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REPORT OF THE DEPARTMENT OF THE ARMY REVIEW

OF THE

PRELIMINARY INVESTIGATIONS INTO THE MY LAI INCIDENT

VOLUME I

THE REPORT OF THE INVESTIGATION

14 MARCH 1970

DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

CS (Peers Inquiry) 14 March 1970

MEMORANDUM FOR: SECRETARY OF THE ARMY

CHIEF OF STAFF, US ARMY

SUBJECT: Letter of Transmittal

1. Pursuant to your directive of 26 November 1969, I have completed the investigation of facts and circumstances surrounding the original Army investigation of incidents which occurred during the period 16-19 March 1968 in Son My Village, Quang Ngai Province, Republic of Vietnam.

2. Forwarded herewith is the final report of investigation.

W. R. Peers

W. R. PEERS
Lieutenant General, USA

1 Incl
as

Volume I of the Report of the Department of the Army Review of the Preliminary Investigations into the My Lai Incident has been declassified and released by the Secretary of the Army. This volume contains the body of the report. It has not been altered in any way except to delete footnotes which refer in large part to material in Volumes II and IV which will not be released.

Volume III of the report has also been declassified and released by the Secretary of the Army. Due to its volume (seven books), however, it will not be reproduced. A complete set of Volume III is available for examination in the reference section of the Army Library, Room 1A 526 in the Pentagon.

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14 March 1970

MEMORANDUM FOR: SECRETARY OF THE ARMY

CHIEF OF STAFF, US ARMY

SUBJECT: Final Report of Investigation

I would like to record my concurrence in the basic findings of the report and my satisfaction with the manner in which the Inquiry has been conducted by LTG Peers. I am satisfied that every reasonable effort has been made to determine the full facts surrounding the original Army investigation of the incidents and that the report fairly records what was found.

Since joining the Inquiry on December 5, 1969, Mr. Jerome K. Walsh, Jr., and I, as civilian legal counsel, have served as integral members of the Inquiry team. Our advice has been continually solicited in the course of the Inquiry and our suggestions as to issues to be examined and information to be sought have been conscientiously pursued. We fully participated in the interrogation of witnesses, the review of the evidence and the preparation of the report. While there have been many aspects essential to the Inquiry and to a complete report which go beyond a layman's sphere of knowledge, every attempt was made by LTG Peers and members of his team to provide us with the background information required to enlarge our participation.

It became clear to me in the course of the Inquiry that the resources and technical competence of the Army itself were essential to a sound, thorough and effective examination of this matter. I am convinced that it was desirable from the point of view of the public and of all concerned that this matter in the first instance be fully examined by the Army. I believe it has been well done.

ROBERT MacCRATE
Special Counsel

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Chapter I

INTRODUCTION

A. PURPOSE OF THE INQUIRY

On 26 November 1969, the Secretary of the Army and the Chief of Staff, US Army, issued a joint memorandum directing Lieutenant General William R. Peers to explore the nature and scope of the original Army investigations of what occurred on 16 March 1968 in Son My Village, Quang Ngai Province, Republic of Vietnam, and to determine:

1. The adequacy of such investigations or inquiries and subsequent reviews and reports within the chain of command; and
2. Whether any suppression or withholding of information by persons involved in the incident had taken place (Inclosure 1).

The same memorandum specified that the Inquiry would be concerned with the time period beginning March 1968 and continuing until receipt by the Secretary of Defense and others of information concerning the incident in a letter dated 29 March 1969 (Inclosure 2). It was further provided that the Inquiry would neither include nor interfere with criminal investigations in progress. Mr. Bland West, Assistant General Counsel of the Army, was named as General Peers' deputy for purposes of the Inquiry.

B. SCOPE OF THE INQUIRY

The primary focus of the Inquiry has been on the subsequent reports and investigations of the Son My incident rather than on the incident itself; however, it became apparent at an early stage that the adequacy of those reports and investigations could not be evaluated intelligently without a thorough understanding of what actually took place during Task Force (TF) Barker's

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operations in the Son My area on 16-19 March 1968.* Additionally, knowledge of the operational facts, including those relating to the commission of atrocities, was essential to a determination as to whether there had been any subsequent suppression or withholding of information by persons having a duty to report.

For these reasons, the scope of the Inquiry included a complete examination into the operational situation throughout TF Barker's area of operations (AO) during the period 16-19 March 1968, together with an exploration of the facts relating to atrocities committed in the course of such operations. The latter aspect was pursued in sufficient depth to determine the substantive facts concerning such atrocities, but no direct effort was made to establish the criminal liability of particular individuals for possible violations of criminal statutes or the law of war. The Office of the Provost Marshal General of the Army assumed responsibility for investigation of these possible violations in July 1969, and certain testimony and other evidence developed in the course of that investigation have been made available and incorporated in the record of this Inquiry.

C. ORGANIZATION AND GENERAL CONDUCT OF THE INQUIRY

General Peers informed the Chief of Staff and Secretary of the Army on 30 November 1969 that he intended to proceed by:

1. Reviewing the facts then available for background information;
2. Collecting pertinent official records of units in Vietnam;
3. Locating and interrogating all witnesses known or determined to have information bearing on the incident; and
4. Preparing a report on the results of the investigation, including appropriate findings and recommendations (Inclosure 3).

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*By memorandum to the Secretary of the Army and the Chief of Staff, US Army, dated 21 January 1970 (Inclosure 6), General Peers pointed out that the name "My Lai (4)" used on some US maps was a misnomer in the sense that it is not commonly used by the Vietnamese and that the operations of TF Barker under investigation took place in several of the hamlets and subhamlets of Son My Village. On 2 February 1970, the Secretary of the Army and the Chief of Staff, US Army, confirmed to General Peers that exploration of matters throughout all of Son My Village was considered to be within the scope of the original directive for investigation (Inclosure 7).

On that same date, General Peers also recommended that a distinguished lawyer be made available to the investigative team in order to promote public recognition and acceptance of the objectivity of the Inquiry and to enhance its effectiveness (Inclosure 4). In response to this request, the Secretary of the Army obtained the services of Robert MacCrate, Esq., a partner in the New York law firm of Sullivan & Cromwell and a Vice President of both the New York State Bar Association and the Association of the Bar of the City of New York, who agreed to serve as special counsel. Jerome K. Walsh, Jr., Esq., of the New York law firm of Walsh & Frisch, was appointed associate special counsel.

An investigating team of Department of the Army personnel, including field grade officers having extensive experience in battalion-size combat operations in Vietnam and administrative and support personnel, was assembled to assist General Peers. Additional personnel were added to the team as requirements became more clearly defined. Further details respecting the organization, procedures, and methods employed in the course of the Inquiry are set forth in Inclosure 3.

On 9 December 1969, the Inquiry was officially designated as "The Department of the Army Review of the Preliminary Investigations into the My Lai Incident" (Inclosure 5) and was given the short title of "The Peers Inquiry."

The first phase of the Inquiry began at the Pentagon on 2 December 1969 with the taking of testimony from witnesses and the collection and review of documentary evidence. Interrogation of witnesses proceeded on a 6-day per week basis, and by 24 December, 39 witnesses had given testimony, some of them on more than one occasion. Simultaneously, the investigative team was assembling and studying numerous directives, orders, logs, reports, maps, photographs, and other evidentiary materials bearing upon the matters under review. On 13 December, two officers departed for Vietnam to provide the team with continuing in-country representation and to complete arrangements for the Vietnam phase of the Inquiry.

On 26 December, General Peers, the civilian special counsel, and other members of the investigating team departed for Vietnam. Other members of the team, under direction of the deputy, Mr. West, continued to examine additional witnesses at the Pentagon during the period General Peers was in Vietnam.

The Vietnam phase of the Inquiry, which continued from 28 December 1969 until 8 January 1970, involved the taking of

testimony from or interviews with key personnel throughout the US military chain of command, US civilian personnel, officials of the Government of Vietnam, Army Republic of Vietnam (ARVN) officers and enlisted personnel, and Vietnamese civilians residing in the Son My Village area. Documents considered relevant to the Inquiry were obtained from various headquarters, including US Military Assistance Command, Vietnam (USMACV); US Army, Vietnam (USARV); III Marine Amphibious Force (III MAF); Americal Division; and the 11th Infantry Brigade. Further documentation was made available to the team by various Republic of Vietnam (RVN) officials and ARVN headquarters. General Peers, the civilian special counsel, and other members of the investigative team made an on-site inspection of certain significant areas within Son My Village, and other such areas were closely inspected by General Peers at very low altitude utilizing an OH-6, a small, observation-type helicopter. Two members of the investigating team remained in Vietnam to continue the assembling of documents and to obtain further information from in-country witnesses as developments indicated the need.

The third phase of the Inquiry began with the return of General Peers and party to Washington on 8 January 1970. During his absence, the portion of the team working under Mr. West in Washington had interrogated 41 additional witnesses. In order to enable the investigative team to interrogate every person who might reasonably be expected to have useful information without unduly delaying completion of the Inquiry, General Peers established three interrogation teams to take testimony concurrently. A fourth team was added later for a limited purpose.* This procedure made it possible for the Inquiry to interrogate a total of 399 witnesses, some of them on several different occasions, and nevertheless complete the taking of testimony by 7 March 1970.

Editing, reviewing, and summarizing of the transcripts of testimony, preparation of exhibits, analysis of the issues and evidence, and drafting of portions of the report were carried forward by other members of the investigative team concurrently with the taking of testimony. Consequently, upon the completion

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*During the operation of TF Barker on 16-19 March 1968, two rifle companies were employed on offensive operations in the Son My Village area. The third rifle company, A/3-1 Inf, was employed essentially in a blocking position north of Son My. The fourth interrogation team was established to check out a lead of possible misconduct by A Company. No reliable evidence of misconduct was developed and, therefore, the activities of A Company are not given detailed treatment in the report

of hearings in early March and despite the vast volume of assembled evidence, General Peers was in a position to complete his review and analysis of the evidence and to prepare this report within a minimum of time.

DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

26 November 1969

MEMORANDUM FOR LIEUTENANT GENERAL WILLIAM R. PEERS
218-34-7471

SUBJECT: Directive for Investigation

Confirming oral instructions given you on 24 November 1969, you are directed to explore the nature and the scope of the original U.S. Army investigation(s) of the alleged My Lai (4) incident which occurred 16 March 1968 in Quang Ngai Province, Republic of Vietnam. Your investigation will include a determination of the adequacy of the investigation(s) or inquiries on this subject, their subsequent reviews and reports within the chain of command, and possible suppression or withholding of information by persons involved in the incident.

Your investigation will be concerned with the time period beginning March 1968 until Mr. Ronald L. Ridenhour sent his letter, dated 29 March 1969, to the Secretary of Defense and others. The scope of your investigation does not include, nor will it interfere with, ongoing criminal investigations in progress.

The procedures contained in AR 15-6 are authorized for such use as may be required.

You are authorized to select and use on a full-time basis officer and civilian members of the Army whom you deem necessary for the conduct of the investigation. Your deputy is designated as Mr. Bland West, Assistant General Counsel, Department of the Army. Should you require other assistance, please let us know.

You will inform us at an early date of the expected completion date of your report.

W. C. Westmoreland
W. C. WESTMORELAND
General, U.S. Army
Chief of Staff

Stanley R. Resor
Stanley R. Resor
Secretary of the Army

Inclosure 1

Mr. Ron Ridenhour
1416 East Thomas Road #104
Phoenix, Arizona

March 29, 1969

Gentlemen:

It was late in April, 1968 that I first heard of "Pinkville" and what allegedly happened there. I received that first report with some skepticism, but in the following months I was to hear similar stories from such a wide variety of people that it became impossible for me to disbelieve that something rather dark and bloody did indeed occur sometime in March, 1968 in a village called "Pinkville" in the Republic of Viet Nam.

The circumstances that led to my having access to the reports I'm about to relate need explanation. I was inducted in March, 1967 into the U. S. Army. After receiving various training I was assigned to the 70th Infantry Detachment (LRP), 11th Light Infantry Brigade at Schofield Barracks, Hawaii, in early October, 1967. That unit, the 70th Infantry Detachment (LRP), was disbanded a week before the 11th Brigade shipped out for Viet Nam on the 5th of December, 1967. All of the men from whom I later heard reports of the "Pinkville" incident were reassigned to "C" Company, 1st Battalion, 20th Infantry, 11th Light Infantry Brigade. I was reassigned to the aviation section of Headquarters Headquarters Company 11th LIB. After we had been in Viet Nam for 3 to 4 months many of the men from the 70th Inf. Det. (LRP) began to transfer into the same unit, "E" Company, 51st Infantry (LRP).

In late April, 1968 I was awaiting orders for a transfer from HHC, 11th Brigade to Company "E," 51st Inf. (LRP), when I happened to run into Pfc "Butch" Gruver, whom I had known in Hawaii. Gruver told me he had been assigned to "C" Company 1st of the 20th until April 1st when he transferred to the unit that I was headed for. During the course of our conversation he told me the first of many reports I was to hear of "Pinkville."

Inclosure 2

"Charlie" Company 1/20 had been assigned to Task Force Barker in late February, 1968 to help conduct "search and destroy" operations on the Batangan Peninsula, Barker's area of operation. The task force was operating out of L. F. Dottie, located five or six miles north of Quang Nhai city on Viet Namese National Highway 1. Gruver said that Charlie Company had sustained casualties; primarily from mines and booby traps, almost everyday from the first day they arrived on the peninsula. One village area was particularly troublesome and seemed to be infested with booby traps and enemy soldiers. It was located about six miles northeast of Quang Nhai city at approximate coordinates B.S. 728795. It was a notorious area and the men of Task Force Barker had a special name for it: they called it "Pinkville." One morning in the latter part of March, Task Force Barker moved out from its firebase headed for "Pinkville." Its mission: destroy the trouble spot and all of its inhabitants.

When "Butch" told me this I didn't quite believe that what he was telling me was true, but he assured me that it was and went on to describe what had happened. The other two companies that made up the task force cordoned off the village so that "Charlie" Company could move through to destroy the structures and kill the inhabitants. Any villagers who ran from Charlie Company were stopped by the encircling companies. I asked "Butch" several times if all the people were killed. He said that he thought they were, men, women and children. He recalled seeing a small boy, about three or four years old, standing by the trail with a gunshot wound in one arm. The boy was clutching his wounded arm with his other hand, while blood trickled between his fingers. He was staring around himself in shock and disbelief at what he saw. "He just stood there with big eyes staring around like he didn't understand; he didn't believe what was happening. Then the captain's RTO (radio operator) put a burst of 16 (M-16 rifle) fire into him." It was so bad, Gruver said, that one of the men in his squad shot himself in the foot in order to be medivac-ed out of the area so that he would not have to participate in the slaughter. Although he had not seen it, Gruver had been told by people he considered trustworthy that one of the company's officers, 2nd Lieutenant Kally (this spelling may be incorrect) had rounded up several groups of villagers (each group consisting of a minimum of 20 persons of both sexes and all ages). According to the story, Kally then machine-gunned each group. Gruver estimated that the population of the village had been 300 to 400 people and that very few, if any, escaped.

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After hearing this account I couldn't quite accept it. Somehow I just couldn't believe that not only had so many young American men participated in such an act of barbarism, but that their officers had ordered it. There were other men in the unit I was soon to be assigned to, "E" Company, 51st Infantry (LRP), who had been in Charlie Company at the time that Gruver alleged the incident at "Pinkville" had occurred. I became determined to ask them about "Pinkville" so that I might compare their accounts with Pfc Gruver's.

When I arrived at "Echo" Company, 51st Infantry (LRP) the first men I looked for were Pfc's Michael Terry and William Doherty. Both were veterans of "Charlie" Company, 1/20 and "Pinkville." Instead of contradicting "Butch" Gruver's story they corroborated it, adding some tasty tid-bits of information of their own. Terry and Doherty had been in the same squad and their platoon was the third platoon of "C" Company to pass through the village. Most of the people they came to were already dead. Those that weren't were sought out and shot. The platoon left nothing alive, neither livestock nor people. Around noon the two soldiers' squad stopped to eat. "Billy and I started to get out our chow," Terry said, "but close to us was a bunch of Vietnamese in a heap, and some of them were moaning. Kally (2nd Lt. Kally) had been through before us and all of them had been shot, but many weren't dead. It was obvious that they weren't going to get any medical attention so Billy and I got up and went over to where they were. I guess we sort of finished them off." Terry went on to say that he and Doherty then returned to where their packs were and ate lunch. He estimated the size of the village to be 200 to 300 people. Doherty thought that the population of "Pinkville" had been 400 people.

If Terry, Doherty and Gruver could be believed, then not only had "Charlie" Company received orders to slaughter all the inhabitants of the village, but those orders had come from the commanding officer of Task Force Barker, or possibly even higher in the chain of command. Pfc Terry stated that when Captain Medina (Charlie Company's commanding officer Captain Ernest Medina) issued the order for the destruction of "Pinkville" he had been hesitant, as if it were something he didn't want to do but had to. Others I spoke to concurred with Terry on this.

It was June before I spoke to anyone who had something of significance to add to what I had already been told of the "Pinkville" incident. It was the end of June, 1968 when I ran into Sargent Larry La Croix at the USO in Chu Lai. La Croix had been in 2nd Lt. Kally's platoon on the day Task Force Barker swept through "Pinkville." What he told me verified the stories of the others, but he also had something new to add. He had been a witness to Kally's gunning down of at least three separate groups of villagers. "It was terrible. They were slaughtering the villagers like so many sheep." Kally's men were dragging people out of bunkers and hootches and putting them together in a group. The people in the group were men, women and children of all ages. As soon as he felt that the group was big enough, Kally ordered an M-60 (machine-gun) set up and the people killed. La Croix said that he bore witness to this procedure at least three times. The three groups were of different sizes, one of about twenty people, one of about thirty people, and one of about forty people. When the first group was put together Kally ordered Pfc Torres to man the machine-gun and open fire on the villagers that had been grouped together. This Torres did, but before everyone in the group was down he ceased fire and refused to fire again. After ordering Torres to recommence firing several times, Lieutenant Kally took over the M-60 and finished shooting the remaining villagers in that first group himself. Sargent La Croix told me that Kally didn't bother to order anyone to take the machine-gun when the other two groups of villagers were formed. He simply manned it himself and shot down all villagers in both groups.

This account of Sargent La Croix's confirmed the rumors that Gruver, Terry and Doherty had previously told me about Lieutenant Kally. It also convinced me that there was a very substantial amount of truth to the stories that all of these men had told. If I needed more convincing, I was to receive it.

It was in the middle of November, 1968 just a few weeks before I was to return to the United States for separation from the army that I talked to Pfc Michael Bernhardt. Bernhardt had served his entire year in Viet Nam in "Charlie" Company 1/20 and he too was about to go home. "Bernie" substantiated the tales told by the other men I had talked to in vivid, bloody detail and added this. "Bernie" had absolutely refused to take part in the massacre of the villagers

of "Pinkville" that morning and he thought that it was rather strange that the officers of the company had not made an issue of it. But that evening "Medina (Captain Ernest Medina) came up to me ("Bernie") and told me not to do anything stupid like write my congressman" about what had happened that day. Bernhardt assured Captain Medina that he had no such thing in mind. He had nine months left in Viet Nam and felt that it was dangerous enough just fighting the acknowledged enemy.

Exactly what did, in fact, occur in the village of "Pinkville" in March, 1968 I do not know for certain, but I am convinced that it was something very black indeed. I remain irrevocably persuaded that if you and I do truly believe in the principles, of justice and the equality of every man, however humble, before the law, that form the very backbone that this country is founded on, then we must press forward a widespread and public investigation of this matter with all our combined efforts. I think that it was Winston Churchhill who once said "A country without a conscience is a country without a soul, and a country without a soul is a country that cannot survive." I feel that I must take some positive action on this matter. I hope that you will launch an investigation immediately and keep me informed of your progress. If you cannot, then I don't know what other course of action to take.

I have considered sending this to newspapers, magazines, and broadcasting companies, but I somehow feel that investigation and action by the Congress of the United States is the appropriate procedure, and as a conscientious citizen I have no desire to further besmirch the image of the American serviceman in the eyes of the world. I feel that this action, while probably it would promote attention, would not bring about the constructive actions that the direct actions of the Congress of the United States would.

Sincerely,

/s/ Ron Ridenhour

A TRUE COPY

C. D. LYNN
MAJ, AGC

30 November 1969

MEMORANDUM FOR: SECRETARY OF THE ARMY
CHIEF OF STAFF, UNITED STATES ARMY

SUBJECT: Investigation of the Adequacy of the Preliminary Inquiries into the My Lai (4) Case

REFERENCE: Memorandum, Sec/Army and CofS, subject: Directive for Investigation, 26 November 1969

1. This responds to your request in Referral Slip No. 58313, 26 November 1969, for a memorandum outlining the concept of the subject investigation, the organization of the investigative team, and an estimated completion date of the report of investigation.

2. Concept of Investigation.

The above reference assigns me the mission of determining the adequacy of the original inquiries into the My Lai (4) incident of 16 March 1968, the propriety of the command actions based thereon, and whether there was any improper suppression of information by persons in the chain of command or otherwise responsible for reporting the incident to superior authority. I have organized a team of investigative assistants and propose to accomplish the mission by reviewing the facts available to date for background purposes, collecting pertinent official records of the units in Vietnam involved in the assault on My Lai (4), locating and interrogating all witnesses known to have information bearing on the mission, and by preparing a report on the results of such investigation, including appropriate findings and recommendations.

3. Organization.

I will be assisted in the investigation by the following personnel:

Mr. Bland West, OGC (Deputy)
Colonel W. V. Wilson, OTIG
Colonel Robert E. Miller, OTJAG
Major E. F. Zychowski, OPMG
Mr. James S. Stokes IV, OGC
Major Clyde Lynn, Recorder
Four Court Reporters not yet named
Lieutenant Colonel J. H. Breen, Executive
Two or more clerk/stenos

Inclosure 3

SUBJECT: Investigation of the Adequacy of the Preliminary Inquiries into the My Lai (4) Case

Points of contact have been established with OCINFO, OCACSI, TAG and Headquarters USMC. Others will be arranged as required.

4. Tentative Schedule of Activities.

It is planned that the organization and administration will be finalized on 1 Dec 69 at which time personnel immediately associated with the investigation will be sworn in. The interrogation of witnesses will begin on 2 Dec 69. There being thirty to forty witnesses, the interrogations will probably go on for at least two weeks. Thereafter, a visit will be made to Vietnam to review records, reports, files and other pertinent documents. Upon return to the States additional testimony will be taken as required and the report drafted and finalized. The estimated date of completion is 10 Jan 70.

5. It is recommended that:

a. The investigation be given an official title to establish its separate identity and to facilitate communications.

b. Information as to its title and purpose be disseminated to appropriate military commands with instructions to provide requisite assistance.

W. R. PEERS
Lieutenant General, USA

JOINT MESSAGEFORM

SECURITY CLASSIFICATION: UNCLAS EFTO FOR OFFICIAL USE ONLY

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BOOK | MESSAGE HANDLING INSTRUCTIONS | 1969 DEC 9 00 04Z

FROM: DA

TO: AIG 7401

UNCLAS E F T O FOUO

OCofSA

SUBJ: Investigation of Reporting of My Lai (4) Incident

General Westmoreland sends.

1. The Secretary of the Army and I have appointed Lieutenant General William R. Peers, 218-34-7471, to explore the nature and scope of the original U.S. Army investigation(s) of the incident which allegedly occurred on 16 March 1968 at My Lai (4) in Quang Ngai Province, Republic of Vietnam. Mr. Bland West, 446-01-8436, Office of the Army General Counsel, has been appointed as LTG Peers' Deputy. Selected Department of the Army personnel will assist LTG Peers.

2. LTG Peers' investigation will be referred to as "The Department of the Army Review of the Preliminary Investigations into the My Lai Incident" (Short title: "Peers' Inquiry").

3. Request you provide assistance to LTG Peers and members of his team as required.

DISTR: ADDED DISTR: OCS (PER SGT. CHANNEY, OCS) USCINCA (FOR CTG CMHB) DCSOPS, DCSPER, TJAG, TPMG, CINFO, TIG, COPO, ACSC-E, TAG, CMH, OSA 998773 COA, CLL, OCofSA, LTG PEERS' TEAM (LTC BREEN) USCONARC-LO USAINTC-LO

DRAFTER TYPED NAMED, TITLE, OFFICE SYMBOL AND PHONE: LTC JAMES H. BREEN, ODSGS(CAR), 50441/x295

SPECIAL INSTRUCTIONS: UNCLAS EFTO FOR OFFICIAL USE ONLY

RELEASER: TYPED NAME, TITLE, OFFICE SYMBOL AND PHONE: GEN W. C. WESTMORELAND, CHIEF OF STAFF

SIGNATURE: W. C. Westmoreland

SECURITY: FOR OFFICIAL USE ONLY

DD FORM 1 JUL 68 173 REPLACES DD FORM 173, 1 NOV 63 AND DD FORM 173-1, 1 NOV 63, WHICH ARE OBSOLETE.

Inclosure 5

30 November 1969

MEMORANDUM FOR: SECRETARY OF THE ARMY
CHIEF OF STAFF, UNITED STATES ARMY

SUBJECT: Appointment of Legal Counsel

REFERENCE: Memorandum, Sec/Army and CofS, subject: Directive for Investigation, 26 November 1969

1. As you are aware, intense interest has been expressed in Congressional quarters and by the public as to whether the preliminary inquiries into the My Lai (4) incident involved a "cover-up by the Army." I intend to conduct the investigation as directed by the above reference in a completely impartial manner. However, I believe that public recognition and acceptance of the objectivity of the inquiry and its effectiveness would be promoted if I had available to me a distinguished jurist of impeccable integrity. It is visualized that he would observe and appraise the investigation as it progresses and provide assistance and guidance as to the proceedings and any legal matters related thereto.

2. Accordingly, I recommend that you solicit the services of such an individual and designate him to serve as my legal counsel.

W. R. PEERS
Lieutenant General, USA

Inclosure 4

DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

CS(Peers Inquiry) 21 January 1970

MEMORANDUM FOR: SECRETARY OF THE ARMY

CHIEF OF STAFF US ARMY

SUBJECT: Scope of Investigation

1. Reference, Secretary of the Army/Chief of Staff US Army memorandum, Subject: Directive for Investigation, dated 26 Nov 69 (Tab A).

2. The above-referenced directive appoints the undersigned as the investigating officer to explore the nature and scope of the original US Army investigation(s) of the alleged My Lai (4) incident which occurred 16 March 1968 in Quang Ngai Province, Republic of Vietnam. Our recent visit to South Vietnam as well as the testimony taken to date indicate:

a. The name My Lai (4) as indicated on some US maps is a misnomer in the sense that it is not commonly used by the Vietnamese. That part so designated as My Lai (4) is referred to as Thuan Yen Sub-hamlet of Tu Cung Hamlet.

b. Activities which took place in Tu Cung Hamlet on 16 March 1968 involved at least parts of three other sub-hamlets, namely Binh Tay, Binh Dong and Trung Hoa.

c. There is evidence to show that other atrocities and/or violations of military regulations were committed in the other three hamlets of Son My Village, namely; Co Luy, My Lai and My Khe.

3. A chart showing the Vietnamese names for the hamlets and sub-hamlets in Son My Village as compared to those shown on US maps is attached at Tab B. A graphic portrayal of this information is at Tab C.

4. In light of the above, it is recommended that the geographic scope of the final report be extended to include the entire Son My Village. This would be more realistic in terms of the area and activities involved and would permit better

Inclosure 6

CS (Peers Inquiry) 21 January 1970
SUBJECT: Scope of Investigation

definition within the report of the actions which took place in some of the sub-hamlets.

5. Recommend the memorandum at Tab D be approved and signed.

W. R. Peers

4 Incl
as

W. R. PEERS
Lieutenant General, USA

Chapter 2

SUMMARY REPORT

A. THE SON MY VILLAGE INCIDENT

During the period 16-19 March 1968, a tactical operation was conducted into Son My Village, Son Tinh District, Quang Ngai Province, Republic of Vietnam, by Task Force (TF) Barker, a battalion-size unit of the Americal Division.

TF Barker was an interim organization of the 11th Brigade, created to fill a tactical void resulting from the withdrawal of a Republic of Korea Marine Brigade from the Quang Ngai area. The Task Force was composed of a rifle company from each of the 11th Brigade's three organic infantry battalions - A/3-1 Inf, B/4-3 Inf, C/1-20 Inf. The commander was LTC Frank A. Barker (now deceased).

The plans for the operation were never reduced to writing but it was reportedly aimed at destroying the 48th VC Local Force (LF) Battalion, thought to be located in Son My Village, which also served as a VC staging and logistical support base. On two previous operations in the area, units of TF Barker had received casualties from enemy fire, mines, and boobytraps, and had not been able to close effectively with the enemy.

On 15 March 1968, the new 11th Brigade commander, COL Oran K. Henderson, visited the TF Barker command post at Landing Zone (LZ) Dottie and talked to the assembled staff and commanders. He urged them to press forward aggressively and eliminate the 48th LF Battlion. Following these remarks, LTC Barker and his staff gave an intelligence briefing and issued an operations order. The company commanders were told that most of the population of Son My were "VC or VC sympathizers" and were advised that most of the civilian inhabitants would be away from Son My and on their way to market by 0700 hours. The operation was to commence at 0725 hours on 16 March 1968 with a short artillery preparation, following which C/1-20 Inf was to combat assault into an LZ immediately west of My Lai (4) and then sweep east through the subhamlet. Following C Company's landing, B/4-3 Inf was to reinforce C/1-20 Inf, or to conduct a second combat assault to the east of My Lai

DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

2 FEB 1970

MEMORANDUM FOR LTG WILLIAM R. PEERS

SUBJECT: Son My Investigation

The recommendation contained in your memorandum of 21 January 1970, to the effect that your inquiry in final report should cover all of Son My Village, Quang Ngai Province, Republic of Vietnam, is approved. The exploration of matters within Son My Village is considered to be within the scope of your original directive for investigation, dated 26 November 1969.

W. C. Westmoreland
General, U. S. Army
Chief of Staff

Stanley R. Resor
Secretary of the Army

Members of the 2d Platoon killed at least 60-70 Vietnamese men, women, and children, as they swept through the northern half of My Lai (4) and through Binh Tay, a small subhamlet about 400 meters north of My Lai (4). They also committed several rapes.

The 3d Platoon, having secured the LZ, followed behind the 1st and 2d and burned and destroyed what remained of the houses in My Lai (4) and killed most of the remaining livestock. Its members also rounded up and killed a group of 7-12 women and children.

There was considerable testimony that orders to stop the killing were issued two or three times during the morning. The 2d Platoon received such an order around 0920 hours and promptly complied. The 1st Platoon continued the killings until perhaps 1030 hours, when the order was repeated. By this time the 1st Platoon had completed its sweep through the subhamlet.

By the time C/1-20 Inf departed My Lai (4) in the early afternoon, moving to the northeast for link-up with B/4-3 Inf, its members had killed at least 175-200 Vietnamese men, women, and children.* The evidence indicates that only 3 or 4 were confirmed as Viet Cong, although there were undoubtedly several unarmed VC (men, women, and children) among them and many more active supporters and sympathizers. One man from the company was reported as wounded from the accidental discharge of his weapon.

Since C Company had encountered no enemy opposition, B/4-3 Inf was air-landed in its LZ between 0815 and 0830 hours, following a short artillery preparation. Little if any resistance was encountered, although the 2d Platoon suffered 1 KIA and 7 WIA from mines and/or boobytraps. The 1st Platoon moved eastward separately from the rest of B Company to cross and secure a bridge over the Song My Khe (My Khe River). After crossing the bridge and approaching the outskirts of the subhamlet of My Khe (4), elements of the platoon opened fire on the subhamlet with an M-60 machinegun and M-16 rifles. The fire continued for approximately 5 minutes, during which time some inhabitants of My Khe (4), mostly women and children, were killed. The lead elements of the platoon then entered the subhamlet, firing into the houses and throwing demolitions into shelters. Many noncombatants apparently were killed in the process.

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* Casualty figures cited for My Lai (4) were developed by this Inquiry solely on the basis of statements and testimony of US personnel. Separate estimates by the Criminal Investigation Division (CID) agency together with other evidence, indicate the number of Vietnamese killed in the overall area of Son My Village may have exceeded 400.

(4) into an LZ south of the subhamlet of My Lai (1) or "Pinkville." A/3-1 Inf was to move from its field location to blocking positions north of Son My.

During or subsequent to the briefing, LTC Barker ordered the commanders of C/1-20 Inf, and possibly B/4-3 Inf, to burn the houses, kill the livestock, destroy foodstuffs and perhaps to close the wells. No instructions were issued as to the safeguarding of noncombatants found there.

During a subsequent briefing by CPT Medina to his men, LTC Barker's orders were embellished, a revenge element was added, and the men of C/1-20 Inf, were given to understand that only the enemy would be present in My Lai (4) on 16 March and that the enemy was to be destroyed. In CPT Michles' briefing to his platoon leaders, mention was also apparently made of the burning of dwellings.

On the morning of 16 March 1968, the operation began as planned. A/3-1 Inf was reported in blocking positions at 0725 hours. At about that same time the artillery preparation and fires of the supporting helicopter gunship were placed on the C/1-20 Inf LZ and a part of My Lai (4). LTC Barker controlled the artillery preparation and combat assault from his helicopter. COL Henderson and his command group also arrived overhead at approximately this time.

By 0750 hours all elements of C/1-20 Inf were on the ground. Before entering My Lai (4), they killed several Vietnamese fleeing the area in the rice paddies around the subhamlet and along Route 521 to the south of the subhamlet. No resistance was encountered at this time or later in the day.

The infantry assault on My Lai (4) began a few minutes before 0800 hours. During the 1st Platoon's movement through the southern half of the subhamlet, its members were involved in widespread killing of Vietnamese inhabitants (comprised almost exclusively of old men, women, and children) and also in property destruction. Most of the inhabitants who were not killed immediately were rounded up into two groups. The first group, consisting of about 70-80 Vietnamese, was taken to a large ditch east of My Lai (4) and later shot. A second group, consisting of 20-50 Vietnamese, was taken south of the hamlet and shot there on a trail. Similar killings of smaller groups took place within the subhamlet.

It is believed that only ten men in B/4-3 Inf directly participated in the killings and destruction in My Khe (4); two of these are dead and the remaining eight have either refused to testify or claim no recollection of the event. As a result, it has not been possible to reconstruct the events with certainty. It appears, however, that the number of noncombatants killed by B/4-3 Inf on 16 March 1968 may have been as high as 90. The company reported a total of 38 VC KIA on 16 March, but it is likely that few if any were Viet Cong.

On the evening of 16 March 1968, after C/1-20 Inf and B/4-3 Inf had linked up in a night defensive position, a Viet Cong suspect was apparently tortured and maimed by a US officer. He was subsequently killed along with some additional suspects by Vietnamese National Police in the presence of US personnel.

During the period 17-19 March 1968 both C/1-20 Inf and B/4-3 Inf were involved in additional burning and destruction of dwellings, and in the mistreatment of Vietnamese detainees.

B. REPORTS OF THE INCIDENT

1. Reports of Civilian Casualties

Commencing early in the operation, commanders began receiving reports of civilian casualties in My Lai (4). At about 0930 hours, MG Koster was advised by COL Henderson that he had observed 6 to 8 such casualties. The figure was increased when LTC Barker reported to Henderson during the afternoon that the total was 12 to 14, and was further increased to 20 in a report Barker made that evening. This last report was relayed to MG Koster at about 1900 hours. None of these reports was entered in unit journals or reported outside the Americal Division.

2. Observations and Complaints by Aviation Personnel

One element which provided combat support to TF Barker on 16 March was an aero-scout team from Company B, 123d Aviation Battalion. A pilot of this team, WO1 (now 1LT) Hugh Thompson, had been flying at a low altitude over My Lai (4) during the morning hours and had observed the actions of C/1-20 Inf. He became greatly concerned over the "needless and unnecessary killings" he had witnessed. He landed his helicopter several times to aid the inhabitants and in an attempt to stop the killing.

Shortly before noon, WO1 Thompson returned to LZ Dottie and reported his observations to his company commander, MAJ Frederic Watke. The complaints of WO1 Thompson were confirmed by other pilots and crewmen who had also been over My Lai (4). The

complaints were expressed in most serious terms; those who were present heard the terms "killing" and "murder" used freely with estimates of the dead in My Lai (4) running over 100. Upon receipt of this report, MAJ Watke went to the commander of TF Barker and advised him of the allegations. Watke stated that Barker then left for his helicopter, presumably to visit C/1-20 Inf. Watke considered the matter was "in the hands of the man who could do something about it" and took no further action at that time. Later that day, he again encountered Barker who advised him that he could find nothing to substantiate Thompson's allegations. While Watke testified that he was convinced at the time that LTC Barker was lying, he took no further action until 2200 hours that night when he reported to his battalion commander, LTC Holladay, and related for the second time the substance of what is hereafter referred to as the "Thompson Report."

3. The Order to Return to My Lai (4)

At about 1530 hours on 16 March, after receiving a second report of civilian casualties, COL Henderson stated he became suspicious and directed TF Barker to send a company back through My Lai (4) to ascertain the exact number of casualties and the cause of death. As the order was being transmitted to C/1-20 Inf by TF Barker, it was monitored by MG Koster, the commander of the Americal Division, who inquired concerning the reasons. After a brief explanation by the CO of C/1-20 Inf, during which time MG Koster was advised that 20-28 noncombatants had been killed, MG Koster countermanded the order and directed that COL Henderson be notified. There were no further efforts to make an on-site determination of the cause or extent of the civilian casualties.

4. The Thompson Report Reaches Division Headquarters

Because of the late hour at which LTC Holladay received the report from MAJ Watke, they waited until the following morning before reporting to BG Young, an Assistant Division Commander. Watke repeated his story, which both he and LTC Holladay agree contained the allegations that there had been "lots of unnecessary killing...mostly women, children and old men" and that a confrontation had taken place between personnel of aviation and ground units; however, there is conflict as to the number of casualties mentioned. LTC Holladay and MAJ Watke also agree that BG Young was advised that the complaints made by Thompson had been confirmed by other aviation unit personnel.

At about noon on the 17th, BG Young reported to MG Koster the information he had received from MAJ Watke and LTC Holladay. There is substantive disagreement in testimony between what BG Young testified he received from Watke and Holladay and what the

latter two state they reported. BG Young stated he was not apprised of any charge of indiscriminate or unnecessary killing of noncombatants. He further stated that it was his impression the matter of major concern was that there had been a confrontation between the ground forces and an aviation unit, resulting from an incident in which noncombatants had been caught in a cross fire between US and enemy forces.

BG Young contends that it was this lesser charge he brought to MG Koster, who directed BG Young to instruct COL Henderson to conduct a thorough investigation of the incident. MG Koster has confirmed parts of BG Young's account of this conversation but in a previous statement before the Criminal Investigation Division (CID), MG Koster stated that he had been advised of some indiscriminate shooting of civilians.

The Inquiry has concluded that the two general officers received a muted version of the Thompson Report from Watke and Holladay, but one that included the allegation that noncombatants had been indiscriminately killed. Upon receipt of the report, it seems most likely that they related it to the information MG Koster had received from TF Barker the previous day, that 20-28 noncombatants had been inadvertently killed. The information concerning noncombatant casualties had not been forwarded outside of the Division, although MACV and III MAF regulations required such action, or were the new allegations reported to higher headquarters. Adopting a "close hold" attitude concerning all information relating to this matter, MG Koster directed BG Young to have COL Henderson investigate the incident.

C. INVESTIGATION OF THE INCIDENT AND REVIEW

1. COL Henderson's "Investigation"

BG Young made arrangements for a meeting which was held on 18 March at 0900 hours at LZ Dottie. The meeting was attended by five officers: BG Young, COL Henderson, LTC Barker, LTC Holladay, and MAJ Watke. BG Young told the group of the Division Commander's instructions concerning the investigation and MAJ Watke repeated his account of the complaints. When the meeting terminated, COL Henderson commenced his "investigation" with an interview of WO1 Thompson and two other aviation unit personnel. (While Henderson states he talked only with Thompson and for only a few minutes, the testimony of others indicates that he talked individually with three persons for almost an hour.) These interviews, together with the information already possessed by Henderson from personal observation and conversations with TF Barker personnel, should have provided a full awareness of the nature and extent of the incident at My Lai (4). From at least this point forward, Henderson's actions appear to have been little more than a pretense of an investigation and had as their

563-668 O - 74 - 3

goal the suppression of the true facts concerning the events of 16 March.

Following his interview with aviation personnel, Henderson questioned CPT Medina, whose explanation concerning civilian casualties left him "suspicious." The remainder of Henderson's "investigation" was without substance; his "interview with a substantial number of C Company personnel" consisted of a discussion on the afternoon of 18 March with a group which, COL Henderson claims, numbered from 30 to 40 personnel. After complimenting them on their performance in the operation, he asked them collectively if they had witnessed any atrocities. Henderson stated that the response he received was negative. While COL Henderson claims he spoke with other individuals and responsible commanders, available evidence indicates that his so-called investigative actions ended after a brief flight which he stated he made over the area of operation on 18 March.

Commencing on 19 March, COL Henderson is said to have made a series of oral reports to BG Young and MG Koster in which he was purported to have related to them the results of his "investigation." It seems clear that in his reports Henderson deliberately misrepresented both the scope of his investigation and the ion he had obtained. He reported that while 20 civilians had been killed by artillery and/or gunships, there was no basis in fact to the allegations made by WO1 Thompson. Henderson's final oral report was accepted by MG Koster as adequately responding to the charges made by WO1 Thompson. The matter appears to have rested there until about mid-April 1968, when information was received at Division Headquarters from Vietnamese sources.

2. Reaction to Information from Vietnamese Sources

The initial reports from Vietnamese sources concerning the incident were apparently received by the US Advisory teams in Son Tinh District and Quang Ngai Province.

The Son My Village Chief submitted a report to the Son Tinh District Chief containing allegations of mass killings by US Forces in Son My Village. The District Chief in turn forwarded two reports of the incident to the Quang Ngai Province Chief based on the information furnished to him by the Village Chief. The first of these reports, dated 28 March 1968, contained little of substance and remained within Vietnamese channels. The second was dated 11 April 1968, and copies of it were provided to both the Province and District Advisory teams. In addition, a copy of the District Chief's 11 April letter went to COL Toan, the Commanding Officer of the 2d ARVN Division.

In his 11 April letter, the District Chief referred to an incident of 16 March in which it was alleged that a US Army unit

had assembled and killed more than 400 civilian residents of Tu Cung Hamlet* of Son My Village and had killed an additional 90 people at Co Luy Hamlet.** He stated that, if true, he considered this an act of insane violence.

Also in the first half of April, VC propaganda alleging that US forces had killed 500 people in Son My Village in the middle of March came into the hands of COL Toan and LTC Khien, the Province Chief of Quang Ngai Province and, possibly somewhat later, into US hands. Both COL Henderson and MG Koster appear to have discussed the District Chief's report and the VC propaganda with COL Toan and LTC Khien, and apparently with LTC Guinn, the US Deputy Province Advisor.

MG Koster indicated that the receipt in mid-April 1968 of the VC propaganda and the information from the District Chief reopened the subject of civilian casualties in the 16 March operation. However, it did not stimulate any fresh inquiry. COL Henderson had already completed his "investigation" and had given an oral report to MG Koster. The receipt of the allegations from Vietnamese sources resulted only in MG Koster's directing COL Henderson to commit his oral report to writing.

In response to this direction, COL Henderson prepared and submitted a so-called "Report of Investigation" dated 24 April 1968 to MG Koster. The report consisted of two typewritten pages and two inclosures. The first inclosure was a typed copy of a statement dated 14 April 1968 with the signature block removed, which this Inquiry determined was prepared by the Deputy Senior Advisor, Son Tinh District, at the request of the Province Advisory Team. This statement indicated that the report of the Son My Village Chief alleging mass-killings was not given much importance by the Son Tinh District Chief. The second inclosure was a translation of the VC propaganda message regarding the incident. COL Henderson's report briefly summarized the operation, listed personnel purportedly interviewed (but made no reference to WO1 Thompson or to any other members of the aero scout unit), and summarized what purported to be the District Chief's attitude toward the allegation. The conclusion stated by COL Henderson in the report was that 20 noncombatants were inadvertently killed by artillery and by crossfire between the US and VC Forces, that no civilians were gathered and shot by US Forces, and that the allegation that US Forces had shot and killed 450-500 civilians was obviously VC propaganda.

MG Koster testified that when he received the 24 April report he found it unacceptable and directed the conduct of a formal investigation through either BG Young or COL Parson, the

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* Includes the subhamlet of My Lai (4).
** Includes the subhamlet of My Khe (4).

Division Chief of Staff. Both Young and Parson denied having received or passed on any such instructions. MG Koster and COL Henderson agreed that such an investigation was conducted, and a report submitted, by LTC Barker. Both described in detail the form and substance of this report, but the evidence appears conclusive that no such report was ever prepared.

D. SUPPRESSION AND WITHHOLDING OF INFORMATION

Within the Americal Division, at every command level from company to division, actions were taken or omitted which together effectively concealed the Son My incident. Outside the division, advisory teams at Province, District and possibly the 2d ARVN Division also contributed to this end. Some of the acts and omissions that resulted in concealment of the incident were inadvertent while others constituted deliberate suppression or withholding of information.

Efforts initiated in 1968 deliberately to withhold information continue to this day. Six officers who occupied key positions at the time of the incident exercised their right to remain silent before this Inquiry, others gave false or misleading testimony or withheld information, and key documents relating to the incident have not been found in US files.

1. At Company Level

No reports of the crimes committed by C/1-20 Inf and B/4-3 Inf during the operation were made by members of the units, although there were many men in both companies who had not participated in any criminal acts. The commander of C/1-20 Inf assembled his men after the operation and advised them not to discuss the incident because an investigation was being conducted, and he advised one individual not to write to his Congressman about the incident. He also made a false report that only 20-28 noncombatants had been killed and attributed the cause of death to artillery and gunships.

The commander of B/4-3 Inf submitted false reports (possibly without knowing they were false) that 38 VC had been killed by his 1st Platoon and that none of them were women and children.

2. At Task Force and Brigade Levels

Significant information concerning irregularities in the operation and the commission of war crimes by C/1-20 Inf was known to the commanders and staff officers of both TF Barker and the 11th Brigade on 16 March but was never transmitted to the Americal

Division. Reports of VC killed by C/1-20 Inf on 16 March terminated at 0840 hours when the total reached 90, although the killing continued. In addition to withholding information, the 11th Brigade headquarters submitted false and misleading reports to Division. One instance concerned a C/1-20 Inf VC body count report of 69, which was changed to attribute the cause of death to artillery and to move the location at which the purported VC were killed from inside the hamlet of My Lai (4) to a site 600 meters away. A second false report involved an interrogation report from C/1-20 Inf that 30-40 VC had departed the hamlet immediately prior to the combat assault. The record of this interrogation report as received at the Americal Division on 16 March stated that there were many VC in the C/1-20 Inf area of operation.

A reporter and photographer attached to the 11th Brigade Information Office accompanied TF Barker on 16 March and observed many war crimes committed by C/1-20 Inf. Both individuals failed to report what they had seen, the reporter wrote a false and misleading account of the operation, and the photographer withheld and suppressed from proper authorities the photographic evidence of atrocities he had obtained.

In response to a routine division requirement, LTC Barker submitted a Combat Action Report, dated 28 March 1968, concerning his unit's operations on 16 March. The report significantly omitted any reference to noncombatant casualties and other irregularities, falsely depicted a hotly-contested combat action, and appears to have been an outright effort to suppress and mislead.

Perhaps the most significant action taken to suppress the true facts of the Son My operation was the deception employed by COL Henderson to mislead his commander as to the scope and findings of his investigation of the Thompson allegations. His later submission -- the so-called Report of Investigation, dated 24 April 1968, which dismissed the allegations from Vietnamese sources as baseless propaganda and restated the fiction that 20 noncombatants had been inadvertently killed, continued the original deception practiced upon his commander.

3. At Division Level

a. Within Aviation Units

There is no evidence to suggest that there were deliberate attempts within the division aviation unit to conceal information concerning the Son My incident. However, there were acts and omissions by the commanders of the 123d Aviation Battalion, and of Company B of that unit, which contributed to concealment of the facts. One of the principal reasons why the full import

of the Thompson Report was probably not appreciated at the division command level can be attributed to these two commanders and their failure to verify or document the serious charges made by WO1 Thompson and others. Neither took action to obtain documentary substantiation, to conduct a low-level aerial reconnaissance or otherwise to verify the allegations, or to confirm in writing what they reported orally to BG Young. The initial delay in reporting the matter through command channels needlessly prevented the report from reaching the Americal Division command group until approximately 24 hours after the incident had occurred.

A second serious charge against both of these two commanders is that they failed to take any action when they became convinced that the investigation of the incident was a "cover-up." An admonition was issued by the B Company Commander to his unit to halt further discussion of the incident while it was being investigated. This action was not taken to conceal information, but it probably had the unfortunate, although unintended, result of aiding in the suppression of the facts.

b. Within Headquarters, Americal Division

Americal Division Headquarters was the recipient of much information concerning the Son My operation from both US and GVN sources. Except for routine operational data forwarded on 16 March, none of the reports or allegations concerning irregularities at Son My were transmitted to higher headquarters, although directives from III MAF and MACV clearly required such action. As previously indicated, the Inquiry has concluded that on 17 March, when they received a muted version of the Thompson Report, MG Koster and BG Young may have viewed the report in relation to information previously received that 20-28 noncombatant casualties had been caused by artillery and gunships. While COL Henderson's later reports were false, and the general officers were negligent in having accepted them, they probably believed they were withholding information concerning a much less serious incident than the one that had actually occurred.

Additional information from Vietnamese sources reaching the Americal Division sometime in April implied that a far more serious event had taken place at Son My. The command response to this information was so inadequate to the situation and so inconsistent with what would ordinarily be expected of officers of the ability and experience of MG Koster and BG Young that it can only be explained as a refusal or an inability to give credence to information or reports which were not consistent with their original, and erroneous, conclusions.

In summary form, the following are the significant acts done or omitted at the Americal Division headquarters which contributed

to the concealment of the true facts concerning Son My:

(1) There was a failure to report information concerning noncombatant casualties and allegations of war crimes known to be of particular interest to COMUSMACV and required to be reported by directives of both III MAF and MACV;

(2) Having decided to withhold from higher headquarters information concerning civilian casualties, MG Koster directed that the matter be investigated by COL Henderson. However, he did not insure that a thorough investigation was conducted nor did he subject COL Henderson's reports to adequate review, thereby nullifying his efforts to determine the true facts;

(3) The Division command group acted to control closely all information regarding the Son My incident. Information regarding the incident was not included in daily briefings or provided the General or Special Staff, and the investigative resources of the staff were not employed.

4. By Persons Outside the Americal Division

Among the Vietnamese officials who came in contact with information concerning possible war crimes in Son My during the period 16-19 March, there was a natural reluctance to confront their American counterparts with such serious allegations and to insist upon inquiry into the matter. Such information as did reach US advisory personnel was not forwarded through advisory channels, but referred only to the Americal Division and its 11th Brigade. In addition, there is evidence that at the Quang Ngai Province and Son Tinh District levels and probably at the 2d ARVN Division, the senior US military advisors aided in suppressing information concerning the incident.

E. SUMMARY OF FINDINGS*

It is concluded that:

1. During the period of 16-19 March 1968, troops of Task Force Barker massacred a large number of Vietnamese nationals in the village of Son My.

2. Knowledge as to the extent of the incident existed at company level, at least among the key staff officers and commander at the Task Force Barker level, and at the 11th Brigade command level.

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* The complete findings and recommendations are contained in Chapter 12

3. Efforts at the Americal Division command level to conceal information concerning what was probably believed to be the killing of 20-28 civilians actually resulted in the suppression of a war crime of far greater magnitude.

4. The commander of the 11th Brigade, upon learning that a war crime had probably been committed, deliberately set out to conceal the fact from proper authority and to deceive his commander concerning the matter.

5. Investigations concerning the incident conducted within the Americal Division were superficial and misleading and not subjected to substantive review.

6. Efforts were made at every level of command from company to division to withhold and suppress information concerning the incident at Son My.

7. Failure of Americal Division headquarters personnel to act on information received from GVN/ARVN officials served to suppress effectively information concerning the Son My incident.

8. Efforts of the Americal Division to suppress and withhold information were assisted by US officers serving in advisory positions with Vietnamese agencies.

Chapter 3

BACKGROUND

A. ENEMY SITUATION IN MARCH 1968

As a basis for evaluating the enemy situation in Quang Ngai Province, it is noted that in March 1968, enemy strength throughout South Vietnam was estimated to be approximately 263,200 men. Of this total, about 55,900 were Viet Cong (VC) combat forces, 87,400 were North Vietnamese Army (NVA) combat troops, and 69,100 were guerrillas, with the remaining 50,800 comprising administrative personnel.

The enemy maneuver battalions in South Vietnam were estimated by HQ, Military Assistance Command, Vietnam (MACV) to total 278 (158 North Vietnamese and 120 Viet Cong), distributed throughout the four corps tactical zones as follows:

I Corps - 77 North Vietnamese and 18 Viet Cong
II Corps - 55 North Vietnamese and 18 Viet Cong
III Corps - 26 North Vietnamese and 50 Viet Cong
IV Corps - 34 Viet Cong

Considering only Quang Ngai Province (sketch 3-1), enemy strength ranged between 10,000 and 20,000 men during the 4 years preceding the Son My incident. In early 1968 enemy strength was estimated to be between 10,000 and 14,000 men of which 2,000-4,000 were regular forces, 3,000-5,000 were guerrillas, and 5,000 were assigned to administrative units.

A number of VC and NVA regiments operated in Quang Ngai Province from 1964 to 1966. However, four local force battalions and eleven companies of VC were the forces primarily responsible for harassing the area under government control. The 48th Local Force (LF) Battalion became the principal enemy force in Son Tinh District, although it also operated in the Batangan area to the north as well as to the south of the Song Tra Khuc. Members of the 48th LF Battalion reportedly lived with the local villagers in order to conceal their presence, often working as farmers during the day and fighting as guerrillas at night.

While enemy main force regiments were operating primarily to the west and south of Quang Ngai City in 1967, elements of the 1st VC Regiment and the 21st NVA Regiment of the 2d NVA Division probably operated in Son Tinh District early in the year. During February and March the 1st VC Regiment moved southwest of Quang Ngai City and in April the 21st NVA Regiment was deployed to Quang Tin. After this, enemy main force/local force battalions operated in increasing numbers in Son Tinh District in 1967. The 409th Sapper Battalion began operating in the northern portion of the district in January, augmenting the 48th LF Battalion. Toward the end of 1967, these two battalions were joined by the 81st and 85th LF Battalion.

Prior to the 1968 Tet offensive, the VC formed two regiments in Quang Ngai Province by consolidating main and local force battalions. The 401st NVA Regiment was formed from main forces and infiltration packets, and three of the prominent LF battalions in the area, the 38th, 48th, and 81st Battalions, were consolidated to form the 328th VC Regiment. During Tet those two regiments, plus an independent battalion and at least 10 local force companies totaling over 3,000 men, attacked Quang Ngai City and other towns in the province. These attacks were eventually repulsed, but the VC continued to pose a threat, causing the Quang Ngai Province officials extreme concern over the possibility of a second attack on Quang Ngai City. In the Tet operation the 48th LF Battalion overran the Regional Force/Popular Force Training Center near Son Tinh and held it briefly until driven out by counterattacking 2d ARVN Division forces. In the ensuing fight the 48th LF Battalion reportedly suffered about 150 casualties, including the battalion commander and two company commanders, and a third company commander captured.

With the failure of the assualt of Quang Ngai City and other province towns, VC units filtered back to their home areas, mostly to the south and west. Because of its heavy losses during Tet, elements of the 48th LF Battlion withdrew to the mountains in western Quang Ngai to reorganize and refit, while other elements of the battalion returned to their habitual area of operation on the Batangan Peninsula. By late February, the 48th LF Battalion headquarters had reportedly returned to the peninsula, but the unit remained out of contact during the first part of March, apparently to continue recuperating from the Tet setback. At the time of the Son My incident, the 48th LF Battalion had an estimated strength of 200-250 and was the only major enemy unit with elements in the Son My area. However, there were two additional local force companies in the district which on occasion joined the 48th LF Battalion in carrying out specific operations. Overall guerrilla strength in Son Tinh district was reported to be about 700 strong.

B. SON MY VILLAGE

Son My Village is located approximately 9 kilometers northeast of Quang Ngai City and fronts on the South China Sea. In March 1968, the village was composed of four hamlets, Tu Cung, My Lai, My Khe, and Co Luy, each of which contained several subhamlets (sketch 3-2).* Most of the residents of Son My either farm the rich alluvial soil along the rivers and streams or engage in offshore fishing operations.

C. THE PEOPLE OF QUANG NGAI PROVINCE

Historically, the people of Quang Ngai Province have a long record of supporting rebellion. In the 19th century they had been a focal point of resistance to French control of Indochina. Later, in the 1930's, they had fomented peasant revolts against Vietnamese supporting the French. After World War II when the French sought to reestablish themselves in Indochina, Quang Ngai became a Viet Minh stronghold and by 1948 Ho Chi Minh considered it free from French rule. Duc Pho, in southern Quang Ngai, became one of the largest rest and recreation areas for the Viet Minh forces until the country was divided by the Geneva Accords in 1954.

Although most of the Viet Minh departed for the north after the settlement of the Geneva Accords, some remained behind and their influence was particularly strong in the rural areas. By the 1960's, a whole generation of young people had grown up under the control of the Viet Minh and the later National Liberation Front.

When the Government of South Vietnam launched the Strategic Hamlet Program in 1962, Quang Ngai Province became a principal objective. The government attempted to separate the villagers from the National Liberation Front soldiers and organizers, usually by forcing the people to move to new fortified villages.

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*The Vietnamese knew many of these subhamlets by names different from those indicated on US topographic maps of the area. Where there is a difference, the American designation is shown in parentheses on the sketch map. For example, the subhamlet identified on the topographic map as My Lai (4) is actually named Thuan Yen; the subhamlet identified on the map as My Khe (4) is known to the Vietnamese as My Hoi. Except for Thuan Yen and My Lai (4), which are used interchangeably, the US Map designations for the subhamlets are used thoughout this report, since those names are cited by witnesses in testimony.

The old villages and fields were often burned to prevent their use by the rebel elements. The program frequently aroused resentment and, it was eventually superseded by the New Life Hamlet Program which emphasized aid and development for the villagers rather than being primarily security oriented. The end result of both these programs was usually less than satisfactory, for the concentration of villagers in strategic hamlets did not alter their allegiance to the National Liberation Front. Many villages remained under the domination of the Front and continued to provide recruits, taxes, food, supplies, and information to the VC and North Vietnamese units operating in their locale.

The village of Son My fell into this category. Some of its subhamlets, such as My Lai (1), had been burned to the ground by ARVN Forces well before American forces were deployed to Quang Ngai. Many of the villagers had been brought to Quang Ngai City as refugees with plans to resettle them in other areas. Life in the refugee centers was depressing; consequently, many villagers drifted back to their old home areas and to VC control. In the eyes of the Government of Vietnam (GVN) the people who continued to live in the Son My area were considered generally to be either VC or VC sympathizers.

D. ENEMY TACTICS AND TECHNIQUES

As previously discussed, the enemy forces which operated in Quang Ngai Province and Son Tinh District included guerrillas, local and main force units and, at times, NVA units. These forces were highly skilled in hit-and-run guerrilla tactics and had the ability to survive in a counterinsurgency environment.

During the initial phases of the war, the Communists placed primary reliance on the employment of guerrilla tactics which were carried out by basic three-man VC guerrilla cells. Working covertly, these guerrilla cells performed assassinations, acts of terrorism, and conducted sabotage and limited clandestine military operations with the objective of gradually bringing more and more villages under VC control.

As the war expanded, the Communists increased their forces in South Vietnam by the organization of local and main force units up to battalion and regimental size and in late 1964, began a large-scale infiltration of NVA units. The local force units were normally recuited from a particular district and limited their operations to within the district. They lived with the people as a means of concealment and as a source of support. Main force units were organized and operated at province level, usually from secure base areas located in the mountains or jungle from where they could strike targets in the populated areas. Normally NVA units had assigned areas of operation but could be employed wherever the situation required.

Regardless of the type unit, the tactics employed by the Communist forces recognized their own shortcomings and were designed to exploit the weaknesses of the US, ARVN and other Free World Military Assistance Forces. Lacking the strength and firepower to survive an extended major battle, they relied primarily on operations which permitted them to mass, attack, and withdraw before US or GVN/ARVN forces could react. Their operations at every level were characterized by methodical planning, detailed rehearsals, and violent execution.

Prior to undertaking an operation, the VC/NVA normally would obtain very detailed information regarding their potential targets including the location of fighting positions, key installations, and the identification of security weaknesses. Using this information, which might require weeks or months to develop, they would then prepare a detailed step-by-step plan for the operation. The plan would then be rehearsed until every man in the force was thoroughly familiar with details of the target area and the functions he was to perform.

The VC had the choice of the time they wanted to fight and were willing to delay execution of an operation for as long as necessary in order to improve their chances of success. Once the decision was made to attack, the unit was moved, using clandestine techniques, to the target area. In doing this, the VC would often attempt to infiltrate demolitionist, sapper type personnel into the area to destroy key installations, and artillery and automatic weapons positions. Their final attack normally was executed only at a predetermined time or after the presence of their infiltrators had been detected. As an alternate type of attack they sometimes employed mortars, rockets, and recoilless rifles in stand-off attacks against population centers and military installations to prepare or soften the target for attack. These same basic procedures were generally followed in every type of operation, operations characterized by stealth, surprise, and shock action.

Typical operations conducted at the local force level included the ambushing of small convoys, attacking of village and district offices or security outposts, the assassination or kidnapping of local Vietnamese officials and other acts designed to illustrate their control of the area in which they operated. The main force and NVA units assisted the local force units but primarily conducted large-scale operations against US and ARVN forces and installations.

The VC made extensive use of mines and boobytraps, especially at the hamlet and village level. In addition to the men in their combat units, children, women, and old men were used to construct homemade boobytraps and mines which they normally emplaced at night under the cover of darkness. The mines and boobytraps were

used in a wide variety of ways. Some of them were employed as weapons of terror against the population; such as mines planted under or along well used roadways to blow-up buses and other vehicles; demolition devices installed in theaters and other crowded areas; or a simple grenade thrown into a group of people. In another tactic, they used them as defensive weapons to cover roads, paths, and other avenues of approach to and within their controlled areas. Some such areas were literally infested with VC mines and boobytraps and had the effect of slowing and restricting friendly offensive operations. It was this latter type of employment which tended to create hatred and frustration against the unseen enemy.

The operations of all VC/NVA forces in a particular area were closely controlled and coordinated with the local VC infrastructure's political and administrative apparatus in the attempt to achieve their objective of total domination of the people. The Communist recognized but few restraints in their operations and were often ruthless in conducting them. All operations were planned and executed keeping in mind the ultimate goal of seizing control of the government of South Vietnam and the people.

E. FREE WORLD MILITARY ASSISTANCE FORCES (FWMAF) OBJECTIVES FOR 1968

In furtherance of the objective of attaining a stable and independent non-Communist government in South Vietnam, the Military Assistance Command, Vietnam (MACV), in coordination with the GVN and other FWMAF set forth three military objectives after the Tet offensive in January-February 1968 to: (1) Counter the enemy's Tet offensive and destroy and eject North Vietnamese invasion forces; (2) restore security to population centers and other vital areas and emphasize recovery from the recent pacification disruptions; and (3) resume the effort to fulfill the objectives of the 1968 Combined Campaign Plan to destroy enemy forces in the Republic of Vietnam and extend government control throughout the country.

To carry out the military objectives, MACV proposed the following military tasks to: (1) Inflict maximum attrition upon the enemy; (2) abandon no territory; (3) support the Government of Vietnam in providing territorial security for pacification; (4) open and secure lines of communication; and (5) build the armed forces of the Republic of Vietnam physically and psychologically into an effective fighting force.

Operations for the remainder of the year were to be directed at searching out and destroying enemy main, local, and guerrilla forces and at identifying and eliminating the enemy's infrastructure. Particular attention was to be given to the pursuit and

destruction of enemy forces in the densely populated areas and to the containment of the enemy in the border areas. Renewed efforts were also to be made to destroy base areas and to neutralize progressively the less important strongholds.

In the I Corps, north of the Hai Van Pass, MACV objectives were to restore security in Hue and other populated centers; to counter and destroy the North Vietnamese enemy forces; to destroy the enemy base complexes along the Laotian border and in and to the north of the demilitarized zone; to secure Route 1, and to open Route 9, the vital logistics artery from Dong Ha to Khe Sanh; to occupy the Ashau Valley and to destroy the infiltration complexes leading to the valley; to eliminate the threat posed by enemy forces operating from Base Areas 101 and 114; and to assist the Republic of Vietnam Armed Forces in restoring security and the pacification program in Quang Tri and Thua Thien Provinces. South of the Hai Van Pass, the main tasks were to destroy the 2d NVA Division; to neutralize the Do Xa area; and to establish a more secure situation for Da Nang, Hoi An, Tam Ky, Quang Ngai City, and other population centers in the pacification priority area.

F. STATUS OF PACIFICATION

The enemy Tet offensive had a serious impact upon the pacification effort in Quang Ngai Province. Two districts, Duc Pho and Nghia Hanh, came under virtual VC control and two others, Tu Nghia and Son Tinh, where Son My Village is located, had what was considered a heavy VC presence in the wake of the Tet operations. In addition, because of its large population, Son Tinh had taken the heaviest losses in Quang Ngai insofar as human lives, crops, and livestock were concerned.

There were four Regional Force (RF) companies, each with an authorized strength of 123, and 33 Popular Force (PF) platoons, each with an authorized strength of 33, to provide security for the population of over 120,000 people in Son Tinh District. Additionally, three battalions of the 2d ARVN Division supported the Rural Development Program in the province under the operational control of the Province Chief. The province also had 41 Revolutionary Development (RD) Teams of 59 men each. Of these, 25 were working in the hamlets. However, many of the RD teams removed from the area of Route 1* did not remain in the hamlets overnight, as they were supposed to, but retired to protected bases until the following day.

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* Route 1 is the major north-south land route of communication in South Vietnam. It is correctly identified as QL 1 but is commonly referred to by US personnel as Route 1 or Highway 1.

Many of the RF and PF did not return to their pre-Tet positions in Son Tinh District until late February and early March due to the continuing threat of VC forces against the population centers and the lines of communication. For the greater part the RF/PF were employed in manning static defense positions, providing bridge and line of communications security, and guarding the approaches to Quang Ngai City.

They were not oriented toward village or hamlet security nor had they been trained fully as reaction forces for rapid deployment to critical areas as needed. Thus, the RF/PF were not positioned to provide protection for population centers, except for Quang Ngai City, and seldom ventured away from their defensive posts. Their preoccupation with their own fortified bases led to a lack of communication or contact with the people, thereby minimizing government influence in the district and province.

At the beginning of March 1968 security conditions in Quang Ngai did not permit a resumption of normal rural development activities. Fear still existed that a second phase of the Tet offensive might be launched at any time, despite strong indications that only enemy local force battalions were in the area and the fact that no strong possibility of imminent operations had been uncovered. In Son Tinh District, little effort had been made as of March to broaden government control of the countryside or to renew its pacification activities. Government officials were primarily occupied with the restoration of authority in areas lost during Tet and had little time to concern themselves with villages, such as Son My, which had been long under the control of the VC.

G. US PSYCHOLOGICAL OPERATIONS (PSYOPS)

The Joint United States Public Affairs Office (JUSPAO), which was formed in 1965, was responsible for the development of US psychological operations policy in Vietnam. Within the context of this guidance and published campaign plans, MACV policy specified that commanders would plan and conduct psychological operations in support of each military operation and pacification program. The JUSPAO established theme for the post-Tet PSYOPS campaign, which extended from 4 February to 21 March 1968, was "Chieu-Hoi" which means rally to the Government of Vietnam.

Accordingly, the Chieu Hoi program was being emphasized throughout the Americal Division AO immediately prior to the Son My incident. In addition, PSYOPS missions emphasizing the Volunteer Informant Program and the Return to Government Control program were being conducted.

The TF Oregon SOP, which was still applicable at this point, cited the following situations as appropriate for exploitation by PSYOPS:

(1) Explain the presence of American and friendly powers and show that the VC cannot match the GVN, US, and allied commitments.

(2) Exploit victories by both ARVN and friendly forces to maintain a winning spirit within the ARVN forces and the civilian populace.

(3) Exploit the Chieu Hoi program to encourage VC ralliers at every opportunity.

(4) Take advantage of VC/NVA vulnerabilities, such as mounting casualties, alienation of population due to: increased terrorism, taxation, impressment, lowered living conditions, examples of lower morale, and increasing defections.

(5) Exploit information from VC/NVA ralliers or PW's.

MAJ (now LTC) Stanley E. Holtom, Division PSYOPS Officer in March 1968, stated that while PSYOPS should support tactical operations, development of the program was left primarily to his initiative as to the time, themes, and media of dissemination which should be employed. Apparently, there was minimum coordination with G3 or other staff sections. According to Holtom, there was little or no effort to plan PSYOPS to support tactical operations prior to June 1968. In fact, there seemed to be little emphasis on PSYOPS within the Americal Division during this period. All psychological operations were conducted independently and were generally limited to the available standard prerecorded messages or leaflets which applied to any locale rather than being targeted at a specific area. Citing the Son My operation as an example, he stated that he had no knowledge of the planning of the operation. He added that he did work in close coordination with GVN officials regarding programs aimed at instilling in the people a sense of loyalty and responsibility to the government.

The 11th Brigade tactical SOP (draft) stated that commanders would plan and incorporate PSYOPS into all tactical operations and activities involving contact with the local populace. The SOP specified that all PSYOPS activities within the brigade would be directed at achieving the following objectives:

(1) Convince all audiences that GVN victory is inevitable with the support of the US and FWMAF.

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(2) Persuade all audiences that the fastest way to end the war and achieve peace and security is to support free Vietnam and oppose the Viet Cong.

(3) Convince all audiences that the US presence in Vietnam is to help the RVN and is temporary in nature.

(4) Convince the Viet Cong that returnees will be sincerely welcome.

While the staff coordination at brigade level appears to have been somewhat closer than that at division, the Brigade S5 still was not completely informed or always consulted regarding PSYOPS support for tactical operations. The 11th Brigade S5 stated that most psychological operations were conducted routinely, and somewhat independently, except for multibattalion operations conducted west of Route 1 for which the S3 would direct him to prepare an annex to the operations order. According to the S5, there were no PSYOPS ever conducted in direct support of any tactical operation along the coastal plains. He stated that PSYOPS in such areas of operation consisted primarily of standard broadcasts and leaflet drops targeted at areas normally selected by him spread throughout the Duc Pho and Mo Duc areas plus the TF Barker AO. Areas in which effective results were achieved were targeted repeatedly.

H. FRIENDLY SITUATION

In March 1968, FWMAF in South Vietnam totaled 576,200 of which over 515,200 were US. The Republic of Vietnam Armed Forces (RVNAF) had a strength of over 310,700. In addition, there were over 400,000 Vietnamese serving in the Regional Forces, Popular Forces, Police Forces, Self-Defense Forces, and other such organizations. At that time there were 300 friendly maneuver battalions deployed throughout South Vietnam. Of this total, 55 US, 4 Free World, and 36 RVNAF battalions were deployed in the I Corps area.

During the year prior to the Son My incident, Quang Ngai Province had been the responsibility of ARVN, ROK Marine, US Marine, and US Army forces all of which had conducted many small unit operations in the province. Those which were more significant are summarized below.

In February 1967, US Marines, ROK Marines, and the 2d ARVN Division conducted the first combined operation in the I Corps against the 21st NVA Regiment, 2d NVA Division, in western Quang Ngai, employing seven battalions, three of them ARVN airborne. As the 21st NVA Regiment pulled back under ROK Marine pressure,

the airborne forces made heavy contact with the North Vietnamese units and reportedly inflicted over 800 casualties upon them.

During September, the 2d ROK Marine Brigade launched Operation Dragon Fire against enemy forces in eastern Son Tinh and Binh Son Districts. This three-battalion operation lasted until the end of October with the ROK Marines claiming over 540 enemy killed and 138 suspects captured during the campaign.

The 2d ARVN Division carried out several search and destroy missions in eastern Son Tinh District during December 1967. One such operation employed two companies in coordination with one RF company and a PF platoon in a one-day operation northwest of My Lai (4). The Vietnamese forces reported that they had killed 40 of the enemy, while suffering casualties of 11 killed and 8 wounded.

When the decision was made to deploy the 2d ROK Marine Brigade out of Quang Ngai Province into Quang Nam Province to reinforce northern I Corps, the Americal Division, in cooperation with the 2d ARVN Division, was tasked to take over the ROK area of responsibility; areas of operation were changed accordingly (sketch 3-3). Elements of the 198th Infantry Brigade moved into the area in late December with the mission of locating and destroying enemy MF/LF units and extending government control over the districts. Initial contacts were light and friendly casualties were low.

On 2 January 1968, the 3d Brigade, 4th Infantry Division, assumed operational control of most of the Muscatine AO (sketch 3-4), the 198th Brigade retaining a small sector in the north. Relief of the 2d ROK Marine Brigade continued until completion on 22 January. in the meantime, the Americal units which conducted operations in the area took a steady toll of casualties from enemy mines and boobytraps. In one heavy contact on 17 January, about 10 miles north of My Lai (4), elements of the 198th Brigade combat assaulted the village of An Thinh (1). Blocking the escape routes and using gunships effectively, the battalion sent one company to sweep the village. As the enemy tried to flee, they were engaged by gunships and the units in the blocking positions. At the end of the day, it was reported that 83 VC had been killed and 34 weapons captured, while the US forces had five men wounded.

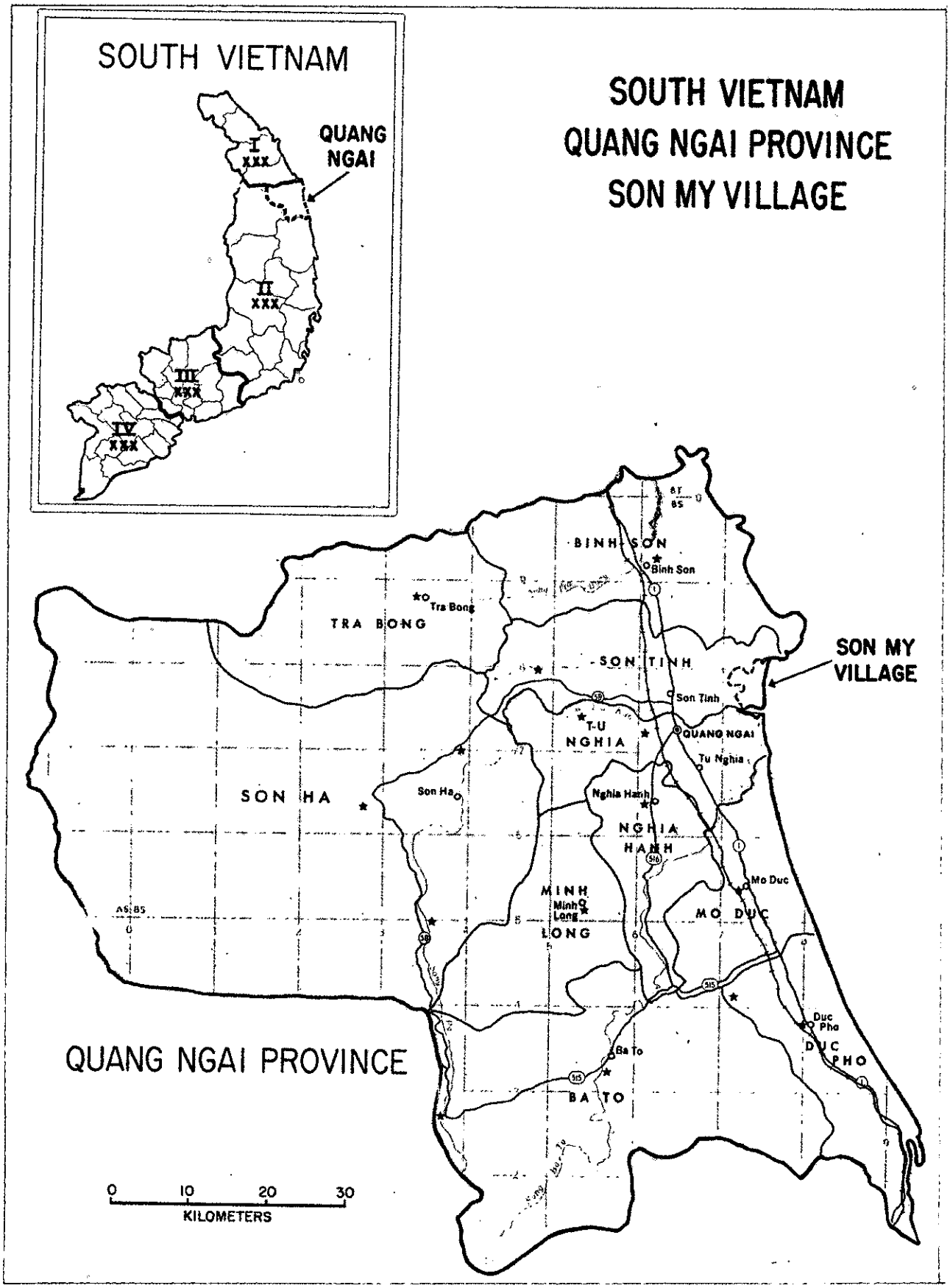
The 198th Brigade resumed control of the entire Muscatine area on 25 January to include the operational control of the 11th Infantry Brigade's, 4th Battalion, 3d Infantry (-) and of Task Force (TF) Barker which had been formed to assist in controlling the area vacated by the ROK Marine Brigade. Subsequently, the 3d Brigade, 4th Infantry Division, moved north into Quang Ngai Province to replace the 3d Brigade, 1st Air Cavalry Division, in Operation Wheeler/Wallowa.

When the 2d ARVN Division learned that elements of the 22d NVA Regiment, 3d NVA Division, had moved into the area southwest of Quang Ngai City following the Tet offensive, it launched Operation Quyet Thang 22 on 24 February 1968, to seek out and destroy them. Aided by strong tactical air and artillery support during a 2-week campaign, the South Vietnamese maintained continuous pressure against heavily dug-in enemy positions until the latter finally broke contact and withdrew on 10 March.

In the meantime, in Operation Muscatine, the ground contacts had been light. Since most of the enemy local force units had been committed to the attacks on Quang Ngai City during Tet, it was not surprising that the sector was inactive. Gunships, however, engaged a force of 150 VC about 8 kilometers north of My Lai (4) on 30 January and reported that they had killed over 40 of the enemy. TF Barker units made scattered contacts with small groups of VC in the Batangan Peninsula area during the Tet period, but none of any significance.

On 4 February, the 11th Brigade assumed control of the southern and western portions of the Muscatine AO and of its own 4th Battalion, 3d Infantry (-), and TF Barker. The 11th Brigade now had operational responsibility for both the Muscatine AO and the Duc Pho/Mo Duc District areas. The districts lying between the 11th Brigade's areas - - Tu Nghia and Nghia Hanh - - and the southern part of Son Tinh District, north and west of Quang Ngai City, were the responsibility of the 2d ARVN Division (sketch 3-5). In the Muscatine AO, TF Barker was responsible for the region lying east of Route 1 in Son Tinh and southern Binh Son Districts and the 4th Battalion, 3d Infantry (-) for the territory west of the road (sketch 3-6). For TF Barker the main task was to conduct operations to locate and destroy main and local force units and guerrillas and to eliminate the VC infrastructure in the area north and northeast of Quang Ngai City.

Headquarters TF Barker was at LZ Dottie, about 11 kilometers northwest of My Lai (4). Its direct support artillery, D Battery, 6th Battalion, 11th Artillery (105mm howitzer), was located at LZ Uptight, about 8 kilometers north of My Lai (4). Troop lift and gunships for the TF were provided by the 174th Assault Helicopter Company, located at LZ Bronco in Duc Pho, and aeroscout activities were carried out by Company B, 123d Aviation Battalion, whose rear base was at Chu Lai and forward base at LZ Dottie. Two "Swift Boats" from the Coastal Surveillance Force, US Navy were available for patrolling operations offshore in conjunction with the TF's ground operations.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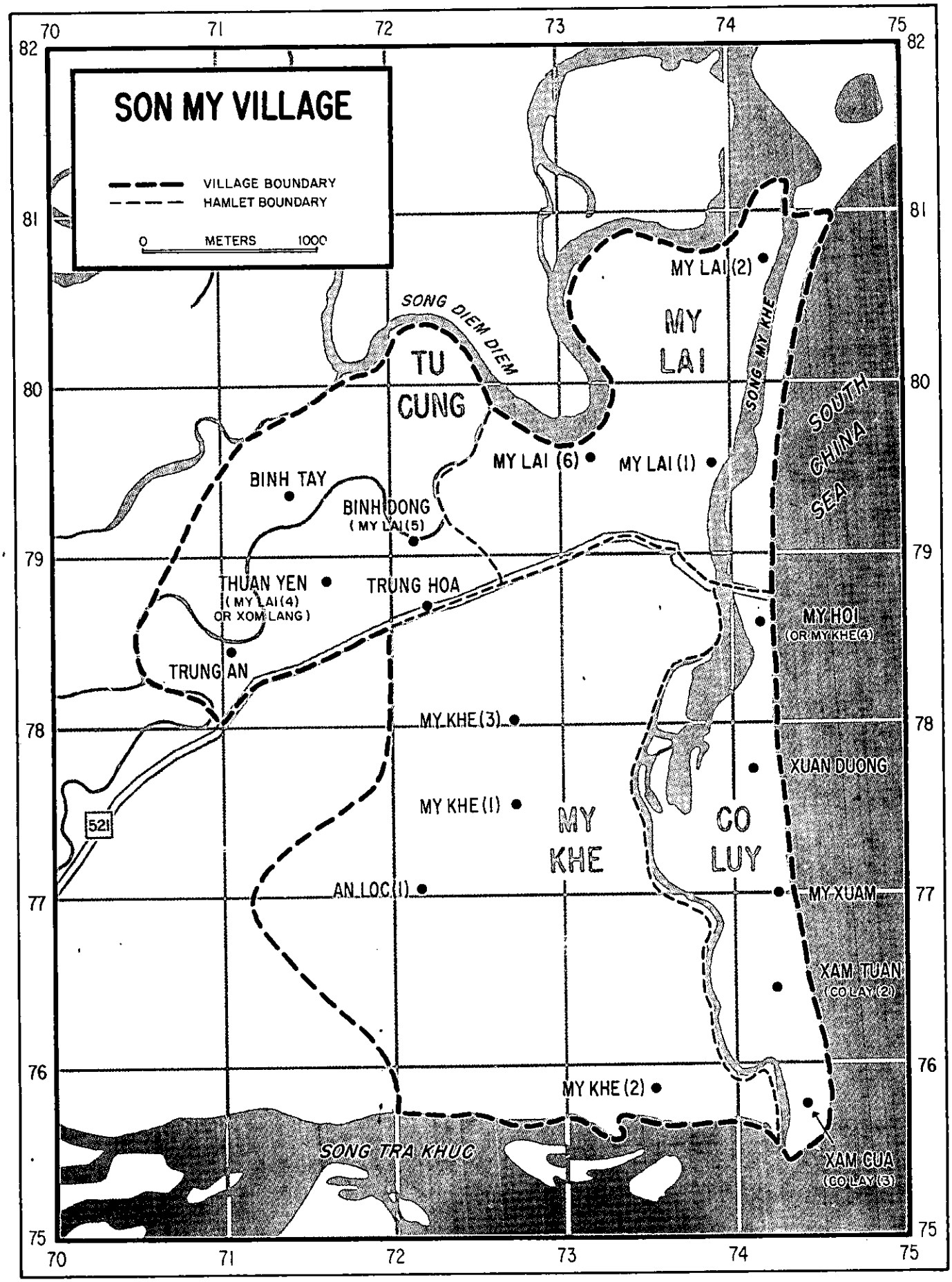
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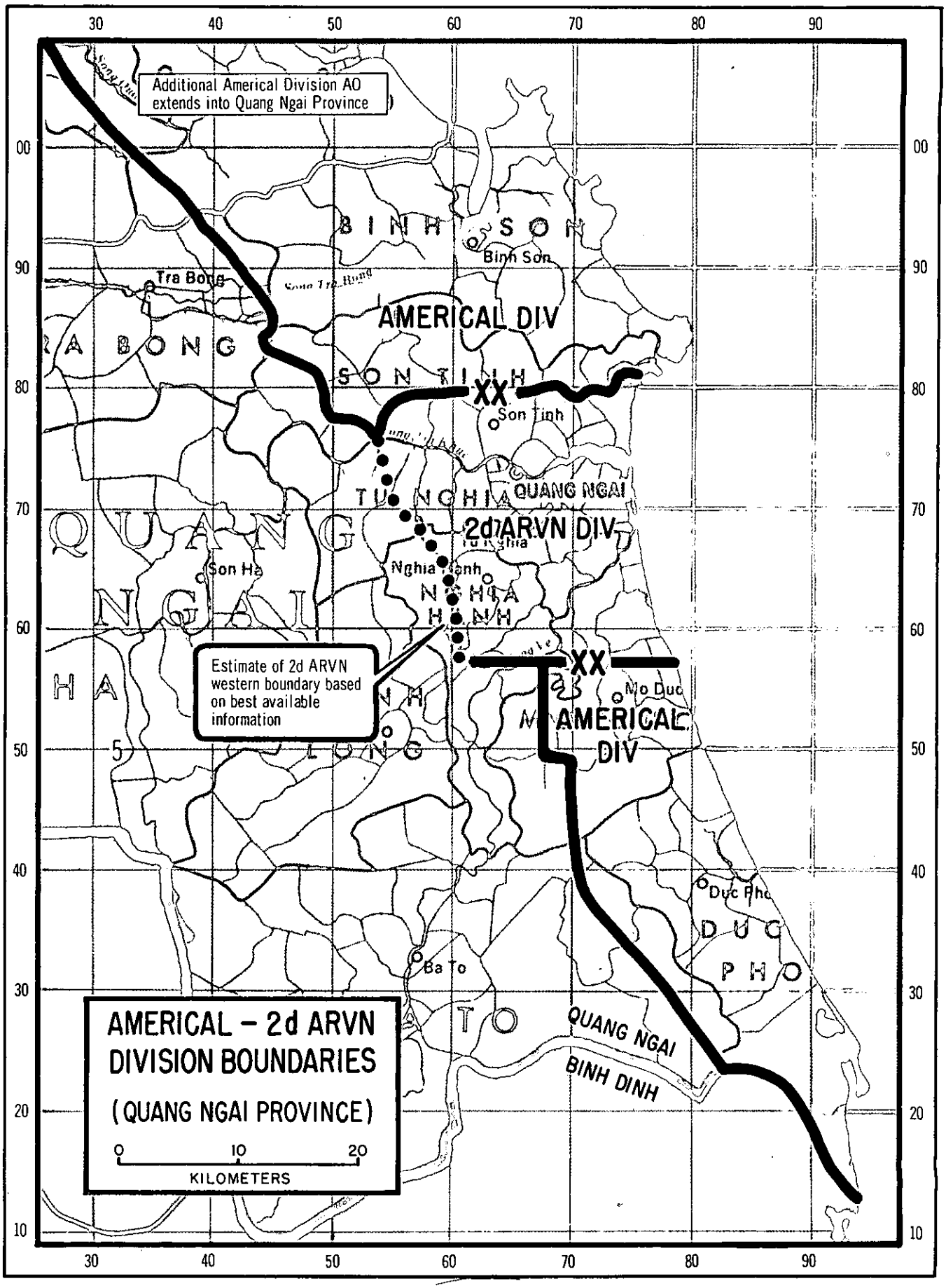
Additional Americal Division AO extends into Quang Ngai Province
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QUANG NGAI
2d ARVN DIV
Son Ha
Nghia Hanh
Estimate of 2d ARVN western boundary based on best available information
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DUC PHO
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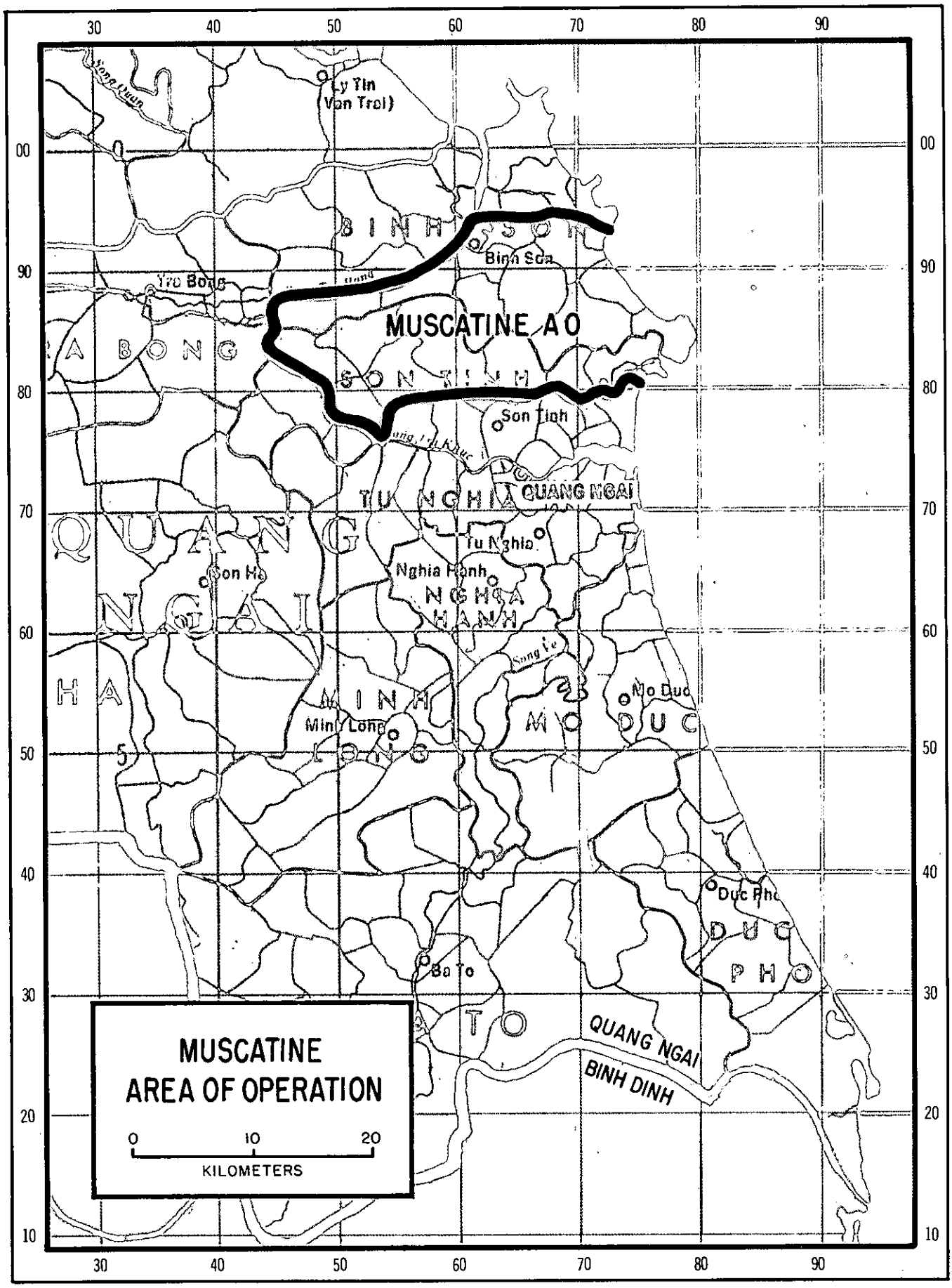
KILOMETERS

SKETCH 3-3


MUSCATINE AO
MUSCATINE
AREA OF OPERATION
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KILOMETERS
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(Van Tra)
Binh Son
Tra Bong
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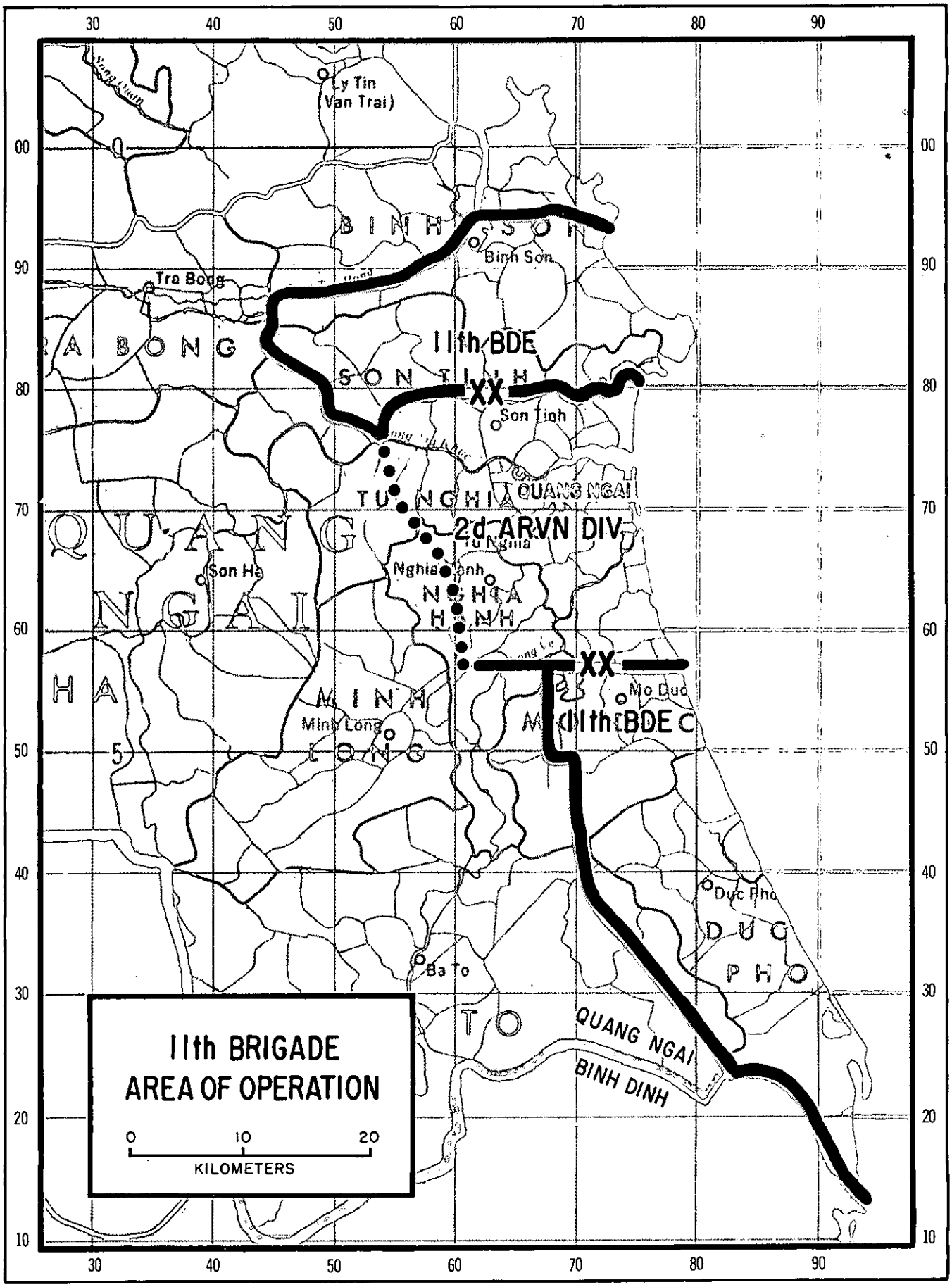
Tu Nghia
QUANG NGAI
Nghia Hanh
Son Ha
Minh Long
Mo Duc
Duc Pho
Ba To
QUANG NGAI
BINH DINH

SKETCH 3-4


11th BRIGADE
AREA OF OPERATION
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2d ARVN DIV
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Duc Pho
Ba To
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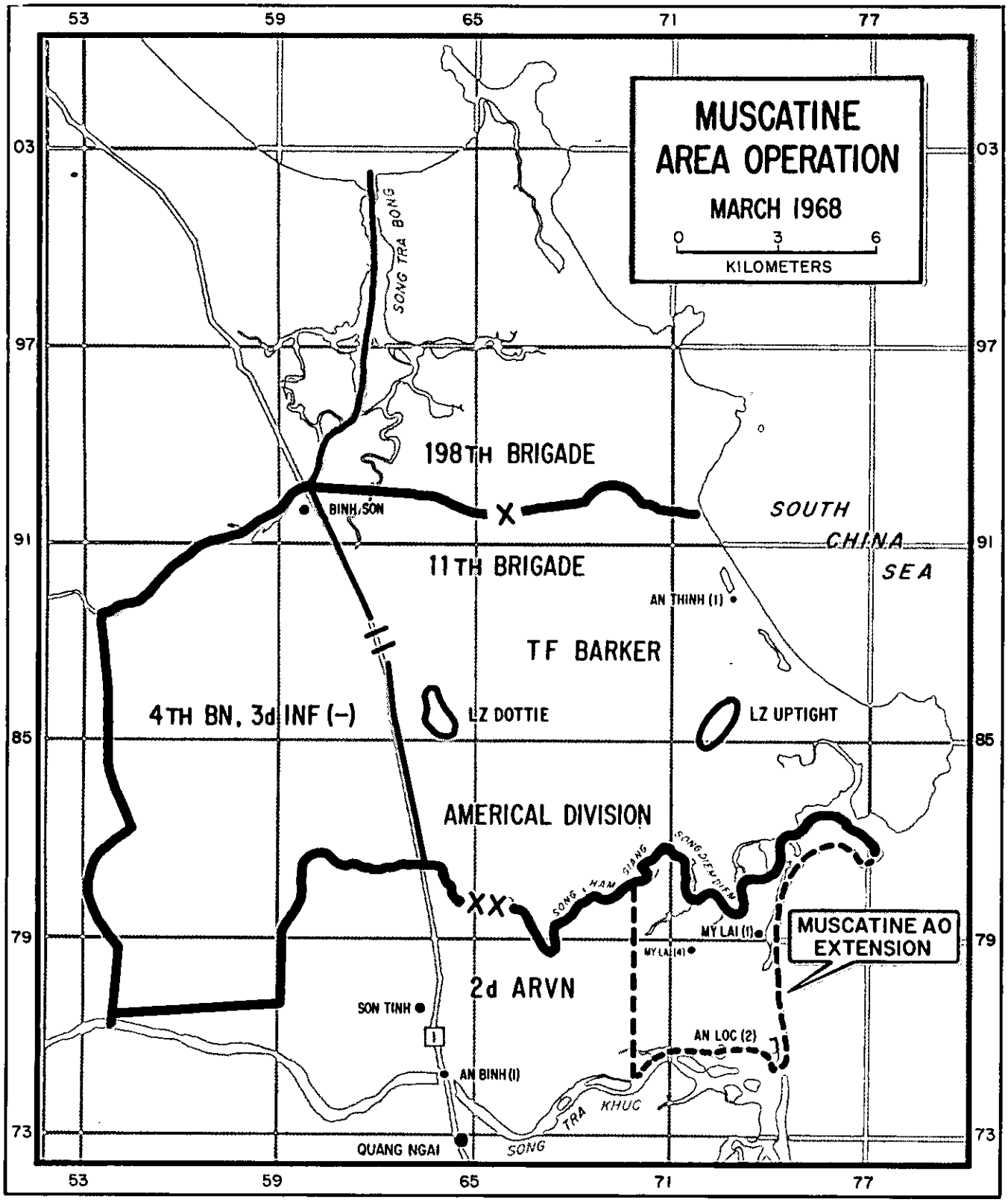
BINH DINH

SKETCH 3-5


MUSCATINE
AREA OPERATION
MARCH 1968
0 3 6
KILOMETERS
53
59
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71
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03
97
91
85
79
73
SONG TRA BONG
198TH BRIGADE
BINH SON
SOUTH
CHINA
SEA
11TH BRIGADE
AN THINH (1)
TF BARKER
4TH BN, 3d INF (-)
LZ DOTTIE
LZ UPTIGHT
AMERICAL DIVISION
SONG LAM GIANG
SONG DIEM HIEN
MY LAI (1)
MY LAI (4)
MUSCATINE AO
EXTENSION
2d ARVN
SON TINH
AN LOC (2)
AN BINH (1)
TRA KHUC
SONG
QUANG NGAI

SKETCH 3-6

was placed under the operational control of I Field Force on 29 February. The 3d Brigade, 82d Airborne Division, was also attached to the Americal Division (less operational control) for a short time on 16 February to 12 March 1968.

By mid-March, the Americal Division was composed of three attached brigades: 11th, 196th, and 198th, plus supporting forces. The division initially was organized with a light division base, since the necessary support elements were organic to each of the three separate brigades. These brigades were initially established as independent brigades to provide the Commander, United States Military Assistance Command Vietnam (COMUSMACV) forces which could be detached and immediately deployed to higher priority areas without disrupting one of the combat divisions or the normal administrative and logistical support system. It was not until April 1969 that the division was fully reorganized and the brigades made organic to the division. This was accomplished by attaching each of the brigade headquarters to the division and relieving the maneuver battalions from assignment to the brigades and assigning them to the division.

It was also necessary to reorganize the austere TF Oregon staff into a full division staff. This proceeded in a piecemeal fashion over a long period of time and, with the division controlling the operations of up to five brigades and about 24,000 men in its early stages, many of the division staff sections experienced difficulty. The staggered arrival of the 198th and 11th Brigades from the United States, for example, necessitated the gradual merger of the personnel services elements of all three brigades into a consolidated unit. New regulations and procedures had to be published quickly to insure uniformity and responsiveness of the personnel management system to support the once independent brigades.

The division faced major personnel problems in meeting the 12-month rotational policy, as did all units in Vietnam. Control of the rotational "hump" within the brigades was particularly acute and required the transfer of personnel between the brigades, known as the infusion program, to reduce the impact and to remain within the restrictions established as to percentage of unit strength allowed to rotate within any one month. This infusion program, plus the receipt of large numbers of replacements arriving from the United States, created considerable personnel turbulence. New arrivals had to be integrated and to become familiar with their new commanders and noncommissioned officers and the operating procedures of their new unit. For the two brigades arriving from the United States in October and December, personnel

Chapter 4

ORGANIZATION, OPERATIONS, AND TRAINING OF US UNITS

The principal units involved in the Son My incident were B/4-3 Inf and C/1-20 Inf of the 11th Infantry Brigade which, upon its deployment to Vietnam, was attached to the Americal Division.

A. AMERICAL (23D) DIVISION

The Americal Division was organized in September 1967 and formally activated in October, when MG S. W. Koster was presented the division colors. Like its predecessor, Task Force (TF) Oregon, and the original Americal, the division was a patchwork organization. Only one of the three separate brigades to be attached to the division, the 196th Infantry, was in Vietnam at the time of activation. The remaining two brigades, the 198th Infantry and the 11th Infantry, were both still in training in Texas and Hawaii, respectively. In the meantime, the Americal Division assumed temporary operational control of 3d Brigade, 4th Infantry Division, and the 1st Brigade, 101st Airborne Division, plus the forces supporting TF Oregon. On 4 October, the 3d Brigade, 1st Air Cavalry Division, was also placed under the operational control of the Americal Division, to participate in Operation Wheeler/Wallowa and so remained until 25 January 1968.

In late October, the 198th Light Infantry Brigade arrived in Vietnam, and, after a month's training at Duc Pho, relieved the 196th Infantry Brigade in place at Chu Lai. The latter, in turn, relieved the 1st Brigade, 101st Airborne Division, which departed from I Corps in late November. In December, the 11th Infantry Brigade deployed from Hawaii, trained in the Duc Pho area under the sponsorship of the 3d Brigade, 4th Infantry Division, and subsequently assumed responsibility for the Duc Pho area on 2 January 1968. The 3d Brigade, 4th Infantry Division, was released from the Americal Division, was moved to II Corps, and

shortages and the infusion process tended to further reduce the effectiveness of their training and operational readiness.

As the 11th Infantry Brigade completed its movement to Vietnam, the Replacement Detachment of the Americal Division moved to Chu Lai and took over the Division Combat Center where the total replacements received for training each week increased from 300 to a peak of 1,000 for an average of over 500 per week. The Combat Center conducted a 6-day in-country orientation and replacement training course for all replacement personnel plus assigned and attached units. This course was climaxed by a live combat patrol-night ambush operation. Part of the first day's instruction was devoted to the handling of prisoners of war (PW's) and the provisions of the Geneva Conventions. Records of the Americal Division state that 7,700 replacements received instruction in the Geneva Conventions during the period 12 December 1967 to 29 March 1968. (The United States Army, Vietnam (USARV) Inspector General (IG) inspection report of 31 July 1968 lists as a deficiency the lack of instruction on the Geneva Conventions.) Classes were also presented in combat leadership and long-range patrol techniques. As facilities at Chu Lai were substandard in many cases, considerable time was devoted to their improvement in order to provide adequate housing and training facilities for the new replacements. Beginning in December 1967, refresher training was conducted for units to correct deficiencies noted during combat operations and was tailored specifically to the needs of the squad or platoon undergoing the course.

The combat capability of the Americal Division during the September 1967-March 1968 period is difficult to assess, since the composition of the division changed continually, with only the 196th Brigade attached to the Americal for the entire 6 months. The 196th Brigade, operating against elements of the 2d North Vietnamese Army (NVA) Division in Operation Wheeler/Wallowa in January 1968, performed well and accounted for 192 enemy killed in action (KIA) on a single day. Americal Division totals in Wheeler/Wallowa from 1 November 1967 to 31 January 1968 claimed 1,718 Viet Cong (VC) and 1,585 North Vietnamese KIA and 492 individual weapons and 115 crew-served weapons captured. Division losses over the same period in the operation were 220 killed, 713 wounded evacuated, and 342 minor wounded.

B. THE 11TH INFANTRY BRIGADE (LT)

The 11th Infantry Brigade was reactivated in Hawaii in 1966 and was organic to the 6th Infantry Division. Initially the brigade consisted of three infantry battalions -- the 3d Battalion, 1st Infantry; the 4th Battalion, 3d Infantry; and the 1st Battalion, 20th Infantry--and had the mission of acting as the US Army Pacific reserve.

When the Secretary of Defense approved, in July 1967, General Westmoreland's request for deployment of additional US ground forces to Vietnam by February 1968, the 11th Infantry Brigade was selected as one of the units to be deployed. Since the brigade was designated for attachment to the Americal Division, it had to be reorganized as a separate light brigade to conform with its two sister brigades. The general effect was to increase the number of infantry troops, to reduce the amount of vehicles and other heavy equipment, and to provide the brigade with additional support elements.

During 1967, the brigade had conducted an active training program which began with air mobility training and was followed by tactical exercises during February and March. In April, an accelerated training program was initiated. Special emphasis was placed upon advanced individual training which included use of the Jungle Warfare Training Center (JWTC). This facility was renovated after being in a caretaker status since departure of the 25th Infantry Division. Each company used the facility for one week. Instructor personnel were sent to Hawaii from the US Continental Army Command (USCONARC) to aid in the training program and 400 fully trained infantrymen joined the brigade to assist in meeting the criteria necessary for an emergency deployment.

In late May and June, the brigade administered battalion and company Army Training Tests (ATT). After the alert was received in July, the brigade began preparation for participation in a 10-day amphibious exercise (Coral Sands II) which was conducted in August off the island of Molokai. This provided one of the limited opportunities for the brigade headquarters to practice command and control over all subordinate maneuver elements during a field exercise.

Upon completion of the amphibious exercise, the brigade concentrated upon preparing personnel for deployment. Language training for men who were to be used as interpreters, individual weapons familiarization and record firing, classroom instruction and field firing for

crew-served weapons personnel, and orientation lectures on the Vietnam social and tactical environment helped to prepare brigade members for their upcoming mission.

One of the more serious problems facing the brigade was the replacement of over 1,300 men who were nondeployable under existing deployability criteria. The decision in October 1967 to deploy the brigade to Vietnam in December rather than January further magnified the replacement problem. Many filler personnel were added to the brigade to meet the personnel shortfalls. Replacements continued to arrive up until the deployment date, requiring numerous adjustments in the training program. It was necessary to shorten the training schedule from the normal 8 weeks to 4 which made it difficult to provide adequate unit training. The combination of all these factors resulted in considerable confusion and caused significant turmoil in the brigade's personnel status which was detrimental to their predeployment preparation. Even with the influx of replacements, the brigade was still short over 700 men at the time of deployment.

Subordinate units were rescheduled through the JWTC for a 3-day course which all units of the brigade had to attend and complete. One of eleven stations set up for the training was a typical Southeast Asian village where the soldier was taught the proper methods of securing, searching, and clearing villages as well as how to work best with the civilian population. In addition, new M-16 rifles were issued to all personnel just 2 weeks before deployment which required that familiarization and range firing be conducted up to the last minute.

The 4th Battalion, 21st Infantry, was assigned as the 11th Brigade's 4th Battalion in November 1967 but did not deploy with the brigade to Vietnam in December. It remained in Hawaii to complete its organization and training, and arrived in Vietnam in April 1968.

The main body of the brigade moved by sea from Hawaii to Vietnam during the period 5-22 December, debarking at Qui Nhon and moving to Duc Pho by land and air. It replaced the 3d Brigade, 4th Infantry Division, which acted as the host unit, in the Duc Pho area of operation.

To compensate for the shortened training period in Hawaii, Military Assistance Command, Vietnam (MACV) had agreed to provide the brigade with a month of additional training in-country before it was committed to operations. The 3d Brigade, 4th Infantry Division, provided 3 days of a planned 7-day

orientation course (curtailed due to operational requirements) and the 174th Aviation Company instructed brigade personnel on the characteristics of helicopter gunships and troop carriers "Slicks" and conducted combat assault training for the infantry units. The 2d ARVN Division provided a Vietnamese village training course that lasted one day. Conducted in a deserted village near Duc Pho, the course gave a practical demonstration of VC methods of concealment and boobytrapping and emphasized correct search techniques. Other instruction received by the brigade in January included search procedures for locating VC bunkers and "holes," ambush techniques, and the destruction of enemy fortifications and rice caches.

As the brigade made its last-minute preparations for commitment to combat, there was one disturbing element. Additional replacements to bring the brigade up to strength plus the infusion of personnel to ease the rotational hump had produced considerable personnel turbulence. Although undesirable, this was not an uncommon occurrence for many of the units deployed to Vietnam who performed effectively despite this difficulty.

C. TASK FORCE BARKER

When the 11th Brigade assumed responsibility for the Muscatine area of operations (AO), it was necessary for the brigade commander to reorganize his forces in order to occupy the area with six rifle companies, which the division commander considered the minimum force required to control the area. BG Andy A. Lipscomb, the brigade commander, opted to establish a separate TF during the period 20-22 January to man the eastern part of the Muscatine AO and designated the 4th Battalion, 3d Infantry (-) as the unit responsible for the western section. This permitted the brigade commander to put six companies in the area.

The TF commander plus an austere staff were drawn from the staff of the 11th Brigade. This weakened and reduced the effectiveness of the brigade staff. LTC Frank A. Barker, Jr., the brigade S3, was chosen to be the TF commander. MAJ Charles C. Calhoun, the brigade S1, was designated a combination Executive Officer/S3, and CPT Eugene M. Kotouc was later assigned as the TF S2.

TF Barker (named after its commander) consisted of three companies, one from each of the brigade's battalions. These were: A/3-1 Inf, B/4-3 Inf, C/1-20 Inf. Each was considered by the brigade commander to be the best company in its bat-

talion. Also attached to the TF were: the 3d Platoon, Troop E, 1st Cavalry (-); elements of the 2d Platoon, Company C, 26th Engineer Battalion; and a squad from the 11th MP Platoon. Battery D, 6th Battalion, 11th Artillery (a provisional battery consisting of four 105 howitzers instead of the normal six) located at Landing Zone (LZ) Uptight was in direct support.

From 22 January through 15 March 1968 the TF suffered over 100 friendly casualties, about 40 percent of which occurred during operations in the Son My area during the month of February. During the same period the TF estimated enemy casualties to be about 300 killed and wounded and 50 captured; the recorded individual weapons captured totaled about 20.

D. COMPANY C, 1ST BATTALION, 20TH INFANTRY (C/1-20 INF)

Company C had an authorized strength of six officers and 175 enlisted men until early March 1968, when the authorized enlisted strength was reduced to 158 men by an Army-wide change to the rifle company Table of Organization and Equipment (TOE). However, the operating strength of the unit was much lower. Of the 5 officers and 125 enlisted men available for duty in mid-March, approximately 20 were required to remain at the company's rear base to provide administrative and logistics backup for the company. Eleven enlisted men from other units were attached to the company increasing field operating strength to about 120 men.

Organized as a standard rifle company, the unit had a headquarters platoon, three rifle platoons, and a weapons platoon. Because of the company understrength, some of the platoons operated with only two squads.

Since December 1966, the company had been commanded by CPT Ernest L. Medina. He had led the unit through the regular training program conducted by the 11th Infantry Brigade in Hawaii, where Company C had participated in intensive jungle training, as well as limited amphibious and air mobility training and exercises and had passed its ATT. After the brigade was alerted in mid-1967 for deployment to Vietnam at the end of the year, the company began an accelerated training program for the oversea movement.

Among the many subjects covered, according to testimony

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of some witnesses, was routine instruction on the handling and treatment of prisoners. This instruction was directed primarily toward the so-called 5 S's -- Search, Silence, Segregate, Speed, and Safeguard. During this instruction, little emphasis was placed on the treatment of civilians and refugees or the responsibility for reporting war crimes or atrocities.

Company C was selected to deploy with the advance element of the brigade in the move to Vietnam and was consequently scheduled to leave Hawaii on 1 December 1967. The earlier departure date further compressed all training to a minimum during November as the company was heavily engaged in screening out personnel ineligible to deploy, receiving new replacements, and drawing and preparing equipment for the move. The influx of newly assigned personnel into the company (over 50 percent of the strength) during the predeployment period tended to further reduce the effectiveness of the training program.

After arriving in the Duc Pho area in early December, the company attended the brigade's in-country indoctrination training program. Indications are that instruction on the handling and treatment of civilians or refugees was not covered during this training. The company immediately began to carry out small squad-size patrols, to man the brigade perimeter at night, and to construct bunkers during the day. Orientation and training in the Duc Pho area continued until January 1968 when the company was assigned to TF Barker and moved to the Muscatine AO.

During the 7 weeks prior to the Son My operation, Company C did not engage in any major combat action. It did participate in patrolling and other offensive operations and also acted as a base security force. Contacts with the enemy were light and confined to sniper fire. The bulk of the company's casualties from hostile action during the January to mid-March period were caused by enemy mines and boobytraps. Of the casualty total of 4 killed and 38 wounded, only 1 of the killed and 2 of the wounded resulted from direct enemy contact.

A survey of the personnel assets of Company C indicates that none of the men had had significant combat experience before the Son My operation and that this was their first major

assault role. In the matter of leadership, CPT Medina was considered to be an outstanding company commander by his men and superiors, but the platoon leaders were not so regarded.

Two-thirds of the 23 noncommissioned officers in the company were enlistees and the majority were above the average in all evaluated areas. There was a higher percentage of high school graduates and men with college credits in this group than was found throughout the Army at that time with the majority being above the average in general learning and infantry ability.

The remainder of the enlisted men represented an average cross section of enlistees and inductees with about 40 percent being enlistees and slightly over 60 percent inductees. The inductees, as a group, had less education and were less trainable than the average for Army-wide accessions for the period. Despite this, they were better than average in infantry aptitude. Well over 50 percent were high school graduates and almost a fourth of the enlistees had some college credits. The average age of the enlistees was just under 21 years. The inductees were above the average in practically every evaluated area. Close to 80 percent were high school graduates and about 17 percent had college credits. Average age of the inductees was 22 years.

About 8 percent of the enlisted personnel, less noncommissioned officers, fell into the Project One Hundred Thousand category and were in the lowest mental group. The percentage of this group was lower than the Army-wide accession figure of 12 percent.

Taken as a whole, the personnel composition of Company C contained no significant deviation from the average and there was little to distinguish it from other rifle companies.

E. COMPANY B, 4TH BATTALION, 3D INFANTRY (B/4-3 INF)

Company B had an authorized strength of 6 officers and 175 enlisted men until March 1968, when the enlisted strength was reduced to 158 men. In mid-March 1968, there were 5 officers and 134 enlisted men assigned to the company. Of these, 2 officers and 63 enlisted men had been assigned since the company's arrival in Vietnam. Because of personnel requirements for administrative and logistic backup for the company, the field operating strength was reduced to approximately 115 men. The company was organized as a standard rifle company, but because it was understrength, the first and second platoons were reduced to two rifle squads each for the Son My operation.

During 1967 the company followed the regular training program conducted by the 11th Infantry Brigade in Hawaii. After the brigade was alerted in mid-March 1967 for deployment

to Vietnam, the company began, as did all other units, an intensive training program to prepare for tactical operations in Vietnam emphasizing weapons training, the Vietnam social environment, and counterinsurgency operations. Routine instruction on the handling and treatment of prisoners was also covered. Again, no special emphasis was placed on the treatment of civilians and refugees or the responsibilities for reporting war crimes or atrocities. The assignment of approximately 50 replacement personnel during the 2-month period before embarkation undoubtedly resulted in deployment of some personnel without adequate unit training.

After arriving in the Duc Pho area in mid-December, the company received the same indoctrination training as all other rifle companies of the brigade and soon began to carry out small squad-size patrols, to man the perimeter at night, and to construct bunkers during the day. Orientation and training in Duc Pho area continued until January 1968 when the company was assigned to TF Barker and moved to the Muscatine AO.

A survey of the personnel assets of Company B indicates that few of the men had had significant combat experience. There were no Vietnam returnees in the company and only two noncommissioned officers had previous combat experience before Vietnam. However, the company was familiar with and respected the hazards of the Son My area due to its previous operations there.

In the matter of leadership, the company commander, CPT Michles, was considered an extremely conscientious, career-motivated officer. He had commanded Company B for 15 months and had demonstrated sincere interest in the welfare of his officers and men. He led his company into this operation short one commissioned platoon leader. He took to the field two lieutenants. One was considered a mature, solid officer trying to do a job. The other was described as quiet, intelligent, but basically not motivated toward a career as an Army officer. The latter officer had arrived in-country only 3 weeks before the Son My operation.

The noncommissioned officers in the company were apparently well selected with emphasis on quality. Two-thirds of the 27 noncommissioned officers were enlistees. The majority were above the average found throughout the Army in all evaluated areas. This included overall trainability, infantry aptitude, general learning ability, distribution among the four mental categories, and percentage of high school graduates or higher.

The remainder of the enlisted men ranked below the average for the Army in all areas evaluated except preinduction education. This group was composed of 29 percent enlistees and

71 percent inductees. The only significant differences within the categories of inductees and enlistees were that the enlistees were better in infantry aptitude and the inductees had a higher percentage of high school graduates and men who had attended college.

When the noncommissioned officers and other men are analyzed as a group, the enlisted personnel of the company are nearly identical to the accessions that entered the Army during the same period of time.

Taken as a whole, the personnel composition of Company B contained no significant deviation from the Army-wide average and there was little to distinguish it from other rifle companies.

F. PREVIOUS TASK FORCE BARKER OPERATIONS IN THE SON MY AREA

There were two significant operations conducted in the Son My Area by TF Barker during the month of February 1968.

The first of these operations began on 13 February and was targeted against the 48th Local Force (LF) Battalion. The general concept was for C/1-20 Inf to act as a blocking force north and northwest of My Lai (4) for elements of B/4-3 Inf pushing toward that position from just north of Route 521.* A/3-1 Inf was to attack east on the northside of Route 521 to My Lai (1). Elements of the 2d ARVN Division also participated in this operation but remained south of Route 521, the boundary between the units.

As B Company approached My Lai (4), heavy fire was received from the enemy occupying prepared positions in the hedgerows and tree lines. A platoon of B Company attempted to flank the enemy position and was pinned down. A platoon of armored personnel carriers (APC's) was committed and, by using heavy suppressive fires, extracted the platoon. ARVN withdrew their forces during the night and B Company was withdrawn. Company B had one man killed and five men wounded in the action. There were 78 VC reportedly killed by the end of the day.

Company A continued the attack the following day and encountered heavy resistance from My Lai (1). The third day, B Company was airlifted into the area to support A Company in a sweep of My Lai (1). However, the VC had slipped away during the night and only light resistance was encountered. A search of the hamlet revealed an intricate and deep tunnel complex with reinforced brick rooms located 12 to 20 feet

underground. After securing approximately 3 tons of enemy equipment, the two companies partially destroyed the tunnel system and returned to their base area. Results of the 3-day operation were 3 US killed and 15 wounded with 80 VC reported killed; no enemy weapons were captured.

The second operation began on 23 February with the 48th LF Battalion again being the target. Two rifle companies, A/3-1 Inf and B/4-3 Inf, plus the same platoon of APC's, were the principal forces in the operation. C/1-20 Inf was located about 10 kilometers north of My Lai (4).

Company B occupied blocking positions north and northeast of My Lai (4). Company A had the mission of attacking to the east toward My Lai (1) while the platoon of APC's screened the right flank along Route 521. Heavy enemy fire was received, including mortars, recoilless rifles, rockets, and automatic weapons, as Company A and the APC's advanced toward the coast. Artillery and air strikes were quickly called in and the APC's swept toward the enemy outpost line; two APC's were hit and the platoon leader was seriously wounded. Following additional artillery and air strikes against the enemy positions, the APC's again attacked and, this time, took a heavy toll of the enemy. In the meantime, Company A continued to put pressure on the VC, but lost some of its momentum when the company commander was wounded. By late afternoon the enemy broke contact and was able to escape by intermingling with civilians evacuating the combat zone and by using the complex tunnel system honeycombing the sector.

Company B, which had only light contact throughout the operation, linked up with Company A, and, with the APC's, withdrew to the TF base. During the night and the following day Company B lost one man and had 10 men wounded from enemy grenades and boobytraps. To the north, Company C suffered five casualties from sniper fire and killed two VC.

The total casualties for the 2-day operation were three US killed and 28 wounded, plus two APC's damaged. There were 75 VC reported killed, one PW, and six individual weapons captured during the operation. This was the last major offensive action in the Son My area prior to the 16 March 1968 assault.

In addition to these tactical operations, there were some psychological operations conducted in the area during the period immediately prior to the Son My incident, although none

were targeted specifically at Son My.* The Son My area had been a frequent target of earlier psychological campaigns aimed at encouraging the people to leave the VC-controlled area and return to Government of Vietnam (GVN) control. According to the Division Psychological Operations (PSYOP) officer, standard leaflets and broadcasts which followed the theme of "move out now and begin a new life under the GVN" were normally used for this purpose. Some leaflets apparently implied that those who elected to remain in the area would be considered as VC or VC sympathizers. Even so, there was no indication that all the noncombatants had moved out of the area.

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* AERIAL BROADCASTS

Date	Location	Length	Theme
1 Mar	3 Kms NW of Thuan Yen (My Lai (4))	20 min	Unite with GVN to build an economical powerful Vietnam
2,4 Mar	3 Kms N-NW of Thuan Yen	20 min	Surrender to the just cause of the GVN
13 Mar	4 Kms NW of Thuan Yen	30 min	Chieu Hoi

LEAFLET DROPS:

Date	Location	Number	Theme
4 Mar	3 Kms N-NW of Thuan Yen	100,000	Reward for VC Weapons
13 Mar	4 Kms NW of Thuan Yen	250,000	(1) Chieu Hoi; (2) These planes will destroy you (3) Message for Infiltration Troops
13 Mar	2 Kms NE of Thuan Yen	150,000	Chieu Hoi

Chapter 5

THE SON MY OPERATION, 16 - 19 MARCH 1968

The purpose of this chapter is to provide an overview of the preparations for and conduct of the Son My operation conducted by TF Barker during the period 16-19 March 1968.

A. CONCEPT OF THE OPERATION

The Son My operation was conceived and planned by LTC Frank A. Barker, CO of Task Force (TF) Barker, and his immediate staff. Within the Americal Division, it was normal procedure for a battalion or TF commander to plan and conduct operations within his assigned area of operations (AO). It was also the policy for the division commander to approve the scheme of operation prior to its execution. Although MG Koster testified that he did not recall approving the operation, he remembers part of the plan being described to him, and it is likely that he did approve it. It is also probable that BG Lipscomb, commander of the 11th Brigade until 15 March 1968, approved the concept and timing of the operation as the basis for obtaining an extension of the brigade's normal AO from the 2d Army Republic of Vietnam (ARVN) Division (see sketch 5-1). COL Henderson, who became CO of the 11th Brigade on 15 March 1968, was also briefed on the operation and gave it his approval. It is probable, however, that none of these commanders was briefed on the details for executing the plan.

The concept of the operation was that TF Barker, employing all three of its attached rifle companies, would conduct a search and destroy operation in the Son My area beginning on 16 March 1968. Search and destroy operations were at that time officially defined by Military Assistance Command, Vietnam (MACV) directive as those operations conducted for the purpose of seeking out and destroying enemy forces, installations, resources, and base areas. These operations were oriented on enemy forces inside or outside of US units' assigned tactical areas of responsibility. In the case of TF Barker, the objective was the entrapment and elimination of the 48th Viet Cong (VC) Local Force (LF) Battalion and two separate local force companies, and the destruction of their logistical support base and staging area. The 48th had, for several years,

roamed throughout Son Tinh District and, more recently, had used the Son My area as a base for its logistical support activities. During the March 1968 time frame the 48th probably received periodic resupply by enemy sea trawlers operating off the Batangan Peninsula.

At the time of the 16-19 March operation, the 48th was considered as posing a continuing and imminent threat against Quang Ngai City. A MACV intelligence assessment, issued the latter part of February 1968, indicated that the 48th had recently been furnished with additional troops from district forces and a possible North Vietnamese Army (NVA) replacement packet, and intended to combine with other local forces to initiate an offensive against Quang Ngai City. Previous operations by TF Barker elements in the Son My area had clearly established that the 48th possessed heavy weapons, including 12.7mm machineguns, rockets, and mortars. It was believed by the TF headquarters that the 48th had been instrumental in inflicting casualties on TF elements during those previous operations (see chap 4).

Since the Son My area* was not within TF Barker's normal AO, clearance for the temporary extension of the AO was obtained through Son Tinh District and Quang Ngai Province headquarters, and from the 2d ARVN Division which had primary tactical responsibility for the area.

B. ISSUANCE OF ORDERS AND INSTRUCTIONS

The order for the Son My operation was issued orally by LTC Barker at Landing Zone (LZ) Dottie, site of the TF Barker command post, on the afternoon of 15 March 1968. LZ Dottie was located approximately 11 kilometers northwest of the Son My area. No written orders were issued by the 11th Brigade concerning the operation and there has been no substantial evidence developed to indicate that TF Barker issued either an operation overlay or a written fragmentary order to supplement the oral instructions. (One witness [CPT Gamble] testified that he received an information copy of a written operation order subsequent to the 15 March briefing, but it appears from the testimony of CPT (now Mr.) Vazquez, who was the TF Barker fire support coordinator, that CPT Gamble is referring to an

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* Village, hamlet, and subhamlet titles used in the reconstruction of events described in this chapter (and depicted on accompanying sketch maps) are based on US Army Topographic maps in existence at the time of the Son My operation. Refer to chapter 3 for titles currently used by Government of Vietnam (GVN) authorities for the various political subdivisions within Son My Village.

artillery firing overlay prepared by Vazquez, rather than an operations overlay from TF Barker. In any event, the overlay was destroyed by Gamble soon after he received it.) Other witnesses who testified as to the possible issuance of operations overlays/orders were not able to recall specifically their content or eventual disposition.

Attending the 15 March briefing were:

LTC Frank A. Barker	CO, TF Barker
MAJ Frederic W. Watke	CO, B Company (Aero-Scout), 123d Avn Bn
MAJ Charles C. Calhoun	S3, TF Barker
CPT Eugene M. Kotouc	S2, TF Barker
CPT Stephen J. Gamble	CO, D Battery, 6-11th Arty
CPT (now Mr.) Dennis R. Vazquez	Artillery Liaison Officer
CPT (now Mr.) William C. Riggs	CO, A/3-1 Inf
CPT Earl R. Michles	CO, B/4-3 Inf
CPT Ernest L. Medina	CO, C/1-20 Inf
*1LT (now Mr.) Donald R. Millikin	Plt Leader ("Dolphins"), 174th Avn Co
*WO1 (now 1LT) Michael O. Magno	Assistant S3, 174th Avn Co

COL Henderson had arrived at LZ Dottie at 1330 hours, and prior to issuance of the operation order addressed all or most of the assembled group. He briefly reviewed the concept of the forthcoming operation and then discussed several combat performance areas in which he and BG Lipscomb, previous commander of the 11th Brigade, felt that TF Barker elements had been deficient and, as a result, had failed to accomplish their objective. He emphasized the necessity and advantages of establishing and maintaining close and aggressive contact with the enemy. Several witnesses testified that he also alluded to the elimination of the 48th LF Battalion "once and for all."

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* Probable Attendees

CPT Medina testified that COL Henderson's briefing also linked together the unit's past failure to aggressively prosecute enemy contacts with the low rate of enemy weapons captured in those operations. According to CPT Medina, COL Henderson referred to their lack of aggressiveness as permitting "men, women, or children, or other VC soldiers in the area" to pick up the weapons and get away. CPT Medina's recollection of this aspect of COL Henderson's briefing is not substantiated by the testimony of other witnesses who were in attendance at the briefing, but MAJ Calhoun, the S3, did testify concerning an earlier operation in the Son My area during which a captured enemy mortar was retrieved by two armed VC women in the midst of a firefight.

C. INTELLIGENCE BRIEFING

Following COL Henderson's remarks and his departure from LZ Dottie at 1415 hours, CPT Kotouc, the TF S2, gave an intelligence briefing to the assembled group. In his briefing, he indicated that the 48th VC LF Battalion was dispersed throughout the Son My area. He testified that both he and LTC Barker felt that the VC headquarters and two companies, totaling over 200 enemy, would be located in the subhamlet of My Lai (4). MAJ Calhoun and MAJ Watke testified, however, that the TF command group deduced that the enemy headquarters was located in "Pinkville" or My Lai (1). Whatever the basis for the intelligence estimate, the testimony of CPT Medina and other members of C Company indicates clearly that they fully expected, based on the intelligence briefing, to encounter an enemy force of between 200-250 in My Lai (4) on the following morning.

During the intelligence briefing and/or LTC Barker's operational briefing (see below), the civilian population within the Son My area was categorized as "active sympathizers with the VC." Several witnesses testified that it was stated by both Barker and Kotouc that most of the civilian inhabitants would be out of the Son My hamlets and on their way to local markets by 0700 hours on the morning of 16 March 1968 (this was a Saturday morning, normally a marketing day for the Vietnamese). Some reference was also apparently made, or had been made, to previous leaflet drops and helicopter-borne loudspeaker broadcasts which had allegedly warned the civilian inhabitants of Son My to evacuate the area and move to GVN-controlled areas in order to avoid potential injury from forthcoming allied operations. The context in which the leaflet drop/loudspeaker information was briefed to TF Barker personnel on 15 March, and, in fact, whether it was actually briefed on 15 March (as opposed to an earlier or later date) is not certain from the testimony developed. Examination of pertinent records of TF Barker, the 11th Brigade, and the Americal Division,

however, reveals no evidence of any leaflet drop or aerial broadcast directed at the inhabitants of My Lai (4) during the period 1 through 20 March 1968, and those drops and broadcasts which were conducted in the vicinity of the Son My area during this time did not advise the inhabitants to evacuate the area. In any case, the probable presence of civilians within the operational area on the morning of 16 March 1968 was taken into account by LTC Barker in the development of his operational plan, particularly as it pertained to the employment of artillery preparatory fires.

D. OPERATIONAL ORDERS AND INSTRUCTIONS

Following the intelligence briefing by CPT Kotouc, an operations briefing and implementing instructions were given by MAJ Calhoun, TF S3, and LTC Barker. MAJ Calhoun testified to the effect that he does not recall specifically what information was presented by him and what information/instructions were given by LTC Barker, but that Barker had personally selected the location for the landing zones and the artillery preparation which were to be used on the following day. MAJ Calhoun also testified that the instructions presented at the 15 March briefing pertained only to plans for the first day of the operation, 16 March.

LTC Barker's death in action on 13 June 1968 and the absence of any written instructions or operational overlays provided during the operations briefing, have made it necessary to reconstruct the planned scheme of maneuver and operational instructions almost exclusively from testimony of witnesses present at the briefing and/or who habitually worked in the TF Headquarters. While the instructions described herein and the planned scheme of maneuver depicted on sketch map 5-2 are presented as a cohesive entity, the preponderance of the pertinent testimony indicates that the orders and instructions were issued to various individuals in a somewhat piecemeal fashion throughout the afternoon of 15 March, and that during MAJ Calhoun's briefing on the planned scheme of maneuver, the details were depicted only on the tactical operations center (TOC) map, which was presumably erased or discarded subsequent to the Son My operation. (As part of a Combat After-Action Report which he submitted on 28 March 1968, LTC Barker inclosed a sketch depicting the maneuver of his attached and supporting units [see exhibit R-2]. The sketch generally corroborates the testimonial reconstruction of his overall scheme of maneuver, but it is inconsistent in its depiction of the movement of C Company, with that discussed during the 15 March 1968 briefing and with the actual maneuver of C Company which occurred during the combat assault.)

LTC Barker's plan called for the operation to commence at 0725 hours on 16 March with a 3- to 5-minute artillery

preparation to precede the initial airmobile combat assault by Company C into a LZ west of the subhamlet of My Lai (4) (see sketch 5-2). Planned insertion time for the first lift of Company C was 0730 hours, to be followed by a second lift as soon as possible. Insertion of the first lift, following the artillery preparation, was to be supported by suppressive fire from helicopter gunships during the touchdown and unloading of the assault troops. Following completion of the combat assault, Company C was to move generally east through My Lai (4). (The preoperational briefing apparently did not include instructions pertaining to C Company actions which occurred in the subhamlet of Binh Tay and other subhamlets east of My Lai (4) on 16 March. Those actions resulted from supplementary orders issued during the course of the operation (see chap 6)). After completing the sweep of My Lai (4), C Company was to move northeast to link up with Company B in a nighttime defensive position approximately 1-1/2 to 2 kilometers to the northeast of My Lai (4). The nighttime position was apparently designated as an objective area primarily to provide a basis for coordinating the movements of Company C and Company B.

Following insertion of Company C, a second combat assault was to be conducted by Company B into an LZ south of My Lai (1), unless they were required to reinforce Company C in the assault on My Lai (4). A second artillery preparation was also planned on the LZ south of My Lai (1) to precede insertion of B Company elements. Thereafter, B Company was to move north through My Lai (1), then west to link up with C Company.

Company A, the third attached rifle company, was assigned the mission of moving the night of 15-16 March from field positions located east of LZ Dottie into blocking positions on the northern bank of the Song Diem Diem, almost due north of the Son My area. Company A was to maintain these blocking positions throughout 16 March in order to trap enemy forces attempting to escape from the Son My area to the north.

The 174th Aviation Company was to provide five troop-carrying helicopters, LTC Barker's command and control helicopter, and accompanying gunships required to support and control the combat assaults by C Company and B Company. Four additional troop lift helicopters were to be provided by the 71st Aviation Company.

An aero-scout team from B Company, 123d Aviation Battalion, which provided direct support for TF Barker, was to screen the area to the south of the My Lai (4) and My Lai (1) complex. (The aero-scout team consisted of one OH-23 observation helicopter and two accompanying UH-1B armed helicopter gunships.)

TF Barker had also arranged to have US Navy "Swift Boats"

patrol the coastal waters east of the Son My area off the Batangan Cape.

A fourth rifle company, A/4-3 Inf, was also placed under the operational control of TF Barker during the period 14-18 March 1968. It played no active role in the Son My operation per se, but was employed to provide local security for LZ Dottie and LZ Uptight during the course of the operation. It was returned to control of its parent battalion at 1700 hours on 18 March.

From the evidence available, it appears that unit movements followed subsequent to 16 March were not specifically planned or discussed during the 15 March briefing. The scheme of maneuver for 17, 18, and 19 March was apparently contingent on the events of 16 March and was executed in response to supplementary oral orders issued by LTC Barker following the combat assaults on 16 March.

After the operational briefing, LTC Barker took several of his subordinates on an aerial reconnaissance of the target area.

E. ISSUES CONCERNING LTC BARKER'S BRIEFING

In view of subsequent events at Son My, the key issues which emerge concerning the 15 March briefing involve the orders and instructions issued by LTC Barker and his staff (and subsequently by his subordinates) concerning (a) the planned artillery and gunship preparatory fires, (b) the burning or destruction of houses and other structures, (c) the killing of livestock and destruction of other foodstuffs, and (d) the handling of noncombatants encountered during this operation.

The artillery preparation was to be fired by D/6-11 Arty (consisting of four 105mm howitzers) which was located at LZ Uptight. There is conflicting testimony as to whether LTC Barker planned to have the artillery preparation fired on the LZ for C Company, on the hamlet of My Lai (4), or on parts of each. CPT Vazquez, artillery liaison officer to the TF, testified that LTC Barker wanted the preparation placed on the LZ but had also specified that he wanted the tree and bunker line along the western edge of the hamlet "covered" to knock out enemy weapon positions which he expected to be set up there. CPT Gamble, CO of D/6-11 Arty, testified from memory that the general location of the planned preparation was to the west of My Lai (4) but stated that any confirmatory records which would have contained the precise map coordinates of the planned preparatory fires were destroyed (in accordance with his unit SOP) after retention in the unit's files for a period of 6 months. CPT Gamble's immediate superior, LTC (now COL) Luper, stated that he discussed the planned preparatory fires with LTC Barker

on 15 March 1968 and that LTC Barker wanted the fires placed on My Lai (4). MAJ Calhoun and CPT Kotouc both testified to the effect that LTC Barker considered the probability of noncombatants' being present in My Lai (4) at the time of the artillery preparation, and decided to fire the preparation anyway as a means of minimizing friendly casualties from the entrenched enemy which he also expected to be present at My Lai (4) on the morning of 16 March. The preponderance of the testimony thus indicates that LTC Barker's plan called for the artillery preparation to be fired onto the LZ for Company C and into the western and southwestern portions of My Lai (4) without prior warning to the inhabitants (see sketch 5-3). Testimony provided by aviation witnesses also indicates that LTC Barker's plan called for helicopter gunship suppressive fires to be placed on and around the LZ to protect the troop-carrying helicopters in the interval from the time the artillery preparation ceased until the troops were inserted on the ground.

While there is some conflict in the testimony as to whether LTC Barker ordered the destruction of houses, dwellings, livestock, and other foodstuffs in the Son My area, the preponderance of the evidence indicates that such destruction was implied, if not specifically directed, by his orders of 15 March. (CPT Medina testified that during the aerial reconnaissance of the target area, subsequent to the briefing at LZ Dottie, he received explicit instructions from LTC Barker to destroy My Lai (4). These instructions were apparently not overheard by other participants in the aerial reconnaissance, but would have been consistent with the planned objective of neutralizing or destroying the 48th VC Battalion's logistical support base in the Son My area.) Whether LTC Barker attempted to make any distinctions, during the briefing or in his subsequent instructions, between dwellings, livestock, and foodstuffs of noncombatants versus those belonging to the VC is highly doubtful since he and his staff apparently acted upon the intelligence assessment that virtually the entire Son My area was controlled and inhabited by VC and VC sympathizers. Further, CPT Kotouc testified that at some time on the 15th he was informed by LTC Barker that the village was to be destroyed, including homes, livestock, and foodstuffs.

The preponderance of the evidence also indicates that at the TF level no specific plans or arrangements were made for the handling of any noncombatants found in the Son My area. Further, the testimony of persons who were present at the 15 March briefing indicates strongly that LTC Barker did not issue any instructions pertaining to the problem of collecting and processing noncombatants who might be encountered during the planned operation. Several witnesses have testified to a vague recollection of the unit standing operating procedure (SOP) to be followed in evacuating noncombatants from operational areas, but there is no indication that such an SOP was

referred to by LTC Barker or any of his staff during the 15 March briefing. (While the evidence also indicates that TF Barker had no written SOP, it would be normal for a battalion or task force to operate on the basis of unwritten but generally understood "standing operating procedures.")

There is no substantial evidence that LTC Barker directly ordered the deliberate killing of noncombatants. However, when considered in the light of the information concerning (a) the alleged leaflet drops and loudspeaker broadcasts, (b) the generally accepted intelligence picture of Son My as being comprised almost exclusively of "VC and VC sympathizers," (c) the assumption that most of the civilians would be "gone to market" at the time of the artillery preparation and combat assault, (d) LTC Barker's decision to fire the artillery preparation on at least a portion of My Lai (4), (e) the commonly known results of previous operations by TF Barker in the Son My area, and (f) the overall concept of the operation, it seems reasonable to conclude that LTC Barker's minimal or nonexistent instructions concerning the handling of noncombatants created the potential for grave misunderstandings as to his intentions and for interpretation of his orders as authority to fire, without restriction, on all persons found in the target area.

Following the briefing, LTC Barker took all of his company commanders, CPT Vazquez, and possibly CPT Kotouc on an aerial reconnaissance of the Son My area. The reconnaissance was apparently intended to provide the company commanders and the artillery liaison officer with a final visual familiarization of the target area, to include their own landing zones and assigned objectives, and to provide CPT Gamble and CPT Michles with transportation back to LZ Uptight. As noted earlier, CPT Medina testified that during the reconnaissance LTC Barker specifically instructed him to destroy My Lai (4). There is no evidence to suggest, however, that LTC Barker embellished his original orders and instructions during the reconnaissance or at any subsequent time prior to the actual beginning of the operation.

F. SUBSEQUENT BRIEFINGS BY COMPANY COMMANDERS

Following LTC Barker's briefing and the aerial reconnaissance, his company commanders returned to their unit areas and issued their own implementing orders. (Since the evidence developed in this Inquiry shows no positive indications of war crimes perpetrated by members of A Company during the ensuing operation, only the briefings given by the B and C Company commanders are described herein).

CPT Michles, the B Company commander, followed his normal procedure of issuing his orders to the platoon leaders, his

artillery forward observer (FO), and selected members of his command group. Key personnel who attended his briefing were:

1LT (now CPT) Kenneth W. Boatman	Artillery FO
1LT (now CPT) Thomas K. Willingham	Platoon Leader, 1st Platoon
1LT Roy B. Cochran	Platoon Leader, 2d Platoon
SSG (now Mr.) Franklin McCloud	Acting Platoon Leader, 3d Platoon
SSG Edward O. Vann	Acting Platoon Leader, Weapons Platoon
SGT (now Mr.) Barry P. Marshall	Squad Leader, CP Security Squad
SP4 (now Mr.) Lawrence Congleton	Radio/Telephone Operator (RTO)

(CPT Michles was killed in a helicopter crash with LTC Barker on 13 June 1968. The details of the orders which he issued on 15 March 1968 have been developed from the testimony of some of the individuals listed above.)

1LT Boatman testified that CPT Michles began his briefing by quoting LTC Barker as having said, "everything down there was VC or VC sympathizers." 1LT Boatman also said Michles told them, "we've had a lot of trouble there, not just a little," and they were to "go down and clean the place out."

1LT Willingham stated that he received instructions from CPT Michles to "burn all villages." 1LT Boatman also testified that similar instructions were issued by CPT Michles. The command group and platoon leaders all understood that the operation was to be a search and destroy operation. In particular, 1LT Willingham said this was the first operation during which the company had to destroy the hamlets of the "Pinkville" area. SP4 Congleton left the briefing with the impression that the area was to be completely destroyed.

The testimony from individual members of the rifle and weapons platoon has provided conflicting information concerning the issuance of orders for the operation. The majority recalled that the briefings were conducted by their squad leaders, although the second platoon may have been briefed by 1LT Cochran. The testimony indicates that these briefings provided more details on the essentials of getting to the objective area than a thorough orientation on the methods of accomplishing the

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mission. Generally, the substance of the briefings was considered routine and standard procedures were to be used. They did not receive any special instructions on destruction of villages and livestock or on the handling of VC suspects and noncombatants. Because of their experience from two previous operations in the area, they expected to encounter numerous mines and boobytraps. Although the term "search and destroy" was used to describe the mission by most witnesses, they were not told, nor did they expect to get orders on destruction procedures until they were in the objective area.

There were exceptions to the above interpretation. Three men, two from the first platoon, believe they were to shoot anyone found in the objective area. One of these men recalled either CPT Michles or his platoon leader saying, "This is what you have been waiting for--'search and destroy'." Undoubtedly there is some substance to these exceptions. The testimony does not suggest that there was a special effort to prepare the company emotionally for a revenge-type mission. CPT Michles did not stress this operation (in the same manner as CPT Medina) by assembling his men and discussing it with them on 15 March. While at the pickup zone on the morning of the 16th, however, he did remind the men to be extra cautious.

CPT Medina assembled most of the officers and men of C Company to issue his orders and instructions for the planned operation. (C Company witnesses testified that CPT Medina's briefing was held following a memorial service for a former member of the company who had been killed in action a few days previously. The testimony of these witnesses is inconclusive as to whether the service was held on 15 March immediately prior to the briefing, or whether it was held prior to the 15th.)

Key personnel who attended CPT Medina's briefing were:

CPT Eugene M. Kotouc	TF S2
2LT (now Mr.) Roger L. Alaux, Jr.	Artillery FO
2LT (now 1LT) William L. Calley	Platoon Leader, 1st Plt
2LT Stephen K. Brooks	Platoon Leader, 2d Plt
2LT (now Mr.) Jeffery U. LaCross	Platoon Leader, 3d Plt
SFC Isaiah Cowan	Platoon SGT, 1st Plt

SSG David Mitchell	1st Squad Leader, 1st Plt
SSG L. G. Bacon	2d Squad Leader, 1st Plt
SFC (now 1SG) Jay A. Buchanon	Platoon SGT, 2d Plt
SGT Kenneth L. Hodges	1st Squad Leader, 2d Plt
CPL (now SGT) Kenneth Schiel	2d Squad Leader, 2d Plt
SGT Lawrence C. LaCroix	3d Squad Leader, 2d Plt
SSG (now SFC) Manuel R. Lopez	Platoon SGT, 3d Plt
SGT (now Mr.) John H. Smail	1st Squad Leader, 3d Plt
SP4 (now Mr.) Joe Grimes, Jr.	3d Squad Leader, 3d Plt
SFC Leo M. Maroney	Platoon SGT, Mortar Plt

(One witness from C Company testified that there were one or more field grade officers also in attendance at Medina's briefing. This is not substantiated by other available evidence.)

CPT Medina testified that at the time of his briefing he felt sure that the company would make heavy contact with the enemy the next morning and would probably suffer heavy casualties. He stated that he was deeply concerned about it and that he "tried to convey this same message to the people in Charlie Company" during the course of his briefing. Using a stick or some such device he sketched out the planned scheme of maneuver on the ground as he briefed his men. All of his orders and instructions were issued orally, as is the usual case with a company-size unit.

During his briefing, CPT Medina reiterated the purported intelligence concerning the 48th VC Battalion's location in My Lai (4). He told his men that they would probably be outnumbered approximately 2 to 1 and that he expected the LZ to be "hot," or under enemy fire, when the first lift touched down. He informed his men of the artillery preparation and then described his planned scheme of maneuver (see sketch 5-4). The 1st Platoon, which was to be inserted onto the LZ first, was assigned the right (or southern) sector of the hamlet with the mission of "sweeping the enemy out to the open area on the east side of the village." The 2d Platoon was assigned the left (or northern) sector of the hamlet and had the same mission as the 1st Platoon. The 3d Platoon was to be used initially as the company reserve, with the mission of providing security for the LZ and then to search and clear the hamlet in greater detail after the 1st and 2d Platoons had completed their sweeps. A

mortar squad from the Weapons Platoon was to accompany the 3d Platoon into the LZ and provide mortar fire support to the company, if needed. If not required, the squad was to move with and assist the 3d Platoon. CPT Medina also issued general instructions concerning cleaning of weapons, and discussed ammunition loads to be carried the next day. He reminded his men of the need to be thorough and careful in searching and destroying the numerous tunnels and bunkers which he expected to encounter at My Lai (4). At the same time, allegedly because of COL Henderson's earlier remarks, CPT Medina reemphasized the necessity for aggressively closing with the enemy in order to prevent retrieval of enemy weapons from dead VC by "other men, women, children, or other VC soldiers in the area."

With respect to the key issues involved in his issuance of orders and instructions, the evidence is conclusive that CPT Medina ordered the men of his company to burn and destroy My Lai (4), and to kill all livestock and destroy other foodstuffs found in the area. The evidence is less explicit but equally convincing that CPT Medina's orders and instructions concerning the inhabitants of My Lai (4) left little or no doubt in the minds of a significant number of men in his company that all persons remaining in the My Lai (4) area at the time of combat assault were enemy, and that C Company's mission was to destroy the enemy. According to his own testimony, this was based on his having been told (during the TF briefing) that "there would be no civilian population in the village. Any men, any women and children would be gone to market at 0700 hours." CPT Medina's acceptance of this estimate is further evinced by his own testimony that during his remarks to his men "any reference made as to what we might find in My Lai (4) was that of the 48th VC Battalion." He explained that he was trying to prepare his men "mentally and physically to meet a VC Main Force Battalion...trying to build their morale up, giving them psychological bread to go in and do battle with the 48th VC Battalion." Many witnesses have testified that CPT Medina also made reference to casualties which the company had recently taken from enemy mines, boobytraps, and sniper fire, and that he alluded to the forthcoming operation as an opportunity for "revenge" or to "get even" with the enemy. In a very real sense, then, it appears that the operation took on the added aspect of a grudge match between C Company and an enemy force in My Lai (4).

There is no substantial evidence to indicate that CPT Medina discussed procedures to be followed in case any civilian inhabitants of My Lai (4) elected to stay home from the market on the morning of 16 March 1968.

Later in the evening, CPT Medina held another meeting with his platoon leaders and their platoon sergeants. Testimony

"We expected strong VC resistance. We were really expecting trouble. We were all psyched up."
-Dennis Irving Conti, 1st Plt, C/1-20 Inf

"...it seemed like it was a chance to get revenge or something like that for the lives we had lost."
-Tommy L. Moss, 2d Plt, 1C/1-20 Inf

* * * *

The succeeding portions of this chapter provide a summary of the chronology and sequence of events which occurred throughout the Son My operation. Chapter 6 contains a more detailed account of C Company actions in and around the subhamlet of My Lai (4) on 16 March and in the hamlet of My Khe on 17 March. Chapter 7 contains a similar account of B Company actions in the hamlets of Co Luy and My Lai during the period 16-19 March.

G. SUMMARY OF OPERATIONS ON 16 MARCH

During the night of 15-16 March, the 2d Platoon of A Company moved from the company's night defensive position in the vicinity of Hill 108 (see sketch 5-5) to a blocking position along the river due south of the hill mass. At approximately 0530 hours on the morning of the 16th, the remainder of the company began its movement by foot toward designated blocking positions along the Song Diem Diem, north of the Son My area. As the company moved to the east, its lead elements received fire from an estimated squad-size enemy force located in the vicinity of Phu My (1), and one man from Company A was slightly wounded. The fire was returned, the enemy dispersed, and the 1st and 3d Platoons continued moving toward their respective blocking positions located to the east and south of Phu My (1). At 0725 hours all elements of A Company were reported to be in position.

By 0708 hours, five troop-carrying helicopters and two accompanying gunships from the 174th Aviation Company, and four troop-carrying helicopters from the 71st Aviation Company arrived at LZ Dottie. They were loaded with the 1st Platoon (consisting of approximately 28 men), with a 6-8 man command group from the company headquarters (including CPT Medina), and with 18-24 members of the 2d Platoon. The first load lifted off from LZ Dottie at approximately 0715 hours.

The initial marking round for the artillery preparation was fired from LZ Uptight at approximately 0722 hours and detonated about 1,000 meters to the north of My Lai (4). CPT Vazquez, the artillery liaison officer, stated that he observed the smoke marking round from his vantage point in LTC Barker's command and control helicopter, and relayed firing adjustment instructions to the fire direction center at LZ Uptight. He has testified that the firing adjustment instructions were coupled with his

concerning the substance of this meeting is conflicting, but it appears that nothing was said which altered in any way his earlier instructions concerning the next day's operation.

The testimony of key personnel is also inconclusive with regard to the conduct or content of subsequent platoon-level briefings by 2LT's Calley, Brooks, or LaCross. LT LaCross testified to the effect that any instructions issued by him related only to organizing and equipping his men for the operation. Briefings of a similar nature apparently were given by LT's Calley and Brooks.

The preponderance of the testimony from most C Company personnel is consistent in their description of the men's reaction to CPT Medina's briefing as described in the following representative examples:

> "When we left the briefing we felt we were going to have a lot of resistance and we knew we were supposed to kill everyone in the village."
> -William Calvin Lloyd, 1st Plt, C/1-20 Inf

> "...the attitude of all the men, the majority, I would say was a revengeful attitude, they all felt a little bad because (we) lost a number of buddies prior to My Lai (4)."
> -SGT Gregory T. Olson, 1st Plt, C/1-20 Inf

> "That evening, as we cleaned our weapons and got our gear ready, we talked about the operation. People were talking about killing everything that moved. Everyone knew what we were going to do."
> -Robert Wayne Pendleton, 3d Plt, C/1-20 Inf

> "I would describe the mood (of C Company) as a feeling that they were going to wreak some vengeance on someone--things hadn't been very good to us up until that time."
> -SGT Michael A. Bernhardt, 2d Plt, C/1-20 Inf

> "Although CPT Medina didn't say to kill everyone in the village, I heard guys talking and were of the opinion that everyone in the village was to be killed. At this time we had had a lot of casualties from a minefield and everybody was pretty well shook up."
> -James Robert Bergthold, 1st Plt, C/1-20 Inf

> "...we were all 'psyched' up because we wanted revenge for some of our fallen comrades that had been killed prior to this operation in the general area of 'Pinkville'."
> -Allen Joseph Boyce, 1st Plt, C/1-20 Inf

order for the entire battery to "fire for effect" immediately following the 1,000-meter shift. CPT Vazquez subsequently testified that this order was given to conserve time and "get on with the operation."

The full artillery preparation began at approximately 0724 hours and impacted both on the LZ for C Company and in the southwestern portion of My Lai (4). There is conflicting testimony as to the number and type of rounds that were fired in the preparation. Several witnesses testified that the preparation probably consisted of as few as 30 rounds and contained no white phosphorous shells. The preponderance of the evidence, however, indicates that from 60 to 120 mixed rounds of point detonating high explosive ammunition along with some white phosphorous ammunition, were fired in the preparation.

Shortly before insertion of C Company's first lift, the aero-scout team from B Company, 123d Aviation Battalion arrived in the Son My area and established their aerial screen generally parallel to and south of Route 521. Several members of the aero-scout team observed the artillery preparation going into the north of their location.

The lead ship of the troop-carrying helicopters, inbound toward the LZ at about 0727 hours, contacted LTC Barker by radio and was advised by him that there were "no restrictions on door gunners" in the placing of helicopter suppressive fires on the area. Following completion of the artillery preparation at about 0729 hours, gunship suppressive fires, consisting of rockets and machinegun fire, were placed on the LZ and probably on portions of My Lai (4).

The lead elements of C Company touched down at 0730 hours, approximately 100-150 meters west of My Lai (4). The LZ was officially recorded as "cold" or free of enemy fire. C Company personnel hit the ground running and immediately took up positions from which to secure the LZ for subsequent lifts. The troop lift helicopters returned to LZ Dottie for pick up of the second lift while the two accompanying "Shark" gunships remained orbiting over the My Lai (4) area.

The second lift of C Company departed from LZ Dottie at 0738 hours. It consisted of the remaining personnel from the 2d Platoon, the entire 3d Platoon (approximately 30 men), seven to nine men from the company mortar platoon, two men from the 52d Military Intelligence detachment, and two personnel from the 11th Brigade Public Information Office (PIO).

The second and final lift of C Company was inserted at 0747 hours. As the helicopters were departing the LZ, the lead ship

reported having received fire from one of the hamlets in the vicinity of My Lai (4) but apparently sustained no hits on the aircraft nor any casualties among the troop passengers.

COL Henderson's command group, on the morning of 16 March, consisted of COL Henderson, MAJ McKnight (11th Brigade S3), LTC Luper (CO 6-11th Artillery), LTC MacLachlan (Air Force Liaison Officer to the 11th Brigade), CSM Walsh (11th Brigade Sergeant Major), and SGT Adcock (COL Henderson's radio operator). COL Henderson and MAJ McKnight have testified that the command and control helicopter had reported late to the brigade headquarters that morning, and the command group consequently did not arrive over the operational area until approximately 0750 hours. However, LTC MacLachlan and SGT Adcock testified that the command group arrived over the area in time to observe the artillery preparation and first insertion by C Company (approximately 0725 hours). LTC Luper also testified that the preparation was visible from a distance as they arrived in the area and that they observed the landing of C Company's first elements. CSM Walsh remembered few of the details concerning the combat assault.

Upon arriving in the vicinity of My Lai (4), both COL Henderson and MAJ McKnight recall observing helicopter gunships orbiting to the northeast of the LZ and dropping red smoke markers on the ground. COL Henderson orbited above that point and observed two bodies dressed in uniforms with web gear and two weapons. He and MAJ McKnight testified that at about this same time, they also observed a large number of personnel (approximately 300) moving out of the operational area in "an orderly manner" along Route 521 to the southwest. At approximately 0800 hours, MAJ McKnight contacted LTC Barker by radio to advise him of the mass departure. Barker acknowledged the transmission and informed McKnight that he would send the aeroscout team over the area to "check out" the people along the road. Shortly afterwards, MAJ McKnight contacted the aeroscout team himself and informed them that COL Henderson's command and control ship was orbiting over the column of departing personnel and had observed three individuals dressed in black. The scout team subsequently notified MAJ McKnight that two of the three individuals had been stopped and were available to be picked up. At approximately 0810 hours, the two suspects were picked up by COL Henderson's command and control helicopter. COL Henderson then observed B Company's combat assault.

After completion of the C Company combat assault, the troop lift helicopters had flown to LZ Uptight where they loaded the first lift of B Company. A second artillery preparation,

which was to support the B Company landing, began at 0808 hours and was completed at approximately 0812 hours. Shortly afterwards, the first lift of B Company was inserted onto the LZ, located approximately 500 meters south of My Lai (1). The LZ was reported as being "cold." By 0830 hours, the remaining elements of B Company had been lifted from Uptight into the same LZ.

Following B Company's combat assault, COL Henderson apparently returned to the area north of My Lai (4) where he had previously observed the two bodies with weapons.

On the ground, C Company had earlier formed up with the 1st and 2d Platoons generally on line and had begun its movements to the east toward My Lai (4) (see sketch 5-6). Lead elements of the company entered its western edge at approximately 0750 hours. CPT Medina and the command group initially remained behind on the LZ as elements of the company entered the hamlet.

At approximately 0830 hours, during the course of the company's movement through the hamlet, the 2d Platoon moved out into the open area to the north of My Lai (4) to retrieve the two enemy weapons observed by COL Henderson. The location of the weapons was marked by "Shark" gunships which had returned from supporting the B Company combat assault. After retrieving the weapons, the platoon was directed by CPT Medina to move to the subhamlet of Binh Tay located 400 meters north of My Lai (4) proper.

Following his observation of the C Company elements, COL Henderson returned to LZ Dottie, arriving there at approximately 0845 hours. He released the two VC suspects to a Military Intelligence prisoner interrogation team and spoke to MG Koster who arrived later. COL Henderson denied having spoken to LTC Barker during this time or having visited the TOC where the details of the operation were being monitored, recorded, and reported to his headquarters at Duc Pho. LTC MacLachlan and MAJ Calhoun testified, however, that they observed COL Henderson talking with LTC Barker, inside the TOC, during this period of time.

MG Koster arrived at LZ Dottie at 0935 hours. He apparently spoke to COL Henderson for approximately 15-30 minutes and then departed. According to his testimony, he had spent the earlier part of the morning in the northern part of the Americal Division's zone, and is uncertain as to whether he flew over the Son My area prior to his arrival at LZ Dottie. COL Henderson testified that he was under the impression, at the time he spoke to MG Koster, that Koster had flown over the area.

LTC Barker spent most of the morning in his command and control helicopter over the operational area, controlling and coordinating the combat assaults. Evidence indicates that he returned to LZ Dottie on at least three occasions during the morning. He returned the first time at approximately 0835 hours for refueling. The evidence available indicates that he remained on the ground until approximately 0855 hours and that he took advantage of the time not only to refuel his helicopter, but also to bring the personnel in his TOC up to date on the results of the operation.

Back in the Son My area, the 2d Platoon of C Company reached the subhamlet of Binh Tay at approximately 0845 hours, and remained in and around that area for approximately one hour. Following completion of its action, the platoon returned to My Lai (4) to rejoin the rest of the company which had set up a perimeter along the eastern edge of the hamlet.

To the east, B Company had encountered no reported resistance to its movement north toward My Lai (1), but suffered one man killed (the 2d Platoon leader) and four wounded from a boobytrap detonated on the southwestern edge of the hamlet (see sketch 5-7).

At approximately 0850 hours, the aero-scout team screening to the southwest of B Company reported capturing two 60mm mortar tubes along with 60mm and 82mm mortar ammunition. This report was later amended to reflect only the 60mm mortar ammunition.

As B Company progressed toward My Lai (1), another enemy boobytrap was detonated, wounding three men. LTC Barker had returned from LZ Dottie to the My Lai (1) area and used his command and control helicopter to evacuate the three wounded men from B Company at approximately 0945 hours.

Because of the heavy concentration of mines and boobytraps in and around My Lai (1), the 3d Platoon of B Company was diverted to the northwest to search out the hamlet of My Lai (6) while the 2d Platoon and the command group remained in the area west of My Lai (1).

Following his pickup of the B Company wounded, LTC Barker had the helicopter drop him off for a second time at LZ Dottie at approximately 0950 hours, while the wounded men were taken by his helicopter to the medical facility at Chu Lai.

After leaving LZ Dottie at approximately 1000 hours, COL Henderson returned to the operational area until about

1030 hours, when he departed for a courtesy call on the 2d ARVN Division Commander at Quang Ngai City, and a subsequent lunch break at his headquarters in Duc Pho. MG Koster apparently also departed LZ Dottie at approximately 1000 hours.

Although lead elements of the 1st Platoon of C Company had reached the eastern edge of My Lai (4) by about 0900 hours, the company continued to operate in that area until about 1330 hours before moving on to the northeast to link up with B Company.

By the time the company was ready to begin its movement to the northeast for the link-up, a total of 90 VC had been reported killed along with 3 weapons captured, and 23 VC suspects detained in the vicinity of My Lai (4). One soldier from C Company had been wounded in the foot apparently as a result of the accidental discharge of a weapon while inside My Lai (4)

B Company's 1st Platoon, which was operating along the coast to the east of My Lai (1), reported killing several groups of enemy and capturing assorted enemy equipment at the same general location beginning at 0955 hours (see sketch 5-7). The platoon reported a total of 30 enemy KIA accumulated by 1025 hours and by 1420 hours had reported killing a total of 38 enemy and capturing assorted gear. By that time, the remainder of the company had completed its sweep through My Lai (6) and the area west of My Lai (1) and had reached the night defensive position west of the hamlet. The 1st Platoon subsequently moved north from the site of the reported enemy dead and established a platoon defensive position along the coastline near My Lai (3) (see sketch 5-8).

COL Henderson testified that he returned to the operational area early in the afternoon, following his meeting at Quang Ngai City and a subsequent stopoff at the brigade headquarters at Duc Pho. During the afternoon, he stopped off at LZ Dottie on at least two occasions, during which time he discussed the operation with LTC Barker. He also testified that he overflew the Son My area, observing the operation, at least twice during the afternoon. He returned to Duc Pho in the late afternoon.

By approximately 1530 hours, C Company had completed its movement from My Lai (4) to the night defensive position and shortly thereafter linked up with B Company (see sketch 5-9). (According to the TF Journal, the 1st Platoon of C Company subsequently moved to a night defensive position located about 800 meters to the southwest of the main defensive site.) C Company brought 10 suspects to the night

defensive position where they were subsequently interrogated by Vietnamese National Police elements. The National Police had been flown into the position by helicopter and were accompanied by CPT Kotouc, TF S2. CPT Kotouc also delivered instructions from LTC Barker concerning the continuation of the operation on 17 and 18 March.

During the day, A Company had suffered two booby-trap casualties within the 3d Platoon blocking position, but had failed to detect any enemy fleeing north toward their positions.

The aero-scout team from B Company, 123d Aviation Battalion had continued to support the operation in Son My and the peripheral area throughout most of the afternoon of the 16th.

Operating to the east of B Company, the Navy "Swift Boats" sighted and boarded several sampans containing Vietnamese males and children. At approximately 1700 hours, these detainees were turned over to B Company elements.

After having visited the 11th Brigade headquarters at Duc Pho (from 1510 to 1535 hours), MG Koster returned to LZ Dottie at 1645 hours, bringing with him LTG Edgar C. Doleman (Ret.) who was visiting the Americal Division in conjunction with a special study of communications systems in Southeast Asia (COMSEA). MG Koster and LTG Doleman (Ret.) were briefed on the operation by LTC Barker, and departed LZ Dottie at 1715 hours.

By the evening of 16 March 1968, TF Barker had reported a total of 128 VC killed, 3 weapons captured, assorted mines, boobytraps and equipment captured and destroyed, and friendly casualties of 2 killed and 11 wounded from the first day's action in the Son My operation. With the possible exception of one man, slightly wounded, from A Company, none of the TF Barker casualties was inflicted by direct enemy fire.

H. SUMMARY OF OPERATIONS ON 17 MARCH

At 0400 hours on the morning of the 17th, persons assumed to be VC were detected crossing the bridge south of the blocking position occupied by A Company's 1st Platoon. They were engaged by the platoon and withdrew immediately. Following this encounter, A Company remained in its designated blocking positions throughout most of the remainder of the day.

Early that morning, both C Company and B Company began moving toward the south from their night defensive position. B Company skirted the southern edge of My Lai (1) and moved to the bridge located to the southeast of the hamlet (see sketch 5-10). The company began crossing the Song My Khe at that point at about 0800 hours. At 0810 hours the company had one man wounded from a boobytrap detonated near the eastern end of the bridge and shortly thereafter reported receiving sniper fire from the vicinity of My Khe (4). The company continued moving to the south along the coastline. At 1320 hours, B Company's 2d Platoon reported killing one VC approximately 400 meters north of Co Lay (1). Subsequently, the company passed through Co Lay (2) and Co Lay (3) before returning to the north again later in the day.

C Company also moved to the south, generally parallel to B Company, and passed through the subhamlets of My Khe (3), My Khe (1), and My Khe (2) (see sketch 5-10). En route, one man was wounded by an enemy mine or boobytrap detonated in the vicinity of Hill 85 at 0930 hours. He was evacuated by helicopter at 1000 hours.

During the course of its movement to the south, C Company discovered several mines and boobytraps in and around the hamlets, and at 1410 hours reported engaging and killing two VC to the southwest of My Khe (1). At 1530 hours, while moving into My Khe (2), C Company reported apprehending three VC suspects consisting of two men and one woman.

After reaching the Song Tra Khuc, C Company turned back to the north toward a night defensive positon located to the east of My Khe (1) and on the western side of the Song Kinh Giang (see sketch 5-11). While en route to this location, elements of the company were reported to have found one VC hiding in a tunnel approximately 1,000 meters north of My Khe (2). The individual was killed by the throwing of a grenade into the tunnel. C Company reached their selected night location at approximately 1800 hours.

After reaching the Song Tra Khuc, B Company also turned back to the north and moved along the coast until it reached its defensive position, located approximately halfway between Co Lay (1) and My Khe (4) (see sketch 5-11). B Company was closed into that location by 1900 hours, and reported no further action during the remainder of the 17th.

Late in the afternoon, A Company (minus the 2d Platoon) had moved from its northern blocking positions to night ambush sites located in the vicinity of Giem Dien (1), on the southern side of the Song Diem Diem (see sketch 5-12). In the meantime,

the 2d Platoon had moved from its position along the Song Diem Diem, to establish a night ambush position approximately 1 to 1-1/2 kilometers to the northwest. At 2115 hours, the company commander reported that the company (-) had received six to seven rounds of enemy 60mm mortar fire. Friendly casualties from the fire were two killed and five wounded. The casualties were subsequently determined to have been caused by hand grenades apparently hurled into the company's positions by enemy sappers. The wounded were evacuated by 2245 hours and A Company reported no further action on the 17th.

I. SUMMARY OF OPERATIONS ON 18 MARCH

By 0800 hours on the morning of 18 March, both B and C Companies had moved out from their previous night positions. C Company initially moved west back through My Khe (1) and then swung north toward the pickup zone in the vicinity of My Lai (3). B Company continued to move along the coast in the direction of the fish ponds north of My Lai (2) (see sketch 5-13).

As C Company passed to the west of My Lai (1), it suffered two more casualties from an enemy boobytrap. One platoon was left behind to secure a pickup zone for the medical evacuation helicopter and the remainder of the company continued its movement to the north.

At approximately 1300 hours, the company received word that COL Henderson was en route to its location to talk with the company commander, CPT Medina. A landing site was secured approximately 900 meters to the northwest of My Lai (1) and COL Henderson and members of his command group landed shortly thereafter. They remained on the ground 10-30 minutes, then departed, and the company continued its movement to the helicopter extraction site near My Lai (3).

After reaching the My Lai (3) area, C Company secured its own pickup zone. The extraction began at 1420 hours and was completed, with all elements back at LZ Dottie, by 1630 hours. The extraction was carried out through the use of two or three UH-1 "Slick" helicopters. The first load of C Company men to be extracted was met at LZ Dottie by COL Henderson.

Earlier that morning, A Company (-) had begun moving northwest from the Giem Dien area. The company crossed the Song Ham Giang at a fording site and by 2045 hours that night had reached a night defensive position in the vicinity of Hills 108 and 109 (see sketch 5-14). The company reported no further action that night.

By 1900 hours, B Company had reached the fish ponds in the vicinity of Ky Xuyen (1), and collected the inhabitants to facilitate a search of the area (see sketch 5-15). Subsequently, the inhabitants of Ky Xuyen (2) and An Ky were also rounded up and moved into Ky Xuyen (1) so that the two subhamlets would be clear for searches to be conducted by B Company on the following day. The 1st Platoon then established an ambush location approximately 200 meters to the north of Ky Xuyen (1). No further activity was reported by B Company on 18 March.

J. SUMMARY OF OPERATIONS ON 19 MARCH

At 0130 hours on 19 March, CPT Michles reported that B Company was receiving incoming mortar rounds. Approximately 15-16 mortar rounds and enemy small arms fire were received in the initial volley, resulting in one soldier killed and five wounded. CPT Michles requested a medical evacuation helicopter and a light fire team (two gunships) to assist him. By 0245 hours the wounded had been evacuated and the gunships were on station. They remained on station until 0300 hours and then returned to Duc Pho. At 0440 hours, CPT Michles reported receiving an additional two rounds of enemy mortar fire with no resultant friendly casualties

After first light, the 1st Platoon searched the area to the northeast of its night defensive position in an attempt to locate the enemy mortar position and found the mortar firing position but no enemy mortar.

At 1050 hours, LTC Barker began extraction of B Company from the Son My area, using his command and control helicopter for troop lift. The 1st Platoon was extracted first and was taken to LZ Uptight. The remainder of the company was extracted to LZ Dottie and had closed at that location by 1345 hours.

B Company's return to LZ Dottie on 19 March 1968 concluded TF Barker operations in the Son My area.

K. SUBSEQUENT OPERATIONS BY TF BARKER (See sketch 5-16)

There is no evidence to indicate that any TF Barker elements entered the Son My area again following the 16-19 March operation.

Following the operation, the rifle companies of the TF were employed in operations which were apparently routine and of no present significance, until they left the

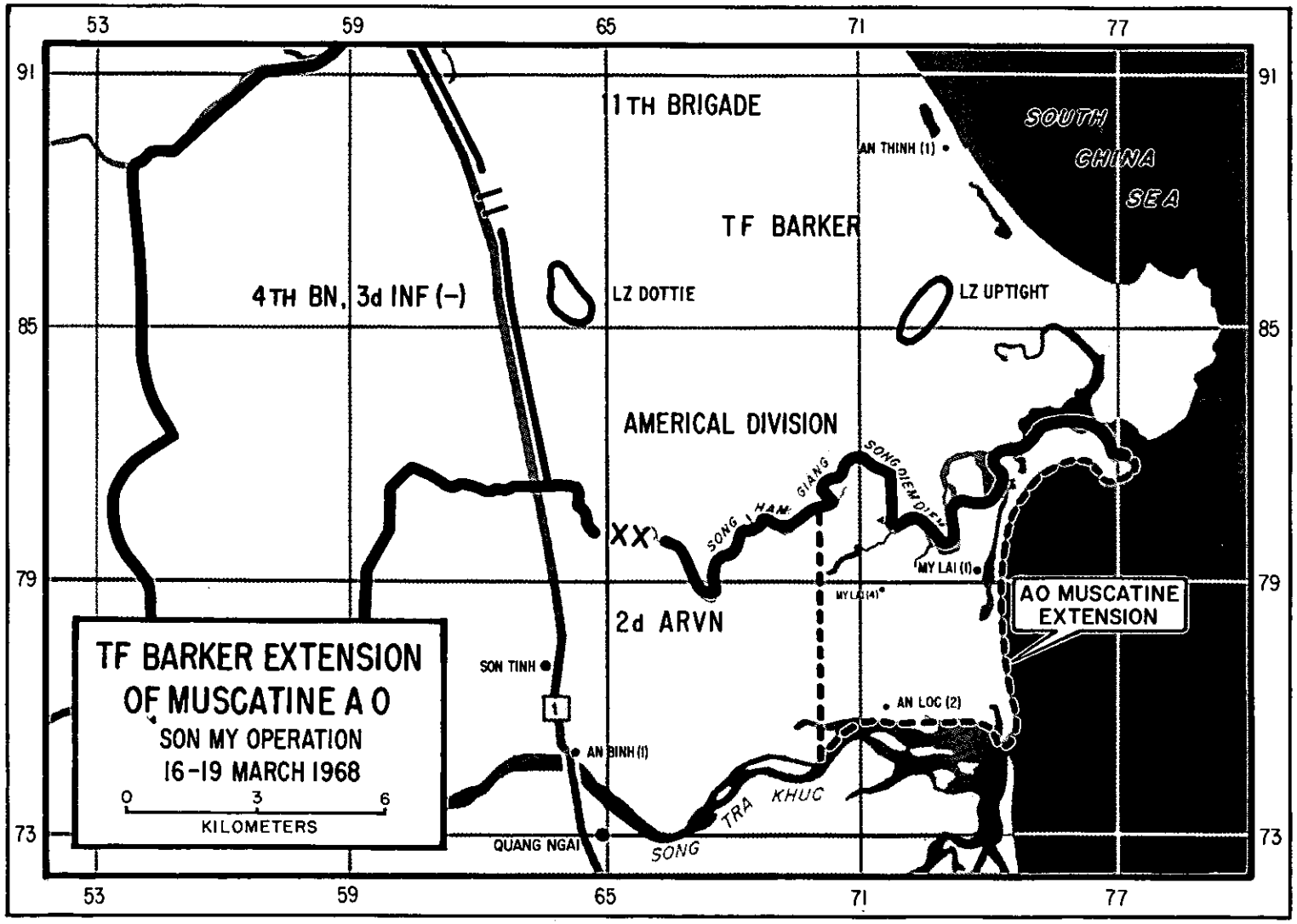
TF to rejoin their present battalions. Until they left the TF, the companies were employed in the areas and time periods described below. During this period they were apparently broken down into platoon and squad-size elements and conducted semi-independent operations within their assigned areas.

Following its arrival in an area northeast of LZ Uptight on 19 March, A Company continued to conduct operations along the eastern coast of Binh Son District until 24 March. These operations were apparently designed to assist in protecting the rice harvest which was then in progress. No significant enemy contacts were reported during this period. The company returned by helicopter to LZ Dottie on 24 March, remained there through the 25th, and then moved to provide local security for LZ Thunder located to the south near Duc Pho. Following its movement to LZ Thunder, A Company did not participate in any further operations by TF Barker.

On 19 March, B Company was airlifted from the Son My area to LZ Dottie, and remained at that location through 23 March, to provide local security forces for both LZ Dottie and LZ Uptight. On 24 March, the company moved by foot to the vicinity of hill mass 108-109, approximately 3 to 5 kilometers to the southwest of LZ Uptight, and continued operations in that area through 1 April. Only scattered contacts occurred during this period, with a total of five VC reported as killed by the time B Company returned to LZ Dottie and LZ Uptight on the afternoon of 2 April. B Company remained at LZ Dottie until the TF was disbanded on 8 April.

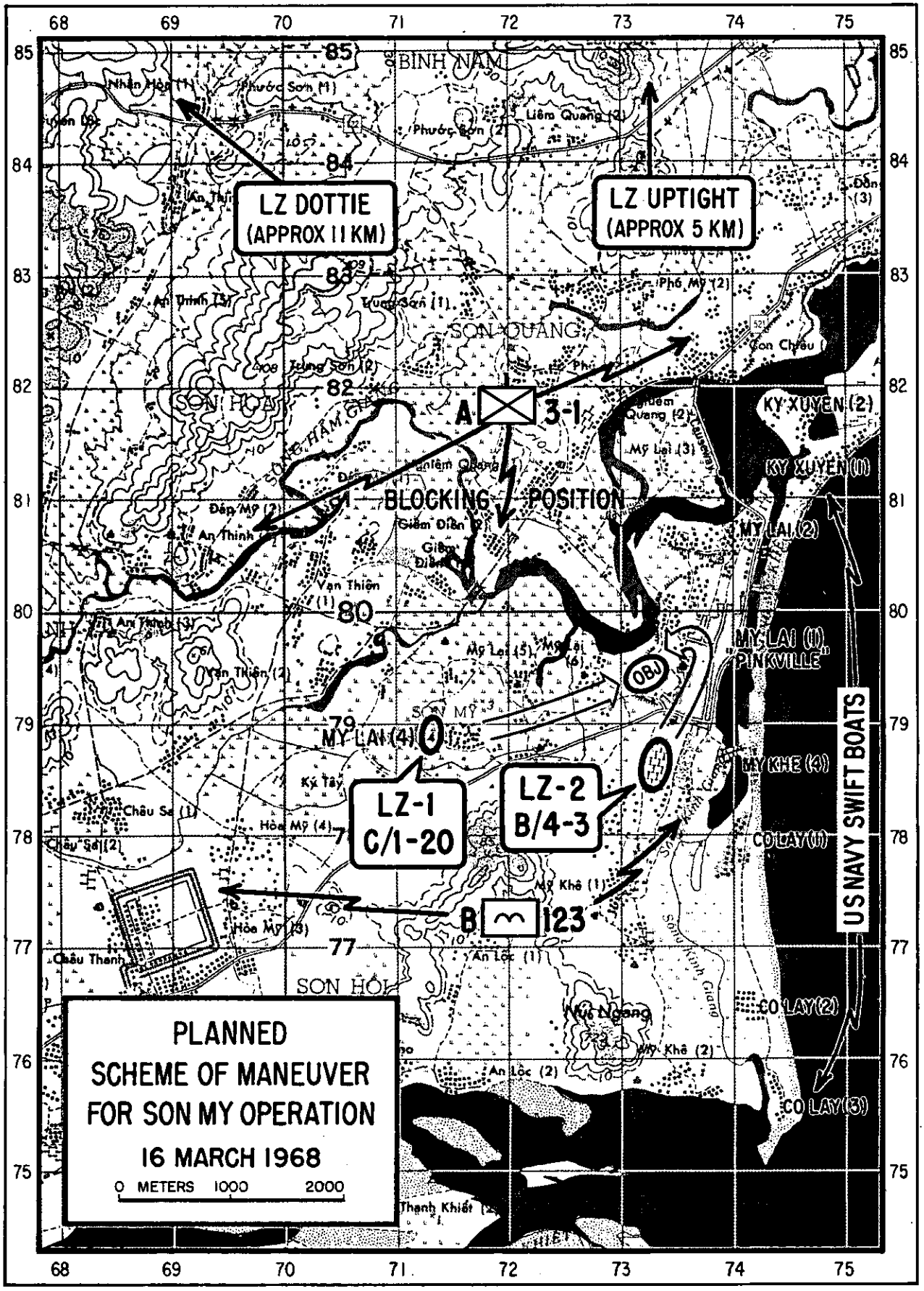
After being relieved of the local security mission by B Company, C Company moved overland on 20 March to an area approximately 5 kilometers east of LZ Dottie. Operations were conducted from that location to a distance of about 5 kilometers to the northwest during the period 20-25 March with no reported enemy contact. On 26 March, the company was airlifted back to LZ Dottie where it assumed the security mission from A Company until 2 April. On 3 April the company conducted a one-day operation approximately 6 kilometers north-northeast of LZ Dottie, and returned to Dottie by nightfall of that same day. On 4 April, the company moved by foot to an area approximately 6 kilometers north-northwest of LZ Dottie and conducted operations in that area until 8 April. On 8 April, C Company was extracted by helicopter and was moved to rejoin its parent battalion (1st Battlion, 20th Infantry) which was then engaged in Operation Norfolk Victory (I) southwest of Quang Ngai City.

TF Barker was officially disestablished at 1200 hours, 8 April 1968.

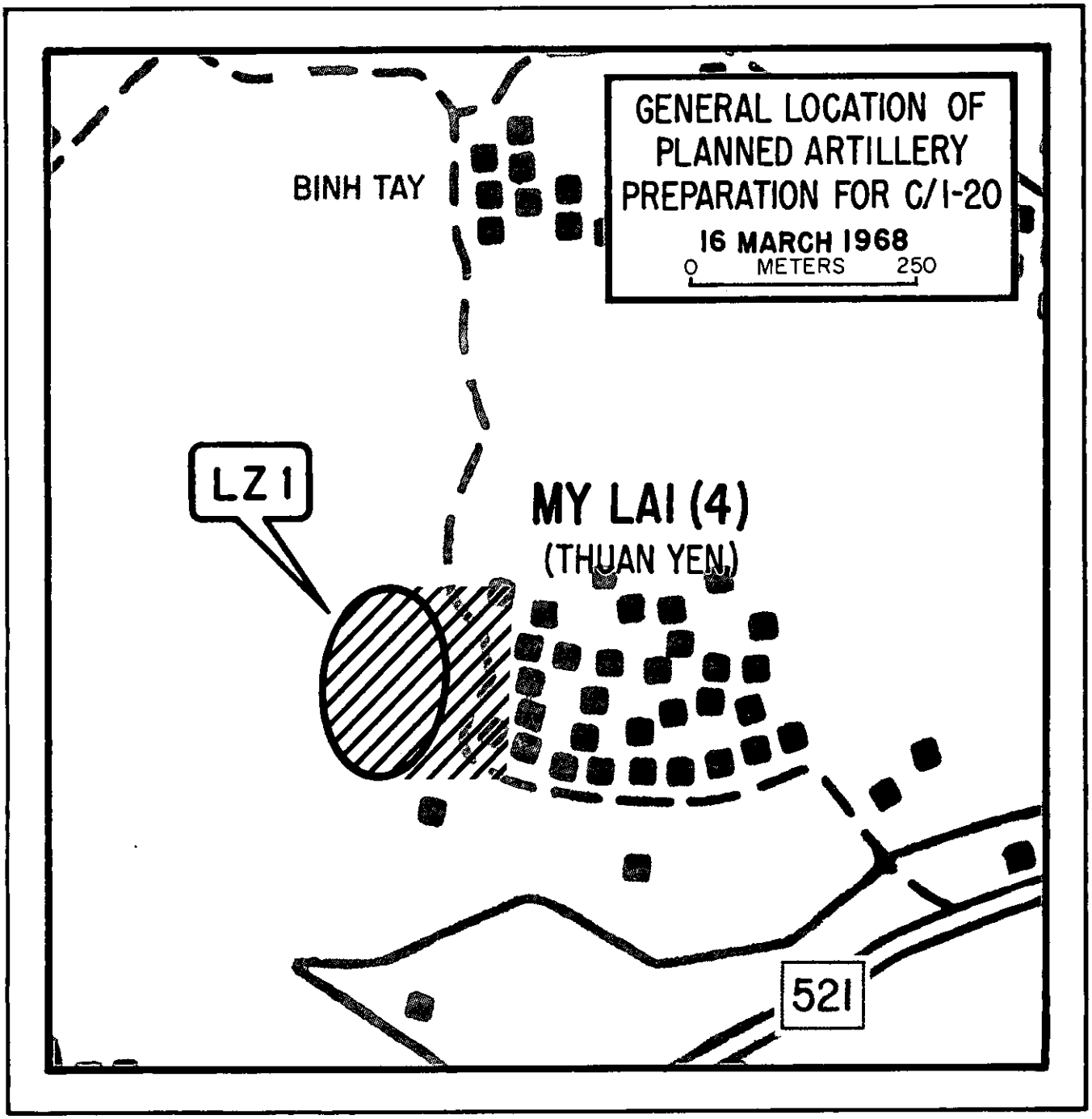


SKETCH 5-1

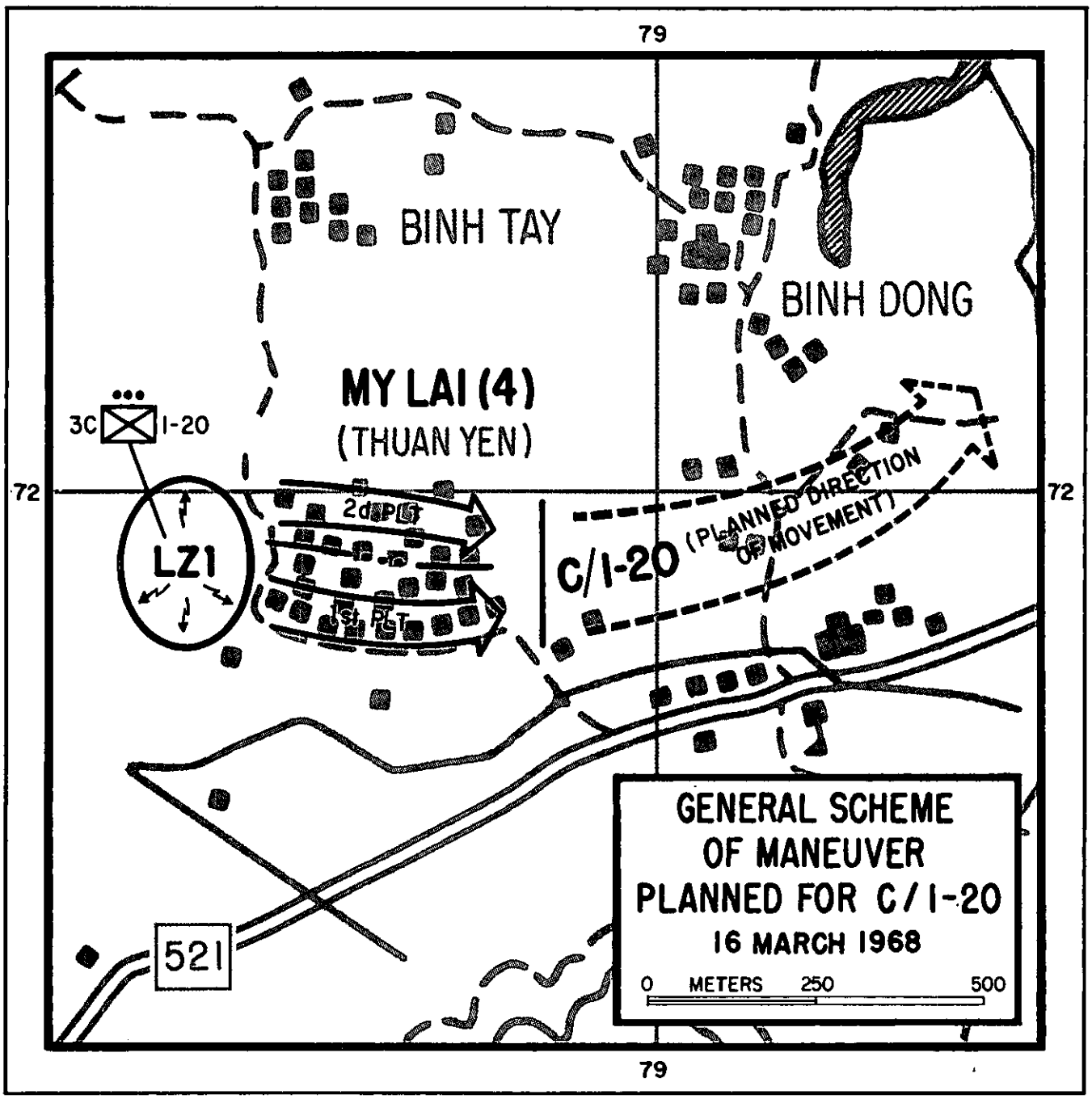
553-608 O - 74 - 7


LZ DOTTIE
(APPROX 11 KM)
LZ UPTIGHT
(APPROX 5 KM)
A
3-1
BLOCKING POSITION
B
123
LZ-1
C/1-20
LZ-2
B/4-3
OBJ
MY LAI (4)
MY LAI (1)
"PINKVILLE"
MY KHE (4)
CO LAY (1)
CO LAY (2)
CO LAY (3)
KY XUYEN (1)
KY XUYEN (2)
US NAVY SWIFT BOATS
BINH NAM
SON QUANG
SON HOA
SON HOI
SON MY
PLANNED
SCHEME OF MANEUVER
FOR SON MY OPERATION
16 MARCH 1968
0 METERS 1000 2000

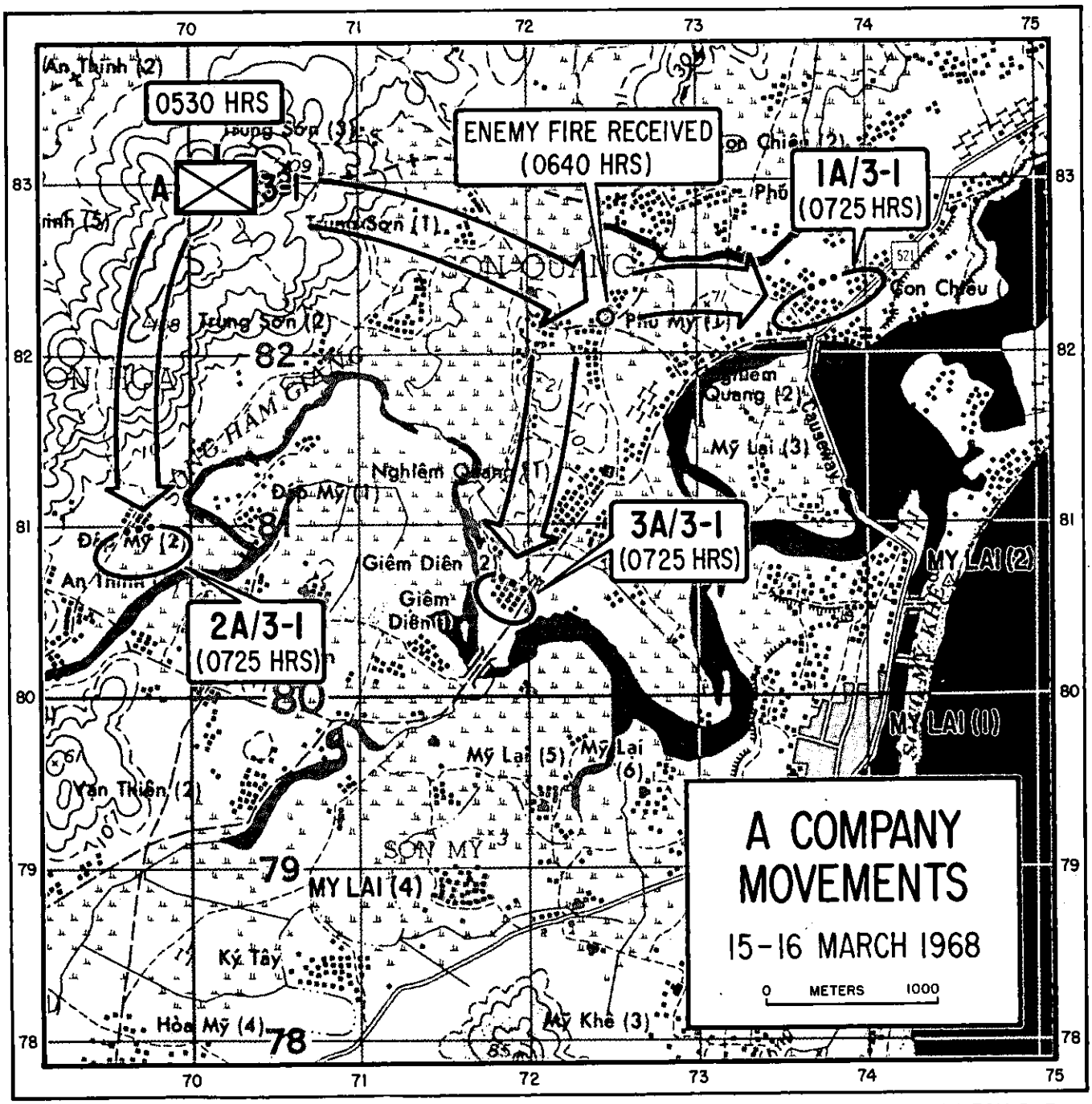
SKETCH 5-2


GENERAL LOCATION OF
PLANNED ARTILLERY
PREPARATION FOR C/1-20
16 MARCH 1968
0 METERS 250
BINH TAY
LZ 1
MY LAI (4)
(THUAN YEN)
521

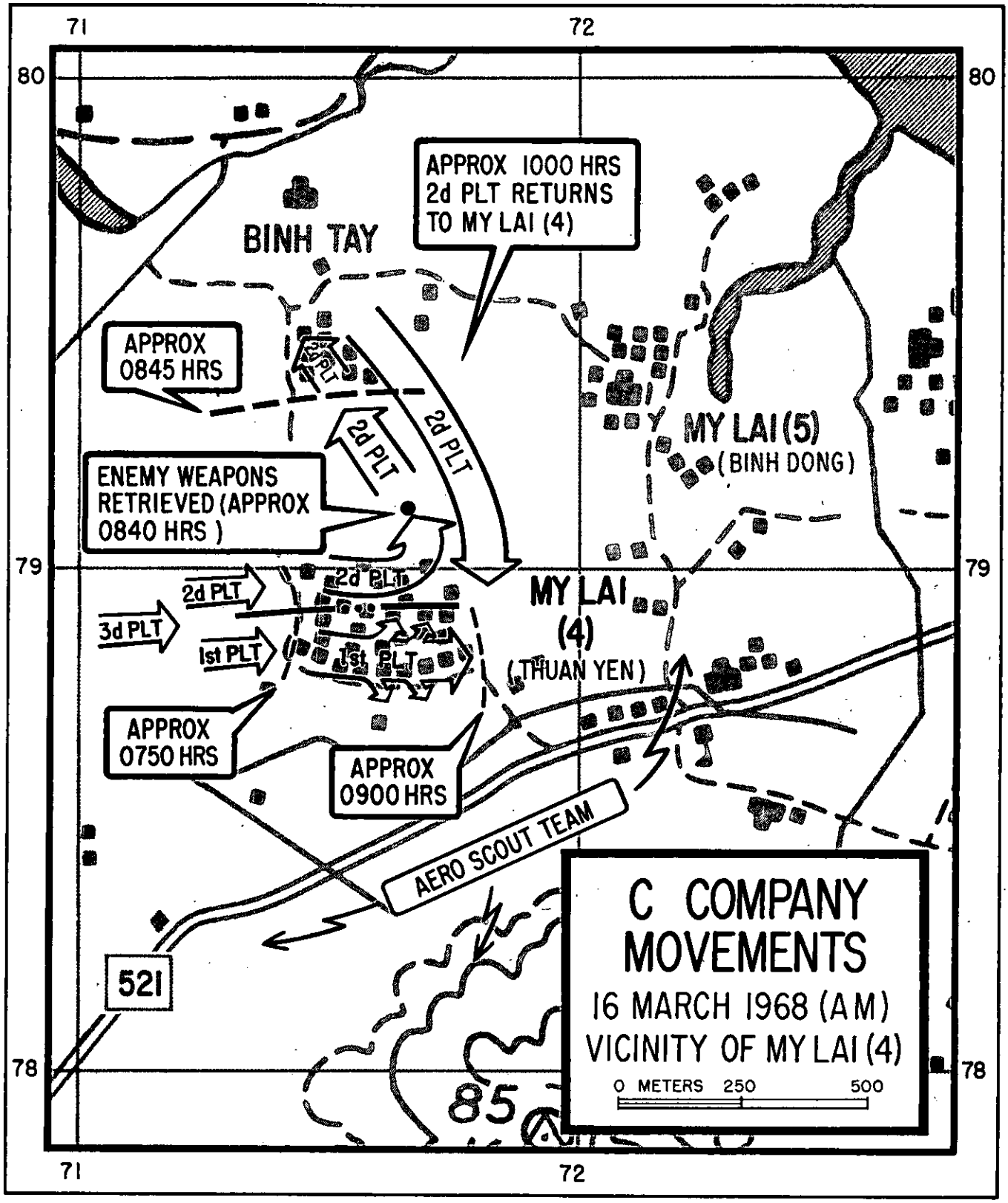
SKETCH 5-3


79
BINH TAY
BINH DONG
MY LAI (4)
(THUAN YEN)
3C
I-20
72
72
LZ1
2d PLT
1st PLT
C/I-20
(PLANNED DIRECTION OF MOVEMENT)
521
GENERAL SCHEME
OF MANEUVER
PLANNED FOR C/I-20
16 MARCH 1968
0 METERS 250 500
79

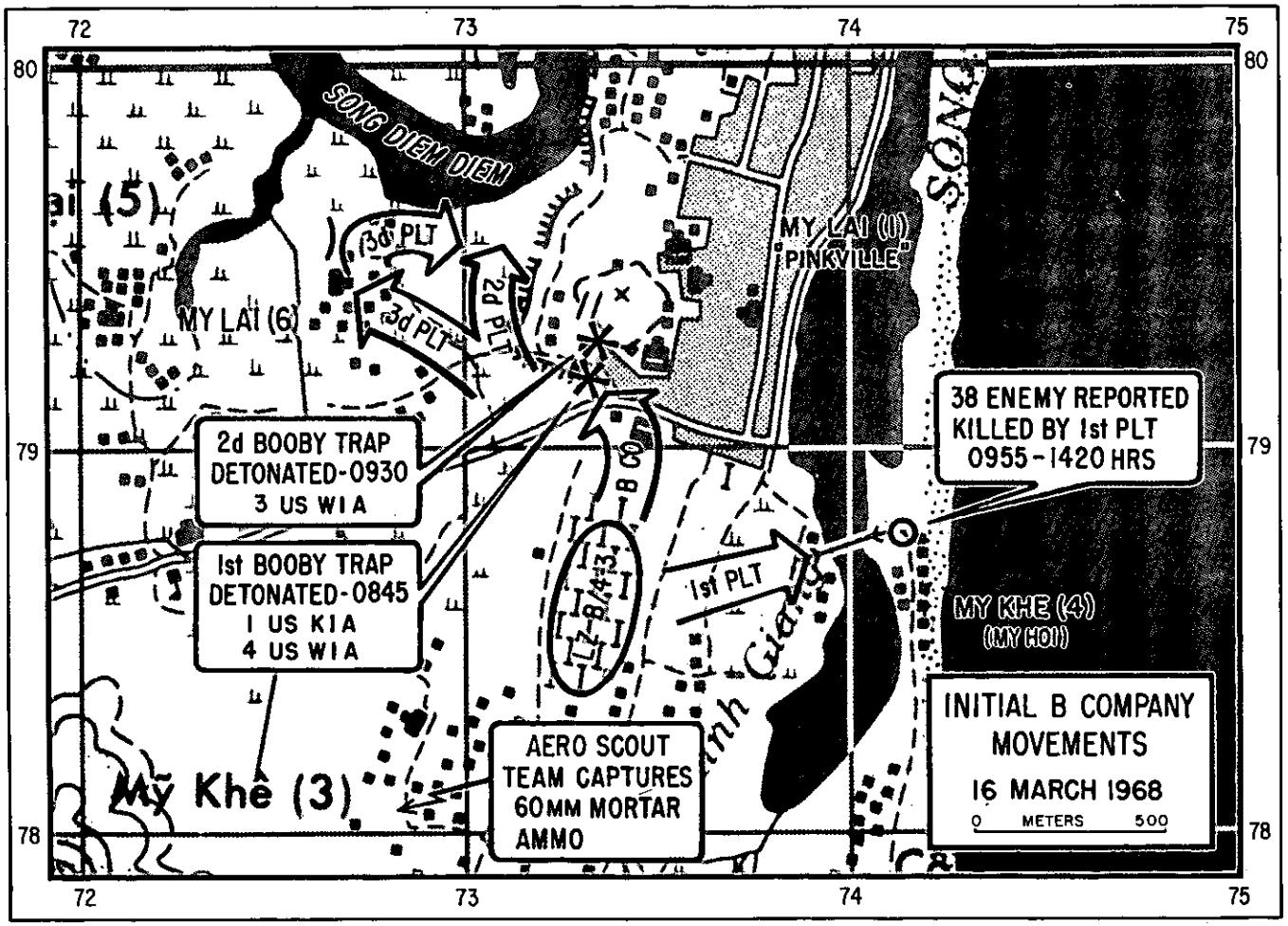
SKETCH 5-4


0530 HRS
ENEMY FIRE RECEIVED
(0640 HRS)
1A/3-1
(0725 HRS)
3A/3-1
(0725 HRS)
2A/3-1
(0725 HRS)
A
3-1
A COMPANY
MOVEMENTS
15-16 MARCH 1968
0 METERS 1000
Trung Sơn (1)
Trung Sơn (2)
Phú Mỹ (1)
Sơn Chiêu
Nghiêm Quang (2)
Mỹ Lai (3)
Nghiêm Quang (1)
Đập Mỹ (1)
Đập Mỹ (2)
An Thịnh
Giêm Diên (2)
Giêm Diên (1)
Mỹ Lai (5)
Mỹ Lai (6)
Vạn Thiện (2)
SƠN MỸ
MỸ LAI (4)
Kỳ Tây
Hòa Mỹ (4)
Mỹ Khê (3)
MỸ LAI (2)
MỸ LAI (1)
Causeway
82
81
80
79
78
70
71
72
73
74
75
83

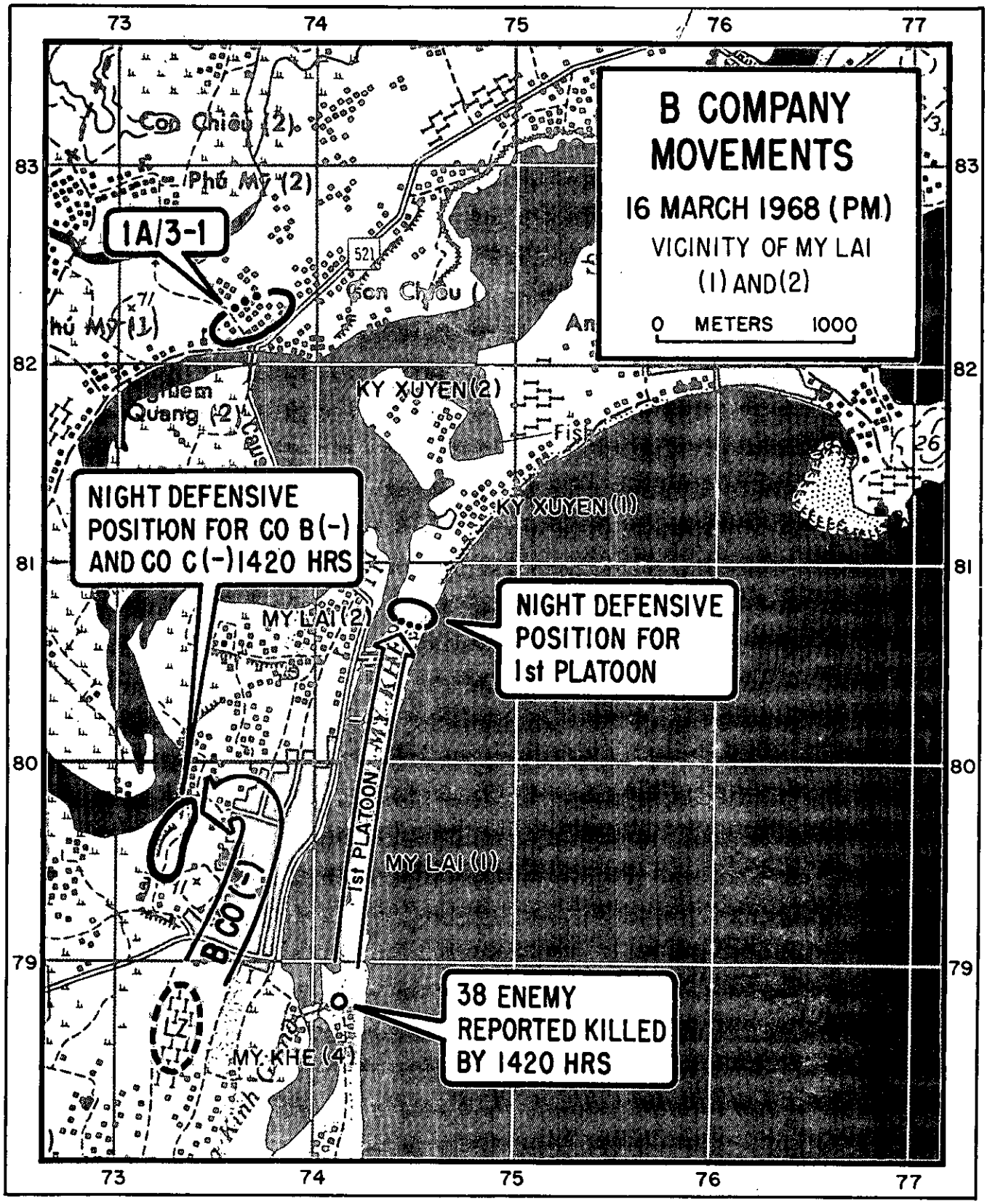
SKETCH 5-5


71
72
80
79
78
BINH TAY
APPROX 1000 HRS
2d PLT RETURNS
TO MY LAI (4)
APPROX
0845 HRS
2d PLT
2d PLT
2d PLT
MY LAI (5)
(BINH DONG)
ENEMY WEAPONS
RETRIEVED (APPROX
0840 HRS)
2d PLT
2d PLT
3d PLT
1st PLT
1st PLT
MY LAI
(4)
(THUAN YEN)
APPROX
0750 HRS
APPROX
0900 HRS
AERO SCOUT TEAM
521
85
C COMPANY
MOVEMENTS
16 MARCH 1968 (AM)
VICINITY OF MY LAI (4)
0 METERS 250 500

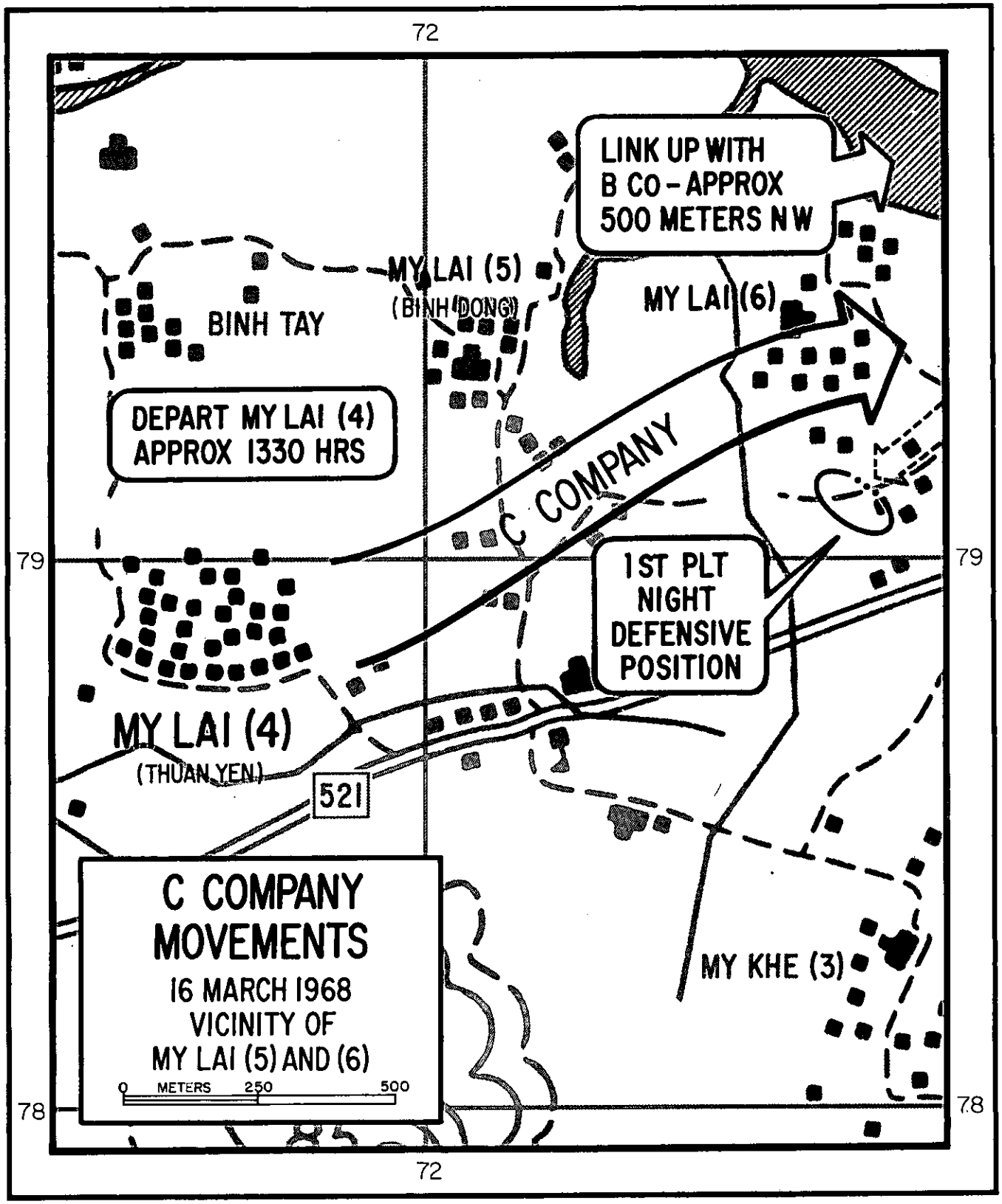
SKETCH 5-6


72
73
74
75
80
79
78
SONG DIEM DIEM
(5)
MY LAI (6)
3d PLT
3d PLT
2d PLT
MY LAI (1)
PINKVILLE
SONG
2d BOOBY TRAP
DETONATED-0930
3 US WIA
1st BOOBY TRAP
DETONATED-0845
1 US KIA
4 US WIA
B CO
1st PLT
38 ENEMY REPORTED
KILLED BY 1st PLT
0955-1420 HRS
MY KHE (4)
(MY HOI)
My Khê (3)
AERO SCOUT
TEAM CAPTURES
60MM MORTAR
AMMO
INITIAL B COMPANY
MOVEMENTS
16 MARCH 1968
0 METERS 500

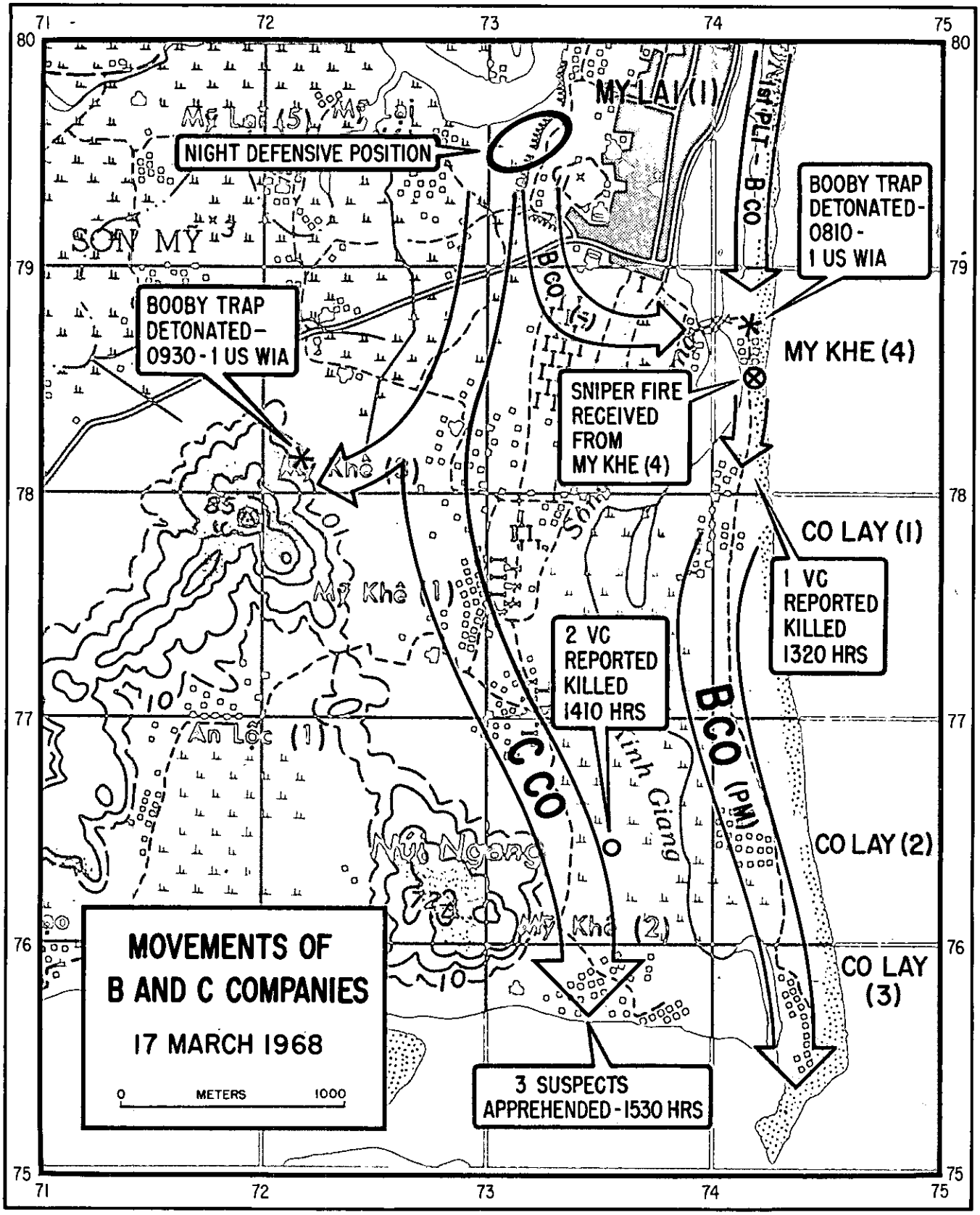
SKETCH 5-7


B COMPANY MOVEMENTS
16 MARCH 1968 (PM)
VICINITY OF MY LAI (1) AND (2)
0 METERS 1000
1A/3-1
NIGHT DEFENSIVE POSITION FOR CO B(-) AND CO C(-) 1420 HRS
NIGHT DEFENSIVE POSITION FOR 1st PLATOON
38 ENEMY REPORTED KILLED BY 1420 HRS
KY XUYEN (2)
KY XUYEN (1)
MY LAI (2)
MY LAI (1)
MY KHE (4)
1st PLATOON
B CO(-)
LZ
521
73
74
75
76
77
83
82
81
80
79

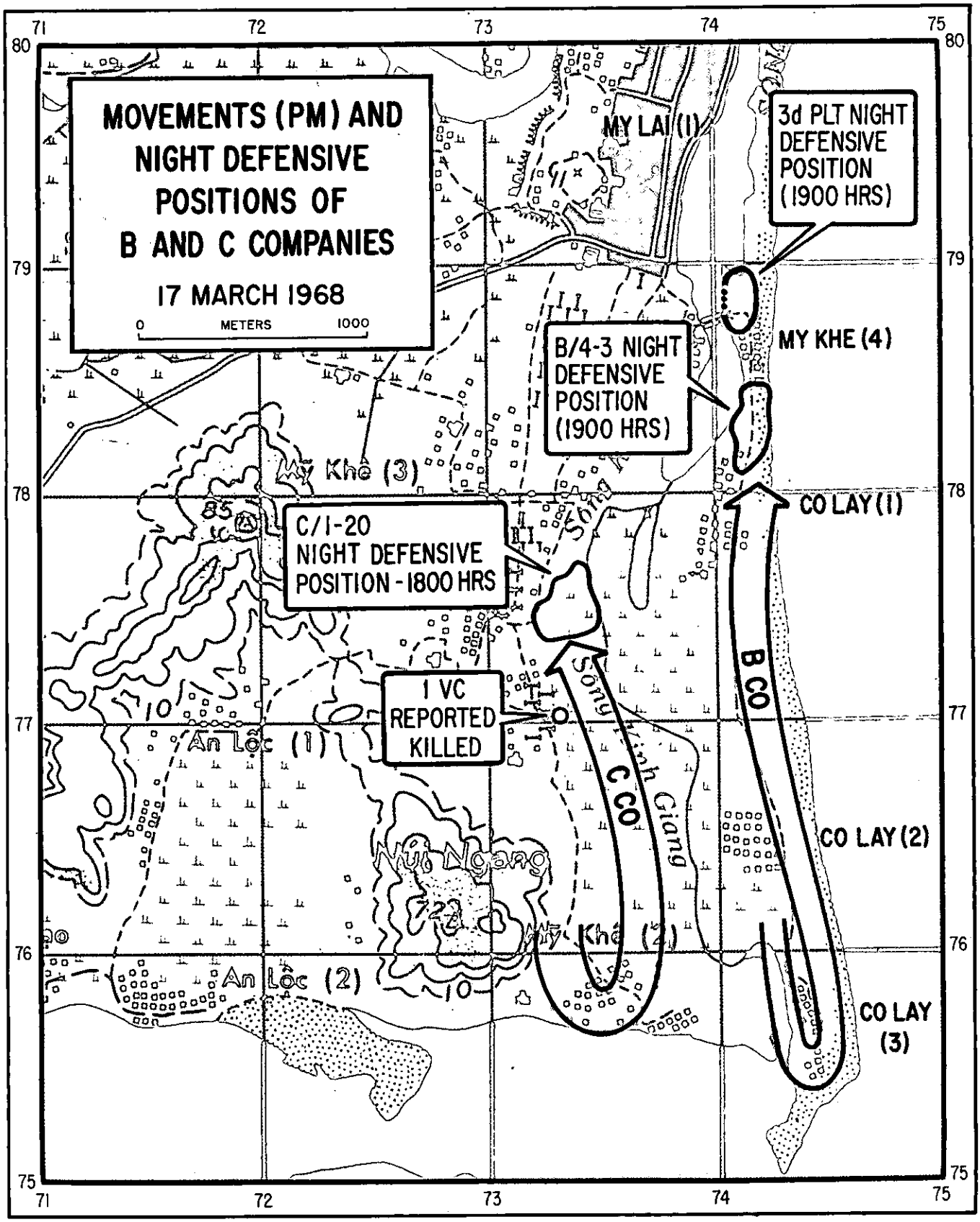
SKETCH 5-8


72
LINK UP WITH
B CO - APPROX
500 METERS NW
MY LAI (5)
(BINH DONG)
MY LAI (6)
BINH TAY
DEPART MY LAI (4)
APPROX 1330 HRS
C COMPANY
79
79
1ST PLT
NIGHT
DEFENSIVE
POSITION
MY LAI (4)
(THUAN YEN)
521
C COMPANY
MOVEMENTS
16 MARCH 1968
VICINITY OF
MY LAI (5) AND (6)
0 METERS 250 500
MY KHE (3)
78
78
72

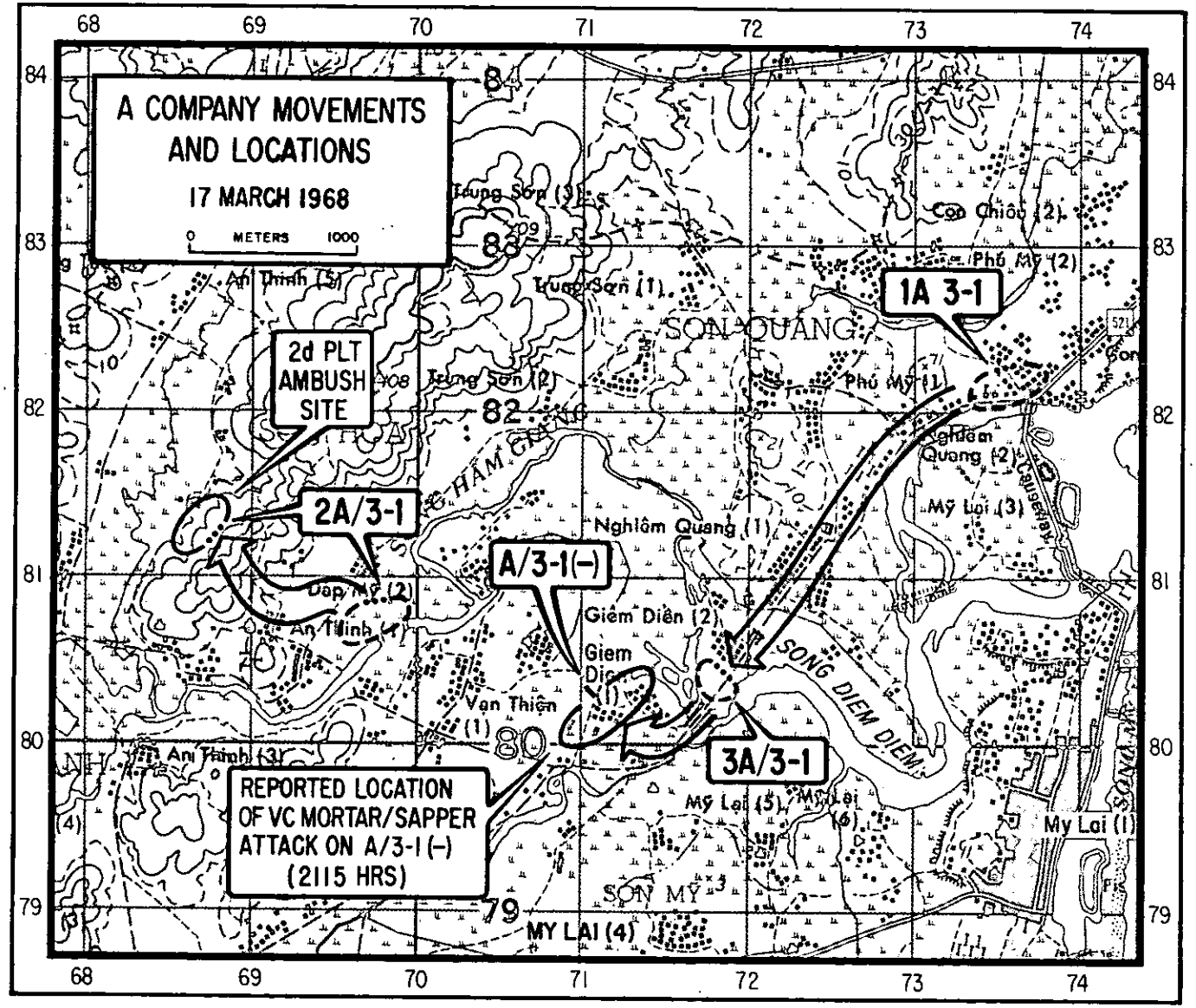
SKETCH 5-9


MOVEMENTS OF
B AND C COMPANIES
17 MARCH 1968
0 METERS 1000
NIGHT DEFENSIVE POSITION
BOOBY TRAP DETONATED-0810-1 US WIA
BOOBY TRAP DETONATED-0930-1 US WIA
SNIPER FIRE RECEIVED FROM MY KHE (4)
1 VC REPORTED KILLED 1320 HRS
2 VC REPORTED KILLED 1410 HRS
3 SUSPECTS APPREHENDED-1530 HRS
MY LAI (1)
MY KHE (4)
CO LAY (1)
CO LAY (2)
CO LAY (3)
SON MY
My Khê (1)
My Khê (2)
An Lộc (1)
1st PLT - B CO
B CO (PM)
C CO
B CO

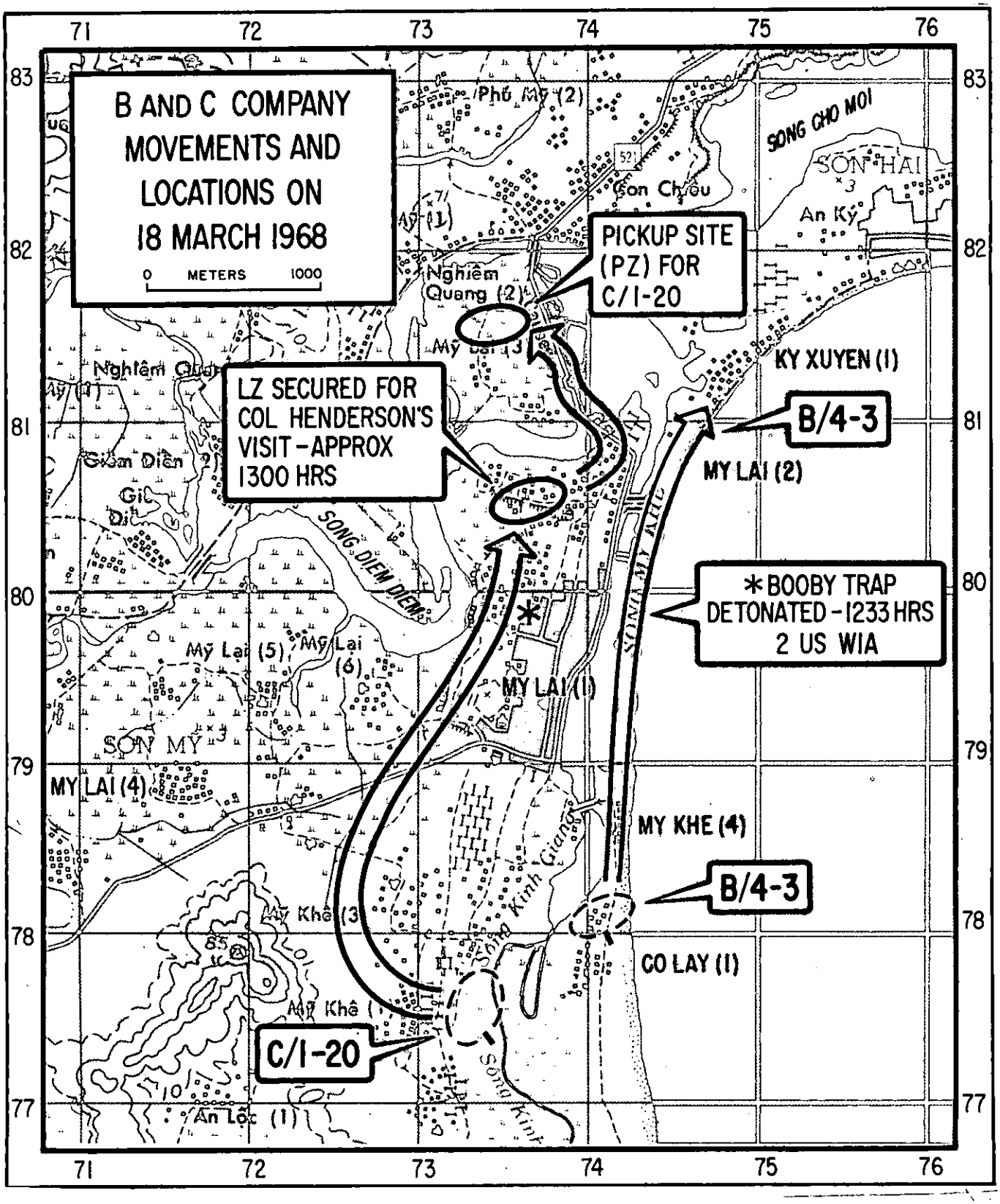
SKETCH 5-10


MOVEMENTS (PM) AND NIGHT DEFENSIVE POSITIONS OF B AND C COMPANIES
17 MARCH 1968
0 METERS 1000
MY LAI (1)
3d PLT NIGHT DEFENSIVE POSITION (1900 HRS)
MY KHE (4)
B/4-3 NIGHT DEFENSIVE POSITION (1900 HRS)
My Khê (3)
CO LAY (1)
C/1-20 NIGHT DEFENSIVE POSITION - 1800 HRS
1 VC REPORTED KILLED
An Lộc (1)
C CO
B CO
Sông Trà Giang
CO LAY (2)
Vũng Ngang
My Khê (2)
An Lộc (2)
CO LAY (3)
71
72
73
74
75
80
79
78
77
76

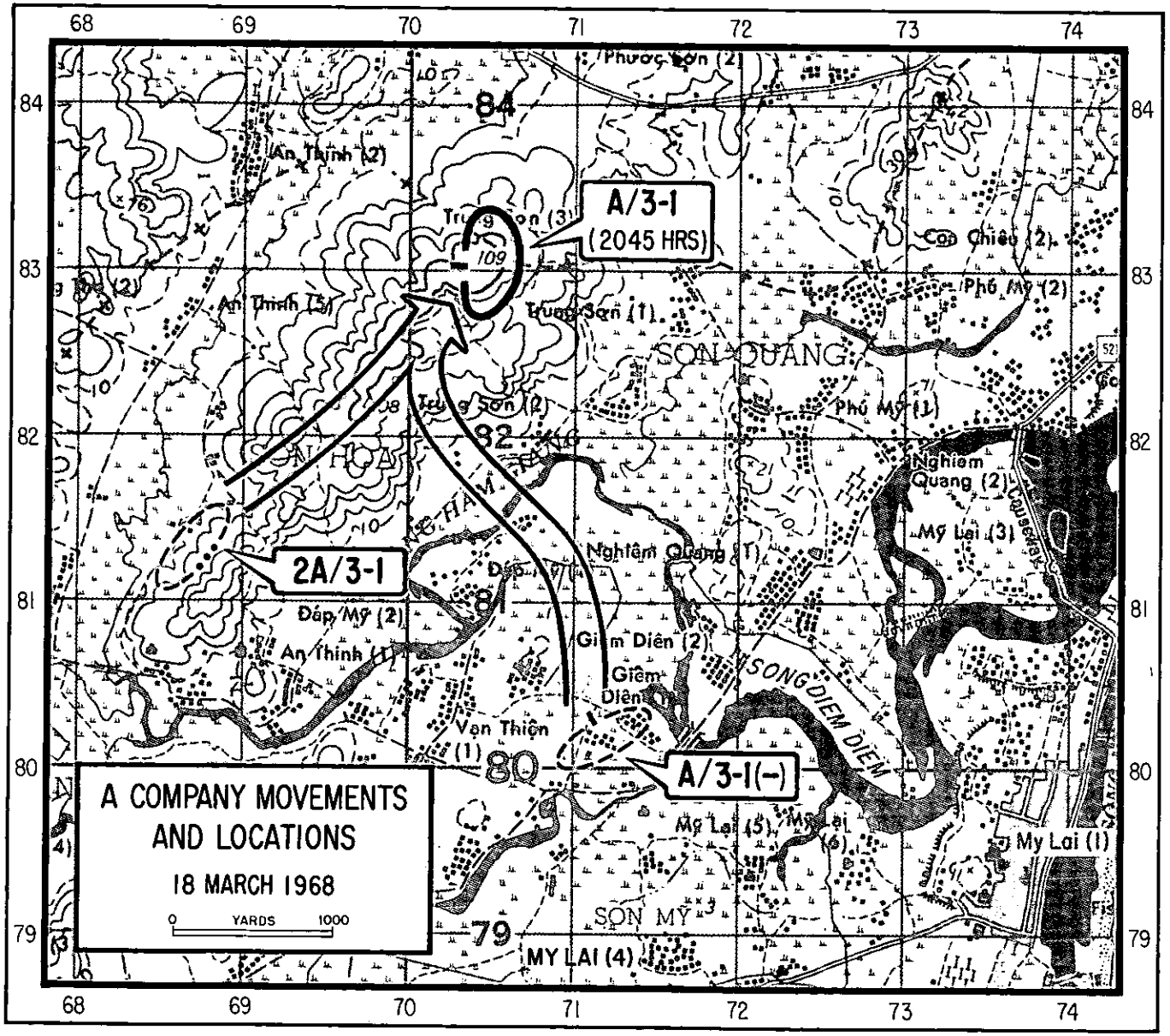
SKETCH 5-11


A COMPANY MOVEMENTS
AND LOCATIONS
17 MARCH 1968
0 METERS 1000
1A 3-1
2d PLT
AMBUSH
SITE
2A/3-1
A/3-1(-)
3A/3-1
REPORTED LOCATION
OF VC MORTAR/SAPPER
ATTACK ON A/3-1 (-)
(2115 HRS)
SON QUANG
SON MY
MY LAI (4)
SONG DIEM DIEM
Trung Sơn (3)
Trung Sơn (1)
Trung Sơn (2)
An Thinh (5)
An Thinh (3)
Đập Mỹ (2)
Vạn Thiện (1)
Giem Diên (2)
Giem Diên (1)
Nghiêm Quang (1)
Nghiêm Quang (2)
Phú Mỹ (1)
Phú Mỹ (2)
Cổ Chiêu (2)
Mỹ Lại (3)
Mỹ Lại (5)
Mỹ Lại (6)
My Lai (1)
68 69 70 71 72 73 74
79 80 81 82 83 84

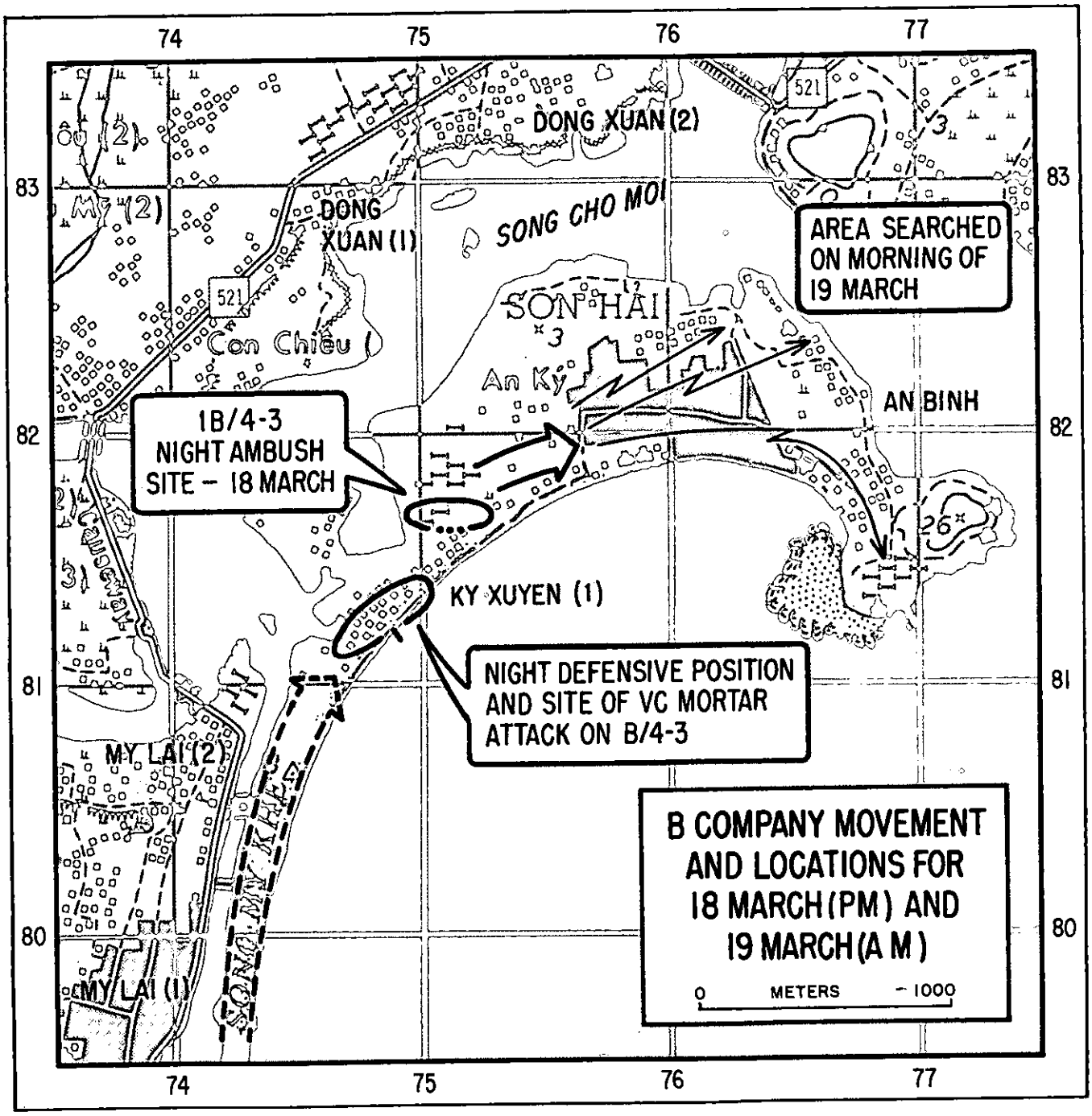
SKETCH 5-12


B AND C COMPANY MOVEMENTS AND LOCATIONS ON 18 MARCH 1968
0 METERS 1000
PICKUP SITE (PZ) FOR C/1-20
LZ SECURED FOR COL HENDERSON'S VISIT - APPROX 1300 HRS
B/4-3
*BOOBY TRAP DETONATED - 1233 HRS 2 US WIA
B/4-3
C/1-20
KY XUYEN (1)
MY LAI (2)
MY LAI (1)
MY KHE (4)
CO LAY (1)
MY LAI (4)
SON MY
SONG DIEM DIEM
SONG MY AM
SONG CHO MOI
SON HAI
An Ky
Son Chau
Phu My (2)
Nghiem Quang (2)
Gian Dien
Gil Dit
My Lai (5)
My Lai (6)
My Khe (3)
My Khe (1)
An Loc (1)
Song Kinh Giang
71
72
73
74
75
76
77
78
79
80
81
82
83

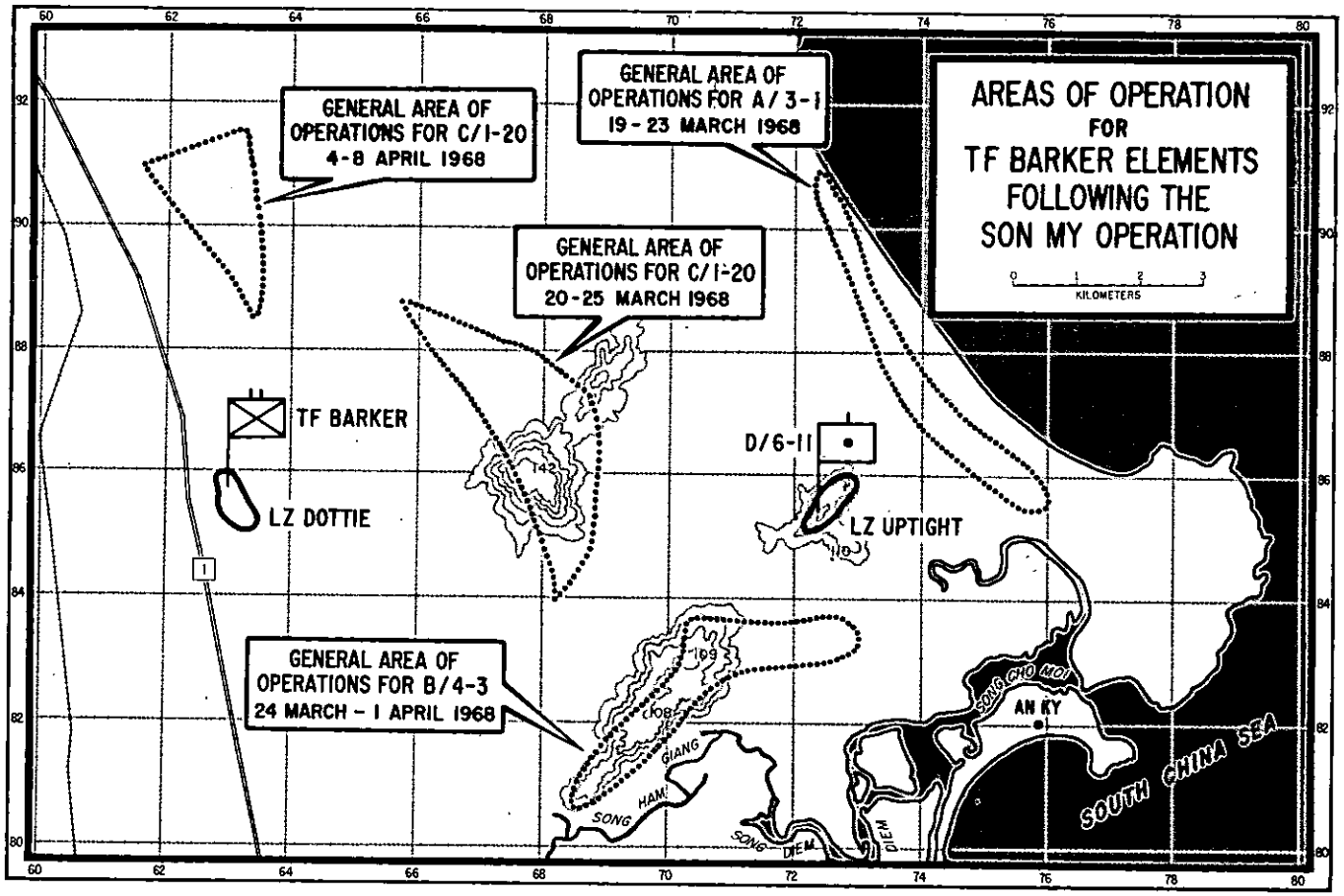
SKETCH 5-13


A COMPANY MOVEMENTS
AND LOCATIONS
18 MARCH 1968
0 YARDS 1000
A/3-1
(2045 HRS)
2A/3-1
A/3-1(-)
SON QUANG
SON MY
SONG DIEM DIEM
Phuoc Son (2)
An Thinh (2)
Truong Son (3)
Truong Son (1)
Truong Son (2)
Co Chieu (2)
Phu My (2)
Phu My (1)
Nghiem Quang (2)
My Lai (3)
Nghiem Quang (1)
Dap My (2)
An Thinh (1)
Giem Dien (2)
Giem Dien
Van Thien (1)
My Lai (5)
My Lai (1)
MY LAI (4)
109
84
83
82
81
80
79
68
69
70
71
72
73
74

SKETCH 5-14


74
75
76
77
83
82
81
80
DONG XUAN (2)
DONG XUAN (1)
SONG CHO MOI
SON HAI
An Ky
AN BINH
Con Chieu
521
AREA SEARCHED ON MORNING OF 19 MARCH
1B/4-3 NIGHT AMBUSH SITE – 18 MARCH
KY XUYEN (1)
NIGHT DEFENSIVE POSITION AND SITE OF VC MORTAR ATTACK ON B/4-3
MY LAI (2)
MY LAI (1)
B COMPANY MOVEMENT AND LOCATIONS FOR 18 MARCH (PM) AND 19 MARCH (A M)
0 METERS 1000

SKETCH 5-15


AREAS OF OPERATION
FOR
TF BARKER ELEMENTS
FOLLOWING THE
SON MY OPERATION
0 1 2 3
KILOMETERS
GENERAL AREA OF OPERATIONS FOR C/1-20 4-8 APRIL 1968
GENERAL AREA OF OPERATIONS FOR A/3-1 19-23 MARCH 1968
GENERAL AREA OF OPERATIONS FOR C/1-20 20-25 MARCH 1968
GENERAL AREA OF OPERATIONS FOR B/4-3 24 MARCH - 1 APRIL 1968
TF BARKER
LZ DOTTIE
D/6-11
LZ UPTIGHT
142
109
108
SONG HAM
GIANG
SONG DIEM
DIEM
SONG CHO MOI
AN KY
SOUTH CHINA SEA
60
62
64
66
68
70
72
74
76
78
80
92
90
88
86
84
82
80

SKETCH 5-16

Chapter 6

COMPANY C, 1ST BATTALION, 20TH INFANTRY: ACTIONS ON 16 AND 17 MARCH 1968

The purpose of this chapter is to describe in detail those events involving actions of Company C, 1st Battalion, 20th Infantry (C/1-20 Inf) and its supporting elements in and around My Lai (4) on 16 March, and in My Khe Hamlet on 17 March.

A. OPERATIONS ON 16 MARCH

1. 0700-0750 Hours: The Combat Assault Phase

Shortly before 0700 hours, the men of C Company completed the issuance of ammunition and made final checks of their weapons and equipment. They then moved to the loading area at Landing Zone (LZ) Dottie where the lift helicopters and gunships were arriving (see exhibit P-26).

LTC Barker had departed earlier in his command and control helicopter and began to make final coordination for the artillery preparation and subsequent combat assault.

At approximately 0720 hours, "War Lord" gunships from the aero-scout team, which had flown from their base at Chu Lai, approached the Son My area from the north. The lead gunship contacted Task Force (TF) Barker by radio and advised the net control station that the team would remain over the operational area pending commencement of the combat assault.

At 0722 hours, the first elements of C Company were lifted off from LZ Dottie and headed to the southwest. The selected flight path was intended to serve as a diversionary move away from the target area, and to permit the lift ships to make their final approach into the LZ (from south to north) without having to cross the gun-target line for the artillery preparation (see sketch 6-1).

The artillery preparation began at 0724 hours and continued for about 5 minutes. The rounds impacted on the LZ and portions of My Lai (4). As the preparation began, those

563-668 O - 74 - 8

inhabitants of My Lai (4) who had been working in the rice paddies surrounding the hamlet sought cover along dikes and in the numerous buffalo wallows which dotted the rice fields. Inside the hamlet, other inhabitants took cover in homemade shelters or bunkers adjacent to their houses and in the several wells located throughout My Lai (4).

The artillery preparation ceased just prior to 0730 hours, as the troop lift helicopters were inbound on their final approach to the LZ. Smoke and fires, caused inside the hamlet by the artillery preparation, were clearly visible from the inbound helicopters (see exhibit P-195). Accompanying "Shark" gunships preceded the C Company insertion by placing rocket and machinegun fires on both flanks of the LZ and probably into the western portion of My Lai (4). The first lift of C Company touched down at 0730 hours.

CPT Medina testified that upon landing he reported the LZ as "cold" (free of enemy fire). Shortly thereafter, according to Medina, a helicopter pilot cut in on the radio and reported "Negative, negative - the LZ is hot. You are receiving fire. We are taking fire. There are VC with weapons running from the village, and we are engaging them now" or words to that effect. Medina has further testified that based on this information, he immediately informed his platoon leaders that the LZ was "hot." Medina's recollection of this event is substantiated neither by the TF Barker Journal, which officially recorded the LZ as "cold," nor by the record of LTC Barker's radio conversation with the leader of the lift ships who confirmed that the LZ was free of enemy fire. It is possible that CPT Medina gained the impression that the LZ was "hot" by monitoring transmissions between LTC Barker and the "Shark" and/or "War Lord" gunships which were, in fact, then in the process of engaging a few armed enemy fleeing from the hamlet. Whether CPT Medina's orders to his platoon leaders were based on facts or on an assumption it seems likely that such orders, if issued, may have served as a final release for the events which followed.

As the first elements of C Company began to deploy on the LZ, an OH-23 helicopter from the aero-scout team arrived in the area south of My Lai (4). The pilot of the scout ship immediately spotted an armed Viet Cong (VC) south of Route 521 running toward the south-southwest (see sketch 6-2). The door gunner in the scout ship fired at the VC but missed. Accompanying "War Lord" gunships then set up and made a northeast to southwest rocket run on his last observed location. Subsequently they were unable to confirm that the VC had been killed.

While the lift helicopters returned to LZ Dottie for the second lift of C Company, their accompanying "Shark" gunships

began to orbit counterclockwise over the area to the north of Route 521. As they passed along the southern edge of My Lai (4), an airborne forward air controller (FAC) spotted an armed VC running to the east on a trail along the southern edge of the hamlet. The FAC immediately notified the "Sharks" who took the VC under fire, missed him, turned out to the northeast, and set up for a south to north rocket run. After coordinating air space with the "War Lords", the "Sharks" engaged and apparently killed the man in the extreme southeastern edge of the hamlet. After shifting their orbit back to the north of Route 521, the "Sharks" were notified by the FAC that he had spotted two more armed VC fleeing to the northeast of the LZ. The VC were quickly engaged and killed by "Shark" door gunners. In a subsequent orbit to the south, the "Sharks" spotted a fourth individual (equipped with web gear) who was running to the south of the hamlet. He was also engaged and reported as killed. The "Sharks" then began to drop smoke markers near the bodies to mark their locations for subsequent retrieval of weapons and equipment by elements of C Company.

Because of the congestion of air space around My Lai (4), the "War Lord" aero-scout team decided to shift its orbit farther to the southeast and shortly thereafter began to reconnoiter along the coastal peninsula.

From the LZ, the 1st Platoon of C Company had moved east-southeast for about 150 meters and set up its portion of the security perimeter with the 1st Squad on the right (south) and the 2d Squad to the left (north) (see sketch 6-3).

Elements of the 2d Platoon moved approximately 200 meters to the east-northeast and established a partial perimeter extending from the western edge of My Lai (4) back to the northwest.

While the platoons moved to establish the security perimeter, CPT Medina and the command group remained near the center of the LZ (see exhibit P-202).

As the platoons moved away from the LZ, Vietnamese began to appear from various shelters and hiding areas in and around the rice paddies. They were taken under fire by elements of both the 1st and 2d Platoons and a number of them (approximately 4-9) were killed.

The 1st Platoon was halted when it reached the western edge of the hamlet and set up security positions along the dikes in that area, with SGT Mitchell's 1st Squad on the right (south). SSG Bacon's 2d Squad set up to the left (north) flank of the platoon and quickly opened fire on what was reported to be an armed individual or group of armed individuals observed inside the southwestern edge of the hamlet. Most of

the remainder of the platoon then began firing toward the hamlet into "suspected enemy positions" such as bushes, bunkers, and wells, and at Vietnamese fleeing to the southwest of the hamlet.

After halting and attempting to tie in its right flank with the 1st Platoon, the 2d Platoon also began to fire upon Vietnamese in the rice paddies to its north, and placed a heavy volume of fire into the northwestern portion of My Lai (4). Several Vietnamese were hit and apparently killed as a result of this fire.

The second and final lift of C Company departed LZ Dottie at 0738 hours (see exhibit P-27). As the lift ships were making their final approach into the secured LZ, CPT Medina marked the designated touchdown point with smoke and assisted in guiding the ships in. The second lift touched down at 0747 hours (see exhibit P-65 and P-29). As the lift ships were departing the LZ, the lead pilot reported to LTC Barker, who was overhead in his helicopter, that the lift had received fire from one of the surrounding hamlets as they were making their descent into the LZ. Based on this information, the LZ was recorded in the TF Journal as "hot." Neither the helicopters nor their passengers sustained any hits from the fire.

To the south of the LZ, the "Sharks" threw smoke markers near the body of the VC killed previously to the north of Route 521. They requested that Barker dispatch ground elements to the south to retrieve the man's equipment. The "War Lords" who were by that time conducting aerial reconnaissance along the coast, reported to Barker that they had also killed two additional armed enemy south of the LZ. Based on this information, Barker directed Medina to dispatch an element to the south.

Almost immediately after landing, the 3d Platoon Leader (LT [now Mr.] LaCross) received orders from CPT Medina to send an element from his platoon to retrieve the enemy equipment and weapons to the south (see sketch 6-4).

LT LaCross directed his 3d Squad Leader, SP4 (now Mr.) Grimes, to move his men out to the south toward the smoke markers dropped by the "Sharks" gunships. As they moved out (see exhibit P-64), they were accompanied by LaCross, his radio operator, and two 11th Brigade Public Information Office (PIO) men. The remainder of the 3d Platoon and a mortar squad from the company weapons platoon had meanwhile moved a short distance off the LZ to the northwest. They oriented their defensive perimeter generally toward the west.

The remaining elements of the 2d Platoon, who had landed in the second lift, moved rapidly to the northeast and assembled

with the rest of the platoon. After link-up, the platoon was deployed with SGT Hodges' 1st Squad on the left (north), CPL (now SGT) Schiel's 2d Squad in the center, and SGT LaCroix's 3d Squad on the right (south).

The 1st and 2d Platoons were deployed generally along the western edge of the hamlet, and at approximately 0750 hours began moving to the east. As they entered My Lai (4), CPT Medina and the command group moved a short distance to the northeast and set up a temporary command post location outside the hamlet.

2. 0750-0845 Hours: Actions of 3d Platoon, Aviation, and Command Elements Outside of My Lai (4)

At about 0755 hours, LTC Barker contacted his tactical operations center (TOC) at LZ Dottie to notify them that all of C Company's elements were on the ground and that the 3d Platoon element was moving out to secure weapons and equipment from VC killed by the gunships. He also reported that C Company had had no contact as of that time but was informed by the TOC that C Company had already been credited with 15 VC killed. These apparently had been reported previously by CPT Medina.

As LT LaCross and his 3d Squad approached the area where the VC body had been marked by the "Sharks," the smoke markers burned out (see sketch 6-5). They searched the area for a short time but were unable to find the weapon, and consequently began to move back toward the LZ. LT LaCross contacted CPT Medina and advised him that they were returning to My Lai (4). Medina, however, ordered them to remain in that area and continue their search for weapons and equipment. To their south, the "Sharks" had spotted another armed VC running southwest along the southern edge of Route 521. The "Sharks" took him under fire as he evaded toward a small tree line running south from the road.

By 0800 hours, several groups of Vietnamese from My Lai (4) and surrounding subhamlets had begun moving out of the area to the southwest along Route 521. As the "Sharks" fired on the VC south of the highway, many of the Vietnamese squatted along the road. These groups were composed primarily of old men, women, and children.

After apparently killing the armed VC, the "Sharks" began dropping smoke markers on his location and the location of several ammo boxes which the VC had discarded in his attempts to evade. The "Sharks" notified LTC Barker of the details, and LT LaCross' 3d Squad, which was already moving farther south, was told to orient its movement on the "Sharks" smoke markers.

At approximately 0800 hours, LTC Barker was contacted by

MAJ McKnight, who was airborne over the area with COL Henderson, and was informed about the large number of people moving out along Route 521 to the southwest. MAJ McKnight also indicated that COL Henderson's command and control helicopter was orbiting over the departing group of people.

As LT LaCross and SP4 Grimes' 3d Squad approached Route 521, they observed the group of Vietnamese moving to the southwest. The squad took the group under fire (see exhibit P-30). Members of the squad and "Shark" crew members who were overhead testified that from three to 15 Vietnamese were killed by the squad's initial volley (see exhibits P-31, P-38)

Following the killing of the Vietnamese, a part of the 3d Squad remained along the road to search for documents and equipment (see exhibit P-26). The remainder of the squad proceeded across the road to the south. As they crossed the road, a woman (possibly accompanied by a small girl) was observed hiding in a ditch which paralleled the road. "Shark" crew members who were still orbiting over the area observed an individual, followed by a radio operator, shoot and kill the woman (see P-32). (The two PIO men who had accompanied the 3d Squad to the south also observed the woman when she was alive and subsequently saw her after she had been killed.) The squad element then moved farther south and retrieved a weapon and two ammunition boxes, probably from the body of the VC killed by the "Sharks." After recovering the weapon, the soldiers who had gone south of the road, returned to rejoin the rest of the squad.

At approximately 0810 hours, the aero-scout team contacted COL Henderson's helicopter and notified MAJ McKnight that two VC suspects had been separated from the large group of Vietnamese moving to the southwest, and that the two suspects were stripped down (i.e. had taken their shirts off) and were available for pickup. Shortly thereafter, COL Henderson's helicopter landed 400-500 meters southwest of the 3d Squad's location and picked up the two suspects. WO1 (now 1LT) Thompson was pilot of the scout ship that had separated and cornered the suspects.

After assisting COL Henderson with the apprehension of the two VC suspects, WO1 Thompson began aerial reconnaissance of the area around the crest of Hill 85 and discovered a cache of enemy 60mm mortar ammunition. An infantry platoon from the aero-scout company was subsequently inserted on the hill to capture and destroy the ammunition. Because of its involvement with the capture of the ammunition, and because of its return to LZ Dottie for refueling, the aero-scout team was somewhat separated from the actions in and around My Lai (4) from about 0815 hours until after 0900 hours. The "Shark" gunships also returned to LZ Dottie for refueling and rearming between 0845 and 0900 hours.

The 3d Squad left Route 521 and began retracing its route back to the north toward the LZ (see sketch 6-6). En route, members of the squad detected two Vietnamese running southwest from the vicinity of My Lai (4) across the squad's path. They were fired on by the squad and were either killed or wounded. There is evidence to indicate that at least one of the individuals was a child. The evidence also indicates that these two people, or a subsequent group of Vietnamese encountered by the 3d Squad (before reaching the LZ), were killed or "finished off" at close range by a machinegunner working with the squad (see exhibit P-39). As the squad continued north, at least one of its members observed a large group of Vietnamese, under the guard of US soldiers, off to his east near the southern edge of My Lai

The squad returned to the southwest corner of the hamlet at approximately 0845 hours. The entire 3d Platoon then began moving into the western edge of My Lai (4), for the mop-up operation. The PIO men who had accompanied SGT Grimes's squad to the south, observed the squad as it began to burn the houses in the southwestern portion of the hamlet (see exhibits P-60, 59, 69, and 68) and then moved off to the northwest where CPT Medina and the command group were still located just inside the western edge of the hamlet.

3. 0750-0845 Hours: Initial Actions of 1st Platoon Inside My Lai (4)

In the 1st Platoon sector, LT Calley and his radio operator followed behind the right (1st) squad led by SGT Mitchell. The platoon sergeant, SFC Cowan, moved behind SSG Bacon's 2d squad. (The general directions of squad movements shown on sketch 6-7 result from a detailed reconstruction based on witness statements as to location/distance/time where they observed or participated in certain actions. The routes portrayed are at best the central axes of the paths followed by most members of the squads.)

As the 1st Platoon moved into the hamlet, its soldiers began placing heavy fire on fleeing Vietnamese, throwing grenades into houses and bunkers, slaughtering livestock, and destroying foodstuffs. Several witnesses testified to having observed an old Vietnamese man being bayoneted to death by a member of the platoon and to having seen another man thrown alive into a well and subsequently killed with a hand grenade. Several members of the platoon also testified to having participated in "mercy" killings of badly wounded Vietnamese as the platoon advanced. The 1st Platoon's actions in the southwestern portion of My Lai (4) were characterized by one notable, albeit transient, difference from the actions of the 2d Platoon - live detainees were rounded up, in the midst of the scattered killing and destruc-

tion. As the villagers were collected, they were moved generally eastward to the main north-south trail running through the center of the village (see sketch 6-7). After reaching the trail, they were moved south in two main groups toward LT Calley's location. The first group consisted of 60-70 people, comprised primarily of women and children. A few elderly males were also among the group. After reaching the southern edge of the hamlet, the first group was escorted by a few soldiers from the 1st Squad to a ditch located approximately 100-150 meters to the east of the southeastern edge of the village. After reaching the ditch they were herded into it and kept under guard.

A second group of villagers, numbering between 20 and 50, also was moved south along the main north-south trail and then moved out into the rice paddies where they were placed under the guard of several men (probably a fire team) from the 1st Squad. This second group of villagers reached the southern edge of the hamlet at approximately 0830 hours.

4. 0750-0845 Hours: Initial Actions of 2d Platoon and Command Elements in and North of My Lai (4)

As the 2d Platoon entered My Lai (4), LT Brooks (2d Platoon Leader) followed behind the right flank (3d) squad led by SGT LaCroix. Platoon Sergeant Buchanon testified that he generally followed behind SGT Hodges' left flank (1st) squad. CPL Schiel led the 2d Squad located in the center (see sketch 6-8). As the platoon advanced through the northwestern and north-central part of the hamlet, members of the various squads became intermingled with each other and, in some cases, with elements of the 1st Platoon located to their right flank.

Members of the 2d Platoon began killing Vietnamese inhabitants of My Lai (4) as soon as they entered its western edge. The evidence available indicates they neither sought to take nor did they retain any prisoners, suspects, or detainees while in My Lai (4). As they advanced and discovered homemade bunkers or bomb shelters, many of the soldiers yelled "Lai Day" (the Vietnamese words for "come here"). Failing any response from the Vietnamese inside the bunkers, the soldiers tossed fragmentation grenades into the bunkers, and followed up by spraying the inside with small arms fire. Many witnesses also testified that when Vietnamese did respond most of them were shot down as they exited the bunkers. In at least three instances inside the village, Vietnamese of all ages were rounded up in groups of 5-10 and were shot down. Other inhabitants were shot down in the paddies bordering the northern edge of the hamlet while attempting to escape. Women and children, many of whom were small babies, were killed sitting or hiding inside their homes. At least two rapes were participated in and ob-

served by members of the platoon. Most of the livestock and fowl inside the hamlet were also slaughtered. A precise determination of the number of Vietnamese killed by the 2d Platoon is virtually impossible. However, the preponderance of the evidence indicates that at least 50 and perhaps as many as 100 inhabitants, comprised almost exclusively of old men, women, children, and babies, were killed by members of the 2d Platoon while they were in My Lai (4).

As the platoon approached the northeastern portion of the village, LT Brooks received a call from CPT Medina directing him to move the entire platoon to the north to secure two weapons from VC killed earlier by "Shark" gunships which were, by this time, re-marking the location of the VC bodies with smoke. The 2d Platoon exited the northern edge of My Lai (4) at approximately 0830 hours. Up to that time it had taken no casualties, and the preponderance of the testimony strongly indicates it had received no enemy fire.

COL Henderson had continued to orbit the operational area after his pickup of the two VC suspects, and after observing the B Company combat assault, returned to the area where "Shark" gunships were marking the location of the two VC they had killed to the north of My Lai (4). The smoke was used to assist in orienting the movements of the 2d Platoon which was moving north from the hamlet toward the smoke markers. After observing the ground troops move to within 100-150 meters of the two bodies and weapons, COL Henderson apparently departed for LZ Dottie to refuel and drop off the two suspects.

LTC Barker also had been orbiting over the operational area for most of the morning. After coordinating the B Company combat assault on My Lai (1), he made a final check with CPT Medina and then headed back to LZ Dottie for refueling. During the conversation with CPT Medina, he was apparently informed that C Company had accounted for a total of 84 enemy killed. Fifteen enemy killed had been reported earlier by CPT Medina to the TF TOC. En route, LTC Barker contacted the TOC and advised them that he was returning to refuel and would bring them up to date on the results of the operation. LTC Barker arrived at LZ Dottie at approximately 0835 hours. An entry, crediting C Company with the additional 69 enemy killed, was made on the TF Barker Journal as of 0840 hours.

Using the smoke markers of the "Sharks" to guide on, the 2d Platoon found the two VC bodies north of My Lai (4) and retrieved a carbine and an M-1 rifle from nearby. The two VC had been killed while running from the vicinity of the small subhamlet of Binh Tay (see sketch 6-9) located to the northwest of the 2d Platoon's position. The platoon was consequently ordered to proceed to Binh Tay to check it out and reached its southern edge at approximately 0845 hours.

5. 0845-0945 Hours: Location and Actions of Command Elements, and C Company at My Lai (4) and Binh Tay

By 0855 hours, LTC Barker completed his refueling stop at LZ Dottie and was airborne over the operational area.

COL Henderson, who arrived at LZ Dottie at approximately 0845 hours, apparently remained there until after 0950 hours.

Between 0845-0900 hours, the group of villagers (20-50) who had been moved by the 1st Platoon to the south of the hamlet and held under guard in the rice paddies were shot down by members of the platoon (see sketch 6-10). Following the killing, the fire team that had guarded the villagers was sent through the southeastern portion of the hamlet to round up additional villagers and move them farther east to the ditch. LT Calley and the command group moved from south of the hamlet to the east and arrived at the ditch at approximately 0900 hours. SGT Mitchell's 1st Squad (minus a fire team) had set up a defensive perimeter just to the east of the ditch. SSG Bacon's 2d Squad, which was moving through the northeastern portion of the hamlet, subsequently set up defensive positions as the left flank element of the platoon.

The fire team of the 1st Squad, which had searched through the southeastern portion of the hamlet, arrived at the ditch at about 0900 hours and brought with it approximately 10 additional villagers. The villagers were herded into the ditch with the larger group of 60-70. (There has been testimony from Vietnamese witnesses that an additional number of villagers, possibly 50 or more, were either brought to the ditch from surrounding subhamlets or sought refuge in the ditch from the C Company action. Testimony from US personnel to substantiate the Vietnamese statements has not been developed by this Inquiry.) At approximately 0900-0915 hours, Vietnamese personnel who had been herded into the ditch were shot down by members of the 1st Platoon.

Inside the subhamlet of Binh Tay, the 2d Platoon continued the pattern of burning, killings, and rapes which it had followed in My Lai (4). Besides scattered killing which took place inside the subhamlet, a group of Vietnamese women and children (approximately 10-20) were rounded up, brought to the southern end of Binh Tay, and made to squat in a circle. Several 40mm rounds from an M-79 grenade launcher were fired into their midst, killing several and wounding many. The wounded were subsequently killed by small arms fire from members of the platoon. Witnesses from the platoon have testified to observing at least one gang-rape of a young Vietnamese girl, an act of sodomy, and several other rape/killings while inside Binh Tay.

On the LZ, the 3d Squad of the 3d Platoon had returned at approximately 0845 hours from its movement to the south. LT LaCross left the squad and moved to the northwest corner of the hamlet where he conferred with CPT Medina for a short while. CPT Medina told him to have his platoon begin moving through the village for the mop-up operation. LT LaCross followed behind SGT (now Mr.) Smail's 1st Squad on the left (north) flank (see sketch 6-11). SGT Grimes' 3d Squad moved on the southern flank. The platoon, accompanied by SFC Maroney's mortar squad, entered the western edge of the hamlet between 0845-0900 hours. CPT Medina and his command group followed behind the platoon.

After CPT Medina and the command group had moved into the hamlet for a short distance (see sketch 6-12), an old Vietnamese man with two children was apprehended and brought to their location. He was interrogated by SGT Phu, CPT Medina's Vietnamese interpreter (see exhibits P-66 and 67). The old man informed Medina that 30-40 VC had been in My Lai (4) the previous evening but had departed the hamlet that morning prior to the combat assault. (This information was reported and recorded on the 11th Brigade Journal.) The command group then moved farther into the village toward the east and southeast

Forward of the command group, the 3d Platoon went about the destruction of crops and the burning of houses in a thorough and systematic manner (see exhibits P-15, 35, 16, 33, 56, and 14). Throughout the hamlet, members of the platoon and the two PIO men who accompanied them observed the bodies of Vietnamese killed earlier during the 1st and 2d Platoons' advance (see exhibits P-34, 37, and 32). Members of the 3d Platoon slaughtered most of the remaining livestock, and in at least one instance participated in the killing of about five or six seriously wounded Vietnamese to "put them out of their misery" since "they did not give them medical aid."

After completion of his first refueling stop at LZ Dottie, at approximately 0845-0900 hours, WO1 Thompson returned to the My Lai (4) area. MAJ Watke testified that since the "Shark" gunships had departed at this time, he had received permission for the aero-scout team to commence reconnaissance in the area north of Route 521. After arriving in the area, Thompson noticed numerous wounded Vietnamese south of the hamlet and observed the woman killed earlier by the 3d Platoon south of Route 521. Thompson testified that he marked the location of the wounded with smoke and contacted his lower gunship to request that the ground elements provide medical aid to the wounded. (The lower gunship had the only radio with which Thompson could communicate. His transmissions were then relayed by the low gunship to the high gunship which in turn passed the information

on to TF Barker elements over the TF command net). While reconnoitering for additional wounded to the east of the hamlet, his crew chief spotted the ditch containing the bodies of Vietnamese killed earlier by the 1st Platoon. Seeing that some of the Vietnamese were still alive, Thompson landed between the ditch and the 1st Platoon's defensive perimeter at approximately 0915-0930 hours. While on the ground, he spoke to a fire team leader in the 1st Squad and then with LT Calley. Thompson testified that the sergeant's response to his question about helping the wounded was to the effect that the only way he could help them was to kill them. Thompson states that he thought the sergeant was joking. (The substance of Thompson's conversation with LT Calley is unknown, inasmuch as Thompson did not recall LT Calley at the ditch and LT Calley elected to remain silent before this Inquiry. Several members of the 1st Platoon, including the sergeant with whom WO1 Thompson spoke, testified or made sworn statements that LT Calley and WO1 Thompson did talk with each other during the incident at the ditch.) Thompson subsequently took off, and his crew chief observed a sergeant shooting into the ditch. Thompson did not personally observe the shooting.

Following WO1 Thompson's departure, several members of the 1st Squad of the 1st Platoon were ordered to return to My Lai (4) to assist the 3d Platoon in searching the eastern portion of the hamlet.

In the subhamlet of Binh Tay, the killing and rapes of Vietnamese by the 2d Platoon were stopped when LT Brooks received an order from CPT Medina at approximately 0915-0930 hours telling him to "cease fire" or "stop the killing," to round up the remaining inhabitants and move them out of the area, and to burn the houses. (Whether this same order was also received by the 1st and 3d Platoons is not entirely clear inasmuch as additional killing, involving members of both the 1st and 3d Platoons, apparently did occur after this time. The basis for CPT Medina's order is even less clear. Since Medina and the command group were apparently moving inside My Lai (4) at this time, what Medina observed inside the hamlet may have caused him to issue the 0915-0930 order. If that were the case, however, it would appear that the same order would also have been issued to the 1st and 3d Platoons. The evidence indicates that killing by members of the company, except for those in the 2d Platoon, continued until at least 1015 hours.) Testimony conclusively indicates that following receipt of the order from CPT Medina, the remaining inhabitants of Binh Tay (consisting of about 50-60 people) were rounded up by the 2d Platoon and instructed to move out of the area. They departed to the southwest without further harm being done to them.

6. 0945-1045 Hours: Continuing Actions Involving C Company and Aviation Elements Around My Lai (4) - Return of 2d Platoon From Binh Tay

Following WO1 Thompson's departure from the ditch east of My Lai (4), several members of the 1st Platoon returned to the hamlet to assist the 3d Platoon in clearing the eastern portion. They became intermingled with members of the 3d Platoon in the vicinity of the main north-south trail running through the center of the hamlet (see sketch 6-13). Various members of both platoons observed numerous dead Vietnamese along the north-south trail inside the hamlet and several drifted far enough to the south that they observed the group killed earlier in the rice paddies (see exhibit P-41). During the time that the two elements were together, additional killings also took place. In one incident, a group of 7-12 women and children were herded together, and members of the 3d Platoon attempted to rip the blouse off a Vietnamese girl. They halted their attempts after observing that the PIO photographer was near their location and had taken a picture of the scene (see exhibit P-40). The women and children were then killed.

At approximately 0930-0945, the 2d Platoon departed Binh Tay and headed southeast toward the northeastern corner of My Lai (4) (see sketch 6-14). As they approached My Lai (4) some of the members of the platoon re-entered the northern edge of the hamlet. Other elements of the platoon apparently moved farther to the east toward a point where they were eventually to establish a part of the company's defensive perimeter. The platoon arrived in the area at approximately 0945-1000 hours.

Following the ditch incident with the 1st Platoon, WO1 Thompson had returned to the area south of My Lai (4) where he had earlier marked the positions of wounded Vietnamese. He testified that he contacted his low gunship to request that ground elements be sent to assist the wounded. His intent was evidently misunderstood by the gunships, for at approximately 0945 hours the high gunship contacted LTC Barker and identified the wounded/killed to the south of My Lai (4) as "8-9 'dinks'... with web gear and everything." The gunship also suggested that ground elements pick up the web gear and equipment from the bodies. (The probability that Thompson's message was either garbled or misunderstood by the gunships is further substantiated by the fact that during the events which followed there is no evidence to indicate that either wounded or killed VC (or any enemy equipment) were discovered by the C Company command element.)

After directing CPT Medina to recover the equipment from the bodies being marked by Thompson, LTC Barker proceeded to the B Company area where he landed to pick up three soldiers wounded by a boobytrap. He had his command and control hel-

icopter then drop him off at LZ Dottie at approximately 0950 hours, while the B Company wounded were flown to a medical facility at Chu Lai.

The C Company command group had exited the southern edge of My Lai (4) at approximately 0930-0945 hours (see sketch 6-15). They moved farther south after CPT Medina received LTC Barker's call indicating that VC bodies and weapons were being marked by smoke in that area. CPT Medina testified that he decided to check the area out himself since the platoons were engaged elsewhere. He stated that en route to the smoke markers he observed three dead Vietnamese, consisting of a man, a woman, and a child (see sketch 6-15). Both he and LT (now Mr.) Alaux, his artillery forward observer (FO), testified that the appearance of the bodies indicated they had been killed by artillery or gunships. LT Alaux also testified that as they were approaching the smoke, he believes someone in the command group fired at and hit a fleeing Vietnamese who was subsequently determined to be a woman. (The details surrounding CPT Medina's subsequent killing of the woman are, of course, a matter of current criminal investigation. CPT Medina admitted shooting the woman. The truth concerning the circumstances which caused him to shoot her is outside the scope of this Inquiry). Following the shooting of the woman, CPT Medina and the command group searched the surrounding area for a short while, and then headed back toward My Lai (4).

LT LaCross, 3d Platoon Leader, reached the northern edge of the hamlet and tried unsuccessfully to contact CPT Medina by radio. He testified that he wanted Medina to pass on to LT Brooks that he (LaCross) had spotted 15-20 Vietnamese males running in the vicinity of Binh Tay. LT LaCross' platoon medic testified that LaCross had tried, unsuccessfully, to contact Medina in an effort to find out the reason for all the killing. In any event, LaCross decided to move south to personally contact Medina who was then approaching the southern edge of the hamlet from the southwest. LaCross went south on the main north-south trail as he traveled to meet Medina.

After the command group returned to My Lai (4) (see sketch 6-16), CPT Medina spoke to LT LaCross for a few minutes and then directed him to return to the northern part of the hamlet to complete the sweep through the eastern edge of the hamlet. Evidence indicates that during the time frame in which Medina spoke to LaCross, various members of the command group strayed from Medina's location and were involved in random killing of wounded Vietnamese located in the vicinity of the intersection formed by the north-south trail and the east-west trail at the southern edge of the hamlet. After LaCross left, Medina proceeded farther east, along the east-west trail, and observed the bodies of the villagers located to the south in the rice paddies. He testified that he observed 20-24 bodies. He did not

examine the bodies to actually determine the cause of death, but testified that he considered them "innocent civilians." There is evidence that during the time he observed the bodies, a member of his command group also shot and killed a small child who was standing, crying, in the midst of the group of bodies.

Following the incident involving CPT Medina's shooting of the woman, WO1 Thompson continued to reconnoiter the area east of My Lai (4). While so engaged, Thompson's crew chief spotted a bunker occupied by Vietnamese children (see sketch 6-17). Thompson observed US troops approaching the area and landed near the bunker. SP4 (now Mr.) Colburn, Thompson's door gunner, testified that Thompson told his crew that if the American troops fired on the Vietnamese, while he (Thompson) was trying to get them out of the bunker, the crew was to fire back at them. Thompson then got out of the aircraft. Thompson testified that he spoke with a lieutenant and told him there were women and children in the bunker, and asked if the lieutenant would help get them out. According to Thompson, "he [the lieutenant] said the only way to get them out was with a hand grenade." Thompson testified he then told the lieutenant to "just hold your men right where they are, and I'll get the kids out." (In June 1969, Thompson identified the lieutenant, from a personnel lineup, as having been LT Calley. While the evidence is clear that Thompson had spoken to LT Calley earlier at the ditch, there is evidence to indicate that it was probably the 2d Platoon leader, LT Brooks, who talked with Thompson at the bunker.) Thompson then walked over to the bunker, motioned for the Vietnamese to come out, and discovered that there were approximately 12-16 people consisting of one or two old men, several women, and children. Thompson then went back to his aircraft and called the low gunship pilot, WO1 (now CW2) Millians. He asked Millians to set down and assist in the evacuation. WO1 Millians landed just north of the bunker. He subsequently made two or three trips to evacuate the Vietnamese from the bunker to a safe area southwest of My Lai (4) along Route 521.

WO1 Thompson, WO1 Millians, and other "War Lords" crew members who were airborne over the area during this time, testified that several large groups of bodies were clearly visible from the air - one group was located along Route 521, another in the ditch, a further one south of the hamlet, and another north of the hamlet.

COL Henderson testified that after departing LZ Dottie (at approximately 1000 hours) he returned to and overflew the operational area for a period of time. He departed the area at approximately 1030 hours.

After observing the bodies of the villagers located in the

rice paddies to his south, CPT Medina and the command group probably moved east from the intersection of the north-south trail and east-west trail (see sketch 6-18). As they were moving, CPT Medina received a report that a member of the 1st Squad, 1st Platoon, had been wounded inside the village. The soldier, PFC (now Mr.) Carter, shot himself through the foot while trying to clear his .45 caliber pistol. This pistol jammed while being used by a member of CPT Medina's command group. Several members of the squad testified that the pistol was used to finish off wounded Vietnamese, including one 4-5 year old child.

Carter's wound was initially treated inside the village where he had discharged the weapon (see exhibits P-6 and 7). He was then carried south on the north-south trail (see exhibit P-9) and was held near the north-south and east-west trail intersection until a medical evacuation helicopter could be provided (see exhibits P-8, 10, and 36.)

LTC Barker's command and control helicopter, which had just returned from taking the B Company wounded to Chu Lai, was dispatched to My Lai (4) to pick up Carter and return him to LZ Dottie. LTC Barker remained at Dottie during the medical evacuation.

LTC Barker's helicopter arrived in an area just southwest of the intersection of the two trails and Carter was brought out into the rice paddy for pickup (see exhibits P-11 and 12). The copilot of the helicopter testified that he observed the group of bodies on the north-south trail, while waiting for Carter to be put aboard. Carter was evacuated to LZ Dottie at 1025 hours.

Following Carter's medical evacuation, the command group remained in the general area of the intersection for approximately 15-20 minutes (see sketch 6-19). Several witnesses testified that during this period, a few remaining Vietnamese were rounded up and interrogated by CPT Medina and the attached military intelligence (MI) team, while most of the command group rested (see exhibits P-4, 3, 2, and 13). There is some evidence to indicate that one of the Vietnamese, an elderly male, may have been shot and killed by a Vietnamese interpreter, subsequent to interrogation.

During this same period, the attached PIO and MI teams requested and received a helicopter to take them from My Lai (4) to the B Company area (see Exhibit P-17).

At approximately 1030-1045, CPT Medina received an order from MAJ Calhoun, TF S3, to "stop the killing" or "stop the shooting." CPT Medina testified that he assumed the order was

generated by the helicopter pilot (WO1 Thompson) having observed his shooting of the woman. MAJ Calhoun admits that he issued such an order, but was not clear as to the timing involved. His testimony is also inconclusive as to whether the order was based on an accumulation of indicators of unnecessary killing of civilians by TF elements or merely the report of the Medina/woman incident.) Following the issuance of the order to all of his platoon leaders, CPT Medina and the command group began to move to the northeast through the hamlet (see sketch 6-19). 1LT Alaux, who was with CPT Medina throughout the operation, testified that during this time he observed 17-18 bodies along the north-south trail inside the hamlet and had observed a total of 60-70 throughout the area, excluding those probably killed in bunkers.

7. 1045-1330 Hours: Actions Involving C Company and Aviation Elements East of My Lai (4)

WO1 Thompson testified that following the evacuation of the Vietnamese from the bunker, he again flew over the ditch to the east of the hamlet. Observing that some of the Vietnamese in the ditch were still alive, he stated that he landed his helicopter in approximately the same area as on his first trip. According to Thompson and his door gunner, the door gunner and crew chief went down into the ditch and found a small boy who was slightly wounded. The door gunner and crew chief told Thompson that others were still alive in the ditch at the time, but since the OH-23 had room for only one person (the boy was held on the crew chief's lap) the boy was evacuated to the Vietnamese hospital at Quang Ngai. Following this, Thompson and his crew returned to LZ Dottie, where Thompson contacted his company commander, MAJ Watke, and rendered what is now referred to as the "Thompson Report" (see chap 10).

After reaching the eastern edge of My Lai (4), CPT Medina stopped, ordered a lunch break, and called a meeting with his platoon leaders. MAJ Calhoun arrived over the area in LTC Barker's helicopter at approximately 1145. During the time that he was over the area, he received from LTC Barker and relayed to CPT Medina an order to make sure there was no unnecessary killing/burning or words to that effect. Barker's order was apparently issued in response to information which he had received from MAJ Watke concerning the "Thompson Report".

At approximately 1245 hours, WO1 Thompson returned to the My Lai (4) area, and while in the process of conducting low-level reconnaissance of the area, his helicopter struck some tree limbs, suffered minor damage to its main rotor blade, and he had to land near C Company positions. An element from the company secured the helicopter for a short while

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until the rotor blade was checked and Thompson departed for LZ Dottie.

COL Henderson returned to the operational area at approximately 1330 hours. He testified that he overflew the area at least twice during the afternoon. LTC (now COL) Luper, who had flown with COL Henderson during the morning hours, testified that during the morning he had observed approximately 15-20 bodies south of My Lai (4). SGT (now Mr.) Adcock, COL Henderson's radio operator, testified that during their overflights of My Lai (4) during the morning hours, he had also observed 35-40 bodies from the air.

8. 1330 Hours: Summary of Results of C Company Actions In and Around My Lai (4)

Based exclusively on the testimony of US personnel who participated in or observed the actions in and around My Lai (4) on 16 March, it is evident that by the time C Company was prepared to depart the area, its members had killed no less than 175-200 Vietnamese men, women, and children. The company suffered only the one casualty previously discussed. From among the group of Vietnamese killed, the evidence indicates only three or four confirmed VC. There were quite possibly several unarmed VC (men and women) among the group and many more who were active and passive supporters of and sympathizers with the VC forces. Three enemy weapons, and allegedly several sets of web gear and grenades were also captured. There is no substantive evidence to indicate that the company received any enemy fire or any other form of resistance during its movement through the area.

The Vietnamese casualty figures cited above are based on those incidents in and around My Lai (4) (including the subhamlet of Binh Tay) wherein clearly identifiable killings of Vietnamese (individuals and groups) were testified to and corroborated by US witnesses who were on the scene. It is considered that the figures are conservative as many of the Vietnamese killed inside bunkers and houses were not observed by the witnesses. The figures do not include additional killings which may have taken place as C Company passed through the several subhamlets east of My Lai (4) en route to their night defensive position, nor do they include additional killings which did take place late on the afternoon of 16 March, after C Company had reached the night defensive position.

In a separate study (see exhibit M-124) the Criminal Investigation Division (CID) agency estimates that 347 Vietnamese residents of My Lai (4) were killed on 16 March. This figure, which is based on a population census of My Lai (4) (i.e. before and after the 16 March operation) does not include

Vietnamese who lived in the several subhamlets around My Lai (4) (such as Binh Tay) nor does it include those who may have come to My Lai (4) from surrounding subhamlets on the morning of the operation.

Additional killings which apparently occurred in the B Company area are not included in the 175-200 figure cited above nor in the CID agency's estimate.

9. 1330-1530 Hours: Movement of C Company From My Lai (4) to Night Defensive Position

At approximately 1330 hours, C Company departed My Lai (4) and moved northeast toward the link-up position with B Company. C Company apparently brought no detainees from the My Lai (4) area. En route, however, the 2d Platoon which was moving on the northern flank of the company passed through the subhamlet of My Lai (5) (Binh Dong) and rounded up approximately 50-75 villagers. Eight to 10 military aged males were separated from the group and were taken with the company to the night defensive position. The remainder of the villagers were told by CPT Medina's interpreter to move out of the area and head southwest toward Quang Ngai City.

There was some testimony to the effect that additional killing and burning of houses occurred as C Company elements passed through subhamlets east of My Lai (4). The preponderance of the testimony, however, does not support this contention.

10. 1530-1700 Hours: The Night Defensive Position

After reaching the night defensive position and linking up with B Company, the VC suspects who had been brought into the area by both C Company and B Company were interrogated by the Vietnamese National Police. The police had been brought into the area via helicopter by the S2. The S2 also participated in the interrogation. During the course of the interrogation, one of the suspects was tortured and maimed. He was subsequently shot and killed along with several (1-7) additional suspects. Both the torture and the killings were witnessed by a significant number of C Company soldiers and officers. (This matter is also currently under investigation by the CID.)

At 1555 hours, CPT Medina notified the TF headquarters that approximately 10-11 women and children had been killed (earlier) by gunships or artillery, but were not included in his previous report of enemy killed.

B. OPERATIONS ON 17 MARCH

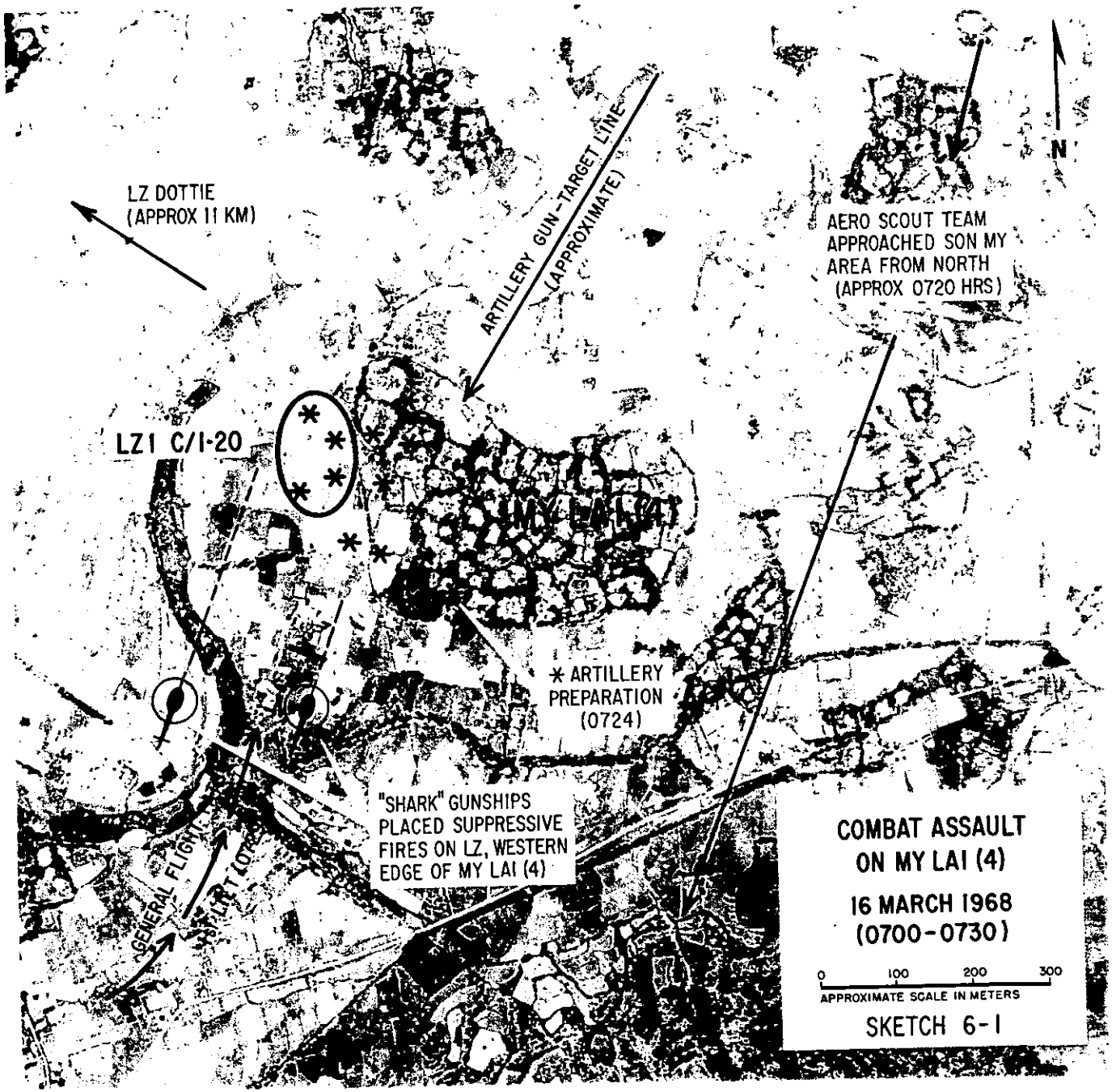
C Company departed the night defensive position early on

the morning of 17 March and moved toward the south (see sketch 6-20). As the lead elements of the company passed to the east of Hill 85, the 1st Platoon, which was on the right (western) flank of the company, was ordered to establish an observation post on the high ground. CPT Medina testified the observation post was set up to detect any efforts by the VC to flank or strike the rear of the company. In the process of establishing the outpost, the 1st Platoon's point man detonated and was severely wounded by an enemy mine or boobytrap. He was evacuated by helicopter at 1000 hours. The platoon then rejoined the company.

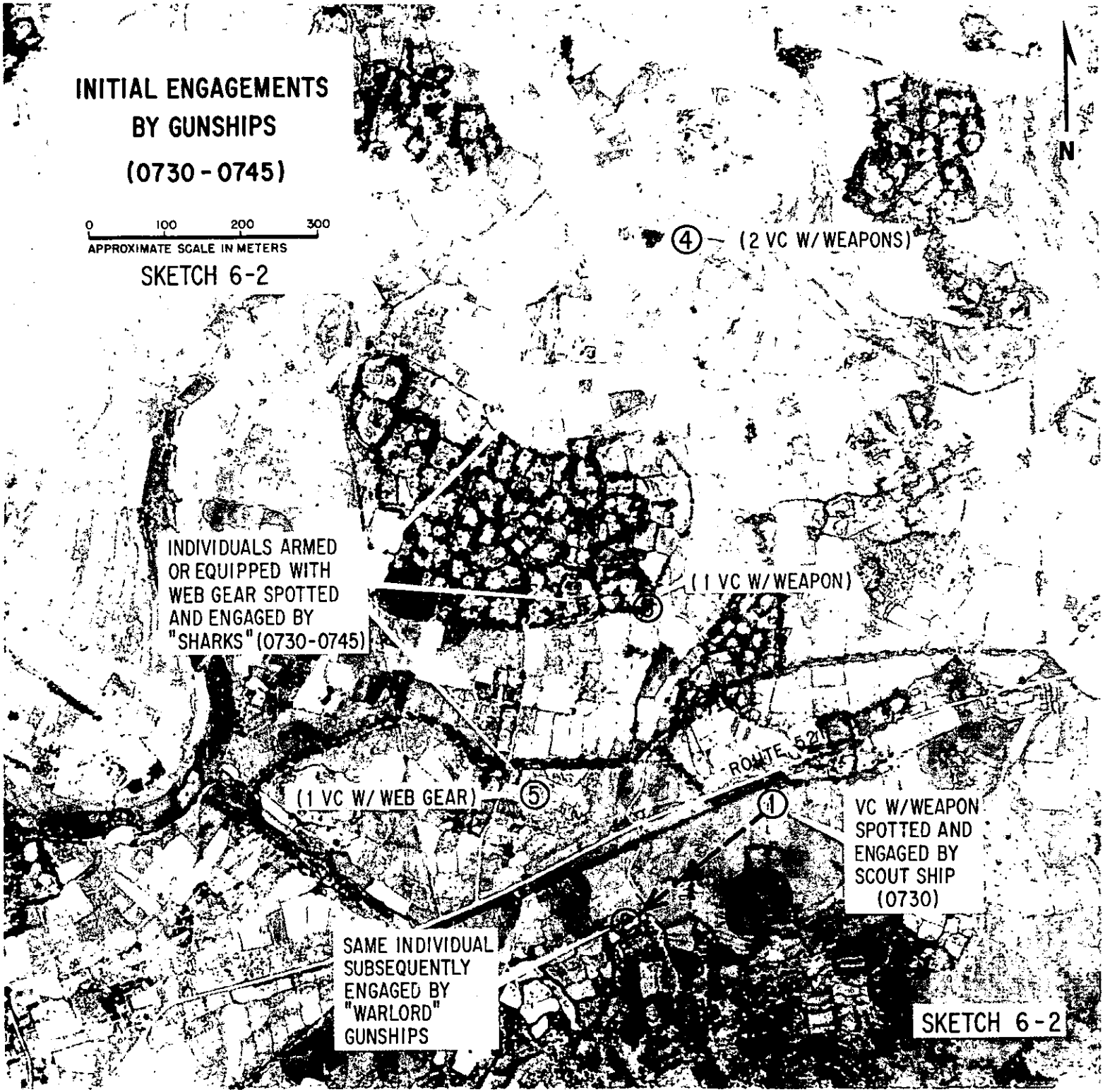
As C Company moved south through the subhamlets of My Khe (3), (1), and (2) it burned the houses in those areas. CPT Medina testified that the subhamlets were deserted and that he had received permission to destroy the houses. As My Khe (2) was being burned, members of the 1st Platoon detected and apprehended four suspects consisting of three males, and one female who was brought to CPT Medina's location with her blouse off.

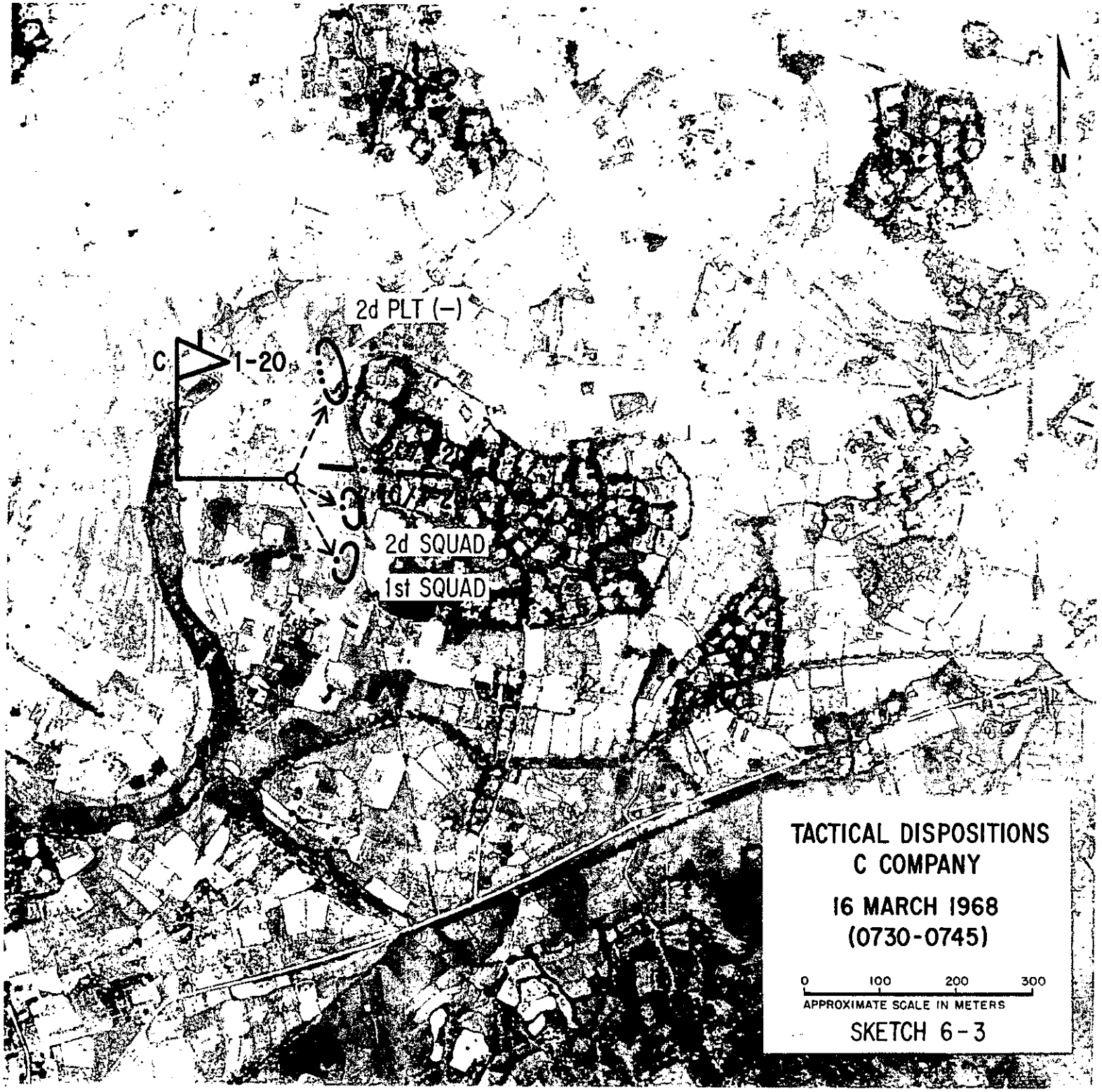
During interrogation of the suspects, CPT Medina testified that two of the males were identified as VC and the female as a VC nurse. He admitted hitting one of the male suspects sufficiently hard to cause profuse bleeding from a skin laceration. He also testified to the effect that after discussing this individual with SGT Phu (his Vietnamese interpreter) he decided to make the suspect "talk." CPT Medina placed the individual against a tree and testified to the effect that he personally induced the suspect to "talk" by firing an M-16 round into the tree approximately 8 inches over the man's head (from a distance of 10-15 meters). Failing a response from the individual, CPT Medina fired a second round from the same distance to a point 4-5 inches over the man's head. After indicating to the individual that the third round would hit "right between the eyes," CPT Medina then moved away to fire a third round. Medina testified the man talked before the third round was fired and that he admitted being a "card carrying member in the Communist Party for 13 years." CPT Medina's recollection of firing over the man's head is essentially substantiated by the testimony of many other C Company witnesses. The testimony of several witnesses also indicates that the female suspect may have been mistreated during this same period. The suspects were subsequently evacuated from the area by helicopter. A readout of official interrogation reports concerning the four suspects indicates that two of the males and the female were subsequently classified as civil defendants. The remaining male was classified as a VC.

Following interrogation of the VC suspects, C Company turned back to the north toward their night defensive position arriving at that location by late evening.


LZ DOTTIE
(APPROX 11 KM)
ARTILLERY GUN-TARGET LINE
(APPROXIMATE)
AERO SCOUT TEAM
APPROACHED SON MY
AREA FROM NORTH
(APPROX 0720 HRS)
N
LZ1 C/I-20
MY LAI (4)
* ARTILLERY
PREPARATION
(0724)
"SHARK" GUNSHIPS
PLACED SUPPRESSIVE
FIRES ON LZ, WESTERN
EDGE OF MY LAI (4)
GENERAL FLIGHT
FLIGHT LOT
COMBAT ASSAULT
ON MY LAI (4)
16 MARCH 1968
(0700-0730)
0 100 200 300
APPROXIMATE SCALE IN METERS

SKETCH 6-1

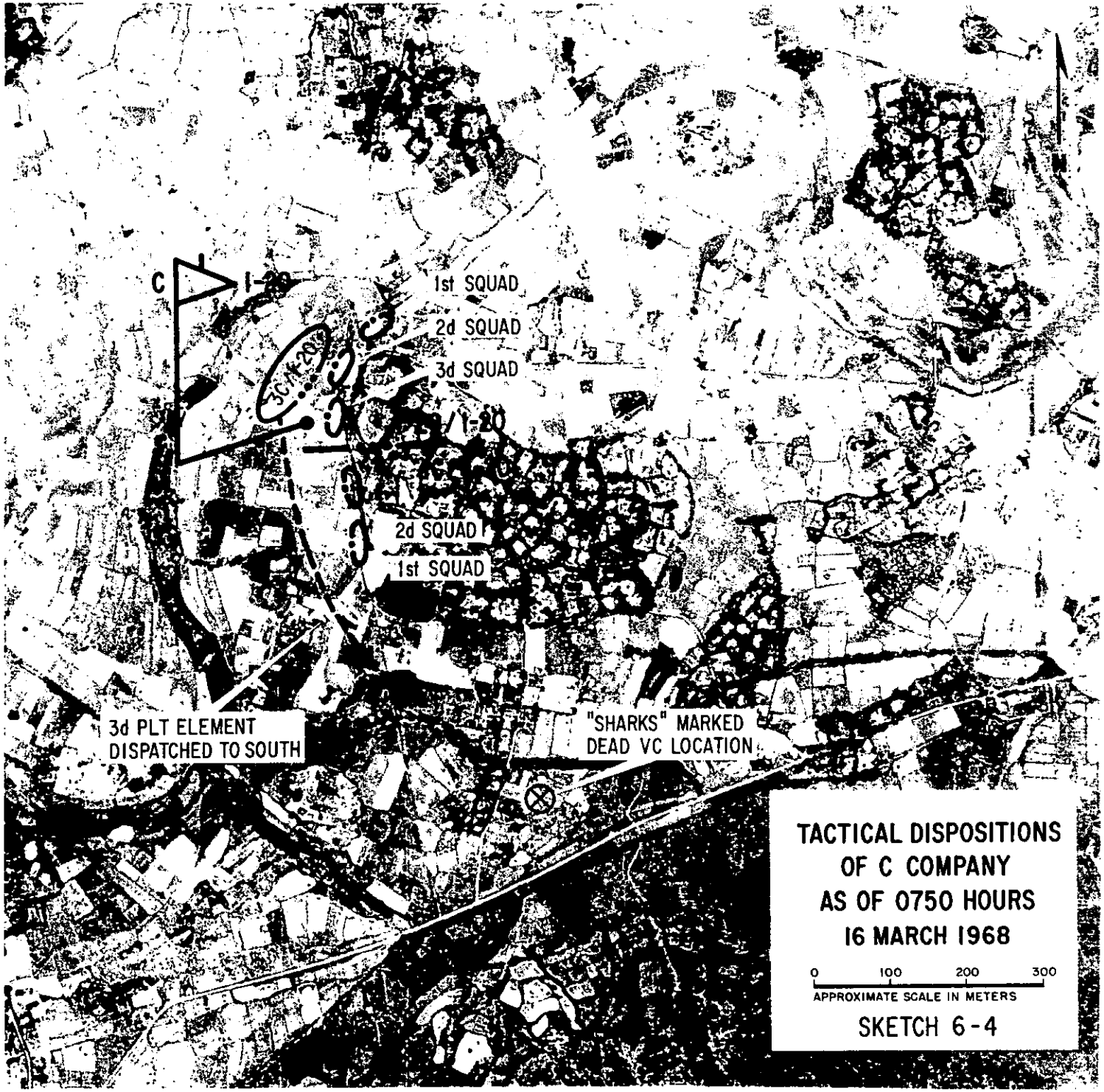

INITIAL ENGAGEMENTS
BY GUNSHIPS
(0730 - 0745)
0 100 200 300
APPROXIMATE SCALE IN METERS
SKETCH 6-2
N
④ (2 VC W/WEAPONS)
INDIVIDUALS ARMED OR EQUIPPED WITH WEB GEAR SPOTTED AND ENGAGED BY "SHARKS" (0730-0745)
(1 VC W/WEAPON)
ROUTE 521
(1 VC W/ WEB GEAR) ⑤
①
VC W/WEAPON SPOTTED AND ENGAGED BY SCOUT SHIP (0730)
SAME INDIVIDUAL SUBSEQUENTLY ENGAGED BY "WARLORD" GUNSHIPS
SKETCH 6-2



TACTICAL DISPOSITIONS
C COMPANY

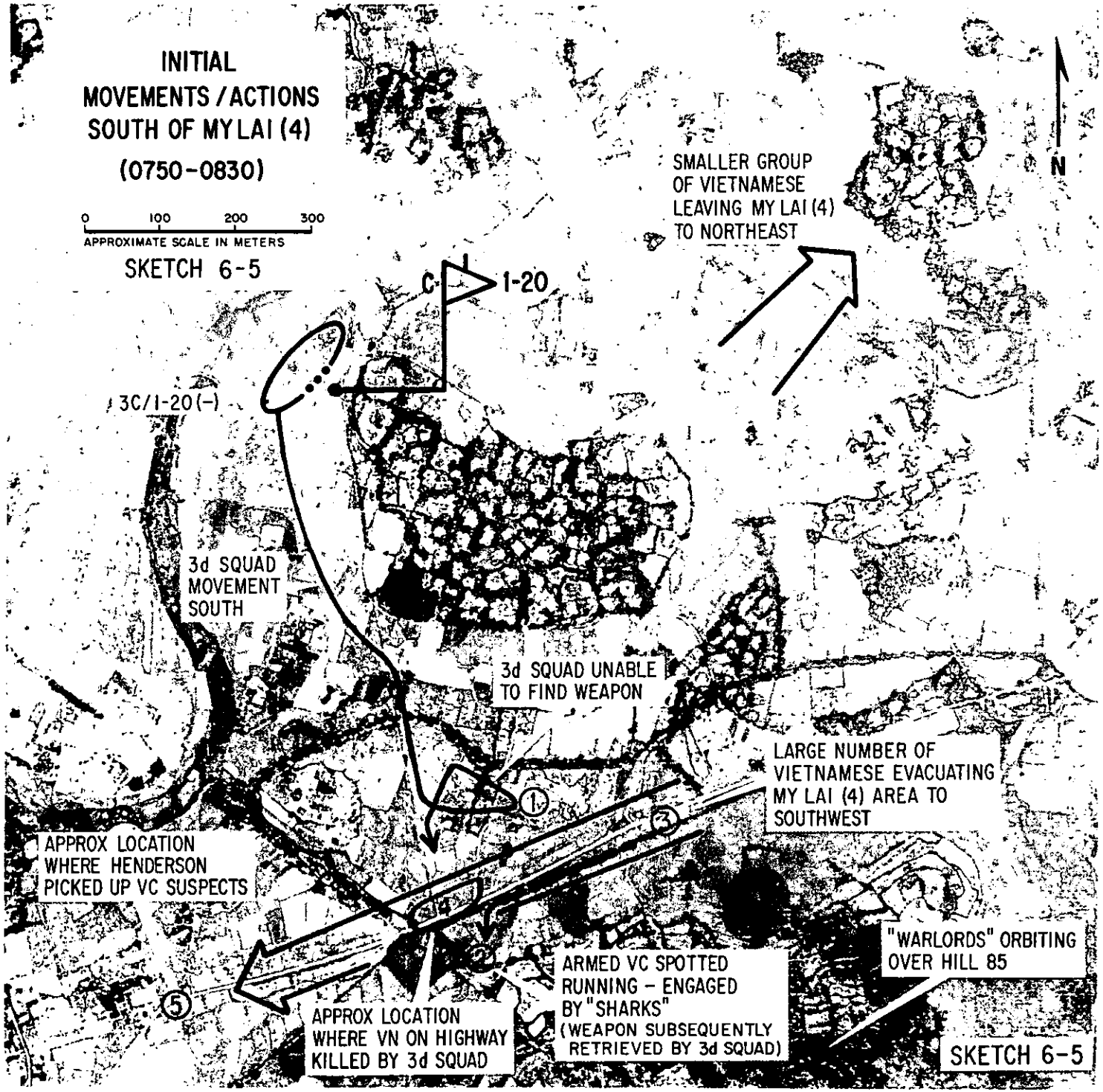
16 MARCH 1968
(0730-0745)

SKETCH 6-3



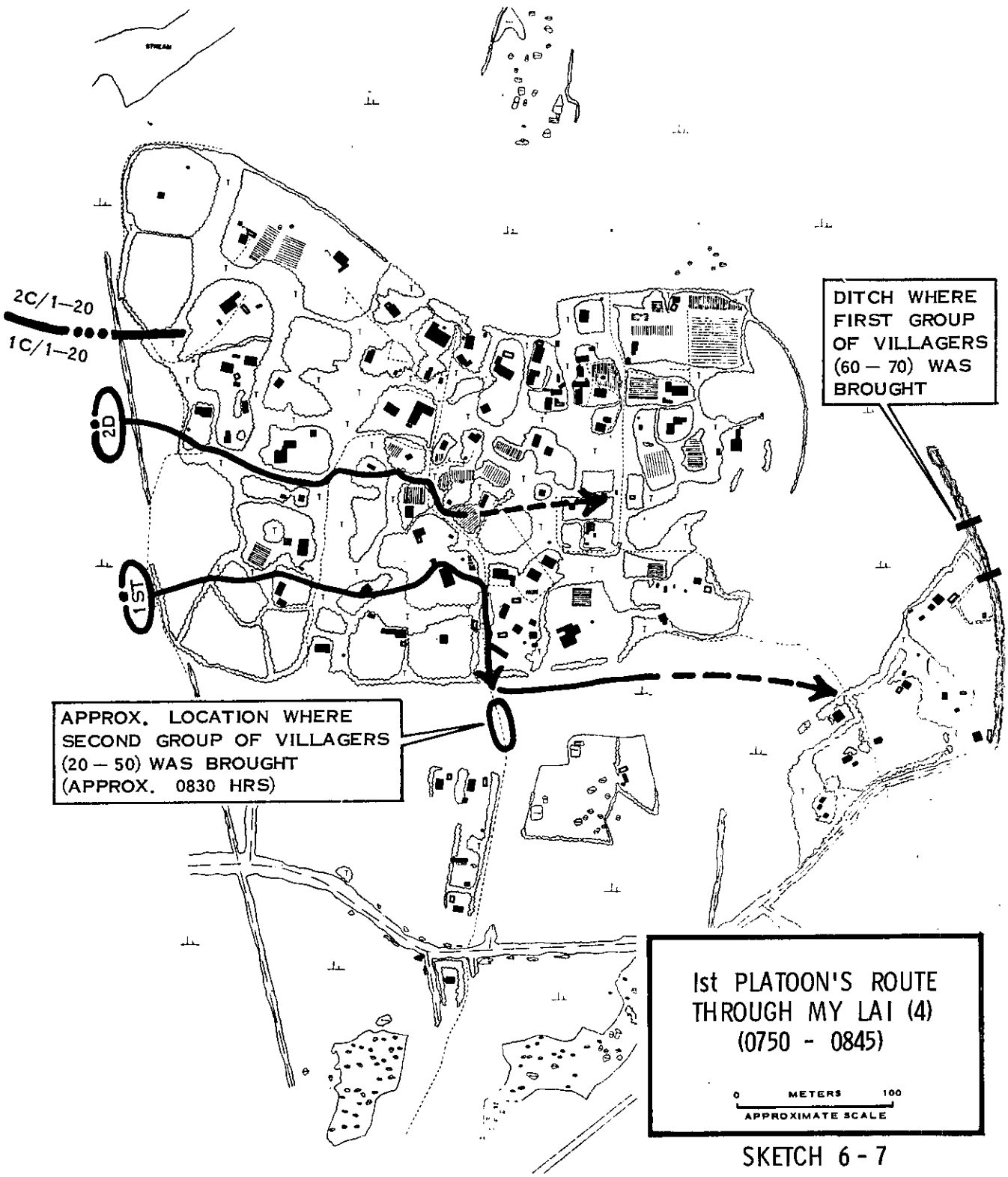
TACTICAL DISPOSITIONS
OF C COMPANY
AS OF 0750 HOURS
16 MARCH 1968

SKETCH 6-4

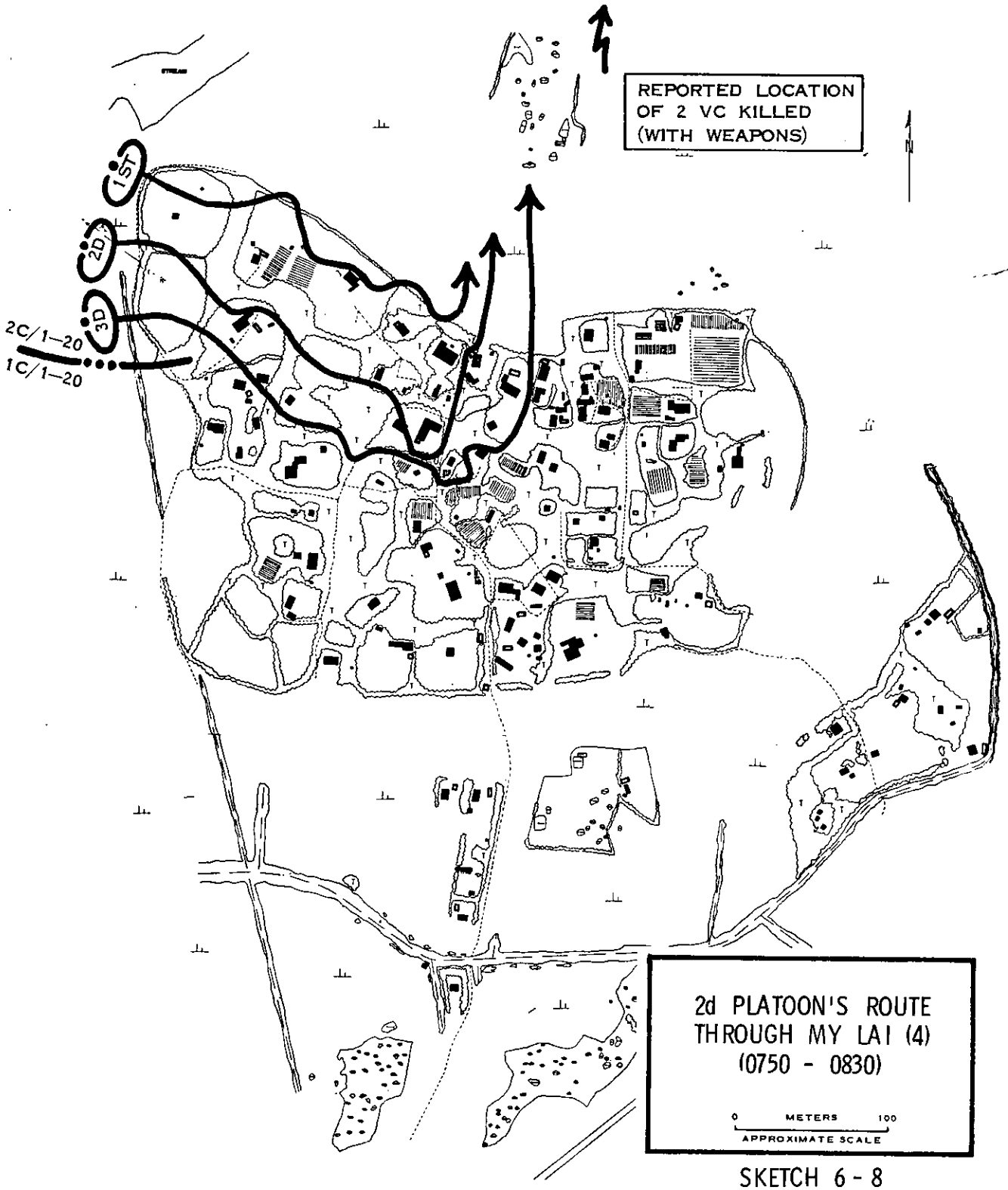

INITIAL
MOVEMENTS / ACTIONS
SOUTH OF MY LAI (4)
(0750-0830)
0 100 200 300
APPROXIMATE SCALE IN METERS
SKETCH 6-5
N
C
1-20
SMALLER GROUP
OF VIETNAMESE
LEAVING MY LAI (4)
TO NORTHEAST
3C/1-20(-)
3d SQUAD
MOVEMENT
SOUTH
3d SQUAD UNABLE
TO FIND WEAPON
LARGE NUMBER OF
VIETNAMESE EVACUATING
MY LAI (4) AREA TO
SOUTHWEST
APPROX LOCATION
WHERE HENDERSON
PICKED UP VC SUSPECTS
"WARLORDS" ORBITING
OVER HILL 85
ARMED VC SPOTTED
RUNNING - ENGAGED
BY "SHARKS"
(WEAPON SUBSEQUENTLY
RETRIEVED BY 3d SQUAD)
APPROX LOCATION
WHERE VN ON HIGHWAY
KILLED BY 3d SQUAD
SKETCH 6-5

MOVEMENT / ACTIONS
BY 3d SQUAD, 3d PLATOON
ENROUTE BACK TO LZ
(0830-0845)

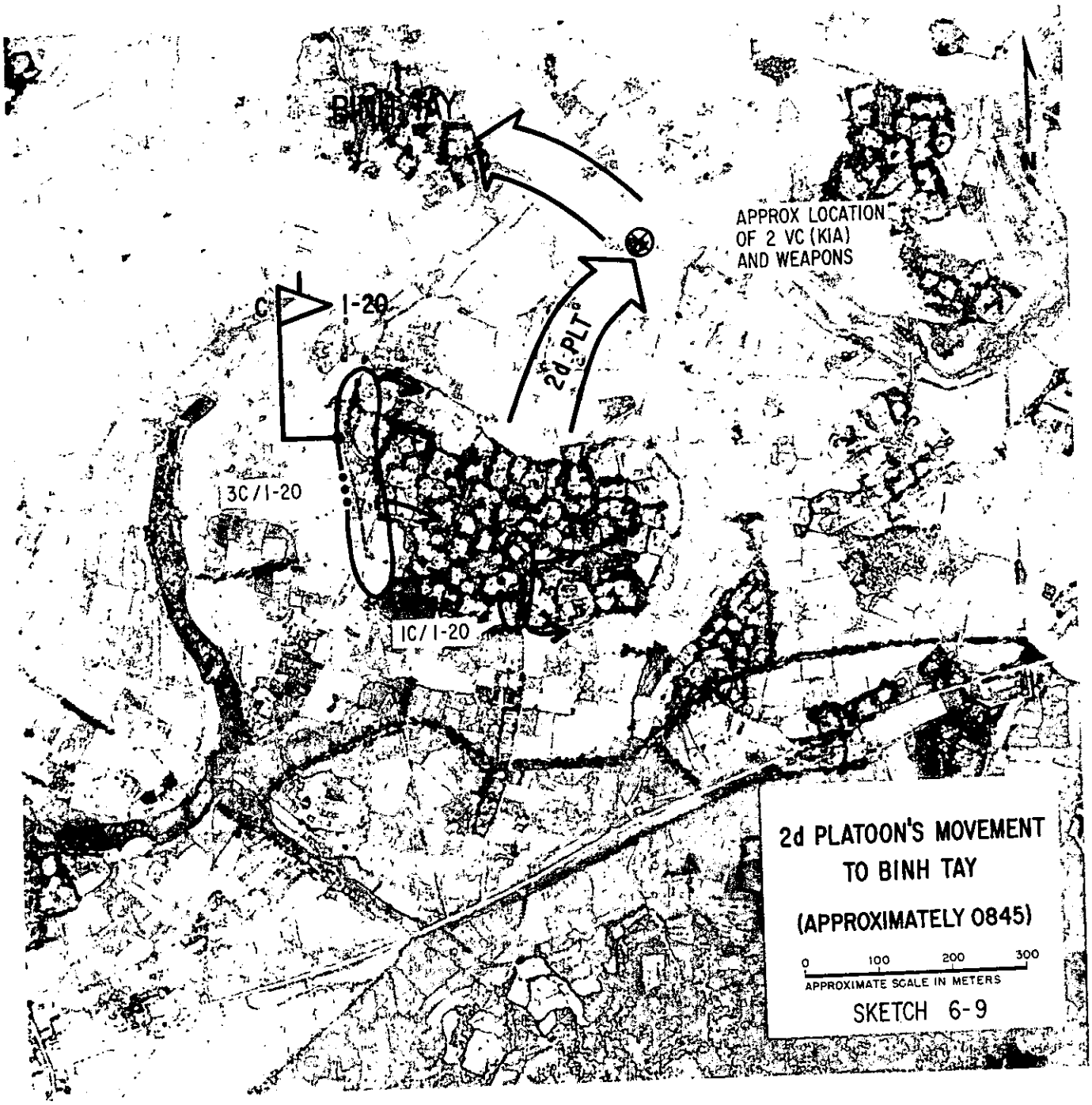
SKETCH 6-6


STREAM
2C/1—20
1C/1—20
2D
1ST
DITCH WHERE FIRST GROUP OF VILLAGERS (60 — 70) WAS BROUGHT
APPROX. LOCATION WHERE SECOND GROUP OF VILLAGERS (20 — 50) WAS BROUGHT (APPROX. 0830 HRS)
1st PLATOON'S ROUTE THROUGH MY LAI (4) (0750 - 0845)
0 METERS 100
APPROXIMATE SCALE

SKETCH 6 - 7


REPORTED LOCATION
OF 2 VC KILLED
(WITH WEAPONS)
N
1ST
2D
3D
2C/1-20
1C/1-20
2d PLATOON'S ROUTE
THROUGH MY LAI (4)
(0750 - 0830)
0 METERS 100
APPROXIMATE SCALE

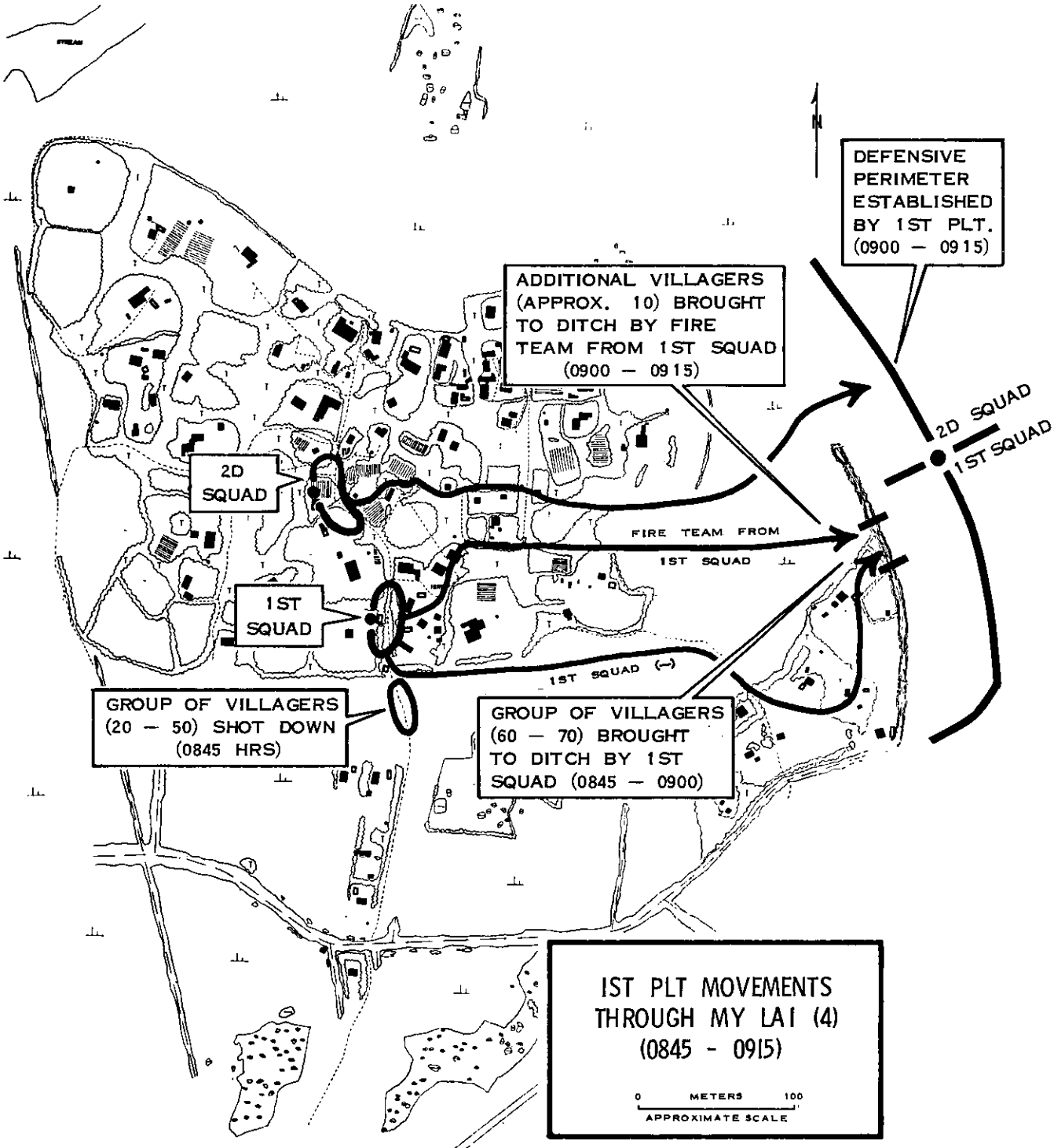
SKETCH 6 - 8



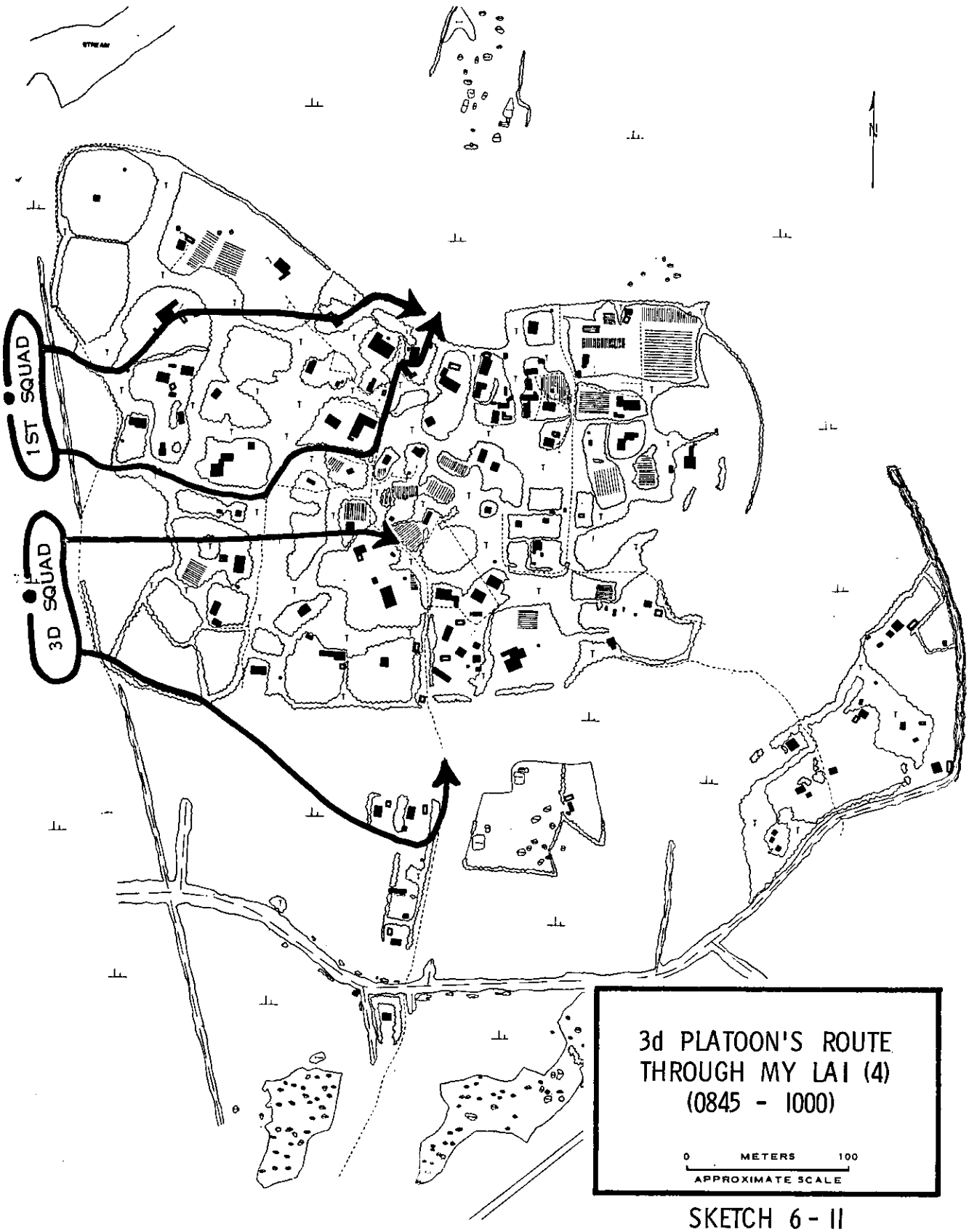
2d PLATOON'S MOVEMENT TO BINH TAY

(APPROXIMATELY 0845)

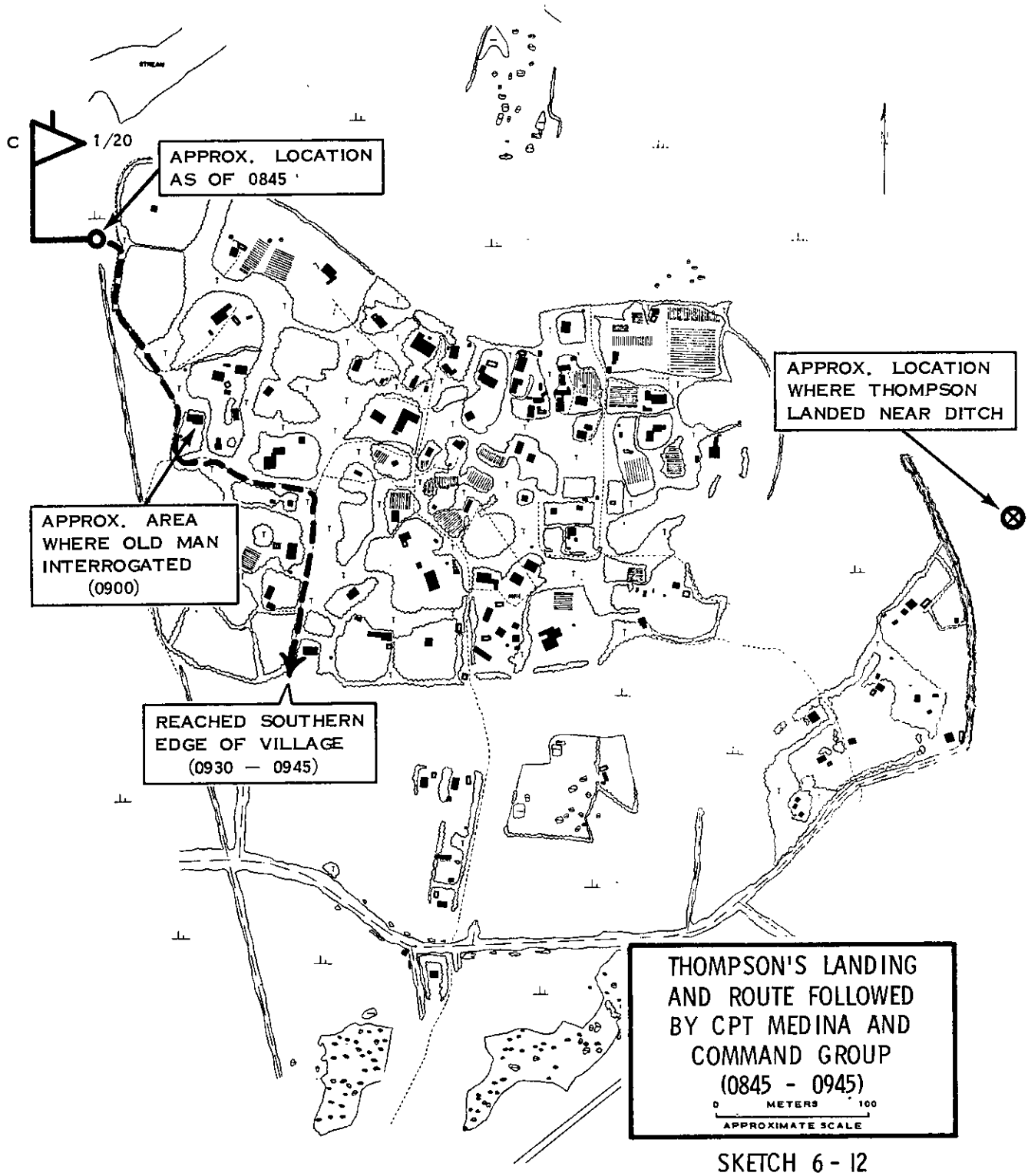
SKETCH 6-9


DEFENSIVE PERIMETER ESTABLISHED BY 1ST PLT. (0900 — 0915)
ADDITIONAL VILLAGERS (APPROX. 10) BROUGHT TO DITCH BY FIRE TEAM FROM 1ST SQUAD (0900 — 0915)
2D SQUAD
1ST SQUAD
FIRE TEAM FROM 1ST SQUAD
1ST SQUAD (-)
GROUP OF VILLAGERS (20 — 50) SHOT DOWN (0845 HRS)
GROUP OF VILLAGERS (60 — 70) BROUGHT TO DITCH BY 1ST SQUAD (0845 — 0900)
2D SQUAD
1ST SQUAD
N
1ST PLT MOVEMENTS THROUGH MY LAI (4) (0845 - 0915)
0 METERS 100
APPROXIMATE SCALE

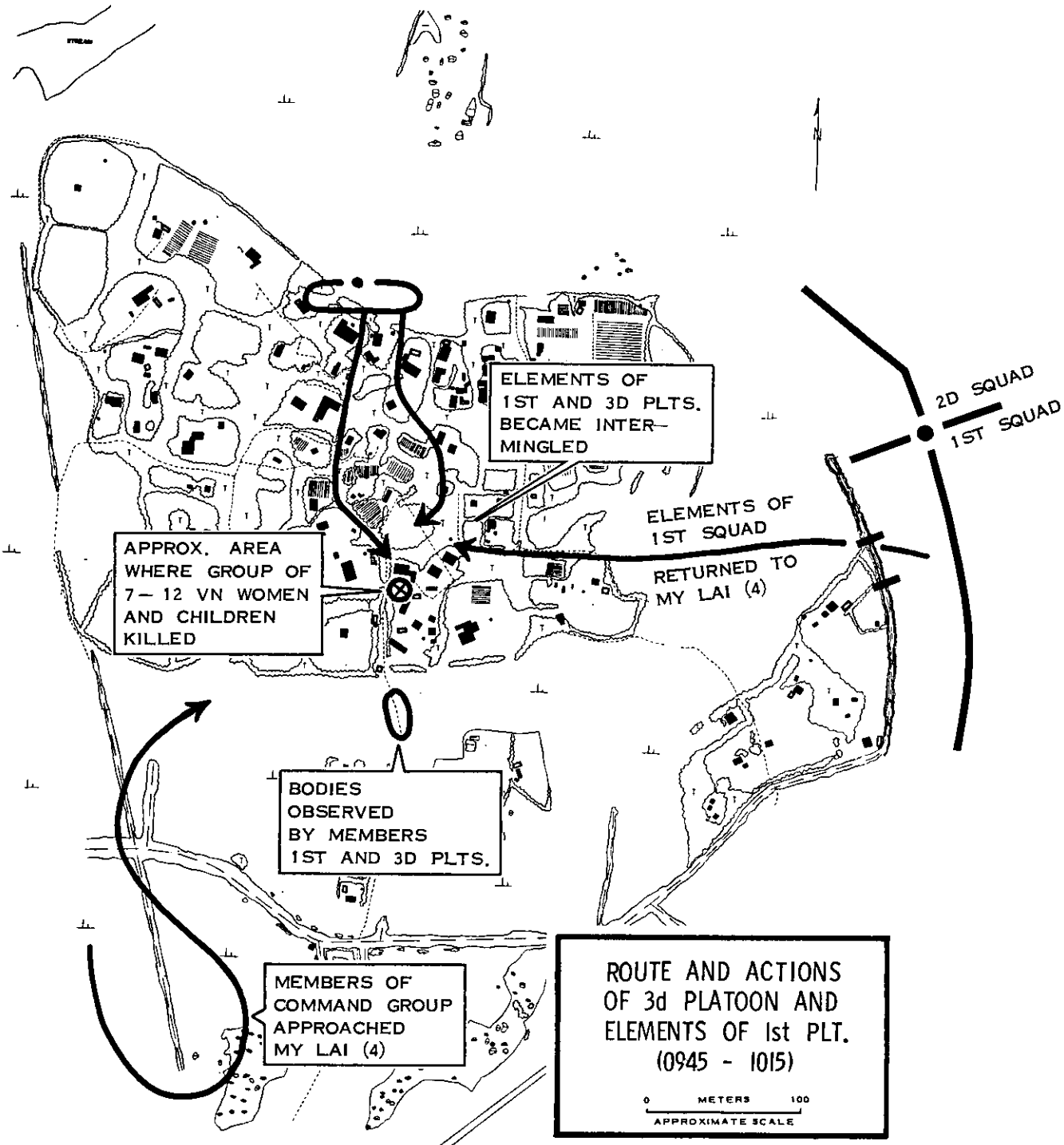
SKETCH 6 - 10


STREAM
1ST SQUAD
3D SQUAD
N
3d PLATOON'S ROUTE
THROUGH MY LAI (4)
(0845 - 1000)
0 METERS 100
APPROXIMATE SCALE

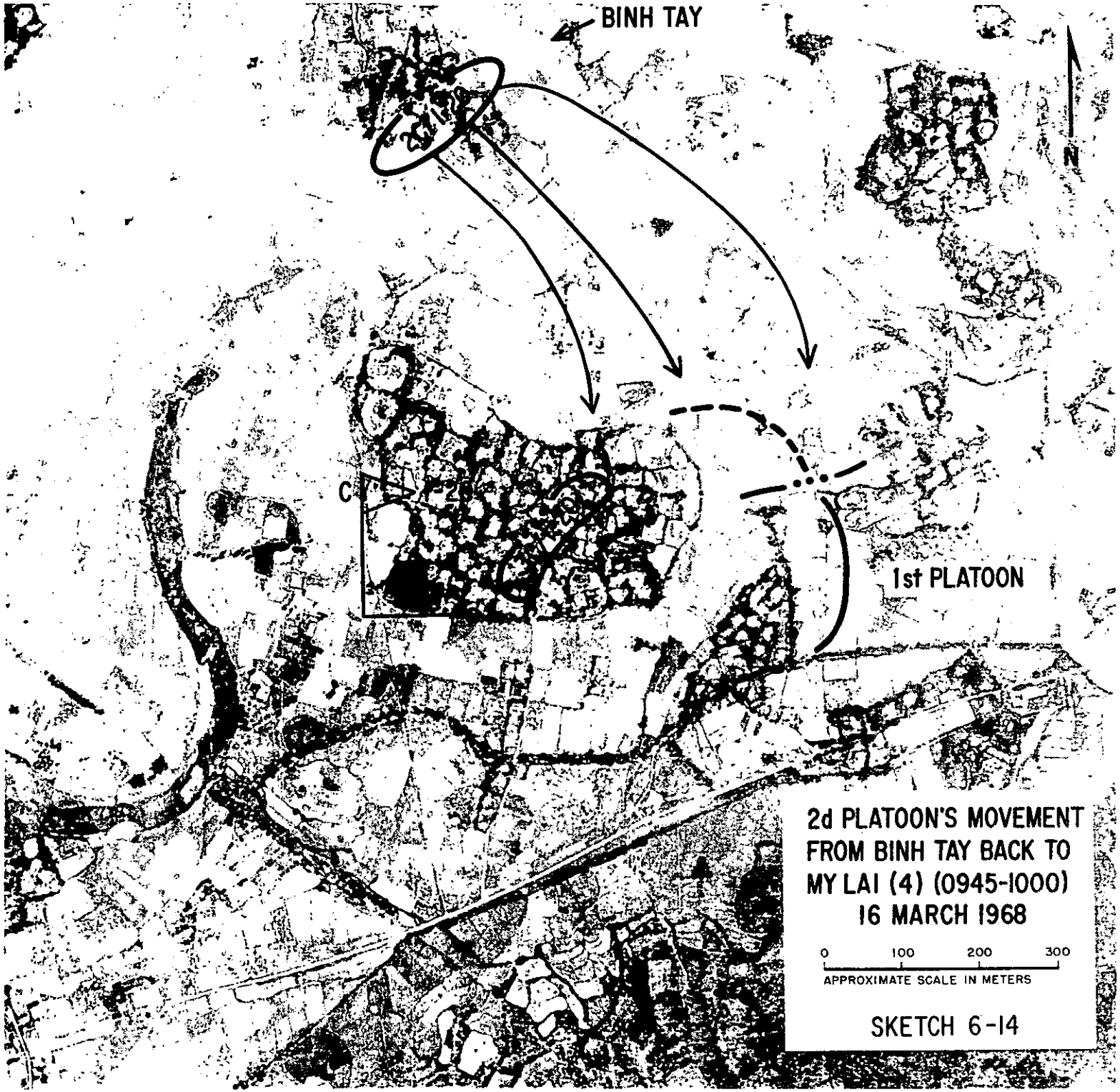
SKETCH 6 - 11


STREAM
C
1/20
APPROX. LOCATION AS OF 0845
APPROX. LOCATION WHERE THOMPSON LANDED NEAR DITCH
APPROX. AREA WHERE OLD MAN INTERROGATED (0900)
REACHED SOUTHERN EDGE OF VILLAGE (0930 — 0945)
THOMPSON'S LANDING AND ROUTE FOLLOWED BY CPT MEDINA AND COMMAND GROUP (0845 - 0945)
0 METERS 100
APPROXIMATE SCALE

SKETCH 6 - 12

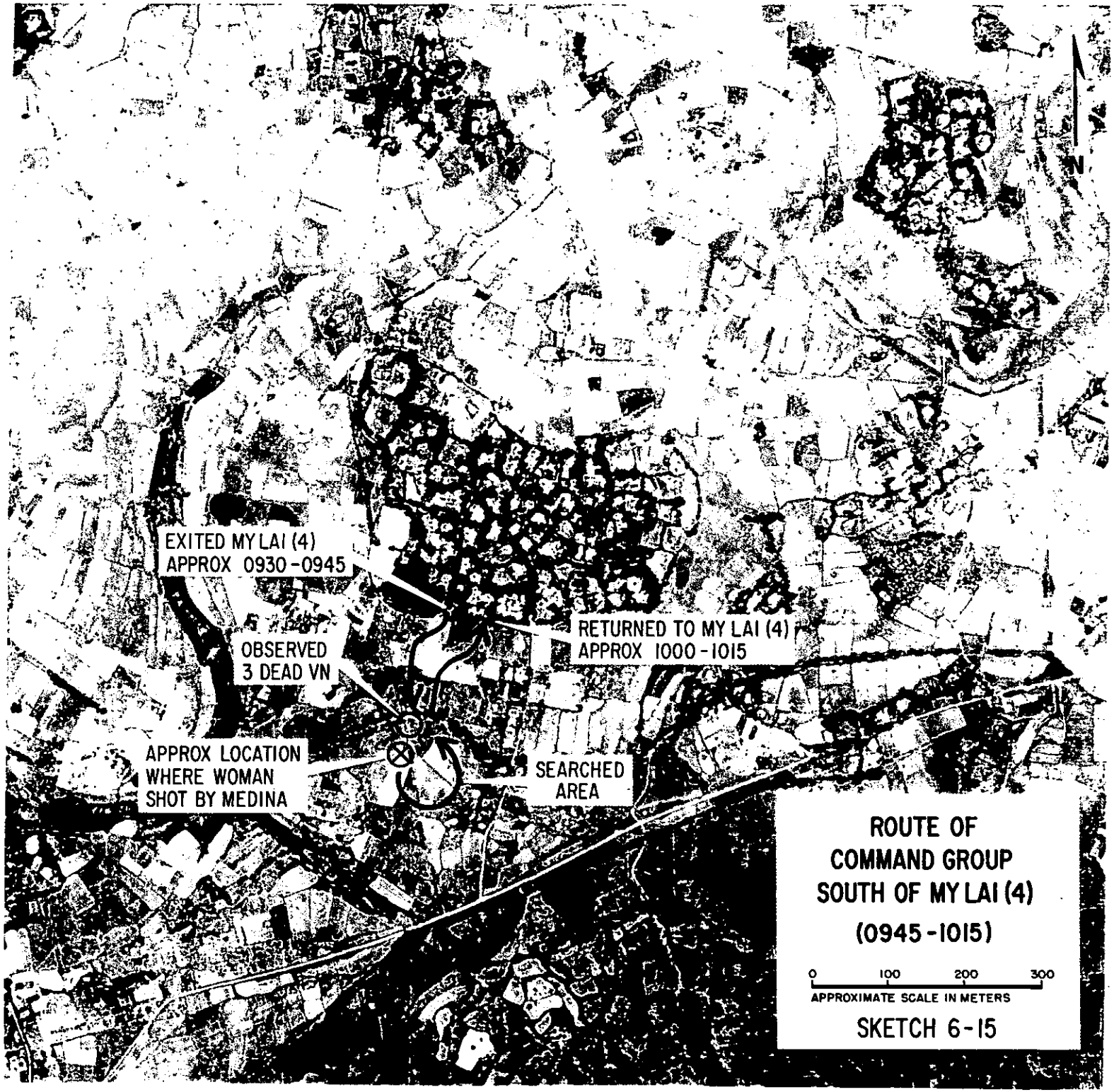

ELEMENTS OF
1ST AND 3D PLTS.
BECAME INTER-
MINGLED
2D SQUAD
1ST SQUAD
ELEMENTS OF
1ST SQUAD
RETURNED TO
MY LAI (4)
APPROX. AREA
WHERE GROUP OF
7 – 12 VN WOMEN
AND CHILDREN
KILLED
BODIES
OBSERVED
BY MEMBERS
1ST AND 3D PLTS.
MEMBERS OF
COMMAND GROUP
APPROACHED
MY LAI (4)
ROUTE AND ACTIONS
OF 3d PLATOON AND
ELEMENTS OF 1st PLT.
(0945 - 1015)
0 METERS 100
APPROXIMATE SCALE

SKETCH 6 - 13



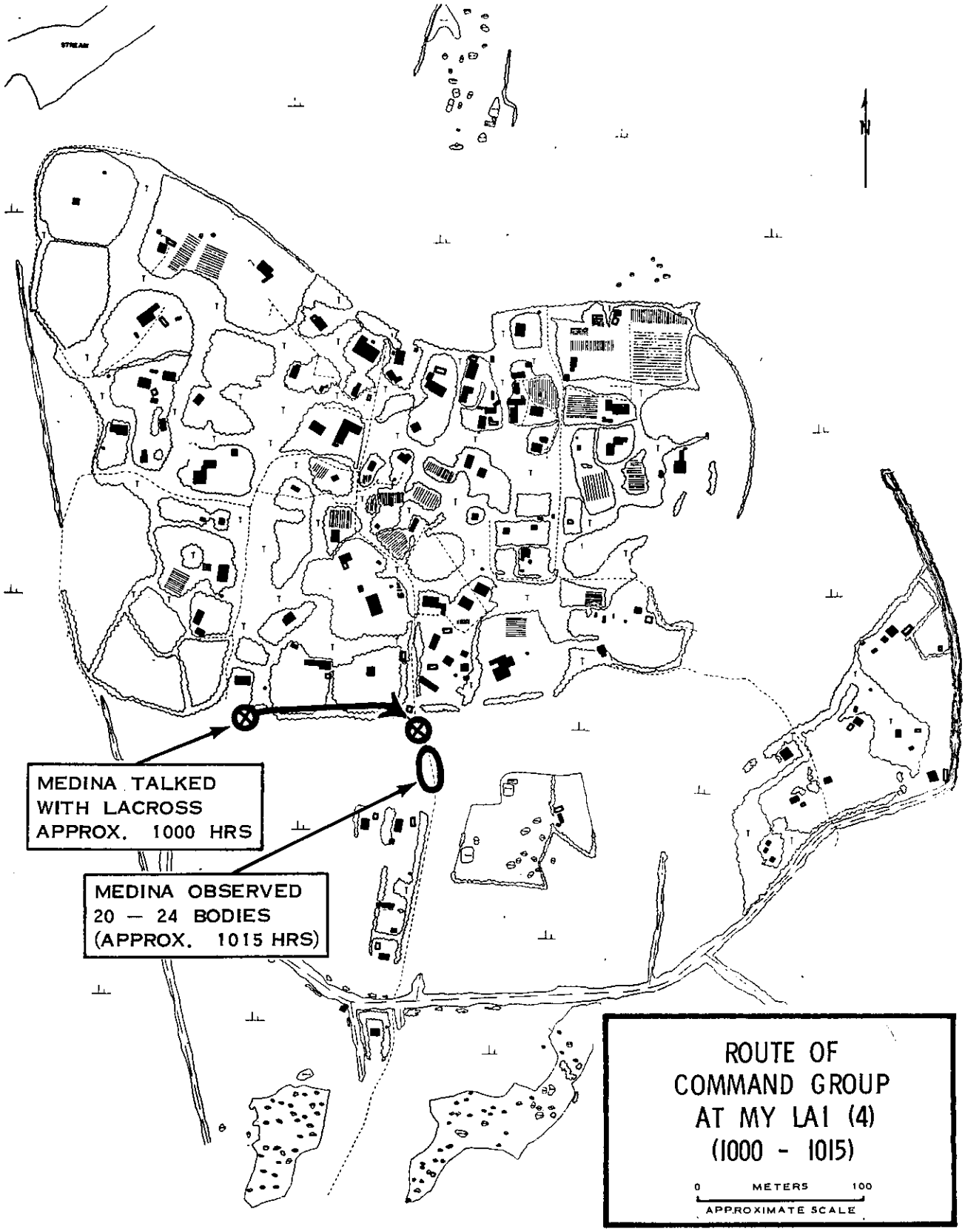
2d PLATOON'S MOVEMENT FROM BINH TAY BACK TO MY LAI (4) (0945-1000) 16 MARCH 1968

SKETCH 6-14



ROUTE OF
COMMAND GROUP
SOUTH OF MY LAI (4)
(0945-1015)

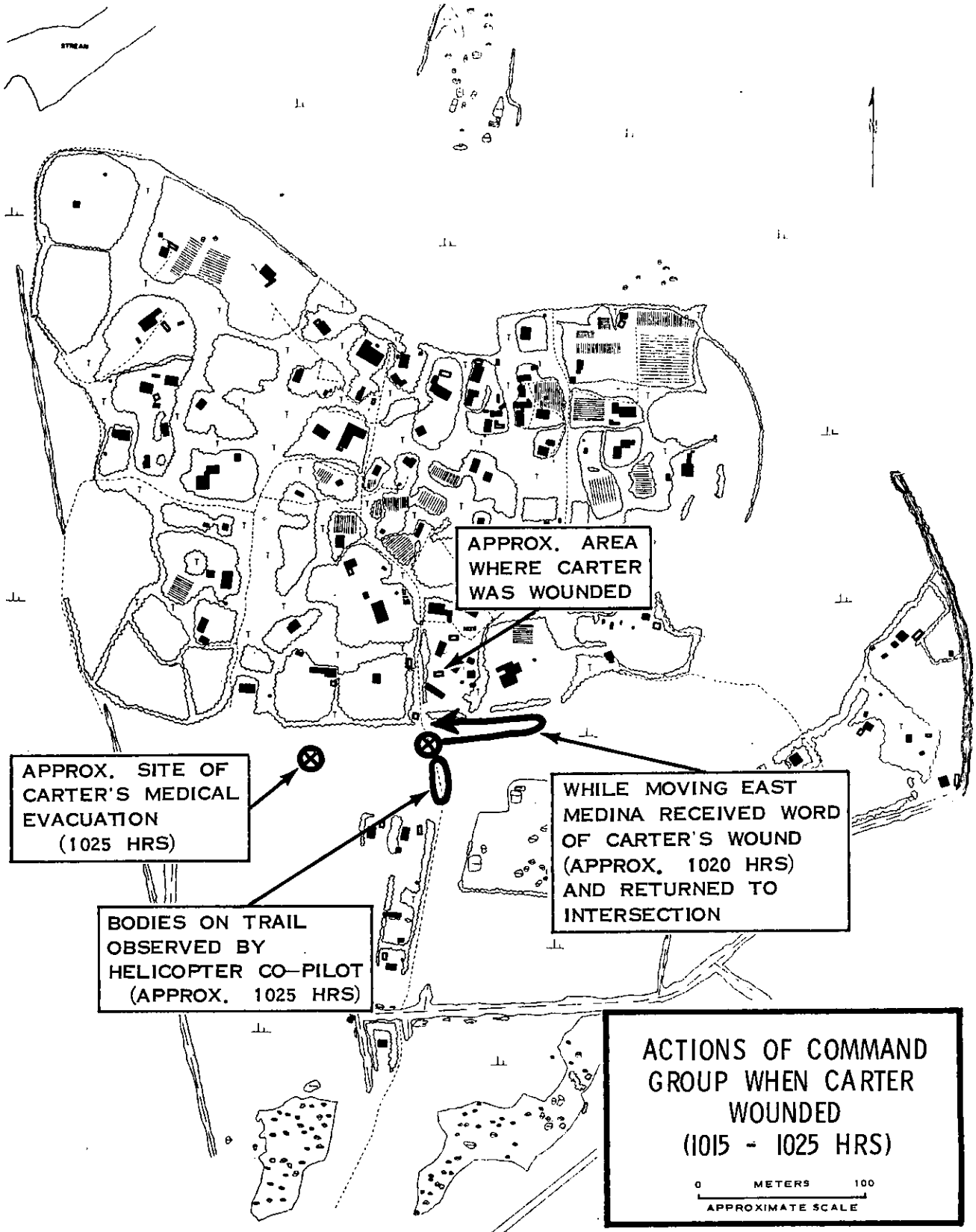
SKETCH 6-15


STREAM
N
MEDINA TALKED
WITH LACROSS
APPROX. 1000 HRS
MEDINA OBSERVED
20 — 24 BODIES
(APPROX. 1015 HRS)
ROUTE OF
COMMAND GROUP
AT MY LAI (4)
(1000 - 1015)
0 METERS 100
APPROXIMATE SCALE

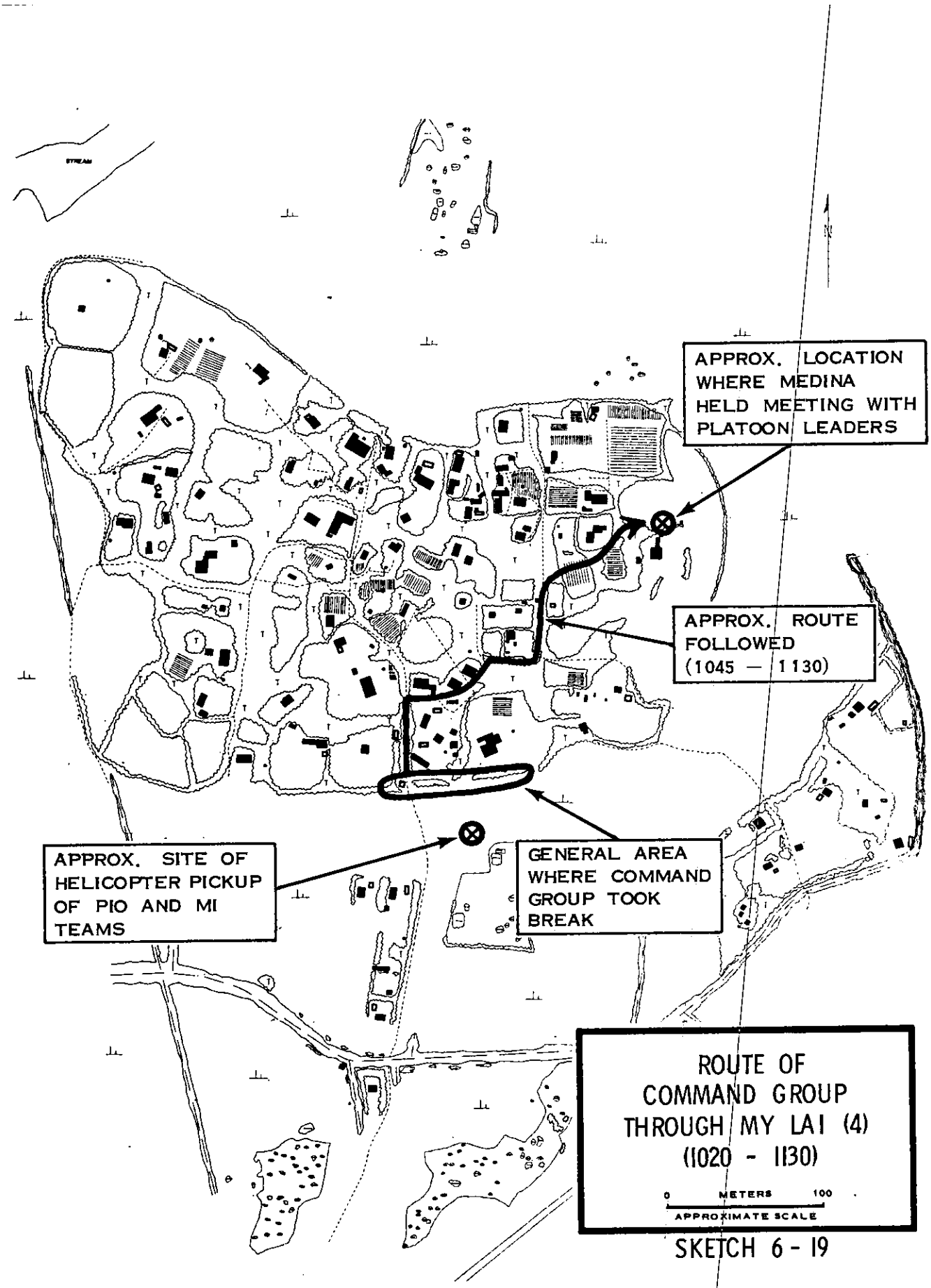
SKETCH 6-16

EVACUATION OF VIETNAMESE FROM BUNKER EAST OF MY LAI (4) (APPROX 1000-1015 HRS)

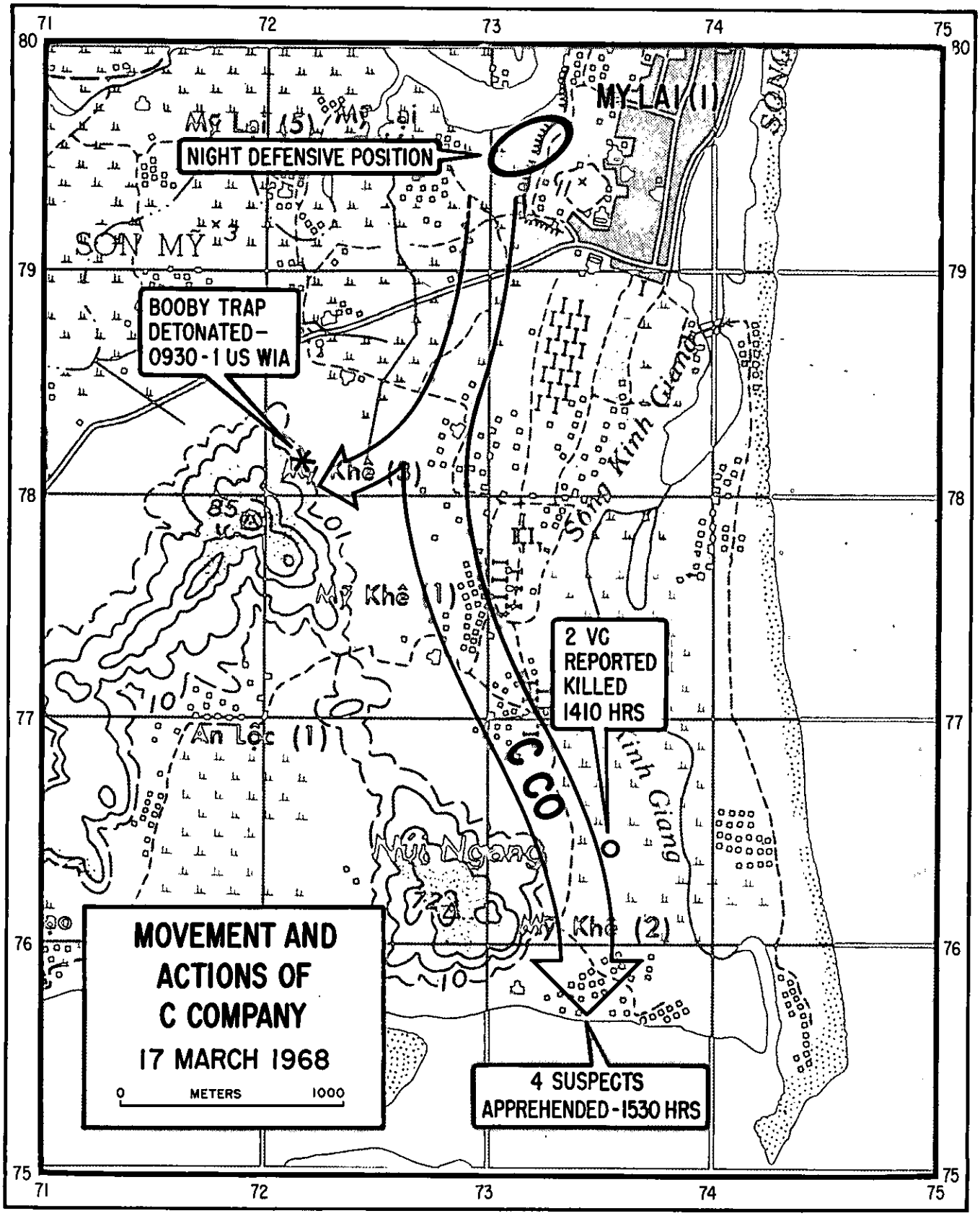
SKETCH 6-17


STREAM
APPROX. AREA WHERE CARTER WAS WOUNDED
APPROX. SITE OF CARTER'S MEDICAL EVACUATION (1025 HRS)
WHILE MOVING EAST MEDINA RECEIVED WORD OF CARTER'S WOUND (APPROX. 1020 HRS) AND RETURNED TO INTERSECTION
BODIES ON TRAIL OBSERVED BY HELICOPTER CO-PILOT (APPROX. 1025 HRS)
ACTIONS OF COMMAND GROUP WHEN CARTER WOUNDED (1015 - 1025 HRS)
0 METERS 100
APPROXIMATE SCALE

SKETCH 6 - 18


STREAM
APPROX. LOCATION WHERE MEDINA HELD MEETING WITH PLATOON LEADERS
APPROX. ROUTE FOLLOWED (1045 — 1130)
APPROX. SITE OF HELICOPTER PICKUP OF PIO AND MI TEAMS
GENERAL AREA WHERE COMMAND GROUP TOOK BREAK
ROUTE OF COMMAND GROUP THROUGH MY LAI (4) (1020 - 1130)
0 METERS 100
APPROXIMATE SCALE

SKETCH 6 - 19


MOVEMENT AND ACTIONS OF C COMPANY
17 MARCH 1968
0 METERS 1000
NIGHT DEFENSIVE POSITION
BOOBY TRAP DETONATED-0930-1 US WIA
2 VC REPORTED KILLED 1410 HRS
4 SUSPECTS APPREHENDED-1530 HRS
MY LAI (1)
Mỹ Lai (5)
SON MY
Mỹ Khê (3)
Mỹ Khê (1)
Mỹ Khê (2)
An Lộc (1)
Sông Kinh Giang
C CO
71
72
73
74
75
80
79
78
77
76

SKETCH 6-20

Chapter 7

COMPANY B, 4TH BATTALION, 3D INFANTRY: ACTIONS ON 16 - 19 MARCH 1968

A. INTRODUCTION

In the course of the investigation of Task Force (TF) Barker's operations in Son My Village on 16-19 March 1968, evidence was received of the possible commission of war crimes and violations of regulations by members of B Company, 4th Battalion, 3d Infantry (B/4-3 Inf) and the US and Vietnamese personnel working with the company. Although there are no indications that any of these activities were either reported to or investigated by higher headquarters, an attempt has been made by this Inquiry to establish the facts relating to these incidents in order to present the most complete picture of the Son My operation possible under the circumstances.

In the gravest of the incidents, a number of Vietnamese sources alleged that on 16 March 1968 approximately 80-90 noncombatants, including women and children, were killed by US soldiers in My Hoi subhamlet of Co Luy Hamlet, a coastal area of Son My Village shown on US maps as "My Khe (4)."

This allegation was included in a number of contemporary reports submitted through Government of Vietnam (GVN) channels in March and April 1968, copies of which were obtained by the Inquiry from GVN sources. A Census Grievance cadreman submitted a report, dated 18 March 1968, which included the statement that "at Co Luy Hamlet 80 people, young and old, were killed" by US forces. On 22 March 1968, the Village Chief of Son My wrote a report to the Son Tinh District Chief concerning the operations in his village on 16 March which stated that 90 civilians had been killed in Co Luy Hamlet on that day. The District Chief passed this allegation on to the Quang Ngai Province Chief in a letter dated April 11, 1968.

563-668 O - 74 - 10

More recent statements by a Vietnamese woman, who claims to have been present at My Khe (4) on 16 March 1968, and by the Chief of Co Luy Hamlet (who has not been in the area since before the incident), also allege that approximately 90 people were killed there on 16 March 1968. Finally, a National Liberation Front Committee notice, dated 28 March 1968, charged that 92 civilians were killed in Co Luy Hamlet on 16 March 1968.

Considerable evidence has been developed tending to show that elements of B Company's 1st Platoon did in fact kill a number of Vietnamese women and children at My Khe (4) early on 16 March, but it has not been possible to establish either the full circumstances or the number of victims of this incident.

Only 22 men of B Company's 1st Platoon appear to have witnessed or participated in the My Khe (4) incident. Of these men, two were later killed in action, eight have refused to answer questions about the incident, and several others who testified claimed to have little or no recollection of their actions and observations on 16 March 1968. In addition, the entire coastal area in which My Khe (4) is located has been virtually leveled in the period since the incident took place. The dwellings, trails, and much of the foliage existing in the area in 1968 have been obliterated, and the surviving populace has moved out of the area. These and other factors have precluded a reconstruction of what occurred at My Khe (4) on the morning of 16 March in the same detail given in the preceding chapter to the events in My Lai .

In addition to events of My Khe (4) on 16 March, there is evidence that detainees held by the company on 19 March were beaten and tortured by both US and Army Republic of Vietnam (ARVN) personnel. On 17 March, the company destroyed three subhamlets by burning. Thereafter, the company's modus operandi changed, and on 18 March it assembled hundreds of Vietnamese for a TF-supported Medical Civic Action Program (MEDCAP).

The purpose of this chapter is to present such facts and evidence as have been developed bearing upon B/4-3 Inf participation in the Son My Village operation. While this is an expansion of information relating to B Company presented in Chapter 5, the full story must await the completion of ongoing criminal investigations and any resulting prosecutions.

B. OPERATIONS 16 MARCH

1. 0800-0830 Hours: The Combat Assault

The men of B Company were assembled at the loading area at Landing Zone (LZ) Uptight prior to 0800 hours for a planned combat assault at about 0900 hours. Issuance of ammunition and final checks of weapons and equipment were completed, and CPT Michles reminded his men to be alert for the mines and boobytraps they could expect to encounter in the Son My area.

After completing the combat assault of C Company into My Lai (4) at 0751 hours, the lift helicopters proceeded immediately to LZ Uptight (see exhibit P-203) to pick up the first lift of B Company troops. LTC Barker had changed the operation plan by advancing by one hour the scheduled pickup time for B Company.

The artillery preparation of B Company's LZ south of My Lai (1) commenced at 0808 hours, about the time the first lift was departing LZ Uptight. Avoiding the gun/target line from LZ Uptight to the objective LZ the helicopters flew southeast over the South China Sea to a point near the mouth of the Song Tra Khuc (see exhibit P-205) before turning inland and then north toward the LZ located just south of Route 521 near the southwest corner of My Lai (1) (see sketch 7-1). As the helicopters approached the LZ, the artillery preparation did not terminate as planned, with the result that the helicopters were forced to make a 360 degree go-around in order to delay their arrival at the LZ. When the artillery ceased firing, LTC Barker marked the LZ with violet smoke and the first lift touched down at 0815 hours (see exhibit P-207). No resistance was encountered as the troops secured the LZ and it remained "cold" as the second lift touched down at 0827 hours.

2. 0830-0845 Hours: Deployment from the Landing Zone

Some members of B Company believed that sniper fire was received from the west as the company moved out from the LZ, but it is possible that these individuals mistook for hostile fire some occasional rounds landing in the area which had been fired by C Company as it advanced in their direction some 2,000 meters to the west. No serious resistance was encountered as the company deployed from the LZ.

The 2d Platoon, led by 1LT Roy B. Cochran, had the mission of searching the subhamlet proper of My Lai (1), and it moved directly north across Route 521 toward its objective (see sketch 7-2). To the west, the 3d Platoon together with the Weapons Platoon and company command group also moved north to Route 521 where they halted temporarily to secure

the area along and just to the north of that trail (see sketch 7-2).

The 1st Platoon, under 1LT (now CPT) Thomas K. Willingham, had preceded the 2d Platoon north to Route 521 and then moved east along that road toward the cement bridge over the Song My Khe (also called Song Kinh Giang) which had to be crossed to reach its objective, My Khe (4) (see sketch 7-2). The 1st Platoon's mission was to search the area around My Khe (4) and to block any enemy attempt to escape to the east from the My Lai (1) area. For the remainder of 16 March and until the following morning, the 1st Platoon was to be separated physically from CPT Michles and the rest of B Company, although they were in continuous contact by radio.

3. 0845-0945 Hours: The Attempt to Enter My Lai (1)

Within 15 minutes of touchdown of the second lift, B Company experienced its first casualties. After leading the 2d Platoon across Route 521, LT Cochran was killed by a land mine while attempting to cross a hedgerow at the perimeter of My Lai (1) (see sketch 7-3). Four members of his platoon were wounded by the same explosion. A dust off was requested, and all of the company except the 1st Platoon held in place until the medical evacuation of dead and wounded was completed about 0915 hours.

At that time a second attempt to enter My Lai (1) began with the platoon sergeant commanding the 2d Platoon. When the platoon had moved approximately 150 meters north along the perimeter of My Lai (1), a second mine was detonated at 0930 hours wounding three more men of the 2d Platoon.

The TF commander, LTC Barker, was airborne over the area when B Company reported encountering the second mine, and he notified CPT Michles and the TF tactical operations center (TOC) that he would pick up the additional casualties in his command and control helicopter. Landing in a field just west of My Lai (1) about 0940 hours, LTC Barker took the three wounded men aboard and immediately departed for LZ Dottie where he was dropped off before the command and control helicopter took the wounded to medical facilities at Chu Lai.

Although he did not meet with CPT Michles while his helicopter was on the ground, LTC Barker at this time apparently rescinded the order for the planned search of My Lai (1) as a result of the heavy casualties already suffered by

the 2d Platoon in its efforts to enter the hamlet. The remaining men of the 2d Platoon were ordered by CPT Michles to withdraw from the approaches to My Lai (1) by retracing their steps. B Company made no further attempts to enter My Lai (1) during the operation

4. 0845-0930 Hours: 1st Platoon Movement to My Khe (4)

The 1st Platoon, commanded by LT Willingham, was provisionally organized into two rifle squads and a point team with a machinegun team attached to each rifle squad. The point team was composed of four soldiers who had volunteered to act as the platoon's permanent point element and who were widely respected in the platoon for their courage and their ability to locate mines and boobytraps. They also handled demolitions for the platoon and had a PRC-25 radio for communication with the platoon leader. The point team led the order of march from the LZ to Route 521 followed in order by the 1st Squad, the platoon leader with his radio/telephone operator (RTO) and mortar forward observer (FO), 2d Squad, and the medic and platoon sergeant.

The movement from the LZ to the cement bridge leading to My Khe (4) was completed without significant resistance or casualties. While on the trail south of My Lai (1), a member of the point team reported seeing a dud grenade hurled in the vicinity of the point team (see sketch 7-3). The platoon took evasive action by falling to the ground and firing in the direction from which the grenade was believed to have been thrown. After an unsuccessful search for the grenade, movement toward the bridge continued at a slow pace.

At or shortly after 0900 hours, the point team reached the western approach to the bridge and LT Willingham transmitted a request to CPT Michles for gunships to support his platoon's crossing. The gunships were rearming and not immediately available, so LTC Barker advised the company to use its mortar in place of gunship fire to support the bridge crossing.

The FO attached from the Weapons Platoon came forward to adjust 81mm mortar fire into the area across the Song My Khe near the eastern approaches to the bridge. Four or five rounds were fired and the mission terminated because a majority of the rounds were duds. Personnel on a Navy "Swift Boat" off the coast observed two of these rounds impacting "on the beach," which was east of the target area. CPT Michles then instructed

LT Willingham to clear the area across the bridge with a machinegun.

The platoon deployed along the river in order that the majority of its members could cover the far bank of the river. One machinegun was set up near the trail leading onto the bridge, and the area around the far end of the bridge was taken under fire. The point team began crossing the bridge at approximately 0915 hours.

Members of the 1st Platoon heard the explosions of the mines encountered by the 2d Platoon and word of the casualty reports was also passed along. LT Cochran had formerly led the 1st Platoon and the news of his death strongly affected some of the men.

There is some conflicting testimony as to whether the platoon received sniper fire either before or in the process of crossing the bridge. The platoon leader stated that his platoon received heavy sniper fire and was driven back in its initial attempt to cross the bridge. The platoon sergeant and several others testified that a few rounds of sniper fire were received either before or during the crossing. The rifle squad leaders and others present at the scene recalled no sniper fire, and there is no record of any report being made of this alleged enemy contact. The procedures used in crossing the bridge, including the preparatory fires, appear tactically sound whether the platoon received fire or not. Members of the platoon were wary of the area; they would be exposed to enemy fire without available cover while on the bridge; and the news of the casualties suffered by the 2d Platoon added emphasis to their caution.

5. 0945 - 1500 Hours: B Company (-) Movement to Night Defensive Position with C Company

It appears that the heavy casualties suffered by the 2d Platoon before it had even reached its objective area had a demoralizing effect not only upon the remainder of the 2d Platoon but also upon the members of the 3d Platoon, Weapons Platoon, and command group, who were close to the scene and observed both the explosions and the resulting casualties. Whether for morale reasons or because the elimination of the mission to search My Lai (1) left them with no tactical objectives, these elements of B Company had no further activity of any significance before linking up with C Company in the afternoon.

B Company (-) did move several hundred meters to the northeast late in the morning where the 3d Platoon searched the

small hamlet shown on US maps as My Lai (6) (see sketch 7-3). The inhabitants were collected and screened, and several were detained, but in contrast to the actions of other units earlier that day, including those of its own 1st Platoon 1,000 meters to the east, B Company (-) neither harmed the inhabitants nor burned the dwellings in My Lai (6). Later in this chapter it will be noted that CPT Michles had issued an order to the 1st Platoon to insure that women and children were not killed. It is possible that events prompting this order also influenced the conduct of the search of My Lai (6).

Between 1100 and 1200 hours, the reporter and photographer covering the operation for the Brigade Public Information Detachment arrived by helicopter from the C Company area. They stayed with B Company (-) until midafternoon, taking a number of photographs which tend to confirm the complete contrast between the activities of B Company at this time and the actions recorded earlier in the day by the same photographer in My Lai (4) (see exhibits P-18 and 19).

Arriving with the reporter and photographer were 1LT (now CPT) Dennis H. Johnson, from the Brigade's attached Military Intelligence Detachment, and his ARVN interpreter. They interrogated some of the detained inhabitants before returning to LZ Dottie at approximately 1700 hours. They were joined at 1500 hours by the TF S2 who arrived with five ARVN soldiers and three National Policemen. The ARVN soldiers and National Policemen had been brought to the field to identify the VC from among the detained inhabitants

After remaining for several hours in the area of My Lai (6), B Company (less the 1st Platoon) linked up at about 1500 hours with C Company which moved in from the southwest after completing its sweep through My Lai (4) and My Lai (5). The two units established a joint night defensive position. The events which took place in the night defensive position after the link-up of the two companies have been treated in Chapter 6.

6. 0930-1500 Hours: The 1st Platoon in My Khe (4)

The 1st Platoon crossed the bridge over the Song My Khe in single file and widely spaced to limit the number of men exposed on the bridge at one time. All of the men were across the bridge and the platoon was moving out to search the My Khe (4) area by about 0930 hours. Two men (later joined by a third) were ordered to remain at the bridge to secure the platoon's rear and to prevent enemy movement across the Song My Khe.

There is some doubt as to the exact location of the trails leading from the bridge and as to the number and location of the dwellings and other structures in My Khe (4). As previously noted, little trace remains of the terrain features existing in March 1968. On the basis of available evidence, including contemporary maps, it appears that a trail led east-northeast from the bridge for about 200 meters before turning due south parallel to and about 100 meters inland from the coast line (see sketch 7-4). Between the north-south portion of this trail and the South China Sea is a noticeable ridge or rise which prevents observation of the beach and the sea from the trail and vice versa. The 15 to 20 dwellings in My Khe (4) at that time were located on both sides of the trail and extended along it for about 200 meters, beginning about 100 meters south of the point where the trail curves to the south.

The point team with its RTO led the platoon movement along the trail leading from the bridge, followed in order by the 1st Squad (with attached machinegun team), the platoon command group, and the 2d Squad. The platoon moved in single file, staying on the trail to avoid boobytraps. At about 0935 hours, the point team and 1st Squad had approached to within about 75 meters of My Khe (4) at which time they opened fire on the hamlet (see sketch 7-4).

It has not been established whether the lead elements of the platoon opened fire in accordance with a previous plan, upon orders from the platoon leader, in response to sniper fire, or spontaneously. There is evidence to support each of these possibilities. In any case, an intense volume of fire from M-16 rifles and the M-60 machinegun attached to the 1st Squad was directed into and around the hamlet for 4 or 5 minutes. During this period, a radio operator aboard a Navy "Swift Boat" just offshore reported that "there is a lot of small arms fire coming from that direction on the beach." Inhabitants of the hamlet, mostly women and children, were cut down as they ran for shelter or attempted to flee over the ridge of higher ground toward the beach. At about 0940 hours, LT Willingham gave the order to cease fire, and the point team, together with a machinegun team, then moved south along the trail into the hamlet.

At 0955 hours, CPT Michles reported to TF Barker that the 1st Platoon had killed 12 VC with web equipment in My Khe (4). There is no reliable evidence to support the claim that the persons killed were in fact VC.

LT Willingham's order to cease fire prior to moving into the village may have resulted from instructions received

from CPT Michles. At about this time, CPT Michles directed LT Willingham to insure that women and children were not killed. This order may have originated with TF Barker, which was issuing similar instructions to C Company about this time. On the other hand, several RTO's with B Company believe that these instructions were given by CPT Michles either upon hearing the heavy volume of fire in the direction of the 1st Platoon, or in response to LT Willingham's report of killing 12 VC. A number of witnesses testified that CPT Michles continually stressed to his company the importance of safeguarding noncombatants and avoiding indiscriminate firing, and the RTO with the 1st Platoon testified that this order was received before the platoon had even crossed the bridge into the My Khe (4) area.

The 1st Platoon stayed in the general area of My Khe (4) until about 1500 hours. After the initial firing into the hamlet, the point team and the 1st Squad moved down the trail searching and then burning the houses and destroying the bunkers or shelters which each family had constructed in or near their home. The 2d Squad remained to the north of the hamlet. The elements of the platoon searching the hamlet killed an undetermined number of noncombatants in the process

The destruction of bunkers was accomplished by the point team using one or two pound TNT charges, which would at least collapse the entrances to most shelters if they did not destroy them entirely. Some witnesses alleged that the members of the point team made no attempt to determine if shelters were occupied before throwing explosives into the entrances, and that in some cases unarmed Vietnamese were shot down as they exited from their shelters.

It is believed that only 10 men directly participated in the search and destruction of My Khe (4), and of these two are dead and all the others have either refused to testify about the event or disclaimed any recollection of their observations. For this reason, it has not been possible to establish the facts with any degree of certainty. However, both testimony and circumstantial evidence strongly suggest that a large number of noncombatants were killed during the search of the hamlet.

In response to a request by LT Willingham, a resupply helicopter delivered a case of TNT and additional ammunition to the platoon some time before 1200 hours. At 1025 hours, LT Willingham reported to CPT Michles that the platoon had killed 18 more VC, and at 1420 hours he reported killing an additional 8 VC, making a total of 38 for the day.

No casualties were suffered by the platoon; it made no requests for fire support after crossing the bridge; and it captured no weapons. LT Willingham's RTO testified that he accompanied LT Willingham in a walk down the trail leading through the hamlet later in the morning, and he (the RTO) observed the bodies of about 20 dead Vietnamese -- all women and children.

A Vietnamese woman, Nguyen Thi Bay, claims to have been present in the area of My Khe (4) on 16 March 1968. Although she is classified as a civil defendant by RVN authorities, Mrs. Bay's account of her experiences on 16-17 March was corroborated in some respects by members of the 1st Platoon. According to Mrs. Bay, about 20 US soldiers came into My Khe (4) between 0900-1000 hours on 16 March. There were no VC troops in the hamlet and the US soldiers were not fired upon, but 90 people present in the hamlet were killed, many being shot as they emerged from their shelters. She was hiding in a bunker or shelter with two other women and three children. They were not shot when they came out, but Mrs. Bay claims that she was raped by two soldiers, one of whom also struck her and the other woman with the butt of his rifle. About noontime, she was taken into a hootch where she was shown two spent cartridges tied with a rubber band (perhaps an expended booby trap) and was accused of being a VC, which she denied. Later, she was taken away from the hamlet and made to spend the night in a field with the soldiers. The next morning she was told by the soldiers to take them back to My Khe (4). After doing so, she encountered ARVN soldiers who had come across the bridge.

Testimony from numerous members of the 1st Platoon closely parallels certain aspects of Mrs. Bay's story. A booby-trap consisting of a cartridge rigged with a firing mechanism was discovered during the search of My Khe (4). A woman captured by the point team was used to lead the platoon to its night ambush position a mile north of My Khe (4). The woman stayed in the open with the platoon overnight and the following morning led them back down the trail to the bridge, at which time the other elements of B Company, accompanied by the ARVN soldiers, joined the 1st Platoon. The woman was then turned over to the attached ARVN soldiers.

The above facts concerning the woman used as a point by the 1st Platoon (recalled by many witnesses) tend to corroborate Mrs. Bay's story and lend credence to her account of the killing of 90 noncombatants at My Khe (4) early on 16 March.

The Chief of Co Luy Hamlet (of which My Hoi or "My Khe (4)," is a subhamlet) has stated that 87 people were killed

in the area of My Khe (4) on 16 March 1968. Although he was not present at the time and has not returned to the area since the event, he provided the following breakdown of victims: 15 VC soldiers; 20 VC cadre; 25 VC guerrilla and supply personnel; 13 VC female cadre; and 14 civilians. It should be noted that the hamlet chief's analysis of the casualties is based primarily on Communist affiliation rather than sex or age. For example, the category of "VC female cadre" included mothers of VC soldiers.

7. 1500-1800 Hours: Displacement to Night Defensive Position

Sometime after 1500 hours the platoon moved north approximately 2,000 meters from My Khe (4) and established its night defensive position. A Vietnamese female, tied with a rope, probably Mrs. Bay, walked in front of the platoon as point (see sketch 7-5). It was assumed she would know if the trails were mined and, if so, lead the platoon safely around them.

After the platoon arrived at its night defensive position on 16 March, Navy "Swift Boats" caused six sampans to beach near the 1st Platoon's position. These boats were manned by men and young boys. There were approximately 20 persons on board and they were detained until an interrogation team arrived. After interrogation, approximately five of the detainees were evacuated to Duc Pho for further screening. The others were released. There were no significant activities reported during the hours of darkness.

C. OPERATIONS 17 MARCH

1. 0730-0930 Hours: Company Links Up

By 0730 hours, B Company had begun moving for link-up with the 1st Platoon just north of My Khe (4) (see sketch 7-6). The order of march from the company night defensive position west of My Lai (1) was the 3d Platoon, company command group, Weapons Platoon, and 2d Platoon. An ARVN interpreter and several ARVN soldiers, who had been brought to the field by the TF S2, were attached to and moving with B Company. They moved south to Route 521 and followed it to the east. Concurrently, the 1st Platoon was moving south along the coast. The female apprehended in My Khe (4) was still in their custody and continued to walk in front of the 1st Platoon as point.

During the course of crossing the Song My Khe, one man from the 1st Platoon was wounded at 0810 hours from a

boobytrap detonated near the eastern end of the bridge. After his evacuation and a thorough check of the bridge for mines, the 3d Platoon began crossing at approximately 0835 hours. At this time the company received sniper fire from the vicinity of My Khe (4). This fire was suppressed by company elements supported by two helicopter gunships that made strafing passes from north to south over the village. The sniper fire caused no US casualties and no enemy casualties were reported from the ground and gunship fires.

2. 0900-1800 Hours: Company Searches Co Luy Hamlet

After crossing the Song My Khe, CPT Michles assigned missions to each platoon (see sketch 7-7). The 2d Platoon moved south near the seacoast while the 1st Platoon followed the inland trail through Co Lay (1), Co Lay (2), and Co Lay (3).

The 3d Platoon secured the bridge across the Song My Khe and sent one squad north approximately 1,000 meters to establish a blocking position across the peninsula (see sketch 7-7). The Weapons Platoon positioned the 81mm mortar at the bridge in the 3d Platoon area in order to cover the movements of the company.

While the company was between My Khe (4) and Co Lay (1), 1LT (now Mr.) John E. Mundy, the company executive officer, arrived by helicopter. He was accompanied by 2LT Michael L. Lewis, a newly assigned officer. LT Lewis was assigned to the 2d Platoon and joined his platoon on the beach north of Co Lay (1) where they halted for lunch. When the company commenced moving after lunch, hootches in Co Lay (1) were destroyed by burning.

Shortly after lunch, members of the 2d Platoon sighted two Vietnamese males. The Vietnamese began running and were engaged by small arms fire. One was apparently hit and seen dropping to the ground. The area was searched, but a body was not located. Nevertheless, this action was recorded in the TF Barker Journal at 1320 hours as "Co B-20 element engaged 2 VC Vic 742781, 1 VC KIA."

The subhamlets of Co Lay (1), Co Lay (2), and Co Lay (3) appeared to have been recently vacated, and the company did not encounter a sizable number of inhabitants. These subhamlets were searched and most of the hootches destroyed by burning. Demolition of most bunkers and tunnels was accomplished by the 1st Platoon's point team. The two attached engineer demolition specialists were instructed to destroy only two bunkers.

The two platoons and command group returned north along the trail to an area near Co Lay (1) and went into position for the night (see sketch 7-8). The Weapons Platoon displaced from the 3d Platoon area and closed into the company position.

All that day, the 3d Platoon had secured the area near the bridge and maintained a blocking position to the north. There was no activity in these areas. Members of the platoon did not visit My Khe (4). Toward evening, as the perimeter was being pulled in, a female body with a neck wound was discovered along the ridge near the sea. She was buried in a shallow grave the next morning.

D. OPERATIONS 18 MARCH

1. 0730-1000 Hours: Company Deploys to Ky Xuyên (1)

The primary company activity on 18 March was searching the upper peninsula. Operations on this date exhibited a stark contrast to the previous days' activities. Destruction was discontinued; burning and demolition did not occur; and the entire attitude seemed to be benevolent. The inhabitants of the upper peninsula were collected in the vicinity of Ky Xuyen (1) and a MEDCAP team was dispatched to this area in the afternoon.

Movement north from the company night defensive position had begun by 0730 hours. When the company reached the 3d Platoon's position north of My Khe (4), CPT Michles had the Weapons Platoon emplace its mortar to cover elements of the company moving toward Ky Xuyen (1). The 2d Platoon remained there to provide security for the Weapons Platoon. These platoons are believed to have begun moving north prior to 0930 hours.

The company reported its location at 0955 hours as Ky Xuyen (1). There were no engagements or other significant events recorded during its movement to this location (see sketch 7-9).

2. 1000-1700 Hours: Company Searches Upper Peninsula

Two rifle platoons continued along the shore beyond An Ky. From this position, one of the platoons moved inland and together they began searching the area and directing inhabitants west toward Ky Xuyen (1). The company's other rifle platoon searched and collected the inhabitants of Ky Xuyen (2) while the Weapons Platoon joined and remained with the company command group.

At 1135 hours, TF Barker notified the 11th Infantry Brigade that it was sending a MEDCAP team to B Company's location. The Task Force reported that there were approximately 1,000 people in B Company's area and that the people did not appear to be VC.

Medical treatment and screening of the inhabitants for VC suspects were performed in the vicinity of Ky Xuyen (1) that afternoon. The three rifle platoons spent the day searching the upper peninsula and sending the inhabitants to the Ky Xuyen (1) area. There were no reports of finding enemy equipment and no casualties. Approximately seven Vietnamese were detained overnight.

3. 1700-2000 Hours: Night Defensive Position Secured

The night defensive position was established several hundred meters up the shore line from Ky Xuyen (1) (see sketch 7-10). Before dusk, the artillery observer with the company fired in marking rounds. Later that evening, the Vietnamese brought to the company position a female who apparently had been wounded by the artillery adjustment. A dust off was requested at 1900 hours and completed at 1925 hours.

E. OPERATIONS 19 MARCH

1. 0130-0600 Hours: Company Position Attacked

At 0130 hours, 60mm mortar rounds began impacting within the company perimeter. Enemy personnel manning the mortar were positioned from 300 to 400 meters northeast of the company position and succeeded in "walking" six to ten rounds through the position. A machinegunner from the 1st Platoon was killed when a mortar round impacted in his foxhole. Five other men were wounded, one of whom died later. All but one of the casualties were from the 1st Platoon.

Personnel on guard observed the muzzle flashes at the enemy mortar position. The company opened fire with small arms all around the perimeter. Countermortar concentrations were fired by the company's 81mm mortar and the artillery located at LZ Uptight. There were some men who believed the company position received small arms fire from the north in conjunction with the mortar attack.

A dust off and an accompanying light fire team were requested by the company at 0143 hours, followed by a casualty report at 0146 hours. Later, LT Willingham had one of his men

illuminate an open area along the beach with trip flares, which may have been for the purpose of identifying the company position to the dust-off pilot. Evacuation of the wounded was completed at 0244 hours and the helicopter light fire team remained on station over the company until 0300 hours. Instructions to "really dig in" were issued in preparation for an expected major attack.

Prior to the departure of the light fire team, an AC-47 ("Spooky") had been requested through the 11th Infantry Brigade. This aircraft arrived in the area at 0325 hours and remained there until 0600 hours. Radio communication was established with the "Spooky" and the company location was identified to the crew by using a flashlight. The area to the northeast of the company was intermittently "hosed down" by the miniguns of the "Spooky".

Two additional mortar rounds were received at 0440 hours. There were no casualties or reports of observing the muzzle flash.

2. 0630-1030 Hours: Search Operations

At daylight, a squad patrol from the 1st Platoon began searching for the mortar position. They were successful in locating the firing site but nothing more. During this search, two Vietnamese who had been held overnight in the company position walked point for the patrol. The patrol leader, a close friend of the man killed during the mortar attack, began beating one of the Vietnamese with his weapon. He was physically restrained by another member of the squad. Failing to find the mortar and concluding that further search would be useless, the patrol returned to the company command post.

During the morning, an American assisted by an ARVN interpreter interrogated detainees held in the company position. A field telephone with leads attached to various parts of the body to produce electric shocks was one technique being employed to obtain information. Knife wounds were inflicted across the back of the hand of one detainee who was then taken to the beach where salt was rubbed in the flesh wounds. These wounds were probably inflicted by the same American using the field telephone. The detainees were also being kicked and severely beaten by the ARVN interpreter.

One of the detainees promised to show the interrogation team a tunnel entrance leading to a weapons cache. CPT Michles, the ARVN interpreter and three ARVN soldiers, and the 1st Platoon followed the detainees. En route to the supposed

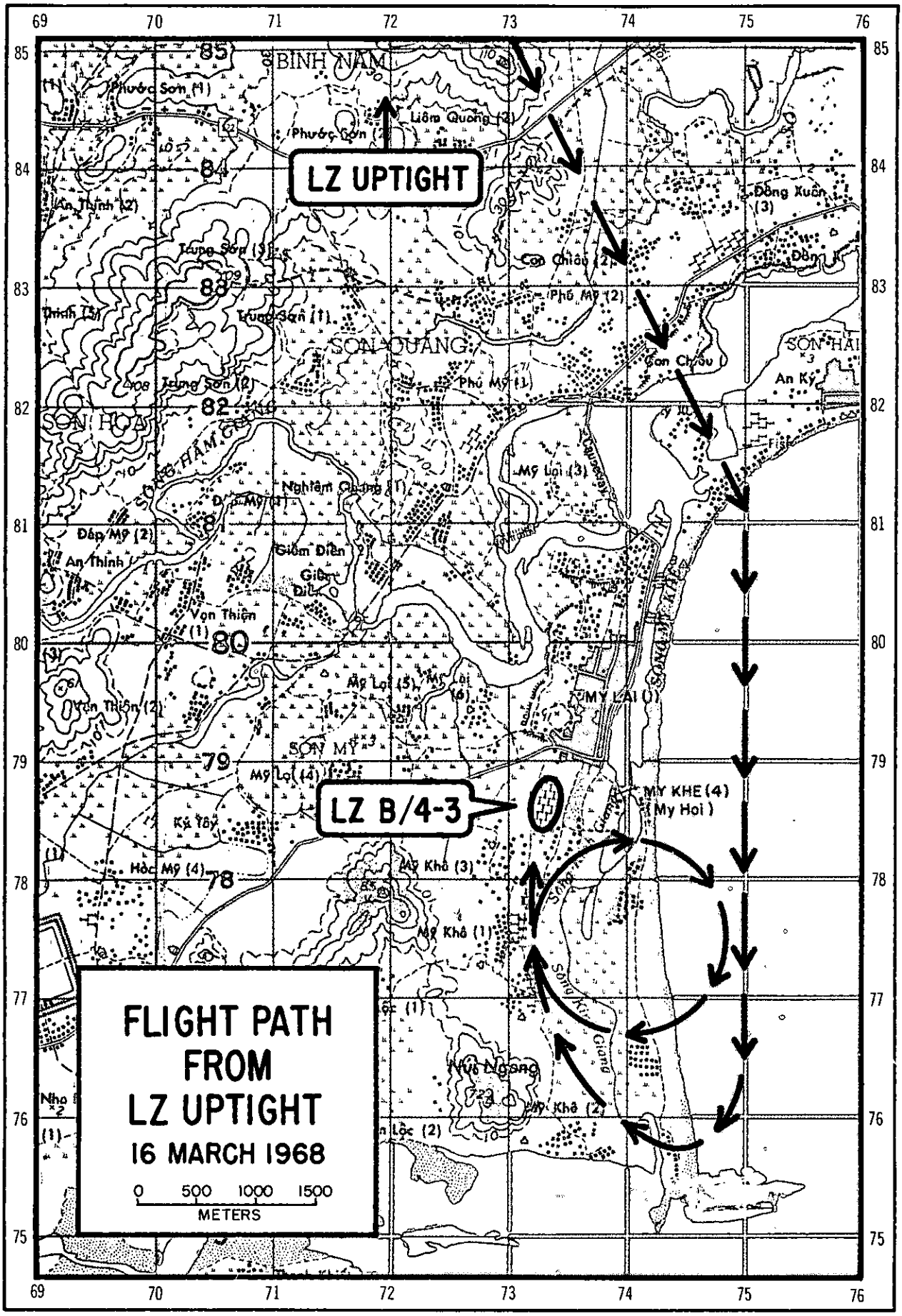
tunnel location, one of the detainees broke and ran. He was not immediately fired upon and escaped (see exhibit P-215). Thereafter, the other detainees either declared they had no knowledge of a tunnel entrance or refused to lead their captors to its location. The platoon returned to the company position and then prepared for extraction

3. 1050-1340 Hours: Company Returns to Base Camp

Extraction of the company began at 1050 hours and was completed at 1342 hours. The 1st Platoon was extracted first and taken to LZ Uptight, and the remainder of the company was taken to LZ Dottie. B Company's return to LZ Dottie on 19 March concluded TF Barker's operation in the Son My Village area.

During the operation, B Company reported killing a total of 39 VC, of which all but one were reported killed in My Khe (4) on 16 March. Although the number killed may be substantially higher than reported, and the total certainly included women and children, there is no indication that the Task Force and other higher headquarters ever became aware of the actual results of the attack on My Khe (4). In the afternoon of 16 March, CPT Michles reported to TF Barker that there were no women and children among the 38 VC reported as killed. Additionally, the fact that some of the victims were apparently killed in bunkers or shelters may have further assisted in concealing the actual number of persons killed from both the men on the ground and anyone flying over My Khe (4). It should nevertheless be noted that although 39 VC KIA were reported, no weapons were reported captured, no casualties were suffered, and there were no other indications that the 1st Platoon was engaging an armed force. These circumstances should have prompted inquiries from higher headquarters, but apparently none was made.

Although there was some subsequent talk among the men in B Company concerning the people killed by the 1st Platoon in My Khe (4), they recalled no inquiries or investigations about B Company's participation in the operation.



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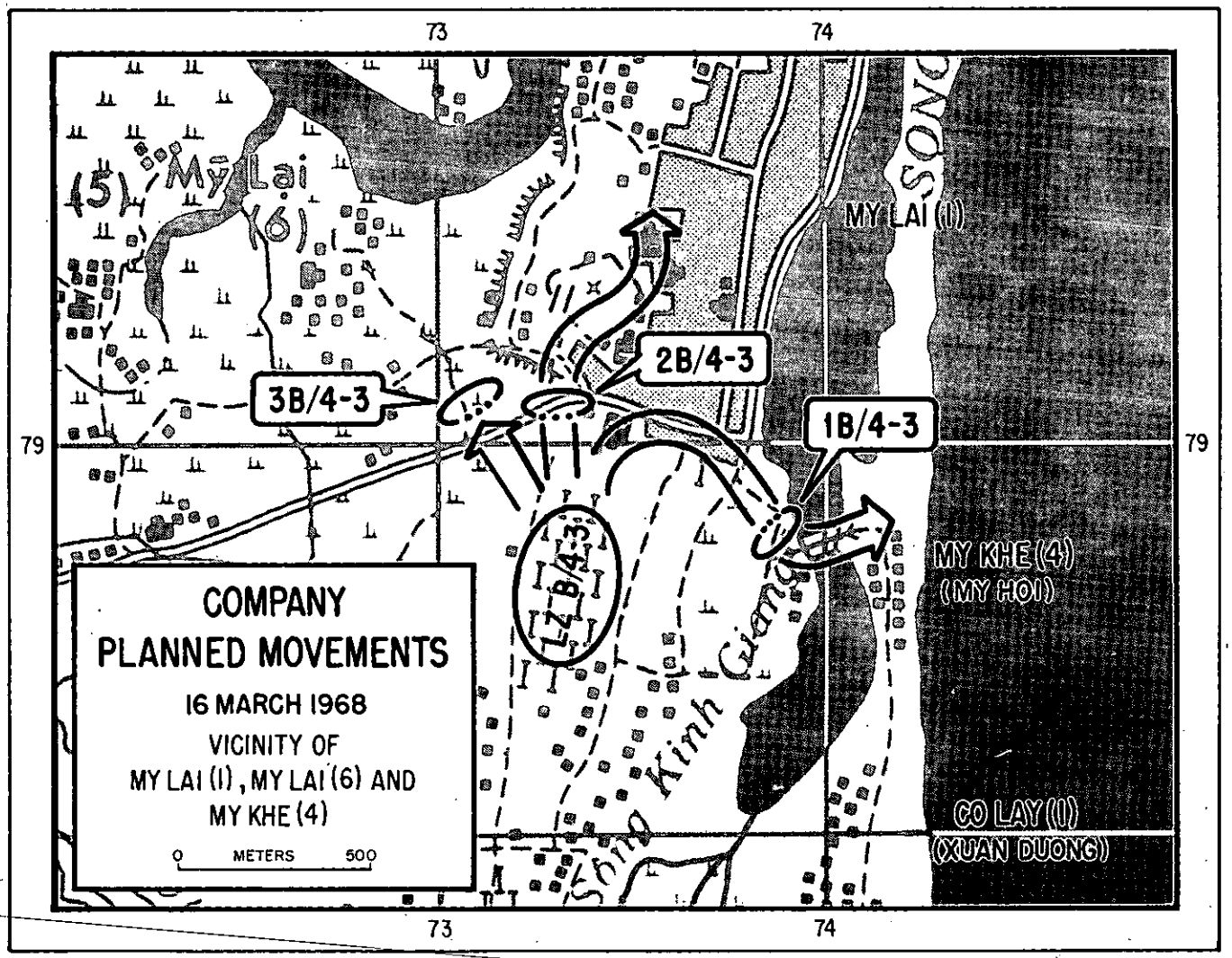
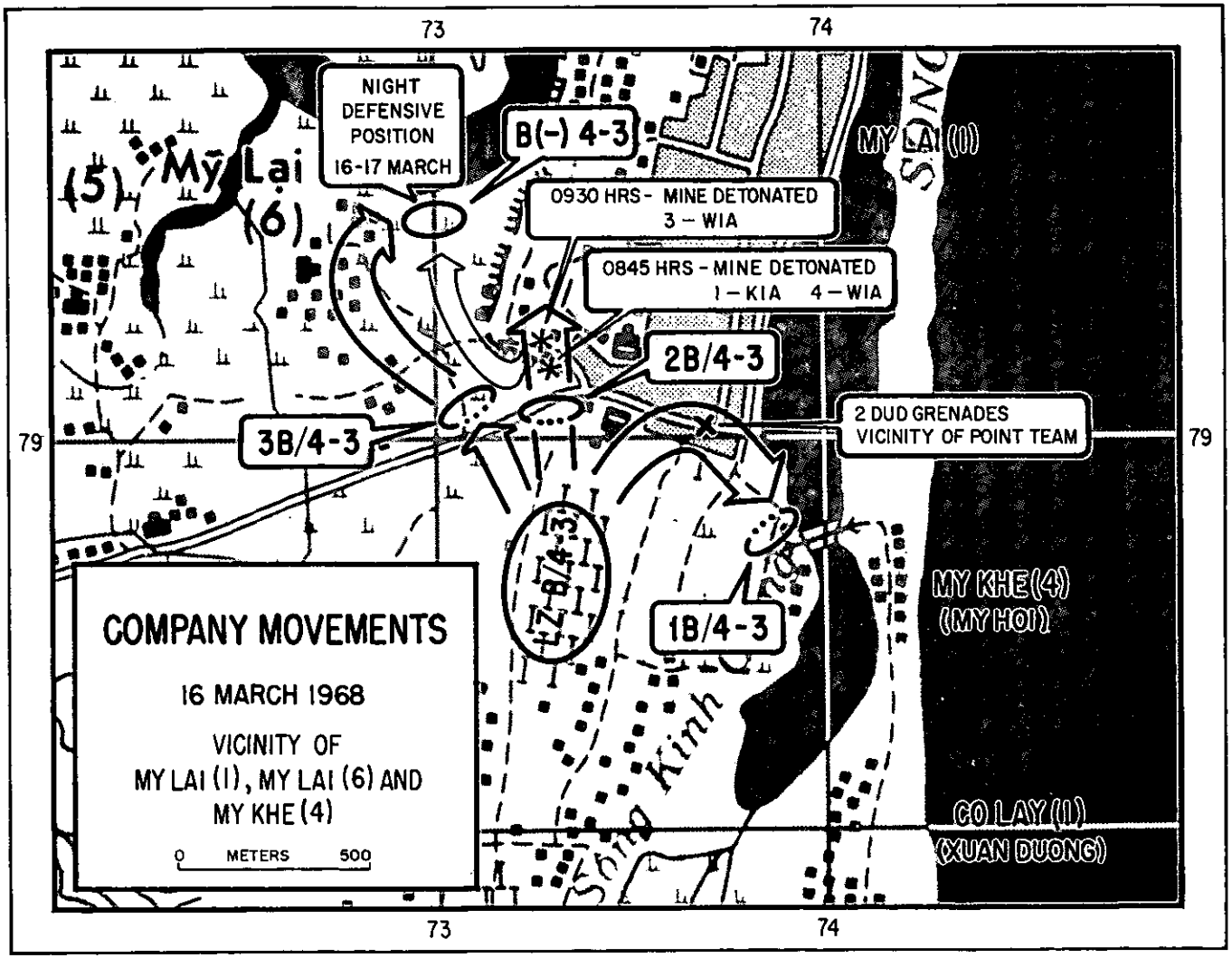
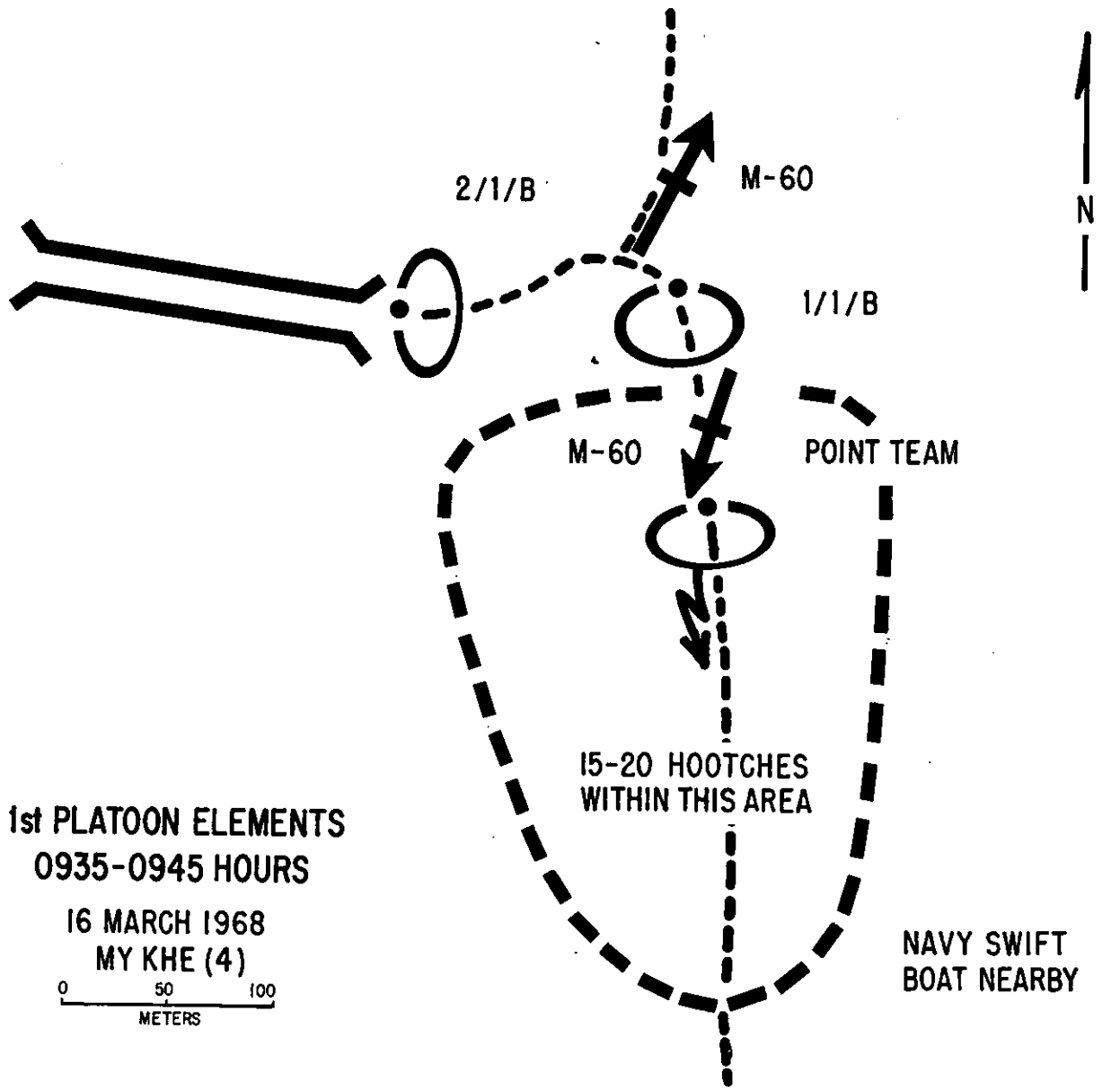
SKETCH 7-1


73
74
79
79
73
74
(5) My Lai (6)
MY LAI (1)
SONG
2B/4-3
3B/4-3
1B/4-3
LZ 1B/4-3
MY KHE (4)
(MY HOI)
Song Kinh Giang
CO LAY (1)
(XUAN DUONG)
COMPANY
PLANNED MOVEMENTS
16 MARCH 1968
VICINITY OF
MY LAI (1), MY LAI (6) AND
MY KHE (4)
0 METERS 500

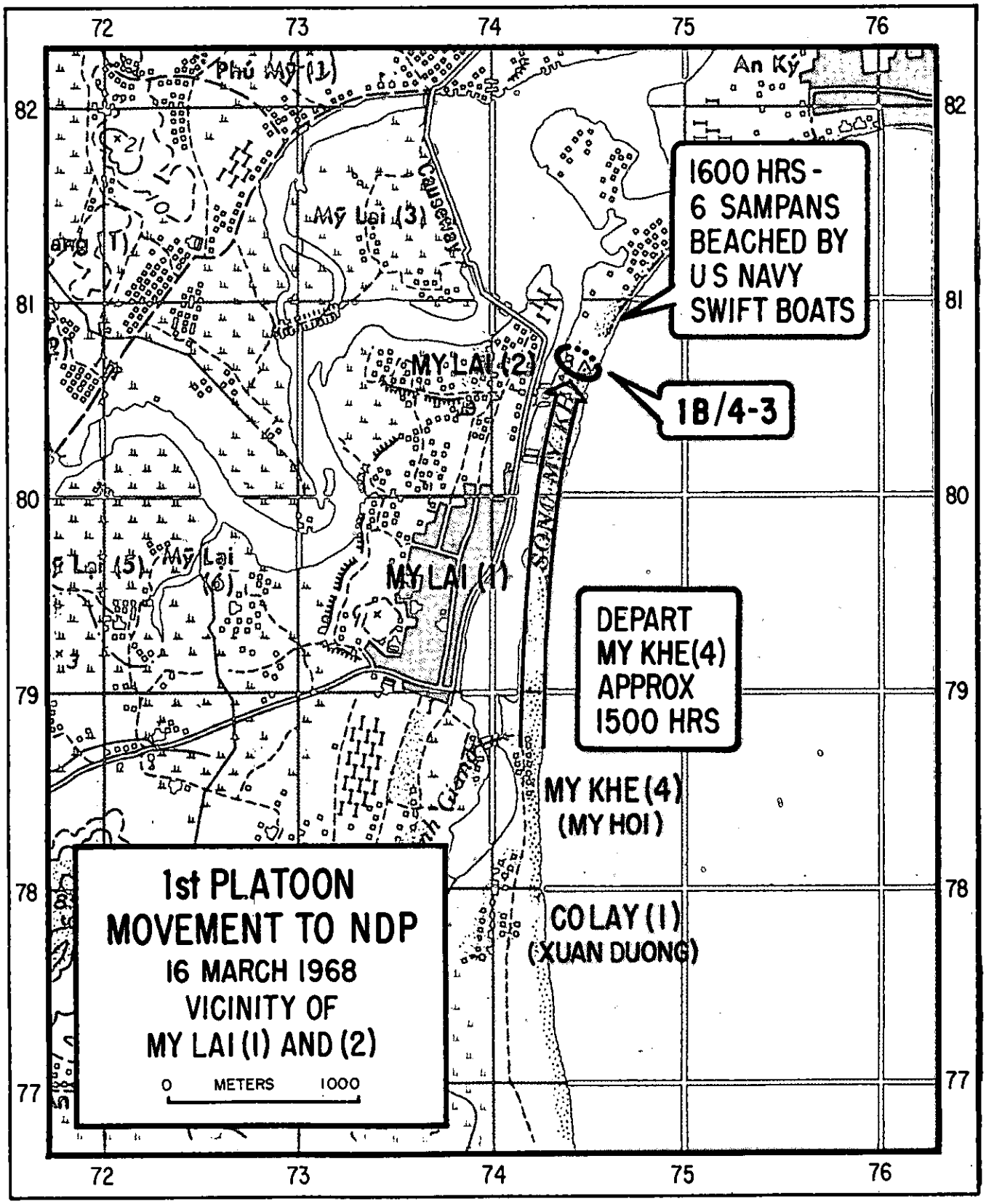
SKETCH 7-2


73
74
79
79
73
74
NIGHT DEFENSIVE POSITION 16-17 MARCH
B(-) 4-3
0930 HRS - MINE DETONATED 3 - WIA
0845 HRS - MINE DETONATED 1 - KIA 4 - WIA
2B/4-3
2 DUD GRENADES VICINITY OF POINT TEAM
3B/4-3
1B/4-3
(5) My Lai (6)
MY LAI (1)
MY KHE (4) (MY HOI)
CO LAY (1) (XUAN DUONG)
COMPANY MOVEMENTS
16 MARCH 1968
VICINITY OF MY LAI (1), MY LAI (6) AND MY KHE (4)
0 METERS 500

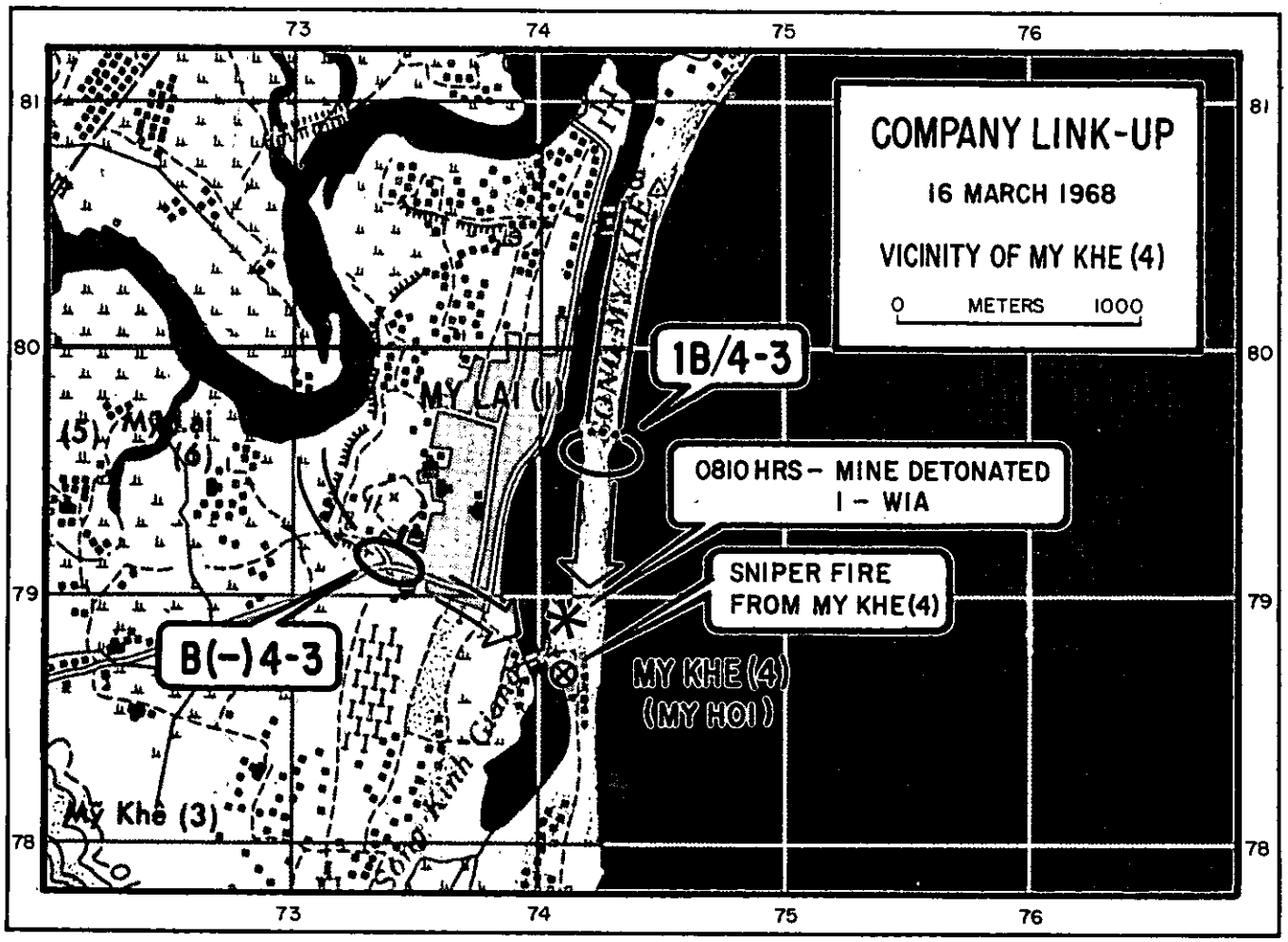
SKETCH 7-3


2/1/B
M-60
N
1/1/B
M-60
POINT TEAM
15-20 HOOTCHES
WITHIN THIS AREA
NAVY SWIFT
BOAT NEARBY
1st PLATOON ELEMENTS
0935-0945 HOURS
16 MARCH 1968
MY KHE (4)
0
50
100
METERS

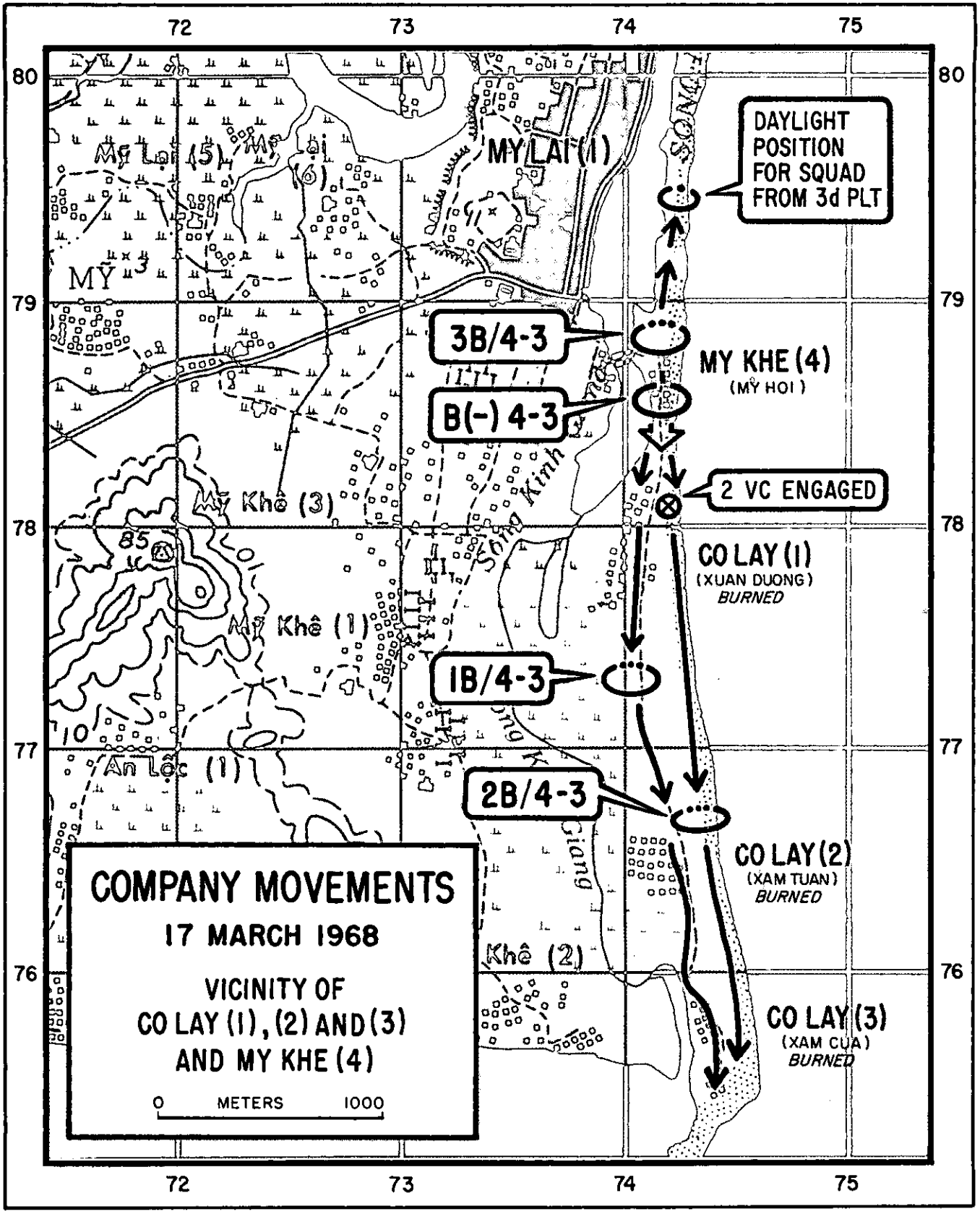
SKETCH 7-4


1st PLATOON
MOVEMENT TO NDP
16 MARCH 1968
VICINITY OF
MY LAI (1) AND (2)
0 METERS 1000
1600 HRS -
6 SAMPANS
BEACHED BY
U S NAVY
SWIFT BOATS
1B/4-3
DEPART
MY KHE(4)
APPROX
1500 HRS
MY KHE (4)
(MY HOI)
CO LAY (1)
(XUAN DUONG)
MY LAI (1)
MY LAI (2)
My Lai (3)
Phú Mỹ (1)
An Ký
Causeway
SONG MY KHE
72
73
74
75
76
82
81
80
79
78
77

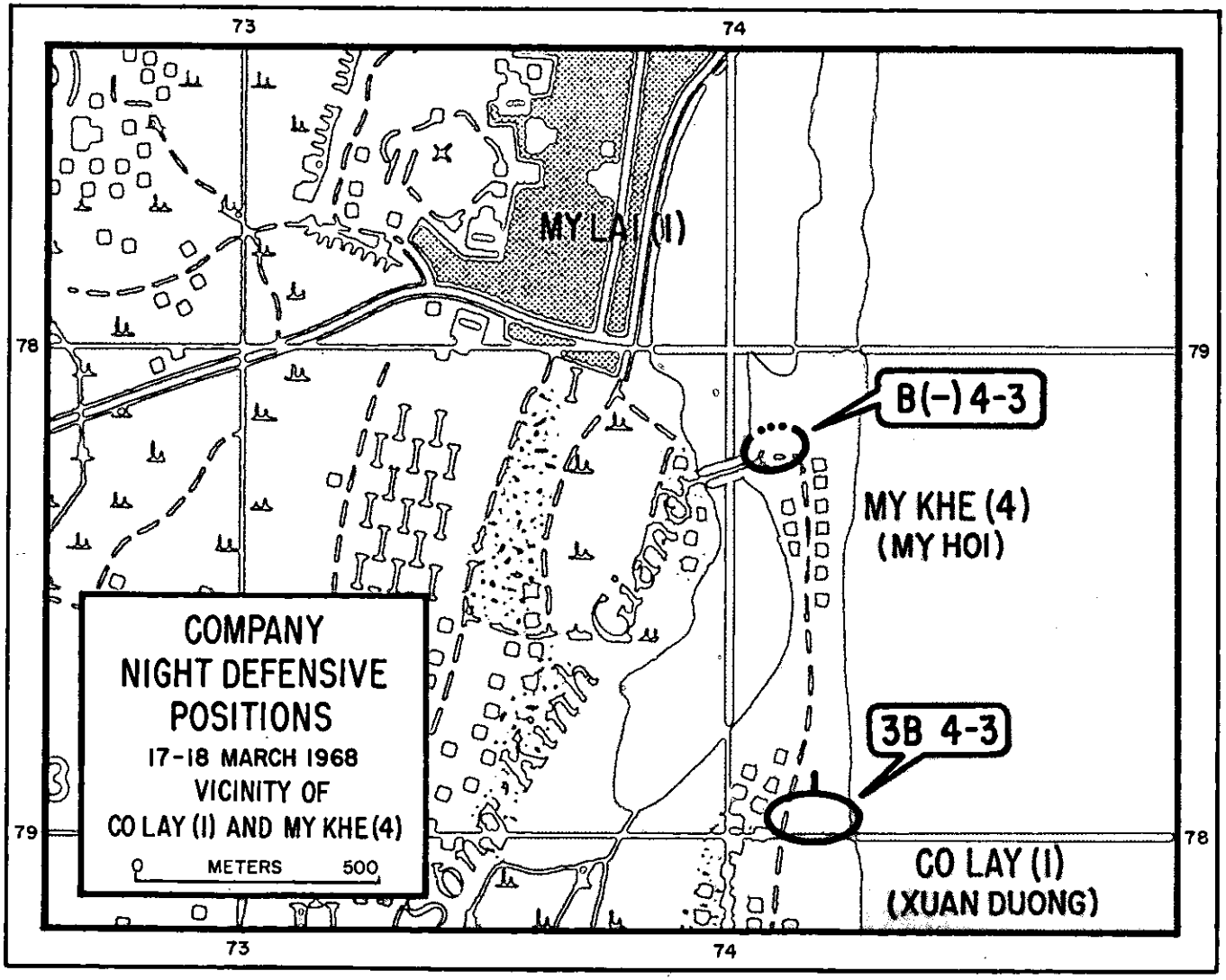
SKETCH 7-5


COMPANY LINK-UP
16 MARCH 1968
VICINITY OF MY KHE (4)
0 METERS 1000
1B/4-3
0810 HRS - MINE DETONATED
1 - WIA
SNIPER FIRE
FROM MY KHE(4)
B(-)4-3
MY KHE (4)
(MY HOI)
MY LAI (1)
My Khe (3)
73
74
75
76
81
80
79
78

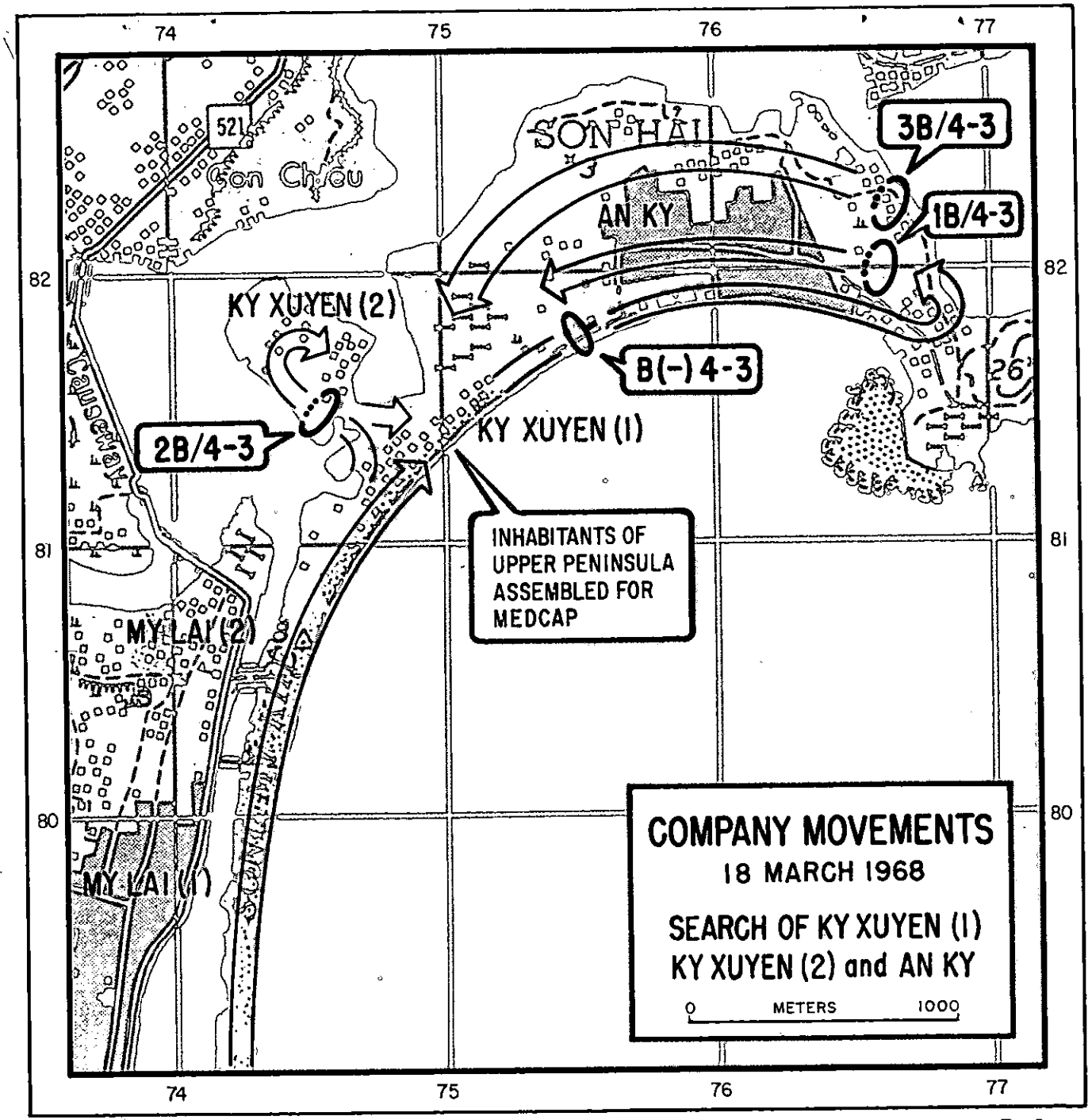
SKETCH 7-6


COMPANY MOVEMENTS
17 MARCH 1968
VICINITY OF
CO LAY (1), (2) AND (3)
AND MY KHE (4)
0 METERS 1000
DAYLIGHT POSITION FOR SQUAD FROM 3d PLT
3B/4-3
B(-) 4-3
MY KHE (4)
(MY HOI)
2 VC ENGAGED
CO LAY (1)
(XUAN DUONG)
BURNED
1B/4-3
2B/4-3
CO LAY (2)
(XAM TUAN)
BURNED
CO LAY (3)
(XAM CUA)
BURNED
MY LAI (1)
Mỹ Lợi (5)
Mỹ Lợi (6)
MỸ 3
Mỹ Khê (3)
Mỹ Khê (1)
An Lộc (1)
Khê (2)
Sông Kinh
SONG
72
73
74
75
76
77
78
79
80

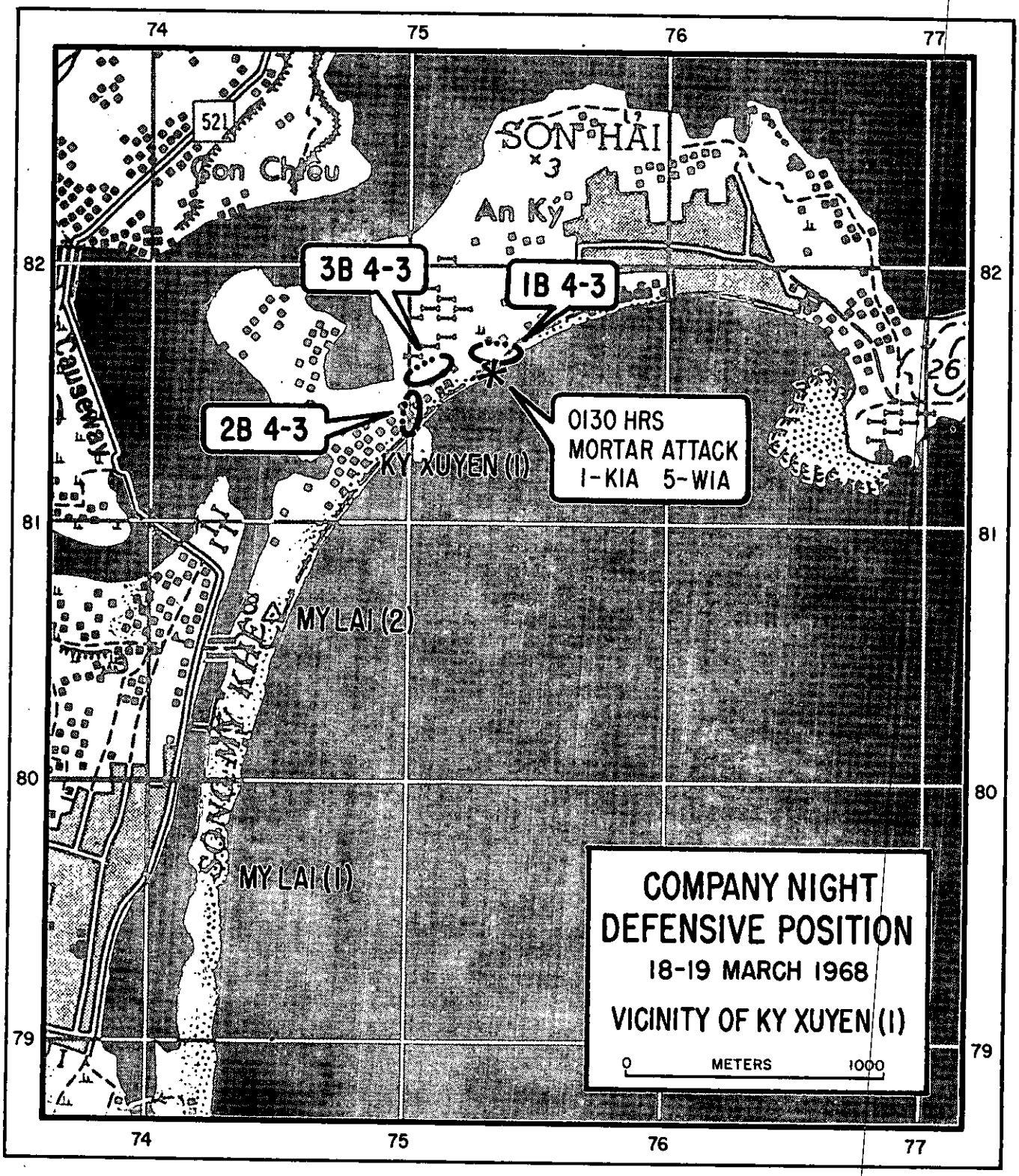
SKETCH 7-7


73
74
78
79
MY LAI (I)
B(-) 4-3
MY KHE (4)
(MY HOI)
3B 4-3
CO LAY (I)
(XUAN DUONG)
COMPANY
NIGHT DEFENSIVE
POSITIONS
17-18 MARCH 1968
VICINITY OF
CO LAY (I) AND MY KHE (4)
0 METERS 500

SKETCH 7-8


74
75
76
77
82
81
80
521
Son Chau
SON HAI
AN KY
3B/4-3
1B/4-3
KY XUYEN (2)
B(-)4-3
KY XUYEN (1)
2B/4-3
INHABITANTS OF UPPER PENINSULA ASSEMBLED FOR MEDCAP
MY LAI (2)
MY LAI (1)
COMPANY MOVEMENTS
18 MARCH 1968
SEARCH OF KY XUYEN (1)
KY XUYEN (2) and AN KY
0 METERS 1000

SKETCH 7-9


74
75
76
77
82
81
80
79
521
Son Chau
SON HAI
An Ky
3B 4-3
1B 4-3
2B 4-3
0130 HRS
MORTAR ATTACK
1-KIA 5-WIA
KY XUYEN (1)
Causeway
MY LAI (2)
MY LAI (1)
26
COMPANY NIGHT
DEFENSIVE POSITION
18-19 MARCH 1968
VICINITY OF KY XUYEN (1)
0 METERS 1000

SKETCH 7-10

Chapter 8

SIGNIFICANT FACTORS WHICH CONTRIBUTED TO THE SON MY TRAGEDY

The purpose of this chapter is to provide a brief discussion of some of the major factors which appear to the Inquiry to have contributed to the tragedy of Son My.

A. GENERAL

In reviewing the events which led up to the Son My operation of 16 March 1968 and the military situation that existed in the area at that time, certain facts and factors have been indentified as having possibly contributed to the tragedy. No single factor was, by itself, the sole cause of the incident. Collectively, the factors discussed in this chapter were interdependent and somewhat related, and each influenced the action which took place in a different way.

Undoubtedly, there were facts and circumstances beyond those dealt with in this chapter which could be said to have had a major influence upon the event. The discussion which follows is not intended to be exhaustive, nor a definitive explanation of why Son My happened. Such an effort would be clearly beyond the competence of this Inquiry. Consideration of the following factors does, however, tend to highlight the differences between the Son My operation and numerous other operations conducted throughout South Vietnam over a period of years. It also points up the potential dangers inherent in these operations, which require constant vigilance and scrupulous attention to the essentials of discipline and the unique responsibilities of command. Consideration of these factors also may assist in understanding how the incident could have occurred.

B. PLANS AND ORDERS

There is substantial evidence that the events at Son My resulted primarily from the nature of the orders issued on 15 March

to the soldiers of Task Force (TF) Barker. Previous chapters of this report have described the content of the different orders issued by LTC Barker, CPT Medina, CPT Michles, and the various platoon leaders and have indicated the crucial errors and omissions in those orders. The evidence is clear that as those orders were issued down through the chain of command to the men of C Company, and perhaps to B Company, they were embellished and, either intentionally or unintentionally, were misdirected toward end results presumably not foreseen during the formative stage of the orders.

The orders derived from a plan conceived by LTC Barker and approved by several of his immediate superiors. There is no evidence that the plan included explicit or implicit provisions for the deliberate killing of noncombatants. It is evident that the plan was based on faulty assumptions concerning the strength and disposition of the enemy and the absence of noncombatants from the operational area. There is also evidence to indicate widespread confusion among the officers and men of TF Barker as to the purpose and limitations of the "search and destroy" nature of the operation, although the purpose and orientation of such operations were clearly spelled out by MACV directives in effect at that time. The faulty assumptions and poorly defined objectives of the operation were not explored nor questioned during such reviews of the plan as were made by MG Koster, BG Lipscomb, and COL Henderson. LTC Barker's decision and order to fire the artillery preparation on portions of My Lai (4) without prior warning to the inhabitants is questionable, but was technically permissable by the directives in effect at that time. The implementing features of that decision were inadequate in terms of reasonable steps that could have been taken to minimize or avoid consequent Vietnamese casualties from the artillery preparation. The orders issued by LTC Barker to burn houses, kill livestock, destroy foodstuffs (and possibly to close the wells) in the Son My area were clearly illegal. They were repeated in subsequent briefings by CPT Medina and possibly CPT Michles and in that context were also illegal.

While the evidence indicates that neither LTC Barker nor his subordinates specifically ordered the killing of noncombatants, they did fail, either intentionally or unintentionally, to make any clear distinctions between combatants and noncombatants in their orders and instructions. Coupled with other factors described in this report, the orders that were issued through the TF Barker chain of command conveyed an understanding to a significant number of soldiers in C Company that only the enemy remained in the operational area and that the enemy was to be destroyed.

C. ATTITUDES TOWARD THE VIETNAMESE

TF Barker had some men who had been law violators and hoodlums in civilian life and who continued to exercise those traits, where possible, after entering the Army. It appears from the evidence, however, that the men were generally representative of the typical cross-section of American youth assigned to most combat units throughout the Army. Like the men in those other units, the men of TF Barker brought with them the diverse traits, prejudices, and attitudes typical of the various regions of the country and segments of society from whence they came.

There has been testimony to the effect that a "dink" or "slope" complex may have existed among many of the men of C Company. These terms were in fact used frequently by C Company witnesses in referring to Vietnamese in general. For some, the terms were apparently used in the same context in which "Kraut", "Jap," and "Gook" were used in referring to the enemy in past wars. For others, its use evidently suggested subordination (in their view) of the Vietnamese to an inferior status. For still others, the use of these terms appears to have been simply a case of going along with the majority, using the terms used by most of the other men, to describe Vietnamese (whether friendly or enemy). The available evidence does not indicate that the use of the term "dink," "slope," or "gook" by the men of C Company signified any widespread subliminal classification of Vietnamese as subhuman, however distasteful such terms might be. In fact, some of the men were fond of the Vietnamese nationals. Many indicated a dislike for and, on a recurring basis, mistreated Vietnamese civilians. Many of the men accepted Vietnamese noncombatants on a neutral basis prior to the Son My operation. Additionally, there is evidence that a substantial number of the men in C Company did not trust the Vietnamese. Part of the reason for this lay in previous experiences during which Vietnamese villagers had failed to warn them of the presence of mines and boobytraps which, when subsequently detonated, wounded and killed many of their fellow soldiers. Several of the men apparently felt, with some justification, that if the Vietnamese involved had been truly "friendly" they would have warned the soldiers about the mines and boobytraps. Whether the various commanders in TF Barker had detected this general feeling of mistrust and had attempted to prevent it from developing into a dangerous tendency to categorize all Vietnamese, not specifically identified otherwise, as being the "enemy" is not clear from the testimony available.

While it is impossible to judge the matter with precision, it is considered likely that the unfavorable attitude of some

of the men of TF Barker toward the Vietnamese was a contributing factor in the events of Son My.

D. CASUALTIES FROM MINES AND BOOBYTRAPS

A significant number of witnesses testified concerning the effect of mine and boobytrap casualties on the morale and attitudes of the soldiers of TF Barker. Besides the generally demoralizing effect which these incidents had upon the men, it is apparent from the evidence that they also served to aggravate a feeling of frustration among the men which derived primarily from their previous failures to come to grips with the enemy.

The men of C Company had specifically been subjected to such frustrations during the previous operations conducted by TF Barker in Son My. While employed outside the principal area where solid enemy contacts were developed by other TF elements (on 13 February and again on 23 February), C Company sustained, during the same time frames, a total of 15 casualties from enemy mines and boobytraps. It had suffered another five casualties from enemy boobytraps 2 days before the Son My operation. The company had not encountered identifiable enemy forces during either period of time.

It is evident that the enemy's extensive use of mines and boobytraps had a considerable effect upon the men and contributed significantly to the events of Son My.

E. PRIOR FAILURE TO CLOSE WITH THE ENEMY

One of LTC Barker's major frustrations was the past failure of the TF to come to grips with, in his words "to do battle" with, the VC 48th Local Force (LF) Battalion. These failures had been highlighted by BG Lipscomb in previous after-action critiques, and were underscored again by COL Henderson in his remarks to TF personnel on the afternoon of 15 March. Given the competitive nature of command assignments and the general tendency to evaluate command performance on the basis of tangible results, it appears that LTC Barker and his subordinate commanders probably viewed the Son My operation as a real opportunity to overcome their past failures (or lack of opportunity) to close effectively with and defeat a major identifiable enemy force. Whether this factor had an effect on the lack of discrimination shown in their planning and orders is not clear from the evidence.

As indicated previously, past failure or lack of opportunity to fight an enemy force had also had a significantly frustrating effect on the morale and attitudes of the soldiers of C Company.

Rather than the continuation of essentially nonproductive reconnaissance-in-force operations with attendant high casualties from mines and boobytraps, the Son My operation offered them the opportunity to fight what was (described to them as) almost certainly the 48th VC Local Force Battalion, under conditions and at a time favorable to them. Given their past failure or lack of opportunity to do battle with the enemy and the information which they were provided by CPT Medina, the evidence is clear that many of them also considered the Son My operation as a tangible chance to alleviate some of their past frustrations.

F. ORGANIZATIONAL PROBLEMS

In previous chapters, this report has provided an examination of the organizational difficulties which confronted the Americal Division and its subordinate elements at the time of the Son My operation. To attach undue importance to this fact would involve ignoring similar organizational difficulties faced and successfully resolved by other US Army divisions in Vietnam and in other wars. Nevertheless, it is apparent from the evidence and testimony made available to the Inquiry that the Americal Division's organizational process, coupled with other factors, detracted from the ability of key personnel to properly supervise to insure that combat operations were being conducted in the appropriate manner. This was most evident in the apparent demands placed on the time available to the various commanders who had direct or indirect responsibilities for supervising the preparation and execution of the Son My operation, and in the evidence which indicates that during the post-Tet 1968 time frame there was a lack of any positive enforcement (by means of disciplinary action) of the provisions of division and brigade directives dealing with the treatment of noncombatants.

A commander at the battalion (task force), brigade, or higher level normally depends heavily upon his staff to assist him in planning, coordinating, influencing, and supervising his subordinate units and the men in those units. At the 11th Brigade level, creation of TF Barker apparently resulted in a weakening of the brigade staff because of the loss of the former S3/XO, LTC Barker, the former S1, MAJ Calhoun, and several other officers and noncommissioned officers. Coupled with the brigade change of command which occurred on 15 March, these factors probably contributed to a decline in the proficiency and supervisory capability of the 11th Brigade headquarters.

TF Barker was organized with an austere staff and had no individual who performed exclusively as the TF executive officer. The evidence indicates that the austere staffing of the TF may have had some influence on the Son My operation,

particularly in terms of the adequacy of the planning phase, and that a disproportionate amount of LTC Barker's time and effort may have been spent on matters which, under ordinary circumstances, would have been handled by the staff.

It is evident that the organizational problems involving the Americal Division and subordinate elements contributed to inadequate supervision of the planning phase for the Son My operation and, in that sense, played a part in the events which followed.

G. LACK OF COMMAND RAPPORT WITHIN TF BARKER

There is substantial evidence that LTC Barker did not have a close personal relationship with his company commanders. This may have been Barker's chosen method of operating as TF commander. A more tangible factor was the apparent necessity for Barker to devote a disproportionate amount of his time and effort to matters which an adequate staff might otherwise have been capable of handling.

From LTC Barker's vantage point, his was solely a tactical mission. The majority of the routine administrative and logistical support for the rifle companies still came from their parent battalions. The evidence indicates that such an arrangement probably had a detrimental effect on the morale of the soldiers and their commanders, and may well have caused the company commanders and their men to feel that they were a transient element in a temporary organization.

Whatever the cause, the evidence suggests that the lack of command rapport within TF Barker may have given rise to a void in communications between Barker and his subordinates. This void was apparently filled in part by the TF S3, MAJ Calhoun. Given the interim nature of the TF, the demands on Barker's time in order to overcome difficulties arising from the austere staffing of the TF, and the understandable loyalties of the three company commanders toward their parent battalions and battalion commanders, Barker's detachment from his subordinates may have been more apparent than real. Of more significance is the probability that the absence of a close personal relationship between Barker and his subordinates may have given rise to a lack of understanding on his part as to the professional capabilities of each of his company commanders, and an uncertainty on their part as to what he specifically expected of them and their companies. Ultimately the lack of personal rapport and contact between LTC Barker and his company commanders may have influenced the general breakdown in discipline, restraint, and control which were evident on the first day of the Son My operation.

H. ATTITUDE OF GOVERNMENT OF VIETNAM (GVN) OFFICIALS

The general policy and attitude of Vietnamese officials toward the Son My area has been described elsewhere in this report. The Army, Republic of Vietnam forces were, during the post-Tet period, reluctant to conduct sustained operations in the area. This fact, coupled with GVN treatment of the area as a free fire zone and the automatic, perfunctory clearances by GVN officials to fire ordnance into the area, were generally known by key members of the TF. It is evident that GVN officials considered Son My as long-standing VC-controlled territory and that its inhabitants were considered as low priority and of little immediate consequence to GVN interests at that time. These general attitudes were well known by key members of the 11th Brigade and TF Barker and undoubtedly affected their feelings toward the area and its people.

I. NATURE OF THE ENEMY

While the Communist forces had achieved a substantial psychological impact on the American public during the Tet offensive of 1968, they had also taken substantial losses in men and equipment. Time to refit, recruit, and retrain their forces was of critical importance to their future staying power. To provide the requisite time, their forces were, during the post-Tet period, seeking to attain sanctuary and protection by melting back into the populace and by retreating into their base areas. In the initial phase of the stepped-up level of actions by US forces, taken to deny the communists needed time and concealment, there was a consequent and unfortunately high level of civilian casualties throughout most of the Republic of Vietnam.

The Communist forces in South Vietnam had long recognized our general reluctance to do battle with them among the civilian populace and had used that knowledge to our tactical and strategic disadvantage throughout the history of the war in Vietnam. Exploitation of that reluctance by Viet Cong (VC) and North Vietnamese Army (NVA) ground forces caused a distortion of the classic distinction between combatants and noncombatants. (It is important to bear in mind that the old distinctions have been distorted by Communist, not US, forces). In a war replete with instances of VC women bearing arms and killing US soldiers and children of VC serving as boobytrap specialists and would-be assassins, it became a life and death matter for US soldiers and their commanders to make and adhere to distinctions between combatant and noncombatant, primarily on the basis of whether the individuals in question were armed, were committing hostile acts, or were otherwise endangering the lives of allied troops, rather than on the basis of sex or age. (Such distinctions must, of course, exclude helpless persons such as babies from the list of combatants.)

The Son My area was populated principally by VC, their sympathizers and supporters, and their respective families. It had been controlled by the VC for years and most of the men in TF Barker were aware of this fact. They were also aware that the 48th VC LF Battalion was a tough, well disciplined guerrilla unit which had not only played a major part in the Tet offensive but reportedly had also fought well against TF Barker elements in two previous contacts in the Son My area. It is apparent from the testimony of these soldiers that the entire area and its population were considered as belonging to the enemy, and that they had little apparent understanding of the probability that a significant part of Son My's unarmed population were dominated by the VC because the VC represented the only continuing presence in the area.

The tactical difficulties involved in ferreting enemy forces out of populated areas, the practical difficulties involved in clearly identifying friend from foe, and a generally widespread knowledge of VC control of the Son My area unquestionably played a major role in the events of Son My.

J. LEADERSHIP

During the latter stages of this Inquiry, it became apparent that if on the day before the Son My operation only one of the leaders at platoon, company, task force, or brigade level had foreseen and voiced an objection to the prospect of killing noncombatants, or had mentioned the problem of noncombatants in their preoperational orders and instructions, or if adequate restraining orders had been issued early on the following day, the Son My tragedy might have been averted altogether, or have been substantially limited and the operation brought under control. Failures in leadership appear, therefore, to have had a direct bearing on the events of Son My.

COL Henderson had served with the 11th Brigade as the Deputy CO or Acting CO from the time of the brigade's activation in Hawaii until his assumption of formal command on 15 March 1968. Perhaps more than any other single individual, he should have recognized the strengths and weaknesses of the key personnel and operating procedures within the brigade. He testified that his job as Deputy CO under BG Lipscomb was basically administrative in nature and did not allow him as much time as he would have liked to learn the various operational areas assigned to the brigade and the subordinate commanders who were subsequently to serve under him. This is not an uncommon predicament for a second-in-command. It also should have emphasized to him the necessity and importance of going over LTC Barker's plan in detail. There is always a balance to be struck in the amount of latitude and authority to be vested in a subordinate commander when weighed against the commander's overall responsibility for what hap-

pens or fails to happen in his unit. In COL Henderson's case, the evidence is clear that he elected during the initial phase of his command to vest maximum latitude in Barker, and in so doing, he treated superficially an operational plan which deserved detailed examination.

The testimony available indicates that LTC Barker was considered by BG Lipscomb and by COL Henderson to be an outstanding officer. His selection to command the TF was reportedly based on their evaluation of his excellence in having performed as the brigade S3 and executive officer. His performance as TF commander up until the time of the Son My operation appears to have been creditable in terms of reported results achieved.

It is apparent that LTC Barker was highly motivated and enthused by the prospect of coming to grips with what was believed to be the same enemy force which had previously fought against and inflicted casualties upon TF elements. His frustrations from previous failures by the TF, his decision to fire the artillery preparation on a part of My Lai (4), and the nature of his orders have been noted elsewhere in this report. In assessing other aspects of his leadership which had an influence on the events of Son My, the evidence indicates that his assumptions, plans, decisions, and orders reflected a degree of incompetence, including an inability to make the kind of distinctions required of successful commanders in the Vietnam war.

CPT Medina was older than most company commanders in Vietnam (his early 30's), and, as a former noncommissioned officer, had gained broad experience in dealing with soldiers. From the evidence developed, it is clear that he was almost unanimously respected by his men and by his superiors and was, in their opinion, an outstanding company commander who held the welfare of his men as one of his primary concerns. His no-nonsense approach to his mission and single-mindedness of purpose in achieving that mission caused him to be the object of respect, but in some cases fear, by some of his men and by his platoon leaders. The evidence indicates that Medina was a strict authoritarian concerning most matters involving his men and exerted an extraordinary degree of influence over them. There was also testimony to indicate that he adopted a condescending and sometimes disparaging manner in dealing with his platoon leaders. The evidence indicates that his principal leadership weakness prior to Son My was in not exercising firm control over the actions of his men toward Vietnamese. The evidence indicates that callousness was not a part of his attitude toward his own men, whose welfare was apparently of primary concern to him.

While most of the men of C Company respected CPT Medina, the evidence indicates that similiar feelings of respect apparently did not exist toward the platoon leaders. Any assessment of the

C Company platoon leaders, however, must take into account their relative inexperience and the influence exerted over them by CPT Medina. Perhaps the most revealing aspect of testimony concerning the platoon leaders is that each, with the exception of LT Calley, was considered a "nice guy" by many of his men. The implications of this classification are substantiated by evidence which indicates that each lacked any real internal system for control and discipline of his platoon. What control and discipline did exist emanated from the company commander. It is also apparent that each platoon leader was, to an extent, fearful of his men and hesitant in trying to lead. Instead, they attempted to become "buddies" with their noncommissioned officers and men and, in more than one instance, allegedly joined with their men in immoral and illegal acts against Vietnamese prior to the Son My operation. It should also be pointed out that most of the noncommissioned officers in C Company were young and, in general, had no more combat experience than the men themselves. The general lack of experienced leadership for the men of the platoons was not uncommon in other Army units at that time.

CPT Michles was regarded by his men as a good officer and a scrupulous person. From the evidence developed, it is apparent that he was genuinely concerned with the welfare of his men. While it is clear that he was also mission-oriented, he was not regarded by his men as a harsh disciplinarian and was not held in the same light of awe and fear as CPT Medina. The indications are that he was a conscientious career officer who enjoyed the respect and esteem of most of his men.

The available testimony suggests that CPT Michles' relationship with his company officers was unstrained and, while they did not regard him as unapproachable, they clearly respected his position. There is no evidence to suggest that any of the B Company platoon leaders were particularly weak or strong as combat leaders. At the time of the Son My operation, the B company platoon leaders apparently commanded a reasonable degree of respect from their men and had the fortitude to discipline them when required.

The evidence indicates that there was a high degree of competitiveness between CPT Michles and CPT Medina, and a portion of this feeling was undoubtly communicated to their respective platoon leaders and men and probably played a part in the attitudes of their men toward the forthcoming operation.

Americal Division leaders, down to and including the TF level, failed to supervise properly the planning of the Son My operation. This gave rise to a loosely conceived plan with a poorly defined purpose. These failures resulted in the issuance of ambiguous, illegal, and potentially explosive orders by LTC Barker and CPT Medina, and possibly CPT Michles, who failed

either deliberately or unintentionally, to provide in their plans and orders for the possibility that noncombatants might be found in the objective areas. Implementation of these orders ultimately became the task of generally weak and ineffective leaders at the platoon level and below. Collectively, these factors had a pronounced impact on the results of the Son My operation.

K. PERMISSIVE ATTITUDE

The evidence developed during this Inquiry strongly indicates that a dangerously permissive attitude toward the handling and safeguarding of Vietnamese and their property existed within elements of the 11th Brigade chain of command prior to the Son My operation. Evidence also indicates varying degrees of concern by MG Koster, BG Lipscomb, COL Henderson, and LTC Barker concerning the subject, but in the light of the mistreatment, raping, and some indiscriminate killing of Vietnamese known to have occurred prior to Son My, and in view of the events at Son My itself, it is evident that if such concern did exist, it had not been communicated effectively to the soldiers of TF Barker. There had been little in the way of positive enforcement by responsible commanders (in the form of disciplinary action) of the provisions of division and brigade directives dealing with the treatment and safeguarding of noncombatants and their property prior to Son My.

While COL Henderson was officially the brigade commander at the time of the Son My operation, the evidence indicates that BG Lipscomb, the previous brigade commander, may have contributed to the attitude of permissiveness which existed within the brigade. This assumption is warranted in that the attitudes of the 11th Brigade soldiers who characteristically mistreated Vietnamese nationals did not develop overnight nor did they come into being concurrently with the change in brigade commanders. Evidence of scattered incidents involving the mistreatment, rape, and possibly the murder of Vietnamese by 11th Brigade soldiers prior to the Son My operation, indicates that a permissive attitude existed, and was not uncovered and corrected, under BG Lipscomb's command.

The fact that both COL Henderson and LTC Barker were both relatively new in their command assignments may have contributed to some uncertainty among their subordinates as to exactly what was expected of them and their soldiers in the handling of Vietnamese noncombatants, but did not relieve either from the command responsibility for the actions of their units.

The evidence indicates that a number of C Company soldiers were involved in the illegal acts against Vietnamese prior to the Son My operation. These acts may have mirrored a permissive and calloused attitude by CPT Medina, or they may have resulted from

the fact that the company was essentially a one-man show run by CPT Medina who was, regardless of his intentions, incapable of exercising single-handed control of 100-plus soldiers. The evidence is inconclusive in this regard, but suggests the latter situation. As indicated previously, the reticence and lack of leadership among the platoon leaders of C Company also contributed to the general permissiveness which existed in the company at the time of the operation.

There was no evidence developed to indicate the existence of a permissive attitude among key members of B Company. To the contrary, the evidence indicates that CPT Michles neither condoned nor tolerated mistreatment of Vietnamese by B Company soldiers prior to the Son My operation.

It is evident that the generally permissive attitude which existed in some of the units of the 11th Brigade prior to Son My was brought into sharp focus for the men of TF Barker by the orders issued on 15 March by LTC Barker, CPT Medina, and possibly CPT Michles, and significantly influenced the events of the following day.

L. LACK OF AFFIRMATIVE COMMAND AND CONTROL

A variety of factors, which became evident during the Inquiry, collectively indicate that there was a general lack of affirmative command and control throughout the 11th Brigade, and particularly in TF Barker at the time of the Son My operation.

The evidence of previous mistreatment of Vietnamese by soldiers of the 11th Brigade and TF Barker, testimony concerning previous scattered destruction and burning of Vietnamese homes, the method in which earlier TF operations were conducted, the austere staffing of the TF and the superficial treatment of plans for the Son My operation all point to the lack of an effective system of controlling combat operations.

The evidence indicates that LTC Barker visited his companies infrequently while they were operating in the field. It is also evident that the facilities and equipment provided or made available to his interim organization were marginal at best. This was particularly true with respect to the communications facilities used in his command and control helicopter, and in his tactical operations center (TOC). This equipment had been drawn from other organizations of the brigade at the time that the TF was established.

A general pattern which emerged during this Inquiry was that some Americal commanders failed to get on the ground with

operating units. This was most pronounced on the day of the Son My operation when not a single commander above company level landed in the Son My area to personally communicate with the ground forces despite clear indications that unusual events, of a nature requiring command attention, were taking place on the ground. This is brought into even sharper focus by the fact that this was, on the face of it, the most successful operation ever conducted by an element of the 11th Brigade.

M. LACK OF EMPHASIS IN TRAINING

Early in the Inquiry, there was a suspicion that the manner in which the 11th Brigade was activated, trained, prepared for overseas movement, and deployed to Vietnam might have had some impact upon the events of Son My. Investigation revealed that this was the case to a limited extent.

11th Brigade elements underwent an accelerated training program, received a substantial input of replacement personnel shortly before deploying, and eventually deployed earlier than originally had been scheduled. Shortly after arriving in Vietnam, planned makeup training was effected by another infusion of replacements (to overcome a projected rotation "hump") and by early commitment of brigade elements to active combat operations.

As a net result of these actions, the evidence indicates that, at best, the soldiers of TF Barker had received only marginal training in several key areas prior to the Son My operation. These areas were (1) provisions of the Geneva Conventions, (2) handling and safeguarding of noncombatants, and (3) rules of engagement.

The problem of training and instruction having to do with identification of and response to "illegal" orders is addressed elsewhere in this report. The evidence indicates that training deficiencies in this area, together with deficiencies in those training areas described above, played a significant part in the Son My operation.

N. PSYCHOLOGICAL BUILDUP

In the case of B Company, no firm conclusions can be drawn as to either the nature or effect of any preoperational psychological buildup that may have been given to the men. CPT Michles did not personally brief his company, and there is some evidence that the content of the briefings given by the platoon leaders was not uniform throughout the company. All the men apparently were told that the area was populated entirely by "VC and VC

sympathizers" and that the mission was to "clean the place out," but there was no suggestion made of getting revenge for previous friendly casualties. Any attempt to evaluate the psychological preparation given to B Company is complicated by the fact that (a) the main elements of B Company suffered heavy casualties and had their principal mission aborted almost immediately after the combat assault, and (b) the separated 1st Platoon knew about those casualties (including the death of their former platoon leader) before entering My Khe (4). Undoubtedly, the casualties suffered early on 16 March had a psychological effect upon B Company. Those effects may have influenced, possibly in different ways and to a greater extent than preoperational factors, the subsequent actions of various elements of the company.

The men of C Company who participated in the Son My operation testified, without exception, that their actions in and around My Lai (4) were "different" from anything they had ever been involved in before and from anything that they were ever involved in afterwards. From their testimony it is clear that a large part of the difference derived from their understanding of the nature and purpose of the operation. Their understanding and the attitudes that prevailed before the operation appear to have been primarily a product of the factors previously described in this chapter. These factors were apparently brought to a sharp focus by the briefing which they received on the day before the Son My operation.

In retrospect, it is clear that in his preoperational briefing to the men of C Company, CPT Medina "painted the picture" too vividly, and exercised no discrimination and little restraint in his implementing orders. He may also have drawn some erroneous conclusions from LTC Barker's briefing, or simply twisted certain elements of Barker's briefing to suit his own undiscriminating purposes. CPT Medina, like his commander, issued illegal orders to burn and destroy property in the target area, failed to provide in his briefing for the possibility that noncombatants might be found in the area, and further influenced the events to follow by failing to make any distinctions in his orders concerning the treatment to be accorded armed combatants, suspected (but unarmed) sympathizers, and outright noncombatants. CPT Medina's effectiveness in getting his men psychologically "up" for the expected fight is quite clear from the evidence presented to this Inquiry.

Up until the time of the Son My operation, the men of C Company had participated in largely unproductive operations and had suffered significant casualties from enemy mines and boobytraps. During the course of those previous operations, several of them had participated in the mistreatment, rape, and possible murder of Vietnamese, with no apparent retribution. They were told by

Chapter 9

POLICY AND DIRECTIVES AS TO RULES OF ENGAGEMENT AND TREATMENT OF NONCOMBATANTS

A. US OBLIGATIONS UNDER THE LAW OF WAR

The conduct of war among civilized nations is regulated by certain well-established rules known as the rules or law of war. This law regulates warfare on both the land and the sea. That which pertains particularly to war on land is called the law of land warfare.

Much of the law of war has been set out in treaties or conventions to which the United States is a party. It is commonly called the written law of war.

Some of the law of war never has been incorporated in any treaty or convention to which the United States is a signatory. This law is commonly called the unwritten or customary law of war. For the most part it is well defined by recognized authorities on international law and is firmly established by the custom and usage of civilized nations.

The primary source of the written law of war as it applies to the United States is international conventions (lawmaking treaties to which the United States is a party). Some of the more important of these are:

(1) Hague Convention No. IV Respecting the Laws and Customs of War on Land and the Annex thereto which embodies the Regulations Respecting the Laws and Customs of War on Land.

(2) The four 1949 Geneva Conventions for the protection of the wounded and sick of armed forces in the field; wounded, sick, and shipwrecked members of armed forces at sea; prisoners of war; and civilian persons in times of war.

(3) The 1929 Geneva Conventions relative to the treatment

their company commander that they were going to face an enemy battalion the following day in the Son My area. They were told that an artillery preparation would be placed on the target area before they arrived and that the landing zone (LZ) would probably be "hot." They were given the impression that the only people left in the area would be the enemy and that their mission was to destroy the enemy and all his supplies. They were told that the best way to prevent the enemy from recovering weapons from the battlefield was to close with the enemy aggressively. They were reminded that some of them would probably become casualties in the operation and were enjoined to look out for each other. They were reminded of their past losses to enemy boobytraps and their failure to get revenge for those losses. They were told that the forthcoming operation would provide the opportunity to obtain that revenge. They were not told of any restrictions of any kind that would be imposed on them in accomplishing the assigned mission.

O. SUMMARY

The factors described in this chapter are considered relevant to the purpose of this Inquiry to the extent that they assist in understanding what happened at Son My, and, to a lesser extent, why it happened.

In the time available to this Inquiry, there was no attempt to analyze the factors in depth, nor to evaluate psychological aspects of what happened. This is considered a task that can be best performed by a team of highly qualified research analysts with the technical talents and experience necessary to do justice to the subject.

of prisoners of war and amelioration of the conditions of the wounded and sick of armies in the field.

The law or war, both written and customary, had the principal purpose of diminishing the evils of war by:

a. Protecting both noncombatants and combatants from unnecessary suffering;

b. Safeguarding certain fundamental human rights of persons who fall into the hands of the enemy, particularly prisoners of war, the wounded and sick, and civilians; and

c. Facilitating the restoration of the peace.

The United States recognizes the conflict in Vietnam as an international conflict to which both customary and written or conventional law of war apply, and the United States has declared its intent to observe this law.

The United States has an obligation to instruct its military personnel concerning the conventional law of war which the United States has recognized. This obligation is in part fulfilled by formal military instructions and directives. Further, the United States has affirmative responsibilities to investigate alleged violations of the pertinent conventions. Its obligations under the "grave breaches" article of each of the 1949 Geneva Conventions are quite specific:

> The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article.
>
> Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party had made out a prima facie case.
>
> Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to

the provisions of the present Convention other than the grave breaches defined in the following Article.

In all circumstances, the accused persons shall benefit by safeguards of proper trial and defense, which shall not be less favorable than those provided by Article 105 and those following of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949.

Grave breaches to which the preceding Article relates shall be those involving the following acts, if committed against persons or property protected by present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person,...taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Most of the "grave breaches" listed above had been considered as violations of customary law or were denounced in other conventions prior to the 1949 Geneva Conventions.

Both US military law and international law place certain responsibilities upon military commanders to control their troops, to investigate alleged violations of the law of war, and to take appropriate action. Furthermore, many offenses against the law of war are violations of the Uniform Code of Military Justice.

The United States, as a civilized nation and as a signatory of Hague Convention No. IV (1907) and its Annex and the four Geneva Conventions of 1949, is obligated to observe the law of war, to investigate alleged war crimes, and, in appropriate cases, to bring alleged offenders to trial.

The term "war crime" is the technical expression for a violation of the law of war by any person or persons, military or civilian. Every violation of the law of war is a war crime.

B. UNITED STATES DIRECTIVES

1. Policy Guidance

a. General

The military departments within the Department of

Defense (DOD) have promulgated regulations providing guidance to military personnel on customary and treaty law applicable to the conduct of warfare. As noted previously, the law of land warfare regulates the conduct of armed hostiles and is inspired by the desire to diminish the evils of war.

Within the guidance established by DOD, each of the military services has published regulations pertaining to both sources of the law of war, as well as detailed instructions regarding the engagement, apprehension, and classification of individuals present in a hostile environment. Specifically, the Department of the Army (DA) has directed actions through the chain of command to insure that the US soldier knows his responsibilities in the conduct of war that are based on the rules of land warfare. This is accomplished through the publication system which spells out the individual's responsibilities.

To accomplish the requisite training, DA has defined two broad objectives:

(1) Definition of the US national policy in the conduct of land warfare to include the rules and law of war.

(2) Training required to insure that the individual soldier understands his specific duties and obligations in the pursuit of the US national policy.

b. Geneva Conventions Training

By Army Regulation (AR) 350-216, commanders are required to provide instruction that is adequate to insure that all members of their commands understand the principles and the provisions of the Geneva and Hague Conventions, which are binding on the United States.[6] This training is designed to be conducted in a manner that will provide each individual with an understanding of his responsibility under the provisions of these conventions to afford humane treatment both to prisoners of war and the enemy civilian population. As a first step, the soldier receives in Basic Combat Training (BCT) an hour of instruction based on Army Subject Schedule 21-18.[8] This subject schedule is published to provide uniformity in the familiarization of military personnel with the Geneva Conventions of 1949. The lesson outline, text and publication references, and training films are designed to provide the requisite background and supplemental instruction material. The scope of this instruction includes the specific provisions of the Geneva Conventions of 1949 and a discussion of individual duties, rights, and obligations thereunder.

AR 350-216 also directs that commanders will take action to insure that each member of their command receives training in the conventions each 12-month period. Suitable entries will be made annually in the individual's personnel record indicating the date that such instruction was last completed. Qualified legal officers are required to conduct this annual instruction.

Therefore, the individual soldier receives the foundational instruction in basic training, and this training is continually updated on an annual basis using Field Manual (FM) 27-10, several DA pamphlets, and current training films.

As early as 1964, Military Assistance Command, Vietnam (MACV) directives and regulations had been published that pertained to the individual soldier's duties and obligations under the rules of warfare. Subsequently, these directives were expanded, updated, and clarified as subordinate headquarters were activated. By 1967-68, directives and regulations were in effect that pertained to all phases of military operations and training.

Army personnel normally arrived in the Republic of Vietnam (RVN) at a replacement unit where it was required by United States Army Vietnam (USARV) Regulation 612-1 that all military personnel would receive, among others, the following information cards:

(1) "The Enemy in Your Hands;"

(2) "Nine Rules;"

(3) "Code of Conduct;" and

(4) "Geneva Convention."

In addition, all commissioned officers would receive a card entitled "Guidance for Commanders in Vietnam." These cards were to be kept in the individual's possession at all times because of the usefulness of the information they contained.

These cards stressed humanitarian treatment and respect for the Vietnamese people and stipulated that each individual would comply with the Geneva Conventions of 1949. Individual methods of capture, care, and treatment were specifically included in the cards.

c. Rules of Engagement

The rules of engagement (ROE) for military operations in Vietnam are based on specific authority granted by the Joint

Chiefs of Staff (JCS). In 1966, Commander, United States Military Assistance Command Vietnam (COMUSMACV) established a policy of republishing the ROE every 6 months to insure maximum visibility to all US personnel during their tour. These ROE provided the guidance for the conduct of combat operations within RVN and directed that all practicable means be employed to limit the risk to the lives and property of friendly forces and civilians.

The control of combat operations and application of the ROE pertaining to the individual soldier were vested in the commander at each subordinate level who, among other responsibilities, was directed to "use your firepower with care and discrimination, particularly in populated areas." The chain of command was to be utilized to the fullest extent to insure success in battle with the minimum expenditure of resources. The soldier was regarded as a member of a team responsive to his leader, yet responsible for his individual actions.

Early in the conflict, the magnitude of the firepower available for employment was recognized. The individual soldier's rifle fire was supplemented by huge quantities of direct and indirect firepower from a large variety of sources. All means of firepower had to be carefully controlled and coordinated to insure successful, yet proper, employment. Fire control and coordinating elements were organized at each level of command down to and including rifle companies. These elements had the capability to coordinate and control all available means and sources of supporting firepower. However, because the varied sources of firepower had different delivery means and accuracy, the rules of employment for each varied. It was clear at an early date that the means of control and the rules that governed the employment of the different types and sizes of ordnance were extremely important.

MACV Directives 95-4 and 525-18 were in effect in early 1968. These regulations dealt with combat operations and, more particularly, with the control of firepower delivered by artillery, mortar, air, and naval means.

MACV Directive 95-4 stipulated that airpower should be employed with the objective of eliminating "incidents involving friendly forces, noncombatants, and damage to civilian property." In operational planning of battalion-level operations, it was required that representatives of aviation units participate in the tactical ground planning to provide for the necessary coordination and control of the firepower available within the aviation units.

The specific restrictions and ROE for US aircraft in RVN

were amplified in Annex D to MACV Directive 95-4 which directed that "all pilots will endeavor to minimize noncombatant casualties and civilian property damage." This annex also stated that "if the target involves noncombatants, such as in a hamlet or village, whenever possible a Republic of Vietnam Air Force (RVNAF) observer will be aboard the helicopter and US-GVN-RVNAF approval of fire must be obtained unless the situation clearly presents an immediate threat to lives of the crew."

Certain areas in RVN were uninhabited or had been identified as such by Government of Vietnam (GVN) authorities. In 1966, certain of these areas were designated as cleared areas to all Free World Military Assistance Forces (FWMAF) by the GVN and became known as "free fire zones." Simply stated, a free fire zone was a specifically delineated geographic area, usually free of any known populace, that had been previously approved for use of all means of fire and maneuver. Such an area was cleared for employment of firepower unless notification to the contrary was given. In 1967 MACV replaced its use with the term "specified strike zone (SSZ)." An SSZ was defined as "those areas approved by a province chief where strikes may be conducted without additional political clearance."

The control of artillery/mortar and naval gunfire support was directed by MACV Directive 525-18. Restrictive controls were to be held to the minimum necessary to insure that civilians and their property were not destroyed or damaged. This directive stated, however, that fire missions directed against known or suspected VC/NVA targets in villages and hamlets occupied by noncombatants "will be" controlled by an observer and "executed only after Province Chief or District Chief approves as appropriate." Under certain specified conditions, however, this regulation did authorize striking areas known to be inhabited by noncombatants. It states: "Villages and hamlets may be attacked without prior warning if the attack is in conjunction with a ground operation involving maneuver of ground forces through the area, and if in the judgment of the ground commander, his mission would be jeopardized by such warning."

During the 1968 Tet offensive, Headquarters, MACV (Forward), issued temporary modifications to MACV Directive 525-18 for specific purposes in designated areas of I Corps Tactical Zone (ICTZ). Some commanders were authorized to attack inhabited areas with weapons and forces most appropriate to insure prompt restriction of the enemy. Even with these temporary modifications, however, commanders were enjoined to exercise prudent judgment to protect noncombatants and private property.

d. Treatment of Noncombatants and Private Property

MACV directives in effect at the time of the Son My operation dealt specifically with the subject of minimizing noncombatant casualties and the control of Vietnamese property, captured materiel, and food supplies. These directives were policy directives pertaining to combat operations in general.

MACV Directive 525-3 dealt with minimizing noncombatant casualties. Noncombatants were generally described as the "hapless rice farmer and the small town inhabitant, whether at any one time [he] lives in a VC or a GVN controlled hamlet" noting that where he lives depends "to a large extent upon factors and forces beyond his control." Commanders were directed to control force and not use "unnecessary force leading to noncombatant battle casualties in area temporarily controlled by the VC."

The exercise of restraint by soldiers to reduce to a minimum the casualties inflicted on the noncombatant populace was stressed. Commanders were directed to "maintain and conduct a thorough and continuing program to emphasize both the short- and long-range importance of minimizing noncombatant casualties." Troop indoctrination briefings were to be held before each operation. Each briefing was to include the location of noncombatants and other friendly forces, measures to prevent mutual interference, safety precautions for fire control support, rules of engagement, identification and recognition signals, emergency procedures, and other appropriate matters.

Several other significant points were covered in the directive:

(1) The VC fully exploit incidents of noncombatant casualties and destruction of property by US forces.

(2) Commanders will consider the psychological as well as the military objectives. Reconnaissance by fire and poorly selected harassing fires are counterproductive in the long run.

(3) Specified strike zones should be configured to exclude populated areas.

(4) Established rules of good military conduct and discipline must be enforced.

(5) Implementing instructions and SOP's concerning this directive, fire control support and safety precautions will be issued by major commanders. Commanders will insure distribution to the lowest echelons.

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MACV Directive 525-9 established policies and procedures for control, disposition, and safeguarding of private property and food supplies as well as captured materiel and supplies during combat operations. Long-term US and GVN objectives were stressed and continuing command emphasis was directed to the preclusion of destruction. Specifically, this document directed that the disposition of private property and supplies is the responsibility of GVN officials and that civilian dwellings or private property, including livestock, will not be destroyed by US forces except as an unavoided consequence of combat actions. If destruction is to be accomplished as a denial measure, such action will be left to GVN authorities or RVNAF units.

e. Detaining Individuals

In addition to the cards previously mentioned, policy and guidance for the apprehension, detention, and treatment of individuals suspected of hostile acts were covered in several MACV directives.

The Combined Campaign Plan for 1968 directed prompt, thorough and effective screening, segregation, and disposition of suspected enemy civilian personnel captured or detained by friendly forces. The screening process was to be accomplished in screening centers established jointly with US and Vietnamese military and civilian representation. Screening and segregation were to identify the detainees as either apparent prisoners of war (PW's), known VC identified by blacklists, suspected civil defendants, or innocents. Once an individual's status was determined, the Combined Tactical Screening Centers (CTSC) were to release those not under suspicion. Suspected civil defendants were to be released to Vietnamese civil authorities after interrogation by military intelligence (MI) and ARVN investigators. The specifics of the screening process were covered in MACV Directive 381-46. The value of human source intelligence was described in MACV Directive 381-11.

When an individual was classified as a PW in accordance with MACV Directive 381-46, certain specific handling procedures became effective. The MACV policy and guidance for these procedures were contained in MACV Directive 190-3. This document stated that "all personnel detained by US forces will be extended the full protection of the Geneva Convention of 12 August 1949."

MACV Directive 20-5 directed "policies and procedures for determining whether personnel in the custody of the United States who have committed belligerent acts are entitled to prisoners of war status." During this determination, however, and while

detained, the suspected PW is protected by the Geneva Conventions. Article 5 of the Geneva Conventions "required that the protections of the Conventions be extended to a person who has committed a belligerent act and whose entitlement to Prisoner of War (PW) status is in doubt until such time as his status has been determined by a competent tribunal." Until such time as an individual's status has been determined, the Geneva Conventions and MACV Directives previously indicated protect the individual's rights.

f. War Crimes

Combat operations during the 1968 Tet offensive were reported in a sensational manner. At times, some reports and photographs purported to depict a flagrant disregard for human life, inhumane treatment, and brutality in the handling of detainees and PW's. Because of this situation, on 21 February 1968, GEN Westmoreland wrote a personal letter to GEN Cao Van Vien, Chief of Joint General Staff, RVNAF, reiterating the necessity for observing the Geneva Conventions and taking "appropriate action against those who offend against the law of war." As an inclosure to this letter, GEN Westmoreland included a copy of a confidential message he had dispatched to all US forces concerning the mistreatment of detainees and PW's. This message, signed by MG Walter T. Kerwin, Jr., Chief of Staff MACV, directed vigorous and immediate command action "to insure that all personnel are familiar with and observe strictly FM 27-10, UCMJ [Uniform Code of Military Justice] Article 93, Geneva Conventions relative to treatment of PW (Articles 12 through 121), Geneva Conventions for amelioration of wounded and sick armed forces in the field, Articles 12, 17, and 50, and MACV Directives 20-4, 27-5, and 190-3." The message also reaffirmed that: "All known, suspected or alleged war crimes or atrocities committed by or against US personnel will be investigated IAW [in accordance with] MACV Directive 20-4.

MACV Directive 20-4 has as a stated purpose: "To provide uniform procedures for the collection and perpetuation of evidence relative to war crimes incidents and to designate the agencies responsible for the conduct of investigations for alleged or apparent violations of the Geneva Conventions of 12 August 1949 For the Protection of War Victims."

War crimes were defined in this directive by reference to FM 27-10. Paragraph 499 of FM 27-10 states "the term war crime is the technical expression for a violation of the law of war by any person or persons, military or civilian. Every violation of the law of war is a war crime." (See also MACV Directive 27-5).

Directive 20-4 further elaborated on the definition of war crimes by stating in part that a 'grave breach' of the Geneva Conventions constitutes a war crime. Some examples of 'grave breaches' were explained (when committed against persons taking no active part in the hostilities, including members of armed forces who laid down their arms and those placed hors de combat by sickness, wounds, detention, or any cause) as wilful killing, torture, or inhumane treatment, or wilfully causing great suffering or serious injury to body or health.

The directive also provided detailed guidance to all personnel for investigating alleged or apparent war crimes against an individual who, in the context of the definition, was mistreated in any way subsequent to apprehension and/or detention. The directive further stated in part:

> a. It is the responsibility of all military personnel having knowledge or receiving a report of an incident or an act thought to be a war crime to make such incident known to his commanding officer as soon as practicable. Personnel performing investigative, intelligence, police, photographic, grave registration, or medical functions, as well as those in contact with the enemy, will, in the normal course of their duty, make every effort to detect the commission of war crimes and will report the essential facts to their commanding officer. Persons discovering war crimes will take all reasonable action under the circumstances to preserve physical evidence, to note identity of witnesses present, and to record (by photograph, sketch, or descriptive notes) the circumstances and surroundings.
>
> b. Commanders and MACV Staff sections receiving reports of probable war crimes will, in addition to any other required reports, report the fact as soon as practicable to the Staff Judge Advocate, USMACV, and will make pertinent collateral information available to the appointing authority and investigating officers.
>
> c. Investigations of alleged or apparent war crimes will be coordinated with the Staff Judge Advocate, USMACV.

The appointing authority under the directive:

> a. Will appoint an investigating officer

and, if appropriate, designate a qualified criminal investigator or CID agent as technical assistant. Upon receipt of notification of an alleged or apparent war crime concerning a member of his command, one of the following appointing authorities will, with all dispatch, appoint an investigating officer to prepare and transmit to him a report of investigation.

b. Officers who exercise General Court-martial jurisdiction (or their designees) are appointing authorities for cases involving personnel under their General Court-martial jurisdiction. The Commanding General, Headquarters Detachment, US Army Element, USMACV (or his designee) is the appointing authority for cases involving US Army personnel assigned to USMACV and any other person believed to be a US serviceman but not sufficiently identified or otherwise provided for by another appointing authority. Commanders of brigades (or their designees),who have Judge Advocate assigned to their staff, are appointing authorities for cases involving personnel of their brigades.

MACV Directive 27-5 reaffirmed the "prohibition against commission of war crimes and related acts" and defined, as well as illustrated, what constitutes a war crime. In part some of the examples indicated in this regulation included: Maltreatment of prisoners of war or detainees; killing without trial spies or other persons who have committed hostile acts; torture or inhuman treatment of a prisoner of war or detainee; and depriving PW's or detainees of the right to a fair trial.[This directive was "applicable to all US military personnel and to US civilian personnel serving with or accompanying the armed forces in the field." Continuing, it stated "Commission of any act enumerated...or constituting a war crime is prohibited. Violation of this directive will be punishable in accordance with the provisions of the Uniform Code of Military Justice."

The commission of a war crime or the knowledge of and failure to report an alleged war crime was thus a punishable offense. Reporting any incident that could be construed as a war crime was mandatory.

MACV Directive 335-1 directs the procedures for reporting "all serious crimes or incidents occurring within RVN involving US Forces personnel." A serious incident is defined as "any incident which may result in damaging public confidence in the US Armed Forces." A specific example of a reportable serious incident is one "involving detainees and prisoners of war for which the US has responsibility under the Geneva Conventions, including death, maltreatment, serious injury, riots, and successful escapes."

g. Reporting of Incidents.

The very nature of the conflict in RVN necessitated an increased awareness of the possibility of accidental injury to friendly military or civilian noncombatants. The frequent employment of massed firepower from a variety of sources increased the likelihood of misdirected ordnance incidents. The intermingling of the nonuniformed foe and the populace not only made positive identification of hostile forces difficult but also contributed to the possibility of accidental injury or death to the inhabitants of some areas. Early in the conflict, these factors and many others associated with this unique war caused great concern at the highest levels for the protection of the noncombatants and the minimization of casualties to those persons not directly involved. Further, when incidents involving either friendly military personnel or civilian nationals occurred, investigating and reporting procedures were mandatory so that proper corrective action could be initiated immediately.

In November 1966, MACV Directive 335-12 was first published and was subsequently modified in November 1967. This directive prescribed the format for reporting significant events without delay. Significant events include, but are not limited to:

1. All incidents, accidental or deliberate, including disasters resulting in major property destruction or loss to friendly personnel, or the killings, wounding, or mistreating of friendly personnel by US, RVN, or Free World Forces.

2. Incidents which could be detrimental to US/GVN relationship. Such incidents include, but are not limited to, the following when caused by Americans:

   a. Injury, death, or mistreating of noncombatants or significant damage to Vietnamese property in the course of tactical operations.

   b. Riots or disorders and involvement in criminal incidents of a serious nature.

   c. Incidents which, because of their nature or the personnel involved, reasonably may be expected to arouse public interest, or which are of sufficient importance to receive widespread publicity.

Initial reports were to be followed by detailed and complete reports in the directed format.

MACV Directive 335-1, as previously indicated, established reporting procedures for all serious incidents or crimes. Any incident which could arouse public interest or cause unfavorable

publicity required reporting under this directive and generally covered those incidents not specifically mentioned by MACV Directive 335-12.

h. Military Assistance Command, Vietnam (MACV) Emphasis

MACV published several other documents pertaining to US policy with regard to ROE, treatment of Vietnamese nationals, and the reporting of war crimes. Letters, memoranda, and messages emphasizing COMUSMACV's concern for these subjects, and reaffirmations of MACV policy were published on many occasions. In addition, the COMUSMACV command policy file emphasized these subjects. At his Commander's Conferences, COMUSMACV repeatedly discussed the necessity for proper treatment of Vietnamese nationals and proper control of firepower. For instance, on 28 August 1966, GEN Westmoreland emphasized the following:

> I have five points to cover before we conclude. At your desks are rules of engagement and procedures on control of fires of all types. It is extremely important that we do all we can to use our fires with discrimination, and avoid noncombatant battle casualties. This is a very sensitive subject, both locally, and among our own press corps. Unfortunately, we've had a rash of incidents caused by everything from mechanical failure to human error. I would appreciate your reviewing now, and your continued review, of your safety precautions and procedures on control of fires. Make sure your commanders are thoroughly familiar with the appropriate documents. Henceforth my staff will republish these quarterly, to counter loss of familiarity through turnover of personnel. The percentage of incidents has been minuscule; nonetheless, every civilian killed is a calamity, and we must cut the percentage to the minimum possible.

On 3 December 1967, GEN Westmoreland closed his Commander's Conference by directing each commander to reduce firing accidents, report all accidents/incidents direct to MACV, and insure that all troops understand the "Nine Rules" that govern their conduct in RVN. Documentation of COMUSMACV policy and interest in these areas was and is plentiful.

The necessity for subordinate commanders to implement the MACV directives as well as the stated and implied policies was also emphasized. The chain of command within the MACV unified command afforded the means for the necessary delegation of authority to implement MACV policies. Within the chain of command, subordinate units usually published directives elaborating

upon the regulations of the higher headquarters and insuring that at their lower level of command the specifically directed responsibilities assigned to them were further implemented. Another factor used by subordinate headquarters in determining applicability or the requirement to implement the directives of a higher headquarters was the mission assigned to the subordinate unit.

In the case of USARV, for instance, the absence of an operational combat mission negated the need for combat operations orders, whereas III Marine Amphibious Force (MAF) had a requirement for operational combat missions as well as logistical and administrative support activities. For directives or regulations that were applicable to all personnel regardless of position or mission, the subordinate headquarters might elect not to publish a duplicate directive or regulation.

In such instances, as a general rule, the commander was then held responsible for insuring that individuals within his command were made aware of the provisions of the regulation or directive from higher headquarters which pertained to an individual's actions or inactions. The source of the regulation or directive was therefore not legally important, and the necessity for a subordinate unit to republish each directive of a higher headquarters was not absolute.

2. Implementing Directives

a. United States Army, Vietnam (USARV)

USARV, as the US Army component command headquarters, published directives not only implementing MACV policy, but also initiating internal policy.

Policy and guidance for all echelons of command in planning, conducting, and supervising the military training of individuals and units assigned to or attached to USARV are published in USARV Regulation 350-1, dated 10 November 1967. This regulation prescribed the policy and guidance for all echelons of command in planning, conducting, and supervising the military training of individuals and units assigned or attached to USARV. All units were directed, as a minimum, to schedule orientation and refresher training for all replacements and to strive to achieve the completion of DA mandatory training requirements. In this regard, the requirement for annual refresher training in the Geneva Conventions as prescribed by AR 350-216 was listed as mandatory training. Training in the rules of land war and the handling of PW's and detainees was required to be integrated in other training as the need for such training was ascertained.

The status of individual or unit proficiency dictated the frequency and amount of training to be given.

Procedures for the issuance of the guidance cards to individuals were found in USARV Regulation 612-1. This regulation also established policy with regard to the possession of information cards by all US Army personnel assigned to Vietnam. It specified that upon arrival at either of the replacement battalions, all incoming officer and enlisted personnel would receive the information cards entitled "The Enemy in Your Hands," "Tips on VC Mines and Booby Traps," "Nine Rules," "Standing Orders, Rogers' Rangers," "Tips on the M-16 Rifle," "Code of Conduct," and "Geneva Convention." These cards contain information useful in the performance of the duties assigned to the personnel assigned to USARV. Each individual was to keep these cards in his possession at all times.

USARV implemented the MACV Directive (335-12) pertaining to artillery incidents by publishing USARV Regulation 527-7. This regulation provided the same type information as the MACV 335-12 except that reports were to be immediately electronically transmitted direct to USARV, and followup investigations (either formal or informal) were to be submitted within 15 days to Headquarters, USARV. CG, Americal Division, was specifically cited as a recipient of this directive.

MACV policy with regard to serious incident reports (SIR) was implemented at USARV by Regulation 335-6. Major commanders subordinate to USARV were directed to report serious incidents (defined) direct to CG, USARV. Definitions of serious incidents contained in the MACV directive were provided, and initial reports, as well as interim and final reports, were required in a specific format.

USARV also published regulations that provided implementing policy for the evacuation, processing, and accounting for detained personnel (USARV Regulation 190-2). This regulation also directed that detained personnel would be provided humane treatment under the provisions of the Geneva Conventions.

USARV apparently did not publish an implementing directive to MACV Directive 20-4; however, this MACV regulation was applicable throughout the chain of command and did in fact establish the basis and requirement to inform each individual soldier within RVN of his specific responsibilities.

b. III Marine Amphibious Force (III MAF)

III MAF was an operational headquarters subordinate to

MACV. The Americal Division was assigned to USARV for administrative and logistical support, and, in April 1967, was directed to receive operational direction from III MAF. Formally, the Americal Division was under the operational control (OPCON) of III MAF. III MAF published an extensive set of force orders and I Corps coordinating instructions that provided guidance and policy to the US Marine forces, and other US forces in ICTZ including the Americal Division.

Directives published by III MAF covered training in the Geneva Conventions (Force Order 1570.1A) as well as operational/reporting matters. Instructions were published by III MAF that were designed both to prevent and to prescribe certain conduct which was inimical to the accomplishment of the mission of US forces in Vietnam. This directive referred to the "Nine Rules" for personnel in RVN stating that, in concise terms, this card was the standard of conduct required of all US personnel.

The control of firepower in ICTZ was directed by III MAF Force Order 3330.1 implementing and referencing MACV Directive 525-18. Definitions of a SSZ were included as well as the restrictions previously quoted (MACV 525-18) for the conduct of fire by artillery, mortar, or naval weapons. Inhabited areas could be fired upon "if, in the judgment of the ground commander, his mission would be jeopardized" by warning. This III MAF Force Order was to serve as the standing operating procedure (SOP) as well as have "the force of a USMACV Directive.

The ROE were specified in Force Order 3121.5 which recognized that the requirements for control of firepower were greater than ever before. It stated that, "on the other hand, maximum effectiveness must be achieved in operations against the VC; on the other hand, a conscientious effort must be made to minimize battle casualties among noncombatants and destruction of their property. III MAF stressed the need for individual responsibility and awareness at the lowest levels. The decisions made were recognized as requiring "keen, swift, decisive analysis of the factors involved and must be based on a thorough understanding of the legal and moral principles concerned" especially when dealing with both noncombatants and PW's. III MAF Force Order 3460.3 specifically directs that "No violence will be done to their life or person, no outrages of any kind committed upon them, and, pending delivery to higher headquarters, the wounded and sick will be cared for.

Processing, screening, classifying, accounting, and evacuating PW's are thoroughly discussed in Force Order 3451.2A which includes definitions of the classifications to be accorded individuals prior to determining that they are PW's.

War crimes investigations and the reporting requirements implementing MACV Directive 20-4 are published in Force Order 5820.1.

Serious incident reporting was directed by III MAF I Corps Coordinating Instruction 5830.1A. This document referred to MACV Directives 335-1 and 335-12, and reiterated the requirement for "immediate reports to higher headquarters of any incident that results in death or serious injury to friendly forces or noncombatants."

c. Americal Division

The Americal Division, initially TF Oregon, was responsive to III MAF regulations after being placed under the operational control of III MAF on 22 April 1967. Additionally, the Americal Division was administratively subordinate to USARV. Both III MAF and USARV were well organized, and, as previously indicated, had published many directives dealing with ROE, required reports, minimizing noncombatant casualties, artillery incident requirements, and war crimes investigative procedures. These directives were directly applicable to the Americal Division.

TF Oregon published Regulation 335-6 on 21 March 1967. This directive required immediate reports in a prescribed format for serious incidents, which were defined and illustrated in the same manner as in MACV Directive 335-1 and USARV Regulation 335-6. The TF Oregon directive served as division-level policy guidance for Americal Division troops at the time of the Son My incident.

Division policy with reference to the control of firepower was published as Americal Regulation 525-4 on 16 March 1968. This regulation referenced MACV Directives 95-4, 525-3, 525-9, and 525-18. Although the regulation was not published until 16 March 1968, testimony indicates that Americal Regulation 525-4 was written, staffed, and coordinated prior to the Son My incident; and the policies stipulated therein were well known within the division. This regulation contains no indication, however, that it was intended to supersede earlier regulations of either TF Oregon or the Americal Division. The specifics of Americal Regulation 525-4 include definitions of areas, e.g. SSZ, guidance concerning the conduct and control of firepower, the necessity for minimizing friendly and noncombatant casualties, and the requirement for subordinate units to develop SOP's and implementing instructions.

The TF Oregon SOP was the primary directive in effect throughout 1967 and early 1968 providing guidance and policy to subordinate units. The Americal Division apparently did not publish many regulatory directives during its early stages of formation and organization. The SOP is dated 21 March 1967 and

did provide, in one volume, specific procedures concerning operations, intelligence, personnel and administration, logistics, and other matters. Direct reference was made in this document to minimizing casualties (friendly and noncombatant) and handling of detainees. In addition, the requirement for spot reporting was covered in some detail and directed that spot reports be made expeditiously in a prescribed format.

As TF Oregon became the Americal Division, the SOP was augmented by directives that specifically covered the areas of interest involved in the III MAF, USARV, and MACV directives. On 1 December 1967, Americal Division Artillery published a SOP which provided routine and recurring field operational procedures within the artillery units assigned or attached to the Americal Division. Clearance for artillery fires in or near inhabited areas was in accordance with the ROE stipulated by III MAF and MACV directives, and specifically required spot reports to be rendered without delay in the event of heavy friendly or civilian casualties occurring in short period of time. Supplementing this SOP, the division artillery commander issued several directives further reiterating the requirement for reports of artillery incidents or misdirected ordnance.

Until 15 April 1968, the Americal Division operated under the TF Oregon SOP of March 1967. On 15 April 1968, the Americal Division published a SOP of their own. Thereafter, other directives, regulations, messages, and letters were issued supplementing those in effect and providing implementing instructions for those of higher headquarters. It was only by mid-1968 that the Americal Division achieved, to a reasonable degree, an adequate series of policy guidance directives.

d. 11th Brigade

The 11th Brigade developed a SOP during their organization phase in Hawaii. In September 1967, prior to their deployment to RVN, the brigade received a copy of the Americal SOP (presumably the TF Oregon SOP) and other pertinent regulations that provided the directives and documentation policies of the division. As previously indicated, the subordinate units of the 11th Brigade were subjected to an accelerated training program from late April until deployment on or about 4 December 1967, and, therefore, did not develop detailed regulations concerning operational activities in RVN.

Soon after deployment, however, the 11th Brigade was committed to combat operations. At this time, 11th Brigade operational directives were practically nonexistent except for the SOP developed during training. According to the testimony, this SOP was in effect during the Son My incident although the publication date was not indicated. The SOP was applicable to field combat

operations in a counterinsurgency environment.

The ROE indicated in the 11th Brigade SOP were generally in accordance with MACV guidance. The SOP stated:

> b. Missions against known or suspected NVA/VC targets in hamlets and villages occupied by noncombatants will be conducted as follows:
>
> (1) All fire missions on hamlets or villages will be controlled by an airborne or ground observer (FO) and will be executed only after the target has been declared hostile by GVN, Bde FSCC [Brigade Fire Support Coordination Center] and/or Bn Arty LNO [Liaison Officer].
>
> (2) Hamlets or villages not associated with ground operations will not be attacked by gunfire without prior warning (by leaflets and/or speaker systems or other appropriate means) even though light fire is received from them.
>
> (3) Hamlets and villages may be attacked without prior warning if the attack is in conjunction with a ground operation involving the movement of ground forces throughout the area, and if, in the judgment of the ground commander (Bn or higher), his mission would be jeopardized by such warnings.
>
> c. All missions fired on targets or target areas that are in the coastal waters of RVN must be cleared by the Bde FSCC (clearance from GVN Sector US Advisor required).
>
> d. Free-fire areas are coordinated with the sector/subsector US advisor and his VN counterpart, the province/district chief. The province/district chief will establish the restrictions on firing into these areas.
>
> e. Temporary free-fire areas may be negotiated for a specific operation effective for the period of the operation, and are normally more restrictive.

Considerable emphasis was placed on minimizing noncombatant casualties. The SOP directed that "maximum effort will be made to minimize noncombatant casualties during tactical operations" and "troops will be informed of the importance of minimizing casualties and the destruction of property, including livestock."

The SOP further indicated that detainees were to be properly processed by stating that "all personnel captured by US forces as enemy or suspected enemy shall be referred to as a detainee until his status is determined by a brigade interrogator" as a PW, civil defendant, returnee, or doubtful case. The policy for handling of detainees was to be in accordance with MACV Directives 20-5 and 190-3.

Although no reference is made to reporting alleged or apparent war crimes, the requirement for spot reporting of incidents is directed by the SOP. Reporting of serious incidents was directed by the 11th Brigade Regulation 1-3, dated 31 March 1967. The incidents directed to be reported by this regulation included "deaths from other than natural cause to include deaths of foreign national personnel when US Army personnel or equipment are involved." These reports were to be submitted to the Brigade S1.

On 30 January 1968, the first operational directive was published establishing the "criteria for engaging targets by direct and indirect fire in combat operations." This 11th Brigade Regulation, 525-1, directed the ROE for the organic firepower available within the 11th Brigade. The ROE for artillery, mortar, naval gunfire, and aircraft, as directed by MACV and the 11th Brigade SOP, were reiterated. In addition, the individual soldier was provided definitive ROE by this regulation. It stated that, in the employment of small arms and automatic weapons, the utmost care must be exercised to minimize noncombatant casualties and property damage. Specifically, the soldier was directed by this regulation to identify the enemy before engaging:

> Personnel who attempt to evade and are identfied as members of NVA or VC Forces by the wearing of a uniform, web gear or pack and/or have possession of a weapon may be engaged. Every attempt will be made to halt these personnel by giving the command halt (Dung Lai) and firing warning shots overhead. If attempts to halt evading personnel fail they will then be engaged by fire with intent to wound by firing at lower extremities. The wounded captive will then be treated and evacuated as rapidly as possible for exploitation of intelligence he may possess.

The requirement to minimize casualties and property damage in the employment of all forms of firepower was adequately presented by this regulation. Following higher headquarters guidance, commanders were directed that:

> Immediately following the attack of areas inhabited by noncombatants, the force commander will insure that an explanation is given to the populace of the need for firing, stressing the point that the enemy forced the action.
>
> If noncombatant casualties occur regardless of safeguards, medical treatment and evacuation should be provided by the responsible commander, subject to tactical considerations and resources available.
>
> Every possible safeguard short of endangering

friendly lives will be used to avoid noncombatant casualties and indifference and indiscriminate destruction of private property when such action is being conducted in populated areas.

Individuals that appear to be attempting to escape or evade may be frightened, innocent civilians. The commander on the site must exercise judgment as to whether to engage these individuals or not. The commander must base his decisions on his overall knowledge of the area, situation, mission, and safety of his command.

This regulation, which had been published in late January 1968, provided the initial framework which guided the actions of subordinate elements of the 11th Brigade. During the early months of 1968, however, the brigade depended primarily upon the SOP for operational guidance, policy, and direction.

It is evident that on 16 March 1968, the personnel within the 11th Brigade were subject to and responsible for not only the provisions of the various directives and regulations published by MACV, USARV, III MAF, and the Americal Division but also those contained in their own SOP. Implementation of the broad SOP guidance which was later spelled out in 11th Brigade regulations was, at the time of the Son My operation, resting on the shoulders of the leaders within the brigade. The need for professional leadership, mature judgment, sound analytical decisions, and effective control of combat actions was clearly evident.

3. Analysis

a. Employment of Firepower and Safeguarding of Noncombatants

From the outset of US involvement, Headquarters MACV recognized that the application of military force in Vietnam must be carefully controlled at all times. The very nature of counter-insurgent warfare generally precluded the massing of firepower unless the target was well away from inhabited areas or positive target identification could be achieved. The US soon attained a vast superiority in firepower that could be properly exploited only when the elusive foe allowed himself to be caught in the open and away from the populace. However, the tactic generally used by the VC/NVA in their attempt to negate the US firepower advantage was to intermingle themselves with the Vietnamese civilian population.

Recognizing that a lack of positive control of firepower in such circumstances would not be in the best interests of the US efforts in Vietnam, MACV developed and promulgated extensive ROE

and command directives governing the employment of firepower by ground, naval, and air forces in Vietnam. By such directives, MACV established that the safeguarding of the lives and property of noncombatants was a matter of prime importance to all elements of the command. MACV directives governing the use of firepower were constantly updated, explained, and clarified; and from 1965 to the present the policy they set forth has been consistent in adhering to the humane standard of protecting the civilians within the combat zone. Other MACV directives in effect during the Son My incident provided guidance and policy with respect to serious incident reporting and spot reports that also were clearly adequate in quantity and scope. At the same time, MACV consistently recognized that correct application of these policies in the Vietnam environment required a high calibre of leadership and a special degree of judgment and discrimination.

MACV Directives 95-4 and 525-18, which were in force in March 1968, provided the ROE and reiterated in detail the objectives previously described. The necessity was clearly stated for all commanders to exercise prudent judgment and restraint in the application of firepower to insure the overall policies and missions of FWMAF. Subordinate headquarters, in some instances, implemented the MACV policies with definitive and specific rules more appropriate to their specific situations. In a few cases, the subordinate headquarters modified the MACV directives. Many of the MACV directives should not have been modified nor implementing regulations published by subordinate headquarters. MACV policy directives that establish the ROE, the procedures for handling of detainees and PW's, and the definitive need to minimize casualties were applicable without modification or amplifying instructions. The Inquiry, during its visit to South Vietnam, noted that several of the more recent MACV directives include instructions precluding any modification or implementing directives by subordinate commands.

It should be noted, however, that the exercise of judgment demanded by COMUSMACV during the time of the incident was retained in the directives of subordinate commands. All such directives emphasized that positive control and prudent judgment had to be exercised in the application of firepower. By regulation, local commanders were required to insure that their subordinates were trained in and controlled by the ROE as well as the MACV policy to minimize senseless destruction and needless casualties during all combat operations. The policies were clearly defined charging all commanders with the tasks of training, directing, and controlling their subordinates, and the responsibility for the orders and actions of their commands.

b. Reporting of War Crimes

The term war crime is a technical expression of a vio-

lation of the law of war by any individual -- every violation of the law of war is defined as a war crime. The soldier receives training in war crime definitions and illustrations initially in basic training and annually thereafter at unit level. He is taught that war crimes are not condoned and are a punishable offense. MACV Directive 20-4 directed that all war crimes -- or an incident or act thought to be a war crime -- were to be reported and investigated. This directive provided definitions and examples of war crimes in addition to specifically directing that any individual having knowledge of any act thought to be a war crime had the responsibility to report the act to his commanding officer. Investigative procedures were also indicated.

This MACV directive was implemented by III MAF, but not by USARV or the Americal Division. In the III MAF regulation, the commanding officer receiving the report of a suspected war crime was required to transmit this report to III MAF utilizing the spot report format. No other channel for reporting suspected crimes other than to his commanding officer was afforded the individual rifleman. If his commander participated in a war crime, the individual soldier's recourse was not specified, although it is apparent that an alternative is required. Channels for reporting over the chain of command are provided, and are available to the soldier, but their use needs to be strengthened. Regulations directing individuals to report incidents such as suspected war crimes should reiterate the use of not only the primary reporting channels but the alternate channels as well.

c. Illegal Orders

The term illegal order is not defined in the dictionary of Army terms. A soldier is taught that an order is lawful unless for some reason it is beyond the authority of the official issuing it. He is also taught as a part of the Geneva Conventions training that persons taking no active part in hostilities or who have laid down their arms shall be treated humanely.

It is apparent that directives and training are inadequate concerning an individual's responsibilities and actions concerning illegal orders. There is a dearth of written information concerning this subject. There is but little discussion of illegal orders in Army regulations or training manuals and even less at subordinate levels. What little discussion is included in any publication is cumbersome and indecisive, and presented in such a manner that it takes a legal officer to interpret it. Indeed, the average officer or enlisted man would have difficulty comprehending it.

Further, the directives and regulations are deficient in explaining that a soldier is a reasoning human being who is expected to exercise judgment in obeying the orders of a superior.

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Also lacking is sufficient instruction providing guidance to the soldier that when an order is beyond the scope of the issuing authority and is so obviously illegal, he is expected to recognize that fact as a man of ordinary sense and average understanding. An individual is not expected to blindly obey all orders.

The actions an individual should take when he receives an unlawful order are not clearly defined in any publication. He is most often (and properly) told that disobedience of orders is at his own peril, and acts involved in the disobedience of an illegal order will normally result in a charge of insubordination with its attendant disciplinary action.

The Department of the Army needs to promulgate guidance that will more clearly define illegal orders and individual responsibilities and actions related thereto, yet continue to insure the proper balance between this guidance and the normal requirements of command and control and the traditions regarding discipline within the Army.

d. Directives Not a Substitute for Leadership

The early part of 1968 and especially the Tet offensive presented great difficulties for the units and commanders charged with implementing these policies. The enemy forces had infiltrated into the cities and villages and had become intermingled with the populace. Terrorism and acts of sabotage were rampant, and the individual soldier had become increasingly wary of the local population. The VC disregarded civilian lives in their wanton attacks and suicidal defenses, while FWMAF were determined to rout the infiltrators from among the populace. Firepower was employed inside many inhabited areas by both friendly and enemy forces. The purposes may have been different but at times achieved the same results.

Adequate directives and publications that regulated the control of firepower, stipulated the ROE and directed the handling of detainees were in effect during this period, and many were re-emphasized. However, it is a fact that, although the published policies were clear, their application in the circumstances that existed in Vietnam at the time of the Son My incident required above all professional leadership, mature judgment, and sound decisions.

C. GOVERNMENT OF VIETNAM POLICY/DIRECTIVES AS TO SON MY

Son My Village was located within that section of Quang Ngai Province which had been designated as a priority area for military offensive operations and for pacification in 1968. The I ARVN Corps/III MAF Combined Campaign Plan 1-68 specified that GVN pacification activities would be increased by 50 percent over the 1967 level within Quang Ngai Province. However, since Son My

Villages and the surrounding area were under VC control, and had been since 1964, the primary effort was devoted to conducting military offensive operations within that area to force the VC out so as to create conditions favorable to pacification. In early 1968, US and ARVN forces had separately assigned areas of operation in which they normally conducted independent operations. Coordination was required only if operations outside the normally assigned AO were planned and on matters of special interest. ARVN forces had the primary responsibility for the Son My area. However, since they lacked the capability to operate in the area, or at least were reluctant to, US forces frequently obtained an extension of their AO from the 2d ARVN Division in order to engage the 48th Local Force Battalion and other VC forces.

Son My, being VC controlled, had no GVN administrative authorities living there. The government had repeatedly encouraged all the residents to move into established secure areas, as many had done. The remaining residents of Son My were considered to be VC, or VC sympathizers at a minimum, by GVN authorities. For all practical purposes, the local GVN authorities considered the area a free fire zone (unrestricted) for artillery fires; they placed no restriction on the targets which could be engaged. However, the District Chief did retain the final authority for approving fires in the area to insure that Vietnamese forces (ARVN, RF/PF) were at a safe distance from proposed targets. An area's being considered a free fire zone did not negate the established ROE which should have been considered before engaging any target. The GVN officials recognized their responsibility for civilians remaining in the area but accepted the fact that these people would, by their own choice, be subjected to artillery fire and the results of any offensive action necessary to free the area of VC. According to the deputy Province Senior Advisor, Quang Ngai Province officials placed no restrictions on Vietnamese forces operating in this area. The District Senior Advisor stated that it was normal practice for the Vietnamese forces, if they were successful in penetrating the area, to burn the hootches and to destroy the bunkers and tunnels.

Even though an area might be VC controlled, specific rules, applicable to both US and RVN forces, were established for the safeguarding of Vietnamese property. The I ARVN Corps/III MAF Combined Campaign Plan 1-68 specified that:

> In VC controlled areas, RVNAF, US and other FWMAF must take all practicable measures to minimize the destruction of both public and private property and take appropriate measures as feasible to protect such property. It must be remembered that civilians who live in VC controlled areas may be under VC control against their will and may not

be sympathetic to the enemy. Treating such persons like enemies, destroying their property or depriving them of their goods is incompatible with long range objectives of expanding the influence of the GVN throughout RVN.

Policy stated in the Combined Campaign Plan regarding private property and goods is as follows:

> (1) Disposition of private property and supplies is the responsibility of GVN officials.
> (2) Destruction of private property, homes, livestock, and goods is forbidden except in cases of overriding operational necessity.
> (3) The destruction of dwellings and livestock as a denial measure, is the responsibility of GVN authorities for employment of US forces in the deliberate destruction of noncombatants' property as a denial measure will be referred to Headquarters MACV for the personal decision of COMUSMACV.[69]

No specific GVN policy statements or directives pertaining solely to Son My were obtained by the Peers Inquiry. However, the policy regarding the protection of Vietnamese citizens and their property was clearly stated in the 1968 Combined Campaign Plan. It is equally clear that the GVN/ARVN authorities within Quang Ngai did not apply this policy to VC-controlled areas, especially Son My. Because Son My was a VC stronghold, and had been for many years, GVN officials had little interest in the area. They were primarily concerned with the reestablishment of GVN control in areas lost during Tet and the prevention of a second attack on Quang Ngai City which was believed to be imminent. As a practical matter, GVN authorities imposed no restrictions on operations conducted in the Son My area.

Chapter 10

REPORTS, INVESTIGATIONS, AND REVIEWS

A. THE IMMEDIATE REPORTS, INVESTIGATIONS, AND REVIEWS, MARCH-EARLY APRIL 1968

1. Operational and Intelligence Reports

Significant reports concerning Task Force (TF) Barker's operations on 16 March commenced shortly after the unopposed landing of the lead elements of C Company at 0730 hours. For this period there is no record of the operational reports submitted by the rifle companies of TF Barker to their control headquarters; such reports were normally submitted via radio to the TF Barker Tactical Operations Center (TOC), recorded in the Operations Journal there, and if deemed of significant importance, relayed to the 11th Light Infantry Brigade for recording and possible further transmittal to headquarters of the Americal Division.

a. Reports of Enemy Casualties

The first report from TF Barker to the 11th Brigade concerning enemy casualties came at 0735 hours and noted that one Viet Cong (VC) had been killed in the vicinity of the landing zone (LZ) by C Company. Within 25 minutes of the initial report, gunships supporting the helicopter lift had reported killing an additional six VC; four of these in an area 500 meters west of C Company's LZ and the remaining two at a location approximately 2 kilometers south-southwest of the same LZ. At 0758 hours, 11 minutes after the last elements of C Company had landed on the LZ, the TF reported to 11th Brigade that C Company reported killing an additional 14 VC approximately 200-300 meters east of the LZ. The next report of casualties is recorded in an 0840 entry in the TF Barker Journal which states that C Company had counted 69 VC killed in action (KIA) at the same location where the previous 14 VC casualties were reported being killed. The journal entry also indicates that the 11th Brigade was notified.

Entries in both the 11th Brigade and Americal Division Journals identify 69 VC KIA in the C Company area; however, they cite the location as 600 meters northwest of that reported in

the TF Barker Journal and attribute the casualties to artillery fire No explanation can be found for the discrepancy in these reports; however, since TF Barker in a subsequent report identifies 68 casualties as being killed by artillery fire, it is reasonable to conclude that this cause of death was specified by TF Barker during some communication with 11th Brigade. This discrepancy is examined in detail in a later section of this chapter.

No further enemy casualties were reported by C Company on 16 March although an entry in the TF Barker Journal at 1555 hours states that C Company had reported "10-11 women and children killed by artillery or gunships" and that this figure was not included in previous reports of VC casualties. This information is not reflected in journal entries for the 11th Brigade or the Americal Division although the TF Barker entry indicates the 11th Brigade was notified. This same TF Barker Journal entry also reports that none of the previously reported body count of B Company were women and children. A total of three enemy weapons was reported captured by C Company; these were the only weapons reported captured by TF Barker on this date.

In summary, TF Barker reported a total of 90 VC killed in C Company area of operations (AO) within a period of 70 minutes following the initial touchdown of its forces in the LZ; after 0840 hours, no additional VC casualties were recorded in the C Company area. Throughout the day C Company experienced only one US casualty, an apparent accident in which a soldier shot himself in the foot.

In the area to the east of C Company, B Company was reported by TF Barker to have killed 12 VC at 0955, 18 more killed at 1025, and an additional 8 killed at 1420 hours; all at a location approximately 700 meters east of the B Company LZ. This total of 38 VC KIA by B Company, when added to those reported by C Company, represented a VC body count of 128 and a total of three weapons captured which was reported to the 11th Brigade and Americal Division by the evening of 16 March. The Americal Division Journal initially reflected a total of six weapons captured; this was later changed to three. This discrepancy is not explained.

b. Reports of US Casualties

Total US casualties for TF Barker on 16 March were two killed, ten wounded, and one self-inflicted wound. Eleven of the casualties caused by enemy action were a result of mines and booby traps. Only one casualty, a man from A Company, was wounded by small arms fire. No casualties were caused by direct contact with the enemy in the C Company or B Company areas.

c. Reports of Civilian Casualties

First reports of possible casualties among noncombatants occurred as a result of COL Henderson's flight over the Son My area after C Company had landed in its LZ. COL Henderson stated that he descended to an altitude of 100-200 feet to examine the bodies of two armed and uniformed VC who had been killed earlier by gunships of the 174th Avn Co. During this maneuver he observed two separate groups of bodies which appeared to be noncombatants. One group consisting of an old man, a woman, and a child, was located about 150 meters south of My Lai (4), on a trail leading to Route 521. Approximately 150 meters farther south, lying in a small ravine near a trail, was another group consisting of two men and a woman. Neither the location nor the number of these casualties coincides with any casualty report submitted by elements of TF Barker.

COL Henderson further stated that at about 0930 hours, while at LZ Dottie, he met with MG Koster who had landed there to refuel, and advised the latter that he observed what he believed to be six to eight noncombatant casualties in the area of C Company's operation. COL Henderson recalls MG Koster's reaction to this as a directive to COL Henderson to determine how these casualties had been incurred. In his appearance before the Inquiry, MG Koster could not recall this specific incident but did say that on two separate occasions on 16 March, COL Henderson advised him of noncombatant casualties.

COL Henderson, in a prepared statement dated 27 November 1969 (exhibit S-3), stated that after speaking to MG Koster, he returned over the area of My Lai (4) and discovered that TF Barker was not submitting the "required reports" to the 11th Brigade TOC. Henderson stated that he then directed LTC Barker to bring the TF headquarters "up-to-date" and to insure that required reports were submitted to the brigade TOC. He stated that at that time he also told Barker to "determine how many civilians had been killed and whether they had been killed by artillery, air, or small arms fire." In this same statement, which is in conflict with testimony Henderson presented to this Inquiry, he also stated that he talked to Barker twice on the afternoon of the 16th, periodically over-flying the AO of the TF until 1900 hours that date. During these discussions, according to Henderson, Barker advised him that a total of 128 enemy and 24 civilians had been killed in the operation.

In contrast to his prepared statement (exhibit S-3), COL Henderson in his testimony before this Inquiry stated that he received a report from LTC Barker during the afternoon of 16 March that from 12 to 14 noncombatants had been killed thus far in the operation. He further stated that LTC Barker was unable to provide detailed information concerning these casualties, and that he directed Barker to obtain an exact count of noncombatant casualties and information concerning the age, sex, and apparent cause of death of each.

As a result of COL Henderson's interest in the matter, at about 1530 hours TF Barker operations section received a requirement from 11th Brigade to determine the number of civilian casualties and the manner in which they were killed or wounded. It is this request which probably resulted in the TF Barker Journal entries at 1555 hours on 16 March which state that B Company reports that none of the VC body count previously reported by that unit includes women or children and that C Company reports "approximately 10 to 11" women and children were killed by artillery or gunships.

The next incident concerning casualties is the subject of considerable conflict in the testimony of the principals involved. This matter concerns the issuance of an order by COL Henderson to TF Barker to have C Company reverse direction and sweep back through My Lai (4) to determine the exact count of civilian and/or VC casualties. Testimony confirms that such an order was issued, received by TF Barker, and relayed by MAJ Calhoun to CPT Medina between 1500 and 1530 hours on 16 March. The evidence further confirms that its issuance to CPT Medina via radio was monitored by MG Koster who countermanded the order shortly thereafter and directed that COL Henderson be so advised. Both COL Henderson and MG Koster contended in their testimony, however, that this action occurred at a later date; Henderson recalled it as an action resulting from his interview with a helicopter pilot and an 18 March order to investigate certain aspects of the Son My operation. MG Koster was less certain of his recollection but recalled it as occurring late in the afternoon on 17 or 18 March while he was returning to his command post at Chu Lai, and related it to the critical nature of helicopter airlift and the extraction of C Company from the Son My area. In his testimony, MG Koster did not dismiss the possibility of the event's having occurred on 16 March. All other personnel related to this incident i.e., 11th Brigade S3, TF Barker S2 and S3, and the CO, C Company were certain the event transpired on 16 March. A review of all available evidence and analysis of events as they occurred during the period 16-18 March, leads to the conclusion that this action occurred on the afternoon of 16 March, about the time C Company had closed into its night defensive position.

During the course of the radio conversation between MG Koster and CPT Medina, in which the former countermanded COL Henderson's order, CPT Medina stated he advised his commanding general that C Company had observed 20-28 civilian casualties during the day. Later that same day, at about 1900 hours, COL Henderson stated he called MG Koster by telephone and advised him that his most recent report from LTC Barker revealed an increase in the civilian casualty toll from "12 to 14" to 20. He also stated he informed MG Koster that he had directed LTC Barker to obtain information concerning the age, sex, and cause of death of these casualties. According to COL Henderson, MG Koster replied that he was also interested in obtaining this information. MG Koster testified that he did not recall the details of this conversation. According to COL Henderson, LTC Barker subsequently provided a more detailed report of the 20 civilian casualties which identified the cause of death as artillery and gunship fire.

On 18 March, sometime prior to 1400 hours, COL Henderson visited C Company's location in the field to question CPT Medina about the allegations made by WO1 (now 1LT) Thompson, which are discussed in detail in a later portion of this chapter. CPT Medina stated that at that time he reported to COL Henderson that he believed approximately 20 to 28 noncombatants had been killed during the operation--which compares with the 20-28 reported by CPT Medina on 16 March to MAJ Calhoun and MG Koster, and the 20 which had been reported to COL Henderson by LTC Barker on the 16th and 17th and relayed by him to MG Koster.

To this date there is no satisfactory explanation for the conflict in civilian casualty figures of "12 to 14" reported by Barker on 16 March and the "10 to 11" reported in TF Barker's Journal at that same time; of the figure 20 submitted by Barker on the evening of 16 March and the "20 to 28" reported by CPT Medina shortly before that period. It can only be concluded that neither commanders nor staff officers checked reports of noncombatant casualties or gave substantial attention in this instance to such matters.

Regardless of the discrepancies in figures, it is clear that LTC Barker, COL Henderson, and MG Koster all had knowledge, as early as the morning of 16 March, that a number of noncombatants had been killed in My Lai (4). It is equally clear that no action was taken to report such casualties to any headquarters outside of the Americal Division despite the fact that Military Assistance Command, Vietnam (MACV) and III Marine Amphibious Force (III MAF) directives required this action.

2. Information and Orders Transmitted on 16 March

During the operation of 16 March, information concerning irregularities in My Lai (4) was transmitted over the various command and control radio nets being used by units involved in the operation. Similarly, orders were issued over these same networks which reflected a knowledge by various command elements of these irregularities and an attempt to regain control over combat units. Fixing the exact times and sequence of such radio transmissions was made difficult because of the inability of some witnesses specifically to recall times and events and of the efforts of others to withhold information from the Inquiry. However, the principal significance of the following reconstruction of message traffic of 16 March does not lie in the time or the sequence of individual messages. Rather, the significance is the information these messages contain and the awareness of events in My Lai (4) which had been gained by persons who heard such traffic.

The first of these transmissions probably occurred around 0900 hours and was attributed by three witnesses to COL Henderson. In this transmission to elements of TF Barker, COL Henderson is quoted as saying, "I don't want any unnecessary killing down there." Such a report could have been a logical result of COL Henderson's earlier sightings of noncombatant casualties. This transmission may explain a subsequent action by CPT Medina at about 0915 hours when he issued an order to at least the 2d Platoon, to stop the shooting.

The next message which referred to casualties among noncombatants probably occurred around 1000 hours and was broadcast over the air-ground radio net and monitored by the operations sergeant of B Company, 123d Aviation Battalion, SP5 (now SSG) Kubert. The message came from an unidentified pilot who stated that "Shark" gunships (174th Avn Co) were making a gun run on civilians. SP5 Kubert stated that this message prompted a telephone call from either CPT Moe, the operations officer, or MAJ Watke, the company commander, to TF Barker, advising the TF of the message. The preponderance of the evidence available to the Inquiry indicates that such a gun run probably was not made and that the casualties observed in the vicinity of Route 521 were caused by ground troops.

Approximately 30 minutes later, at about 1030 hours, as the helicopter which was evacuating an accidentally wounded soldier from C Company was departing the area, the pilot broadcast a message to the effect that he had seen a large number of bodies at My Lai (4). CPT Medina stated that it was shortly after this that he received a call from MAJ Calhoun stating that a helicopter pilot had said he thought some noncombatants

had been shot and killed. CPT Medina stated that MAJ Calhoun advised that he wanted to make sure this was not being done. MAJ Calhoun denied knowledge of this event.

There is testimony from CPT Kotouc, that sometime during the morning of the 16th he heard a radio transmission from the aero-scout team of Company B, 123d Aviation Battalion, in which the sender reported that an unarmed person was being shot at by a machinegun. CPT Kotouc goes on to say that MAJ Calhoun then called both CPT Michles and CPT Medina and told them to be sure that they were not killing any civilians. In his testimony before the Inquiry, MAJ Calhoun confirmed the events as related by CPT Kotouc.

Also about midmorning another call came in to the TF Barker TOC from Company B, 123d Aviation Battalion advising MAJ Calhoun that noncombatants were being killed in My Lai (4). SFC Stephens, the intelligence sergeant for TF Barker, overheard this message and a subsequent message by MAJ Calhoun to LTC Barker, advising him of the report. MAJ Calhoun denied knowledge of this event in his testimony.

A series of messages which were said to have been transmitted over the C Company command net are also of significance. The first of these probably occurred at about 1030 and was purportedly made by MAJ Calhoun to CPT Medina. The message was an instruction "not to kill women and children." MAJ Calhoun in his testimony denied knowledge of this transmission. The second message was purportedly from an unidentified helicopter pilot who, according to the witness, stated that "from up here it looks like a blood-bath. What the hell are you doing down there?" The witness could not recall the time of the message or to whom it was directed. The third in this series of messages was overheard by another soldier from C Company who testified that shortly after noon, LTC Barker called CPT Medina. Barker purportedly advised Medina that he had a report "from higher headquarters that there were some civilians being killed," to which Medina replied that he "was positive it wasn't his people." It is appropriate to note that one of the reasons why Barker and Calhoun may have used the C Company radio net rather than the TF net, was to preclude the transmissions being monitored by commanders and staff officers at higher headquarters.

A further message of significance was said to have been transmitted over the air-ground radio net and was monitored by SGM Kirkpatrick, the 11th Brigade operations sergeant at Duc Pho. The message was not a report but apparently a conversation between two individuals, one of whom said, "If you shoot that man, I'm going to shoot you," or words to that effect. The nature of the transmission prompted CPT Henderson, Assistant S3,

11th Brigade, to call the TF Barker TOC by telephone and inquire as to the reason for that kind of radio traffic. In their testimony, TF Barker personnel who were in the TOC at the time, denied recollection of the incident.

Each of these radio transmissions reflected the existence of unusual circumstances concerning the event at Son My. To the commanders and staff officers monitoring the command nets, these messages should have acted to alert them that the operation of TF Barker was not a normal combat assault. No conclusions can be reached solely on the basis of these transmissions; however, when viewed in light of other actions and reports which occurred during this same time period, it would appear that commanders in the Son My area should have been alerted to the unusual nature of TF Barker operations during the morning hours of 16 March.

3. Report of WO1 Thompson and Other Aviation Personnel

As part of the combat support being provided TF Barker on 16 March, an aero-scout team consisting of one light observation helicopter, OH-23, and two UH-1B gunships from Company B, 123d Aviation Battalion, was providing aerial surveillance to locate and take under fire enemy forces in and around the area of Son My. As part of this team, the OH-23 performed the scouting or reconnaissance function, flying close to the ground to detect enemy locations and movements, while the two gunships flew at higher altitudes, protecting the OH-23 and providing firepower to engage the enemy. The pilot of the OH-23 was WO1 (now 1LT) Hugh C. Thompson. He was accompanied on this operation by his crew chief SP4 Glenn W. Anderotta and gunner, SP4 (now Mr.) Lawrence M. Colburn.

Because of the configuration of the aircraft, communications between the aero-scout team and the ground unit they were supporting, were limited to intermittent frequency modulated (FM) voice between the high gunship and the TF Barker command net. Neither the OH-23 scout nor the low gunship was in direct contact with the ground unit they were supporting. For WO1 Thompson to communicate with ground elements, it was necessary for him to transmit to the high gunship, which in turn would contact the ground unit. This information is useful in understanding the actions of the aero-scout team, which follow.

This aero-scout team arrived in the vicinity of My Lai (4) in time to observe the artillery preparation terminating at C Company's LZ and commenced its reconnaissance at around 0730 hours in the area generally south of Route 521. It continued to operate south of Route 521 until such time as the helicopter

gunships supporting the combat assault of C Company had cleared the area, at which time it began reconnoitering north of the road in the vicinity of My Lai (4). From 0745 hours until approximately 0830 hours, the aero-scout team performed its mission without unusual incident. One enemy was taken under fire south of the hamlet, approximately 40 rounds of 60mm mortar ammunition were discovered southeast of My Lai (4) on Hill 85, and a number of dead and wounded civilians were noted along the road and in the rice paddy south of My Lai (4). Noting the absence of enemy fire, Thompson told the gunship that he would mark the location of the wounded with smoke grenades and that the infantry unit should send assistance to these personnel. Thompson proceeded to mark the location of the wounded during his reconnaissance south and west of My Lai (4) until approximately 0830 hours when he departed for LZ Dottie to refuel.

WO1 Thompson and his aero-scout team returned to the My Lai (4) area at approximately 0900 hours and resumed their reconnaissance. From this point forward there is some contradiction in testimony concerning the exact time and sequence of events observed by WO1 Thompson. These differences do not extend to any significant variance in the substance of testimony and are not considered critical to the investigation. The events related below follow the version reported by WO1 Thompson and include only the major incidents experienced by him. The facts and their sequence are generally corroborated by other members of the aero-scout crew who were present in the area.

Upon resumption of the reconnaissance mission over My Lai (4), WO1 Thompson and his crew noted that many of the wounded civilians previously identified to the ground elements, were now dead. At about 0915 hours, WO1 Thompson noted the approach of US military personnel to a location Thompson had previously marked with a colored smoke grenade. Both Thompson and his gunner, SP4 Colburn, stated that they observed an individual wearing a captain's insignia of grade on his helmet approach a wounded girl who was lying on the ground. The captain walked up to the woman, according to Colburn, prodded her with his foot, and then stepped back several paces and fired into her body with his M-16 rifle. There is considerable testimony from other witnesses who reported this as an act of self-defense.

The OH-23 helicopter then moved eastward to an irrigation ditch which ran along a tree line approximately 100 meters east of My Lai (4) and 300 meters east of the location where TF Barker TOC had recorded 84 VC having been killed some 90 minutes earlier. As they approached this ditch, both WO1 Thompson and his gunner noted that it con-

tained a number of bodies which they later reported as between 50 and 100 persons. Upon closer investigation, Thompson noted that some of the persons in the ditch were still alive. He stated he landed his helicopter in close proximity to the ditch and spoke to a "colored sergeant" who was standing nearby, advising him that there were wounded women and children in the ditch and asking if there were not some way in which the sergeant could help the wounded. The sergeant replied in words to the effect that "the only way he could help them was to kill them." Thompson considered the reply to have been made in jest and did not take the response seriously. Instead, he stated to the sergeant, "Why don't you see if you can help them", and returned to the helicopter to resume his reconnaissance. As the helicopter was leaving the ground, the crew chief, SP4 Andreotta, who was sitting in an outside seat, reported over the intercom that a sergeant (not the one to whom Thompson had previously spoken) was shooting into the ditch. WO1 Thompson turned and saw the soldier holding a weapon which was pointed toward the ditch. Testimony of other witnesses before the Inquiry generally substantiated the facts as related by Thompson except that the sergeant to whom he originally spoke was identified by members of the platoon as an individual of Philippine ancestry who could not understand Thompson. Witnesses stated that the sergeant called to a lieutenant standing nearby and the conversation actually ensued between Thompson and this lieutenant--later indentified as 2LT (now 1LT) William Calley.

The series of events so far--the shooting of the wounded girl; the discovery that during the period of refueling, the wounded civilians had died; the large number of bodies in the ditch; the shooting into that ditch by the sergeant; and the number of bodies along Route 521 and in the village--all combined to cause great concern on the part of WO1 Thompson. In this frame of mind, Thompson flew east of My Lai (4) and observed in front of the advancing US forces a small bunker into which a group of Vietnamese--old men, women, and children--were moving. Having seen his previous efforts to save noncombatants frustrated, Thompson elected to land his helicopter between the advancing troops and the bunker containing the noncombatants. WO1 Thompson then directed his crew chief and gunner to take the M-60 machineguns which were mounted on their aircraft, and to cover his movements "real close." WO1 Thompson then walked from his helicopter toward the US lines and spoke to an individual whom he later indentified as LT Calley. It is possible that this identification has been confused by Thompson with the officer he previously spoke to at the ditch; there is some evidence that this officer probably was the platoon leader of C Company's 2d Platoon.

WO1 Thompson stated that he advised the individual of the Vietnamese in the bunker and sought his assistance in getting them out of the bunker alive. According to Thompson, when this individual replied with words to the effect that "the only way to get them out is with a hand grenade" Thompson responded with the remark that the ground commander should "just stop his men and I'd get them out without killing them." Witnesses agreed that Thompson then left the individual, walked forward of the friendly lines toward the bunker, and signalled for the bunker occupants to come forward. The occupants left the bunker; Thompson gathered them together and radioed for one of his gunships which landed and, in two trips, evacuated the civilians to the southwest near Route 521, without further incident.

Becoming airborne once again, WO1 Thompson queried his crew to determine if they wished to return to the location of the ditch where they had seen the sergeant firing in order to determine if there were survivors. The crew responded affirmatively and so, once again, Thompson landed the OH-23. Thompson dismounted with the M-60 machinegun to provide security. His two crew members went into the ditch and removed a small child who had been shielded by the body of a young woman. Thompson was told by his crew that there were other survivors; however, the capacity of the helicopter precluded evacuating more than the one child. One of the crewmen then held the child on his lap while Thompson flew the helicopter to a Vietnamese hospital at Quang Ngai. After this they once again returned to LZ Dottie to refuel the aircraft.

WO1 Thompson arrived at LZ Dottie between 1100 and 1130 hours. He was greatly concerned over the "unnecessary killing" he had seen and determined that this matter would be reported through proper channels. On the flight-line at LZ Dottie he encountered other pilots and crew members from his company who were also concerned over similiar incidents they had seen. In testimony before the Inquiry, witnesses stated that several of the air-crew members were voicing complaints and at least initially, joined with WO1 Thompson in stating their protests.

Upon landing, WO1 Thompson encountered his section leader, CPT (now Mr.) Barry C. Lloyd, and related to him his deep concern over the events he had observed that morning. Both Thompson and Lloyd, possibly in the company of other aviation company personnel, went to the B Company operations van where Thompson reported to his commanding officer, MAJ Frederic Watke. Part of the ensuing conversation was heard by SP5 Lawrence Kubert who was on duty in the van at the time.

There is some discrepancy between what WO1 Thompson believed he told his commanding officer and that which MAJ Watke in his testimony claimed he received and subsequently reported through his chain of command. WO1 Thompson stated he believed he gave MAJ Watke the complete contents of what has been referred to as the Thompson Report. Watke on the other hand acknowledged that Thompson told him of lots of "unnecessary" and "needless" killing--"principally women, children, and older men"; of the confrontation between Thompson and the ground commander; the evacuation of civilians by gunship; and the evacuation of a child to the hospital. Watke claimed no recollection of a captain (or any individual) shooting a woman; of a ditch containing bodies; any grouping of more than 2 or 3 bodies; or of any person shooting into bodies. MAJ Watke stated he thought his subordinates were "over-dramatizing" what they saw, but nevertheless gained the impression that about 30 noncombatants had been killed.

Those personnel who were present for at least part of the time that Thompson reported to Watke--CPT Lloyd and SP5 Kubert--in their testimony generally agreed with what Watke stated was told him by Thompson. Both agree that Thompson was angered, but neither could recall Thompson's mentioning anyone shooting a wounded woman, anything about a ditch containing bodies, or anyone shooting into such a ditch. They also agreed that the allegation of needless killing was clearly stated (Kubert stated the term "murder" was used) and that after Thompson had completed his report, there was a clear understanding that a serious charge had been alleged against TF Barker. It is appropriate to note that much of what MAJ Watke received from WO1 Thompson was reinforced by the complaints of other members at the time Thompson made his report and later on during the day when, according to MAJ Watke, other people who were witnesses to the events at My Lai (4) "came to me (and said)....that there were people killed out there."

In succeeding parts of this report, references will be made to the Thompson Report--as such, the Thompson Report is considered an outline of the experiences of WO1 Thompson from the time he arrived over My Lai (4) at 0730 hours, 16 March, until he returned to LZ Dottie to refuel at approximately 1130 hours.

4. Command Response to the Thompson Report

At this point, there was a requirement for immediate and positive reaction to the Thompson Report. Instead, MAJ Watke stated he "thought the matter over" for 15 minutes and

then went to the TF Barker TOC to report the allegation to LTC Barker. Barker was reported by Watke to have evinced no surprise at the charge--probably because he had already gained a knowledge of some of the incidents through radio transmissions and telephone calls already discussed--and advised Watke that he would look into the matter. According to Watke, LTC Barker then made arrangements to depart the area and visit the unit involved in the allegation. Watke stated he was satisfied that the matter was now in the hands of someone who could take the necessary corrective action.

Watke's subsequent actions during the afternoon of 16 March are not clear since of the three principals involved--Barker, Calhoun, and Watke--LTC Barker is deceased and MAJ Calhoun refused to testify further on the grounds that such action might be self-incriminating. Watke stated that sometime during the afternoon of the 16th, he again saw LTC Barker who advised Watke that after visiting C Company's location and speaking to people on the ground, he could not locate the individual with whom Thompson had had the confrontation. MAJ Watke testified that Barker further advised him that while a small number of noncombatants had been killed in My Lai (4), it was "a result of justifiable situations" and that Barker had found nothing to indicate that a large number of people had been killed. In considering the adequacy of MAJ Watke's subsequent actions, it should be noted that he (Watke) "didn't believe Colonel Barker."

Watke's next known action relevant to this matter came at about 2200 hours 16 March, 10 hours after Thompson had made his report. At this time, MAJ Watke at last went to his immediate superior, LTC Holladay, commander of the 123d Aviation Battalion.

It is difficult to understand why MAJ Watke, after receiving a report which he recognized as "very severe," would initially content himself with advising only the commander of the TF. While he had received considerable corroboration of Thompson's story from other personnel, it would have been a simple and logical step to have confirmed some of the allegations through low-level reconnaissance, using one of Watke's available aero-scout teams. The need for such action should have become even more apparent later in the afternoon of 16 March when LTC Barker told Watke that he had found no substance to the Thompson Report. It should have been clear to MAJ Watke, after receipt of LTC Barker's denial, that no further action would be taken unless Watke initiated it. Yet despite his belief that Barker was lying, Watke took no further action until late that night when he reported to LTC Holladay at the latter's quarters in Chu Lai.

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Testimony concerning the details of the information which Watke passed to Holladay in their meeting contains some discrepancies. LTC Holladay's version of Watke's report to him on 16 March cited specific items of the Thompson Report which Watke did not recall providing him. Holladay stated that Watke informed him at that time of such things as the bodies in the ditch and the sergeant shooting into the ditch--items which Watke did not remember, but did not dispute hearing from Thompson or reporting to Holladay.

While puzzling, such discrepancies do not affect the conclusion that allegations of a major war crime were transmitted by Watke to Holladay. Both LTC Holladay and Watke agreed that Watke reported Thompson's charge that there had been lots of "unnecessary" and "needless" killing--"primarily women, children, and older men." LTC Holladay stated that he was greatly concerned over the seriousness of the matter, but after "agonizing" over the report for a long time, decided against awakening his superior, BG George Young, Assistant Division Commander.

It is difficult to understand why LTC Holladay took no steps to verify the allegations made or to obtain information first-hand from Thompson or any of the other pilots or crew members who were living at Chu Lai. This omission was to be repeated at the Assistant Division Commander and Division Commander levels and was a major reason why the full contents of the Thompson Report, and an appreciation of the enormity of the atrocity, apparently did not reach those levels of command. Until the Department of the Army investigation was initiated a year later, only MAJ Watke and COL Henderson (which will be explained in more detail later) had interviewed WO1 Thompson concerning his observations and actions on 16 March.

At 0800 the following morning, 17 March, LTC Holladay and MAJ Watke reported to the Assistant Division Commander, BG Young. MAJ Watke recounted for BG Young the allegations he had received from Thompson and other personnel of his unit. In his account of this meeting, BG Young stated that he was not apprised of any charges of indiscriminate or unnecessary killing of noncombatants; he gained the impression from MAJ Watke that the matter of major concern was the fact that there had been a confrontation between the ground forces and an aviation unit resulting from the fact that noncombatants had been caught in a cross-fire between US and VC forces. By BG Young's account, Watke made no mention of a large number of bodies in a ditch; of an individual firing into a ditch containing bodies; of a captain shooting a woman; of any reference

to noncombatant casualties; or of other aviation personnel confirming Thompson's Report. LTC Holladay was equally clear that at this meeting MAJ Watke told BG Young of the allegations concerning the bodies in the ditch, the sergeant firing into the ditch, the confrontation between Thompson and a ground commander, and the excessive killing of noncombatants by TF Barker. MAJ Watke testified that he repeated to BG Young the same account he had heard from his men and related to LTC Holladay the night before, including the fact that Thompson was not the only source of the allegations.

At about noon on the same day (Sunday, 17 March), BG Young advised MG Samuel Koster, the Commanding General of the Americal Division, of the allegations he had received from the Aviation Battalion. The testimony of both MG Koster and BG Young is in general agreement that only a very small part of the Thompson Report was given to the Division Commander. In his testimony before this Inquiry, MG Koster specifically denied receiving any report of a captain shooting a woman, of bodies in a ditch, of an individual shooting into a ditch, of unnecessary killing of noncombatants, or of the fact that other aviation personnel had confirmed Thompson's allegations. MG Koster testified that as a result of the meeting, his two primary concerns were that ground troops had endangered civilians by firing more than the circumstances required, and that there had been a confrontation between ground and aviation units. However, in a previous statement given to the Criminal Investigation Division (CID), MG Koster acknowledged that during this meeting with BG Young he was advised that there had been some "indiscriminate shooting of Vietnamese civilians." In any event, the meeting terminated with MG Koster's directing BG Young to instruct COL Henderson to investigate at least two matters, i.e., the confrontation and the allegations that troops had fired more than was required.

The discrepancies in the testimony of BG Young and that of LTC Holladay and MAJ Watke as to what MAJ Watke reported to BG Young is of crucial significance in the evaluation of all that followed. In his testimony MG Koster confirmed parts of BG Young's account of their conversation on 17 March, which would tend to support BG Young's version of what MAJ Watke had reported to him that morning. On the other hand, it seems most unlikely that Holladay and Watke would have relayed a version of the Thompson Report which emphasized the confrontation between members of their unit and the ground forces and omitted mention of the indiscriminate killing of noncombatants that had caused the confrontation. Having every reason to expect that their report would initiate an immediate investigation, Holladay and Watke had no discernible reason for eliminating from the Thompson Report the allegations of indiscriminate killing of

noncombatants by TF Barker when they relayed it to BG Young. The testimony of LTC Holladay and MAJ Watke, supported by all considerations of logic and self-interest of the parties, compel the conclusions: (1) That BG Young was told about Thompson's charges of indiscriminate killing of noncombatants, and (2) that BG Young passed such information on to MG Koster.

It would appear that both general officers sought in their testimony to understate the complaint of WO1 Thompson as relayed to them and to rationalize in this way their subsequent lack of affirmative action. Such a conclusion suggests that these two individuals sought to suppress the true facts concerning the events surrounding the Son My operation. The evidence indicating such suppression of information is presented in Chapter 11.

5. Indicators of Unusual Events

During the Son My operation of 16-18 March, there were many indicators of unusual events. These should have aided in making the chain of command aware of the unusual events which transpired on 16 March. Certain of these acts were identified previously as incidents which were cited in oral and written reports submitted through the normal chain of command. There were, however, additional incidents which, when observed by or brought to the attention of experienced personnel, should have been sufficient cause to alert commanders and/or staff officers of the existence of an unusual situation. The primary purpose of this section is to identify and discuss specific incidents relevant to the Son My operation which are not treated as special subjects in other sections of the report, and which are considered to be indications of the occurrence of an unusual event. The list of indicators is not all inclusive; only those incidents are discussed which, when considered in the context of the tactical situation which existed at the time, should have caused a reaction on the part of the commander and/or staff officer.

The reaction to each specific indicator should be considered in light of an awareness or knowledge of other events or indicators by the individual concerned. As an aid in making this judgement, the following is a list of incidents which have already been discussed in this chapter of the report and are considered to have been an indication that an unusual event had occurred during the Son My operation:

(1) Reports and/or Observations of Noncombatant Casualties

(2) Reports of Confrontation Between WO1 Thompson and a Ground Unit Commander

(3) Reports of a Captain Shooting a Wounded Woman

(4) Reports of Bodies Observed in a Ditch

(5) Reports of Indiscriminate/Unnecessary Firing

(6) Reports of a Soldier Firing into a Ditch Containing Bodies

(7) Reports of Helicopter Gunships and Scout Ship Landing in My Lai (4)

(8) Reports of Complaints by WO1 Thompson and other Aviation Personnel

In additon there were incidents not previously identified which indicate the occurrence of an unusual event in Son My. Such incidents or indicators are listed in chronological sequence and are followed by a discussion of each indicator to include information concerning the reaction of commanders and staff officers at each level of command:

(1) Artillery Planned and Fired on My Lai (4)

(2) Gunships and Liftships Fire on My Lai (4)

(3) The Exodus of Civilians

(4) Observation of Burning Buildings

(5) Initial Report of High VC Body Count

(6) Report of High VC Body Count Attributed to Artillery Fire

(7) Low Ratio of Weapons Captured to VC KIA

(8) Absence of Reports of Enemy Contact and Requests for Fire Support

(9) Report of Departure of VC from My Lai (4)

(10) Low Ratio of US Casualties to VC Casualties

(11) Commander's Order to Return to My Lai (4)

a. Artillery Planned and Fired on My Lai (4)

One of the first indications that the Son My operation was to be conducted without regard to the welfare of noncombatants is in the planning of artillery support for the combat assault of C/1-20 Inf. From the outset, it was planned for artillery fire to fall on or alongside the inhabited hamlet of My Lai (4). LTC Luper, the artillery battalion commander; MAJ Calhoun,

TF Barker S3, CPT Vazquez, the artillery liaison officer with TF Barker; and CPT Medina, the C Company commander, all agreed that it was part of LTC Barker's plan for the artillery preparation for the combat assault to land on the edge of the hamlet. While such action was within the legal limits of the rules of engagement (ROE) in effect at that time, it was clearly in violation of the spirit of the policy and without regard for the lives of the inhabitants of My Lai (4).

The hamlet of My Lai (4) was located in an area identified as under VC domination and control. Clearance to fire was obtained from Vietnamese authorities after a check on their part revealed no Vietnamese military units operating in the area. No check was made or assurance given that noncombatants were not present in the area. For all practical purposes, Province and District authorities regarded Son My Village as a free-fire zone and would approve any request for fire if Army Republic of Vietnam (ARVN) units or personnel were not endangered. This was known by LTC Barker and his staff.

The inhabitants of VC-dominated areas, such as My Lai (4) were frequently encouraged through Government of Vietnam (GVN) and US efforts to evacuate these areas since they were subject to unannounced fires by artillery and air. It was known, however, that many persons elected or were forced to accept the risks attendant in remaining and thus there were villages and hamlets such as My Lai (4) where relatively large numbers of persons, both willingly and unwillingly, lived in VC-controlled areas. This principle was recognized in MACV Directive 525-3 (exhibit D-6) which states that personnel living in VC-controlled areas will not be considered VC solely on the basis of their presence in these areas.

While MG Koster and COL Henderson both stated it was not their policy to employ artillery on inhabited villages, the facts of 16 March reveal little in the way of controls to prevent such incidents. Even if one were to assume ignorance on the part of 11th Brigade personnel concerning knowledge that My Lai (4) was populated--an assumption not borne out in fact --such an assumption was clearly destroyed when, after the artillery preparation was completed, large groups of people were seen departing the village by all of the commanders directly concerned with the operation: CPT Medina, MAJ Watke, LTC Barker, LTC Luper, and COL Henderson. Concurrently, with the observation of civilian casualties on the ground by each of these same individuals, less MAJ Watke, who denied seeing civilian casualties, it should have been apparent

that US firepower had inflicted casualties among the noncombatants in My Lai (4). Despite these observations, no action was taken to provide relief or assistance to the noncombatant casualties nor was any significant effort initiated to determine the extent of such casualties until much later in the day when COL Henderson directed TF Barker to send C Company back through My Lai (4) to determine the exact nature of noncombatant casualties. This belated effort was stopped by MG Koster who countermanded the order of COL Henderson, at a time when he already had knowledge that at least "20 to 28" noncombatants had been killed.

b. Gunships and Liftships Fire on My Lai (4)

Another early indicator that commanders in the Son My operation disregarded the safety and welfare of noncombatants is the fact that the firepower of available helicopters was used freely and in some cases indiscriminately in and around the inhabited hamlet of My Lai (4).

CPT Medina stated that as the liftships made their approach to the LZ, the gunships were firing suppressive fire, utilizing 40mm grenades, 2.75 inch rockets, and 5.56mm "miniguns," on both sides of the LZ. As the liftships came in, the door gunners on the outside of the "V" fired M-60 machineguns in suppressive fire directly into the hamlet until the helicopters touched down. Many of the troops on the first lift corroborated CPT Medina's testimony.

LT (now Mr.) Alaux, (the artillery forward observer attached to the company) stated that gunships fired "into the trees and the hootches" along the outskirts of the hamlet using rockets and miniguns. Alaux testified that at least one of the bodies he observed had been killed by miniguns.

CPT Vazquez indicated that the gunships fired along the sides of the LZ and on the outskirts of the hamlet, but he did not believe they fired directly into the hamlet itself.

WO1 Hugh Thompson stated that he observed gunships accompanying the liftships "shooting it up pretty good." He also observed these same gunships "working over" the area where he later observed numerous Vietnamese casualties.

A tape recording made by CPT Lewellen in the TF Barker TOC reveals that LTC Barker ordered "no restrictions on door gunners" which had the effect of permitting them to fire suppressive fires into the hamlet of My Lai (4) on the final approach to the LZ.

As was the case in the indiscriminate use of artillery, a knowledge of the planned or actual use of helicopter firepower in support of the Son My operation, despite its tactical desirability, carried with it the awareness that the operation was being conducted with an unusual disregard for the safety of noncombatants. Even again assuming an ignorance of the inhabited status of My Lai (4) prior to the operation--and such an assumption cannot be substantiated--such ignorance was dispelled when people commenced departing My Lai (4) in large numbers, immediately following the landing of US troops.

Again, as was the case in the use of artillery fire, commanders did not react when faced with the knowledge that noncombatant casualties had been unnecessarily caused by US firepower.

c. The Exodus of Civilians

Another early indication that the Son My operation was not a normal, routine, combat assault, occurred shortly after the artillery preparation at C Company's LZ terminated. At this point, the area in the vicinity of My Lai (4) which was to be clear of all "friendly inhabitants" by 0730, suddenly became the scene of a mass exodus of personnel. COL Henderson, aboard his command and control helicopter with LTC (now COL) Luper and the 11th Brigade S3, MAJ McKnight, observed approximately 300 Vietnamese exiting the hamlet of My Lai (4) along Route 521.

According to the tape recording of a portion of the radio transmissions made during the operation on the morning of 16 March, LTC Barker was informed by the 174th Aviation Company gunships commander that most of the Vietnamese in the group moving along the route "look like women and children and farmers." There is no indication that LTC Barker admonished CPT Medina to exercise caution at this time because there were noncombatants in the operational area, contrary to the intelligence given him earlier in the operations order.

CPT Vazquez, who was accompanying LTC Barker on his command and control helicopter, noted that many villagers evacuated the hamlet after the gunships had expended their suppressive ordnance around the LZ. He also noted the bodies of Vietnamese in an area where the gunships had made a firing run.

MAJ Watke observed the exodus while flying as co-pilot on one of the gunships, and participated in the screening of the Vietnamese from the air.

It is clear that at this point in the Son My operation it should have been apparent to commanders from the platoon to the brigade level, that something had gone wrong in the operation. The fire support plan for the assault at My Lai (4) was based on an assumption that the hamlet would either be occupied by the 48th Local Force (LF) Battalion or uninhabited; the events described in the preceding paragraphs establish that this assumption relating to the absence of inhabitants was false and that noncombatants had been killed. Except for the reported admonition by COL Henderson at about 0900 hours that he did not "want any unnecessary killing going on down there" --an order COL Henderson specifically denied issuing all commanders concerned apparently elected to ignore the situation.

d. Observation of Burning Buildings

During the Son My operation on 16 March, many individuals noticed burning buildings in the My Lai (4) hamlet complex. According to COL Henderson's testimony, he observed several buildings burning while he was orbiting over the operational area in his command and control helicopter. He contacted LTC Barker to ascertain the reason for the burnings and Barker, in turn, contacted CPT Medina on the ground and posed the question to him. LTC Barker, after his call to CPT Medina, then informed COL Henderson that the structures were being destroyed by the Vietnamese National Police who were accompanying Company C on the operation. (In fact, there were no National Police with Company C at this time.) The National Police had reportedly found "weapons, or hand grenades, or ammunition, or items of military equipment" in the houses and were burning them for this reason. COL Henderson stated he then informed LTC Barker that any National Police accompanying TF Barker

forces fell under his (Barker's) operational control and ordered LTC Barker to have the burning of structures stopped immediately because "we had no authority to burn houses." Although COL Henderson claimed to have taken action to halt the burning of structures, there is considerable evidence in the testimony by members of Company C that the burning of hamlets continued throughout the remainder of the operation.

It is clear that, once again, commanders from the platoon to the brigade level witnessed the occurrence of incidents which were in themselves illegal, but even more important in the instant case, were yet another indication that elements of TF Barker were engaged in an unusual operation. While MG Koster and COL Henderson in their appearance before this Inquiry both maintained the existence of a firm policy against the burning of Vietnamese structures, this policy was patently ineffective in TF Barker on 16 March.

e. Initial Report of High Viet Cong Body Count

Another indication of the unusual nature of events at My Lai (4) is the report concerning casualties inflicted against the enemy force. Within 70 minutes of its touchdown, C Company had reported 90 VC killed in its area of operation. Such reports could be expected to reflect a high degree of satisfaction in the success of TF Barker and could logically expect to cause inquiries concerning tactics used, enemy units encountered, and similar requests for information. It is essential to note that this apparently resounding success passed with no substantive inquiry by commanders at task force, brigade, or division level--this despite the fact that all three were in the area for varying lengths of time on the morning of 16 March. There is little to explain why none of these three commanders ever landed in the immediate vicinity of My Lai (4) or observed what should have been readily apparent to anyone overflying the area at less than 1,000 feet.

The minimum command reaction to the initial report of high VC casualties should have included inquiry concerning location and size of enemy force, unit identification, and the possibility of exploitation. There is no evidence that any such inquiry was made.

f. Report of High Viet Cong Body Count Attributed to Artillery Fire

At 0840 hours, 16 March, TF Barker personnel recorded in their operations journal that C Company had "counted 69 VC KIA" at a location which is almost the center of the hamlet of My Lai (4). This same entry states that the 11th Brigade was advised of this information. However, the Brigade Journal reflects no information concerning this subject until 55 minutes later when the location is shifted to a point over 600 meters northwest of the original site and the cause of death is stated as "artillery fire." This same information is recorded in the Americal Division Journal at 0940 hours and notes that the G2, G3, CofS, and III MAF have been notified. The delay in reporting this information, the significant change in location, and the identification of artillery fire as the cause of death have not been satisfactorily explained. While the truth of the report is certainly in question, the fact remains that shortly after 0940 hours, 16 March, every headquarters in the chain of command from TF Barker to III MAF was aware of the report that artillery fire had killed 69 VC in the Son My operation.

Testimony of all personnel concerned with the Son My operation reveals that this report of outstanding artillery success caused little reaction among either artillery or infantry commanders. The artillery battalion commander, LTC Luper, stated that he received notice of these casualties about 0930 hours, 16 March, while flying aboard COL Henderson's helicopter and after he had seen 15-20 bodies, a number of which were women and children, located on the road south of My Lai (4). When questioned concerning his reaction to this matter, LTC Luper stated that he did not check into it further since he considered it a "normal operation" and that the killing of 69 VC in an artillery preparation of 100 rounds is not unusual "if you are fortunate enough to catch the enemy in the open." There is nothing to indicate that LTC Luper or any other person either saw or received a report of VC in the open. To the contrary, LTC Luper's suspicions should have been aroused when the first large group of people he observed was approximately 50 civilians departing the area of My Lai (4) immediately following the artillery preparation on a village which he had believed was "not populated." Despite the fact that LTC Luper knew that women and children had been killed in this operation, and by his own admission, he was aware of the fact that 20 civilians were reported killed by "artillery and/or gunships," Luper made no effort to determine if artillery from his unit had killed noncombatants nor did he question his artillery liaison officer (LNO) at TF Barker, the artillery forward observer

with the rifle company in My Lai (4), or the artillery battery commander concerning this matter.

It would appear that the single positive action in response to the high casualty count attributed to artillery, was taken by COL Henderson. While COL Henderson indicated his order to turn C Company around and return to My Lai (4) occurred 2 days later, there is little doubt that this occurred on the afternoon of 16 March. In COL Henderson's words, he was "suspicious of the body count" and "didn't believe it was correct, particulary the artillery fire." While there is some question concerning MG Koster's knowledge of the report of 69 VC KIA by artillery at the time he countermanded this order, there is no question that he was, at that time, aware of the fact that from "20 to 28" noncombatants had been killed in My Lai (4), and that the VC body count had reached 128.

g. Low Ratio of Weapons Captured to Viet Cong Killed in Action (VC KIA)

Another fact concerning the Son My operation of TF Barker which indicated an operation of an unusual nature was the paucity of captured weapons experienced by TF Barker. While the TF had a generally low ratio of weapons captured to VC KIA--it averaged approximately 1 to 10 --the ratio of less than 1 to 40, experienced on 16 March should have caused some inquiry. The combined effect of many small incidents related to this low ratio and the general nature of the operation reported by TF Barker on 16 March was sufficient cause for considerable concern and suspicion.

On 15 March the brigade commander visited TF Barker and, in discussing the Son My operation with the assembled commanders and staff officers of TF Barker, made the subject of capturing enemy weapons a matter of primary concern. COL Henderson stated he advised all concerned that they should make a much greater effort to improve their performance in regard to capturing and recovering enemy weapons. Yet on the following day, when the enemy was purportedly caught by surprise in large numbers, the number of weapons captured dropped to a token figure. Again COL Henderson's "suspicions" concerning body count appear to have been well founded. What is difficult to understand is that no such "suspicions" existed at division level. The most cursory analysis of TF Barker's operation of 16 March would have revealed inconsistencies which, as a minimun, dictated a need for guidance from senior commanders. First, there were 90 enemy reported killed in a period of 70 minutes --69 of which had been killed by an artillery preparation lasting only 5 minutes and which was followed immediately by a combat assault of one rifle company. No further enemy contact was reported by this company for the remainder of the day and yet no command attention was placed on the fact that the unit had not only failed to exploit its

initial success, but also had failed to police the battlefield. Either that conclusion must be drawn or the alternate and more logical conclusion must be examined, viz unarmed casualties were being identified as VC. The logic of this latter thesis should have been apparant to those who flew in the vicinity of My Lai (4) and observed the large number of people evacuating the area along Route 521. As previously noted, commanders who did overfly the area that morning included: MAJ Watke, LTC Barker, COL Henderson, and MG Koster.

h. Absence of Reports of Enemy Contact and Requests for Fire Support

One of the most significant facts to emerge from an examination of events of 16 March 1968 concerning TF Barker is the almost total absence of reports of enemy contact. Except for a single radio report by an unidentified liftship or gunship pilot during the initial landing of C Company, not one member of TF Barker reported any exchange of fire on 16 March.

Commencing at 0735 hours elements of TF Barker reported killing VC; reports of enemy casualties continued to be received until 1420 hours. Not a single journal entry at the TF Barker or 11th Brigade reflects any enemy contact or activity except reports of enemy killed.* During the course of this Inquiry, no individual was encountered who could recall enemy contact on 16 March, other than a few isolated reports of sniper fire, nor could any recall requests for supporting fires

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* A search of Americal Division files by an investigation team from the Office of the Provost Marshal General (OPMG) in Oct 1969 discovered what purported to be a carbon copy of the Division Journal for 16 March 1968 (exhibit M-138). The copy was found in the Division Historian's files; the original reportedly having been forwarded to the USARV records holding area.

A search of the USARV Adjutant General's files in November 1969 uncovered a purported record copy of the 16 March 1968 Americal Division Journal which contains one substantive difference when compared with the carbon copy. In the carbon copy there is an item #94, a 2400 hours summary item concerning TF Barker which reads: "Heavy combat resulted in the area and continued until approximately 1500 hours." This sentence does not appear in the record copy uncovered at USARV, although the journal in general, and item #94 in particular, are essentially the same in all other respects.

This difference raises suspicions which have not been satisfactoriy explained. An investigation of the matter is being conducted by OPMG.

which would normally have been required when enemy contact was made.*

After the artillery preparation was fired, no supporting fires were requested--no tactical air, no gunships, no artillery--a most unusual occurrance in the Vietnam conflict where contact with the enemy is typified by a heavy reliance on supporting fire.

Equally difficult to comprehend is the absence of inquiry from commanders at the brigade and division level for information concerning current operations. As the situation was reported on 16 March, a battalion-size task force was engaged in a highly successful operation, yet there were no reports being forwarded outside the TF concerning anything except final results. Even the most cursory inquiry by a senior commander concerning type of opposition, location of enemy, unit identification of VC KIA, nature or size of enemy force, would have revealed the existance of a highly unusual situation requiring a more detailed study. As a minimum, an inquiry should have been made as to the reasons for success and its tactical and intelligence significance.

It is also appropriate to note at this point that the unique nature of combat operations in Vietnam creates an immediate high level of communications activity when contact is made with an enemy force. Radio networks suddenly come alive with a continuing series of messages; supporting arms are employed via radio; helicopter assests are controlled by radio; and higher headquarters are either kept advised of developments through radio messages or inquiries begin to flow to subordinate units. In the case of TF Barker on 16 March, the sense of urgency and closeness of combat which follows from this communications activity could not have existed in the absence of request for supporting fires. To the experienced combat commander, this absence of activity and lack of enemy contact could not be equated with the success being reported by TF Barker.

i. Reports of Departure of VC from My Lai (4)

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* It has not escaped the Inquiry's attention that statements supporting recommendations for a posthumous award to SP4 Glenn U. Andreotta (exhibit M-42) and awards to WO1 Thompson (exhibit M-44) and SP4 Lawrence M. Colburn (exhibit M-43) for their performances on 16 March 1968 referred to hostile fire or crossfire in the area of My Lai (4); nor that certain of these recommendations were signed or indorsed by MAJ Watke and LTC Holladay. Such references to enemy action on 16 March are entirely inconsistent with the evidence before this Inquiry including the testimony given by these individuals. It is recognized that the desire to give recognition to personnel in a combat environment sometimes leads to certain liberties being taken in the description of the attendent conditions.

As has been previously stated, the Son My operation was planned by the 11th Brigade and TF Barker to destroy 48th LF Battalion. Witnesses testified that at the brigade and task force level, intelligence indicated this enemy battalion was located in and near the hamlet of My Lai (4). Assuming such intelligence was valid--and there is a preponderance of the evidence to indicate it was not--the high VC body count reported by TF Barker on 16 March 1968 should not have caused any great surprise among commanders and staff officers in the 11th Brigade.

In view of the intelligence basis for the Son My operation, there should have been suspicions aroused when, early in the operation, it was discovered that the VC had, in fact, left the area before the operation commenced! At 0900 hours the 11th Brigade recorded in its journal a report received from Barker TOC to the effect that information obtained from inhabitants of My Lai (4) revealed that "30-40 VC had departed the area at 0700 hours...." The journal entry also states that both the brigade S2 and S3 were notified of this fact--the brigade S3 at this time was the brigade commander at LZ Dottie.

LT (now CPT) Johnson, the Military Intelligence (MI) officer who accompanied C Company in the field on March 16, testified that after landing in My Lai (4), and interrogating village inhabitants, he learned that "the VC had departed the village prior to the combat assault."

LT Alaux, the C Company forward observer (FO) stated in his testimony he recalled receiving information that interrogation of a Vietnamese in My Lai (4) had revealed information that an enemy platoon had been in the village but had departed just prior to the operation.

From the foregoing, it is evident that by 0915 hours, at least the commander of C Company (who is the most probable source of the report which originated with LT Johnson and was transmitted through TF Barker TOC to the 11th Brigade TOC); the commander, S2 and S3 of TF Barker; and the commander, S2 and S3 of the 11th Brigade were all aware of this significant report. Journal entries at the Americal Division do not reflect this information and MG Koster testified that he does not recall receiving such a report.

At the same time these officers possessed information concerning this intelligence report, they were also cognizant of the report of high VC body count; the low ratio of weapons captured to VC killed; the absence of reports of enemy contact; and many of the other "indicators" which have been discussed in this chapter. What is difficult to understand is why none of the officers--

espically those in the intelligence field--acted on this information. If the VC had left the hamlet, who were the people C Company had reported killing? To what unit did the "30-40" VC belong? Where did they go--and a host of other questions all required answers. Yet apparently none of the commanders or staff officers asked these questions, sought additional information, or connected this report with other information they had concering the unique nature of the Son My operation.

As stated previously, the Americal Division Operations Journal for 16 March 1968 does not reflect this report of 30-40 VC departing My Lai (4). It does, however, contain entries concerning the Vietnamese personnel who were detained by C/1-20 Inf at that time. One significant entry concerning the only status that this individual reports "lots of VC" at the map coordinates which coincide with those recorded in the 11th Brigade Journal as the location at which C Company interrogated the Vietnamese detainess. The significance of this erroneous and/or altered report is discussed in Chapter 11.

j. Low Ratio of United States Casualties to Viet Cong Casualties

One fact which should have become increasingly evident to commanders as the events at Son My unfolded on 16 March, 1968, especicially in the C Company area. By 1030 hours, TF Barker had reported a total of 120 VC killed and 13 US casualties--2 KIA, 10 WIA, and 1 self-inflicted wound. Of the 12 casualties caused by enemy contact; that one individual was shot by enemy small arms fire in the area of A/3-1 Inf. On the surface, this ratio of 10 to 1 might be considered the result of a highly successful operation. However, when consideration is given to the fact that C Company, which accounted for 84 VC casualties in 70 minutes, experienced only one casualty, a self-inflicted wound, there is cause for inquiry.

An awareness at the company and TF level of the details concerning US caualties is presumed because of the involvement of commanders in medical evacuation procedures and similiar actions requiring radio transmissions. As a minimum, the commanders at these levels, if they were not aware of the true conditions at My Lai (4), should have been making efforts to determine what tactics and/or procedures were causing such remarkable success. It is clear that any such probing would probably have revealed the true events which had transpired in My Lai (4).

At the 11th Brigade level, COL Henderson acknowledged that he was suspicious of the C Company body count and ordered C Company back through My Lai (4) to resolve the matter. Yet when the order was countermanded by MG Koster, COL Henderson took no further action to allay his suspicions until directed to investigate WO1 Thompson's allegations 2 days later.

At the Americal Division headquarters, knowledge of a better than 10 to 1 ratio of VC casualties was known not later than the evening briefing of 16 March. Taken at face value and viewed in isolation from other information, these statistics reflected an outstanding tactical success on the part of TF Barker and 11th Brigade. This conclusion is reflected in the congratulatory message which was sent to the Americal Division by Commander, United States Military Assistance Command, Vietnam (COMUSMACV) as a result of receiving a statistical summary of the Son My operation. That such a conclusion could be reached at the Americal Division headquarters is not as readily understood. By the time the 16 March evening briefing was conducted and an announcement made concerning friendly casualties, the following additional information had also been provided to the division commander:

(1) Approximately 20-28 noncombatant casualties had occurred in the C/1-20 Inf area of operations.

(2) The 11th Brigade Commander had indicated his concern over irregularities in My Lai (4) to the extent of directing a rifle company to retrace its steps.

Information concerning these items was not transmitted outside the Americal Division.

k. Commander's Order to Return to My Lai (4)

Of all the events which transpired on 16 March, the one which most clearly indicated that something had gone wrong in the Son My operation, was the order issued by COL Henderson to have C Company return through My Lai (4) to count civilian casualties and to determine the age, sex, and cause of death of each. Issued to TF Barker at about 1530 hours, it was transmitted to CPT Medina and almost immediately countermanded by MG Koster. Although both MG Koster and COL Henderson believed that this order was given on 18 March, the preponderance of the testimony and the surrounding circumstances established that the order was given on 16 March.

COL Henderson testified that at the time he gave the order, he was aware of from "12 to 14" civilian casualties, which had been reported to him by LTC Barker, and that he was "suspicious" of the 128 body count because the number of weapons captured (3) was too low. He stated that he dir-

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ected LTC Barker to have a company return to My Lai (4) to examine the bodies to determine the exact number of noncombatant casualties, by sex, age group, and apparent cause of death. He also stated that LTC Barker then suggested that C Company should return to make the count since they were more familiar with the area and because they knew where the bodies were.

Both CPT Medina, the company commander, and MAJ Calhoun, the TF S3, agreed in their testimony that this command to return to My Lai (4) was relayed to CPT Medina by MAJ Calhoun over the radio; and that CPT Medina contested the order because of the late hour and the possibility of mines and boobytraps; that CPT Medina reported 20 to 28 civilian casualties had occurred during the operation; and that MG Koster broke into the series of transmissions and countermanded the order.

MG Koster did not recall talking to either MAJ Calhoun or CPT Medina but stated that he believed his conversation over the radio was with LTC Barker. He further stated that he knew at the time he countermanded the order, that at least 20 noncombatant casualties had been reported, and that the purpose of the order to return to My Lai (4) was to recount the noncombatant casualties and determine the cause of death. According to MG Koster, he based his decision to countermand the order on the mines and boobytraps reportedly infesting the area, the late hour, his feeling that the cause of death probably could not be determined accurately by the soldiers, and the shortage of helicopters. MG Koster decided to countermand the order despite the fact that he knew there had been at least 20 noncombatants reported killed during the operation, and that the brigade commander was apparently concerned enough about these casualties to order a return to My Lai (4) for the purpose of determining the number of and the reason for these casualties. MG Koster contended that his action did not preclude COL Henderson's sending the unit back the following day. In countermanding the order he specifically directed LTC Barker to insure that COL Henderson was advised of the action.

The point in issue is not whether the order should have been countermanded, but rather, that the issuance of the order itself should have been a signal to MG Koster that one of his senior subordinate commanders suspected something had gone awry. The fact that CPT Medina advised MG Koster of 20-28 civilian casualties should have acted to reinforce that suspicion or to cause MG Koster to consider a substitute course of action; available testimony indicates it did neither.

6. Initial Investigation and Review

As a result of instructions received from MG Koster to have COL Henderson initiate an investigation of WO1 Thompson's

allegations, BG Young after departing MG Koster's office on 17 March, made arrangements for a meeting of the five principals in the chain of command who were involved: himself, COL Henderson, LTC Barker, LTC Holladay, and MAJ Watke. The meeting was inexplicably not scheduled until 0900 hours the following day, 18 March. However, BG Young did make a visit to LZ Dottie on the afternoon of 17 March and, according to MAJ Calhoun, was briefed by him.

MG Koster testified that on the afternoon of 17 March he too went to LZ Dottie and spoke to LTC Barker concerning the allegations of WO1 Thompson. MG Koster stated tha Barker advised him that either he or MAJ Calhoun had been over the area of My Lai (4) throughout the morning of 16 March and that they had not witnessed or heard of any irregularities. MG Koster stated that Barker gave him every assurance that the incident alleged by Thompson had not taken place.

During the initial phase of this Inquiry, considerable disagreement was experienced among witnesses concerning the time and date of this meeting arranged by BG Young. It was finally fixed after MAJ Watke produced a series of letters written to his wife and dated 16, 17, and 18 March 1968. The last of these letters made specific reference to this meeting and established the date as 18 March.

On the morning of the meeting, the five officers concerned met at TF Barker's Command Post at LZ Dottie at about 0900 hours. BG Young stated that he met with the group only briefly, addressing himself primarily to COL Henderson and repeating the allegation as understood by BG Young, i.e., that there had been a confrontation between personnel of TF Barker and Company B, 123d Aviation Battalion and that forces of TF Barker had fired into noncombatant civilians while engaging an enemy force. Young advised Henderson of the Division Commander's directive to conduct an immediate investigation and to report the results to MG Koster as soon as possible. BG Young stated that without waiting to hear any explanation of the allegations by Watke or Holladay, he departed LZ Dottie. While such action is possible, it seems quite unusual if not unlikely that an Assistant Division Commander, having been charged by his Commanding General with the task of directing a brigade commander to initiate an investigation, would depart before he was reasonably sure that the brigade commander understood the mission. The contention that BG Young remained at Dottie for more than a few minutes is supported by entries in the TF Barker Journal which indicate that BG Young spent a total of 20 minutes at LZ Dottie at this time.

LTC Holladay recalled the incident as a brief introduction by BG Young and a complete recitation of the Thompson Report by MAJ Watke. MAJ Watke agreed in his testimony that he presented an explanation in the presence of BG Young which was the same in content as his two previous recitations of the event.

COL Henderson related the events of 18 March as commencing with an encounter at LZ Dottie with the Executive Officer of Company B, 123d Aviation Battalion, MAJ (now Mr.) Wilson, who introduced WO1 Thompson as an individual with a serious matter to report. According to Henderson, Thompson then described the events of "extremely wild shooting" by troops and helicopters; troops shooting at everything that moved; of having seen "a lot of civilian bodies on the ground" and an incident where a captain shot a unarmed and wounded female civilian. COL Henderson further stated that within an hour of this meeting with Thompson and Wilson, the meeting with BG Young took place and during which the confrontation between the helicopter pilot and ground troops and other incidents which occurred on 16 March was discussed. MAJ Wilson stated that he had no knowledge of taking WO1 Thompson to LZ Dottie to see COL Henderson on any occasion and denies any knowledge of the event related by COL Henderson.

Once again, after considering all available evidence, it appears that the events as related by LTC Holladay and MAJ Watke represent the most probable occurrences of that time. BG Young's contention that he merely summarized the allegations of WO1 Thompson and then departed, is refuted by the testimony of Watke and Holladay and is incompatible with the conduct that would be normal for a general officer under the circumstances.

There is general agreement that the exchange of information between WO1 Thompson and COL Henderson did not occur before the meeting with BG Young but took place after that event. The previous paragraph provides a summary of COL Henderson's version of the meeting between these two individuals which is in substantive conflict with WO1 Thompson's recollection that he told COL Henderson all the details of the incident at My Lai (4) in an interview which took from 20 to 30 minutes. COL Henderson also stated that he spoke to no other pilot of crewmen concerning this matter. However, MAJ Watke stated he sent three individuals to see him. There is testimony by WO1 Thompson, SP4 Colburn, and CWO Culverhouse that each of these individuals was interviewed by COL Henderson and that each provided him detailed information concerning the incidents which occurred at My Lai (4) on the morning of 16 March.

It is significant to note that during these interviews, none of the individuals was placed under oath nor were any statements reduced to writing; records of the event were limited to notes COL Henderson made in a small green notebook which was subsequently destroyed.

While there is some evidence to indicate that two of these individuals may have spoken to "another colonel at LZ Dottie" other than COL Henderson, there is little doubt concerning the extent of COL Henderson's knowledge at this point in time. There is no other evidence to show that there was another officer in the grade of Colonel at LZ Dottie on that day. All available evidence confirms the fact that not later than the morning of 18 March, COL Henderson was in receipt of all allegations contained in the Thompson Report; that these allegations had been presented to him by a least one and probably three eyewitnesses; and that he was aware of the existence of many more possible eyewitnesses.

There are other inconsistencies in COL Henderson's testimony at this point, but for the purpose of continuing with a presentation of facts concerning the chain of events following My Lai (4), it is sufficient to state that following the meeting at LZ Dottie, BG Young departed with the understanding that COL Henderson was to undertake a prompt and thorough investigation into the allegation made by WO1 Thompson concerning the operations of TF Barker on 16 March 1968.

A brief summary reveals the following significant facts which emerge at this point: first, COL Henderson had been charged with investigating events which actually represent only a part of what happened at My Lai (4); second, COL Henderson was aware of a disparity between the allegation he was charged with investigating and the dimensions of the events which had been observed and described by eyewitnesses; and finally and most significantly, COL Henderson may well have concluded that MG Koster and BG Young were not aware that extensive killing of noncombatants had occurred on 16 March 1968. It is in the context of this knowledge that COL Henderson's subsequent actions will be considered.

As previously mentioned, there is disagreement concerning both the sequence of events as they occurred on the morning of 18 March and the substance of the information discussed by personnel interviewed by COL Henderson. For the purpose of relating later events, it is sufficient at this point to state that on the morning of the meeting with BG Young at LZ Dottie, COL Henderson also met with WO1 Thompson and, as a result of this meeting, flew directly to the field location of C Company to speak to CPT Medina about the Thompson allegation. CPT Medina explained the shooting incident to COL Henderson's satisfaction--a matter of self-defense--but could not satisfy COL

Henderson's requirements for detailed information concerning noncombatant casualties. CPT Medina explained at this point that he had seen "between 20 and 28" civilian casualties. COL Henderson contended in his testimony that it was at this point that he alerted C Company to a possible requirement to move back through My Lai (4) to conduct a count of all noncombatant casualties. COL Henderson stated that he issued the order for such a move shortly after the meeting, and after discussing the matter whith LTC Barker. The evidence to refute this contention is overwhelming and it is clear that such an order was issued on the afternoon of 16 March.

There is agreement in the testimony of Henderson and Medina that the substance of this meeting concerned the incident of Medina's shooting the wounded woman and a discussion concerning noncombatant casualties and the body count of 128 VC KIA. No mention was made of such incidents as the confrontation, the bodies in the ditch, or the firing into the ditch.

In his testimony, LTC (now ret.) Blackledge stated that he especially recalled this meeting because of the subject matter dicussed and the extent to which COL Henderson questioned Medina. Blackledge stated he had not been advised of the purpose of the meeting and observed that Henderson pursued the matter of civilian casualties to a point that Blackledge considered a "little unusual" and in a matter which seemed to be investigative. It is significant to note that this constituted the only meeting of COL Henderson with CPT Medina at which the subject of Thompson's allegations was discussed. Again, as was the case in the interviews with aviation unit personnel, no oaths were administered nor were statements reduced to writing.

The next step of COL Henderson's "inquiry" involved a visit with troops of C Company as they deplaned on the afternoon of 18 March at LZ Dottie. COL Henderson assembled a group of 30 to 40 soldiers primarily from the 1st and 2d Platoons of C Company who had just debarked from helicopters. After complimenting them on their performance during the previous few days, he told them that there had been some "unsubstantiated reports that we had killed some noncombatants" and then asked the group if any of them had any knowledge of "anybody killing civilians during this operation." COL Henderson testified that the response to this was silence and he then directed his comments to specific individuals, saying: "How about you?" and pointing to an individual or small group. The response in each case, COL Henderson stated, was a "loud and clear, 'No sir!'" This totally meaningless action constituted the entire effort by COL Henderson to interrogate members of Company C. Testimony by individuals who were present during COL Henderson's

interrogation of this group revealed that, in at least one case, when addressed individually by COL Henderson, a sergeant responded to his question concerning possible irregularities during the My Lai (4) operation with "no comment" but, inexplicably, he was not questioned further.

COL Henderson stated that he then departed LZ Dottie and returned to his headquarters at Duc Pho and either at that time, or after the evening briefing on 18 March, spoke to MAJ Gibson, CO, 174th Aviation Company. COL Henderson related that he advised MAJ Gibson of the allegations made by WO1 Thompson concerning wild shooting and killing of civilian noncombatants and asked MAJ Gibson to survey all of his pilots who had participated in this operation to determine if any of them could provide further information. COL Henderson further stated that after the evening briefing on either the 18th or 19th of March at brigade headquarters, he called MAJ Gibson aside and asked for his report. According to Henderson, Gibson replied that he had spoken to each of the pilots who had been involved in the My Lai operation and that "not a single one of them observed any noncombatants being killed nor were any (174th) gunships out of control...." MAJ Gibson denied that he was ever requested to provide the information and that he made such a report to Henderson.

Except for COL Henderson's claim of an 18 March visual reconnaissance over the village of My Lai (4) in which field glasses were used to aid in observation, the aforementioned actions constitute the total effort expended in the initial inquiry by COL Henderson. It should be noted that at no time during COL Henderson's "inquiry" was there ever an effort made to put people on the ground at My Lai (4) or even to make a meaningful reconnaissance of the area. In summary, COL Henderson's investigative efforts, by his own account, were completed not later than the evening hours of 18 March except for the report he had purportedly requested from MAJ Gibson.

COL Henderson testified that on 19 March he advised BG Young of the people to whom he had spoken and the negative findings he had reached and was advised by BG Young to make his report to MG Koster on 20 March.

COL Henderson stated that on the morning of 20 March he reported to the Chief of Staff of the Americal Division, COL Parson, advising him of the purpose of the meeting and then,

before completing the substance of the report, was ushered in to see MG Koster. COL Parson was unable to shed additional light on this matter since he stated he could not recall the incident. COL Henderson stated that his oral report was submitted with no witnesses present. He recounted that he commenced his discussion by first advising the Commanding General that the total number of civilian casualties reported by TF Barker for 16 March was 20. He then proceeded to advise MG Koster that reports of indiscriminate killing were not substantiated; that CPT Medina had been able to provide a satisfactory explanation for the shooting of the wounded female; that the matter of the confrontation had been "put to bed" with the re-establishment of a rapport between MAJ Watke and LTC Barker; and that after completing the inquiry, WO1 Thompson was the only individual COL Henderson could find who could allege that "something" happened in My Lai (4).

COL Henderson stated that MG Koster then replied that Henderson's report had already been discussed with him by BG Young, that he wanted to discuss it once more with BG Young and he gave Henderson no further instructions. COL Henderson stated that he also mentioned to MG Koster the incident of the latter's countermanding his order to move C Company back through My Lai (4) but that MG Koster's response to this matter indicated "disinterest" and a tendency to minimize the importance of any information which might have been obtained as a result of the operation. COL Henderson then departed to await further developments.

MG Koster testified that he received this initial report in a series of conversations; some with BG Young who relayed interim reports from COL Henderson, and the remainder as direct discussions with Henderson. MG Koster did not recall a meeting in which the entire report was presented as a "single wrap-up." However, his recollection of the substance of all the conversations is in general agreement with what Henderson testified that he presented in his 20 March report. MG Koster's testimony is in general agreement with that of BG Young who also recalled that Henderson's report was a series of conversations with BG Young, conversations which Young then relayed to MG Koster. BG Young also recalled that Henderson told him he had delivered an oral report to MG Koster who had instructed him to reduce the report to writing. BG Young testified that he confirmed this with MG Koster, but he could not recall any of the details of the discussion for this Inquiry.

There was a further report reaching the Americal Division command group which deserves mention. LTC Holladay stated that after the meeting with himself, Watke, and BG Young, he went to the Division Chief of Staff and related to him the allegations which had been made by WO1 Thompson. It is significant to note that Holladay's version of the allegations included all of MAJ Watke's version plus information concerning a ditch containing bodies, an individual shooting into that ditch, and the use of the term "murder." COL Parson testified that he did not pass this information on to BG Young or MG Koster because "In my mind, the generals were doing what needed to be done. The generals took this part over. Such a detatched attitude on the part of a division chief or staff of the rank and experience of COL Parson seems unlikely.

COL Henderson stated that the matter was next brought to his attention approximately 2 weeks after the 20 March meeting, when BG Young advised him that MG Koster desired the oral report of 20 March be submitted in writing, as a matter of record.

COL Henderson testified that he then prepared a three-to-five-page typewritten report and personally delivered it to COL Parson at division headquarters on either 4, 5, or 6 April and that several days after, BG Young advised him that MG Koster had seen the report, passed it on to BG Young, and that BG Young believed MG Koster to be satisfied with the report. MG Koster denied ordering such a report prepared; BG Young denied advising COL Henderson to prepare it; and COL Parson denied any knowledge of it.

There is some corroboration of COL Henderson's statement regarding this written report. MAJ McKnight testified that he read a written report which was shown to him by COL Henderson "in late March or early April"; however, when shown exhibit R-1 (a report submitted on 24 April by COL Henderson and which is discussed in detail in section B), McKnight identified the exhibit as the report he had read in 1968. CPT Henderson, who was MAJ McKnight's assistant, testified that he recalled seeing a one-page written report "about a week after 16 March." CPT Henderson stated that McKnight was in possession of the report which concerned the matter of civilian casualties and allegations by helicopter pilots. When asked if he could identify the previously mentioned 24 April 1968 report of COL Henderson (exhibit R-1), CPT Henderson stated he could not and that he was certain exhibit R-1 was not the report he had seen in MAJ McKnight's hands.

A thorough search of currently available records and files failed to reveal a trace of any report which could possibly fit the description which COL Henderson provided. To date, the only written report recovered has been the report of 24 April 1968.

There is considerable conflict in the testimony of MG Koster, BG Young, and COL Henderson concerning the actual submission of the initial report by the latter and the subsequent events and directives as they concern additional investigative efforts. MG Koster was clear that he considered BG Young to be his principal agent in overseeing the investigative efforts of COL Henderson; BG Young, on the other hand, took the position that after the initial directive was issued to COL Henderson, and the oral report was made to MG Koster, the matter became one of direct contact between the Division Commander and the CO of the 11th Brigade, and largely excluded the Assistant Division Commander. According to BG Young's testimony, after 20 March, when MG Koster received a preliminary report from COL Henderson, BG Young took no further action in pursuing the allegations made by WO1 Thompson or in supervising the investigative efforts of COL Henderson. However, MG Koster and others stressed the continuing contact of BG Young with the matter and the fact that this, as other division business, was routinely shared with the maneuver ADC.

As concerns actions between MG Koster and COL Henderson, conflicts in testimony can be resolved to the extent that an oral report was received by MG Koster from COL Henderson sometime between 20 March and early April. As a result of this report, MG Koster concluded that COL Henderson had interrogated responsible personnel in the chain of command, as well as a cross-section of both aviation and ground troops, and that there was no basis for a formal investigation. MG Koster considered the matter closed and placed no further requirement on COL Henderson concerning this matter until sometime in mid-April when receipt of VC propaganda and further information from GVN channels reopened the question of civilian casualties in the Son My operation.

7. Report Through Chaplain Channels

There is one further report which was made during the Son My operation and which concerned the actions of C Company as observed by WO1 Thompson. On either 16 or 17 March, WO1 Thompson went to see the Division Artillery Chaplain, CPT (now Rev.) Carl Creswell, regarding the events he had witnessed at My Lai (4). Thompson was at the time taking instructions regarding confirmation in his faith by Chaplain Creswell and in the course of such instructions, he saw the chaplain regularly.

According to Chaplain Creswell, when Thompson came to see him, he was "terribly upset" and asked for advice concerning what actions he should take. WO1 Thompson related to the chaplain the substance of his observations, and Chaplain Creswell advised him that he should make his official protest through command channels while he, CPT Creswell, would do the same thing through "Chaplain Channels."

Chaplain Creswell then went to see LTC Lewis, the Division Chaplain, related the story told to him by WO1 Thompson, and recommended that an investigation be conducted. Chaplain Creswell stated that Chaplain Lewis assured him that he would take the matter up with the appropriate authorities. Approximately 3 weeks later, after continual prodding of Chaplain Lewis by Chaplain Creswell and repeated assurances by Chaplain Lewis that an official investigation was underway, Chaplain Creswell acknowledged with remorse that he did nothing further.

Chaplain Lewis recalled that Chaplain Creswell came to see him on 17 March with information concerning WO1 Thompson's complaints. Chaplain Lewis could not recollect the details of the conversation but did recall that it included the specific allegation that a sergeant had fired into women and children and that the general content of the allegation dealt with the unnecessary killing of women and children. When questioned concerning the order of magnitude of the killings, Chaplain Lewis stated that while he was not sure of the source of the figure, the figure 124 is what he seemed to recall as the number of noncombatants killed.

In reconstructing Chaplain Lewis' actions relevant to this event, it can be established that he spoke to the Americal Division CofS, COL Parson, and the G5, LTC Anistranski. LTC Lewis stated he also spoke to the G1, LTC Qualls; the G2, LTC Trexler; and the G3, LTC Balmer. These latter three, in their testimony, denied any recollection of an occasion wherein LTC Lewis made inquiry concerning serious allegations against TF Barker, the 11th Brigade, or any operations which involved WO1 Thompson In the two instances where key staff officers recollected a discussion with Chaplain Lewis, it is clear that the discussion was not one of an official nature concerning a serious allegation but rather, a request from Chaplain Lewis concerning the status of any investigation concerning "some pretty bad things" that Lewis had heard. From the testimony of individuals familiar with Chaplain Lewis, it was common practice for him to visit with key members of the staff on an informal basis and during such visits the Chaplain would frequently make reference to rumors or reports he had heard concerning the unnecessary use of force or firepower by combat troops. It appears probable that any "reports" Chaplain Lewis may have made concerning WO1 Thompson's allegations were most likely delivered and received in that context. It is clear that Chaplain Lewis did not make any timely effort to transmit the information he received from Chaplain Creswell to the command group of the Americal Division. By his own recollection, it was approximately 10 days after receiving the report from Creswell that he made his "informal" call on the CofS.

Chaplain Lewis stated he continued his personal inquiry into the matter, speaking to LTC Barker, and MAJ (now LTC) Hoffman, 11th Brigade Chaplain. Chaplain Lewis stated that LTC Barker assured him that while there had been some casualties among the noncombatants, these were inadvertent and were a natural consequence of the type of combat units faced in inhabited areas.

MAJ Hoffman in testifying before the Inquiry stated that Chaplain Creswell said that he had heard reports that "our people had fired into women and children." Chaplain Hoffman further stated that Creswell continually "ragged" him and "pulled his leg" and Hoffman did not take him seriously. Chaplain Hoffman stated that after this matter was brought up on several occasions, he replied to Creswell that the 11th Brigade had not killed the civilians, "it was Div Arty firing the (artillery) prep." Chaplain Hoffman stated that this caused Creswell to "stop his ragging a little bit." Hoffman went on to state that Creswell never gave him specific information nor did he make any specific allegations. He also stated that he was quite certain that Chaplain Lewis did not speak to him about this matter at any time.

It is clear from the actions--and the acts of omission--of Chaplains Lewis and Creswell, that while both were aware of the serious nature of the charges alleged by WO1 Thompson, neither took adequate or timely steps to bring these charges to the attention of his commander. It should have been evident to both these chaplains that the idea of conducting an investigation of a war crime through chaplain channels was preposterous.

8. Summary of the Initial Reports, Investigations, and Reviews

In concluding this portion of the report, it should be noted that the Inquiry has been faced with a difficult task of attempting to determine precisely what actions transpired among the members of the Americal Division command groups upon receipt of the Thompson Report. No written record of anything pertaining to Thompson's complaint has been found--if one ever did exist. All references to the Thompson Report and its allegations were omitted from such written reports as have been found. Thus it was solely through testimony that the facts have been reconstructed. The task has been complicated by the apparent reluctance of some of the principals to testify frankly on the matter and by the significant contradictions in their testimony.

While there is evidence that the seriousness of the Thompson Report may have been muffled in the process of being passed to BG

Young and MG Koster, it is clear that there was available at the time the report was received, sufficient information of an operational and intelligence nature available from other sources, which should have placed the recipients on notice that the events at Son My were of an exceptional nature.* Evaluation of subsequent actions by key personnel of the Americal Division, indicates that such notice was not acknowledged. Instead, it seems likely that when the Thompson Report was received at Division Headquarters it was related to the report concerning 20-28 noncombatants deaths which MG Koster had previously received.

There was at least a tacit decision to withhold from higher headquarters any information concerning the incident. Adopting a "close-hold" attitude concerning all information relating to this matter, MG Koster directed the incident be investigated by COL Henderson, but neither MG Koster nor others in the Division command element took any steps to insure that an adequate investigation would be conducted. From the start, COL Henderson must have recognized the lack of any real appreciation at Division for the enormity of the incident and it appears that he deliberately set about to conceal information which would indicate its true nature.

The Inquiry does not exclude the possibility that from an early time there was a greater appreciation at Division as to the seriousness of the situation. MG Koster acknowledged that he and BG Young at some time discussed and dwelt upon the implications of the allegations. However, in the absence of more specific proof, the Inquiry cannot conclude that in March and early April the Division command element was aware of the nature and extent of the events which had transpired at Son My.

In the section which follows, the actions of the principals will be examined in light of the additional information received from Vietnamese sources.

B. THE SUBSEQUENT REPORTS (THE ABSENCE OF FURTHER INVESTIGATION OR REVIEW) APRIL - MAY 1968

1. Introductory

Almost immediately following the events of 16 March 1968, rumors, reports, and VC propaganda relating to the operation began to move from the VC-controlled Son My Village area in Vietnamese channels. While it appears that these did not come immediately to the attention of responsible US personnel, such information did begin to reach some US military and possibly civilian personnel at least by the early days of April 1968.

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* See Inclosure 1 for graphic portrayal of knowledge possessed by key individuals.

The surfacing of this information from Vietnamese sources in the first half of April resulted in further reports but virtually no additional investigation or review within the US chain of command, and a lost opportunity for the Americal command again to review what had transpired. In this section of the report these events are examined.

2. Reports Within Vietnamese Channels

In March 1968, since Son My Village and the surrounding area were VC-controlled, no Government of Vietnam (GVN) officials resided in the village or its hamlets. The Son My Village Chief, Do Dinh Luyen, and the Tu Cung Hamlet Chief, Do Tan Nhon, lived in exile at Son Tinh approximately 10 kilometers from Son My Village. Accordingly, information available to GVN officials regarding activities in the village was based primarily on information obtained from residents of the village who, from time to time, visited the market in Son Tinh. Through this means, and through VC propaganda, some information regarding the US operation in Son My Village on 16 March 1968 reached the appropriate officials and was reported through GVN channels.

a. Census Grievance Report

Based on information obtained from unspecified sources, a Census Grievance Cadreman of Son My Village submitted a written report to the Census Grievance Chief, Quang Ngai, on 18 March 1968, summarizing the results of the allied operation in Tu Cung Hamlet on 15 March 1968. This report indicated that:

(1) After a fierce battle with district VC and local guerrillas, the allies killed 320 people at subhamlets Thuan Yen and Binh Dong.
(2) Twenty-seven people were killed at My Lai.
(3) Eighty people, young and old, were killed at Co Luy hamlet.
(4) During the 3-day operation, a total of 427 civilians and guerrillas were killed.

While this report refers to an operation on "15 March," it apparently referred to the events of 16 March since no operations were conducted in that area on the preceding day. This is the earliest report submitted through GVN channels regarding the incident which the Inquiry found. The report contained no explanatory details. A copy of the report was provided to the Inquiry in early 1970 from the files of the Quang Ngai Census Grievance Committee, but there were no indications that it had been forwarded to Province Headquarters; hence it appears that no action was taken on it. The Census Grievance report, referred to later in this section, which is said to have contained different information was not located by the Inquiry.

b. Report of the Son My Village Chief

Mr. Do Dinh Luyen, Son My Village Chief, submitted a written report, dated 22 March 1968, to the Son Tinh District Chief providing the results of the 16 March 1968 allied operation at Tu Cung and Co Luy hamlets (My Lai (4) is a subhamlet of Tu Cung and My Khe (4) of Co Luy). The report specified that:

(1) One US soldier was killed in action (KIA) and two wounded in action (WIA) at Thuan Yen subhamlet.
(2) Forty-eight VC were KIA and 52 WIA.
(3) 570 civilians were killed; 480 in Tu Cung and 90 in Co Luy.
(4) Animals, property, and houses were 90 percent destroyed.

The Son Tinh District Chief stated to this Inquiry that this report had been submitted pursuant to his direction following the receipt of an earlier oral report from the Hamlet Chief and Village Chief. Mr. Luyen stated that his report to the District Chief had been based on hearsay information obtained from people who had talked with residents of Thuan Yen subhamlet [My Lai (4)]. Prior to the Inquiry's locating a copy of his report, in the District Chief's files, Mr. Luyen recalled that he had submitted only an oral report to the District Chief and he did not recall writing a letter. He tended to play down the substance of his report, stating that the people had reported that not more than 30 civilians were killed in Thuan Yen, and that hundreds of VC were killed. He further volunteered to the Inquiry that, according to the rumors which he had heard, the deaths were the result of artillery, gunships, and small arms fire during the battle to enter the hamlet and the Americans had not assembled the people and shot them. Luyen stated his belief that most of the information he had received was VC propaganda and thus he had not gotten particularly concerned about it.

The written report of Mr. Luyen dated 22 March 1968 which was in fact passed in GVN channels contained substantially different allegations from those suggested by his statement to this Inquiry.

c. The Initial Report of the Son Tinh District Chief, 28 March 1968.

LT (now CPT) Tran Ngoc Tan, the Son Tinh District Chief, as a result of the report from the Son My Village Chief, submitted an intial report to the Quang Ngai Province Chief on 28 March 1968 indicating that US forces had conducted an operation at Tu Cung Hamlet on "19 March 1968" (an apparent error) which resulted in injuries to a number of hamlet residents. It was reported that when the US force entered the hamlet, one soldier was killed and others wounded by a VC boobytrap following which the VC opened

fire from their positions within the hamlet. The US forces responded with intense firepower, including artillery and air, causing injury to hamlet residents with whom the VC force was intermingled. The report stated, additionally, that Tu Cung Hamlet, and other hamlets of Son My Village, had been under VC control since 1964 and that the VC would possibly take advantage of the incident to undermine, through propaganda, the prestige of the Republic of Vietnam Armed Forces and the Government's pacification program.

In addition to submitting the report to the Province Chief, a copy was also forwarded to the S2 and S3 of Quang Ngai Sector. The Province Chief, LTC Ton That Khien, acknowledged receipt of this report in addition to having previously heard about the incident from the District Chief and through some rumors from the people From the information which is available, indications are that the Province Chief took no specific action in response to this report, but he may have informed the Commanding Officer of the 2d ARVN Division.

d. The Second Report of the Son Tinh District Chief, 11 April 1968

Following up his initial report, the District Chief submitted a subsequent report to the Province Chief dated 11 April 1968 providing more definite information regarding the incident of 16 March and including the allegation that a US Army unit had assembled and killed civilian residents of Son My Village. LT Tan stated that this report was based on additional information provided by the Village Chief, including a list of residents killed. Although LT Tan stated that the list of civilians that had been killed would be found in the files of Son Tinh District, when the files were searched the list could not be located. The 11 April report specified that, after detonating a VC mine and receiving fire from Tu Cung, the US Army unit attacked the hamlet, assembled the people, and shot and killed more than 400 inhabitants. An additional 90 people were said to have been killed at Co Luy Hamlet. The District Chief added that he believed the US unit acted in anger and killed too many civilians in this case even though Son My had long been under VC control and allied forces frequently operated in the area without restriction. He stated that, if true, he considered this an act of insane violence and requested the Province Chief to intervene on behalf of the people.

This report of the District Chief was not based on any investigation of the incident, but as already noted, on reports received by the Village Chief from residents of Son My who came out from the area to visit the market in Son Tinh and for other reasons. Since Son My was under VC control, no effort was made to corroborate the report at that particular time by an on-site investigation, although the Hamlet Chief and Village Chief were purportedly able to develop a list of residents who had been killed.

According to the distribution stated on LT Tan's 11 April report, copies of this report were forwarded to Headquarters, 2d ARVN Division, and MACV, Quang Ngai Sector [US Advisors] with a courtesy copy to the Major, US Advisor, Son Tinh District. While in Vietnam, the Inquiry was provided copies of this report from the files of both the Province Chief and the District Chief. However, neither a copy of the report nor any reference to it could be found in the files of the US Advisory Teams at Quang Ngai Province and Son Tinh District although exhaustive searches were made.

e. Memorandum to the Commanding Officer of the 2d ARVN Division

Based on the District Chief's 11 April report and VC propaganda which he had received, the G2, 2d ARVN Division, submitted a memorandum, dated 12 April 1968, to the CG, 2d ARVN Division, summarizing the allegations regarding the incident. A copy of the VC propaganda message (which is discussed in the following section of this chapter) describing the incident and a copy of the District Chief's report were attached to the memorandum. Upon receiving this information, COL Toan directed that Quang Ngai Sector investigate the incident. In a marginal note on the G2's memorandum, COL Toan stated: "Quang Ngai Sector review this investigation. If there is nothing to it, have the District rectify the report--If it is true, link-up with the Americal Division to have it stopped." Thereafter, on 15 April 1968, a message, signed by the Chief of Staff, directing the investigation in accordance with COL Toan's guidance, was dispatched to Quang Ngai Sector. COL Toan stated to this Inquiry that he recognized that the area was under VC control and that in fact it had not been possible to conduct an on-site investigation.

COL Toan subsequently discussed the incident with LTG Hoang Xuan Lam, CG, I CTZ. This discussion appears to have been the only report during 1968 by either Quang Ngai Province or the 2d ARVN Division to a higher authority in the GVN chain of command.

3. VC Propaganda

During 1967 and 1968, it was a common technique of the VC to attempt to exploit actions in which they had suffered heavy losses by disseminating propaganda claiming that allied forces had killed many civilians, burned houses, destroyed property, and committed other such acts. This was done through a variety of means including public gatherings, broadcasts, and published leaflets or letters. Such propaganda was regularly monitored by US and Vietnamese intelligence teams, but its grossly exaggerated and drumbeat quality resulted in any purported specific information

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it might contain being treated with considerable skepticism and more frequently than not, dismissed as pure fabrication.

It would appear that much of the VC propaganda issued concerning the Son My incident was dismissed in this fashion although some of it did contain an unusual number of specific charges. While the propaganda was in some respects an obvious distortion, it recited some of the events of that day with reasonable accuracy. In fact, this particular propaganda, especially when combined with other information available to US and Vietnamese command elements should have prompted follow-up action.

The following is a summary of the propaganda which this Inquiry found, which in varying degrees came to the attention of US and/or ARVN personnel in the Spring of 1968. This summary of propaganda is in addition to the rumors heard by village, district, and province officials which, for the most part, appear to have been dismissed by these officials as VC-initiated and to which their reaction was tempered by past experience with VC propaganda, a small concern for VC-controlled areas, and an obvious reluctance on the part of GVN officials to embarrass their US allies.

The Inquiry obtained in Vietnam a copy of a Quang Ngai National Liberation Front Committee notice which was dated 28 March 1968. This notice was entitled "Concerning the Crimes Committed by US Imperialists and Their Lackeys Who Killed More Than 500 Civilians of Tinh Khe Village (Son My), Son Tinh District." It specified that:

> Xam Lang (Thuan Yen) Subhamlet of Tu Cung Hamlet and Xom Go Subhamlet of Co Luy were pounded by artillery for hours. After shelling, nine helicopters landed troops who besieged the two small hamlets. The US soldiers were like wild animals, charging violently into the hamlets, killing and destroying. They formed themselves into three groups: one group was in charge of killing civilians, one group burned huts, and the third group destroyed vegetation and trees and killed animals. Wherever they went, civilians were killed, houses and vegetation were destroyed and cows, buffalo, chicken, and ducks were also killed. They even killed old people and children; pregnant women were raped and killed. This was by far the most barbaric killing in human history.

The notice stated that 502 people were massacred at Tu Cung and Co Luy Hamlets, including 67 old people, 170 children, and 130 women. Although dated 28 March 1968, the copy of this notice which appears in the record was captured by the Americal Division on 11 December 1969 approximately 20 kilometers northwest of Son My Village. While there is no reliable evidence

one way or the other it is possible that a pre-dated notice was published in late 1969 in order to capitalize on the widespread publicity at that time concerning the Son My incident. The Inquiry found no indication that it in fact reached GVN or US hands at anytime prior to December 1969.

One item found by early April 1968 was a script for a proposed VC broadcast entitled "American Evil Appears." It is not clear how it was obtained. The script indicated that the proposed broadcast was to be used in coordination with VC leaflets with the title "Let American Enemy Pay This Bloody Debt." In addition to the general charges of murder, mistreatment of Vietnamese people, and the destruction of property by US forces, the script specifically highlighted the Son My incident. This was the item of VC propaganda that the G2 of the 2d ARVN Division brought to the attention of COL Toan. The script as provided to COL Toan stated, in part, in translation:

> In the operation of 15 March 1968, in Son Tinh District the American enemies went crazy. They used machineguns and every other kind of weapon to kill 500 people who had empty hands, in Tinh Khe (Son My) Village (Son Tinh District, Quang Ngai Province). There were many pregnant women some of which were only a few days from childbirth. The Americans would shoot everybody they saw. They killed people and cows, burned houses. There were some families in which all members were killed.

The propaganda went on to encourage ARVN soldiers to use their guns against American personnel. Several later enemy propaganda broadcasts were made from Hanoi during the period April-June 1968 along the theme that allied forces were committing atrocious war crimes in South Vietnam by murdering innocent civilians, burning houses, abusing women, and destroying property. The Son My incident was cited as one specific example of such an atrocity in each of these broadcasts. Broadcasts are known to have been made on 16 April (2), 17 April, 23 April, and 2 June which provided generally the same description of the incident as the propaganda messages previously discussed.

An intelligence report which was received in April 1968 indicated that soldiers of the Viet Cong were wearing red arm bands on which was a slogan expressing determination to avenge the massacre or murder at Son My. A VC who subsequently returned to government control also indicated that arm bands with a slogan concerning the incident were worn at Binh Duc, an area in eastern Binh Son District. This same individual also reported that he had attended two propaganda lectures in Tu Cung concerning the incident.

On 16 July 1969, a propaganda message published in May 1968 and entitled "The American Aggressors Must Pay For Their Debts in Blood Against the People of Son My" was captured approximately 50 kilometers northwest of Son My. This message, as others, provided a summary of the events on 16 March plus a vivid description of the alleged atrocities against the residents of Son My. The message encouraged the people to hate the Americans and to seek revenge for the murder of their relatives.

From the foregoing, it is apparent that by mid-April 1968, reports and propaganda relating to Son My were circulating in Vietnamese channels which continued for at least several months thereafter. In the next section, the information received by US officials from these sources and the resulting actions are examined.

4. Information Received From Vietnamese Sources and Further US Action

a. The Problem of Contradictory Testimony

The Inquiry met with a welter of contraction, denials of knowledge, and vague recollections when examining what, when, and how information relating to the alleged incident passed from Vietnamese sources to US personnel. But with the aid of documents and information obtained from GVN authorities and the testimony of a few individuals who were in positions to observe portions of the events it has been possible to reconstruct in at least broad outline the information received and to determine those who had the knowledge and were principally responsible for the lack of any effective response in the chain of command.

b. Information Received and Actions Taken By the US Advisory Teams

LTC William D. Guinn was the Deputy Province Senior Advisor of Quang Ngai Province in March, April, and May 1968. He testified that in March 1968 he received a handwritten translation of a report that he was told had come through Census Grievance channels in Quang Ngai. He could not recall who specifically had given it to him. As LTC Guinn variously recalled the report in his testimony in 1969, it had stated that American forces had killed 1,000 or 1,500 or 2,000 in an operation in eastern Son Tinh District. When initially questioned about the report in May 1969, LTC Guinn, testified that "because of the seriousness of the allegation" he carried the report immediately to COL Henderson at his headquarters in Duc Pho so that COL Henderson "could start conducting an investigation on his own." He later testified that he had taken the report to COL Henderson just as soon as he could get a helicopter, but was unable to recall the exact date. When Guinn retold the story in his testimony in

December 1969 before this Inquiry, he added that the report, in addition to stating the large number of casualties resulting from the action of the US forces, had said that they had been killed "by bombing and artillery" and that there was "no indication in there that they had been killed by small arms or ground action."

LTC Guinn explained that in his opinion he had no duty to report the matter since no war crime was alleged, it being expressly stated that the casualties had resulted from bombing and artillery.

LTC Guinn further explained that he had not believed the report and had not considered that any atrocity had been committed.

He also stated that he had told COL Henderson of the unreliability of its source, but that he, Guinn, had made no effort to check out the report. According to Guinn, COL Henderson stated that he would check out the report. Henderson flatly denied that he received any such report from Guinn, either orally or in writing, and stated that he believed that he had not even met Guinn up to that time.

In addition to these conflicts in testimony, Guinn's refusal upon being recalled as a witness to answer further questions left unresolved just what report he did receive in March 1968 and specifically how and from whom he received it. Guinn previously had told the Inquiry that he had maintained no file of such things as the Census Grievance report and that accordingly the only place a copy could possibly be found would be at the Census Grievance office. Thereafter, when this Inquiry obtained from the Census Grievance office in Quang Ngai a copy of the Census Grievance report of 18 March 1968 (exhibit M-31), Guinn, exercising his privilege, refused further to testify and accordingly, it was not possible to ascertain whether the 18 March Census Grievance report was in fact the one which he recalled having received.

His previous description of the document and its contents is not consistent with Exhibit M-31, hence there may have been another Census Grievance report.

LTC Guinn testified, on his first appearance before this Inquiry, that the report from Census Grievance was the only one of which he had heard covering the killing of Vietnamese civilians by Americans. However, in prior testimony given to the IG in May 1969, he had stated that LTC Khien, the Province Chief, had received the same information regarding the alleged killing of civilians by US forces and had forwarded it to the 2d ARVN division. He further stated his understanding that COL Toan, LTC Khien, and MG Koster all had conducted investigations to find out what had happened. As previously noted, when this Inquiry went to Vietnam it obtained copies of both the 22 March 1968 report from Mr. Luyen, the Son My Village Chief, to the Son Tinh District Chief (exhibit M-49) and the 11 April 1968 report from LT (now CPT) Tan, the Son Tinh District Chief, to

LTC Khien containing allegations of a mass killing in Son My Village (exhibits M-29, M-34, M-36).

The evidence does not establish that either LTC Guinn or MAJ (now LTC) Gavin, the Son Tinh District Advisor, or any member of their advisory teams had any immediate knowledge of the village Chief's report at the time it was made. Nor does it appear that members of either advisory team say LT Tan's first report of 28 March 1968 to LTC Khien (exhibit M-5). Although Tan states that he discussed it with Gavin, Gavin denies this. However, despite the denials by Guinn and Gavin of knowledge of this Vietnamese complaint it is clear that LT Tan's 11 April 1968 letter, referring to the Village Chief's complaint, was provided to both their headquarters and was the subject of considerable discussion.

MAJ Hancock, the G3 advisor to the 2d ARVN Division, has traced to the District Advisory Team and presumably MAJ Gavin, the initial Vietnamese report concerning the Son My incident. He stated that LTC Guinn told him in late March or early April that Gavin had received from the Son Tinh District Chief a report of several hundred civilians having been killed by US forces. MAJ Hancock apparently fixed the time of this oral report as preceding the District Chief's 11 April letter.

Shortly after hearing through Guinn of this information received from the District Advisory team, MAJ Hancock recalled having seen the script for the propaganda broadcast (exhibit M-33) and talking about it with Guinn. He further stated that he later saw in an Advisory Team reading file at the 2d ARVN Division the memorandum from the G2 of the division to COL Toan on which COL Toan had noted his direction for sector to investigate.

MAJ Earle, the G2 advisor of the 2d ARVN Division, further corroborates LTC Guinn's knowledge and participation in the actions which ensued. He testified that LTC Guinn, in April 1968, spoke both of the District Chief's report and of the VC propaganda relating to the incident. Guinn also mentioned CPT Rodriguez, the Assistant Son Tinh District Advisor. Guinn further mentioned that he was having someone look into the matter and was seeking additional information. Guinn also stated that he was passing the information up through his channels.

CPT Rodriguez confirms that he received a request from the Province Advisory Team, during MAJ Gavin's temporary absence from Son Tinh between 10 and 16 April, to obtain information regarding the allegations contained in LT Tan's 11 April letter. Since Son My Village was in a VC-controlled area, an on-site investigation by CPT Rodriguez was not possible. He stated that, in response to this request, he limited his actions to discussing the matter with LT Tan and preparing a statement, dated 14 April 1968, in which he expressed the conclusion that LT Tan did not give the Village Chief's complaint much importance (exhibit M-30).

The attitude of LT Tan as thus reflected in the Rodriquez statement appears to contrast with the serious allegations in Tan's 11 April letter. During interrogation by the Inquiry in Vietnam, LT Tan stated that he had seen and agreed with Rodriquez's statement. He added that the substance and intent of his discussion with Rodriquez had not been that the information provided by the Village Chief was invalid or incorrect; rather that in view of the situation throughout Son Tinh District, which was under extreme pressure from the VC with outposts being attacked nightly, he considered a report alleging that some civilians had been killed in a VC-controlled area to be of less importance under the circumstances.

CPT Rodriguez testified that two copies of his 14 April statement were sent to the Province Advisor's office in Quang Ngai and one copy was placed in the files of the Son Tinh Advisory Team. When the Inquiry team was in Vietnam, the only copy of the 14 April statement which could be found was in the personal files of LTC Khien who made available files to the Inquiry and provided the copy entered in the record. The office files of the District, Province, and 2d ARVN Division Advisory teams were similarly bereft of any other paper relating to the 1968 reports.

CPT Rodriguez stated that following the forwarding of his 14 April statement to the Province Advisory office he could recall discussing the matter with no one other than MAJ Gavin, whom he briefed on the matter and showed a copy of his 14 April statement upon MAJ Gavin's return to Son Tinh on 16 April LT Tan and LT Dawkins, the intelligence advisor at the District Headquarters, recalled talking to both CPT Rodriguez and MAJ Gavin about the incident, but MAJ Gavin, despite the fact that he was the addressee or a courtesy copy of Tan's 11 April letter and the contrary testimony noted above, claimed he was kept entirely in the dark regarding the reports on Son My and knew nothing of what CPT Rodriguez had done or of his discussion with LT Tan during Gavin's absence.

Although LTC Khien stated that he had talked with both Mr. James May, the Province Senior Advisor, and LTC Guinn, who was May's deputy, about the 11 April letter, Mr. May was apparently absent from Quang Ngai at the time the letter was received and he denied ever having heard of the letter or of the Rodriguez 14 April statement. No other evidence links Mr. May directly to the letter or the statement.

As to LTC Guinn, his refusal to answer any questions regarding the materials found by the Inquiry in RVN through the cooperation of the GVN authorities--including the Tan 11 April letter and the Rodriquez 14 April statement--has prevented the development of evidence as to the specific manner in which Rodriguez's 14 April statement was subsequently transmitted to COL Henderson at Duc Pho. Moreover, when Guinn first testified before the Inquiry, he was shown the version of the 14 April statement found

in the files of the S2 at the 11th Brigade (from which CPT Rodriguez's signature block had been eliminated) and he professed not having seen the statement before. Disassociating himself from the matter, Guinn before this Inquiry denied discussing the allegations regarding the incident with LTC Khien, COL Toan, MG Koster, BG Young or Mr. May, and he did not mention either MAJ Earle or MAJ Hancock. He insisted that his only discussion had been the one with COL Henderson when he brought the Census Grievance report to Duc Pho.

The surrounding circumstances and the testimony of various witnesses place LTC Guinn squarely in the central position at Quang Ngai both in handling Tan's 11 April letter--of which he was an addressee--and in arranging for the preparation and subsequent distribution of Rodriguez's 14 April statement concerning Tan's letter.

BG Young (like MAJ Earle) stated that Guinn expressly told him about the District Chief's report and COL Henderson confirmed that Guinn was present when he talked to LTC Khien regarding "this allegation against US troops." Similarly, MG Koster confirmed that he also talked with Guinn about the District Chief's report to the Province Chief when he had gone to Quang Ngai to speak with LTC Khien regarding these matters. Another apparently knowledgeable member of the advisory teams who has sought to disassociate himself from the events is COL Hutter, the US Senior Advisor to COL Toan. Both MG Koster and MAJ Hancock as well as COL Toan and MAJ Pho, place him at critical meetings in this time frame.

Whatever may have been the extent and detail of Guinn's report to the 11th Brigade and the Americal Division regarding these matters, or the knowledge of COL Hutter, there is no evidence that they ever brought these matters to the attention of their superiors within their respective chains of command, (DCORDS and DSA I CTZ) or took any steps to see that such matters were included in the monthly Advisory Team report or any other reports submitted by the 2d ARVN Division or Province Advisory Teams. (Ironically, the monthly province reports contained laudatory accounts concerning TF Barker.)

c. Information Received and Actions Taken by the 11th Brigade

As previously noted, MAJ McKnight, the S3 of the 11th Brigade, testified that by late March or early April 1968 COL Henderson's investigation concerning the Son My operation was completed and closed with the preparation of a letter to the CG Americal Division giving an explanation of this operation and of what had occurred. He further testified, however, that the matter was reopened in the first half of April because of the receipt of a VC propaganda leaflet alleging that US forces had

massacred 300-400 people in the 16 March operation. MAJ McKnight knew nothing of a report from Census Grievance channels, and the testimony of LTC Guinn and COL Henderson is in conflict as to whether the first report reaching the 11th Brigade from Vietnamese sources was delivered by Guinn. Nevertheless, it is clear that it was information from Vietnamese channels which prompted further action by COL Henderson.

LTC Blackledge confirms the receipt at the 11th Brigade of a report on such VC propaganda. He testified that he "seized" on the fact that this piece was of a different kind than the usual run of VC propaganda and brought it to COL Henderson's attention around the middle of April. He recalled receiving one or two later pieces of VC propaganda of similar import which he also showed to COL Henderson. COL Henderson acknowledged having been shown some such report around mid-April (which he thought had been obtained by the intelligence liaison officer to Quang Ngai Province) and stated that it had alleged that US forces had killed some 470 civilians on 16 March and on an earlier operation.

LTC Blackledge also recalled a further intelligence report which he received about the same time indicating that soldiers of the Viet Cong were wearing red arm bands on which was a slogan expressing determination to avenge the massacre or murder at Son My.

The evidence indicates that COL Henderson moved quickly to allay any suspicions raised by the VC propaganda and the reports emanating from Son Tinh District. He testified that he went "immediately" to see COL Toan and LTC Khien within 24 to 36 hours. However, his description of the discussions which ensued is confused, contradictory, and belied by other testimony and the documentary record. MAJ Hancock, the S3 advisor to the 2d ARVN Division, was present when Henderson spoke to Toan, as apparently were MAJ McKnight, COL Hutter, and possibly MAJ Earle. He seemed to recall that the meeting took place after 12 April when the G2, 2d ARVN Division, sent his memorandum to COL Toan. MAJ Hancock stated further that COL Henderson, when asked by COL Toan about the allegations of the killing of civilians at Son My, assured COL Toan that the matter had been fully investigated by Henderson himself, that he had landed in the objective area and questioned the troops in the field about the alleged killing of civilians, and that he had been assured in talking with the men that there was nothing to the charges. Apparently no reference was made by Henderson to the earlier allegations in the Thompson Report which had led to Henderson's initial investigation. Hancock recalled that Toan seemed to accept the explanation and that he, Hancock, regarded the matter as closed and concluded that nothing wrong had happened. MAJ McKnight in his description of the meeting stated that while

COL Toan regarded the charges as a VC propaganda stunt, there was an ARVN investigation of the matter which was apparently in progress at the time of the meeting.

COL Henderson, in his account of the meeting with COL Toan, stated that he had told COL Toan that he was very disturbed by the allegations and asked whether he had any knowledge or information that Henderson did not have. COL Toan apparently told Henderson that he had received the District Chief's letter and the VC propaganda message a day or two earlier and that he had directed an investigation which was in progress. In his testimony Henderson said nothing about telling Toan of having made his own investigation in March, rather that he simply told Toan that he was very much interested in the matter and that he too "was trying to ferret out the truth." Henderson attributed the ARVN investigation to a directive from LTG Lam, CG I CTZ, and claimed that he offered to make available to COL Toan any number of troops to go into the area and help him secure it while the matter was looked into. COL Henderson further testified that COL Toan replied: "No. This is VC propaganda. There is no truth to this," and that when Henderson pressed him to accept the assistance, Toan replied that he had told LTC Khien, the Province Chief, to handle the investigation.

From MAJ Hancock's testimony it would appear that the meeting with Toan terminated on a note suggesting that the allegations were groundless and the matter was closed (or at least Hancock so regarded it), but apparently COL Henderson, still very much concerned, went directly to see LTC Khien.

COL Henderson's account of his visit to LTC Khien in his testimony before this Inquiry follows generally his description of his meeting with COL Toan but was at substantial variance with his testimony in May 1969 before the IG. In his May testimony he stated that the province advisors arranged the meeting and that he believed that this was the first time that he had met LTC Guinn. Since Guinn denied ever having such a meeting with Henderson and Henderson's testimony on the point is completely vague, it is left to conjecture what Guinn and Henderson actually said to each other regarding the allegations from the District Chief and the VC propaganda. It was just about this time that the Province Advisory Team was obtaining the statement prepared by CPT Rodriguez on 14 April which COL Henderson used in his later report to MG Koster. LTC Khien was also given a copy of the Rodriguez statement, presumably by LTC Guinn. It seems reasonable to assume that LTC Guinn provided Henderson a copy of the Rodriguez statement at this time or arrangements were made to provide a copy.

As to the meeting with LTC Khien, Henderson testified before this Inquiry that he expressed to him "my regret and how dis-

turbed I was over this thing, and that I wanted to get to the bottom of it, and if there was any truth to it I would make troops available to go with his RF/PF forces, or any other forces, into the area if he was going to conduct such an investigation. (At this point it should be noted that COL Henderson had available to him sufficient assets in terms of ground forces, airlift, and fire support to go into the area at any time, had he really desired to ascertain the facts.) COL Henderson made no mention in his testimony of what he might have told LTC Khien regarding his own investigation in March which he had already completed. Instead, he testified only about what Khien had said to him regarding the Village Chief's allegations. According to COL Henderson, LTC Khien described them as VC propaganda and explained his plan to conduct a counterpropaganda campaign. Henderson also stated that Khien showed him either the Village Chief's or the District Chief's letter which stated that the US forces had gathered up groups of civilians and killed a total of 470 in two operations. Henderson at one time acknowledged that he obtained a copy of some such letter from Khein, but he was not clear as to which one it was. LTC Khien purportedly stated to Henderson that he did not consider an investigation to be appropriate LTC Khien has no recollection of such a discussion with COL Henderson

In contrast to his testimony to this Inquiry, COL Henderson told the IG in May 1969 that the Province Chief, LTC Khien, requested Henderson to assist in his investigation: "He asked if I would send US forces into that area with his ARVN and Local Forces to get some truth out of this. I assured him that I would and told him that I would conduct the operation anytime that he was ready. Henderson went on to state that they conducted such an operation in July 1968 but that it was abortive. Nevertheless, LTC Khien told him afterwards "that from his investigation that he could find no truth to the allegations that US forces had killed some 400 civilians in this area."

Although Henderson acknowledged in his testimony before this Inquiry in December 1969 that he had obtained from Khien a copy of a letter containing the Village Chief's allegations on recall in February 1970, after the Inquiry had succeeded in obtaining copies of both the Village Chief's 22 March 1968 letter (exhibit M-49) and the District Chief's 11 April 1968 letter (exhibit M-34), COL Henderson denied that he had ever seen either of them.

COL Henderson testified to this Inquiry that it was immediately after his visit to COL Toan and LTC Khien in mid-April that he furnished to the Americal Division copies of the Vietnamese documents, with English translations, in which the allegations were contained. According to Henderson this "tripped" MG Koster's memory and led to a request, delivered to him by BG Young, that

Henderson should reduce his earlier oral report to writing so there would be "some back-up in the files here if anything further should develop on the matter." However, according to Henderson, BG Young made it clear that MG Koster did not want to re-open the matter or to conduct a formal investigation.

The testimony given by MG Koster tends to confirm COL Henderson's testimony in this respect. He indicated that the receipt in mid-April 1968 of VC propaganda, "plus something from the District Chief" reopened the subject of civilian casualties in the 16 March operation, but that it did not stimulate any fresh inquiry since COL Henderson had already completed his investigation and had reported upon it at least orally. Rather, the receipt of the VC propaganda led MG Koster to direct COL Henderson to commit his original report to writing. He stated he did not remember that his instructions to Henderson were in writing, but if they were he would say that either BG Young or COL Parson would have prepared the letter. Neither of them recalls having given nor having prepared any such instructions to COL Henderson nor having seen any written instructions in this regard. However, SGM Gerberding, from the S2 office of the 11th Brigade, seemed to recall at one time having seen such a directive from MG Koster in the file at Duc Pho. Although it is possible that such a letter was sent by MG Koster to COL Henderson, and might be anticipated had the matter in other respects been handled with greater formality, since SGM Gerberding is the only person who stated that he had seen such a document, this Inquiry cannot place much credence upon its existance.

In any event, it was at this time in the second half of April that COL Henderson prepared and submitted to MG Koster his so-called Report of Investigation dated 24 April 1968. COL Henderson confirmed that in accordance with the instructions he had received he conducted no additional interrogation and merely put down in letter form the information from his notebook which he had recorded at the time of his earlier investigation. "And with this I prepared what I termed a report of investigation which I acknowledge loud and clear is not a report of investigation." This so-called Report of Investigation was written in longhand by COL Henderson and when typed consisted of a two-page letter with two inclosures. Because of the importance of this so-called Report of Investigation to an evaluation of what took place, the letter is set forth in full. The letter read as follows:

DEPARTMENT OF THE ARMY
Headquarters, 11th Infantry Brigade, Americal Division
APO San Francisco 96217

XICO 24 April 1968

SUBJECT: Report of Investigation

Commanding General
Americal Division
APO SF 96374

1. (U) An investigation has been conducted of the allegations cited in Inclosure 1. The following are the results of this investigation.

2. (C) On the day in question, 16 March 1968, Co C 1st Bn 20th Inf and Co B 4th Bn 3d Inf as part of Task Force Barker, 11th Inf Bde, conducted a combat air assault in the vicinity of My Lai Hamlet (Son My Village) in eastern Son Tinh District. This area has long been an enemy strong hold, and Task Force Barker had met heavy enemy opposition in this area on 12 and 23 February 1968. All persons living in this area are considered to be VC or VC sympathizers by the District Chief. Artillery and gunship preparatory fires were placed on the landing zones used by the two companies. Upon landing and during their advance on the enemy positions, the attacking forces were supported by gunships from the 174th Avn Co and Co B, 23d Avn Bn. By 1500 hours all enemy resistance had ceased and the remaining enemy forces had withdrawn. The results of this operation were 128 VC soldiers KIA. During preparatory fires and the ground action by the attacking companies 20 noncombatants caught in the battle area were killed. US Forces suffered 2 KIA and 10 WIA by booby traps and 1 man slightly wounded in the foot by small arms fire. No US soldier was killed by sniper fire as was the alleged reason for killing the civilians. Interviews with LTC Frank A. Barker, TF Commander; MAJ Charles C. Calhoun, TF S3; CPT Ernest L. Medina, CO Co C, 1-20; and CPT Earl Michles, CO Co B, 4-3 revealed that at no time were any civilians gathered together and killed by US soldiers. The civilian habitants in the area began withdrawing to the southwest as soon as the operation began and within the first hour and a half

all visible civilians had cleared the area of operations.*

3. (C) The Son Tinh District Chief does not give the allegations any importance and he pointed out that the two hamlets where the incident is alleged to have happened are in an area controlled by the VC since 1964. COL Toan, Cmdr 2d Arvn Div reported that the making of such allegations against US Forces is a common technique of the VC propaganda machine. Inclosure 2 is a translation of an actual VC propaganda message targeted at the ARVN soldier and urging him to shoot Americans. This message was given to this headquarters by the CO, 2d ARVN Division o/a 17 April 1968 as a matter of information. It makes the same allegations as made by the Son My Village Chief in addition to other claims of atrocities by American soldiers.

4. (C) It is concluded that 20 non-combatants were inadvertently killed when caught in the area of preparatory fires and in the cross fires of the US and VC forces on 16 March 1968. It is further concluded that no civilians were gathered together and shot by US soldiers. The allegation that US forces shot and killed 450-500 civilians is obviously a Viet Cong propaganda move to discredit the United States in the eyes of the Vietnamese people in general and the ARVN soldier in particular.

5. (C) It is recommended that a counter-propaganda campaign be waged against the VC in eastern Son Tinh District.

2 Incl
a/s

ORAN K. HENDERSON
COL, Infantry
Commanding

Although SGM Gerberding stated that four copies of this report were typed (COL Henderson put the number at three), the only copy of this report which was found was a carbon copy retained in a separate personal folder in the S2 office of the 11th Brigade by SGM Gerberding who was given it by LTC Blackledge, the Brigade S2, in April 1968. SGM Gerberding testified that he had been instructed by LTC Blackledge "to keep it confidential," to insure that it received no publicity and not too many people should hear or know about it. Found with the carbon copy

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* It will be noted that there is no reference in this paragraph to any member of the 123d Aviation Bn or to WO1 Thompson's complaint.

of the letter were carbon copies of the two documents which apparently were the inclosures to the letter. The first inclosure was a typed copy of the Rodriquez 14 April 1969 statement, but with the signature block entirely omitted. It read as follows:

Statement 14 April 1968

This statement is in reference to letter from the Son Tinh District Chief to the Quang Ngai Province Chief Subject: Allied Forces Gathered People of Son My Village for Killing, dated 11 April 1968.

The Son Tinh District Chief received a letter from the Village Chief of Son My Village containing the complaint of the killing of 450 civilians including children and women by American troops. The Village Chief alleged that an American unit operating in the area on 16 March 1968 gathered and killed these civilians with their own personal weapons. The incident took place in the hamlets of Tu-Cong and Co-Luy located in the eastern portion of Son Tinh District. According to the Village Chief the American unit gathered 400 civilians in Tu-Cong hamlet and killed them. Then moved to Co-Luy hamlet. At this location the unit gathered 90 more civilians and killed them.

The Son-My Village Chief feels that this action was taken in revenge for an American soldier killed by sniper fire in the village.

The letter was not given much importance by the District Chief but it was sent to the Quang Ngai Province Chief. Later the Son Tinh District Chief was called and directed by the 2d Division Commander, Col Toan, to investigate the incident and prepare a report. The District Chief proceeded to interview the Son-My Village Chief and got the same information that I have discussed above. The District Chief is not certain of the information received and he has to depend on the word of the Village Chief and other people living in the area.

The two hamlets where the incident is alleged to happen are in a VC controlled area since 1964.

There was nothing on this document itself which disclosed its authorship; and none of the witnesses interrogated by the Inquiry, before a copy of the Rodriguez Statement was obtained from Vietnamese sources, disclosed from where it came. Those questioned included Henderson, McKnight, Blackledge, Guinn, and Gavin. Most of them denied any knowledge as to the origin of the statement. At one point in his testimony, COL Henderson seems to suggest that he obtained the information for the statement (or

perhaps a copy of CPT Rodriguez' Statement) from MAJ Gavin at Son Tinh District. It also appears possible that he, COL Henderson, could have obtained it from LTC Guinn. Irrespective of how COL Henderson may have obtained the statement, the impression conveyed in his so-called Report of Investigation was that the statement was of Vietnamese origin and was actually a translation of a statement prepared by a Vietnamese official.

As previously noted, it was only when the Inquiry obtained from LTC Khien in Quang Ngai a signed copy of the Rodriguez 14 April statement that it was possible to establish the origin of this document which COL Henderson used in his so-called Report of Investigation as the basis for summarily dismissing the allegations in the Son Tinh District Chief's letter of 11 April 1968 regarding the gathering and killing by US forces of people in Son My Village. It appears that COL Henderson and those who participated with him in making this report of his investigative efforts tried to make it appear that the evaluation of the Village Chief's allegations came from Vietnamese and not American sources. Taken with the total absence in any US unit's files of a copy of either the Rodriguez statement or the 11 April letter, it strongly suggests a conscious effort to deceive.

The second inclosure found with the copy of COL Henderson's 24 April letter was an English translation of the script for a VC propaganda broadcast which COL Henderson identified as having been furnished to him on or about 17 April 1968 by COL Toan. This is the same script for a VC broadcast which was attached to the memorandum dated 12 April 1968 from the G2 of the 2d ARVN Division to COL Toan as described above. (See exhibit M-36.) The full text of this piece of VC propaganda is set forth as Inclosure 2 to this chapter.

It will be noted that COL Henderson in his 24 April report, on the basis of his earlier "investigation" of the incident summarily dismissed all of the new allegations as "obviously a Viet Cong propaganda move to discredit the United States in the eyes of the Vietnamese people in general and the ARVN soldier in particular." He, accordingly, recommended that a counterpropaganda campaign be waged against the VC in eastern Son Tinh District.

The evidence establishes that despite some testimony from MG Koster and COL Henderson to the contrary, to which reference is made in the following section, neither COL Henderson nor anyone in the 11th Brigade took any further action with respect to the investigating or reporting of the Son My operation of 16 March 1968, after the delivery of this so-called Report of Investigation to the Americal Division.

d. Information Received by the Americal Division and the Termination of all Investigation

No question was more difficult for this Inquiry to answer than precisely when and what information reached Americal Division headquarters from Vietnamese channels regarding the killing of civilians in the Son My operation. The testimony is confusing as to the time at which particular information reached various individuals and the extent of that information. There is some evidence that the seriousness of the allegations may have been muted by the time they came to the attention of the division command element. Nevertheless, the evidence is convincing that division headquarters was put firmly on notice by several indications that something most unusual had taken place in Son My Village on 16 March and therefore is responsible for the further suppression of crucial information regarding the incident.

Knowledge of the allegations of the Son My Village Chief as set forth in the District Chief's 11 April report and of the VC propaganda relating to the events in Son My came to division headquarters in at least three ways, although there remains a question as to when it reached division in each way. First, from LTC Guinn: as previously noted, BG Young stated that he received a report regarding the District Chief's letter which he passed to MG Koster; moreover, MG Koster himself met with LTC Guinn during this time frame. Second, from the 2d ARVN Division Commander and the Sector Commander: MG Koster briefly discussed the allegations with both COL Toan and LTC Khien.[34] Finally, from COL Henderson and the 11th Brigade: the 24 April Report of Investigation is specific evidence of what was provided from this source. MG Koster was asked who had provided him the information regarding the VC propaganda, and that from the District Chief, before he ordered COL Henderson's 24 April report. He replied: "I'm kind of foggy. It could have come directly from the province, 2d ARVN Division, 11th Brigade, I'd say those were the most likely sources." In his testimony to the IG in May 1969 LTC Guinn, omitting reference to his own contacts with MG Koster, stated that he thought COL Toan had passed the information to MG Koster.

BG Young recalled having been told by Guinn of the village chief's allegations during one of Young's visits to the Quang Ngai Province headquarters. According to BG Young, Guinn told him that the Province Chief had received a letter from the Village Chief indicating that a number of civilians had been killed north and east of Quang Ngai City. He believed that Guinn mentioned the District Chief's 11 April report although he stated that he was not shown a copy of the letter. Guinn apparently indicated to Young that LTC Khien was going to investigate the matter. Although BG Young placed LTC Guinn's report in late May 1968, from all the surrounding circumstances it appears most unlikely that it was later than

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mid-April. In view of BG Young's frequent visits to Province headquarters and contact with the Province Advisory team, it is quite possible that Guinn's report to Young was among the earliest of the reports to division on these allegations. Guinn's general denial of discussing the District Chief's report and his subsequent refusal to testify further prevented the Inquiry from determining more precisely the content and fixing the time and circumstances of this report to BG Young. Despite the tandem in which the District Chief's report and the VC propaganda repeatedly appear, BG Young insisted that he was not aware of the VC propaganda; yet various individuals specifically recalled seeing some of the VC propaganda relating to Son My in Division headquarters.

With respect to information obtained from LTC Guinn by division headquarters, it should also be noted that MG Koster in his testimony in February 1970 recalled discussing with Guinn the allegations of the local officials. To fix the time, he stated that the only time he recalled being in a conversation with Guinn was when Guinn accompanied him on a visit to LTC Khien at which the allegations were discussed. He had the impression that Guinn and Khien had done some checking on the matter prior to the time he talked to them. Subsequently, before this Inquiry when shown the 11 April letter from the District Chief to the Province Chief, MG Koster said that he did not recall seeing the letter and did not specifically remember any references to it by LTC Guinn, LTC Khien, or COL Toan. But when pressed on interrogation, his reply was equivocal, "I can't say that I've seen it. I don't know."

Regarding information furnished to MG Koster by the CO of the 2d ARVN Division and LTC Khien, the evidence indicates that some information regarding both the VC propaganda and the allegations in the District Chief's 11 April report was given to MG Koster by COL Toan. MG Koster acknowledged that he had a meeting with COL Toan in mid-April 1968 at the latter's headquarters in Quang Ngai. COL Toan remembered such a meeting with a general from the Americal Division sometime in the first half of April, and MAJ Pho, the ARVN G2 and the author of the 12 April memorandum to COL Toan, fixed the date as several days following his memorandum and indicated that MG Koster was accompanied by COL Hutter, the Senior Advisor of the 2d ARVN Division. Pho recalled being asked to bring his memorandum with its attachments into the meeting and MG Koster confirmed that the overall subject of discussion related, although he could not be specific, to the District Chief's letter and the VC propaganda. MG Koster recalled that COL Toan either had investigated or was investigating the allegations and Koster asked him to let them know if anything thereafter turned up.

MG Koster further stated that he told COL Toan that he had made a check of the Son My operation due to the helicopter pilot's report and had not been able to determine that there was any such thing taking place as had been alleged. Toan recalled speaking about the "rumor" with Koster so he could check out if anything had happened, but indicated that he did not give Koster a copy of either the VC propaganda or the District Chief's letter. This accorded with Koster's recollection that he learned of the allegations either from "seeing the propaganda leaflet or possibly the letter" before he visited Toan. MG Koster was unable to state who had earlier shown him this material. At another point in his testimony, he said that he met with Toan immediately following his visit with Guinn to Khien. But he seemed to recall that his visits to both Khien and Toan were stimulated by what he already had heard and seen.

While at times suggesting that his meetings with Toan and with Khien were in May rather than in April, at other times MG Koster indicated that they could have preceded COL Henderson's 24 April written report. This is consistent with his statement to the CID early in December 1969: "I had been informed of the allegations made by villagers. As I recall, although these appeared to be VC propaganda, they prompted my direction for a written report." Later, to this Inquiry, he stated that he directed COL Henderson to put his oral report in writing to rebut VC allegations of an atrocity.

Further indications that some of these documents reached Division headquarters is found in COL Parson's testimony. He stated that following the Thompson report: "I recall I dropped the incident in my mind because I don't recall hearing any more about it. Sometime later there was a document which I believe was on the same subject written by either the Province Chief or the 2d ARVN Division Commander. I recall the subject had to do with the killing or the unnecessary killing of civilians, possibly [by] artillery...." COL Parson stated that he believed he saw the document in MG Koster's office. Also in his statment to the CID on 14 January 1970 COL Parson stated "I saw a letter that had been written by a Vietnamese official about this incident. Here again, I am not sure what it said, and I am sure that I gave it to the Division Commanding General."

When recalled to testify, COL Parson was shown the District Chief's 11 April letter and asked if that was the document he had seen. Having before him both the District Chief's letter of 28 March and of 11 April, he stated, "I'm unable to say which of these two--I don't recall two, I recall one." From all the circumstances, it seems clear that if COL Parson saw either one of the District Chief's letters to the Province Chief it

necessarily would have been the 11 April report of which both LTC Guinn and MAJ Gavin were indicated as receiving copies; whereas, the 28 March letter did not indicate any US recipients.

SGM Gerberding lent some support for the fact that a copy of the District Chief's 11 April letter reached Division headquarters and MG Koster. As previously noted, he recalled that he had seen a personal letter from MG Koster to COL Henderson stating that the District Chief of Son Tinh had made a complaint to the Province Chief in Quang Ngai that during the operation in March by TF Barker some 450 civilians were killed by TF Barker. He stated that a letter in Vietnamese was attached, together with an English translation. In the letter, as Gerberding recalled it, MG Koster asked COL Henderson to answer the allegations made by the District Chief. As previously stated, the Inquiry was unable either to accept or to reject SGM Gerberding's recollection on this point. He was the custodian of the file copy of Henderson's 24 April Report of Investigation and undoubtedly was in a unique position to see what papers were at the brigade headquarters at that time. However, no other witness recalls any written directive with respect to the investigation and no copy of any such communication has been found.

As already noted, the third channel through which the information from the Vietnamese sources reached Americal Division headquarters was by way of COL Henderson and the 11th Brigade. COL Henderson clearly furnished some information, both as to the District Chief's 11 April report and the VC propaganda, with his 24 April so-called Report of Investigation; but the evidence already outlined, including the wording of the 24 April letter itself, strongly suggests that MG Koster was aware of these matters and, in fact, had requested that Henderson reduce to writing his earlier oral report because of the information that already had been received at division. However, by the 24 April letter it is conclusively established that the command element at division headquarters no later than the time of reading that report, with its inclosures, was expressly informed of the information coming from Vietnamese channels and on notice of what was being said: namely, that in each of the two hamlets where C/1-20 and B/4-3 operated on 16 March large numbers of civilians had been killed.

SGM Gerberding who prepared the letter from COL Henderson's handwritten draft recalled that the 24 April Report of Investigation was delivered to division by the daily courier in a double sealed envelope marked "Eyes of the CG only. On the other hand, COL Henderson testified at one time that he personally carried the "report" to Chu Lai and handed it to COL Parson, which Parson said was a possibility ; but Henderson later stated that he believed he gave one report to the liaison

officer for delivery to division. MG Koster recalled that he did not see the report until he returned from R & R on about 8 May. Although BG Young was the acting Division Commander during MG Koster's absence and the one to whom matters would normally be referred in the CG's absence, he testified that he did not see the 24 April report until he was shown a copy by this Inquiry on 13 December 1969. However, he did say that he was certain that Henderson had submitted a written report (but not as late as 24 April) and that he did not believe that Henderson submitted two written reports.

LTC Holladay testified that he was unofficially shown the 24 April Report by COL Parson and upon reading the paper made clear in an epithet his personal view that there had been a cover-up. COL Parson stated that he did not recall this incident, but added "I'm sure it happened, if he said so." As to the 24 April report itself, he said that he could not specifically recall having seen it but that he "might very well have seen it." Later, however, in response to a question he expressly based his answer upon the 24 April report, that he recalled "principally this paper [the 24 April report] here as refuting this as a war crime."

The view was universally expressed by the witnesses that the 24 April letter was a totally inadequate report for any investigation. It was entirely unresponsive to the allegations of WO1 Thompson (which MG Koster stated he had intended it to cover). The omission of any reference to either the Thompson Report or any personnel of the aviation unit indicates a design to delete from the record any reference to the fact that such a complaint had been made.

MG Koster and COL Henderson were so clear as to this inadequacy of the 24 April report when they reviewed it in 1969 that in conversations before they gave testimony they apparently concluded that there must have been a further investigation and later report. MG Koster stated that because the 24 April report was unsatisfactory, he directed BG Young or COL Parson, or possibly both, to have a formal investigation conducted as BG Young had recommended. BG Young, however, denied this. He stated: "....I cannot recall him directing me to pass these instructions to COL Henderson... I'm not aware that a formal investigation was conducted. I cannot recall a formal investigation being conducted." COL Parson also stated that he had no recollection of ever being informed that MG Koster desired that a formal investigation be conducted.

According to COL Henderson, BG Young told him in early May that MG Koster had directed that a formal investigation be conducted. Henderson went on to say that he also discussed

with BG Young the fact that he intended to appoint LTC Barker as the investigating officer and that BG Young concurred. Regarding his instructions to LTC Barker, Henderson stated: "The requirement was that he conduct a formal investigation of the 16 March incident. I believe I also told him that as far as I knew nothing new had developed. This was to have first priority and either at that time or a few days later I told him it was to be completed before he went on R & R on the 20th of May..."

Both Koster and Henderson testified that in May 1968 a formal report was prepared and submitted. Both contended that the report was approximately three pages in length and had attached to it the signed statements of 15 to 20 witnesses. The Inquiry expressly interrogated each individual who might have given such a signed statement and not one could recall ever having made such a statement. No trace of such a document has been found, and not only BG Young and COL Parson, but also other personnel of the Americal headquarters all testified that they had never seen or heard of such a report of investigation. The inescapable conclusion is that no such formal report of investigation ever existed.

From what we were able to ascertain MG Koster apparently accepted the 24 April report without any critical review of its content. The document had been requested in order to make a record of COL Henderson's investigative efforts in March--in MG Koster's words "To show what we had done in this case"--and it was assumed that this had been done. The reference in the inclosed 14 April statement to an 11 April letter of the Son Tinh District Chief brought forth no request to provide a copy of that letter, nor did the absence of any indication on that statement as to its origins evoke any questions. As MG Koster stated in his testimony before the Inquiry in February 1970 when shown the original Rodriquez statement: "I wondered whose statement that was. I have never really known."

It also is appropriate to note that when MG Koster returned from R & R in early May 1968 and the 24 April report probably came to his attention for the first time, he was almost immediately involved in a major operational problem relating to the relief and evacuation of Kham Duc which conceivably pushed to one side other matters requiring the CG's attention.

In all events, conditioned by what Henderson had reported to the command element regarding the results of his immediate investigative efforts in March and their acceptance of his oral report, when the allegations of the Son My villagers and the VC propaganda reached division headquarters those who learned of them were

quick to dismiss them as bogus propaganda. In his testimony before this Inquiry MG Koster described his own reaction: "I just didn't feel that an incident like this was apt to have happened." Thus MG Koster assured both COL Toan and LTC Khien that the matter had already been investigated and found to be without substance. COL Henderson delivered a similar message to the GVN officials.

Against this background, MG Koster further stated in his testimony that he had not believed that a war crime had been alleged because the information came from a VC area; it did not correlate with the information from Henderson's investigation; the allegations concerned many more civilian casualties than the number of civilians reported to live in the area; and "the document I read" indicated that the District Chief did not give importance to the matter.

The combination of a natural predisposition to discount all charges from VC-controlled areas as baseless propaganda, a natural reticence on the part of GVN and ARVN officials to express forthrightly any criticism of US forces, the failure of US personnel to recognize the seriousness of the allegations as subtly passed to them, and an apparent deception on the part of the Brigade Commander all contributed to a completely negative command response to the additional allegations that came to division from the Vietnamese sources.

C. GVN/ARVN INVESTIGATIONS

Information regarding Quang Ngai Sector's efforts to investigate the Son My Village incident, as directed by COL Toan, is confusing. The Province Chief did initiate an operation on 11 June 1968, which continued until 13 June, which he stated had the purpose of going to Thuan Yen subhamlet for an on-site investigation of the incident. However, Thuan Yen was never reached supposedly because of the VC strength and fire from the subhamlet and because the operation was diverted to secure a helicopter (in which LTC Barker and CPT Michles were passengers) and an O-2 aircraft which had collided and crashed in the immediate vicinity.

Any suggestion that the operation was for the purpose of investigating the incident is negated almost totally by the testimony of MAJ William Ford who accompanied the operation. MAJ Ford stated that the RF Group, which he served as a Mobile Advisory Team (MAT) advisor, secured the right flank of the aircraft crash site and in doing so passed through, stopped in, and returned through Thuan Yen subhamlet. MAJ Ford talked with some of the remaining inhabitants, but stated that he had never received a request to check the earlier incident, nor did he believe that his RF counterpart had been so directed. That

the purpose of the operation was not to investigate the Son My incident is further substantiated by the interrogation reports of the three prisoners captured during the operation. All questions posed to these prisoners were biographic in nature; no questions were asked concerning the incident.

In his efforts to reach Thuan Yen, either in June or during a later operation in August or September, the Province Chief stated that he did meet and interrogate approximately 20 residents of Thuan Yen about 2 kilometers west of the subhamlet. Mr. Burke, the then Province Senior Advisor, and LTC Green of the advisory team both confirm seeing the Province Chief talking to residents in this area in an operation in the late summer or fall of 1968. These people had no specific information regarding the events of 16 March but apparently reported that some residents had been killed. They indicated that when the Americans and the VC began to shoot, the people moved to their shelters or ran to other hamlets and thus they were unable to see how many people were killed. The following day they went to the hamlet and buried an unknown number of bodies, which they estimated to be about 100.

The Province Chief stated that he did not submit a formal after action report covering this operation or a report of investigation, since he had been unable to reach Thuan Yen.

Apparently there were no further efforts by the GVN to investigate the events of 16 March 1968 until 1969 when the incident was brought to public attention.

KNOWLEDGE OF INCIDENTS RELATED TO THE SON MY OPERATION

	MG KOSTER CG AMERICAL DIV	BG YOUNG ADC AMERICAL DIV	COL PARSON C of S AMERICAL DIV	COL HENDERSON CO 11TH BDE	LTC BARKER CO TF BARKER	LTC HOLLADAY CO 123D AVN BN	LTC (CHAP) LEWIS CHAPLIN AMERICAL DIV	LTC LUPER CO B-11TH ARTY	MAJ CALHOUN XO, S3, TF BARKER	MAJ MC KNIGHT S3 11TH BDE	MAJ WATKE CO Co B, 123D AVN BN	CPT (CHAP) CRESSWELL CHAPLIN AMERICAL DIV	CPT JOHNSON DIV INTERROGATOR, 52D MI	CPT KOTOUC S2 TF BARKER
ARTILLERY PLANNED AND FIRED ON MY LAI (4)				15 M	15 M			15 M	15 M	15 M	15 M			15 M
GUNSHIPS AND LIFTSHIPS FIRE ON MY LAI (4)					16 M				16 M		16 M			
REPORTS OF DEPARTURE OF VC FROM MY LAI (4)				16 M	16 M			16 M	16 M	16 M			16 M	16 M
EXODUS OF CIVILIANS FROM MY LAI (4)	16 M			16 M	16 M			16 M	16 M	16 M	16 M		16 M	16 M
REPORTS AND OBSERVATIONS OF NONCOMBATANT CASUALTIES	16 M	17 M	17 M	16 M	16 M	16 M	17 M	16 M	16 M	16 M	16 M	16 M	16 M	16 M
REPORTS AND OBSERVATIONS OF BURNING BUILDINGS	16 M	18 M		16 M	16 M			16 M	16 M	16 M	16 M		16 M	16 M
INITIAL REPORT OF HIGH VC BODY COUNT	16 M	16 M	16 M	16 M	16 M			16 M	16 M	16 M	16 M		16 M	16 M
REPORT OF 69 VC KIA BY ARTILLERY	16 M	16 M	16 M	16 M	16 M	16 M	16 M	16 M	16 M	16 M	16 M	16 M	16 M	16 M
ABSENCE OF REPORTS OF ENEMY CONTACTS & REQUESTS FOR FIRE SUPPORT	16 M	16 M	16 M	16 M	16 M	16 M		16 M	16 M	16 M	16 M		16 M	16 M
LOW RATIO OF US CASUALTIES TO VC CASUALTIES	16 M	16 M	16 M	16 M	16 M	16 M	16 M	16 M	16 M	16 M	16 M	18 M	16 M	16 M
LOW RATIO OF WEAPONS CAPTURED TO VC KIA	16 M	16 M	16 M	16 M	16 M	16 M	16 M	16 M	16 M	16 M	16 M	18 M	16 M	16 M
WO1 THOMPSON'S COMPLAINT	17 M	17 M	17 M	18 M	16 M	16 M	17 M		16 M	18 M	16 M	16 M		16 M
COMMANDER'S ORDER TO RETURN TO MY LAI (4)	16 M	16 M		16 M	16 M			16 M	16 M	16 M				16 M

LEGEND

CONFIRMED

PROBABLE

M=MARCH
A=APRIL

INCLOSURE 1

Broadcast American Evil Appears
(Coordinate this broadcast with leaflets:"Let American Enemy Pay This Bloody Debt.)

American imperialists make Vietnam aggressive war, but he said that he came here to "help" our people and he calls himself as our friends.

When he arrives in South Vietnam he tries to hide his bad aggressive ambition. He told his troopers to respect Vietnamese people and make good relationship with them. His psyops also give troops "commandments" whose contents are "Have to respect women and Vietnamese traditions and customs."

When American troops had just arrived in Vietnam, they tried to show themselves as "Honorable gentlemen" selling or buying fair and square, even, paying higher than market prices. When they destroyed something, they paid for it with money. Then some posts allowed people to come, and doctors were sent to some where to give people medical aid. American press shows some pictures of Americans and Vietnamese shaking hands - Americans kiss Vietnamese people and give them candies - or Americans with Red Cross signs at their arms give medical aid to Vietnamese people ... and they boast that this is one of familiar pictures around American troops locations.

This demagogy makes some ARVN troops believe Americans are good friends. How happy it is if we have such good and rich friends!

But any play has to end, although the actors are skillful, but they play only one act, they will become soon unskillful - and the play will become a bad one. So the damagogy will become "true", "unmask", easier than any plays.

The role can be played more beautifully if U.S. troops collect more victories every year, but they are beaten more heavily by our people year by year. So the demagogy is unmasked more easy. Now, U.S. troops can not hide anything, they have shown all bad ambition which belongs to any aggressive troops. In sweep operations, they loot people's properties, destroy everything, rape women, they have shown their animal ambition, their civilization. In Saigon one American had put his penis outside his pants, and one dollar was put on it, which he paid to a girl. U.S. troops play girls every public areas: beach, roadside ... they do not care about people passing by. In U.S. troop locations, they search people to get piaster, gold rings, watches, ear rings, they are so cunning that they do not pick up false gold.

Due to their great defeats in the recent Spring, they are like wild wounded animal, the more they wriggle, the more bad actions are done - definitely inhuman doings. They had dropped bombs at random onto populous areas and cities such HUE, SAIGON, BEN TRE. They confirmed that 90% of houses were destroyed in HUE City. Thousands of our people were killed or homeless. Western newspapers and radio stations also confirmed that all the damages of houses in South Vietnam cities came from American bombs and ammo because U.S. has more fire power than NLF troops. British newspapers said Americans

bombed cities, especially Saigon City, it would be condemned by opinion it was too much when Americans did that. Japanese public opinion said: America would be isolated and lose appreciation when they bomb South Vietnamese cities. It would make an anti-American wave in the South Vietnam, unless the world public opinion protested, and also there was not a unanimity of Allies. Americans still close their eyes, shut their ears to perform their cruel acts.

A sweep operation was conducted on 15 Mar 68 recently in SON TINH. Crazy American enemy used light machineguns and all kinds of weapons to kill our innocent civilian people in TINH KHE Village (SON MY (V)). Most of them were women, kids, there were some just born babies and pregnant women. They shot everything they saw, they killed all domestic animals, they burned all people's houses. There were 26 families killed completely - no survivors.

The fierce devil Americans dropped down their priest covers to become barbarous, and cruel.

American wolf forgot their good sheeps' appearance. They opened mouth to eat, drink our people blood with all their animal barbarity.

Our people have only one way, it is to kill them so they can not bite around anymore.

Vietnam officers, soldier brothers, it is about time to know the true face of Americans. There were so many times they forgot you when you were bitten by NLF's troops but they have never fired any mortar round to support you. Even they are right beside you and they also dropped bombs on puppet dead bodies to suppress and sometimes they mortared right on your formation.

The position of puppet troops as their targets are so clear. Any one still doubt, just look at the 39th Ranger Battalion stationed in KHE SANH area. They used the unit as an obstacle in the front for American Marines, you already know they offered this battalion as "ready to die" but it doesn't mean the same as the meaning of "die for fatherlands" as NLF soldiers, they said that because they wanted to protect 6000 American troops there.

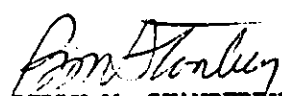
So it is the American civilization it is the good of friend as you see them - a murderer, killed your blood people - made a vietnamese blood stream running as blood in our own bodies - as an allied or not?

What are you waiting for! Use right American guns to shoot right their heads in order to avenge our people, to wash out insult to our nation and save your proud and your own life.

This time: more than ever before
American guns are in your hands
Point to American heads and shoot!

A TRUE TRANSLATION TO THE BEST OF MY KNOWLEDGE, CHU LAI, REPUBLIC OF VIETNAM

1 JANUARY 1970



BILLY M. STANBERRY
Lieutenant Colonel, US Army

Chapter II

SUPPRESSION AND WITHHOLDING OF INFORMATION

A. INTRODUCTION

One aspect of the Son My operation most difficult to comprehend is that the facts remained hidden for so long. Within the Americal Division, at every command level from company to division, actions were taken or omitted which together effectively concealed from higher headquarters the events which transpired in TF Barker's operation of 16-19 March 1968. Some of these acts and omissions were by design, others perhaps by negligence, and still others were the result of policies and procedures. Outside the Division, personnel in the Province and District and possibly the 2d ARVN Division Advisory Teams also contributed to the end result.

The purpose of this chapter of the report is to identify, insofar as it is possible at this time, those acts and omissions which aided in the concealment from appropriate authorities of the true facts of the Son My operation. In this connection, it should be noted that efforts to withhold information continue to this date. Six officers who occupied key positions during the Son My operation exercised their right to remain silent before this Inquiry. There is evidence that an even larger number of witnesses either withheld information or gave false testimony, and no trace has been found in US files of several contemporaneous documents bearing upon the incident. Despite such obstacles to the complete development of the facts, it seems clear that the following acts and omissions constituted or contributed to the suppression or withholding of information concerning the events which took place in Son My Village on 16 March 1968.

B. C COMPANY, 1ST BATTALION, 20TH INFANTRY

1. Failure to Report Acts of Murder and Other War Crimes

It has been established elsewhere in this report that members of C/1-20 Inf did not report the crimes perpetrated by

that unit in Son My Village on 16 March 1968. While no explanation is needed in the case of those members who actively participated in criminal acts, C Company's collective failure to make any reports of crimes committed on the operation probably resulted from the large proportion of its members implicated in such acts and from the apparent sanction given to the entire operation by company officers. The sheer enormity of the acts committed by some and observed by all on 16 March caused many of the men to put the Son My operation out of their minds and to avoid talking about it even among themselves. This collective reluctance to expose what had occurred was facilitated by the nature of the operation, which isolated C/1-20 Inf from other elements of TF Barker, by the fact that the company was detached from its parent battalion at the time of the operation and remained so for some weeks thereafter, and by the fact that Son My Village was located in a VC-controlled area.

2. False Report of 20-28 Noncombatant Casualties

It is clear from the testimony of persons who were with the C/1-20 Inf command group on 16 March that a far greater number of noncombatant casualties was observed by CPT Medina than the 20-28 he reported. That CPT Medina reported any noncombatant casualties at all is probably due to the fact that COL Henderson had observed some bodies of women and children on the ground and questioned LTC Barker about them, or to the circumstance that a large group of bodies (largely women and children) were lying in the open on the trail leading south from My Lai (4), in plain view of anyone flying overhead. In any event, the result of CPT Medina's admission that some noncombatants had been killed, coupled with the false attribution of such casualties to artillery and gunships, provided the basis subsequently used by COL Henderson to explain and dismiss the Thompson Report.

3. Instructions Not to Discuss or Report the Operation of 16 March

Upon their return to LZ Dottie on 18 March, the members of C/1-20 Inf were advised by CPT Medina that the incidents of 16 March were to be investigated and that they were not to discuss them except in the course of the investigation. This action, combined with the natural reluctance of many of the men to discuss the acts they had participated in, proved an effective means of containing the story of Son My within C Company. In the same sense, CPT Medina advised a member of C/1-20 Inf, who had indicated an intention to write his Congressman concerning the operation, not to do so "until the investigation was complete."

C. B COMPANY, 4TH BATTALION, 3D INFANTRY

1. Reports of VC Killed

On 16 March, B/4-3 Inf reported a total of 38 VC killed in action (KIA) at My Khe . Testimony reveals that, at a minimum, such reports included women and children killed by B Company's 1st Platoon. While there is no testimony to indicate that CPT Michles had knowledge of this, there is evidence that 1LT (now CPT) Willingham was aware that the majority (if not all) the persons reported as VC KIA were women and children. On the afternoon of 16 March, in response to a request for information concerning the number of women and children who may have been killed, CPT Michles submitted a negative report to TF Barker. It is not known whether CPT Michles made this report knowing it was false or innocently transmitted a false report made to him by 1LT Willingham.

2. Failure to Report Acts of Murder and Other War Crimes

Testimony presented to this Inquiry indicates that acts of murder and aggravated assault were committed by members of B/4-3 Inf during the Son My operation. None of these criminal acts was reported outside the company, probably as a result of factors similar to some of those mentioned above in connection with C/1-20 Inf.

D. TASK FORCE BARKER AND 11TH BRIGADE

Some of the most significant acts of suppression and withholding of information concerning the Son My incident involved the commanders and certain key staff officers and other personnel of TF Barker and the 11th Brigade. Due to the fact that several of these individuals (other than LTC Barker, who is dead) either gave false testimony before this Inquiry or refused to give further testimony, or both, it has not been possible to sort out acts of concealment that may have been initiated by and known only to TF Barker from those done or approved by the 11th Brigade as well. False and misleading testimony by COL Henderson; the death of LTC Barker; the refusal to testify further by MAJ McKnight, MAJ Calhoun, and CPT Kotouc; and the professed inability of LTC Blackledge, MSG Johnson, and other key personnel to recall any significant information have together precluded a reconstruction of exactly what transpired between the two headquarters. For this reason, the roles played by TF Barker and the 11th Brigade in the suppression and withholding of information are considered jointly.

1. Failure to Report Casualties Inflicted by C/1-20 Inf After 0840 Hours

Until 0840 hours on 16 March, C/1-20 Inf had apparently been reporting to TF Barker as VC KIA all persons they had killed in My Lai (4), although few if any of the victims had actually been identified as VC. After 0840 hours, no further reports of VC KIA by C Company were recorded by TF Barker and the 11th Brigade, or reported to Division headquarters. The discontinuance of these reports conceivably was initiated by C Company even though there is some evidence that CPT Medina did make further reports of VC KIA. More probably, recording and reporting of VC dead reported by C Company was halted by TF Barker either in response to the order from COL Henderson to stop the "unnecessary killing," or to avoid attracting undue attention to C Company's operations in My Lai (4). It is entirely possible that such action was either ordered or condoned by COL Henderson, who was present in the TF Barker TOC between 0840 and 1000 hours on 16 March.

2. Failure to Report Noncombatant Casualties

It is clear from the testimony of many witnesses that any overflight of My Lai (4) on the morning of 16 March, at an altitude of less than 1,000 feet, would have permitted observation of a large number of bodies of noncombatants. According to COL Henderson's testimony, he observed 6-8 such bodies early on the 16th and discussed this matter with MG Koster about 0935 hours at LZ Dottie. Others in COL Henderson's aircraft admit to seeing 15-20 bodies. By noon, LTC Barker had been advised of the Thompson Report by MAJ Watke, and during the afternoon hours LTC Barker and MAJ Calhoun were both aware of a report from CPT Medina that 20-28 noncombatants had been killed. A 1555 hours entry in the TF Barker Journal recorded that "10-11 women and children were killed" in the C Company area of operations. By early evening, COL Henderson was admittedly aware that at least 20 noncombatants had been killed.

While some of this information may have been given by COL Henderson to MG Koster in oral reports, such reports could not have been considered a substitute for the normal spot report required when any friendly forces, any enemy forces, or any civilians are known to have been killed.

In addition to the requirement for an immediate spot report concerning casualties of any type, directives from MACV, USARV, and III MAF in effect at the time clearly required civilian casualties to be reported as a special matter. Had such a report been made as required, it might well have generated a thorough investigation of the Son My operation.

3. Changes in Report of 69 VC Killed by C Company

One of the most obvious efforts to suppress information uncovered by this Inquiry concerns the matter of 69 VC purportedly killed by artillery. The source of this false report has not been established, but it is known that by 0758 hours on 16 March C Company had reported 14 VC KIA in the hamlet of My Lai (4) and one VC KIA at the LZ just west of My Lai (4). It is also known that LTC Barker, who was flying over My Lai (4), received a radio message at about 0830 hours advising him that C Company's VC body count had reached 84. Shortly after receiving this message, Barker advised the TOC that he was coming in and would bring them "up to date." Returning to the TOC at LZ Dottie, Barker met with COL Henderson, LTC Luper, MAJ McKnight, and MAJ Calhoun. An entry was made in the TF Barker Journal as of 0840 hours of 69 VC KIA at a location (by map coordinates) in the hamlet of My Lai (4). Inexplicably, this report of 69 VC KIA was not reported to the 11th Brigade TOC for about an hour. The delay alone is suspicious for several reasons. First, there is the operational requirement to report immediately information of this type--a requirement which TF Barker fulfilled in transmitting all other VC body count reports on 16 March. Secondly, the natural reaction of a combat unit in reporting such obvious proof of success is haste, not an hour's delay.

During this period of almost one hour during which the report of 69 VC KIA was held at the TF Barker TOC, a decision was apparently made to attribute the cause of death to the artillery preparation and to shift the location at which the VC were reported killed from inside the hamlet to a point 600 meters outside the hamlet and generally on the gun-target line from LZ Uptight to the C Company LZ. This decision was reflected in an entry at 0930 hours in the 11th Brigade Journal and in a report made by the 11th Brigade at the same time to Division. There was no factual basis for attributing the killing to artillery, and the change of map coordinates cannot reasonably be explained as resulting from a transposition of numbers or some other inadvertent error.

A reasonable inference is that the changes effected in the original report of the 69 VC killed by C Company were made to lessen the attention which might have been attracted had the original report reached Division headquarters. Such a report would have reflected a total of 83 VC killed by small arms fire at a single location inside the hamlet of My Lai (4). Coupled with the absence of any casualties to C Company personnel and the few weapons captured, it might have prompted inquiries that could not readily have been answered.

4. Failure to Report Allegations of War Crimes

A most significant act of withholding information is the apparent failure of TF Barker to report to 11th Brigade (or, alternatively, the failure of the Brigade to report to the Americal Division) the allegations of WO1 Thompson, which were reported by MAJ Watke to LTC Barker shortly after noon on 16 March. There is some testimony that after MAJ Watke apprised LTC Barker of the complaints of WO1 Thompson, Barker left LZ Dottie ostensibly to visit C Company. There is little evidence to show that he made any real effort to investigate the charges; in fact, the Inquiry has failed to uncover a single member of C Company who recalls Barker landing at Son My at any time during the operation. There is a similar absence of any evidence that Barker reported Thompson's allegations to 11th Brigade. If he did, his report was neither recorded nor relayed to Division by the 11th Brigade.

5. Failure to Report Acts of Destruction of Private Property

During the course of the Son My operation, both B and C Companies engaged in extensive destruction of private dwellings and structures through demolition and burning. There is ample testimony to establish that such destruction had been ordered by LTC Barker and must have been observed by COL Henderson and MAJ McKnight. Although such acts violated MACV directives and the strong policy within the Americal Division against the burning and destruction of houses, no report of these violations was made.

6. Change in Report of 30-40 VC Departing My Lai (4)

At about 0900 hours on 16 March, during the interrogation of a Vietnamese inhabitant of My Lai (4), C/1-20 Inf received information that 30-40 VC had departed the hamlet prior to the combat assault. This information was apparently transmitted to the TF Barker TOC where, for reasons unknown, it was not recorded in the unit journal. The records at 11th Brigade, however, do reflect this information in a journal entry made at 0915 hours. At the Americal Division TOC, however, it was recorded that the prisoner "so far has said their (sic) lots of VC in vic BS716788." The reason for this erroneous entry has not been explained. It may have resulted from a simple error in the transmission of information, or from a deliberately false report made to withhold from Division the fact that the VC had departed the area prior to the combat assault and to create the impression that C/1-20 Inf was involved in a contested combat action. This matter is discussed in more detail in Chapter 10.

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7. TF Barker's Combat Action Report

Periodically, the Americal Division would direct subordinate elements to prepare special after-action reports on operations which appeared to have been particularly successful. The Son My operation was selected as the subject of such a report, and on 28 March 1968, LTC Barker submitted a Combat Action Report (CAR) to the 11th Brigade, covering the period 0730-1800 hours, 16 March 1968.

In this report, LTC Barker made no mention of the many noncombatants killed by C Company on 16 March, although US and claimed VC casualties were reported. He disingenuously explained the problem of "population control and medical care of those civilians caught in fires of the opposing forces," but there was no mention of the magnitude of the problems of that type which TF Barker actually encountered on 16 March. In an apparent reference to WO1 Thompson's aero-scout unit, he reported that helicopters assisted civilians in leaving the area, but again there was no indication of the true circumstances of this aspect of the operation.

The report contained a narrative description of the operations of B and C Companies on 16 March that was pure fabrication. It described an artillery preparation on the enemy "combat post positions" which killed 68 VC. It reported contact with "two local force companies and two or three guerrilla platoons" until 1630 hours when "surviving enemy elements had broken all contact."

An appreciation of the misleading and deceptive nature of LTC Barker's report can be gained from the following extract:

> "Commander's Analysis: This operation was well planned, well executed, and successful. Friendly casualties were light and the enemy suffered heavily. On this operation the civilian population supporting the VC in the area numbered approximately 200. This created a problem in population control and medical care of those civilians caught in fires of the opposing forces. However, the infantry unit on the ground and helicopters were able to assist civilians in leaving the area and in caring for and/or evacuating the wounded."

The Combat Action Report can only be considered an effort by LTC Barker deliberately to suppress the true facts and to mislead higher headquarters into believing that there had been a combat operation in Son My Village on 16 March involving a hotly contested action with a sizable enemy force.

8. Withholding and Suppression of Knowledge and Evidence of War Crimes by Information Office Personnel

On 16 March, a two-man team from the 31st Public Information Detachment, a part of the 11th Brigade, accompanied C/1-20 Inf on the combat assault. These men, SGT (now Mr.) Ronald Haeberle, photographer, and SP5 (now Mr.) Jay Roberts, journalist, witnessed numerous war crimes committed by members of C/1-20 Inf in My Lai (4). SGT Haeberle took a series of photographs using both personal and government owned cameras. He used the color film to record scenes of atrocities and the black and white for other pictures. Both men remained with C/1-20 Inf until approximately 1100 hours, when they departed for B/4-3 Inf. They observed nothing unusual in the B Company area.

After leaving the operations area, they discussed what they had seen and during the discussion, according to SP5 Roberts, SGT Haeberle mentioned that he was curious concerning "what the press would do with photos like that," referring to the pictures taken at My Lai (4).

Later that evening SP5 Roberts wrote a story concerning the incident, making no mention of the atrocities he had seen and lauding the efforts of TF Barker. His account was relayed to the Americal Division Information Office and was the basis for a misleading article in the 11th Brigade news sheet. Indicative of the misleading nature of the article was the statement that a suspect had "told an interpreter that 35 VC had moved into the village [My Lai (4)] two hours earlier," when in fact an inhabitant of the hamlet interrogated by C/1-20 Inf that morning had said that a comparable size force had departed My Lai (4) prior to the combat assault.

Neither SGT Haeberle nor SP5 Roberts took any action to report what they had seen, nor did SGT Haeberle make available to proper authority the photographic evidence of war crimes he had obtained. SGT Haeberle retained the color film he had exposed during the operation as personal property and shortly thereafter rotated to the United States for eventual discharge. Late in 1969, and after his separation from the service, SGT Haeberle sold the photographs to a publisher.

It is apparent that both these individuals had firsthand knowledge of the incident, and that neither took any action to report it. To the contrary, both actively contributed to the suppression of information concerning the incident. It should be noted also that neither of these men was under command of TF Barker and, in contrast to the other enlisted personnel in My Lai (4) that day, they were in a position to report what they had seen without the same fear of retaliation.

E. COL HENDERSON'S REPORTS

After being charged to investigate the allegations made by WO1 Thompson, and after hearing directly from Thompson and other aviation personnel accounts of what they had observed on the ground on 16 March, COL Henderson failed to make any real investigation of the matter. His subsequent oral reports to BG Young and MG Koster with respect to the scope and findings of his so-called investigation were knowingly false and deceptive.

COL Henderson's deception of his commanders as to what he had done to investigate the matter and as to the facts he had learned probably played a larger role in the suppression of the facts of Son My than any other factor. Whatever may be said of the failure of BG Young and MG Koster to subject COL Henderson's reports to adequate review, they had to rely upon the veractiy of what Henderson told them. In misrepresenting to his commanders that he had made a real effort to determine the facts and that WO1 Thompson was the only individual he could find who had seen anything unusual on 16 March, COL Henderson effectively closed off the full exposure of the facts of the Son My incident that would have resulted from a real investigation and a factual report.

COL Henderson's written "Report of Investigation," according to MG Koster, was supposed to have put in writing the details of his previous oral report in response to WO1 Thompson's allegations. In fact, however, it made no mention of Thompson's complaints and is addressed solely to the allegations from Vietnamese sources (VC propaganda and the Son Tinh District Chief's letter of 11 April 1968). It dismissed these allegations as baseless propaganda and restated the fiction that 20 noncombatant casualties had been inadvertently killed on 16 March. There had been no further investigation, and the manner in which the statement by CPT Rodreguez was appended to the "Report of Investigation" suggests that the intent was to imply a Vietnamese origin and concurrence from that source in Henderson's findings.

F. COMPANY B, 123D AVIATION BATTALION

There is no evidence to establish that members of Company B, 123d Avn Bn deliberately set about to withhold or suppress information concerning the Son My incident. There were, however, several acts of omission and commission by this unit which contributed to those ends.

1. Failure to Make a Spot-Report of Alleged War Crimes

Upon receipt of the complaints of WO1 Thompson and other members of his unit, MAJ Watke acted only to report the matter to

the commander of the Task Force charged with the offense. Later in the day, after being advised by Barker that he could find nothing to substantiate the charges and despite the fact that he "didn't believe Colonel Barker" Watke did nothing further until approximately 2200 hours. The fact that WO1 Thompson's complaint did not reach the Division Commander until almost 24 hours after it was received by MAJ Watke, and the fact that it never reached the Division Staff, is due in large part to Watke's failure to make the complaint the subject of a spot-report.

2. Failure to Report the Complete Facts Concerning Allegations of War Crimes

The disparity between what WO1 Thompson saw at My Lai (4) and what MAJ Watke stated he reported to BG Young was discussed in detail in Chapter 10. The fact that the complete story did not reach BG Young and subsequently the Division Commander, is largely attributable to MAJ Watke's failure to confirm or document the complaints of WO1 Thompson and others. If MAJ Watke did not gain a full appreciation of Thompson's complaint on the basis of what Thompson told him, a full awareness of the nature of the incident would have been obtained through any efforts to confirm the allegations. MAJ Watke had available to him other pilots and crew members who had been over the area as well as the complete "aero-scout" team which could have been used for aerial reconnaissance.

3. Instructions to Members of the Unit to Curb Discussion of the Son My Operation

Testimony by former members of the unit reveals that following the Son My operation there was considerable discussion among members of Company B concerning what had occurred in My Lai (4). MAJ Watke has testified that he was aware of this general unrest and approximately two days after the operation, he spoke to the assembled company and "asked them not to discuss the matter any further (that) nothing good could come of their discussion of it and...it would be taken care of." At this time MAJ Watke was aware that COL Henderson was conducting an investigation and, according to his testimony, he had no reason to suspect the investigation would not be thorough. While MAJ Watke's intent may have been the elimination of rumors and stories while the incident was being investigated, the effect was largely to silence further discussion of the matter within the company.

4. Failure to Take Appropriate Action When Convinced a "Cover-Up" Was Taking Place

MAJ Watke testified that he was convinced a "cover-up" was taking place after he observed that no serious effort was

taking place after he observed that no serious effort was being made to interrogate the members of his unit. This conviction reinforced his earlier impression that LTC Barker was lying when Barker said he could not substantiate WO1 Thompson's allegations.

Having once come to this conclusion, Watke was faced with a difficult decision and elected not to pursue the matter further. MAJ Watke has testified that he was reluctant to go outside the division with the charge, and could not offer an explanation for his failure to document Thompson's allegations with statements from his pilots and crewmen or to take any other steps to make the allegations a matter of record.

5. Failure to Act on Reports of Extensive Civilian Casualties

Several former members of Company B have testified that they submitted written reports concerning the events of 16 March. These reports were submitted through the Company Operations Section and made reference to as many as 150 civilian casualties. There has been no satisfactory explanation concerning the disposition of these reports and no indication that any action was initiated as a result of their submission. It would appear that MAJ Watke considered his obligations to report the incident satisfied once he delivered his report to BG Young.

G. HEADQUARTERS, 123D AVIATION BATTALION

The actions at this level in the chain of command in suppressing information are similar to those taken by B Company of the same unit. Both LTC Holladay and MAJ Watke have testified that they were in agreement concerning two facts: First, that the allegations made by WO1 Thompson and others were true; and second, that there had been a "cover-up." In considering the reaction of these two officers to the situation, it should be noted they possessed the capability to do much that was not done: to obtain sworn statements from the many eyewitnesses within the unit; to conduct a low-level aerial reconnaissance of My Lai (4); and to seek approval for employment of a small infantry unit into the area to confirm or deny suspicions.

H. HEADQUARTERS, AMERICAL DIVISION

On 16 March 1968, the Americal Division was the principal headquarters to which information and reports concerning the Son My operation was directed. Subsequent to that date, other reports and allegations concerning that operation, from both US units and GVN sources, were channeled to that headquarters. Except for routine operational data forwarded on 16 March, none of these reports and allegations were transmitted by the Americal

Division to higher headquarters, even though information had been received by 17 March concerning the events at My Lai (4) that warranted a thorough investigation.

While it is clear that information which should have been reported was withheld by the Americal Division from III MAF and MACV, the matter of motivation and intent is difficult to determine. There is little evidence to warrant a conclusion that the Americal Division headquarters actually had an awareness of the full dimension of what had taken place at Son My. While such a possiblity cannot be entirely excluded, there is no direct evidence to that effect, and it appears much more likely that (at least prior to mid-April) the CG, ADC, and the Chief of Staff believed they were dealing with the killing of 20-28 noncombatants by TF Barker. Although the reports they received to that effect were false and they were negligent to have believed them, they probably thought they were withholding information concerning a much less serious incident than the one which had actually occurred.

It is also clear that some information reaching the command element of the division in April indicated that a much more serious event had taken place on 16 March. The command reaction to these subsequent reports was so inadequate to the situation and so inconsistent with what ordinarily would be expected of officers of the ability and experience of MG Koster and BG Young, that it can only be explained by a refusal or an inability to accept or give any credence to evidence or reports which were not consistent with their original, and erroneous, conclusion.

The following is a summary of specific acts of omission or commission taken at the Americal Division headquarters which contributed to the concealment of the true facts of the incident.

1. Failure to Report Information Concerning Noncombatant Casualties

MG Koster has testified that by 1600 hours on 16 March, he was aware that at least 20 noncombatants had been killed by elements of TF Barker. As commander of a major combat unit, he was aware of the concern expressed by COMUSMACV concerning noncombatant casualties and of the requirement that such matters be reported as a serious incident. No such report was made by the Americal Division.

2. Failure to Report Allegations of Suspected War Crimes

While there is some conflict in testimony concerning the extent to which MG Koster, BG Young, and COL Parson were apprised

of the full contents of the Thompson Report, there is sufficient testimony to establish that these three individuals had been advised of the allegation that noncombatants had been indiscriminately killed in My Lai (4). MACV directives in effect at that time clearly required that such allegations be reported. No such report was made by the Americal Division.

3. Failure to Insure a Thorough and Impartial Investigation of Allegations of War Crimes

Upon receipt of the Thompson Report, MG Koster directed an investigation by the commander of the unit accused in the allegation. Such an investigation, subject to a thorough and imparital review, might have been an acceptable response to the allegations. However, it is clear from the testimony of the principals concerned that the investigation was a pretense and the review inadequate.

4. Efforts by the Division Command Group to Limit Information Concerning Noncombatant Casualties and Alleged War Crimes

From the testimony of MG Koster, BG Young, and COL Parson, it appears that each individual acted to restrict knowledge of matters being investigated by COL Henderson. Specific actions included the failure to include pertinent information in daily staff briefings; the failure properly to employ the investigative resources of the division staff; the failure to advise key staff members concerning the allegations and investigations; and the failure to advise the staff of matters which should have been reported to higher headquarters. Testimony indicates that members of the General and Special Staffs had but little information concerning the incident or of the subsequent investigation or review.

5. Failure of the Division Chaplain to Report Allegations of War Crimes

As discussed in Chapter 10, shortly after 16 March 1968, WO1 Thompson went to the Division Artillery Chaplain, CPT Carl Creswell, with a report of what he had seen at My Lai (4). Chaplain Creswell in turn, without reporting the matter to his commander, went to the Division Chaplain, LTC Francis Lewis, with the story. As previously discussed, LTC Lewis' efforts at investigation were futile and he allowed the matter to pass without substantive effort to bring it to the attention of his superiors.

I. ACTIONS BY PERSONNEL OUTSIDE THE AMERICAL DIVISION

Among the Vietnamese officials who came in contact with information concerning possible war crimes in Son My during the period 16-19 March, there was a natural reluctance to confront their American counterparts with such a serious allegation and to insist on inquiry into the matter. Such information as did reach US advisory channels was not forwarded through advisory channels but referred only to the Americal Division and its 11th Brigade. There is evidence that at least at the Quang Ngai Province and Son Tinh District levels, and possibly at the 2d ARVN Division, the senior US military advisors aided in suppressing information concerning the incident.

J. SUMMARY

It is evident that efforts to suppress and withhold information concerning the Son My incident were made at every level in the Americal Division. These efforts, coupled with the false and misleading reports by COL Henderson were successful in containing the story of Son My within the division. It is evident to this Inquiry, after interviewing most of those who witnessed the events at Son My, that any serious attempt to interrogate such individuals immediately following the incident would have resulted in full disclosure of the event. Many testified in a manner which showed an eagerness to express what had apparently caused them great concern. If there had been real concern in the chain of command, if anyone had taken action to ask questions, they would have had full and complete answers.

One matter which casts further suspicion on the Americal Division is the almost total absence of files and records of documents relating to the Son My incident and its subsequent investigation. With few exceptions the files have been purged of these documents and records of their removal or destruction have not been maintained. The single notable exception to this has been the copy of COL Henderson's 24 April report, and this document was found in the files of the 11th Bde S2 where it would not normally have been filed. The files of US advisory teams which had knowledge of the Son My incident were similarly barren.

Another factor which may have contributed to suppression was the manner in which information concerning the Son My incident was handled in Vietnamese circles. Such information was apparently not discussed to any extent in GVN channels as witnessed by the number of US personnel who worked closely with Province, District, and ARVN authorities and yet had no knowledge that the incident had occurred. Even on the Vietnamese civilian side, a measure of silence fell over the community. Without exception, Americans who worked and lived closely with Vietnamese in both official and social circles in Quang Ngai Province, stated that they had not obtained an inkling of the incident.

Chapter 12

FINDINGS AND RECOMMENDATIONS

I. ON THE BASIS OF THE FOREGOING, THE FINDINGS OF THE INQUIRY ARE AS FOLLOWS:

A. Concerning Events Surrounding The Son My Operation of 16 - 19 March 1968

(1) During the period 16-19 March 1968, US Army troops of TF Barker, 11th Brigade, Americal Division, massacred a large number of noncombatants in two hamlets of Son My Village, Quang Ngai Province, Republic of Vietnam. The precise number of Vietnamese killed cannot be determined but was at least 175 and may exceed 400.

(2) The massacre occurred in conjunction with a combat operation which was intended to neutralize Son My Village as a logistical support base and staging area, and to destroy elements of an enemy battalion thought to be located in the Son My area.

(3) The massacre resulted primarily from the nature of the orders issued by persons in the chain of command within TF Barker.

(4) The task force commander's order and the associated intelligence estimate issued prior to the operation were embellished as they were disseminated through each lower level of command, and ultimately presented to the individual soldier a false and misleading picture of the Son My area as an armed enemy camp, largely devoid of civilian inhabitants.

(5) Prior to the incident, there had developed within certain elements of the 11th Brigade a permissive attitude toward the treatment and safeguarding of noncombatants which contributed to the mistreatment of such persons during the Son My Operation.

(6) The permissive attitude in the treatment of Vietnamese was, on 16-19 March 1968, exemplified by an almost total disregard for the lives and property of the civilian population of Son My Village on the part of commanders and key staff officers of TF Barker.

(7) On 16 March, soldiers at the squad and platoon level, within some elements of TF Barker, murdered noncombatants while under the supervision and control of their immediate superiors.

(8) A part of the crimes visited on the inhabitants of Son My Village included individual and group acts of murder, rape, sodomy, maiming, and assault on noncombatants and the mistreatment and killing of detainees. They further included the killing of livestock, destruction of crops, closing of wells, and the burning of dwellings within several subhamlets.

(9) Some attempts were made to stop the criminal acts in Son My Village on 16 March; but with few exceptions, such efforts were too feeble or too late.

(10) Intensive interrogation has developed no evidence that any member of the units engaged in the Son My operation was under the influence of marijuana or other narcotics.

B. Concerning The Adequacy Of Reports, Investigations And Reviews

(11) The commanders of TF Barker and the 11th Brigade had substantial knowledge as to the extent of the killing of noncombatants but only a portion of their information was ever reported to the Commanding General of the Americal Division.

(12) Based on his observations, WO1 Thompson made a specific complaint through his command channels that serious war crimes had been committed but through a series of inadequate responses at each level of command, action on his complaint was delayed and the severity of his charges considerably diluted by the time it reached the Division Commander.

(13) Sufficient information concerning the highly irregular nature of the operations of TF Barker on 16 March 1968 reached the Commanding General of the Americal Division to require that a thorough investigation be conducted.

(14) An investigation by the Commander of the 11th Brigade, conducted at the direction of the Commanding General of the Americal Division, was little more than a pretense and was subsequently misrepresented as a thorough investigation to the CG, Americal Division in order to conceal from him the true enormity of the atrocities.

(15) Patently inadequate reports of investigation submitted by the commander of the 11th Brigade were accepted at face value and without an effective review by the CG, Americal Division.

(16) Reports of alleged war crimes, noncombatant casualties, and serious incidents concerning the Son My operation of 16 March were received at the headquarters of the Americal Division but were not reported to higher headquarters despite the existence of directives requiring such action.

(17) Reports of alleged war crimes relating to the Son My operation of 16 March reached Vietnamese government officials, but those officials did not take effective action to ascertain the true facts.

(18) Efforts of the ARVN/GVN officials discreetly to inform the US commanders of the magnitude of the war crimes committed on 16 March 1968 met with no affirmative response.

C. Concerning Attempts To Suppress Information

(19) At every command level within the Americal Division, actions were taken, both wittingly and unwittingly, which effectively suppressed information concerning the war crimes committed at Son My Village.

(20) At the company level there was a failure to report the war crimes which had been committed. This, combined with instructions to members of one unit not to discuss the events of 16 March, contributed significantly to the suppression of information.

(21) The task force commander and at least one, and probably more, staff officers of TF Barker may have conspired to suppress information and to mislead higher headquarters concerning the events of 16 - 19 March 1968.

(22) At the 11th Brigade level, the commander and at least one principal staff officer may have conspired to suppress information to deceive the division commander concerning the true facts of the Son My operation of 16-19 March.

(23) A reporter and a photographer from the 11th Brigade observed many war crimes committed by C/1-20 Inf on 16 March. Both failed to report what they had seen; the reporter submitted a misleading account of the operation; and the photographer withheld and suppressed (and wrongfully misappropriated upon his discharge from the service) photographic evidence of such war crimes.

(24) Efforts within the 11th Brigade to suppress information concerning the Son My operation were aided in varying degrees by members of US Advisory teams working with ARVN and GVN officials.

(25) Within the Americal Division headquarters, actions taken to suppress information concerning what was purportedly believed to be the inadvertent killing of 20 to 28 noncombatants effectively served to conceal the true nature and scope of the events which had taken place in Son My Village on 16-19 March 68.

(26) Failure of the Americal Division headquarters to act on reports and information received from GVN/ARVN officials in mid-April served effectively to suppress the true nature and scope of the events which had taken place in Son My Village on 16-19 March 1968.

(27) Despite an exhaustive search of the files of the 11th Brigade, Americal Division, GVN/ARVN advisory team files, and records holding centers, with few exceptions, none of the documents relating to the so-called investigation of the events of 16-19 March were located.

D. With Respect To Individuals

(1) During the period March-June 1968 a number of persons assigned to the Americal Division and to US Advisory elements located in Quang Ngai Province had information as to the killing of noncombatants and other serious offenses committed by members of TF Barker during the Son My operation in March 1968 and did one or more of the following:

a. Failed to make such official report thereof as their duty required them to make;

b. Suppressed information concerning the occurrence of such offenses acting singly or in concert with others;

c. Failed to order a thorough investigation and to insure that such was made, or failed to conduct an adequate investigation, or failed to submit an adequate report of investigation, or failed to make an adequate review of a report of investigation, as applicable;

or committed other derelictions related to the events of the Son My operation, some constituting criminal offenses.

(2) Attached to this chapter at Inclosure 1 is a list of such persons and the omissions and commissions of which they are suspected and upon which the above findings are based.

a. The officers named in Inclosure 1, their position in 1968, and their current grade and status, are listed below:

NAME	GRADE	POSITION	CURRENT STATUS
Koster, Samuel W.	MG	CG, Americal Div	Active Duty
Young, George H.	BG	ADC (OPS), Americal Div	Active Duty
Henderson, Oran K.	COL	CO, 11th Inf Bde	Active Duty
Hutter, Dean E.	COL	Senior Advisor 2d ARVN Div	Active Duty
Luper, Robert B.	COL	CO, 6-11th Arty	Active Duty
Parson, Nels A.	COL	Chief of Staff Americal Div	Active Duty
Barker, Frank A.	LTC	CO, TF Barker	Deceased
Gavin, David C.	LTC (then MAJ)	Senior District Advisor, Son Tinh District	Active Duty
Guinn, William D.	LTC	Deputy Senior Advisor, Quang Ngai Province	Active Duty
Holladay, John L.	LTC	CO, 123d Avn Bn	Active Duty
Lewis, Francis R.	LTC (Ch)	Div Chaplain, Americal Div	Active Duty
Calhoun, Charles C.	MAJ	XO/S3, TF Barker	Active Duty
McKnight, Robert W.	MAJ	S3, 11th Inf Bde	Active Duty
Watke, Frederic W.	MAJ	CO, Co B, 123d Avn Bn	Active Duty
Boatman, Kenneth W.	CPT (then 1LT)	Forward Observer, Command Group, B/4-3	Active Duty

NAME	GRADE	POSITION	CURRENT STATUS
Creswell, Carl E.	CPT (Ch)	Div Arty Chaplain Americal Div	Civilian
Johnson, Dennis H.	CPT (then 1LT)	Military Intelligence officer in support of TF Barker	Active Duty
Kotouc, Eugene M.	CPT	S2, TF Barker	Active Duty
Medina, Ernest L.	CPT	CO, C/1-20 Inf	Active Duty
Michles, Earl A.	CPT	CO, B/4-3 Inf	Deceased
Vazquez, Dennis R.	CPT	Artillery Liaison officer in support of TF Barker	Civilian
Willingham, Thomas K.	CPT (then 1LT)	Plt Ldr, 1st Plt, B/4-3 Inf	Active Duty
Calley, William L., Jr.	1LT (then 2LT)	Plt Ldr, 1st Plt, C/1-20 Inf	Active Duty
Alaux, Roger L., Jr.	2LT	Arty Forward Observer attached to C/1-20 Inf	Civilian
Brooks, Steven K.	2LT	Plt Ldr, 2d Plt, C/1-20	Deceased
LaCross, Jeffrey U.	2LT	Plt Ldr, 3d Plt, C/1-20	Civilian
Lewis, Michael L.	2LT	Plt Ldr, 2d Plt, B/4-3	Deceased
Mundy, John E.	2LT	Executive Officer, B/4-3	Civilian

b. The following enlisted members of the Army operating in support of TF Barker, on 16 March 1968 and now civilians, by reason of their military training and assignment, and having a particular duty to report any knowledge of suspected or apparent war crimes which came to their attention, failed to perform this duty:

NAME	GRADE	POSITION
Haeberle, Ronald L.	SGT	Photographer, Info Office, 11th Inf Bde (31st PID)
Roberts, Jay A.	SP5	Senior Correspondent, Info Office, 11th Inf Bde (31st PID)

(3) Evidence adduced in this Inquiry also indicates that numerous serious offenses in violation of the Uniform Code of Military Justice and the law of war may have been committed by military personnel who participated in the TF Barker operation in Son My during the period 16 - 19 March 1968. Evidence of these suspected offenses has been furnished to representatives of the Provost Marshal General of the Army for further investigation.

(4) Some of the officers and enlisted men concerned fulfilled their minimum obligation to report their knowledge of crimes committed during the Son My operation to their commanding officers. However, had they exhibited deeper concern for their units, the United States Army and the Nation by taking action beyond that which was technically required, it is probable that the details of the Son My incident would have come to light promptly. Those who failed to do so have contributed to a serious obstruction of justice.

E. Concerning The Adequacy of Certain Policies, Directives, And Training

(1) In 1968, the then existing policies and directives at every level of command expressed a clear intent regarding the proper treatment and safeguarding of noncombatants, the humane handling of prisoners of war, and minimizing the destruction of private property.

(2) Directives prescribing the procedures for the reporting of war crimes were not clear as to the action which should be taken by subordinates when their unit commander participated in or sanctioned a war crime. Directives prescribed only that war crimes would be reported to the commanding officer.

(3) Many soldiers in the 11th Brigade were not adequately trained as to:

a. Their responsibilities regarding obedience to orders received from their superiors which they considered palpably illegal.

b. Their responsibilities concerning the procedures for the reporting of war crimes.

c. The provisions of the Geneva Conventions, the handling and treatment of prisoners of war, and the treatment and safeguarding of noncombatants.

F. Peripheral Issues

Findings regarding peripheral issues are discussed in Annex B.

II. IT IS RECOMMENDED THAT:

A. You take cognizance of the findings set forth above.

B. The names of the members of the Army listed in paragraph D (2) a, above, together with information concerning their omissions and commissions, be referred to their respective general court-martial convening authorities for possible disciplinary or administrative action.

C. Consideration be given to the modification of applicable policies, directives, and training standards in order to correct the apparent deficiencies noted in paragraph IE above.

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OMISSIONS AND COMMISSIONS BY INDIVIDUALS

Following is a listing of individuals and the omissions and commissions of which they are suspected pertaining to the planning, conduct, reporting, and investigation of the operation by TF Barker in the Son My area and the related incidents. The terms omissions and commissions are used here to denote, respectively, instances in which an individual may have failed to perform his duty or may have performed his duty improperly, measured in terms of those responsibilities which were reasonably his under the attendant circumstances. It is recognized that some of the omissions and commissions may involve criminal offenses.

1. MG SAMUEL W. KOSTER

a. He did not insure that the plan for the Son My operation included provisions for the handling, screening, and treatment of the noncombatant inhabitants of the area.

b. About midmorning of 16 March 68 when informed by COL Henderson that he had observed 6 to 8 dead civilians, he (MG Koster) did not take positive action to insure that such casualties were reported through the proper chain of command nor is there any indication that he took any strong positive action to prevent any further killing or to otherwise minimize noncombatant casualties.

c. On the afternoon of 16 March 68, he countermanded an order which had been issued by a subordinate commander, COL Henderson, directing that C/1-20 Inf return to My Lai (4) to determine the number of civilian casualties, old men, women, and children; and apparently at no time did he obtain COL Henderson's reasons for directing C Company to return to make the count of civilian casualties nor is there any evidence that he discussed this matter with COL Henderson at any later time.

Inclosure I

Annex A

PEERS INQUIRY ORGANIZATION AND PROCEDURES

1. EXECUTIVE DIRECTION

As indicated in Chapter 1, the Secretary of the Army and the Chief of Staff of the Army on 26 November 1969 directed Lieutenant General William R. Peers, Chief, Office of Reserve Components, Headquarters, Department of the Army, to conduct the Inquiry which is the subject of this report (Inclosure 1, chap 1). Mr. Bland West, Assistant General Counsel, Department of the Army, was designated as General Peers' deputy by the same directive.

LTC James H. Breen, Office, Deputy Chief of Staff for Military Operations was selected to serve as the executive officer and to be responsible for the required administrative and logistical support, and COL Joseph R. Franklin was selected to supervise the operational functions of the Inquiry.

By a message dated 9 December 1969, the Chief of Staff requested all agencies of the Department of the Army to provide assistance to General Peers and members of his team as required (Inclosure 5). In this same message, it will be noted, the Inquiry was given the formal title, "The Department of the Army Review of the Preliminary Investigations Into the My Lai Incident" and the short title of "Peers Inquiry".

2. SPECIAL CIVILIAN COUNSEL

On 30 November 1969, General Peers addressed a memorandum to the Secretary of the Army and the Chief of Staff of the Army requesting that a "distinguished jurist of impeccable integrity" be designated to serve as his legal counsel (Inclosure 4, chap 1). In response, the Secretary of the Army obtained the services of two distinguished attorneys engaged in private practice in the City of New York, Mr. Robert MacCrate and Mr. Jerome K. Walsh, Jr., to serve as General Peers' Special Counsel and Associate Special Counsel respectively. Both served in that capacity throughout the Inquiry, participating fully in all major activities, including the trip to Vietnam.

3. ORGANIZATION AND RULES OF PROCEDURE

Office space for the Inquiry was made available in the Army Operations Center (AOC), Pentagon, and the initial meeting of the investigating team was held on 28 November 1969. The following key decisions were made:

a. AR 15-6 would be used as a general guide for the proceedings of the Inquiry, with the understanding that the nature of the mission would require liberal exceptions to its provisions.

b. Witnesses would be called to Washington for interrogation to the extent possible.

c. Interrogation of witnesses in Washington would begin on 2 December 1969.

d. A trip to Vietnam would be an essential part of the Inquiry.

e. The report submitted by General Peers would be classified "confidential." Witnesses would be told that their testimony would be so classified, but that it was possible that it would be released to the public at a later date.

f. The Inquiry would be conducted as speedily as possible consistent with thoroughness.

Tasks were assigned and performed on an ad hoc basis initially. When the full scope of the Inquiry became apparent, a formal organization was established (Inclosure 1) and the staff substantially augmented.

Additional details as to the organization of the Inquiry are provided in subsequent paragraphs describing various functions.

4. PERSONNEL

The original members of the team were:

LTG William R. Peers
Mr. Bland West, OGC, Deputy
LTC James H. Breen, ODCSOPS, Executive Officer
COL W. V. Wilson, OTIG
COL R. W. Miller, OTJAG
MAJ E. F. Zychowski, OTPMG
Mr. R. E. Montgomery, Jr., OGC

Mr. James S. Stokes, III, OGC, replaced Mr. Montgomery on 29 November 1969 and served briefly during the early stages of the Inquiry.

Mr. MacCrate and Mr. Walsh joined the team on 5 December 1969.

As the operations and functions of the team progressed, additional personnel requirements rapidly developed until the team reached its maximum strength of 32 officers, 44 enlisted men, and 10 civilians (Inclosure 2, roster; Inclosures 3 and 4, photographs).

The officers serving with the Peers Inquiry were, for the most part, selected from agencies and commands in the Washington area. Due to the unusual personnel requirements of the Inquiry (e.g., many court reporters and Magnetic Tape/Selectric Typewriter (MTST) operators), it was necessary to levy upon agencies outside the Washington area for a considerable number of enlisted specialists.

5. ADMINISTRATION AND LOGISTICS

All administrative functions (personnel, security, filing, correspondence, etc.) and logistic functions (office space and supplies, transportation, and housing of witnesses, etc.) were supervised and coordinated by the Executive Officer and a staff of four assistants. With respect to security, MAJ Edward F. Zychowski conducted necessary inspections and interrogations. The Excutive Officer also supervised the activities of the reporters and tape operators.

Early in the Inquiry the Son My Army Staff Monitor Group was established in the Office of the Secretary of the General Staff and a major portion of the Inquiry's routine administration and staffing was thereafter handled by that office.

The Inquiry was physically located in a suite of offices in the AOC, in a restricted area of the Pentagon. This simplified the administration of security measures and provided ready access to optimum communications, graphics, and reproduction facilities. However, limited space within that facility required that many functions of the Inquiry be performed in ten offices outside of the AOC.

The administrative and logistics functions of the Inquiry were performed by the following persons:

LTC James H. Breen, Executive Officer
SP6 John R. Stremikis, Stenographer/Administrative NCO

PFC Thomas R. Broderick, Clerk Typist
PV2 William H. Wanlund, Clerk Typist
Mrs. Rita Collins, Stenographer
Mrs. Maureen Marshall, Stenographer
Mrs. Dorothy Staron, Stenographer
Miss June Roth, Stenographer

6. PRODUCTION OF TESTIMONIAL EVIDENCE

a. Interrogation Teams. Initially the Inquiry functioned with one interrogation team chaired by General Peers. The interrogations were continued while General Peers and other members of the Inquiry were in Vietnam (26 Dec 1969 - 8 Jan 1970) by a panel headed by Mr. West which heard only testimony concerning the activities of Company C, 1st Battalion, 20th Infantry (C/1-20 Inf) during the Son My operation. Two interrogation teams functioned in Vietnam, one headed by General Peers and the other by Mr. Walsh (see para 9 below).

Upon the return of the party from Vietnam, three interrogation teams were formed. Team A, headed by General Peers and with Mr. MacCrate as a principal, had general coverage, but primarily took testimony bearing upon the adequacy of the preliminary investigations into the Son My incident and whether there had been a "cover-up." Team B, headed by Mr. West and with COL Franklin and LTC Patterson as principals took additional testimony on the activities of C/1-20 Inf during the Son My operation and also interrogated pilots and crews of supporting helicopters. Team C, headed by COL Wilson and with Mr. Walsh as a principal, focused on the activities of Company B, 4th Battalion, 3d Infantry (B/4-3 Inf) during the operation. During the latter part of February and early March 1970, a fourth team was formed to examine witnesses from Company A, 3d Battalion, 1st Infantry (A/3-1 Inf). Team D, headed by COL John W. Armstrong, heard 16 witnesses and terminated its interrogations after finding no basis for concluding that A/3-1 Inf had killed any noncombatants during the Son My operation.

The officers listed below served as required on any of the interrogation teams:

Colonels John W. Armstrong, Joseph R. Franklin, Robert E. Miller, and William V. Wilson.

Lieutenant Colonels Charles J. Bauer, Leo M. Brandt, Fred K. Mahaffey, Wallace W. Noll, James H. Patterson, and John E. Rogers, Major Edward F. Zychowski and MAJ Joseph I. Apici.

Many supplemental interrogations, in which witnesses marked on vertical aerial photographs the locations of things they had

seen and the routes which they and their units had taken through the Son My operational area, were conducted by COL William V. Wilson, LTC James H. Patterson, and MAJ Edward F. Zychowski.

The following officers served as Recorders for the interrogation teams:

Majors Clyde D. Lynn (Team A), Harold L. Coop (Teams B and D) and Joe C. Thomas (Team C).

b. Conduct of the Investigations. Each witness was given an explanation of the nature and purpose of the Inquiry (see exhibit M-57 for a sample explanation). If the witness was suspected of an offense relevant to the Inquiry, he would be advised of his testimonial rights and right to counsel by COL Robert E. Miller, JAGC, who also arranged for counsel for the witness if desired.

All witnesses were sworn prior to giving testimony. Their testimony was elicited by interrogation and questions and answers recorded by a reporter and by tape recorder. Exhibits consisting of documents, photographs, maps and other physical evidence were introduced during testimony and made a part of the record.

c. Witness. At the outset, COL Wilson was responsible for identifying and scheduling witnesses and the Executive Officer, aided by MAJ Coop and SP5 Machusick, for locating and making arrangements to bring them to the Pentagon to appear before an interrogation team. Witnesses interrogated in Vietanm (see para 9 below) were arranged for on an ad hoc basis. As the rate of interrogation increased, it became necessary to establish a witness section, headed by MAJ Joseph I. Apici, to locate witnesses and make all necessary arrangements for their travel to the Pentagon and return. In addition, MAJ Stanley Kraus spent about 3 weeks with the Inquiry identifying and locating helicopter pilots and crews who had participated in the Son My operation.

Military witnesses could be ordered to appear before the Inquiry. As General Peers lacked subpoena power, civilian witnesses could not be required to appear. Nevertheless, MAJ Apici and his principal assistants, SP5 Richard F. Machusick and SP5 Gregory A. Bentley, were almost uniformly successful in persuading civilian witnesses to make the trip to Washington, many coming from thousands of miles away.

MAJ Apici's section also included several assistants who manned a waiting room for witnesses and served as their escorts to and from the interrogation rooms located in restricted areas. These assistants were:

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SP5 Peter D. Hallock, SP5 Robert M. Hamilton, SP4 Paul D. Searle, and PV2 Paul L. Hull.

d. Reporters. The Inquiry utilized members of the Army trained in reporting court-martial trials as reporters. The majority used the stenomachine system; the balance were stenotype operators. Initially, four reporters were assigned, but the number was augmented substantially as the hours spent in taking testimony increased, primarily through simultaneous operation of more than one interrogation team. The names of the reporters follow:

SP7 Lee B. Edmonds (Chief Reporter)	SP4 Allan A. Brockman
SP7 Milton J. Brown	SP4 Gary E. France
SP7 Kenneth Betteridge	SP4 James. L. Thill
SP6 Arthur B. Reid, Jr.	PFC Dennis G. Bull
SP5 Richard Tjosvold	PFC James Christian
SP5 James V. Link	PFC James L. Holland
SP5 Viola L. Parrish (also assisted in preparation of report)	PFC Joseph Lavieri

e. Processing of Transcripts. COL Robert E. Miller, JAGC, in addition to serving as the legal member of the interrogation teams, was responsible for the processing of all transcripts of testimony, an operation which required more personnel than any other function of the Inquiry.

Uncorrected reporter transcripts were converted to final copy through a series of edits, reviews, and retypings designed to insure factual, format, spelling, and punctuation accuracy insofar as practicable.

A team of four officer editors read each transcript in its entirety and made format, spelling, and punctuation corrections. They also spent many hundreds of hours comparing reporter drafts with tape recordings and making corrections to assure substantive accuracy.

Each edited draft transcript was then reviewed by a senior officer or civilian member of the Inquiry, usually one who had participated in the questioning of the witness whose testimony was being reviewed. This was primarily a substantive review for the purpose of further assuring the accuracy of the transcript.

The next step was production of a MTST typed draft. In this process the testimony was recorded on MTST tapes, which facilitated materially the further correction of drafts and production of final copy. At peak strength 19 MTST operators were operating 5 machines 24 hours a day and 2 machines 16 hours a day. Several of these operators had never operated an MTST before and on-the-job training was required.

Four additional officer editors reviewed each MTST draft for substantive, format, spelling and punctuation errors, and the corrected draft was returned to the MTST operators for a clean draft. This process was repeated as many times as necessary to produce acceptable final copy.

Four Judge Advocate General's Corps (JAGC) captains spent approximately one month as editors and in becoming familar with the evidence. They developed a format for summarizing testimony and beginning in early January devoted their full time to preparation of summaries of testimony, with cross-references to transcript pages. They were assisted by one WAC stenographer who did virtually all of their draft and final summaries.

General Peers and his principal assistants had a continuing and immediate need for testimony as background for interrogations. Several copies of the first reporter draft were prepared and distributed for this purpose. Extensive and detailed controls were required to insure that all transcripts in all stages of processing were accounted for, were being worked on, and were available. Two enlisted assistants maintained all work status and flow charts, prepared copies of and distributed transcripts, and maintained accountability records.

The following persons accomplished the tasks described above:

Chief — COL Robert E. Miller
Chief Clerk — PFC Alan L. Butler
Asst Chief Clerk — SP4 Edward P. Nalevanko
Editorial Supervisor — CPT Michael H. Clark

Editors

MAJ Jon A. Kosty
CPT Gary Eifried
CPT Lloyd L. Chester

MTST Draft Editors

MAJ John G. Connor
MAJ Howard C. Jacobson
CPT William R. Porter
1LT Robert L. Bruer

Summarizers

CPT James F. Clark
CPT Thomas M. Jackson
CPT Alex B. Shipley, Jr.
CPT Frank B. Stahl, Jr.

MTST Operators

SGT Kenneth B. Crenshaw
SGT Charles E. Olson
SP5 Rodney H. Pearce
SP5 Stephen A. Wright
SP4 Loren B. Havekost
SP4 Dennis P. McCoy
SP5 Thomas W. Petersik
SP4 John R. Somers
SP4 David F. Stone
PFC Ronald L. Blakely
PFC Donald P. Boudreaux
PFC Joseph S. W. Brasher
PFC Leslie W. Dyson
PFC Dennis A. Gibbs
PFC Craig Hill
PFC Joseph N. Hollerich
PFC Roger F. Presnell

Stenographer

SP5 Viola L. Parrish

PFC Thomas J. Zakovitch
PV2 Alan J. Towson

7. PRODUCTION OF PHYSICAL EVIDENCE

a. Organization. COL Thomas F. Whalen initially was made responsible for the production of physical evidence for the Inquiry. When he was dispatched to Vietnam in mid-December to establish the Saigon office (see para 10, below), LTC James H. Patterson assumed overall responsibility for production of physical evidence. Colonel Whalen's duties in Vietnam included responsibility for the collection of testamentary as well as physical evidence. As noted elsewhere, he was assisted in Vietnam by LTC Leo M. Brandt.

SP6 James R. Thomas assisted LTC Patterson in the Pentagon office of the Inquiry.

b. Identification. Prior to the beginning of the collection process, a list of documents of an evidentiary nature was prepared, representing those that were required by regulation to be initiated and maintained by all units associated with the Son My incident. Added to this list were other documents and records that could have been initiated and maintained, although not required. This listing was continually revised during the Inquiry to insure that all possible documentary evidence was identified. Other types of physical evidence were also considered and listed, including pictorial and topographic material.

c. Collection Procedures. After the identification procedure, the collection process began. It included the tracing of documents from source to storage.

(1) Method. The collection process was decentralized. Individuals and agencies were tasked to provide a physical on-site search and collection effort. Team members of the Inquiry supervised the collection at the various headquarters and agencies. Oversea members of the Inquiry were involved in this effort as well as Continental United States (CONUS) personnel, but the direction of the entire effort was retained in Washington, DC.

(2) Searches. The collection of all types of evidence was initiated at Department of the Army level. A search was conducted within the headquarters to include all staff sections for the availability of any listed evidentiary material. Subsequent searches at subordinate headquarters were conducted. The object of the searches was to procure the planning, policy, and guidance directives applicable to Task Force (TF) Barker, the 11th Brigade and the Americal Division during March 1968.

The storage records centers, to include intermediate record holding areas, were physically searched by members of the Inquiry, and pertinent records, documents and/or receipts procured. The facilities searched included the National Records Center, Suitland, Maryland; US Army Records Holding Area, Okinawa; and the Vietnam Records Holding Area at Long Binh, Vietnam. Searches were also conducted in Japan and Hawaii, as well as in Vietnam.

(3) Witnesses. The collection of documents and physical evidence was a continuing process. Witnesses appearing before the Inquiry were queried in an effort to procure any physical evidence in their possession. Several had evidentiary matter such as letters and photographs which they furnished willingly to the Inquiry.

d. Certificates of Search. Upon completion of the search at each of the various units and agencies, a certificate was obtained to indicate the extent of the search. A record of the documents obtained and the specific location of each was prepared to accompany the search certificate. In some cases Inquiry personnel executed the search certificates, while in the larger headquarters the certificates were prepared by responsible commanders. These certificates were made a permanent part of the record of the Inquiry.

e. Processing. Processing the documents and physical evidence was accomplished as they were received. Locator cards and files were established to provide ready accessibility and reference, and each item was carefully analyzed for pertinency. Each document was read by General Peers or his deputy, Mr. West. In like manner, other forms of evidence were studied. Based on General Peers' guidance, all documents were highlighted or extracted, distributed for information to all interrogators, and a determination made as to whether they would be given exhibit status. Reproduction was necessary in most cases, with original copies retained in file for the final report. Control of all documentary evidence was administered centrally to insure the necessary security and correlation with other requirements.

f. Types of Physical Evidence. The types of physical evidence collected were as varied as the sources. Regulations, directives, orders, plans, reports, messages, letters, and photographs are representative of the basic evidence collected. In addition, the search and collection efforts uncovered diaries, tape recordings, diagrams, news articles, propaganda leaflets, and maps, to a few of the nonstandard types of data obtained and used. The volume of documentary and physical evidence identified, collected, processed, analyzed, correlated, and disseminated amounted to approximately 30 linear feet.

8. SUPPORT BY OTHER OFFICES AND AGENCIES

a. Special Support.

(1) Office of the General Counsel (OGC). The General Counsel of the Department of the Army, Mr. Robert E. Jordan, III; the Deputy General Counsel, Mr. R. Kenly Webster; and Mr. Robert E. Montgomery, Jr., Assistant to the General Counsel, provided special support to the Inquiry on a variety of legal and other matters, including policy guidance as to the release of information to Congressional committees, the news media, and others.

(2) Office of the Chief of Information (OCINFO). Because of the extraordinary interest in the activities of the Inquiry displayed by the news media, BG Winant Sidle, CINFO, assigned LTC Daniel R. Zenk, an experienced senior information officer, to serve as the Inquiry's public relations officer. MAJ Jeffrey Scribner served briefly in this capacity during the early days of the Inquiry. MAJ William F. Gabella was the information officer on the Vietnam trip.

(3) Office of the Chief of Staff of the Army (OCSA). Responsibility for providing whatever support was needed for effective functioning of the Inquiry was assumed by OCSA. MAJ L. Dilworth, OCSA, provided major administrative and logistical support to the Inquiry. As indicated, the Son My Army Staff Monitor Group, established in the Office of the Secretary of the General Staff (SGS) and headed by COL G. W. Everett, was most helpful in coordinating the Inquiry's requirements within the Army Staff and in obtaining assistance from external agencies.

(4) Office of the Provost Marshal General of the Army (OPMG). Since OPMG was charged in August 1969 with investigating the criminal aspects of the Son My incident, there was a substantial community of interest between OPMG and the Inquiry. MAJ Edward F. Zychowski, an experienced member of OPMG's Criminal Investigation Division (CID), was made available by OPMG to serve as a full member of the Inquiry staff. One of his principal duties was to maintain close liaison with the headquarters of the Army CID Agency in Washington to arrange for the mutual exchange of information on the Son My incident.

b. General Support.

(1) Other Service Support. The United States Navy, the United States Marine Corps, and the United States Air Force were very cooperative in arranging the appearance before the Inquiry of witnesses assigned to those services.

(2) Office of the Deputy Chief of Staff for Military

Operations (ODCSOPS). ODCSOPS provided excellent support in the preparation of background papers and fact sheets necessary to the reconstruction of relevant military operations in Vietnam in 1968 for background purposes. In addition, the AOC provided extremely effective support in the areas of communications, graphics and reproduction facilities, in addition to housing the bulk of the Inquiry organization.

(3) Office of the Deputy Chief of Staff for Personnel (DCSPER); Office of Personnel Operations (OPO). Under the policy guidance of ODCSPER, personnel requirements of the Inquiry were filled on an immediate priority by the Office of Personnel Operations with personnel of extremely high calibre. This fine response was a major factor in the successful functioning of the Inquiry.

(4) Office of the Adjutant General (TAG). TAG support in the areas of personnel location, records consolidation and statistical information was of critical importance to the Inquiry. All requirements were met in a most timely and effective manner.

(5) Corps of Engineers. Over 500 photographs of high professional quality were reproduced expeditiously for the Inquiry by the Corps of Engineers.

(6) Other offices of the Department of the Army which provided immediate and helpful support were:

(a) Office, Chief of Military History (OCMH)
(b) Office of the Provost Marshal General
(c) Office of the Judge Advocate General (JAG)
(d) Office of the Assistant Chief of Staff for Intelligence
(e) Office of the Inspector General
(f) Army Photographic Agency
(g) Defense Printing Office

9. SAIGON OFFICE

a. Organization. COL Thomas F. Whalen and LTC Leo M. Brandt proceeded to Vietnam on 13 December 1969. Their primary mission was to coordinate the collection of pertinent documents and other evidence from Military Assistance Command, Vietnam (MACV) staff agencies and subordinate commands and to conduct a detailed physical search of records and files of various units and agencies in Vietnam.

b. Office Established. Upon arrival, the team established a liaison office in MACV headquarters, near Saigon. The MACV Inspector General (IG) served as the sponsoring staff agency and provided administrative support. The team from Washington was supplemented with the services of several commissioned JAG, IG and Combined Intelligence Center, Vietnam (CICV) personnel.

c. Liaison Arrangements. Each MACV staff agency designated a point of contact. Liaison visits were conducted with representatives from the MACV staff, Hq USARV, III MAF, Hq Americal Division, the 11th LIB, the Senior Province Advisor, the 2d ARVN Div Advisor, and the District Advisory Team. The criminal Investigation (CID) team chief from the Office of the Provost Marshal General of the Army was contacted and arrangements made for exchange of information as well as coordination of future collection efforts.

d. Review of Requirements. Upon completion of the initial coordination, a review of the material previously collected by the MACV IG was conducted. Responsible organization and staff points of contact were notified of additional requirements that were developed. This became a continuing process.

e. Home Office Guidance. Daily telecons with Inquiry personnel in Washington facilitated the proper channeling of, and fixing of priorities for, the collection effort in Vietnam, as well as providing timely information to support the ongoing interrogation of witnesses. Requirements based on testimony were identified and efforts directed toward location and recovery of key documentation.

f. Re-Inspections and Followup Searches.

(1) Upon completion of initial searches conducted by assigned unit personnel, the in-country personnel of the Inquiry conducted a followup search of records. Augmented by additonal members of the Inquiry, who arrived in Vietnam on 28 December 1969, the effort was intensified. This search encompassed the available files of all units engaged in, or in support of, the operations of TF Barker in mid-March 1968, as well as the files of all staff sections of immediate and intermediate headquarters.

(2) Based on information received during testimony in Washington, a number of facilities and staff records were reinspected to assure that no pertinent document had been overlooked. Personnel conducting the search were interchanged to increase the thoroughness and possibility for recovery. Effort was concentrated in those areas identified as the most logical depositories, in the judgment of persons with administrative experience in the unit.

h. Assistance by Vietnamese Authorities. Vietnamese officials who assisted the in-country collection effort include the I Corps and 2d ARVN Division Commanders, and the Quang Ngai Province and Son Tinh District Chiefs. In addition, many Vietnamese civilian witnesses were located and made available by the GVN to facilitate the investigation. The cooperation by GVN/ARVN officials was outstanding.

i. Searches in Okinawa and Hawaii. To insure complete coverage, a search was made through files of the Records Holding Area in Okinawa, as well as those of the Overseas Record Center at Kapalama, Hawaii. In addition, the records of USARHAW and USARPAC were screened.

10. VIETNAM TRIP

a. Organization.

(1) Planning for a visit to Vietnam began in mid-December when General Peers designated the team members to accompany him. Necessary coordination for in-country clearance, special air mission aircraft and preparation for oversea movement of the members of the team was accomplished. An advance party arrived in Vietnam on 15 December 1969, and in conjunction with the appointed project officer from the MACV Inspector General's office, the necessary arrangements were made for the visit of General Peers and team to arrive in-country on 28 December 1969.

(2) General Peers was accompanied by:

Mr. Robert MacCrate, Civilian Counsel
Mr. Jerome K. Walsh, Jr., Civilian Counsel
LTC John E. Rogers, Interrogation Team
MAJ David D. Dantzscher, Interpreter
MAJ William F. Gabella, Information Officer
MAJ Clyde D. Lynn, Recorder
SP7 Milton J. Brown, Reporter
SP6 James R. Thomas, Stenographer
SP5 Robert F. Fromme, Photographer
PVT James C. Holland, Reporter

In addition, personnel were requested and provided from MACV as follows:

LTC Billy J. Stanberry, Interpreter
CMDR William J. Davis, JAG Representative
CPT Werner Unzelmann, Intelligence
CW4 Andre C. Feher, CID Representative

(3) Upon arrival in Vietnam, the official party organized into two interrogation teams, a document collection team and an administration team. The first interrogation team consisted of General Peers, Mr. MacCrate, LTC Stanberry and PVT Holland. The second interrogation team consisted of Mr. Walsh, MAJ Dantzscher, and SP7 Brown. The document collection team consisted of MAJ Lynn and SP6 Thomas.

b. Visits. General Peers, Mr. MacCrate, Mr. Walsh and selected team members visited the following offices while in Vietnam:

(1) Military and Advisory Units

(a) USMACV HQ
(b) USARV HQ
(c) III MAF HQ
(d) Americal Division HQ
(e) 11th Infantry Brigade
(f) Quang Ngai Province Advisory Staff
(g) 123d Aviation Battalion HQ
(h) Son Tinh District Advisory Staff

(2) ARVN and GVN Authorities/Units

(a) MG Hoang Xuan Lam, CG I Corps
(b) BG Nguyen Van Toan, CG 2d ARVN Division
(c) COL Nguyen Van Binh, Quang Ngai Province Chief
(d) COL Ton That Khien, former Quang Ngai Province Chief to 31 December 1969
(e) LTC Ha Thuc Ung, Deputy Sector Commander Quang Ngai
(f) CPT Tran Ngoc Tan, former Son Tinh District Chief
(g) Mr. Nguyen Duc Te, Census Grievance Chief

(3) US Embassy. General Peers and Mr. MacCrate visited Ambassador Ellsworth Bunker, Deputy Ambassador Samuel D. Berger and other officials in the US Embassy.

c. Reconnaissance of Area.

(1) On-site inspection. On 3 January 1970, General Peers, Mr. MacCrate and Mr. Walsh conducted a ground survey of the subhamlet of Thuan Yen [My Lai (4)]. This inspection served to familiarize the members of the Inquiry with Thuan Yen, to identify and locate key structures and terrain features, and to assist in resolving conflicts in testimony given by witnesses (see exhibit M-111).

(2) Aerial inspection. On 1 January 1970 General Peers and WO1 Thompson made a low-level reconnaissance of the Thuan Yen subhamlet in a light observation helicopter piloted by CPT Gary E. Hickman. The reconnaissance was conducted at altitudes of 30-100 feet and on occasion as low as 5 to 10 feet. All sites were located on an aerial photo and subsequently replotted and identified on an aerial photo (see exhibit M-110). WO1 Thompson made another low-level reconnaissance on 3 January 1970 for the purpose of rechecking the location of the ditch.

d. Interrogation. Formal interrogation transcripts were prepared on 31 Vietnamese and 9 American witnesses. Mr. Walsh's team conducted interrogations of Vietnamese civilians at Quang Ngai during the period 31 December 1969 to 5 January 1970. The interrogation teams interviewed several Vietnamese people for

which a formal transcript was not prepared. These interviews provided background and familiarization type information.

e. Collection of Documents. The document collection team selectively reviewed the files of headquarters, USMACV, USARV, and III MAF. These offices had previously searched their files for all perinent information. While the team had specific instructions to look for key documents, an exhaustive search also was made for all pertinent material. The team was able to inspect thoroughly the files of the Americal Division, 11th Infantry Brigade, and advisory staffs. Documents collected during the inspection were turned over to the Inspector General's representative accompanying the team. This representative prepared logs and supervised the reproduction and receipting for each document. General Peers and Mr. MacCrate were successful in having many of the ARVN files made available to them during their visits, resulting in the collection of many key documents. Approximately 6 linear feet of documents were brought back with the team and an equal quantity identified for eference.

f. Administration. Office space was allocated for the advance party and for General Peers' visit by COMUSMACV in the Headquarters building. The Americal Division provided an office and court room building for the use of the interrogation and administrative teams. The administrative team accompanied the members of the Inquiry while in RVN and provided the necessary office support.

11. PREPARATION OF REPORT

a. Organization. Preliminary planning for the report of the investigating officer began during the first week of the Inquiry with a decision to prepare suitable background chapters as early as possible and to follow on with the substantive chapters as rapidly as progress of the Inquiry permitted. Augmentation of the staff began on 8 December 1969. COL Joseph Franklin was assigned overall responsibility for preparation of a draft report for the investigating officer. Dr. Walter G. Hermes, Office of the Chief of Military History, was made available as a full-time member of the Inquiry to serve as an advisor and writer. A number of officers with combat experience in Vietnam and recognized writing ability were then assigned to the staff as writers, namely, Lieutenant Colonels Charles J. Bauer, Fred K. Mahaffey, John E. Rogers, James H. Patterson and Wallace W. Noll. Also assigned to the staff as operational analysts were MAJ George K. Garner and CPT Thomas Kennan.

SGM John W. Griney provided required administrative support for the report effort, assisted by SP5 Don A. Evans and PV2 William H. Wanlund. Mrs. Mary R. Boothe and Mrs. Mary H. Conroy served as copy editors.

Members of the writing group also were designated on an ad hoc basis to assist in the interrogation of witnesses, and were asked to make recommendations for the gathering of evidence and to review physical evidence collected by the Inquiry.

b. Writing Phase. After an initial period of orientation by the writers and analysts, a tentative outline of the report was approved by General Peers and specific subject areas were assigned to members of the writing group. The writers progressively screened and analyzed the statements, directives, reports and other evidence that was being gathered by the interrogation and document teams for substantive facts and drafted the background and early portions of the report. Aerial photographs annotated by the witnesses, sketches, and information received from the aerial and ground reconnaissance made in RVN contributed to the reconstruction of events that took place in the subhamlets of Thuan Yen and My Hoi on 16 March 1968.

By the time the Inquiry neared the end of its interrogations, the writers had prepared drafts of several of the planned chapters of the report. These formed the basis of a preliminary report prepared by General Peers and forwarded to the Secretary of the Army and the Chief of Staff of the Army. Subsequently, the remaining chapter drafts were completed and all were reviewed by the principal members of the Inquiry and General Peers and rewritten until each chapter was ready for final editing, typing, and printing.

c. Printing Phase. Concurrent with the writing phase, consideration was being given to the editing and printing of the report, to include the testimony and documentary evidence. Mr. Ralph A. Rollins, Office of the Adjutant General of the Army, joined the staff as an adviser on publication matters early in the Inquiry. Mr. James Breedlove, graphic illustrator from OTAG, provided Cartographic assistance and prepared final artwork for the sketches in the report. MAJ Clyde D. Lynn joined the report staff as the interrogations neared completion to expedite preparation of the final report manuscript for printing.

The editing was performed simultaneously with the writing phase to the extent possible, so that each phase would merge into the finalization and printing of the report. Necessary arrangements were made with the Army Photographic Agency for the reproduction of photographs, the Army Topographic Command for the reproduction of maps and aerial photographs, and the Defense Printing Office for printing and binding of the final report. Due to the mass of material collected during the Inquiry and the great volume of testimony, it was decided to print the final report in volumes as follows:

(a) Volume I - The narrative report with findings and

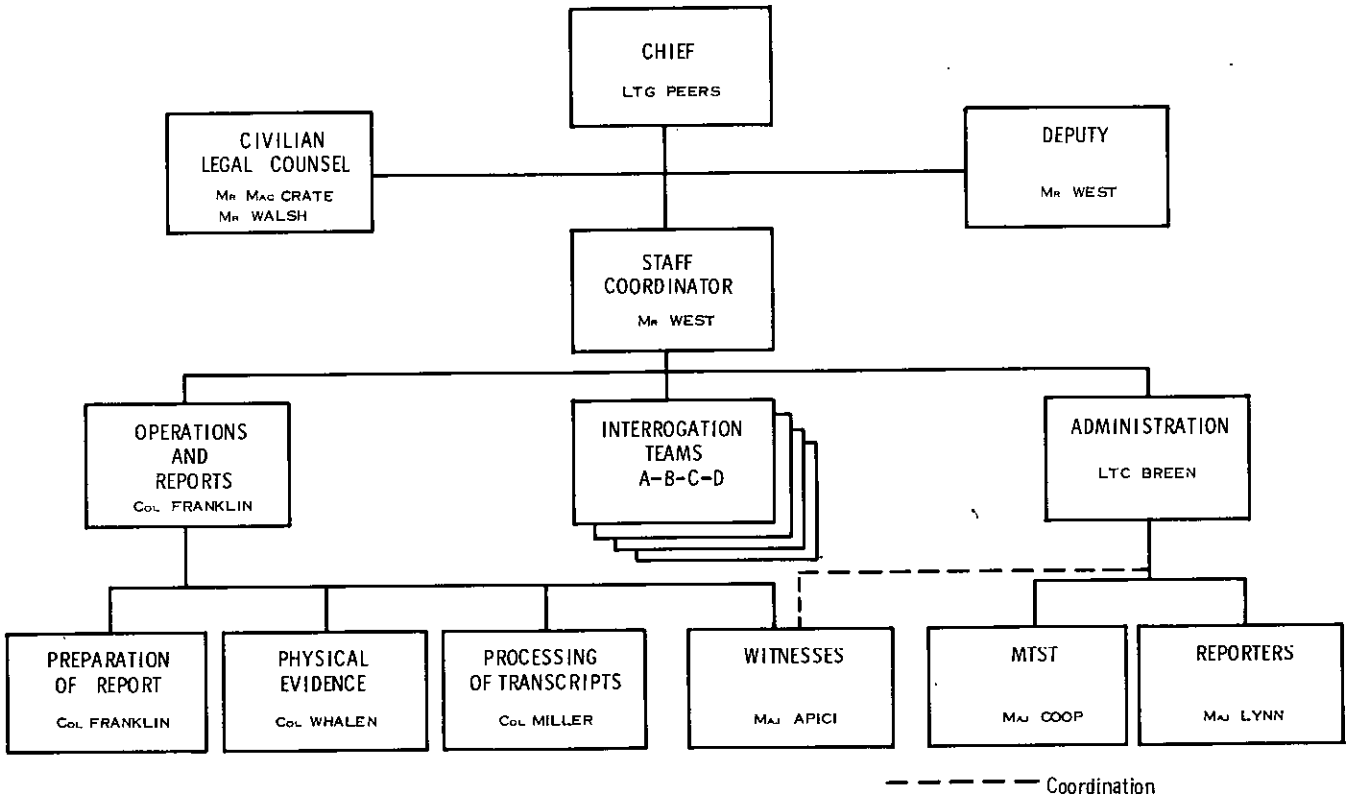
recommendations, attendant sketches, tables of contents and other material.

(b) Volume II - Testimony and summaries of testimony, subdivided into books of 300 pages.

(c) Volume III - Evidentiary material entered as exhibits, also subdivided into books. Oversize exhibits were photographed and reduced or folded so that the longest book would not exceed 16 inches by 20 inches.

(d) Volume IV - Statements made by individuals to the CID Agency, bound in one book.

d. Publication in Book Form. Publication of the report in book form was explored. It was decided, however, that this was a matter for subsequent consideration and decision by the Secretary and the Chief of Staff of the Army.


CHIEF
LTG PEERS
CIVILIAN LEGAL COUNSEL
MR MAC CRATE
MR WALSH
DEPUTY
MR WEST
STAFF COORDINATOR
MR WEST
OPERATIONS AND REPORTS
COL FRANKLIN
INTERROGATION TEAMS A-B-C-D
ADMINISTRATION
LTC BREEN
PREPARATION OF REPORT
COL FRANKLIN
PHYSICAL EVIDENCE
COL WHALEN
PROCESSING OF TRANSCRIPTS
COL MILLER
WITNESSES
MAJ APICI
MTST
MAJ COOP
REPORTERS
MAJ LYNN
Coordination

Inclosure 1

PEERS INQUIRY PERSONNEL

LTG W. R. Peers
Mr. Robert MacCrate
Mr. Bland West
Mr. Jerome K. Walsh, Jr.

COL John W. Armstrong
COL Joseph R. Franklin
COL Robert E. Miller
COL William V. Wilson
COL Thomas F. Whalen
LTC Charles J. Bauer
LTC Leo M. Brandt
LTC J. H. Breen
LTC Fred K. Mahaffey
LTC Wallace W. Noll
LTC J. H. Patterson
LTC John E. Rogers
MAJ Joseph I. Apici
MAJ John G. Connor
MAJ George K. Garner
MAJ Howard C. Jacobson
MAJ Jon A. Kosty
MAJ Clyde D. Lynn
MAJ Joe C. Thomas
MAJ Edward F. Zychowski
MAJ Harold L. Coop
MAJ David D. Dantzscher (VN Trip)
MAJ William F. Gabella (VN Trip)
MAJ Stanley Kraus (Special Duty)
CPT Lloyd L. Chester
CPT James F. Clark
CPT Michael H. Clark
CPT Gary Eifried
CPT Thomas M. Jackson
CPT Thomas Kennan
CPT William R. Porter
CPT Alex B. Shipley, Jr.
CPT Frank B. Stahl, Jr.
1LT Robert L. Bruer

SGM John W. Griney
SP7 Milton J. Brown
SP7 Lee B. Edmonds
SP7 Kenneth Betteridge
SP6 Arthur B. Reid, Jr.
SP6 John R. Stremikis
SP6 James R. Thomas
SP5 Gregory A. Bentley
SGT Kenneth B. Crenshaw
SP5 Don A. Evans
SP5 Peter D. Hallock
SP5 Robert Hamilton
SP5 James V. Link
SP5 Richard F. Machusick
SGT Charles Olson
SP5 Viola Parrish
SP5 Rodney H. Pearce
SP5 Richard Tjosvold
SP5 Stephen A. Wright
SP5 Robert F. Fromme (VN Trip)
SP4 Allan A. Brockmann
SP4 Gary E. France
SP4 Loren B. Havekost
SP4 Dennis P. Mc Coy
SP4 Edward P. Nalevanko
SP4 Thomas W. Petersik
SP4 Paul Searle
SP4 John Somers
SP4 David F. Stone
SP4 James L. Thill
PFC Ronald L. Blakely
PFC Donald Boudreaux
PFC Joseph S. W. Brashier
PFC Thomas R. Broderick

Inclosure 2

Dr. Walter G. Hermes
Mr. Ralph A. Rollins
Mr. James Breedlove
Mrs. Rita F. Collins
Mrs. Maureen Marshall
Miss Dorothy A. Staron
Miss June Roth
Mrs. Mary R. Boothe
Mrs. Mary H. Conroy

PFC Dennis G. Bull
PFC Al Butler
PFC James Christian
PFC Leslie W. Dyson
PFC Dennis A. Gibbs
PFC James L. Holland
PFC Craig Hill
PFC Joseph N. Hollerich
PFC Joseph Lavieri
PFC Roger F. Presnell
PFC Thomas J. Zakovitch
PV2 Alan J. Towson
PV2 William H. Wanlund
PV2 Paul L. Hull

LTG PEERS

MR. WEST

MR. MACCRATE

MR. WALSH

Annex B

PERIPHERAL ISSUES

During the conduct of this investigation, several matters, not within the specified scope of the investigation, were identified. Some of them appear to warrant follow up action by responsible staff agencies of the Department of the Army. The following is a brief summary of these peripheral issues for action as deemed appropriate.

1. RECORDS MANAGEMENT AND DISPOSITION

a. In reconstructing the events of Son My, much reliance had to be placed on official records of activities during that period. Consequently, exhaustive searches were made of all available files at all headquarters and records holding areas. The records of interest dated back over 18 months, but those found in the files or logged in were in most cases minimal, generally unsatisfactory. Examples of deficiencies noted include:

(1) Incomplete permanent records files. Many of the permanent record files contained documents which were not necessarily of a permanent nature while documents which should have been retained, such as reports of investigations, were missing. Daily staff journals were found to be poorly prepared and incomplete in most cases.

(2) Destruction of records. There appears to be a tendency among units to destroy records rather than to retire them in accordance with established procedures. In some cases "probably destroyed prior to the last IG [Inspector General] inspection" was cited as the possible reason for documents missing from the files. In one case, the Son Tinh District Advisory Team files, a headquarters critical to this investigation, had been "cleaned out" in preparation for the IG Inspection scheduled for August 1969. If records are arbitrarily destroyed at the unit level, the Army's historical records obviously will never be complete. Action appears to be required throughout the Army to emphasize the importance of periodic screening of

FRONT ROW (LEFT TO RIGHT)

Mrs. Boothe, Mrs. Conroy, Mrs. Collins, Ltc Bauer, Ltc Breen, Col Armstrong, Col Miller, Mr. West, Ltg Peers, Mr. MacCrate, Mr. Walsh, Col Franklin, Col Wilson, Ltc Brandt, Ltc Mahaffey, Ltc Rogers, Ltc Patterson.

SECOND ROW (LEFT TO RIGHT)

Cpt Clark, Cpt Shipley, Cpt Jackson, Cpt Stahl, Maj Kosty, Maj Jacobson, Maj Lynn, Maj Connor, Maj Apici, Maj Zychowski, Maj Garner, Ltc Noll, Maj Thomas, Cpt Clark, Cpt Porter, 1Lt Bruer, Sp5 Parrish, Cpt Eifried.

THIRD ROW (LEFT TO RIGHT)

Pfc Hill, Pfc Butler, Sgm Griney, Sp6 Thomas, Mr. Rollins, Sp4 Brockmann, Sp6 Reid, Sp7 Brown, Pfc Christian, Sp4 Nalevanko, Sp4 France, Sp7 Edmonds, Sp5 Pearce, Pfc Dyson, Pfc Boudreaux, Cpt Kennan, Pfc Brashier, Pfc Hollerich.

BACK ROW (LEFT TO ROW)

Sp5 Bentley, Sgt Crenshaw, Sp5 Machusick, Sp5 Hallock, Pfc Broderick, Pfc Zakovitch, Sp4 Thill, Sp6 Stremikis, Pv2 Wanlund, Sp5 Tjosvold, Pfc Lavieri, Sp5 Link, Pfc Holland, Pfc Bull, Sp4 Stone, Pfc Presnell, Pfc Towson, Sp4 McCoy, Pfc Blakely, Cpt Chester.

Inclosure 4 - Group Photograph of Peers Inquiry

data as to the exact tasks accomplished by each aircraft daily. Since these are not required, they are often destroyed with changes in personnel or after a period of three to six months. Such a document appears to provide useful information not available through other records.

b. Consideration should be given to establishing a formal procedure for maintaining daily aircraft and unit operational data in addition to the currently required aviation maintenance records. A record of the operational data should be kept on file in the unit, probably for a period of one year and then retired, not destroyed.

3. USE OF PERSONAL CAMERAS BY ARMY PHOTOGRAPHERS

a. There appears to be no clear policy regarding the ownership and release (US Army versus individual) of film exposed by Army photographers using personal cameras while on official missions. The pictures related to the Son My incident which were released to Life magazine by a former Army photographer were made under such conditions. According to the testimony of personnel from the Americal Division Public Information Office (PIO), there was no established policy in March 1968 regarding the use of personal cameras. Because of the lack of unit cameras, the use of private cameras by photographers was encouraged. Likewise, the 11th Brigade had no established policy, but according to some testimony, there was an unwritten understanding that negatives taken on official missions were not to be removed from the PIO office. While the use of personal cameras by photographers is apparently desirable and continues as a common practice, review of applicable regulations and directives indicates that there is still no established policy either with respect to the use of the cameras or the future ownership of any pictures taken.

b. It therefore appears that a policy should be established clarifying the ownership and release authority of film exposed by Army photographers using their personal cameras while on official missions to preclude the unauthorized release of Army photographs in the future. Such policy must be effective throughout the Army and not subject to local interpretation. It is understood that ACSC-E is taking action to issue appropriate guidance to all commanders.

4. USE OF SMOKE GRENADES

a. While not an issue in the Son My incident, the random use of colored smoke by aviators and ground troops to mark both enemy and friendly locations could easily cause confusion. This is an area where positive understanding by all parties

records to insure that documents of historical significance are retired and not destroyed.

(3) Accounting for sensitive correspondence. There is no system established to account for important correspondence except for documents classified secret or higher. While similar controls may be established for special correspondence on a local level, this practice appears to be the exception. Thus, with the passage of time, recovery of a specific document becomes increasingly difficult unless the correspondence has been afforded a security classification requiring control. Adoption of a uniform system for the control of sensitive or important documents of an unclassified nature would be particularly useful in units and areas where personnel turbulence is experienced.

(4) Retired records. Files transferred to records holding areas were poorly selected, poorly organized and, in some cases, inaccurately identified, thus making it difficult to locate any specific document without a detailed, document-by-document search of all records applicable to a given period. The selection of documents for retirement at unit level appears weak and requires increased attention. In the records holding areas, files appear to have been consolidated in boxes without consideration as to headquarters, time, or subject matter; there was no index system or cross referencing available to facilitate the rapid identification and location of documents. In the retirement process, general lack of supervision was obvious, especially at the unit level, where apparently each unit wrote its own rules. This appears to be an area appropriate for special emphasis during future Annual General Inspections.

b. Based on the generally poor conditions found by the Inquiry, it appears that the entire records maintenance and retirement process should be reviewed to insure that existing directives are adequate and additional emphasis placed on strict adherence to these details.

2. AVIATION RECORDS

a. TM 38-750, Army Equipment Record Procedures, prescribes aviation maintenance records which will be maintained. While this system provides for "complete" records from a maintenance point of view, it does not necessarily meet all requirements for aviation records and does not require the retention of all records on a permanent basis. The Army Aviation Flight Record, for example (DA Form 2408-12), the only record which identifies the crew assigned to the aircraft each day, is maintained for only three months. No other records required by TM 38-750 reflect crew or operational data. However, some units do maintain informal "Mission Sheets" which provide detailed operational

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7. UTILIZATION OF FIRST SERGEANTS

a. While the use made of a first sergeant is the prerogative of the unit commander, the generally accepted policy is that a rifle company first sergeant is most effectively employed in the field with his company. It is perhaps significant that none of the first sergeants of TF Barker were in the field for other than short visits during the Son My operation; they had all remained behind at their unit's base camp. Had they been in the field following the activities of their companies, setting the example and influencing the actions of other NCO's and enlisted men, the results of the operation might have been different.

b. It is suggested that additional emphasis be placed upon the position of the first sergeant and the role he should play in the administration and, particularly, the operations of his unit in the field. This could be accomplished through the Army school system, the Command Sergeants Major program and command emphasis.

as to the meaning or purpose of a specific color of smoke is essential in order to prevent false identification. For example, if the ground troops used red smoke to mark a no-fire area, and the gunships flying overhead assumed that red smoke marked an enemy location, the result could prove disastrous. Many units in Vietnam have recognized this problem and routinely publish within their Signal Operating Instructions (SOI), or by other means, the purpose for which specific colors of smoke will be used during a given period.

b. In view of the potential for misunderstanding in this regard, a review of the use of smoke grenades from a doctrinal point of view appears warranted. Further, it appears desirable that an Army-wide policy be established requiring that all units, probably at division level, announce in the SOP or SOI procedures for the use of various colors of smoke for identification purposes. Although the impetus for such a policy should come from the top echelon, its implementation must be delegated to the lowest level wherein employment will depend on the weather, terrain, enemy, and several other factors.

5. SELECTION AND TRAINING OF LIAISON OFFICERS

Some of the officers interviewed by the Inquiry who had filled liaison officer positions did not appear particularly well qualified, nor were there any indications that they had received special guidance or training for the job. In view of the important function performed by liaison officers, especially in Vietnam, it appears that the criteria followed for the selection of liaison officers and the training conducted to prepare officers for liaison duty are areas which require additional emphasis within the Army school system.

6. PERSONNEL TURBULENCE

One of the most significant problems faced by the Americal Division, and probably by other units in Vietnam, was the personnel turbulence created by the one-year rotational policy, the rest and recuperation (R&R) program, the policy of rotating commanders and staff officers normally after six months on the job, and the infusion program. While these are all excellent programs and each served a most useful and valid purpose, this Inquiry found that the resulting lack of continuity and the problems created within the personnel replacement process were detrimental to unit effectiveness. No change is suggested; however, it does appear that a thorough review should be undertaken to determine if the impact of these, or similar programs, on combat readiness can be reduced in the future.

Annex C

GLOSSARY

AB-143.....Designation for MACV Combined Campaign Plan, 1968

AC.....Aircraft commander. Aviator in charge of piloting the helicopter.

ADC.....Assistant Division Commander.

Aero-Scouts.....See aircraft names.

After Action Report.....See Combat Action Report.

AG.....Adjutant General. The adjutant of a unit authorized a General Staff. See Staff.

Aircraft Names

Aero-Scouts.....Helicopters from Co B, 123 Avn Bn.

"Bubble".....Nickname for OH-6, OH-13, or OH-23 helicopter.

"Dolphins".....Liftship, 174th Assault Helicopter Company

"Firebirds".....Gunship, 71st Avn Co.

"Gunship".....UH-1 helicopter armed with miniguns, rockets, 40 millimeter grenade launchers, or any combination thereof.

"Helix".....FAC, light fixed wing aircraft

"Hook".....CH-47 helicopter. Used for heavy cargo and troop transport.

"Huey".....UH-1 helicopter.

"Liftship".....Helicopter used to transport troops during a combat assault.

LOH.....Light observation helicopter.

"Minute men".....Lift ships for 176th Assault Helicopter Company.

"Medevac".....Medical evacuation helicopter.

"Muskets".....Gunships for 176th Assault Helicopter Company.

"PRIMO".....11th Bde C&C helicopter.

"Puff the Magic Dragon".....AC-47 aircraft armed with multibarreled, 7.62 millimeter, extremely high rate of fire weapon. Also called "Spooky".

"Rattlers".....Liftships 71st Assault Helicopter Company.

"Scorpions".....Old name for 123d Avn Bn gunships.

"Sharks".....Gunship 174th Assault Helicopter Company.

"Skeeter".....LOH, CO B, 123d Avn Bn.

"Slick".....UH-1 helicopter used for cargo and troop transport. May or may not have door gunners armed with M-60 machineguns.

"Spooky".....AC-47 aircraft armed with multi-barreled, 7.62 millimeter, extremely rapid fire weapon. Also called "Puff the Magic Dragon".

"War Lords".....Gunship Co B, 123 Avn Bn

AIT.....Advanced Individual Training.

ALO.....Air Liaison Officer. A tactical Air Force Officer attached to a ground force as air advisor.

Ammo.....Ammunition

"Animals".....Nickname for infantrymen of Co B, 123d Avn Bn.

Antipersonnel mine.....A mine designed to cause casualties to personnel.

AO.....Area of Operations. An area where US/FWMAF conduct operations during a specific period of time. An AO is assigned normally for a specific operation which may be within or outside of a TAOR.

APC.....Armored personnel carrier.

Arty.....Artillery

ARVN.....Army of the Republic of Vietnam; Vietnamese soldier.

ATP.....Army Training Program.

ATT.....Army Training Test.

Avn.....Aviation.

Bde.....Brigade.

BG.....Brigadier General.

"Blow away".....To kill. (GI slang).

Blown in place.....Destruction by demolition without removing the object to another location.

Bn.....Battalion.

Body Count.....Procedure whereby enemy bodies are counted to provide a statistic for measuring degree of success of an operation and to be used in developing data concerning enemy order of battle.

Boobytrap.....Usually an explosive charge which is exploded when an unsuspecting person disturbs an apparently harmless object or performs a presumably safe act. Can also be a spear trap or similar mechanical device which does not employ an explosive charge.

"Bought it".....Killed. (GI slang).

Bounding mine.....Type of antipersonnel mine, usually buried just below the surface of the ground. It has a small charge which throws the case up into the air; this explodes at a height of 3 or 4 feet, throwing shrapnel or fragments in all directions.

Break.....Radio procedure signifying a break between one conversation or idea and another.

"Bubble".....See aircraft names.

Bunker.....A fortified structure for the protection of personnel, defended gun position or a defensive position.

CA.....Combat assault. Usually used in reference to an assault utilizing helicopters to transport the troops.

Cal.....Caliber.

"C&C".....Command and control. Used in reference
"C&C ship (or helicopter)" to the helicopter utilized by the tactical commander during a tactical operation.

CD.....Civil defendant. Persons who are suspected of being spies, saboteurs, terrorists, or criminals and who do not qualify as prisoners of war.

Census Grievance.....GVN agency which accepts and processes
Committee complaints from citizens.

CG.....Commanding General.

CH.....Chaplain.

"Charlie Bird".....Command and control helicopter. See C&C.

"Charlie Charlie".....Command and control helicopter. See C&C.

CHICOM.....Chinese Communist.

Chieu Hoi.....Vietnamese program whereby Viet Cong or North Vietnamese who surrender voluntarily are given amnesty. Means "open arms".

CID.....Criminal Investigation Division (Provost Marshal's Office).

CIDG.....Civilian Irregular Defense Group (RVN). Vietnamese irregulars, often advised by U.S. Special Forces.

"Claymore".....M-18 mine series. A type of anti-personnel mine developed by the Army, which propels pellets in the direction employed. The VC and CHICOM have devised similar mines, which are also referred to as "claymores".

"Click".....Kilometer.

CO.....Commanding Officer.

Co.....Company.

COL.....Colonel.

"Cold".....Not receiving fire, i.e., a "cold LZ."

Combat Action Report (CAR).....Report detailing plan and conduct of tactical operation and its results.

Command and Control.....An arrangement of personnel and facilities, employed by a commander in planning, directing, and controlling operations. Also used in reference to the commander's helicopter.

Command detonated mine.....A mine which is detonated electrically utilizing wires and a detonating generator (blasting machine) or a battery.

Command net.....A communications network which connects an echelon of command with some or all of its subordinate echelons for the purpose of command control.

Command Post.....In combat, the echelon in which the commander is located. Frequently the field commander is located in a C&C helicopter; thus the helicopter becomes the command post.

COMUSMACV.....Commander, United States Military Assistance Command Vietnam.

Console.....A grouping of radios in a helicopter which enables the user to have a multiple frequency radio capability.

CORDS.....Civil Operations Revolutionary Development Support. US Agency which channels funds and materials for civil works.

"Coyote".....See radio call signs.

CP.....Command Post.

CPT.....Captain.

C Rations.....Special type ration designed for troops under combat conditions

CSCC.....Combat Support Coordination Center. The CSCC is a facility within which are grouped representatives of artillery, air, naval gunfire, and other agencies deemed necessary by the commander(s).

CSM.....Command Sergeant Major.

CSWC .....Crew served weapons captured.

CTZ.....Corps Tactical Zone. Military subdivision in Vietnam, providing areas of responsibility to ARVN corps and US Field Force headquarters. Divided into 4 zones, i.e., I CTZ, II CTZ, III CTZ, IV CTZ.

CWO.....Chief Warrant Officer.

CYA.....GI slang expression, usually used among staff personnel when referring to a paper or action prepared as a defense against some future charge. Means "Cover Your Action."

DAO.....Division aviation officer.

DEROS.....Date eligible for return from overseas.

Detainees.....Vietnamese who have been detained but whose final status, i.e., innocent civilian, returnee, civil defendant or prisoner of war, has not yet been determined.

"Di Di".....Vietnamese words meaning "to run".

"Di Di-ing".....Running

"Dink".....Vietnamese person (GI slang).

DIOCC.....District Intelligence and Operations Coordinating Center.

Direct Support (DS).....Mission in which a field artillery unit is primarily responsive to fire missions in support of a particular ground force.

District.....Political subdivision in RVN, roughly equivalent to a county.

District Chief.....GVN official governing a district containing several villages, usually a military officer.

Division Support Command.....An organic divisional unit responsible for providing division level supply, transportation, maintenance, medical, and miscellaneous services for all elements of the division.

"Dolphin".....See radio call signs; aircraft names.

DSA.....District Senior Advisor. Senior US advisor to the District Chief.

Dud.....Explosive munition which has failed to explode after being armed; an individual who does not perform properly.

"Dung Lai".....Vietnamese words meaning "halt".

Dust Off..... Term used for medical evacuation helicopters. Also used referring to being evacuated from the battlefield because of wounds.

EOD.....Explosive Ordnance Disposal unit. Personnel with special training and equipment who render explosive ordnance safe (such as bombs, mines, projectiles and boobytraps), make intelligence reports on such ordnance and supervise the safe removal thereof.

Extracted.....To be removed by helicopter.

FAC.....Forward Air Controller. An officer (Air Force Pilot) member of the tactical air control party who controls aircraft engaged in close air support of ground troops. In Vietnam the FAC controls airstrikes from a light fixed-wing aircraft such as the 0-1 (Piper Cub).

FDC.....Fire Direction Center. That element of a command post by means of which the commander exercises fire direction and/or fire control.

FDO.....Fire Direction Officer.

Fire for effect.....Fire which is delivered after the burst is within the desired distance of the target; term in a fire message to indicate the adjustment is satisfactory and fire for effect is desired.

Firepower.....The amount of fire which may be delivered by a position, unit, or weapons system; ability to deliver fire on an overall basis.

"Flap".....A situation of confusion or chaos.

FO.....Forward Observer. A front line observer trained to adjust ground or naval gunfire and pass back battlefield information.

Fortified Village or Hamlet.....A hamlet which has been fortified with bunkers, fighting positions, communications trenches, interconnecting tunnel networks, hiding places, etc.

"Fox Mike".....Frequency modulated (FM) radio.

Freq.....Radio frequency.

FSB.....Fire Support Base. Base of operations from which fire support may be delivered.

FWMAF.....Free World Military Assistance Forces.

Garble.....An error in transmission or reception which renders a message or portion thereof incorrect or unintelligible.

"Gook".....Vietnamese person. (GI slang)

"Grunts".....Nickname for infantrymen.

GT Line.....Gun-target line. An imaginary straight line from the gun to the target.

"Gunnie".....Aviator who flies a gunship.

GVN.....Government of South Vietnam

G1, G2, G3, etc.....See Staff

Hamlet.....The political subdivision in the RVN governmental structure immediately below village level.

Hamlet Chief.....GVN official governing a hamlet, usually a civilian.

"H&I".....Harassing and interdiction fire. Fire designed to disturb the rest of the enemy troops, to curtail movement, and, by threat of losses, to lower morale. Fire placed on an area or point to prevent the enemy from using the area or point.

"Hard core"......"Hard core Viet Cong" are those who are completely indoctrinated toward and dedicated to the Viet Cong.

HE.....High explosive (projectile).

HES.....Hamlet Evaluation System. US program which evaluates GVN control over hamlets.

"Higher".....Higher headquarters or higher authority.

"High gun".....UH-1 armed helicopter in Co B, 123d Avn Bn, which was the controlling commander's aircraft. It was so named because it flew higher than the rest of the aero-scout team.

"Hit the LZ".....Land in the landing zone.

"Hook".....See aircraft names.

"Hootch".....Term used for hut or structure made of rice straw and bamboo or similar material. (GI slang).

"Hot".....Receiving hostile fire (i.e., a "hot LZ").

"Huey".....See aircraft names.

Hustle.....To move rapidly.

IG.....Inspector General. A Special Staff officer who examines and reports on every phase of activity that affects a command, installation, or activity. See staff.

IG Inspection.....Inspector General Inspection. An examination by an inspector general into the performance of a mission and the state of discipline, efficiency, and economy of a command, installation, or activity of the Department of the Army.

III MAF.....Third Marine Amphibious Force.

"Incoming" .....Receiving hostile fire.

In-country .....Physically located within the country.

Inf.....Infantry.

Info.....Information.

Infrastructure.....The basic economical, social, or military facilities and installations of a community, state, etc. See Viet Cong Infrastructure.

Innocent Civilians.....Members of the civilian population of Son My village, who were unarmed and committing no hostile acts. (Also called noncombatants.)

INTSUM.....Intelligence summary. A specific report providing a summary of items of intelligence information, usually at 6 hour intervals.

IWC.....Individual weapons captured.

JAG.....Judge Advocate General. See Staff.

Journal.....A record of significant events, see log.

J1, J2, J3, etc.....See Staff.

"KHA".....Killed due to hostile action.

KIA.....Killed in action.

Laager.....South African term used during the Boer War. Used to mean a defensive position.

"Lai day".....Vietnamese words meaning "come here."

LAW.....See weapons.

"Lead".....The leader of a flight. See call signs.

LF.....Local Force. VC military units which are directly subordinate to a provincial or district party committee and normally operate only within a specific VC province or district.

Lift.....A flight of troop-carrying helicopters.

"Lift Ship".....See aircraft names.

"Lima Zulu".....Landing zone.

LNO.....Liaison officer.

LO.....Liaison officer.

Log.....A record of significant events. See Journal.

Logged.....Entered into a Log or Journal.

Logging Time.....Keeping a record of hours of flight.

LOH.....Light observation helicopter.

"Low Gun".....UH-1 armed helicopter flying at a low altitude with mission of protecting the light observation helicopter.

LRRP.....Long Range Reconnaissance Patrol.

LT.....Lieutenant.

LTC.....Lieutenant Colonel.

LTL.....Lien tinh-lo. Vietnamese designation for an interprovincial highway or route.

LZ.....Landing Zone.

MACV.....Military Assistance Command, Vietnam.

MAJ.....Major.

"Mama San".....An old woman. (GI slang)

MEDCAP.....Medical Civic Action Program. A military operation during which a hamlet is secured by a military force, and medical care, medicine, food, and clothing are dispensed to the villagers.

MEDEVAC.....Medical evacuation. Removed from the battle field because of wounds. Also term used to identify a helicopter used in the medical evacuation.

Medic.....A member of the Army Medical Corps, especially one who gives first aid in combat.

MG.....Major General.

MI.....Military Intelligence branch.

"Mike Mike".....Millimeter, i.e. 60 Mike Mike mortar.

Mine.....An explosive designed to destroy or damage vehicles, boats, or aircraft or designed to kill or incapacitate personnel. It may be detonated by the action of its victim, by the passage of time, or by controlled means.

Mine sweeper.....A device which detects metallic objects; used to detect mines.

"Minigun".....A extremely rapid firing machinegun using multiple barrels, 5.56 millimeters.

"Misprison of a felony".....The offense of concealing knowledge of a felony by one who has not participated or assisted in it.

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mm.....Millimeter, i.e. 60 mm mortar.

Monitoring.....The act of listening to, reviewing and/or recording enemy or friendly communication for the purpose of maintaining standards, improving communications, or for reference.

M-1, M-16, M-60, etc.....See weapons.

NCO.....Noncommissioned officer. Ranks Corporal through Sergeant Major.

NCS.....Net Control Station. A station designated to control traffic and enforce circuit discipline within a given net.

Net.....An organization of (radio) stations capable of direct communications on a common channel or frequency.

NLF.....National Liberation Front. Political arm of the Viet Cong.

Noncombatant.....Members of the civilian population of Son My Village, who were unarmed and committing no hostile acts. (Also called "innocent civilians.")

"Nuoc mam".....Vietnamese fish sauce.

NVA.....North Vietnamese Army.

OB.....Order of Battle. The identification, strength, command structure, and disposition of the personnel, units, and equipment of any military force.

OBJ.....Objective. A definite tactical feature, the seizure and/or holding of which is essential.

OJT.....On the Job Training. A training process whereby students or trainees acquire knowledge and skill through actual performance of duties.

OPCON.....Operational Control. The authority granted to a commander to direct forces assigned so that the commander may accomplish specific missions, or tasks which are usually limited by function , time, or location.

OPREP.....Operations Report.

Orbiting.....Flying in circles over an area.

"Out".....Radio procedure signifying end of transmission.

"Over".....Radio procedure signifying a reply to the preceding transmission is anticipated.

Paddy.....Rice field.

"Papa San".....An old man. (GI slang)

Pax.....Passenger(s).

PD.....Point detonating fuze for an artillery projectile. Located in the nose of a projectile, which is initiated upon impact.

"Peter Pilot".....Pilot of a helicopter, as differentiated from the aircraft commander.

PFC.....Private First Class.

PHOENIX Program.....Coordinated effort to attack the Viet Cong infrastructure on a nationwide basis.

Phonetic Alphabet.....A list of standard words used to identify letters in a message transmitted by radio or telephone:

A.....Alpha	N.....November
B.....Bravo	O.....Oscar
C.....Charlie	P.....Papa
D.....Delta	Q.....Quebec
E.....Echo	R.....Romeo
F.....Foxtrot	S.....Sierra
G.....Golf	T.....Tango
H.....Hotel	U.....Uniform
I.....India	V.....Victor
J.....Juliet	W.....Whiskey
K.....Kilo	X.....Xray
L.....Lima	Y.....Yankee
M.....Mike	Z.....Zulu

PIC.....Province Interrogation Center.

"Pinkville".....Nickname for My Lai (1).

PIOCC.....Province Intelligence and Operations Coordinating Center.

Plt.....Platoon.

POL.....Petroleum, Oils, and Lubricants.

"Pop Smoke".....To employ a smoke grenade in order to identify a location.

POR.....Preparation of Replacement for over-sea movement.

"Pot".....Marijuana. A hallucinatory drug.

POW.....Prisoner of war. Correct term is "PW".

Prep.....Shortened term for preparation or preparatory fire. A heavy volume of prearranged ground or aircraft fire delivered to destroy, disrupt, disorganize, and neutralize the enemy and to demoralize and destroy the defending forces prior to the initiation of the attack. Fire delivered on a target preparatory to an assault.

"Prick 9".....AN/PRC 9 portable, man-carried radio.

"Prick 25".....AN/PRC 25 portable, man-carried radio.

Province.....Political division in RVN, roughly equivalent to a state

Province Chief.....GVN official governing a Province, usually a military officer, roughly equivalent to a governor.

Provost Marshal.....Staff officer who supervises all activities of military police of a command and who advises the commander on military police matters, prisoners of war, military prisoners, and other matters of concern to the commander.

PSA.....Province Senior Advisor. Senior US advisor to the Province Chief.

PSYOPS.....Psychological Operations. These operations include psychological warfare, and in addition, encompass those political, military, economic, and ideological actions planned and conducted

to create in neutral or friendly foreign groups the emotions, attitudes, or behavior to support the achievement of national objectives.

"Puff the Magic Dragon".....See aircraft names.

"Push".....Term used to mean a radio frequency.

PVT.....Private.

PW.....Prisoner of war. (Incorrectly called "POW")

PZ.....Pickup zone.

QL.....Quoc-lo. Vietnamese designation for a national highway or route.

Radio Call Sign.....A group of letters, numerals, or a combination of both which identifies a radio station.

"Coyote".....TF Barker.

"Coyote 3".....MAJ Calhoun.

"Coyote 6".....LTC Barker.

"Coyote 23".....Pickup zone control, LZ Dottie.

"Coyote 65".....Net Control Station, MSG Johnson.

"Coyote Alpha 6".....A Company Commander, CPT Riggs.

"Coyote Bravo 6".....B Company Commander, CPT Michles.

"Coyote Charlie 6".....C Company Commander, CPT Medina.

"Coyote Charlie 81".....81mm Mortar FDC, located at LZ Uptight.

"Dolphin".....Liftships, 174th Avn Co.

"Dolphin Lead".....Leader of liftships, 174th Avn Co.

"Dolphin 2, 3, 4, 5"....Individual liftships, 174th Avn Co.

"Dust Off".....Medevac helicopter.

"Helix 32".....FAC.

"Helix 22".....FAC.

"Lobo 65".....Net Control Station, 4th Bn, 3d Inf.

"Newsboy India Two Zero".....US Navy "Swift Boat."

"Rawhide".....11th Bde.

"Rawhide 6".....COL Henderson, Bde CO.

"Rawhide 3".....MAJ McKnight, 11th Bde S3.

"Saber".....Americal Division.

"Saber 6".....MG Koster, CG Americal Division.

"Sane Drank Delta Mike (Same Drink)".....US Navy "Swift Boat."

"Shark".....Gunships, 174th Avn Co.

"Shark 6".....Gunship platoon commander, 174th Avn Co.

"Skeeter".....OH-23 helicopter, Aero-Scout team, Co B, 123d Avn Bn (flown by WO1 Thompson on 16 Mar 68).

"War Lord".....Gunships, Co B, 123d Avn Bn.

"War Lord Alpha Lead"...Aero Scout team leader, Co B, 123d Avn Bn.

R&R.....Rest and Recuperation. The withdrawal of individuals from combat or arduous duty for short periods of rest and recuperation.

"Rawhide".....See radio call signs.

RD.....Revolutionary Development. The formalized GVN program in specified hamlets located generally with RD campaign areas. It includes the local security for those hamlets and the political, economic, and social activities at that level.

RD Cadre.....Revolutionary Development Cadre. Vietnamese team which implements the Revolutionary Development program within the community.

Recon.....Reconnaissance.

Reconnaissance.....A mission undertaken to obtain, by visual observation or other detection methods, information about the activities and resources of an enemy or potential enemy; or to secure data concerning the meteorological, hydrograpic, or geographic characteristics of a particular area.

Reconnaissance by fire.....Employment of artillery, mortar, aircraft, or small arms fire to cause the enemy to disclose his position.

Reconnaissance in Force.....A limited objective operation by a considerable force to discover and test the enemy's dispositions and strengths, or to develop other intelligence.

Report of Investigation.....An official written record of all pertinent information obtained in an inquiry concerning a crime, offense, accident, or allegation.

RF/PF.....Regional Forces/Popular Forces; GVN Paramilitary units.

"Roger".....Radio procedure meaning "I understand".

ROK.....Republic of Korea.

Round.....All the parts that make up the ammunition necessary in firing one shot; One shot fired by a weapon.

RTO.....Radio-telephone operator. The man who carried the radio or whose job is to operate the radio.

"Ruff Puff".....Regional Forces/Popular Forces.

RVN.....Republic of Vietnam.

RVNAF.....Republic of Vietnam Armed Forces.

"Saber".....See radio call signs.

Safe-haven hamlet.....A hamlet under Viet Cong domination, which provides the VC with aid and

comfort, and in which the VC feel safe from Allied attack.

"S & C".....See Search and Clear.

"S & D".....See Search and Destroy.

Sapper.....VC/NVA soldiers who infiltrate friendly positions in order to employ explosives.

Satchel charge.....A number of blocks of explosive taped to a board fitted with a rope or wire loop for carrying and attaching.

"Scarf up".....To seize or capture.

Search and clear.....Clearing operations. Military operation to clear an area permanently of organized VC/NVA main forces, including the provincial battalions, in order to eliminate the immediate enemy threat.

Search and destroy.....Military operation conducted for the purpose of seeking out and destroying enemy forces, installations, resources, and base areas. This term is no longer used.

Sector.....Province military structure.

SFC.....Sergeant First Class.

SGM.....Sergeant Major.

SGT.....Sergeant.

"Shark".....See aircraft names; call signs.

SHELREP.....Shelling report. A report of enemy shelling containing information on caliber, direction, time, density, and area shelled.

SIR.....Serious Incident Report. Report of any incident which may result in damaging public confidence in the US Armed Forces and cause continued or widespread adverse publicity.

SITREP.....Situation report. A report giving the situation in the area of a reporting unit or formation.

SIW.....Self-inflicted wound.

"Six".....Radio call sign normally assigned to a unit commander.

SJA.....Staff Judge Advocate. See Staff.

"Skeeter".....See Radio call signs; aircraft names.

"Slick".....See aircraft names.

"Slope".....Vietnamese person. (GI slang)

Small arms.....All arms, including automatic weapons, up to and including .60 caliber and shotguns.

Solatium.....Payment as compensation for loss or injury.

"Song".....Vietnamese word for river.

SOP.....Standing operating procedure.

Sortie.....An operational flight by one aircraft.

SP.....Specialist.

"Spooky".....See aircraft names.

Spot Report.....A concise narrative report of essential information covering events or conditions that may have an immediate and significant effect on current planning and operations.

Sqd.....Squad.

SSG.....Staff Sergeant.

Staff.....Officers who are specifically ordered or detailed to assist the commander in his exercise of command.

General Staff (GS).....A group of officers in the headquarters of Army divisions or similar or larger units which assist their commanders in planning, coordinating, and supervising

operations. Consists of four or more principal functional systems: personnel (G-1), military intelligence (G-2), operations and training (G-3), logistics (G-4), civil affairs (G-5). G-2 Air and G-3 Air are Army officers assigned to G-2 or G-3 who assist in planning and coordinating joint operations or ground and air units.

Joint Staff.....The staff of a commander of a unified command (such as MACV) which includes members for the services comprising the force. A joint staff may be designated J-1, J-2, J-3, etc. J-5 is Plans and Policy.

Personal Staff.....Such staff officers as the commander elects to coordinate and administer directly, instead of through the chief of staff. The commander's aides are members of his personal staff.

Special Staff.....All staff members having duties at a headquarters and not included in the general staff group or in the personal staff group. Special staff includes aviation officer, staff judge advocate (SJA or JAG), chaplain, Inspector General (IG), provost marshal, adjutant general (AG), etc.

Unit Staff.....In brigades and smaller units, staff sections are designated S1, S2, S3, etc., with duties corresponding to those of the general staff.

"Stand Down".....Assume a lower level of readiness, as to "stand down" from an alert.

"STRAC".....An expression meaning "sharp" or on top of the situation. Formerly "Strategic Army Corps".

Subhamlet.....Subdivision of a hamlet.

Subsector.....District military structure.

Support Command.....See Division Support Command.

Suppressive fire.....Firepower delivered upon a target to discourage or preclude the enemy from

returning the fire.

"Swift Boat".....Vessel employed by the Navy to screen river banks and coast lines.

S1, S2, S3, etc.....See Staff.

TAOI.....Tactical area of interest. An area including, but not necessarily limited to, the TAOR in which the designated US/FWMAF commander is knowledgeable of the location, activities, and operations of all GVN forces and installations, CIDG camps, and RD areas. The TAOI differs from the TAOR in that US/FWMAF commanders are not charged with primary tactical responsibility in the TAOI.

TAOR.....Tactical area of responsibility. An area assigned to a commander who is responsible for installations, the control of movement, and the conduct of tactical operations with troops under his control. All fire and maneuver conducted within the TAOR must be coordinated with the commander.

Task Force.....A temporary grouping of units under one commander, formed for the purpose of carrying out a specific operation or mission.

TF.....Task Force.

"That's affirm".....Affirmative.

The 5 S's.....Procedures for handling prisoners of war, i.e., "Search, Silence, Segregate, Speed, Safeguard".

TL.....Tinh-lo. Vietnamese designation for a provincial highway or route.

TOC.....Tactical operations center. A physical groupment of those elements of an Army general and special staff concerned with current operations and the tactical support thereof.

Track.....Tracked vehicles, i.e. tanks, 'APC's'.

UHF.....Ultra high frequency radio.

USARPAC.....United States Army, Pacific.

USARV.....United States Army, Vietnam.

VC.....Viet Cong.

VCI.....Viet Cong Infrastructure.

VCS.....Viet Cong suspect or Viet Cong sympathizer.

VHF.....Very high frequency radio.

Viet Cong.....Vietnamese words meaning Vietnamese Communist.

Viet Cong Infrastructure.....The political and administrative organization through which the Viet Cong control or seek to control the South Vietnamese people.

Village.....Political subdivision below district level, consists of several hamlets, roughly equivalent to a metropolitan area.

Village Chief.....GVN official governing a number of hamlets, usually a civilian.

VIP.....Voluntary Informant Program. Program whereby Vietnamese are paid for information leading to the capture of weapons, ammunition, equipment, or Viet Cong personnel.

VR.....Visual reconnaissance.

VR Aircraft.....Aircraft utilized to conduct a visual reconnaissance.

VT.....Variable time fuze. A fuze designed to detonate a projectile when activated by external influence other than contact in the close vicinity of a target.

"War Lord".....See radio call signs; aircraft names.

"Waste".....Term meaning to shoot or to kill (GI slang).

Web gear.....Military equipment consisting of a belt and harness made of webbing,

designed to carry pack, canteen, ammunition pouches, etc.

Weapons

AK 47.....Communist-made automatic rifle.

C-4.....Plastic explosive. More powerful than an equivalent weight of TNT.

LAW.....Light antitank weapon. Lightweight weapon carried by an individual soldier which delivers a high explosive projectile against a target.

Minigun.....5.56 millimeter, multi-barreled, extremely high rate of fire weapon.

M-1.....US rifle, caliber .30, M-1, semiautomatic. World War II vintage weapon, no longer issued to US units.

M-16.....US rifle, 5.56 millimeter, M-16, automatic or semiautomatic. Also known as AR-15.

M-18.....US mine, M-18 series. Also known as "claymore".

M-60.....US Machinegun, 7.62 millimeter, M-60. Also known as "60".

M-79.....US grenade launcher, M-79, propels a 40 millimeter grenade.

SKS.....Communist-made carbine.

"8 inch".....8 inch howitzer.

"16".....See M-16.

"45".....US pistol (automatic), caliber .45.

"50".....US heavy machinegun, caliber .50.

"60".....See M-60.

"60mm".....60 millimeter mortar.

"79".....See M-79.

"81mm".....81 millimeter mortar.

"105".....105 millimeter howitzer.

"155".....155 millimeter howitzer.

"175".....175 millimeter gun.

"Willy Peter".....White phosphorus artillery projectile.

WO1.....First Warrant Officer rank.

"8 inch".....See weapons.

"16".....See weapons.

"45".....See weapons.

"50".....See weapons.

"60".....See weapons.

"60mm".....See weapons.

"79".....See weapons.

"81mm".....See weapons.

"105".....See weapons.

"155".....See weapons.

"175".....See weapons.

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d. By the evening of 16 March 68, he knew that at least 20 civilians had been killed in or around My Lai (4), purportedly as a result of artillery, gunship, and small arms fire. However, he did not:

(1) Provide such information to other command and staff elements of the Division headquarters with the result that such information was not entered into the operations log of the division nor reported to higher headquarters in the Division SITREP and/or INTSUM.

(2) Initiate a Serious Incident Report (SIR) to be submitted to higher headquarters in accordance with regulations.

(3) Direct the initiation of an artillery incident report as required by regulations even though some of the civilian casualties were reported as having resulted from artillery fire.

e. At or about noontime on 17 March 68, BG Young, an ADC, informed him of the details of WO1 Thompson's report which had been relayed through LTC Holladay and MAJ Watke. According to MG Koster, the essence of the report was that there had been indiscriminate firing, that extensive firepower had been directed at civilians thereby causing casualties and that a confrontation had taken place between elements of the 123d Aviation Battalion and elements of TF Barker. Although he directed that an investigation be made in response to this information, he failed to:

(1) Issue proper instructions to insure that a thorough investigation would be conducted.

(2) Insure that the information was forwarded to CG III MAF and possibly COMUSMACV.

(3) Inform appropriate elements of the command and staff of the Thompson Report, or advise them that he had directed an investigation.

(4) Properly utilize the investigative elements of the Division staff to insure that an appropriate investigation would be conducted.

f. On or about 20 March 68, he accepted an oral report of investigation presented by COL Henderson and did not:

(1) Ascertain that an appropriate in depth investigation had been conducted.

(2) Require that a report of investigation be submitted in writing along with necessary documentation.

(3) Notify appropriate elements of the Division command and staff that he had received and accepted the oral report of COL Henderson which indicated that the complaints registered by WO1 Thompson were invalid.

(4) Inform the commander of the 123d Aviation Battalion of the submission of COL Henderson's oral report nor in any other way inform WO1 Thompson that his complaints were not supported.

g. About mid-April 68, he received information that the Chief, Son Tinh District, had submitted a report to the Chief, Quang Ngai Province, alleging that American forces had killed approximately 500 civilians in Tu Cung and Co Luy hamlets of Son My Village on 16 March 68. He also received information that VC propaganda broadcasts were stressing that American forces had killed a large number of noncombatants (some broadcasts indicated 500) in Son My Village on or about 16 March. Having received this information, he failed to:

(1) Initiate a staff analysis of these items of information in combination with COL Henderson's report and the operational data resulting from TF Barker operations on 16 March 68.

(2) Inform higher headquarters of the allegations contained in the District Chief's report to the Province Chief or those made in the VC propaganda.

(3) Have orders prepared appointing an investigating officer along with appropriate CID support, as required by MACV Directive 20-4 to insure that the allegations were properly investigated by an independent, disinterested party.

(4) Direct his G2 to initiate an aggressive intelligence collection effort to obtain additional information concerning what might have taken place in Son My on 16 March 68.

h. He indicates that he considered COL Henderson's so-called report of investigation of 24 April to be an inadequate report. However, he failed to:

(1) Insure that COL Henderson had conducted an adequate investigation.

(2) Require information as to who had prepared the statement at Inclosure 1 and the reasons therefor.

(3) Give proper consideration to the reports cited in Inclosure 1, specifically the Son Tinh District Chief's report and the Son My Village Chief's report.

(4) Inform authorities in I Corps, i.e., CG III MAF and LTG Lam, CG ICTZ, concerning the actions he had taken with respect to the allegations and the investigation.

i. As noted in paragraph h above, when he found COL Henderson's report of 24 April to be inadequate, he stated in testimony that he directed that a formal investigation be conducted. However, there is no record of an investigating officer having been appointed nor is there any record in the division of a report of the investigation having been prepared or submitted.

j. Besides the commissions and omissions cited above, there is no testimony to indicate that at any time he took any additional positive or aggressive command action to determine the true facts surrounding the operation of TF Barker on 16 March 68.

k. By retaining unto himself information that at least 20 civilians had been killed and by not reporting such facts, he effectively suppressed information concerning the Son My incident both within and outside the Division.

l. In restricting knowledge of the incident, the investigations, reports, and reviews to a group consisting of BG Young, COL Parson, and himself, he may have initiated a conspiracy to withhold the facts concerning the actions of elements of TF Barker on 16 March 1968.

m. He may have falsely testified on several matters before this Inquiry. For example, he stated that he always kept BG Young and COL Parson completely informed, whereas both of them indicated that they had only a minimum of knowledge concerning his actions. He also indicated that he directed a formal investigation and that he had received a report of said investigation from COL Henderson. This Inquiry did not locate such a formal report of investigation nor is there any indication other than from MG Koster and COL Henderson that such a report was ever prepared or submitted.

2. BG GEORGE H. YOUNG

a. Having received a report from LTC Holladay and MAJ Watke to the effect that WO1 Thompson and other members of the 123d Aviation Battalion had observed a large number of

civilian noncombatants who had been killed unnecessarily during TF Barker's operation of 16 March 68, and that there had been a confrontation between air elements of the 123d Aviation Battalion and the ground elements of TF Barker, he failed:

(1) To convey this same information or the severity of the incident to the Commanding General, according to his own and MG Koster's testimony.

(2) Either to direct or to recommend to the CG that the Commanding Officer of the 123d Aviation Battalion obtain specific details and written statements from the pilots and other crew members who participated in supporting the operation of TF Barker on 16 March.

(3) To recommend to the CG that III MAF, MACV, and USARV be notified immediately and that a SIR should be rendered or an investigation of an artillery incident be initiated.

b. Having received instructions from the CG at about 1200 hours on 17 March to initiate an immediate investigation, he:

(1) Visited TF Barker at LZ Dottie early on the afternoon of 17 March and was briefed by the TF S3 but took no action to employ a ground element, either by land movement or by combat air assault, or an aerial reconnaissance element to ascertain the facts relative to noncombatant casualties in My Lai (4) on the previous day.

(2) Delayed almost 24 hours before issuing such instructions although he had ample opportunity to do so early on the afternoon of 17 March.

c. On the morning of 18 March, he met with COL Henderson and three others in LTC Barker's van at LZ Dottie to discuss the incident. But if his testimony is accurate, he did not issue appropriate instructions to COL Henderson to insure that a proper investigation would be conducted.

d. He had knowledge of the burning of dwellings and shelters in the area of Son My Village and knew this to be contrary to regulations and policy, but took no action to have it officially reported or investigated.

e. Without assuring himself that a proper investigation had been conducted by COL Henderson, he reported its progress and status to the CG. In doing so, he may have contributed

to the impression that a proper investigation had been conducted and thereby influenced the acceptance by the CG of COL Henderson's report of investigation.

f. Having knowledge of the acceptance of COL Henderson's oral report by MG Koster, he did not inform LTC Holladay or MAJ Watke of the results of COL Henderson's investigation or its acceptance by the CG.

g. Having been advised by LTC Guinn, Deputy PSA Quang Ngai Province, concerning the Son My District Chief's report to the Province Chief of the killing of large numbers of civilians by Americans in Son My Village, he failed:

(1) To take positive action to obtain a copy of the report.

(2) To discuss the report in depth with the Province Chief and/or other GVN officials.

(3) To seek out additional information concerning the data included in the report.

h. Having knowledge of (1) the information contained in the District Chief's report, (2) the previously reported activities of TF Barker, (3) the information provided through WO1 Thompson's report, and (4) COL Henderson's oral report of investigation, he failed to correlate the aforesaid information and to advise MG Koster that the information indicated an allegation of major war crimes.

i. Together with the CG, he failed to inform the Division staff of the complaints and allegations which had been made and the actions which had been taken, thereby contributing to the suppression of information concerning the activities of TF Barker on 16 March.

j. Although he virtually disassociated himself from events following COL Henderson's oral report of investigation on about 20 March, the evidence suggests that he was well informed with respect to the issues involved and may have contributed to a conspiracy to suppress information of the incident.

k. There were several instances in his testimony before this Inquiry where he may have testified falsely concerning that which was told to him by LTC Holladay and MAJ Watke and what he reported to the CG. He repeatedly insisted that the civilian casualties were the result of having been caught in a "cross-fire" yet there was no evidence of the ground troops involved having received any opposition.

3. COL ORAN K. HENDERSON

a. When briefed on the concept of the operation of TF Barker into the Son My area, he did not insure that the plan included provisions for handling, screening, and treatment of noncombatants and refugees.

b. After observing the bodies of noncombatnats in and around My Lai (4) during the morning of 16 March, and despite his knowledge that C Company had not encountered resistance, he failed to take effective action to prevent further killing of noncombatants by C Company.

c. He failed to take any action to insure that medical treatment was provided to noncombatants in the Son My area on 16 March.

d. After C Company had reported killing 84 VC in My Lai (4) by 0840 hours on 16 March, he either participated in or condoned the making of fictitious reports to higher headquarters and false entries in official records to the effect that 69 VC had been killed by artillery at a location north of My Lai (4).

e. Having observed on 16 March that many of the dwellings and other structures in My Lai (4) were being burned in violation of division policy and the provisions of pertinent directives, he failed to take any effective action to:

(1) Stop such destruction.

(2) Report the facts to higher headquarters.

f. Having observed the bodies of women and children in and around My Lai (4) on 16 March, and after receiving subsequent reports and information on the same day indicating that many additional noncombatants may have been killed by artillery or gunship, he failed to initiate:

(1) An immediate investigation to determine the extent and the causes of the casualties.

(2) An investigation of an artillery incident, or to recommend that such an investigation be initiated, as required by USARV and Americal Division directives.

(3) A SIR as required by regulations.

g. Having been directed to investigate and report to his commanding officer concerning the Thompson Report and after personally hearing from WO1 Thompson, CWO Culverhouse, and SP Colburn accounts of their observations of the events in Son My Village, he failed to make an appropriate investigation to determine the truth of such reports.

h. Having been directed to investigate and report to his commanding officer concerning the report of WO1 Thompson; having personally interrogated Thompson, Culverhouse, and Colburn; and having failed to make a genuine investigation of their reports, he:

(1) Made a series of false and misleading reports to his commanding officer to the effect that:

(a) He had made a thorough investigation of the Thompson Report.

(b) He had interrogated all of the commanders and many of the soldiers and aviation personnel involved.

(c) WO1 Thompson was the only person he had found who had seen anything unusual on 16 March.

(d) There was no substance to Thompson's allegations.

(2) Concealed the existence of war crimes.

i. About mid-April 1968, having received information that (1) the Son Tinh District Chief had submitted a report to the Quang Ngai Province Chief alleging that US forces had killed approximately 500 noncombatants in Tu Cung and Co Luy hamlets of Son My Village on 16 March 1968, and (2) VC propaganda broadcasts were stressing that US forces had killed a large number of noncombatants in the Son My Village on 16 March 1968, he:

(1) Failed to conduct any investigation of the allegations of the district Chief.

(2) Falsely informed the CG, 2d ARVN Division, and the Province Chief that he had previously investigated similar allegations respecting the 16 March operation and had found them to be entirely without substance.

j. Having been subsequently directed to investigate the allegations of the District Chief and the VC propaganda, and to submit a written report incorporating the evidence he claimed to have collected in response to the Thompson Report, and having made no investigation of such allegations, he submitted to his commanding officer a written Report of Investigation, dated 24 April 1968, which was false and misleading in the following particulars:

(1) While the document purported to be a "Report of Investigation" and implied that he had made an investigation

in response to the allegations of the District Chief, no proper investigation was ever conducted.

(2) It avoided any reference to the Thompson Report.

(3) It falsely stated that his interviews with the TF Barker S3 and the commanders involved revealed that at no time were civilians gathered together and killed by US soldiers.

(4) It falsely stated that 20 noncombatants were inadvertently killed by preparatory fires and in the cross fires of US and VC forces on 16 March 1968.

k. It appears that in conjunction with one or more members of his command, and possibly of the Province Advisory Team, he conspired to withhold and suppress facts concerning the actions of elements of TF Barker on 16 March and information regarding the origin of and basis for a statement dated 14 April 1968 prepared by CPT Rodriguez.

l. He gave false testimony before the Inquiry in a manner calculated to mislead this Inquiry in many particulars. For example, he testified that:

(1) On 16 March 1968 he observed the bodies of only 6-8 women and children in and around My Lai (4).

(2) He directed LTC Luper to investigate whether any artillery rounds landed on My Lai (4) and that LTC Luper thereafter reported to him that an investigation had been made and had disclosed that no artillery had struck the village.

(3) WO1 Thompson was the only individual he spoke with who had observed anything unusual on 16 March.

(4) He had not been directed to submit his written Report of Investigation, dated 24 April 1968, and that the Report was prepared and submitted in order to bring to MG Koster's attention reports and propaganda received from Vietnamese sources.

(5) In May 1968, MG Koster directed a formal investigation be conducted and that he (COL Henderson) directed LTC Barker to conduct such an investigation.

(6) In May 1968, LTC Barker conducted an investigation and prepared a formal report of investigation, including 15-20 written statements of witnesses, which he (COL Henderson) then transmitted to Division.

4. COL DEAN E. HUTTER

a. He may have testified falsely before this Inquiry in a manner calculated to be misleading when he stated he had no knowledge of any reports of civilians being killed by Americans in Son My Village on 16 March 1968, and that he had not attended any meeting wherein such a subject was discussed.

b. Having information available to him of possible war crimes and not ascertaining all of the facts pertaining to the incident and reporting them through his chain of command, DSA ICTZ, he may have contributed to the suppression of information relating to the incident in Son My Village on 16 March 1968.

5. COL (then LTC) ROBERT B. LUPER

a. After observing the bodies of noncombatants in and around My Lai (4) during the morning of 16 March 1968, and despite his knowledge that C Company had not encountered resistance, he failed to take any action.

b. Having observed on 16 March that many of the dwellings and other structures in My Lai (4) were being burned in violation of division policy and the provisions of pertinent directives, he failed to take any action or to insure that the facts were reported to higher headquarters.

c. He failed to report the killings in and around My Lai (4) as a possible war crime in accordance with MACV Directive 20-4.

d. Having received a report that noncombatants had been killed by artillery, he failed to advise the Division Artillery Commander, and he failed either to initiate an investigation of an artillery incident or to recommend that such an investigation be initiated.

6. COL NELS A. PARSON

a. Having received information relating to the Son My incident, he failed to:

(1) Insure that such information was made available to proper elements of the Division staff, especially the Staff Judge Advocate and the Inspector General.

(2) Take steps to insure that a proper investigation was conducted.

(3) Require that a report of suspected war crimes and/or SIR be submitted to III MAF, MACV, and USARV.

(4) Initiate action through the Division Artillery Commander for the investigation of an artillery incident.

b. He failed officially to inform LTC Holladay of COL Henderson's oral report of investigation or its acceptance by the CG.

c. In response to an informal inquiry from CH Lewis concerning the incident, COL Parson:

(1) Contributed to the suppression of information concerning the activities of TF Barker on 16 March 1968 by telling CH Lewis that an investigation was being conducted and that he should not discuss it.

(2) Took no action to insure that such a proper investigation was being conducted.

(3) Took no action to insure that the information he had given CH Lewis was correct.

d. Having knowledge that (1) some civilians had been killed in TF Barker's operation on 16 March 1968, (2) GEN Young had related WO1 Thompson's complaint to the CG, (3) COL Henderson had conducted a so-called investigation, and (4) MG Koster had received and accepted the results of the so-called investigation, COL Parson may have participated in or contributed to a conspiracy to suppress information of the Son My incident.

e. Knowing that the 24 April 1968 Report of Investigation was inadequate, he did not insure that a proper investigation was conducted by issuing orders designating a disinterested investigating officer in accordance with appropriate regulations.

f. He failed to assure the proper control and retention of documents (with the exception of those classified SECRET or higher) such as those relating to the investigation of the Son My incident.

g. Having knowledge of (1) the "close hold" manner in which information concerning the incident was being handled, (2) the fact that the CG had not informed the division staff of his actions in this matter, and (3) LTC Holladay's suspicions of a cover-up expressed upon being shown the 24 April report, COL Parson should have been aware that efforts

were being made to suppress information concerning the incident. If he in fact had such a suspicion, his failure to initiate action to conduct an adequate investigation contributed to the suppression of information regarding the incident.

7. LTC FRANK A. BARKER (DECEASED)

a. He planned, ordered, and actively directed the execution of an unlawful operation against inhabited hamlets which included destruction of houses by burning, killing of livestock, and destruction of crops and other foodstuffs, and possibly the closing of wells. Moreover, he knew there were noncombatants living in Son My Village and, while he did not directly order the killings of such persons, he may have created a belief in the minds of some of the unit commanders that they were authorized to kill any persons found there.

b. He planned an artillery preparation on an inhabited village with disregard for the lives of the inhabitants, in violation of the intent of MACV and III MAF regulations.

c. He failed, in preparing the plans for the Son My operation, to provide for the evacuation and safekeeping of the noncombatants residing in the objective areas.

d. He intentionally or negligently provided to the TF Barker company commanders false intelligence that civilians would be out of the hamlets in the Son My Village area by 0700 hours, 16 March 1968, and indicated that only VC and VC sympathizers would be in the village, thereby contributing to the killing of numerous noncombatants on that date.

e. Having become aware early on the morning of 16 March that many noncombatant residents of Son My were being killed by C/1-20 Inf, he probably conspired with MAJ Calhoun and others to:

(1) Conceal the number of civilian casualties inflicted by C/1-20 Inf in My Lai (4).

(2) Make a false report that 69 VC were killed by artillery fire during the assault on My Lai (4).

f. He probably conspired with MAJ Calhoun and others to suppress information concerning the war crimes committed during the Son My operation.

g. He failed to report the suspected war crimes committed in My Lai (4) as required by MACV Directive 20-4.

h. He failed to report that dwellings were burned in My Lai (4) and other hamlets by C/1-20 Inf and B/4-3 Inf in violation of division policy and the provisions of pertinent directives.

i. He failed to include in operational reports to higher headquarters the 20-30 noncombatant casualties of which he had knowledge.

j. He prepared and submitted a deliberately false and misleading combat after action report covering the 16 March 1968 operation in Son My Village.

k. As the responsible commander, he failed to investigate indications of war crimes as reported to him by MAJ Watke.

8. LTC (then MAJ) DAVID C. GAVIN

a. Having knowledge that his District Advisory Team had received (1) information from the Son Tinh District Chief regarding allegations that American forces had killed approximately 500 civilians at Tu Cung and Co Luy Hamlets of Son My Village on 16 March 1968; (2) information that the District Chief had reported this to the Quang Ngai Province Chief; and (3) a request from the Province Advisory Team for further information regarding these allegations, he:

(1) Did not take the necessary steps to familiarize himself with the available information or to see that a proper investigation was made through resources available to him.

(2) May not have fully informed himself as to the conduct of his command in his absence but, in all events, failed to assure himself that those matters dealt with in his absence were adequately handled.

(3) Failed to report to higher headquarters the allegations of a serious war crime as required by MACV Directive 20-4.

b. By retaining unto himself information possibly received from the Son Tinh District Chief, he may have efectively suppressed information concerning the Son My incident.

c. By action within his District Advisory Team and in conjunction with the Province Advisory Team and TF Barker, he may have participated in a conspiracy to withold facts concerning the actions of elements of TF Barker on 16 March 1968.

d. He may have falsely testified before this Inquiry in a manner calculated to be misleading when he asserted that he had no knowledge of the allegations that American forces had killed a substantial number of civilians in Son My Village on 16 March 1968.

9. LTC WILLIAM D. GUINN, JR.

a. Having received (1) information through Census Grievance Channels regarding the killing of a large number of civilians in Tu Cung Hamlet by an American unit; (2) a copy of the Son Tinh District Chief's report to the Quang Ngai Province Chief alleging that US forces had killed approximately 500 noncombatants in Tu Cung and Co Luy Hamlets of Son My Village on 16 March 1968; (3) information from the Quang Ngai Province Chief concerning the incident; and (4) information that VC propaganda broadcasts were stressing that US forces had killed a large number of noncombatants in Son My Village on 16 March 1968, he:

(1) Failed to report to his superiors and higher headquarters the allegations of a serious war crime as required by MACV Directive 20-4.

(2) Failed to have such information included in the regular monthly report of the Quang Ngai Province Advisory Team.

b. By his handling of information which he received regarding the allegations of a massacre by elements of TF Barker on or about 16 March 1968, he effectively suppressed that information.

c. Having provided certain documents to the CO, 11th Brigade, and in conjunction with members of the 11th Brigade, he possibly participated in a conspiracy to:

(1) Withhold the true facts concerning the actions of elements of TF Barker on 16 March 1968.

(2) Suppress information regarding the origin of and basis for the statement dated 14 April 1968 prepared by CPT Rodriguez.

d. He probably gave false testimony before this Inquiry in a manner calculated to be misleading when he:

(1) Asserted he had only a limited knowledge regarding the reports and investigations in April 1968 relating to the

actions of elements of TF Barker in Son My Village on or about 16 March 1968.

(2) Gave contradictory testimony with that previously given by him to a representative of the Office of the Inspector General.

10. LTC JOHN L. HOLLADAY

a. Having received information that possible war crimes had been committed, he failed to interview or obtain statements from any individual witnesses prior to or immediately following his oral report to BG Young.

b. He failed to follow up on his report to BG Young to determine if a report of investigation had been submitted and reviewed and, as a consequence, failed to provide information concerning the results of the investigation to the officers and men of his battalion who had witnessed the events at Son My.

c. Believing that information pertaining to a possible war crime was being suppressed, he failed to bring this to the attention of higher headquarters.

11. CHAPLAIN (LTC) FRANCIS R. LEWIS

a. Having received from CH Creswell an account of WO1 Thompson's serious allegations of improper conduct by elements of TF Barker, he failed to make a timely and proper report of the matter and to assure that there was an adequate investigation conducted. He limited his action at the division headquarters to informal discussions with various staff officers.

b. Having accepted the assertion that an investigation was being conducted, and while disregarding any admonition not to talk about the matter, he still avoided ascertaining the results of such investigation and made no report back to CH Creswell concerning the results of the investigation.

12. MAJ CHARLES C. CALHOUN

a. Participated in the planning of and assisted in the direction of an unlawful operation by TF Barker against inhabited hamlets which included destruction of houses by burning, killing livestock, destruction of crops and foodstuffs

and possibly the closing of wells. Moreover, knowing that there were noncombatants living in the hamlets, and by indicating that only VC and VC sympathizers were living there, he may have contributed to the killing of noncombatants.

b. He participated in planning an artillery preparation on an inhabited village with disregard for the lives of the inhabitants in violation of the intent of MACV and III MAF regulations.

c. As TF Barker S3, he failed in preparing the plans for the Son My operation to provide for the evacuation and safekeeping of the noncombatants residing in the objective areas.

d. Having become aware early on the morning of 16 March 1968 that many noncombatant residents of Son My were being killed by C/1-20 Inf, he may have conspired with LTC Barker and probably others to:

(1) Conceal the number of civilian casualties inflicted by C/1-20 Inf in My Lai (4).

(2) Make a false report that 69 VC were killed by artillery fire during the assault on My Lai (4).

e. He may have conspired with LTC Barker and probably others to suppress information concerning the war crimes committed during the Son My operation.

f. He failed to report that dwellings were burned in My Lai (4) and other hamlets by C/1-20 Inf and B/4-3 Inf in violation of directives.

g. He failed to include in operational reports to higher headquarters the 20-30 noncombatant casualties of which he had knowledge.

h. He failed to report the suspected war crimes committed in My Lai (4) as required by MACV Directive 20-4.

i. He probably gave false testimony before this Inquiry in a manner calculated to be misleading when he stated that:

(1) The company commanders were not told to burn the villages and destroy livestock.

(2) COL Henderson's investigation concerned only the killing of one civilian.

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(3) He recalled nothing unusual about the radio transmissions monitored in the TF Barker TOC on the morning of 16 March 1968.

(4) To his knowledge, the only rumor of suspicious activity at My Lai (4) was that a pilot had seen an American shoot one Vietnamese.

(5) There was an actual count of 128 VC KIA during the first day of the Son My operation, verified by someone in TF Barker actually seeing or touching each body.

(6) He never heard of a confrontation between a helicopter crew and members of C/1-20 Inf.

13. MAJ ROBERT W. MC KNIGHT

a. He did not take action to insure that the plan for the Son My operation included provisions for the handling, screening, and treatment of noncombatants and refugees.

b. After observing the bodies of noncombatants in and around My Lai (4) during the morning of 16 March 1968, and despite his knowledge that C Company had not encountered resistance, he failed to take any action.

c. Having observed on 16 March that many of the dwellings and other structures in My Lai (4) were being burned in violation of division policy and the provisions of pertinent directives, he failed to take any effective action to:

(1) Stop the destruction.

(2) Recommend to his commander that the burning should be stopped.

(3) Report the facts to higher headquarters.

d. He failed to take any action to insure that medical treatment was provided to noncombatants in the Son My area on 16 March.

e. After C Company had reported killing 84 VC in My Lai (4) by 0840 hours on 16 March, he either participated in or condoned the making of fictitious reports to higher headquarters and false entries in official records to the effect that 69 VC had been killed by artillery at a location north of My Lai (4).

f. Having received a report that noncombatants had been killed by artillery, he failed to recommend to his commander that an investigation of an artillery incident be initiated as required by USARV and Americal Division directives.

g. He failed to report the killings of noncombatants in and around My Lai (4) as a possible war crime as required by MACV Directive 20-4.

h. In conjunction with COL Henderson and possibly members of the Province Advisory Team, he may have conspired to withhold and suppress facts concerning the actions of elements of TF Barker on 16 March 1968 and information regarding the origin of and basis for a statement dated 14 April 1968 prepared by CPT Rodriguez.

i. He may have given false testimony before the Inquiry in a manner calculated to be misleading when he testified that:

(1) On 16 March 1968 he observed only 5 bodies in and around My Lai (4).

(2) He had no knowledge concerning war crimes and violations of regulations committed by TF Barker on 16 March 1968.

(3) He had never heard any report of 69 VC being killed by artillery.

(4) He did not know who had prepared Inclosure 1 to Exhibit R-1.

14. MAJ FREDERIC W. WATKE

a. He gave misleading testimony before the Inquiry in that he withheld details and provided information that was not completely accurate or factual.

b. Having received reliable information of the possible commission of war crimes on 16 March 1968 and, by his own testimony, being of the belief that the ground commander concerned (LTC Barker) had not taken adequate action, he failed to pursue the matter by either aerial reconnaissance of the area or by obtaining additional evidence from those members of his unit who had observed the possible war crimes.

c. Having been apprised of possible war crimes by members of his command and having reported this through the chain of command, he failed to follow through to keep himself

and the members of his unit informed as to the progress and results of the subsequent investigation.

d. Believing that information pertaining to a possible war crime was being suppressed he failed to bring this matter to the attention of higher headquarters.

15. CPT (then 1LT) KENNETH W. BOATMAN

a. Having witnessed, according to his own testimony, the killings of 8 VC suspects by RVN National Police on 16 March 1968 and recognizing that it was a violation of the law of war, he did not attempt to stop the killings and did not report them to his commanding officer as required by MACV Directive 20-4.

b. He observed the burning of subhamlets Co Lay (1), Co Lay (2), and Co Lay (3) by B/4-3 Inf on 17 March 1968 but failed to report this destruction of private property to his commanding officer.

16. REV. (then CPT, CH) CARL E. CRESWELL

a. Having received from WO1 Thompson serious allegations of improper conduct by elements of TF Barker, he failed to report the matter to his commanding officer (Division Artillery Commander) or to the SJA, or the IG.

b. After he reported the matter to CH Lewis and received no satisfactory response, he took no effective action to insure that a proper investigation would be conducted.

17. CPT (then 1LT) DENNIS H. JOHNSON

a. During the morning of 16 March 1968, he observed numerous killings in and around My Lai (4) and, even though as an intelligence officer he was specifically charged by MACV Directive 20-4 to report such crimes, he failed to report them to anyone in authority.

b. He was asked by his interpreter, SSG Minh (ARVN), to intercede with CPT Medina concerning the killing of women and children and, subsequently, to report the war crimes which they had observed to his commanding officer, CPT Labriola, but failed to do so.

c. Despite his position as an intelligence officer, he failed to take positive action to stop the killing of women, children, and other noncombatants.

d. Having knowledge that 4 or 5 VC suspects had been killed by the RVN National Police in the night defensive position of Companies B and C, he did not report such information to any of his superiors.

e. On the afternoon or early evening of 16 March 1968, he may have left the field without authority by departing from the night defensive position of B and C Companies and returning to LZ Dottie with his interpreter.

f. He may have given false testimony to the Inquiry in a manner calculated to be misleading when he stated that:

(1). He provided information of the activities of 16 March 1968 to his commanding officer, CPT Labriola.

(2) SSG Minh and he returned to Duc Pho the evening of 16 March 1968.

18. CPT EUGENE M. KOTOUC

a. Participated in the planning of and the issuance of orders for an unlawful operation by TF Barker against inhabited villages which included destruction of houses by burning, killing of livestock, destruction of crops and foodstuffs, and possibly the closing of wells. Moreover knowing that there were noncombatants living in the hamlets, and indicating that only VC and VC sympathizers were living there, he may have contributed to the killing of noncombatants.

b. He intentionally or negligently provided to the TF Barker company commanders false intelligence that civilians would be out of the hamlets in the Son My Village area by 0700 hours, 16 March 1968, thereby contributing to the killing of numerous noncombatants on that date.

c. He became aware early on the morning of 16 March that many noncombatant Vietnamese residents of My Lai (4) were being killed by C/1-20 Inf. He may have conspired with LTC Barker and probably others to:

(1) Conceal the number of noncombatants killed by C/1-20 Inf in My Lai (4).

(2) Make a false report that 69 VC were killed by artillery fire during the assault on My Lai (4).

d. He may have conspired with LTC Barker and probably others to suppress information concerning the killing of noncombatants during the Son My operation.

e. He failed to report the killings of noncombatants in and around My Lai (4) as a possible war crime as required by MACV Directive 20-4.

f. He authorized the killing of at least one VC suspect by members of the RVN National Police in violation of MACV Directive 20-4.

g. He committed an aggravated assault by repeatedly striking a VC suspect on the back of the hand with the dull edge of a knife.

h. He committed the offense of maiming by cutting off the finger of a VC suspect with a knife during the suspect's interrogations.

i. He may have given false testimony before this Inquiry in a manner calculated to be misleading when he stated that:

(1) The inhabitants of the objective area had been told to leave the area and go to Quang Ngai.

(2) The plan of the Son My operation called for moving the civilians found in the area to Quang Ngai.

(3) The RVN National Police while in support of TF Barker on 17 March 1968 were not under US control.

19. CPT ERNEST L. MEDINA

a. He informed the men of C/1-20 Inf that nearly all the civilian residents of the hamlets in Son My Village would be gone to market by 0700, 16 March 1968, and that any who remained would be VC or VC sympathizers. This caused many of the men in C/1-20 Inf to believe that they would find only armed enemy in the hamlets and directly contributed to the killing of noncombatants which followed.

b. He planned, ordered, and supervised the execution by his company of an unlawful operation against inhabited hamlets in Son My Village which included the destruction of houses by burning, killing of livestock, and the destruct-

ion of crops and other foodstuffs, and the closing of wells; and impliedly directed the killing of any persons found there.

c. There is evidence that he possibly killed as many as three noncombatants in My Lai (4).

d. He probably conspired with LTC Barker and others to suppress information concerning the killing of noncombatants during the Son My operation.

e. He actively suppressed information concerning the killing of noncombatants in Son My Village on 16 March 1968 by:

(1) Telling the men of C/1-20 Inf not to talk about what happened in Son My Village on 16 March.

(2) Advising at least one member of his company not to write to his Congressman.

(3) Giving false reports as to the number of noncombatants killed by the men of C/1-20 Inf and the cause of death.

f. He failed to report the killings in and around My Lai (4) as a possible war crime as required by MACV Directive 20-4.

g. If he in fact believed that 20-28 civilians had been killed in My Lai (4) by artillery or gunship fire, he failed to request an artillery incident investigation.

h. He obstructed an inquiry into the killing of civilians in My Lai (4) by objecting to orders to return C/1-20 Inf to the hamlet for that purpose.

i. He failed to prevent the killing of VC suspects by the RVN National Police on 16 March 1968 and subsequently failed to report these killings as required in MACV Directive 20-4.

j. He personally mistreated a VC suspect during an interrogation on 17 March 1968 by striking him on the head and repeatedly firing an M-16 close to the prisoner's head to induce him to talk.

k. He failed to determine the cause of death of the 20-24 people whose bodies he admitted seeing on the trail leading south from My Lai (4).

l. He gave false testimony before this Inquiry in a manner calculated to be misleading when he stated that:

(1) He did not see any bodies or wounded as he moved within My Lai (4).

(2) Only 20 to 28 civilians were killed by C/1-20 Inf in and around My Lai (4) on 16 March 1968.

(3) He questioned his platoon leaders about killing of civilians in My Lai (4).

20. CPT EARL R. MICHLES (DECEASED)

a. During the afternoon of 16 March 1968, he made a false report that there were no women and children included in the previous reports of 38 VC KIA.

b. Possibly having knowledge of war crimes committed in My Khe (4) on 16 March 1968, he failed to report them as required by MACV Directive 20-4.

c. He failed to prevent the killing of VC suspects by the RVN National Police on 16 March 1968 and failed to report these killings as required by MACV Directive 20-4.

d. On 17 March 1968, he ordered the destruction of the subhamlets Co Lay (1), Co Lay (2), and Co Lay (3) in violation of regulations.

e. During the morning of 19 March 1968, he permitted VC suspects to be severely beaten and subjected to electrical shocks administered to their bodies.

21. MR. (then CPT) DENNIS R. VAZQUEZ

a. While serving as artillery liaison officer with TF Barker on 16 March 1968, he indiscriminately adjusted an artillery concentration onto the populated hamlet of My Lai (4).

b. Although he felt the report of 69 VC KIA by artillery might have been the result of the rounds falling in My Lai (4), he:

(1) Made no attempt to determine whether or not civilians had been killed.

(2) Failed to initiate an artillery incident investigation in accordance with USARV and Americal Division Artillery Regulations.

c. He may have given false testimony before this Inquiry in a manner calculated to be misleading when he stated that he received the report from LT Roger Alaux of 69 casualties by artillery fire which the latter denied.

22. CPT (then 1LT) THOMAS K. WILLINGHAM

a. During the morning of 16 March 1968, he directed the placing of indiscriminate fire into the inhabited subhamlet of My Khe (4).

b. He permitted his men to fire indiscriminately into and detonate explosives in dwellings and shelters at My Khe (4) resulting in the death of at least 15 to 20 women and children.

c. Having knowledge during the morning of 16 March 1968 that the majority of those killed were noncombatants (women and children), apparently he submitted three subsequent reports to his company commander indicating that 12, 18 and 8 VC respectively had been killed.

d. He failed to report the killings of noncombatants in and around My Khe (4) as possible war crimes as required by MACV Directive 20-4.

e. He gave false testimony before a representative of the Inspector General's office in a manner calculated to be misleading pertaining to the number of Vietnmese casualties counted in My Khe (4) on 16 March 68, and the extent of the enemy resistance encountered during the operation.

23. 1LT (then 2LT) WILLIAM L. CALLEY

a. He ordered the execution by his platoon of an unlawful operation against inhabited hamlets in Son My Village, which included the destruction of houses by burning, killing of livestock, the destruction of crops and other foodstuffs, and the closing of wells; and expressly ordered the killing of persons found there.

b. He directed and supervised the men of his platoon in the systematic killing of many noncombatants in and around My Lai (4).

c. He personally participated in the killing of some noncombatants in and around My Lai (4).

d. He failed to report the killings of noncombatants in and around My Lai (4) as a possible war crime as required by MACV Directive 20-4.

24. MR. (then 1LT) ROGER L. ALAUX, JR.

a. Having knowledge of war crimes committed in and around My Lai (4), he failed to report them as required by MACV Directive 20-4.

b. Having witnessed the killings of 4 or 5 VC suspects by RVN National Police on 16 March 1968 and recognizing that it was a violation of the law of war, he did not attempt to stop the killings and did not report them to his commanding officer as required by MACV Directive 20-4.

25. 2LT STEVEN K. BROOKS (DECEASED)

a. He ordered the execution by his platoon of an unlawful operation against inhabited hamlets in Son My Village, which included the destruction of houses by burning, killing of livestock, and the destruction of crops and other foodstuff, and the closing of the wells; and expressly or impliedly ordered the killing of persons found there.

b. He directed and supervised the men of his platoon in the systematic killing of at least 60-70 noncombatants in the subhamlets of My Lai (4) and Binh Tay.

c. Although he knew that a number of his men habitually raped Vietnamese women in villages during operations, on 16 March 1968, he observed, did not prevent, and failed to report several rapes by members of his platoon while in My Lai (4) and Binh Tay on 16 March.

d. He failed to report the killings of noncombatants in and around My Lai (4) as a possible war crime as required by MACV Directive 20-4.

26. MR. (then 2LT) JEFFREY U. LA CROSS

a. He ordered the execution by his platoon of an unlawful operation against inhabited hamlets in Son My Village, which included the destruction of houses by burning, killing of livestock, and the destruction of crops and other foodstuffs, and the closing of the wells; and expressly or impliedly ordered the killing of persons found there.

e. He may have wrongfully appropriated and disposed of photographs taken as an Army photographer on an assigned operational mission in support of a combat unit.

30. MR. (then SP5) JAY ROBERTS

a. As stated before this Inquiry, during the morning of 16 March 1968 while in support of C/1-20 Inf, he:

(1) Made no attempt to stop any of the acts he witnessed despite the fact that he realized that such acts violated the law of war.

(2) Failed to report the killings of noncombatants in and around My Lai (4) as required by MACV Directive 20-4.

(3) Failed to report the crimes he had witnessed to CPT Medina; the TF Commander, LTC Frank A. Barker; or to his superiors, LT John W. Moody, LT Arthur J. Dunn, or SGT John Stonich.

b. He subsequently prepared an article for the brigade newspapers which omitted all mention of the war crimes he had observed and gave a false and misleading account of the Task Force Barker operation.

b. He directed and supervised the men of his platoon in the systematic killing of many noncombatants in and around My Lai (4).

c. It is possible that he killed at least one noncombatant female near My Lai (4) during the Son My operation.

d. He failed to report that a VC suspect had been beaten and maimed during his interrogation in violation of MACV Directive 20-4.

e. He failed to report the killings of noncombatants in and around My Lai (4) as a possible war crime as required by MACV Directive 20-4.

27. 2LT MICHAEL L. LEWIS (DECEASED)

Having witnessed the destruction of the subhamlets Co Lay (4), Co Lay (2), and Co Lay (3) during the afternoon of 17 March 1968, he failed to report the destruction of private property in violation of division policy and the provisions of pertinent directives.

28. MR. (then 1LT) JOHN E. MUNDY

Having witnessed the destruction of the subhamlets Co Lay (1), Co Lay (2), and Co Lay (3) during the afternoon of 17 March 1968, he failed to report the destruction of private property in violation of division policy and the provisions of pertinent directives.

29. MR. (then SGT) RONALD L. HAEBERLE

a. He made no attempt to stop any of the acts he witnessed on 16 March 1968 despite the fact that such acts violated the law of war.

b. He failed to report the killings of noncombatants in and around My Lai (4) as required by MACV Directive 20-4.

c. He withheld and suppressed photographic evidence of war crimes in violation of MACV Directive 20-4.

d. He failed to report the crimes he had witnessed to CPT Medina; the TF Commander, LTC Frank A. Barker; or to his superiors, LT John W. Moody, LT Arthur J. Dunn, Jr., or SGT John Stonich.