

Q. Did you command your staff and all persons within your command to provide the maximum assistance to him and furnish all available information?

A. I do not recall making that specific. I do not recall making that statement, sir.

Q. What was your relationship with the U.S. province and district advisors? I am referring here to a Mr. MAY who is a province senior advisor and I believe he had a deputy who would have been the sector advisor and probably also a military officer as a district and subsector advisor.

A. I had no command or other authority over them except that they were in my AO, and I was responsible for providing security to them and fires upon request to them. I visited all of them periodically and kept informed of what they were doing. Occasionally, we would try to integrate their RF/PF operations into as many of our combat operations that we could. We offered training for their RF/PF forces. My relations with Mr. MAY were not as close as the district. The Americal Division usually coordinated through the G5 with Mr. MAY's office at Quang Ngai City. Unless I was specifically given a mission of doing something concerning them.

Q. What was the name of his deputy?

A. Lieutenant Colonel GUINN.

Q. G-U-I-N-N?

A. G-U-I-N-N, yes, sir.

Q. And the sector advisor, what was his name?

A. The sector advisor at Son Tinh was Major GAVIN.

Q. Did they also pass on to you information from the civilian community?

A. Not to me personally, but as I indicated earlier, I had an MI officer out in each of these districts. He did not always live there. It depended on what my strength was. If he was not living in the district itself, he visited daily or periodically in the district, yes, sir.

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Q. And you used this as a device or means of gathering information?

A. Intelligence information primarily, yes, sir.

Q. Mr. WEST, you are--

A. (Interposing) I would like to add one item if I may to this point here. I read in the newspaper or I was called by a newspaper reporter, I do not recall his name, but he was from The Washington Post-Peter something--and he informed me that he had been informed, in turn, by Colonel GUINN that Colonel GUINN was the first one to alert me that something had happened up in the Quang Ngai Province. He further stated that Colonel GUINN delivered to me the day after the operation a handwritten memorandum, or a handwritten piece of paper allegedly coming out of a grievance committee's report in Quang Ngai City that U.S. forces had killed civilians in this My Lai (4) operation. He asked, this editor asked me, this newspaper reporter asked me to verify it, that thing. I told him that I didn't know what he was talking about. I consequently called Colonel GUINN or got him to call me.

Q. G-U-I-N-N or G-A-V-I-N?

A. Lieutenant Colonel GUINN who was the deputy at Quang Ngai City. Colonel GUINN talked to me in Norfolk, and I told him that I did not remember this piece of paper that he reportedly or allegedly gave to me.

He said, "Oh yes, sir, the day after the operation."

I said, "Bill," after this time he became one of my battalion commanders, "Are you sure a grievance committee would meet the day after the operation and this word brought to the district chief because the district chief or the province implied to me that the first word that he had of it was this letter that had come down from General LAM through this particular means."

GUINN said, "Well, it was a couple weeks after this, and the day after I got the report; it was on a handwritten piece of paper; and I don't know where I got it, but it reported that over a thousand civilians had been killed in the My Lai area; and I carried that down to Duc Pho and handed it to you."

I asked Colonel GUINN something else about it, and he indicated that I had walked out to his chopper with him or something like that, and I asked him if I was in a cast,

and he said no. This didn't jibe with me because at that time my leg was in a cast, and I wasn't doing more walking than I had to, and I don't remember having ever met Colonel GUINN prior to the time that I went to the Quang Ngai Province to talk to Lieutenant Colonel KHIEN. I asked him if he wasn't certain that he hadn't given it to one of my staff, and he's positive that he gave it to me. I swear under oath I never saw such a report. Now, whether it is the time that has gone by, I don't know, I did not and have not seen this supposedly handwritten note that he reportedly delivered to me, stating that something in excess of a 1000 civilians had been killed on 16 March.

Q. Do you know what a census grievance team is?

A. No, sir.

Q. Are you familiar with what is referred to as Revolutionary Development Cadre?

A. Yes, sir. I do not know the workings or the procedure that they go through. I know that in the Revolutionary Development Cadre, they have such an organization to hear the complaints and grievances of the community. Yes.

Q. This report was, according to the information you just gave, was delivered to you on or about the 17th or thereabouts?

A. Well, initially this was the report that the reporter was given to me, and that Colonel GUINN, when I first talked with him, stated that he had given it to me, but then he said on second thought, that it must have been several weeks later because the report would not have gotten back to any grievance committee in this period of time. But he continues to feel that he gave me such a report. I have no knowledge of this report.

Q. Do you know which RD team it was?

A. No, sir. I do not.

Q. Where are the refugee camps or where were the refugee camps in the area of Quang Ngai, and specifically north of the Song Tra Khuc River?

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A. I do not recall. I know I have flown over and seen them, but I just can't remember where they were physically located.

Q. Do you recall the location of any of these RD teams?

A. No, sir.

Q. Could there have been any confusion in your judgment between the information that you picked up from Colonel GUINN, or what Colonel GUINN had given you, and the information which had been provided by the village chief to the Son Tinh District chief?

A. Well, this was what I tried to square away with Colonel GUINN, whether this wasn't the same. He claimed this was not one and the same, that this was a separate account. But he does not know where he got this handwritten memorandum from, who gave him this handwritten memorandum.

IO: Mr. WEST, do you have any questions that you would like to address at this time to Colonel HENDERSON?

MR WEST: Yes.

Colonel HENDERSON, can you tell me what a denial operation is?

A. I believe you are making reference to one of my comments?

Q. No, and I didn't remember that you used the term.

A. I used the term rice denial operation that denies the crops that had been harvested from falling into the hands of the Viet Cong.

Q. I have seen the term used in several statements seeming to be in the context of destruction of a Viet Cong base. Possibly this could be the destruction of a village or hamlet. Was the term ever used in that sense, to your knowledge?

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A. Back in the mountains when we operated against the NVA subsequent to this period, here, yes, we destroyed VC base camps, anytime and anywhere we could find them. There were no restrictions on burning these bonafide, and--these weren't even hootches. These were just a couple of feet off the ground, some grass over some limbs or something of this nature. We did not run into any major built-up areas of the NVA out in the mountains. We ran into overnight stations. We ran into small company size--and even in one case--on occasion ran into a battalion, where they had been. Of course, we destroyed anything and everything we could find.

Q. While you were the brigade commander, were you ever assigned a mission from higher headquarters to destroy a hamlet or village? By destroy meaning get rid of the people and burn down their houses, wipe it out as a possible base for VC?

A. Absolutely not. On one occasion I coordinated, and I believe it was after I assumed command, I'm pretty confident it was, while we were down in the Duc Pho area, we had a half dozen houses that were built right along the highway. And 3 or 4 nights in a row, booby traps had been planted right there in that road there. We coordinated with the Duc Pho District chief, and got him to move the people out and for him to destroy the houses. But whenever possible, I put this out at commanders' meetings time and time again that any time a torch is put to a building, I want your troops to be away from it unless it was the direct result of an engagement.

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Q. Were such operations occasionally carried out by ARVN troops?

A. Yes, sir.

Q. To your knowledge did the Americal Division ever carry out such an operation, destruction of a village?

A. I have no knowledge of any such operation conducted by the Americal Division, sir.

Q. Did you know Captain MEDINA well?

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A. I felt I knew Captain MEDINA well. Yes, sir.

Q. As you know the Army has been investigating the My Lai incident for several months. Many statements have been taken from many people, including a great many of the men in TF Barker. A number of the men have commented on Captain MEDINA. Some have praised him, and some have criticized him. Among his critics, he has been called "Mad Dog" MEDINA, said to be very ambitious, set a great store by high body count and stated directly or implied that he liked to see high body count, wasn't too particular what the bodies were. Does any of this purport to your knowledge of Captain MEDINA?

A. No, sir. Captain MEDINA was personally selected by General LIPSCOMB to lead the advance party of his entire company in Vietnam. In training, Captain MEDINA's company was always outstanding. Captain MEDINA was a very aggressive commander. He ran his company, as far as I knew from my experience, by the book. When he was out for training, he was out for training, there was no monkey business. On many occasions, not on many occasions, but on a couple of occasions I have personally had officers assigned to Captain MEDINA whom I felt needed educating. Captain MEDINA was a hard task maker, but to the best of my knowledge he was always fair. I have known Captain MEDINA since shortly after activation of the brigade on or about 1 August. The brigade was activated on 1 July. I believe he came to us sometime during the end of July or perhaps 1 August. **He was initially the assistant S3 of the 1/20.** The following December he was given a company.

IO: That was 1966?

A. This was 1966, sir.

MR WEST: I think it is fair to say that a number of statements give the same impression of Captain MEDINA, went by the book, he was strict, but fair, and took care of his men.

A. I did hear this statement, "Mad Dog" MEDINA, from a newspaper reporter in Chicago who called me a few nights

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ago. No, it was The New York Times, and he told me he was writing something up, and asked me if I had ever heard MEDINA referred to as "Mad Dog" MEDINA, and I told him I was making no comment, but to that statement, I would say, positively, no. I have never heard the statement used against Captain MEDINA.

Q. Do you think it possible Captain MEDINA on his own, decided to wipe out everything in My Lai hamlet, burn the village, kill all the living things in it?

A. I just do not believe this was in the makeup of the character of Captain MEDINA. He was a very courageous officer to my personal experience. It is just not the reaction or the acts of an officer of his calibre. Up to 2 weeks ago I would have sworn under oath, and still from the information available to me, I will swear under oath that this massacre, so-called massacre, did not occur. But with the television and newspaper reports that I have been reading here in the last few weeks, there is more of a concern in my mind that perhaps something did occur. I feel that if it did occur, it was the result of some rash acts on the part of, perhaps, members of this company and that, perhaps, Captain MEDINA then seeing that it had occurred, knowing he couldn't stop the thing once it had already happened--yes, a coverup. A coverup I'm confident was at that level if there was a coverup. At no time was there ever any collusion or conspiracy or anything else between Colonel BARKER or any member of his command and myself, or any member of my staff, that I'm aware of, that knew anything about this incident that has not been brought to light to me at the time this thing occurred. There was positively no collusion or conspiracy or anything else between myself and members of the division staff to whom I talked to about this. And, to the best of my knowledge, the only people that I ever discussed this with in detail were General KOSTER, General YOUNG, and I did not even discuss it in detail with the chief of staff, Colonel PARSON. I handed him a report of 24 April and informed him what the report was, and at the time he did not read it in my presence. **I did not discuss it further with him, nor did any member of the division staff ever come down to visit me concerning this incident.** There was positively no effort on my part to cover up any single aspect of this.

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Q. You might check me on this, but from what experience I've had, I think it's rather commonplace practice for commanders to talk to their troops ahead of an assault, and let them know what the operation is about, and prepare them for it, perhaps give them a so-called peptalk, get them in the right frame of mind. Is it possible in this case that the men were so keyed-up to move in against My Lai hamlet expecting strong resistance that they moved in, got out of control, and did a lot of killing, and went wild as was said? Those words have been used--

A. (Interposing) I hate to say that soldiers can react that way, but yes, it is possible, because we placed heavy reliance on the information provided to us by Major GAVIN of the Son Tinh District. His intelligence reported that the 48th LF Battalion was positively in that area. The 48th LF Battalion had been the one that had been hurting the hell out of us with mines and booby traps, primarily sniper fire and things of this nature. This was a number one target in our brigade, the 48th LF Battalion. Anytime anyone mentioned 48th LF Battalion, night or day, we were ready to move to do whatever we had to do to destroy it. I don't know that C Company, I believe they were involved in a minefield incident a few weeks before this thing happened where they lost 12 or 15 men in a minefield. I don't have any knowledge that they attributed this to the 48th LF Battalion or to this operation, although some of the statements in the newspapers, I'm not certain.

Q. Did you know Lieutenant CALLEY?

A. I do not remember Lieutenant CALLEY. It was sort of an awkward period when we were getting ready to process for overseas. When I came back from a trip to Vietnam, I hurt my knee in Vietnam jumping out of a helicopter and I had to turn into the hospital for a disc removal and I was in the hospital for about 3 weeks. When I got out again I was on crutches and got rid of them just as we walked up the gangplank, practically. When I did get, really--I hadn't been released from the hospital, I was still carried on the hospital rolls. General LIPSCOMB had to go in to have a cancerous cyst removed from his neck, and he was in the hospital for a month. I was trying to get the brigade deployed. I was immobile. I didn't get around to training like I should. There was a hell of a lot of things, but we got the

brigade moved, and we got them moved in damn fine style.

Q. While you were brigade commander, was it ever necessary to conduct an investigation of a war crime in this brigade?

A. There was, not of a war crime, there was one incident of a soldier shooting a group of civilians which was murder, but it was not categorized as a war crime. Now I'm not certain from a legal aspect whether it is a war crime or whether it was not. We treated it as murder, made the necessary reports on the investigation--

Q. (Interposing) Do you know the status of the civilians that he was accused of killing? Were they friendlies?

A. They were friendlies. It was just a willful act of murder, premeditated, and we could not prosecute.

IO: I would like to ask you a couple of other questions. Did you at any time land while you were in the vicinity of My Lai (4) in the LZ or talk to Captain MEDINA?

A. No, sir.

Q. Not on the ground?

A. No, sir. I attempted to land to the south of that area at one time, but because of the terrain, we were not able to land. No, sir. I did not land.

Q. My question is, do you know where Captain MEDINA was? His command post?

A. I am not positive of this. I think I had him mark his command post for me with smoke. When I flew over at one time, that time it was in the edge of the LZ to the west of the village of My Lai (4). I'm pretty certain that I did have it marked so I could get a better appreciation of where the troops were.

Q. From there would he have control of his platoons?

A. Well, certainly radio communications, yes, sir. I see no reason why he would not have from the distances involved.

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Q. The distance involved were--

A. (Interposing) Were very minor.

Q. Such as?

A. Well referring to the map here (indicating), I would say except for small elements that he was sending to the north and to the south in response to gunships and others marking positions, everything was right around that My Lai (4) village and he would not have been over 500 to 700 meters at any point his people would have been away from him or his platoons wouldn't have been away from him.

Q. With him being on the ground and separated from his platoon by as much as even a quarter of a mile in this kind of terrain, would it have been possible for him really not to know what's going on in an area other than what he is told over a radio?

A. Yes, sir. It would be possible for him not to know because once you get on that ground, as you probably know, you cannot see a hell of a long inclination. These rice paddy dikes which look from the air like flat rolling terrain, and when you get down on the damn ground you are blinded by a hundred meters or even a little hedgerow which looks from the air like a pooltable. When you get on the ground, it's a hell of a lot different. Yes, I can understand and appreciate where control would be difficult.

Q. This is only a matter of opinion, we'll have to try to clarify that. Was there ever in your mind, a question of the rules of engagement in this particular operation with respect to the use of artillery, the use of gunships, and so forth, or air strikes. Those three in particular, artillery, your helicopter gunships, and possible air strikes, which might have caused you to think about the rules of engagement? I have documents which were put out by MACV, by the Americal Division, and also by your headquarters?

A. We did not use air strikes on this operation. We had no air strikes supporting this operation. It had been planned, but I don't know if I canceled out or what the reason for it. There was no need for it, we had it on call. As

a result of the 20 killed, civilians, although it was never firmed in my mind how many had been killed, although I had a report from Colonel BARKER of how many by gunships and how many by artillery. I had, from the moment I arrived in Vietnam, stressed at every opportunity the difficulty of trying to win these people over to our side and shooting them up the next few minutes. Within the first week I was there I was already in almost combat with the brigade commander over controlling fires. I cited this at the commanders' meeting for several weeks as what I considered an example of lack of control by the battalion commanders in the use of these gunships. When we went into areas they operated where we told them to operate and not to take off hunting, so to speak. That the artillery fires anytime--there was no authouity--at this time there was no artillery landed on the village, although I had reports that some artillery amy have landed on the village. But Colonel LUPER investigated this and assured me that no artillery landed on the edge of that village, which Colonel BARKER later acknowledged that it had not, that he had seen the artillery fire starting in he had claimed he had been left to pick up the ships coming in for the CA and when he arrived for the CA and went in to mark the LZ he had really for a moment or two or for a minute perhaps, had lost sight of the artillery rounds, but he thought he saw a building or two burning in the village which led him to believe that the artillery had perhaps hit the village. But he could not later substantiate this. But the artillery commander, both the battery commander, who had visual observation, claimed that this was not true, that all of his rounds impacted within the LZ which was several meters away. I did stress for none of the battalion commanders to bring any scheme of maneuver or plans that would bring this artillery in close to the villages. That we'd land away from the damn village, keep off the village. Yes, I believe that this did come out, sir.

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Q. To your knowledge, did they use any white phosphorus in the prep?

A. No, sir. They did not. There was none planned to be used. There was no reason for using it since it was in the rice paddy area.

Q. It was all HE then?

A. Yes, sir.

IO: I would like to take just about 5 minute recess.

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(The hearing recessed at 1742 hours, 2 December 1969.)

(The hearing reconvened at 1747 hours, 2 December 1969.)

IO: This hearing will come to order.

RCDR: All persons who were present when the hearing recessed are again present.

IO: Do you, Colonel WILSON or Colonel MILLER, have any additional comments that you would like to address to Colonel HENDERSON?

COL MILLER: I have nothing further.

COL WILSON: No, sir.

IO: Colonel HENDERSON, do you have anything you would like to add?

A. Yes, sir, I have a few comments which I would like to add which may not appear to be exactly pertinent, but I feel they should be entered into the record. Following Tet in 1968 there was an increase in U.S. operations throughout the Americal Division, considerable increase. But there was no order to change tactics or techniques as far as destruction or anything. This was merely a reaction to the Tet offensive and we went about it harder. I don't believe there was any increase of unsoldierly acts during this period. I was at that time and have always been concerned about indiscriminate firing. I believe any one of my battalion commanders and company commanders will support this. And I don't say this in defense. I feel strongly connected with the 11th Light Infantry Brigade, having activated that unit and having served with it in combat. All these battalion commanders and unit commanders will support these positions and policies that we have in the brigade towards indiscriminate firing. During this investigation, I personally did not consider any new evidence had come to light even with this VC propaganda message. If there was a shortcoming in the investigation, it was mine, and mine alone, and I shoulder the full responsibility for that. And I do not care to share that responsibility with anybody else. That is my decision

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as the brigade commander. The fact that I had assumed command of that brigade on 15 March, one day before this incident happened, is also immaterial. When I accepted the flag of that brigade I accepted not only the privilege of commanding it, but also the responsibility of commanding it. I further acknowledge full responsibility for the acts of that brigade following my assumption of command. I at no time treated this incident lightly. I do admit that I had many things going on in the brigade that were competing for my time, many operations, not only in my primary area of responsibility, but I also had four Special Forces camps which required periodic visits by me and the preparation of plans for going to their relief should it be needed and also, the execution--the rehearsal of these plans which were in themselves time consuming. I do not want to give the impression here that I sloughed off this investigation, or the facts alleging to it, although perhaps if I had more time I would have, again if I had an executive officer, I might have said, "go down and conduct it," rather than I conduct this investigation. It may be, more light could have been shed; I do not believe so. I have a great amount of confidence in, and always have in Lieutenant Colonel BARKER, Captain MEDINA, and the soldiers with whom I have served; and I believe in them. I'm not naive, I've been in the Army over 30 years, and I talked with soldiers on many occasions. I know when you get them in a group that you get the group reaction. When I singled these individuals out individually, I had hoped to break this group contact. These soldiers stood tall. There was no bending of heads; there was no impression that here was a group of men who had just been involved in a massacre or any kind of atrocity, and I still do swear by my soldiers. Although during this investigation I have indicated on many occasions that I have not discussed this with General KOSTER. This is not a criticism of General KOSTER, but I found it extremely difficult to talk to General KOSTER. Normally when he would come into my area, the policy was the brigade commander would conduct his government business. He continued conducting the government business. If General KOSTER desired to speak with the brigade commander personally he would so notify him and headquarters would call for me. Otherwise, I was to ignore his presence in the brigade area. He came into the brigade area quite frequently and within every 2 or 3 days, as a minimum, sometimes, day after day, he would be in the brigade area, normally stopping at the battalion CP's and talking to battalion

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commanders or to staff officers who were present. The battalion commanders were enjoined not to take off from an operation when they were needed and go to that headquarters, but I spoke almost on a daily basis with General YOUNG. As far as I'm concerned, whether this was a policy of the division or whether it is merely my assumption that when I spoke to General YOUNG it was the same as speaking to the division commander, this was an understanding, at least I thought I had. Perhaps I was incorrect on this. I find it very easy to speak with General YOUNG and to talk with General YOUNG. Throughout this incident, or any new insights into this incident, I related fully to General YOUNG. I don't mean here that I want to put any of the responsibility over on him. This again is my responsibility. It was also during the month of March, which I believe should be known, the brigade started its infusion program. I say this because I read reports in the newspapers where individuals claimed that they had been immediately transferred out of the company so they couldn't speak. We started the brigade infusion program which was a division directed exercise, by name. The brigade had very little control over it, to try to reduce the impact of not only the following December, November, December, when we started rotating back to CONUS, but also the other brigades there in the division. And they had big job of trying to get the right numbers of people in various units so that the entire unit was not wiped out by this rotation. This started in March. R&R started in March although it hit us very lightly and it had no impact on this particular incident. The fact that I was hobbling around at this particular time possibly detracted my diving into this more than I did, but again that is strictly my responsibility. That is all I have to say.

Q. Was General YOUNG the only ADC?

A. No, sir. He was not the only ADC.

Q. How did you know General YOUNG as his title? Did you call him the maneuver ADC?

A. Yes, sir. He was the maneuver one to whom I was directly responsible to and who filled out my fitness report. So I looked to him as my immediate commander, although certainly I did not look to General KOSTER in any other way either. He was also my commander. I did not know General YOUNG before I joined the brigade--before I deployed to Vietnam.

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Q. Would it be normal if the other ADC be what might be referred to as ADC for logistics and administration, generally taking care of your base area in Chu Lai?

A. I believe that was the organization--I cannot even think of the other ADC's name that was present at this particular time. I am not certain there was one. It seems to me that the general later became the G1 of USARPAC. It seems to me he departed just about this time before this incident occurred, and I'm not sure another one had come up. General MATHESON, I believe. I could be wrong.

Q. General RYDER--

A. (Interposing) General RYDER, yes, sir.

Q. Was he assigned to the division during that time period?

A. He was assigned to the division, but he departed the division before I assumed command, and I am not certain another general came in before this operation kicked off, or before I assumed command, but General YOUNG was my immediate boss, he was my rating officer.

Q. Before you leave the Washington area, I want a sketch of what we have previously asked and also I would like to inform you that perhaps at a later date we will want you to reappear before the investigation in which event we will get in touch with you.

A. Very well, sir.

IO: Thank you very much.

(The hearing recessed at 1809 hours, 2 December 1969.)

(On 3 December 1969, Colonel HENDERSON annotated a copy of Exhibit MAP-4 and prepared an accompanying three-page itinerary on his activities on 16 and 17 March 1968 which was keyed to the annotated map. The map with attachment was received into evidence as Exhibit MAP-7.)

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