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1 Testimony of SP 4 William F. Doherty,
2 RA 11 620 737, Co B, 2d Bn, 41st Inf,
3 Fort Hood, Texas, taken at Office of
4 Inspector General, III Corps, Fort
5 Hood, Texas, at 1210 to 1422 hours on
6 5 May 1969, by Colonel William V.
7 Wilson, IG.

8
9 Q. I am from the Office of The Inspector General
10 at Department of the Army. Our offices are in Washington
11 and Mr. Smith is also assigned to that office. For your
12 information this investigation concerns the alleged de-
13 struction of a village in South Vietnam nicknamed Pinkville
14 which was approximately five or six miles north of Quang
15 Ngai City at coordinates 728795. The incident allegedly
16 occurred in March 1968 during the time Co C, 1/20th, Task
17 Force Barker, conducted search and destroy operations on
18 the Batangan Peninsula. The investigation is official and
19 it is being made at the direction of the Chief of Staff of
20 the Army. The investigation is privileged in the sense
21 that my report will be made directly to the Chief of Staff
22 for such use as he deems fit. The substance of this in-
23 vestigation, the questions and answers that we discuss,
24 should not be discussed with others. It will carry a
25 CONFIDENTIAL classification, at least initially. The
26 purpose of the investigation is to determine the facts of
27 this incident. I'd like to place you under oath. Will you
28 stand and raise your right hand?

29
30 (The witness was sworn.)

31
32 A. Please state your full name.
33 A. William Frederic Doherty.

34
35 Q. Grade?
36 A. Excuse me, sir?

37
38 Q. Grade?
39 A. Spec 4.

40
41 Q. Serial number?
42 A. RA 11 620 737.

43
44 Q. Organization?
45 A. B Co of the 2d Bn of the 41st Inf.

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Q. Present duty station and present duty assignment?
A. Station?

Q. Fort Hood.
A. Fort Hood, Texas.

Q. And duty assignment?
A. Infantry as a rifleman.

Q. What was your duty assignment in March 1968 at the time Task Force Barker was conducting search and destroy operations?

A. I was a point man, rifleman for the 2d Platoon of Charlie Co, 1/20th.

Q. 2d Platoon. I am going to give you a warning and I want you to listen carefully to it and anything that you don't understand you can ask me after I finish. Now this warning is a requirement and if you don't have anything to hide you can use your own judgment on it.

Doherty, you are advised that you are suspected of having committed a war crime, to wit: Wrongful destruction of a village and murder of Vietnamese civilians in violation of Articles 109 and 118, Uniform Code of Military Justice.

Now you have a right to consult counsel and have counsel with you during the interrogation. Counsel may be civilian counsel provided by you at your own expense, or military counsel of your own selection if reasonably available at no expense to you, or military counsel appointed for you at no expense to you. By counsel I mean a lawyer.

You are further advised that in the event you do desire counsel with you during this interrogation, that counsel is here solely as your advisor. He may not answer questions for you, but at any time you desire you may confer privately with your counsel.

If you decide to answer questions now without having counsel present, you may stop answering questions at any time. Also, you may request counsel at any time during questioning. Do you understand what I have told you?

A. Yes, sir.

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1 Q. Well, do you want counsel?

2 A. I think I should sir.

3
4 Q. All right.

5 A. Sir, I am being charged with murdering people?

6
7 Q. No, you are not being charged with anything. I
8 said you are suspected.

9 A. Well, I think if this is right I will be charged
10 with murdering people.

11
12 Q. I don't know what the legal disposition of this
13 investigation will be. My report goes to the Chief of Staff.
14 I am not here as a Judge Advocate officer. I am here merely
15 to make an investigation. There is a possibility that if
16 this allegation is true that you can be subjected to court-
17 martial.

18 A. I see, sir.

19
20 Q. But remember I said at any time that you don't
21 want to answer questions you can stop.

22 A. Yes, sir. Then I will go ahead and--

23
24 Q. (Interposing) And check the questions?

25 A. Yes, sir. I'd like to find out.

26
27 Q. Then you want to make a statement and answer
28 questions?

29 A. Unless it sounds like it is going to commit me
30 to something, I will answer your questions, sir.

31
32 Q. All right. Please describe in detail the events
33 which occurred when Co C, 1/20th Infantry of Task Force
34 Barker, conducted search and destroy operations in the
35 vicinity of a village nicknamed Pinkville north of Quang
36 Ngai City, South Vietnam, and include in this description
37 any dates, if you can.

38 A. Well, I don't really remember the dates, but I
39 remember being on a--it was a base camp south of Duc Pho--
40 I don't exactly remember the name of it--and we were on a
41 stand-by, and they told us we had, we were called for a CA
42 into what they called Pinkville, and it was completely NVA.
43 They told us that anything that was alive in there was NVA.
44 This is the word I got down from the lieutenant who was in
45 charge of our platoon at that time.

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1 Q. What occurred during this period?

2 A. After we were in--we received fire going in.
3 Our platoon was the second platoon in--no, the third,
4 excuse me. It was the third platoon in, and the first
5 platoon and the second platoon that went in both received
6 fire. As we got off the choppers we received small arms
7 fire--not very much as the first and second had already
8 gone through. We were just picking up stragglers, anybody
9 the first and second platoons had missed.

10
11 The first person that we did kill in this area
12 was carrying a carbine, a weapon. Then we just pushed
13 through the village and what I saw there, sir, I don't
14 really know for sure because of the orders to kill every-
15 thing, but a lot of the people I don't think should have
16 been killed. In fact, I dream about it a lot. I still do.

17
18 Q. Who told you anything alive should be killed?

19 A. This was the third--well, more or less down the
20 line, like we never really got the word directly from the
21 captain. I don't know what he put out to the lieutenants,
22 and I don't know what they put out to the squad leaders,
23 but from the squad leaders what we got was that it was
24 completely NVA and anything you saw moving would be NVA,
25 carrying a weapon or having something to do with NVA, would
26 be carrying a mine or anything, and, well, any living thing
27 there shouldn't be there to begin with is what it was, and--

28
29 Q. (Interposing) So you got this from your squad
30 leader. Is that correct?

31 A. Yes, sir.

32
33 Q. Who was your squad leader?

34 A. I don't remember, sir, we had so many of them.

35
36 Q. Do you remember the platoon leader?

37 A. The lieutenant in charge?

38
39 Q. At that time.

40 A. No, sir, I don't. I have a bad memory, an ex-
41 tremely bad memory, especially while we were over there.

42
43 Q. Who was CPT Ernest L. Medina?

44 A. He was our captain of Charlie Co, 1/20th.
45

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1 Q. Did CPT Medina hold a meeting of the entire
2 company prior to this operation?

3 A. Yes, sir, I think he did, but I wasn't there.
4

5 Q. Where were you?

6 A. I was in a bunker. We were all building bunkers
7 at that time and I never did get up there. I think we were
8 mixing napalm in barrels to protect the base camp that we
9 were on and most of our detail didn't make it to his meeting
10 and we moved out very fast.

11
12 Q. Do you know if CPT Medina ordered the destruction
13 of the village and its inhabitants?

14 A. No, sir, I don't.
15

16 Q. Who was CPT Medina's radio operator?

17 A. I'd have to think about that a long time. I can't
18 recollect.
19

20 Q. Did you see CPT Medina on this operation?

21 A. No, sir. He was with the second platoon in I am
22 pretty sure. We were one of the last to go in.
23

24 Q. Did you see CPT Medina's radio operator on this
25 operation?

26 A. He usually followed the captain, sir.
27

28 Q. Did you hear of any incident involving this radio
29 operator during the operation?

30 A. No, sir.
31

32 Q. As far as killing a young Vietnamese boy?

33 A. No, sir. There was one incident about killing
34 a young Vietnamese boy when our platoon went by. There
35 was a pile of people--that is exactly what it was, a pile
36 of people--and it was really tall grass, and the boy got
37 up from it and he ran and somebody said, "There is somebody
38 running with a gun. Shoot him," and three or four people
39 turned around and shot and the boy was killed. Other than
40 that, I don't know of anything. He was really young, but
41 the Vietnamese people are small to begin with. They don't
42 grow over four feet or four feet five. I saw him myself
43 and he was behind the grass and he did look like something
44 was the matter, but I guess he was running from being so
45 scared.

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1 Q. What is the normal procedure for bringing people
2 under fire like that on your operations with C Co? What
3 did you do?

4 A. We usually got on line, walked to the villages.
5 These villages were not supposed to be there. We destroyed
6 them, we burned them, and I am pretty sure they told us to
7 poison the wells by putting a dead animal in. We checked
8 the houses and looked for mines or hand grenades, weapons,
9 anything along those lines. Each house usually has one
10 tunnel in the back or a bunker and if we find one tunnel
11 we will check it out, go right on through the village.
12

13 Q. Was this the procedure that you used for Pinkville?

14 A. Yes, sir.

15
16 Q. Was Pinkville burned?

17 A. Yes, sir, it was burned. After we would go by we
18 would usually set fire to the hootches.
19

20 Q. Were most of C Co's operations search and destroy
21 or search and clear prior to the Pinkville operation?

22 A. Well, I'd say about half, because most of the
23 villages we came across were just on a, well, I am not
24 really sure because when you are in the infantry you don't
25 know what is going on. I can't say it is search and destroy
26 or search and clear, but I'd say half the villages, or at
27 least one-quarter, we burned afterwards.
28

29 Q. Were you normally told whether or not you were
30 supposed to destroy the village?

31 A. Not that I remember, sir. We were usually briefed
32 on what was in the village or what was suspected to be in
33 the village and just the outline of the whole village,
34 whether it was NVA- or VC-suspected, and usually, I guess
35 during the attack on the village as we swept through the
36 village they'd say whether or not to destroy it or burn it.
37 Most of the time it ended up breaking a lot of pots and
38 everything looking inside them for weapons and messing it
39 up quite a bit, but we had to look for weapons.
40

41 Q. You said you dream of this action often. Was
42 this a worse situation than you had had in the past as far
43 as Vietnamese fatalities were concerned?

44 A. We had never--before this we only came across small
45 platoons and companies, very small, very few NVA or VC, and

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1 mostly they were snipers. This had been the first village
2 where there was quite a bit of killing and there was a lot
3 of women and children killed. That's what I think about
4 and they were just all over the village. We walked by it
5 the next day and there was so many flies we covered our
6 faces as we walked through it.
7

8 Q. Did you see the combat actions which caused the
9 death of all these people?

10 A. Sir, we were the third platoon through, like I
11 said, and they took care of most of the weapons, as far as
12 I know. They did get a lot of fire as they came in. I
13 know that because we were kind of edgy on going in because
14 the first platoon got shot at so much. I guess they took
15 care of most of it because we didn't get shot at that much.
16 I figured maybe 10 or 15 weapons at the most were firing at
17 us coming through.
18

19 Q. What was the mission of your platoon?

20 A. Well, our mission--well, we were supposed to pick
21 up the stragglers, the people with weapons mostly, and any-
22 thing that they missed we were supposed to find. That was
23 our main purpose, as far as I know.
24

25 Q. Did you notice any difference in the attitude of
26 the company for this mission as compared to the other
27 missions in the past?

28 A. Yes, sir, because of the killing.
29

30 Q. I mean before the operation.

31 A. Difference?
32

33 Q. Was there any difference in overall attitude of
34 C Co in conducting this operation?

35 A. How do you mean--like excitement or--
36

37 Q. (Interposing) Well, let me use the word vengeance.
38 Had you lost casualties in this area before?

39 A. Yes, sir. Two days before that--maybe not even
40 two days. I don't remember the span of time between it,
41 but there was one person killed and four people wounded
42 badly on a mine, and one on a round, an artillery round.
43

44 Q. Well, when the men went into this village was
45 there any difference in their attitude toward this village

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1 as opposed to any other village you conducted operations in?

2 A. Well, as far as I saw, sir, they were a little bit
3 more anxious because they were told it was completely NVA
4 and I guess because of the people hurt before, I guess you
5 would call it vengeance.
6

7 Q. I don't want to put words in your mouth. Maybe
8 it is only the way I asked about the attitude. You keep
9 mentioning that the people there were NVA. Were they NVA
10 or VC?

11 A. That I couldn't tell you.
12

13 Q. Well, normally how would you determine the dif-
14 ference between a civilian and a VC?

15 A. Well, there is hardly any difference except for
16 usually a weapon or hand grenade or some type of arms on
17 a Vietnamese person. The NVA, of course, wore a khaki
18 uniform most of the time.
19

20 Q. Was the procedure normally in your unit to fire
21 on anything that ran from you? I am speaking of the unit
22 as a whole.

23 A. More or less it was, sir.
24

25 Q. When you went to Vietnam were you briefed on how
26 or what to do in a situation like this when people get up
27 and run?

28 A. I don't remember, sir.
29

30 Q. Do you know if the villagers in this town were
31 warned in any way that this operation was coming off?

32 A. I believe they did, sir. I believe they told
33 them prior to it. At least, that's what I have heard, that
34 they did inform these villagers quite a few times to move
35 out of the area. We have had in Pinkville--we have had
36 people pinned down, and people killed in the area.
37

38 Q. Had C Co been in Pinkville before?

39 A. Yes, sir--not in that town, but in and around that
40 area quite a few times.
41

42 Q. Have you ever seen a map of that area?

43 A. Yes, sir.
44

45 Q. I will show you Map Sheet 6739 II Series L7014

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1 titled Quang Ngai. It is 1:50,000 scale. (Colonel Wilson
2 showed the map to the witness.) Can you identify Pinkville?

3 A. No, sir, I couldn't.

4
5 Q. This is Highway 1.

6 A. I know Pinkville was pink on our maps. It might
7 be--I am not really sure, sir. I couldn't tell you.

8
9 Q. When you were taken in by helicopter how close
10 were you landed in proximity to the village?

11 A. I thought we landed--well, how close to that
12 village, the first village we went through?

13
14 Q. Yes.

15 A. Approximately two clicks, 2,000 meters.

16
17 Q. You went to the first village then?

18 A. Yes, sir. The operation was supposed to be 15
19 villages.

20
21 Q. Were all of the villages treated the same?

22 A. No, sir, just the first one and a half--well, two
23 villages. From what I thought, we had stopped burning and
24 taken quite a few more prisoners than the first village.
25 The first village we went through we took hardly any
26 prisoners, just a few women and children and very old men.

27
28 Q. You mean detainees or prisoners?

29 A. Well, detainees. I guess they were civilians.
30 The morale of our people, I know in the first village,
31 nobody wanted to go any further.

32
33 Q. Then really the most of the action was carried by
34 the 1st and the 3d Platoons?

35 A. Most by the first two platoons in.

36
37 Q. You were in the 2d?

38 A. Yes. In fact, I am glad we were the third ones
39 in. Almost everything was conducted by the 1st and 3d
40 Platoon.

41
42 Q. You said those platoons received quite a bit of
43 small arms fire when they assaulted?

44 A. Yes, sir, that is what we were told. We were
45 still on the chopper pad when they had landed already.

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1 They had to come back and get the next platoon and put them
2 in before they put us in, and from what the door gunners
3 said to us on the helicopters as they came back the last
4 time they said there was automatic weapons fire and small
5 arms fire as they went in. What they said was it was very
6 lousy.

7
8 Q. Some of the reports have indicated that many of
9 these civilians may have been caught in cross fire. Do you
10 think this was possible?

11 A. It might have been, sir. You mean between the
12 Americans and the Vietnamese? Well, sir, it has happened
13 before with us that the NVA get in back of a village and
14 they fire through the village to us and it puts us in a
15 bind where we don't want to fire into a village and they
16 can get as many casualties as they think is needed, and we
17 were always going real slow through villages looking for
18 whatever is in there, snipers and mines and things. That
19 might have happened. I am not sure. The first guy with the
20 carbine as we went in, he was on the outside of the village,
21 more or less. Well, we got of here (indicating) and the
22 village was here (indicating) and he was right over here
23 (indicating) and he fired at us and I think a Mormon kid
24 got him.

25
26 Q. Who?

27 A. A Mormon kid, I think.

28
29 Q. What weapon were you armed with?

30 A. M-16.

31
32 Q. Do you know a PFC Charles D. Gruver?

33 A. Yes, sir.

34
35 Q. What platoon was he in?

36 A. He was in the 2d Platoon. He was armed with an
37 M-79.

38
39 Q. Did you see him on this operation?

40 A. Yes, sir, I did.

41
42 Q. Did you see him in any combat action on this
43 operation?

44 A. Not very much. Like I say, he was carrying an
45 M-79 and that can't be used, of course.

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Q. Was there an artillery preparation prior to the assault?

A. I don't know, sir.

Q. Do you normally have an artillery concentration prior to your assaults?

A. Well, if there is quite a few suspected enemy in there I guess they do, but then again they won't use artillery if there is civilians in there. I don't know whether they did then or not, sir. I couldn't tell you.

Q. Do the civilians normally go below ground when these operations start?

A. No, sir, I don't really think so. Some of them do as the artillery comes in and, of course, they hide where they can. They try to hide. Of course, the enemy hide anywhere they can, too, but a lot of them do run. Most of the villagers when they see GI's coming will run.

Q. Do you know if the villagers have ever been told not to run?

A. I don't know, sir.

Q. Did you see any leaflets in the area?

A. I think there was, but I am not sure.

(At this point there was a brief recess.)

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

A. Yes, sir.

Q. Did a man in your squad or your platoon shoot himself in the foot to avoid the attack?

A. Yes, sir, that was what I understood. He did get shot in the foot and it was by his own rifle. He was a-- when he was leaving I knew him. He was a colored kid and I--he just said that he was finally getting out of this.

Q. When did he say that?

A. We were almost, well, I'd say about two-thirds through the first village when this happened and he said that.

Q. What did he say?

A. In fact, right after that, either before or right

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1 after when this young kid was shot and ran.

2
3 Q. Did he say why he shot himself?

4 A. No, we didn't have time to talk to him. I didn't
5 anyway. I don't know if there was anyone there who did.
6 They carried him by us as he was getting on the med evac.

7
8 Q. Who was this?

9 A. I don't remember his name. I know he was a
10 beautician or hairdresser in civilian life and he was a
11 good kid, but I don't remember his name.

12
13 Q. Who was LT Bernard J. Kallai?

14 A. I think he was the 1st Platoon leader. They were
15 the first ones through.

16
17 Q. Did you see him on this operation?

18 A. No, sir, they were too far ahead of us.

19
20 Q. Did you hear of any of his actions on the operation?

21 A. Yes, I have heard of a few, that he was on this
22 platoon that killed a lot of people that he thought, I guess,
23 ought to be killed. There was one incident after we fin-
24 ished the villages--this is what I heard--that a kid, a point
25 man of his platoon, stepped on a mine and caught his foot on
26 it, and after they stopped and started fixing him up he
27 turned around to the lieutenant and said--I forget how he
28 put it. He said, "God punished me for what I did and He
29 will punish you," or something of that nature. The things
30 that I heard about LT Kallai weren't good. I can't explain
31 to you all of them. In fact, I didn't pay too much attention
32 to most of them, but he was the 1st Platoon.

33
34 Q. Were you ever on any operation with him?

35 A. No, sir, I was never in his platoon, if that is
36 what you mean. He was always quite a bit away from me.

37
38 Q. Did you ever see him in combat action?

39 A. Not that I remember, sir. We were usually in-
40 volved with our own platoon.

41
42 Q. Do you know if he rounded up groups of civilian
43 men, women and children?

44 A. I don't know for sure, but that is what I heard.
45

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1 Q. Did he order these groups machine-gunned?

2 A. From what I heard he did.

3
4 Q. Who told you this?

5 A. I don't remember. It was a lot of people talking
6 about it when I heard it. I don't know who exactly told the
7 story about it.

8
9 Q. Do you know who he ordered to machine-gun these
10 villagers?

11 A. No, sir. I do know a machine gunner in his platoon
12 and I talked to him and he wasn't the one.

13
14 Q. Who is that?

15 A. He was a Mexican kid. I think his name is Torres.

16
17 Q. Do you know if this order was carried out?

18 A. Well, from the result when we went through it
19 looked like it was. From what I heard, sir, he gave direct
20 orders.

21
22 Q. Did the lieutenant machine-gun these people?

23 A. I don't know, sir.

24
25 Q. Who was PFC Michael B. Terry?

26 A. That was the Mormon kid.

27
28 Q. What was his duty assignment?

29 A. He was a rifleman the same as I was. I don't know--
30 yes, he was just a rifleman.

31
32 Q. Was he with you on this operation?

33 A. Most of the way through, sir.

34
35 Q. Did he fire on wounded civilians?

36 A. Sir, would these type of answers get him involved?

37
38 Q. Well, yes.

39 A. Well, I'd--

40
41 Q. I want to ask you this question. I withdraw the
42 question at this time. These Vietnamese, whether they were
43 VC or civilians or whatever, that were left in the village
44 when you got there, would you have any way of knowing who
45 killed these people?

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1 A. Who killed the Vietnamese who were wounded?

2
3 Q. No, the ones left in the village--well, either
4 wounded them or killed them.

5 A. Do I know who did it?

6
7 Q. Yes.

8 A. No, sir. We, most of the platoon, were shooting
9 at people who were running and there were a lot of them that
10 looked like they did have weapons. Those are the ones we shot
11 at directly. In fact, we were getting orders from helicopters
12 that had been flying around on top of us that NVA were running
13 around the village and were running out of there with weapons
14 and they'd give us orders to jump across there and try to
15 find that person who had a weapon and if we saw somebody in
16 the vicinity running we usually shot them and then we would
17 go see if they had a weapon.

18
19 Q. Did any of the helicopters provide supporting fire?

20 A. Yes, sir, they were firing.

21
22 Q. Do you think that the majority of these Vietnamese
23 casualties occurred from helicopter or ground fire?

24 A. I couldn't say. There must have been casualties
25 from helicopters because they fired automatically.

26
27 Q. Was this normal procedure for helicopters to
28 provide this fire?

29 A. Support fire, yes, sir.

30
31 Q. Do you know if LT Kallai ordered PFC Torres to
32 open fire on villagers in groups?

33 A. I don't know for sure, sir.

34
35 Q. Do you know if Torres obeyed the order?

36 A. I can't say, sir. I heard he grouped them up and
37 automatic weapons fired on them, but I don't know whether
38 he did or not.

39
40 Q. Do you know PFC Michael Bernhardt?

41 A. Yes, I do.

42
43 Q. Did you ever hear right after this operation that
44 CPT Medina said anything to him directly?

45 A. No, I don't know.

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Q. Did PFC Bernhardt participate in the attack?

A. As far as I know he was with us, sir.

Q. He was in your squad?

A. No, sir, I believe he was in the 3d Squad. Well, I was in the 3d Squad. I think he was in the 1st.

Q. Did you see him?

A. Excuse me, sir, I don't think he was with us because he was another platoon. He was with us in Hawaii and that is why I get mixed up. He got here in the 1/20th and I think he was put in the 3d Platoon.

Q. Did you see him on this operation?

A. Not that I remember.

Q. Do you know SGT Lawrence C. La Croix?

A. That was our platoon leader.

Q. SGT La Croix?

A. Oh, La Cross. Yes, I know him. He was also with us in the long range patrol unit in Hawaii. I forget what platoon he was in. I think he was put in LT Kallai's platoon, the 1st Platoon.

Q. Did you see him on this operation?

A. No, sir, not that I remember.

Q. Who was LTC Edwin D. Beers?

A. He was the colonel in charge--I think he was in charge of the operation.

Q. Did you see COL Beers on this operation?

A. No, sir.

Q. Who was LTC A. L. Russell?

A. I don't know, sir.

Q. Who was MAJ James R. Bell?

A. I couldn't tell you that, sir.

Q. Who was MAJ Peter L. Clifford?

A. I don't know, sir.

Q. Do you know LT Thomas K. Willingham?

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1 A. LT Thomas K. Woodingham?

2 Q. Willingham.

3 A. Willingham? No, sir.

4 Q. How long was Task Force Barker away from the base
5 camp on this operation?

6 A. On this operation?

7 Q. On this particular operation.

8 A. Sir, do you mean from the time we left into the
9 villages until the time we returned? I couldn't say for
10 sure, sir. I think--I am not sure. I couldn't say.

11 Q. Well, over what period of time was Pinkville under
12 attack? How long?

13 A. I don't know, sir. I have no recollection of time
14 from Vietnam. In fact, half the time I didn't even know what
15 month it was.

16 Q. Do you know what the other two companies were
17 doing while C Co was moving through the village?

18 A. No, sir. I think they were blocking for us, or
19 they were sweeping from the other area.

20 Q. Towards C Co?

21 A. Yes, sir.

22 Q. Do you know what the enemy strength in that area
23 was?

24 A. No, sir. It was believed to be, I guess, a
25 division. I am not sure. That's what we thought it was.

26 Q. But were these other two companies involved in
27 any way in the first village?

28 A. No, sir.

29 Q. Do you know what the Vietnamese name of the village
30 was?

31 A. No, sir.

32 Q. Do you know how many casualties C Co had in this
33 village?

34 A. Approximately--I think it was about 200.

35 Q. For the company?

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1 A. I think so, sir. I am not sure, sir, how much
2 it was.

3
4 Q. What would your estimate be on the number of
5 civilians killed in that village?

6 A. Civilians? I don't really know, sir. There was
7 quite a few.

8
9 Q. Were any civilians left alive?

10 A. Yes, sir.

11
12 Q. How many?

13 A. I don't know exactly.

14
15 Q. Do you know who they were?

16 A. The civilians? No, sir.

17
18 Q. Where were they?

19 A. Well, a lot of them--well a lot of them were left
20 running. We stopped firing because we weren't getting very
21 much fire back in and I believe the NVA did run out and the
22 civilians that were running we left running and they got
23 some old men and women and children, too, and they brought
24 them back in. I don't know exactly how many there were,
25 but there was a few.

26
27 Q. What happened to these people?

28 A. I don't know. I guess they were taken out by
29 helicopter and given another piece of land or something.
30 I don't know what happened to them.

31
32 Q. Were the villagers sympathetic to the NVA or VC?

33 A. There? Yes, sir, definitely.

34
35 Q. What percentage, would you say?

36 A. They told us a hundred per cent and that is what
37 I think it was.

38
39 Q. Was any attempt made to interrogate the villagers
40 to determine their sympathy?

41 A. I believe there was before the village. That is
42 how they got the information. I don't know where the in-
43 formation comes from, sir, but I know there must be in-
44 vestigations. For a fact I know we were told it was a
45 hundred per cent NVA or VC sympathizers.

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1 Q. Do you know who told you that?

2 A. No, it was told--I think it was told by CPT
3 Medina to the company and then I was told afterward.
4

5 (At this point there was a brief recess while Colonel
6 Wilson received a long distance telephone call.)
7

8 Q. I want to remind you you are still under oath.

9 A. Yes, sir.
10

11 Q. Did you see any medical attention being given to
12 any of the wounded civilians or VC?

13 A. I don't remember, sir. I think there was.
14

15 Q. Did you have a platoon medic?

16 A. Yes, sir, every platoon has a medic.
17

18 Q. Did you see the medic on this operation?

19 A. Very little. When I did see him it was just passing
20 by. He usually stayed with the lieutenant.
21

22 Q. Did you see SGT La Croix on this operation?

23 A. Not that I remember. I am pretty sure he was with
24 the 1st Platoon.
25

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

27 A. Sir, that was why--I think that was why I said the--
28 we only went to one and a half villages, because we weren't
29 even through the first village when they said stop everything.
30 I don't know whether it was phrased stop the slaughter, but
31 just stop everything.
32

33 Q. Where did this come from?

34 A. I don't remember. I think from the lieutenant.
35

36 Q. From the lieutenant?

37 A. Yes, sir, I believe he got it from higher up. I
38 am not sure.
39

40 Q. Was this order carried out?

41 A. Yes, sir.
42

43 Q. Do you know if a helicopter pilot threatened to
44 report the Pinkville Operation?

45 A. Sir, I believe there was a lot of them that said tha'

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1 Q. That the pilot was going to report it or they
2 would report it?

3 A. The pilot was going to report it. There was a
4 photographer that came out with us.
5

6 Q. Do you know anything at all about the photographer?

7 A. No, sir, I don't remember.
8

9 Q. Have you ever seen him before?

10 A. I don't remember.
11

12 Q. Did he have a military uniform?

13 A. Yes, sir, I believe he did. I really don't know
14 anything about the man, sir. I know he was there.
15

16 Q. Do you know a PFC Medloe?

17 A. Medloe? I don't remember his name, sir. I might
18 know him.
19

20 Q. Do you know a PFC Pedrick?

21 A. Yes, I do.
22

23 Q. Who was PFC Pedrick?

24 A. He was from California and he was also in the
25 long range patrol with us in Hawaii, and he transferred out
26 of the 1/20th with us to go in long range patrol.
27

28 Q. Was he on this operation?

29 A. Yes, sir, I believe he was.
30

31 Q. Did you see him?

32 A. I don't remember, sir. He was a tunnel rat, also.
33 He used to go down into the tunnels and we usually got split
34 up.
35

36 Q. Were the tunnels swept during the Pinkville
37 operation?

38 A. Excuse me?
39

40 Q. Were they cleared?

41 A. Yes, sir, they were cleared. I believe they were.
42

43 Q. Do you know what the kill/weapons ratio reported
44 for the operation was, as far as enemy weapons captured and
45 enemy troops killed?

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1 A. No, sir.

2
3 Q. Do you remember any of the platoon leaders' names?

4 A. I believe ours was LT Cross. I think it was Cross
5 or La Cross. That is why I got his name mixed up with that
6 buck sergeant.

7
8 Q. Do you know any more, his first name or middle
9 initial or anything?

10 A. No, sir.

11
12 Q. Did you individually receive enemy fire?

13 A. Once.

14
15 Q. How much?

16 A. Not very often.

17
18 Q. I mean in Pinkville.

19 A. In Pinkville we received very little. In fact,
20 we hit the ground a couple of times. They said there was a
21 lot of firing to us and we heard the rounds, but I don't
22 know where it was coming from. It could have been anything,
23 anybody shooting, but we had to hit the ground quite a few
24 times.

25
26 Q. Did you know SGT Kenneth Schiel?

27 A. I don't know his name, sir.

28
29 Q. Did you know LT Steven Carl Brooks?

30 A. Yes, sir, I did.

31
32 Q. Who was he?

33 A. I don't exactly remember, but I think he was the
34 3d Platoon leader. I am not sure. I don't really know.
35 I know he was in the company.

36
37 Q. He was in the company?

38 A. Yes, sir, he came in. I don't think he came over
39 with us, but he came in afterwards and he left. None of the
40 lieutenants stayed in very long. I am pretty sure he was
41 one of the platoon leaders.

42
43 Q. Do you know a SP 4 Paul?

44 A. Paul? No, sir, I don't know him.
45

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1 Q. Were any South Vietnamese Nationals working with
2 C Co on this operation? I include in that Local Police,
3 Popular Forces and ARVN.

4 A. I believe there was, sir. I don't know much about
5 that. I know there was somebody there that night. They
6 were interrogating somebody. I am pretty sure it was that
7 night, but I know there was Vietnamese people.

8
9 Q. Did you see them?

10 A. That night I saw some. I am almost positive it
11 was that night, sir, but I don't know for sure.

12
13 Q. Did you witness firing by U. S. personnel?

14 A. Excuse me?

15
16 Q. Did you witness firing by U. S. personnel?

17 A. You mean people firing their weapons? (Pause).

18
19 Q. I am going to remind you of the warning that I
20 gave you, the initial warning.

21 A. Yes, sir.

22
23 Q. Did you fire your weapon during this operation?

24 A. Yes, sir.

25
26 Q. Did you fire on any wounded civilians?

27 A. Sir, I don't really remember much of that operation,
28 the direct operation, and I don't know--it was just almost
29 all of it is a total blank. I didn't pay any attention to
30 it. I can't hardly remember--like I remember little things,
31 like I remember a weapon and I remember the guy shooting
32 himself in the foot. I remember they sat us down to lunch
33 by a--well, everybody will go through this and they expected
34 us to eat right in the middle of the village. I remember
35 that. Almost all of this is a total blank.

36
37 Q. Was PFC Michael B. Terry with you?

38 A. Yes, sir.

39
40 Q. Did he fire on any wounded civilians?

41 A. I don't remember, sir.

42
43 Q. I want to read you one more thing. Let the record
44 show that Specialist Doherty had a tooth pulled prior to this
45 interrogation. Apparently he is suffering through this

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1 procedure. I want to read you Article 31 from the Manual
2 of Courts-Martial:

3
4 "No person subject to this code shall compel
5 any person to incriminate himself or to answer any
6 question the answer to which may tend to incriminate
7 him.

8
9 "No person subject to this code shall interrogate,
10 or request any statement from, an accused or a person
11 suspected of an offense without first informing him
12 of the nature of the accusation and advising him that
13 he does not have to make any statement regarding the
14 offense of which he is accused or suspected and that
15 any statement made by him may be used as evidence
16 against him in a trial by court-martial.

17
18 "No person subject to this code shall compel any
19 person to make a statement or produce evidence before
20 any military tribunal if the statement or evidence is
21 not material to the issue and may tend to degrade him.

22
23 "No statement obtained from any person in vio-
24 lation of this article, or through the use of
25 coercion, unlawful influence, or unlawful inducement
26 shall be received in evidence against him in a trial
27 by court-martial."

28
29 This is self-incrimination prohibition. You stated
30 that you did fire your gun?

31 A. Yes, sir.

32
33 Q. Do you remember what the circumstances were when
34 you fired it?

35 A. When we first got off I did a lot of firing. I
36 mean the choppers before us there was a lot of NVA and a lot
37 were running and we did a lot of firing, quite a bit of
38 firing.

39
40 Q. Was this what could be termed as area fire or fire
41 on individuals?

42 A. More or less area.

43
44 Q. Did you see people?

45 A. Yes, it was people. We also did individual firing
46 at people running.

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Q. In the case when you fired, do you feel that your fire was justified?

A. Yes, sir, I believe that was justified.

Q. Did you eat lunch by these groups of dead people there?

A. I couldn't answer.

Q. Were any of these people alive?

A. There was a few people. I don't know whether they were alive or just what.

Q. Alive or what?

A. Or whether it was their body nerves or what.

Q. Because of movement?

A. Yes, sir.

Q. Was there any sound?

A. No, sir.

Q. No sound. I will ask the question again. Did you fire on wounded civilians?

A. Sir, I don't think I should answer that.

Q. I will have to call up a JAG officer to advise you.

A. I don't know what to say or what to do.

(At this point the interrogation was recessed to obtain counsel for the witness and allow the witness and his counsel to confer. When the interrogation continued CPT Ashburn was present.)

Q. Let the record show, if you haven't already done it, that the witness requested legal counsel. Please state your full name.

A. (CPT Ashburn) James P. Ashburn, A-S-H-B-U-R-N, Captain, Judge Advocate General's Corps, 02338023, and I am assigned to the III Corps Staff Judge Advocate's Office at Fort Hood, Texas.

Q. Are you a lawyer?

A. Yes, sir. I should say I am qualified within the meaning of 27(b) of the UCMJ.

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1 Q. I want to advise you that you are not to participate
2 in this interrogation, that you can discuss it at any time
3 with the witness and advise him, but you cannot provide any
4 testimony.

5 A. Fine, sir. I understand.

6
7 Q. Now I will remind you that you are still under oath.

8 A. (Witness) Yes, sir.
9

10 Q. The question was: Did you fire on any wounded
11 civilians?

12 A. Sir, I couldn't say. I really couldn't say. I
13 don't remember. I really don't. I told you before that I
14 have a very bad memory. This whole thing is probably just
15 about a blank to me except for a few small incidents.
16

17 Q. In previous operations where C Co swept these
18 villages were there incidents of cross fire, wounding vil-
19 lagers?

20 A. Yes, sir, there was. One of our first fire fights
21 we got into in the country--besides the first it was in
22 Pinkville--we would draw attack by snipers, heavy fire by
23 snipers. There was a river between us and the snipers, and
24 between all the fire we were putting into the village across
25 the river where the snipers were located, which was artillery
26 plus our own small weapons and automatic weapons, machine
27 guns and M-79's, the villagers walked right across in between
28 us and I guess it was a few casualties. We never did get to
29 cross the river.
30

31 Q. How long before Pinkville was this operation?

32 A. I couldn't say. I have no idea of time in Vietnam.
33

34 Q. Did you encounter any boobytraps or mines in the
35 village personally?

36 A. In the one we went through?
37

38 Q. In Pinkville.

39 A. I don't know for sure whether--me personally in
40 that village?
41

42 Q. Yes.

43 A. No, sir, except--I don't remember. There was
44 nothing that--we hit so many mines I don't remember whether
45 it was in that village or not.

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1 Q. Did you see any of the villagers running with
2 ammunition, weapons and mines and hand grenades?

3 A. I know there was a few because they picked them up,
4 and just about every one of them looked like they had a
5 weapon hidden on them--I mean the way they were running.
6

7 Q. In any case, did any of these villagers run toward
8 our forces, or were they running away?

9 A. I don't really remember. They were running all
10 over the place.
11

12 Q. Do you know the name, or do you know the Vietnamese
13 interpreter which worked with C Co?

14 A. I know him, but I can't remember his name.
15

16 Q. Did you see him on this operation?

17 A. Not that I remember.
18

19 Q. Did you ever talk to him about this operation?

20 A. I don't remember.
21

22 Q. I am trying to determine if there was anything in
23 his attitude after going through the operation from the
24 Vietnamese standpoint that you can remember.

25 A. I don't really remember, sir, talking to him. I
26 don't think I did.
27

28 Q. Do you know anything about Naval surveillance
29 forces supporting this operation?

30 A. No, sir.
31

32 Q. How was the body count normally taken after these
33 operations?

34 A. I don't really know, sir. I believe it was taken
35 from the air by helicopter. I am not sure on how they get it.
36

37 Q. You said you don't remember the name of the man who
38 shot himself in the foot?

39 A. No, sir.
40

41 Q. Did you see any prisoners taken?

42 A. Yes, sir. I know of at least five that were taken,
43 but I am not sure whether this was, whether it was before we
44 went to the village or after we went to the village.
45

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1 Q. Do you know what happened to those prisoners?

2 A. No, sir. I believe they were taken back.

3
4 Q. Did you hear that any nurses were captured?

5 A. Any what?

6
7 Q. Nurses, NVA or VC nurses.

8 A. I don't remember now. About them, the prisoners,
9 sir, I don't know whether they were taken before the word
10 was out to stop or after. That is what I meant by before
11 or after.

12
13 Q. In the past had you ever seen civilians used
14 forward of our troops to locate mines or boobytraps?

15 A. I don't know whether they were civilians or not.
16 I know that Vietnamese NVA or what they suspected strongly
17 being NVA--I don't know if they know for sure--to walk ahead
18 of a point man with a rope on. You can tell by the way he
19 walks usually that something is there. They have done that.

20
21 Q. Is this reasonably common practice?

22 A. Yes, sir.

23
24 Q. Have you ever heard of the 3d Mike Force?

25 A. What is a Mike Force? Is that Special Forces?

26
27 Q. Yes, it is under Special Forces. Have you heard
28 of it?

29 A. No, sir, I don't think.

30
31 Q. Did you ever see the Americal Division booklet,
32 the Southern Cross?

33 A. I believe I did once. I was in the long range
34 patrol unit and we got a circular like that.

35
36 Q. I am going down a series of names here and if you
37 recognize any of these names stop me. Your silence will
38 indicate nonrecognition of the names. Kinch, Thomas, SP 4.
39 SP 4 Pate. PFC Fuston, F-U-S-T-O-N.

40 A. Yes, I think he was in my platoon.

41
42 Q. He was in your platoon? Did you see him on this
43 operation?

44 A. I don't remember.

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1 Q. PFC Oliphant, O-L-I-P-H-A-N-T.

2 A. No, sir.

3
4 Q. PFC Trevino.

5 A. No, sir.

6
7 Q. SP 4 Turner, Thomas Turner. PFC Conti.

8 A. Yes, sir. He was in long range patrol with me
9 in Hawaii. I don't remember seeing him there either. In
10 fact, I think he was in another platoon.

11
12 Q. PFC William Lloyd. SGT John E. Jackson. SGT Joe
13 Sammons. SGT Joe Jolly. SGT Aquilino Lagunoy.

14 A. No, sir.

15
16 Q. SP 4 John Jackson.

17 A. No, sir.

18
19 Q. SP 4 Joe Sammons. SP 4 Joe Jolly.

20 A. Sir, I knew a Jolly in my long range patrol unit.
21 I don't think they are the same people. He was a "sub"
22 sergeant.

23
24 Q. SP 4 Steven Drew.

25 A. I meant to stop you on that the first time you
26 said that Jolly's name, but I couldn't remember if he was
27 in the line unit with me or the long range patrol unit.

28
29 Q. Did you ever know a Specialist Carter?

30 A. Carter? His name is--I think I knew him. I can't
31 place his name.

32
33 Q. Do you ever remember the name SGT Phu?

34 A. I think that was the name of our interpreter.

35
36 Q. Do you know how it was spelled?

37 A. No.

38
39 Q. Do you know the period of time which the photog-
40 rapher stayed with C Co on this operation?

41 A. I don't know, sir.

42
43 Q. Do you know a Ridenhour?

44 A. Yes, sir. He was in the long range patrol with me
45 in Hawaii. He didn't come into the line unit with me. He

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1 was put in an aviation company, I think, and then we re-
2 joined in the American Division.

3
4 Q. Did you ever talk to him about this operation?
5 A. I don't remember. I think I did.

6
7 Q. Yes.
8 A. It must have been in the long range patrol unit.

9
10 Q. Where?
11 A. I don't remember. I don't really remember talking
12 to him though.

13
14 Q. Do you have any further information concerning
15 the matters we have discussed?
16 A. Like what, sir?

17
18 Q. Do you have any further statements to make re-
19 garding the subject under investigation?
20 A. No, sir. I don't really understand the inves-
21 tigation that much.

22
23 Q. Doherty, this is an official investigation and it
24 is privileged in the sense that my report will be made to
25 the Chief of Staff of the Army for such use as he deems
26 appropriate. You are ordered not to discuss the investigation
27 or the questions and answers covered during this interview
28 except as you otherwise may have a right to do so in
29 accordance with law, and that's all.

30 A. Sir, does that mean I don't talk to anybody?

31
32 Q. You shouldn't discuss this investigation.
33 A. Like I know my company commander is going to ask me.

34
35 Q. I told the Inspector General up here that this has
36 nothing to do with your unit, with this post, or with this
37 command. If he has any questions on it he can call the
38 Inspector General up here and that is what he will tell him.

39 A. Yes, sir.

40
41 Q. It is a privileged investigation. It is a confi-
42 dential investigation. It is on a need-to-know basis and
43 the company commander, if he questions you about it, just
44 tell him it is an investigation concerning an operation that
45 your unit was involved in while you were in Vietnam and the

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1 investigation is concerning that unit.

2 A. Yes, sir.

3
4 Q. And if you want, if you feel that you didn't
5 understand what I told you, tell your company commander
6 that I told him to call the captain and the captain will
7 basicly tell him what I have said. We just can't have too
8 many people talking about this thing.

9 A. Yes, sir.

10
11 Q. That really have no need to know.

12 A. I understand.

13
14 Q. Well, I hope your tooth gets better.

15
16 (The witness was excused.)

17
18 (The foregoing testimony of SP 4 William F. Doherty
19 was taken stenographically and transcribed by Albert F. Smith,
20 Supervisory Shorthand Reporter, Office of The Inspector
21 General, Headquarters, Department of the Army.)
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(DOHERTY) (END)

25 MAR 1970

Testimony of SP4 William F. Doherty (pp. 133-161) has been downgraded from a CONFIDENTIAL classification to a FOR OFFICIAL USE ONLY classification, pursuant to authority contained in memorandum dated 10 September 1969 from COL Oseth, Office of the Inspector General, DA, to the Chief, Military Justice Division, Office of the Judge Advocate General, DA.



KENNETH W. McCLINTOCK

CPT, JAGC

Assistant Staff Judge Advocate