

SUMMARY OF TESTIMONY

WITNESS: WIDMER, Frederick J.

DATE OF TESTIMONY: 29 December 1969

PLACE OF TESTIMONY: Pentagon

WITNESS SUSPECTED OF: Murder and aggravated assault.

COUNSEL: Gary R. MYERS, CPT, JAGC, OTJAG, Headquarters
Department of the Army, Washington, D.C.

DUTY ASSIGNMENT ON 16 MARCH 1968: RTO to Captain MEDINA,
C/1/20, Task Force Barker.

1. PREOPERATIONAL PLANS AND BRIEFINGS.

The witness was present at the briefing on 15 March when Captain MEDINA told them they were going into the My Lai area, by which he meant Pinkville and the general AO, on a search and destroy operation (pg. 7). He agreed with a statement that he made previously to the CID, in which he said that MEDINA told the company that during the mission "everyone was VC or VC sympathizers" and "everything was to be killed," meaning people and animals (pgs. 7, 8). The witness declined to answer a question on the mood of the members of the company after the briefing (pg. 8). He made mention of a memorial service being held for one of the soldiers of the company, named WEBER, which he stated took place several weeks before the incident (pg. 8).

2. ASSAULT ON MY LAI.

WIDMER stated that he was on the last lift, he thought it was the third, into the My Lai (4) area on 16 March. He was the spare RTO that day and was not operating (pg. 9). The command group originally was inside a hedgerow at the entrance of the village until a platoon had secured the village, then they moved up behind them and passed through the village and set up another CP on the outskirts. The movement of the company was from west to east (pg. 10). The

(WIDMER)

1

SUM APP T-45

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witness stated that while he was with MEDINA, he did not see him shoot a woman (pg. 10). He declined to answer a question as to the route through the hamlet of My Lai (4) (pg. 10). He stated that he saw 10 to 15 dead civilians in the hamlet and said that in his CID interview he gave the figure 15 not 50 (pg. 11). He saw hootches in My Lai burning (pg. 11), and MEDINA did not say anything about this (pg. 12). He recalled MEDINA saying to call CALLEY and tell him to stop shooting but could not give a definite time as to when this took place (pgs. 12, 13). The company laagered that night near a graveyard. The next day they moved to the south through My Khe (3), My Khe (1) and My Khe (2) towards the mouth of the Song Tra Khuc River (pg. 13). One platoon went up on Hill 85 (pg. 13). He stated while on the sweep south before coming to the sea, they saw three VC, possibly more, running near the base of a hill. The VC eluded them (pg. 14). On the 17th of March, they also picked up a party organizer, a nurse, and a few other prisoners (pg. 14). Sometime that day, Lieutenant Colonel BARKER visited Captain MEDINA but the witness was on the beach, 100 meters away, and could not hear what was discussed (pg. 14). MEDINA told them that BARKER congratulated the unit on capturing the party organizer (pg. 14).

3. INQUIRIES CONCERNING THE ASSAULT.

Witness stated that he knew who HENDERSON was but did not recall seeing him at LZ Dottie (pg. 15). He was never questioned by HENDERSON on what happened in My Lai (4) (pg. 15). At LZ Dottie, MEDINA called them together, informed them of an investigation, and told them to keep it to themselves and not to discuss it. MEDINA told them that he was going to take full blame for everything that went on, as they were just following his orders (pgs. 15,16). He made a statement to the CID in October of 1969 (pg. 7).

4. OTHER INFORMATION.

a. The witness stated that during the morning of 17 March, he could hear heavy fire coming from the area where Bravo company was located (pg. 18). This was an area to his left between him and the ocean (pg. 19). The villages of Co Lay and My Khe were pointed out to him on MAP-1 and he stated that he noticed smoke rising from the general coastal area. He did not actually see the fire which could mean that either the villages were on fire or that fields were burning (pg. 20).

107

107

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(The hearing reconvened at 1218 hours, 29 December 1969.)

MR WEST: The hearing will come to order.

RCDR: The following named persons are present: MR WEST, COL MILLER, COL FRANKLIN, LTC PATTERSON, and MAJ COOP.

The next witness is Fredrick J. WIDMER.

(MR WIDMER was called as a witness, was sworn, and testified as follows:)

Mr. WIDMER, will you state your full name, occupation, and residence, please?

A. My full name is Frederick Joseph WIDMER. My occupation is cement finisher, and I live at
, Pennsylvania.

MR WEST: Mr. WIDMER, before we get into any questioning, Colonel MILLER has certain information for you about the nature of this inquiry and, also, some instructions concerning your legal rights.

COL MILLER: Mr. WIDMER, this investigation was directed jointly by the Secretary of the Army and the Chief of Staff of the Army for the purposes of determining facts and making findings and recommendations concerning two major matters:

(1) the adequacy of prior investigations and inquiries into, and subsequent reports and reviews within the chain of command, of what we have come to refer to commonly as the My Lai incident of March 1968, and

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

It is not our primary purpose to determine all of the facts of exactly what may have happened at My Lai. Although we do get into them in some detail, our two main purposes are as I just stated.

(WIDMER)

1

APP T-45

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24
109

We have had made available to us and we have reviewed your statements and the statements of others made in prior investigations, including the CID and the Inspector General's investigations into My Lai.

Today your testimony will be taken under oath. A verbatim record will be prepared and, in addition to the reporter, we also have a tape recorder.

The general classification of the report is confidential. However, there is a possibility that some or all of the testimony that is given here will become a matter of public knowledge at some later time.

Are you under the order of the military judge in the case of the United States v. Calley not to discuss your testimony in certain instances?

A. Yes, I did receive a letter.

COL MILLER: I would request that you not discuss your testimony in this investigation with others, including other witnesses in this case, except as you may be required to do so before a competent judicial, administrative, or legislative body.

The fact that you are subject to the order of the military judge in the case of the United States v. Calley does not preclude you from testifying here. This was determined by the military judge, and we have made the same decision. So you are not violating his order if you decide to testify today. At the same time, the fact that you appear here does not change the effect of the order from the military judge as far as talking at other places.

Mr. WIDMER, I just stated, that the purposes of the investigation were those two major things that I mentioned and that we have read your prior statements and the statements of others. At this time I advise you that you are suspected of having committed offenses of murder and of aggravated assault during this My Lai operation. These may be offenses which could be categorized as war crimes and are offenses for which there is a possibility you could or may be tried by either a general court-martial or a military commission.

(WIDMER)

2

APP T-45

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Before we proceed to ask questions I want to be sure that you understand what your testimonial rights are and your right to counsel:

First of all, you do have the right to remain silent, completely silent, and to answer no questions.

Second, any statement you do make may be used against you in a criminal trial.

You have the right to consult with a counsel and by this I mean a qualified legal counsel, a lawyer, and to have such counsel with you here at your questioning. You may retain such counsel at your own expense, or, in this case, since the offenses may be subject to military jurisdiction, you will have a right to have counsel appointed for you, military counsel, at no expense to you. If you have a particular counsel and he is reasonably available, we will make every effort to make him available. Otherwise an appointed counsel is available.

Now, do you understand what I have said so far? Do you have any questions about it?

A. No. I understand everything you told me, and I have no questions at the present time.

Q. If you do have any, please feel free to ask me. I will try to answer them to the best of my ability.

Next, would you desire to have counsel appointed for you, or do you wish alternatively to get civilian, or would you like to do both?

A. I think I would like to do both.

Q. And you prefer to do that before we continue asking you any questions?

A. This charge of assault and everything, will this be brought against me today or at a future date?

Q. I don't know whether you will ever be formally charged with it or not. I told you that you are suspected of the offenses of murder and aggravated assault at this time. In my opinion these are offenses for which there is at least a possibility you could still be tried.

(WIDMER)

3

APP T-45

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We will ask many questions about My Lai, what happened before, during, and after. Many of these may have nothing to do specifically with what you were suspected of having committed yourself. On the other hand, some of our questions may get into that area. You do have, as I say, the right to either employ your own counsel or have military counsel, or both, and to have them here with you. You have the option of doing that now or at any time during the interrogation. If you do decide to go ahead and answer questions now you can stop at any time. You can refuse to answer any questions you wish. You can request counsel and seek counsel at any time.

A. I'll go ahead with the investigation at the present time.

Q. You mentioned a few minutes ago that you thought you would want counsel?

A. Yes.

Q. Do you want to seek counsel and discuss this with counsel at this time or not? I would like to be very sure of this before we go ahead.

A. Yes, I would like to consult with counsel right now.

MR WEST: The hearing will be recessed.

(The hearing recessed at 1228 hours, 29 December 1969.)

The hearing reconvened at 1610 hours, 29 December 1969.)

MR WEST: The hearing will come to order.

RCDR: The following named persons are present: MR WEST, COL MILLER, MAJ ZYCHOWSKI, and MAJ COOP.

Sir, the next witness is Mr. Frederick J. WIDMER.

(MR WIDMER was recalled as a witness for the hearing, was reminded that he was still under oath, and testified as follows:)

(WIDMER)

4

APP T-45

RCDR: Are you represented by counsel?

A. Yes, sir.

RCDR: Will counsel please state his name and address for the record?

IC: Captain Gary R. MYERS,
, Virginia.

COL MILLER: Captain, you are a lawyer?

A. Yes, I am.

Q. Admitted to practice law?

A. In the State of Pennsylvania.

Q. This morning, before our recess, I had advised Mr. WIDMER of his testimonial rights and of the offenses concerning which he was suspected. At that point he decided he would like to seek counsel before he would answer any questions. I then got in touch with you, as you recall. He stated that he would like to have both civilian and military counsel. I notice there is no civilian counsel here at the time. Is this by choice Mr. WIDMER?

A. Yes.

Q. You don't intend to seek civilian counsel?

A. Not at the present time.

Q. Are you satisfied with your military counsel?

A. Yes, sir.

Q. Have you had an opportunity to talk to him all that you need to?

A. Yes, sir.

Q. Having talked to him, are you willing to have him represent you at this time?

A. Yes, sir.

(WIDMER)

Q. Are you willing to answer questions?

A. Yes, sir.

Q. Do you understand you may stop answering questions and you may refuse to answer questions, as I explained to you this morning? You are aware of this too?

IC: We would like to make that clear on the record, sir, that although my client wishes to be as cooperative as possible at this hearing, we reserve the right, of course, to not answer any questions at any time or of answering all questions, as the case may arise.

COL MILLER: I understand, and you may consult at any time. That's all I have.

MR WEST: I understand, Mr. WIDMER, you were a member of the Army on 16 March 1968?

A. Yes.

Q. What was your grade at that time?

A. At that time I was a specialist fourth class, sir.

Q. What was your assignment?

A. I was assigned as an RTO.

Q. What was your unit?

A. My unit was C/1/20, 11th Light Infantry Brigade.

Q. Was this at that time part of Task Force Barker?

A. Yes, it was.

Q. You were an RTO. Whose RTO were you?

A. I was the commanding officer's RTO, sir.

Q. Captain MEDINA's?

A. Captain MEDINA's.

(WIDMER)

6

APP T-45

114

20

Q. Charlie Company?

A. Yes, sir.

Q. Directing your attention to the 15th of March, 1968, were you present at a briefing at the company by Captain MEDINA on that day?

A. Yes, sir.

Q. Would you tell us what Captain MEDINA told the company?

A. At that time, Captain MEDINA briefed us on our operation which we were going into the following day, which was the operation in the MY Lai area. He briefed us on our objective and as to what we were to do.

Q. Did he tell you what kind of an operation it was?

A. Yes, sir. It was a search and destroy operation.

Q. When you said My Lai, are you referring to the hamlet of My Lai (4)?

A. In Pinkville and the general AO--general area.

Q. I see. Did he tell you anything more about how the operation was to be conducted, what the orders were?

A. As to orders, I don't recall offhand any actual orders, if there were any given.

Q. Do you recall talking to an investigator for the CID named Jack BYERS in October of this year?

A. Yes, I do, sir.

Q. Do you remember what you stated to him about what Captain MEDINA said during the briefing?

A. No, I don't, sir.

Q. To refresh your memory, Mr. WIDMER, didn't you tell Mr. BYERS that Captain MEDINA told the company that during the mission everyone was VC or VC sympathizers and supporters and everything was to be killed, meaning people and animals?

(WIDMER)

7

APP T-45

A. Yes, sir, but I did not state that this was an order.

Q. Perhaps I used the wrong words, but he did say this to the company?

A. Yes, sir.

Q. What was the mood of the members of Charlie Company after the briefing? For example, were they apprehensive about the action on the following day? Were they ready to go?

A. I respectfully decline to answer that on the grounds that it may tend to incriminate me.

Q. Do you remember, still on that period prior to 16 March, do you remember a memorial service being held for one of the soldiers of the company?

A. Yes, sir.

Q. When did this occur?

A. This was several weeks before the incident.

Q. Was this service held for WEBER?

A. Yes, sir.

Q. If I'm not mistaken, he was the first man in the company to be killed. Is that right?

A. Yes, sir.

Q. What was the feeling of the men about this time? Did they take this pretty hard?

A. At the time I'd say that just about everyone in the company felt some grief because WEBER was lost and he was the first individual to be lost and everyone was close to him.

Q. Was he well liked?

A. Yes, sir.

(WIDMER)

Q. During the weeks preceding the operation against My Lai (4) we've had some evidence indicating the company had a pretty hard time. They lost men in the minefield, and they lost them to snipers, and they suffered casualties without really coming to grips with the VC. Is this the way you recall things? I don't want to put words in your mouth, but could you comment on this?

A I don't feel that I can sufficiently answer that question, sir, not at this particular time.

Q. I'm not sure of the reason for your not answering the question.

IC: We would rather avoid any questions which generally--

Q. (Interposing) You feel this might tend to incriminate--

IC: (Interposing) Look to the intent of the company as a mass which may reflect on any individual in that company.

Q. Let's move to the next day, the 16th of March, the actual combat assault on My Lai (4). Do you recall what lift you were in when the company was put in the vicinity--

A. (Interposing) I was on the last lift, sir. I believe it was the third.

Q. All right, were you actually operating a radio that day with Captain MEDINA?

A. No, sir.

Q. We've had some testimony, I believe from Mr. PAUL, John PAUL, that you were a spare RTO that day. Is that right, or did you have some other duty?

A. On that day I was the spare RTO.

Q. Nevertheless, did you join the command group with Captain MEDINA?

A. Yes, I did.

Q. All right. Can you describe the movements of the command group that morning as the operation progressed?

A. The command group stayed just inside the hedgerow to the entrance to the village until the one platoon had pretty well secured the village. Then we continued to move behind them. Once we had passed through the village, we set up another CP on the outskirts.

Q. The movement of the company, as I understand it, was from west to east to the hamlet of My Lai (4). Is that correct?

A. Yes, sir.

Q. Do you recall about what time it was when you took up a position on the east edge of the hamlet?

A. I cannot give a specific time. I don't remember, sir.

Q. Well, was it before noon?

A. Yes, sir.

Q. Captain MEDINA testified before us earlier this month and told about an incident which--this was fairly early in the morning before he started through My Lai (4)--in which he shot a Vietnamese woman. Were you present at this time?

A. At the time I was with Captain MEDINA, I did not see him shoot a woman.

Q. Can you recall how you moved through the hamlet of My Lai (4), the route you took?

IC: Sir, would you be referring to the command group, or to Mr. WIDMER?

Q. Yes, well, Mr. WIDMER rather than the command group.

A. I respectfully decline to answer that question on the grounds that it may tend to incriminate me.

Q. All right. That morning while you were in My Lai (4) did you see any dead civilians in the hamlet?

118

20

(WIDMER)

10.

APP T-45

A. Yes, sir.

Q. How many did you see?

A. Approximately 10 to 15, sir.

Q. Well, I wonder if you recall telling Mr. BYERS that you saw an easy 50 dead civilians lying dead in and around My Lai (4) and that no one was alive when the unit left the village? Do you recall making that statement to him?

IC: If you are, in your inquiry, referring to the CID report by Jack T. BYERS, could you inform counsel what page you are looking to?

Q. Oh, it's on the first page.

IC: Fine.

Q. It's right in the middle.

A. In the interview with Mr. BYERS, I thought I said 15, not 50.

Q. You see it's 50 written here in the statement of Mr. BYERS, but you would say that you saw about 15 dead civilians? What about the rest of the statement that no one was alive when the unit left the village? Is that your statement?

A. Yes, sir.

Q. This is the way you saw things? Is this correct?

A. Yes, sir.

Q. What about the houses and the hootches in My Lai (4)? Did you see any burning taking place?

A. Yes, sir.

Q. What was Captain MEDINA's reaction to this, the fact that houses were being burned and people were being shot? Did he do anything about it?

A. Captain MEDINA did not say anything about the hootches being burned.

Q. Was he in a position to see the dead people that you saw there?

A. I don't remember, sir.

Q. In Mr. BYERS' statement there is an indication that you may have said to him something about Colonel BARKER visiting Captain MEDINA. Do you recall that?

A. I do believe Colonel BARKER visited Captain MEDINA, but I don't recall when or what location.

Q. We have asked several people as to whether, during the operation on the morning of the 16th of March, Colonel BARKER ever landed or visited the scene, and up to this point we haven't found anybody that said he was on the scene at My Lai (4) on the morning of 16 March. This is why I asked this particular question. Would you please think hard and see if you can recall whether it was at this time or perhaps at some later time that Colonel BARKER visited Captain MEDINA?

A. Sir, Colonel BARKER did visit Captain MEDINA, but it wasn't on the morning of the 16th. It was after we had been down by the sea, after we had finished our assault.

Q. Before we leave My Lai (4) were you present when Captain MEDINA issued the order to the platoon leaders to stop the shooting and burning? I'm not sure, perhaps he didn't say anything about burning?

A. I did recall something. Captain MEDINA did say to call Lieutenant CALLEY and tell him to stop shooting. As far as the other platoons, I do believe he did tell them to cease fire and also--

Q. (Interposing) Do you remember the exact words that he used in the message?

A. I don't know the exact words, sir.

Q. Could you fix a time in the morning when this occurred?

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A. I can't give a definite time, sir.

Q. There is a line in Mr. BYERS' statement which indicates that you may have expressed the opinion to him that the company went into the village with instructions to kill everything and everybody, but the situation got out of hand. Does this correctly reflect something you said to Mr. BYERS?

A. I respectfully decline to answer that on the grounds that it may tend to incriminate me.

Q. Our information is that this operation lasted 3 days. After Charlie Company moved through My Lai (4) and continued to the east and laagered that night in or near a graveyard, near B/4/3, and then the next day Charlie Company moved to the south, one platoon went up on Hill 85, and rejoined, and the company moved south down through the hamlets of My Khe (3) and My Khe (1) and My Khe (2), towards the mouth of the Song Tra Khuc River. Does this fit in with your recollection?

A. Yes, sir.

Q. I believe it was this day that MEADLO stepped on a mine and lost his foot?

A. Yes, sir.

Q. Do you recall that incident?

A. Yes, sir.

Q. Do you recall anything else significant that took place during that day in the movement down south?

IC: Sir, I wonder, sir, if you could make your remark more specific to that question?

Q. All right. Did you encounter any VC that day?

A. Yes, sir.

Q. Could you describe what action there was?

(WIDMER)

13

APP T-45

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24
121

A. We were coming through the rice paddies on a sweep to the south. I don't believe it was Hill 85 but one of the other hills to the south just before you come to the sea. There were three VC, I believe it was more than three, were running around the base of the hill, and we tried to catch them and they got away.

Q. Did anything else occur that day in the way of enemy action?

A. We picked up, I believe, a red party organizer that day and also a VC nurse and a couple other prisoners.

Q. Was this the day, you think, that Colonel BARKER visited Captain MEDINA?

A. Yes, sir.

Q. Were you in the group with Captain MEDINA when this visit took place?

A. I was about 100 meters away from Captain MEDINA. I was on the beach with the rest of the company when---

Q. (Interposing) I see, and you don't know what went on between the two?

A. I do not know what went on.

Q. Did you ever hear anybody say later on?

A. I did not hear anything about what went on, unless, I believe, Captain MEDINA told us that Colonel BARKER congratulated us on capturing that one party organizer because he was a valuable prisoner.

Q. It's been indicated to us that Charlie Company spent the night somewhere up in the vicinity of My Khe (1) and then the following day, the 18th, moved up north, up generally near Pinkville and was extracted in the afternoon and taken back to Landing Zone Dottie. Earlier in the afternoon before the extraction, do you remember seeing Colonel HENDERSON come to visit Captain MEDINA?

A. I don't recall seeing him, sir.

Q. Did you know Colonel HENDERSON?

A. I don't know him personally, but I know who he is, sir.

Q. He had taken command of the brigade on the 15th. This was just before the operation in My Lai (4). When you returned to Landing Zone Dottie in the helicopter did you see Colonel HENDERSON at that time?

A. Not that I remember, sir.

Q. Did he ever come to you in the course of an investigation and talk to you about what happened in My Lai (4) on the 16th?

A. No, sir.

Q. Did you ever hear that there was an investigation of that incident being carried on right about this time?

A. At that time we did find out, when we got back to Dottie, that there was an investigation being conducted and we were informed of this by Captain MEDINA who had called us all together and informed us of this.

Q. Did he say why there was an investigation underway?

A. No, sir.

Q. What I'm getting at is a report that a helicopter pilot had made a complaint about civilians being shot in My Lai (4). Did Captain MEDINA mention this as the reason for the investigation?

A. I cannot say exactly whether it was because of a helicopter pilot, but he did say that he was under an investigation and he told us what happened and what went on. We were to keep it to ourselves and not to discuss it further and that he was going to take the full blame for everything that went on. We were just following his orders.

Q. When he said that he was going to take the blame was he talking about the killing of civilians in the village and the burning of houses? Is that what was meant?

A. I don't know, sir, if that's what he meant exactly.

Q. Well, I'm really trying to bring out something that Mr. BYERS had in his statement that he understood from talking to you. This is that part of the statement where he said, "MEDINA stated that he was responsible; that the troops were following his orders by burning the buildings and killing everything." I think that's the end of the sentence. Did he correctly reflect something that you told him in saying this? Is this your recollection?

IC: Could you indicate to me, sir, where it is?

A. Sir, I'd say that is my correct interpretation of what Captain MEDINA said.

Q. Then he has correctly reflected what you said?

A. Yes, sir.

Q. I wanted to be sure of that. Apart from this meeting which Captain MEDINA called, did anyone else tell you to keep quiet about the happenings at My Lai (4) on the 16th of March, 1968?

A. No, sir.

Q. This is a general question, now. We've had a good deal of evidence that a substantial number of civilians, noncombatants, were killed in My Lai (4) on 16 March 1968. You at one place apparently indicated to Mr. BYERS that the situation got out of hand. Are you able to comment on this in any detail and explain perhaps what you meant by this?

A. I'd say I meant that by the extent that squads-- I believe one squad was firing into another squad when they were coming out of the village. In other words, friendlies were shooting friendlies.

Q. I see. Then you were not referring to soldiers killing civilians?

A. Yes, I would say that I was referring to that, too.

MR WEST: We'll have a short recess.

(The hearing recessed at 1645 hours, 29 December 1969).

24 124

(The hearing was called to order at 1656 hours,
29 December 1969)

MR WEST: The hearing will come to order.

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

MR WEST: I think we have no further questions, Mr. WIDMER.
However, if you could think of anything which might help us
here in our efforts to piece together what happened, in deter-
mining the adequacy of the investigation that was conducted
at the time, and whether there was suppression or withholding
of any information concerning this, we would appreciate any-
thing you might tell us.

A. Sir, I'd say no one ever came around to the men
in the company during the preliminary investigation. I
believe Captain MEDINA was investigated; and if you check
with some of the other men I believe we either received a
statement of congratulations or a congratulatory letter from
General WESTMORELAND on the operation, and I felt that this
more or less killed the investigation.

MR WEST: That is true. There was a congratulatory message
from General WESTMORELAND. I have thought of a couple
other general matters. How long did you stay with Charlie
Company after the 16th of March?

A. I stayed with Charlie Company until 4 July 1969.

Q. What kind of assignments did the company have
after this? Were they about the same as before?

A. I'd say yes, they were the same. In fact, we
even went up north to Tam Ky, which in my estimation was a
lot rougher than down in the Son My area. We did run into
more resistance up there than we did down south. It was
more NVA than VC.

Q. I see. So, you saw some rather heavy action?
How did the company acquit itself during this action?

IC: Would you rephrase the question, sir?

Q. Did the company do well in its combat actions up
north which you referred to?

(WIDMER)

17

APP T-45

A. Yes, sir, I'd say the company did an outstanding job. We got our kills and a lot of people were combat hardened. I'd say we survived a lot better. Our casualty rate was a lot lower.

Q. We've received two or three reports, not really confirmed yet, that on the 16th or 17th of March, 1968, perhaps the 17th, that somewhere around 90 civilians, women and children, were killed in a little hamlet known as Co Lay (1). It is located right along the seacoast, directly east of Hill 85. Now, this is an area that B/4/3 moved through on the 17th of March. Did you ever hear anything about this? This didn't involve Charlie Company, apparently.

A. I do recall, as we moved on a sweep to the south, that we could hear a lot of fire coming from that area where Bravo Company was. There was a lot of firing going on, but as to whether civilians killed or what--I do believe the report came in that they did get a good number of VC kills.

Q. Do you have any recollection what time of day this was when you heard the firing?

A. It was sometime in the morning, because we were-- I'd say between morning and lunch--we were on our sweep.

Q. It was before lunch then?

A. Before lunch.

MR WEST: Thank you very much. Did you have any further statements to make, Mr. WIDMER?

(Witness gives no response.)

Well, we appreciate your coming here today, and if you should think of something later on that might help us, if you find any notes, photographs, or papers that would help us in getting at the facts, we would appreciate hearing from you.

A. Yes, sir.

(WIDMER)

18

APP T-45

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MR WEST: Thank you very much. The hearing will recess.

(The hearing recessed at 1701 hours, 29 December 1969.)

(The hearing was called to order at 1714 hours, 29 December 1969.)

MR WEST: The hearing will come to order.

RCDR: All persons who were present when the hearing recessed are again present, except MAJ ZYCHOWSKI.

MR WEST: Mr. WIDMER, we've reopened the hearing just briefly to ask you a question or two about the little hamlet of Co Lay (1). Colonel MILLER.

COL MILLER: Near the end of your prior testimony you mentioned that on the date subsequent to the 16th of March when Charlie Company was going to the south of this peninsula you did hear a considerable amount of firing, rifle fire. Could you tell us which way that was coming from?

A. At the time, it was coming from my left, which would be along the ocean, along the beach.

Q. Between you and the ocean?

A. Between me and the ocean.

Q. Did it appear to be American gunfire, or could you tell?

A. It appeared to be American gunfire at the time.

Q. Based on your knowledge of this situation at that time, could you give an estimate or an opinion as to what military unit may have been doing the firing?

A. To my knowledge it was Bravo Company that was coming down along the ocean.

(WIDMER)

19

APP T-45

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24
127

Q. I refer you to the wall map which is MAP-1. You will notice the villages of Co Lay (1), Co Lay (2), Co Lay (3), and a little further to the west are the villages of My Khe (1) and (2). Did you have any occasion to notice whether any of those villages appeared to be on fire on this date?

A. Yes, I did have an occasion to notice since there was a lot of smoke rising from the general coastal area along the beach.

Q. Did you see any of these villages actually on fire?

A. I did not see the actual fire myself, but I did see the smoke.

Q. Did you go through these villages within a day or so and perhaps see any?

A. Not to my knowledge. We did not come back up that way.

Q. What is this date, if you recall, that you went to the south? Was it the second day of the operation? Was it the 17th?

A. Yes, it was the 17th, the second day of the operation.

Q. And it appeared to you that several of these villages were on fire?

A. Either the villages were on fire or the fields were burning, one or the other. There was a lot of smoke.

COL MILLER: That's all I have.

MR WEST: Thank you very much. The hearing will be recessed.

(The hearing recessed at 1716 hours, 29 December 1969.)