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I have Exhibit R-2, which is a combat action report from Task Force Barker on 20 March. This has been entered into the record. I will show you it and ask you to review it.

Have you ever seen this report before?

A. No, this is the first--no, this is the first knowledge that an action report was made.

Q. Was your task force in the habit of making after action reports?

A. Colonel BARKER--I had observed Colonel BARKER writing what I thought might have been an after action report, because he was using onionskin paper and filling in positions and so forth. Colonel BARKER had never asked me to help with one, and I do not know if he turned them in or not, sir. He never asked me to cooperate in any type of after action report, none whatsoever. I was not aware if he turned one in or not.

Q. The only knowledge you have of any after action reports, then, would be only the fact that you saw him at one time preparing an after action report?

A. Yes, sir. He sat at his desk in his trailer.

Q. Would you know of any particular reason why this particular report was prepared? Had you heard any request to have such a report?

A. I heard none, sir. I was not asked for my opinions or recommendations.

Q. You will notice that this particular report, dated 28 March, in paragraph 2, covers the time period from 0730 in the morning to 1800 hours on the 16th. Do you know the first daylight hours in the operation?

(KOTOUC)

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A. Yes, sir, I'd say so.

Q. Do you know of any reason why there is no mention here of civilian casualties?

A. No, sir, I do not.

Q. You will notice page 3, paragraph 12, discusses friendly and enemy loses, and that there is no mention of any civilian casualties?

A. The 128 I recall as the figure being announced that night on the Armed Forces Network. And I remember it coming into the TOC, that 128. We were adding such casualties as they were reported by both companies in the field. I do not recall in my own mind, now, whether or not this was the total figure, or what kind of figure this was. I would not say positively that this would be a body count. I would not know. Now, why there is no civilians listed on there, I have no idea. I had nothing to do with the corroboration of the report.

Q. Did anybody in your headquarters attempt to analyze the ratio between enemy KIA of 128, and 3 weapons captured?

A. Yes, sir, this was given some thought. We had-- there were operations where we could only secure several weapons and no VC. There were operations when we could get VC and it was very difficult to find the weapons with them. If I may draw a comparison, after Colonel BARKER left the task force, for his job down in Duc Pho, an interim period before he came back with 4/3, I was left up at Dottie with Colonel ADKINS, who is commanding officer of 4/3. There was an operation during that time where there were well over 100 weapons of every type imaginable found, and there were 2 VC. Sir, the correlation between the number of weapons and bodies, so to speak, there just wasn't any logical explanation we could assume. We had had intelligence reports, and I believe these to be accurate and true, where the weapons were buried, dropped in rice paddies, put in rivers. The first thing Charlie did with his weapon was get rid of it if it did not look like he was going to be able to win. We tried to search out. There was probably 200 weapons or more in that area, but to find them is absolutely impossible. That place is heavily covered with vegetation. There were rice paddies. The rice was very high. The tunnels were

very deep and long, and it was difficult to find--there were a million and one places to hide something in that place. The only way we could do it, this was even discussed, was to go in there when there was an operation such as this, a clear and destroy operation, bring bulldozers in, and just bulldoze the whole area. To me it was logical but disappointing that we did not find any more weapons than we did. I saw weapons lying on the ground 2 or 3 weeks before that, and I saw them out of my helicopter. When we went to get them, they were gone.

Q. Well, with respect to 2 VC KIA and 100 weapons, I do not think that is a very good correlation. Because it is pretty obvious, it seems obvious, that they must have discovered a weapons cache. This is quite a bit different than individual weapons.

A. The thing that I am trying to point out, sir, is that it is the opinion of all the officers in Task Force Barker, the ones that I knew up there, they were just awfully lucky to get the weapons along with Charlie.

Q. But this disparity of the weapons issue, and the fact that reports were coming in that there were VC casualties, noncombative casualties, were never really put together and analyzed. Is that correct?

A. Yes, that is correct, sir. As far as I was concerned, the report from the helicopter that someone was shot down was never discussed with me after that day. In fact, it was not discussed too much in length that day.

Q. What was your normal ratio of enemy losses to friendly losses going against strong resistance?

A. We had--it is pretty high, sir. We had a lot; we used to keep it posted. I am trying to think what it was--30 or more to 1. I would like to be able to tell you exactly, but I cannot recall.

Q. This shows 2 to 120, or 1 to 64. This caused undue alarm in this operation, the friendly losses report in paragraph 2?

(KOTOUC)

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A. To me, it did not appear to be that bad, the ratio being, shall we say, unreasonable, considering the number of persons that were killed in the preparation prior to the operation during the firing of the artillery. It did not seem to be that bad. I can say that Colonel BARKER was elated, and he told me that. Of course, we were also thinking a positive frame of mind at the time, and we were happy our people weren't killed, mutilated, and wounded like they had been in the past.

Q. The exact reason why I asked you the question, you just stated, "Mutilated like had happened in the past," which would indicate that is normal.

A. Not in our operation, but I would say this is an estimate. Ninety percent of our casualties were by mines and booby traps, not from enemy fire. On some days--I know one day we lost quite a few men, and we never even saw one Vietnamese the whole day. But we lost people out of Captain MEDINA's company that day in the minefield. I was unfortunate to be out with them, with Colonel BARKER in a helicopter. These people were killed in action. This is part of our ratio, sir.

Q. Were you familiar with any other--let me rephrase that. After the filing of the combat after action report, were you familiar with any other investigation that may have been conducted--

A. (Interposing) With respect to March 16, sir?

Q. Yes.

A. Again, all I can say is that I was never contacted on an investigation. No one asked me my views, my opinions, or my knowledge. They just did not want to ask me. It was just never discussed.

Q. I have here Exhibit R-1, which refers to the investigation, dated 24 April, by Colonel HENDERSON, the brigade commander. I ask you to review this document.

A. I have never seen this report before, sir. I might point out that Colonel HENDERSON did not talk to me, as he left my name out of it.

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Q. You are not included in paragraph 2 as being interviewed. Did you have any knowledge that such a report was being prepared?

A. No, sir, I did not.

Q. Did you have any knowledge that such an investigation as this was under way?

A. No, sir. The first thing I have known of any investigation was when it made the news media, which was a week and a half or so ago. I was somewhat shocked and dismayed by it.

Q. Do you consider that the report, as you see it, would be a proper kind of investigation that should be conducted in the event of an atrocity?

A. Sir, if I may say, I am not sure I am qualified to determine what senior officers are good and bad. I mean that in all honesty and sincerity. I do not mean to be facetious in any way. I do not know what I would have done in their place, had I had the information that was apparently available to them and not available to me at the time-- until now. I would have probably differed in some respects, but I do not know what I would have done. I would have sat down and talked to someone who knew what he was doing.

Q. I refer you to the first inclosure, dated 14 April. Have you ever seen this statement before?

A. This statement, itself, I have never seen. I have seen things that were similar to this, propaganda leaflets and so forth.

Q. Only this piece of paper here. I am not talking about that.

A. Sir, I have not seen this statement here before.

Q. Referring to Inclosure 2, this is a translation of the VC propaganda leaflet which was put out in the area. Have you seen this before?

A. Sir, I have not seen this particular one. If I had, I would have read the first two or three lines and dismissed it. There was always stuff lying on the roads and streets of this nature. We would bring it in, go over it. I do not recall specifically seeing this.

Q. I am referring to the second paragraph from the top of page 2, which refers to 500 people.

A. I never saw that before in my life, sir. I can say without any question, I have never seen that before in my life.

Q. Do you know of any other investigations that may have been made either by U.S. or ARVN forces of the incident of 16 March?

A. No, sir, I don't.

Q. To your knowledge, was Colonel BARKER directed to conduct a formal investigation?

A. Not to my knowledge.

Q. Do you have any knowledge of any investigation by Colonel TOAN, the commanding officer of the 2d ARVN Division?

A. I have no knowledge of that either, sir.

Q. Or by Colonel KHIEN, the province chief of Quang Ngai Province?

A. No, sir.

Q. Did you have any intelligence available to you from U.S. or ARVN forces which may have indicated that atrocities or something unusual had taken place in My Lai Village on 16 March 1968 other than what I have already stated, the initial report?

A. No, sir.

Q. You had no knowledge of any information coming from the ARVN?

A. No, sir, I do not.

(KOTOUC)

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(KOTOUC)

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Q. From the province?

A. No, sir.

Q. From the district?

A. No, sir.

Q. From the census grievance team?

A. No one.

Q. Or any Viet Cong propaganda or actions?

A. I think not. I read a lot of propaganda and I dismissed it, sir.

Q. Did you hear anything or was there anything that might have caused suspicion in your mind that something unusual took place in My Lai Hamlet on 16 March?

A. Sir, I hold again the point that there were some civilians killed. I did not believe there was anything there in the nature of an atrocity or anything of that nature at all. I just dismissed it as idle rumor. And when they talked about it, as I said before, with my friends down at Duc Pho, I dismissed it because most of them had strong feeling toward Task Force Barker. We had a lot of belief in each other. I dismissed it as idle gossip, and that was all.

Q. If Son Tinh District had information from a census grievance team, or the village chief of Son My Village, or from additional civilians or ARVN military sources, would such information have been available to you?

A. I do not know, sir, if it would have been or not. I never received any.

Q. Did you have a liaison officer in Son Tinh District?

A. No, sir.

Q. Whom did you rely upon for information from district and province headquarters?

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A. We would go down there and talk to Colonel GAVIN. He was the advisor down there and I must--like to state now that a lot of intelligence I received from Colonel BARKER, because Colonel BARKER talked to Major GAVIN, and he would come back and tell me. Occasionally, Major GAVIN would give me pieces of information. We would post those on our board and determine what they meant. A lot of information I got from Colonel BARKER himself, sir, what he received on his little trips around the area. Occasionally, Colonel BLACKLEDGE would call me on the phone or I would drop down to see him. He would give me information then.

Q. Captain KOTOUC, I show you here Exhibit M-5, which is a memorandum from the district chief of Son Tinh, to the province chief of Quang Ngai Province, and ask you if you have ever seen this report in English translation before?

A. I have never seen this before, sir.

Q. Going back to the operation and the reporting of the operation, do you know how many hamlets were burned during the course of the operation?

A. No, sir, I don't. I know there were some fires because when I went down over in the chopper, I noticed the smoke coming up from the ground. Some of the buildings in the area were not what you'd call related to other buildings, like a farm here, and maybe over here another farm or something like that. I can only give you an estimate, sir. I don't think it was a great many.

Q. Was this a part of your operating procedures? In the event they did this, that they would report?

A. They would report, the commanders of each company. They would report any action that they took in the destruction of the offensive positions, buildings, or anything else, or any of the facilities there that might aid the VC. Anything they destroyed was to be reported destroyed.

Q. Was anything reported to you during the course of this operation, 3 to 4 days, any additional villages and hamlets aside from My Lai (4) such as My Khe (1), My Khe (3), other villages to the southwest of Pinkville that were also burned?

A. No, sir, definitely not.

Q. Was there any account or estimate as to the number of animals in the My Lai area, My Lai(4) area and other areas, that were killed during this operation?

A. Not to my knowledge.

Q. Pigs, water buffalo, cattle--

A. (Interposing) Not to my memory there was not. I do not recall ever seeing a report on that--livestock, fowl, or animal.

Q. I would like to return to the period immediately preceding the operation and issuance of orders. You indicated that possibly you had been on board the aircraft the day before, or possibly 2 days before the operation, with the company commanders to make a recon.

A. There is a possibility of that.

Q. If you were to fly south of the area--to refresh your memory, would you recall discussion concerning exactly where the area was located? Would you recall such an incident in an aircraft?

A. Well, I recall going up the river, I recall that very well. Now, I hope this is the same one. I am not sure. I recall that because my map fell out the door. We circled around the general area of operations and we went up the peninsula, up north, and back down (pointing to map). This was just an overflight. We did look at a church down there.

Q. Church or pagoda?

A. Pagoda, I'm sorry, pagoda. And we flew back to Dottie in the course of our recons. I can definitely tell you that that was not it. I do not recall--what I am talking about is a later operation, with MICHLES. I do not recall--

Q. (Interposing) Do you recall any discussion prior to that time pointing out that that is going to be the LZ, and that is going to be where the artillery prep is going?

A. This is what we normally did, sir. This was a normal procedure for us. Now, whether it happened the day before or 2 days before, or whether it happened I do not remember. Although we did it on numerous occasions. This was SOP. We always went out to look in our own minds how things were set up. I have no reason to believe it was different before this operation. I can not recall specifically doing it.

Q. If you didn't conduct that flight, was it re-emphasized that the village was to be burned, animals killed--

A. (Interposing) I doubt very much if it was, sir. I would say so.

Q. You do not know if you were on board that airplane or not?

A. I don't know, sir. I just don't know.

Q. I'd like you to restate once more your interpretation of what orders were issued to Captain MEDINA with respect to the hamlet of My Lai (4).

A. Captain MEDINA was instructed to make an assault on My Lai(4), and there were other objectives in mind. I do not know how that was discussed. It was just a sweep operation. He was instructed to take the enemy under fire and do battle with him right there, as Colonel BARKER used to say all the time, and try to press him into a pincers operation if he could, which did not prove out to be fact. He told him to destroy such fortifications or other facilities, to include livestock, which might give aid and comfort to the enemy. It was not in my mind implied, in any way, shape, or form, that we would destroy the population, so to speak, or that area. It was a field order. It was given verbally, it was not handed down in writing. And Captain MEDINA gave the order to his troops after that.

Q. Did you hear Captain MEDINA issue those orders?

A. I did, sir. I was with Captain MEDINA. It was around the evening meal time, and we had our supper together. We were sitting right outside his tent that he used when he was at LZ Dottie, and we were sitting on a bunker. He asked to have the company brought in so he could give them his orders for tomorrow.

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Q. The entire company?

A. He asked for the company to be brought in, the privates, the lieutenants, and everybody in between. The men gathered in a semicircle. I remember very well. I sat there on a sandbag next to the interpreter. Captain MEDINA gave the order to the company. Captain MEDINA picked up a shovel that was about five feet tall, leaned against the shovel, and gave the order. Captain MEDINA, in that order, told them precisely what Colonel BARKER had told him. He reemphasized to the men of the company that they had been through quite a bit of hell lately, minefields, sniper fires, and they had not engaged a main force body of enemy. He emphasized that everything pointed that they would. He wanted them to be particularly careful to take care of their buddies, to realize that it would probably be a pretty good combat engagement. He drew things on the ground with the shovel, showing where the LZ was, marking this and marking that, as land points and places that you would associate with where they were at so they would have an idea where they were at when they jumped out of the helicopter, which way they were headed, and which way they were supposed to move. He told them that he would be in his command group. He told them the signal was the same, the same "push" they use, the same frequency. And he told them to keep in mind that this was not going to be any picnic.

Q. From what Captain MEDINA had indicated to them, they were going to run into a sizable force there. Also, that the village would probably be free of noncombatants. Did he tell them that?

A. I left that out. He told them that the operation had been planned for sometime after 0700 hours, the air assault, that there would be a prep, and that there would be a gunship prep, that the people should probably be out to the market place, and that they would probably not encounter any civilians because the majority of the 48th Battalion was in that area, and people would probably scatter out and be gone. He did not infer, in any way, or excite his people to a degree that they might have done something. I sat through the whole thing, and I talked to him afterwards.

(KOTOUC)

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Q. Well, might not one, by process of deduction, a very simple deduction, if the whole village is to be gone and there is going to be a battalion there--that this unit might be worked up to a high state of mind whether the order was given or not--that thinking about this, when these men landed, they landed shooting, and they might have shot anything within sight or sound?

A. I will say, sir, that the frame of mind most of the people were in, there was a possibility that this could happen.

Q. Did you get a feel for the men? What kind of mental frame of mind were these men in?

A. They were nervous, sir. They were sitting around and punching each other, and he told them about the 48th and going down to the Pinkville area because that was their first trip there. They were nervous and they anticipated a fight, and they were shaking their heads. I would say that the company, the mental state, was not what I would find here back home in the states by any means. I think that they were--

Q. (Interposing) Was it a normal type of reaction that you get before an operation was initiated?

A. I think so, sir, normally what I would observe before operations. The people were keyed up, anticipating something, and they did not know what they were anticipating. They did not know what was going to happen, and they were checking their equipment and cleaning their rifles, putting oil on their rifles, checking ammunition, cleaning ammunition, drying their hand grenades. He told them how many hand grenades to draw, each one would carry, and the whole thing. I think that they were nervous about it. Captain MEDINA, himself was anticipating--somewhat--somewhat nervous. I was myself. I think what he was doing at the time, he wanted to emphasize to these young men, and most of them were pretty young, that they were going to do battle and they hadn't really done any battle up until this time. They had had a few snipers and some of this, but nothing where they had engaged a major force which he was certain, we were all certain, was going to be there.

Q. Did you hear him give any instructions to his company not to kill, wound, or otherwise damage or molest any civilians; children, women, old men, and other non-combatants?

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A. He told them that rules of warfare existed, what we talked about in the land engagement. He told them to be very cautious and to do what was right. He did not say: "I do not want anybody shooting a civilian," or, "I don't want anybody here shooting a baby," or anything like that. It never dawned on me why don't you tell them that. I suppose it never dawned on him, either. It wasn't the type of company that would do that arbitrarily.

Q. But the impression, the implication was surely there that the civilians had vacated the village?

A. Yes, sir, it was. Because that was part of the planning, as I stated before, that Colonel BARKER and everyone discussed this matter. We thought that they all had been in Son Tinh or off to Quang Ngai which was a little ways away. I know Son Tinh was the place they went to most of the time.

Q. But you knew, and before that, that even though a great part of them may be gone, of other civilians, women, children, old men, and so forth, who would not be able to go to market?

A. I felt, in my mind, that there might be some there, yes, sir. But if I may say, that if it was either take the chance of "X" number of VC sympathizers as opposed to not having a prep in that area before taking a rifle company in, I certainly can tell you right now that you have to prep. That was my feeling, and I am sure it was everyone else's. Every operation we went into, we ran into civilians. I never went on an operation in RVN in my life where there weren't civilians out there. Whether they were friendly civilians or not, I do not know, sir.

Q. Did you shoot them? Did you habitually put artillery prep on them?

A. I would say that in the majority of our operations, we had preps.

Q. I am not talking about the majority of operations having preps. I understand that. I am asking whether it was normal to put preps on civilians and noncombatants in the villages?

A. Well, sir, we did not think we were doing that.

(KOTOUC)

Q. Within this area of LZ Dottie, was there any indication of marijuana, opium, or any form of drugs?

A. There was one time. One time it was brought to my attention and Colonel BARKER's attention that this one company was moving in for a rest and to secure our area. And the other company was moving out. I don't even know which company it was. They had gone over to clean out the bunkers and to get the ammo put in the bunker around Dottie, and a sack of, as we say in our district, "yellow vegetable matter," which was assumed to be marijuana, was found. There was a little plastic bag of it found in one of the bunkers. I have never seen a U.S. soldier in Dottie knowingly smoking marijuana, nor did I talk to anyone at any time up there who appeared to be under the influence, except perhaps alcohol.

Q. You would say, then, that there would be a very small probability?

A. I would say that, yes. I honestly believe this. The men up there at Dottie--Task Force Barker is one of the finest units I have ever been in. The men up there realize what we are doing, and they realize that you had to have your head about you. If there was anyone there blowing "pot," I do not know about it.

Q. You do know, from what you indicated, though, that there was a reasonably good-sized plastic bag of what is commonly referred to as "green stuff."

A. Sir, I think it was marijuana in my own mind. It was never tested. We threw it away--is what we did with it. It also should be noted that there was no Vietnamese on Dottie other than interpreters and occasionally prisoners, when I would bring them in there as an initial interrogation point before we sent them forward to brigade or wherever else they were going to go. I did not allow Vietnamese on our LZ.

Q. Charlie Company first returned from the field sometime in the afternoon of the 18th, to LZ Dottie. Were you present at that time?

A. I do not know.

Q. Do you recall Colonel HENDERSON meeting the first lift coming in from C/1/20 and talking to a group of men?

A. No, sir, I do not recall, but that would not necessarily mean it was not true. I don't know. I know that colonel--that the colonel had a great deal of interest about our task force, and the general officers, they were down there quite a bit trying to help us out, because they knew we were working under somewhat adverse conditions.

Q. Did your task force have an SOP?

A. I am not going to be able to answer that right away. I don't know, sir. We had different things which we considered to be SOP's. We would go over trying to figure out what to do and the chain of command. I am sure there must have been something in writing as far as our SOP went. I couldn't say.

Q. Did brigade have an SOP?

A. I do not know, sir.

IO: I will show you three pocket-size cards and ask you if you have ever seen these, Exhibits M-2, M-3, and M-4. These are facsimiles of cards. Have you ever seen that card before?

A. Yes, sir, I remember this card. It was given to me at division headquarters when I came into the Americal Division (referring to M-2).

Q. Did all members of task force have copies of that card?

A. I assume that they did. They made a point of giving it to me, sir.

Q. Was there any periodic instruction on these cards on the return of the units to the fire base and during the rotation through the fire base?

A. Not to my knowledge; there may have been. There was some when they came in off patrol that they gave us. They talked to the men. Most of our men did not go off the base. There was nowhere to go.

Q. The question is whether or not there were any instructions in the context of those cards.

(KOTOUC)

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A. I received instructions at division. I do not know if instructions were given on the company level.

Q. Did you ever see that second card (M-3)?

A. Yes. This was the policy.

Q. Were these distributed to the men?

A. I assume that they were, sir.

Q. I show you another card (M-4).

A. I don't remember this one off hand. During the in-briefing section of the Americal Division, they gave us cards and instructions, and they had a little 5-day school there.

Q. When you arrived in country, you went to the reception station at Chu Lai where the Americal Division is?

A. I went from Saigon to Long Binh, from Long Binh to Chu Lai, reported to G1 at division, and they decided what my further orders would be. And they put me in the school, as I recall a 5-day school. At that time they gave classes on how to yell halt, stop, come here, and so forth in Vietnamese. They showed us movies and periodicals about how we were not over here to run their minds, and not to kill Vietnamese. We were over to establish democracy.

Q. In your opinion, when you were at the indoctrination course, at the Americal Division in Chu Lai, on the subject of handling PW's, the handling and treatment of non-combatants, women, children and old men, reporting atrocities and so forth, was this training sufficient?

A. It was not, by any stretch of the imagination, a primary curriculum of the school. It was given out, and it was given out in a sensible, intelligent manner.

Q. There is no question in your mind what you were supposed to do?

A. No, sir.

Q. This training was also given to all replacements arriving for the division?

(KOTOUC)

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A. I think in most cases. There was only officers in my class. I did not see enlisted personnel there and I think there were NCO's in our class. I don't recall having privates or PFC's in my class, but I assume that there were--

Q. (Interposing) Might not this be the normal case, that the senior NCO's and officers would be provided this course differently from the privates and the 11 Bravos?

A. Yes, sir, I think so. The school was up there in Chu Lai, and I think that everyone went there, probably.

Q. I show you another exhibit (D-1), which is MACV Regulation 20-4, entitled "Inspections, Investigations, War Crimes." I would ask not for you to read all the details, that is not necessary, but to review it to see if you have seen this document?

A. I don't recall reading this document, sir, nor having it read to me.

Q. Do you know whether this document was available in Headquarters, Task Force Barker?

A. No, I do not.

Q. Headquarters of 11th Brigade?

A. No, I do not know.

Q. Did you ever see any instructions which may have implemented instructions from this particular document from the Americal Division, from your brigade, or possibly the task force?

A. I do not recall ever seeing anything come down in writing on this subject. It was discussed on numerous occasions, particularly in my business, because I did interrogate prisoners. I can probably--the instructions were given to the troops, because they were the ones who caught the prisoners. I went out, and in most cases they fed them before I got there, or they had given them cans of food to bring back with them to the LZ. They always gave the prisoners cigarettes. I did not see any maltreatment, so I can assume that the instructions must have been put out to the troops because they treated the prisoners good. Even when they bound them, they would bind them and put them in the helicopter. I think there is an apparent reason for that.

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They did not even bind them hard where it would cut their wrists.

MR MACCRATE: Captain KOTOUC, when General PEERS questioned you about the ratio of 128 kills to 3 weapons, you referred to a discussion that you recalled about bulldozing the whole area. Was this something that followed 16 March?

A. No, sir. I don't think that 16 March contributed to this directly. This was a thought, the commander's and mine, on how to bust through this area. We wanted to clear the area because it was a headache to everyone. We wanted to get the civilians out of there and interred in these camps that they had both at Son Tinh and--I don't recall. That was where Major WILLOUGHBY was at. And, it was our plan, and we worked at it very hard. Colonel BARKER worked at it very hard so we could take the civilians in there and be sure that they had rations and quarters, and then go in there and clean the area out so we could at least observe in there. Because there were so many old buildings and huts, villages and rivers--

Q. (Interposing) Was this the discussion before or after the operation?

A. I think that the discussion started before I even arrived there, because Colonel BARKER was talking to me about it just in a matter of conversation, getting my opinion and my ideas on it.

MR WEST: Captain KOTOUC, how about the men in the two companies which took part in the combat assault on My Lai (4)? Were they battle-experienced soldiers?

A. I would say that they were.

Q. Would you call them battle-hardened soldiers?

A. Although Charlie Company had not engaged in a major operation, they had been under fire. They had seen friends killed in other battles, and I think that they were, for the most part, well equipped to carry their mission out. Captain MICHLES' company had seen more action than Captain MEDINA's company. Captain MICHLES' company was an excellent company. They were very well led.

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They were really a battle-hardened group. They had been in some pretty good ones.

Q. I believe that you testified that you know Captain MEDINA pretty well?

A. I met Captain MEDINA in Hawaii in 1966. He was a lieutenant when I first met him.

Q. How long did you know him in Hawaii?

A. I arrived in 1966, in August, about that time. I knew Captain MEDINA from that time until now.

Q. Do you know if he had a nickname during this period?

A. Do you mean "Mad Dog"? I read that in the papers, sir. We had a lot of nicknames for people. Captain MEDINA's nickname in Hawaii was "Mad Dog." I hope it is taken in the way it is meant. It was a name of respect from the troops. He was always pushing and staying with the company. If they stayed at night, he stayed. When they ate, he ate last. They just named him "Mad," and I don't think they meant to infer that he was insane or anything like that.

Q. I didn't take it that way--

A. (Interposing) I know, I just want to make it clear what I know.

Q. We had indications from previous testimony that this was referring, at least in part, to his competitive spirit?

A. Very strong, competitive--

Q. (Interposing) You said that was a fair appraisal?

A. I had Bravo Company and he had Charlie Company. I could never beat him. He was very competitive-minded.

Q. I was thinking of this. Were you thinking of this when you were speaking of body count? Was there a body count competition between the companies?

A. Sir, I don't think so; not--Barker Task Force was one body with one head, and that was Colonel BARKER. Everybody was from a different battalion and the companies--there was no rivalry between the companies, because they were never together. If one was at Dottie, one would be in the field, and one would be at Uptight. Then they would switch. I don't believe so, sir.

Q. With respect to body count, do you have any information whether one company had a higher body count than another company? For example--

A. (Interposing) I would have to say Captain MICHLES' company probably had the most killed because they had been in the biggest engagements and more action. MEDINA's company, I know, had the most casualties.

Q. Do you have in your possession or retained records a roster from Headquarters, Task Force Barker?

A. No, sir, I don't. All my answers are from memory. I don't recall if there was ever--I did not make an officer's roster. I have never had one if they did make a roster.

Q. Was the actual number of people in the headquarters of the task force rather small?

A. Yes, sir, it was very small, smaller than any battalion.

Q. Would you help us list as man members--

A. (Interposing) I will be glad to help you in anything I can.

COL MILLER: You received instructions on the treatment of prisoners at the school in Chu Lai when you went to Vietnam. You said that other people had been instructed on the subject on a number of occasions. Do you recall who those people might have been, and under what circumstances?

A. Well, sir, not any formal presentation, an informal presentation. They talked to the men on the prisoners they captured, how to treat them, and to take it easy on them. They were prisoners, but don't be kicking them around like a dog, so to speak.

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Q. Was this your personal knowledge?

A. I hate to say yes, but I hate to say no.

Q. Were you so instructed?

A. Yes, sir. I was instructed throughout my Army career, and then again in Vietnam.

Q. I am talking about Vietnam.

A. In Vietnam--

Q. (Interposing) Specifically at what school there?
Did the brigade commander--

A. (Interposing) Colonel BARKER said that he wanted our prisoners brought in. Interrogate them, and find out if they were going to be of any value. Take it easy on them. That is what I did.

Q. Did you normally interrogate prisoners who had been captured?

A. I normally did, yes, sir.

Q. Did you after the My Lai (4) incident?

A. I interrogated--I probably did. I am sure we brought prisoners back to Dottie. I did interrogate in the field with respect to where the VC who had got away from us had gone, and also about the mines and booby traps. My interpreter worked with me, and they discovered a number of mines and booby traps. It was a very short interrogation.

Q. Was this on the 16th?

A. This was on the 16th.

Q. Did you get any other unusual information from them concerning such things as killings?

A. No, sir. The people I interrogated and questioned for the most part were very reluctant to talk. They would normally say that they didn't know or didn't remember. The bombs had been falling and their head hurt. This was pretty much of a standard answer.

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Q. Were they VC or VC suspects, civilians or what?

A. Some of them would say: "I am not a VC, I just carry rice and rations for them." It was always the other guy, sir.

COL WILSON: Which was your company, which morning report were you carried on?

A. Headquarters Company, the brigade, sir, 11th Brigade. That is my parent unit.

Q. Was it unusual--had you ever seen before the National Police persecute prisoners or VC suspects?

A. This is my first experience and last, but I'd like to say again that I did not see them do it. They took him behind the building, and I heard a rifle go off.

Q. Did Sergeant PHU's attitude toward you or any other U.S. member change after this operation? Sergeant PHU, MEDINA's interpreter, you mentioned that he was a friend of yours?

A. He stayed a real good friend of mine until the time I left. When we broke up, he kind of felt bad about breaking up the task force.

Q. But there was no change in his relationship toward you or other members of the U.S. forces?

A. No, sir, none whatsoever. He would instruct me in Vietnamese.

Q. Sergeant PHU, was he with Captain MEDINA on this operation?

A. He probably was, sir, but I do not know for sure. He normally went out and stayed with him. The interpreters normally don't do that. He was good.

Q. Where was this minefield where so many men were injured?

A. It was north of LZ Dottie. It was along the northern AO boundary. We went in there. As I recall, it was a blocking position job for MEDINA's company, and they

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got in it and they lost 15 people.

Q. Did you brief the company commanders on the intelligence situation on 15 March?

A. I did, sir.

Q. Was Colonel BARKER there? Did he hear your briefing?

A. I don't recall if he did or not. Major CALHOUN and I shared a bunker, and we used to have some of our briefings in that bunker. Again, I must say that they were not formal briefings.

Q. Is it true that the entire concept, a great portion of the concept, and the assault on this particular village or hamlet, was based on the supposition that there would be a large number of civilians at market? This apparently came through intelligence channels. Now, can you remember or can you cite a reference or do you know a document which gave you this information?

A. No, sir. I can not cite any document, but it was through interrogation of people, people I had talked to. This was always--this was the part we were trying to figure out, how they moved in the area. They all came and went about the same time.

Q. Was this your--did this come from somewhere else besides your own assessments and evaluations?

A. I think so. If I recall, part of it came from Colonel BARKER. Information, I think, he received from his contacts or somewhere like that. It is very difficult for me to pin it down.

COL FRANKLIN: You said that Task Force Barker had a body count of civilians. Who was saying that and how often did you hear it?

A. I went down to brigade for something or other. I don't remember what it was. And I talked to friends around there. I had lunch with them before I went back up to Dottie. I was down to Duc Pho to brigade many times, and I talked to different friends down there. I do not remember who they were. I talked to everyone I could, just to see them. They mentioned that they didn't think that such a--I

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don't know how to express it.

Q. Were these the kind of people that Colonel HENDERSON would deal with, who would express the same thing in front of him?

A. I doubt it. Most of my friends did not have anything to do with--they were junior in rank.

Q. Did you ever hear this expressed at Dottie by the people inside your TOC?

A. No, sir, I never did.

Q. Were your two major operations down along the Pinkville area?

A. Yes, sir, the major operations were there and on the peninsula up north.

Q. How, in your mind, did you explain the 30 to 1 body count when most of your casualties were from mines and booby traps. Who was killing these people, and what type operations?

A. The major operations, again, were down where you spoke of, sir. And there was sniper fire throughout the AO. And everyone once in a while--they would call in. It was usual to get two or three VC with weapons, and lose one ourselves occasionally. We used gunships quite extensively throughout the area.

Q. Then you believe this body count of 30 to 1?

A. I wish I could recall the ratio--

Q. (Interposing) 25 or whatever. High body count.

A. The ratio we considered acceptable.

Q. The companies would report to you on the body counts. Did you accept these? Did you ever confirm or check it out, go out yourself with Colonel BARKER, go out there after a battle or ambush and get out on the ground and check these things out?

A. In major operations, we normally went out at different intervals. If I got a report that Bravo Company

killed one, I did not go out to see it. No, sir.

Q. You accepted it. Was any effort made by anyone to verify this extremely high body count of 128 as reported by Task Force Barker?

A. No one went back in the village and counted them afterwards. How they were counted, I do not know.

Q. No chopper or anyone from Task Force Barker went out specifically, or came back with any count?

A. No, sir.

MR WALSH: Captain, you said this morning that you knew Colonel HENDERSON had directed MEDINA to sweep back through the village and make a body count of civilians broken down by men, women, and children. How did you know that?

A. It was on the radio, sir.

Q. You were listening to the radio?

A. Yes, sir. We monitor all radio frequencies at the TOC.

Q. Who was with you at the TOC at the time you heard that?

A. I am sure Sergeant JOHNSON was there.

Q. How about Major CALHOUN?

A. Major CALHOUN may have been there. I do not know if he went out in a helicopter that day. It was--sometimes Colonel BARKER made CALHOUN go to Uptight, and he would direct the operation from Uptight.

Q. You also said that General KOSTER had countermanded this order?

A. Yes, sir.

Q. You heard this, also?

A. Yes, sir, on the radio.

Q. Did this happen immediately after the order was given by Colonel HENDERSON?

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A. I would say yes, sir, immediately.

Q. Had General KOSTER heard Colonel HENDERSON give this over the same channel?

A. He must have heard it because he countermanded it.

Q. You don't recall any intervening discussion involving any other people or between them from the time Colonel HENDERSON gave the order and General KOSTER countermanded it?

A. No, sir. It was just an order to be followed. There was no discussion or argument or asking them to please reconsider, no.

Q. You heard the two orders, one by Colonel HENDERSON and one by General KOSTER, and you can't recall the time gap between the two?

A. Again, I would say immediately thereafter. It was not a long time.

IO: Captain KOTOUC, what you said today, about your staff, and the way the staff functions. From them, your description of Colonel BARKER, are you--I get the distinct impression that it was pretty much a one-man show?

A. It was, sir.

Q. Did he permit the staff to function as a staff?

A. Yes, sir. Colonel BARKER did not ride your shoulders so to speak. He let you operate and he would talk to you. And he, Colonel BARKER, was a very strong commander, sir. And I respected him quite a great deal.

Q. Do you have any knowledge, direct knowledge, of the men of C/1/20, at the time of this operation, being under the influence of marijuana or any other drugs?

A. No, I do not, sir.

Q. Do you know of any other operations where these men may have been under the influence of marijuana or other drugs?

A. No, sir.

Q. Do you know of any of the men in the task force--when they have been under such influence?

A. No, sir, I do not.

Q. Did you ever hear an order or instruction being given not to discuss the My Lai--whatever took place at My Lai (4) on 16 March 1968?

A. I did not, sir.

Q. Prior to your coming here to this hearing, had you discussed this matter with anybody else in the task force?

A. I talked to Captain MEDINA, sir.

Q. When did you talk to Captain MEDINA?

A. On 24 November. I was in contact by telephone from my home to Captain MEDINA at Fort Benning, Georgia. The news had come out on around Friday or Saturday, 21 or 22, and I had thought about it all week long and all week-end long. I called up and I talked to Captain MEDINA, and my conversation was that I wanted to assure him that I was with him and I was a friend, and if he needed me for anything at all he could call on me. I told him that we were all behind him. If any trouble came forward, that I would be right with him. Mrs. MEDINA is a friend of my wife, and my wife was very upset about this whole thing. Again, on a Sunday, 30 November, I talked to Captain MEDINA again by telephone. And I informed Captain MEDINA that I had been called to come out here to testify before some type of board. I had no idea of the subject, other than it was probably related. I asked him if he was going to be in Washington at that time, and he said that he was not sure, but he understood that he might come up around Thursday. I want to make it clear now, that we did not collaborate in any way whatsoever. I called him strictly because he is a friend. And I thought that, at a time like that, he could use all the friends he could get.

Q. Did your friendship for Captain MEDINA have any influence on your judgment or your actions in this particular situation?

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A. No, sir.

Q. Has it in any way influenced what you have had to say before this investigation?

A. Absolutely in no way, sir. There's no reason for it to.

COL FRANKLIN: Was it common for the brigade commander to talk to a company commander and give him orders, in the 11th Brigade?

A. I heard it done many times. Before Colonel HENDERSON took command, General LIPSCOMB did on many occasions. General LIPSCOMB himself landed in the middle of that dang minefield that day. This was not unusual.

Q. Before we recess, I would like to give you an opportunity to make any additional statement you would like to make or anything which in your judgment would prove beneficial to the purpose of this hearing.

A. In my honest opinion, I find it very difficult to believe some of these allegations. I think that the whole thing has to be looked at, and I'm sure that's what you gentlemen here are doing. I would like to tell you that Task Force Barker was a fine outfit, and we lost some good men; it's a shame that this had to come up like this. As far as I'm concerned, the operation was on, they were notified. Even the network in Saigon, and if anyone is covering up, that's a hell of a way to do it. If anybody wanted to know what was going on, why they were right there.

Q. What do you mean, they "put the operation on"?

A. The body count went over AFN. The body count itself, the operation, the location were given over the radio to the general public, Vietnamese and VC alike.

Q. Was this also broadcast by the Vietnamese station?

A. I don't know, sir. I assume they pick up a certain amount from our station. I just can't believe anyone tried to cover this up. And as far as your question on Captain MEDINA's nickname--I was there at one time in a minefield

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when a man had his foot blown up, and we were carrying him to a helicopter. MEDINA was standing there, and the man

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grabbed him and said: "I can't fight for you any more." I would say that that was indicative of the way his troops felt about him. I think he is a fine officer, and I'm sorry this thing came up.

IO: Do you have anything further to say?

A. No, sir.

IO: This hearing will recess.

(The hearing recessed at 1528 hours, 6 December 1969.)

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