

SUMMARY OF TESTIMONY

WITNESS: BACON, L.G., SSG

DATE OF TESTIMONY: 16 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: N/A

COUNSEL: None

DUTY ASSIGNMENT ON 16 MARCH 1968: Squad Leader of the Second Squad, 1st Platoon, C/1/20.

1. PRIOR TRAINING IN RULES OF LAND WARFARE.

The company had received training regarding handling and treatment of PW's (pg. 55). They received no instructions on proper treatment of civilians (pg. 55). Sergeant BACON had never seen Exhibits M-2, M-3, and M-4, and he was sure that his squad members had not been issued these cards (pgs. 56, 57). BACON was of the opinion that C/1/20 was not well trained in the Geneva Conventions or rules of land warfare (pg. 58).

2. PREOPERATIONAL PLANS AND BRIEFINGS.

a. MEDINA's briefing.

Captain MEDINA assembled the entire company. He told them they were going into the My Lai area and that the 48th VC Battalion had established its headquarters there, utilizing My Lai as a base of operation. Their mission was to kill all VC, VC sympathizers and animals, destroy all food supplies, and burn the hamlets (pgs. 4,5). It was BACON's understanding that everyone was VC in My Lai. However, the term VC sympathizer did not mean women, children, and old men (pg. 5). MEDINA instructed that civilians be sent to the rear for interrogation (pg. 6).

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b. BACON's expectations.

BACON expected to be outnumbered by two and one-half to one (pg. 6) and anticipated a real fight (pg. 7). He and his men were knowledgeable of the casualties that A/3/1 and B/4/3 had sustained previously. The word "Pinkville" instilled fear (pg. 10). Everyone, including himself, was frightened (pgs. 6, 10).

BACON did not like the idea of a fire fight in a village complex because he was apprehensive of women and children being killed. He did not want this on his conscience or his men's (pg. 8, 9).

BACON's squad was to tie in with the second platoon's right flank. They were to go through the village, gather up the populace and send them to Lieutenant CALLEY (pgs. 10, 11). CALLEY did not give any orders regarding shooting VC or sympathizers (pg. 11). It was never suspected that CALLEY would execute the non-combatants (pg. 9).

3. ASSAULT ON MY LAI.

a. Location of the LZ.

The LZ was 100-125 meters west of the village. BACON's squad was on the first lift which had nine ships (pgs. 12, 13). The platoon had only two squads (pg. 6). As they approached the LZ, ground to air fire was thought to be heard (pg. 19).

b. Actions after disembarking.

He deployed his men on line in a ditch 50 to 75 meters from the village. They saw a VC with a helmet and rifle. He was engaged, but not hit (pg. 14). The squad stayed in position securing the LZ until the second lift came in (pg. 15).

The squad then moved through the village, but BACON lost contact with other units and even with some of his men because of the thick vegetation. In moving from the LZ into the village, they did not utilize assault fire or recon by fire (pg. 29). From about 100 meters away, Sergeant First Class MITCHELL, squad leader of the first squad, hollered at BACON to halt his squad and set up a defensive perimeter from their position 100 meters east of

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f. Body count.

Sometime during the sweep of My Lai (4), BACON heard it hollered out from an unknown source to stop the killing (pgs. 51, 52). BACON did not know of the large body count. After the operation's completion (pg. 45). He did not report any enemy KIA during the operation (pgs. 42, 45). The platoon leader reported enemy kills to the CO (pg. 42). BACON and his men were not too concerned over numbers of enemy killed. Their concern was their own safety (pgs. 46-48).

4. INQUIRIES CONCERNING THE ASSAULT.

At My Lai (3), MEDINA assembled the company and said, "Don't repeat anything--say anything about what happened in My Lai because there is an investigation going on" (pgs. 37, 50).

A senior officer did not talk to BACON or his group at Dottie on their return (pg. 38). BACON was never interrogated and never gave a statement (pg. 52).

5. OTHER INFORMATION.

a. BACON had been in the unit for 26 months and remained assigned to the battalion until 26 November 1968.

b. On 17 March, they moved south to the Son Tra Khuc River. Then the unit turned and headed back to the north. On the 18th, they proceeded north and were extracted near My Lai (1) around 1400 or 1500 hours (pg. 36).

c. On the 17th or 18th, they captured four NVA including two officers in My Khe (2) (pgs. 38, 39). My Khe (3) and (1) were uninhabited and burned. My Khe (2) was also burned (pg. 40).

d. The troops were curious about the helicopter landing in front of the infantry because it was unusual (pgs. 43, 44).

e. BACON left the unit for R&R on 18 or 19 March. He returned on 1 April and shortly thereafter he was hospitalized with malaria (pg. 44). On returning, he worked in the battalion S4 section (pg. 50).

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f. BACON did not talk with anyone from his unit (C/1/20) subsequent to his return to CONUS. He refrained from talking about it because of MEDINA's orders (pg. 50). (pg. 50).

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EXHIBITS

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(The hearing reconvened at 0917 hours, 16
December 1969.)

IO: The hearing will come to order.

RCDR: The following named persons are present: LTG PEERS, MR WEST, MR MACCRATE, MR WALSH, COL WILSON, COL FRANKLIN, and MAJ LYNN.

Sir, I have some exhibits that need to be entered this morning. Pictorial Map number 6739, Roman numeral II, Scale 1:25,000 is received into evidence as MAP-4. A 1:50,000 scale map of the same number is received in evidence as Exhibit MAP-5. Three-by four-inch black and white photographs of individuals are received into evidence as follows:

Exhibit 49 is CALHOUN, Exhibit 50 is HENDERSON, Exhibit 51 is MCKNIGHT, Exhibit 52 is KOTOUC, Exhibit 53 is BLACKLEDGE. Let the record show that those exhibits are preceded by P. Do you have anything to add, sir?

IO: As a matter of record, I would like to state that as per a discussion Saturday evening, General YOUNG did have an opportunity overnight to see if he could recall any incidents or any activities which took place, based upon the information which had been called to his attention during the day on Saturday. He did report here in person on Sunday to Mr. WEST and me that he could add nothing to the testimony which he had given the previous day.

RCDR: Sir, the next witness is Staff Sergeant L.G. BACON.

(SSG BACON, , Company A, 4th Battalion, 1st Training Brigade, Fort Campbell, Kentucky, U.S. Army, was called as a witness, was sworn, and testified as follows:)

IO: Sergeant BACON, before we proceed with any questions, I shall inform you of several matters.

This investigation was directed jointly by the Secretary of the Army and the Chief of Staff, United States Army for the purpose of determining facts and making recommendations concerning two matters:

(1) the adequacy of prior investigations and inquiries into, and subsequent reviews and reports within

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the chain of command, of what is now commonly referred to as the My Lai incident of 16 March 1968, and

(2) possible suppression or withholding of information by any person who had a duty to report and to furnish information concerning this incident.

Those are the two matters. This investigation is not being conducted to investigate all the facts and circumstances as to what happened at My Lai. It is directed at those specific purposes which I have just stated.

I have had made available to me and have reviewed prior official statements obtained in other official investigations of the My Lai incident. And I might add, we have also had made available to us a copy of your previous testimony.

Your testimony this morning will be taken under oath. A verbatim transcript will be prepared. A tape recording is also being made in addition to the verbatim notes being taken by the reporter.

Although the general classification of the report will be confidential, it is possible that the testimony or parts of it may, at a later date, become a matter of public knowledge.

There are several people in this room who may ask you questions. On my immediate right is Mr. WEST, who is an Assistant General Counsel of the Department of the Army. He has been designated as my deputy. The two officers on my right are Colonel WILSON from the Inspector General's Office and Colonel FRANKLIN from the Office of the Deputy Chief of Staff of Operations. All three of these individuals are my assistants, and they may direct questions to you in my behalf. On my left is Mr. MACCRATE, and on your left is Mr. WALSH. Mr. MACCRATE and Mr. WALSH have volunteered to serve as legal counsel to assist me and other members of this investigation team in the conducting of this investigation. They, too, may ask you questions. However, I have the responsibility of weighing the evidence and making the findings and recommendations.

You are ordered not to discuss your testimony in this investigation with others, including other witnesses for this investigation, except in the performance

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of official duties or as you may be required so to do before a competent judicial, legislative, or administrative body. In addition, you are cautioned that if you are subject to the order issued by the military judge in the general court-martial case of the United States v. Calley, your appearance in no way changes the applicability and/or the effect of that order.

Do you have any questions at this time?

A. No, sir, I don't.

Q. Sergeant BACON, would you indicate your duty assignment on the 16th of March, 1968?

A. Sir, my duty assignment was squad leader, second squad, 1st Platoon, C/1/20, Americal Division.

Q. And how long had you been with this unit?

A. Sir, I had been with this unit approximately 26 months.

Q. You were evidently with it when it formed in Hawaii?

A. Just after it formed.

Q. And how long after the 16th of March did you stay with the unit?

A. I was in the unit until the 26th of November, 1968, sir.

Q. With Charlie Company?

A. Right, sir. I was assigned to Charlie Company but I worked in the headquarters, S4 section.

Q. Of the battalion?

A. Right, sir.

Q. Sergeant BACON, I would like to explain a little about our investigation in greater depth than I indicated in giving you the initial instructions. We are going to investigate these two matters to determine the adequacy of the investigation and the review, and we are also going to

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check to see if there was any possible suppression of information concerning this incident as was indicated in the instructions that I had given to you. One of the things which we must also do is to determine what happened in order that we can have the basis for our investigation and our report. As a consequence, we have already talked to a great number of people. We have already read a large amount of previous testimony which had been taken by Colonel WILSON, and in subsequent CID investigations which are going on at the present time. We are going to talk to a vast number of other witnesses so that we can put together specifically what happened. I want to let you know the importance of this investigation. This is the investigation of the operational aspect of the My Lai incident and the reporting and reviews of it.

Would you explain the orders which were issued to you, starting from the highest unit to the lowest unit. That is, did you receive any direct orders, you yourself, from the task force or the brigade, from the company, from your platoon leader, in that order?

A. Well, sir, I never received any orders from task force or battalion level. It came from company level. On the 15th of March, the company commander told--

Q. (Interposing) Who did he tell this to?

A. Captain MEDINA told the entire company--

Q. (Interposing) He had the entire company assembled?

A. Right, sir. He told us we were going into the My Lai area and that the 48th VC Battalion had established headquarters there and was operating from this village; and that we were to kill all the VC and NVA, VC sympathizers, and the animals; destroy all the food; and burn the hamlets down to keep them from living in these quarters again.

Q. When he said to kill all the VC sympathizers, did that mean to you?

At the time, sir, I understood that all the people there, or anyone that was there, was a VC because of the 48th VC Battalion being in there. To

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my knowledge, they had been dropping leaflets and utilizing psychological warfare to notify the people of our coming, or something of this nature, and so everyone there was a VC.

Q. Had you been told that they had dropped leaflets?

A. I have seen leaflets dropped in this area.

Q. In the immediate preceding period, these leaflets gave information concerning the fact that we were coming in, or something to that effect?

A. Yes, sir. Because, prior to this, I know the 48th was there waiting for this order to be given to us. A Popular Forces lieutenant told us that the 48th was there, and he showed us the direction that they came into the village area.

Q. Now, when you say My Lai Village, what do you mean by My Lai Village?

A. My Lai (4) Village area, sir.

Q. You are just talking actually about the hamlets of My Lai (4), or could it have been the entire My Lai Village complex?

A. No, sir. At the time he showed us on the map it was not the My Lai complex area.

Q. In your interpretation of killing the VC sympathizers, would this have included old men? Would it have included women? Would it have included babies, young children?

A. No, sir.

Q. State again, specifically, just what you were told to do in the village, so I can have it firm in my mind and the other members as well.

A. We were told that we were going to the village and that the 48th VC Battalion was there, that we would kill all VC and NVA, VC sympathizers, animals such as cows and hogs, anything that produced food, and burn the hamlets.

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Q. What additional instructions were you given?

A. After this, the platoon leader and myself and the other squad leader, we only had two squads at the time--

Q. (Interposing) You only had two squads?

A. Right, sir.

Q. In the platoon?

A. Right, sir.

Q. And you were the second squad leader?

A. Right, sir. He told us that if there were any people there we would gather them up and send them to him, and he would send them to the rear as he did in other operations--to be interrogated by the interpreter that was in the company area--company headquarters.

Q. How did he state that?

A. He stated, sir, that we were to gather the people up, send them to him, and he would take care of them there as usual. And "as usual" would be to send them to the rear where the company commander had the interpreter to interrogate the people, sir.

Q. Now, specifically, with respect to the enemy, based upon what you were told, what did you expect to find when you arrived in the area of My Lai (4)?

A. Well, sir, I expected to find a larger unit than my company, with supporting units from the NVA Army, the North Vietnamese Army, there, and actually dug in to the area.

Q. How many people would you say that you are referring to?

A. Well, sir, the information that I was told when I first got to Vietnam was that a VC battalion carried 200 and some people. So there was the battalion and they were slightly reinforced. There was close to 300 people. That would be outnumbering our company approximately two and a half to one.

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Q. So you were expecting that when you deployed from that helicopter you were immediately going to be in a first-class fire fight, is that correct?

A. That is correct, sir.

Q. Now, going back to the night when the instructions were issued to you. What was the attitude of the men?

A. The attitude of the men, sir, was that they were pretty scared just from the word Pinkville. This was the area we were operating close to. There were mines, and we had picked up a lot of casualties in that area. Our sister units, A/3/1 and B/4/3, had sustained a lot of casualties and killed personnel in this area, and you could see the fear in the men's eyes. I also was scared myself, because I was supposed to go on R&R in a few days. I was really scared.

Q. How was this fear shown by the men?

A. Through their expressions, and saying that they were going into the Pinkville area. They talked about the mines and how many times they had been shot at in that area.

Q. Was this a general feeling by your squad and by the other men the platoon? Were they sitting around talking about it that night?

A. At the time, sir, I went back to the bunker area and had my men draw ammunition, all the necessary ammunition for the next days' operation--and you could hear them talking and muttering about the situation.

Q. Your squad was on guard duty that night, as well?

A. All the platoons had areas of responsibility, perimeters, and later on that evening we were pulled off in a staging area to the rear of the perimeter. I went to a bunker just beyond the area where we had the briefing at, and I went in there and went to sleep because I understood what I had to do in the morning on the operation.

Q. You indicated, Sergeant BACON, that you only had two squads in the platoon. How many men did you have in your squad?

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A. I had no more than nine or ten men, sir.

Q. Did you have them organized into the normal two fire teams?

A. Right, sir. I did.

Q. What were the names of your two fire team leaders?

A. One was Roy WOOD, sir, and one was HUNTER.

Q. Were they sergeants?

A. No, sir. They were spec 4's.

COL WILSON: Sergeant, you stated previously in the discussion with your platoon leader regarding the handling of the civilians: "I don't go for killing women and children myself, and I don't think that the people within my squad would go for killing women and children for no reason at all. So I told the platoon leader that we would round up all the people and I would send my people to you, sir, because I don't know who is VC and who is not VC." Do you remember that discussion with your platoon leader?

A. I remember some of it, sir, because I know in this village area, and all villages over in Vietnam, that they just have women and children in the village. And the idea, I didn't like the idea--I imagine as much as anyone else would like--of shooting any children or women, because I have a wife and sons myself. This is the reason why I stated what I did about going into this village.

Q. Then you were suspicious that there would be this type of action and that these people might be shot?

A. There would be women and children in the village, and I did not want my men to shoot women and children and old people, whether they were VC or not VC, sir.

Q. Specifically, what was your interpretation of what your platoon leader meant when he said: "You round them up and send them to me, and I will take care of them"?

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A. There, sir, I was under the impression that he was going to operate this operation like we usually operated before. We would pick up civilians and send them to him with an escort, and he would also send them to the company commander for interrogation.

Q. Why did you, then, raise this question about killing women and children at this time?

A. Because, sir, I know there is women and children in the villages and in the area, and I did not know if they had any kind of arrangements to move the people out of there--civilians out of there, such as women and children. And I did not want to have it on my conscience, or on the conscience of any of the men in my squad, that we had killed some innocent child or women by going through there in a fire fight between us and the VC or NVA.

Q. You would say, then, that you were not making this statement to your platoon leader because of any suspicions that may have been created, that when you sent them to him he was going to execute them?

A. No, sir. To my understanding, I did not say it to him in that manner.

MR MACCRATE: When did you say it, Sergeant BACON? Was it the night before or during the operation on 16 March?

A. No, sir. The night before, sir. March 15th.

Q. What difference did you find, as you listened to the men muttering and talking about tomorrow, between their attitude that night and their attitude going into any other combat engagement? There is a certain scare or fright, expectation, about what is coming the next day. Was anything really different this particular night from other nights when you went into other combat assaults?

A. The majority of the people were scared, and the idea of the word Pinkville itself put fear in these peoples' hearts and in their minds because of a possibility of them getting killed and wounded real bad, and they have to go home. This is one of the things they talked about, that they might get killed like their other friends did.

Q. Was it different this night from other nights? Isn't this the kind of thing that would be talked about before any engagement?

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A. Not necessarily, sir, because we have never had any experience in going against a battalion with overwhelming strength against our company before. In fact, this was the first time.

Q. This was the largest force you had ever gone up against, in strength?

A. Right, sir.

IO: Had your platoon, your squad, or your company been involved in any major activity, aside from mines and booby traps, prior to this time?

A. Sir, we had been utilized as a blocking force and in search and clear operations in this area, to see if we could search and find the VC in these hamlet areas around My Lai and Quang Ngai and the Pinkville area. This is the only operations that we actually went on, sir.

Q. What were your instructions, Sergeant BACON, concerning what your squad was supposed to do? Was it the right squad, the left squad, was it to be a rear squad? And also, what was the action you were supposed to take when in the village?

A. Sir, we were supposed to go into the village and be the left flank squad of the platoon, and tie in with the 2d Platoon--

Q. (Interposing) Your platoon was what, the right platoon?

A. Left flank platoon, sir. We were supposed to tie in with the squad on our immediate left, of 2d Platoon, sir. We were supposed to go through the village searching the houses in the village and bring out all the people and move them over to Lieutenant CALLEY and continue on through the village until we got further word on lines, sir.

Q. Were you told to push rapidly through the village, push the VC out on the other side?

A. No, sir.

COL FRANKLIN: Captain MEDINA talked to the whole company, and when Lieutenant CALLEY got you squad leaders together, did you get your squad together and give them an order?

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A. Right, sir. I talked to my squad, sir, in regard to the operation itself. And I talked to my men and told them that they would gather the people up and move them--I would have some people move them to Lieutenant CALLEY if we came in contact with any civilians, and this is exactly what I did.

Q. What did Lieutenant CALLEY say about shooting the VC and the VC sympathizers? Did he repeat anything about that, sergeant?

A. No, sir. He didn't.

Q. How about you when you were talking to your squad?

A. No, sir. I didn't say anything too much about shooting the VC's or NVA or anything like that.

Q. Did your squad ask you any questions at that time? Did they ask you about certain things?

A. Not that I recall, sir.

Q. You mentioned that you had been down in that area before. Had C Company ever been around My Lai, or were you just at a blocking position to the north of Pinkville?

A. We were working the area close to My Lai (4), sir.

Q. How close?

A. Approximately 200 to 300 meters, sir, and we had a man killed close to that area by the name of Specialist WEBER, and we also were pinned down in that area, sir, close to the village of My Lai (4).

Q. How many operations did you run down there in the My Lai (4) area?

A. I can't say, sir, exactly how many. It was quite a few down through that area.

Q. Did you always get in a fight when you were down there, or just sometimes?

A. The majority of the time we were down in this area, sir, we were getting VC sniper rounds or something would happen of this nature.

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Q. Sergeant BACON, you focused on the instructions you gave your squad on the handling of civilians. Is that all you told your squad?

A. That is all, sir, that I had to tell the squad. I told them that we would be operating under similar procedures that we had operated under before. This had been a standard operating procedure, going through the village and having teams search it, and the other squad stay on the line and have one or two men, approximately one man, secure the area for the men that are searching the hamlets while the remainder of the squad moved up to a certain point, until the other two people moved up in line with them.

Q. Did you give any instructions concerning the deployment of your M-60's?

A. Right, sir. I told the M-60 man, the gunner, that he would stay with me, sir, at all times during this operation so that I could have more control over him.

(IO requested copies of Exhibits P-1 and MAP-4.)

Q. Sergeant BACON, I have here an aerial photo of My Lai (4). Locating it on the map--here it is on your 1:25,000--and here it is on the aerial photo. One inch on the photo equals about 100 meters. You can see the village of My Lai (4) here and see the road coming alongside of the village--another road with the houses alongside of it leading from the south central side of the village down to Highway 521. There is another road coming off to the east and going into 521--another road across the north flank of the village, east and west; also, a north-south road which joins with 521. Highway 521, which you can see on the air photo and on the map, and down to the south Hill 85. You can notice where it starts going up by the start of the terraces in the area. Do you recognize that as My Lai (4)?

A. Yes, I do, sir.

Q. It is our understanding, Sergeant BACON, that the air assault took place somewhere to the west of My Lai (4) and the operation proceeded through the village and then subsequently on up toward My Lai (1) or the Pinkville area.

A. Correct, sir.

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Q. Now, for the sake of the people present, I would like for you to give a verbal description of your activities from the time you landed until such time as you moved out of the My Lai (4) area, generally in the afternoon, toward the area where Charlie Company married up with Bravo Company to laager for the night. Now, subsequent to this interrogation here, I am going to ask that you sit down with Colonel WILSON or another officer so that you will be able to take one of these photos and annotate it properly to indicate the spots on the aerial photo where these various incidents took place, and so identify them. This would be comparable to the sketch map which you made as part of the testimony which you gave to Colonel WILSON. Do you understand, now, what I have indicated?

(Exhibit P-1 as annotated by the witness was later admitted into evidence as Exhibit P-173.)

A. Right, sir.

Q. Now, would you proceed, please?

A. Sir, where we landed to the west of My Lai(4), there is a ditch line that runs pretty close, approximately 50 to 75 feet from the village. Once the helicopters moved off the LZ, my squad deployed along this line just to the west of this area--

Q. (Interposing) To the west or to the east-- east of the LZ, but on the west side of the village?

A. Right, sir. We then stayed there, and I noticed, my machinegunner noticed an individual running with a rifle and a steel pot on--

Q. (Interposing) Let me ask you a question. In your judgment, how far was the LZ from the edge of the village?

A. It was no more than 100 to 125 meters, sir.

Q. And you were on the first flight?

A. Yes, sir, I was on the first lift to the LZ, sir.

Q. The first lift?

A. Right, sir.

Q. And what was included on the first lift?

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A. Well, sir, there were nine helicopters on the first lift, and they consisted of both my platoon and the 2d Platoon.

Q. Did the company command group come in with your lift?

A. I don't remember--I don't believe so. Once we landed on the LZ--before we landed on the LZ, we were coming to a short final approach to the LZ, and I heard something that sounded like fire coming up towards the helicopter. At this time all the helicopters commenced firing. I heard gunships firing their rockets and also their miniguns, and it came to my mind that this was a "hot LZ" that we were coming in on. So, once we landed, I got my men out, four on one side and three on the other side. The helicopters moved left to the LZ, and I moved my men up on a line along a ditch approximately 50 to 75 meters from the village, and this is where I deployed my men on line, securing the LZ for the rest of the company coming into the LZ, or until word was given to us to move out. At this time, just after my machinegunner hollered: "There goes one with a steel pot and a rifle." As I looked around, facing him, I noticed an individual go around the right side of a hut. He had a steel pot and a rifle, as he went around to the right of the hut. The machinegunner at the same time was opening up, but his rounds never hit the individual because they were too high. They went over the huts. I fired a few rounds, and they also went over the hut. I hollered back to the platoon leader: "I see a VC with a steel pot and a rifle running toward the right corner of the village." We waited there for a short period of time, and the word was given to move out.

Q. At that time you were still along, more or less, the hedgerow and the ditch on the west side of the village?

A. Right, sir.

Q. Would you just make a mark there to indicate this, about the area you were located in--that is, where your squad was deployed then?

A. Right, sir.

Q. How long did you stay in that position?

A. I can't say by the time, sir. It was not too

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long of a time, sir.

Q. Did you stay there until the second lift came in?

A. We stayed there until the second lift came in, sir. Then the word was to move out. We moved straight into the village area, sir, until we got approximately about center of this area right in here, where we located some people. There was one old lady who was shot in her left side. There was an old man. He was shot in the leg, side, and in the shoulder. We collected the people up; I had two men move the people to the right.

Q. How many people did you have at this time?

A. Nine or ten, sir. I had the people move to the right where Lieutenant CALLEY was. I could not see him at the time because of the thick vegetation in the village.

Q. Do you recall who it was, who took those people and moved them to the right?

A. I believe, sir, one was PFC SIMONE. I don't remember the other man's name, sir. And at the time we continued to move on, and I lost contact with the 2d Platoon, which was on my left, and the first squad of the 1st Platoon on my right. For a while, because of the vegetation, I could not see them. I lost contact with some of my men also because of the vegetation, for a couple of seconds. Then I made my men move in closer to me, and we continued to go through the village. We got together there in this area right here (pointing to map) and moved out in two lines from the village--

Q. (Interposing) What time was it when you arrived at this point, approximately?

A. I don't know exactly, sir. At least 2 to 3 hours, approximately.

Q. To go through the village?

A. Right, sir.

Q. So that could put it up to--

A. (Interposing) Close to 1000 or 1030, sir. And then we moved from the village toward a tree line, approximately 100 meters out front of the village, and I got the

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word from Sergeant MITCHELL, who was on my left--on the right-hand side--to hold my squad up and set up a perimeter, and this is what I did. I stopped there--

Q. (Interposing) Indicate that on the map, if you will. Can you definitely identify the area--

A. (Interposing) No, sir.

Q. But it was out about 100 meters to the east of the village, as you recall it?

A. Right, sir. And this is where I stopped my squad, in this area. I was located from the left end of the squad itself, and I was wondering what happened to the 2nd Platoon at the time that we got there. I couldn't see them, and I wondered where these guys were. At the same time I noticed individuals running down a trail to my front. There were six men running down a trail to my front--

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Q. (Interposing) What kind of men? Friendly or civilians, or what were they?

A. I could not see them too good, sir.

Q. Were they part of your own combat organization?

A. No, sir. They were Vietnamese; they had black pajamas on. Some of them did, as far as I could see, sir. And I had my M-79 man shoot at them, but he missed them, and they continued to run. Also, at the same time, I noticed approximately five men running on the left-hand side.

Q. Now, about where would they be. Indicate where you saw the six people running and where you saw the other five running. You were at this point at that time. Again, 1 inch is about 100 meters.

A. I would say in this area right here, sir (pointing to map) were the group of six of them, and over in this area--

Q. (Interposing) Put a mark there, if you will, to assist Colonel WILSON later on in talking to you. And which group was it that was taken under fire?

A. The group right here, sir (pointing to map).

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The other one ran into a hedgeline, sir, and they disappeared. This was where we stayed at until we had further word to move out.

Q. Now, did you stay--where did you have lunch?

A. This is the area right here where we ate. The men opened up their C-rations, and this was where we ate at.

Q. Now, up until this time, how many people had you sent to your platoon leader?

A. I would say approximately 30, but I don't know. It could have been less and it could--maybe 15 at the most--I don't know, sir.

Q. At this point, in the middle of the village-- by that time you said you had picked up about nine or ten which you sent over to your platoon leader--

A. (Interposing) At the time, sir, in the middle of the village I picked up some. I don't know exactly how many. Quite a few of them, old women, young ladies, kids, and also some young men and a couple of old men that I picked up--that is where I sent them over to the platoon leader from there.

Q. Well, where did you pick up the other people up to this time? You said you had picked up about 30. Where did you pick up the others, and when did you send them to your platoon leader?

A. The only thing I can remember, sir, is the first group that I picked up.

Q. Just one group.

A. That is right, sir.

Q. How many was that again, as far as you remember?

A. Between 16 and possibly 30. I don't just exactly remember, sir.

Q. When you reached the edge of the village, or when you were on the perimeter about 100 meters east of the village, you indicated that you had a conversation with Sergeant MITCHELL?

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A. He hollered to me, sir, to hold my squad up, sir.

Q. Where was he?

A. He was standing by the two huts near the edge of the village, on the right-hand side, sir.

Q. Out in front of the village or back to the rear?

A. It was just on the edge of the village, sir, by two old huts. I can't say exactly on this map. And he hollered for me to hold up my squad and to set up a perimeter there. I said okay. And I turned around and held my squad up, and we got in a line; and I told them that we would wait there for a while, and we would alternate eating chow.

Q. When you were on the edge of the village there, on the east end, Sergeant BACON, or when you were out on your perimeter defense that you indicated, did you see a helicopter, an H-23, land anyplace in this area?

A. I saw a helicopter to my left front, directly to my front, sir.

Q. Where did he land?

A. He landed in a tree line. It is hard to say on this map.

Q. How far from you was he?

A. Approximately 50 meters. Maybe less, maybe more. And he landed there between the trees, got out of the helicopter, went in, and came back out. He got in his helicopter and flew off--the pilot did--he came back about 15 to 20 minutes later, sir, and landed in the same spot; he brought two men and three women and I believe two children out of this hut. At the time he must have called a gunship in, sir. The gunship picked the people up, and they both flew off to my right rear.

Q. Where was this spot to the best of your recollection and orientation? Were you here or here at the time (pointing to map)?

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A. It was--I was here at this point, so it had to be within that area. It would be here, closest to my knowledge. He moved in this direction--off this way-- both helicopters. I continued to watch the front and the flanks because I could hear shooting. I heard shooting in this area up here, sir (pointing to map), and I did not exactly know what was going on up there.

Q. Did you see this H-23 land at any spot other than the one that you have indicated?

A. No, sir. I didn't.

Q. Did he come back and land anywhere near where you were--where you had lunch?

A. No, sir. Not as I recall.

Q. Sergeant BACON, in your statement that you prepared, you indicated that you saw a ditch that had approximately 20 KIA in it. Would you locate that ditch for us?

A. I said that?

Q. Approximately 20 KIA in the ditch.

A. No, sir, I did not make that statement, sir.

Q. In this area where you were, when you reached the east edge of the village and where you set up your perimeter defense, did you see any bodies of noncombatants?

A. No, sir. I didn't.

Q. I want you to think real hard, now--

A. (Interposing) I am thinking hard, sir. I remember that I did not see any, sir.

Q. In passing through the village, had you seen any noncombatants or civilians that were being killed?

A. I did not see any killed, sir. I only saw one individual shot by an M-79. After we searched the village we were moving forward and he saw this individual out of the right of side of his eye and he fired. We continued to move on--that is the only person I saw shot in that village, sir.

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Q. Was he killed?

A. I don't really know, sir.

Q. But you, as a squad leader, did not see any noncombatants killed?

A. No, sir. I did not.

Q. Did you hear--after you turned these civilians over to the platoon leader--did you hear any rapid firing, or automatic or semiautomatic?

A. At the time, before we had turned the civilians over, I had been hearing fire, also in the village on both sides, left and right, so I cannot say exactly if it continued after the time I turned them over or not--I can't say, sir.

Q. Would this be the killing of the animals and livestock around the village?

A. It is a possibility, and also a possibility that the gunships were shooting around the village area.

Q. Did you encounter any opposition whatsoever with your squad?

A. No, sir. I didn't.

Q. Did your squad carry out the instructions to burn the village, burn the hootches?

A. (Interposing) No, sir, we did not burn any hootches at all.

Q. Why didn't you?

A. Because, sir, at the time we were too concerned with moving--trying to move through the village, and I was afraid that if we had tried to burn the village--it would have been impossible for the men in the 3d Platoon to go through the village and make a thorough search of the hootches before they came out of the other side. And this is what their mission was: to search the village and thoroughly check it out.

So, your squad, to your knowledge, burned no hootches?

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A. Right, sir.

Q. Or houses. Did they kill any animals?

A. They killed--they shot a water buffalo, but he did not die, and they shot some hogs. That is all, sir.

Q. How is it the water buffalo didn't die?

A. I don't know, sir.

Q. You did not see the H-23 land anywhere near you?

A. No place except to my front, sir. That is all.

Q. In that one location that you are talking about?

A. Right, sir.

Q. Did you at any time see Sergeant MITCHELL or anybody firing into a ditch?

A. No, sir. I did not.

Q. Did you see the people to your front that had run into the buildings or bunker or whatever it was--a cave--that the helicopter pilot landed to extricate them?

A. I did not see them at first, sir. There are a few buildings in the area where he had landed, approximately maybe three or four in that area, and I guess he spotted the people or something outside the hut, and he landed down there and checked and found out if they were in there and took off and came back again, sir.

Q. Do you know where your platoon leader was at this time?

A. No, sir. I don't.

Q. Did you hear of any conversation between the pilot of the helicopter and your platoon leader or anybody else in the company?

A. I did not hear any conversation between the pilot and my platoon leader. There was one time. We got the word that a mortar had been knocked out on a hill to our right flank. That is the only thing that I can remember, sir.

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Q. Did you see anything else in the village that you feel would be helpful in our investigation to determine what happened in My Lai (4), and/or the investigation of it?

A. No, sir. I did not see anything that could be helpful at all, sir.

MR MACCRATE: Sergeant BACON, can you estimate the number of rounds that you yourself fired during the course of moving through the village, from the time of the landing until you reached the far side. About 100 meters you indicated, beyond the village?

A. It was not even a magazine, sir. I had the same magazine in my weapon when I reached the end of the village, so no more than nine or ten rounds at the most, sir.

Q. What about the other members of your squad?

A. I can't say, sir, because some of them fired at the animals trying to kill them, so I can't exactly say, sir.

Q. Were you, at any time, from the time of the landing when you took your position just short of the village, to the time you arrived on the far side of the village--this was the point you indicated in the vicinity of anyone who was in radio communication--did you hear a radio operator at any time?

A. Well, no, sir. The only thing that I had at the time was communication with my platoon leader through a small regular radio set that we had that was issued to us from the company.

Q. You are talking about a PRC-8 helmet radio?

A. Right, sir.

Q. And did you also have a transmitter?

A. Right, sir, I had a transmitter.

Q. And you had the helmet radio?

A. Yes, sir.

Q. And during the time of your movement, which is a matter of 2 or 3 hours, you crossed the village, were you in communication with the platoon leader?

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A. Right, sir. I was in communication with the platoon leader, but I did not get any calls from him.

Q. You had no communication at all with the platoon leader?

A. Not over the radio. No, sir, that I can remember, sir.

Q. He did not speak to you and you did not speak to him?

A. No, sir. I hollered one time, sir, out loud, to hold it up because the remainder of the platoon was getting ahead of me, and I also talked to the 2d Platoon because they were getting ahead of me, too. That is the only time I even hollered towards them, sir.

Q. Well, this was when you were in the village, you hollered this way--in view of the vegetation, how did you know where the other part of the units were?

A. Because, sir, I actually hollered to my point man to see if they could locate the other portion of the platoon from our left flank, and they said to me that they can't locate them, they must be ahead of us--so at the time I hollered.

Q. When you hollered did you get any response?

A. I don't remember, sir. There was quite a bit of noise going on.

Q. I just wonder what a holler could produce at that point?

A. I actually don't remember if I got a response or not, sir.

Q. Now, when you saw the helicopters land, first the H-23 then the gunship, did you observe the pilot or someone from either of the helicopters getting out of the helicopter?

A. Right, sir. I saw either the pilot or the copilot of the helicopter walk with the people to the gunship, sir, and talk to the individual on the left-hand side of the ship and tell him something and put the people on the helicopter itself.

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Q. Could you at that time see any of the other units, the ground forces, either another squad or--

A. (Interposing) I could see portions of the first squad to my right flank.

Q. How far away from you were they?

A. That would be hard to estimate, sir. I can't say exactly, offhand.

Q. Fifty meters or five hundred meters? What is the relative--I am not trying to be exact, but just how much you could see is what I am trying to find out.

A. Actually, I'd say about 10 maybe 15 meters. Maybe a little bit more from where my men could actually see them.

Q. You'd say that the other squad was within 100 feet of you?

A. Right, sir.

Q. What did you observe as to what that squad was doing at that time?

A. At the time I noticed them, sir, they were getting ready to sit down, getting in position where they could observe the front.

Q. Had they actually taken up a position? Were they on a perimeter, too? Were they still moving at this time?

A. No, sir. They weren't moving. The ones I could see were getting down. The rice paddies stalks were pretty tall.

Q. Was Sergeant MITCHELL with this group to your right?

A. The one time I noticed him, sir, was the time he was beside these two old huts. There was an individual beside him. That was the only time that I noticed him because I turned around and started talking to one of my men about the helicopters picking up the people.

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Q. When Sergeant MITCHELL called you, about how far away from you was he?

A. I would say 100 meters, maybe a little more, sir.

Q. About the length of a football field away from you?

A. About the length of a football field, sir.

IO: I have a couple of things that I would like to get clarified. Who normally was with your platoon leader in operations?

A. Sir, the RTO would usually be with the platoon leader.

Q. He had the radio operator, then?

A. Right, sir.

Q. So, you wouldn't normally be talking with the platoon leader, but you would be passing information through the RTO, is that right?

A. No, sir. What happened is that the platoon leader carried a small radio, with a hand receiver--

Q. (Interposing) He carried the 8 and the 9, then, and the other one carried the 25, is that right, to communicate with the company?

A. Yes, sir, and this is the way I communicated with the platoon leader.

Q. You had no communication with Lieutenant CALLEY that morning?

A. Not that I recall, sir.

Q. Who else was with him? What was the position of Sergeant MITCHELL within the platoon?

A. He was a squad leader, sir.

Q. Of what squad?

A. First squad.

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Q. He was a squad leader of the first squad, right squad then?

A. Right, sir.

Q. Who was the platoon sergeant?

A. Sergeant COWAN, sir.

Q. Where was COWAN?

A. I don't exactly know, sir. He was someplace to the rear of the platoon at that time, I believe, but I cannot say for sure.

Q. Was he on that operation that day?

A. Yes, he was, sir.

Q. So, you and MITCHELL were the two squad leaders?

A. Right, sir.

MR WALSH: I think you said that during the course of moving through the village you at some time got separated from some of your men. Do you recall if the fire team leaders were sending personnel that they would round up to you and you would send them on to Lieutenant CALLEY? Were they sending people they would round up directly to Lieutenant CALLEY?

A. No, sir. The people were put in a group where I would have to just send two men with these people, instead of in small groups, because this would put me in a situation where I would have to send one man at a time with the people. In a case like this here, in this village we ran into one group as I remember. I sent two people with them because they were only old men, women, and children and a couple of young men.

Q. So, you are clear that any people sent by your squad to Lieutenant CALLEY were those that you collected in one group and sent on with someone you directed.

A. Right, sir.

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Q. Did your squad receive any fire from any direction when you were moving through the village?

A. I did not receive any coming directly towards me, sir. I did not know if there was any at all in the village.

Q. Did you see any helicopters land behind you at any time when you were passing through the village to the point where you got to the tree line and had lunch?

A. No, sir, I didn't.

COL WILSON: This tree line, 100 meters to the east of the village, was that a tree line covering a ditch?

A. I did not see any ditch, sir, at that tree line.

Q. To clarify these measurements, what was your squad's frontage? Were your two fire teams abreast, approximately, as you moved through the village?

A. It wasn't exactly two fire teams. I had to pull my squad in pretty close so I could try and control them. It was no more than approximately 10 to 15 meters. They were really pretty close. In fact, some of the people were walking behind each other in the village itself, sir.

Q. About 10 to 15 meters was your squad's frontage as you went through the village?

A. Right, sir.

IO: Did you encounter in the village or outside the village--did you encounter much fortification material, bunkers--

A. (Interposing) Sir, inside the village, there were bunkers and regular shelters. Structures were made out of solid concrete--some of the buildings. And outside the village the only place that I could see--

Q. (Interposing) Were these buildings that you are speaking of behind the bunkers, or were they just some of the old houses?

A. Old houses, sir.

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Q. Pretty much shelled at the time, weren't they?

A. Some of them wasn't, sir. Beyond the village, the only thing I noticed was the regular straw huts and some buildings made of concrete in the same manner as the ones in the village, sir.

COL FRANKLIN: Would you describe how you moved through? It took you a long time to get through this village. It is not a very big village. What were you guys doing down there that it took so long?

A. Well, sir, in checking out the buildings according to the way you are supposed to check them, it takes time to check out the village, sir. If you try to run through a village, you might end up getting blown up, sir. I wanted my people to take their time, and I didn't want anybody to get hurt in this village, at all. I was scared of the fact that there was VC in the village and they had booby traps in the hamlets, knowing that we were coming into the village. Also, the vegetation--at times we could not move too fast at all, sir, and we had to walk behind each other, and at times we had to walk over the brush itself, sir. And by moving this way, slow and cautiously, this is probably the main reason why it took us time to go through the village.

Q. You were moving slowly then--some moving and some covering, is this correct?

A. Yes, sir. All of us were moving at one time, sir, but we were all moving slowly.

Q. Did your men use fire grenades at all--throw them inside the hootches or these little bunkers?

A. I did not see any used inside the hootches or the bunkers, sir. We dropped a couple of them down the wells in case the VC or someone were down the wells. The concussion would either knock them out or out of the hole where they were hidden in the well.

Q. Did you hear a lot of M-79 and frags throughout on your flanks?

A. With the noise, you couldn't really tell if it was coming from the gunships or coming from the people. You could hear machineguns shooting, grenades going off.

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Q. You were 2 or 3 hours in the village. Did you hear fire and grenades at all after 2 or 3 hours?

A. You hear them pretty well, constantly.

Q. Didn't this strike you as funny that there was no opposition? Is this the way you guys normally went through a village--2 or 3 hours of firing?

A. I was worried about my men's safety and my safety and the accomplishment of the mission within my area and my squad. I was worried where the fire was coming from. I thought it was incoming. I didn't know for sure if it was incoming or outgoing; and after the word had come that the mortar had been knocked off this one hill, it really made me think there was a possibility that the unit on the right, B/4/3, was receiving fire or something. I didn't exactly know, sir.

Q. When you moved from the initial tree line into the village, you moved with assault fire. Were you firing?

A. No, sir, we weren't.

Q. Then when you moved through the village, you didn't move in a recon by fire, or did you?

A. No, sir.

Q. When you were east of the village, where you saw those choppers, were your people firing or did anyone fire out there?

A. None of my people.

Q. Did anyone ever call a medevac? Did you see any medevacs come in?

A. No, sir, I didn't.

Q. When you saw civilians that were wounded, what would you do for them--an old man or women? What would you normally do?

A. Well, sir, whether they are wounded or not, we usually send them to the platoon leader. He would take care

of the matter from there. I don't know exactly what they did from there because in most operations my concern was the operation being accomplished.

Q. Did you have an ammo resupply? When did you get a resupply of your ammo that day?

A. The ammo resupply. I can't exactly say what time or how much ammunition--

Q. (Interposing) Do you remember giving your squad a lot, or drawing a lot?

A. Prior to this operation, sir?

Q. No, after. Do you remember when you were resupplied by that laager. Did it make any impression on you how much ammunition you gave your people--M-79, M-60?

A. The M-60, sir, I don't believe he got any, but I am not so sure. The M-79 man--I had two M-79 men in the squad, sir. I don't recall offhand whether they got any or not. The men with the M-16, I don't think they got any ammunition at all, sir.

Q. Then they hadn't fired much at all?

A. No, sir.

IO: How many rounds did your men normally carry into combat? M-16's?

A. After the first time we were pinned down, we regularly carried seven magazines, but then after that a man ran out of ammunition, and I had my men carry as many magazines as possible on them, approximately 37 or so. And my M-79 man would carry up to 50-60 rounds, sir.

Q. You had those men loaded down pretty heavily then.

A. No, sir. They wanted to carry them because of the situation that we had been into before.

Q. If they had 37 magazines with 18 rounds apiece, that is 666 rounds?

A. Right, sir.

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Q. That's quite a bit of ammunition to be lugging around?

A. Well, sir, if it was going to protect my life, I think I would lug it around, and the situation I was in before--like I said, my men ran out of ammunition. They were more than willing to carry this much ammunition around, sir.

Q. Was this a normal thing in Charlie Company, that the men would carry this amount of ammunition?

A. After this situation that we had run into, sir, the people could determine within themselves and their squads that they should carry more ammunition in order to protect themselves, sir.

Q. Could you recognize enemy fire if you heard it?

A. Right, sir. I believe I could, sir.

Q. You could recognize the distinctive crack of an AK-47 or an SKS or the RPG and so forth?

A. Right, sir. I could.

Q. Did you hear any of that going on that day?

A. The only time I heard firing, incoming firing, sir, was the time I was in the chopper, sir.

Q. Other than that to your recollection--

A. (Interposing) I didn't hear any more firing.

Q. Do you remember any additional units or people that came along with the company that day? Either U.S. or Vietnamese.

A. I recall someone saying that there was National Police with us, and an engineer unit, sir.

Q. How many people were in the engineer unit?

A. I can't say offhand, sir. I saw some of them that night when we stopped. It was with Bravo Company, sir, and I believe I saw eight or nine at that time.

Q. You probably had an engineer squad with the company?

A. Possibly.

Q. When you were in the village, did you see any National Police personnel, in the village, now, only the village?

a. No, the only people I saw in the village were the few Vietnamese I picked up, sir, and my squad, sir.

Q. Did you see any photographers?

A. No, sir. I did not see any photographers.

Q. Would you explain what you did for the remainder of the afternoon. I take it we are down to about noontime? 169

A. Just around then, sir.

Q. Would you explain your actions for the remainder of the day?

A. Well, sir, we proceeded on a little bit further, and then we came to a tree line. I don't exactly remember on this map where it was, and we held up for a while because of Bravo coming up to our right flank. I went into a village to my left, sir, and I checked the village, and I noticed people in there moving around and running, sir. So I had two men with me, sir, and we went into this area and collected all the male personnel in there and we brought them over to the platoon leader. I sent them over to the platoon leader, and he sent them to the company commander, and then I rejoined my squad, sir, and my men came back and rejoined the squad.

Q. How many of these people did you round up at that time?

A. Approximately nine or eleven, as far as I can remember.

Q. Nine or eleven, all military-age males?

A. Right, sir, they were.

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Q. Did you see anybody else there in the laager area?

A. I saw some more prisoners; that's all. They were classified as VC's.

Q. How many did they have, all told?

A. I don't exactly know, sir. Close to 17, but I cannot say if it was exactly 17, sir.

Q. On the order of 17 men?

A. Right, sir.

Q. How do you arrive at a figure of 17?

A. I started counting them at first, sir, then they would start moving around, setting them up for the night. I just figured from there after I had counted so far, close to 17 there in that area, sir.

Q. Did anything else happen in the laager area that may have a bearing on the situation that took place on My Lai (4)?

A. Not that I can recall, sir.

Q. Sergeant BACON, we are familiar with the fact that Charlie Company, the next day, moved to the south, generally to the east of My Lai (5) and then south to the Song Tra Khuc River, and then sometime in the afternoon again turned back to the north, laagered maybe somewhere to the east of Hill 85, and on the 18th proceeded to the north, generally to the area of My Lai (1), and then later in the afternoon, sometime around 2 to 3 o'clock, the company was airlifted out to Fire Support Base Dottie.

A. Right, sir.

Q. Is that in accordance with your recollections?

A. Right, sir. It was close to My Lai (3) that we crossed a causeway--

Q. (Interposing) But you did go into this area up here. Was this the area from which you were extracted (pointing to map)?

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A. Right, sir, right in here (pointing to map).

Q. Did you see any people there from A/3/1?

A. No, sir. I did not see anyone there from A/3/1, sir.

Q. Were you in the first group that was extracted?

A. I don't exactly remember, sir.

Q. What kind of aircraft were you extracted in, do you recall?

A. It was a Huey, sir.

Q. A Huey?

A. Right, sir. It was actually a troop carrier, as I can remember, I believe so. I believe there were only one or two of them.

Q. Could you have possibly been lifted out by a CH-47?

A. No, sir, not a Chinook.

Q. You arrived back at the fire base. Did anybody talk to you?

A. At the time when we got back there, I remember someone saying: "Don't repeat anything--say anything about what happened at My Lai because there was an investigation going on."

Q. Who told you this?

A. Our commander, sir. Captain MEDINA, sir.

Q. And he said there was an investigation going on and not to talk about what happened at My Lai?

A. Right, sir. I didn't exactly know what he was talking about. I just kept my mouth closed anyway. As far as I know, there was an investigation going on, and it wasn't my concern to tell anyone else about the situation at that time.

Q. When you returned to Fire Support Base Dottie, was there a senior officer there that talked to a group of you?

A. I don't remember sir, because the main thing that was on my mind at that time, sir, was going on R&R, sir.

Q. Well, if a senior officer had talked to a group of people and you were amongst them, you--even though you were going on R&R--you probably would have recalled it, wouldn't you?

A. I would have, sir.

Q. So, did you ever have a senior officer commend you for the operation, saying that it was a good operation, and asking if you had seen anything unusual or if anybody was killing civilians?

A. I don't remember, sir.

Q. Did anything happen, Sergeant BACON, on the movement down to the Song Tra Khuc River on the 17th and on the 18th which had a bearing on what happened on My Lai (4) on the 16th?

A. Sir, we moved down toward this river. We came to the last village just next to the river, My Khe (2), and the company went through the village and my platoon leader left me to the left rear of the village. This area is where one man came running out of a bunker. He had red pants on and a blue shirt, and one of my riflemen hollered "Dung lai" to him and he just kept on running. So, he opened up fire on the guy and missed him. So I told another man to go ahead and see if he could catch him without shooting him to see who in the world this man is, because everyone else was out of the village as far as we knew. And all of a sudden, four people ran out of a bomb shelter--artillery shelters, and they ran straight toward my machinegunner. So about five or six of the men in my squad, plus myself, grabbed them and we found medicine on the lady--all kinds of medicine--morphine, aspirin, bandages, and stuff like that. This one man we found, he had the black pajamas but underneath the pajamas were a gray and a red uniform, so I called up to the platoon leader to try and get information from him. I couldn't get in contact with him because my radio batteries were pretty weak, sir. So, I sent the people up to the platoon leader, the three men and the one lady, and I was informed once my man came back that the lady was a nurse in the NVA Army, equal to a platoon sergeant, and that the one old fellow that we captured was a colonel in the VC Army.

(BACON)

and also that the 15-year-old kid that we captured was a cadre from the NVA working with the 48th. And the other guy was a lieutenant in the 48th and the information people told us that these individuals did work around the My Lai area and that they were in the My Lai area when we came in, sir.

Q. So you felt that you made a pretty good capture, then?

A. Right, sir.

Q. Did you see anybody--were these individuals evacuated?

A. Sir, I don't know exactly, but once we got down to the area after the three men came back, we moved back to where the company was assembled, close to the beach. They had interrogated some of the people, and I moved back up, after talking to Lieutenant CALLEY, back up to my squad and set out a perimeter line. Then, I believe, the lady was evacuated, sir, by a helicopter. I don't know exactly how long he stayed there, sir, and I don't know what happened to the men, unless they were with the group of men that we moved back into the next village with us, sir.

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Q. With respect to the villages of My Khe (3), My Khe (1), My Lai (1), My Khe (2), as you went through these hamlets, were these burned as well?

A. My Khe (3) and (1), if I remember, when we first went there was not burned, but once we started moving away, they were burned.

Q. Were any people in those villages?

A. No, sir. We did not see any in there at all.

Q. What kind of construction was it? Solid or temporary hootches?

A. It was temporary hootches, sir, and solid construction. We saw in one village, which was told to us by the platoon leader, they saw 50 "Bouncing Betty" mines in that area, and I believe this was in My Khe (1), sir. They blew them, and you could hear the shrapnel flying, and we moved on down to the My Khe (2) and also in the area where we found those three men and one lady that came out of the bunker, plus the one that got away, sir.

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Q. Was the village of My Khe (2) also burned?

A. Yes, sir. It was burned.

Q. This one down on the river.

A. Yes, sir. The rear of it was burned. Most of it wasn't burned because some of the structures were permanent structures, and this was also where we received two rounds of fire while we were in the village. I don't know exactly where it came from or anything, but I heard them. It came over our heads.

Q. I understand that as Charlie Company moved to the south that there was a patrol which had moved to the west toward the slopes of Hill 85 and that this patrol ran into some mines. Does this fit your recollection? 175

A. Right, sir. I was patrol leader at that time, sir. 24

Q. You were?

A. Right, sir.

Q. Who was in this squad with you?

A. Sir, in the squad at the time with me was PFC BERGTHOLD, SP4 COX, PFC SIMONE, SP4 CONTI, SP4 MAPLES, and leading the patrol was Lieutenant KELLY.

Q. Lieutenant KELLY?

A. Right, sir.

Q. Who is Lieutenant KELLY?

A. He is my platoon leader.

Q. CALLEY?

A. CALLEY, sir. He was going to show me the place exactly where I was supposed to set up, sir--an observation post that I was supposed to set up on the hill along with PFC MEADLO, who had a mine detector, sir, and SP4 SLEDGE, who was the RTO.

(BACON)

Q. Were those people with Lieutenant CALLEY from your squad?

A. No, sir. None of them were from my squad, sir.

Q. Where were they from--MEADLO and SLEDGE--what were they assigned to?

A. SP4 SLEDGE was assigned as RTO. He was working with the headquarters group of the platoon, and PFC MEADLO was out of the 1st Platoon, sir, the first squad, sir, and he was acting as minesweeper man for the platoon leader. We proceeded up the hill, sir, and we came to a fenced area. He told me to keep observation to the rear of the company and to let him know exactly what was going on to the rear so no one would sneak up on the company's rear. So, as he was going down the hill, just before I sent in my men, I heard an explosion. What had happened, Lieutenant CALLEY did not go down the same way that he came up. He went down a different way to try to avoid some of the terrain that he had to go up at first, and he had--PFC MEADLO had the minesweeper to the front of Lieutenant CALLEY, and when I looked down the hill PFC MEADLO was lying on the ground, hollering and saying: "Why did you do it? Why did you do it?" Lieutenant CALLEY told me to send a couple of men over to him to assist him in getting PFC MEADLO in the helicopter, medevac'd. At the time, the men had not gotten loads off yet, and I called to him: "Sir, I don't want to send the men down there, because their loads would be too heavy and they might touch something, a mine or something of this same nature." So I told my other two men, PFC LLOYD, and PFC KYE to assist Lieutenant CALLEY in getting PFC MEADLO on the medevac because it could not land because of the vegetation. PFC MEADLO said, "I'll get even with you, sir. I'll get even with you if it is the last thing that I do." He was saying that as he was getting on the helicopter to get medevac'd out.

Q. What do you think he meant by that?

A. I don't know, sir. The only thing--impression--I can get by hearing people utilize the same terminology is something like he was going to either do something to him or say something against him or something. This is the impression that I got.

(BACON)

Q. Was he going to get even with him for what had just transpired or perhaps--

A. (Interposing) For what had just transpired, sir. He felt Lieutenant CALLEY was the cause of him getting blown up. This is the idea of war, sir, itself.

MR MACCRATE: As a squad leader in the 1st Platoon, did you have to make the report in respect to KIA?

A. No, sir. This would come from the platoon leader to the company commander.

Q. How did the platoon leader get the information for his KIA report?

A. Well, most of the time he would be moving around, sir. The platoon being as small as it was, it would not take much for him to move around the platoon area, to see or observe someone shooting an enemy soldier or something.

Q. Did you in the course of any part of this 3-day operation have any KIA's that you knew about yourself?

A. No, sir. I didn't that I can remember, sir.

Q. In the movements subsequent to your passing through My Lai (4), did you yourself use any of your ammunition?

A. I don't think that I actually did, sir.

Q. This is right as you went south, then back north, then lifted out on the 18th?

A. Right, sir.

Q. Would that also have been true of members of your squad?

A. Except for the one time the man fired at this individual at My Khe (2)--he expended very few rounds--that is the only time besides another man had discharged one round. That is the only time that I can remember, sir.

Q. Do you recall any interpreters moving with your company that day?

A. We had an interpreter that is assigned to the company by the name of PHU and he is a sergeant in the Vietnamese Army. This is the only one that I actually know of, sir.

Q. At any time was he moving in your vicinity during this operation?

A. No, sir. He stayed usually with the command group; that would be with the company commander and the company commander's RTO and the forward observers, sir.

Q. Did you know a Lieutenant JOHNSON who was with your unit that day?

A. No, sir.

Q. When you got back to Dottie, was there any discussion that you can recall about helicopters landing on the 16th or anything about the aviators? Doesn't the infantry have a certain attitude about the fellow upstairs? Don't they?

A. Well, sir. They were speaking in regards of the helicopters landing in front of us, because they wondered why in the world the helicopters landed in front of us, sir. There could have been VC in there, and it is our job to check out areas to our front, not helicopters to land and check out areas to the front. If there had been a fire between, coming from in front of the helicopters, it would have been totally impossible for us to fire at this helicopter to engage the enemy.

Q. Was there any fire coming from the other side of the helicopter?

A. At the time, no, sir.

Q. There was no crossfire going on at all?

A. No, sir.

Q. So they just came down into an area where there was no firing?

A. Right, sir. It was just a way of speaking--in military tactics you don't usually find this. I don't know the exact reason why he came down. I know it was most peculiar for him to land in a place such as that there. It is not reasonable. It don't make any sense.

(BACON)

Q. Did--were you aware of anyone being angry about it? Or just curious about it?

A. Some people were just curious about it, sir, and wondered why the helicopter landed. That's all, sir.

Q. Did the discussion of that go on for quite a while?

A. Not as I remember, sir, because I left the unit the next morning or that evening, that day.

Q. The 18th or 19th you left for R&R?

A. Right, sir.

Q. When did you return to the unit?

A. I came back, sir, in March--I mean in April, and I caught malaria after we went on an operation for 1 day, and I was in a hospital. I actually never rejoined the unit as a part of the unit except for one other time I worked up there at LZ Ross for a while with the unit.

10: How is it you didn't return until April when you went on R&R?

A. It was March when I left the unit, sir.

Q. But you left on the 18th or 19th--

A. (Interposing) Right, sir.

Q. And your R&R was how many days?

A. I didn't leave to go on R&R until the 22nd, sir. There was a mixup, and they rescheduled me on R&R, and what happened was that I was scheduled to go--instead of the 22nd, I was going to go on the 1st of April and a captain from the division was going to go on the 22nd--what happened was they had reversed it around and had put me on the 22nd and the captain on the 1st of April, sir, and I had to stay up there until the 22nd. I left Vietnam going to Hawaii. I came back, and I had a little problem in Danang, the flights getting off because of shelling the airport and stuff, and I finally got out a few days after the 1st of April.

MR MACCRATE: At fire base Dottie, did you ever recall seeing chaplains or visiting them? Did you yourself talk to the chaplains when they came through?

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(BACON)