

MEDINA IG

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25 MAR 1970

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



KENNETH W. McCLINTOCK
CPT, JAGC
Assistant Staff Judge Advocate

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

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

12 A. Yes, sir.

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

33
34 (The witness was sworn.)

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

38 A. CPT Ernest L. Medina, 05321822.

39
40 Q. Organization, station and present duty assignment?

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

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

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

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

Q. Yes.

A. What am I being accused of?

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

A. All right, sir.

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

A. (interposing) Yes, sir.

Q. ---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. 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.

A. Yes, sir.

Q. You are further advised that in the event you 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 the questioning. At any time, if you do not desire counsel and you feel that you want counsel, or at any time you want to stop answering questions, you may do so, at any time you may feel that you may be incriminating yourself. Do you want counsel?

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

Q. You want counsel?

A. Yes, sir.

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

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

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

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

Q. You are an attorney?
A. Yes, sir.

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

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

Q. I have advised CPT Medina that he is 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, USMJ.

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

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

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

Q. O. K.

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

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Q. Captain, I remind you you are still under oath.
A. (CPT Medina) Yes, sir.

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

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

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

A. Yes, sir.

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

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

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

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

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

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each group.

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

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

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

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

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

A. Yes, sir.

Q. As I name off these positions, if you can remember the individual who occupied the position, I ask that you give me his name.

A. All right, sir.

Q. The Executive Officer.

A. 1LT Davis L. Storms.

Q. 1st Platoon leader.

A. LT Calley.

Q. Platoon sergeant.

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

Q. Do you know his initials or first name?

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

Q. 1st squad leader.

A. I don't know, sir.

Q. 2d or 3d.

A. No, sir.

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Q. 2d Platoon leader?
A. 2d Platoon was 2LT Steven Brooks.

Q. Platoon sergeant?
A. SGT Buchanon.

Q. 1st squad leader?
A. No, sir.

Q. Do you remember SGT Kenneth Schiel?
A. Yes, sir.

Q. Was he in that platoon?
A. Yes, sir, I believe he was in the 2d Platoon.

Q. How about a SGT La Croix?
A. Yes, sir.

Q. In the same platoon?
A. Yes, sir.

Q. Do you remember any of the other NCO's in that platoon?
A. (Pause) Not right offhand, sir. I can probably think of them.

Q. 3d Platoon leader?
A. It was--give me a few minutes to think, sir. My mind is so cluttered up.

Q. Let me show you a copy of some orders which awarded your Combat Infantry Badge and the CIB to other members of your unit.
A. I don't think he was on it, sir, because he had been transferred from Headquarters Company.

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

Q. I am just going to give you this because if you look over these names you may be able to place the individual's assignment. (COL Wilson handed the document to the witness.)
A. I believe Hodges, Kenneth was in the 2d Platoon, sir

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Q. Would he be a squad leader?

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

Q. On the positions that I have asked for.

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

Q. (Interposing) Which platoon was he?

A. He was in the 1st Platoon.

Q. Was that Mitchell?

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

Q. Sergeant?

A. Yes, sir.

Q. S-- --

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

Q. What platoon?

A. 2d Platoon.

Q. What--a sergeant?

A. I think he was a SP 4.

Q. What was that name?

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

Q. Was he a sergeant then?

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

Q. It would be on those orders.

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

Q. O. K.

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

Q. Um-hum.

A. I believe that's it, sir.

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Q. All right.

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

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

A. Yes, sir, I did.

Q. You don't know his name?

A. He had been assigned from Headquarters Company.

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

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

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

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

Q. The first sergeant?

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

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

A. I think so, sir.

Q. Do you remember his initials?

A. Harry F., I believe.

Q. What was his grade then?

A. He was an E-8, sir.

Q. Who were your radio operators?

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

Q. Does the name Paul mean anything to you?

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

Q. Does the name Olsen mean anything to you?

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

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platoon leader for the 3d Platoon, I/T La Cross. Murray was my RTO, sir.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q. Who was your interpreter?

A. SGT Phu.

Q. Spell it.

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

Q. How long was he your interpreter?

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

Q. What were his duties?

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

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

A. No, sir.

Q. I mean forceful, brutal techniques.

A. No, sir.

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

A. (Interposing) Yes, sir.

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

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

Q. (Interposing) Shrine?

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

Q. Was that Captain--

A. (Interposing) Earle Michael, sir.

Q. What was his assignment?

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

Q. 4/3d?

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

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

A. Vietnamese National?

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

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

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

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

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

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

Q. What date?

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

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

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

We lifted off from LZ Dottie about five minutes

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

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

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

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

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

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A. Right here, sir.

Q. Name it.

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

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

A. Yes, sir.

Q. Does it go far enough north?

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

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

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

Q. Sure.

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

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

A. I am not exactly sure, sir.

Q. Then let me ask you another question.

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

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

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

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

A. Yes, sir.

Q. The southern boundary in blue.

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15 afs 1

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

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

9 A. Yes, sir.

10 Q. Had you operated in this area before?

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

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

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

18 Q. Coordinates?

19 A. I set up a position here.

20 Q. Coordinates?

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

27 Q. When was that?

28 A. That would be in February, sir.

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

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

32 Q. Approximate.

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

34 Q. It was in March?

35 A. I believe so, yes, sir.

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

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A. Very good, sir.

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

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

A. Yes, sir.

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

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

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

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

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

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

Q. Were you on the LZ at that time?

A. Yes, sir.

Q. Did it appear to be hot to you?

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

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

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

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

Q. How many gun ships supported you?

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

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

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

Q. When was--

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

Q. When was permission given to burn the village?

A. The day before the operation, sir.

Q. Who gave you this permission?

A. I received it from COL Barker, sir.

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

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

Q. Was this a search and destroy operation?

A. Yes, sir.

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

A. Well, sir, we conducted numerous search and

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

Search and Destroy

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

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

Q. Have you ever seen any Rules of Engagement?

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

★

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

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

★

Q. What were you told?

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

Q. What about bringing them under fire?

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

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wound him and bring him down.

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

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

6
7 Q. Was this in writing anywhere?

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

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

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

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

21 A. Yes, sir.

22
23 Q. How often?

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

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

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

32
33 Q. February.

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

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

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

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

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

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

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

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

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

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

Q. Were they in a group?

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

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

A. No, I do not, sir.

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

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

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

A. A battery, yes, sir.

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21 afs 1 Q. Did you know a man in your unit who shot himself
2 in the foot?

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

4
5 Q. Who was that?

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

7
8 Q. Do you know how this occurred?

9 A. Yes, sir. I asked him what happened because he
10 was shot in the foot and I thought it was a self-inflicted
11 wound, and when I asked him what had happened he told me
12 or, as a matter of fact, I asked him how he shot himself
13 in the foot. At that time Fred Widmer said, "I borrowed
14 his .45"--he said it was an accident, sir--"I borrowed his
15 .45 to clear a bunker and I couldn't clear the weapon and
16 I handed it to him and he went to clear it and shot himself
17 in the foot."

18
19 Q. Had you lost 21 men in a minefield during this
20 period?

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

29
30 Q. Would you locate that minefield by a black X on
31 the 1:50,000 map sheet?

32 A. Where the 11 were injured?

33
34 Q. Yes.

35 A. It is not on this one, sir.

36
37 Q. On the 1:100,000 map sheet. (COL Wilson handed
38 the map sheet to the witness.)

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

42
43 Q. Did you see LT Calley on this operation?

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

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

7 Q. Did you see him during the combat action?

8 A. No, sir, I did not.

9
10 Q. Did you brief your company?

11 A. Yes, sir, I did.

12
13 Q. In total?

14 A. Yes, sir, I did.

15
16 Q. What did you tell them?

17 A. Well, I told them we were going into the Pinkville
18 and I gave them a brief rundown on the background informa-
19 tion, what I knew, and, of course, they were aware of the
20 other companies that had gone in there and had taken a
21 number of casualties, and I told them that the LZ prepara-
22 tion would be put onto the village where the LZ would be.
23 I kind of sketched it out on the ground for them and gave
24 them a general rundown of how we would go in there, the
25 elements that would be pushing through first and move the
26 people, and the search elements would go in afterwards and
27 make their search, and then we would marry up and both
28 companies would ring up for the night or our company would
29 ring up for the night in a defensive position to the west.

30
31 Q. Who selected the objective of the artillery con-
32 centration?

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

39
40 Q. Was there anybody with you on this reconnaissance?

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

43
44 Q. Did you know any of the helicopter pilots which
45 supported you on this operation?

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A. No, sir.

Q. Do you know the unit they were from?

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

Q. 176th what?

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

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

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

Q. Where were the seven or nine ships from?

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

Q. Did you order the burning of the village?

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

Q. Who did you assign to perform this mission?

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

Q. Did you order the destruction of the inhabitants?

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

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

A. I don't follow you.

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

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