

MEDINA IG

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25 MAR 1970

Testimony of Captain Ernest L. Medina (pp. 238-287) has been downgraded from a CONFIDENTIAL classification to a FOR OFFICIAL USE ONLY classification, pursuant to authority contained in memorandum dated 10 September 1969 from COL Oseth, Office of the Inspector General, DA, to the Chief, Military Justice Division, Office of the Judge Advocate General, DA.



KENNETH W. McCLINTOCK
CPT, JAGC
Assistant Staff Judge Advocate

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1 afs 1

2 Testimony of CPT Ernest L. Medina,
3 05321822, 27th Co, 2d Student Bn,
4 Infantry Officers Advanced Career
5 Course, Fort Benning, Georgia,
6 taken at Office of Inspector General,
7 Fort Benning, Georgia, at 0750 to
8 1225 hours on 13 May 1969, by Colonel
9 William V. Wilson, IG.

10 Q. I am from The Inspector General's Office,
11 Department of the Army.

12 A. Yes, sir.

13
14 Q. I want to handle this as informally as possible.
15 Let me get to the case here and let you know what it is
16 about. This investigation concerns the alleged destruction
17 of a village in South Vietnam nicknamed Pinkville which was
18 approximately five or six miles north of Quang Ngai City at
19 coordinates 728795. The incident allegedly occurred in
20 March 1968 during the time Co C, 1/20th Infantry, Task
21 Force Barker conducted search and destroy operations in the
22 vicinity on or in the vicinity of the Batangan Peninsula.
23 The investigation is official and is being made at the
24 direction of the Chief of Staff of the Army. The inves-
25 tigation is privileged in the sense that the report will
26 be made to the Chief of Staff of the Army for such use as
27 he deems appropriate. The substance of this investigation
28 should not be discussed with others. It will carry a
29 CONFIDENTIAL classification and the purpose of the inves-
30 tigation is to determine the facts of the incident in
31 question. I'd like to place you under oath. Will you
32 stand and raise your right hand?

33 (The witness was sworn.)

34
35 Please state your full name, grade and serial
36 number.

37 A. CPT Ernest L. Medina, 05321822.

38 Q. Organization, station and present duty assignment?

39 A. Stationed at Fort Benning, Georgia, 27th Co, 2d
40 Student Battalion. I am with the Infantry Officers Ad-
41 vanced Career Course, 4 and 69.

42 Q. What was your duty assignment in March 68, at
43
44
45

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2 afs 1 the time Task Force Barker was conducting search and destroy
2 operations?

3 A. I was Commanding Officer, Co C, 1st Bn, 20th Inf.
4 Sir, could I ask you a question?

5
6 Q. Yes.

7 A. What am I being accused of?

8
9 Q. Let me get to that right now. That's my next move
10 here.

11 A. All right, sir.

12
13 Q. CPT Medina, you are advised that you are suspected---
14 not accused---suspected---

15 A. (interposing) Yes, sir.

16
17 Q. ---of having committed a war crime, to wit: Wrongful
18 destruction of a village and murder of Vietnamese civilians
19 in violation of Articles 109 and 118, Uniform Code of Military
20 Justice. You have a right to consult counsel and have counsel
21 with you during the interrogation. Counsel may be civilian
22 counsel provided by you at your own expense, or military
23 counsel of your own selection if reasonably available at no
24 expense to you, or military counsel appointed for you at no
25 expense to you. By counsel I mean a lawyer.

26 A. Yes, sir.

27
28 Q. You are further advised that in the event you
29 desire counsel with you during this interrogation, that
30 counsel is here solely as your advisor. He may not answer
31 questions for you, but at any time you desire you may confer
32 privately with your counsel. If you decide to answer questions
33 now without having counsel present, you may stop answering
34 questions at any time. Also, you may request counsel at any
35 time during the questioning. At any time, if you do not
36 desire counsel and you feel that you want counsel, or at
37 any time you want to stop answering questions, you may do
38 so, at any time you may feel that you may be incriminating
39 yourself. Do you want counsel?

40 A. It's a pretty serious charge. Yes, sir.

41
42 Q. You want counsel?

43 A. Yes, sir.

44
45 Q. O. K., let's take a break here.

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3 afs 1 (At this point Colonel Wilson left the room and upon
2 his return he was accompanied by a JAGC officer.)
3

4 Q. Please state your full name and serial number.
5 A. (CPT Richards) CPT Edwin J. Richards, 05711337.
6

7 Q. Organization, station and present duty assignment?
8 A. Headquarters, USAIC, SJA Section, Fort Benning,
9 Georgia.
10

11 Q. You are an attorney?
12 A. Yes, sir.
13

14 Q. I'd like to advise you that you are here solely
15 as an advisor to CPT Medina.
16 A. Yes, sir.
17

18 Q. You are not to answer questions for him, but at
19 any time he wants to discuss any matters with you, you are
20 free to do so and I would appreciate it if you would take
21 him into your office because I don't have a private location
22 here. This case is a sensitive case. It is CONFIDENTIAL.
23 It is for the Chief of Staff of the Army. It is not to be
24 discussed out of the office.
25 A. Yes, sir.
26

27 Q. I have advised CPT Medina that he is suspected
28 of having committed a war crime, to wit: Wrongful destruction
29 of a village and murder of Vietnamese civilians in violation
30 of Articles 109 and 118, USMJ.
31

32 Q. Would you like to talk to CPT Richards?
33 A. (CPT Medina) Yes, I would, sir.
34

35 Q. Do you need to know anything else?
36 A. (CPT Richards) 109 and 118?
37

38 Q. Yes.
39 A. That is all I need to know at the present time.
40 I will speak with CPT Medina.
41

42 Q. O. K.
43

44 (The witness and his counsel left the room at 0805
45 hours and returned at 0907 hours.)

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Q. Captain, I remind you you are still under oath.

A. (CPT Medina) Yes, sir.

Q. I want to read something from AR 20-1:

"All persons subject to military law are required within the limits of Article 31, Uniform Code of Military Justice, to testify to their knowledge of matters under investigation and may be so ordered by their commander. Refusal to testify subjects a member of the military services to punitive action for refusal to obey a lawful order. When so testifying a witness may not be compelled to incriminate himself or to answer any question the answer to which may tend to incriminate him. An accused or suspect cannot be compelled to make any statement when he has asserted his rights under Article 31, UCMJ."

Now, in order to clarify this to you, what we are trying to do in this investigation is determine the facts of what has happened. I am going to go over each allegation that has been made so that your mind will be tracked as to what this is all about, so I am going to read these off in accordance with the way we received them. Keep in mind that these are allegations.

A. Yes, sir.

Q. "1. Task Force Barker was assigned the mission to destroy Pinkville (estimated to consist of 300 - 400 people) and all of its inhabitants.

"2. Charlie Company, 1/20th Infantry of Task Force Barker was to move through Pinkville and destroy the structures and the inhabitants.

"3. The RTO (radio operator) of CPT Ernest L. Medina, CO, Co C, fired a burst of M16 fire into a wounded boy about three or four years old.

"4. A man in PFC Charles D. Gruver's squad shot himself in the foot in order to be evacuated so that he would not have to participate in the slaughter at Pinkville.

"5. 2LT Bernard J. Kallai rounded up several groups of villagers (each group consisting of a minimum of 20 persons of both sexes and all ages) and machine-gunned

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1 each group.

2
3 "6. PFC Michael B. Terry and PFC William F.
4 Doherty finished off a group of wounded civilians left
5 behind by the leading platoons.

6
7 "7. CPT Ernest L. Medina issued the order for the
8 destruction of Pinkville.

9
10 "8. 2LT Bernard J. Kallai ordered SP 4 Esequiel,
11 E-S-E-Q-U-I-E-L, Torres to open fire on a group of assembled
12 villagers.

13
14 "9. CPT Ernest L. Medina told PFC Michael A.
15 Bernhardt not to do anything stupid like writing his
16 Congressman concerning the Pinkville atrocities."

17
18 CPT Medina, I am trying to get an idea of the
19 personnel structure within your company at that time.

20 A. Yes, sir.

21
22 Q. As I name off these positions, if you can re-
23 member the individual who occupied the position, I ask
24 that you give me his name.

25 A. All right, sir.

26
27 Q. The Executive Officer.

28 A. 1LT Davis L. Storms.

29
30 Q. 1st Platoon leader.

31 A. LT Calley.

32
33 Q. Platoon sergeant.

34 A. Platoon sergeant was Cowan, C-O-W-A-N.

35
36 Q. Do you know his initials or first name?

37 A. Yes, sir, his first name was Isaiah or Isaac.
38 It started with an I.

39
40 Q. 1st squad leader.

41 A. I don't know, sir.

42
43 Q. 2d or 3d.

44 A. No, sir.
45

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Q. 2d Platoon leader?

A. 2d Platoon was 2LT Steven Brooks.

Q. Platoon sergeant?

A. SGT Buchanon.

Q. 1st squad leader?

A. No, sir.

Q. Do you remember SGT Kenneth Schiel?

A. Yes, sir.

Q. Was he in that platoon?

A. Yes, sir, I believe he was in the 2d Platoon.

Q. How about a SGT La Croix?

A. Yes, sir.

Q. In the same platoon?

A. Yes, sir.

Q. Do you remember any of the other NCO's in that platoon?

A. (Pause) Not right offhand, sir. I can probably think of them.

Q. 3d Platoon leader?

A. It was--give me a few minutes to think, sir. My mind is so cluttered up.

Q. Let me show you a copy of some orders which awarded your Combat Infantry Badge and the CIB to other members of your unit.

A. I don't think he was on it, sir, because he had been transferred from Headquarters Company.

Q. Who?

A. The 3d Platoon leader. I don't think he was on those orders at that time. He might have been on them.

Q. I am just going to give you this because if you look over these names you may be able to place the individual's assignment. (COL Wilson handed the document to the witness.)

A. I believe Hodges, Kenneth was in the 2d Platoon, sir

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Q. Would he be a squad leader?

A. Yes, I think he was. Do you want me to try to give the breakdown?

Q. On the positions that I have asked for.

A. SGT Bacon was a squad leader in the 1st Platoon. I don't know which squad. SGT Mitchell, David--

Q. (Interposing) Which platoon was he?

A. He was in the 1st Platoon.

Q. Was that Mitchell?

A. M-I-T-C-H-E-L-L. Smail, S-M-A-I-L, was, I believe, a squad leader in the 3d Platoon.

Q. Sergeant?

A. Yes, sir.

Q. S- --

A. (Interposing) S-M-A-I-L. Cox--no, Cox, George was a squad leader of the 3d Platoon. He was killed. I am not sure. I think Lamartina might have been a squad leader.

Q. What platoon?

A. 2d Platoon.

Q. What--a sergeant?

A. I think he was a SP 4.

Q. What was that name?

A. L-A-M-A-R-T-I-N-A, Salvador, III. I believe Joe Grimes was a squad leader in the 3d Platoon.

Q. Was he a sergeant then?

A. I believe he was a SP 4 or a PFC.

Q. It would be on those orders.

A. He is a PFC on these orders here, sir.

Q. O. K.

A. Do you have Hodges, Kenneth, 2d Platoon?

Q. Um-hum.

A. I believe that's it, sir.

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Q. All right.

A. I know that lieutenant's name, sir. I can't think of it.

Q. You say you didn't have a platoon leader on this operation?

A. Yes, sir, I did.

Q. You don't know his name?

A. He had been assigned from Headquarters Company.

Q. Maybe you will recall it as we go on. If you do--

A. (Interposing) I just about had it on the tip of my tongue.

Q. CPT Medina was referring to Special Orders No. 39, Headquarters, Americal Division, dated 8 February 1968.

A. As I recall, those were the people in those positions.

Q. The first sergeant?

A. The first sergeant was a SGT Hobschled, H-O-B- --

Q. (Interposing) S-C-H-I-E-D?

A. I think so, sir.

Q. Do you remember his initials?

A. Harry F., I believe.

Q. What was his grade then?

A. He was an E-8, sir.

Q. Who were your radio operators?

A. I believe one of them carrying the radio was a SP 4 Widmer. (Pause) By gosh, I would sleep next to him.

Q. Does the name Paul mean anything to you?

A. Yes, sir. Paul was--I don't think he was my RTO though, sir. Paul occasionally carried the radio for me. I was trying to think of the other one that was driver and RTO.

Q. Does the name Olsen mean anything to you?

A. Olsen was, I believe, in the 2d Platoon, sir. I can tell you what he looked like. La Cross was the

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9 afs 1 platoon leader for the 3d Platoon, LT La Cross. Murray
2 was my RTO, sir.

3
4 Q. PFC, specialist?
5 A. SP 4, M-U-R-R-A-Y.

6
7 Q. Do you know his first name and middle initial?
8 A. No, I don't, sir.

9
10 Q. How many RTO's did you normally have on an
11 operation?
12 A. Normally, well, it varied, sir. Sometimes two
13 and sometimes three.

14
15 Q. Who was the S3 of Task Force Barker?
16 A. MAJ Calhoun, sir.

17
18 Q. Do you know his first name?
19 A. Charles, I believe, sir.

20
21 Q. Do you know where he is now?
22 A. I think he is at--where is CONARC Headquarters,
23 sir?

24
25 Q. Fort Monroe.
26 A. I believe that is where he is. I am not sure.

27
28 Q. Who was the executive officer?
29 A. We did not have one, sir.

30
31 Q. What happened to COL Barker?
32 A. COL Barker was killed when I believe it was a
33 light observation aircraft crashed into a C&C chopper in
34 the vicinity of Pinkville, sir.

35
36 Q. On this operation?
37 A. No, sir, he was killed later, sir.

38
39 Q. Do you remember when he was killed?
40 A. June, I believe, sir.

41
42 Q. I can find that out. O. K.
43 A. I was trying to think because after Task Force
44 Barker was disbanded I went back to my battalion and we
45 moved up north and I was trying to think about the time.

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2 Q. Did you have any South Vietnamese Nationals
3 working with you during this operation, and I include
4 the Popular Force, ARVN and National Police?

5 A. I had an interpreter and the National Police
6 were brought in later on during the day, yes, sir.

7 Q. Who was your interpreter?

8 A. SGT Phu.

9
10 Q. Spell it.

11 A. I believe it was P-H-U. I am not sure, sir.

12
13 Q. How long was he your interpreter?

14 A. Oh, from January, I believe, of 68 until April
15 of 68 when I left the company, sir.

16
17 Q. What were his duties?

18 A. He went along with me and he just was an in-
19 terpreter. He did the duties of an interpreter. Occasion-
20 ally I sent him with the platoons when they needed assistance
21 in asking the villagers if there were any VC in the area
22 and conducting MEDCAPS and things of this nature, sir.

23
24 Q. Did you ever see him use abnormal techniques in
25 interrogations?

26 A. No, sir.

27
28 Q. I mean forceful, brutal techniques.

29 A. No, sir.

30
31 Q. The Local Police which worked with you on this
32 operation, as you say at a later date--

33 A. (Interposing) Yes, sir.

34
35 Q. --did you observe them in their interrogations
36 procedures?

37 A. No, sir. They were brought in--well, we had
38 set up a defensive perimeter for a night defensive position
39 with Bravo Co, 4/3d Infantry, and I believe it was around
40 1600 hours when the National Police were brought in and we
41 had our VC suspects, the males that we had picked up and
42 rounded up, and we had them in the vicinity of this little
43 pagoda--not a pagoda, but this--

44
45 Q. (Interposing) Shrine?

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A. A small shrine in the cemetery and CPT Michaels or Michael and myself were busy with the people that they wanted to interrogate, the prisoners, and tagging them. We had them tagged and they wanted to see who they were and classify them as VC or known VC.

Q. Was that Captain--

A. (Interposing) Earle Michael, sir.

Q. What was his assignment?

A. He was company commander of Bravo Co, 3/4th Infantry.

Q. 4/3d?

A. 4/3d Infantry, yes, sir.

Q. Did you ever have any reason to notify any South Vietnamese National during this operation to leave your area because of the way that these people were being treated?

A. Vietnamese National?

Q. I mean Popular Force, National Police, ARVN, any of the South Vietnamese military or police personnel that were working with you.

A. Did I ask them to leave my area? No, sir, I did not. They remained with us, I think, for a period of three days, sir.

Q. Please describe in detail the events which occurred in March 1968 when C Co, 1/20th Infantry of Task Force Barker conducted search and destroy operations in the vicinity of a village nicknamed Pinkville.

A. Well, I was the company commander for Co C, 1st Bn, 20th Infantry. Pinkville was located in the 2d ARVN Division AO, area of operations. Task Force Barker was in the area, I believe, of what they called the Muscatine AO, which is to the north of Quang Ngai. We were north of Quang Ngai. The, we were told that this area had been VC controlled, was VC for the last 25 years, and that the 2d ARVN Division, personnel from that division, did not go out and conduct operations in that area.

Could I go back a little further on this? During the Tet offensive my company was in the field at that time when we started hearing all the flashes and explosions from

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2 the area around Quang Ngai, Son Tinh, Binh Son, and these
3 areas there, so I called in and they said it seemed like
4 a Tet offensive had started and they alerted me to move.
5 This was about 2:30. They told me to start moving toward
6 the southern portion of our AO and set up a blocking
7 position. We started moving and got to it at first light.

8 Q. What date?

9 A. I don't know, sir. I think around the 6th of
10 February. It was when they started their big Tet offensive
11 and we had gone up on this hill where we had a blocking
12 position and I could see these people withdrawing from
13 Quang Ngai through binoculars and carrying weapons and
14 bodies and had women and children mixed in with them and
15 they were in uniform and various black pajamas and various
16 VC outfits and they were withdrawing towards Pinkville
17 where ARVN's would never go out there. We tried to get
18 clearance to go and couldn't do it, so we finally got
19 clearance to fire artillery on them. We did and by then
20 most of them had gone out of the area, but they had with-
21 drawn towards Pinkville.

22 Well, other companies from Task Force Barker,
23 Bravo, 4/3d Infantry, and A Co, 3/1st Infantry, had all
24 conducted operations in that area. We always got permission
25 to go down across the river there into the 2d ARVN AO and
26 they were glad to let us because that way they didn't have
27 to go out there themselves. The companies generally got
28 into a fight and a number of casualties were taken in that
29 area. It came our turn to go into the Pinkville, which
30 everybody referred to it as the Pinkville, by then. We
31 were looking forward to going.

32 I went out with COL Barker who picked me up in
33 a chopper for aerial recon. We didn't fly over the area.
34 We were off to the side. He showed me where the proposed
35 LZ would be, the village and the general area, and I am
36 not exactly sure when this was. It might have been two
37 days or three days before, so we planned a combat assault.
38 I was told that the artillery--I believe the LZ time was
39 7:30 in the morning and the LZ preparation would be fired
40 onto the village, on the village itself, and we would have
41 gun ships to support the CA.

42 We lifted off from LZ Dottie about five minutes

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13 afs 1 till or ten minutes till and flew a pattern to come into
2 the LZ. When we landed in the LZ I initially thought it was
3 a cold LZ, and as per instructions we always called in and
4 said whether it was a hot or cold LZ, so I called in and
5 told them I wasn't sure, but I thought it was a cold LZ.
6

7 At that time one of the gun ship pilots in the
8 A.M. said, "It is not, negative, you are receiving fire
9 and so are we." He said, "We have killed some with weapons
10 evading from the village," and he gave me the general lo-
11 cations, and my understanding was that the LZ preparation
12 was placed on the village at that time because if any
13 innocent civilians would be there they would be out of the
14 village at that time on their way toward Quang Ngai to
15 carry the rice or sell their vegetables, I don't know.
16

17 So I had the 1st Platoon on the right and the
18 3d Platoon was on the left--correction, sir. The 1st
19 Platoon was on the right, the 2d Platoon was on the left,
20 and the 3d Platoon I had spread out to the west of the LZ
21 as rear security, and I had sent out a couple of their
22 squads to search the area and pick up the weapons where
23 the gun ships had killed people fleeing with weapons.
24

25 Here is the normal way we normally did this on
26 a search and clear operation of the village. We had the--
27 I don't know exactly how to call it--the elements that was
28 pushing through the village from each platoon to go through
29 and get the people, anybody left in the area, and get them
30 out of the village and push them forward and collect them
31 on the other side of the village, and then the search
32 elements would be beginning to go through the village, the
33 bunker complexes, and digging out the VC and searching the
34 area. Myself with my command group normally waited outside
35 --not all of the time--sometimes just stayed outside the
36 village. In this case I was on the narrowest side of the
37 LZ outside of the village, on the east side of the LZ, the
38 west side of the village, and we continued to push through,
39 search the village and then we moved on to marry up with
40 Bravo Co.
41

42 Q. I have Map Sheet 6739 II L7014, Title: Quang Ngai,
43 Scale 1:50,000. Would you point out and name the village
44 which was the objective of this assault operation? (COL
45 Wilson handed the map sheet to the witness.)

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A. Right here, sir.

Q. Name it.

A. My Lai (4), sir. I am positive that is it there, sir, My Lai (4), sir.

Q. Would this map be adequate to describe the normal AO for Task Force Barker?

A. Yes, sir.

Q. Does it go far enough north?

A. Just very close to it, sir. There was another portion up here. The AO boundary didn't go much further-- yes, sir, we need the next one.

Q. We will have to go to the 1:100,000, 6739 Series L 607, Scale 1:100,000. (COL Wilson handed the map sheet to the witness.) Would you--wait a minute--would you draw in red pencil the normal AO for Task Force Barker?

A. I will try to put it on here as accurately as I can. Could I also use this one as a reference, sir? (Indicating)

Q. Sure.

A. (The witness outlined the area on the map sheet.) That was Task Force Barker's AO, sir.

Q. Would you, in blue pencil, show the area which was 2d ARVN Division's AO? Now if this area is too large, I want to ask you another question. Is it too large?

A. I am not exactly sure, sir.

Q. Then let me ask you another question.

A. I do know relatively where the northern boundary of the 11th Brigade, 3/1st was. I am not--

Q. (Interposing) Let me ask you another question.

A. I can find it, sir, I think.

Q. Never mind. Would you show me the boundary of the operation during March which was called the Pinkville operation?

A. Yes, sir.

Q. The southern boundary in blue.

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2 A. (The witness outlined an area on the map sheet
3 in blue pencil.) I am not exactly sure whether it ex-
4 tended all the way over here or not, or just came down
5 like this.

6 Q. O. K. In order for you to operate in the area
7 which you defined in blue, I believe you stated you had
8 to have special permission.

9 A. Yes, sir.

10 Q. Had you operated in this area before?

11 A. My company--can I show you on the map, sir.

12 Q. We are going to the 1:50,000 scale.

13 A. The only time that I had ever crossed down into
14 that boundary was when Bravo Co, 4/3d, and one platoon of E
15 Troop of the 1st Cav had moved in this way here, come in
16 this way (indicating), and we had set up blocking positions,
17 sir, one on the causeway here--no, sir, right here, sir.

18 Q. Coordinates?

19 A. I set up a position here.

20 Q. Coordinates?

21 A. 737821, and a blocking position was in here at
22 737--correction on that--that is right, 737809, 717803,
23 and the only time that we actually crossed down into this
24 end of the AO was when Bravo Co, 4/3d, was making a sweep
25 with one platoon of E Troop, 1st Cav, and I had one squad
26 across the small bridge here at 716801.

27 Q. When was that?

28 A. That would be in February, sir.

29 Q. What was the date of the operation when you
30 conducted a combat assault on My Lai (4)?

31 A. I am not sure of the date, sir.

32 Q. Approximate.

33 A. I believe you mentioned the 25th of March, sir.

34 Q. It was in March?

35 A. I believe so, yes, sir.

36 Q. Let's take about a five-minute break.

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A. Very good, sir.

(At this point there was a five-minute recess.)

Q. I remind you that you are still under oath.

A. Yes, sir.

Q. Would you describe the concept of operations for Task Force Barker for the Pinkville operation?

A. The concept of operations? Well, the operation was going to go as one company CA with indications if the LZ was hot and the enemy forces started withdrawing toward the south or southeast, the normal way they went, southeast, and then Bravo Co, 4/3d Infantry, would then be CA'd into a landing zone to the east of My Lai (4) along the beach some place which, in effect, did occur later on. LZ preparation, normal LZ preparation for combat assault, this was placed on the village. There were gun ships to support the CA. We only had three companies up in Task Force Barker and when two companies were in the field one would split up and occupy the two fire bases and we manned the bridges, so one company was left back at the LZ and the bridges on Highway 1. Permission had been received and given for the burning of the village.

Q. Would you indicate on the 1:50,000 map sheet the location of the landing zone by an X?

A. This is My Lai (4) here, sir. The LZ was right here, right outside (indicating).

Q. Did we establish that the LZ was hot or cold?

A. I was told by the pilot, sir, that it was hot, that we were receiving fire, that his ship had received fire, and they had killed people with weapons that were shooting at them.

Q. Were you on the LZ at that time?

A. Yes, sir.

Q. Did it appear to be hot to you?

A. Initially at first I thought it wasn't because I didn't hear any familiar crack of bullets going over your head. There was an extreme lot of firing going on, the gun ships were everywhere, and it was very hard to tell. I initially thought it was cold and reported it as such. The gun ship pilot said, "Negative, negative, it is hot

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17 afs 1

2 and you have received fire and I have taken some rounds
3 and we have killed some people fleeing with weapons."

4 Q. Was the terrain such that individuals could be
5 seen from the air?

6 A. Yes, sir. Well, that's kind of--the terrain
7 was rice paddies, the rice was fully grown and somebody
8 could hide in the rice. There were sugar cane fields that
9 bordered the village. There were hedgerows, numerous
10 hedgerows with these ditch-type things that they normally
11 use as a route in and a route out, and it was relatively
12 flat.
13

14 Q. How many gun ships supported you?

15 A. That's a hard question, sir. I initially had
16 two, a three-gun ship team, and then the Aero Scouts which
17 also consisted of three guns, and two light observation
18 helicopters.
19

20 Q. Which was the first platoon into the landing zone?

21 A. I am not really sure, sir. I believe it was the
22 2d Platoon and I went with them.
23

24 Q. When was--

25 A. (Interposing) It might have been the 1st Platoon.
26 { I am not sure, sir.
27

28 Q. When was permission given to burn the village?

29 A. The day before the operation, sir.
30

31 Q. Who gave you this permission?

32 A. I received it from COL Barker, sir.
33

34 Q. Did you ask for it or did he tell you to do it?

35 A. He told me we had permission to burn it, sir.
36 I asked him, "Do we have permission to burn the village?"
37 He said, "Yes, it is the last time we are going into that
38 place and we want it cleared out."
39

40 Q. Was this a search and destroy operation?

41 A. Yes, sir.
42

43 Q. Would you describe your understanding of a search
44 and destroy operation?

45 A. Well, sir, we conducted numerous search and

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destroy operations, sir, but we never destroyed any village prior to obtaining permission. We burned numerous villages in this area, because they were VC villages, but we always asked permission from the task force itself, and they always obtained permission from the district at Quang Ngai, I guess. My definition of search and destroy where elements, combat elements conduct a sweep through an area, searching everything and destroying everything that can be used by the enemy.

Q. What is the difference between a search and destroy and a search and clear operation?

A. Search and clear? Well, search and clear is where you move through, search the area, and you clear anything out of that area, like you pick up indigenous personnel, send them in to be interrogated, and have people picked up and moved out of the area and you evacuate them to refugee centers, et cetera.

Q. Have you ever seen any Rules of Engagement?

A. I have here at the Career Course, specified not-- I can't say that anybody has ever given me a copy of Rules of Engagement, no, sir.

Q. Maybe it would have another title. Have you ever received any instructions on the procedure for capturing or detaining civilians or VC?

A. No, I haven't seen anything in writing. I have been told verbally what to do with them, yes, sir.

Q. What were you told?

A. Well, civilians that, in the area generated through combat action would be evacuated if necessary either by helicopter or moving out, or telling them to move in the direction of the location of friendly forces. Prisoners, once you take them, or suspects are treated as suspects, are tagged and they are evacuated in proper channels.

Q. What about bringing them under fire?

A. Individuals that are evading, running away from the area, my policy is, what I told my people was if an individual is running and he is not armed with a weapon tell him to stop and if he doesn't want to stop fire a warning shot, and if he doesn't stop then, then shoot to

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19 afs 1 wound him and bring him down.

2
3 Q. How do you tell him to stop?

4 A. Well, almost all the soldiers know that "dung lai"
5 means to stop.

6
7 Q. Was this in writing anywhere?

8 A. I can't say that it was, sir. Not--I don't recall
9 seeing it in writing.

10
11 Q. When an officer reported to your unit did he have
12 any prescribed list of reading material?

13 A. We had more or less a combat SOP and when we got
14 mortared our entire company equipment was destroyed and
15 burned. I personally talked to the officers and people
16 that came into the company and gave them this information,
17 gave them a briefing before I turned them over to the
18 platoon leader or platoon sergeant, whoever it was.

19
20 Q. Did you ever brief the company on this procedure?

21 A. Yes, sir.

22
23 Q. How often?

24 A. Oh, I probably addressed the entire company twice
25 between January and April on this, and other times I talked
26 to the platoon leaders about it.

27
28 Q. You mentioned your unit was mortared and these
29 documents were destroyed. When was this?

30 A. This happened in--while we were with Task Force
31 Barker in February, sir.

32
33 Q. February.

34 A. All the companies except one lost their orderly
35 room and supply and everything.

36
37 Q. Did you consider the number of civilian, VC
38 civilian casualties abnormally high for this operation?

39 A. No, sir, the--I really didn't see that many
40 bodies for that particular area based on the number of
41 times I had seen people move into that area with weapons
42 that were VC, while we were blocking, approximately the
43 number of times we received fire from that area, that we
44 were engaged from that area, and people withdrawing with
45 weapons and moving back, no, sir, I would say that I don't

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think that it would be, because I feel that in the area was quite a number of VC in the area. As a matter of fact, we did generate a lot of VC suspects that turned out to be VC. } 2

Q. Did you go back through My Lai (4) after it had been cleared?

A. No, sir, I never went back there.

Q. Did you remain with the two leading platoons during the operation?

A. No, sir, I was to the rear. The two leading platoons had pushed through. They were conducting search and clear operations. I was still back in the vicinity of the LZ, the west side of the village and the east side of the LZ, and the 3d Platoon was in reserve towards the rear. Now once they had secured the other side I did move from the village, portions of the village, and then we married up with the rest of the elements out there and continued to push on to where Bravo Co was. }

Q. Did you see piles of dead people stacked up in the village?

A. I seen a group off over to the right. I did not go over there. I seen that there were bodies there. I did not go over. I don't know how many were there. }

Q. Were they in a group?

A. Yes, they appeared to be in a group. There were some people that I passed that you could tell had been hit heavy shrapnel or artillery. }

Q. Do you know the number of artillery rounds that were fired in the preparation?

A. No, I do not, sir.

Q. Do you have any idea? Any estimate how long it lasted?

A. No, sir. I believe it was scheduled for about five minutes. I am not sure of the complete length of time or the number of rounds, sir.

Q. Were you being supported by a battalion or battery?

A. A battery, yes, sir.

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Q. Did you know a man in your unit who shot himself in the foot?

A. I know a man that was shot in the foot, yes, sir.

Q. Who was that?

A. His last name was Carter, sir. Yes, Carter.

Q. Do you know how this occurred?

A. Yes, sir. I asked him what happened because he was shot in the foot and I thought it was a self-inflicted wound, and when I asked him what had happened he told me or, as a matter of fact, I asked him how he shot himself in the foot. At that time Fred Widmer said, "I borrowed his .45"--he said it was an accident, sir--"I borrowed his .45 to clear a bunker and I couldn't clear the weapon and I handed it to him and he went to clear it and shot himself in the foot."

Q. Had you lost 21 men in a minefield during this period?

A. No, sir. We had lost quite a few people by mines. In February I believe we were to conduct a blocking operation for the elements of the 198th Infantry Brigade and we were moving into blocking positions and we went into a VC minefield and I think there were a total of 11, 11 people in that one incident, that were injured--one, two, three--three of which I believe died. There were other incidents where people stepped on mines and whatnot.

Q. Would you locate that minefield by a black X on the 1:50,000 map sheet?

A. Where the 11 were injured?

Q. Yes.

A. It is not on this one, sir.

Q. On the 1:100,000 map sheet. (COL Wilson handed the map sheet to the witness.)

A. It would be this vicinity in here. The 2d Platoon hit one over here, too, sir. I am not exactly sure, but I know it was on this side. (Indicating)

Q. Did you see LT Calley on this operation?

A. I seen him after we had swept--well, after I had gotten reports that they had gone through the village and

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22 afs 1

I had moved up with my reserve element and we went through and I met him on the other side of the village. He gave me a call and said that one of the choppers, the rotor had hit a tree and come down and I told him to put security out and that is where I met him.

Q. Did you see him during the combat action?

A. No, sir, I did not.

Q. Did you brief your company?

A. Yes, sir, I did.

Q. In total?

A. Yes, sir, I did.

Q. What did you tell them?

A. Well, I told them we were going into the Pinkville and I gave them a brief rundown on the background information, what I knew, and, of course, they were aware of the other companies that had gone in there and had taken a number of casualties, and I told them that the LZ preparation would be put onto the village where the LZ would be. I kind of sketched it out on the ground for them and gave them a general rundown of how we would go in there, the elements that would be pushing through first and move the people, and the search elements would go in afterwards and make their search, and then we would marry up and both companies would ring up for the night or our company would ring up for the night in a defensive position to the west.

Q. Who selected the objective of the artillery concentration?

A. I do not know who selected it, sir. I do know when we were going over on the aerial recon of the area COL Barker told me that the artillery would be placed onto the village. He said this would cut down on the casualties that we would be receiving. We did not adjust or place the artillery on the village itself.

Q. Was there anybody with you on this reconnaissance?

A. There was COL Barker, myself, and I believe CPT Michael. I am not exactly sure, but I think he was there.

Q. Did you know any of the helicopter pilots which supported you on this operation?

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23 afs 1

A. No, sir.

Q. Do you know the unit they were from?

A. Well, gun ships from the--called the Sharks--- have the shark teeth painted on the front of the ships--- I believe belonged to the 178th Aviation Co and the Aero Scout Platoon---I don't know exactly what unit, but the 176th possibly.

Q. 176th what?

A. Aviation Co or Bn. I am not sure, sir. They were out of Chu Lai. They were known as Aero Scouts.

Q. Am I correct in that you shuttled your platoons in?

A. Yes, sir. We had, I believe, seven or nine ships for the CA, and I believe we completed in a total of two or three lifts, sir.

Q. Where were the seven or nine ships from?

A. I think in order to get that many, sir, they had to come from Duc Pho, the 178th, and from Chu Lai.

Q. Did you order the burning of the village?

A. Yes, sir, I told my company that we were authorized to burn the village.

Q. Who did you assign to perform this mission?

A. That was up to the search element, sir. Once they finished searching they would burn the hootches and whatnot, sir.

Q. Did you order the destruction of the inhabitants?

A. No, sir, I did not. That is, if there was any, sir, I did not.

Q. Over what period of time was Pinkville subjected to the combat assault?

A. I don't follow you.

Q. The leading platoon which assaulted Pinkville, swept Pinkville, or whatever you want to call it--how long did this take?

A. Oh, this is an estimation, sir. I am not exactly sure. I would say we were probably through the entire area

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24 a/s 1

by--well, we went in about 7:30 and were probably through there around 9:45 or 10:00 o'clock, sir.

Q. A couple of hours?

A. Yes, sir.

Q. What was the enemy strength in that area?

A. It was estimated, sir, it was elements of the 48th VC Bn. That was the information I had been given. This is also the information that I told my company, that elements of the 48th VC Bn were located there.

Q. Were you given an intelligence briefing prior to this operation?

A. Other than that intelligence reports indicated the 48th VC Bn was in the area, that that is where they were located, and possible indications were, if they were hit, which way they would pull back, and that is why Bravo Co was supposed to come in where they did.

Q. How many casualties did C Co have during the operation?

A. I believe it was about six, sir.

Q. How many VC/civilians were killed?

A. Well, the total count by Bravo, 4/3d, and Charlie, 1/20th, that was turned in to Task Force Barker--this is from reports that had come in--was a total of 125, sir.

Q. How many weapons were captured?

A. My people captured--I believe it was five, sir. I don't know whether Bravo Co captured any or not.

Q. Were any civilians left alive in this village?

A. I do not know, sir. What do you mean by alive, sir? I know that I had one group of people--I don't know how many it would be. It was quite a number of people--that I had SGT Phu instruct the people for them to move out of the area and move towards the refugee center at Quang Ngai, down the road there towards Quang Ngai, where they were to report in to the ARVN people there and they would be assisted. These people, I know, left the area.

Q. And they were from My Lai (4)?

A. I believe so, sir.

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Q. Did you encounter them in My Lai (4)?

A. The first time I saw the group was on the other side of the village, sir.

Q. Were any leaflets dropped prior to this operation?

A. No, sir, not to my knowledge.

Q. How were the civilians informed not to run?

A. Well, the area, we always found leaflets that had been subjected to the area, dropped throughout the area, were told if they were innocent civilians loyal to the Vietnamese cause they should not run and they would not be harmed; if they were told to stop that they should stop and they would not be harmed.

Q. Did you see these leaflets?

A. I have seen them, sir. I did not see them in the village and to my knowledge they were not dropped in the village. I have seen them throughout the area.

Q. This group that you told to move toward Quang Ngai---

A. (Interposing) Yes, sir, they were told to move on down to Son Tinh, sir.

Q. If they were moving across country in a group like this how would the helicopters know not to take them under fire?

A. If I remember correctly, I believe I told the task force that I was sending these people out, that I had told them to move, and at that time there were no gun ships in the area. They had all departed station.

Q. How many people was this?

A. I would say, sir, anywhere from 89 to 140, sir. It was a fairly large group, sir.

Q. Did SGT Phu interrogate any of these people prior to their departure?

A. Well, mostly with them were old people, old men and women and children, and he felt that there were no VC in the group, that were actually VC. The young males we kept with us and took them with us, sir.

Q. How many was that?

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26 a/s 1

A. I would say probably about--I think there was a total of 25 between both companies. I am not sure. It might have been more, sir.

Q. What time did you send this group back?

A. It was after we had eaten dinner. I had a can of C-rations. Probably about 1300, sir. I am not exactly sure of the time.

Q. What was the location of your platoons at the time you sent these people back?

A. We were starting to sweep to the east of the village and sweeping east towards the blocking positions that Bravo Co had set up, sir.

Q. Were there any platoons in My Lai (4) when you sent these people back?

A. No, sir, the 3d Platoon was to the rear of me, but we were out of the village, sir.

Q. Do you have any way of knowing whether these people reached the refugee area?

A. No, sir, I wouldn't. I wouldn't know whether they went there or not.

Q. But there were no gun ships in the air at that time?

A. At that time there were no gun ships in the air.

Q. When was the next time that you noticed gun ships in the air?

A. I don't think we had gun ships until the next day, sir. We might have had some in the afternoon, but I am not sure.

Q. What was the population of My Lai (4)?

A. I don't know, sir.

Q. What percentage of the villagers were sympathetic to the NVA/VC?

A. I don't have any intelligence statistics, sir, but from the way we talked to the ARVN's around Son Tinh, where this was generally talked about when we went on to operations in that area, they said they were all VC, all sympathetic to the VC cause, that no one out there was

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27 afs 1 loyal to the South Vietnamese Government.
2

3 Q. Did you see any medical attention being given
4 to civilians?

5 A. No, sir, I did not.
6

7 Q. Did you have a company medic?

8 A. Yes, sir, I did.
9

10 Q. Where was he during this period?

11 A. Each platoon had a medic and I had a company
12 medic with me, sir.
13

14 Q. Did he perform any--

15 A. (Interposing) He bandaged the individual who
16 shot himself in the foot. I don't know if he bandaged any
17 civilians or not. I don't think so.
18

19 Q. Were there any written orders issued for this
20 operation?

21 A. No, sir, there were not.
22

23 Q. Did you ever receive an order to stop the
24 slaughter?

25 A. MAJ Calhoun--I believe it was MAJ Calhoun--called
26 me and said that--I just don't know exactly how to put it--
27 he said, "Make sure your people are not shooting innocent
28 civilians." I told him, "Roger," and I put the word out
29 to the platoons.
30

31 Q. When was this?

32 A. That was sometime before the sweep of the village
33 was complete, sir, because I was still on the west side of
34 the village.
35

36 Q. Where was MAJ Calhoun at that time?

37 A. He was at LZ Dottie at the tactical operations
38 center, TOC.
39

40 Q. How would he have had an indication that they--

41 A. (Interposing) I think this come about due to a
42 helicopter pilot.
43

44 Q. Who was the helicopter pilot?

45 A. I don't know him by name.

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Q. What did the helicopter pilot say?

A. Well, here, this was investigated before, sir.

Q. All right.

A. And the investigation was conducted by my brigade commander, COL Henderson, who come out to the field to talk to me about it.

Q. He was the commander of the 1/20th?

A. No, sir.

Q. The 11th?

A. 11th Infantry Brigade, yes, sir.

Q. Where is COL Henderson now, do you know?

A. Yes, sir, he is in Hawaii. He is with USARPAC, I believe, sir.

Q. And what did COL Henderson conclude from his investigation?

A. Well, could I tell you what happened, sir?

Q. Yes.

A. O. K. The gun ships were going, had been in the area, put suppressive fire on the LZ, and they had reported where the people that they had killed with weapons were located, and we were told to make sure that we got the weapons because in previous actions before in the same area when they had killed people with weapons somebody picked-- women would pick it up and run with them and hide them, and we would not get the weapons, and we were instructed to make sure we picked up the weapons. One of the light helicopters-- I think it was an OH-13, with the pilot and two machine gunners on each side--was flying throughout the area and marking locations of bodies with weapons and he had thrown smoke throughout the area. I had already sent some squads from the rear security element to police up these weapons and this one pilot had called and said, "I am hovering over a body with a weapon. Can you send somebody to get it?" I told him, "Roger, I will have somebody over there." Well, the call came back that, "Nobody is showing up at the location I have marked with smoke where there is a VC with a weapon."

I guess they were monitoring the talk at the

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29 afs 1 task force. MAJ Calhoun came on the radio and said, "Damn
2 it, Ernie"---I think that is what he said--"get somebody
3 over to get the weapons." I said, "I have a squad coming
4 back to get the weapons and go to the areas," and he said,
5 "Get somebody over there now." I said, "O. K., I will take
6 a team and go over there myself." So we went to where he
7 had dropped smoke, that I could see the smoke, and the
8 first place I came up to was a Vietnamese male or two
9 Vietnamese males and one woman and they had been hit by
10 artillery or something, sir, because they were mangled
11 pretty badly. There was nothing there, so we went on and
12 I am not exactly sure how far it was, where the chopper
13 was, but he was hovering about 20 feet over this woman
14 and over the VC with the weapon, and I don't know, that
15 is all I know, that it was a VC with the weapon. I walked
16 up to the body. I seen that it was a woman. As I walked
17 up the chopper pulled back, moved back. I seen it was a
18 woman and I seen it didn't have any weapon laying around
19 it and she appeared to be dead. She wasn't moving. I
20 didn't turn her over or anything like that. The chopper,
21 they could have seen it was a woman with no weapon, so I
22 turned around to walk away and as I turned around to walk
23 away I caught a glimpse out of the corner of my eye of
24 something in her hand underneath her and she started to
25 move and the first thing that went through my mind was,
26 "You dumb bastard, you are dead." She had got a hold of
27 something. I spun around and fired two or three times
28 (The witness illustrated by standing and moving his body.)
29 and I killed her and he, I know, reported this, and this is
30 what I think, that I know of that he had referred to MAJ
31 Calhoun.

32
33 Q. Who reported this?

34 A. The pilot, and COL Henderson had come out and
35 made, talked to me and made an investigation of it. He
36 said he understood why I acted the way I did and he
37 rendered his report and--
38

39 Q. (Interposing) And this was the helicopter pilot
40 that observed this action, that was the one who called in
41 to the TOC?

42 A. I guess. I don't know, sir. I imagine that
43 would be the one.
44

45 Q. Do you know if a helicopter pilot threatened to

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30 afs 1 report the Pinkville operation?

2 A. No, sir, I do not.

3
4 Q. You say this pilot was flying a light observation
5 helicopter?

6 A. Yes, sir. I think it was called the OH-13.

7
8 Q. Was this woman lying by herself?

9 A. Yes, sir, she was.

10
11 Q. You mentioned that there was another group of
12 bodies with two Vietnamese males and a woman.

13 A. Yes, sir. I think it would be maybe 150 to 200
14 meters away.

15
16 Q. Were there any weapons there?

17 A. No, sir.

18
19 Q. From what source do you think these people were
20 wounded or killed?

21 A. From where they were laying I think it could
22 have been either artillery or gun ship, sir.

23
24 Q. Why?

25 A. Well, the first ones I come to seemed to be torn
26 up. You know, you can tell when an individual is hit by a
27 small arms projectile or shrapnel, and I guess the woman
28 that I killed, I don't know, maybe she had been wounded by
29 small arms or gun ship, but she was quite a ways out of the
30 area.

31
32 Q. They were in an area in which the gun ships were
33 not firing?

34 A. No, they were within the radius of where the gun
35 ships were operating, turning around and whatnot, sir.

36
37 Q. Let's take about a five-minute break.

38 A. All right, sir.

39
40 (At this point there was a short recess.)

41
42 Q. You are still under oath.

43 A. Yes, sir.

44
45 Q. Had you had any previous experience with a

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1 afs 1 simulated casualty or a person posing as a casualty firing
2 on you or your troops?

3 A. No, sir. We had received reports of this.
4 There are even reports of people waving a flag of truce,
5 and then they were receiving fire, so we were told to be
6 extremely careful.

7
8 Q. Were any other villages, during this operation,
9 burned?

10 A. Yes, sir, there was.

11
12 Q. How many?

13 A. Could I show you on the map, sir?

14
15 Q. We will go back to the 1:50,000 map sheet.

16 A. I burned My Lai (4). My company did. CPT
17 Michael's company was in the vicinity of the cemetery here
18 some place (indicating), and then this is where we stayed
19 overnight, and then we started, my company started moving
20 this way, south, and Bravo, 4/3d Infantry, come over this
21 way and moved this way (indicating).

22
23 Q. South.

24 A. Yes, sir, and they burned these villages here
25 (indicating).

26
27 Q. Would you give me the coordinates? Well, as you
28 can see on the map these villages are named. Will you
29 name the villages that were burned?

30 A. Yes, sir, My Khe (3) and My Khe (1) are more or
31 less actually a village together and My Khe (2). Now
32 Bravo Co, 4/3d Infantry, conducted a search and destroy
33 operation to the south along the peninsula there (indi-
34 cating). My Khe (4), Co Lay (1), Co Lay (2) and Co Lay (3)
35 were burned.

36
37 Q. But your company burned My Lai (4), My Khe (3),
38 My Khe (1). Is that correct?

39 A. Yes, sir.

40
41 Q. Was there a loud-speaker aircraft supporting the
42 operation?

43 A. No, not this operation, sir.

44
45 Q. How do you identify VC?

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32 afs 1

A. How do you identify VC, sir?

Q. Yes.

A. Well, if the individual is engaging you with a weapon, shooting at you, you most certainly know he is not friendly. Many times they don't carry weapons, they will just carry the web gear or pistol belt with grenades on it, and a lot of other times they will try to evade you. If they are military age male, they will try to evade from you, to get away from you, and these are normally the VC, sir.

Q. In My Lai (4) did there appear to be a substantial number of military aged males?

A. We took quite a few suspects, military aged males that the National Police also said were known VC and, yes, I would say that there was.

Q. How many?

A. Oh, I don't know, sir. It would be hard to estimate. One villager, an old man, did tell SGT Phu that there were quite a number of VC that had left earlier, in the early morning hours, 5:30 or 6:00 o'clock, and started moving toward the southeast where Bravo Co was going to block, and it was just a good VC area, sir. It had always been. Every time a unit went down there they got into a fight. The ARVN units wouldn't go in there.

Q. How do you know the ARVN units didn't go in there?

A. Well, they never conducted operations in the area.

Q. How do you know that?

A. Well, Bravo Co, 4/3d, when they went into that area and they were supposed to be supported by some of the ARVN elements with tracks, they turned around and went back to Quang Ngai and wouldn't go in. They left Bravo Co to fight it out by themselves. I was in a blocking position north. Just more or less from conversation with COL Barker and talking to the advisor at Son Tinh, that the area had been under VC control for approximately 25 years and that the ARVN's would just not go into that area.

Q. Would you say that the enemy fire which you received on the landing zone was heavy, moderate, or light?

A. I would probably classify it as light, sir.

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33 afs 1

Q. Did you see any indiscriminate killing of Vietnamese Nationals?

A. No, sir, I did not. Could I talk to counsel just a minute?

Q. Yes.

(The witness and his counsel left the room at 1110 and returned at 1115 hours.)

Q. I remind you you are still under oath.

A. Yes, sir. With reference to your last question, sir, there was one incident that did occur that happened by the National Police. CPT Michael and I were placing the companies in the defensive perimeter, digging in and taking care of the business of the company, and I had come up to where he was and we were talking, and the National Police had been interrogating the VC suspects we had captured, and they said, "Yes, this guy is definitely a VC. We know him and he is a VC."

Then CPT Michael and I had left and we were checking the defensive positions, getting ready for the night, and we heard two shots and the National Police had executed two of the VC. CPT Michael and I went over immediately and said, "No, you stop this immediately. You people are here to point out the VC for us and to assist us in identification of them and to help us in conducting the search of this area."

Q. Were you in the village at this time?

A. No, sir, we were in the cemetery where we were digging in for the night, sir, in the night defensive position.

Q. This was the first day of the operation?

A. Yes, sir.

Q. Did you fire your weapon other than the time you shot this woman?

A. No, sir, I don't believe I did.

Q. Did a group of field grade officers come to your company area after the operation to investigate Pinkville?

A. Yes, sir, I mentioned before COL Henderson, the

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34 afs 1

2 brigade commander. I believe--I am not sure of the other
3 two. I think one was COL Blackledge, the brigade S2, and
4 COL Looper was the 6/11th Artillery commander. I am not
5 sure if he was there, sir.

6 Q. Looper?

7 A. Looper.

8 Q. And Looper was the CO of what?

9 A. 6/11th Artillery Bn. I am not sure he was there.
10 I think it was just COL Henderson and COL Blackledge.

11 Q. Who is COL Blackledge?

12 A. The brigade S2, sir.

13 Q. What were they investigating?

14 A. COL Henderson come out to the field and he talked
15 to me and he asked me if I had killed this woman, if I had
16 shot a woman, and I told him the only one I had shot was
17 the one I told you about. He asked me if I was aware of
18 any civilians that had been killed--you know, murdered or
19 killed by members of my company. I told him no. He asked
20 me if I had given any such orders. I told him no. After
21 I had explained about it, he said, "O. K., I understand
22 that." He said, "That's understandable that something like
23 that would happen." He said, "O. K., continue with your
24 operation," and he left.

25 Then a couple of days later we were evacuated,
26 picked up, and we started out with three ships. We had
27 crossed back into Task Force Barker's AO, secured an LZ,
28 and started lifting the company out. We started out with
29 three helicopters and ended up with two, so it was rather
30 slow.

31 When we got back I was informed that COL Henderson
32 had been there and he had asked members of the company if
33 they had seen any atrocities being committed and COL Barker
34 told me about this also, so he asked me what I thought and
35 I told him that as far as I knew none had been committed,
36 that I had not ordered anything and I had not seen anything.
37 He said, "O. K., the investigation is being conducted and,
38 he said, "just forget about it and go about your own duties."
39 This is where the comment with--I think it was PFC Bernhardt
40 came into effect, sir.

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35 afs 1

Q. What day did COL Henderson first question you?

A. It was on the third day of the operation, sir.

Q. How did he question you?

A. Well, we were moving, conducting a search of the area. We were told there were some weapon caches and rice caches in the area and we managed to find some mines. I got a call on the radio saying that the brigade commander, COL Henderson, was coming to my location and to secure an LZ. I secured an LZ. He landed and got out of the chopper and the chopper took off and we went over to an area where we had some cover in case we received any fire and he just questioned me, sir.

Q. Did he give you an oath before you answered questions?

A. I don't believe so, sir.

Q. Did you sign any document concerning what you stated?

A. No, sir, I did not.

Q. Did he warn you of your rights before he questioned you?

A. I am not sure that he did, sir. No, sir.

Q. Do you know if this investigation or the investigation or inquiry later by COL Blackledge ever resulted in a written document?

A. Well, COL Blackledge, I don't know what part he played in the investigation, sir. I believe he was there with COL Henderson. For some reason I remember his face, but I don't know if he had anything to do with the investigation. If he did, they didn't tell me about it. COL Henderson did say he was conducting the investigation at the direction of the division commander. I think that was his exact statement, and that was it.

Q. As I understood your testimony, you stated that COL Blackledge and possibly COL Looper moved to the base camp area after the operation.

A. No, sir, I don't know who moved there. I believe that it was--I know it was COL Henderson, I believe it was COL Blackledge and possibly COL Looper, who talked to me in the field. I don't know who was with COL Henderson at

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36 afs 1 the base camp.

2 Q. Do you know who he questioned?

3 A. No, sir, I do not. The comment I got was that
4 he had questioned the people in the company. I don't know,
5 sir.
6

7 Q. But you weren't there?

8 A. No, sir, I was not there.
9

10 Q. And you weren't warned that he was coming?

11 A. No, sir, I was not.
12
13

14 Q. Do you know the nature of his questions?

15 A. No, sir, I do not. (Pause) Should I clarify
16 Bernhardt's statement? (The witness addressed this question
17 to his counsel.) You read me an allegation, an accusation.
18 (The witness addressed this statement to COL Wilson.)
19

20 Q. My question is did you place PFC Bernhardt on
21 detail during the period this group of officers interviewed
22 personnel of the company? Did you put Bernhardt on detail?

23 A. No, sir, Bernhardt was with me throughout the
24 operation. I think he was with me throughout the entire
25 operation and I think he went with me on the last ship.
26 There was six of us left there on the LZ and we were the
27 last ones out and this had already been conducted, so I
28 believe he was with me.
29

30 Q. Did you tell Bernhardt at any time not to write
31 his Congressman or give information on this operation?

32 A. Well, not exactly the way it sounds, sir. COL
33 Barker had told me that COL Henderson had come around to
34 check on this. He had talked to him. Bernhardt had written
35 to Congressmen and the IG on numerous occasions before about
36 small things and I believe it was LT Brooks who told me that
37 he thought Bernhardt was going to write the IG or his
38 Congressman and I called PFC Bernhardt over and tried to
39 explain to him that there was an investigation being con-
40 ducted and before he made any accusations or made, you
41 know--something that was, may not even actually exist, to
42 wait and see what the outcome of the investigation was,
43 and I did not, the way it implies it, as you stated it to
44 me, sir.
45

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37. afs 1 Q. What types of complaints had Bernhardt previously
2 made?

3 A. Oh, it's been so long, sir. I think one of them
4 was that he was a trained LRP and he wanted to transfer to
5 the LRP's and this sort of people and these transfers were
6 not being granted at that time. I think one concerned the
7 beer ration, the beer ration and distribution of the sundry
8 packets.
9

10 Q. What was his complaint on that?

11 A. I think the sundry packet bit was we got a sundry
12 packet per hundred men and we broke it down. Normally we
13 would wait until we had a sufficient amount to give one
14 per platoon, which made it a lot easier and people got
15 more of the items and it was a more fair distribution and
16 this was his complaint, that he may not have gotten some-
17 thing. I don't know, sir.
18

19 Q. To whom did he make this complaint?

20 A. I am not sure if this was the same complaint.
21 I did not investigate it. It was handled by the battalion,
22 the battalion S1.
23

24 Q. But it was handled within the battalion?

25 A. Yes, sir, I believe it was just handled within
26 the battalion.
27

28 Q. Did you hear of LT Calley rounding up civilians
29 and machine-gunning them?

30 A. No, sir.
31

32 Q. Did you hear of your radio operator shooting a
33 four year-old Vietnamese boy?

34 A. No, sir, I can't even recall him doing that,
35 sir, and he would have been with me.
36

37 Q. All the time?

38 A. Yes, sir, I don't recall him being out of my--
39 you know, away from me. To the best of my knowledge I
40 know nothing of that act.
41

42 Q. Was suspicion rendered that LT Calley did
43 machine-gun groups of civilians?

44 A. Suspicion rendered?
45

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38 afs 1 Q. Was it ever mentioned to you?

2
3 (Pause)

4
5 COUNSEL: I think we had best confer for just a
6 moment.

7
8 Q. Yes.

9
10 (The witness and his counsel left the room for a
11 short conference and upon their return the interrogation
12 continued as follows.)
13

14 Q. I remind you you are still under oath.

15 A. (CPT Medina) Yes, sir. Sir, up until the time
16 that the allegations were made, the investigation by COL
17 Henderson, no, sir, I had no reason to suspect anything
18 like this possibly could have happened.
19

20 Q. Well, what about subsequent to the investigation
21 by COL Henderson?

22 A. You mean after that? Other than--it was--I don't
23 know if it was COL Henderson or COL Barker that told me the
24 investigation was being--well, when I come back COL Barker
25 told me that COL Henderson had been there asking questions,
26 if any atrocity had been committed, and I asked COL Barker
27 why or what had happened and he said they had heard that a
28 colored individual, a Negro, had been seen shooting into
29 some bodies. They didn't know if they were dead or what.
30 I asked him if I should make an investigation or start an
31 investigation. They gave me a suspicion that something
32 might have happened, but then I was told by COL Barker,
33 "No, the investigation will be conducted and you just forget
34 about it and go on about your duties."
35

36 Q. Was LT Calley's name ever mentioned?

37 A. Well, he was the 1st Platoon leader, but I can't
38 say specifically--COL Barker or COL Henderson, no, sir,
39 they did not.
40

41 Q. Then you did not investigate this allegation?

42 A. No, sir. I started to conduct an investigation
43 of it and COL Barker said that investigation would be con-
44 ducted and just to let it go.
45

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1 Q. Was this village treated any worse than any
2 other village that you had conducted search and destroy
3 operations in?

4 A. You mean burning down?

5
6 Q. Burning down, killing, wounding.

7 A. Well, this village was the only one where we had
8 ever received fire from. It was the only village that we
9 returned fire into because we received fire. It was the
10 only village that artillery fire was placed on or gun ships
11 placed their fire on that I know of.

12
13 Q. Were these actions caused by enemy action? Was
14 the gun ship fire and your unit's fire a result of reacting
15 to, or response to, enemy fire?

16 A. I would say yes, sir, it was known VC village,
17 VC area. I imagine that's the reason why the artillery was
18 placed on the site. I know the gun ship's pilot said they
19 had received fire and they returned fire. The policy was
20 if you received fire from a village you returned fire.

21
22 Q. Were you with the two assaulting platoons?

23 A. No, sir, I was not. I was at the edge of the LZ,
24 sir.

25
26 Q. Do you know from which direction the enemy fire
27 was coming?

28 A. No, sir.

29
30 Q. Was the enemy fire coming through the village?

31 A. It could be possible, sir. I do not know.

32
33 Q. But you stated that the fire was coming from the
34 village?

35 A. Yes, sir, this is what I was told by the gun
36 ship pilot.

37
38 Q. How about your platoon leaders?

39 A. I did not receive any report from them that they
40 were receiving fire when I got word that the LZ was hot,
41 that the pilot was receiving fire. I told them we were
42 receiving fire from the village and to be extremely careful.

43
44 Q. Did you know PFC Michael Terry?

45 A. Yes, sir. He was, I believe, in the 3d Platoon, sir.

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(MEDINA)

40 afs 1 Q. Do you have any reason to think that he would
2 commit an atrocity?

3 A. No, sir. Terry was a member of the Latter Day
4 Saints, Mormon, and he would come to me, him and Olsen
5 were the two that I had in the company, and they would
6 come to me occasionally asking permission, when they had
7 these retreat things at Chu Lai and Danang, if they could
8 go. He had an application, 1049, for transfer to the LRP's
9 and he did transfer to the LRP's. I find it extremely hard
10 to believe Terry would do that. He didn't smoke and drink
11 coffee or tea, or even smoke, that I know of.
12

13 Q. How about PFC William Doherty?

14 A. Doherty was in the 3d Platoon also, I believe, sir.
15 No, sir, I did not see him do anything. I would have no
16 reason to suspect him.
17

18 Q. Would you have any reason to suspect that any of
19 your RTO's would have shot a four year-old wounded boy?

20 A. No, sir.
21

22 Q. Have you any reason to believe that a four year-old
23 boy could be VC?

24 A. I find it--no, sir, I don't think that a four
25 year-old could. I have heard of incidents where kids put
26 grenades in gas tanks and things like this, but a four
27 year-old boy I would not have reason to believe would be
28 a VC unless he was actually trying to kill you with something.
29

30 Q. Would LTC Edwin D. Beers have any knowledge of this
31 operation?

32 A. COL Beers was my battalion commander, 1st Bn, 20th
33 Inf. He was commanding officer for the 1st Bn, 20th Inf,
34 which was not a part of Task Force Barker. I do not think
35 he would have any knowledge of it unless maybe COL Henderson
36 said something to him. He never indicated to me that he
37 did or anything like that. I believe he is with ACSFOR in
38 Washington.
39

40 Q. Why was Task Force Barker formed?

41 A. Well, from what I understand, sir, It was when
42 the 11th Bde was sent to Vietnam to become part of the
43 Americal. They had one brigade, I believe the 3d Bde, 4th-
44 Infantry Division, that was working in that area and they
45 were working in this area and they had control of the

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41 afs 1 Muscatine AO and this is where I believe the name comes
2 from, and they were being moved back to another area as
3 a separate brigade. I think it was around Pleiku, or they
4 might have gone back to the division. I don't know. My
5 company was taken from the 1/20th and they formed a task
6 force under COL Barker to move in and assume responsibility of
7 this area.
8

9 Q. How long was this task force formed?

10 A. Well, the task force was formed in January of 68
11 and I remained with it until I believe it was April the 8th
12 when I was airlifted from the field back to the 1/20th Inf
13 when we come under control of our parent battalion and COL
14 Beers.
15

16 Q. Would MAJ James R. Bell have any knowledge of this
17 operation?

18 A. I don't think so, sir. He was a battalion execu-
19 tive officer. He was later transferred to MACV.
20

21 Q. How about MAJ Peter L. Clifford?

22 A. No, sir, not that I know of. He came in as
23 executive officer at a later time. MAJ Bell later came
24 back from MACV up to division G2. MAJ Clifford left as
25 executive officer from the 1/20th and went to G1. COL
26 Beers was G1 and when I come out I was at battalion and I was
27 later battalion TOC and later moved up and worked at division
28 G3 in the division TOC.
29

30 Q. Did your troops ever complain to you about un-
31 warranted restraints being placed on them in combat actions?

32 A. Unwarranted restraints? Not that I recall it, sir.
33

34 Q. Do you have any reason to believe that your
35 company went into this operation with a vendetta or with
36 vengeance?

37 A. I wouldn't think so, sir. I know that we had
38 lost people, but I don't think so. I mean it is hard to say.
39 I personally did not go in there with any vengeance or
40 anything, but maybe a private soldier that was buddies with
41 somebody for a long time and had a buddy killed might have.
42 I was not aware of this.
43

44 Q. Did you notice any of your men crying prior to
45 this at your meeting?

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42 afs 1 A. I have had people cry when some of their people
2 were killed, yes, sir.
3

4 Q. How long before the operation?
5

6 A. That was the 3d Platoon. They had a--I think it
7 was two people killed and about three wounded. I don't
8 know if the other one died or not. He was missing both
9 legs and was blind and had his lower parts missing and
10 they were quite upset about this. I tried to explain to
11 them. I don't recall anybody crying at the briefing prior
12 to this operation, but before this that did happen and I
13 know some of them were quite upset because they had lost
14 their friends.

15 Q. How long before the operation?
16

17 A. Maybe a month, sir. I am not sure.
18

19 Q. A month?
20

21 A. Possibly. I am not sure.
22

23 Q. Who were these people?
24

25 A. There's only two that I can recall--one that I
26 talked to that knew the individual quite well, he had served
27 with him in Hawaii, and they were both NCO's and he had a
28 wife and kid back there. The one that was killed was SGT
29 Cox. SGT Smail, S-M-A-I-L, was the one I went over and
30 talked to.
31

32 Q. About the death of SGT Cox, did you say?
33

34 A. Yes, sir. I can't remember that kid's name. I
35 think we had two by the same name. Could I see that list,
36 sir?
37

38 Q. Sure. (COL Wilson handed the document to the
39 witness.) Special Orders No. 39.
40

41 A. I don't see his name on here, sir, not that I can
42 recognize it. I can't think of his name either. There was
43 a--I don't even remember what platoon he was in, sir--that
44 at the briefing did cry. Well, I am not saying that he
45 cried or anything. I am not sure that--he was upset and he
did ask me, he said, "What if we see a woman or something
like this? Can we shoot then?" My answer to that was,
"No, only if they are engaging you or have a weapon. You
have to be extremely careful and use common sense; if they
are endangering you or have a weapon or are evading, then

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s 1 you can shoot at them." I think he was in the 3d Platoon,
2 but I am not sure.

3
4 Q. Why did he ask this question?

5 A. I don't know, sir.

6
7 Q. Was he one of the men that was upset about the
8 loss of a friend?

9 A. He could have been, yes, sir.

10
11 Q. I just can't understand what would prompt the
12 question.

13 A. That is the reason I thought he might have been
14 in the 3d Platoon, but I don't see his name on there that
15 I can recognize it.

16
17 Q. This isn't the entire unit.

A. No, sir.

20 Q. Was he asking the question because he did not
21 want to be restrained?

22 A. I don't know, sir. I don't think so.

23
24 Q. Were there any VC nurses captured on this operation?

25 A. Yes, sir, there was.

26
27 Q. How many?

28 A. One that I know of for sure.

29
30 Q. In My Lai (4)?

31 A. No, sir.

32
33 Q. Where?

34 A. She was captured in, I think it was My Khe.

35
36 Q. Back to the 1:50,000 map sheet.

37 A. My Khe (2), here, sir (indicating).

38
39 Q. How many PW's were taken on this operation?

40 A. Quite a few, sir. I believe it was around 25
41 or 29 between both companies. It might have been more.

42
43 Q. Did you see any direct killing?

44 A. No, sir, other than the National Police that I
45 told you about, sir.

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14 afs 1 Q. Did you state that Olsen was a Mormon?

2 A. I believe it was Olsen, yes, sir, Olsen and
3 Terry.

4
5 Q. Did you know of a procedure to use VC or
6 civilians for mine sweep operations?

7 A. No, sir. People sometimes refer to it as that.
8 It wasn't that they were used as mine sweepers. On this
9 particular operation we carried some of the VC suspects
10 with us and they knew the area, they knew the path through
11 the area which was completely mined. It was a terrible
12 area. It was really bad with mines and boobytraps. They
13 knew the area very well and we were trying to find the big
14 rice cache and weapon cache in the area. That is one
15 reason we had them with us in that area. They weren't
16 necessarily used as mine sweepers. They were used to show
17 us where the paths were, the mines.

18
19 Q. Was the procedure to put them out in front with
20 the point men?

21 A. Yes, sir. Well, I am not exactly sure how they
22 placed them or whether they were directly in front with
23 the point men or the point men told them which way to go.

24
25 Q. Are you familiar with a publication from the
26 Americal Division titled the Southern Cross?

27 A. Yes, sir. It is a magazine.
28

29 Q. Was it published more than one time?

30 A. Yes, sir. I don't know the length of time or
31 when it is published, but I know it is not just a one-time--
32 it's published more than once.

33
34 Q. Do you remember seeing the publication which included
35 the Pinkville operation?

36 A. There is a picture of that in there, yes, sir.
37

38 Q. Do you have a copy of that?

39 A. I might have one at home, sir. I am not sure.
40 I think it was the first copy of the Southern Cross that
41 came out and I sent one home. I may have it.

42
43 Q. If you do, would you bring it in to MAJ Pack and
44 he will run it off on a machine for me?

45 A. I don't think there is an article in there about

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45 afs 1 the village itself or that operation. I think there is
2 a picture taken there.

3 Q. Was there a photographer with you on the operation?
4 A. Yes, sir.

5 Q. Do you know who the photographer was?
6 A. No, sir. He was from PIO of brigade.

7 Q. Do you remember his grade?
8 A. I do not.

9 Q. Was he in military uniform?
10 A. Yes, sir.

11 Q. He was a soldier?
12 A. Yes, sir. Who did you want me to bring this in
13 to, sir?

14 Q. MAJ Pack, P-A-C-K.
15 A. All right, sir.

16 Q. Show him that section that refers to Pinkville
17 and I will ask him to reproduce it on whatever machine he
18 has here.

19 A. O. K., sir.

20 Q. Was there any indication that the enemy infil-
21 trated, NVA or VC, by sampan during this operation?

22 A. There is a possibility, yes, sir, because of the
23 area there. There was a known infiltration route. As a
24 matter of fact, they occasionally tried to land these boats
25 along the coast line to drop weapons and whatnot off, and
26 the Mike boats are used--I am not sure if that is the right
27 name--the Swift boats are used periodically to control the
28 beaches and the inlet waterways in the area.

29 Q. During the operation do you know if there were
30 any reports of sampan infiltration?

31 A. I am not sure, whether there was or not. I know
32 that the Vietnamese Navy with their junks and, I think,
33 some of the Swift boats did patrol into that river that
34 comes in in the vicinity of My Khe (2). I know I did hear
35 shooting in that area.

36
37
38
39
40
41
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44
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46 afs 1

Q. Did you notice many small children in My Lai (4)?

A. No, sir. I had seen those two that had been killed and the rest that I seen were with the group of people that we moved out.

Q. How would you say that these two were killed?

A. I don't know, sir. They were killed possibly by artillery or gun ship fire or small arms fire.

Q. Were there many pregnant women in this village?

A. Not that I know of, sir. I didn't see any pregnant women.

Q. At the time that you stopped to eat lunch the day of the operation, did you notice Bernhardt around you?

A. That's hard to say. I think so. As a matter of fact, I think I gave him a little girl to hold her hand and carry to where the rest of the people were to be evacuated. I am not sure of this, but I think he is the one that had her. I am not sure. Bernhardt was with me. I just don't know whether he was there while we were eating. I believe he was, yes, sir.

Q. At the location where you were and where Bernhardt could have been, was there a pile of bodies?

A. No, sir, I did not see any pile of bodies where we ate chow, sir.

Q. Did you ever state to your company that this area was responsible for former casualties received by C Co?

A. I might have said it in the manner that this is where the 48th VC Battalion was, supposed to be located, and we had been down in that area. I mean we had taken casualties from that area, small arms fire. The 48th VC Battalion worked in that area and planted mines all over the place. Maybe this is what they are referring to. I don't think I specifically said that this, underscore, was the area responsible for our casualties, you know--just the VC Battalion itself.

Q. Did you see the photographer take any photographs?

A. No, sir. Possibly--well, the one I seen in the book, I know that he did take, but I am not sure that he took it or not.

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2 Q. Did you have any man refuse to take part in
3 this operation at any time?

4 A. No, not in this operation, sir.

5 Q. In any operation?

6 A. I had a man that went to pieces on me. We were
7 going into our night defensive position and we started
8 receiving sniper fire and casualties. One of the indi-
9 viduals started going to pieces. I didn't think there was
10 anything wrong with him, but the medics said he was going
11 into shock and he should be evacuated and we did evacuate
12 him and he never did come back or go on another combat
13 operation with us.

14 Q. His condition was the result of fear?

15 A. I think so. I think he was just scared, yes, sir.

16 Q. Do you know a Specialist 5 White?

17 A. Yes, sir. He was my senior medic until he stepped
18 on a mine.

19 Q. Is he still alive?

20 A. Yes, sir. This is the village--I mean the mine-
21 field where we took all the casualties (indicating). He
22 was moving through the minefield trying to give medical
23 assistance and he stepped on a mine and blew his foot off.
24 The last I heard, sir, he was in San Francisco at a hospital
25 and he was going to make a career out of being a medic.

26 Q. He was not on this operation in My Lai (4)?

27 A. No, sir.

28 Q. Do you know SP 4 Bruce Foreman?

29 A. Foreman was a platoon medic. I believe he was
30 with the 3d Platoon, sir. I am not sure. I believe it was
31 with the 3d Platoon.

32 Q. Do you have any reason to believe that USARV
33 would publish a document on Rules of Engagement?

34 A. Do I have any reason to believe that they would
35 publish one?

36 Q. Or can you recall ever seeing one?

37 A. I can't recall seeing one, but I am sure they
38 put one out.

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2 Q. You mentioned an allegation that a Negro shot
3 into wounded bodies of VC civilians. Do you know who
4 this person is?

5 A. No, sir, I do not.

6 Q. From the standpoint of normal operations, was
7 there any procedure established to care for wounded
8 civilians?

9 A. Yes, sir. Normally when we had wounded civilians
10 or casualties, that civilians had been accidentally shot
11 in cross fire or something like this, they were evacuated
12 through normal evacuation channels.

13 Q. Would you consider the operation at My Lai a
14 crossfire operation when your troops were firing?

15 A. Possibly. I don't know the extent of fire that
16 was received. It might have been because the cross fire--
17 I don't know, sir.

18 Q. Was it normal for the company to submit an
19 after-action report after an operation of this type?

20 A. We normally just called in on the radio and told
21 them what the body count was. Well, of course, they kept
22 track of the casualties that we had, that we evacuated, and
23 we just told them how many prisoners we had taken and this
24 was verified through channels.

25 Q. Who was the lowest level that makes an after-
26 action report?

27 A. Well, I don't--I can't really say that I made any
28 after-action report after any operation. Probably any
29 operation that was conducted that required an after-action
30 report was possibly normally handled at battalion.

31 Q. Why was Bernhardt with the command group on this
32 operation?

33 A. I really don't know, sir. I-- (pause) --I think
34 that I had asked for an RTO to supplement the command group.
35 I am not sure if that was the reason. Occasionally--he was
36 a demolition man also and he was pretty good at it and he
37 might have been with me for that reason.

38 Q. Do you recall an incident where you had to use
39 a rope or you required a rope to be used to move an
40 ammunition can that may have been boobytrapped?

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A. Yes, sir.

Q. Did this occur on this operation?

A. I am not sure if it occurred on that operation or not. I know that we did find a can containing documents, medicine, a radio and whatnot, that belonged to the VC. As a matter of fact, I think Bernhardt was the one who spotted it. I might have made him move it with a rope, tie a rope on the can and get back and pull it.

I know there was another incident where we had completed the MEDCAP--no, that is another time. We were moving through on search and clear and overtook and talked with a young woman and girl on the trail carrying rice, and we asked if there was anything in the area and nothing, everything was just nice. I gave the kid some candy and we started down the trail and we hadn't gone very far and one of the point men noticed something unusual on the trail and he started probing and he started uncovering an artillery shell attached to a stick over there and the wire leading from the nose, a fuse, so when you fell through your foot would push down and detonate it. I think he detonated this one also. He used the rope to detonate mines and things of this nature.

Q. Did he normally carry the rope?

A. He might have. I think he probably carried it most of the time in that platoon. Almost every time I seen him he had it.

Q. Do you have any further information concerning the matters we have discussed?

A. No, sir.

Q. Do you want to talk to him? (COL Wilson addressed this question to the counsel.)

A. (CPT Richards) No, sir.

Q. Do you have any additional oral testimony?

A. (CPT Medina) No, sir.

Q. Do you have any further statements regarding the subject?

A. No, sir.

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afs 1 Q. CPT Medina, this is an official investigation.
2 It is privileged in the sense that the report will be
3 made to the Chief of Staff of the Army for such use as
4 he deems appropriate. You are ordered not to discuss
5 this investigation or the questions and answers covered
6 during this interview except as you otherwise may have a
7 right to do so in accordance with law, and I direct these
8 instructions also to you, Captain.

9 A. (CPT Richards) Yes, sir.

10 Q. That's it. Thank you very much.

11 (The witness was excused.)
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