after that time, did you get any additional reports?

A. No. But in June, 1969, we had a combined investigation from Saigon. It arrived in June. They were also unable to go into the hamlet. Therefore, they rendered no written report. So, three times we tried to get this information. We tried to get into the hamlet, but we could not get into the hamlet. The last report was November 1969, when I sent a report of the Province Chief to the Minister of Defense.

Q. Did General KOSTER talk to you about this at all?

A. No, never.

Q. He never talked to you about it?

A. Never.

Q. Did General YOUNG ever talk to you about it?

A. Never.

Q. Anybody from the Americal or 23d Division?

A. I don't know. I don't remember.

Q. Did you ever talk to General CUSHMAN about it?

A. No, We talked often, but at that time we were very, very busy. I don't recall us talking about this. I don't

think we discussed this. I don't think so. And secondly, with regard to the VC propaganda, I have many, many propaganda leaflets from every battle when the VC are defeated. When they suffer heavy losses, they make propaganda that we killed many civilians and that our losses are very heavy. So when I saw the propaganda from My Lai, at that time I gave it no particular significance because I have many propaganda leaflets in many different areas at that time. That's one of our problems. If we kill five VC in that village, the VC tell the people that we killed five civilians. But it's hard to tell civilians from VC you know. If one has a weapon, he's VC. No weapon, maybe he's civilian; but many of the people don't know. So the VC use this fact to propagandize the people.

Q. General LAM, as I understand it, you say you had many instances of propaganda at this time, and also you said you were very busy at this time. There were many battles going on about this time. Could you give me some instances of other battles that were going on at about this time?

A. At that time, we had very big battle going on at Khe Sanh. Khe Sanh was a big fight and also Hue in January, February, and March. Hue was a very important area. Around Hue we had five NVA divisions, and then in March and April, we had a big fight in Kham Duc. We had two NVA regiments around Kham Duc. In each province we had at least two NVA regiments around. So in 1968 we had many big battles. One thing I will tell you: in 1968, just in I Corps, we killed 100,000 VC; that's body count, 100,000. Undoubtedly many more were wounded and many more killed, but we only report body count. 100,000 VC in I Corps alone. So we had many big fights and in Quang Ngai also we have many big battle; My Lai and Co Luy both were very strong VC base areas. This is a resupply route for the resupply into MR-5 base area. This entire area is very, very important to the base area.

Q. On the peninsula?

A. Five clicks east of My Lai--

Q. (Interposing) Well, I was going to ask you about Quang Ngai after Tet. I was in II Corps, but as I remember after Tet was over there were still many battles going on around Quang Ngai City.

A. In October, 1968.

Q. What time was it, about in there, that they received

some reports that the VC and the NVA were going to put a major attack on Quang Ngai and had all the mortars and rockets all lined up?

A. We had a big attack on Quang Ngai. It was February, March, and May. There were two very big actions in Quang Ngai. Correction, three big fights: end of January and February, and then May, and then October.

Q. General LAM, you are an old hand here in I Corps. How long has this area east of Quang Ngai City, the My Lai area, Son My area, been Communist country or Viet Cong?

A. Oh, 1953, 1954.

Q. In the war with the French, was that Viet Minh area?

A. Oh, yes. From 1945 until 1954, Quang Ngai was under control of the Viet Minh. Quang Ngai and Quang Tinh have been Communist provinces many, many years. We still have in Quang Ngai 40,000 families who have relatives in the VC.

Q. 14,000 or 40,000?

A. 40,000 families.

Q. Am I also correct in what I have heard: that many of these Communists went north to North Vietnam to Hanoi and Hai Phong; and then, after 1958, were infiltrated back into Quang Ngai in the My Lai area?

A. Yes, that is correct. The My Lai area is very important to the Communists for infiltration of supplies.

Q. Is this also the area, General LAM, that I remember that they used for sea infiltration? They could come down and land in that area and move their supplies through, across Highway (1), into the west, into the An My Mountains.

A. Yes, that is correct, MR-5. MR-5 is west of Son My.

Q. Can you tell us about the troops in this base area of My Lai?

A. Yes. My Lai is the base of the 48th Battalion and two local force companies.

Q. I believe during the battle of Tet, did they not also have an antiaircraft unit and a sapper battalion?

A. Oh, yes, and during Tet they had a regiment besides. One regiment moved into My Lai in the area north of Quang Ngai. They stopped overnight there; and from there they attacked the RF/PF center there and they were defeated.

Q. I believe, if I remember correctly from Colonel KHIEN, he indicated they attacked the RF/PF center there and they were very badly beaten.

A. More than 100 killed.

Q. Can you tell us also, General LAM, about the VC propaganda, the tactics they use in their propaganda, whether it is all by leaflets, exactly how they work their propaganda?

A. Well, when they have heavy losses they always gather the people together and claim that we killed civilians, that our losses were heavy, and that their losses were soft. And it is very difficult for us to determine what is true and what is propaganda. It is difficult to identify who is VC and who is civilian.

Q. Did they use any propaganda means other than talking to groups which they had assembled or putting out leaflets. We have heard certain things about some tabs for mourning, and we've heard also that they use signs and sometimes armbands and slogans.

A. They have all kinds of propaganda, you see.

Q. Would you, in your headquarters, have any propaganda that was coming out about that time that we might be able to have; some of their propaganda leaflets that were being produced by the Communists in the Quang Ngai area, so we can use it to compare with that which came out concerning My Lai?

A. I don't know if I still have it now, I will check.

Q. Well, I'd appreciate it if you would have your staff look to see if they can find some.

A. But it's been a long time, you see. After 3 or 4 months they destroy, they destroy all.

Q. But sometimes your PSYOPS Center may have held samples. If you have any it would be very helpful for us.

A. If they capture a lot of this propaganda they just--but destroy. But I try to get.

Q. If you could just let me see it, I could get it reproduced. This way we will be able to say th's is the kind of propaganda that the VC were coming out with and compare it with what they used during My Lai. Other than that, we are just going to have to try to describe it.

A. I'll try.

Q. I think there is maybe one other point that I would like to discuss. When you heard about My Lai at that time in late March or April of 1968 from Lieutenant TAN, Colonel TOAN, then Colonel KHIEN, did you by chance file a report on this to SGS in Saigon?

A. A report to Saigon? I did not. He just talked to me at that time. They talked to me in My Lai but they talked to me--that this area, not My Lai but Son My, very bad even all the way out.

Q. I wish that you would classify some of the problems that you have had with respect to My Lai, Son My.

A. Well, as I just told you, in February, March, April (1968) we had many fights, all of I Corps. The area was under VC control, and we were unable to make the investigation because we could not get in the area just because of lack of security. And it was the same way all over. Just in Hue, in February in Hue we killed over 5,000 in Hue alone. But when I saw General TOAN, he told me that he would have Sector investigate the evidence. Not the Division but Sector would investigate the operation. He told me that the Province Chief tried to make the investigation but he could not. He also told the District Chief to make an investigation but he could not. So they reported that they could not make the investigation.

Q. He told you he was going to investigate, then?

A. He said the Province Chief tried to investigate. So what the District Chief sent to the Province Chief was not a District investigation.

Q. Can you tell us about some of the problems of conducting military operations and pacificism operations in the Son My District area?

A. Well, Son My was still VC until September 1969. In September 1969 we conducted a big operation with the Americal Division. We had 2 months, August and September, of combined operations in the Son My area. And we had some 14,000 people in that area around Son My, and we rounded them up and tried to get them to live in a security area.

Q. I understand that your 6th Regiment ran into some difficulties yesterday.

A. Oh, yes. In this area we still run into difficulties when we go there. You see the area just west and north of Son My, the VC must have this area. They must stay because this is the supply route. Without this they cannot survive. So the 48th Battalion stays in this area all the time, and there are some North Vietnamese in the area, too. Formerly the 48th Battalion was local forces but now it's more than half Vietnamese, half NVA.

Q. Half NVA?

A. And besides, now this local battalion, now are two local force companies as well. But they stick to this area to get supplies, not for themselves but for MR-5.

Q. Do you think they still bring supplies by sea?

A. No, not by sea, but from there they get supplies from the villagers. They collect taxes and they collect rice, and this is a collecting point area where the supplies are gathered to MR-5.

Q. The supplies are there in--

A. (Interposing) There are many kinds of supplies, rice, fish.

Q. They have been storing this for many years?

A. No store, but they try to tax the people, you see. No supply--cannot leave so they still hang around this area.

Q. In the area of Son My and in Quang Ngai, do you find many women in the VC units?

A. Many units now are half women. Since 1969, they report half of the guerrilla units are women; half of the



guerrillas are women.

Q. What is normally the lowest age that you will find in the VC and NVA?

A. Fifteen, fourteen in some cases, but for agents they will utilize some children. Liaison agents, they generally use girls and boys, never grownups. They can operate more effectively. Very young children, 8, 10, 12. They pass signals, intelligence information for the VC. We frequently capture children who are agents for VC.

MR MACCRATE: Do they pass messages one to the next in this way?

A. Yes.

IO: Do they also use them in many cases for guides?

A. Messengers and for information. You have an outpost there, you just see them move around. They play ball, go around, but they try to get more information. Send boy and girl. We capture a lot here.

Q. Do we have a map? Well, we understand General LAM. What I wanted to ask, from here on out, was about the VC. From here back, in GVN control about like so. From the ARVN and the GVN point of view, this is in 1968, March, 1968 (indicating on map)?

A. Yes.

Q. From GVN and ARVN point of view, do you have different rules for GVN controlled area and VC controlled area for artillery firing?

A. No, different rules. But you see, this is a VC area. Few people live there but they have been told many times to leave their homes, to come into the secure area. But many, many times we put leaflets in the area. If the VC go there, we still have to fire into the area. Many times, it's necessary to fire in the area where civilians are.

Q. If you had here an area like, let's say, Tu Cung or My Lai or My Khe where even though they were VC women, children, old men, would you fire artillery in those places?

A. Sure, sometimes you have to. We cannot shoot old men, women, and children. These are orders which say that we cannot, but at the same time we have told the people to move out of the VC areas and sometime I'm sure when I was the CG of the 2d Division in 1965 I shot at this area, at this My Lai area, because there were many VC there. Yes, sometimes it is necessary to shoot when you have information of VC and sometimes there are some civilians there. You cannot avoid all the areas where the civilians are because this is a VC tactic to use the civilian populace. Sometime the VC hold the civilians there. They will not let them go but we cannot fail to fight the VC because there are civilians in the area.

Q. But I take it that even though you might use artillery on an area, that still you would not go in and purposely shoot women, children, old men?

A. No, no. We have a strict order: don't shoot women, children, and old men. I see many battles. Sometimes women and children in the fight.

Q. That's part of war?

A. Part of war. We have thousands and thousands. VC shoot one rocket. They killed 20 children and women here. What's the difference. We engage. Some people there should be killed. So what? We cannot stop that. And even the VC, they attack our hamlet. They know we have thousands of children there, and women. They shoot in there, too. In outside, we know in the area some of our few people live. But VC, when they attack us every night I gave the area. Every time VC crowd places. We get mortared. They shoot rockets, but I think some what--here I have one report and besides we have all report from--on this report, Tu Cung Hamlet so we are VC Hamlet some people there may be--some were accommodated by U. S. troops there. So I don't have any real report to send to the--so I report that we try--Province Chief not--troops try to enter three times but cannot go there, no report.

Q. This is the report from the Province Chief to you?

A. To me, and from me I send one to the Minister of Defense, General VY.

Q. Well, this has been very good.

(The hearing recessed at 1445 hours, 31 December 1969.)

SUMMARY OF TESTIMONY

WITNESS: LANH, Nguyen Ngoc

DATE OF TESTIMONY: 5 January 1970

PLACE OF TESTIMONY: Province, Headquarters, Quang Ngai City, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT IN MARCH 1968: Member of the Son Tinh Unit of the secret or special branch of the National Police.

1. DESCRIPTION OF HIS JOB.

The witness, who became the Division Chief of the National Police in 1969, was a member of the special or secret branch of the National Police in March 1968. He was in the Son Tinh unit, and their office was located 300 meters northwest of the Son Tinh District Headquarters (pgs. 1,2).

2. HIS KNOWLEDGE OF THE OPERATION.

Apparently the witness did not participate in the 16 March 1968 operation. He described going on a three day operation with a battalion of the Americal Division from 19 through 21 March 1968. He was picked up at Son Tinh by a major, a captain, and two first lieutenants, all American and all members of the Medical Corps (pg. 4). He was the only member of the National Police on this operation. They went by helicopter directly to the area of operations, landing in an open space north of My Lai (2) (pgs. 3, 4). They were not near a graveyard (pg. 4). While at this location, indicated on the map as a spit of land north of My Lai (2), the American troops brought civilians to him and he questioned them (pg. 4). Three people were brought to him at 1000 hours and at 1400 hours 30 more people were questioned by him (pg.5).

The people were all fishermen from the area of Con Chieu and Ky Xuyen (pg. 5). The major and the captain were with him while he questioned and he did not see either of them cut off anyone's finger (pg. 6). In the large group in the afternoon he found one VC, who was sent back by helicopter (pg. 7). The night of 19 March was spent on the tip of the peninsula, and on 20 March he went to Ky Xuyen where he was wounded in the leg and evacuated (pgs. 7, 8). The witness was given a description of the operation at My Lai (4) and stated that on the 16th, Americans were operating in that area but he knew nothing about it (pg. 5). He stated there were no people shot in his AO, and he only heard of people being killed in My Lai (4) and My Lai (6) (pg. 7).

Unsworn statement of Nguyen Ngoc LANH was taken at Province Headquarters, Quang Ngai City, Republic of Vietnam on 5 January 1970. The questions were posed by MR WALSH. Also present was MAJ David D. DANTZSCHER who acted as interpreter. All of the questions were translated by MAJ DANTZSCHER into Vietnamese and all of the answers were translated into English by MAJ DANTZSCHER.

MR WALSH: First, were you present at My Lai on the date of 16 March 1968?

A. I participated in the operation, but I was about 4 kilometers from My Lai.

Q. I understand that. What is your name?

A. My name is Nguyen Ngoc LANH.

Q. How old are you?

A. Thirty years old.

Q. Are you a member of the National Police?

A. I am a division chief of the National Police.

Q. Division chief?

A. Yes.

Q. Were you division chief of the National Police on March 16th, 1968?

A. No, I was a division chief starting in 1969.

Q. What was your position in March 1968?

A. I was a member of the special National Police.

Q. Special branch?

A. Yes, special branch of the National Police.

Q. Where were you stationed, and in what unit were you assigned in March 1968?

A. I worked with the National Police unit. Do you want to know the American unit?

Q. No, I want to know the National Police unit and its location.

A. The Son Tinh unit of the secret or special police.

Q. And where was their office located?

A. At Son Tinh Subsector.

Q. Was the Son Tinh Subsector located across the bridge in the same general area as the Son Tinh District headquarters is located?

A. No, it was not near the Son Tinh headquarters. It was in the mountains about 300 meters northwest of the district headquarters.

Q. Were you assigned to join American units conducting operations in the Son My Village area on 16 March 1968?

A. Yes, I was assigned to go on a 3-day operation on the 19th of March. I was assigned to go on a 3-day operations of the 19th, 20th, and 21st of March with a battalion of the Americal Division.

Q. How did you get from Son Tinh District to LZ Dottie to go on the operation?

A. By helicopter.

Q. When you went from Son Tinh to LZ Dottie did you go in the morning, noon, or afternoon?

A. I went at 8 o'clock in the morning.

Q. How long did you stay at LZ Dottie?

A. I immediately went on the operation; I did not remain at LZ Dottie.

Q. Who was with you from Son Tinh District?

A. I went by myself.

Q. Did you meet other National Policemen at LZ Dottie when you got there?

A. No, I did not meet any other National Police at LZ Dottie.

Q. Who accompanied you from LZ Dottie out to the operation?

A. An American major accompanied me.

Q. What was his name?

A. I cannot remember his name.

Q. Was there anyone else in addition to the major who accompanied you?

A. An American captain and two first lieutenants of the battalion headquarters.

Q. Now, let's just make sure of this. You went from LZ Dottie to the operation by helicopter?

A. We went by foot from LZ Dottie to the area of the operation.

Q. We have indications that you went by helicopter. To go from LZ Dottie, which is up here, (indicating location on the map) would be a lot longer walk than those officers would likely take.

A. I was picked up by the American major at Son Tinh and went directly to the area of operation by helicopter. A captain and two first lieutenants were also along.

Q. Would you indicate on the map the area of the operation?

A. We landed in an open space north of My Lai (2) (witness pointing to area on map).

Q. Now, let's be clear. The helicopter that picked you up contained a major, a captain, and two first lieutenants?

A. Yes. The helicopter contained an American major, an American captain, and two first lieutenants. They were in the Medical Corps.

Q. Were there any Vietnamese interpreters in the helicopter?

A. No, there were no Vietnamese interpreters.

Q. Now, when you landed at the area of the operation, were the troops gathered together for the night in that area?

A. No, they were not assembled. They were in various locations in the area of operations.

Q. Was there a group located in this general area directly east of the northern-most bridge over the Song My Khe?

A. No.

Q. Were they located near a graveyard?

A. No, they were not near any graveyard.

Q. What did you do when you arrived at the location of the American troops?

A. I remained at this position, and the American troops (indicating the spit of land just north of My Lai (2)) brought the civilians to me, and I made the determination as to who was VC and who was not.

Q. How many civilians were brought to you at that location?



A. Initially, they brought three people to me at about 10 o'clock, and about 2 o'clock they brought about 30 more people. I am not certain about the location where they were in the AO, but they brought the 30 people in at about 2 o'clock.

Q. Are you are certain of the date you gave of the 19th?

A. I'm certain.

Q. I will give you a little explanation of the operation and maybe this will clear it up.

(MR WALSH utilized the map to explain the operation on 16 thru 19 March 1968.)

A. On the 16th, which I know nothing about, the Americans were operating down here, and when I arrived on the 19th there were American forces in this area.

Q. Yes, but you see, by 2 o'clock the American forces were all in this area (indicating the area on the map).

A. Yes, they were there on the 19th in this area, and in this area here (indicating area on map).

Q. Had the 30 to 40 people they brought you in the afternoon come from boats?

A. They were fisherman. I do not know if they were in boats or not. They were from the south, and from the area of Con Chieu and Ky Xuyen.

Q. When you interrogated the three civilians that were brought to you, were there any Americans present?

A. Yes, when I interrogated those three prisoners, the major, a captain, and a number of other American soldiers were there at the spot where we landed.

Q. Were there any other National Police with you at that time?

A. No, I was by myself.

Q. Were there any Vietnamese interpreters with the Americans then?

A. No. No, I was by myself. I remember that the American officer could speak Vietnamese.

Q. Do you know who that officer was?

A. No, I can't remember.

Q. That was the American captain?

A. Yes, but he did not know as much Vietnamese as the major.

Q. Now, wait a minute. I thought you said there was just the captain there when you interrogated them?

A. There was a captain and major there.

Q. How did you know that the major was a major and the captain was a captain? Was it by their insignia?

A. The captain and the major were wearing insignia.

Q. Did the captain or the major cut off the finger, or part of the finger, of one of the three civilians you were interrogating?

A. No, I did not see the captain or the major cut off anyone's finger. After I finished my interrogation, I informed the captain and the major of what they had said, and they were released.

Q. Were any of them VC?

A. No.

Q. Were any VC shot in that area, after being interrogated, by anyone?

A. There were no persons shot in this area. I only heard about persons being killed in this area here (indicating My Lai (4) and My Lai (6)).

Q. Now, after you finished with the 3 people you were interrogating, where did they bring the 30 or 40 additional detainees to you?

A. They were brought to the same spot.

Q. The same spot. And what did you do with those detainees?

A. I was eating lunch at the time. After lunch I continued with my interrogation, and the Americans furnished medical aid or medicine to the population or to the citizens. After I had finished separating the VC from the non-VC, the Americans furnished medicine to the non-VC.

Q. What happened to the VC?

A. The Communists were sent back by helicopter.

Q. How many of them?

A. Among that group, there was only one VC.

Q. What did you do after you finished with that group? Did you return to Son Tinh, or did you stay out in the field with the American soldiers?

A. After that we moved to the east (indicating a position on the eastern tip of the peninsula).

Q. Did you spend the night on the tip of the peninsula?

A. Yes, I remained the night.

Q. Was this the night of the 20th?

A. The night of the 19th.

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Q. What happened on the 20th?

A. We withdrew the 20th to Ky Xuyen, where I was wounded. I was wounded in the leg.

Q. Were you evacuated out?

A. After I was wounded, the Americans took me to a spot where we originally landed north of My Lai (2), and from there I was taken by helicopter to Chu Lai.

Q. Do you know any of the interpreters who were working with the Americans at that time by the name of PHU, MINH, or HIEN?

A. There was a man by the name of THANH who was working with the field force or the task force. I don't know which company he was working with.

Q. How do you spell it?

A. T-H-A-N-H.

MR WALH: That's about all I have for you. Thank you for coming.

(The hearing recessed at 1156 hours, 5 January 1970.)

CONFIDENTIAL

SUMMARY OF TESTIMONY

WITNESS: LUYEN, Do Dinh

DATE OF TESTIMONY: 31 December 1969

PLACE OF TESTIMONY: Quang Ngai Province, Headquarters  
Quang Ngai City, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Village Chief, Son My  
Village, Republic of Vietnam.

1. HIS JOB DESCRIPTION.

The witness has been the Village Chief of Son My Village since 1965. In 1968 he lived at the village headquarters in Son Tinh District, more than 10 kilometers from the village (pg. 1). He returned to Thuan Yen, which is actually a new hamlet, populated by the people from the old village of Son My, the hamlet of Thuan Yen, and by some people from Co Luy in September 1969, when it was pacified (pgs. 5, 7).

2. HIS KNOWLEDGE OF THE INCIDENT ON 16 MARCH 1968.

a. His initial information.

He first heard of the operation on 16 March 1968, through secondhand reports (pg. 1), which stated that the Americans, using artillery and gunships, entered the area of Son My Village and one element entered the subhamlet of Thuan Yen (pg. 2). He heard nothing of the results of the operation.

b. Subsequent rumors.

Shortly after the day of the incident, people reported that there had been not more than 30 people and hundreds of VC killed (pg. 2).

c. His reports.

He reported orally to the District Chief, Lieutenant TAN, the information that he had heard as rumor (pg. 3). He had gotten his rumors from "people on the street" (pg.3). He stated that the information that 90 people had been killed in Co Luy was also from rumor (pg. 3). He did not see any VC leaflets on this, but heard reports of them (pg. 3), and also heard that the VC were distributing mourning tabs (pg. 4). He did not investigate himself or through any agents, because the area was insecure (pg. 4). He felt that although there is much VC propaganda, he was suspicious that something had taken place because usually there was a small percentage of truth to a story (pgs. 4, 5). He had not talked to the people from the area in the new resettlement village, but stated that investigations had been carried on, notably for Lieutenant General LAM (pg. 5). Most of the people, at the time of the incident, were recognized as VC sympathizers, and it was not normal that he would meet with them. His fear of being assassinated made it sensible not to talk with these people (pg. 6). His rumors had most of the deaths being attributed to artillery, gunships, and small arms fire during the battle to enter the village and the hamlet (pg. 6).

d. Americal Division investigations.

He was not contacted by any Americans in March, April, or May concerning this matter. He stated that he had not had much contact with them during the year (pg. 8).

Unsworn statement of Do Dinh LUYEN, Village Chief of Son My Village, was taken at Quang Ngai Province Headquarters in Quang Ngai City, Republic of Vietnam, on 31 December 1969. The questions were posed to MR LUYEN by LTG PEERS and MR MACCRATE. Also present was LTC Billy M. STANBERRY, who acted as interpreter. Certain of the questions were translated by LTC STANBERRY into Vietnamese and certain of the answers by MR LUYEN were translated into English by LTC STANBERRY.

IO:            Would you state your full name and official position?

A.            Mr. Do Dinh LUYEN, Village Chief, Son My Village.

Q.            And how long have you been the Village Chief?

A.            Since 1965.

Q.            In 1968 where did you live with respect to Son My Village?

A.            At the village headquarters in Son Tinh District.

Q.            But not in Son My Village?

A.            More than 10 kilometers from the village.

Q.            When did you first hear that something had happened in Tu Cung or Co Luy on about the 16th or 17th of March 1968?

A.            The very same day of the operation, the 16th.

Q.            What did you hear on the 16th?

A.            On the afternoon of the 16th, some of the people came out of the area. I did not meet any of those people, but I heard reports, secondhand, from others of the incident on the afternoon of the 16th.

Q.            What did they tell you?

(LUYEN)

A. They reported there was an American operation on that day.

Q. Was this the operation in Thuan Yen Subhamlet?

A. Thuan Yen Subhamlet. They reported that there was an operation in Son My Village, and one element entered Thuan Yen. The information that I heard on that afternoon was that the Americans had entered the area, had used artillery and gunships, and had entered Thuan Yen Subhamlet. The results they didn't report at that time.

Q. Nothing at that time?

A. No results at that time.

Q. Did you hear anything about another unit going into Co Luy?

A. I heard nothing about it on that day.

Q. What did you hear later, about Thuan Yen?

A. Shortly thereafter, the people reported that there had been some people killed but not more than 30.

Q. Not more than 30?

A. Not more than 30.

Q. Did they give any indication of the number of Viet Cong that were killed?

A. All of the information that I received was based on secondhand information and rumors. They did report that there had been hundreds of VC killed. They reported less than 30 civilians killed.

Q. Did any additional information come in concerning Co Luy?

(The witness did not respond.)

We have some information from Son Tinh District that you had drafted a letter to the District Chief, Lieuten-



ant TAN, in which you provided quite a bit of information concerning people being killed in Tu Cung and Co Luy.

A. I reported this orally. I did not write a letter.

Q. This is what we understood those first two paragraphs --

A. (Interposing) I reported this information orally only and I reported it as rumors or information that I had received from people coming in from the area. I received the information secondhand, not by interrogation or face-to-face meeting with the people from the area.

Q. If it came secondhand, who did it come from?

A. People on the street, sir.

Q. And you reported, generally, the information in these two paragraphs to the District Chief at Son Tinh?

A. That's correct, sir.

Q. You will notice that in the second paragraph it does refer to 90 people being killed in Co Luy.

A. Rumors. I heard this too.

Q. But you did hear rumors, though, to the effect that some people had been killed in Co Luy?

A. I heard those rumors with the others.

Q. Did you see any VC propaganda leaflets or hear of anything that the VC were doing for propaganda on the incident in Thuan Yen or Co Luy on the 16th of March?

A. I did not see a leaflet or any of this, but I did hear reports of this also.

Q. And what were the VC doing?

A. Distributing (mourning) tabs.

Q. Did you hear of any (mourning) tabs they were using for the people of Thuan Yen?

A. I can explain why they do it when someone is killed; but I didn't hear anything about that at this time.

Q. Any posters or signs or slogans?

A. I would like to point out one more time that all of my information is based on gossip from the street. I did hear that the VC were using propaganda to incite the people against the Americans. I heard they were doing it both orally and with leaflets.

Q. After you heard these rumors, Mr. LUYEN, did you send any of your agents or anybody out to find out what might have happened in Thuan Yen or in Co Luy?

A. The area was completely insecure. I could not go out there nor did I attempt to send anyone out, based on my knowledge that it would be impractical and impossible. I would like to emphasize that they had attempted to assassinate me a number of times. It was based on my knowledge of the circumstance out there. It would be completely infeasible. Therefore, for that reason, I did not investigate these rumors and this gossip.

Q. I understood that there were people coming out of there periodically, women going to market and things like that. Also, Mr. LUYEN, you are the Village Chief and you do have an interest in the people, whether they are VC or what they are. So I would wonder whether you made an effort to gather information.

(Discussion off the record between MR LUYEN and the interpreter.)

Did you believe the information that was coming out?

A. You need to understand that you get many propoganda stories such as this from the VC. In each case you are su-

(LUYEN)

suspicious that there may be some element of truth, but a very small percentage of truth, to the story. Therefore, I was suspicious that something had taken place. However, I believed that most of it was VC propaganda. I didn't get particularly excited about it.

MR MACCRATE: Mr. LUYEN, where do you live today?

A. In the village, sir. Village headquarters.

Q. Is this the same place that you lived in 1968?

A. No, sir. I was just outside the village in 1968. I only returned to the village when it was pacified. Re-entered in September, 1969.

Q. Are there any people living there with you now who lived in the hamlet in March of 1968?

A. There are a number of people who live in Thuan Yen at the time who previously lived in the village.

Q. Have you spoken with any of them about what took place in the village in March, 1968?

A. No, I have not talked with those people. There have been numerous investigations conducted by people much higher than I, specifically Lieutenant General LAM, and he has not personally talked with these people.

Q. Did any of these people come out of the village back in 1968? Were there people who were going back and forth to the village at that time?

A. There were some people who lived in Thuan Yen at the time who normally went back and forth to market.

Q. When these people went back and forth to market, did they bring out information as to what had happened at the village in March of 1968?

A. I received the information secondhand. This was the source in gossip that was going on.

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Q. Would you ever make it a point to meet such people as they came out of the village so that you would keep in touch with them?

A. Probably it is a matter of understanding the situation that existed. The situation was basically that most of those people were recognized to be VC sympathizers, and it just isn't routine or normal that I would meet these people. In the first place, I came back to the point that I was somewhat fearful of being assassinated. It was just not, in my opinion, a sensible thing to do -- to go out and get this information from these people who were from outside the ARVN secured area and from a VC controlled hamlet.

Q. Did you have specific people working with you who would talk to them for you?

A. No. But one more time I would like to point out that I am a resident -- my home is Thuan Yen. I am from Thuan Yen. I know the people out there. These people all have members of the family who are active supporters of the VC or they were at this time. Therefore, I didn't send anyone out. To my knowledge, none of my people went out and made contact with these people.

(Discussion off record.)

IO: With respect, Mr. LUYEN, as to the information you were hearing from people, it has already been indicated that somewhere in the neighborhood of 400 civilians were killed. Did they indicate how they were killed or anything about the operation or anything of this nature?

A. According to the information that I heard, through rumors and gossip, all of the deaths were the result of the battle to enter the hamlet. Specifically, they did not say the Americans gathered people, assembled them, and shot them. I did not hear anything about that. I heard they were killed by artillery, gunships, and small arms fire during the battle to enter the village, the hamlet.

(LUYEN)

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Q. I think Mr. MACCRATE wants to ask a few questions about the present village.

MR MACCRATE: Did you participate in selecting the families that were to be resettled in the new village?

A. I was a major participant in that operation. I appealed to the people to come together and live in this new hamlet.

Q. How did you make contact with those who had lived in the village while you were away?

A. They conducted operations with soldiers, RD cadre, and police. Other elements also entered the village. We took the VIS, Vietnamese Information Service personnel. I went in with a delegation and told the people what was desired of them. I appealed to them to move out of the area into the new resettlement, and they accepted it. There was also a group of advisors that went along.

IO: I would understand that in the old village or hamlet of Thuan Yen, that there still are a few old people living there?

A. There are no civilians left in the old hamlet. There are still some guerrillas who operate in and out of that area. All the people have been called out, promised resettlement allowances, and so on.

Q. In your new village of Son My, do you have any people who formerly had lived in Co Luy?

A. Yes, sir, there are some.

Q. About how many?

A. Four or five families.

(Discussion off record.)

Q. Mr. LUYEN, we appreciate very much your coming in and helping us. We are trying to put together all of the facts

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of what happened in Thuan Yen and in Co Luy on the 16th and possibly the 17th of March and to know whether or not it was properly investigated by the Americans at that time. At that time in March, April, May, and in the middle of 1968, did any Americans talk to you about this?

A. No. All of last year, no. There was not much contact with the Americans last year. They operated and nobody knew where.

MR MACCRATE: Thank you again. The hearing will recess.

(The hearing recessed at 1130 hours 31 December 1969.)

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SUMMARY OF TESTIMONY

WITNESS: MINH, Duong SGT, ARVN

DATE OF TESTIMONY: 1 January 1970

PLACE OF TESTIMONY: Americal Division Courtroom,  
Chu Lai, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Interpreter for Lieutenant JOHNSON of the 52d Military Intelligence, OPCON to Task Force Barker.

HIS KNOWLEDGE OF THE OPERATION ON 16 MARCH 1968.

a. His arrival at My Lai (4).

The witness departed Duc Pho at about 0600 hours on 16 March with Lieutenant JOHNSON (pg. 3). They went to LZ Dottie and then left in the second lift of the combat assault (pg. 3). They landed northwest of the village, which was marked on Exhibit P-166 with the letters "LZ" (pg. 4). He agreed that the lift landed at 0747 hours (pg. 4). After landing he stayed with Lieutenant JOHNSON and with the CP for thirty minutes, indicated on Exhibit P-166 with a number "1" (pg. 4). He heard much firing after he landed which he recognized as M-60's and M-16's (pg. 4). He can distinguish between enemy weapons and American weapons and believed the American weapons were predominately firing (pg. 5). He did not recall any prisoners or suspects being captured while they were in this initial position. He did recall an American bringing up a small radio and a few documents which Sergeant PHU looked over (pg. 5). When the soldiers cleared the west end of the hamlet he and the command group began to move out (pg. 5).

b. His movement through the village.

He did not know the locations of the various

platoons (pg. 5), but did see 10 or 15 people move to the south (pg. 6). He did not recall if MEDINA's group moved to the south (pg. 6). He did not recall exactly where he entered the village but thought it was near a small pagoda, marked as number "2" on Exhibit P-166. Upon entering the village, he noticed that the houses were all burning. He drew a line on Exhibit P-166 marking his course through the village (pg. 7). He did not initially see animals or people that had been killed, but then saw corpses scattered along the road which led to the schoolhouse. Some people were killed right in their houses, and others were on the road, but all were inside the village. This is indicated on Exhibit P-166 with a number "3" (pg. 7). In the second part of the hamlet, he noticed that all the animals had been killed and every house was burning (pg. 8). When they arrived at the schoolhouse they took a break and while he was in the area he saw a four year old child being shot in front of a house, indicated on Exhibit P-166 by a number "4". A wounded soldier (CARTER) was brought to the same area and later medevac'd (pg. 10), indicated as number "6" on Exhibit P-166 (pg. 11). He felt that it took approximately two hours from the time they landed until their arrival at the schoolhouse, where they stayed for about 20 minutes and then he and JOHNSON left by helicopter for another company (pg. 12).

c. His observation of bodies while in the village of My Lai (4).

The corpses of 10 to 15 women and children were located somewhere to the east of the schoolhouse. He could not locate it precisely on the map (pg. 10). He did not see a ditch with people in it (pg. 13). He estimated a total of 25 to 30 bodies of women and children in the village (pg. 13). He did not see any bodies of men (pg. 13). He did not see any of the people being killed, and felt that this was because most of the fighting was finished by the time the CP group got there (pg. 23).

d. The interrogation of an old man.

The witness saw two old men in the village. One was an old blind and deaf man. He did not know what happened to this man (pg. 11). The other was an old deaf man who had some children with him (pg. 11). He did not recall an old man telling him that 30 or 40 VC had left before the combat assault (pg. 11). He stated that people always say "the VC just left or the VC left a day or two days ago".



He felt the people said this in order to keep from getting shot. It was normal routine and generally he passed it to the unit commander but he did not specifically recall doing it that day (pg. 22).

e. His complaints to JOHNSON and MEDINA.

At the schoolhouse he approached JOHNSON and asked why the people and their animals had been killed (pg.9). JOHNSON told him that "I don't understand this action" (pg. 10). He then went to the company commander and asked the same question. MEDINA told him that "he had received orders to do that" (pg. 10). MEDINA did not tell who had given him the orders (pg. 10). Both discussions occurred in the vicinity of the schoolhouse (pg. 10).

f. Activities with B/4/3.

He and Lieutenant JOHNSON were air-lifted to the location of B/4/3 (pg. 12). He was not sure if the photographer was airlifted with them but did recall seeing the photographer at both locations (pg. 12). When they arrived they joined the CP (pg. 13). There were about 15 people, an old man, some women, and some children, who had been captured and he and JOHNSON interrogated them (pg. 14). They received no information of significance about the VC but did capture a canteen, a green uniform, and some other suspected VC equipment (pg. 14). All the people were released except for one old man who was taken as a guide to avoid mines (pg. 15). After 15 or 20 minutes the CP moved to the north or northwest to a cemetery (pg. 14). At the cemetery they had lunch and were joined by three 2d ARVN Division soldiers (pg. 14), and three or four National Police (pg. 15). They remained in the graveyard until about 1500 hours when he and JOHNSON returned by helicopter to LZ Dottie (pgs. 15, 24). He did not see Charlie Company in the area of the cemetery before he left (pg. 15). He did not see the National Police harm any of the prisoners, although he stated that the National Police assumed responsibility for all of the prisoners when they arrived (pg. 16). He did not recall seeing Sergeant HIEN who was Captain KOTOUC's interpreter. (pgs. 16, 17).

g. Events at LZ Dottie.

The witness stated that he originally expected to remain out for four days and was surprised when JOHNSON told him that they were returning to LZ Dottie on 16 March (pg. 18). At Dottie he again discussed the incident of the killing of the Vietnamese people in the hamlet with JOHNSON (pg. 18). He went to talk with BARKER and CALHOUN about the incident but was afraid to report directly to them and tried to encourage JOHNSON to report it. JOHNSON told him he would "take care of it" and for him "not to worry about it" (pg. 18). They remained at LZ Dottie for four days and did not return to LZ Bronco or Duc Pho that night (pg. 18). While they were returning to Duc Pho, four days later, he again suggested that JOHNSON report it to Captain LABRIOLA and once again JOHNSON told him "not to worry about it" (pg. 19). He did not remind JOHNSON again nor did he hear what action was taken by JOHNSON (pg. 19). While at LZ Dottie he did not see Charlie Company come in from the field (pg. 24). He did not see or hear of a group of officers meeting at LZ Dottie on 18 March (pg. 24). While he and JOHNSON remained there, they interrogated some suspects including a VC political leader (pgs. 24, 25). He did not recall a nurse but stated that there were men and women among the people they interrogated (pg. 25).

h. Inquiries concerning the assault.

The witness stated that he never heard anything about an investigation being conducted into the incident (pg. 25). He did discuss the incident once with Sergeant HIEN (pgs. 25, 26). In November or December he went to Quang Ngai and appeared before an investigation headed by Senator DON (pg. 26). He was also questioned by the CID (pg. 26). Other than these incidents he did not discuss it with anyone (pg. 27).

i. His knowledge of Co Luy.

During his interrogation of women and children with B/4/3 he did not receive any information on Co Luy or My Khe. The people only mentioned the mines in the Pinkville area (pg. 17). He later stated that he had never heard anything about people being killed in the area of Co Luy or My Khe (pg. 26).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-3	Miscellaneous Scene	Wit identified PHU but did not recall the old blind man.	20
P-6	Miscellaneous Scene	Wit identified as a group around CARTER	20
P-7 thru P-9	Miscellaneous Scenes	Wit identified as CARTER.	20
P-10	Miscellaneous Scene	Wit identified group around CARTER with JOHNSON in the background.	20
P-11	Miscellaneous Scene	Identified CARTER.	20
P-13	Miscellaneous Scene	Wit identified PHU as sitting on the edge of the road.	20
P-18	Miscellaneous Scene	Wit identified as a group of people in the vicinity of the cemetery.	21
P-19	Miscellaneous Scene	Wit identified himself interrogating civilians after he met with B Co.	21
P-20	Miscellaneous Scene	Wit identified himself and LT. JOHNSON interrogating an old woman.	21
P-21	Miscellaneous Scene	Wit identified himself and LT JOHNSON questioning a young man.	21

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-22	Miscellaneous Scene	Wit identified an old man who was the guide through the minefield.	21
P-23	Miscellaneous Scene	Wit identified himself questioning a group, and MICHLES on the left.	22
P-26	Miscellaneous Scene	Wit identified it as LZ Dottie.	19
P-36	Miscellaneous Scene	Wit identified LT JOHNSON in background.	20
P-41	Miscellaneous Scene	Wit saw a similiar scene except the bodies were in a rice paddy.	22
P-58	Miscellaneous Scene	Wit identified himself and JOHNSON questioning an old woman.	22
P-66 and P-16	Miscellaneous Scenes	Wit identified an old man with two children and PHU.	20
P-166	Aerial photo of the My Lai area	Wit marked the location of the LZ.	4
		Wit marked the location of the CP with "1."	4
		Wit marked his point of entry into the village with a "2."	6
		Wit marked his course through the village with a line.	7

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-166 (cont.)		Wit marked the general location of bodies in the village with "3."	7,8
		Wit marked the location of the body of a four year old child with "4."	8
		Wit marked the location of bodies in a paddy with "5."	9
		Wit marked the location of the CARTER dust-off with "6."	11

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Unsworn statement of SGT MINH was taken at Americal Division courtroom, Chu Lai, Republic of Vietnam, on 1 January 1970. The questions were posed to SGT MINH by LTG PEERS and MR MACCRATE. Also present was LTC Billy M. STANBERRY, who acted as interpreter. Certain of the questions were translated by LTC STANBERRY into Vietnamese and certain of the answers by SGT MINH were translated into English by LTC STANBERRY.

IO: Would you state your full name, please?

A. My full name is Doung MINH.

Q. And your grade?

A. Staff Sergeant.

Q. And your service number?

A.

Q. And what is your assignment, SGT MINH?

A. I'm working with Charlie Company, 2d Battalion, 1st Infantry, 1st Brigade, Americal Division.

Q. First, I would like to tell you a little about our investigation.

A. Yes.

Q. I was appointed by the Secretary of the Army and our Chief of Staff, General WESTMORELAND, to investigate the My Lai incident and to determine the facts and circumstances connected with the incident. Specifically, I was asked to check into the investigations of the incident and to determine whether or not they were adequate. I am also to determine if the reviews of the investigation were adequate and if there was any attempt to suppress information or to cover up the incident by the people who were involved in the incident itself or by the people who should have conducted the investigation. In conducting this investigation we have had made available to us any testimony which has been taken by any American organization investigating any aspect of the situation or the incident. For example, I have had made available to me the statement which you made to the CID.

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The American witnesses are placed under oath and make sworn statements. We have not asked the same of the Vietnamese, but we would like to have each of them tell us as much as he knows about the situation. Our report, which I will give to the Secretary of the Army and to General WESTMORELAND, will be classified, but because of the interest in this situation by our Congress and by our people, it is very likely that parts of it will be released to Congress and part of it may become a matter of public knowledge.

Besides myself, there are several other senior Army officers working with me on this investigation. In addition, on my right is Mr. MACCRATE, who is a civilian lawyer. He is a well-known lawyer in the United States and he has volunteered his services to the Secretary of the Army to work with me, giving legal counsel and advice. Mr. MACCRATE may also have questions of you today.

The members of the United States military service are being directed not to discuss their testimony in this investigation with anybody. We cannot issue such instructions to you, but we would ask that you not discuss it with other people.

What was your duty assignment on 16 March 1968?

A. I was an interpreter for 52d Military Intelligence.

Q. Stationed where?

A. In Duc Pho.

Q. With the 11th Brigade?

A. Working with the 11th Brigade.

Q. When did you enter the operation into the area of Son My Village?

A. I do not know exactly which day but sometime during the first part of 1968.

Q. Specifically, when did you enter the operation into what is now referred to as My Lai (4)?

A. I don't really know which hamlet. I only know we went out around Son Tinh District with elements of Task Force Barker.

Q. Son Tinh District, yes. And whom were you serving with as an interpreter?

A. I was an interpreter for First Lieutenant JOHNSON.

Q. The operation into Son Tinh District, Son My Village, took place starting at 0730 on the morning of the 16th of March. What time did you leave Duc Pho to join the operation?

A. I left Duc Pho about 0600 or 0630 in the morning.

Q. And you went to where?

A. I went to LZ Dottie. That was Task Force Barker's home.

Q. Do you remember in which lift of the combat assault you went?

A. I believe I went out on the second lift.

Q. Second lift. And you accompanied Lieutenant JOHNSON?

A. Right, sir.

Q. I have here an aerial photo of My Lai (4).

(The witness was oriented to Exhibit P-1 and its scale.)

On the map, here is My Lai (4), you will notice Highway 521.



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When you came in and landed, you landed in an LZ about here (indicating). Is that the way you remember it, west of the village?

A. Northwest of the village.

Q. This is north (indicating). Mark where you think the LZ is. (Witness indicated approximate location of LZ on the aerial photo. Aerial photo was later entered into evidence as Exhibit P-166.)

Q. All right, that is fine. Put in the letters LZ. Now the second lift landed at 0747.

A. Yes.

Q. That is just to give you a starting point. Now, when you landed in the LZ, what did you do?

A. I stayed outside of the fence here with Lieutenant JOHNSON and with the CP for perhaps 30 minutes.

Q. Please mark the location of the command group with a number 1.

(The witness did as requested, adding the letters CP.)

Q. Did anything happen there that you remember?

A. After we landed, for a period of time we heard much firing. But I think it was only M-60's and M-16's, our weapons.

Q. Can you recognize enemy weapons, such as AK-47, RPG--

A. (Interposing) Yes, I have sufficient experience.

At that time I think I could distinguish between our weapons and theirs. I believe it was predominately our weapons firing.

Q. What happened then?

A. We waited in this area for about half an hour until the soldiers had searched through this area, the near area of the hamlet.

Q. The west end of the hamlet?

A. Yes.

Q. And then what happened?

A. And then we started through the village.

Q. Did you see Captain MEDINA and his command group go down to the south in this area (indicating).

A. There was a captain company commander here with us. I do not know his name. I was near him and I think that he was there during the 30-minute period that I was there.

Q. When you were at that location with Lieutenant JOHNSON, did you receive any prisoners, any captured documents or material, or anything of this variety?

A. No, I don't remember any prisoners or capturing any suspects, but I do remember an American bringing up a small radio and a small amount of documents.

Q. What did you do with those?

A. Sergeant PHU looked those over. I don't know what he did with them. I saw them, but I didn't do anything with them and don't remember anything specific about them.

Q. The 1st Platoon was on the right, and the 2d Platoon on the left. The 3d Platoon was back here (indicating).

A. I didn't know that.

Q. Did you see any elements from back here (indicating) go to the south?

A. Yes. During the time that I was here I saw some soldiers move from this area in this direction (indicating). Not many, but some.

Q. Maybe a squad?

A. Ten or fifteen people, possibly more.

Q. When you were here, did you see part of this group come around to search up in this area, in the rice paddy (indicating)?

A. I only saw them going into this area. I couldn't see up in this area (indicating).

Q. I see. After this group went to the south, do you remember Captain MEDINA going south into this area with his command group (indicating)?

A. He could have, but I don't remember anything about it. If he did, I didn't notice it.

Q. When you did go into the village, did you go in at this point or did you come in from the rounded corner here moving down and then coming in (indicating)?

A. I don't remember exactly where we went in, but I do recall that there was a small pagoda at the point where I entered the village. I don't know where it is on the map, but that is where we entered.

Q. We have some information that there was a small pagoda in about this location (indicating). Mark that with a number 2 to indicate where you entered the village. (Witness marks map with a 2 where he entered the village.)

Q. Do you recall what you did when you entered the village? Did you see anything?

A. I saw all the houses burning in the area that we were moving into and on both sides.

Q. Did you see any animals or people that had been killed?

A. I didn't see anything killed when we first entered.

Q. Can you draw a general line of where you went through the hamlet?

A. Initially, there wasn't a road and we went in and out of the houses (doing as requested).

Q. Did you follow a zigzag course like that?

A. Yes.

Q. Where did you end up?

A. I came to a small schoolhouse. I think it was on the southeast side of the hamlet.

Q. Did you come to a schoolhouse first or did you come to a road where you saw some bodies on the road?

A. Yes, sir. I saw some corpses before I got to the schoolhouse. There was a small road in the hamlet and we followed that road. In the second part of the hamlet we came to an area where there was a road, and I did see some corpses scattered here and there in this area.

Q. Were these bodies on the road in the village, or were they in the road with rice paddies on either side?

A. There were some people killed right in their houses.

Q. In the village?

A. There also were some on the road. Inside the village there were some that were lying on the little road and some near the houses. But they were inside the camp, not outside.

Q. Mark the point where you think you saw the corpses in the hamlet with a number 3.

A. They were scattered all over in an area so

this number 3 will be placed just in the general vicinity of where they were.

Q. We understand that that is rather general.

A. I also noticed in this second part of the hamlet that all the cattle, the dogs, the chickens, everything had been killed. Every house was burning.

Q. How many dead noncombatants -- women, children, and old men -- did you see in this area.

A. In the central part of the hamlet, before I arrived at the schoolhouse, I saw about 10 or maybe 15 women and children killed. I didn't see any men.

Q. Yes. Now would you indicate where you went next or where you think the schoolhouse is located.

A. I think that we followed this road (indicating). I don't know if it's over here or over here (pointing to approximate location on map).

Q. When you reached this point did you see any bodies on the road?

A. At the time we arrived at the schoolhouse we took a break. I was with Lieutenant JOHNSON and the company command group at that time. So I moved around the area some at that time by myself. I saw a young child approximately 4 years old that had been killed in front of a house.

Q. Please mark that with a number 4.

A. I think it was right here near the road (doing as requested).

Q. Did you see any other bodies?

A. I went into the house and I found an old man who was probably 90 years old. He was also blind and deaf. I tried to ask him about the VC but he couldn't tell me anything. After that I saw the Americans pull him out of the house and burn his house. So I returned to the schoolhouse --

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Q. (Interposing) What happened to the old man?

A. After that, I don't know what happened to the old man. So I returned to the schoolhouse. About 15 or 20 meters from the schoolhouse on the edge of the road out by the rice paddies, I saw about 10 or 15 women and children that had been killed.

Q. Would that be in this area along this road (indicating)?

A. Right about here (indicating point on map).

Q. Did it have rice paddies on both sides of the road?

A. No, sir. On one side was a paddy and on the other side was the village. It was right about here. Would you like me to put a number 5 there?

Q. Yes.

(The witness did as requested.)

And at that point you saw 10 to 15 women and children that had been killed, lying in the road?

A. No, sir, beside the road in the rice paddy.

Q. Beside the road in the rice paddy? But it was 10 to 15?

A. Yes.

Q. All right. But it was 10 to 15?

A. It could have been more. But it was very near the schoolhouse.

Q. What happened after that?

A. So at that time, I went back to meet Lieutenant JOHNSON at the schoolhouse. I asked Lieutenant JOHNSON why the Americans had killed all the people here and burned their houses and killed their animals. He said, "I'm just

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an intelligence officer; I don't understand this action." So then I met the captain company commander. I asked him the same thing, and he told me that he had received orders to do that.

Q. Did he say who gave him the orders to do that?

A. He just said that he'd received orders. He did not say who gave him the orders.

Q. About where on the map did you talk to the captain?

A. In the vicinity of the schoolhouse. As best I recall, the house of the old man was on the east side of the schoolhouse. The corpses of the 10 or 15 women and children that had been killed were on the west side of that house. I can't locate it precisely on the map here.

Q. Did you see a colored soldier who had been shot through the foot?

A. Yes, sir. He was shot in the foot.

Q. Where did you see him?

A. He was wounded somewhere else, I think over in this area, and brought back to the CP.

Q. The CP was at the schoolhouse?

A. The CP was at the schoolhouse.

Q. Okay. Now a helicopter came in to pick him up, a dustoff?

A. Yes.

Q. Where did it land?

A. It landed right out here in front of the schoolhouse.

Q. Right up here or over here (indicating)?

A. Perhaps right out here (indicating). It was

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in front of the schoolhouse.

Q. Put down a number 6 to mark the location where the helicopter landed.

A. I remember the road that went out by that area.

(The witness marked the area as requested.)

Q. Did anything else happen while you were in the village?

A. I just observed that the houses were all being burned and the people were all being killed. Of course I wasn't sure, but I believed that perhaps everybody in the village had been killed except for the old, blind, and deaf man. I don't know what happened to him after I left.

Q. Did you see another old man that had a couple of small boys with him? He was carrying one and holding the other, perhaps around in here (indicating).

A. Yes. I met him up in this area. He was also deaf.

Q. Did you talk to him?

A. I tried to talk to him, but he was also deaf.

Q. Where did you talk to the old man who told you that there had been 30 or 40 VC in the village but they had left before the combat assault in the morning?

A. I don't remember anybody telling me that.

Q. Well, I've talked to Lieutenant JOHNSON and also to Captain MEDINA and they both indicated that you talked to an old man.

A. We picked up some miscellaneous information here and there, but I don't recall receiving any information that the VC left the hamlet before we got there.

Q. What time was it when you arrived down in this area (indicating) and how long did you stay here?

A. From about the time I landed until we arrived



at the schoolhouse was about two hours.

Q. When you were in the schoolhouse area and down in here where you saw the bodies, did you also see a photographer?

A. Yes, sir, there was a man.

Q. And how much longer did you stay in this area?

A. I was in this area about 15 or 20 minutes.

Q. Yes, and then what happened?

A. Five or ten minutes after I talked with Lieutenant JOHNSON and Captain MEDINA about this, a helicopter came in and picked up myself, Lieutenant JOHNSON, and the photographer and took us up to another company.

Q. Was there also another man with the photographer, a reporter?

A. I am not real sure who all went. I'm also not sure they went on the same aircraft we did, but they were at both locations. They were at the schoolhouse just prior to our leaving; and when I arrived in the other company area, they were there.

Q. One was a photographer and the other was a military information specialist?

A. I'm not sure about all these people, but I know that one of them was carrying a camera.

Q. All right. Where did the helicopter land to pick you up?

A. The same place where the medevac ship came in. After that, we left and went to a different hamlet. I don't know where it is or which direction we went, but we flew about 4 or 5 minutes.

Q. Did you ever see a ditch or an irrigation canal that was dry that had many bodies in it?

A. No, sir. I told you about all those I saw

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killed already. I didn't see a ditch with people in it.

Q. All totaled, while you were in the hamlet of My Lai (4), how many women, children, and old men -- noncombatants -- did you see that had been killed?

A. In that area I saw about 25 to 30. It could be more, but with my own eyes I saw at least 25 or 30. They were all women and children. I didn't see any men.

Q. We understand that after you left My Lai (4) at about 1100 in the morning, 1130 maybe --

A. (Interposing) I only know it was after 10 o'clock.

IO: Incidentally, let the record indicate that the helicopter that picked up Sergeant MINH, Lieutenant JOHNSON, and possibly the photographer and reporter, picked them up at the same site that the dustoff helicopter picked up the wounded colored soldier which is indicated by the number 6. It was indicated to me that after you left here you were flown to join up with Captain MICHLES, Bravo Company which was --

A. (Interposing) We went to another company. I don't know which one or who was the commander.

Q. It was supposed to be B/4/3, which had landed down in the area south of My Lai (1), generally in the area of My Khe (1) down in this area (indicating). They were to the north and you joined somewhere in this area (indicating). Is that correct?

A. Yes, sir.

Q. While they were still marching?

A. When I arrived, I met a captain at his company headquarters. When I arrived, the soldiers were moving and appeared to be moving to the north. The CP had stopped and I joined the CP.

Q. Did you continue to move for 2 to 3 hours in the afternoon?

A. At the time I arrived there, there was about 15 people, an old man, some women, and some children that had been captured, with the CP. Lieutenant JOHNSON and myself interrogated those people right at that place.

Q. Down here or up here (indicating)?

A. Wherever you said.

Q. Well, it is up in this area (indicating).

A. Right where I was sat down with the helicopter.

Q. Bravo Company landed about in here and had started moving. They landed here about 0830 and started moving north. You would have been around in here some place.

(MR MACCRATE indicates these points by reference to the aerial photograph.)

A. At this point we interrogated these 15 people. We found absolutely no information of any significance about the VC, but we did capture one canteen, a suit of clothes, a green uniform, and some salt. We suspected that this was VC equipment. We were there about 15 or 20 minutes and then the CP started moving on to the north or northwest. We moved with it. After that, then we got on the road and continued. We didn't go far and we arrived just outside of another village.

Q. At a graveyard?

A. Grave.

Q. Cemetery?

A. Yes. We were there a while, I really don't know how long. We had lunch there and then after that there were three Vietnamese soldiers who arrived by helicopter. They wore the 2d ARVN Division patch.

Q. Were there any -- just three soldiers?

A. Three or four people.

Q. Were there any National Police?

A. There was, I think, one officer and three or four people, and they had one radio.

Q. PRC-10?

A. Yes.

Q. Do you remember if there were any National Police?

A. At the same time I saw three or four policemen, the National Police.

Q. Up to this time aside from the group of women and children which you and Lieutenant JOHNSON interrogated, did Bravo Company have any other VC suspects as detainees?

A. At that time, we had already released all of the ones that we interrogated except one old man who was brought with us. He was the only one that we had at that time. He wasn't a suspect. We just brought him along to help us as a guide, to avoid mines, and so on.

Q. Did you have any other detainees?

A. No, sir.

Q. And you then continued to move north?

A. No. We didn't go anyplace. We had lunch and remained at the graveyard until about 3 o'clock. Then Lieutenant JOHNSON and I returned.

Q. Before you departed, did not Charlie Company, which had been in My Lai (4), arrive to join Bravo Company, in about this area (indicating)?

A. I don't remember the two companies meeting together.

Q. Do you remember the National Police or the ARVN soldiers taking some prisoners outside of the camp to question them? Supposedly they took the prisoners down behind some brush. Some firing was heard and the ARVN came back, but no prisoners returned. Do you recall

any of this?

A. No. I do, however, recall that there were some soldiers to our west. I assume they were from the same company and they did have some civilians over there. While we were eating, the Vietnamese went over to that location where they had the civilians. After that the soldiers were digging some bunkers and foxholes in this area. I was over with those soldiers, and I don't know what the Vietnamese soldiers and the police did.

Q. Were you with Lieutenant JOHNSON during this time?

A. I was always next to him.

Q. How is it then, that Lieutenant JOHNSON tells me that he saw very plainly the National Police take, one at a time, four or five prisoners down a little slope behind some brush and heard some firing? Then the National Police came back but no prisoners returned. He said he saw four or five.

A. To the best of my recollection, I was by Lieutenant JOHNSON's side all the time. But after the National Police arrived there, they assumed responsibility for all the prisoners. As normal, we didn't pay much attention to what they did or what they did with them. And I didn't notice anything unusual with respect to what they were doing, but they were in an area somewhat distant from me.

Q. But you see the point is you were with Lieutenant JOHNSON and he was very close to it and he saw it, but you did not see it.

A. I saw the police with some people but I didn't notice anything like that. If I had seen this, I am sure I would have remembered it.

Q. Did you see Sergeant HIEN when he came in?

A. I don't remember, clearly, meeting him here. I don't remember if I met him there or not.

Q. Do you know Sergeant HIEN?

A. Yes, sir.

Q. Do you remember seeing him with Captain KOTOUC?

A. I know that Sergeant HIEN normally went with Captain KOTOUC. But I don't remember clearly if we met them at that location that day.

Q. The story that I have put together is that C Company continued after they finished at My Lai at about 1230 and moved on to the northeast to a point here (indicating). B Company had come in about here (indicating) and then they moved north. About 3 o'clock in the afternoon both of them were right here together (indicating). Captain MICHLES and Captain MEDINA were in this area by the cemetery outside of My Lai (1). The National Police had come in to join with the ARVN. Then Captain KOTOUC and Sergeant HIEN came in. After a little while, Lieutenant JOHNSON and you left on the same aircraft in which Captain KOTOUC and Sergeant HIEN had come into the laager area where the two companies stayed for the night.

A. I remember clearly that we left in a helicopter, but I don't remember the other. I do recall that we were at the cemetery and had lunch there.

Q. When you were with the people here, and you talked to the women and children, did they tell you anything about some other women and children being killed down in the area of Co Luy or My Khe?

A. The only thing that I got out of them was that in this area that the Americans called Pinkville, there was a lot of mines. They had no information concerning anything like that and they didn't mention people being killed or anything like that. They only mentioned the mines in the Pinkville area.

Q. You said before that when B Company command group started moving, you took an old man with you.

A. Yes.

Q. Did you take any of the women?

A. No, sir, we only took the old man. We took him all the way to the cemetery.

Q. After you arrived at the cemetery, did you see another platoon come in from this way?

A. I did observe that on the west side of the village, there were some soldiers. But I didn't observe their arriving or coming into the area.

Q. Did you notice whether or not they had any Vietnamese women with them?

A. I didn't notice that.

Q. When you arrived back at LZ Dottie, what did you do then?

A. I would like to explain another thing first. Before we departed for LZ Dottie, we received instructions that we were to be prepared to go out for 4 days. But we only stayed out the first day and that's all. That afternoon we returned to LZ Dottie. I was very surprised at the number of Vietnamese people that had been killed in that hamlet. That afternoon, one more time, I discussed this incident with Lieutenant JOHNSON. When we returned there, I went in to talk to Colonel BARKER and Major CALHOUN about the incident. But I was afraid that they wouldn't let me report directly to them. So then, I tried to encourage Lieutenant JOHNSON to report to them. He told me that he would take care of it, that he would report, and for me not to worry about it. So we remained in LZ Dottie for the remainder of the operation, the remainder of the 4 days.

Q. You did not go back to Duc Pho, LZ Bronco that night?

A. No, sir, we stayed there and on the fourth day we went back to Bronco. No, sir, I was by Lieutenant JOHNSON's side all that time and we didn't leave until the fourth day.

Q. Did Lieutenant JOHNSON ever report to Major CALHOUN or Colonel BARKER?

A. I don't know, sir, if he did. But I was

obligated not to say anything about it because he told me not to worry about it.

Q. Did Lieutenant JOHNSON tell you that he had reported this or had you heard from anybody that had reported it?

A. I returned four days later to LZ Bronco, Duc Pho. I didn't mention it again to him until we returned to Duc Pho. When we were en route to Duc Pho, one more time, I suggested that he report it to Captain LABRIOLA and one more time he told me not to worry about it, that it was his business.

Q. Did he report it to Captain LABRIOLA, that you know of?

A. After that I didn't remind him again, and he didn't tell me what action he took.

Q. Did you tell anybody about this? Did you tell it to anybody at LZ Dottie? Did you tell Captain LABRIOLA or anybody in the 52d MI Detachment?

A. No, sir, I was sad about it, but I didn't talk to anyone about it.

MR MACCRATE: I'm going to show you a group of pictures that were taken on 16 March 1968, and I'd like you to go through them one by one and pick out those where you recognize the scene or the people in the picture. After you have taken those, put them to one side. We will then let you describe for our record what you know about the pictures.

(A brief recess was taken at 1706 hours for the witness to review the photos.)

(The hearing reconvened at 1716. All persons present when the hearing recessed were again present.)

MR MACCRATE: I show you Exhibit P-26. Would you identify that for us, please?

A. LZ Dottie.

Q. And I show you P-6, P-7, P-8, P-9, P-10, P-11,



and P-36.

A. Number 7 is the colored soldier that was wounded in the foot. At this time I was right in this vicinity not on the picture. Number 36 is the same soldier and in this picture Lieutenant JOHNSON is the person in the background. Number 10 is the same picture a little further back and Lieutenant JOHNSON is also in this picture. It's not very clear but I believe the C Company commander is the person standing on the right side of the film.

IO: You recognize whom?

A. Lieutenant JOHNSON. Number 6 is another picture of the same group. Other faces are showing but I don't recognize any. Number 8 is a picture of the soldier being treated. In the background is the company commander and I think this is me on the right side of the picture. Yes, I can see clearly that it is me. In number 9, I only identified the colored soldier that was wounded. Number 11 is the dustoff evacuation. I was watching it at this time.

MR MACCRATE: I show you P-66 and P-67 and ask if you can identify anyone in these pictures.

A. Yes, this is the first old man that I met, and Sergeant PHU is also in the picture with the old man and two children. Number 16 is a picture of Sergeant PHU, myself, in the center, and the old man with the two children. He was very old and deaf. I couldn't get any information from him.

Q. Now I show you P-13.

A. I don't know where the scene is, where the picture was taken, but I can identify Sergeant PHU as the third man from the front of the picture, sitting on the edge of the road.

Q. Now, I show you P-2, 3, and 4, Sergeant MINH.

A. Number 3, I identify Sergeant PHU as the person with the old man. I don't know the area. I didn't see this house nor the old man.

Q. Sergeant PHU identified this as the blind man that was taken out of the house. Do you recall seeing this

particular blind man?

A, I could have, but I don't recognize or remember him.

Q. Would you identify for us P-18?

A. This is a picture of a group of people that I saw in the vicinity of the cemetery. I recognize the area.

Q. P-19?

A. Number 19 is a picture of me interrogating a number of civilians in the next hamlet.

Q. That is also after you joined B Company.

A. I don't know which company --

LTC STANBERRY: (Interposing) The second company which we know to be Bravo Company.

MR MACCRATE: Now P-20?

A. This is a picture of Lieutenant JOHNSON and myself in the background of the picture interrogating the old woman sitting on the ground.

Q. P-21?

A. This is where we were with the second company. That's myself and Lieutenant JOHNSON sitting down and interrogating a young man.

Q. P-22?

A. Myself and Lieutenant JOHNSON interrogating an old man.

IO: Is the old man in picture number 22 the same old man you had referred to earlier as being the man who accompanied you and B Company as a guide moving into the laager site?

A. Yes, sir. This is the old man that accompanied B Company to the cemetery.

MR MACCRATE: I show you P-23.

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A. In the center of the picture I am interrogating a number of people. On the left side of the picture, I'm not certain, but I believe, is the company commander of B Company.

Q. And P-58?

A. In this picture, myself and Lieutenant JOHNSON are interrogating the old lady sitting on the ground.

Q. You spoke about seeing some bodies along the edge of the hamlet. I show you P-41. Did you see anything that resembled that?

A. Yes, I saw a scene similar to that, but this was not it. The one I saw, the people were not on the road. They were on the side of the road in the rice paddy.

Q. I show you P-40. Was that a scene that you saw at any time on 16 March?

A. No, sir. I don't recognize anyone in that picture.

IO: I have a few more questions I would like to ask. You indicated that you had not been able to interrogate the old man with the two babies. I'd like you to see if you can recall getting any information from him about the VC being in My Lai (4). We know that it has been 22 months and it is not easy to recall all of these things. Sometimes you have certain things in mind and it is difficult to change. But now that we are telling you these things, which we have gained from other people, maybe it will help to refresh your memory.

A. I don't remember specifically. However, normally when we enter a village, the people always say the VC just left or the VC left a day or two days ago. Under all circumstances, in order to keep from getting shot up or having a war in their village, they always say the VC left. It is normal routine and generally I pass this to the unit commander. I could have done this on that day, but I don't recall specifically.

Q. Do you remember getting any information at all concerning the VC, or the 48th Local Force Battalion, or any of the local force companies?

A. I don't remember anything about any specific information.

Q. When you were in the village did you see any of the women, children, or old men being shot?

A. When we enter a village, I always go with the CP. Therefore, most of the fighting is finished by the time we get there. And I on that day saw a number of people who had been killed, but I at no time saw a person shoot and kill anyone else. I saw a number of people dead.

LTC STANBERRY: To make that accurate: "A number of people had been shot and killed at the time I saw them. I saw no American and no one shoot and kill anyone in the village."

IO: Why did Lieutenant JOHNSON leave My Lai (4)?

A. I really don't know, but I think there could have been two reasons. One, because B Company had captured some prisoners and they had no interpreter. The other, after I talked with Captain MEDINA, he might not have liked it and might have wanted us to leave or at least me to leave.

Q. But they did have a job for Lieutenant JOHNSON and you in B Company?

A. I don't know if they knew we were coming in advance, but at the time we arrived there, there were a number of people there. I went to work immediately.

Q. Why did Lieutenant JOHNSON leave B Company after having been there only a short while and return to LZ Dottie when he was supposed to stay with the operation for 4 days? Why did he leave?

A. Before we left, we were to spend 4 days in the field and I expected to do that up until about 1500 hours on the afternoon of the first day. At that time, Lieutenant JOHNSON came to me and said, "Get ready, let's go." I don't know where he got his instructions or anything else about it.

Q. When you departed was the helicopter sitting there, or did you wait for a helicopter to come in and

pick you up?

A. They were in the process of a resupply mission. One lift or one helicopter had already come in and was about to return with the second lift. By the time he told me to get ready to go, the second lift was on the way in and I had to hurry up and get ready.

Q. Are you sure, Sergeant MINH, that you stayed at LZ Dottie for an extra 3 days before returning to Duc Pho?

A. I am not certain that we stayed until the operation terminated. However, it was 2 or 3 days at LZ Dottie.

Q. You went in on the 16th from LZ Dottie, and came back out on the 16th. C Company came out of the field on the 18th. Did you see C Company come out by helicopter to LZ Dottie on the afternoon of the 18th?

A. I don't know if I was there when C Company returned or not. They could have returned. I wouldn't have noticed it.

Q. Did you see or hear a group of senior officers meeting at LZ Dottie on the morning of the 18th?

A. On LZ Dottie as any of the LZ's, during operations they had daily meetings. They did have them there and I didn't see anything unusual.

Q. Do you remember what you did during those 3 days that you stayed at LZ Dottie? Did Lieutenant JOHNSON work in the TOC? Did you interrogate PW's? What did you do for those 3 days?

A. During those 3 or 4 days there, Lieutenant JOHNSON and I, working together, interrogated some suspects that they brought back. I also recall, but not clearly, a VC platoon leader being brought back. He wanted to return to the GVN.

Q. Was he a platoon leader or a political leader?

A. This prisoner or this Hoi Chanh, stated that he went back to North Vietnam in 1954. I don't recall when he returned to this area. But during the time that he had

been in this area, and in the recent past, he had been platoon leader and concurrently the political officer of that VC platoon.

Q. Did he tell you where he had Hoi Chanh'd or where he had been captured? Did he come from My Khe (2)?

A. He didn't tell me. I don't recall clearly from where he had been captured.

Q. At the same time he came in, was there also a VC nurse that came in to LZ Dottie?

A. I don't recall a nurse clearly, but there were men and women both among those that we interrogated.

Q. And where did you conduct your interrogations at LZ Dottie?

A. Next to the TOC was a small bunker. We operated out of that small bunker. During that period I worked for Lieutenant JOHNSON. Lieutenant JOHNSON instructed me when we didn't have anything to do that I could take off but when we had something to do that I would work for him and that I would not have to work for Captain KOTOUC, who was the S2.

Q. He had his own interpreter, Sergeant HIEN?

A. Sergeant HIEN. And during the period that I was off, I also rested right in that area. I was on call all the time.

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

A. I didn't hear anything about it.

Q. Did you ever talk to anybody, either American or Vietnamese, about what you saw at My Lai (4) on the 16th of March?

LTC STANBERRY: Long after?

IO: In that period, 2 or 3 months.

A. I did discuss it with Sergeant HIEN. Sergeant

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HIEN was Captain KOTOUC's interpreter. I discussed it with him while we were there at LZ Dottie.

Q. What did you tell Sergeant HIEN? Did you tell him everything that you had seen, such as you are telling us here this afternoon?

A. I don't recall clearly but I am certain that I told him about all of the people being shot and killed in the area.

Q. Again, would you tell me how many women, children, and old men, noncombatants, that you saw killed in My Lai (4) that day?

A. At least 25 or 30. There could have been more.

Q. Within the past 6 months have you been questioned by anybody other than the American CID concerning what you saw in My Lai (4)?

A. Approximately 1 month ago I was called to Quang Ngai and appeared before an investigation organized by General TOAN, the CG of the 2d ARVN Division, and there we were interrogated by some senators and other members of this committee.

Q. Yes.

A. There is a correction to the record. During the past month and about 1 month ago I appeared in Quang Ngai before an investigative committee headed by Senator DON, formerly Lieutenant General DON. Those are the only people that have asked me questions outside of the CID.

Q. In any of the interrogations that you conducted while you were in the field and also back at LZ Dottie, did you hear anything about some women and children or other noncombatants being killed in the area of Co Luy or My Khe?

A. No, sir. I have never heard anything like that.

MR MACCRATE: When you spoke with Sergeant HIEN back at LZ Dottie, did he indicate that he was going to speak with Captain KOTOUC about this?

A. If he did I don't remember it.

Q. Did you at any time in 1968 speak about this to any of your superiors in the ARVN?

A. I was very sad about it, and I didn't discuss it with anyone.

IO: Sergeant MINH, we are trying to put together the whole story of what happened at My Lai (4) on the 16th of March 1968. You have been very helpful and we appreciate the information you have given us. We know much of the story already, and we have given you some information that you had forgotten. We are going to stay here for 3 or 4 more days before we leave to return to Saigon. If in the next 2 or 3 days you think of anything or anything comes to your mind that you had not remembered before, we would very much appreciate your coming to us so that we can make it a matter of record. We are going to talk to everybody that knows anything about this incident so that we can put together a complete picture, and we'd be most appreciative of anything that you can provide us. If you have any maps, photographs, memoranda, papers from your interrogations, notes from your interrogations, or anything, we would appreciate it if you could come to us and tell us about it. Would you by chance know of anybody that would know of what took place here besides the people that we have been talking about today, Captain MEDINA, Lieutenant JOHNSON, Sergeant PHU, and Sergeant HIEN?

A. I'm sure that there are a lot of people that know something about it, but I don't know any of those people. I can't identify them or anything.

Q. We thank you very much for appearing before us today.

(Aerial photo as annotated by SGT Duong MINH was marked and received into evidence as Exhibit P-166.)

(The hearing recessed at 1809 hours, 1 January 1970.)



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SUMMARY OF TESTIMONY

WITNESS: NHON, Do Tan

DATE OF TESTIMONY: 31 December 1969

PLACE OF TESTIMONY: Quang Ngai Province Headquarters,  
Quang Ngai City.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Hamlet Chief of Tu Cung  
Hamlet, Republic of Vietnam.

1. HIS JOB DESCRIPTION.

The witness had been the hamlet chief of Tu Cung Hamlet since 1965 (pgs. 1, 5). At the time of the incident he lived at the District Headquarters, Son Tin District (pg. 1). When he was appointed as the hamlet chief he had to give up the position of a platoon leader in the PF platoon (pgs. 5). He was elected in 1969 as hamlet chief of those living in the Son My model village (pg. 5).

2. HIS KNOWLEDGE OF THE INCIDENT ON 16 MARCH 1968.

a. Initial knowledge.

He first heard of the operation into Thuan Yen Subhamlet on the day of the operation (pg. 1). His information which was secondhand, indicated that there were 40 civilians and 70 guerrillas killed (pg. 1). He did not report this to anyone, because he had no responsibility while he was in exile (pg. 2). He pointed out that five members of his family were killed: his mother; a daughter; a brother; and two cousins (pg. 2). The daughter was eight years old and the cousins were ten and six years old respectively (pg.2). The children lived with their grandmother. Only he and his wife lived at the district headquarters (pg. 3). His house was also destroyed (pg. 4). He saw the VC leaflets which said that the Americans had assembled and killed hundreds of

people, but did not see any VC posters or slogans (pg. 4).

b. His description of the village and its population.

Approximately 250 people lived in Thuan Yen (My Lai (4)) (pg. 4). He marked the location of the pagoda on an aerial photograph, Exhibit P-164 (pg. 3). In the new Son My model village there are about 600 people, or 250 families, all of whom he considers to be temporary refugees until they can be returned to their hamlets (pg. 5). There should be 1,200 to 1,500 people in the model village, but the others are following the VC and are living in the Tu Cung area or have moved to other areas (pg. 6). There were no houses left in Thuan Yen (My Lai (4)) (pg. 6).

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Unsworn statement of Do Tan NHON, Hamlet Chief of Tu Cung Hamlet, was taken at Province Headquarters in Quang Ngai City, Republic of Vietnam, on 31 December 1969. The questions were posed to MR NHON by LTG PEERS and MR MACCRATE. Also present was LTC Billy M. STANBERRY who acted as interpreter. Certain of the questions were translated by LTC STANBERRY into Vietnamese, and certain of the answers by MR NHON were translated into English by LTC STANBERRY.

IO: Would you give us your name and position?

A. I am Mr. Do Tan NHON.

Q. Do you pronounce that YON?

LTC STANBERRY: NHON.

A. I'm the Hamlet Chief of Tu Cung Hamlet. I have been the Hamlet Chief for 4 years.

IO: Four years. That's since 1966 or 1965?

A. 1965.

Q. Being the Hamlet Chief, Mr. NHON, where did you live during this period?

A. I was at the district headquarters. I lived at the District Headquarters, Son Tinh District.

Q. When did you first find out about the operation into Thuan Yen subhamlet in March?

A. On the 16th day of March, 1968, the day of the operation.

Q. You heard about it that same day?

A. That same day.

Q. Can you tell us what you heard?

A. I got my information also secondhand, but the people were reporting that there were about 40 civilians killed and approximately 70 guerrillas killed.

Q. And to whom would you normally report this information?

A. I was in exile at the time, not living in the hamlet, and I had no responsibility to anyone. Normally I reported nothing to anyone.

Q. Would you not report to the Village Chief and the District Chief?

A. Under those circumstances, in exile, I had absolutely no responsibility. Normally I did nothing; I couldn't.

Q. So you knew this information, but it stayed only with you and you didn't pass it on to any other authorities?

A. That is correct.

Q. Did you hear anything later which added to the number of people that may have been killed?

A. No, sir. There were no subsequent changes to the numbers reported that I heard. I would like to point out that 5 members of my family were in the 40 killed.

Q. Of your own family?

A. Of my own family. These are members of my family that were killed: my mother, 60 years old; a daughter, 8; a brother, 40; and two cousins, 10 and 6. I do not know how they were killed or by what means they were killed.

MR MACCRATE: Do you have their names so that we might tie the information together?

A. Sure.

Q. Could we put their names in the record?

A. Mother, daughter, and two cousins.

IO: You did not have your daughter living with you in Son Tinh?

A. Me and my wife lived at the district headquarters, but my daughter stayed with her grandmother all the time.

Q. Is that where your family lived?

A. That's where my family was, but I don't know where they were killed.

Q. Where in Thuan Yen is the pagoda?

(Referred to an aerial photograph, the witness marked the location of the pagoda. The photo was later entered into evidence as Exhibit P-164.)

Where is the dividing line on the map?

LTC STANBERRY: We can have him put the boundaries in later, sir.

IO: Were houses along the rice paddies?

A. Ten families.

MR MACCRATE: Did your daughter, mother, brother, and two cousins all live there, in Thuan Yen, or did some of them live at another place in the village?

A. Yes, they all lived here. They all lived in one house.

Q. What is the name of this hamlet and of this other hamlet (indicating on photo)?

A. Sorry, I don't know.

Q. On the map this is known as My Lai (5), and I think this is My Lai (6) (indicating). Is this all part of Tu Cung, then?

(Discussion off record.)

A. This is very clear, and I understand this very well. These little subhamlets are actually groups of families in houses.

Q. What was destroyed?

A. My house.

MR MACCRATE: Did anyone else live there in your house?

A. There were only five people in my family. They were all killed.

(Discussion off record.)

IO: Mr. NHON, did you ever hear any Viet Cong propaganda or see any Viet Cong leaflets which concerned what took place at Thuan Yen on the 16th of March?

A. Yes, I have seen leaflets concerning this incident.

Q. Do you remember what the leaflets said?

A. The leaflets stated that the Americans assembled the people and shot and killed hundreds of them.

Q. How many people lived in Thuan Yen?

A. At that time?

Q. Yes.

A. I don't know. I was in exile and I don't know. I would guess approximately 250 people.

Q. 250 people? Are there men, women, and children?

A. Yes, sir, all.

Q. What else did you hear about the Viet Cong rumors? Were they making any slogans, any posters, or lecturing to people?

A. I did not hear or see any evidence of those kinds of action by the VC.

Q. Were or are you the PF platoon leader at the present time?

A. I have not been a PF platoon leader in 3 years. A Hamlet Chief can't be both.

Q. Well, what are you now?

A. In 1965, I was appointed Hamlet Chief. At that time I had to give up the position of platoon leader of the PF platoon. I was subsequently elected Hamlet Chief in this year, 1969.

Q. What are you now? Are you Hamlet Chief and PF platoon leader?

A. No, sir, I stated that I cannot be both. I am not a platoon leader at this time.

Q. I see. You are the Hamlet Chief of those living in the Son My Model Village.

A. These are temporary refugees being held there in the model village until they can be returned to their hamlets. I am acting as the Hamlet Chief for these people. I am fulfilling the duty of Hamlet Chief serving these people at this time.

Q. This includes all of the five subhamlets?

A. Except the VC. There is nobody actually living in these hamlets now, but I am the Hamlet Chief.

Q. How many people do you have in the hamlet of Tu Cung?

LTC STANBERRY: Inside the hamlet?

IO: No, in the model village?

A. Two hundred and fifty families. There are about 600 people. It is very unusual to have less than five, six, or seven people in a family. There is an average of five, at least. Those people are in the hamlet, but are considered to be VC at this time.

MR MACCRATE: Are they living in the hamlet?

LTC STANBERRY: They are living in the hamlet; but until we brought them out, there was considered to be no one living.

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inside the hamlet except VC. Therefore, the situation that exists now with 250 families which should be about somewhere between 1,200 and 1,500 people. The others are following the VC.

IO: Will they be living there in Tu Cung, or will they be out toward My Lai (1) and other places?

LTC STANBERRY: What do you mean where will they be living? Where are the 700, 800, 900?

IO: Are they still in the Tu Cung area, or have they moved to other areas with the VC?

A. They are living in there.

Q. Still living in the same place. There are none here?

LTC STANBERRY: I think I can give you a fairly true picture of the situation that exists. The GVN have gone out and ordered them all back into the model village. The GVN brought them back in with all good intentions and a good plan, but there are still some of them supporting the VC. Let's face it, they stay back and work the field and things like this.

MR MACCRATE: There are none living--

A. (Interposing) There are none living in this area, but there are a total estimate of 700 or 800 that are not accounted for.

Q. At one point you said "none here" and pointed to Thuan Yen.

A. There is not a single house left in Thuan Yen (My Lai (4)), and there are few here.

(Discussion off record.)

IO: Is there another pagoda in this area?

A. There is only one pagoda. This is it in the southwest corner of Thuan Yen..

Q. Mr. NHON, in this picture are any of those members of your family?

A. I have not seen this picture before, but I don't recognize any of the people.

Q. Do you know this old man (referring to pictures)?

A. No, I don't know him.

Q. Well, Mr. NHON, we are very appreciative of your coming in to give us this information. We are trying to put together the complete story of what happened. Having all this information that you provided us, including the names of the subhamlets and other information, has been very helpful. If you have anything else that we haven't asked that might be helpful to us, we would be appreciative of hearing that.

One last question. Did you know anything about the young child that was brought from Thuan Yen to the Quang Ngai hospital on the 16th of March?

A. Is it a girl?

Q. I understand it is a boy, about 2 or 3 years old. He was brought in by helicopter.

A. I haven't heard a thing about it.

Q. All right. Well, thank you very much.

(Aerial photo as annotated by Mr. Do Tan NHON was marked and entered into evidence as Exhibit P-164.)

(The hearing recessed at 1221 hours, 31 December 1969.)

CONFIDENTIAL

SUMMARY OF TESTIMONY

WITNESS: PHO, Pham Van LTC

DATE OF TESTIMONY: 27 February 1970

PLACE OF TESTIMONY: Danang, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: G2, 2d ARVN Division.

THE WITNESS' RECALL OF A VC PROPAGANDA LEAFLET.

The witness recalled receiving a piece of Viet Cong propaganda with a letter from the Son Tinh District Chief. He presented this to Colonel TOAN, the division commander (pg. 1). The witness noted that he delivered these documents to TOAN at the latter's request while he was having a meeting with General KOSTER (pg. 2). PHO did not know if his commander ever discussed this with Colonel HENDERSON (pg. 2). The witness stated that he did not discuss this with his counterpart (pg. 3). He recalled TOAN directing Lieutenant Colonel KHIEU to make an investigation, but could not recall him investigating (pg. 3). He affirmed that the propaganda leaflet and the accompanying letter were the only documents he knew about which related to the My Lai incident (pg. 3). The witness had no knowledge of any matters relating to the incident until it was publicized (pg. 4).

Unsworn statement of LTC Pham Van PHO was taken at Danang, Republic of Vietnam, on 27 February 1970. The questions were posed to LTC PHO by COL WHALEN. Also present was CW2 Coy L. WELLS, CID investigator. The witness testified as follows:

COL WHALEN: General PEERS and his committee are near the end of the investigation and they are trying to get some more details and little pieces of information so they can make their final report and we would like to ask you several questions so that we will be correct in the way of information that we have. Colonel PHO, at the time of the incident you were the G2 of the 2d ARVN Division. Is that correct?

A. That right, sir.

Q. The Son Tinh District Chief wrote a letter to the Province Chief with a piece of VC propaganda attached and this came up through the province S2 to you at the ARVN G2. Is that right?

A. Yes.

Q. And then you presented it to General TOAN, is that correct?

A. At that time I remember the Son Tinh District Chief, when they sent that letter and that VC leaflet to sector, at the same time they sent to G2, 2d ARVN Division.

Q. Then you prepared--

A. (Interposing) I received that leaflet from District Chief sent directly G2, 2d ARVN Division.

Q. And then you prepared a presentation to General TOAN so that he would know about it. Is that correct?

A. Yes.

Q. Now later on General TOAN had a meeting with his advisor, Colonel HUTTER, I think was his name. An American general from the Americal Division was present and discussed Lieutenant TAN's letter plus the VC propaganda. Is that correct?

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A. Not necessarily; that is not the meeting organized at General TOAN's office. When I present that piece of new document to General TOAN. At that time I remember the CG, Americal Division when they come to discuss some plan, maybe that was operation plans, I don't know. But at the same time General TOAN, he, called me up and asked me to bring that presentation to him and he showed that presentation to CG, Americal Division?

Q. What was this CG's name, do you remember?

A. General KOSTER.

Q. General KOSTER was there with General TOAN.

A. General TOAN and his counterpart.

Q. American senior advisor?

A. Right.

Q. And the American general was who?

A. General KOSTER.

Q. General KOSTER, division commander. Did you stay during the discussion or--

A. (Interposing) No.

Q. You just handed them the paper. Is that correct?

A. That's right.

Q. Do you know if the general discussed the incident any more with maybe the 11th Brigade Commander, Colonel HENDERSON?

A. I don't know, sir.

Q. Did you ever discuss with other Americans about the incident?

A. No, sir.

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Q. How about your counterpart?

A. No, sir, I didn't.

Q. You did not mention it to your counterpart. General TOAN directed Colonel KHIEN to make an investigation?

A. Yes, sir.

Q. Did Colonel KHIEN ever make any report of the investigation?

A. No, sir, not yet, until now.

Q. Colonel KHIEN said they attempted to go into the area but met VC resistance and then two American planes collided and then they changed the direction of their operation and then came back and did not go into My Lai. Is this how you remember the incident?

A. I do not recall.

Q. Do you know if there are any more copies or documents about this My Lai incident that we did not see?

A. No. We don't have any more documents except that leaflet.

Q. The leaflet plus what else?

A. Just leaflet only.

Q. And did you have a letter from Lieutenant TAN, the District Chief?

A. Yes.

Q. Just those two things. Are they the only two things that you know?

A. Yes.

Q. When the general directed Colonel KHIEN to make his investigation, did any of the Vietnamese ask Americans for help to find out information, for units, or anything to help the investigation, do you know?

A. I don't know, sir.

Q. Did you provide any copies or translations of these documents to any Americans?

A. Of course not.

Q. Do you know if General TOAN discussed this with General KOSTER or maybe General YOUNG later on, after this time?

A. No, I do not.

Q. After this incident when the General discussed it with the Americal division commander, did you ever hear anything more about My Lai?

A. No, sir.

Q. That was the end of the propoganda and the investigations?

A. Yes.

Q. You did not hear any more?

A. I did not hear any more.

Q. Until when?

A. Until the incident appeared in newspaper.

Q. In 1969, is that right?

A. Yes, sir.

MR WELLS: I can't think of any other questions, it seems that everything has been covered. You have been very helpful and very cooperative; I think very patient, also.

COL WHALEN: Do you have any other ideas?

A. No, sir.

COL WHALEN: Thank you very much, Colonel PHO.

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(The hearing recessed at 1320 hours, 27 February  
1970.)

(PHO)

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SUMMARY OF TESTIMONY

WITNESS: PHU, Nguyen Dinh SGT

DATES OF TESTIMONY: 1 and 2 January 1970

PLACE OF TESTIMONY: Americal Division Courtroom, Chu Lai, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Interpreter for C/1/20

1. PREOPERATIONAL PLANS AND BRIEFINGS.

PHU was not in the village at the time of Captain MEDINA'S briefing and thus knew nothing about the mission or objective (pgs. 4, 5). On his return he noticed that all the men in the three squads he visited along the bunker line were drinking and several were drunk (pgs. 5, 32). It was unusual for the men to drink the night before an operation (pg. 6). He did not observe the use of marijuana or other drugs (pg. 7). One of the drunken soldiers told PHU that they were going on an operation the next day in which they would kill women, children, cattle and everything (pg. 5). When PHU asked him if he was joking the soldier replied that it was true (pg. 6). PHU discredited the man because he was drunk (pg. 6). PHU joined the drinking, which lasted until midnight, and became drunk himself (pg. 6).

2. THE ASSAULT ON MY LAI.

a. General activity.

PHU came in on the second lift which landed at approximately 0750 (pg. 7). There was a lot of firing which scared PHU because he had never been previously involved in such a large fire fight (pgs. 7, 8). He was with MEDINA in a position outside the village until the firing stopped approximately 20-30 minutes after the landing (pg. 8). While there, someone brought in an ammunition case which contained a medical book, medicine and a transistor radio (pg. 8).

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They entered the village after the firing stopped (pg. 10).

b. MEDINA shoots a woman.

PHU had no recollection of this incident and did not recall it even being discussed by anyone (pgs.11, 12). However, he may have remained behind at this point because he was very frightened (pg.12).

c. The command group moves through the village.

(1) Bodies at the intersection.

The command group moved past a pagoda and entered the village on the main trail (pg. 10). Where this trail intersected with a smaller trail he saw the body of a seven or eight year old child (pg. 10). Off the right fork in the road, about eight to ten meters to the south, he saw about 30 bodies most of which were women and children (pgs. 10, 12, 13). Neither he nor anyone else from the command group went closer to the bodies, but he knew that the majority of them were women and children from their dress (pgs. 12, 13). Sergeant MINH approached MEDINA and asked, "Why did you kill the women and children like this?" (pg. 13). MEDINA replied, "That was the orders, don't ask why" (pg. 13).

(2) PHU interviews an old man at an intersection.

In searching houses near an intersection soldiers found an old blind man whom they brought to PHU for interrogation (pg. 15). PHU asked him questions about the VC, but the man did not say anything (pg. 15). The old man was released after he was interrogated, but PHU did not know what happened to him after that (pg. 21). Even though he saw a picture of himself with another old man and two children he could not remember speaking to them (pgs. 15, 22).

(3) Observations in the village.

On leaving the intersection they re-entered the village where PHU observed approximately 20 bodies of men, women, and children scattered in front of houses along the trail (pgs. 15, 16). He did not see any weapons (pg. 16). MEDINA would have certainly seen these bodies (pg. 17). As he moved through the village he saw that houses were burned, animals were killed, and crops were destroyed (pg. 33). He saw a total of 40 to 50 bodies, 10 to 15 of which were men (pg. 24). PHU did not complain to MEDINA or report it to

anyone because MEDINA had said this destruction and killing was ordered (pg. 33). PHU did not see a ditch with bodies in it (pgs. 18, 19) and saw only one helicopter land which was for CARTER's dustoff (pg. 17). He was unable to understand any radio transmissions he heard (pg. 18). They had lunch after moving through the village (pg. 18).

d. Actions after leaving My Lai.

(1) Movement toward the laager site.

After leaving My Lai the company moved due east to the next village where MEDINA had PHU warn the people to leave the area immediately or be killed as the people in My Lai had been (pg. 24). MEDINA did not want these people to enter My Lai (pgs. 24, 25). Thus, they picked up their household belongings and children and left, moving eastward (pg. 24). No detainees were taken during the day (pg. 25).

(2) Actions at the laager site.

(a) Shooting of the prisoners.

C Company joined B/4/3 at the laager site, which was 500 meters to the west of My Lai, around 1500-1600 hours (pgs. 25, 26). Some ARVN troops were there as well as three National Police (pgs. 26, 27). While PHU was interrogating a B Company detainee, the man who had his finger cut off, he heard weapons being fired (pgs. 27, 37, 38). He went over to investigate and saw two prisoners lying dead in the ditch (pgs. 27, 40). MEDINA and MICHLES were nearby when the prisoners were shot (pg. 27). MEDINA ordered that no more suspects be shot without his approval (pg. 28). A helicopter came and extracted ten detainees (pg. 29).

(b) The cutting off of a prisoner's finger.

PHU did not remember who cut the finger off the man he interrogated, but did remember KOTOUC standing nearby beating a knife into the palm of his hand (pgs. 27, 38). He recalled with certainty that MEDINA was present and was watching at the time the finger was cut off (pg. 39). He did not know what happened to the man after this (pg. 37). PHU remembered other instances where American units had beaten people's hands to get information (pg. 39).

(3) PHU interrogates prisoners on beach.

PHU flew to the beach with MINH, KOTOUC, and the three National Police to interrogate 20 prisoners captured by a platoon from B Company (pgs. 35, 36). PHU separated five from the group and the others were released unharmed (pgs. 35, 36). PHU and MINH were returned to the laager site by a helicopter which continued to another location with the five suspects and the policemen (pg. 36).

(4) Actions on the 17th.

PHU recalled burning hootches and capturing a VC platoon leader on the 17th (pg. 29).

3. INQUIRIES AFTER THE ASSAULT.

PHU did not recall HENDERSON's visit to the field or his interrogation of the troops at LZ Dottie (pg. 30). He did not remember any meeting of the company held by MEDINA to discuss the incident (pg. 30). He was not forbidden to discuss it and did not speak to anyone about it in an investigative capacity until he met with a congressional committee in December 1969 (pgs. 30, 31). He did not discuss My Lai in his private conversations and tried to put it out of his mind because the topic upset him (pg. 34). He has not spoken with any attorneys about the matter and has not heard from MEDINA concerning it (pgs. 31, 32).

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EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
O-4	Sketch of LZ Dottie	Wit marked position of MEDINA's CP with "1" and marked position where he saw drunk soldiers.	32
P-1	Aerial photo of My Lai	Marked position where he was with MEDINA with a "1".	7
		Marked position of pagoda with a "2".	9
		Marked position where he saw dead boy with a "3".	12
		Marked spot where he talked to blind old man with "4".	15
		Marked spot where he saw bodies with a "5".	16
		Marked spot where they had lunch with a "6".	18
P-2	Old man and PHU after old man is out of house.	As indicated by the witness.	21
P-3	Old man and himself.	As indicated by the witness.	21
P-4	Old man in house before PHU brought him outside.	As indicated by the witness.	21
P-6	Same picture as P-7	As indicated by the witness.	21

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
P-7	Witness identified CARTER	As indicated by the witness.	20
P-9	Recognized man to right of MEDINA as WIDMER.	As indicated by the witness.	21
P-10	Same picture as P-6 but clearer view of JOHNSON.	As indicated by the witness.	20
P-11, 12	Two soldiers carrying CARTER to helicopter.	As indicated by the witness.	21
P-13	Picture of ALAUX, platoon sergeant, MEDINA, RTO, PHU	As indicated by the witness.	23
P-16	Same building as in P-33	As indicated by the witness.	20
P-17	Place where CARTER was medevac'd.	As indicated by the witness.	23
P-21	MINH on right, JOHNSON on left.	As indicated by the witness.	24
P-26	Picture of LZ Dottie	As indicated by the witness.	19
P-33	House in which witness saw two bodies.	As indicated by the witness.	19
P-57	Picture of E-5 squad leader whose name witness forgot.	As indicated by the witness.	19
P-66, 67	PHU with old man and two children.	Wit does not remember event.	22
P-165	P-1 as annotated by Sergeant PHU.	Entered into evidence.	35

Unsworn statement of SGT Nguyen Dinh PHU was taken at Americal Division courtroom, Chu Lai, Republic of Vietnam, on 1 January 1970. The questions were posed to SGT PHU by LTG PEERS and MR MACCRATE. Also present was LTC Billy M. STANBERRY who acted as interpreter. Certain of the questions were translated by LTC STANBERRY into Vietnamese and certain of the answers by SGT PHU were translated into English by LTC STANBERRY.

IO: Sergeant PHU, I'll first tell you just a little about our investigation, what we are trying to do, and how we are conducting it.

A. Yes, sir.

Q. I should tell you as far as the American witnesses are concerned, all of them are being sworn. They make a sworn statement.

A. Yes, sir.

Q. We have not been doing this with the Vietnamese witnesses. As far as the investigation itself is concerned, I was appointed as the investigating officer by the Secretary of the Army and General WESTMORELAND, the Chief of Staff, to determine the facts and circumstances surrounding the My Lai incident of 16 March 1968. Specifically, I was asked to determine the adequacy of any investigations which were made of the incident and then also to determine if the reviews of the investigations were adequate. Also, I was directed to determine if there had been any attempt to suppress information or to hide information of the incident by any of the people who may have been involved in the incident or who may have been in the investigative chain of command.

In the course of making our investigation, we have had made available to us any statements or materials which have been obtained through other investigations. For example, we have seen and are familiar with the interrogation of you which was conducted by the CID.

A. Yes, sir.

Q. Our report will be a classified report which we will submit to the Secretary of the Army and to the Chief of Staff. Very likely, the report, or at least parts of it, will

be made available to Congress and other governmental officials. It is also likely that parts of it may later become matter of public knowledge.

Aside from myself here today, I have with me Mr. MACCRATE. Mr. MACCRATE is a well-known lawyer in the United States who was asked by the Secretary of the Army to assist me and to serve as a legal counsel in the conduct of this investigation. Mr. MACCRATE has volunteered to do this and has left his legal practice for the time being to assist me. All of the American military witnesses have been ordered not to talk about this investigation or any of the testimony which they have given in this investigation with anybody that is connected with the investigation unless it's done in an official capacity where they should have to serve as a witness before a judicial or legislative body, such as an investigating group of our Congress, or an appropriate administrative body. So we do not divulge any information of our investigation until such time as a report is submitted to the Chief of Staff.

Would you tell us, Sergeant PHU, what your duty assignment was on 16 March 1968?

A. At that time, I was assigned, working for C/1/20 and 11th Brigade.

Q. Sergeant PHU, I would ask you to speak up a little bit so that Private HOLLAND can hear you. He is making a record of your statements. Also, we are making a tape recording to check against it. So, you were assigned as an interpreter for C/1/20?

A. Yes, sir.

Q. And how long had you been an interpreter with C/1/20?

A. I can't remember exactly, but I think about 4 or 5 months.

Q. Four or five months?

A. Yes, sir.

Q. Did you join them when they first came into South Vietnam in December?



A. Yes, sir.

Q. And you were with them all the time since then?

A. Yes, sir.

Q. And how long after 16 March did you remain with Charlie Company?

A. About 2 more months.

Q. Two more months, fine. Now then, going back to the operation itself into the area of Son My on the 16th, were you present the previous day when the orders were issued for the operation by Captain MEDINA?

A. I went out in the field with Captain MEDINA all the time, working for them.

Q. When Captain Medina issued instructions to the company on the afternoon of 15 March, were you present?

A. Yes, sir.

Q. What did he tell the company?

A. At that time it was the first time I was working in here for Charlie Company. The first time I went as interpreter, too.

Q. Just a minute. I thought you had worked for Charlie Company since December?

A. Yes, sir. At that time I cannot speak English very well. I cannot hear very well. Before I go out in the field with Captain Medina, I talked with the GI's, or something else because I am to go out in the field. I think they take me out in the field for intelligence from the people out there. That was the only time that they had used me this way. Something else, you know, before I went out in the field I made plans for this operation. I didn't know and I didn't understand everything about it before I went out in the field. Captain MEDINA didn't talk with me about everything before I went out in the field.

Q. Did you hear him tell his platoon leaders what

he wanted them to do?

A. No, sir.

Q. Did he show them on the map where their boundaries were located, which platoon was going to be on the right and which on the left, and what he wanted them to do?

A. No, sir.

Q. Did you hear him tell anything about what enemy they would find in My Lai (4)?

A. No, sir. You mean before I went out in the field?

Q. Yes.

A. No, sir.

Q. What enemy did you expect to encounter when you went in the field.

A. In My Lai?

Q. My Lai (4), the operation the next day where they were going to air assault into the area and then go into the village. What enemy did you expect that they would meet?

A. I think only one old man. When I came--

LTC STANBERRY to IO: He misunderstood the question.

(LTC STANBERRY talks with the witness.)

A. Before the operation, I didn't know where we were going, what the objective was, what the enemy situation was, nor what was expected there. My function was primarily to follow Captain MEDINA, to be used as an interpreter in the event we met with Vietnamese, friendly or otherwise. I had no idea, no knowledge of the objective, and had no way of expecting what we were to encounter.

Q. Did you hear Captain MEDINA or anybody issue instructions to destroy the bunkers, to burn the houses, to kill the animals, and to destroy the crops?

LTC STANBERRY: During the operation that day?

IO: No, I'm talking about the orders that were issued.

A. I want to make a correction for the record. I did not participate. I was not present at any meeting on the 15th between the soldiers, or the officers and the commanders, that Captain MEDINA held with his subordinates. Normally, Captain MEDINA conducted a meeting at night, frequently late at night, with soldiers before they conducted an operation. I last saw Captain MEDINA about 8 o'clock in the evening. After that, I went out into the village for recreation. That is different from what I said I recalled a few minutes ago.

Q. Well, I would like to come back to the question, though, as to whether or not you heard Captain MEDINA or whether you had heard anything about any instructions that had been issued, whether you heard it or whether it was hearsay, as to what they were to do the following day?

A. Sir, the time of my departure to go to the village may have been earlier, it may have been around 6 o'clock. This is material in that after I returned it was probably around 8 o'clock. It could have been later, but I did go to the village and return. During the time I was gone, there was a meeting held. Upon my return, I met a large group of soldiers. Many of the soldiers were drunk, a large number. One of the soldiers told me that tomorrow they would go on an operation and they would kill women, children, cattle and everything. I do not recall the name of that soldier. Only one soldier told me.

Q. I'm interested in the soldiers being drunk. What were they drinking? Were they drinking beer or what were they drinking, and what was their condition?

A. They were drinking beer and whiskey too, on the bunker line. They had bottles of whiskey and cans of beer in the bunkers on site.

Q. Was this just one squad, or were all of the men drinking?

A. The bunkers were very near. I visited two or three squads. Virtually all of them were drinking as if they were having a party; a lot more than normal, a lot more than usual.

Q. What did you think about what this soldier is telling you, that tomorrow they were going to kill VC, and women and children as well?

A. I was very surprised. "Are you joking with me?" I asked the man. That person says, "I'm not joking, that's the truth." That person was drunk and I discredited it to some extent because he was. After that, I drank with them.

Q. How long did this drinking go on before the men went to bed?

A. About midnight. It was very late. I also drank until I was drunk, but I would estimate around midnight.

Q. Was Captain MEDINA or any of the officers around during this time?

A. No, sir.

Q. Did the men who were on the bunker line that night later on move away from the bunkers, and somebody else take over the bunker security?

A. No, sir, that's where they lived. They stayed there.

Q. Do you remember anything more about that night that may have a bearing upon our investigation?

A. This was the last day of standdown. Normally, they did do a good deal of drinking during the days of standdown. But, normally the night before they went on an operation, they didn't drink excessively. So this was, in my experience, somewhat unusual. I do not recall any other incident about that night that might be significant.

Q. Where did you spend the night, Sergeant PHU?

A. I normally slept in the tent with Captain MEDINA. I also, that night, returned to his tent and slept in the tent with Captain MEDINA. He was there. He was asleep when I returned.

IO: We'll take a recess just a minute.

(The hearing recessed at 1112 hours, 1 January 1970.)

(The hearing reconvened at 1114 hours, 1 January 1970. All persons present when the hearing recessed were again present.)

IO: Sergeant PHU, did any of these men of the company use any marijuana or narcotic drugs of any kind?

A. During that period I saw no one using marijuana or any other drugs.

Q. Well, we may come back to LZ Dottie, but now we'll go on with the operation itself.

(The witness was shown Exhibits P-1 and MAP-4, and oriented thereto.)

Q. Sergeant PHU, will you describe what happened during the combat assault and what you did after the assault?

A. On that day when they landed there, initially Captain MEDINA sent out two or three platoons, I don't know exactly. He told them to go into the subhamlet.

Q. Call it hamlet, we'll refer to this as My Lai (4) (indicating).

A. During that time, I was right here with Captain MEDINA.

Q. I'd like you to mark this. Mark it with a number 1, if you will.

(The witness marked Exhibit P-1 as requested which was later entered into evidence with annotations as Exhibit P-165.)

Q. The first lift of helicopters landed here at 7:30. The second lift was completed at 7:50. So, everybody--the 1st, 2d, and 3d Platoons were on the ground by 7:50. Now what time were you at point 1?

A. I was on the second lift. We landed and we ran to this location. I was on the second lift. We landed, I heard a lot of firing, so we ran to this location immediately.

Q. How long did you stay there?

A. I am not sure, but approximately 20 to 30 minutes.

Q. Then what did you do?

A. During that 20 or 30-minute period, there was a lot of shooting. I was very scared. It was the most shooting I've ever heard and it was the first time I have ever been in that much shooting. Just before we left, some soldiers came up and brought an ammunition case. There was no VC documents in that ammunition case. There was a medic book, some medicine, and a very small radio also in the ammunition box.

Q. Was it just a receiver?

A. It's a civilian-type radio, just a small transistor radio.

Q. And that all came here to point 1?

A. I opened the case with Sergeant MINH, another interpreter, who was with me side by side during this period.

Q. Sergeant MINH was the interpreter for whom?

A. He was the interpreter for MI, for intelligence people.

Q. Would that be Lieutenant JOHNSON?

A. Yes, it was Lieutenant JOHNSON. I had met him often and regularly.

Q. After this, what happened?

A. After I opened that up and saw what was in there, I told Captain MEDINA that it was medical papers and a medical book. Then, they took the case and I don't know where it went. A very short period of time later, they stopped firing in the village. Captain MEDINA, myself, and a few of the soldiers started through the village. As I recall, I went around this way (indicating on map).

Q. Before we go on ahead, did you accompany Captain MEDINA shortly after the landing, when he left from here and went down in this general area (indicating)? Captain MEDINA went here?

A. No, sir. Because Captain MEDINA came in here....

Q. Did you see Captain MEDINA with an H-23 helicopter early in the morning down in this area? Captain MEDINA was on the ground; the helicopter, 10 meters in the air, directing Captain MEDINA to people on the ground. Do you recall this?

LTC STANBERRY: This is a point not clarified earlier. He states that Captain MEDINA came on the first lift; he came on the second lift.

IO: From here to down to here (indicating) is a distance of about 600 to 800 meters that Captain MEDINA moved to the south sometime during the period from 8 to 9 o'clock. He then returned again to the village.

LTC STANBERRY: After the entire landing had been completed.

A. I was by his side from the time I landed and entered this area. On the second lift, I entered, met Captain MEDINA at this point, and stayed by his side.

Q. Could we establish some times, then, because I think it is important.

LTC STANBERRY: He met with Captain MEDINA here. He stayed with him until they left this village. I think we are talking about a relatively short period of time. According to the time required, it could have been done by 0800. I haven't gotten to the point of what time he left Captain MEDINA.

A. Here about 20 or 30 minutes. During this time, we got the ammunition case. From here I moved through this area. We entered the village and I saw a small pagoda.

Q. Small pagoda, how big?

A. This is not the village pagoda. This was a small pagoda in the village.

Q. Yes. And about where was this located?

A. I cannot remember clearly, but I did notice one during the time we moved through this area.

Q. Please mark a number 2 at the location of the small pagoda. (Witness marked location on the photo, later Exhibit P-165.)

A. I don't remember clearly but it was somewhere on our trip. I am just not sure where I went through this village, except we did go through it. Plotting it is not accurate.

Q. We understand. One thing that you made mention of in your statement to the CID was that you later saw quite a few bodies lying on a road. Which road was this?

(The witness prepared a rough sketch to help orient himself. The road was indicated on the sketch. Upon becoming oriented, the witness exclusively used the aerial photo. The sketch was not entered into evidence.)

A. Here is the village. Here is the LZ and here is the place where I stayed outside of the village. The village is identified by a hedgerow that goes around it. Here is the place I, Captain MEDINA, the other interpreter, a number of soldiers, and Lieutenant JOHNSON were. After they stopped firing in the village, we went through the village. I saw a pagoda here. The reason I'm interested in doing it by sketch is I am unable to place it on the map.

Q. All right.

A. Passing the pagoda, there was another fence. We went past that and here is a road in the village, the village road, and there is an intersection and a very small trail that continues. Going down this road, I stood here with Captain MEDINA and there was a small child 7 or 8 years old, dead, lying just off the intersection on the small road. So I stepped up closer and on the fork of the road to the right, to the south, I saw a pile of corpses. I would estimate maybe 30 people.

Q. Were those bodies in the village; or were they on a trail or road outside of the village, with rice paddies on either side?

A. This is the road and there are rice paddies on both sides of the road. There were rice paddies on the side, therefore, it could have been on the outside of the village since it appears there are no rice paddies inside the hamlet.

Q. Well, we have previous indications that right in this area here (indicating) is where there were several bodies together on this road.



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A. That very likely is the road because there is a rice paddy on either side of the road. I stood here and I saw a pile of corpses here. There are some small houses here and over here is a rice paddy.

Q. Let me go clear back. Now that we have come down to here, we could have come like so (indicating) to come down to here.

A. I only remember that it went this way. I do not remember exactly how far, but I know it curved something like this.

Q. Now, coming back to Captain MEDINA and his command group, about 8 o'clock or shortly thereafter, Captain MEDINA went down into this area and he took all the command group with him. Captain MEDINA, the helicopter pilot, and other people say you went from here down to here (indicating) and came back to about in here (indicating) someplace.

A. This could have happened. However, if it did, to the best of my knowledge, it must have happened before I arrived. From the moment I arrived, I know that I was by Captain MEDINA's side. We landed here, opened the case, went through the hamlet, then we left the hamlet.

Q. Well, this is a very difficult problem because we're trying to ask people to remember things that took place nearly two years ago. But, I'm sure that you have heard or read in the newspaper that there is a story about Captain MEDINA shooting a woman on the ground. This is supposed to have taken place in this area between 8 and 9 o'clock in the morning. Everybody was on the ground by 7:50, so if you stayed with Captain MEDINA, you had gone down south, maybe crossed a ditch, and in here there was a helicopter hovering not very far off the rice paddy and marking, with smoke grenades, bodies on the ground. Do you remember that?

A. No.

Q. Well, this is conceivable.

LTC STANBERRY: The question I asked was, "If you had gone down here would you have certainly remembered it?" His attitude seems to be initially, "I didn't go definitely," but later, "I think I would remember but I don't remember doing that."

IO: He may have stayed behind, you see, with Lieutenant JOHNSON and Sergeant MINH to look over this ammunition box of documents, medical supplies, and the radio. In the meantime, Captain MEDINA and the group may have gone down to this area.

A. It is very correct that I was very scared, very afraid. This was the first time that I had gotten in a fire fight of this magnitude. Therefore, it's certainly conceivable, and I concede that this may have happened.

Q. Then from what you have said, you did not see Captain MEDINA shoot a woman in a rice paddy on a bund; a woman who was either dead or wounded?

A. I didn't see it, and I didn't hear anyone mention it.

Q. This point then is where you saw a small boy dead here and bodies in this area. Mark that with a 3. (The witness did as requested.)

IO: Let the record show that at point 3, Sergeant PHU indicated that on a trail just north of the road junction he saw a small child that had been killed. Also, to the south of the road junction, on the road, he saw a group of bodies. Did you go out to look at these dead people?

A. I did not go out, but they weren't very far from where I was.

Q. Did Captain MEDINA go out to look at them?

A. No, sir.

Q. Or Lieutenant JOHNSON or Sergeant MINH?

A. No, sir.

Q. How far away from you were the bodies?

A. I was very near, about 8 or 10 meters.

Q. Yes.

A. I was very close. I can't remember exactly how close but perhaps 8 or 10 meters. None of the command group went out there, but there were a couple of soldiers out there.

Q. Could you identify them? Were they VC soldiers? Were they women? Or, what were they?

A. I observed that most were women and children. They were also -- I'm not real certain but I'm quite certain that there were men in the group. I saw that most of them were dressed and there were white and black clothes. That's how I would conclude that they were women and children, but it is obvious there were some men. The VC wore black clothing in that area and there were a lot of people there with black clothing on.

Q. How many bodies would you estimate were there, Sergeant PHU?

A. Somewhere around 20 or 30.

LTC STANBERRY: The term he is using is a pile, but in no location did he see one body on top of another.

IO: What did you do then?

A. I was standing here with Sergeant MINH, Lieutenant JOHNSON, and Captain MEDINA and the others. I looked around and saw my friend Sergeant MINH next to me. He approached Captain MEDINA and said, "Why did you kill the women and children like this?" Captain MEDINA who was standing by me answered, "That was the orders, don't ask why." That was the first operation I had gone on and seen a lot of people killed. I didn't know what to do, I wanted to cry. We were there 5 or 10 minutes then we started moving. As I could recall --

Q. (Interposing) May I ask you, Sergeant PHU, before you started moving east, did you see a colored soldier that had been shot through the foot?

A. Yes.

Q. Where did you see the colored soldier that had been shot through the foot?

A. Much later, certainly not here. Probably 15 minutes or so later. The 15 minutes or so is very difficult to remember.

Q. After the medic had worked on the colored soldier's foot, a helicopter dustoff came in to pick him up. Do you remember where the helicopter came in.

A. Here's the schoolhouse and I was there, where we had lunch. During the time that I was there....

It's my opinion that it was a schoolhouse. It could have been another building. There was no sign or anything, but I assumed it was a schoolhouse. We had lunch by the large house that day. During the time that I was there, some soldiers came in carrying a man with a wounded foot. And the helicopter came in right in front of that schoolhouse and that's where the helicopter landed.

Q. It could have been out in here, or it could have been over in here? Which do you recall?

A. As best I would recall, it would be over in this area (indicating).

Q. When you came here, did you come back again after you saw these bodies with the sergeant or the colored sergeant.

A. No, sir, we did not return. We continued on.

Q. Well, if you don't know exactly where it was or can't pick it out on this sketch, I think it's best not to mark it.

Do you remember, Sergeant PHU, when you were with Captain MEDINA, Lieutenant JOHNSON, and Sergeant MINH, that there was an old man with two small boys?

A. I remember the old man. He was blind. I asked him some questions about the VC in the area.

Q. From this point, where did you talk to him?

A. A very, very short distance, just almost at the same place. Some of the soldiers went in and were searching the houses and found this old man. It was very near the intersection.

Q. Was it east of the intersection or was it back here to the west?

A. No, sir, it was east.

Q. All right. Put a 4 at that spot. Let the record show that the number 4 indicates where Sergeant PHU talked to the old, blind man.

(Witness does as instructed.)

What did the old man tell you?

A. He didn't say anything. He was very old, and I concluded that he couldn't see or hear anything.

Q. Did he say anything about the VC leaving the village in the morning?

A. He didn't say anything, sir.

Q. Did you see another old man who had two small boys with him who was interrogated by Sergeant MINH and Lieutenant JOHNSON?

A. There were a number of times when I went with Captain MEDINA and Sergeant MINH went with Lieutenant JOHNSON. I was not with him and don't recall this incident.

Q. Now then, leaving point 4, then what did you do next?

A. After that point, we went back into the village. On the road there I also saw a few bodies in front of the houses. After we left point 4, we reentered the village. From that point along the trail with houses on each side, I saw in front of some of the houses more bodies.

Q. About where would that be?

A. I really cannot recall which direction, but it was back into the hamlet.

Q. About how far do you think it was into the village?

A. I have not thought into this particular aspect of it much. I'm trying to recall and will use the means of this road (referring to map). From there, I went outside of the house where I talked to the old, blind man and I started going around. There is a very small trail that leads back into the hamlet. And I entered a few of the houses, to search some of the houses.

Q. Did you see a big house, maybe two stories?

A. Yes, about two stories.

Q. There is such a house in this area here. I can't put it in the exact spot. I was over here this morning, and I know there is a big house. It has been pretty well knocked down, but it is right in here. Is this near the area you are speaking of?

A. It's near that area.

Q. Indicate with a number 5 about where you saw the bodies around the house or houses. (Witness marked the location on map.)

Q. Sergeant PHU, about how many bodies did you see around the houses there?

A. About 20 more.

Q. And what were they, Sergeant PHU?

A. Men, women, and children. They were just scattered in front of the houses.

Q. Were there any armed VC?

A. I didn't see any weapons. If they had had weapons, they would have already picked them up. But there were some men in black uniforms.

Q. Where was Captain MEDINA? Were you right with him?

A. During this period, part of the time I was with Captain MEDINA and part of the time we were separated; not far, but he in one house on one side and me in another.

Q. Would Captain MEDINA have seen these bodies?

A. Yes, certainly.

Q. After you left here, where did you go from point 5?

A. After that, we went out on a larger road, which I guess is here (referring to map) because we were to get on a new road to go into the next hamlet.

Q. When you reached the end of the hamlet, do you remember seeing the platoons being on outpost here?

A. Yes, sir.

Q. Did you stop here with Captain MEDINA and the command group and have lunch around here?

A. Before we left, we did stop and have lunch. I had lunch with Captain MEDINA.

Q. Did you see a helicopter land out here?

A. Yes, I saw the helicopter come in and pick up the colored soldier that was shot through the foot.

Q. Aside from that helicopter, did you see a small helicopter, an H-23, land over here or land up in this area (indicating)?

A. I do not remember. I only saw one helicopter come in to pick up the wounded man, and it was very near where we were.

Q. But you don't remember seeing a small helicopter land maybe 100 meters from you?

A. I don't remember that, sir.

Q. Do you know gunships?

A. Yes.

Q. Did you ever see any gunship land?

A. No.

Q. Well, if you had lunch here, what did you do then after lunch?

A. As soon as we finished eating, then we started moving to the next hamlet.

Q. Would you indicate by a number 6 where you think you stopped to have lunch?

(Witness did as requested.)

Q. Let the record show that the number 6 is where Sergeant PHU recalls having stopped to have lunch. Sergeant PHU, is there any question in your mind about where you put the number 6?

A. I remember clearly that it was on a road. There was a road, and there was a school. We were right in front of the school, and the helicopter landed across the road and out in the paddy from the school. That is the road that goes right out of the village.

Q. You were near Captain MEDINA a great part of the time. Is that right?

A. Usually I was with him.

Q. Did you hear on the radio, or hear any discussion about "stop burning the houses" or "stop killing"?

A. At that time, as I mentioned before, I spoke very little English and I could understand perhaps even less. I couldn't understand anything that was said on the radio.

Q. As you moved through the village, around the end of the village, over in this area, or anyplace here, did you see a large ditch that had many bodies in it?

A. Are we talking about a man-made ditch or a man-made irrigation ditch?

Q. An irrigation ditch having trees alongside of it that had a large number of bodies in it?

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A. No, sir, I did not see anything like that. I just saw the ones that I mentioned to you at this time. Besides that, I saw no other corpses.

IO: We'll recess now for lunch and begin again at 1330 hours.

(The hearing recessed at 1220 hours, 1 January 1970.)

(The hearing reconvened at 1330 hours, 1 January 1970. All parties who were present when the hearing recessed were again present.)

IO: Sergeant PHU, we have gone through the operation and progressed through the village. Mr. MACCRATE has some pictures that were taken during the operation. You have seen some of these pictures but we would like to go over them again with you to see if you can identify the scenes in the pictures.

MR MACCRATE: Sergeant PHU, I show you a photograph that has previously been marked as Exhibit P-26 and ask you if you can identify that for us? You will find on the reverse side a colored copy of the same picture.

A. This is LZ Dottie.

Q. I show you P-57 and ask you to identify that, please?

A. This is a sergeant E-5 squad leader. I do not remember his name.

Q. Now P-33, and you will find a colored copy of that picture on the opposite side.

A. I remember this picture because I entered this house. I saw the two corpses, and I went through the door. I didn't go near the corpses. The time I came through was slightly after this. The house had already burned.

Q. Can you locate the house for us, approximately, in the village?

A. I can't remember exactly until I go back to that location, but it was after I passed the crossroads where I saw the pile of corpses and before I arrived at the schoolhouse where we had lunch.

Q. And is P-16 the same building?

A. Yes, this is the same building.

Q. Now I show you P-41. I believe you said off the record that you were not certain?

A. I did see a pile of corpses but I cannot possibly be certain that this was it. I'm just not sure.

Q. Were those that you saw on a road or on a trail similar to that which appears in P-41?

A. Yes. They were very similar, they were also on the road. The road was surrounded by rice paddies similar to this.

Q. Now I show you P-7, P-6, P-10, P-8, P-9, P-11, and P-12 and ask you if you can identify those pictures for us?

A. This number 7, I recognize. This soldier, colored soldier, was wounded in the foot. And I was in this area at that time, not in this picture. I don't recognize any of the people in the picture by name. Number 6 is the same picture. I was in the area. Number 10 is the same picture, but here is a clear picture of Lieutenant JOHNSON. I recognize him. He is the man kneeling in the rear of the picture. Number 8 is a picture of the same area. In the background is Captain MEDINA. I recognize Captain MEDINA standing here. And also in the left background is the radio operator.

Q. Is Captain MEDINA to the right and the radio operator to the left in the background?

A. Captain MEDINA is to the right in the background, standing, wearing his helmet with the insignia. The radio operator is in the left in the background without his helmet on, sitting.

Q. Well, there is something else missing. Let me show you another print of the picture. Who is this standing to the right here?

A. In this picture, the same picture, the face of the person on the right background showing can be identified as Sergeant MINH.

MR MACCRATE: Standing next to whom?

A. Standing what would appear to be about 6 or 7 feet away from, but the next person to, Captain MEDINA. Number 9 here, the two men carrying the wounded soldier, I recognize the man on the right as Specialist Four WIDMER. This picture is made in front of the schoolhouse, what I consider to be the schoolhouse, at the time we were having lunch. Number 11 is a picture of the two soldiers carrying the wounded soldier on the medevac chopper. I was observing this particular thing at this time. I saw them take him aboard. Number 12 is the same picture a moment later, but I don't recognize any of the people in number 12.

Q. Next I show you P-3.

A. Number 3 is a picture of me and the old man. At that time I was getting him out of the house to question him.

Q. And now P-2.

A. This is a picture of the old man after I had taken him out of the house, and he is sitting in the road. He could hardly see, and he was deaf. He didn't answer any questions.

Q. I show you number P-4.

A. Number 4 is a picture of the old man in the house and it was taken just a moment before I brought him out of the house. I'm in the left part of the picture here.

Q. Do you know what happened to the old man after you questioned him?

A. After I had finished interrogating him, and he answered no questions, I advised Captain MEDINA to let him go, which he did. To the best of my knowledge, he was released and went on his own way. I didn't observe. I don't know where he went.

Q. I now show you P-67 and P-66.

A. This is a picture of me and an old man and two children but I don't remember this very clearly. I don't remember the two children.

IO: Well, you were there with Sergeant MINH, though?

A. I don't remember it clearly but I was generally with Sergeant MINH and very likely he would remember the two.

Q. Who are these?

A. However, on 66 here, I am standing beside Sergeant MINH and the old man and the two children in the picture. And I also recognize the radio operator in the right-hand side of the picture.

MR MACCRATE: Is that Captain MEDINA's radio operator?

A. Yes.

IO: Did you and Sergeant MINH interrogate this old man?

A. This is Sergeant MINH and myself. But I just do not recall this man. We've done this, met people and asked them a question or two hundreds of times, but I don't remember this particular incident.

Q. How many people did you interrogate from this village?

A. I remember clearly one person. That's the old, blind man. The other people I just almost met in passing and didn't really interrogate them until after we left that village.

Q. From previous witnesses, it has been indicated that this old man was interrogated and that he was the one that stated that 30 or 40 VC had left the village early in the morning.

A. I don't remember that in this case. But Sergeant MINH and myself, frequently together

or while both of us were in the same area, one of us and sometimes both of us would talk to the people. I don't remember anything specific about this old man.

Q. You don't remember the old man? You don't remember what happened to him?

A. I do not remember. I don't remember him.

MR MACCRATE: I now show you P-13, Sergeant PHU.

A. The man sitting in the center, I identify as Lieutenant ALAUX. He is the person that called in artillery and aircraft and so on. Sitting next to him without his helmet is a platoon sergeant.

IO: Which platoon?

A. I don't remember which one, but he is a platoon sergeant. Next to him is myself. Right over me also uncovered, no steel helmet, is the radio operator, Captain MEDINA's radio operator.

MR MACCRATE: I now show you P-17 and ask you if you can locate approximately where that picture was taken?

A. I think this is in front of the schoolhouse. I believe this is the area where the helicopter came in to pick up the wounded soldier.

Q. Was there a time when the helicopter landed and took Sergeant MINH?

A. He did go someplace in a helicopter sometime during the day. Yes, very shortly after the medevac was completed, a helicopter came in and picked up Sergeant MINH.

Q. Was it at about the same place or at a different place?

A. Same place.

Q. Sergeant PHU, I show you P-21.

A. This picture is Sergeant MINH on the right and on the left Lieutenant JOHNSON. I don't remember this particular site.

IO: Sergeant PHU, you indicated various places where you had observed bodies. How many dead women and children and old men or noncombatants do you think you saw that morning?

A. With my own eyes, I would estimate that I saw 40 or 50 people, total, killed. Out of that 40 or 50, there were perhaps 10 or 15 men. The others were women and children.

Q. After you left My Lai (4), what happened then, Sergeant PHU?

A. We went into the next village. There we met some civilians. Captain MEDINA instructed me to tell the people they had to get out of this area because this area was a communist area, and when they returned the next time on an operation in this area, anybody left in this area would be all killed just like in the area they had just left.

Q. Was this the village you went into, or was it up here (indicating)?

A. Yes. In view of the distance, perhaps it was over here; very likely in this area due east of Thuan Yen.

Q. We call Thuan Yen My Lai (4) for the record. About 500 meters east of My Lai you have indicated. What happened to the people?

A. As soon as I finished talking to them, they started picking up their gear, equipment, household belongings and their children and left generally to the east.

Q. To the east?

A. East and northeast. Captain MEDINA told me

not to let them go back to the place where we had just come from, their old place.

Q. At any time in moving to the east, did you pick up any detainees or VC suspects?

A. Yes, sir.

Q. How many?

A. About 15 people.

Q. Where did they come from?

A. They were captured by B Company.

Q. By B Company, but not here. You are talking about later. But here, did Charlie Company pick up any detainees in going through?

A. No, sir.

Q. None?

A. I didn't meet anyone or see them take anyone.

Q. As I would understand it, Charlie Company kept moving to the northeast until about what time?

A. About 3 or 4 o'clock.

Q. Three or four o'clock?

A. In the afternoon.

Q. And what did you find there?

A. At that time we met B Company.

Q. Bravo Company. And what did Bravo and Charlie Companies do?

A. They had captured a number of people, about 15 people, civilians.

Q. Were they civilians or were they VC suspect?

A. VC suspects. At that time B Company did not

have an interpreter.

Q. Is it your recollection that you moved up to about this area from My Lai (4) and Bravo Company had come up here and both of them gathered in this general area (indicating)?

A. Yes.

Q. For the record, identify a location about 500 meters west of My Lai (1). Did you see Sergeant MINH there again?

A. I don't remember again meeting Sergeant MINH, but I did meet Sergeant HIEN at that location.

Q. Did you see any ARVN or National Police there?

A. Yes.

Q. How many ARVN?

A. About a platoon.

Q. A platoon? About 30?

A. I don't know but I saw a number of them. I remember a Vietnamese lieutenant. He was a 2d Division soldier.

Q. He was 2d Division, and he was a second lieutenant?

A. Second lieutenant. 2d ARVN Division.

Q. And did you see any National Police there, National Police Field Force?

A. National Police, not National Police Field Forces.

Q. And do you know where they came from?

Q. I don't know how they got there or anything, I just saw them there.

Q. How many National Police were there?



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A. About three people.

Q. About three. Do you know where they came from?

A. I don't know.

Q. What happened there in the laager area with the detainees and the ARVN and National Police?

A. In that area, we had the police, the ARVN platoon, and two interpreters, myself and Sergeant HIEN. We were there to interpret whatever happened or what was found out for the American commanders. The police were to investigate the people and see who was guilty of what and to check their credentials. At that site two people were shot and killed by the police. One person had his finger cut off. I do not know who did it. Captain MEDINA and Captain KOTOUC were present at the time the finger was cut off and at the same time the two people were shot by the policeman. The captain, company commander of Bravo Company --

Q. (Interposing) Captain MICHLES?

A. I don't know his name.

Q. Did you see anybody cut off the finger?

A. I see it, but I can't remember.

Q. You saw a finger cut off, but you do not know who did it?

A. Yes, sir.

Q. Did you see the National Policeman or the ARVN shoot the PW's?

A. I was sitting down interrogating the man that had his finger cut off, then I heard the weapons fire. I turned and I saw two policemen with a .38 caliber pistol that the police use. I remember seeing one policeman holding a pistol, down in a ditch. I was interrogating the man with the finger that had been cut off, and I heard a weapon fire. I turned around, and I saw a policeman shooting in the ditch. I ran over. Two people were dead in the ditch.

Q. Then neither of the people that were shot was the one that had his finger cut off?

A. No. After I went over there I never saw again the man with his finger cut off.

Q. You don't know whether the man with his finger cut off was later shot or not?

A. I don't remember. No, I don't know what happened to him. I had just started to interrogate him at the time of this incident. I didn't see him again. Sergeant HIEN was also with me interrogating this man at that time.

Q. Did you hear Captain MEDINA or Captain MICHLES tell the ARVN lieutenant and the National Police to stop that killing?

A. Yes, sir, I did. Yes, Captain MEDINA called me and told me to tell them that none of the suspects would be shot. If anybody had any action to take against them, that they would contact him, and only on his orders would something like this be done.

Q. Who cut off the man's finger?

A. I don't know.

Q. At that time or about that time, you recall that Captain MEDINA, Captain MICHLES, and Captain KOTOUC were all present along with you. Is that correct?

A. Absolutely.

Q. Where was Lieutenant JOHNSON and Sergeant MINH?

A. I don't remember. I don't know where they were at that time. I didn't see them there.

Q. Do you remember anything else significant that took place at the laager site near My Lai (1) that night?

A. Shortly after that, the helicopter came in and took the suspects out. I don't remember about the man with his finger cut off, if he was among those evacuated or what happened.

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Q. How many suspects did they take out, Sergeant PHU?

A. About 10 people.

Q. About 10. You had 15 and 2 of them were killed, so that would have left only 13?

A. Yes, but I have continually said "about" all along.

Q. Did anything significant happen the remainder of that night?

A. No, sir, not during that night.

Q. Now, this was on the night of the 16th. Is that correct?

A. Yes.

Q. Sergeant PHU, to save a little time, we understand that on the 17th, Charlie Company moved down to the south through My Khe (1), and on down here into My Khe (2). Is that your recollection?

A. I really don't know where we went. I didn't have a map.

Q. Do you remember, down here next to the Song Tra Khuc river, their capturing some VC and Captain MEDINA interrogating them?

A. If I am not mistaken, we captured a VC platoon leader in this village on that day, but I don't remember clearly. On that day, we also captured this VC platoon leader and a number of other suspects and sent them back to LZ Dottie.

Q. Do you remember when Charlie Company passed through My Khe (3) and My Khe (1), that they burned the hootches?

A. Yes, I remember stone houses burning.

Q. That same afternoon, the afternoon of the 17th, as I know the story, Charlie Company came back up here and laagered somewhere in this area on the night of the 17th.

A. Yes, we did return.

Q. Then on the 18th, Charlie Company moved up in this direction. They were extracted from the field somewhere up in this area early in the afternoon of the 18th, possibly by a CH-47 "hook" aircraft, and then later some slicks came to take them down to Dottie.

A. I remember on the 17th we came all the way to the river down here, captured the prisoners, and then returned some distance, the same road that we came in, and spent the night there. After that night, I can't remember that particular operation. I can't distinguish it from any other.

Q. About 11 or 12 o'clock in the morning in this area while you were with Captain MEDINA, do you remember a helicopter coming in with Colonel HENDERSON to talk to Captain MEDINA?

A. I know Colonel HENDERSON, but I just don't remember if he came out that day.

Q. Before you left the field here to go back to LZ Dottie by helicopter, did you hear or did you see Captain MEDINA assemble the company, talk to the company and issue instructions to them?

A. That isn't normal and we didn't normally do that. I don't remember if we did it that day.

Q. Do you remember Captain MEDINA issuing instructions to the company that the situation in My Lai (4) was being investigated and that they therefore should not talk about it?

A. I'm quite certain that there was no assemblage of all the people and that he didn't speak to the entire company. If he would have talked to them, he would have done it by radio and I probably wouldn't have heard it.

Q. Were you ever told that you were not to talk about what happened in My Lai (4)?

A. No, from then I never talked about it, but no one never told me not to talk about it.

Q. Until the middle of this year, or 6 months ago,

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did anybody from the GVN or from the ARVN ever talk to you about what happened at My Lai (4)?

A. One time I returned to Quang Ngai and I received an order from G2 office of the 2d ARVN Division to report there. After I arrived there, I learned that there was a Congressional committee.

Q. Now when was this?

A. The 11th of December, 1969. Before that, nothing.

Q. Before that nobody from the GVN or ARVN ever talked to you?

A. No, sir.

Q. Did anybody from the Americal Division ever come to talk to you about it?

A. No one from here. The only people I have talked to about it is CID from Washington.

Q. At a very recent date?

A. Before and recently too.

A. October 1969?

A. Yes, last month and October.

Q. And then after that time you were called down to talk to G2 of the 2d ARVN Division?

A. Yes.

Q. This was on the 11th of December?

A. Yes.

Q. Have any lawyers from the United States come out to talk to you?

A. No, sir.

MR MACCRATE: When was the last time that you spoke with

Captain MEDINA, Sergeant PHU?

A. The day he left to go home. No, it was the day he returned to work at division.

Q. Has he ever written a letter to you since that time?

A. I never received a letter from an American.

IO: Sergeant PHU, here is a drawing of LZ Dottie.

(Sketch of LZ Dottie was prepared by MAJ Cyrus N. SHEARER, assistant inspector general, MACV, assigned special duties with Peers Inquiry in RVN.)

A. Yes.

Q. Would you show us where on the perimeter on the night of the 15th that you found the people who had been drinking?

(The witness was oriented with the sketch of LZ Dottie.)

Q. Indicate number 1, the CP and tent of Captain MEDINA.

(Witness marked the location on sketch.)

How many soldiers, in total, did you see?

A. I saw five to seven in each squad. Each squad had about seven or so people, and in each squad there were a couple of people drunk. They were all drinking and there were a couple of drunks in each of these squad areas.

Q. Were these soldiers in the bunkers?

A. They were in the bunkers.

Q. Put down here two or three soldiers drunk, in each squad. For the record, I have here a sketch of LZ Dottie, which I would like to have entered into the record as an exhibit and properly annotated.

(The sketch of LZ Dottie as marked by Sergeant PHU was entered and marked as Exhibit 0-5.)

Q. One other point, Sergeant PHU. When you were

in My Lai (4), did you see many animals that had been killed?

A. Yes, sir.

Q. Had the houses been burned down?

A. Yes.

Q. Had the crops been destroyed?

A. Yes, sir, the crops had been destroyed.

Q. Did you see any of the people being shot or killed?

A. No.

Q. You saw only the bodies?

A. Yes.

MR MACCRATE: At any time in the course of the day of 16 March, did you make any complaint to Captain MEDINA as to what you saw, what was happening?

A. On that date, I didn't mention this or my feelings about what was going on to Captain MEDINA. I did cry a good deal that day and my very close friend, SP4 WIDMER, did tell me: "Don't think about it. Try to put it out of your mind. It doesn't help any."

Q. Did you, after the 16th of March, at any time report what you had seen to your superiors in the ARVN?

A. No, I didn't speak to anyone about it because Captain MEDINA had said that it was an order, so I just assumed that it was an order and that's all there was to it.

IO: What do you mean that it was an order, that they were carrying out orders?

A. That higher authority had decided it and that was the way it was supposed to be done, so I didn't question it. Specifically, he said, "It is an order," so I assumed it was an order from a lieutenant colonel

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or higher authority and I accepted it. I didn't even talk to Sergeant MINH about it. Neither one of us mentioned it to one another. We just put it out of our minds.

Q. Why did you do that?

A. Because every time I thought about it, I'd get very upset about it.

Q. Sergeant PHU, I want to thank you for appearing before us today and being so honest and frank in telling us as much as you can about what you saw. We are going to be here for a few more days. If within the next couple of days, having talked to us about this now and we having told you a few things, if some additional things come to mind that you had not remembered before, we would be very appreciative if you would come back to tell us.

A. And I'm very glad you came to Vietnam to find out about the action, and I hope this action is the last one--don't happen any more again because that is bad, really bad. Sometime in going out in the field, some soldiers they don't understand what's going on in Vietnam and they are doing some bad things here. I hope right now you can help us.

Q. Well, I must say that we want to do that, too, because we do not believe in killing women, children, old men, or people who are noncombatants, whether they are friends of ours or whether they are wives, children, fathers, or ancestors of our enemy. That is the way our society is built.

A. Sometime we get out in the field and there is a woman or little children too and we don't know if they are VC or civilian people. So many times we go out in field and ask them, "Are you VC?" or, "Are you working for VC?" or something. They say, "No, I don't know about VC; I am not VC." But after we move out of view, we get shot by gun. But some GI's come to Vietnam and they don't know what's happening. They think that most of the Vietnamese people are with the VC. Sometimes they won't believe me, too. Like sometimes I sit around on my heels and some GI just arrived in Vietnam, he thinks I am VC too. That's bad, very bad. They don't know everything. But, I don't get mad. I think they are just coming to Vietnam and they don't know what's happening.

Q. Yes, this is true and sometimes soldiers do these things because they are frightened. You are comparatively



new in the Army, you know, but I have had 34 years of being a soldier and I can understand that very well. Well, thank you very much. The hearing will recess.

(Aerial photograph as marked by SGT Nguyen Dinh PHU was entered into evidence as Exhibit P-165.)

(The hearing recessed at 1522 hours, 1 January 1970.)

Unsworn statement of SGT Nguyen Dinh PHU was taken at Americal Division courtroom, Chu Lai, Republic of Vietnam, on 2 January 1970. The questions were posed to SGT PHU by LTG PEERS and MR MACCRATE. SGT PHU is being recalled. Also present was LTC Billy M. STANBERRY, who acted as interpreter. Certain of the questions were translated by LTC STANBERRY into Vietnamese and certain of the answers by SGT PHU were translated into English by LTC STANBERRY.

IO: We have been talking to Sergeant MINH and he added a piece of information which concerns you. I wanted to check on it because it is the first time we had heard about it. Sergeant MINH indicated that he had come into the lager area of C/1/20 and B/4/3 and they were interrogating prisoners there. He stated further that he, Captain KOTOUC, yourself, and three National Policeman later in the afternoon departed in a helicopter and went over to a platoon or some people on the beach and that you and three of the policemen got off there to interrogate.

A. Right, sir.

Q. Is that correct?

A. Yes, sir.

Q. Now would you tell us what American unit was here and what happened in the interrogation?

A. In this area, there were about 20 people. These were women, men, and children. Three policemen and I did move into that area by helicopter. I interrogated them and separated, as suspects, about five people. I don't remember clearly the number. It still wasn't dark, so these

five people were put on the helicopter. I don't know where they took them back to. I think they probably took them back to Duc Pho to the 52d. After we finished that, it was still not yet dark. The three policemen and myself returned to the company.

Q. By helicopter?

A. By helicopter.

Q. And another helicopter took the suspects out?

A. To the best of my memory, the five suspects, the three policemen, and myself got on the same helicopter which dropped us off at the overnight position and then continued to take the five suspects to another location.

Q. Did the three National Policemen stay in this area with you that night?

A. They definitely got on the aircraft with me. Whether they got off or whether they stayed on, I do not know. If they did get off, I didn't see them afterwards. I don't know. The next day I didn't see them.

Q. Did the National Policemen accompany you and Captain MEDINA and Charlie Company down into this area to the south.

A. No, they did not.

Q. Was any harm done to any of these detainees, the women and children or the suspects, out in this area?

A. There was an American platoon over there that, if I'm not mistaken, was from B Company. That platoon did gather the people up there, and they guarded the people while I was there. All of those that were not suspects were released prior to the time I departed and did depart the area. There was no harm of any kind done to the people during the time I was there.

Q. Were these people that you saw there fishing people?

A. Yes, sir.

Q. Do you know how they had been brought together?

Had they taken them off boats where had they gotten them?

A. At the time I arrived there were a lot of boats and a lot of people that had already escaped or left. Those that were still there didn't get away in time.

Q. Were they captured by the unit that was there?

A. They were captured on land and they were in that area.

Q. Sergeant PHU, I would like to go back to the time when the National Police and the soldiers arrived in this laager area. I have read your statement that you made to the CID which indicated that you had not seen the National Police kill a couple of prisoners but that you later did see the bodies. Is that correct?

A. Yes. I didn't see them shoot them but I turned around immediately. I saw two policemen there and one was holding a pistol.

Q. We have testimony from several people that indicates that the National Police took one prisoner to an area. They heard some shots and the National Policemen came back. Then, they took another one out and they heard some shots and they came back. So, testimony indicates that there were two people shot out in this area by the National Police. Yesterday you indicated, as I remember, that you were interrogating a man, and when you turned your head, a policeman with a pistol shot the man that you were interrogating. Is that correct?

A. That has been a very long time ago and my memory is a little fuzzy. To the best of my memory, the story that I told is the way that I recall it happening.

Q. Well, were you interrogating a man and they shot him there, and then were there two additional bodies?

A. Yes, I remember that I did interrogate one man there, the guy that had his finger cut. And I also remember clearly that there were two corpses out in the ditch. But the part about the policemen shooting or who shot them, I can't remember clearly. And the person that had his finger cut, I don't know what happened to him. I cannot recall

clearly if at that time I was still interrogating someone or if I had finished. I cannot remember clearly if I was presently interrogating someone, if I was standing and talking to people, or exactly what I was doing at the time of the shooting.

Q. Did you see the policemen take these prisoners out into a ditch, or away from where you were interrogating them, to execute them?

A. I did not see the policemen take them out. The first instant I was aware of this action was when I heard the weapon fire.

Q. Did you hear Sergeant HIEN ask anybody for permission to shoot one of the prisoners?

A. I only remember that after these were killed, Captain MEDINA had me tell the people that if anybody wanted to execute anybody else they had to ask him. That's all I remember about permission to kill people or anything.

Q. Did you see Captain KOTOUC there with Sergeant HIEN?

A. Yes, sir.

Q. Did you see this man get his finger cut off?

A. I was there but I forget who cut it off. However, during the time that I was interrogating the man, Captain KOTOUC did beat his hand with a knife.

Q. You were conducting the interrogation at the time?

A. Yes, sir.

Q. But you did not see him or anybody else cut off a finger?

A. It was very crowded in there at the time and I think I saw, but I'm not sure.

Q. Whom did you think you saw?

A. I only saw Captain KOTOUC with the knife. But,

Captain MEDINA, as I recall and I think I recall with certainty, was present and watching at the time. It was very crowded, and I cannot honestly say I saw who cut the finger.

Q. Were the prisoners executed before or after the beating on the hand and the time when the finger was cut?

A. Honestly, I can't remember clearly. I can't because I have gone on a lot of other operations and in some cases have had other similar incidents. I can't recall specifically about this.

Q. You mean incidents where the fingers have been cut off, or incidents where people have been executed by the National Police?

A. It is very common to have their hands beaten or a bit of the ear cut off by the Americans, the police, and PF in order to make them talk.

Q. Have you seen this done by American units?

A. Yes, sir, a few times.

Q. Was the man who had his finger cut off one of the prisoners that was executed?

A. I can't remember clearly.

MR MACCRATE: Do you recall Captain KOTOUC at any time saying to Sergeant HIEN, "Okay," and raising his hand in the air?

A. I don't remember.

IO: I don't think we have any more questions, Sergeant PHU.

A. I am sorry. This time I cannot remember correctly, sir.

Q. It would be very helpful to us if you could remember whether the man who had a finger cut off was taken out and executed. Yesterday, I was under the impression that while you were interrogating this man, you had turned your head, and the National Police had shot the man. I would

understand now, that this is not quite the case, that they in fact had taken the man away to shoot him, and you did not see him. It was not immediately in your vicinity. Is that correct?

A. In summary of sort, I have two pictures that are clear in my mind from that incident. I remember two people lying in the ditch. They had been shot, I believe, by the police; I remember the man with his finger cut. I remember those incidents clearly, a little bit separate and distinct, but I can't really relate one with the other. Those things I do remember clearly. That's the reason I can't be specific about who shot the man because I don't remember clearly.

Q. If you had been sitting next to a man and interrogating him and somebody had shot him, it would appear to me that you would remember that very clearly.

A. I agree. If it had happened precisely that way, I would have remembered. But I don't recall anything quite like that happening.

Q. Thank you again, Sergeant PHU.

(The hearing recessed at 1210 hours, 2 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: Ngo SON

DATE OF TESTIMONY: 1 January 1970

PLACE OF TESTIMONY: Joint United States Public Affairs  
Office, Quang Ngai City, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Assistant Hamlet Chief  
of Co Luy.

The witness testified that he was a resident of Xuan  
Duong Hamlet two years ago, but was working to the north in  
Binh Tuong on 16 March 1968. He stated he had no knowledge  
of the incident at My Lai whatsoever (pgs. 1-3).

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Unsworn statement of Ngo SON was taken at the Joint United States Public Affairs Office, Quang Ngai City, Republic of Vietnam, on 1 January 1970. The questions were posed to MR SON by MR WALSH. Also present was MAJ David D. DANTZSCHER who acted as interpreter. All of the questions were translated by MAJ DANTZSCHER into Vietnamese and all of the answers by MR SON were translated into English by MAJ DANTZSCHER.

MR WALSH: What is your name?

A. Ngo SON.

Q. Are you the Assistant Hamlet Chief of Co Luy?

A. Yes, I am the Assistant Hamlet Chief of Co Luy.

Q. Of Co Luy?

A. Of Co Luy, yes.

(The witness was shown Exhibit MAP-4 and oriented. Each location was described to him.)

Q. Do you recognize the area?

A. No.

Q. Do you recognize the bridge at My Lai?

A. I know the bridge.

Q. This is the bridge (indicating bridge on map) at My Lai. This is the ocean. This is the river that comes down from the bridge to the village of Co Luy (3). Do you know the name of each subhamlet in this area located between the river and the ocean?

A. Yes.

Q. What subhamlet did you live in 2 years ago?

A. I lived in Xuan Duong Hamlet 2 years ago.



Q. Can you point out on the map where that is? How many meters south of the My Lai bridge did you live?

A. About 500 meters.

Q. How long did it take to walk from the bridge to your house?

A. About half an hour.

Q. Half an hour? In half an hour you should be able to cover half a mile.

A. It takes about half an hour to walk a thousand meters.

Q. Well, 1,000 meters south of the bridge puts you at Co Luy (1) or My Hoi. Well, that's all right. You walk slowly; that's all. Your home was 1,000 meters south of the My Lai bridge?

A. Yes.

Q. How old are you?

A. I am 49 years old.

Q. Were you living in your home in Xuan Duong on March 16th, 1968?

A. No, I was not at home.

Q. Where were you?

A. I was working in Binh Tuong.

Q. Where is that?

A. I do not know where it is on the map.

Q. Is it north of My Lai?

A. It is to the north.

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Q. Was your family at your home in Xuan on March 16?

A. No.

Q. Where were they?

A. A month prior to this they had gone to Binh Tuong, too.

Q. Did you hear that the Americans had come and killed many people in Xuan Duong on or about March 16th?

A. I was far away. I did not hear anything about it. I do not know about it.

Q. Did you hear that people were killed in My Hoi?

A. No.

Q. Do you know the names of any people who were living in My Hoi or Xuan Duong on March 16 and are still alive?

A. I had left home. I don't know anything about it.

Q. You were the Assistant Hamlet Chief. Whom should we talk to in order to find out the names or people who were present in My Hoi and Xuan Duong on March 16th, 1968?

A. I don't know. I was away, and I don't know who you should talk to.

Q. Thank you for coming in. We will recess now for lunch and we will probably wish to talk to you again after lunch. Thank you.

(The hearing recessed at 1150 hours, 1 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: TAM, Nguyen Ngoc

DATE OF TESTIMONY: 5 January 1970

PLACE OF TESTIMONY: Public Safety Detachment, Quang Ngai City, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: National Police, Son Tinh District.

TESTIMONY.

The witness stated that he was in the National Police in March 1968, but asserted he was not with the U.S. forces on the 16th, 17th, or 18th, although he was with the operation (pg. 1). He testified that he was flown to the field from Son Tinh District in a helicopter with a Mr. TRONG, a Lieutenant HIEN, and an American captain (pgs. 1, 2). He related that his job was to segregate the Viet Cong from the innocent detainees (pg. 3).

He noted that he interrogated none, since they had all been taken away (pg. 3). The helicopter that took him to the site of the operation took out 20 detainees. These people were not questioned there because of the shooting going on (pg. 3).

The witness asserted that the operation about which he was testifying took place on 20 March 1968.

He stated that he did not see the captain cut off a finger of a suspect, nor did he shoot any Viet Cong prisoners (pg. 4).

This was the only operation, according to the witness, that he went on with Mr. TRONG, and Lieutenant HIEN (pgs. 5, 6).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
MAP-4	MAP 6739 II	Shown to witness.	1

The unsworn statement of Nguyen Ngoc TAM was taken at Public Safety Detachment, Quang Ngai City, Republic of Vietnam, on 5 January 1970. The questions were posed by MR WALSH. Also present was MAJ David D. DANTZSCHER who acted as interpreter. All the questions were translated by MAJ DANTZSCHER into Vietnamese and all of the answers were translated into English by MAJ DANTZSCHER.

MR WALSH: What is your name?

A. Nguyen Ngoc TAM.

Q. How old are you?

A. I'm 40 years old.

Q. How long have you been a National Policeman?

A. Since 1963. I was in the National Police at Son Tinh at that time, and I am still in the National Police at Son Tinh.

Q. Were you stationed at the Son Tinh National Police Office in March 1968?

A. Yes.

Q. Did you accompany American troops on an operation in the area of Son My Village on March 16th, 1968?

A. I went on the operation but I was not with American troops on the 16th, 17th and 18th.

Q. Who were you with?

A. I was with the Americans on the operation but I was about 5 kilometers away from the American forces.

(MR WALSH orients the witness on Exhibit MAP-4 as to the location of LZ Dottie.)

Q. When you went on the operation did you go first by helicopter from Son Tinh up to the American base at Landing Zone Dottie?

A. I did not go by helicopter to Landing Zone Dottie.

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Q. How then did you get from Son Tinh to the area of the American operation?

A. I got there by helicopter.

Q. Did the helicopter pick you up at Son Tinh District?

A. Yes.

Q. After they picked you up, did they pick anyone else up with you when they stopped at the Son Tinh District?

A. A Mr. TRONG also went with me.

Q. Was there a third National Policeman with you?

A. No there were only two of us.

Q. Did you fly directly from Son Tinh District to this area, or did they fly here to the American base and then fly to the operation base?

A. We flew directly to the area of operations.

Q. What time of day did they pick you up at Son Tinh?

A. About 1220.

Q. What time did you arrive at the operational area?

A. It only took about 10 minutes, and the aircraft landed and the Americans were disembarked.

Q. Who was on the aircraft with you when you flew out with Mr. TRONG?

A. An American captain, whose name I do not know, was with us and a translator by the name of HIEN.

Q. Was the captain's name KOTOUC?

A. I can not remember the captain's name. I only remember that HIEN was with us.

Q. Was this captain, beside the crew, the only American that was on the helicopter?

A. No, beside the pilot there was only myself, Mr. TRONG, First Lieutenant HIEN, and the American captain.

Q. What was your mission or duty when you went out to the operational area?

A. My job was to segregate the VC from the non-VC that the Americans were to bring to us during the operation.

Q. When you arrived at the operation were the soldiers gathered in an area approximately here on the map near a graveyard (indicates on map)?

A. No they were moving throughout the area, in the rice fields in the area.

Q. Did they bring you any detainees to question?

A. No. The prisoners or people that had been detained by Americans had been taken away already.

Q. Did you see any other American captains in the area?

A. I was dropped off by the helicopter and the helicopter took some of the people back that had been gathered and I met the captain who was commanding.

Q. What was his name?

A. I don't know his name.

Q. Did you get off the helicopter in the general area of coordinates of 735802?

Withdraw the question.

When you got off the helicopter how many of the prisoners did the helicopter take back when it left?

A. They took back about 20 people.

Q. Did you question them before they took them back?

A. No. There was shooting going on, and we did not have the opportunity to question them.

Q. All right. What did you do for the rest of the afternoon after you got off the helicopter?

A. I accompanied the operation, and I showed them the way to go. I led--I preceded the American forces.

Q. Did you say that the captain and HIEN was there all that afternoon?

A. He and the captain returned to Binh Dinh.

Q. All right. How long after they arrived at 1230 did the captain and HIEN depart?

A. They left at 5 o'clock.

Q. Were you with them all the time between 1230 and 5 o'clock?

A. The aircraft landed, it took five and it took off. It did not take those 20 people back immediately.

Q. Okay.

After the helicopters took off did you go with the captain and HIEN and interrogate some suspected VC?

A. Yes, went to interrogate a number of people that had been taken alive by the Americans.

Q. And did you discover that some of them were VC and they were shot there?

A. No.

Q. Did you shoot any VC that afternoon?

A. No. I did not go on the 16th. That was another operation. This operation that we are speaking of took place on the 20th of March.

Q. Okay. Did you see the captain cut part of the little finger off of a VC that he was interrogating?

A. No.

Q. Did you see the captain put the VC's hand on a rock and hit him on the hand with a knife?

A. No, I did not see that.



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Q. When you arrived at--did you see any other interpreters that were with the American forces?

A. No, there was only HIEN.

Q. Did you see anyone named PHU or MINH?

A. No, I did not know them.

Q. At about 5 o'clock, did a helicopter take you along with the captain and HIEN down near the bridge on the coast to talk with a group of 30 or 40 detainees?

A. No, the helicopter did not take us down by the bridge; it took us to an area in this vicinity (indicating an area in the vicinity of map coordinates 685807).

Q. We know that there were no American troops operating in that area on March 20th, 1968 so you must be wrong. Are you sure that this operation you were on was on March 20th and not on March 16th?

A. I am sure that is the area that we landed at.

Q. How long did the operation last?

A. The operation lasted 5 days.

Q. Did you stay with the American units that entire time?

A. Yes, I remained with the Americans for the period of the operation.

Q. What direction and what areas did the American troops cover in that operation, beginning with the first day and moving through the last day? Will you indicate that on the map please?

A. The first day they operated in Dap My and An Think (grid square 6980). And they did cleanup operations. The American troops landed at the coordinates 690805 and during the 5-day operation proceeded northeast to the vicinity of 740830, and after that the operation was concluded and the troops returned.

Q. Did you ever go on any other operation with the same National Policeman, Le TRONG, and HIEN?

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A. I have never participated in any other operation with them.

MR WALSH: Thank you very much for helping us today.

(The hearing ended at 1349 hours, 5 January 1970.)

(MR TAM consented to being photographed, and a Polaroid photograph was made which was later entered into the record as Exhibit P-148.)

SUMMARY OF TESTIMONY

WITNESS: TAN, Tran Ngoc CPT

DATE OF TESTIMONY: 3 January 1970

PLACE OF TESTIMONY: Americal Division Courtroom, Chu Lai, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: District Chief of Son Tinh District.

1. ASSAULT ON MY LAI.

TAN knew nothing about the My Lai operation until five or six days after it was over (pgs. 2, 3). The operation was not coordinated with him because it was in a free-fire zone (pg. 3). He did not send out any National Police on the mission (pg. 3). TAN found out a week later that even his advisor, Lieutenant Colonel GAVIN, had known nothing about the operation (pgs. 3, 4).

2. INQUIRIES AFTER THE ASSAULT.

a. TAN's report to KHIEN.

Five or six days after the operation he received an oral report from the hamlet and village chiefs about the operation (pg. 4). He instructed the village chief to make an investigation and send him a written report (pg. 3). TAN made an oral report to Colonel KHIEN which was followed by a written report (Exhibit M-5) 12 to 15 days after he received the written report from the village chief (pgs. 4,5).

The village chief made this report without going into the My Lai area (pg. 4). TAN's report did not provide many specifics (pg. 6). A subsequent report (Exhibit M-34) was sent to KHIEN after TAN had received a list of the people who were killed from the village chief (pg. 6). This list was attached to Exhibit M-34 at the time it was sent to KHIEN (pg. 6). The village chief's report named those who were killed all along the trail of the operation including those killed in Co Luy (pgs. 7, 8). After making these reports TAN did nothing because he received no instructions to investigate (pgs. 8, 11). The investigation was conducted by Province which could not get into the area (pg. 8).

b. TAN discusses the operation with his advisors.

TAN discussed his 28 March letter (Exhibit M-5) with GAVIN, but did not give him a copy (pg. 8). He did give GAVIN a copy of his 11 April letter (Exhibit M-34), which he saw Captain RODRIGUEZ translate into English (pg. 9). RODRIGUEZ's assessment of TAN's attitude on the matter (Exhibit M-30)--i.e. that TAN gave it low priority--was accurate (pg. 10). He gave it low priority because it was TET and he was more interested in maintaining those areas already under GVN control than worrying about events taking place in VC territory (pg. 10). It was not given low priority because he doubted the accuracy of the report given him by the village chief (pg. 10).

c. Propaganda seen by TAN.

TAN heard some propaganda about it, but did not see any leaflets concerning what took place at Tu Cung and Co Luy (pg. 10). He had heard the propaganda contained in Exhibit M-35, but not the portion about My Lai or Co Luy (pg. 11). The leaflet was similar to others circulating in the propaganda campaign that was underway at the time (pg. 11). He did hear something about a village, but this was near the time of the propaganda campaign and he did not pay much attention to it (pg. 12).

d. Investigation conducted by Sector.

In May or June of 1968 Colonel KHIEN conducted an operation in the area, the mission of which was to make an on-the-spot investigation (pgs. 12, 15). He was unable to

enter the village because of the VC strength (pg. 15). Approximately 20 people came out to speak to KHIEN, but TAN did not know what was said (pg. 15). If there was an after action report from this operation, it would be at Sector (pg. 14).

d. Investigation conducted by Americans.

TAN never spoke to General KOSTER, General YOUNG, Colonel HENDERSON, Lieutenant Colonel BARKER, or any other American officer concerning the incident (pgs. 15, 16). GAVIN and RODRIGUEZ were aware of what he knew through his letters to KHIEN (pg. 16).

3. OTHER INFORMATION.

As My Lai was a free-fire area, operations could be conducted there without prior clearance from TAN (pg. 16). They did have to obtain clearance from TAN to fire artillery in the area in order to prevent GVN units from being hit (pgs. 16, 17). There were no restrictions on firing into populated areas in a free-fire zone (pg. 16). GAVIN was the liaison man between TAN and the Americans for artillery clearance (pg. 16).

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Unsworn statement of CPT Tran Ngoc TAN was taken at Americal Division Courtroom, Chu Lai, Republic of Vietnam on 3 January 1970. The questions were posed to CPT TAN by LTG PEERS and MR MACCRATE. Also present was LTC Billy M. STANBERRY who acted as interpreter. Certain of the questions were translated into Vietnamese and certain of the answers by CPT TAN were translated into English by LTC STANBERRY.

IO: Captain, before we get started, I'll tell you a little about this investigation. I was appointed by Secretary RESOR, Secretary of the Army, and also by General WESTMORELAND, to determine the facts and the circumstances surrounding the My Lai incident. Specifically, I was asked to check into any of the investigations of the incident, also to determine if there was any attempt to cover up or suppress information of the incident by anybody who may have taken part in the operation or in the investigating process.

All of the Americans wwho are giving testimony in this investigation are required to give their testimony under oath. We are not using the same procedure with Vietnamese. We are asking and requesting that you tell as much as you can about what you know of the situation. Our report, when it is completed, will be a classified report, but in view of the nature of the seriousness of the incident, it is likely that parts of the report may be presented to our Congress and our Senate and parts of it may even in fact become a matter of public knowledge.

Aside from myself, I have several other individuals working with me, several senior Army officers and also some civilians from the Department of the Army staff. In addition, on my right is Mr. MACCRATE, who is a civilian lawyer, and he has also with him another civilian lawyer by the name of Mr. WALSH. They have volunteered their services to assist me in the interrogation and also to provide legal counsel and guidance to me. We're directing that all of the U. S. military personnel who are testifying in this investigation not discuss their testimony or anything about the investigation with anybody, including those who may have been associated with the incident. We cannot of course do this to you in the Vietnamese Army, but we would ask that you not discuss it with other people. With that, now, do you have any questions that you'd like to ask before I start asking questions of you?

(TAN)

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A. To start out with, I would like to thank you very much, General PEERS, for coming here and for checking into this situation because I think it is an important one. I'll be most pleased to answer any of your questions to the best of my ability. There have been a number of investigations conducted already and I'm pleased to answer anything that you desire to ask me.

Q. Fine. Captain TAN, would you give us your full name, your serial number, and particular details of your present assignment?

A. I am Captain Tran Hgoc TAN, serial number My present assignment is S2 Chief, Quang Ngai Sector.

Q. Captain TAN, what was your duty assignment on the 16 March 1968?

A. In March last year, I was the District Chief of Son Tinh District.

Q. And I believe your grade at that time was first lieutenant, is that correct?

A. That's correct.

Q. When did you first hear, Captain TAN, of the operation into the My Lai (4) Hamlet?

A. About 5 or 6 days after the operation was the first I heard about it.

Q. Well, as far as the results, this may have been correct. But when were you aware that an operation was taking place in that area?

A. No, I didn't know anything at all about it.

Q. Didn't they come from Task Force Barker at LZ Dottie and obtain some ARVN soldiers and also some National Police from your district headquarters who participated in the operation later in the day, along about 3 or 4 o'clock in the afternoon?

That is not correct. Let me explain for your understanding how we divided the area for responsibility among the unit and organizations at that time. In the vicinity of the district headquarters, and around that generally, was a security area called the RD area. It was rated as A, B, or C. Next to that was a contested area rated D or E. Outside of that was a free-fire zone. My Lai Hamlet was out in the free-fire zone. For that reason they didn't tell me about it.

Q. Well, Captain TAN, let me show you how the operation developed. There were three companies involved. One company, A/3/1, was in a blocking position north of the Diem Diem River. C/1/20 worked in the area of My Lai (4) on the day of the 16th and proceeded up in this area (indicating). B/4/3 landed generally in the area east of My Khe (3) here and then moved up here, so that in the afternoon of the 16th both companies were up in here. And it was here that some of the National Police from your headquarters and some soldiers from the 2d ARVN Division that had been with your headquarters were flown in here to interrogate. Captain KOTOUC from Task Force Barker and an interpreter by the name of HIEN had gone to Quang Ngai. Quang Ngai said to go to Son Tinh District to pick them up so they picked them up here and brought them in here (indicating). When they did come down to pick up these soldiers, didn't they tell you that this operation was underway?

A. The answer to the question, sir, is no. I didn't send National Police out. They could have been PRU's, but not National Police.

Q. Did you have a liaison officer from the 2d ARVN Division by the name of ANH?

A. I don't know anything at all about it. We didn't control any ARVN.

Q. Possibly somebody could have arranged in Quang Ngai to have them picked up here.

A. My advisor, Lieutenant Colonel GAVIN, also didn't know anything about it afterwards. I asked him and he also didn't know anything about the operation.



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Q. How long afterwards?

A. One or two weeks later when I sent the report to province.

Q. While we're at the map, is this a free-fire zone (referring to map)?

A. This side of it (indicating area to the east of a line).

Q. This is controlled and is no-fire (indicating)?

A. All that is free-fire (witness indicating on map).

Q. Now that we know you did not know about the operation being conducted, Captain, when did you first hear of the operation? You indicated before, maybe 5 days or so afterwards.

A. I first heard about that about 5 or 6 days after the operation and I heard about it from the Hamlet Chief and the Village Chief by word of mouth. They told me. So I instructed them to make an investigation and another report to me, which they did. When I received the report from them, then, I sent a report to province.

Q. You received a written report, captain?

A. Yes, sir, from the Village Chief.

Q. Do you have a copy of the report you received?

A. Yes, there is probably a report on file at Son Tinh District.

Q. It would be quite beneficial to us if we could obtain a copy of the report from the Village and/or Hamlet Chief to you at that time.

A. Maybe we can find it then. But I am certain he didn't--the Village Chief, before he made that report, did not go out to that area.

Q. Oh, yes. I can understand why he did not go out, Captain.

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A. There were a lot of reasons but I'm sure he didn't go out there. They had many ways of finding out though, because some of their family members were living down there. For example, Mr. NHON, the Hamlet Chief, had a child that was shot down there.

Q. When you received the report, Captain TAN, from the Village Chief and the Hamlet Chief, what did you do?

A. About 12, 14, 15 days after that, I sent a report to province.

Q. I have here a copy of a report, Captain TAN. Would this be a copy of the report which you sent to province?

(The report was passed to the witness to review.)

A. That's it. I sent that one up.

Q. For the record, I'm showing Captain TAN Exhibit M-5, the Vietnamese version. Captain, on your English translation copy it shows that copies of this were sent to the S2 and S3 of Quang Ngai Sector, is that--

A. (Interposing) That is correct; S2 and S3 of Quang Ngai Sector.

Q. This is your signature and this is your official seal, is that correct?

A. Yes.

Q. Captain, after that what happened?

A. I turned in another report later. This one was made before I got the investigation report from the Village Chief. The other one was made after.

Q. Do you remember approximately the date you made it and--

A. (Interposing) This is my second report. The other one was by word only, orally.

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Q. There was an oral report first, then this report?

A. Oral report; then a written report.

Q. Then there was another report after that?

A. Not any more.

Q. This report does not provide many specifics.

A. Agreed.

Q. I have here, captain, a report which I believe you will remember.

(The report, later entered as Exhibit M-34, was passed to the witness for review.)

A. This I turned in after I received a list of the people who were killed from the Village Chief.

Q. Yes.

A. I would not send this out until I had the Hamlet Chief make me a list of the killed, the dead. He did make a list of the dead, and I believe it was attached to this when it went out. But I am also quite certain that in my files in the district, there is a copy of this with the list still attached.

Q. Well, I would also like to have a copy of the Hamlet Chief's and the Village Chief's report.

A. These people are still alive. If they confirm it, then that's as good as having the paperwork, isn't it?

Q. For our purposes, the paperwork is better than the verbal. So I would prefer to have the paperwork.

A. I'm sure that it is there, but I can't go get it. If you could have someone go down and get it out of the files, I'm sure it is there.

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Q. This will be at Son Tinh District?

A. Son Tinh District.

Q. Well, we'll need someone to read the language so it can be identified.

A. I'm very reluctant to go back myself. I don't think it is the proper way to do it. I think we should have the province send another man to take it out of the files. Undoubtedly, the Province Chief will get it out of the files for you.

Q. We may have you go down and do that tomorrow, (speaking to LTC STANBERRY). I have here a letter from the District Chief of Son Tinh District to the Province Chief of Quang Ngai Province, dated 11 April 1968. It is letter number 190. I would like to have this entered into the record and made an official exhibit.

(The document, which had been discovered in Quang Ngai Province files, was entered into the record as Exhibit M-34. A later copy of the same document was found in Son Tinh District files and was received in evidence as Exhibit M-29.)

Would you verify this distribution for me, Captain?

A. 2d Division Headquarters G2 and the advisor of Quang Ngai Sector, the MACV advisor.

Q. This would be Colonel GUINN?

A. I don't know.

Q. Mr. MAY was the Province Senior Advisor, but the Sector Advisor was Colonel GUINN at that time?

A. It could have been. I don't remember.

Q. Did your report from your Village and Hamlet Chief in addition to including My Lai, or Tu Cung, also include Co Luy?

A. Yes, sir. Tu Cung Hamlet is right next to Co Luy. All along the trail of the operation people were killed during

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that time and it did enter Co Luy. They did report that people were killed in Co Luy too.

Q. After you filed the report of 11 April, Captain TAN, what happened next?

A. I didn't do anything else at all.

Q. Well, were you told to conduct an investigation or to do anything?

A. No. I didn't do anything else, and I didn't receive any instructions to conduct an investigation. After that the province conducted the investigation, but they couldn't get into the area.

Q. I have here a document addressed to the Commanding General, 2d ARVN Division, dated 12 April 1968, signed by Major Pham Van PHO, G2, (Exhibit M-31).

Was (Exhibit M-31) the handwritten portion of this ever called to your attention (BG TOAN's note)?

A. No, this is instructions to the sector, and it didn't come to me.

Q. Well, that is true; however, the reason I asked is that it says, "If there is nothing to it, have the district rectify the report. If it is true, link up with the Americal Division to have this stopped." That's why I was wondering, captain, if this was passed to you by sector.

A. That would be entirely up to sector, and I just don't know.

Q. Captain TAN, while this is going on, had you kept Major GAVIN informed of what information you were getting from the Village Chief and the Hamlet Chief? Were you giving him copies of these reports?

A. On the letter of 28 March, I did discuss this with him, but I didn't give him a copy. On the letter of

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11 April, I did give him a copy of this letter.

Q. In the Vietnamese version?

A. In Vietnamese, yes, sir.

Q. Captain, did you have another advisor there with Major GAVIN by the name of RODRIGUEZ?

A. Captain RODRIGUEZ translated that letter himself, or at least I saw him immediately thereafter typing at a typewriter in English off of my letter.

Q. Captain, do you read English?

A. I can read.

Q. Would you look at this statement?

(The statement dated 14 April 1968, later entered into evidence as Exhibit M-30, was handed to the witness to read.)

A. Surely, this is the one he wrote whenever he got mine.

Q. Had you ever seen a copy of this before, captain?

A. Possibly, and very likely there is a copy of that in the subsector, too.

Q. On the Vietnamese side or on the advisors' side?

A. On the Americans' side.

Q. Had you read this before or had you just seen it?

A. I saw him typing the thing and I read it, scanned it; but this was the central idea of what was in the statement he was writing.

Q. Can you explain this, Captain? Your letter is quite strong. Please understand I'm not complaining about that letter. The question is as follows. This is quite a straightforward letter, but when the statement comes down here it says you didn't give much credit to it.

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A. Okay, I'll explain it to you like it was. March was very near to Tet 1968. Very often we sat at the district headquarters and were attacked by mortar. At that time if you flew by in a helicopter, you had to fly over high or else you would get shot down. For that reason and in that atmosphere at that time, we just saw that event as another one of the many battles or situations that existed, and we didn't think it was very important. Perhaps at that time Captain RODRIGUEZ made a good observation, that I didn't see it very high on my list of priorities. At that time, I was really concerned about saving outposts and keeping the VC from coming in our front door. So I would like for you to understand and also to understand Captain RODRIGUEZ's observation there. This was in a free-fire zone, it was outside of an area of what he controlled, and what he did control was of primary importance to him. For that reason it was likely that Captain RODRIGUEZ could have thought it wasn't too important.

Q. May I ask, captain, a rather technical question? The words "not given much importance," then, does not mean as to the validity of the information, but is directed at the fact that this is something that took place in a VC-controlled area. Is that correct?

A. That is correct, sir. His observation undoubtedly came from the fact that it was a low priority, and not that I did not believe it was a correct report.

Q. Captain TAN, did you get much VC propaganda relating to what might have taken place in Tu Cung and Co Luy?

A. No, sir. I didn't.

Q. Yes.

A. Yes, sir. I heard some propaganda, but I didn't pick up any leaflets or never received any leaflets. Usually the leaflets are picked up by the S2, Census Grievance, or the information service. In my letter, you will see just a very little right at the end, about where I request assistance to ameliorate or to help reduce unnecessary killing. But, at the same time, this was a VC area. I can confirm that if it is necessary. The report, I believe, is correct or about correct, but it was my duty to make the report because it was reported to me.

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Q. Let me go back to this report again. A little while ago, I had shown you some writing by General TOAN. Just as a matter of form, Captain TAN, I have here a message from G2, Tactical Zone 12, to Quang Ngai Sector, dated 15 April 1968, signed by Lieutenant Colonel Pham Cao DONG, Chief of Staff. I would like to have this entered into the record as an exhibit.

(The document was entered into evidence as Exhibit M-32.)

I would ask if by chance this information in the second paragraph, Captain TAN, was ever called to your attention?

A. I never received any instructions from sector on this. This is written to sector and at that time sector was in bad shape too. They were very hard pressed and they passed out no instructions on this. Even as late as this past June, my advisor and I went into this area, and we got shot at.

Q. Captain TAN, we were given a copy of this statement by Captain RODRIGUEZ (later Exhibit M-30) by Colonel HIEN. Do you know how this copy would have gotten to him?

A. No. I didn't send it up, so he must have gotten it from the other advisors.

Q. Captain TAN, I have here a copy of some VC propaganda (Exhibit M-35). I would ask if you have ever seen or heard this propaganda?

A. Very common.

Q. Yes, but what about this particular story?

A. I heard it, and I have heard a lot of it; but I never paid any attention to it.

Q. Have you heard this part where they were talking about Tu Cung and Co Luy?

A. It was about May or June that they had a propaganda campaign and I didn't hear anything special about My Lai or Co Luy. I did hear about a village but it was still the same old stuff: a lot of people killed, this and various other propaganda stories.



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Q. Captain TAN, were you aware of any other investigations which at that time may have been directed by either the GVN or by the ARVN, either through province or at the direction of General LAM?

A. Sector did conduct an investigation. In April, after my letter went in, Sector did conduct an investigation. And about May, the Province Chief himself, Colonel KHIEN, took an operation into the area.

Q. Was it May, captain, or could it have been June? Or, was there one in May and another one in June?

A. I don't remember for certain, but it was May or June, something like that. A lot of people came out at that time. A lot of people came out to join GVN at that time, during the operation.

Q. Do you know whether any Americans accompanied that operation?

A. Yes, advisors of the sector.

Q. At sector?

A. At sector.

Q. Did you ever see a report written on the operation, captain?

A. Yes, sir, on that operation where Colonel KHIEN went I did see--

Q. (Interposing) An after action report?

A. Yes, there was an after action report made which I saw. There also was a meeting where the Province Chief himself discussed the results of it, where he mentioned the names of the VC and the particular individuals that had been killed in the American operation. The press was also present at this meeting.

Q. Vietnamese press or American press?

A. American press.

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Q. When was this?

A. It was just recently.

Q. I'm talking about the operation in June.

A. On 6 June last year. It was the Vietnamese press. In June 1968 a committee from Saigon came up, and there was one American lieutenant colonel with them. The press coverage was Vietnamese.

Q. In June of 1968?

A. In June of 1968, right, sir. And they used a tape recorder to collect the information. I talked with the American with that group. This was about 6 or 7 June 1968.

Q. Let's get this pinned down now, whether it was 6 months ago or 18 months ago?

A. Okay, I'll change it. It is 1969 and not 1968. The chief of that group was a major who is from the same class as Colonel KHIEN, the Province Chief.

Q. Yes.

A. And there was an American lieutenant colonel accompanying him. But this was in June 1969.

Q. Would you remember his name if I gave it to you?

A. Who, the major?

Q. No, the lieutenant colonel.

A. Colonel KHIEN knows him, but I don't.

Q. Lieutenant Colonel SHEEHAN. He indicated that he took some testimony from you on a tape recorder and transcribed it.

A. And very recently in November, there was a group of about 40 people with a Senator from Saigon.

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Q. Senator DON?

A. Yes, DON and some American press representatives. I'm not aware of any investigation made during that year except by sector.

Q. Yes. Captain, this statement that you made to Colonel SHEEHAN was made on 25 June 1969. Now, I would like to go back to the operation in June of 1968. I had asked if you had seen any report of this particular operation or whether you had seen any interrogation reports coming from the people that came out of My Lai (4).

A. Those should be in the district now.

Q. The interrogation of the "Chieu Hoi's"?

LTC STANBERRY: He misunderstood that question.

IO: Well, any after action report or interrogation report.

A. If there are any such as those, they would be in the S2 at sector.

Q. At sector?

A. That's the sector S2 office, which is my present office.

Q. Did you indicate the after action report, if there was one, would probably be at district?

A. Probably the after action report is no longer kept at district but it certainly should be at province, at sector.

Q. Would the after action report, captain, include the names of any American officers or personnel that accompanied the operation?

A. Normally they have them.

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Q. Do you remember what this after action report said? What did Colonel KHIEN conclude as a result of his operation?

A. Their mission was to investigate right on the spot but they couldn't get in. The VC were too strong in the hamlet. They did talk to some people outside of the hamlet from the area.

Q. In talking with Colonel KHIEN, as I remember, he indicated that about 20 people came out from the village.

A. Yes.

Q. Do you remember what information these 20 people had given concerning any killing of women or children in My Lai (4) during the operation?

A. Colonel KHIEN would know that.

Q. You don't recall?

A. I remember that there was the after action report but I don't remember all of the details.

Q. Captain TAN, after this incident, did Colonel BARKER or Colonel HENDERSON ever come to see you to talk about the action in My Lai (4)?

A. No, sir.

Q. Did a General YOUNG ever come to see you?

A. No, sir.

Q. General KOSTER?

A. No, sir.

Q. Did any senior American officer ever come to you?

A. No.

Q. Did anybody from the staff of the 11th Brigade or Task Force Barker, or did any American officer that you know ever come to see you?

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A. Nobody. My own advisor was all.

Q. From what you have indicated in your testimony, the only American officers that would be aware of anything from the district point of view would be Captain RODRIGUEZ and Major GAVIN?

A. The only way they knew about it and the only thing they knew was just my letter, because, they wouldn't have heard anything else.

Q. And Colonel GUINN, who was the Sector Advisor, should also have known since you sent a copy of your letter of 11 April to him. Captain TAN, did Task Force Barker maintain a liaison officer or noncommissioned officer with you?

A. No, sir.

Q. How did they coordinate their operations with you?

A. If it was in a free zone, there wasn't any coordination required unless they were planning to bring civilians back into the area; then, they hitched up with us.

Q. How did they coordinate artillery fires with you, Captain TAN?

A. Even in the free-fire zone they had to ask my permission to fire artillery. They linked up with the advisor, Major GAVIN, and he linked up with me. Then if I wanted to give permission or it looked right to give permission in that area, then I told him and he passed it back to them.

Q. In the free-fire area, were there any restrictions on fire against villages or areas that may have been populated?

A. No. I didn't have anything quite like that, but I did require all fires to be coordinated with me in order to avoid misidentification.

Q. That is to say, to insure that all of the ARVN units, RF/PF units, and any other units that might be in the area--

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A. (Interposing) Are not a target for somebody else's artillery or are not subject to be fired upon because someone else sees them.

Q. Captain TAN, we have talked quite a bit, focusing primarily upon My Lai (4) and Tu Cung. Can you remember anything else that you may have heard concerning Co Luy?

A. They are joining one another. It could be that they ran over into My Lai and were killed over there, but I haven't heard anything specific or separate about My Lai except there were some people killed there. Specifically where, I don't know if it was in Co Luy or My Lai.

Q. I would like to discuss just a moment, Captain TAN, this ARVN officer, the ARVN noncommissioned officer, and three privates, and the three National Police who were picked up at your district. We know that the officer was a second lieutenant. We know his name was ANH and that he came from the 2d ARVN Division. We don't know anything about the three National Police except they were supposed to be National Police and not National Police Field Force. You indicated before that you knew nothing of any ARVN or National Police being picked up at your headquarters at that time?

A. I just don't know anything about them. I didn't control ARVN officers, and I also did not have a list of VCI at that time. I had no Phoenix operation at that time; it was still at the sector level only. I would estimate that the division ran this operation and sent the soldiers out. I would think that the policemen were probably controlled by the G2 office, or S2 office, either at division or at the sector, probably at the sector.

Q. That's what I was going to ask if you have any idea, Captain--

A. (Interposing) Normally the Americans, when they operated, their liaison or coordinating level was very high; usually at division, certainly not at the district level, and not even too much at the province level; generally with the division.

Q. Captain, I want to thank you very much for being with us this afternoon and answering our questions to the best of your recollection. We are earnestly trying to assemble all

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the information we can to know what information was available to various people during this time and to try to reconstruct what took place at My Lai (4) and Co Luy and what happened in the investigation. If, as a result of our discussion, other things come to mind, which you think would be helpful to us in making a better report, we'd very much appreciate it if you would get in touch with us, and we can arrange it so that we can sit down and talk for a little longer. Or, if you know of any documents, any maps, or any kind of material that might be helpful to us, we'd appreciate those as well.

A. I would like to ask you, sir, what is the situation with Lieutenant CALLEY? Has he been sent before a court-martial? Where is he and what is his situation at this time?

Q. He has not, as yet, been sent before a court-martial. This matter is being investigated.

A. Does he have a family? Is he married?

Q. No.

A. I am also a soldier and I would like to ask you to send my regards to Lieutenant CALLEY and if he has a family, to his family, too. He like many other Americans gave up a lot of their own blood for our country.

Q. We'll do that. I will say, Captain TAN, that our investigation is an investigation. We are not charged with handling any of the criminal actions at all.

A. Thank you very much, sir.

(The hearing recessed at 1800 hours, 3 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: VIEN, Ta Linh and TE, Nguyen Tuc

DATE OF TESTIMONY: 3 January 1970

PLACE OF TESTIMONY: Quang Ngai City, Republic of Vietnam

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: S1 Responsible for Information and Documents.

1. INFORMATION RECEIVED FROM VIETNAM CONCERNING ASSAULT.

The witnesses received information from their representatives at Son My that allied forces attacked My Lai (1). TE told these persons to investigate, but they were unable to do so due to the VC control of the area (pg. 2). Some information was obtained from wounded persons who had left My Lai (pg. 2). These people reported that many communists and civilians had been killed (pg. 2). The communists had kept the people in the village to prevent an allied attack (pg. 2). The civilians did not show the Americans where the communists were hiding, so the communists were able to slip away and shoot at the soldiers (pg. 2). The Americans destroyed the bunkers and killed many communists (pg. 2). Some civilians were also killed (pg. 2).

2. REPORTS OF INVESTIGATION.

All reports were made verbally and there was no mention of the number of people killed (pgs. 3, 7). TE discussed the situation with his advisor, Mr. NEAL, and, because no specific data could be obtained, nothing was put in writing and no report was made (pg. 3). They recalled hearing that 1200 to 1500 civilians had been killed, but these numbers were very blown up (pg. 3).

3. RECEIPT OF VC PROPAGANDA LEAFLETS.

Copies of a VC propaganda leaflet claiming that

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thousands of civilians had been killed by Americans were received by the witnesses three to four months after the My Lai operation (pgs. 3, 4). The witnesses did not send the leaflets to Division, but gave them all to Mr. NEAL and the province chief (pg. 5). They assumed Mr. NEAL forwarded a copy to Division but did not know what was done with any of the copies (pg. 5). They had a note in their log giving the date the leaflets were given to Mr. NEAL (pg. 5).

#### 4. INFORMATION ABOUT CO LUY.

Since everyone called this operation "My Lai", the witnesses were unsure of the precise areas to which the reports referred (pg. 6). Therefore, if anything had occurred in Co Luy it probably would have been referred to as My Lai (pg. 6).

#### 5. THEIR FEELINGS ABOUT THE INCIDENT.

Since the people in this area supported the VC and were thus against the Government, they took their chances along with the VC (pg. 6). There were no complaints made to the census grievance committee because most of the people of the area accepted it as a necessity and a defeat for the VC (pg. 7). Mr. VIEN could not understand why the Americans were so concerned about this since it was a good operation that solved a lot of problems (pg. 8). All of the women and children killed were VC (pg. 9).

Unsworn statement of MR Ta Linh VIEN, Assistant Census Grievance Chief, and MR Nguyen Duc TE, Census Grievance Chief of Quang Ngai Province was taken in Quang Ngai City, Republic of Vietnam, on 3 January 1970. The questions were posed to MR VIEN and MR TE by LTG PEERS and MR MACCRATE. Also present was LTC Billy M. STANBERRY, who acted as interpreter. Certain of the questions were translated by LTC STANBERRY into Vietnamese and certain of the answers by MR VIEN and MR TE were translated into English by LTC STANBERRY.

IO: May we have your full name? Please write down the basic data, your name, and duty.

MR VIEN: Mr. Ta Linh VIEN, Assistant Census Grievance Chief.

Q. And how long have you been the Assistant Census Grievance Chief?

MR VIEN: Since April 1969.

Q. What was your job on 16 March 1968?

MR VIEN: I was the S1. The S1 was responsible for information and documents.

Q. Very good.

MR VIEN: Information and documents.

Q. When you were responsible for information and documents, did you hear anything or have any reports that came to you concerning any activity that took place in Tu Cung on the 16th of March or the 17th of March, 1968.

MR VIEN: Yes, we received information from our representatives at Son My that the allied forces attacked in Son My. Specifically, in My Lai.

Q. My Lai (4)?

MR VIEN: If I had a map I could show you.

(LTC STANBERRY shows Exhibit MAP-4 to witness.)

MR VIEN: I don't know exactly where the area was. I just know it was My Lai Hamlet.

(MR TE enters the hearing room.)

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IO: (To LTC STANBERRY) Explain to MR TE the purpose of our investigation so that he will be aware of that.

(LTC STANBERRY explained the purpose of the investigation.)

IO: Please state your full name and duty assignment.

MR TE: Nguyen Duc TE. I am the Census Grievance Chief, Quang Ngai Province. I have been the Chief since 1965.

Q. Did you hear anything concerning any unusual activities on the 16th of March?

MR TE: Yes. We heard that information because we had a number of cadre that were responsible for that area.

Q. What information did you hear?

MR TE: They reported that there was an allied operation at Son My. I gave instructions for them to investigate, to look into it to see what happened. But they reported to me that they couldn't get into the area because of VC. Therefore, they couldn't follow through on it very closely. But they reported that they had some information from people who were wounded and those who came out of the area. There were some of them in the hospital and they met those people there. They reported that the American Army entered that area and many, many Communists were killed. There were also people killed, civilians, because Son My is a village that belonged to the Communist, a fighting fortified village that belonged to the Communist. The Communists kept the people in the village so that if they were attacked, the people would be killed also. So when the operation started gunships and artillery fired into the area. When they came into the area, the people would not show them where the Communists were hiding, where the bunkers were. Therefore, the Communists in the bunkers were able to slip out and shoot at the soldiers. So the soldiers destroyed the bunkers and killed very, very, many of the Communists. There were some civilians killed also.

Q. What I'm asking about is the report that was suppose to have come up that had the figure of either 1,200 or 1,500 in it.

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MR TE: We didn't turn in any official report. We didn't turn in anything in writing. All the reports were made verbally and there was no mention of the number of persons killed.

Q. Maybe you would know because you were working in that area and perhaps you might have just given it to Mr. RAMSDELL who was working with the census grievance at the time.

MR TE: I did discuss this with Mr. NEILL, my advisor. However, because of the fact we could get no specific data, nothing more than rumors and gossip, we didn't put it in writing and we didn't report to anyone.

Q. The paper was supposed to have come from one of the census grievance teams and this is what ended up with Colonel GUINN. He was the deputy.

MR VIEN: We didn't do it, we did this: we had cadre out there, and there were a lot of VC at My Lai, so we recommended that they conduct the operation in there because we knew what was in there.

MR TE: Both of us confirm this. We absolutely did not receive a written report from any cadremen nor did we make any written report to anyone about that situation or that attack in My Lai. We got many reports from subordinate cadremen here to us. We did discuss it with our advisor, Mr. NEILL but that's all.

LTC STANBERRY: But they should have access to PSYOPS and VC propaganda.

IO: Do you remember a figure which was very much exaggerated, maybe it came from the VC, to the extent that maybe 1,200 or 1,500 civilians were killed by Americans? This may have come in from VC propaganda through the cadre and so on.

MR VIEN: Yes, I remember that.

LTC STANBERRY: They both recall this.

MR VIEN: I'm not certain about the numbers, but I seem to recall they were very, very blownup. We did get those. We picked some of those up and we sent them to division. All we would possibly have left in our files would be the memo where we sent them to division, not the leaflets.

(VIEN)

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(TE)

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IO: I wonder if you would mind checking your files to see if you might have a record of it so we might, one way or another, get a copy.

MR VIEN: I think I have one of those.

Q. That would be very helpful. I wonder if you could just see if you can recollect approximately the figure. Do you remember the figures 1,200, 1,500, or 2,000?

MR VIEN: The one we sent forward said thousands of people. It did not say anything else to the best of my recollection.

Q. Was it a leaflet about this size (holding up a 3-by-5 card)?

MR VIEN: About that size.

Q. About 3-by-5. And do you remember, Mr. VIEN, having also given this leaflet of the information to either Mr. NEILL, Mr. MAY, or to Colonel GUINN?

MR TE: To Mr. NEILL. We gave him the leaflet. He translated it himself if it was translated. We didn't translate it for him. I sent it over for him to investigate it. I didn't go into detail with it, nor did I translate it for him.

Q. Can you remember, Mr. TE, about how soon after the 16th of March you received this particular bit of VC propagan-da?

MR TE: Two or three months after, or three or four months after.

Q. Two or three months would have been May or June then?

MR TE: About that. It wasn't as early as April but we did have it in June.

LTC STANBERRY: If we could find his memo when he sent it to division, we could confirm it but he remembers it was near April.

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(TE)

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MR TE: One of my cadremen brought in five Hoi Chanhs, while I was waiting on you this morning, from this hamlet, from My Lai.

IO: Do you know from which subhamlet they came?

LTC STANBERRY: I would say that it is not normal for them to know the subhamlets from up here.

MR VIEN: A few months after this they had a propaganda campaign and this came out in the propaganda campaign. It didn't come out right after the incident but a few months later. But there were, during this campaign, about three to five leaflets concerning My Lai passed out.

IO: By the Viet Cong?

MR VIEN: Yes, sir.

Q. We would like to get as many of those as we could.

MR TE: We did not send a copy to division. We gave it to Mr. NEILL and assumed that he sent it to division. All of these leaflets we gave to two people, the Province Chief, and Mr. NEILL, the advisor. We did give each of them all of the copies of these that we picked up, but we didn't know what either the Province Chief or Mr. NEILL did with the copies.

Q. Is there a note in your log that you gave Mr. NEILL a copy?

MR TE: We do have that. That's the one we sent to him, not to division. That we can pull out of our files.

Q. And will the file also indicate the date that it was given to Mr. NEILL?

MR TE: Absolutely.

Q. The information we have from other people is that they received it somewhat earlier than May, so could it have been in April?

MR VIEN: I think I can find that in between 30 minutes to an hour. I believe I could dig that out.

(VIEN)

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Q. May I ask also if in hearing about My Lai, did you see any VC propaganda concerning Co Luy?

MR TE: You have to understand that actually, this is Tu Cung Hamlet but every body was calling this operation My Lai. Therefore, every reference that was made to the operation was called My Lai, and we weren't sure of the precise areas of the reports that we received. Therefore, neither of us recall anything about Co Luy. If there had been something that happened there, it would have been referred to probably as My Lai rather than Tu Cung or Co Luy.

Q. Do you remember anything else, Mr. TE, about this time that might have a bearing upon this operation?

MR TE: I would like for you to have the benefit of my feelings concerning the operation in My Lai. I recommended prior to the time of the operation that they conduct an operation in this area. I would like to point out that this is a fighting VC hamlet which at that time did resist the Government. The people who were in that area were either actively supporting or working with the VC. If they do this, this puts them against the Government. Being against the Government, when we went in there the VC did use the people. They put them in front of their soldiers to conceal them so they could escape. There were people killed, but that's to be expected. That is the way it should be. If they join the VC then they fight and die with the VC. I wanted to express that thought.

LTC STANBERRY: Mr. TE states that this is just a brief description. He has something that says about the same thing that he just said but it is a letter from an educated person here in Quang Ngai written to Senator DON. He would like to give us a copy. We could translate it later and see exactly how he feels about it.

IO: What does it generally say?

LTC STANBERRY: I'll have to read it to see, sir, because it is a little different from what--it will take a little while.

IO: All right.

LTC STANBERRY: This is from someone that assisted Senator DON while he was here. I don't know if it's a followup report or just his observations after the Senator left, but it is his thoughts and observations.

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IO: May we have them to reproduce and get copies of that too?

LTC STANBERRY: He gave them to us, sir. All of these are letters that people have written the Senator about this incident. I think they might be worthwhile.

IO: Good. Mr. TE, were any complaints or grievances brought to the attention of your cadremen as a result of this operation?

MR TE: Normally when people are discontented or dissatisfied about something, the census grievance people pick this up and make reports on it, not from my office necessarily, but from my cadre to me. But most of the people in this area accepted this operation there as a necessity because, as I have mentioned many times, this is a fighting hamlet of the VC. They live there and from that location they launch attacks against other hamlets. This was their base of operation. Therefore, most of the people throughout that area accepted this as a defeat for the VC rather than something else. It was a matter of the other side losing in this particular battle. So there weren't grievances. There weren't complaints made to his cadre as a result of this.

Q. As a result of your cadre's visiting people in the hospital and seeing other people, were they able to pick up any bits of information concerning the numbers of people that may have been hurt there and the number of VC killed?

MR TE: The only words we got were that there were many of them who died. Many VC were killed. But there was never any number mentioned except on the VC propaganda leaflets.

IO: (To LTC STANBERRY) If he looks through the files and finds this, when will we be able to pick up this certificate or entry in the journal?

LTC STANBERRY: We can get it into Mr. CUSHINGS' hands. As soon as he can find it, he will give it to Mr. CUSHING. As soon as Mr. CUSHING gets it, we will pick it up, duplicate it, and send it back to his files.

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(TE)

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IO: In the event you don't find it, we would still like you to pass a note to Mr. CUSHING saying that you couldn't find it.

May I ask what part of Vietnam is your home?

MR VIEN: Quang Ngai.

Q. The reason I asked is the features of the former Province Chief of Pleiku, Colonel NAYLO's are a great deal like your's.

MR VIEN: I don't understand why the Americans are so concerned about this. It was a good operation and solved a lot of problems.

Q. You must understand that American soldiers, by the honor and tradition of the American Army, never kill women, children, or old men.

MR TE: I would like to say that the Communists are very well aware of this. This is why they always use the women and children out in front of them. They always keep them in front of them. They are well aware of your reluctance to do anything if there are women and children between you and them. That's the best protection they can get. You must remember that children in these kind of villages pick up cigarette butts from the GI's and run to the VC hiding in the bunkers and tunnels and take care of them.

Q. Well, as you know, there are some elements in the United States that look upon this war as a dirty war. And when pictures come out showing women, children, small babies, old men, and pregnant women being killed, they find this very bad. These are the aspects we are actually looking into.

MR TE: These three letters speak very clearly of the things that I am talking about.

MR VIEN: I see this war as very, very useless. But we can't refuse to fight it. We're not the instigators of the war.

IO: We understand.

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MR. VIEN: We know what we are talking about. We both were Viet Minh before 1954. For many months prior and just a few days before as well, everybody had been trying to get the people to come out of the area because it was a VC area. Don't let anyone tell you differently. All of those people that were killed--the families, the children, and wives--were VC.

IO: Thank you both very much.

(The hearing recessed at 1510 hours, 3 January 1970.)

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SUMMARY OF TESTIMONY

WITNESS: TOAN, Guyen Van BG, ARVN

DATE OF TESTIMONY: 30 December 1969

PLACE OF TESTIMONY: 2d ARVN Division Headquarters, Quang Ngai, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Commander of the 2d ARVN Division.

1. DUTIES OF WITNESS.

General TOAN was the commander of the 2d ARVN Division which had an area of responsibility governing two provinces, Quang Tinh and Quang Ngai. General TOAN had commanded the division since January of 1967. The 11th Brigade on 16 March 1968 had the same tactical area of responsibility (pg. 2).

2. DISCUSSION OF THE MY LAI (4) AREA.

In early 1968 the VC strongly held the area, attacking Quang Ngai and the Song Tinh District. During the Tet attack they seized the hill north of the Khe bridge. An estimated 200 enemy were killed at that time and the bodies were carried for burial to the Son My Village. The area had been communist for a long time. In 1967, the ARVN's went in west of Son My, but they could not move into the area east of Hill 85 at that time. There were two separate local force companies in the area, composed of very good soldiers. The 48th Local Force Battalion was also present. Every time the ARVN's went in they hit boobytraps and mines (pgs. 12, 13).

## 3. THE WITNESS' KNOWLEDGE OF THE OPERATION.

The witness did not remember Colonel HENDERSON telling him about the operation on 16 March, but thought HENDERSON might have (pg. 3). He did not learn about it until a week later, because at that time the Americal Division and the 2d ARVN Division did not share a common operational area. They worked separately and the Americal Division was free to work in that area (pg. 3). He felt that the operation at the time was not too close, so they operated separately. Now, they had close cooperation. He gave the example of one ARVN regiment and one U.S. brigade working together in a common AO (pgs. 13, 14).

## 4. WITNESS' KNOWLEDGE OF A MASSACRE ON 16 MARCH 1968.

a. On 12 April, General TOAN learned of a propaganda leaflet which the VC were distributing (pg. 4). The title was "American Unit at Son Tinh on the 16th of March 1968 Shot and Killed Over 400 Civilians" (translation of the leaflet is Exhibit M-33).

b. General TOAN directed the Province Chief to investigate (Exhibit M-32) but the Province Chief could not reach the village because it was a VC area (pg. 5). At that time no one knew exactly what happened, for even the Village Chief lived in exile. General TOAN heard that the Americal troops had killed over 100 VC and some civilians from one of his staff members or possibly from an advisor (pg. 7). This kind of propaganda was common so they did not pay much attention to it. He did order his staff to check it out, however (pg. 8).

c. Colonel KHIEN went to the market that the villagers used and people from the hamlet reported to him that they did not see people shot because they had hidden in bunkers or had been guided by the VC to another village hamlet. They told KHIEN that the next day the communists ordered them to bury the bodies which consisted of about 20 women and children and old men and about 50 communists VC (pg. 8). A report from KHIEN was dated 30 November 1969 (pg. 10), but General TOAN stated that the same report was made by KHIEN five months after the incident occurred (pg. 9). The November report was prepared for President THIEU (pg. 10).

d. A report dated 12 December 1969 was made for the Prime Minister and for the Minister of the Interior (pg.10).

e. General TOAN did not remember the capture of a high political officer by the American forces in Quang Ngai Province, nor did he remember a VC civilian who turned himself in because he was sick (pg. 13). He had not heard of the villages of Co Lay or Co Luy specifically, but only heard generally about the area (pg. 14).

5. THE AMERICAN DIVISION INVESTIGATION.

General TOAN did not remember hearing anything from the personnel of the U.S. Army about the incident (pg. 10), but he did tell General KOSTER that he was investigating it (pg. 11). He later stated that he did not remember if it was KOSTER, but that he remembered KOSTER commanded at the time and he had talked to some commander (pg. 11).

EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	NOTES	PAGES
M-32	Directive to Province Chief to investigate.	Wit reported that Province Chief was unable to enter the village.	5
M-33	Transcript for VC broadcast.	Wit turned over copies from his files.	4
M-35	VC Propaganda leaflet	Entered into evidence. Wit had not seen.	7
M-36	Memor for DC, 2d ARVN Division, 12 April 1968	Entered into evidence.	7
R-1	Inclosure to HENDERSON's report.	Translation of M-33	6

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SUMMARY OF RECALL TESTIMONY

WITNESS: TOAN, Nguyen Van BG

DATE OF TESTIMONY: 25 February 1970

PLACE OF TESTIMONY: Quang Ngai City, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Commanding Officer,  
2d ARVN Division, Republic of Vietnam.

1. TOAN'S ORDERING OF THE INVESTIGATION.

The witness stated that he received a report from his G2 on 12 April 1968 in the form of a VC leaflet which indicated that the United States unit had on 15 March 1968 killed 500 people in Son My (pg. 16). He also received a report from his district chief which mentioned the troops in Son My so he ordered an investigation by the Quang Ngai chief (pg. 16). He stated that they did not pay much attention to the propaganda from the VC and he cited an incident in which the VC put out propaganda indicating that on an operation his unit had drowned 2,000 people (pgs. 21, 22).

2. MEETING WITH GENERAL KOSTER.

The witness stated that sometime between 1 and 15 April he had a meeting with General KOSTER which was held in his office in Quang Ngai City (pg. 17). He did not remember exactly if it was General KOSTER or General YOUNG but he stated that he let some commander know about the rumor (pg. 17). He thought that Colonel HUTTER was probably present (pgs. 17, 20). He did not think that Major PHO was present because he stated that usually he and the commander would talk among themselves (pg. 20). During the meeting he did not discuss Lieutenant TAN's letter but just

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discussed the rumor (pg. 18). At that time he did not give him a copy or a translation of the VC propaganda (pg. 18). He could not remember if he mentioned to the general that he had ordered the province chief to make an investigation (pg. 18). He stated he did not ask the general for assistance and he felt that possibly the rest of their discussion concerned some operation (pg. 18). This meeting was the only time he discussed it with General KOSTER or General YOUNG and the division senior advisor (pg. 19). The witness did not think he discussed the incident with Colonel HENDERSON (pg. 19).



Unsworn statement of BG Nguyen Van TOAN was taken at 2d ARVN Division Headquarters in Quang Ngai City on 30 December 1969. The questions were posed to BG TOAN by LTG PEERS and MR MACCRATE. Also present was LTC Billy M. STANBERRY, who acted as interpreter. Certain of the questions were translated by LTC STANBERRY into Vietnamese and certain of the answers by BG TOAN were translated into English by LTC STANBERRY.

IO: I thought first, General TOAN, that it might be helpful if I told you a little about the investigation--

A. (Interposing) Yes, sir.

Q. That I am conducting. I was given this job by Secretary RESOR and by General WESTMORELAND, and they asked me to do several things. They asked me to check into the adequacy of any investigations of the My Lai incident, primarily on the American side. They asked me to check to see if the reviews of the investigations were sufficient, and they also asked me to check to see if there was any attempt to cover up or to hide the incident. So that, basically, is what we are trying to do. In order to do this, I have a group of several senior Army officers working with me as assistants. In addition, I have, as I indicated before, Mr. MACCRATE, and he has another younger lawyer with him, from New York City. They are serving as assistants on the one hand, but mostly as legal counsel, to help me out on this particular investigation.

Thus far we have talked ourselves to somewhere in the neighborhood of about 40 people. Some of them have been very short, but some of them have been very long, maybe as much as 25 hours of talking and interrogation. Although I have these assistants, when we finally get down to preparing the report it will have to be submitted over my name, because I have been designated as the Investigating Officer. Our report is basically classified confidential, and I will submit it, when I am finished, to the Chief of Staff and to the Secretary of the Army. The nature of this incident, because it has had so much publicity in the news, television, radio and so on, some of the findings may be brought to the attention of the American public. We are asking all of the

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American witnesses that they not talk to anybody else concerning what they talk to us about, and of course, we are placing the American witnesses under oath and taking sworn testimony from them. We cannot and would not ask you to do that. But we would ask that, in the course of our talking with you, you tell us as much about this as you possibly can. Much of this we must have for the record, which we are compiling as we go through this.

May I ask what your duty was on the 16th of March of 1968?

A. I was commander of the 2d ARVN Division.

Q. You were commander of the 2d ARVN Division. What area of responsibility did that encompass?

A. The area of responsibility included two provinces, Quang Tin and Quang Ngai.

Q. Within these two provinces?

A. Yes, sir.

Q. The 11th Brigade had a tactical area of responsibility?

A. Yes, Quang Tin and Quang Ngai.

Q. And how long had you been in command of the division, General TOAN?

A. I have commanded the division since January of 1967.

Q. Since January of 1967?

A. Yes, sir.

Q. With reference to the operation of Task Force Barker into the Son My area on the 16th of March, when did this first come to your attention?

A. What happened?

Q. No, the operation itself, when did you learn that they were going into the area and that they had landed and that the operation was in progress?

A. About a week later. We did not share common operational areas as we do now. We did not work with them, so they worked separately, and they were free to work in there.

Q. They were free to work in there. I would understand it from Colonel HENDERSON, who had taken over the command of the brigade on the 15th of March--

A. (Interposing) Yes, sir.

Q. That he came to you about noon on the 16th and talked to you about the operation and told you about them putting a company into the area of My Lai (4) or Tu Cung Hamlet and another company to the south of My Lai (1). This was Colonel HENDERSON's recollection, coming here to you about noontime on the 16th.

A. I don't remember exactly, but maybe sometime they stopped by and let me know about that. But I don't remember exactly.

Q. Well, he had just taken over command, so he was paying you a courtesy call, and at the same time he told you about the operation. This is what he told us.

A. Maybe he had told me, but I don't remember exactly.

Q. That's a long time ago. We know that we're talking almost 2 years ago.

A. Yes, sir.

Q. After the operation was underway, when did you first hear that maybe something unusual had taken place in My Lai (4) or Tu Cung?

A. Oh, I think sometime--let me see.

(BG TOAN left for a few minutes and returned with a file.)

I received some leaflet to let me know, 12th of April.

Q. Twelfth of April.

LTC STANBERRY: Here's the leaflet, propaganda leaflet, that the VC were distributing.

(LTC STANBERRY reads the leaflet from file. The file produced by BG TOAN contained a memorandum to which the leaflet was attached. The memo with attachments was subsequently translated and received in evidence as Exhibit M-36. A translation of the leaflet by itself was subsequently admitted as Exhibit M-33.)

A. My chief of staff let me know on the 12th of April, 1968.

LTC STANBERRY: The subject of this says: "American Unit at Son Tin, on the 16th of March, 1968, shot and killed over 400 civilians." This is the subject of the report, and the report includes leaflets, and this, I would think, is VC.

IO: This is your G2 report, and here is the District Chief's report.

(IO looks at file.)

(Discussion off record.)

General TOAN, may we have a copy of this?

A. Yes, I will let them duplicate it.

Q. No, we don't have to do it now. Now, is that VC propaganda?

A. Yes, sir. When I received that, the report from the G2 on the 12th, I marked it here (points to handwritten notation on the paper) to see if there was any basis for the VC propaganda. We would have an investigation made.

Q. What we would like to do, General TOAN, would be to make a reproduction of the document and return it to you.

(LTC STANBERRY speaks to the witness in Vietnamese.)

LTC STANBERRY: He'll loan the papers to us for a day.

IO: We'll probably come back here tomorrow so that I can talk to Colonel SACHERS (senior advisor of the 2d ARVN Division) and arrange for the return of the papers to you. I will have a place somewhere here in his compound, so we will be here all the time.

At that time in 1968, General TOAN, did you hear of a report made by the Son My Village Chief?

A. I heard from the Son My Chief in the report from the District Chief to us, but he did not investigate. He did not confirm anything. The District Chief just made a copy and sent it to the Province Chief. I directed that the Province Chief should investigate and let us know. But I don't think they made a good investigation at that time, because it was a VC area, and I remember them trying to go in the area and trying to find out what happened. But finally he could not reach there, and he was stopped by the VC.

Q. Well, this is what I'm trying to put together.

LTC STANBERRY: He says he heard about a report made in the village. Their reports are generally in writing. Is it material when he first heard this?

Q. What I'm trying to do is clarify whether it is VC propaganda, or whether it was a report of the Village Chief.

(Discussion off record.)

A. I think at that time no one knew exactly what happened. Even the Village Chief lived in exile. It is just a leaflet brought into Son Tinh in the secure area, and it is from his people there, from that hamlet.

LTC STANBERRY: He says that he heard about it earlier. We haven't established when he first heard about it. He heard about it, and whenever he received a copy of this written one, the 12th of April, plus a copy of his G2 report and the VC propaganda leaflet, he says at that time, which is what he is emphasizing, at that time there had not been an investigation made, and all we have got is a lot of reports, perhaps VC propaganda.

A. Here is the order signed by my chief of staff (later admitted as Exhibit M-32).

LTC STANBERRY: He was executing his instructions here. But what we do not have are the initial reports from the Hamlet Chief of the Village Chief on those things which they heard of. We do not see any written report during that period.

Q. We'll try to find those at Son Tinh District.

LTC STANBERRY: We haven't established when he first heard these reports made from the Hamlet Chief and the Village Chief.

Q. General TOAN, I only have the English translation of this VC propaganda, but when Colonel HENDERSON contacted General KOSTER he had obtained a copy of basically the information that we have been talking about, and he also gave him a copy of an English copy of the VC propaganda which is this (showing BG TOAN the English translation of the VC propaganda, which is a part of Exhibit R-1).

A. I think this (Exhibit R-1 propaganda inclosure) is the translation from this one (indicating Exhibit M-33).

Q. What I'm wondering about is whether or not it has this one paragraph in it?

LTC STANBERRY: It says that 500 civilians were shot and killed.

Q. (IO reading from the Exhibit R-1 propaganda inclosure) "--kill 500 who had empty hands, in Tinh Khe Village and Son My District."

A. Tinh Khe is Son My.

Q. (Reading) "And there were many pregnant women some of which were only a few days from childbirth."

That is very helpful. We have been trying to find out where this came from.

(Discussion off record.)

A. They make much propaganda. At that time we did not believe it, so I told the Quang Ngai Sector to investigate.

I think they tried to investigate that, but he just moved in but could not reach there, because the VC still held the area.

Q. Did you receive any more information, General TOAN?

A. Someone let me know that the Americal troops, U.S. troops, have had some contact, and they killed over 100 VC, and some civilians were killed at that time, too.

Q. Do you remember who told you?

A. Someone on my staff or some advisor. I don't remember exactly.

Q. Do you have that other piece of propaganda here? Here again, I have another piece of VC propaganda, which was taken very recently. But it evidently is an old piece of propaganda. I would ask if you would look this over and see if you had ever seen this particular piece of propaganda?

(IO hands documents to BG TOAN for identification. Document is copy of NLF propaganda captured in December, 1969, and provided by Americal Division. The document was subsequently received into evidence and marked as Exhibit M-35.)

A. I didn't see any of this. But it is just describing it in detail as propaganda by the one who wrote it.

Q. Did you hear any other things that the VC were doing; aside from leaflets, that the VC may be developing slogans?

A. Slogans?

Q. Slogans, or whether they were wearing armbands (pieces of black cloth) to mourn the dead villagers of My Lai (4), or whether they had posters and things of this category to call to the people's attention?

A. No, sir, at that time I didn't hear about it. But later, I think, sometime about 2 or 3 months after, I heard something about it. But not at that time.

Q. Well, did you ever get a report back from Colonel KHIEN as a result of--

A. (Interposing) This kind of propaganda happens every day, so we do not pay much attention to that. So at that time I sent an order to my staff to check that and any propaganda from them, just let me know. But in here we don't have any--at that time, I think, sector could not investigate, because no one could go in that village. Colonel KHIEN tried to have an operation and go in that area, but he couldn't go in. So we could not get a report.

Q. Do you know whether or not he sent some intelligence agent or spies into the area to pick up information as to what might have happened?

A. I think he had sent some, but no one reported the exact thing. Someone told a different story so he tried to get in there, but he couldn't get in there.

Q. We understand that many of the villagers from the Tu Cung area, My Lai (4), would come in and out of Quang Ngai to go to market. Do you know of any information that came from them?

A. Colonel KHIEN went in that exact place, and he met some people coming out from the hamlet, and they reported to him--I think he has some report for me, but I--

(BG TOAN takes a look at his reports.)

Here is the investigation from Quang Ngai Province. Five months after the operation, the Quang Ngai Sector led by the chief himself, Colonel KHIEN, and the commander, RF and PF, but when he went in this area they had some contact, strong contact, and he did not reach his objective. So Colonel KHIEN met about 20 people in that village, and those people let him know about that operation of March 1968. They said that they didn't see when those people were shot because they were afraid. They hid in bunkers or ran into another village or hamlet, guided by the VC. The next day the Communists and the village group ordered them to bury those bodies. The Communists said that they were civilian bodies, but those 20 people say they saw many VC bodies, too. They said about 20 women and children and old men and about 50 bodies of Communist VC. This is the report from the 20th of November, 1969, but he said it also at that time, 5 months after, when he had this operation.



Q. But do you know whether he then gave to your staff the information they had got from the operation?

A. I didn't make a report then. I didn't make an official report. I wasn't able to do this. About 5 months after the incident, it doesn't specifically say, but it implies this was the first time he went into the area after he was instructed to make the investigation. He went in with RF and PF, and they encountered resistance. It doesn't say, but it implies. This is no implication as to when he talked to these 20 people, but at least at that time and prior he talked to approximately 20 people that were going in and out of the area. This is a report from the Province Chief to President THIEU.

(Discussion off record.)

Q. I understand, General TOAN, that Colonel KHIEN had tried to go back the first time in June and could not get in at all.

A. June this year?

Q. June 1968 was the first time. Then he went in in August and was at least able to do something, but in June he couldn't do anything.

A. This was very strongly held by the VC. We have had many losses in that area. If we went in there with a small force, they fought against us. If we went with a big force, they just disappeared. Many mines and booby traps were especially in this area. It was bad when they attacked Quang Ngai during Tet, 1968.

Q. You have several other pieces of paper there, General TOAN. Are these concerned with the My Lai incident?

A. I don't know. I will have to look at them. Yes, it is concerning My Lai. Here is the part from the District Chief to the Province Chief. I think Colonel KHIEN will give you every detail on that.

Q. These are his reports to you?

A. To President THIEU but with a copy to me.

Q. That is proper.

A. To the Vice President, through the primary level to General LAM and to me.

Q. Is this report also to--

A. (Interposing) This one is a somewhat more detailed report, 30 November this year. This one is the 12th of December.

LTC STANBERRY: Is that also to the President?

A. It is for the Prime Minister and for the Minister of the Interior.

Q. Is the same thing true of (these papers identified) number 4 and number 5?

A. Those are questions that I asked. They just let me know about it. Here is a copy of this one that we sent to the Americal Division.

(Discussion off record.)

Q. Well, this has been most helpful, General TOAN, to try to clear up some of these points. Did Colonel HENDERSON, after this, ever talk to you about My Lai (4) or Co Lay? Did Colonel HENDERSON ever come back to you after that time and talk to you about Tu Cung?

A. I don't remember, but I didn't hear anything from the U.S. side about that.

Q. Did General YOUNG or General KOSTER?

A. General KOSTER at that time?

Q. Did he ever talk to you about it?

A. He came to see me. I told him my order.

Q. That you were investigating it?

A. I did.

Q. You told him you had ordered Colonel KHIEN to investigate it?

A. Yes, sir. I just let him know about that propaganda from the VC so he could check if something had happened.

Q. Did you ever file any report with General LAM, oral or a written report?

A. I just let him know about the VC propaganda, not a written report, because we didn't know exactly what happened.

Q. We would understand that the Village Chief of Son My and the Hamlet Chief of My Lai Village lived down in Quang Ngai area in refugee camp area.

A. At that time.

Q. Captain TAN is in the hospital?

A. Yes, sir.

Q. He is the intelligence officer at sector?

LTC STANBERRY: But Colonel KHIEN knows how to get hold of him.

A. I don't remember, but I talked to some commander. I don't remember if it was KOSTER, but I remember General KOSTER commanded at that time.

Q. General YOUNG was ADC, but, as I recall what you indicated, you had talked to them, and you were having it investigated. It was VC propaganda, but you also indicated to them if they had done this, not to do it any more.

A. Yes, sir, I made a note in my report.

Q. Just for the sake of our record, General TOAN, would you tell us a little bit about the VC in the Son My Village and that area in the early part of 1968?

A. At that time the VC strongly held the area, and it was bad, for they attacked in Quang Ngai and in the Son Tinh District. And I remember during the Tet attack they started from there to attack and sieze the hill north of the Khe bridge, and we killed them, about 200, at that time. They carried the bodies there, and I think they buried them there.

Q. How long had that area been Communist, General TOAN?

A. I think a long time. But we cannot move into the area (My Lai) east of the mountain (Hill 85) at that time. But in 1968 it was better, but not much better.

Q. When were you able to take the citadel again?

A. We had to use some force to stay there.

Q. In 1967?

A. In 1967, but it was west of Son My, but isolated.

Q. Very isolated--very good. We know that in early 1968 there was a 48th Local Force Battalion?

A. Yes, sir, and some local force companies.

Q. 506th and the 507th Local Force Companies?

A. I don't remember the number, but at least two separate companies there.

Q. Were they good soldiers?

A. At that time, yes. No more. Now, at that time they still had very good soldiers.

Q. Can you tell us a little bit about how they used booby traps and mines?

A. I think when civilian people went in that area, they hit some booby traps, but we don't know. But every time we went in there, we hit some booby traps and mines.

Q. What kind of booby traps?

A. Oh, every kind, sir.

Q. Grenade booby traps?

A. Grenade, 105, 155 artillery rounds, and some bombs.

Q. Also some mines. We understand, in early 1968 when the ROK Marine battalion or brigade left, they picked up some mines from around there.

A. Some, but not very many. We hit some mines.

Q. About that time, General TOAN, we understand that the U.S. forces captured one high political officer from the VC Quang Ngai Province, and also about that time a very high military and civilian VC became a Chieu Hoi (returnee) because he was so ill, and he went to the hospital. Do you remember anything about those people?

A. No, sir, I don't remember. Maybe it happened, but I don't remember.

Q. Some people thought that perhaps one of them was either the Province Chief or the Deputy Province Chief.

A. Sorry. We get very much Chieu Hoi's, but I don't remember this particular one.

Q. How was the cooperation and the coordination with the American forces in this area, in the Quang Ngai area and Son Tinh District, in early 1968, and then how is it now?

A. At that time we had a separate AO from the U.S. operating in that area. We operated in that area, and when we wanted to go in their AO we let them know, and if they wanted to go into our AO they would let us know. I should say the cooperation at the time was not too close, so we usually operated separately. But right now we have really close cooperation. Now we have a different system, one

regiment, one ARVN regiment, and one U.S. brigade working together in a common AO.

Q. Working together?

A. Working together.

Q. You feel pretty good now about the progress?

A. Oh, yes, very much. I just let you know what I know and what happened, but many things that I don't know.

Q. Do you have anything that you would like to talk to him about?

MR MACCRATE: No.

IO: One other area, General TOAN, that the VC propaganda cites is Co Luy. We understand that in VC material and maybe in Vietnamese, too, that the villages of Co Lay (1), (2), and (3) are sometimes referred to as Co Luy. VC propaganda indicates that 90 people were killed in there that day, this same place here. Had you heard anything about that?

A. I only heard generally in the area, but I did not hear about Co Luy and My Lai.

Q. How do you pronounce C-O L-U-Y?

A. Co Luy.

Q. I call it Luy. I have been calling it Luy, but it is "Luyee."

A. You see, sometimes they call it a completely different name from us. Like many villages and hamlets, they call them completely different names. Like now, we have Quang Tinh Province, but we also call it Quang Nam. They (VC) don't distinguish from Quang Nam.

Q. What do they call Quang Nam?

A. They don't recognize Quang Tinh.

Q. I would like to thank you very much, General TOAN. This has been most helpful to us. If at any time you have any additional thoughts come to mind, or if you find any maps or photos or any material that has to do with this, that you could make available to us, we would be most appreciative for it.

A. Yes, sir.

Q. But again we are very thankful.

A. I'm pleased to help you. But you know that at that time we did not pay too much attention about that, because there was too much to do, many things to do at that time.

Q. This hearing will recess.

(The hearing recessed at 1555 hours, 30 December 1969.)

Unsworn statement of BG Nguyen Van TOAN was taken at Quang Ngai City, Republic of Vietnam, on 25 February 1970. The questions were posed to BG TOAN by COL WHALEN. Also present was CW2 Coy L. WELLS, CID investigator, and COL Francisco J. RAMOS, Senior Advisor, 2d ARVN Division. The witness testified as follows:

BG TOAN: I received a report from my G2 on 12 April 1968, the VC leaflet propaganda. In that they said in the operation of the U.S. unit in Son My on 15 March 1968, that U.S. troops took the civilian people and killed about 500 people. They want to give some, but I don't believe them, the reaction of the civilian people to the U.S. troops. On the 16th the District Chief send one message for me and talk about troops in Son My, come to me in Quang Ngai from Chief of Hamlet, I think. But they mention this area is an insecurity (sic) area. So I make here, you see, I make Quang Ngai Chief have investigation. If it no happen, the Son Tinh District should make something to counter the VC propaganda. If it had happened should let Americal Division know and should stop it. This is what I have.

COL WHALEN: This is when you directed that Colonel KHIEN investigate the report from the District Chief?

A. The report from my G2, VC leaflet, and the report from the District Chief.

Q. This is Colonel PHO's report to you which was based on the District Chief's report which he got from the Village Chief. Is that right?

A. From the VC leaflet and the District Chief.

Q. Okay, this is what Colonel PHO made. Okay, after you received Lieutenant TAN's letter attached here, when did you see General KOSTER after this? Do you know the date? If you don't know the exact date, would you tell us approximately?

A. I don't remember what day but later on I think I called him, but I don't remember exactly the time. I just talked to him and let them know about some rumor. We didn't know exactly what happened so I just let him know about the rumor and something like that.

Q. Do you remember about when this was, General, about



1 week or 2 weeks later or several days?

A. About 2 or 3 weeks.

Q. Two or three weeks after 15 April?

A. About April, I don't know.

Q. Sometime in April. The beginning of April, middle, or end?

A. Maybe I think from the beginning to the 15th.

Q. The 1st through the 15th sometime. Do you know whether this was General KOSTER or General YOUNG?

A. I don't remember exactly but I remember that I let some commander know about that.

Q. Where did you meet him, General?

A. I remember that, over here.

Q. In your office?

A. Yes.

Q. Do you know if anyone else was present at the meeting, your staff, or General KOSTER, or maybe an aide or some staff officer?

A. I think the senior advisor of the division, at that time in 1968 ULSAKER or HUTTER.

COL RAMOS: ULSAKER left in early 1968. You say 1968? It would probably be Colonel HUTTER, probably Colonel HUTTER, sir.

A. I think it was Colonel HUTTER.

COL RAMOS: Colonel HUTTER, I think, yes, sir, probably Colonel Dean HUTTER. You know he's in USARPAC.

COL WHALEN: Okay, was there anyone else there? Then there was General KOSTER or General YOUNG, you, and the division senior advisor. Do you remember anyone else?

A. Oh, maybe one more but I don't remember.

Q. Did you discuss Lieutenant TAN's letter?

A. Oh, no, sir. I just talked with him about some rumor because at that time we don't know exactly what happened. So I just mentioned the rumor and let him know.

Q. You didn't provide him with a copy or translation at that time?

A. Oh, no, at that time I don't, no.

Q. Did you discuss VC propaganda, killing 500, this is the rumor you spoke of?

A. Yes, I have that paper.

Q. Did you tell the general that you had instructed the Province Chief to make an investigation?

A. I don't remember if I mentioned that for him . . . .

COL RAMOS: It was a long time ago.

A. It was a long time ago but anyway I directed my people to investigate it.

COL WHALEN: Did you ask the general to help on the investigation, to check something for you, or to furnish information regarding the incident?

A. I don't think I asked him.

Q. Did you discuss anything else regarding this at that time?

A. Maybe we talk about some operation.

Q. General KOSTER went on R & R from 27 April until the 7th of May, about a 10-day period. Then he departed on 2 June. Did you see him any time after this meeting we just discussed here?

A. I don't remember.

Q. Was this time during April the only time this rumor was discussed with General KOSTER or General YOUNG?

A. Yes.

Q. The only time you discussed it with Americans?

A. Yes.

Q. You didn't discuss it with the province advisory team or anyone else other than the American division senior advisor and the Americal general?

A. Yes, Americal general and division advisor.

Q. Can you remember if that was General KOSTER or General YOUNG?

A. It's hard to remember . . . .

COL RAMOS: You see, the general has visitors here all the time and General KOSTER, you know, he didn't come very often.

COL WHALEN: Did you ever discuss this with Colonel HENDERSON who was the 11th Brigade commander at the time?

A. No, I don't think I discussed that with him. Because you see, those things happen every day. They make many bad propaganda, not true at all. Nothing happen so we confuse everything with that, you see. Maybe sometime nothing happen and they say that, oh, everything - - and maybe that thing happened so we don't think much about that. Bad propaganda, VC propaganda.

COL RAMOS: Not very concerned about the validity of it.

COL WHALEN: General, do you have any papers or log entries or memo or anything which might indicate the date the general was here? Do you have any records to show when the general came?

A. No. I think this normal visit. We usually visit together the same way.

Q. You don't make any record or any journal entry?

A. No.

Q. Informal. General, did you give copies of all these to General PEERS when he was here? He has copies of each one?

A. They have a photo copy.

Q. This is the same document from which they made the photo copies?

A. Yes. Because you see at that time this area was VC-controlled and we lost many men by mine. When we went in there with big force, they were civilian. But if small force, always we get something and some big casualties. Very bad time; I don't like it. Very easy for them to disguise as civilians and they are somewhere. Even the children and women, they can fight at us. Even little boys, they kill us. Many mine and booby traps. I think bloody over there. Many of our men was killed.

Q. Well, General, Major PHO, now Colonel PHO who is at I Corps G2, was he present with you during this discussion? Since he wrote this, he had very good background. Did he assist you when you spoke to the general?

A. I don't think he was there because usually we talk; me and commander discuss, usually the senior advisor present.

COL RAMOS: See, normally when the general brings - - I know when General RAMSEY comes in here, for example, before he goes to the meeting he sits here with the general and they discuss certain things among themselves only.

COL WHALEN: You don't remember if the general's aide was with him or his staff officer?

A. No, I'm sorry.

COL RAMOS: They very seldom come together here.

A. I don't really remember if I mention with some commander or not. But maybe General KOSTER or General YOUNG, but not more than that.

COL WHALEN: And it was sometime between the 1st and the 15th of

April to the best that you can remember.

A. That is right.

Q. And you did not give them copies or translations of this

A. Oh, no.

Q. You just spoke of it as a possible rumor stage?

A. Yes, at that time I hear someone in my staff say about that. Because before the Chief at District send this one, he has talked with someone in sector, let some people on the staff know that. So the S3 brought for me notice on that.

Q. Major PHO, his information was from the district and province, is that correct? Is this how he knew about it?

A. He sent two documents. One is VC propaganda, and the report from Son Tinh District. He mentioned here the Chief of Son Tinh, of this area, do not consider by the Son Tinh District as security (sic) area. I think General PEERS have a photo copy.

Q. Well, I think that finishes it, General. I want to, on behalf of General PEERS, thank you for taking your time in this busy war here to answer these questions. This is very important to the American Army and the American people, and we appreciate it.

A. But all these things I can't let you know. At that time the area is not safe at all and I think everyone there is VC friendly or work for them. Maybe not the small children, but anyone about 10 or 11 years, they can get rifle and shoot.

Q. Did this ever come up again, this My Lai? When was the next time it was mentioned? Do you remember? It was a rumor maybe then, and you mentioned it to General KOSTER or General YOUNG. When was the next time it came up as a subject?

A. I think only at that time.

Q. Never again discussed?

A. Maybe sometime after but I don't remember exactly when. But, you see like in the beginning of 1969 we have very big operation, we call it "Lien Ket 9", to answer for the area. We

took the people, sick, everyone, and group them in some village. We help the people very much and we illuminate them about VC and VCI. But they launched a rumor that we bring at least 2,000 people, civilian type, from there and put them in the sea, underwater. You see, every time we have something good they always have bad propaganda so we don't pay much attention about that. Sorry, but it happens every day. But I don't think we kill anyone there. We help the people and take very good care of them.

Q. Okay, I think that pretty much covers it, General, and I appreciate you giving me your time.

A. Oh, I am sorry that I cannot receive you in Saigon, but you see over here maybe we have some documents to show you and I try to answer with the truth.

Q. General, if anything comes up or you remember something or someone mentions something, if you can let Colonel RAMOS know he can get in touch with me and we will get the message from him.

A. If there is something you want to ask more, let me know. I cannot tell you at this time.

Q. I wish you great success in the future.

(The hearing recessed at 1130 hours, 25 February 1970.)

SUMMARY OF TESTIMONY

WITNESS: TRONG, Le

DATE OF TESTIMONY: 5 January 1970

PLACE OF TESTIMONY: Quang Ngai City, Republic of Vietnam.

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: National Policeman, Son Tinh National Police Station.

TESTIMONY.

Le TRONG is presently the Chief of National Police at Son Hoa Village (pg. 1). The witness stated that he went on an operation with American forces on 20 March 1968 along with another National Policeman, Mr. Nguyen Ngoc TAN (pg.2). During the three day operation they saw only one American captain who spoke excellent Vietnamese (pgs. 3, 4). Several VC were captured, but Le TRONG denied shooting any of them (pg. 3). He did not see the American captain cut off part of a VC's finger (pg. 4).

CONFIDENTIAL

Unsworn statement of Le TRONG was taken at Public Safety Detachment, Quang Ngai City, Republic of Vietnam, on 5 January 1970. The questions were posed to MR TRONG by MR WALSH. Also present was MAJ David D. DANTZSCHER who acted as interpreter. All of the questions were translated by MAJ DANTZSCHER into Vietnamese and all the answers by MR TRONG were translated into English by MAJ DANTZSCHER.

MR WALSH: What is your name?

A. Le TRONG.

Q. How old are you?

A. Thirty years old.

Q. How long have you been a National Policeman?

A. Since 1966.

Q. Where are you stationed?

A. Son Hoa Hamlet. At present I am the chief of the branch of the National Police of Son Hoa Village.

Q. How do you spell it?

A. S-O-N H-O-A.

Q. On March 16, 1968, where were you stationed?

A. I don't remember where I was stationed on the 16th of March. I went with the Americans on an operation on the 20th.

Q. Where were you stationed on the 15th of March?

A. I was stationed at the Son Tinh National Police station.

Q. What was your assignment when you went on the operation with the U. S. troops on the 20th of March?

(TRONG)

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A. We were requested by the American advisor to participate in the operation: to lead the Americans and to locate the VC installations, bunkers, and caves.

Q. Do you know the name of the American advisor who made the request?

A. I don't remember the advisor's name.

Q. How did you get from the Son Tinh police station to the area of the operation?

A. We were transported by helicopter to the operation area.

Q. Who went with you?

A. Mr. Nguyen Ngoc TAN went with me.

Q. Anyone else?

A. Mr. TAN and I were the only ones that went.

Q. Did you go directly from Son Tinh to the area of operation, or did you go first to the American base?

A. We went directly from the police station at Son Tinh to an area here (indicating a point at coordinates BS 722812).

Q. In addition to the pilot, were there any American personnel in the helicopter that took you?

A. Yes, there was one other person. I am not sure who it was.

Q. Was the one person an American captain?

A. No, I don't believe so. But I met an American captain on the ground. The first time I saw an American captain was after the helicopter had unloaded us.

Q. Do you remember what the American captain's name was?

A. No, I don't.

Q. Was there a Vietnamese interpreter with the American captain?

A. The captain was able to speak very good Vietnamese. Yes, he was the commander of the troops on the ground. Again, he spoke excellent Vietnamese.

Q. What time of day was it when you landed on the ground with the troops?

A. About noon.

Q. What did you do after you landed?

A. After we got out, we were taken to the American captain. After 3 days I was returned to Chu Lai and Ngoc TAN remained with the forces for 5 days. The captain let me go back because I captured three Viet Cong: one female, a VC commander, and an armed VC medic or doctor.

Q. Did you interrogate any detainees in this area where you landed the first day?

A. No, I did not interrogate any.

Q. Where did you go on the second day?

A. During the second day we captured several VC. We operated around this area here (indicating the area in which they landed the first day).

Q. Did you stay the entire 3 days that you were there in that area?

A. Yes, I remained in this area throughout the 3 days.

Q. Did you shoot any VC after questioning them at any time during this 3 days?

A. No, I did not shoot any.

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Q. Did you see any other American captain during the 3 days you were on the ground other than the troop commander?

A. No, there was only one American captain.

Q. Did you see that American captain cut off part of the little finger of a VC?

A. No. The captain went back to Chu Lai after the first 2 days of the operation, and I met him again at Chu Lai. The captain directed me to go back to Son Tinh after 3 days.

Q. Do you know which policeman from the Son Tinh District accompanied the operation on the 16th of March in the area south of the Song Diem Diem?

A. No, I don't.

Q. Do you remember that there were some National Policemen that accompanied the Americans on that operation?

A. No, I don't remember.

Q. Just one more question. Did you ever accompany any Americans on any other operations?

A. No.

Q. Thank you very much for coming here today to help us.

(The hearing recessed at 1430 hours, 5 January 1970.)

SUMMARY OF TESTIMONY

WITNESS: VIEN, Ta Linh and TE, Nguyen Tuc

DATE OF TESTIMONY: 3 January 1970

PLACE OF TESTIMONY: Quang Ngai City, Republic of Vietnam

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENTS ON 16 MARCH 1968: S1 Responsible for Information and Documents.

1. INFORMATION RECEIVED FROM VIETNAM CONCERNING ASSAULT.

The witnesses received information from their representatives at Son My that allied forces attacked My Lai (1). TE told these persons to investigate, but they were unable to do so due to the VC control of the area (pg. 2). Some information was obtained from wounded persons who had left My Lai (pg. 2). These people reported that many communists and civilians had been killed (pg. 2). The communists had kept the people in the village to prevent an allied attack (pg. 2). The civilians did not show the Americans where the communists were hiding, so the communists were able to slip away and shoot at the soldiers (pg. 2). The Americans destroyed the bunkers and killed many communists (pg. 2). Some civilians were also killed (pg. 2).

2. REPORTS OF INVESTIGATION.

All reports were made verbally and there was no mention of the number of people killed (pgs. 3, 7). TE discussed the situation with his advisor, Mr. NEAL, and, because no specific data could be obtained, nothing was put in writing and no report was made (pg. 3). They recalled hearing that 1200 to 1500 civilians had been killed, but these numbers were very blown up (pg. 3).

3. RECEIPT OF VC PROPAGANDA LEAFLETS.

Copies of a VC propaganda leaflet claiming that

thousands of civilians had been killed by Americans were received by the witnesses three to four months after the My Lai operation (pgs. 3, 4). The witnesses did not send the leaflets to Division, but gave them all to Mr. NEAL and the Province Chief (pg. 5). They assumed Mr. NEAL forwarded a copy to Division but did not know what was done with any of the copies (pg. 5). They had a note in their log giving the date the leaflets were given to Mr. NEAL (pg. 5).

#### 4. INFORMATION ABOUT CO LUY.

Since every one called this operation "My Lai", the witnesses were unsure of the precise areas to which the reports referred (pg. 6). Therefore, if anything had occurred in Co Luy it probably would have been referred to as My Lai (pg. 6).

#### 5. THEIR FEELINGS ABOUT THE INCIDENT.

Since the people in this area supported the VC and were thus against the Government, they took their chances along with the VC (pg. 6). There were no complaints made to the census grievance committee because most of the people of the area accepted it as a necessity and a defeat for the VC (pg. 7). Mr. VIEN could not understand why the Americans were so concerned about this since it was a good operation that solved a lot of problems (pg. 8). All of the women and children killed were VC (pg. 9).

(VIEN)  
(TE)

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Unsworn statement of MR Ta Linh VIEN, Assistant Census Grievance Chief, and MR Nguyen Duc TE, Census Grievance Chief of Quang Ngai Province was taken in Quang Ngai City, Republic of Vietnam, on 3 January 1970. The questions were posed to MR VIEN and MR TE by LTG PEERS and MR MACCRATE. Also present was LTC Billy M. STANBERRY, who acted as interpreter. Certain of the questions were translated by LTC STANBERRY into Vietnamese and certain of the answers by MR VIEN and MR TE were translated into English by LTC STANBERRY.

IO: May we have your full name? Please write down the basic data, your name, and duty.

MR VIEN: Mr. Ta Linh VIEN, Assistant Census Grievance Chief.

Q. And how long have you been the Assistant Census Grievance Chief?

MR VIEN: Since April 1969.

Q. What was your job on 16 March 1968?

MR VIEN: I was the S1. The S1 was responsible for information and documents.

Q. Very good.

MR VIEN: Information and documents.

Q. When you were responsible for information and documents, did you hear anything or have any reports that came to you concerning any activity that took place in Tu Cung on the 16th of March or the 17th of March, 1968.

MR VIEN: Yes, we received information from our representatives at Son My that the allied forces attacked in Son My. Specifically, in My Lai.

Q. My Lai (4)?

MR VIEN: If I had a map I could show you.

(LTC STANBERRY shows Exhibit MAP-4 to witness.)

MR VIEN: I don't know exactly where the area was. I just know it was My Lai Hamlet.

(MR TE enters the hearing room.)

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(TE) 1 APP T-103

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IO: (To LTC STANBERRY) Explain to MR TE the purpose of our investigation so that he will be aware of that.

(LTC STANBERRY explained the purpose of the investigation.)

IO: Please state your full name and duty assignment.

MR TE: Nguyen Duc TE. I am the Census Grievance Chief, Quang Ngai Province. I have been the Chief since 1965.

Q. Did you hear anything concerning any unusual activities on the 16th of March?

MR TE: Yes. We heard that information because we had a number of cadre that were responsible for that area.

Q. What information did you hear?

MR TE: They reported that there was an allied operation at Son My. I gave instructions for them to investigate, to look into it to see what happened. But they reported to me that they couldn't get into the area because of VC. Therefore, they couldn't follow through on it very closely. But they reported that they had some information from people who were wounded and those who came out of the area. There were some of them in the hospital and they met those people there. They reported that the American Army entered that area and many, many Communists were killed. There were also people killed, civilians, because Son My is a village that belonged to the Communist, a fighting fortified village that belonged to the Communist. The Communists kept the people in the village so that if they were attacked, the people would be killed also. So when the operation started gunships and artillery fired into the area. When they came into the area, the people would not show them where the Communists were hiding, where the bunkers were. Therefore, the Communists in the bunkers were able to slip out and shoot at the soldiers. So the soldiers destroyed the bunkers and killed very, very, many of the Communists. There were some civilians killed also.

Q. What I'm asking about is the report that was suppose to have come up that had the figure of either 1,200 or 1,500 in it.

(VIEN)

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(TE)

2

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CONFIDENTIAL

MR TE: We didn't turn in any official report. We didn't turn in anything in writing. All the reports were made verbally and there was no mention of the number of persons killed

Q. Maybe you would know because you were working in that area and perhaps you might have just given it to Mr. RAMSDELL who was working with the census grievance at the time

MR TE: I did discuss this with Mr. NEILL, my advisor. However, because of the fact we could get no specific data, nothing more than rumors and gossip, we didn't put it in writing and we didn't report to anyone.

Q. The paper was supposed to have come from one of the census grievance teams and this is what ended up with Colonel GUINN. He was the deputy.

MR VIEN: We didn't do it, we did this: we had cadre out there, and there were a lot of VC at My Lai, so we recommended that they conduct the operation in there because we knew what was in there.

MR TE: Both of us confirm this. We absolutely did not receive a written report from any cadremen nor did we make any written report to anyone about that situation or that attack in My Lai. We got many reports from subordinate cadremen here to us. We did discuss it with our advisor, Mr. NEILL but that's all.

LTC STANBERRY: But they should have access to PSYOPS and VC propaganda.

IO: Do you remember a figure which was very much exaggerated, maybe it came from the VC, to the extent that maybe 1,200 or 1,500 civilians were killed by Americans? This may have come in from VC propaganda through the cadre and so on.

MR VIEN: Yes, I remember that.

LTC STANBERRY: They both recall this.

MR VIEN: I'm not certain about the numbers, but I seem to recall they were very, very blownup. We did get those. We picked some of those up and we sent them to division. All we would possibly have left in our files would be the memo where we sent them to division, not the leaflets.

(VIEN) 3 APP T-102

(TE) 3 APP T-103

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IO: I wonder if you would mind checking your files to see if you might have a record of it so we might, one way or another, get a copy.

MR VIEN: I think I have one of those.

Q. That would be very helpful. I wonder if you could just see if you can recollect approximately the figure. Do you remember the figures 1,200, 1,500, or 2,000?

MR VIEN: The one we sent forward said thousands of people. It did not say anything else to the best of my recollection.

Q. Was it a leaflet about this size (holding up a 3-by-5 card)?

MR VIEN: About that size.

Q. About 3-by-5. And do you remember, Mr. VIEN, having also given this leaflet of the information to either Mr. NEILL, Mr. MAY, or to Colonel GUINN?

MR TE: To Mr. NEILL. We gave him the leaflet. He translated it himself if it was translated. We didn't translate it for him. I sent it over for him to investigate it. I didn't go into detail with it, nor did I translate it for him.

Q. Can you remember, Mr. TE, about how soon after the 16th of March you received this particular bit of VC propagan-da?

MR TE: Two or three months after, or three or four months after.

Q. Two or three months would have been May or June then?

MR TE: About that. It wasn't as early as April but we did have it in June.

LTC STANBERRY: If we could find his memo when he sent it to division, we could confirm it but he remembers it was near April.

(VIEN)

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(TE)

4

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MR TE: One of my cadremen brought in five Hoi Chanhs, while I was waiting on you this morning, from this hamlet, from My Lai.

IO: Do you know from which subhamlet they came?

LTC STANBERRY: I would say that it is not normal for them to know the subhamlets from up here.

MR VIEN: A few months after this they had a propaganda campaign and this came out in the propaganda campaign. It didn't come out right after the incident but a few months later. But there were, during this campaign, about three to five leaflets concerning My Lai passed out.

IO: By the Viet Cong?

MR VIEN: Yes, sir.

Q. We would like to get as many of those as we could.

MR TE: We did not send a copy to division. We gave it to Mr. NEILL and assumed that he sent it to division. All of these leaflets we gave to two people, the Province Chief, and Mr. NEILL, the advisor. We did give each of them all of the copies of these that we picked up, but we didn't know what either the Province Chief or Mr. NEILL did with the copies.

Q. Is there a note in your log that you gave Mr. NEILL a copy?

MR TE: We do have that. That's the one we sent to him, not to division. That we can pull out of our files.

Q. And will the file also indicate the date that it was given to Mr. NEILL?

MR TE: Absolutely.

Q. The information we have from other people is that they received it somewhat earlier than May, so could it have been in April?

MR VIEN: I think I can find that in between 30 minutes to an hour. I believe I could dig that out.

(VIEN) 5 APP T-102

(TE) 5 APP T-103

Q. May I ask also if in hearing about My Lai, did you see any VC propaganda concerning Co Luy?

MR TE: You have to understand that actually, this is Tu Cung Hamlet but every body was calling this operation My Lai. Therefore, every reference that was made to the operation was called My Lai, and we weren't sure of the precise areas of the reports that we received. Therefore, neither of us recall anything about Co Luy. If there had been something that happened there, it would have been referred to probably as My Lai rather than Tu Cung or Co Luy.

Q. Do you remember anything else, Mr. TE, about this time that might have a bearing upon this operation?

MR TE: I would like for you to have the benefit of my feelings concerning the operation in My Lai. I recommended prior to the time of the operation that they conduct an operation in this area. I would like to point out that this is a fighting VC hamlet which at that time did resist the Government. The people who were in that area were either actively supporting or working with the VC. If they do this, this puts them against the Government. Being against the Government, when we went in there the VC did use the people. They put them in front of their soldiers to conceal them so they could escape. There were people killed, but that's to be expected. That is the way it should be. If they join the VC then they fight and die with the VC. I wanted to express that thought.

LTC STANBERRY: Mr. TE states that this is just a brief description. He has something that says about the same thing that he just said but it is a letter from an educated person here in Quang Ngai written to Senator DON. He would like to give us a copy. We could translate it later and see exactly how he feels about it.

IO: What does it generally say?

LTC STANBERRY: I'll have to read it to see, sir, because it is a little different from what--it will take a little while.

IO: All right.

LTC STANBERRY: This is from someone that assisted Senator DON while he was here. I don't know if it's a followup report or just his observations after the Senator left, but it is his thoughts and observations.

(VIEN) 6 APP T-102

(TE) 6 APP T-103

IO: May we have them to reproduce and get copies of that too?

LTC STANBERRY: He gave them to us, sir. All of these are letters that people have written the Senator about this incident. I think they might be worthwhile.

IO: Good. Mr. TE, were any complaints or grievances brought to the attention of your cadremen as a result of this operation?

MR TE: Normally when people are discontented or dissatisfied about something, the census grievance people pick this up and make reports on it, not from my office necessarily, but from my cadre to me. But most of the people in this area accepted this operation there as a necessity because, as I have mentioned many times, this is a fighting hamlet of the VC. They live there and from that location they launch attacks against other hamlets. This was their base of operation. Therefore, most of the people throughout that area accepted this as a defeat for the VC rather than something else. It was a matter of the other side losing in this particular battle. So there weren't grievances. There weren't complaints made to his cadre as a result of this.

Q. As a result of your cadre's visiting people in the hospital and seeing other people, were they able to pick up any bits of information concerning the numbers of people that may have been hurt there and the number of VC killed?

MR TE: The only words we got were that there were many of them who died. Many VC were killed. But there was never any number mentioned except on the VC propaganda leaflets.

IO: (To LTC STANBERRY) If he looks through the files and finds this, when will we be able to pick up this certificate or entry in the journal?

LTC STANBERRY: We can get it into Mr. CUSHINGS' hands. As soon as he can find it, he will give it to Mr. CUSHING. As soon as Mr. CUSHING gets it, we will pick it up, duplicate it, and send it back to his files.

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(TE) 7 APP T-103

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IO: In the event you don't find it, we would still like you to pass a note to Mr. CUSHING saying that you couldn't find it.

May I ask what part of Vietnam is your home?

MR VIEN: Quang Ngai.

Q. The reason I asked is the features of the former Province Chief of Pleiku, Colonel NAYLO's are a great deal like your's.

MR VIEN: I don't understand why the Americans are so concerned about this. It was a good operation and solved a lot of problems.

Q. You must understand that American soldiers, by the honor and tradition of the American Army, never kill women, children, or old men.

MR TE: I would like to say that the Communists are very well aware of this. This is why they always use the women and children out in front of them. They always keep them in front of them. They are well aware of your reluctance to do anything if there are women and children between you and them. That's the best protection they can get. You must remember that children in these kind of villages pick up cigarette butts from the GI's and run to the VC hiding in the bunkers and tunnels and take care of them.

Q. Well, as you know, there are some elements in the United States that look upon this as a dirty war. And when pictures come out showing women, children, small babies, old men, and pregnant women being killed, they find this very bad. These are the aspects we are actually looking into.

MR TE: These three letters speak very clearly of the things that I am talking about.

MR VIEN: I see this war as very, very useless. But we can't refuse to fight it. We're not the instigators of the war.

IO: We understand.

(VIEN)

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(TE)

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MR VIEN: We know what we are talking about. We both were Viet Minh before 1954. For many months prior and just a few days before as well, everybody had been trying to get the people to come out of the area because it was a VC area. Don't let anyone tell you differently. All of those people that were killed--the families, the children, and wives--were VC.

IO: Thank you both very much.

(The hearing recessed at 1510 hours, 3 January 1970.)

(VIEN)

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(TE)

9

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