INVESTIGATION OF THE MY LAI INCIDENT

REPORT
OF THE
ARMED SERVICES INVESTIGATING
SUBCOMMITTEE
OF THE
COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES
NINETY-FIRST CONGRESS
SECOND SESSION
UNDER AUTHORITY OF
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LETTER OF TRANSMITTAL

JULY 9, 1970.

Hon. L. Mendel Rivers,
Chairman, Committee on Armed Services,
House of Representatives, Washington, D.C.

Dear Mr. Chairman: Attached is a report entitled "Investigation of the My Lai Incident," unanimously approved by the appointed members of the Armed Services Investigating Subcommittee conducting this review. This report is based on extensive investigations and hearings which were held during the past seven months.

I shall appreciate your early approval of the report so that it may be printed.

Sincerely,

F. Edward Hébert,
Chairman, My Lai Incident Subcommittee.

Approved: July 12, 1970.

L. Mendel Rivers, Chairman.

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Map—Appendix I
INVESTIGATION OF THE MY LAI INCIDENT

INTRODUCTION

On Friday, April 4, 1969, Chairman L. Mendel Rivers, House Armed Services Committee, received a mimeographed letter from Mr. Ron Ridenhour of Phoenix, Arizona. In that letter Mr. Ridenhour detailed various conversations he had with individuals formerly assigned to 11th Infantry Brigade, which indicated that a large number of the inhabitants of a Vietnamese village, known as Pinkville, had been killed by troops from "C" Company, 1st Battalion, 20th Infantry, on March 16, 1968. In view of the specific details provided by Mr. Ridenhour, including map coordinates of the village, names of individuals involved, and names of witnesses, a copy of the letter was sent to the Department of the Army on Monday, April 7, 1969, with a request that the allegations be investigated. A second copy of the Ridenhour letter was received at the Committee office on April 7th from Representative Morris K. Udall of Arizona.

On April 10th a letter from the Army acknowledged receipt of the Committee request and advised that a report had been requested from the Commanding General, U.S. Army, Vietnam. The copy of the Ridenhour letter, received from Mr. Udall, was referred to the Department of the Army, on April 14th. On April 24th the Department of the Army advised that the investigation was being transferred to the Inspector General for action. It further advised that, because of the time which would be required to investigate the allegation, a final reply could not be expected for some time.

By a letter dated September 5th, the Department of the Army advised that, while its investigation was continuing, charges would be preferred against Lt. William L. Calley not later than September 6th. On September 8th the Committee Chief Counsel and Assistant Chief Counsel were briefed by Army representatives on the progress of the investigation. By a letter dated November 12, 1969, the Committee was advised that the Article 32 investigation of Lt. Calley was nearing completion, but that investigation of others involved was continuing. Then, on November 14th, the Army advised that S. Sgt. David Mitchell had been charged with "assault with intent to commit murder".

Chairman Rivers, on November 24, 1969, announced from the House Floor that the Armed Services Investigating Subcommittee had requested that Department of the Army furnish the Subcommittee with all information it had on the alleged incident at Pinkville. He said the Subcommittee would examine the matter and determine whether further inquiry was warranted. Also on November 24, Secretary Resor and Gen. Westmoreland announced the appointment of Lt. Gen. William R. Peers "to explore the nature and scope of the original Army investigation of the so-called My Lai incident."
The Investigating Subcommittee heard testimony from Secretary of the Army Stanley Resor on November 26th. Further hearings were delayed because of the failure of the Army to supply all the information requested by Chairman Rivers, and also because of the Army's reluctance to make witnesses available to the Subcommittee until after they had testified before the Peers Inquiry. After hearing Lt. Hugh C. Thompson, Capt. Ernest Medina, and Lt. Gen. Peers, Chairman Rivers announced on December 12th that, as a result of the hearings conducted by the Investigating Subcommittee, it had been concluded that it would be "necessary that the Subcommittee go into this matter of the My Lai incident in depth." He therefore announced the appointment of a special subcommittee composed of the following members: Hon. F. Edward Hébert (D-La.), Chairman; Hon. Samuel S. Stratton (D-N.Y.); Hon. Charles S. Gubser (R-Calif.); and Hon. William L. Dickinson (R-Ala.).

On December 19th Chairman Rivers addressed the following letter to Congressman Hébert:

Hon. F. Edward Hébert,
House of Representatives, Washington, D.C.

Dear Mr. Hébert: As you will recall, on December 12, 1969, I announced that I had directed the Investigating Subcommittee to make a preliminary examination of the March 16, 1968 My Lai incident in order that a determination could be made as to what further action might be indicated.

As a result of that examination, a decision was reached that an in-depth investigation of the matter should be carried out. In making this decision I was motivated in part by the fact that the only investigation being made of the allegations was that of the Department of the Army. This should not be interpreted as an impugning of that investigation in any way, but because of the seriousness of the charges, I believe it imperative that a completely independent assessment of the case should be made by the Armed Services Committee. Therefore, pursuant to Committee Resolution No. 4, I have appointed the following Subcommittee composed of you as Chairman and Congressmen Stratton, Gubser, and Dickinson. I am also appointing former Congressmen Porter Hardy, Jr., and Charles E. Halleck as special consultants to the Subcommittee.

Your Subcommittee will examine all pertinent documents and take the testimony of such witnesses as might be necessary to permit you to make a full report to me as soon as possible. Such report should cover the following:

1. What was the nature of the military action on March 16, 1968 at My Lai, South Vietnam, conducted by Company C, Task Force Barker, of the Americal Division?
2. What were the orders under which the said Company was operating on that day?
3. What was the result of the Company's action?
4. Did such action result in the deliberate killing of innocent South Vietnamese civilians by U.S. forces, or the unnecessary destruction of private property?
(5) What investigation of the allegations was made by the Army?
(6) To what level of command can knowledge of the allegations be traced?
(7) Did the investigation conform to the rules and regulations in effect at that time? If not, in what respect was it deficient?
(8) At the time of the alleged incident, what were the Rules of Engagement and MACV Directives and Orders with respect to the protection of Vietnamese civilians and property?
(9) How and to what extent were the aforesaid Rules and Directives usually enforced during the period of the alleged incident?

Sincerely,

L. MENDEL RIVERS,
Chairman.

Staff interviews of witnesses were immediately begun. Near the conclusion of those staff interviews, Subcommittee Chairman Hebert, in a letter dated March 3, 1970, advised Chairman Rivers that the Subcommittee was ready to commence formal hearings. In that letter he outlined the areas which the Subcommittee intended to address in the hearings and in its report, as follows:

Because of the pendency of certain criminal proceedings in the military courts and because some of the testimony expected before our Subcommittee may come within the purview of House Rule XI, we expect to hear all of our witnesses in executive session. And in a further effort to avoid prejudicing the rights of any present or potential defendant in any criminal case growing out of the alleged My Lai incident, the Subcommittee report will not seek to fix criminal responsibility. We feel that judgments in this area are within the purview of the courts. We, therefore, intend to address our report primarily to the following questions:

(1) As of March 16, 1968, what were the established U.S. military policies and procedures relating to the treatment of civilians and the investigation of alleged civilian casualties?
(2) Did the Task Force Barker operation in the Son My area on March 16, 1968 result in a substantial allegation of civilian casualties?
(3) Was any such allegation brought to the attention of appropriate officers of the Americal Division, the 11th Brigade, or Task Force Barker?
(4) If so, what action was taken by the aforesaid Army Command?
(5) Was such action in accordance with existing policies, orders and directives?

Sincerely,

F. EDWARD HEBERT,
Chairman, My Lai Incident Subcommittee.
Although lack of cooperation on the part of the Department of the Army seriously impeded and delayed the work of the Subcommittee, its investigation has now been completed. However, the transcript of testimony is classified and will not be released until final disposition has been made of all criminal cases now pending or which may arise from the My Lai affair. This impounding is deemed necessary since the record contains matter which, if published, might be considered by the Government or the defendants to be prejudicial.

However, because of the sensational manner in which a significant portion of the news media reported the My Lai incident, the Subcommittee feels obliged to attempt to put material events in a proper perspective in a public report.

During its investigation the Subcommittee interviewed 152 witnesses, held 16 days of hearings, took 1812 pages of sworn testimony, and reviewed hundreds of documents. In addition, the Subcommittee staff took 3,045 pages of statements from witnesses. The Subcommittee also conducted a field investigation in Vietnam.

FINDINGS AND CONCLUSIONS

1. There is no question but that a tragedy of major proportions involving unarmed Vietnamese, not in uniform, occurred at My Lai 4 on March 16, 1968, as a result of military operations of units of the Americal Division.

2. This matter was promptly reported, at least in part, to the Task Force Commander, the Commander of the 11th Brigade, the Commander of “B” Company, 123rd Aero Scouts, the Commander of the 123rd Aviation Battalion, the Division Artillery Chaplain, the Division Chaplain, the Division S-5, the Division Chief of Staff, an Assistant Division Commander, and the Commander of the Americal Division. There is also testimony that the Third Marine Amphibious Force (III MAF) received sufficient information about this incident to have reported it to the Military Assistance Command Vietnam (MACV).

3. The matter was also reported to the U.S. Intelligence Community, composed of civilian and military advisors, to the South Vietnamese Son Tinh District Chief, and to the Province Chief of Quang Ngai Province.

4. Although there were three reporting channels that should have brought the My Lai allegations to the attention of III MAF, there is no evidence that two of these channels did so, and the third channel functioned inadequately.

5. There is no evidence that the My Lai allegations were reported to MACV, although directives in effect at that time made such reporting mandatory on the part of all military and staff personnel having knowledge of, or receiving a report of, such an incident. Commanders and MACV staff sections had a special obligation in this respect.

6. It could reasonably be concluded that responsible officers of the Americal Division and 11th Brigade failed to make adequate, timely investigation and report of the My Lai allegations.

7. An Army photographer and an Army reporter, both assigned to the Brigade Public Information Office, were designated to accompany the Task Force Barker operation at My Lai on March 16, 1968. Al-
though both men have been quoted extensively on the My Lai incident since leaving the service, the Subcommittee has found no evidence that either man, while serving in uniform, made any report of atrocities, or that the photographer turned in to the Army any pictures of atrocities.

8. The photographer claims to have taken pictures of dead Vietnamese civilians with his personal camera, but the Subcommittee has found no corroboration of his statement that they were taken at My Lai 4. However, the Subcommittee takes special note of the fact that the photographer sought to sell the publication rights to the pictures for $125,000, and that to date he has received in excess of $35,000 from the sale of those rights to news media around the world.

9. On the afternoon of March 16, 1968, an order was given by radio to the Commander of “C” Company of Task Force Barker to return to My Lai 4 that day to determine the sex, age and cause of death of those civilians killed. That order was immediately countermanded by the Commander of the American Division, who was monitoring the frequency on which the order was transmitted. He testified that he did so for tactical reasons. However, there is no evidence that American troops ever returned to My Lai 4 for the above purpose, although the Situation Reports for March 17, 1968, indicate that elements of both “A” and “C” Companies were in the immediate vicinity of My Lai 4 on that date and apparently could have easily made such an investigation.

10. It can reasonably be concluded that the My Lai matter was “covered up” within the Americal Division and by the District and Province Advisory Teams.

11. To keep the My Lai matter bottled up within the Americal Division and the District and Province Advisory teams required the concerted action or inaction on the part of so many individuals that it would be unreasonable to conclude that this dereliction of duty was without plan or direction.

12. A number of witnesses testified under oath with respect to the existence of investigative reports, statements, affidavits, correspondence and other documents relative to the My Lai incident. If they ever existed, virtually all such records have now disappeared. Only one copy of the so-called “Henderson Report” has been found. It had not been kept in the files, but was hidden in the desk drawer of the Brigade Intelligence Sergeant on instructions of his immediate superior.

13. There is evidence that officers and enlisted men of the Americal Division and 11th Brigade were informed, directly or indirectly, that the My Lai operation was being investigated, and therefore, were instructed that they should not speculate on, or discuss the matter, pending completion of that investigation. While normally this might be considered proper procedure, this warning, coupled with the failure of the Division or Brigade to conduct any meaningful investigation, tends to substantiate the charge of “cover up.”

14. Although the Intelligence Community at all times during 1968-69 had numerous individuals, both civilian and military, stationed in close proximity to My Lai 4, they deny having learned anything in more than a year and a half which would have caused them
to believe that anything untoward had happened in that hamlet on March 16, 1968. Documentary evidence, however, established that one organization attached to an intelligence agency had a report as early as March 18th, alleging the killing of civilians at Son My.

15. Our Intelligence personnel, whom one might reasonably expect to be able to detect or verify an incident of such magnitude, apparently saw fit to dismiss all allegations concerning it as communist propaganda, although most of these allegations, which came to them through the South Vietnamese officials, were specific as to time, place and units involved. Failure to fully investigate and report these allegations to higher authority raises a serious question as to the reliability and usefulness of our intelligence activities in this area.

16. There was a surprising and almost unbelievable lack of recollection on the part of many of the Subcommittee witnesses whose responsibility to investigate the original My Lai allegations should have caused a more lasting impression on their minds as to the incidents and events involved.

17. The ground troops involved in the action at My Lai 4 had been in Vietnam less than four months, but during that time had received many casualties as a result of mines, booby traps and sniper fire. "C" Company had suffered 42 casualties since it had been assigned to Task Force Barker on January 26, 1968, thereby reducing its strength by about one-fourth.

18. In an action in the My Lai area in mid-February 1968, one of the Task Force Barker units had been pinned down by heavy mortar, rocket and small arms fire from fighting bunkers. Fire was so intense that concentrated artillery fire was required in order to extract the unit. In a subsequent action in February, heavy opposition was encountered at My Lai 5 and My Lai 6. After an all-day fight, the Commander of "A" Company was severely wounded and numerous other American casualties resulted. It was necessary to call in gunships and artillery fire on the hamlets in order to prevent the possible annihilation of the American troops.

19. The units involved in the My Lai operation had minimal training with respect to the handling of civilians under the Rules of Engagement and the Geneva Conventions.

20. At the company briefing the day prior to the My Lai 4 action, the troops were advised that all civilians were expected to be gone from the hamlet at the time set for the assault. The troops were advised that they were to destroy the hamlet and make it unusable as a base camp for the Viet Cong 48th Battalion. No specific instructions were given as to the handling of civilians in the event any were encountered.

21. The Subcommittee finds that, based upon the testimony it has received, it would be unfair to attribute misconduct to all members of Task Force Barker. Those who may have violated the Rules of Engagement were the exception.

22. As a part of the March 16th operation, the actual insertion of troops was to be preceded by artillery fire. Although this was to be directed at the western side and edge of the hamlet, some of the shells impacted within the hamlet itself. Gunships were also used in connec-
tion with the operation. It appears that the artillery and gunships accounted for some civilian casualties. At the conclusion of the artillery fire, several hundred villagers left the area and proceeded down the road to Quang Ngai unharmed. Later that day, approximately 80 residents of the Son My area were directed by troops of “C” Company to leave the combat area and to go to a refugee camp.

23. The helicopter pilot who first reported on civilian casualties at My Lai 4 and his two crew members were given military decorations for actions on March 16, 1968 at My Lai 4 on the basis of statements which were at substantial variance with the truth.

24. According to the aforesaid helicopter pilot, there was no “armed confrontation” between the U.S. helicopter crew and U.S. ground forces at My Lai 4, as widely reported by the news media. The sworn testimony of the pilot categorically denies that such an incident ever took place.

25. The Army overreacted by recommending charges in several cases where there was insufficient evidence to warrant such action.

RECOMMENDATIONS

1. Consideration should be given to the amending of the Uniform Code of Military Justice to provide:

   (a) that no person subject to the Code shall make public release of any information respecting any investigation or the pendency of any charge until after the convening authority has referred such charge to trial by court-martial; and

   (b) that no charge involving an alleged capital offense, committed during a military action against an enemy, shall be referred to trial by court-martial until a duty appointed competent authority has determined the mental responsibility of the prospective accused at the time of the alleged crime.

2. Consideration should be given to amending Section 808(a), Title 10 of United States Code to provide for trial in the United States District Courts, of persons charged with having committed offenses while on active military duty, who are no longer subject to military jurisdiction as a result of having been discharged.

3. The Secretary of the Army should:

   (a) require all commanders to submit reports at specified regular intervals attesting that all personnel have had adequate refresher training with respect to the Geneva Conventions and the Rules of Engagements, with particular reference to war crimes;

   (b) issue or cause to be issued such regulations as may be necessary to insure that all investigations of allegations of possible war crimes be conducted by competent, trained investigators who shall be independent of the immediate command involved in the alleged incident. The records of all such investigations shall be maintained in writing and copies forwarded to the Secretary of the Army;

   (c) require official Army photographers to submit to their superiors all photographs taken while on assignment whether taken with personal equipment or that issued by the Army.
(d) require all Army photographers to receive such training as may be necessary to insure that the Army obtains the most complete pictorial coverage possible of all military operations to which photographers are assigned; and
(e) review the practices and procedures in awarding medals and decorations with particular reference to: (1) requiring that all supporting statements be dated and be in affidavit form, and (2) requiring special scrutiny of reciprocal recommendations for awards.

4. The Secretary of Defense should apply the recommendations directed to the Secretary of the Army, supra, to all military departments.

BACKGROUND

U.S. Units and the Area of Operation

Americal Division

In September 1967, the Americal Division was organized, and in October it was formally activated. At that time only one of the Brigades assigned to the Division, the 196th Infantry, was in Vietnam. A second Brigade, the 198th Infantry, arrived later in October. And in December the 11th Light Infantry Brigade, the last of those assigned to Americal Division at that time, arrived in Vietnam.

The division was assigned a tactical area of operation (AO) along the South China Sea coast from Quang Ngai Province north into Quang Nam Province. That area, approximately 150 kilometers from north to south, was assigned among the three Brigades, with 11th Brigade receiving the southernmost portion. With the exception of the area in the vicinity of Quang Ngai City, which had been assigned to 2nd Army Republic of Vietnam (ARVN) Division, the 11th Brigade area of operation ran from Duc Pho District north to Binh Son District and inland for approximately 80 kilometers.

Task Force Barker

Since the fourth Battalion of 11th Brigade had not yet been deployed to Vietnam, some temporary arrangements were required in order to establish sufficient maneuver elements to adequately cover the Brigade's area of operation. To fill the void, a task force was organized by the Commanding General of Americal Division in January 1968. A rifle company was detached from each of the three operational Battalions of 11th Brigade and assigned to the task force. Alfa Company from 3rd Battalion, 1st Infantry; Bravo Company from 4th Battalion, 3rd Infantry; and Charlie Company from 1st Battalion, 20th Infantry were the companies chosen by the Brigade Commander for the assignment. In similar fashion a field artillery battery was organized from the assets of the three existing firing batteries of the Brigade organic field artillery battalion. Lt. Col. Frank Barker was designated as Task Force Commander. Task Force Barker Headquarters was established at a fire support base known as Landing Zone Dottie, or LZ Dottie.

Lt. Col. Barker was killed in a helicopter crash in June 1968.
Area of Operation

The area of operation assigned Task Force Barker was designated Muscatine, and was located north of the Song Diem Diem River (also known as the Song Ham Giang) and east of Highway 1, and ran northward for approximately 12 kilometers to Binh Son. This area had been occupied previously by a Korean marine unit. It was an area notorious for mines and booby traps. It has been estimated that half the casualties suffered by Task Force Barker were the result of booby traps and mines.

Late in January the rifle companies of Task Force Barker began offensive operations in their area of operation (AO). Those operations were conducted from two fire support bases, Uptight and Dottie, located near the eastern and western boundaries of the AO and approximately midway between its northern and southern extremities.

During patrols in the southern portion of their AO, the units of Task Force Barker frequently received fire from Viet Cong forces which would then withdraw south of the Song Diem Diem River into the AO assigned to 2nd ARVN Division.

Intelligence reports indicated that the 48th Viet Cong Local Force Battalion maintained its base camp in the My Lai 1 area of Son My Village. My Lai 1 was called Pinkville because of its shading on military maps which designated a heavily-populated area. It was the intelligence estimate that, in addition to that Battalion, two local force VC companies were also located in the area. The 48th Battalion had an excellent reputation as a fighting force, having destroyed several ARVN units in combat actions. It was credited with regular incursions into the secure area along Highway 1, during which the road would be cut for a day or two. It was believed by U.S. authorities that the purpose of those raids was to transport food and supplies from the sea coast area back to the Viet Cong forces located in the mountains to the west.

Son My Village (See map, Appendix 1)

Son My Village is composed of four hamlets, My Lai, Co Luy, Tu Cong (in which the subhamlet of My Lai 4, also known as Thuan Yen, is located), and My Khe. Each of those hamlets contained a number of subhamlets. It is located on a peninsula bounded by the Song Tra Khuc River on the south, the South China Sea on the east, and the Song Diem Diem River on the north. Son My Village is approximately four kilometers square and contains rich agricultural land in which good rice crops are grown. The sea coast provides a point for landing food, ammunition and supplies which have been transported by trawler from North Vietnam. Because of those logistical advantages, the Viet Cong had vigorously contested previous efforts by ARVN, Korean and U.S. forces to enter the area.

The whole Son My area has been described as a Viet Cong base camp. It reportedly has been controlled by the Viet Cong for 20 years or more. Each of the hamlets is fortified with fighting bunkers, tunnels and trenches, and each of them is surrounded by mines and booby traps.
The Tet offensive in early February 1968, during which the 48th VC Battalion had moved west to participate in the attack on Quang Ngai City and the surrounding area, resulted in a request from the Vietnamese that U.S. forces move against the 48th Battalion. Authority was obtained for Task Force Barker to temporarily extend its area of operation (AO) into the 2nd ARVN Division area of operation in order to attack and destroy that unit and its base camps.

Task Force Barker Operations in Son My

In mid-February the first AO extension was obtained for Task Force Barker to conduct an operation into Son My. A joint operation with 2nd ARVN Division was planned. The plan called for Alfa and Bravo Companies, reinforced by armored personnel carriers, to move north of Highway 521, and for ARVN forces to sweep eastward south of that road. The objective of the operation was My Lai 1, Pinkville.

Soon after commencement of the operation on February 13th, heavy enemy resistance was encountered in the vicinity of My Lai 4, approximately two kilometers west of My Lai 1. Task Force Barker Journal entries reflect that the enemy was armed with 60- and 81mm mortars, 50 caliber machine guns, and possibly antitank weapons, in addition to rifles and carbines. One platoon of Bravo Company, which had been pinned down north of My Lai 4 by enemy fire, was extracted only with the aid of armored personnel carriers and concentrated artillery fire. During this action a large number of enemy weapons was observed by one of the platoons of Bravo Company, but bypassed due to operational necessity. When the platoon returned to that same area a short time later to recover the abandoned weapons, they found that all had been recovered by the enemy. The hamlet of My Lai 4 was described by an officer who went through it that day as a fortified hamlet surrounded by waist-deep fighting trenches. He said that tunnels led from the fighting trenches to bunkers located in the houses. He said he saw a dozen houses in the village, all of which were partially damaged. According to his testimony, there were only about 20 noncombatants in the hamlet of My Lai 4 that day.

Task Force Barker units continued the sweep eastward on the following three days. Heavy enemy resistance was encountered at My Lai 6, about 1,000 meters northeast of My Lai 4. Upon reaching Pinkville, My Lai 1, they found it to be a village with subterranean brick-lined tunnels tall enough for a man to stand erect. Each of the tunnels was booby-trapped with a 500 lb. bomb with as many as five trip wires. They found a three-ton ammunition cache in the tunnels. They also discovered a Viet Cong hospital complex on the peninsula north of My Lai 1. After the tunnels and supplies had been destroyed, the U.S. troops were extracted from the area. U.S. losses during that operation were three killed and 15 wounded. The VC body count was 80. No enemy weapons were captured.

Since the main enemy force had eluded U.S. troops during that operation, another effort was planned for February 28th. The assault this time was made by Alfa Company, reinforced by armored personnel carriers, and supported by gunships and air strikes. The objective of the operation was the enemy base camp at My Lai 1. Bravo Company formed a blocking screen to the north and northeast. Heavy enemy opposition, including rockets, mortars and recoilless rifles, was

\* During this offensive, in the city of Hue alone, the Communist forces slaughtered almost 6000 innocent civilians.
encountered in the vicinity of My Lai 5 and My Lai 6. Artillery fire and air strikes were called in on those hamlets to aid the attack. The fight lasted all afternoon before the enemy was outflanked and withdrew eastward. On the following day U.S. troops again moved into My Lai 1. There they found that the tunnels, which had been destroyed in the previous operation, were already being rebuilt. Sixty-eight VC were reported killed during the first day of this operation and five weapons captured. Total U.S. casualties were three killed and 28 wounded.

Prior Operations of “C” Company
On January 27th “C” Company, 1st Battalion, 20th Infantry, was officially attached to Task Force Barker. It immediately began patrolling actions in the area of operation assigned to the Task Force. During the Tet offensive in early February, it occupied a blocking position along the Song Ham Giang River on the southern boundary of the Task Force area of operation. While occupying that position, Capt. Medina observed a column of about 200 VC with weapons and packs withdrawing from their Tet attack on Quang Ngai City and moving toward My Lai 4 and Pinkville in the 2nd ARVN Division area of operation. Women and children were observed in the column carrying weapons and assisting in carrying the dead. Before permission could be obtained to fire into the 2nd ARVN Division AO, the column had disappeared from view.

“C” Company had not engaged in any major combat action during January and February. Its operations consisted mainly in assignments which did not offer a real possibility of closing with the enemy. Yet, despite its limited enemy contact, the company lost one-fourth of its authorized strength due to mines, booby traps and sniper fire, suffering 42 casualties, while assigned to Task Force Barker prior to the March 16th operation. For example, on February 25th, while moving into a blocking position, “C” Company became entrapped in a VC mine field. The Task Force Journal for that date reflects there were seven mines explosions resulting in one killed and 15 wounded. On that occasion one platoon became so emmeshed in the mine field that it had to be extracted by helicopter. Then on March 14th a platoon sergeant was killed and four members of the company wounded by a booby trap.

Psychological Effects of Viet Cong Tactics
In a war such as that in Vietnam, our forces in the field must live for extended periods of time in the shadow of violent death and in constant fear of being crippled or maimed by booby traps and mines. And added to this is the fact that this is not war in the conventional sense. The enemy is often not in uniform. A farmer or a housewife or a child by day may well be the enemy by night, fashioning or setting mines and booby traps, or giving aid, comfort and assistance to the uniformed enemy troops. Under such circumstances, one can understand how it might become increasingly difficult for our troops to accept the idea that many of those who kill them by night somehow become “innocent civilians” by day. Understandably, such conditions can vary attitudes and mental processes causing temporary deviation from normality of action, reason, or sense of values. And the degree of deviation may vary with each individual.
since the previous operations had failed to clear the enemy from the Son My area, Lt. Col. Barker planned another operation in which he would utilize all his resources in a coordinated assault against the VC base camp.

On March 15th, Lt. Col. Barker assembled his company commanders and representatives of the air and artillery support units to brief them on the operation scheduled for the following day. During that briefing Col. Oran Henderson, who had assumed command of the 11th Brigade earlier that day, addressed the commanders and urged them to be aggressive and to close with the enemy, noting that their failure to do so in their earlier operations in the area had permitted the enemy to escape.

During the intelligence portion of the briefing, the group was told that most of the noncombatants would have left the hamlet of My Lai 4 to go to market prior to the assault. Although there is some conflict among the witnesses, there was also testimony that, during the intelligence briefing, the group was told that the headquarters of the 48th VC Battalion, and at least two of its companies, would be found in My Lai 4.

There is also some conflict among the witnesses concerning an instruction that houses and property of the inhabitants of the area should be destroyed. While the executive officer of the Task Force testified that no such instruction was ever given, two of the officers who participated in the briefing clearly recall that Lt. Col. Barker told them that physical facilities, buildings, hootches, bunkers, tunnel complexes and livestock were to be destroyed.

Capt. Medina testified that Lt. Col. Barker had given him that instruction while they were conducting an aerial reconnaissance in his helicopter. Capt. Kotouc testified that he also had received such an instruction, but could not recall that it included the filling of wells. Other officers had no recollection concerning such an order. A possible explanation for this discrepancy was the practice of Lt. Col. Barker of separately briefing each of his company commanders on the details of his mission rather than conducting a general briefing for the group.

Since there was no formal briefing on the plan of maneuver for the operation, the details must be pieced together from the testimony of the participants. Generally, the plan called for two air assaults, the first by "C" Company, immediately west of My Lai 4 at 0730 hours, and the second by "B" Company at 0820 hours, in a landing zone 500 meters south of My Lai 1 and about two kilometers east of My Lai 4. Each of the assaults was to be preceded by an artillery preparation and also was to be supported by suppressive fire from helicopter gunships. The plan then called for "C" Company to sweep through My Lai 4 and to move approximately 1,000 meters northeast of My Lai 4 to the vicinity of My Lai 6, and then eastward to the night defensive position. "B" Company, meanwhile, was to move northward through My Lai 1 and join "C" Company at the night defensive position, about 300 meters west of My Lai 1. "A" Company was assigned a blocking role north of the Song Diem Diem River where it could intercept any enemy moving northward to avoid the thrusts of "B" and "C" Companies.
There does not appear to have been any instruction given concerning the handling of civilians who might be encountered during the operation. According to Gen. Westmoreland, an outline of those procedures was required to be included in the briefing for each combat operation.

At the conclusion of the briefing, Lt. Col. Barker took the commanding officers of the rifle companies in his helicopter and pointed out to each of them the areas assigned to their companies and the course of their movements the following day.

"C" Company Briefing

Capt. Medina testified that, on the evening of March 15, he told the troops that intelligence reports reflected the 48th VC Battalion was located in My Lai 4, and that the Viet Cong would probably outnumber them about two to one. He told them they could expect to find a well-fortified enemy. He also told the troops the assault had been scheduled at 0730 hours rather than the normal daybreak time in order to allow the women and children time to depart the hamlet for their morning marketing. He then told the troops that the hamlet was to be destroyed. He said they had been authorized to burn buildings, destroy food, kill livestock, and close the wells. He told the assembled troops they would have an opportunity to get even with the 48th VC Battalion for the casualties they had suffered from mines, booby traps and sniper fire. He did not give the troops any instruction on the handling of noncombatants who might be found in the hamlet.

Capt. Medina then described the details of the "C" Company assault. The first platoon would sweep the southern sector of the hamlet while the second platoon would move through the northern part. A "clear" element from each platoon would go through and push everybody out of the village as rapidly as possible to an open area east of the village. A "search" element from each platoon would then search houses, bunkers, tunnels, etc. Finally, a "destroy" element would move through, burning the buildings and killing the livestock.

Operation of March 16, 1968

During the early morning hours of March 16th, "A" Company moved southward, on foot, into its blocking positions on the north bank of the Song Diem Diem River. The Company suffered one killed and two wounded in taking up its positions.

The artillery preparation for the assault by "C" company lasted approximately five minutes. Testimony established that the plan called for the artillery to impact on the landing zone and in the tree line west of the hamlet. Eye witnesses testified that some of the rounds impacted within the hamlet itself.

At 0730 hours, after the artillery preparation had terminated, the first lift of Company "C" was inserted into a landing zone west of My Lai 4. Capt. Medina reported the landing zone as "cold", i.e., he was not receiving fire. Shortly thereafter, however, a helicopter pilot contradicted and said the landing zone was "hot". Gunships delivered suppressive fire into the tree line and the village beyond. The second lift brought in the remaining elements of the Company at 0747 hours and the movement through the village began.
While the troops were landing and moving into the hamlet of My Lai 4, there were several aircraft in the locality. The Command and Control Ship of Lt. Col. Barker WitS circling the area at about 1,000 feet. Col. Henderson, the Brigade Commander, was circling the area in his Command and Control Helicopter at 1,500 feet. Maj. Gen. Samuel Koster, Commanding General of American Division at that time, testified that he probably flew over the assault area at about 0930 hours. In addition, there was a team of three helicopters from the Aero Scout Company, one observation helicopter and two gunships cruising the area to support the ground troops, and to pursue any escaping enemy and to take them under fire if necessary.

A large number of persons, estimated by various witnesses at between 100 and 400, were observed proceeding westward along Route 521 away from the area of My Lai 4 and the surrounding hamlets shortly after the artillery preparation ceased. Col. Henderson’s Command and Control Helicopter picked up two military-aged males from this group and took them to LZ Dottie for questioning.

Indications of Noncombatant Casualties

Testimony established that some of the artillery rounds impacted within My Lai 4 and caused noncombatant casualties. One of the first soldiers to enter the hamlet testified that, in going through the hamlet to the open area to the east, he had observed three bodies which appeared to have been hit by artillery. There was also a statement from a helicopter pilot that gunships at some time before 0930 hours, had made a gun run along Highway 521. He said that when he returned to that locality, he saw approximately 20 to 25 bodies in the area which he believed were killed by the gunships. He further stated that no ground troops had reached that area at the time he had observed the bodies.

The radio operator aboard Col. Henderson’s aircraft testified that at some time after 0900 hours he had observed a group of bodies, which appeared to be noncombatants, in a ditch east of My Lai 4. He estimated there were between 12 and 15 bodies at that location, and thought they were peculiar in that they all appeared to be facing in the same direction. He also observed a group of bodies in the paddies south of the hamlet near the road. Another passenger in that helicopter testified that he saw 15 to 20 bodies in the road south of the hamlet.

Col. Henderson stated that he had seen two different groups of bodies, in total about eight, which appeared to be noncombatants in the locality of My Lai 4. He said that he had reported his observation to Gen. Koster at about 0930 hours.

Lt. Hugh C. Thompson (who was a Warrant Officer in March 1968), the pilot of the observation helicopter, testified that he saw approximately 50 bodies in a ditch east of My Lai 4. Lt. Thompson stated that the only person he actually saw killed by a U.S. soldier was a woman who was shot by an American captain. 6

Other helicopter pilots also observed what they believed to be an unusual number of bodies in and around My Lai 4. One testified that upon his arrival about 1000 hours, he observed a total of about 150

6 Capt. Medina, both in testimony before this subcommittee and in public statements, has admitted that he was the officer who shot the woman in the scene observed by Lt. Thompson. His explanation of the circumstances surrounding that shooting suggests that it was not a wanton act, but rather a reflexive, self-defensive action by a soldier under the pressures of a combat situation.
bodies, most of which appeared to be women and children, at several locations near the hamlet. The largest group he observed, approximately 75, was in a ditch on the east side. Another pilot testified that he had observed about 25 bodies scattered along the road to the south and another 5 to 10 bodies in a ditch east of the hamlet.

The pilot of Lt. Col. Barker’s Command and Control Helicopter landed on the trail south of the hamlet to evacuate a wounded man from “C” Company. He testified that he saw a group of 15 to 20 bodies on the road that borders the southern edge of My Lai 4. He also saw a few bodies north of the village.

Capt. Ernest Medina testified that he observed a total of 20 to 28 bodies in the area south of My Lai 4 at about 1000 hours. Shortly after that observation, Capt. Medina received a radio message from the Task Force Operations Officer directing him to instruct his men that no civilians were to be killed. He testified that he immediately passed that instruction to his platoon leaders and received an acknowledgement from each of them.

It appears that word of civilian casualties reached the Tactical Operations Center (TOC) of Task Force Barker some time before 1000 hours. The sergeant in charge of communications for Task Force Barker testified that he heard a report from a pilot, either in person or by radio, that there were women and children out there, and possibly civilians were being shot. The Intelligence Sergeant, who was also at the TOC, recalls a transmission from Maj. Watke, Commanding Officer of the Aero Scout Company, that the Task Force troops were killing civilians. He believed that the message was relayed to Lt. Col. Barker, who stated that he had heard it. He further recalled that Maj. Watke personally came to the TOC a short time later and talked to the Task Force Barker Operations Officer. One of the Task Force staff officers recalled a report from a pilot about somebody being shot near the road. Each of those witnesses remembers that the operations officer initiated an instruction, by radio, directing the troops to look out for women and children. This apparently was the message received by Capt. Medina, supra, and relayed to his subordinates.

Evacuation of Vietnamese Noncombatants by Helicopter

At some time about 1000 hours, WO Thompson landed his helicopter east of My Lai 4 in the vicinity of U.S. troops. His stated purpose in landing at that place was to induce some Vietnamese women and children to leave a bunker in which he had seen them hiding.

The first soldier who met WO Thompson testified that he was unable to understand him due to the noise of the helicopter. Thompson then approached the lieutenant in charge of the ground troops and asked him if there was any way he could get the people out of the bunker. According to Thompson, his reply “was to the effect ‘the only way I could get them out is with a hand grenade’, or something of that order.” He testified that he couldn’t specifically recall his conversation with the lieutenant. He further testified that nobody attempted to prevent him from getting the Vietnamese to come out of the bunker, nor did they attempt to interfere with the helicopter evacuation of those people. The Vietnamese were induced by Thompson to leave the place in which they had been hiding. One of the gunships accompanying him landed, and in two trips evacuated the Vietnamese to a location a few miles away.
Since there have been newspaper stories that Mr. Thompson had ordered his gunner and crew chief to fire on the American troops if they should attempt to interfere with him, he was examined in some detail on that question. He stated that his crew trained the helicopter guns so "they were just covering us on the ground. I didn't want to get caught in a crossfire. I didn't want Charlie to sneak up behind our people and shoot."

Because of several substantial inconsistencies in Thompson's story, and because of his apparent inability to be responsive to certain questions, which sought to elicit clarifying information, the subcommittee found his testimony difficult to evaluate. For example, in an effort to determine the nature of certain instructions allegedly given by Thompson to his crew, and the circumstances under which they were given, the following colloquy took place:

Mr. REDDAN. On that particular occasion, did you have any conversation with your gunner or crew chief prior to setting down?

Lt. THOMPSON. Yes, sir, but I can't remember the exact words of what I said.

Mr. REDDAN. What were they about?

Capt. JOHNSON (Thompson's legal counsel). May we have a moment?

Mr. REDDAN. Yes.

Lt. THOMPSON. I remember telling them to cover me when I got off of the aircraft.

Mr. REDDAN. You told your gunner and crew chief to cover you?

Lt. THOMPSON. Yes.

Mr. REDDAN. For what purpose?

Lt. THOMPSON. If I started getting shot at.

Mr. REDDAN. Who was going to shoot at you? Had you been shot at that morning, at any time?

Lt. THOMPSON. No, sir, I don't believe so, but I hadn't been walking around on the ground either, sir.

Mr. REDDAN. Had you been flying around at shoestring level for sometime before you put down at that particular time?

Lt. THOMPSON. I would say it was about an hour and—I would say yes, sir, I had been flying around for some time.

Mr. REDDAN. Do you know whether anyone had shot at you?

Lt. THOMPSON. I don't think I had been shot at, sir.

Mr. REDDAN. All right. Now, coming back to this time you told your gunners to cover you, what is your best recollection of what you told them? Who did you expect to receive fire from, if you expected it at all?

Lt. THOMPSON. I wasn't caring about who was going to shoot, sir.

Mr. REDDAN. Well, you hadn't seen any VC around lately. You had been flying around there at grassstop level all morning, and as far as you know, nobody had shot at you. And
now you were going to put down in that area, and you told your gunner and your crew chief to cover you. Now, I am just trying to understand why you did that!

Lt. Thompson. Any time you get out of the aircraft, you want to be covered, sir, over there. Any place you are, in my opinion, is Vietcong's area.

Mr. Reddan. This is three times you have told us this. Now, I want to know if you had any reason to suspect that you required cover because of the presence of enemy forces.

Lt. Thompson. Yes, sir, Mr. Chairman. I didn't want to be shot by anybody that day, sir.

Mr. Reddan. That is right.

Lt. Thompson. I cannot actually make a statement to the question that you are asking, after reading so much in the newspapers and the magazines, and wondering whether what I would be saying actually came from memory of two years, sir, or whether I had been picking up parts of it out of what I have read, sir.

Mr. Reddan. Very well. I will ask you specifically. Did you tell your crew, your gunner and your crew chief, to fire on American soldiers if they fired at you.

Lt. Thompson. To the best of my memory, I did not tell them that, sir.

Mr. Reddan. Did you expect American troops to fire at you?

Lt. Thompson. From where the Americans were and where the enemy was, if there was enemy there, I had been right in the middle of a crossfire, sir.

Mr. Hébert. That is not replying to the question Mr. Thompson. Mr. Reddan asked you, did you expect American troops to fire on you.

Lt. Thompson. I didn't.

Mr. Hébert. You did not expect Americans to fire on you?

Lt. Thompson. That's right.

Mr. Gerber. Did you consider it a possibility?

Mr. Hébert. Why would they want to fire on you? You wore their uniform.

Lt. Thompson. That is why I don't think an American would shoot another American, sir, in war.

Mr. Reddan. As I understand your testimony, and if I am wrong, please correct me, your testimony is that you had no intention to convey to your gunner and crew chief that you were in fear of harm from American troops, or that in covering you, if necessary, they should shoot Americans.

Lt. Thompson. Wait a minute. I didn't follow all of that, sir. I am sorry.
Mr. Reddan. What I am saying is, as I understand your testimony, you are saying that you did not tell your crew chief and your gunner that they should cover you, and if any American shot at you, they should shoot the Americans?

Lt. Thompson. No, sir. I am not saying that I said that.

Mr. Reddan. And you didn’t suggest that?

Lt. Thompson. I don’t remember what was said, sir.

Mr. Reddan. So was there any reason for you to think that there was a possibility that they might shoot at you now? This is what I am trying to find out. Or whether you said something which has, with the passage of time, gotten out of context and been misconstrued. I am just trying to get back to what you expected your gunner and your crew chief to do that day.

Lt. Thompson. I expected them to cover me when I got out of the aircraft.

Mr. Reddan. Would you have expected them to shoot any American troops?

Lt. Thompson. No sir.

Mr. Gubser. Can I ask one question. You did not order your crew to cover you against Americans?

Lt. Thompson. Not to the best of my knowledge, sir.

Mr. Gubser. I concede that there could be a big difference between a statement which might have been misinterpreted, and an order, but I asked you did you give an order, and I think you ought to remember whether you did or not?

Lt. Thompson. I did not give an order to shoot Americans, no sir.

Mr. Gubser. Did you specifically give an order to cover you against Americans?

Lt. Thompson. To the best of my knowledge I did not, sir.

Mr. Lawrence Colburn, who had been the door gunner on Thompson’s helicopter on March 10, 1968, also testified that it was his belief that Thompson wanted to be covered against enemy fire, and that he was not asking to be protected from American troops. His pertinent testimony was as follows:

Mr. Reddan. What conversations, if any, did you have with Thompson prior to your landing there?

Mr. Colburn. Well, he told us that he was going to set down the ship and he was going to go over and try to get the people out of the bunker.

Mr. Reddan. Yes.

Mr. Colburn. And the crew chief and I stayed around the ship and covered him.

Mr. Reddan. You stayed on this ship?

Mr. Colburn. No, we got out of the ship, we took our guns down, and took them out of the ship with us.

Mr. Reddan. Yes.
Mr. COLBURN. And just stayed within 15 meters of the ship.

Mr. REDDAN. Well, now, you say you covered him. What did you mean by that?

Mr. COLBURN. I covered the pilot. I covered Mr. Thompson.

Mr. REDDAN. What were you protecting him from? You hadn’t seen any VC that morning except the one fellow that you missed.

Mr. COLBURN. Well, a lot of times you don’t see them. There was a tree line right here, right next to us, and it was a likely area to receive fire from.

Mr. REDDAN. Yes. You were there then to protect the ship and Thompson from the VC?

Mr. COLBURN. Yes.

Mr. REDDAN. Did he tell you to do that? Was that standard operating procedure?

Mr. COLBURN. Yes.

Mr. REDDAN. Standard operating procedure.

Mr. COLBURN. Yes.

Mr. REDDAN. Did he give you any instructions as to what to do?

Mr. COLBURN. He said that if any of the American soldiers opened up on the civilians while he was getting them out of the bunker, that we should shoot them.

Mr. REDDAN. Shoot the Americans?

Mr. COLBURN. Yes, that we should.

Mr. REDDAN. There is no question in your mind now, this is what he told you? He told you to shoot American soldiers?

Mr. COLBURN. He didn’t tell us to shoot them. He said we should shoot them. It was understood that what he said, he knew we wouldn’t. It wasn’t an order.

Mr. REDDAN. What was it?

Mr. COLBURN. He was just expressing that—he was awfully upset, and—he knew that we wouldn’t shoot the American soldiers.

Mr. HÉBERT. How do you know he knew that?

Mr. COLBURN. I know Mr. Thompson pretty well, and the crew chief knew him pretty well.

Mr. GUBSER. Is it your impression that he gave you instructions—let’s not call it an order.

Mr. COLBURN. No, not even instructions. It was, he was just showing us how he felt about what he thought they had been doing to the civilians.

Mr. GUBSER. Well, obviously, two years later you can’t directly quote him, but would you paraphrase something which would convey the impression that he gave to you?

Mr. COLBURN. I find that pretty hard to do. I can’t.

Mr. GUBSER. Well, in your own mind, what was your impression of what he wanted you to do?

Mr. COLBURN. Cover him.

Mr. GUBSER. Cover him against what?

Mr. COLBURN. Enemy fire.
Mr. Gubser. Enemy fire. VC fire?

Mr. Colburn. Yes.

Mr. Gubser. It was not your impression, then, that he was asking you to protect him from American soldiers?

Mr. Colburn. No.

Mr. Hébert. And any statement made by anybody that Mr. Thompson gave orders to shoot American soldiers would be false?

Mr. Colburn. Yes.

Mr. Hébert. And that your gunner, the chief, the crew chief, I understand is a casualty. He is dead, I understand.

Mr. Colburn. Yes.

Mr. Hébert. You were the only two men that had guns on?

Mr. Colburn. Yes.

Mr. Hébert. And you got out, you and your crew chief got out to cover Mr. Thompson, not against American soldiers, not pointing your guns at the American soldiers on the ground?

Mr. Colburn. No.

Mr. Hébert. You got out to cover him from Viet Cong fire, and not from American fire?

Mr. Colburn. Yes.

Mr. Hébert. Yes, what?

Mr. Colburn. We covered him from enemy fire.

Mr. Hébert. From enemy fire and not from American fire?

Mr. Colburn. Not from American fire.

Mr. Hébert. And that was never your intention. However, he did say to you, in a general conversation, if an American shoots while I am getting those people out, shoot him?

Mr. Colburn. He said they should be shot.

Mr. Hébert. They should be shot.

Mr. Colburn. Yes. Just for what they were trying—

Mr. Hébert. We are just trying to find out what he said. They should be shot.

Mr. Colburn. Yes, for what he thought they were doing.

Mr. Gubser. You are presenting that as a paraphrase?

Mr. Colburn. Yes.

Mr. Reddan. What you are saying is like someone says he should be hung for doing that?

Mr. Colburn. Yes.

Mr. Reddan. And he said to you "If they shoot these fellas while I am getting them out, they should be shot?"

Mr. Colburn. Yes.

Mr. Reddan. Is that what you mean?

Mr. Colburn. Yes.

Mr. Reddan. And he wasn't directing you or your crew chief to shoot at them?

Mr. Colburn. No. And both the crew chief and myself understood that.

Mr. Reddan. Yes. Did you have any reason to fear that you might be shot by American troops?

Mr. Colburn. No.
Report of WO Thompson

WO Thompson testified that when he returned to LZ Dottie about Noon on March 16, he reported his observations of civilian casualties to his Company Commander, Maj. Frederick Watke. No memorandum was made of that report and the memories of the principals differ as to its details. The details of the report and of Thompson's subsequent interview by Col. Henderson are of critical importance since each of the persons who subsequently received the report has a different recollection of what he was told.

In testimony before the Investigating Subcommittee, Committee on Armed Services, in December 1969, Mr. Thompson did not attempt to give the details of that report. He stated that, "My CO either called me, or I went to see him, I don't remember which it was. I told him to the best of my knowledge basically what I told the General, this was a lot more clear in my mind at that time".

Later in that same testimony, he elaborated on his report to this extent:

Mr. Hérer. Now, you reported to your superior in your own line of duty that you saw those bodies?

Mr. Thompson. Yes, sir. I reported that and also the one that I saw the Captain shoot.

Subsequently during that same hearing Mr. Thompson was interrogated about his later report to Col. Henderson. His testimony regarding that interview was no more definite. He testified as follows:

Mr. Lennon. In your mind, the person you learned was Col. Henderson the next day, did you tell him what you told the Subcommittee about seeing someone you identified as a Captain shoot a woman?

Mr. Thompson. Yes.

Mr. Lennon. Did you tell him also you saw people, riflemen, shoot men, civilian men? Think carefully about that.

Mr. Thompson. Not that I remember, sir.

Mr. Lennon. You don't recall having told the man you subsequently learned was Col. Henderson that you, the helicopter pilot, complained to Col. Henderson about U.S. riflemen shooting Vietnamese men? You don't recall that?

Lt. Thompson. I don't remember saying it, sir.

Mr. Lennon. Did you tell him about your apprehension regarding the bodies you saw in a ditch?


Mr. Lennon. All you can specifically and definitely remember is the incident related allegedly to the injured woman?

Lt. Thompson. Yes, sir.

* * *

In an effort to clarify the substance of the report, the matter was further pursued during Lt. Thompson's testimony before the Special Subcommittee in April 1969. That testimony is as follows:

Mr. Reardon. When did you first report what you had seen that day to Maj. Watke?

Lt. Thompson. I believe it was after we got back off the mission. After I got back from Quang Ngai Hospital, sir.
Mr. REDDAN. Did you make any transmissions in an effort to stop what you thought was wrong out there that day?

Lt. THOMPSON. I am pretty sure I—I don’t remember if I called back to any, you know, higher headquarters at the time, because I didn’t see anything done that was wrong. I saw the aftermath of what appeared to have been wrong.

Mr. REDDAN. Did you see what has been described as indiscriminate firing?

Lt. THOMPSON. No, sir. * * *

Mr. REDDAN. But you made no complaints that you had observed indiscriminate firing or unnecessary firing?

Lt. THOMPSON. To the best of my knowledge, I didn’t, sir.

Mr. LALLY. As best you recall, Mr. Thompson, what did you report to Maj. Watke?

Lt. THOMPSON. I feel that I have, you know, said the same thing, just like, you know, talking to you all, about the ditch, about the bunker.

Mr. LALLY. As well as you recall it, just tell us what you told him?

Lt. THOMPSON. Just told him that I thought something was wrong out there, because I couldn’t foresee any way of how the bodies got in the ditch. And it seems like I might have said something like, you know, if it was from, say the artillery, the Vietnamese, you know, have been fighting that way a long time, they are not going to hide in an open, you know, an open ditch.

If they had gotten killed by the artillery, when the GI’s come through, we usually don’t pile the bodies up and put them in a ditch. We let the Vietnamese, you know, or somebody else, come back in and do that.

And I was just wondering how the bodies got in the ditch. And I feel that I told him, you know, just about like that, sir. But I can’t—

Mr. LALLY. Well, Maj. Watke didn’t know anything about a ditch. You didn’t go in and start talking about a ditch to him. What detail did you give him on what you had seen out there?

Lt. THOMPSON. This is strictly from memory, sir. I don’t remember exactly what I told him. The ditch—

Mr. LALLY. As well as you recall?

Lt. THOMPSON. The ditch stands out in my mind. I would believe, and this is strictly from memory that I told him about seeing a captain shoot the woman. The ditch. And the bunker. Getting the people out.

Mr. LALLY. And did you tell him about any infantry officer, or any conversation with an infantry officer?

Lt. THOMPSON. Yes, sir. I say yes. Now, this is something that I can’t remember. I mean, I could ask you all, you know, what you said to somebody two years ago and—I can’t remember what I told him, sir.
Mr. LALLY. Mr. Thompson, going back to your complaint to Maj. Watke, did you complain to him about the troops firing indiscriminately?

Lt. THOMPSON. At that particular time, sir, if you're saying indiscriminate firing as was—as has been later identified as Capt. Medina, * * * if that's what you're calling indiscriminate—

Mr. LALLY. I'm asking you if you complained of indiscriminate firing. Did you use those words, "indiscriminate firing"?

Lt. THOMPSON. No, sir, I didn't use those words, because I stay away from big words.

Mr. LALLY. What precisely was your complaint? Was it about civilians being killed or was it about indiscriminate firing of troops?

Lt. THOMPSON. I'd say it had to be civilians being killed, sir.

Mr. LALLY. All right. Now, when you were interviewed by Col. Henderson, what was your statement to Col. Henderson?

Lt. THOMPSON. I don't remember my statement to Col. Henderson.

Mr. LALLY. As well as you can recall, tell us what you told Col. Henderson.

Lt. THOMPSON. More than likely, I told him about seeing the captain shoot, having the conversation on the ground with what I thought at the time, was a lieutenant, and the ditch, sir.

Mr. LALLY. But what was it that you complained of to him? Was it indiscriminate firing?

Lt. THOMPSON. I didn't use that word, sir.

Mr. LALLY. Wild firing?

Lt. THOMPSON. I don't believe I—I don't believe I was speaking so much of the firing that went on, because now I can't remember seeing that much firing.

Mr. LALLY. So that so far as you can recall, you didn't complain to either Maj. Watke or Col. Henderson about indiscriminate firing or wild firing?

Lt. THOMPSON. I don't believe I did, sir.

Mr. LALLY. Did you ever recall telling Col. Henderson that his troops were like wild men on the ground?

Lt. THOMPSON. No, sir.

Maj. Watke's recollection of the report differs from that of Mr. Thompson. He remembered that Thompson was upset over the ground troops "returning fire", while, in Thompson's opinion, "the enemy was not firing at the ground troops with any intensity whatsoever. He said that Thompson told him "he was not knowingly receiving hostile fire." He stated that Thompson told him he had observed a group of women and children in front of the advancing American troops and he landed and "He asked them to cease the firing in that area so that they would no longer endanger these people". Thompson
told him the ground commander refused to alter his method of advancing. Whereupon Thompson told the ground officer he would move the people to safety himself and that if he was fired upon while doing so, he would instruct his guns to shoot back. Thompson told him that he then proceeded to bring the Vietnamese from their place of hiding and had one of his gunships land to evacuate them to a safer location. Maj. Watke also recalled that Thompson reported having seen many bodies of civilians, which he believed had been killed by small arms fire, and that he had landed and taken a child from that group of bodies to the hospital. He said that Thompson did not have any great concern about VC in that area. During the time Thompson was relating those observations, the aircraft commanders of his gunships were present and confirmed what Thompson had done, according to Maj. Watke.

Reports of Noncombatant Casualties

Col. Henderson’s oral report to Maj. Gen. Koster, Commanding General of the Americal Division, at about 0930 hours on March 16th, appears to have been the first official notification that some noncombatants had been killed in the operation. At that time Col. Henderson reported having seen six or eight civilian dead.

Maj. Watke stated that shortly after receiving the complaint from Thompson, he went to Lt. Col. Barker and repeated the story to him. He said his primary concern was the confrontation between Thompson and the ground troops, and that he wanted to apprise Lt. Col. Barker of that confrontation. He said Lt. Col. Barker issued a radio order to the Task Force Operations Officer, who was in a helicopter over the troops, to have the troops cease their firing. He said Lt. Col. Barker left the TOC, boarded a helicopter, and went into the field. Within a reasonable period of time, either that day or the next, Lt. Col. Barker told Maj. Watke that he had been unable to identify the officer or troops whom Thompson had talked to in the assault area.

Col. Henderson said that, on the afternoon of March 16th, he visited Lt. Col. Barker and told him of the report he had made to the Division Commander of six or eight civilians killed, and asked what reports had been received from the companies on civilian dead. He said Lt. Col. Barker then ordered the companies to report on civilian casualties.

At about 1600 hours on March 16th, Capt. Medina received a call from the Task Force Operations officer asking for a report on the number of civilians killed in My Lai 4. He said he reported approximately 20 to 28. He was then ordered to return to the village to make a thorough check on the number of civilians killed. Medina objected to the order because of the lateness of the hour and the need to establish a night defensive position. His objections were overruled by the Operations Officer who repeated the order. At that point “Sabre-6”, the radio code of Gen. Koster, who was airborne, in a helicopter, cut into the transmission and asked how many killed the company was reporting. When told 28, Sabre-6 said that sounded about right and countermanded the order for a return of “C” Company to the hamlet. There was testimony which indicated that the order to return to My Lai 4

If an examination of the bodies in the hamlet had been desired, elements of both “C” Company and “A” Company came close to the hamlet on March 17th and could have made an inspection. Neither Company was ordered to go into the hamlet on that day.
originated with Col. Henderson and was being relayed by Task Force Headquarters to Medina. Col. Henderson, however, denied that he gave the order on March 16th. He believed that he had issued the order two days later. Gen. Koster recalled countermanding the order, but could not specifically fix the event as having occurred on March 16th. Because of the number of witnesses who either overheard the transmission or had participated in it, it appears conclusively established that the transmission did, in fact, occur on March 16th rather than some later date.

The Daily Journal of Task Force Barker for March 16, 1966, entry #39 at 1555 hours, reflects that "Co. 'B' reported that none of VC body count reported by his unit were women and children. Co. 'C' reports that approximately 10 to 11 women and children were killed either by arty. or gunships. These were not included in the body count." It is noted that this figure differs substantially from the 20 to 28 which Capt. Medin notified he had reported to Task Force Headquarters. This number is also at variance with the report of 20 which Col. Henderson claims to have received from the Task Force later that evening. The Task Force Journal contained a further notation that 11th Brigade had been notified of this item. The 11th Brigade Daily Journal, however, does not contain any notation of that report, nor of the report which Col. Henderson said he had received.

Col. Henderson stated that, at some time during the evening of the 16th, he received the report of 20 civilian casualties from Task Force Barker. He said he then ordered Lt. Col. Barker to determine how those people had been killed. Immediately after receiving the report from Task Force Barker, Col. Henderson said he called Gen. Koster and gave him the revised figure. Col. Henderson stated that Gen. Koster demanded a report on the manner in which those people had been killed.

At about 2200 hours on March 16th, Maj. Watke located Lt. Col. John Holladay, Commanding Officer of the 123rd Aviation Battalion and reported Thompson's allegation to him. As Lt. Col. Holladay remembers it, it was a story of "a great many civilians being killed by the ground troops that day." He also recalled Thompson's evacuation of 13 civilians from a cave in the path of the advance of an American force. He also recalled that, according to Maj. Watke, Thompson had threatened the advancing American forces that "he was going to shoot them..." if they didn't stop their advance towards those 12 people. They elected to advance no further."

On the morning of March 17th, at about 0730 hours, Lt. Col. Holladay and Maj. Watke called on Brig. Gen. George Young, the Assistant Division Commander for Maneuver, in his office at Division Headquarters at Chu Lai. Gen. Young recalls Maj. Watke's report as:

(He) told me that he had received a report from a helicopter pilot—wherein this pilot observed noncombatant civilians caught in a crossfire as friendly forces engaged a small enemy force. And this pilot had taken two actions. First, he had landed his helicopter in the vicinity of those noncombatants, and he had attempted to protect them to the very best of his ability. Secondly, he had departed from that area to the area where the ground forces were advancing and—he had
explained to the commander of the friendly ground forces the exact location of these noncombatants, and he had further told the commander that, if he continued to fire in the direction where these noncombatants were in the crossfire, that he was going to keep his own weapons on those friendly ground forces and, if necessary, he would have his people firing on the ground forces. I was not advised that there had been any noncombatants killed or wounded. I was advised that they were in danger.

According to Lt. Col. Holladay, the report furnished to Gen. Young was substantially the same as Maj. Watke had given him the previous evening. He said that there was mention that a large number of civilians had been killed by ground forces. According to Lt. Col. Holladay, the General remarked about the killing of civilians, “That’s murder”. Gen. Young in sworn testimony denied having made such a comment. The General, according to Lt. Col. Holladay, was more concerned with the confrontation between American forces than about the killing of civilians. According to Lt. Col. Holladay, later that same day, or possibly on the following day, Gen. Young told him that he had told Gen. Koster about “that business”.

Lt. Col. Holladay, on the afternoon of the 17th, called on the Division Chief of Staff, Col. Parson. He told him of his meeting with Gen. Young and of the substance of the allegations. It was Lt. Col. Holladay’s belief that this was the first time Col. Parson had heard the allegation, as he was very much shaken by the news. According to Lt. Col. Holladay, Col. Parson also reacted by saying “That is murder”.

Gen. Koster testified that, about noon on March 17th, Gen. Young reported to him that a helicopter pilot had reported “indiscriminate firing”. He said the pilot had landed in order to evacuate some civilians who he believed were in danger because they were in the field of fire of U.S. troops who were doing some unnecessary firing. As a result of his evacuation effort, there had been a confrontation between the pilot and an individual on the ground.

Gen. Koster stated “there was absolutely nothing, to the best of my recollection, about indiscriminate killing”. He said there were two features to the allegations, the confrontation, and the unnecessary firing which endangered civilians. He denied that there was any mention of civilian casualties. Gen. Koster said that, as a result of the allegation, he directed Gen. Young to have the matter investigated.

Gen. Koster further testified that about that same time he received a report from Col. Henderson of approximately 20 civilian casualties during the My Lai 4 operation. He said he requested a breakdown of those casualties and a determination of what had caused them.

On the morning of March 18, in accordance with instructions issued by Gen. Young, a meeting was held in Lt. Col. Barker’s trailer at LZ Dottie. That meeting was attended by Gen. Young, Col. Henderson, Lt. Col. Holladay and Barker, and Maj. Watke. There is conflict in the testimony of the participants as to the length of the meeting and the substance of the discussion. Lt. Col. Holladay and Maj. Watke stated that Watke related the complete story, including the pilot’s report of seeing bodies and of his confrontation with the ground officer. Lt. Col. Holladay estimated that the meeting lasted about 45