

A. Well, sir, I knew one of the chaplains--but I don't remember his name--that came to fire base Dottie, and I remember going to services at fire base Dottie: some for my own unit and some for the company, but I don't remember exactly when the company was there, sir.

Q. What faith was the chaplain?

A. The chaplain was of the Protestant faith, I believe, sir.

Q. Did you know where he came from? Did he come down from Chu Lai?

A. Yes, he came down from Chu Lai, sir.

Q. About how often would he come down?

A. I couldn't say for sure, sir. A lot of times we would be out in the field when he would be coming down there. I don't exactly know.

IO: Would he have been the division chaplain, or would he--

A. (Interposing) Brigade, sir.

Q. From the brigade? Would he have come from Chu Lai or--

A. (Interposing) Right, sir. We had a--in Chu Lai--LZ Bayonet, and this was where he was staying. He was working in conjunction with the 4/3 and individuals from the task force, also, sir.

COL FRANKLIN: Sergeant BACON, did you ever give a body count for the 16th to Lieutenant CALLEY?

A. No, sir. I did not.

Q. When did you find out about all the body count that C Company picked up in this operation?

A. Well, sir, I read the paper when I was in the hospital, on this operation, and it said 128 VC were killed. I usually tried to keep track, during the time I was in the hospital, with the units' movements and where they were at, and this is where I actually read this amount of body count that we got for this operation.

(BACON)

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Q. Did you believe it?

A. I don't know, sir. It is hard to say, because I could not actually see everything that was going on over there, and I didn't know definitely for sure.

Q. Did C Company turn in a straight body count, Sergeant BACON?

A. I don't know, sir.

Q. How about when you got in this laager position for the night of the 16th? You saw a lot of people in the first squad. What were people talking about? What was the conversation? What was the subject matter?

A. Well, sir. I didn't talk at all to the people in the first squad, because my people usually kept pretty close together, and I talked to them quite a bit. In most of the operations, I like to talk to my people after we get through. What we were talking about was me going on R&R, and everybody was telling me to take it easy, don't get hurt--and portions of the operation itself. We talked about the Vietnamese National Policeman who was in the 4/3. We discussed the problems we had back in the States.

Q. Was anyone talking about a lot of shooting and how we really fixed the VC and the 48th didn't hurt us? Were they happy? You mean nobody was talking about what happened there that day?

A. I don't remember anybody speaking of that there, sir.

Q. Wasn't there a lot of relief after you felt that this was going to be a big engagement, the largest enemy force you had ever faced?

A. Right, sir. There would be a lot of relief. This would be natural.

Q. Wasn't anybody talking about the difference between what happened and what they expected?

A. No, sir, because we didn't know what we were going to encounter. As far as we knew, they hadn't left the area, sir. They were still to our front, and that was exactly where we were going towards--to encounter the 48th, still.

(BACON)

MR MACCRATE: What about when you got back to fire base Dottie? Then you were looking forward to R&R and you still hadn't encountered all that you had expected. Wasn't there talk at that point?

A. Well, sir, I wasn't paying too much attention to the talk. The only thing I was doing was thanking God I was alive to go on R&R, sir.

IO: Sergeant BACON, you have indicated that there wasn't any talking going on or anything else.

A. No, sir, not to my recall.

Q. I have been pretty familiar with the organization and functioning in companies and how they work and how close and intimate they are and the discussions that go on in this area. And also down where Colonel FRANKLIN was, down in Binh Dinh, which is an area quite comparable to this, generally speaking, the company will be well informed about body counts and this, that, and the other thing. They will know how many were turned in, particularly the squad leader within the company. And you are telling me right now that you didn't know anything, that you kept all by yourself, and you didn't have the feeling about what went on in that company--that the company was turning in something, that they had killed in excess of 100 VC that day, and this sort of thing, and that you did not know that within the company?

A. I did not know the amount of body count that was turned in at all, sir. I am telling the exact truth, as I can remember it from the time I was in Vietnam to now, sir. I do not remember it, sir. I don't remember any amount of body count. I don't remember any bodies discussed or anything of this nature because truthfully, sir, this was not on my mind at the time. I was thanking God I was alive and I was going home to see my wife and my sons. That was my main thought.

Q. Did you ever find another situation, in all the time you were in Vietnam, wherein you did not know what was going on or get an account of the number of VC that were killed, the number of prisoners that were captured, and the results, the operational results?

(BACON)

A. I believe that there was a time before, sir, that this took place. Primarily, the reason that I wouldn't ask if a body count was taken, and these other things, was because this was not my concern. My concern was the welfare of my men after the operation was over.

MR MACCRATE: Is there any bulletin board that is kept by the company commanders on which there were notices posted? A blackboard? I have heard that some units had KIA shown on a blackboard--the result of operations. Any of that sort of thing for Charlie Company?

A. Well, sir, during this time we were Task Force Barker, I really didn't have no exact home--

Q. (Interposing) You rotated around.

A. I rotated around, LZ to LZ.

Q. But LZ Dottie was sort of a home base, wasn't it?

A. Well, originally it was a home base for the task force but not for any exact company, because when we first got into the operational area we would stay on Dottie the night before we moved out into the field. From there, we would stay out in the field for several days. We went to work on LZ Uptight, and then back out into the field. It was a continuous rotation, clockwise rotation, sir. The only actual bulletin board in the task force would be at our rear fire support base, which would be LZ Bronco. This is the only place we would actually have a bulletin board, sir.

Q. Did you get reports there on such things, KIA, weapons captured, and so on?

A. Well, they might have got them back there, sir.

Q. Were they available to the company generally, personnel of the company?

A. At some times they would tell us about the amount killed, but then again, sir, a lot of people didn't really care about the amount of people killed. The majority of people just wanted to get back to the area. They were concerned whether anybody got hurt or killed, from what company, and this is my main concern about my men.

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Q. Did you ever, while you were in South Vietnam, hear any rumors or hear anything which would cause you to suspect that something unusual had taken place in My Lai(4)?

A. I did, sir, but I did not know if it was exactly true or not. I didn't see it, and I cannot go on speculation and rumor, sir.

Q. What did you hear?

A. I had people tell me that there were civilians killed in My Lai(4). I didn't see it. What I actually could go by, as far as I know, is what I could see--

Q. (Interposing) When they said they were killed, how did they tell you they were killed?

A. They said there was a whole bunch of them killed, as far as I know, sir--as I can remember it sir. They might have said more, but I don't remember it, sir.

Q. Did you get an idea that it was a sizable body? Did they tell you how they were killed or anything?

A. I heard words in regard to a whole bunch of people shot up at My Lai(4).

Q. Did you ever hear of lining up a group of people and mowing them down with a machinegun and an M-16? Anything of this category?

A. I heard something in regard to this once, sir, down in the hospital in Qui Nhon, sir.

Q. Were you evacuated from Qui Nhon to Cam Ranh?

A. Yes, I was, sir.

Q. To the convalescent center there?

A. Right, sir. I heard the same when we got down there, sir. The part I knew about this was to keep my mouth closed, and whatever took place.

Q. But to your knowledge, that was what they were investigating?

(BACON)

A. Right, sir. And I tried to keep up with the news as much as possible while--and nothing came up, as far as I knew.

Q. When you returned from the hospital to the unit, as I recall, you didn't stay with the unit. You went to another task?

A. What had happened was that I was still assigned to the company itself, sir, but I was working with headquarters company of the battalion, in the S4 section, sir.

Q. Where was this located?

A. We were located up in Chu Lai, then they were located at LZ Dottie for awhile.

Q. Was this while it was still Task Force Barker, or had you rejoined the unit?

A. We had rejoined the unit then.

Q. About what time had you rejoined the unit or do you know?

A. I don't exactly know, but it was after I went on R&R, sir.

Q. Did you ever hear any more talking about this situation?

A. I heard it once in a while, sir, but I never did say anything about it. Because, like I say, I don't like to discuss something when someone tells me, especially the unit commander, that I will not discuss anything, because there was some investigation going on. I never heard any more about it until the day I left Vietnam.

MR WALSH: Where and when did Captain MEDINA tell you that investigations were being conducted and that you weren't to talk about it?

A. Sir, he told us this here in the area of My Lai(3), that there was an investigation going on and we would not discuss it or say anything that had taken place in My Lai(4).

Q. That was before you were lifted back. That would be right at the end of the operation?

A. Right, sir, at the end of the operation.

Q. About what time of day did you get to your laager area at the conclusion of the move through the village? Do you recall that?

A. It was late in the afternoon. The sun was pretty close to going down.

Q. At any time of that day do you recall being given any orders or hearing any word that you should prepare to turn around and move back through the village?

A. No, sir. I don't recall that.

Q. Do you recall anything like that happening any-time during the operation?

A. No, sir. I don't recall that either.

MR MACCRATE: Do you remember any instructions during the day from Lieutenant CALLEY to stop any indiscriminate shoot-ing of animals or civilians, or anything on that order?

A. I heard the word hollered out to the guys to stop the killing, that is all.

Q. When would that have been? Where would you have been in your movements to the village?

A. Outside the village, sir.

Q. You say it was hollered out. On your radio head set or--

A. (Interposing) As I was outside the edge of the village, right at the edge of it, I heard a voice holler, verbally holler out.

Q. Who was hollering it?

A. I don't exactly know, sir. From where I was at, I could not see anybody except for the men in my squad, and they were pretty close. The rest of the people, I didn't know where they were at.

Q. Well, this wasn't hollered at you, was it?

A. I couldn't say exactly, sir. They did not call my name--say, "Sergeant BACON" or--

Q. (Interposing) As you have described it, you weren't doing any shooting at the time, so if they are going to holler, "Stop the killing," they must be talking to somebody else.

A. Well, sir, this would concern me, too, sir, as part of the unit, sir. They could be hollering at the entire unit.

Q. What I am trying to find out is where the fellow was, who was doing the hollering, and who he was hollering at?

Q. I didn't see him, and it is hard to tell exactly where--the voice was coming from the rear as far as I know.

Q. But do you remember someone to your rear hollering out--you were on the east side of the village--to stop the killing?

A. Right, sir.

Q. Sergeant BACON, when you were notified that there would be no talking, or not to talk about this thing because there was an investigation underway, were you ever interrogated by anybody concerning the events of My Lai(4) on the 16th of March?

A. No, sir.

Q. You never gave a statement?

A. No, sir, I didn't.

Q. You never wrote out a statement?

A. No, sir, I didn't.

Q. Never gave any testimony under oath?

A. No, sir, not until I got back here in the States, sir.

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(BACON)

Q. From the time the My Lai incident broke into the news in September or thereabouts, have you talked to anybody from the unit about this situation?

A. No, sir. I tried to keep from talking about it to anyone.

Q. Has anybody talked to you?

A. No, sir. I am not stationed near anybody, sir, although I have some individuals from my unit that I was with at Fort Benning. We were together, but I never had a conversation with them or wrote to anybody.

Q. You had no contact with them?

A. No, sir.

Q. No, between the time--when did you leave Vietnam again?

A. I left Vietnam on the 29th of November, 1968, sir.

Q. From the time you left Vietnam until such time as this came out in the press, had you talked to anybody about this situation?

A. No, sir, I didn't.

Q. Or had anybody talked to you about it?

A. No, sir. They hadn't.

Q. From the time you rejoined your unit, then, you were working in the headquarters portion of the battalion. Did anybody--did you talk to anybody about this?

A. I don't recall talking to anybody about this, sir. I have had people come to me and try to talk to me about it, sir, but I tried to refrain from talking about it at that time.

Q. To the best of your recollection you did not talk to anybody about this?

A. Right, sir.

(BACON)

Q. Now, at the time that Captain MEDINA put out the word that there shouldn't be any unnecessary talking about this because it was being investigated--how was this word passed out?

A. It was passed out verbally to the personnel there. He got everybody around and told them himself.

Q. He assembled the company?

A. Right, sir.

Q. And told them that there would be no talking about this. Can you recall his exact words?

A. I can't recall his exact words, sir. All I know was that he said that no one will discuss this with no one or talk to no one about this My Lai situation, because it was under investigation.

Q. Your impression was that he was just telling you this because the investigation was being conducted?

A. Right, sir.

IO: The hearing will be recessed.

(The hearing recessed at 1125 hours, 16 December 1969.)

(The hearing reconvened at 1126 hours, 16 December 1969.)

COL WILSON: The hearing will be in order.

RCDR: The following persons are present: COL WILSON, COL FRANKLIN, and MAJ LYNN.

(The witness was reminded he was still under cath, and he testified as follows:)

COL FRANKLIN: Sergeant BACON, when you saw that VC that you thought to be shot by the police--these other Vietnamese--what were your feelings then?

A. The only thing that I could think of at the time was, I said to myself that he must have killed a Viet Cong, or he must have captured one. That is the only thing that I could really think of, because I have nothing against those people over there. I have nothing against anyone. War is not the best thing in the world, and I feel that we have

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(BACON)

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Q. Who told you that they wouldn't be mistreated?
Was this a class, or what?

A. No, sir, by me. I would tell my people this. Under the type of training we had, the Code of Conduct and things like that, they would explain to us and show us pictures of how to handle prisoners of war--separating them and segregating them and moving them to the rear as fast as possible.

Q. When you got the word that you were going to Vietnam, shipping out, did you get classes or instructions on the treatment of civilians?

A. Not that I recall, sir.

Q. Do you ever recall anybody ever getting up and saying: "We've really got to take care and not hurt these civilians more than necessary." Was that stressed? Did Captain MEDINA ever talk about it? Did CALLEY talk about it? Did anybody, any company or task force or your 1/20 talk about it?

A. I don't remember exactly, sir, offhand.

(COL FRANKLIN requested Exhibits M-2 through M-4.)

Q. I am going to show you some cards here, Sergeant BACON, and ask you if you have ever seen them. The first one I would like to show you is what is marked as Exhibit M-3. Have you ever seen that card before?

A. No, sir, I haven't.

Q. Was anybody in your squad given those cards?

A. I don't believe so, sir, because they had to come through me, and I didn't have one.

Q. I am going to show you Exhibit M-4. Have you ever seen that card?

A. No, sir, I have not seen this card, either.

Q. I have a card here marked Exhibit M-2, "Nine Rules," for personnel of U.S. Military Assistance Command, Vietnam. Have you ever seen this card? Look at the front and back of it.

A. No, sir.

Q. What did the people in your squad think about the Vietnamese in general when they talked about them?

A. Sir, we would talk about Vietnam in general, but the people themselves--the majority of us liked the Vietnamese because when we got in brigade operations, we would give candy and food to the children, and we would always have kids around my squad. In fact, there is one kid in the area that--at Task Force Barker--that I would usually bring candy to myself--in fact, him and maybe five or six more of his friends. Our C-rations we would split with the kids. I enjoyed the people over there. I used to go down and work around the villages. Some of the villagers speak Korean, and I speak Korean pretty well, and I used to talk to them, to the ones that couldn't speak English.

Q. How about your soldiers, were they the same way?

A. Right, sir.

Q. How about the Vietnamese people around Pinkville? What did you and your squad think about them?

A. Sir, the men were scared of that area, and as far as they know those people were Viet Cong. They had never really been in there to talk to the people. If we go in there, we get people blown up or shot, so actually you couldn't really get into the area. From the My Lai area up to Pinkville--it is hard to get in that area, sir.

Q. Did you or your squad consider those people in there, no matter who they were, enemy?

A. No, sir. We know that the civilians were being held by the Viet Cong and NVA in this area, especially women to maintain families. And taking into consideration all the facts, all people are not Viet Cong. And you can't just say, "Well, I look at you, and I am telling you that you are Viet Cong," sir. This would be wrong. This is the way I thought and I hope my men thought.

(BACON)

Q. What are you supposed to do if you see what you think is a war atrocity, Sergeant BACON? You as a squad leader, what was required of you?

A. What is required of me in a war atrocity is to report it if it hasn't been reported. If it has been reported, to follow all the instructions given to me by the reporting individual and to keep it to myself in case others are not involved in the situation itself.

Q. This VC you saw get shot and pushed down the hole, did you think that was a war atrocity?

A. Well, sir, at the time, I didn't know exactly what the situation was, and I didn't know if it was a war atrocity or not, because I didn't know the situation--because numerous situations revolved around us there which made them people actually be shooting.

Q. You have been in the Army at least 9 years, Sergeant BACON--

A. (Interposing) Ten years, 3 months, 20 and some days.

Q. And you have been doing a lot of training, and you are a drill instructor, now.

A. Right, sir.

Q. In your opinion, as a sergeant in the United States Army, do you consider that C Company got good training? I mean really good training, so that all the soldiers knew what to do and how to treat civilians and what to do on war atrocities?

A. I don't think so, sir.

Q. Why not?

A. In a way of speaking, sir, I say no, because of the information that you showed me before, the exhibits. They should have been given to the people, and the people could understand the situation much better, and this situation, it possibly could never have happened. I don't know. But I think it would have given a man a better understanding as to what a war atrocity was and the situation of what crimes were during war, which half the people didn't really know.

(BACON)

Q. You say this might never have happened. What might never have happened?

A. This information that has been gathered up and spoken about all over the news media and the investigations.

Q. Do you believe in your heart, Sergeant BACON, that there were war atrocities, massacres at My Lai (4)?

A. Sir, in my heart, I'd say that it is a question whether there was or wasn't, because really, I didn't see anything, and I can't blame a man for something I didn't see, sir. People will talk because they are disgusted towards a person--that they have a dislike for this person and I don't know. I am wondering myself, because I would like to see this straightened out, sir.

COL WILSON: Do you reasonably believe that the men in your squad also did not have cards or had not seen these cards?

A. None of my men in my squad seen those cards.

Q. Are you sure of that?

A. As far as I know. I am positive of it, because the cards themselves or anything of this nature had to be passed out to the squads. It should normally come through the platoon leader to the squad leader, or platoon sergeant to squad leader to be passed out to the men within the squad.

Q. How long were you the squad leader of that squad?

A. Sir, I have been a squad leader for that squad since prior to going to Vietnam.

Q. You mentioned that WEBER had been killed in this area?

A. Right, sir.

Q. The morning reports show that WEBER was killed the 12th of February. Could you point out the location where he was killed?

A. Right, sir (pointing to map). WEBER was killed in this area right here.

(BACON)

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(NOT USED)

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(BACON)

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Q. Would you give me the coordinate of that?

A. 7380.

Q. You are pointing north of the Song Diem Diem River?

A. Right, sir.

COL FRANKLIN: Stay up at the map, Sergeant BACON. You have already said this but I would like you to repeat it. C Company had already been down in the Pinkville and My Lai (4) area, you had conducted operations down there before.

A. That is right, sir.

Q. Within how many meters had you gotten to My Lai before?

A. Sir, we had gotten in the area in here (pointing to map). We had one platoon come across the bridge right here, sir, and set up a blocking force for one platoon of A/3/1, which got pretty well mauled in this area before my platoon set up here, and we had another platoon set up around this area (pointing to map).

Q. In other words, you had come south across that river, the Song Diem Diem, but that is about the furthest that anybody in your company had ever gotten south of that river?

A. We came across this river and went down in this direction this way, down this way, moving down toward a blocking position. Once in February, sir, for the 2d ARVN Division, for the Tet offensive, we were close to this area. I'd say that about the closest we came to this area was right here, sir.

Q. In the northern part of what is called the My Lai complex.

A. From where you were up north you could see to the south and see all those areas.

(BACON)

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A. Right, sir. In spots, you could usually see where the villages were, sir, by the large amounts of vegetation. Vegetation existed usually around large villages or around the edges of hills, and we got reports from other units that operated in this area, like one platoon of B Company, 1st Cavalry, that operated with the task force that was in this area also. We used to get reports from them and other people who had been in the area, sir, that Viet Cong were shooting at them or something like this here.

Q. Did you get a lot of reports from these other companies about fighting down there and how tough it was? Did you hear that throughout the task force?

A. Right, sir.

Q. You did hear that?

A. Right, sir.

Q. Sergeant BACON, do you have anything that you would like to say, now, about anything concerning this operation or any feeling that you have--anything that you might want to add to this?

A. Well, sir, one thing that I would like to say is that I feel, regardless of the situation, that there have been a few derogatory statements made toward--defacing the Government's name or the Army's name, about certain individuals. And some of the individuals were not even part of the platoon that actually went through the village itself. They were part of other platoons within this operation--that made derogatory statements towards others in the platoon that didn't know exactly what they were talking about. The only one that I can remember who made a statement that was actually in the platoon was PFC MEADLO. The other people were in the 2d Platoon, which was adjacent to the left side of the 1st Platoon, and the 3d Platoon which was the trailing platoon--to include the cameraman who was with the company headquarters and around the area of the 3d Platoon. The information put out through these people reflects--I don't know the word,

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(BACON)

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but that uncouth stuff was taking place and was done by one individual platoon, and one sector of the platoon. It was a good possibility--but I think this individual reflects on the troops.

COL WILSON: We appreciate your feelings, Sergeant BACON. I would like to inform you, now, that you are ordered not to discuss your testimony with others, including other witnesses for this investigation, except in the performance of official duties or as you may be required so to do before a competent judicial, legislative, or administrative body. You cannot discuss what you have told us here today with any other witnesses--you don't want to do this Sergeant BACON, because it is going to cause you a lot of heartaches if you do. But you can only discuss this if you are in front of an official board or a court-martial or something of that nature. Do not discuss it with anybody you might see around here or anybody that should telephone you. You cannot discuss it.

A. Right, sir.

(Aerial photo, Exhibit P-1, as annotated by SSG BACON was received and admitted into evidence as Exhibit P-173.)

COL WILSON: The hearing will be recessed.

(The hearing recessed at 1153 hours, 16 December 1969.)

(BACON)